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UTILITY PATENT APPLICATION TRANSMITTAL (Only for new nonprovisional applications under 37 CFR 1.53(b))	Attorney Docket No. D8114-00489 First Inventor Hendrickson, Lisa A. Title Belly Covering Germent Express Mail Label No. via E-Filing
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APPLICATION ELEMENTS See MPEP chapter 600 concerning utility patent application contents.	ADDRESS TO: Commissioner for Patents P.O. Box 1450 Alexandria VA 22313-1450
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1. **Fee Transmittal Form** (e.g., PTO/SB/17)
 (Submit an original and a duplicate for fee processing)
2. **Applicant claims small entity status.**
 See 37 CFR 1.27.
3. **Specification** [Total Pages 11]
 Both the claims and abstract must start on a new page
 (For information on the preferred arrangement, see MPEP 608.01(a))
4. **Drawing(s)** (35 U.S.C. 113) [Total Sheets 8]
5. **Oath or Declaration** [Total Sheets 5]
 a. Newly executed (original or copy)
 b. A copy from a prior application (37 CFR 1.63(d))
 (for continuation/divisional with Box 18 completed)
 i. **DELETION OF INVENTOR(S)**
 Signed statement attached deleting inventor(s)
 name in the prior application, see 37 CFR
 1.63(d)(2) and 1.33(b).
6. **Application Data Sheet.** See 37 CFR 1.76
7. **CD-ROM or CD-R** in duplicate, large table or
 Computer Program (Appendix)
 Landscape Table on CD
8. **Nucleotide and/or Amino Acid Sequence Submission**
 (if applicable, items a. - c. are required)
 a. Computer Readable Form (CRF)
 b. **Specification Sequence Listing on:**
 i. CD-ROM or CD-R (2 copies); or
 ii. Paper
 c. Statements verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. **Assignment Papers** (cover sheet & document(s))
 Name of Assignee _____
 Mothers Work, Inc. (filed in parent)
10. **37 CFR 3.73(b) Statement** (when there is an assignee) **Power of Attorney**
11. **English Translation Document** (if applicable)
12. **Information Disclosure Statement** (PTO/SB/08 or PTO-1449)
 Copies of citations attached
13. **Preliminary Amendment**
14. **Return Receipt Postcard** (MPEP 503)
 (Should be specifically itemized)
15. **Certified Copy of Priority Document(s)**
 (if foreign priority is claimed)
16. **Nonpublication Request** under 35 U.S.C. 122(b)(2)(B)(i).
 Applicant must attach form PTO/SB/35 or equivalent.
17. **Other:** _____

18. 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.: 11/756,242.....

Prior application information: Examiner n/a Art Unit: 3769

19. CORRESPONDENCE ADDRESS

The address associated with Customer Number: 08933 OR Correspondence address below

Name			
Address			
City	State	Zip Code	
Country	Telephone	Email	

Signature	Date	May 8, 2008
Name (Print/Type) Gerald K. Kita	Registration No. (Attorney/Agent)	24,125

This collection of information is required by 37 CFR 1.53(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 1.11 and 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.
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Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818). <h2 style="margin: 0;">FEE TRANSMITTAL</h2> <h3 style="margin: 0;">For FY 2008</h3>		Complete if Known	
		Application Number	
		Filing Date	Herewith
		First Named Inventor	Hendrickson, Lisa A.
		Examiner Name	
		Art Unit	
		Attorney Docket No.	D8114-00489
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27			
TOTAL AMOUNT OF PAYMENT	(\$)	1030.00	

METHOD OF PAYMENT (check all that apply)

Check
 Credit Card
 Money Order
 None
 Other (please identify): _____

Deposit Account
 Deposit Account Number: 04-1679
 Deposit Account Name: DUANE MORRIS LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

Charge fee(s) indicated below
 Charge fee(s) indicated below, **except for the filing fee**

Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17
 Credit any overpayments

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.

FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	310	155	510	255	210	105	1030
Design	210	105	100	50	130	65	
Plant	210	105	310	155	160	80	
Reissue	310	155	510	255	620	310	
Provisional	210	105	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	210	105
Multiple dependent claims	370	185

Total Claims **Extra Claims** **Fee (\$)** **Fee Paid (\$)**
20 - 20 or HP = _____ x _____ = _____

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims **Extra Claims** **Fee (\$)** **Fee Paid (\$)**
2 - 3 or HP = _____ x _____ = _____

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3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$260 (\$130 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
<u>19</u>	<u>0</u>	<u>0</u> / 50 = <u>0</u> (round up to a whole number)	x _____	= <u>0</u>

4. OTHER FEE(S)

Description	Fees Paid (\$)
Non-English Specification, \$130 fee (no small entity discount)	0
Other (e.g., late filing surcharge):	

SUBMITTED BY

Signature		Registration No. (Attorney/Agent)	24,125	Telephone	215-979-1863
Name (Print/Type)	Gerald K Kita	Date	May 8, 2008		

This collection of information is required by 37 CFR 1.136. 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 30 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.**

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UTILITY PATENT APPLICATION TRANSMITTAL (Only for new nonprovisional applications under 37 CFR 1.53(b))	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 2px;">Attorney Docket No.</td> <td style="padding: 2px;">D8114-00489</td> </tr> <tr> <td style="padding: 2px;">First Inventor</td> <td style="padding: 2px;">Hendrickson, Lisa A.</td> </tr> <tr> <td style="padding: 2px;">Title</td> <td style="padding: 2px;">Belly Covering Germent</td> </tr> <tr> <td style="padding: 2px;">Express Mail Label No.</td> <td style="padding: 2px;">via E-Filing</td> </tr> </table>	Attorney Docket No.	D8114-00489	First Inventor	Hendrickson, Lisa A.	Title	Belly Covering Germent	Express Mail Label No.	via E-Filing
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Address					
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Country		Telephone		Email	

Signature 	Date <u>May 8, 2008</u>
Name (Print/Type) Gerald K. Kita	Registration No. (Attorney/Agent) 24,125

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SUBMITTED BY

Signature		Registration No. (Attorney/Agent)	24,125	Telephone	215-979-1863
Name (Print/Type)	Gerald K Kita	Date	May 8, 2008		

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

Electronic Patent Application Fee Transmittal

Application Number:				
Filing Date:				
Title of Invention:	BELLY COVERING GARMENT			
First Named Inventor/Applicant Name:	LISA A. HENDRICKSON			
Filer:	Gerald K. Kita./Mary La Grange			
Attorney Docket Number:	D8114-00489			
Filed as Large Entity				
Utility Filing Fees				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Utility application filing	1011	1	310	310
Utility Search Fee	1111	1	510	510
Utility Examination Fee	1311	1	210	210
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				
Miscellaneous:				
Total in USD (\$)				1030

SUBSTITUTE for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)				<i>Complete if Known</i>	
				Application Number	n/a
				Filing Date	Herewith
				First Named Inventor	Hendrickson, Lisa
				Art Unit	n/a
Examiner Name	n/a				
Sheet	1	of	1	Attorney Docket Number	D8114-00489

U.S. PATENT DOCUMENTS						
Examiner Initials	Cite No.	Document Number		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code (if known)				
	A	US2006/0010571		01/09/2006	Oakley	

FOREIGN PATENT DOCUMENTS							
Examiner Initials	Cite No.	Foreign Patent Document		Publication Date MM-DD-YYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines Where Relevant Passages or Figures Appear	T
		Country Code - Number - Kind Code (if known)					

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No.	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
	B	1 in the Oven's InvisiBelly™ Jeans, Trade Literature, 2/26/2008, http://www.1intheoven.com/index.php?p=product&id=88&parent=26&is_print_version=true	

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.
DM2\1444113.1

Electronic Acknowledgement Receipt

EFS ID:	3271840
Application Number:	12117004
International Application Number:	
Confirmation Number:	8196
Title of Invention:	BELLY COVERING GARMENT
First Named Inventor/Applicant Name:	LISA A. HENDRICKSON
Customer Number:	08933
Filer:	Gerald K. Kita./Mary La Grange
Filer Authorized By:	Gerald K. Kita.
Attorney Docket Number:	D8114-00489
Receipt Date:	08-MAY-2008
Filing Date:	
Time Stamp:	10:14:10
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Deposit Account
Payment was successfully received in RAM	\$1030
RAM confirmation Number	7583
Deposit Account	041679
Authorized User	

The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:

Charge any Additional Fees required under 37 C.F.R. Section 1.16 (National application filing, search, and examination fees)

Charge any Additional Fees required under 37 C.F.R. Section 1.17 (Patent application and reexamination processing fees)

Target Corporation

EX. 1008 - Page 8

File Listing:					
Document Number	Document Description	File Name	File Size(Bytes) /Message Digest	Multi Part /.zip	Pages (if appl.)
1		489newApp.pdf	1367482 868dce70c8e41d2e3905d7c647742d9 25aeb193b	yes	30
Multipart Description/PDF files in .zip description					
		Document Description	Start	End	
		Transmittal of New Application	1	1	
		Fee Worksheet (PTO-06)	2	2	
		Information Disclosure Statement (IDS) Filed	3	6	
		Specification	7	13	
		Claims	14	16	
		Abstract	17	17	
		Oath or Declaration filed	18	22	
		Drawings-only black and white line drawings	23	30	
Warnings:					
Information:					
2	Fee Worksheet (PTO-06)	fee-info.pdf	8356 e35ebda9869aa8ce3a274214b9231 02 e690bab46	no	2
Warnings:					
Information:					
Total Files Size (in bytes):			1375838		

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

New Applications Under 35 U.S.C. 111

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

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

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

New International Application Filed with the USPTO as a Receiving Office

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

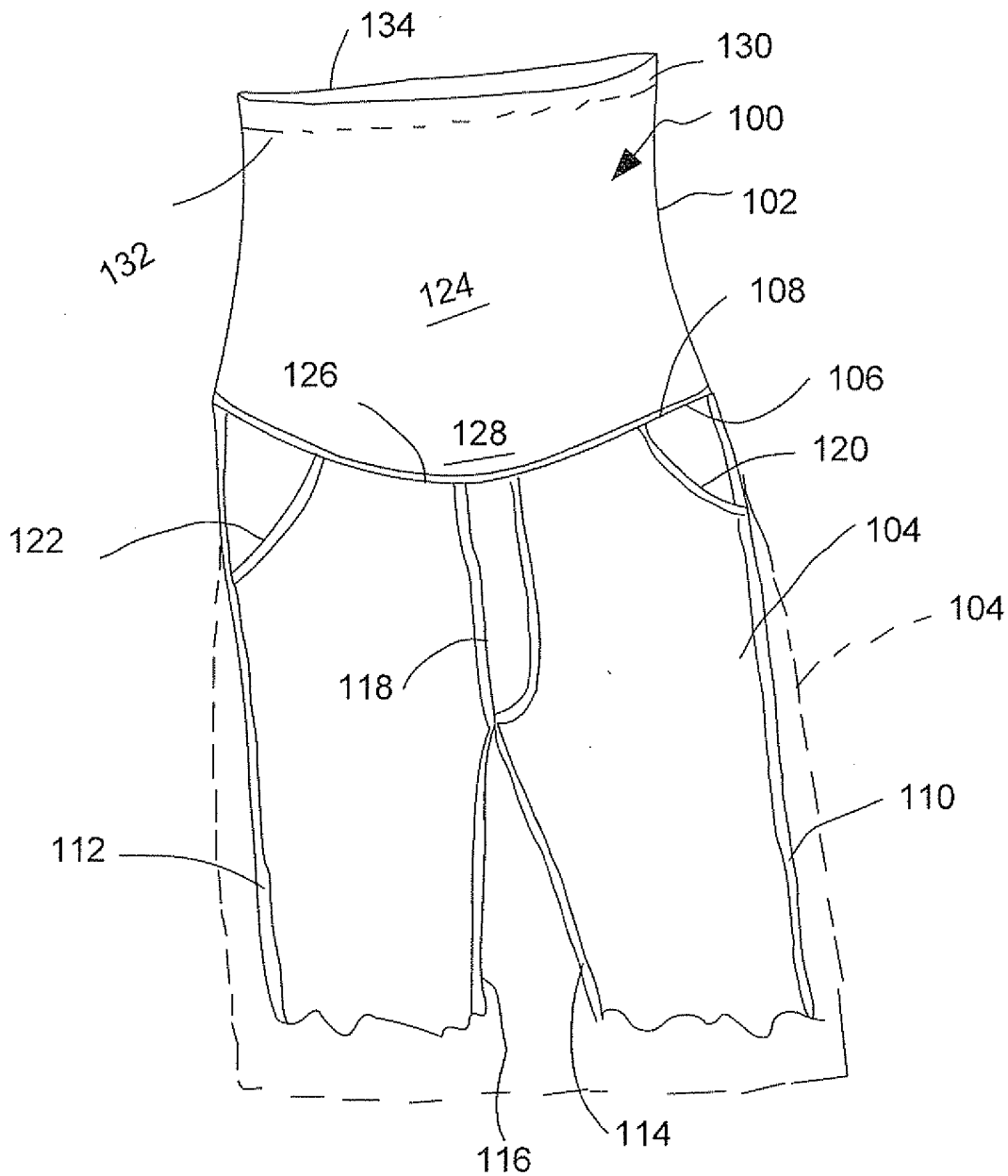


FIG. 1

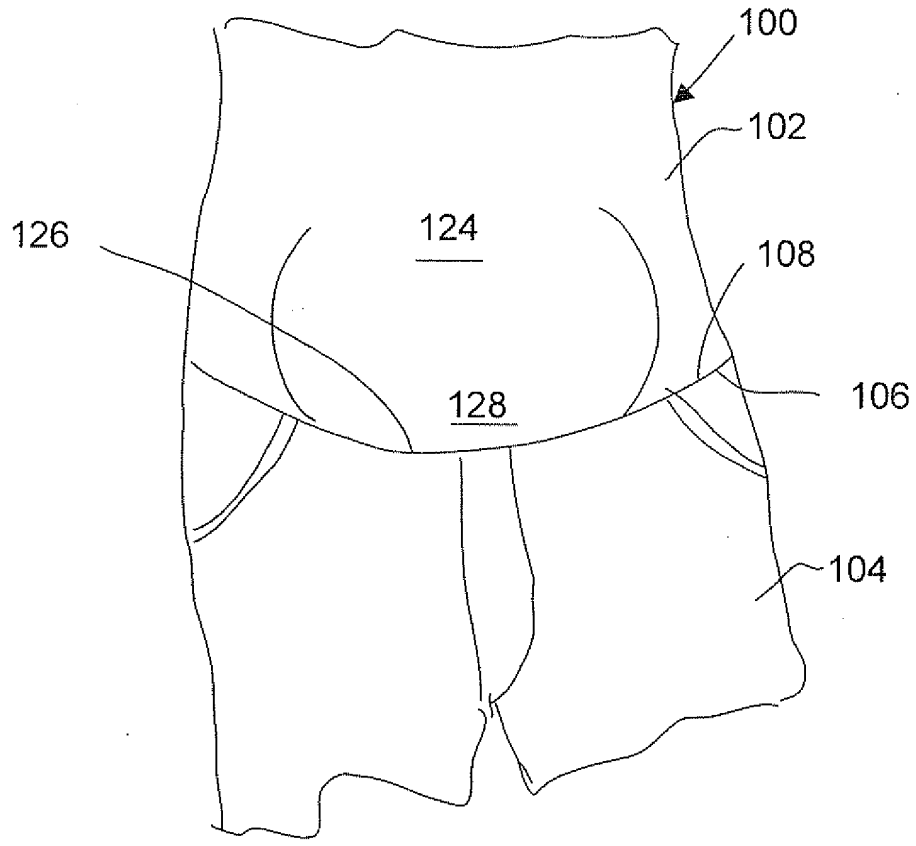


FIG. 1A

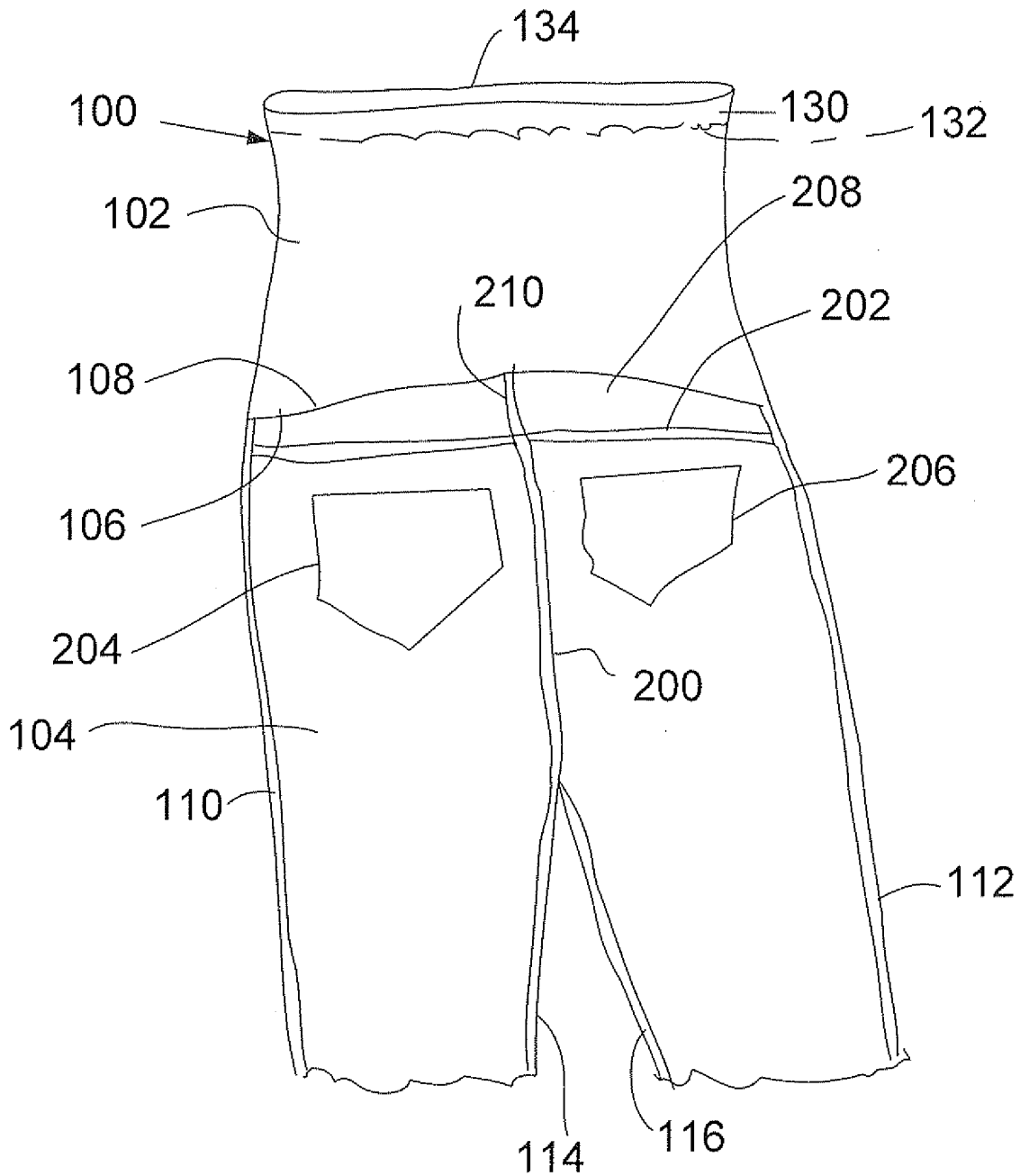


FIG. 2

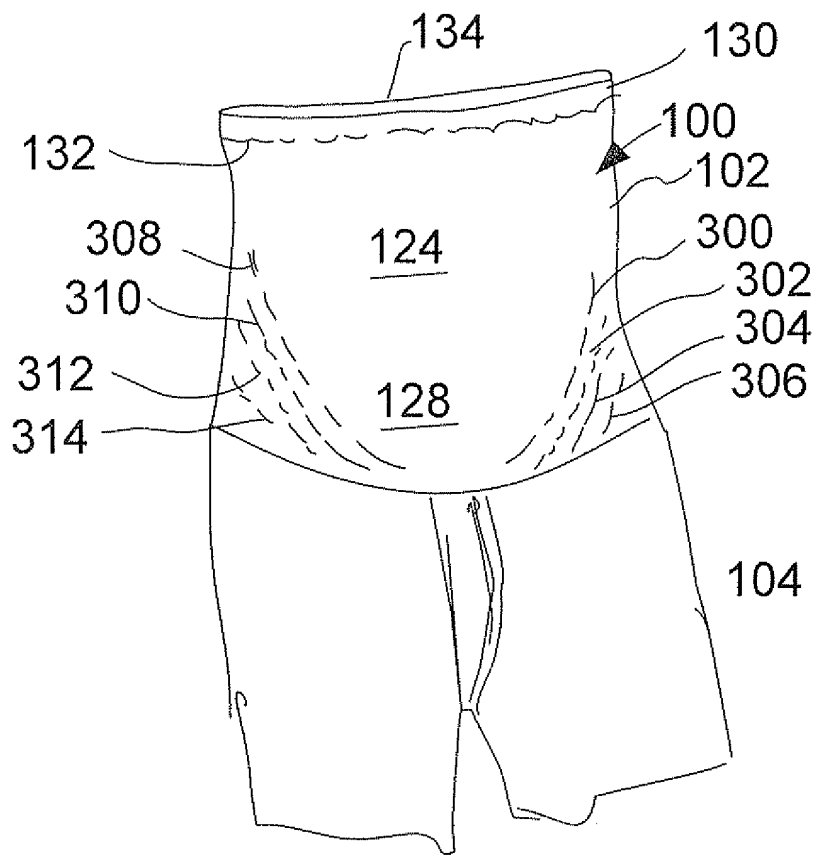


FIG. 3

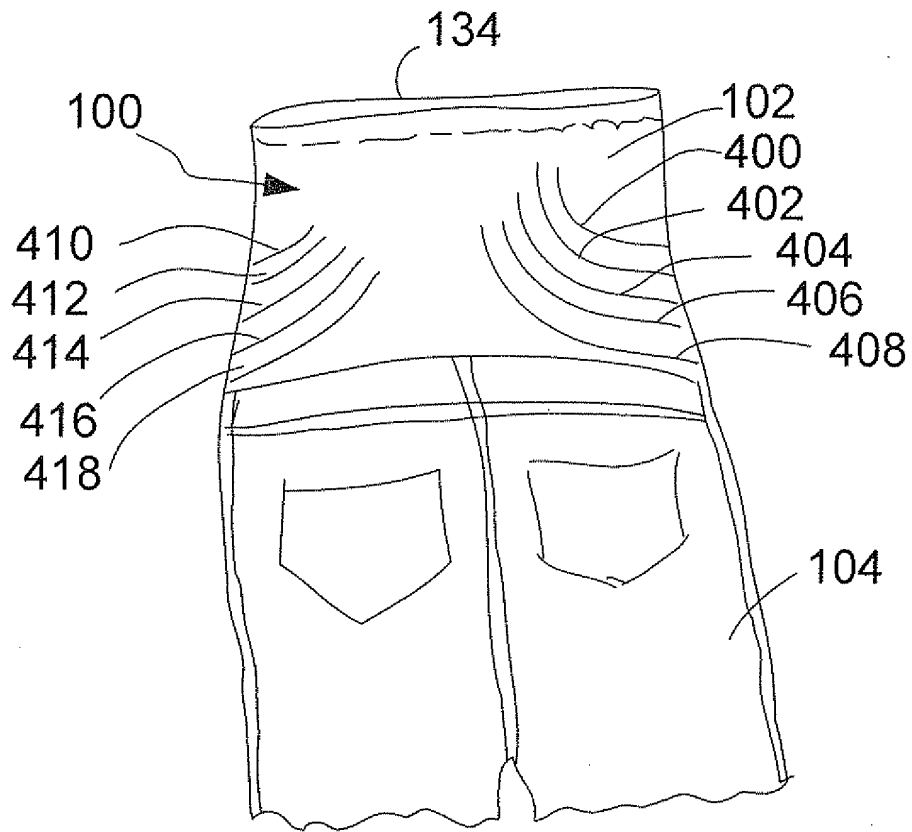


FIG. 4

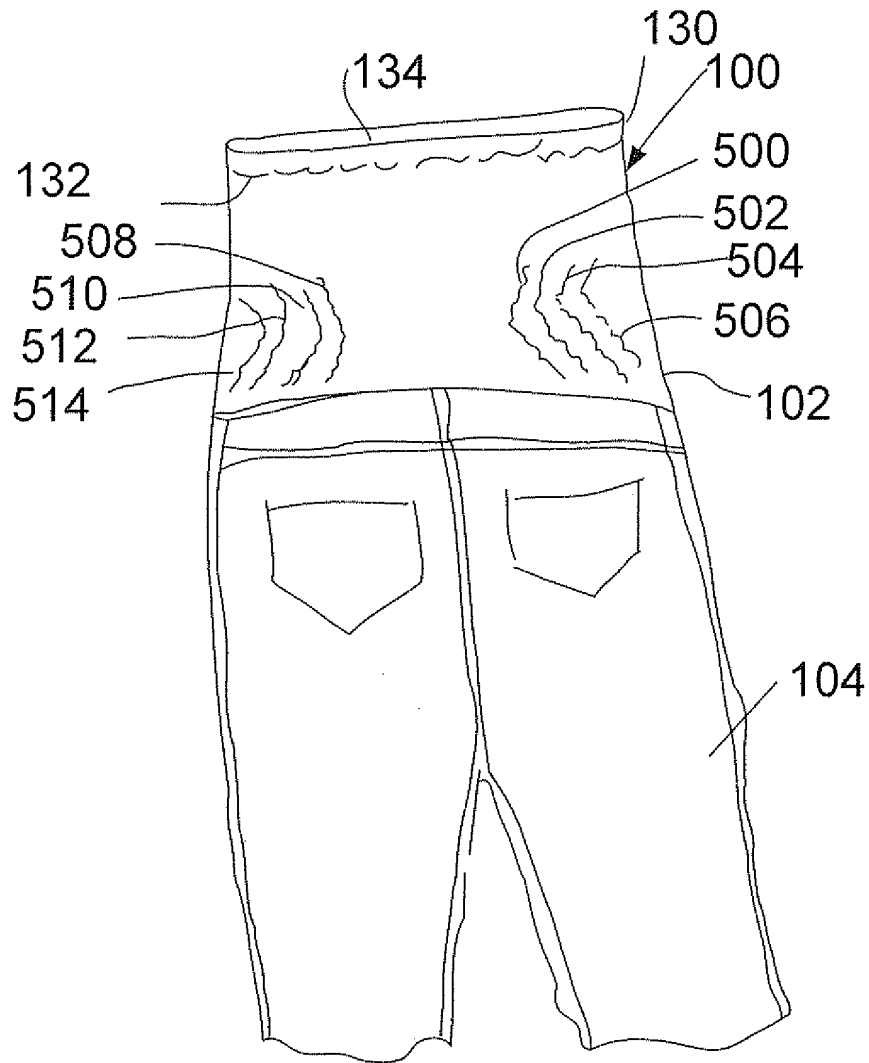


FIG. 5

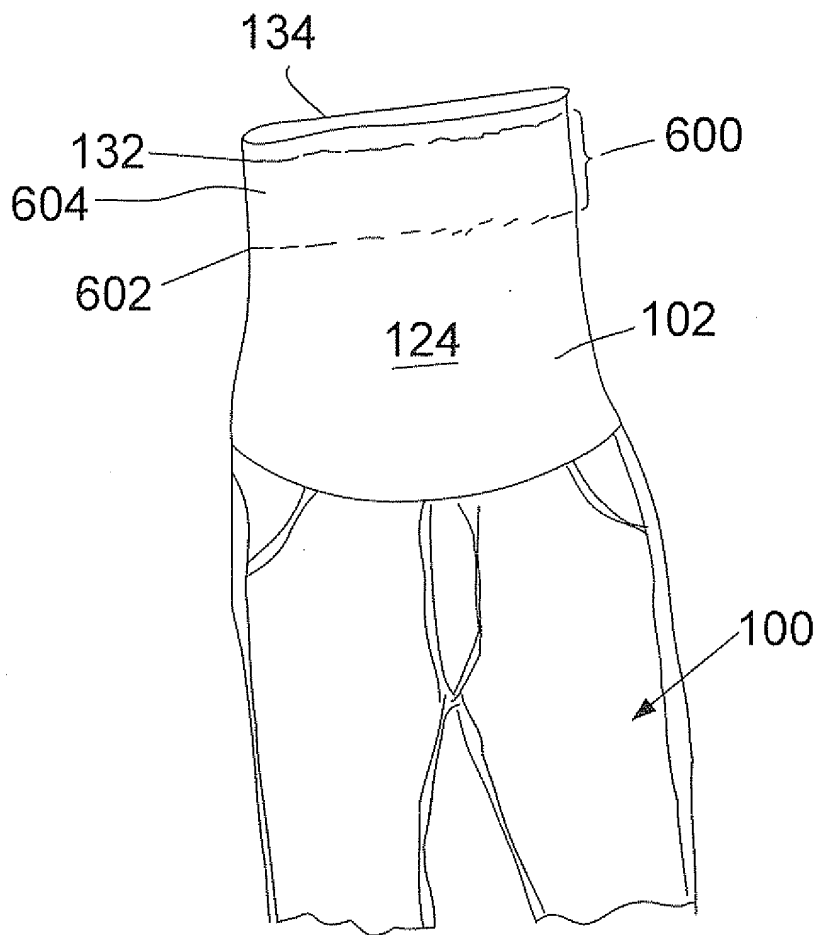


FIG. 6

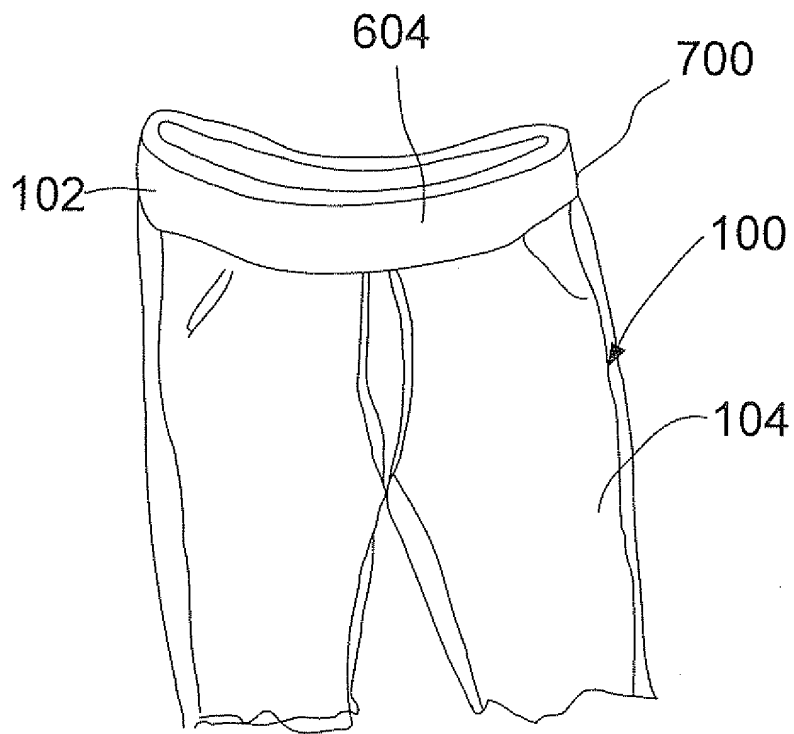


FIG. 7

COMBINED DECLARATION AND POWER OF ATTORNEY

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

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

I verily believe that I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: "Belly Covering Garment" the specification of which:

[] is attached hereto.

[xx] was filed on May 31, 2007, as Application Serial No. 11/756,242, 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 patentability of this application in accordance with 37 C.F.R. § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 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 any application on which priority is claimed:

Country	Number	Date Filed	Priority Claimed ?
_____	_____	_____	_____
_____	_____	_____	_____

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application listed below:

Application

Filed

I hereby appoint all of the attorneys associated with **Customer No. 08933**, the law firm Duane Morris LLP, 30 South 17th Street, Philadelphia, PA 19103-4196 to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith:

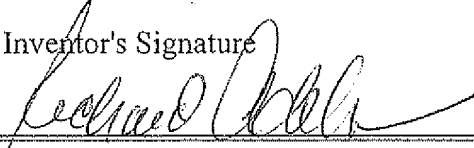
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I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements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

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ABSTRACT OF THE DISCLOSURE

The present invention relates to a garment worn during different stages of pregnancy and different stages of postpartum body changes. A garment upper portion has a belly panel that is expansible to cover and fit over a growing abdomen during different stages of pregnancy, and a garment lower portion having a first torso encircling circumference that recedes downward to make way for expansion of the belly panel. The garment upper portion has a second torso encircling circumference to hold the garment up and in place over the torso.

What is claimed is:

1. A garment, comprising:

5 a garment upper portion adaptable to cover an abdomen during different stages of weight gains and losses by being elastically expansible and contractible; and

a garment lower portion having a torso encircling circumference, wherein the torso encircling circumference recedes downward to make way for expansion of the garment upper portion.

10

2. The garment of claim 1 wherein the garment upper portion has a belly panel that is elastically expansible and contractible.

3. The garment of claim 1 wherein the garment upper portion is seamless to fit comfortably while being worn.

15 4. The garment of claim 1, wherein the garment upper portion is foldable to comprise a folded band.

5. The garment of claim 1 wherein the garment upper portion is woven or knitted with elastic, stretchable strands.

20

6. The garment of claim 1, wherein a top edge margin of the garment upper portion is folded over and sewn or knitted to an inside of the fabric.

7. The garment of claim 1 wherein the garment upper portion is a double layer tubular structure.

25 8. The garment of claim 1 wherein the garment upper portion has a further torso encircling circumference to hold the garment up and in place over the torso.

9. The garment of claim 1, wherein the garment lower portion has a partial waistband extending from side seams of the garment lower portion and extending across a back side of the garment lower portion.

5 10. The garment of claim 1, further comprising a series of belly cradling stitches or knitted tension in the garment upper portion to cradle an abdomen.

11. A garment, comprising:

10 a garment upper portion adaptable to cover and fit different body types by being elastically expansible and contractible; and

 a garment lower portion having a torso encircling circumference, wherein the torso encircling circumference recedes downward to make way for expansion of the garment upper portion.

15 12. The garment of claim 11 wherein the garment upper portion has a belly panel that is elastically expansible and contractible.

13. The garment of claim 11 wherein the garment upper portion is seamless to fit comfortably while being worn.

20 14. The garment of claim 11, wherein the garment upper portion is foldable to comprise a folded band.

15. The garment of claim 11 wherein the garment upper portion is woven or knitted with elastic, stretchable strands.

25 16. The garment of claim 11, wherein a top edge margin of the garment upper portion is folded over and sewn or knitted to an inside of the fabric.

17. The garment of claim 11 wherein the garment upper portion is a double layer tubular structure.

18. The garment of claim 11 wherein the garment upper portion has a further torso encircling circumference to hold the garment up and in place over the torso.

19. The garment of claim 11, wherein the garment lower portion has a partial waistband extending from side seams of the garment lower portion and extending across a back side of the garment lower portion.

20. The garment of claim 11, further comprising a series of belly cradling stitches or knitted tension in the garment upper portion to cradle an abdomen.

BELLY COVERING GARMENT**CROSS REFERENCE TO RELATED APPLICATION**

[0001] The present application is a continuation of U.S. Patent Application No. 11/756,242, filed May 31, 2007 (D8114-00369).

5

FIELD OF THE INVENTION

[0002] The present invention relates to a garment worn during different stages of pregnancy and different stages of postpartum body changes.

BACKGROUND OF THE INVENTION

[0003] Garments intended to cover a wearer's body below the abdomen or belly during various stages of pregnancy have been manufactured as knits or woven fabrics. Some of the knits or woven fabric garments are constructed with an elastic belt or waist band which caused discomfort when tightened about the body. Some of the garments have stretchable fabric panels sewn into place with sewn seams. Such garments cause discomfort due to the presence of the sewn seams, urged by elastic stretching of the panels pressing against the torso. Moreover, women have complained that such garments are difficult to keep in place, as they gradually slip downward while they are being worn.

[0004] Denim jeans or trousers have been recycled by removing the waistband at the front of the jeans and replacing the same with an elastic band that cradles a growing abdomen. Alternatively, denim jeans or trousers are manufactured without a waistband at the front so that a separate band can be attached at the front.

[0005] Accordingly, a need exists for a garment that covers and fits a growing abdomen during different stages of pregnancy. Such a garment is required to stay up, and desirably would fit comfortably while being worn. Moreover, such a garment would stay up when worn over different body types.

25

SUMMARY OF THE INVENTION

[0006] A purpose of the invention is to provide a garment that adapts to cover and fit a growing abdomen during pregnancy, wherein the garment stays up when worn.

[0007] A garment comprises a garment upper portion and a garment lower portion. The garment upper portion has a belly panel that is expansible to cover and fit over a growing abdomen during different stages of pregnancy. The garment lower portion has a first torso encircling circumference that recedes downward to make way for expansion of the belly panel.

5 The garment upper portion has a second torso encircling circumference to hold the garment up and in place over the torso.

[0008] An embodiment of the garment is adjustable to encircle different body types. Another embodiment of the invention provides a garment that fits comfortably while being worn.

[0009] An embodiment of the garment comprises an adjustable torso encircling
10 circumference that is adjustable in girth to encircle different body types.

[0010] An embodiment of the upper portion of the garment comprises a seamless tubular elastic fabric to stretch elastically and fit different body types.

[0011] An embodiment of the abdomen covering area comprises an elastic fabric.

[0012] An embodiment of the abdomen covering area comprises an elastic fabric that is
15 contractible elastically to cover an abdomen during different stages of post partum body changes.

[0013] According to an embodiment of the invention, an expansible tubular upper portion of the garment is seamless to fit comfortably while being worn.

BRIEF DESCRIPTION OF THE DRAWINGS

[0014] Fig. 1 is a front view of a garment according to the present invention.

20 [0015] Fig. 1A is a view similar to Fig. 1, and discloses a body panel covering a growing abdomen.

[0016] Fig. 2 is a view of a backside portion of the garment disclosed by Fig. 1.

[0017] Fig. 3 is view of a front portion of another embodiment of a garment.

[0018] Fig. 4 is view of a backside portion of another embodiment of a garment.

25 [0019] Fig. 5 is a view of a backside portion of yet another embodiment of a garment.

[0020] Fig. 6 is front view of a portion of another embodiment of a garment.

[0021] Fig. 7 is front view of a portion of yet another embodiment of a garment.

DETAILED DESCRIPTION OF THE INVENTION

[0022] Fig. 1 discloses a garment 100 for encircling a lower torso portion of a wearer of the garment 100. The garment 100 comprises a garment upper portion 102 and a garment lower portion 104. A lower end perimeter 106 of the garment upper portion 102 is attached to a
5 corresponding upper end perimeter 108 of the garment lower portion 104. The garment lower portion 104 comprises, for example, a pair of trousers, such as, denim jeans. Alternatively, the garment lower portion 104 comprises a skirt depicted in Fig. 1 in phantom outline.

[0023] With reference to Figs. 1 and 2, each leg of the pair of trousers is constructed with sewn seams. Outer side seams 110, 112 extend continuously from top to bottom of the trousers,
10 or garment lower portion 104. Further, each leg is constructed with inner side seams 114, 116 joining a front center seam 118 of the trousers and a back side, curved center seam 200, Fig. 2, of the trousers. For example, the front center seam 106 defines a sewn “zipper less” fly front. The back side of the trousers, Fig. 2, is sewn with a back side perimeter seam 202 extending horizontally across the back side of the trousers from the outer side seams 110, 112 to the back
15 side center seam 200. If pockets are desired, the legs of the trousers are constructed, for example, with a front pockets 120, 122 and back pockets 204, 206.

[0024] Fig. 2 discloses an embodiment of the trousers, or garment lower portion 104, having a partial waistband 208 joining and extending from the side seams 110, 112 of the trousers and extending across a back side of the trousers or garment lower portion 104. The
20 waistband 208 is sewn onto the perimeter seam 202 on the back side. The waistband 208 tapers toward the side seams 110, 112 and widens across the back side, and has a center seam 210 to shape the waistband 208 with a curvature above a wearer’s pelvis, and for torso coverage especially when sitting or bending.

[0025] In Fig. 1, the garment upper portion 102 has a belly panel 124 to provide an
25 abdomen covering area. The belly panel 124 is expansible, for example, when made of a stretchable fabric, to cover and fit over a growing abdomen during different stages of pregnancy, Fig. 1A. The belly panel 124 has a bottom portion 128 that projects downward with a parabolic shape, especially when covering a growing abdomen, Fig. 1A. The perimeter 108 of the garment lower portion 104 provides a first torso encircling circumference 126 that recedes downward
30 with a parabolic shape adjacent to and below the bottom portion 128 of the belly panel 124 to make way for expansion of the belly panel 124 when covering a growing abdomen during

various stages of pregnancy. The parabolic shape includes a shallow curvature, or, alternatively includes a more pronounced curvature. The belly panel 124 extends at least partially under the abdomen of the garment wearer to meet and join the bottom portion 128 of the belly panel 124 with the parabolic receding circumference 126 of the garment lower portion 104.

5 [0026] According to an embodiment of the invention, at least the belly panel 124 comprises a stretchable fabric that is woven or knitted with elastic, stretchable strands. The stretchable fabric is expansible by stretching elastically to cover and fit over the growing abdomen, Fig. 1A. Further, the stretchable fabric is contractible elastically to cover a shrinking abdomen during different stages of post partum body changes. The belly panel 124 also has
10 foreseeable alternative functions, for example, to cover an abdomen during different stages of torso weight gains and losses, or to fit over respective torsos of different body types.

[0027] In Figs. 1 and 2, the garment upper portion has a top tubular perimeter hem 130 made by folding over a top edge margin of the stretchable fabric, and either tubular knitting or sewing the folded fabric to the inside surface of the fabric, and to create a top perimeter knitted
15 hem stitch 132 as disclosed in Fig. 1. The perimeter of the garment upper portion 102 has a torso encircling circumference 134 to hold the garment 100 up and in place over the torso.

Advantageously, the entire garment 100 is held up and in place. An embodiment of the garment upper portion 102 comprises stretchable fabric to adjust the girth of the second torso encircling circumference 134 in conformance with different body types. According to an embodiment of
20 the invention, the torso encircling circumference 134 extends along the upper end of the belly panel 124. In Fig. 1A, the belly panel 124 extends at least somewhat above the maximum girth of the abdomen, even during a later stage of pregnancy, such that the belly panel 124 positions the torso encircling circumference 134 at least somewhat above the location of maximum girth to resist slipping down over the abdomen.

25 [0028] An embodiment of the garment upper portion 102 comprises a tubular structure to encircle a torso of a wearer of the garment 100. The tubular structure comprises a stretchable fabric woven or knitted with elastic, stretchable strands. The belly panel 124 comprises a portion of the stretchable fabric. The tubular structure is adaptable to cover and fit different body types by being elastically expansible and contractible. Different body types have different muscle
30 mass distributions and spinal columns of different curvatures, which make the tubular structure conform to the different body types by expanding and contracting in different locations and

amounts when worn by the different body types. The tubular structure is elastically expandible to widen the tubular girth at selected locations and amounts where needed to fit a body type, and is elastically contractible to narrow the tubular girth at selected locations and amounts where needed to fit the body type.

5 [0029] In Figs. 1 and 2, the tubular structure is shaped and formed as a one-sheet hyperboloid cylinder to fit a body type having a tapered torso that tapers approximately from shoulder to waist. The perimeter profile of the one-sheet hyperboloid cylinder has hyperbolic shaped sides. Alternatively, the tubular structure is shaped and formed as a straight-sided cylinder, for example, as disclosed in Fig. 6. The perimeter profile of the straight sided cylinder
10 has substantially straight sides.

[0030] Preferably, the stretchable fabric is woven or knitted to form a continuous, seamless tubular structure, such that the garment 100 is comfortable to wear due to the absence of seams that would tend to press against the torso.

[0031] Fig. 3 discloses an alternative embodiment in which the garment upper portion
15 102 is provided with belly cradling support in the form of a series of sewn stitches or knitted tension at 300, 302, 304, 306, 308, 310, 312, and 314 in the belly panel 124. The knitted tension or stitches extend along multiple stitch paths grouped in an elliptical pattern that curves so as to cradle a curved growing abdomen, Fig. 1A, during various stages of pregnancy.

[0032] Fig. 4 discloses an alternative embodiment in which the backside of the garment
20 upper portion 102 is provided with spinal column and back support for a wearer of the garment, in the form of a series of sewn supporting stitches or knitted tension at 400, 402, 404, 406, 408, 410, 412, 414, 416, 418 in the fabric, wherein the supporting knitted tension or stitches stiffen the fabric at the backside of the garment upper portion 102 to provide spinal and back support of the wearer of the garment 100. For example, the series of supporting stitches are arranged along
25 multiple stitch paths grouped in a hyperbolic pattern or other curved pattern along an axis extending substantially vertically along a spinal supporting section of the fabric. Fig. 5 discloses an alternative pattern of supporting stitches 500, 502, 504, 506, 508, 510, 512, 514 in the fabric, wherein the supporting stitches are arranged along multiple stitch paths. For example, the stitch paths are shown as being grouped in a truncated, v-shaped pattern.

30 [0033] Fig. 6 discloses the garment upper portion 102 comprising a fabric woven or knitted to form a tubular structure, wherein the fabric of the tubular structure is doubled back on

itself downward from the top circumference 134 thereof to form a double-layer tubular structure 600 that extends downward at least for a portion of the garment upper portion 102. The layers of the double-layer tubular structure 600 are sewn together with a tubular perimeter drop stitch 602. The layers are further sewn with a top, tubular perimeter hem stitch 132 as described in Fig. 1.

5 In an alternative embodiment disclosed by Fig. 6, the fabric is doubled back over an inner tubular layer of stretchable fabric 604, shown in phantom outline by and between the stitches 132, 602, that is flatly layered and sewn in between the two tubular layers of the double layer fabric. The three tubular layers are sewn together with the top, tubular perimeter drop stitch 602 and the top, tubular perimeter hem stitch 132 as described in Fig. 1. The inner layer 604 of stretchable fabric
10 provides the belly panel 124 with the capability for resilient expansion. In another embodiment, the double layer fabric comprises a stretch fabric woven or knitted with elastically stretchable and contractible yarns, providing the belly panel with the capability for resilient expansion.

[0034] Fig. 7 discloses that the garment 100 of Fig. 6 is convertible to comprise a bottom garment without a top, the garment upper portion 102 is foldable toward the garment lower
15 portion 104 to provide a folded band 700 on the garment lower portion 104, which is to be worn solely as a garment bottom 104 having the folded band 700, and having no top. Each of the other embodiments of the garment 100 is similarly convertible by adding the stretchable fabric 604 to the upper garment portion 102 of the other embodiment of the garment 100, and folding the garment upper portion 102 toward the garment lower portion 104 to provide a folded band
20 700 on the garment lower portion 104 of the other embodiment of the garment 100.

[0035] This description of the exemplary embodiments is intended to be read in connection with the accompanying drawings, which are to be considered part of the entire written description. In the description, relative terms such as "lower," "upper," "horizontal," "vertical," "above," "below," "up," "down," "top" and "bottom" as well as derivatives thereof
25 (e.g., "horizontally," "downwardly," "upwardly," etc.) should be construed to refer to the orientation as then described or as shown in the drawing under discussion. These relative terms are for convenience of description and do not require that the apparatus be constructed or operated in a particular orientation. Terms concerning attachments, coupling and the like, such as "connected" and "interconnected," refer to a relationship wherein structures are secured or
30 attached to one another either directly or indirectly through intervening structures, as well as both movable or rigid attachments or relationships, unless expressly described otherwise.

[0036] Although the invention has been described in terms of exemplary embodiments, it is not limited thereto. Rather, the appended claims should be construed broadly, to include other variants and embodiments of the invention, which may be made by those skilled in the art without departing from the scope and range of equivalents of the invention.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: Hendrickson, Lisa

Confirmation No: n/a

Serial No. n/a

Group Art Unit: n/a

Filed: n/a

Examiner: n/a

For: Belly Covering Garment

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

Dear Sir:

INFORMATION DISCLOSURE STATEMENT TRANSMITTAL LETTER

Enclosed herewith is an Information Disclosure Statement pursuant to 37 CFR. § 1.56 in connection with the above-identified application, which statement is being filed:

Together with the present application.

Before the first Office Action on the merits or three (3) months from the filing date of this application, whichever occurs last. [37 CFR § 1.97(b)]

After the first Office Action on the merits, but before a Final Office Action under §1.113 or Notice of Allowance under §1.311, whichever occurs first. [37 CFR §1.97(c)]. *(Either the fee or certification is provided, as set forth below).*

After a Final Office Action under §1.113 or Notice of Allowance under §1.311, but prior to or with payment of the Issue Fee. [37 CFR §1.97(d)]. *The fee and certification are provided, as set forth below).*

Consistent with Applicant's obligations pursuant to 37 CFR §§1.97 and 1.98, the following requirements have been met:

No separate requirements are needed.

No additional fee is required.

Fee Under 37 CFR § 1.97(c) or 1.97(d)

The fee of \$180.00 for submission of an IDS under § 1.97(c) as set forth in § 1.17(p) accompanies this statement.

Please charge the fee of \$180.00 for submission of an IDS under § 1.97(c) or (d) as set forth in § 1.17(p) to Deposit Account 04-1679.

Certification Under 37 CFR § 1.97(e)

The undersigned certifies:

1 that each item of information contained in the information disclosure statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement; or

2 that no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the statement after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in §1.56(c) more than three months prior to the filing of the information disclosure statement.

Provision of Copies of References

A copy of each of the Foreign and Other references listed on the attached Form PTO-1449 is enclosed herewith and forms a part hereof.

Partial Translations of References are enclosed herewith and form a part hereof.

A copy of the European Search Report from a corresponding or related EPO application is enclosed herewith.

A copy of the International Search Report from a corresponding or related PCT application is enclosed herewith.


Identification of Prior Application(s) In Which Listed Information Was Already Cited And For Which No Copies Are Submitted Or Need Be Submitted

[X] This application relies, under 35 U.S.C. § 120, on the earlier filing date of prior U.S. Application No(s). 11/756,242, filed May 31, 2007 (D8114-00369). Some or all of the references were submitted to, and/or cited by, the Office in the prior application(s) and therefore are not required to be provided in this application.

The Commissioner is hereby authorized to charge any fees associated with this communication or credit any overpayment to Deposit Account No. 04-1679.

Respectfully submitted,

Date: May 8, 2009



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Filing Date: 05/08/08

Approved for use through 7/31/2006. OMB 0651-0032
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PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875				Application or Docket Number 12/117,004								
APPLICATION AS FILED – PART I				SMALL ENTITY		OR		OTHER THAN SMALL ENTITY				
(Column 1)		(Column 2)										
FOR	NUMBER FILED	NUMBER EXTRA		RATE (\$)	FEE (\$)			RATE (\$)	FEE (\$)			
BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A		N/A				N/A	310			
SEARCH FEE (37 CFR 1.16(k), (l), or (m))	N/A	N/A		N/A				N/A	510			
EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A		N/A				N/A	210			
TOTAL CLAIMS (37 CFR 1.16(i))	20	minus 20	=	0					X\$50	0		
INDEPENDENT CLAIMS (37 CFR 1.16(h))	2	minus 3	=	* 0					X\$210	0		
APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).											
MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))				185				370				
				TOTAL	0			TOTAL	1030			
* If the difference in column 1 is less than zero, enter "0" in column 2.												
APPLICATION AS AMENDED – PART II				SMALL ENTITY		OR		OTHER THAN SMALL ENTITY				
(Column 1)		(Column 2)		(Column 3)								
AMENDMENT A	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA		RATE (\$)	ADDITIONAL FEE (\$)			RATE (\$)	ADDITIONAL FEE (\$)		
	Total (37 CFR 1.16(i))	*	Minus	**	=	X	=			X	=	
	Independent (37 CFR 1.16(h))	*	Minus	***	=	X	=			X	=	
	Application Size Fee (37 CFR 1.16(s))											
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))											
				TOTAL					TOTAL			
				ADD'T FEE					ADD'T FEE			
(Column 1)		(Column 2)		(Column 3)								
AMENDMENT B	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA		RATE (\$)	ADDITIONAL FEE (\$)			RATE (\$)	ADDITIONAL FEE (\$)		
	Total (37 CFR 1.16(i))	*	Minus	**	=	X	=			X	=	
	Independent (37 CFR 1.16(h))	*	Minus	***	=	X	=			X	=	
	Application Size Fee (37 CFR 1.16(s))											
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))											
				TOTAL					TOTAL			
				ADD'T FEE					ADD'T FEE			
* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.												
** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".												
*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3". The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.												

This collection of information is required by 37 CFR 1.16. 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.

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Table with 7 columns: APPLICATION NUMBER, FILING or 371(c) DATE, GRP ART UNIT, FIL FEE REC'D, ATTY. DOCKET NO, TOT CLAIMS, IND CLAIMS. Row 1: 12/117,004, 05/08/2008, 3765, 1030, D8114-00489, 20, 2

CONFIRMATION NO. 8196

8933
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FILING RECEIPT



Date Mailed: 05/22/2008

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections

Applicant(s)

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Richard Adelman, Greensboro, NC;

Assignment For Published Patent Application

Mothers Work, Inc.

Power of Attorney: The patent practitioners associated with Customer Number 08933

Domestic Priority data as claimed by applicant

This application is a CON of 11/756,242 05/31/2007

Foreign Applications

If Required, Foreign Filing License Granted: 05/21/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US 12/117,004

Projected Publication Date: 12/04/2008

Non-Publication Request: No

Early Publication Request: No

Title

BELLY COVERING GARMENT

Preliminary Class

002

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

Electronic Acknowledgement Receipt

EFS ID:	3970781
Application Number:	12117004
International Application Number:	
Confirmation Number:	8196
Title of Invention:	BELLY COVERING GARMENT
First Named Inventor/Applicant Name:	Lisa A. Hendrickson
Customer Number:	08933
Filer:	Gerald K. Kita./MARY LA GRANGE
Filer Authorized By:	Gerald K. Kita.
Attorney Docket Number:	D8114-00489
Receipt Date:	19-SEP-2008
Filing Date:	08-MAY-2008
Time Stamp:	11:44:44
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no
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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		489ids.pdf	1490177 e4fbd77abd5420e287cedda3cfe9452410aa b5af	yes	13

Multipart Description/PDF files in .zip description			
Document Description		Start	End
Miscellaneous Incoming Letter		1	1
Information Disclosure Statement (IDS) Filed (SB/08)		2	5
NPL Documents		6	13

Warnings:

Information:

Total Files Size (in bytes):	1490177
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This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

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

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

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

New International Application Filed with the USPTO as a Receiving Office

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

PATENT COOPERATION TREATY

GKK
RECEIVED
AUG 22 2008

From the INTERNATIONAL SEARCHING AUTHORITY

DOCKETED
PCT

To: GERALD KITA
DUANE MORRIS LLP
30 S. 17TH STREET
PHILADELPHIA, PA 19103-4196

FILE COPY

NOTIFICATION OF TRANSMITTAL OF
THE INTERNATIONAL SEARCH REPORT AND
THE WRITTEN OPINION OF THE INTERNATIONAL
SEARCHING AUTHORITY, OR THE DECLARATION

(PCT Rule 44.1)

Date of mailing
(day/month/year) 18 AUG 2008

Applicant's or agent's file reference
D8114-00486

FOR FURTHER ACTION See paragraphs 1 and 4 below

International application No.
PCT/US2008/061739

International filing date
(day/month/year) 28 April 2008

Applicant
MOTHERS WORK, INC.

1. The applicant is hereby notified that the international search report and the written opinion of the International Searching Authority have been established and are transmitted herewith.
Filing of amendments and statement under Article 19:
The applicant is entitled, if he so wishes, to amend the claims of the international application (see Rule 46):
When? The time limit for filing such amendments is normally two months from the date of transmittal of the international search report.
Where? Directly to the International Bureau of WIPO, 34 chemin des Colombettes
1211 Geneva 20, Switzerland, Facsimile No.: +41 22 740 14 35
For more detailed instructions, see the notes on the accompanying sheet.
2. The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect and the written opinion of the International Searching Authority are transmitted herewith.
3. **With regard to the protest against payment of (an) additional fee(s) under Rule 40.2,** the applicant is notified that:
 - the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.
 - no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.
4. **Reminders**
Shortly after the expiration of **18 months** from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 90bis.1 and 90bis.3, respectively, before the completion of the technical preparations for international publication.
The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the International Bureau. The International Bureau will send a copy of such comments to all designated Offices unless an international preliminary examination report has been or is to be established. These comments would also be made available to the public but not before the expiration of 30 months from the priority date.
Within **19 months** from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase **until 30 months** from the priority date (in some Offices even later); otherwise, the applicant must, **within 20 months** from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.
In respect of other designated Offices, the time limit of **30 months** (or later) will apply even if no demand is filed within 19 months.
See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the *PCT Applicant's Guide*, Volume II, National Chapters and the WIPO Internet site.

Name and mailing address of the ISA/US
Mail Stop PCT, Attn: ISA/US
Commissioner for Patents
P.O. Box 1450, Alexandria, Virginia 22313-1450
Facsimile No. 571-273-3201

Authorized officer:
Blaine R. Copenheaver
Telephone No. 571-272-7774

PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

PCT

NOTIFICATION OF TRANSMITTAL OF
THE INTERNATIONAL SEARCH REPORT AND
THE WRITTEN OPINION OF THE INTERNATIONAL
SEARCHING AUTHORITY, OR THE DECLARATION

(PCT Rule 44.1)

To: GERALD KITA DUANE MORRIS LLP 30 S. 17TH STREET PHILADELPHIA, PA 19103-4196		Date of mailing (day/month/year) 18 AUG 2008
Applicant's or agent's file reference D8114-00486	FOR FURTHER ACTION See paragraphs 1 and 4 below	
International application No. PCT/US2008/061739	International filing date (day/month/year) 28 April 2008	
Applicant MOTHERS WORK, INC.		

1. The applicant is hereby notified that the international search report and the written opinion of the International Searching Authority have been established and are transmitted herewith.

Filing of amendments and statement under Article 19:
 The applicant is entitled, if he so wishes, to amend the claims of the international application (see Rule 46):

When? The time limit for filing such amendments is normally two months from the date of transmittal of the international search report.

Where? Directly to the International Bureau of WIPO, 34 chemin des Colombettes
 1211 Geneva 20, Switzerland, Facsimile No.: +41 22 740 14 35

For more detailed instructions, see the notes on the accompanying sheet.

2. The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect and the written opinion of the International Searching Authority are transmitted herewith.

3. **With regard to the protest** against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:

the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.

no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

4. **Reminders**

Shortly after the expiration of **18 months** from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 90*bis*.1 and 90*bis*.3, respectively, before the completion of the technical preparations for international publication.

The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the International Bureau. The International Bureau will send a copy of such comments to all designated Offices unless an international preliminary examination report has been or is to be established. These comments would also be made available to the public but not before the expiration of 30 months from the priority date.

Within **19 months** from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase **until 30 months** from the priority date (in some Offices even later); otherwise, the applicant must, **within 20 months** from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.

In respect of other designated Offices, the time limit of **30 months** (or later) will apply even if no demand is filed within 19 months.

See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the *PCT Applicant's Guide*, Volume II, National Chapters and the WIPO Internet site.

Name and mailing address of the ISA/US Mail Stop PCT, Attn: ISA/US Commissioner for Patents P.O. Box 1450, Alexandria, Virginia 22313-1450 Facsimile No. 571-273-3201	Authorized officer: Blaine R. Copenheaver Telephone No. 571-272-7774
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PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference D8114-00486	FOR FURTHER ACTION		see Form PCT/ISA/220 as well as, where applicable, item 5 below.
International application No. PCT/US2008/061739	International filing date (day/month/year) 28 April 2008	(Earliest) Priority Date (day/month/year) 31 May 2007	
Applicant MOTHERS WORK, INC.			

This international search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 2 sheets.

It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the report

a. With regard to the language, the international search was carried out on the basis of:

the international application in the language in which it was filed

a translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b))

b. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, see Box No. I.

2. Certain claims were found unsearchable (see Box No. II)

3. Unity of invention is lacking (see Box No. III)

4. With regard to the title.

the text is approved as submitted by the applicant

the text has been established by this Authority to read as follows:

5. With regard to the abstract.

the text is approved as submitted by the applicant

the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority

6. With regard to the drawings,

a. the figure of the drawings to be published with the abstract is Figure No. 1

as suggested by the applicant

as selected by this Authority, because the applicant failed to suggest a figure

as selected by this Authority, because this figure better characterizes the invention

b. none of the figures is to be published with the abstract

INTERNATIONAL SEARCH REPORT

International application No.
PCT/US2008/061739

<p>A. CLASSIFICATION OF SUBJECT MATTER IPC(8) - A41D 1/20 (2008.04) USPC - 2/221 According to International Patent Classification (IPC) or to both national classification and IPC</p>																																						
<p>B. FIELDS SEARCHED</p> <p>Minimum documentation searched (classification system followed by classification symbols) IPC(8) - A41C 1/10; A41D 1/20 (2008.04) USPC - 2/69, 76, 220, 221, 227, 228, 236, 237, 239, 240, 309, 311; 450/95, 116, 118, 123, 130, 131, 132, 155, 309</p> <p>Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched</p> <p>Electronic data base consulted during the international search (name of data base and, where practicable, search terms used) PatBase</p>																																						
<p>C. DOCUMENTS CONSIDERED TO BE RELEVANT</p> <table border="1"> <thead> <tr> <th>Category*</th> <th>Citation of document, with indication, where appropriate, of the relevant passages</th> <th>Relevant to claim No.</th> </tr> </thead> <tbody> <tr> <td>X</td> <td>US 4,506,390 A (STERN) 26 March 1985 (26.03.1985) entire document</td> <td>1, 2, 4-6, 8</td> </tr> <tr> <td>Y</td> <td></td> <td>3, 7, 9, 10</td> </tr> <tr> <td>Y</td> <td>US 2004/0210987 A1 (CARNEY) 28 October 2004 (28.10.2004) entire document</td> <td>3</td> </tr> <tr> <td>Y</td> <td>US 2006/0010571 A1 (OAKLEY) 19 January 2006 (19.01.2006) entire document</td> <td>7</td> </tr> <tr> <td>Y</td> <td>US 6,311,333 B1 (BATRA) 06 November 2001 (06.11.2001) entire document</td> <td>9</td> </tr> <tr> <td>Y</td> <td>US 3,045,678 A (GEIMER) 24 July 1962 (24.07.1962) entire document</td> <td>10</td> </tr> <tr> <td>A</td> <td>US 4,280,229 A (STEIN) 28 July 1981 (28.07.1981) entire document</td> <td>1-10</td> </tr> </tbody> </table> <p><input type="checkbox"/> Further documents are listed in the continuation of Box C. <input type="checkbox"/></p> <table border="0"> <tr> <td>* Special categories of cited documents:</td> <td>"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention</td> </tr> <tr> <td>"A" document defining the general state of the art which is not considered to be of particular relevance</td> <td>"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone</td> </tr> <tr> <td>"E" earlier application or patent but published on or after the international filing date</td> <td>"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art</td> </tr> <tr> <td>"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)</td> <td>"&" document member of the same patent family</td> </tr> <tr> <td>"O" document referring to an oral disclosure, use, exhibition or other means</td> <td></td> </tr> <tr> <td>"P" document published prior to the international filing date but later than the priority date claimed</td> <td></td> </tr> </table>			Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.	X	US 4,506,390 A (STERN) 26 March 1985 (26.03.1985) entire document	1, 2, 4-6, 8	Y		3, 7, 9, 10	Y	US 2004/0210987 A1 (CARNEY) 28 October 2004 (28.10.2004) entire document	3	Y	US 2006/0010571 A1 (OAKLEY) 19 January 2006 (19.01.2006) entire document	7	Y	US 6,311,333 B1 (BATRA) 06 November 2001 (06.11.2001) entire document	9	Y	US 3,045,678 A (GEIMER) 24 July 1962 (24.07.1962) entire document	10	A	US 4,280,229 A (STEIN) 28 July 1981 (28.07.1981) entire document	1-10	* Special categories of cited documents:	"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention	"A" document defining the general state of the art which is not considered to be of particular relevance	"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone	"E" earlier application or patent but published on or after the international filing date	"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art	"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)	"&" document member of the same patent family	"O" document referring to an oral disclosure, use, exhibition or other means		"P" document published prior to the international filing date but later than the priority date claimed	
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"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)	"&" document member of the same patent family																																					
"O" document referring to an oral disclosure, use, exhibition or other means																																						
"P" document published prior to the international filing date but later than the priority date claimed																																						
Date of the actual completion of the international search 06 August 2008	Date of mailing of the international search report 18 AUG 2008																																					
Name and mailing address of the ISA/US Mail Stop PCT, Attn: ISA/US, Commissioner for Patents P.O. Box 1450, Alexandria, Virginia 22313-1450 Facsimile No. 571-273-3201	Authorized officer: Blaine R. Copenheaver PCT Helpdesk: 571-272-4300 PCT OSP: 571-272-7774																																					

GKK

PATENT COOPERATION TREATY

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PCT

From the
INTERNATIONAL SEARCHING AUTHORITY

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To: GERALD KITA
DUANE MORRIS LLP
30 S. 17TH STREET
PHILADELPHIA, PA 19103-4196

Date of mailing
(day/month/year) 18 AUG 2008

Applicant's or agent's file reference
D8114-00486

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/US2008/061739

International filing date (day/month/year)
28 April 2008

Priority date (day/month/year)
31 May 2007

International Patent Classification (IPC) or both national classification and IPC
IPC(8) - A41D 1/20 (2008.04)
USPC - 2/221

Applicant
MOTHERS WORK, INC.

1. This opinion contains indications relating to the following items:

- Box No. I Basis of the opinion
- Box No. II Priority
- Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- Box No. IV Lack of unity of invention
- Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- Box No. VI Certain documents cited
- Box No. VII Certain defects in the international application
- Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/US
Mail Stop PCT, Attn: ISA/US
Commissioner for Patents
P.O. Box 1450, Alexandria, Virginia 22313-1450
Facsimile No. 571-273-3201

Date of completion of this opinion
06 August 2008

Authorized officer:
Blaine Copenheaver
PCT Helpdesk: 571-272-4300
PCT OSP: 571-272-7774

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US2008/061739

Box No. 1 Basis of this opinion

1. With regard to the **language**, this opinion has been established on the basis of:
 - the international application in the language in which it was filed.
 - a translation of the international application into _____ which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).
2. This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43*bis*.1(a))
3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, this opinion has been established on the basis of:
 - a. type of material
 - a sequence listing
 - table(s) related to the sequence listing
 - b. format of material
 - on paper
 - in electronic form
 - c. time of filing/furnishing
 - contained in the international application as filed
 - filed together with the international application in electronic form
 - furnished subsequently to this Authority for the purposes of search
4. In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
5. Additional comments:

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US2008/061739

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	<u>3, 7, 9, 10</u>	YES
	Claims	<u>1, 2, 4-6, 8</u>	NO
Inventive step (IS)	Claims	<u>None</u>	YES
	Claims	<u>1-10</u>	NO
Industrial applicability (IA)	Claims	<u>1-10</u>	YES
	Claims	<u>None</u>	NO

2. Citations and explanations:

Claims 1, 2, 4-6, and 8 lack novelty under PCT Article 33(2) as being anticipated by Stern.

Referring to Claim 1, Stern discloses a garment, comprising: a garment upper portion having a belly panel (Fig. 1, waist portion 11), wherein the belly panel is expansible (Col. 3, Lns. 30-31 regarding the waistband portion is radially expandable) to cover and fit over a growing abdomen (Fig. 2, ref. 19); and a garment lower portion (Fig. 1, body portion 13) having a torso encircling circumference (Fig. 1, unnumbered waistline of body portion 13), wherein the torso encircling circumference recedes downward (Figs. 1 and 2, unnumbered intersection of waist portion 11 and body portion 13) to make way for expansion of the belly panel.

Referring to Claim 2, Stern discloses the garment of claim 1 wherein the belly panel (Fig. 1, waist portion 11) is contractible elastically to cover a shrinking abdomen (Figs. 1 and 2, waist portion 11 and pocket 19; Col. 4, lines 28-30 regarding "natural automatic contraction" of 11).

Referring to Claim 4, Stern discloses the garment of claim 1 with a garment upper portion (Fig. 1, waist portion 11) having the belly panel which is foldable toward the garment lower portion to comprise a folded band (Fig. 4, top hem stitching 15; Col. 3, Lns. 34-36 regarding a hem is formed along a top edge by folding the top edge and stitching along line 15).

Referring to Claim 5, Stern discloses the garment of claim 1 wherein the belly panel (Fig. 1, front panel 11) is woven or knitted with elastic, stretchable strands (Col. 4, lines 45-47 regarding elastically woven or knitted material).

Referring to Claim 6, Stern discloses the garment of claim 1 wherein a top edge margin of the garment upper portion is folded over and sewn or knitted to an inside of the fabric (Fig. 4, top hem stitching 15; Col. 3, Lns. 34-36 regarding a hem is formed along a top edge by folding the top edge and stitching along line 15).

Referring to Claim 8, Stern discloses the garment of claim 1 wherein the garment upper portion has a further torso encircling circumference (Fig. 1, unnumbered top of waist portion 11) to hold the garment up and in place over the torso.

Claim 3 lacks an inventive step under PCT Article 33(3) as being obvious over Stern in view of Carney.

Referring to Claim 3, Stern discloses the garment of claim 1 with an expandable garment upper portion (Fig. 1, waist portion 11; Col. 3, Lns. 30-31 regarding the waistband portion is radially expandable) wherein the garment upper portion is an expansible tubular upper portion (Fig. 3, waistband portion 11 which fits around the waist of the user and is tubular in shape). Stern fails to explicitly disclose wherein the garment upper portion is seamless to fit comfortably while being worn. Carney teaches a garment upper portion which is an expansible (Abstract regarding elastic band) tubular (Fig. 1, garment band 10, Abstract regarding tube top) upper portion that is seamless (Para. [0029] regarding garment may be seamless) to fit comfortably while being worn. It would have been obvious to one having ordinary skill in the art at the time the invention was made to further provide wherein the garment upper portion is an expansible tubular upper portion that is seamless to fit comfortably while being worn as taught by Carney with the system of Stern in order to eliminate seams which may cause discomfort to the user.

(Continued in Supplemental Box)

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of:

Box V

Claim 7 lacks an inventive step under PCT Article 33(3) as being obvious over Stern in view of Oakley.

Referring to Claim 7, Stern discloses the garment of claim 1 wherein the garment upper portion is a tubular structure (Fig. 3, waistband portion 11 which fits around the waist of the user and is tubular in shape). Stern fails to explicitly disclose wherein the garment upper portion is a double layer tubular structure. Oakley teaches a double layer structure (Fig. 1C, lower component 110; where lower component 110 has an inner surface and an outer surface, forming a double layer structure of two different materials; Abstract regarding the lower component has an outer surface and an inner surface; Para. [0013] regarding knit inside fabric stretches more than stretch woven outer fabric to accommodate a growing stomach). It would have been obvious to one having ordinary skill in the art at the time the invention was made to further provide a double layer structure as taught by Oakley with the system of Stern in order to slightly increase the tension on the belly of the user providing additional support.

Claim 9 lacks an inventive step under PCT Article 33(3) as being obvious over Stern in view of Batra.

Referring to Claim 9, Stern discloses the garment of claim 1. Stern fails to explicitly disclose wherein the garment lower portion has a partial waistband extending from side seams of the garment lower portion and extending across a back side of the garment lower portion. Batra teaches wherein the garment lower portion has a partial waistband (Fig. 2, yoke area 21) extending from side seams (30, 31; Fig. 1 and col. 2, lines 47-50) of the garment lower portion and extending across a back side of the garment lower portion (Fig. 2). It would have been obvious to one having ordinary skill in the art at the time the invention was made to further provide wherein the garment lower portion has a partial waistband extending from side seams of the garment lower portion and extending across a back side of the garment lower portion as taught by Batra with the system of Stern in order to provide additional support for the back.

Claim 10 lacks an inventive step under PCT Article 33(3) as being obvious over Stern in view of Geimer.

Referring to Claim 10, Stern discloses the garment of claim 1. Stern fails to explicitly disclose a series of belly cradling stitches or knitted tension in the belly panel to cradle a growing abdomen during various stages of pregnancy. Geimer teaches a series of belly cradling stitches or knitted tension in the belly panel to cradle a growing abdomen during various stages of pregnancy (Fig. 2, panel 20; Col. 3, Lns. 25-28 regarding shirred elastic material of panel 20 to ensure desired comfort and adequate support). It would have been obvious to one having ordinary skill in the art at the time the invention was made to further provide a series of belly cradling stitches or knitted tension in the belly panel to cradle a growing abdomen during various stages of pregnancy as taught by Geimer with the system of Stern in order to provide additional support and comfort.

Claims 1-10 meet the criteria set out in PCT Article 33(4), and thus have industrial applicability because the subject matter claimed can be made or used in industry.

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.

TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application Number	12/117,004
	Filing Date	May 8, 2008
	First Named Inventor	Hendrickson, Lisa et al.
	Art Unit	3765
	Examiner Name	n/a
Total Number of Pages in This Submission	Attorney Docket Number	D8114-00489

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee(s) Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Technology Center (TC)
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Allowance	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Gerald K. Kita, Registration No. 24,125 Customer Number 08933	
Signature	<i>Gerald K. Kita</i>	
Date	<i>September 19, 2008</i>	

CERTIFICATE UNDER 37 CFR 1.10

I hereby certify that this correspondence and the documents referred to therein are being electronically filed in the United States Patent and Trademark Office on the date indicated below		
Typed or printed name	Mary La Grange	
Signature	<i>Mary La Grange</i>	Date <i>9.19.08</i>

This collection of information is required by 37 CFR 1.5. 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 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, 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.**

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: Hendrickson, Lisa

Confirmation No: 8196

Serial No. 12/117,004

Group Art Unit: 3765

Filed: May 8, 2008

Examiner: n/a

For: Belly Covering Garment

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

Dear Sir:

INFORMATION DISCLOSURE STATEMENT TRANSMITTAL LETTER

Enclosed herewith is an Information Disclosure Statement pursuant to 37 CFR. § 1.56 in connection with the above-identified application, which statement is being filed:

Together with the present application.

Before the first Office Action on the merits or three (3) months from the filing date of this application, whichever occurs last. **[37 CFR § 1.97(b)]**

After the first Office Action on the merits, but before a Final Office Action under §1.113 or Notice of Allowance under §1.311, whichever occurs first. **[37 CFR §1.97(c)]**. *(Either the fee or certification is provided, as set forth below).*

After a Final Office Action under §1.113 or Notice of Allowance under §1.311, but prior to or with payment of the Issue Fee. **[37 CFR §1.97(d)]**. *The fee and certification are provided, as set forth below).*

Consistent with Applicant's obligations pursuant to 37 CFR §§1.97 and 1.98, the following requirements have been met:

No separate requirements are needed.

No additional fee is required.

Fee Under 37 CFR § 1.97(c) or 1.97(d)

The fee of \$180.00 for submission of an IDS under § 1.97(c) as set forth in § 1.17(p) accompanies this statement.

Please charge the fee of \$180.00 for submission of an IDS under § 1.97(c) or (d) as set forth in § 1.17(p) to Deposit Account 04-1679.

Certification Under 37 CFR § 1.97(e)

The undersigned certifies:

1 that each item of information contained in the information disclosure statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement; or

2 that no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the statement after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in §1.56(c) more than three months prior to the filing of the information disclosure statement.

Provision of Copies of References

A copy of each of the Foreign and Other references listed on the attached Form PTO-1449 is enclosed herewith and forms a part hereof.

Partial Translations of References are enclosed herewith and form a part hereof.

A copy of the European Search Report from a corresponding or related EPO application is enclosed herewith.

A copy of the International Search Report from a corresponding or related PCT application is enclosed herewith.

Identification of Prior Application(s) In Which Listed Information Was Already Cited And For Which No Copies Are Submitted Or Need Be Submitted

[X] This application relies, under 35 U.S.C. § 120, on the earlier filing date of prior U.S. Application No(s). 11/756,242, filed May 31, 2007 (D8114-00369). Some or all of the references were submitted to, and/or cited by, the Office in the prior application(s) and therefore are not required to be provided in this application.

The Commissioner is hereby authorized to charge any fees associated with this communication or credit any overpayment to Deposit Account No. 04-1679.

Respectfully submitted,

Date: September 19, 2008



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30 South 17th Street
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Table with 4 columns: APPLICATION NUMBER (12/117,004), FILING OR 371(C) DATE (05/08/2008), FIRST NAMED APPLICANT (Lisa A. Hendrickson), ATTY. DOCKET NO./TITLE (D8114-00489)

CONFIRMATION NO. 8196

PUBLICATION NOTICE



8933
DUANE MORRIS LLP - Philadelphia
IP DEPARTMENT
30 SOUTH 17TH STREET
PHILADELPHIA, PA 19103-4196

Title:BELLY COVERING GARMENT

Publication No.US-2008-0295217-A1
Publication Date:12/04/2008

NOTICE OF PUBLICATION OF APPLICATION

The above-identified application will be electronically published as a patent application publication pursuant to 37 CFR 1.211, et seq. The patent application publication number and publication date are set forth above.

The publication may be accessed through the USPTO's publically available Searchable Databases via the Internet at www.uspto.gov. The direct link to access the publication is currently http://www.uspto.gov/patft/.

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In addition, information on the status of the application, including the mailing date of Office actions and the dates of receipt of correspondence filed in the Office, may also be accessed via the Internet through the Patent Electronic Business Center at www.uspto.gov using the public side of the Patent Application Information and Retrieval (PAIR) system. The direct link to access this status information is currently http://pair.uspto.gov/. Prior to publication, such status information is confidential and may only be obtained by applicant using the private side of PAIR.

Further assistance in electronically accessing the publication, or about PAIR, is available by calling the Patent Electronic Business Center at 1-866-217-9197.

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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Approved.
JCB 3/9/09

IFW/3765

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	§	
Hendrickson et al.	§	Publication No.: US 2008/0295217 A1
	§	
Serial No.: 12/117,004	§	Publication Date: Dec. 4, 2008
	§	
Filed: May 8, 2008	§	
	§	
For: BELLY COVERING GARMENT	§	

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

**THIRD PARTY SUBMISSION OF PRIOR ART
UNDER 37 C.F.R. § 1.99**

Sir:

Please accept this submission of prior art:

1. Selected pages from the *JCPenney Catalog Maternity Collection*, published 1Q 2004, front and back cover pages, and pages 4, 22, 30, and 32.
2. Selected pages from the *JCPenney Catalog Maternity Collection*, dated Fall/Winter 2005, front and back cover pages, and pages 14, 15, and 28.

The undersigned hereby certifies that, consistent with 37 C.F.R. § 1.248(b), a copy of this correspondence and the attached prior art references was deposited with the United States Postal Service as first class mail in an envelope addressed to:

Duane Morris LLP - Philadelphia
IP Department
30 South 17th Street
Philadelphia, PA 19103-4196

Signature

Date

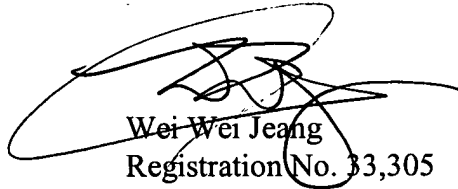
02/02/2009 HGBREM1 00000025 001394 12117004
01 FC:1806 100.00 DA

Third Party Submission of Prior Art
Mailed January 29, 2008

Appl. No. 12/117,004
Publication No. US 2008/0295217 A1

The Commissioner is hereby authorized to charge to Deposit Account No. 08-1394 of Haynes and Boone, LLP the PTO fee of \$180.00 (Fee Code 1806) for submission of an Information Disclosure Statement under §1.99. The Commissioner is hereby authorized to charge any other fees necessary in association with papers submitted herewith or to credit any overpayment to Deposit Account No. 08-1394. A self-addressed postcard is included herewith to acknowledge receipt by the Patent Office.

Respectfully submitted,



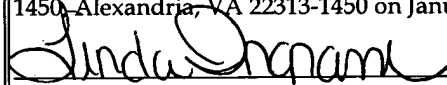
Wei Wei Jeang
Registration No. 33,305

Dated: January 29, 2009

HAYNES AND BOONE, LLP
2323 Victory Avenue Suite 700
Dallas TX 75219
Telephone: 972-739-8631
File: 40612.6

R-221019_1.DOC

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on January 29, 2009.



Linda Ingram



US 20070285570A1

(19) **United States**

(12) **Patent Application Publication**
Desrosiers et al.

(10) **Pub. No.: US 2007/0285570 A1**

(43) **Pub. Date: Dec. 13, 2007**

(54) **VIDEO BABY MONITOR SYSTEM WITH ON-SCREEN DISPLAY**

Publication Classification

(75) **Inventors: Craig Desrosiers, Spring City, PA (US); Jeffrey Swan, West Chester, PA (US)**

(51) **Int. Cl. H04N 5/45 (2006.01)**
(52) **U.S. Cl. 348/565; 348/E05**

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CHICAGO, IL 60606 (US)

(57) **ABSTRACT**

A parent unit of a video baby monitor system has a housing and a receiver for receiving video signals from a transmitter of the system's child unit. The parent unit also has a microprocessor programmed to control operational parameters of the monitor system. A video screen on the housing is configured to operate in a monitoring mode and an information mode. The video screen displays video images representative of the video signals during the monitoring mode and displays at least functional information related to characteristics of the operational parameters during the information mode. At least one functional information display in the information mode provides a selectable on-screen option that, when selected, affects an operational parameter. A control device on the housing is actuatable for choosing the selectable option to affect the operational parameter.

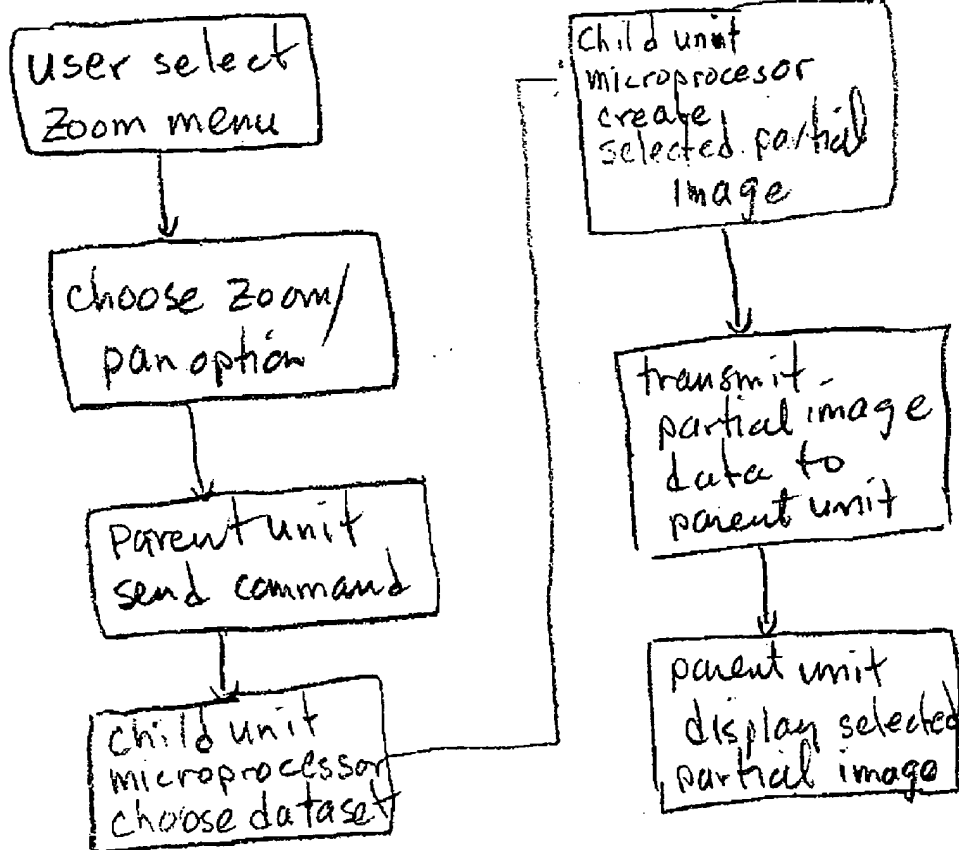
(73) **Assignee: Graco Children's Products Inc., Exton, PA**

(21) **Appl. No.: 11/697,272**

(22) **Filed: Apr. 5, 2007**

Related U.S. Application Data

(60) **Provisional application No. 60/789,816, filed on Apr. 5, 2006.**



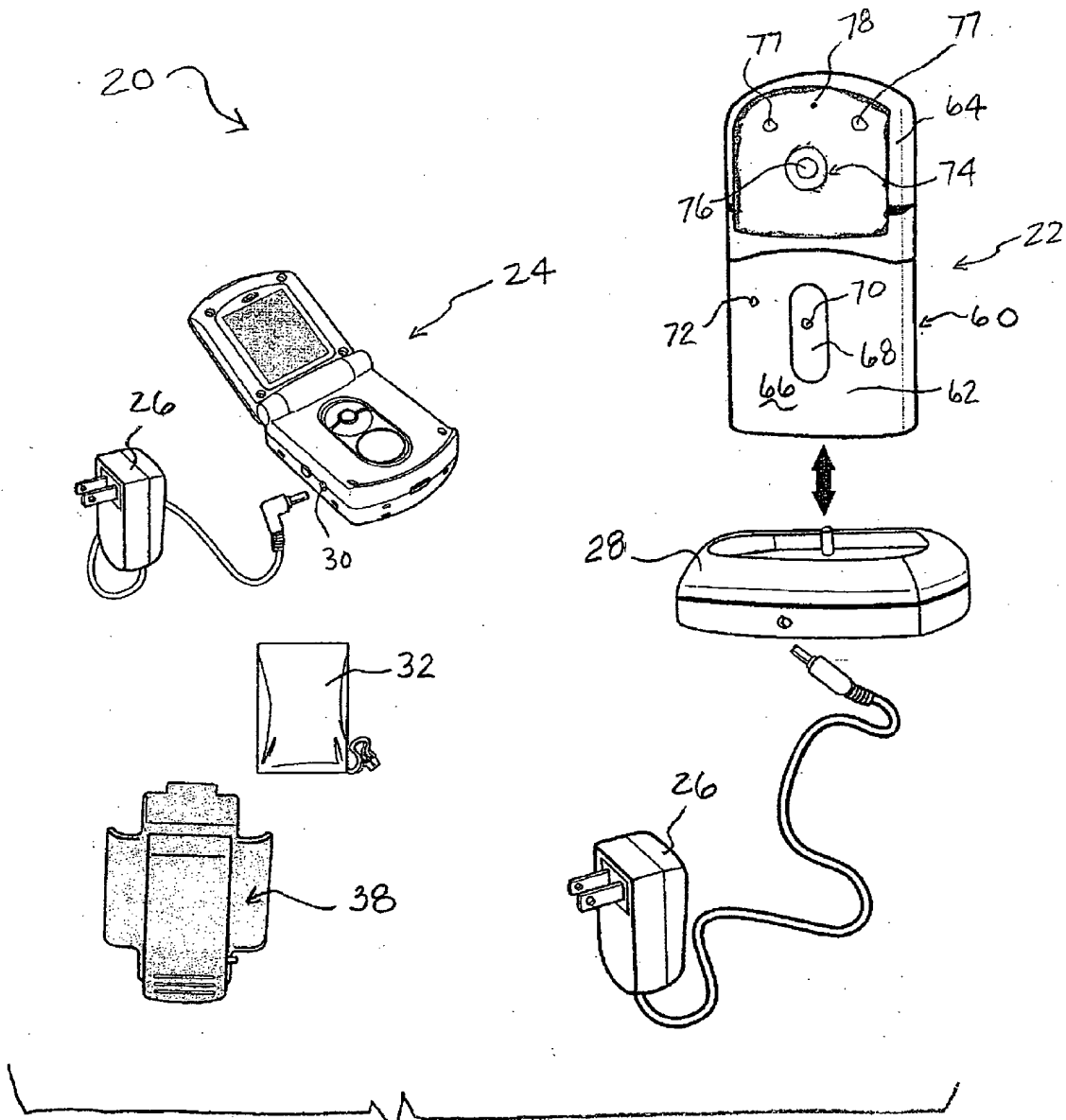


FIG. 1

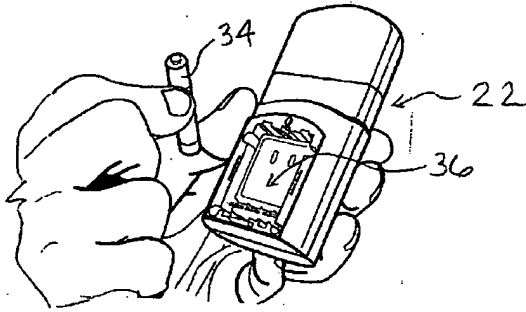


FIG. 2

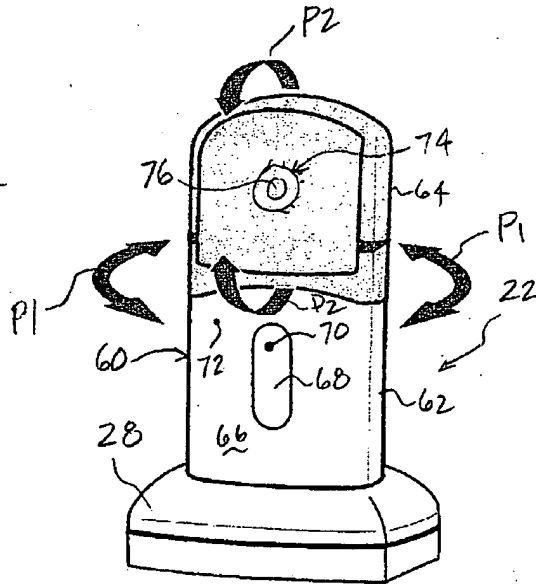


FIG. 3

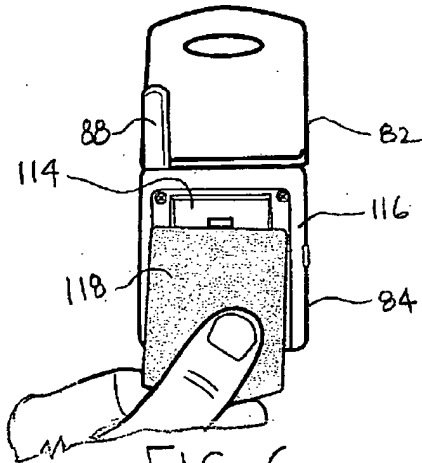
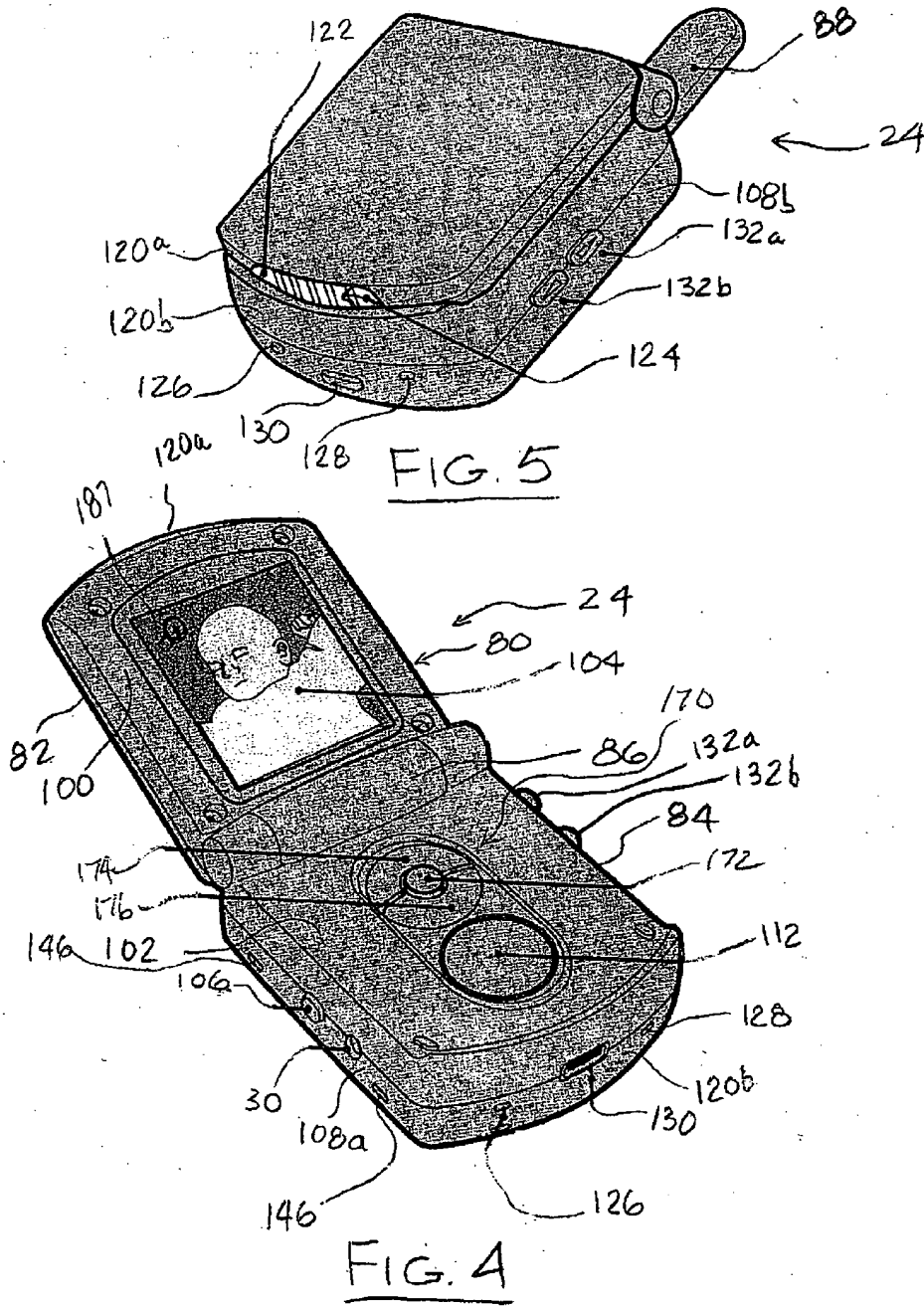
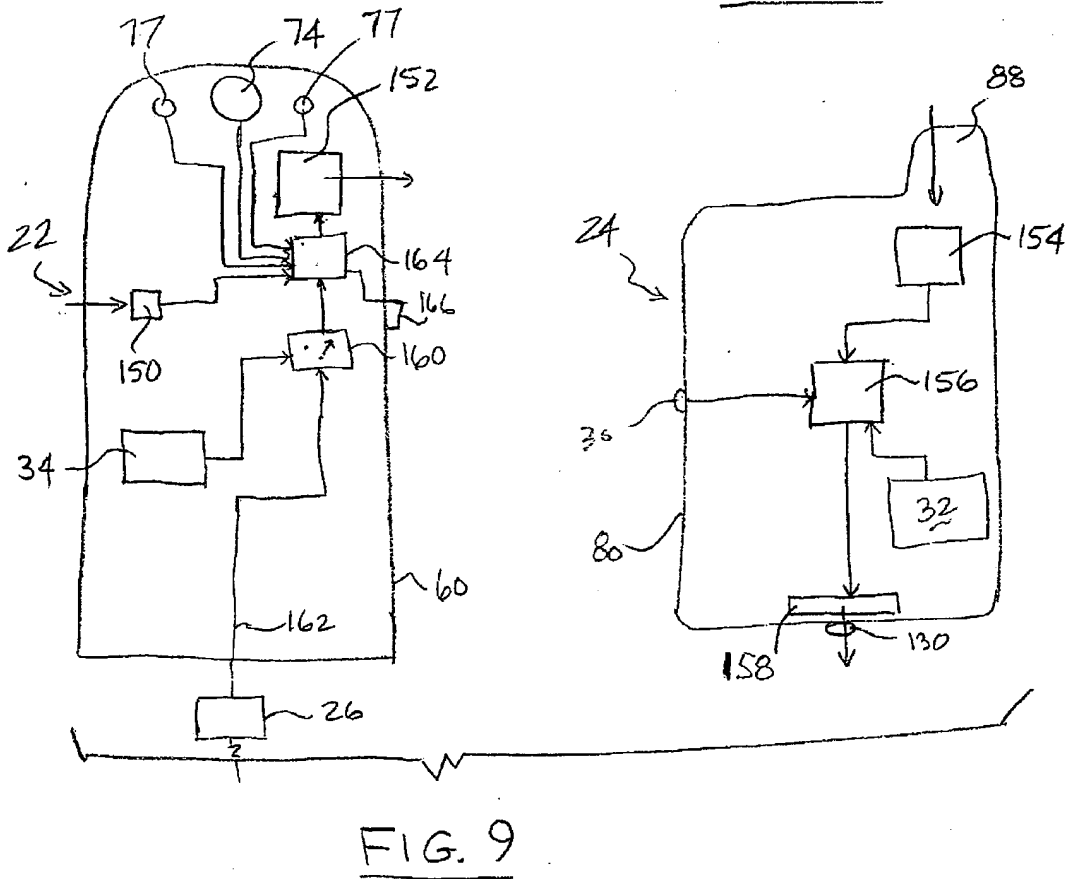
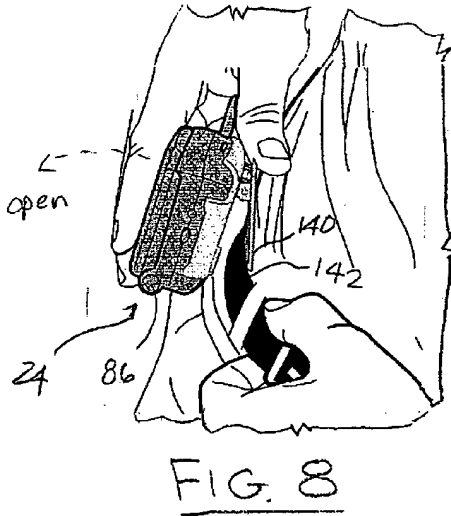
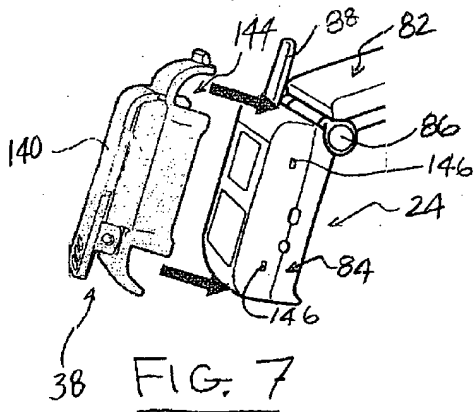


FIG. 6





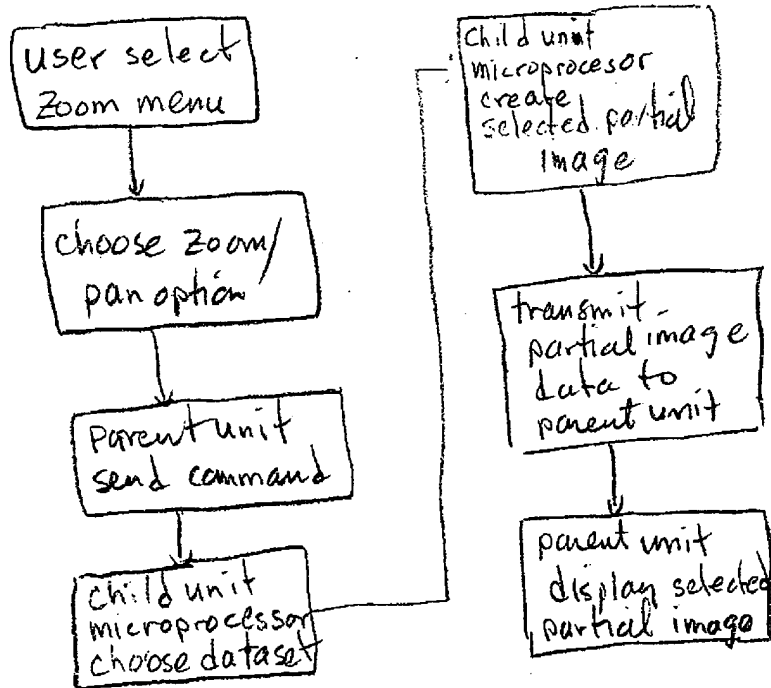


FIG. 10

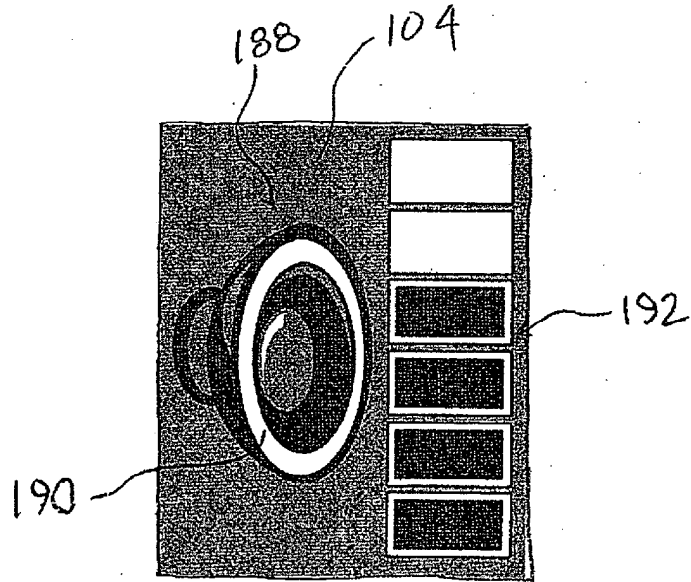


FIG. 12

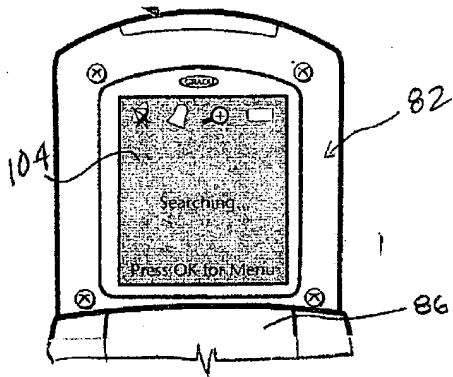


FIG. 11A

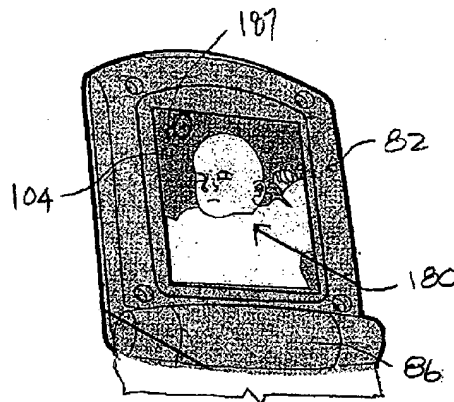


FIG. 11B

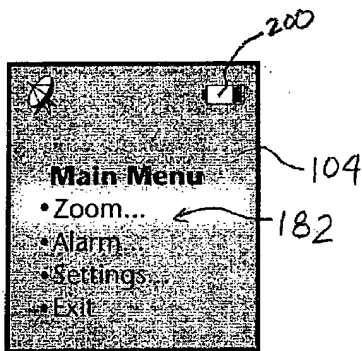


FIG. 11C

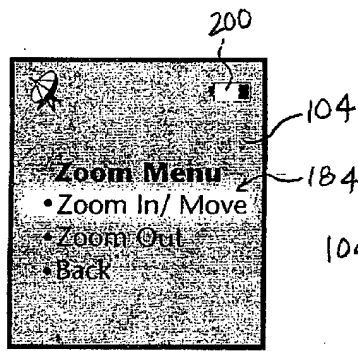


FIG. 11D

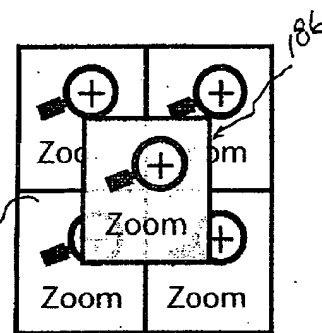


FIG. 11E

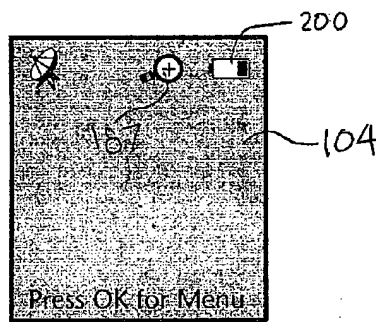


FIG. 11F

VIDEO BABY MONITOR SYSTEM WITH ON-SCREEN DISPLAY

RELATED APPLICATION DATA

[0001] This patent is related to and claims priority benefit of U.S. Provisional Patent Application Ser. No. 60/789,816, which was filed on Apr. 5, 2006, and which was entitled "Video Baby Monitor System."

BACKGROUND OF THE INVENTION

[0002] 1. Field of the Disclosure

[0003] The present invention is generally directed to baby monitor systems, and more particularly to a video baby monitor system with on-screen display capability.

[0004] 2. Description of Related Art

[0005] Baby monitor systems are known in the art, including those that offer video monitoring of a child. These systems typically have a child unit or multiple child units that plug into a wall and function on an alternating current (AC) power supply. The parent unit or multiple parent units also most typically are plugged into a wall remote from the child unit and operate on AC power. Many audio monitor systems are also known in the art that operate in much the same way, other than offering only audio transmission capability.

[0006] A number of audio monitor systems (no video capability) have a direct current (DC) battery back-up for the child unit in the event of an electrical power failure. The DC batteries can often last for several hours or more because they are only drawing power for audio signal transmission. There are known video transmitters that also can operate on back-up batteries. However, if AC power is lost such as during a power outage, video transmission continues when the child unit converts to battery back-up. Products of this type may utilize infra red light emitting diodes (IR LEDs) or other high power consumption components. In such a case, the battery life can be severely limited.

[0007] Known video monitor systems typically offer only two choices. One is to provide no battery back-up at all in case of a power outage. Thus, during a power outage, the monitor system does not function and transmits neither video nor audio information. The other is to provide battery back-up which continues transmitting both video and audio information, and thus continues to illuminate the IR LEDs or other high power consumption video transmission components. The first option does not allow the caregiver to continue monitoring the child during a power failure. The second option allows the caregiver to continue monitoring during a power failure, but the severely reduced battery life does not permit monitoring on back-up batteries for very long.

[0008] Existing video monitor systems also typically employ a parent unit similar in design to other audio monitoring systems. The units are generally planar in configuration and typically house the video display screen, the sound lights, and the speaker in the front of the parent unit. These types of units are not particularly portable, even if marketed as such. This is because the units do not tend to work well, unless the unit is placed in a stationary position with the front panel pointing in the direction of the user. The

front of the unit must be directed at the user in order for the user to see the screen and here sounds emitted from the speaker. Additionally, the display screen continually is exposed to the surrounding environment during transport and also during use and non-use. Thus, the display screen on the typical parent unit is always susceptible to damage.

[0009] There are known video baby monitor systems provided with a relatively large liquid crystal display (LCD) screen. The large LCD screen is a positive consumer feature because the parent can easily see and monitor their child. However, these units are typically quite large as a result of the planar screen design, the position of the LCD on the front of the unit, and the location of the speaker and battery compartment. In addition, some video systems are marketed as having parent units that are portable because the parent unit is provided with a belt clip. However, with a standard parent unit design, the parent unit must be entirely removed from the user's belt in order for them to see the screen and the sound lights, which are also on the front of the device. The parent units are typically also quite large because of their configuration and, thus, can be cumbersome when worn on a person's belt. Thus, even when removed from the belt, the unit can be difficult to handle. Also, a user can not view or monitor their child when the unit is being transported on their belt or pants pocket because the screen would typically be facing their leg or facing outward from their leg.

[0010] Known infant or baby video monitor systems are offered with a number of features and functional parameters and thus have a number of settings that the user can adjust. A typical method of adjusting settings on existing video baby monitor systems utilizes similar methods and components employed on conventional audio monitor systems. In one example, a potentiometer-type switch or roller is provided to control and adjust volume or LCD screen brightness. In another example, a slide switch is provided on the side or front of the unit to select the appropriate operation channel or transmission frequency. In a further example, separate push buttons are provided on the unit housing to turn the units on and off, to turn the LCD screen on and off, and sometimes to adjust the screen brightness up or down. Adding more features to such systems might improve the overall function of a video monitor system. However, the added features likely will also result in adding more components to the units and more actuators to the exterior housing of the units. The units can simply become more and more complicated to operate and more complex and expensive to manufacture.

[0011] Another problem with known video baby monitor systems is in properly positioning the child unit and its camera within the baby's room. Positioning the unit can result in a compromise for the caregiver. If the child unit is positioned to provide a full view of the crib, the infant would typically only take up a small portion of the parent unit screen. If the child unit is positioned closer to the crib to provide a larger image of the child on the parent unit screen, the infant may ultimately move out of the camera's viewing range. Thus, a parent would not be able to see their child.

BRIEF DESCRIPTION OF THE DRAWINGS

[0012] Objects, features, and advantages of the present invention will become apparent upon reading the following description in conjunction with the drawing figures, in which:

[0013] FIG. 1 shows an exploded view of one example of a video baby monitor system with components constructed in accordance with the teachings of the present invention.

[0014] FIG. 2 is a rear perspective view of the child unit of the system shown in FIG. 1 and depicted as having its back-up batteries replaced.

[0015] FIG. 3 is a front perspective view of the child unit of the system shown in FIG. 1 and placed on its docking station.

[0016] FIG. 4 is a perspective view from one side of the parent unit of the system shown in FIG. 1 and in an open position or configuration.

[0017] FIG. 5 is a perspective view from the other side of the parent unit shown in FIG. 4 and in a closed position or configuration.

[0018] FIG. 6 is a rear perspective view of the parent unit of the system shown in FIG. 1 and is shown having its battery door removed.

[0019] FIG. 7 is an exploded view of the parent unit and the belt clip of the system shown in FIG. 1.

[0020] FIG. 8 is a perspective view of the assembled belt clip and parent unit of FIG. 7 and shown being attached to a user's belt.

[0021] FIG. 9 is a schematic of one example of a parent unit and child unit of the system shown in FIG. 1.

[0022] FIG. 10 is a flow chart depicting one example of a zoom in/zoom/out feature for the system shown in FIG. 1 in accordance with the teachings of the present invention.

[0023] FIGS. 11A-11E show one example of an on-screen display feature for the system shown in FIG. 1 and depict a zoom/in and zoom/out option in accordance with the teachings of the present invention.

[0024] FIG. 12 shows another example of an on-screen display feature for the system shown in FIG. 1 and depicting a speaker volume adjustment display option in accordance with the teachings of the present invention.

DETAILED DESCRIPTION OF THE DISCLOSURE

[0025] The video baby monitor system disclosed and described herein solves or improves upon one or more of the above noted and other problems and disadvantages with prior known video baby monitor systems. In one example, the disclosed system is configured so that the parent unit can, during an AC power failure, remain connected with the child unit and continue to receive audio of their child. In another example, a parent can do so for a much longer period of time while running on back-up batteries. In another example, the disclosed system employs a relatively large LCD screen so that the child can be easily seen by the user. In the disclosed system, the parent unit is rendered truly portable by reconfiguring the unit's housing, as well as the various components on the unit, including the LCD screen. In a further example, the disclosed parent unit LCD screen is protected from damage when being transported and/or when not in use.

[0026] In yet another example, the disclosed system presents various settings and adjustment options to the user in

a different way compared to prior known systems. In one example, the LCD screen can display information pertinent while the user sets or adjusts different parameters of the system. In another example, a multi-function button arrangement is provided on the parent unit to scroll through different displayed options and to select and adjust settings for each option. The disclosed parent unit thus significantly reduces the complexity of the parent unit housing while improving its overall function and performance. In yet another example, the disclosed system offers adjustable camera zoom and pan capability so that a caregiver select and change the image viewed on the parent unit screen. Thus, the child unit can be placed in the environment of the child without compromise to the image displayed on the parent unit.

[0027] Turning now to the drawings, FIG. 1 generally shows a video baby monitor system 20 constructed in accordance with the teachings of the present invention. The disclosed monitor system 20 includes at least one nursery or child unit 22 that picks up and transmits audio information and that captures and transmits video information. The system 20 also includes at least one receiver or parent unit 24 that receives the audio and video information from the nursery unit 22. In one example, the parent and child unit can be in direct communication with one another as is known in the art.

[0028] As is known in the art, the units can normally run on AC power. The system 20 can include one or more AC power adapters 26, one for each of the parent units 24 and the child units 22. As will be evident to those having ordinary skill in the art, fewer or more than one parent unit 24 and/or child unit 22 can be provided with the overall system 20 without departing from the spirit and scope of the present invention. There may be instances where one aspect or feature disclosed herein would be equally suitable in a monitor system that employs more than one parent or child unit.

[0029] As is known in the art, a docking station or base 28 can also be provided with the parent unit 24, the child unit 22, or both. As shown for this example in FIG. 1, the child unit 24 has such a docking station. Each base 28 can be configured to receive the appropriate unit and to connect via the AC adapter 26 to an AC power source as is known. In the alternative, either or both of the parent and child units can be provided with an AC adapter jack for direct coupling to the AC adapter 26, if desired. As shown for this example in FIG. 1, the parent unit 24 is provided with such an adapter jack 30 for directly connecting the unit to the AC adapter 26.

[0030] A rechargeable battery pack 32 can also be provided for either or both of the parent and child units 24 and 22. If rechargeable batteries 32 are used in either of the units, the base docking station 28 can be used to recharge those batteries while the unit is docked. Alternatively, either or both of the parent and child units 24 and 22 in the disclosed example can be configured to accept standard alkaline or other disposable DC batteries 34 (see FIG. 2). Use of DC batteries on the parent unit 24 can be particularly useful when a caregiver wishes to carry the parent unit with them as they move about. Thus, there is likely a greater need to use rechargeable batteries 32 on the parent unit, which can be regularly recharged using the adapter 26 connected to the jack 30.

[0031] In contrast, the child unit 22 is intended to typically stay in a static location during use. Thus, the docking station 28 can be employed, the child unit can be docked, and the station can be plugged into an AC power source using the adapter 26. Under most circumstances the child unit 22 will operate on AC power. However, it will occasionally be desirable to the caregiver that the child unit 22 continues to function in the event of a loss of AC power. Thus, the child unit 22 may be provided with a receptacle 36 for receiving back-up batteries as shown in FIG. 2. The child unit 22 may be more likely to be configured to accept standard alkaline batteries 34, which can be retained in the battery receptacle 36 in the unit and covered by a removable battery door (not shown), in the event of such an emergency. The batteries in the child unit, however, can certainly be rechargeable if desired.

[0032] As shown in FIG. 1, the system 20 can also incorporate a belt clip or attachment device 38. The device 38 can be configured to attach the parent unit 24 to an object, such as on a waist belt of a caregiver. Thus, the parent unit 24 in the disclosed example is intended to be a portable receiver that can be carried with a caregiver and yet function as intended.

[0033] As shown in FIG. 1, the child unit 22 generally has an exterior housing 60 with a lower portion 62 and an upper portion 64 that is coupled to and positioned on top of the lower portion. The child unit 22 in this example has a front surface 66 and includes an ON/OFF button 68 positioned generally centrally in the front surface 66 of the lower portion 62. In the disclosed example, a power light emitting diode (LED) 70 is positioned on a portion of the button 68. The LED 70 indicates when illuminated that power is turned on for the unit. As will be evident to those having ordinary skill in the art, the position, shape, and orientation of the housing 60, button 68, and LED 70 can vary considerably and yet fall within the spirit and scope of the present invention. For example, the LED need not be on the button and both can be placed virtually anywhere on the housing 60 of the child unit 22 as desired.

[0034] The child unit 22 also has a microphone opening 72 on the front surface 66 of the housing lower portion 62. A microphone is disposed behind the opening 72 in the housing 60. The opening 72 allows the microphone to pick up sounds being emitted in the vicinity of the unit.

[0035] A video camera 74 is generically depicted in FIG. 1 as being housed within the upper portion 64 of the child unit housing. The video camera 74 in the disclosed example has a camera lens 76 and a plurality of infrared light emitters 77, such as IR LEDs, that are exposed to the front surface 66 in the housing. The video camera 74 can be adjustable relative to the position of the housing 60 so that the camera lens 76 can be aimed at an intended target. The IR emitters 77 can be provided to permit the camera to pick up images at night or in low ambient light. In one example, the child unit 22 can be provided with an ambient light sensor 78 that is also exposed on a surface of the unit. The sensor 78 can be configured to sense ambient light levels and/or to detect a low ambient light threshold. The child unit can be configured so that the IR emitters 77 are activated below the threshold level and deactivated when ambient light is above the threshold level. The camera 74 can operate normally above the threshold level without the need for IR lighting.

[0036] In one example, the upper portion 64 of the housing is movable relative to the lower portion 62. As depicted generally in FIG. 3 by the arrows P1 and P2, the upper portion 64 can be rotated or swiveled either to the left or right relative to the lower portion 62 and can be pivoted forward or rearward relative to the lower portion of the housing 60 as well. Thus, in this example, the housing moves to accommodate positioning and aiming of the video camera 74. In another example, the housing 60 can be entirely stationary. The video camera itself can be coupled to a device or motor that is manipulated electronically to direct and aim the video camera 74.

[0037] The parent unit 24 in the disclosed example is illustrated in greater detail in FIGS. 4 and 5. In one aspect of the present invention, the disclosed parent unit 24 has a two part housing assembly 80. The housing assembly has a first section or flip section 82 and a second or base section 84. In the disclosed example, a hinge or joint 86 is positioned along mating edges of the two sections 82 and 84. The flip section 82 can be rotated or pivoted relative to the base section 84 to an open position as shown in FIG. 4. The flip section 82 can also be pivoted or rotated to a closed position as depicted in FIG. 5. A conventional antenna 88 is also provided on the housing assembly 80, and in this example extends from an edge of the base section that generally coincides with the location of the pivot joint 86.

[0038] Referring to FIG. 4, the parent unit in the open position has a front side defined in part by a viewing surface 100 disposed on one side of the flip section 82 and in part by a front surface 102 on a side of the base section 84. Together the viewing surface 100 and the front surface 102 face generally in the same direction with the housing assembly 80 in the open position and define the unit's front surface. When the housing assembly 80 is pivoted to the closed position shown in FIG. 5, the viewing surface 100 and the front surface 102 of the two housing sections confront one another and lie adjacent on another. A display screen 104 is provided on the viewing surface 100 on the flip section 82 in the disclosed example. The display screen can be any type of suitable screen technology and in one example is an LCD screen. The LCD screen 104 is visible with the unit in the open position. The LCD screen 104 and sandwiched between, hidden, and protected within the housing assembly 80 in the closed position.

[0039] In one aspect of the present invention, the two part housing assembly 80 permits the housing to be folded in half when not being used, when being transported, and there is no need to view the LCD screen 104 during use. As noted above, a large display screen is a desirable feature in a baby monitor system. The larger the screen, the better a parent or caregiver is able to see what is transpiring with their child being monitored. An LCD screen provides an adequate picture for use in video baby monitors, but the larger the screen the better the images can be viewed in this type of hand held unit environment. In conventional video monitors, all of the switches and buttons, the screen, the speaker, and other devices associated with the parent unit are provided on the front surface of the housing. This either reduces the available space for the screen, thus requiring a smaller screen size for a given housing size, or results in a larger housing. In the disclosed example, the housing assembly 80 can be folded in half and thus be rendered more portable. The unit will essentially be half as large as a conventional

parent unit video monitor, except when opened. Thus, the disclosed unit can have a relatively large screen in proportion to the overall housing size. The disclosed unit can remain relatively small and highly portable and yet have a fairly large screen in comparison to conventional units. Unless a caregiver is actively viewing the LCD screen 104 and manipulating the features of the unit, the disclosed parent unit 24 provides this advantage. The LCD screen 104 can take up an entire half of the housing assembly 80 and yet the housing can be rendered quite small and portable when folded. The base section 84 of the housing assembly 80 can be utilized for all of the features and functions necessary to operate the parent unit 24.

[0040] In another aspect of the present invention, the parent unit 24 includes a plurality of added beneficial features provided by the housing assembly 80 as depicted best in FIGS. 4-6. For example, the parent unit 24 has a power ON/OFF button 106 that can turn the parent unit ON or OFF entirely. The button 106 is relatively small and provided on a side edge 108a of the base section 84 in this example. The AC adapter jack 30 is also provided on the same side 108a for connection to the AC adapter 26 in the disclosed example. A video ON/OFF button 112 is provided on the front surface 102 of the base housing section 84 and can be depressed to turn only the video LCD screen 104 ON or OFF without powering down the entire parent unit. As will be evident to those having ordinary skill in the art, the position, orientation, shape, and other aspects of the housing assembly 80 and the ON/OFF button 106, the jack 30, and the video ON/OFF button 112 can vary and yet fall within the spirit and scope of the present invention.

[0041] In the disclosed example as shown in FIG. 6, a battery receptacle 114 is positioned on the back side 116 of the base section 84 and covered by a cover 118. The battery receptacle 114 is on the base section, which also leave more housing volume, i.e., the entire flip section 82, for committing a large LCD screen 104.

[0042] Each of the housing flip and base sections 82 and 84 has a free edge 120a and 120b, respectively. The free edges 120a and 120b are opposite the joined edges of the two sections 82 and 84 carrying the hinge 86 and in the disclosed example define an exposed end surface on the housing assembly 80. In the disclosed example, a connection light 122 and a plurality of sound lights of a light bar 124 are provided on the free edge 120a of the flip section 82. The connection light 122 and sound light bar 124 can operate in a conventional manner and are located in an advantageous position on the housing according to the invention. Specifically, the connection light 122 will illuminate in a manner indicating to the caregiver that connection is made with the child unit 22. In one example, the connection light 122 can be a dual-color red/green LED. In another example, two different colored LED's can be placed side-by-side, one being red and one being green, on the edge 120a. The connection light 122 can illuminate red when no connection exists between the parent and child units, and illuminate green when a satisfactory connection exists. Similarly, the sound light bar 124 operates in a conventional manner but again is advantageously positioned on the edge 120a in accordance with the invention. In one example, the light bar 124 progressively illuminates to indicate the audio level being picked up by the child unit 22. The more lights illuminated, the louder the sound and the fewer lights

illuminated the quieter the sound being picked up. Alternatively, the light bar 124 can illuminate in a manner that represents other characteristics of the sound being monitored, such as how frequently the baby makes a sound.

[0043] A pair of lights is provided on the free edge 120b of the base section 84 in this example. One of the lights is a battery level indicator light 126 and the other of the lights is a battery charging status light 128. The presence or absence and the features of these two battery lights on the disclosed parent unit 24 can vary considerably and yet fall within the spirit and scope of the present invention. If present, the battery level light 126 can be a dual-color LED or have two separate LEDs, one color being red and the other color green. In one example, the light 126 can illuminate green when the batteries are sufficiently charged and red when the batteries are low and require recharging. Similarly, the battery charge light 128 can also be a dual-color LED or incorporate two different color LEDs. In the disclosed example, the battery charging light 128 can illuminate red during a battery charging cycle and illuminate green when the battery charging cycle is completed and the batteries 32 are fully charged. As will be evident to those having ordinary skill in the art, the level and charge lights 126 and 128 can also be combined into a single function light or light combination instead of being provided as two separate indicators on the unit.

[0044] A speaker is also provided in the housing base section 84 and an opening 130 is provided for the speaker in the free edge 120b of the base section. The speaker will emit sound through the speaker opening 130 so that a caregiver can hear the audio transmission from the child unit 22. In the disclosed example, a pair of volume UP/DOWN buttons 132a and 132b, respectively, are provided on the opposite side edge 108b on the base section 84. In this example, the caregiver can use the volume UP/DOWN buttons to raise or lower the speaker volume level of the parent unit 24, depending upon their needs at a particular time.

[0045] Referring again to FIGS. 4 and 5, the free edges 120a and 120a of the housing sections 82 and 84 lie facing in the same direction when the unit is in the closed position. The connection light 122, light bar 124, battery level indicator 126, battery charge light 128, and speaker opening 130 are all facing in the same direction, positioned on the exposed edges 120a and 120b with unit 24 closed. Similarly, the volume UP/DOWN buttons 132A and 132B and the power ON/OFF button are positioned on the side edges 108b and 108a of the base section and are also exposed when a unit closed. Thus, with the unit closed, a caregiver can still view and ascertain the status of the battery, the status of the child/parent unit connection, the intensity of sounds emitted from the speaker. The caregiver can also turn the unit ON or OFF, adjust volume UP or DOWN, listen to the speaker.

[0046] Yet another aspect of the invention is illustrated with reference to FIGS. 7 and 8. The belt clip 38 has a clip part 140 that includes jaws which open downward to clip onto a wearer's belt 142. The belt clip 38 also includes a receptacle bracket 144 coupled to the jaws and sized to receive the base section 84 of the parent unit 24 as shown. Detents or recesses 146 can be provided on the edges 108a and 108b of the base section 84. Corresponding dimples or protrusions (not shown) can be provided on the interior of the receptacle to assist in retaining the parent unit 24 in the

belt clip 38 when installed. As shown in FIG. 8, when the parent unit 24 is attached to the belt clip 38 and belt clip is attached to a wearer's belt 142, the hinge or joint 86 is positioned downward and the parent unit is positioned with the free edges 120a and 120b of the housing assembly 80 facing upward. In this orientation, the parent unit 24 in the present example provides significant advantages to the caregiver.

[0047] First, a caregiver need only look down to view and ascertain the battery status and see the light bar to determine the emitted sound intensity. The caregiver can also review the status of the connection between the parent unit 24 and child unit 22 simply by looking down at the connection light 122 exposed on the free edge of the unit. The caregiver need only reach down to turn the unit ON or OFF and to adjust the speaker volume UP or DOWN. The caregiver need to nothing but listen for sounds emitted by the speaker, which is facing upward toward their ear. Neither the unit nor the belt clip need be removed to perform these functions.

[0048] Second, with the hinge or joint 86 positioned at the bottom of the portable unit, the flip section 82 can be rotated outward while the parent unit 24 and belt clip 38 remain attached to the wearer's belt 142. Thus, if the caregiver wishes to view the LCD screen 104 and see the child being monitored, the caregiver need only rotate the flip section outward to do so. Again, the caregiver need not remove the receiver unit 24 from the belt clip 38 or the belt clip 38 from their belt 142 to see the LCD screen 104. Other optional features, settings, and adjustments can also be offered on the exposed parts of the housing assembly when closed and mounted in the belt clip 38.

[0049] Third, the speaker is on the edge of the unit 24 and not on the front side. This leaves more housing volume available for placement of other components, options, and features. This leaves still further available space for a larger LCD screen on the housing assembly 80.

[0050] Thus, the parent unit 24 in the disclosed example provides protection for the display screen when the housing 80 is in the closed position. The parent unit 24 also permits viewing the display screen when the unit is being transported without removing the unit from a belt clip. The disclosed parent unit also permits operating the unit and ascertaining functional parameters without having to remove the unit from the belt clip or other attachment device. Additionally, the parent unit 24 in the disclosed example permits use of a larger LCD screen while maintaining a relatively small overall housing package rendering the parent unit truly portable.

[0051] In an alternative example, the housing can be configured with two halves that linearly slide between the closed and open positions while staying parallel to one another. The end surface or edge features noted above will be equally beneficial in such an arrangement. The sliding track could also be along a curved arc in which the on-belt viewing advantage would also be achieved. The housing sections could also pivot about a point while remaining parallel to one another and achieve one or more of the above-noted advantages and benefits.

[0052] In another aspect of the present invention, the disclosed monitor system 20 employs a battery back-up system that utilizes less battery power when operating on the

back-up DC batteries. FIG. 9 is a simplified schematic depicting one example of the child unit 22 and the parent unit 24 of the disclosed system 20. The child unit in this example has a camera 74 and IR light emitters 77 as discussed previously. The child unit 22 also employs a microphone 150 positioned adjacent the microphone opening 72 described previously. The child unit 22 also employs a transmitter 152 that is capable of transmitting audio and video signals. The child unit 22 picks up sound through the microphone 150 and transmits appropriate signals representative of the sound to the parent unit. The child unit also picks up video images through the camera 74 and also transmits appropriate signals representative of the images to the parent unit 24.

[0053] The parent unit 24 generally has a receiver 154 capable of receiving both audio and video signals from the child unit 22. The receiver 154 is coupled to a microprocessor 156. The microprocessor can perform many functions, one of which is to separate the audio and video signals received by the receiver 154. The microprocessor 156 sends the audio signals to a speaker 158, which is positioned adjacent the speaker opening 130 in the housing 80. The microprocessor 156 can also send the video image signals to the LCD screen 104 of the parent unit 24. The LCD can show images representative of the video signals.

[0054] As shown in FIG. 9, the child unit 22 also employs a plurality of IR emitters 77, such as LEDs, associated with the camera 74. The emitters 77 are employed to illuminate a room when it is dark. The IR light is invisible to humans, so a baby would not be disturbed while it is sleeping. As noted previously, the IR emitters can be coupled to a light sensor that can effect activation or deactivation depending upon ambient light levels in the child's room. If the IR emitters are activated with higher ambient light levels, the picture color could be affected. Such IR emitters 77 consume significant power.

[0055] The child unit 22 includes a switch 160 associated with the transmitter 152 in this example. The switch 160 is coupled to both the external power source 162 and the back-up batteries 34. The switch 160 can be configured to select which power source is to be used to operate the child unit components. The child unit can optionally have its own microprocessor 164 that can perform various functions relating to the audio and video signals, the power supply, or other operational parameters of the unit.

[0056] It is known that occasional AC power loss can occur. This happens during storms or other uncommon power outages. A conventional monitor system would either stop functioning completely or would switch over to a battery back-up, but still operate the video monitor components and wear down the batteries very quickly. In the disclosed monitor system 20, the switch 160 is configured to immediately switch from AC power source upon detection of a power outage to the DC power source which functions as the battery back-up in this example. The transmitter 152 (or optionally the microprocessor 164) in the disclosed example can be configured to detect a change in the source of power. When the unit 22 detects that it is operating on back-up batteries 34, the transmitter 152 (or optionally the microprocessor 164) immediately ceases all video transmission function. The transmitter will cease sending image signals when operating on back-up batteries in the disclosed

example. The transmitter (or optionally the microprocessor 164) can also disable the camera and/or the night vision function by turning off the camera, the IR emitters 77, or both. The unit 22 can also be configured to cease all video image processing in the microprocessor 164, if one is provided on the unit. Immediately ceasing some or all video functions will significantly reduce power consumption and thus increase battery life for the child unit 22 if a power outage occurs.

[0057] A caregiver may now notice that no video image can be viewed. This could be cause for concern. In the disclosed example, the child unit transmitter 152 is thus also configured to send a signal to the parent unit receiver 154. The parent unit microprocessor 156 in this example is configured to receive the signal indicating the change in power source at the child unit and emit an alert for the caregiver to recognize the change. In one example, the alert can be an audible alarm or other signal emitted from the speaker 158 that is recognizable to the caregiver as an indication of a power outage at the child unit 22. In another example, the light bar 124 or battery lights 126 and 128 can be employed either separately, instead or, or in conjunction with an audible alert, to indicate to the caregiver that a power outage has occurred and that no video transmission is presently being sent. In a further example, the video display screen 104 can be coupled to the microprocessor in a manner that it can provide a visual indication to the caregiver that the external power source or the AC power has been disconnected or lost at the child unit 22 and that the child unit is now operating on battery back-up. Any combination of the lights, speakers, and screen can be utilized as in form of alert to the caregiver.

[0058] As shown in FIG. 9, the AC circuit 162 in the child unit 22 can be configured so that it operates on DC power using one of the AC power adapters 26. The power adapter 26 converts the AC incoming power to DC power for the incoming external power 162. Upon interruption of the external power source 162, such as loss of AC power to the adapter 26, the switch will change over to back-up power. The transmitter 154 will detect a drop in DC power from the switch. Detecting the power reduction signals the transmitter to immediately cease some or all video functions. In one example, the camera 74 can be left on since the camera alone may not draw much power. Similarly, the microprocessor 164, if provided, can be configured to continue processing both audio and video data, or to stop all video data functions. In a further example, the parent unit microprocessor can also be configured to cease processing all video data to conserve even more power. Back-up battery life can be significantly increased using the disclosed system and method.

[0059] The system can be provided with a manual override option. This option can permit a caregiver to reinstate all video functions even if the child unit is operating on back-up power. A switch 166 or other means to initiate manual override can be provided on either of the units 22 or 24.

[0060] In another aspect of the present invention, the monitor system 20 is configured so that the parent unit 24 can be used to control the size of the image viewable on the LCD screen 104. The parent unit 24 can be used to zoom in, zoom out, or pan an image. In the disclosed example, the camera and lens are of an inexpensive type wherein the lens has no mechanical zoom feature. Thus, the focal point of the

camera 74 and lens 76 is non-adjustable in this example. The zoom capability is created by data and image information manipulation. The images captured by the camera 74 and lens 76 are picked up by the transmitter 152 in the child unit and transmitted to the receiver 154 of the parent unit 24. In this example, it is possible to zoom in on a child, zoom out, or to pan side to side or up and down. Since the camera and lens are incapable of performing these functions in the disclosed example, the image data must be manipulated to achieve these functions.

[0061] The camera 74 in the disclosed example can be a type that has a relatively wide field of view. Alternatively or additionally, once a user is familiar with the disclosed system 20, they can position the child unit 22 and its camera 74 at an appropriate location in the baby's room to yield maximum field of view desired. The zoom and pan functions can then be used to view portions or partial images of the full image. With that in mind, either the child unit 22 or the parent unit 24 in the disclosed example is configured to perform the desired zoom and pan features. Either the microprocessor 164 in the child unit or the microprocessor 156 in the parent unit can be configured with a mathematical algorithm and programming that work with the available full image data received from the child unit. The microprocessor can be configured to select a subset of the full image data to produce and create a partial or zoom image using the data subset. That partial image data can then be delivered in a format to fit the entire LCD screen 104.

[0062] FIG. 10 shows one example of a process for achieving zoom and pan functions in the disclosed baby monitor system. In one example, the parent unit 24 can send a command, initiated by the user, to the child unit 22 indicating selection of a zoom or pan function. The child unit processor 164 can perform the zoom function on the image data and then send the processed data to the parent unit 24 for display on the screen. In such an example, the amount of data sent to the parent unit 24 can be the same regardless of zoom state. In the disclosed example, the child unit microprocessor 164 (or optionally the parent unit processor 156) can be configured to perform frame-by-frame video adjustment using the algorithm. Each frame can then be displayed frame-by-frame on the LCD screen 104. Thus, the image can simulate an enlarged video image.

[0063] In this example, a selected fraction of the full image pixel information transmitted from the child unit 22 is selected and a partial image is generated based on the selected pixel subset. In the disclosed example, the camera 74 can be selected to have a much higher resolution than the resolution of the display screen 104. The processor selects a portion of the full image data and sends an image to the screen based on that data. Little or no loss in image quality will occur where the resolution of the partial image is still higher or equal to that of the screen.

[0064] A multi-function button arrangement 170 is depicted in FIG. 4 and is provided on the front surface 102 of the housing base section 84. The multi-function button arrangement 170 in this example includes a round central selection button 172 surrounded by a pair of half-moon shaped toggle or scroll buttons 174 and 176. As will be evident to those having ordinary skill in the art, the location, positioning, size, shape, and configuration of the button arrangement 170 can vary considerably and yet fall within

the spirit and scope of the present invention. Also, the particular function of these buttons can also vary from that shown and described herein. In the disclosed example, the central selection button is identified as the OK button 172 and the toggle or selection buttons are identified as the UP or DOWN buttons 174, 176. However, the buttons and their functions can vary from that of the disclosed example.

[0065] As will be described in greater detail below with respect to another aspect of the present invention, a user can locate and select the zoom function using the OK button 172. Once the zoom mode is selected, the scroll buttons 174 and 176 can be used to choose from a plurality of selectable pan and zoom regions of the maximum viewable image (see FIG. 11E). Using the buttons 170, 172, and 174, the user can elect to zoom in at the view center of the normal video screen image. Alternatively, a user can select to pan to one of a plurality of quadrants or regions within the maximum viewable image and zoom in on that selected region. In FIG. 11E, there are four such quadrants aside from zooming in on the view center. The quadrants in this example essentially divide the viewing area into four equal off-center components and a center region. In one example of the present invention, a user can also select using the scroll buttons 174 and 176 the degree in which to zoom in on an image within a selected quadrant using the scroll buttons 174 and 176. Once a quadrant and degree of zoom is selected by a user, the microprocessor will select the appropriate pixel information for that quadrant and enlarge the view of only that selected information to fit the LCD screen. That information will then be sent to the LCD screen 104 and the images shown for viewing.

[0066] In the disclosed example, a user can select a view centered image or a diagonally panned image from the four corner quadrants of the fill image. The options shown herein are for images panned left and up, left and down, right and up, or right and down relative to the view center of the full image. In an alternative example, more or fewer zoom and/or pan options can be provided. Options for panning left and right only, up and down only, or other combinations can also be provided.

[0067] The zoom function can certainly be achieved in other alternative ways. For example, a more expensive camera and lens assembly can be employed in the child unit 22. The lens can be configured with mechanical zoom capability. The camera and lens can be equipped with appropriate motor controls to move the lens to zoom in or out. The child unit 22 can also employ the appropriate motor controls to pan up, down, left, or right. This can be done by moving the entire camera or by moving the entire upper portion 64 of the housing 60 to direct the camera in the appropriate pan direction. In such an example, the parent unit 24 can be provided with a remote control signal device that is coupled to the microprocessor 156. Using the multi-function button arrangement 170, the user can select the pan direction and amount as well as the zoom amount. The microprocessor can transmit the selected information to a parent unit transmitter, which then can send an RF or other appropriate signal to the child unit motion control devices to manipulate the camera and/or the housing. In one example, the child unit could also incorporate a receiver to receive the transmitted zoom and pan signal information from the parent unit. In another example, the camera and housing can employ separate devices that directly receive the signals

transmitted from the parent unit. These direct zoom examples would be more complex and expensive, but would be capable of a wider zoom and pan range.

[0068] In another alternative example, the child unit 22 can be provided with its own microprocessor and receiver and a transmitter. User selections relevant to zoom and pan can be sent from the parent unit transmitter and received at the child unit. The algorithm calculations can be performed by the child unit microprocessor. The manipulated image data can then be sent from the child unit transmitter, having already been processed by the child unit microprocessor, to the parent unit receiver for display on the LCD screen. In a further example, a dedicated custom integrated circuit, such as a field-programmable gate array circuit (FPGA) or an application specific integrated circuit (ASIC) could be employed in the parent unit or more likely in the child unit. The dedicated integrated circuit can electronically control the camera and lens according to user input to manipulate zoom and pan functions and/or to perform algorithmic calculations on the image data to create zoom and pan effects on the information. As will be evident to those having ordinary skill in the art, additional methods and mechanisms can be utilized to perform the zoom function of the invention.

[0069] In another aspect of the present invention, a combination of the microprocessor 156, the display screen 104, and the multi-function button arrangement 170 can be utilized to provide an on-screen display function. The on-screen display can be programmed to permit adjusting, monitoring, and setting the various features, functions, and operational parameters of the monitor system 20. In conventional monitor systems, the various features and functions are adjusted manually using buttons and switches placed on the housing at various locations as noted above. The adjustments are made by any combination of sliding switches, pushing buttons, listening to audible commands and indicators, and viewing the light bar to make the appropriate selections and to set performance parameters for the various features and functions. In the disclosed example, the video screen 104 is utilized to assist in performing these tasks by displaying various selectable features and functions on the screen. The microprocessor 156 can be programmed to allow setting and controlling functions of the parent unit 24, to set up operational parameters of the system 20, and/or to do the same for one or more features and functions of the child unit 22.

[0070] One example of the on-screen display function of the present invention is disclosed and described herein with respect to the previously discussed zoom capability. As will be evident to those having ordinary skill in the art, more than one function can be part of the on-screen display. Also, the monitor system functions that can benefit from the on-screen display feature can vary considerably. In general, the video screen can operate in a monitoring mode or in an on-screen display or functional mode. In the monitoring mode, the screen can display real time images of those captured by the camera. In the on-screen mode, the screen can at least display operational parameter information. The screen can also be configured to display both at the same time, with on-screen display information overlaid onto the real time image.

[0071] As shown in FIG. 11A, the LCD screen 104 can display status information relative to whether the parent unit 24 is in communication with the child unit 22. With the screen turned on, the parent unit 24 can display information indicating that it is trying to make a connection or is searching for a connection with the child unit 22. In this example, "searching" is displayed on the screen until the child unit 22 is located. At that time a live video feed 180 as depicted generically in FIG. 11B will then appear on the LCD screen 104. Once the connection is established, the connection light 122 in the disclosed example will illuminate green indicating a good connection between the parent unit 24 and the child unit 22.

[0072] In general, a user can use the OK button 172 in order to access an on-screen display menu 182 as shown in FIG. 11C for selecting functions and features of the system 20 to adjust or set. Once the menu 182 is accessed, the user can use the scroll UP/DOWN buttons 174 and 176 to scroll through the various menu choices. Upon landing on an appropriate desired choice on the display screen, a user can press the OK button 172 to make that selection. FIG. 11C illustrates one of many possible examples of a main on-screen display menu 182. In this example, the options ZOOM, ALARM, SETTINGS, EXIT are displayed on the main menu 182.

[0073] The user can use the scroll buttons 174 and 176 to land on ZOOM and then the OK button 172 to select the ZOOM option from the main menu. As shown in FIG. 11D, a ZOOM menu 184 will then appear on the LCD screen 104. In this example, the ZOOM menu 184 includes a ZOOM IN/MOVE option, a ZOOM OUT option, and a BACK option. A user can select any one of these options using the scroll UP/DOWN buttons 174 and 176 as before. As depicted in FIG. 11E, if a user selects the ZOOM IN/MOVE option, a new image can then appear on the on-screen display showing an array of selectable pan regions 186 available to zoom in on. As before, once a user determines the particular pan region option, the user can manipulate the scroll UP/DOWN buttons 174 or 176 select the option. When the appropriate selection is made, the user can press the OK button 172 to select that option. Once selected, a new screen as shown in FIG. 11F can appear with a ZOOM icon 187 that indicates to a user that the image is larger or that the ZOOM feature is activated.

[0074] The ZOOM icon can either remain on the screen as the live video image 180 reappears or can be hidden when the live video image 180 replaces the on-screen display after a period of time. To change the ZOOM setting, the user can press the OK button 172 to return to the main menu 180. The user can then go through the steps of choosing from the on-screen display menu options as before.

[0075] In an alternate example, the real time video image can be continuously displayed as background or in a portion of the screen along with the functional information of the on-screen display feature. The real time image can also change size, i.e., zoom, as a selection is made to let a user know which selection they have made and its affect on the image. The on-screen display information can also be overlaid directly on the real time video image, as shown in FIGS. 4 and 11B with the ZOOM icon 187 appearing on the screen 104.

[0076] As will be evident to those having ordinary skill in the art, the variety of options and parameters available

within the parent unit microprocessor can vary considerably and yet fall within the spirit and scope of the present invention. Further, the information displayed on-screen can also vary considerably, depending upon the options presented and the features of the device. These features can include, but are certainly not limited to displaying the current time, setting that current time, adjusting or setting brightness of the on-screen display, setting a video timer to turn the parent screen off and/or to turn off the screen on the child unit, changing language for the menu, adjusting sound volume from the parent unit speaker, and the like.

[0077] In an alternative example shown in FIG. 12, the on-screen display can work in conjunction with one or more of the various buttons on the parent unit. For example, the user can depress one of the volume UP/DOWN buttons 132a or 132b and a volume adjust image 188 can appear on the LCD screen 104. The user can adjust the volume using the side edge buttons 132a, 132b or, alternatively, the scroll UP/DOWN buttons 174, 176. In this example, a speaker icon 190 appears on the screen to indicate that one or more characteristics of the audio signals can now be adjusted. Such characteristics can include sound volume adjustment for the speaker, adjustment of a minimum decibel threshold for the sounds being monitored before the speaker emits any sound, or the like. In this example, a volume level bar 192 also appears in the on-screen display. The bar 192 can be used to indicate the adjustment level. Upon completion of adjusting the sound level, the caregiver can press the OK button 172 to return to the live video image 180. In another alternative as shown in FIG. 11F, the on-screen display can be used to supplement other functions of the parent unit 24. In this example, a battery status indicator 200 is provided that shows the battery charge level. This can be used in place of or in conjunction with the battery charge level light 126 previously described. Clearly other information can also be displayed with the on-screen display feature, if desired.

[0078] Use of the on-screen display feature on a baby monitor system 20 can reduce the number of switches, buttons, and devices on the parent and child units, and particularly on the parent unit. It also can reduce the number of mechanical components provided inside the housing of the unit associated with each of the buttons and switches. For example, in prior art devices volume control often requires a switch or roller-type potentiometer, as does a brightness adjustment using the same type of switch. The features can be replaced by the on-screen display feature and the multi-function button arrangement 170 of the present invention. A channel selection switch is typically provided on a conventional unit to select among a plurality of available operation channels. In the disclosed example, the on-screen display can be used in place of the traditional, dedicated slide switch. The microprocessor 156 can be programmed to display the available channels and the multi-function button arrangement 170 can be used to select the appropriate channel in place of a conventional slide switch. Similarly, the on-screen display feature disclosed herein can be used in place of conventional buttons for turning the video screen on and off, if desired.

[0079] Conventional video baby monitor systems that are currently known use one of several existing analog video formats. One such format is the National Television Standard Committee (NTSC) analog video format. Overlying text or images on top of the analog video image requires

additional hardware. In the disclosed example, these problems are avoided by using digitally encoded audio and video transmission. The microprocessor 156 can format and modify the video before it is sent to the screen and can be manipulated to select between showing the video image captured by the camera on the child unit or showing on-screen display menus and images. The transmitter 152 and receiver 154 in the disclosed example thus can be digital devices or each unit can employ an analog-to-digital converter to provide appropriate digital signal information.

[0080] Although certain video baby monitor systems, method, and devices have been described herein in accordance with the teachings of the present disclosure, the scope of coverage of this patent is not limited thereto. On the contrary, this patent covers all embodiments of the teachings of the disclosure that fairly fall within the scope of permissible equivalents.

What is claimed is:

1. A parent unit for a video baby monitor system having a child unit with a transmitter, the parent unit comprising:

- a housing;
- a receiver for receiving video signals from the child unit transmitter;
- a microprocessor programmed to control operational parameters of the monitor system;
- a video screen on the housing configured to operate in a monitoring mode and an information mode, the video screen displaying video images representative of the video signals during the monitoring mode and displaying at least functional information related to characteristics of the operational parameters during the information mode, at least one functional information display in the information mode providing a selectable on-screen option that, when selected, affects an operational parameter; and
- a control device on the housing actuable for choosing the selectable option to affect the operational parameter

2. A parent unit according to claim 1, wherein the video screen is an LCD screen.

3. A parent unit according to claim 1, further comprising:

- a plurality of the selectable options that each, when selected, affect a different one of the operational parameters

4. A parent unit according to claim 1, wherein the control device is a multi-function button arrangement having one or more scroll buttons for choosing the selectable option displayed on the video screen and a select button for selecting the chosen selectable option.

5. A parent unit according to claim 1, wherein one of the operational parameters is a selectable image zoom option that can be selected to zoom in and zoom out on the video images displayed on the video screen.

6. A parent unit according to claim 1, wherein one of the operational parameters is a selectable image pan option that can be selected to pan left and right of a view center of the video images displayed on the video screen.

7. A parent unit according to claim 6, wherein one of the operational parameters is a selectable image zoom option that can be selected to zoom in and zoom out on the video images displayed on the video screen.

8. A parent unit according to claim 1, further comprising:

- a speaker within the housing for emitting sound representative of audio signals received by the receiver from the child unit transmitter, wherein one of the operational parameters is a selectable speaker volume option that can be selected to change the volume of the sound emitted.

9. A parent unit according to claim 8, wherein the video screen displays a sound volume bar when the selectable speaker volume option is selected.

10. A parent unit according to claim 1, wherein the functional information can be overlaid on the video screen with the video images.

11. A video baby monitor system comprising:

- a child unit having a video camera and a transmitter configured to transmit video signals representing video images received from the camera; and

- a parent unit having a receiver for receiving the video signals from the child unit transmitter, a microprocessor programmed to control operational parameters of the monitor system, a video screen configured to operate in a monitoring mode and an on-screen display mode, the video screen displaying the video images in the monitoring mode and displaying at least system information related to the operational parameters in the on-screen display mode, wherein a plurality of selectable on-screen options that can be displayed in the on-screen mode can each, when selected, affect an operational parameter.

12. A video baby monitor system according to claim 11, wherein the parent unit includes a control device configured to scroll among and highlight a chosen one of the plurality of selectable on-screen options and configured to select the chosen option.

13. A video baby monitor system according to claim 11, wherein the child unit has a microphone and the transmitter is configured to transmit audio signals representing sound received from the microphone, wherein the parent unit has a speaker that emits sound representative of the audio signals received by the receiver, and wherein one of the plurality of selectable on-screen options is a speaker volume adjustment option.

14. A video baby monitor system according to claim 11, wherein the video screen is an LCD screen.

15. A video baby monitor system according to claim 11, wherein one of the plurality of selectable on-screen options is an image zoom option that can be selected to zoom in and zoom out on the video images displayed on the video screen.

16. A video baby monitor system according to claim 11, wherein one of the plurality of selectable on-screen options is an image pan option that can be selected to pan left and right of a view center of the video images displayed on the video screen.

17. A video baby monitor system according to claim 16, wherein one of the plurality of selectable on-screen options is an image zoom option that can be selected to zoom in and zoom out on the video images displayed on the video screen.

18. A video baby monitor system according to claim 11, wherein the functional information can be overlaid on the video screen with the video images.

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(54) **WIRELESS AUDIO-VIDEO DOORBELL MONITORING SYSTEM**

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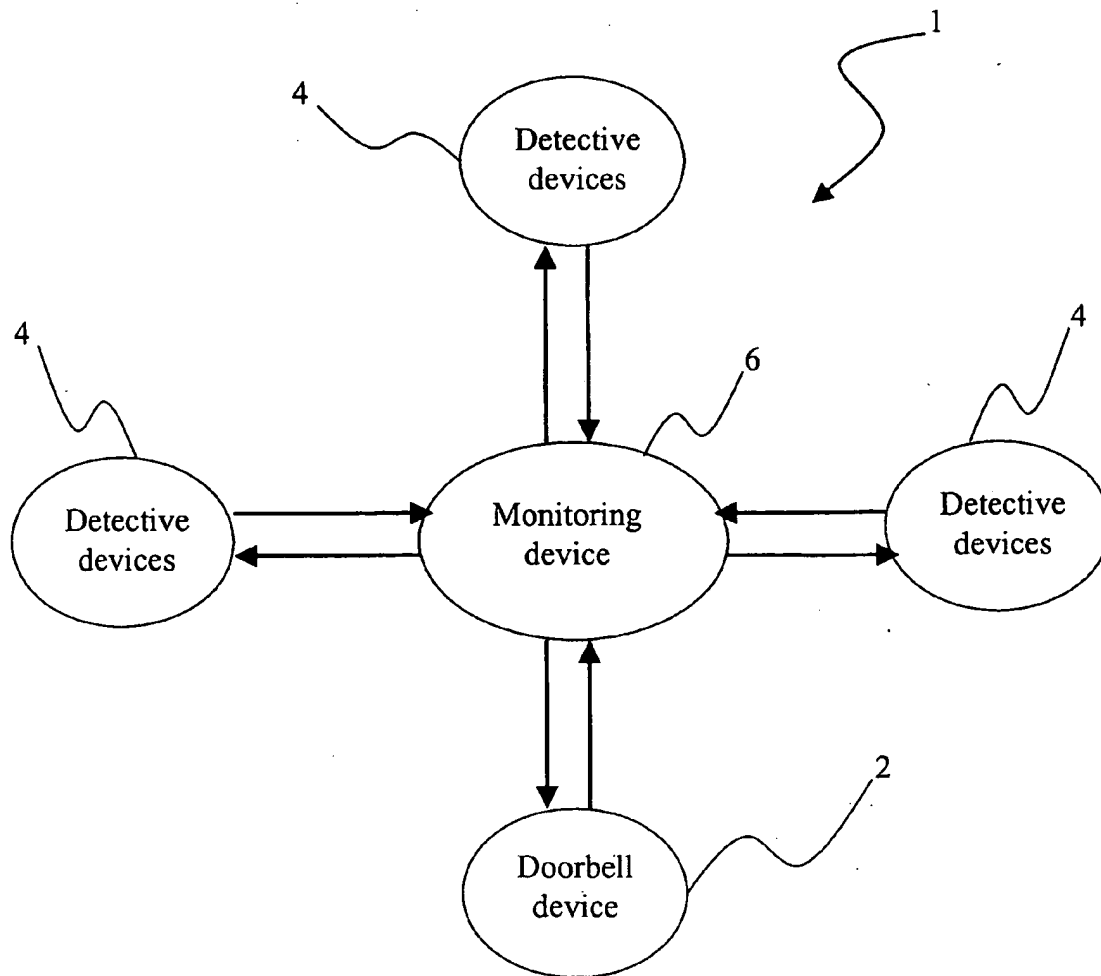
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(52) **U.S. Cl. 348/61**

(57) **ABSTRACT**

The present invention pertains to a wireless audio-video doorbell monitoring system, wherein a portable monitoring device administrates a doorbell device and detective devices. After initiation, the monitoring device calls other nearby devices to form a wireless network via a wireless broadcasting way, and then the monitoring device administrates each device to perform the doorbell or detection function. Via the automatic setup and simple operating interface, the present invention enables a general family to be free from a complex operational procedure. In the present invention, the detective device can sense the image and sound of the monitored regions, which is sent to a display panel and a speaker of the monitoring device without a time lag. Accordingly, the present invention provides an instantaneously-displaying and easy-operated wireless audio-video doorbell monitoring system, which is easy installed, automatically set up, highly securing, able to reduce the power consumption efficiently and suitable for a general family usage.



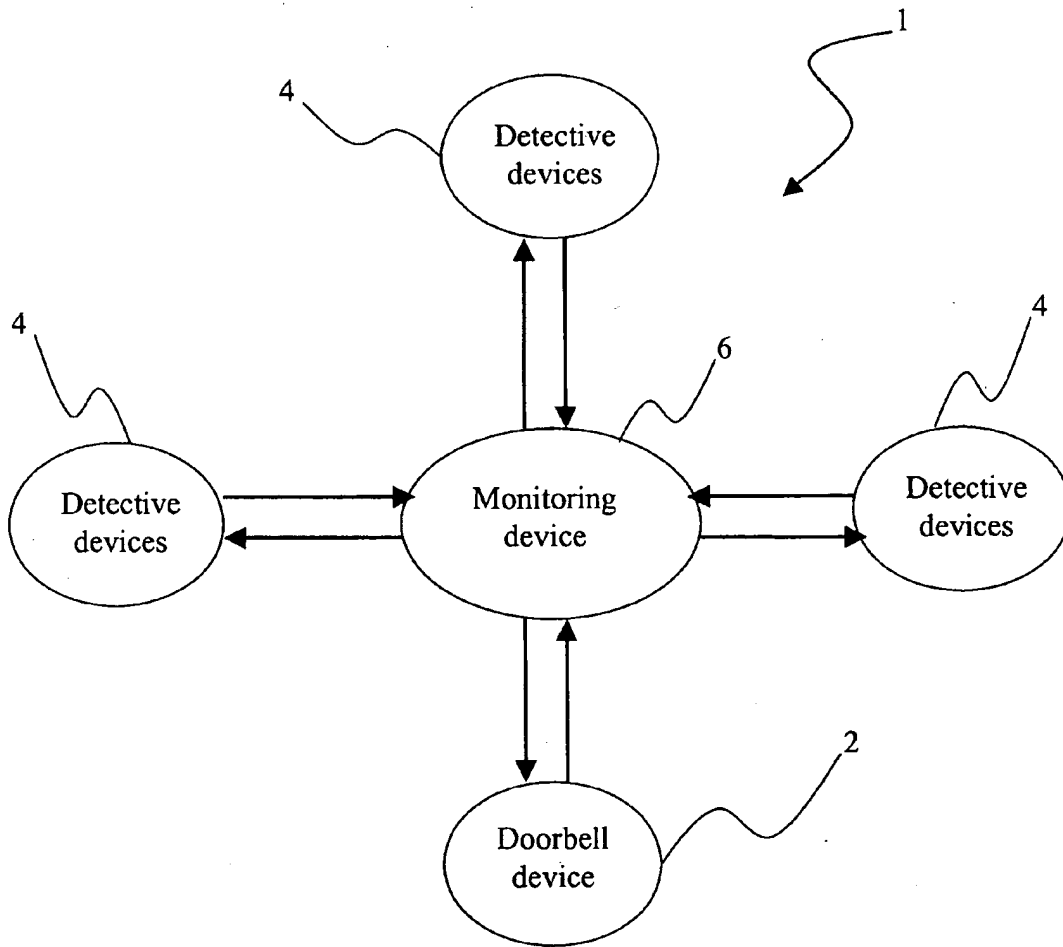


Fig.1

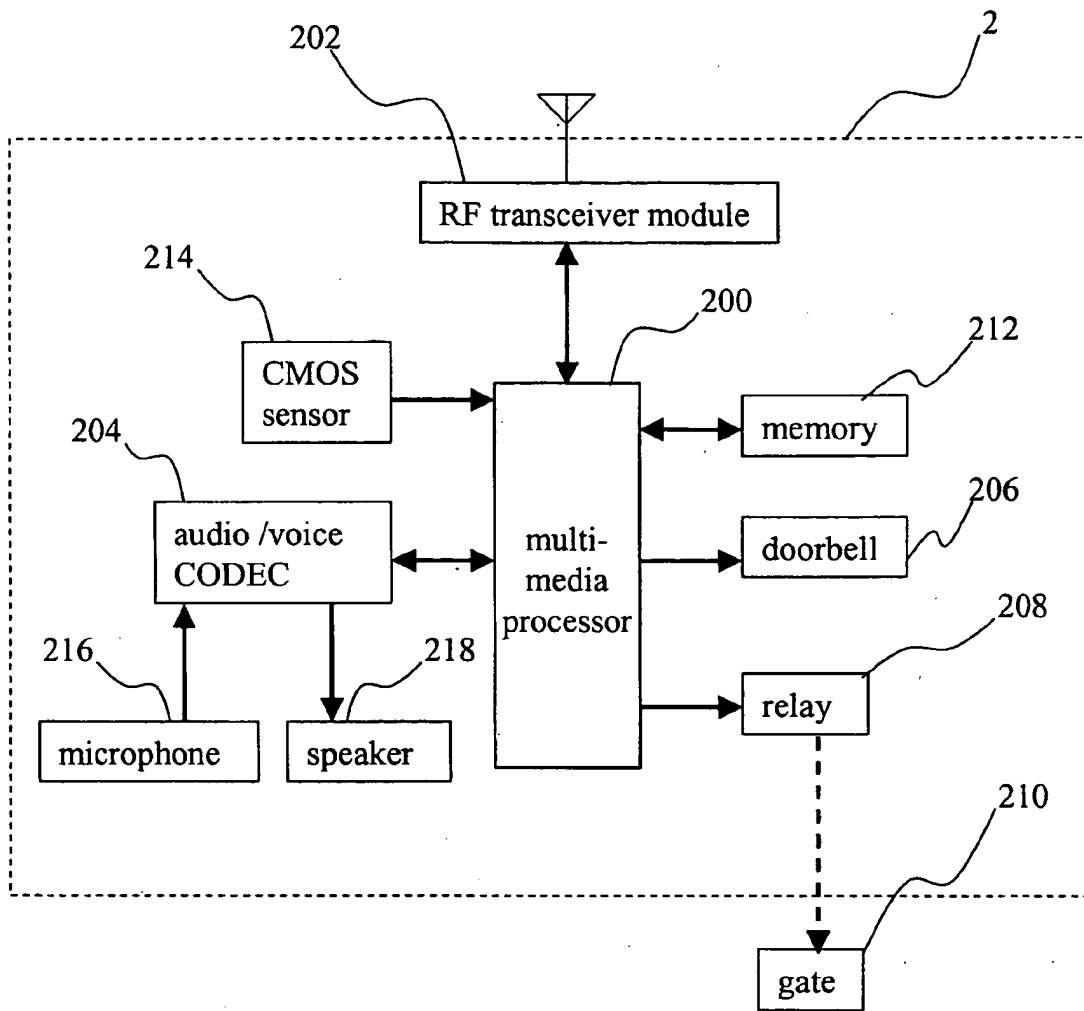


Fig.2

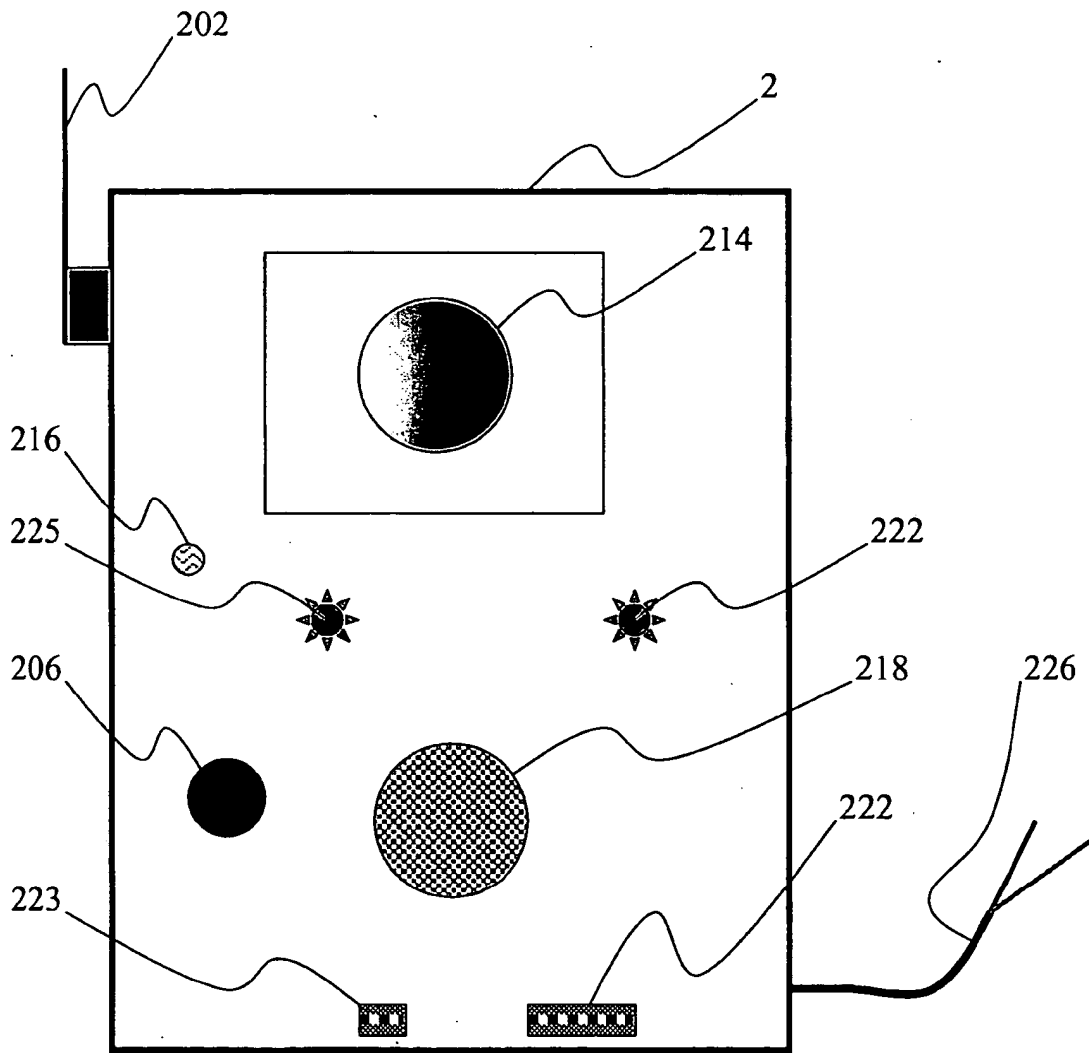


Fig.3

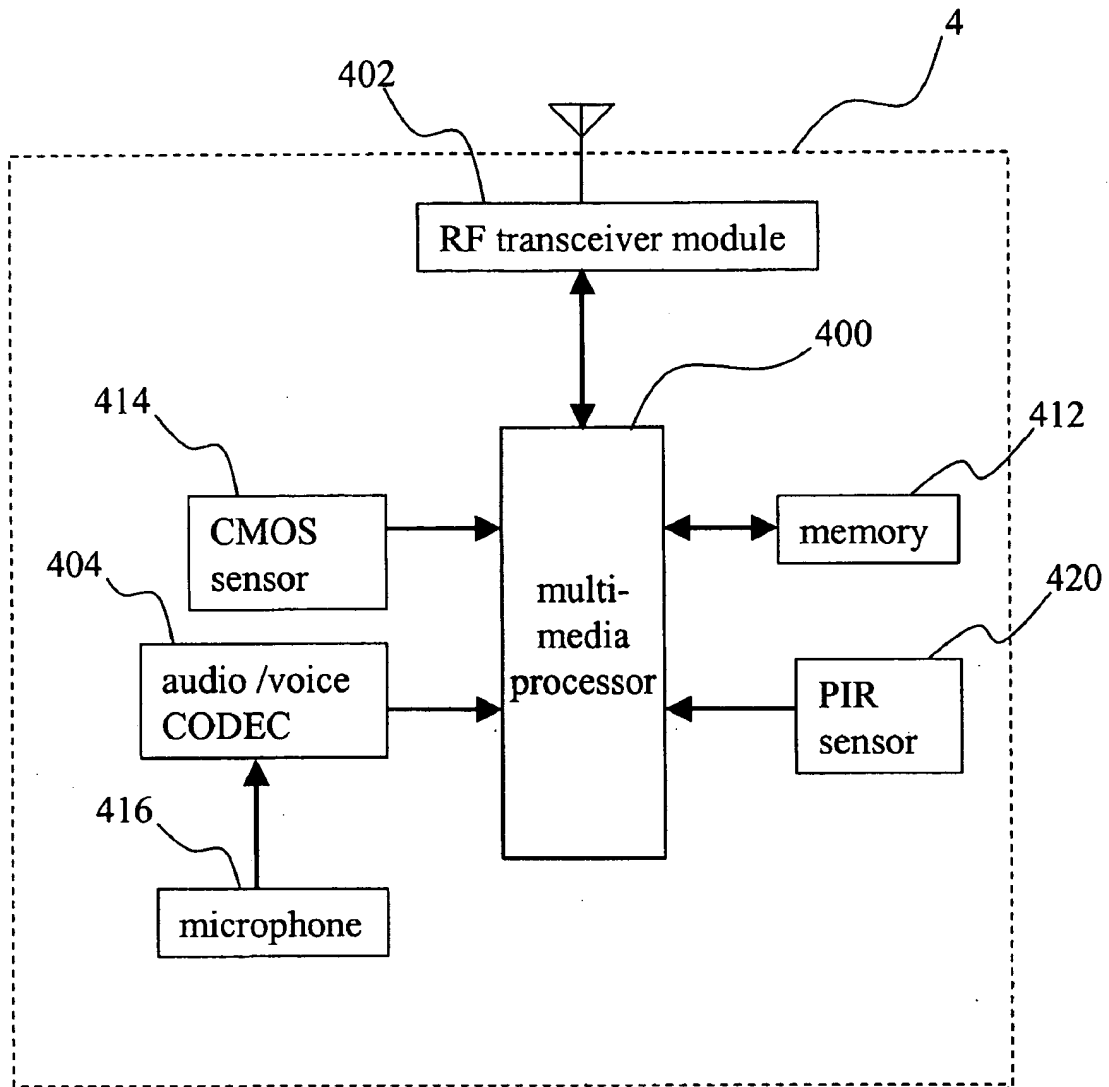


Fig.4

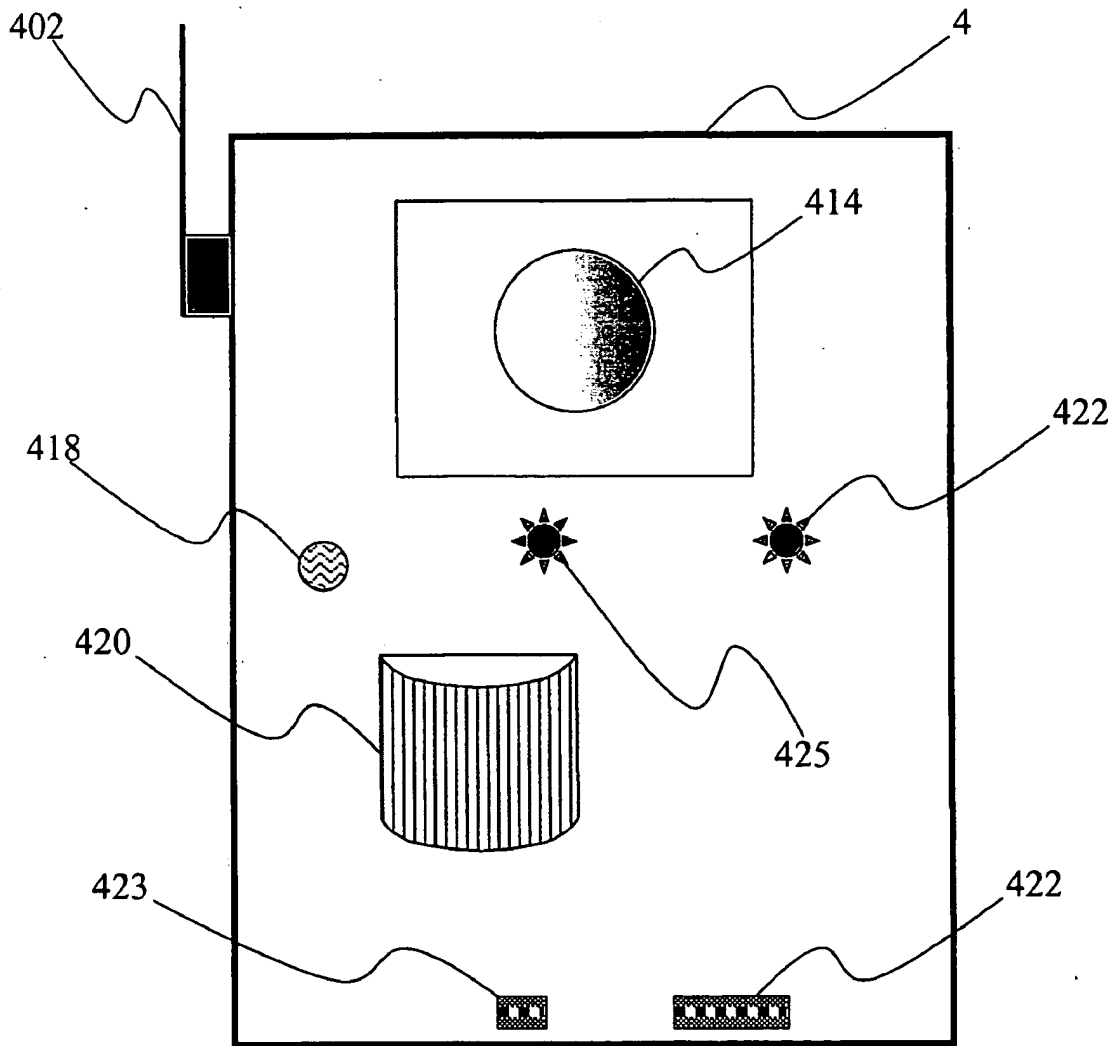


Fig.5

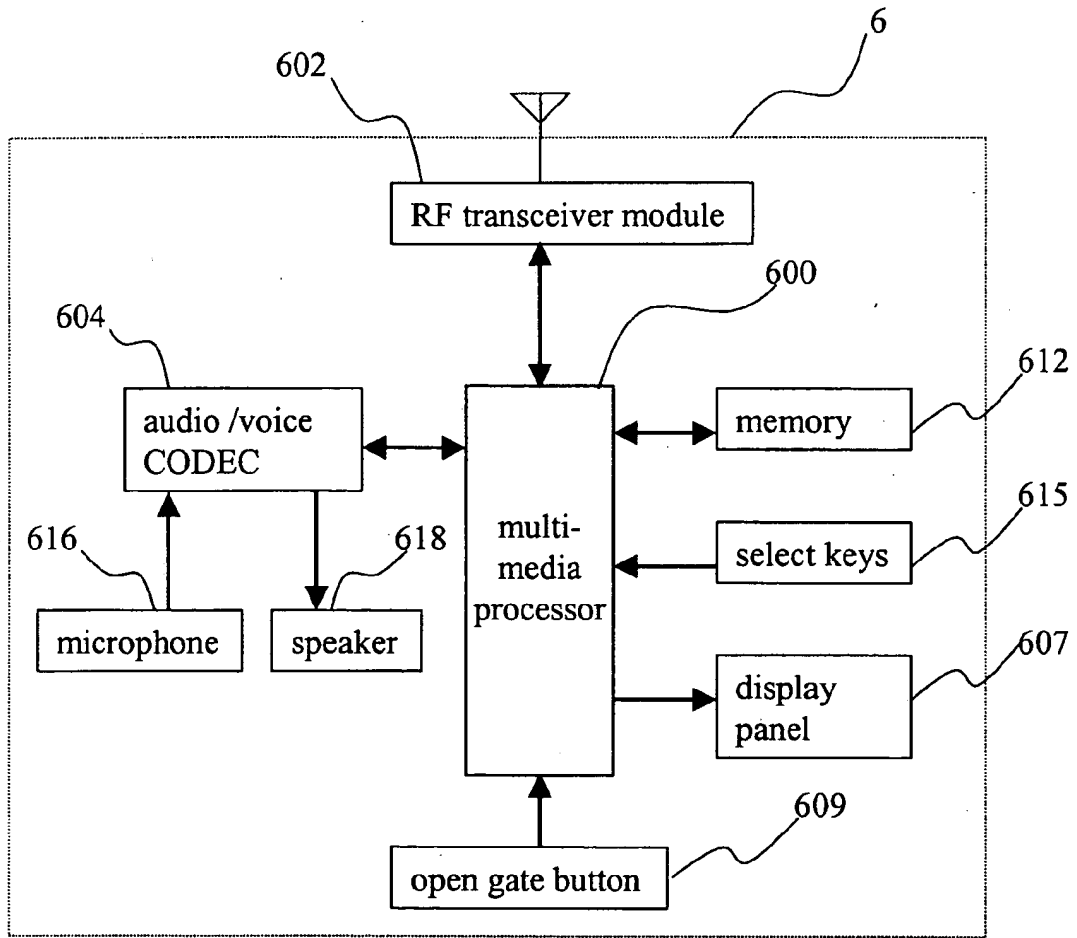


Fig.6

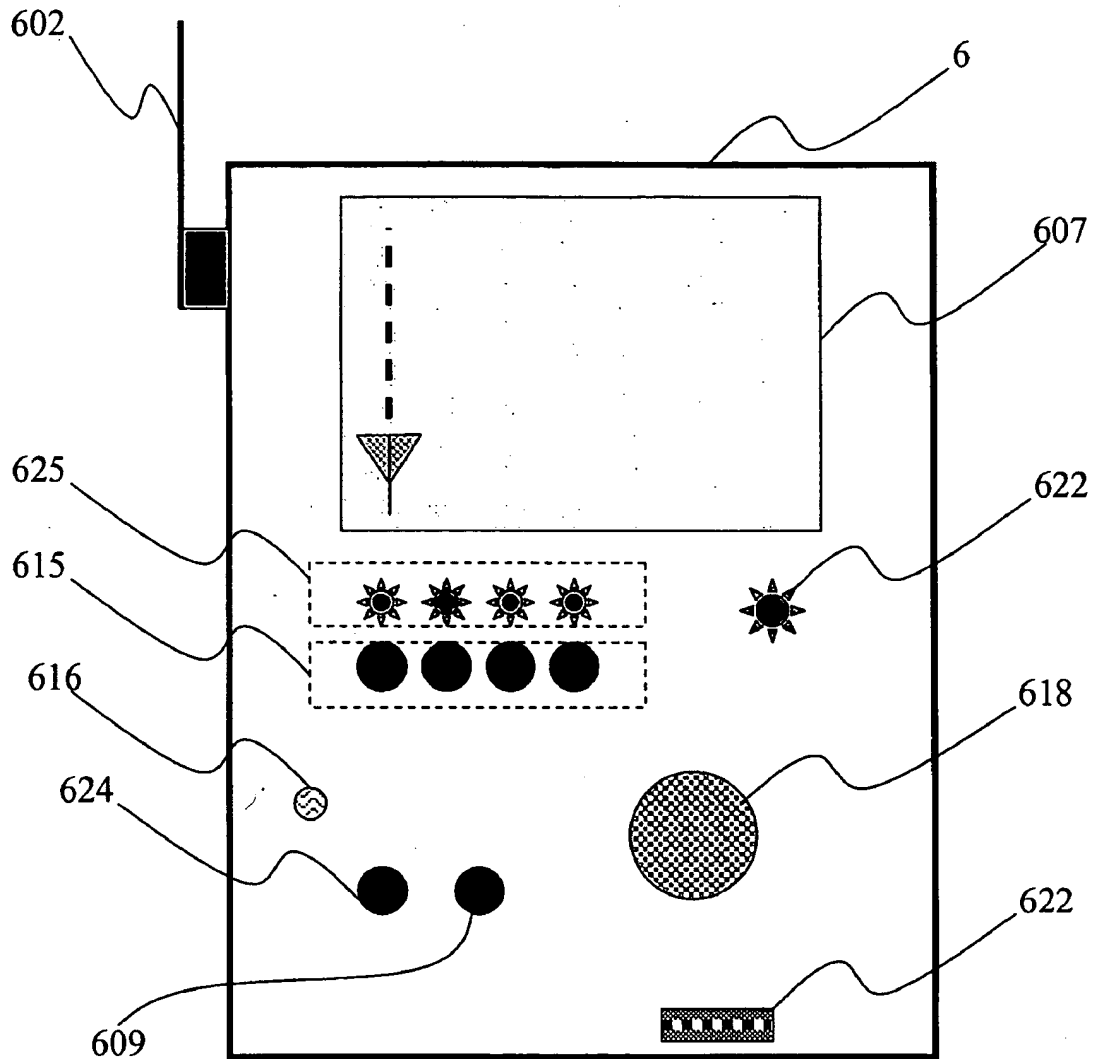


Fig.7

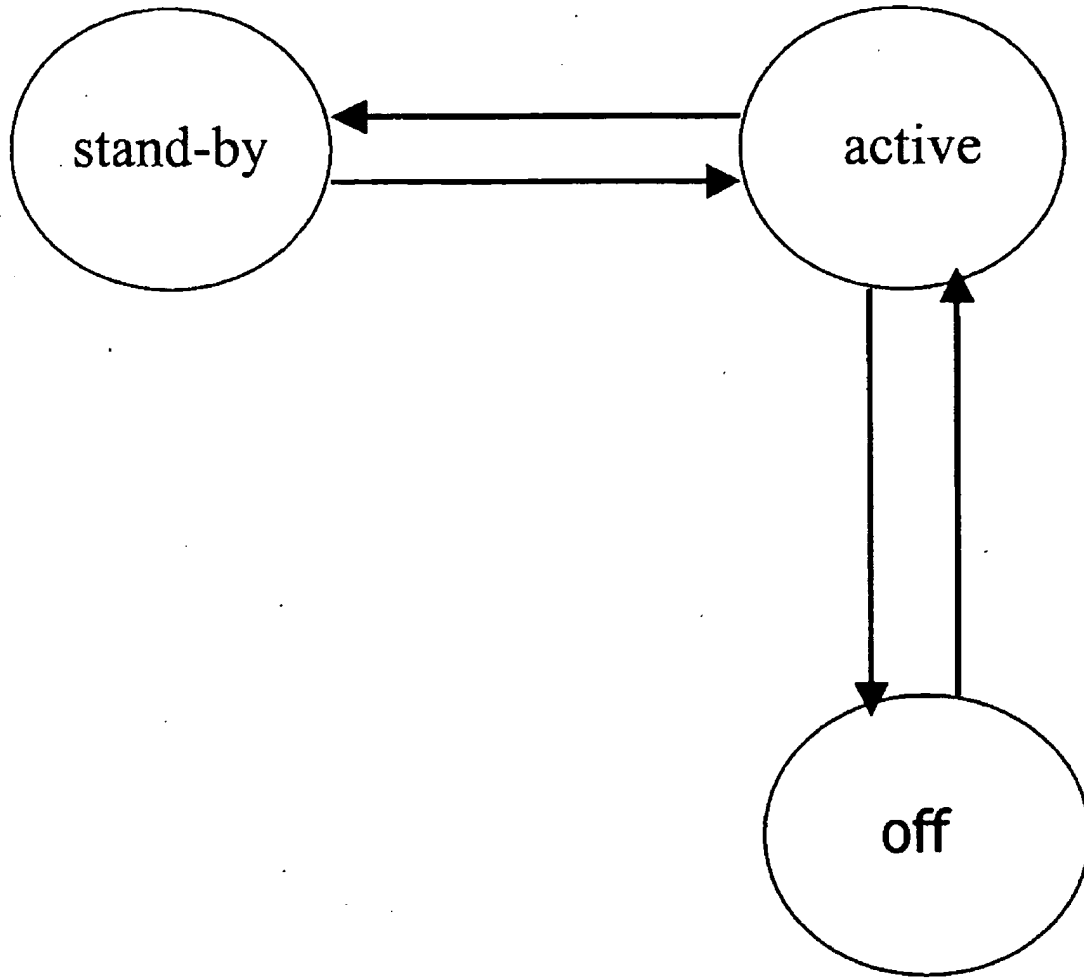


Fig.8

WIRELESS AUDIO-VIDEO DOORBELL MONITORING SYSTEM

BACKGROUND OF THE INVENTION

[0001] (a) Field of the Invention

[0002] The present invention relates to a doorbell monitoring system, particularly to a wireless digital audio-video doorbell monitoring system for a general family usage.

[0003] (b) Description of Related Art

[0004] A monitoring system can provide people with a lot of fortune security and life safety. Owing to the progressive advance of electronic technology, the electronic equipment, which was pretty expensive before, becomes a consumptive electronic product, and the monitoring system, which was used only by large-scale or military organizations originally, grows popular in general families, and thus now a general family can afford the security system, which is not only economic but also easy to operate.

[0005] A conventional doorbell monitoring system usually comprises an outdoor device and an indoor device interconnected with each other via a wire. The outdoor device can only transfer audio-video signal to the indoor device, however, cannot detect the surroundings of a house, and thus cannot guard a family's safety. Further, as it needs an additional wiring, it's hard to install the conventional wired monitoring device.

[0006] A conventional monitoring system, such as "Digital Intelligent Monitoring System" of Taiwan Patent No. 132510, is constructed via interconnecting a digital audio-video server and a computer in a distal node by a network. As the adoption of a computer and a TCP/IP network, the structure of the "Digital Intelligent Monitoring System" is complex, and the setup of the system needs a professional person. Thus, the building cost thereof is raised, and a general family cannot afford its price and the cost of maintenance.

[0007] Owing to those described above, the present invention provides a wireless audio-video doorbell monitoring system in order to solve the aforementioned problems of the conventional technology.

SUMMARY OF THE PRESENT INVENTION

[0008] The primary objective of the present invention is to provide a wireless doorbell audio-video monitoring system, wherein outdoor devices are connected with a monitoring device wirelessly in order that the disposal of each device would not be restricted by the configuration of the surroundings and the monitoring device can be disposed at any indoor space freely.

[0009] Another objective of the present invention is to integrate each device in a wireless way with an automatic linking in order that the connecting interface of each device would be no more necessary and the consumer can avoid the difficulty of installing and maintenance.

[0010] Yet another objective of the present invention is to utilize a built-in passive infrared reflective sensor to automatically switch cameras and microphones on just when some event is happening without necessity of powering the

machine all day long, and to avoid an unnecessary machine's depreciation and power consumption.

[0011] According to one aspect of the present invention, a wireless audio-video doorbell monitoring system of the present invention is designed to be that a doorbell device, detective devices and a monitoring device are integrated into an independent network via a wireless way in order to detect moving persons or objects and wirelessly transfer image and sound to the monitoring device and the house owner and a visitor can be interlinked via the doorbell and the house owner can also identify the visitor via the image, and the house safety is thus secured.

[0012] Via the attached drawings and the embodiments of the present invention described below, the objectives, technical contents, characteristics and accomplishments of the present invention are to be more easily understood.

BRIEF DESCRIPTION OF THE DRAWINGS

[0013] FIG. 1 is a schematic block diagram of the network architecture according to one aspect of the present invention.

[0014] FIG. 2 is a schematic block diagram of the doorbell device structure according to one aspect of the present invention.

[0015] FIG. 3 is a schematic diagram of the operating panel of the doorbell device according to one embodiment of the present invention.

[0016] FIG. 4 is a schematic block diagram the detective device structure according to one aspect of the present invention.

[0017] FIG. 5 is a schematic diagram of the operating panel of the detective device according to one embodiment of the present invention.

[0018] FIG. 6 is a schematic block diagram of the monitoring device structure according to one aspect of the present invention.

[0019] FIG. 7 is a schematic diagram of the operating panel of the monitoring device according to one embodiment of the present invention.

[0020] FIG. 8 is a schematic diagram of the state-machine of each device according to one aspect of the present invention.

LIST OF REFERENCE NUMERALS

- [0021] 1 monitoring system
- [0022] 2 doorbell device
- [0023] 4 detective devices
- [0024] 6 monitoring device
- [0025] 200 multi-media processor
- [0026] 202 RF transceiver module
- [0027] 204 audio/voice CODEC
- [0028] 206 doorbell
- [0029] 208 relay
- [0030] 210 gate
- [0031] 212 memory

[0032] 214 CMOS sensor
 [0033] 216 microphone
 [0034] 218 speaker
 [0035] 222 power indicator
 [0036] 225 link indicator
 [0037] 228 group number
 [0038] 229 identify number
 [0039] 400 multi-media processor
 [0040] 402 RF transceiver module
 [0041] 404 audio/voice CODEC
 [0042] 412 memory
 [0043] 414 CMOS sensor
 [0044] 416 microphone
 [0045] 420 PIR sensor
 [0046] 422 power indicator
 [0047] 425 link indicator
 [0048] 428 group number
 [0049] 429 identify number
 [0050] 600 multi-media processor
 [0051] 602 RF transceiver module
 [0052] 604 audio/voice CODEC
 [0053] 607 display panel
 [0054] 609 open gate button
 [0055] 612 memory
 [0056] 615 select keys
 [0057] 616 microphone
 [0058] 618 speaker
 [0059] 622 power indicator
 [0060] 624 conversation button
 [0061] 625 link indicators
 [0062] 628 group number

REFERRED EMBODIMENTS OF THE PRESENT INVENTION

[0063] The present invention utilizes a wireless network as an interlinking means of a monitoring system and a digital signal as transmission media of audio-video data. The present invention can solve the drawback of the incapability of identifying the image of a visitor in the conventional doorbell and avoid the inconvenience resulting from the complexity of the system.

[0064] Referring to FIG. 1 a schematic block diagram of the network architecture according to one aspect of the present invention, a monitoring system 1 comprises: a doorbell device 2, three detective devices 4, and a monitoring device 6, wherein the doorbell 2 is usually positioned at the entrance of the monitored region; the devices of the monitoring system 1 are interlinked via a wireless network,

and the doorbell device 2 and detective devices 4 are administrated by the monitoring device 6; the frequency utilized by the wireless network is a 2.4 GHz ISM (Industry, Science and Medicine) frequency band.

[0065] Referring to FIG. 2 a schematic block diagram of the doorbell device structure according to one aspect of the present invention and FIG. 3 a schematic diagram of the operating panel of the doorbell device according to one embodiment of the present invention, the doorbell device 2 includes a doorbell 206, which generates a bell ring as a visitor's request signal for a conversation with the house owner, an CMOS sensor 214, which takes the images of the visitor, a microphone 216 and speaker 218, which sends and receives a sound signal, an RF transceiver module 202, which receives and transmits wireless signal, an audio/voice CODEC 204, which encodes an analog signal and decodes a digital signal of sound, an relay 208, which controls the switching of a gate 210, and a multi-media processor 200, wherein the multi-media processor 200 connects with the doorbell 206, CMOS sensor 214, relay 208, RF transceiver module 202 and audio/voice CODEC 204, and the multi-media processor 200 processes the digital signal of image and sound, and a memory 212 connects with the multi-media processor 200 to store the programs and data of the multi-media processor 200. The operating panel of the doorbell device 2 comprises: a power indicator 222, which indicates the state of power supply, a link indicator 225, which indicates the link state of the wireless, a group number 228 and an identify number 229.

[0066] Referring to FIG. 4 a schematic block diagram of the detective device structure according to one aspect of the present invention and FIG. 5 a schematic diagram of the operating panel of the detective device according to one embodiment of the present invention, the detective device 4 comprises: a microphone 416, which receives a sound signal, a CMOS sensor 414, which takes the images of the surroundings, a PIR sensor 420, which can detects the movement of objects in the surroundings, an RF transceiver module 402, an audio/voice CODEC 404 and a multi-media processor 400, wherein the multi-media processor 400 connects with the CMOS sensor 414, PIR sensor 420, RF transceiver module 402 and audio/voice CODEC 404, and the multi-media processor 400 processes the digital signal of image and sound, and a memory 412 connects with the multi-media processor 400 to store the programs and data of the multi-media processor 400. The operating panel of the detective device 4 comprises: a power indicator 422, which indicates the state of power supply, a link indicator 425, which indicates the link state of the wireless, a group number 428 and an identify number 429.

[0067] The aforementioned CMOS sensors 214,414 are CMOS (Complementary Metal Oxide Semiconductor) image sensor, and the PIR sensor 420 is a Passive Infrared Reflective sensor.

[0068] Referring to FIG. 6 a schematic block diagram of the monitoring device structure according to one aspect of the present invention and FIG. 7 a schematic diagram of the operating panel of the monitoring device according to one embodiment of the present invention, the monitoring device 6 comprises: a plurality of select keys 615, via which the house owner can selects which one of the detective devices 4 and the doorbell device 2 to connect with the monitoring

device 6, a display panel 607, which displays the image of the monitored region, a microphone 616, a speaker 618, an RF transceiver module 602, an audio/voice CODEC 604 and a multi-media processor 600, wherein the multi-media processor 600 connects with the RF transceiver module 602, audio/voice CODEC 604, select keys 615 and display panel 607, and the multi-media processor 600 processes the digital signal of image and sound, and a memory 612 connects with the multi-media processor 600 to store the application programs and data of the multi-media processor 600. The operating panel of the monitoring device 6 comprises: an open gate button 609, which sends an open signal via the multi-media processor 600 to the doorbell device 2, a plurality of link indicators 625, which indicate the link state of the wireless link with each device, a power indicator 622 and a group number 628. The display panel 607 can be a LCD (Liquid Crystal Display) display panel, OLED (Organic Light Emitting Diode) display panel or CGSilicon (Continuous Grain Silicon) LCD display panel.

[0069] The executive procedure of the system of the present invention is described below. Referring to FIG. 8 a schematic diagram of the state-machine of each device according to one aspect of the present invention, the doorbell device 2 and the detective devices 4 are positioned at the monitored regions and powered to become active. After the monitoring device is powered to operate, a polling mechanism is initiated and the monitoring device 6 calls each of the devices and waits for its acknowledge in turn in a given frequency, such as one device/one second. Once receiving a calling, the doorbell device 2 or the detective devices 4 send responsive signals immediately to the monitoring device 6, and thus a wireless network is built, and every device starts to operate ordinarily. Once there is some event happening in the monitored regions, the doorbell device 2 or the detective device 4 will be triggered to send a signal to the monitoring device to request a link, and once the link is built, the link will continue for the duration of at least ten seconds. When a series of events happen, the event of higher priority will interrupt the link of the event of lower priority in order to link with the monitoring device 6 once the 10 seconds of at least link duration of the anterior event is over. If the events of the same priority happen in series, the posterior one can interrupt the link of the anterior one but still has to wait until the 10 seconds of at least link duration of the anterior event is over. The monitoring device 6 would not switch to next link until the 10 seconds of at least link duration of the anterior event is over. If there is no new event after the last event has been over for 3 minutes, the monitoring device 6, the doorbell device 2 and detective device 4 will come into a stand-by state in order to save the power and wait for next event's triggering. In the stand-by state, the display panel 607, the microphone 616 and speaker 618 stop operating, and the CMOS sensors 214, 414 also stop operating. The monitoring device 6 has the highest priority to control the doorbell device 2 to undertake voice communication and open the gate 210, or to control the doorbell device 2 to link with the detective device 4 in order to receive an image and sound signal.

[0070] While a visitor presses the button of the doorbell 206, a triggered signal will be sent to the RF transceiver module 202 via the multi-media processor 200, and simultaneously the CMOS sensor 214 and the microphone 216 are also triggered so that the doorbell device 2 may become active. The RF transceiver module 202 sends a wireless

signal to the RF transceiver module 602 of the monitoring device 6, and then the signal is recovered to the original signal and sent to the multi-media processor 600. Once the multi-media processor 600 receives the signal, it become active and controls the display panel 607, the microphone 616, the speaker 618 and other device to prepare to link with the doorbell device 2 and sends a signal to the speaker 618 to generate a bell ring, and then sends a signal of link permission to the multi-media processor 200 of the doorbell device 2 via the original path; then the image signal of the visitor taken by the CMOS sensor 214 and the sound signal received by the microphone 216 will be compressed into a digital audio-video data by the multi-media processor 200, and the digital audio-video data will be sent to the monitoring device 6 by the RF transceiver module 202. Once the monitoring device 6 receiving the digital audio-video data, the multi-media processor 600 processes the data and sends the audio signal to the speaker 618, the video signal to the display panel 607. The house owner can press the conversation button 624 to transfer the sound signal to the speaker 218 of the doorbell device 2 to talk with the visitor. When the house owner determines to open the door, he presses the open gate button 609 to trigger the multi-media processor 600. When the multi-media processor 600 receives the triggering signal, it will send a predetermined door-opening code to the doorbell device 2 via the RF transceiver module 602. After the door-opening code is confirmed by the multi-media processor 200 of the doorbell device 2, the multi-media processor 200 will send a high voltage to the relay 208, and then the relay 208 will send a high current/voltage to open the gate 210. Additionally, the firmware to perform the aforementioned procedure is stored in the memory 212, 612 separately.

[0071] In another application of the system of the present invention, when an uncertain object passes through the monitored region of the PIR sensor 420 of the detective device 4, the PIR sensor 420 will send a triggering signal to the multi-media processor 400, and then the triggered multi-media processor 400 will start the CMOS sensor 414 and the microphone 416 so that the detective device 4 will become active. The triggered multi-media processor 400 will also send a signal to the RF transceiver module 402, via which the signal is further sent to the RF transceiver module 602 of the portable monitoring device 6. Then, the signal is further transferred to the multi-media processor 600. Once the multi-media processor 600 receives the signal, the monitoring device 6 begins to become active, and an alarm signal is sent to the audio/voice CODEC 604 and transformed into an analog signal, which is then sent to the speaker 618 to generate an alarm sound, and simultaneously the display panel 607 opens, and the monitoring device 6 sends back a signal wirelessly to the detective device 4 to issue a permission for the transmission of an audio-video signal from the detective device 4. Once the multi-media processor 600 receives the audio-video signal from the detective device 4, the image will be displayed on the display panel 607, and the sound will be generated in the speaker 618. Additionally speaking, the firmware of performing the aforementioned procedures is stored in the memory 412, 612 separately.

[0072] In yet another application of the system of the present invention, when the house owner presses a select keys 615, the multi-media processor 600 will be triggered to send a wakening signal to the RF transceiver module 602 in order to wake up the detective device 4 via a wireless way,

and the display panel 607 and the speaker 618 are also started to operate. Once the detective device 4 is waked up to become active, it will send the audio-video signal to the monitoring device 6 for displaying. If there is some event happening in other devices at the same time, the corresponding link indicator 625 will be flickering in a red light to inform the house owner that there is something waiting for the monitoring device 6 to handle.

[0073] The group number 628 of the monitoring device 6 is a number representing the independent wireless network, and via the group number 628, this wireless network can be distinguished from other ones and the interference between those can be avoided. The group number 228 of the doorbell device 2 and the group number 428 of the detective device 4 are also of the same number as that in the monitoring device 6. Inside the network, the monitoring device 2 can identify each of the devices and administrate them via the identify number 229 of the doorbell device 2 and the identify numbers 429 of the detective devices 4. Each of the link indicators 625 on the operating panel indicates the state of the wireless link of the corresponding device separately; when a green light on, it indicates that the state of the wireless link is well; when a red light on, it indicates that the link is being undertaken; when the lights off, it indicates that the link is shut. The doorbell device 2 or the detective device 4 also has its own link indicators 225 or 425 separately; when a green light on, it indicates that the state of the wireless link is well; when a red light on, it indicates that the link is being undertaken; when the lights off, it indicates that the link with the wireless network is shut. Additionally, each device has its own power indicator 222, 422 or 622 separately; when a green light on, it indicates that the device is standing by; when a red light on, it indicates that the device is active; when the lights off, it indicates that the device is off.

[0074] Via the utilization of the aforementioned client-server architecture of the present invention, the monitoring device monitors and administrates the doorbell device and the detective devices positioned at the monitored regions. As the center of monitoring and administration, the monitoring device of the present invention utilizes a wireless method to transfer signals, instructions and audio-video data. Further, the operating interface of the monitoring device comprises only simplified keys, and the monitoring system can be used easily by a user who has no knowledge of the way however the system physically operates. Furthermore, the installation and maintenance of the system of the present invention is simple and easy. Accordingly, the present invention improves the drawback of the conventional doorbell device that the function thereof is too simple, and provides a wireless audio-video doorbell monitoring system, which is not only of more functions but also more easily installed, operated and maintained and without the complexity of a wired monitoring system, for a general family usage in order to secure the safety thereof.

[0075] Via the embodiments, those described above are to clarify the characteristics of the present invention in order to enable persons skilled in the art to understand, make and use the present invention. It is not intended to limit the scope of the present invention. Any equivalent modification and variation without departing from the spirit disclosed by the present invention is to be included within the scope of the appended claims stated below.

What is claimed is:

1. A wireless audio-video doorbell monitoring system, which provides a detection of the image and sound of monitored regions in order to secure the safety of the monitored regions, and which has at least one entrance positioned at said monitored regions and has a doorbell function, comprising:

at least one doorbell device, positioned at said entrance;

a plurality of detective devices, positioned at said monitored regions and detecting the image and sound of said monitored regions; and

a monitoring device, connecting with said doorbell device and said detective devices via a wireless transmission, administrating said doorbell device and said detective devices and receiving the audio and video signal from said doorbell device and said detective devices via the wireless transmission.

2. The wireless audio-video doorbell monitoring system according to claim 1, wherein said doorbell device further includes: a doorbell unit, which generates a bell ring as a conversation request signal, a wireless receiving/transmitting module, which sends and receives a wireless signal, an image-taking unit, which takes the image of a person, an audio frequency/voice encoding/decoding unit, which encodes the analog audio signal and decodes the digital audio signal, a microphone, which sends the signal of sound, a speaker, which receives the signal of sound and a multi-media processor, which connects with said doorbell unit, said wireless receiving/transmitting module, said image-taking unit and said audio frequency/voice encoding/decoding unit, and processes the digital audio and video signal.

3. The wireless audio-video doorbell monitoring system according to claim 2, wherein said doorbell device connects with an electrically-controlled door.

4. The wireless audio-video doorbell monitoring system according to claim 2, wherein said doorbell device further includes a relay, which controls said electrically-controlled door to open or close, and connects with said multi-media processor to receive the control signal therefrom.

5. The wireless audio-video doorbell monitoring system according to claim 2, wherein said image-taking unit of said doorbell device or said detective devices is an image sensor of complementary metal oxide semiconductor (CMOS).

6. The wireless audio-video doorbell monitoring system according to claim 2, wherein a memory is installed in each of said doorbell device, said detective devices and said monitoring device in order to store programs and data accessed by said multi-media processor.

7. The wireless audio-video doorbell monitoring system according to claim 1, wherein each of said detective devices further includes: a microphone, which receives the signal of sound, an image-taking unit, which takes the image of the surroundings, a sensor, which can sense a moving object, a wireless receiving/transmitting unit, which sends and receives a wireless signal, an audio frequency/voice encoding/decoding unit, which encodes the analog audio signal and decodes the digital audio signal, and a multi-media processor, which connects said image-taking unit, said sensor, said wireless receiving/transmitting module and said audio frequency/voice encoding/decoding unit, and processes the digital audio and video signal.

8. The wireless audio-video doorbell monitoring system according to claim 7, wherein said sensor is a passive infrared reflective sensor (PIR sensor).

9. The wireless audio-video doorbell monitoring system according to claim 7, wherein said image-taking unit of said doorbell device or said detective devices is an image sensor of complementary metal oxide semiconductor (CMOS).

10. The wireless audio-video doorbell monitoring system according to claim 7, wherein a memory is installed in each of said doorbell device, said detective devices and said monitoring device in order to store programs and data accessed by said multi-media processor.

11. The wireless audio-video doorbell monitoring system according to claim 1, wherein said monitoring device further includes: a plurality of select buttons, via which the user can determine which one of said doorbell device or said detective devices is to be linked, a display panel, which shows the images of the monitored regions, a wireless receiving/transmitting module, which sends and receives a wireless signal, an audio frequency/voice encoding/decoding unit, which encodes the analog audio signal and decodes the digital audio signal, a microphone, which sends the signal of sound, a speaker, which receives the signal of sound and a multi-media processor, which connects with said display panel, said select buttons, said wireless receiving/transmitting module and said audio frequency/voice encoding/decoding unit, and processes the digital audio and video signal,

and receives the instruction from said select buttons to determine which image from said doorbell device or said detective devices is to be shown on said display panel.

12. The wireless audio-video doorbell monitoring system according to claim 11, wherein said monitoring device further comprises a door lock switching button connecting with said multi-media processor.

13. The wireless audio-video doorbell monitoring system according to claim 11, wherein said display panel is selected from a set of liquid crystal display panel (LCD), organic light emitting diode (OLED) display panel and continuous grain silicon LCD (CGSilicon LCD) display panel.

14. The wireless audio-video doorbell monitoring system according to claim 11, wherein a memory is installed in each of said doorbell device, said detective devices and said monitoring device in order to store programs and data accessed by said multi-media processor.

15. The wireless audio-video doorbell monitoring system according to claim 1, wherein the frequency adopted by said wireless transmission is a 2.4 GHz ISM (industry, science, medicine) frequency band.

16. The wireless audio-video doorbell monitoring system according to claim 1, wherein said monitoring device further comprises a plurality of link indicators.

* * * * *

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

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Doc Code: Artifact Artifact Type Code X

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Electronic Acknowledgement Receipt

EFS ID:	4853872
Application Number:	12117004
International Application Number:	
Confirmation Number:	8196
Title of Invention:	BELLY COVERING GARMENT
First Named Inventor/Applicant Name:	Lisa A. Hendrickson
Customer Number:	08933
Filer:	Gerald K. Kita./MARY LA GRANGE
Filer Authorized By:	Gerald K. Kita.
Attorney Docket Number:	D8114-00489
Receipt Date:	25-FEB-2009
Filing Date:	08-MAY-2008
Time Stamp:	12:06:00
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no
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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		489supplDS.pdf	515085 <small>1f9f317ddcacacadd22b2bf22fb33578710f53a</small>	yes	5

Multipart Description/PDF files in .zip description			
Document Description		Start	End
Miscellaneous Incoming Letter		1	1
Information Disclosure Statement (IDS) Filed (SB/08)		2	5

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New Applications Under 35 U.S.C. 111

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

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

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

New International Application Filed with the USPTO as a Receiving Office

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

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.

TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application Number	12/117,004
	Filing Date	May 8, 2008
	First Named Inventor	Hendrickson, Lisa et al.
	Art Unit	3765
	Examiner Name	n/a
Total Number of Pages in This Submission	Attorney Docket Number	D8114-00489

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee(s) Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Technology Center (TC)
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Allowance	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	
<input checked="" type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Certified Copy of Priority Document(s)	Remarks	
<input type="checkbox"/> Response to Missing Parts/Incomplete Application	The Commissioner is hereby authorized to charge any fees associated with this communication or credit any overpayment to Deposit Account No. 04-1679.	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Gerald K. Kita, Registration No. 24,125 Customer Number 08933
Signature	<i>Gerald K. Kita</i>
Date	February 25, 2009

CERTIFICATE UNDER 37 CFR 1.10	
I hereby certify that this correspondence and the documents referred to therein are being electronically filed in the United States Patent and Trademark Office on the date indicated below	
Typed or printed name	Mary La Grange
Signature	<i>Mary La Grange</i>
Date	2.25.09

This collection of information is required by 37 CFR 1.5. 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 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, 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.

SUBSTITUTE for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)			Complete if Known			
			Application Number		12/117,004	
			Filing Date		May 8, 2008	
			First Named Inventor		Hendrickson, Lisa	
			Art Unit		3765	
			Examiner Name		n/a	
Sheet	1	of	1	Attorney Docket Number D8114-00489		

U.S. PATENT DOCUMENTS					
Examiner Initials	Cite No.	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code (if known)			
	A	5,946,730	09/07/1999	Blair	

FOREIGN PATENT DOCUMENTS						
Examiner Initials	Cite No.	Foreign Patent Document	Publication Date MM-DD-YYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines Where Relevant Passages or Figures Appear	T
		Country Code - Number - Kind Code (if known)				

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No.	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

Examiner Signature		Date Considered	
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*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.
DM2\1713895.1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: Hendrickson, Lisa

Confirmation No: 8196

Serial No. 12/117,004

Group Art Unit: 3765

Filed: May 8, 2008

Examiner: n/a

For: Belly Covering Garment

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

Dear Sir:

INFORMATION DISCLOSURE STATEMENT TRANSMITTAL LETTER

Enclosed herewith is an Information Disclosure Statement pursuant to 37 CFR. § 1.56 in connection with the above-identified application, which statement is being filed:

Together with the present application.

Before the first Office Action on the merits or three (3) months from the filing date of this application, whichever occurs last. **[37 CFR § 1.97(b)]**

After the first Office Action on the merits, but before a Final Office Action under §1.113 or Notice of Allowance under §1.311, whichever occurs first. **[37 CFR §1.97(c)]**. *(Either the fee or certification is provided, as set forth below).*

After a Final Office Action under §1.113 or Notice of Allowance under §1.311, but prior to or with payment of the Issue Fee. **[37 CFR §1.97(d)]**. *The fee and certification are provided, as set forth below).*

Consistent with Applicant's obligations pursuant to 37 CFR §§1.97 and 1.98, the following requirements have been met:

No separate requirements are needed.

No additional fee is required.

Fee Under 37 CFR § 1.97(c) or 1.97(d)

The fee of \$180.00 for submission of an IDS under § 1.97(c) as set forth in § 1.17(p) accompanies this statement.

Please charge the fee of \$180.00 for submission of an IDS under § 1.97(c) or (d) as set forth in § 1.17(p) to Deposit Account 04-1679.

Certification Under 37 CFR § 1.97(e)

The undersigned certifies:

1 that each item of information contained in the information disclosure statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement; or

2 that no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the statement after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in §1.56(c) more than three months prior to the filing of the information disclosure statement.

Provision of Copies of References

A copy of each of the Foreign and Other references listed on the attached Form PTO-1449 is enclosed herewith and forms a part hereof.

Partial Translations of References are enclosed herewith and form a part hereof.

A copy of the European Search Report from a corresponding or related EPO application is enclosed herewith.

A copy of the International Search Report from a corresponding or related PCT application is enclosed herewith.

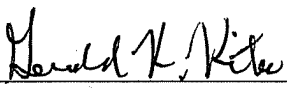
Identification of Prior Application(s) In Which Listed Information Was Already Cited And For Which No Copies Are Submitted Or Need Be Submitted

[X] This application relies, under 35 U.S.C. § 120, on the earlier filing date of prior U.S. Application No(s). 11/756,242, filed May 31, 2007 (D8114-00369). Some or all of the references were submitted to, and/or cited by, the Office in the prior application(s) and therefore are not required to be provided in this application.

The Commissioner is hereby authorized to charge any fees associated with this communication or credit any overpayment to Deposit Account No. 04-1679.

Respectfully submitted,

Date: February 25, 2009



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STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: Lisa A. HENDRICKSON, James H. GARDNER, III and Richard ADELMAN

Application No./Patent No.: 12/117,004 Filed/Issue Date: May 8, 2008

Titled: BELLY COVERING GARMENT

DESTINATION MATERNITY CORPORATION, a corporation
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

- 1. the assignee of the entire right, title, and interest in;
 - 2. an assignee of less than the entire right, title, and interest in
(The extent (by percentage) of its ownership interest is _____ %); or
 - 3. the assignee of an undivided interest in the entirety of (a complete assignment from one of the joint inventors was made)
- the patent application/patent identified above, by virtue of either:
- A. An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy therefore is attached.

OR
B. A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: Inventors To: Mothers Work, Inc.

The document was recorded in the United States Patent and Trademark Office at
Reel 019670, Frame 0495, or for which a copy thereof is attached.

2. From: Mothers Work, Inc. To: Destination Maternity Corporation

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3. From: _____ To: _____


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Additional documents in the chain of title are listed on a supplemental sheet(s).

As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.


Signature

Ronald J. Masciantonio
Printed or Typed Name

11-4-2009
Date

VP+ General Counsel
Title

This collection of information is required by 37 CFR 3.73(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 1.11 and 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.

Electronic Acknowledgement Receipt

EFS ID:	6432709
Application Number:	12117004
International Application Number:	
Confirmation Number:	8196
Title of Invention:	BELLY COVERING GARMENT
First Named Inventor/Applicant Name:	Lisa A. Hendrickson
Customer Number:	08933
Filer:	David Lee May/Donald Sias
Filer Authorized By:	David Lee May
Attorney Docket Number:	D8114-00489
Receipt Date:	11-NOV-2009
Filing Date:	08-MAY-2008
Time Stamp:	14:59:04
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no
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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Power of Attorney	043174_014100_Power_of_Attorney_and_Statement.pdf	143255 bd603839f037b972ae17b46e2b820a585d578d0b	no	2

Warnings:

Information:

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

New Applications Under 35 U.S.C. 111

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

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

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

New International Application Filed with the USPTO as a Receiving Office

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/117,004	05/08/2008	Lisa A. Hendrickson	043174-014100

CONFIRMATION NO. 8196

POA ACCEPTANCE LETTER



22204
NIXON PEABODY, LLP
401 9TH STREET, NW
SUITE 900
WASHINGTON, DC 20004-2128

Date Mailed: 11/17/2009

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 11/11/2009.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/mayalew/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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Address: COMMISSIONER FOR PATENTS
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/117,004	05/08/2008	Lisa A. Hendrickson	D8114-00489

CONFIRMATION NO. 8196

POWER OF ATTORNEY NOTICE



8933
DUANE MORRIS LLP - Philadelphia
IP DEPARTMENT
30 SOUTH 17TH STREET
PHILADELPHIA, PA 19103-4196

Date Mailed: 11/17/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 11/11/2009.

- The Power of Attorney to you in this application has been revoked by the assignee who has intervened as provided by 37 CFR 3.71. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

/mayalew/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

Notice of References Cited	Application/Control No. 12/117,004	Applicant(s)/Patent Under Reexamination HENDRICKSON ET AL.	
	Examiner Gloria Hale	Art Unit 3765	Page 1 of 1

U.S. PATENT DOCUMENTS

*	Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A US-4,506,390	03-1985	Stern, Marilyn M.	2/221
*	B US-6,311,333	11-2001	Batra, Sachin	2/237
*	C US-3,045,678	07-1962	GEIMER CORNELIUS J	450/130
*	D US-4,280,229	07-1981	Stein, Paul	2/221
	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

*	Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	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.

Index of Claims 	Application/Control No. 12117004	Applicant(s)/Patent Under Reexamination HENDRICKSON ET AL.
	Examiner Gloria Hale	Art Unit 3765

✓	Rejected
=	Allowed

-	Cancelled
÷	Restricted

N	Non-Elected
I	Interference

A	Appeal
O	Objected

Claims renumbered in the same order as presented by applicant
 CPA
 T.D.
 R.1.47

CLAIM		DATE							
Final	Original	12/20/2009							
	1	✓							
	2	✓							
	3	✓							
	4	✓							
	5	✓							
	6	✓							
	7	✓							
	8	✓							
	9	✓							
	10	✓							
	11	✓							
	12	✓							
	13	✓							
	14	✓							
	15	✓							
	16	✓							
	17	✓							
	18	✓							
	19	✓							
	20	✓							



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www.uspto.gov

Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
12/117,004 05/08/2008 Lisa A. Hendrickson 043174-014100 8196

22204 7590 12/29/2009
NIXON PEABODY, LLP
401 9TH STREET, NW
SUITE 900
WASHINGTON, DC 20004-2128

EXAMINER

HALE, GLORIA M

ART UNIT PAPER NUMBER

3765

MAIL DATE DELIVERY MODE

12/29/2009

PAPER

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

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 12/117,004	Applicant(s) HENDRICKSON ET AL.	
	Examiner Gloria Hale	Art Unit 3765	

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

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

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

Status

- 1) Responsive to communication(s) filed on ____.
- 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) 1-20 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) 1-20 is/are rejected.
- 7) Claim(s) ____ is/are objected to.
- 8) Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 08 May 2008 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) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>5-8-08;9-19-08;2-25-09</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

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

A person shall be entitled to a patent unless –

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

Claims 1, 2,4, 5,6,8,11,12,14,15,16 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Stern (US 4,506,390).

Stern discloses a garment comprising an upper portion having a belly panel (as seen in figure 1, ref. 11) wherein the belly panel is expandable (see col. 3,lines 30-31) wherein the waistband portion 1 is radially expandable to cover and fit over the growing abdomen (See figure 2, 19) and a garment lower portion 13 in figure 1 having a torso encircling circumference as seen in figure 1- the unnumbered waistline of body portion 13 wherein the torso encircling circumference recedes downwardly as seen in figures 1 and 2, unnumbered intersection of waist portion 11 and body portion 13, to make way for the expansion of the belly panel. Stern discloses the garment wherein the belly panel, figure 1, waist portion 11 is contractible elastically to cover a shrinking abdomen(See figures 1 and 2, waist portion 11 and pocket 19, col. 4,lines 28-30 in regard to the automatic contraction of 11. Stern also discloses the garment with a garment upper portion as seen in figure 1 waist portion 11 having the belly panel which is foldable toward the garment lower portion to comprise a folded band.(See figure 4, top hem stitching 15; col. 3,lines 34-36 in regard to the hem being formed along a top

Art Unit: 3765

edge by folding the top edge and stitching along line 15. Stern further discloses the garment with the belly panel of figure 1, 11 as being woven or knitted with elastic, stretchable strands(See col. 4,lines 45-47) in regard to the elastically woven or knitted material. Stern discloses the garment with the garment upper portion having a further torso encircling circumference as seen in figure 1, unnumbered waist portion 11 to hold the garment up and in place over the torso. Stern also discloses the garment wherein atop edge margin of the garment upper portion is folded over and sewn or knitted to an inside of the fabric, figure 4, top hem stitching, 15 in col. 3,lines 34-36 wherein the hem is formed along a top edge by folding over the top edge and stitching it.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stern in view of Carney (US 2004/0210987 A1)

Stern discloses the garment as claimed in claim 1 in addition to an expandable upper portion as seen in figure 1, waist portion 11;col. 3,lines 30-31 regarding the waistband portion as being radially expandable wherein the garment upper portion is an expandable tubular upper portion as seen in figure 3, 11 which is around the waist of the user and is tubular. Stern does not disclose the upper portion as being seamless to fit comfortably while worn. Carney

Art Unit: 3765

teaches a garment upper portion which is an expandable (See Abstract-elastic band) tubular (figure 1, garment band 10, Abstract in regard to tube top) upper portion that is seamless (para.29) in regard to the garment may be seamless to fit comfortably while being worn. Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the expandable waist portion to construct it in an expandable tubular and seamless design to fit comfortably while worn as taught by Carney with the system of Stern in order to eliminate seams which may dig in a cause discomfort to the user.

Claims 7 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stern in view of Oakley (US 2006/0010571).

Stern discloses the invention substantially as claimed except for the double layer tubular structure. Oakley teaches a double layer structure (Fig.1C, lower component 110, where lower component 110 has an inner surface and an outer surface, forming a double layer structure of two different materials. See the Abstract in regard to the lower component as having an outer surface and an inner surface. Para.0013 in regard to the knit inside fabric stretches more than the stretch woven outer fabric to accommodate a growing stomach. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the garment of Stern with the teaching of Oakley to provide the double layer structure as taught by Oakley in order to slightly increase the tension on the body of the user providing additional support thereto.

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.Claims 9,19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stern in view of Batra (US 6311333)

Stern discloses the invention substantially as claimed except for the garment lower portion has having a partial waistband(fig. 2,yoke 21) extending from the side seams(30,31;fig.1 and col. 2,lines 47-50) of the garment lower portion and extending across the back side of the garment lower portion.(figure 2). Batra teaches wherein the garment lower portion has a partial waistband extending from side seams of the garment lower portion and extending across a back side of the garment lower portion. . Accordingly it would have been obvious to one having ordinary skill in the art at the time the invention was made to further provide wherein the garment lower portion has a partial waistband extending from the side seams of the garment lower portion and extending across a back side of the garment lower portion as taught by Batra with the system of Stern in order to provide additional support for the back.

Claims 10 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stern in view of Geimer (US 3045678).

Stern discloses the garment substantially as claimed except for the series of belly cradling stitches or knitted tension in the belly panel or in the back panel for further support to the wearer during various stages of pregnancy to provide more or less support to the wearer during different stages. Geimer teaches a series of belly cradling stitches or knitted tension in the belly panel to cradle a growing abdomen during various stages of pregnancy(See figure 2, panel 20;col.

Art Unit: 3765

1, lines 25-28 regarding shirred elastic material of panel 20 to ensure the desired comfort and adequate support. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the panel to include the belly cradling stitches or knitted tension in the belly panel to cradle a growing abdomen and to include such support stitches in the back panel along the spine to add more support to the wearer as taught by Geimer within the garment of Stern in order to provide additional support and comfort to the wearer.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-20 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-25 of copending Application No. 11/756,242. Although the conflicting claims are not identical,

Art Unit: 3765

they are not patentably distinct from each other because the claims claim the same garment with a belly panel that is expansible to cover and fit a growing abdomen during different stages of pregnancy in addition to a lower portion having a first torso encircling circumference that recedes downwardly to make way for the expansion of the belly panel in addition to a second circumference along the upper end of the belly panel above the location of maximum girth of the abdomen to hold the garment up onto the wearer wherein the upper portion is seamless, is of elastic fabric and yarns, is tubular and includes a partial back waistband, belly and back stitches of different tension for added support and a folded over double layer portion as claimed in claims 1-25.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gloria Hale whose telephone number is 571-272-4984.


The examiner can normally be reached on Mon.-Thurs.,..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Welch can be reached on 571-272-4996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3765

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). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gloria Hale/
Primary Examiner, Art Unit 3765

Search Notes 	Application/Control No. 12117004	Applicant(s)/Patent Under Reexamination HENDRICKSON ET AL.
	Examiner Gloria Hale	Art Unit 3765

SEARCHED			
Class	Subclass	Date	Examiner
2	69,227,228,236-238,243.1	12-15-09	gh
450	155,96-100		

SEARCH NOTES		
Search Notes	Date	Examiner
INV NAME SRCH;IDS FLAG CLRED;DP with parent ap	12-19-09	gh

INTERFERENCE SEARCH			
Class	Subclass	Date	Examiner

	/Gloria Hale/ Primary Examiner.Art Unit 3765
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SUBSTITUTE for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)			Complete if Known			
			Application Number		12/117,004	
			Filing Date		May 8, 2008	
			First Named Inventor		Hendrickson, Lisa	
			Art Unit		3765	
			Examiner Name		n/a	
Sheet	1	of	1	Attorney Docket Number		D8114-00489

U.S. PATENT DOCUMENTS					
Examiner Initials	Cite No.	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code (if known)			
	A	5,946,730	09/07/1999	Blair	

FOREIGN PATENT DOCUMENTS						
Examiner Initials	Cite No.	Foreign Patent Document	Publication Date MM-DD-YYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines Where Relevant Passages or Figures Appear	T
		Country Code - Number - Kind Code (if known)				

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No.	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

Examiner Signature	/Gloria Hale/	Date Considered	12/21/2009
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*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.
DM2\1713895.1

SUBSTITUTE for form 1449A/PTO			Complete if Known		
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)			Application Number	n/a	
			Filing Date	Herewith	
			First Named Inventor	Hendrickson, Lisa	
			Art Unit	n/a	
			Examiner Name	n/a	
Sheet	1	of	1	Attorney Docket Number	D8114-00489

U.S. PATENT DOCUMENTS						
Examiner Initials	Cite No.	Document Number		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code (if known)				
	A	US2006/0010571		01/09/2006	Oakley	

FOREIGN PATENT DOCUMENTS							
Examiner Initials	Cite No.	Foreign Patent Document		Publication Date MM-DD-YYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines Where Relevant Passages or Figures Appear	T
		Country Code - Number - Kind Code (if known)					

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No.	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
	B	1 in the Oven's InvisiBelly™ Jeans, Trade Literature, 2/26/2008, http://www.1intheoven.com/index.php?p=product&id=88&parent=26&is_print_version=true	

Examiner Signature	/Gloria Hale/	Date Considered	12/21/2009 12/21/2009 12/21/2009
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*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.
DM2\1444113.1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Art Unit	: 3765	Customer No.	035811
Examiner	: Gloria M. Hale	Docket No.:	DMC-10-1220CON
Serial No.	: 12/117,004		
Filed	: May 8, 2008		
Inventors	: Lisa A. Hendrickson		
	: James H. Gardner III		
	: Richard Adelman	Confirmation No.:	8196
Title	: BELLY COVERING GARMENT		

PETITION TO MAKE SPECIAL UNDER 37 C.F.R. §1.102(d)

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants hereby petition under 37 CFR §1.102(d) and MPEP §708.02(II) that the subject application be accorded special status and advanced in order of examination.

The requirements of 37 CFR §1.102 and MPEP §708.02 are fulfilled as follows:

1. Please charge Deposit Account No. 50-2719 in the amount of \$130.00 to cover the official Petition fee. The Commissioner is hereby authorized to charge fees under 37 CFR §1.16 and §1.17 which may be required, or credit any overpayment, to Deposit Account No. 50-2719.
2. In support of its Petition to Make Special, the Applicants allege the following:
 - a.) there are infringing products currently on the market;
 - b.) a rigid comparison of the alleged infringing products has been made, and in the Applicants' opinion, at least some of the claims are unquestionably infringed by said products; and
 - c.) the Applicants have a good knowledge of the pertinent prior art.
3. The references deemed most closely related to the subject matter encompassed by the claims are already on the record.

4. In view of that set forth above, Applicants respectfully solicit favorable consideration and grant of this Petition, so that examination of the present application may be expedited.

Respectfully submitted,

DESTINATION MATERNITY CORPORATION

Date: 6/23/10

By: 

Ronald J. Masciantonio
Senior Vice President & General Counsel

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.

POWER OF ATTORNEY OR REVOCATION OF POWER OF ATTORNEY WITH A NEW POWER OF ATTORNEY AND CHANGE OF CORRESPONDENCE ADDRESS	Application Number	12/117,004
	Filing Date	May 8, 2008
	First Named Inventor	Lisa A. Hendrickson
	Title	BELLY COVERING GARMENT
	Art Unit	3785
	Examiner Name	Gloria M. Hale
	Attorney Docket Number	DMC-10-1220CON

I hereby revoke all previous powers of attorney given in the above-identified application.

A Power of Attorney is submitted herewith.

OR

I hereby appoint Practitioner(s) associated with the following Customer Number as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith:

35811

OR

I hereby appoint Practitioner(s) named below as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith:

Practitioner(s) Name	Registration Number

Please recognize or change the correspondence address for the above-identified application to:

The address associated with the above-mentioned Customer Number.

OR

The address associated with Customer Number:

OR

Firm or Individual Name

Address

City

State

Zip

Country

Telephone

Email

I am the:

Applicant/Inventor.

OR

Assignee of record of the entire interest. See 37 CFR 3.71.

Statement under 37 CFR 3.73(b) (Form PTO/SB/96) submitted herewith or filed on _____.

SIGNATURE of Applicant or Assignee of Record

Signature

Date

Name

Telephone

Title and Company

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

*Total of _____ forms are submitted.

This collection of information is required by 37 CFR 1.31, 1.32 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 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.

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

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.

STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: Destination Maternity Corporation

Application No./Patent No.: 12/117,004

Filed/Issue Date: May 8, 2008

Titled: BELLY COVERING GARMENT

Destination Maternity Corporation, a corporation of Delaware

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

- 1. the assignee of the entire right, title, and interest in;
- 2. an assignee of less than the entire right, title, and interest in
(The extent (by percentage) of its ownership interest is _____ %); or
- 3. the assignee of an undivided interest in the entirety of (a complete assignment from one of the joint inventors was made)

the patent application/patent identified above, by virtue of either:

A. An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel 023390, Frame 0079, or for which a copy therefore is attached.

OR

B. A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

2. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

3. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

Additional documents in the chain of title are listed on a supplemental sheet(s).

As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Signature

Paul A. Taufer, Reg. No. 35,703

Printed or Typed Name

June 24, 2010

Date

Attorney of Record

Title

This collection of information is required by 37 CFR 3.73(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 1.11 and 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.

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4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
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6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
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9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

In re Application of Lisa A. Hendrickson, et al.
 Serial No.: 12/117,004
 Filed: May 8, 2008
 For: BELLY COVERING GARMENT

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

Sir:

A response to the outstanding official action in the above-identified application is enclosed.

- Small entity status of this application under 37 CFR §1.9 and §1.27 has been established.
- This is a Petition for an Extension of Time for the period noted below, as well as for any additional period necessary to render this submission timely.
- No additional fee is required.

			SMALL ENTITY	OTHER THAN SMALL ENTITY			
TIME EXTENSION PETITION FEE		No. of month(s): 3	\$0.00	\$1,110.00			
Subtract time extension fee previously paid		No. of month(s): 0	(\$0.00)	(\$0.00)			
TOTAL EXTENSION FEE DUE			\$0.00	\$1,110.00			
CLAIM FEE	CLAIM(S) REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	EXTRA CLAIM(S) PRESENT	RATE	ADD'L CLAIM FEE	RATE	ADD'L CLAIM FEE
TOTAL	16	MINUS 20	= 0	x 26= \$	x 52= \$		\$0.00
INDEPENDENT	1	MINUS 3	= 0	x 110= \$	x 220= \$		\$0.00
<input type="checkbox"/>	FIRST PRESENTATION OF MULTIPLE CLAIM(S)			+ 195= \$	+ 390= \$		\$0.00
TOTAL ADDITIONAL CLAIM FEE DUE				\$	\$		\$0.00
TOTAL FEE DUE \$1,110.00 (Extension fee)							

- Please charge Deposit Account No. 50-2719 in the amount of **\$1,110.00** (Extension fee).
- The Commissioner is authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-2719.
 - Any filing fees under 37 CFR §1.16 for the presentation of extra claims.
 - Any patent application processing fees under 37 CFR §1.17.

Respectfully submitted,

Paul A. Taufer, Reg. No. 35,703
 Richard L. Cruz, Reg. No. 52,783
 Attorneys for Applicants

Date: June 24, 2010

PAT/RLC/nm
 (215)656-3385
 EAST43049089.1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Art Unit	: 3765	Customer No. 035811
Examiner	: Gloria M. Hale	
Serial No.	: 12/117,004	Docket No.: DMC-10-1220CON
Filed	: May 8, 2008	
Inventors	: Lisa A. Hendrickson	
	: James H. Gardner III	
	: Richard Adelman	Confirmation No.: 8196
Title	: BELLY COVERING	
	: GARMENT	Date: June 24, 2010

RESPONSE

Mail Stop Amendment

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

In response to the Official Action dated December 29, 2009, the Applicants amend the application as follows:

In the Claims

1. – 20. (Cancelled).

21. (New) A garment portion adapted for use in conjunction with one or more articles of clothing, said garment portion comprising:

an expansible belly panel adapted to substantially cover a wearer's entire belly region, said belly panel comprising:

an upper edge portion defining a first encircling circumference about a wearer's torso that is at or above the wearer's upper abdomen region, and

a lower edge portion spaced from the upper edge portion and defining a second encircling circumference.

22. (New) The garment portion of claim 21, further comprising a pair of trousers attached to said lower edge portion.

23. (New) The garment portion of claim 22, wherein said trousers comprise denim jeans.

24. (New) The garment portion of claim 23, wherein said denim jeans comprise one or more pockets and a sewn zipperless fly front.

25. (New) The garment portion of claim 21, further comprising a skirt attached to said lower edge portion.

26. (New) The garment portion of claim 21, wherein said belly panel is adapted to cover the wearer's belly region during different stages of weight gains and losses.

27. (New) The garment portion of claim 21, wherein said belly panel is adapted to substantially cover and fit over different body types.

28. (New) The garment portion of claim 21, wherein the belly panel is elastically expansible and contractible.
29. (New) The garment portion of claim 21, wherein the belly panel is seamless to fit comfortably while being worn.
30. (New) The garment portion of claim 21, wherein the belly panel is foldable to comprise a folded band.
31. (New) The garment portion of claim 21, wherein the belly panel is woven or knitted with elastic, stretchable strands.
32. (New) The garment portion of claim 21, wherein a top edge margin of the belly panel is folded over and sewn or knitted to an inside of the belly panel fabric.
33. (New) The garment portion of claim 21, wherein the belly panel comprises a double layer tubular structure.
34. (New) The garment portion of claim 21, wherein the belly panel further comprises a partial waistband extending across a back side of the lower edge portion and extending down into side seams of an article of clothing connected thereto.
35. (New) The garment portion of claim 21, wherein the belly panel further comprises one or more belly-cradling stitches or knitted tension to cradle the wearer's abdomen region.
36. (New) The garment portion of claim 21, wherein the lower edge portion is configured to extend downward with a parabolic shape to accommodate the wearer's expanding belly region.

Remarks

Claims 1-20 are pending. Each of Claims 1-20 are hereby cancelled in favor of newly added Claims 21-36. Notably, no new matter has been added as a result of new Claims 21-36. To the contrary, new Claims 21-36 merely clarify that which is considered the invention, and include features and limitations previously examined and considered as part of original Claims 1-20. For example, independent Claim 21 is directed to a garment portion comprising an expansible belly panel similar to the one recited in original Claims 1 and/or 2. Further, new Claims 28-35 recite features similar to those previously recited in original Claims 2-7, 9 and 10, for example. Accordingly, since no new matter has been added, the Applicants submit that no additional prior art searches are warranted. Thus, examination on the merits based on the prior art already of record is respectfully requested.

Claims Rejected under 35 USC §102

Claims 1, 2, 4-6, 8, 11, 12, 14, 15, 16, and 18 stand rejected under §102(b) as allegedly being anticipated by Stern (US Patent No. 4,506,390). Since each of Claims 1-20 have been cancelled, the Applicants submit that this grounds of rejection is now moot. Nonetheless, the Applicants will address Stern in view of new Claims 21-36. In view of the following remarks, the Applicants respectfully submit that each of new Claims 21-36 is fully patentable over Stern.

Claim 21 is directed to a garment portion adapted for use in conjunction with one or more articles of clothing. The claimed garment portion comprises an expansible belly panel that includes an upper edge portion defining a first encircling circumference about a wearer's torso that is at or above the wearer's upper abdomen region, and a lower edge

portion spaced from the upper edge portion and defining a second encircling circumference. Notably, the claimed belly panel, by virtue of the spacing between the upper and lower edge portions, is adapted to substantially cover a wearer's entire belly region (emphasis added).

Stern, in sharp contrast, is directed to a maternity garment with an expandable waistband portion that forms a pouch which supports a lower portion of a woman's stomach (emphasis added). See Abstract and Fig. 1 of Stern. To that end, Stern describes the waistband portion as having a narrower vertical extent at a rear portion of the garment, and a wider vertical extent at a front portion of the garment which swoops down to form a pouch which "...cups and supports the lower part of a woman's stomach." (emphasis added). See col. 2, lines 50-75 of Stern. This cup-like pouch "acts as a sling-like support" for the bulge of a wearer's stomach. See col. 4, lines 31-36 of Stern.

Notably, and contrary to Claim 21, the cup-like support described in Stern only covers a lower portion of a wearer's bulging stomach, and as a result, is limited to providing vertical support to the stomach primarily from beneath the wearer's stomach region. See Fig. 1-3 of Stern. Claim 21, on the other hand, recites a belly panel configured to substantially cover a wearer's entire belly region (emphasis added). This belly panel includes an upper edge portion that encircles a wearer's torso at or above the wearer's upper abdomen region. As a result, the claimed belly panel is able to encircle the wearer's upper abdomen region, thereby providing added vertical support to the wearer's belly both from above said belly region as well as from beneath the belly region. In addition, as will be appreciated by those of skill in the art, the claimed belly panel provides a substantially more comfortable experience for the wearer, particularly since

there are no seams or edges which encircle the middle region of wearer's belly (as in Stern).

Accordingly, since Stern fails to disclose each and every feature of Claim 21, the Applicants submit that Claim 21, and all claims that depend thereon, are all fully patentable over Stern.

Claims Rejected under 35 USC §103

Claims 3 and 13 stand rejected under §103(a) as allegedly being unpatentable over Stern in view of Carney (US Publ. No. 2004/0210987). Claims 7 and 17 stand rejected under §103(a) as allegedly being unpatentable over Stern in view of Oakley (US Publ. No. 2006/0010571). Claims 9 and 19 stand rejected under §103(a) as allegedly being unpatentable over Stern in view of Batra (US Patent No. 6,311,333). Claims 10 and 20 stand rejected as allegedly being unpatentable over Stern in view of Geimer (US Patent No. 3,045,678). As noted above, each of Claims 1-20 have been cancelled, thereby rendering the foregoing claim rejections moot. However, the Applicants note that many of the features recited in the cancelled claims remain in the new claims, and as a result, will address these references in light of newly added Claims 21-36.

Carney has been cited as allegedly disclosing a seamless garment. See pg. 3 of the instant Office Action. However, the Applicants note that Carney fails to cure the deficiencies of Stern. As a result, each of Claims 21-36 is fully patentable over Carney for at least those reasons discussed above. Indeed, Carney describes a band garment that engages over the top of a woman's skirt or pants. See Abstract of Carney. This is contrary to Claim 21, which recites a belly panel that substantially covers a wearer's entire belly region. Unlike Claim 21, the band garment described in Carney does not

substantially cover a wearer's entire belly region. Instead, the band garment is limited to covering the fastening region of a woman's pants or skirt. As will be appreciated by those of skill in the art, this fastening region exclusively lies below the woman's belly / abdomen region. As a result, even if *arguendo* Carney were combined with Stern, the combination would still fail to disclose a belly panel that substantially covers a wearer's entire belly region, as in Claim 21.

Accordingly, the Applicants respectfully submit that each of Claims 21-36 is fully patentable over any combination of Stern and Carney.

Oakley is cited as allegedly disclosing a double layer structure. *See* pg. 4 of the instant Office Action. As with Carney, Oakley also fails to cure the deficiencies of Stern. Instead, Oakley describes a double waistband that includes a non-elastic portion (110) and an elastic portion (112). Importantly, the non-elastic portion (110) sits at the normal height of a waistband of a non-maternity pant, and the elastic portion (112) rises about four (4) inches above the non-elastic portion (110), but no more than five or six inches above said non-elastic portion (110). *See* ¶¶ [0007]-[0008] of Oakley. Notably, as will be appreciated by those of skill in the art, a five or six inch rise above normal waistband would not cover a wearer's entire belly region. To the contrary, such a five-six inch rise will only cover a lower portion of the wearer's belly region. This is in sharp contrast to the belly panel of Claim 21, which substantially covers a wearer's entire belly region. As a result, the Applicants submit that even if *arguendo* Oakley were combined with Stern, the combination would still fail to disclose each and every feature of Claim 21.

Accordingly, the Applicants respectfully submit that each of Claims 21-36 is fully patentable over any combination of Stern and Oakley.

Batra is cited as allegedly disclosing a partial waistband extending from the side seams and across a back side of the garment lower portion. See pg. 5 of the instant Office Action. As with Carney and Oakley, Batra also fails to cure the deficiencies of Stern. Instead, Batra describes a pant garment whose yoke and rear section of the waistband incorporates a stretchable quality. See Abstract and Fig. 2 of Batra. Importantly, this stretchable material is incorporated so as to render it indistinguishable from the remainder of the patent garment material. Id. In other words, the waistband described in Batra is designed to avoid altering the appearance of the pant garment in any way.

Unlike Claim 21, Batra fails to disclose any belly panel that substantially covers a wearer's entire belly region. To the contrary, as noted above, Batra describes a stretchable waistband designed in size and shape to appear as any 'normal' or conventional waistband. Indeed, the Batra waistband sits at the wearer's waist, and does not extend to an upper portion of the wearer's belly region. As a result, even if *arguendo* Batra were combined with Stern, the combination would still fail to disclose each and every feature of Claim 21.

Accordingly, the Applicants respectfully submit that each of Claims 21-36 is fully patentable over any combination of Stern and Batra.

Lastly, Geimer is cited as allegedly disclosing belly cradling stitches or knitted tension in a belly panel. See pg. 5 of the instant Office Action. As with Carney, Oakley, and Batra, Geimer fails to cure the deficiencies of Stern. Instead, Geimer discloses a three-panel girdle having garter loops which is not suitable for use in conjunction with other articles of clothing. See Fig. 1 of Geimer. Accordingly, one of skill in the art would not be motivated to combine Geimer with Stern, as to do so would render Geimer

inoperable for its intended purpose. Moreover, even if *arguendo* Geimer were combined with Stern, the combination would still fails to disclose each and every feature of Claim 21.

Accordingly, the Applicants respectfully submit that each of Claims 21-36 is fully patentable over any combination of Stern and Geimer.

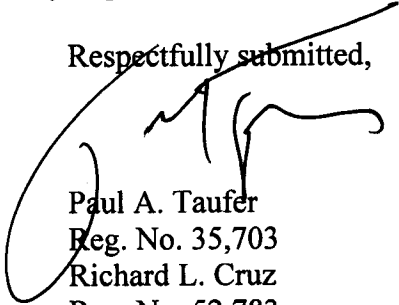
Double Patenting

Claims 1-20 stand provisionally rejected under the judicially created doctrine of nonstatutory obviousness-type double patenting in view of claims 1-25 of co-pending patent Application No. 11/756,242. In view of the Terminal Disclaimer filed herewith, the Applicants submit that this grounds of rejection is now moot, and respectfully request that it be withdrawn.

Conclusion

In view of the foregoing, the Applicants submit that the entire Application is now in condition for allowance, which action is earnestly requested.

Respectfully submitted,



Paul A. Tauffer
Reg. No. 35,703
Richard L. Cruz
Reg. No. 52,783
Attorney for Applicants

PAT/RLC/nn
(215) 656-3385

Electronic Patent Application Fee Transmittal

Application Number:	12117004
Filing Date:	08-May-2008
Title of Invention:	BELLY COVERING GARMENT
First Named Inventor/Applicant Name:	Lisa A. Hendrickson
Filer:	Paul A. Taufer/Nancy Nunez
Attorney Docket Number:	043174-014100

Filed as Large Entity

Utility under 35 USC 111(a) Filing Fees

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Petition fee- 37 CFR 1.17(h) (Group III)	1464	1	130	130

Patent-Appeals-and-Interference:

Post-Allowance-and-Post-Issuance:

Extension-of-Time:

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Extension - 3 months with \$0 paid	1253	1	1110	1110
Miscellaneous:				
Statutory disclaimer	1814	1	140	140
Total in USD (\$)				1380

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Art Unit	: 3765	Customer No. 035811
Examiner	: Gloria M. Hale	
Serial No.	: 12/117,004	Docket No.: DMC-10-1220CON
Filed	: May 8, 2008	
Inventors	: Lisa A. Hendrickson	
	: James H. Gardner III	
	: Richard Adelman	Confirmation No.: 8196
Title	: BELLY COVERING GARMENT	

TERMINAL DISCLAIMER

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

Sir:

Your Petitioner, Destination Maternity Corporation, which is the owner of the entire interest in the above Application Serial No. 12/117,004 filed May 8, 2008 for BELLY COVERING GARMENT, as evidenced by an Assignment recorded at Reel 023390, Frame 0079 of the US Patent and Trademark Office records, and is also the owner of US Serial No. 11/756,242 filed May 31, 2007 for BELLY COVERING GARMENT as evidenced by an Assignment recorded at Reel 023390, Frame 0079 of the US Patent and Trademark Office records. A convenience copy of the Patent Assignment Abstract of Title is attached. Your petitioner has reviewed the relevant documentary evidence and certifies to the best of his knowledge and belief that the applications are commonly owned.

Your Petitioner hereby disclaims the terminal part of any patent to be issued on said application Serial No. 12/117,004 which would extend beyond the expiration date of any patent granted for US Serial No. 11/756,242 and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that said patent is

commonly owned with US Serial No. 11/756,242, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assigns.

Your Petitioner does not disclaim any earlier than the expiration date presently shortened by this Terminal Disclaimer, even in the event that said patent granted on US Serial No. 11/756,242 earlier expires for other reasons, such as failure to pay a maintenance fee, invalidity or unenforceability, or is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321(a), or has all claims canceled by a reexamination certificate, or is otherwise wholly or partially terminated prior to the expiration of its term. If any part of this paragraph should be held to render this Terminal Disclaimer ineffective, then that part shall be deemed to be of no effect.

Respectfully submitted,

DESTINATION MATERNITY CORPORATION

Date: 6/23/10

By: 
Ronald J. Masciantonio
Senior Vice President & General Counsel



United States Patent and Trademark Office

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Patent Assignment Abstract of Title

NOTE: Results display only for issued patents and published applications. For pending or abandoned applications please consult USPTO staff.**Total Assignments: 2****Patent #:** NONE**Issue Dt:****Application #:** 11756242**Filing Dt:** 05/31/2007**Publication #:** 20080295225**Pub Dt:** 12/04/2008**Inventors:** LISA A. HENDRICKSON, James H. Gardner III, Richard Adelman**Title:** BELLY COVERING GARMENT**Assignment: 1****Reel/Frame:** 019670/0495**Recorded:** 08/08/2007**Pages:** 7**Conveyance:** ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).**Assignors:** HENDRICKSON, LISA A.**Exec Dt:** 07/30/2007GARDNER, JAMES H., III**Exec Dt:** 07/30/2007ADELMAN, RICHARD**Exec Dt:** 07/20/2007**Assignee:** MOTHERS WORK, INC.456 NORTH FIFTH STREET
PHILADELPHIA, PENNSYLVANIA 19123**Correspondent:** GERALD K. KITA, CUSTOMER NO. 0893330 SOUTH 17TH STREET
PHILADELPHIA, PA 19103-4196**Assignment: 2****Reel/Frame:** 023390/0079**Recorded:** 10/19/2009**Pages:** 15**Conveyance:** MERGER (SEE DOCUMENT FOR DETAILS).**Assignor:** MOTHERS WORK, INC.**Exec Dt:** 12/08/2008**Assignee:** DESTINATION MATERNITY CORPORATION2711 CENTERVILLE ROAD
SUITE 400
WILMINGTON, DELAWARE 19808**Correspondent:** NIXON PEABODY LLP401 9TH STREET, N.W.
SUITE 900
WASHINGTON, DC 20004

Search Results as of: 06/14/2010 04:36 PM

If you have any comments or questions concerning the data displayed, contact PRD / Assignments at 571-272-3350.
Web interface last modified: October 18, 2008 v.2.0.2| [.HOME](#) | [INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [CONTACT US](#) | [PRIVACY STATEMENT](#)

Electronic Acknowledgement Receipt

EFS ID:	7882753
Application Number:	12117004
International Application Number:	
Confirmation Number:	8196
Title of Invention:	BELLY COVERING GARMENT
First Named Inventor/Applicant Name:	Lisa A. Hendrickson
Customer Number:	22204
Filer:	Paul A. Taufer/Nancy Nunez
Filer Authorized By:	Paul A. Taufer
Attorney Docket Number:	043174-014100
Receipt Date:	24-JUN-2010
Filing Date:	08-MAY-2008
Time Stamp:	11:41:45
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Deposit Account
Payment was successfully received in RAM	\$1380
RAM confirmation Number	8622
Deposit Account	502719
Authorized User	

The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:

Charge any Additional Fees required under 37 C.F.R. Section 1.16 (National application filing, search, and examination fees)

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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Power of Attorney	POA.pdf	265091 be28101342d4040f42544b4392b18eff58a d6e34	no	4

Warnings:

Information:

2	Miscellaneous Incoming Letter	ATL.pdf	48212 9ed11b273bb14c1f977e8e027b56013a5d4 544d2	no	1
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Warnings:

Information:

3		Respose.pdf	318796 bbdcb3420505a5f86b9959789365caa74a5 05b76	yes	9
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Multipart Description/PDF files in .zip description

Document Description	Start	End
Amendment/Req. Reconsideration-After Non-Final Reject	1	1
Amendment Copy Claims/Response to Suggested Claims	2	3
Applicant Arguments/Remarks Made in an Amendment	4	9

Warnings:

Information:

4	Petition for review by the Office of Petitions.	Petition.pdf	45948 38277a66501195600d4e8e8147a8fac2c37 6dab9	no	2
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Warnings:

Information:

5	Terminal Disclaimer Filed	TD.pdf	103571 6cf56ac95007447811037d5a081edc74998 5cd4b	no	3
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Warnings:

Information:

6	Fee Worksheet (PTO-875)	fee-info.pdf	33937 6d4f0272ba2327c3aa4e3acc85b4f39f920 8dd	no	2
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Information:	
Total Files Size (in bytes):	815555
<p>This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.</p> <p><u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.</p> <p><u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.</p> <p><u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.</p>	



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/117,004	05/08/2008	Lisa A. Hendrickson	DMC-10-1220CON

CONFIRMATION NO. 8196

POA ACCEPTANCE LETTER

35811
IP GROUP OF DLA PIPER LLP (US)
ONE LIBERTY PLACE
1650 MARKET ST, SUITE 4900
PHILADELPHIA, PA 19103



Date Mailed: 07/02/2010

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 06/24/2010.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/qtran/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/117,004	05/08/2008	Lisa A. Hendrickson	043174-014100

CONFIRMATION NO. 8196

POWER OF ATTORNEY NOTICE



22204
NIXON PEABODY, LLP
401 9TH STREET, NW
SUITE 900
WASHINGTON, DC 20004-2128

Date Mailed: 07/02/2010


NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 06/24/2010.

- The Power of Attorney to you in this application has been revoked by the assignee who has intervened as provided by 37 CFR 3.71. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

/qtran/


Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

Application Number 	Application/Control No. 12/117,004	Applicant(s)/Patent under Reexamination HENDRICKSON ET AL.

Document Code - DISQ	Internal Document – DO NOT MAIL
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TERMINAL DISCLAIMER	<input checked="" type="checkbox"/> APPROVED	<input type="checkbox"/> DISAPPROVED
Date Filed : 06/24/10	This patent is subject to a Terminal Disclaimer	

Approved/Disapproved by:
Angie Walker

Index of Claims 	Application/Control No. 12117004	Applicant(s)/Patent Under Reexamination HENDRICKSON ET AL.
	Examiner Gloria Hale	Art Unit 3765

✓	Rejected
=	Allowed

-	Cancelled
÷	Restricted

N	Non-Elected
I	Interference

A	Appeal
O	Objected

Claims renumbered in the same order as presented by applicant
 CPA
 T.D.
 R.1.47

CLAIM		DATE							
Final	Original	12/20/2009	09/25/2010						
	1	✓	-						
	2	✓	-						
	3	✓	-						
	4	✓	-						
	5	✓	-						
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	34		✓						
	35		✓						
	36		✓						



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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO. Includes details for application 12/117,004 filed 05/08/2008 by Lisa A. Hendrickson, attorney DMC-10-1220CON1, examiner HALE, GLORIA M, art unit 3765, notification date 09/30/2010, and delivery mode ELECTRONIC.

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

The time period for reply, if any, is set in the attached communication.

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

pto.phil@dlapiper.com

DETAILED ACTION

Claim Rejections - 35 USC § 102

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

A person shall be entitled to a patent unless –

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

Claims 21,22,25-28,30,31,32 and 36 are rejected under 35 U.S.C. 102(b) as being anticipated by Stern (US 4,506,390).

Stern discloses a garment comprising an upper portion having a belly panel (as seen in figure 1, ref. 11) wherein the belly panel is expandable (see col. 3,lines 30-31) wherein the waistband portion is radially expandable to cover and fit over the growing abdomen (See figure 2, 19) and a garment lower portion 13 in figure 1 having a torso encircling circumference as seen in figure 1- the unnumbered waistline of body portion 13 wherein the torso encircling circumference recedes downwardly as seen in figures 1 and 2, unnumbered intersection of waist portion 11 and body portion 13, to make way for the expansion of the belly panel. Stern discloses the garment wherein the belly panel, figure 1, waist portion 11 is contractible elastically to cover a shrinking abdomen(See figures 1 and 2, waist portion 11 and pocket 19, col. 4,lines 28-30 in regard to the automatic contraction of 11. Stern also discloses the garment with a garment upper portion as seen in figure 1 waist portion 11 having the belly panel which is foldable toward the garment lower portion to comprise a folded band.(See figure 4, top hem stitching 15; col. 3,lines 34-36 in regard to the hem being formed along a top

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edge by folding the top edge and stitching along line 15. Stern further discloses the garment with the belly panel of figure 1, 11 as being woven or knitted with elastic, stretchable strands(See col. 4,lines 45-47) in regard to the elastically woven or knitted material. Stern discloses the garment with the garment upper portion having a further torso encircling circumference as seen in figure 1, unnumbered waist portion 11 to hold the garment up and in place over the torso. Stern also discloses the garment wherein atop edge margin of the garment upper portion is folded over and sewn or knitted to an inside of the fabric, figure 4, top hem stitching, 15 in col. 3,lines 34-36 wherein the hem is formed along a top edge by folding over the top edge and stitching it.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stern in view of Carney (US 2004/0210987 A1)

Stern discloses the garment as claimed in claim 1 in addition to an expandable upper portion as seen in figure 1, waist portion 11;col. 3,lines 30-31 regarding the waistband portion as being radially expandable wherein the garment upper portion is an expandable tubular upper portion as seen in figure 3, 11 which is around the waist of the user and is tubular. Stern does not disclose the upper portion as being seamless to fit comfortably while worn. Carney

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teaches a garment upper portion which is an expandable (See Abstract-elastic band) tubular (figure 1, garment band 10, Abstract in regard to tube top) upper portion that is seamless (para.29) in regard to the garment may be seamless to fit comfortably while being worn. Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the expandable waist portion to construct it in an expandable tubular and seamless design to fit comfortably while worn as taught by Carney with the system of Stern in order to eliminate seams which may dig in a cause discomfort to the user.

Claim 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stern in view of Oakley (US 2006/0010571).

Stern discloses the invention substantially as claimed except for the double layer tubular structure. Oakley teaches a double layer structure (Fig.1C, lower component 110, where lower component 110 has an inner surface and an outer surface, forming a double layer structure of two different materials. See the Abstract in regard to the lower component as having an outer surface and an inner surface. Para.0013 in regard to the knit inside fabric stretches more than the stretch woven outer fabric to accommodate a growing stomach. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the garment of Stern with the teaching of Oakley to provide the double layer structure as taught by Oakley in order to slightly increase the tension on the body of the user providing additional support thereto.

.Claim 23,24 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stern in view of Batra (US 6311333)

Stern discloses the invention substantially as claimed except for the garment lower portion has having a partial waistband(fig. 2,yoke 21) extending from the side seams(30,31;fig.1 and col. 2,lines 47-50) of the garment lower portion and extending across the back side of the garment lower portion.(figure 2). Batra teaches wherein the garment, a jean or any other garment material pant has a lower portion with a partial waistband extending from side seams of the garment lower portion and extending across a back side of the garment lower portion. with various fly closures . Accordingly it would have been obvious to one having ordinary skill in the art at the time the invention was made to further provide wherein the garment lower portion has a partial waistband extending from the side seams of the garment lower portion and extending across a back side of the garment lower portion as taught by Batra with the system of Stern in order to provide additional support for the back and abdomen of a pregnant wearer with or without a working fly to achieve a desired aesthetic effect.

Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stern in view of Geimer (US 3045678).

Stern discloses the garment substantially as claimed except for the series of belly cradling stitches or knitted tension in the belly panel or in the back panel for further support to the wearer during various stages of pregnancy to provide more or less support to the wearer during different stages. Geimer teaches a

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series of belly cradling stitches or knitted tension in the belly panel to cradle a growing abdomen during various stages of pregnancy(See figure 2, panel 20;col. 1,lines 25-28 regarding shirred elastic material of panel 20 to ensure the desired comfort and adequate support. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the panel to include the belly cradling stitches or knitted tension in the belly panel to cradle a growing abdomen and to include such support stitches in the back panel along the spine to add more support to the wearer as taught by Geimer within the garment of Stern in order to provide additional support and comfort to the wearer.

Response to Arguments

Applicant's arguments filed 6-24-10 have been fully considered but they are not persuasive.

Applicant argues that Stern does not cover an entire "belly region". It is the Examiner's position that the term "Entire belly region" has not been clearly defined and that applicant has not claimed an entire pregnant belly from an area just under the breast, over an entire pregnant belly and that extends under the entire belly to support the belly. Applicant has include the word "region" wherein this term can limit the area covered to only a "region" of the belly that has not been clearly defined. Applicant has then claimed the panel as having an upper edge of a first circumference that is on a wearer's torso at or above the wearer's upper abdomen which may or may not cover the "Entire belly" and a lower edge portion that is spaced form the upper edge to

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define a second circumference which again has not been clearly defined to cover an "Entire pregnant belly". The term "region" limits the area to a "region" and which is of a lesser area that as if it covered an entire pregnant belly. Also since the garment is for use during all stages of pregnancy the garment of Stern may actually cover such a claimed region since no garment measurement or parameters were given or claimed and different sized pregnant wearer's will have differently sized pregnant belly's especially during different stages of pregnancy such as from even one day of pregnancy to a few days etc. NO specific pregnancy stages or time parameters in addition to size parameters of the panel has been given. Therefore, the Stern garment clearly discloses the claimed garment structure. Applicant's arguments in regard to the supporting prior art is moot in that Stern does disclose the belly panel as covering the belly "region" as claimed. The supporting prior art references each disclose the elements of which they were cited for in each rejection such as the garment being jeans including a partial waistband; the double layer waistband structure; the cradling stitched portions and the radially expandable portions as claimed and discussed above. Additionally, new claim 21 has been broadened compared to claim 1 and now also reads on the Oakley reference.

Applicant's expandable belly panel for pregnant women during different stages of pregnancy are clearly seen in the prior art references cited and as outlined above. NO new patentable subject matter has been disclosed by applicant in the present application.

Conclusion

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

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


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gloria Hale whose telephone number is 571-272-4984. The examiner can normally be reached on Mon.-Thurs.,...

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Welch can be reached on 571-272-4996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3765

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). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gloria Hale/
Primary Examiner, Art Unit 3765

Search Notes 	Application/Control No. 12117004	Applicant(s)/Patent Under Reexamination HENDRICKSON ET AL.
	Examiner Gloria Hale	Art Unit 3765

SEARCHED			
Class	Subclass	Date	Examiner
2	69,227,228,236-238,243.1	12-15-09	gh
450	155,96-100		
all updated		9-25-10	gh

SEARCH NOTES		
Search Notes	Date	Examiner
INV NAME SRCH;IDS FLAG CLRED;DP with parent ap	12-19-09	gh

INTERFERENCE SEARCH			
Class	Subclass	Date	Examiner

	/Gloria Hale/ Primary Examiner.Art Unit 3765
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Art Unit	: 3765	Customer No. 035811
Examiner	: Gloria M. Hale	
Serial No.	: 12/117,004	Docket No.: DMC-10-1220CON
Filed	: May 8, 2008	
Inventors	: Lisa A. Hendrickson	
	: James H. Gardner III	
	: Richard Adelman	Confirmation No.: 8196
Title	: BELLY COVERING	
	: GARMENT	Date: November 9, 2010

RESPONSE

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

Sir:

In response to the Official Action dated September 30, 2010, the Applicants amend the application as follows:

Electronic Acknowledgement Receipt

EFS ID:	8805320
Application Number:	12117004
International Application Number:	
Confirmation Number:	8196
Title of Invention:	BELLY COVERING GARMENT
First Named Inventor/Applicant Name:	Lisa A. Hendrickson
Customer Number:	35811
Filer:	Paul A. Taufer/Nancy Nunez
Filer Authorized By:	Paul A. Taufer
Attorney Docket Number:	DMC-10-1220CON1
Receipt Date:	10-NOV-2010
Filing Date:	08-MAY-2008
Time Stamp:	09:55:35
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no
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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Miscellaneous Incoming Letter	ATL.pdf	48646 <small>4ced0007859cc73218464035e7cdaea1e318867a</small>	no	1

Warnings:

Information:

2	Response.pdf	370769	yes	11
		53ddeca2f7b0c7d407695657f8a56e496ea0950		

Multipart Description/PDF files in .zip description			
Document Description	Start	End	
Amendment After Final	1	1	
Amendment Copy Claims/Response to Suggested Claims	2	4	
Applicant Arguments/Remarks Made in an Amendment	5	11	

Warnings:

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

New Applications Under 35 U.S.C. 111
If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

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

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

Remarks

Claims 21-36 are currently pending. The Examiner is thanked for granting an interview with the Applicants' representative on Nov. 2, 2010. During the telephone interview, the parties discussed the features recited in the claims of the instant application. In addition, the parties discussed several *additional* features of the invention. Specifically, the parties discussed the feature of "a garment lower portion having a torso encircling circumference that recedes downward to make way for expansion of the belly panel." Notably, this "garment lower portion" feature was already examined, deemed novel, and used as a basis for allowing the parent of the instant application (i.e., U.S. Application No. 11/756,242, now US Patent No. 7,814,575).

Based on the telephone interview, the Applicants have incorporated this "garment lower portion" feature into independent Claim 21 of the instant Application. Since this feature has already been searched, examined, and considered novel in view of the prior art that is currently on the record, the Applicants submit that no additional prior art searching is necessary, and further, that including this feature into the claims renders the instant application novel and allowable in view of the prior art of record.

For added clarity, independent Claim 21 was further amended to explicitly recite the bounds of the claimed "belly region", which the Applicants submit is already implicit in the claims. Nonetheless, the Applicants have included this amendment to clarify the claimed subject matter. Support for the foregoing claim amendments may be found, for example, at Fig. 1A (item 100) of the specification.

As noted above, no new matter has been added as a result of the foregoing amendments. As a result, the Applicants request that the foregoing amendments be entered into the Official Record, and that all standing rejections be withdrawn.

Claims Rejected under 35 USC §102

Claims 21, 22, 25-28, 30, 31, 32 and 36 stand rejected under §102(b) as allegedly being anticipated by Stern (US Patent No. 4,506,390). For reasons set forth below, the Applicants respectfully disagree, and submit that each of Claims 21, 22, 25-28, 30, 31, 32 and 36 is fully patentable over Stern.

Claim 21 is directed to a garment portion adapted for use in conjunction with one or more articles of clothing. The claimed garment portion comprises an expansible belly panel that is adapted to substantially cover a wearer's *entire belly region* (emphasis added). Importantly, the *entire belly region* comprises the area beginning just beneath the wearer's breast area, and extends over the wearer's abdomen to a lower abdomen region beneath the wearer's belly.

Included in the claimed belly panel are an upper edge portion defining a first encircling circumference about a wearer's torso that is at or above the wearer's upper abdomen region, and a lower edge portion spaced from the upper edge portion and defining a second encircling circumference about the wearer's lower abdomen region, beneath the wearer's belly.

As will be appreciated by those of skill in the art, providing a belly panel that substantially covers a wearer's entire belly region, as that term is defined herein, provides added support and comfort to the wearer's entire belly

Stern, in sharp contrast, is directed to a maternity garment with an expandable waistband portion that forms a pouch which supports a lower portion of a woman's stomach (emphasis added). See Abstract and Fig. 1 of Stern. To that end, Stern describes the waistband portion as having a narrower vertical extent at a rear portion of the garment, and a wider vertical extent at a front portion of the garment which swoops down to form a pouch which "...cups and supports the lower part of a woman's stomach." (emphasis added). See col. 2, lines 50-75 of Stern. This cup-like pouch "acts as a sling-like support" for the bulge of a wearer's stomach. See col. 4, lines 31-36 of Stern.

Notably, and contrary to Claim 21, the cup-like support described in Stern only covers a lower portion of a wearer's bulging stomach, and as a result, is limited to providing vertical support to the stomach primarily from beneath the wearer's stomach region. See Fig. 1-3 of Stern. Claim 21, on the other hand, recites a belly panel configured to substantially cover a wearer's entire belly region (emphasis added). This belly panel includes an upper edge portion that encircles a wearer's torso at or above the wearer's upper abdomen region just beneath the wearer's breast area. As a result, the claimed belly panel is able to encircle the wearer's upper abdomen region, thereby providing added vertical support to the wearer's belly both from above said belly region as well as from beneath the belly region. In addition, as will be appreciated by those of skill in the art, the claimed belly panel provides a substantially more comfortable experience for the wearer, particularly since there are no seams or edges which encircle the middle region of wearer's belly (as in Stern).

Accordingly, since Stern fails to disclose each and every feature of Claim 21, the Applicants submit that Claim 21, and all claims that depend thereon, are all fully patentable over Stern.

Claims Rejected under 35 USC §103

Claim 29 stands rejected under §103(a) as allegedly being unpatentable over Stern in view of Carney (US Publ. No. 2004/0210987). Claim 33 stands rejected under §103(a) as allegedly being unpatentable over Stern in view of Oakley (US Publ. No. 2006/0010571). Claims 23, 24, and 34 stand rejected under §103(a) as allegedly being unpatentable over Stern in view of Batra (US Patent No. 6,311,333). Claim 35 stands rejected as allegedly being unpatentable over Stern in view of Geimer (US Patent No. 3,045,678).

Each of Claims 23, 24, 29, 34 and 35 depend from Claim 21, which as noted above, is fully patentable over Stern. Thus, for at least those reasons discussed above, each of Claims 23, 24, 29, 34 and 35 are also fully patentable over Stern. Moreover, since none of the above-cited references cures the deficiencies of Stern, the Applicants submit that Claims 23, 24, 29, 34 and 35 are fully patentable over any combination of Stern, Carney, Oakley, Batra, and Geimer.

Turning first to Carney, it is noted that Carney has been cited as allegedly disclosing a seamless garment, as in Claim 29. See pgs. 3-4 of the instant Office Action. However, the Applicants note that Carney fails to cure the deficiencies of Stern (i.e., fails to disclose a belly panel that substantially covers a wearer's entire belly region). Indeed, Carney describes a band garment that engages over the top of a woman's skirt or pants. See Abstract of Carney. This is contrary to Claim 21, which recites a belly panel that

substantially covers a wearer's entire belly region. Unlike Claim 21, the band garment described in Carney does not substantially cover a wearer's entire belly region. Instead, the band garment is limited to covering the fastening region of a woman's pants or skirt. As will be appreciated by those of skill in the art, this fastening region exclusively lies below the woman's belly / abdomen region. As a result, even if *arguendo* Carney were combined with Stern, the combination would still fail to disclose a belly panel that substantially covers a wearer's entire belly region, as in Claim 29.

Accordingly, the Applicants respectfully submit that Claim 29 is fully patentable over any combination of Stern and Carney.

Oakley is cited as allegedly disclosing a double layer structure, as in Claim 33. See pg. 4 of the instant Office Action. As with Carney, Oakley also fails to cure the deficiencies of Stern. Instead, Oakley describes a double waistband that includes a non-elastic portion (110) and an elastic portion (112). Importantly, the non-elastic portion (110) sits at the normal height of a waistband of a non-maternity pant, and the elastic portion (112) rises about four (4) inches above the non-elastic portion (110), but no more than five or six inches above said non-elastic portion (110). See ¶¶ [0007]-[0008] of Oakley. Notably, as will be appreciated by those of skill in the art, a five or six inch rise above normal waistband would not cover a wearer's entire belly region. To the contrary, such a five-six inch rise will only cover a lower portion of the wearer's belly region. This is in sharp contrast to the belly panel of Claim 21, which substantially covers a wearer's entire belly region. As a result, the Applicants submit that even if *arguendo* Oakley were combined with Stern, the combination would still fail to disclose each and every feature of Claim 33.

Accordingly, the Applicants respectfully submit that Claim 33 is fully patentable over any combination of Stern and Oakley.

Batra is cited as allegedly disclosing trousers and a partial waistband extending from the side seams and across a back side of a garment portion, as in Claims 23, 24, and/or 34. See pg. 5 of the instant Office Action. As with Carney and Oakley, Batra also fails to cure the deficiencies of Stern. Instead, Batra describes a pant garment whose yoke and rear section of the waistband incorporates a stretchable quality. See Abstract and Fig. 2 of Batra. Importantly, this stretchable material is incorporated so as to render it indistinguishable from the remainder of the pant garment material. Id. In other words, the waistband described in Batra is designed to avoid altering the appearance of the pant garment in any way.

Unlike Claim 21, Batra fails to disclose any belly panel that substantially covers a wearer's entire belly region. To the contrary, as noted above, Batra describes a stretchable waistband designed in size and shape to appear as any 'normal' or conventional waistband. Indeed, the Batra waistband sits at the wearer's waist, and does not extend to an upper portion of the wearer's belly region. As a result, even if *arguendo* Batra were combined with Stern, the combination would still fail to disclose each and every feature of Claim 23, 24, and 34.

Accordingly, the Applicants respectfully submit that each of Claims 23, 24, and 34 is fully patentable over any combination of Stern and Batra.

Lastly, Geimer is cited as allegedly disclosing belly cradling stitches or knitted tension in a belly panel, as in Claim 35. See pg. 5 of the instant Office Action. As with Carney, Oakley, and Batra, Geimer fails to cure the deficiencies of Stern. Instead,

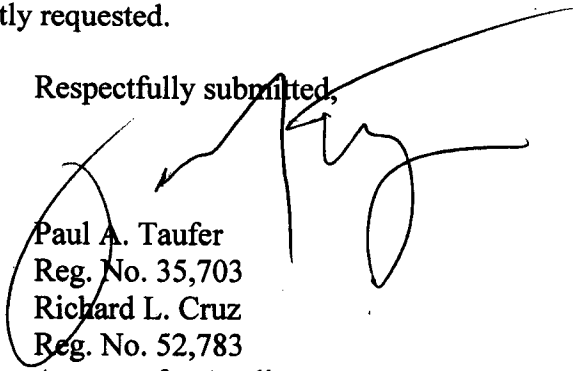
Geimer discloses a three-panel girdle having garter loops which is not suitable for use in conjunction with other articles of clothing. See Fig. 1 of Geimer. Accordingly, one of skill in the art would not be motivated to combine Geimer with Stern, as to do so would render Geimer inoperable for its intended purpose. Moreover, even if *arguendo* Geimer were combined with Stern, the combination would still fails to disclose each and every feature of Claim 35.

Accordingly, the Applicants respectfully submit that Claim 35 is fully patentable over any combination of Stern and Geimer.

Conclusion

In view of the foregoing, the Applicants submit that the entire Application is now in condition for allowance, which action is earnestly requested.

Respectfully submitted,



Paul A. Taufer
Reg. No. 35,703
Richard L. Cruz
Reg. No. 52,783
Attorney for Applicants

PAT/RLC/vp
(215) 656-3385

In re Application of Lisa A. Hendrickson, et al.
 Serial No.: 12/117,004
 Filed: May 8, 2008
 For: BELLY COVERING GARMENT

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

Sir:

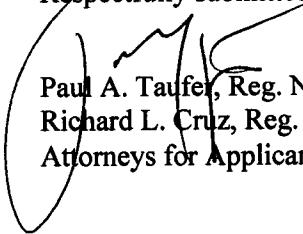
A response to the outstanding official action in the above-identified application is enclosed.

- Small entity status of this application under 37 CFR §1.9 and §1.27 has been established.
- This is a Petition for an Extension of Time for the period noted below, as well as for any additional period necessary to render this submission timely.
- No additional fee is required.

				SMALL ENTITY	OTHER THAN SMALL ENTITY			
TIME EXTENSION PETITION FEE		No. of month(s):		\$0.00	\$0.00			
Subtract time extension fee previously paid		No. of month(s): 0		(\$0.00)	(\$0.00)			
TOTAL EXTENSION FEE DUE				\$0.00	\$0.00			
CLAIM FEE	CLAIM(S) REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	EXTRA CLAIM(S) PRESENT	RATE	ADD'L CLAIM FEE	RATE	ADD'L CLAIM FEE
TOTAL	16	MINUS	20	= 0	x 26=	\$	x 52=	\$0.00
INDEPENDENT	1	MINUS	3	= 0	x 110=	\$	x 220=	\$0.00
<input type="checkbox"/>	FIRST PRESENTATION OF MULTIPLE CLAIM(S)				+ 195=	\$	+ 390=	\$0.00
TOTAL ADDITIONAL CLAIM FEE DUE						\$		\$0.00
TOTAL FEE DUE \$0.00								

- Please charge Deposit Account No. 50-2719 in the amount of \$_____.
- The Commissioner is authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-2719.
 - Any filing fees under 37 CFR §1.16 for the presentation of extra claims.
 - Any patent application processing fees under 37 CFR §1.17.

Respectfully submitted,


 Paul A. Tauber, Reg. No. 35,703
 Richard L. Cruz, Reg. No. 52,783
 Attorneys for Applicants

Date: November 10, 2010

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 (215)656-3385
 EAST43819788.1

In the Claims

1.-20. (Cancelled)

21. (Currently Amended) A garment portion adapted for use in conjunction with one or more articles of clothing, said garment portion comprising:

an expansible belly panel adapted to substantially cover a wearer's entire belly region, said belly region comprising an area beginning just beneath the wearer's breast area and extending over the wearer's abdomen to a lower abdomen region beneath the wearer's belly, said belly panel comprising:

an upper edge portion defining a first encircling circumference about a wearer's torso that is at or above the wearer's upper abdomen region, and

a lower edge portion spaced from the upper edge portion and defining a second encircling circumference about the wearer's lower abdomen region;

and

a garment lower portion, in communication with the lower edge portion, having a torso encircling circumference that recedes downward to make way for expansion of the belly panel.

22. (Previously Presented) The garment portion of claim 21, further comprising a pair of trousers attached to said lower edge portion.

23. (Previously Presented) The garment portion of claim 22, wherein said trousers comprise denim jeans.

24. (Previously Presented) The garment portion of claim 23, wherein said denim jeans comprise one or more pockets and a sewn zipperless fly front.

25. (Previously Presented) The garment portion of claim 21, further comprising a skirt attached to said lower edge portion.
26. (Previously Presented) The garment portion of claim 21, wherein said belly panel is adapted to cover the wearer's belly region during different stages of weight gains and losses.
27. (Previously Presented) The garment portion of claim 21, wherein said belly panel is adapted to substantially cover and fit over different body types.
28. (Previously Presented) The garment portion of claim 21, wherein the belly panel is elastically expansible and contractible.
29. (Previously Presented) The garment portion of claim 21, wherein the belly panel is seamless to fit comfortably while being worn.
30. (Previously Presented) The garment portion of claim 21, wherein the belly panel is foldable to comprise a folded band.
31. (Previously Presented) The garment portion of claim 21, wherein the belly panel is woven or knitted with elastic, stretchable strands.
32. (Previously Presented) The garment portion of claim 21, wherein a top edge margin of the belly panel is folded over and sewn or knitted to an inside of the belly panel fabric.
33. (Previously Presented) The garment portion of claim 21, wherein the belly panel comprises a double layer tubular structure.
34. (Previously Presented) The garment portion of claim 21, wherein the belly panel further comprises a partial waistband extending across a back side of the lower edge portion and extending down into side seams of an article of clothing connected thereto.

35. (Previously Presented) The garment portion of claim 21, wherein the belly panel further comprises one or more belly-cradling stitches or knitted tension to cradle the wearer's abdomen region.

36. (Previously Presented) The garment portion of claim 21, wherein the lower edge portion is configured to extend downward with a parabolic shape to accommodate the wearer's expanding belly region.

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.

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875	Application or Docket Number 12/117,004	Filing Date 05/08/2008	<input type="checkbox"/> To be Mailed
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APPLICATION AS FILED – PART I			OTHER THAN SMALL ENTITY				
	(Column 1)	(Column 2)	SMALL ENTITY <input type="checkbox"/>	OR			
FOR	NUMBER FILED	NUMBER EXTRA	RATE (\$)	FEE (\$)	OR	RATE (\$)	FEE (\$)
<input type="checkbox"/> BASIC FEE <small>(37 CFR 1.16(a), (b), or (c))</small>	N/A	N/A	N/A			N/A	
<input type="checkbox"/> SEARCH FEE <small>(37 CFR 1.16(k), (l), or (m))</small>	N/A	N/A	N/A			N/A	
<input type="checkbox"/> EXAMINATION FEE <small>(37 CFR 1.16(o), (p), or (q))</small>	N/A	N/A	N/A			N/A	
TOTAL CLAIMS <small>(37 CFR 1.16(i))</small>	minus 20 =	*	X \$ =		OR	X \$ =	
INDEPENDENT CLAIMS <small>(37 CFR 1.16(h))</small>	minus 3 =	*	X \$ =			X \$ =	
<input type="checkbox"/> APPLICATION SIZE FEE <small>(37 CFR 1.16(s))</small>	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).						
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIM PRESENT <small>(37 CFR 1.16(j))</small>							
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL			TOTAL	

APPLICATION AS AMENDED – PART II					OTHER THAN SMALL ENTITY				
	(Column 1)	(Column 2)	(Column 3)		SMALL ENTITY	OR			
AMENDMENT	11/10/2010	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	OR	RATE (\$)	ADDITIONAL FEE (\$)
	Total <small>(37 CFR 1.16(i))</small>	* 16	Minus ** 20	= 0	X \$ =		OR	X \$52=	0
	Independent <small>(37 CFR 1.16(h))</small>	* 1	Minus *** 3	= 0	X \$ =		OR	X \$220=	0
	<input type="checkbox"/> Application Size Fee <small>(37 CFR 1.16(s))</small>								
	<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <small>(37 CFR 1.16(j))</small>						OR		
					TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE	0

	(Column 1)	(Column 2)	(Column 3)		SMALL ENTITY	OR			
AMENDMENT	Total <small>(37 CFR 1.16(i))</small>	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	OR	RATE (\$)	ADDITIONAL FEE (\$)
	*	Minus	**	=	X \$ =		OR	X \$ =	
	Independent <small>(37 CFR 1.16(h))</small>	*	Minus	***	X \$ =		OR	X \$ =	
	<input type="checkbox"/> Application Size Fee <small>(37 CFR 1.16(s))</small>								
	<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <small>(37 CFR 1.16(j))</small>						OR		
					TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE	

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.
 ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".
 *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".
 The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

Legal Instrument Examiner:
 /ANTJUAN RIVERA/

This collection of information is required by 37 CFR 1.16. 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.

~~DO NOT ENTER /G/H/~~

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Art Unit	: 3765	Customer No.	035811
Examiner	: Gloria M. Hale	Docket No.:	DMC-10-1220CON
Serial No.	: 12/117,004	Confirmation No.:	8196
Filed	: May 8, 2008	Date:	November 9, 2010
Inventors	: Lisa A. Hendrickson : James H. Gardner III : Richard Adelman		
Title	: BELLY COVERING : GARMENT		

RESPONSE

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

Sir:

In response to the Official Action dated September 30, 2010, the Applicants amend the application as follows:



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. Includes details for application 12/117,004 filed 05/08/2008 by Lisa A. Hendrickson, attorney DMC-10-1220CON1, confirmation 8196. Also includes examiner HALE, GLORIA M, art unit 3765, notification date 12/09/2010, and delivery mode ELECTRONIC.

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

The time period for reply, if any, is set in the attached communication.

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

pto.phil@dlapiper.com

**Advisory Action
Before the Filing of an Appeal Brief**

Application No. 12/117,004	Applicant(s) HENDRICKSON ET AL.	
Examiner Gloria Hale	Art Unit 3765	

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

THE REPLY FILED 10 November 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) The period for reply expires _____ months from the mailing date of the final rejection.
- b) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) They raise the issue of new matter (see NOTE below);
- (c) They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

4. The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. Applicant's reply has overcome the following rejection(s): _____.
6. Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. For purposes of appeal, the proposed amendment(s): a) will not be entered, or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: _____.
- Claim(s) objected to: _____.
- Claim(s) rejected: 21-36.
- Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
12. Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____
13. Other: _____.

/Gloria Hale/
Primary Examiner, Art Unit 3765

Continuation of 3. NOTE: The amendment to claim 21 lines 4-6 is acceptable. However, applicant has claimed in lines 1-2 that the belly panel is "a garment portion" for use with an article of clothing and that the portion is not part of the garment itself. However, applicant's invention includes a belly panel that is part of a garment and attached thereto as seen in applicant's figures. The newly added language in lines 12-14 now claims a "garment lower portion". Applicant needs to amend the preamble and clearly claim the garment portion and lower portion as being in one garment form as in applicant's figures. As presently claimed it appears that applicant is only claiming a band for use with a clothing item as stated in the preamble and then the recitation in lines 12-14 claims what appears to be a garment lower portion that is attached but the language is not clear since the entire garment structure was not clearly defined in the preamble and in the beginning of the claim. The invention is an expansible belly panel in combination with or attached to a lower garment torso encircling portion with the downward receding portion as now claimed.

/Gloria Hale/

Primary Patent Examiner-AU 3765

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Art Unit	: 3765	Customer No. 035811
Examiner	: Gloria M. Hale	
Serial No.	: 12/117,004	Docket No.: DMC-10-1220CON
Filed	: May 8, 2008	
Inventors	: Lisa A. Hendrickson	
	: James H. Gardner III	
	: Richard Adelman	Confirmation No.: 8196
Title	: BELLY COVERING	
	: GARMENT	Date: December 22, 2010

RESPONSE

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

Sir:

In response to the in response to the Official Action dated September 30, 2010 and the Advisory Action dated December 9, 2010, the Applicants amend the application as follows:

In re Application of Lisa A. Hendrickson, et al.
 Serial No.: 12/117,004
 Filed: May 8, 2008
 For: BELLY COVERING GARMENT

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

Sir:

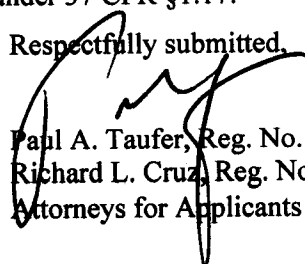
A response to the outstanding official action in the above-identified application is enclosed.

- Small entity status of this application under 37 CFR §1.9 and §1.27 has been established.
- This is a Petition for an Extension of Time for the period noted below, as well as for any additional period necessary to render this submission timely.
- No additional fee is required.

				SMALL ENTITY	OTHER THAN SMALL ENTITY			
TIME EXTENSION PETITION FEE		No. of month(s):		\$0.00	\$0.00			
Subtract time extension fee previously paid		No. of month(s): 0		(\$0.00)	(\$0.00)			
TOTAL EXTENSION FEE DUE				\$0.00	\$0.00			
CLAIM FEE	CLAIM(S) REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	EXTRA CLAIM(S) PRESENT	RATE	ADD'L CLAIM FEE	RATE	ADD'L CLAIM FEE
TOTAL	16	MINUS	20	= 0	x 26=	\$	x 52=	\$0.00
INDEPENDENT	1	MINUS	3	= 0	x 110=	\$	x 220=	\$0.00
<input type="checkbox"/>	FIRST PRESENTATION OF MULTIPLE CLAIM(S)				+ 195=	\$	+ 390=	\$0.00
TOTAL ADDITIONAL CLAIM FEE DUE						\$		\$0.00
TOTAL FEE DUE \$0.00								

- Please charge Deposit Account No. 50-2719 in the amount of \$_____.
- The Commissioner is authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-2719.
 - Any filing fees under 37 CFR §1.16 for the presentation of extra claims.
 - Any patent application processing fees under 37 CFR §1.17.

Respectfully submitted,


 Paul A. Taufer, Reg. No. 35,703
 Richard L. Cruz, Reg. No. 52,783
 Attorneys for Applicants

Date: December 22, 2010

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 (215)656-3385
 EAST44001073.1

Electronic Acknowledgement Receipt

EFS ID:	9093669
Application Number:	12117004
International Application Number:	
Confirmation Number:	8196
Title of Invention:	BELLY COVERING GARMENT
First Named Inventor/Applicant Name:	Lisa A. Hendrickson
Customer Number:	35811
Filer:	Paul A. Taufer/Nancy Nunez
Filer Authorized By:	Paul A. Taufer
Attorney Docket Number:	DMC-10-1220CON1
Receipt Date:	22-DEC-2010
Filing Date:	08-MAY-2008
Time Stamp:	10:50:28
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no
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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Miscellaneous Incoming Letter	ATLOAAA.pdf	50999 <small>e98c09359c7b8113a308b554d56533f88f1c2099</small>	no	1

Warnings:

Information:

2	ResponseOAAA.pdf	130206	yes	5
		9a1dc7ee47be2e03d1e5273ca5d4ca3bbca3b9f5		

Multipart Description/PDF files in .zip description			
Document Description	Start	End	
Amendment After Final	1	1	
Amendment Copy Claims/Response to Suggested Claims	2	4	
Applicant Arguments/Remarks Made in an Amendment	5	5	

Warnings:

Information:

Total Files Size (in bytes):	181205
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This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111
If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

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

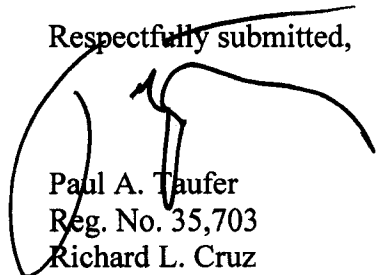
New International Application Filed with the USPTO as a Receiving Office
If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application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

Remarks

Claims 21-36 are currently pending. The Examiner is thanked for further discussing this case with the Applicants' representative following issuance of the Advisory Action of 12/09/2010. As a result of that discussion, the Applicants have amended the preamble of independent Claim 21 to clarify the subject matter being claimed. In particular, the preamble of Claim 21 has been amended to clarify that the claimed invention comprises a belly panel portion in combination with or attached to a lower garment torso encircling portion that has a downward receding portion.

As a result of all discussions held with the Examiner in this case, and of the claim amendments submitted herein, the Applicants understand and expect that the claims of the instant Application are now in condition for allowance. Accordingly, entry of the amendment and issuance of a Notice of Allowance is respectfully requested.

Respectfully submitted,



Paul A. Taufer
Reg. No. 35,703
Richard L. Cruz
Reg. No. 52,783
Attorney for Applicants

PAT/RLC/nm
(215) 656-3385

In the Claims

1.-20. (Cancelled)

21. (Currently Amended) A garment portion ~~adapted for use in conjunction with one or more articles of clothing, said garment portion~~ having an attached belly panel portion comprising:

an expansible belly panel adapted to substantially cover a wearer's entire belly region, said belly region comprising an area beginning just beneath the wearer's breast area and extending over the wearer's abdomen to a lower abdomen region beneath the wearer's belly, said belly panel comprising:

an upper edge portion defining a first encircling circumference about a wearer's torso that is at or above the wearer's upper abdomen region, and

a lower edge portion spaced from the upper edge portion and defining a second encircling circumference about the wearer's lower abdomen region;

and

a garment lower portion, in communication with the lower edge portion, having a torso encircling circumference that recedes downward to make way for expansion of the belly panel.

22. (Previously Presented) The garment portion of claim 21, further comprising a pair of trousers attached to said lower edge portion.

23. (Previously Presented) The garment portion of claim 22, wherein said trousers comprise denim jeans.

24. (Previously Presented) The garment portion of claim 23, wherein said denim jeans comprise one or more pockets and a sewn zipperless fly front.

25. (Previously Presented) The garment portion of claim 21, further comprising a skirt attached to said lower edge portion.
26. (Previously Presented) The garment portion of claim 21, wherein said belly panel is adapted to cover the wearer's belly region during different stages of weight gains and losses.
27. (Previously Presented) The garment portion of claim 21, wherein said belly panel is adapted to substantially cover and fit over different body types.
28. (Previously Presented) The garment portion of claim 21, wherein the belly panel is elastically expansible and contractible.
29. (Previously Presented) The garment portion of claim 21, wherein the belly panel is seamless to fit comfortably while being worn.
30. (Previously Presented) The garment portion of claim 21, wherein the belly panel is foldable to comprise a folded band.
31. (Previously Presented) The garment portion of claim 21, wherein the belly panel is woven or knitted with elastic, stretchable strands.
32. (Previously Presented) The garment portion of claim 21, wherein a top edge margin of the belly panel is folded over and sewn or knitted to an inside of the belly panel fabric.
33. (Previously Presented) The garment portion of claim 21, wherein the belly panel comprises a double layer tubular structure.
34. (Previously Presented) The garment portion of claim 21, wherein the belly panel further comprises a partial waistband extending across a back side of the lower edge portion and extending down into side seams of an article of clothing connected thereto.

35. (Previously Presented) The garment portion of claim 21, wherein the belly panel further comprises one or more belly-cradling stitches or knitted tension to cradle the wearer's abdomen region.

36. (Previously Presented) The garment portion of claim 21, wherein the lower edge portion is configured to extend downward with a parabolic shape to accommodate the wearer's expanding belly region.

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.

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875	Application or Docket Number 12/117,004	Filing Date 05/08/2008	<input type="checkbox"/> To be Mailed
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APPLICATION AS FILED – PART I			OTHER THAN SMALL ENTITY				
	(Column 1)	(Column 2)	SMALL ENTITY <input type="checkbox"/>	OR			
FOR	NUMBER FILED	NUMBER EXTRA	RATE (\$)	FEE (\$)	OR	RATE (\$)	FEE (\$)
<input type="checkbox"/> BASIC FEE <small>(37 CFR 1.16(a), (b), or (c))</small>	N/A	N/A	N/A			N/A	
<input type="checkbox"/> SEARCH FEE <small>(37 CFR 1.16(k), (l), or (m))</small>	N/A	N/A	N/A			N/A	
<input type="checkbox"/> EXAMINATION FEE <small>(37 CFR 1.16(o), (p), or (q))</small>	N/A	N/A	N/A			N/A	
TOTAL CLAIMS <small>(37 CFR 1.16(i))</small>	minus 20 =	*	X \$ =		OR	X \$ =	
INDEPENDENT CLAIMS <small>(37 CFR 1.16(h))</small>	minus 3 =	*	X \$ =			X \$ =	
<input type="checkbox"/> APPLICATION SIZE FEE <small>(37 CFR 1.16(s))</small>	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).						
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIM PRESENT <small>(37 CFR 1.16(j))</small>							
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL			TOTAL	

APPLICATION AS AMENDED – PART II					OTHER THAN SMALL ENTITY				
	(Column 1)	(Column 2)	(Column 3)		SMALL ENTITY	OR			
AMENDMENT	12/22/2010	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	OR	RATE (\$)	ADDITIONAL FEE (\$)
	Total <small>(37 CFR 1.16(i))</small>	* 16	Minus ** 20	= 0	X \$ =		OR	X \$52=	0
	Independent <small>(37 CFR 1.16(h))</small>	* 1	Minus *** 3	= 0	X \$ =		OR	X \$220=	0
	<input type="checkbox"/> Application Size Fee <small>(37 CFR 1.16(s))</small>								
	<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <small>(37 CFR 1.16(j))</small>						OR		
					TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE	0

	(Column 1)	(Column 2)	(Column 3)		SMALL ENTITY	OR			
AMENDMENT	Total <small>(37 CFR 1.16(i))</small>	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	OR	RATE (\$)	ADDITIONAL FEE (\$)
	*	Minus	**	=	X \$ =		OR	X \$ =	
	Independent <small>(37 CFR 1.16(h))</small>	*	Minus	***	X \$ =		OR	X \$ =	
	<input type="checkbox"/> Application Size Fee <small>(37 CFR 1.16(s))</small>								
	<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <small>(37 CFR 1.16(j))</small>						OR		
					TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE	

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.
 ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".
 *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".
 The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

Legal Instrument Examiner:
 /LASHAWN MORGAN/

This collection of information is required by 37 CFR 1.16. 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.



NOTICE OF ALLOWANCE AND FEE(S) DUE

35811 7590 01/31/2011

IP GROUP OF DLA PIPER LLP (US)
ONE LIBERTY PLACE
1650 MARKET ST, SUITE 4900
PHILADELPHIA, PA 19103

EXAMINER: HALE, GLORIA M
ART UNIT: 3765
PAPER NUMBER:
DATE MAILED: 01/31/2011

Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
Values: 12/117,004, 05/08/2008, Lisa A. Hendrickson, DMC-10-1220CON1, 8196

TITLE OF INVENTION: BELLY COVERING GARMENT

Table with 7 columns: APPLN. TYPE, SMALL ENTITY, ISSUE FEE DUE, PUBLICATION FEE DUE, PREV. PAID ISSUE FEE, TOTAL FEE(S) DUE, DATE DUE
Values: nonprovisional, NO, \$1510, \$300, \$0, \$1810, 05/02/2011

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 DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

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, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). 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. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

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
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 Alexandria, Virginia 22313-1450
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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)

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.

35811 7590 01/31/2011

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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.
12/117,004	05/08/2008	Lisa A. Hendrickson	DMC-10-1220CON1	8196

TITLE OF INVENTION: BELLY COVERING GARMENT

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$300	\$0	\$1810	05/02/2011

EXAMINER	ART UNIT	CLASS-SUBCLASS
HALE, GLORIA M	3765	002-069000

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, 1 _____
 (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 _____
 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) _____

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

4b. Payment of Fee(s); (Please first reapply any previously paid issue fee shown above)
 A check is enclosed.
 Payment by credit card. Form PTO-2038 is attached.
 The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (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).

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.

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www.uspto.gov

Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
12/117,004 05/08/2008 Lisa A. Hendrickson DMC-10-1220CON1 8196

35811 7590 01/31/2011
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ONE LIBERTY PLACE
1650 MARKET ST, SUITE 4900
PHILADELPHIA, PA 19103

EXAMINER

HALE, GLORIA M

ART UNIT PAPER NUMBER

3765

DATE MAILED: 01/31/2011

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

(application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 87 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 87 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (http://pair.uspto.gov).

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 1-(888)-786-0101 or (571)-272-4200.

Notice of Allowability

Application No.

12/117,004

Examiner

Gloria Hale

Applicant(s)

HENDRICKSON ET AL.

Art Unit

3765

-- 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 the 12-22-10 Amendment.
- 2. The allowed claim(s) is/are 21-36.
- 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)

- 1. Notice of References Cited (PTO-892)
- 2. Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3. Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
- 4. Examiner's Comment Regarding Requirement for Deposit of Biological Material
- 5. Notice of Informal Patent Application
- 6. Interview Summary (PTO-413), Paper No./Mail Date _____ .
- 7. Examiner's Amendment/Comment
- 8. Examiner's Statement of Reasons for Allowance
- 9. Other _____.

/Gloria Hale/
Primary Examiner, Art Unit 3765



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BIB DATA SHEET

CONFIRMATION NO. 8196

SERIAL NUMBER 12/117,004	FILING or 371(c) DATE 05/08/2008 RULE	CLASS 002	GROUP ART UNIT 3765	ATTORNEY DOCKET NO. DMC-10-1220CON1	
APPLICANTS Lisa A. Hendrickson, Mount Laurel, NJ; James H. Gardner III, Amber, PA; Richard Adelman, Greensboro, NC; ** CONTINUING DATA ***** This application is a CON of 11/756,242 05/31/2007 PAT 7,814,575 ** FOREIGN APPLICATIONS ***** ** IF REQUIRED, FOREIGN FILING LICENSE GRANTED ** 05/21/2008					
Foreign Priority claimed <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No 35 USC 119(a-d) conditions met <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Verified and Acknowledged <u>/GLORIA M HALE/</u> Examiner's Signature	<input type="checkbox"/> Met after Allowance Initials	STATE OR COUNTRY NJ	SHEETS DRAWINGS 8	TOTAL CLAIMS 20	INDEPENDENT CLAIMS 2
ADDRESS IP GROUP OF DLA PIPER LLP (US) ONE LIBERTY PLACE 1650 MARKET ST, SUITE 4900 PHILADELPHIA, PA 19103 UNITED STATES					
TITLE BELLY COVERING GARMENT					
FILING FEE RECEIVED 1030	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) <input type="checkbox"/> Other _____ <input type="checkbox"/> Credit		

EAST Search History**EAST Search History (I nterference)**

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L1	0	belly and panel and garment and circumference and expansible and abdomen	US-PGPUB	OR	OFF	2011/01/16 16:41
L2	0	belly and panel and garment and circumference and expansible	US-PGPUB	OR	OFF	2011/01/16 16:42
L3	0	abdomen and panel and garment and circumference and expansible	US-PGPUB	OR	OFF	2011/01/16 16:42
L4	102	abdomen and panel and garment and circumference	US-PGPUB	OR	OFF	2011/01/16 16:42
L5	53	belly and panel and garment and circumference	US-PGPUB	OR	OFF	2011/01/16 16:42

1/ 16/ 2011 4:43:31 PM

OK TO ENTER: /G.H./

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE


Art Unit	: 3765	Customer No.	035811
Examiner	: Gloria M. Hale	Docket No.:	DMC-10-1220CON
Serial No.	: 12/117,004	Confirmation No.:	8196
Filed	: May 8, 2008	Date:	December 22, 2010
Inventors	: Lisa A. Hendrickson		
	: James H. Gardner III		
	: Richard Adelman		
Title	: BELLY COVERING		
	: GARMENT		

RESPONSE

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

Sir:

In response to the in response to the Official Action dated September 30, 2010 and the Advisory Action dated December 9, 2010, the Applicants amend the application as follows:


Search Notes 	Application/Control No. 12117004	Applicant(s)/Patent Under Reexamination HENDRICKSON ET AL.
	Examiner Gloria Hale	Art Unit 3765

SEARCHED			
Class	Subclass	Date	Examiner
2	69,227,228,236-238,243.1	12-15-09	gh
450	155,96-100		
all updated		9-25-10	gh
		12-4-10	gh
		1-15-11	gh

SEARCH NOTES		
Search Notes	Date	Examiner
INV NAME SRCH;IDS FLAG CLRED;DP with parent ap	12-19-09	gh

INTERFERENCE SEARCH			
Class	Subclass	Date	Examiner
east brs srch hist in file		12-4-10	gh

	/Gloria Hale/ Primary Examiner.Art Unit 3765
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Index of Claims 	Application/Control No. 12117004	Applicant(s)/Patent Under Reexamination HENDRICKSON ET AL.
	Examiner Gloria Hale	Art Unit 3765

✓	Rejected
=	Allowed

-	Cancelled
÷	Restricted

N	Non-Elected
I	Interference

A	Appeal
O	Objected

Claims renumbered in the same order as presented by applicant
 CPA
 T.D.
 R.1.47

CLAIM		DATE							
Final	Original	12/20/2009	09/25/2010	01/15/2011					
	1	✓	-	-					
	2	✓	-	-					
	3	✓	-	-					
	4	✓	-	-					
	5	✓	-	-					
	6	✓	-	-					
	7	✓	-	-					
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9	29		✓	=					
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11	31		✓	=					
12	32		✓	=					
13	33		✓	=					
14	34		✓	=					
15	35		✓	=					
16	36		✓	=					

PART B - FEE(S) TRANSMITTAL

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

35811 7590 01/31/2011

IP GROUP OF DLA PIPER LLP (US)
ONE LIBERTY PLACE
1650 MARKET ST, SUITE 4900
PHILADELPHIA, PA 19103

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 (371) 273-2885, on the date indicated below.

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/117,004	05/08/2008	Lisa A. Hendrickson	DMC-10-1220CON1	8196

TITLE OF INVENTION: BELLY COVERING GARMENT

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$300	\$0	\$1810	05/02/2011

EXAMINER	ART UNIT	CLASS-SUBCLASS
HALE, GLORIA M	3765	002-069000

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. DLA Piper LLP (US)

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: Destination Maternity Corporation

(B) RESIDENCE: (CITY and STATE OR COUNTRY) Wilmington, Delaware

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 submitted:

Issue Fee

Publication Fee (No small entity discount permitted)

Advance Order - # of Copies _____

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

A check is enclosed.

Payment by credit card. Form PTO-2038 is attached.

The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number 60-2719 (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).

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 February 2, 2011

Typed or printed name Paul A. Taufer Registration No. 35,703

This collection of information is required by 37 CFR 1.301. 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.

Electronic Acknowledgement Receipt

EFS ID:	9361067
Application Number:	12117004
International Application Number:	
Confirmation Number:	8196
Title of Invention:	BELLY COVERING GARMENT
First Named Inventor/Applicant Name:	Lisa A. Hendrickson
Customer Number:	35811
Filer:	Thomas Daniel Christenbury/Carol Coney
Filer Authorized By:	Thomas Daniel Christenbury
Attorney Docket Number:	DMC-10-1220CON1
Receipt Date:	02-FEB-2011
Filing Date:	08-MAY-2008
Time Stamp:	14:26:10
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Deposit Account
Payment was successfully received in RAM	\$1810
RAM confirmation Number	515
Deposit Account	502719
Authorized User	

The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:

Charge any Additional Fees required under 37 C.F.R. Section 1.16 (National application filing, search, and examination fees)

Charge any Additional Fees required under 37 C.F.R. Section 1.17 (Patent application and reexamination processing fees)

Target Corporation

Charge any Additional Fees required under 37 C.F.R. Section 1.19 (Document supply fees)

Charge any Additional Fees required under 37 C.F.R. Section 1.20 (Post Issuance fees)

Charge any Additional Fees required under 37 C.F.R. Section 1.21 (Miscellaneous fees and charges)

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Miscellaneous Incoming Letter	transmittalletter.pdf	210915 f7293265376bdba99c2822bf3cb9f6edb8e8cafd	no	1

Warnings:

Information:

2	Issue Fee Payment (PTO-85B)	FormPTOL85B.pdf	582150 abd6534323775f59ad26c4d7a3405a037a1ff017	no	1
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Warnings:

Information:

3	Fee Worksheet (PTO-875)	fee-info.pdf	31868 b09fb4d3ffbc1dd1676a85ab5f6da8fe76a9e836	no	2
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Warnings:

Information:

Total Files Size (in bytes):

824933

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

New Applications Under 35 U.S.C. 111

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

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

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

New International Application Filed with the USPTO as a Receiving Office

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

Electronic Patent Application Fee Transmittal

Application Number:	12117004
Filing Date:	08-May-2008
Title of Invention:	BELLY COVERING GARMENT
First Named Inventor/Applicant Name:	Lisa A. Hendrickson
Filer:	Thomas Daniel Christenbury/Carol Coney
Attorney Docket Number:	DMC-10-1220CON1

Filed as Large Entity

Utility under 35 USC 111(a) Filing Fees

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Utility Appl issue fee	1501	1	1510	1510
Publ. Fee- early, voluntary, or normal	1504	1	300	300

Target Corporation

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Extension-of-Time:				
Miscellaneous:				
Total in USD (\$)				1810

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Art Unit	: 3765	Customer No. 035811
Examiner	: Gloria M. Hale	
Serial No.	: 12/117,004	Docket No.: DMC-10-1220CON1
Filed	: May 8, 2008	
Inventors	: Lisa A. Hendrickson	
	: James H. Gardner III	
	: Richard Adelman	Confirmation No.: 8196
Title	: BELLY COVERING	Not. Of Allow.: 01/31/11
	: GARMENT	Date: February 2, 2011

TRANSMITTAL LETTER

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

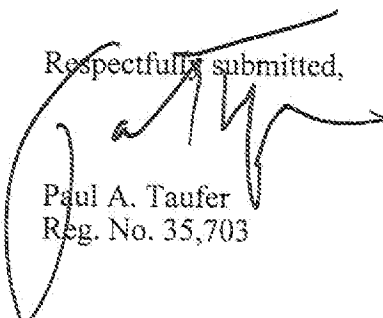
Sir:

Applicants submit herewith Form PTOL-85B.

The Commissioner is authorized to charge the \$1810.00 fee to Deposit Account No. 50-2719 to cover the fee for payment of the issue fee and the publication fee.

The Commissioner is also authorized to charge any additional fees to Deposit Account No. 50-2719.

Respectfully submitted,


Paul A. Taufer
Reg. No. 35,703

PAT/cc
(215)656-3385

Receipt date: 09/19/2008

12117004 - GAU: 3765

SUBSTITUTE for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)			<i>Complete if Known</i>	
			Application Number	n/a
			Filing Date	Herewith
			First Named Inventor	Hendrickson, Lisa
			Art Unit	n/a
			Examiner Name	n/a
			Attorney Docket Number	D8114-00489
Sheet	1	of	1	

U.S. PATENT DOCUMENTS						
Examiner Initials	Cite No.	Document Number		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code (if known)				
	A	3,045,678		07/24/1962	Geimer	
	B	4,280,229		07/28/1981	Stein	
	C	4,506,390		03/26/1985	Stern	
	D	6,311,333		11/06/2001	Batra	
	E	US2004/021987		10/28/2004	Carney	2004/12/10/987
	F	US2006/0010571		01/19/2006	Oakley	

Handwritten signature
2/4/11

FOREIGN PATENT DOCUMENTS							
Examiner Initials	Cite No.	Foreign Patent Document		Publication Date MM-DD-YYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines Where Relevant Passages or Figures Appear	T
		Country Code - Number - Kind Code (if known)					

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No.	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
	G	International Search Report and Written Opinion dated 18 AUG 2008 in PCT/US2008/061739 (D8114-00486)	

Examiner Signature	/Gloria Hale/	Date Considered	12/21/2009
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*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.
DM2\1577425.1



APPLICATION NO.	ISSUE DATE	PATENT NO.	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/117,004	03/08/2011	7900276	DMC-10-1220CON1	8196

35811 7590 02/16/2011
IP GROUP OF DLA PIPER LLP (US)
ONE LIBERTY PLACE
1650 MARKET ST, SUITE 4900
PHILADELPHIA, PA 19103

ISSUE NOTIFICATION

The projected patent number and issue date are specified above.

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)
(application filed on or after May 29, 2000)

The Patent Term Adjustment is 87 day(s). Any patent to issue from the above-identified application will include an indication of the adjustment on the front page.

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

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 Application Assistance Unit (AAU) of the Office of Data Management (ODM) at (571)-272-4200.

APPLICANT(s) (Please see PAIR WEB site <http://pair.uspto.gov> for additional applicants):

Lisa A. Hendrickson, Mount Laurel, NJ;
James H. Gardner III, Amber, PA;
Richard Adelman, Greensboro, NC;