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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.   | CONFIRMATION NO. |
|--|-------------|----------------------|-----------------------|------------------|
| 13/277,778   | 10/20/2011  | Anthony J. Warncke   | Sauder Mfg. P1US3-CON | 8216             |
| 37190  | 7590        | 04/09/2013           | EXAMINER              |                  |
| VARNUM, RIDDERING, SCHMIDT & HOWLETT LLP<br>333 BRIDGE STREET, NW<br>P.O. BOX 352<br>GRAND RAPIDS, MI 49501-0352 |             |                      | GARRETT, ERIKA P      |                  |
|  |             |                      | ART UNIT              | PAPER NUMBER     |
|  |             |                      | 3636                  |                  |
|  |             |                      | NOTIFICATION DATE     | DELIVERY MODE    |
|  |             |                      | 04/09/2013            | 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):

cnlapekes@varnumlaw.com  
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**Office Action Summary**

|                                      |                                       |  |
|--------------------------------------|---------------------------------------|--|
| <b>Application No.</b><br>13/277,778 | <b>Applicant(s)</b><br>WARNCKE ET AL. |  |
| <b>Examiner</b><br>ERIKA GARRETT     | <b>Art Unit</b><br>3636               |  |

-- 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 2/26/2013 and 3/29/2013.
- 2a)  This action is **FINAL**.
- 2b)  This action is non-final.
- 3)  An election was made by the applicant in response to a restriction requirement set forth during the interview on \_\_\_\_\_; the restriction requirement and election have been incorporated into this action.
- 4)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 5)  Claim(s) 1-23 is/are pending in the application.  
5a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 6)  Claim(s) 28-35 is/are allowed.
- 7)  Claim(s) 1-5,7,10,14 and 17-23 is/are rejected.
- 8)  Claim(s) 6,8,9,11-13,15,16 and 24-27 is/are objected to.
- 9)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 10)  The specification is objected to by the Examiner.
- 11)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12)  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**

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

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

**Attachment(s)**

- 1)  Notice of References Cited (PTO-892)
- 2)  Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3)  Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5)  Notice of Informal Patent Application
- 6)  Other \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. 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.

2. Claim 20 is rejected under 35 U.S.C. 102(b) as being anticipated by Yu (6554353).

3. Regarding claim 20, Yu disclose a combination of a chair and a stool base portion, said chair comprising a sitting portion (114); base legs (22) attached to and depending downwardly from said sitting portion, said base legs being spaced laterally from one another; said stool base portion comprising floor engaging members and a saddle (23) located generally at a top of said base portion; said sitting portion including manually operable means for releasably engaging said chair from said base portion; said chair and said stool base portion are configurable in a first configuration in which said chair is releasably coupled to said saddle by said engaging means; and the chair and said stool being configurable in a second configuration (figure 2) wherein said chair and said stool base portion are disconnected, said chair is supported by the base legs, and said base portion is positioned as a stool for seating a second user.

***Claim Rejections - 35 USC § 103***

4. 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.

5. Claims 1 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yu (6554353) in view of Chiang (5893606).

6. Regarding claim 1, Yu disclose a combination of a chair and a stool base (20) portion, said chair comprising: an upper portion (12) providing a backrest for support for a first user; a lower portion (11) connected to said upper portion and having a sitting portion for supporting said first user in a seated position, and at least one base leg (21) located below said sitting portion; said stool base portion adapted to support said chair, and comprising a saddle (23) adapted to releasably engage said chair; said combination is configurable in a first configuration with said chair being coupled to said saddle, and said sitting portion being positioned above said saddle; said combination is manually convertible between said first configuration and a second configuration, where said second configuration comprises said chair having said at least one base leg, while still functioning as a chair for said first user, and stool functioning so that said saddle is accessible to said first user as a work surface or, alternatively, so that said saddle is accessible to a second user as a sitting surface; and said combination is manually convertible between said first configuration.

Art Unit: 3636

7. Regarding claim 5, the saddle further comprises a top surface (40) that faces upward, and that defines at least one of a working surface, a writing surface and a sitting surface.

8. Yu fails to show the second configuration without requiring any manual manipulation of bolts, screws or nuts, or the use of any tools by said first user.

9. Chiang teaches second configuration (figure 2) without requiring any manual manipulation of bolts, screws or nuts, or the use of any tools by said first user (by way of replacing Chiang elements 141 on the base of Yu, will allow a user to attach and detach the chair to and from the base without the use of tools).

10. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the base configuration of Yu with the configuration of Chiang as shown on figures 1 and 2; it will provide an alternative way of attaching the chair to the stool.

11. Claims 2-4,7,10,14 and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Yu and Chiang as applied to claim 1 above, and further in view of Kassai (4723813) and Massonet (3669497).

12. The combination of Yu and Chiang teaches the base portion is adapted for use as casual floor rocker seating (figure 5); the connector including at least one of a tilt mechanism whereby the saddle tilts relative to the pedestal (20) and a swivel mechanism (by way of the backrest) whereby the saddle swivels relative to the pedestal and said at least one base leg is sized and structured so as to permit a rocking motion of said chair when said combination is in said second configuration.

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