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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
14/057,781	10/18/2013	Anthony J. Warncke	SMC-102-A	3309
48980	7590	11/13/2014	EXAMINER	
YOUNG BASILE 3001 WEST BIG BEAVER ROAD SUITE 624 TROY, MI 48084			BRINDLEY, TIMOTHY J	
			ART UNIT	PAPER NUMBER
			3636	
			NOTIFICATION DATE	DELIVERY MODE
			11/13/2014	ELECTRONIC

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

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

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

docketing@youngbasile.com  
audit@youngbasile.com

**Office Action Summary**

**Application No.**  
14/057,781

**Applicant(s)**  
WARNCKE ET AL.

**Examiner**  
TIMOTHY J. BRINDLEY

**Art Unit**  
3636

**AIA (First Inventor to File) Status**  
No

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

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTHS FROM THE MAILING DATE OF THIS COMMUNICATION.

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

**Status**

- 1)  Responsive to communication(s) filed on 9/19/14.  
 A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on \_\_\_\_\_.
- 2a)  This action is **FINAL**.                                  2b)  This action is non-final.
- 3)  An election was made by the applicant in response to a restriction requirement set forth during the interview on \_\_\_\_\_; the restriction requirement and election have been incorporated into this action.
- 4)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims\***

- 5)  Claim(s) 15-38 is/are pending in the application.  
     5a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 6)  Claim(s) 31,32 and 35 is/are allowed.
- 7)  Claim(s) 15-20,24,25,27-29,33 and 36 is/are rejected.
- 8)  Claim(s) 21-23,26,30,34,37 and 38 is/are objected to.
- 9)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

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

**Application Papers**

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

**Priority under 35 U.S.C. § 119**

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

**Certified copies:**

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

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

**Attachment(s)**

- 1)  Notice of References Cited (PTO-892)
- 2)  Information Disclosure Statement(s) (PTO/SB/08a and/or PTO/SB/08b)
- 3)  Interview Summary (PTO-413)  
     Paper No(s)/Mail Date. \_\_\_\_\_

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**DETAILED ACTION**

**In Response to Applicant's Remarks Filed 9/9/14**

1. The present application is being examined under the pre-AIA first to invent provisions.
2. Claims 15-38 are pending.
3. Claims 15-38 have been examined.

***Double Patenting***

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of pre-AIA 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.

5. Claims 15, 18 and 25 are rejected under pre-AIA 35 U.S.C. 102(b) as being anticipated by Yu (US 6,554,353). Yu discloses a chair (Fig. 1: 10) including a seat portion (Fig. 1: 11); a backrest (Fig. 1: 12) and a frame interconnecting the seat and backrest portion (Fig. 2: 114, 132, 123, 112) and providing rails under said seat (Fig. 3: 112, 123, 132); a floor engaging base including a vertical support portion (Fig. 3: 21) with a plurality of outwardly extending legs at one end (Fig. 3: 22) and a flat tabletop (Fig. 3: 40) of such height as to be accessible as a work surface to a user seated in said chair resting on said rails (Fig. 5) and having front and rear edges being affixed to the top of the vertical support (Fig. 3: 23); the tabletop being configured to underlie said bottom surface between said rails when the chair is coupled to the base (Fig. 3); and an attachment mechanism (Fig. 3: 40, 112, 23, 25) for releasably coupling the chair to the tabletop, said mechanism having multiple elements that latch together only when the front edge of the tabletop generally underlies the front of the seat portion (Fig. 3).

As concerns claim 18, Yu discloses wherein the frame members are generally spaced apart, but converge toward the rear of the seat portion (the frame members connect in the rear area of the seat).

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As concerns claim 25, Yu discloses wherein the frame tabletop is generally rectangular and at least generally horizontal (Fig. 3: 40) when the floor engaging base is placed on a horizontal support surface.

6. Claim 27 is rejected under pre-AIA 35 U.S.C. 102(b) as being anticipated by Wright (US Des. 139,241). Wright discloses a floor rocker chair having a seat portion with an undersurface and a backrest portion with a rear surface and having a shaped periphery (Wright, Fig. 2); a pedestal base with legs and a top with a substantially flat upper surface with front, rear and opposite side edges (Wright, Fig. 3); said chair including a substantially continuous frame structure forming spaced apart rocking members disposed directly beneath and attached to said undersurface (the side rockers are disposed underneath the undersurface and attached to the edge of that surface), said frame structure extending upwardly from said frame members along and attached to the backrest rear surface generally along and parallel to the periphery thereof (the frame structure is attached to the periphery of the rear of the backrest) to structurally join said seat and backrest portions; said rocker members being located beneath said undersurface and spaced apart so as to accommodate said top therebetween.

#### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of pre-AIA 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.

8. Claims 15-17, 19, 20, 24, 29 and 33 are rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over Wright (US Des. 139,241) in view of Mendelovich (US 5,806,922). Wright teaches a chair including a seat portion; a backrest and a frame interconnecting the seat and backrest portion (Fig. 1: the sidewalls on both sides) and providing rails under said seat (Fig. 2: the sidewalls provide rails

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under the seat); a floor engaging base including a vertical support portion with a plurality of outwardly extending legs at one end (Fig. 1: legs) and a flat tabletop (Fig. 3: under seat) of such height as to be accessible as a work surface to a user seated in said chair resting on said rails (Fig. 2) and having front and rear edges being affixed to the top of the vertical support (Fig. the front and rear edges of the tabletop are fixed to the top of the legs); the tabletop being configured to underlie said bottom surface between said rails when the chair is coupled to the base (Fig. 3).

Wright does not teach an attachment mechanism for releasably coupling the chair to the tabletop. However, Medelovich teaches a seat which is releasably coupled to a vertical support with an attachment mechanism (Mendelovich, Fig. 4B: shows 62 coupled to the vertical support through attachment mechanism 66,70,72), said mechanism having multiple elements (as discussed) that latch together. It would have been obvious to a person having ordinary skill in the art, at the time that the invention was made, to modify the chair of Wright to include an attachment mechanism like that of Medelovich which latches when the front of the seat is positioned over the front of the tabletop, in order to provide a more secure connection between the tabletop and seat. Wright and Mendelovich are analogous art because they are both within the same field of endeavor, i.e. seats. Therefore, it would have been obvious to combine Wright and Mendelovich to obtain the invention of claim 15.

As concerns claim 16, Wright, as modified, teaches wherein the frame rails define left and right mirror-image floor engaging rocker members (the bottom of the side frame are rails acting as rockers) extending at least in part from the rear of the seat to the front of the seat and underlying the seat, being spaced apart to straddle the tabletop.

As concerns claim 17, Wright, as modified, teaches wherein the rails are curved, floor engaging rocker surfaces. Wright does not teach wherein the rails bow outwardly. However, it would have been obvious to a person having ordinary skill in the art, at the time that the invention was made, to modify the orientation of the rails, as a matter of design choice, to bow outward as a matter of aesthetics and in order to provide additional stability to the seat. Therefore, it would have been obvious to use the teachings of Wright, as modified, to obtain the invention of claim 17.

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