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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/930,780	08/15/2001	Carrel W. Ewing	MLF-600-14	3325

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EXAMINER

PATEL, ASHOKKUMAR B

ART UNIT	PAPER NUMBER
2154	

2154

DATE MAILED: 06/09/2005

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

Raritan v. Server Technology

Office Action Summary

Application No. 09/930,780	Applicant(s) EWING ET AL.	
Examiner Ashok B. Patel	Art Unit 2154	

-- 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) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 03 March 2005 and 06 May 2005.
- 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) 1-32 is/are pending in the application.
4a) Of the above claim(s) 1-9 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 10-32 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 _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2/16/05
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other:

DETAILED ACTION

1. Claims 10-32 are subject to examination.

Response to Arguments

2. Applicant's arguments filed 5/6/2005 and 3/3/2005 have been fully considered but they are not persuasive for the following reasons:

Interview:

Applicant's argument:

In an interview with Examiner Ashokkumar Patel and Primary Examiner Larry Donaghue on November 22, 2004, Applicant's Representative, Teresa M. Arroyo, presented a draft amended claim 24 and proposed new claim 33, and discussed how claims 10-33 distinguished over the cited references.

Examiner's response:

This instant amendment does not incorporate proposed new claim 33.

Priority:

Applicant's argument:

In response, this application is a Continuation-In-part (CIP) of Application No. 09/732,557, filed December 8, 2000. This CIP is an application filed during the lifetime of earlier non-provisional Application No. 09/732,557, repeats some substantial portion of the earlier non-provisional application, and adds, matter not disclosed (emphasis added) in the earlier non-provisional application. (In re Klein, 1930 C.D. 2. 393 O.G. 519 (Comm'r Pat. 1930)). The matter not disclosed in Application No. 09/732,557 includes at least the user display. Therefore, Applicants respectfully submit that this Continuation-

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In-part application can properly claim the benefit of the prior non-provisional application under 35 U.S.C. j 120.

Examiner's response:

As Applicant has stated, the matter not disclosed in Application No. 09/732,557 includes at least the user display.

Examiner did not state previously that Application No. 09/732,557 does not disclose the user display. What Examiner stated in the previous Office action is "The instant application's incorporation of "a user display disposed on vertical strip enclosure whereby a user may observe information relative to the amount of current flowing through the power input and plurality of power outputs as shown in Fig.1, element 104 " which Examiner was unable to locate in the applications 09/735, 471 and 08/685, 436. And as such, the priority date was considered as being 12/08/2000."

Therefore, the user display as a claimed limitation is presented by the reference Liu (US 6, 476, 729 B1) and as such, in order to overcome the reference Liu (US 6, 476, 729 B1), the filing date of the earlier non-provisional application is actually needed. (MPEP 201.08). Therefore, Applicant has not complied with one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. 120 as follows:

The later-filed application must be an application for a patent for an invention which is also disclosed in the prior application (the parent or original nonprovisional application or provisional application); the disclosure of the invention in the parent application and in the later-filed application must be sufficient to comply with the

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requirements of the first paragraph of 35 U.S.C. 112. See *Transco Products, Inc. v. Performance Contracting, Inc.*, 38 F.3d 551, 32 USPQ2d 1077 (Fed. Cir. 1994).

Rejections under 35 U.S.C. § 103 (a) and Rejections under U.S.C. § 102 (b):
(US 6, 476, 729 B1).

Claim Rejections - 35 USC § 103

3. 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.

4. Claims 10, 11, 13, 15, 16, 18, 20, 22, 24, 25, 27, 29 and 31 are rejected under 35 U.S.C. 103(a) as being Unpatentable over Schreiber (US 5, 424, 903) in view of Liu (US 6, 476, 729 B1)

Referring to claim 10,

The reference Schreiber teaches an electrical power distribution on plugstrip of the type for providing power to one or more electrical loads in a vertical electrical equipment rack (Fig.1, element 16, Fig.2), the electrical power distribution plugstrip comprising in combination:

- A. a vertical strip enclosure having a thickness and a length that is longer than a width of the enclosure (Fig.1, element 16);
- B. a power input penetrating said vertical strip enclosure (Fig.1, element 30);

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