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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
13/652,969	10/16/2012	Donald Andrew Burris	HI12-019	7208	
	CORNING INCORPORATED INTELLECTUAL PROPERTY DEPARTMENT, SP-TI-3-1 CORNING, NY 14831 CHUNG TRANS, XUONG MY				
INTELLECTUAL PROPERTY DEPARTMENT, SP-TI-3-1 CORNING, NY 14831			CHUNG TRANS, XUONG MY		
			ART UNIT	PAPER NUMBER	
			2833	EXAMINER CHUNG TRANS, XUONG MY ART UNIT PAPER NUMBER 2833 FICATION DATE DELIVERY MODE	
			NOTIFICATION DATE	DELIVERY MODE	
			12/19/2014	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):

usdocket@corning.com



PPC Exhibit 2006 Corning v. PPC IPR2016-01573

	Application No. 13/652,969	Applicant(s) BURRIS, DONALD ANDREW	
Office Action Summary	Examiner XUONG CHUNG TRANS	Art Unit 2833	AIA (First Inventor to File) Status No
The MAILING DATE of this communicate Period for Reply	tion appears on the cover sheet with t	he corresponde	nce address
A SHORTENED STATUTORY PERIOD FOR THIS COMMUNICATION. - Extensions of time may be available under the provisions of 33 after SIX (6) MONTHS from the mailing date of this communic. If NO period for reply is specified above, the maximum statuto. - Failure to reply within the set or extended period for reply will, Any reply received by the Office later than three months after the earned patent term adjustment. See 37 CFR 1.704(b).	7 CFR 1.136(a). In no event, however, may a reply lation. ry period will apply and will expire SIX (6) MONTHS by statute, cause the application to become ABAND	be timely filed from the mailing date ONED (35 U.S.C. § 1	of this communication.
tatus			
1) Responsive to communication(s) filed o	n <u>10/1/14</u> .		
A declaration(s)/affidavit(s) under 37 C	CFR 1.130(b) was/were filed on	<u></u>	
2a) This action is FINAL . 2b)	☐ This action is non-final.		
3) An election was made by the applicant		ent set forth du	ring the interview on
; the restriction requirement and e	election have been incorporated into	this action.	
4) Since this application is in condition for	allowance except for formal matters,	prosecution as	s to the merits is
closed in accordance with the practice t	under <i>Ex parte Quayle</i> , 1935 C.D. 11	I, 453 O.G. 213	3.
Disposition of Claims*			
5) Claim(s) 1-30 is/are pending in the appl	ication.		
5a) Of the above claim(s) 6 and 18 is/ar	e withdrawn from consideration.		
6) Claim(s) is/are allowed.			
7) Claim(s) 7-17 and 19-30 is/are rejected			
8) Claim(s) is/are objected to.			
9) Claim(s) are subject to restriction	-		
If any claims have been determined <u>allowable</u> , you m	-	_	jhway program at a
articipating intellectual property office for the correspo ttp://www.uspto.gov/patents/init_events/pph/index.jsp	• 11	•	
	or send an inquiry to <u>Frmieedback@usi</u>	<u>oto.gov</u> .	
Application Papers			
10) The specification is objected to by the E		. – .	
11) The drawing(s) filed on is/are: a)			- ()
Applicant may not request that any objection Replacement drawing sheet(s) including the			
	correction is required if the drawing(s) is	s objected to. Se	e 37 GFN 1.121(a).
Priority under 35 U.S.C. § 119			
12) Acknowledgment is made of a claim for	foreign priority under 35 U.S.C. § 11	9(a)-(d) or (f).	
Certified copies:			
a) ☐ All b) ☐ Some** c) ☐ None of the			
	cuments have been received in Appl	lication No	
	the priority documents have been rec		
application from the International	· · · · · · · · · · · · · · · · · · ·		ational otago
* See the attached detailed Office action for a list of th			
	,		
uttachment(s)			
) X Notice of References Cited (PTO-892)	3) 🔲 Interview Sumr	mary (PTO-413)	
)	D N - (-)/M	ail Date	



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The present application is being examined under the pre-AIA first to invent provisions.

Election/Restrictions

Applicant's election without traverse of species 1, claims 1-5, 7-17 and 19-30 in the reply filed on September 30, 2014 is acknowledged.

In the amendment filed on October 1, 2014, claim 14 has been amended.

Therefore claims 1-30 are pending.

Claims 6 and 18 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on September 30, 2014.

Information Disclosure Statement

The Examiner would like to note the latest Information Disclosure Statement (IDS) submittals are extremely long. The Examiner has considered all of the references submitted as part of the Information Disclosure Statements, but has not found any to be particularly relevant. If Applicant is aware of pertinent material in the references, s/he should so state in a response to this Office action. Applicant is reminded of section 2004, paragraph 13, of the MPEP:

It is desirable to avoid the submission of long lists of documents if it can be avoided. Eliminate clearly irrelevant and marginally pertinent cumulative information. If a long list is submitted, highlight those documents which have been specifically brought to applicant's attention and/or are known to be of most



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significance. See *Penn Yan Boats, Inc. v. Sea Lark Boats, Inc.*, 359 F. Supp. 948, 175 USPQ 260 (S.D. Fla. 1972), *aff 'd*, 479 F.2d 1338, 178 USPQ 577 (5th Cir. 1973), *cert. denied*, 414 U.S. 874 (1974). But cf. *Molins PLC v. Textron Inc.*, 48 F.3d 1172, 33 USPQ2d 1823 (Fed. Cir. 1995).

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 double patenting rejection is appropriate where the claims at issue 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 reference application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of



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activities undertaken within the scope of a joint research agreement. A terminal disclaimer must be signed in compliance with 37 CFR 1.321(b).

The USPTO internet Web site contains terminal disclaimer forms which may be used. Please visit http://www.uspto.gov/forms/. The filing date of the application will determine what form should be used. A web-based eTerminal Disclaimer may be filled out completely online using web-screens. An eTerminal Disclaimer that meets all requirements is auto-processed and approved immediately upon submission. For more information about eTerminal Disclaimers, refer to http://www.uspto.gov/patents/process/file/efs/guidance/eTD-info-I.jsp.

Claims 1-5, 7-17 and 19-30 are provisionally rejected on the ground of nonstatutory double patenting as being unpatentable over claims 1- 24 of copending Application No. 13/833793. Although the claims at issue are not identical, they are not patentably distinct from each other because the claimed limitations recited in the present application are transparently found in the copending application 13/833793 with obvious wording variations. The slight differences are either encompassed by the '793 claims or are obvious variation especially in light of the '793 disclosure.

This is a provisional nonstatutory double patenting rejection because the patentably indistinct claims have not in fact been patented.

Claims 1-5, 7-17 and 19-30 are provisionally rejected on the ground of nonstatutory double patenting as being unpatentable over claims 1-4, 15, 16 of



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