

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)		Complete if Known	
		Application Number	95/000,104
		Filing Date	8/12/05
		First Named Inventor	Gregory G. Kuelbs
		Art Unit	3992
		Examiner Name	Margaret W... Rubin
Sheet 1	of 1	Attorney Docket Number	0444MH-40982-REX

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	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 ²
MR	AN	U.S. Patent Application Serial No. 11/199956 titled "Umbrella Apparatus" filed on 08-09-2005	
MR	AO	U.S. Patent Application Serial No. 10/829790 titled "Umbrella Apparatus" filed on 04-22-2004	
MR	AP	U.S. Patent Application Serial No. 10/650537 titled "Umbrella Apparatus" filed on 08-28-2003	

Examiner Signature		Date Considered	11/29/06
--------------------	---	-----------------	----------

*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.
¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.
 This collection of information is required by 37 CFR 1.98. 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 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, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P. . Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)	Complete if Known Application Number 95/000,104 Filing Date 8/12/05 First Named Inventor Gregory G. Kuelbs Art Unit 3992 Examiner Name Margaret Wambach Rubin Attorney Docket Number 0444MH-40982-REX
Sheet 1 of 1	

U. S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	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 ² (if known)			
MR	AA	US- 6,299,325	10-09-2001	Cathel	
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T ⁶
		Country Code ³ Number ⁴ Kind Code ⁵ (if known)				

Examiner Signature	Date Considered	11/24/06
--------------------	-----------------	-----------------

*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. ¹Applicant's unique citation designation number (optional). ²See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶Applicant is to place a check mark here if English language translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. 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 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, 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 (1-800-786-9199) and select option 2.

Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)	Complete if Known Application Number: 95/000,104 Filing Date: 8/12/05 First Named Inventor: Gregory G. Kuelbs Art Unit: 3992 Examiner Name: Margaret Wambach Rubin Attorney Docket Number: 0664MH-40982-REX
Sheet 1 of 1	

U. S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	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 ² (if known)			
MR	AQ	US-2960094	11-15-1960	Small, Samuel N.	
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	† ⁵
		Country Code ³ Number ⁴ Kind Code ⁶ (if known)				

Examiner Signature:	Date Considered: 11/29/06
---------------------	---------------------------

*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. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. 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 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, 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 (1-800-786-9199) and select option 2.

Notic of Referenc s Cited	Application/Control No. 95/000,104	Applicant(s)/Patent Under Reexamination 6612713	
	Examiner Margaret Rubin	Art Unit 3992	Page 1 of 1

U.S. PATENT DOCUMENTS

*	Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A US-6,058,951	05-2000	Wilson, Robert Joe	135/20.3
*	B US-6,182,917	02-2001	Lai, Jin-Sheng	242/390.8
*	C US-5,911,493	06-1999	Walker et al.	362/102
*	D US-5,611,614	03-1997	Morgan, Robert E.	362/102
*	E US-5,053,931	10-1991	Rushing, John A.	362/102
	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 JP9168415	06-1997	Japan		A45B 3/04
	O				
	P				
	Q				
	R				
	S				
	T				

NON-PATENT DOCUMENTS

*	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.

Search Notes




Application/Control No.	Applicant(s)/Patent under Reexamination	
95/000,104	6612713	
Examiner	Art Unit	
Margaret Rubin	3992	

SEARCHED			
Class	Subclass	Date	Examiner
None		11/29/2006	MR

INTERFERENCE SEARCHED			
Class	Subclass	Date	Examiner

SEARCH NOTES (INCLUDING SEARCH STRATEGY)		
	DATE	EXMR
U.S. Patent Documents related to 2005/0072451-A1 were reviewed and citations within such documents were also retrieved.	11/29/2006	MR

Reexamination 	Application/Control No. 95/000,104	Applicant(s)/Patent Under Re xamination 6612713
	Certificate Date	Certificate Number

R requester Correspond nce Address: <input type="checkbox"/> Patent Owner <input checked="" type="checkbox"/> Third Party
Robert E. Richards, Esq. Kilpatrick Stockton LLP 1100 Peachtree Street, Suite 2800 Atlanta, Georgia 30309

LITIGATION REVIEW <input checked="" type="checkbox"/>	MR <small>(examiner initials)</small>	11/29/06 <small>(date)</small>
Case Name		Director Initials
World Factory Inc v. Southern Sales and Marketing Group Inc U.S. District Court - Texas Northern (Fort Worth) 4:05cv373		
World Factory Inc v. Bond Manufacturing Co U.S. District Court - Texas Northern (Fort Worth) 4:05cv374		

COPENDING OFFICE PROCEEDINGS	
TYPE OF PROCEEDING	NUMBER
1. NONE	
2.	
3.	
4.	

U.S. Patent and Trademark Office

DOC. CODE RXFILJKT

YOT-1003-0626

United States Patent and Trademark Office
- Sales Receipt -

02/09/2007 MTWITTY 00000001 95000104

01 FC:1821 200.00 OP

YOT-1003-0627

United States Patent and Trademark Office
- Sales Receipt -

02/09/2007 MTWITTY 00000001 95000104

01 FC:1821

200.00 OP

YOT-1003-0628

66548 U.S. PTO



02/07/07

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 0664MH-40982-REX

In re Reexamination of:

GREGORY G. KUELBS

Control No. 95/000,104

Patent No. 6,612,713

Issued: 2 SEPTEMBER 2003

For: **UMBRELLA APPARATUS**

§
§
§
§
§
§
§
§
§
§
§

Examiner: **MARGARET WAMBACH**

Art Unit: 3992

TRANSMITTAL

MAIL STOP: INTER PARTES REEXAM

Central Reexamination Unit
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450



Sir:

Please file the following documents in the subject reexamination application:

1. This Transmittal with Certificate of Mailing;
2. Response to Office Action in *Inter Partes* Reexamination;

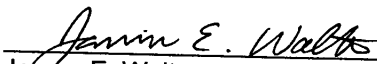
CERTIFICATE OF EXPRESS MAIL UNDER 37 C.F.R. § 1.8(a)
Date of Deposit: <u>2/5/07</u>
I hereby certify that this paper or fee is being deposited with the United States Postal Service as First Class Mail with sufficient postage under 37 C.F.R. §1.8(a) on the date indicated above and is addressed to Mail Stop: Inter Partes Reexam, Central Reexamination Unit, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.
By: <u>Jimmie E. Watts</u>

3. A Second Declaration Under 37 C.F.R. § 1.131, including Exhibits A-V;
4. A completed Credit Card Payment Form, Form PTO-2038, authorizing the Commissioner to charge \$200.00 to cover the \$200.00 fee for two additional independent claims in excess of three, to a designated credit card; and
5. Our return postcard which we would appreciate you date stamping and returning to us.

Please link this reexamination application to Customer Nos. 50779 and 38441 so that its status may be checked via the PAIR System.

Respectfully submitted,

2/5/07
Date



James E. Walton
Reg. No. 47,245

Law Offices of James E. Walton, P.L.L.C.
1169 N. Burleson Blvd., Suite 107-328
Burleson, Texas 76028
(817) 447-9955 (Voice)
(817) 447-9954 (Facsimile)
jim@waltonpllc.com

CUSTOMER NOS. 50779 and 38441

ATTORNEYS FOR PATENT OWNER

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 0664MH-40982-REX

In re Reexamination of:

GREGORY G. KUELBS

Control No. 95/000,104

Patent No. 6,612,713

Issued: 2 SEPTEMBER 2003

For: **UMBRELLA APPARATUS**

§
§
§
§
§
§
§
§
§
§
§

Examiner: **MARGARET WAMBACH**

Art Unit: 3992

**RESPONSE TO
OFFICE ACTION IN *INTER PARTES* REEXAMINATION**

MAIL STOP: INTER PARTES REEXAM

Central Reexamination Unit
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450



Sir:

This Response to Office Action in *Inter Partes* Reexamination is being filed in response to the Office Action in *Inter Partes* Reexamination that was mailed to the undersigned on 5 December 2006.

CERTIFICATE OF EXPRESS MAIL UNDER 37 C.F.R. § 1.8(a)	
Date of Deposit:	<u>2/5/07</u>
I hereby certify that this paper or fee is being deposited with the United States Postal Service as First Class Mail with sufficient postage under 37 C.F.R. §1.8(a) on the date indicated above and is addressed to Mail Stop: Inter Partes Reexam, Central Reexamination Unit, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.	
By:	<u><i>James E. Watts</i></u>

PRIOR OR CONCURRENT PROCEEDINGS:

Pursuant to 37 C.F.R. § 1.985, the Patent Owner previously notified the Examiner of the following litigation proceedings that involved the subject patent:

1. Civil Action No. 4:05-CV-00373, *World Factory, Inc. v. Southern Sales & Marketing Group, Inc.*, United States District Court for the Northern District of Texas, Fort Worth Division.
2. Civil Action No. 4:05-CV-374-A, *World Factory, Inc. v. Bond Manufacturing Co.*, United States District Court for the Northern District of Texas, Fort Worth Division.

The following changes have taken place in the foregoing litigation proceedings:

1. Civil Action No. 4:05-CV-00373, *World Factory, Inc. v. Southern Sales & Marketing Group, Inc.*, United States District Court for the Northern District of Texas, Fort Worth Division, was dismissed without prejudice on 9 January 2006.
2. Civil Action No. 4:05-CV-374-A, *World Factory, Inc. v. Bond Manufacturing Co.*, United States District Court for the Northern District of Texas, Fort Worth Division, was dismissed without prejudice on 21 November 2005.

The Patent Owner is not aware of any other litigation proceedings involving the subject patent.

IN THE CLAIMS:

The Patent Owner submits that the following amendments add no new matter to the application and do not broaden the scope of the application.

Statements of support for each claim amendment are set forth below.

Please amend the claims as follows:

1. (Amended) An umbrella apparatus comprising:
 - a base support portion;
 - a pole portion coupled to the base support portion;
 - a canopy portion hingedly coupled to the pole portion, the canopy portion having a plurality of rib members;
 - a rechargeable electrical power system for providing electrical power to the umbrella apparatus;
 - a solar energy system carried by a module coupled to [carried by] the pole portion above the canopy portion, the solar energy system being adapted to collect solar energy and convert the solar energy into electrical energy, the solar energy system being conductively coupled to the rechargeable electrical power system, such that the solar energy collected and converted into electrical energy recharges the rechargeable electrical power system, the module being releasably coupled to the pole portion; and
 - a lighting system carried by the canopy portion, the lighting system being conductively coupled to and powered by the rechargeable electrical power system, the lighting system having multiple discrete lighting elements positioned along at least one of the rib members

[an electrical charging system for recharging the rechargeable electrical power system, the electrical charging system being adapted to receive power from an AC power outlet].

2. (Amended) An umbrella apparatus comprising:
- a base support portion;
 - a pole portion coupled to the base support portion;
 - a canopy portion hingedly coupled to the pole portion;
 - a power module carried by the pole portion above the canopy portion, the power module having an upper portion and a lower portion;
 - a rechargeable electrical power system for providing electrical power to the umbrella apparatus, the rechargeable electrical power system being disposed in the lower portion of the power module;
 - a solar energy system carried by the [pole portion above the canopy portion] upper portion of the power module, the solar energy system being adapted to collect solar energy and convert the solar energy into electrical energy, the solar energy system being conductively coupled to the rechargeable electrical power system, such that the solar energy collected and converted into electrical energy recharges the rechargeable electrical power system; and
 - a lighting system carried by the canopy portion, the lighting system being conductively coupled to and powered by the rechargeable electrical power system.

3. (Amended - Confirmed) [The] An umbrella apparatus [according to claim 2,] comprising:
- a base support portion;
 - a pole portion coupled to the base support portion;
 - a canopy portion hingedly coupled to the pole portion;
 - a rechargeable electrical power system for providing electrical power to the umbrella apparatus;
 - a solar energy system carried by the pole portion above the canopy portion, the solar energy system being adapted to collect solar energy and convert the solar energy into electrical energy, the solar energy system being conductively coupled to the rechargeable electrical power system, such that the solar energy collected and converted into electrical energy recharges the rechargeable electrical power system;

and

a lighting system carried by the canopy portion, the lighting system being conductively coupled to and powered by the rechargeable electrical power system;

wherein the lighting system comprises:

a plurality of rib members coupled to the canopy portion;

and

a plurality of cold cathode tube elements carried by the rib members, each cold cathode tube element being conductively coupled to and powered by the rechargeable electrical power source.

4. (Original) The umbrella apparatus according to claim 2, wherein the lighting system comprises:

a plurality of rib members coupled to the canopy portion; and

a plurality of light emitting diode elements carried by the rib members, each light emitting diode element being conductively coupled to and powered by the rechargeable electrical power source.

5. (Original) The umbrella apparatus according to claim 2, wherein the lighting system comprises:

a plurality of rib members coupled to the canopy portion; and

a plurality of fluorescent light elements carried by the rib members, each fluorescent light element being conductively coupled to and powered by the rechargeable electrical power source.

6. (Amended) An umbrella apparatus comprising:

a base support portion;

a pole portion coupled to the base support portion;

a canopy portion hingedly coupled to the pole portion;

a rechargeable electrical power system for providing electrical power to the

umbrella apparatus;

a solar energy system carried by a discus-shaped power unit, the power unit being carried by the pole portion above the canopy portion, the solar energy system being adapted to collect solar energy and convert the solar energy into electrical energy, the solar energy system being conductively coupled to the rechargeable electrical power system, such that the solar energy collected and converted into electrical energy recharges the rechargeable electrical power system; and

an electromechanical opening and closing system for opening and closing the canopy portion, the electromechanical opening and closing system being conductively coupled to and powered by the rechargeable electrical power system.

7. (Original) The umbrella apparatus according to claim 6, wherein the electromechanical opening and closing system comprises:

an electric motor carried by the pole portion; a control system for controlling the electric motor; a gear system coupled to the electric motor; and

a cable and pulley system coupled to the gear system and the canopy portion; wherein the opening and closing of the canopy portion is achieved by the electric motor in response to selective operation of the control system.

8. (Amended - Confirmed) [The] An umbrella apparatus [according to claim 7,] comprising:

a base support portion;

a pole portion coupled to the base support portion;

a canopy portion hingedly coupled to the pole portion;

a rechargeable electrical power system for providing electrical power to the umbrella apparatus;

a solar energy system carried by the pole portion above the canopy portion, the solar energy system being adapted to collect solar energy and convert the solar energy into electrical energy, the solar energy system being conductively coupled to the

rechargeable electrical power system, such that the solar energy collected and converted into electrical energy recharges the rechargeable electrical power system;
and

an electromechanical opening and closing system for opening and closing the canopy portion, the electromechanical opening and closing system being conductively coupled to and powered by the rechargeable electrical power system;

wherein the electromechanical opening and closing system comprises:

an electric motor carried by the pole portion;

a control system for controlling the electric motor;

a gear system coupled to the electric motor; and

a cable and pulley system coupled to the gear system and the canopy portion;

wherein the opening and closing of the canopy portion is achieved by the electric motor in response to selective operation of the control system; and

wherein the control system comprises:

a receiver conductively coupled to the electric motor;

a remote transmitter for transmitting an encoded signal to the receiver;

and

a decoder conductively coupled to the receiver for decoding the encoded signal from the transmitter.

9. (Amended) An umbrella apparatus comprising:

a base support portion;

a pole portion coupled to the base support portion;

a canopy portion hingedly coupled to the pole portion, the canopy portion having a plurality of rib members;

a rechargeable electrical power system for providing electrical power to the umbrella apparatus;

a solar energy system carried by the pole portion above the canopy portion, the solar energy system being adapted to collect solar energy and convert the solar energy

into electrical energy, the solar energy system being conductively coupled to the rechargeable electrical power system, such that the solar energy collected and converted into electrical energy recharges the rechargeable electrical power system; and

a cooling system carried by the canopy portion, the cooling system being conductively coupled to and powered by the rechargeable electrical power system, the cooling system comprising;

a fluid reservoir operably associated with the umbrella apparatus;

at least one mist nozzle [coupled to the canopy portion] carried by a rib member, each mist nozzle being in fluid communication with the fluid;

a conduit creating fluid communication between the fluid reservoir and each mist nozzle; and

a pump for pumping the fluid from the reservoir through each mist nozzle.

10. (Confirmed) An umbrella apparatus comprising:

a base support portion;

a pole portion coupled to the base support portion;

a canopy portion hingedly coupled to the pole portion;

a rechargeable electrical power system for providing electrical power to the umbrella apparatus;

a solar energy system carried by the pole portion above the canopy portion, the solar energy system being adapted to collect solar energy and convert the solar energy into electrical energy, the solar energy system being conductively coupled to the rechargeable electrical power system, such that the solar energy collected and converted into electrical energy recharges the rechargeable electrical power system; and

a combination of two or more of the following modular systems:

a lighting system carried by the canopy portion;

an electromechanical opening and closing system for opening and closing the canopy portion; or

a cooling system;

wherein each modular system is configured to be interchanged with each other, each modular system being conductively coupled to and powered by the rechargeable electrical power system.

11. (Confirmed) The umbrella apparatus according to claim 10, wherein the lighting system comprises:

a plurality of rib members coupled to the canopy portion; and

a plurality of cold cathode tube elements carried by the rib members, each cold cathode tube element being conductively coupled to and powered by the rechargeable electrical power source.

12. (Confirmed) The umbrella apparatus according to claim 10, wherein the lighting system comprises:

a plurality of rib members coupled to the canopy portion; and

a plurality of light emitting diode elements carried by the rib members, each light emitting diode element being conductively coupled to and powered by the rechargeable electrical power source.

13. (Confirmed) The umbrella apparatus according to claim 10, wherein the cooling system comprises:

a fluid reservoir operably associated with the umbrella apparatus;

at least one mist nozzle coupled to the canopy portion, each mist nozzle being in fluid communication with the fluid;

a conduit creating fluid communication between the fluid reservoir and each mist nozzle; and

a pump for pumping the fluid from the reservoir through each mist nozzle.

14. (Confirmed) The umbrella apparatus according to claim 10, wherein the electromechanical opening and closing system comprises:

an electric motor carried by the pole portion; a control system for controlling the electric motor;

a gear system coupled to the electric motor; and

a cable and pulley system coupled to the gear system and the canopy portion;

wherein the opening and closing of the canopy portion is achieved by the electric motor in response to selective operation of the control system.

Claims 15-44. (Previously Cancelled).

45. (Amended) A patio umbrella apparatus, comprising:

a base support portion;

a pole portion coupled to the base support portion;

a canopy portion hingedly coupled to the pole portion;

a power unit coupled to the pole portion above the canopy portion;

a rechargeable electrical power system for providing electrical power to the umbrella apparatus, the rechargeable electrical power system being carried by a bottom portion of the power unit;

a solar energy system [carried by the pole portion above the canopy portion, the solar energy system being] adapted to collect solar energy and convert the solar energy into electrical energy, the solar energy system being conductively coupled to the rechargeable electrical power system, such that the solar energy collected and converted into electrical energy recharges the rechargeable electrical power system, the solar energy system being carried by a top portion of the power unit; and

an electrical charging system for recharging the rechargeable electrical power system, the electrical charging system being adapted to receive power from an AC power outlet[;

wherein the rechargeable electrical power system and the solar energy system are disposed in a common housing].

46. (Amended) [A] The patio umbrella apparatus[, comprising:
a base support portion;
a pole portion coupled to the base support portion;
a canopy portion hingedly coupled to the pole portion;
a rechargeable electrical power system for providing electrical power to the umbrella apparatus;

a solar energy system carried by the pole portion above the canopy portion, the solar energy system being adapted to collect solar energy and convert the solar energy into electrical energy, the solar energy system being conductively coupled to the rechargeable electrical power system, such that the solar energy collected and converted into electrical energy recharges the rechargeable electrical power system;
and

an electrical charging system for recharging the rechargeable electrical power system, the electrical charging system being adapted to receive power from an AC power outlet;

wherein the rechargeable electrical power system and the solar energy system are disposed in a common housing carried by the pole portion above the canopy portion] according to claim 45, wherein the power unit is releasably coupled to the pole portion.

47. (Amended) A patio umbrella apparatus, comprising:
a base support portion;
a pole portion coupled to the base support portion;
a canopy portion hingedly coupled to the pole portion, the canopy portion being operable between an [open] opened position and a closed position;
a power unit coupled to the pole portion above the canopy portion;

a rechargeable electrical power system for providing electrical power to the umbrella apparatus, the rechargeable electrical power system being carried by a bottom portion of the power unit; and

a solar energy system [carried by the pole portion above the canopy portion, the solar energy system being] adapted to collect solar energy and convert the solar energy into electrical energy, the solar energy system being conductively coupled to the rechargeable electrical power system, such that the solar energy collected and converted into electrical energy recharges the rechargeable electrical power system, the solar energy system being carried by a top portion of the power unit; [and

an electrical charging system for recharging the rechargeable electrical power system, the electrical charging system being adapted to receive power from an AC power outlet];

wherein the [rechargeable electrical power system and the solar energy system are disposed in a common housing] power unit is carried by the pole portion such that the [housing] solar energy system is fixed relative to the pole portion when the canopy is operated between the opened position and the closed position.

48. (Amended) A patio umbrella apparatus, comprising:

a base support portion;

a pole portion coupled to the base support portion;

a canopy portion hingedly coupled to the pole portion, the canopy portion having a plurality of rib members and being operable between an [open] opened position and a closed position;

a rechargeable electrical power system for providing electrical power to the umbrella apparatus;

a solar energy system carried by the pole portion above the canopy portion, the solar energy system being adapted to collect solar energy and convert the solar energy into electrical energy, the solar energy system being conductively coupled to the rechargeable electrical power system, such that the solar energy collected and converted into electrical energy recharges the rechargeable electrical power system;

and

[an electrical charging system for recharging the rechargeable electrical power system, the electrical charging system being adapted to receive power from an AC power outlet;]

a plurality of lighting elements carried by the rib members, the lighting elements being recessed within the rib members;

wherein the rechargeable electrical power system and the solar energy system [are] each form a component part disposed in a [common housing] power unit carried by the pole portion such that the [housing] power unit is fixed relative to the pole portion when the canopy is operated between the opened position and the closed position[, and the common housing is disposed at least partially above the canopy portion].

49. (Amended) An umbrella apparatus, comprising:

a base support portion;

a pole portion coupled to the base support portion;

a canopy portion having a plurality of rib members, the canopy portion being hingedly coupled to the pole portion;

a rechargeable electrical power system for providing electrical power to the umbrella apparatus;

a solar energy system carried by the pole portion above the canopy portion, the solar energy system being adapted to collect solar energy and convert the solar energy into electrical energy, the solar energy system being conductively coupled to the rechargeable electrical power system, such that the solar energy collected and converted into electrical energy recharges the rechargeable electrical power system;

and

a lighting system carried by the canopy portion, the lighting system being conductively coupled to and powered by the rechargeable electrical power system;

wherein the lighting system includes multiple discrete lighting elements positioned along a rib member, each lighting element being recessed within the rib member and being conductively coupled to the rechargeable electrical power system by

an electrical conductor, the electrical conductor also being recessed within the rib member.

50. (Original) The umbrella apparatus according to claim 49, wherein the lighting system includes multiple discrete lighting elements along each rib member.

51. (Amended) [The] An umbrella apparatus [according to claim 49], comprising:

a base support portion;

a pole portion coupled to the base support portion;

a canopy portion having a plurality of rib members, the canopy portion being hingedly coupled to the pole portion;

a rechargeable electrical power system for providing electrical power to the umbrella apparatus;

a solar energy system carried by a power unit coupled to the pole portion above the canopy portion, the solar energy system being adapted to collect solar energy and convert the solar energy into electrical energy, the solar energy system being conductively coupled to the rechargeable electrical power system, such that the solar energy collected and converted into electrical energy recharges the rechargeable electrical power system, the power unit being releasably coupled to the pole portion;

a lighting system carried by the canopy portion, the lighting system being conductively coupled to and powered by the rechargeable electrical power system, the lighting system including at least one discrete lighting element positioned along a rib member; and

translucent covers for covering the lighting elements;

wherein at least a portion of each lighting element [is at least partially recessed within] extends beyond the corresponding rib member.

52. (Amended - Patentable) [The] An umbrella apparatus [according to claim 49,] comprising:

a base support portion;

a pole portion coupled to the base support portion;

a canopy portion having a plurality of rib members, the canopy portion being hingedly coupled to the pole portion;

a rechargeable electrical power system for providing electrical power to the umbrella apparatus;

a solar energy system carried by the pole portion above the canopy portion, the solar energy system being adapted to collect solar energy and convert the solar energy into electrical energy, the solar energy system being conductively coupled to the rechargeable electrical power system, such that the solar energy collected and converted into electrical energy recharges the rechargeable electrical power system;
and

a lighting system carried by the canopy portion, the lighting system being conductively coupled to and powered by the rechargeable electrical power system;

wherein the lighting system includes multiple discrete lighting elements positioned along a rib member; and

wherein each lighting element is fully recessed within the corresponding rib member.

53. (Original - Patentable) The umbrella apparatus according to claim 52, further comprising:

a translucent cover over the lighting elements.

54. (Original) The umbrella apparatus of claim 49, wherein the multiple discrete lighting elements are each an LED.

55. (Amended) The umbrella apparatus according to claim [51] 52, further comprising:

wires for conductively coupling the lighting elements to the rechargeable electrical power source, the wires being [at least partially] fully recessed within the rib members.

56. (Amended) An umbrella apparatus, comprising:

a base support portion;

a pole portion coupled to the base support portion;

a canopy portion having a plurality of rib members, the canopy portion being hingedly coupled to the pole portion;

a rechargeable electrical power system for providing electrical power to the umbrella apparatus;

a solar energy system [carried by the pole portion above the canopy portion, the solar energy system being] adapted to collect solar energy and convert the solar energy into electrical energy, the solar energy system being conductively coupled to the rechargeable electrical power system, such that the solar energy collected and converted into electrical energy recharges the rechargeable electrical power system; and

a lighting system carried by the canopy portion, the lighting system being conductively coupled to and powered by the rechargeable electrical power system[;], the lighting system comprising a plurality of lighting elements carried by the rib members, each lighting element being conductively coupled to and powered by the rechargeable electrical power [source] system; [and]

wherein the rechargeable electrical power system and the solar energy system each form a separate component part of a power module that is [are disposed in a common housing] carried by the pole portion above the canopy portion.

57. (Amended) A patio umbrella apparatus, comprising:
a base support portion;
a pole portion coupled to the base support portion;
a canopy portion hingedly coupled to the pole portion, the canopy portion having a plurality of rib members;

a crank housing coupled to the pole portion, the crank housing being adapted to partially house a system for opening and closing the canopy portion;

a rechargeable electrical power system for providing electrical power to the umbrella apparatus, the rechargeable electrical power system being disposed below the canopy portion;

[a switch disposed in the crank housing for controlling the provision of electrical power from the rechargeable electrical power system;]

a solar energy system carried by the pole portion above the canopy portion, the solar energy system being adapted to collect solar energy and convert the solar energy into electrical energy, the solar energy system being conductively coupled to the rechargeable electrical power system, such that the solar energy collected and converted into electrical energy recharges the rechargeable electrical power system;
and

a lighting system carried by the canopy portion, the lighting system being conductively coupled to and powered by the rechargeable electrical power system, the lighting system comprising a plurality of lighting elements carried by the rib members, each lighting element being conductively coupled to and powered by the rechargeable electrical power system via conductors, the conductors being recessed within the rib members

[an electrical charging system for recharging the rechargeable electrical power system, the electrical charging system being adapted to receive power from an AC power outlet].

58. (Amended) The patio umbrella apparatus according to claim 57, further comprising:

[a lighting system carried by the canopy portion, the lighting system being conductively coupled to and powered by the rechargeable electrical power system]

a switch carried by the crank housing for controlling the system for opening and closing the canopy portion.

59. (Amended) An umbrella apparatus, comprising:

a pole portion [adapted for use with a supportive base portion];

a base support portion for supporting the umbrella apparatus in an upright orientation, the base support portion being coupled to the pole portion;

a canopy portion hingedly coupled to the pole portion;

a crank housing coupled to the pole portion, the crank housing being adapted to partially house a system for opening and closing the canopy portion;

a rechargeable electrical power system for providing electrical power to the umbrella apparatus;

a switch disposed in the crank housing for controlling the [provision of electrical power from the rechargeable electrical power system] system for opening and closing the canopy portion;

a solar energy system carried by the pole portion above the canopy portion, the solar energy system being adapted to collect solar energy and convert the solar energy into electrical energy, the solar energy system being conductively coupled to the rechargeable electrical power system, such that the solar energy collected and converted into electrical energy recharges the rechargeable electrical power system; and

a lighting system carried by the canopy portion, the lighting system being conductively coupled to and powered by the rechargeable electrical power system;

wherein the rechargeable electrical power system is carried by the pole portion and the solar energy system [are disposed in a common housing carried by the pole portion such that the housing] is fixed relative to the pole portion when the canopy is operated between [the] an opened position and [the] a closed position.

60. (Amended) An umbrella apparatus, comprising:

- a base support portion;
- a pole portion coupled to the base support portion;
- a canopy portion having a plurality of rib members, the canopy portion being hingedly coupled to the pole portion;
- a rechargeable electrical power system for providing electrical power to the umbrella apparatus;
- a solar energy system carried by the pole portion above the canopy portion, the solar energy system being adapted to collect solar energy and convert the solar energy into electrical energy, the solar energy system being conductively coupled to the rechargeable electrical power system, such that the solar energy collected and converted into electrical energy recharges the rechargeable electrical power system;
- and
- a lighting system carried by the canopy portion, the lighting system being conductively coupled to and powered by the rechargeable electrical power system;

wherein the lighting system includes a plurality of lighting elements, each lighting element being [at least partially] recessed within a corresponding rib member and [each lighting element being conductively coupled by a conductor disposed within a corresponding rib member] being covered by a translucent cover carried by the corresponding rib member.

61. (Amended) An umbrella apparatus, comprising:

- a base support portion;
- a pole portion coupled to the base support portion;
- a canopy portion having a plurality of rib members, the canopy portion being hingedly coupled to the pole portion;
- a [housing mounted atop] power unit carried by the pole portion [and] above the canopy portion;
- a rechargeable electrical power system for providing electrical power to the umbrella apparatus, the rechargeable electrical power system [being disposed within

the housing] forming a component part of the power unit;

a solar energy system for collecting solar energy and converting the solar energy into electrical energy, the solar energy system being conductively coupled to the rechargeable electrical power system, such that the solar energy collected and converted into electrical energy recharges the rechargeable electrical power system, the solar energy system [being disposed within the housing] also forming a component part of the power unit; and

a lighting system carried by the canopy portion, the lighting system being conductively coupled to and powered by the rechargeable electrical power system and having a plurality of lighting elements, each lighting element being [at least partially recessed within a corresponding] carried by a rib member and being conductively coupled to the rechargeable electrical power system via a conductor [disposed within] carried by the corresponding rib member.

62. (Amended) An umbrella apparatus, comprising:

a base support portion;

a pole portion coupled to the base support portion;

a canopy portion having a plurality of rib members, the canopy portion being hingedly coupled to the pole portion;

a rechargeable electrical power system for providing electrical power to the umbrella apparatus;

a solar energy system carried by the pole portion above the canopy portion, the solar energy system being adapted to collect solar energy and convert the solar energy into electrical energy, the solar energy system being conductively coupled to the rechargeable electrical power system, such that the solar energy collected and converted into electrical energy recharges the rechargeable electrical power system; and

a [lighting system] light subassembly carried by the canopy portion, the [lighting system] light subassembly being conductively coupled to and powered by the rechargeable electrical power system;

wherein the [lighting system] light subassembly includes a plurality of light emitting diodes, each light emitting diode being [at least partially] recessed [within] relative to a corresponding rib member and each light emitting diode being conductively coupled by a conductor [disposed within a] recessed relative to the corresponding rib member.

63. (Amended) An umbrella apparatus, comprising:

a base support portion adapted to maintain the umbrella in an upright position;

a pole portion coupled to the base support portion, the pole portion being separable into at least two separate sections;

a canopy portion hingedly coupled to the pole portion;

a rechargeable electrical power system for providing electrical power to the umbrella apparatus;

an electrical charging system carried by the pole portion for recharging the rechargeable electrical power system, the electrical charging system being adapted to receive power from an AC power outlet;

a solar energy system [carried by] coupled to the pole portion above the canopy portion, the solar energy system being adapted to collect solar energy and convert the solar energy into electrical energy, the solar energy system being conductively coupled to the rechargeable electrical power system, such that the solar energy collected and converted into electrical energy recharges the rechargeable electrical power system; and

a lighting system carried by the canopy portion, the lighting system being conductively coupled to and powered by the rechargeable electrical power system[;

wherein the rechargeable electrical power system is and the solar energy system are disposed in a common housing].

64. (Amended) A patio umbrella apparatus, comprising:

a base support portion;

a pole portion coupled to the base support portion;

a canopy portion hingedly coupled to the pole portion;
a rechargeable electrical power system for providing electrical power to the umbrella apparatus;
a solar energy system contained in a discus-shaped module, the discus-shaped module being carried by the pole portion above the canopy portion, the solar energy system being adapted to collect solar energy and convert the solar energy into electrical energy, the solar energy system being conductively coupled to the rechargeable electrical power system, such that the solar energy collected and converted into electrical energy recharges the rechargeable electrical power system; and
a lighting system carried by the canopy portion, the lighting system being conductively coupled to and powered by the rechargeable electrical power system[;
wherein the rechargeable electrical power system and the solar energy system are disposed in a common housing carried by the pole portion above the canopy portion].

65. (Amended) [A] The patio umbrella apparatus[, comprising:

a base support portion;
a pole portion coupled to the base support portion;
a canopy portion hingedly coupled to the pole portion, the canopy portion being operable between an open position and a closed position;
a rechargeable electrical power system for providing electrical power to the umbrella apparatus;
a solar energy system carried by the pole portion above the canopy portion, the solar energy system being adapted to collect solar energy and convert the solar energy into electrical energy, the solar energy system being conductively coupled to the rechargeable electrical power system, such that the solar energy collected and converted into electrical energy recharges the rechargeable electrical power system; and
a lighting system carried by the canopy portion, the lighting system being conductively coupled to and powered by the rechargeable electrical power system;

wherein the rechargeable electrical power system and the solar energy system are disposed in a common housing carried by the pole portion such that the housing is fixed relative to the pole portion when the canopy is operated between the opened position and the closed position] according to claim 64, wherein the discus-shaped module is releasably coupled to the pole portion.

66. (Amended) A patio umbrella apparatus, comprising:
- a base support portion;
 - a pole portion coupled to the base support portion;
 - a canopy portion hingedly coupled to the pole portion, the canopy portion having a plurality of rib members and being operable between an [open] opened position and a closed position;
 - a rechargeable electrical power system for providing electrical power to the umbrella apparatus;
 - a solar energy system [carried by the pole portion above the canopy portion, the solar energy system being] adapted to collect solar energy and convert the solar energy into electrical energy, the solar energy system being conductively coupled to the rechargeable electrical power system, such that the solar energy collected and converted into electrical energy recharges the rechargeable electrical power system; and
 - a lighting system carried by the canopy portion, the lighting system being conductively coupled to and powered by the rechargeable electrical power system via electrical conductors recessed within the rib members;

wherein the rechargeable electrical power system forms a bottom portion of a power unit and the solar energy system [are disposed in a common housing] forms a top portion of the power unit, the power unit being carried by the pole portion above the canopy portion, such that the [housing is] power unit remains in a fixed orientation relative to the pole portion when the canopy is operated between the opened position and the closed position[, and the common housing is disposed at least partially above the canopy portion].

67. (Amended) A patio umbrella apparatus, comprising:

- a base support portion;
- a pole portion coupled to the base support portion;
- a canopy portion hingedly coupled to the pole portion;
- a rechargeable electrical power system [disposed in a housing] for providing electrical power to the umbrella apparatus;
- a solar energy system carried by the pole portion above the canopy portion, the solar energy system being adapted to collect solar energy and convert the solar energy into electrical energy, the solar energy system being conductively coupled to the rechargeable electrical power system, such that the solar energy collected and converted into electrical energy recharges the rechargeable electrical power system[, the solar energy system also being disposed in the housing];
- an electromechanical opening and closing system for opening and closing the canopy portion, the electromechanical opening and closing system being powered by the rechargeable electrical power system;
- a lighting system carried by the canopy portion, the lighting system being conductively coupled to and powered by the rechargeable electrical power system; and
- a switch [located remote from the housing] for controlling [provision of electrical power from the rechargeable electrical power system] the electromechanical opening and closing system.

68. (Amended) A patio umbrella apparatus, comprising:

- a base support portion;
- a pole portion coupled to the base support portion;
- a canopy portion hingedly coupled to the pole portion;
- a rechargeable electrical power system [disposed in a housing] for providing electrical power to the umbrella apparatus;
- a solar energy system carried by the pole portion above the canopy portion, the solar energy system being adapted to collect solar energy and convert the solar energy into electrical energy, the solar energy system being conductively coupled to the

rechargeable electrical power system, such that the solar energy collected and converted into electrical energy recharges the rechargeable electrical power system[, the solar energy system also being disposed in the housing];

an electromechanical opening and closing system for opening and closing the canopy portion, the electromechanical opening and closing system being powered by the rechargeable electrical power system, the electromechanical opening and closing system being partially housed in a housing coupled to the pole portion;

a lighting system carried by the canopy portion, the lighting system being conductively coupled to and powered by the rechargeable electrical power system; and

a switch [located below] carried by the housing for controlling [provision of electrical power from the rechargeable electrical power system] the electromechanical opening and closing system.

69. (Amended) A patio umbrella apparatus, comprising:

a base support portion;

a pole portion coupled to the base support portion;

a canopy portion hingedly coupled to the pole portion;

a rechargeable electrical power system [disposed in a housing] for providing electrical power to the umbrella apparatus;

a solar energy system carried by the pole portion above the canopy portion, the solar energy system being adapted to collect solar energy and convert the solar energy into electrical energy, the solar energy system being conductively coupled to the rechargeable electrical power system, such that the solar energy collected and converted into electrical energy recharges the rechargeable electrical power system[, the solar energy system also being disposed in the housing];

an electromechanical opening and closing system for opening and closing the canopy portion, the electromechanical opening and closing system being powered by the rechargeable electrical power system;

a lighting system carried by the canopy portion, the lighting system being conductively coupled to and powered by the rechargeable electrical power system; and

a switch located on the pole portion for controlling [provision of electrical power from the rechargeable electrical power system] the electromechanical opening and closing system.

70. (Amended) An umbrella apparatus, comprising:
- a base support portion;
 - a pole portion coupled to the base support portion;
 - a canopy portion being hingedly coupled to the pole portion, the canopy portion having a plurality of rib members, each rib member having a recessed longitudinal channel;
 - a rechargeable electrical power system for providing electrical power to the umbrella apparatus;
 - a solar energy system carried by the pole portion above the canopy portion, the solar energy system being adapted to collect solar energy and convert the solar energy into electrical energy, the solar energy system being conductively coupled to the rechargeable electrical power system, such that the solar energy collected and converted into electrical energy recharges the rechargeable electrical power system; and
 - a lighting system carried by the canopy portion, the lighting system being conductively coupled to and powered by the rechargeable electrical power system[;], the lighting system comprising a plurality of lighting elements carried by the rib members, each lighting element being disposed within the channel and being conductively coupled to and powered by the rechargeable electrical power source[; and
 - wherein the rechargeable electrical power system and the solar energy system are disposed in a common housing carried by the pole portion above the canopy portion].
71. (Original) The umbrella apparatus according to claim 70, further comprising:
- a transparent cover disposed over each channel.

72. (Amended) An umbrella apparatus, comprising:
- a base support portion;
 - a pole portion coupled to the base support portion;
 - a canopy portion being hingedly coupled to the pole portion, the canopy portion having a plurality of rib members;
 - a rechargeable electrical power system for providing electrical power to the umbrella apparatus;
 - a solar energy system carried by the pole portion above the canopy portion, the solar energy system being adapted to collect solar energy and convert the solar energy into electrical energy, the solar energy system being conductively coupled to the rechargeable electrical power system, such that the solar energy collected and converted into electrical energy recharges the rechargeable electrical power system; and
 - a lighting system carried by the canopy portion, the lighting system being conductively coupled to and powered by the rechargeable electrical power system, wherein the lighting system[,] comprises:
 - a plurality of discrete lighting elements carried by each rib member;
- wherein each discrete lighting element is conductively coupled to and powered by the rechargeable electrical power source and is recessed within a corresponding rib member, the discrete lighting elements being conductively coupled to the rechargeable electrical power system by electrical conductors, the electrical conductors also being recessed within the rib members.
73. (Amended) A patio umbrella apparatus, comprising:
- a base support portion;
 - a pole portion coupled to the base support portion;
 - a canopy portion hingedly coupled to the pole portion;
 - a rechargeable electrical power system for providing electrical power to the umbrella apparatus;

a solar energy system carried [atop] by the pole portion above the canopy portion, the solar energy system being adapted to collect solar energy and convert the solar energy into electrical energy, the solar energy system being conductively coupled to the rechargeable electrical power system, such that the solar energy collected and converted into electrical energy recharges the rechargeable electrical power system; and

an electrical charging system carried by the pole portion for recharging the rechargeable electrical power system, the electrical charging system being adapted to receive power from an AC power outlet;

wherein the electrical charging system remains carried by the pole portion when the rechargeable electrical power system is removed from the patio umbrella apparatus.

74. (Amended) An umbrella apparatus comprising:

a base support portion;

a pole portion coupled to the base support portion;

a canopy portion hingedly coupled to the pole portion;

a power module carried by the pole portion above the canopy portion, the power module having an upper portion and a lower portion;

a rechargeable electrical power system for providing electrical power to the umbrella apparatus, the rechargeable electrical power system being disposed in the lower portion of the power module;

a solar energy system [carried atop the pole portion] disposed in the upper portion of the power module, the solar energy system being adapted to collect solar energy and convert the solar energy into electrical energy, the solar energy system being conductively coupled to the rechargeable electrical power system, such that the solar energy collected and converted into electrical energy recharges the rechargeable electrical power system; and

a lighting system carried by the canopy portion, the lighting system being conductively coupled to and powered by the rechargeable electrical power system.

REMARKS:

Claims 1-14 and 45-74 are currently pending in the subject reexamination. Claims 15-44 were previously cancelled. Claims 1-3, 6, 8, 9, 45-49, 51, 52, 55-57, 59-70, and 72-74 are hereby amended. Claims 4, 5, 7, 10-14, 50, 53, 54, 58, and 71 are not hereby amended.

The following remarks, along with the section below entitled "Statements of Support for Amendments to the Claims," explain and set forth the support in the Specification for the foregoing amendments on a claim-by-claim basis. In addition, the Patent Owner reiterates here and incorporates by reference as if set forth fully herein all of the remarks, comments, and distinguishing arguments set forth in the Patent Owner's previously filed papers.

Claim Objections:

Claim 72 stands objected to because of the indentation of line 17. The indentation of Claim 72 is hereby changed. The Patent Owner submits that the changes to the indentions of Claim 72 overcome the Examiner's objection.

Rejections Under 35 U.S.C. § 314:

Claims 59, 61, 73, and 74 stand rejected under 35 U.S.C. § 314(a) as enlarging the scope of the claims. Claims 59, 61, 73, and 74 are hereby amended to bring the scope of the claims back into the scope of the issued claims. Claim 59 is hereby amended by adding the limitation that the base support portion is coupled to the pole portion. Claim 61 is amended by adding the limitation that the solar energy system forms a component part of a power unit that is carried by the pole portion above the canopy portion. Claim 73 is hereby amended by adding the limitation that the solar energy system is carried by the pole portion above the canopy portion. Claim 74 is hereby amended by adding the limitation that the solar energy system is disposed in an upper portion of a power module that is carried by the pole portion above the canopy portion. The Patent Owner submits that the amendments to Claims 59, 61, 73, and 74 overcome the Examiner's rejections under 35 U.S.C. § 314.

In addition, the Patent Owner respectfully submits that the Examiner's comment on Page 13 of the Office Action with respect to Claim 59 is not well taken. It is not true that when a base member is present, it is always coupled to the pole member. The embodiments of Figures 2A-2C and 3A-3C are expressly configured to allow the pole portion to be removed from the base member. This concept is explained in detail at column 6, line 44-column 7, line 28 and at column 8, line 61-column 9, line 39.

Rejections Under 35 U.S.C. § 112, First Paragraph:

Claims 45-48, 51, 55-71, 73, and 74 stand rejected under 35 U.S.C. § 112, first paragraph as failing to comply with the written description requirement. Claims 45-48, 51, 55-57, 59-70, 73, and 74 are hereby amended to comply with the written description requirement. Claims 58 and 71 are not hereby amended, but are dependent upon base claims that are hereby amended to comply with the written description requirement. The Patent Owner submits that the amendments to Claims 45-48, 51, 55-57, 59-70, 73, and 74 overcome the Examiner's rejections under 35 U.S.C. § 112, First Paragraph.

In addition, the Patent Owner respectfully submits that the Examiner's comment on Page 13 of the Office Action with respect to Claim 59 is not well taken. It is not true that when a base member is present, it is always coupled to the pole member. The embodiments of Figures 2A-2C and 3A-3C are expressly configured to allow the pole portion to be removed from the base member. This concept is explained in detail at column 6, line 44-column 7, line 28 and at column 8, line 61-column 9, line 39.

Rejections Under 35 U.S.C. § 112, Second Paragraph:

Claim 56 stands rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Application regards as the invention. Claim 56 is hereby amended by changing "source" to "system." The Patent Owner submits that the amendment to Claim 56 overcomes the Examiner's rejections under 35 U.S.C. § 112, Second Paragraph.

Rejections Under 35 U.S.C. § 103(a):

I. Claims 1 and 73 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over WO 93/00840 and Valdner.

Claim 1 is hereby amended by adding the limitations that the canopy portion has a plurality of rib members, that the solar energy system is carried by a module coupled to the pole portion above the canopy portion, and that the module is releasably coupled to the pole portion. In addition, Claim 1 is further amended by adding a lighting system carried by the canopy portion and by deleting the electrical charging system adapted to receive power from an AC power outlet. This combination of features is not disclosed in the cited references. Additional support for the foregoing amendments is set forth herein in the section entitled "Statements of Support for Amendments to the Claims." The Patent Owner submits that the combination of WO 93/00840 and Valdner does not disclose the umbrella apparatus of Claim 1, as amended, and that the foregoing amendments to Claim 1 overcome the Examiner's rejections under 35 U.S.C. 103(a). For the foregoing reasons, the Patent Owner submits that Claim 1, as amended, is now patentable.

Claim 73 is hereby amended by adding the limitations that the solar energy system is carried by the pole portion above the canopy portion, and that the electrical charging system is carried by the pole portion. This combination of features is not disclosed in the cited references. Additional support for the foregoing amendments is set forth herein in the section entitled "Statements of Support for Amendments to the Claims." The Patent Owner submits that the combination of WO 93/00840 and Valdner does not disclose the umbrella apparatus of Claim 73, as amended, and that the foregoing amendments to Claim 1 overcome the Examiner's rejections under 35 U.S.C. 103(a). For the foregoing reasons, the Patent Owner submits that Claim 73, as amended, is now patentable.

II. Claims 2 and 5 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over WO 93/00840 and Phyle.

Claim 2 is hereby amended by adding the limitation of a power module carried by the pole portion above the canopy portion, the power module having an upper portion and a lower portion. Claim 2 is further amended by adding the limitations that the rechargeable electrical power system is disposed in the lower portion of the power module, and that the solar energy system is carried by the upper portion of the power module. This combination of features is not disclosed in the cited references. Additional support for the foregoing amendments is set forth herein in the section entitled "Statements of Support for Amendments to the Claims." The Patent Owner submits that the combination of WO 93/00840 and Phyle does not disclose the umbrella apparatus of Claim 2, as amended, and that the foregoing amendments to Claim 2 overcome the Examiner's rejections under 35 U.S.C. 103(a). For the foregoing reasons, the Patent Owner submits that Claim 2, as amended, is now patentable.

Claim 5 is not hereby amended; however, Claim 5 remains dependent upon Claim 2, which is hereby amended. Thus, Claim 5 now includes all of the limitations of amended Claim 2. This combination of features is not disclosed in the cited references. Additional support for the foregoing amendments is set forth herein in the section entitled "Statements of Support for Amendments to the Claims." The Patent Owner submits that the combination of WO 93/00840 and Phyle does not disclose the umbrella apparatus of Claim 5, and that the foregoing amendments to Claim 2 overcome the Examiner's rejections of Claim 5 under 35 U.S.C. 103(a). For the foregoing reasons, the Patent Owner submits that Claim 5 is now patentable.

III. Claims 2, 5, and 74 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Phyle and Valdner.

Claim 2 is hereby amended by adding the limitation of a power module carried by the pole portion above the canopy portion, the power module having an upper portion and a lower portion. Claim 2 is further amended by adding the limitations that the rechargeable electrical power system is disposed in the lower portion of the power module, and that the solar energy system is carried by the upper portion of the power module. This combination of features is not disclosed in the cited references.

Additional support for the foregoing amendments is set forth herein in the section entitled "Statements of Support for Amendments to the Claims." The Patent Owner submits that the combination of Phyle and Valdner does not disclose the umbrella apparatus of Claim 2, as amended, and that the foregoing amendments to Claim 2 overcome the Examiner's rejections under 35 U.S.C. 103(a). For the foregoing reasons, the Patent Owner submits that Claim 2, as amended, is now patentable.

Claim 5 is not hereby amended; however, Claim 5 remains dependent upon Claim 2, which is hereby amended. Thus, Claim 5 now includes all of the limitations of amended Claim 2. This combination of features is not disclosed in the cited references. Additional support for the foregoing amendments is set forth herein in the section entitled "Statements of Support for Amendments to the Claims." The Patent Owner submits that the combination of Phyle and Valdner does not disclose the umbrella apparatus of Claim 5, and that the foregoing amendments to Claim 2 overcome the Examiner's rejections of Claim 5 under 35 U.S.C. 103(a). For the foregoing reasons, the Patent Owner submits that Claim 5 is now patentable.

Claim 74 is hereby amended by adding the limitation of a power module carried by the pole portion above the canopy portion, the power module having an upper portion and a lower portion. Claim 74 is further amended by adding the limitations that the rechargeable electrical power system is disposed in the lower portion of the power module, and that the solar energy system is disposed in the upper portion of the power module. This combination of features is not disclosed in the cited references. Additional support for the foregoing amendments is set forth herein in the section entitled "Statements of Support for Amendments to the Claims." The Patent Owner submits that the combination of Phyle and Valdner does not disclose the umbrella apparatus of Claim 74, as amended, and that the foregoing amendments to Claim 74 overcome the Examiner's rejections under 35 U.S.C. 103(a). For the foregoing reasons, the Patent Owner submits that Claim 74, as amended, is now patentable.

IV. Claims 2 and 4 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over WO 93/00840 and Pan or Wu or JP 9-168415 or Mai or Yang.

Claim 2 is hereby amended by adding the limitation of a power module carried by the pole portion above the canopy portion, the power module having an upper portion and a lower portion. Claim 2 is further amended by adding the limitations that the rechargeable electrical power system is disposed in the lower portion of the power module, and that the solar energy system is carried by the upper portion of the power module. This combination of features is not disclosed in the cited references. Additional support for the foregoing amendments is set forth herein in the section entitled "Statements of Support for Amendments to the Claims." The Patent Owner submits that the combination of WO 93/00840 and Pan or Wu or JP 9-168415 or Mai or Yang does not disclose the umbrella apparatus of Claim 2, as amended, and that the foregoing amendments to Claim 2 overcome the Examiner's rejections under 35 U.S.C. 103(a). In addition, filed herewith is a Second Declaration Under 37 C.F.R. § 1.131 in which the inventor, Gregory G. Kuelbs, swears behind the effective dates of the Cathel, Lee '856, Mai, Pan, Lee '224, Yang, Molnar, Vivian, Farr, and Lai references. In light of this Declaration, the Patent Owner respectfully submits that the Mai, Pan, and Yang references may not be relied upon to reject Claim 2. For the foregoing reasons, the Patent Owner submits that Claim 2, as amended, is now patentable.

Claim 4 is not hereby amended; however, Claim 4 remains dependent upon Claim 2, which is hereby amended. Thus, Claim 4 now includes all of the limitations of amended Claim 2. This combination of features is not disclosed in the cited references. Additional support for the foregoing amendments is set forth herein in the section entitled "Statements of Support for Amendments to the Claims." The Patent Owner submits that the combination of WO 93/00840 and Pan or Wu or JP 9-168415 or Mai or Yang does not disclose the umbrella apparatus of Claim 4, and that the foregoing amendments to Claim 2 overcome the Examiner's rejections of Claim 4 under 35 U.S.C. 103(a). In addition, filed herewith is a Second Declaration Under 37 C.F.R. § 1.131 in which the inventor, Gregory G. Kuelbs, swears behind the effective dates of the Cathel, Lee '856, Mai, Pan, Lee '224, Yang, Molnar, Vivian, Farr, and Lai references. In light of this Declaration, the Patent Owner respectfully submits that the

Mai, Pan, and Yang references may not be relied upon to reject Claim 4. For the foregoing reasons, the Patent Owner submits that Claim 4 is now patentable.

V. Claim 4 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Phyle and Valdner and Wu or Pan or JP 9-168415 or Yang or Mai.

Claim 4 is not hereby amended; however, Claim 4 remains dependent upon Claim 2, which is hereby amended. Thus, Claim 4 now includes all of the limitations of amended Claim 2. This combination of features is not disclosed in the cited references. Additional support for the foregoing amendments is set forth herein in the section entitled "Statements of Support for Amendments to the Claims." The Patent Owner submits that the combination of Phyle and Valdner and Wu or Pan or JP 9-168415 or Yang or Mai does not disclose the umbrella apparatus of Claim 4, and that the foregoing amendments to Claim 2 overcome the Examiner's rejections of Claim 4 under 35 U.S.C. 103(a). In addition, filed herewith is a Second Declaration Under 37 C.F.R. § 1.131 in which the inventor, Gregory G. Kuelbs, swears behind the effective dates of the Cathel, Lee '856, Mai, Pan, Lee '224, Yang, Molnar, Vivian, Farr, and Lai references. In light of this Declaration, the Patent Owner respectfully submits that the Mai, Pan, and Yang references may not be relied upon to reject Claim 4. For the foregoing reasons, the Patent Owner submits that Claim 4 is now patentable.

VI. Claims 6 and 7 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Phyle and Small.

Claim 6 is hereby amended by adding the limitation that the solar energy system is carried by a discus-shaped power unit that is carried by the pole portion above the canopy portion. This combination of features is not disclosed in the cited references. Additional support for the foregoing amendments is set forth herein in the section entitled "Statements of Support for Amendments to the Claims." The Patent Owner submits that the combination of Phyle and Small does not disclose the umbrella apparatus of Claim 6, as amended, and that the foregoing amendments to Claim 6 overcome the Examiner's rejections under 35 U.S.C. 103(a). For the foregoing reasons, the Patent Owner submits that Claim 6, as amended, is now patentable.

Claim 7 is not hereby amended; however, Claim 7 remains dependent upon Claim 6, which is hereby amended. Thus, Claim 7 now includes all of the limitations of amended Claim 6. This combination of features is not disclosed in the cited references. Additional support for the foregoing amendments is set forth herein in the section entitled "Statements of Support for Amendments to the Claims." The Patent Owner submits that the combination of Phyle and Small does not disclose the umbrella apparatus of Claim 7, and that the foregoing amendments to Claim 6 overcome the Examiner's rejections of Claim 7 under 35 U.S.C. 103(a). For the foregoing reasons, the Patent Owner submits that Claim 7 is now patentable.

VII. Claim 9 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Phyle and Farr.

Claim 9 is hereby amended by adding the limitations that the canopy portion has a plurality of rib members and that the at least one mist nozzle is carried by a rib member. This combination of features is not disclosed in the cited references. Additional support for the foregoing amendments is set forth herein in the section entitled "Statements of Support for Amendments to the Claims." The Patent Owner submits that the combination of Phyle and Farr does not disclose the umbrella apparatus of Claim 9, as amended, and that the foregoing amendments to Claim 9 overcome the Examiner's rejections under 35 U.S.C. 103(a). For the foregoing reasons, the Patent Owner submits that Claim 9, as amended, is now patentable.

VIII. Claims 49, 50, and 72 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over WO 93/00840 and Morgan or Rushing or Pan or JP 9-168415 or Mai. Claims 51 and 55 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over WO 93/00840 and Lee '856. Claim 54 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over WO 93/00840 and Pan or JP 9-168415 or Mai.

Claim 49 is hereby amended by adding the limitation that each lighting element is fully recessed within the rib member and is conductively coupled to the rechargeable electrical power system by an electrical conductor that is also fully recessed within the rib member. This combination of features is not disclosed in the cited references.

Additional support for the foregoing amendments is set forth herein in the section entitled "Statements of Support for Amendments to the Claims." The Patent Owner submits that the combination of WO 93/00840 and Pan or JP 9-168415 or Mai does not disclose the umbrella apparatus of Claim 49, as amended, and that the foregoing amendments to Claim 49 overcome the Examiner's rejections under 35 U.S.C. 103(a). In addition, filed herewith is a Second Declaration Under 37 C.F.R. § 1.131 in which the inventor, Gregory G. Kuelbs, swears behind the effective dates of the Cathel, Lee '856, Mai, Pan, Lee '224, Yang, Molnar, Vivian, Farr, and Lai references. In light of this Declaration, the Patent Owner respectfully submits that the Mai and Pan references may not be relied upon to reject Claim 49. For the foregoing reasons, the Patent Owner submits that Claim 49, as amended, is now patentable.

Claim 50 is not hereby amended; however, Claim 50 remains dependent upon Claim 49, which is hereby amended. Thus, Claim 50 now includes all of the limitations of amended Claim 49. This combination of features is not disclosed in the cited references. Additional support for the foregoing amendments is set forth herein in the section entitled "Statements of Support for Amendments to the Claims." The Patent Owner submits that the combination of WO 93/00840 and Pan or JP 9-168415 or Mai does not disclose the umbrella apparatus of Claim 50, and that the foregoing amendments to Claim 49 overcome the Examiner's rejections of Claim 50 under 35 U.S.C. 103(a). In addition, filed herewith is a Second Declaration Under 37 C.F.R. § 1.131 in which the inventor, Gregory G. Kuelbs, swears behind the effective dates of the Cathel, Lee '856, Mai, Pan, Lee '224, Yang, Molnar, Vivian, Farr, and Lai references. In light of this Declaration, the Patent Owner respectfully submits that the Mai and Pan references may not be relied upon to reject Claim 50. For the foregoing reasons, the Patent Owner submits that Claim 50 is now patentable.

Claim 51 is hereby amended by making Claim 51 an independent claim. All of the limitations of the original base claim, original Claim 49, have been incorporated into amended Claim 51, with the exception that the limitation relating to the lighting system including multiple discrete lighting elements positioned along a rib member has been replaced with the limitation that the lighting system includes at least one discrete

lighting element positioned along a rib member. In addition, Claim 51 is hereby amended by adding the limitations of a translucent cover for covering the lighting elements, that the solar energy system is carried by a power unit coupled to the pole portion above the canopy portion, and that a portion of each lighting element extends beyond the corresponding rib member. This combination of features is not disclosed in the cited references. Additional support for the foregoing amendments is set forth herein in the section entitled "Statements of Support for Amendments to the Claims." The Patent Owner submits that the combination of WO 93/00840 and Lee '856 does not disclose the umbrella apparatus of Claim 51, as amended, and that the foregoing amendments to Claim 51 overcome the Examiner's rejections under 35 U.S.C. 103(a). In addition, filed herewith is a Second Declaration Under 37 C.F.R. § 1.131 in which the inventor, Gregory G. Kuelbs, swears behind the effective dates of the Cathel, Lee '856, Mai, Pan, Lee '224, Yang, Molnar, Vivian, Farr, and Lai references. In light of this Declaration, the Patent Owner respectfully submits that the Lee '856 reference may not be relied upon to reject Claim 51. For the foregoing reasons, the Patent Owner submits that Claim 51 is now patentable.

Claim 54 is not hereby amended; however, Claim 54 remains dependent upon Claim 49, which is hereby amended. Thus, Claim 54 now includes all of the limitations of amended Claim 49. This combination of features is not disclosed in the cited references. Additional support for the foregoing amendments is set forth herein in the section entitled "Statements of Support for Amendments to the Claims." The Patent Owner submits that the combination of WO 93/00840 and Pan or JP 9-168415 or Mai does not disclose the umbrella apparatus of Claim 54, and that the foregoing amendments to Claim 49 overcome the Examiner's rejections of Claim 54 under 35 U.S.C. 103(a). In addition, filed herewith is a Second Declaration Under 37 C.F.R. § 1.131 in which the inventor, Gregory G. Kuelbs, swears behind the effective dates of the Cathel, Lee '856, Mai, Pan, Lee '224, Yang, Molnar, Vivian, Farr, and Lai references. In light of this Declaration, the Patent Owner respectfully submits that the Mai and Pan references may not be relied upon to reject Claim 54. For the foregoing reasons, the Patent Owner submits that Claim 54 is now patentable.

Claim 55 is hereby amended by adding the limitation of a translucent cover disposed over the lighting elements, and the limitation that the wires are fully recessed within the rib members. In addition, Claim 55 remains dependent upon Claim 51, which is hereby amended by adding additional limitations. This combination of features is not disclosed in the cited references. Additional support for the foregoing amendments is set forth herein in the section entitled "Statements of Support for Amendments to the Claims." The Patent Owner submits that the combination of WO 93/00840 and Lee '856 does not disclose the umbrella apparatus of Claim 55, as amended, and that the foregoing amendments to Claim 55 overcome the Examiner's rejections under 35 U.S.C. 103(a). In addition, filed herewith is a Second Declaration Under 37 C.F.R. § 1.131 in which the inventor, Gregory G. Kuelbs, swears behind the effective dates of the Cathel, Lee '856, Mai, Pan, Lee '224, Yang, Molnar, Vivian, Farr, and Lai references. In light of this Declaration, the Patent Owner respectfully submits that the Lee '856 reference may not be relied upon to reject Claim 55. For the foregoing reasons, the Patent Owner submits that Claim 55 is now patentable.

Claim 72 is hereby amended by adding the limitation that each discrete lighting element is recessed within the rib member and is conductively coupled to the rechargeable electrical power system by an electrical conductor that is also recessed within the rib member. This combination of features is not disclosed in the cited references. Additional support for the foregoing amendments is set forth herein in the section entitled "Statements of Support for Amendments to the Claims." The Patent Owner submits that the combination of WO 93/00840 and Pan or JP 9-168415 or Mai does not disclose the umbrella apparatus of Claim 72, as amended, and that the foregoing amendments to Claim 72 overcome the Examiner's rejections under 35 U.S.C. 103(a). In addition, filed herewith is a Second Declaration Under 37 C.F.R. § 1.131 in which the inventor, Gregory G. Kuelbs, swears behind the effective dates of the Cathel, Lee '856, Mai, Pan, Lee '224, Yang, Molnar, Vivian, Farr, and Lai references. In light of this Declaration, the Patent Owner respectfully submits that the Mai and Pan references may not be relied upon to reject Claim 72. For the foregoing reasons, the Patent Owner submits that Claim 72, as amended, is now patentable.

IX. Claims 49, 50, and 72 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Phyle and Valdner, and Morgan or Rushing or Pan or JP 9-168415 or Mai. Claims 51 and 55 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Phyle and Valdner, and Lee '856. Claim 54 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Phyle and Valdner, and Pan or JP 9-168415 or Mai.

Claim 49 is hereby amended by adding the limitation that each lighting element is fully recessed within the rib member and is conductively coupled to the rechargeable electrical power system by an electrical conductor that is also fully recessed within the rib member. This combination of features is not disclosed in the cited references. Additional support for the foregoing amendments is set forth herein in the section entitled "Statements of Support for Amendments to the Claims." The Patent Owner submits that the combination of Phyle and Valdner, and Morgan or Rushing or Pan or JP 9-168415 or Mai does not disclose the umbrella apparatus of Claim 49, as amended, and that the foregoing amendments to Claim 49 overcome the Examiner's rejections under 35 U.S.C. 103(a). In addition, filed herewith is a Second Declaration Under 37 C.F.R. § 1.131 in which the inventor, Gregory G. Kuelbs, swears behind the effective dates of the Cathel, Lee '856, Mai, Pan, Lee '224, Yang, Molnar, Vivian, Farr, and Lai references. In light of this Declaration, the Patent Owner respectfully submits that the Mai and Pan references may not be relied upon to reject Claim 49. For the foregoing reasons, the Patent Owner submits that Claim 49, as amended, is now patentable.

Claim 50 is not hereby amended; however, Claim 50 remains dependent upon Claim 49, which is hereby amended. Thus, Claim 50 now includes all of the limitations of amended Claim 49. This combination of features is not disclosed in the cited references. Additional support for the foregoing amendments is set forth herein in the section entitled "Statements of Support for Amendments to the Claims." The Patent Owner submits that the combination of Phyle and Valdner, and Morgan or Rushing or Pan or JP 9-168415 or Mai does not disclose the umbrella apparatus of Claim 50, and that the foregoing amendments to Claim 49 overcome the Examiner's rejections of

Claim 50 under 35 U.S.C. 103(a). In addition, filed herewith is a Second Declaration Under 37 C.F.R. § 1.131 in which the inventor, Gregory G. Kuelbs, swears behind the effective dates of the Cathel, Lee '856, Mai, Pan, Lee '224, Yang, Molnar, Vivian, Farr, and Lai references. In light of this Declaration, the Patent Owner respectfully submits that the Mai and Pan references may not be relied upon to reject Claim 50. For the foregoing reasons, the Patent Owner submits that Claim 50 is now patentable.

Claim 51 is hereby amended by making Claim 51 an independent claim. All of the limitations of the original base claim, original Claim 49, have been incorporated into amended Claim 51, with the exception that the limitation relating to the lighting system including multiple discrete lighting elements positioned along a rib member has been replaced with the limitation that the lighting system includes at least one discrete lighting element positioned along a rib member. In addition, Claim 51 is hereby amended by adding the limitations of a translucent cover for covering the lighting elements, that the solar energy system is carried by a power unit coupled to the pole portion above the canopy portion, and that a portion of each lighting element extends beyond the corresponding rib member. This combination of features is not disclosed in the cited references. Additional support for the foregoing amendments is set forth herein in the section entitled "Statements of Support for Amendments to the Claims." The Patent Owner submits that the combination of Phyle and Valdner, and Lee '856 does not disclose the umbrella apparatus of Claim 51, as amended, and that the foregoing amendments to Claim 51 overcome the Examiner's rejections under 35 U.S.C. 103(a). In addition, filed herewith is a Second Declaration Under 37 C.F.R. § 1.131 in which the inventor, Gregory G. Kuelbs, swears behind the effective dates of the Cathel, Lee '856, Mai, Pan, Lee '224, Yang, Molnar, Vivian, Farr, and Lai references. In light of this Declaration, the Patent Owner respectfully submits that the Lee '856 reference may not be relied upon to reject Claim 51. For the foregoing reasons, the Patent Owner submits that Claim 51 is now patentable.

Claim 54 is not hereby amended; however, Claim 54 remains dependent upon Claim 49, which is hereby amended. Thus, Claim 54 now includes all of the limitations of amended Claim 49. This combination of features is not disclosed in the cited

references. Additional support for the foregoing amendments is set forth herein in the section entitled "Statements of Support for Amendments to the Claims." The Patent Owner submits that the combination of Phyle and Valdner, and Pan or JP 9-168415 or Mai does not disclose the umbrella apparatus of Claim 54, and that the foregoing amendments to Claim 49 overcome the Examiner's rejections of Claim 54 under 35 U.S.C. 103(a). In addition, filed herewith is a Second Declaration Under 37 C.F.R. § 1.131 in which the inventor, Gregory G. Kuelbs, swears behind the effective dates of the Cathel, Lee '856, Mai, Pan, Lee '224, Yang, Molnar, Vivian, Farr, and Lai references. In light of this Declaration, the Patent Owner respectfully submits that the Mai and Pan references may not be relied upon to reject Claim 54. For the foregoing reasons, the Patent Owner submits that Claim 54 is now patentable.

Claim 55 is hereby amended by adding the limitation of a translucent cover disposed over the lighting elements, and the limitation that the wires are fully recessed within the rib members. In addition, Claim 55 remains dependent upon Claim 51, which is hereby amended by adding additional limitations. This combination of features is not disclosed in the cited references. Additional support for the foregoing amendments is set forth herein in the section entitled "Statements of Support for Amendments to the Claims." The Patent Owner submits that the combination of Phyle and Valdner, and Lee '856 does not disclose the umbrella apparatus of Claim 55, as amended, and that the foregoing amendments to Claim 55 overcome the Examiner's rejections under 35 U.S.C. 103(a). In addition, filed herewith is a Second Declaration Under 37 C.F.R. § 1.131 in which the inventor, Gregory G. Kuelbs, swears behind the effective dates of the Cathel, Lee '856, Mai, Pan, Lee '224, Yang, Molnar, Vivian, Farr, and Lai references. In light of this Declaration, the Patent Owner respectfully submits that the Lee '856 reference may not be relied upon to reject Claim 55. For the foregoing reasons, the Patent Owner submits that Claim 55 is now patentable.

Claim 72 is hereby amended by adding the limitation that each discrete lighting element is recessed within the rib member and is conductively coupled to the rechargeable electrical power system by an electrical conductor that is also recessed within the rib member. This combination of features is not disclosed in the cited

references. Additional support for the foregoing amendments is set forth herein in the section entitled "Statements of Support for Amendments to the Claims." The Patent Owner submits that the combination of Phyle and Valdner, and Morgan or Rushing or Pan or JP 9-168415 or Mai does not disclose the umbrella apparatus of Claim 72, as amended, and that the foregoing amendments to Claim 72 overcome the Examiner's rejections under 35 U.S.C. 103(a). In addition, filed herewith is a Second Declaration Under 37 C.F.R. § 1.131 in which the inventor, Gregory G. Kuelbs, swears behind the effective dates of the Cathel, Lee '856, Mai, Pan, Lee '224, Yang, Molnar, Vivian, Farr, and Lai references. In light of this Declaration, the Patent Owner respectfully submits that the Mai and Pan references may not be relied upon to reject Claim 72. For the foregoing reasons, the Patent Owner submits that Claim 72, as amended, is now patentable.

X. Claims 57 and 58 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Phyle and Small and Valdner.

Claim 57 is hereby amended by removing the switch feature and the electrical charging system feature. Claim 57 is further amended adding the limitations that the canopy portion has a plurality of rib members, and the rechargeable electrical power system is disposed below the canopy portion. In addition, the limitation of a lighting system carried by the canopy portion has been added, in which the lighting system comprises a plurality of lighting elements carried by the rib members, wherein each lighting element is conductively coupled to and powered by the rechargeable electrical power system via conductors that are recessed within the rib members. This combination of features is not disclosed in the cited references. Additional support for the foregoing amendments is set forth herein in the section entitled "Statements of Support for Amendments to the Claims." The Patent Owner submits that the combination of Phyle and Small and Valdner does not disclose the umbrella apparatus of Claim 57, as amended, and that the foregoing amendments to Claim 57 overcome the Examiner's rejections under 35 U.S.C. 103(a). For the foregoing reasons, the Patent Owner submits that Claim 57, as amended, is now patentable.

Claim 58 is hereby amended by removing the lighting system feature and adding the limitation of a switch carried by the crank housing for controlling the system for opening and closing the canopy portion. In addition, Claim 58 remains dependent upon Claim 57, which is also hereby amended. This combination of features is not disclosed in the cited references. Additional support for the foregoing amendments is set forth herein in the section entitled "Statements of Support for Amendments to the Claims." The Patent Owner submits that the combination of Phyle and Small and Valdner does not disclose the umbrella apparatus of Claim 58, as amended, and that the foregoing amendments to Claim 58 overcome the Examiner's rejections under 35 U.S.C. 103(a). For the foregoing reasons, the Patent Owner submits that Claim 58, as amended, is now patentable.

Confirmation of Claims:

Claims 10-14 stand confirmed and are not hereby amended. Claims 3 and 8 stand confirmed; however, Claims 3 and 8 are hereby amended by changing Claims 3 and 8 into independent claims that incorporate all of the limitations of the respective base claims and any intervening claims.

Patentability of Claims:

Claims 52 and 53 stand as being patentable. Claim 52 is hereby amended by changing Claim 52 into an independent claim that incorporates all of the limitations of the base claim and any intervening claims. Claim 53 is not hereby amended.

The Patent Owner respectfully points out that on Page 77 of the Office Action, the Examiner appears to have inadvertently stated that the proposed rejection of Claim 52 under 35 U.S.C. § 112, first paragraph, "is adopted." The Patent Owner presumes that because Claim 52 is listed on Page 1 of the Office Action as patentable, because the Examiner expressly listed her reasons for patentability on Page 127 of the Office Action, and because the Examiner has not provided any basis for any rejection of Claim 52, the Examiner's statement on Page 77 of the Office Action should state that the

proposed rejection "is not adapted." If this presumption is incorrect, the Patent Owner respectfully solicits clarification from the Examiner.

Second Declaration Under 37 C.F.R. § 1.131:

Enclosed herewith for filing in the subject reexamination is a Second Declaration Under 37 C.F.R. § 1.131 of Gregory G. Kuelbs, including Exhibits A-V. With the Second Declaration Under 37 C.F.R. § 1.131, the inventor, Gregory G. Kuelbs, swears behind the effective dates of the following references: U.S. Patent No. 6,299,325 to Cathel; U.S. Patent No. 6,499,856 to Lee; U.S. Patent No. 6,270,230 to Mai; U.S. Patent No. 6,439,249 to Pan et al.; U.S. Patent No. 6,666,224 to Lee; U.S. Patent No. 6,341,873 to Yang; U.S. Patent No. 6,298,866 to Molnar; U.S. Patent Application Publication No. 2005/0072451 to Vivian; U.S. Patent Application Publication No. 2002/0078985 to Farr; and U.S. Patent No. 6,182,917 to Lai.

According to 37 C.F.R. § 1.131(a), "[w]hen any claim of an application or a patent under reexamination is rejected the inventor of the subject matter of the rejected claim, the owner of the patent under reexamination, ... may submit an appropriate oath or declaration to establish invention of the subject matter of the rejected claim prior to the effective date of the reference or activity on which the rejection is based." According to 37 C.F.R. § 1.131(b), "[t]he showing of facts shall be of such, in character and weight, as to establish reduction to practice prior to the effective filing date of the reference, or conception of the invention prior to the effective date of the reference coupled with due diligence from prior to said date to a subsequent reduction to practice or to the filing of the application." As set forth at M.P.E.P. § 715.07, "when reviewing a 37 C.F.R. § 1.131 affidavit or declaration, the Examiner must consider all of the evidence presented in its entirety, including the affidavits or declarations and all accompanying exhibits, records and 'notes.'"

The enclosed Second Declaration Under 37 C.F.R. § 1.131 and supporting Exhibits establish that the inventor, Gregory G. Kuelbs, conceived and reduced to practice the subject matter of Claims 2, 4, 9, 49, 50, 51, 54, 55, and 72 prior to the

effective filing date of the references listed above. Thus, the references listed above may not be relied upon to reject Claims 2, 4, 9, 49, 50, 51, 54, 55, and 72.

Acknowledgement of Misquoted Statement:

The Requester correctly pointed out that the undersigned attorney misquoted the language of the Valdner patent relating to the suitability and purpose of the Valdner device. The undersigned attorney respectfully submits that this misquoting of the Valdner patent was inadvertent and not done intentionally. The undersigned attorney inadvertently misread the Valdner patent, typed the quoted passage incorrectly, and mistakenly relied upon such incorrect quote. This mistake was purely on the part of the undersigned attorney and not the Patent Owner. The undersigned apologizes to the Requester and the Examiner for any inconvenience this mistake may have caused.

STATEMENTS OF SUPPORT FOR AMENDMENTS TO THE CLAIMS:

Claims 1-14 and 45-74 are currently pending in the subject reexamination. Claims 15-44 were previously cancelled. Claims 1-3, 6, 8, 9, 45-49, 51, 52, 55-57, 59-70, and 72-74 are hereby amended. Claims 4, 5, 7, 10-14, 50, 53, 54, 58, and 71 are not hereby amended.

The Patent Owner submits that support for each element and feature of each and every claim in the patent, may be found in the various embodiments of the invention disclosed in the patent. The following are statements for support of each amended claim.

Support for all of the elements of amended Claim 1 may be found at various locations throughout the patent, including the figures. In particular, support for the base, the pole, and the canopy is shown in Figures 1-3C and described at column 3, lines 12-47, at column 5, lines 15-31, and at column 7, lines 29-45, and is shown in Figures 6-9 and described at column 11, lines 48-59, and is further described at column 12, lines 26-57. Support for the rechargeable electrical power system is shown in Figures 1-3C and described at column 4, lines 23-44, at column 6, lines 12-24, at column 8, lines 26-32, and is shown in Figures 6-9 and described at column 11, lines 48-59, at column 12, lines 51-53, column 13, lines 26-28, column 13, lines 50-52, and column 14, lines 21-23. Support for the solar energy system is shown in Figures 1-3C and described at column 4, lines 45-63, at column 6, lines 25-43, and at column 8, lines 42-60, and is shown in Figures 6-9 and described at column 11, lines 48-59, at column 12, lines 26-57. Support for the solar energy system and the rechargeable electrical power system being carried by a module that is releasably coupled to the pole portion is shown in Figures 6-9 and described at column 11, lines 48-59 and at column 12, lines 26-57. Support for the lighting system carried by the canopy portion and being conductively coupled to the rechargeable electrical power system is shown in Figures 1-3C and described at column 3, lines 48-59, at column 5, lines 31-48, at column 7, lines 45-62, and is shown in Figure 6 and described at column 12, line 26-column 13, line 3. Support for the lighting system having multiple discrete lighting elements positioned

along at least one of the rib members is shown in Figures 1-3C and described at column 3, lines 48-59, at column 5, lines 31-48, at column 7, lines 45-62, and is shown in Figure 6 and described at column 12, line 26-column 13, line 3. The Patent Owner directs the Examiner's attention to column 12, line 58-column 13, line 3, in which the patent clearly states that other low power lighting systems, such as "an LED or fluorescent lighting subassembly may be utilized instead" of the cold cathode tube light assembly shown in the embodiment of Figure 6. Thus, the Patent Owner submits that any reference to a cold cathode tube lighting subassembly may be replaced by an LED or fluorescent lighting subassembly.

Support for all of the elements of amended Claim 2 may be found at various locations throughout the patent, including the figures. In particular, support for the base, the pole, and the canopy is shown in Figures 1-3C and described at column 3, lines 12-47, at column 5, lines 15-31, and at column 7, lines 29-45, and is shown in Figures 6-9 and described at column 11, lines 48-59, and is further described at column 12, lines 26-57. Support for the rechargeable electrical power system is shown in Figures 1-3C and described at column 4, lines 23-44, at column 6, lines 12-24, at column 8, lines 26-32, and is shown in Figures 6-9 and described at column 11, lines 48-59, at column 12, lines 51-53, column 13, lines 26-28, column 13, lines 50-52, and column 14, lines 21-23. Support for the solar energy system is shown in Figures 1, 2A, and 3A and described at column 4, lines 45-63, at column 6, lines 25-43, and at column 8, lines 42-60, and is shown in Figures 6-9 and described at column 11, lines 48-59, at column 12, lines 26-57. Support for the solar energy system and the rechargeable electrical power system being carried by a power module coupled to the pole portion is shown in Figures 6-9 and described at column 11, lines 48-59 and at column 12, lines 26-57. Support for the solar energy system being carried by the upper portion of the power module and the rechargeable electrical power system being disposed in the lower portion of the power module is shown in Figures 6-9 and described at column 12, lines 26-35. Support for the lighting system carried by the canopy portion and being conductively coupled to the rechargeable electrical power system is shown in Figures 1-

3C and described at column 3, lines 48-59, at column 5, lines 31-48, at column 7, lines 45-62, and is shown in Figure 6 and described at column 12, line 26-column 13, line 3.

Support for all of the elements of amended Claim 6 may be found at various locations throughout the patent, including the figures. In particular, support for the base, the pole, and the canopy is shown in Figures 1-3C and described at column 3, lines 12-47, at column 5, lines 15-31, and at column 7, lines 29-45, and is shown in Figures 6-9 and described at column 11, lines 48-59, and is further described at column 12, lines 26-57. Support for the rechargeable electrical power system is shown in Figures 1-3C and described at column 4, lines 23-44, at column 6, lines 12-24, at column 8, lines 26-32, and is shown in Figures 6-9 and described at column 11, lines 48-59, at column 12, lines 51-53, column 13, lines 26-28, column 13, lines 50-52, and column 14, lines 21-23. Support for the solar energy system is shown in Figures 1-3C and described at column 4, lines 45-63, at column 6, lines 25-43, and at column 8, lines 42-60, and is shown in Figures 6-9 and described at column 11, lines 48-59, at column 12, lines 26-57. Support for the solar energy system being carried by a disc-shaped power unit is shown in Figures 1-3C and described at column 4, lines 45-63, at column 6, lines 25-43, and at column 8, lines 42-60, and is shown in Figures 6-9 and described at column 11, lines 48-59 and at column 12, lines 26-57. Support for the electromechanical opening and closing system being conductively coupled to and powered by the rechargeable electrical power system is shown Figures 1, 2A, and 3A and is described at column 3, line 60-column 4, line 22, at column 5, line 49-column 6, line 11, and at column 7, line 63-column 8, line 25, is shown in Figures 5A and 5B and is described at column 11, lines 10-47, and is shown in Figure 9 and described at column 11, line 48-column 12, line 25, and at column 14, lines 3-37.

Support for all of the elements of amended Claim 9 may be found at various locations throughout the patent, including the figures. In particular, support for the base, the pole, and the canopy is shown in Figures 1-3C and described at column 3, lines 12-47, at column 5, lines 15-31, and at column 7, lines 29-45, and is shown in Figures 6-9 and described at column 11, lines 48-59, and is further described at column 12, lines 26-57. Support for the rechargeable electrical power system is shown in

Figures 1-3C and described at column 4, lines 23-44, at column 6, lines 12-24, at column 8, lines 26-32, and is shown in Figures 6-9 and described at column 11, lines 48-59, at column 12, lines 51-53, column 13, lines 26-28, column 13, lines 50-52, and column 14, lines 21-23. Support for the solar energy system is shown in Figures 1-3C and described at column 4, lines 45-63, at column 6, lines 25-43, and at column 8, lines 42-60, and is shown in Figures 6-9 and described at column 11, lines 48-59, at column 12, lines 26-57. Support for the cooling system carried by the rib members of the canopy portion is shown in Figures 4B and 4C and described at column 9, line 65-column 10, line 67, and in Figures 7 and 8 and described at column 13-column 14, line 2.

Support for all of the elements of amended Claim 45 may be found at various locations throughout the patent, including the figures. In particular, support for the base, the pole, and the canopy is shown in Figures 1-3C and described at column 3, lines 12-47, at column 5, lines 15-31, and at column 7, lines 29-45, and is shown in Figures 6-9 and described at column 11, lines 48-59, and is further described at column 12, lines 26-57. Support for the rechargeable electrical power system is shown in Figures 1-3C and described at column 4, lines 23-44, at column 6, lines 12-24, at column 8, lines 26-32, and is shown in Figures 6-9 and described at column 11, lines 48-59, at column 12, lines 51-53, column 13, lines 26-28, column 13, lines 50-52, and column 14, lines 21-23. Support for the solar energy system is shown in Figures 1, 2A, and 3A and described at column 4, lines 45-63, at column 6, lines 25-43, and at column 8, lines 42-60, and is shown in Figures 6-9 and described at column 11, lines 48-59, at column 12, lines 26-57. Support for the solar energy system and the rechargeable electrical power system being carried by a power unit coupled to the pole portion is shown in Figures 6-9 and described at column 11, lines 48-59 and at column 12, lines 26-57. Support for the solar energy system being carried by the top portion of the power unit and the rechargeable electrical power system being carried by the bottom portion of the power module is shown in Figures 6-9 and described at column 12, lines 26-35.

Furthermore, the Patent Owner submits that each and every possible combination of features need not be shown in a separate drawing figure in order to obtain patentable claims for such combination of features, provided there is support in the patent for such combination of features. The Patent Owner directs the Examiner's attention to several specific references in the patent that provide support for placing the solar energy system, the rechargeable electrical power system, **and** the electrical charging system in a unitary structure atop the pole portion. At column 11, lines 50-52, the patent reads:

In these embodiments, the rechargeable **power source** and solar recharging system are mounted atop the pole portion of the umbrella apparatus above the canopy. One concept which runs throughout the embodiments depicted in FIGS. 6-9 is the utilization of a "**power unit.**" This concept involves the placement of a **unitary structure** at a defined location relative to the umbrella. For example, in the embodiments of FIGS. 6-9, the power unit is shown at a top location **directly above the umbrella apparatus, and secured to the pole portion with a threaded coupling.** FIG 6 depicts a top-mounted power unit and a cold cathode tube lighting system. (Emphasis added).

At column 12, lines 27-35, the patent reads:

As is shown, a power unit 725 is provided for connection to the uppermost portion of umbrella apparatus 701. In this embodiment, a cold cathode tube light subassembly 721 is provided for connection at a different location to umbrella apparatus 701. Power unit 725 includes a solar collector 727 at its uppermost portion. Solar collector 727 is preferably carried by a top portion 703 of power unit 725. A bottom portion 705 of power unit 725 defines an **interior battery compartment 707.** (Emphasis added).

Then, at column 12, lines 51-53, the patent reads:

The **power source, such as power sources 50, 150, and 250,** carried by power unit 725 is utilized to energize cold cathode tube light subassembly 721. During daylight hours, solar energy is collected by solar panel 727 and is converted and utilized to recharge the rechargeable **power source** which is maintained within **battery compartment 707.** (Emphasis added).

This "power source 50" is referred to in the patent with respect to Figure 1 as "power system 50." As is clearly shown in Figure 1, power source 50 includes both the

power source 55, i.e. rechargeable batteries 55a, and the external power system charger 51. As set forth at column 4, lines 23-63:

Umbrella apparatus 11 includes a **power system 50** having a **power source 55**. In this embodiment, power source 55 is preferably disposed in the hollow interior of pole portion 15 at a lower extremity and comprises one or more **rechargeable batteries 55a**. A releasable end cap 57 having integral ground connectors is provided at the lowermost portion of pole portion 15 to complete the electrical circuit of power system 50 and to allow access to rechargeable batteries 55a, as rechargeable batteries 55a may have to be periodically replaced. **Power system 50 provides electrical power to lighting system 26** and opening and closing system 40. An **external power system charger 51 is electrically coupled to power system 50** to aid in repeatedly charging rechargeable batteries 55a. As is shown in FIG. 1, an external adapter 60 may be provided. External adapter 60 includes a relatively small plug 59 that is adapted to be conductively received by external power system charger 51, an extension cord 61, an electrical transformer 63, and terminals 65 that allow transformer 63 to be plugged into a conventional AC wall outlet. **This allows power system charger 51 to receive power directly from a conventional AC wall outlet in order to recharge rechargeable batteries 55a.**

In accordance with a preferred embodiment of the present invention, an alternative power system charger 62 may be provided. Alternate power system charger 62 includes at least one solar cell 35 carried by an upper cap portion 64. **Solar cells 35 are conductively coupled to power system charger 51** via wires (not shown) that pass through the hollow interior of pole portion 15, thereby allowing solar cells 35 to provide an electrical charge to recharge rechargeable batteries 55a, provided sunlight falls upon solar cells 35. Because solar cells 35 provide continuous recharging throughout the daylight hours, the amount and frequency of charging power system 50 with external power system charger 60 may be minimized. It is important to note that locating alternate power system charger 62 atop umbrella portion 13 is unique and advantageous, particularly when alternate power system charger 62 includes solar cells 35 or other types of solar energy collectors. Such location limits the visibility of alternate power system charger 62 and ensures that solar energy collection is maximized. (Emphasis added).

Thus, a power source, which can include a rechargeable electrical power system, i.e., rechargeable batteries 55a; an electrical charging system that is adapted to be plugged into a conventional AC wall outlet, i.e., power system charger 51; and a

solar energy system, such as solar collector 727, may be disposed in a unitary power unit carried atop the pole portion.

Support for all of the elements of amended Claim 46 may be found at various locations throughout the patent, including the figures. Support for the elements from Claim 46 are set forth above. In addition, support for the power unit being releasably coupled to the pole portion is shown in Figures 6-9 and described at column 11, lines 48-59 and at column 12, lines 26-57.

Support for all of the elements of amended Claim 47 may be found at various locations throughout the patent, including the figures. In particular, support for the base, the pole, and the canopy is shown in Figures 1-3C and described at column 3, lines 12-47, at column 5, lines 15-31, and at column 7, lines 29-45, and is shown in Figures 6-9 and described at column 11, lines 48-59, and is further described at column 12, lines 26-57. Support for the rechargeable electrical power system is shown in Figures 1-3C and described at column 4, lines 23-44, at column 6, lines 12-24, at column 8, lines 26-32, and is shown in Figures 6-9 and described at column 11, lines 48-59, at column 12, lines 51-53, column 13, lines 26-28, column 13, lines 50-52, and column 14, lines 21-23. Support for the solar energy system is shown in Figures 1, 2A, and 3A and described at column 4, lines 45-63, at column 6, lines 25-43, and at column 8, lines 42-60, and is shown in Figures 6-9 and described at column 11, lines 48-59, at column 12, lines 26-57. Support for the solar energy system and the rechargeable electrical power system being carried by a power unit coupled to the pole portion is shown in Figures 6-9 and described at column 11, lines 48-59 and at column 12, lines 26-57. Support for the solar energy system being carried by the top portion of the power unit and the rechargeable electrical power system being carried by the bottom portion of the power unit is shown in Figures 6-9 and described at column 12, lines 26-35. Support for the power unit being releasably coupled to the pole portion is shown in Figures 6-9 and described at column 11, lines 48-59 and at column 12, lines 26-57. Support for the power unit being fixed relative to the pole portion when the canopy is operated is shown in Figure 6 and described at column 11, lines 48-59 and at column 12, lines 26-57.

Support for all of the elements of amended Claim 48 may be found at various locations throughout the patent, including the figures. In particular, support for the base, the pole, and the canopy is shown in Figures 1-3C and described at column 3, lines 12-47, at column 5, lines 15-31, and at column 7, lines 29-45, and is shown in Figures 6-9 and described at column 11, lines 48-59, and is further described at column 12, lines 26-57. Support for the rechargeable electrical power system is shown in Figures 1-3C and described at column 4, lines 23-44, at column 6, lines 12-24, at column 8, lines 26-32, and is shown in Figures 6-9 and described at column 11, lines 48-59, at column 12, lines 51-53, column 13, lines 26-28, column 13, lines 50-52, and column 14, lines 21-23. Support for the solar energy system is shown in Figures 1, 2A, and 3A and described at column 4, lines 45-63, at column 6, lines 25-43, and at column 8, lines 42-60, and is shown in Figures 6-9 and described at column 11, lines 48-59, at column 12, lines 26-57. Support for the solar energy system and the rechargeable electrical power system forming component parts of a power unit coupled to the pole portion is shown in Figures 6-9 and described at column 11, lines 48-59 and at column 12, lines 26-57. Support for the power unit being fixed relative to the pole portion when the canopy is operated is shown in Figure 6 and described at column 11, lines 48-59 and at column 12, lines 26-57. Support for the lighting elements being carried by the rib members and being recessed within the rib members is shown in Figures 1, 2A, and 3A and described at column 3, lines 48-59, at column 5, lines 31-48, at column 7, lines 45-62, and is shown in Figure 6 and described at column 12, line 26-column 13, line 3, and shown in Figures 4A-4C and described at column 7, lines 45-62 and at column 9, line 40-column 10, line 67.

Support for all of the elements of amended Claim 49 may be found at various locations throughout the patent, including the figures. In particular, support for the base, the pole, and the canopy is shown in Figures 1-3C and described at column 3, lines 12-47, at column 5, lines 15-31, and at column 7, lines 29-45, and is shown in Figures 6-9 and described at column 11, lines 48-59, and is further described at column 12, lines 26-57. Support for the rechargeable electrical power system is shown in Figures 1-3C and described at column 4, lines 23-44, at column 6, lines 12-24, at

column 8, lines 26-32, and is shown in Figures 6-9 and described at column 11, lines 48-59, at column 12, lines 51-53, column 13, lines 26-28, column 13, lines 50-52, and column 14, lines 21-23. Support for the solar energy system is shown in Figures 1, 2A, and 3A and described at column 4, lines 45-63, at column 6, lines 25-43, and at column 8, lines 42-60, and is shown in Figures 6-9 and described at column 11, lines 48-59, at column 12, lines 26-57. Support for the lighting elements being carried by the rib members and being recessed within the rib members and being conductively coupled to the rechargeable electrical power system by an electrical conductor that is also recessed within the rib member is shown in Figures 1, 2A, and 3A and described at column 3, lines 48-59, at column 5, lines 31-48, at column 7, lines 45-62, and is shown in Figure 6 and described at column 12, line 26-column 13, line 3, and shown in Figures 4A-4C and described at column 7, lines 45-62 and at column 9, line 40-column 10, line 67.

Support for all of the elements of amended Claim 51 may be found at various locations throughout the patent, including the figures. In particular, support for the base, the pole, and the canopy is shown in Figures 1-3C and described at column 3, lines 12-47, at column 5, lines 15-31, and at column 7, lines 29-45, and is shown in Figures 6-9 and described at column 11, lines 48-59, and is further described at column 12, lines 26-57. Support for the rechargeable electrical power system is shown in Figures 1-3C and described at column 4, lines 23-44, at column 6, lines 12-24, at column 8, lines 26-32, and is shown in Figures 6-9 and described at column 11, lines 48-59, at column 12, lines 51-53, column 13, lines 26-28, column 13, lines 50-52, and column 14, lines 21-23. Support for the solar energy system is shown in Figures 1, 2A, and 3A and described at column 4, lines 45-63, at column 6, lines 25-43, and at column 8, lines 42-60, and is shown in Figures 6-9 and described at column 11, lines 48-59, at column 12, lines 26-57. Support for the solar energy system being carried by a power unit coupled to the pole portion is shown in Figures 6-9 and described at column 11, lines 48-59 and at column 12, lines 26-57. Support for the solar energy system being carried by a power unit that is releasably coupled to the pole portion is shown in Figures 6-9 and described at column 11, lines 48-59 and at column 12, lines 26-57. Support for

the lighting system carried by the canopy portion and being conductively coupled to the rechargeable electrical power system is shown in Figures 1, 2A, and 3A and described at column 3, lines 48-59, at column 5, lines 31-48, at column 7, lines 45-62, and is shown in Figure 6 and described at column 12, line 26-column 13, line 3. Support for the lighting system having at least one discrete lighting element positioned along a rib member is shown in Figures 1, 2A, and 3A and described at column 3, lines 48-59, at column 5, lines 31-48, at column 7, lines 45-62, and is shown in Figure 6 and described at column 12, line 26-column 13, line 3. Support for the translucent covers is shown in Figures 4A-4C and described at column 7, lines 45-62 and at column 9, line 40-column 10, line 67, and is shown in Figure 6 and described at column 12, line 26-column 13, line 3. Support for at least a portion of each lighting element extending beyond the corresponding rib member is shown in Figure 6 and described at column 12, line 26-column 13, line 3. The Patent Owner directs the Examiner's attention to column 12, line 58-column 13, line 3, in which the patent clearly states that other low power lighting systems, such as "an LED or fluorescent lighting subassembly may be utilized instead" of the cold cathode tube light assembly shown in the embodiment of Figure 6. Thus, the Patent Owner submits that any reference to a cold cathode tube lighting subassembly may be replaced by an LED or fluorescent lighting subassembly.

Support for all of the elements of amended Claim 55 may be found at various locations throughout the patent, including the figures. Support for the elements from Claim 52 are set forth above. In addition, support for the wires being recessed within the rib member is shown in Figures 1, 2A, and 3A and described at column 3, lines 48-59, at column 5, lines 31-48, at column 7, lines 45-62, and is shown in Figure 6 and described at column 12, line 26-column 13, line 3, and shown in Figures 4A-4C and described at column 7, lines 45-62 and at column 9, line 40-column 10, line 67.

Support for all of the elements of amended Claim 56 may be found at various locations throughout the patent, including the figures. In particular, support for the base, the pole, and the canopy is shown in Figures 1-3C and described at column 3, lines 12-47, at column 5, lines 15-31, and at column 7, lines 29-45, and is shown in Figures 6-9 and described at column 11, lines 48-59, and is further described at column

12, lines 26-57. Support for the rechargeable electrical power system is shown in Figures 1-3C and described at column 4, lines 23-44, at column 6, lines 12-24, at column 8, lines 26-32, and is shown in Figures 6-9 and described at column 11, lines 48-59, at column 12, lines 51-53, column 13, lines 26-28, column 13, lines 50-52, and column 14, lines 21-23. Support for the solar energy system is shown in Figures 1, 2A, and 3A and described at column 4, lines 45-63, at column 6, lines 25-43, and at column 8, lines 42-60, and is shown in Figures 6-9 and described at column 11, lines 48-59, at column 12, lines 26-57. Support for the lighting system being carried by the canopy portion and having a plurality of lighting elements carried by the rib members is shown in Figures 1, 2A, and 3A and described at column 3, lines 48-59, at column 5, lines 31-48, at column 7, lines 45-62, and is shown in Figure 6 and described at column 12, line 26-column 13, line 3. The Patent Owner directs the Examiner's attention to column 12, line 58-column 13, line 3, in which the patent clearly states that other low power lighting systems, such as "an LED or fluorescent lighting subassembly may be utilized instead" of the cold cathode tube light assembly shown in the embodiment of Figure 6. Thus, the Patent Owner submits that any reference to a cold cathode tube lighting subassembly may be replaced by an LED or fluorescent lighting subassembly. Support for the solar energy system and the rechargeable electrical power system forming separate component parts of a power module that is carried by the pole portion above the canopy portion is shown in Figures 6-9 and described at column 11, lines 48-59 and at column 12, lines 26-57.

Support for all of the elements of amended Claim 57 may be found at various locations throughout the patent, including the figures. In particular, support for the base, the pole, and the canopy is shown in Figures 1-3C and described at column 3, lines 12-47, at column 5, lines 15-31, and at column 7, lines 29-45, and is shown in Figures 6-9 and described at column 11, lines 48-59, and is further described at column 12, lines 26-57. Support for the rechargeable electrical power system being disposed below the canopy portion is shown in Figures 1-3C and described at column 4, lines 23-44, at column 6, lines 12-24, at column 8, lines 26-32. Support for the solar energy system is shown in Figures 1, 2A, and 3A and described at column 4, lines 45-63, at

column 6, lines 25-43, and at column 8, lines 42-60. Support for the crank housing coupled to the pole portion is shown in Figures 1, 2A, and 3A and is described at column 3, line 60-column 4, line 22, at column 5, line 49-column 6, line 11, and at column 7, line 63-column 8, line 25. Support for the lighting system carried by the canopy portion and being conductively coupled to the rechargeable electrical power system is shown in Figures 1, 2A, and 3A and described at column 3, lines 48-59, at column 5, lines 31-48, at column 7, lines 45-62. Support for the lighting elements being carried by the rib members and being conductively coupled to the rechargeable electrical power system by wires that are also recessed within the rib member is shown in Figures 1, 2A, and 3A and described at column 3, lines 48-59, at column 5, lines 31-48, at column 7, lines 45-62, and is shown in Figure 6 and described at column 12, line 26-column 13, line 3, and shown in Figures 4A-4C and described at column 7, lines 45-62 and at column 9, line 40-column 10, line 67.

Support for all of the elements of amended Claim 58 may be found at various locations throughout the patent, including the figures. Support for the elements from Claim 57 are set forth above. In addition, support for the switch carried by the crank housing for controlling the system for opening and closing the canopy is shown in Figures 1, 2A, and 3A and described at column 3, line 60-column 4, line 22, at column 5, line 49-column 6, line 11, and at column 7, line 63-column 8, line 25, and in Figures 5A and 5B and at column 11, lines 10-47.

Support for all of the elements of amended Claim 59 may be found at various locations throughout the patent, including the figures. In particular, support for the base, the pole, and the canopy is shown in Figures 1-3C and described at column 3, lines 12-47, at column 5, lines 15-31, and at column 7, lines 29-45. Support for the rechargeable electrical power system is shown in Figures 1-3C and described at column 4, lines 23-44, at column 6, lines 12-24, at column 8, lines 26-32. Support for the solar energy system is shown in Figures 1, 2A, and 3A and described at column 4, lines 45-63, at column 6, lines 25-43, and at column 8, lines 42-60. Support for the crank housing coupled to the pole portion is shown in Figures 1, 2A, and 3A and is described at column 3, line 60-column 4, line 22, at column 5, line 49-column 6, line 11,

and at column 7, line 63-column 8, line 25. Support for the switch disposed in the crank housing for controlling the system for opening and closing the canopy is shown in Figures 1, 2A, and 3A and described at column 3, line 60-column 4, line 22, at column 5, line 49-column 6, line 11, and at column 7, line 63-column 8, line 25, and in Figures 5A and 5B and at column 11, lines 10-47. Support for the rechargeable electrical power system being carried by the pole portion is shown in Figure 1 and described at column 4, lines 23-63. Support for the solar energy system remaining fixed relative to the pole portion when the canopy is operated is shown in Figures 1, 2A, and 3A and is described at column 4, lines 45-63, at column 6, lines 25-43, and at column 8, lines 42-60, and is shown in Figures 6-9 and described at column 11, lines 48-59, at column 12, lines 26-57. In addition, the Patent Owner respectfully submits that the Examiner's comment on Page 13 of the Office Action with respect to Claim 59 is not well taken. It is not true that when a base member is present, it is always coupled to the pole member. The embodiments of Figures 2A-2C and 3A-3C are expressly configured to allow the pole portion to be removed from the base member. That is concept is explained in detail at column 6, line 44-column 7, line 28 and at column 8, line 61-column 9, line 39.

Support for all of the elements of amended Claim 60 may be found at various locations throughout the patent, including the figures. In particular, support for the base, the pole, and the canopy is shown in Figures 1-3C and described at column 3, lines 12-47, at column 5, lines 15-31, and at column 7, lines 29-45, and is shown in Figures 6-9 and described at column 11, lines 48-59, and is further described at column 12, lines 26-57. Support for the rechargeable electrical power system is shown in Figures 1-3C and described at column 4, lines 23-44, at column 6, lines 12-24, at column 8, lines 26-32, and is shown in Figures 6-9 and described at column 11, lines 48-59, at column 12, lines 51-53, column 13, lines 26-28, column 13, lines 50-52, and column 14, lines 21-23. Support for the solar energy system is shown in Figures 1, 2A, and 3A and described at column 4, lines 45-63, at column 6, lines 25-43, and at column 8, lines 42-60, and is shown in Figures 6-9 and described at column 11, lines 48-59, at column 12, lines 26-57. Support for the lighting system carried by the canopy portion

and being conductively coupled to the rechargeable electrical power system is shown in Figures 1, 2A, and 3A and described at column 3, lines 48-59, at column 5, lines 31-48, at column 7, lines 45-62, and is shown in Figure 6 and described at column 12, line 26-column 13, line 3. Support for the lighting elements being recessed within the rib members is shown in Figures 1, 2A, and 3A and described at column 3, lines 48-59, at column 5, lines 31-48, at column 7, lines 45-62, and is shown in Figure 6 and described at column 12, line 26-column 13, line 3, and shown in Figures 4A-4C and described at column 7, lines 45-62 and at column 9, line 40-column 10, line 67. Support for the translucent cover is shown in Figures 4A-4C and described at column 7, lines 45-62 and at column 9, line 40-column 10, line 67, and is shown in Figure 6 and described at column 12, line 26-column 13, line 3.

Support for all of the elements of amended Claim 61 may be found at various locations throughout the patent, including the figures. In particular, support for the base, the pole, and the canopy is shown in Figures 1-3C and described at column 3, lines 12-47, at column 5, lines 15-31, and at column 7, lines 29-45, and is shown in Figures 6-9 and described at column 11, lines 48-59, and is further described at column 12, lines 26-57. Support for the rechargeable electrical power system is shown in Figures 1-3C and described at column 4, lines 23-44, at column 6, lines 12-24, at column 8, lines 26-32, and is shown in Figures 6-9 and described at column 11, lines 48-59, at column 12, lines 51-53, column 13, lines 26-28, column 13, lines 50-52, and column 14, lines 21-23. Support for the solar energy system is shown in Figures 1, 2A, and 3A and described at column 4, lines 45-63, at column 6, lines 25-43, and at column 8, lines 42-60, and is shown in Figures 6-9 and described at column 11, lines 48-59, at column 12, lines 26-57. Support for the solar energy system and the rechargeable electrical power system forming separate component parts of a power unit that is carried by the pole portion above the canopy portion is shown in Figures 6-9 and described at column 11, lines 48-59 and at column 12, lines 26-57. Support for the lighting system carried by a rib member and being conductively coupled to the rechargeable electrical power system via a conductor carried by the rib member is shown in Figures 1, 2A, and 3A and described at column 3, lines 48-59, at column 5,

lines 31-48, at column 7, lines 45-62, is shown in Figures 4A-4C and described at column 7, lines 45-62 and at column 9, line 40-column 10, line 67, and is shown in Figure 6 and described at column 12, line 26-column 13, line 3.

Support for all of the elements of amended Claim 62 may be found at various locations throughout the patent, including the figures. In particular, support for the base, the pole, and the canopy is shown in Figures 1-3C and described at column 3, lines 12-47, at column 5, lines 15-31, and at column 7, lines 29-45, and is shown in Figures 6-9 and described at column 11, lines 48-59, and is further described at column 12, lines 26-57. Support for the rechargeable electrical power system is shown in Figures 1-3C and described at column 4, lines 23-44, at column 6, lines 12-24, at column 8, lines 26-32, and is shown in Figures 6-9 and described at column 11, lines 48-59, at column 12, lines 51-53, column 13, lines 26-28, column 13, lines 50-52, and column 14, lines 21-23. Support for the solar energy system is shown in Figures 1, 2A, and 3A and described at column 4, lines 45-63, at column 6, lines 25-43, and at column 8, lines 42-60, and is shown in Figures 6-9 and described at column 11, lines 48-59, at column 12, lines 26-57. Support for the light subassembly carried by the canopy portion and being conductively coupled to the rechargeable electrical power system is shown in Figures 1, 2A, and 3A and described at column 3, lines 48-59, at column 5, lines 31-48, at column 7, lines 45-62, is shown in Figures 4A-4C and described at column 7, lines 45-62 and at column 9, line 40-column 10, line 67, and is shown in Figure 6 and described at column 12, line 26-column 13, line 3. Support for the light subassembly including a plurality of light emitting diodes, each light emitting diode being recessed relative to a corresponding rib member and being conductively coupled by a conductor recessed relative to the corresponding rib member is shown in Figures 4A-4C and described at column 7, lines 45-62 and at column 9, line 40-column 10, line 67, and is shown in Figure 6 and described at column 12, line 26-column 13, line 3. The Patent Owner directs the Examiner's attention to column 12, line 58-column 13, line 3, in which the patent clearly states that other low power lighting systems, such as "an LED or fluorescent lighting subassembly may be utilized instead" of the cold cathode tube light assembly shown in the embodiment of Figure 6. Thus, the Patent

Owner submits that any reference to a cold cathode tube lighting subassembly may be replaced by an LED or fluorescent lighting subassembly.

Support for all of the elements of amended Claim 63 may be found at various locations throughout the patent, including the figures. In particular, support for the base, the pole, and the canopy is shown in Figures 1-3C and described at column 3, lines 12-47, at column 5, lines 15-31, and at column 7, lines 29-45, and is shown in Figures 6-9 and described at column 11, lines 48-59, and is further described at column 12, lines 26-57. Support for the pole portion being separable into at least two separate sections is shown in Figure 1. Support for the rechargeable electrical power system is shown in Figures 1-3C and described at column 4, lines 23-44, at column 6, lines 12-24, at column 8, lines 26-32, and is shown in Figures 6-9 and described at column 11, lines 48-59, at column 12, lines 51-53, column 13, lines 26-28, column 13, lines 50-52, and column 14, lines 21-23. Support for the electrical charging system carried by the pole portion and being adapted to receive power from an AC power outlet is shown in Figure 1 and described at column 4 lines 23-44. Support for the solar energy system is shown in Figures 1, 2A, and 3A and described at column 4, lines 45-63, at column 6, lines 25-43, and at column 8, lines 42-60, and is shown in Figures 6-9 and described at column 11, lines 48-59, at column 12, lines 26-57. Support for the light subassembly carried by the canopy portion and being conductively coupled to the rechargeable electrical power system is shown in Figures 1, 2A, and 3A and described at column 3, lines 48-59, at column 5, lines 31-48, at column 7, lines 45-62, is shown in Figures 4A-4C and described at column 7, lines 45-62 and at column 9, line 40-column 10, line 67, and is shown in Figure 6 and described at column 12, line 26-column 13, line 3.

Support for all of the elements of amended Claim 64 may be found at various locations throughout the patent, including the figures. In particular, support for the base, the pole, and the canopy is shown in Figures 1-3C and described at column 3, lines 12-47, at column 5, lines 15-31, and at column 7, lines 29-45, and is shown in Figures 6-9 and described at column 11, lines 48-59, and is further described at column 12, lines 26-57. Support for the rechargeable electrical power system is shown in Figures 1-3C and described at column 4, lines 23-44, at column 6, lines 12-24, at

column 8, lines 26-32, and is shown in Figures 6-9 and described at column 11, lines 48-59, at column 12, lines 51-53, column 13, lines 26-28, column 13, lines 50-52, and column 14, lines 21-23. Support for the solar energy system is shown in Figures 1, 2A, and 3A and described at column 4, lines 45-63, at column 6, lines 25-43, and at column 8, lines 42-60, and is shown in Figures 6-9 and described at column 11, lines 48-59, at column 12, lines 26-57. Support for the solar energy system being contained in a disc-shaped module carried by the pole portion above the canopy portion is shown in Figures 1-3C and described at column 4, lines 45-63, at column 6, lines 25-43, and at column 8, lines 42-60, and is shown in Figures 6-9 and described at column 11, lines 48-59 and at column 12, lines 26-57.

Support for all of the elements of amended Claim 65 may be found at various locations throughout the patent, including the figures. Support for the elements from Claim 64 are set forth above. In addition, support for the disc-shaped module being releasably coupled to the pole portion is shown in Figures 6-9 and described at column 11, lines 48-59 and at column 12, lines 26-57.

Support for all of the elements of amended Claim 66 may be found at various locations throughout the patent, including the figures. In particular, support for the base, the pole, and the canopy is shown in Figures 1-3C and described at column 3, lines 12-47, at column 5, lines 15-31, and at column 7, lines 29-45, and is shown in Figures 6-9 and described at column 11, lines 48-59, and is further described at column 12, lines 26-57. Support for the rechargeable electrical power system is shown in Figures 1-3C and described at column 4, lines 23-44, at column 6, lines 12-24, at column 8, lines 26-32, and is shown in Figures 6-9 and described at column 11, lines 48-59, at column 12, lines 51-53, column 13, lines 26-28, column 13, lines 50-52, and column 14, lines 21-23. Support for the solar energy system is shown in Figures 1, 2A, and 3A and described at column 4, lines 45-63, at column 6, lines 25-43, and at column 8, lines 42-60, and is shown in Figures 6-9 and described at column 11, lines 48-59, at column 12, lines 26-57. Support for the lighting system carried by the canopy portion being conductively coupled to the rechargeable electrical power system via electrical conductors recessed within the rib members is shown in Figures 1, 2A, and 3A and

described at column 3, lines 48-59, at column 5, lines 31-48, at column 7, lines 45-62, and is shown in Figure 6 and described at column 12, line 26-column 13, line 3, and shown in Figures 4A-4C and described at column 7, lines 45-62 and at column 9, line 40-column 10, line 67. Support for the solar energy system and the rechargeable electrical power system being carried by a power unit coupled to the pole portion is shown in Figures 6-9 and described at column 11, lines 48-59 and at column 12, lines 26-57. Support for the solar energy system being carried by the top portion of the power unit and the rechargeable electrical power system being carried by the bottom portion of the power unit is shown in Figures 6-9 and described at column 12, lines 26-35. Support for the solar energy system remaining fixed relative to the pole portion when the canopy is operated is shown in Figures 1, 2A, and 3A and is described at column 4, lines 45-63, at column 6, lines 25-43, and at column 8, lines 42-60, and is shown in Figures 6-9 and described at column 11, lines 48-59, at column 12, lines 26-57.

Support for all of the elements of amended Claim 67 may be found at various locations throughout the patent, including the figures. In particular, support for the base, the pole, and the canopy is shown in Figures 1-3C and described at column 3, lines 12-47, at column 5, lines 15-31, and at column 7, lines 29-45, and is shown in Figures 6-9 and described at column 11, lines 48-59, and is further described at column 12, lines 26-57. Support for the rechargeable electrical power system is shown in Figures 1-3C and described at column 4, lines 23-44, at column 6, lines 12-24, at column 8, lines 26-32, and is shown in Figures 6-9 and described at column 11, lines 48-59, at column 12, lines 51-53, column 13, lines 26-28, column 13, lines 50-52, and column 14, lines 21-23. Support for the solar energy system is shown in Figures 1, 2A, and 3A and described at column 4, lines 45-63, at column 6, lines 25-43, and at column 8, lines 42-60, and is shown in Figures 6-9 and described at column 11, lines 48-59, at column 12, lines 26-57. Support for the electromechanical opening and closing system being conductively coupled to and powered by the rechargeable electrical power system and being controlled by a switch is shown Figures 1, 2A, and 3A and is described at column 3, line 60-column 4, line 22, at column 5, line 49-column 6, line 11,

and at column 7, line 63-column 8, line 25, is shown in Figures 5A and 5B and is described at column 11, lines 10-47, and is shown in Figure 9 and described at column 11, line 48-column 12, line 25, and at column 14, lines 3-37. Support for the lighting system carried by the canopy portion being conductively coupled to the rechargeable electrical power system is shown in Figures 1, 2A, and 3A and described at column 3, lines 48-59, at column 5, lines 31-48, at column 7, lines 45-62, and is shown in Figure 6 and described at column 12, line 26-column 13, line 3.

Support for all of the elements of amended Claim 68 may be found at various locations throughout the patent, including the figures. In particular, support for the base, the pole, and the canopy is shown in Figures 1-3C and described at column 3, lines 12-47, at column 5, lines 15-31, and at column 7, lines 29-45, and is shown in Figures 6-9 and described at column 11, lines 48-59, and is further described at column 12, lines 26-57. Support for the rechargeable electrical power system is shown in Figures 1-3C and described at column 4, lines 23-44, at column 6, lines 12-24, at column 8, lines 26-32, and is shown in Figures 6-9 and described at column 11, lines 48-59, at column 12, lines 51-53, column 13, lines 26-28, column 13, lines 50-52, and column 14, lines 21-23. Support for the solar energy system is shown in Figures 1, 2A, and 3A and described at column 4, lines 45-63, at column 6, lines 25-43, and at column 8, lines 42-60, and is shown in Figures 6-9 and described at column 11, lines 48-59, at column 12, lines 26-57. Support for the electromechanical opening and closing system being conductively coupled to and powered by the rechargeable electrical power system, being partially housed in a housing, and being controlled by a switch carried by the housing is shown Figures 1, 2A, and 3A and is described at column 3, line 60-column 4, line 22, at column 5, line 49-column 6, line 11, and at column 7, line 63-column 8, line 25, is shown in Figures 5A and 5B and is described at column 11, lines 10-47, and is shown in Figure 9 and described at column 11, line 48-column 12, line 25, and at column 14, lines 3-37. Support for the lighting system carried by the canopy portion being conductively coupled to the rechargeable electrical power system is shown in Figures 1, 2A, and 3A and described at column 3, lines 48-59, at column 5,

lines 31-48, at column 7, lines 45-62, and is shown in Figure 6 and described at column 12, line 26-column 13, line 3.

Support for all of the elements of amended Claim 69 may be found at various locations throughout the patent, including the figures. In particular, support for the base, the pole, and the canopy is shown in Figures 1-3C and described at column 3, lines 12-47, at column 5, lines 15-31, and at column 7, lines 29-45, and is shown in Figures 6-9 and described at column 11, lines 48-59, and is further described at column 12, lines 26-57. Support for the rechargeable electrical power system is shown in Figures 1-3C and described at column 4, lines 23-44, at column 6, lines 12-24, at column 8, lines 26-32, and is shown in Figures 6-9 and described at column 11, lines 48-59, at column 12, lines 51-53, column 13, lines 26-28, column 13, lines 50-52, and column 14, lines 21-23. Support for the solar energy system is shown in Figures 1, 2A, and 3A and described at column 4, lines 45-63, at column 6, lines 25-43, and at column 8, lines 42-60, and is shown in Figures 6-9 and described at column 11, lines 48-59, at column 12, lines 26-57. Support for the electromechanical opening and closing system being powered by the rechargeable electrical power system and being controlled by a switch located on the pole portion is shown Figures 1, 2A, and 3A and is described at column 3, line 60-column 4, line 22, at column 5, line 49-column 6, line 11, and at column 7, line 63-column 8, line 25, is shown in Figures 5A and 5B and is described at column 11, lines 10-47, and is shown in Figure 9 and described at column 11, line 48-column 12, line 25, and at column 14, lines 3-37. Support for the lighting system carried by the canopy portion being conductively coupled to the rechargeable electrical power system is shown in Figures 1, 2A, and 3A and described at column 3, lines 48-59, at column 5, lines 31-48, at column 7, lines 45-62, and is shown in Figure 6 and described at column 12, line 26-column 13, line 3.

Support for all of the elements of amended Claim 70 may be found at various locations throughout the patent, including the figures. In particular, support for the base, the pole, and the canopy is shown in Figures 1-3C and described at column 3, lines 12-47, at column 5, lines 15-31, and at column 7, lines 29-45, and is shown in Figures 6-9 and described at column 11, lines 48-59, and is further described at column

12, lines 26-57. Support for the rechargeable electrical power system is shown in Figures 1-3C and described at column 4, lines 23-44, at column 6, lines 12-24, at column 8, lines 26-32, and is shown in Figures 6-9 and described at column 11, lines 48-59, at column 12, lines 51-53, column 13, lines 26-28, column 13, lines 50-52, and column 14, lines 21-23. Support for the solar energy system is shown in Figures 1, 2A, and 3A and described at column 4, lines 45-63, at column 6, lines 25-43, and at column 8, lines 42-60, and is shown in Figures 6-9 and described at column 11, lines 48-59, at column 12, lines 26-57. Support for the ribs having a recessed channel is shown in Figures 4A-4C and is described at column 7, lines 45-62 and at column 9, line 40-column 10, line 67. Support for the lighting system carried by the canopy portion and being conductively coupled to the rechargeable electrical power system is shown in Figures 1, 2A, and 3A and described at column 3, lines 48-59, at column 5, lines 31-48, at column 7, lines 45-62, is shown in Figures 4A-4C and described at column 7, lines 45-62 and at column 9, line 40-column 10, line 67, and is shown in Figure 6 and described at column 12, line 26-column 13, line 3. Support for the plurality of lighting elements being disposed within the channel shown in Figures 1, 2A, and 3A and described at column 3, lines 48-59, at column 5, lines 31-48, at column 7, lines 45-62, and is shown in Figure 6 and described at column 12, line 26-column 13, line 3, and shown in Figures 4A-4C and described at column 7, lines 45-62 and at column 9, line 40-column 10, line 67.

Support for all of the elements of amended Claim 72 may be found at various locations throughout the patent, including the figures. In particular, support for the base, the pole, and the canopy is shown in Figures 1-3C and described at column 3, lines 12-47, at column 5, lines 15-31, and at column 7, lines 29-45, and is shown in Figures 6-9 and described at column 11, lines 48-59, and is further described at column 12, lines 26-57. Support for the rechargeable electrical power system is shown in Figures 1-3C and described at column 4, lines 23-44, at column 6, lines 12-24, at column 8, lines 26-32, and is shown in Figures 6-9 and described at column 11, lines 48-59, at column 12, lines 51-53, column 13, lines 26-28, column 13, lines 50-52, and column 14, lines 21-23. Support for the solar energy system is shown in Figures 1, 2A,

and 3A and described at column 4, lines 45-63, at column 6, lines 25-43, and at column 8, lines 42-60, and is shown in Figures 6-9 and described at column 11, lines 48-59, at column 12, lines 26-57. Support for the lighting system carried by the canopy portion and being conductively coupled to and powered by the rechargeable electrical power system is shown in Figures 1, 2A, and 3A and described at column 3, lines 48-59, at column 5, lines 31-48, at column 7, lines 45-62, is shown in Figures 4A-4C and described at column 7, lines 45-62 and at column 9, line 40-column 10, line 67, and is shown in Figure 6 and described at column 12, line 26-column 13, line 3. Support for the lighting system comprising a plurality of discrete lighting elements carried by each rib member, each discrete lighting element being recessed within a corresponding rib member and being conductively coupled to the rechargeable electrical power system by electrical conductors that are also recessed within the rib members is shown in Figures 1, 2A, and 3A and described at column 3, lines 48-59, at column 5, lines 31-48, at column 7, lines 45-62, is shown in Figures 4A-4C and described at column 7, lines 45-62 and at column 9, line 40-column 10, line 67, and is shown in Figure 6 and described at column 12, line 26-column 13, line 3. The Patent Owner directs the Examiner's attention to column 12, line 58-column 13, line 3, in which the patent clearly states that other low power lighting systems, such as "an LED or fluorescent lighting subassembly may be utilized instead" of the cold cathode tube light assembly shown in the embodiment of Figure 6. Thus, the Patent Owner submits that any reference to a cold cathode tube lighting subassembly may be replaced by an LED or fluorescent lighting subassembly.

Support for all of the elements of amended Claim 73 may be found at various locations throughout the patent, including the figures. In particular, support for the base, the pole, and the canopy is shown in Figures 1-3C and described at column 3, lines 12-47, at column 5, lines 15-31, and at column 7, lines 29-45, and is shown in Figures 6-9 and described at column 11, lines 48-59, and is further described at column 12, lines 26-57. Support for the rechargeable electrical power system is shown in Figures 1-3C and described at column 4, lines 23-44, at column 6, lines 12-24, at column 8, lines 26-32, and is shown in Figures 6-9 and described at column 11, lines

48-59, at column 12, lines 51-53, column 13, lines 26-28, column 13, lines 50-52, and column 14, lines 21-23. Support for the solar energy system is shown in Figures 1, 2A, and 3A and described at column 4, lines 45-63, at column 6, lines 25-43, and at column 8, lines 42-60, and is shown in Figures 6-9 and described at column 11, lines 48-59, at column 12, lines 26-57. Support for the electrical charging system carried by the pole portion, being adapted to receive power from an AC power outlet, and remaining carried by the pole portion when the rechargeable electrical power system is removed from the umbrella apparatus is shown in Figure 1 and described at column 4 line 23-column 5, line 14, and is shown in Figures 2A-3C and is described at column 6, line 12-column 7 line 28, at column 8, line 26-column 9, line 39.

Support for all of the elements of amended Claim 74 may be found at various locations throughout the patent, including the figures. In particular, support for the base, the pole, and the canopy is shown in Figures 1-3C and described at column 3, lines 12-47, at column 5, lines 15-31, and at column 7, lines 29-45, and is shown in Figures 6-9 and described at column 11, lines 48-59, and is further described at column 12, lines 26-57. Support for the rechargeable electrical power system is shown in Figures 1-3C and described at column 4, lines 23-44, at column 6, lines 12-24, at column 8, lines 26-32, and is shown in Figures 6-9 and described at column 11, lines 48-59, at column 12, lines 51-53, column 13, lines 26-28, column 13, lines 50-52, and column 14, lines 21-23. Support for the solar energy system is shown in Figures 1, 2A, and 3A and described at column 4, lines 45-63, at column 6, lines 25-43, and at column 8, lines 42-60, and is shown in Figures 6-9 and described at column 11, lines 48-59, at column 12, lines 26-57. Support for the solar energy system and the rechargeable electrical power system being carried by a power module coupled to the pole portion is shown in Figures 6-9 and described at column 11, lines 48-59 and at column 12, lines 26-57. Support for the solar energy system being disposed in the upper portion of the power module and the rechargeable electrical power system being disposed in the lower portion of the power module is shown in Figures 6-9 and described at column 12, lines 26-35. Support for the lighting system carried by the canopy portion and being conductively coupled to and powered by the rechargeable electrical power system is

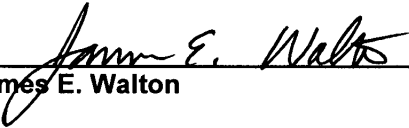
shown in Figures 1, 2A, and 3A and described at column 3, lines 48-59, at column 5, lines 31-48, at column 7, lines 45-62, is shown in Figures 4A-4C and described at column 7, lines 45-62 and at column 9, line 40-column 10, line 67, and is shown in Figure 6 and described at column 12, line 26-column 13, line 3. The Patent Owner directs the Examiner's attention to column 12, line 58-column 13, line 3, in which the patent clearly states that other low power lighting systems, such as "an LED or fluorescent lighting subassembly may be utilized instead" of the cold cathode tube light assembly shown in the embodiment of Figure 6. Thus, the Patent Owner submits that any reference to a cold cathode tube lighting subassembly may be replaced by an LED or fluorescent lighting subassembly.

The Patent Owner submits that, pursuant to 37 C.F.R. § 1.530(e), the foregoing explains and sets forth the support in the disclosure of the patent for change to the claims made by this amendment paper.

The Patent owner submits that the foregoing changes to the claims do not broaden the scope of the patent.

PROOF OF SERVICE:

Pursuant to 37 C.F.R. § 1.903, a true and correct copy of this Response to Office Action in *Inter Partes* Reexamination, including all attachments, exhibits, and Declarations in support thereof, was served on the third-party requester. Pursuant to 37 C.F.R. § 1.248(a)(4), the undersigned hereby certifies that a true and correct copy of this Response to Office Action in *Inter Partes* Reexamination was served on the third-party requester's attorney of record, Robert E. Richards, by First Class Mail with sufficient postage at Kilpatrick Stockton LLP, 1100 Peachtree Street, Suite 2800, Atlanta, Georgia 30309 on **5 February 2007**.



James E. Walton

2/5/07
Date

CONCLUSION:

The Patent Owner submits that this paper is less than fifty pages, excluding the pages containing the amended claims.

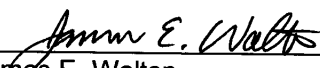
No new claims have been added. Four claims have been changed from dependent claims to independent claims; however, two independent claims have been changed into dependent claims. Thus, two independent claims are hereby added. Therefore, a fee of \$200.00 (\$100.00 x 2) is deemed to be required. Enclosed is a completed Credit Card Payment Form, Form PTO-2038, authorizing the Commissioner to charge \$200.00 to cover the \$200.00 fee for two additional independent claims in excess of three, to a designated credit card.

No other fees are deemed to be necessary; however, the undersigned hereby authorizes the Director to charge any additional fees that may be required, or credit any overpayments, to **Deposit Account No. 502806**.

Please link this reexamination application to Customer Nos. 50779 and 38441 so that its status may be checked via the PAIR System.

Respectfully submitted,

2/5/07
Date



James E. Walton
Reg. No. 47,245

Law Offices of James E. Walton, P.L.L.C.
1169 N. Burleson Blvd., Suite 107-328
Burleson, Texas 76028
(817) 447-9955 (Voice)
(817) 447-9954 (Facsimile)
jim@waltonpllc.com

CUSTOMER NOS. 50779 and 38441

ATTORNEY FOR PATENT OWNER

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 0664MH-40982-REX

In re Reexamination of:

GREGORY G. KUELBS

Control No. **95/000,104**

Patent No. **6,612713**

Issued: **2 SEPTEMBER 2003**

For: **UMBRELLA APPARATUS**

§
§
§
§
§
§
§
§
§
§

Examiner: **MARGARET WAMBACH**

Art Unit: **3992**

SECOND DECLARATION UNDER 37 C.F.R. § 1.131

MAIL STOP: INTER PARTES REEXAM

Central Reexamination Unit
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

I, Gregory G. Kuelbs, declare as follows:

1. I am over eighteen years of age and am competent to make this Declaration.
2. I am the sole inventor of the subject patent.
3. I conceived of the claimed invention and reduced it to practice in the United States prior to 30 April 1999.
4. As early as April 1999, I was engaged in developing a variety of solar-powered lighting products that incorporated LED's, and was therefore familiar with the advantages of pairing LED technology with solar technology. Attached hereto as Exhibits A-V are documents that evidence my conception of the subject invention, my reduction to

practice of the subject invention, and my diligence with regard to the subject invention. The notes and documents of Exhibits A-N were not found until recently. Exhibits A-N had been in storage in boxes and were not discovered until I was preparing this Second Declaration Under 37 C.F.R. § 1.131.

5. Exhibit A is a true and correct photocopy of four pages from my U.S. passport bearing stamps evidencing that I traveled to China in July 1999 and October 1999. These trips to China were to attend various trade shows and to meet with various factories about the possibility of manufacturing solar powered lighted patio umbrellas for my company.

6. Exhibit B is a true and correct photocopy of two sheets of notes that I recorded relating to solar powered lighted patio umbrellas. These notes were made in April 1999 as indicated by the date "4-99" in the lower left corner of each sheet of the notes. On the sheet on the left side of Exhibit B, I recorded reminders to inquire about certain detailed specifications for several of the components that would be used in the solar powered lighted patio umbrellas, such as how big of a solar panel, how many batteries, what size batteries, the cost for the solar system, the cost for the AC recharging system, the cost for various types of umbrellas (such as wood or aluminum), and the best selling sizes of umbrellas. On the sheet on the right side of Exhibit B, I drew a sketch of a solar powered lighted patio umbrella. As is clearly seen and labeled, the umbrella included a solar panel on top, batteries located in three possible locations (in the same module as the solar panel, carried in the crank housing on the pole, and carried in a base), at least two types of lights (LED's and cold cathode ray tubes), and a switch carried by the crank housing. My notes at the bottom of the page state that I wanted to further explore which was better to use (fluorescent, LED, or cold cathode), and how much power was going to be need for 4-8 hours of light. I wanted enough light to read a menu under the umbrella. 7.

7. Exhibit C is a true and correct photocopy of another sheet of notes that I recorded relating to solar powered lighted patio umbrellas. These notes were made in April 1999 as indicated by the date "4-99" in the upper left corner of the sheet of the

notes. I recorded the following notes: A. On aluminum hide wire in rib - bulb can be recessed; and B. Can run wire on top canal that can be routed out and drill hole to accept bulb. At the top of the sheet, I recorded reminders to determine the size of solar panel for LED or cold cathode; and to make the panel removable. Also in the upper half of the sheet, I drew a sketch of the upper portion of a solar powered lighted patio umbrella. As is clearly seen and labeled, the umbrella includes a removable solar panel on top, LED bulbs spaced along the ribs and partially recessed within the ribs, and a wire from the lights and the solar panel to a switch located below the canopy portion.

8. Exhibit D is a true and correct photocopy of another sheet of notes that I recorded relating to solar powered lighted patio umbrellas. These notes were made in April 1999 as indicated by the date "4-99" in the upper left corner of the sheet of the notes. In the middle of the page, I drew three sketches of possible covers for LED bulbs and cold cathode bulbs. At the top of the sheet, I recorded the following notes: "Hide wiring," "Let LED stick out," and "Keep from breaking."

9. I submit that the notes and sketches of Exhibits B, C, and D clearly evidence that I had fully reduced the invention to practice as early as April 1999.

10. Exhibit E is a true and correct photocopy of another sheet of notes that I recorded relating to solar powered lighted patio umbrellas. These notes were made in June 1999 as indicated by the date "6-99" in the lower right corner of the sheet of the notes. At the top of the sheet, I drew a crude sketch of a solar powered lighted umbrella having a motorized opening and closing system and a cooling system. The "motor up-down" is clearly labeled. At the bottom of the sheet, I recorded notes about how much battery to use, and that I could hide the wires and the water supply in the ribs.

11. Exhibit F is a true and correct photocopy of another sheet of notes that I recorded relating to solar powered lighted patio umbrellas. These notes were made in July 1999 as indicated by the date "7-99" in the lower right corner of the sheet of the notes. These notes were made in preparation for my July 1999 trip to China and relate specifically to a particular umbrella factory in China, and one of its principals, Mr. Shen Yei. Mr. Yei's factory is very large. As can be seen, I recorded that Mr. Yei's factory

"Won't play - Volume too big." This meant that Mr. Yei's factory required orders that were going to be too large for my company to place at that time. My note, "No Solar" meant that Mr. Yei's factory did not handle any electronics, i.e., did not handle solar panels. These notes are a sample of the types of notes and records that I recorded over the months while I was diligently working on my invention.

12. Exhibit G is a true and correct photocopy of two sheets of notes that I recorded relating to solar powered lighted patio umbrellas. These notes were made in preparation for my July 1999 trip to China as indicated by the note "Notes for China Trip 7-99" at the top of the first page of the notes. These notes relate to a first version of the umbrella, as indicated by the "V-1 Solar, LED light" at the top of the first page of notes. On the bottom of the first page, I recorded the following notes: 1. Solar panel big enough to power LED's probably 2-4 per rib - 4-8 hrs run time; LED's should require small power. Top mounted removable unit complete with batteries would be easiest to manufacture and ship; 2. Switch in crank housing, or at least upper part of pole; 3. Wiring hidden in pole; 4. LED's can be completely hidden in aluminum or if easier just drill a hole in rib and push partially into rib - this is bets for wood rib. The last notes indicated that we can discuss more complicated up-down etc. models later. At the top of the first sheet, I drew a sketch of a solar powered lighted patio umbrella. As is clearly seen and labeled, the umbrella includes a removable solar panel with batteries, LED bulbs spaced along the ribs and the struts, and a switch carried by a crank housing on the upper part of a 2-piece pole.

13. Exhibit H is a true and correct photocopy of two sheets of notes that I recorded relating to solar powered lighted patio umbrellas. These notes were made in preparation for my July 1999 tri to China as indicated by the note "Proposed Discussion Notes China Trip - July-Aug 99" at the top of the first page of the notes. These notes relate to a second version of the umbrella, as indicated by the "V-2 Solar, Cold Cathode lights" at the top of the first page of notes. On the bottom of the first page, I recorded the following notes: 1. Removable top with solar panel - big enough to power 6-8 AA batteries - should power 2-4 cold cathode bulbs; 2. Batteries in top housing or pole; 3. Switch in crank housing or on pole, Wiring hidden in rib on aluminum; Wiring hidden in slot for

wood; Surface mount better for wood; Surface mount or recessed can work on aluminum; Solar or AC rechargeable; run time 4-8 hrs; Add misting, and or electric up down. At the top of the first sheet, I drew a sketch of a solar powered lighted patio umbrella. As is clearly seen and labeled, the umbrella includes a solar panel with batteries in either the solar panel housing or in the pole, cold cathode carried by the ribs, and a switch carried by a crank housing.

14. Exhibit I is a true and correct photocopy of another sheet of notes that I recorded relating to a solar powered lighted patio umbrella with a cooling system. These notes were made in September 1999 as indicated by the date "9-99" in the upper left corner of the sheet of the notes. At the top of the sheet, I drew a crude sketch of a solar powered lighted umbrella having a cooling system. As is clearly seen and labeled, the umbrella includes a removable solar panel at the top that is easy to ship, and that will still charge when the cover is down, lights and misters on the struts, and mist-water in base or from a facet. At the bottom of the sheet, I recorded notes about rechargeable batteries in the base; and that table does not need base.

15. Exhibit J is a true and correct photocopy of a proposed itinerary for my October 1999 trip to China. These notes were taken in preparation for my October 1999 trip to China as indicated by the note "China Trip 10-8 - 10-27 Canton Fair" at the top of the first page of notes. One of the main reasons I took this trip to China was to meet with different manufactures and factories in China about manufacturing solar powered lighted patio umbrellas for my company.

16. Exhibit K is a true and correct photocopy of a receipt for foreign exchange of money that I made while I was at the Thomas Cook Hung Kai Airport on 20 October 1999, which further evidences my presence in China in October 1999.

17. Exhibit L is a true and correct photocopy of an email dated 11 October 1999 from Eric Li, an employee of my company, to me regarding a certain factory in China known as Real Faith. As indicated by my handwritten note, I was interested in finding out if this factory could manufacture our solar powered lighted patio umbrellas.

18. Exhibit M is a true and correct photocopy of an email dated 14 October 1999 from Eric Li to me regarding a certain factory in China known as Jiangsu Metal & Minerals Import and Export. We were interested in speaking with Jiangsu Metal & Minerals Import and Export because they manufacture many different types of products. In particular, I was interested in seeing if they could supply my company with drill motors for the opening and closing systems and for bases for our solar powered lighted patio umbrellas.

19. Exhibit N is a true and correct photocopy of a memo from Eric Li to me dated 16 October 1999 regarding a Mr. Bakula. We were interested in speaking with Mr. Bakula about electronic certain components for our solar powered lighted patio umbrellas.

20. Exhibits O, P, and Q are drawings of the subject invention as drawn by Rodney S. Quillen, a graphic artist working under my direction in the United States, prior to 13 November 2000. These drawings show strands of small LEDs attached to the ribs of a solar umbrella.

21. My company transmitted Exhibits O, P, and Q to my patent attorney, Melvin Hunn, via facsimile on 9 November 2000 for use in preparing and filing a U.S. provisional patent application covering my invention.

22. Exhibit R is a true and correct photocopy of a screen shot of a file directory on the computer of Mr. Rodney S. Quillen, a graphic designer who works for my company, showing the file "Name" and "Date Modified" of the computer files that correspond to Exhibits O, P, and Q: Lighted Umbrella.eps, Lighted umbrella & stand18V.eps, and Lighted umbrella and stand.eps, respectively. The last modified dates for the relevant files are listed as "Mon, Oct 23, 2000" which is consistent with my own knowledge that Mr. Quillen had worked on this project prior to November 2000.

23. The provisional patent application, titled "Lighted Patio Umbrella Apparatus," was prepared by Melvin Hunn and filed on 7 February 2001. The provisional application was accorded U.S. Provisional Patent Application No. 60/267,018. The subject patent claims priority to U.S. Provisional Patent Application No. 60/267,018.

24. Attached hereto as Exhibits S, T, and U are Figures 1, 2A, 2B, 2C, 3A, 3B, and 3C of Provisional Application Serial No. 60/267,018. Melvin Hunn used the drawings that my company sent to him by facsimile on 9 November 2000 (Exhibits O, P, and Q) as the basis for Figures 1, 2A, 2B, 2C, 3A, 3B, and 3C (Exhibits S, T, and U) of U.S. Provisional Application Serial No. 60/267,018. The facsimile headers on Exhibits R, S, and T, clearly indicate that the drawings were sent via facsimile from my company, Worldwide (now known as World Factory, Inc.), to Melvin Hunn on 9 November 2000.

25. Furthermore, I conceived of the claimed invention in the United States at least as early as 30 April 1999 and worked diligently on the invention in the United States from a date prior to 30 April 1999, through the filing date of U.S. Provisional Application No. 60/267,018, i.e., 7 February 2001.

26. I worked diligently as a part of my full-time employment on further developing a marketable solar umbrella with LED lights, and performing other work related to the claimed invention, during the time period from prior to 30 April 1999 through 7 February 2001, the filing date of U.S. Provisional Application No. 60/267,018, and beyond.

27. In addition, I conceived of the claimed invention in the United States prior to 30 April 1999, and worked diligently on the invention in the United States from a date prior to 30 April 1999 through 2 November 2001, the filing date of U.S. Provisional Application No. 60/335,933.

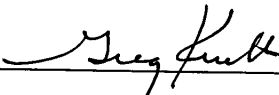
28. On 2 November 2001, my patent attorney filed a second provisional application, U.S. Provisional Application No. 60/335,933, titled "Improved Outdoor Lighting Systems with Cold Cathode Tubes," which covered my invention of the solar-powered umbrella with LED lights, as well as other embodiments. The subject patent also claims priority to U.S. Provisional Application No. 60/335,933.

29. Figures 1, 2A, 2B, 2C, 3A, 3B, and 3C of U.S. Provisional Application No. 60/335,933 are identical to Exhibits S, T, and U.

30. I worked diligently as a part of my full-time employment on further developing a marketable solar umbrella with LED lights, and performing other work related to the subject invention, during the time period from prior to 30 April 1999 through 2 November 2001, the filing date of U.S. Provisional Application No. 60/335,933.

31. Exhibit V is a true and correct copy of a letter dated 26 April 2006 from Jessica Kao of Union Legend Inc., a Factory in Taiwan, regarding Union Legend's work for my company related to solar powered lighted patio umbrellas. The letter clearly sets forth that my company had conceived of, was working diligently on, and had reduced to practice, a solar powered lighted patio umbrella as early as July 1999.

32. All statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true; and further, 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 Section 1001 of Title 18 of the United States Code, and such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Inventor's Signature: 

Date of Signature: 1-29-07

Full Name of Inventor: Gregory G. Kuelbs

Residence and Post Office Address: 1831 River Oaks Drive
Westlake, Texas 76262

Citizenship: United States of America

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 0664MH-40982-REX

In re Reexamination of:

GREGORY G. KUELBS

66548 U.S. PTO

Control No. 95/000,104



03/20/07

Patent No. 6,612,713

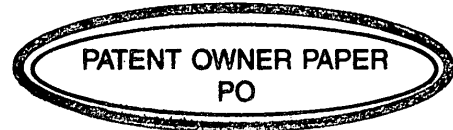
Issued: 2 SEPTEMBER 2003

For: UMBRELLA APPARATUS

Examiner: MARGARET WAMBACH

Art Unit: 3992

TRANSMITTAL



MAIL STOP: INTER PARTES REEXAM

Central Reexamination Unit
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

Please file the following documents in the subject reexamination application:

1. This Transmittal with Certificate of Mailing;
2. Information Disclosure Statement, Form PTO/SB/08A;

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8(a)	
Date of Deposit:	<u>3/15/07</u>
I hereby certify that this paper or fee is being deposited with the United States Postal Service as First Class Mail with sufficient postage under 37 C.F.R. §1.8(a) on the date indicated above and is addressed to Mail Stop: Inter Partes Reexam, Central Reexamination Unit, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.	
By:	<u><i>James E. Watts</i></u>

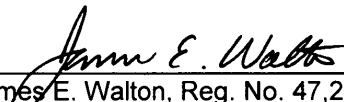
Conclusion:

Filed herewith is a completed Credit Card Payment Form, Form PTO-2038, authorizing the Commissioner to charge the \$180.00 Information Disclosure Statement Fee to a designated credit card. No additional fees are deemed to be necessary; however, the undersigned hereby authorizes the Director to charge any fees that may be required, or credit any overpayments, to **Deposit Account No. 502806**.

Please link this application to Customer Nos. 50779 and 38441 so that its status may be checked via the PAIR System.

Respectfully submitted,

3/15/07
Date



James E. Walton, Reg. No. 47,245
Law Offices of James E. Walton, P.L.L.C.
1169 N. Burleson Blvd., Suite 107-328
Burleson, Texas 76028
(817) 447-9955 (Voice)
(817) 447-9954 (Facsimile)
jim@waltonpllc.com

CUSTOMER NOS. 50779 and 38441

ATTORNEY FOR PATENT OWNER

3. Credit Card Payment Form, Form PTO-2038, authorizing the Commissioner to charge the \$180.00 Information Disclosure Statement Fee to a designated credit card; and
4. Our return postcard which we would appreciate you date stamping and returning to us.

Proof of Service:

Pursuant to 37 C.F.R. § 1.903, a true and correct copy of this Transmittal and the Information Disclosure Statement filed herewith has been served on the third-party requester. Pursuant to 37 C.F.R. § 1.248(a)(4), the undersigned hereby certifies that a true and correct copy of this Transmittal and the Information Disclosure Statement was served on the third-party requester's attorney of record, Robert E. Richards, by First Class Mail with sufficient postage at Kilpatrick Stockton LLP, 1100 Peachtree Street, Suite 2800, Atlanta, Georgia 30309 on **15 March 2007**.



James E. Walton

3/15/07
Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 0664MH-40982-REX

In re Reexamination of:

GREGORY G. KUELBS

Control No. 95/000,104

Patent No. 6,612,713

Issued: 2 SEPTEMBER 2003

For: UMBRELLA APPARATUS

§
§
§
§
§
§
§
§
§
§
§

Examiner: MARGARET WAMBACH

Art Unit: 3992



INFORMATION DISCLOSURE STATEMENT
IN INTER PARTES REEXAMINATION

MAIL STOP: INTER PARTES REEXAM

Central Reexamination Unit
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

In accordance with 37 C.F.R. § 1.56, the references listed on the attached form PTO/SB/08A are being brought to the attention of the Examiner for consideration in connection with the subject reexamination application.

CERTIFICATE OF EXPRESS MAIL UNDER 37 C.F.R. § 1.10	
Date of Deposit:	<u>3/15/07</u>
I hereby certify that this paper or fee is being deposited with the United States Postal Service as Express Mail "Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to Mail Stop ^{03/22/2007 HTBLLY 0000001 35008104} _{01 FC 1086} Inter Partes Reexam, Central Reexamination Unit, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.	
By:	<u><i>Janner E. Wells</i></u>

The listed references were cited by the Examiner in an Office Action in U.S. Application No. 10/829,790.

The filing of this Information Disclosure Statement shall not be construed to be a representation that a search has been conducted, nor shall it be construed as an admission that the information cited in the statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

Payment of the Fee Under 37 CFR 1.17(p):

The information on form PTO/SB/08A is being submitted subsequent to the later of three months after the filing date of the present application or the mailing of the first Office action on the merits, but before the mailing of a final action or the notice of allowance. Accordingly, the undersigned submits a payment in the amount of \$180.00 to cover the Submission of an Information Disclosure Statement Fee.

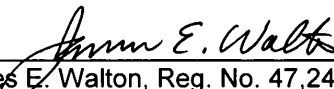
Conclusion:

Filed herewith is a completed Credit Card Payment Form, Form PTO-2038, authorizing the Commissioner to charge the \$180.00 Information Disclosure Statement Fee to a designated credit card. No additional fees are deemed to be necessary; however, the undersigned hereby authorizes the Director to charge any fees that may be required, or credit any overpayments, to **Deposit Account No. 502806**.

Please link this application to Customer Nos. 50779 and 38441 so that its status may be checked via the PAIR System.

Respectfully submitted,

3/15/07
Date



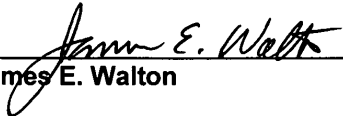
James E. Walton, Reg. No. 47,245
Law Offices of James E. Walton, P.L.L.C.
1169 N. Burleson Blvd., Suite 107-328
Burleson, Texas 76028
(817) 447-9955 (Voice)
(817) 447-9954 (Facsimile)
jim@waltonpllc.com

CUSTOMER NOS. 50779 and 38441

ATTORNEY FOR PATENT OWNER

Proof of Service:

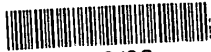
Pursuant to 37 C.F.R. § 1.903, a true and correct copy of this Information Disclosure Statement has been served on the third-party requester. Pursuant to 37 C.F.R. § 1.248(a)(4), the undersigned hereby certifies that a true and correct copy of this Information Disclosure Statement was served on the third-party requester's attorney of record, Robert E. Richards, by First Class Mail with sufficient postage at Kilpatrick Stockton LLP, 1100 Peachtree Street, Suite 2800, Atlanta, Georgia 30309 on **15 March 2007**.



James E. Walton

3/15/07
Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



02/19/08

Attorney Docket No. 0664MH-40982-REX

In re Reexamination of:

GREGORY G. KUELBS

Control No. **95/000,104**

Patent No. **6,612713**

Issued: **2 SEPTEMBER 2003**

For: **UMBRELLA APPARATUS**

§
§
§
§
§
§
§
§
§
§

Examiner: **MARGARET WAMBACH**

Art Unit: **3992**

**INFORMATION DISCLOSURE STATEMENT
IN INTER PARTES REEXAMINATION**

MAIL STOP: INTER PARTES REEXAM

Central Reexamination Unit
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

In accordance with 37 C.F.R. § 1.56, the references listed on the attached form PTO/SB/08A are being brought to the attention of the Examiner for consideration in connection with the subject reexamination application.

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8(a)	
Date of Deposit:	<u>2/14/08</u>
I hereby certify that this paper or fee is being deposited with the United States Postal Service as First Class Mail with sufficient postage under 37 C.F.R. §1.8(a) on the date indicated above and is addressed to Mail Stop: Inter Partes Reexam, Central Reexamination Unit, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.	
By:	<u><i>Janis E. Walters</i></u>

The listed references were cited by the Examiner in an Office Action in U.S. Application No. 10/829,790.

The filing of this Information Disclosure Statement shall not be construed to be a representation that a search has been conducted, nor shall it be construed as an admission that the information cited in the statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

Payment of the Fee Under 37 CFR 1.17(p):

The information on form PTO/SB/08A is being submitted subsequent to the later of three months after the filing date of the present application or the mailing of the first Office action on the merits, but before the mailing of a final action or the notice of allowance. Accordingly, the undersigned submits a payment in the amount of \$180.00 to cover the Submission of an Information Disclosure Statement Fee.

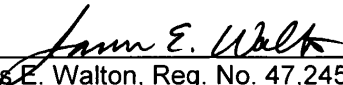
Conclusion:

Filed herewith is a completed Credit Card Payment Form, Form PTO-2038, authorizing the Commissioner to charge the \$180.00 Information Disclosure Statement Fee to a designated credit card. No additional fees are deemed to be necessary; however, the undersigned hereby authorizes the Director to charge any fees that may be required, or credit any overpayments, to **Deposit Account No. 502806**.

Please link this application to Customer No. 50779 so that its status may be checked via the PAIR System.

Respectfully submitted,

2/14/08
Date



James E. Walton, Reg. No. 47,245
Law Offices of James E. Walton, P.L.L.C.
1169 N. Burleson Blvd., Suite 107-328
Burleson, Texas 76028
(817) 447-9955 (Voice)
(817) 447-9954 (Facsimile)
jim@waltonpllc.com

CUSTOMER NO. 50779

ATTORNEY FOR PATENT OWNER

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**
(Not for submission under 37 CFR 1.99)

Application Number	95000104
Filing Date	2005-08-12
First Named Inventor	Gregory G. Kuelbs
Art-Unit	3992
Examiner Name	Margaret Wambach
Attorney Docket Number	0664MH-40982-REX

CERTIFICATION STATEMENT

Please see 37 CFR 1.97 and 1.98 to make the appropriate selection(s):

That each item of information contained in the information disclosure statement was first cited in any 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. See 37 CFR 1.97(e)(1).

OR

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 certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(2).

See attached certification statement.

Fee set forth in 37 CFR 1.17 (p) has been submitted herewith.

None

SIGNATURE

A signature of the applicant or representative is required in accordance with CFR 1.33, 10.18. Please see CFR 1.4(d) for the form of the signature.

Signature	/jamesewaltonpat/	Date (YYYY-MM-DD)	2008-02-14
Name/Print	James E. Walton	Registration Number	47,245

This collection of information is required by 37 CFR 1.97 and 1.98. 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 1 hour 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.


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 the Freedom of Information Act requires disclosure of these records.
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 inspections 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.

71338 Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

 02/19/08 INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number		95000104
	Filing Date		2005-08-12
	First Named Inventor	Gregory G. Kuelbs	
	Art Unit	3992	
	Examiner Name	Margaret Wambach	
	Attorney Docket Number	0664MH-40982-REX	

U.S.PATENTS								
Examiner Initial*	Cite No	Patent Number	Kind Code ¹	Issue Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear		
	1	4920897		1990-05-01	Reed, et al.			
If you wish to add additional U.S. Patent citation information please click the Add button.								
U.S.PATENT APPLICATION PUBLICATIONS								
Examiner Initial*	Cite No	Publication Number	Kind Code ¹	Publication Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear		
	1							
If you wish to add additional U.S. Published Application citation information please click the Add button.								
FOREIGN PATENT DOCUMENTS								
Examiner Initial*	Cite No	Foreign Document Number ³	Country Code ² i	Kind Code ⁴	Publication Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear	T ⁵
	1							<input type="checkbox"/>
If you wish to add additional Foreign Patent Document citation information please click the Add button								
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, pages(s), volume-issue number(s), publisher, city and/or country where published.					T ⁵	

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**
(Not for submission under 37 CFR 1.99)

Application Number	95000104
Filing Date	2005-08-12
First Named Inventor	Gregory G. Kuelbs
Art Unit	3992
Examiner Name	Margaret Wambach
Attorney Docket Number	0664MH-40982-REX

	1		<input type="checkbox"/>
--	---	--	--------------------------

If you wish to add additional non-patent literature document citation information please click the Add button

EXAMINER SIGNATURE

Examiner Signature		Date Considered	
--------------------	--	-----------------	--

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ See Kind Codes of USPTO Patent Documents at www.USPTO.GOV or MPEP 901.04. ² Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). ³ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁴ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁵ Applicant is to place a check mark here if English language translation is attached.



02/19/08

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 0664MH-40982-REX

In re Reexamination of:

GREGORY G. KUELBS

Control No. **95/000,104**

Patent No. **6,612,713**

Issued: **2 SEPTEMBER 2003**

For: **UMBRELLA APPARATUS**

§
§
§
§
§
§
§
§
§
§

Examiner: **MARGARET WAMBACH**

Art Unit: **3992**

TRANSMITTAL

MAIL STOP: INTER PARTES REEXAM

Central Reexamination Unit
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

Please file the following documents in the subject reexamination application:

1. This Transmittal with Certificate of Mailing;
2. Information Disclosure Statement;
3. Form PTO/SB/08A;

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8(a)	
Date of Deposit:	<u>2/19/08</u>
I hereby certify that this paper or fee is being deposited with the United States Postal Service as First Class Mail with sufficient postage under 37 C.F.R. § 1.8(a) on the date indicated above and is addressed to Mail Stop: Inter Partes Reexam, Central Reexamination Unit, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.	
By:	<u><i>Jann E. Walks</i></u>

4. Credit Card Payment Form, Form PTO-2038, authorizing the Commissioner to charge the \$180.00 Information Disclosure Statement Fee to a designated credit card; and
5. Our return postcard which we would appreciate you date stamping and returning to us.

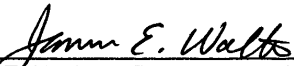
Conclusion:

Filed herewith is a completed Credit Card Payment Form, Form PTO-2038, authorizing the Commissioner to charge the \$180.00 Information Disclosure Statement Fee to a designated credit card. No additional fees are deemed to be necessary; however, the undersigned hereby authorizes the Director to charge any fees that may be required, or credit any overpayments, to **Deposit Account No. 502806**.

Please link this application to Customer No. 50779 so that its status may be checked via the PAIR System.

Respectfully submitted,

2/14/08
Date



James E. Walton, Reg. No. 47,245
Law Offices of James E. Walton, P.L.L.C.
1169 N. Burleson Blvd., Suite 107-328
Burleson, Texas 76028
(817) 447-9955 (Voice)
(817) 447-9954 (Facsimile)
jim@waltonpllc.com

CUSTOMER NO. 50779

ATTORNEY FOR PATENT OWNER

4. Credit Card Payment Form, Form PTO-2038, authorizing the Commissioner to charge the \$180.00 Information Disclosure Statement Fee to a designated credit card; and
5. Our return postcard which we would appreciate you date stamping and returning to us.

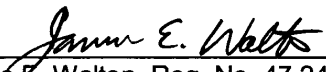
Conclusion:

Filed herewith is a completed Credit Card Payment Form, Form PTO-2038, authorizing the Commissioner to charge the \$180.00 Information Disclosure Statement Fee to a designated credit card. No additional fees are deemed to be necessary; however, the undersigned hereby authorizes the Director to charge any fees that may be required, or credit any overpayments, to **Deposit Account No. 502806**.

Please link this application to Customer No. 50779 so that its status may be checked via the PAIR System.

Respectfully submitted,

5/8/08
Date

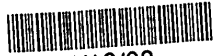


James E. Walton, Reg. No. 47,245
Law Offices of James E. Walton, P.L.L.C.
1169 N. Burleson Blvd., Suite 107-328
Burleson, Texas 76028
(817) 447-9955 (Voice)
(817) 447-9954 (Facsimile)
jim@waltonpllc.com

CUSTOMER NO. 50779

ATTORNEY FOR PATENT OWNER

67274 U.S. PTO



05/12/08

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 0664MH-40982-REX

In re Reexamination of:

GREGORY G. KUELBS

Control No. 95/000,104

Patent No. 6,612713

Issued: 2 SEPTEMBER 2003

For: **UMBRELLA APPARATUS**

§
§
§
§
§
§
§
§
§
§

Examiner: **MARGARET WAMBACH**

Art Unit: 3992

**INFORMATION DISCLOSURE STATEMENT
IN INTER PARTES REEXAMINATION**

MAIL STOP: INTER PARTES REEXAM

Central Reexamination Unit
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

In accordance with 37 C.F.R. § 1.56, the references listed on the attached form PTO/SB/08A are being brought to the attention of the Examiner for consideration in connection with the subject reexamination application.

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8(a)	
Date of Deposit:	<u>5/8/08</u>
I hereby certify that this paper or fee is being deposited with the United States Postal Service as First Class Mail with sufficient postage under 37 C.F.R. § 1.8(a) on the date indicated above and is addressed to Mail Stop: Inter Partes Reexam, Central Reexamination Unit, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.	
By:	<u><i>Jamm E. Watts</i></u>

The listed references were cited by the Examiner in an Office Action in U.S. Application No. 10/829,790.


The filing of this Information Disclosure Statement shall not be construed to be a representation that a search has been conducted, nor shall it be construed as an admission that the information cited in the statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

Payment of the Fee Under 37 CFR 1.17(p):

The information on form PTO/SB/08A is being submitted subsequent to the later of three months after the filing date of the present application or the mailing of the first Office action on the merits, but before the mailing of a final action or the notice of allowance. Accordingly, the undersigned submits a payment in the amount of \$180.00 to cover the Submission of an Information Disclosure Statement Fee.

Proof of Service:

Pursuant to 37 C.F.R. § 1.903, a true and correct copy of this Information Disclosure Statement has been served on the third-party requester. Pursuant to 37 C.F.R. § 1.248(a)(4), the undersigned hereby certifies that a true and correct copy of this Information Disclosure Statement was served on the third-party requester's attorney of record, Robert E. Richards, by First Class Mail with sufficient postage at Kilpatrick Stockton LLP, 1100 Peachtree Street, Suite 2800, Atlanta, Georgia 30309 on **8 May 2008**.



James E. Walton

5/8/08
Date

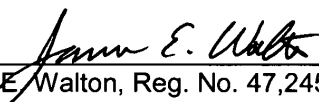
Conclusion:

Filed herewith is a completed Credit Card Payment Form, Form PTO-2038, authorizing the Commissioner to charge the \$180.00 Information Disclosure Statement Fee to a designated credit card. No additional fees are deemed to be necessary; however, the undersigned hereby authorizes the Director to charge any fees that may be required, or credit any overpayments, to **Deposit Account No. 502806**.

Please link this application to Customer No. 50779 so that its status may be checked via the PAIR System.

Respectfully submitted,

5/8/08
Date



James E. Walton, Reg. No. 47,245
Law Offices of James E. Walton, P.L.L.C.
1169 N. Burleson Blvd., Suite 107-328
Burleson, Texas 76028
(817) 447-9955 (Voice)
(817) 447-9954 (Facsimile)
jim@waltonpllc.com

CUSTOMER NO. 50779

ATTORNEY FOR PATENT OWNER

Doc code :IDS

Doc description: Information Disclosure Statement (IDS) Filed

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

PTO/SB/08a (03-08)

Approved for use through 05/31/2008. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	95000104
	Filing Date	2003-09-02
	First Named Inventor	Kuelbs, Gregory G.
	Art Unit	3992
	Examiner Name	Margaret Wambach
	Attorney Docket Number	0664MH-40982-REX

U.S.PATENTS						
Examiner Initial*	Cite No	Patent Number	Kind Code ¹	Issue Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear
	1	4692680		1987-09-08	Sherer, Paul	
	2	5396162		1995-03-07	Brilmyer, George	
	3	6018231		2000-01-25	Shaver, et al.	

If you wish to add additional U.S. Patent citation information please click the Add button.

U.S.PATENT APPLICATION PUBLICATIONS						
Examiner Initial*	Cite No	Publication Number	Kind Code ¹	Publication Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear
	1					

If you wish to add additional U.S. Published Application citation information please click the Add button.

FOREIGN PATENT DOCUMENTS								
Examiner Initial*	Cite No	Foreign Document Number ³	Country Code ² j	Kind Code ⁴	Publication Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear	T ⁵
	1	09163479	JP	A	1997-06-20	Fuchidou, et al.	Figures and Abstract	<input checked="" type="checkbox"/>

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number		95000104
	Filing Date		2003-09-02
	First Named Inventor	Kuelbs, Gregory G.	
	Art Unit	3992	
	Examiner Name	Margaret Wambach	
	Attorney Docket Number	0664MH-40982-REX	

If you wish to add additional Foreign Patent Document citation information please click the Add button			
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, pages(s), volume-issue number(s), publisher, city and/or country where published.	T ⁵
	1		<input type="checkbox"/>
If you wish to add additional non-patent literature document citation information please click the Add button			
EXAMINER SIGNATURE			
Examiner Signature		Date Considered	
*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.			
<small>¹ See Kind Codes of USPTO Patent Documents at www.USPTO.GOV or MPEP 901.04. ² Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). ³ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁴ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁵ Applicant is to place a check mark here if English language translation is attached.</small>			

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**
(Not for submission under 37 CFR 1.99)

Application Number	95000104
Filing Date	2003-09-02
First Named Inventor	Kuelbs, Gregory G.
Art Unit	3992
Examiner Name	Margaret Wambach
Attorney Docket Number	0664MH-40982-REX

CERTIFICATION STATEMENT

Please see 37 CFR 1.97 and 1.98 to make the appropriate selection(s):

That each item of information contained in the information disclosure statement was first cited in any 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. See 37 CFR 1.97(e)(1).

OR

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 certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(2).

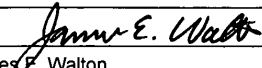
See attached certification statement.

Fee set forth in 37 CFR 1.17 (p) has been submitted herewith.

None

SIGNATURE

A signature of the applicant or representative is required in accordance with CFR 1.33, 10.18. Please see CFR 1.4(d) for the form of the signature.

Signature		Date (YYYY-MM-DD)	5/8/08
Name/Print	James E. Walton	Registration Number	47245

This collection of information is required by 37 CFR 1.97 and 1.98. 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 1 hour 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.**

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 the Freedom of Information Act requires disclosure of these records.
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 inspections 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.

(19) 日本国特許庁 (J P)

(12) 公開特許公報 (A)

(11) 特許出願公開番号

特開平9-163479

(43) 公開日 平成9年(1997)6月20日

(51) Int.Cl. ⁶	識別記号	庁内整理番号	F I	技術表示箇所
H 0 4 R 1/00	3 2 8		H 0 4 R 1/00	3 2 8 A
F 1 6 M 11/24			F 1 6 M 11/24	Z

審査請求 未請求 請求項の数 1 O L (全 4 頁)

(21) 出願番号 特願平7-316963

(22) 出願日 平成7年(1995)12月5日

(71) 出願人 000001476

株式会社カンセイ

埼玉県大宮市日進町2丁目1910番地

(72) 発明者 淵藤正巳

埼玉県大宮市日進町2丁目1910番地 株式会社カンセイ内

(72) 発明者 小林 茂

埼玉県大宮市日進町2丁目1910番地 株式会社カンセイ内

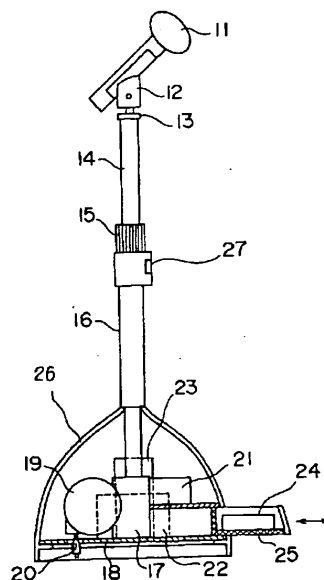
(74) 代理人 弁理士 本多 小平 (外3名)

(54) 【発明の名称】 マイクロホンスタンド

(57) 【要約】

【課題】 引き出し内にリモートコントローラを収納保持させて、該リモートコントローラの紛失を未然に防止すること及び電源コードを巻き取るコードリールを設備して、該コードリールから引き出される電源コードを使用して充電器の起動作業を容易ならしめること、及び該充電器の紛失等を未然に防止すること。

【解決手段】 スタンド台盤上の空間スペース内に、出し入れ可能な引き出しと、電源コード巻き取りのためのコードリールをそれぞれ設け、上記引き出し内には、上記リモートコントローラを收容し、また上記コードリールには前記バッテリーの充電器に接続される電源コードを巻回保持させた。



YOT-1003-0740

【特許請求の範囲】

【請求項1】 スタンド台盤(18)上に起立保持されるアウターパイプ(16)と、該アウターパイプ(16)内で上下方向へ摺動可能に支持されているインナーパイプ(14)と、該インナーパイプ(14)の上端に支持されているマイクロホン(11)と、上記インナーパイプ(14)を上下動せしめるための駆動機構及びバッテリー(22)と、該駆動機構を遠隔操作するリモートコントローラ24と、該リモートコントローラの操作によって上記駆動機構を制御する動作制御回路(23)を有するマイクロホンスタンドにおいて、上記スタンド台盤(18)上の空間スペース内に、出し入れ可能な引き出し(25)と、コードリール(19)をそれぞれ設け、上記引き出し(25)内には、上記リモートコントローラ(24)を収容し、また上記コードリール(19)には前記バッテリー(22)の充電器(21)に接続される電源コード(20)を巻回保持させていることを特徴とするマイクロホンスタンド。

【発明の詳細な説明】

【0001】

【発明の属する技術分野】本発明は、マイクロホンを支持するスタンドの伸縮を、電動かつ遠隔操作で行なうマイクロホンスタンドの昇降装置であって、特にその遠隔送信器の保管構造に特長を有するマイクロホンスタンドの昇降装置に関するものである。

【0002】

【従来の技術】例えばステージ等で使用されるマイクロホンを支持する用具としてマイクロホンスタンドが一般的に使用されているが、従来のマイクロホンスタンド構造は複数本のパイプを入子式に組合せ、その大径側パイプに設けられているロックナットをねじ込むことにより大小双方パイプを摩擦的に結合させ、そのマイクロホンスタンドの長さ(マイクロホンの上下位置)を調整することができるようになってきている。

【0003】このような従来のマイクロホンスタンドの長さ調整は、ロックナットの締付け、又は緩め操作を手動で行なわなければならない、マイクロホンの位置調整がしづらいという不便があった。またステージ等の壇上で、マイクロホンを使用しようとするとき、その使用者の身長に合ったマイクロホン高さに設定されていない場合が多く、このためマイクロホン使用者又は係員が、その使用者の高さに応じて、マイクロホンの高さ位置をその都度手動調整しなければならない、これが原因で講演等が中断されることがある等の不具合があった。

【0004】そこでこのような不具合を解消するために、本出願人は、マイクロホンスタンドの長さ(高さ)を、電動力を利用して調整することができるようにすると共に、その長さ調整を、リモートコントローラを用いて遠隔操作することができるマイクロホンスタンドの昇降装置の出願(特願平6-152459号)を既に済ま

せている。

【0005】この先願であるマイクロホンスタンドにおいては、マイクロホンスタンドの高さを遠隔操作するには必要なりモートコントローラを必要としており、このリモートコントローラの支持構造は図3で示すように、マイクロホンスタンドの支柱1に取付けられているスイッチ台2上に設けた凹部内にリモートコントローラ3を差し込み保持できるようになっており、そのマイクロホンスタンドの使用時において、該マイクロホンスタンドの高さ調整を行なうときは、リモートコントローラ3を、そのスイッチ台2上から取り出して携行し、適宜時にそのリモートコントローラを操作してマイクロホンスタンドの長さ調整を遠隔操作で行ないマイクロホンスタンドの使用が終了したときは、リモートコントローラ3をスイッチ台2上の凹部内に戻しておくことになっている。

【0006】なお、4は支柱の上端で支持されているマイクロホン、5は内部にスタンド昇降機構6、モーター7、バッテリー8、制御回路9等が内装されているスタンドカバー、10はリモコン受信器を示す。

20 【0007】

【発明が解決しようとする課題】ところが、このようなマイクロホンスタンドにおいては、リモートコントローラ3の支持構造が支柱1に固定されているスイッチ台2であって、使用時以外のリモートコントローラ3は、スイッチ台2上の凹部内に差し込み保持させておく構造となしていることから、例えばそのマイクロホンスタンドの搬送時、保管時等において、スイッチ台2上で保持されていたリモートコントローラ3が脱落して紛失することがあった。

30 【0008】また先願のマイクロホンスタンドにおいては、該マイクロホンスタンドの支柱を上下動作せしめるための駆動モータ及びその制御回路等に接続される電源としてバッテリーが使用されているため、このバッテリー8に充電するための充電器9が必要となる。

【0009】この充電器9は、マイクロホンスタンドと別体であることから、この充電器9の使用時には、該充電器を電源及びバッテリーに接続するための接続作業が必要となり、また時には、その充電器9を他の個所に置き忘れて紛失する等のこともあった。

40 【0010】本発明はかかることに着目してなされるもので、マイクロホンスタンドの台板上空間スペース内に、出し入れ可能な引き出しを設け、この引き出し内にリモートコントローラを収納保持させて、該リモートコントローラの紛失を未然に防止することを第1の目的としている。

【0011】また上記台板上の空間スペース内に充電器と、該充電器に接続されている電源コードを巻き取るコードリールを設備して、該コードリールから引き出される電源コードを使用して充電器の起動作業を容易ならしめること、及び該充電器が紛失等を未然に防止すること

を第2の目的としている。

【0012】

【課題を解決するための手段】上記目的を達成するために本発明では、スタンド台盤上に起立保持されるアウターパイプと、該アウターパイプ内で上下方向へ摺動可能に支持されているインナーパイプと、該インナーパイプの上端に支持されているマイクロホンと、上記インナーパイプを上下動せしめるための駆動機構及びバッテリーと、該駆動機構を遠隔操作するリモートコントローラと、該リモートコントローラの操作によって上記駆動機構を制御する動作制御回路を有するマイクロホンスタンドにおいて、上記スタンド台盤上の空間スペース内に、出し入れ可能な引き出しと、電源コード巻き取りのためのコードリールをそれぞれ設け、上記引き出し内には、上記リモートコントローラを収容し、また上記コードリールには前記バッテリーの充電器に接続される電源コードを巻回保持させているマイクロホンスタンドであることを特徴としている。

【0013】

【発明の実施の形態】以下に本発明を図面に示す実施例に基いて詳細に説明する。

【0014】図1、図2において、11は既存のマイクロホンであって、このマイクロホン11は、マイクロホンホルダー12に支持されている。このマイクロホンホルダー12は、接続部材13に着脱可能にねじ止めされており、マイクロホン11や、マイクロホンホルダー12の形状等の違いによって交換可能に設けられている。

【0015】14はインナーパイプ、16はこのインナーパイプ14が入子式に嵌入されるアウターパイプ、15はアウターパイプ16の接続端部に螺着されるロックナットである。

【0016】上記アウターパイプ16の下端には、巻取ボックス17が取付けられており、この巻取ボックス17はスタンド台盤18上に固定されている。

【0017】さらに上記スタンド台盤18上には、コードリール19が回転可能に支持されており、このコードリール19に巻き取られている電源コード20は、スタンド台盤18上に取付けられている充電器21に接続されている。

【0018】22は、上記巻取ボックス17内に組込まれているインナーパイプ駆動機構を動作せしめるためのバッテリー（電池）であって、このバッテリー22は充電器21により充電される。

【0019】23は上記インナーパイプ駆動機構の動作制御回路であり、24は該動作制御回路23へのリモートコントローラであって、このリモートコントローラ24は、スタンド台盤18上の空間スペース内で出し入れ可能に設けられている引き出し25内に収容される。

【0020】26はスタンド台盤18上に設備されてい

る各機器の上方から被せられて、スタンド台盤18と一体に固定されるカバー、27はアウターパイプ16の上端部に保持されているリモコン受信器を示す。

【0021】また上記リモートコントローラ24は、図2で示すようにマイクロホン上昇スイッチ24Aとマイクロホン降下スイッチ24Bを有している。

【0022】

【発明の効果】以上のように、本発明においてはマイクロホンのスタンド台盤18上に、リモートコントローラ24を収納する引き出し25を設け、さらには上記スタンド台盤18上に、バッテリー22への充電を行なうための充電器21を設備すると共にこの充電器21に接続される電源コード20を巻き取るためのコードリール19を設備したものであるから、上記リモートコントローラ24を使用しないときは、該リモートコントローラ24を引き出し25内へ収納させておけば、マイクロホンスタンドの搬送時、保管時等において、リモートコントローラ24の紛失を回避させることができる。

【0023】また充電器21はスタンド台盤18上に設備してあることから、この充電器21の紛失（所在不明）を未然に防ぐことができると共に、該充電器21に接続される電源コード20は、スタンド台盤18上に設けられているコードリール19に巻回保持されていることから、上記電源コードが絡んで取扱いが不便となることがなく、またその電源コードをコードリールから引き出すことにより充電器への充電作業がきわめて容易に行なえる等の効果が得られる。

【図面の簡単な説明】

【図1】本発明よりなるマイクロホンスタンドの実施形態を示した構造説明図。

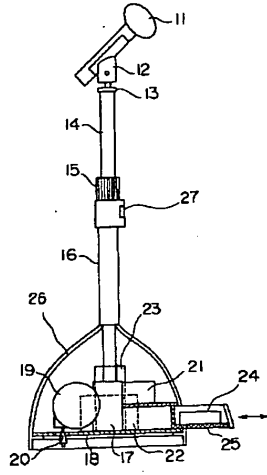
【図2】本発明よりなるマイクロホンスタンドに保持させるリモートコントローラの説明図。

【図3】先行例であるマイクロホンスタンドを示した構造説明図。

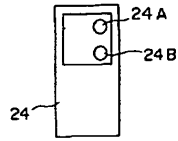
【符号の説明】

- 11…マイクロホンホルダー
- 12…マイクロホンホルダー
- 13…接続部材
- 14…インナーパイプ
- 15…ロックナット
- 16…アウターパイプ
- 17…巻取ボックス
- 18…スタンド台盤
- 19…コードリール
- 20…電源コード
- 21…充電器（電源）
- 22…バッテリー
- 23…動作制御回路
- 24…リモートコントローラ
- 25…引き出し
- 26…カバー
- 27…リモコン受信器

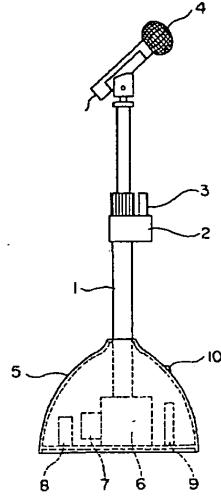
【図1】



【図2】



【図3】



DOCUMENT-IDENTIFIER: JP 09163479 A

PAT-NO: JP409163479A
DOCUMENT-IDENTIFIER: JP 09163479 A
TITLE: MICROPHONE STAND
PUBN-DATE: June 20, 1997

INVENTOR-INFORMATION:

NAME	COUNTRY
FUCHIDOU, MASAMI	
KOBAYASHI, SHIGERU	

ASSIGNEE-INFORMATION:

NAME	COUNTRY
KANSEI CORP	N/A

APPL-NO: JP07316963
APPL-DATE: December 5, 1995

INT-CL (IPC): H04R001/00 , F16M011/24

ABSTRACT:

PROBLEM TO BE SOLVED: To prevent a remote controller and a charger from being missing in advance by providing a retractable drawer and a cord reel winding a power cord connecting to a charger into a space on a base plate of a microphone stand.

SOLUTION: A drawer 25 containing a remote controller 24 is provided on a base plate 18 of a

microphone stand, a charger 21 to charge a battery 22 is provided on the base plate 18 and a cord reel 19 to wind the power cord 20 connecting to the charger 21 is provided. When the remote controller 24 is not in use, it is contained in the drawer 25 to prevent the remote controller 24 from being missing at carrying or storage or the like of the microphone stand. Furthermore, the charger 21 is equipped on the base plate 18 of the stand, the missing of the charger 21 is avoided.

COPYRIGHT: (C)1997, JPO



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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

95/000,104	08/12/2005	6612713	45639-316477	5847
------------	------------	---------	--------------	------

38441 7590 07/25/2008

LAW OFFICES OF JAMES E. WALTON, PLLC
1169 N. BURLESON BLVD.
SUITE 107-328
BURLESON, TX 76028

EXAMINER

ART UNIT	PAPER NUMBER
----------	--------------

DATE MAILED: 07/25/2008

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



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

CONTROL NO.	FILING DATE	PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
95/000,104	August 12, 2005	6,612,713	

LAW OFFICES OF JAMES E. WALTON, PLLC
1169 N. BURLESON BLVD.
SUITE 107-328
BURLESON TX 76028

EXAMINER

M RUBIN

ART UNIT PAPER

3992

DATE MAILED:

INTER PARTES REEXAMINATION COMMUNICATION

BELOW/ATTACHED YOU WILL FIND A COMMUNICATION FROM THE UNITED STATES PATENT AND TRADEMARK OFFICE OFFICIAL(S) IN CHARGE OF THE PRESENT REEXAMINATION PROCEEDING.

All correspondence relating to this *inter partes* reexamination proceeding should be directed to the **Central Reexamination Unit** at the mail, FAX, or hand-carry addresses given at the end of this communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

DO NOT USE IN PALM PRINTER

(THIRD PARTY REQUESTER'S CORRESPONDENCE ADDRESS)

Kilpatrick Stockton LLP
1100 Peachtree St Ste 2800
Atlanta, GA 30309

MAILED

JUL 25 2008

CENTRAL REEXAMINATION UNIT

Transmittal of Communication to Third Party Requester *Inter Partes* Reexamination

REEXAMINATION CONTROL NUMBER 95/000,104.

PATENT NUMBER 6,612,713.

TECHNOLOGY CENTER 3900.

ART UNIT 3992.

Enclosed is a copy of the latest communication from the United States Patent and Trademark Office in the above-identified reexamination proceeding. 37 CFR 1.903.

Prior to the filing of a Notice of Appeal, each time the patent owner responds to this communication, the third party requester of the *inter partes* reexamination may once file written comments within a period of 30 days from the date of service of the patent owner's response. This 30-day time period is statutory (35 U.S.C. 314(b)(2)), and, as such, it cannot be extended. See also 37 CFR 1.947.

If an *ex parte* reexamination has been merged with the *inter partes* reexamination, no responsive submission by any *ex parte* third party requester is permitted.

All correspondence relating to this *inter partes* reexamination proceeding should be directed to the **Central Reexamination Unit** at the mail, FAX, or hand-carry addresses given at the end of the communication enclosed with this transmittal.

PTOL-2070 (Rev.07-04)

YOT-1003-0748

NOTICE RE DEFECTIVE PAPER IN INTER PARTES REEXAMINATION	Control No.	Patent Under Reexamination	
	95/000,104	6612713	
	Examiner	Art Unit	
	MARGARET RUBIN	3992	

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

1. No proof of service is included with the paper filed by patent owner requester on _____. 37 CFR 1.248 and 1.903. Proof of service is required within a time period of 30-days or one month from the date of this letter, whichever is longer. Failure to serve the paper may result in the paper being refused consideration. If the failure to comply with this requirement results in a patent owner failure to file a timely and appropriate response to any Office action, the prosecution of the reexamination proceeding will be terminated under 37 CFR 1.957(b) or limited under 37 CFR 1.957(c) (as is appropriate for the case).
2. The paper filed on _____ by the patent owner requester is unsigned. A duplicate paper or ratification, properly signed, is required within a time period of 30-days or one month from the date of this letter, whichever is longer. Failure to comply with this requirement will result in the paper not being considered. If the failure to comply results in a patent owner failure to file a timely and appropriate response to any Office action, the prosecution of the reexamination proceeding will be terminated under 37 CFR 1.957(b) or limited under 37 CFR 1.957(c) (as is appropriate for the case).
3. The paper filed on _____ by the patent owner requester is signed by _____ who is not of record. A ratification or a new power of attorney with a ratification, or a duplicate paper signed by a person of record, is required within a time period of 30-days or one month from the date of this letter, whichever is longer. Failure to comply with this requirement will result in the paper not being considered. If the failure to comply results in a patent owner failure to file a timely and appropriate response to any Office action, the prosecution of the reexamination proceeding will be terminated under 37 CFR 1.957(b) or limited under 37 CFR 1.957(c) (as is appropriate for the case).
4. The amendment filed by patent owner on 7 February 2007, does not comply with 37 CFR 1.530. Patent owner is given a time period of 30-days or one month from the date of this letter, whichever is longer, to correct this informality, or the prosecution of the reexamination proceeding will be terminated under 37 CFR 1.957(b) or limited under 37 CFR 1.957(c) (as is appropriate for the case). The amendment will not be entered, although the argument the rein will be considered as it applies to the proceeding without the amendment should the prosecution be limited under 37 CFR 1.957(c).
5. The amendment filed by patent owner on _____, does not comply with 37 CFR 1.20(c)(3) and/or 1.20(c)(4), as to excess claim fees. Patent owner is given a time period of 30-days or one month from the date of this letter, whichever is longer, to correct this fee deficiency, or the prosecution of the reexamination proceeding will be terminated under 37 CFR 1.957(b) or limited under 37 CFR 1.957(c) (as is appropriate for the case), to effect the "abandonment" set forth in 37 CFR 1.20(c)(5).
6. Other: _____

NOTE: PATENT OWNER EXTENSIONS OF TIME ARE GOVERNED BY 37 CFR 1.956. NO EXTENSION OF TIME IS PERMITTED FOR THIRD PARTY REQUESTER. 35 U.S.C. § 314(b)(2).

All correspondence relating to this *inter partes* reexamination proceeding should be directed to the **Central Reexamination Unit** at the mail, FAX, or hand-carry addresses given at the end of this Office action.

ATTACHMENT TO PTOL-2069

The amendment in response to the Office Action mailed on December 5, 2006 is not proper for the following reasons:

1.) There is no statement of support to the changes made to claims 3, 8 and 52. While it is recognized that these claims were rewritten in independent form, these changes must nevertheless also be supported by a statement in compliance with 37 CFR 1.530(e) which states:

"Status of claims and support for claim changes. Whenever there is an amendment to the claims pursuant to paragraph (d) of this section, there must also be supplied, on pages separate from the pages containing the changes, the status (i.e., pending or canceled), as of the date of the amendment, of all patent claims and of all added claims, and an explanation of the support in the disclosure of the patent for the changes to the claims made by the amendment paper."

2.) Newly added claims 45-74 are not underlined. 37 CFR
1.530(f)(1) and (2) state:

"(f) *Changes shown by markings.* Any changes relative to the patent being reexamined which are made to the specification, including the claims, must include the following markings:

- (1) The matter to be omitted by the reexamination proceeding must be enclosed in brackets; and
- (2) The matter to be added by the reexamination proceeding must be underlined."

NOTICE RE PATENT OWNER'S CORRESPONDENCE ADDRESS

Effective May 16, 2007, 37 CFR 1.33(c) has been revised to provide that:

The patent owner's correspondence address for all communications in an *ex parte* reexamination or an *inter partes* reexamination is designated as the correspondence address of the patent.

*Revisions and Technical Corrections Affecting
Requirements for Ex Parte and Inter Partes
Reexamination, 72 FR 18892 (April 16, 2007)(Final
Rule)*

The correspondence address for any pending reexamination proceeding not having the same correspondence address as that of the patent is, by way of this revision to 37 CFR 1.33(c), automatically changed to that of the patent file as of the effective date.

Art Unit: 3992

This change is effective for any reexamination proceeding which is pending before the Office as of May 16, 2007, including the present reexamination proceeding, and to any reexamination proceeding which is filed after that date.

Parties are to take this change into account when filing papers, and direct communications accordingly.

In the event the patent owner's correspondence address listed in the papers (record) for the present proceeding is different from the correspondence address of the patent, it is strongly encouraged that the patent owner affirmatively file a Notification of Change of Correspondence Address in the reexamination proceeding and/or the patent (depending on which address patent owner desires), to conform the address of the proceeding with that of the patent and to clarify the record as to which address should be used for correspondence.

Telephone Numbers for reexamination inquiries:

Reexamination and Amendment Practice	(571) 272-7703
Central Reexam Unit (CRU)	(571) 272-7705
Reexamination Facsimile Transmission No.	(571) 273-9900

Please mail any communications to:

Mail Stop "Inter Partes Reexam"
Attn: Central Reexamination Unit
Commissioner for Patents
P. O. Box 1450
Alexandria VA 22313-1450

Please FAX any communications to:

(571) 273-9900
Central Reexamination Unit

Application/Control Number: 95/000,104
Art Unit: 3992

Page 5

Please hand-deliver any communications to:

Customer Service Window
Attn: Central Reexamination Unit
Randolph Building, Lobby Level
401 Dulany Street
Alexandria, VA 22314

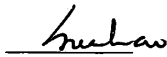
Any inquiry concerning this communication or earlier communications from the Examiner, or as to the status of this proceeding, should be directed to the Central Reexamination Unit at telephone number (571) 272-7705.



Margaret Rubin
Primary Examiner
Central Reexamination Unit 3992



conferee



conferee

YOT-1003-0753

RECEIVED
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
AUG 25 2008

CENTRAL REEXAMINATION UNIT

Attorney Docket No. 0664MH-40982-REX

In re Reexamination of:

GREGORY G. KUELBS

Examiner: **MARGARET WAMBACH**

Control No. 95/000,104

Patent No. 6,612,713

Issued: 2 SEPTEMBER 2003

Art Unit: 3992

For: **UMBRELLA APPARATUS**

TRANSMITTAL

MAIL STOP: INTER PARTES REEXAM

Central Reexamination Unit
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

Please file the following documents in the subject reexamination application:

1. This Transmittal with Certificate of Mailing;
2. Response to Notice Re Defective Paper in *Inter Partes* Reexamination;
3. Our return postcard which we would appreciate you date stamping and returning to us.

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8(a)	
Date of Deposit:	<u>8/21/08</u>
I hereby certify that this paper or fee is being deposited with the United States Postal Service as First Class Mail with sufficient postage under 37 C.F.R. §1.8(a) on the date indicated above and is addressed to Mail Stop: Inter Partes Reexam, Central Reexamination Unit, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.	
By:	<u><i>John E. Watts</i></u>

Transmittal
U.S. Reexamination Control No. 95/000,104
Page 1

YOT-1003-0754

Please link this reexamination application to Customer No. 50779 so that its status may be checked via the PAIR System.

Respectfully submitted,

8/21/08
Date

James E. Walton
James E. Walton
Reg. No. 47,245

Law Offices of James E. Walton, P.L.L.C.
1169 N. Burleson Blvd., Suite 107-328
Burleson, Texas 76028
(817) 447-9955 (Voice)
(817) 447-9954 (Facsimile)
jim@waltonpllc.com

CUSTOMER NO. 50779

ATTORNEY FOR PATENT OWNER

CONCLUSION:

The Patent Owner submits that this paper is less than fifty pages, excluding the pages containing the amended claims.

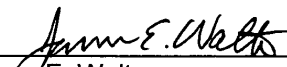
No new claims have been added. Four claims have been changed from dependent claims to independent claims; however, two independent claims have been changed into dependent claims. Thus, two independent claims are hereby added. Therefore, a fee of \$200.00 (\$100.00 x 2) has been paid.

No other fees are deemed to be necessary; however, the undersigned hereby authorizes the Director to charge any additional fees that may be required, or credit any overpayments, to **Deposit Account No. 502806**.

Please link this reexamination application to Customer No. 50779 so that its status may be checked via the PAIR System.

Respectfully submitted,

8/21/08
Date



James E. Walton
Reg. No. 47,245

Law Offices of James E. Walton, P.L.L.C.
1169 N. Burleson Blvd., Suite 107-328
Burleson, Texas 76028
(817) 447-9955 (Voice)
(817) 447-9954 (Facsimile)
jim@waltonpllc.com

CUSTOMER NO. 50779

ATTORNEY FOR PATENT OWNER

IN THE CLAIMS:

The Patent Owner submits that the following amendments add no new matter to the application and do not broaden the scope of the application.

Statements of support for each claim amendment are set forth below.

Please amend the claims as follows:

1. (Amended) An umbrella apparatus comprising:
 - a base support portion;
 - a pole portion coupled to the base support portion;
 - a canopy portion hingedly coupled to the pole portion, the canopy portion having a plurality of rib members;
 - a rechargeable electrical power system for providing electrical power to the umbrella apparatus;
 - a solar energy system carried by a module coupled to [carried by] the pole portion above the canopy portion, the solar energy system being adapted to collect solar energy and convert the solar energy into electrical energy, the solar energy system being conductively coupled to the rechargeable electrical power system, such that the solar energy collected and converted into electrical energy recharges the rechargeable electrical power system, the module being releasably coupled to the pole portion; and
 - a lighting system carried by the canopy portion, the lighting system being conductively coupled to and powered by the rechargeable electrical power system, the lighting system having multiple discrete lighting elements positioned along at least one of the rib members

[an electrical charging system for recharging the rechargeable electrical power system, the electrical charging system being adapted to receive power from an AC power outlet].

2. (Amended) An umbrella apparatus comprising:
- a base support portion;
 - a pole portion coupled to the base support portion;
 - a canopy portion hingedly coupled to the pole portion;
 - a power module carried by the pole portion above the canopy portion, the power module having an upper portion and a lower portion;
 - a rechargeable electrical power system for providing electrical power to the umbrella apparatus, the rechargeable electrical power system being disposed in the lower portion of the power module;
 - a solar energy system carried by the [pole portion above the canopy portion] upper portion of the power module, the solar energy system being adapted to collect solar energy and convert the solar energy into electrical energy, the solar energy system being conductively coupled to the rechargeable electrical power system, such that the solar energy collected and converted into electrical energy recharges the rechargeable electrical power system; and
 - a lighting system carried by the canopy portion, the lighting system being conductively coupled to and powered by the rechargeable electrical power system.

3. (Amended - Confirmed) [The] An umbrella apparatus [according to claim 2,] comprising:
- a base support portion;
 - a pole portion coupled to the base support portion;
 - a canopy portion hingedly coupled to the pole portion;
 - a rechargeable electrical power system for providing electrical power to the umbrella apparatus;
 - a solar energy system carried by the pole portion above the canopy portion, the solar energy system being adapted to collect solar energy and convert the solar energy into electrical energy, the solar energy system being conductively coupled to the rechargeable electrical power system, such that the solar energy collected and converted into electrical energy recharges the rechargeable electrical power system;

and

a lighting system carried by the canopy portion, the lighting system being conductively coupled to and powered by the rechargeable electrical power system;

wherein the lighting system comprises:

a plurality of rib members coupled to the canopy portion;

and

a plurality of cold cathode tube elements carried by the rib members, each cold cathode tube element being conductively coupled to and powered by the rechargeable electrical power source.

4. (Original) The umbrella apparatus according to claim 2, wherein the lighting system comprises:

a plurality of rib members coupled to the canopy portion; and

a plurality of light emitting diode elements carried by the rib members, each light emitting diode element being conductively coupled to and powered by the rechargeable electrical power source.

5. (Original) The umbrella apparatus according to claim 2, wherein the lighting system comprises:

a plurality of rib members coupled to the canopy portion; and

a plurality of fluorescent light elements carried by the rib members, each fluorescent light element being conductively coupled to and powered by the rechargeable electrical power source.

6. (Amended) An umbrella apparatus comprising:

a base support portion;

a pole portion coupled to the base support portion;

a canopy portion hingedly coupled to the pole portion;

a rechargeable electrical power system for providing electrical power to the

umbrella apparatus;

a solar energy system carried by a discus-shaped power unit, the power unit being carried by the pole portion above the canopy portion, the solar energy system being adapted to collect solar energy and convert the solar energy into electrical energy, the solar energy system being conductively coupled to the rechargeable electrical power system, such that the solar energy collected and converted into electrical energy recharges the rechargeable electrical power system; and

an electromechanical opening and closing system for opening and closing the canopy portion, the electromechanical opening and closing system being conductively coupled to and powered by the rechargeable electrical power system.

7. (Original) The umbrella apparatus according to claim 6, wherein the electromechanical opening and closing system comprises:

an electric motor carried by the pole portion; a control system for controlling the electric motor; a gear system coupled to the electric motor; and

a cable and pulley system coupled to the gear system and the canopy portion; wherein the opening and closing of the canopy portion is achieved by the electric motor in response to selective operation of the control system.

8. (Amended - Confirmed) [The] An umbrella apparatus [according to claim 7,] comprising:

a base support portion;

a pole portion coupled to the base support portion;

a canopy portion hingedly coupled to the pole portion;

a rechargeable electrical power system for providing electrical power to the umbrella apparatus;

a solar energy system carried by the pole portion above the canopy portion, the solar energy system being adapted to collect solar energy and convert the solar energy into electrical energy, the solar energy system being conductively coupled to the

rechargeable electrical power system, such that the solar energy collected and converted into electrical energy recharges the rechargeable electrical power system;
and

an electromechanical opening and closing system for opening and closing the canopy portion, the electromechanical opening and closing system being conductively coupled to and powered by the rechargeable electrical power system;

wherein the electromechanical opening and closing system comprises:

an electric motor carried by the pole portion;

a control system for controlling the electric motor;

a gear system coupled to the electric motor; and

a cable and pulley system coupled to the gear system and the canopy portion;

wherein the opening and closing of the canopy portion is achieved by the electric motor in response to selective operation of the control system; and

wherein the control system comprises:

a receiver conductively coupled to the electric motor;

a remote transmitter for transmitting an encoded signal to the receiver;

and

a decoder conductively coupled to the receiver for decoding the encoded signal from the transmitter.

9. (Amended) An umbrella apparatus comprising:

a base support portion;

a pole portion coupled to the base support portion;

a canopy portion hingedly coupled to the pole portion, the canopy portion having a plurality of rib members;

a rechargeable electrical power system for providing electrical power to the umbrella apparatus;

a solar energy system carried by the pole portion above the canopy portion, the solar energy system being adapted to collect solar energy and convert the solar energy

into electrical energy, the solar energy system being conductively coupled to the rechargeable electrical power system, such that the solar energy collected and converted into electrical energy recharges the rechargeable electrical power system; and

a cooling system carried by the canopy portion, the cooling system being conductively coupled to and powered by the rechargeable electrical power system, the cooling system comprising;

a fluid reservoir operably associated with the umbrella apparatus;

at least one mist nozzle [coupled to the canopy portion] carried by a rib member, each mist nozzle being in fluid communication with the fluid;

a conduit creating fluid communication between the fluid reservoir and each mist nozzle; and

a pump for pumping the fluid from the reservoir through each mist nozzle.

10. (Confirmed) An umbrella apparatus comprising:

a base support portion;

a pole portion coupled to the base support portion;

a canopy portion hingedly coupled to the pole portion;

a rechargeable electrical power system for providing electrical power to the umbrella apparatus;

a solar energy system carried by the pole portion above the canopy portion, the solar energy system being adapted to collect solar energy and convert the solar energy into electrical energy, the solar energy system being conductively coupled to the rechargeable electrical power system, such that the solar energy collected and converted into electrical energy recharges the rechargeable electrical power system; and

a combination of two or more of the following modular systems:

a lighting system carried by the canopy portion;

an electromechanical opening and closing system for opening and closing the canopy portion; or

a cooling system;

wherein each modular system is configured to be interchanged with each other, each modular system being conductively coupled to and powered by the rechargeable electrical power system.

11. (Confirmed) The umbrella apparatus according to claim 10, wherein the lighting system comprises:

a plurality of rib members coupled to the canopy portion; and

a plurality of cold cathode tube elements carried by the rib members, each cold cathode tube element being conductively coupled to and powered by the rechargeable electrical power source.

12. (Confirmed) The umbrella apparatus according to claim 10, wherein the lighting system comprises:

a plurality of rib members coupled to the canopy portion; and

a plurality of light emitting diode elements carried by the rib members, each light emitting diode element being conductively coupled to and powered by the rechargeable electrical power source.

13. (Confirmed) The umbrella apparatus according to claim 10, wherein the cooling system comprises:

a fluid reservoir operably associated with the umbrella apparatus;

at least one mist nozzle coupled to the canopy portion, each mist nozzle being in fluid communication with the fluid;

a conduit creating fluid communication between the fluid reservoir and each mist nozzle; and

a pump for pumping the fluid from the reservoir through each mist nozzle.

14. (Confirmed) The umbrella apparatus according to claim 10, wherein the electromechanical opening and closing system comprises:

an electric motor carried by the pole portion; a control system for controlling the electric motor;

a gear system coupled to the electric motor; and

a cable and pulley system coupled to the gear system and the canopy portion;

wherein the opening and closing of the canopy portion is achieved by the electric motor in response to selective operation of the control system.

Claims 15-44. (Previously Cancelled).

45. (Amended) A patio umbrella apparatus, comprising:

a base support portion;

a pole portion coupled to the base support portion;

a canopy portion hingedly coupled to the pole portion;

a power unit coupled to the pole portion above the canopy portion;

a rechargeable electrical power system for providing electrical power to the umbrella apparatus, the rechargeable electrical power system being carried by a bottom portion of the power unit;

a solar energy system adapted to collect solar energy and convert the solar energy into electrical energy, the solar energy system being conductively coupled to the rechargeable electrical power system, such that the solar energy collected and converted into electrical energy recharges the rechargeable electrical power system, the solar energy system being carried by a top portion of the power unit; and

an electrical charging system for recharging the rechargeable electrical power system, the electrical charging system being adapted to receive power from an AC power outlet.

46. (Amended) The patio umbrella apparatus according to claim 45, wherein the power unit is releasably coupled to the pole portion.

47. (Amended) A patio umbrella apparatus, comprising:
a base support portion;
a pole portion coupled to the base support portion;
a canopy portion hingedly coupled to the pole portion, the canopy portion being operable between an opened position and a closed position;
a power unit coupled to the pole portion above the canopy portion;
a rechargeable electrical power system for providing electrical power to the umbrella apparatus, the rechargeable electrical power system being carried by a bottom portion of the power unit; and
a solar energy system adapted to collect solar energy and convert the solar energy into electrical energy, the solar energy system being conductively coupled to the rechargeable electrical power system, such that the solar energy collected and converted into electrical energy recharges the rechargeable electrical power system, the solar energy system being carried by a top portion of the power unit;
wherein the power unit is carried by the pole portion such that the solar energy system is fixed relative to the pole portion when the canopy is operated between the opened position and the closed position.

48. (Amended) A patio umbrella apparatus, comprising:
a base support portion;
a pole portion coupled to the base support portion;
a canopy portion hingedly coupled to the pole portion, the canopy portion having a plurality of rib members and being operable between an opened position and a closed position;
a rechargeable electrical power system for providing electrical power to the

umbrella apparatus;

a solar energy system carried by the pole portion above the canopy portion, the solar energy system being adapted to collect solar energy and convert the solar energy into electrical energy, the solar energy system being conductively coupled to the rechargeable electrical power system, such that the solar energy collected and converted into electrical energy recharges the rechargeable electrical power system;
and

a plurality of lighting elements carried by the rib members, the lighting elements being recessed within the rib members;

wherein the rechargeable electrical power system and the solar energy system each form a component part disposed in a power unit carried by the pole portion such that the power unit is fixed relative to the pole portion when the canopy is operated between the opened position and the closed position.

49. (Amended) An umbrella apparatus, comprising:

a base support portion;

a pole portion coupled to the base support portion;

a canopy portion having a plurality of rib members, the canopy portion being hingedly coupled to the pole portion;

a rechargeable electrical power system for providing electrical power to the umbrella apparatus;

a solar energy system carried by the pole portion above the canopy portion, the solar energy system being adapted to collect solar energy and convert the solar energy into electrical energy, the solar energy system being conductively coupled to the rechargeable electrical power system, such that the solar energy collected and converted into electrical energy recharges the rechargeable electrical power system;
and

a lighting system carried by the canopy portion, the lighting system being conductively coupled to and powered by the rechargeable electrical power system;

wherein the lighting system includes multiple discrete lighting elements positioned along a rib member, each lighting element being recessed within the rib member and being conductively coupled to the rechargeable electrical power system by an electrical conductor, the electrical conductor also being recessed within the rib member.

50. (Original) The umbrella apparatus according to claim 49, wherein the lighting system includes multiple discrete lighting elements along each rib member.

51. (Amended) An umbrella apparatus, comprising:

a base support portion;

a pole portion coupled to the base support portion;

a canopy portion having a plurality of rib members, the canopy portion being hingedly coupled to the pole portion;

a rechargeable electrical power system for providing electrical power to the umbrella apparatus;

a solar energy system carried by a power unit coupled to the pole portion above the canopy portion, the solar energy system being adapted to collect solar energy and convert the solar energy into electrical energy, the solar energy system being conductively coupled to the rechargeable electrical power system, such that the solar energy collected and converted into electrical energy recharges the rechargeable electrical power system, the power unit being releasably coupled to the pole portion;

a lighting system carried by the canopy portion, the lighting system being conductively coupled to and powered by the rechargeable electrical power system, the lighting system including at least one discrete lighting element positioned along a rib member; and

translucent covers for covering the lighting elements;

wherein at least a portion of each lighting element extends beyond the corresponding rib member.

52. (Amended - Patentable) An umbrella apparatus comprising:
a base support portion;
a pole portion coupled to the base support portion;
a canopy portion having a plurality of rib members, the canopy portion being hingedly coupled to the pole portion;
a rechargeable electrical power system for providing electrical power to the umbrella apparatus;
a solar energy system carried by the pole portion above the canopy portion, the solar energy system being adapted to collect solar energy and convert the solar energy into electrical energy, the solar energy system being conductively coupled to the rechargeable electrical power system, such that the solar energy collected and converted into electrical energy recharges the rechargeable electrical power system;
and
a lighting system carried by the canopy portion, the lighting system being conductively coupled to and powered by the rechargeable electrical power system;
wherein the lighting system includes multiple discrete lighting elements positioned along a rib member; and
wherein each lighting element is fully recessed within the corresponding rib member.

53. (Original - Patentable) The umbrella apparatus according to claim 52, further comprising:

a translucent cover over the lighting elements.

54. (Original) The umbrella apparatus of claim 49, wherein the multiple discrete lighting elements are each an LED.

55. (Amended) The umbrella apparatus according to claim 52, further comprising:
wires for conductively coupling the lighting elements to the rechargeable electrical power source, the wires being fully recessed within the rib members.

56. (Amended) An umbrella apparatus, comprising:
a base support portion;
a pole portion coupled to the base support portion;
a canopy portion having a plurality of rib members, the canopy portion being hingedly coupled to the pole portion;
a rechargeable electrical power system for providing electrical power to the umbrella apparatus;
a solar energy system adapted to collect solar energy and convert the solar energy into electrical energy, the solar energy system being conductively coupled to the rechargeable electrical power system, such that the solar energy collected and converted into electrical energy recharges the rechargeable electrical power system;
and
a lighting system carried by the canopy portion, the lighting system being conductively coupled to and powered by the rechargeable electrical power system, the lighting system comprising a plurality of lighting elements carried by the rib members, each lighting element being conductively coupled to and powered by the rechargeable electrical power system;
wherein the rechargeable electrical power system and the solar energy system each form a separate component part of a power module that is carried by the pole portion above the canopy portion.

57. (Amended) A patio umbrella apparatus, comprising:
a base support portion;
a pole portion coupled to the base support portion;
a canopy portion hingedly coupled to the pole portion, the canopy portion having

a plurality of rib members;

a crank housing coupled to the pole portion, the crank housing being adapted to partially house a system for opening and closing the canopy portion;

a rechargeable electrical power system for providing electrical power to the umbrella apparatus, the rechargeable electrical power system being disposed below the canopy portion;

a solar energy system carried by the pole portion above the canopy portion, the solar energy system being adapted to collect solar energy and convert the solar energy into electrical energy, the solar energy system being conductively coupled to the rechargeable electrical power system, such that the solar energy collected and converted into electrical energy recharges the rechargeable electrical power system;

and

a lighting system carried by the canopy portion, the lighting system being conductively coupled to and powered by the rechargeable electrical power system, the lighting system comprising a plurality of lighting elements carried by the rib members, each lighting element being conductively coupled to and powered by the rechargeable electrical power system via conductors, the conductors being recessed within the rib members.

58. (Amended) The patio umbrella apparatus according to claim 57, further comprising:

a switch carried by the crank housing for controlling the system for opening and closing the canopy portion.

59. (Amended) An umbrella apparatus, comprising:

a pole portion;

a base support portion for supporting the umbrella apparatus in an upright orientation, the base support portion being coupled to the pole portion;

a canopy portion hingedly coupled to the pole portion;

a crank housing coupled to the pole portion, the crank housing being adapted to

partially house a system for opening and closing the canopy portion;

a rechargeable electrical power system for providing electrical power to the umbrella apparatus;

a switch disposed in the crank housing for controlling the system for opening and closing the canopy portion;

a solar energy system carried by the pole portion above the canopy portion, the solar energy system being adapted to collect solar energy and convert the solar energy into electrical energy, the solar energy system being conductively coupled to the rechargeable electrical power system, such that the solar energy collected and converted into electrical energy recharges the rechargeable electrical power system;
and

a lighting system carried by the canopy portion, the lighting system being conductively coupled to and powered by the rechargeable electrical power system;

wherein the rechargeable electrical power system is carried by the pole portion and the solar energy system is fixed relative to the pole portion when the canopy is operated between an opened position and a closed position.

60. (Amended) An umbrella apparatus, comprising:

a base support portion;

a pole portion coupled to the base support portion;

a canopy portion having a plurality of rib members, the canopy portion being hingedly coupled to the pole portion;

a rechargeable electrical power system for providing electrical power to the umbrella apparatus;

a solar energy system carried by the pole portion above the canopy portion, the solar energy system being adapted to collect solar energy and convert the solar energy into electrical energy, the solar energy system being conductively coupled to the rechargeable electrical power system, such that the solar energy collected and converted into electrical energy recharges the rechargeable electrical power system;
and

a lighting system carried by the canopy portion, the lighting system being conductively coupled to and powered by the rechargeable electrical power system;

wherein the lighting system includes a plurality of lighting elements, each lighting element being recessed within a corresponding rib member and being covered by a translucent cover carried by the corresponding rib member.

61. (Amended) An umbrella apparatus, comprising:

a base support portion;

a pole portion coupled to the base support portion;

a canopy portion having a plurality of rib members, the canopy portion being hingedly coupled to the pole portion;

a power unit carried by the pole portion above the canopy portion;

a rechargeable electrical power system for providing electrical power to the umbrella apparatus, the rechargeable electrical power system forming a component part of the power unit;

a solar energy system for collecting solar energy and converting the solar energy into electrical energy, the solar energy system being conductively coupled to the rechargeable electrical power system, such that the solar energy collected and converted into electrical energy recharges the rechargeable electrical power system, the solar energy system also forming a component part of the power unit; and

a lighting system carried by the canopy portion, the lighting system being conductively coupled to and powered by the rechargeable electrical power system and having a plurality of lighting elements, each lighting element being carried by a rib member and being conductively coupled to the rechargeable electrical power system via a conductor carried by the corresponding rib member.

62. (Amended) An umbrella apparatus, comprising:
a base support portion;
a pole portion coupled to the base support portion;
a canopy portion having a plurality of rib members, the canopy portion being hingedly coupled to the pole portion;
a rechargeable electrical power system for providing electrical power to the umbrella apparatus;
a solar energy system carried by the pole portion above the canopy portion, the solar energy system being adapted to collect solar energy and convert the solar energy into electrical energy, the solar energy system being conductively coupled to the rechargeable electrical power system, such that the solar energy collected and converted into electrical energy recharges the rechargeable electrical power system;
and
a light subassembly carried by the canopy portion, the light subassembly being conductively coupled to and powered by the rechargeable electrical power system;
wherein the light subassembly includes a plurality of light emitting diodes, each light emitting diode being recessed relative to a corresponding rib member and each light emitting diode being conductively coupled by a conductor recessed relative to the corresponding rib member.

63. (Amended) An umbrella apparatus, comprising:
a base support portion adapted to maintain the umbrella in an upright position;
a pole portion coupled to the base support portion, the pole portion being separable into at least two separate sections;
a canopy portion hingedly coupled to the pole portion;
a rechargeable electrical power system for providing electrical power to the umbrella apparatus;
an electrical charging system carried by the pole portion for recharging the rechargeable electrical power system, the electrical charging system being adapted to receive power from an AC power outlet;

a solar energy system coupled to the pole portion above the canopy portion, the solar energy system being adapted to collect solar energy and convert the solar energy into electrical energy, the solar energy system being conductively coupled to the rechargeable electrical power system, such that the solar energy collected and converted into electrical energy recharges the rechargeable electrical power system;
and

a lighting system carried by the canopy portion, the lighting system being conductively coupled to and powered by the rechargeable electrical power system.

64. (Amended) A patio umbrella apparatus, comprising:

a base support portion;

a pole portion coupled to the base support portion;

a canopy portion hingedly coupled to the pole portion;

a rechargeable electrical power system for providing electrical power to the umbrella apparatus;

a solar energy system contained in a discus-shaped module, the discus-shaped module being carried by the pole portion above the canopy portion, the solar energy system being adapted to collect solar energy and convert the solar energy into electrical energy, the solar energy system being conductively coupled to the rechargeable electrical power system, such that the solar energy collected and converted into electrical energy recharges the rechargeable electrical power system; and

a lighting system carried by the canopy portion, the lighting system being conductively coupled to and powered by the rechargeable electrical power system.

65. (Amended) The patio umbrella apparatus according to claim 64, wherein the discus-shaped module is releasably coupled to the pole portion.

66 (Amended) A patio umbrella apparatus, comprising:
a base support portion;
a pole portion coupled to the base support portion;
a canopy portion hingedly coupled to the pole portion, the canopy portion having a plurality of rib members and being operable between an opened position and a closed position;
a rechargeable electrical power system for providing electrical power to the umbrella apparatus;
a solar energy system adapted to collect solar energy and convert the solar energy into electrical energy, the solar energy system being conductively coupled to the rechargeable electrical power system, such that the solar energy collected and converted into electrical energy recharges the rechargeable electrical power system;
and
a lighting system carried by the canopy portion, the lighting system being conductively coupled to and powered by the rechargeable electrical power system via electrical conductors recessed within the rib members;
wherein the rechargeable electrical power system forms a bottom portion of a power unit and the solar energy system forms a top portion of the power unit, the power unit being carried by the pole portion above the canopy portion, such that the power unit remains in a fixed orientation relative to the pole portion when the canopy is operated between the opened position and the closed position.

67 (Amended) A patio umbrella apparatus, comprising:
a base support portion;
a pole portion coupled to the base support portion;
a canopy portion hingedly coupled to the pole portion;
a rechargeable electrical power system for providing electrical power to the umbrella apparatus;
a solar energy system carried by the pole portion above the canopy portion, the solar energy system being adapted to collect solar energy and convert the solar energy

into electrical energy, the solar energy system being conductively coupled to the rechargeable electrical power system, such that the solar energy collected and converted into electrical energy recharges the rechargeable electrical power system;

an electromechanical opening and closing system for opening and closing the canopy portion, the electromechanical opening and closing system being powered by the rechargeable electrical power system;

a lighting system carried by the canopy portion, the lighting system being conductively coupled to and powered by the rechargeable electrical power system; and

a switch for controlling the electromechanical opening and closing system.

68. (Amended) A patio umbrella apparatus, comprising:

a base support portion;

a pole portion coupled to the base support portion;

a canopy portion hingedly coupled to the pole portion;

a rechargeable electrical power system for providing electrical power to the umbrella apparatus;

a solar energy system carried by the pole portion above the canopy portion, the solar energy system being adapted to collect solar energy and convert the solar energy into electrical energy, the solar energy system being conductively coupled to the rechargeable electrical power system, such that the solar energy collected and converted into electrical energy recharges the rechargeable electrical power system;

an electromechanical opening and closing system for opening and closing the canopy portion, the electromechanical opening and closing system being powered by the rechargeable electrical power system, the electromechanical opening and closing system being partially housed in a housing coupled to the pole portion;

a lighting system carried by the canopy portion, the lighting system being conductively coupled to and powered by the rechargeable electrical power system; and

a switch carried by the housing for controlling the electromechanical opening and closing system.

69. (Amended) A patio umbrella apparatus, comprising:
a base support portion;
a pole portion coupled to the base support portion;
a canopy portion hingedly coupled to the pole portion;
a rechargeable electrical power system for providing electrical power to the umbrella apparatus;
a solar energy system carried by the pole portion above the canopy portion, the solar energy system being adapted to collect solar energy and convert the solar energy into electrical energy, the solar energy system being conductively coupled to the rechargeable electrical power system, such that the solar energy collected and converted into electrical energy recharges the rechargeable electrical power system;
an electromechanical opening and closing system for opening and closing the canopy portion, the electromechanical opening and closing system being powered by the rechargeable electrical power system;
a lighting system carried by the canopy portion, the lighting system being conductively coupled to and powered by the rechargeable electrical power system; and
a switch located on the pole portion for controlling the electromechanical opening and closing system.

70. (Amended) An umbrella apparatus, comprising:
a base support portion;
a pole portion coupled to the base support portion;
a canopy portion being hingedly coupled to the pole portion, the canopy portion having a plurality of rib members, each rib member having a recessed longitudinal channel;
a rechargeable electrical power system for providing electrical power to the umbrella apparatus;
a solar energy system carried by the pole portion above the canopy portion, the solar energy system being adapted to collect solar energy and convert the solar energy into electrical energy, the solar energy system being conductively coupled to the

rechargeable electrical power system, such that the solar energy collected and converted into electrical energy recharges the rechargeable electrical power system; and

a lighting system carried by the canopy portion, the lighting system being conductively coupled to and powered by the rechargeable electrical power system, the lighting system comprising a plurality of lighting elements carried by the rib members, each lighting element being disposed within the channel and being conductively coupled to and powered by the rechargeable electrical power source.

71. (Original) The umbrella apparatus according to claim 70, further comprising:
a transparent cover disposed over each channel.

72. (Amended) An umbrella apparatus, comprising:
a base support portion;
a pole portion coupled to the base support portion;
a canopy portion being hingedly coupled to the pole portion, the canopy portion having a plurality of rib members;
a rechargeable electrical power system for providing electrical power to the umbrella apparatus;
a solar energy system carried by the pole portion above the canopy portion, the solar energy system being adapted to collect solar energy and convert the solar energy into electrical energy, the solar energy system being conductively coupled to the rechargeable electrical power system, such that the solar energy collected and converted into electrical energy recharges the rechargeable electrical power system;
and
a lighting system carried by the canopy portion, the lighting system being conductively coupled to and powered by the rechargeable electrical power system, wherein the lighting system comprises:
a plurality of discrete lighting elements carried by each rib member;

wherein each discrete lighting element is conductively coupled to and powered by the rechargeable electrical power source and is recessed within a corresponding rib member, the discrete lighting elements being conductively coupled to the rechargeable electrical power system by electrical conductors, the electrical conductors also being recessed within the rib members.

73. (Amended) A patio umbrella apparatus, comprising:

a base support portion;

a pole portion coupled to the base support portion;

a canopy portion hingedly coupled to the pole portion;

a rechargeable electrical power system for providing electrical power to the umbrella apparatus;

a solar energy system carried by the pole portion above the canopy portion, the solar energy system being adapted to collect solar energy and convert the solar energy into electrical energy, the solar energy system being conductively coupled to the rechargeable electrical power system, such that the solar energy collected and converted into electrical energy recharges the rechargeable electrical power system;
and

an electrical charging system carried by the pole portion for recharging the rechargeable electrical power system, the electrical charging system being adapted to receive power from an AC power outlet;

wherein the electrical charging system remains carried by the pole portion when the rechargeable electrical power system is removed from the patio umbrella apparatus.

.74. (Amended) An umbrella apparatus comprising:

a base support portion;

a pole portion coupled to the base support portion;

a canopy portion hingedly coupled to the pole portion;

a power module carried by the pole portion above the canopy portion, the power module having an upper portion and a lower portion;

a rechargeable electrical power system for providing electrical power to the umbrella apparatus, the rechargeable electrical power system being disposed in the lower portion of the power module;

a solar energy system disposed in the upper portion of the power module, the solar energy system being adapted to collect solar energy and convert the solar energy into electrical energy, the solar energy system being conductively coupled to the rechargeable electrical power system, such that the solar energy collected and converted into electrical energy recharges the rechargeable electrical power system;
and

a lighting system carried by the canopy portion, the lighting system being conductively coupled to and powered by the rechargeable electrical power system.

REMARKS:

Claims 1-14 and 45-74 are currently pending in the subject reexamination. Claims 15-44 were previously cancelled. Claims 1-3, 6, 8, 9, 45-49, 51, 52, 55-57, 59-70, and 72-74 are hereby amended. Claims 4, 5, 7, 10-14, 50, 53, 54, 58, and 71 are not hereby amended.

The following remarks, along with the section below entitled "Statements of Support for Amendments to the Claims," explain and set forth the support in the Specification for the foregoing amendments on a claim-by-claim basis. In addition, the Patent Owner reiterates here and incorporates by reference as if set forth fully herein all of the remarks, comments, and distinguishing arguments set forth in the Patent Owner's previously filed papers.

Claim Objections:

Claim 72 stands objected to because of the indentation of line 17. The indentation of Claim 72 is hereby changed. The Patent Owner submits that the changes to the indentions of Claim 72 overcome the Examiner's objection.

Rejections Under 35 U.S.C. § 314:

Claims 59, 61, 73, and 74 stand rejected under 35 U.S.C. § 314(a) as enlarging the scope of the claims. Claims 59, 61, 73, and 74 are hereby amended to bring the scope of the claims back into the scope of the issued claims. Claim 59 is hereby amended by adding the limitation that the base support portion is coupled to the pole portion. Claim 61 is amended by adding the limitation that the solar energy system forms a component part of a power unit that is carried by the pole portion above the canopy portion. Claim 73 is hereby amended by adding the limitation that the solar energy system is carried by the pole portion above the canopy portion. Claim 74 is hereby amended by adding the limitation that the solar energy system is disposed in an upper portion of a power module that is carried by the pole portion above the canopy portion. The Patent Owner submits that the amendments to Claims 59, 61, 73, and 74 overcome the Examiner's rejections under 35 U.S.C. § 314.

In addition, the Patent Owner respectfully submits that the Examiner's comment on Page 13 of the Office Action with respect to Claim 59 is not well taken. It is not true that when a base member is present, it is always coupled to the pole member. The embodiments of Figures 2A-2C and 3A-3C are expressly configured to allow the pole portion to be removed from the base member. This concept is explained in detail at column 6, line 44-column 7, line 28 and at column 8, line 61-column 9, line 39.

Rejections Under 35 U.S.C. § 112, First Paragraph:

Claims 45-48, 51, 55-71, 73, and 74 stand rejected under 35 U.S.C. § 112, first paragraph as failing to comply with the written description requirement. Claims 45-48, 51, 55-57, 59-70, 73, and 74 are hereby amended to comply with the written description requirement. Claims 58 and 71 are not hereby amended, but are dependent upon base claims that are hereby amended to comply with the written description requirement. The Patent Owner submits that the amendments to Claims 45-48, 51, 55-57, 59-70, 73, and 74 overcome the Examiner's rejections under 35 U.S.C. § 112, First Paragraph.

In addition, the Patent Owner respectfully submits that the Examiner's comment on Page 13 of the Office Action with respect to Claim 59 is not well taken. It is not true that when a base member is present, it is always coupled to the pole member. The embodiments of Figures 2A-2C and 3A-3C are expressly configured to allow the pole portion to be removed from the base member. This concept is explained in detail at column 6, line 44-column 7, line 28 and at column 8, line 61-column 9, line 39.

Rejections Under 35 U.S.C. § 112, Second Paragraph:

Claim 56 stands rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Application regards as the invention. Claim 56 is hereby amended by changing "source" to "system." The Patent Owner submits that the amendment to Claim 56 overcomes the Examiner's rejections under 35 U.S.C. § 112, Second Paragraph.

Rejections Under 35 U.S.C. § 103(a):

I. Claims 1 and 73 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over WO 93/00840 and Valdner.

Claim 1 is hereby amended by adding the limitations that the canopy portion has a plurality of rib members, that the solar energy system is carried by a module coupled to the pole portion above the canopy portion, and that the module is releasably coupled to the pole portion. In addition, Claim 1 is further amended by adding a lighting system carried by the canopy portion and by deleting the electrical charging system adapted to receive power from an AC power outlet. This combination of features is not disclosed in the cited references. Additional support for the foregoing amendments is set forth herein in the section entitled "Statements of Support for Amendments to the Claims." The Patent Owner submits that the combination of WO 93/00840 and Valdner does not disclose the umbrella apparatus of Claim 1, as amended, and that the foregoing amendments to Claim 1 overcome the Examiner's rejections under 35 U.S.C. 103(a). For the foregoing reasons, the Patent Owner submits that Claim 1, as amended, is now patentable.

Claim 73 is hereby amended by adding the limitations that the solar energy system is carried by the pole portion above the canopy portion, and that the electrical charging system is carried by the pole portion. This combination of features is not disclosed in the cited references. Additional support for the foregoing amendments is set forth herein in the section entitled "Statements of Support for Amendments to the Claims." The Patent Owner submits that the combination of WO 93/00840 and Valdner does not disclose the umbrella apparatus of Claim 73, as amended, and that the foregoing amendments to Claim 1 overcome the Examiner's rejections under 35 U.S.C. 103(a). For the foregoing reasons, the Patent Owner submits that Claim 73, as amended, is now patentable.

II. Claims 2 and 5 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over WO 93/00840 and Phyle.

Claim 2 is hereby amended by adding the limitation of a power module carried by the pole portion above the canopy portion, the power module having an upper portion and a lower portion. Claim 2 is further amended by adding the limitations that the rechargeable electrical power system is disposed in the lower portion of the power module, and that the solar energy system is carried by the upper portion of the power module. This combination of features is not disclosed in the cited references. Additional support for the foregoing amendments is set forth herein in the section entitled "Statements of Support for Amendments to the Claims." The Patent Owner submits that the combination of WO 93/00840 and Phyle does not disclose the umbrella apparatus of Claim 2, as amended, and that the foregoing amendments to Claim 2 overcome the Examiner's rejections under 35 U.S.C. 103(a). For the foregoing reasons, the Patent Owner submits that Claim 2, as amended, is now patentable.

Claim 5 is not hereby amended; however, Claim 5 remains dependent upon Claim 2, which is hereby amended. Thus, Claim 5 now includes all of the limitations of amended Claim 2. This combination of features is not disclosed in the cited references. Additional support for the foregoing amendments is set forth herein in the section entitled "Statements of Support for Amendments to the Claims." The Patent Owner submits that the combination of WO 93/00840 and Phyle does not disclose the umbrella apparatus of Claim 5, and that the foregoing amendments to Claim 2 overcome the Examiner's rejections of Claim 5 under 35 U.S.C. 103(a). For the foregoing reasons, the Patent Owner submits that Claim 5 is now patentable.

III. Claims 2, 5, and 74 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Phyle and Valdner.

Claim 2 is hereby amended by adding the limitation of a power module carried by the pole portion above the canopy portion, the power module having an upper portion and a lower portion. Claim 2 is further amended by adding the limitations that the rechargeable electrical power system is disposed in the lower portion of the power module, and that the solar energy system is carried by the upper portion of the power module. This combination of features is not disclosed in the cited references.

Additional support for the foregoing amendments is set forth herein in the section entitled "Statements of Support for Amendments to the Claims." The Patent Owner submits that the combination of Phyle and Valdner does not disclose the umbrella apparatus of Claim 2, as amended, and that the foregoing amendments to Claim 2 overcome the Examiner's rejections under 35 U.S.C. 103(a). For the foregoing reasons, the Patent Owner submits that Claim 2, as amended, is now patentable.

Claim 5 is not hereby amended; however, Claim 5 remains dependent upon Claim 2, which is hereby amended. Thus, Claim 5 now includes all of the limitations of amended Claim 2. This combination of features is not disclosed in the cited references. Additional support for the foregoing amendments is set forth herein in the section entitled "Statements of Support for Amendments to the Claims." The Patent Owner submits that the combination of Phyle and Valdner does not disclose the umbrella apparatus of Claim 5, and that the foregoing amendments to Claim 2 overcome the Examiner's rejections of Claim 5 under 35 U.S.C. 103(a). For the foregoing reasons, the Patent Owner submits that Claim 5 is now patentable.

Claim 74 is hereby amended by adding the limitation of a power module carried by the pole portion above the canopy portion, the power module having an upper portion and a lower portion. Claim 74 is further amended by adding the limitations that the rechargeable electrical power system is disposed in the lower portion of the power module, and that the solar energy system is disposed in the upper portion of the power module. This combination of features is not disclosed in the cited references. Additional support for the foregoing amendments is set forth herein in the section entitled "Statements of Support for Amendments to the Claims." The Patent Owner submits that the combination of Phyle and Valdner does not disclose the umbrella apparatus of Claim 74, as amended, and that the foregoing amendments to Claim 74 overcome the Examiner's rejections under 35 U.S.C. 103(a). For the foregoing reasons, the Patent Owner submits that Claim 74, as amended, is now patentable.

IV. Claims 2 and 4 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over WO 93/00840 and Pan or Wu or JP 9-168415 or Mai or Yang.

Claim 2 is hereby amended by adding the limitation of a power module carried by the pole portion above the canopy portion, the power module having an upper portion and a lower portion. Claim 2 is further amended by adding the limitations that the rechargeable electrical power system is disposed in the lower portion of the power module, and that the solar energy system is carried by the upper portion of the power module. This combination of features is not disclosed in the cited references. Additional support for the foregoing amendments is set forth herein in the section entitled "Statements of Support for Amendments to the Claims." The Patent Owner submits that the combination of WO 93/00840 and Pan or Wu or JP 9-168415 or Mai or Yang does not disclose the umbrella apparatus of Claim 2, as amended, and that the foregoing amendments to Claim 2 overcome the Examiner's rejections under 35 U.S.C. 103(a). In addition, filed herewith is a Second Declaration Under 37 C.F.R. § 1.131 in which the inventor, Gregory G. Kuelbs, swears behind the effective dates of the Cathel, Lee '856, Mai, Pan, Lee '224, Yang, Molnar, Vivian, Farr, and Lai references. In light of this Declaration, the Patent Owner respectfully submits that the Mai, Pan, and Yang references may not be relied upon to reject Claim 2. For the foregoing reasons, the Patent Owner submits that Claim 2, as amended, is now patentable.

Claim 4 is not hereby amended; however, Claim 4 remains dependent upon Claim 2, which is hereby amended. Thus, Claim 4 now includes all of the limitations of amended Claim 2. This combination of features is not disclosed in the cited references. Additional support for the foregoing amendments is set forth herein in the section entitled "Statements of Support for Amendments to the Claims." The Patent Owner submits that the combination of WO 93/00840 and Pan or Wu or JP 9-168415 or Mai or Yang does not disclose the umbrella apparatus of Claim 4, and that the foregoing amendments to Claim 2 overcome the Examiner's rejections of Claim 4 under 35 U.S.C. 103(a). In addition, filed herewith is a Second Declaration Under 37 C.F.R. § 1.131 in which the inventor, Gregory G. Kuelbs, swears behind the effective dates of the Cathel, Lee '856, Mai, Pan, Lee '224, Yang, Molnar, Vivian, Farr, and Lai references. In light of this Declaration, the Patent Owner respectfully submits that the

Mai, Pan, and Yang references may not be relied upon to reject Claim 4. For the foregoing reasons, the Patent Owner submits that Claim 4 is now patentable.

V. Claim 4 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Phyle and Valdner and Wu or Pan or JP 9-168415 or Yang or Mai.

Claim 4 is not hereby amended; however, Claim 4 remains dependent upon Claim 2, which is hereby amended. Thus, Claim 4 now includes all of the limitations of amended Claim 2. This combination of features is not disclosed in the cited references. Additional support for the foregoing amendments is set forth herein in the section entitled "Statements of Support for Amendments to the Claims." The Patent Owner submits that the combination of Phyle and Valdner and Wu or Pan or JP 9-168415 or Yang or Mai does not disclose the umbrella apparatus of Claim 4, and that the foregoing amendments to Claim 2 overcome the Examiner's rejections of Claim 4 under 35 U.S.C. 103(a). In addition, filed herewith is a Second Declaration Under 37 C.F.R. § 1.131 in which the inventor, Gregory G. Kuelbs, swears behind the effective dates of the Cathel, Lee '856, Mai, Pan, Lee '224, Yang, Molnar, Vivian, Farr, and Lai references. In light of this Declaration, the Patent Owner respectfully submits that the Mai, Pan, and Yang references may not be relied upon to reject Claim 4. For the foregoing reasons, the Patent Owner submits that Claim 4 is now patentable.

VI. Claims 6 and 7 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Phyle and Small.

Claim 6 is hereby amended by adding the limitation that the solar energy system is carried by a discus-shaped power unit that is carried by the pole portion above the canopy portion. This combination of features is not disclosed in the cited references. Additional support for the foregoing amendments is set forth herein in the section entitled "Statements of Support for Amendments to the Claims." The Patent Owner submits that the combination of Phyle and Small does not disclose the umbrella apparatus of Claim 6, as amended, and that the foregoing amendments to Claim 6 overcome the Examiner's rejections under 35 U.S.C. 103(a). For the foregoing reasons, the Patent Owner submits that Claim 6, as amended, is now patentable.

Claim 7 is not hereby amended; however, Claim 7 remains dependent upon Claim 6, which is hereby amended. Thus, Claim 7 now includes all of the limitations of amended Claim 6. This combination of features is not disclosed in the cited references. Additional support for the foregoing amendments is set forth herein in the section entitled "Statements of Support for Amendments to the Claims." The Patent Owner submits that the combination of Phyle and Small does not disclose the umbrella apparatus of Claim 7, and that the foregoing amendments to Claim 6 overcome the Examiner's rejections of Claim 7 under 35 U.S.C. 103(a). For the foregoing reasons, the Patent Owner submits that Claim 7 is now patentable.

VII. Claim 9 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Phyle and Farr.

Claim 9 is hereby amended by adding the limitations that the canopy portion has a plurality of rib members and that the at least one mist nozzle is carried by a rib member. This combination of features is not disclosed in the cited references. Additional support for the foregoing amendments is set forth herein in the section entitled "Statements of Support for Amendments to the Claims." The Patent Owner submits that the combination of Phyle and Farr does not disclose the umbrella apparatus of Claim 9, as amended, and that the foregoing amendments to Claim 9 overcome the Examiner's rejections under 35 U.S.C. 103(a). For the foregoing reasons, the Patent Owner submits that Claim 9, as amended, is now patentable.

VIII. Claims 49, 50, and 72 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over WO 93/00840 and Morgan or Rushing or Pan or JP 9-168415 or Mai. Claims 51 and 55 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over WO 93/00840 and Lee '856. Claim 54 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over WO 93/00840 and Pan or JP 9-168415 or Mai.

Claim 49 is hereby amended by adding the limitation that each lighting element is fully recessed within the rib member and is conductively coupled to the rechargeable electrical power system by an electrical conductor that is also fully recessed within the rib member. This combination of features is not disclosed in the cited references.

Additional support for the foregoing amendments is set forth herein in the section entitled "Statements of Support for Amendments to the Claims." The Patent Owner submits that the combination of WO 93/00840 and Pan or JP 9-168415 or Mai does not disclose the umbrella apparatus of Claim 49, as amended, and that the foregoing amendments to Claim 49 overcome the Examiner's rejections under 35 U.S.C. 103(a). In addition, filed herewith is a Second Declaration Under 37 C.F.R. § 1.131 in which the inventor, Gregory G. Kuelbs, swears behind the effective dates of the Cathel, Lee '856, Mai, Pan, Lee '224, Yang, Molnar, Vivian, Farr, and Lai references. In light of this Declaration, the Patent Owner respectfully submits that the Mai and Pan references may not be relied upon to reject Claim 49. For the foregoing reasons, the Patent Owner submits that Claim 49, as amended, is now patentable.

Claim 50 is not hereby amended; however, Claim 50 remains dependent upon Claim 49, which is hereby amended. Thus, Claim 50 now includes all of the limitations of amended Claim 49. This combination of features is not disclosed in the cited references. Additional support for the foregoing amendments is set forth herein in the section entitled "Statements of Support for Amendments to the Claims." The Patent Owner submits that the combination of WO 93/00840 and Pan or JP 9-168415 or Mai does not disclose the umbrella apparatus of Claim 50, and that the foregoing amendments to Claim 49 overcome the Examiner's rejections of Claim 50 under 35 U.S.C. 103(a). In addition, filed herewith is a Second Declaration Under 37 C.F.R. § 1.131 in which the inventor, Gregory G. Kuelbs, swears behind the effective dates of the Cathel, Lee '856, Mai, Pan, Lee '224, Yang, Molnar, Vivian, Farr, and Lai references. In light of this Declaration, the Patent Owner respectfully submits that the Mai and Pan references may not be relied upon to reject Claim 50. For the foregoing reasons, the Patent Owner submits that Claim 50 is now patentable.

Claim 51 is hereby amended by making Claim 51 an independent claim. All of the limitations of the original base claim, original Claim 49, have been incorporated into amended Claim 51, with the exception that the limitation relating to the lighting system including multiple discrete lighting elements positioned along a rib member has been replaced with the limitation that the lighting system includes at least one discrete

lighting element positioned along a rib member. In addition, Claim 51 is hereby amended by adding the limitations of a translucent cover for covering the lighting elements, that the solar energy system is carried by a power unit coupled to the pole portion above the canopy portion, and that a portion of each lighting element extends beyond the corresponding rib member. This combination of features is not disclosed in the cited references. Additional support for the foregoing amendments is set forth herein in the section entitled "Statements of Support for Amendments to the Claims." The Patent Owner submits that the combination of WO 93/00840 and Lee '856 does not disclose the umbrella apparatus of Claim 51, as amended, and that the foregoing amendments to Claim 51 overcome the Examiner's rejections under 35 U.S.C. 103(a). In addition, filed herewith is a Second Declaration Under 37 C.F.R. § 1.131 in which the inventor, Gregory G. Kuelbs, swears behind the effective dates of the Cathel, Lee '856, Mai, Pan, Lee '224, Yang, Molnar, Vivian, Farr, and Lai references. In light of this Declaration, the Patent Owner respectfully submits that the Lee '856 reference may not be relied upon to reject Claim 51. For the foregoing reasons, the Patent Owner submits that Claim 51 is now patentable.

Claim 54 is not hereby amended; however, Claim 54 remains dependent upon Claim 49, which is hereby amended. Thus, Claim 54 now includes all of the limitations of amended Claim 49. This combination of features is not disclosed in the cited references. Additional support for the foregoing amendments is set forth herein in the section entitled "Statements of Support for Amendments to the Claims." The Patent Owner submits that the combination of WO 93/00840 and Pan or JP 9-168415 or Mai does not disclose the umbrella apparatus of Claim 54, and that the foregoing amendments to Claim 49 overcome the Examiner's rejections of Claim 54 under 35 U.S.C. 103(a). In addition, filed herewith is a Second Declaration Under 37 C.F.R. § 1.131 in which the inventor, Gregory G. Kuelbs, swears behind the effective dates of the Cathel, Lee '856, Mai, Pan, Lee '224, Yang, Molnar, Vivian, Farr, and Lai references. In light of this Declaration, the Patent Owner respectfully submits that the Mai and Pan references may not be relied upon to reject Claim 54. For the foregoing reasons, the Patent Owner submits that Claim 54 is now patentable.

Claim 55 is hereby amended by adding the limitation of a translucent cover disposed over the lighting elements, and the limitation that the wires are fully recessed within the rib members. In addition, Claim 55 remains dependent upon Claim 51, which is hereby amended by adding additional limitations. This combination of features is not disclosed in the cited references. Additional support for the foregoing amendments is set forth herein in the section entitled "Statements of Support for Amendments to the Claims." The Patent Owner submits that the combination of WO 93/00840 and Lee '856 does not disclose the umbrella apparatus of Claim 55, as amended, and that the foregoing amendments to Claim 55 overcome the Examiner's rejections under 35 U.S.C. 103(a). In addition, filed herewith is a Second Declaration Under 37 C.F.R. § 1.131 in which the inventor, Gregory G. Kuelbs, swears behind the effective dates of the Cathel, Lee '856, Mai, Pan, Lee '224, Yang, Molnar, Vivian, Farr, and Lai references. In light of this Declaration, the Patent Owner respectfully submits that the Lee '856 reference may not be relied upon to reject Claim 55. For the foregoing reasons, the Patent Owner submits that Claim 55 is now patentable.

Claim 72 is hereby amended by adding the limitation that each discrete lighting element is recessed within the rib member and is conductively coupled to the rechargeable electrical power system by an electrical conductor that is also recessed within the rib member. This combination of features is not disclosed in the cited references. Additional support for the foregoing amendments is set forth herein in the section entitled "Statements of Support for Amendments to the Claims." The Patent Owner submits that the combination of WO 93/00840 and Pan or JP 9-168415 or Mai does not disclose the umbrella apparatus of Claim 72, as amended, and that the foregoing amendments to Claim 72 overcome the Examiner's rejections under 35 U.S.C. 103(a). In addition, filed herewith is a Second Declaration Under 37 C.F.R. § 1.131 in which the inventor, Gregory G. Kuelbs, swears behind the effective dates of the Cathel, Lee '856, Mai, Pan, Lee '224, Yang, Molnar, Vivian, Farr, and Lai references. In light of this Declaration, the Patent Owner respectfully submits that the Mai and Pan references may not be relied upon to reject Claim 72. For the foregoing reasons, the Patent Owner submits that Claim 72, as amended, is now patentable.

IX. Claims 49, 50, and 72 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Phyle and Valdner, and Morgan or Rushing or Pan or JP 9-168415 or Mai. Claims 51 and 55 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Phyle and Valdner, and Lee '856. Claim 54 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Phyle and Valdner, and Pan or JP 9-168415 or Mai.

Claim 49 is hereby amended by adding the limitation that each lighting element is fully recessed within the rib member and is conductively coupled to the rechargeable electrical power system by an electrical conductor that is also fully recessed within the rib member. This combination of features is not disclosed in the cited references. Additional support for the foregoing amendments is set forth herein in the section entitled "Statements of Support for Amendments to the Claims." The Patent Owner submits that the combination of Phyle and Valdner, and Morgan or Rushing or Pan or JP 9-168415 or Mai does not disclose the umbrella apparatus of Claim 49, as amended, and that the foregoing amendments to Claim 49 overcome the Examiner's rejections under 35 U.S.C. 103(a). In addition, filed herewith is a Second Declaration Under 37 C.F.R. § 1.131 in which the inventor, Gregory G. Kuelbs, swears behind the effective dates of the Cathel, Lee '856, Mai, Pan, Lee '224, Yang, Molnar, Vivian, Farr, and Lai references. In light of this Declaration, the Patent Owner respectfully submits that the Mai and Pan references may not be relied upon to reject Claim 49. For the foregoing reasons, the Patent Owner submits that Claim 49, as amended, is now patentable.

Claim 50 is not hereby amended; however, Claim 50 remains dependent upon Claim 49, which is hereby amended. Thus, Claim 50 now includes all of the limitations of amended Claim 49. This combination of features is not disclosed in the cited references. Additional support for the foregoing amendments is set forth herein in the section entitled "Statements of Support for Amendments to the Claims." The Patent Owner submits that the combination of Phyle and Valdner, and Morgan or Rushing or Pan or JP 9-168415 or Mai does not disclose the umbrella apparatus of Claim 50, and that the foregoing amendments to Claim 49 overcome the Examiner's rejections of

Claim 50 under 35 U.S.C. 103(a). In addition, filed herewith is a Second Declaration Under 37 C.F.R. § 1.131 in which the inventor, Gregory G, Kuelbs, swears behind the effective dates of the Cathel, Lee '856, Mai, Pan, Lee '224, Yang, Molnar, Vivian, Farr, and Lai references. In light of this Declaration, the Patent Owner respectfully submits that the Mai and Pan references may not be relied upon to reject Claim 50. For the foregoing reasons, the Patent Owner submits that Claim 50 is now patentable.

Claim 51 is hereby amended by making Claim 51 an independent claim. All of the limitations of the original base claim, original Claim 49, have been incorporated into amended Claim 51, with the exception that the limitation relating to the lighting system including multiple discrete lighting elements positioned along a rib member has been replaced with the limitation that the lighting system includes at least one discrete lighting element positioned along a rib member. In addition, Claim 51 is hereby amended by adding the limitations of a translucent cover for covering the lighting elements, that the solar energy system is carried by a power unit coupled to the pole portion above the canopy portion, and that a portion of each lighting element extends beyond the corresponding rib member. This combination of features is not disclosed in the cited references. Additional support for the foregoing amendments is set forth herein in the section entitled "Statements of Support for Amendments to the Claims." The Patent Owner submits that the combination of Phyle and Valdner, and Lee '856 does not disclose the umbrella apparatus of Claim 51, as amended, and that the foregoing amendments to Claim 51 overcome the Examiner's rejections under 35 U.S.C. 103(a). In addition, filed herewith is a Second Declaration Under 37 C.F.R. § 1.131 in which the inventor, Gregory G, Kuelbs, swears behind the effective dates of the Cathel, Lee '856, Mai, Pan, Lee '224, Yang, Molnar, Vivian, Farr, and Lai references. In light of this Declaration, the Patent Owner respectfully submits that the Lee '856 reference may not be relied upon to reject Claim 51. For the foregoing reasons, the Patent Owner submits that Claim 51 is now patentable.

Claim 54 is not hereby amended; however, Claim 54 remains dependent upon Claim 49, which is hereby amended. Thus, Claim 54 now includes all of the limitations of amended Claim 49. This combination of features is not disclosed in the cited

references. Additional support for the foregoing amendments is set forth herein in the section entitled "Statements of Support for Amendments to the Claims." The Patent Owner submits that the combination of Phyle and Valdner, and Pan or JP 9-168415 or Mai does not disclose the umbrella apparatus of Claim 54, and that the foregoing amendments to Claim 49 overcome the Examiner's rejections of Claim 54 under 35 U.S.C. 103(a). In addition, filed herewith is a Second Declaration Under 37 C.F.R. § 1.131 in which the inventor, Gregory G. Kuelbs, swears behind the effective dates of the Cathel, Lee '856, Mai, Pan, Lee '224, Yang, Molnar, Vivian, Farr, and Lai references. In light of this Declaration, the Patent Owner respectfully submits that the Mai and Pan references may not be relied upon to reject Claim 54. For the foregoing reasons, the Patent Owner submits that Claim 54 is now patentable.

Claim 55 is hereby amended by adding the limitation of a translucent cover disposed over the lighting elements, and the limitation that the wires are fully recessed within the rib members. In addition, Claim 55 remains dependent upon Claim 51, which is hereby amended by adding additional limitations. This combination of features is not disclosed in the cited references. Additional support for the foregoing amendments is set forth herein in the section entitled "Statements of Support for Amendments to the Claims." The Patent Owner submits that the combination of Phyle and Valdner, and Lee '856 does not disclose the umbrella apparatus of Claim 55, as amended, and that the foregoing amendments to Claim 55 overcome the Examiner's rejections under 35 U.S.C. 103(a). In addition, filed herewith is a Second Declaration Under 37 C.F.R. § 1.131 in which the inventor, Gregory G. Kuelbs, swears behind the effective dates of the Cathel, Lee '856, Mai, Pan, Lee '224, Yang, Molnar, Vivian, Farr, and Lai references. In light of this Declaration, the Patent Owner respectfully submits that the Lee '856 reference may not be relied upon to reject Claim 55. For the foregoing reasons, the Patent Owner submits that Claim 55 is now patentable.

Claim 72 is hereby amended by adding the limitation that each discrete lighting element is recessed within the rib member and is conductively coupled to the rechargeable electrical power system by an electrical conductor that is also recessed within the rib member. This combination of features is not disclosed in the cited

references. Additional support for the foregoing amendments is set forth herein in the section entitled "Statements of Support for Amendments to the Claims." The Patent Owner submits that the combination of Phyle and Valdner, and Morgan or Rushing or Pan or JP 9-168415 or Mai does not disclose the umbrella apparatus of Claim 72, as amended, and that the foregoing amendments to Claim 72 overcome the Examiner's rejections under 35 U.S.C. 103(a). In addition, filed herewith is a Second Declaration Under 37 C.F.R. § 1.131 in which the inventor, Gregory G. Kuelbs, swears behind the effective dates of the Cathel, Lee '856, Mai, Pan, Lee '224, Yang, Molnar, Vivian, Farr, and Lai references. In light of this Declaration, the Patent Owner respectfully submits that the Mai and Pan references may not be relied upon to reject Claim 72. For the foregoing reasons, the Patent Owner submits that Claim 72, as amended, is now patentable.

X. Claims 57 and 58 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Phyle and Small and Valdner.

Claim 57 is hereby amended by removing the switch feature and the electrical charging system feature. Claim 57 is further amended adding the limitations that the canopy portion has a plurality of rib members, and the rechargeable electrical power system is disposed below the canopy portion. In addition, the limitation of a lighting system carried by the canopy portion has been added, in which the lighting system comprises a plurality of lighting elements carried by the rib members, wherein each lighting element is conductively coupled to and powered by the rechargeable electrical power system via conductors that are recessed within the rib members. This combination of features is not disclosed in the cited references. Additional support for the foregoing amendments is set forth herein in the section entitled "Statements of Support for Amendments to the Claims." The Patent Owner submits that the combination of Phyle and Small and Valdner does not disclose the umbrella apparatus of Claim 57, as amended, and that the foregoing amendments to Claim 57 overcome the Examiner's rejections under 35 U.S.C. 103(a). For the foregoing reasons, the Patent Owner submits that Claim 57, as amended, is now patentable.

Claim 58 is hereby amended by removing the lighting system feature and adding the limitation of a switch carried by the crank housing for controlling the system for opening and closing the canopy portion. In addition, Claim 58 remains dependent upon Claim 57, which is also hereby amended. This combination of features is not disclosed in the cited references. Additional support for the foregoing amendments is set forth herein in the section entitled "Statements of Support for Amendments to the Claims." The Patent Owner submits that the combination of Phyle and Small and Valdner does not disclose the umbrella apparatus of Claim 58, as amended, and that the foregoing amendments to Claim 58 overcome the Examiner's rejections under 35 U.S.C. 103(a). For the foregoing reasons, the Patent Owner submits that Claim 58, as amended, is now patentable.

Confirmation of Claims:

Claims 10-14 stand confirmed and are not hereby amended. Claims 3 and 8 stand confirmed; however, Claims 3 and 8 are hereby amended by changing Claims 3 and 8 into independent claims that incorporate all of the limitations of the respective base claims and any intervening claims.

Patentability of Claims:

Claims 52 and 53 stand as being patentable. Claim 52 is hereby amended by changing Claim 52 into an independent claim that incorporates all of the limitations of the base claim and any intervening claims. Claim 53 is not hereby amended.

The Patent Owner respectfully points out that on Page 77 of the Office Action, the Examiner appears to have inadvertently stated that the proposed rejection of Claim 52 under 35 U.S.C. § 112, first paragraph, "is adopted." The Patent Owner presumes that because Claim 52 is listed on Page 1 of the Office Action as patentable, because the Examiner expressly listed her reasons for patentability on Page 127 of the Office Action, and because the Examiner has not provided any basis for any rejection of Claim 52, the Examiner's statement on Page 77 of the Office Action should state that the

proposed rejection "is not adapted." If this presumption is incorrect, the Patent Owner respectfully solicits clarification from the Examiner.

Second Declaration Under 37 C.F.R. § 1.131:

Enclosed herewith for filing in the subject reexamination is a Second Declaration Under 37 C.F.R. § 1.131 of Gregory G. Kuelbs, including Exhibits A-V. With the Second Declaration Under 37 C.F.R. § 1.131, the inventor, Gregory G. Kuelbs, swears behind the effective dates of the following references: U.S. Patent No. 6,299,325 to Cathel; U.S. Patent No. 6,499,856 to Lee; U.S. Patent No. 6,270,230 to Mai; U.S. Patent No. 6,439,249 to Pan et al.; U.S. Patent No. 6,666,224 to Lee; U.S. Patent No. 6,341,873 to Yang; U.S. Patent No. 6,298,866 to Molnar; U.S. Patent Application Publication No. 2005/0072451 to Vivian; U.S. Patent Application Publication No. 2002/0078985 to Farr; and U.S. Patent No. 6,182,917 to Lai.

According to 37 C.F.R. § 1.131(a), "[w]hen any claim of an application or a patent under reexamination is rejected the inventor of the subject matter of the rejected claim, the owner of the patent under reexamination, ... may submit an appropriate oath or declaration to establish invention of the subject matter of the rejected claim prior to the effective date of the reference or activity on which the rejection is based." According to 37 C.F.R. § 1.131(b), "[t]he showing of facts shall be of such, in character and weight, as to establish reduction to practice prior to the effective filing date of the reference, or conception of the invention prior to the effective date of the reference coupled with due diligence from prior to said date to a subsequent reduction to practice or to the filing of the application." As set forth at M.P.E.P. § 715.07, "when reviewing a 37 C.F.R. § 1.131 affidavit or declaration, the Examiner must consider all of the evidence presented in its entirety, including the affidavits or declarations and all accompanying exhibits, records and 'notes.'"

The enclosed Second Declaration Under 37 C.F.R. § 1.131 and supporting Exhibits establish that the inventor, Gregory G. Kuelbs, conceived and reduced to practice the subject matter of Claims 2, 4, 9, 49, 50, 51, 54, 55, and 72 prior to the

effective filing date of the references listed above. Thus, the references listed above may not be relied upon to reject Claims 2, 4, 9, 49, 50, 51, 54, 55, and 72.

Acknowledgement of Misquoted Statement:

The Requester correctly pointed out that the undersigned attorney misquoted the language of the Valdner patent relating to the suitability and purpose of the Valdner device. The undersigned attorney respectfully submits that this misquoting of the Valdner patent was inadvertent and not done intentionally. The undersigned attorney inadvertently misread the Valdner patent, typed the quoted passage incorrectly, and mistakenly relied upon such incorrect quote. This mistake was purely on the part of the undersigned attorney and not the Patent Owner. The undersigned apologizes to the Requester and the Examiner for any inconvenience this mistake may have caused.

STATEMENTS OF SUPPORT FOR AMENDMENTS TO THE CLAIMS:

Claims 1-14 and 45-74 are currently pending in the subject reexamination. Claims 15-44 were previously cancelled. Claims 1-3, 6, 8, 9, 45-49, 51, 52, 55-57, 59-70, and 72-74 are hereby amended. Claims 4, 5, 7, 10-14, 50, 53, 54, 58, and 71 are not hereby amended.

The Patent Owner submits that support for each element and feature of each and every claim in the patent, may be found in the various embodiments of the invention disclosed in the patent. The following are statements for support of each amended claim.

Support for all of the elements of amended Claim 1 may be found at various locations throughout the patent, including the figures. In particular, support for the base, the pole, and the canopy is shown in Figures 1-3C and described at column 3, lines 12-47, at column 5, lines 15-31, and at column 7, lines 29-45, and is shown in Figures 6-9 and described at column 11, lines 48-59, and is further described at column 12, lines 26-57. Support for the rechargeable electrical power system is shown in Figures 1-3C and described at column 4, lines 23-44, at column 6, lines 12-24, at column 8, lines 26-32, and is shown in Figures 6-9 and described at column 11, lines 48-59, at column 12, lines 51-53, column 13, lines 26-28, column 13, lines 50-52, and column 14, lines 21-23. Support for the solar energy system is shown in Figures 1-3C and described at column 4, lines 45-63, at column 6, lines 25-43, and at column 8, lines 42-60, and is shown in Figures 6-9 and described at column 11, lines 48-59, at column 12, lines 26-57. Support for the solar energy system and the rechargeable electrical power system being carried by a module that is releasably coupled to the pole portion is shown in Figures 6-9 and described at column 11, lines 48-59 and at column 12, lines 26-57. Support for the lighting system carried by the canopy portion and being conductively coupled to the rechargeable electrical power system is shown in Figures 1-3C and described at column 3, lines 48-59, at column 5, lines 31-48, at column 7, lines 45-62, and is shown in Figure 6 and described at column 12, line 26-column 13, line 3. Support for the lighting system having multiple discrete lighting elements positioned

along at least one of the rib members is shown in Figures 1-3C and described at column 3, lines 48-59, at column 5, lines 31-48, at column 7, lines 45-62, and is shown in Figure 6 and described at column 12, line 26-column 13, line 3. The Patent Owner directs the Examiner's attention to column 12, line 58-column 13, line 3, in which the patent clearly states that other low power lighting systems, such as "an LED or fluorescent lighting subassembly may be utilized instead" of the cold cathode tube light assembly shown in the embodiment of Figure 6. Thus, the Patent Owner submits that any reference to a cold cathode tube lighting subassembly may be replaced by an LED or fluorescent lighting subassembly.

Support for all of the elements of amended Claim 2 may be found at various locations throughout the patent, including the figures. In particular, support for the base, the pole, and the canopy is shown in Figures 1-3C and described at column 3, lines 12-47, at column 5, lines 15-31, and at column 7, lines 29-45, and is shown in Figures 6-9 and described at column 11, lines 48-59, and is further described at column 12, lines 26-57. Support for the rechargeable electrical power system is shown in Figures 1-3C and described at column 4, lines 23-44, at column 6, lines 12-24, at column 8, lines 26-32, and is shown in Figures 6-9 and described at column 11, lines 48-59, at column 12, lines 51-53, column 13, lines 26-28, column 13, lines 50-52, and column 14, lines 21-23. Support for the solar energy system is shown in Figures 1, 2A, and 3A and described at column 4, lines 45-63, at column 6, lines 25-43, and at column 8, lines 42-60, and is shown in Figures 6-9 and described at column 11, lines 48-59, at column 12, lines 26-57. Support for the solar energy system and the rechargeable electrical power system being carried by a power module coupled to the pole portion is shown in Figures 6-9 and described at column 11, lines 48-59 and at column 12, lines 26-57. Support for the solar energy system being carried by the upper portion of the power module and the rechargeable electrical power system being disposed in the lower portion of the power module is shown in Figures 6-9 and described at column 12, lines 26-35. Support for the lighting system carried by the canopy portion and being conductively coupled to the rechargeable electrical power system is shown in Figures 1-

3C and described at column 3, lines 48-59, at column 5, lines 31-48, at column 7, lines 45-62, and is shown in Figure 6 and described at column 12, line 26-column 13, line 3.

Support for all of the elements of amended Claim 3 may be found at various locations throughout the patent, including the figures. In particular, support for the base, the pole, and the canopy is shown in Figures 1-3C and described at column 3, lines 12-47, at column 5, lines 15-31, and at column 7, lines 29-45, and is shown in Figures 6-9 and described at column 11, lines 48-59, and is further described at column 12, lines 26-57. Support for the rechargeable electrical power system is shown in Figures 1-3C and described at column 4, lines 23-44, at column 6, lines 12-24, at column 8, lines 26-32, and is shown in Figures 6-9 and described at column 11, lines 48-59, at column 12, lines 51-53, column 13, lines 26-28, column 13, lines 50-52, and column 14, lines 21-23. Support for the solar energy system is shown in Figures 1, 2A, and 3A and described at column 4, lines 45-63, at column 6, lines 25-43, and at column 8, lines 42-60, and is shown in Figures 6-9 and described at column 11, lines 48-59, at column 12, lines 26-57. Support for the lighting system having cold cathode tube elements carried by the rib members and being conductively coupled to the rechargeable electrical power system is shown in Figures 1-3C and described at column 3, lines 48-59, at column 5, lines 31-48, at column 7, lines 45-62, and is shown in Figure 6 and described at column 12, line 26-column 13, line 3.

Support for all of the elements of amended Claim 6 may be found at various locations throughout the patent, including the figures. In particular, support for the base, the pole, and the canopy is shown in Figures 1-3C and described at column 3, lines 12-47, at column 5, lines 15-31, and at column 7, lines 29-45, and is shown in Figures 6-9 and described at column 11, lines 48-59, and is further described at column 12, lines 26-57. Support for the rechargeable electrical power system is shown in Figures 1-3C and described at column 4, lines 23-44, at column 6, lines 12-24, at column 8, lines 26-32, and is shown in Figures 6-9 and described at column 11, lines 48-59, at column 12, lines 51-53, column 13, lines 26-28, column 13, lines 50-52, and column 14, lines 21-23. Support for the solar energy system is shown in Figures 1-3C and described at column 4, lines 45-63, at column 6, lines 25-43, and at column 8, lines

42-60, and is shown in Figures 6-9 and described at column 11, lines 48-59, at column 12, lines 26-57. Support for the solar energy system being carried by a disc-shaped power unit is shown in Figures 1-3C and described at column 4, lines 45-63, at column 6, lines 25-43, and at column 8, lines 42-60, and is shown in Figures 6-9 and described at column 11, lines 48-59 and at column 12, lines 26-57. Support for the electromechanical opening and closing system being conductively coupled to and powered by the rechargeable electrical power system is shown Figures 1, 2A, and 3A and is described at column 3, line 60-column 4, line 22, at column 5, line 49-column 6, line 11, and at column 7, line 63-column 8, line 25, is shown in Figures 5A and 5B and is described at column 11, lines 10-47, and is shown in Figure 9 and described at column 11, line 48-column 12, line 25, and at column 14, lines 3-37.

Support for all of the elements of amended Claim 8 may be found at various locations throughout the patent, including the figures. In particular, support for the base, the pole, and the canopy is shown in Figures 1-3C and described at column 3, lines 12-47, at column 5, lines 15-31, and at column 7, lines 29-45, and is shown in Figures 6-9 and described at column 11, lines 48-59, and is further described at column 12, lines 26-57. Support for the rechargeable electrical power system is shown in Figures 1-3C and described at column 4, lines 23-44, at column 6, lines 12-24, at column 8, lines 26-32, and is shown in Figures 6-9 and described at column 11, lines 48-59, at column 12, lines 51-53, column 13, lines 26-28, column 13, lines 50-52, and column 14, lines 21-23. Support for the solar energy system is shown in Figures 1, 2A, and 3A and described at column 4, lines 45-63, at column 6, lines 25-43, and at column 8, lines 42-60, and is shown in Figures 6-9 and described at column 11, lines 48-59, at column 12, lines 26-57. Support for the electromechanical opening and closing system being conductively coupled to and powered by the rechargeable electrical power system, and having an electric motor, a control system, a gear system coupled to the electric motor, and a cable and pulley system is shown Figures 1, 2A, and 3A and is described at column 3, line 60-column 4, line 22, at column 5, line 49-column 6, line 11, and at column 7, line 63-column 8, line 25, is shown in Figures 5A and 5B and is described at column 11, lines 10-47, and is shown in Figure 9 and described at column

11, line 48-column 12, line 25, and at column 14, lines 3-37. Support for the control system having a receiver, a remote transmitter, and a decoder is shown in Figure 5B and is described at column 11, lines 28-48.

Support for all of the elements of amended Claim 9 may be found at various locations throughout the patent, including the figures. In particular, support for the base, the pole, and the canopy is shown in Figures 1-3C and described at column 3, lines 12-47, at column 5, lines 15-31, and at column 7, lines 29-45, and is shown in Figures 6-9 and described at column 11, lines 48-59, and is further described at column 12, lines 26-57. Support for the rechargeable electrical power system is shown in Figures 1-3C and described at column 4, lines 23-44, at column 6, lines 12-24, at column 8, lines 26-32, and is shown in Figures 6-9 and described at column 11, lines 48-59, at column 12, lines 51-53, column 13, lines 26-28, column 13, lines 50-52, and column 14, lines 21-23. Support for the solar energy system is shown in Figures 1-3C and described at column 4, lines 45-63, at column 6, lines 25-43, and at column 8, lines 42-60, and is shown in Figures 6-9 and described at column 11, lines 48-59, at column 12, lines 26-57. Support for the cooling system carried by the rib members of the canopy portion is shown in Figures 4B and 4C and described at column 9, line 65-column 10, line 67, and in Figures 7 and 8 and described at column 13-column 14, line 2.

Support for all of the elements of amended Claim 45 may be found at various locations throughout the patent, including the figures. In particular, support for the base, the pole, and the canopy is shown in Figures 1-3C and described at column 3, lines 12-47, at column 5, lines 15-31, and at column 7, lines 29-45, and is shown in Figures 6-9 and described at column 11, lines 48-59, and is further described at column 12, lines 26-57. Support for the rechargeable electrical power system is shown in Figures 1-3C and described at column 4, lines 23-44, at column 6, lines 12-24, at column 8, lines 26-32, and is shown in Figures 6-9 and described at column 11, lines 48-59, at column 12, lines 51-53, column 13, lines 26-28, column 13, lines 50-52, and column 14, lines 21-23. Support for the solar energy system is shown in Figures 1, 2A, and 3A and described at column 4, lines 45-63, at column 6, lines 25-43, and at column

8, lines 42-60, and is shown in Figures 6-9 and described at column 11, lines 48-59, at column 12, lines 26-57. Support for the solar energy system and the rechargeable electrical power system being carried by a power unit coupled to the pole portion is shown in Figures 6-9 and described at column 11, lines 48-59 and at column 12, lines 26-57. Support for the solar energy system being carried by the top portion of the power unit and the rechargeable electrical power system being carried by the bottom portion of the power module is shown in Figures 6-9 and described at column 12, lines 26-35.

Furthermore, the Patent Owner submits that each and every possible combination of features need not be shown in a separate drawing figure in order to obtain patentable claims for such combination of features, provided there is support in the patent for such combination of features. The Patent Owner directs the Examiner's attention to several specific references in the patent that provide support for placing the solar energy system, the rechargeable electrical power system, **and** the electrical charging system in a unitary structure atop the pole portion. At column 11, lines 50-52, the patent reads:

In these embodiments, the rechargeable **power source** and solar recharging system are mounted atop the pole portion of the umbrella apparatus above the canopy. One concept which runs throughout the embodiments depicted in FIGS. 6-9 is the utilization of a "**power unit.**" This concept involves the placement of a **unitary structure** at a defined location relative to the umbrella. For example, in the embodiments of FIGS. 6-9, the power unit is shown at a top location **directly above the umbrella apparatus, and secured to the pole portion with a threaded coupling.** FIG 6 depicts a top-mounted power unit and a cold cathode tube lighting system. (Emphasis added).

At column 12, lines 27-35, the patent reads:

As is shown, a power unit 725 is provided for connection to the uppermost portion of umbrella apparatus 701. In this embodiment, a cold cathode tube light subassembly 721 is provided for connection at a different location to umbrella apparatus 701. Power unit 725 includes a solar collector 727 at its uppermost portion. Solar collector 727 is preferably carried by a top portion 703 of power unit 725. A bottom portion 705 of power unit 725 defines an **interior battery compartment 707.** (Emphasis added).

Then, at column 12, lines 51-53, the patent reads:

The **power source, such as power sources 50, 150, and 250**, carried by power unit 725 is utilized to energize cold cathode tube light subassembly 721. During daylight hours, solar energy is collected by solar panel 727 and is converted and utilized to recharge the rechargeable **power source** which is maintained within **battery compartment 707**. (Emphasis added).

This "power source 50" is referred to in the patent with respect to Figure 1 as "power system 50." As is clearly shown in Figure 1, power source 50 includes both the power source 55, i.e. rechargeable batteries 55a, and the external power system charger 51. As set forth at column 4, lines 23-63:

Umbrella apparatus 11 includes a **power system 50** having a **power source 55**. In this embodiment, power source 55 is preferably disposed in the hollow interior of pole portion 15 at a lower extremity and comprises one or more **rechargeable batteries 55a**. A releasable end cap 57 having integral ground connectors is provided at the lowermost portion of pole portion 15 to complete the electrical circuit of power system 50 and to allow access to rechargeable batteries 55a, as rechargeable batteries 55a may have to be periodically replaced. **Power system 50 provides electrical power to lighting system 26** and opening and closing system 40. An **external power system charger 51 is electrically coupled to power system 50** to aid in repeatedly charging rechargeable batteries 55a. As is shown in FIG. 1, an external adapter 60 may be provided. External adapter 60 includes a relatively small plug 59 that is adapted to be conductively received by external power system charger 51, an extension cord 61, an electrical transformer 63, and terminals 65 that allow transformer 63 to be plugged into a conventional AC wall outlet. **This allows power system charger 51 to receive power directly from a conventional AC wall outlet in order to recharge rechargeable batteries 55a.**

In accordance with a preferred embodiment of the present invention, an alternative power system charger 62 may be provided. Alternate power system charger 62 includes at least one solar cell 35 carried by an upper cap portion 64. **Solar cells 35 are conductively coupled to power system charger 51** via wires (not shown) that pass through the hollow interior of pole portion 15, thereby allowing solar cells 35 to provide an electrical charge to recharge rechargeable batteries 55a, provided sunlight falls upon solar cells 35. Because solar cells 35 provide continuous recharging throughout the daylight hours, the amount and frequency of charging power system 50 with external power system charger 60 may be minimized. It is important to note that locating alternate power system

charger 62 atop umbrella portion 13 is unique and advantageous, particularly when alternate power system charger 62 includes solar cells 35 or other types of solar energy collectors. Such location limits the visibility of alternate power system charger 62 and ensures that solar energy collection is maximized. (Emphasis added).

Thus, a power source, which can include a rechargeable electrical power system, i.e., rechargeable batteries 55a; an electrical charging system that is adapted to be plugged into a conventional AC wall outlet, i.e., power system charger 51; and a solar energy system, such as solar collector 727, may be disposed in a unitary power unit carried atop the pole portion.

Support for all of the elements of amended Claim 46 may be found at various locations throughout the patent, including the figures. Support for the elements from Claim 46 are set forth above. In addition, support for the power unit being releasably coupled to the pole portion is shown in Figures 6-9 and described at column 11, lines 48-59 and at column 12, lines 26-57.

Support for all of the elements of amended Claim 47 may be found at various locations throughout the patent, including the figures. In particular, support for the base, the pole, and the canopy is shown in Figures 1-3C and described at column 3, lines 12-47, at column 5, lines 15-31, and at column 7, lines 29-45, and is shown in Figures 6-9 and described at column 11, lines 48-59, and is further described at column 12, lines 26-57. Support for the rechargeable electrical power system is shown in Figures 1-3C and described at column 4, lines 23-44, at column 6, lines 12-24, at column 8, lines 26-32, and is shown in Figures 6-9 and described at column 11, lines 48-59, at column 12, lines 51-53, column 13, lines 26-28, column 13, lines 50-52, and column 14, lines 21-23. Support for the solar energy system is shown in Figures 1, 2A, and 3A and described at column 4, lines 45-63, at column 6, lines 25-43, and at column 8, lines 42-60, and is shown in Figures 6-9 and described at column 11, lines 48-59, at column 12, lines 26-57. Support for the solar energy system and the rechargeable electrical power system being carried by a power unit coupled to the pole portion is shown in Figures 6-9 and described at column 11, lines 48-59 and at column 12, lines

26-57. Support for the solar energy system being carried by the top portion of the power unit and the rechargeable electrical power system being carried by the bottom portion of the power unit is shown in Figures 6-9 and described at column 12, lines 26-35. Support for the power unit being releasably coupled to the pole portion is shown in Figures 6-9 and described at column 11, lines 48-59 and at column 12, lines 26-57. Support for the power unit being fixed relative to the pole portion when the canopy is operated is shown in Figure 6 and described at column 11, lines 48-59 and at column 12, lines 26-57.

Support for all of the elements of amended Claim 48 may be found at various locations throughout the patent, including the figures. In particular, support for the base, the pole, and the canopy is shown in Figures 1-3C and described at column 3, lines 12-47, at column 5, lines 15-31, and at column 7, lines 29-45, and is shown in Figures 6-9 and described at column 11, lines 48-59, and is further described at column 12, lines 26-57. Support for the rechargeable electrical power system is shown in Figures 1-3C and described at column 4, lines 23-44, at column 6, lines 12-24, at column 8, lines 26-32, and is shown in Figures 6-9 and described at column 11, lines 48-59, at column 12, lines 51-53, column 13, lines 26-28, column 13, lines 50-52, and column 14, lines 21-23. Support for the solar energy system is shown in Figures 1, 2A, and 3A and described at column 4, lines 45-63, at column 6, lines 25-43, and at column 8, lines 42-60, and is shown in Figures 6-9 and described at column 11, lines 48-59, at column 12, lines 26-57. Support for the solar energy system and the rechargeable electrical power system forming component parts of a power unit coupled to the pole portion is shown in Figures 6-9 and described at column 11, lines 48-59 and at column 12, lines 26-57. Support for the power unit being fixed relative to the pole portion when the canopy is operated is shown in Figure 6 and described at column 11, lines 48-59 and at column 12, lines 26-57. Support for the lighting elements being carried by the rib members and being recessed within the rib members is shown in Figures 1, 2A, and 3A and described at column 3, lines 48-59, at column 5, lines 31-48, at column 7, lines 45-62, and is shown in Figure 6 and described at column 12, line 26-column 13, line 3, and

shown in Figures 4A-4C and described at column 7, lines 45-62 and at column 9, line 40-column 10, line 67.

Support for all of the elements of amended Claim 49 may be found at various locations throughout the patent, including the figures. In particular, support for the base, the pole, and the canopy is shown in Figures 1-3C and described at column 3, lines 12-47, at column 5, lines 15-31, and at column 7, lines 29-45, and is shown in Figures 6-9 and described at column 11, lines 48-59, and is further described at column 12, lines 26-57. Support for the rechargeable electrical power system is shown in Figures 1-3C and described at column 4, lines 23-44, at column 6, lines 12-24, at column 8, lines 26-32, and is shown in Figures 6-9 and described at column 11, lines 48-59, at column 12, lines 51-53, column 13, lines 26-28, column 13, lines 50-52, and column 14, lines 21-23. Support for the solar energy system is shown in Figures 1, 2A, and 3A and described at column 4, lines 45-63, at column 6, lines 25-43, and at column 8, lines 42-60, and is shown in Figures 6-9 and described at column 11, lines 48-59, at column 12, lines 26-57. Support for the lighting elements being carried by the rib members and being recessed within the rib members and being conductively coupled to the rechargeable electrical power system by an electrical conductor that is also recessed within the rib member is shown in Figures 1, 2A, and 3A and described at column 3, lines 48-59, at column 5, lines 31-48, at column 7, lines 45-62, and is shown in Figure 6 and described at column 12, line 26-column 13, line 3, and shown in Figures 4A-4C and described at column 7, lines 45-62 and at column 9, line 40-column 10, line 67.

Support for all of the elements of amended Claim 51 may be found at various locations throughout the patent, including the figures. In particular, support for the base, the pole, and the canopy is shown in Figures 1-3C and described at column 3, lines 12-47, at column 5, lines 15-31, and at column 7, lines 29-45, and is shown in Figures 6-9 and described at column 11, lines 48-59, and is further described at column 12, lines 26-57. Support for the rechargeable electrical power system is shown in Figures 1-3C and described at column 4, lines 23-44, at column 6, lines 12-24, at column 8, lines 26-32, and is shown in Figures 6-9 and described at column 11, lines

48-59, at column 12, lines 51-53, column 13, lines 26-28, column 13, lines 50-52, and column 14, lines 21-23. Support for the solar energy system is shown in Figures 1, 2A, and 3A and described at column 4, lines 45-63, at column 6, lines 25-43, and at column 8, lines 42-60, and is shown in Figures 6-9 and described at column 11, lines 48-59, at column 12, lines 26-57. Support for the solar energy system being carried by a power unit coupled to the pole portion is shown in Figures 6-9 and described at column 11, lines 48-59 and at column 12, lines 26-57. Support for the solar energy system being carried by a power unit that is releasably coupled to the pole portion is shown in Figures 6-9 and described at column 11, lines 48-59 and at column 12, lines 26-57. Support for the lighting system carried by the canopy portion and being conductively coupled to the rechargeable electrical power system is shown in Figures 1, 2A, and 3A and described at column 3, lines 48-59, at column 5, lines 31-48, at column 7, lines 45-62, and is shown in Figure 6 and described at column 12, line 26-column 13, line 3. Support for the lighting system having at least one discrete lighting element positioned along a rib member is shown in Figures 1, 2A, and 3A and described at column 3, lines 48-59, at column 5, lines 31-48, at column 7, lines 45-62, and is shown in Figure 6 and described at column 12, line 26-column 13, line 3. Support for the translucent covers is shown in Figures 4A-4C and described at column 7, lines 45-62 and at column 9, line 40-column 10, line 67, and is shown in Figure 6 and described at column 12, line 26-column 13, line 3. Support for at least a portion of each lighting element extending beyond the corresponding rib member is shown in Figure 6 and described at column 12, line 26-column 13, line 3. The Patent Owner directs the Examiner's attention to column 12, line 58-column 13, line 3, in which the patent clearly states that other low power lighting systems, such as "an LED or fluorescent lighting subassembly may be utilized instead" of the cold cathode tube light assembly shown in the embodiment of Figure 6. Thus, the Patent Owner submits that any reference to a cold cathode tube lighting subassembly may be replaced by an LED or fluorescent lighting subassembly.

Support for all of the elements of amended Claim 52 may be found at various locations throughout the patent, including the figures. In particular, support for the base, the pole, and the canopy is shown in Figures 1-3C and described at column 3,

lines 12-47, at column 5, lines 15-31, and at column 7, lines 29-45, and is shown in Figures 6-9 and described at column 11, lines 48-59, and is further described at column 12, lines 26-57. Support for the rechargeable electrical power system is shown in Figures 1-3C and described at column 4, lines 23-44, at column 6, lines 12-24, at column 8, lines 26-32, and is shown in Figures 6-9 and described at column 11, lines 48-59, at column 12, lines 51-53, column 13, lines 26-28, column 13, lines 50-52, and column 14, lines 21-23. Support for the solar energy system is shown in Figures 1, 2A, and 3A and described at column 4, lines 45-63, at column 6, lines 25-43, and at column 8, lines 42-60, and is shown in Figures 6-9 and described at column 11, lines 48-59, at column 12, lines 26-57. Support for the lighting system carried by the canopy portion and being conductively coupled to the rechargeable electrical power system is shown in Figures 1-3C and described at column 3, lines 48-59, at column 5, lines 31-48, at column 7, lines 45-62, and is shown in Figure 6 and described at column 12, line 26-column 13, line 3. Support for the lighting system including multiple discrete lighting elements positioned along a rib member, each discrete lighting element being recessed within a corresponding rib member is shown in Figures 1, 2A, and 3A and described at column 3, lines 48-59, at column 5, lines 31-48, at column 7, lines 45-62, is shown in Figures 4A-4C and described at column 7, lines 45-62 and at column 9, line 40-column 10, line 67, and is shown in Figure 6 and described at column 12, line 26-column 13, line 3. The Patent Owner directs the Examiner's attention to column 12, line 58-column 13, line 3, in which the patent clearly states that other low power lighting systems, such as "an LED or fluorescent lighting subassembly may be utilized instead" of the cold cathode tube light assembly shown in the embodiment of Figure 6. Thus, the Patent Owner submits that any reference to a cold cathode tube lighting subassembly may be replaced by an LED or fluorescent lighting subassembly.

Support for all of the elements of amended Claim 55 may be found at various locations throughout the patent, including the figures. Support for the elements from Claim 52 are set forth above. In addition, support for the wires being recessed within the rib member is shown in Figures 1, 2A, and 3A and described at column 3, lines 48-59, at column 5, lines 31-48, at column 7, lines 45-62, and is shown in Figure 6 and

described at column 12, line 26-column 13, line 3, and shown in Figures 4A-4C and described at column 7, lines 45-62 and at column 9, line 40-column 10, line 67.

Support for all of the elements of amended Claim 56 may be found at various locations throughout the patent, including the figures. In particular, support for the base, the pole, and the canopy is shown in Figures 1-3C and described at column 3, lines 12-47, at column 5, lines 15-31, and at column 7, lines 29-45, and is shown in Figures 6-9 and described at column 11, lines 48-59, and is further described at column 12, lines 26-57. Support for the rechargeable electrical power system is shown in Figures 1-3C and described at column 4, lines 23-44, at column 6, lines 12-24, at column 8, lines 26-32, and is shown in Figures 6-9 and described at column 11, lines 48-59, at column 12, lines 51-53, column 13, lines 26-28, column 13, lines 50-52, and column 14, lines 21-23. Support for the solar energy system is shown in Figures 1, 2A, and 3A and described at column 4, lines 45-63, at column 6, lines 25-43, and at column 8, lines 42-60, and is shown in Figures 6-9 and described at column 11, lines 48-59, at column 12, lines 26-57. Support for the lighting system being carried by the canopy portion and having a plurality of lighting elements carried by the rib members is shown in Figures 1, 2A, and 3A and described at column 3, lines 48-59, at column 5, lines 31-48, at column 7, lines 45-62, and is shown in Figure 6 and described at column 12, line 26-column 13, line 3. The Patent Owner directs the Examiner's attention to column 12, line 58-column 13, line 3, in which the patent clearly states that other low power lighting systems, such as "an LED or fluorescent lighting subassembly may be utilized instead" of the cold cathode tube light assembly shown in the embodiment of Figure 6. Thus, the Patent Owner submits that any reference to a cold cathode tube lighting subassembly may be replaced by an LED or fluorescent lighting subassembly. Support for the solar energy system and the rechargeable electrical power system forming separate component parts of a power module that is carried by the pole portion above the canopy portion is shown in Figures 6-9 and described at column 11, lines 48-59 and at column 12, lines 26-57.

Support for all of the elements of amended Claim 57 may be found at various locations throughout the patent, including the figures. In particular, support for the

base, the pole, and the canopy is shown in Figures 1-3C and described at column 3, lines 12-47, at column 5, lines 15-31, and at column 7, lines 29-45, and is shown in Figures 6-9 and described at column 11, lines 48-59, and is further described at column 12, lines 26-57. Support for the rechargeable electrical power system being disposed below the canopy portion is shown in Figures 1-3C and described at column 4, lines 23-44, at column 6, lines 12-24, at column 8, lines 26-32. Support for the solar energy system is shown in Figures 1, 2A, and 3A and described at column 4, lines 45-63, at column 6, lines 25-43, and at column 8, lines 42-60. Support for the crank housing coupled to the pole portion is shown in Figures 1, 2A, and 3A and is described at column 3, line 60-column 4, line 22, at column 5, line 49-column 6, line 11, and at column 7, line 63-column 8, line 25. Support for the lighting system carried by the canopy portion and being conductively coupled to the rechargeable electrical power system is shown in Figures 1, 2A, and 3A and described at column 3, lines 48-59, at column 5, lines 31-48, at column 7, lines 45-62. Support for the lighting elements being carried by the rib members and being conductively coupled to the rechargeable electrical power system by wires that are also recessed within the rib member is shown in Figures 1, 2A, and 3A and described at column 3, lines 48-59, at column 5, lines 31-48, at column 7, lines 45-62, and is shown in Figure 6 and described at column 12, line 26-column 13, line 3, and shown in Figures 4A-4C and described at column 7, lines 45-62 and at column 9, line 40-column 10, line 67.

Support for all of the elements of amended Claim 58 may be found at various locations throughout the patent, including the figures. Support for the elements from Claim 57 are set forth above. In addition, support for the switch carried by the crank housing for controlling the system for opening and closing the canopy is shown in Figures 1, 2A, and 3A and described at column 3, line 60-column 4, line 22, at column 5, line 49-column 6, line 11, and at column 7, line 63-column 8, line 25, and in Figures 5A and 5B and at column 11, lines 10-47.

Support for all of the elements of amended Claim 59 may be found at various locations throughout the patent, including the figures. In particular, support for the base, the pole, and the canopy is shown in Figures 1-3C and described at column 3,

lines 12-47, at column 5, lines 15-31, and at column 7, lines 29-45. Support for the rechargeable electrical power system is shown in Figures 1-3C and described at column 4, lines 23-44, at column 6, lines 12-24, at column 8, lines 26-32. Support for the solar energy system is shown in Figures 1, 2A, and 3A and described at column 4, lines 45-63, at column 6, lines 25-43, and at column 8, lines 42-60. Support for the crank housing coupled to the pole portion is shown in Figures 1, 2A, and 3A and is described at column 3, line 60-column 4, line 22, at column 5, line 49-column 6, line 11, and at column 7, line 63-column 8, line 25. Support for the switch disposed in the crank housing for controlling the system for opening and closing the canopy is shown in Figures 1, 2A, and 3A and described at column 3, line 60-column 4, line 22, at column 5, line 49-column 6, line 11, and at column 7, line 63-column 8, line 25, and in Figures 5A and 5B and at column 11, lines 10-47. Support for the rechargeable electrical power system being carried by the pole portion is shown in Figure 1 and described at column 4, lines 23-63. Support for the solar energy system remaining fixed relative to the pole portion when the canopy is operated is shown in Figures 1, 2A, and 3A and is described at column 4, lines 45-63, at column 6, lines 25-43, and at column 8, lines 42-60, and is shown in Figures 6-9 and described at column 11, lines 48-59, at column 12, lines 26-57. In addition, the Patent Owner respectfully submits that the Examiner's comment on Page 13 of the Office Action with respect to Claim 59 is not well taken. It is not true that when a base member is present, it is always coupled to the pole member. The embodiments of Figures 2A-2C and 3A-3C are expressly configured to allow the pole portion to be removed from the base member. That is concept is explained in detail at column 6, line 44-column 7, line 28 and at column 8, line 61-column 9, line 39.

Support for all of the elements of amended Claim 60 may be found at various locations throughout the patent, including the figures. In particular, support for the base, the pole, and the canopy is shown in Figures 1-3C and described at column 3, lines 12-47, at column 5, lines 15-31, and at column 7, lines 29-45, and is shown in Figures 6-9 and described at column 11, lines 48-59, and is further described at column 12, lines 26-57. Support for the rechargeable electrical power system is shown in

Figures 1-3C and described at column 4, lines 23-44, at column 6, lines 12-24, at column 8, lines 26-32, and is shown in Figures 6-9 and described at column 11, lines 48-59, at column 12, lines 51-53, column 13, lines 26-28, column 13, lines 50-52, and column 14, lines 21-23. Support for the solar energy system is shown in Figures 1, 2A, and 3A and described at column 4, lines 45-63, at column 6, lines 25-43, and at column 8, lines 42-60, and is shown in Figures 6-9 and described at column 11, lines 48-59, at column 12, lines 26-57. Support for the lighting system carried by the canopy portion and being conductively coupled to the rechargeable electrical power system is shown in Figures 1, 2A, and 3A and described at column 3, lines 48-59, at column 5, lines 31-48, at column 7, lines 45-62, and is shown in Figure 6 and described at column 12, line 26-column 13, line 3. Support for the lighting elements being recessed within the rib members is shown in Figures 1, 2A, and 3A and described at column 3, lines 48-59, at column 5, lines 31-48, at column 7, lines 45-62, and is shown in Figure 6 and described at column 12, line 26-column 13, line 3, and shown in Figures 4A-4C and described at column 7, lines 45-62 and at column 9, line 40-column 10, line 67. Support for the translucent cover is shown in Figures 4A-4C and described at column 7, lines 45-62 and at column 9, line 40-column 10, line 67, and is shown in Figure 6 and described at column 12, line 26-column 13, line 3.

Support for all of the elements of amended Claim 61 may be found at various locations throughout the patent, including the figures. In particular, support for the base, the pole, and the canopy is shown in Figures 1-3C and described at column 3, lines 12-47, at column 5, lines 15-31, and at column 7, lines 29-45, and is shown in Figures 6-9 and described at column 11, lines 48-59, and is further described at column 12, lines 26-57. Support for the rechargeable electrical power system is shown in Figures 1-3C and described at column 4, lines 23-44, at column 6, lines 12-24, at column 8, lines 26-32, and is shown in Figures 6-9 and described at column 11, lines 48-59, at column 12, lines 51-53, column 13, lines 26-28, column 13, lines 50-52, and column 14, lines 21-23. Support for the solar energy system is shown in Figures 1, 2A, and 3A and described at column 4, lines 45-63, at column 6, lines 25-43, and at column 8, lines 42-60, and is shown in Figures 6-9 and described at column 11, lines 48-59, at

column 12, lines 26-57. Support for the solar energy system and the rechargeable electrical power system forming separate component parts of a power unit that is carried by the pole portion above the canopy portion is shown in Figures 6-9 and described at column 11, lines 48-59 and at column 12, lines 26-57. Support for the lighting system carried by a rib member and being conductively coupled to the rechargeable electrical power system via a conductor carried by the rib member is shown in Figures 1, 2A, and 3A and described at column 3, lines 48-59, at column 5, lines 31-48, at column 7, lines 45-62, is shown in Figures 4A-4C and described at column 7, lines 45-62 and at column 9, line 40-column 10, line 67, and is shown in Figure 6 and described at column 12, line 26-column 13, line 3.

Support for all of the elements of amended Claim 62 may be found at various locations throughout the patent, including the figures. In particular, support for the base, the pole, and the canopy is shown in Figures 1-3C and described at column 3, lines 12-47, at column 5, lines 15-31, and at column 7, lines 29-45, and is shown in Figures 6-9 and described at column 11, lines 48-59, and is further described at column 12, lines 26-57. Support for the rechargeable electrical power system is shown in Figures 1-3C and described at column 4, lines 23-44, at column 6, lines 12-24, at column 8, lines 26-32, and is shown in Figures 6-9 and described at column 11, lines 48-59, at column 12, lines 51-53, column 13, lines 26-28, column 13, lines 50-52, and column 14, lines 21-23. Support for the solar energy system is shown in Figures 1, 2A, and 3A and described at column 4, lines 45-63, at column 6, lines 25-43, and at column 8, lines 42-60, and is shown in Figures 6-9 and described at column 11, lines 48-59, at column 12, lines 26-57. Support for the light subassembly carried by the canopy portion and being conductively coupled to the rechargeable electrical power system is shown in Figures 1, 2A, and 3A and described at column 3, lines 48-59, at column 5, lines 31-48, at column 7, lines 45-62, is shown in Figures 4A-4C and described at column 7, lines 45-62 and at column 9, line 40-column 10, line 67, and is shown in Figure 6 and described at column 12, line 26-column 13, line 3. Support for the light subassembly including a plurality of light emitting diodes, each light emitting diode being recessed relative to a corresponding rib member and being conductively coupled

by a conductor recessed relative to the corresponding rib member is shown in Figures 4A-4C and described at column 7, lines 45-62 and at column 9, line 40-column 10, line 67, and is shown in Figure 6 and described at column 12, line 26-column 13, line 3. The Patent Owner directs the Examiner's attention to column 12, line 58-column 13, line 3, in which the patent clearly states that other low power lighting systems, such as "an LED or fluorescent lighting subassembly may be utilized instead" of the cold cathode tube light assembly shown in the embodiment of Figure 6. Thus, the Patent Owner submits that any reference to a cold cathode tube lighting subassembly may be replaced by an LED or fluorescent lighting subassembly.

Support for all of the elements of amended Claim 63 may be found at various locations throughout the patent, including the figures. In particular, support for the base, the pole, and the canopy is shown in Figures 1-3C and described at column 3, lines 12-47, at column 5, lines 15-31, and at column 7, lines 29-45, and is shown in Figures 6-9 and described at column 11, lines 48-59, and is further described at column 12, lines 26-57. Support for the pole portion being separable into at least two separate sections is shown in Figure 1. Support for the rechargeable electrical power system is shown in Figures 1-3C and described at column 4, lines 23-44, at column 6, lines 12-24, at column 8, lines 26-32, and is shown in Figures 6-9 and described at column 11, lines 48-59, at column 12, lines 51-53, column 13, lines 26-28, column 13, lines 50-52, and column 14, lines 21-23. Support for the electrical charging system carried by the pole portion and being adapted to receive power from an AC power outlet is shown in Figure 1 and described at column 4 lines 23-44. Support for the solar energy system is shown in Figures 1, 2A, and 3A and described at column 4, lines 45-63, at column 6, lines 25-43, and at column 8, lines 42-60, and is shown in Figures 6-9 and described at column 11, lines 48-59, at column 12, lines 26-57. Support for the light subassembly carried by the canopy portion and being conductively coupled to the rechargeable electrical power system is shown in Figures 1, 2A, and 3A and described at column 3, lines 48-59, at column 5, lines 31-48, at column 7, lines 45-62, is shown in Figures 4A-4C and described at column 7, lines 45-62 and at column 9, line 40-column 10, line 67, and is shown in Figure 6 and described at column 12, line 26-column 13, line 3.

Support for all of the elements of amended Claim 64 may be found at various locations throughout the patent, including the figures. In particular, support for the base, the pole, and the canopy is shown in Figures 1-3C and described at column 3, lines 12-47, at column 5, lines 15-31, and at column 7, lines 29-45, and is shown in Figures 6-9 and described at column 11, lines 48-59, and is further described at column 12, lines 26-57. Support for the rechargeable electrical power system is shown in Figures 1-3C and described at column 4, lines 23-44, at column 6, lines 12-24, at column 8, lines 26-32, and is shown in Figures 6-9 and described at column 11, lines 48-59, at column 12, lines 51-53, column 13, lines 26-28, column 13, lines 50-52, and column 14, lines 21-23. Support for the solar energy system is shown in Figures 1, 2A, and 3A and described at column 4, lines 45-63, at column 6, lines 25-43, and at column 8, lines 42-60, and is shown in Figures 6-9 and described at column 11, lines 48-59, at column 12, lines 26-57. Support for the solar energy system being contained in a disc-shaped module carried by the pole portion above the canopy portion is shown in Figures 1-3C and described at column 4, lines 45-63, at column 6, lines 25-43, and at column 8, lines 42-60, and is shown in Figures 6-9 and described at column 11, lines 48-59 and at column 12, lines 26-57.

Support for all of the elements of amended Claim 65 may be found at various locations throughout the patent, including the figures. Support for the elements from Claim 64 are set forth above. In addition, support for the disc-shaped module being releasably coupled to the pole portion is shown in Figures 6-9 and described at column 11, lines 48-59 and at column 12, lines 26-57.

Support for all of the elements of amended Claim 66 may be found at various locations throughout the patent, including the figures. In particular, support for the base, the pole, and the canopy is shown in Figures 1-3C and described at column 3, lines 12-47, at column 5, lines 15-31, and at column 7, lines 29-45, and is shown in Figures 6-9 and described at column 11, lines 48-59, and is further described at column 12, lines 26-57. Support for the rechargeable electrical power system is shown in Figures 1-3C and described at column 4, lines 23-44, at column 6, lines 12-24, at column 8, lines 26-32, and is shown in Figures 6-9 and described at column 11, lines

48-59, at column 12, lines 51-53, column 13, lines 26-28, column 13, lines 50-52, and column 14, lines 21-23. Support for the solar energy system is shown in Figures 1, 2A, and 3A and described at column 4, lines 45-63, at column 6, lines 25-43, and at column 8, lines 42-60, and is shown in Figures 6-9 and described at column 11, lines 48-59, at column 12, lines 26-57. Support for the lighting system carried by the canopy portion being conductively coupled to the rechargeable electrical power system via electrical conductors recessed within the rib members is shown in Figures 1, 2A, and 3A and described at column 3, lines 48-59, at column 5, lines 31-48, at column 7, lines 45-62, and is shown in Figure 6 and described at column 12, line 26-column 13, line 3, and shown in Figures 4A-4C and described at column 7, lines 45-62 and at column 9, line 40-column 10, line 67. Support for the solar energy system and the rechargeable electrical power system being carried by a power unit coupled to the pole portion is shown in Figures 6-9 and described at column 11, lines 48-59 and at column 12, lines 26-57. Support for the solar energy system being carried by the top portion of the power unit and the rechargeable electrical power system being carried by the bottom portion of the power unit is shown in Figures 6-9 and described at column 12, lines 26-35. Support for the solar energy system remaining fixed relative to the pole portion when the canopy is operated is shown in Figures 1, 2A, and 3A and is described at column 4, lines 45-63, at column 6, lines 25-43, and at column 8, lines 42-60, and is shown in Figures 6-9 and described at column 11, lines 48-59, at column 12, lines 26-57.

Support for all of the elements of amended Claim 67 may be found at various locations throughout the patent, including the figures. In particular, support for the base, the pole, and the canopy is shown in Figures 1-3C and described at column 3, lines 12-47, at column 5, lines 15-31, and at column 7, lines 29-45, and is shown in Figures 6-9 and described at column 11, lines 48-59, and is further described at column 12, lines 26-57. Support for the rechargeable electrical power system is shown in Figures 1-3C and described at column 4, lines 23-44, at column 6, lines 12-24, at column 8, lines 26-32, and is shown in Figures 6-9 and described at column 11, lines 48-59, at column 12, lines 51-53, column 13, lines 26-28, column 13, lines 50-52, and

column 14, lines 21-23. Support for the solar energy system is shown in Figures 1, 2A, and 3A and described at column 4, lines 45-63, at column 6, lines 25-43, and at column 8, lines 42-60, and is shown in Figures 6-9 and described at column 11, lines 48-59, at column 12, lines 26-57. Support for the electromechanical opening and closing system being conductively coupled to and powered by the rechargeable electrical power system and being controlled by a switch is shown Figures 1, 2A, and 3A and is described at column 3, line 60-column 4, line 22, at column 5, line 49-column 6, line 11, and at column 7, line 63-column 8, line 25, is shown in Figures 5A and 5B and is described at column 11, lines 10-47, and is shown in Figure 9 and described at column 11, line 48-column 12, line 25, and at column 14, lines 3-37. Support for the lighting system carried by the canopy portion being conductively coupled to the rechargeable electrical power system is shown in Figures 1, 2A, and 3A and described at column 3, lines 48-59, at column 5, lines 31-48, at column 7, lines 45-62, and is shown in Figure 6 and described at column 12, line 26-column 13, line 3.

Support for all of the elements of amended Claim 68 may be found at various locations throughout the patent, including the figures. In particular, support for the base, the pole, and the canopy is shown in Figures 1-3C and described at column 3, lines 12-47, at column 5, lines 15-31, and at column 7, lines 29-45, and is shown in Figures 6-9 and described at column 11, lines 48-59, and is further described at column 12, lines 26-57. Support for the rechargeable electrical power system is shown in Figures 1-3C and described at column 4, lines 23-44, at column 6, lines 12-24, at column 8, lines 26-32, and is shown in Figures 6-9 and described at column 11, lines 48-59, at column 12, lines 51-53, column 13, lines 26-28, column 13, lines 50-52, and column 14, lines 21-23. Support for the solar energy system is shown in Figures 1, 2A, and 3A and described at column 4, lines 45-63, at column 6, lines 25-43, and at column 8, lines 42-60, and is shown in Figures 6-9 and described at column 11, lines 48-59, at column 12, lines 26-57. Support for the electromechanical opening and closing system being conductively coupled to and powered by the rechargeable electrical power system, being partially housed in a housing, and being controlled by a switch carried by the housing is shown Figures 1, 2A, and 3A and is described at column 3, line 60-

column 4, line 22, at column 5, line 49-column 6, line 11, and at column 7, line 63-column 8, line 25, is shown in Figures 5A and 5B and is described at column 11, lines 10-47, and is shown in Figure 9 and described at column 11, line 48-column 12, line 25, and at column 14, lines 3-37. Support for the lighting system carried by the canopy portion being conductively coupled to the rechargeable electrical power system is shown in Figures 1, 2A, and 3A and described at column 3, lines 48-59, at column 5, lines 31-48, at column 7, lines 45-62, and is shown in Figure 6 and described at column 12, line 26-column 13, line 3.

Support for all of the elements of amended Claim 69 may be found at various locations throughout the patent, including the figures. In particular, support for the base, the pole, and the canopy is shown in Figures 1-3C and described at column 3, lines 12-47, at column 5, lines 15-31, and at column 7, lines 29-45, and is shown in Figures 6-9 and described at column 11, lines 48-59, and is further described at column 12, lines 26-57. Support for the rechargeable electrical power system is shown in Figures 1-3C and described at column 4, lines 23-44, at column 6, lines 12-24, at column 8, lines 26-32, and is shown in Figures 6-9 and described at column 11, lines 48-59, at column 12, lines 51-53, column 13, lines 26-28, column 13, lines 50-52, and column 14, lines 21-23. Support for the solar energy system is shown in Figures 1, 2A, and 3A and described at column 4, lines 45-63, at column 6, lines 25-43, and at column 8, lines 42-60, and is shown in Figures 6-9 and described at column 11, lines 48-59, at column 12, lines 26-57. Support for the electromechanical opening and closing system being powered by the rechargeable electrical power system and being controlled by a switch located on the pole portion is shown Figures 1, 2A, and 3A and is described at column 3, line 60-column 4, line 22, at column 5, line 49-column 6, line 11, and at column 7, line 63-column 8, line 25, is shown in Figures 5A and 5B and is described at column 11, lines 10-47, and is shown in Figure 9 and described at column 11, line 48-column 12, line 25, and at column 14, lines 3-37. Support for the lighting system carried by the canopy portion being conductively coupled to the rechargeable electrical power system is shown in Figures 1, 2A, and 3A and described at column 3, lines 48-

59, at column 5, lines 31-48, at column 7, lines 45-62, and is shown in Figure 6 and described at column 12, line 26-column 13, line 3.

Support for all of the elements of amended Claim 70 may be found at various locations throughout the patent, including the figures. In particular, support for the base, the pole, and the canopy is shown in Figures 1-3C and described at column 3, lines 12-47, at column 5, lines 15-31, and at column 7, lines 29-45, and is shown in Figures 6-9 and described at column 11, lines 48-59, and is further described at column 12, lines 26-57. Support for the rechargeable electrical power system is shown in Figures 1-3C and described at column 4, lines 23-44, at column 6, lines 12-24, at column 8, lines 26-32, and is shown in Figures 6-9 and described at column 11, lines 48-59, at column 12, lines 51-53, column 13, lines 26-28, column 13, lines 50-52, and column 14, lines 21-23. Support for the solar energy system is shown in Figures 1, 2A, and 3A and described at column 4, lines 45-63, at column 6, lines 25-43, and at column 8, lines 42-60, and is shown in Figures 6-9 and described at column 11, lines 48-59, at column 12, lines 26-57. Support for the ribs having a recessed channel is shown in Figures 4A-4C and is described at column 7, lines 45-62 and at column 9, line 40-column 10, line 67. Support for the lighting system carried by the canopy portion and being conductively coupled to the rechargeable electrical power system is shown in Figures 1, 2A, and 3A and described at column 3, lines 48-59, at column 5, lines 31-48, at column 7, lines 45-62, is shown in Figures 4A-4C and described at column 7, lines 45-62 and at column 9, line 40-column 10, line 67, and is shown in Figure 6 and described at column 12, line 26-column 13, line 3. Support for the plurality of lighting elements being disposed within the channel shown in Figures 1, 2A, and 3A and described at column 3, lines 48-59, at column 5, lines 31-48, at column 7, lines 45-62, and is shown in Figure 6 and described at column 12, line 26-column 13, line 3, and shown in Figures 4A-4C and described at column 7, lines 45-62 and at column 9, line 40-column 10, line 67.

Support for all of the elements of amended Claim 72 may be found at various locations throughout the patent, including the figures. In particular, support for the base, the pole, and the canopy is shown in Figures 1-3C and described at column 3,

lines 12-47, at column 5, lines 15-31, and at column 7, lines 29-45, and is shown in Figures 6-9 and described at column 11, lines 48-59, and is further described at column 12, lines 26-57. Support for the rechargeable electrical power system is shown in Figures 1-3C and described at column 4, lines 23-44, at column 6, lines 12-24, at column 8, lines 26-32, and is shown in Figures 6-9 and described at column 11, lines 48-59, at column 12, lines 51-53, column 13, lines 26-28, column 13, lines 50-52, and column 14, lines 21-23. Support for the solar energy system is shown in Figures 1, 2A, and 3A and described at column 4, lines 45-63, at column 6, lines 25-43, and at column 8, lines 42-60, and is shown in Figures 6-9 and described at column 11, lines 48-59, at column 12, lines 26-57. Support for the lighting system carried by the canopy portion and being conductively coupled to and powered by the rechargeable electrical power system is shown in Figures 1, 2A, and 3A and described at column 3, lines 48-59, at column 5, lines 31-48, at column 7, lines 45-62, is shown in Figures 4A-4C and described at column 7, lines 45-62 and at column 9, line 40-column 10, line 67, and is shown in Figure 6 and described at column 12, line 26-column 13, line 3. Support for the lighting system comprising a plurality of discrete lighting elements carried by each rib member, each discrete lighting element being recessed within a corresponding rib member and being conductively coupled to the rechargeable electrical power system by electrical conductors that are also recessed within the rib members is shown in Figures 1, 2A, and 3A and described at column 3, lines 48-59, at column 5, lines 31-48, at column 7, lines 45-62, is shown in Figures 4A-4C and described at column 7, lines 45-62 and at column 9, line 40-column 10, line 67, and is shown in Figure 6 and described at column 12, line 26-column 13, line 3. The Patent Owner directs the Examiner's attention to column 12, line 58-column 13, line 3, in which the patent clearly states that other low power lighting systems, such as "an LED or fluorescent lighting subassembly may be utilized instead" of the cold cathode tube light assembly shown in the embodiment of Figure 6. Thus, the Patent Owner submits that any reference to a cold cathode tube lighting subassembly may be replaced by an LED or fluorescent lighting subassembly.

Support for all of the elements of amended Claim 73 may be found at various locations throughout the patent, including the figures. In particular, support for the base, the pole, and the canopy is shown in Figures 1-3C and described at column 3, lines 12-47, at column 5, lines 15-31, and at column 7, lines 29-45, and is shown in Figures 6-9 and described at column 11, lines 48-59, and is further described at column 12, lines 26-57. Support for the rechargeable electrical power system is shown in Figures 1-3C and described at column 4, lines 23-44, at column 6, lines 12-24, at column 8, lines 26-32, and is shown in Figures 6-9 and described at column 11, lines 48-59, at column 12, lines 51-53, column 13, lines 26-28, column 13, lines 50-52, and column 14, lines 21-23. Support for the solar energy system is shown in Figures 1, 2A, and 3A and described at column 4, lines 45-63, at column 6, lines 25-43, and at column 8, lines 42-60, and is shown in Figures 6-9 and described at column 11, lines 48-59, at column 12, lines 26-57. Support for the electrical charging system carried by the pole portion, being adapted to receive power from an AC power outlet, and remaining carried by the pole portion when the rechargeable electrical power system is removed from the umbrella apparatus is shown in Figure 1 and described at column 4 line 23-column 5, line 14, and is shown in Figures 2A-3C and is described at column 6, line 12-column 7 line 28, at column 8, line 26-column 9, line 39.

Support for all of the elements of amended Claim 74 may be found at various locations throughout the patent, including the figures. In particular, support for the base, the pole, and the canopy is shown in Figures 1-3C and described at column 3, lines 12-47, at column 5, lines 15-31, and at column 7, lines 29-45, and is shown in Figures 6-9 and described at column 11, lines 48-59, and is further described at column 12, lines 26-57. Support for the rechargeable electrical power system is shown in Figures 1-3C and described at column 4, lines 23-44, at column 6, lines 12-24, at column 8, lines 26-32, and is shown in Figures 6-9 and described at column 11, lines 48-59, at column 12, lines 51-53, column 13, lines 26-28, column 13, lines 50-52, and column 14, lines 21-23. Support for the solar energy system is shown in Figures 1, 2A, and 3A and described at column 4, lines 45-63, at column 6, lines 25-43, and at column 8, lines 42-60, and is shown in Figures 6-9 and described at column 11, lines 48-59, at

column 12, lines 26-57. Support for the solar energy system and the rechargeable electrical power system being carried by a power module coupled to the pole portion is shown in Figures 6-9 and described at column 11, lines 48-59 and at column 12, lines 26-57. Support for the solar energy system being disposed in the upper portion of the power module and the rechargeable electrical power system being disposed in the lower portion of the power module is shown in Figures 6-9 and described at column 12, lines 26-35. Support for the lighting system carried by the canopy portion and being conductively coupled to and powered by the rechargeable electrical power system is shown in Figures 1, 2A, and 3A and described at column 3, lines 48-59, at column 5, lines 31-48, at column 7, lines 45-62, is shown in Figures 4A-4C and described at column 7, lines 45-62 and at column 9, line 40-column 10, line 67, and is shown in Figure 6 and described at column 12, line 26-column 13, line 3. The Patent Owner directs the Examiner's attention to column 12, line 58-column 13, line 3, in which the patent clearly states that other low power lighting systems, such as "an LED or fluorescent lighting subassembly may be utilized instead" of the cold cathode tube light assembly shown in the embodiment of Figure 6. Thus, the Patent Owner submits that any reference to a cold cathode tube lighting subassembly may be replaced by an LED or fluorescent lighting subassembly.

The Patent Owner submits that, pursuant to 37 C.F.R. § 1.530(e), the foregoing explains and sets forth the support in the disclosure of the patent for change to the claims made by this amendment paper.

The Patent owner submits that the foregoing changes to the claims do not broaden the scope of the patent.



09/29/08

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 0664MH-40982-REX

In re Reexamination of:

GREGORY G. KUELBS

Control No. **95/000,104**

Patent No. **6,612,713**

Issued: **2 SEPTEMBER 2003**

For: **UMBRELLA APPARATUS**

§
§
§
§
§
§
§
§
§
§

Examiner: **MARGARET WAMBACH**

Art Unit: **3992**

TRANSMITTAL

MAIL STOP: INTER PARTES REEXAM

Central Reexamination Unit
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

Please file the following documents in the subject reexamination application:

1. This Transmittal with Certificate of Mailing;
2. Information Disclosure Statement;

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8(a)	
Date of Deposit:	<u>9/24/08</u>
I hereby certify that this paper or fee is being deposited with the United States Postal Service as First Class Mail with sufficient postage under 37 C.F.R. §1.8(a) on the date indicated above and is addressed to Mail Stop: Inter Partes Reexam, Central Reexamination Unit, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.	
By:	<u><i>Janet E. Walts</i></u>

3. Form PTO/SB/08A, along with a copy of the English translation of the cited Japanese reference;
4. Credit Card Payment Form, Form PTO-2038, authorizing the Commissioner to charge the \$180.00 Information Disclosure Statement Fee to a designated credit card; and
5. Our return postcard which we would appreciate you date stamping and returning to us.

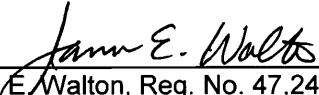
Conclusion:

Filed herewith is a completed Credit Card Payment Form, Form PTO-2038, authorizing the Commissioner to charge the \$180.00 Information Disclosure Statement Fee to a designated credit card. No additional fees are deemed to be necessary; however, the undersigned hereby authorizes the Director to charge any fees that may be required, or credit any overpayments, to **Deposit Account No. 502806**.

Please link this application to Customer No. 50779 so that its status may be checked via the PAIR System.

Respectfully submitted,

9/24/08
Date


James E. Walton, Reg. No. 47,245
Law Offices of James E. Walton, P.L.L.C.
1169 N. Burleson Blvd., Suite 107-328
Burleson, Texas 76028
(817) 447-9955 (Voice)
(817) 447-9954 (Facsimile)
jim@waltonpllc.com

CUSTOMER NO. 50779

ATTORNEY FOR PATENT OWNER

The two listed U.S. references were cited by the Examiner in an Office Action in U.S. Application No. 10/650,537 and the listed Japanese reference was cited by the Examiner in an Office Action in U.S. Application No. 11/199,956.

The filing of this Information Disclosure Statement shall not be construed to be a representation that a search has been conducted, nor shall it be construed as an admission that the information cited in the statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

Payment of the Fee Under 37 CFR 1.17(p):

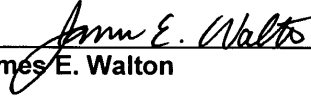
The information on form PTO/SB/08A is being submitted subsequent to the later of three months after the filing date of the present application or the mailing of the first Office action on the merits, but before the mailing of a final action or the notice of allowance. Accordingly, the undersigned submits a payment in the amount of \$180.00 to cover the Submission of an Information Disclosure Statement Fee.



09/29/08

Proof of Service:

Pursuant to 37 C.F.R. § 1.903, a true and correct copy of this Information Disclosure Statement has been served on the third-party requester. Pursuant to 37 C.F.R. § 1.248(a)(4), the undersigned hereby certifies that a true and correct copy of this Information Disclosure Statement was served on the third-party requester's attorney of record, Robert E. Richards, by First Class Mail with sufficient postage at Kilpatrick Stockton LLP, 1100 Peachtree Street, Suite 2800, Atlanta, Georgia 30309 on **24 September 2008**.



James E. Walton

9/24/08
Date

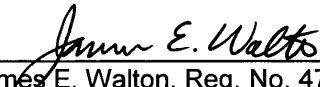
Conclusion:

Filed herewith is a completed Credit Card Payment Form, Form PTO-2038, authorizing the Commissioner to charge the \$180.00 Information Disclosure Statement Fee to a designated credit card. No additional fees are deemed to be necessary; however, the undersigned hereby authorizes the Director to charge any fees that may be required, or credit any overpayments, to **Deposit Account No. 502806**.

Please link this application to Customer No. 50779 so that its status may be checked via the PAIR System.

Respectfully submitted,

9/24/08
Date



James E. Walton, Reg. No. 47,245
Law Offices of James E. Walton, P.L.L.C.
1169 N. Burleson Blvd., Suite 107-328
Burleson, Texas 76028
(817) 447-9955 (Voice)
(817) 447-9954 (Facsimile)
jim@waltonpllc.com

CUSTOMER NO. 50779

ATTORNEY FOR PATENT OWNER



09/29/08

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number		95000104	
	Filing Date		2005-08-12	
	First Named Inventor	Gregory G. Kuelbs		
	Art Unit		3992	
	Examiner Name	Margaret Wambach		
	Attorney Docket Number	0638MH-40982-REX		

U.S.PATENTS								
Examiner Initial*	Cite No	Patent Number	Kind Code ¹	Issue Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear		
	1	2863466		1958-12-09	Small			
	2	5954417		1999-09-21	Mai			
If you wish to add additional U.S. Patent citation information please click the Add button.								
U.S.PATENT APPLICATION PUBLICATIONS								
Examiner Initial*	Cite No	Publication Number	Kind Code ¹	Publication Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear		
	1							
If you wish to add additional U.S. Published Application citation information please click the Add button.								
FOREIGN PATENT DOCUMENTS								
Examiner Initial*	Cite No	Foreign Document Number ³	Country Code ² j	Kind Code ⁴	Publication Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear	T ⁵
	1	JP09168415	JP			Oshio		<input type="checkbox"/>
If you wish to add additional Foreign Patent Document citation information please click the Add button								
NON-PATENT LITERATURE DOCUMENTS								

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number		95000104
	Filing Date		2005-08-12
	First Named Inventor	Gregory G. Kuelbs	
	Art Unit		3992
	Examiner Name	Margaret Wambach	
	Attorney Docket Number	0638MH-40982-REX	

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, pages(s), volume-issue number(s), publisher, city and/or country where published.	T ⁵
	1		<input type="checkbox"/>

If you wish to add additional non-patent literature document citation information please click the Add button

EXAMINER SIGNATURE

Examiner Signature		Date Considered	
--------------------	--	-----------------	--

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ See Kind Codes of USPTO Patent Documents at www.USPTO.GOV or MPEP 901.04. ² Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). ³ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁴ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁵ Applicant is to place a check mark here if English language translation is attached.

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	95000104
	Filing Date	2005-08-12
	First Named Inventor	Gregory G. Kuelbs
	Art Unit	3992
	Examiner Name	Margaret Wambach
	Attorney Docket Number	0638MH-40982-REX

CERTIFICATION STATEMENT

Please see 37 CFR 1.97 and 1.98 to make the appropriate selection(s):

That each item of information contained in the information disclosure statement was first cited in any 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. See 37 CFR 1.97(e)(1).

OR

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 certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(2).

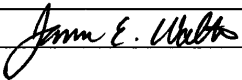
See attached certification statement.

Fee set forth in 37 CFR 1.17 (p) has been submitted herewith.

None

SIGNATURE

A signature of the applicant or representative is required in accordance with CFR 1.33, 10.18. Please see CFR 1.4(d) for the form of the signature.

Signature	/jamesewaltonpat/ 	Date (YYYY-MM-DD)	2008-09-24
Name/Print	James E. Walton	Registration Number	47,245

This collection of information is required by 37 CFR 1.97 and 1.98. 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 1 hour 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.**

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 the Freedom of Information Act requires disclosure of these records.
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 inspections 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.

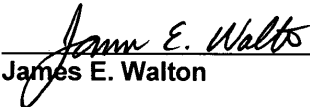
YOT-1003-0835



09/29/08

Proof of Service:

Pursuant to 37 C.F.R. § 1.903, a true and correct copy of this Transmittal and the Information Disclosure Statement filed herewith has been served on the third-party requester. Pursuant to 37 C.F.R. § 1.248(a)(4), the undersigned hereby certifies that a true and correct copy of this Transmittal and the Information Disclosure Statement was served on the third-party requester's attorney of record, Robert E. Richards, by First Class Mail with sufficient postage at Kilpatrick Stockton LLP, 1100 Peachtree Street, Suite 2800, Atlanta, Georgia 30309 on **24 September 2008**.



James E. Walton

9/24/08
Date



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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
95/000,104	08/12/2005	6612713	45639-316477	5847
38441	7590	03/20/2009	EXAMINER	
LAW OFFICES OF JAMES E. WALTON, PLLC 1169 N. BURLESON BLVD. SUITE 107-328 BURLESON, TX 76028				
			ART UNIT	PAPER NUMBER

DATE MAILED: 03/20/2009

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



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

DO NOT USE IN PALM PRINTER

(THIRD PARTY REQUESTER'S CORRESPONDENCE ADDRESS)

Kilpatrick Stockton LLP
1100 Peachtree St Ste 2800
Atlanta, GA 30309

MAILED

MAR 20 2009

CENTRAL REEXAMINATION UNIT

Transmittal of Communication to Third Party Requester *Inter Partes* Reexamination

REEXAMINATION CONTROL NUMBER 95/000,104.

PATENT NUMBER 6,612,713.

TECHNOLOGY CENTER 3900.

ART UNIT 3992.

Enclosed is a copy of the latest communication from the United States Patent and Trademark Office in the above-identified reexamination proceeding. 37 CFR 1.903.

Prior to the filing of a Notice of Appeal, each time the patent owner responds to this communication, the third party requester of the *inter partes* reexamination may once file written comments within a period of 30 days from the date of service of the patent owner's response. This 30-day time period is statutory (35 U.S.C. 314(b)(2)), and, as such, it cannot be extended. See also 37 CFR 1.947.

If an *ex parte* reexamination has been merged with the *inter partes* reexamination, no responsive submission by any *ex parte* third party requester is permitted.

All correspondence relating to this *inter partes* reexamination proceeding should be directed to the **Central Reexamination Unit** at the mail, FAX, or hand-carry addresses given at the end of the communication enclosed with this transmittal.

PTOL-2070 (Rev.07-04)

YOT-1003-0838

NOTICE RE DEFECTIVE PAPER IN INTER PARTES REEXAMINATION	Control No.	Patent Under Reexamination	
	95/000,104	6612713	
	Examiner	Art Unit	
	MARGARET RUBIN	3992	

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

1. No proof of service is included with the paper filed by patent owner requester on _____. 37 CFR 1.248 and 1.903. Proof of service is required within a time period of 30-days or one month from the date of this letter, whichever is longer. Failure to serve the paper may result in the paper being refused consideration. If the failure to comply with this requirement results in a patent owner failure to file a timely and appropriate response to any Office action, the prosecution of the reexamination proceeding will be terminated under 37 CFR 1.957(b) or limited under 37 CFR 1.957(c) (as is appropriate for the case).
2. The paper filed on _____ by the patent owner requester is unsigned. A duplicate paper or ratification, properly signed, is required within a time period of 30-days or one month from the date of this letter, whichever is longer. Failure to comply with this requirement will result in the paper not being considered. If the failure to comply results in a patent owner failure to file a timely and appropriate response to any Office action, the prosecution of the reexamination proceeding will be terminated under 37 CFR 1.957(b) or limited under 37 CFR 1.957(c) (as is appropriate for the case).
3. The paper filed on _____ by the patent owner requester is signed by _____ who is not of record. A ratification or a new power of attorney with a ratification, or a duplicate paper signed by a person of record, is required within a time period of 30-days or one month from the date of this letter, whichever is longer. Failure to comply with this requirement will result in the paper not being considered. If the failure to comply results in a patent owner failure to file a timely and appropriate response to any Office action, the prosecution of the reexamination proceeding will be terminated under 37 CFR 1.957(b) or limited under 37 CFR 1.957(c) (as is appropriate for the case).
4. The amendment filed by patent owner on 25 August 2008, does not comply with 37 CFR 1.530. Patent owner is given a time period of 30-days or one month from the date of this letter, whichever is longer, to correct this informality, or the prosecution of the reexamination proceeding will be terminated under 37 CFR 1.957(b) or limited under 37 CFR 1.957(c) (as is appropriate for the case). The amendment will not be entered, although the argument the rein will be considered as it applies to the proceeding without the amendment should the prosecution be limited under 37 CFR 1.957(c).
5. The amendment filed by patent owner on _____, does not comply with 37 CFR 1.20(c)(3) and/or 1.20(c)(4), as to excess claim fees. Patent owner is given a time period of 30-days or one month from the date of this letter, whichever is longer, to correct this fee deficiency, or the prosecution of the reexamination proceeding will be terminated under 37 CFR 1.957(b) or limited under 37 CFR 1.957(c) (as is appropriate for the case), to effect the "abandonment" set forth in 37 CFR 1.20(c)(5).
6. Other: _____

NOTE: PATENT OWNER EXTENSIONS OF TIME ARE GOVERNED BY 37 CFR 1.956. NO EXTENSION OF TIME IS PERMITTED FOR THIRD PARTY REQUESTER. 35 U.S.C. § 314(b)(2).

All correspondence relating to this *inter partes* reexamination proceeding should be directed to the **Central Reexamination Unit** at the mail, FAX, or hand-carry addresses given at the end of this Office action.

ATTACHMENT TO PTOL-2069

The amendment filed October 25, 2008 is not proper for the following reasons:

37 CFR 1.530(d)(2) requires:

"An amendment paper must include the entire text of each patent claim which is being proposed to be changed by such amendment paper and of each new claim being proposed to be added by such amendment paper. For any claim changed by the amendment paper, a parenthetical expression "amended," "twice amended," etc., should follow the claim number. Each patent claim proposed to be changed and each proposed added claim must include markings pursuant to paragraph (f) of this section, except that a patent claim or proposed added claim should be canceled by a statement canceling the claim, without presentation of the text of the claim."

Thus, while 37 CFR 1.530(d)(2) permits parenthetical expressions, such expressions must be accurate labels. It is

Art Unit: 3992

noted that claims 50, 53, 54 and 71 are inaccurately labeled with the parenthetical "(Original)" although they are new claims. The term "Original" in reexamination is used to reference claims that remain in the same form as they were printed in the issued base patent. Further, many of the new claims are labeled as "(Amended)" although they are "(New)". Patent Owner is required to employ accurate parenthetical labels or to at least remove the inaccurate labels. Claims that were not printed with the base patent as issued but were later added during reexamination are termed "(new)"; claims that were printed with the base patent as issued but have been amended are termed "(amended)"; and claims that were printed with the base patent as issued and have not been amended are termed "(original)".

All correspondence relating to this *inter partes* reexamination proceeding should be directed:

By Mail to: Mail Stop *Inter Partes* Reexam
Attn: Central Reexamination Unit
Commissioner for Patents
United States Patent & Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX to: (571) 273-9900
Central Reexamination Unit

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Registered users of EFS-Web may alternatively submit such correspondence via the electronic filing system

YOT-1003-0841

Application/Control Number: 95/000,104

Page 4

Art Unit: 3992

EFS-Web, at <https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html>. EFS-Web offers the benefit of quick submission to the particular area of the Office that needs to act on the correspondence. Also, EFS-Web submissions are "soft scanned" (i.e., electronically uploaded) directly into the official file for the reexamination proceeding, which offers parties the opportunity to review the content of their submissions after the "soft scanning" process is complete.

Any inquiry concerning this communication or earlier communications from the examiner, or as to the status of this proceeding, should be directed to the Central Reexamination Unit at telephone number (571) 272-7705.

Signature:



Conferees:



MARK J. REINHART
CRU SPE-AU 3992



YOT-1003-0842

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Reexamination of:)
)
Gregory G. Kuelbs)
)
Control No. **95/000,104**) Examiner: **Margaret Rubin**
)
Patent No.: **6,612,713**) Art Unit: **3992**
)
Issued: **September 2, 2003**)
)
Assignee: **WORLD FACTORY, INC.**)

**NOTICE OF CHANGE OF PARTY UPON WHOM PATENTEE
SHOULD SERVE PAPERS**

Certificate of Electronic Filing

I hereby certify that this correspondence is being electronically filed with The United States Patent Office via EFS Web on March 31, 2009.

/Andrea M. Cummings/
ANDREA M. CUMMINGS

Mail Stop Ex Parte Reexam
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Madame:

Heretofore, Patentee has been mailing service copies of papers in the above-referenced application to the third-party requester's "attorney of record," Robert E. Richards at Kilpatrick Stockton LLP, 1100 Peachtree Street, Suite 2800, Atlanta, Georgia 30309. Mr. Richards is no longer an attorney at Kilpatrick Stockton and is thus no longer an attorney of record.

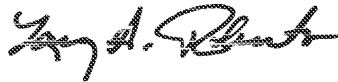
Per the REQUEST FOR INTER PARTES REEXAMINATION TRANSMITTAL FORM filed August 12, 2005, the third-party requester's correct correspondence address is "the address associated with Customer Number 23370," namely,

John S. Pratt, Esq.
Kilpatrick Stockton, LLP
1100 Peachtree Street
Suite 2800
Atlanta, GA 30309

That correspondence address has not changed, and the Patent Office therefore does not need to make any changes in that regard.

However, it is respectfully requested that counsel for the patentee revise the party to whom service copies are mailed in this case to reflect the name and address above.

Respectfully submitted,



Larry A. Roberts
Reg. No. 31,871
Attorneys for Third Party Requester
Southern Sales & Marketing Group, Inc.

Kilpatrick Stockton
Suite 2800, 1100 Peachtree Street
Atlanta, GA 30309
Tel: (404) 815-6500
Fax: (404) 815-6555
Our Docket No. 45639-316477

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE


In the Reexamination of:)
)
Gregory G. Kuelbs)
)
Control No. **95/000,104**)
)
Patent No.: **6,612,713**)
)
Issued: **September 2, 2003**) Examiner: Margaret Rubin
) Art Unit: 3992
)
Assignee: **WORLD FACTORY, INC.**)

CERTIFICATE OF SERVICE

This is to certify that I have this day served a true and correct copies of the foregoing "**NOTICE OF CHANGE OF PARTY UPON WHOM PATENTEE SHOULD SERVE PAPERS**" by depositing same in the United States mail, properly addressed with sufficient first class postage affixed thereto to ensure delivery to:

James E. Walton, Esq.
1169 N. Burleson Boulevard
Suite 107-328
Burleson, Texas 76028

This 31st day of March, 2009.



Larry A. Roberts

Electronic Acknowledgement Receipt	
EFS ID:	5069771
Application Number:	95000104
International Application Number:	
Confirmation Number:	5847
Title of Invention:	UMBRELLA APPARATUS
First Named Inventor/Applicant Name:	6612713
Customer Number:	38441
Filer:	Larry A. Roberts./Andrea Cummings
Filer Authorized By:	Larry A. Roberts.
Attorney Docket Number:	45639-316477
Receipt Date:	31-MAR-2009
Filing Date:	12-AUG-2005
Time Stamp:	15:38:50
Application Type:	inter partes reexam

Payment information:

Submitted with Payment	no
------------------------	----

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Miscellaneous Incoming Letter	316477_changenotice.pdf	100215 b14dd890f83c401207a93e5a2c689fed4dbcf41e4	no	3

Warnings:

Information:

YOT-1003-0846

Total Files Size (in bytes):

100215

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.

YOT-1003-0847

IN THE CLAIMS:

The Patent Owner submits that the following amendments add no new matter to the application and do not broaden the scope of the application.

Statements of support for each claim amendment are set forth below.

Please amend the claims as follows:

1. (Amended) An umbrella apparatus comprising:
 - a base support portion;
 - a pole portion coupled to the base support portion;
 - a canopy portion hingedly coupled to the pole portion, the canopy portion having a plurality of rib members;
 - a rechargeable electrical power system for providing electrical power to the umbrella apparatus;
 - a solar energy system carried by a module coupled to [carried by] the pole portion above the canopy portion, the solar energy system being adapted to collect solar energy and convert the solar energy into electrical energy, the solar energy system being conductively coupled to the rechargeable electrical power system, such that the solar energy collected and converted into electrical energy recharges the rechargeable electrical power system, the module being releasably coupled to the pole portion; and
 - a lighting system carried by the canopy portion, the lighting system being conductively coupled to and powered by the rechargeable electrical power system, the lighting system having multiple discrete lighting elements positioned along at least one of the rib members

[an electrical charging system for recharging the rechargeable electrical power system, the electrical charging system being adapted to receive power from an AC power outlet].

2. (Amended) An umbrella apparatus comprising:
- a base support portion;
 - a pole portion coupled to the base support portion;
 - a canopy portion hingedly coupled to the pole portion;
 - a power module carried by the pole portion above the canopy portion, the power module having an upper portion and a lower portion;
 - a rechargeable electrical power system for providing electrical power to the umbrella apparatus, the rechargeable electrical power system being disposed in the lower portion of the power module;
 - a solar energy system carried by the [pole portion above the canopy portion] upper portion of the power module, the solar energy system being adapted to collect solar energy and convert the solar energy into electrical energy, the solar energy system being conductively coupled to the rechargeable electrical power system, such that the solar energy collected and converted into electrical energy recharges the rechargeable electrical power system; and
 - a lighting system carried by the canopy portion, the lighting system being conductively coupled to and powered by the rechargeable electrical power system.

3. (Amended - Confirmed) [The] An umbrella apparatus [according to claim 2,] comprising:
- a base support portion;
 - a pole portion coupled to the base support portion;
 - a canopy portion hingedly coupled to the pole portion;
 - a rechargeable electrical power system for providing electrical power to the umbrella apparatus;
 - a solar energy system carried by the pole portion above the canopy portion, the solar energy system being adapted to collect solar energy and convert the solar energy into electrical energy, the solar energy system being conductively coupled to the rechargeable electrical power system, such that the solar energy collected and converted into electrical energy recharges the rechargeable electrical power system;

and

a lighting system carried by the canopy portion, the lighting system being conductively coupled to and powered by the rechargeable electrical power system;

wherein the lighting system comprises:

a plurality of rib members coupled to the canopy portion;

and

a plurality of cold cathode tube elements carried by the rib members, each cold cathode tube element being conductively coupled to and powered by the rechargeable electrical power source.

4. (Original) The umbrella apparatus according to claim 2, wherein the lighting system comprises:

a plurality of rib members coupled to the canopy portion; and

a plurality of light emitting diode elements carried by the rib members, each light emitting diode element being conductively coupled to and powered by the rechargeable electrical power source.

5. (Original) The umbrella apparatus according to claim 2, wherein the lighting system comprises:

a plurality of rib members coupled to the canopy portion; and

a plurality of fluorescent light elements carried by the rib members, each fluorescent light element being conductively coupled to and powered by the rechargeable electrical power source.

6. (Amended) An umbrella apparatus comprising:

a base support portion;

a pole portion coupled to the base support portion;

a canopy portion hingedly coupled to the pole portion;

a rechargeable electrical power system for providing electrical power to the

umbrella apparatus;

a solar energy system carried by a discus-shaped power unit, the power unit being carried by the pole portion above the canopy portion, the solar energy system being adapted to collect solar energy and convert the solar energy into electrical energy, the solar energy system being conductively coupled to the rechargeable electrical power system, such that the solar energy collected and converted into electrical energy recharges the rechargeable electrical power system; and

an electromechanical opening and closing system for opening and closing the canopy portion, the electromechanical opening and closing system being conductively coupled to and powered by the rechargeable electrical power system.

7. (Original) The umbrella apparatus according to claim 6, wherein the electromechanical opening and closing system comprises:

an electric motor carried by the pole portion; a control system for controlling the electric motor; a gear system coupled to the electric motor; and

a cable and pulley system coupled to the gear system and the canopy portion; wherein the opening and closing of the canopy portion is achieved by the electric motor in response to selective operation of the control system.

8. (Amended - Confirmed) [The] An umbrella apparatus [according to claim 7,] comprising:

a base support portion;

a pole portion coupled to the base support portion;

a canopy portion hingedly coupled to the pole portion;

a rechargeable electrical power system for providing electrical power to the umbrella apparatus;

a solar energy system carried by the pole portion above the canopy portion, the solar energy system being adapted to collect solar energy and convert the solar energy into electrical energy, the solar energy system being conductively coupled to the

rechargeable electrical power system, such that the solar energy collected and converted into electrical energy recharges the rechargeable electrical power system;
and

an electromechanical opening and closing system for opening and closing the canopy portion, the electromechanical opening and closing system being conductively coupled to and powered by the rechargeable electrical power system;

wherein the electromechanical opening and closing system comprises:

an electric motor carried by the pole portion;

a control system for controlling the electric motor;

a gear system coupled to the electric motor; and

a cable and pulley system coupled to the gear system and the canopy portion;

wherein the opening and closing of the canopy portion is achieved by the electric motor in response to selective operation of the control system; and

wherein the control system comprises:

a receiver conductively coupled to the electric motor;

a remote transmitter for transmitting an encoded signal to the receiver;

and

a decoder conductively coupled to the receiver for decoding the encoded signal from the transmitter.

9. (Amended) An umbrella apparatus comprising:

a base support portion;

a pole portion coupled to the base support portion;

a canopy portion hingedly coupled to the pole portion, the canopy portion having a plurality of rib members;

a rechargeable electrical power system for providing electrical power to the umbrella apparatus;

a solar energy system carried by the pole portion above the canopy portion, the solar energy system being adapted to collect solar energy and convert the solar energy

into electrical energy, the solar energy system being conductively coupled to the rechargeable electrical power system, such that the solar energy collected and converted into electrical energy recharges the rechargeable electrical power system; and

a cooling system carried by the canopy portion, the cooling system being conductively coupled to and powered by the rechargeable electrical power system, the cooling system comprising;

a fluid reservoir operably associated with the umbrella apparatus;

at least one mist nozzle [coupled to the canopy portion] carried by a rib member, each mist nozzle being in fluid communication with the fluid;

a conduit creating fluid communication between the fluid reservoir and each mist nozzle; and

a pump for pumping the fluid from the reservoir through each mist nozzle.

10. (Confirmed) An umbrella apparatus comprising:

a base support portion;

a pole portion coupled to the base support portion;

a canopy portion hingedly coupled to the pole portion;

a rechargeable electrical power system for providing electrical power to the umbrella apparatus;

a solar energy system carried by the pole portion above the canopy portion, the solar energy system being adapted to collect solar energy and convert the solar energy into electrical energy, the solar energy system being conductively coupled to the rechargeable electrical power system, such that the solar energy collected and converted into electrical energy recharges the rechargeable electrical power system; and

a combination of two or more of the following modular systems:

a lighting system carried by the canopy portion;

an electromechanical opening and closing system for opening and closing the canopy portion; or

a cooling system;

wherein each modular system is configured to be interchanged with each other, each modular system being conductively coupled to and powered by the rechargeable electrical power system.

11. (Confirmed) The umbrella apparatus according to claim 10, wherein the lighting system comprises:

a plurality of rib members coupled to the canopy portion; and

a plurality of cold cathode tube elements carried by the rib members, each cold cathode tube element being conductively coupled to and powered by the rechargeable electrical power source.

12. (Confirmed) The umbrella apparatus according to claim 10, wherein the lighting system comprises:

a plurality of rib members coupled to the canopy portion; and

a plurality of light emitting diode elements carried by the rib members, each light emitting diode element being conductively coupled to and powered by the rechargeable electrical power source.

13. (Confirmed) The umbrella apparatus according to claim 10, wherein the cooling system comprises:

a fluid reservoir operably associated with the umbrella apparatus;

at least one mist nozzle coupled to the canopy portion, each mist nozzle being in fluid communication with the fluid;

a conduit creating fluid communication between the fluid reservoir and each mist nozzle; and

a pump for pumping the fluid from the reservoir through each mist nozzle.

14. (Confirmed) The umbrella apparatus according to claim 10, wherein the electromechanical opening and closing system comprises:

an electric motor carried by the pole portion; a control system for controlling the electric motor;

a gear system coupled to the electric motor; and

a cable and pulley system coupled to the gear system and the canopy portion;

wherein the opening and closing of the canopy portion is achieved by the electric motor in response to selective operation of the control system.

Claims 15-44. (Previously Cancelled).

45. (New) A patio umbrella apparatus, comprising:

a base support portion;

a pole portion coupled to the base support portion;

a canopy portion hingedly coupled to the pole portion;

a power unit coupled to the pole portion above the canopy portion;

a rechargeable electrical power system for providing electrical power to the umbrella apparatus, the rechargeable electrical power system being carried by a bottom portion of the power unit;

a solar energy system adapted to collect solar energy and convert the solar energy into electrical energy, the solar energy system being conductively coupled to the rechargeable electrical power system, such that the solar energy collected and converted into electrical energy recharges the rechargeable electrical power system, the solar energy system being carried by a top portion of the power unit; and

an electrical charging system for recharging the rechargeable electrical power system, the electrical charging system being adapted to receive power from an AC power outlet.

46. (New) The patio umbrella apparatus according to claim 45, wherein the power unit is releasably coupled to the pole portion.

47. (New) A patio umbrella apparatus, comprising:
a base support portion;
a pole portion coupled to the base support portion;
a canopy portion hingedly coupled to the pole portion, the canopy portion being operable between an opened position and a closed position;
a power unit coupled to the pole portion above the canopy portion;
a rechargeable electrical power system for providing electrical power to the umbrella apparatus, the rechargeable electrical power system being carried by a bottom portion of the power unit; and
a solar energy system adapted to collect solar energy and convert the solar energy into electrical energy, the solar energy system being conductively coupled to the rechargeable electrical power system, such that the solar energy collected and converted into electrical energy recharges the rechargeable electrical power system, the solar energy system being carried by a top portion of the power unit;
wherein the power unit is carried by the pole portion such that the solar energy system is fixed relative to the pole portion when the canopy is operated between the opened position and the closed position.

48. (New) A patio umbrella apparatus, comprising:
a base support portion;
a pole portion coupled to the base support portion;
a canopy portion hingedly coupled to the pole portion, the canopy portion having a plurality of rib members and being operable between an opened position and a closed position;
a rechargeable electrical power system for providing electrical power to the

umbrella apparatus;

a solar energy system carried by the pole portion above the canopy portion, the solar energy system being adapted to collect solar energy and convert the solar energy into electrical energy, the solar energy system being conductively coupled to the rechargeable electrical power system, such that the solar energy collected and converted into electrical energy recharges the rechargeable electrical power system;
and

a plurality of lighting elements carried by the rib members, the lighting elements being recessed within the rib members;

wherein the rechargeable electrical power system and the solar energy system each form a component part disposed in a power unit carried by the pole portion such that the power unit is fixed relative to the pole portion when the canopy is operated between the opened position and the closed position.

49. (New) An umbrella apparatus, comprising:

a base support portion;

a pole portion coupled to the base support portion;

a canopy portion having a plurality of rib members, the canopy portion being hingedly coupled to the pole portion;

a rechargeable electrical power system for providing electrical power to the umbrella apparatus;

a solar energy system carried by the pole portion above the canopy portion, the solar energy system being adapted to collect solar energy and convert the solar energy into electrical energy, the solar energy system being conductively coupled to the rechargeable electrical power system, such that the solar energy collected and converted into electrical energy recharges the rechargeable electrical power system;
and

a lighting system carried by the canopy portion, the lighting system being conductively coupled to and powered by the rechargeable electrical power system;

wherein the lighting system includes multiple discrete lighting elements positioned along a rib member, each lighting element being recessed within the rib member and being conductively coupled to the rechargeable electrical power system by an electrical conductor, the electrical conductor also being recessed within the rib member.

50. (New) The umbrella apparatus according to claim 49, wherein the lighting system includes multiple discrete lighting elements along each rib member.

51. (New) An umbrella apparatus, comprising:

a base support portion;

a pole portion coupled to the base support portion;

a canopy portion having a plurality of rib members, the canopy portion being hingedly coupled to the pole portion;

a rechargeable electrical power system for providing electrical power to the umbrella apparatus;

a solar energy system carried by a power unit coupled to the pole portion above the canopy portion, the solar energy system being adapted to collect solar energy and convert the solar energy into electrical energy, the solar energy system being conductively coupled to the rechargeable electrical power system, such that the solar energy collected and converted into electrical energy recharges the rechargeable electrical power system, the power unit being releasably coupled to the pole portion;

a lighting system carried by the canopy portion, the lighting system being conductively coupled to and powered by the rechargeable electrical power system, the lighting system including at least one discrete lighting element positioned along a rib member; and

translucent covers for covering the lighting elements;

wherein at least a portion of each lighting element extends beyond the corresponding rib member.

52. (New) An umbrella apparatus comprising:
a base support portion;
a pole portion coupled to the base support portion;
a canopy portion having a plurality of rib members, the canopy portion being hingedly coupled to the pole portion;
a rechargeable electrical power system for providing electrical power to the umbrella apparatus;
a solar energy system carried by the pole portion above the canopy portion, the solar energy system being adapted to collect solar energy and convert the solar energy into electrical energy, the solar energy system being conductively coupled to the rechargeable electrical power system, such that the solar energy collected and converted into electrical energy recharges the rechargeable electrical power system;
and
a lighting system carried by the canopy portion, the lighting system being conductively coupled to and powered by the rechargeable electrical power system;
wherein the lighting system includes multiple discrete lighting elements positioned along a rib member; and
wherein each lighting element is fully recessed within the corresponding rib member.
53. (New) The umbrella apparatus according to claim 52, further comprising:
a translucent cover over the lighting elements.
54. (New) The umbrella apparatus of claim 49, wherein the multiple discrete lighting elements are each an LED.

55. (New) The umbrella apparatus according to claim 52, further comprising:
wires for conductively coupling the lighting elements to the rechargeable electrical power source, the wires being fully recessed within the rib members.

56. (New) An umbrella apparatus, comprising:
a base support portion;
a pole portion coupled to the base support portion;
a canopy portion having a plurality of rib members, the canopy portion being hingedly coupled to the pole portion;
a rechargeable electrical power system for providing electrical power to the umbrella apparatus;
a solar energy system adapted to collect solar energy and convert the solar energy into electrical energy, the solar energy system being conductively coupled to the rechargeable electrical power system, such that the solar energy collected and converted into electrical energy recharges the rechargeable electrical power system;
and
a lighting system carried by the canopy portion, the lighting system being conductively coupled to and powered by the rechargeable electrical power system, the lighting system comprising a plurality of lighting elements carried by the rib members, each lighting element being conductively coupled to and powered by the rechargeable electrical power system;
wherein the rechargeable electrical power system and the solar energy system each form a separate component part of a power module that is carried by the pole portion above the canopy portion.

57. (New) A patio umbrella apparatus, comprising:
a base support portion;
a pole portion coupled to the base support portion;
a canopy portion hingedly coupled to the pole portion, the canopy portion having

a plurality of rib members;

a crank housing coupled to the pole portion, the crank housing being adapted to partially house a system for opening and closing the canopy portion;

a rechargeable electrical power system for providing electrical power to the umbrella apparatus, the rechargeable electrical power system being disposed below the canopy portion;

a solar energy system carried by the pole portion above the canopy portion, the solar energy system being adapted to collect solar energy and convert the solar energy into electrical energy, the solar energy system being conductively coupled to the rechargeable electrical power system, such that the solar energy collected and converted into electrical energy recharges the rechargeable electrical power system;
and

a lighting system carried by the canopy portion, the lighting system being conductively coupled to and powered by the rechargeable electrical power system, the lighting system comprising a plurality of lighting elements carried by the rib members, each lighting element being conductively coupled to and powered by the rechargeable electrical power system via conductors, the conductors being recessed within the rib members.

58. (New) The patio umbrella apparatus according to claim 57, further comprising:
a switch carried by the crank housing for controlling the system for opening and closing the canopy portion.

59. (New) An umbrella apparatus, comprising:
a pole portion;
a base support portion for supporting the umbrella apparatus in an upright orientation, the base support portion being coupled to the pole portion;
a canopy portion hingedly coupled to the pole portion;
a crank housing coupled to the pole portion, the crank housing being adapted to partially house a system for opening and closing the canopy portion;

a rechargeable electrical power system for providing electrical power to the umbrella apparatus;

a switch disposed in the crank housing for controlling the system for opening and closing the canopy portion;

a solar energy system carried by the pole portion above the canopy portion, the solar energy system being adapted to collect solar energy and convert the solar energy into electrical energy, the solar energy system being conductively coupled to the rechargeable electrical power system, such that the solar energy collected and converted into electrical energy recharges the rechargeable electrical power system;
and

a lighting system carried by the canopy portion, the lighting system being conductively coupled to and powered by the rechargeable electrical power system;

wherein the rechargeable electrical power system is carried by the pole portion and the solar energy system is fixed relative to the pole portion when the canopy is operated between an opened position and a closed position.

60. (New) An umbrella apparatus, comprising:

a base support portion;

a pole portion coupled to the base support portion;

a canopy portion having a plurality of rib members, the canopy portion being hingedly coupled to the pole portion;

a rechargeable electrical power system for providing electrical power to the umbrella apparatus;

a solar energy system carried by the pole portion above the canopy portion, the solar energy system being adapted to collect solar energy and convert the solar energy into electrical energy, the solar energy system being conductively coupled to the rechargeable electrical power system, such that the solar energy collected and converted into electrical energy recharges the rechargeable electrical power system;
and

a lighting system carried by the canopy portion, the lighting system being

conductively coupled to and powered by the rechargeable electrical power system;

wherein the lighting system includes a plurality of lighting elements, each lighting element being recessed within a corresponding rib member and being covered by a translucent cover carried by the corresponding rib member.

61. (New) An umbrella apparatus, comprising:

a base support portion;

a pole portion coupled to the base support portion;

a canopy portion having a plurality of rib members, the canopy portion being hingedly coupled to the pole portion;

a power unit carried by the pole portion above the canopy portion;

a rechargeable electrical power system for providing electrical power to the umbrella apparatus, the rechargeable electrical power system forming a component part of the power unit;

a solar energy system for collecting solar energy and converting the solar energy into electrical energy, the solar energy system being conductively coupled to the rechargeable electrical power system, such that the solar energy collected and converted into electrical energy recharges the rechargeable electrical power system, the solar energy system also forming a component part of the power unit; and

a lighting system carried by the canopy portion, the lighting system being conductively coupled to and powered by the rechargeable electrical power system and having a plurality of lighting elements, each lighting element being carried by a rib member and being conductively coupled to the rechargeable electrical power system via a conductor carried by the corresponding rib member.

62. (New) An umbrella apparatus, comprising:

a base support portion;

a pole portion coupled to the base support portion;

a canopy portion having a plurality of rib members, the canopy portion being

hingedly coupled to the pole portion;

a rechargeable electrical power system for providing electrical power to the umbrella apparatus;

a solar energy system carried by the pole portion above the canopy portion, the solar energy system being adapted to collect solar energy and convert the solar energy into electrical energy, the solar energy system being conductively coupled to the rechargeable electrical power system, such that the solar energy collected and converted into electrical energy recharges the rechargeable electrical power system;
and

a light subassembly carried by the canopy portion, the light subassembly being conductively coupled to and powered by the rechargeable electrical power system;

wherein the light subassembly includes a plurality of light emitting diodes, each light emitting diode being recessed relative to a corresponding rib member and each light emitting diode being conductively coupled by a conductor recessed relative to the corresponding rib member.

63. (New) An umbrella apparatus, comprising:

a base support portion adapted to maintain the umbrella in an upright position;

a pole portion coupled to the base support portion, the pole portion being separable into at least two separate sections;

a canopy portion hingedly coupled to the pole portion;

a rechargeable electrical power system for providing electrical power to the umbrella apparatus;

an electrical charging system carried by the pole portion for recharging the rechargeable electrical power system, the electrical charging system being adapted to receive power from an AC power outlet;

a solar energy system coupled to the pole portion above the canopy portion, the solar energy system being adapted to collect solar energy and convert the solar energy into electrical energy, the solar energy system being conductively coupled to the rechargeable electrical power system, such that the solar energy collected and

converted into electrical energy recharges the rechargeable electrical power system;
and

a lighting system carried by the canopy portion, the lighting system being
conductively coupled to and powered by the rechargeable electrical power system.

64. (New) A patio umbrella apparatus, comprising:

a base support portion;

a pole portion coupled to the base support portion;

a canopy portion hingedly coupled to the pole portion;

a rechargeable electrical power system for providing electrical power to the
umbrella apparatus;

a solar energy system contained in a discus-shaped module, the discus-shaped
module being carried by the pole portion above the canopy portion, the solar energy
system being adapted to collect solar energy and convert the solar energy into electrical
energy, the solar energy system being conductively coupled to the rechargeable
electrical power system, such that the solar energy collected and converted into
electrical energy recharges the rechargeable electrical power system; and

a lighting system carried by the canopy portion, the lighting system being
conductively coupled to and powered by the rechargeable electrical power system.

65. (New) The patio umbrella apparatus according to claim 64, wherein the discus-
shaped module is releasably coupled to the pole portion.

66. (New) A patio umbrella apparatus, comprising:

a base support portion;

a pole portion coupled to the base support portion;

a canopy portion hingedly coupled to the pole portion, the canopy portion having
a plurality of rib members and being operable between an opened position and a closed

position;

a rechargeable electrical power system for providing electrical power to the umbrella apparatus;

a solar energy system adapted to collect solar energy and convert the solar energy into electrical energy, the solar energy system being conductively coupled to the rechargeable electrical power system, such that the solar energy collected and converted into electrical energy recharges the rechargeable electrical power system;
and

a lighting system carried by the canopy portion, the lighting system being conductively coupled to and powered by the rechargeable electrical power system via electrical conductors recessed within the rib members;

wherein the rechargeable electrical power system forms a bottom portion of a power unit and the solar energy system forms a top portion of the power unit, the power unit being carried by the pole portion above the canopy portion, such that the power unit remains in a fixed orientation relative to the pole portion when the canopy is operated between the opened position and the closed position.

67. (New) A patio umbrella apparatus, comprising:

a base support portion;

a pole portion coupled to the base support portion;

a canopy portion hingedly coupled to the pole portion;

a rechargeable electrical power system for providing electrical power to the umbrella apparatus;

a solar energy system carried by the pole portion above the canopy portion, the solar energy system being adapted to collect solar energy and convert the solar energy into electrical energy, the solar energy system being conductively coupled to the rechargeable electrical power system, such that the solar energy collected and converted into electrical energy recharges the rechargeable electrical power system;

an electromechanical opening and closing system for opening and closing the canopy portion, the electromechanical opening and closing system being powered by

the rechargeable electrical power system;

a lighting system carried by the canopy portion, the lighting system being conductively coupled to and powered by the rechargeable electrical power system; and

a switch for controlling the electromechanical opening and closing system.

68. (New) A patio umbrella apparatus, comprising:

a base support portion;

a pole portion coupled to the base support portion;

a canopy portion hingedly coupled to the pole portion;

a rechargeable electrical power system for providing electrical power to the umbrella apparatus;

a solar energy system carried by the pole portion above the canopy portion, the solar energy system being adapted to collect solar energy and convert the solar energy into electrical energy, the solar energy system being conductively coupled to the rechargeable electrical power system, such that the solar energy collected and converted into electrical energy recharges the rechargeable electrical power system;

an electromechanical opening and closing system for opening and closing the canopy portion, the electromechanical opening and closing system being powered by the rechargeable electrical power system, the electromechanical opening and closing system being partially housed in a housing coupled to the pole portion;

a lighting system carried by the canopy portion, the lighting system being conductively coupled to and powered by the rechargeable electrical power system; and

a switch carried by the housing for controlling the electromechanical opening and closing system.

69. (New) A patio umbrella apparatus, comprising:

a base support portion;

a pole portion coupled to the base support portion;

a canopy portion hingedly coupled to the pole portion;

a rechargeable electrical power system for providing electrical power to the umbrella apparatus;

a solar energy system carried by the pole portion above the canopy portion, the solar energy system being adapted to collect solar energy and convert the solar energy into electrical energy, the solar energy system being conductively coupled to the rechargeable electrical power system, such that the solar energy collected and converted into electrical energy recharges the rechargeable electrical power system;

an electromechanical opening and closing system for opening and closing the canopy portion, the electromechanical opening and closing system being powered by the rechargeable electrical power system;

a lighting system carried by the canopy portion, the lighting system being conductively coupled to and powered by the rechargeable electrical power system; and

a switch located on the pole portion for controlling the electromechanical opening and closing system.

70. (New) An umbrella apparatus, comprising:

a base support portion;

a pole portion coupled to the base support portion;

a canopy portion being hingedly coupled to the pole portion, the canopy portion having a plurality of rib members, each rib member having a recessed longitudinal channel;

a rechargeable electrical power system for providing electrical power to the umbrella apparatus;

a solar energy system carried by the pole portion above the canopy portion, the solar energy system being adapted to collect solar energy and convert the solar energy into electrical energy, the solar energy system being conductively coupled to the rechargeable electrical power system, such that the solar energy collected and converted into electrical energy recharges the rechargeable electrical power system;
and

a lighting system carried by the canopy portion, the lighting system being conductively coupled to and powered by the rechargeable electrical power system, the lighting system comprising a plurality of lighting elements carried by the rib members, each lighting element being disposed within the channel and being conductively coupled to and powered by the rechargeable electrical power source.

71. (New) The umbrella apparatus according to claim 70, further comprising:

a transparent cover disposed over each channel.

72. (New) An umbrella apparatus, comprising:

a base support portion;

a pole portion coupled to the base support portion;

a canopy portion being hingedly coupled to the pole portion, the canopy portion having a plurality of rib members;

a rechargeable electrical power system for providing electrical power to the umbrella apparatus;

a solar energy system carried by the pole portion above the canopy portion, the solar energy system being adapted to collect solar energy and convert the solar energy into electrical energy, the solar energy system being conductively coupled to the rechargeable electrical power system, such that the solar energy collected and converted into electrical energy recharges the rechargeable electrical power system;
and

a lighting system carried by the canopy portion, the lighting system being conductively coupled to and powered by the rechargeable electrical power system, wherein the lighting system comprises:

a plurality of discrete lighting elements carried by each rib member;

wherein each discrete lighting element is conductively coupled to and powered by the rechargeable electrical power source and is recessed within a corresponding rib member, the discrete lighting elements being conductively coupled to the rechargeable

electrical power system by electrical conductors, the electrical conductors also being recessed within the rib members.

73. (New) A patio umbrella apparatus, comprising:

a base support portion;

a pole portion coupled to the base support portion;

a canopy portion hingedly coupled to the pole portion;

a rechargeable electrical power system for providing electrical power to the umbrella apparatus;

a solar energy system carried by the pole portion above the canopy portion, the solar energy system being adapted to collect solar energy and convert the solar energy into electrical energy, the solar energy system being conductively coupled to the rechargeable electrical power system, such that the solar energy collected and converted into electrical energy recharges the rechargeable electrical power system;
and

an electrical charging system carried by the pole portion for recharging the rechargeable electrical power system, the electrical charging system being adapted to receive power from an AC power outlet;

wherein the electrical charging system remains carried by the pole portion when the rechargeable electrical power system is removed from the patio umbrella apparatus.

74. (New) An umbrella apparatus comprising:

a base support portion;

a pole portion coupled to the base support portion;

a canopy portion hingedly coupled to the pole portion;

a power module carried by the pole portion above the canopy portion, the power module having an upper portion and a lower portion;

a rechargeable electrical power system for providing electrical power to the umbrella apparatus, the rechargeable electrical power system being disposed in the lower portion of the power module;

a solar energy system disposed in the upper portion of the power module, the solar energy system being adapted to collect solar energy and convert the solar energy into electrical energy, the solar energy system being conductively coupled to the rechargeable electrical power system, such that the solar energy collected and converted into electrical energy recharges the rechargeable electrical power system;
and

a lighting system carried by the canopy portion, the lighting system being conductively coupled to and powered by the rechargeable electrical power system.

REMARKS:

Claims 1-14 and 45-74 are currently pending in the subject reexamination. Claims 15-44 were previously cancelled. Claims 1-3, 6, 8, 9, 45-49, 51, 52, 55-57, 59-70, and 72-74 are hereby amended. Claims 4, 5, 7, 10-14, 50, 53, 54, 58, and 71 are not hereby amended.

The following remarks, along with the section below entitled "Statements of Support for Amendments to the Claims," explain and set forth the support in the Specification for the foregoing amendments on a claim-by-claim basis. In addition, the Patent Owner reiterates here and incorporates by reference as if set forth fully herein all of the remarks, comments, and distinguishing arguments set forth in the Patent Owner's previously filed papers.

Claim Objections:

Claim 72 stands objected to because of the indentation of line 17. The indentation of Claim 72 is hereby changed. The Patent Owner submits that the changes to the indentions of Claim 72 overcome the Examiner's objection.

Rejections Under 35 U.S.C. § 314:

Claims 59, 61, 73, and 74 stand rejected under 35 U.S.C. § 314(a) as enlarging the scope of the claims. Claims 59, 61, 73, and 74 are hereby amended to bring the scope of the claims back into the scope of the issued claims. Claim 59 is hereby amended by adding the limitation that the base support portion is coupled to the pole portion. Claim 61 is amended by adding the limitation that the solar energy system forms a component part of a power unit that is carried by the pole portion above the canopy portion. Claim 73 is hereby amended by adding the limitation that the solar energy system is carried by the pole portion above the canopy portion. Claim 74 is hereby amended by adding the limitation that the solar energy system is disposed in an upper portion of a power module that is carried by the pole portion above the canopy portion. The Patent Owner submits that the amendments to Claims 59, 61, 73, and 74 overcome the Examiner's rejections under 35 U.S.C. § 314.

In addition, the Patent Owner respectfully submits that the Examiner's comment on Page 13 of the Office Action with respect to Claim 59 is not well taken. It is not true that when a base member is present, it is always coupled to the pole member. The embodiments of Figures 2A-2C and 3A-3C are expressly configured to allow the pole portion to be removed from the base member. This concept is explained in detail at column 6, line 44-column 7, line 28 and at column 8, line 61-column 9, line 39.

Rejections Under 35 U.S.C. § 112, First Paragraph:

Claims 45-48, 51, 55-71, 73, and 74 stand rejected under 35 U.S.C. § 112, first paragraph as failing to comply with the written description requirement. Claims 45-48, 51, 55-57, 59-70, 73, and 74 are hereby amended to comply with the written description requirement. Claims 58 and 71 are not hereby amended, but are dependent upon base claims that are hereby amended to comply with the written description requirement. The Patent Owner submits that the amendments to Claims 45-48, 51, 55-57, 59-70, 73, and 74 overcome the Examiner's rejections under 35 U.S.C. § 112, First Paragraph.

In addition, the Patent Owner respectfully submits that the Examiner's comment on Page 13 of the Office Action with respect to Claim 59 is not well taken. It is not true that when a base member is present, it is always coupled to the pole member. The embodiments of Figures 2A-2C and 3A-3C are expressly configured to allow the pole portion to be removed from the base member. This concept is explained in detail at column 6, line 44-column 7, line 28 and at column 8, line 61-column 9, line 39.

Rejections Under 35 U.S.C. § 112, Second Paragraph:

Claim 56 stands rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Application regards as the invention. Claim 56 is hereby amended by changing "source" to "system." The Patent Owner submits that the amendment to Claim 56 overcomes the Examiner's rejections under 35 U.S.C. § 112, Second Paragraph.

Rejections Under 35 U.S.C. § 103(a):

I. Claims 1 and 73 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over WO 93/00840 and Valdner.

Claim 1 is hereby amended by adding the limitations that the canopy portion has a plurality of rib members, that the solar energy system is carried by a module coupled to the pole portion above the canopy portion, and that the module is releasably coupled to the pole portion. In addition, Claim 1 is further amended by adding a lighting system carried by the canopy portion and by deleting the electrical charging system adapted to receive power from an AC power outlet. This combination of features is not disclosed in the cited references. Additional support for the foregoing amendments is set forth herein in the section entitled "Statements of Support for Amendments to the Claims." The Patent Owner submits that the combination of WO 93/00840 and Valdner does not disclose the umbrella apparatus of Claim 1, as amended, and that the foregoing amendments to Claim 1 overcome the Examiner's rejections under 35 U.S.C. 103(a). For the foregoing reasons, the Patent Owner submits that Claim 1, as amended, is now patentable.

Claim 73 is hereby amended by adding the limitations that the solar energy system is carried by the pole portion above the canopy portion, and that the electrical charging system is carried by the pole portion. This combination of features is not disclosed in the cited references. Additional support for the foregoing amendments is set forth herein in the section entitled "Statements of Support for Amendments to the Claims." The Patent Owner submits that the combination of WO 93/00840 and Valdner does not disclose the umbrella apparatus of Claim 73, as amended, and that the foregoing amendments to Claim 1 overcome the Examiner's rejections under 35 U.S.C. 103(a). For the foregoing reasons, the Patent Owner submits that Claim 73, as amended, is now patentable.

II. Claims 2 and 5 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over WO 93/00840 and Phyle.

Claim 2 is hereby amended by adding the limitation of a power module carried by the pole portion above the canopy portion, the power module having an upper portion and a lower portion. Claim 2 is further amended by adding the limitations that the rechargeable electrical power system is disposed in the lower portion of the power module, and that the solar energy system is carried by the upper portion of the power module. This combination of features is not disclosed in the cited references. Additional support for the foregoing amendments is set forth herein in the section entitled "Statements of Support for Amendments to the Claims." The Patent Owner submits that the combination of WO 93/00840 and Phyle does not disclose the umbrella apparatus of Claim 2, as amended, and that the foregoing amendments to Claim 2 overcome the Examiner's rejections under 35 U.S.C. 103(a). For the foregoing reasons, the Patent Owner submits that Claim 2, as amended, is now patentable.

Claim 5 is not hereby amended; however, Claim 5 remains dependent upon Claim 2, which is hereby amended. Thus, Claim 5 now includes all of the limitations of amended Claim 2. This combination of features is not disclosed in the cited references. Additional support for the foregoing amendments is set forth herein in the section entitled "Statements of Support for Amendments to the Claims." The Patent Owner submits that the combination of WO 93/00840 and Phyle does not disclose the umbrella apparatus of Claim 5, and that the foregoing amendments to Claim 2 overcome the Examiner's rejections of Claim 5 under 35 U.S.C. 103(a). For the foregoing reasons, the Patent Owner submits that Claim 5 is now patentable.

III. Claims 2, 5, and 74 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Phyle and Valdner.

Claim 2 is hereby amended by adding the limitation of a power module carried by the pole portion above the canopy portion, the power module having an upper portion and a lower portion. Claim 2 is further amended by adding the limitations that the rechargeable electrical power system is disposed in the lower portion of the power module, and that the solar energy system is carried by the upper portion of the power module. This combination of features is not disclosed in the cited references.

Additional support for the foregoing amendments is set forth herein in the section entitled "Statements of Support for Amendments to the Claims." The Patent Owner submits that the combination of Phyle and Valdner does not disclose the umbrella apparatus of Claim 2, as amended, and that the foregoing amendments to Claim 2 overcome the Examiner's rejections under 35 U.S.C. 103(a). For the foregoing reasons, the Patent Owner submits that Claim 2, as amended, is now patentable.

Claim 5 is not hereby amended; however, Claim 5 remains dependent upon Claim 2, which is hereby amended. Thus, Claim 5 now includes all of the limitations of amended Claim 2. This combination of features is not disclosed in the cited references. Additional support for the foregoing amendments is set forth herein in the section entitled "Statements of Support for Amendments to the Claims." The Patent Owner submits that the combination of Phyle and Valdner does not disclose the umbrella apparatus of Claim 5, and that the foregoing amendments to Claim 2 overcome the Examiner's rejections of Claim 5 under 35 U.S.C. 103(a). For the foregoing reasons, the Patent Owner submits that Claim 5 is now patentable.

Claim 74 is hereby amended by adding the limitation of a power module carried by the pole portion above the canopy portion, the power module having an upper portion and a lower portion. Claim 74 is further amended by adding the limitations that the rechargeable electrical power system is disposed in the lower portion of the power module, and that the solar energy system is disposed in the upper portion of the power module. This combination of features is not disclosed in the cited references. Additional support for the foregoing amendments is set forth herein in the section entitled "Statements of Support for Amendments to the Claims." The Patent Owner submits that the combination of Phyle and Valdner does not disclose the umbrella apparatus of Claim 74, as amended, and that the foregoing amendments to Claim 74 overcome the Examiner's rejections under 35 U.S.C. 103(a). For the foregoing reasons, the Patent Owner submits that Claim 74, as amended, is now patentable.

IV. Claims 2 and 4 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over WO 93/00840 and Pan or Wu or JP 9-168415 or Mai or Yang.

Claim 2 is hereby amended by adding the limitation of a power module carried by the pole portion above the canopy portion, the power module having an upper portion and a lower portion. Claim 2 is further amended by adding the limitations that the rechargeable electrical power system is disposed in the lower portion of the power module, and that the solar energy system is carried by the upper portion of the power module. This combination of features is not disclosed in the cited references. Additional support for the foregoing amendments is set forth herein in the section entitled "Statements of Support for Amendments to the Claims." The Patent Owner submits that the combination of WO 93/00840 and Pan or Wu or JP 9-168415 or Mai or Yang does not disclose the umbrella apparatus of Claim 2, as amended, and that the foregoing amendments to Claim 2 overcome the Examiner's rejections under 35 U.S.C. 103(a). In addition, filed herewith is a Second Declaration Under 37 C.F.R. § 1.131 in which the inventor, Gregory G. Kuelbs, swears behind the effective dates of the Cathel, Lee '856, Mai, Pan, Lee '224, Yang, Molnar, Vivian, Farr, and Lai references. In light of this Declaration, the Patent Owner respectfully submits that the Mai, Pan, and Yang references may not be relied upon to reject Claim 2. For the foregoing reasons, the Patent Owner submits that Claim 2, as amended, is now patentable.

Claim 4 is not hereby amended; however, Claim 4 remains dependent upon Claim 2, which is hereby amended. Thus, Claim 4 now includes all of the limitations of amended Claim 2. This combination of features is not disclosed in the cited references. Additional support for the foregoing amendments is set forth herein in the section entitled "Statements of Support for Amendments to the Claims." The Patent Owner submits that the combination of WO 93/00840 and Pan or Wu or JP 9-168415 or Mai or Yang does not disclose the umbrella apparatus of Claim 4, and that the foregoing amendments to Claim 2 overcome the Examiner's rejections of Claim 4 under 35 U.S.C. 103(a). In addition, filed herewith is a Second Declaration Under 37 C.F.R. § 1.131 in which the inventor, Gregory G. Kuelbs, swears behind the effective dates of the Cathel, Lee '856, Mai, Pan, Lee '224, Yang, Molnar, Vivian, Farr, and Lai references. In light of this Declaration, the Patent Owner respectfully submits that the

Mai, Pan, and Yang references may not be relied upon to reject Claim 4. For the foregoing reasons, the Patent Owner submits that Claim 4 is now patentable.

V. Claim 4 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Phyle and Valdner and Wu or Pan or JP 9-168415 or Yang or Mai.

Claim 4 is not hereby amended; however, Claim 4 remains dependent upon Claim 2, which is hereby amended. Thus, Claim 4 now includes all of the limitations of amended Claim 2. This combination of features is not disclosed in the cited references. Additional support for the foregoing amendments is set forth herein in the section entitled "Statements of Support for Amendments to the Claims." The Patent Owner submits that the combination of Phyle and Valdner and Wu or Pan or JP 9-168415 or Yang or Mai does not disclose the umbrella apparatus of Claim 4, and that the foregoing amendments to Claim 2 overcome the Examiner's rejections of Claim 4 under 35 U.S.C. 103(a). In addition, filed herewith is a Second Declaration Under 37 C.F.R. § 1.131 in which the inventor, Gregory G. Kuelbs, swears behind the effective dates of the Cathel, Lee '856, Mai, Pan, Lee '224, Yang, Molnar, Vivian, Farr, and Lai references. In light of this Declaration, the Patent Owner respectfully submits that the Mai, Pan, and Yang references may not be relied upon to reject Claim 4. For the foregoing reasons, the Patent Owner submits that Claim 4 is now patentable.

VI. Claims 6 and 7 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Phyle and Small.

Claim 6 is hereby amended by adding the limitation that the solar energy system is carried by a discus-shaped power unit that is carried by the pole portion above the canopy portion. This combination of features is not disclosed in the cited references. Additional support for the foregoing amendments is set forth herein in the section entitled "Statements of Support for Amendments to the Claims." The Patent Owner submits that the combination of Phyle and Small does not disclose the umbrella apparatus of Claim 6, as amended, and that the foregoing amendments to Claim 6 overcome the Examiner's rejections under 35 U.S.C. 103(a). For the foregoing reasons, the Patent Owner submits that Claim 6, as amended, is now patentable.

Claim 7 is not hereby amended; however, Claim 7 remains dependent upon Claim 6, which is hereby amended. Thus, Claim 7 now includes all of the limitations of amended Claim 6. This combination of features is not disclosed in the cited references. Additional support for the foregoing amendments is set forth herein in the section entitled "Statements of Support for Amendments to the Claims." The Patent Owner submits that the combination of Phyle and Small does not disclose the umbrella apparatus of Claim 7, and that the foregoing amendments to Claim 6 overcome the Examiner's rejections of Claim 7 under 35 U.S.C. 103(a). For the foregoing reasons, the Patent Owner submits that Claim 7 is now patentable.

VII. Claim 9 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Phyle and Farr.

Claim 9 is hereby amended by adding the limitations that the canopy portion has a plurality of rib members and that the at least one mist nozzle is carried by a rib member. This combination of features is not disclosed in the cited references. Additional support for the foregoing amendments is set forth herein in the section entitled "Statements of Support for Amendments to the Claims." The Patent Owner submits that the combination of Phyle and Farr does not disclose the umbrella apparatus of Claim 9, as amended, and that the foregoing amendments to Claim 9 overcome the Examiner's rejections under 35 U.S.C. 103(a). For the foregoing reasons, the Patent Owner submits that Claim 9, as amended, is now patentable.

VIII. Claims 49, 50, and 72 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over WO 93/00840 and Morgan or Rushing or Pan or JP 9-168415 or Mai. Claims 51 and 55 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over WO 93/00840 and Lee '856. Claim 54 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over WO 93/00840 and Pan or JP 9-168415 or Mai.

Claim 49 is hereby amended by adding the limitation that each lighting element is fully recessed within the rib member and is conductively coupled to the rechargeable electrical power system by an electrical conductor that is also fully recessed within the rib member. This combination of features is not disclosed in the cited references.

Additional support for the foregoing amendments is set forth herein in the section entitled "Statements of Support for Amendments to the Claims." The Patent Owner submits that the combination of WO 93/00840 and Pan or JP 9-168415 or Mai does not disclose the umbrella apparatus of Claim 49, as amended, and that the foregoing amendments to Claim 49 overcome the Examiner's rejections under 35 U.S.C. 103(a). In addition, filed herewith is a Second Declaration Under 37 C.F.R. § 1.131 in which the inventor, Gregory G. Kuelbs, swears behind the effective dates of the Cathel, Lee '856, Mai, Pan, Lee '224, Yang, Molnar, Vivian, Farr, and Lai references. In light of this Declaration, the Patent Owner respectfully submits that the Mai and Pan references may not be relied upon to reject Claim 49. For the foregoing reasons, the Patent Owner submits that Claim 49, as amended, is now patentable.

Claim 50 is not hereby amended; however, Claim 50 remains dependent upon Claim 49, which is hereby amended. Thus, Claim 50 now includes all of the limitations of amended Claim 49. This combination of features is not disclosed in the cited references. Additional support for the foregoing amendments is set forth herein in the section entitled "Statements of Support for Amendments to the Claims." The Patent Owner submits that the combination of WO 93/00840 and Pan or JP 9-168415 or Mai does not disclose the umbrella apparatus of Claim 50, and that the foregoing amendments to Claim 49 overcome the Examiner's rejections of Claim 50 under 35 U.S.C. 103(a). In addition, filed herewith is a Second Declaration Under 37 C.F.R. § 1.131 in which the inventor, Gregory G. Kuelbs, swears behind the effective dates of the Cathel, Lee '856, Mai, Pan, Lee '224, Yang, Molnar, Vivian, Farr, and Lai references. In light of this Declaration, the Patent Owner respectfully submits that the Mai and Pan references may not be relied upon to reject Claim 50. For the foregoing reasons, the Patent Owner submits that Claim 50 is now patentable.

Claim 51 is hereby amended by making Claim 51 an independent claim. All of the limitations of the original base claim, original Claim 49, have been incorporated into amended Claim 51, with the exception that the limitation relating to the lighting system including multiple discrete lighting elements positioned along a rib member has been replaced with the limitation that the lighting system includes at least one discrete

lighting element positioned along a rib member. In addition, Claim 51 is hereby amended by adding the limitations of a translucent cover for covering the lighting elements, that the solar energy system is carried by a power unit coupled to the pole portion above the canopy portion, and that a portion of each lighting element extends beyond the corresponding rib member. This combination of features is not disclosed in the cited references. Additional support for the foregoing amendments is set forth herein in the section entitled "Statements of Support for Amendments to the Claims." The Patent Owner submits that the combination of WO 93/00840 and Lee '856 does not disclose the umbrella apparatus of Claim 51, as amended, and that the foregoing amendments to Claim 51 overcome the Examiner's rejections under 35 U.S.C. 103(a). In addition, filed herewith is a Second Declaration Under 37 C.F.R. § 1.131 in which the inventor, Gregory G. Kuelbs, swears behind the effective dates of the Cathel, Lee '856, Mai, Pan, Lee '224, Yang, Molnar, Vivian, Farr, and Lai references. In light of this Declaration, the Patent Owner respectfully submits that the Lee '856 reference may not be relied upon to reject Claim 51. For the foregoing reasons, the Patent Owner submits that Claim 51 is now patentable.

Claim 54 is not hereby amended; however, Claim 54 remains dependent upon Claim 49, which is hereby amended. Thus, Claim 54 now includes all of the limitations of amended Claim 49. This combination of features is not disclosed in the cited references. Additional support for the foregoing amendments is set forth herein in the section entitled "Statements of Support for Amendments to the Claims." The Patent Owner submits that the combination of WO 93/00840 and Pan or JP 9-168415 or Mai does not disclose the umbrella apparatus of Claim 54, and that the foregoing amendments to Claim 49 overcome the Examiner's rejections of Claim 54 under 35 U.S.C. 103(a). In addition, filed herewith is a Second Declaration Under 37 C.F.R. § 1.131 in which the inventor, Gregory G. Kuelbs, swears behind the effective dates of the Cathel, Lee '856, Mai, Pan, Lee '224, Yang, Molnar, Vivian, Farr, and Lai references. In light of this Declaration, the Patent Owner respectfully submits that the Mai and Pan references may not be relied upon to reject Claim 54. For the foregoing reasons, the Patent Owner submits that Claim 54 is now patentable.

Claim 55 is hereby amended by adding the limitation of a translucent cover disposed over the lighting elements, and the limitation that the wires are fully recessed within the rib members. In addition, Claim 55 remains dependent upon Claim 51, which is hereby amended by adding additional limitations. This combination of features is not disclosed in the cited references. Additional support for the foregoing amendments is set forth herein in the section entitled "Statements of Support for Amendments to the Claims." The Patent Owner submits that the combination of WO 93/00840 and Lee '856 does not disclose the umbrella apparatus of Claim 55, as amended, and that the foregoing amendments to Claim 55 overcome the Examiner's rejections under 35 U.S.C. 103(a). In addition, filed herewith is a Second Declaration Under 37 C.F.R. § 1.131 in which the inventor, Gregory G. Kuelbs, swears behind the effective dates of the Cathel, Lee '856, Mai, Pan, Lee '224, Yang, Molnar, Vivian, Farr, and Lai references. In light of this Declaration, the Patent Owner respectfully submits that the Lee '856 reference may not be relied upon to reject Claim 55. For the foregoing reasons, the Patent Owner submits that Claim 55 is now patentable.

Claim 72 is hereby amended by adding the limitation that each discrete lighting element is recessed within the rib member and is conductively coupled to the rechargeable electrical power system by an electrical conductor that is also recessed within the rib member. This combination of features is not disclosed in the cited references. Additional support for the foregoing amendments is set forth herein in the section entitled "Statements of Support for Amendments to the Claims." The Patent Owner submits that the combination of WO 93/00840 and Pan or JP 9-168415 or Mai does not disclose the umbrella apparatus of Claim 72, as amended, and that the foregoing amendments to Claim 72 overcome the Examiner's rejections under 35 U.S.C. 103(a). In addition, filed herewith is a Second Declaration Under 37 C.F.R. § 1.131 in which the inventor, Gregory G. Kuelbs, swears behind the effective dates of the Cathel, Lee '856, Mai, Pan, Lee '224, Yang, Molnar, Vivian, Farr, and Lai references. In light of this Declaration, the Patent Owner respectfully submits that the Mai and Pan references may not be relied upon to reject Claim 72. For the foregoing reasons, the Patent Owner submits that Claim 72, as amended, is now patentable.

IX. Claims 49, 50, and 72 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Phyle and Valdner, and Morgan or Rushing or Pan or JP 9-168415 or Mai. Claims 51 and 55 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Phyle and Valdner, and Lee '856. Claim 54 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Phyle and Valdner, and Pan or JP 9-168415 or Mai.

Claim 49 is hereby amended by adding the limitation that each lighting element is fully recessed within the rib member and is conductively coupled to the rechargeable electrical power system by an electrical conductor that is also fully recessed within the rib member. This combination of features is not disclosed in the cited references. Additional support for the foregoing amendments is set forth herein in the section entitled "Statements of Support for Amendments to the Claims." The Patent Owner submits that the combination of Phyle and Valdner, and Morgan or Rushing or Pan or JP 9-168415 or Mai does not disclose the umbrella apparatus of Claim 49, as amended, and that the foregoing amendments to Claim 49 overcome the Examiner's rejections under 35 U.S.C. 103(a). In addition, filed herewith is a Second Declaration Under 37 C.F.R. § 1.131 in which the inventor, Gregory G. Kuelbs, swears behind the effective dates of the Cathel, Lee '856, Mai, Pan, Lee '224, Yang, Molnar, Vivian, Farr, and Lai references. In light of this Declaration, the Patent Owner respectfully submits that the Mai and Pan references may not be relied upon to reject Claim 49. For the foregoing reasons, the Patent Owner submits that Claim 49, as amended, is now patentable.

Claim 50 is not hereby amended; however, Claim 50 remains dependent upon Claim 49, which is hereby amended. Thus, Claim 50 now includes all of the limitations of amended Claim 49. This combination of features is not disclosed in the cited references. Additional support for the foregoing amendments is set forth herein in the section entitled "Statements of Support for Amendments to the Claims." The Patent Owner submits that the combination of Phyle and Valdner, and Morgan or Rushing or Pan or JP 9-168415 or Mai does not disclose the umbrella apparatus of Claim 50, and that the foregoing amendments to Claim 49 overcome the Examiner's rejections of

Claim 50 under 35 U.S.C. 103(a). In addition, filed herewith is a Second Declaration Under 37 C.F.R. § 1.131 in which the inventor, Gregory G. Kuelbs, swears behind the effective dates of the Cathel, Lee '856, Mai, Pan, Lee '224, Yang, Molnar, Vivian, Farr, and Lai references. In light of this Declaration, the Patent Owner respectfully submits that the Mai and Pan references may not be relied upon to reject Claim 50. For the foregoing reasons, the Patent Owner submits that Claim 50 is now patentable.

Claim 51 is hereby amended by making Claim 51 an independent claim. All of the limitations of the original base claim, original Claim 49, have been incorporated into amended Claim 51, with the exception that the limitation relating to the lighting system including multiple discrete lighting elements positioned along a rib member has been replaced with the limitation that the lighting system includes at least one discrete lighting element positioned along a rib member. In addition, Claim 51 is hereby amended by adding the limitations of a translucent cover for covering the lighting elements, that the solar energy system is carried by a power unit coupled to the pole portion above the canopy portion, and that a portion of each lighting element extends beyond the corresponding rib member. This combination of features is not disclosed in the cited references. Additional support for the foregoing amendments is set forth herein in the section entitled "Statements of Support for Amendments to the Claims." The Patent Owner submits that the combination of Phyle and Valdner, and Lee '856 does not disclose the umbrella apparatus of Claim 51, as amended, and that the foregoing amendments to Claim 51 overcome the Examiner's rejections under 35 U.S.C. 103(a). In addition, filed herewith is a Second Declaration Under 37 C.F.R. § 1.131 in which the inventor, Gregory G. Kuelbs, swears behind the effective dates of the Cathel, Lee '856, Mai, Pan, Lee '224, Yang, Molnar, Vivian, Farr, and Lai references. In light of this Declaration, the Patent Owner respectfully submits that the Lee '856 reference may not be relied upon to reject Claim 51. For the foregoing reasons, the Patent Owner submits that Claim 51 is now patentable.

Claim 54 is not hereby amended; however, Claim 54 remains dependent upon Claim 49, which is hereby amended. Thus, Claim 54 now includes all of the limitations of amended Claim 49. This combination of features is not disclosed in the cited

references. Additional support for the foregoing amendments is set forth herein in the section entitled "Statements of Support for Amendments to the Claims." The Patent Owner submits that the combination of Phyle and Valdner, and Pan or JP 9-168415 or Mai does not disclose the umbrella apparatus of Claim 54, and that the foregoing amendments to Claim 49 overcome the Examiner's rejections of Claim 54 under 35 U.S.C. 103(a). In addition, filed herewith is a Second Declaration Under 37 C.F.R. § 1.131 in which the inventor, Gregory G. Kuelbs, swears behind the effective dates of the Cathel, Lee '856, Mai, Pan, Lee '224, Yang, Molnar, Vivian, Farr, and Lai references. In light of this Declaration, the Patent Owner respectfully submits that the Mai and Pan references may not be relied upon to reject Claim 54. For the foregoing reasons, the Patent Owner submits that Claim 54 is now patentable.

Claim 55 is hereby amended by adding the limitation of a translucent cover disposed over the lighting elements, and the limitation that the wires are fully recessed within the rib members. In addition, Claim 55 remains dependent upon Claim 51, which is hereby amended by adding additional limitations. This combination of features is not disclosed in the cited references. Additional support for the foregoing amendments is set forth herein in the section entitled "Statements of Support for Amendments to the Claims." The Patent Owner submits that the combination of Phyle and Valdner, and Lee '856 does not disclose the umbrella apparatus of Claim 55, as amended, and that the foregoing amendments to Claim 55 overcome the Examiner's rejections under 35 U.S.C. 103(a). In addition, filed herewith is a Second Declaration Under 37 C.F.R. § 1.131 in which the inventor, Gregory G. Kuelbs, swears behind the effective dates of the Cathel, Lee '856, Mai, Pan, Lee '224, Yang, Molnar, Vivian, Farr, and Lai references. In light of this Declaration, the Patent Owner respectfully submits that the Lee '856 reference may not be relied upon to reject Claim 55. For the foregoing reasons, the Patent Owner submits that Claim 55 is now patentable.

Claim 72 is hereby amended by adding the limitation that each discrete lighting element is recessed within the rib member and is conductively coupled to the rechargeable electrical power system by an electrical conductor that is also recessed within the rib member. This combination of features is not disclosed in the cited

references. Additional support for the foregoing amendments is set forth herein in the section entitled "Statements of Support for Amendments to the Claims." The Patent Owner submits that the combination of Phyle and Valdner, and Morgan or Rushing or Pan or JP 9-168415 or Mai does not disclose the umbrella apparatus of Claim 72, as amended, and that the foregoing amendments to Claim 72 overcome the Examiner's rejections under 35 U.S.C. 103(a). In addition, filed herewith is a Second Declaration Under 37 C.F.R. § 1.131 in which the inventor, Gregory G. Kuelbs, swears behind the effective dates of the Cathel, Lee '856, Mai, Pan, Lee '224, Yang, Molnar, Vivian, Farr, and Lai references. In light of this Declaration, the Patent Owner respectfully submits that the Mai and Pan references may not be relied upon to reject Claim 72. For the foregoing reasons, the Patent Owner submits that Claim 72, as amended, is now patentable.

X. Claims 57 and 58 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Phyle and Small and Valdner.

Claim 57 is hereby amended by removing the switch feature and the electrical charging system feature. Claim 57 is further amended adding the limitations that the canopy portion has a plurality of rib members, and the rechargeable electrical power system is disposed below the canopy portion. In addition, the limitation of a lighting system carried by the canopy portion has been added, in which the lighting system comprises a plurality of lighting elements carried by the rib members, wherein each lighting element is conductively coupled to and powered by the rechargeable electrical power system via conductors that are recessed within the rib members. This combination of features is not disclosed in the cited references. Additional support for the foregoing amendments is set forth herein in the section entitled "Statements of Support for Amendments to the Claims." The Patent Owner submits that the combination of Phyle and Small and Valdner does not disclose the umbrella apparatus of Claim 57, as amended, and that the foregoing amendments to Claim 57 overcome the Examiner's rejections under 35 U.S.C. 103(a). For the foregoing reasons, the Patent Owner submits that Claim 57, as amended, is now patentable.

Claim 58 is hereby amended by removing the lighting system feature and adding the limitation of a switch carried by the crank housing for controlling the system for opening and closing the canopy portion. In addition, Claim 58 remains dependent upon Claim 57, which is also hereby amended. This combination of features is not disclosed in the cited references. Additional support for the foregoing amendments is set forth herein in the section entitled "Statements of Support for Amendments to the Claims." The Patent Owner submits that the combination of Phyle and Small and Valdner does not disclose the umbrella apparatus of Claim 58, as amended, and that the foregoing amendments to Claim 58 overcome the Examiner's rejections under 35 U.S.C. 103(a). For the foregoing reasons, the Patent Owner submits that Claim 58, as amended, is now patentable.

Confirmation of Claims:

Claims 10-14 stand confirmed and are not hereby amended. Claims 3 and 8 stand confirmed; however, Claims 3 and 8 are hereby amended by changing Claims 3 and 8 into independent claims that incorporate all of the limitations of the respective base claims and any intervening claims.

Patentability of Claims:

Claims 52 and 53 stand as being patentable. Claim 52 is hereby amended by changing Claim 52 into an independent claim that incorporates all of the limitations of the base claim and any intervening claims. Claim 53 is not hereby amended.

The Patent Owner respectfully points out that on Page 77 of the Office Action, the Examiner appears to have inadvertently stated that the proposed rejection of Claim 52 under 35 U.S.C. § 112, first paragraph, "is adopted." The Patent Owner presumes that because Claim 52 is listed on Page 1 of the Office Action as patentable, because the Examiner expressly listed her reasons for patentability on Page 127 of the Office Action, and because the Examiner has not provided any basis for any rejection of Claim 52, the Examiner's statement on Page 77 of the Office Action should state that the

proposed rejection "is not adapted." If this presumption is incorrect, the Patent Owner respectfully solicits clarification from the Examiner.

Second Declaration Under 37 C.F.R. § 1.131:

Enclosed herewith for filing in the subject reexamination is a Second Declaration Under 37 C.F.R. § 1.131 of Gregory G. Kuelbs, including Exhibits A-V. With the Second Declaration Under 37 C.F.R. § 1.131, the inventor, Gregory G. Kuelbs, swears behind the effective dates of the following references: U.S. Patent No. 6,299,325 to Cathel; U.S. Patent No. 6,499,856 to Lee; U.S. Patent No. 6,270,230 to Mai; U.S. Patent No. 6,439,249 to Pan et al.; U.S. Patent No. 6,666,224 to Lee; U.S. Patent No. 6,341,873 to Yang; U.S. Patent No. 6,298,866 to Molnar; U.S. Patent Application Publication No. 2005/0072451 to Vivian; U.S. Patent Application Publication No. 2002/0078985 to Farr; and U.S. Patent No. 6,182,917 to Lai.

According to 37 C.F.R. § 1.131(a), "[w]hen any claim of an application or a patent under reexamination is rejected the inventor of the subject matter of the rejected claim, the owner of the patent under reexamination, ... may submit an appropriate oath or declaration to establish invention of the subject matter of the rejected claim prior to the effective date of the reference or activity on which the rejection is based." According to 37 C.F.R. § 1.131(b), "[t]he showing of facts shall be of such, in character and weight, as to establish reduction to practice prior to the effective filing date of the reference, or conception of the invention prior to the effective date of the reference coupled with due diligence from prior to said date to a subsequent reduction to practice or to the filing of the application." As set forth at M.P.E.P. § 715.07, "when reviewing a 37 C.F.R. § 1.131 affidavit or declaration, the Examiner must consider all of the evidence presented in its entirety, including the affidavits or declarations and all accompanying exhibits, records and 'notes.'"

The enclosed Second Declaration Under 37 C.F.R. § 1.131 and supporting Exhibits establish that the inventor, Gregory G. Kuelbs, conceived and reduced to practice the subject matter of Claims 2, 4, 9, 49, 50, 51, 54, 55, and 72 prior to the

effective filing date of the references listed above. Thus, the references listed above may not be relied upon to reject Claims 2, 4, 9, 49, 50, 51, 54, 55, and 72.

Acknowledgement of Misquoted Statement:

The Requester correctly pointed out that the undersigned attorney misquoted the language of the Valdner patent relating to the suitability and purpose of the Valdner device. The undersigned attorney respectfully submits that this misquoting of the Valdner patent was inadvertent and not done intentionally. The undersigned attorney inadvertently misread the Valdner patent, typed the quoted passage incorrectly, and mistakenly relied upon such incorrect quote. This mistake was purely on the part of the undersigned attorney and not the Patent Owner. The undersigned apologizes to the Requester and the Examiner for any inconvenience this mistake may have caused.

STATEMENTS OF SUPPORT FOR AMENDMENTS TO THE CLAIMS:

Claims 1-14 and 45-74 are currently pending in the subject reexamination. Claims 15-44 were previously cancelled. Claims 1-3, 6, 8, 9, 45-49, 51, 52, 55-57, 59-70, and 72-74 are hereby amended. Claims 4, 5, 7, 10-14, 50, 53, 54, 58, and 71 are not hereby amended.

The Patent Owner submits that support for each element and feature of each and every claim in the patent, may be found in the various embodiments of the invention disclosed in the patent. The following are statements for support of each amended claim.

Support for all of the elements of amended Claim 1 may be found at various locations throughout the patent, including the figures. In particular, support for the base, the pole, and the canopy is shown in Figures 1-3C and described at column 3, lines 12-47, at column 5, lines 15-31, and at column 7, lines 29-45, and is shown in Figures 6-9 and described at column 11, lines 48-59, and is further described at column 12, lines 26-57. Support for the rechargeable electrical power system is shown in Figures 1-3C and described at column 4, lines 23-44, at column 6, lines 12-24, at column 8, lines 26-32, and is shown in Figures 6-9 and described at column 11, lines 48-59, at column 12, lines 51-53, column 13, lines 26-28, column 13, lines 50-52, and column 14, lines 21-23. Support for the solar energy system is shown in Figures 1-3C and described at column 4, lines 45-63, at column 6, lines 25-43, and at column 8, lines 42-60, and is shown in Figures 6-9 and described at column 11, lines 48-59, at column 12, lines 26-57. Support for the solar energy system and the rechargeable electrical power system being carried by a module that is releasably coupled to the pole portion is shown in Figures 6-9 and described at column 11, lines 48-59 and at column 12, lines 26-57. Support for the lighting system carried by the canopy portion and being conductively coupled to the rechargeable electrical power system is shown in Figures 1-3C and described at column 3, lines 48-59, at column 5, lines 31-48, at column 7, lines 45-62, and is shown in Figure 6 and described at column 12, line 26-column 13, line 3. Support for the lighting system having multiple discrete lighting elements positioned

along at least one of the rib members is shown in Figures 1-3C and described at column 3, lines 48-59, at column 5, lines 31-48, at column 7, lines 45-62, and is shown in Figure 6 and described at column 12, line 26-column 13, line 3. The Patent Owner directs the Examiner's attention to column 12, line 58-column 13, line 3, in which the patent clearly states that other low power lighting systems, such as "an LED or fluorescent lighting subassembly may be utilized instead" of the cold cathode tube light assembly shown in the embodiment of Figure 6. Thus, the Patent Owner submits that any reference to a cold cathode tube lighting subassembly may be replaced by an LED or fluorescent lighting subassembly.

Support for all of the elements of amended Claim 2 may be found at various locations throughout the patent, including the figures. In particular, support for the base, the pole, and the canopy is shown in Figures 1-3C and described at column 3, lines 12-47, at column 5, lines 15-31, and at column 7, lines 29-45, and is shown in Figures 6-9 and described at column 11, lines 48-59, and is further described at column 12, lines 26-57. Support for the rechargeable electrical power system is shown in Figures 1-3C and described at column 4, lines 23-44, at column 6, lines 12-24, at column 8, lines 26-32, and is shown in Figures 6-9 and described at column 11, lines 48-59, at column 12, lines 51-53, column 13, lines 26-28, column 13, lines 50-52, and column 14, lines 21-23. Support for the solar energy system is shown in Figures 1, 2A, and 3A and described at column 4, lines 45-63, at column 6, lines 25-43, and at column 8, lines 42-60, and is shown in Figures 6-9 and described at column 11, lines 48-59, at column 12, lines 26-57. Support for the solar energy system and the rechargeable electrical power system being carried by a power module coupled to the pole portion is shown in Figures 6-9 and described at column 11, lines 48-59 and at column 12, lines 26-57. Support for the solar energy system being carried by the upper portion of the power module and the rechargeable electrical power system being disposed in the lower portion of the power module is shown in Figures 6-9 and described at column 12, lines 26-35. Support for the lighting system carried by the canopy portion and being conductively coupled to the rechargeable electrical power system is shown in Figures 1-

3C and described at column 3, lines 48-59, at column 5, lines 31-48, at column 7, lines 45-62, and is shown in Figure 6 and described at column 12, line 26-column 13, line 3.

Support for all of the elements of amended Claim 3 may be found at various locations throughout the patent, including the figures. In particular, support for the base, the pole, and the canopy is shown in Figures 1-3C and described at column 3, lines 12-47, at column 5, lines 15-31, and at column 7, lines 29-45, and is shown in Figures 6-9 and described at column 11, lines 48-59, and is further described at column 12, lines 26-57. Support for the rechargeable electrical power system is shown in Figures 1-3C and described at column 4, lines 23-44, at column 6, lines 12-24, at column 8, lines 26-32, and is shown in Figures 6-9 and described at column 11, lines 48-59, at column 12, lines 51-53, column 13, lines 26-28, column 13, lines 50-52, and column 14, lines 21-23. Support for the solar energy system is shown in Figures 1, 2A, and 3A and described at column 4, lines 45-63, at column 6, lines 25-43, and at column 8, lines 42-60, and is shown in Figures 6-9 and described at column 11, lines 48-59, at column 12, lines 26-57. Support for the lighting system having cold cathode tube elements carried by the rib members and being conductively coupled to the rechargeable electrical power system is shown in Figures 1-3C and described at column 3, lines 48-59, at column 5, lines 31-48, at column 7, lines 45-62, and is shown in Figure 6 and described at column 12, line 26-column 13, line 3.

Support for all of the elements of amended Claim 6 may be found at various locations throughout the patent, including the figures. In particular, support for the base, the pole, and the canopy is shown in Figures 1-3C and described at column 3, lines 12-47, at column 5, lines 15-31, and at column 7, lines 29-45, and is shown in Figures 6-9 and described at column 11, lines 48-59, and is further described at column 12, lines 26-57. Support for the rechargeable electrical power system is shown in Figures 1-3C and described at column 4, lines 23-44, at column 6, lines 12-24, at column 8, lines 26-32, and is shown in Figures 6-9 and described at column 11, lines 48-59, at column 12, lines 51-53, column 13, lines 26-28, column 13, lines 50-52, and column 14, lines 21-23. Support for the solar energy system is shown in Figures 1-3C and described at column 4, lines 45-63, at column 6, lines 25-43, and at column 8, lines

42-60, and is shown in Figures 6-9 and described at column 11, lines 48-59, at column 12, lines 26-57. Support for the solar energy system being carried by a disc-shaped power unit is shown in Figures 1-3C and described at column 4, lines 45-63, at column 6, lines 25-43, and at column 8, lines 42-60, and is shown in Figures 6-9 and described at column 11, lines 48-59 and at column 12, lines 26-57. Support for the electromechanical opening and closing system being conductively coupled to and powered by the rechargeable electrical power system is shown Figures 1, 2A, and 3A and is described at column 3, line 60-column 4, line 22, at column 5, line 49-column 6, line 11, and at column 7, line 63-column 8, line 25, is shown in Figures 5A and 5B and is described at column 11, lines 10-47, and is shown in Figure 9 and described at column 11, line 48-column 12, line 25, and at column 14, lines 3-37.

Support for all of the elements of amended Claim 8 may be found at various locations throughout the patent, including the figures. In particular, support for the base, the pole, and the canopy is shown in Figures 1-3C and described at column 3, lines 12-47, at column 5, lines 15-31, and at column 7, lines 29-45, and is shown in Figures 6-9 and described at column 11, lines 48-59, and is further described at column 12, lines 26-57. Support for the rechargeable electrical power system is shown in Figures 1-3C and described at column 4, lines 23-44, at column 6, lines 12-24, at column 8, lines 26-32, and is shown in Figures 6-9 and described at column 11, lines 48-59, at column 12, lines 51-53, column 13, lines 26-28, column 13, lines 50-52, and column 14, lines 21-23. Support for the solar energy system is shown in Figures 1, 2A, and 3A and described at column 4, lines 45-63, at column 6, lines 25-43, and at column 8, lines 42-60, and is shown in Figures 6-9 and described at column 11, lines 48-59, at column 12, lines 26-57. Support for the electromechanical opening and closing system being conductively coupled to and powered by the rechargeable electrical power system, and having an electric motor, a control system, a gear system coupled to the electric motor, and a cable and pulley system is shown Figures 1, 2A, and 3A and is described at column 3, line 60-column 4, line 22, at column 5, line 49-column 6, line 11, and at column 7, line 63-column 8, line 25, is shown in Figures 5A and 5B and is described at column 11, lines 10-47, and is shown in Figure 9 and described at column

11, line 48-column 12, line 25, and at column 14, lines 3-37. Support for the control system having a receiver, a remote transmitter, and a decoder is shown in Figure 5B and is described at column 11, lines 28-48.

Support for all of the elements of amended Claim 9 may be found at various locations throughout the patent, including the figures. In particular, support for the base, the pole, and the canopy is shown in Figures 1-3C and described at column 3, lines 12-47, at column 5, lines 15-31, and at column 7, lines 29-45, and is shown in Figures 6-9 and described at column 11, lines 48-59, and is further described at column 12, lines 26-57. Support for the rechargeable electrical power system is shown in Figures 1-3C and described at column 4, lines 23-44, at column 6, lines 12-24, at column 8, lines 26-32, and is shown in Figures 6-9 and described at column 11, lines 48-59, at column 12, lines 51-53, column 13, lines 26-28, column 13, lines 50-52, and column 14, lines 21-23. Support for the solar energy system is shown in Figures 1-3C and described at column 4, lines 45-63, at column 6, lines 25-43, and at column 8, lines 42-60, and is shown in Figures 6-9 and described at column 11, lines 48-59, at column 12, lines 26-57. Support for the cooling system carried by the rib members of the canopy portion is shown in Figures 4B and 4C and described at column 9, line 65-column 10, line 67, and in Figures 7 and 8 and described at column 13-column 14, line 2.

Support for all of the elements of amended Claim 45 may be found at various locations throughout the patent, including the figures. In particular, support for the base, the pole, and the canopy is shown in Figures 1-3C and described at column 3, lines 12-47, at column 5, lines 15-31, and at column 7, lines 29-45, and is shown in Figures 6-9 and described at column 11, lines 48-59, and is further described at column 12, lines 26-57. Support for the rechargeable electrical power system is shown in Figures 1-3C and described at column 4, lines 23-44, at column 6, lines 12-24, at column 8, lines 26-32, and is shown in Figures 6-9 and described at column 11, lines 48-59, at column 12, lines 51-53, column 13, lines 26-28, column 13, lines 50-52, and column 14, lines 21-23. Support for the solar energy system is shown in Figures 1, 2A, and 3A and described at column 4, lines 45-63, at column 6, lines 25-43, and at column

8, lines 42-60, and is shown in Figures 6-9 and described at column 11, lines 48-59, at column 12, lines 26-57. Support for the solar energy system and the rechargeable electrical power system being carried by a power unit coupled to the pole portion is shown in Figures 6-9 and described at column 11, lines 48-59 and at column 12, lines 26-57. Support for the solar energy system being carried by the top portion of the power unit and the rechargeable electrical power system being carried by the bottom portion of the power module is shown in Figures 6-9 and described at column 12, lines 26-35.

Furthermore, the Patent Owner submits that each and every possible combination of features need not be shown in a separate drawing figure in order to obtain patentable claims for such combination of features, provided there is support in the patent for such combination of features. The Patent Owner directs the Examiner's attention to several specific references in the patent that provide support for placing the solar energy system, the rechargeable electrical power system, **and** the electrical charging system in a unitary structure atop the pole portion. At column 11, lines 50-52, the patent reads:

In these embodiments, the rechargeable **power source** and solar recharging system are mounted atop the pole portion of the umbrella apparatus above the canopy. One concept which runs throughout the embodiments depicted in FIGS. 6-9 is the utilization of a "**power unit.**" This concept involves the placement of a **unitary structure** at a defined location relative to the umbrella. For example, in the embodiments of FIGS. 6-9, the power unit is shown at a top location **directly above the umbrella apparatus, and secured to the pole portion with a threaded coupling.** FIG 6 depicts a top-mounted power unit and a cold cathode tube lighting system. (Emphasis added).

At column 12, lines 27-35, the patent reads:

As is shown, a power unit 725 is provided for connection to the uppermost portion of umbrella apparatus 701. In this embodiment, a cold cathode tube light subassembly 721 is provided for connection at a different location to umbrella apparatus 701. Power unit 725 includes a solar collector 727 at its uppermost portion. Solar collector 727 is preferably carried by a top portion 703 of power unit 725. A bottom portion 705 of power unit 725 defines an **interior battery compartment 707.** (Emphasis added).

Then, at column 12, lines 51-53, the patent reads:

The **power source, such as power sources 50, 150, and 250**, carried by power unit 725 is utilized to energize cold cathode tube light subassembly 721. During daylight hours, solar energy is collected by solar panel 727 and is converted and utilized to recharge the rechargeable **power source** which is maintained within **battery compartment 707**. (Emphasis added).

This "power source 50" is referred to in the patent with respect to Figure 1 as "power system 50." As is clearly shown in Figure 1, power source 50 includes both the power source 55, i.e. rechargeable batteries 55a, and the external power system charger 51. As set forth at column 4, lines 23-63:

Umbrella apparatus 11 includes a **power system 50** having a **power source 55**. In this embodiment, power source 55 is preferably disposed in the hollow interior of pole portion 15 at a lower extremity and comprises one or more **rechargeable batteries 55a**. A releasable end cap 57 having integral ground connectors is provided at the lowermost portion of pole portion 15 to complete the electrical circuit of power system 50 and to allow access to rechargeable batteries 55a, as rechargeable batteries 55a may have to be periodically replaced. **Power system 50 provides electrical power to lighting system 26** and opening and closing system 40. An **external power system charger 51 is electrically coupled to power system 50** to aid in repeatedly charging rechargeable batteries 55a. As is shown in FIG. 1, an external adapter 60 may be provided. External adapter 60 includes a relatively small plug 59 that is adapted to be conductively received by external power system charger 51, an extension cord 61, an electrical transformer 63, and terminals 65 that allow transformer 63 to be plugged into a conventional AC wall outlet. **This allows power system charger 51 to receive power directly from a conventional AC wall outlet in order to recharge rechargeable batteries 55a.**

In accordance with a preferred embodiment of the present invention, an alternative power system charger 62 may be provided. Alternate power system charger 62 includes at least one solar cell 35 carried by an upper cap portion 64. **Solar cells 35 are conductively coupled to power system charger 51** via wires (not shown) that pass through the hollow interior of pole portion 15, thereby allowing solar cells 35 to provide an electrical charge to recharge rechargeable batteries 55a, provided sunlight falls upon solar cells 35. Because solar cells 35 provide continuous recharging throughout the daylight hours, the amount and frequency of charging power system 50 with external power system charger 60 may be minimized. It is important to note that locating alternate power system

charger 62 atop umbrella portion 13 is unique and advantageous, particularly when alternate power system charger 62 includes solar cells 35 or other types of solar energy collectors. Such location limits the visibility of alternate power system charger 62 and ensures that solar energy collection is maximized. (Emphasis added).

Thus, a power source, which can include a rechargeable electrical power system, i.e., rechargeable batteries 55a; an electrical charging system that is adapted to be plugged into a conventional AC wall outlet, i.e., power system charger 51; and a solar energy system, such as solar collector 727, may be disposed in a unitary power unit carried atop the pole portion.

Support for all of the elements of amended Claim 46 may be found at various locations throughout the patent, including the figures. Support for the elements from Claim 46 are set forth above. In addition, support for the power unit being releasably coupled to the pole portion is shown in Figures 6-9 and described at column 11, lines 48-59 and at column 12, lines 26-57.

Support for all of the elements of amended Claim 47 may be found at various locations throughout the patent, including the figures. In particular, support for the base, the pole, and the canopy is shown in Figures 1-3C and described at column 3, lines 12-47, at column 5, lines 15-31, and at column 7, lines 29-45, and is shown in Figures 6-9 and described at column 11, lines 48-59, and is further described at column 12, lines 26-57. Support for the rechargeable electrical power system is shown in Figures 1-3C and described at column 4, lines 23-44, at column 6, lines 12-24, at column 8, lines 26-32, and is shown in Figures 6-9 and described at column 11, lines 48-59, at column 12, lines 51-53, column 13, lines 26-28, column 13, lines 50-52, and column 14, lines 21-23. Support for the solar energy system is shown in Figures 1, 2A, and 3A and described at column 4, lines 45-63, at column 6, lines 25-43, and at column 8, lines 42-60, and is shown in Figures 6-9 and described at column 11, lines 48-59, at column 12, lines 26-57. Support for the solar energy system and the rechargeable electrical power system being carried by a power unit coupled to the pole portion is shown in Figures 6-9 and described at column 11, lines 48-59 and at column 12, lines

26-57. Support for the solar energy system being carried by the top portion of the power unit and the rechargeable electrical power system being carried by the bottom portion of the power unit is shown in Figures 6-9 and described at column 12, lines 26-35. Support for the power unit being releasably coupled to the pole portion is shown in Figures 6-9 and described at column 11, lines 48-59 and at column 12, lines 26-57. Support for the power unit being fixed relative to the pole portion when the canopy is operated is shown in Figure 6 and described at column 11, lines 48-59 and at column 12, lines 26-57.

Support for all of the elements of amended Claim 48 may be found at various locations throughout the patent, including the figures. In particular, support for the base, the pole, and the canopy is shown in Figures 1-3C and described at column 3, lines 12-47, at column 5, lines 15-31, and at column 7, lines 29-45; and is shown in Figures 6-9 and described at column 11, lines 48-59, and is further described at column 12, lines 26-57. Support for the rechargeable electrical power system is shown in Figures 1-3C and described at column 4, lines 23-44, at column 6, lines 12-24, at column 8, lines 26-32, and is shown in Figures 6-9 and described at column 11, lines 48-59, at column 12, lines 51-53, column 13, lines 26-28, column 13, lines 50-52, and column 14, lines 21-23. Support for the solar energy system is shown in Figures 1, 2A, and 3A and described at column 4, lines 45-63, at column 6, lines 25-43, and at column 8, lines 42-60, and is shown in Figures 6-9 and described at column 11, lines 48-59, at column 12, lines 26-57. Support for the solar energy system and the rechargeable electrical power system forming component parts of a power unit coupled to the pole portion is shown in Figures 6-9 and described at column 11, lines 48-59 and at column 12, lines 26-57. Support for the power unit being fixed relative to the pole portion when the canopy is operated is shown in Figure 6 and described at column 11, lines 48-59 and at column 12, lines 26-57. Support for the lighting elements being carried by the rib members and being recessed within the rib members is shown in Figures 1, 2A, and 3A and described at column 3, lines 48-59, at column 5, lines 31-48, at column 7, lines 45-62, and is shown in Figure 6 and described at column 12, line 26-column 13, line 3, and

shown in Figures 4A-4C and described at column 7, lines 45-62 and at column 9, line 40-column 10, line 67.

Support for all of the elements of amended Claim 49 may be found at various locations throughout the patent, including the figures. In particular, support for the base, the pole, and the canopy is shown in Figures 1-3C and described at column 3, lines 12-47, at column 5, lines 15-31, and at column 7, lines 29-45, and is shown in Figures 6-9 and described at column 11, lines 48-59, and is further described at column 12, lines 26-57. Support for the rechargeable electrical power system is shown in Figures 1-3C and described at column 4, lines 23-44, at column 6, lines 12-24, at column 8, lines 26-32, and is shown in Figures 6-9 and described at column 11, lines 48-59, at column 12, lines 51-53, column 13, lines 26-28, column 13, lines 50-52, and column 14, lines 21-23. Support for the solar energy system is shown in Figures 1, 2A, and 3A and described at column 4, lines 45-63, at column 6, lines 25-43, and at column 8, lines 42-60, and is shown in Figures 6-9 and described at column 11, lines 48-59, at column 12, lines 26-57. Support for the lighting elements being carried by the rib members and being recessed within the rib members and being conductively coupled to the rechargeable electrical power system by an electrical conductor that is also recessed within the rib member is shown in Figures 1, 2A, and 3A and described at column 3, lines 48-59, at column 5, lines 31-48, at column 7, lines 45-62, and is shown in Figure 6 and described at column 12, line 26-column 13, line 3, and shown in Figures 4A-4C and described at column 7, lines 45-62 and at column 9, line 40-column 10, line 67.

Support for all of the elements of amended Claim 51 may be found at various locations throughout the patent, including the figures. In particular, support for the base, the pole, and the canopy is shown in Figures 1-3C and described at column 3, lines 12-47, at column 5, lines 15-31, and at column 7, lines 29-45, and is shown in Figures 6-9 and described at column 11, lines 48-59, and is further described at column 12, lines 26-57. Support for the rechargeable electrical power system is shown in Figures 1-3C and described at column 4, lines 23-44, at column 6, lines 12-24, at column 8, lines 26-32, and is shown in Figures 6-9 and described at column 11, lines

48-59, at column 12, lines 51-53, column 13, lines 26-28, column 13, lines 50-52, and column 14, lines 21-23. Support for the solar energy system is shown in Figures 1, 2A, and 3A and described at column 4, lines 45-63, at column 6, lines 25-43, and at column 8, lines 42-60, and is shown in Figures 6-9 and described at column 11, lines 48-59, at column 12, lines 26-57. Support for the solar energy system being carried by a power unit coupled to the pole portion is shown in Figures 6-9 and described at column 11, lines 48-59 and at column 12, lines 26-57. Support for the solar energy system being carried by a power unit that is releasably coupled to the pole portion is shown in Figures 6-9 and described at column 11, lines 48-59 and at column 12, lines 26-57. Support for the lighting system carried by the canopy portion and being conductively coupled to the rechargeable electrical power system is shown in Figures 1, 2A, and 3A and described at column 3, lines 48-59, at column 5, lines 31-48, at column 7, lines 45-62, and is shown in Figure 6 and described at column 12, line 26-column 13, line 3. Support for the lighting system having at least one discrete lighting element positioned along a rib member is shown in Figures 1, 2A, and 3A and described at column 3, lines 48-59, at column 5, lines 31-48, at column 7, lines 45-62, and is shown in Figure 6 and described at column 12, line 26-column 13, line 3. Support for the translucent covers is shown in Figures 4A-4C and described at column 7, lines 45-62 and at column 9, line 40-column 10, line 67, and is shown in Figure 6 and described at column 12, line 26-column 13, line 3. Support for at least a portion of each lighting element extending beyond the corresponding rib member is shown in Figure 6 and described at column 12, line 26-column 13, line 3. The Patent Owner directs the Examiner's attention to column 12, line 58-column 13, line 3, in which the patent clearly states that other low power lighting systems, such as "an LED or fluorescent lighting subassembly may be utilized instead" of the cold cathode tube light assembly shown in the embodiment of Figure 6. Thus, the Patent Owner submits that any reference to a cold cathode tube lighting subassembly may be replaced by an LED or fluorescent lighting subassembly.

Support for all of the elements of amended Claim 52 may be found at various locations throughout the patent, including the figures. In particular, support for the base, the pole, and the canopy is shown in Figures 1-3C and described at column 3,

lines 12-47, at column 5, lines 15-31, and at column 7, lines 29-45, and is shown in Figures 6-9 and described at column 11, lines 48-59, and is further described at column 12, lines 26-57. Support for the rechargeable electrical power system is shown in Figures 1-3C and described at column 4, lines 23-44, at column 6, lines 12-24, at column 8, lines 26-32, and is shown in Figures 6-9 and described at column 11, lines 48-59, at column 12, lines 51-53, column 13, lines 26-28, column 13, lines 50-52, and column 14, lines 21-23. Support for the solar energy system is shown in Figures 1, 2A, and 3A and described at column 4, lines 45-63, at column 6, lines 25-43, and at column 8, lines 42-60, and is shown in Figures 6-9 and described at column 11, lines 48-59, at column 12, lines 26-57. Support for the lighting system carried by the canopy portion and being conductively coupled to the rechargeable electrical power system is shown in Figures 1-3C and described at column 3, lines 48-59, at column 5, lines 31-48, at column 7, lines 45-62, and is shown in Figure 6 and described at column 12, line 26-column 13, line 3. Support for the lighting system including multiple discrete lighting elements positioned along a rib member, each discrete lighting element being recessed within a corresponding rib member is shown in Figures 1, 2A, and 3A and described at column 3, lines 48-59, at column 5, lines 31-48, at column 7, lines 45-62, is shown in Figures 4A-4C and described at column 7, lines 45-62 and at column 9, line 40-column 10, line 67, and is shown in Figure 6 and described at column 12, line 26-column 13, line 3. The Patent Owner directs the Examiner's attention to column 12, line 58-column 13, line 3, in which the patent clearly states that other low power lighting systems, such as "an LED or fluorescent lighting subassembly may be utilized instead" of the cold cathode tube light assembly shown in the embodiment of Figure 6. Thus, the Patent Owner submits that any reference to a cold cathode tube lighting subassembly may be replaced by an LED or fluorescent lighting subassembly.

Support for all of the elements of amended Claim 55 may be found at various locations throughout the patent, including the figures. Support for the elements from Claim 52 are set forth above. In addition, support for the wires being recessed within the rib member is shown in Figures 1, 2A, and 3A and described at column 3, lines 48-59, at column 5, lines 31-48, at column 7, lines 45-62, and is shown in Figure 6 and

described at column 12, line 26-column 13, line 3, and shown in Figures 4A-4C and described at column 7, lines 45-62 and at column 9, line 40-column 10, line 67.

Support for all of the elements of amended Claim 56 may be found at various locations throughout the patent, including the figures. In particular, support for the base, the pole, and the canopy is shown in Figures 1-3C and described at column 3, lines 12-47, at column 5, lines 15-31, and at column 7, lines 29-45, and is shown in Figures 6-9 and described at column 11, lines 48-59, and is further described at column 12, lines 26-57. Support for the rechargeable electrical power system is shown in Figures 1-3C and described at column 4, lines 23-44, at column 6, lines 12-24, at column 8, lines 26-32, and is shown in Figures 6-9 and described at column 11, lines 48-59, at column 12, lines 51-53, column 13, lines 26-28, column 13, lines 50-52, and column 14, lines 21-23. Support for the solar energy system is shown in Figures 1, 2A, and 3A and described at column 4, lines 45-63, at column 6, lines 25-43, and at column 8, lines 42-60, and is shown in Figures 6-9 and described at column 11, lines 48-59, at column 12, lines 26-57. Support for the lighting system being carried by the canopy portion and having a plurality of lighting elements carried by the rib members is shown in Figures 1, 2A, and 3A and described at column 3, lines 48-59, at column 5, lines 31-48, at column 7, lines 45-62, and is shown in Figure 6 and described at column 12, line 26-column 13, line 3. The Patent Owner directs the Examiner's attention to column 12, line 58-column 13, line 3, in which the patent clearly states that other low power lighting systems, such as "an LED or fluorescent lighting subassembly may be utilized instead" of the cold cathode tube light assembly shown in the embodiment of Figure 6. Thus, the Patent Owner submits that any reference to a cold cathode tube lighting subassembly may be replaced by an LED or fluorescent lighting subassembly. Support for the solar energy system and the rechargeable electrical power system forming separate component parts of a power module that is carried by the pole portion above the canopy portion is shown in Figures 6-9 and described at column 11, lines 48-59 and at column 12, lines 26-57.

Support for all of the elements of amended Claim 57 may be found at various locations throughout the patent, including the figures. In particular, support for the

base, the pole, and the canopy is shown in Figures 1-3C and described at column 3, lines 12-47, at column 5, lines 15-31, and at column 7, lines 29-45, and is shown in Figures 6-9 and described at column 11, lines 48-59, and is further described at column 12, lines 26-57. Support for the rechargeable electrical power system being disposed below the canopy portion is shown in Figures 1-3C and described at column 4, lines 23-44, at column 6, lines 12-24, at column 8, lines 26-32. Support for the solar energy system is shown in Figures 1, 2A, and 3A and described at column 4, lines 45-63, at column 6, lines 25-43, and at column 8, lines 42-60. Support for the crank housing coupled to the pole portion is shown in Figures 1, 2A, and 3A and is described at column 3, line 60-column 4, line 22, at column 5, line 49-column 6, line 11, and at column 7, line 63-column 8, line 25. Support for the lighting system carried by the canopy portion and being conductively coupled to the rechargeable electrical power system is shown in Figures 1, 2A, and 3A and described at column 3, lines 48-59, at column 5, lines 31-48, at column 7, lines 45-62. Support for the lighting elements being carried by the rib members and being conductively coupled to the rechargeable electrical power system by wires that are also recessed within the rib member is shown in Figures 1, 2A, and 3A and described at column 3, lines 48-59, at column 5, lines 31-48, at column 7, lines 45-62, and is shown in Figure 6 and described at column 12, line 26-column 13, line 3, and shown in Figures 4A-4C and described at column 7, lines 45-62 and at column 9, line 40-column 10, line 67.

Support for all of the elements of amended Claim 58 may be found at various locations throughout the patent, including the figures. Support for the elements from Claim 57 are set forth above. In addition, support for the switch carried by the crank housing for controlling the system for opening and closing the canopy is shown in Figures 1, 2A, and 3A and described at column 3, line 60-column 4, line 22, at column 5, line 49-column 6, line 11, and at column 7, line 63-column 8, line 25, and in Figures 5A and 5B and at column 11, lines 10-47.

Support for all of the elements of amended Claim 59 may be found at various locations throughout the patent, including the figures. In particular, support for the base, the pole, and the canopy is shown in Figures 1-3C and described at column 3,

lines 12-47, at column 5, lines 15-31, and at column 7, lines 29-45. Support for the rechargeable electrical power system is shown in Figures 1-3C and described at column 4, lines 23-44, at column 6, lines 12-24, at column 8, lines 26-32. Support for the solar energy system is shown in Figures 1, 2A, and 3A and described at column 4, lines 45-63, at column 6, lines 25-43, and at column 8, lines 42-60. Support for the crank housing coupled to the pole portion is shown in Figures 1, 2A, and 3A and is described at column 3, line 60-column 4, line 22, at column 5, line 49-column 6, line 11, and at column 7, line 63-column 8, line 25. Support for the switch disposed in the crank housing for controlling the system for opening and closing the canopy is shown in Figures 1, 2A, and 3A and described at column 3, line 60-column 4, line 22, at column 5, line 49-column 6, line 11, and at column 7, line 63-column 8, line 25, and in Figures 5A and 5B and at column 11, lines 10-47. Support for the rechargeable electrical power system being carried by the pole portion is shown in Figure 1 and described at column 4, lines 23-63. Support for the solar energy system remaining fixed relative to the pole portion when the canopy is operated is shown in Figures 1, 2A, and 3A and is described at column 4, lines 45-63, at column 6, lines 25-43, and at column 8, lines 42-60, and is shown in Figures 6-9 and described at column 11, lines 48-59, at column 12, lines 26-57. In addition, the Patent Owner respectfully submits that the Examiner's comment on Page 13 of the Office Action with respect to Claim 59 is not well taken. It is not true that when a base member is present, it is always coupled to the pole member. The embodiments of Figures 2A-2C and 3A-3C are expressly configured to allow the pole portion to be removed from the base member. That is concept is explained in detail at column 6, line 44-column 7, line 28 and at column 8, line 61-column 9, line 39.

Support for all of the elements of amended Claim 60 may be found at various locations throughout the patent, including the figures. In particular, support for the base, the pole, and the canopy is shown in Figures 1-3C and described at column 3, lines 12-47, at column 5, lines 15-31, and at column 7, lines 29-45, and is shown in Figures 6-9 and described at column 11, lines 48-59, and is further described at column 12, lines 26-57. Support for the rechargeable electrical power system is shown in

Figures 1-3C and described at column 4, lines 23-44, at column 6, lines 12-24, at column 8, lines 26-32, and is shown in Figures 6-9 and described at column 11, lines 48-59, at column 12, lines 51-53, column 13, lines 26-28, column 13, lines 50-52, and column 14, lines 21-23. Support for the solar energy system is shown in Figures 1, 2A, and 3A and described at column 4, lines 45-63, at column 6, lines 25-43, and at column 8, lines 42-60, and is shown in Figures 6-9 and described at column 11, lines 48-59, at column 12, lines 26-57. Support for the lighting system carried by the canopy portion and being conductively coupled to the rechargeable electrical power system is shown in Figures 1, 2A, and 3A and described at column 3, lines 48-59, at column 5, lines 31-48, at column 7, lines 45-62, and is shown in Figure 6 and described at column 12, line 26-column 13, line 3. Support for the lighting elements being recessed within the rib members is shown in Figures 1, 2A, and 3A and described at column 3, lines 48-59, at column 5, lines 31-48, at column 7, lines 45-62, and is shown in Figure 6 and described at column 12, line 26-column 13, line 3, and shown in Figures 4A-4C and described at column 7, lines 45-62 and at column 9, line 40-column 10, line 67. Support for the translucent cover is shown in Figures 4A-4C and described at column 7, lines 45-62 and at column 9, line 40-column 10, line 67, and is shown in Figure 6 and described at column 12, line 26-column 13, line 3.

Support for all of the elements of amended Claim 61 may be found at various locations throughout the patent, including the figures. In particular, support for the base, the pole, and the canopy is shown in Figures 1-3C and described at column 3, lines 12-47, at column 5, lines 15-31, and at column 7, lines 29-45, and is shown in Figures 6-9 and described at column 11, lines 48-59, and is further described at column 12, lines 26-57. Support for the rechargeable electrical power system is shown in Figures 1-3C and described at column 4, lines 23-44, at column 6, lines 12-24, at column 8, lines 26-32, and is shown in Figures 6-9 and described at column 11, lines 48-59, at column 12, lines 51-53, column 13, lines 26-28, column 13, lines 50-52, and column 14, lines 21-23. Support for the solar energy system is shown in Figures 1, 2A, and 3A and described at column 4, lines 45-63, at column 6, lines 25-43, and at column 8, lines 42-60, and is shown in Figures 6-9 and described at column 11, lines 48-59, at

column 12, lines 26-57. Support for the solar energy system and the rechargeable electrical power system forming separate component parts of a power unit that is carried by the pole portion above the canopy portion is shown in Figures 6-9 and described at column 11, lines 48-59 and at column 12, lines 26-57. Support for the lighting system carried by a rib member and being conductively coupled to the rechargeable electrical power system via a conductor carried by the rib member is shown in Figures 1, 2A, and 3A and described at column 3, lines 48-59, at column 5, lines 31-48, at column 7, lines 45-62, is shown in Figures 4A-4C and described at column 7, lines 45-62 and at column 9, line 40-column 10, line 67, and is shown in Figure 6 and described at column 12, line 26-column 13, line 3.

Support for all of the elements of amended Claim 62 may be found at various locations throughout the patent, including the figures. In particular, support for the base, the pole, and the canopy is shown in Figures 1-3C and described at column 3, lines 12-47, at column 5, lines 15-31, and at column 7, lines 29-45, and is shown in Figures 6-9 and described at column 11, lines 48-59, and is further described at column 12, lines 26-57. Support for the rechargeable electrical power system is shown in Figures 1-3C and described at column 4, lines 23-44, at column 6, lines 12-24, at column 8, lines 26-32, and is shown in Figures 6-9 and described at column 11, lines 48-59, at column 12, lines 51-53, column 13, lines 26-28, column 13, lines 50-52, and column 14, lines 21-23. Support for the solar energy system is shown in Figures 1, 2A, and 3A and described at column 4, lines 45-63, at column 6, lines 25-43, and at column 8, lines 42-60, and is shown in Figures 6-9 and described at column 11, lines 48-59, at column 12, lines 26-57. Support for the light subassembly carried by the canopy portion and being conductively coupled to the rechargeable electrical power system is shown in Figures 1, 2A, and 3A and described at column 3, lines 48-59, at column 5, lines 31-48, at column 7, lines 45-62, is shown in Figures 4A-4C and described at column 7, lines 45-62 and at column 9, line 40-column 10, line 67, and is shown in Figure 6 and described at column 12, line 26-column 13, line 3. Support for the light subassembly including a plurality of light emitting diodes, each light emitting diode being recessed relative to a corresponding rib member and being conductively coupled

by a conductor recessed relative to the corresponding rib member is shown in Figures 4A-4C and described at column 7, lines 45-62 and at column 9, line 40-column 10, line 67, and is shown in Figure 6 and described at column 12, line 26-column 13, line 3. The Patent Owner directs the Examiner's attention to column 12, line 58-column 13, line 3, in which the patent clearly states that other low power lighting systems, such as "an LED or fluorescent lighting subassembly may be utilized instead" of the cold cathode tube light assembly shown in the embodiment of Figure 6. Thus, the Patent Owner submits that any reference to a cold cathode tube lighting subassembly may be replaced by an LED or fluorescent lighting subassembly.

Support for all of the elements of amended Claim 63 may be found at various locations throughout the patent, including the figures. In particular, support for the base, the pole, and the canopy is shown in Figures 1-3C and described at column 3, lines 12-47, at column 5, lines 15-31, and at column 7, lines 29-45, and is shown in Figures 6-9 and described at column 11, lines 48-59, and is further described at column 12, lines 26-57. Support for the pole portion being separable into at least two separate sections is shown in Figure 1. Support for the rechargeable electrical power system is shown in Figures 1-3C and described at column 4, lines 23-44, at column 6, lines 12-24, at column 8, lines 26-32, and is shown in Figures 6-9 and described at column 11, lines 48-59, at column 12, lines 51-53, column 13, lines 26-28, column 13, lines 50-52, and column 14, lines 21-23. Support for the electrical charging system carried by the pole portion and being adapted to receive power from an AC power outlet is shown in Figure 1 and described at column 4 lines 23-44. Support for the solar energy system is shown in Figures 1, 2A, and 3A and described at column 4, lines 45-63, at column 6, lines 25-43, and at column 8, lines 42-60, and is shown in Figures 6-9 and described at column 11, lines 48-59, at column 12, lines 26-57. Support for the light subassembly carried by the canopy portion and being conductively coupled to the rechargeable electrical power system is shown in Figures 1, 2A, and 3A and described at column 3, lines 48-59, at column 5, lines 31-48, at column 7, lines 45-62, is shown in Figures 4A-4C and described at column 7, lines 45-62 and at column 9, line 40-column 10, line 67, and is shown in Figure 6 and described at column 12, line 26-column 13, line 3.

Support for all of the elements of amended Claim 64 may be found at various locations throughout the patent, including the figures. In particular, support for the base, the pole, and the canopy is shown in Figures 1-3C and described at column 3, lines 12-47, at column 5, lines 15-31, and at column 7, lines 29-45, and is shown in Figures 6-9 and described at column 11, lines 48-59, and is further described at column 12, lines 26-57. Support for the rechargeable electrical power system is shown in Figures 1-3C and described at column 4, lines 23-44, at column 6, lines 12-24, at column 8, lines 26-32, and is shown in Figures 6-9 and described at column 11, lines 48-59, at column 12, lines 51-53, column 13, lines 26-28, column 13, lines 50-52, and column 14, lines 21-23. Support for the solar energy system is shown in Figures 1, 2A, and 3A and described at column 4, lines 45-63, at column 6, lines 25-43, and at column 8, lines 42-60, and is shown in Figures 6-9 and described at column 11, lines 48-59, at column 12, lines 26-57. Support for the solar energy system being contained in a discus-shaped module carried by the pole portion above the canopy portion is shown in Figures 1-3C and described at column 4, lines 45-63, at column 6, lines 25-43, and at column 8, lines 42-60, and is shown in Figures 6-9 and described at column 11, lines 48-59 and at column 12, lines 26-57.

Support for all of the elements of amended Claim 65 may be found at various locations throughout the patent, including the figures. Support for the elements from Claim 64 are set forth above. In addition, support for the discus-shaped module being releasably coupled to the pole portion is shown in Figures 6-9 and described at column 11, lines 48-59 and at column 12, lines 26-57.

Support for all of the elements of amended Claim 66 may be found at various locations throughout the patent, including the figures. In particular, support for the base, the pole, and the canopy is shown in Figures 1-3C and described at column 3, lines 12-47, at column 5, lines 15-31, and at column 7, lines 29-45, and is shown in Figures 6-9 and described at column 11, lines 48-59, and is further described at column 12, lines 26-57. Support for the rechargeable electrical power system is shown in Figures 1-3C and described at column 4, lines 23-44, at column 6, lines 12-24, at column 8, lines 26-32, and is shown in Figures 6-9 and described at column 11, lines

48-59, at column 12, lines 51-53, column 13, lines 26-28, column 13, lines 50-52, and column 14, lines 21-23. Support for the solar energy system is shown in Figures 1, 2A, and 3A and described at column 4, lines 45-63, at column 6, lines 25-43, and at column 8, lines 42-60, and is shown in Figures 6-9 and described at column 11, lines 48-59, at column 12, lines 26-57. Support for the lighting system carried by the canopy portion being conductively coupled to the rechargeable electrical power system via electrical conductors recessed within the rib members is shown in Figures 1, 2A, and 3A and described at column 3, lines 48-59, at column 5, lines 31-48, at column 7, lines 45-62, and is shown in Figure 6 and described at column 12, line 26-column 13, line 3, and shown in Figures 4A-4C and described at column 7, lines 45-62 and at column 9, line 40-column 10, line 67. Support for the solar energy system and the rechargeable electrical power system being carried by a power unit coupled to the pole portion is shown in Figures 6-9 and described at column 11, lines 48-59 and at column 12, lines 26-57. Support for the solar energy system being carried by the top portion of the power unit and the rechargeable electrical power system being carried by the bottom portion of the power unit is shown in Figures 6-9 and described at column 12, lines 26-35. Support for the solar energy system remaining fixed relative to the pole portion when the canopy is operated is shown in Figures 1, 2A, and 3A and is described at column 4, lines 45-63, at column 6, lines 25-43, and at column 8, lines 42-60, and is shown in Figures 6-9 and described at column 11, lines 48-59, at column 12, lines 26-57.

Support for all of the elements of amended Claim 67 may be found at various locations throughout the patent, including the figures. In particular, support for the base, the pole, and the canopy is shown in Figures 1-3C and described at column 3, lines 12-47, at column 5, lines 15-31, and at column 7, lines 29-45, and is shown in Figures 6-9 and described at column 11, lines 48-59, and is further described at column 12, lines 26-57. Support for the rechargeable electrical power system is shown in Figures 1-3C and described at column 4, lines 23-44, at column 6, lines 12-24, at column 8, lines 26-32, and is shown in Figures 6-9 and described at column 11, lines 48-59, at column 12, lines 51-53, column 13, lines 26-28, column 13, lines 50-52, and

column 14, lines 21-23. Support for the solar energy system is shown in Figures 1, 2A, and 3A and described at column 4, lines 45-63, at column 6, lines 25-43, and at column 8, lines 42-60, and is shown in Figures 6-9 and described at column 11, lines 48-59, at column 12, lines 26-57. Support for the electromechanical opening and closing system being conductively coupled to and powered by the rechargeable electrical power system and being controlled by a switch is shown Figures 1, 2A, and 3A and is described at column 3, line 60-column 4, line 22, at column 5, line 49-column 6, line 11, and at column 7, line 63-column 8, line 25, is shown in Figures 5A and 5B and is described at column 11, lines 10-47, and is shown in Figure 9 and described at column 11, line 48-column 12, line 25, and at column 14, lines 3-37. Support for the lighting system carried by the canopy portion being conductively coupled to the rechargeable electrical power system is shown in Figures 1, 2A, and 3A and described at column 3, lines 48-59, at column 5, lines 31-48, at column 7, lines 45-62, and is shown in Figure 6 and described at column 12, line 26-column 13, line 3.

Support for all of the elements of amended Claim 68 may be found at various locations throughout the patent, including the figures. In particular, support for the base, the pole, and the canopy is shown in Figures 1-3C and described at column 3, lines 12-47, at column 5, lines 15-31, and at column 7, lines 29-45, and is shown in Figures 6-9 and described at column 11, lines 48-59, and is further described at column 12, lines 26-57. Support for the rechargeable electrical power system is shown in Figures 1-3C and described at column 4, lines 23-44, at column 6, lines 12-24, at column 8, lines 26-32, and is shown in Figures 6-9 and described at column 11, lines 48-59, at column 12, lines 51-53, column 13, lines 26-28, column 13, lines 50-52, and column 14, lines 21-23. Support for the solar energy system is shown in Figures 1, 2A, and 3A and described at column 4, lines 45-63, at column 6, lines 25-43, and at column 8, lines 42-60, and is shown in Figures 6-9 and described at column 11, lines 48-59, at column 12, lines 26-57. Support for the electromechanical opening and closing system being conductively coupled to and powered by the rechargeable electrical power system, being partially housed in a housing, and being controlled by a switch carried by the housing is shown Figures 1, 2A, and 3A and is described at column 3, line 60-

column 4, line 22, at column 5, line 49-column 6, line 11, and at column 7, line 63-column 8, line 25, is shown in Figures 5A and 5B and is described at column 11, lines 10-47, and is shown in Figure 9 and described at column 11, line 48-column 12, line 25, and at column 14, lines 3-37. Support for the lighting system carried by the canopy portion being conductively coupled to the rechargeable electrical power system is shown in Figures 1, 2A, and 3A and described at column 3, lines 48-59, at column 5, lines 31-48, at column 7, lines 45-62, and is shown in Figure 6 and described at column 12, line 26-column 13, line 3.

Support for all of the elements of amended Claim 69 may be found at various locations throughout the patent, including the figures. In particular, support for the base, the pole, and the canopy is shown in Figures 1-3C and described at column 3, lines 12-47, at column 5, lines 15-31, and at column 7, lines 29-45; and is shown in Figures 6-9 and described at column 11, lines 48-59, and is further described at column 12, lines 26-57. Support for the rechargeable electrical power system is shown in Figures 1-3C and described at column 4, lines 23-44, at column 6, lines 12-24, at column 8, lines 26-32, and is shown in Figures 6-9 and described at column 11, lines 48-59, at column 12, lines 51-53, column 13, lines 26-28, column 13, lines 50-52, and column 14, lines 21-23. Support for the solar energy system is shown in Figures 1, 2A, and 3A and described at column 4, lines 45-63, at column 6, lines 25-43, and at column 8, lines 42-60, and is shown in Figures 6-9 and described at column 11, lines 48-59, at column 12, lines 26-57. Support for the electromechanical opening and closing system being powered by the rechargeable electrical power system and being controlled by a switch located on the pole portion is shown Figures 1, 2A, and 3A and is described at column 3, line 60-column 4, line 22, at column 5, line 49-column 6, line 11, and at column 7, line 63-column 8, line 25, is shown in Figures 5A and 5B and is described at column 11, lines 10-47, and is shown in Figure 9 and described at column 11, line 48-column 12, line 25, and at column 14, lines 3-37. Support for the lighting system carried by the canopy portion being conductively coupled to the rechargeable electrical power system is shown in Figures 1, 2A, and 3A and described at column 3, lines 48-

59, at column 5, lines 31-48, at column 7, lines 45-62, and is shown in Figure 6 and described at column 12, line 26-column 13, line 3.

Support for all of the elements of amended Claim 70 may be found at various locations throughout the patent, including the figures. In particular, support for the base, the pole, and the canopy is shown in Figures 1-3C and described at column 3, lines 12-47, at column 5, lines 15-31, and at column 7, lines 29-45, and is shown in Figures 6-9 and described at column 11, lines 48-59, and is further described at column 12, lines 26-57. Support for the rechargeable electrical power system is shown in Figures 1-3C and described at column 4, lines 23-44, at column 6, lines 12-24, at column 8, lines 26-32, and is shown in Figures 6-9 and described at column 11, lines 48-59, at column 12, lines 51-53, column 13, lines 26-28, column 13, lines 50-52, and column 14, lines 21-23. Support for the solar energy system is shown in Figures 1, 2A, and 3A and described at column 4, lines 45-63, at column 6, lines 25-43, and at column 8, lines 42-60, and is shown in Figures 6-9 and described at column 11, lines 48-59, at column 12, lines 26-57. Support for the ribs having a recessed channel is shown in Figures 4A-4C and is described at column 7, lines 45-62 and at column 9, line 40-column 10, line 67. Support for the lighting system carried by the canopy portion and being conductively coupled to the rechargeable electrical power system is shown in Figures 1, 2A, and 3A and described at column 3, lines 48-59, at column 5, lines 31-48, at column 7, lines 45-62, is shown in Figures 4A-4C and described at column 7, lines 45-62 and at column 9, line 40-column 10, line 67, and is shown in Figure 6 and described at column 12, line 26-column 13, line 3. Support for the plurality of lighting elements being disposed within the channel shown in Figures 1, 2A, and 3A and described at column 3, lines 48-59, at column 5, lines 31-48, at column 7, lines 45-62, and is shown in Figure 6 and described at column 12, line 26-column 13, line 3, and shown in Figures 4A-4C and described at column 7, lines 45-62 and at column 9, line 40-column 10, line 67.

Support for all of the elements of amended Claim 72 may be found at various locations throughout the patent, including the figures. In particular, support for the base, the pole, and the canopy is shown in Figures 1-3C and described at column 3,

lines 12-47, at column 5, lines 15-31, and at column 7, lines 29-45, and is shown in Figures 6-9 and described at column 11, lines 48-59, and is further described at column 12, lines 26-57. Support for the rechargeable electrical power system is shown in Figures 1-3C and described at column 4, lines 23-44, at column 6, lines 12-24, at column 8, lines 26-32, and is shown in Figures 6-9 and described at column 11, lines 48-59, at column 12, lines 51-53, column 13, lines 26-28, column 13, lines 50-52, and column 14, lines 21-23. Support for the solar energy system is shown in Figures 1, 2A, and 3A and described at column 4, lines 45-63, at column 6, lines 25-43, and at column 8, lines 42-60, and is shown in Figures 6-9 and described at column 11, lines 48-59, at column 12, lines 26-57. Support for the lighting system carried by the canopy portion and being conductively coupled to and powered by the rechargeable electrical power system is shown in Figures 1, 2A, and 3A and described at column 3, lines 48-59, at column 5, lines 31-48, at column 7, lines 45-62, is shown in Figures 4A-4C and described at column 7, lines 45-62 and at column 9, line 40-column 10, line 67, and is shown in Figure 6 and described at column 12, line 26-column 13, line 3. Support for the lighting system comprising a plurality of discrete lighting elements carried by each rib member, each discrete lighting element being recessed within a corresponding rib member and being conductively coupled to the rechargeable electrical power system by electrical conductors that are also recessed within the rib members is shown in Figures 1, 2A, and 3A and described at column 3, lines 48-59, at column 5, lines 31-48, at column 7, lines 45-62, is shown in Figures 4A-4C and described at column 7, lines 45-62 and at column 9, line 40-column 10, line 67, and is shown in Figure 6 and described at column 12, line 26-column 13, line 3. The Patent Owner directs the Examiner's attention to column 12, line 58-column 13, line 3, in which the patent clearly states that other low power lighting systems, such as "an LED or fluorescent lighting subassembly may be utilized instead" of the cold cathode tube light assembly shown in the embodiment of Figure 6. Thus, the Patent Owner submits that any reference to a cold cathode tube lighting subassembly may be replaced by an LED or fluorescent lighting subassembly.

Support for all of the elements of amended Claim 73 may be found at various locations throughout the patent, including the figures. In particular, support for the base, the pole, and the canopy is shown in Figures 1-3C and described at column 3, lines 12-47, at column 5, lines 15-31, and at column 7, lines 29-45, and is shown in Figures 6-9 and described at column 11, lines 48-59, and is further described at column 12, lines 26-57. Support for the rechargeable electrical power system is shown in Figures 1-3C and described at column 4, lines 23-44, at column 6, lines 12-24, at column 8, lines 26-32, and is shown in Figures 6-9 and described at column 11, lines 48-59, at column 12, lines 51-53, column 13, lines 26-28, column 13, lines 50-52, and column 14, lines 21-23. Support for the solar energy system is shown in Figures 1, 2A, and 3A and described at column 4, lines 45-63, at column 6, lines 25-43, and at column 8, lines 42-60, and is shown in Figures 6-9 and described at column 11, lines 48-59, at column 12, lines 26-57. Support for the electrical charging system carried by the pole portion, being adapted to receive power from an AC power outlet, and remaining carried by the pole portion when the rechargeable electrical power system is removed from the umbrella apparatus is shown in Figure 1 and described at column 4 line 23-column 5, line 14, and is shown in Figures 2A-3C and is described at column 6, line 12-column 7 line 28, at column 8, line 26-column 9, line 39.

Support for all of the elements of amended Claim 74 may be found at various locations throughout the patent, including the figures. In particular, support for the base, the pole, and the canopy is shown in Figures 1-3C and described at column 3, lines 12-47, at column 5, lines 15-31, and at column 7, lines 29-45, and is shown in Figures 6-9 and described at column 11, lines 48-59, and is further described at column 12, lines 26-57. Support for the rechargeable electrical power system is shown in Figures 1-3C and described at column 4, lines 23-44, at column 6, lines 12-24, at column 8, lines 26-32, and is shown in Figures 6-9 and described at column 11, lines 48-59, at column 12, lines 51-53, column 13, lines 26-28, column 13, lines 50-52, and column 14, lines 21-23. Support for the solar energy system is shown in Figures 1, 2A, and 3A and described at column 4, lines 45-63, at column 6, lines 25-43, and at column 8, lines 42-60, and is shown in Figures 6-9 and described at column 11, lines 48-59, at

column 12, lines 26-57. Support for the solar energy system and the rechargeable electrical power system being carried by a power module coupled to the pole portion is shown in Figures 6-9 and described at column 11, lines 48-59 and at column 12, lines 26-57. Support for the solar energy system being disposed in the upper portion of the power module and the rechargeable electrical power system being disposed in the lower portion of the power module is shown in Figures 6-9 and described at column 12, lines 26-35. Support for the lighting system carried by the canopy portion and being conductively coupled to and powered by the rechargeable electrical power system is shown in Figures 1, 2A, and 3A and described at column 3, lines 48-59, at column 5, lines 31-48, at column 7, lines 45-62, is shown in Figures 4A-4C and described at column 7, lines 45-62 and at column 9, line 40-column 10, line 67, and is shown in Figure 6 and described at column 12, line 26-column 13, line 3. The Patent Owner directs the Examiner's attention to column 12, line 58-column 13, line 3, in which the patent clearly states that other low power lighting systems, such as "an LED or fluorescent lighting subassembly may be utilized instead" of the cold cathode tube light assembly shown in the embodiment of Figure 6. Thus, the Patent Owner submits that any reference to a cold cathode tube lighting subassembly may be replaced by an LED or fluorescent lighting subassembly.

The Patent Owner submits that, pursuant to 37 C.F.R. § 1.530(e), the foregoing explains and sets forth the support in the disclosure of the patent for change to the claims made by this amendment paper.

The Patent owner submits that the foregoing changes to the claims do not broaden the scope of the patent.

IN THE CLAIMS:

The Patent Owner submits that the following amendments add no new matter to the application and do not broaden the scope of the application.

Statements of support for each claim amendment are set forth below.

Please amend the claims as follows:

1. (Amended) An umbrella apparatus comprising:
 - a base support portion;
 - a pole portion coupled to the base support portion;
 - a canopy portion hingedly coupled to the pole portion, the canopy portion having a plurality of rib members;
 - a rechargeable electrical power system for providing electrical power to the umbrella apparatus;
 - a solar energy system carried by a module coupled to [carried by] the pole portion above the canopy portion, the solar energy system being adapted to collect solar energy and convert the solar energy into electrical energy, the solar energy system being conductively coupled to the rechargeable electrical power system, such that the solar energy collected and converted into electrical energy recharges the rechargeable electrical power system, the module being releasably coupled to the pole portion; and
 - a lighting system carried by the canopy portion, the lighting system being conductively coupled to and powered by the rechargeable electrical power system, the lighting system having multiple discrete lighting elements positioned along at least one of the rib members
- [an electrical charging system for recharging the rechargeable electrical power system, the electrical charging system being adapted to receive power from an AC power outlet].

2. (Amended) An umbrella apparatus comprising:
- a base support portion;
 - a pole portion coupled to the base support portion;
 - a canopy portion hingedly coupled to the pole portion;
 - a power module carried by the pole portion above the canopy portion, the power module having an upper portion and a lower portion;
 - a rechargeable electrical power system for providing electrical power to the umbrella apparatus, the rechargeable electrical power system being disposed in the lower portion of the power module;
 - a solar energy system carried by the [pole portion above the canopy portion] upper portion of the power module, the solar energy system being adapted to collect solar energy and convert the solar energy into electrical energy, the solar energy system being conductively coupled to the rechargeable electrical power system, such that the solar energy collected and converted into electrical energy recharges the rechargeable electrical power system; and
 - a lighting system carried by the canopy portion, the lighting system being conductively coupled to and powered by the rechargeable electrical power system.

3. (Amended - Confirmed) [The] An umbrella apparatus [according to claim 2,] comprising:
- a base support portion;
 - a pole portion coupled to the base support portion;
 - a canopy portion hingedly coupled to the pole portion;
 - a rechargeable electrical power system for providing electrical power to the umbrella apparatus;
 - a solar energy system carried by the pole portion above the canopy portion, the solar energy system being adapted to collect solar energy and convert the solar energy into electrical energy, the solar energy system being conductively coupled to the rechargeable electrical power system, such that the solar energy collected and converted into electrical energy recharges the rechargeable electrical power system;

and

a lighting system carried by the canopy portion, the lighting system being conductively coupled to and powered by the rechargeable electrical power system;

wherein the lighting system comprises:

a plurality of rib members coupled to the canopy portion;

and

a plurality of cold cathode tube elements carried by the rib members, each cold cathode tube element being conductively coupled to and powered by the rechargeable electrical power source.

4. (Original) The umbrella apparatus according to claim 2, wherein the lighting system comprises:

a plurality of rib members coupled to the canopy portion; and

a plurality of light emitting diode elements carried by the rib members, each light emitting diode element being conductively coupled to and powered by the rechargeable electrical power source.

5. (Original) The umbrella apparatus according to claim 2, wherein the lighting system comprises:

a plurality of rib members coupled to the canopy portion; and

a plurality of fluorescent light elements carried by the rib members, each fluorescent light element being conductively coupled to and powered by the rechargeable electrical power source.

6. (Amended) An umbrella apparatus comprising:

a base support portion;

a pole portion coupled to the base support portion;

a canopy portion hingedly coupled to the pole portion;

a rechargeable electrical power system for providing electrical power to the

umbrella apparatus;

a solar energy system carried by a discus-shaped power unit, the power unit being carried by the pole portion above the canopy portion, the solar energy system being adapted to collect solar energy and convert the solar energy into electrical energy, the solar energy system being conductively coupled to the rechargeable electrical power system, such that the solar energy collected and converted into electrical energy recharges the rechargeable electrical power system; and

an electromechanical opening and closing system for opening and closing the canopy portion, the electromechanical opening and closing system being conductively coupled to and powered by the rechargeable electrical power system.

7. (Original) The umbrella apparatus according to claim 6, wherein the electromechanical opening and closing system comprises:

an electric motor carried by the pole portion; a control system for controlling the electric motor; a gear system coupled to the electric motor; and

a cable and pulley system coupled to the gear system and the canopy portion; wherein the opening and closing of the canopy portion is achieved by the electric motor in response to selective operation of the control system.

8. (Amended - Confirmed) [The] An umbrella apparatus [according to claim 7,] comprising:

a base support portion;

a pole portion coupled to the base support portion;

a canopy portion hingedly coupled to the pole portion;

a rechargeable electrical power system for providing electrical power to the umbrella apparatus;

a solar energy system carried by the pole portion above the canopy portion, the solar energy system being adapted to collect solar energy and convert the solar energy into electrical energy, the solar energy system being conductively coupled to the

rechargeable electrical power system, such that the solar energy collected and converted into electrical energy recharges the rechargeable electrical power system;
and

an electromechanical opening and closing system for opening and closing the canopy portion, the electromechanical opening and closing system being conductively coupled to and powered by the rechargeable electrical power system;

wherein the electromechanical opening and closing system comprises:

an electric motor carried by the pole portion;

a control system for controlling the electric motor;

a gear system coupled to the electric motor; and

a cable and pulley system coupled to the gear system and the canopy portion;

wherein the opening and closing of the canopy portion is achieved by the electric motor in response to selective operation of the control system; and

wherein the control system comprises:

a receiver conductively coupled to the electric motor;

a remote transmitter for transmitting an encoded signal to the receiver;

and

a decoder conductively coupled to the receiver for decoding the encoded signal from the transmitter.

9. (Amended) An umbrella apparatus comprising:

a base support portion;

a pole portion coupled to the base support portion;

a canopy portion hingedly coupled to the pole portion, the canopy portion having a plurality of rib members;

a rechargeable electrical power system for providing electrical power to the umbrella apparatus;

a solar energy system carried by the pole portion above the canopy portion, the solar energy system being adapted to collect solar energy and convert the solar energy

into electrical energy, the solar energy system being conductively coupled to the rechargeable electrical power system, such that the solar energy collected and converted into electrical energy recharges the rechargeable electrical power system; and

a cooling system carried by the canopy portion, the cooling system being conductively coupled to and powered by the rechargeable electrical power system, the cooling system comprising;

a fluid reservoir operably associated with the umbrella apparatus;

at least one mist nozzle [coupled to the canopy portion] carried by a rib member, each mist nozzle being in fluid communication with the fluid;

a conduit creating fluid communication between the fluid reservoir and each mist nozzle; and

a pump for pumping the fluid from the reservoir through each mist nozzle.

10. (Confirmed) An umbrella apparatus comprising:

a base support portion;

a pole portion coupled to the base support portion;

a canopy portion hingedly coupled to the pole portion;

a rechargeable electrical power system for providing electrical power to the umbrella apparatus;

a solar energy system carried by the pole portion above the canopy portion, the solar energy system being adapted to collect solar energy and convert the solar energy into electrical energy, the solar energy system being conductively coupled to the rechargeable electrical power system, such that the solar energy collected and converted into electrical energy recharges the rechargeable electrical power system; and

a combination of two or more of the following modular systems:

a lighting system carried by the canopy portion;

an electromechanical opening and closing system for opening and closing the canopy portion; or

a cooling system;

wherein each modular system is configured to be interchanged with each other, each modular system being conductively coupled to and powered by the rechargeable electrical power system.

11. (Confirmed) The umbrella apparatus according to claim 10, wherein the lighting system comprises:

a plurality of rib members coupled to the canopy portion; and

a plurality of cold cathode tube elements carried by the rib members, each cold cathode tube element being conductively coupled to and powered by the rechargeable electrical power source.

12. (Confirmed) The umbrella apparatus according to claim 10, wherein the lighting system comprises:

a plurality of rib members coupled to the canopy portion; and

a plurality of light emitting diode elements carried by the rib members, each light emitting diode element being conductively coupled to and powered by the rechargeable electrical power source.

13. (Confirmed) The umbrella apparatus according to claim 10, wherein the cooling system comprises:

a fluid reservoir operably associated with the umbrella apparatus;

at least one mist nozzle coupled to the canopy portion, each mist nozzle being in fluid communication with the fluid;

a conduit creating fluid communication between the fluid reservoir and each mist nozzle; and

a pump for pumping the fluid from the reservoir through each mist nozzle.

14. (Confirmed) The umbrella apparatus according to claim 10, wherein the electromechanical opening and closing system comprises:

an electric motor carried by the pole portion; a control system for controlling the electric motor;

a gear system coupled to the electric motor; and

a cable and pulley system coupled to the gear system and the canopy portion;

wherein the opening and closing of the canopy portion is achieved by the electric motor in response to selective operation of the control system.

Claims 15-44. (Previously Cancelled).

45. (New) A patio umbrella apparatus, comprising:

a base support portion;

a pole portion coupled to the base support portion;

a canopy portion hingedly coupled to the pole portion;

a power unit coupled to the pole portion above the canopy portion;

a rechargeable electrical power system for providing electrical power to the umbrella apparatus, the rechargeable electrical power system being carried by a bottom portion of the power unit;

a solar energy system adapted to collect solar energy and convert the solar energy into electrical energy, the solar energy system being conductively coupled to the rechargeable electrical power system, such that the solar energy collected and converted into electrical energy recharges the rechargeable electrical power system, the solar energy system being carried by a top portion of the power unit; and

an electrical charging system for recharging the rechargeable electrical power system, the electrical charging system being adapted to receive power from an AC power outlet.

46. (New) The patio umbrella apparatus according to claim 45, wherein the power unit is releasably coupled to the pole portion.

47. (New) A patio umbrella apparatus, comprising:
a base support portion;
a pole portion coupled to the base support portion;
a canopy portion hingedly coupled to the pole portion, the canopy portion being operable between an opened position and a closed position;
a power unit coupled to the pole portion above the canopy portion;
a rechargeable electrical power system for providing electrical power to the umbrella apparatus, the rechargeable electrical power system being carried by a bottom portion of the power unit; and
a solar energy system adapted to collect solar energy and convert the solar energy into electrical energy, the solar energy system being conductively coupled to the rechargeable electrical power system, such that the solar energy collected and converted into electrical energy recharges the rechargeable electrical power system, the solar energy system being carried by a top portion of the power unit;
wherein the power unit is carried by the pole portion such that the solar energy system is fixed relative to the pole portion when the canopy is operated between the opened position and the closed position.

48. (New) A patio umbrella apparatus, comprising:
a base support portion;
a pole portion coupled to the base support portion;
a canopy portion hingedly coupled to the pole portion, the canopy portion having a plurality of rib members and being operable between an opened position and a closed position;
a rechargeable electrical power system for providing electrical power to the

umbrella apparatus:

a solar energy system carried by the pole portion above the canopy portion, the solar energy system being adapted to collect solar energy and convert the solar energy into electrical energy, the solar energy system being conductively coupled to the rechargeable electrical power system, such that the solar energy collected and converted into electrical energy recharges the rechargeable electrical power system;
and

a plurality of lighting elements carried by the rib members, the lighting elements being recessed within the rib members;

wherein the rechargeable electrical power system and the solar energy system each form a component part disposed in a power unit carried by the pole portion such that the power unit is fixed relative to the pole portion when the canopy is operated between the opened position and the closed position.

49. (New) An umbrella apparatus, comprising:

a base support portion;

a pole portion coupled to the base support portion;

a canopy portion having a plurality of rib members, the canopy portion being hingedly coupled to the pole portion;

a rechargeable electrical power system for providing electrical power to the umbrella apparatus;

a solar energy system carried by the pole portion above the canopy portion, the solar energy system being adapted to collect solar energy and convert the solar energy into electrical energy, the solar energy system being conductively coupled to the rechargeable electrical power system, such that the solar energy collected and converted into electrical energy recharges the rechargeable electrical power system;
and

a lighting system carried by the canopy portion, the lighting system being conductively coupled to and powered by the rechargeable electrical power system;

wherein the lighting system includes multiple discrete lighting elements positioned along a rib member, each lighting element being recessed within the rib member and being conductively coupled to the rechargeable electrical power system by an electrical conductor, the electrical conductor also being recessed within the rib member.

50. (New) The umbrella apparatus according to claim 49, wherein the lighting system includes multiple discrete lighting elements along each rib member.

51. (New) An umbrella apparatus, comprising:

a base support portion;

a pole portion coupled to the base support portion;

a canopy portion having a plurality of rib members, the canopy portion being hingedly coupled to the pole portion;

a rechargeable electrical power system for providing electrical power to the umbrella apparatus;

a solar energy system carried by a power unit coupled to the pole portion above the canopy portion, the solar energy system being adapted to collect solar energy and convert the solar energy into electrical energy, the solar energy system being conductively coupled to the rechargeable electrical power system, such that the solar energy collected and converted into electrical energy recharges the rechargeable electrical power system, the power unit being releasably coupled to the pole portion;

a lighting system carried by the canopy portion, the lighting system being conductively coupled to and powered by the rechargeable electrical power system, the lighting system including at least one discrete lighting element positioned along a rib member; and

translucent covers for covering the lighting elements;

wherein at least a portion of each lighting element extends beyond the corresponding rib member.

52. (New) An umbrella apparatus comprising:
a base support portion;
a pole portion coupled to the base support portion;
a canopy portion having a plurality of rib members, the canopy portion being hingedly coupled to the pole portion;
a rechargeable electrical power system for providing electrical power to the umbrella apparatus;
a solar energy system carried by the pole portion above the canopy portion, the solar energy system being adapted to collect solar energy and convert the solar energy into electrical energy, the solar energy system being conductively coupled to the rechargeable electrical power system, such that the solar energy collected and converted into electrical energy recharges the rechargeable electrical power system;
and
a lighting system carried by the canopy portion, the lighting system being conductively coupled to and powered by the rechargeable electrical power system;
wherein the lighting system includes multiple discrete lighting elements positioned along a rib member; and
wherein each lighting element is fully recessed within the corresponding rib member.

53. (New) The umbrella apparatus according to claim 52, further comprising:
a translucent cover over the lighting elements.

54. (New) The umbrella apparatus of claim 49, wherein the multiple discrete lighting elements are each an LED.

55. (New) The umbrella apparatus according to claim 52, further comprising:
wires for conductively coupling the lighting elements to the rechargeable electrical power source, the wires being fully recessed within the rib members.

56. (New) An umbrella apparatus, comprising:
a base support portion;
a pole portion coupled to the base support portion;
a canopy portion having a plurality of rib members, the canopy portion being hingedly coupled to the pole portion;
a rechargeable electrical power system for providing electrical power to the umbrella apparatus;
a solar energy system adapted to collect solar energy and convert the solar energy into electrical energy, the solar energy system being conductively coupled to the rechargeable electrical power system, such that the solar energy collected and converted into electrical energy recharges the rechargeable electrical power system;
and
a lighting system carried by the canopy portion, the lighting system being conductively coupled to and powered by the rechargeable electrical power system, the lighting system comprising a plurality of lighting elements carried by the rib members, each lighting element being conductively coupled to and powered by the rechargeable electrical power system;
wherein the rechargeable electrical power system and the solar energy system each form a separate component part of a power module that is carried by the pole portion above the canopy portion.

57. (New) A patio umbrella apparatus, comprising:
a base support portion;
a pole portion coupled to the base support portion;
a canopy portion hingedly coupled to the pole portion, the canopy portion having

a plurality of rib members;

a crank housing coupled to the pole portion, the crank housing being adapted to partially house a system for opening and closing the canopy portion;

a rechargeable electrical power system for providing electrical power to the umbrella apparatus, the rechargeable electrical power system being disposed below the canopy portion;

a solar energy system carried by the pole portion above the canopy portion, the solar energy system being adapted to collect solar energy and convert the solar energy into electrical energy, the solar energy system being conductively coupled to the rechargeable electrical power system, such that the solar energy collected and converted into electrical energy recharges the rechargeable electrical power system;

and

a lighting system carried by the canopy portion, the lighting system being conductively coupled to and powered by the rechargeable electrical power system, the lighting system comprising a plurality of lighting elements carried by the rib members, each lighting element being conductively coupled to and powered by the rechargeable electrical power system via conductors, the conductors being recessed within the rib members.

58. (New) The patio umbrella apparatus according to claim 57, further comprising:
a switch carried by the crank housing for controlling the system for opening and closing the canopy portion.

59. (New) An umbrella apparatus, comprising:
a pole portion;
a base support portion for supporting the umbrella apparatus in an upright orientation, the base support portion being coupled to the pole portion;
a canopy portion hingedly coupled to the pole portion;
a crank housing coupled to the pole portion, the crank housing being adapted to partially house a system for opening and closing the canopy portion;

a rechargeable electrical power system for providing electrical power to the umbrella apparatus;

a switch disposed in the crank housing for controlling the system for opening and closing the canopy portion;

a solar energy system carried by the pole portion above the canopy portion, the solar energy system being adapted to collect solar energy and convert the solar energy into electrical energy, the solar energy system being conductively coupled to the rechargeable electrical power system, such that the solar energy collected and converted into electrical energy recharges the rechargeable electrical power system;
and

a lighting system carried by the canopy portion, the lighting system being conductively coupled to and powered by the rechargeable electrical power system;

wherein the rechargeable electrical power system is carried by the pole portion and the solar energy system is fixed relative to the pole portion when the canopy is operated between an opened position and a closed position.

60. (New) An umbrella apparatus, comprising:

a base support portion;

a pole portion coupled to the base support portion;

a canopy portion having a plurality of rib members, the canopy portion being hingedly coupled to the pole portion;

a rechargeable electrical power system for providing electrical power to the umbrella apparatus;

a solar energy system carried by the pole portion above the canopy portion, the solar energy system being adapted to collect solar energy and convert the solar energy into electrical energy, the solar energy system being conductively coupled to the rechargeable electrical power system, such that the solar energy collected and converted into electrical energy recharges the rechargeable electrical power system;
and

a lighting system carried by the canopy portion, the lighting system being

conductively coupled to and powered by the rechargeable electrical power system;

wherein the lighting system includes a plurality of lighting elements, each lighting element being recessed within a corresponding rib member and being covered by a translucent cover carried by the corresponding rib member.

61. (New) An umbrella apparatus, comprising:

a base support portion;

a pole portion coupled to the base support portion;

a canopy portion having a plurality of rib members, the canopy portion being hingedly coupled to the pole portion;

a power unit carried by the pole portion above the canopy portion;

a rechargeable electrical power system for providing electrical power to the umbrella apparatus, the rechargeable electrical power system forming a component part of the power unit;

a solar energy system for collecting solar energy and converting the solar energy into electrical energy, the solar energy system being conductively coupled to the rechargeable electrical power system, such that the solar energy collected and converted into electrical energy recharges the rechargeable electrical power system, the solar energy system also forming a component part of the power unit; and

a lighting system carried by the canopy portion, the lighting system being conductively coupled to and powered by the rechargeable electrical power system and having a plurality of lighting elements, each lighting element being carried by a rib member and being conductively coupled to the rechargeable electrical power system via a conductor carried by the corresponding rib member.

62. (New) An umbrella apparatus, comprising:

a base support portion;

a pole portion coupled to the base support portion;

a canopy portion having a plurality of rib members, the canopy portion being

hingedly coupled to the pole portion;

a rechargeable electrical power system for providing electrical power to the umbrella apparatus;

a solar energy system carried by the pole portion above the canopy portion, the solar energy system being adapted to collect solar energy and convert the solar energy into electrical energy, the solar energy system being conductively coupled to the rechargeable electrical power system, such that the solar energy collected and converted into electrical energy recharges the rechargeable electrical power system;
and

a light subassembly carried by the canopy portion, the light subassembly being conductively coupled to and powered by the rechargeable electrical power system;

wherein the light subassembly includes a plurality of light emitting diodes, each light emitting diode being recessed relative to a corresponding rib member and each light emitting diode being conductively coupled by a conductor recessed relative to the corresponding rib member.

63. (New) An umbrella apparatus, comprising:

a base support portion adapted to maintain the umbrella in an upright position;

a pole portion coupled to the base support portion, the pole portion being separable into at least two separate sections;

a canopy portion hingedly coupled to the pole portion;

a rechargeable electrical power system for providing electrical power to the umbrella apparatus;

an electrical charging system carried by the pole portion for recharging the rechargeable electrical power system, the electrical charging system being adapted to receive power from an AC power outlet;

a solar energy system coupled to the pole portion above the canopy portion, the solar energy system being adapted to collect solar energy and convert the solar energy into electrical energy, the solar energy system being conductively coupled to the rechargeable electrical power system, such that the solar energy collected and

converted into electrical energy recharges the rechargeable electrical power system;
and

a lighting system carried by the canopy portion, the lighting system being
conductively coupled to and powered by the rechargeable electrical power system.

64. (New) A patio umbrella apparatus, comprising:

a base support portion;

a pole portion coupled to the base support portion;

a canopy portion hingedly coupled to the pole portion;

a rechargeable electrical power system for providing electrical power to the
umbrella apparatus;

a solar energy system contained in a discus-shaped module, the discus-shaped
module being carried by the pole portion above the canopy portion, the solar energy
system being adapted to collect solar energy and convert the solar energy into electrical
energy, the solar energy system being conductively coupled to the rechargeable
electrical power system, such that the solar energy collected and converted into
electrical energy recharges the rechargeable electrical power system; and

a lighting system carried by the canopy portion, the lighting system being
conductively coupled to and powered by the rechargeable electrical power system.

65. (New) The patio umbrella apparatus according to claim 64, wherein the discus-
shaped module is releasably coupled to the pole portion.

66. (New) A patio umbrella apparatus, comprising:

a base support portion;

a pole portion coupled to the base support portion;

a canopy portion hingedly coupled to the pole portion, the canopy portion having
a plurality of rib members and being operable between an opened position and a closed

position;

a rechargeable electrical power system for providing electrical power to the umbrella apparatus;

a solar energy system adapted to collect solar energy and convert the solar energy into electrical energy, the solar energy system being conductively coupled to the rechargeable electrical power system, such that the solar energy collected and converted into electrical energy recharges the rechargeable electrical power system;
and

a lighting system carried by the canopy portion, the lighting system being conductively coupled to and powered by the rechargeable electrical power system via electrical conductors recessed within the rib members;

wherein the rechargeable electrical power system forms a bottom portion of a power unit and the solar energy system forms a top portion of the power unit, the power unit being carried by the pole portion above the canopy portion, such that the power unit remains in a fixed orientation relative to the pole portion when the canopy is operated between the opened position and the closed position.

67. (New) A patio umbrella apparatus, comprising:

a base support portion;

a pole portion coupled to the base support portion;

a canopy portion hingedly coupled to the pole portion;

a rechargeable electrical power system for providing electrical power to the umbrella apparatus;

a solar energy system carried by the pole portion above the canopy portion, the solar energy system being adapted to collect solar energy and convert the solar energy into electrical energy, the solar energy system being conductively coupled to the rechargeable electrical power system, such that the solar energy collected and converted into electrical energy recharges the rechargeable electrical power system;

an electromechanical opening and closing system for opening and closing the canopy portion, the electromechanical opening and closing system being powered by

the rechargeable electrical power system;

a lighting system carried by the canopy portion, the lighting system being conductively coupled to and powered by the rechargeable electrical power system; and

a switch for controlling the electromechanical opening and closing system.

68. (New) A patio umbrella apparatus, comprising:

a base support portion;

a pole portion coupled to the base support portion;

a canopy portion hingedly coupled to the pole portion;

a rechargeable electrical power system for providing electrical power to the umbrella apparatus;

a solar energy system carried by the pole portion above the canopy portion, the solar energy system being adapted to collect solar energy and convert the solar energy into electrical energy, the solar energy system being conductively coupled to the rechargeable electrical power system, such that the solar energy collected and converted into electrical energy recharges the rechargeable electrical power system;

an electromechanical opening and closing system for opening and closing the canopy portion, the electromechanical opening and closing system being powered by the rechargeable electrical power system, the electromechanical opening and closing system being partially housed in a housing coupled to the pole portion;

a lighting system carried by the canopy portion, the lighting system being conductively coupled to and powered by the rechargeable electrical power system; and

a switch carried by the housing for controlling the electromechanical opening and closing system.

69. (New) A patio umbrella apparatus, comprising:

a base support portion;

a pole portion coupled to the base support portion;

a canopy portion hingedly coupled to the pole portion;

a rechargeable electrical power system for providing electrical power to the umbrella apparatus;

a solar energy system carried by the pole portion above the canopy portion, the solar energy system being adapted to collect solar energy and convert the solar energy into electrical energy, the solar energy system being conductively coupled to the rechargeable electrical power system, such that the solar energy collected and converted into electrical energy recharges the rechargeable electrical power system;

an electromechanical opening and closing system for opening and closing the canopy portion, the electromechanical opening and closing system being powered by the rechargeable electrical power system;

a lighting system carried by the canopy portion, the lighting system being conductively coupled to and powered by the rechargeable electrical power system; and

a switch located on the pole portion for controlling the electromechanical opening and closing system.

70. (New) An umbrella apparatus, comprising:

a base support portion;

a pole portion coupled to the base support portion;

a canopy portion being hingedly coupled to the pole portion, the canopy portion having a plurality of rib members, each rib member having a recessed longitudinal channel;

a rechargeable electrical power system for providing electrical power to the umbrella apparatus;

a solar energy system carried by the pole portion above the canopy portion, the solar energy system being adapted to collect solar energy and convert the solar energy into electrical energy, the solar energy system being conductively coupled to the rechargeable electrical power system, such that the solar energy collected and converted into electrical energy recharges the rechargeable electrical power system;
and

a lighting system carried by the canopy portion, the lighting system being conductively coupled to and powered by the rechargeable electrical power system, the lighting system comprising a plurality of lighting elements carried by the rib members, each lighting element being disposed within the channel and being conductively coupled to and powered by the rechargeable electrical power source.

71. (New) The umbrella apparatus according to claim 70, further comprising:
a transparent cover disposed over each channel.

72. (New) An umbrella apparatus, comprising:
a base support portion;
a pole portion coupled to the base support portion;
a canopy portion being hingedly coupled to the pole portion, the canopy portion having a plurality of rib members;
a rechargeable electrical power system for providing electrical power to the umbrella apparatus;
a solar energy system carried by the pole portion above the canopy portion, the solar energy system being adapted to collect solar energy and convert the solar energy into electrical energy, the solar energy system being conductively coupled to the rechargeable electrical power system, such that the solar energy collected and converted into electrical energy recharges the rechargeable electrical power system;
and
a lighting system carried by the canopy portion, the lighting system being conductively coupled to and powered by the rechargeable electrical power system, wherein the lighting system comprises:
a plurality of discrete lighting elements carried by each rib member;
wherein each discrete lighting element is conductively coupled to and powered by the rechargeable electrical power source and is recessed within a corresponding rib member, the discrete lighting elements being conductively coupled to the rechargeable

electrical power system by electrical conductors, the electrical conductors also being recessed within the rib members.

73. (New) A patio umbrella apparatus, comprising:

a base support portion;

a pole portion coupled to the base support portion;

a canopy portion hingedly coupled to the pole portion;

a rechargeable electrical power system for providing electrical power to the umbrella apparatus;

a solar energy system carried by the pole portion above the canopy portion, the solar energy system being adapted to collect solar energy and convert the solar energy into electrical energy, the solar energy system being conductively coupled to the rechargeable electrical power system, such that the solar energy collected and converted into electrical energy recharges the rechargeable electrical power system;
and

an electrical charging system carried by the pole portion for recharging the rechargeable electrical power system, the electrical charging system being adapted to receive power from an AC power outlet;

wherein the electrical charging system remains carried by the pole portion when the rechargeable electrical power system is removed from the patio umbrella apparatus.

74. (New) An umbrella apparatus comprising:

a base support portion;

a pole portion coupled to the base support portion;

a canopy portion hingedly coupled to the pole portion;

a power module carried by the pole portion above the canopy portion, the power module having an upper portion and a lower portion;

a rechargeable electrical power system for providing electrical power to the umbrella apparatus, the rechargeable electrical power system being disposed in the lower portion of the power module;

a solar energy system disposed in the upper portion of the power module, the solar energy system being adapted to collect solar energy and convert the solar energy into electrical energy, the solar energy system being conductively coupled to the rechargeable electrical power system, such that the solar energy collected and converted into electrical energy recharges the rechargeable electrical power system;
and

a lighting system carried by the canopy portion, the lighting system being conductively coupled to and powered by the rechargeable electrical power system.

Litigation Search Report CRU 3999

Reexam Control No. 95/000,104

To: Margaret Rubin
Location: CRU
Art Unit: 3992
Date: 06/01/09

From: Karen L. Ward
Location: CRU 3999
Mdw 7C35
Phone: (571) 272-7932
Karen.Ward@uspto.gov

Case Serial Number: 95/000,104

Search Notes

Litigation was found involving U.S. Patent No. 6,612,713.

4:05CV373 – CLOSED

4:05CV374 – CLOSED

- 1) I performed a KeyCite Search in Westlaw, which retrieves all history on the patent including any litigation.
- 2) I performed a search on the patent in Lexis CourtLink for any open dockets or closed cases.
- 3) I performed a search in Lexis in the Federal Courts and Administrative Materials databases for any cases found.
- 4) I performed a search in Lexis in the IP Journal and Periodicals database for any articles on the patent.
- 5) I performed a search in Lexis in the news databases for any articles about the patent or any articles about litigation on this patent.

YOT-1003-0940



Date of Printing: Jun 03, 2009

KEYCITE

C US PAT 6612713 UMBRELLA APPARATUS, Assignee: World Factory, Inc. (Sep 02, 2003)

History

Direct History

=> 1 **UMBRELLA APPARATUS**, US PAT 6612713, 2003 WL 22044809 (U.S. PTO Utility Sep 02, 2003) (NO. 10/068424)

Patent Family

2 **UMBRELLA APPARATUS FOR LAWNS, HAS SOLAR ENERGY SYSTEM CONDUCTIVELY COUPLED TO RECHARGEABLE ELECTRICAL POWER SYSTEM FOR CONVERTING SOLAR ENERGY INTO ELECTRICAL ENERGY AND CHARGER FOR RECHARGING POWER SYSTEM**, Derwent World Patents Legal 2003-895364

Assignments

3 **ACTION: ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS)**. NUMBER OF PAGES: 002, (DATE RECORDED: Feb 07, 2002)

Patent Status Files

.. Request for Re-Examination, (OG DATE: Sep 27, 2005)
.. Patent Suit(See LitAlert Entries),
.. Patent Suit(See LitAlert Entries),

Docket Summaries

7 **WORLD FACTORY INC v. BOND MANUFACTURING CO**, (N.D.TEX. Jun 13, 2005) (NO. 4:05CV00374), (35 USC 145 PATENT INFRINGEMENT)
8 **WORLD FACTORY INC v. SOUTHERN SALES AND MARKETING GROUP INC**, (N.D.TEX. Jun 13, 2005) (NO. 4:05CV00373), (35 USC 145 PATENT INFRINGEMENT)

Litigation Alert

9 LitAlert P2005-42-24 (Jun 13, 2005) Action Taken: A complaint was filed
10 LitAlert P2005-42-26 (Jun 13, 2005) Action Taken: A complaint was filed

Prior Art (Coverage Begins 1976)

C 11 **AIR COOLED UMBRELLA**, US PAT 5349975 (U.S. PTO Utility 1994)

© 2009 Thomson Reuters. All rights reserved.

YOT-1003-0941

http://web2.westlaw.com/print/printstream.aspx?sv=Split&prft=HTMLE&fn=_top&mt=Patent... 6/3/09

- C 12 COMBINATION CANOPY AND FAN, US PAT 5172711 (U.S. PTO Utility 1992)
- C 13 ILLUMINATED UMBRELLA OR PARASOL, US PAT 5126922 (U.S. PTO Utility 1992)
- C 14 UMBRELLA, US PAT 5273062 (U.S. PTO Utility 1993)
- C 15 UMBRELLA WITH A LIGHT SOURCE AND LIGHT REFRACTING MEANS, US PAT 5463536 (U.S. PTO Utility 1995)

© 2009 Thomson Reuters. All rights reserved.

YOT-1003-0942

http://web2.westlaw.com/print/printstream.aspx?sv=Split&prft=HTML&fn=_top&mt=Patent... 6/3/09

US District Court Civil Docket

**U.S. District - Texas Northern
(Fort Worth)**

4:05cv373

World Factory Inc v. Southern Sales And Marketing Group Inc

This case was retrieved from the court on Monday, January 01, 2007

Date Filed: 06/13/2005	Class Code: CLOSED, JURY
Assigned To: John McBryde	Closed: Yes
Referred To:	Statute: 35:145
Nature of suit: Patent (830)	Jury Demand: Plaintiff
Cause: Patent Infringement	Demand Amount: \$0
Lead Docket: None	NOS Description: Patent
Other Docket: None	
Jurisdiction: Federal Question	

Litigants

Attorneys

World Factory Inc
Plaintiff

Michael D Anderson
[COR LD NTC]
Kelly Hart & Hallman -Fort Worth
201 Main St
Suite 2500
Fort Worth , TX 76102-3194
USA
817/ 332-2500.
Email: Michael_anderson@khh.com

Hugh G Connor, II
[COR LD NTC]
Kelly Hart & Hallman -Fort Worth
201 Main St
Suite 2500
Fort Worth , TX 76102-3194
USA
817/ 332-2500
Email: Hugh_connor@khh.com

Marshall M Searcy
[COR LD NTC]
Kelly Hart & Hallman -Fort Worth
201 Main St
Suite 2500
Fort Worth , TX 76102-3194
USA
817/ 332-2500
Fax: 817/ 878-9280 Fax
Email: Marshall_searcy@khh.com

Southern Sales And Marketing Group Inc Doing Business
as Southern Patio
Defendant

Date #

Proceeding Text

YOT-1003-0943

<https://w3.courtlink.lexisnexis.com/ControlSupport/UserControls/ShowDocket.aspx?Key=515...> 6/3/09

06/13/2005	2	CERTIFICATE OF INTERESTED PERSONS/DISCLOSURE STATEMENT by World Factory Inc. (mjw,) (Entered: 06/14/2005)
06/13/2005	3	Summons Issued as to Southern Sales and Marketing Group Inc. (mjw,) (Entered: 06/14/2005)
06/13/2005	4	Mailing of Patent and Trademark Infringement Notice to Director in Alexandria VA (mjw,) (Entered: 06/14/2005)
06/13/2005	5	CIVIL COVER SHEET filed by World Factory Inc. (mjw,) (Entered: 06/15/2005)
06/14/2005	1	COMPLAINT AND JURY DEMAND against Southern Sales and Marketing Group Inc (Filing fee \$250; Receipt number 53004), filed by World Factory Inc.(mjw,) (Entered: 06/14/2005)
01/04/2006	6	ORDER:...Ordered that on/before 1/18/06 pltf. World Factory Inc file either proof of proper svc. of summons/complaint on deft. or instrument containing satisfactory explanation in affidavit form as to why such proof can't be filed; if pltf. fails to comply court will consider dismissal w/o further notice of pltf's claims... (Signed by Judge John McBryde on 1/4/06) (pdm,) (Entered: 01/04/2006)
01/06/2006	7	Voluntary Dismissal Pursuant to Rule 41(a)(1) by World Factory Inc (pdm,) (Entered: 01/06/2006)
01/09/2006	8	ORDER:...Ordered all claims and causes of action asserted by pltf against deft. dismissed w/o prejudice (Signed by Judge John McBryde on 1/9/06) (pdm,) (Entered: 01/09/2006)
01/09/2006	9	Final JUDGMENT... Ordered all claims and causes of action asserted by pltf against deft. dismissed w/o prejudice (Signed by Judge John McBryde on 1/9/06) (pdm,) (Entered: 01/09/2006)

Copyright © 2009 LexisNexis CourtLink, Inc. All rights reserved.
*** THIS DATA IS FOR INFORMATIONAL PURPOSES ONLY ***

YOT-1003-0944

<https://w3.courtlink.lexisnexis.com/ControlSupport/UserControls/ShowDocket.aspx?Key=515...> 6/3/09

US District Court Civil Docket

**U.S. District - Texas Northern
(Fort Worth)**

4:05cv374

World Factory Inc v. Bond Manufacturing Co

This case was retrieved from the court on Monday, January 01, 2007

Date Filed: 06/13/2005	Class Code: CLOSED, JURY, PATENT
Assigned To: John McBryde	Closed: Yes
Referred To:	Statute: 35:145
Nature of suit: Patent (830)	Jury Demand: Plaintiff
Cause: Patent Infringement	Demand Amount: \$0
Lead Docket: None	NOS Description: Patent
Other Docket: None	
Jurisdiction: Federal Question	

Litigants

Attorneys

World Factory Inc
Plaintiff

Michael D Anderson
[COR LD NTC]
Kelly Hart & Hallman -Fort Worth
201 Main St
Suite 2500
Fort Worth , TX 76102-3194
USA
817/ 332-2500
Email: Michael_anderson@khh.com

Hugh G Connor, II
[COR LD NTC]
Kelly Hart & Hallman -Fort Worth
201 Main St
Suite 2500
Fort Worth , TX 76102-3194
USA
817/ 332-2500
Email: Hugh_connor@khh.com

Marshall M Searcy
[COR LD NTC]
Kelly Hart & Hallman -Fort Worth
201 Main St
Suite 2500
Fort Worth , TX 76102-3194
USA
817/ 332-2500
Fax: 817/ 878-9280 Fax
Email: Marshall_searcy@khh.com

Bond Manufacturing Co
Defendant

Date #

Proceeding Text

YOT-1003-0945

<https://w3.courtlink.lexisnexis.com/ControlSupport/UserControls/ShowDocket.aspx?Key=515...> 6/3/09

06/13/2005	1	COMPLAINT against Bond Manufacturing Co (Filing fee \$250; Receipt number 53005), filed by World Factory Inc.(jmb,) (Entered: 06/14/2005)
06/13/2005	--	DEMAND for Trial by Jury by World Factory Inc. (jmb,)on face of complaint (Entered: 06/14/2005)
06/13/2005	2	CERTIFICATE OF INTERESTED PERSONS/DISCLOSURE STATEMENT by World Factory Inc. (jmb,) (Entered: 06/14/2005)
06/14/2005	3	Summons Issued as to Bond Manufacturing Co. (jmb,) (Entered: 06/14/2005)
06/14/2005	4	NOTICE of patent filing mailed to US Patent and Trademark Office(jmb,) (Entered: 06/14/2005)
11/14/2005	5	ORDER: that on before Nov 28, 2005, pla file either proof of proper service of summons and complaint on dft, or an instrument containing a satisfactory explanation, in affidavit form, as to why such proof cannot be filed. (Signed by Judge John McBryde on 11/14/05) (mjw,) (Entered: 11/15/2005)
11/21/2005	6	VOLUNTARY DISMISSAL PURSUANT TO RULE 41(a)(1) by World Factory Inc (mjw,) (Entered: 11/21/2005)
11/21/2005	7	FINAL JUDGMENT...dismissed without prejudice. (Signed by Judge John McBryde on 11/21/05) (mjw,) (Entered: 11/22/2005)

Copyright © 2009 LexisNexis CourtLink, Inc. All rights reserved.
*** THIS DATA IS FOR INFORMATIONAL PURPOSES ONLY ***

YOT-1003-0946

<https://w3.courtlink.lexisnexis.com/ControlSupport/UserControls/ShowDocket.aspx?Key=515...> 6/3/09

LexisNexis® Total Research System

Switch Client | Preferences | Sign Out | ? Help

My Lexis™ Search Research Tasks Get a Document Shepard's® Alerts Total Litigator Transactional A

FOCUS™ Terms Search Within

Source: [Command Searching > Utility, Design and Plant Patents](#) Terms: **6612713** ([Edit Search](#) | [Suggest Terms for My Search](#))

Select for FOCUS™ or Delivery

1. [7533679](#), May 19, 2009, Covering with rib lighting arrangement, Harbaugh, Kenneth A. - 1000 Overlook Dr., Villa Rica, Georgia, 30180, United States (US), 381070 (11)
- CORE TERMS:** bulb, holder, rib, globe, light source, covering, hole, elongated, protrusion, flange ...
- ... United States (US), 362#353 **6612713**, September, 2003, Kuelbs, ...
... Reexamination of Patent No. **6612713**; submitted Jan. 29, ...
2. [7431470](#), October 7, 2008, Trans-membrane solar energy lighting device, Coleiro, Lenard C. - 1673 Sharon Drive, London, Ontario, NOL 1R0, Canada (CA), 347571 (11)
- CORE TERMS:** membrane, electrical, umbrella, housing, radiant energy, fabric, tent, solar, energy, gathering ...
- ... Li, United States (US) **6612713**, September, 2003, Kuelbs, ...
3. [7431469](#), October 7, 2008, Power supplying system for outdoor umbrella, Li, Wanda Ying - 3000 Croddy Way, Santa Ana, California, 92704, United States (US), 292859 (11)
- CORE TERMS:** energy, illumination, solar, awning, umbrella, supplying, outdoor, electrically, battery, housing ...
- ... **6612713**, September, 2003, Kuelbs, ...
4. [7420119](#), September 2, 2008, Subterranean electrical hub, Janos, Joseph John - Wadsworth, Ohio, United States (US)Ascherl, John Joseph - Medina, Ohio, United States (US); Briggs, Michael William - Kent, Ohio, United States (US); Fritz, Raymond J. - Northfield, Ohio, United States (US); Williams, Richard - Akron, Ohio, United States (US), 564337 (11), The L.D. Kichler Co., Cleveland, Ohio, United States (US), United States company or corporation (02)
- CORE TERMS:** hub, electrical, depth, exemplary, marker, socket, connector, wiring, fixture, plug ...
- ... United States (US), 439#798 **6612713**, September, 2003, Kuelbs, ...
5. [7412984](#), August 19, 2008, Portable personal shade and cooling device, Spencer, Terrence Michael - 3245 E. Jerome Ave., Mesa, Arizona, 85204, United States (US)Spencer, Nicolle Janine - 3245 E. Jerome Ave., Mesa, Arizona, 85204, United States (US), 194960 (11)
- CORE TERMS:** reservoir, handle, cooling, canopy, nozzle, valve, user, cartridge,

YOT-1003-0947

https://www.lexis.com/research/retrieve?_m=36defa2a8aeef5cea329aad8ff5045fb&csvc=bl&c... 6/3/09

mist, grip ...

... United States (US), 239#211 **6612713**, September, 2003, Kuelbs, ...

6. 7361039, April 22, 2008 , Electrical connector within tubular structure, Koehler, Edwin T. - Nashville, Tennessee, United States (US), 759581 (11), July 27, 2007 - ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS)., HUNTER FAN COMPANY 2500 FRISCO AVENUE MEMPHIS TENNESSEE 38114, Reel and Frame Number: 019615/0309, Hunter Fan Company, Memphis, Tennessee, United States (US), United States company or corporation (02)

CORE TERMS: pole, electrical, connector, tubular, coupler, connecting, window, screw, holes, cord ...

... United States (US), 362#431 **6612713**, September, 2003, Kuelbs, ...

7. 7331684, February 19, 2008 , Sunshade with an illuminating device, Tung, Benson - No. 587, Chiengong Rd., Kaohsiung, Taiwan (TW), 143081 (11)

CORE TERMS: runner, illuminating, conductive, pin, solar, sunshade, energy, wire, rib-mounting, module ...

... al., United States (US) **6612713**, September, 2003, Kuelbs, ...

8. 7249863, July 31, 2007 , Solar-powered lighting system, Ballarini, Noelle L. - 8242 Shawnee St., Philadelphia, Pennsylvania, 19118, United States (US) Ballarini, Robert J. - 8242 Shawnee St., Philadelphia, Pennsylvania, 19118, United States (US), 834295 (10)

CORE TERMS: solar, energy, gatherer, battery, lighting, lamp, tree, panel, electrical, housing ...

... United States (US), 362#161 **6612713**, September, 2003, Kuelbs, ...

9. 7192058, March 20, 2007 , Illuminated ski pole discs, Fleming, Larry E. - Sand Springs, Oklahoma, United States (US), 239931 (11), December 1, 2005 - ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS)., SNOW STAMPS L.L.C. 5810 E. SKELLY DRIVE, SUITE 710 TULSA OKLAHOMA 74135, Reel and Frame Number: 017291/0914, Snow Stamps L.L.C., Tulsa, Oklahoma, United States (US), United States company or corporation (02)

CORE TERMS: disc, ski pole, housing, resistance, layer, illumination, snow, battery, housing element, recess ...

... United States (US), 340#573.1 **6612713**, September, 2003, Kuelbs, ...


10. 7188633, March 13, 2007 , Retrofit motor and control for patio umbrellas, Zerillo, Michael Anthony - 15821 E. Jericho Dr., Fountain Hills, Arizona, 85268, United States (US), 737330 (10)

CORE TERMS: yoke, canopy, cable, mast, umbrella, patio, module, reel, rib, voltage ...

... United States (US), 135#22 **6612713**, September, 2003, Kuelbs, ...

YOT-1003-0948

https://www.lexis.com/research/retrieve?_m=36defa2a8aeef5cea329aad8ff5045fb&csvc=bl&c... 6/3/09

Source: [Command Searching > Utility, Design and Plant Patents](#) 
Terms: **6612713** ([Edit Search](#) | [Suggest Terms for My Search](#))
View: [Cite](#)
Date/Time: Wednesday, June 3, 2009 - 8:23 AM EDT

[My Lexis™](#) | [Search](#) | [Research Tasks](#) | [Get a Document](#) | [Shepard's®](#) | [Alerts](#) | [Total Litigator](#) | [Transactional Advisor](#) | [Counsel Selector](#)
[History](#) | [Delivery Manager](#) | [Switch Client](#) | [Preferences](#) | [Sign Out](#) | [Help](#)



LexisNexis®

[About LexisNexis](#) | [Terms & Conditions](#) | [Contact Us](#)
Copyright © 2009 LexisNexis, a division of Reed Elsevier Inc. All rights reserved.

YOT-1003-0949

https://www.lexis.com/research/retrieve?_m=36defa2a8aeef5cea329aad8ff5045fb&csvc=bl&c... 6/3/09



Switch Client | Preferences | Sign Out | Help

My Lexis™ Search | Research Tasks | Get a Document | Shepard's® Alerts | Total Litigator | Transactional A
by Source | by Topic or Headnote | by Guided Search Form | by Dot Command

[Command Searching](#) > Patent Cases from Federal Courts and Administrative Materials

Search

Enter Search Terms

Terms and Connectors Natural Language Easy Search™

6612713 or 6,612,713

[Suggest terms for my search](#)

[Check spelling](#)

Restrict by Document Segment

Select a document segment, enter search terms for the segment, then click Add.

Select a Segment Add

Note: Segment availability differs between sources. Segments may not be applied consistently across sources.

Restrict by Date

No Date Restrictions From To [Date formats...](#)

Search Connectors

and and w/p in same paragraph
or or w/seg in same segment
w/N within N words w/s in same sentence
pre/N precedes by N words and not and not

> [More Connectors & Commands...](#)

How Do I...?

- > [Combine sources?](#)
- > [Restrict by date?](#)
- > [Restrict by document segment?](#)
- > [Use wildcards as placeholders for one or more characters?](#)

[View Tutorials](#)

[My Lexis™](#) | [Search](#) | [Research Tasks](#) | [Get a Document](#) | [Shepard's®](#) | [Alerts](#) | [Total Litigator](#) | [Transactional Advisor](#) | [Counsel Selector](#)

[History](#) | [Delivery Manager](#) | [Switch Client](#) | [Preferences](#) | [Sign Out](#) | [Help](#)



LexisNexis®

[About LexisNexis](#) | [Terms & Conditions](#) | [Contact Us](#)

Copyright © 2009 LexisNexis, a division of Reed Elsevier Inc. All rights reserved.

YOT-1003-0950

https://www.lexis.com/research/form/search?_m=18f0129f3474527e6ceb467fdf3c98c2&_src... 6/3/09

No Documents Found

No documents were found for your search terms

"6612713 or 6,612,713"

Click "Save this search as an Alert" to schedule your search to run in the future.

- OR -

Click "Edit Search" to return to the search form and modify your search.

Suggestions:

- Check for spelling errors .
 - Remove some search terms.
 - Use more common search terms, such as those listed in "Suggested Words and Concepts"
 - Use a less restrictive date range.
-

Save this Search as an Alert

Edit Search



LexisNexis®

[About LexisNexis](#) | [Terms & Conditions](#) | [Contact Us](#)

Copyright © 2009 LexisNexis, a division of Reed Elsevier Inc. All rights reserved.

YOT-1003-0951

https://www.lexis.com/research/zeroans?_m=6a388c54ef5fed75070d6d6f8eb61df8&docnum=... 6/3/09



Switch Client | Preferences | Sign Out | Help

My Lexis™ Search | Research Tasks | Get a Document | Shepard's® Alerts | Total Litigator | Transactional A
by Source | by Topic or Headnote | by Guided Search Form | by Dot Command

Command Searching > Patent, Trademark & Copyright Periodicals, Combined

Search

Enter Search Terms

Terms and Connectors Natural Language Easy Search™

6612713 or 6,612,713

Suggest terms for my search

Check spelling

Restrict by Document Segment

Select a document segment, enter search terms for the segment, then click Add.

Select a Segment [dropdown] [input] Add | ↑

Note: Segment availability differs between sources. Segments may not be applied consistently across sources.

Restrict by Date

No Date Restrictions From [input] To [input] Date formats...

Search Connectors

and and w/p in same paragraph
or or w/seg in same segment
w/N within N words w/s in same sentence
pre/N precedes by N words and not and not

> More Connectors & Commands...

How Do I...?

- > Combine sources?
- > Restrict by date?
- > Restrict by document segment?
- > Use wildcards as placeholders for one or more characters?

View Tutorials

My Lexis™ | Search | Research Tasks | Get a Document | Shepard's® | Alerts | Total Litigator | Transactional Advisor | Counsel Selector

History | Delivery Manager | Switch Client | Preferences | Sign Out | Help



LexisNexis®

About LexisNexis | Terms & Conditions | Contact Us
Copyright © 2009 LexisNexis, a division of Reed Elsevier Inc. All rights reserved.

YOT-1003-0952

https://www.lexis.com/research/form/search?_m=18f0129f3474527e6ceb467fdf3c98c2&_src... 6/3/09

No Documents Found

No documents were found for your search terms

"6612713 or 6,612,713"

Click "Save this search as an Alert" to schedule your search to run in the future.

- OR -

Click "Edit Search" to return to the search form and modify your search.

Suggestions:

- Check for spelling errors .
 - Remove some search terms.
 - Use more common search terms, such as those listed in "Suggested Words and Concepts"
 - Use a less restrictive date range.
-

Save this Search as an Alert

Edit Search



LexisNexis®

[About LexisNexis](#) | [Terms & Conditions](#) | [Contact Us](#)

Copyright © 2009 LexisNexis, a division of Reed Elsevier Inc. All rights reserved.

YOT-1003-0953

https://www.lexis.com/research/zeroans?_m=b03f93209c5fd2e7ce4a5bb7564a6e7c&docnum... 6/3/09



Switch Client | Preferences | Sign Out | Help

My Lexis™ Search | Research Tasks | Get a Document | Shepard's® Alerts | Total Litigator | Transactional A
by Source | by Topic or Headnote | by Guided Search Form | by Dot Command

Command Searching > News, All (English, Full Text) ⓘ

Search

Enter Search Terms

Terms and Connectors Natural Language Easy Search™

6612713 or 6,612,713

Suggest terms for my search

Check spelling

Restrict by Document Segment

Select a document segment, enter search terms for the segment, then click Add.

Select a Segment

Add ↑

Note: Segment availability differs between sources. Segments may not be applied consistently across sources.

Restrict by Date

No Date Restrictions

From

To

Date formats...

Search Connectors

and and w/p in same paragraph
or or w/seg in same segment
w/N within N words w/s in same sentence
pre/N precedes by N words and not and not

> More Connectors & Commands...

How Do I...?

> Combine sources?
> Restrict by date?
> Restrict by document segment?
> Use wildcards as placeholders for one or more characters?

View Tutorials

My Lexis™ | Search | Research Tasks | Get a Document | Shepard's® | Alerts | Total Litigator | Transactional Advisor | Counsel Selector

History | Delivery Manager | Switch Client | Preferences | Sign Out | Help



LexisNexis®

About LexisNexis | Terms & Conditions | Contact Us

Copyright © 2009 LexisNexis, a division of Reed Elsevier Inc. All rights reserved.

YOT-1003-0954

https://www.lexis.com/research/form/search?_m=18f0129f3474527e6ceb467fdf3c98c2&_src... 6/3/09

LexisNexis® Total Research System Switch Client | Preferences | Sign Out | Help

[My Lexis™](#) | [Search](#) | [Research Tasks](#) | [Get a Document](#) | [Shepard's®](#) | [Alerts](#) | [Total Litigator](#) | [Transactional A](#)

FOCUS™ Terms Search Within

Source: [Command Searching > News, All \(English, Full Text\)](#)

Terms: **6612713 or 6,612,713** ([Edit Search](#) | [Suggest Terms for My Search](#))

Select for FOCUS™ or Delivery

- 1. [AAP Company News](#), January 30, 2001, Tuesday, 931 words, Second Quarter Activities Report, Sydney

...	4	1.38	CHRC457	6612713	311022	-60	270	...
...	2	3.73	CHRC459	6612713	311102	-60	270	...

- 2. [AAP Company News](#), January 30, 2001, Tuesday, 930 words, Second Quarter Activities Report, Sydney

...	4	1.38	CHRC457	6612713	311022	-60	270	...
...	2	3.73	CHRC459	6612713	311102	-60	270	...

- 3. [AAP NEWSFEED](#), January 30, 2001, Tuesday, Nationwide General News; Finance Wire, 958 words, WGR

...	4	1.38	CHRC457	6612713	311022	-60	270	...
...	2	3.73	CHRC459	6612713	311102	-60	270	...

Source: [Command Searching > News, All \(English, Full Text\)](#)

Terms: **6612713 or 6,612,713** ([Edit Search](#) | [Suggest Terms for My Search](#))

View: Cite

Date/Time: Wednesday, June 3, 2009 - 8:28 AM EDT

[My Lexis™](#) | [Search](#) | [Research Tasks](#) | [Get a Document](#) | [Shepard's®](#) | [Alerts](#) | [Total Litigator](#) | [Transactional Advisor](#) | [Counsel Selector](#)

[History](#) | [Delivery Manager](#) | [Switch Client](#) | [Preferences](#) | [Sign Out](#) | [Help](#)

LexisNexis® [About LexisNexis](#) | [Terms & Conditions](#) | [Contact Us](#)
 Copyright © 2009 LexisNexis, a division of Reed Elsevier Inc. All rights reserved.

YOT-1003-0955

https://www.lexis.com/research/retrieve?_m=d9c02730f54b3b6631d98f4c1ceb14ee&csvc=bl... 6/3/09



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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
95/000,104	08/12/2005	6612713	45639-316477	5847
38441	7590	08/28/2009	EXAMINER	
LAW OFFICES OF JAMES E. WALTON, PLLC 1169 N. BURLESON BLVD. SUITE 107-328 BURLESON, TX 76028			ART UNIT	PAPER NUMBER

DATE MAILED: 08/28/2009

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



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P. O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

DO NOT USE IN PALM PRINTER

(THIRD PARTY REQUESTER'S CORRESPONDENCE ADDRESS)

John S. Pratt, Esq.
Kilpatrick Stockton LLP
1100 Peachtree St Ste 2800
Atlanta, GA 30309

MAILED

AUG 28 2009

CENTRAL REEXAMINATION UNIT

Transmittal of Communication to Third Party Requester *Inter Partes* Reexamination

REEXAMINATION CONTROL NUMBER 95/000,104.

PATENT NUMBER 6,612,713.

TECHNOLOGY CENTER 3900.

ART UNIT 3992.

Enclosed is a copy of the latest communication from the United States Patent and Trademark Office in the above-identified reexamination proceeding. 37 CFR 1.903.

Prior to the filing of a Notice of Appeal, each time the patent owner responds to this communication, the third party requester of the *inter partes* reexamination may once file written comments within a period of 30 days from the date of service of the patent owner's response. This 30-day time period is statutory (35 U.S.C. 314(b)(2)), and, as such, it cannot be extended. See also 37 CFR 1.947.

If an *ex parte* reexamination has been merged with the *inter partes* reexamination, no responsive submission by any *ex parte* third party requester is permitted.

All correspondence relating to this *inter partes* reexamination proceeding should be directed to the **Central Reexamination Unit** at the mail, FAX, or hand-carry addresses given at the end of the communication enclosed with this transmittal.

PTOL-2070 (Rev.07-04)

YOT-1003-0957



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

CONTROL NO.	FILING DATE	PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
95/000,104	8/12/2005	6,612,713	

Law Offices of James Walton, PLLC
1169 N. Burleson Blvd.
Suite 107-328
Burleson, TX 76028

EXAMINER

M RUBIN

ART UNIT PAPER

3992

DATE MAILED:

**INTER PARTES REEXAMINATION
COMMUNICATION**

BELOW/ATTACHED YOU WILL FIND A COMMUNICATION FROM THE UNITED STATES PATENT AND TRADEMARK OFFICE OFFICIAL(S) IN CHARGE OF THE PRESENT REEXAMINATION PROCEEDING.

All correspondence relating to this *inter partes* reexamination proceeding should be directed to the **Central Reexamination Unit** at the mail, FAX, or hand-carry addresses given at the end of this communication.

NOTICE RE DEFECTIVE PAPER IN INTER PARTES REEXAMINATION	Control No.	Patent Under Reexamination	
	95/000,104	6612713	
	Examiner	Art Unit	
	MARGARET RUBIN	3992	

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

1. No proof of service is included with the paper filed by patent owner requester on _____. 37 CFR 1.248 and 1.903. Proof of service is required within a time period of 30-days or one month from the date of this letter, whichever is longer. Failure to serve the paper may result in the paper being refused consideration. If the failure to comply with this requirement results in a patent owner failure to file a timely and appropriate response to any Office action, the prosecution of the reexamination proceeding will be terminated under 37 CFR 1.957(b) or limited under 37 CFR 1.957(c) (as is appropriate for the case).
2. The paper filed on _____ by the patent owner requester is unsigned. A duplicate paper or ratification, properly signed, is required within a time period of 30-days or one month from the date of this letter, whichever is longer. Failure to comply with this requirement will result in the paper not being considered. If the failure to comply results in a patent owner failure to file a timely and appropriate response to any Office action, the prosecution of the reexamination proceeding will be terminated under 37 CFR 1.957(b) or limited under 37 CFR 1.957(c) (as is appropriate for the case).
3. The paper filed on _____ by the patent owner requester is signed by _____ who is not of record. A ratification or a new power of attorney with a ratification, or a duplicate paper signed by a person of record, is required within a time period of 30-days or one month from the date of this letter, whichever is longer. Failure to comply with this requirement will result in the paper not being considered. If the failure to comply results in a patent owner failure to file a timely and appropriate response to any Office action, the prosecution of the reexamination proceeding will be terminated under 37 CFR 1.957(b) or limited under 37 CFR 1.957(c) (as is appropriate for the case).
4. The amendment filed by patent owner on _____, does not comply with 37 CFR 1.530. Patent owner is given a time period of 30-days or one month from the date of this letter, whichever is longer, to correct this informality, or the prosecution of the reexamination proceeding will be terminated under 37 CFR 1.957(b) or limited under 37 CFR 1.957(c) (as is appropriate for the case). The amendment will not be entered, although the argument the rein will be considered as it applies to the proceeding without the amendment should the prosecution be limited under 37 CFR 1.957(c).
5. The amendment filed by patent owner on _____, does not comply with 37 CFR 1.20(c)(3) and/or 1.20(c)(4), as to excess claim fees. Patent owner is given a time period of 30-days or one month from the date of this letter, whichever is longer, to correct this fee deficiency, or the prosecution of the reexamination proceeding will be terminated under 37 CFR 1.957(b) or limited under 37 CFR 1.957(c) (as is appropriate for the case), to effect the "abandonment" set forth in 37 CFR 1.20(c)(5).
6. Other: See attachment.

NOTE: PATENT OWNER EXTENSIONS OF TIME ARE GOVERNED BY 37 CFR 1.956. NO EXTENSION OF TIME IS PERMITTED FOR THIRD PARTY REQUESTER. 35 U.S.C. § 314(b)(2).

All correspondence relating to this *inter partes* reexamination proceeding should be directed to the **Central Reexamination Unit** at the mail, FAX, or hand-carry addresses given at the end of this Office action.

Attachment to PTOL-2069

The third party requester's comments dated May 18, 2009 includes proposed new rejections. These proposed rejections are improper as such comments are not in compliance with MPEP § 2666.05. Office policies require that where a newly proposed rejection is presented, the third party requester must present the newly proposed rejection in compliance with the guidelines set forth in MPEP § 2617, since any such new proposed rejection stands on the same footing as a proposed rejection presented with the request for reexamination, and is treated the same way as to future Office actions and any appeal. See MPEP § 2617 as to the required discussion of the pertinency of each reference to the patentability of at least one claim presented for the newly submitted prior art. An explanation pursuant to the requirements of 35 U.S.C. 311 of how the art is applied is no less important at this stage of the prosecution, than it is when filing the request. In addition, an explanation pursuant to the requirements of 35 U.S.C. 311 as to how prior art is applied to proposed new or amended claims is no less important if it is based on newly cited documents or documents already of record. See generally MPEP 2666.05. Therefore, in order for the examiner to properly evaluate the new proposed rejections, the third party requester's comments must present the newly proposed rejections in compliance with the guidelines set forth in MPEP § 2617.

However, the requester has sought to introduce new proposed grounds of rejection without the detailed explanation for how the references apply to the claim limitations. More specifically, the following proposed new rejections are identified but no detailed explanation is provided for how the reference(s) apply to each claim limitation, in accordance with the guidelines set forth in MPEP § 2617:

“Claim 52 is invalid over claim 49 under the judicially-created doctrine of double patenting” (page 6.) No text is provided to support this proposed rejection. In fact, the patent document which Requester proposes should be applied as prior art has not been identified.

“Claims 1, 2, 4-7, 9, 47-57, 59-62, 64-66 and 70-74 are invalid over the prior art” (page 11.) Although a discussion of various prior art references follows this vague statement on pages 11 through the top portion of page 24; however, that discussion does not particularly apply the

Art Unit: 3992

prior art to claims 1, 2, 4-7, 9, 47-57, 59-62, 64-66 and 70-74. It is also noteworthy that this proposed rejection does not cite a statutory basis.

“Claim 1 is invalid under 35 USC 103(a) as being obvious and unpatentable over WO 93/00480 and Mueller in view of Hung” (page 25.) The only explanation that is offered in support of this rejection is that “Mueller discloses the same elements as Valdner”.

“Claims 2, 5 and 74 are invalid under 35 USC 103(a) as being obvious and unpatentable over Combination II in further view of Hung” (p. 26.) The short explanation provided does not identify what Figure or Figures are referenced, what elements are referenced or what portions of the text are relied upon. Claim 5 is not addressed.

“Claims 2, 5 and 74 are invalid under 35 USC 103(a) as being obvious and unpatentable over Combination II in further view of Yang ‘163 or Wismeth” (p. 27.) The short explanation provided does not identify what Figure or Figures are referenced, what elements are referenced or what portions of the text are relied upon. Claim 5 is not addressed.

“Claims 2, 5 and 74 are invalid under 35 USC 103(a) as being obvious and unpatentable over Combination III in further view of Hung” (p. 28.) The short explanation provided does not identify what Figure or Figures are referenced, what elements are referenced or what portions of the text are relied upon. Claim 5 is not addressed.

“Claims 2, 5 and 74 are invalid under 35 USC 103(a) as being obvious and unpatentable over Combination III in further view of Yang ‘163 or Wismeth” (p. 28.) The short explanation provided does not identify what Figure or Figures are referenced, what elements are referenced or what portions of the text are relied upon. Claim 5 is not addressed.

“Claims 2 and 4 are invalid under 35 USC 103(a) as being obvious and unpatentable over Combination IV in further view of Hung” (p. 29.) The short explanation provided does not identify what Figure or Figures are referenced, what elements are referenced or what portions of the text are relied upon. Further, if “Combination IV discloses all elements of Claims 2 and 4”, then for what purpose are additional references added to the proposed rejection?

“Claims 2 and 4 are invalid under 35 USC 103(a) as being obvious and unpatentable over Combination IV in further view of Yang ‘163 or Wismeth” (p. 29.) The short explanation provided does not identify what Figure or Figures are referenced, what elements are referenced or what portions of the text are relied upon. Further, if “Combination IV discloses all elements of Claims 2 and 4”, then for what purpose are additional references added to the proposed rejection?

“Claim 4 is invalid under 35 USC 103(a) as being obvious and unpatentable over Combination V in further view of Hung” (p. 30.) The short explanation provided does not identify what Figure or Figures are referenced, what elements are referenced or what portions of the text are relied upon.

“Claim 4 is invalid under 35 USC 103(a) as being obvious and unpatentable over Combination V in further view of Yang ‘163 or Wismeth” (p. 30.) The short explanation provided does not identify what Figure or Figures are referenced, what elements are referenced or what portions of the text are relied upon.

“Claims 49, 50 and 72 are invalid under 35 USC 103(a) as being obvious and unpatentable over Combination VIII(A) in further view of Lee ‘224 or Lee ‘856” (p. 31.) The short explanation provided does not identify what Figure or Figures are referenced, what elements are referenced or what portions of the text are relied upon.

“Claims 51 and 55 are invalid under 35 USC 103(a) as being obvious and unpatentable over WO 93/00840 and Hung in view of Wu or Hale” (p. 32.) Many limitations of claims 51 and 55 are not addressed at all. With regard to Hung and Hale, the short explanation provided does not identify what Figure or Figures are referenced, what elements are referenced or what portions of the text are relied upon.

“Claims 51 and 55 are invalid under 35 USC 103(a) as being obvious and unpatentable over Combination VIII(B) in view of Lee ‘224 or Lee ‘856” (p. 32.) Many limitations of claims 51 and 55 are not addressed at all. The short explanation provided does not identify what Figure or Figures are referenced, what elements are referenced or what portions of the text are relied upon.

“Claim 54 is invalid under 35 USC 103(a) as being obvious and unpatentable over Combination VIII(C) in view of Lee ‘224 or Lee ‘856” (p. 33.) The short explanation provided does not identify what Figure or Figures are referenced, what elements are referenced or what portions of the text are relied upon.

“Claims 49, 50 and 72 are invalid under 35 USC 103(a) as being obvious and unpatentable over Combination IX(A) in view of Lee ‘224 or Lee ‘856” (p. 34.) The short explanation provided does not identify what Figure or Figures are referenced, what elements are referenced or what portions of the text are relied upon.

“Claims 51 and 55 are invalid under 35 USC 103(a) as being obvious and unpatentable over Phyle and Valdner, and Hung in view of either Wu or Hale” (p. 35.) With regard to Hung and Hale, the short explanation provided does not identify what Figure or Figures are referenced, what elements are referenced or what portions of the text are relied upon. Not all of the elements relied upon with Wu are particularly identified.

“Claims 51 and 55 are invalid under 35 USC 103(a) as being obvious and unpatentable over Combination IX(B) and Wu in view of Lee ‘224 or Lee ‘856” (p. 35.) The short explanation provided does not identify what Figure or Figures are referenced, what elements are referenced or what portions of the text are relied upon.

“Claim 54 is invalid under 35 USC 103(a) as being obvious and unpatentable over Combination IX(C) in view of Lee ‘224 or Lee ‘856” (p. 36.) The short explanation provided does not identify what Figure or Figures are referenced, what elements are referenced or what portions of the text are relied upon.

“the combination of Mueller and Rushing in view of Yang ‘613 would make Claim 1 obvious” (p. 37.) The short explanation provided does not identify what Figure or Figures are referenced, what elements are referenced or what portions of the text are relied upon. None of the elements of claim 1 are referenced.

“Claim 2, 4, 5, 56, and 74 are not patentable under 35 USC 103(a) over Mueller and Phyle in light of Hung” (p. 37.) Although the statement of the rejection includes Phyle within the combination applied to claims 2, 4, 56 and 74, it appears that Phyle is only applied to claim 5. Further, Phyle is applied with only a general statement. The short explanation provided does not identify what Figure or Figures are referenced, what elements are referenced or what portions of the text are relied upon. None of the elements of claim 1 are referenced. Lastly, JP 9-168415 is not mentioned in the statement of the proposed rejection but is discussed in its description, again, without specific references to the pertinent portions of the document relied upon.

“the combination of Mueller and Phyle in light of Yang ‘613 or Wismeth would make Claims 2, 46, and 74 obvious” (p. 37.) The short explanation provided does not identify what Figure or Figures are referenced, what elements are referenced or what portions of the text are relied upon. None of the elements of claims 2, 46 and 74 are referenced.

“Phyle and Yang ‘613 or Wismeth would make Claim 47 obvious in the same manner as Phyle and Hung” (page 38.) The short explanation provided does not identify what Figure or Figures are referenced, what elements are referenced or what portions of the text are relied upon. None of the elements of claim 47 is referenced.

“Claim 48 is unpatentable under 35 USC 103(a) over Phyle, Valdner and Hung in view of Hale” (p. 38.) The claim limitations for which Phyle and Valdner are relied upon and the corresponding locations of such limitations within Phyle and Valdner are not specified.

“the combination of Phyle, Valdner or Mueller and Yang ‘613 or Wismeth in view of Lee ‘224 or Lee ‘856 would make Claim 48 obvious” (p. 38.) The short explanation provided does not identify what Figure or Figures are referenced, what elements are referenced or what portions of the text are relied upon. None of the elements of claim 48 is referenced.

“Claim 49 is unpatentable under 35 USC 103(a) over Mueller and Rushing in view of Hale” (p. 38.) The claim limitations for which Mueller and Rushing are relied upon and the corresponding locations of such limitations within Mueller and Rushing are not specified.

Art Unit: 3992

“the combination of Mueller and Rushing in view of Lee ‘224 or Lee ‘856 would make Claims 49, 50 and 54 obvious” (pages 38 and 39.) The short explanation provided does not identify what Figure or Figures are referenced, what elements are referenced or what portions of the text are relied upon. None of the elements of claims 49, 50 and 54 are referenced.

“the addition of JP 9-168415, which clearly discloses LEDs, Claim 54 would be obvious” (page 39.) JP 9-168415 is not mentioned in the statement of the proposed rejection but is discussed in its description, again, without specific references to the pertinent portions of the document relied upon.

“Claim 51 is unpatentable under 35 USC 103(a) over Phyle and Hung in view of Wu” (p. 39.) The claim limitations for which Phyle is relied upon and the corresponding locations of such limitations within Phyle is not specified. With regard to Hung, the short explanation provided does not identify what Figure or Figures are referenced, what elements are referenced or what portions of the text are relied upon.

“Phyle and Yang ‘613 in view of Wu would make Claim 51 obvious” (page 39.) The short explanation provided does not identify what Figure or Figures are referenced, what elements are referenced or what portions of the text are relied upon. None of the elements of claim 51 is referenced.

“Claim 52 is unpatentable under 35 USC 103(a) over Mueller, Rushing, and Hale or Wu” (p. 39.) The claim limitations for which Mueller is relied upon and the corresponding locations of such limitations within Mueller is not specified. With regard to Rushing, Hale and Wu, the short explanation provided does not identify what Figure or Figures are referenced, what elements are referenced or what portions of the text are relied upon.

“the combination of Mueller, Rushing, and Lee ‘224 or Lee ‘856 would make Claim 52 obvious” as well as claims 53 and 55 (page 40.) The short explanation provided does not identify what Figure or Figures are referenced, what elements are referenced or what portions of the text are relied upon. None of the elements of claims 53 and 55 are referenced.

“Claim 60 is unpatentable under 35 USC 103(a) over Mueller and Wu” (page 40.) The claim limitations for which Mueller is relied upon and the corresponding locations of such limitations within Mueller is not specified. With regard to Wu, the short explanation provided does not identify what Figure or Figures are referenced, what elements are referenced or what portions of the text are relied upon.

“the combination of Mueller and Wu in view of Lee ‘224 or Lee ‘856 would make Claim 60 obvious” (page 40.) The short explanation provided does not identify what Figure or Figures are referenced, what elements are referenced or what portions of the text are relied upon. None of the elements of claim 60 are referenced.

Art Unit: 3992

“Claim 60 is unpatentable based on this combination and Hale” (page 40.) In addition to the problems identified in the preceding paragraph, with regard to Hale, the short explanation provided does not identify what Figure or Figures are referenced, what elements are referenced or what portions of the text are relied upon.

“Claim 61 is unpatentable under 35 USC 103(a) over Phyle, Mueller and Hung” (page 40.) With regard to Phyle and Mueller, the short explanation provided does not identify what Figure or Figures are referenced, what elements are referenced or what portions of the text are relied upon.

“the combination of Phyle, Mueller and Yang ‘613 or Wismeth would make Claim 61 obvious” (p. 40.) The short explanation provided does not identify what Figure or Figures are referenced, what elements are referenced or what portions of the text are relied upon. None of the elements of claim 61 are referenced.

“Claim 62 is unpatentable under 35 USC 103(a) over Mueller and JP 9-168415” (page 41.) The claim limitations for which Mueller is relied upon and the corresponding locations of such limitations within Mueller is not specified.

“the combination above in view of Lee ‘224 or Lee ‘856 would make Claim 62 obvious” (page 41.) In addition to the problems identified in the preceding paragraph, with regard to Lee ‘224 or Lee ‘856, the short explanation provided does not identify what claim limitations are taught by Lee ‘224 or Lee ‘856, the Figure or Figures referenced, what elements are referenced or what portions of the text are relied upon.

“Claim 64 is unpatentable under 35 USC 103(a) over Mueller or Valdner and Phyle or Rushing” (page 41.) The short explanation provided does not identify what Figure or Figures are referenced, what elements are referenced or what portions of the text are relied upon.

“Claim 64 is unpatentable with the combination above in further view of Hung” (page 41.) The short explanation provided does not identify what Figure or Figures are referenced, what elements are referenced or what portions of the text are relied upon

the combination above in light of Yang ‘613 would make Claim 64 obvious” and claim 65 would also be obvious (page 41.) In addition to the problems identified in the preceding paragraph, with regard to Yang ‘613, the short explanation provided does not identify what claim limitations are taught by Yang ‘613, the Figure or Figures referenced, what elements are referenced or what portions of the text are relied upon.

“Claim 66 is unpatentable under 35 USC 103(a) over Phyle and Hung in view of Hale” (page 41.) The claim limitations for which Phyle is relied upon and the corresponding locations of such limitations within Phyle are not specified. With regard to Hung and Hale, the short explanation provided does not identify what Figure or Figures are referenced, what elements are referenced or what portions of the text are relied upon.

YOT-1003-0965

Art Unit: 3992

“the combination of Phyle and Yang ‘613 or Wismeth in view of Lee ‘224 or Lee ‘856 would make Claims 2, 46, and 74 obvious” (p. 42.) The short explanation provided does not identify what Figure or Figures are referenced, what elements are referenced or what portions of the text are relied upon. None of the elements of claims 2, 46 and 74 are referenced.

“Claim 66 is unpatentable in further view of the combination above and Mueller and Wu” (page 42.) The short explanation provided does not identify what Figure or Figures are referenced, what elements are referenced or what portions of the text are relied upon.

“Claims 70 and 71 are unpatentable under 35 USC 103(a) over Mueller or Valdner and Wu” (page 42.) The claim limitations for which Mueller and Valdner are relied upon are not specified and item-matching is not provided.

“the combination of Mueller or Valdner in view of Lee ‘224 or Lee ‘856 would make Claim 70 obvious...with the addition of Wu for Claim 71” (page 42.) The short explanation provided does not identify what Figure or Figures are referenced, what elements are referenced or what portions of the text are relied upon. None of the elements of claims 70 and 71 are referenced.

“Claims 70 and 71 are unpatentable with Mueller or Valdner and Wu in further view of Hale” (page 42.) Mueller, Valdner and Wu are not discussed in the explanation provided for this rejection.

“Claim 72 is unpatentable under 35 USC 103(a) over Mueller or Valdner and Rushing or Phyle in further view of Wu or Hale” (page 42.) The claim limitations for which Mueller and Valdner are relied upon are not specified and item-matching is not provided. With regard to Rushing, Phyle, Wu and Hale, the short explanation provided does not identify what Figure or Figures are referenced, what elements are referenced or what portions of the text are relied upon.

“the combination Mueller or Valdner and Rushing or Phyle in light of Lee ‘224 or Lee ‘856 would make Claim 72 obvious” (page 43.) The short explanation provided does not identify what Figure or Figures are referenced, what elements are referenced or what portions of the text are relied upon. None of the elements of claim 72 are referenced.

Insofar as these proposed new rejections do not comply with MPEP § 2617, they are improper as such comments are not in compliance with Office policies.

Art Unit: 3992

The third party requester is given fifteen days¹ to rectify and refile comments removing the improper proposed rejections. Pursuant to MPEP § 2666.05: "[a]ny replacement comments submitted in response to the notification must be strictly limited to (i.e., must not go beyond) the comments in the original (returned) comments submission. No comments that add to those in the returned paper will be considered for entry." *Requester should take note of the following provision of MPEP 2666.05: "If, upon the second submission, the comments are still not proper, the comments will be returned to third party requester with an explanation of what is not proper, and at that point the comments can no longer be resubmitted. The loss of right to submit further comments applies only to the patent owner response at hand. See MPEP § 2666.20"*

All correspondence relating to this *inter partes* reexamination proceeding should be directed:

By Mail to: Mail Stop *Inter Partes* Reexam
Attn: Central Reexamination Unit
Commissioner for Patents
United States Patent & Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX to: (571) 273-9900
Central Reexamination Unit

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Registered users of EFS-Web may alternatively submit such correspondence via the electronic

¹ Note that this response period differs than the time period set for correcting defective amendments.

Application/Control Number: 95/000,104

Page 10

Art Unit: 3992

filing system EFS-Web, at <https://portal.uspto.gov/authenticate/authenticateuserlocalepf.html>. EFS-Web offers the benefit of quick submission to the particular area of the Office that needs to act on the correspondence. Also, EFS-Web submissions are "soft scanned" (i.e., electronically uploaded) directly into the official file for the reexamination proceeding, which offers parties the opportunity to review the content of their submissions after the "soft scanning" process is complete.

Any inquiry concerning this communication or earlier communications from the examiner, or as to the status of this proceeding, should be directed to the Central Reexamination Unit at telephone number (571) 272-7705.

Signed:

/Margaret Rubin/

Primary Examiner, CRU 3992

Conferees:

/My-Trang N. Ton/

Primary Examiner, CRU 3992



MARK J. REINHART
CRU SPE-AU 3992

YOT-1003-0968



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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
95/000,104	08/12/2005	6612713	45639-316477	5847
38441	7590	10/22/2009	EXAMINER	
LAW OFFICES OF JAMES E. WALTON, PLLC 1169 N. BURLESON BLVD. SUITE 107-328 BURLESON, TX 76028			ART UNIT	PAPER NUMBER

DATE MAILED: 10/22/2009

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



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patents and Trademark Office
P.O.Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

DO NOT USE IN PALM PRINTER

THIRD PARTY REQUESTER'S CORRESPONDENCE ADDRESS

ROBERT E. RICHARDS
KILPATRICK STOCKTON, LLP
1100 PEACHTREE STREET, SUITE 2800
ATLANTA, GA 30309

Date:

MAILED

OCT 22 2009

CENTRAL REEXAMINATION UNIT

**Transmittal of Communication to Third Party Requester
Inter Partes Reexamination**

REEXAMINATION CONTROL NO. : 95000104
PATENT NO. : 6612713
TECHNOLOGY CENTER : 3999
ART UNIT : 3900

Enclosed is a copy of the latest communication from the United States Patent and Trademark Office in the above identified Reexamination proceeding. 37 CFR 1.903.

Prior to the filing of a Notice of Appeal, each time the patent owner responds to this communication, the third party requester of the inter partes reexamination may once file written comments within a period of 30 days from the date of service of the patent owner's response. This 30-day time period is statutory (35 U.S.C. 314(b)(2)), and, as such, it cannot be extended. See also 37 CFR 1.947.

If an ex parte reexamination has been merged with the inter partes reexamination, no responsive submission by any ex parte third party requester is permitted.

All correspondence relating to this inter partes reexamination proceeding should be directed to the Central Reexamination Unit at the mail, FAX, or hand-carry addresses given at the end of the communication enclosed with this transmittal.

PTOL-2070(Rev.07-04)

YOT-1003-0970



LAW OFFICES OF : (For Patent Owner)
JAMES E. WALTON, PLLC :
1169 N. BURLESON BLVD. :
SUITE 107-328 :
BURLESON TX 76028 :

MAILED
OCT 22 2009

CENTRAL REEXAMINATION UNIT

JOHN S. PRATT, ESQ : (For Third Party
KILPATRICK STOCKTON, LLP : Requester)
1100 PEACHTREE STREET :
SUITE 2800 :
ATLANTA, GA 30309 :

In re: Gregory G Kuelbs : DECISION
Inter partes Reexamination Proceeding : *SUA SPONTE*
Control No. 95/000,104 : RETURNING
Filed: 12 August 2005 : IMPROPER PAPER
For: U.S. Patent No. 6,612,713 : UNDER
: 37 CFR §§ 1.943, 1.947 & 1.948

This is a decision *sua sponte* addressing the “Replacement Comments of Third Party Requester to Patent Owner’s Response in Inter Partes Reexamination and to Office Action” submitted 14 September 2009.

The paper is before the Director of the Central Reexamination Unit.

The improper papers are hereby expunged for the reasons explained below.

DECISION

Comments found to be defective by the third party requester were given fifteen (15) days to correct with a single response. Since the requestor’s papers are still non-compliant as is provided for in 37 CFR §§ 1.943, 1.947 and 1.948, the third party comments dated 14 September 2009 are “returned” by expunging it from the record.

CITATION OF RELEVANT AUTHORITY

37 CFR § 1.943 Requirements of responses, written comments, and briefs in inter partes reexamination. (in-part)

(b) Responses by the patent owner and written comments by the third party requester shall not exceed 50 pages in length, excluding amendments, appendices of claims, and reference materials such as prior art references. (emphasis added)

37 CFR § 1.947 Comments by third party requester to patent owner's response in inter partes reexamination.

Each time the patent owner files a response to an Office action on the merits pursuant to § 1.945, a third party requester may once file written comments within a period of 30 days from the date of service of the patent owner's response. These comments shall be limited to issues raised by the Office action or the patent owner's response. The time for submitting comments by the third party requester may not be extended. For the purpose of filing the written comments by the third party requester, the comments will be considered as having been received in the Office as of the date of deposit specified in the certificate under § 1.8.

37 CFR § 1.948 Limitations on submission of prior art by third party requester following the order for inter partes reexamination.

- (a) After the inter partes reexamination order, the third party requester may only cite additional prior art as defined under § 1.501 if it is filed as part of a comments submission under § 1.947 or § 1.951(b) and is limited to prior art:
- (1) which is necessary to rebut a finding of fact by the examiner;
 - (2) which is necessary to rebut a response of the patent owner; or
 - (3) which for the first time became known or available to the third party requester after the filing of the request for inter partes reexamination proceeding. Prior art submitted under paragraph (a)(3) of this section must be accompanied by a statement as to when the prior art first became known or available to the third party requester and must include a discussion of the pertinency of each reference to the patentability of at least one claim.
- (b) [Reserved].

MPEP § 2666.05 Third Party Comments After Patent Owner Response (in-part)

II. CONTENT

The third party requester comments must be directed to points and issues covered by the Office action and/or the patent owner's response. The written comments filed by a third

party requester should specify the issues and points in the Office action or the patent owner's response to which each comment is directed. Thus, the third party requester should (1) set forth the point or issue, (2) state the page of the Office action and/or the patent owner response where the point or issue is recited, and (3) then present the third party requester's discussion and argument as to the point or issue. If this is not done by the third party requester, the comments should not be held defective if the examiner can ascertain that all of the comments filed by the third party requester are directed to the issues and points in the Office action and/or the patent owner's response. Third party requester comments are limited to issues covered by the Office action or the patent owner's response. New prior art can be submitted with the comments only where the prior art (A) is necessary to rebut a finding of fact by the examiner, (B) is necessary to rebut a response of the patent owner, or (C) for the first time became known or available to the third party requester after the filing of the request for *inter partes* reexamination.

37 CFR § 1.939. Unauthorized papers in *inter partes* reexamination.

- (a) If an unauthorized paper is filed by any party at any time during the *inter partes* reexamination proceeding it will not be considered and may be returned.
- (b) Unless otherwise authorized, no paper shall be filed prior to the initial Office action on the merits of the *inter partes* reexamination.

MPEP § 2667 Handling of Inappropriate or Untimely Filed Papers (in-part)

...

Where an inappropriate (unauthorized, improper) paper has already been scanned into the Image File Wrapper (IFW) of the reexamination proceeding before discovery of the inappropriate nature of the paper, the paper cannot be physically returned to the party that submitted it. Instead, the paper will be "returned" by expunging it, i.e., by marking the paper as "non-public" and "closed" so that the paper does not appear in the active IFW record with the other active papers that comprise the public record of the reexamination proceeding.

...

DISCUSSION

The Third Party's submission of 14 September 2009 contains material outside the permitted content pursuant to 37 CFR § 1.948. The reasons that the 18 May 2009 comments were deemed improper was explained in the 28 August 2009 Notice of Informality. In that Office Communication, Requester was also directed to "rectify and refile" the improper comments by "removing the improper proposed rejections" in accordance of MPEP § 2666.05 cites above.

Requester did not remove the improper rejections as instructed. Moreover, Requester added more text to the original comments such that the 50 page limit set by 37 CFR § 1.943 was exceeded rendering the communication further improper.

As stated in the 28 August 2009 Notice of Informality: "Requester should take note of the following provision of MPEP 2666.05: 'If, upon the second submission, the comments are still not proper, the comments will be returned to third party requester with an explanation of what is not proper, and at that point the comments can no longer be resubmitted. The loss of right to submit further comments applies only to the patent owner response at hand. See MPEP § 2666.20'" Accordingly, Requester's 14 September 2009 comments will not be considered and are expunged.

Pursuant to MPEP § 2667 "Where an inappropriate (unauthorized, improper) paper has already been scanned into the Image File Wrapper (IFW) of the reexamination proceeding before discovery of the inappropriate nature of the paper, the paper cannot be physically returned to the party that submitted it. Instead, the paper will be "returned" by expunging it, i.e., by marking the paper as "non-public" and "closed" so that the paper does not appear in the active IFW record with the other active papers that comprise the public record of the reexamination proceeding."

The third party requester's comments paper submitted 14 September 2009 are hereby **expunged** in its entirety from the record by marking it "closed." Since the third party's comments are non-compliant pursuant to 37 CFR §§ 1.943, 1.947 & 1.948 they are expunged pursuant to MPEP § 2667, no part will be given consideration by the examiner in the further handling of this proceeding.

CONCLUSION

1. The third party requester's comments paper submitted 14 September 2009 are hereby **expunged** in its entirety from the record by marking it "closed" and "not available to the public."
2. The proceeding is returned to the examiner for further handling.
3. All correspondence regarding these proceedings should be submitted as follows:

By Mail to: Mail Stop *Inter Partes* Reexam
Central Reexamination Unit
Commissioner for Patents
United States Patent & Trademark Office
P. O. Box 1450
Alexandria, VA 22313-1450

By Fax to: (571) 273-9900

Central Reexamination Unit

By Hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By EFS: Registered users of EFS-Web may alternatively submit such correspondence via the electronic filing system EFS-Web, at <https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html>. EFS-Web offers the benefit of quick submission to the particular area of the Office that needs to act on the correspondence. Also, EFS-Web submissions are “soft scanned” (i.e., electronically uploaded) directly into the official file for the reexamination proceeding, which offers parties the opportunity to review the content of their submissions after the “soft scanning” process is complete.

4. Telephone inquiries with regard to this decision should be directed to Mark Reinhart, at (571) 272-1611, in the event that Mark Reinhart is unavailable Eric Keasel at (571) 272-4929, or Jessica Harrison at (571) 272-4449; all are Supervisory Patent Examiners in the Central Reexamination Unit, Art Unit 3992 may also be contacted.

/Mark Reinhart/
for

Gregory Morse
Director,
Central Reexamination Unit 3999

Doc code: IDS

Doc description: Information Disclosure Statement (IDS) Filed

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

PTO/SB/08a (06-09)

Approved for use through 06/30/2009. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	95000104
	Filing Date	2003-09-02
	First Named Inventor	GREGORY G. KUELBS
	Art Unit	3992
	Examiner Name	Margaret Wambach
	Attorney Docket Number	0664MH-40982-REX

U.S.PATENTS								
Examiner Initial*	Cite No	Patent Number	Kind Code ¹	Issue Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear		
	1	3878387		1975-04-15	Kovacic, Zarko			
	2	5957717		1999-09-28	Monsef et al.			
	3	6280874	B1	2001-08-28	Hensley et al.			
If you wish to add additional U.S. Patent citation information please click the Add button.								
U.S.PATENT APPLICATION PUBLICATIONS								
Examiner Initial*	Cite No	Publication Number	Kind Code ¹	Publication Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear		
	1	20040031510	A1	2004-02-19	Li, Wanda Y.			
If you wish to add additional U.S. Published Application citation information please click the Add button.								
FOREIGN PATENT DOCUMENTS								
Examiner Initial*	Cite No	Foreign Document Number ³	Country Code ²	Kind Code ⁴	Publication Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear	T ⁵
	1							<input type="checkbox"/>

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number		95000104
	Filing Date		2003-09-02
	First Named Inventor	GREGORY G. KUELBS	
	Art Unit	3992	
	Examiner Name	Margaret Wambach	
	Attorney Docket Number	0664MH-40982-REX	

If you wish to add additional Foreign Patent Document citation information please click the Add button

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, pages(s), volume-issue number(s), publisher, city and/or country where published.	T ⁵
	1		<input type="checkbox"/>

If you wish to add additional non-patent literature document citation information please click the Add button

EXAMINER SIGNATURE			
Examiner Signature			Date Considered
*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.			
<small> ¹ See Kind Codes of USPTO Patent Documents at www.USPTO.GOV or MPEP 901.04. ² Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). ³ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁴ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁵ Applicant is to place a check mark here if English language translation is attached. </small>			

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	95000104
	Filing Date	2003-09-02
	First Named Inventor	GREGORY G. KUELBS
	Art Unit	3992
	Examiner Name	Margaret Wambach
	Attorney Docket Number	0664MH-40982-REX

CERTIFICATION STATEMENT	
Please see 37 CFR 1.97 and 1.98 to make the appropriate selection(s):	
<input type="checkbox"/> That each item of information contained in the information disclosure statement was first cited in any 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. See 37 CFR 1.97(e)(1).	
OR	
<input type="checkbox"/> 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 certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(2).	
<input type="checkbox"/> See attached certification statement.	
<input type="checkbox"/> Fee set forth in 37 CFR 1.17 (p) has been submitted herewith.	
<input checked="" type="checkbox"/> None	
SIGNATURE	
A signature of the applicant or representative is required in accordance with CFR 1.33, 10.18. Please see CFR 1.4(d) for the form of the signature.	
Signature	/jamesewaltonpat/
Date (YYYY-MM-DD)	2009-10-27
Name/Print	James E. Walton
Registration Number	47,245
<p>This collection of information is required by 37 CFR 1.97 and 1.98. 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 1 hour 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.</p>	

Electronic Acknowledgement Receipt	
EFS ID:	6339701
Application Number:	95000104
International Application Number:	
Confirmation Number:	5847
Title of Invention:	UMBRELLA APPARATUS
First Named Inventor/Applicant Name:	6612713
Customer Number:	38441
Filer:	James Edward Walton
Filer Authorized By:	
Attorney Docket Number:	45639-316477
Receipt Date:	27-OCT-2009
Filing Date:	12-AUG-2005
Time Stamp:	15:45:16
Application Type:	inter partes reexam

Payment information:

Submitted with Payment	no
------------------------	----

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		IDSandTransmittal20091027.pdf	449905 ba1635cb1d5cbeccc6098d761d12fdff7986cb791	yes	10

YOT-1003-0979

Multipart Description/PDF files in .zip description		
Document Description	Start	End
Miscellaneous Incoming Letter	1	2
Transmittal Letter	3	7
Information Disclosure Statement (IDS) Filed (SB/08)	8	10
Warnings:		
Information:		
Total Files Size (in bytes):	449905	
<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>		

YOT-1003-0980

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 0664MH-40982-REX

In re Reexamination of:

GREGORY G. KUELBS

Control No. **95/000,104**

Patent No. **6,612,713**

Issued: **2 SEPTEMBER 2003**

For: **UMBRELLA APPARATUS**

§
§
§
§
§
§
§
§
§
§

Examiner: **MARGARET WAMBACH**

Art Unit: **3992**

TRANSMITTAL

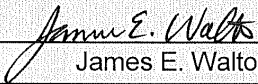
Filed via EFS-Web

Central Reexamination Unit
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

Please file the following enclosed documents in the subject reexamination proceeding:

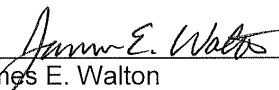
1. This Transmittal with Certificate of Transmission; and
2. Information Disclosure Statement, including a Form PTO/SB/08a.

CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. § 1.8(a)(1)(i)(C)	
Date of Transmission:	<u>10/27/09</u>
I hereby certify that this correspondence is being transmitted to the U.S. Patent and Trademark Office (USPTO) via the USPTO electronic filing system (EFS-Web) on the date shown above.	
By:	<u></u> James E. Walton

The foregoing documents are being filed via the U.S. Patent and Trademark Office's EFS-Web electronic filing system. No fees are deemed to be necessary; however, the undersigned hereby authorizes the Director to charge any other fees that may be required, or credit any overpayments, to **Deposit Account No. 502806**.

Respectfully submitted,

10/27/09
Date



James E. Walton
Reg. No. 47,245
Law Offices of James E. Walton, P.L.L.C.
1169 N. Burleson Blvd., Suite 107-328
Burleson, Texas 76028
(817) 447-9955 (Voice)
(817) 447-9954 (Facsimile)
jim@waltonpllc.com

CUSTOMER NO. 38441

ATTORNEY FOR APPLICANT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 0664MH-40982-REX

In re Reexamination of:

GREGORY G. KUELBS

Control No. 95/000,104

Patent No. 6,612,713

Issued: 2 SEPTEMBER 2003

For: **UMBRELLA APPARATUS**

§
§
§
§
§
§
§
§
§
§

Examiner: **MARGARET WAMBACH**

Art Unit: **3992**

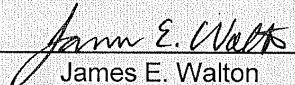
**INFORMATION DISCLOSURE STATEMENT
IN INTER PARTES REEXAMINATION**

Filed via EFS-Web

Central Reexamination Unit
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

In accordance with 37 C.F.R. § 1.56, the references listed on the attached form PTO/SB/08A are being brought to the attention of the Examiner for consideration in connection with the subject reexamination application.

CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. § 1.8(a)(1)(i)(C)	
Date of Transmission:	<u>10/27/09</u>
I hereby certify that this correspondence is being transmitted to the U.S. Patent and Trademark Office (USPTO) via the USPTO electronic filing system (EFS-Web) on the date shown above.	
By:	<u></u> James E. Walton

The listed references were cited by the Examiner in an Office Action mailed 7 August 2009 in U.S. Application No. 12/255,255, and in an Office Action mailed 7 July 2009 in U.S. Application No. 10/240,845.

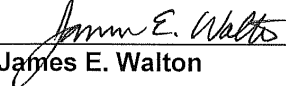
The filing of this Information Disclosure Statement shall not be construed to be a representation that a search has been conducted, nor shall it be construed as an admission that the information cited in the statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

Request for Reimbursement:

Three filing fees, in the total amount of \$540.00 (3X\$180), were erroneously paid on 28 September 2009, 14 February 2009, and 15 March 2007 via designated credit card for filing of the Information Disclosure Statements dated 28 September 2009, 14 February 2009, and 15 March 2007. The Patent Owner's representative contacted Ms. Sharon Hoppe from the Reexamination Division on 26 October 2009 to discuss reimbursement of the aforementioned filing fees. Ms. Hoppe informed the Patent Owner's representative that the filing fees, in the amount of \$540.00, will be reimbursed upon this request. The Patent Owner hereby requests that the filing fees be reimbursed to **Deposit Account No. 502806**.

Proof of Service:

Pursuant to 37 C.F.R. § 1.903, a true and correct copy of this Information Disclosure Statement has been served on the third-party requester. Pursuant to 37 C.F.R. § 1.248(a)(4), the undersigned hereby certifies that a true and correct copy of this Information Disclosure Statement was served on the third-party requester's attorney of record, Larry A. Roberts, by First Class Mail with sufficient postage at Kilpatrick Stockton LLP, 1100 Peachtree Street, Suite 2800, Atlanta, Georgia 30309-4530 on **27 October 2009**.



James E. Walton

10/27/09
Date

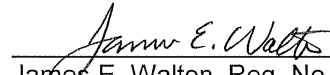
Conclusion:

No fees are deemed to be necessary; however, the undersigned hereby authorizes the Director to charge any fees that may be required, or credit any overpayments, to **Deposit Account No. 502806**.

Please link this application to Customer No. 50779 so that its status may be checked via the PAIR System.

Respectfully submitted,

10/27/09
Date



James E. Walton, Reg. No. 47,245
Law Offices of James E. Walton, P.L.L.C.
1169 N. Burleson Blvd., Suite 107-328
Burleson, Texas 76028
(817) 447-9955 (Voice)
(817) 447-9954 (Facsimile)
jim@waltonpllc.com

CUSTOMER NO. 50779

ATTORNEY FOR PATENT OWNER

Electronic Acknowledgement Receipt	
EFS ID:	6457515
Application Number:	95000104
International Application Number:	
Confirmation Number:	5847
Title of Invention:	UMBRELLA APPARATUS
First Named Inventor/Applicant Name:	6612713
Customer Number:	38441
Filer:	Larry A. Roberts./Andrea Cummings
Filer Authorized By:	Larry A. Roberts.
Attorney Docket Number:	45639-316477
Receipt Date:	16-NOV-2009
Filing Date:	12-AUG-2005
Time Stamp:	12:14:23
Application Type:	inter partes reexam

Payment information:

Submitted with Payment	no
------------------------	----

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		316477_petition_re_1_948.pdf	126214 53851c12af56dd99274f69321815dccc84f28795a	yes	6

YOT-1003-0988

Multipart Description/PDF files in .zip description					
Document Description		Start	End		
Reexam Miscellaneous Incoming Letter		1	5		
Reexam Certificate of Service		6	6		
Warnings:					
Information:					
2		316477_petition_re_2617.pdf	114605	yes	7
			b07a8eaa12fc4afb55655325cffe29351c62a da9		
Multipart Description/PDF files in .zip description					
Document Description		Start	End		
Reexam Miscellaneous Incoming Letter		1	6		
Reexam Certificate of Service		7	7		
Warnings:					
Information:					
3		316477_petition_re_2667.pdf	109861	yes	6
			945218df513bbd094941a73c735a21ed0e9 60234		
Multipart Description/PDF files in .zip description					
Document Description		Start	End		
Reexam Miscellaneous Incoming Letter		1	5		
Reexam Certificate of Service		6	6		
Warnings:					
Information:					
4		316477_petition_re_page_limit .pdf	107757	yes	5
			8e412d7cc0268e1feb8df400dbe440dccc98 6fa8		
Multipart Description/PDF files in .zip description					
Document Description		Start	End		
Reexam Miscellaneous Incoming Letter		1	4		
Reexam Certificate of Service		5	5		
Warnings:					
Information:					

YOT-1003-0989

5		316477_petition_to_suspend.pdf	127333 7477831325a7091f12ec171ef63fc5127e37423	yes	5
Multipart Description/PDF files in .zip description					
Document Description		Start		End	
Reexam Miscellaneous Incoming Letter		1		4	
Reexam Certificate of Service		5		5	
Warnings:					
Information:					
Total Files Size (in bytes):			585770		
<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>					

YOT-1003-0990

Doc code: IDS

Doc description: Information Disclosure Statement (IDS) Filed

PTO/SB/08a (07-09)

Approved for use through 07/31/2012. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number		95000104	
	Filing Date		2003-09-02	
	First Named Inventor	GREGORY G. KUELBS		
	Art Unit	3992		
	Examiner Name	Margaret Wambach		
	Attorney Docket Number	0664MH-40982-REX		

U.S.PATENTS							
Examiner Initial*	Cite No	Patent Number	Kind Code ¹	Issue Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear	
	1						
If you wish to add additional U.S. Patent citation information please click the Add button.							
U.S.PATENT APPLICATION PUBLICATIONS							
Examiner Initial*	Cite No	Publication Number	Kind Code ¹	Publication Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear	
	1						
If you wish to add additional U.S. Published Application citation information please click the Add button.							
FOREIGN PATENT DOCUMENTS							
Examiner Initial*	Cite No	Foreign Document Number ³	Country Code ² j	Kind Code ⁴	Publication Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear T ⁵
	1						<input type="checkbox"/>
If you wish to add additional Foreign Patent Document citation information please click the Add button							
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, pages(s), volume-issue number(s), publisher, city and/or country where published.					T ⁵

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number		95000104
	Filing Date		2003-09-02
	First Named Inventor	GREGORY G. KUELBS	
	Art Unit	3992	
	Examiner Name	Margaret Wambach	
	Attorney Docket Number	0664MH-40982-REX	

1	Specification dated 2002-02-07 from 10/068,424	<input type="checkbox"/>
2	Office Action dated 2002-12-09 from 10/068,424	<input type="checkbox"/>
3	Amendment dated 2003-02-17 from 10/068,424	<input type="checkbox"/>
4	Notice of Allowance dated 2003-06-20 from 10/068,424	<input type="checkbox"/>
5	Amendment dated 2003-06-03 from 10/068,424	<input type="checkbox"/>
6	Issue Notification dated 2003-09-02 from 10/068,424	<input type="checkbox"/>
7	Patent No. 6,612,713 from 10/068,424	<input type="checkbox"/>

If you wish to add additional non-patent literature document citation information please click the Add button

EXAMINER SIGNATURE

Examiner Signature		Date Considered	
--------------------	--	-----------------	--

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ See Kind Codes of USPTO Patent Documents at www.USPTO.GOV or MPEP 901.04. ² Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). ³ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁴ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁵ Applicant is to place a check mark here if English language translation is attached.

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	95000104
	Filing Date	2003-09-02
	First Named Inventor	GREGORY G. KUELBS
	Art Unit	3992
	Examiner Name	Margaret Wambach
	Attorney Docket Number	0664MH-40982-REX

CERTIFICATION STATEMENT			
Please see 37 CFR 1.97 and 1.98 to make the appropriate selection(s):			
<input type="checkbox"/> That each item of information contained in the information disclosure statement was first cited in any 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. See 37 CFR 1.97(e)(1).			
OR			
<input type="checkbox"/> 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 certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(2).			
<input type="checkbox"/> See attached certification statement.			
<input type="checkbox"/> Fee set forth in 37 CFR 1.17 (p) has been submitted herewith.			
<input checked="" type="checkbox"/> None			
SIGNATURE			
A signature of the applicant or representative is required in accordance with CFR 1.33, 10.18. Please see CFR 1.4(d) for the form of the signature.			
Signature	/jamesewaltonpat/	Date (YYYY-MM-DD)	2009-11-30
Name/Print	James E. Walton	Registration Number	47,245
<p>This collection of information is required by 37 CFR 1.97 and 1.98. 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 1 hour 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.</p>			

Doc code: IDS

Doc description: Information Disclosure Statement (IDS) Filed

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

PTO/SB/08a (07-09)

Approved for use through 07/31/2012. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number		95000104	
	Filing Date		2003-09-02	
	First Named Inventor	GREGORY G. KUELBS		
	Art Unit	3992		
	Examiner Name	Margaret Wambach		
	Attorney Docket Number	0664MH-40982-REX		

U.S.PATENTS						
Examiner Initial*	Cite No	Patent Number	Kind Code ¹	Issue Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Figures Appear
	1					

If you wish to add additional U.S. Patent citation information please click the Add button.

U.S.PATENT APPLICATION PUBLICATIONS						
Examiner Initial*	Cite No	Publication Number	Kind Code ¹	Publication Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear
	1					

If you wish to add additional U.S. Published Application citation information please click the Add button.

FOREIGN PATENT DOCUMENTS								
Examiner Initial*	Cite No	Foreign Document Number ³	Country Code ² j	Kind Code ⁴	Publication Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear	T ⁵
	1							<input type="checkbox"/>

If you wish to add additional Foreign Patent Document citation information please click the Add button

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, pages(s), volume-issue number(s), publisher, city and/or country where published.	T ⁵

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	95000104
	Filing Date	2003-09-02
	First Named Inventor	GREGORY G. KUELBS
	Art Unit	3992
	Examiner Name	Margaret Wambach
	Attorney Docket Number	0664MH-40982-REX

1	Specification dated 2007-02-07 from 11/199,956	<input type="checkbox"/>
2	Preliminary Amendment dated 2005-08-09 from 11/199,956	<input type="checkbox"/>
3	Request for Continuation Application dated 2005-08-09 from 11/199,956	<input type="checkbox"/>
4	Notice to Correct Application Papers dated 2005-09-02 from 11/199,956	<input type="checkbox"/>
5	Reply to Notice to Correct Application Papers 2005-09-15 from 11/199,956	<input type="checkbox"/>
6	Publication dated 2006-01-12 from 11/199,956	<input type="checkbox"/>
7	Withdrawal of Previous Notice dated 2007-06-05 from 11/199,956	<input type="checkbox"/>
8	Non-Final Office Action dated 2007-06-05 from 11/199,956	<input type="checkbox"/>
9	Amendment dated 2007-12-05 from 11/199,956	<input type="checkbox"/>
10	Non-Final Office Action dated 2008-03-03 from 11/199,956	<input type="checkbox"/>
11	Request for Continued Examination dated 2008-09-02 from 11/199,956	<input type="checkbox"/>

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number		95000104
	Filing Date		2003-09-02
	First Named Inventor	GREGORY G. KUELBS	
	Art Unit	3992	
	Examiner Name	Margaret Wambach	
	Attorney Docket Number	0664MH-40982-REX	

12	Non-Final Office Action dated 2008-11-07 from 11/199,956	<input type="checkbox"/>
13	Notice of Appeal dated 2009-02-03 from 11/199,956	<input type="checkbox"/>
14	Appeal Brief dated 2009-04-03 from 11/199,956	<input type="checkbox"/>
15	Examiner's Answer dated 2009-07-17 from 11/199,956	<input type="checkbox"/>
16	Reply Brief dated 2009-09-08 from 11/199,956	<input type="checkbox"/>

If you wish to add additional non-patent literature document citation information please click the Add button

EXAMINER SIGNATURE

Examiner Signature		Date Considered	
--------------------	--	-----------------	--

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ See Kind Codes of USPTO Patent Documents at www.USPTO.GOV or MPEP 901.04. ² Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). ³ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁴ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁵ Applicant is to place a check mark here if English language translation is attached.

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	95000104
	Filing Date	2003-09-02
	First Named Inventor	GREGORY G. KUJELBS
	Art Unit	3992
	Examiner Name	Margaret Wambach
	Attorney Docket Number	0664MH-40982-REX

CERTIFICATION STATEMENT			
Please see 37 CFR 1.97 and 1.98 to make the appropriate selection(s):			
<input type="checkbox"/> That each item of information contained in the information disclosure statement was first cited in any 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. See 37 CFR 1.97(e)(1).			
OR			
<input type="checkbox"/> 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 certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(2).			
<input type="checkbox"/> See attached certification statement.			
<input type="checkbox"/> Fee set forth in 37 CFR 1.17 (p) has been submitted herewith.			
<input checked="" type="checkbox"/> None			
SIGNATURE			
A signature of the applicant or representative is required in accordance with CFR 1.33, 10.18. Please see CFR 1.4(d) for the form of the signature.			
Signature	/jamesewaltonpat/	Date (YYYY-MM-DD)	2009-11-30
Name/Print	James E. Walton	Registration Number	47,245
<p>This collection of information is required by 37 CFR 1.97 and 1.98. 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 1 hour 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.</p>			

Electronic Acknowledgement Receipt	
EFS ID:	6541415
Application Number:	95000104
International Application Number:	
Confirmation Number:	5847
Title of Invention:	UMBRELLA APPARATUS
First Named Inventor/Applicant Name:	6612713
Customer Number:	38441
Filer:	James Edward Walton
Filer Authorized By:	
Attorney Docket Number:	45639-316477
Receipt Date:	30-NOV-2009
Filing Date:	12-AUG-2005
Time Stamp:	17:24:07
Application Type:	inter partes reexam

Payment information:

Submitted with Payment	no
------------------------	----

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		IDS20091130.pdf	1261037 92cd3435adf9591e629d4d7ee709c5655a8ff1ad	yes	28

YOT-1003-0998

Multipart Description/PDF files in .zip description					
Document Description			Start	End	
Miscellaneous Incoming Letter			1	2	
Transmittal Letter			3	6	
Information Disclosure Statement (IDS) Filed (SB/08)			7	9	
Information Disclosure Statement (IDS) Filed (SB/08)			10	14	
Information Disclosure Statement (IDS) Filed (SB/08)			15	17	
Information Disclosure Statement (IDS) Filed (SB/08)			18	21	
Information Disclosure Statement (IDS) Filed (SB/08)			22	24	
Information Disclosure Statement (IDS) Filed (SB/08)			25	28	
Warnings:					
Information:					
2	NPL Documents	Specification20020207.pdf	2636201	no	56
			39895d1b1729339899e3179f7be3bfc31b37ab46		
Warnings:					
Information:					
3	NPL Documents	OfficeAction20021209.pdf	534105	no	12
			ad15cbb9dc5e8f8bdfbb2eb67e3b604adf8bba7		
Warnings:					
Information:					
4	NPL Documents	Amendment20030217.pdf	796458	no	19
			b6df025ad2fca1c8429337bd0024972a6a67f2b		
Warnings:					
Information:					
5	NPL Documents	NoticeofAllowance20030620.pdf	268173	no	5
			ed7f005eb52fcr26c76482700ba8fda7d3a1e0a0		
Warnings:					
Information:					
6	NPL Documents	Amendment20030603.pdf	628341	no	23
			7d8d13d6adc3669c8d1d55dc3c07ccab5e855394		

YOT-1003-0999

Warnings:					
Information:					
7	NPL Documents	IssueNotification20030902.pdf	31677 9988462cd64a0debfe51322ba8bf54bc545cbe	no	1
Warnings:					
Information:					
8	NPL Documents	Patent20030902.pdf	1458176 c2583853c801caa7f197bd837cdd263dc1132c35	no	22
Warnings:					
Information:					
9	NPL Documents	Specification20020207a.pdf	2453308 74d11a13b84ff5df6e5136c2fa4812c3e77409c	no	59
Warnings:					
Information:					
10	NPL Documents	PreliminaryAmendment20030828.pdf	559131 4c58509f31daa444271344ac850ca60754d34d8d	no	10
Warnings:					
Information:					
11	NPL Documents	Publication20040805.pdf	1346080 2fa81739977aeb681f8b9a932c02ac183a6403f	no	23
Warnings:					
Information:					
12	NPL Documents	NFOA20040811.pdf	495676 20d85d1d515723fd74957ab8946311c579d0554	no	11
Warnings:					
Information:					
13	NPL Documents	Amendment20041022.pdf	579107 96411541ff6f72758b0bcdcf973472e17001b07e	no	11
Warnings:					
Information:					
14	NPL Documents	NoticeofNonCompliantAmendment20041105.pdf	198542 7912fa18d1410d25fcae4646e902bf603920a	no	3
Warnings:					
Information:					
15	NPL Documents	ResponsetoNonCompliantAmendment20041115.pdf	831367 5eaa1a3ff246936787f1a96db8bc633aef7bd80	no YOT-1003-1000	16

Warnings:					
Information:					
16	NPL Documents	1stRestrictionRequirement20050217.pdf	199262 ce4f9ad925b3d079e5814aeff9d2074a7e16efe2	no	5
Warnings:					
Information:					
17	NPL Documents	Responseto1stRestrictionRequirement20050315.pdf	401344 b628de56c61dc5a7d36bb767c61bda70244a6b59	no	7
Warnings:					
Information:					
18	NPL Documents	2dRestReg20050610.pdf	226370 139a6a352036dcb216e5a39f840b33adedb0f6a6	no	5
Warnings:					
Information:					
19	NPL Documents	Responseto2dRestrictionRequirement20050629.pdf	402010 72cc265888ad4e4a0e820feccd2f5d372d6568eccc	no	6
Warnings:					
Information:					
20	NPL Documents	NFOA20050921.pdf	664260 10beabf08d05894f820e4a47ab2cd5f895891b2	no	14
Warnings:					
Information:					
21	NPL Documents	Amendment20051221.pdf	1643255 423007299315745aca0c791c4083e24a9da58b62	no	31
Warnings:					
Information:					
22	NPL Documents	ResponsetoNonCompliantAmendment20060113.pdf	840995 56b349f2c3c8a30677ad67ac93dc7396e506b79f	no	18
Warnings:					
Information:					
23	NPL Documents	FOA20060329.pdf	808985 a1ae3ca8a3a76f1b29f14c319176b82d1bd32426	no	15
Warnings:					
Information:					
24	NPL Documents	RCE20060803.pdf	1697148 9b56125cb7e4cfe4ef0783cc76245df443d6651f	no YOT-1003-1001	35

Warnings:					
Information:					
25	NPL Documents	NFOA20061020.pdf	643810 71b7cb769323ea46994813235cdf628aa6f cc3c	no	16
Warnings:					
Information:					
26	NPL Documents	Declaration20070319.pdf	2634066 6a483fe7314250b2e538d0a9019d49e5f71 f30c	no	36
Warnings:					
Information:					
27	NPL Documents	Amendment20070319.pdf	654207 f098442d8cd802aa359e6514a69299783d2 4a6f8	no	17
Warnings:					
Information:					
28	NPL Documents	NFOA20070608.pdf	617080 522526f85d590cf249da78f172de97ec3a2d 9e4f	no	14
Warnings:					
Information:					
29	NPL Documents	Amendment20071210.pdf	866342 833295fe2693ab4c4667e05435a39aff721 109c	no	18
Warnings:					
Information:					
30	NPL Documents	FOA20080318.pdf	672346 8b2df5c9305e1b4ba65b6208363df3ef39 7bbad	no	16
Warnings:					
Information:					
31	NPL Documents	RCE20080918.pdf	898947 1c26931d7be0b6d52263f0cbb7911b8fba4 94b45	no	19
Warnings:					
Information:					
32	NPL Documents	NFOA20081215.pdf	1165200 4bb3bceec639b887f02ab3c2df657ee10aae9 1a224	no	27
Warnings:					
Information:					
33	NPL Documents	NoticeofAppeal20090513.pdf	277669 5d11ecc128fba07f77d8f7f6e66cca57b5b 88a	no YOT-1003-1002	7

Warnings:					
Information:					
34	NPL Documents	Appeal20090513.pdf	1188536 1e809890b3cda389c506bb579e888f56aa5c15b0	no	33
Warnings:					
Information:					
35	NPL Documents	NoticeofNonCompliantAppealBrief20090706.pdf	111784 8d58709df67d7650d90ce58fc1b62457fa2fba	no	2
Warnings:					
Information:					
36	NPL Documents	AppealBrief20090707.pdf	1223371 75163aeac7103682f81366146ef8a2e20d243d80	no	31
Warnings:					
Information:					
37	NPL Documents	NoticeofNonCompliantAppealBrief20091020.pdf	105008 e8217144cdf478677eb6a91552abd77d3190d8d2	no	2
Warnings:					
Information:					
38	NPL Documents	NoticeofWithdrawalofOA20091103.pdf	57877 edc139baea910c0bcc051aefea61b1bfeb1a28	no	2
Warnings:					
Information:					
39	NPL Documents	Specification20081021.pdf	2935652 f31dab4bd46c1f768a5ca928e79f556377522b	no	69
Warnings:					
Information:					
40	NPL Documents	NoticetoFileMissingParts20081107.pdf	53191 f237b6b13420afe7adfc3309a14730d27c6b2be9c	no	1
Warnings:					
Information:					
41	NPL Documents	ResponsetoFileMissingParts20081119.pdf	510517 b13db167dab64a9c29579d185839c16e41e65e9e	no	9
Warnings:					
Information:					
42	NPL Documents	Publication20090305.pdf	2169924 dd9e493d9b6b0cfc2d0ca7088f2e4fae500551c5	no YOT-1003-1003	39

Warnings:					
Information:					
43	NPL Documents	NFOA20090807.pdf	845563 a942574ac72369870aed1129b9eb9ec144b0e86	no	19
Warnings:					
Information:					
44	NPL Documents	Amendment20091106.pdf	998453 8fda6885631333be156448fddc64f98c66421e26	no	23
Warnings:					
Information:					
45	NPL Documents	Specification20040422.pdf	4369604 6899085920a92972e0daed04a1552dfb8a664bd	no	80
Warnings:					
Information:					
46	NPL Documents	NoticetoFileMissingParts20040630.pdf	54472 795058c7c4377d6ef50c138f4f7110c56303e9d9	no	2
Warnings:					
Information:					
47	NPL Documents	ResponsetoFileMissingParts20040824.pdf	440590 526431b88a1179c2847b9a70f1769e03c9e10e4f	no	8
Warnings:					
Information:					
48	NPL Documents	PreliminaryAmendment20050223.pdf	959921 cf970392df7fe867d2a3af306819ce0caf26db	no	20
Warnings:					
Information:					
49	NPL Documents	RestrictionRequirement20060315.pdf	201444 1c872acf2fbb349c51b1b96bf04ceb82ba805435	no	5
Warnings:					
Information:					
50	NPL Documents	ResponsetoRestrictionRequirement20060821.pdf	437296 c1c3225a9bac0651e614b6c88e97c1d09b895f4c	no	12
Warnings:					
Information:					
51	NPL Documents	NFOA20061107.pdf	1086528 874c0d06afb6c1944200e4d34c8be0d331977e7	no YOT-1003-1004	18

Warnings:					
Information:					
52	NPL Documents	Declaration20070403.pdf	2836480	no	38
			9578b389f1043fe506a9b847a378b28f367a4c51		
Warnings:					
Information:					
53	NPL Documents	Amendment20070403.pdf	420524	no	10
			0fe059986a7e875a1a1e1b1ba0e90103bffec385		
Warnings:					
Information:					
Total Files Size (in bytes):			50397410		
<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>					

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 0664MH-40982-REX

In re Reexamination of:

GREGORY G. KUELBS

Control No. 95/000,104

Patent No. 6,612,713

Issued: 2 SEPTEMBER 2003

For: **UMBRELLA APPARATUS**

§
§
§
§
§
§
§
§
§
§

Examiner: **MARGARET WAMBACH**

Art Unit: **3992**

TRANSMITTAL

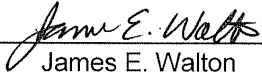
Filed via EFS-Web

Central Reexamination Unit
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

Please file the following enclosed documents in the subject reexamination proceeding:

1. This Transmittal with Certificate of Transmission; and
2. Information Disclosure Statement, including six Forms PTO/SB/08a.

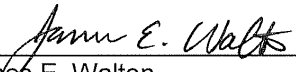
CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. § 1.8(a)(1)(i)(C)	
Date of Transmission:	<u>11/30/09</u>
I hereby certify that this correspondence is being transmitted to the U.S. Patent and Trademark Office (USPTO) via the USPTO electronic filing system (EFS-Web) on the date shown above.	
By:	<u></u> James E. Walton

The foregoing documents are being filed via the U.S. Patent and Trademark Office's EFS-Web electronic filing system. No fees are deemed to be necessary; however, the undersigned hereby authorizes the Director to charge any other fees that may be required, or credit any overpayments, to **Deposit Account No. 502806**.

Please link this application to Customer No. 50779 so that its status may be checked via the PAIR System.

Respectfully submitted,

11/30/09
Date



James E. Walton
Reg. No. 47,245
Law Offices of James E. Walton, P.L.L.C.
1169 N. Burleson Blvd., Suite 107-328
Burleson, Texas 76028
(817) 447-9955 (Voice)
(817) 447-9954 (Facsimile)
jim@waltonpllc.com

CUSTOMER NO. 38441

ATTORNEY FOR PATENT OWNER

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 0664MH-40982-REX

In re Reexamination of:

GREGORY G. KUELBS

Control No. 95/000,104

Patent No. 6,612,713

Issued: 2 SEPTEMBER 2003

For: **UMBRELLA APPARATUS**

§
§
§
§
§
§
§
§
§
§

Examiner: **MARGARET WAMBACH**

Art Unit: **3992**

**INFORMATION DISCLOSURE STATEMENT
IN INTER PARTES REEXAMINATION**

Filed via EFS-Web

Central Reexamination Unit
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

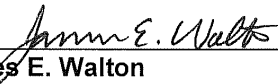
In accordance with 37 C.F.R. § 1.56, the references listed on the attached forms PTO/SB/08A are being brought to the attention of the Examiner for consideration in connection with the subject reexamination application.

CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. § 1.8(a)(1)(i)(C)	
Date of Transmission:	<u>11/30/09</u>
I hereby certify that this correspondence is being transmitted to the U.S. Patent and Trademark Office (USPTO) via the USPTO electronic filing system (EFS-Web) on the date shown above.	
By:	<u>James E. Walton</u> James E. Walton

The filing of this Information Disclosure Statement shall not be construed to be a representation that a search has been conducted, nor shall it be construed as an admission that the information cited in the statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

Proof of Service:

Pursuant to 37 C.F.R. § 1.903, a true and correct copy of this Information Disclosure Statement has been served on the third-party requester. Pursuant to 37 C.F.R. § 1.248(a)(4), the undersigned hereby certifies that a true and correct copy of this Information Disclosure Statement was served on the third-party requester's attorney of record, Larry A. Roberts, by First Class Mail with sufficient postage at Kilpatrick Stockton LLP, 1100 Peachtree Street, Suite 2800, Atlanta, Georgia 30309-4530 on **30 November 2009**.



James E. Walton

11/30/09
Date

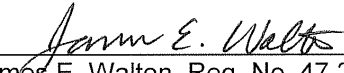
Conclusion:

No fees are deemed to be necessary; however, the undersigned hereby authorizes the Director to charge any fees that may be required, or credit any overpayments, to **Deposit Account No. 502806**.

Please link this application to Customer No. 50779 so that its status may be checked via the PAIR System.

Respectfully submitted,

11/30/09
Date


James E. Walton, Reg. No. 47,245
Law Offices of James E. Walton, P.L.L.C.
1169 N. Burleson Blvd., Suite 107-328
Burleson, Texas 76028
(817) 447-9955 (Voice)
(817) 447-9954 (Facsimile)
jim@waltonpllc.com

CUSTOMER NO. 50779

ATTORNEY FOR PATENT OWNER

Doc code: IDS

Doc description: Information Disclosure Statement (IDS) Filed

PTO/SB/08a (07-09)

Approved for use through 07/31/2012. OMB 0651-0031

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	95000104
	Filing Date	2003-09-02
	First Named Inventor	GREGORY G. KUELBS
	Art Unit	3992
	Examiner Name	Margaret Wambach
	Attorney Docket Number	0664MH-40982-REX

U.S.PATENTS						
Examiner Initial*	Cite No	Patent Number	Kind Code ¹	Issue Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear
	1					

If you wish to add additional U.S. Patent citation information please click the Add button.

U.S.PATENT APPLICATION PUBLICATIONS						
Examiner Initial*	Cite No	Publication Number	Kind Code ¹	Publication Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear
	1					

If you wish to add additional U.S. Published Application citation information please click the Add button.

FOREIGN PATENT DOCUMENTS								
Examiner Initial*	Cite No	Foreign Document Number ³	Country Code ² j	Kind Code ⁴	Publication Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear	T ⁵
	1							<input type="checkbox"/>

If you wish to add additional Foreign Patent Document citation information please click the Add button

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, pages(s), volume-issue number(s), publisher, city and/or country where published.	T ⁵

34

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	95000104
	Filing Date	2003-09-02
	First Named Inventor	GREGORY G. KUELBS
	Art Unit	3992
	Examiner Name	Margaret Wambach
	Attorney Docket Number	0664MH-40982-REX

1	Specification dated 2008-04-22 from 10/829,790	<input type="checkbox"/>
2	Notice to File Missing Parts dated 2004-06-30 from 10/829,790	<input type="checkbox"/>
3	Response to File Missing Parts dated 2004-08-24 from 10/829,790	<input type="checkbox"/>
4	Preliminary Amendment dated 2005-02-23 from 10/829,790	<input type="checkbox"/>
5	Restriction Requirement dated 2006-03-15 from 10/829,790	<input type="checkbox"/>
6	Response to Restriction Requirement dated 2006-08-21 from 10/829,790	<input type="checkbox"/>
7	Non-Final Office Action dated 2006-11-07 from 10/829,790	<input type="checkbox"/>
8	Declaration dated 2007-04-03 from 10/829,790	<input type="checkbox"/>
9	Amendment dated 2007-04-03 from 10/829,790	<input type="checkbox"/>
10	Non-Final Office Action dated 2007-07-23 from 10/829,790	<input type="checkbox"/>
11	Amendment dated 2008-01-23 from 10/829,790	<input type="checkbox"/>

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number		95000104
	Filing Date		2003-09-02
	First Named Inventor	GREGORY G. KUELBS	
	Art Unit	3992	
	Examiner Name	Margaret Wambach	
	Attorney Docket Number	0664MH-40982-REX	

	12	Final Office Action dated 2008-03-27 from 10/829,790	<input type="checkbox"/>
	13	Notice of Abandonment dated 2008-12-15 from 10/829,790	<input type="checkbox"/>

If you wish to add additional non-patent literature document citation information please click the Add button

EXAMINER SIGNATURE

Examiner Signature		Date Considered	
--------------------	--	-----------------	--

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ See Kind Codes of USPTO Patent Documents at www.USPTO.GOV or MPEP 901.04. ² Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). ³ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁴ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁵ Applicant is to place a check mark here if English language translation is attached.

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	95000104
	Filing Date	2003-09-02
	First Named Inventor	GREGORY G. KUELBS
	Art Unit	3992
	Examiner Name	Margaret Wambach
	Attorney Docket Number	0664MH-40982-REX

CERTIFICATION STATEMENT

Please see 37 CFR 1.97 and 1.98 to make the appropriate selection(s):

That each item of information contained in the information disclosure statement was first cited in any 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. See 37 CFR 1.97(e)(1).

OR

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 certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(2).

See attached certification statement.

Fee set forth in 37 CFR 1.17 (p) has been submitted herewith.

None

SIGNATURE

A signature of the applicant or representative is required in accordance with CFR 1.33, 10.18. Please see CFR 1.4(d) for the form of the signature.

Signature	/jamesewaltonpat/	Date (YYYY-MM-DD)	2009-11-30
Name/Print	James E. Walton	Registration Number	47,245

This collection of information is required by 37 CFR 1.97 and 1.98. 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 1 hour 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.**

Doc code: IDS

Doc description: Information Disclosure Statement (IDS) Filed

PTO/SB/08a (07-09)

Approved for use through 07/31/2012. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	95000104
	Filing Date	2003-09-02
	First Named Inventor	GREGORY G. KUELBS
	Art Unit	3992
	Examiner Name	Margaret Wambach
	Attorney Docket Number	0664MH-40982-REX

U.S.PATENTS						
Examiner Initial*	Cite No	Patent Number	Kind Code ¹	Issue Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear
	1					

If you wish to add additional U.S. Patent citation information please click the Add button.

U.S.PATENT APPLICATION PUBLICATIONS						
Examiner Initial*	Cite No	Publication Number	Kind Code ¹	Publication Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear
	1					

If you wish to add additional U.S. Published Application citation information please click the Add button.

FOREIGN PATENT DOCUMENTS								
Examiner Initial*	Cite No	Foreign Document Number ³	Country Code ²	Kind Code ⁴	Publication Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear	T ⁵
	1							<input type="checkbox"/>

If you wish to add additional Foreign Patent Document citation information please click the Add button

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, pages(s), volume-issue number(s), publisher, city and/or country where published.	T ⁵

BZ

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**
(Not for submission under 37 CFR 1.99)

Application Number	95000104
Filing Date	2003-09-02
First Named Inventor	GREGORY G. KUELBS
Art Unit	3992
Examiner Name	Margaret Wambach
Attorney Docket Number	0664MH-40982-REX

1	Specification dated 2002-02-07 from 10/650,537	<input type="checkbox"/>
2	Preliminary Amendment dated 2003-08-28 from 10/650,537	<input type="checkbox"/>
3	Publication dated 2004-08-05 from 10/650,537	<input type="checkbox"/>
4	Non-Final Office Action dated 2004-08-11 from 10/650,537	<input type="checkbox"/>
5	Amendment dated 2004-10-22 from 10/650,537	<input type="checkbox"/>
6	Notice of Non-Compliant Amendment dated 2004-11-05 from 10/650,537	<input type="checkbox"/>
7	Response to Notice of Non-Compliant Amendment dated 2004-11-15 from 10/650,537	<input type="checkbox"/>
8	First Restriction Requirement Office Action dated 2005-02-17 from 10/650,537	<input type="checkbox"/>
9	Response to First Restriction Requirement dated 2005-03-15 from 10/650,537	<input type="checkbox"/>
10	Second Restriction Requirement Office Action dated 2005-06-10 from 10/650,537	<input type="checkbox"/>
11	Response to Second Restriction Requirement dated 2005-06-29 from 10/650,537	<input type="checkbox"/>

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	95000104
	Filing Date	2003-09-02
	First Named Inventor	GREGORY G. KUELBS
	Art Unit	3992
	Examiner Name	Margaret Wambach
	Attorney Docket Number	0664MH-40982-REX

12	Non-Final Office Action dated 2005-09-21 from 10/650,537	<input type="checkbox"/>
13	Amendment dated 2005-12-21 from 10/650,537	<input type="checkbox"/>
14	Response to Non-Compliant Amendment dated 2006-01-13 from 10/650,537	<input type="checkbox"/>
15	Final Office Action dated 2006-03-29 from 10/650,537	<input type="checkbox"/>
16	Request for Continued Examination dated 2006-08-03 from 10/650,537	<input type="checkbox"/>
17	Non-Final Office Action dated 2006-10-20 from 10/650,537	<input type="checkbox"/>
18	Declaration dated 2007-03-19 from 10/650,537	<input type="checkbox"/>
19	Amendment dated 2007-03-19 from 10/650,537	<input type="checkbox"/>
20	Non-Final Office Action dated 2007-06-08 from 10/650,537	<input type="checkbox"/>
21	Amendment dated 2007-12-10 from 10/650,537	<input type="checkbox"/>
22	Final Office Action dated 2008-03-18 from 10/650,537	<input type="checkbox"/>

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number		95000104
	Filing Date		2003-09-02
	First Named Inventor	GREGORY G. KUELBS	
	Art Unit	3992	
	Examiner Name	Margaret Wambach	
	Attorney Docket Number	0664MH-40982-REX	

23	Request for Continued Examination dated 2008-09-18 from 10/650,537	<input type="checkbox"/>
24	Non-Final Office Action dated 2008-12-15 from 10/650,537	<input type="checkbox"/>
25	Notice of Appeal dated 2009-05-13 from 10/650,537	<input type="checkbox"/>
26	Appeal Brief dated 2009-05-13 from 10/650,537	<input type="checkbox"/>
27	Notice of Non-Compliant Appeal Brief dated 2009-07-06 from 10/650,537	<input type="checkbox"/>
28	Appeal Brief dated 2009-07-07 from 10/650,537	<input type="checkbox"/>
29	Notice of Non-Compliant Appeal Brief dated 2009-10-20 from 10/650,537	<input type="checkbox"/>
30	Notice of Withdrawal of Previous Office Action dated 2009-11-03 from 10/650,537	<input type="checkbox"/>

If you wish to add additional non-patent literature document citation information please click the Add button

EXAMINER SIGNATURE

Examiner Signature		Date Considered	
--------------------	--	-----------------	--

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ See Kind Codes of USPTO Patent Documents at www.USPTO.GOV or MPEP 901.04. ² Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). ³ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁴ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁵ Applicant is to place a check mark here if English language translation is attached.

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	95000104
	Filing Date	2003-09-02
	First Named Inventor	GREGORY G. KUELBS
	Art Unit	3992
	Examiner Name	Margaret Wambach
	Attorney Docket Number	0664MH-40982-REX

CERTIFICATION STATEMENT

Please see 37 CFR 1.97 and 1.98 to make the appropriate selection(s):

That each item of information contained in the information disclosure statement was first cited in any 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. See 37 CFR 1.97(e)(1).

OR

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 certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(2).

See attached certification statement.

Fee set forth in 37 CFR 1.17 (p) has been submitted herewith.

None

SIGNATURE

A signature of the applicant or representative is required in accordance with CFR 1.33, 10.18. Please see CFR 1.4(d) for the form of the signature.

Signature	/jamesewaltonpat/	Date (YYYY-MM-DD)	2009-11-30
Name/Print	James E. Walton	Registration Number	47,245

This collection of information is required by 37 CFR 1.97 and 1.98. 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 1 hour 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.**

Doc code: IDS

Doc description: Information Disclosure Statement (IDS) Filed

PTO/SB/08a (07-09)

Approved for use through 07/31/2012. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	95000104
	Filing Date	2003-09-02
	First Named Inventor	GREGORY G. KUELBS
	Art Unit	3992
	Examiner Name	Margaret Wambach
	Attorney Docket Number	0664MH-40982-REX

U.S.PATENTS						
Examiner Initial*	Cite No	Patent Number	Kind Code ¹	Issue Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear
	1					

If you wish to add additional U.S. Patent citation information please click the Add button.

U.S.PATENT APPLICATION PUBLICATIONS						
Examiner Initial*	Cite No	Publication Number	Kind Code ¹	Publication Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear
	1					

If you wish to add additional U.S. Published Application citation information please click the Add button.

FOREIGN PATENT DOCUMENTS								
Examiner Initial*	Cite No	Foreign Document Number ³	Country Code ² i	Kind Code ⁴	Publication Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear	T ⁵
	1							<input type="checkbox"/>

If you wish to add additional Foreign Patent Document citation information please click the Add button

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, pages(s), volume-issue number(s), publisher, city and/or country where published.	T ⁵

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number		95000104
	Filing Date		2003-09-02
	First Named Inventor	GREGORY G. KUELBS	
	Art Unit	3992	
	Examiner Name	Margaret Wambach	
	Attorney Docket Number	0664MH-40982-REX	

1	Specification dated 2008-10-21 from 12/255,255	<input type="checkbox"/>
2	Notice to File Missing Parts dated 2008-11-07 from 12/255,255	<input type="checkbox"/>
3	Response to File Missing Parts dated 2008-11-19 from 12/255,255	<input type="checkbox"/>
4	Publication dated 2009-03-05 from 12/255,255	<input type="checkbox"/>
5	Non-Final Office Action dated 2009-08-07 from 12/255,255	<input type="checkbox"/>
6	Amendment dated 2009-11-06 from 12/255,255	<input type="checkbox"/>

If you wish to add additional non-patent literature document citation information please click the Add button

EXAMINER SIGNATURE

Examiner Signature		Date Considered	
--------------------	--	-----------------	--

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ See Kind Codes of USPTO Patent Documents at www.USPTO.GOV or MPEP 901.04. ² Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). ³ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁴ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁵ Applicant is to place a check mark here if English language translation is attached.

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	95000104
	Filing Date	2003-09-02
	First Named Inventor	GREGORY G. KUELBS
	Art Unit	3992
	Examiner Name	Margaret Wambach
	Attorney Docket Number	0664MH-40982-REX

CERTIFICATION STATEMENT

Please see 37 CFR 1.97 and 1.98 to make the appropriate selection(s):

That each item of information contained in the information disclosure statement was first cited in any 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. See 37 CFR 1.97(e)(1).

OR

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 certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(2).

See attached certification statement.

Fee set forth in 37 CFR 1.17 (p) has been submitted herewith.

None

SIGNATURE

A signature of the applicant or representative is required in accordance with CFR 1.33, 10.18. Please see CFR 1.4(d) for the form of the signature.

Signature	/jamesewaltonpat/	Date (YYYY-MM-DD)	2009-11-30
Name/Print	James E. Walton	Registration Number	47,245

This collection of information is required by 37 CFR 1.97 and 1.98. 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 1 hour 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.**

Doc code: IDS

Doc description: Information Disclosure Statement (IDS) Filed

PTO/SB/08a (07-09)

Approved for use through 07/31/2012. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	95000104
	Filing Date	2003-09-02
	First Named Inventor	GREGORY G. KUELBS
	Art Unit	3992
	Examiner Name	Margaret Wambach
	Attorney Docket Number	0664MH-40982-REX

U.S.PATENTS								
Examiner Initial*	Cite No	Patent Number	Kind Code ¹	Issue Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Figures Appear		
	1							
If you wish to add additional U.S. Patent citation information please click the Add button.								
U.S.PATENT APPLICATION PUBLICATIONS								
Examiner Initial*	Cite No	Publication Number	Kind Code ¹	Publication Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear		
	1							
If you wish to add additional U.S. Published Application citation information please click the Add button.								
FOREIGN PATENT DOCUMENTS								
Examiner Initial*	Cite No	Foreign Document Number ³	Country Code ² ;	Kind Code ⁴	Publication Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear	T ⁵
	1							<input type="checkbox"/>
If you wish to add additional Foreign Patent Document citation information please click the Add button								
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, pages(s), volume-issue number(s), publisher, city and/or country where published.					T ⁵	

35

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	95000104
	Filing Date	2003-09-02
	First Named Inventor	GREGORY G. KUELBS
	Art Unit	3992
	Examiner Name	Margaret Wambach
	Attorney Docket Number	0664MH-40982-REX

1	Specification dated 2004-04-22 from 12/240,845	<input type="checkbox"/>
2	Notice to Correct Papers dated 20081014 from 12/240,845	<input type="checkbox"/>
3	Response to Correct Papers dated 20081215 from 12/240,845	<input type="checkbox"/>
4	Publication dated 20090409 from 12/240,845 from 12/240,845	<input type="checkbox"/>
5	Non-Final Office Action dated 20090707 from 12/240,845 from 12/240,845	<input type="checkbox"/>
6	Declaration dated 20091105 from 12/240,845	<input type="checkbox"/>
7	Response to Office Action dated 20091105 from 12/240,845	<input type="checkbox"/>

If you wish to add additional non-patent literature document citation information please click the Add button

EXAMINER SIGNATURE

Examiner Signature		Date Considered	
--------------------	--	-----------------	--

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ See Kind Codes of USPTO Patent Documents at www.USPTO.GOV or MPEP 901.04. ² Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). ³ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁴ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁵ Applicant is to place a check mark here if English language translation is attached.

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	95000104
	Filing Date	2003-09-02
	First Named Inventor	GREGORY G. KUELBS
	Art Unit	3992
	Examiner Name	Margaret Wambach
	Attorney Docket Number	0664MH-40982-REX

CERTIFICATION STATEMENT

Please see 37 CFR 1.97 and 1.98 to make the appropriate selection(s):

That each item of information contained in the information disclosure statement was first cited in any 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. See 37 CFR 1.97(e)(1).

OR

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 certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(2).

See attached certification statement.

Fee set forth in 37 CFR 1.17 (p) has been submitted herewith.

None

SIGNATURE

A signature of the applicant or representative is required in accordance with CFR 1.33, 10.18. Please see CFR 1.4(d) for the form of the signature.

Signature	/jamesewaltonpat/	Date (YYYY-MM-DD)	2009-11-30
Name/Print	James E. Walton	Registration Number	47,245

This collection of information is required by 37 CFR 1.97 and 1.98. 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 1 hour 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:	6541880
Application Number:	95000104
International Application Number:	
Confirmation Number:	5847
Title of Invention:	UMBRELLA APPARATUS
First Named Inventor/Applicant Name:	6612713
Customer Number:	38441
Filer:	James Edward Walton
Filer Authorized By:	
Attorney Docket Number:	45639-316477
Receipt Date:	30-NOV-2009
Filing Date:	12-AUG-2005
Time Stamp:	17:47:08
Application Type:	inter partes reexam

Payment information:

Submitted with Payment	no
------------------------	----

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	NPL Documents	NFOA20070723.pdf	1110738 <small>eabee7ce96e3f07be1628efdb8d88001e9528e9f</small>	no	18

Warnings:

Information:

YOT-1003-1027

2	NPL Documents	Amendment20080123.pdf	801484 76fb8d38b089a9f162492fc377448ff8f02ce6ec	no	20
Warnings:					
Information:					
3	NPL Documents	FOA20080327.pdf	627751 40b37c575d86e474243b04fadeb7e9b6620154bd	no	18
Warnings:					
Information:					
4	NPL Documents	NoticeofAbandonment20081215.pdf	95637 007f0cd19a11f582d179bcb563693e240f11ce52	no	2
Warnings:					
Information:					
5	NPL Documents	Specification20040422.pdf	4378743 13862cb77c3375b0061329545e9193c69dbf2444	no	80
Warnings:					
Information:					
6	NPL Documents	NoticetoCorrectPapers20081014.pdf	75857 7dedd3829c8f6fd162673ccc40c5afbf444bd7d	no	2
Warnings:					
Information:					
7	NPL Documents	ResponsetoCorrectPapers20081215.pdf	791430 30c18c812b915a661290c142c1a098aafbbcbf51	no	34
Warnings:					
Information:					
8	NPL Documents	Publication20090409.pdf	2106571 b275edd95a4beebfe12dfc864485737e3f34700e	no	42
Warnings:					
Information:					
9	NPL Documents	NFOA20090707.pdf	589042 d6466ebab4d84d01e180c3072cae6403e3da8de	no	14
Warnings:					
Information:					
10	NPL Documents	Declaration20091105.pdf	2628108 2d84a22773dc91e4595f5c769bd20a83ef9d4de8	no	36
Warnings:					
Information: YOT-1003-1028					

11	NPL Documents	ROA20091105.pdf	982282 8a4c5e86c7d14868e4c23a9d1da358a6c5755270	no	17
Warnings:					
Information:					
12	NPL Documents	Specification20020207.pdf	2147244 802f028ad508ead31ccedbe33d7915259538b1c	no	46
Warnings:					
Information:					
13	NPL Documents	PreliminaryAmendment20050809.pdf	407259 4c278163401b287759525b3898c5cb2d5d193ae9	no	11
Warnings:					
Information:					
14	NPL Documents	RCE20080902.pdf	983808 a4331429fccc653203552b8227b337c3aad4d918	no	22
Warnings:					
Information:					
15	NPL Documents	NoticetoCorrectApplicationPapers20050902.pdf	72884 cc08a478bb554009bb6056075942bb9361353817	no	2
Warnings:					
Information:					
16	NPL Documents	ReplytoNotucetoCorrectApplicationPapers20050915.pdf	3750477 0f30054d6100d668fb5282eb5ae74fbc0ee23108	no	70
Warnings:					
Information:					
17	NPL Documents	Publication20060112.pdf	1289478 95f873d49b7950600119b9ac1d2292d47413cb39	no	22
Warnings:					
Information:					
18	NPL Documents	WithdrawalofPreviousNotice20070605.pdf	47271 f08b89e070a4198c55408dbbd5d7b7f62c4da3d	no	1
Warnings:					
Information:					
19	NPL Documents	NFOA20070605.pdf	1455068 106ca365f23f55d51c868e4a953b00bd4254b9fc	no	26
Warnings:					
Information: YOT-1003-1029					

20	NPL Documents	Amendment20071205.pdf	708354 25fc52933b193fec8ab355ec435d3fd5d32b6c31	no	16
Warnings:					
Information:					
21	NPL Documents	NFOA20080303.pdf	502436 57e03df23177a2fe4a9dc52b9b606c3dabe62e24	no	12
Warnings:					
Information:					
22	NPL Documents	RequestforContinuationApplication20050809.pdf	2410436 a7db1a77fcc27a51c5767c522df170ec49d06aa	no	53
Warnings:					
Information:					
23	NPL Documents	NFOA20081107.pdf	545591 65830f5f9d6a8717c508659c8f8089852cc1c1be	no	13
Warnings:					
Information:					
24	NPL Documents	NoticeofAppeal20090203.pdf	261161 a8a393d08490d3c0357a9b814493fe8fc17a37a	no	7
Warnings:					
Information:					
25	NPL Documents	AppealBrief20090403.pdf	1259136 15474a445ba82cf4b8e32f4a80b410f59467e2f0	no	34
Warnings:					
Information:					
26	NPL Documents	ExaminersAnswer20090717.pdf	471469 6a39c6efaf3b6f52074b480a659be24ce4752401	no	15
Warnings:					
Information:					
27	NPL Documents	ReplyBrief20090908.pdf	483389 6b789fbad5a170d320681979850b613ae9a6ad6d	no	13
Warnings:					
Information:					
Total Files Size (in bytes):			30983104		

YOT-1003-1030

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

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
95/000,104	08/12/2005	6612713	45639-316477	5847
38441	7590	12/18/2009	EXAMINER	
LAW OFFICES OF JAMES E. WALTON, PLLC 1169 N. BURLESON BLVD. SUITE 107-328 BURLESON, TX 76028			RUBIN, MARGARET R	
			ART UNIT	PAPER NUMBER
			3992	
			MAIL DATE	DELIVERY MODE
			12/18/2009	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.



DO NOT USE IN PALM PRINTER

(THIRD PARTY REQUESTER'S CORRESPONDENCE ADDRESS)

Robert E. Richards

KILPATRICK STOCKTON, LLP

1100 Peachtree Street, Suite 2800

Atlanta, GA 30309

MAILED

DEC 18 2009

CENTRAL REEXAMINATION UNIT

**Transmittal of Communication to Third Party Requester
Inter Partes Reexamination**

REEXAMINATION CONTROL NUMBER 95/000,104.

PATENT NUMBER 6,612,713.

TECHNOLOGY CENTER 3900.

ART UNIT 3992.

Enclosed is a copy of the latest communication from the United States Patent and Trademark Office in the above-identified reexamination proceeding. 37 CFR 1.903.

Prior to the filing of a Notice of Appeal, each time the patent owner responds to this communication, the third party requester of the *inter partes* reexamination may once file written comments within a period of 30 days from the date of service of the patent owner's response. This 30-day time period is statutory (35 U.S.C. 314(b)(2)), and, as such, it cannot be extended. See also 37 CFR 1.947.

If an *ex parte* reexamination has been merged with the *inter partes* reexamination, no responsive submission by any *ex parte* third party requester is permitted.

All correspondence relating to this inter partes reexamination proceeding should be directed to the **Central Reexamination Unit** at the mail, FAX, or hand-carry addresses given at the end of the communication enclosed with this transmittal.

YOT-1003-1034



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

CONTROL NO.	FILING DATE	PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
95/000,104	8/12/2005	6,612,713	

LAW OFFICES OF JAMES E. WALTON, PLLC
1169 N. BURLESON BLVD.
SUITE 107-328
BURLESON TX 76028

EXAMINER

M RUBIN

ART UNIT PAPER

3992

DATE MAILED:

INTER PARTES REEXAMINATION COMMUNICATION

BELOW/ATTACHED YOU WILL FIND A COMMUNICATION FROM THE UNITED STATES PATENT AND TRADEMARK OFFICE OFFICIAL(S) IN CHARGE OF THE PRESENT REEXAMINATION PROCEEDING.

All correspondence relating to this *inter partes* reexamination proceeding should be directed to the **Central Reexamination Unit** at the mail, FAX, or hand-carry addresses given at the end of this communication.

ACTION CLOSING PROSECUTION (37 CFR 1.949)	Control No.	Patent Under Reexamination	
	95/000,104	6612713	
	Examiner	Art Unit	
	MARGARET RUBIN	3992	

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

Responsive to the communication(s) filed by:

Patent Owner on 21 April 2009

Third Party(ies) on _____

Patent owner may once file a submission under 37 CFR 1.951(a) within 2 month(s) from the mailing date of this Office action. Where a submission is filed, third party requester may file responsive comments under 37 CFR 1.951(b) within 30-days (not extendable- 35 U.S.C. § 314(b)(2)) from the date of service of the initial submission on the requester. **Appeal cannot be taken from this action.** Appeal can only be taken from a Right of Appeal Notice under 37 CFR 1.953.

All correspondence relating to this inter partes reexamination proceeding should be directed to the **Central Reexamination Unit** at the mail, FAX, or hand-carry addresses given at the end of this Office action.

PART I. THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

1. Notice of References Cited by Examiner, PTO-892
2. Information Disclosure Citation, PTO/SB/08
3. _____

PART II. SUMMARY OF ACTION:

- 1a. Claims 1-14 and 45-74 are subject to reexamination.
- 1b. Claims _____ are not subject to reexamination.
2. Claims 15-44 have been canceled.
3. Claims 4,5,10-14 are confirmed. [Unamended patent claims]
4. Claims See Continuation Sheet are patentable. [Amended or new claims]
5. Claims 1,6,7,9,45-48,51,54,59,62-64,66-69 and 73 are rejected.
6. Claims _____ are objected to.
7. The drawings filed on _____ are acceptable are not acceptable.
8. The drawing correction request filed on _____ is: approved. disapproved.
9. Acknowledgment is made of the claim for priority under 35 U.S.C. 119 (a)-(d). The certified copy has: been received. not been received. been filed in Application/Control No _____
10. Other _____

Continuation of SUMMARY OF ACTION: 4. Claims patentable. [Amended or new claims]are 2,3,8,49,50,52,53,55-58,60,61,65,70-72 and 74.

INTER PARTES ACTION CLOSING PROSECUTION ("ACP")

This is a reexamination of United States Patent Number 6,612,713 ("the base patent".) Claims 1-14 and 45-74 are pending and under reexamination. Claims 15-44 are cancelled. Informal amendments were submitted by Patent Owner on February 7, 2007 and August 25, 2008. Although the April 21, 2009 amendment neglected to underline the numerals of the new claims and Patent Owner was notified on December 5, 2005 that 37 CFR 1.530(f)(2) requires the underlining of new claims, in the interest of moving forward, the legal staff of the CRU made appropriate corrections in this instance but Patent Owner's cooperation in avoiding such errors in future communications is necessary to prevent further delay. It is also noted that the statement of support for amendments inaccurately states that claim 58 was not amended; however, since a citation of support for claim 58 is thereafter suggested, this inaccuracy doesn't necessitate issuing a PTO-2069.

Accordingly, this ACP is responsive to the amendment of April 21, 2009, which amended claims 1-3, 6, 8, 9, 45-49, 51, 52, 55-70 and 72-74. Requester submitted comments on March 9, 2007 and May 18, 2009 in response to Patent Owner's amendments of February 7, 2007 and April 21, 2009, respectively. Further,

YOT-1003-1038

Art Unit: 3992

Requester filed corrected comments on September 14, 2009 in response to a Notice of Informality mailed on August 28, 2009. Insofar as only the April 21, 2009 amendment is presently compliant with 37 CFR 1.530, Requester's comments responsive to the earlier amendments are immaterial - the earlier Requester comments are deemed premature due to the defects in Patent Owner's earlier amendments. See MPEP 2667(I)(B). Also, please note that 37 CFR 1.939 authorizes the Office to merely not consider untimely papers and makes discretionary the question of whether they will be returned. The reasons that the May 18, 2009 comments were deemed improper was explained in the August 28, 2009 Notice of Informality and such explanations are incorporated herein by reference. In that Office Communication, Requester was also directed to "rectify and refile" the improper comments by "removing the improper proposed rejections" in accordance of MPEP 2666.05 which was quoted in pertinent part.

In contrast, Requester did not remove the improper rejections as instructed. Moreover, Requester added more text to the original comments such that the 50 page limit set by 37 CFR § 1.943 was exceeded.

As stated in the August 28, 2009 Notice of Informality:
"Requester should take note of the following provision of MPEP 2666.05: 'If, upon the second submission, the comments are still

YOT-1003-1039

Art Unit: 3992

not proper, the comments will be returned to third party requester with an explanation of what is not proper, and at that point the comments can no longer be resubmitted. The loss of right to submit further comments applies only to the patent owner response at hand. See MPEP § 2666.20' " Accordingly, Requester's September 14, 2009 comments will not be considered and are not addressed below.

I.) Information Submissions

The IDS submissions of March 21, 2007, February 19, 2008, May 12, 2008, September 29, 2008 and October 27, 2009 have been considered. Insofar as the IDS submission of November 30, 2009 only contains documents taken from the prosecution history rather than patents and printed publications, it has been lined-through in its entirety although the documents have been reviewed. Further, it is to be noted that where patents, publications, and other such items of information are submitted by a patent owner in compliance with the requirements of the rules, the requisite degree of consideration to be given to such information will be limited by the degree to which the patent owner has explained the content and relevance of the information. In instances where no explanation of citations (items of information) is required and none is provided for an information citation, only a cursory review of that information is required. The examiner need only perform a cursory evaluation of each unexplained item of information, to the extent that the he/she needs in order to determine whether he/she will evaluate the item further. If the cursory evaluation reveals the item not to be useful, the examiner may simply stop

Application/Control Number: 95/000,104
Art Unit: 3992

Page 6

looking at it. This review may often take the form of considering the documents in the same manner as other documents in Office search files are considered by the examiner while conducting a search of the prior art in a proper field of search. The initials of the examiner, in this proceeding, placed adjacent to the citations on the PTO-1449 or PTO/SB/08A and 08B or its equivalent, without an indication in the record to the contrary in the record, do not signify that the information has been considered by the examiner any further than to the extent noted above. The same degree of consideration was provided for citations on earlier information submissions. See MPEP 609, seventh paragraph, Revision 5, Aug. 2006 [page 600-141].

YOT-1003-1042

II.) Claim Rejections - 35 USC § 314(a)

Claims 1, 9, 45-48, 51 and 63 are rejected under 35 U.S.C. 314(a) as enlarging the scope of the claims of the patent being reexamined¹. 35 U.S.C. 314(a) states that "no proposed amended or new claim enlarging the scope of the claims of the patent shall be permitted" in an *inter partes* reexamination proceeding. A claim presented in a reexamination "enlarges the scope" of the patent claims where the claim is broader than the claims of the patent. A claim is broadened if it is broader in any one respect, even though it may be narrower in other respects.

MPEP 2658 states the following criteria for enlargement of the scope of the claims:

A claim presented in a reexamination proceeding enlarges the scope of the claims of the patent being reexamined where the claim is broader than each and every claim of the patent. See MPEP § 1412.03 for

¹ Claim 62 is not rejected as broadening the scope of the base patent claims even though "subassembly" has been substituted for "system" in the claim language because a subassembly is interpreted as a particular type of system when one employs the broadest reasonable interpretation of the terms. In

guidance as to when the presented claim is considered to be a broadening claim as compared with the claims of the patent, i.e., what is broadening and what is not. If a claim is considered to be a broadening claim for purposes of reissue, it is likewise considered to be a broadening claim in reexamination.

Accordingly, MPEP 1412.03 is determinative regarding the analysis that must be undertaken in deciding whether a claim in a reexamination proceeding enlarges the scope of patent claims. A test offered therein requires observing whether any amended or newly added claim in a reexamination proceeding includes subject matter not covered by the original patent claims.

A claim which reads on something which the original claims do not is a broadened claim. A claim would be considered a broadening claim if the patent owner would be able to sue any party for infringement who previously could not have been sued for infringement.

Applying this test to the amendatory matter introduced by Patent Owner on April 21, 2009, in comparison to original claim 1, amended claim 1 lacks "an electrical charging system for recharging the rechargeable electrical power system, the

other words, the substitution in question is seen as a narrowing of the claim language rather than a broadening.

electrical charging system being adapted to receive power from an AC power outlet." With regard to original claims 2-5, amended Claim 1 lacks "a solar energy system carried by the pole portion." Instead, amended Claim 1 requires only that the solar energy system be "carried by a module coupled to the pole." Thus a device according to amended claim 1 could include a module sitting on the ground beside the umbrella, coupled to the pole portion above the canopy portion but without the weight of the module being borne by the pole portion. A device according to amended Claim 1 lacks an electromechanical opening and closing system for opening and closing the canopy portion, as required by patent Claims 6-8. A device according to amended Claim 1 lacks a cooling system as required by patent Claim 9. A device according to amended Claim 1 lacks a combination of two or more modules (lighting, cooling, canopy lift mechanism), as required by patent Claims 10-14.

With regard to amended claim 9, it is noted that the text "coupled to the canopy portion" has been replaced by "carried by a rib member". Accordingly, amended claim 9 is broadened in comparison to original claim 9 if at least one mist nozzle carried by a rib member is not also inherently be coupled to the canopy portion. Insofar as a mist nozzle could simply be balanced on top of a rib member without a coupling to join the

Art Unit: 3992

elements, it isn't even clear that the mist nozzle is coupled to the rib member, much less the canopy portion. Thus, amended claim 9 is broadened in comparison to amended claim 9 and original claim 9 which is the original independent claim which it most closely resembles.

With regard to claim 45, it is noted that the text requiring that the solar energy system is "carried by the pole portion above the canopy portion" as recited in original claims 1, 2, 6, 9 and 10 (all of the original independent claims) has been replaced by "carried by a top portion of the power unit". Accordingly, claim 45 is broadened if a solar energy system being carried by a top portion of the power unit is not also inherently carried by the pole portion above the canopy portion. Insofar as a claim 45 does not specify that the power unit is carried by the pole portion, the solar energy system could be carried by the power unit but not the pole portion. Further, simply because the power unit is coupled to the pole portion above the canopy portion doesn't mean that the power unit is above the canopy portion. The structures could be connected by a tether that is only above the canopy portion on one end.

Claim 46 depends from claim 45 and is broadened for the same reason.

With regard to claim 47, a device according to new Claim 47 lacks an electrical charging system being adapted to receive power from an AC power outlet, as required by patent Claim 1; lacks a lighting system carried by the canopy portion, as required by patent Claims 2-5; lacks an electromechanical opening and closing system for opening and closing the canopy portion, as required by patent Claims 6-8; lacks a cooling system as required by patent Claim 9 and lacks a combination of two or more modules (lighting, cooling, canopy lift mechanism), as required by patent Claims 10-14.

It is also noted that claim 47 lacks "a solar energy system carried by the pole portion above the canopy portion" as recited in all of the original independent claims.

With regard to claim 48, a device according to new Claim 48 lacks an electrical charging system being adapted to receive power from an AC power outlet, as required by patent Claim 1. Thus a device according to new Claim 48 does not infringe patent Claim 1. A device according to new Claim 48 lacks a lighting system "being conductively coupled to and powered by the rechargeable electrical power system," as required by patent Claims 2-5. A device according to new Claim 48 lacks an electromechanical opening and closing system for opening and

Art Unit: 3992

closing the canopy portion, as required by patent Claims 6-8. A device according to new Claim 48 lacks a cooling system as required by patent Claim 9. A device according to new Claim 48 lacks a combination of two or more modules as required by patent Claims 10-14.

With regard to claim 51, a device according to new Claim 51 lacks an electrical charging system being adapted to receive power from an AC power outlet, as required by patent Claim 1, lacks Patent Claims 2-5 recite "a solar energy system carried by the pole portion above the canopy portion" as required by original claims 2-5; lacks an electromechanical opening and closing system for opening and closing the canopy portion, as required by patent Claims 6-8; lacks a cooling system as required by patent Claim 9; and lacks a combination of two or more modules (lighting, cooling, canopy lift mechanism), as required by patent Claims 10-14.

With regard to amended Claim 63, a device according to new Claim 63 lacks an electrical charging system being adapted to receive power from an AC power outlet, as required by patent Claim 1; lacks "a solar energy system carried by the pole portion above the canopy portion" as required by original patent Claims 2-5; lacks an electromechanical opening and closing

YOT-1003-1048

Application/Control Number: 95/000,104

Page 13

Art Unit: 3992

system for opening and closing the canopy portion, as required by patent Claims 6-8; lacks a cooling system as required by patent Claim 9 and lacks a combination of two or more modules (lighting, cooling, canopy lift mechanism), as required by patent Claims 10-14.

YOT-1003-1049

III.) Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1, 45, 46, 48, 51, 54, 59, 62, 63, 66 and 73 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

With regard to claim 1, the base patent does not support an arrangement where a solar energy system is carried by a module (power unit 725) on the same umbrella apparatus having "multiple discrete lighting elements positioned along at least one of the rib members" because only one light subassembly 721 is disclosed as being placed on an individual rib (Figure 6). Although there

is disclosure that the single subassembly placed on each rib could use cold cathode, LED or fluorescent technology, whatever technology employed would be included within a "subassembly" to provide an aspect of the "modularity" feature included with Figures 6-9. Pages 46 and 47 of Patent Owner's Comments have been reviewed with respect to this issue and it is not agreed that the citations included therein provide support for this particular feature.

Independent claim 45 and, implicitly, dependent claim 46 require "an electrical charging system for recharging the rechargeable electrical power system, the electrical charging system being adapted to receive power from an AC power outlet". Such an electrical charging system is disclosed in the specification and depicted in Figure 1 as "external power system charger 51", in Figure 3C as "external power system charger and transformer 251" and in Figure 5A as "external power system charger 610". Figures 1, 3C and 5A appear to be the only Figures that include this arrangement.

More particularly, Figs. 2A-2C rely on battery pack 155a. For the embodiments of Figs 4, and 6-9 the specification states that a "rechargeable power source, such as power sources 50, 150 and 250" may be used (column 9, lines 61 and 62, column 12, lines 51 and 52, column 13, lines 26-28, column 13, lines 50-52,

Art Unit: 3992

and column 14, lines 21 and 22) and no mention of an electrical charging system is made. Moreover, power sources 50 and 250 do not include an electrical charging system as chargers 51 and 251 are described as being "electrically coupled" to power system 50 (column 4, lines 33-36) and power system 250 (column 8, lines 32-35), respectively, so they are not contained within these power systems. Power system 150 relies on a battery pack of "the type of rechargeable battery that is used with most modern cordless power drills" (column 6, lines 16-18) instead of an electrical charging system. For the embodiments of Figures 10 and 11, there is no mention of an electrical charging system and, in fact, col. 14, lines 46-49 state that the system "does not require any household power for operation, or charging".

It is noted that Patent Owner seems to imply on pages 51-53 that the embodiments depicted in Figures 6-9 inherently include power system charger 51 which connects to an AC power outlet. Insofar as the base patent does not state the same, conjecture is necessary to reach that conclusion.

Similarly, independent claims 48 and 51 recite "a power unit" which corresponds to the embodiments depicted in Figures 6-9; however, these embodiments do not include "recessed"

Art Unit: 3992

lighting elements²; more than one discrete lighting element positioned along a rib member³ or "translucent covers". It is not permissible to blend distinct embodiments to produce an amalgamation that was not disclosed in the base patent as it was originally filed.

Claim 51 also recites that "at least a portion of each lighting element extends beyond the corresponding rib member" which covers a partially recessed arrangement that is unsupported by the base patent.

Claim 54 depends from claim 49 which now recites recessed multiple discrete lighting elements. Because of that amendatory change to claim 49, the recitation of claim 54 that the multiple discrete lighting elements are each an LED is unsupported because only the embodiments of Figures 4A, 4B and 4C teach recessed multiple discrete lighting elements and the "preferred" lighting elements described for use are cold cathode tube bulbs with no mention made of LEDs. Although the summary of the invention does describe LEDs used with a cooling system and cooling systems are depicted in Figures 4B and 4C, there is no

² An arrangement in which "at least a portion of each lighting element extends beyond the corresponding rib member", as recited in claim 51, encompasses both a recessed and a partially recessed arrangement. Insofar as the base patent does not disclose a partially recessed arrangement, claim 51 is also rejected for this reason.

³ By using the language "at least", claim 51 encompasses more than one discrete lighting element per rib member.

mention in the indicated text of a "recessed" feature or "multiple discrete elements" so it is more likely that this text refers to the embodiment of Figures 6-9 for which the use of LEDs is expressly disclosed within the accompanying description.

With regard to claim 59, the base patent does not appear to disclose a switch disposed in the crank housing. Claim 58 more accurately describes the switch as being carried by the crank housing.

As mentioned in the last Office action, claim 62 recites recessed LEDs and, as explained above with reference to claim 54, the base patent as originally filed does not support the same.

With regard to claim 63, there is no support for a "pole portion being separable into at least two separate sections". The specification refers to upper and lower portions of the pole but does not indicate that they are separable.

With regard to claim 66, insofar as a "power unit" is recited, this feature clearly relates to the embodiments of Figures 6-9; however, Figures 6-9 do not depict nor are they described as depicting recessed electrical conductors.

With regard to claim 73, insofar as an electrical charging system carried by the pole portion receiving power from an AC outlet is claimed, this limitation appears to refer to elements

51 and 60 of Figure 1; however, the base patent does not disclose that these elements remain carried by the pole portion when the rechargeable electrical power system is removed from the umbrella apparatus.

IV.) The References

Rejections of the base patent incorporating the following references are applied or addressed in this Office action:

- 1.) U.S. Patent No. 5,911,493 to Walker et al. (hereafter "Walker");
- 2.) PCT Patent Document WO 93/00840 (hereafter "WO 93/00840");
- 3.) U.S. Patent No. 5,349,975 to Valdner;
- 4.) U.S. Patent No. 6,126,293 to Wu;
- 5.) U.S. Patent No. 5,584,564 to Phyle;
- 6.) U.S. Patent No. 6,439,249 to Pan et al (hereafter "Pan")¹;
- 7.) U.S. Patent No. 5,611,614 to Morgan;
- 8.) U.S. Patent No. 5,053,931 to Rushing;
- 9.) U.S. Patent No. 6,499,856 to Lee (hereafter "Lee '856")
patented December 31, 2002 and filed May 22, 2001;
- 10.) Japanese Patent Document JP 9-168415 (hereafter "JP 9-168415");
- 11.) U.S. Patent No. 6,341,873 to Yang;
- 12.) U.S. Patent No. 6,270,230 to Mai;
- 13.) U.S. Patent No. 5,126,922 to Andreasen;
- 14.) U.S. Patent No. 5,463,536 to Chou;

Art Unit: 3992

15.) U.S. Patent No. 2,960,094 to Small;

16.) U.S. Patent No. 5,664,874 to Winterer;

17.) U.S. Patent No. 6,299,325 to Cathel;

18.) U.S. Patent Application Publication No. 2002/0078985 to
Farr;

19.) U.S. Patent No. 6,666,224 to Lee (hereafter "Lee '224")
patented on Dec. 23, 2003 and filed on November 7, 2001;

20.) U.S. Patent No. 6,017,188 to Benton;

21.) U.S. Patent Application Publication No. 2005/0072451 to
Vivian;

22.) U.S. Patent No. 6,298,866 to Molnar;

23.) U.S. Patent No. 6,182,917 to Lai; and

24.) U.S. Patent No. 6,058,951 to Wilson.

V.) Claim Rejections - 35 USC § 103

Claim 73 is rejected under 35 U.S.C. 103(a) as being unpatentable over WO 93/00840 and Valdner.

With regard to Claim 73 and referring to Figure 1 of WO 93/00840, a patio umbrella apparatus (1) comprising:

- a base support portion (4);
- a pole portion (9) coupled to the base support portion;
- a canopy portion (8) coupled to the pole portion;
- a rechargeable electrical power system for providing electrical power to the umbrella apparatus (rechargeable batteries 3);
- a solar energy system (2) carried by the pole portion above the canopy portion (2 covers at least part of the top of the canopy (8) thus it is above it and, given that it is carried by the canopy, it is also carried by the pole portion (9) which carries the canopy), the solar energy system being adapted to collect solar energy and convert the solar energy into electrical energy, the solar energy system being conductively coupled to the rechargeable electrical power system (by electrical wires 22), such that the solar energy collected and

Art Unit: 3992

converted into electrical energy recharges the rechargeable electrical power system (page 2, line 10 of the translation provided by requester); and

an electrical charging system (power cord 14) carried by the pole portion (insofar as power cord 14 hangs from pole portion 9, pole portion 9 carries power cord 14 in the sense that it sustains the weight of power cord 14) , the electrical charging system being adapted to receive power from a power outlet (via power cord 14);

wherein the electrical charging system remains carried by the pole portion when the rechargeable electrical power system is removed from the patio umbrella apparatus (one can see from Figure 1 that after removing batteries 3, the position of power cord 14 would remain unchanged.

With regard to the limitation of claim 73 that the canopy portion is "hingedly" coupled to the pole portion, it is noted that a hinge at the apex of umbrella apparatus (1) is not expressly shown in the Figures (although Figure 2 does show some sort of wire or circular member threading through two openings under the umbrella cap) nor expressly identified in the disclosure of WO 93/00840. Nevertheless, it can be shown that WO 93/00840 does operate in the manner recited in claims 1 and

73 and, thus, meets these limitations based on the principle of inherency:

"In relying upon the theory of inherency, the examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art." Ex parte Levy, 17 USPQ2d 1461, 1464 (Bd. Pat. App. & Inter. 1990) (emphasis in original)

In the instant case, a full reading of the disclosed form and function of WO 93/00840 shows that recitation of a canopy portion hingedly coupled to a pole portion is implicitly taught. That is to say, the movement of WO 93/00840's components described in its disclosure are necessarily arrived upon through the hinged coupling described in claim 73. More particularly, WO 93/00840 discloses that the canopy (8) has associated mechanisms for opening it (page 1, line 6 of the translation provided by the requester.) WO 93/00840 further discloses that the fabric of which canopy 8 is composed (page 2, lines 4 and 5) is attached to stays 15 (page 2, line 9). Stay 15 includes short and long sections. The short section of 15 (labeled in Figure 1) is hinged to a longer section at a midpoint. Although the longer section is not labeled in the Figures, it is implicitly referenced as "15" in claim 3 by the process of elimination. To wit, no other element holds valence

Art Unit: 3992

(23) and is attached to supports (24.) Even the hinge connecting the two sections of 15 would serve to "hingedly" couple the canopy portion to the pole portion, but, beyond this point, by virtue of the placement of stay 15 against the pole 19, one end of the shorter section of 15 must pivot on the longer section of 15 while its other end slides down the pole. Such movement necessitates a hinge under the cap at the top of the pole. Additional evidence that umbrella apparatus (1) opens and closes conventionally (via a hinge at its apex) is provided by the disclosure of "a pin 18 for locking the hub 20 housed in a traverse guide 21" (page 2, lines 17 and 18.) Here again we see that hub 20 slides down guide 21 unless locked by pin 18 in the manner of an umbrella closing "hingedly" at a coupling of a canopy portion and a central shaft.

What WO 93/00840 fails to show is an electrical charging system for recharging the rechargeable electrical power system with power from an AC power outlet. Further, although it is most likely that power cord 14 of WO 93/00840 does receive AC power, this point cannot be determined with absolute certainty. This difference is taught by Valdner.

More particularly, Valdner teaches an umbrella apparatus (10) including an electrical charging system for recharging a rechargeable electrical power system (column 2, lines 31-44)

YOT-1003-1061

with power from an AC power outlet (an "electric house wall socket" (column 2, line 41) receives AC power).

To produce the structure recited in claim 73, WO 93/00840 must be altered to incorporate the portion of Valdner's electrical charging system which permits a rechargeable battery to be recharged from either a solar energy system or an AC power outlet. The power cord of WO 93/00840 could be retained if it was compatible with an AC power outlet or else it would be replaced by a cord possessing such compatibility.

Motivation for the first alteration is provided by the increased reliability implicit in having potential access to an alternate source of power on days when the potential of the solar energy system to provide all necessary power is strained or exceeded. Further, it is noteworthy that Valdner discloses that such alternate AC/solar recharging systems for batteries are "well known in the art" (column 2, line 42.)

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over WO 93/00840, Small and Pan or Wu or JP 9-168415 or Mai or Yang.

Referring to Figure 1 of WO 93/00840, an umbrella apparatus (1) comprising:

Art Unit: 3992

a base support portion (4);

a pole portion (9) coupled to the base support portion;

a canopy portion (8) coupled to the pole portion, the canopy portion having a plurality of rib members (15);

a rechargeable electrical power system for providing electrical power to the umbrella apparatus (rechargeable batteries 3);

a solar energy system (2) coupled to the pole portion above the canopy portion (2 is supported by the top of the canopy (8) thus it is coupled to it and, given that it is coupled to the canopy, it is also coupled to the pole portion (9) which is coupled to the canopy), the solar energy system being adapted to collect solar energy and convert the solar energy into electrical energy, the solar energy system being conductively coupled to the rechargeable electrical power system (by electrical wires 22), such that the solar energy collected and converted into electrical energy recharges the rechargeable electrical power system (page 2, line 10 of the translation provided by Requester); and

a lighting system being conductively coupled to and powered by the rechargeable electrical power system (12 and 25 are powered by rechargeable battery 3).

With regard to the limitation of claim 1 that the canopy portion is "hingedly" coupled to the pole portion, this feature is inherent for the reasons explained above with regard to the rejection of claim 73 with reliance on WO 93/00840 and Valdner which are incorporated by reference herein.

What WO 93/00840 fails to show is a module carrying the solar energy system that is releasably coupled to the pole portion and a lighting system carried by the canopy portion, the lighting system having multiple discrete lighting elements positioned along at least one of the rib members. These differences are obvious in light of the teachings of Small and Pan or Wu or JP 9-168415 or Yang or Mai.

Addressing first the limitations drawn to a module carrying the solar energy system that is releasably coupled to the pole portion, it is noted that making a structure portable or movable is not sufficient to patentably distinguish over an otherwise old device. Likewise, making an old device separable has not been found to be an obvious modification. (See *In re Lindberg*, 194 F.2d 732, 93 USPQ 23 (CCPA 1952) and *In re Dulberg*, 289 F.2d 522, 523, 129 USPQ 348, 349 (CCPA 1961).) Furthermore, with regard to simply the teaching of a module carrying a solar energy system, Small teaches a solar panel on top of a disc

shaped housing that could fairly be termed a module assuming the definition of "self-contained unit".

Regarding the limitation of a lighting system, Fig. 1 of Pan teaches a lighting system (the system of lighting devices 5) carried by the canopy portion (lighting devices 5 are carried by ribs 3 which form a portion of a canopy which is not depicted but the fabric portion is mentioned on column 1, line 59) and comprising a plurality of multiple discrete elements (column 3, line 3) carried by the rib members (lighting devices 5 are shown as being carried by rib members in Figure 1), the lighting system being conductively coupled to and powered by an electrical power system (switchable power supply 11).

Figure 1 of Wu teaches a lighting system (lights 32) carried by the canopy portion (lights 32 are carried by ribs which form a portion of a canopy) and comprising a plurality of multiple discrete elements (throughout the text, reference numbers beginning with 32 are identified as LEDs) carried by the rib members (shown in Figure 1), the lighting system being conductively coupled to and powered by an electrical power system (batteries are mentioned in column 3, lines 44-46).

Figure 2a of JP 9-168415 teaches a lighting system (lights 7) carried by the canopy portion (lights 7 are carried by ribs multiple discrete elements (throughout the text, reference

Art Unit: 3992

numbers beginning with 7 are identified as LEDs) carried by the rib members (shown in Figure 2a), the lighting system being conductively coupled to and powered by an electrical power system (batteries are shown in Figure 4).

Figures 1 and 13 of Yang teaches a lighting system (Figure 13 of Yang shows LED 42 attached to the tip of a rib 16) carried by the canopy portion (LEDs 42 are carried by the ribs which form part of the canopy portion) and comprising a plurality of multiple discrete elements, the lighting system being conductively coupled to and charged by an electrical power system (battery 52).

Figure 6 of Mai teaches a lighting system carried by the canopy portion (LEDs 83 are carried by the ribs which form part of the canopy portion) and comprising a plurality of multiple discrete elements, the lighting system being conductively coupled to and charged by an electrical power system (battery 82). It is noteworthy that, although LEDs are mounted on top of the umbrella ribs 20 in the Figure 6, Mai discloses that goes 30 may be formed of translucent material and that transparent strips 84 may be installed on the underside of the umbrella (col. 4, lines 30-39), thus, illuminating the area beneath the dome.

To produce the structure recited in claim 1, WO 93/00840 must be altered to substitute the lighting system of Pan (the system of lighting devices 5) or Wu (LEDs 32) or JP 9-168415 (elements 7) or Yang (LEDs 42) or Mai (LEDs 83) for its lighting system (12 and 25). WO 93/00840 must also be altered to substitute the solar module of Small for solar collector 2. The first alteration could be accomplished by attaching the wiring derived from rechargeable batteries 3 of WO 93/00840 to the wiring bringing power to lighting devices 5 or LEDs 32 or LEDs 7 or LEDs 42 or LEDs 83 once they are secured to the ribs of the WO 93/00840 canopy portion.

Motivation for the first alteration is provided by the fact that much of the light provided by element 12 of WO 93/00840 would be directed away from user because his or her head would be positioned below it (in a single plane, from Figure 1 it appears as if roughly only 45 degrees of a 180 degree range would be directed immediately toward the user.) Likewise, element 25 would similarly direct light away from a user who would be positioned to the side if the canopy base was attached to a table or diagonally above if the canopy base was placed at ground level in which case radiated light would originate at the level of the user's feet. In contrast the overhead light system of either Pan or Wu or JP 9-168415 or Yang or Mai directs less

Art Unit: 3992

light at the canopy and provides for having many overhead elements. Substituting the lighting system of Pan or Wu or JP 9-168415 or Yang or Mai for the lighting system taught by WO 93/00840 would provide more direct overhead lighting.

Motivation for the second alteration comes from the fact that the solar collector of Small is entirely supported by the pole and, accordingly, would not interfere with the opening and closing of the canopy.

Claim 63 is rejected under 35 U.S.C. 103(a) as being unpatentable over WO 93/00840, Valdner and Phyle.

With regard to Claim 63 and referring to Figure 1 of WO 93/00840, a patio umbrella apparatus (1) comprising:

a base support portion (4) adapted to maintain the umbrella in an upright position;

a pole portion (9 and the wider tube which extends upward from base 4) coupled to the base support portion; the pole portion being separable into at least two separate sections (although there isn't an explicit disclosure that 9 is separable from the tube which extends upward from base 4, Figure 1 shows what appears to be a clamp holding the together; however, even assuming that these two structures were not separable, it would

Art Unit: 3992

be obvious to make them so because making a component separable has been found to be an obvious modification (In re Dulberg, 289 F.2d 522, 523, 129 USPQ 348, 349 (CCPA 1961));

a canopy portion (8) coupled to the pole portion;

a rechargeable electrical power system for providing electrical power to the umbrella apparatus (rechargeable batteries 3);

a solar energy system (2) coupled to the pole portion above the canopy portion (2 covers at least part of the top of the canopy (8) thus it is above it and, given that it is carried by the canopy, it is also carried by the pole portion (9) which carries the canopy), the solar energy system being adapted to collect solar energy and convert the solar energy into electrical energy, the solar energy system being conductively coupled to the rechargeable electrical power system (by electrical wires 22), such that the solar energy collected and converted into electrical energy recharges the rechargeable electrical power system (page 2, line 10 of the translation provided by requester);

a lighting system being conductively coupled to and powered by the rechargeable electrical power system (abstract) and

an electrical charging system (power cord 14) carried by the pole portion (insofar as power cord 14 hangs from pole

Art Unit: 3992

portion 9, pole portion 9 carries power cord 14 in the sense that it sustains the weight of power cord 14), the electrical charging system being adapted to receive power from a power outlet (via power cord 14).

With regard to the limitation of claim 63 that the canopy portion is "hingedly" coupled to the pole portion, this feature is inherent for the reasons explained above with regard to claim 73 which are incorporated by reference herein.

What WO 93/00840 fails to show that is required by claim 63 are (1) an electrical charging system for recharging the rechargeable electrical power system with power from an AC power outlet and (2) a lighting system carried by the canopy portion. Further, although it is most likely that power cord 14 of WO 93/00840 does receive AC power, this point cannot be determined with absolute certainty. These differences are taught or suggested by Valdner and Phyle.

More particularly, Valdner teaches an umbrella apparatus (10) including an electrical charging system for recharging a rechargeable electrical power system (column 2, lines 31-44) with power from an AC power outlet (an "electric house wall socket" (column 2, line 41) receives AC power) and Phyle teaches a lighting system carried by the canopy portion (lights 12 are carried by ribs 22.)

To produce the structure recited in claim 63, WO 93/00840 must be altered to incorporate the portion of Valdner's electrical charging system which permits a rechargeable battery to be recharged from either a solar energy system or an AC power outlet. The power cord of WO 93/00840 could be retained if it was compatible with an AC power outlet or else it would be replaced by a cord possessing such compatibility. Further, WO 93/00840 must be altered to include lights carried by the umbrella ribs in the manner taught by Phyle.

Motivation for the first alteration is provided by the increased reliability implicit in having potential access to an alternate source of power on days when the potential of the solar energy system to provide all necessary power is strained or exceeded. Further, it is noteworthy that Valdner discloses that such alternate AC/solar recharging systems for batteries are "well known in the art" (column 2, line 42.)

Motivation for the second alteration is provided by the fact that attaching lighting elements to the ribs of an umbrella permits the light to be directed at a variety of angles.

Claims 6, 7, 59, 64, 67, 68 and 69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Phyle and Small.

Art Unit: 3992

With regard to claims 6 and 7, referring to Figures 1 and 2 of Phyle, an umbrella apparatus (1) comprising:

a base support portion (the patio table which does not carry a reference number);

a pole portion (20) coupled to the base support portion;
and

a canopy portion (2) hingedly coupled to the pole portion (column 2, lines 58-67.

What Phyle fails to teach is a rechargeable power system, a solar energy system and an *electromechanical* opening and closing system (Phyle teaches a *mechanical* opening and closing system).

These limitations are taught by Small.

Referring to Figures 1-3 of Small, an umbrella apparatus is taught comprising:

a rechargeable electrical power system for providing electrical power to the umbrella apparatus (35);

a solar energy system (34) carried by a discus-shaped power unit (the discus-shaped housing of solar energy system 34 can be viewed as the power unit or, alternatively, a battery such as 35 is discus-shaped; however, it should be noted that aesthetic design changes and changes in shape have been found to constitute unpatentable subject matter - see *In re Dailey*, 357 F.2d 669, 149 USPQ 47 (CCPA 1966) and *In re Seid*, 161 F.2d 229,

YOT-1003-1072

Art Unit: 3992

73 USPO 431 (CCPA 1947)), the power unit being carried by the pole portion above the canopy portion (Fig. 1), the solar energy system being adapted to collect solar energy and convert the solar energy into electrical energy, the solar energy system being conductively coupled to the rechargeable electrical power system, such that the solar energy collected and converted into electrical energy recharges the rechargeable electrical power system(see column 2, lines 53-72);

and an electromechanical opening and closing system for opening and closing the canopy portion, the electromechanical opening and closing system being conductively coupled to and powered by the rechargeable electrical power system (shown in Figs, 1-6), the electromechanical opening and closing system comprising;

an electric motor carried by the pole portion (29);

a control system for controlling the electric motor (shown in Fig. 3);

a gear system coupled to the electric motor (21);

a cable and pulley system coupled to the gear system and the canopy portion (cable 15 and pulley 14;

wherein the opening and closing of the canopy portion is achieved by the electric motor in response to selective operation of the control system (col. 2, lines 42-52).

To achieve the structure recited in claims 6 and 7, Phyle must be altered to augment its structure with the rechargeable electrical power system, solar energy system and electromechanical opening and closing system of Small.

Motivation for such a substitution is provided by the fact that less exertion is required on the part of a user when an electromechanical systems assists in the opening and closing of the umbrella and the advantage provided by solar systems which recharge batteries without the need for the involvement of a human operator.

With regard to claim 59, referring to Figures 1 and 2 of Phyle, an umbrella apparatus (1) comprising:

a base support portion for supporting the umbrella apparatus in an upright orientation, the base support portion being coupled to the pole portion (the patio table which does not carry a reference number);

a pole portion (20);

a canopy portion (2) hingedly coupled to the pole portion (column 2, lines 58-67);

a crank housing coupled to the pole portion, the crank housing being adapted to partially house a system for opening and closing the canopy portion (housing 10 encompasses the pole

Art Unit: 3992

20 which inherently includes a mechanical connector impacting
slide 26) and

a lighting system carried by the canopy portion (lighting
devices 12).

What Phyle fails to teach is a rechargeable power system, a
switch disposed in the crank housing and a solar energy system.

These limitations are taught by Small.

Referring to Figures 1-3 of Small, an umbrella apparatus is
taught comprising:

a rechargeable electrical power system for providing
electrical power to the umbrella apparatus (35);

a switch (32) disposed in a crank housing (31) for
controlling the system for opening and closing the canopy
portion; and

a solar energy system (34) carried by the pole portion
above the canopy portion (Fig. 1), the solar energy system being
adapted to collect solar energy and convert the solar energy
into electrical energy, the solar energy system being
conductively coupled to the rechargeable electrical power
system, such that the solar energy collected and converted into
electrical energy recharges the rechargeable electrical power
system (see column 2; lines 53-72).

Art Unit: 3992

To achieve the structure recited in claim 59, Phyle must be altered to augment its structure with the rechargeable electrical power system, solar energy system and a switch (32) disposed in a crank housing of Small. Motivation for such a substitution is provided by the fact that less exertion is required on the part of a user when an electromechanical systems assists in the opening and closing of the umbrella and the advantage provided by solar systems which recharge batteries without the need for the involvement of a human operator. It should be noted that if Phyle was modified to include solar energy system 34 in the manner of Small, the location of 34 on the top of the central pole of the umbrella would remain fixed relative to the pole portion when the canopy is operated between an opened and a closed positioned as recited in claim 59.

With regard to claim 64, referring to Figures 1 and 2 of Phyle, an umbrella apparatus (1) comprising:

- a base support portion (the patio table which does not carry a reference number);

- a pole portion (20) coupled to the base support portion;

- a lighting system carried by the canopy portion (lighting devices 12) and

- a canopy portion (2) hingedly coupled to the pole portion (column 2, lines 58-67.

YOT-1003-1076

What Phyle fails to teach is a rechargeable power system and a solar energy system.

These limitations are taught by Small.

Referring to Figures 1-3 of Small, an umbrella apparatus is taught comprising:

a rechargeable electrical power system for providing electrical power to the umbrella apparatus (35); and

a solar energy system (34) contained by a discus-shaped power unit (the discus-shaped housing of solar energy system 34 can be viewed as the power unit or, alternatively, a battery such as 35 is discus-shaped; however, it should be noted that aesthetic design changes and changes in shape have been found to constitute unpatentable subject matter - see *In re Dailey*, 357 F.2d 669, 149 USPQ 47 (CCPA 1966) and *In re Seid*, 161 F.2d 229, 73 USPQ 431 (CCPA 1947)), the power unit being carried by the pole portion above the canopy portion (Fig. 1), the solar energy system being adapted to collect solar energy and convert the solar energy into electrical energy, the solar energy system being conductively coupled to the rechargeable electrical power system, such that the solar energy collected and converted into electrical energy recharges the rechargeable electrical power system(see column 2, lines 53-72).

Art Unit: 3992

To achieve the structure recited in claim 64, Phyle must be altered to augment its structure with the rechargeable electrical power system and solar energy system of Small.

Motivation for such a substitution is provided by the advantage provided by solar systems which recharge batteries without the need for the involvement of a human operator rather than the continual waste of using disposable batteries or the inconvenience of removing batteries such as 60 to recharge them.

With regard to claim 67, referring to Figures 1 and 2 of Phyle, an umbrella apparatus (1) comprising:

a base support portion (the patio table which does not carry a reference number);

a pole portion (20) coupled to the base support portion;

a canopy portion (2) hingedly coupled to the pole portion (column 2, lines 58-67);

a lighting system carried by the canopy portion (lighting devices 12)

What Phyle fails to teach is a rechargeable power system, a solar energy system and an *electromechanical* opening and closing system controlled by a switch (Phyle teaches a *mechanical* opening and closing system).

These limitations are taught by Small.

Referring to Figures 1-3 of Small, an umbrella apparatus is taught comprising:

a rechargeable electrical power system for providing electrical power to the umbrella apparatus (35);

a solar energy system (34) carried by the pole portion above the canopy portion (Fig. 1), the solar energy system being adapted to collect solar energy and convert the solar energy into electrical energy, the solar energy system being conductively coupled to the rechargeable electrical power system, such that the solar energy collected and converted into electrical energy recharges the rechargeable electrical power system(see column 2, lines 53-72);

and an electromechanical opening and closing system for opening and closing the canopy portion, the electromechanical opening and closing system being powered by the rechargeable electrical power system (shown in Figs, 1-6), and a switch (32) for controlling the electromechanical opening and closing system.

To achieve the structure recited in claim 67, Phyle must be altered to augment its structure with the rechargeable electrical power system, solar energy system and electromechanical opening and closing system of Small.

Motivation for such a substitution is provided by the fact

Art Unit: 3992

that less exertion is required on the part of a user when an electromechanical system assists in the opening and closing of the umbrella and the advantage provided by solar systems which recharge batteries without the need for the involvement of a human operator.

With regard to claims 68 and 69, referring to Figures 1 and 2 of Phyle, an umbrella apparatus (1) comprising:

a base support portion (the patio table which does not carry a reference number);

a pole portion (20) coupled to the base support portion;

a canopy portion (2) hingedly coupled to the pole portion (column 2, lines 58-67);

a lighting system carried by the canopy portion (lighting devices 12);

What Phyle fails to teach is a rechargeable power system, a solar energy system and an *electromechanical* opening and closing system controlled by a switch carried by the housing or located on the pole portion (Phyle teaches a *mechanical* opening and closing system).

These limitations are taught by Small.

Referring to Figures 1-3 of Small, an umbrella apparatus is taught comprising:

Art Unit: 3992

a rechargeable electrical power system for providing electrical power to the umbrella apparatus (35);

a solar energy system (34) carried by the pole portion above the canopy portion (Fig. 1), the solar energy system being adapted to collect solar energy and convert the solar energy into electrical energy, the solar energy system being conductively coupled to the rechargeable electrical power system, such that the solar energy collected and converted into electrical energy recharges the rechargeable electrical power system(see column 2, lines 53-72);

and an electromechanical opening and closing system for opening and closing the canopy portion, the electromechanical opening and closing system being powered by the rechargeable electrical power system (shown in Figs, 1-6), the electromechanical opening and closing system being partially housed in a housing coupled to the pole portion (31); and a switch (32) carried by the housing located on pole portion 10 for controlling the electromechanical opening and closing system.

To achieve the structure recited in claims 68 and 69, Phyle must be altered to augment its structure with the rechargeable electrical power system, solar energy system and electromechanical opening and closing system of Small.

YOT-1003-1081

Art Unit: 3992

Motivation for such a substitution is provided by the fact that less exertion is required on the part of a user when an electromechanical system assists in the opening and closing of the umbrella and the advantage provided by solar systems which recharge batteries without the need for the involvement of a human operator.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Phyle and Farr.

Referring to Figures 1 and 2 of Phyle, an umbrella apparatus (1) comprising:

a base support portion (the patio table which does not carry a reference number);

a pole portion (20) coupled to the base support portion;

and

a canopy portion (2) hingedly coupled to the pole portion (column 2, lines 58-67), the canopy portion having a plurality of rib members (22).

What Phyle fails to teach is a rechargeable power system, a solar energy system and a cooling system.

These limitations are taught by Farr.

Art Unit: 3992

Referring to Figures 1-6 of Farr, an umbrella apparatus is taught comprising:

a rechargeable electrical power system for providing electrical power to the umbrella apparatus (19);

a solar energy system (28) carried by the pole portion above the canopy portion (Fig. 1), the solar energy system being adapted to collect solar energy and convert the solar energy into electrical energy, the solar energy system being conductively coupled to the rechargeable electrical power system, such that the solar energy collected and converted into electrical energy recharges the rechargeable electrical power system (see paragraph 0034);

and a cooling system carried by the canopy portion the cooling system being conductively coupled to and powered by the rechargeable electrical power system (shown in Figs, 1-6), the cooling system comprising;

a fluid reservoir operably associated with the umbrella apparatus (20);

at least one mist nozzle carried by a rib member, each mist nozzle being in fluid communication with the fluid (31 is carried by rib 30 of Farr);

a conduit creating fluid communication between the fluid reservoir and each mist nozzle (29); and

Art Unit: 3992

a pump for pumping the fluid from the reservoir through each mist nozzle (23).

To produce the structure recited in claim 9, Phyle must be altered to augment its structure with the rechargeable electrical power system, solar energy system and cooling system of Farr. That would include attaching the water conduits taught by Farr conduits to the ribs of Phyle.

Motivation for such a substitution is provided by the fact solar systems recharge batteries without the need for the involvement of a human operator and the advantages of a cooling mist for "soothing and cooling" are cited by Farr in paragraph 0020.

VI.) Status of the Previous Objection and Rejections

The objection to claim 72 is withdrawn.

The following rejections were previously made by the Office:

- 1.) Claims 59, 61, 73 and 74 are rejected under 35 U.S.C. 314(a) as enlarging the scope of the claims of the patent being reexamined (page 4).

The rejection of claims 59, 61, 73 and 74 under 35 U.S.C. 314(a) as enlarging the scope of the claims of the patent being reexamined is withdrawn. The amendments to these claims have overcome this prior rejection.

- 2.) Claims 45-48, 51, 55-71 and 73-74 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement (page 8).

The rejection of claims 45, 46, 48, 51, 59, 62, 63, 66 and 73 under 35 U.S.C. 112, first paragraph, as failing to comply

Art Unit: 3992

with the written description requirement is maintained for reasons explained in section III above.

The rejection of claims 47, 55-58, 60, 61, 64, 65, 67-71 and 74 under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement is withdrawn. The amendments to these claims have overcome this prior rejection.

3.) Claim 56 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention (page 15).

The rejection of claim 56 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention is withdrawn. The amendment to this claim has overcome this prior rejection.

4.) Claims 1 and 73 are rendered obvious by WO 93/00840 and Valdner under 35 USC § 103 (page 22).

The rejection of claim 1 as being rendered obvious by WO 93/00840 and Valdner under 35 USC § 103 is withdrawn. The rejection of claim 1 as being rendered obvious by WO 93/00840 and Valdner under 35 USC § 103 is withdrawn because it is agreed that WO 93/00840 does not teach "a lighting system carried by the canopy portion, the lighting system being conductively coupled to and powered by the rechargeable electrical power system, the lighting system having multiple discrete lighting elements positioned along at least one of the rib members". Valdner also does not teach the same.

The rejection of claim 73 as being rendered obvious by WO 93/00840 and Valdner under 35 USC § 103 is maintained because WO 93/00840 is seen as teaching the newly added features as explained in section V.

5.) Claims 2 and 5 are rendered obvious by WO 93/00840 and Phyle under 35 USC § 103 (page 27).

The rejection of claims 2 and 5 as being rendered obvious by WO 93/00840 and Phyle under 35 USC § 103 is withdrawn. The rejection of claims 2 and 5 as being rendered obvious by WO 93/00840 and Phyle under 35 USC § 103 is withdrawn because it is

Art Unit: 3992

agreed that WO 93/00840 does not teach "a power module carried by the pole portion above the canopy portion, the power module having an upper portion and a lower portion", "the rechargeable electrical power system being disposed in the lower portion of the power module" and the "solar energy system carried by the upper portion". Phyle also does not teach the same.

6.) Claims 2, 5 and 74 are rendered obvious by Phyle and Valdner under 35 USC § 103 (page 31).

The rejection of claims 2, 5 and 74 as being rendered obvious by Phyle and Valdner under 35 USC § 103 is withdrawn. The rejection of claims 2 and 5 as being rendered obvious by Phyle and Valdner under 35 USC § 103 is withdrawn because it is agreed that Phyle does not teach "a power module carried by the pole portion above the canopy portion, the power module having an upper portion and a lower portion", "the rechargeable electrical power system being disposed in the lower portion of the power module" and the "solar energy system carried by the upper portion". Valdner also does not teach the same.

7.) Claims 2 and 4 are rendered obvious by WO 93/00840 and Pan or Wu or JP 9-168415 or Mai or Yang under 35 USC § 103.

The rejection of claims 2 and 4 as being rendered obvious by WO 93/00840 and Pan or Wu or JP 9-168415 or Mai or Yang under 35 USC § 103 is withdrawn. The rejection of claims 2 and 4 as being rendered obvious by WO 93/00840 and Pan or Wu or JP 9-168415 or Mai or Yang under 35 USC § 103 is withdrawn because it is agreed that WO 93/00840 does not teach "a power module carried by the pole portion above the canopy portion, the power module having an upper portion and a lower portion", "the rechargeable electrical power system being disposed in the lower portion of the power module; a solar energy system carried by the upper portion of the power module". Pan, Wu, JP 9-168415, Mai and Yang also do not teach the same.

8.) Claim 4 is rendered obvious by Phyle and Valdner and Wu or Pan or JP 9-168415 or Yang or Mai under 35 USC § 103 (page 31).

The rejection of claim 4 as being rendered obvious by Phyle and Valdner and Wu or Pan or JP 9-168415 or Yang or Mai under 35 USC § 103 is withdrawn. The rejection of claim 4 as being rendered obvious by Phyle and Valdner and Wu or Pan or JP 9-

Art Unit: 3992

168415 or Yang or Mai under 35 USC § 103 is withdrawn because it is agreed that Phyle does not teach "a power module carried by the pole portion above the canopy portion, the power module having an upper portion and a lower portion", "the rechargeable electrical power system being disposed in the lower portion of the power module" and the "solar energy system carried by the upper portion". Valdner, Wu, Pan, JP 9-168415, Yang and Mai also do not teach the same.

9.) Claims 6 and 7 are rendered obvious by Phyle and Small (page 41).

The rejection of claims 6 and 7 as rendered obvious by Phyle and Small under 35 USC § 103 is maintained because Small is seen as teaching the newly added features as explained in section V.

10.) Claim 9 is rendered obvious by Phyle and Farr (page 44).

The rejection of claim 9 as rendered obvious by Phyle and Farr under 35 USC § 103 is maintained because the combination of Phyle and Farr is seen as teaching the newly added features as explained in section V.

11.) Claims 49, 50 and 72 are rendered obvious by WO 93/00840 and Morgan or Rushing or Pan or JP 9-168415 or Mai under 35 USC § 103 (pages 46-51).

The rejection of claims 49, 50 and 72 as being rendered obvious by WO 93/00840 and Morgan or Rushing or Pan or JP 9-168415 or Mai under 35 USC § 103 is withdrawn. The rejection of claims 40, 50 and 72 as being rendered obvious by WO 93/00840 and Morgan or Rushing or Pan or JP 9-168415 or Mai under 35 USC § 103 is withdrawn because it is agreed that WO 93/00840 does not teach "each lighting element being recessed within the rib member and being conductively coupled to the rechargeable electrical power system by an electrical conductor, the electrical conductor also being recessed within the rib member". Morgan, Rushing, Pan, JP 9-168415 and Mai also do not teach the same.

12.) Claims 51 and 55 are rendered obvious by WO 93/00840 and Lee '856 under 35 USC § 103 (pages 46-51).

The rejection of claims 51 and 55 as being rendered obvious by WO 93/00840 and Lee '856 under 35 USC § 103 is withdrawn.

The rejection of claim 51 as being rendered obvious by WO 93/00840 and Lee '856 under 35 USC § 103 is withdrawn because it is agreed that WO 93/00840 does not teach "translucent covers for covering the lighting elements" or "a power unit coupled to the pole portion above the canopy portion" that is "releasably coupled to the pole portion". Lee '856 also does not teach the same. It is noted that Walker teaches translucent covers as recited. Further, claim 55 requires that each of the multiple discrete lighting elements positioned along a rib member are fully recessed and neither WO 93/00840 nor Lee '856 teach the same.

13.) Claim 54 is rendered obvious by WO 93/00840 and Pan or JP 9-168415 or Mai under 35 USC § 103 (pages 46-51).

The rejection of claim 54 as being rendered obvious by WO 93/00840 and Pan or JP 9-168415 or Mai under 35 USC § 103 is withdrawn. The rejection of claim 54 as being rendered obvious by WO 93/00840 and Pan or JP 9-168415 or Mai under 35 USC § 103 is withdrawn for the same reason that claim 49 has not been rejected using these same references.

15.) Claims 49, 50 and 72 are rendered obvious by Phyle and Valdner, and Morgan or Rushing or Pan or JP 9-168415 or Mai under 35 USC § 103 (pages 52-55).

The rejection of claims 49, 50 and 72 as being rendered obvious by Phyle and Valdner, and Morgan or Rushing or Pan or JP 9-168415 or Mai under 35 USC § 103 is withdrawn. The rejection of claims 49, 50 and 72 as being rendered obvious by Phyle and Valdner, and Morgan or Rushing or Pan or JP 9-168415 or Mai under 35 USC § 103 is withdrawn because it is agreed that Phyle and Valdner does not teach "each lighting element being recessed within the rib member and being conductively coupled to the rechargeable electrical power system by an electrical conductor, the electrical conductor also being recessed within the rib member". Morgan, Rushing, Pan, JP 9-168415 and Mai also do not teach the same.

16.) Claims 51 and 55 are rendered obvious by Phyle and Valdner, and Lee '856 under 35 USC § 103 (pages 52-55).

The rejection of claims 51 and 55 as being rendered obvious by Phyle and Valdner and Lee '856 under 35 USC § 103 is withdrawn. The rejection of claim 51 as being rendered obvious

Art Unit: 3992

by Phyle and Valdner and Lee '856 under 35 USC § 103 is withdrawn because it is agreed that Phyle and Valdner do not teach "translucent covers for covering the lighting elements" or "a power unit coupled to the pole portion above the canopy portion" that is "releasably coupled to the pole portion". It is noted that Walker teaches translucent covers as recited. Lee '856 also does not teach the same. Further, claim 55 requires that each of the multiple discrete lighting elements positioned along a rib member are fully recessed and Phyle, Valdner and Lee '856 do not teach the same.

17.) Claim 54 is rendered obvious by Phyle and Valdner, and Pan or JP 9-168415 or Mai under 35 USC § 103 (pages 52-55).

The rejection of claim 54 as being rendered obvious by Phyle and Valdner, and Pan or JP 9-168415 or Mai under 35 USC § 103 is withdrawn. The rejection of claim 54 as being rendered obvious by Phyle and Valdner, and Pan or JP 9-168415 or Mai under 35 USC § 103 is withdrawn for the same reason that claim 49 has not been rejected using these same references.

18.) Claims 57 and 58 are rendered obvious by Phyle, Small and Valdner under 35 USC 103 (pages 55-58).

Application/Control Number: 95/000,104
Art Unit: 3992

Page 59

The rejection of claims 57 and 58 as being rendered obvious by Phyle, Small and Valdner under 35 USC § 103 is withdrawn. The rejection of claim 54 as being rendered obvious by Phyle, Small and Valdner under 35 USC § 103 is withdrawn at least for the reason that "the conductors being recessed within the rib members". Lee '224 is not available as prior art for claims 57 and 58 because it appears that these claims are entitled to the filing dates of the provisional applications.

YOT-1003-1095

VII.) Response to Patent Owner's Arguments⁴

Patent Owner's arguments that the objection to claim 72, the rejection of claim 56 under 35 USC 112, second paragraph and the rejection of claims 59, 61, 73 and 74 under 35 USC 314 should be withdrawn are accepted.

With regard to the rejections under 35 USC 112, first paragraph, Patent Owner states that "the amendments to Claims 45-48, 51, 55-57, 59-70, 73, and 74 overcome the Examiner's rejections under 35 U.S.C. § 112, First Paragraph." Arguments were presented only for claim 59 insofar as Patent Owner asserted that a base member when present is not always coupled to a pole member. In support of that position, Figures 2A-2C and column 6, line 44-column 7, line 28, column 8, line 61-column 9, line 39 are cited by Patent Owner as evidence that the pole portion is removable from the base member. Although it is noted that the Figures cited are not very informative regarding this issue and the cited text does not expressly state that the pole portion is removable from the base, insofar as col. 6 lines 46-48 disclose that the pole is only secured to the base by

⁴ Unless otherwise noted, the arguments addressed are taken from Patent Owner's April 21, 2009 response.

Art Unit: 3992

screw clamps 174 and 176, this feature is believed inherent and Patent Owner's point is well taken. That said, the amendatory language newly added to claim 59 raises further issues under 35 USC 112, first paragraph.

No arguments are presented with regard to the prior rejection of claims 51, 55, 60 and 62 as encompassing "partially recessed" wiring or lighting elements. Instead the claims have been amended such that the term "partially recessed" is no longer used albeit claims 51 and 62 are still rejected as new language was inserted into claim 51 which covers "partially recessed" elements and the issue with regard to a lack of support for recessed LED elements was not addressed in claim 62. Accordingly, lighting elements or wiring that are referenced as being "recessed" will be construed as being fully recessed.

The argument that the rejection of claims 1 and 73 with reliance on WO 93/00840 and Valdner should be withdrawn is accepted only with regard to claim 1 although it is noted that claim 1 is now rejected with reliance on WO 93/00840, Small and Pan or Wu or JP 9-168415 or Mai or Yang. In contrast, the amendatory language added to claim 73 does not overcome the prior rejection with reliance on WO 93/00840 and Valdner for reasons explained in section V.

YOT-1003-1097

The argument that the rejection of claims 2, 5 and 74 with reliance on Phyle and Valdner should be withdrawn is accepted for reasons explained in section VI.

The argument that the rejection of claims 2 and 5 with reliance on WO 93/00840 and Phyle should be withdrawn is accepted for reasons explained in section VI.

The argument that the rejection of claims 2 and 4 with reliance on WO 93/00840 and Pan or Wu or JP 9-168415 or Mai or Yang should be withdrawn is accepted for reasons explained in section VI.

The argument that the rejection of claim 4 with reliance on Phyle and Valdner and Wu or Pan or JP 9-168415 or Yang or Mai should be withdrawn is accepted for reasons explained in section VI.

The argument that the rejection of claims 6 and 7 with reliance on Phyle and Small should be withdrawn is not accepted for reasons explained in section V.

With regard to claim 9, Patent Owner proposes to overcome the previous rejection with reliance on Phyle and Farr by adding to claim 9 the limitations "the canopy having a plurality of rib members" and that at least one mist nozzle "carried by a rib member". The combination of Phyle and Farr renders obvious claim 9 for the reasons explained in section V.

The argument that the rejection of claims 49, 50 and 72 with reliance on WO 93/00840 and Morgan or Rushing or Pan or JP 9-168415 or Mai should be withdrawn is accepted for reasons explained in section VI.

On the first paragraph of page 39 of Patent Owner's remarks, a number of rejections are grouped together for traversal. It is agreed that the rejections mentioned therein should be withdrawn but for reasons explained in section VI.

The argument that the rejection of claims 57 and 58 with reliance on Phyle, Small and Valdner should be withdrawn is accepted for reasons explained in section VI.

Patent Owner statement that claims 10-14 stand confirmed is correct. Claims 3 and 8 have also been found to be patentable.

Claims 52 and 53 were formerly found to be patentable as noted by Patent Owner on page 43 of the remarks.

Patent Owner points out that page 77 of the December 5, 2006 Office action erroneously stated "The proposed rejection of claim 52 as being unpatentable under 35 USC 112, first paragraph is adopted." Patent Owner is correct that there was no intention to reject claim 52 under 35 USC 112, first paragraph and that the quoted text was in error.

In the Second Declaration under 37 CFR 1.131 (hereafter "the Kuelbs declaration", the inventor of the base patent,

Gregory G. Kuelbs, attempts to establish invention of the claimed subject matter prior to April 30, 1999. According to Patent Owner's Communication, the Kuelbs declaration seeks to disqualify as prior art at least the following references:

Cathel, Lee '856, Mai, Pan, Lee '224, Yang, Molnar, Vivian, Farr, and Lai.

It is first noted that patent application publication Vivian was published on April 7, 2005 and filed on August 31, 2004, accordingly, it already does not qualify as prior art under 35 USC 102 whether or not the base patent is entitled to either of the filing dates of the related provisional applications. In contrast, Mai is a divisional of U.S. Patent No. 5,954,417 filed September 3, 1998 which shares the same specification and has a patent date of September 21, 1999 and this parent patent is available as prior art even if Patent Owner successfully disqualifies Mai as prior art. Also, claims 1, 45, 46, 48, 51, 54, 59, 62, 63, 66 and 73 have been rejected above as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. It is further noted that provisional applications

60/335,933 and 60/267,018 also do not support the subject matter in these claims. Accordingly, the effective filing date of the base patent, for those particular claims, is February 7, 2002. Likewise, claims 1, 2, 4-7, 45-48, 51, 56, 61, 64-66 and 74 are not supported by provisional application 60/267,018. Claims 1, 2, 4-7, 45-48, 51, 56, 61, 64-66, and 74 recite a module or a power unit which carries the solar energy system and provisional application 60/267,018 does not disclose a "module" or "power unit". Rather, the solar cell is carried directly atop the pole.

Although it is seen that the provisional application 60/267,018 does not provide support for a "module" or "power unit", it is also noted that provisional application 60/335,933 does. Accordingly, claims 2, 4-7, 47, 56, 61, 64, 65 and 74 are entitled to an effective filing date no earlier than November 2, 2001 for the foregoing reasons. The reasons that claims 1, 45, 46, 48, 51, 54, 59, 62, 63, 66 and 73 are entitled to an effective filing date no earlier than February 7, 2002 have already been explained.

Since Wu was patented on October 3, 2000, a statutory bar exists for this reference with respect to at least claims 1, 2, 4-7, 45-48, 51, 54, 56, 59, 61-66, 73 and 74. Since Lai was

patented on February 6, 2001, a statutory bar exists for this reference with respect to at least claims 1, 45, 46, 48, 51, 54, 59, 62, 63, 66 and 73 and a declaration under 37 CFR 1.131 is not appropriate.

With regard to Lee '856 (filed 5/22/01), this reference qualifies as prior art with regard to at least claims 1, 2, 4-7, 45-48, 51, 54, 56, 59, 61-66, 73 and 74 which are not supported by provisional application 60/267,018 (and in some case, unsupported by 60/335,933 but the effective filing date of Lee '856 proceeds the effective filing date of 60/335,933.) With regard to Lee '224 (filed 11/7/01), this reference only qualifies as prior art with regard to claims 1, 45, 46, 48, 51, 54, 59, 62, 63, 66 and 73 which are not supported by either of provisional applications 60/335,933 and 60/267,018.

Returning to the references that the Kuelbs declaration seeks to disqualify as prior art - Cathel, Lee '856, Mai, Pan, Lee '224, Yang, Molnar, Vivian, Farr, and Lai - certain of these references were previously used to reject claims 2, 4, 9, 49, 50, 51, 54, 55 and 72. It is noted that claim 2 requires that the canopy is "hingedly" connected to the pole, that a power module has an upper and lower portion with a rechargeable power system in the lower portion and the solar system in the upper portion that a solar energy system recharges a rechargeable

electrical power system (the Exhibits dated April 1999 only suggest that the solar panel powers LED or cold cathode lights.) Claim 4 depends from claim 2 and implicitly includes the same limitations as well as LEDs that are powered by the rechargeable electrical power source. Claims 49, 51 and 72 also requires that the canopy is "hingedly" connected to the pole and a solar energy system that recharges a rechargeable electrical power system. Claims 50 and 54 depend from claim 49 and implicitly include the same limitations. Claim 55 now depends from claim 52 which requires that the canopy is "hingedly" connected to the pole and a solar energy system that recharges a rechargeable electrical power system. Exhibits A-E and V, which appear to be addressed to the issues of proving conception of the invention and actual reduction to practice, don't address the before mentioned features. In fact, hinges, a canopy (the claims distinguish the canopy from the umbrella ribs) or modules are not mentioned therein. The fact that the Declaration does not properly address the conception and actual reduction to practice of the whole claimed invention for which the references in question were applied is problematic unless the claimed material left unaddressed is obvious. More specifically, MPEP states the following: "Even if applicant's 37 CFR 1.131 affidavit is not fully commensurate with the rejected claim, the applicant can

still overcome the rejection by showing that the differences between the claimed invention and the showing under 37 CFR 1.131 would have been obvious to one of ordinary skill in the art, in view of applicant's 37 CFR 1.131 evidence, prior to the effective date of the reference(s) or the activity." Thus, if Patent Owner wishes to make an admission on the record that the claimed subject matter which is not properly addressed in the Declaration is obvious, then the absence of the same subject matter from the submitted evidence potentially could be overcome as a barrier. However, Patent Owner is advised that there are several other deficiencies within the Declaration that would not be overcome by making such an admission.

MPEP 715.07(III) lists three ways in which an affidavit or declaration may be successful under 37 CFR 1.131:

"(A) actual reduction to practice of the invention prior to the effective date of the reference; or

(B) conception of the invention prior to the effective date of the reference coupled with due diligence from prior to the reference date to a subsequent actual reduction to practice; or

(C) conception of the invention prior to the effective date of the reference coupled with due diligence from prior to the reference date to the filing date of the application (constructive reduction to practice)."

Here, Patent Owner alleges actual reduction to practice of the invention prior to the effective dates of the references in question. In undertaking the approach referred to above in paragraph "A", Patent Owner, if successful, would not be required to show due diligence. Further, even if the approach in paragraph A failed, Patent Owner would still be able to pursue the approaches of paragraphs B and C above providing, as a new starting point, that "conception of the invention prior to the effective date of the reference" is shown.

Regarding the question of whether the declaration shows "conception of the invention prior to the effective date of the reference", it is noted that in order to prove the same there must be a showing that, before the relevant dates, there was "the formation in the mind of the inventor of a definite and permanent idea of the complete and operative invention as it is thereafter to be applied in practice..." *Townsend v. Smith*, 36 F.2d 292, 295, 4 USPQ 269, 271 (CCPA 1930).

Regarding the question of whether the Declaration shows "actual reduction to practice of the invention prior to the effective date of the reference", it is noted that in order to prove actual reduction to practice, there must be a showing "that the apparatus actually existed and worked for its intended purpose" MPEP 715.07 (III.) The Declaration must provide such a

showing through statements of fact, not opinions, and must produce documentary evidence and exhibits in support thereof

(MPEP 715.07 III.)

Turning to exhibit A, the passport copies merely shows that Mr. Kuelbs traveled to China. Exhibit B doesn't show all of the features alleged in the Declaration. Firstly, it is not agreed that the drawing and text is "clearly seen and labeled". Also, this exhibit includes many cryptic comments that the exhibit attempts to supplement. For instance, "What size?" is translated to "What size batteries?" Rather than portraying the idea of the invention as a "definite and permanent idea", such questions suggest a great deal of uncertainty regarding how the invention could take form as of the date of this exhibit. Certainly, the invention could not have been reduced to practice if the inventor was unknowledgeable regarding fundamental questions such as what type of light was "better to use" and how to meet the power requirements of the lights.

Similar problems are present with regard to exhibit C and, in addition, the declaration argues that this diagram supports "partially recessed" LED bulbs even though there is no disclosure of the same in the base patent. Thus, the inventor made a major alteration to the design after April 1999 by substituting fully recessed cold cathode bulbs for the partially

recessed LED bulbs depicted in Exhibit C. Likewise, Exhibit D states "Let LED stick out", suggesting that a partially recessed LED is depicted therein although the base patent does not support the same. Turning to Exhibit V, it is noted that, although MPEP 715.07 does allow as evidence "attached supporting statements by witnesses, where verbal disclosures are the evidence relied upon" Ex parte *Ovshinsky*, 10 USPQ2d 1075 (Bd. Pat. App. & Inter. 1989), Ms. Kao does not include a statement attesting to the truth of her recollections nor does paragraph 32 of the Declaration provided by Mr. Kuelbs cover her statements. In other words, it does not appear that anyone, even Mr. Kuelbs, has attested to the accuracy of the recollections within Exhibit V. Further, even accepting arguendo the accuracy of Ms. Kao's recollections, they reflect uncertainty on the part of the inventor regarding the form the invention should take, for example - "The batteries and charging circuit board were to be mounted in the same housing as the solar panel or just under the fabric cover near or where the umbrella ribs connected at the top. We were to considered benefits and tooling costs of both."

As admitted in the Declaration, exhibit E truly does include "a crude sketch" and it is impossible to be certain regarding what the inventor intended to show therein. Likewise,

the handwriting is difficult to decipher and seems to only indicate the presence of an "up-down" motor, a battery, and wire and a water supply in the ribs but there is no indication that the inventor had conceived of the manner of accomplishing the few broad objectives suggested.

Exhibits F-N appear to have been submitted to show that the inventor was "diligently working"; however, insofar as the Declaration has not shown "conception of the invention prior to the effective date of the reference" prior to the date of these notes, the Declaration cannot be successful without that key component. Further, even assuming arguendo that the Declaration had established conception of the invention on the dates alleged in the Declaration (i.e., April or June of 1999), it is not agreed that there is sufficient evidence to show diligence from the substantial time periods between the dates of the exhibit. For example, what activities did the inventor pursue that show diligence between the July 1999 trip until the September note shown in Exhibit I or the October 1999 activities to November 2000 work with Mr. Quillen and Mr. Hunn?

The former gap of time covers approximately a year during the critical period at issue here. The entire time period where diligence is required, i.e. the critical period, must be

Art Unit: 3992

accounted for by either acts or acceptable excuses. *Gould v. Schawlow*, 150 USPQ 634, 643 (CCPA 1966). The USPTO will not speculate on possible explanations for any inactivity. *In re Nelson*, 164 USPQ 458 (CCPA 1970). "[I]t is not enough merely to allege that applicant or patent owner had been diligent. Rather, applicant must show evidence of facts establishing diligence." MPEP 715.07(a) (citation omitted); see also *Smollar v. Cawley*, 31 USPQ2d 1506, 1508 (B.P.A.I. 1993) (citing *Wiesner v. Weigert*, 212 USPQ 721 (CCPA 1981)).

Relevant to the facts of this case are *D'Amico v. Koike*, 146 USPQ 132 (CCPA 1965) and *Bey v. Kollonitsch*, 231 USPQ 967, 970 (Fed. Cir. 1986). In *D'Amico v. Koike*, an unexplained one month period of time during the critical period was found to be excessive. Furthermore, even a 2-day period lacking activity has been held to be fatal. *In re Mulder*, 716 F.2d 1542, 1545, 219 USPQ 189, 193 (Fed. Cir. 1983.)

The Declaration filed on February 7, 2007 under 37 CFR 1.131 has been considered but is ineffective to overcome the *Cathel, Lee '856, Mai, Pan, Lee '224, Yang, Molnar, Vivian, Farr, and Lai* references.

The evidence submitted is insufficient to establish a reduction to practice of the invention in this country or a

Art Unit: 3992

NAFTA or WTO member country prior to the effective date of the Cathel, Lee '856, Mai, Pan, Lee '224, Yang, Molnar, Vivian, Farr, and Lai references. See the discussion above.

The evidence submitted is insufficient to establish a conception of the invention prior to the effective date of the Cathel, Lee '856, Mai, Pan, Lee '224, Yang, Molnar, Vivian, Farr, and Lai references. While conception is the mental part of the inventive act, it must be capable of proof, such as by demonstrative evidence or by a complete disclosure to another. Conception is more than a vague idea of how to solve a problem. The requisite means themselves and their interaction must also be comprehended. See *Mergenthaler v. Scudder*, 1897 C.D. 724, 81 O.G. 1417 (D.C. Cir. 1897). See also the discussion above.

The evidence submitted is insufficient to establish diligence from a date prior to the date of the Cathel, Lee '856, Mai, Pan, Lee '224, Yang, Molnar, Vivian, Farr, and Lai references to either a constructive reduction to practice or an actual reduction to practice. See the discussion above.

Lastly, it is noted that the Declaration seeks to establish invention of the claimed subject matter prior to April 30, 1999 but the earliest dated exhibit depicting claimed subject matter is dated "4-99". Since only the month and year are given, clearly this document could have been written on the last day of

Application/Control Number: 95/000,104
Art Unit: 3992

Page 75

clearly this document could have been written on the last day of the month - April 30, 1999.

Patent Owner states that "Claim 55 remains dependent upon claim 51" (page 41); however, claim 55 now depends from claim 52. Accordingly, Patent Owners arguments regarding claim 55 are not well-taken because such arguments incorrectly assume that claim 55 incorporates the limitations of claim 51.

YOT-1003-1111

VIII.) Reasons for Confirmation/Patentability

Claim 2 is patentable because none of the art of record teach an umbrella apparatus including "a power module carried by the pole portion above the canopy portion, the power module having an upper portion and a lower portion", "the rechargeable electrical power system being disposed in the lower portion of the power module" and "a solar energy system carried by the upper portion of the power module".

Claims 4 and 5 are confirmed insofar as they depend from confirmed claim 2.

Claim 3 is patentable because none of the art of record teach "a plurality of cold cathode tube elements" and there is no evidence of record that the use of such tubes attached to the ribs of an umbrella is well-known.

Claim 8 is patentable because of the limitations of "an electromechanical opening and closing system" that is "conductively coupled to and powered by the rechargeable electrical power system" which is recharged by a solar energy system and includes "a control system" comprising "a receiver", "a remote transmitter" and "a decoder". It should be noted that Small teaches "an electromechanical opening and closing system"

that is "conductively coupled to and powered by the rechargeable electrical power system" which is recharged by a solar energy system. Thus, the limitations of "a control system" comprising "a receiver", "a remote transmitter" and "a decoder" are necessary for a finding of patentability.

Claim 10 is confirmed because none of the art of record teach "a combination of two or more of the following modular systems: a lighting system carried by the canopy portion; an electromechanical opening and closing system for opening and closing the canopy portion; or a cooling system; wherein each modular system is configured to be interchanged with each other, each modular system being conductively coupled to and powered by the rechargeable electrical power system."

Claim 11 is confirmed insofar as it depends from confirmed claim 10.

Claim 12 is confirmed insofar as it depends from confirmed claim 10 but it is noted that Figure 1 of Pan et al. teaches a plurality of light emitting diode elements (5) carried by the rib elements (3).

Claim 13 is confirmed insofar as it depends from confirmed claim 10.

Claim 14 is confirmed insofar as it depends from confirmed claim 10.

Claim 49 is patentable because none of the art of record which qualify as prior art under 35 USC 102 for this claim teach an umbrella apparatus including multiple discrete lighting elements positioned along a rib member wherein each lighting element is recessed within the rib member and being conductively coupled to the rechargeable electrical power system by an electrical conductor, the electrical conductor also being recessed within the rib member.

Claim 50 is patentable insofar as it depends from patentable claim 49.

Claim 52 is patentable insofar as it requires multiple discrete lighting elements positioned along a rib member wherein each lighting element is fully recessed within the corresponding rib member. None of the references of record which qualify as prior art under 35 USC 102 for this claim teach the same.

Claims 53 and 55 depend from claim 52 and, accordingly, are patentable for at least the same reasons.

Claim 56 is patentable insofar as it requires an umbrella apparatus in which "the rechargeable electrical power system and the solar system each form a separate component part of a power module that is carried by the pole portion above the canopy portion.

Claim 57 is patentable insofar as it requires an umbrella apparatus including "a lighting system carried by the canopy portion, the lighting system being conductively coupled to and powered by the rechargeable electrical power system, the lighting system comprising a plurality of discrete lighting elements carried by the rib members, each lighting element being conductively coupled to and powered by the rechargeable electrical power system via conductors, the conductors being recessed within the rib members" and the references which qualify as prior art under 35 USC 102 for this claim do not teach the same.

Claim 58 depends from claim 57 and is patentable for at least the same reasons.

Claim 60 is patentable because none of the art of record which qualify as prior art under 35 USC 102 for this claim teach an umbrella apparatus including a plurality of lighting elements, each lighting element being recessed within a corresponding a rib member and being covered by a translucent cover carried by the corresponding rib member.

Claim 61 is patentable insofar as it requires an umbrella apparatus including "a power unit carried by the pole portion above the canopy portion", "the rechargeable electrical power

Art Unit: 3992

system forming a component part of the power unit" and "the solar energy system also forming a component part of the power unit".

Claim 65 is patentable insofar as it requires an umbrella apparatus including "a solar energy system contained in a discus-shaped module, the discus-shaped module being carried by the pole portion above the canopy portion" as recited in claim 64 from which it depends with the addition of the limitation of "wherein the discus-shaped module is releasably coupled to the pole portion".

Claim 70 is patentable insofar as it requires an umbrella apparatus including "a lighting system carried by the canopy portion, the lighting system being conductively coupled to and powered by the rechargeable electrical power system, the lighting system comprising a plurality of lighting elements carried by the rib members, each lighting element being disposed within the channel and being conductively coupled to and powered the rechargeable electrical power source" and the references which qualify as prior art under 35 USC 102 for this claim do not teach the same.

Claim 71 depends from claim 70 and is patentable for at least the same reasons.

Claim 72 is patentable insofar as it requires an umbrella apparatus including "a lighting system carried by the canopy portion, the lighting system being conductively coupled to and powered by the rechargeable electrical power system, wherein the lighting system comprises: a plurality of discrete lighting elements carried by each rib member, wherein each lighting element is conductively coupled to and powered by the rechargeable electrical power system via conductors and is recessed within a corresponding rib member" and the references which qualify as prior art under 35 USC 102 for this claim do not teach the same.

Claim 74 is patentable insofar as it requires an umbrella apparatus including "a power module carried by the pole portion above the canopy portion, the power module having an upper portion and a lower portion, a rechargeable electrical power system for providing electrical power to the umbrella apparatus, the rechargeable electrical power system disposed in the lower portion of the power module; a solar system disposed in the upper portion of the power module".

IX.) Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.**

The patent owner is reminded of the continuing responsibility under 37 CFR 1.985(a), to apprise the Office of any litigation activity, or other prior or concurrent proceeding, involving Patent No. 6,612,713 throughout the course of this reexamination proceeding. The third party requester is also reminded of the ability to similarly apprise the Office of any such activity or proceeding throughout the course of this reexamination proceeding. See MPEP 2686 and 2686.04.

All correspondence relating to this *inter partes* reexamination proceeding should be directed:

By Mail to: Mail Stop *Inter Partes* Reexam
Attn: Central Reexamination Unit
Commissioner for Patents
United States Patent & Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX to: (571) 273-9900
Central Reexamination Unit

By hand: Customer Service Window
Randolph Building

Application/Control Number: 95/000,104

Page 83

Art Unit: 3992

401 Dulany Street
Alexandria, VA 22314


Registered users of EFS-Web may alternatively submit such correspondence via the electronic filing system EFS-Web, at <https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html>. EFS-Web offers the benefit of quick submission to the particular area of the Office that needs to act on the correspondence. Also, EFS-Web submissions are "soft scanned" (i.e., electronically uploaded) directly into the official file for the reexamination proceeding, which offers parties the opportunity to review the content of their submissions after the "soft scanning" process is complete.

Any inquiry concerning this communication or earlier communications from the examiner, or as to the status of this proceeding, should be directed to the Central Reexamination Unit at telephone number (571) 272-7705.



Margaret Rubin
Primary Examiner
Central Reexamination Unit 3992

/James Menefee/ - Primary Examiner CRU 3992
conferee


conferee

YOT-1003-1119

951000,104 IDS filed 10/27/09

Doc code: IDS

Doc description: Information Disclosure Statement (IDS) Filed

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

PTO/SB/08a (06-09)

Approved for use through 06/30/2009. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	95000104
	Filing Date	2003-09-02 8/12/05
	First Named Inventor	GREGORY G. KUELBS
	Art Unit	3992
	Examiner Name	Margaret Wambach Rubin
	Attorney Docket Number	0664MH-40982-REX

U.S.PATENTS								
Examiner Initial*	Cite No	Patent Number	Kind Code ¹	Issue Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear		
MR	1	3878387		1975-04-15	Kovacic, Zarko			
MR	2	5957717		1999-09-28	Monsef et al.			
MR	3	6280874	B1	2001-08-28	Hensley et al.			
If you wish to add additional U.S. Patent citation information please click the Add button.								
U.S.PATENT APPLICATION PUBLICATIONS								
Examiner Initial*	Cite No	Publication Number	Kind Code ¹	Publication Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear		
MR	1	20040031510	A1	2004-02-19	Li, Wanda Y.			
If you wish to add additional U.S. Published Application citation information please click the Add button.								
FOREIGN PATENT DOCUMENTS								
Examiner Initial*	Cite No	Foreign Document Number ³	Country Code ² j	Kind Code ⁴	Publication Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear	T ⁵
	1							<input type="checkbox"/>


951000,104 IDS filed 10/27/09

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number		95000104
	Filing Date		2003-09-02 8/12/05
	First Named Inventor	GREGORY G. KUELBS	
	Art Unit	3992	
	Examiner Name	Margaret Wambaeh Rubin	
	Attorney Docket Number	0664MH-40982-REX	

If you wish to add additional Foreign Patent Document citation information please click the Add button

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, pages(s), volume-issue number(s), publisher, city and/or country where published.	T ⁵
	1		<input type="checkbox"/>

If you wish to add additional non-patent literature document citation information please click the Add button

EXAMINER SIGNATURE			
Examiner Signature		Date Considered	0 11/21/09

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ See Kind Codes of USPTO Patent Documents at www.USPTO.GOV or MPEP 901.04. ² Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). ³ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁴ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁵ Applicant is to place a check mark here if English language translation is attached.



09/29/08

PTO/SB/08a (05-07)

Approved for use through 11/30/2007. OMB 0851-0031

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	95000104
	Filing Date	2005-08-12
	First Named Inventor	Gregory G. Kuelbs
	Art Unit	3992
	Examiner Name	Margaret Wambach Rubin
	Attorney Docket Number	0638MH-40982-REX

U.S. PATENTS								
Examiner Initial*	Cite No	Patent Number	Kind Code ¹	Issue Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear		
MR	1	2863466		1958-12-09	Small			
MR	2	5954417		1999-09-21	Mai			
If you wish to add additional U.S. Patent citation information please click the Add button.								
U.S. PATENT APPLICATION PUBLICATIONS								
Examiner Initial*	Cite No	Publication Number	Kind Code ¹	Publication Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear		
	1							
If you wish to add additional U.S. Published Application citation information please click the Add button.								
FOREIGN PATENT DOCUMENTS								
Examiner Initial*	Cite No	Foreign Document Number ³	Country Code ²	Kind Code ⁴	Publication Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear	T ⁵
MR	1	JP09168415	JP			Oshio		<input type="checkbox"/>
If you wish to add additional Foreign Patent Document citation information please click the Add button								
NON-PATENT LITERATURE DOCUMENTS								

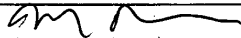
95/000,104 IPS filed 9/29/08

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	95000104
	Filing Date	2005-08-12
	First Named Inventor	Gregory G. Kuelbs
	Art Unit	3992
	Examiner Name	Margaret Wambach Rubin
	Attorney Docket Number	0638MH-40982-REX

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, pages(s), volume-issue number(s), publisher, city and/or country where published.	T ⁵
	1		<input type="checkbox"/>

If you wish to add additional non-patent literature document citation information please click the Add button

EXAMINER SIGNATURE

Examiner Signature		Date Considered	11/21/09
--------------------	---	-----------------	----------

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ See Kind Codes of USPTO Patent Documents at www.USPTO.GOV or MPEP 901.04. ² Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). ³ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁴ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁵ Applicant is to place a check mark here if English language translation is attached.

95/000,104 IDS filed ~~5/12/08~~ 5/12/08

Doc code :IDS

Doc description: Information Disclosure Statement (IDS) Filed

PTO/SB/08a (03-08)

Approved for use through 05/31/2008. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	95000104
	Filing Date	2003-09-02 8/12/05
	First Named Inventor	Kuelbs, Gregory G.
	Art Unit	3992
	Examiner Name	Margaret Wambach Rubin
	Attorney Docket Number	0664MH-40982-REX

U.S.PATENTS								
Examiner Initial*	Cite No	Patent Number	Kind Code ¹	Issue Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear		
MR	1	4692680		1987-09-08	Sherer, Paul			
MR	2	5396162		1995-03-07	Britmyer, George			
MR	3	6018231		2000-01-25	Shaver, et al.			
If you wish to add additional U.S. Patent citation information please click the Add button.								
U.S.PATENT APPLICATION PUBLICATIONS								
Examiner Initial*	Cite No	Publication Number	Kind Code ¹	Publication Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear		
	1							
If you wish to add additional U.S. Published Application citation information please click the Add button.								
FOREIGN PATENT DOCUMENTS								
Examiner Initial*	Cite No	Foreign Document Number ³	Country Code ² ;	Kind Code ⁴	Publication Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear	T ⁵
MR	1	09163479	JP	A	1997-06-20	Fuchidou, et al.	Figures and Abstract	<input checked="" type="checkbox"/>

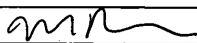
95/000,104 FDS filed ~~5/12/08~~ 5/12/08

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	95000104
	Filing Date	2003-09-02 8/12/05
	First Named Inventor	Kuelbs, Gregory G.
	Art Unit	3992
	Examiner Name	Margaret Wambacht Rubin
	Attorney Docket Number	0664MH-40982-REX

If you wish to add additional Foreign Patent Document citation information please click the Add button

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, pages(s), volume-issue number(s), publisher, city and/or country where published.	T ⁵
	1		<input type="checkbox"/>

If you wish to add additional non-patent literature document citation information please click the Add button

EXAMINER SIGNATURE			
Examiner Signature		Date Considered	11/21/08

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.


¹ See Kind Codes of USPTO Patent Documents at www.USPTO.GOV or MPEP 901.04. ² Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). ³ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁴ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁵ Applicant is to place a check mark here if English language translation is attached.

95/000,104 IDS filed 2/19/08

PTO/SB/08a (05-07)

Approved for use through 11/30/2007. OMB 0651-0031
 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

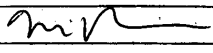
71338 Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

 02/19/08 INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number		95000104	
	Filing Date		2005-08-12	
	First Named Inventor		Gregory G. Kuebls	
	Art Unit		3992	
	Examiner Name		Margaret Wambach <i>Rubin</i>	
	Attorney Docket Number		0664MH-40982-REX	

U.S. PATENTS								
Examiner Initial*	Cite No	Patent Number	Kind Code ¹	Issue Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear		
<i>MR</i>	1	4920897		1990-05-01	Reed, et al.			
If you wish to add additional U.S. Patent citation information please click the Add button.								
U.S. PATENT APPLICATION PUBLICATIONS								
Examiner Initial*	Cite No	Publication Number	Kind Code ¹	Publication Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear		
	1							
If you wish to add additional U.S. Published Application citation information please click the Add button.								
FOREIGN PATENT DOCUMENTS								
Examiner Initial*	Cite No	Foreign Document Number ³	Country Code ² j	Kind Code ⁴	Publication Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear	T ⁵
	1							<input type="checkbox"/>
If you wish to add additional Foreign Patent Document citation information please click the Add button.								
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, pages(s), volume-issue number(s), publisher, city and/or country where published.						T ⁵

95/000,104 IDS filed 2/19/08

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	95000104
	Filing Date	2005-08-12
	First Named Inventor	Gregory G. Kuelbs
	Art Unit	3992
	Examiner Name	Margaret Wambach Rubin
	Attorney Docket Number	0664MH-40982-REX

1		<input type="checkbox"/>
If you wish to add additional non-patent literature document citation information please click the Add button		
EXAMINER SIGNATURE		
Examiner Signature		Date Considered
		2/21/09
<p>*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.</p>		
<p><small>¹ See Kind Codes of USPTO Patent Documents at www.USPTO.GOV or MPEP 901.04. ² Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). ³ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁴ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁵ Applicant is to place a check mark here if English language translation is attached.</small></p>		

11/30/09F

95/000,104

Doc code: IDS

Doc description: Information Disclosure Statement (IDS) Filed

PTO/SB/08a (07-09)

Approved for use through 07/31/2012. OMB 0651-0031

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	95000104
	Filing Date	2003-09-02
	First Named Inventor	GREGORY G. KUELBS
	Art Unit	3992
	Examiner Name	Margaret Wambach
	Attorney Docket Number	0664MH-40982-REX

U.S. PATENTS								
Examiner Initial*	Cite No	Patent Number	Kind Code ¹	Issue Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear		
	1							
If you wish to add additional U.S. Patent citation information please click the Add button.								
U.S. PATENT APPLICATION PUBLICATIONS								
Examiner Initial*	Cite No	Publication Number	Kind Code ¹	Publication Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear		
	1							
If you wish to add additional U.S. Published Application citation information please click the Add button.								
FOREIGN PATENT DOCUMENTS								
Examiner Initial*	Cite No	Foreign Document Number ³	Country Code ² j	Kind Code ⁴	Publication Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear	T ⁵
	1							<input type="checkbox"/>
If you wish to add additional Foreign Patent Document citation information please click the Add button.								
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, pages(s), volume-issue number(s), publisher, city and/or country where published.						T ⁵

11/30/09 E

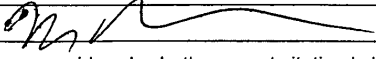
95/000,104

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number		95000104
	Filing Date		2003-09-02
	First Named Inventor	GREGORY G. KUELBS	
	Art Unit	3992	
	Examiner Name	Margaret Wambach	
	Attorney Docket Number	0664MH-40982-REX	

1	Specification dated 2004-04-22 from 12/240,845-	<input type="checkbox"/>
2	Notice to Correct Papers dated 20081014 from 12/240,845	<input type="checkbox"/>
3	Response to Correct Papers dated 20081215 from 12/240,845	<input type="checkbox"/>
4	Publication dated 20090409 from 12/240,845 from 12/240,845	<input type="checkbox"/>
5	Non-Final Office Action dated 20090707 from 12/240,845 from 12/240,845	<input type="checkbox"/>
6	Declaration dated 20091105 from 12/240,845	<input type="checkbox"/>
7	Response to Office Action dated 20091105 from 12/240,845	<input type="checkbox"/>

If you wish to add additional non-patent literature document citation information please click the Add button

EXAMINER SIGNATURE

Examiner Signature		Date Considered	12/10/09
--------------------	---	-----------------	----------

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ See Kind Codes of USPTO Patent Documents at www.USPTO.GOV or MPEP 901.04. ² Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). ³ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁴ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁵ Applicant is to place a check mark here if English language translation is attached.

11/30/09E

95/000,104

Doc code: IDS
 Doc description: Information Disclosure Statement (IDS) Filed
 Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

PTO/SB/08a (07-09)
 Approved for use through 07/31/2012. OMB 0651-0031
 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	95000104
	Filing Date	2003-09-02
	First Named Inventor	GREGORY G. KUELBS
	Art Unit	3992
	Examiner Name	Margaret Wambach
	Attorney Docket Number	0664MH-40982-REX

U.S. PATENTS						
Examiner Initial*	Cite No	Patent Number	Kind Code ¹	Issue Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear
	1					

If you wish to add additional U.S. Patent citation information please click the Add button.

U.S. PATENT APPLICATION PUBLICATIONS						
Examiner Initial*	Cite No	Publication Number	Kind Code ¹	Publication Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear
	1					

If you wish to add additional U.S. Published Application citation information please click the Add button.

FOREIGN PATENT DOCUMENTS								
Examiner Initial*	Cite No	Foreign Document Number ³	Country Code ²	Kind Code ⁴	Publication Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear	T ⁵
	1							<input type="checkbox"/>

If you wish to add additional Foreign Patent Document citation information please click the Add button

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, pages(s), volume-issue number(s), publisher, city and/or country where published.	T ⁵

11/30/09E

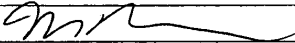
95/000,104

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	95000104
	Filing Date	2003-09-02
	First Named Inventor	GREGORY G. KUELBS
	Art Unit	3992
	Examiner Name	Margaret Wambach
	Attorney Docket Number	0664MH-40982-REX

1	Specification dated 2008-10-21 from 12/255,255	<input type="checkbox"/>
2	Notice to File Missing Parts dated 2008-11-07 from 12/255,255	<input type="checkbox"/>
3	Response to File Missing Parts dated 2008-11-10 from 12/255,255	<input type="checkbox"/>
4	Publication dated 2009-03-05 from 12/255,255	<input type="checkbox"/>
5	Non-Final Office Action dated 2009-08-07 from 12/255,255	<input type="checkbox"/>
6	Amendment dated 2009-11-06 from 12/255,255	<input type="checkbox"/>

If you wish to add additional non-patent literature document citation information please click the Add button

EXAMINER SIGNATURE

Examiner Signature		Date Considered	12/10/09
--------------------	---	-----------------	----------

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ See Kind Codes of USPTO Patent Documents at www.USPTO.GOV or MPEP 901.04. ² Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). ³ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁴ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁵ Applicant is to place a check mark here if English language translation is attached.

11/30/09D

95/000,104

Doc code: IDS

Doc description: Information Disclosure Statement (IDS) Filed

PTO/SB/08a (07-09)

Approved for use through 07/31/2012. OMB 0651-0031

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	95000104
	Filing Date	2003-09-02
	First Named Inventor	GREGORY G. KUELBS
	Art Unit	3992
	Examiner Name	Margaret Wambach
	Attorney Docket Number	0664MH-40982-REX

U.S. PATENTS						
Examiner Initial*	Cite No	Patent Number	Kind Code ¹	Issue Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear
	1					

If you wish to add additional U.S. Patent citation information please click the Add button.

U.S. PATENT APPLICATION PUBLICATIONS						
Examiner Initial*	Cite No	Publication Number	Kind Code ¹	Publication Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear
	1					

If you wish to add additional U.S. Published Application citation information please click the Add button.

FOREIGN PATENT DOCUMENTS								
Examiner Initial*	Cite No	Foreign Document Number ³	Country Code ² j	Kind Code ⁴	Publication Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear	T ⁵
	1							<input type="checkbox"/>

If you wish to add additional Foreign Patent Document citation information please click the Add button.

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, pages(s), volume-issue number(s), publisher, city and/or country where published.	T ⁵

11/30/09

95/000,104

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number		95000104
	Filing Date		2003-09-02
	First Named Inventor	GREGORY G. KUELBS	
	Art Unit	3992	
	Examiner Name	Margaret Wambach	
	Attorney Docket Number	0664MH-40982-REX	

1	Specification dated 2002-02-07 from 10/650,537	<input type="checkbox"/>
2	Preliminary Amendment dated 2003-08-28 from 10/650,537	<input type="checkbox"/>
3	Publication dated 2004-08-05 from 10/650,537	<input type="checkbox"/>
4	Non-Final Office Action dated 2004-08-11 from 10/650,537	<input type="checkbox"/>
5	Amendment dated 2004-10-22 from 10/650,537	<input type="checkbox"/>
6	Notice of Non-Compliant Amendment dated 2004-11-05 from 10/650,537	<input type="checkbox"/>
7	Response to Notice of Non-Compliant Amendment dated 2004-11-15 from 10/650,537	<input type="checkbox"/>
8	First Restriction Requirement Office Action dated 2005-02-17 from 10/650,537	<input type="checkbox"/>
9	Response to First Restriction Requirement dated 2005-03-15 from 10/650,537	<input type="checkbox"/>
10	Second Restriction Requirement Office Action dated 2005-06-10 from 10/650,537	<input type="checkbox"/>
11	Response to Second Restriction Requirement dated 2006-06-29 from 10/650,537	<input type="checkbox"/>

11/30/09 D

95/000,104

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	95000104
	Filing Date	2003-09-02
	First Named Inventor	GREGORY G. KUELBS
	Art Unit	3992
	Examiner Name	Margaret Wambach
	Attorney Docket Number	0664MH-40982-REX

12	Non-Final Office Action dated 2005-09-21 from 10/650,537	<input type="checkbox"/>
13	Amendment dated 2005-12-21 from 10/650,537	<input type="checkbox"/>
14	Response to Non-Compliant Amendment dated 2006-01-13 from 10/650,537	<input type="checkbox"/>
15	Final Office Action dated 2006-03-29 from 10/650,537	<input type="checkbox"/>
16	Request for Continued Examination dated 2006-08-03 from 10/650,537	<input type="checkbox"/>
17	Non-Final Office Action dated 2006-10-20 from 10/650,537	<input type="checkbox"/>
18	Declaration dated 2007-03-19 from 10/650,537	<input type="checkbox"/>
19	Amendment dated 2007-03-19 from 10/650,537	<input type="checkbox"/>
20	Non-Final Office Action dated 2007-06-08 from 10/650,537	<input type="checkbox"/>
21	Amendment dated 2007-12-10 from 10/650,537	<input type="checkbox"/>
22	Final Office Action dated 2008-03-18 from 10/650,537	<input type="checkbox"/>

11/30/09 D

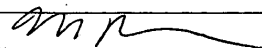
Best Available Copy
95/000,104

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	95000104
	Filing Date	2003-09-02
	First Named Inventor	GREGORY G. KUELBS
	Art Unit	3992
	Examiner Name	Margaret Wambach
	Attorney Docket Number	0664MH-40982-REX

23	Request for Continued Examination dated 2008-09-18 from 10/650,537	<input type="checkbox"/>
24	Non-Final Office Action dated 2008-12-16 from 10/650,537	<input type="checkbox"/>
25	Notice of Appeal dated 2009-06-13 from 10/650,537	<input type="checkbox"/>
26	Appeal Brief dated 2009-06-13 from 10/650,537	<input type="checkbox"/>
27	Notice of Non-Compliant Appeal Brief dated 2009-07-06 from 10/650,537	<input type="checkbox"/>
28	Appeal Brief dated 2009-07-07 from 10/650,537	<input type="checkbox"/>
29	Notice of Non-Compliant Appeal Brief dated 2009-10-20 from 10/650,537	<input type="checkbox"/>
30	Notice of Withdrawal of Previous Office Action dated 2009-11-03 from 10/650,537	<input type="checkbox"/>

If you wish to add additional non-patent literature document citation information please click the Add button

EXAMINER SIGNATURE

Examiner Signature		Date Considered	12/10/09
--------------------	---	-----------------	----------

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ See Kind Codes of USPTO Patent Documents at www.USPTO.GOV or MPEP 901.04. ² Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). ³ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁴ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁵ Applicant is to place a check mark here if English language translation is attached.

11/30/09C

95/000, 104

Doc code: IDS

Doc description: Information Disclosure Statement (IDS) Filed

PTO/SB/08a (07-09)

Approved for use through 07/31/2012, OMB 0651-0031

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	95000104
	Filing Date	2003-09-02
	First Named Inventor	GREGORY G. KUELBS
	Art Unit	3992
	Examiner Name	Margaret Wambach
	Attorney Docket Number	0664MH-40982-REX

U.S. PATENTS								
Examiner Initial*	Cite No	Patent Number	Kind Code ¹	Issue Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear		
	1							
If you wish to add additional U.S. Patent citation information please click the Add button.								
U.S. PATENT APPLICATION PUBLICATIONS								
Examiner Initial*	Cite No	Publication Number	Kind Code ¹	Publication Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear		
	1							
If you wish to add additional U.S. Published Application citation information please click the Add button.								
FOREIGN PATENT DOCUMENTS								
Examiner Initial*	Cite No	Foreign Document Number ³	Country Code ² j	Kind Code ⁴	Publication Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear	T ⁵
	1							<input type="checkbox"/>
If you wish to add additional Foreign Patent Document citation information please click the Add button.								
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, pages(s), volume-issue number(s), publisher, city and/or country where published.						T ⁵

11/30/09 C

95/000,104

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	95000104
	Filing Date	2003-09-02
	First Named Inventor	GREGORY G. KUELBS
	Art Unit	3992
	Examiner Name	Margaret Wambach
	Attorney Docket Number	0664MH-40982-REX

1	Specification dated 2008-04-22 from 10/829,790	<input type="checkbox"/>
2	Notice to File Missing Parts dated 2004-06-30 from 10/829,790	<input type="checkbox"/>
3	Response to File Missing Parts dated 2004-06-24 from 10/829,790	<input type="checkbox"/>
4	Preliminary Amendment dated 2005-02-23 from 10/829,790	<input type="checkbox"/>
5	Restriction Requirement dated 2006-03-15 from 10/829,790	<input type="checkbox"/>
6	Response to Restriction Requirement dated 2006-08-21 from 10/829,790	<input type="checkbox"/>
7	Non-Final Office Action dated 2006-11-07 from 10/829,790	<input type="checkbox"/>
8	Declaration dated 2007-04-03 from 10/829,790	<input type="checkbox"/>
9	Amendment dated 2007-04-03 from 10/829,790	<input type="checkbox"/>
10	Non-Final Office Action dated 2007-07-23 from 10/829,790	<input type="checkbox"/>
11	Amendment dated 2008-01-23 from 10/829,790	<input type="checkbox"/>

11/30/09 c

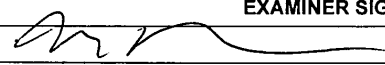
95/000,104

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	95000104
	Filing Date	2003-09-02
	First Named Inventor	GREGORY G. KUELBS
	Art Unit	3992
	Examiner Name	Margaret Wambach
	Attorney Docket Number	0664MH-40982-REX

12	Final Office Action dated 2008-03-27 from 10/829,790	<input type="checkbox"/>
13	Notice of Abandonment dated 2008-12-15 from 10/829,790	<input type="checkbox"/>

If you wish to add additional non-patent literature document citation information please click the Add button

EXAMINER SIGNATURE

Examiner Signature		Date Considered	12/10/09
--------------------	---	-----------------	----------

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ See Kind Codes of USPTO Patent Documents at www.USPTO.GOV or MPEP 901.04. ² Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). ³ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁴ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁵ Applicant is to place a check mark here if English language translation is attached.

11/30/09 B

95/000,104

Doc code: IDS

Doc description: Information Disclosure Statement (IDS) Filed

PTO/SB/08a (07-09)

Approved for use through 07/31/2012. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	95000104
	Filing Date	2003-09-02
	First Named Inventor	GREGORY G. KUELBS
	Art Unit	3992
	Examiner Name	Margaret Wambach
	Attorney Docket Number	0664MH-40982-REX

U.S. PATENTS								
Examiner Initial*	Cite No	Patent Number	Kind Code ¹	Issue Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear		
	1							
If you wish to add additional U.S. Patent citation information please click the Add button.								
U.S. PATENT APPLICATION PUBLICATIONS								
Examiner Initial*	Cite No	Publication Number	Kind Code ¹	Publication Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear		
	1							
If you wish to add additional U.S. Published Application citation information please click the Add button.								
FOREIGN PATENT DOCUMENTS								
Examiner Initial*	Cite No	Foreign Document Number ³	Country Code ²	Kind Code ⁴	Publication Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear	T ⁵
	1							<input type="checkbox"/>
If you wish to add additional Foreign Patent Document citation information please click the Add button.								
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, pages(s), volume-issue number(s), publisher, city and/or country where published.						T ⁵

11/30/09 B

95/000,104

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	95000104
	Filing Date	2003-09-02
	First Named Inventor	GREGORY G. KUELBS
	Art Unit	3992
	Examiner Name	Margaret Wambach
	Attorney Docket Number	0664MH-40982-REX

1	Specification dated 2007-02-07 from 11/199,956	<input type="checkbox"/>
2	Preliminary Amendment dated 2005-08-09 from 11/199,956	<input type="checkbox"/>
3	Request for Continuation Application dated 2005-08-09 from 11/199,956	<input type="checkbox"/>
4	Notice to Correct Application Papers dated 2005-09-02 from 11/199,956	<input type="checkbox"/>
5	Reply to Notice to Correct Application Papers 2005-09-15 from 11/199,956	<input type="checkbox"/>
6	Publication dated 2006-01-12 from 11/199,956	<input type="checkbox"/>
7	Withdrawal of Previous Notice dated 2007-06-05 from 11/199,956	<input type="checkbox"/>
8	Non-Final Office Action dated 2007-06-05 from 11/199,956	<input type="checkbox"/>
9	Amendment dated 2007-12-05 from 11/199,956	<input type="checkbox"/>
10	Non-Final Office Action dated 2008-03-03 from 11/199,956	<input type="checkbox"/>
11	Request for Continued Examination dated 2008-09-02 from 11/199,956	<input type="checkbox"/>

11/30/09 B

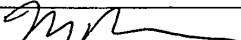
95/000,104

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number		95000104
	Filing Date		2003-09-02
	First Named Inventor	GREGORY G. KUELBS	
	Art Unit	3992	
	Examiner Name	Margaret Wambach	
	Attorney Docket Number	0664MH-40982-REX	

12	Non-Final Office Action dated 2008-11-07 from 11/199,956	<input type="checkbox"/>
13	Notice of Appeal dated 2009-02-03 from 11/199,956	<input type="checkbox"/>
14	Appeal Brief dated 2009-04-03 from 11/199,956	<input type="checkbox"/>
15	Examiner's Answer dated 2009-07-17 from 11/199,956	<input type="checkbox"/>
16	Reply Brief dated 2009-09-08 from 11/199,956	<input type="checkbox"/>

If you wish to add additional non-patent literature document citation information please click the Add button

EXAMINER SIGNATURE

Examiner Signature		Date Considered	12/20/09
--------------------	---	-----------------	----------

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ See Kind Codes of USPTO Patent Documents at www.USPTO.GOV or MPEP 901.04. ² Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). ³ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁴ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁵ Applicant is to place a check mark here if English language translation is attached.

11/30/09 A

95/000,104

Doc code: IDS

Doc description: Information Disclosure Statement (IDS) Filed

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

PTO/SB/08a (07-09)

Approved for use through 07/31/2012. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	95000104
	Filing Date	2003-09-02
	First Named Inventor	GREGORY G. KUELBS
	Art Unit	3992
	Examiner Name	Margaret Wambach Rubin
	Attorney Docket Number	0664MH-40982-REX

U.S. PATENTS						
Examiner Initial*	Cite No	Patent Number	Kind Code ¹	Issue Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear
	1					

If you wish to add additional U.S. Patent citation information please click the Add button.

U.S. PATENT APPLICATION PUBLICATIONS						
Examiner Initial*	Cite No	Publication Number	Kind Code ¹	Publication Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear
	1					

If you wish to add additional U.S. Published Application citation information please click the Add button.

FOREIGN PATENT DOCUMENTS								
Examiner Initial*	Cite No	Foreign Document Number ³	Country Code ²	Kind Code ⁴	Publication Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear	T ⁵
	1							<input type="checkbox"/>

If you wish to add additional Foreign Patent Document citation information please click the Add button

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, pages(s), volume-issue number(s), publisher, city and/or country where published.	T ⁵

11/30/09A

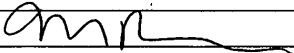
95/000,104

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	95000104
	Filing Date	2003-09-02
	First Named Inventor	GREGORY G. KUELBS
	Art Unit	3992
	Examiner Name	Margaret Wambach Rubin
	Attorney Docket Number	0664MH-40982-REX

1	Specification dated 2002-02-07 from 10/068,424	<input type="checkbox"/>
2	Office Action dated 2002-12-09 from 10/068,424	<input type="checkbox"/>
3	Amendment dated 2003-02-17 from 10/068,424	<input type="checkbox"/>
4	Notice of Allowance dated 2003-06-20 from 10/068,424	<input type="checkbox"/>
5	Amendment dated 2003-06-03 from 10/068,424	<input type="checkbox"/>
6	Issue Notification dated 2003-09-02 from 10/068,424	<input type="checkbox"/>
7	Patent No. 6,642,743 from 10/068,424	<input type="checkbox"/>


If you wish to add additional non-patent literature document citation information please click the Add button

EXAMINER SIGNATURE

Examiner Signature		Date Considered	12/10/09
--------------------	---	-----------------	----------

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ See Kind Codes of USPTO Patent Documents at www.USPTO.GOV or MPEP 901.04. ² Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). ³ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁴ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁵ Applicant is to place a check mark here if English language translation is attached.

Reexamination 	Application/Control No. 95/000,104	Applicant(s)/Patent Under Reexamination 6612713
	Certificate Date	Certificate Number

Requester Correspondence Address: <input type="checkbox"/> Patent Owner <input type="checkbox"/> Third Party
John S. Pratt, Esq. Kilpatrick Stockton LLP 1100 Peachtree St Ste 2800 Atlanta, GA 30309

LITIGATION REVIEW <input checked="" type="checkbox"/>	MR <small>(examiner initials)</small>	11/27/09 <small>(date)</small>
Case Name		Director Initials
World Factory Inc v. Southern Sales and Marketing Group Inc U.S. District Court - Texas Northern (Fort Worth) 4:05cv373		
World Factory Inc v. Bond Manufacturing Co U.S. District Court - Texas Northern (Fort Worth) 4:05cv374		

COPENDING OFFICE PROCEEDINGS	
TYPE OF PROCEEDING	NUMBER
1. NONE	
2.	
3.	
4.	

Index of Claims



Application/Control No.

95/000,104

Examiner

MARGARET RUBIN

Applicant(s)/Patent under Reexamination

6612713

Art Unit

3992

✓	Rejected
=	Allowed

-	(Through numeral) Cancelled
+	Restricted

N	Non-Elected
I	Interference

A	Appeal
O	Objected

Claim		Date	
Final	Original		
	1		
	2		
	3		
	4		
	5		
	6		
	7		
	8		
	9		
	10		
	11		
	12		
	13		
	14		
	15		
	16		
	17		
	18		
	19		
	20		
	21		
	22		
	23		
	24		
	25		
	26		
	27		
	28		
	29		
	30		
	31		
	32		
	33		
	34		
	35		
	36		
	37		
	38		
	39		
	40		
	41		
	42		
	43		
	44		
	45		
	46		
	47		
	48		
	49		
	50		

Claim		Date	
Final	Original		
	51		
	52		
	53		
	54		
	55		
	56		
	57		
	58		
	59		
	60		
	61		
	62		
	63		
	64		
	65		
	66		
	67		
	68		
	69		
	70		
	71		
	72		
	73		
	74		
	75		
	76		
	77		
	78		
	79		
	80		
	81		
	82		
	83		
	84		
	85		
	86		
	87		
	88		
	89		
	90		
	91		
	92		
	93		
	94		
	95		
	96		
	97		
	98		
	99		
	100		

Claim		Date	
Final	Original		
	101		
	102		
	103		
	104		
	105		
	106		
	107		
	108		
	109		
	110		
	111		
	112		
	113		
	114		
	115		
	116		
	117		
	118		
	119		
	120		
	121		
	122		
	123		
	124		
	125		
	126		
	127		
	128		
	129		
	130		
	131		
	132		
	133		
	134		
	135		
	136		
	137		
	138		
	139		
	140		
	141		
	142		
	143		
	144		
	145		
	146		
	147		
	148		
	149		
	150		

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 0664MH-40982-REX

In re Reexamination of:

GREGORY G. KUELBS

Control No. 95/000,104

Patent No. 6,612,713

Issued: 2 SEPTEMBER 2003

For: UMBRELLA APPARATUS

§
§
§
§
§
§
§
§
§
§

Examiner: MARGARET WAMBACH

Art Unit: 3992

Conf. No.: 5847

COMMENTS AND PROPOSED AMENDMENT UNDER 37 C.F.R. § 1.951
TO ACTION CLOSING PROSECUTION
IN INTER PARTES REEXAMINATION

MAIL STOP: INTER PARTES REEXAM

Central Reexamination Unit
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

This Comments and Proposed Amendment Under 37 C.F.R. § 1.951 to Action Closing Prosecution in *Inter Partes* Reexamination is being filed in response to the Action Closing Prosecution that was mailed to the undersigned on 18 December 2009.

CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. § 1.8(a)(1)(i)(C)	
Date of Transmission:	<u>1/18/10</u>
I hereby certify that this correspondence is being transmitted to the U.S. Patent and Trademark Office (USPTO) via the USPTO electronic filing system (EFS-Web) on the date shown above.	
By:	<u>James E. Walton</u> James E. Walton