



Index of Claims 	Application/Control No. 10650537	Applicant(s)/Patent Under Reexamination KUELBS, GREGORY G.
	Examiner HARGOBIND S SAWHNEY	Art Unit 2885

✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
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Search Notes 	Application/Control No. 10650537	Applicant(s)/Patent Under Reexamination KUELBS, GREGORY G.
	Examiner HARGOBIND S SAWHNEY	Art Unit 2885

SEARCHED			
Class	Subclass	Date	Examiner
362	20,96,102,159,182,183,194,227,276,278,319,320,352,43 1,450,800	3/14/2008	HSS
135	15.1,16.22	3/14/2008	HSS

SEARCH NOTES		
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INTERFERENCE SEARCH			
Class	Subclass	Date	Examiner

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	10650537
	Filing Date	2003-08-28
	First Named Inventor	Kuelbs, Gregory G.
	Art Unit	2885
	Examiner Name	Hargobind S. Sawhney
	Attorney Docket Number	0664MH-40982-US

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	2	5396162		1995-03-07	Brilmyer, George			
	3	6018231		2000-01-25	Shaver, et al.			
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	1	09163479	JP	A	1997-06-20	Fuchidou, et al.	Figures and Abstract	<input checked="" type="checkbox"/>

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

Application Number	10650537
Filing Date	2003-08-28
First Named Inventor	Kuelbs, Gregory G.
Art Unit	2885
Examiner Name	Hargobind S. Sawhney
Attorney Docket Number	0664MH-40982-US

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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).

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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)	2008-05-08
Name/Print	James E. Walton	Registration Number	47245

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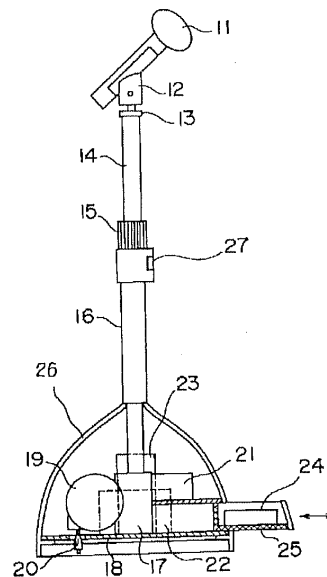
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(54) 【発明の名称】 マイクロホンスタンド

(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た。



YOT-1202-0546

【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が、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ず、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あつては、マイクロホンスタンドの高さを遠隔操作するに必要なリ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えたときは、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。

【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あつては、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であつて、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つた。

【0008】また先願のマイクロホンスタンドにあつては、該マイクロホンスタンドの支柱を上下動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つた。

【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

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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

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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、本発明にあつ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。

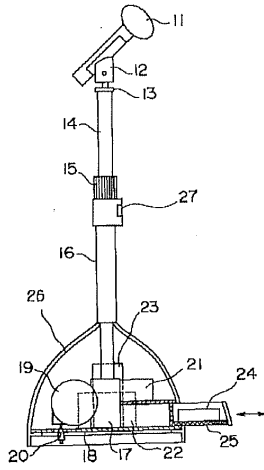
【符号の説明】

- | | |
|---------------|---------------|
| 11…マイクロホンホルダー | 12…マイクロホン |
| 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 | |

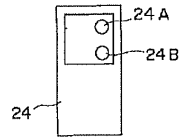
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特開平9-163479

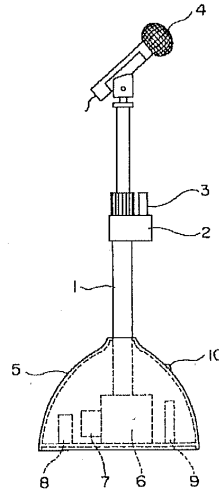
【図1】



【図2】



【図3】



YOT-1202-0549

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

Electronic Patent Application Fee Transmittal				
Application Number:	10650537			
Filing Date:	28-Aug-2003			
Title of Invention:	Umbrella apparatus			
First Named Inventor/Applicant Name:	Gregory G. Kuelbs			
Filer:	James Edward Walton			
Attorney Docket Number:	0638MH-40982-US			
Filed as Small Entity				
Utility Filing Fees				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				

YOT-1202-0552

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Miscellaneous:				
Submission- Information Disclosure Stmt	1806	1	180	180
Total in USD (\$)				180

YOT-1202-0553

Electronic Acknowledgement Receipt

EFS ID:	3276542
Application Number:	10650537
International Application Number:	
Confirmation Number:	9033
Title of Invention:	Umbrella apparatus
First Named Inventor/Applicant Name:	Gregory G. Kuelbs
Customer Number:	38441
Filer:	James Edward Walton
Filer Authorized By:	
Attorney Docket Number:	0638MH-40982-US
Receipt Date:	08-MAY-2008
Filing Date:	28-AUG-2003
Time Stamp:	17:33:08
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	\$ 180
RAM confirmation Number	2769
Deposit Account	502806
Authorized User	WALTON,JAMES E
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows: Charge any Additional Fees required under 37 C.F.R. Section 1.21 (Miscellaneous fees and charges)	

YOT-1202-0554

File Listing:					
Document Number	Document Description	File Name	File Size(Bytes) /Message Digest	Multi Part /.zip	Pages (if appl.)
1		TransmittalAndIDS.pdf	231977 4829d889fe849512533032817a76e2162bbfd66a	yes	4
Multipart Description/PDF files in .zip description					
	Document Description		Start	End	
	Miscellaneous Incoming Letter		1	2	
	Information Disclosure Statement Letter		3	4	
Warnings:					
Information:					
2	Information Disclosure Statement (IDS) Filed	IDS-40982-C.pdf	740620 45480060255576b016ca0be443f0959b1c938ea4	no	4
Warnings:					
Information:					
3	Foreign Reference	JP09163479A.pdf	297649 ab62c4111e1ea3d5ef4d5180790b250e3b97fc066	no	6
Warnings:					
Information:					
4	Fee Worksheet (PTO-06)	fee-info.pdf	8147 42022127b5f6c22501298981355b0009adb9f6f	no	2
Warnings:					
Information:					
Total Files Size (in bytes):				1278393	

YOT-1202-0555

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.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 0664MH-40982-US

In Re Application of:

GREGORY G. KUELBS

Appl. No.: 10/650,537

Filed: 28 AUGUST 2003

For: **UMBRELLA APPARATUS**

§
§
§
§
§
§
§
§

Examiner: **SAWHNEY, HARGOBIND S.**

Art Unit: 2885

Confirmation No.: 9033

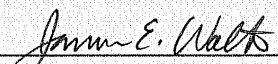
TRANSMITTAL

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

Dear Sir:

Please file the following documents in the subject application:

1. This Transmittal with Certificate of Transmission;
2. Information Disclosure Statement; and
3. Form PTO/SB/08a.

CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. § 1.8(a)(1)(i)(C)	
Date of Transmission:	<u>5/8/08</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

Transmittal
Attorney Docket No. 0664MH-40982-US
Serial No. 10/650,537
Page 1

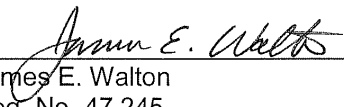
YOT-1202-0557

The foregoing documents are being filed via the U.S. Patent and Trademark Office's EFS-Web electronic filing system. The \$180.00 Filing Fee under 37 C.F.R. §§ 1.97(d) and 1.17(p) is being paid via a designated credit card. No other fees are deemed to be necessary; however, the undersigned hereby authorizes the Commissioner to charge any additional fees that are necessary, or credit any overpayments, to **Deposit Account No. 502806**.

Please link this application to Customer No. 50799 so that its status may be checked via the PAIR System.

Respectfully submitted,

Date 5/8/08


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 (Fax)
jim@waltonpllc.com

CUSTOMER NO. 50779

ATTORNEY FOR APPLICANT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 0664MH-40982-US

In re Application of:

GREGORY G. KUELBS

Serial No. 10/650,537

Filed: 28 AUGUST 2003

For: **UMBRELLA APPARATUS**

§
§
§
§
§
§
§
§

Examiner: **SAWHNEY, HARGOBIND S.**

Art Unit: 2885

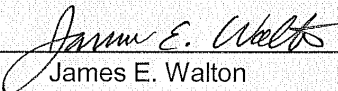
Confirmation No.: 9033

INFORMATION DISCLOSURE STATEMENT

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

Sir:

In accordance with 37 C.F.R. §§ 1.56 and 1.97(d) the references listed on the attached form PTO/SB/08A are being brought to the attention of the Examiner for consideration in the subject application.

CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. § 1.8(a)(1)(i)(C)	
Date of Transmission:	<u>5/8/08</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 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).

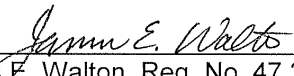
The information on form PTO/SB/08A is being submitted and no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of the information disclosure statement.

The \$180.00 Filing Fee under 37 C.F.R. §§ 1.97(d) and 1.17(p) is being paid via a designated credit card. No other fees are deemed to be necessary; however, the undersigned hereby authorizes the Commissioner to charge any additional fees that are necessary, 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 APPLICANT

Doc code: RCEX

Doc description: Request for Continued Examination (RCE)

PTO/SB/30EFS (08/08)

Approved for use through 09/30/2008. 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.

**REQUEST FOR CONTINUED EXAMINATION(RCE)TRANSMITTAL
(Submitted Only via EFS-Web)**

Application Number	10650537	Filing Date	2003-08-28	Docket Number (if applicable)	0664MH-40982-C	Art Unit	2875
First Named Inventor	Gregory G. Kuelbs			Examiner Name	Hargobind S. Sawhney		

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.

Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. The Instruction Sheet for this form is located at WWW.USPTO.GOV

SUBMISSION REQUIRED UNDER 37 CFR 1.114

Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

- Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
- Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
- Other _____
- Enclosed
- Amendment/Reply
- Information Disclosure Statement (IDS)
- Affidavit(s)/ Declaration(s)
- Other _____

MISCELLANEOUS

- Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of months _____
(Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
- Other _____

FEES

- The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.**
The Director is hereby authorized to charge any underpayment of fees, or credit any overpayments, to
Deposit Account No 502806

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

- Patent Practitioner Signature
- Applicant Signature

YOT-1202-0561

EFS - Web 2.1.4

Doc code: RCEX

Doc description: Request for Continued Examination (RCE)

PTO/SB/30EFS (08/08)

Approved for use through 09/30/2008. 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.

Signature of Registered U.S. Patent Practitioner			
Signature	/jamesewaltonpat/	Date (YYYY-MM-DD)	2008-09-18
Name	James E. Walton	Registration Number	47245

This collection of information is required by 37 CFR 1.114. 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 1.11 and 1.14. This collection is estimated to take 12 minutes 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.

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

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.

Electronic Patent Application Fee Transmittal				
Application Number:	10650537			
Filing Date:	28-Aug-2003			
Title of Invention:	Umbrella apparatus			
First Named Inventor/Applicant Name:	Gregory G. Kuelbs			
Filer:	James Edward Walton			
Attorney Docket Number:	0638MH-40982-US			
Filed as Small Entity				
Utility under 35 USC 111(a) Filing Fees				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				
Extension - 3 months with \$0 paid	2253	1	525	YOT-1202-05645

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Miscellaneous:				
Request for continued examination	2801	1	405	405
Total in USD (\$)				930

YOT-1202-0565

Electronic Acknowledgement Receipt	
EFS ID:	3966858
Application Number:	10650537
International Application Number:	
Confirmation Number:	9033
Title of Invention:	Umbrella apparatus
First Named Inventor/Applicant Name:	Gregory G. Kuelbs
Customer Number:	38441
Filer:	James Edward Walton
Filer Authorized By:	
Attorney Docket Number:	0638MH-40982-US
Receipt Date:	18-SEP-2008
Filing Date:	28-AUG-2003
Time Stamp:	16:25:25
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	\$ 930
RAM confirmation Number	1857
Deposit Account	502806
Authorized User	WALTON,JAMES E
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows: Charge any Additional Fees required under 37 C.F.R. Section 1.21 (Miscellaneous fees and charges)	

YOT-1202-0566

File Listing:					
Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		RCEPapers.pdf	694399 b52a331634e2c4bb9d715c394a569fc3ede f0d41	yes	16
Multipart Description/PDF files in .zip description					
		Document Description	Start	End	
		Miscellaneous Incoming Letter	1	2	
		Amendment After Final	3	14	
		Extension of Time	15	16	
Warnings:					
Information:					
2	Request for Continued Examination (RCE)	sb0030e_fill.pdf	699483 716208a894dca11cf3a46cf6393e81ae99 099e	no	3
Warnings:					
Information:					
3	Fee Worksheet (PTO-06)	fee-info.pdf	32030 3bf11738e882a3369274f32c3ab1f49f3b35 c775	no	2
Warnings:					
Information:					
Total Files Size (in bytes):			1425912		
<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-1202-0567

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 0664MH-40982-C

In Re Application of: §
§
GREGORY G. KUELBS § Examiner: **HARGOBIND S.**
§ **SAWHNEY**
Serial No.: **10/650,537** §
§ Art Unit: **2875**
Filed: **28 AUGUST 2003** §
§ Confirmation No.: **9033**
For: **UMBRELLA APPARATUS** §

TRANSMITTAL

Filed via EFS-Web
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

Please file the following documents in the subject application:

1. This Transmittal with Certificate of Transmission;
2. Request for Continued Examination, Form PTO/SB/30EFS;
3. Amendment; and
4. Request for Extension for Response Within the Third Month.

CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. § 1.8(a)(1)(i)(C)	
Date of Transmission:	<u>9/18/08</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

Transmittal
Attorney Docket No. 0664MH-40982-C
Serial No. 10/650,537
Page 1

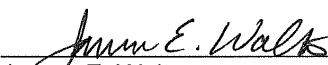
YOT-1202-0568

The foregoing documents are being filed via the U.S. Patent and Trademark Office's EFS-Web electronic filing system. The \$405.00 RCE Filing Fee and the \$525.00 extension fee are being paid via a designated credit card. No other fees are deemed to be necessary; however, the undersigned hereby authorizes the Commissioner to charge any additional fees that are necessary, or credit any overpayments, to **Deposit Account No. 502806**.

Please link this application to Customer No. 50799 so that its status may be checked via the PAIR System.

Respectfully submitted,

Date 9/18/08


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

CUSTOMER NO. 50779

ATTORNEY FOR APPLICANT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 0664MH-40982-C

In Re Application of:	§	
GREGORY G. KUELBS	§	Examiner: HARGOBIND S. SAWHNEY
	§	
Appl. No.: 10/650,537	§	Art Unit: 2875
	§	
Filed: 28 AUGUST 2003	§	
	§	Confirmation No.: 9033
For: UMBRELLA APPARATUS	§	

AMENDMENT

Filed via EFS-Web
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

A Final Office Action in the subject application was mailed to the undersigned on 18 March 2008. Filed herewith is a Request for Continued Examination and a Request for Extension for Response Within the Third Month, whereby the Applicant requests a three-month extension of time, until 18 September 2008, to respond to the 18 March 2008 Final Office Action.

Please enter the following amendments and consider the following remarks.

CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. § 1.8(a)(1)(i)(C)	
Date of Transmission:	<u>9/18/08</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

IN THE CLAIMS:

This following is a complete listing of the claims in the application and replaces all prior versions and listings of the claims. Please amend the claims as follows.

1-75. **(Cancelled)**.

76. **(Currently Amended)** An umbrella apparatus comprising:

a pole portion;

an umbrella portion hingedly coupled to the pole portion, the umbrella portion having a plurality of radially extending rib members;

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

a solar energy system coupled to the pole 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;

a lighting system having a plurality of light emitting diodes conductively coupled to the rechargeable electrical power system, the light emitting diodes being recessed within the rib members; and

translucent materials disposed over the light emitting diodes for enhancing the light from the light emitting diodes.

77. **(Previously Presented)** The umbrella apparatus according to claim 76, wherein the translucent materials are smooth.

78. **(Previously Presented)** The umbrella apparatus according to claim 76, wherein the translucent materials are textured.

79. **(Previously Presented)** The umbrella apparatus according to claim 76, wherein the translucent materials extend beyond the exterior surfaces of the rib members.

80. **(Previously Presented)** The umbrella apparatus according to claim 76, further comprising:

conductors carried within the rib members for conductively coupling the light emitting diodes to the rechargeable electrical power system.

81. **(Previously Presented)** The umbrella apparatus according to claim 76, wherein the solar energy system is releasably coupled to the rechargeable electrical power system.

82. **(Previously Presented)** The umbrella apparatus according to claim 76, further comprising:

a top cap for hingedly connecting the umbrella portion to the pole portion;
wherein the rechargeable electrical power system is releasably coupled to the top cap.

83. **(Previously Presented)** The umbrella apparatus according to claim 76, wherein the solar energy system and the rechargeable electrical power system are disposed in separate housings.

84. **(Previously Presented)** The umbrella apparatus according to claim 76, wherein the rechargeable electrical power system comprises:

at least one rechargeable battery disposed in a housing that surrounds the pole portion.

85. **(Previously Presented)** The umbrella apparatus according to claim 84, further comprising:

a power system charger conductively coupled to the at least one rechargeable battery;

a detachable transformer for converting AC electrical power to DC electrical power, the transformer being releasably coupled to the power system charger, thereby allowing the power system charger to use AC power to recharge the at least one rechargeable battery when the transformer is conductively coupled to the power system charger.

86. **(Currently Amended)** An umbrella apparatus comprising:

a pole portion;

a top cap coupled to the pole portion;

a plurality of rib members hingedly coupled to the top cap;

a flexible canopy carried by the rib members;

at least one rechargeable battery for providing electrical power to the umbrella apparatus, the at least one rechargeable battery being located below the flexible canopy;

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 at least one rechargeable battery, such that the solar energy collected and converted into electrical energy recharges the at least one rechargeable battery, the solar energy system being releasably coupled to the top cap, such that the flexible canopy passes between the top cap and the solar energy system, the flexible canopy being adjacent to both the top cap and the solar energy system; and

a lighting system carried by the rib members, the lighting system having a plurality of light emitting diodes conductively coupled to the at least one rechargeable battery.

87. **(Previously Presented)** The umbrella apparatus according to claim 86, further comprising:

wiring passing through an interior portion of the pole portion for conductively coupling the light emitting diodes to the at least one rechargeable battery.

88. **(Previously Presented)** The umbrella apparatus according to claim 86, wherein the solar energy system is releasably coupled to the top cap via a threaded connection.

89. **(Previously Presented)** The umbrella apparatus according to claim 86, wherein the light emitting diodes are located in recessed channels in the rib members.

90. **(Previously Presented)** The umbrella apparatus according to claim 86, further comprising:

a wireless receiver and transmitter pair for generating a wireless command signal for changing the operating state of the lighting system.

91. **(Previously Presented)** The umbrella apparatus according to claim 90, wherein the wireless command signal switches the lighting system on and off.

92. **(Previously Presented)** The umbrella apparatus according to claim 90, wherein the wireless command signal switches the lighting system between varying levels of light output.

REMARKS:

Claims 76-92 are currently pending in the application. Claims 1-75 have been previously withdrawn and/or cancelled. The Applicant hereby reserves the right to pursue any of the cancelled and/or withdrawn claims in continuation and/or divisional applications.

Claims 76-81 and 83 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 2,960,094 to Small (Small '094) in view of U.S. Patent No. 5,954,417 to Mai. Claim 82 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Small '094 in view of U.S. Patent No. 5,954,417 to Mai and further in view of U.S. Patent No. 2,863,466 to Small (Small '466). Claim 84 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Small '094 in view of Mai and further in view of U.S. Patent No. 5,584,564 to Phyle. Claim 85 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Small '094 in view of Mai and further in view of Phyle and further in view of WO 93/00840 to Perrier et al. Claims 86-89 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Japanese Patent No. JP 9168415 to Oshio in view of Small '094. Claims 90-92 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Oshio in view of Small '094 and further in view of U.S. Patent No. 6,058,951 to Wilson and U.S. Patent No. 5,373,287 to Doublet.

The Applicant submits that no new matter has been added to the application by this Amendment.

Claim Objections:

The Examiner has objected to Claim 87. The Examiner states that the phrase "light emitting diodes" lacks antecedent basis.

The Applicant respectfully submits that the Examiner's objection to Claim 87 is erroneous. Claim 87 is dependent upon Claim 86. The last clause of Claim 86 clearly states "a lighting system carried by the rib members, the lighting system having a plurality of **light emitting diodes** conductively coupled to the at least one rechargeable battery." Thus, there is antecedent basis for the phrase "light emitting diodes" in Claim 87.

Therefore, the Applicant requests that the Examiner's objection to Claim 87 be withdrawn.

Claim Rejections Under 35 U.S.C. § 103(a):

The Applicant reiterates here all of the arguments and remarks that Applicant has previously set forth which distinguish the Applicant's invention over all of the prior-art references cited by the Examiner. The Applicant respectfully submits that he has distinguished the claimed invention over each and every combination of references cited by the Examiner. As such, the Applicant submits that the references cited by the Examiner, either alone or in combination, do not anticipate or render obvious the claimed invention.

Claims 76-81 and 83 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 2,960,094 to Small in view of U.S. Patent No. 5,954,417 to Mai.

The Examiner states that Small '094 discloses an umbrella apparatus comprising a pole portion 10 and an umbrella portion 11, "the umbrella apportion including ribs 11' - including elements 12 - starching the top 11 (Figure 1, column 1, lines 47-50)" This rejection does not make sense. First, there is no reference number 11' in Figure 1 or any of the other figures, nor is there a reference number 11' mentioned anywhere in the specification of the cited Small '094 patent. Second, the phrase "starching the top 11" makes no sense. As such, the Applicant respectfully submits that the Examiner's rejections of Claims 76-81 and 83 make no sense whatsoever, and are improper.

The Small '094 patent discloses an umbrella having an electrical opening and closing system, not a lighting system. The Small '094 device has a conventional battery and a solar battery for powering an opening and closing system. The Small '094 patent utilizes a "conventional collapsible top 11," but does not even mention any ribs specifically, in particular, Small '094 does not mention any "ribs 11'." Small '094 makes no teaching, mention, or suggestion whatsoever of using the ribs to carry lighting

elements. The Examiner concedes of this point. The Examiner relies upon Mai for this feature.

The Examiner is attempting to equate the transparent cover 84 affixed to the umbrella cover 3 of Mai with the claimed translucent materials disposed over the light emitting diodes, which are recessed within the rib members. The Applicant respectfully submits that the Examiner's interpretation is not well taken. In Mai, the transparent cover is a water proof seal affixed to the cover of the umbrella, not the ribs. In Mai, the lights are on the top of the cover. That is because the Mai device is a warning device. Therefore, the seal in Mai must be on the top of the cover to prevent water from damaging or shorting the lights, which are on the top of the cover, not underneath the cover carried by the ribs. As such, the water seal in Mai could not be used as the translucent materials in the claimed invention. For at least the foregoing reasons, the Applicant submits that it would not have been obvious at the time of the invention to combine the teachings of Small '094 and Mai to arrive at the claimed invention.

Claim 76 is hereby amended to clarify that the ribs are "radially extending" ribs. Claims 77-81 and 83 are not hereby amended, but remain dependent upon Claim 76, which is hereby amended. Therefore, the Applicant submits that Claims 76-81 and 83, as amended, are now in condition for allowance, and respectfully requests that Claims 76-81 and 83, as amended, be allowed.

Claim 82 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Small '094 in view of U.S. Patent No. 5,954,417 to Mai and further in view of U.S. Patent No. 2,863,466 to Small (Small '466).

The Applicant reiterates here all of the distinguishing remarks set forth above with respect to Small '094 and Mai. In addition, the Applicant submits that Small '466, which is not even a solar umbrella, is completely devoid of any mention of releasably coupling the crown 27 to a rechargeable electrical power source. As such, the Applicant submits that none of the references cited by the Examiner, either alone or in combination, disclose the claimed invention. For at least the foregoing reasons, the Applicant submits that it would

not have been obvious at the time of the invention to combine the teachings of the cited references to arrive at the claimed invention.

Claim 82 is not hereby amended, but remains dependent upon Claim 76, which is hereby amended. Therefore, the Applicant submits that Claim 82 is now in condition for allowance, and respectfully requests that Claim 82 be allowed.

Claim 84 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Small '094 in view of Mai and further in view of U.S. Patent No. 5,584,564 to Phyle.

The Applicant reiterates here all of the distinguishing remarks set forth above with respect to Small '094 and Mai. In addition, the Applicant submits that Phyle, which is not even a solar umbrella, is completely devoid of any mention of disposing a solar rechargeable electrical power source about the pole. As such, the Applicant submits that none of the references cited by the Examiner, either alone or in combination, disclose the claimed invention. For at least the foregoing reasons, the Applicant submits that it would not have been obvious at the time of the invention to combine the teachings of the cited references to arrive at the claimed invention.

Claim 84 is not hereby amended, but remains dependent upon Claim 76, which is hereby amended. Therefore, the Applicant submits that Claim 84 is now in condition for allowance, and respectfully requests that Claim 85 be allowed.

Claim 85 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Small '094 in view of Mai and further in view of Phyle and further in view of WO 93/00840 to Perrier et al.

The Applicant reiterates here all of the distinguishing remarks set forth above with respect to Small '094 and Mai. In addition, the Applicant submits that Phyle, which is not even a solar umbrella, is completely devoid of any mention of disposing a solar rechargeable electrical power source about the pole, and that Perrier does not include a detachable transformer for converting AC electrical power to DC electrical power. As such, the Applicant submits that none of the references cited by the Examiner, either alone or in combination, disclose the claimed invention. For at least the foregoing

reasons, the Applicant submits that it would not have been obvious at the time of the invention to combine the teachings of the cited references to arrive at the claimed invention.

Claim 85 is not hereby amended, but remains dependent upon Claim 76, which is hereby amended, and an intervening claim. Therefore, the Applicant submits that Claim 85 is now in condition for allowance, and respectfully requests that Claim 85 be allowed.

Claims 86-89 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Japanese Patent No. JP 9168415 to Oshio in view of Small '094.

The Applicant reiterates here all of the distinguishing remarks set forth above with respect to Small '094. In addition, the Applicant submits that in the Oshio device, the canopy is not adjacent to both the top cap and the solar energy system. For at least the foregoing reasons, the Applicant submits that it would not have been obvious at the time of the invention to combine the teachings of the cited references to arrive at the claimed invention.

Claim 86 is hereby amended to clarify that the canopy is adjacent to the top cap and the solar energy system. Claims 87-89 are not hereby amended, but remain dependent upon Claim 86, which is hereby amended. Therefore, the Applicant submits that Claims 86-89, as amended, are now in condition for allowance, and respectfully requests that Claims 86-89, as amended, be allowed.

Claims 90-92 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Oshio in view of Small '094 and further in view of U.S. Patent No. 6,058,951 to Wilson and U.S. Patent No. 5,373,287 to Doublet.

The Applicant reiterates here all of the distinguishing remarks set forth above with respect to Oshio and Small '094. In addition, the Applicant submits that Wilson is for an opening and closing system and that Doublet is an anti-theft flag hoisting system. These references do not teach the claimed invention, either alone or in combination.

Claims 90-92 are not hereby amended, but remain dependent upon Claim 86, which is hereby amended, and an intervening claim. Therefore, the Applicant submits that Claims 90-92, as amended, are now in condition for allowance, and respectfully requests that Claims 90-92, as amended, be allowed.

Incorporation of Prior Remarks and Arguments:

The references cited by the Examiner have been previously cited by the Examiner in the subject application and other related applications filed by the Applicant and being handled by the Examiner. The Applicant reiterates here and incorporates here by reference all of the distinguishing arguments and remarks made by the Applicant in those applications. In particular, the Applicant reasserts here his Declaration Under 37 C.F.R. § 1.131 filed 23 March 2007, by which the Applicant swears behind many of the references cited by the Examiner, including Pan and Mai.

Reference To Related Applications and Reexamination Proceeding:

Applicant once again brings to the Examiner's attention U.S. Patent Application Nos. 11/199,956 and 10/829,790 and Inter Partes Reexamination Proceeding No. 95/000,104, which is a reexamination of U.S. Patent No. 6,612,713, the parent patent to the subject application.

Applicant again notes that a second Office Action was mailed in the Reexamination Proceeding on 5 December 2006. A response was filed by the Patent Owner, i.e., the Applicant herein, on 5 February 2007. Accordingly, the Applicant is presently awaiting action by the Examiner in the Central Reexamination Unit.

The Examiner is requested to review the Office Actions in the Reexamination Proceeding, as well as the Patent Owner's Responses to the Office Actions and all other papers and references filed in the Reexamination Proceeding. If the Examiner needs copies any of the documents from the Reexamination Proceeding and/or any of the related applications, the Examiner is respectfully requested to contact the undersigned.

CONCLUSION:

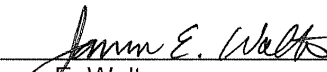
In view of the foregoing amendments and remarks, the Applicant respectfully submits that the application is now condition for allowance, and earnestly solicits an early reconsideration and a Notice of Allowance.

This Amendment is being filed via the U.S. Patent and Trademark Office's EFS-Web electronic filing system. The \$525.00 Three-Month Extension Fee is being paid via a designated credit card. No other fees are deemed to be necessary; however, the undersigned hereby authorizes the Commissioner to charge any fees that are necessary, or credit any overpayments, to **Deposit Account No. 502806**.

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

Respectfully submitted,

Date 9/18/08


James E. Walton
Registration No. 47,245
Law Offices of James E. Walton, P.L.L.C.
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CUSTOMER NO. 50779

ATTORNEY FOR APPLICANT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 0664MH-40982-C

In Re Application of: §
§
GREGORY G. KUELBS § Examiner: **HARGOBIND S.**
§ **SAWHNEY**
Serial No.: 10/650,537 §
§ Art Unit: **2875**
Filed: **28 AUGUST 2003** §
§ Confirmation No.: **9033**
For: **UMBRELLA APPARATUS** §

REQUEST FOR EXTENSION FOR RESPONSE WITHIN THE THIRD MONTH

Filed via EFS-Web
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

A Final Office Action was mailed to the undersigned on 18 March 2008. Filed herewith is a Request for Continued Examination Under 37 C.F.R. § 1.114, along with an Amendment Under 37 C.F.R. § 1.114. The Applicant hereby requests a three-month extension of time, until 18 September 2008, to respond to the Final Office Action.

CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. § 1.8(a)(1)(i)(C)
Date of Transmission: <u>9/18/08</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

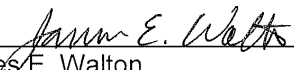
CONCLUSION:

The foregoing documents are being filed via the U.S. Patent and Trademark Office's EFS-Web electronic filing system. The \$405.00 RCE Filing Fee and the \$525.00 extension fee are being paid via a designated credit card. No other fees are deemed to be necessary; however, the undersigned hereby authorizes the Commissioner to charge any additional fees that are necessary, or credit any overpayments, to **Deposit Account No. 502806**.

Please link this application to Customer No. 50799 so that its status may be checked via the PAIR System.

Respectfully submitted,

Date 9/18/08


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CUSTOMER NO. 50779

ATTORNEY FOR APPLICANT

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

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875				Application or Docket Number 10/650,537		Filing Date 08/28/2003		<input type="checkbox"/> To be Mailed									
APPLICATION AS FILED – PART I																	
(Column 1)			(Column 2)			SMALL ENTITY <input checked="" type="checkbox"/>		OR		OTHER THAN SMALL ENTITY							
FOR		NUMBER FILED		NUMBER EXTRA		RATE (\$)		FEE (\$)		RATE (\$)		FEE (\$)					
<input type="checkbox"/> BASIC FEE <small>(37 CFR 1.16(a), (b), or (c))</small>		N/A		N/A		N/A				N/A							
<input type="checkbox"/> SEARCH FEE <small>(37 CFR 1.16(k), (l), or (m))</small>		N/A		N/A		N/A				N/A							
<input type="checkbox"/> EXAMINATION FEE <small>(37 CFR 1.16(o), (p), or (q))</small>		N/A		N/A		N/A				N/A							
TOTAL CLAIMS <small>(37 CFR 1.16(i))</small>		minus 20 =		*		X \$ =				OR		X \$ =					
INDEPENDENT CLAIMS <small>(37 CFR 1.16(h))</small>		minus 3 =		*		X \$ =				OR		X \$ =					
<input type="checkbox"/> APPLICATION SIZE FEE <small>(37 CFR 1.16(s))</small>		If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).															
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIM PRESENT <small>(37 CFR 1.16(j))</small>																	
* If the difference in column 1 is less than zero, enter "0" in column 2.										TOTAL		TOTAL					
APPLICATION AS AMENDED – PART II																	
(Column 1)			(Column 2)			(Column 3)			SMALL ENTITY		OR		OTHER THAN SMALL ENTITY				
AMENDMENT	09/18/2008		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR		PRESENT EXTRA		RATE (\$)		ADDITIONAL FEE (\$)		RATE (\$)		ADDITIONAL FEE (\$)		
			Total <small>(37 CFR 1.16(i))</small>		* 17 Minus ** 49		= 0		X \$25 =		0		OR		X \$ =		
			Independent <small>(37 CFR 1.16(h))</small>		* 2 Minus *** 14		= 0		X \$105 =		0		OR		X \$ =		
			<input type="checkbox"/> Application Size Fee <small>(37 CFR 1.16(s))</small>														
			<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <small>(37 CFR 1.16(j))</small>														
										TOTAL ADD'L FEE		0		OR		TOTAL ADD'L FEE	
AMENDMENT			CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR		PRESENT EXTRA		RATE (\$)		ADDITIONAL FEE (\$)		RATE (\$)		ADDITIONAL FEE (\$)		
			Total <small>(37 CFR 1.16(i))</small>		* Minus **		=		X \$ =				OR		X \$ =		
			Independent <small>(37 CFR 1.16(h))</small>		* Minus ***		=		X \$ =				OR		X \$ =		
			<input type="checkbox"/> Application Size Fee <small>(37 CFR 1.16(s))</small>														
			<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <small>(37 CFR 1.16(j))</small>														
										TOTAL ADD'L FEE				OR		TOTAL ADD'L FEE	
* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.										Legal Instrument Examiner: /MONIQUE BRUNSON/							
** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".																	
*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".																	
The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.																	

This collection of information is required by 37 CFR 1.16. 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 12 minutes 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.**
 If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 0664MH-40982-C

In re Application of:	§	
GREGORY G. KUELBS	§	Examiner: SAWHNEY, HARGOBIND S.
Serial No. 10/650,537	§	
Filed: 28 AUGUST 2003	§	Art Unit: 2885
For: UMBRELLA APPARATUS	§	
	§	Confirmation No.: 9033
	§	

INFORMATION DISCLOSURE STATEMENT

Filed via EFS-Web
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

In accordance with 37 C.F.R. §§ 1.56 and 1.97(b)(4) the references listed on the attached form PTO/SB/08A are being brought to the attention of the Examiner for consideration in the subject application.

CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. § 1.8(a)(1)(i)(C)	
Date of Transmission:	<u>9/24/08</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).

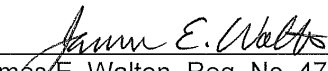
This Information Disclosure Statement is being filed pursuant to 37 C.F.R. § 1.97(b)(4), i.e., before the mailing of a first Office Action after the filing of a Request for Continued Examination under 37 C.F.R. § 1.114.

No fees are deemed to be necessary; however, the undersigned hereby authorizes the Commissioner to charge any fees that are necessary, 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


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CUSTOMER NO. 50779

ATTORNEY FOR APPLICANT

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	10650537
	Filing Date	2003-08-28
	First Named Inventor	Gregory G. Kuelbs
	Art Unit	2885
	Examiner Name	Hargobind S. Sawhney
	Attorney Docket Number	0638MH-40982-C

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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		
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U.S.PATENT APPLICATION PUBLICATIONS							Remove	
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		
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FOREIGN PATENT DOCUMENTS							Remove	
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
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**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**
(Not for submission under 37 CFR 1.99)

Application Number	10650537
Filing Date	2003-08-28
First Named Inventor	Gregory G. Kuelbs
Art Unit	2885
Examiner Name	Hargobind S. Sawhney
Attorney Docket Number	0638MH-40982-C

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See attached certification statement.

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

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Signature	/jamesewaltonpat/	Date (YYYY-MM-DD)	2008-09-24
Name/Print	James E. Walton	Registration Number	47,245

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1. Untranslatable words are replaced with asterisks (***)
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Translated: 05:51:19 JST 09/03/2008

Dictionary: Last updated 08/08/2008 / Priority:

*from
Emines Sawhney
PTO*

CLAIM + DETAILED DESCRIPTION

[Claim(s)]

[Claim 1] LED (7) is prepared in at least one place of the lead (9) which wires along with the bone (3) which constitutes an umbrella. [a lead / it lets this lead (9) pass to bone / said / (3) meet along said bone (3) and in a support (4), and accept it, and / wire and] Switch with the power supply battery (8) which makes circuit connection with this each lead (9), and [a switch (10) and a blink circuit (11)] The luminescence umbrella characterized by grasping, respectively, preparing in (5) or a ferrule (12), switching each LED (7) to "putting out lights", "continuation lighting" or, and "blink luminescence", and making it emit light with said change switch (10).

[Claim 2] In said blink circuit (11), it is each LED (7) and (7)... The control part (11a) which carries out variable [of the blink cycle of each of (7)] respectively, and supplies electric power is prepared. every beforehand set up by this control part (11a) -- LED (7) and (7) ... [at least two or more sorts of blink patterns according to the blink cycle of (7) / prepare and] The luminescence umbrella according to claim 1 characterized by switching and choosing it as either of the blink pattern, and making it emit light with a blink pattern change machine (10A).

[Claim 3] The blink change switch (10B) which made one both the vessels of the change switch (10) according to claim 1 and the blink pattern change machine (10A) according to claim 2 is formed in a circuit according to claim 2. the blink change switch (10B) -- every -- LED (7) and (7) ... (7) -- "Putting out lights", "continuation lighting", "blink pattern **", and "blink pattern **" ... the luminescence umbrella according to claim 1 or 2 characterized by switching to either and making it emit light.

[Claim 4] The self-blink LED (7A) is formed in at least one place of the lead (9) which wires along with the bone (3) which constitutes an umbrella. [a lead / it lets this lead (9) pass to bone / said / (3) meet along said bone (3) and in a support (4), and accept it, and / wire and] grasping the power supply battery (8) and switch (10a) which make circuit connection with this

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each lead (9), respectively, and forming them in (5) or a ferrule (12) -- said switch (10a) -- each one -- oneself -- Blink LED (7A) (7A) ... (7A): "putting out lights" -- or -- "the luminescence umbrella characterized by making light blink." carry out and emit.

[Claim 5] Claim 1, 2 and 3, or the luminescence umbrella of four descriptions which made circuit connection of at least one of the bones (3) and support (4) supporters (6) which constitute an umbrella as an energization part which supplies electric power to the oneself blink LED (7A) LED (7) or each each one.

[Claim 6] the sliding type electrode (16) which slides on the inside of a support (4), or a peripheral surface up and down, and carries out contact energization in the umbrella of a fold-up formula -- at least 1 -- the luminescence umbrella of Claim 1 characterized by preparing very much, 2, 3 and 4, or 5 descriptions.

[Claim 7] In the proper place of said lead (9), carry out connection fixation and the socket (14) of a necessary number is manufactured. Next, the luminescence umbrella and its manufacture method of Claim 1 characterized by having wired and preparing the lead (9) in said socket (14) possible [each insertion and detachment of LED (7)] along with a bone (3), 2, 3, 4 and 5, or 6 descriptions.

[Claim 8] In the tip part of a lead (9) which supplies electric power to LED (7), carry out connection fixation and a socket (14) is manufactured. Next, the manufacture method of the luminescence umbrella which this socket (14) is located at a bony (3) tip, is made to equip this socket (14) with it possible [insertion and detachment of LED (7)], covers this LED (7) with the protection cap (15) of a light transmittance state, is made to decorate the tip part of said bone (3) with, and is manufactured.

[Claim 9] The manufacture method of a luminescence umbrella according to claim 8 that LED (7) becomes by two or more colors LED which emit light in two or more colors with one LED simple substance, or the self-blink LED (7A).

[Detailed Description of the Invention]

[Field of the Invention] This invention relates to the luminescence umbrella and the manufacture method of walking at rainy night safely.

[Description of the Prior Art] If you are walking along the umbrella very rainy night, a field of view may become narrow with an umbrella, approaching [car] not easily seen [the surroundings] may not notice, but it may be very dangerous. When the front to especially the wind is blowing, it is obliged to lean an umbrella ahead, a front oncoming car disappears, and it is very dangerous. Moreover, also in an automatic car side, a rainy day may not be very easy to discover it in a dress with a blackish pedestrian with whom the windshield became cloudy easily, it becomes impossible for the front to have been clearly seen, and it put especially the

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umbrella in the top where visibility is low, if a blackish umbrella is very, and may become danger very much. Then, prepare LED (light emitting diode) at the tip of the bone of an umbrella, and a battery is made to build in the handle (handle) portion of an umbrella. As well-known invention which makes said LED turn on, JP,H1-170120,U, It applies for JP,H2-59620,U, JP,H4-5906,A, etc., and applies for JP,S60-69022,U, JP,S60-45302,A, JP,H1-117213,U (only any of lighting or blink), etc. as well-known invention which makes it blink. In these well-known invention, when it actually carried out, the driver of the car could do vision of the light which lights up or blinks more easily than a distant place, and demonstrating an effect to some extent to the above-mentioned problem was confirmed by the trial experiment of this invention person here. However, this invention person is the process of the trial experiment, there is room of improvement in said well-known invention further, and it found out that the effect in much more safe side and an ornament side could be demonstrated by adding improvement. namely, -- in said well-known invention -- every -- whether if LED turns on a switch, it will be turned on only in succession blinks -- [it is one of those composition and] in a safe side Rather than the light which is emitting light continuously changeless as it is, the direction of the light which is emitting light while blinking makes cautions and warning of vision of man evoke more, and the light which is emitting light night can give people cautions and warning by blinking the light which emits light, and has the characteristic of making it gazing at people's eyes there. For this reason, it is still more effective to apply that characteristic and this invention person proposes [then,] using luminescence of "continuation lighting", and "blink luminescence" properly here. [for example, the thing rapidly switched to a "blink luminescence" state from a "continuation lighting" state] While it can be made to gaze at people's eyes by sudden change of a lighting state there and he is walking along the place along the route of a road, it is made "continuation lighting", and if it is made "blink luminescence" when crossing a road, two steps of cautions and warning according to the spot can be given. If you are walking this along the place along the route only in the state of "blink luminescence", the driver of a car will always pour out cautions more than needed, and a nerve will get tired. However, with the composition of well-known invention, it cannot carry out variable to "continuation lighting" or "blink luminescence" according to the spot. Next, in an ornament side, the following thing is imagined as a problem which is conventionally latent in an umbrella. Although it originally carries and walks around with an umbrella on a rainy day, in the day when rain did not fall, or the interior of a room and a train, it tended to become a "burden" and the umbrella did not have the pleasure carried deficiently in fanciness as mere "tool of a rain-cover" in respect of practical use. And although made in view of the safe side also in well-known invention, it was lacking in fanciness. Furthermore, as a following problem [problem / of a manufacture side] Although the problem is not mentioned in particular in well-known invention, in actually manufacturing the luminescence umbrella turned on or blinked using

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LED, there is a big problem which should be solved and the composition or the manufacture method of solving the problem in well-known invention are not shown. For example, although the figure which fixes LED to the bone of an umbrella at JP,H1-170120,U, JP,H2-59620,U, JP,H4-5906,A, etc. is indicated The composition of this well-known invention fixes LED so that it cannot secede from a lead, a bone, or a holder, and in this composition, the following breaks out as a practical question.

1) there is a possibility that may damage LED which boils an umbrella occasionally, carries out, was easy to be treated violently, and was easy to throw something especially the tip of the bone of an umbrella, therefore well-known invention fixed, and it may be missing. For this reason, although to constitute stubbornly is required for preventing it, there is a limit also in the production costs of an umbrella, and when missing [damaged and], with the composition of well-known invention, repair will not be easy and may call it the life of an umbrella depending on the case. (Above said well-known 3 invention)

2) Although it is possible to manufacture an umbrella in trial production with the composition which fixes LED to a lead or a bone, the manufacturing process is very difficult for carrying out connection fixation and actually manufacturing each LED to a lead, in the mass production of an umbrella, and it is low. [of the productivity mentioned later] (Above said well-known 2 invention)

[Problem to be solved by the invention] This invention is what was made in view of the problem of the safe side which is latent in said well-known invention and the conventional umbrella, an ornament side, and a manufacture side. The purpose is to make each LED prepared along with the bone of an umbrella in a safe side the composition which switches to two steps, "continuation lighting" and "blink luminescence", and makes them emit light. It enables it to demand evocation of the cautions proportional on that occasion and warning from a driver in two steps. It is demonstrating the most effective safety, and some blink patterns are prepared beforehand in the ornament side, and it is offering a fashionable luminescence umbrella with the fanciness which had an electric-spectaculars fine sight by choosing them, switching and enabling it to emit light. Moreover, in a manufacture side, productivity is offering the luminescence umbrella which, at best moreover, took into consideration aftercare with easy repair exchange most. Moreover, it is also in offering the blink luminescence umbrella made with the most inexpensive composition.

[Means for solving problem] This invention is set to a safe side and ornament side, in order to solve said technical problem. LED (7) is prepared in at least one place of the lead (9) which wires along with the bone (3) which constitutes an umbrella. [a lead / it lets this lead (9) pass to bone / said / (3) meet along said bone (3) and in a support (4), and accept it, and / wire and] Switch with the power supply battery (8) which makes circuit connection with this each lead (9), and [a switch (10) and a blink circuit (11)] It is the composition of grasping, respectively,

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preparing in (5) or root clusters (12), switching each LED (7) to "putting out lights", "continuation lighting" or, and "blink luminescence", and making it emitting light with said change switch (10). Moreover, in said blink circuit (11), it is each LED (7) and (7)... The control part (11a) which carries out variable [of the blink cycle of each of (7)] respectively, and supplies electric power is prepared. every beforehand set up by this control part (11a) -- LED (7) and (7) ... [at least two or more sorts of blink patterns according to the blink cycle of (7) / prepare and] It is the composition of switching and choosing it as either of the blink pattern, and making it emitting light with a blink pattern change machine (10A). Moreover, the blink change switch (10B) which made one both the bodies of the change switch (10) and the blink pattern change machine (10A) is formed in said circuit. the blink change switch (10B) -- every - LED (7) and (7) ... (7) -- "putting out lights", "continuation lighting", "blink pattern ***", and "blink pattern ***" -- it is the composition of switching to either of ... and making it emitting light. Moreover, it has composition which the LED carries out self-blink and emits light by forming the self-blink LED as composition blinked inexpensive even if it does not prepare a blink circuit. Moreover, in a manufacture side, it is the manufacture method of carrying out connection fixation, manufacturing the socket (14) of a necessary number to a lead (9), wiring, then preparing the lead (9) in said socket (14) possible [each insertion and detachment of LED (7)], and manufacturing it along with a bone (3) next. Moreover, in the tip part of a lead (9) which supplies electric power to LED (7), carry out connection fixation and a socket (14) is manufactured. Next, it is the manufactured manufacture method which this socket (14) is located at a bony (3) tip, is made to equip this socket (14) with it possible [insertion and detachment of LED (7)], then covers this LED (7) with the protection cap (15) of a light transmittance state, and decorates said bone (3) with. Moreover, it can also have composition which makes circuit connection of at least one of the bones (3), supporters (6), and supports (4) which constitute an umbrella as each energization part which supplies electric power to LED (7).

[Mode for carrying out the invention] The forms which this invention carries out are enumerated below and, for details, a work example explains.

- * LED may be installed in all bones and may be installed only in the selected bone.
- * One LED installed along with one bone may be good, and plurality is sufficient as it.
- * The lead which wires along with a bone may let inside pass, as long as a bone is hollow, and as long as it is faithful, it may wire along an outside.
- * Not only red but green and blue are sufficient as LED, and it may be made intermingled respectively.
- * Each cycle which blinks LED, and its blink pattern can be variously set up by the control part of a blink circuit.
- * The battery used as a power supply may be a battery.

[Working example] This invention is explained based on Drawings.

Work-example 1 drawing 1 shows the work example 1 of this invention. First, it grasps to the lower end of a support 4, there is 5 as composition of the conventional umbrella 1, there is a supporter 6 in the upper part of a support 4, and the bone 3 supported to revolve by the supporter 6 consists of sheets 2 stretched to those with two or more (usually 8), and a bone 3. In this composition, the front view in which drawing 1 (a) shows the work example 1 of this invention, and drawing 1 (b) show the bottom view seen from the bottom. It is what made circuit connection and prepared LED7 of red in each tip part of eight bones 3. It is the composition shown in drawing 7 as this circuit composition, eight LED7 and 7...7 are connected to parallel, respectively, and it switches with a battery 8, and circuit connection of a switch 10 and the blink circuit 11 is made, and LED7 and 7...7 are switched to "OFF", "continuation lighting", and "blink luminescence." Each composition part is explained here. As shown in drawing 5, LED7 make solder connection of the two leads, + pole and - pole, 9 and 9 at the electrode terminals 14b and 14b of a socket 14, respectively, and they wire the leads 9 and 9 inside a bone 3. A socket 14 is located at the tip of a bone 3, and after inserting two terminals of LED7 in each of those electrode holes 14a and 14a and connecting with them, the protection cap 15 can be reversed and it prepares. The protection cap 15 was formed by the synthetic resin of the light transmittance state, was prepared in the fitting type and screwing type which are locked so that it may not separate easily, and in the state where it was able to reverse, as external force was not added to direct LED7, it has prevented breakage of LED7. The protection cap 15 can consist of flexible materials which do not break easily. You may fix at the tip of a bone 3, and it may fix and a socket 14 may also drop off. As shown in drawing 4, a power supply section is grasped, it prepares in 5 and the change switch 10 of a rotation change type is grasped, it prepares in the up flank of 5, the blink circuit 11 is grasped, and it prepares in the inside of the upper part of 5. And although the blink circuit 11 is not illustrated with the circuit composition of drawing 7, an electrolytic condenser and IC (LM3909) can constitute. Next, the single 5 type battery 8 is made into 2 series, and is grasped, it stores and prepares in the battery holder 13 in five, and the upper part of grip 5 is prepared in attachment-and-detachment structure by a screwing formula. The lead 9 linked to LED7 and 7...7 and 9...9 wire in each bone 3, after they make each said pole connection with a supporter 6, they give a margin a little, let pass and wire in a support 4, and make circuit connection of each of these leads 9 and 9 with the change switch 10, the blink circuit 11, and each terminal of the battery holder 13. It can connect by the connector which is not illustrated and connection of the leads 9 and 9 which wired the inside of this support 4 may be connected soon. Since it is not interfered since it is wiring in a support 4 and the margin of length is moreover given a little with the supporter 6 when each leads 9 and 9 fold up an umbrella 1 with this composition, there is no fear of disconnection by crookedness. If actual use by this composition is carried

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out to the circuit composition of drawing 7, and the change switch 10 formed in the grip 5 is rotated, and it is switched and operated, for example, it fixes to "blink" If eight LED7 prepared in the surroundings of the umbrella 1 and 7...7 carry out blink luminescence at a stretch simultaneously and it fixes to "lighting", light will be emitted by continuation lighting at a stretch. The blink cycle of blink luminescence here can carry out variable by changing the circuit composition of the control part 11a in the blink circuit 11. Since luminescence which these LED7 [each] blinked is visible in the shape of [three-dimensional] an ellipse from a distance, and it is very conspicuous in a dimly lighted place and visible while a round umbrella emerges in the shape of an ellipse periodically and being able to carry out the vision of it, cautions and evocation are urged, and that effect has a large effect rather than having switched on the light continuously. Moreover, if an umbrella 1 is leaned, a fine sight will be given while making it gaze at people's eyes, since it shines periodically, and it emerges and is visible in variety ellipse (maximum circle) form with the inclination. It is green not only red but, and LED7 and 7...7 are constituted here, and red and green can be made intermingled, and it can also blink [it can be made green blink, or], and becomes blink luminescence equipped with still the electric-spectaculars fine sight. It is effective especially in order that carrying out in an instant and carrying out blink luminescence red may tell danger, in foreknowing especially danger, since it can do by carrying out the change of lighting or blink with the change switch 10 in an instant and is switched according to a situation on that occasion. In addition, it is fixing the change switch 10 to "OFF" at the time of intact, and each LED7 keep lighting and blink not carried out, and they can be kept. In addition, although wired through the lead 9 in the bone 3 and the support 4, circuit connection of a bone 3, a supporter 6, or the support 4 can also be made as an energization part very by the side of one. Next, as the manufacture method, in the tip part of the lead 9 which supplies electric power to LED7, carry out connection fixation and a socket 14 is manufactured. [next, the thing to carry out to the manufactured manufacture method which this socket 14 is located at the tip of a bone 3, is made to equip this socket 14 with it possible / insertion and detachment of LED7 /, covers these LED7 with the protection cap 15 of a light transmittance state, and decorates said bone 3 with] Even if it is covered with the protection cap 15 and it is hard to damage LED7, and LED7 are damaged while using an umbrella, substituting for new LED will be possible and repair exchange can be performed simply. In a manufacturing process, a socket 14 Moreover, since [for example,] it can constitute so that either red LED or green LED can be taken out and inserted, Wire harness ASSEI which carried out connection fixation of the socket 14 can be communalized with red to the lead 9 at green two ways, and the part mark in a manufacturing process are made to the minimum, and a manufacturing process is easy and it becomes easy to produce it. Work-example 2 drawing 2 shows the composition of the work example 2 of this invention. Each socket 14 which the leads 9 and 9 connected in parallel with three places is formed to

eight bones 3 which constitute an umbrella, and they are every LED7a1, seven b1, and 7c1/to each... Each terminal of /7a8, seven b8, and 7c8 is inserted, respectively, and the leads 9 and 9 are formed along with a bone 3. [the method / sockets / 14 and 14A / the leads 9 and 9 and / each / of connection fixation] For example, a socket 14 and its electrode terminal 14b cylindrical at the tip of two leads 9 and 9 with composition as shown in drawing 13, Solder connection of the 14b is made and it fixes, and solder connection of the sockets 14A and 14A of the size like 3mm(width) x6mm (length) x 2.5mm (height) is made with each electrode terminals 14b and 14b, respectively, and it fixes to **** which stripped covering and was exposed at two suitable places of the leads 9 and 9. You may connect with a series of one lead 9, and the connection between each sockets 14A and 14A and the lead 9 may prepare the lead 9 which connects between each socket, respectively, may divide it, and may be connected here. The leads 9 and 9 connected with a socket 14 and Sockets 14A and 14A here set aside the main part of an umbrella. It can manufacture as one wire harness ASSEI, and the wire harness ASSEI object which bundles the leads 9 and 9 which wire each bone 3, respectively, and makes connector connection of the tip with the above-mentioned power supply section can be built. Each wire harness ASSEI shown by drawing 13 and drawing 14 can raise the productivity mentioned later. As the attachment method to the umbrella of wire harness ASSEI shown by this drawing 13 and drawing 14, when hollow [a bone 3], it can fix by the locking part material which makes the leads 9 and 9 through and an insertion type into a bone 3, or does not illustrate a proper place as shown in drawing 15, or can fix with adhesives. And LED7 by which the both-ends child was projected in this direction are inserted in the electrode holes 14a and 14a of the socket 14 fixed at the tip of the leads 9 and 9 in the state where it fixed, the protection cap 15 can be reversed like drawing 5 of a work example 1 from on the, and it fixes to a bone 3. Next, as a work example projected mutually in the counter direction, a terminal inserts LED7B (Matsushita Electronics Industry part number LN0120CAL) of the size like 2.2mm(width) x3mm (length) x 1.5mm (height) in the electrode holes 14a and 14a of said socket 14A, and is fixed. Since LED7B is the above mentioned minute size, even if it changes into the state where it fixed on the bone 3 and covers with a sheet 2, it does not become obstructive at all here. In addition, not hollow but when solid, a bone 3 may make the leads 9 and 9 be along the outside of a bone 3, and may wire, and may connect mechanically the connection between the lead 9 and the electrode terminal 14b of Sockets 14 and 14A in total not only with solder connection but with a sticking-by-pressure implement etc. Moreover, the socket which carries out connection fixation with the lead 9 may be made only socket 14A type composition, and may be prepared in each position including the tip of the lead 9. It is that total LED7a1, seven b1, and 7c1/to have LED7 and composition which carried out connection fixation of the 7B, respectively by this composition, and to be shown in drawing 8 ... It is the circuit composition which shows one work example which carried out multiple connection

of /7a8, seven b8, and 7c8 respectively. It is visible in the shape of [three-dimensional] a upper hemisphere, and if it connects with "lighting" and continuation lighting is first carried out with the change switch 10 here, from a work example 1, the light which emits light can carry out vision of the form of an umbrella to relief in three dimensions like a planetarium further, and moreover the umbrella 1 whole is brightly conspicuous still more gorgeously, and it is visible. Moreover, by leaning an umbrella 1, the light which each emits light overlaps or is each other interwoven with, and gives a fine sight further further. Next, if it switches, a switch 10 is switched to "blink" and it connects with the blink circuit 11, there are some blink patterns beforehand set as the circuit in the control part 11a, and the blink pattern is switched with the blink pattern change machine 10A, and can be made to emit light by a desired blink pattern. The blink pattern is made by carrying out variable setup of the cycle which supplies electric power to every LED7 and 7...7 in the circuit in the control part 11a one by one. One example of an operation circuit in the control part 11a is shown in drawing 9. The circuit shown here uses Si 7 TOREJISUTA, is using a serial input and parallel output type Si 7 TOREJISUTA, can prepare a blink pattern as shown in drawing 10, using this circuit composition, can switch it with the blink pattern change machine 10A, and can be blinked respectively. if the example of each of that blink pattern is shown -- (a) every -- [LED / LED lights up in order and] All-points light is carried out. All the blink patterns to switch off (b) Each LED every one by turns [blink] blink pattern (c) every to repeat -- blink (pattern d) pattern [blink] (e) every in which LED repeats blink simultaneously and with which two LED(s) and one LED repeat blink by turns -- although LED can set up by the blink pattern which blinks in the shape of [one / every] roulette, it can set variously as others. Moreover, the blink speed can carry out variable by Volume 11b. Drawing 11 is what makes one both the machines of the change switch 10 and the blink pattern change machine 10A, and was switched with one switch. that blink change switch 10B -- every -- LED7 -- "putting out lights", "lighting", "blink pattern **", and "blink pattern ***" -- it can be respectively switched to ..., and by having this composition, all the change operations can be performed with one change machine, and it can be operated very easily. LED7 are connected only to the socket 14 which connected at the tip here in wire harness ASSEI shown in above-mentioned drawing 13, other sockets 14A may be left an opening and may be prepared in a bone 3, and by carrying out like this, it has the same composition as a work example 1, and can carry out. Moreover, since 7B is constituted to each sockets 14 and 14A, enabling LED7 and free insertion and detachment, for example, [be / it / as making intermingled and constituting **** /, and] [connecting and constituting green LED in connecting and constituting red LED] Since it can communalize altogether by one wire harness ASSEI of illustration and wire harness ASSEI can be each communalized for this reason, also when manufacturing the luminescence umbrella of varieties, part mark can be reduced, and manufacture is easy and, moreover, can produce at low cost. Here, as shown in

drawing 14 , it is wire harness ASSEI. Connection fixation of the leads 9 and 9 and each sockets 14 and 14A which became independent respectively can be carried out, it can also constitute from another connection, and control which turns on or blinks separately LED7B and LED7B which were prepared in one bone 3, and LED7 with constituting in this way, respectively can be performed. Moreover, as shown in drawing 16 , you may constitute so that flexibility may be given, and one end each of the electrode terminal 14b of a socket 14 and Socket 14A may be mechanically contacted to the metal bones 3 and may be energized. It is necessary to connect in series the resistor R which restricts each current which supplies electric power to LED to several 10mA, therefore resistance may not be low, and if especially the bone 3 is iron material, it fully achieves the duty of energization and can carry it out with this composition. Moreover, by the above mentioned composition of wire harness ASSEI of drawing 14 , the blink pattern with which an umbrella 1 emits light can be composed of still more various blink patterns. For example, it can be made to switch on the light or blink towards a lower part in order of LED(7c1...7c8) ->(seven b1...7b8) -> (seven a1...7a8) from the upper part of an umbrella. The blink circuit 11 can integrate each element which carries out circuit composition; can make it the letter of a chip, and can be dedicated here in the upper part of the grip 5 shown in drawing 4 .

Work-example 3 drawing 3 shows the composition of the work example 3 of this invention. It is what prepared self-blink LED7A which built in the oscillation chip at the tip of every the one four bones 3 among eight bones 3 which constitute an umbrella 1, and if it is made the circuit connection shown in drawing 12 , self-blink can be carried out and four self-blink LED7A can be made to emit light. If it has this composition, even if it will not connect the circuit for blink, self-blink is carried out, and manufacture implementation can be carried out very inexpensive. In addition, you may install LED7A of a suitable number in eight bones 3 like work examples 1 and 2.

Work-example 4 drawing 6 shows the composition of the work example 4 of this invention. What used as the hollow central part integral-moulding object the battery holder 13 and the blink change switch 10B which store a battery 8, and the blink circuit 11 is fixed on root clusters 12. Although it may grasp like a last work example, it may switch by 5 and switching operation may be carried out, it is the composition that could switch and carry out switching operation even to root clusters 12 like the composition of this work example, and it was suitable for especially *****. In addition, two or more colors LED which emit light in two or more colors can also constitute LED7 from one LED simple substance as composition of this invention. Moreover, LED7 are added, it can prepare in the peak or the inside of root clusters 12, and it can also be made to emit light. Moreover, it switches to root clusters 12 with the battery holder 13 with said composition, and you may make it make either and the blink circuit 11 of a switch 10, the blink pattern change machine 10A, or the blink change switch 10B install

inside. Moreover, the lead 9 may consist of coaxial cables. Moreover, in the umbrella of a ***** type, the lead 9 may be wired along with a bone 3, and you may have composition which connects the lead 9 with the sliding type electrodes 16 and 16 which carry out contact energization at the sliding type prepared in the support 4 shown in drawing 12 . A support 4 is made into one pole, and is energized here, and this sliding type electrode 16 also has composition of only one pole, and it can also prepare in the peripheral surface of a support 4. [Effect of the Invention] As mentioned above, since this invention switches each LED prepared along with the bone of an umbrella to "continuation lighting" or "blink luminescence" and can emit light, it makes two steps the cautions on that occasion and the warning according to a dangerous situation, can evoke a driver's, can be made to be able to gaze at them most effectively, and can offer a safe luminescence umbrella in a safe side. Moreover, in respect of an ornament, selection change ***** can be carried out at the pattern of a request of some blink patterns prepared beforehand, and the spectacle can offer a fashionable umbrella with electric-spectaculars a fine sight and fanciness. Moreover, since it is the manufacture method of manufacturing the lead which carried out connection fixation of the socket of a necessary number beforehand as harness ASSEI, being able to communalize, and equipping LED possible [insertion and detachment] at the following process in respect of manufacture, Manufacture is easy, productivity is the best and the luminescence umbrella with which after production can moreover do aftercare of repair exchange simply can be manufactured. Moreover, by manufacturing a luminescence umbrella with the structure which can reverse a protection cap to LED provided at a bony tip, and attaches it decoratively, even if violent treatment is made by actual use, LED can offer the strong luminescence umbrella which is hard to be damaged easily. Moreover, by constituting from self-blink LED not using a blink circuit, the blink luminescence umbrella made in the most inexpensive production costs can be offered. Moreover, it can also make it simultaneous to lessen consumption of a battery in the meantime with the composition which carries out blink luminescence.

[Translation done.]

Electronic Acknowledgement Receipt	
EFS ID:	3999077
Application Number:	10650537
International Application Number:	
Confirmation Number:	9033
Title of Invention:	Umbrella apparatus
First Named Inventor/Applicant Name:	Gregory G. Kuelbs
Customer Number:	38441
Filer:	James Edward Walton
Filer Authorized By:	
Attorney Docket Number:	0638MH-40982-US
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Time Stamp:	16:39:40
Application Type:	Utility under 35 USC 111(a)

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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		IDS20080924.pdf	131504 <small>195fcb28845ba88ed469ce445d71f34cbb2639f</small>	yes	4

YOT-1202-0602

Multipart Description/PDF files in .zip description					
Document Description		Start	End		
Miscellaneous Incoming Letter		1	2		
Information Disclosure Statement Letter		3	4		
Warnings:					
Information:					
2	Information Disclosure Statement (IDS) Filed (SB/08)	US_IDS_Form__SB_08a20080924.pdf	574698 4fcc883167c09999328137c127ba17d9f819a5b0	no	4
Warnings:					
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A U.S. Patent Number Citation or a U.S. Publication Number Citation is required in the Information Disclosure Statement (IDS) form for autoloading of data into USPTO systems. You may remove the form to add the required data in order to correct the Informational Message if you are citing U.S. References. If you chose not to include U.S. References, the image of the form will be processed and be made available within the Image File Wrapper (IFW) system. However, no data will be extracted from this form. Any additional data such as Foreign Patent Documents or Non Patent Literature will be manually reviewed and keyed into USPTO systems.					
3	Foreign Reference	EnglishTranslationOfOshio.pdf	948227 5a8aac1a235b5fd888b0b400fea75df52199717	no	11
Warnings:					
Information:					
Total Files Size (in bytes):			1654429		
<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-1202-0603

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 0664MH-40982-C

In Re Application of:

GREGORY G. KUELBS

Serial No.: **10/650,537**

Filed: **28 AUGUST 2003**

For: **UMBRELLA APPARATUS**

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Examiner: **SAWHNEY, HARGOBIND S.**

Art Unit: **2885**

Confirmation No.: **9033**

TRANSMITTAL

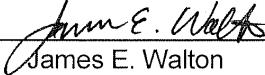
Filed via EFS-Web

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

Dear Sir:

Please file the following documents in the subject application:

1. This Transmittal with Certificate of Transmission;
2. Information Disclosure Statement; and
3. Form PTO/SB/08a, along with a copy of the English translation of the cited Japanese reference.

CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. § 1.8(a)(1)(i)(C)	
Date of Transmission:	<u>9/24/08</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

Transmittal
Attorney Docket No. 0664MH-40982-C
Serial No. 10/650,537
Page 1

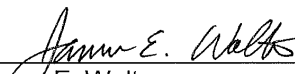
YOT-1202-0604

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 Commissioner to charge any fees that are necessary, or credit any overpayments, to **Deposit Account No. 502806**.

Please link this application to Customer No. 50799 so that its status may be checked via the PAIR System.

Respectfully submitted,

Date 9/24/08



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/650,537	08/28/2003	Gregory G. Kuelbs	0638MH-40982-US	9033
38441 7590 12/15/2008 LAW OFFICES OF JAMES E. WALTON, PLLC 1169 N. BURLESON BLVD. SUITE 107-328 BURLESON, TX 76028			EXAMINER SAWHNEY, HARGOBIND S	
			ART UNIT 2885	PAPER NUMBER
			MAIL DATE 12/15/2008	DELIVERY MODE 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.

Office Action Summary	Application No. 10/650,537	Applicant(s) KUELBS, GREGORY G.	
	Examiner HARGOBIND S. SAWHNEY	Art Unit 2885	

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

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

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

Status

1) Responsive to communication(s) filed on 18 September 2008.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 76-92 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 76-92 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

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

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

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

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. _____.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

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

Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date <u>9/24/2008</u>	6) <input type="checkbox"/> Other: _____.

DETAILED ACTION

1. The Request for Continued Examination –RCE- and the amendment, each filed on September 18, 2008 has been entered. According to the amendment, claims 76 and 86 have been amended; and claims 1-75 have been cancelled.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 76-81 and 83 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No.: 2,960,094 (Small) in view of US Patent NO.: 5,954,417 (Mai).

Regarding claims 76, Small discloses umbrella apparatus (Figure 1) comprising:

- A pole portion 10 for outdoor location (Figure 1, column 1, lines 16 and 47); an umbrella portion 11 hingedly coupled to a pole portion 10 (Figure 1, column 1, line 49); the umbrella apportion including radially extending ribs 11' (numeral assigned by the examiner for brevity of the discussion) - including elements 12 and other stretching rib members (not shown) – starching the top 11 (Figure 1, column 1, lines 47-50); a rechargeable electrical power system 35 providing power to the umbrella apparatus (Figure 1, column 2, lines 29 and 30); a solar energy system 34 including

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a solar collector positioned above the umbrella portion 11 (Figure 1, column2, lines 29-36); the electrical energy converted by the solar energy system conductively coupled to , and recharging the rechargeable electrical power system 35 (Figure 1, column2, lines 29-36); Positioning of the solar collector of the solar energy system 34 keeping the degree of exposure unaffected from opening and closing of the umbrella apparatus (Figure 1).

However, Small does not specifically teach the solar- powered umbrella apparatus further comprising a lighting system including a plurality of light emitting diodes “LEDs” conductively coupled to the rechargeable power system included in the umbrella apparatus.

On the other hand, Mai discloses an umbrella apparatus (Figure 1) comprising:

- An umbrella portion 3 coupled to a pole 10 (Figure 1, column 2, lines 42-46); a lighting system 80” including lighting elements LEDs 83” conductively coupled to a rechargeable system 35 through wires 831” (Figures 1 and 5, column 3, lines 4-10; and column 4, lines 4-6); the LEDs 83” being recessed within the transparent rib portion 84” – transparent strips integral with the ribs have been interpreted as the rib portions- covering the LEDs 83” (Figure 5, column 4 lines 11-19).

It would be have been obvious to one of ordinary skill in the art at the time of the invention to modify the solar-powered umbrella apparatus of Small by providing the LED-based lighting system as taught by Mai for the benefits enhancing utility of

umbrella apparatus by illuminating the area under the umbrella canopy portion.

Further, Small in view of Mai teaches the material covering the LEDs being transparent instead of being translucent as claimed by the applicant.

It would be have been obvious to one of ordinary skill in the art at the time of the invention to provide translucent finish to the light transmitting covering, since it has been held that matters relating to ornamentation only which has no mechanical function cannot be relied upon to patentably distinguish the claimed invention over prior art.

Regarding claims 77, 78, Small in view of Mai teaches the LED covering material being translucent as applied to claim 76 discussed above. However, neither in combination nor individually Small and Mai specifically teaches the translucent material being smooth or textured. The above surface characteristics are considered as ornamental features not affecting mechanical function of the device.

It would be have been obvious to one of ordinary skill in the art at the time of the invention to provide translucent surface with either smooth or textured surface finish to the light transmitting covering, since it has been held that matters relating to ornamentation only which has no mechanical function cannot be relied upon to patentably distinguish the claimed invention over prior art.

Regarding claim 79 and 80, Small in view of Mai further teaches the translucent material 84" extending beyond – width of the covering material being wider than that of the ribs (Figure 5) - the exterior surfaces of the rib members (Figure 5), and the conductors 831" being carried – covered along with the LEDs 83"- within the rib portion 84" (Mai, Figure 5, column 4, lines 14-18).

Regarding claim 81, Small in view of Mai teaches the solar energy system being operationally coupled to the rechargeable electrical power system, However, neither in combination nor individually Small and Mai specifically teach the solar energy system being releasably coupled to the rechargeable electrical power system.

It would be have been obvious to one of ordinary skill in the art at the time of the invention to make the solar energy system of Small in view of Mai releasable or detachably attached to the electrical power system, since it has been held that making a component removable is a merely a matter obvious engineering choice, and involves only routine skill in the art. USPQ 348, 349 (CCPA 1961). Further, using a solar energy system, which is detachable from the rechargeable electrical power system, would facilitate repair, replacement or maintenance of the umbrella apparatus.

Regarding claim 83, Small in view of Mai discloses the umbrella apparatus further comprising the solar energy system 34 and rechargeable electric power system being disposed n separate housings (Figure 1, column 2, lines 30-36).

4. Claim 82 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No.: 2,960,094 (Small) in view of US Patent NO.: 5,954,417 (Mai) as applied to claim 76 above, and further in view of US Patent 2,863,466 (Small '466).

Regarding claim 82, Small in view of Mai discloses the outdoor umbrella apparatus including: a top housing receiving the solar energy system 35– broadly interpreted as a cap - and a rechargeable battery 35 – broadly interpreted as a rechargeable electrical power system - positioned adjacent the solar energy system 34 (Small, Figure 1).

Small further teaches that the rechargeable batteries may be positioned anywhere, including external or internal of the post 10 (Small, Figure 1, column 2, lines 28-36). However, Small does not specifically teach: the top cap used to hingedly connecting the umbrella portion to the pole portion; and the rechargeable electrical power system received in the top cap portion.

On the other hand Small '466 discloses an umbrella apparatus (Figure 1) including an umbrella portion – canopy - (not shown) supported by a plurality of ribs each connected to a top cap 27 for hingedly connecting the umbrella portion to the pole 28 (Figure 1, column 2, lines 20-29).

It would be have been obvious to one of ordinary skill in the art at the time of the invention to further modify the umbrella apparatus of Small in view of Mia by positioning the rechargeable batteries within the housing receiving the solar energy system, since it has been held that rearranging parts of a prior art structure involves only routing skill in the art. *In re Japikse*, 86 USPQ 70. Further, positioning of rechargeable power sources – batteries – within the housing receiving a solar energy system would operate equally well, and would be compact with less wiring.

5. Claim 84 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No.: 2,960,094 (Small) in view of US Patent NO.: 5,954,417 (Mai) as applied to claim 76 above, and further in view of US Patent 5,584,564 (Phyle).

Regarding claim 84, Small in view of Mai discloses the outdoor umbrella comprising a rechargeable battery disposed in a housing mounted on the umbrella pole as applied to claim 76 discussed in section 3 above. However neither Small nor Mai

specifically teaches the battery housing surrounding the umbrella pole as claimed by the applicant.

On the other hand, Phyle discloses an outdoor umbrella (Figures 9 and 10) comprising: batteries 60 received in a housing 10; and the housing 10 surrounding the umbrella pole 20 (Figures 9 and 10, column 3, lines 58-67; and column 4, lines 1-7).

It would be have been obvious to one of ordinary skill in the art at the time of the invention to further modify the umbrella apparatus of Small in view of Mia by positioning the rechargeable batteries within the housing surrounding the umbrella pole as taught by Phyle for the benefits of mounting the housing with no interfere with the vertical motion of the umbrella slide, and fir easy excess for replacements of batteries.

6. Claims 85 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No.: 2,960,094 (Small) in view of US Patent NO.: 5,954,417 (Mai) and US Patent 5,584,564 (Phyle) as applied to claim 84 above, and further in view of WIPO publication WO 93/00840 (Perrier et al.).

The following examination is based on the English translation of Perrier et al. Hereafter, the above-indicated English translation has been referred as “the English translated text”.

Regarding claim 85, Small in view of Mai and Phyle discloses the umbrella apparatus including a rechargeable electric power system charged with a solar energy system as applied to claim 84 discussed in section 5 above. However, neither in combination nor individually, Small, Mai and Phyle teaches AC-based rechargeable

power system conductively coupled to at least one rechargeable battery receive power from an AC power outlet.

On the other hand, Perrier et al. discloses an outdoor umbrella apparatus (Figure 1) comprising:

- A lighting powered with an electric power system via the electrical cable holder 17 connectable to electrical power system 3 – including batteries 3 – rechargeable with a solar energy system 2 – operationally a transformer is a part of the battery-charger connected to the rechargeable battery- (Figure 1, English translated abstract and text).

Further, Perrier et al. teaches the umbrella apparatus including the rechargeable electrical power system capable of receiving power from an AC power outlet through a power plug 14 (Figure 1, English translated abstract and text).

It would be have been obvious to one of ordinary skill in the art at the time of the invention to further modify the outdoor umbrella apparatus of Small in view of Mai and Phyle by providing the rechargeable power system – operationally equipped with a transformer - receiving power from the AC power outlet as taught by Perrier et al. for the benefits of redundant power sources desirable for high operational reliability and availability of the umbrella apparatus.

Further, neither in combination nor individually Small, Mai, Phyle and Perrier specifically teaches the transformer equipped with the recharging system is releasably coupled to the power system charger.

It would be have been obvious to one of ordinary skill in the art at the time of the invention to further modify the outdoor umbrella apparatus of Small in view of Mai and Phyle by providing the rechargeable power system – operationally equipped with a releasable transformer, since, it has been held that constructing a formerly integral structure in various separable elements involves only routine skill in the art. *Nerwin v. Erlichman*, 168 USPQ 177, 179.

7. Claims 86-89 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent No. JP 9168415 (Oshio) in view of US Patent No.: 2,960,094 (Small).

The following examination is based on the English translation provided by the Advanced Industrial Property Network (AIPN) of the Japanese Patent Office. Hereafter, the above-indicated English translation has been referred as “Oshio”.

Regarding claim 86, Oshio discloses an umbrella apparatus (Figures 1 and 3) comprising:

- A top cap 12 coupled to a pole 4 (English translated Oshio, Figures 2a and 3b); a plurality of ribs 3 hingedly coupled to the top cap 12 (English translated Oshio, Figures 2a and 3b); a flexible canopy 2 carried by the ribs 2 (English translated Oshio, Figures 2a and 3b); power supply batteries 8 energizing the umbrellas apparatus (English translated Oshio, Figures 2a and 3b) the power supply batteries positioned below the canopy (English translated Oshio, Figures 2a and 3b); a lighting system electrically powered lighting elements LEDs 7a1-7a6, 7b1-7b6 7c6 –

carried by the ribs 3, and conductively coupled to and powered by the power system 8 (English translated Oshio, Figures 2a and 3b).

Oshio teaches the power system including a battery – a power system - instead of a rechargeable power system as claimed by the applicant.

On the other hand, Small discloses an umbrella apparatus (Figure 1) comprising: a flexible canopy 1 being adjacent to the top and the solar energy system 34 (Small, Figure 1); a rechargeable electrical power system 35 rechargeable by a solar energy system 34 – operationally required to include a battery charger - (Small, Figures 1 and 3, column 2, lines 28-31 and 54-64).

It would be have been obvious to one of ordinary skill in the art at the time of the invention to modify the outdoor umbrella apparatus of Oshio by providing and positioning the rechargeable electrical power system operationally coupled with a solar energy system as taught by Small for the benefits of cost saving resulting from: the least- cost solar energy, longer operational life of batteries, and high operational reliability of the umbrella apparatus.

Regarding claims 87 and 89, Oshio in view of Small discloses the umbrella apparatus additionally including:

- Wiring 9 passing through the interior portion of the pole 4 for conductively coupling light emitting diodes – LEDs-, included in the lighting system, to the rechargeable batteries (English translated Oshio, Figures 2a, 3b and 4); and

- The LEDs 7s positioned in recessed channel in the rib members 3
(English translated Oshio, Figures 2a, 3b and 4).

Regarding claim 88, neither in combination nor individually Oshio and Small does not specifically teach solar energy system being releasably coupled to top cap via threaded connection.

It would be have been obvious to one of ordinary skill in the art at the time of the invention to further modify the outdoor umbrella apparatus of Oshio in view of Small by providing the solar energy system releasably coupled to the top cape with a threaded connection, it has been held that constructing a formerly integral structure in various separable elements involves only routine skill in the art. *Nerwin v. Erlichman*, 168 USPQ 177, 179. Mounting of a solar energy system in releasable manner would promote cost effective replacement and maintenance of the device.

8. Claims 90-92 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent No. JP 9168415 (Oshio) in view of US Patent No.: 2,960,094 (Small) as applied to Claim 86 above, and further in view of Wilson (US Patent No.; 6,058,951) and Doublet (US Patent No. US 5,373,287).

Regarding claims 90 and 91, Oshio in view of Small discloses the outdoor umbrella apparatus comprising a manually operable switch 10 (English translated Oshio, Figures 2a, 3b and 4) actuating the lighting system. However, neither in combination nor individually Small and Mai teaches the switch being remotely controllable with signals sent from a wireless transmitter to a receiver.

On the other hand, Wilson ('951) discloses a remote-controlled, outdoor umbrella

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apparatus (Figure 1) including: an electric motor 1 for opening and closing the umbrella (Figure 1, column 2, lines 30-41); cut-off switches 12 and 13 cutting off the power to the electrical motor operationally coupled to the umbrella actuators 5 and 15 (Figure 1, column 3, lines 5-9); the switches 12 and 13 remotely controlled by signals sent from a central control locations (Figure 1, column 1, lines 23-32).

It would be have been obvious to one of ordinary skill in the art at the time of the invention to further modify the umbrella apparatus of Oshio in view of Small by providing remote control system as taught by Wilson ('951) for the benefits of actuating the lighting system remotely in response to weather changes.

Further, neither combined nor individual teaching of Oshio, Small and Wilson ('951) teaches the outdoor, remotely controlled, electrically powered umbrella apparatus, as discussed above, further including a remote control system operable with signals sent from a wireless transmitter to a receiver.

On the other hand, Doublet ('287) discloses a remote control system including a receiver 25 positioned the housing of an apparatus, and a wireless transmitter 9 held by the operator (Figures 1 and 2, column 3, lines 40-53).

It would be have been obvious to one of ordinary skill in the art at the time of the invention to further modify the umbrella apparatus of Oshio in view of Small and Wilson) by providing remote control system with wireless transmitter and a receiver as taught by Doublet ('287) for the benefits of actuating the lighting system remotely in response to weather changes.

Regarding claim 92, Oshio in view of Small, Wilson and Doublet discloses the umbrella

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apparatus further comprising:

The wireless command signal switching the light system- with elements LEDs 7a1-7a6, 7b1-7b6 7c6 –between varying levels of light output with light output varying circuit 11 (English translated Oshio, Figures 2a and 3b).

Response to Amendment

9. Applicant's arguments filed on December 10, 2007 with respect to the 35 U.S.C. 103(a) rejections of claims 21-25, 30, 33 and 70-75; and the obvious-type double patenting rejections of claims 21, 22, 24, 25 and 30 have been fully considered but they are not persuasive.

Argument: Regarding independent claims 76-81 and 83, Small '094 discloses an umbrella including a conventional collapsible top, the reference Small 094 does not teach the top utilizing any ribs identified with numeral 11', and carrying lighting elements. Therefore rejections of the above indicated claims are improper.

Response: As discussed in section 3 above, the numeral 11' has been assigned by the examiner for the following combination for brevity of the discussion.

- The combination rib member 12 and other rib member stretching rib members (not shown) stretching the top 11 (Figure 1, column 1, lines 47-50)

A conventional collapsible umbrella would require radially extending ribs enabling its canopy stretchable.

Argument: The examiner's interpretation of the transparent cover 84 affixed to the cover 3 of Mai with the claimed translucent materials disposed over the light emitting diodes is not acceptable to the applicant

Response: As discussed in section 3 above, Small in view of Mai teaches the material covering the LEDs being transparent instead of being translucent as claimed by the applicant.

It would be have been obvious to one of ordinary skill in the art at the time of the invention to provide translucent finish to the light transmitting covering, since it has been held that matters relating to ornamentation only which has no mechanical function cannot be relied upon to patentably distinguish the claimed invention over prior art.

Argument: Regarding claim 82, the reference Small '466 is not even about a solar umbrella, and further it completely devoid of any mention of releasably coupling the crown to a rechargeable power source. Thus, the applicant submits that none of the references alone or in combination discloses the claimed invention.

Response: As discussed in section 3 above, Small '466 discloses an umbrella comprising an umbrella portion – canopy - (not shown)

supported by a plurality of ribs each connected to a top cap 27 for hingedly connecting the umbrella portion to the pole 28 (Figure 1, column 2, lines 20-29). The umbrella apparatus of Small has been modified with the above indicated teaching of Small '466.

As discussed above, the combined teaching of the primary Small and the secondary reference Small '466 meets the respective limitation of claim 82.

The secondary references need not be teaching all the features of the pending claims. The prior art reference is analogous, and is in the field of applicant's endeavor. Further, the reference is reasonably pertinent to the particular problem.

One cannot show nonobviousness by attacking references individually, if the limitations are met with combination of references.

Argument: Regarding claim 84, the reference Phyle is even not about a solar umbrella, and further it completely devoid of any mention of disposing a solar rechargeable electrical power source about the pole.

Further the reference Perrier does not include a detachable transformer for converting AC to DC electrical power.

Thus, the applicant submits that none of the references alone or in combination discloses the claimed invention.

Response: As discussed in section 5 above, the primary reference Small in view of the first secondary reference Mai discloses an umbrella comprising a rechargeable battery disposed in a housing mounted on the umbrella pole as applied to claim 76. However neither Small nor Mai specifically teaches the battery housing surrounding the umbrella pole as claimed by the applicant.

On the other hand, Phyle discloses an outdoor umbrella (Figures 9 and 10) comprising: batteries 60 received in a housing 10; and the housing 10 surrounding the umbrella pole 20 (Figures 9 and 10, column 3, lines 58-67; and column 4, lines 1-7).

As discussed above, the combined teaching of the primary Small and the secondary references Small '466 and Phyle meets the respective limitation of claim 84.

The secondary references need not be teaching all the features of the pending claims. The prior art reference is analogous, and is in the field of applicant's endeavor. Further, the reference is reasonably pertinent to the particular problem.

One cannot show nonobviousness by attacking references individually, if the limitations are met with combination of references.

The above response is also applicable for the prior reference Perrier.

Argument: Regarding claim 86, the reference Phyle is not even about a solar umbrella, and further it completely devoid of any mention of disposing a solar rechargeable electrical power source about the pole. Further the reference Perrier does not include a detachable transformer for converting AC to DC electrical power.

Thus, the applicant submits that none of the references alone or in combination discloses the claimed invention.

Response: The response applied to the argument respective to claim 84 is basically applicable for the above arguments.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hargobind S Sawhney whose telephone number is 571 272 2380. The examiner can normally be reached on 8:30 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Jong-Suk (James) Lee can be reached on 571 272 7044. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

12/12/2008

/Hargobind S Sawhney/
Primary Examiner, Art Unit 2885


YOT-1202-0624

Index of Claims 	Application/Control No. 10650537	Applicant(s)/Patent Under Reexamination KUELBS, GREGORY G.
	Examiner HARGOBIND S SAWHNEY	Art Unit 2885

✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

Claims renumbered in the same order as presented by applicant
 CPA
 T.D.
 R.1.47


CLAIM		DATE							
Final	Original	03/15/2008	12/12/2008						
	1	-	-						
	2	-	-						
	3	-	-						
	4	-	-						
	5	-	-						
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	36	-	-						

Index of Claims 	Application/Control No. 10650537	Applicant(s)/Patent Under Reexamination KUELBS, GREGORY G.
	Examiner HARGOBIND S SAWHNEY	Art Unit 2885

✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

Claims renumbered in the same order as presented by applicant
 CPA
 T.D.
 R.1.47


CLAIM		DATE							
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	72	-	-						

Index of Claims 	Application/Control No. 10650537	Applicant(s)/Patent Under Reexamination KUELBS, GREGORY G.
	Examiner HARGOBIND S SAWHNEY	Art Unit 2885

✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

Claims renumbered in the same order as presented by applicant
 CPA
 T.D.
 R.1.47

CLAIM		DATE							
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	78	✓	✓						
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	87	✓	✓						
	88	✓	✓						
	89	✓	✓						
	90	✓	✓						
	91	✓	✓						
	92	✓	✓						

Search Notes 	Application/Control No. 10650537	Applicant(s)/Patent Under Reexamination KUELBS, GREGORY G.
	Examiner HARGOBIND S SAWHNEY	Art Unit 2885

SEARCHED			
Class	Subclass	Date	Examiner
362	20,96,102,159,182,183,194,227,276,278,319,320,352,43 1,450,800	12/12/2008	HSS
135	15.1,16.22	12/12/2008	HSS

SEARCH NOTES		
Search Notes	Date	Examiner
US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB; Forward/ backward Text Search; and Text search History Printout attached.	12/12/2008	HSS

INTERFERENCE SEARCH			
Class	Subclass	Date	Examiner

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BIB DATA SHEET
CONFIRMATION NO. 9033

SERIAL NUMBER	FILING or 371(c) DATE RULE	CLASS	GROUP ART UNIT	ATTORNEY DOCKET NO.		
10/650,537	08/28/2003	248	2885	0638MH-40982-US		
APPLICANTS Gregory G. Kuelbs, Westlake, TX; ** CONTINUING DATA ***** This application is a CON of 10/068,424 02/07/2002 PAT 6,612,713 which claims benefit of 60/267,018 02/07/2001 and claims benefit of 60/335,933 11/02/2001 ** FOREIGN APPLICATIONS ***** ** IF REQUIRED, FOREIGN FILING LICENSE GRANTED ** ** SMALL ENTITY ** 03/04/2004						
Foreign Priority claimed <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No 35 USC 119(a-d) conditions met <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Verified and /HARGOBIND S SAWHNEY/ Acknowledged Examiner's Signature		<input type="checkbox"/> Met after Allowance Initials	STATE OR COUNTRY TX	SHEETS DRAWINGS 11	TOTAL CLAIMS 18	INDEPENDENT CLAIMS 2
ADDRESS LAW OFFICES OF JAMES E. WALTON, PLLC 1169 N. BURLESON BLVD. SUITE 107-328 BURLESON, TX 76028 UNITED STATES						
TITLE Umbrella apparatus						
FILING FEE RECEIVED 1120	FEES: Authority has been given in Paper No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following:		<input type="checkbox"/> All Fees <input type="checkbox"/> 1.16 Fees (Filing) <input type="checkbox"/> 1.17 Fees (Processing Ext. of time) <input type="checkbox"/> 1.18 Fees (Issue) <input type="checkbox"/> Other _____ <input type="checkbox"/> Credit			

EAST Search History

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L1	2	("5911493").PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2008/03/15 14:51
L2	14	("4848385" "5053931" "5323798" "5502624" "5584564" "5611614").PN. OR ("5911493").URPN.	US-PGPUB; USPAT; USOCR	NEAR	ON	2008/03/15 14:52
L3	0	kuelss-gregory.in.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	NEAR	ON	2008/03/15 15:11
L4	0	kuelbs-gregory.in.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	NEAR	ON	2008/03/15 15:11
L5	52	kuelbs-gregory-g.in.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	NEAR	ON	2008/03/15 15:12
L6	2	("6290367").PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2008/03/15 15:18
L7	15	kuelbs-gregory-g.in. and receiver and transmitter	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	NEAR	ON	2008/03/15 16:28
L8	783	umbrella and receiver and transmitter	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	NEAR	ON	2008/03/15 16:36

YOT-1202-0630

S1	27103	solar adj (power or energy)	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2007/06/02 13:45
S2	957	(solar adj (power or energy)) and (recharg\$5 with (electrical or batter\$4))	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2005/08/18 16:24
S3	10	((solar adj (power or energy)) and (recharg\$5 with (electrical or batter\$4))) and umbrella	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2007/05/26 17:01
S4	16794	umbrella	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2006/10/15 17:06
S5	66	(solar adj (power or energy)) and umbrella	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2006/10/15 17:40
S6	22425	recharg\$6 adj batter\$4	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2002/12/05 10:30
S7	708	(solar adj (power or energy)) and (recharg\$6 adj batter\$4)	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2002/12/05 10:30
S8	7	umbrella and ((solar adj (power or energy)) and (recharg\$6 adj batter\$4))	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2004/08/07 12:55
S9	163	umbrella and "362"\$ ccls.	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2002/12/05 11:52
S10	5	("5007811" "5172711" "5273062" "5711331" "5765582").PN.	USPAT	OR	ON	2002/12/05 11:42
S11	9	("1148332" "1532802" "1555579" "2547896" "2627217" "2729220" "3177881" "4154255" "5007811").PN.	USPAT	OR	ON	2002/12/05 11:44

S12	20	("1148332" "1173665" "1555579" "1683270" "2627217" "2729220" "2817281" "3102547" "3177881" "3318560" "3444799" "4154255" "4628791" "4753411" "4850564" "4867187" "4915670" "5007811" "5161561" "5172711"),PN.	USPAT	OR	ON	2002/12/05 11:50
S13	4	(umbrella and "362"\$,ccls.) and (solar adj (power or energy))	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2002/12/05 11:50
S14	448	362/96.ccls.	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2002/12/05 11:52
S15	11	362/96.ccls. and solar	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2002/12/05 11:54
S16	4	362/102.ccls. and solar	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2002/12/05 11:54
S17	59	362/102.ccls. and umbrella	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2002/12/05 12:10
S18	4	362/577.ccls. and umbrella	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2002/12/05 11:58
S19	1	362/577.ccls. and solar	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2002/12/05 11:58
S20	0	362/577.ccls. and solar and umbrella	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2002/12/05 11:59
S21	0	362/209.ccls. and solar and umbrella	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2002/12/05 11:59

S22	5	362/209.ccls. and solar	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2002/12/05 12:00
S23	34	362/276.ccls. and solar	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2002/12/05 12:00
S24	2	("5172711"),PN.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2002/12/05 12:18
S25	2	("5349975"),PN.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2002/12/05 12:24
S26	2	("5463536"),PN.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2002/12/05 12:25
S27	2	("5172711"),PN.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2002/12/05 12:57
S28	2	("5273062"),PN.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2002/12/05 13:11
S29	2	("6017188"),PN.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2002/12/05 16:44
S30	8	("1148332"),PN.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2002/12/05 13:47

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S31	6	((("6017188") or ("5273062") or ("5172711")),PN.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2002/12/05 16:45
S32	0	362/209.ccls. and @pd > "20021201"	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2006/03/30 12:20
S33	13	362/96.ccls. and @pd > "20021201"	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2003/03/17 15:49
S34	28	362/276.ccls. and @pd > "20021201"	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2005/08/18 16:41
S35	3	362/577.ccls. and @pd > "20021201"	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2003/03/17 15:50
S36	6	362/102.ccls. and @pd > "20021201"	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2003/03/17 15:50
S37	64538	solar adj (power or energy or cell)	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2004/08/06 10:38
S38	117	housing with (solar adj (power or energy or cell) and (recharg\$5 with (electrical or batter\$4)))	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2004/08/06 10:40
S39	3	((housing with (solar adj (power or energy or cell) and (recharg\$5 with (electrical or batter\$4)))) and umbrella	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2004/08/06 10:40
S40	0	((housing or casing) with ((solar adj (power or energy)) and (recharg\$6 adj batter\$4))) and umbrella	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2004/08/07 12:57

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S41	44	(housing or casing) with ((solar adj (power or energy)) and (recharg\$6 adj batter\$4))	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2004/08/07 12:57
S42	91	362/102,96,209,276,577.CCLS. and umbrella	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2004/08/08 12:41
S43	5	362/191.ccls. and umbrella	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2004/08/08 12:41
S44	496	135/16.ccls.	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2004/08/08 12:42
S45	379	135/16.ccls. and umbrella	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2004/08/08 12:42
S46	14	135/16.ccls. and umbrella and solar	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2004/08/08 12:42
S47	7	((("5,126,922") or ("5,172,711") or ("5,273,062") or ("5,349,975") or ("5,463,536") or ("5,584,564") or ("6,017,188"))).PN.	USPAT	OR	OFF	2005/08/18 16:19
S48	34128	solar adj (power or energy)	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	NEAR	ON	2005/08/18 16:24
S49	3722	S48 and ((recharg\$6 or charg\$7) with (electrical or batter\$4))	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2005/08/18 16:25
S50	23524	umbrella	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2005/08/18 16:26

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S51	120	S48 and S50	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2005/08/18 16:26
S52	165	S48 and S50 and batter\$5	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2005/08/18 16:27
S53	157	S51 and @ad <20010207	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2005/08/19 11:44
S54	351	362/102.ccls.	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	NEAR	ON	2005/08/18 17:14
S55	3722	S48 and S49	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	NEAR	ON	2005/08/18 17:14
S56	1067	S55 and ((alternat\$4 current) or "AC")	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	NEAR	ON	2005/08/18 17:16
S57	22	S55 and ((alternat\$4 current) or "AC") and S50	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	NEAR	ON	2005/08/18 17:17
S58	5	("5053931" "6089727" "6196242" "6270230" "6439249").PN.	US-PGPUB; USPAT; USOCR	NEAR	ON	2005/08/18 17:22
S59	2	("6598990").URPN.	USPAT	NEAR	ON	2005/08/18 17:26
S60	72469	solar adj (power or energy or cell)	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2005/08/19 11:52
S61	365	S60 with batter\$4 with housing	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2005/08/19 11:45

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S62	2	S60 with batter\$4 with housing with umbrella	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2005/08/19 11:42
S63	6	(S60 with batter\$4 with housing) and umbrella	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2005/08/19 11:42
S64	220	S61 and @ad <"20010207"	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2005/08/19 11:46
S65	29	S60 with batter\$4 with (in or "within") with housing	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2005/08/19 11:45
S66	88	S60 with batter\$4 with (in or "within") with housing	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2005/08/19 11:50
S67	55	S66 and @ad <"20010207"	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2005/08/19 11:46
S68	1	(S60 with batter\$4 with (in or "within") with housing) and umbrella	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2005/08/19 11:51
S69	202	S60 and umbrella	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2005/08/19 11:52
S70	24	S60 and umbrella and "135"\$.cls.	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2005/08/19 11:52
S71	12	("5584564" or "6439249" or "5053931" or "6820995" or "6837255" or "6126293").pn.	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2005/09/18 12:30

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S72	6	("5584564" or "6439249" or "5053931" or "6820995" or "6837255" or "6126293"),pn.	USPAT	OR	ON	2005/09/18 12:30
S73	1386	rib\$4 with ("within" or "in" or "inside") with light	USPAT	OR	ON	2005/09/18 12:42
S74	19	S73 and umbrella	USPAT	OR	ON	2005/09/18 12:41
S75	4	("5323798" "5502624" "6089727" "6126293"),PN.	US-PGPUB; USPAT; USOCR	NEAR	ON	2005/09/18 12:37
S76	0	("6904922").URPN.	USPAT	NEAR	ON	2005/09/18 12:38
S77	1343186	(light emit\$4 diod\$4) or "LED"	USPAT	OR	ON	2005/09/18 12:41
S78	1528312	light (bulb or tube)	USPAT	OR	ON	2005/09/18 12:42
S79	1756440	S77 or S78	USPAT	OR	ON	2005/09/18 12:42
S80	5407	rib\$4 with ("within" or "in" or "inside") with S79	USPAT	OR	ON	2005/09/18 12:43
S81	81	S80 and umbrella	USPAT	OR	ON	2005/09/18 12:43
S82	76	S81 and @ad < "20010702"	USPAT	OR	ON	2005/09/18 13:02
S83	1759917	S79 inside near4 rib	USPAT	OR	ON	2005/09/18 13:01
S84	4740	S83 and umbrella	USPAT	OR	ON	2005/09/18 13:01
S85	1570767	S83 and @ad < "20010702"	USPAT	OR	ON	2005/09/18 13:03
S86	4209	S84 and @ad < "20010702"	USPAT	OR	ON	2005/09/18 16:07
S87	2	((("6270230") or ("6089727")),PN.	USPAT	OR	OFF	2005/09/18 13:04
S88	4	("4601120" "4860179" "5323798" "5502624"),PN.	US-PGPUB; USPAT; USOCR	NEAR	ON	2005/09/18 13:04
S89	3	("6270230").URPN.	USPAT	NEAR	ON	2005/09/18 13:05
S90	2	("5323798" "5502624"),PN.	US-PGPUB; USPAT; USOCR	NEAR	ON	2005/09/18 13:06
S91	9	("6089727").URPN.	USPAT	NEAR	ON	2005/09/18 13:06
S92	2	("6089727" "6302560"),PN.	US-PGPUB; USPAT; USOCR	NEAR	ON	2005/09/18 13:20

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S93	1	("6499856"),URPN.	USPAT	NEAR	ON	2005/09/18 14:22
S94	6562044	(housing or casing or case)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	NEAR	ON	2005/09/18 14:24
S95	0	S71 with solar with batter\$4	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	NEAR	ON	2005/09/18 14:38
S96	2343	S94 with solar with batter\$4	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	NEAR	ON	2005/09/18 14:26
S97	0	(solar near5 batter\$4) with ("within" or "in") with S72	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	NEAR	ON	2005/09/18 14:29
S98	0	((solar panel) near4 batter\$4) with ("within" or "in") with S72	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	NEAR	ON	2005/09/18 14:31
S99	2176	((solar panel) near4 batter\$4)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	NEAR	ON	2005/09/18 14:31
S100	72	S99 with housing	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	NEAR	ON	2005/09/18 14:32
S101	147	S99 with (housing or casing or case)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	NEAR	ON	2005/09/18 14:32

S102	3	S99 with (housing or casing or case) and umbrella	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	NEAR	ON	2005/09/18 14:36
S103	4	(S99 same (housing or casing or case)) and umbrella	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	NEAR	ON	2005/09/18 14:37
S104	19	((solar panel) and batter\$4) near5 within near3 housing	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	NEAR	ON	2005/09/18 14:40
S105	0	((solar panel) and batter\$4) near5 in near3 housing	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	NEAR	ON	2005/09/18 14:40
S106	8	("2091693" "4435095" "4739549" "5152610" "5169236" "5302028" "5621390").PN.	US-PGPUB; USPAT; USOCR	NEAR	ON	2005/09/18 14:47
S107	2	("5681110").URPN.	USPAT	NEAR	ON	2005/09/18 14:51
S108	12	("3742633" "4843525" "4903172" "4947300" "4989124" "4994941" "5007190" "5088221" "5101329" "5107637" "5192944" "D320815").PN.	US-PGPUB; USPAT; USOCR	NEAR	ON	2005/09/18 14:48
S109	13	("5435087").URPN.	USPAT	NEAR	ON	2005/09/18 14:49
S110	5	(umbrella) and (housing with solar with batter\$4)	USPAT	NEAR	ON	2005/09/18 14:52
S111	880	362/362.ccls.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	NEAR	ON	2005/09/18 16:06
S112	475	362/102.ccls.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	NEAR	ON	2005/09/18 16:07

S113	171	362/577.ccls.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	NEAR	ON	2005/09/18 16:07
S114	628	S112 or S113	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	NEAR	ON	2005/09/18 16:07
S115	223	S114 and @ad < "20010702"	USPAT	OR	ON	2005/09/18 16:10
S116	3063	(362/96,227,159,276,352,20,183,182,194,278,320,319,431,450,800.ccls.) and @ad < "20010702"	USPAT	OR	ON	2006/03/29 18:10
S117	311	(135/16,15.1.ccls.) and @ad < "20010702"	USPAT	OR	ON	2006/03/29 18:11
S118	335	(S116 or S117) and umbrella	USPAT	OR	ON	2005/09/18 16:13
S119	310	S118 not S115	USPAT	OR	ON	2005/09/18 16:13
S120	12	S119 and solar	USPAT	OR	ON	2005/09/18 16:14
S122	578	umbrella and solar	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	NEAR	ON	2006/03/29 16:21
S123	2	"199956".ap.	US-PGPUB	NEAR	ON	2006/03/29 16:17
S124	1	"829790".ap.	US-PGPUB	NEAR	ON	2006/03/29 16:17
S125	200	umbrella and solar and (recharg\$5 or charg\$5)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	NEAR	ON	2006/03/29 16:22
S126	246	umbrella and solar and batter\$4	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	NEAR	ON	2006/03/29 16:22

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S127	182	S126 and @ad < "20010207"	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	NEAR	ON	2006/03/29 17:36
S128	164	S126 not S127	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	NEAR	ON	2006/03/29 16:42
S129	111	("20020074027" "5584564" "6089727" "6386214" "6439249" "6598990" "6612713" "6666224" "6820995" "6837255" "6840658").PN. OR ("7000624").URPN.	US-PGPUB; USPAT; USOCR	NEAR	ON	2006/03/29 17:01
S130	267	S122 and @ad < "20010207"	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	NEAR	ON	2006/03/29 17:07
S131	185	S130 not S126	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	NEAR	ON	2006/03/29 17:07
S132	185	S131 not S127	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	NEAR	ON	2006/03/29 17:08
S133	185	S131 not S128	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	NEAR	ON	2006/03/29 17:08
S134	2	"305653".ap.	US-PGPUB	NEAR	ON	2006/03/29 17:39
S135	1	("5584564").PN.	USPAT	OR	OFF	2006/03/29 17:41
S136	1	("4020858").PN.	USPAT	OR	OFF	2006/03/29 17:45
S137	1	("2087537").PN.	USPAT	OR	OFF	2006/03/29 17:50
S138	20	("2087537").URPN.	USPAT	NEAR	ON	2006/03/29 17:45

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S139	1	("6270230"),PN.	USPAT	OR	OFF	2006/03/29 17:57
S140	2	((("6017188") or ("5349975"))),PN.	USPAT	OR	OFF	2006/03/29 17:57
S141	25	("5007811" "5172711" "5273062" "5711331" "5765582"),PN. OR ("6017188"),URPN.	US-PGPUB; USPAT; USOCR	NEAR	ON	2006/03/29 17:57
S142	47	("20040100791" "2087537" "3215831" "4061154" "4072857" "4174532" "4491141" "4979535" "4994631" "5053931" "5101844" "5331524" "5463535" "5584357" "5611614" "5641223" "5769000" "5776559" "5787914" "5907127" "5911493" "6017188" "6070808" "6126293" "6209147" "6270230" "6323431" "6402547" "6439249" "6598990" "6612713" "6627816" "6659616" "6668845" "6679622" "6722381" "D130643" "D208917" "D295400" "D378913" "D379176" "D379970" "D467877"),PN. OR ("7017598"),URPN.	US-PGPUB; USPAT; USOCR	NEAR	ON	2006/03/29 18:00
S143	24	("5053931" "5116258" "5216948" "5611614" "5641223" "5758948" "6089727" "6196242" "6217192" "6270230"),PN. OR ("6439249"),URPN.	US-PGPUB; USPAT; USOCR	NEAR	ON	2006/03/29 18:02
S144	4	("2087537" "6017188" "6439249"),PN. OR ("6840657"),URPN.	US-PGPUB; USPAT; USOCR	NEAR	ON	2006/03/29 18:03
S145	25	("5007811" "5172711" "5273062" "5711331" "5765582"),PN. OR ("6017188"),URPN.	US-PGPUB; USPAT; USOCR	NEAR	ON	2006/03/29 18:03
S146	24	("3102547" "3177881" "3444799" "4023582" "4505285" "5007811" "5143107" "5172711" "5207238" "5289839"),PN. OR ("5349975"),URPN.	US-PGPUB; USPAT; USOCR	NEAR	ON	2006/03/29 18:04
S147	427	362/102,577.ccls.	USPAT	OR	ON	2006/03/29 18:07
S148	15	362/102,577.ccls. and solar	USPAT	OR	ON	2006/03/29 18:09
S149	27	362/102,577.ccls. and solar	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2006/03/29 18:09
S150	12	S149 not S148	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2006/03/29 18:10
S151	5283	362/96,227,159,276,352,20,183,182,194,278,320,319,431,450,800.ccls.	USPAT	OR	ON	2006/10/05 13:21
S152	321	135/16,15.1.ccls.	USPAT	OR	ON	2006/03/29 18:11
S153	3	S151 and S152	USPAT	OR	ON	2006/03/29 18:11
S154	5901	S151 or S152	USPAT	OR	ON	2006/03/29 18:11

S155	21	S154 and S121	USPAT	OR	ON	2006/03/29 18:12
S156	1	"5349975".pn. and (light or lamp or (light source) or diode)	USPAT	NEAR	ON	2006/03/29 19:25
S157	1	("6666224").PN.	USPAT	OR	OFF	2006/03/29 19:25
S158	15	("20020124876" "20020145873" "20020149934" "20030067765" "5758948" "6089727" "6302560" "6439249" "6443595" "6497496").PN. OR ("6666224").URPN.	US-PGPUB; USPAT; USOCR	NEAR	ON	2006/03/29 19:26
S159	12	("5323798" "5502624").PN. OR ("6089727").URPN.	US-PGPUB; USPAT; USOCR	NEAR	ON	2006/03/29 19:29
S160	17	umbrella and solar and batter\$4 and ((light\$4 or lamps or (light bulbs)) with (ribs or struts))	US-PGPUB; USPAT; USOCR	NEAR	ON	2006/03/29 19:31
S161	19	("5126922" "5172711" "5273062" "5349975" "5463536").PN. OR ("6612713").URPN.	US-PGPUB; USPAT; USOCR	NEAR	ON	2006/03/29 19:32
S162	4049875	light\$4 or lamps	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	NEAR	ON	2006/03/30 10:00
S163	827721	(light emitting diod\$4) or "LED"	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	NEAR	ON	2006/03/30 10:01
S164	4465156	S162 or S163	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	NEAR	ON	2006/03/30 10:02
S165	1	("5911493").PN.	USPAT	OR	OFF	2006/03/30 10:07
S166	13	("4848385" "5053931" "5323798" "5502624" "5584564" "5611614").PN. OR ("5911493").URPN.	US-PGPUB; USPAT; USOCR	NEAR	ON	2006/03/30 10:07
S167	39	("1166272" "2087537" "2453925" "3036206" "3313929" "3723723" "3870062" "4079344" "4174532" "4848385" "4860179").PN. OR ("5053931").URPN.	US-PGPUB; USPAT; USOCR	NEAR	ON	2006/03/30 10:17
S168	9	(patio umbrella) and solar and S164	US-PGPUB; USPAT; USOCR	NEAR	ON	2006/03/30 11:47
S169	11	(patio umbrella) and solar	US-PGPUB; USPAT; USOCR	NEAR	ON	2006/03/30 12:03

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S170	21	("1148332" "1387740" "1532802" "1619217" "2729220" "3861410" "5007811" "5020557" "5172711" "5349975" "5449012" "5765582").PN. OR ("5868152").URPN.	US-PGPUB; USPAT; USOCR	NEAR	ON	2006/03/30 11:50
S171	19	"5126922" "5172711" "5273062" "5349975" "5463536").PN. OR ("6612713").URPN.	US-PGPUB; USPAT; USOCR	NEAR	ON	2006/03/30 11:54
S172	8	"20030000559" "2507919" "5053931" "5954417" "6135605" "6612713").PN. OR ("6820995").URPN.	US-PGPUB; USPAT; USOCR	NEAR	ON	2006/03/30 11:57
S173	425	umbrella and solar and (support or base or (Base plate))	US-PGPUB; USPAT; USOCR	NEAR	ON	2006/03/30 12:06
S174	5	umbrella and (post with solar) and (support or base or (Base plate))	US-PGPUB; USPAT; USOCR	NEAR	ON	2006/03/30 12:07
S175	2	("2960094").URPN.	USPAT	NEAR	ON	2006/03/30 12:16
S176	3	("6058951").URPN.	USPAT	NEAR	ON	2006/03/30 12:17
S177	2	("2960094").URPN.	USPAT	NEAR	ON	2006/03/30 12:19
S180	216	S173 and @pd > "20021201"	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2006/03/30 12:22
S181	189	S173 and @pd < "20021201"	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2006/03/30 12:30
S182	216	S173 not S181	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2006/03/30 12:31
S183	0	("2005/0072451").URPN.	USPAT	NEAR	ON	2006/03/30 12:35
S184	0	("2005/0072451").URPN.	USPAT	NEAR	ON	2006/03/30 12:56
S185	1	("5053931").PN.	USPAT	OR	OFF	2006/03/30 12:58
S186	1	("6298866").PN.	USPAT	OR	OFF	2006/03/30 12:59
S187	1	("6126293").PN.	USPAT	OR	OFF	2006/03/30 13:00
S188	1	("6089727").PN.	USPAT	OR	OFF	2006/03/30 13:01

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S189	1	("5126922"),PN.	USPAT	OR	OFF	2006/03/30 14:59
S190	2	((("2960094") or ("6830058")),PN.	USPAT	OR	OFF	2006/03/30 15:00
S191	329	135/22.ccls.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	NEAR	ON	2006/03/30 16:42
S192	2	135/22.ccls. and solar	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	NEAR	ON	2006/03/30 16:42
S194	6482	362/20,96,102,159,182,183,191,194,209,227,276,278,319,320,352,431,450,577,800.ccls.	USPAT	OR	ON	2006/10/05 13:29
S195	1418	135/15.1,16,22.ccls.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	NEAR	ON	2006/10/05 13:31
S196	7870	S195 or S194	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	NEAR	ON	2006/10/05 13:32
S197	863413	(light emit\$5 diod\$3) or "LED"	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	NEAR	ON	2006/10/05 13:33
S199	189621	solar or photovoltaic or (solar cell) or (photo cell) or (solar panel)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	NEAR	ON	2006/10/05 13:35
S200	29224	umbrella	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	NEAR	ON	2006/10/05 13:35

S201	1098	S196 and S200	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	NEAR	ON	2006/10/05 13:35
S202	41	S196 and S200 and S199	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	NEAR	ON	2006/10/05 13:36
S203	12	S196 and S200 and S199 and S197	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	NEAR	ON	2006/10/05 13:48
S205	4168524	lamp or (light bulb) or (light\$4 element) or light\$3	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	NEAR	ON	2006/10/05 13:47
S206	26	S196 and S200 and S199 and S205	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	NEAR	ON	2006/10/05 13:49
S207	14	S206 not S203	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	NEAR	ON	2006/10/05 13:49
S208	17	("20030084931" "3755663" "5007811" "5053931" "5273062" "5584564" "5611614" "6017188" "6089727" "6340233" "6439249" "6499856" "6598990" "6612713").PN. OR ("6837255").URPN.	US-PGPUB; USPAT; USOCR	NEAR	ON	2006/10/05 13:58
S209	12	("5053931" "6089727" "6196242" "6270230" "6439249").PN. OR ("6598990").URPN.	US-PGPUB; USPAT; USOCR	NEAR	ON	2006/10/05 15:17
S210	2	JP-09168415-\$.did.	JPO; DERWENT	NEAR	ON	2006/10/05 15:24
S211	52	oshio-kozo.in.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	NEAR	ON	2006/10/05 16:12

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S212	4593510	S197 or S205	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	NEAR	ON	2006/10/05 16:14
S213	462	S212 and S200 and S199	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	NEAR	ON	2006/10/05 16:15
S214	461	S200 and S199	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	NEAR	ON	2006/10/05 16:15
S215	468	S213 and @ad < "20010207"	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	NEAR	ON	2006/10/05 16:37
S216	480	S194 not S215	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	NEAR	ON	2006/10/05 16:26
S217	294	S213 not S215	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	NEAR	ON	2006/10/05 16:37
S218	278	S214 and @ad < "20010207"	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	NEAR	ON	2006/10/05 16:38
S219	110	S218 not S213	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	NEAR	ON	2006/10/05 16:44

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S220	198	(362/102,577.ccls. or *135*/\$.ccls.) and S199	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	NEAR	ON	2006/10/05 16:46
S221	181	(362/102,577.ccls. or *135*/\$.ccls.) and S199 and umbrella	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	NEAR	ON	2006/10/05 16:55
S222	1	(*5349975*).PN.	USPAT; USOCR	OR	OFF	2006/10/05 17:12
S223	1	*6439249*.pn. and battery	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	NEAR	ON	2006/10/06 08:43
S224	1	(*6299325*).PN.	USPAT; USOCR	OR	OFF	2006/10/06 08:43
S225	1525	(solar adj (power or energy)) and (recharg\$6 adj batter\$4)	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2006/10/06 08:44
S226	41892	recharg\$6 adj batter\$4	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2006/10/06 09:37
S227	5734010	housing or casing or case or encas\$6	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2006/10/06 08:47
S228	41	(housing or casing or case or encas\$6) with (recharg\$6 adj batter\$4) with (solar adj ((power or energy)) and (recharg \$6 adj batter\$4))	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2006/10/06 09:34
S229	30	(housing or casing or case or encas\$6) with (recharg\$6 adj batter\$4) with (solar adj ((power or energy)) and (recharg \$6 adj batter\$4)) and umbrella	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2006/10/06 08:48
S230	2	(*2960094*).PN.	USPAT; USOCR	OR	OFF	2006/10/06 16:46
S231	3	(*2960094*).URPN.	USPAT	NEAR	ON	2006/10/06 09:33

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S232	189621	solar or photovoltaic or (solar cell) or (photo cell) or (solar panel)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	NEAR	ON	2006/10/06 09:36
S233	6978	(solar or photovoltaic or (solar cell) or (photo cell) or (solar panel)) with (recharg\$6 adj batter\$4)	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2006/10/06 09:38
S234	66	umbrella and S233	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2006/10/06 09:38
S235	943	(solar or photovoltaic or (solar cell) or (photo cell) or (solar panel)) with (recharg\$6 adj batter\$4) with S227	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2006/10/06 09:50
S236	8	S235 and umbrella	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2006/10/06 09:43
S237	863413	(light emit\$5 diod\$3) or "LED"	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	NEAR	ON	2006/10/06 09:42
S238	323	S235 and S237	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2006/10/06 09:43
S239	38	S235 and S237 and outdoor	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2006/10/06 09:43
S240	22	("1481703" "2182441" "3056222" "4227327" "4384317" "4441143" "4555694" "4697365" "4718185" "4855723" "4862613" "4903172" "5101329" "5107637").PN. OR ("5309656").URPN.	US-PGPUB; USPAT; USOCR	NEAR	ON	2006/10/06 09:46
S241	3170232	(solar or photovoltaic or (solar cell) or (photo cell) or (solar panel))	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2006/10/06 09:51

S242	4763	S241 and umbrella	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2006/10/06 09:51
S243	2717354	(solar or photovoltaic or (solar cell) or (solar panel))	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2006/10/06 09:51
S244	4472	S243 and umbrella	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2006/10/06 09:52
S245	704	(S243 with top) and umbrella	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2006/10/06 12:24
S246	40	(S243 with top with batter\$4) and umbrella	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2006/10/06 09:54
S247	54	((S243 with top) same batter\$4) and umbrella	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2006/10/06 10:10
S248	6	"650537".ap.	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2006/10/06 16:27
S249	2	"650537".ap. and batter\$4	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2006/10/06 10:59
S250	1037	S243 with plug with batter\$4	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2006/10/06 12:26
S251	893605	S243 with remov\$5 or detach\$5	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2006/10/06 12:27

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S252	268389	S243 with (remov\$5 or detach\$5)	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2006/10/06 12:27
S253	58137	S251 and batter\$5	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2006/10/06 12:29
S254	109	S252 and batter\$5 and umbrella	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2006/10/06 14:16
S255	23	("2960094" "20020078985" "20050072451" "5053931" "5126922" "5172711" "5273062" "5349975" "5463536" "5584564" "5611614" "5664874" "5911493" "6017188" "6089727" "6126293" "6270230" "6298866" "6299325" "6341873" "6439249" "6499856" "6666224").PN.	US-PGPUB; USPAT	OR	ON	2006/10/06 14:29
S256	1	("6499856").PN.	USPAT; USOCR	OR	OFF	2006/10/06 14:29
S257	6	("6089727" "6302560").PN. OR ("6499856").URPN.	US-PGPUB; USPAT; USOCR	NEAR	ON	2006/10/06 14:39
S258	18	lee-chomg-cheng.in.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	NEAR	ON	2006/10/06 15:05
S259	4168524	lamp or (light bulb) or (light\$4 element) or light\$3	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	NEAR	ON	2006/10/06 15:07
S260	53	umbrella and (strut with (S237 or S259))	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	NEAR	ON	2006/10/06 15:27
S261	53	umbrella and (strut with (S237 or S259))	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	NEAR	ON	2006/10/06 15:28

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S262	53	umbrella and (strut\$3 with (S237 or S259))	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	NEAR	ON	2006/10/06 15:28
S263	2	("6089727" "6302560").PN.	US-PGPUB; USPAT; USOCR	NEAR	ON	2006/10/06 15:56
S264	0	"650537".ap. and strut\$3	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2006/10/06 16:28
S265	0	"650537".ap. and strut\$3	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	WITH	ON	2006/10/06 16:28
S266	0	"650537".ap. and strut\$3	US-PGPUB	WITH	ON	2006/10/06 16:28
S267	1	"650537".ap.	US-PGPUB	WITH	ON	2006/10/06 16:28
S268	0	"650537".ap. and strut	US-PGPUB	WITH	ON	2006/10/06 16:32
S269	12	kuelbs-gregory-g.in.	US-PGPUB	WITH	ON	2006/10/06 16:32
S270	1	("6612713").PN.	USPAT; USOCR	OR	OFF	2006/10/06 18:14
S271	0	("umbrellaand(recharg\$6batter\$4)and"AC"and(charging)").PN.	USPAT; USOCR	OR	OFF	2006/10/06 18:16
S272	0	umbrella and (recharg\$6 batter\$4) and "AC"and (charging)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	NEAR	ON	2006/10/06 18:17
S273	88	umbrella and (recharg\$6 batter\$4) and (charging)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	NEAR	ON	2006/10/06 18:20
S274	36	umbrella and (recharg\$6 batter\$4) and charger	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	NEAR	ON	2006/10/06 18:23

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S275	94	umbrella and (recharg\$6 batter\$4) and outlet	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	NEAR	ON	2006/10/06 18:43
S276	24	S275 and @ad < "20010207"	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	NEAR	ON	2006/10/06 18:37
S277	1	("5349975").PN.	USPAT; USOCR	OR	OFF	2006/10/06 18:37
S278	25	("3102547" "3177881" "3444799" "4023582" "4505285" "5007811" "5143107" "5172711" "5207238" "5289839").PN. OR ("5349975").URPN.	US-PGPUB; USPAT; USOCR	NEAR	ON	2006/10/06 18:42
S279	23	umbrella and (battery charger)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	NEAR	ON	2006/10/07 13:07
S280	2	wo-9300840-\$,did.	EPO; DERWENT	OR	ON	2006/10/07 13:01
S281	2112	(battery charg\$4) with ("AC" power)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	NEAR	ON	2006/10/07 13:08
S282	2112	batter\$4 and ((battery charg\$4) with ("AC" power))	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	NEAR	ON	2006/10/07 13:08
S283	2	batter\$4 and ((battery charg\$4) with ("AC" power)) and umbrella	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	NEAR	ON	2006/10/07 13:11
S284	10	batter\$4 and ((battery charg\$4) same ("AC" power)) and umbrella	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	NEAR	ON	2006/10/07 13:12

S285	30	batter\$4 and ((battery charg\$4) and ("AC" power)) and umbrella	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	NEAR	ON	2006/10/07 13:15
S286	30	batter\$4 and ((battery charg\$4) with ("AC" power)) and (outdoor (light\$5 or lamp))	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	NEAR	ON	2006/10/07 13:16
S287	360	batter\$4 and ((battery charg\$4) and ("AC" power)) and (outdoor (light\$5 or lamp))	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	NEAR	ON	2006/10/07 13:21
S288	2112	batter\$4 and ((battery charg\$4) with ("AC" power))	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	NEAR	ON	2006/10/07 13:21
S289	542	(recharg\$6 batter\$4) and ((battery charg\$4) with ("AC" power)) and (light or lamp)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	NEAR	ON	2006/10/07 13:22
S290	2	(recharg\$6 batter\$4) and ((battery charg\$4) with ("AC" power)) and (light or lamp) and umbrella	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	NEAR	ON	2006/10/07 13:22
S291	61	(recharg\$6 batter\$4) and ((battery charg\$4) with ("AC" power)) and (light or lamp) and (outdoor or lawn or backyard)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	NEAR	ON	2006/10/07 13:23
S292	29310	umbrella	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2006/10/15 17:06

S293	186	umbrella and (solar with batter\$4)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2006/10/15 17:07
S294	19	umbrella and (top with solar with batter\$4)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2006/10/15 17:45
S295	14	umbrella and (housing with solar with batter\$4)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2006/10/15 17:11
S296	3179055	(solar or photovoltaic or (solar cell) or (photo cell) or (solar panel))	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2006/10/15 17:13
S297	4777	S296 and umbrella	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2006/10/15 17:17
S298	6161	housing with S296 with batter\$4	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2006/10/15 17:14
S299	33	S298 and umbrella	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2006/10/15 17:15
S300	844	S296 and umbrella and batter\$4	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2006/10/15 17:18
S301	40	(S296 with batter\$4 with top) and umbrella	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2006/10/15 17:20
S302	2	(*2960094*).PN.	USPAT; USOCR	OR	OFF	2006/10/15 17:41

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S303	3	("2960094"),URPN.	USPAT	NEAR	ON	2006/10/15 17:41
S304	14	("20040040591" "20050016571" "20050133077" "2745421" "2960094" "3801809" "4011881" "4424824" "5740822" "5937882" "6058951" "6129101"),PN. OR ("7051744").URPN.	US-PGPUB; USPAT; USOCR	NEAR	ON	2006/10/15 17:42
S305	28	umbrella with (top with solar)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2006/10/15 18:37
S306	30	("10829790"),PN.	USPAT; USOCR	OR	OFF	2006/10/15 18:37
S307	30	("2960094" "20020078985" "20050072451" "5053931" "5126922" "5172711" "5273062" "5349975" "5463536" "5584564" "5611614" "5664874" "5911493" "6017188" "6089727" "6126293" "6270230" "6298866" "6299325" "6341873" "6439249" "6499856" "6666224"),PN.,PN.	USPAT; USOCR	OR	OFF	2006/10/16 10:32
S308	23	("2960094" "20020078985" "20050072451" "5053931" "5126922" "5172711" "5273062" "5349975" "5463536" "5584564" "5611614" "5664874" "5911493" "6017188" "6089727" "6126293" "6270230" "6298866" "6299325" "6341873" "6439249" "6499856" "6666224"),PN.	US-PGPUB; USPAT	NEAR	ON	2006/10/16 10:32
S309	3652	umbrella and solar	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	NEAR	ON	2007/05/26 17:04
S310	302	umbrella and solar and batter\$3	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	NEAR	ON	2007/05/26 17:02
S311	3816762	((light emitting diode) or "LED") or lights or lamps or (light bulbs)	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	NEAR	ON	2007/05/26 17:04
S312	465	S309 and S311	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	NEAR	ON	2007/05/26 17:05
S313	151	S312 and @ad < "20010207"	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	NEAR	ON	2007/05/26 17:07
S316	3877	((solar adj (power or energy)) or photovoltaic) and recharg\$5 and batter\$3	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2007/06/02 14:07

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S317	80794	(umbrella with support) or (lawn umbrella) or (patio umbrella) or (umbrella with outside) or (umbrella with deck)	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2007/06/02 14:08
S318	173	S316 and S317	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	NEAR	ON	2007/06/02 13:59
S319	1604687	illuminat\$5 or (light bulbs) or ((light emitting diod\$3) or "LED") or (light emitting elements) or lighting	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	NEAR	ON	2007/06/02 13:53
S320	127	S318 and S319	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	NEAR	ON	2007/06/02 14:00
S321	80794	(umbrella with support) or (lawn umbrella) or (patio umbrella) or (umbrella with (outside or swimming pool)) or (umbrella with deck)	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2007/06/02 13:58
S322	173	S316 and S321	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	NEAR	ON	2007/06/02 14:08
S323	127	S322 and S319	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	NEAR	ON	2007/06/02 14:01
S324	25	S323 and @ad < "20010207"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	NEAR	ON	2007/06/02 14:10
S325	8727	(solar or photovoltaic) and recharg\$5 and batter\$3	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2007/06/02 14:07

YOT-1202-0658

S326	351	S325 and S321	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	NEAR	ON	2007/06/02 14:08
S327	211	S325 and S321 and S319	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	NEAR	ON	2007/06/02 14:08
S328	80794	umbrella or (umbrella with support) or (lawn umbrella) or (patio umbrella) or (umbrella with outside) or (umbrella with deck)	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2007/06/02 14:09
S329	211	S328 and S325 and S319	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2007/06/02 14:10
S330	49	S329 and @ad < "20010207"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	NEAR	ON	2007/06/02 14:20
S331	162	S329 not S330	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	NEAR	ON	2007/06/02 14:21
S332	5	("6017188" "6298866" "6692135").PN. OR ("6830058").URPN.	US-PGPUB; USPAT; USOCR	NEAR	ON	2007/06/02 14:46
S333	19	("20030084931" "3755663" "5007811" "5053931" "5273062" "5584564" "5611614" "6017188" "6089727" "6340233" "6439249" "6499856" "6598990" "6612713").PN. OR ("6837255").URPN.	US-PGPUB; USPAT; USOCR	NEAR	ON	2007/06/02 14:48
S334	17	("2414866" "2828473" "4072857" "4571018" "5053931" "5323798" "5337225" "5502624" "5559681" "5733037" "5911493").PN. OR ("6340233").URPN.	US-PGPUB; USPAT; USOCR	NEAR	ON	2007/06/02 14:51
S335	5	("5611614" "6598990" "6612713" "6666224").PN. OR ("6966667").URPN.	US-PGPUB; USPAT; USOCR	NEAR	ON	2007/06/02 14:52
S336	11	("20020074027" "5584564" "6089727" "6386214" "6439249" "6598990" "6612713" "6666224" "6820995" "6837255" "6840658").PN. OR ("7000624").URPN.	US-PGPUB; USPAT; USOCR	NEAR	ON	2007/06/02 14:53

S337	36	("5116258" "6017188" "6196242" "6439249" "6612713" "6666224").PN. OR ("7013903").URPN.	US-PGPUB; USPAT; USOCR	NEAR	ON	2007/06/02 14:55
S338	4	"5611614" "6598990" "6612713" "6666224").PN. OR ("7108388").URPN.	US-PGPUB; USPAT; USOCR	NEAR	ON	2007/06/02 15:06
S339	2	((("6837255") or ("7000624")),PN.	USPAT	OR	OFF	2007/06/02 15:09
S340	11	("20020074027" "5584564" "6089727" "6386214" "6439249" "6598990" "6612713" "6666224" "6820995" "6837255" "6840658").PN. OR ("7000624").URPN.	US-PGPUB; USPAT; USOCR	NEAR	ON	2007/06/02 15:10
S341	19	("20030084931" "3755663" "5007811" "5053931" "5273062" "5584564" "5611614" "6017188" "6089727" "6340233" "6439249" "6499856" "6598990" "6612713").PN. OR ("6837255").URPN.	US-PGPUB; USPAT; USOCR	NEAR	ON	2007/06/02 15:13
S342	10	("4193389" "5126922" "5331524" "5349975" "5410458" "5911493" "6017188" "6286528" "6323431" "6612713").PN.	USPAT	NEAR	ON	2007/06/02 15:13
S343	14	("2087537" "3313929" "3777136").PN. OR ("5331524").URPN.	US-PGPUB; USPAT; USOCR	NEAR	ON	2007/06/02 15:15
S344	690	362/102,577.ccls.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	NEAR	ON	2007/06/03 13:18
S345	8585	362/96,227,159,276,352,20,183,182,194,278,319,320,431,450,800.ccls.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	NEAR	ON	2007/06/03 13:19
S346	459	135/15.1,16,22.ccls.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	NEAR	ON	2007/06/03 13:20
S347	9044	S345 or S346	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	NEAR	ON	2007/06/03 13:20
S348	397	umbrella and solar and (light\$4 or illuminat\$5 or diode or (lighting elements) or (light bulb) or (light tube)) and batter\$4 and recharg\$5	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	NEAR	ON	2007/06/03 13:28

S349	258	umbrella and solar and (light\$4 or illuminat\$5 or diode or (lighting elements) or (light bulb) or (light tube)) and batter\$4	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	NEAR	ON	2007/06/03 13:29
S350	115	S349 and S347	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	NEAR	ON	2007/06/03 13:29
S351	20	S349 and S344	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	NEAR	ON	2007/06/03 13:29
S352	31	S350 or S351	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	NEAR	ON	2007/06/03 13:29
S353	8922	362,96,227,159,276,352,20,183,182,194,278,319,320,431,450,800.ccls.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	NEAR	ON	2008/03/08 15:44
S354	462	135/15.1,16.22.ccls.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	NEAR	ON	2008/03/08 15:44
S355	9384	S353 or S354	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	NEAR	ON	2008/03/08 15:44
S356	30	umbrella and (rib\$2 with (transparent or translucent or (light transmitting) or clear))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	NEAR	ON	2008/03/08 15:46

S357	177	umbrella and (rib\$2 with (transparent or translucent or (light transmitting) or clear))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	NEAR	ON	2008/03/08 15:46
S358	959790	(light emitting diod\$4) or "LED"	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	NEAR	ON	2008/03/08 15:47
S359	28	S357 and S358	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	NEAR	ON	2008/03/08 15:47
S360	30	umbrella S355 and S358	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	NEAR	ON	2008/03/08 15:57
S361	30	umbrella S355 and S358	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	NEAR	ON	2008/03/08 15:57
S362	357	umbrella and S355 and S358	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	NEAR	ON	2008/03/08 15:57

3/15/2008 6:13:41 PM

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YOT-1202-0662

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	10650537
	Filing Date	2003-08-28
	First Named Inventor	Gregory G. Kuelbs
	Art Unit	2885
	Examiner Name	Hargobind S. Sawhney
	Attorney Docket Number	0638MH-40982-C

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

Application Number	10650537
Filing Date	2003-08-28
First Named Inventor	Gregory G. Kuelbs
Art Unit	2885
Examiner Name	Hargobind S. Sawhney
Attorney Docket Number	0638MH-40982-C

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Examiner Signature	/Hargobind S. Sawhney/	Date Considered	03/08/2008
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	10650537
	Filing Date	2003-08-28
	First Named Inventor	Gregory G. Kuelbs
	Art Unit	2885
	Examiner Name	Hargobind S. Sawhney
	Attorney Docket Number	0638MH-40982-C

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

Application Number	10650537	10650537 - GAU: 2885
Filing Date	2003-08-28	
First Named Inventor	Gregory G. Kuelbs	
Art Unit	2885	
Examiner Name	Hargobind S. Sawhney	
Attorney Docket Number	0638MH-40982-C	

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. **0664MH-40982-C**

In Re Application of:

GREGORY G. KUELBS

Serial No.: **10/650,537**

Filed: **28 AUGUST 2003**

For: **UMBRELLA APPARATUS**

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Examiner: **SAWHNEY, HARGOBIND S.**

Art Unit: **2885**

Confirmation No.: **9033**

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

Dear Sir:

Please file the following documents in the subject application:

1. This Transmittal with Certificate of Transmission; and
2. Notice of Appeal.

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Date of Transmission:	<u>13 March 2009</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>/Brian E. Harris 48,383/</u> Brian E. Harris

The foregoing documents are being filed via the U.S. Patent and Trademark Office's EFS-Web electronic filing system. The fee for the Notice of Appeal is being paid via the EFS-Web System by a designated credit card. No other fees are deemed to be necessary; however, the undersigned hereby authorizes the Commissioner to charge any additional fees that are necessary, or credit any overpayments, to **Deposit Account No. 502806**. If an extension of time is required for allowing the Notice of Appeal to be timely filed, this document is to be construed as also constituting a Petition for Extension of Time Under 37 C.F.R. § 1.136(a) to the extent necessary. Any fee required for such Petition for Extension of Time should be charged to **Deposit Account No. 502806**.

Respectfully submitted,


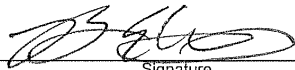
13 March 2009
Date

/Brian E. Harris 48,383/
James E. Walton
Reg. No. 47,245
Brian E. Harris
Reg. No. 48,383
Law Offices of James E. Walton, P.L.L.C.
1169 N. Burleson Blvd., Suite 107-328
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(817) 447-9955 (Voice)
(817) 447-9954 (Fax)
jim@waltonpllc.com

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ATTORNEY AND AGENT FOR APPLICANT

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I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] via EFS-Web. 13 March 2009		In re Application of Gregory G. Kuelbs	
		Application Number 10/650,537	Filed 28 AUGUST 2003
Signature 		For Umbrella Apparatus	
Typed or printed name Brian E. Harris		Art Unit 2885	Examiner Sawhney, Hargobind S.
Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the examiner.			
The fee for this Notice of Appeal is (37 CFR 41.20(b)(1))		\$ 540.00	
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is:		\$ 270.00	
<input type="checkbox"/> A check in the amount of the fee is enclosed.			
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<input type="checkbox"/> A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.			
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<input checked="" type="checkbox"/> attorney or agent of record. Registration number 48,383		(817) 447-9955 Telephone number	
<input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34. _____		13 March 2009 Date	
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YOT-1202-0669

Electronic Patent Application Fee Transmittal				
Application Number:	10650537			
Filing Date:	28-Aug-2003			
Title of Invention:	Umbrella apparatus			
First Named Inventor/Applicant Name:	Gregory G. Kuelbs			
Filer:	Brian Edward Harris			
Attorney Docket Number:	0638MH-40982-US			
Filed as Small Entity				
Utility under 35 USC 111(a) Filing Fees				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Notice of appeal	2401	1	270	270
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:	YOT-1202-0670			

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Miscellaneous:				
Total in USD (\$)				270

Electronic Acknowledgement Receipt	
EFS ID:	4961091
Application Number:	10650537
International Application Number:	
Confirmation Number:	9033
Title of Invention:	Umbrella apparatus
First Named Inventor/Applicant Name:	Gregory G. Kuelbs
Customer Number:	38441
Filer:	Brian Edward Harris
Filer Authorized By:	
Attorney Docket Number:	0638MH-40982-US
Receipt Date:	13-MAR-2009
Filing Date:	28-AUG-2003
Time Stamp:	10:59:15
Application Type:	Utility under 35 USC 111(a)

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Warnings:					
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<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-1202-0673

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 0664MH-40982-C

In re Application of:

GREGORY G. KUELBS

Serial No. 10/650, 537

Filed: 28 AUGUST 2003

For: **UMBRELLA APPARATUS**

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Examiner: **SAWHNEY, HARGOBIND S.**

Art Unit: **2885**

Confirmation No.: **9033**

APPEAL BRIEF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is an appeal from the Office Action dated 15 December 2008, rejecting claims 76-92 in the present Application. A Notice of Appeal was filed on 13 March 2009. Accordingly, the due date for filing an Appeal Brief is 13 May 2009.

CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. § 1.8(a)(1)(i)(C)	
Date of Transmission: 13 May 2009	
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> /Brian E. Harris 48,383/</u> Brian E. Harris

Payment of the \$270.00 fee for filing a brief in support of an appeal is being made concurrently via EFS-Web with the filing of this Appeal Brief. No other fees are deemed to be necessary; however, the undersigned hereby authorizes the Commissioner to charge any fees which may be required, or credit any overpayments, to Deposit Account No. **502806**.

If an extension of time is required to enable this document to be timely filed and there is no separate Petition for Extension of Time filed herewith, this document is to be construed as also constituting a Petition for Extension of Time under 37 C.F.R. § 1.136(a) for a period of time sufficient to enable this document to be timely filed. Any fee required for such Petition for Extension of Time and any other fee required by this document and not submitted herewith should be charged to Deposit Account No. **502806**. Any refund should be credited to Deposit Account No. **502806**.

Real Party in Interest (37 C.F.R. § 41.37(c)(1)(i)):

The real party in interest in the present Application is World Factory, Inc., as indicated by an Assignment recorded on 28 August 2003, from the inventor to World Factory, Inc., in the Assignment Records of the United States Patent and Trademark Office (the "PTO") at Reel 014456, Frame 0404.

Related Appeals and Interferences (37 C.F.R. § 41.37(c)(1)(ii)):

The present Application is a continuation of U.S. Application No. 10/068,424, filed 7 February 2002, titled "Umbrella Apparatus," which issued on 2 September 2003 as U.S. Patent No. 6,612,713 (the "713 Patent").

The following judicial proceedings involved the '713 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, 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 '713 patent is presently the subject of *inter partes* Reexamination Control No. 95/000,104, filed 12 August 2005.

Also, U.S. Application No. 11/199,956, filed 9 August 2005, titled "Umbrella Apparatus," (the "956 Application") is a continuation of the present Application. A Notice of Appeal was filed in the '956 Application on 3 February 2009, and an appeal brief was filed in the '537 Application on 3 April 2009.

Appellant is unaware of any decisions rendered in any of the above-identified proceedings by a court or the Board of Patent Appeals and Interferences.

Status of Claims (37 C.F.R. § 41.37(c)(1)(iii)):

The present application is a continuation application and was originally filed on 28 August 2003 with 20 claims (*i.e.*, claims 1-20) and a concurrently-filed preliminary amendment, which cancelled claims 1-20 and added new claims 21-38. In an amendment filed on 27 October 2004, new claims 39-69 were added; in an amendment filed on 3 August 2006, claims 26-29, 31, 32, and 35-69 were cancelled and new claims 70-75 were added; in an amendment filed on 10 December 2007, claims 21-25, 30, 33, 34, and 70-75 were cancelled and new claims 76-92 were added. No claims have since been cancelled or added, and no claims stand withdrawn from consideration as the result of a requirement for restriction. Thus, claims 76-92 are presently under consideration in the appealed Application.

In a final office action dated 18 March 2008, the Examiner first and finally rejected claims 76-92. In a non-final office action dated 15 December 2008, the Examiner again rejected claims 76-92. Thus, claims 76-92 have twice been rejected.

The status of the claims is, therefore, believed to be as follows:

Allowed claims:	None
Claims objected to:	None
Claims cancelled:	1-75
Claims rejected:	76-92

Appellant hereby appeals the Examiner's rejection of the foregoing claims (76-92), which presently stand rejected over the cited references. Appealed claims 76-92 are set forth in a Claims Appendix, attached hereto, pursuant to 37 C.F.R. § 41.37(c)(1)(viii).

Status of Amendments (37 C.F.R. § 41.37(c)(1)(iv)):

The most recent final office action was mailed on 18 March 2008. In response, Appellant filed an Amendment and a Request for Continued Examination on 18 September 2008.

Subsequently, a non-final office action was mailed on 15 December 2008. The 15 December 2008 Office Action indicates that the 18 September 2008 Amendment was entered. The 15 December 2008 Office Action is the most recent office action. Appellant filed no amendments subsequent to the 15 December 2008 Office Action.

Summary of Claimed Subject Matter (37 C.F.R. § 41.37(c)(1)(v)):

The independent claims involved in the present appeal relate, in general, to a lawn or patio type of umbrella apparatus 11, 111, 211, or 701 having a lighting system that is powered by a rechargeable power supply.¹

Independent claim 76 relates to an umbrella apparatus 11, 111, 211, or 701 comprising a pole portion 15, 115, 215, or 719 and an umbrella portion 13, 113, 213, or 717 hingedly coupled to the pole portion 15, 115, 215 or 719.² The umbrella apparatus 11, 111, 211, or 701 also comprises a solar energy system 35, 135, 235, or 727 coupled to the pole portion 15, 115, 215, or 719.³ The umbrella apparatus 11, 111, 211, or 701 further comprises a rechargeable electrical power system 50, 150, or 250 and a lighting system 26, 126, 226, or 721 that is conductively coupled to the rechargeable electrical power system 50, 150, or 250.⁴ The solar energy system 35, 135, 235, or 727 is adapted to collect solar energy and convert the solar energy into electrical energy, and is conductively coupled to the rechargeable electrical power system 50, 150, or 250 such that the solar energy collected and converted into electrical energy recharges the rechargeable electrical power system 50, 150, 250.⁵ The umbrella portion 13, 113, 213, or 727 has a plurality of radially extending rib members 301.⁶ The lighting system 26, 126, 226, or 721 includes a plurality of light emitting diodes 307.⁷ The light emitting diodes 307

¹ Specification, p. 3, ll. 6-9, and Figures 1, 3A-3C, and 6.

² Specification, p. 7, ll. 3-11; p. 10, ll. 10-20; p. 13, l. 26 through p. 14, l. 6; p. 21, ll. 20-22 and 29-30; and Figures 1, 2A, 3A, and 6.

³ Specification, p. 9, ll. 14-26; p. 12, ll. 4-17; p. 15, l. 22 through p. 16, l. 4; p. 21, ll. 23-29; and Figures 1, 2A, 3A, and 6.

⁴ Specification, p. 8, l. 27 through p. 9, l. 5; p. 11, l. 24 through p. 12, l. 3; p. 15, ll. 11-15; p. 17, ll. 8-9; p. 22, ll. 7-11; and Figures 1, 2A, 3A, 4A, and 6.

⁵ Specification, p. 9, ll. 14-26; p. 12, ll. 4-17; p. 15, l. 22 through p. 16, l. 4; p. 21, ll. 23-29; and Figures 1, 2A, 3A, and 6.

⁶ Specification, p. 17, ll. 8-12; p. 17, l. 29 through p. 18, l. 1; p. 18, ll. 29-30; and Figures 4A and 6. Note that rib member 301 is indicative of rib members 19, 21, 23, 25, 119, 121, 123, 125, 219, 221, 223, 225 shown in Figures 1, 2A, and 3A.

⁷ Specification, p. 17, ll. 8-12; p. 17, l. 29 through p. 18, l. 1; p. 18, ll. 29-30; p. 22, ll. 12-15; and Figures 4A and 6.

are recessed within the rib members 301.⁸ Translucent materials 305 are disposed over the light emitting diodes 307 for enhancing the light from the light emitting diodes 307.⁹

Independent claim 76 relates to an umbrella apparatus 11, 111, 211, or 701 comprising a pole portion 15, 115, 215, or 719 coupled to a top cap 715.¹⁰ A flexible canopy 17, 117, 217, or 717 is carried by rib members 19, 21, 23, 25, 119, 121, 123, 125, 219, 221, 223, or 225 that are hingedly coupled to the top cap 715.¹¹ The umbrella apparatus 11, 111, 211, or 701 also comprises at least one rechargeable battery 55a, 155a, or 255a that provides electrical power to the umbrella apparatus 11, 111, 211, or 701, wherein the at least one rechargeable battery is located below the flexible canopy 17, 117, 217, or 717.¹² The umbrella apparatus 11, 111, 211, or 701 also comprises a solar energy system 35, 135, 235, or 727 adapted to collect solar energy and convert the solar energy into electrical energy, where the solar energy system 35, 135, 235, or 727 is conductively coupled to the at least one rechargeable battery 55a, 155a, or 255a such that the solar energy collected and converted into electrical energy recharges the at least one rechargeable battery 55a, 155a, or 255a.¹³ The solar energy system 35, 135, 235, or 727 is releasably coupled to the top cap 715, such that the flexible canopy 717 passes between the top cap 715 and the solar energy system 727, the flexible canopy 717 being adjacent to both the top cap 715 and the solar energy system 727.¹⁴ The umbrella apparatus 11, 111, 211, or 701 also comprises a lighting system 26, 126, 226, or 721 carried by the rib members 19, 21, 23, 25, 119, 121, 123, 125, 219, 221, 223, or 225, the lighting system 26, 126, 226, or 721 having a plurality of light emitting diodes conductively coupled to the at least one rechargeable battery 55a, 155a, or 255a.¹⁵

⁸ Specification, p. 17, ll. 9-11; p. 21, ll. 22-23; p. 22, ll. 14-17; and Figures 4A and 6.

⁹ Specification, p. 17, ll. 13-17; p. 21, ll. 22-23; p. 22, ll. 14-17; and Figures 4A and 6.

¹⁰ Specification, p. 7, ll. 3-8; p. 10, ll. 10-16; p. 13, l. 26 through p. 14, l. 2; p. 21, ll. 29-30; and Figures 1, 2A, 3A, and 6.

¹¹ Specification, p. 7, ll. 10-11; p. 10, ll. 18-20; p. 14, ll. 4-6; p. 21, ll. 29-30; and Figures 1, 2A, 3A, and 6.

¹² Specification, p. 8, l. 27 – p. 9, l. 9; p. 11, l. 24 – p. 12, l. 3; p. 15, ll. 11-15; and Figures 1, 2A, and 3A.

¹³ Specification, p. 9, ll. 14-26; p. 12, ll. 4-17; p. 15, l. 22 through p. 16, l. 4; p. 21, ll. 23-29; and Figures 1, 2A, 3A, and 6.

¹⁴ Specification, p. 21, ll. 23-30; and Figures 1, 2A, 3A, and 6.

¹⁵ Specification, p. 8, l. 27 through p. 9, l. 5; p. 11, l. 24 through p. 12, l. 3; p. 15, ll. 11-15; p. 17, ll. 8-9; p. 22, ll. 7-11; and Figures 1, 2A, 3A, 4A, and 6.

Grounds of Rejection to be Reviewed on Appeal (37 C.F.R. § 41.37(c)(1)(vi)):

Issue 1: Claims 76-81 and 83 stand rejected under 35 USC § 103(a) over U.S. Patent No. 2,960,094 to Small (“Small ‘094”) in view of U.S. Patent No. 5,954,417 to Mai (“Mai”). Thus, the first issue is whether the teachings of Small ‘094 and Mai disclose or suggest all of the limitations of claims 76-81 and 83 as necessary for establishing a *prima facie* case of obviousness.

Issue 2: Claim 82 stands rejected under 35 USC § 103(a) over Small ‘094 in view of Mai, and further in view of U.S. Patent No. 5,954,417 to Small (“Small ‘417”). Thus, the second issue is whether the teachings of Small ‘094, Mai, and Small ‘417 disclose or suggest all of the limitations of claim 82 as necessary for establishing a *prima facie* case of obviousness.

Issue 3: Claim 84 stands rejected under 35 USC § 103(a) over Small ‘094 in view of Mai, and further in view of U.S. Patent No. 5,584,564 to Phyle (“Phyle”). Thus, the third issue is whether the teachings of Small ‘094, Mai, and Phyle disclose or suggest all of the limitations of claim 84 as necessary for establishing a *prima facie* case of obviousness.

Issue 4: Claim 85 stands rejected under 35 USC § 103(a) over Small ‘094 in view of Mai, further in view of Phyle, and further in view of International Publication No. WO 93/00840 to Perrier *et al.* (“Perrier”). Thus, the fourth issue is whether the teachings of Small ‘094, Mai, Phyle, and Perrier disclose or suggest all of the limitations of claim 85 as necessary for establishing a *prima facie* case of obviousness.

Issue 5: Claims 86-89 stand rejected under 35 USC § 103(a) over Japanese Patent No. JP 09168415 A2 to Oshio *et al.* (“Oshio”) in view of Small ‘094. Thus, the fifth issue is whether the teachings of Oshio and Small ‘094 disclose or suggest all of the limitations of claims 86-89 as necessary for establishing a *prima facie* case of obviousness.

Issue 6: Claims 90-92 stand rejected under 35 USC § 103(a) over Oshio in view of Small ‘094, further in view of U.S. Patent No. 6,058,951 to Wilson (“Wilson”) and U.S. Patent No. 5,373,287 to Doublet (“Doublet”). Thus, the sixth issue is whether the teachings of Oshio,

Small '094, Wilson, and Doublet disclose or suggest all of the limitations of claims 90-92 as necessary for establishing a *prima facie* case of obviousness.

Argument (37 C.F.R. § 41.37(c)(1)(vii)):

I. Issue No. 1 –

Rejection Under 35 USC § 103(a) Over Small '094 and Mai:

Claims 76-81 stand rejected under 35 USC § 103(a) over Small '094 in view of Mai. Appellant respectfully asserts that the rejection is improper and should be reversed for the reasons set forth below.

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure.¹⁶ Moreover, all the claim limitations must be taught or suggested by the prior art.¹⁷ If an independent claim is nonobvious under 35 U.S.C. § 103, then any claim depending therefrom is nonobvious.¹⁸

With respect to alleged obviousness, there must be something in the prior art as a whole to suggest the desirability, and thus the obviousness, of making the combination.¹⁹ In fact, the absence of a suggestion to combine is dispositive in an obviousness determination.²⁰ The mere fact that the prior art can be combined or modified does not make the resultant combination obvious unless the prior art also suggests the desirability of the combination.²¹ The consistent criterion for determining obviousness is whether the prior art would have suggested to one of ordinary skill in the art that the process should be carried out and would have a reasonable likelihood of success, viewed in the light of the

¹⁶ *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991); M.P.E.P. § 2142 (emphasis added).

¹⁷ *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (CCPA 1974).

¹⁸ *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988); M.P.E.P. § 2143.03.

¹⁹ *Panduit Corp. v. Dennison Mfg. Co.*, 810 F.2d 1561 (Fed. Cir. 1986).

²⁰ *Gambro Lundia AB v. Baxter Healthcare Corp.*, 110 F.3d 1573 (Fed. Cir. 1997).

²¹ *In re Mills*, 916 F.2d 680, 16 U.S.P.Q.2d 1430 (Fed. Cir. 1990); M.P.E.P. § 2143.01.

prior art. Both the suggestion and the expectation of success must be founded in the prior art, not in Appellant's disclosure.²²

A recent Federal Circuit case makes it clear that, in an obviousness situation, the prior art must *disclose each and every element of the claimed invention*, and that any motivation to combine or modify the prior art must be based upon a suggestion *in* the prior art.²³ Conclusory statements regarding common knowledge and common sense are insufficient to support a finding of obviousness.²⁴

Claims 76-81 and 83

- **The proposed combination of Small '094 and Mai fails to teach an umbrella comprising a lighting system having a plurality of light emitting diodes recessed within rib members of the umbrella**

Independent claim 76 is directed to an umbrella apparatus comprising an umbrella portion hingedly coupled to a pole portion, where the umbrella portion has a plurality of radially extending rib members. Claim 76 further requires a rechargeable electrical power system conductively coupled to a lighting system. Claim 76 requires that the lighting system have a plurality of light emitting diodes conductively coupled to the rechargeable electrical power system. More specifically, claim 76 requires that the light emitting diodes be recessed within the rib members. An example of light emitting diodes recessed within a rib member is shown in Figure 4A of the Specification.

The Office concedes that Small '094 fails to teach an umbrella apparatus comprising a lighting system that includes a plurality of light emitting diodes conductively coupled to a rechargeable power system that is included in the umbrella apparatus.²⁵ In fact, Small '094 is completely silent with regard to a lighting system. While Small '094 does disclose an umbrella having "a conventional collapsible top 11," Small '094 is silent

²² *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991); *In re O'Farrell*, 853 F.2d 894 (Fed. Cir. 1988); M.P.E.P. § 2142.

²³ *In re Lee*, 61 U.S.P.Q.2d 1430 (Fed. Cir. 2002).

²⁴ *Id.* at 1434-35.

²⁵ Office Action of 15 December 2008, Detailed Action, p. 3, ll. 8-11.

with regard to having anything recessed within such ribs.²⁶ Thus, Small '094 clearly fails to teach the more specific limitation of a lighting system that includes light emitting diodes recesses within a rib member. It should also be noted that the Examiner recites ribs 11' in connection with Small '094; however, Small '094 does not recite ribs 11'.

Since, as the Office concedes, Small '094 fails to teach an umbrella apparatus that includes the claimed lighting system, the Office further relies upon alleged teachings of Mai in combination with the teachings of Small '094 in rejecting claim 76.

Specifically, the Office alleges that Mai discloses an umbrella apparatus comprising a lighting system including light emitting diodes conductively coupled to a rechargeable system where the light emitting diodes are recessed within a rib portion. In support of this allegation, the Office specifically cites Mai, Figure 5, and column 4, lines 11-19. However, the cited portion of Mai directly contradicts this allegation by disclosing light emitting diodes that are installed *along*, rather than recessed within, the rib members of the umbrella:

The difference between this third embodiment and the above first and second embodiments is that the plurality of **LEDs 83" are respectively and interally installed along the ribs 20"** on the umbrella cover 3". There are a plurality of transparent strips 84" respectively attached along the connecting edges of the gores 30" to sealedly cover the LEDs 83" and the electrical wires 831" connected between the LEDs 83".²⁷

Thus, Mai clearly teaches away from the claimed invention by teaching the installation of LEDs along the ribs rather than recessed within the ribs as claimed. Further, the Office incorrectly refers to the transparent strips 84" in the above passage as "transparent rib portion 84"," and goes on to allege that the transparent strips 84" are "integral with the ribs."²⁸ However, there is no basis for alleging that the transparent strips 84" are "integral with the ribs 20"." As shown in Figure 5, the transparent strips 84" are not even adjacent to the ribs 20", as they are separated from the ribs 20" by the

²⁶ Small '094, col. 1, ll. 47-50; and Figure 1.

²⁷ Mai, col. 4, ll. 12-19, emphasis added.

²⁸ Office Action of 15 December 2008, Detailed Action, p. 3, ll. 16-19.

connecting edges of gores 30" (that is, the transparent strips 84" are on top of the umbrella, while the ribs 20" are underneath).²⁹ Absent improper hindsight reasoning based on the Appellant's Specification, there is no basis for concluding that Mai discloses or suggests an umbrella apparatus where light emitting diodes are recessed within rib members of an umbrella as recited by claim 76.

Thus, whether taken singly or in combination, Small '094 and Mai fail to teach or suggest an umbrella apparatus comprising a lighting system that includes a plurality of light emitting diodes that are recessed within rib members as recited by claim 76. Accordingly, the proposed combination of Small '094 and Mai cannot render claim 76 obvious.

Since claims 77-81 and 83 depend from claim 76, the arguments presented above in connection with claim 76 apply equally to claims 77-81 and 83.

For at least the reasons presented above, it is respectfully requested that the rejection of claims 76-81 and 83 under 35 USC § 103(a) be reversed.

II. Issue No. 2 –

Rejection Under 35 USC § 103(a) Over Small '094, Mai, and Small '466:

Claim 82 stands rejected under 35 USC § 103(a) over Small '094 and Mai, further in view of Small '466. Appellant respectfully asserts that the rejection is improper and should be reversed for the reasons set forth below.

Claim 82

Dependent claim 82 is directed to an umbrella apparatus as recited by independent claim 76, which recites an umbrella apparatus comprising a lighting system that includes a plurality of light emitting diodes that are recessed within rib members as discussed above.

²⁹ Mai, col. 4, ll. 15-17.

Since claim 82 depends from claim 76, the arguments presented above in connection with claim 76 apply equally to claim 82. While the Office further relies upon Small '466 in combination with Small '094 and Mai, Small '466 clearly fails to a lighting system including light emitting diodes recessed within the ribs of an umbrella. Therefore, Small '466 fails to cure the deficiencies of Small '094 and Mai discussed above in connection with claim 76. Thus, the proposed combination of Small '094, Mai, and Small '466 cannot render obvious independent claim 76 or dependent claim 82.

For at least the reasons presented above, it is respectfully requested that the rejection of claim 82 under 35 USC § 103(a) be reversed.

III. Issue No. 3 –

Rejection Under 35 USC § 103(a) Over Small '094, Mai, and Phyle:

Claim 84 stands rejected under 35 USC § 103(a) over Small '094 and Mai, further in view of Phyle. Appellant respectfully asserts that the rejection is improper and should be reversed for the reasons set forth below.

Claim 84

Dependent claim 84 is directed to an umbrella apparatus as recited by independent claim 76, which recites an umbrella apparatus comprising a lighting system that includes a plurality of light emitting diodes that are recessed within rib members as discussed above.

Since claim 84 depends from claim 76, the arguments presented above in connection with claim 76 apply equally to claim 84. While the Office further relies upon Phyle in combination with Small '094 and Mai, Phyle clearly fails to a lighting system including light emitting diodes recessed within the ribs of an umbrella. Therefore, Phyle fails to cure the deficiencies of Small '094 and Mai discussed above in connection with claim 76. Thus, the proposed combination of Small '094, Mai, and Phyle cannot render obvious independent claim 76 or dependent claim 84.

For at least the reasons presented above, it is respectfully requested that the rejection of claim 84 under 35 USC § 103(a) be reversed.

IV. Issue No. 4 –

Rejection Under 35 USC § 103(a) Over Small '094, Mai, Phyle, and Perrier:

Claim 85 stands rejected under 35 USC § 103(a) over Small '094 and Mai, further in view of Phyle, and still further in view of Perrier. Appellant respectfully asserts that the rejection is improper and should be reversed for the reasons set forth below.

Claim 85

Dependent claim 85 is directed to an umbrella apparatus as recited by independent claim 76, which recites an umbrella apparatus comprising a lighting system that includes a plurality of light emitting diodes that are recessed within rib members as discussed above.

Since claim 85 depends from dependent claim 84, which depends from independent claim 76, the arguments presented above in connection with claims 76 and 84 apply equally to claim 85. While the Office further relies upon Perrier in combination with Small '094, Mai, and Phyle, Perrier clearly fails to a lighting system including light emitting diodes recessed within the ribs of an umbrella. Therefore, Perrier fails to cure the deficiencies of Small '094, Mai, and Phyle discussed above in connection with claims 76 and 84. Thus, the proposed combination of Small '094, Mai, Phyle, and Perrier cannot render obvious independent claim 76 or dependent claims 84 and 85.

For at least the reasons presented above, it is respectfully requested that the rejection of claim 85 under 35 USC § 103(a) be reversed.

V. **Issue No. 5 –**

Rejection Under 35 USC § 103(a) Over Oshio and Small '094:

Claims 86-89 stand rejected under 35 USC § 103(a) over Oshio in view of Small '094. Appellant respectfully asserts that the rejection is improper and should be reversed for the reasons set forth below.

Claims 86-89

- **The proposed combination of Oshio and Small '094 fails to teach an umbrella comprising a solar energy system releasably coupled to a top cap and a flexible canopy between and adjacent to both the top cap and the solar energy system**

Independent claim 86 is directed to an umbrella apparatus comprising a pole portion, a top cap coupled to the pole portion, rib members hingedly coupled to the top cap, a flexible canopy carried by the rib members, a rechargeable battery located below the canopy, a solar energy system for recharging the battery, and a lighting system carried by the rib members.

More specifically, claim 86 requires that the solar energy system be releasably coupled to the top cap. Also, claim 86 requires that the canopy be adjacent to both the top cap and the solar energy system and that the canopy pass between the top cap and the solar energy system.

The Office concedes that Oshio fails to teach an umbrella apparatus comprising a rechargeable power system.³⁰ In fact, Oshio is completely silent with regard to a solar energy system. Thus, Oshio clearly fails to teach an umbrella apparatus comprising a solar energy system that is releasably coupled to the top cap. Oshio also clearly fails to teach an umbrella apparatus comprising a canopy that passes between a solar energy system and a top cap, where the canopy is adjacent to both the top cap and the solar energy system.

³⁰ Office Action of 15 December 2008, Detailed Action, p. 10, ll. 3-4.

Since, Oshio fails to teach an umbrella apparatus according to claim 86, the Office further relies upon alleged teachings of Small '094 in combination with the teachings of Oshio in rejecting claim 86.

Small '094 discloses an umbrella apparatus comprising a solar battery 34 supported on the upper end of a post 10.³¹ However, Small '094 is silent with respect to the solar battery 34 being releasably coupled to the post 10. Also, Small '094 fails to disclose a top cap that is hingedly coupled to rib members where a canopy is adjacent to, and passes between, the top cap and the solar battery 34.

Thus, whether taken singly or in combination, Oshio and Small '094 fail to teach or suggest an umbrella apparatus comprising a solar energy system that is releasably coupled to a top cap, and further fail to teach or suggest a solar energy system, top cap, and canopy where the canopy is adjacent to both the top cap and the solar energy system and passes between the top cap and the solar energy system as recited by claim 86. Accordingly, the proposed combination of Oshio and Small '094 cannot render claim 86 obvious.

Since claims 87-89 depend from claim 86, the arguments presented above in connection with claim 86 apply equally to claims 87-89.

For at least the reasons presented above, it is respectfully requested that the rejection of claims 86-89 under 35 USC § 103(a) be reversed.

VI. Issue No. 6 –

Rejection Under 35 USC § 103(a) Over Oshio, Small '094, Wilson, and Doublet:

Claims 90-92 stand rejected under 35 USC § 103(a) over Oshio and Small '094, further in view of Wilson and Doublet. Appellant respectfully asserts that the rejection is improper and should be reversed for the reasons set forth below.

³¹ Small '094, col. 2, ll. 29-30.

Claims 90-92

Dependent claims 90-92 are directed to an umbrella apparatus as recited by independent claim 86. As discussed above, claim 86 requires a solar energy system that is releasably coupled to a top cap. Also, claim 86 requires a canopy that is adjacent to both the top cap and the solar energy system and that passes between the top cap and the solar energy system.

Since claims 90-92 depend from dependent claim 86, the arguments presented above in connection with claims 86 apply equally to claims 90-92. The Office further relies upon Wilson and Doublet in combination with Oshio and Small '094. However, both Wilson and Doublet are silent with regard to an umbrella comprising a solar energy system; in fact, Doublet is not even directed to an umbrella system. Thus, Wilson and Doublet fail to cure the deficiencies of Oshio and Small '094 discussed above in connection with claim 86. Thus, the proposed combination of Oshio, Small '094, Wilson, and Doublet cannot render obvious independent claim 86 or dependent claims 90-92.

For at least the reasons presented above, it is respectfully requested that the rejection of claims 90-92 under 35 USC § 103(a) be reversed.

CONCLUSION:

In view of the foregoing, Appellant respectfully requests the Board of Patent Appeals and Interferences to reverse the Examiner's rejections as to all of the appealed claims.

Respectfully submitted,

13 May 2009
Date

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ATTORNEY AND AGENTS FOR APPELLANT

Claims Appendix
(37 C.F.R. § 41.37(c)(1)(viii))

76. An umbrella apparatus comprising:
- a pole portion;
 - an umbrella portion hingedly coupled to the pole portion, the umbrella portion having a plurality of radially extending rib members;
 - a rechargeable electrical power system for providing electrical power to the umbrella apparatus;
 - a solar energy system coupled to the pole 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;
 - a lighting system having a plurality of light emitting diodes conductively coupled to the rechargeable electrical power system, the light emitting diodes being recessed within the rib members; and
 - translucent materials disposed over the light emitting diodes for enhancing the light from the light emitting diodes.
77. The umbrella apparatus according to claim 76, wherein the translucent materials are smooth.

78. The umbrella apparatus according to claim 76, wherein the translucent materials are textured.

79. The umbrella apparatus according to claim 76, wherein the translucent materials extend beyond the exterior surfaces of the rib members.

80. The umbrella apparatus according to claim 76, further comprising:
conductors carried within the rib members for conductively coupling the light emitting diodes to the rechargeable electrical power system.

81. The umbrella apparatus according to claim 76, wherein the solar energy system is releasably coupled to the rechargeable electrical power system.

82. The umbrella apparatus according to claim 76, further comprising:
a top cap for hingedly connecting the umbrella portion to the pole portion;
wherein the rechargeable electrical power system is releasably coupled to the top cap.

83. The umbrella apparatus according to claim 76, wherein the solar energy system and the rechargeable electrical power system are disposed in separate housings.

84. The umbrella apparatus according to claim 76, wherein the rechargeable electrical power system comprises:

at least one rechargeable battery disposed in a housing that surrounds the pole portion.

85. The umbrella apparatus according to claim 84, further comprising:

a power system charger conductively coupled to the at least one rechargeable battery;

a detachable transformer for converting AC electrical power to DC electrical power, the transformer being releasably coupled to the power system charger, thereby allowing the power system charger to use AC power to recharge the at least one rechargeable battery when the transformer is conductively coupled to the power system charger.

86. An umbrella apparatus comprising:

a pole portion;

a top cap coupled to the pole portion;

a plurality of rib members hingedly coupled to the top cap;

a flexible canopy carried by the rib members;

at least one rechargeable battery for providing electrical power to the umbrella apparatus, the at least one rechargeable battery being located below the flexible canopy;

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 at least one rechargeable battery, such that the solar energy collected and converted into electrical energy recharges the at least one rechargeable battery, the solar energy system being releasably coupled to the top cap, such that the flexible canopy passes between the top cap and the solar energy system, the flexible canopy being adjacent to both the top cap and the solar energy system; and

a lighting system carried by the rib members, the lighting system having a plurality of light emitting diodes conductively coupled to the at least one rechargeable battery.

87. The umbrella apparatus according to claim 86, further comprising:

wiring passing through an interior portion of the pole portion for conductively coupling the light emitting diodes to the at least one rechargeable battery.

88. The umbrella apparatus according to claim 86, wherein the solar energy system is releasably coupled to the top cap via a threaded connection.

89. The umbrella apparatus according to claim 86, wherein the light emitting diodes are located in recessed channels in the rib members.

90. The umbrella apparatus according to claim 86, further comprising:

a wireless receiver and transmitter pair for generating a wireless command signal for changing the operating state of the lighting system.

91. The umbrella apparatus according to claim 90, wherein the wireless command signal switches the lighting system on and off.

92. The umbrella apparatus according to claim 90, wherein the wireless command signal switches the lighting system between varying levels of light output.

Evidence Appendix
(37 C.F.R. § 41.37(c)(1)(ix))

[None]

Related Proceedings Appendix

(37 C.F.R. § 41.37(c)(1)(x))

[None]

Electronic Patent Application Fee Transmittal				
Application Number:	10650537			
Filing Date:	28-Aug-2003			
Title of Invention:	Umbrella apparatus			
First Named Inventor/Applicant Name:	Gregory G. Kuelbs			
Filer:	Brian Edward Harris			
Attorney Docket Number:	0664MH-40982-C			
Filed as Small Entity				
Utility under 35 USC 111(a) Filing Fees				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Filing a brief in support of an appeal	2402	1	270	270
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:	YOT-1202-0701			

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Miscellaneous:				
Total in USD (\$)				270

Electronic Acknowledgement Receipt

EFS ID:	5331682
Application Number:	10650537
International Application Number:	
Confirmation Number:	9033
Title of Invention:	Umbrella apparatus
First Named Inventor/Applicant Name:	Gregory G. Kuelbs
Customer Number:	38441
Filer:	Brian Edward Harris
Filer Authorized By:	
Attorney Docket Number:	0664MH-40982-C
Receipt Date:	13-MAY-2009
Filing Date:	28-AUG-2003
Time Stamp:	20:17:47
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	\$ 270
RAM confirmation Number	6818
Deposit Account	
Authorized User	

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part (.zip)	Pages (if appl.)
				YOT-1202-0703	

1	Miscellaneous Incoming Letter	Transmittal.pdf	22664 46e37d7a61148374e02578ead32f16657a187805	no	2
Warnings:					
Information:					
2	Appeal Brief Filed	Appeal_Brief.pdf	117331 242ea71b909bdc2effe5ea96ad26587b70d78b	no	27
Warnings:					
Information:					
3	Fee Worksheet (PTO-875)	fee-info.pdf	29940 86f31786d9f769225eec1b6f7d5efa0a9c777a3c	no	2
Warnings:					
Information:					
Total Files Size (in bytes):				169935	
<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-1202-0704

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 0664MH-40982-C

In re Application of:

GREGORY G. KUELBS

Serial No. 10/650, 537

Filed: 28 AUGUST 2003

For: **UMBRELLA APPARATUS**

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Examiner: **SAWHNEY, HARGOBIND S.**

Art Unit: **2885**

Confirmation No.: **9033**

TRANSMITTAL

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

Dear Sir:

Please file the following documents in the subject application:

1. This Transmittal with Certificate of Transmission; and
2. Appeal Brief.

CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. § 1.8(a)(1)(i)(C)
Date of Transmission: <u>13 May 2009</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>/Brian E. Harris 48,383/</u> Brian E. Harris

The foregoing documents are being filed via the U.S. Patent and Trademark Office's EFS-Web electronic filing system. The \$270.00 Fee for the Appeal Brief is being paid via the EFS-Web System by a designated credit card. No other fees are deemed to be necessary; however, the undersigned hereby authorizes the Commissioner to charge any additional fees that are necessary, or credit any overpayments, to **Deposit Account No. 502806**. If an extension of time is required for allowing the Notice of Appeal to be timely filed, this document is to be construed as also constituting a Petition for Extension of Time Under 37 C.F.R. § 1.136(a) to the extent necessary. Any fee required for such Petition for Extension of Time should be charged to **Deposit Account No. 502806**.

Respectfully submitted,

13 May 2009
Date

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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/650,537	08/28/2003	Gregory G. Kuelbs	0664MH-40982-C	9033

38441 7590 07/06/2009

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EXAMINER

ART UNIT PAPER NUMBER

DATE MAILED: 07/06/2009

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

Notification of Non-Compliant Appeal Brief (37 CFR 41.37)	Application No. 10/650,537	Applicant(s) KUELBS, GREGORY G.	
	Examiner SAWHNEY, HARGOBIND	Art Unit 2885	


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

The Appeal Brief filed on 13 May 2009 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer.
EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.

1. The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner **and relied upon by appellant in the appeal**, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. Other (including any explanation in support of the above items):

Item 4. The "Summary of claimed subject matter" fails to argue independent claim 86, separately which shall refer to the specification by page and line number and to the drawings, if any.


 LORENDA HOOD
 PATENT APPEAL CENTER SPECIALIST

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 0664MH-40982-C

In re Application of:

GREGORY G. KUELBS

Serial No. 10/650, 537

Filed: 28 AUGUST 2003

For: UMBRELLA APPARATUS

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Examiner: SAWHNEY, HARGOBIND S.

Art Unit: 2885

Confirmation No.: 9033

AMENDED APPEAL BRIEF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is an appeal from the Office Action dated 15 December 2008, rejecting claims 76-92 in the present Application. A Notice of Appeal was filed on 13 March 2009. An Appeal Brief was filed 13 May 2009. A Notice of Non-Compliant Appeal Brief was mailed on 6 July 2009, providing for a deadline of 6 August 2009 for filing an Amended Appeal Brief. The present Amended Appeal Brief includes the correction required by the Notice of Non-Compliant Appeal Brief.

CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. § 1.8(a)(1)(i)(C)	
Date of Transmission: 7 July 2009	
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> /Brian E. Harris 48,383/</u>
	Brian E. Harris

Payment of the \$270.00 fee for filing a brief in support of an appeal has already been paid via EFS-Web with the filing of the original Appeal Brief. No other fees are deemed to be necessary; however, the undersigned hereby authorizes the Commissioner to charge any fees which may be required, or credit any overpayments, to Deposit Account No. **502806**.

If an extension of time is required to enable this document to be timely filed and there is no separate Petition for Extension of Time filed herewith, this document is to be construed as also constituting a Petition for Extension of Time under 37 C.F.R. § 1.136(a) for a period of time sufficient to enable this document to be timely filed. Any fee required for such Petition for Extension of Time and any other fee required by this document and not submitted herewith should be charged to Deposit Account No. **502806**. Any refund should be credited to Deposit Account No. **502806**.

Real Party in Interest (37 C.F.R. § 41.37(c)(1)(i)):

The real party in interest in the present Application is World Factory, Inc., as indicated by an Assignment recorded on 28 August 2003, from the inventor to World Factory, Inc., in the Assignment Records of the United States Patent and Trademark Office (the "PTO") at Reel 014456, Frame 0404.

Related Appeals and Interferences (37 C.F.R. § 41.37(c)(1)(ii)):

The present Application is a continuation of U.S. Application No. 10/068,424, filed 7 February 2002, titled "Umbrella Apparatus," which issued on 2 September 2003 as U.S. Patent No. 6,612,713 (the "713 Patent").

The following judicial proceedings involved the '713 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, 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 '713 patent is presently the subject of *inter partes* Reexamination Control No. 95/000,104, filed 12 August 2005.

Also, U.S. Application No. 11/199,956, filed 9 August 2005, titled "Umbrella Apparatus," (the "956 Application") is a continuation of the present Application. A Notice of Appeal was filed in the '956 Application on 3 February 2009, and an appeal brief was filed in the '537 Application on 3 April 2009.

Appellant is unaware of any decisions rendered in any of the above-identified proceedings by a court or the Board of Patent Appeals and Interferences.

Status of Claims (37 C.F.R. § 41.37(c)(1)(iii)):

The present application is a continuation application and was originally filed on 28 August 2003 with 20 claims (*i.e.*, claims 1-20) and a concurrently-filed preliminary amendment, which cancelled claims 1-20 and added new claims 21-38. In an amendment filed on 27 October 2004, new claims 39-69 were added; in an amendment filed on 3 August 2006, claims 26-29, 31, 32, and 35-69 were cancelled and new claims 70-75 were added; in an amendment filed on 10 December 2007, claims 21-25, 30, 33, 34, and 70-75 were cancelled and new claims 76-92 were added. No claims have since been cancelled or added, and no claims stand withdrawn from consideration as the result of a requirement for restriction. Thus, claims 76-92 are presently under consideration in the appealed Application.

In a final office action dated 18 March 2008, the Examiner first and finally rejected claims 76-92. In a non-final office action dated 15 December 2008, the Examiner again rejected claims 76-92. Thus, claims 76-92 have twice been rejected.

The status of the claims is, therefore, believed to be as follows:

Allowed claims:	None
Claims objected to:	None
Claims cancelled:	1-75
Claims rejected:	76-92

Appellant hereby appeals the Examiner's rejection of the foregoing claims (76-92), which presently stand rejected over the cited references. Appealed claims 76-92 are set forth in a Claims Appendix, attached hereto, pursuant to 37 C.F.R. § 41.37(c)(1)(viii).

Status of Amendments (37 C.F.R. § 41.37(c)(1)(iv)):

The most recent final office action was mailed on 18 March 2008. In response, Appellant filed an Amendment and a Request for Continued Examination on 18 September 2008.

Subsequently, a non-final office action was mailed on 15 December 2008. The 15 December 2008 Office Action indicates that the 18 September 2008 Amendment was entered. The 15 December 2008 Office Action is the most recent office action. Appellant filed no amendments subsequent to the 15 December 2008 Office Action.

Summary of Claimed Subject Matter (37 C.F.R. § 41.37(c)(1)(v)):

The independent claims involved in the present appeal relate, in general, to a lawn or patio type of umbrella apparatus 11, 111, 211, or 701 having a lighting system that is powered by a rechargeable power supply.¹

Independent claim 76 relates to an umbrella apparatus 11, 111, 211, or 701 comprising a pole portion 15, 115, 215, or 719 and an umbrella portion 13, 113, 213, or 717 hingedly coupled to the pole portion 15, 115, 215 or 719.² The umbrella apparatus 11, 111, 211, or 701 also comprises a solar energy system 35, 135, 235, or 727 coupled to the pole portion 15, 115, 215, or 719.³ The umbrella apparatus 11, 111, 211, or 701 further comprises a rechargeable electrical power system 50, 150, or 250 and a lighting system 26, 126, 226, or 721 that is conductively coupled to the rechargeable electrical power system 50, 150, or 250.⁴ The solar energy system 35, 135, 235, or 727 is adapted to collect solar energy and convert the solar energy into electrical energy, and is conductively coupled to the rechargeable electrical power system 50, 150, or 250 such that the solar energy collected and converted into electrical energy recharges the rechargeable electrical power system 50, 150, 250.⁵ The umbrella portion 13, 113, 213, or 727 has a plurality of radially extending rib members 301.⁶ The lighting system 26, 126, 226, or 721 includes a plurality of light emitting diodes 307.⁷ The light emitting diodes 307

¹ Specification, p. 3, ll. 6-9, and Figures 1, 3A-3C, and 6.

² Specification, p. 7, ll. 3-11; p. 10, ll. 10-20; p. 13, l. 26 through p. 14, l. 6; p. 21, ll. 20-22 and 29-30; and Figures 1, 2A, 3A, and 6.

³ Specification, p. 9, ll. 14-26; p. 12, ll. 4-17; p. 15, l. 22 through p. 16, l. 4; p. 21, ll. 23-29; and Figures 1, 2A, 3A, and 6.

⁴ Specification, p. 8, l. 27 through p. 9, l. 5; p. 11, l. 24 through p. 12, l. 3; p. 15, ll. 11-15; p. 17, ll. 8-9; p. 22, ll. 7-11; and Figures 1, 2A, 3A, 4A, and 6.

⁵ Specification, p. 9, ll. 14-26; p. 12, ll. 4-17; p. 15, l. 22 through p. 16, l. 4; p. 21, ll. 23-29; and Figures 1, 2A, 3A, and 6.

⁶ Specification, p. 17, ll. 8-12; p. 17, l. 29 through p. 18, l. 1; p. 18, ll. 29-30; and Figures 4A and 6. Note that rib member 301 is indicative of rib members 19, 21, 23, 25, 119, 121, 123, 125, 219, 221, 223, 225 shown in Figures 1, 2A, and 3A.

⁷ Specification, p. 17, ll. 8-12; p. 17, l. 29 through p. 18, l. 1; p. 18, ll. 29-30; p. 22, ll. 12-15; and Figures 4A and 6.

are recessed within the rib members 301.⁸ Translucent materials 305 are disposed over the light emitting diodes 307 for enhancing the light from the light emitting diodes 307.⁹

Independent claim 86 relates to an umbrella apparatus 11, 111, 211, or 701 comprising a pole portion 15, 115, 215, or 719 coupled to a top cap 715.¹⁰ A flexible canopy 17, 117, 217, or 717 is carried by rib members 19, 21, 23, 25, 119, 121, 123, 125, 219, 221, 223, or 225 that are hingedly coupled to the top cap 715.¹¹ The umbrella apparatus 11, 111, 211, or 701 also comprises at least one rechargeable battery 55a, 155a, or 255a that provides electrical power to the umbrella apparatus 11, 111, 211, or 701, wherein the at least one rechargeable battery is located below the flexible canopy 17, 117, 217, or 717.¹² The umbrella apparatus 11, 111, 211, or 701 also comprises a solar energy system 35, 135, 235, or 727 adapted to collect solar energy and convert the solar energy into electrical energy, where the solar energy system 35, 135, 235, or 727 is conductively coupled to the at least one rechargeable battery 55a, 155a, or 255a such that the solar energy collected and converted into electrical energy recharges the at least one rechargeable battery 55a, 155a, or 255a.¹³ The solar energy system 35, 135, 235, or 727 is releasably coupled to the top cap 715, such that the flexible canopy 717 passes between the top cap 715 and the solar energy system 727, the flexible canopy 717 being adjacent to both the top cap 715 and the solar energy system 727.¹⁴ The umbrella apparatus 11, 111, 211, or 701 also comprises a lighting system 26, 126, 226, or 721 carried by the rib members 19, 21, 23, 25, 119, 121, 123, 125, 219, 221, 223, or 225, the lighting system 26, 126, 226, or 721 having a plurality of light emitting diodes conductively coupled to the at least one rechargeable battery 55a, 155a, or 255a.¹⁵

⁸ Specification, p. 17, ll. 9-11; p. 21, ll. 22-23; p. 22, ll. 14-17; and Figures 4A and 6.

⁹ Specification, p. 17, ll. 13-17; p. 21, ll. 22-23; p. 22, ll. 14-17; and Figures 4A and 6.

¹⁰ Specification, p. 7, ll. 3-8; p. 10, ll. 10-16; p. 13, l. 26 through p. 14, l. 2; p. 21, ll. 29-30; and Figures 1, 2A, 3A, and 6.

¹¹ Specification, p. 7, ll. 10-11; p. 10, ll. 18-20; p. 14, ll. 4-6; p. 21, ll. 29-30; and Figures 1, 2A, 3A, and 6.

¹² Specification, p. 8, l. 27 – p. 9, l. 9; p. 11, l. 24 – p. 12, l. 3; p. 15, ll. 11-15; and Figures 1, 2A, and 3A.

¹³ Specification, p. 9, ll. 14-26; p. 12, ll. 4-17; p. 15, l. 22 through p. 16, l. 4; p. 21, ll. 23-29; and Figures 1, 2A, 3A, and 6.

¹⁴ Specification, p. 21, ll. 23-30; and Figures 1, 2A, 3A, and 6.

¹⁵ Specification, p. 8, l. 27 through p. 9, l. 5; p. 11, l. 24 through p. 12, l. 3; p. 15, ll. 11-15; p. 17, ll. 8-9; p. 22, ll. 7-11; and Figures 1, 2A, 3A, 4A, and 6.

Grounds of Rejection to be Reviewed on Appeal (37 C.F.R. § 41.37(c)(1)(vi)):

Issue 1: Claims 76-81 and 83 stand rejected under 35 USC § 103(a) over U.S. Patent No. 2,960,094 to Small (“Small ‘094”) in view of U.S. Patent No. 5,954,417 to Mai (“Mai”). Thus, the first issue is whether the teachings of Small ‘094 and Mai disclose or suggest all of the limitations of claims 76-81 and 83 as necessary for establishing a *prima facie* case of obviousness.

Issue 2: Claim 82 stands rejected under 35 USC § 103(a) over Small ‘094 in view of Mai, and further in view of U.S. Patent No. 5,954,417 to Small (“Small ‘417”). Thus, the second issue is whether the teachings of Small ‘094, Mai, and Small ‘417 disclose or suggest all of the limitations of claim 82 as necessary for establishing a *prima facie* case of obviousness.

Issue 3: Claim 84 stands rejected under 35 USC § 103(a) over Small ‘094 in view of Mai, and further in view of U.S. Patent No. 5,584,564 to Phyle (“Phyle”). Thus, the third issue is whether the teachings of Small ‘094, Mai, and Phyle disclose or suggest all of the limitations of claim 84 as necessary for establishing a *prima facie* case of obviousness.

Issue 4: Claim 85 stands rejected under 35 USC § 103(a) over Small ‘094 in view of Mai, further in view of Phyle, and further in view of International Publication No. WO 93/00840 to Perrier *et al.* (“Perrier”). Thus, the fourth issue is whether the teachings of Small ‘094, Mai, Phyle, and Perrier disclose or suggest all of the limitations of claim 85 as necessary for establishing a *prima facie* case of obviousness.

Issue 5: Claims 86-89 stand rejected under 35 USC § 103(a) over Japanese Patent No. JP 09168415 A2 to Oshio *et al.* (“Oshio”) in view of Small ‘094. Thus, the fifth issue is whether the teachings of Oshio and Small ‘094 disclose or suggest all of the limitations of claims 86-89 as necessary for establishing a *prima facie* case of obviousness.

Issue 6: Claims 90-92 stand rejected under 35 USC § 103(a) over Oshio in view of Small ‘094, further in view of U.S. Patent No. 6,058,951 to Wilson (“Wilson”) and U.S. Patent No. 5,373,287 to Doublet (“Doublet”). Thus, the sixth issue is whether the teachings of Oshio,

Small '094, Wilson, and Doublet disclose or suggest all of the limitations of claims 90-92 as necessary for establishing a *prima facie* case of obviousness.

Argument (37 C.F.R. § 41.37(c)(1)(vii)):

I. Issue No. 1 –

Rejection Under 35 USC § 103(a) Over Small '094 and Mai:

Claims 76-81 stand rejected under 35 USC § 103(a) over Small '094 in view of Mai. Appellant respectfully asserts that the rejection is improper and should be reversed for the reasons set forth below.

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure.¹⁶ Moreover, all the claim limitations must be taught or suggested by the prior art.¹⁷ If an independent claim is nonobvious under 35 U.S.C. § 103, then any claim depending therefrom is nonobvious.¹⁸

With respect to alleged obviousness, there must be something in the prior art as a whole to suggest the desirability, and thus the obviousness, of making the combination.¹⁹ In fact, the absence of a suggestion to combine is dispositive in an obviousness determination.²⁰ The mere fact that the prior art can be combined or modified does not make the resultant combination obvious unless the prior art also suggests the desirability of the combination.²¹ The consistent criterion for determining obviousness is whether the prior art would have suggested to one of ordinary skill in the art that the process should be carried out and would have a reasonable likelihood of success, viewed in the light of the

¹⁶ *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991); M.P.E.P. § 2142 (emphasis added).

¹⁷ *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (CCPA 1974).

¹⁸ *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988); M.P.E.P. § 2143.03.

¹⁹ *Panduit Corp. v. Dennison Mfg. Co.*, 810 F.2d 1561 (Fed. Cir. 1986).

²⁰ *Gambro Lundia AB v. Baxter Healthcare Corp.*, 110 F.3d 1573 (Fed. Cir. 1997).

²¹ *In re Mills*, 916 F.2d 680, 16 U.S.P.Q.2d 1430 (Fed. Cir. 1990); M.P.E.P. § 2143.01.

prior art. Both the suggestion and the expectation of success must be founded in the prior art, not in Appellant's disclosure.²²

A recent Federal Circuit case makes it clear that, in an obviousness situation, the prior art must *disclose each and every element of the claimed invention*, and that any motivation to combine or modify the prior art must be based upon a suggestion *in* the prior art.²³ Conclusory statements regarding common knowledge and common sense are insufficient to support a finding of obviousness.²⁴

Claims 76-81 and 83

- **The proposed combination of Small '094 and Mai fails to teach an umbrella comprising a lighting system having a plurality of light emitting diodes recessed within rib members of the umbrella**

Independent claim 76 is directed to an umbrella apparatus comprising an umbrella portion hingedly coupled to a pole portion, where the umbrella portion has a plurality of radially extending rib members. Claim 76 further requires a rechargeable electrical power system conductively coupled to a lighting system. Claim 76 requires that the lighting system have a plurality of light emitting diodes conductively coupled to the rechargeable electrical power system. More specifically, claim 76 requires that the light emitting diodes be recessed within the rib members. An example of light emitting diodes recessed within a rib member is shown in Figure 4A of the Specification.

The Office concedes that Small '094 fails to teach an umbrella apparatus comprising a lighting system that includes a plurality of light emitting diodes conductively coupled to a rechargeable power system that is included in the umbrella apparatus.²⁵ In fact, Small '094 is completely silent with regard to a lighting system. While Small '094 does disclose an umbrella having "a conventional collapsible top 11," Small '094 is silent

²² *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991); *In re O'Farrell*, 853 F.2d 894 (Fed. Cir. 1988); M.P.E.P. § 2142.

²³ *In re Lee*, 61 U.S.P.Q.2d 1430 (Fed. Cir. 2002).

²⁴ *Id.* at 1434-35.

²⁵ Office Action of 15 December 2008, Detailed Action, p. 3, ll. 8-11.

with regard to having anything recessed within such ribs.²⁶ Thus, Small '094 clearly fails to teach the more specific limitation of a lighting system that includes light emitting diodes recesses within a rib member. It should also be noted that the Examiner recites ribs 11' in connection with Small '094; however, Small '094 does not recite ribs 11'.

Since, as the Office concedes, Small '094 fails to teach an umbrella apparatus that includes the claimed lighting system, the Office further relies upon alleged teachings of Mai in combination with the teachings of Small '094 in rejecting claim 76.

Specifically, the Office alleges that Mai discloses an umbrella apparatus comprising a lighting system including light emitting diodes conductively coupled to a rechargeable system where the light emitting diodes are recessed within a rib portion. In support of this allegation, the Office specifically cites Mai, Figure 5, and column 4, lines 11-19. However, the cited portion of Mai directly contradicts this allegation by disclosing light emitting diodes that are installed *along*, rather than recessed within, the rib members of the umbrella:

The difference between this third embodiment and the above first and second embodiments is that the plurality of **LEDs 83" are respectively and interally installed along the ribs 20"** on the umbrella cover 3". There are a plurality of transparent strips 84" respectively attached along the connecting edges of the gores 30" to sealedly cover the LEDs 83" and the electrical wires 831" connected between the LEDs 83".²⁷

Thus, Mai clearly teaches away from the claimed invention by teaching the installation of LEDs along the ribs rather than recessed within the ribs as claimed. Further, the Office incorrectly refers to the transparent strips 84" in the above passage as "transparent rib portion 84"," and goes on to allege that the transparent strips 84" are "integral with the ribs."²⁸ However, there is no basis for alleging that the transparent strips 84" are "integral with the ribs 20"." As shown in Figure 5, the transparent strips 84" are not even adjacent to the ribs 20", as they are separated from the ribs 20" by the

²⁶ Small '094, col. 1, ll. 47-50; and Figure 1.

²⁷ Mai, col. 4, ll. 12-19, emphasis added.

²⁸ Office Action of 15 December 2008, Detailed Action, p. 3, ll. 16-19.

connecting edges of gores 30" (that is, the transparent strips 84" are on top of the umbrella, while the ribs 20" are underneath).²⁹ Absent improper hindsight reasoning based on the Appellant's Specification, there is no basis for concluding that Mai discloses or suggests an umbrella apparatus where light emitting diodes are recessed within rib members of an umbrella as recited by claim 76.

Thus, whether taken singly or in combination, Small '094 and Mai fail to teach or suggest an umbrella apparatus comprising a lighting system that includes a plurality of light emitting diodes that are recessed within rib members as recited by claim 76. Accordingly, the proposed combination of Small '094 and Mai cannot render claim 76 obvious.

Since claims 77-81 and 83 depend from claim 76, the arguments presented above in connection with claim 76 apply equally to claims 77-81 and 83.

For at least the reasons presented above, it is respectfully requested that the rejection of claims 76-81 and 83 under 35 USC § 103(a) be reversed.

II. Issue No. 2 –

Rejection Under 35 USC § 103(a) Over Small '094, Mai, and Small '466:

Claim 82 stands rejected under 35 USC § 103(a) over Small '094 and Mai, further in view of Small '466. Appellant respectfully asserts that the rejection is improper and should be reversed for the reasons set forth below.

Claim 82

Dependent claim 82 is directed to an umbrella apparatus as recited by independent claim 76, which recites an umbrella apparatus comprising a lighting system that includes a plurality of light emitting diodes that are recessed within rib members as discussed above.

²⁹ Mai, col. 4, ll. 15-17.

Since claim 82 depends from claim 76, the arguments presented above in connection with claim 76 apply equally to claim 82. While the Office further relies upon Small '466 in combination with Small '094 and Mai, Small '466 clearly fails to a lighting system including light emitting diodes recessed within the ribs of an umbrella. Therefore, Small '466 fails to cure the deficiencies of Small '094 and Mai discussed above in connection with claim 76. Thus, the proposed combination of Small '094, Mai, and Small '466 cannot render obvious independent claim 76 or dependent claim 82.

For at least the reasons presented above, it is respectfully requested that the rejection of claim 82 under 35 USC § 103(a) be reversed.

III. Issue No. 3 –

Rejection Under 35 USC § 103(a) Over Small '094, Mai, and Phyle:

Claim 84 stands rejected under 35 USC § 103(a) over Small '094 and Mai, further in view of Phyle. Appellant respectfully asserts that the rejection is improper and should be reversed for the reasons set forth below.

Claim 84

Dependent claim 84 is directed to an umbrella apparatus as recited by independent claim 76, which recites an umbrella apparatus comprising a lighting system that includes a plurality of light emitting diodes that are recessed within rib members as discussed above.

Since claim 84 depends from claim 76, the arguments presented above in connection with claim 76 apply equally to claim 84. While the Office further relies upon Phyle in combination with Small '094 and Mai, Phyle clearly fails to a lighting system including light emitting diodes recessed within the ribs of an umbrella. Therefore, Phyle fails to cure the deficiencies of Small '094 and Mai discussed above in connection with claim 76. Thus, the proposed combination of Small '094, Mai, and Phyle cannot render obvious independent claim 76 or dependent claim 84.

For at least the reasons presented above, it is respectfully requested that the rejection of claim 84 under 35 USC § 103(a) be reversed.

IV. Issue No. 4 –

Rejection Under 35 USC § 103(a) Over Small '094, Mai, Phyle, and Perrier:

Claim 85 stands rejected under 35 USC § 103(a) over Small '094 and Mai, further in view of Phyle, and still further in view of Perrier. Appellant respectfully asserts that the rejection is improper and should be reversed for the reasons set forth below.

Claim 85

Dependent claim 85 is directed to an umbrella apparatus as recited by independent claim 76, which recites an umbrella apparatus comprising a lighting system that includes a plurality of light emitting diodes that are recessed within rib members as discussed above.

Since claim 85 depends from dependent claim 84, which depends from independent claim 76, the arguments presented above in connection with claims 76 and 84 apply equally to claim 85. While the Office further relies upon Perrier in combination with Small '094, Mai, and Phyle, Perrier clearly fails to a lighting system including light emitting diodes recessed within the ribs of an umbrella. Therefore, Perrier fails to cure the deficiencies of Small '094, Mai, and Phyle discussed above in connection with claims 76 and 84. Thus, the proposed combination of Small '094, Mai, Phyle, and Perrier cannot render obvious independent claim 76 or dependent claims 84 and 85.

For at least the reasons presented above, it is respectfully requested that the rejection of claim 85 under 35 USC § 103(a) be reversed.

V. **Issue No. 5 –**

Rejection Under 35 USC § 103(a) Over Oshio and Small '094:

Claims 86-89 stand rejected under 35 USC § 103(a) over Oshio in view of Small '094. Appellant respectfully asserts that the rejection is improper and should be reversed for the reasons set forth below.

Claims 86-89

- **The proposed combination of Oshio and Small '094 fails to teach an umbrella comprising a solar energy system releasably coupled to a top cap and a flexible canopy between and adjacent to both the top cap and the solar energy system**

Independent claim 86 is directed to an umbrella apparatus comprising a pole portion, a top cap coupled to the pole portion, rib members hingedly coupled to the top cap, a flexible canopy carried by the rib members, a rechargeable battery located below the canopy, a solar energy system for recharging the battery, and a lighting system carried by the rib members.

More specifically, claim 86 requires that the solar energy system be releasably coupled to the top cap. Also, claim 86 requires that the canopy be adjacent to both the top cap and the solar energy system and that the canopy pass between the top cap and the solar energy system.

The Office concedes that Oshio fails to teach an umbrella apparatus comprising a rechargeable power system.³⁰ In fact, Oshio is completely silent with regard to a solar energy system. Thus, Oshio clearly fails to teach an umbrella apparatus comprising a solar energy system that is releasably coupled to the top cap. Oshio also clearly fails to teach an umbrella apparatus comprising a canopy that passes between a solar energy system and a top cap, where the canopy is adjacent to both the top cap and the solar energy system.

³⁰ Office Action of 15 December 2008, Detailed Action, p. 10, II. 3-4.

Since, Oshio fails to teach an umbrella apparatus according to claim 86, the Office further relies upon alleged teachings of Small '094 in combination with the teachings of Oshio in rejecting claim 86.

Small '094 discloses an umbrella apparatus comprising a solar battery 34 supported on the upper end of a post 10.³¹ However, Small '094 is silent with respect to the solar battery 34 being releasably coupled to the post 10. Also, Small '094 fails to disclose a top cap that is hingedly coupled to rib members where a canopy is adjacent to, and passes between, the top cap and the solar battery 34.

Thus, whether taken singly or in combination, Oshio and Small '094 fail to teach or suggest an umbrella apparatus comprising a solar energy system that is releasably coupled to a top cap, and further fail to teach or suggest a solar energy system, top cap, and canopy where the canopy is adjacent to both the top cap and the solar energy system and passes between the top cap and the solar energy system as recited by claim 86. Accordingly, the proposed combination of Oshio and Small '094 cannot render claim 86 obvious.

Since claims 87-89 depend from claim 86, the arguments presented above in connection with claim 86 apply equally to claims 87-89.

For at least the reasons presented above, it is respectfully requested that the rejection of claims 86-89 under 35 USC § 103(a) be reversed.

VI. Issue No. 6 –

Rejection Under 35 USC § 103(a) Over Oshio, Small '094, Wilson, and Doublet:

Claims 90-92 stand rejected under 35 USC § 103(a) over Oshio and Small '094, further in view of Wilson and Doublet. Appellant respectfully asserts that the rejection is improper and should be reversed for the reasons set forth below.

³¹ Small '094, col. 2, ll. 29-30.

Claims 90-92

Dependent claims 90-92 are directed to an umbrella apparatus as recited by independent claim 86. As discussed above, claim 86 requires a solar energy system that is releasably coupled to a top cap. Also, claim 86 requires a canopy that is adjacent to both the top cap and the solar energy system and that passes between the top cap and the solar energy system.

Since claims 90-92 depend from dependent claim 86, the arguments presented above in connection with claims 86 apply equally to claims 90-92. The Office further relies upon Wilson and Doublet in combination with Oshio and Small '094. However, both Wilson and Doublet are silent with regard to an umbrella comprising a solar energy system; in fact, Doublet is not even directed to an umbrella system. Thus, Wilson and Doublet fail to cure the deficiencies of Oshio and Small '094 discussed above in connection with claim 86. Thus, the proposed combination of Oshio, Small '094, Wilson, and Doublet cannot render obvious independent claim 86 or dependent claims 90-92.

For at least the reasons presented above, it is respectfully requested that the rejection of claims 90-92 under 35 USC § 103(a) be reversed.

CONCLUSION:

In view of the foregoing, Appellant respectfully requests the Board of Patent Appeals and Interferences to reverse the Examiner's rejections as to all of the appealed claims.

Respectfully submitted,

7 July 2009
Date

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Claims Appendix
(37 C.F.R. § 41.37(c)(1)(viii))

76. An umbrella apparatus comprising:
- a pole portion;
 - an umbrella portion hingedly coupled to the pole portion, the umbrella portion having a plurality of radially extending rib members;
 - a rechargeable electrical power system for providing electrical power to the umbrella apparatus;
 - a solar energy system coupled to the pole 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;
 - a lighting system having a plurality of light emitting diodes conductively coupled to the rechargeable electrical power system, the light emitting diodes being recessed within the rib members; and
 - translucent materials disposed over the light emitting diodes for enhancing the light from the light emitting diodes.
77. The umbrella apparatus according to claim 76, wherein the translucent materials are smooth.

78. The umbrella apparatus according to claim 76, wherein the translucent materials are textured.

79. The umbrella apparatus according to claim 76, wherein the translucent materials extend beyond the exterior surfaces of the rib members.

80. The umbrella apparatus according to claim 76, further comprising:
conductors carried within the rib members for conductively coupling the light emitting diodes to the rechargeable electrical power system.

81. The umbrella apparatus according to claim 76, wherein the solar energy system is releasably coupled to the rechargeable electrical power system.

82. The umbrella apparatus according to claim 76, further comprising:
a top cap for hingedly connecting the umbrella portion to the pole portion;
wherein the rechargeable electrical power system is releasably coupled to the top cap.

83. The umbrella apparatus according to claim 76, wherein the solar energy system and the rechargeable electrical power system are disposed in separate housings.

84. The umbrella apparatus according to claim 76, wherein the rechargeable electrical power system comprises:

at least one rechargeable battery disposed in a housing that surrounds the pole portion.

85. The umbrella apparatus according to claim 84, further comprising:

a power system charger conductively coupled to the at least one rechargeable battery;

a detachable transformer for converting AC electrical power to DC electrical power, the transformer being releasably coupled to the power system charger, thereby allowing the power system charger to use AC power to recharge the at least one rechargeable battery when the transformer is conductively coupled to the power system charger.

86. An umbrella apparatus comprising:

a pole portion;

a top cap coupled to the pole portion;

a plurality of rib members hingedly coupled to the top cap;

a flexible canopy carried by the rib members;

at least one rechargeable battery for providing electrical power to the umbrella apparatus, the at least one rechargeable battery being located below the flexible canopy;

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 at least one rechargeable battery, such that the solar energy collected and converted into electrical energy recharges the at least one rechargeable battery, the solar energy system being releasably coupled to the top cap, such that the flexible canopy passes between the top cap and the solar energy system, the flexible canopy being adjacent to both the top cap and the solar energy system; and

a lighting system carried by the rib members, the lighting system having a plurality of light emitting diodes conductively coupled to the at least one rechargeable battery.

87. The umbrella apparatus according to claim 86, further comprising:

wiring passing through an interior portion of the pole portion for conductively coupling the light emitting diodes to the at least one rechargeable battery.

88. The umbrella apparatus according to claim 86, wherein the solar energy system is releasably coupled to the top cap via a threaded connection.

89. The umbrella apparatus according to claim 86, wherein the light emitting diodes are located in recessed channels in the rib members.

90. The umbrella apparatus according to claim 86, further comprising:

a wireless receiver and transmitter pair for generating a wireless command signal for changing the operating state of the lighting system.

91. The umbrella apparatus according to claim 90, wherein the wireless command signal switches the lighting system on and off.

92. The umbrella apparatus according to claim 90, wherein the wireless command signal switches the lighting system between varying levels of light output.

Evidence Appendix
(37 C.F.R. § 41.37(c)(1)(ix))

[None]

Related Proceedings Appendix

(37 C.F.R. § 41.37(c)(1)(x))

[None]

Electronic Acknowledgement Receipt	
EFS ID:	5656192
Application Number:	10650537
International Application Number:	
Confirmation Number:	9033
Title of Invention:	Umbrella apparatus
First Named Inventor/Applicant Name:	Gregory G. Kuelbs
Customer Number:	38441
Filer:	Brian Edward Harris
Filer Authorized By:	
Attorney Docket Number:	0664MH-40982-C
Receipt Date:	07-JUL-2009
Filing Date:	28-AUG-2003
Time Stamp:	15:17:34
Application Type:	Utility under 35 USC 111(a)

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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Miscellaneous Incoming Letter	Transmittal.pdf	22854 00a2142038fde1738aeb4c570f1dc79d73b47f4e	no	2

Warnings:

Information:

YOT-1202-0736

2	Appeal Brief Filed	Amended_Appeal_Brief.pdf	117719 1d2f564bc61c8a7b3c1616d05ee1098b3e299449	no	27
Warnings:					
Information:					
Total Files Size (in bytes):			140573		
<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-1202-0737

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 0664MH-40982-C

In re Application of:

GREGORY G. KUELBS

Serial No. 10/650, 537

Filed: 28 AUGUST 2003

For: **UMBRELLA APPARATUS**

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Examiner: **SAWHNEY, HARGOBIND S.**

Art Unit: **2885**

Confirmation No.: **9033**

TRANSMITTAL

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

Dear Sir:

Please file the following documents in the subject application:

1. This Transmittal with Certificate of Transmission; and
2. Amended Appeal Brief in response to Notice of Non-Compliant Appeal Brief dated 6 July 2009.

CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. § 1.8(a)(1)(i)(C)
Date of Transmission: <u>7 July 2009</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>/Brian E. Harris 48,383/</u> Brian E. Harris

The foregoing documents are being filed via the U.S. Patent and Trademark Office's EFS-Web electronic filing system. The \$270.00 Fee for the Appeal Brief has already been paid via the EFS-Web System by a designated credit card with the filing of the original Appeal Brief. No other fees are deemed to be necessary; however, the undersigned hereby authorizes the Commissioner to charge any additional fees that are necessary, or credit any overpayments, to **Deposit Account No. 502806**. If an extension of time is required for allowing the Notice of Appeal to be timely filed, this document is to be construed as also constituting a Petition for Extension of Time Under 37 C.F.R. § 1.136(a) to the extent necessary. Any fee required for such Petition for Extension of Time should be charged to **Deposit Account No. 502806**.

Respectfully submitted,

7 July 2009
Date

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/650,537	08/28/2003	Gregory G. Kuelbs	0664MH-40982-C	9033
38441	7590	10/20/2009	EXAMINER	
LAW OFFICES OF JAMES E. WALTON, PLLC 1169 N. BURLESON BLVD. SUITE 107-328 BURLESON, TX 76028			ART UNIT	PAPER NUMBER

DATE MAILED: 10/20/2009

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

Notification of Non-Compliant Appeal Brief (37 CFR 41.37)	Application No. 10/650,537	Applicant(s) KUELBS, GREGORY G.	
	Examiner HARGOBIND S. SAWHNEY	Art Unit 2885	

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

The Appeal Brief filed on 07 July 2009 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.**

1. The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner **and relied upon by appellant in the appeal**, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. Other (including any explanation in support of the above items):

Although page 4 of the amended Appeal Brief filed on July 7, 2009 lists the judicial proceedings related to the instant application, the appendix entitled "Related Proceedings Appendix" on page C1 indicates "NONE". Appropriate measure is needed.

/Hargobind S Sawhney/
Primary Examiner, Art Unit 2885

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	10650537
	Filing Date	2003-08-28
	First Named Inventor	GREGORY G. KUELBS
	Art Unit	2885
	Examiner Name	SAWHNEY, HARGOBIND S.
	Attorney Docket Number	0664MH-40982-C

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 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"/>

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	10650537
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	First Named Inventor	GREGORY G. KUELBS
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	Attorney Docket Number	0664MH-40982-C

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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
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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>			

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	Filing Date	2003-08-28
	First Named Inventor	GREGORY G. KUELBS
	Art Unit	2885
	Examiner Name	SAWHNEY, HARGOBIND S.
	Attorney Docket Number	0664MH-40982-C

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 checked="" type="checkbox"/> Fee set forth in 37 CFR 1.17 (p) has been submitted herewith.			
<input 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 Patent Application Fee Transmittal				
Application Number:	10650537			
Filing Date:	28-Aug-2003			
Title of Invention:	Umbrella apparatus			
First Named Inventor/Applicant Name:	Gregory G. Kuelbs			
Filer:	James Edward Walton			
Attorney Docket Number:	0664MH-40982-C			
Filed as Small Entity				
Utility under 35 USC 111(a) Filing Fees				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				

YOT-1202-0745

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Miscellaneous:				
Submission- Information Disclosure Stmt	1806	1	180	180
Total in USD (\$)				180

YOT-1202-0746

Electronic Acknowledgement Receipt	
EFS ID:	6342277
Application Number:	10650537
International Application Number:	
Confirmation Number:	9033
Title of Invention:	Umbrella apparatus
First Named Inventor/Applicant Name:	Gregory G. Kuelbs
Customer Number:	38441
Filer:	James Edward Walton
Filer Authorized By:	
Attorney Docket Number:	0664MH-40982-C
Receipt Date:	27-OCT-2009
Filing Date:	28-AUG-2003
Time Stamp:	18:37:42
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	\$ 180
RAM confirmation Number	4899
Deposit Account	502806
Authorized User	WALTON,JAMES E
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows: Charge any Additional Fees required under 37 C.F.R. Section 1.21 (Miscellaneous fees and charges)	

YOT-1202-0747

File Listing:					
Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		IDS20091027.pdf	298352 742cac4ce7eb1f5d376576e814f0f54f2425eb8	yes	7
Multipart Description/PDF files in .zip description					
Document Description			Start	End	
Miscellaneous Incoming Letter			1	2	
Transmittal Letter			3	4	
Information Disclosure Statement (IDS) Filed (SB/08)			5	7	
Warnings:					
Information:					
2	Fee Worksheet (PTO-875)	fee-info.pdf	30178 119381d1001f0249af4c9e9a20cad82558e131e5	no	2
Warnings:					
Information:					
Total Files Size (in bytes):			328530		
<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-1202-0748

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 0664MH-40982-C

In re Application of:

GREGORY G. KUELBS

Serial No.: 10/650,537

Filed: 28 AUGUST 2003

For: **UMBRELLA APPARATUS**

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§
§

Examiner: **SAWHNEY, HARGOBIND S.**

Art Unit: **2885**

Confirmation No.: **9033**

TRANSMITTAL

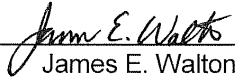
Filed via EFS-Web

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

Sir:

Please file the following enclosed documents in the subject application:

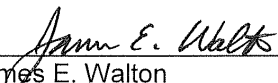
1. This Transmittal with Certificate of Transmission; and
2. Information Disclosure Statement, including a Form PTO/SB/08a.

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. The Filing Fee under 37 C.F.R. § 1.17(p) is being paid via a designated credit card. No other fees are deemed to be necessary; however, the undersigned hereby authorizes the Commissioner to charge any additional fees that are necessary, or credit any overpayments, to **Deposit Account No. 502806**.

Respectfully submitted,

10/27/09
Date



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(817) 447-9954 (Facsimile)
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CUSTOMER NO. 38441

ATTORNEY FOR APPLICANT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 0664MH-40982-C

In re Application of:
GREGORY G. KUELBS
Serial No.: 10/650,537
Filed: 28 AUGUST 2003
For: **UMBRELLA APPARATUS**

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§
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Examiner: **SAWHNEY, HARGOBIND S.**
Art Unit: 2885
Confirmation No.: 9033

INFORMATION DISCLOSURE STATEMENT

Filed via EFS-Web
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

Filed herewith is a Form PTO/SB/08a listing references that may be material to the patentability of the invention disclosed and claimed in the subject application.

This submission is made pursuant to 37 C.F.R. §§ 1.56 and 1.97(c). This Information Disclosure Statement is being filed under 37 C.F.R. § 1.97(c)(2) before the mailing of a Final Office Action.

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>James E. Walton</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 fee required by 37 C.F.R. §§ 1.97(c)(2) and 1.17(p) is being paid via a designated credit card.

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).

This Information Disclosure Statement is being filed via the U.S. Patent and Trademark Office EFS-Web System electronic filing system. The Filing Fee is being paid via a designated credit card. No other fees are deemed to be necessary; however, the undersigned hereby authorizes the Commissioner to charge any additional fees that are necessary, or credit any overpayments, to **Deposit Account No. 502806**.

Respectfully submitted,

10/27/09
Date


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ATTORNEY FOR APPLICANT



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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/650,537	08/28/2003	Gregory G. Kuelbs	0664MH-40982-C	9033
38441 7590 11/03/2009 LAW OFFICES OF JAMES E. WALTON, PLLC 1169 N. BURLESON BLVD. SUITE 107-328 BURLESON, TX 76028			EXAMINER	
			SAWHNEY, HARGOBIND S	
			ART UNIT	PAPER NUMBER
			2885	
			MAIL DATE	DELIVERY MODE
			11/03/2009	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.



UNITED STATES DEPARTMENT OF COMMERCE
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Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10650537	8/28/2003	KUELBS, GREGORY G.	0664MH-40982-C

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

EXAMINER

HARGOBIND S. SAWHNEY

ART UNIT	PAPER
2885	20091102

DATE MAILED:

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

Commissioner for Patents

Based on further consideration, the "Notification of Non-Compliant Appeal Brief" mailed on October 20, 2009 is withdrawn. Thus the Appeal Brief filed on July 7, 2009 is in compliance.

/Hargobind S Sawhney/
Primary Examiner, Art Unit 2885



UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/650,537	08/28/2003	Gregory G. Kuelbs	0664MH-40982-C	9033
38441	7590	12/09/2009	EXAMINER	
LAW OFFICES OF JAMES E. WALTON, PLLC 1169 N. BURLESON BLVD. SUITE 107-328 BURLESON, TX 76028			SAWHNEY, HARGOBIND S	
			ART UNIT	PAPER NUMBER
			2885	
			MAIL DATE	DELIVERY MODE
			12/09/2009	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.



UNITED STATES DEPARTMENT OF COMMERCE
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P.O. Box 1450
Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10650537	8/28/2003	KUELBS, GREGORY G.	0664MH-40982-C

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

EXAMINER

HARGOBIND S. SAWHNEY

ART UNIT	PAPER
2885	20091117

DATE MAILED:

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

Commissioner for Patents

The Information Disclosure Statement (IDS) filed on October 27, 2009 has been acknowledged and considered. A copy of the signed IDS (PTO-1449) is attached herewith.

/Hargobind S Sawhney/
Primary Examiner, Art Unit 2885



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

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/650,537
Filing Date: August 28, 2003
Appellant(s): KUELBS, GREGORY G.

Brian E. Harris
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed on July 7, 2009 appealing from the Office action mailed December 15, 2008.

YOT-1202-0757

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The following are the related appeals, interferences, and judicial proceedings known to the examiner which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal:

Proceedings involving the patent No. 6,612,713 patent issued to U.S. Application No. 10.068,424 filed on February 7, 2002 are as follows:

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 '713 patent is presently the subject of *inter partes* Reexamination Control No. 95/000,104, filed 12 August 2005.

Also, U.S. Application No. 11/199,956, filed 9 August 2005, titled "Umbrella Apparatus," (the "'956 Application") is a continuation of the present Application. A Notice of Appeal was filed in the '956 Application on 3 February 2009, and an appeal brief was filed in the '537 Application on 3 April 2009.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is substantially correct. The needed changes are as follows:

Page 9, Issue 2, line 2, "U.S. Patent No. 5,954,417 ("Small '417")" needs to be corrected as -- US Patent 2,863,466 ("Small '466")--.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

2,863,466	S. N. SMALL	1201958
2,960,094	S. N. SMALL	11-1960
5,373,287	Doublet	12-1994
5,584,564	Phyle	12-1996
5,954,417	Mai	09-1999
6,058,951	Wilson	05-2000
WO 93/00840	PERRIER et al.	01-1993
JP 9 -168415	OSHIO et al.	06-1997

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 76-81 and 83 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No.: 2,960,094 (Small) in view of US Patent NO.: 5,954,417 (Mai).

Regarding claims 76, Small discloses umbrella apparatus (Figure 1) comprising:

Art Unit: 2885

- A pole portion 10 for outdoor location (Figure 1, column 1, lines 16 and 47); an umbrella portion 11 hingedly coupled to a pole portion 10 (Figure 1, column 1, line 49); the umbrella apparatus including radially extending ribs 11' (numeral assigned by the examiner for brevity of the discussion) - including elements 12 and other stretching rib members (not shown) - stretching the top 11 (Figure 1, column 1, lines 47-50); a rechargeable electrical power system 35 providing power to the umbrella apparatus (Figure 1, column 2, lines 29 and 30); a solar energy system 34 including a solar collector positioned above the umbrella portion 11 (Figure 1, column 2, lines 29-36); the electrical energy converted by the solar energy system conductively coupled to , and recharging the rechargeable electrical power system 35 (Figure 1, column 2, lines 29-36); Positioning of the solar collector of the solar energy system 34 keeping the degree of exposure unaffected from opening and closing of the umbrella apparatus (Figure 1).

However, Small does not specifically teach the solar- powered umbrella apparatus further comprising a lighting system including a plurality of light emitting diodes "LEDs" conductively coupled to the rechargeable power system included in the umbrella apparatus.

On the other hand, Mai discloses an umbrella apparatus (Figure 1) comprising:

- An umbrella portion 3 coupled to a pole 10 (Figure 1, column 2, lines 42-46); a lighting system 80" including lighting elements LEDs 83"

YOT-1202-0761

conductively coupled to a rechargeable system 82 through wires 831” (Figures 1 and 5, column 3, lines 4-10; and column 4, lines 4-6); the LEDs 83” being recessed within the transparent rib portion 84” – transparent strips integral with the ribs have been interpreted as the rib portions-covering the LEDs 83” (Figure 5, column 4 lines 11-19).

It would be have been obvious to one of ordinary skill in the art at the time of the invention to modify the solar-powered umbrella apparatus of Small by providing the LED-based lighting system as taught by Mai for the benefits enhancing utility of umbrella apparatus by illuminating the area under the umbrella canopy portion.

Further, Small in view of Mai teaches the material covering the LEDs being transparent instead of being translucent as claimed by the applicant.

It would be have been obvious to one of ordinary skill in the art at the time of the invention to provide translucent finish to the light transmitting covering, since it has been held that matters relating to ornamentation only which has no mechanical function cannot be relied upon to patentably distinguish the claimed invention over prior art.

Regarding claims 77, 78, Small in view of Mai teaches the LED covering material being translucent as applied to claim 76 discussed above. However, neither in combination nor individually Small and Mai specifically teaches the translucent material being smooth or textured. The above surface characteristics are considered as ornamental features not affecting mechanical function of the device.

It would be have been obvious to one of ordinary skill in the art at the time of the invention to provide translucent surface with either smooth or textured surface finish to

the light transmitting covering, since it has been held that matters relating to ornamentation only which has no mechanical function cannot be relied upon to patentably distinguish the claimed invention over prior art.

Regarding claim 79 and 80, Small in view of Mai further teaches the translucent material 84" extending beyond – width of the covering material being wider than that of the ribs (Figure 5) - the exterior surfaces of the rib members (Figure 5), and the conductors 831" being carried – covered along with the LEDs 83"- within the rib portion 84" (Mai, Figure 5, column 4, lines 14-18).

Regarding claim 81, Small in view of Mai teaches the solar energy system being operationally coupled to the rechargeable electrical power system, However, neither in combination nor individually Small and Mai specifically teach the solar energy system being releasably coupled to the rechargeable electrical power system.

It would be have been obvious to one of ordinary skill in the art at the time of the invention to make the solar energy system of Small in view of Mai releasable or detachably attached to the electrical power system, since it has been held that making a component removable is a merely a matter obvious engineering choice, and involves only routine skill in the art. USPQ 348, 349 (CCPA 1961). Further, using a solar energy system, which is detachable from the rechargeable electrical power system, would facilitate repair, replacement or maintenance of the umbrella apparatus.

Regarding claim 83, Small in view of Mai discloses the umbrella apparatus further comprising the solar energy system 34 and rechargeable electric power system being disposed n separate housings (Figure 1, column 2, lines 30-36).

3. Claim 82 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No.: 2,960,094 (Small) in view of US Patent NO.: 5,954,417 (Mai) as applied to claim 76 above, and further in view of US Patent 2,863,466 (Small '466).

Regarding claim 82, Small in view of Mai discloses the outdoor umbrella apparatus including: a top housing receiving the solar energy system 35– broadly interpreted as a cap - and a rechargeable battery 35 – broadly interpreted as a rechargeable electrical power system - positioned adjacent the solar energy system 34 (Small, Figure 1).

Small further teaches that the rechargeable batteries may be positioned anywhere, including external or internal of the post 10 (Small, Figure 1, column 2, lines 28-36). However, Small does not specifically teach: the top cap used to hingedly connecting the umbrella portion to the pole portion; and the rechargeable electrical power system received in the top cap portion.

On the other hand Small '466 discloses an umbrella apparatus (Figure 1) including an umbrella portion – canopy - (not shown) supported by a plurality of ribs each connected to a top cap 27 for hingedly connecting the umbrella portion to the pole 28 (Figure 1, column 2, lines 20-29).

It would be have been obvious to one of ordinary skill in the art at the time of the invention to further modify the umbrella apparatus of Small in view of Mia by positioning the rechargeable batteries within the housing receiving the solar energy system, since it has been held that rearranging parts of a prior art structure involves only routing skill in the art. *In re Japikse*, 86 USPQ 70. Further, positioning of rechargeable power sources

– batteries – within the housing receiving a solar energy system would operate equally well, and would be compact with less wiring.

4. Claim 84 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No.: 2,960,094 (Small) in view of US Patent NO.: 5,954,417 (Mai) as applied to claim 76 above, and further in view of US Patent 5,584,564 (Phyle).

Regarding claim 84, Small in view of Mai discloses the outdoor umbrella comprising a rechargeable battery disposed in a housing mounted on the umbrella pole as applied to claim 76 discussed in section 3 above. However neither Small nor Mai specifically teaches the battery housing surrounding the umbrella pole as claimed by the applicant.

On the other hand, Phyle discloses an outdoor umbrella (Figures 9 and 10) comprising: batteries 60 received in a housing 10; and the housing 10 surrounding the umbrella pole 20 (Figures 9 and 10, column 3, lines 58-67; and column 4, lines 1-7).

It would be have been obvious to one of ordinary skill in the art at the time of the invention to further modify the umbrella apparatus of Small in view of Mia by positioning the rechargeable batteries within the housing surrounding the umbrella pole as taught by Phyle for the benefits of mounting the housing with no interfere with the vertical motion of the umbrella slide, and fir easy excess for replacements of batteries.

5. Claims 85 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No.: 2,960,094 (Small) in view of US Patent NO.: 5,954,417 (Mai) and US Patent 5,584,564 (Phyle) as applied to claim 84 above, and further in view of WIPO publication WO 93/00840 (Perrier et al.).

The following examination is based on the English translation of Perrier et al. Hereafter, the above-indicated English translation has been referred as “the English translated text”.

Regarding claim 85, Small in view of Mai and Phyle discloses the umbrella apparatus including a rechargeable electric power system charged with a solar energy system as applied to claim 84 discussed in section 5 above. However, neither in combination nor individually, Small, Mai and Phyle teaches AC-based rechargeable power system conductively coupled to at least one rechargeable battery receive power from an AC power outlet.

On the other hand, Perrier et al. discloses an outdoor umbrella apparatus (Figure 1) comprising:

- A lighting powered with an electric power system via the electrical cable holder 17 connectable to electrical power system 3 – including batteries 3 – rechargeable with a solar energy system 2 – operationally a transformer is a part of the battery-charger connected to the rechargeable battery- (Figure 1, English translated abstract and text).

Further, Perrier et al. teaches the umbrella apparatus including the rechargeable electrical power system capable of receiving power from an AC power outlet through a power plug 14 (Figure 1, English translated abstract and text).

It would be have been obvious to one of ordinary skill in the art at the time of the invention to further modify the outdoor umbrella apparatus of Small in view of Mai and Phyle by providing the rechargeable power system – operationally equipped with a

transformer - receiving power from the AC power outlet as taught by Perrier et al. for the benefits of redundant power sources desirable for high operational reliability and availability of the umbrella apparatus.

Further, neither in combination nor individually Small, Mai, Phyle and Perrier specifically teaches the transformer equipped with the recharging system is releasably coupled to the power system charger.

It would be have been obvious to one of ordinary skill in the art at the time of the invention to further modify the outdoor umbrella apparatus of Small in view of Mai and Phyle by providing the rechargeable power system – operationally equipped with a releasable transformer, since, it has been held that constructing a formerly integral structure in various separable elements involves only routine skill in the art. *Nerwin v. Erlichman*, 168 USPQ 177, 179.

6. Claims 86-89 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent No. JP 9168415 (Oshio) in view of US Patent No.: 2,960,094 (Small).

The following examination is based on the English translation provided by the Advanced Industrial Property Network (AIPN) of the Japanese Patent Office. Hereafter, the above-indicated English translation has been referred as “Oshio”.

Regarding claim 86, Oshio discloses an umbrella apparatus (Figures 1 and 3) comprising:

- A top cap 12 coupled to a pole 4 (English translated Oshio, Figures 2a and 3b); a plurality of ribs 3 hingedly coupled to the top cap 12 (English

translated Oshio, Figures 2a and 3b); a flexible canopy 2 carried by the ribs 2 (English translated Oshio, Figures 2a and 3b); power supply batteries 8 energizing the umbrellas apparatus (English translated Oshio, Figures 2a and 3b)' the power supply batteries positioned below the canopy (English translated Oshio, Figures 2a and 3b); a lighting system electrically powered lighting elements LEDs 7a1-7a6, 7b1-7b6 7c6 – carried by the ribs 3, and conductively coupled to and powered by the power system 8 (English translated Oshio, Figures 2a and 3b).

Oshio teaches the power system including a battery – a power system - instead of a rechargeable power system as claimed by the applicant.

On the other hand, Small discloses an umbrella apparatus (Figure 1) comprising: a flexible canopy 1 being adjacent to the top and the solar energy system 34 (Small, Figure 1); a rechargeable electrical power system 35 rechargeable by a solar energy system 34 – operationally required to include a battery charger - (Small, Figures 1 and 3, column 2, lines 28-31 and 54-64).

It would be have been obvious to one of ordinary skill in the art at the time of the invention to modify the outdoor umbrella apparatus of Oshio by providing and positioning the rechargeable electrical power system operationally coupled with a solar energy system as taught by Small for the benefits of cost saving resulting from: the least- cost solar energy, longer operational life of batteries, and high operational reliability of the umbrella apparatus.

Regarding claims 87 and 89, Oshio in view of Small discloses the umbrella apparatus additionally including:

- Wiring 9 passing through the interior portion of the pole 4 for conductively coupling light emitting diodes – LEDs-, included in the lighting system, to the rechargeable batteries (English translated Oshio, Figures 2a, 3b and 4); and
- The LEDs 7s positioned in recessed channel in the rib members 3 (English translated Oshio, Figures 2a, 3b and 4).

Regarding claim 88, neither in combination nor individually Oshio and Small does not specifically teach solar energy system being releasably coupled to top cap via threaded connection.

It would be have been obvious to one of ordinary skill in the art at the time of the invention to further modify the outdoor umbrella apparatus of Oshio in view of Small by providing the solar energy system releasably coupled to the top cape with a threaded connection, it has been held that constructing a formerly integral structure in various separable elements involves only routine skill in the art. *Nerwin v. Erlichman*, 168 USPQ 177, 179. Mounting of a solar energy system in releasable manner would promote cost effective replacement and maintenance of the device.

7. Claims 90-92 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent No. JP 9168415 (Oshio) in view of US Patent No.: 2,960,094 (Small) as applied to Claim 86 above, and further in view of Wilson (US Patent No.; 6,058,951) and Doublet (US Patent No. 5,373,287).

Regarding claims 90 and 91, Oshio in view of Small discloses the outdoor umbrella apparatus comprising a manually operable switch 10 (English translated Oshio, Figures 2a, 3b and 4) actuating the lighting system. However, neither in combination nor individually Small and Mai teaches the switch being remotely controllable with signals sent from a wireless transmitter to a receiver.

On the other hand, Wilson ('951) discloses a remote-controlled, outdoor umbrella apparatus (Figure 1) including: an electric motor 1 for opening and closing the umbrella (Figure 1, column 2, lines 30-41); cut-off switches 12 and 13 cutting off the power to the electrical motor operationally coupled to the umbrella actuators 5 and 15 (Figure 1, column 3, lines 5-9); the switches 12 and 13 remotely controlled by signals sent from a central control locations (Figure 1, column 1, lines 23-32).

It would be have been obvious to one of ordinary skill in the art at the time of the invention to further modify the umbrella apparatus of Oshio in view of Small by providing remote control system as taught by Wilson ('951) for the benefits of actuating the lighting system remotely in response to weather changes. Further, neither combined nor individual teaching of Oshio, Small and Wilson ('951) teaches the outdoor, remotely controlled, electrically powered umbrella apparatus, as discussed above, further including a remote control system operable with signals sent from a wireless transmitter to a receiver.

On the other hand, Doublet ('287) discloses a remote control system including a receiver 25 positioned the housing of an apparatus, and a wireless transmitter 9 held by the operator (Figures 1 and 2, column 3, lines 40-53).

It would be have been obvious to one of ordinary skill in the art at the time of the invention to further modify the umbrella apparatus of Oshio in view of Small and Wilson) by providing remote control system with wireless transmitter and a receiver as taught by Doublet ('287) for the benefits of actuating the lighting system remotely in response to weather changes.

Regarding claim 92, Oshio in view of Small, Wilson and Doublet discloses the umbrella apparatus further comprising:

The wireless command signal switching the light system- with elements LEDs 7a1-7a6, 7b1-7b6 7c6 –between varying levels of light output with light output varying circuit 11 (English translated Oshio, Figures 2a and 3b).

Response to Arguments

Argument:

Regarding independent claims 76-81 and 83, Small '094

does not teach:

- an umbrella apparatus including a plurality of light emitting diodes (LEDs) conductively coupled to a rechargeable power system;
- the umbrella apparatus including ribs having anything in their recesses; and
- the ribs 11' are not taught by Small '094, but are recited by the Examiner

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Response: As discussed in section 2 above, Small '94 does not specifically teach the solar- powered umbrella apparatus further comprising a lighting system including a plurality of light emitting diodes "LEDs" conductively coupled to the rechargeable power system included in the umbrella apparatus. Therefore, the umbrella apparatus of the reference Small '094 has been modified with Mai's teaching of its umbrella. The umbrella disclosed by Mai including LEDs in the umbrella ribs, and the LEDs being conductively coupled to the rechargeable power system, and being recessed in the transparent rib portions.

Further, for brevity of the discussion, the Examiner has assigned the numeral 11' for the combination of the following elements.

- The combination rib member 12 and other rib members (not shown) stretching the top member 11 (Figure 1, column 1, lines 47-50).

A conventional collapsible umbrella would require radially extending ribs enabling stretchability of a canopy. Refer to section 2 above.

Argument: While combining teachings of Small '094 and Mai for the rejection of Claim 76, the Office specifically cites Mai, Figure 5, column 4, lines 11-19. However, the above cited portion of Mai

teaches the LEDs installed along, rather than recessed within the rib members of the umbrella. Thus, Mai teaches away from the claimed invention. The above argument is also applied to the claim 82 dependent on Claim 76.

Response: Mai teaches the LEDs 83" being recessed within the transparent rib portions 84" – the transparent strips or tubes 84" integral with the ribs have been interpreted as portions of the rib members receiving LEDs (Mai, Figure 5, and column 4, lines 11-19 and 20-31). Refer to section 3 of the office action mailed on December 15, 2008.

The above response is also applicable to the claims 82, 84 and 85, each dependent on Claim 76.

Argument: Regarding claim 86, and its dependent claims 87-89, the proposed combination of Oshio and Small '094 fails to teach a solar energy system releasably coupled to a top cap.

Response: As discussed in section 7 of the office action mailed on December 15, 2009, Oshio does not teach a use of a solar system for its umbrella apparatus. On the other hand, Small '094 discloses an umbrella apparatus including a solar system 34 positioned adjacent to the canopy and at the top portion of the umbrella post.

However, Small '094 does not specifically teach the solar system being releasably mounted on the top portion of the umbrella post.

It would be have been obvious to one of ordinary skill in the art at the time of the invention to further modify the outdoor umbrella apparatus of Oshio in view of Small by providing the solar energy system releasably coupled to the top cape, since it has been held that constructing a formerly integral structure in various separable elements involves only routine skill in the art. *Nerwin v. Erlichman*, 168 USPQ 177, 179. Mounting of a solar energy system in releasable manner would promote cost effective replacement and maintenance of the device.

Argument:

Regarding claim 86, and its dependent claims 87-89, the proposed combination of Oshio and Small '094 fails to teach a flexible canopy between and adjacent to both the top cap and the solar energy system.

The above argument is also applied to the claims 87-92 dependent on Clam 86.

Response:

Oshio in view of Small '094 discloses the umbrella apparatus – a conventional umbrella (Figures 1 and 2, Column 1, lines 47 and 48) further including: the flexible canopy 11 positioned between the top cap, operationally required for conventional umbrella but not

shown, bearing the solar system 34 and the solar system 34 (Small '094, Figures 1 and 2).

Note: Normally a conventional umbrella includes a plurality of ribs bearing a flexible canopy on their tops. Thus, as shown in figure 1, the flexible canopy 11 does pass between the top and the solar system.

The above response is also applied to the claims 87-92 dependent on Claim 86.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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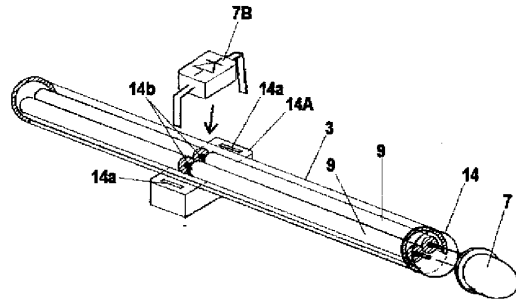
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(54) 【発明の名称】 発光傘及び製造方法

(57) 【要約】 (修正有)

【課題】 骨に添設する各LEDを点滅して発光させ、安全性及び装飾性のある発光傘を提供する。

【解決手段】 傘を構成する骨3に沿って配線するリード線9の少なくとも1か所にLED7を設け、該リード線9を骨3沿いと支柱4内、又は骨3沿いのみに通して配線し、該各リード線9と回路接続する電源電池8と切り換え開閉器10と点滅回路11を、それぞれ握り5又は石突き12に設け、切り換え開閉器10によって各LED7を「消灯」「連続点灯」「点滅発光」のいずれかに切り換えて発光させる構成である。



YOT-1202-0776

【特許請求の範囲】

【請求項1】 傘を構成する骨(3)に沿って配線するリード線(9)の少なくとも1か所にLED(7)を設け、該リード線(9)を前記骨(3)沿いと支柱(4)内、又は前記骨(3)沿いのみに通して配線し、該各リード線(9)と回路接続する電源電池(8)と切り換え開閉器(10)と点滅回路(11)を、それぞれ握り(5)又は石突き(12)に設け、前記切り換え開閉器(10)によって各LED(7)を「消灯」「連続点灯」「点滅発光」のいずれかに切り換えて発光させることを特徴とする発光傘。

【請求項2】 前記点滅回路(11)において、各LED(7)(7)・・・(7)の一つ一つの点滅周期を各々可変して給電する制御部(11a)を設け、該制御部(11a)によって予め設定した各LED(7)(7)・・・(7)の点滅周期に応じた少なくとも2種以上の点滅パターンを用意し、点滅パターン切換器(10A)によってその点滅パターンのいずれかに切り換え選択して発光させることを特徴とする請求項1記載の発光傘。

【請求項3】 請求項1記載の切り換え開閉器(10)と請求項2記載の点滅パターン切換器(10A)の両者を一体にした点滅切り換え開閉器(10B)を請求項2記載の回路に設け、その点滅切り換え開閉器(10B)によって各LED(7)(7)・・・(7)を「消灯」「連続点灯」「点滅パターン①」「点滅パターン②」・・・のいずれかに切り換え発光させることを特徴とする請求項1又は2記載の発光傘。

【請求項4】 傘を構成する骨(3)に沿って配線するリード線(9)の少なくとも1か所に自己点滅LED(7A)を設け、該リード線(9)を前記骨(3)沿いと支柱(4)内、又は前記骨(3)沿いのみに通して配線し、該各リード線(9)と回路接続する電源電池(8)と開閉器(10a)を、それぞれ握り(5)又は石突き(12)に設け、前記開閉器(10a)によって各自点滅LED(7A)(7A)・・・(7A)を「消灯」又は「点滅」して発光させることを特徴とする発光傘。

【請求項5】 傘を構成する骨(3)と支柱(4)支持部(6)との少なくとも一つを各LED(7)又は各自点滅LED(7A)に給電する通電部として回路接続した請求項1, 2, 3又は4記載の発光傘。

【請求項6】 折畳み式の傘において、支柱(4)内又は周面に、上下に摺動して接触通電する摺動式電極(16)を少なくとも1極設けたことを特徴とする請求項1, 2, 3, 4又は5記載の発光傘。

【請求項7】 前記リード線(9)の適所に所要数のソケット(14)を接続固定して製造し、次に骨(3)に沿ってそのリード線(9)を配線し、前記ソケット(14)へ各LED(7)を挿脱可能に設けたことを特徴とする請求項1, 2, 3, 4, 5又は6記載の発光傘及び

その製造方法。

【請求項8】 LED(7)に給電するリード線(9)の先端部にソケット(14)を接続固定して製造し、次に該ソケット(14)を骨(3)の先端に位置させ、同ソケット(14)にLED(7)を挿脱可能に装備させ、該LED(7)を光透過性の保護キャップ(15)で覆い、前記骨(3)の先端部に装設させて製造する発光傘の製造方法。

【請求項9】 LED(7)が一つのLED単体で複数色に発光する複数色LEDや自己点滅LED(7A)である請求項8記載の発光傘の製造方法。

【発明の詳細な説明】

【発明の属する技術分野】本発明は、雨の夜に安全に歩行できる発光傘と製造方法に関する。

【従来の技術】雨の夜、傘をさして歩いていると傘によって視界が狭くなり、周りが見えにくく自動車等の接近するのが気がつかず非常に危険な場合がある。特に前方から風が吹いている場合には、傘を前方に傾けることが余儀なくされ、前方の対向車が見えなくなり非常に危険である。また自動車側においても、雨の日は視界が悪い上にフロントガラスがくもりやすく、前方がよく見えなくなって、特に傘をさした歩行者が黒っぽい服装で黒っぽい傘をさしていれば、発見するのがとても容易でなく非常に危険になる場合がある。そこで傘の骨の先端にLED(発光ダイオード)を設け、傘の柄(把手)部分に電池を内蔵させ、前記LEDを点灯させる公知発明として実開平1-170120号公報、実開平2-59620号公報、特開平4-5906号公報などが出願されており、点滅させる公知発明として実開昭60-69022号公報、特開昭60-45302号公報、実開平1-117213号公報(点灯又は点滅のいずれのみ)などが出願されている。ここでこれらの公知発明において、実際に実施した場合には自動車の運転者はその点灯又は点滅する光を遠方より容易に視覚することができ、前述の問題に対してある程度効果を発揮することが、本発明者の試行実験によっても確かめられた。しかしながら本発明者はその試行実験の過程で、前記公知発明にはさらに改良の余地があり、改良を加えることでよりいっそうの安全面と装飾面における効果を発揮できることを見いだした。すなわち前記公知発明においては、各LEDは開閉器をONすれば単に連続して点灯するか点滅するかのどちらかみの構成であって、安全面においては、夜発光している光はそのまま変化無く連続して発光している光よりは、点滅しながら発光している光の方がより人間の視覚に注意や警告を喚起させるものであり、発光する光を点滅させることで人に注意や警告を与えられ、そこに人の目を注視させる特性をもっている。このためその特性を応用することがさらに効果的で、そこで本発明者は「連続点灯」の発光と「点滅発光」とを使い分けることをここに提案する。例えば「連続点灯」状態から

「点滅発光」状態にぱっと切り換えることで、急な点灯状態の変化によって人の目をそこに注視させることができ、また道路の沿道を歩いている時は「連続点灯」にしておき、道路を横断する時は「点滅発光」にすれば、その場に合った2段階の注意や警告を与えることができる。これをもし「点滅発光」状態のみで沿道を歩いていると、車の運転者は常時必要以上に注意を注ぐことになり神経が疲れてしまう。ところが公知発明の構成ではその場に依りて「連続点灯」又は「点滅発光」に変変できないものである。次に、装飾面においては、従来傘に潜在する問題点として次のことがうかがえる。本来傘は雨の日に携帯して持ち歩くものであるが、雨が降らなかった日や室内、電車の中では「お荷物」になってしまいがちで、傘は実用面での単なる「雨よけの道具」として、装飾性に乏しく携帯する楽しさがなかった。そして公知発明においても安全面に鑑みてなされているが、装飾性には乏しいものであった。さらに、次の問題として製造面の問題については、公知発明ではその問題が特に言及されていないが、LEDを用いて点灯又は点滅させる発光傘を実際に製造するにあたっては、大きな解決すべき問題があり、公知発明においてはその問題を解決する構成や製造方法が示されていない。例えば実開平1-170120号公報、実開平2-59620号公報、特開平4-5906号公報などに、傘の骨にLEDを固設する図が開示されているが、この公知発明の構成はLEDをリード線又は骨又はホルダーから離脱できないように固設しており、この構成においては次のようなことが実際問題として起きる。

1) 傘は往々にして乱暴に扱われやすく、特に傘の骨の先端は何かにおつけやすく、そのため公知発明の固設したLEDは破損、欠落してしまう恐れがある。このためそれを防止するには頑強に構成することが必要であるが、傘の製作費にも限界があり、もし破損、欠落した場合には公知発明の構成では修理が容易でなく、場合によっては傘の寿命ということになりかねない。(以上前記公知3発明)

2) LEDをリード線又は骨に固設する構成で傘を試作的に製作することは可能であるが、実際に傘の量産においては一つ一つのLEDをリード線に接続固定して製造することはその製造工程がとて難しく、また後述する生産性が低い。(以上前記公知2発明)

【発明が解決しようとする課題】本発明は、前記公知発明及び従来の傘に潜在する安全面、装飾面、製造面の問題に鑑みてなされたもので、その目的は安全面では傘の骨に沿って設ける各LEDを「連続点灯」と「点滅発光」の2段階に切り換え発光させる構成にすることで、運転者にその場に比例した注意や警告の喚起を2段階で促せるようにして、最も効果的な安全性を發揮させることであり、また装飾面ではいくつかの点滅パターンを予め用意しておき、それらを選択して切り換え発光できる

ようにすることで、電飾的な美観をもった装飾性のあるファッションブルな発光傘を提供することである。また製造面においては、最も生産性が良くしかも修理交換が簡単なアフターケアを考慮した発光傘を提供することである。また最も安価な構成でできる点滅発光傘を提供することにもある。

【課題を解決するための手段】本発明は前記課題を解決するために、安全面、装飾面においては、傘を構成する骨(3)に沿って配線するリード線(9)の少なくとも1か所にLED(7)を設け、該リード線(9)を前記骨(3)沿いと支柱(4)内、又は前記骨(3)沿いのみに通して配線し、該各リード線(9)と回路接続する電源電池(8)と切り換え開閉器(10)と点滅回路(11)を、それぞれ握り(5)又は石突き(12)に設け、前記切り換え開閉器(10)によって各LED(7)を「消灯」「連続点灯」「点滅発光」のいずれかに切り換えて発光させる構成である。また前記点滅回路(11)において、各LED(7)(7)・・・(7)の一つ一つの点滅周期を各々可変して給電する制御部(11a)を設け、該制御部(11a)によって予め設定した各LED(7)(7)・・・(7)の点滅周期に応じた少なくとも2種以上の点滅パターンを用意し、点滅パターン切換器(10A)によってその点滅パターンのいずれかに切り換え選択して発光させる構成であり、また切り換え開閉器(10)と点滅パターン切換器(10A)の両体を一体にした点滅切り換え開閉器(10B)を前記回路に設け、その点滅切り換え開閉器(10B)によって各LED(7)(7)・・・(7)を「消灯」「連続点灯」「点滅パターン①」「点滅パターン②」・・・のいずれかに切り換え発光させる構成である。また安価に点滅させる構成として自己点滅LEDを設けることで、点滅回路を設けなくてもそのLEDが自己点滅して発光する構成にするものである。また製造面においては、リード線(9)に所要数のソケット(14)を接続固定して製造し、次に骨(3)に沿ってそのリード線(9)を配線し、次に前記ソケット(14)へ各LED(7)を挿脱可能に設けて製造する製造方法である。またLED(7)に給電するリード線(9)の先端部にソケット(14)を接続固定して製造し、次に該ソケット(14)を骨(3)の先端に位置させ、同ソケット(14)にLED(7)を挿脱可能に装備させ、次に該LED(7)を光透過性の保護キャップ(15)で覆い、前記骨(3)に装設して製造する製造方法である。また傘を構成する骨(3)と支持部(6)と支柱(4)の少なくとも一つを各LED(7)に給電する通電部として回路接続する構成にすることもできる。

【発明の実施の形態】本発明が実施する形態を以下に列挙し、詳細については実施例で説明する。
* LEDは全部の骨に添設してもよいし、選択した骨のみに添設してもよい。

*一本の骨に沿って添設するLEDは1個のみでもよいし、複数個でもよい。

*骨に沿って配線するリード線は、骨が中空であれば中を通してよいし、忠実であれば外側に沿って配線してもよい。

*LEDは赤色に限らず緑色や青色でもよいし、各々混在させてもよい。

*各LEDを点滅させる周期及びその点滅パターンは点滅回路の制御部によっていろいろ設定できる。

*電源となる電池はバッテリーであってもよい。

【実施例】本発明を図面を基に説明する。

実施例1

図1は、本発明の実施例1を示すものである。まず従来の傘1の構成として、支柱4の下端に握り5があり、支柱4の上部には支持部6があり、支持部6に軸支された骨3が複数本(通常8本)あり、骨3に張設したシート2で構成される。この構成において、図1(a)は本発明の実施例1を示す正面図、図1(b)は下から見た底面図を示すものである。8本の骨3の各先端部に赤色のLED7を回路接続して設けたもので、この回路構成としては図7に示す構成であり、8個のLED7、7・7・7をそれぞれ並列に接続し、電池8と切り換え開閉器10及び点滅回路11とを回路接続し、LED7、7・7・7を「OFF」「連続点灯」「点滅発光」に切り換えられるようにしたものである。ここで各構成部の説明をする。LED7は図5に示すように、2本の+極と一極のリード線9、9をソケット14の電極端子14b、14bにそれぞれはんだ接続し、そのリード線9、9を骨3の内側に配線して、骨3の先端にソケット14を位置させ、その各電極孔14a、14aにLED7の2つの端子を差し込んで接続した後、保護キャップ15を覆せて設けたものである。保護キャップ15は光透過性の合成樹脂で形成し、容易に外れることがないようにロックする嵌合式や螺合式に設け、覆せた状態では外力が直接LED7に加わらないようにしてLED7の破損を防止している。保護キャップ15は割れにくい柔軟な素材で構成することができる。ソケット14は骨3の先端に固設してもよいし、固設しないでもよい。図4に示すように、電源部を握り5に設けて、回転切り換え式の切り換え開閉器10を握り5の上部側部に設け、点滅回路11を握り5の上部内部に設ける。そして図7の回路構成で点滅回路11は図示しないが、電解コンデンサとIC(LM3909)によって構成できる。次に単5型電池8を2本直列にして握り5内の電池ホルダー13に収納して設け、握り5の上部は螺合式で着脱構造に設ける。LED7、7・7・7と接続するリード線9、9・9・9は各骨3内に配線し、支持部6で各同極どうし接続した後、この各リード線9、9を若干余裕をもたせて支柱4内に通して配線し、切り換え開閉器10と点滅回路11と電池ホルダー13の各端子と回路接続する。この支

柱4内を配線したリード線9、9の接続は図示しないコネクタで接続でき、また直に接続してもよい。この構成で各リード線9、9は傘1を折り畳む際、支柱4内に配線しているため邪魔にならず、しかも支持部6で若干長さの余裕をもたせてあるため、屈曲による断線の恐れがない。この構成による実際の使用は、図7の回路構成にして、握り5に設けた切り換え開閉器10を回転させて切り換え操作し、例えば「点滅」に固定すれば、傘1の周りに設けた8個のLED7、7・7・7が同時に一気に点滅発光し、そして「点灯」に固定すれば一気に連続点灯で発光する。ここで点滅発光の点滅周期は点滅回路11内の制御部11aの回路構成を変えることで可変できる。この各LED7が点滅した発光は遠くからは立体的な楕円状に見え、丸い傘が周期的に楕円状に浮かび上がって視覚できると共に、暗がりでは非常に際立って見えるため注意や喚起を促し、その効果は連続で点灯しているよりは効果が大きい。また傘1を傾ければ、その傾きによって多様な楕円(最大円)形状で周期的に光り、浮かび上がって見えるため人の目を注視させると共に美観を与える。ここでLED7、7・7・7を赤色のみでなく、緑色で構成して緑色の点滅にしたり、赤色と緑色を混在させて点滅することもでき、さらに電飾的な美観を備えた点滅発光になる。点灯又は点滅の切り換えは切り換え開閉器10によって瞬時にでき、その場の状況に応じて切り換えられるため、特に危険を予知する場合には瞬時にして赤く点滅発光させることが危険を知らせるために特に効果的である。尚、未使用時は切り換え開閉器10を「OFF」に固定することで、各LED7は点灯も点滅もしないままにして保管できる。尚、リード線9を骨3と支柱4内に通して配線したが、骨3や支持部6や支柱4を1極側の通電部として回路接続することもできる。次に製造方法として、LED7に給電するリード線9の先端部にソケット14を接続固定して製造し、次に該ソケット14を骨3の先端に位置させ、同ソケット14にLED7を挿脱可能に装備させ、このLED7を光透過性の保護キャップ15で覆い、前記骨3に装設して製造する製造方法にすることで、保護キャップ15に覆われてLED7が破損しにくく、仮に傘を使用中にLED7が破損したとしても、新しいLEDと差し替えることが可能で簡単に修理交換ができる。また製造工程においては、ソケット14を例えば赤いLEDと緑のLEDのどちらでも抜き差しできるように構成することができるため、リード線9にそのソケット14を接続固定したワイヤーハーネスアッセイを赤と緑の両用に共通化できて、製造工程での部品点数を最小限にでき、製造工程が簡単で生産しやすくなる。

実施例2

図2は、本発明の実施例2の構成を示すものである。傘1を構成する8本の骨3に対して、リード線9、9の3個所に並列に接続した各ソケット14を設けて、それぞ

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れに各LED7a1、7b1、7c1／・・・／7a8、7b8、7c8の各端子をそれぞれ差し込んでそのリード線9、9を骨3に沿って設けたものである。リード線9、9と各ソケット14、14Aとの接続固定の仕方は、例えば図13に示すような構成で、2本のリード線9、9の先端には円柱状のソケット14とその電極端子14b、14bとをはんだ接続して固定し、リード線9、9の適当な2か所で被覆を剥いで露出させた芯線に3mm(横)×6mm(縦)×2.5mm(高さ)程の大きさのソケット14A、14Aをそれぞれ各電極端子14b、14bとはんだ接続して固定したものである。ここで各ソケット14A、14Aとリード線9との接続は、ひと続きの一本のリード線9によって接続してもよいし、各ソケット間をつなぐリード線9をそれぞれ用意して分割して接続してもよい。ここでソケット14とソケット14A、14Aと接続したリード線9、9は傘本体とは別にして、一つのワイヤーハーネスアッセイとして製造することができ、各骨3に配線するリード線9、9をそれぞれ束ねてその先端を前述の電源部とコネクタ接続するワイヤーハーネスアッセイ体を作ることができる。図13及び図14で示す一つ一つのワイヤーハーネスアッセイは後述する生産性をあげることができる。この図13及び図14で示すワイヤーハーネスアッセイの傘への取付方法としては、骨3が中空な場合は図15に示すように骨3内にリード線9、9を通し、はめ込み式にするか適所を図示しない係止部材で固定するか又は接着剤で固定することができる。そして固定した状態で両端子が同方向に突出されたLED7を、リード線9、9の先端に固定したソケット14の電極孔14a、14aに差し込み、その上から保護キャップ15を実施例1の図5と同様に覆せて骨3に固定する。次に端子が互いに反対方向に突出された実施例として、2.2mm(横)×3mm(縦)×1.5mm(高さ)程の大きさのLED7B(松下電子工業型番LN0120CAL)を、前記ソケット14Aの電極孔14a、14aに差し込み固定する。ここでLED7Bは前記した微小な大きさであるため、骨3上に固定した状態にしてシート2で覆っても何ら邪魔にならない。尚、骨3が中空でなく中実な場合は、リード線9、9を骨3の外側に沿わせて配線してもよいし、またリード線9とソケット14、14Aの電極端子14bとの接続は、はんだ接続に限らず圧着具等がかしめて機械的に接続してもよい。またリード線9と接続固定するソケットは、ソケット14Aタイプの構成のみにしてリード線9の先端を含めて各位置に設けてもよい。この構成によって、LED7、7Bをそれぞれ接続固定した構成にして、図8に示すのはその全LED7a1、7b1、7c1／・・・／7a8、7b8、7c8を各々並列接続した一つの実施例を示す回路構成である。ここでまず切り換え開閉器10で「点灯」に接続し、連続点灯させれば、その発光する光は立体的な上半

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球状に見え、実施例1よりさらに傘の形状が浮彫りにプラネタリウムのように立体的に視覚でき、しかも傘1全体がさらにきらびやかに明るく際立って見える。また傘1を傾けることによって、各発光する光が重なり合ったり、交錯したりしてさらに一層美観を与える。次に切り換え開閉器10を「点滅」に切り換え、点滅回路11と接続すれば、予め制御部11a内の回路に設定したいくつかの点滅パターンがあり、その点滅パターンは点滅パターン切換器10Aによって切り換えられ所望の点滅パターンで発光させることができる。その点滅パターンは制御部11a内の回路で各LED7、7・・・7に給電する周期を一つ一つ可変設定することでなされる。その制御部11a内の一つの実施回路例を図9に示す。ここで示す回路はシフトレジスタを利用しており、シリアル入力とパラレル出力タイプのシフトレジスタを使用しており、この回路構成を利用して例えば図10に示すような点滅パターンを用意し、点滅パターン切換器10Aによって切り換え各々点滅させることができる。その各点滅パターンの例を示すと

- 20 (a) 各LEDが順に点灯していき、全点灯して全消灯する点滅パターン
- (b) 各LEDがひとつおきに交互に点滅を繰り返す点滅パターン
- (c) 各LEDが同時に点滅を繰り返す点滅パターン
- (d) 2つのLEDと1つのLEDが交互に点滅を繰り返す点滅パターン
- (e) 各LEDがルーレット状に1つずつ点滅していく点滅パターン

などで設定できるが、他にも様々に設定できる。また点滅速度はボリューム11bによって可変できる。図11は切り換え開閉器10と点滅パターン切換器10Aの両器を一体にして一つの開閉器で切り換えられるようにしたもので、その点滅切り換え開閉器10Bで各LED7を、「消灯」「点灯」「点滅パターン①」「点滅パターン②」・・・に各々切り換えられるようにでき、この構成にすることで全ての切り換え操作が一つの切換器でできて非常に簡単に操作できる。ここで、前述の図13に示したワイヤーハーネスアッセイにおいて、例えば先端に接続したソケット14のみにLED7を接続し、他のソケット14Aは空きのままにして骨3に設けてもよく、こうすることで実施例1と同様の構成にして実施できる。また各ソケット14、14Aには、LED7、7Bを挿脱自在に構成してあるため、例えば赤いLEDを接続して構成したり、又は緑のLEDを接続して構成したり、或は混在させて構成したりと、図示の一つのワイヤーハーネスアッセイで全て共通化でき、このためワイヤーハーネスアッセイを各共通化できるため、多種類の発光傘を製作する場合も、部品点数を減らすことができ、製造が簡単でしかも低コストで生産できる。ここで、図14に示すように、ワイヤーハーネスアッセイを

各々独立したリード線9、9と各ソケット14、14Aとを接続固定して別接続で構成することもでき、このように構成することで、一つの骨3に設けたLED7B、LED7B、LED7をそれぞれ別々に点灯又は点滅させる制御ができる。また図16に示すように、ソケット14、ソケット14Aの電極端子14bの各一端を可撓性をもたせて、金属製の骨3に機械的に接触させて通電するように構成してもよい。各LEDには給電する電流を数10mAに制限する抵抗器Rを直列に接続する必要があり、そのため骨3は特に抵抗値の低いものでなくてもよく、鉄材であれば十分に通電の役目を果たしこの構成で実施できる。また前記した図14のワイヤーハーネスアッセイの構成によって、傘1の発光する点滅パターンはさらにさまざまな点滅パターンで編成でき、例えばLED(7c1・・・7c8)→(7b1・・・7b8)→(7a1・・・7a8)の順に傘の上方から下方に向けて点灯又は点滅させたりすることができる。ここで点滅回路11は回路構成する各素子を集積化してチップ状にし、図4に示す握り5の上部内に納めることができる。

実施例3

図3は、本発明の実施例3の構成を示すものである。傘1を構成する8本の骨3のうち、ひとつおきの4本の骨3の先端に発振チップを内蔵した自己点滅LED7Aを設けたもので、図12に示す回路接続にすれば4個の自己点滅LED7Aを自己点滅して発光させることができる。この構成にすれば点滅のための回路を接続しなくても自己点滅し、非常に安価に製作実施できる。尚、実施例1、2と同様に8本の骨3に相当数のLED7Aを添設してもよい。

実施例4

図6は、本発明の実施例4の構成を示すものである。電池8を収納する電池ホルダー13と点滅切り換え開閉器10Bと点滅回路11とを、中心部が中空な一体成形体にしたものを石突き12に嵌設したものである。前実施例のように握り5で切り換え開閉操作をしてもよいが、この実施例の構成のように石突き12にでも切り換え開閉操作することができ、特に折畳み傘には適した構成である。尚、本発明の構成として、LED7を一つのLED単体で複数色に発光する複数色LEDによって構成することもできる。またLED7を追加して石突き12の頂点又は内部に設けて発光させることもできる。また前記構成で石突き12に電池ホルダー13と切り換え開閉器10又は点滅パターン切換器10A又は点滅切り換え開閉器10Bのいずれかと点滅回路11とを内蔵させるようにしてもよい。またリード線9は同軸ケーブルで構成してもよい。また折畳み式の傘において、骨3に沿ってリード線9を配線し、そのリード線9を、図12に示す支柱4内に設けた摺動式に接触通電する摺動式電極16、16と接続する構成にしてもよい。ここで支柱4を

1極にして通電し、この摺動式電極16を1極のみの構成にもできるし、また支柱4の周面に設けることもできる。

【発明の効果】前述のように本発明は、安全面では傘の骨に沿って設けた各LEDを「連続点灯」又は「点滅発光」に切り換えて発光できるため、運転者にその場の危険状況に応じた注意や警告を2段階にして喚起でき、最も効果的に注視させて安全な発光傘を提供することができる。また装飾面では、予め用意したいくつかの点滅パターンを所望のパターンに選択切り換えて発光でき、その光景は電飾的な美観と装飾性をもちファッションブルな傘を提供できる。また製造面では、予め所要数のソケットを接続固定したリード線をハーネスアッセイとして製造して共通化でき、次工程でLEDを挿脱可能に装備する製造方法であるため、製造が簡単で最も生産性が良く、しかも生産後も修理交換のアフターケアが簡単にできる発光傘を製造できる。また保護キャップを骨の先端に具備したLEDに覆せて装設する構造で発光傘を製造することで、実際の使用で乱暴な扱いがなされても、LEDが容易に破損されにくい丈夫な発光傘を提供できる。また点滅回路を用いず自己点滅LEDで構成することによって、最も安価な製作費でできる点滅発光傘を提供できる。また点滅発光する構成でその間電池の消耗を少なくすることも同時にできる。

【図面の簡単な説明】

- 【図1】(a)本発明の一実施例の正面図
- (b)本発明の一実施例の底面図
- 【図2】(a)本発明の一実施例の正面図
- (b)本発明の一実施例の底面図
- 【図3】(a)本発明の一実施例の正面図
- (b)本発明の一実施例の底面図
- 【図4】本発明の一実施例の一部構成を示す断面図
- 【図5】本発明の一実施例の一部構成を示す断面図
- 【図6】(a)本発明の一実施例の正面図
- (b)本発明の一実施例の一部構成を示す斜視図
- 【図7】本発明の一実施例の回路構成図
- 【図8】本発明の一実施例の回路構成図
- 【図9】本発明の一実施例の回路構成図
- 【図10】本発明の実施例の各点滅パターンのタイミングチャート
- 【図11】本発明の一実施例の回路構成図
- 【図12】本発明の一実施例の一部構成を示す断面図
- 【図13】本発明の一実施例の一部構成を示す斜視図
- 【図14】本発明の一実施例の一部構成を示す斜視図
- 【図15】本発明の一実施例の一部構成の組立斜視図
- 【図16】本発明の一実施例の一部構成の組立斜視図

- 【符号の説明】
- 1 : 傘
- 3 : 骨
- 4 : 支柱

11

12

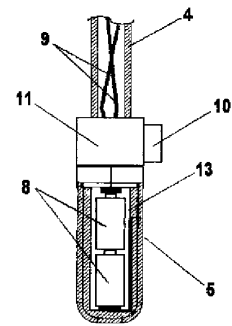
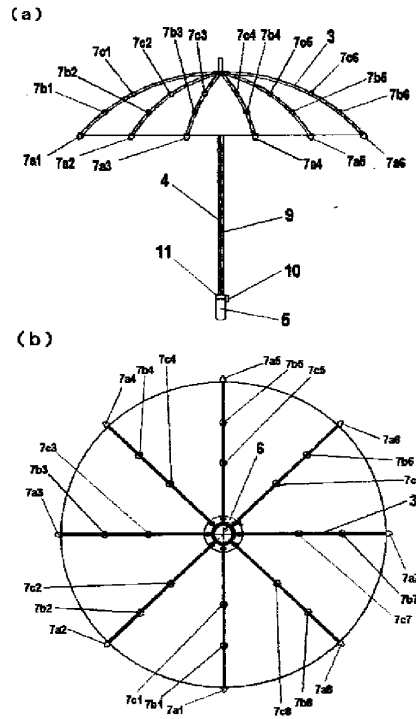
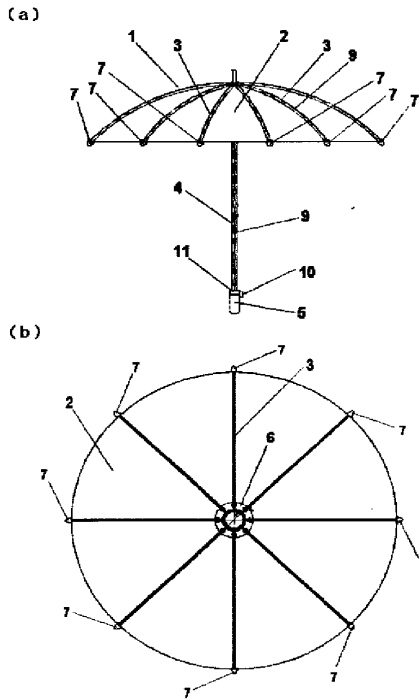
- 5 : 握り
- 7 : LED
- 7A : 自己点滅LED
- 8 : 電池
- 9 : リード線
- 10 : 切り換え開閉器

- 10A : 点滅パターン切換器
- 10B : 点滅切り換え開閉器
- 11 : 点滅回路
- 11a : 制御部
- 14 : ソケット
- 15 : 保護キャップ

【図1】

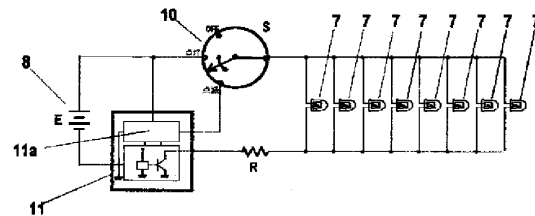
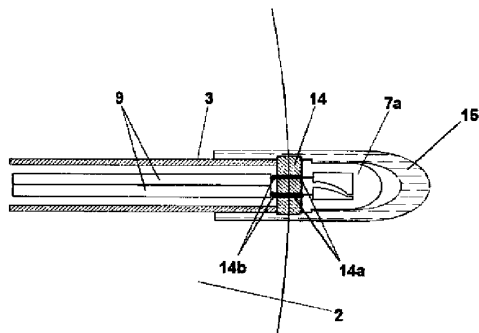
【図2】

【図4】

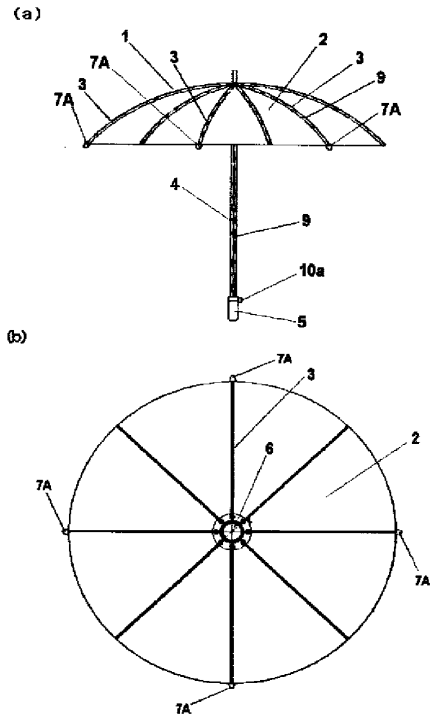


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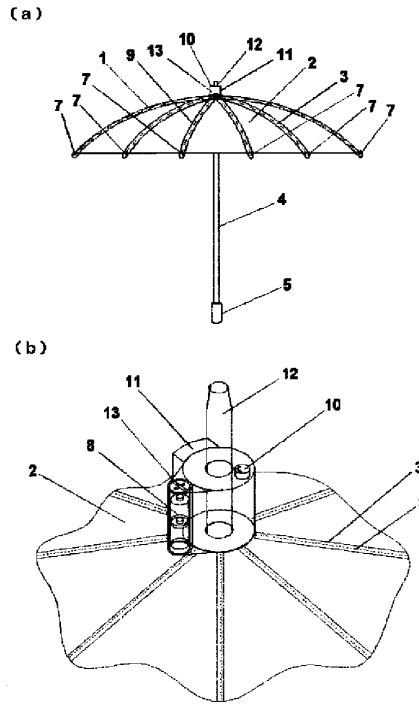
【図7】



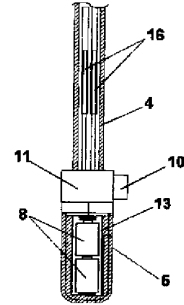
【図3】



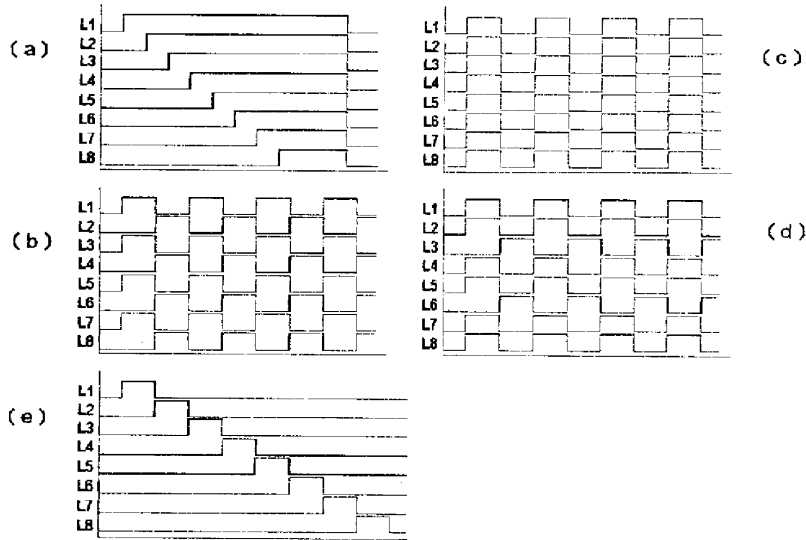
【図6】



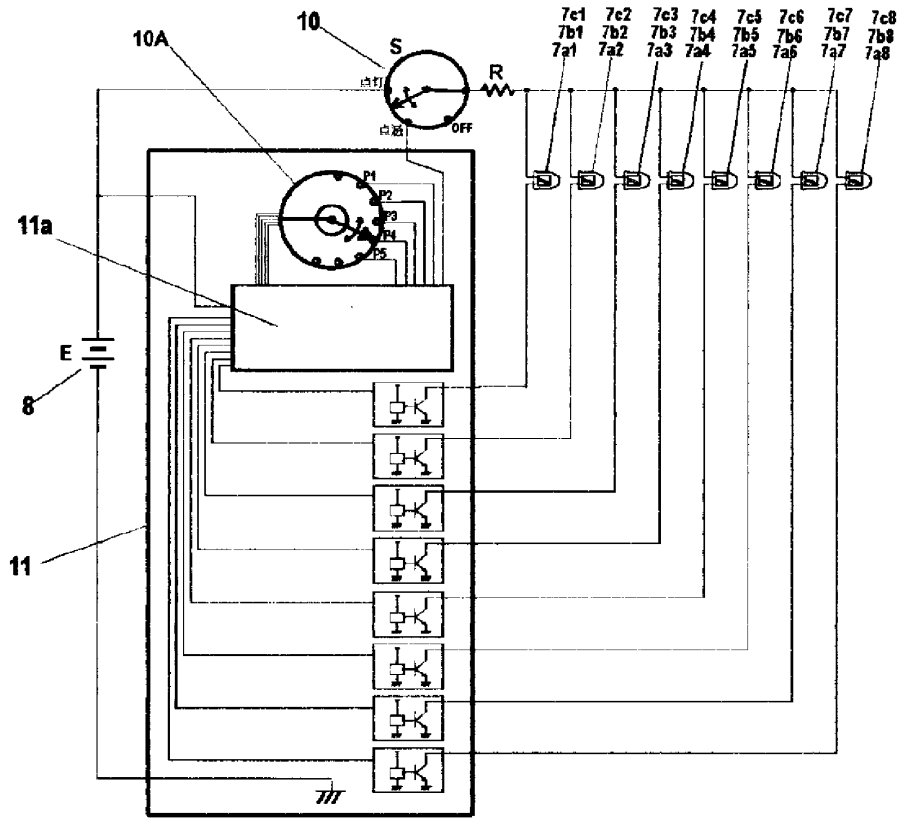
【図12】



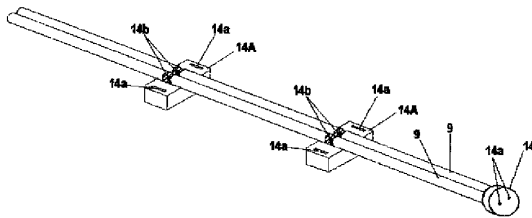
【図10】



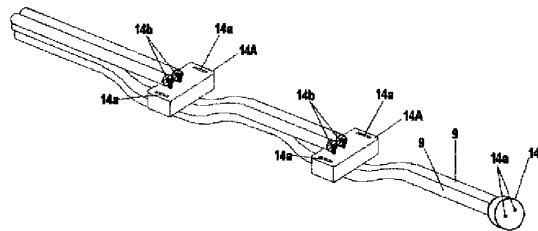
【図8】



【図13】

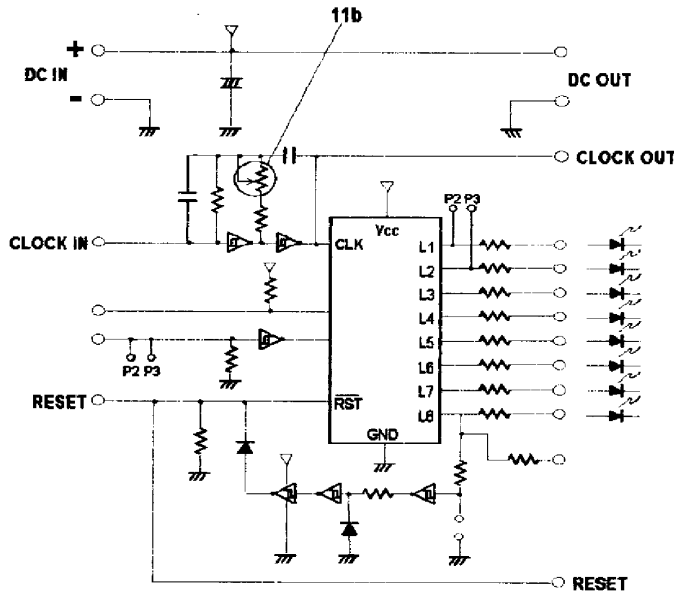


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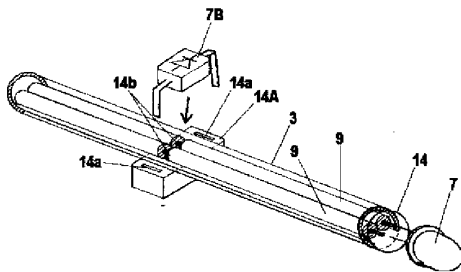


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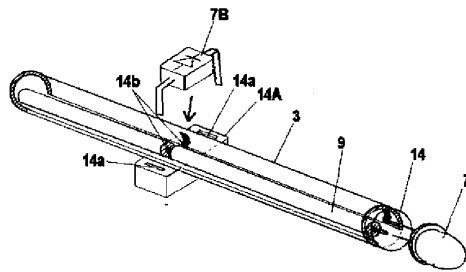
【図9】



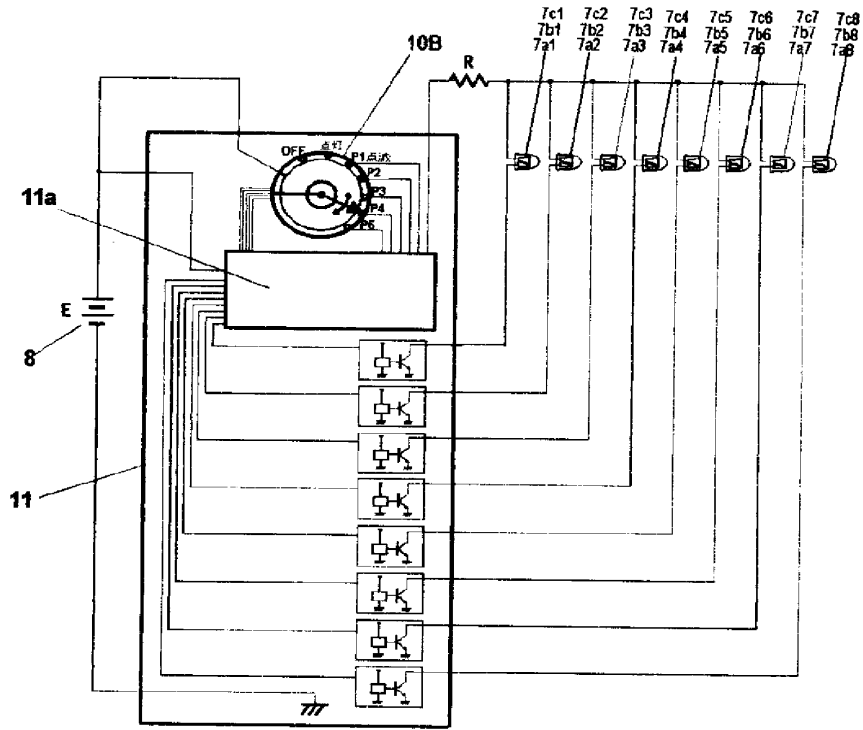
【図15】



【図16】



【図11】



PAT-NO: JP409168415A
DOCUMENT-IDENTIFIER: JP 09168415 A
TITLE: LIGHT-EMITTING UMBRELLA AND
ITS MANUFACTURE
PUBN-DATE: June 30, 1997

INVENTOR-INFORMATION:

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APPL-NO: JP07353400
APPL-DATE: December 19, 1995

INT-CL (IPC): A45B003/04

ABSTRACT:

PROBLEM TO BE SOLVED: To provide a light-emitting umbrella that provides safety and decoration by causing each of LEDs attached to its ribs to blink and emit light.

SOLUTION: A LED 7 is provided on at least a

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portion of a lead wire 9 laid along each of ribs 3 constituting an umbrella, the lead wires 9 being laid along the ribs 3 and inside a shaft, or only along the ribs 3. A power battery, a switch, and a blinking circuit, which make a circuit connection with each lead wire 9, are all provided at a handle or a ferrure, and each LED 7 is made to emit light as it is switched by the switch to an off position, a continuously turned-on position, or a blinking position.

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Notes:

1. Untranslatable words are replaced with asterisks (***).
2. Texts in the figures are not translated and shown as it is.

Translated: 03:46:34 JST 11/20/2009

Dictionary: Last updated 11/13/2009 / Priority:

FULL CONTENTS

[Claim(s)]

[Claim 1]LED (7) is provided in at least one place of a lead (9) which wires along with a bone (3) which constitutes an umbrella, it letting this lead (9) pass to bone [said] (3) meet along said bone (3) and in a support (4), and accept it, and, [a lead] [wire and] Switch with a power supply battery (8) which makes circuit connection with this each lead (9), and, [a switch (10) and a blink circuit (11)] A luminescence umbrella grasping, respectively, providing in (5) or a ferrule (12), switching each LED (7) to blink "putting out lights" or "continuation lighting" or, and "luminescence", and making it emit light with said change switch (10).

[Claim 2]In said blink circuit (11), it is each LED (7) and (7)... A control part (11a) which changes a blink cycle of each of (7) respectively, and supplies electric power is provided, every beforehand set up by this control part (11a) -- LED (7) and (7) ... [at least two or more sorts of blink patterns according to a blink cycle of (7)] [prepare and] The luminescence umbrella according to claim 1 switching and choosing it as either of the blink pattern, and making it emit light with a blink pattern change machine (10A).

[Claim 3]A blink change switch (10B) which made one both vessels of the change switch (10) according to claim 1 and the blink pattern change machine (10A) according to claim 2 is formed in the circuit according to claim 2, the blink change switch (10B) -- every -- LED (7) and (7) ... (7) -- "Putting out lights", "continuation lighting", "blink pattern ***", and "blink pattern ***" ... the luminescence umbrella according to claim 1 or 2 switching to either and making it emit light.

[Claim 4]The self-blink LED (7A) is formed in at least one place of a lead (9) which wires along with a bone (3) which constitutes an umbrella, it letting this lead (9) pass to bone [said] (3) meet along said bone (3) and in a support (4), and accept it, and, [a lead] [wire and] grasping a power supply battery (8) and a switch (10a) which make circuit connection with this each lead (9), respectively, and forming them in (5) or a ferrule (12) -- said switch (10a) -- each one -- oneself -- The blink LED (7A) (7A) ... (7A) "putting out lights" -- or -- "-- a luminescence umbrella making light blink, " carry out and emit.

[Claim 5]The luminescence umbrella according to claim 1, 2, 3, or 4 which made circuit connection of at least one of the bones (3) and support (4) supporters (6) which constitute an umbrella as an energized part which

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supplies electric power to the oneself blink LED (7A) LED (7) or each each one.

[Claim 6]a sliding type electrode (16) which slides on the inside of a support (4), or a peripheral surface up and down, and carries out contact energization in an umbrella of a fold-up formula -- at least 1 -- the luminescence umbrella according to claim 1, 2, 3, 4, or 5 providing very much.

[Claim 7]In a proper place of said lead (9), carry out connection fixation and a socket (14) of a necessary number is manufactured, Next, the luminescence umbrella according to claim 1, 2, 3, 4, 5, or 6 having wired the lead (9) along with a bone (3), and providing each LED (7) in said socket (14) so that insertion and detachment are possible and a manufacturing method for the same.

[Claim 8]To a tip part of a lead (9) which supplies electric power to LED (7), carry out connection fixation and a socket (14) is manufactured, Next, a manufacturing method of a luminescence umbrella which locates this socket (14) at a bony (3) tip, makes the socket (14) equip with LED (7) so that insertion and detachment are possible, covers this LED (7) with the protection cap (15) of a light transmittance state, makes a tip part of said bone (3) decorate with, and is manufactured.

[Claim 9]A manufacturing method of the luminescence umbrella according to claim 8 with which LED (7) emits light to two or more colors with one LED simple substance and which becomes by LED or the self-blink LED (7A) two or more colors.

[Detailed Description of the Invention]

[Field of the Invention]This invention relates to the luminescence umbrella and manufacturing method which can be safely walked at rainy night.

[Description of the Prior Art]If you are walking along the umbrella very rainy night, a field of view may become narrow with an umbrella, that a car etc. approach not easily seen [the surroundings] may not notice, but it may be very dangerous. When the front to especially the wind is blowing, it is obliged to lean an umbrella ahead, a front oncoming car disappears, and it is very dangerous. Also in an automatic car side, a windshield becomes cloudy easily in the top where visibility is low, and a rainy day may not be very easy to discover it in a dress with a blackish pedestrian with whom it becomes impossible for the front to have been clearly seen, and it put especially the umbrella, if a blackish umbrella is very, and may become danger very much. Then, provide LED (light emitting diode) at the tip of the bone of an umbrella, and a battery is made to build in the handle (handle) portion of an umbrella, As a publicly known invention which makes said LED turn on, JP,H1-170120,U, It applies for JP,H2-59620,U, JP,H4-5906,A, etc., and applies for JP,S60-69022,U, JP,S60-45302,A, JP,H1-117213,U (only any of lighting or blink), etc. as a publicly known invention which makes it blink. In these publicly known inventions, when it actually carried out, the driver of the car could do vision of the light which lights up or blinks more easily than a distant place, and demonstrating an effect to some extent to the above-mentioned problem was confirmed by this invention person's trial experiment here. However, this invention person is a process of the trial experiment, there is room for improvement in said publicly known

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invention further, and it found out that the effect in the much more safe side and ornamental face could be demonstrated by adding improvement. namely, -- in said publicly known invention -- every -- whether if LED turns on a switch, it will be turned on only in succession blinks -- it being one of those composition and in a safe side, Rather than the light which is emitting light continuously changeless as it is, the direction of the light which is emitting light while blinking makes cautions and warning of vision of man evoke more, and the light which is emitting light night can give people cautions and warning by blinking the light which emits light, and has there the characteristic of making it gazing at people's eyes. For this reason, it is still more effective to apply that characteristic and this invention person proposes [there] using luminescence of "continuation lighting", and "blink luminescence" properly here. [for example the thing rapidly switched to a "blink luminescence" state from a "continuation lighting" state] While it can be made to gaze there at people's eyes by sudden change of a lighting state and he is walking along the place along the route of a road, "continuation lighting" is used, and if "blink luminescence" is used when crossing a road, two steps of cautions and warning according to the spot can be given. If you are walking this along the place along the route only in the state of "blink luminescence", the driver of a car will always pour out cautions more than needed, and a nerve will get tired. However, with the composition of a publicly known invention, it does not change into "continuation lighting" or "blink luminescence" according to the spot. Next, in an ornamental face, the following thing is imagined as a problem which is conventionally latent in an umbrella. Although it originally carries and walks around with an umbrella on a rainy day, in the day when rain did not fall, or the interior of a room and a train, it tended to become a "burden" and the umbrella did not have the pleasure carried deficiently in fanciness as mere "tool of a rain-cover" in respect of practical use. And although made in view of the safe side also in the publicly known invention, it was lacking in fanciness. As a following problem, [problem / of a manufacture side] Although the problem is not mentioned by the publicly known invention in particular, in actually manufacturing the luminescence umbrella turned on or blinked using LED, there is a big problem which should be solved and the composition or the manufacturing method which solve the problem in a publicly known invention are not shown. For example, although the figure which fixes LED to the bone of an umbrella at JP,H1-170120,U, JP,H2-59620,U, JP,H4-5906,A, etc. is indicated, The composition of this publicly known invention fixes LED so that it cannot secede from a lead, a bone, or a holder, and in this composition, the following breaks out as a practical question.

1) there is a possibility that may damage LED which boils an umbrella occasionally, carries out, was easy to be treated violently, and was easy to throw something especially the tip of the bone of an umbrella, therefore the publicly known invention fixed, and it may be missing. For this reason, although to constitute stubbornly is required for preventing it, there is a limit also in the production costs of an umbrella, and when missing [damaged and], with the composition of a publicly known invention, repair will not be easy and may call it the life of an umbrella depending on the case. (Above said publicly known 3 inventions)

2) Although it is possible to manufacture an umbrella in trial production with the composition which fixes LED to a lead or a bone, the manufacturing process is very difficult for carrying out connection fixation at a lead and actually manufacturing each LED in the mass production of an umbrella, and it is low. [of the productivity

mentioned later] (Above said publicly known 2 inventions)

[Problem to be solved by the invention]This invention is what was made in view of the problem of a safe side, an ornamental face, and a manufacture side which is latent in said publicly known invention and the conventional umbrella, The purpose is to have composition which switches each LED provided along with the bone of an umbrella in a safe side to two steps, "continuation lighting" and "blink luminescence", and makes it emit light, It enables it to demand evocation of the cautions proportional on that occasion and warning from a driver in two steps, It is demonstrating the most effective safety, and some blink patterns are prepared beforehand in the ornamental face, and it is providing a fashionable luminescence umbrella with the fanciness which had an electric-spectaculars fine sight by choosing them, switching and enabling it to emit light. In a manufacture side, productivity is providing the luminescence umbrella which, at best moreover, took into consideration aftercare with easy repair exchange most. It is also in providing the blink luminescence umbrella made with the most inexpensive composition.

[Means for solving problem]In a safe side and an ornamental face in order that this invention may solve said SUBJECT, LED (7) is provided in at least one place of the lead (9) which wires along with the bone (3) which constitutes an umbrella, it letting this lead (9) pass to bone [said] (3) meet along said bone (3) and in a support (4), and accept it, and, [a lead] [wire and] Switch with the power supply battery (8) which makes circuit connection with this each lead (9), and, [a switch (10) and a blink circuit (11)] It is the composition of grasping, respectively, providing in (5) or root clusters (12), switching each LED (7) to blink "putting out lights" or "continuation lighting" or, and "luminescence", and making it emitting light with said change switch (10). In said blink circuit (11), it is each LED (7) and (7)... The control part (11a) which changes the blink cycle of each of (7) respectively, and supplies electric power is provided, every beforehand set up by this control part (11a) - LED (7) and (7) ... [at least two or more sorts of blink patterns according to the blink cycle of (7)] [prepare and] It is the composition of switching and choosing it as either of the blink pattern, and making it emitting light with a blink pattern change machine (10A), The blink change switch (10B) which made one both the bodies of the change switch (10) and the blink pattern change machine (10A) is formed in said circuit, the blink change switch (10B) -- every -- LED (7) and (7) ... (7) -- "putting out lights", "continuation lighting", "blink pattern **", and "blink pattern ***" -- it is the composition of switching to either of ... and making it emitting light. It has composition which the LED carries out self-blink and emits light by forming the self-blink LED as composition blinked inexpensive even if it does not provide a blink circuit. In a manufacture side, it is a manufacturing method which wires, provides each LED (7) in said socket (14) so that insertion and detachment are possible, carries out connection fixation, manufactures the socket (14) of a necessary number to a lead (9), and then manufactures the lead (9) to it next along with a bone (3). To the tip part of the lead (9) which supplies electric power to LED (7), carry out connection fixation and a socket (14) is manufactured, Next, it is a manufactured manufacturing method with which locates this socket (14) at a bony (3) tip, makes the socket (14) equip with LED (7) so that insertion and detachment are possible, and then covers this LED (7) with the protection cap (15) of a light transmittance state, and said bone (3) is decorated. It can also have composition which makes circuit connection of at least one of the bones (3), supporters (6), and supports (4) which constitute an

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umbrella as an energized part which supplies electric power to each LED (7).

[Mode for carrying out the invention]The forms which this invention carries out are enumerated below and, for details, an embodiment explains.

- * LED may be installed in all bones and may be installed only in the selected bone.
- * One LED installed along with one bone may be good, and plurality may be sufficient as it.
- * The lead which wires along with a bone may let inside pass, as long as a bone is hollow, and as long as it is faithful, it may wire along the outside.
- * Not only red but green and blue may be sufficient as LED, and it may be made intermingled respectively.
- * The cycle which blinks each LED, and its blink pattern can be variously set up by the control part of a blink circuit.
- * The battery used as a power supply may be a battery.

[Working example]This invention is explained based on Drawings.

Embodiment 1 drawing 1 shows Embodiment 1 of this invention. First, it grasps to the lower end of the support 4, there is 5 as composition of the conventional umbrella 1, there is the supporter 6 in the upper part of the support 4, and the bone 3 supported pivotally by the supporter 6 comprises the sheet 2 stretched to those with two or more (usually 8), and the bone 3. In this composition, the front view in which drawing 1 (a) shows Embodiment 1 of this invention, and drawing 1 (b) show the bottom view seen from the bottom. It is what made circuit connection and provided LED7 [red] in each tip part of the eight bones 3, It is the composition shown in drawing 7 as this circuit composition, eight LED7 and 7...7 are connected to parallel, respectively, and it switches with the battery 8, and circuit connection of the switch 10 and the blink circuit 11 is made, and LED7 and 7...7 are switched to "OFF", "continuation lighting", and "blink luminescence." Each formation part is explained here. As shown in drawing 5, LED7 makes solder connection of the two leads, + pole and - pole, 9 and 9 at the electrode terminals 14b and 14a of the socket 14, respectively, and it wires the leads 9 and 9 inside the bone 3, The socket 14 is located at the tip of the bone 3, and after inserting two terminals of LED7 in each of those electrode holes 14a and 14a and connecting with them, the protection cap 15 can be reversed and it provides. The protection cap 15 was formed by the synthetic resin of the light transmittance state, was provided in the fitting type and screwing type which are locked so that it may not separate easily, and in the state where it was able to reverse, as external force was not added to direct LED7, it has prevented breakage of LED7. The protection cap 15 can consist of flexible materials which can be hard to break. It may fix at the tip of the bone 3, and it may fix and the socket 14 may also drop off. As shown in drawing 4, a power supply section is grasped, it provides in 5 and the change switch 10 of a rotation change type is grasped, it provides in the top flank of 5, the blink circuit 11 is grasped, and it provides in the inside of the upper part of 5. And although the blink circuit 11 is not illustrated with the circuit composition of drawing 7, an electrolytic condenser and IC (LM3909) can constitute. Next, the single 5 type battery 8 is made into 2 series, and is grasped, it stores and provides in the battery holder 13 in five, and the upper part of the grip 5 is provided in attachment-and-detachment structure by a screwing formula. The lead 9 linked to LED7 and 7...7 and 9...9 wire in each bone 3, after they make each said pole connection with the supporter 6, they give a margin a little, let pass

and wire in the support 4, and make circuit connection of each of these leads 9 and 9 with the change switch 10, the blink circuit 11, and each terminal of the battery holder 13. It can connect by the connector which is not illustrated and connection of the leads 9 and 9 which wired the inside of this support 4 may be connected soon. Since it is not interfered since it is wiring in the support 4 and the margin of length is moreover given a little with the supporter 6 when each leads 9 and 9 fold up the umbrella 1 with this composition, there is no fear of disconnection by crookedness. If actual use by this composition is carried out to the circuit composition of drawing 7, and the change switch 10 formed in the grip 5 is rotated, and it is switched and operated, for example, it fixes to "blink", If eight LED7 provided in the surroundings of the umbrella 1 and 7...7 carry out blink luminescence at a stretch simultaneously and it fixes to "lighting", light will be emitted by continuation lighting at a stretch. The blink cycle of blink luminescence here is changed by changing the circuit composition of the control part 11a in the blink circuit 11. Since luminescence which this LED7 [each] blinked is visible in the shape of [three-dimensional] an ellipse from a distance, and a round umbrella emerges in the shape of an ellipse periodically, and the vision of it can be carried out, and it is very conspicuous in a dimly lighted place and visible, cautions and evocation are urged, and that effect has an effect larger than having switched on the light continuously. If the umbrella 1 is leaned, since it shines periodically, and it emerges and is visible in variety ellipse (maximum circle) shape by the inclination, it will be made to gaze at people's eyes, and a fine sight will be given. Not only red but it is green in LED7 and 7...7, and it can be made green blink, can also blink [it can constitute, and red and green can be made intermingled, and] here, and also becomes blink luminescence provided with the electric-spectaculars fine sight. It is effective especially in order that carrying out in an instant and carrying out blink luminescence red may tell danger, in foreknowing especially danger, since it can do by carrying out the change of lighting or blink with the change switch 10 in an instant and is switched according to a situation on that occasion. It is fixing the change switch 10 to "OFF" at the time of intact, and each LED7 keeps lighting and blink not carried out, and it can be kept. Although wired through the lead 9 in the bone 3 and the support 4, circuit connection of the bone 3, the supporter 6, or the support 4 can also be made as an energized part very by the side of one. Next, as a manufacturing method, to the tip part of the lead 9 which supplies electric power to LED7, carry out connection fixation and the socket 14 is manufactured, [next the thing to carry out to the manufactured manufacturing method with which locates this socket 14 at the tip of the bone 3, makes the socket 14 equip with LED7 so that insertion and detachment are possible, and covers this LED7 with the protection cap 15 of a light transmittance state, and said bone 3 is decorated] Even if it is covered with the protection cap 15 and it is hard to damage LED7, and LED7 is damaged while using an umbrella, substituting for new LED will be possible and repair exchange can be performed simply. In a manufacturing process, the socket 14 For example, since it can constitute so that either red LED or green LED can be taken out and inserted, The wire harness assay which carried out connection fixation of the socket 14 can be communalized with red to the lead 9 at green two ways, and the part mark in a manufacturing process are made to the minimum, and a manufacturing process is easy and it becomes easy to produce it.

Embodiment 2 drawing 2 shows the composition of Embodiment 2 of this invention. Each socket 14 which the

leads 9 and 9 connected in parallel with three places is formed to the eight bones 3 which constitute the umbrella 1, and they are every LED7a1, seven b1, and 7c1/to each... Each terminal of /7a8, seven b8, and 7c8 is inserted, respectively, and the leads 9 and 9 are formed along with the bone 3. [the method of connection fixation with the leads 9 and 9 and each sockets 14 and 14A] For example, the socket 14 and its electrode terminal 14b cylindrical at the tip of the two leads 9 and 9 with composition as shown in drawing 13, Solder connection of the 14b is made and it fixes, and solder connection of the sockets 14A and 14A of the size like 3 mm(width) x6 mm (length) x 2.5 mm (height) is made with each electrode terminals 14b and 14b, respectively, and it fixes to **** which stripped covering and was exposed at two suitable places of the leads 9 and 9. It may connect with a series of one lead 9, and the connection between each sockets 14A and 14A and the lead 9 may prepare the lead 9 which connects between each socket, respectively, may divide it, and may be connected here. The leads 9 and 9 connected with the socket 14 and the sockets 14A and 14A here set aside the main part of an umbrella, It can manufacture as one wire harness assay, and the wire harness assay object which bundles the leads 9 and 9 which wire each bone 3, respectively, and makes connector connection of the tip with the above-mentioned power supply section can be built. Each wire harness assay shown by drawing 13 and drawing 14 can raise the productivity mentioned later. As the attachment method to the umbrella of the wire harness assay shown by this drawing 13 and drawing 14, when hollow [the bone 3], it can fix by the locking member which makes the leads 9 and 9 through and an insertion type into the bone 3, or does not illustrate a proper place as shown in drawing 15, or can fix with adhesives. And LED7 by which both terminals were projected in the direction is inserted in the electrode holes 14a and 14a of the socket 14 fixed at the tip of the leads 9 and 9 in the state where it fixed, the protection cap 15 can be reversed like drawing 5 of Embodiment 1 from on the, and it fixes to the bone 3. Next, as an embodiment projected mutually in the counter direction, a terminal inserts LED7B (Matsushita Electronics Industry part number LN0120CAL) of the size like 2.2 mm(width) x3 mm (length) x 1.5 mm (height) in the electrode holes 14a and 14a of said socket 14A, and is fixed. Since LED7B is the above mentioned minute size, even if it changes into the state where it fixed on the bone 3 and covers with the sheet 2, it does not become obstructive at all here. Not hollow but when solid, the bone 3 may make the leads 9 and 9 be along the outside of the bone 3, and may wire, and may connect mechanically the connection between the lead 9 and the electrode terminal 14b of the sockets 14 and 14A in total not only with solder connection but with a sticking-by-pressure implement etc. The socket which carries out connection fixation with the lead 9 may be made only socket 14A type composition, and may be provided in each position including the tip of the lead 9. It is that total LED7a1, seven b1, and 7c1/to have LED7 and composition which carried out connection fixation of the 7B, respectively by this composition, and to be shown in drawing 8... It is the circuit composition which shows one embodiment which carried out multiple connection of /7a8, seven b8, and 7c8 respectively. It is visible in the shape of [three-dimensional] an upper hemisphere, and if it connects with "lighting" and continuation lighting is first carried out with the change switch 10 here, from Embodiment 1, the light which emits light can carry out vision of the shape of an umbrella to relief in three dimensions like a planetarium further, and moreover the umbrella 1 whole is brightly conspicuous still more gorgeously, and it is visible. By leaning the umbrella 1, the light which each emits light

overlaps or is each other interwoven with, and gives a fine sight further further. Next, if it switches, the switch 10 is switched to "blink" and it connects with the blink circuit 11, there is a blink pattern of shoes to set as the circuit in the control part 11a beforehand, and the blink pattern is switched with the blink pattern change machine 10A, and can be made to emit light by a desired blink pattern. The blink pattern is made by carrying out variable setup of the cycle which supplies electric power to every LED7 and 7...7 in the circuit in the control part 11a one by one. One example of an operation circuit in the control part 11a is shown in [drawing 9](#). The circuit shown here uses Si 7 TOREJISUTA, is using a serial input and parallel output type Si 7 TOREJISUTA, can prepare a blink pattern as shown in [drawing 10](#), using this circuit composition, can switch it with the blink pattern change machine 10A, and can be blinked respectively. if the example of each of that blink pattern is shown -- (a) every -- LED lighting up in order and, [LED] All-points light is carried out. All the blink patterns to switch off. (b) Each LED every one by turns. [blink] blink pattern (c) every to repeat -- blink pattern (e) every in which LED of two blink patterns (d) in which LED repeats blink simultaneously, and one LED repeat blink by turns -- although LED can set up by the blink pattern etc. which blink in the shape of [one / every] roulette, it can set variously to others. Blink speed is changed by the volume 11b. [Drawing 11](#) is what makes one both the machines of the change switch 10 and the blink pattern change machine 10A, and was switched with one switch, that blink change switch 10B -- every -- LED7 -- "putting out lights", "lighting", "blink pattern **", and "blink pattern ***" -- it can be respectively switched to ..., and by having this composition, all the change operations can be performed with one change machine, and it can be operated very easily. LED7 is connected only to the socket 14 connected at the tip here in the wire harness assay shown in above-mentioned [drawing 13](#), other sockets 14A may be left an opening and may be provided in the bone 3, and by carrying out like this, it has the same composition as Embodiment 1, and can carry out. Since LED7 and 7B are constituted to each sockets 14 and 14A, enabling free insertion and detachment, for example, connecting and constituting red LED, connecting and constituting green LED, or making intermingled and constituting. Since it can communalize altogether by one wire harness assay of illustration and wire harness assay can be each communalized for this reason, also when manufacturing the luminescence umbrella of varieties, part mark can be reduced, and manufacture is easy and, moreover, can produce at low cost. [being able to carry out connection fixation of the leads 9 and 9 and each sockets 14 and 14A which became independent respectively about wire harness assay, also being able to constitute from another connection, and constituting in this way here, as shown in [drawing 14](#)] Control which turns on or blinks separately LED7B provided in the one bone 3, LED7B, and LED7, respectively can be performed. As shown in [drawing 16](#), it may constitute so that flexibility may be given, and one end each of the electrode terminal 14b of the socket 14 and the socket 14A may be mechanically contacted to the metal bones 3 and may be energized. It is necessary to connect to each LED in series the resistor R which restricts the current which supplies electric power to several 10 mA, therefore resistance may not be low, and if especially the bone 3 is iron material, it fully achieves the duty of energization and can carry it out with this composition. By the above mentioned composition of wire harness assay of [drawing 14](#), the blink pattern in which the umbrella 1 emits light can be composed of still more various blink patterns, For example, it can be made to switch on the light or blink towards a lower part in order of LED

(7c1...7c8) ->(seven b1...7b8) -> (seven a1...7a8) from the upper part of an umbrella. The blink circuit 11 can integrate each element which carries out circuit composition, can make it the letter of a chip, and can be dedicated here in the upper part of the grip 5 shown in drawing 4.

Embodiment 3 drawing 3 shows the composition of Embodiment 3 of this invention. It is what provided self-blink LED7A which built in the oscillation chip at the tip of every the one four bones 3 among the eight bones 3 which constitute the umbrella 1, and if it is made the circuit connection shown in drawing 12, self-blink can be carried out and four self-blink LED7A can be made to emit light. If it has this composition, even if it will not connect the circuit for blink, self-blink is carried out, and manufacture implementation can be carried out very inexpensive. LED7A of a suitable number may be installed in the eight bones 3 like Embodiments 1 and 2.

Embodiment 4 drawing 6 shows the composition of Embodiment 4 of this invention. What used as the hollow central part integral-moulding object the battery holder 13 and the blink change switch 10B which store the battery 8, and the blink circuit 11 is fixed on the root clusters 12. Although it may grasp like a last embodiment, it may switch by 5 and switching operation may be carried out, it is the composition that could switch and carry out switching operation even to the root clusters 12 like the composition of this embodiment, and it was suitable for especially *****. The double several colors LED which emit light to two or more colors can also constitute LED7 from one LED simple substance as composition of this invention. LED7 is added, it can provide in the peak or the inside of the root clusters 12, and it can also be made to emit light. It switches to the root clusters 12 with the battery holder 13 with said composition, and may be made to make either and the blink circuit 11 of the switch 10, the blink pattern change machine 10A, or the blink change switch 10B install. The lead 9 may consist of coaxial cables. In the umbrella of a ***** type, the lead 9 may be wired along with the bone 3, and it may have composition which connects the lead 9 with the sliding type electrodes 16 and 16 which carry out contact energization at the sliding type provided in the support 4 shown in drawing 12. The support 4 is made into one pole, and is energized here, and this sliding type electrode 16 also has composition of only one pole, and it can also provide in the peripheral surface of the support 4.

[Effect of the Invention]As mentioned above, since this invention switches each LED provided along with the bone of an umbrella to "continuation lighting" or "blink luminescence" and can emit light, it makes two steps the cautions on that occasion and warning according to a dangerous situation, can evoke a driver's, can be made to be able to gaze at them most effectively, and can provide a safe luminescence umbrella in a safe side. In an ornamental face, selection change ***** can be carried out at the pattern of a request of the blink pattern of shoes to prepare beforehand, and the spectacle can provide a fashionable umbrella with electric-spectaculars a fine sight and fanciness. Since it is a manufacturing method which manufactures the lead which carried out connection fixation of the socket of a necessary number beforehand as harness assay in respect of manufacture, can be communalized, and equips LED by a next process so that insertion and detachment are possible, Manufacture is easy, productivity is the best and the luminescence umbrella with which after production can moreover do aftercare of repair exchange simply can be manufactured. By manufacturing a luminescence umbrella with the structure which can reverse a protection cap to LED provided at a bony tip, and attaches it decoratively, even if violent treatment is made by actual use, LED can provide the strong

luminescence umbrella which is hard to be damaged easily. By constituting from the self-blink LED not using a blink circuit, the blink luminescence umbrella made in the most inexpensive production costs can be provided. It can also make it simultaneous to lessen consumption of a battery in the meantime with the composition which carries out blink luminescence.

[Brief Description of the Drawings]

[Drawing 1](a) The front view of one embodiment of this invention

(b) The bottom view of one embodiment of this invention

[Drawing 2](a) The front view of one embodiment of this invention

(b) The bottom view of one embodiment of this invention

[Drawing 3](a) The front view of one embodiment of this invention

(b) The bottom view of one embodiment of this invention

[Drawing 4]The sectional view showing the partial composition of one embodiment of this invention

[Drawing 5]The sectional view showing the partial composition of one embodiment of this invention

[Drawing 6](a) The front view of one embodiment of this invention

(b) The perspective view showing the partial composition of one embodiment of this invention

[Drawing 7]The circuit lineblock diagram of one embodiment of this invention

[Drawing 8]The circuit lineblock diagram of one embodiment of this invention

[Drawing 9]The circuit lineblock diagram of one embodiment of this invention

[Drawing 10]The timing chart of each blink pattern of the embodiment of this invention

[Drawing 11]The circuit lineblock diagram of one embodiment of this invention

[Drawing 12]The sectional view showing the partial composition of one embodiment of this invention

[Drawing 13]The perspective view showing the partial composition of one embodiment of this invention

[Drawing 14]The perspective view showing the partial composition of one embodiment of this invention

[Drawing 15]The assembly perspective view of the partial composition of one embodiment of this invention

[Drawing 16]The assembly perspective view of the partial composition of one embodiment of this invention

[Explanations of letters or numerals]

1 : Umbrella

3 : Bone

4 : Support

5 : Grip

7 : LED

7A: Self-blink LED

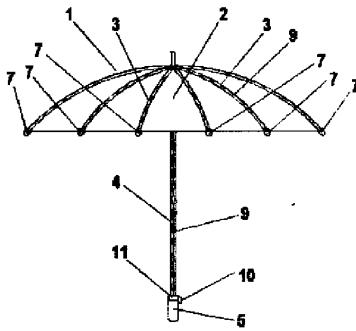
8 : Battery

9 : Lead

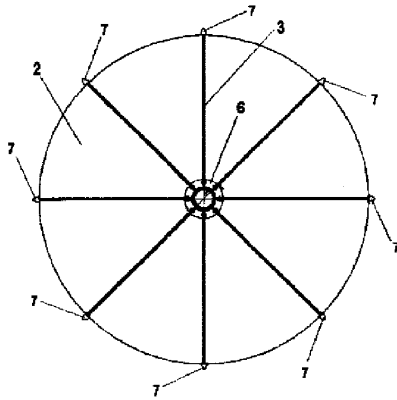
- 10: Change switch
 - 10A: Blink pattern change machine
 - 10B: Blink change switch
 - 11: Blink circuit
 - 11a: Control part
 - 14: Socket
 - 15: Protection cap
-

[Drawing 1]

(a)

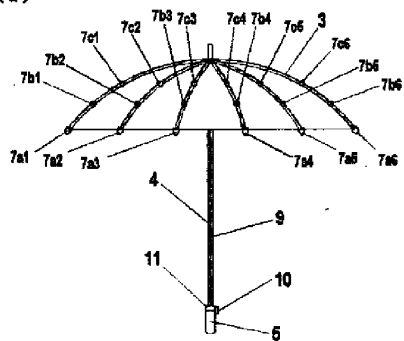


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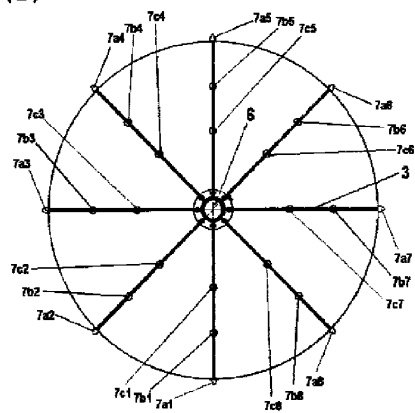


[Drawing 2]

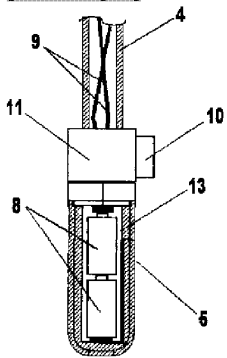
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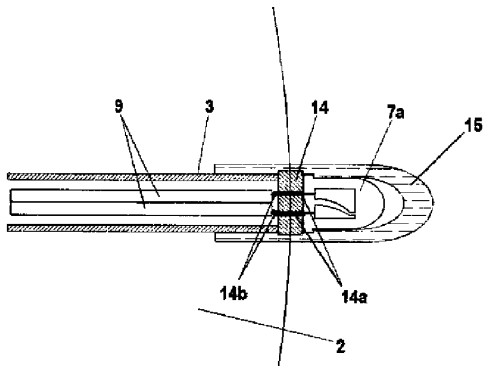
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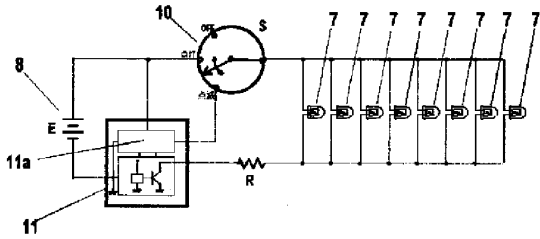
[Drawing 4]



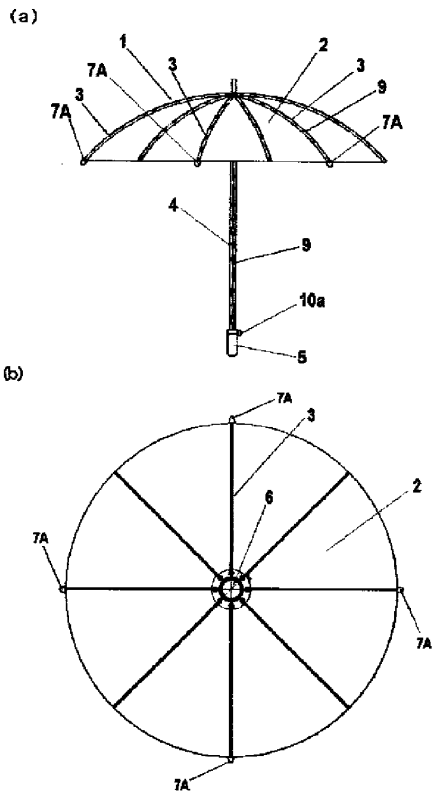
[Drawing 5]



[Drawing 7]

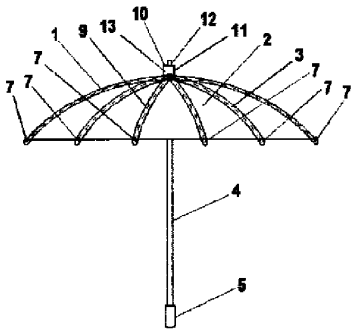


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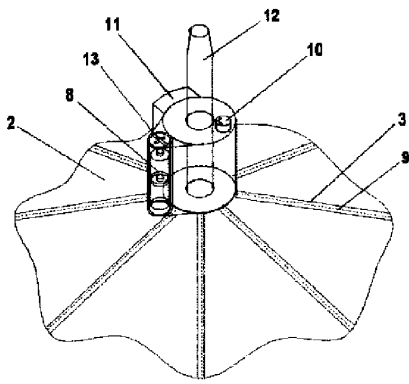


[Drawing 6]

(a)

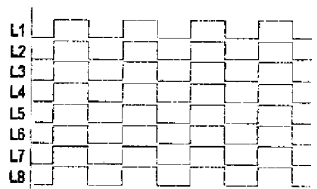
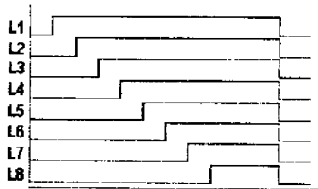


(b)



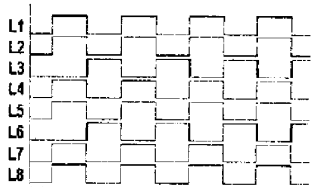
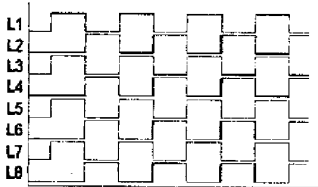
[Drawing 10]

(a)



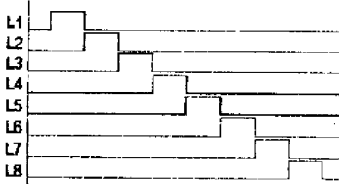
(c)

(b)

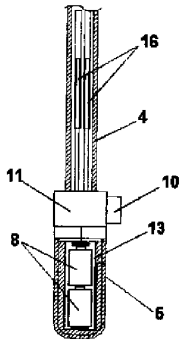


(d)

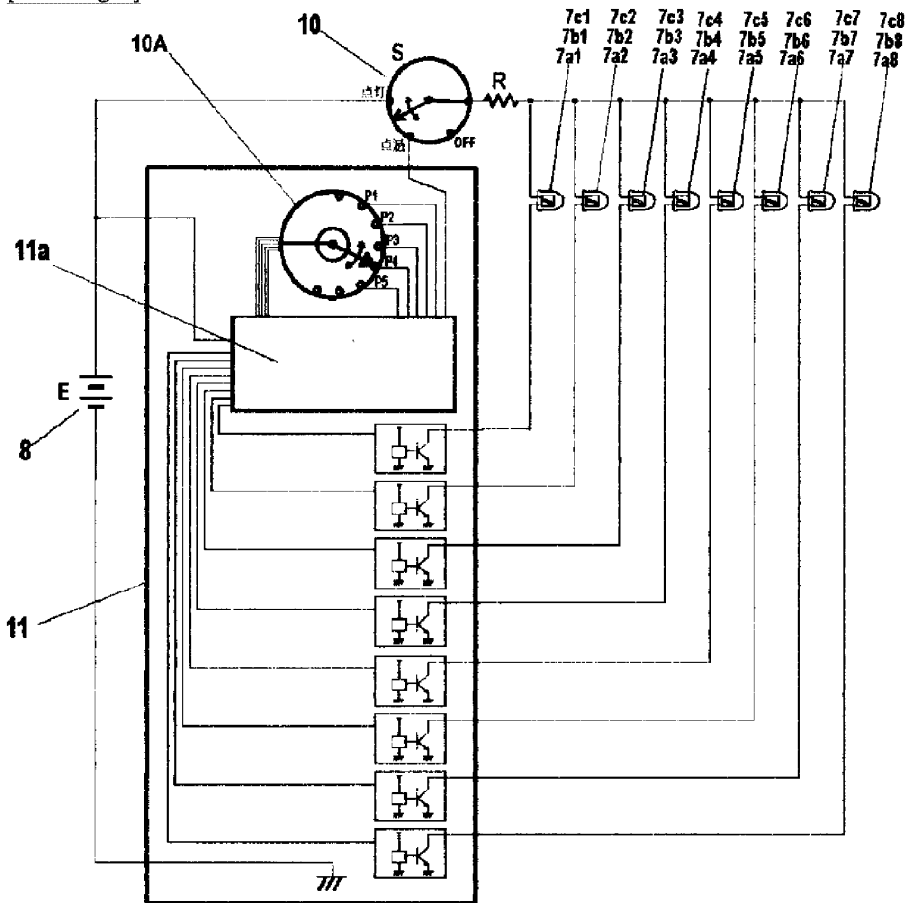
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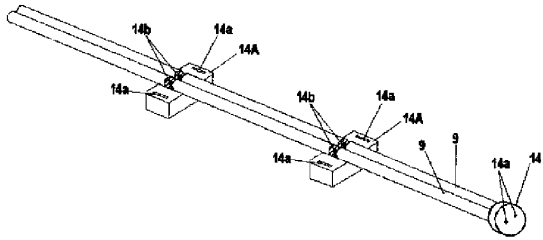
[Drawing 12]



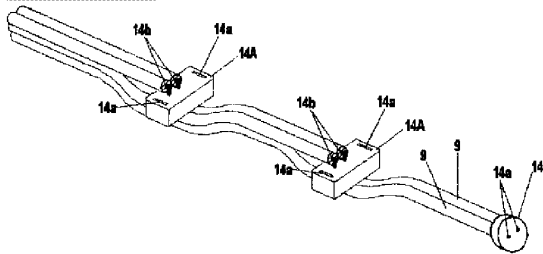
[Drawing 8]



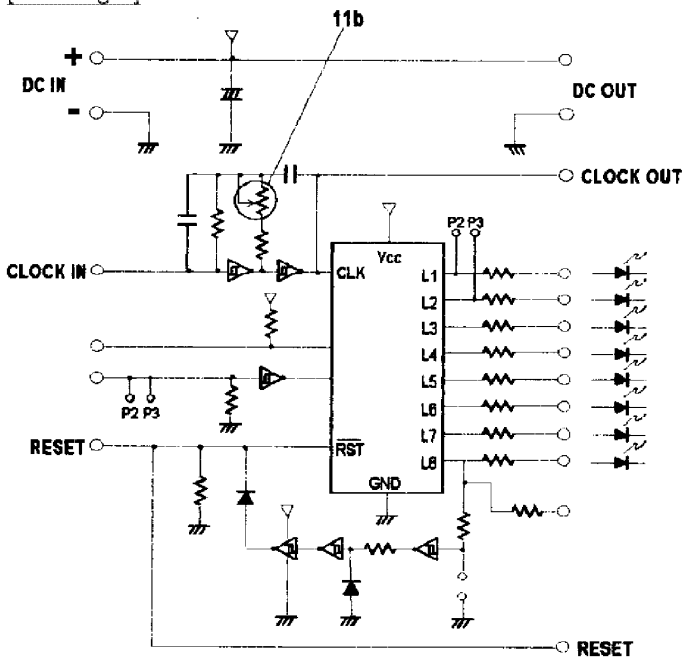
[Drawing 13]



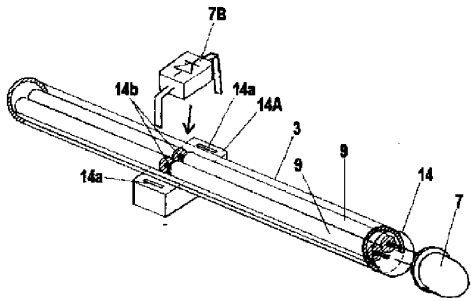
[Drawing 14]



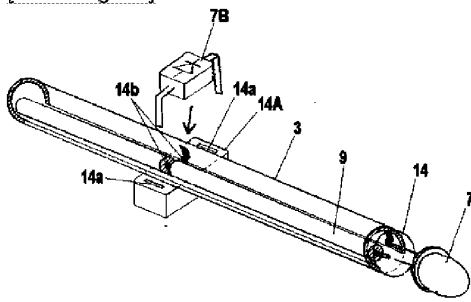
[Drawing 9]



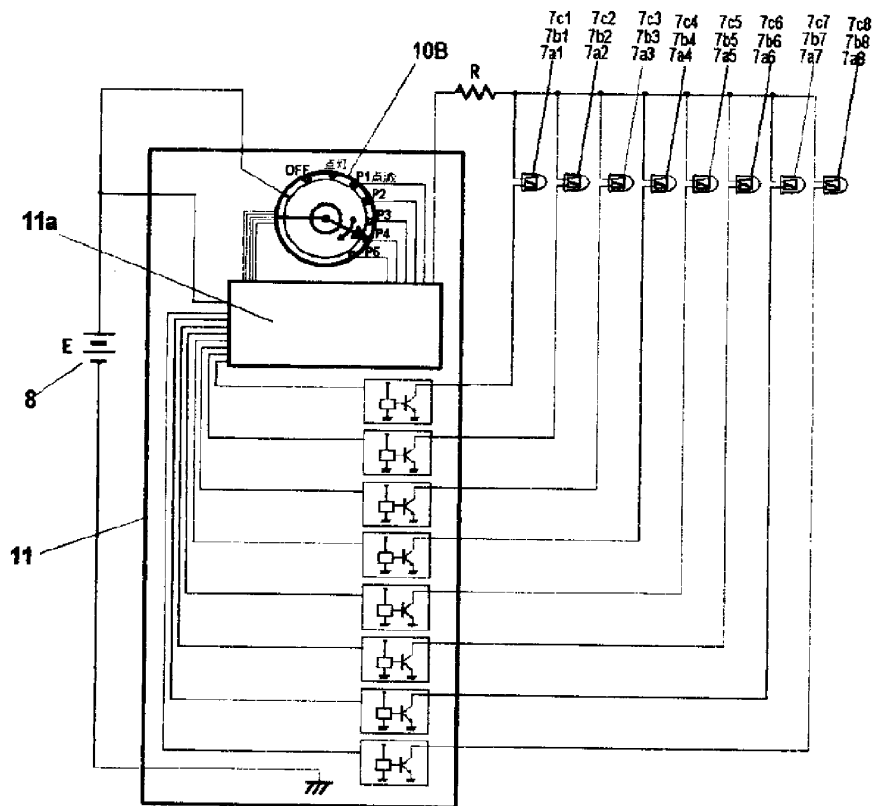
[Drawing 15]



[Drawing 16]



[Drawing 11]



[Translation done.]

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	First Named Inventor	GREGORY G. KUELBS
	Art Unit	2885
	Examiner Name	SAWHNEY, HARGOBIND S.
	Attorney Docket Number	0664MH-40982-C

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	Examiner Name	SAWHNEY, HARGOBIND S.
	Attorney Docket Number	0664MH-40982-C

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number		10650537
	Filing Date		2003-08-28
	First Named Inventor	GREGORY G. KUELBS	
	Art Unit	2885	
	Examiner Name	SAWHNEY, HARGOBIND S.	
	Attorney Docket Number	0664MH-40982-C	

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"/>

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

None

SIGNATURE

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Signature	/jamesewaltonpat/	Date (YYYY-MM-DD)	2009-12-18
Name/Print	James E. Walton	Registration Number	47,245

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	Attorney Docket Number	0664MH-40982-C	

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"/>
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	Examiner Name	SAWHNEY, HARGOBIND S.
	Attorney Docket Number	0664MH-40982-C

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"/>

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None

SIGNATURE

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Signature	/jamesewaltonpat/	Date (YYYY-MM-DD)	2009-12-18
Name/Print	James E. Walton	Registration Number	47,245

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Doc code: IDS

Doc description: Information Disclosure Statement (IDS) Filed

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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"/>
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11	Request for Continued Examination dated 2008-09-02 from 11/199,956	<input type="checkbox"/>

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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"/>

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<input type="checkbox"/>	See attached certification statement.		
<input checked="" type="checkbox"/>	Fee set forth in 37 CFR 1.17 (p) has been submitted herewith.		
<input 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)	2009-12-18
Name/Print	James E. Walton	Registration Number	47,245
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Doc code: IDS

Doc description: Information Disclosure Statement (IDS) Filed

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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"/>

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Name/Print	James E. Walton	Registration Number	47,245

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1	Specification dated 2002-02-07 from 95/000,104	<input type="checkbox"/>
2	Request for Reexamination dated 2003-09-02 from 95/000,104	<input type="checkbox"/>
3	Notice of Assignment dated 2005-08-12 from 95/000,104	<input type="checkbox"/>
4	Decision for Granting Reexamination dated 2005-09-28 from 95/000,104	<input type="checkbox"/>
5	First Office Action dated 2005-10-03 from 95/000,104	<input type="checkbox"/>
6	Response to Order Granting Reexamination dated 2005-11-08 from 95/000,104	<input type="checkbox"/>
7	Notice to Correct Papers dated 2005-12-05 from 95/000,104	<input type="checkbox"/>
8	Response to Notice to Correct Papers dated 2005-12-12 from 95/000,104	<input type="checkbox"/>
9	Requester's Comments dated 2005-12-15 from 95/000,104	<input type="checkbox"/>
10	Requester's Comments dated 2006-01-16 from 95/000,104	<input type="checkbox"/>
11	Second Office Action dated 2006-12-05 from 95/000,104	<input type="checkbox"/>

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	10650537
	Filing Date	2003-08-28
	First Named Inventor	GREGORY G. KUELBS
	Art Unit	2885
	Examiner Name	SAWHNEY, HARGOBIND S.
	Attorney Docket Number	0664MH-40982-C

12	Declaration dated 2007-02-05 from 95/000,104	<input type="checkbox"/>
13	Response to Second Office Action dated 2007-02-05 from 95/000,104	<input type="checkbox"/>
14	Requester's Response to Second Office Action dated 2007-05-07 from 95/000,104	<input type="checkbox"/>
15	Notice to Correct Papers dated 2008-07-25 from 95/000,104	<input type="checkbox"/>
16	Response to Notice to Correct Papers dated 2008-08-21 from 95/000,104	<input type="checkbox"/>
17	Notice to Correct Papers dated 2009-03-20 from 95/000,104	<input type="checkbox"/>
18	Requester's Change of Address dated 2009-05-31 from 95/000,104	<input type="checkbox"/>
19	Response to Notice to Correct Papers dated 2009-04-17 from 95/000,104	<input type="checkbox"/>
20	Requester's Response dated 2009-05-18 from 95/000,104	<input type="checkbox"/>
21	Office Action Rejecting Requester's Response dated 2009-08-28 from 95/000,104	<input type="checkbox"/>
22	Requester's Replacement Comments dated 2009-09-16 from 95/000,104	<input type="checkbox"/>

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number		10650537
	Filing Date		2003-08-28
	First Named Inventor	GREGORY G. KUELBS	
	Art Unit	2885	
	Examiner Name	SAWHNEY, HARGOBIND S.	
	Attorney Docket Number	0664MH-40982-C	

23	Office Action Expunging Requester's Comments dated 2009-10-22 from 95/000,104	<input type="checkbox"/>
24	Petition Under 37 CFR 1.181 to Find the Third Party Requester's Replacement Comments in Compliance with 37 CFR 1.948 dated 2009-11-16 from 95/000,104	<input type="checkbox"/>
25	Petition Under 37 CFR 1.181 to Enter the Third-Party Requester's Replacement Comments on the Basis of the Examiner's Noncompliance with MPEP 2617 dated 2009-11-16 from 95/000,104	<input type="checkbox"/>
26	Petition Under 37 CFR 1.181 to Enter Third Party Requester's Replacement Comments for Failure of the Examiner to Comply with MPEP 2667 dated 2009-11-16 from 95/000,104	<input type="checkbox"/>
27	Petition Under 37 CFR 1.183 to Suspend the Rules with Respect to the 50-page Limit for Requester's Comments dated 2009-11-16 from 95/000,104	<input type="checkbox"/>
28	Petition Under 37 CFR 1.181 to Enter Third Party Requester's Replacement Comments Because the 50-page Limit has Been Properly Met dated 2009-11-16 from 95/000,104	<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	10650537
	Filing Date	2003-08-28
	First Named Inventor	GREGORY G. KUELBS
	Art Unit	2885
	Examiner Name	SAWHNEY, HARGOBIND S.
	Attorney Docket Number	0664MH-40982-C

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)	2009-12-18
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 Patent Application Fee Transmittal				
Application Number:	10650537			
Filing Date:	28-Aug-2003			
Title of Invention:	Umbrella apparatus			
First Named Inventor/Applicant Name:	Gregory G. Kuelbs			
Filer:	James Edward Walton			
Attorney Docket Number:	0664MH-40982-C			
Filed as Small Entity				
Utility under 35 USC 111(a) Filing Fees				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				

YOT-1202-0829

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Miscellaneous:				
Submission- Information Disclosure Stmt	1806	1	180	180
Total in USD (\$)				180

YOT-1202-0830

Electronic Acknowledgement Receipt	
EFS ID:	6665293
Application Number:	10650537
International Application Number:	
Confirmation Number:	9033
Title of Invention:	Umbrella apparatus
First Named Inventor/Applicant Name:	Gregory G. Kuelbs
Customer Number:	38441
Filer:	James Edward Walton
Filer Authorized By:	
Attorney Docket Number:	0664MH-40982-C
Receipt Date:	18-DEC-2009
Filing Date:	28-AUG-2003
Time Stamp:	10:38:57
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	\$ 180
RAM confirmation Number	8438
Deposit Account	502806
Authorized User	WALTON,JAMES E
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows: Charge any Additional Fees required under 37 C.F.R. Section 1.21 (Miscellaneous fees and charges)	

YOT-1202-0831

File Listing:					
Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
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Multipart Description/PDF files in .zip description					
Document Description			Start	End	
Miscellaneous Incoming Letter			1	2	
Transmittal Letter			3	4	
Information Disclosure Statement (IDS) Filed (SB/08)			5	7	
Information Disclosure Statement (IDS) Filed (SB/08)			8	10	
Information Disclosure Statement (IDS) Filed (SB/08)			11	14	
Information Disclosure Statement (IDS) Filed (SB/08)			15	17	
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YOT-1202-0832

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Total Files Size (in bytes):			60870384		
<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-1202-0838

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 0664MH-40982-C

In re Application of:

GREGORY G. KUELBS

Serial No.: 10/650,537

Filed: 28 AUGUST 2003

For: UMBRELLA APPARATUS

§
§
§
§
§
§
§
§

Examiner: SAWHNEY, HARGOBIND S.

Art Unit: 2885

Confirmation No.: 9033

TRANSMITTAL

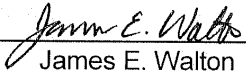
Filed via EFS-Web

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

Sir:

Please file the following enclosed documents in the subject application:

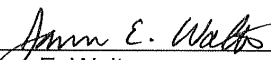
1. This Transmittal with Certificate of Transmission; and
2. Information Disclosure Statement, including six Forms PTO/SB/08a.

CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. § 1.8(a)(1)(i)(C)	
Date of Transmission:	12/18/09
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:	 James E. Walton

The foregoing documents are being filed via the U.S. Patent and Trademark Office's EFS-Web electronic filing system. The Filing Fee under 37 C.F.R. § 1.17(p) is being paid via a designated credit card. No other fees are deemed to be necessary; however, the undersigned hereby authorizes the Commissioner to charge any additional fees that are necessary, or credit any overpayments, to **Deposit Account No. 502806**.

Respectfully submitted,

12/18/09
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-C

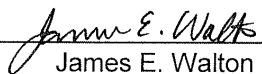
In re Application of: §
§
GREGORY G. KUELBS §
Serial No.: 10/650,537 §
Filed: 28 AUGUST 2003 §
For: **UMBRELLA APPARATUS** §
Examiner: **SAWHNEY, HARGOBIND S.**
Art Unit: **2885**
Confirmation No.: **9033**

INFORMATION DISCLOSURE STATEMENT

Filed via EFS-Web
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

Filed herewith are six Forms PTO/SB/08a listing references that may be material to the patentability of the invention disclosed and claimed in the subject application. This submission is made pursuant to 37 C.F.R. § 1.56 and 1.97(c). This Information Disclosure Statement is being filed under 37 C.F.R. § 1.97(c) before the mailing of a final Office Action, a Notice of Allowance, or any action that otherwise closes prosecution in the application and, pursuant to 37 C.F.R. § 1.97(c)(2), is accompanied by the fee set forth in 37 C.F.R § 1.17(p).

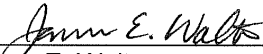
CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. § 1.8(a)(1)(i)(C)	
Date of Transmission:	<u>12/18/09</u>
I hereby certify that this correspondence is being transmitted to the U.S. Patent and Trademark Office (USPTO) via the USPTO electronic filing system (EFS-Web) on the date shown above.	
By:	<u></u> James E. Walton

The 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).

This Information Disclosure Statement is being filed via the U.S. Patent and Trademark Office EFS-Web System electronic filing system. The fee required by 37 C.F.R. § 1.97(c)(2) and 1.17(p) is being paid via a designated credit card. No other fees are deemed to be necessary; however, the undersigned hereby authorizes the Commissioner to charge any additional fees that are necessary, or credit any overpayments, to **Deposit Account No. 502806**.

Respectfully submitted,

12/18/09
Date



James E. Walton
Reg. No. 47,245
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1169 N. Burleson Blvd., Suite 107-328
Burleson, Texas 76028
(817) 447-9955 (Voice)
(817) 447-9954 (Fax)
jim@waltonpllc.com (Email)

CUSTOMER NO. 38441

ATTORNEY FOR APPLICANT

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number		10650537	
	Filing Date		2003-08-28	
	First Named Inventor	GREGORY G. KUELBS		
	Art Unit	2885		
	Examiner Name	SAWHNEY, HARGOBIND S.		
	Attorney Docket Number	0664MH-40982-C		

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
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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

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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	
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*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	10650537
	Filing Date	2003-08-28
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	Examiner Name	SAWHNEY, HARGOBIND S.
	Attorney Docket Number	0664MH-40982-C

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)	2009-12-18
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:	6665554
Application Number:	10650537
International Application Number:	
Confirmation Number:	9033
Title of Invention:	Umbrella apparatus
First Named Inventor/Applicant Name:	Gregory G. Kuelbs
Customer Number:	38441
Filer:	James Edward Walton
Filer Authorized By:	
Attorney Docket Number:	0664MH-40982-C
Receipt Date:	18-DEC-2009
Filing Date:	28-AUG-2003
Time Stamp:	11:02:01
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no
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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	NPL Documents	DecisionforGrantingReexamination20050928.pdf	527077 <small>3fec0f3cd7d4e37c4861fb6ea0a7c33d474289</small>	no	11

Warnings:

Information:

YOT-1202-0846

2	NPL Documents	FirstOfficeAction20051003.pdf	1223367 009aea585105797b559940ef7e4668398d41c75f	no	28
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6	NPL Documents	ThirdPartyRequesterComments20051215.pdf	919451 a19ee68b19a54842d7827035c6e9cc780b61c248	no	21
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7	NPL Documents	ThirdPartyRequesterComments20060116.pdf	624172 3efa4866628d000eac6e070c6277b619feb1e440	no	14
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8	NPL Documents	SecondOfficeAction20061205.pdf	4524011 21b553a458e39038e76ff63f66419f382343022e	no	141
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9	NPL Documents	Declaration20070205.pdf	2735420 8cef98026617888d8a8d2669a94236a08b80ef40	no	36
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YOT-1202-0847					

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Information:					
Total Files Size (in bytes):			39163117		

YOT-1202-0849

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.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Attorney Docket No. 0664MH-40982-C

In re Application of:

GREGORY G. KUELBS

Serial No. **10/650,537**

Filed: **28 AUGUST 2003**

For: **UMBRELLA APPARATUS**

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Examiner: **SAWHNEY, HARGOBIND S.**

Art Unit: **2885**

Confirmation No.: **9033**

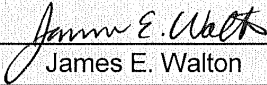
REPLY BRIEF

Filed via EFS-Web

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. § 41.41(a), this Reply Brief is submitted in response to the Examiner's Answer mailed 9 December 2009. The two-month deadline for filing this Reply Brief is 9 February 2009.

CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. § 1.8(a)(1)(i)(C)	
Date of Transmission:	<u>2/9/10</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></u> James E. Walton

Real Party in Interest (37 C.F.R. § 41.37(c)(1)(i)):

The real party in interest in the present Application is World Factory, Inc., as indicated by an Assignment recorded on 28 August 2003, from the inventor to World Factory, Inc., in the Assignment Records of the United States Patent and Trademark Office (the "PTO") at Reel 014456, Frame 0404.

Related Appeals and Interferences:

The present Application is a continuation of U.S. Application No. 10/068,424, filed 7 February 2002, titled "Umbrella Apparatus," which issued on 2 September 2003 as U.S. Patent No. 6,612,713 (the "'713 Patent").

The following judicial proceedings involved the '713 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, 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 '713 patent is presently the subject of *inter partes* Reexamination Control No. 95/000,104, filed 12 August 2005.

Also, U.S. Application No. 11/199,956, filed 9 August 2005, titled "Umbrella Apparatus," (the "'956 Application") is a continuation of the present Application. A Notice of Appeal was filed in the '956 Application on 3 February 2009, and an appeal brief was filed in the '537 Application on 3 April 2009.

It should be noted that the indication in the Examiner's Answer of the Related Appeals and Interferences fails to list the following:

In U.S. Application No. 11/199,956, an Examiner's Answer was filed on 17 July 2009, and a Reply Brief was filed on 8 September 2009.

Appellant is unaware of any decisions rendered in any of the above-identified proceedings by a court or the Board of Patent Appeals and Interferences.

Status of Claims (37 C.F.R. § 41.37(c)(1)(iii)):

The present application is a continuation application and was originally filed on 28 August 2003 with 20 claims (*i.e.*, claims 1-20) and a concurrently-filed preliminary amendment, which cancelled claims 1-20 and added new claims 21-38. In an amendment filed on 27 October 2004, new claims 39-69 were added; in an amendment filed on 3 August 2006, claims 26-29, 31, 32, and 35-69 were cancelled and new claims 70-75 were added; in an amendment filed on 10 December 2007, claims 21-25, 30, 33, 34, and 70-75 were cancelled and new claims 76-92 were added. No claims have since been cancelled or added, and no claims stand withdrawn from consideration as the result of a requirement for restriction. Thus, claims 76-92 are presently under consideration in the appealed Application.

In a final office action dated 18 March 2008, the Examiner first and finally rejected claims 76-92. In a non-final office action dated 15 December 2008, the Examiner again rejected claims 76-92. Thus, claims 76-92 have twice been rejected.

The status of the claims is, therefore, believed to be as follows:

Allowed claims:	None
Claims objected to:	None
Claims cancelled:	1-75
Claims rejected:	76-92

Appellant hereby appeals the Examiner's rejection of the foregoing claims (76-92), which presently stand rejected over the cited references. Appealed claims 76-92 are set forth in a Claims Appendix, attached hereto, pursuant to 37 C.F.R. § 41.37(c)(1)(viii).

Status of Amendments (37 C.F.R. § 41.37(c)(1)(iv)):

The most recent final office action was mailed on 18 March 2008. In response, Appellant filed an Amendment and a Request for Continued Examination on 18 September 2008.

Subsequently, a non-final office action was mailed on 15 December 2008. The 15 December 2008 Office Action indicates that the 18 September 2008 Amendment was entered. The 15 December 2008 Office Action is the most recent office action. Appellant filed no amendments subsequent to the 15 December 2008 Office Action.

Summary of Claimed Subject Matter (37 C.F.R. § 41.37(c)(1)(v)):

The independent claims involved in the present appeal relate, in general, to a lawn or patio type of umbrella apparatus 11, 111, 211, or 701 having a lighting system that is powered by a rechargeable power supply.¹

Independent claim 76 relates to an umbrella apparatus 11, 111, 211, or 701 comprising a pole portion 15, 115, 215, or 719 and an umbrella portion 13, 113, 213, or 717 hingedly coupled to the pole portion 15, 115, 215 or 719.² The umbrella apparatus 11, 111, 211, or 701 also comprises a solar energy system 35, 135, 235, or 727 coupled to the pole portion 15, 115, 215, or 719.³ The umbrella apparatus 11, 111, 211, or 701 further comprises a rechargeable electrical power system 50, 150, or 250 and a lighting system 26, 126, 226, or 721 that is conductively coupled to the rechargeable electrical power system 50, 150, or 250.⁴ The solar energy system 35, 135, 235, or 727 is adapted to collect solar energy and convert the solar energy into electrical energy, and is conductively coupled to the rechargeable electrical power system 50, 150, or 250 such that the solar energy collected and converted into electrical energy recharges the rechargeable electrical power system 50, 150, 250.⁵ The umbrella portion 13, 113, 213, or 727 has a plurality of radially extending rib members 301.⁶ The lighting system 26, 126, 226, or 721 includes a plurality of light emitting diodes 307.⁷ The light emitting diodes 307

¹ Specification, p. 3, ll. 6-9, and Figures 1, 3A-3C, and 6.

² Specification, p. 7, ll. 3-11; p. 10, ll. 10-20; p. 13, l. 26 through p. 14, l. 6; p. 21, ll. 20-22 and 29-30; and Figures 1, 2A, 3A, and 6.

³ Specification, p. 9, ll. 14-26; p. 12, ll. 4-17; p. 15, l. 22 through p. 16, l. 4; p. 21, ll. 23-29; and Figures 1, 2A, 3A, and 6.

⁴ Specification, p. 8, l. 27 through p. 9, l. 5; p. 11, l. 24 through p. 12, l. 3; p. 15, ll. 11-15; p. 17, ll. 8-9; p. 22, ll. 7-11; and Figures 1, 2A, 3A, 4A, and 6.

⁵ Specification, p. 9, ll. 14-26; p. 12, ll. 4-17; p. 15, l. 22 through p. 16, l. 4; p. 21, ll. 23-29; and Figures 1, 2A, 3A, and 6.

⁶ Specification, p. 17, ll. 8-12; p. 17, l. 29 through p. 18, l. 1; p. 18, ll. 29-30; and Figures 4A and 6. Note that rib member 301 is indicative of rib members 19, 21, 23, 25, 119, 121, 123, 125, 219, 221, 223, 225 shown in Figures 1, 2A, and 3A.

⁷ Specification, p. 17, ll. 8-12; p. 17, l. 29 through p. 18, l. 1; p. 18, ll. 29-30; p. 22, ll. 12-15; and Figures 4A and 6.

are recessed within the rib members 301.⁸ Translucent materials 305 are disposed over the light emitting diodes 307 for enhancing the light from the light emitting diodes 307.⁹

Independent claim 86 relates to an umbrella apparatus 11, 111, 211, or 701 comprising a pole portion 15, 115, 215, or 719 coupled to a top cap 715.¹⁰ A flexible canopy 17, 117, 217, or 717 is carried by rib members 19, 21, 23, 25, 119, 121, 123, 125, 219, 221, 223, or 225 that are hingedly coupled to the top cap 715.¹¹ The umbrella apparatus 11, 111, 211, or 701 also comprises at least one rechargeable battery 55a, 155a, or 255a that provides electrical power to the umbrella apparatus 11, 111, 211, or 701, wherein the at least one rechargeable battery is located below the flexible canopy 17, 117, 217, or 717.¹² The umbrella apparatus 11, 111, 211, or 701 also comprises a solar energy system 35, 135, 235, or 727 adapted to collect solar energy and convert the solar energy into electrical energy, where the solar energy system 35, 135, 235, or 727 is conductively coupled to the at least one rechargeable battery 55a, 155a, or 255a such that the solar energy collected and converted into electrical energy recharges the at least one rechargeable battery 55a, 155a, or 255a.¹³ The solar energy system 35, 135, 235, or 727 is releasably coupled to the top cap 715, such that the flexible canopy 717 passes between the top cap 715 and the solar energy system 727, the flexible canopy 717 being adjacent to both the top cap 715 and the solar energy system 727.¹⁴ The umbrella apparatus 11, 111, 211, or 701 also comprises a lighting system 26, 126, 226, or 721 carried by the rib members 19, 21, 23, 25, 119, 121, 123, 125, 219, 221, 223, or 225, the lighting system 26, 126, 226, or 721 having a plurality of light emitting diodes conductively coupled to the at least one rechargeable battery 55a, 155a, or 255a.¹⁵

⁸ Specification, p. 17, ll. 9-11; p. 21, ll. 22-23; p. 22, ll. 14-17; and Figures 4A and 6.

⁹ Specification, p. 17, ll. 13-17; p. 21, ll. 22-23; p. 22, ll. 14-17; and Figures 4A and 6.

¹⁰ Specification, p. 7, ll. 3-8; p. 10, ll. 10-16; p. 13, l. 26 through p. 14, l. 2; p. 21, ll. 29-30; and Figures 1, 2A, 3A, and 6.

¹¹ Specification, p. 7, ll. 10-11; p. 10, ll. 18-20; p. 14, ll. 4-6; p. 21, ll. 29-30; and Figures 1, 2A, 3A, and 6.

¹² Specification, p. 8, l. 27 – p. 9, l. 9; p. 11, l. 24 – p. 12, l. 3; p. 15, ll. 11-15; and Figures 1, 2A, and 3A.

¹³ Specification, p. 9, ll. 14-26; p. 12, ll. 4-17; p. 15, l. 22 through p. 16, l. 4; p. 21, ll. 23-29; and Figures 1, 2A, 3A, and 6.

¹⁴ Specification, p. 21, ll. 23-30; and Figures 1, 2A, 3A, and 6.

¹⁵ Specification, p. 8, l. 27 through p. 9, l. 5; p. 11, l. 24 through p. 12, l. 3; p. 15, ll. 11-15; p. 17, ll. 8-9; p. 22, ll. 7-11; and Figures 1, 2A, 3A, 4A, and 6.

Grounds of Rejection to be Reviewed on Appeal (37 C.F.R. § 41.37(c)(1)(vi)):

Issue 1: Claims 76-81 and 83 stand rejected under 35 U.S.C. § 103(a) over U.S. Patent No. 2,960,094 to Small (“Small ‘094”) in view of U.S. Patent No. 5,954,417 to Mai (“Mai”). Thus, the first issue is whether the teachings of Small ‘094 and Mai disclose or suggest all of the limitations of claims 76-81 and 83 as necessary for establishing a *prima facie* case of obviousness.

Issue 2: Claim 82 stands rejected under 35 U.S.C. § 103(a) over Small ‘094 in view of Mai, and further in view of U.S. Patent No. 5,954,417 to Small (“Small ‘417”). Thus, the second issue is whether the teachings of Small ‘094, Mai, and Small ‘417 disclose or suggest all of the limitations of claim 82 as necessary for establishing a *prima facie* case of obviousness.

Issue 3: Claim 84 stands rejected under 35 U.S.C. § 103(a) over Small ‘094 in view of Mai, and further in view of U.S. Patent No. 5,584,564 to Phyle (“Phyle”). Thus, the third issue is whether the teachings of Small ‘094, Mai, and Phyle disclose or suggest all of the limitations of claim 84 as necessary for establishing a *prima facie* case of obviousness.

Issue 4: Claim 85 stands rejected under 35 U.S.C. § 103(a) over Small ‘094 in view of Mai, further in view of Phyle, and further in view of International Publication No. WO 93/00840 to Perrier *et al.* (“Perrier”). Thus, the fourth issue is whether the teachings of Small ‘094, Mai, Phyle, and Perrier disclose or suggest all of the limitations of claim 85 as necessary for establishing a *prima facie* case of obviousness.

Issue 5: Claims 86-89 stand rejected under 35 U.S.C. § 103(a) over Japanese Patent No. JP 09168415 A2 to Oshio *et al.* (“Oshio”) in view of Small ‘094. Thus, the fifth issue is whether the teachings of Oshio and Small ‘094 disclose or suggest all of the limitations of claims 86-89 as necessary for establishing a *prima facie* case of obviousness.

Issue 6: Claims 90-92 stand rejected under 35 U.S.C. § 103(a) over Oshio in view of Small ‘094, further in view of U.S. Patent No. 6,058,951 to Wilson (“Wilson”) and U.S.

Patent No. 5,373,287 to Doublet ("Doublet"). Thus, the sixth issue is whether the teachings of Oshio, Small '094, Wilson, and Doublet disclose or suggest all of the limitations of claims 90-92 as necessary for establishing a *prima facie* case of obviousness.

The Examiner's Answer does not contain any new grounds of rejection.

Argument (37 C.F.R. § 41.37(c)(1)(vii)):

The arguments that follow are in addition to, rather than in place of, the arguments and remarks set forth in the Appellant's Appeal Brief.

I. Issue No. 1 –

Rejection Under 35 U.S.C. § 103(a) Over Small '094 and Mai:

Claims 76-81 stand rejected under 35 U.S.C. § 103(a) over Small '094 in view of Mai. Appellant respectfully asserts that the rejection is improper and should be reversed for the reasons set forth below and in the Appellant's Appeal Brief.

Claims 76-81 and 83

- **The proposed combination of Small '094 and Mai fails to teach an umbrella comprising a lighting system having a plurality of light emitting diodes recessed within rib members of the umbrella**

Independent claim 76 is directed to an umbrella apparatus comprising an umbrella portion hingedly coupled to a pole portion, where the umbrella portion has a plurality of radially extending rib members. Claim 76 further requires a rechargeable electrical power system conductively coupled to a lighting system. Claim 76 requires that the lighting system have a plurality of light emitting diodes conductively coupled to the rechargeable electrical power system. More specifically, claim 76 requires that the light emitting diodes be recessed within the rib members. An example of light emitting diodes recessed within a rib member is shown in Figure 4A of the Specification.

In the Examiner's Answer, the Examiner states that "[t]he umbrella disclosed by Mai including LEDs **in** the umbrella ribs, and the LEDs being conductively coupled to the rechargeable power system, and **being recessed** in the transparent **rib** portions (emphasis added)."¹⁶ This allegation is respectfully traversed.

¹⁶ Examiner's Answer, p. 16, ll. 7-10.

Figure 5 in Mai is a top view of the umbrella cover 3".¹⁷ The LEDs in Figure 5 of Mai are covered by transparent strips 84", which are, in turn, attached to the gores 30" of the umbrella cover 3".¹⁸ The Appellant submits that the Examiner's interpretation that the transparent strips 84" of Mai are "ribs" is not well taken. In Mai, the ribs are identified as reference numeral 20.¹⁹ The same is true for the Examiner's interpretation of the tubes 84" in Mai. The tubes 84" in Mai are not the ribs 20. As such, the lights in Mai are not recessed in the ribs. Mai makes no disclosure, teaching, suggestion, or mention of any kind whatsoever, of recessing the LEDs in the ribs 20.

Thus, whether taken singly or in combination, Small '094 and Mai fail to teach or suggest an umbrella apparatus comprising a lighting system that includes a plurality of light emitting diodes that are recessed within rib members as recited by claim 76. Accordingly, the proposed combination of Small '094 and Mai cannot render claim 76 obvious.

Because claims 77-81 and 83 depend from claim 76, the arguments presented above in connection with claim 76 apply equally to claims 77-81 and 83.

For at least the reasons presented above, and in the Appellant's Appeal Brief, it is respectfully requested that the rejection of claims 76-81 and 83 under 35 U.S.C. § 103(a) be reversed.

II. Issue No. 2 –

Rejection Under 35 U.S.C. § 103(a) Over Small '094, Mai, and Small '466:

Claim 82 stands rejected under 35 U.S.C. § 103(a) over Small '094 and Mai, further in view of Small '466. Appellant respectfully asserts that the rejection is improper and should be reversed for the reasons set forth below and in the Appellant's Appeal Brief.

¹⁷ Mai, col. 2, ll. 24-26.

¹⁸ Mai, col. 4, ll. 8-19.

¹⁹ Mai, col. 2, ll. 43-54.

Claim 82

Dependent claim 82 is directed to an umbrella apparatus as recited by independent claim 76, which recites an umbrella apparatus comprising a lighting system that includes a plurality of light emitting diodes that are recessed within rib members as discussed above.

In the Examiner's Answer, the Examiner states that "Mai teaches the LEDs 83" **being recessed** within the transparent **rib** portions 84" - the transparent strips or tubes 84" **integral** with the ribs have been interpreted as portions of the rib members receiving LEDs (emphasis added)."²⁰ This allegation is respectfully traversed.

Again, Figure 5 in Mai is a top view of the umbrella cover 3".²¹ The LEDs in Figure 5 of Mai are covered by transparent strips 84", which are, in turn, attached to the gores 30" of the umbrella cover 3".²² The Appellant submits that the Examiner's interpretation that the transparent strips 84" of Mai are "ribs" is not well taken. In Mai, the ribs are identified as reference numeral 20.²³ The same is true for the Examiner's interpretation of the tubes 84" in Mai. The tubes 84" in Mai are not the ribs 20. Mai makes absolutely no mention of the tubes 84" **being integral** with the ribs 20. As such, the lights 83" in Mai are not recessed in the ribs 20, nor are the lights integral with the ribs 20. Mai makes no disclosure, teaching, suggestion, or mention of any kind whatsoever, of recessing the LEDs in the ribs 20.

Moreover, because claim 82 depends from claim 76, the arguments presented above in connection with claim 76 apply equally to claim 82. While the Examiner further relies upon Small '466 in combination with Small '094 and Mai, Small '466 clearly fails to disclose a lighting system including light emitting diodes recessed within the ribs of an umbrella. Therefore, Small '466 fails to cure the deficiencies of Small '094 and Mai discussed above in connection with claim 76. Thus, the proposed combination of Small

²⁰ Examiner's Answer, p. 17, ll. 5-8.

²¹ Mai, col. 2, ll. 24-26.

²² Mai, col. 4, ll. 8-19.

²³ Mai, col. 2, ll. 43-54.

'094, Mai, and Small '466 cannot render obvious independent claim 76 or dependent claim 82.

For at least the reasons presented above, and in the Appellant's Appeal Brief, it is respectfully requested that the rejection of claim 82 under 35 U.S.C. § 103(a) be reversed.

III. Issue No. 3 –

Rejection Under 35 U.S.C. § 103(a) Over Small '094, Mai, and Phyle:

Claim 84 stands rejected under 35 U.S.C. § 103(a) over Small '094 and Mai, further in view of Phyle. Appellant respectfully asserts that the rejection is improper and should be reversed for the reasons set forth below and in the Appellant's Appeal Brief.

Claim 84

Dependent claim 84 is directed to an umbrella apparatus as recited by independent claim 76, which recites an umbrella apparatus comprising a lighting system that includes a plurality of light emitting diodes that are recessed within rib members as discussed above.

Because claim 84 depends from claim 76, the arguments presented above in connection with claim 76 apply equally to claim 84. While the Examiner further relies upon Phyle in combination with Small '094 and Mai, Phyle clearly fails to a lighting system including light emitting diodes recessed within the ribs of an umbrella. Therefore, Phyle fails to cure the deficiencies of Small '094 and Mai discussed above in connection with claim 76. Thus, the proposed combination of Small '094, Mai, and Phyle cannot render obvious independent claim 76 or dependent claim 84.

For at least the reasons presented above, and in the Appellant's Appeal Brief, it is respectfully requested that the rejection of claim 84 under 35 USC § 103(a) be reversed.

IV. Issue No. 4 –

Rejection Under 35 U.S.C. § 103(a) Over Small '094, Mai, Phyle, and Perrier:

Claim 85 stands rejected under 35 USC § 103(a) over Small '094 and Mai, further in view of Phyle, and still further in view of Perrier. Appellant respectfully asserts that the

rejection is improper and should be reversed for the reasons set forth below and in the Appellant's Appeal Brief.

Claim 85

Dependent claim 85 is directed to an umbrella apparatus as recited by independent claim 76, which recites an umbrella apparatus comprising a lighting system that includes a plurality of light emitting diodes that are recessed within rib members as discussed above.

Because claim 85 depends from dependent claim 84, which depends from independent claim 76, the arguments presented above in connection with claims 76 and 84 apply equally to claim 85. While the Office further relies upon Perrier in combination with Small '094, Mai, and Phyle, Perrier clearly fails to a lighting system including light emitting diodes recessed within the ribs of an umbrella. Therefore, Perrier fails to cure the deficiencies of Small '094, Mai, and Phyle discussed above in connection with claims 76 and 84. Thus, the proposed combination of Small '094, Mai, Phyle, and Perrier cannot render obvious independent claim 76 or dependent claims 84 and 85.

For at least the reasons presented above, and in the Appellant's Appeal Brief, it is respectfully requested that the rejection of claim 85 under 35 USC § 103(a) be reversed.

V. Issue No. 5 –

Rejection Under 35 U.S.C. § 103(a) Over Oshio and Small '094:

Claims 86-89 stand rejected under 35 USC § 103(a) over Oshio in view of Small '094. Appellant respectfully asserts that the rejection is improper and should be reversed for the reasons set forth below and in the Appellant's Appeal Brief.

Claims 86-89

- **The proposed combination of Oshio and Small '094 fails to teach an umbrella comprising a solar energy system releasably coupled to a top cap and a flexible canopy between and adjacent to both the top cap and the solar energy system**

Independent claim 86 is directed to an umbrella apparatus comprising a pole portion, a top cap coupled to the pole portion, rib members hingedly coupled to the top

cap, a flexible canopy carried by the rib members, a rechargeable battery located below the canopy, a solar energy system for recharging the battery, and a lighting system carried by the rib members.

More specifically, claim 86 requires that the solar energy system be releasably coupled to the top cap. Also, claim 86 requires that the canopy be adjacent to both the top cap and the solar energy system and that the canopy pass between the top cap and the solar energy system.

The Examiner concedes that Oshio fails to teach an umbrella apparatus comprising a rechargeable power system.²⁴ In fact, Oshio is completely silent with regard to a solar energy system. Thus, Oshio clearly fails to teach an umbrella apparatus comprising a solar energy system that is releasably coupled to the top cap. Oshio also clearly fails to teach an umbrella apparatus comprising a canopy that passes between a solar energy system and a top cap, where the canopy is adjacent to both the top cap and the solar energy system.

Since, Oshio fails to teach an umbrella apparatus according to claim 86, the Office further relies upon alleged teachings of Small '094 in combination with the teachings of Oshio in rejecting claim 86.

Small '094 discloses an umbrella apparatus comprising a solar battery 34 supported on the upper end of a post 10.²⁵ However, Small '094 is silent with respect to the solar battery 34 being releasably coupled to the post 10. Also, Small '094 fails to disclose a top cap that is hingedly coupled to rib members where a canopy is adjacent to, and passes between, the top cap and the solar battery 34.

Thus, whether taken singly or in combination, Oshio and Small '094 fail to teach or suggest an umbrella apparatus comprising a solar energy system that is releasably coupled to a top cap, and further fail to teach or suggest a solar energy system, top cap, and canopy where the canopy is adjacent to both the top cap and the solar energy system

²⁴ Office Action of 15 December 2008, Detailed Action, p. 10, ll. 3-4.

²⁵ Small '094, col. 2, ll. 29-30.

and passes between the top cap and the solar energy system as recited by claim 86. Accordingly, the proposed combination of Oshio and Small '094 cannot render claim 86 obvious.

Since claims 87-89 depend from claim 86, the arguments presented above in connection with claim 86 apply equally to claims 87-89.

For at least the reasons presented above, and in the Appellant's Appeal Brief, it is respectfully requested that the rejection of claims 86-89 under 35 USC § 103(a) be reversed.

VI. Issue No. 6 –

Rejection Under 35 USC § 103(a) Over Oshio, Small '094, Wilson, and Doublet:

Claims 90-92 stand rejected under 35 USC § 103(a) over Oshio and Small '094, further in view of Wilson and Doublet. Appellant respectfully asserts that the rejection is improper and should be reversed for the reasons set forth below and in the Appellant's Appeal Brief.

Claims 90-92

Dependent claims 90-92 are directed to an umbrella apparatus as recited by independent claim 86. As discussed above, claim 86 requires a solar energy system that is releasably coupled to a top cap. Also, claim 86 requires a canopy that is adjacent to both the top cap and the solar energy system and that passes between the top cap and the solar energy system.

Since claims 90-92 depend from dependent claim 86, the arguments presented above in connection with claims 86 apply equally to claims 90-92. The Office further relies upon Wilson and Doublet in combination with Oshio and Small '094. However, both Wilson and Doublet are silent with regard to an umbrella comprising a solar energy system; in fact, Doublet is not even directed to an umbrella system. Thus, Wilson and Doublet fail to cure the deficiencies of Oshio and Small '094 discussed above in

connection with claim 86. Thus, the proposed combination of Oshio, Small '094, Wilson, and Doublet cannot render obvious independent claim 86 or dependent claims 90-92.

For at least the reasons presented above, and in the Appellant's Appeal Brief, it is respectfully requested that the rejection of claims 90-92 under 35 USC § 103(a) be reversed.

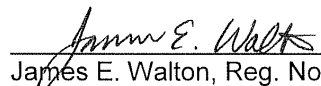
Conclusion:

In view of the foregoing reasons and the reasons stated in the Appellant's Appeal Brief, Appellant respectfully requests the Board of Patent Appeals and Interferences to reverse the Examiner's rejections as to all of the appealed claims.

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

Respectfully submitted,

Date 2/9/10


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CUSTOMER NO. 50779
ATTORNEY FOR APPELLANT

Electronic Acknowledgement Receipt

EFS ID:	6980777
Application Number:	10650537
International Application Number:	
Confirmation Number:	9033
Title of Invention:	Umbrella apparatus
First Named Inventor/Applicant Name:	Gregory G. Kuelbs
Customer Number:	38441
Filer:	James Edward Walton
Filer Authorized By:	
Attorney Docket Number:	0664MH-40982-C
Receipt Date:	09-FEB-2010
Filing Date:	28-AUG-2003
Time Stamp:	17:39:18
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no
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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		ReplyBrief20100209.pdf	877278 2b6dd6569a8ef5acf6660be7fe46713645afde9	yes	20

YOT-1202-0869

Multipart Description/PDF files in .zip description		
Document Description	Start	End
Miscellaneous Incoming Letter	1	2
Reply Brief Filed	3	20
Warnings:		
Information:		
Total Files Size (in bytes):		877278
<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-1202-0870

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Attorney Docket No. **0664MH-40982-C**

In re Application of:

GREGORY G. KUELBS

Serial No. **10/650, 537**

Filed: **28 AUGUST 2003**

For: **UMBRELLA APPARATUS**

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Examiner: **SAWHNEY, HARGOBIND S.**

Art Unit: **2885**

Confirmation No.: **9033**

TRANSMITTAL

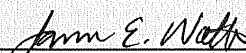
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Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

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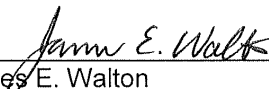
1. This Transmittal with Certificate of Transmission; and
2. Reply Brief.

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Date of Transmission: <u>2/9/10</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></u> James E. Walton

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Respectfully submitted,

2/9/10
Date


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Doc code: IDS

Doc description: Information Disclosure Statement (IDS) Filed

PTO/SB/08a (07-09)

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	10650537
	Filing Date	2003-08-28
	First Named Inventor	GREGORY G. KUELBS
	Art Unit	2885
	Examiner Name	SAWHNEY, HARGOBIND S.
	Attorney Docket Number	0664MH-40982-C

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
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	10650537
	Filing Date	2003-08-28
	First Named Inventor	GREGORY G. KUELBS
	Art Unit	2885
	Examiner Name	SAWHNEY, HARGOBIND S.
	Attorney Docket Number	0664MH-40982-C

1	Office Action dated 2010-01-13 from 12/240,845	<input type="checkbox"/>
2	Action Closing Prosecution dated 2009-12-18 from 95/000,104	<input type="checkbox"/>
3	Amendment dated 2010-01-18 from 95/000,104	<input type="checkbox"/>
4	Decision on Petitions dated 2010-03-01 from 95/000,104	<input type="checkbox"/>
5	Decision Dismissing Petition dated 2010-03-01 from 95/000,104	<input type="checkbox"/>
6	Action Closing Prosecution dated 2010-03-02 from 95/000,104	<input type="checkbox"/>
7	Response to Action Closing Prosecution dated 2010-03-09 from 95/000,104	<input type="checkbox"/>
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Examiner Signature		Date Considered	
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*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	10650537
	Filing Date	2003-08-28
	First Named Inventor	GREGORY G. KUELBS
	Art Unit	2885
	Examiner Name	SAWHNEY, HARGOBIND S.
	Attorney Docket Number	0664MH-40982-C

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)	2010-03-15
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:	7208846
Application Number:	10650537
International Application Number:	
Confirmation Number:	9033
Title of Invention:	Umbrella apparatus
First Named Inventor/Applicant Name:	Gregory G. Kuelbs
Customer Number:	38441
Filer:	James Edward Walton
Filer Authorized By:	
Attorney Docket Number:	0664MH-40982-C
Receipt Date:	15-MAR-2010
Filing Date:	28-AUG-2003
Time Stamp:	15:11:39
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no
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File Listing:

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YOT-1202-0876

Multipart Description/PDF files in .zip description					
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Miscellaneous Incoming Letter			1	2	
Transmittal Letter			3	4	
Information Disclosure Statement (IDS) Filed (SB/08)			5	7	
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Information:					
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YOT-1202-0877					

Information:					
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Warnings:					
Information:					
Total Files Size (in bytes):			13944634		
<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-1202-0878

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 0664MH-40982-C

In re Application of:

GREGORY G. KUELBS

Serial No.: 10/650,537

Filed: 28 AUGUST 2003

For: UMBRELLA APPARATUS

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Examiner: SAWHNEY, HARGOBIND S.

Art Unit: 2885

Confirmation No.: 9033

TRANSMITTAL

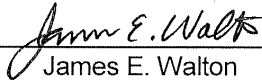
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P.O. Box 1450
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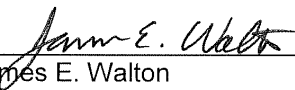
1. This Transmittal with Certificate of Transmission; and
2. Information Disclosure Statement, including Form PTO/SB/08a.

CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. § 1.8(a)(1)(i)(C)	
Date of Transmission:	<u>3/15/10</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></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 Commissioner to charge any additional fees that are necessary, or credit any overpayments, to **Deposit Account No. 502806**.

Respectfully submitted,

3/15/10
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-C

In re Application of:

GREGORY G. KUELBS

Serial No.: 10/650,537

Filed: 28 AUGUST 2003

For: **UMBRELLA APPARATUS**

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§
§
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Examiner: **SAWHNEY, HARGOBIND S.**

Art Unit: **2885**

Confirmation No.: **9033**

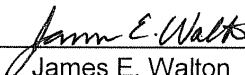
INFORMATION DISCLOSURE STATEMENT

Filed via EFS-Web

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

Sir:

Filed herewith is a Form PTO/SB/08a listing references that may be material to the patentability of the invention disclosed and claimed in the subject application. This submission is made pursuant to 37 C.F.R. § 1.56 and 1.97(c). This Information Disclosure Statement is being filed under 37 C.F.R. § 1.97(c) before the mailing of a final Office Action, a Notice of Allowance, or any action that otherwise closes prosecution in the application and, pursuant to 37 C.F.R. § 1.97(c)(1), a statement specified in paragraph (e) of this section.

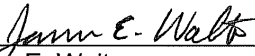
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Date of Transmission: <u>3/15/10</u>
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By: <u></u> James E. Walton

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).

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CUSTOMER NO. 38441

ATTORNEY FOR APPLICANT



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.
10/650,537	08/28/2003	Gregory G. Kuelbs	0664MH-40982-C	9033
38441	7590	05/03/2010	EXAMINER	
LAW OFFICES OF JAMES E. WALTON, PLLC 1169 N. BURLESON BLVD. SUITE 107-328 BURLESON, TX 76028			SAWHNEY, HARGOBIND S	
			ART UNIT	PAPER NUMBER
			2885	
			MAIL DATE	DELIVERY MODE
			05/03/2010	PAPER

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

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UNITED STATES DEPARTMENT OF COMMERCE
U.S. Patent and Trademark Office
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P.O. Box 1450
Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10650537	8/28/2003	KUELBS, GREGORY G.	0664MH-40982-C

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

EXAMINER

HARGOBIND S. SAWHNEY

ART UNIT	PAPER
2885	20100429

DATE MAILED:

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Commissioner for Patents

The reply brief filed on February 9, 2010 has been entered, and is acknowledged. Further, the Information Disclosure Statement filed on March 15, 2010 has been entered and considered.

/Hargobind S Sawhney/
Primary Examiner, Art Unit 2885

Receipt date: 03/15/2010

10650537 - GAU: 2885

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

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	10650537
	Filing Date	2003-08-28
	First Named Inventor	GREGORY G. KUELBS
	Art Unit	2885
	Examiner Name	SAWHNEY, HARGOBIND S.
	Attorney Docket Number	0664MH-40982-C

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
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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
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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
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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

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /H.S./
8, 9, 11

Receipt date: 03/15/2010

10650537 - GAU: 2885

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	10650537
	Filing Date	2003-08-28
	First Named Inventor	GREGORY G. KUELBS
	Art Unit	2885
	Examiner Name	SAWHNEY, HARGOBIND S.
	Attorney Docket Number	0664MH-40982-C

1	Office Action dated 2010-01-13 from 12/240,845	<input type="checkbox"/>
2	Action Closing Prosecution dated 2009-12-18 from 95/000,104	<input type="checkbox"/>
3	Amendment dated 2010-01-18 from 95/000,104	<input type="checkbox"/>
4	Decision on Petitions dated 2010-03-01 from 95/000,104	<input type="checkbox"/>
5	Decision Dismissing Petition dated 2010-03-01 from 95/000,104	<input type="checkbox"/>
6	Action Closing Prosecution dated 2010-03-02 from 95/000,104	<input type="checkbox"/>
7	Response to Action Closing Prosecution dated 2010-03-09 from 95/000,104	<input type="checkbox"/>
8	Notice of Allowance dated 2010-03-09 from 12/255,255	<input type="checkbox"/>

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EXAMINER SIGNATURE

Examiner Signature	/Hargobind Sawhney/	Date Considered	04/29/2010
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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.

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /H.S./



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/650,537	08/28/2003	Gregory G. Kuelbs	0664MH-40982-C	9033
38441	7590	05/27/2010	EXAMINER	
LAW OFFICES OF JAMES E. WALTON, PLLC 1169 N. BURLESON BLVD. SUITE 107-328 BURLESON, TX 76028			SAWHNEY, HARGOBIND S	
			ART UNIT	PAPER NUMBER
			2885	
			NOTIFICATION DATE	DELIVERY MODE
			05/27/2010	ELECTRONIC

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

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

JIM@WALTONPLLC.COM



United States Patent and Trademark Office

**Under Secretary of Commerce for Intellectual Property and
Director of the United States Patent and Trademark Office
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov**

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

Appeal No: 2010-007991
Application: 10/650,537
Appellant: Gregory G. Kuelbs

Board of Patent Appeals and Interferences Docketing Notice

Application 10/650,537 was received from the Technology Center at the Board on May 24, 2010 and has been assigned Appeal No: 2010-007991.

In all future communications regarding this appeal, please include both the application number and the appeal number.

The mailing address for the Board is:

BOARD OF PATENT APPEALS AND INTERFERENCES
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VIRGINIA 22313-1450

The facsimile number of the Board is 571-273-0052. Because of the heightened security in the Washington D.C. area, facsimile communications are recommended. Telephone inquiries can be made by calling 571-272-9797 and referencing the appeal number listed above.

By order of the Board of Patent Appeals and Interferences.

YOT-1202-0888

Doc code: IDS

Doc description: Information Disclosure Statement (IDS) Filed

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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		10650537	
	Filing Date		2003-08-28	
	First Named Inventor	GREGORY G. KUELBS		
	Art Unit	2885		
	Examiner Name	SAWHNEY, HARGOBIND S.		
	Attorney Docket Number	0664MH-40982-C		

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	3129715	A	1964-04-21	Vincent Militano, et al.	
	2	4540929	A	1985-09-10	Bruce Binkley, et al.	
	3	5141010	A	1992-08-25	Richard Muller, 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					

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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"/>

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

Application Number	10650537
Filing Date	2003-08-28
First Named Inventor	GREGORY G. KUELBS
Art Unit	2885
Examiner Name	SAWHNEY, HARGOBIND S.
Attorney Docket Number	0664MH-40982-C

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	Interview Summary dated 2010-04-05 from corresponding Application No. 12/240,845	<input type="checkbox"/>
	2	Amendment dated 2010-04-09 from corresponding Application No. 12/240,845	<input type="checkbox"/>
	3	Final Office Action dated 2010-07-06 from corresponding Application No. 12/240,845	<input type="checkbox"/>

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EXAMINER SIGNATURE

Examiner Signature		Date Considered	
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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	10650537
	Filing Date	2003-08-28
	First Named Inventor	GREGORY G. KUELBS
	Art Unit	2885
	Examiner Name	SAWHNEY, HARGOBIND S.
	Attorney Docket Number	0664MH-40982-C

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)	2010-10-06
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 Patent Application Fee Transmittal				
Application Number:	10650537			
Filing Date:	28-Aug-2003			
Title of Invention:	Umbrella apparatus			
First Named Inventor/Applicant Name:	Gregory G. Kuelbs			
Filer:	James Edward Walton			
Attorney Docket Number:	0664MH-40982-C			
Filed as Small Entity				
Utility under 35 USC 111(a) Filing Fees				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				

YOT-1202-0892

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Miscellaneous:				
Submission- Information Disclosure Stmt	1806	1	180	180
Total in USD (\$)				180

YOT-1202-0893

Electronic Acknowledgement Receipt	
EFS ID:	8572702
Application Number:	10650537
International Application Number:	
Confirmation Number:	9033
Title of Invention:	Umbrella apparatus
First Named Inventor/Applicant Name:	Gregory G. Kuelbs
Customer Number:	38441
Filer:	James Edward Walton
Filer Authorized By:	
Attorney Docket Number:	0664MH-40982-C
Receipt Date:	06-OCT-2010
Filing Date:	28-AUG-2003
Time Stamp:	15:52:50
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	\$ 180
RAM confirmation Number	2362
Deposit Account	502806
Authorized User	WALTON,JAMES E
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows: Charge any Additional Fees required under 37 C.F.R. Section 1.21 (Miscellaneous fees and charges)	

YOT-1202-0894

File Listing:					
Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		IDS20101006.pdf	304762 fa6b21dcb2b63204f6fd2ab612b3e00bb495e6	yes	7
Multipart Description/PDF files in .zip description					
	Document Description		Start		End
	Miscellaneous Incoming Letter		1		2
	Transmittal Letter		3		4
	Information Disclosure Statement (IDS) Filed (SB/08)		5		7
Warnings:					
Information:					
2	NPL Documents	Amendment20100409.pdf	1099120 9b2afd5211beae557ceeffa65e696aab679b6c8d	no	23
Warnings:					
Information:					
3	NPL Documents	FinalOfficeAction20100706.pdf	919184 c300c4c386af0f9904eba90b29c676b082d87c05	no	22
Warnings:					
Information:					
4	NPL Documents	InterviewSummary20100409.pdf	189511 117817a55bace6504cc084de7d8a641fdae48139	no	3
Warnings:					
Information:					
5	Fee Worksheet (PTO-875)	fee-info.pdf	30178 4d369972567c82b7f61b3a3d1f2e6123c4c281d	no	2
Warnings:					
Information:					
Total Files Size (in bytes):			2542755		

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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.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 0664MH-40982-C

In re Application of:

GREGORY G. KUELBS

Serial No.: **10/650,537**

Filed: **28 AUGUST 2003**

For: **UMBRELLA APPARATUS**

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Examiner: **SAWHNEY, HARGOBIND S.**

Art Unit: **2885**

Confirmation No.: **9033**

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Filed via EFS-Web

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

Sir:

Please file the following enclosed documents in the subject application:

1. This Transmittal with Certificate of Transmission; and
2. Information Disclosure Statement, including Form PTO/SB/08a.

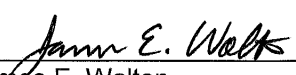
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Date of Transmission:	<u>10/6/10</u>
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By:	<u><i>James E. Walton</i></u> James E. Walton

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Date

10/6/10



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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-C

In re Application of:

GREGORY G. KUELBS

Serial No.: **10/650,537**

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Examiner: **SAWHNEY, HARGOBIND S.**

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INFORMATION DISCLOSURE STATEMENT

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Commissioner for Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

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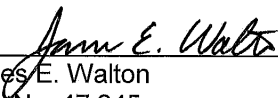
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Date of Transmission:	<u>10/6/10</u>
I hereby certify that this correspondence is being transmitted to the U.S. Patent and Trademark Office (USPTO) via the USPTO electronic filing system (EFS-Web) on the date shown above.	
By:	<u>James E. Walton</u> James E. Walton

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).

This Information Disclosure Statement is being filed via the U.S. Patent and Trademark Office EFS-Web System electronic filing system. The fee required by 37 C.F.R. § 1.17(p) is being paid via a designated credit card. No other fees are deemed to be necessary; however, the undersigned hereby authorizes the Commissioner to charge any additional fees that may be required, or credit any overpayments, to **Deposit Account No. 502806**.

Respectfully submitted,

10/6/10
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 (Fax)
jim@waltonpllc.com (Email)

CUSTOMER NO. 38441

ATTORNEY FOR APPLICANT

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	10650537
	Filing Date	2003-08-28
	First Named Inventor	GREGORY G. KUJELBS
	Art Unit	2885
	Examiner Name	SAWHNEY, HARGOBIND S.
	Attorney Docket Number	0664MH-40982-C

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	2960094		1960-11-15	Small, Samuel N.	
	2	5502624		1996-03-26	Tu, Yeu-Feng	

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								
---------------------------------	--	--	--	--	--	--	--	--

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	10650537
	Filing Date	2003-08-28
	First Named Inventor	GREGORY G. KUELBS
	Art Unit	2885
	Examiner Name	SAWHNEY, HARGOBIND S.
	Attorney Docket Number	0664MH-40982-C

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	Request for Continued Examination and Amendment under 37 CFR 1.114 dated 2010-11-04 from corresponding Application No. 12/240,845	<input type="checkbox"/>
	2	Non-Final Office Action dated 2010-12-15 from corresponding Application No. 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	10650537
	Filing Date	2003-08-28
	First Named Inventor	GREGORY G. KUELBS
	Art Unit	2885
	Examiner Name	SAWHNEY, HARGOBIND S.
	Attorney Docket Number	0664MH-40982-C

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)	2011-01-03
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 Patent Application Fee Transmittal				
Application Number:	10650537			
Filing Date:	28-Aug-2003			
Title of Invention:	Umbrella apparatus			
First Named Inventor/Applicant Name:	Gregory G. Kuelbs			
Filer:	James Edward Walton			
Attorney Docket Number:	0664MH-40982-C			
Filed as Small Entity				
Utility under 35 USC 111(a) Filing Fees				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				

YOT-1202-0904

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Miscellaneous:				
Submission- Information Disclosure Stmt	1806	1	180	180
Total in USD (\$)				180

YOT-1202-0905

Electronic Acknowledgement Receipt	
EFS ID:	9148818
Application Number:	10650537
International Application Number:	
Confirmation Number:	9033
Title of Invention:	Umbrella apparatus
First Named Inventor/Applicant Name:	Gregory G. Kuelbs
Customer Number:	38441
Filer:	James Edward Walton
Filer Authorized By:	
Attorney Docket Number:	0664MH-40982-C
Receipt Date:	03-JAN-2011
Filing Date:	28-AUG-2003
Time Stamp:	11:42:05
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	\$ 180
RAM confirmation Number	9057
Deposit Account	502806
Authorized User	WALTON,JAMES E
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows: Charge any Additional Fees required under 37 C.F.R. Section 1.21 (Miscellaneous fees and charges)	

YOT-1202-0906

File Listing:					
Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		IDS20110103.pdf	356218 d1508b3d427786455888c02dcb73f86007b234e6	yes	7
Multipart Description/PDF files in .zip description					
	Document Description		Start	End	
	Miscellaneous Incoming Letter		1	2	
	Transmittal Letter		3	4	
	Information Disclosure Statement (IDS) Filed (SB/08)		5	7	
Warnings:					
Information:					
2	NPL Documents	OfficeAction20101215.pdf	646747 e8d79aa6742d034fcb03f62db1293883559ff4d	no	15
Warnings:					
Information:					
3	NPL Documents	RCE20101104.pdf	864663 9b9e76a469dea9a26811540a4a535a99903e90c0	no	19
Warnings:					
Information:					
4	Fee Worksheet (PTO-875)	fee-info.pdf	30178 a7d19b0d0ce87d97eae5a990269d367914be9703	no	2
Warnings:					
Information:					
Total Files Size (in bytes):			1897806		

YOT-1202-0907

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.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 0664MH-40982-C

In re Application of:

GREGORY G. KUELBS

Serial No.: 10/650,537

Filed: 28 AUGUST 2003

For: **UMBRELLA APPARATUS**

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Examiner: **SAWHNEY, HARGOBIND S.**

Art Unit: **2885**

Confirmation No.: **9033**

TRANSMITTAL

Filed via EFS-Web

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

Sir:

Please file the following enclosed documents in the subject application:

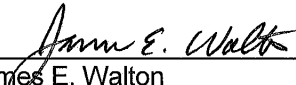
1. This Transmittal with Certificate of Transmission; and
2. Information Disclosure Statement, including Form PTO/SB/08a.

CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. § 1.8(a)(1)(i)(C)	
Date of Transmission:	<u>1/3/11</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><i>James E. Walton</i></u> James E. Walton

The foregoing documents are being filed via the U.S. Patent and Trademark Office's EFS-Web electronic filing system. The fee required by 37 C.F.R. § 1.17(p) is being paid via a designated credit card. No other fees are deemed to be necessary; however, the undersigned hereby authorizes the Commissioner to charge any additional fees that may be required, or credit any overpayments, to **Deposit Account No. 502806**.

Respectfully submitted,

Date 1/3/11



James E. Walton
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(817) 447-9954 (Fax)
jim@waltonpllc.com (Email)

CUSTOMER NO. 38441

ATTORNEY FOR APPLICANT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 0664MH-40982-C

In re Application of:

GREGORY G. KUELBS

Serial No.: 10/650,537

Filed: 28 AUGUST 2003

For: **UMBRELLA APPARATUS**

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§
§
§
§
§
§

Examiner: **SAWHNEY, HARGOBIND S.**

Art Unit: 2885

Confirmation No.: 9033

INFORMATION DISCLOSURE STATEMENT

Filed via EFS-Web

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

Sir:

Filed herewith is a Form PTO/SB/08a listing references that may be material to the patentability of the invention disclosed and claimed in the subject application. This submission is made pursuant to 37 C.F.R. §§ 1.56 and 1.97(d). This Information Disclosure Statement is being filed under 37 C.F.R. § 1.97(d) before the payment of the issue fee and, pursuant to 37 C.F.R. §§ 1.97(d)(2), is accompanied by the fee set forth in 37 C.F.R. § 1.17(p) and by the statement specified in 37 C.F.R. § 1.97(e)(2).

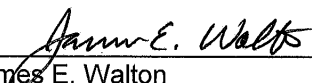
CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. § 1.8(a)(1)(i)(C)	
Date of Transmission:	<u>1/3/11</u>
I hereby certify that this correspondence is being transmitted to the U.S. Patent and Trademark Office (USPTO) via the USPTO electronic filing system (EFS-Web) on the date shown above.	
By:	<u><i>James E. Walton</i></u> James E. Walton

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Respectfully submitted,

1/3/11
Date


James E. Walton
Reg. No. 47,245
Law Offices of James E. Walton, P.L.L.C.
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Burleson, Texas 76028
(817) 447-9955 (Voice)
(817) 447-9954 (Fax)
jim@waltonpllc.com (Email)

CUSTOMER NO. 38441

ATTORNEY FOR APPLICANT

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	10650537
	Filing Date	2003-08-28
	First Named Inventor	GREGORY G. KUELBS
	Art Unit	2885
	Examiner Name	SAWHNEY, HARGOBIND S.
	Attorney Docket Number	0664MH-40982-C

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	10650537
	Filing Date	2003-08-28
	First Named Inventor	GREGORY G. KUELBS
	Art Unit	2885
	Examiner Name	SAWHNEY, HARGOBIND S.
	Attorney Docket Number	0664MH-40982-C

1	Right of Appeal Notice dated 2011-01-12 from corresponding Patent Reexamination Application/Control No. 95/000,104	<input type="checkbox"/>
2	Notice of Appeal of Third Party Requester dated 2011-02-10 from corresponding Patent Reexamination Application/Control No. 95/000,104	<input type="checkbox"/>
3	Appeal Brief of Appellant Third Party Requester dated 2011-04-08 from corresponding Patent Reexamination Application/Control No. 95/000,104	<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	10650537
Filing Date	2003-08-28
First Named Inventor	GREGORY G. KUELBS
Art Unit	2885
Examiner Name	SAWHNEY, HARGOBIND S.
Attorney Docket Number	0664MH-40982-C

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)	2011-04-12
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 Patent Application Fee Transmittal				
Application Number:	10650537			
Filing Date:	28-Aug-2003			
Title of Invention:	Umbrella apparatus			
First Named Inventor/Applicant Name:	Gregory G. Kuelbs			
Filer:	James Edward Walton			
Attorney Docket Number:	0664MH-40982-C			
Filed as Small Entity				
Utility under 35 USC 111(a) Filing Fees				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				

YOT-1202-0916

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Miscellaneous:				
Submission- Information Disclosure Stmt	1806	1	180	180
Total in USD (\$)				180

YOT-1202-0917

Electronic Acknowledgement Receipt	
EFS ID:	9861676
Application Number:	10650537
International Application Number:	
Confirmation Number:	9033
Title of Invention:	Umbrella apparatus
First Named Inventor/Applicant Name:	Gregory G. Kuelbs
Customer Number:	38441
Filer:	James Edward Walton
Filer Authorized By:	
Attorney Docket Number:	0664MH-40982-C
Receipt Date:	12-APR-2011
Filing Date:	28-AUG-2003
Time Stamp:	14:47:22
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	\$ 180
RAM confirmation Number	1178
Deposit Account	502806
Authorized User	WALTON,JAMES E
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows: Charge any Additional Fees required under 37 C.F.R. Section 1.21 (Miscellaneous fees and charges)	

YOT-1202-0918

File Listing:					
Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		IDS20110412.pdf	438298 0ba75a52758f7429de0a011f9778bfc092d0	yes	7
Multipart Description/PDF files in .zip description					
Document Description			Start	End	
Miscellaneous Incoming Letter			1	2	
Transmittal Letter			3	4	
Information Disclosure Statement (IDS) Filed (SB/08)			5	7	
Warnings:					
Information:					
2	NPL Documents	NoticeofAppeal20110210.pdf	37044 a467c8143e72f306e01682962ba6591cc9af321d	no	1
Warnings:					
Information:					
3	NPL Documents	RightofAppealNotice20110112.pdf	526636 0c8b6f131910213791c176bd0ab84aac592aa467	no	22
Warnings:					
Information:					
4	NPL Documents	ThirdPartyAppealBrief20110408.pdf	10581770 7ea447a0fb3a22f5ad9df08e28f49813f3df96c3	no	204
Warnings:					
Information:					
5	Fee Worksheet (PTO-875)	fee-info.pdf	30178 70067b540be5df2f36d2b8c8dbccfb1412d9b7	no	2
Warnings:					
Information:					
Total Files Size (in bytes):			11613926		

YOT-1202-0919

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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.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 0664MH-40982-C

In re Application of:

GREGORY G. KUELBS

Serial No.: 10/650,537

Filed: 28 AUGUST 2003

For: **UMBRELLA APPARATUS**

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Examiner: **SAWHNEY, HARGOBIND S.**

Art Unit: **2885**

Confirmation No.: **9033**

TRANSMITTAL

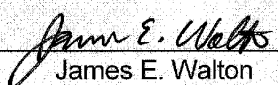
Filed via EFS-Web

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

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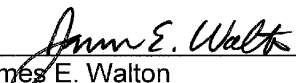
1. This Transmittal with Certificate of Transmission;
2. Information Disclosure Statement; and
3. Form PTO/SB/08a, along with non-patent literature documents.

CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. § 1.8(a)(1)(i)(C)	
Date of Transmission:	<u>9/12/11</u>
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By:	<u></u> James E. Walton

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Respectfully submitted,

Date 4/12/11


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CUSTOMER NO. 38441

ATTORNEY FOR APPLICANT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 0664MH-40982-C

In re Application of:

GREGORY G. KUELBS

Serial No.: 10/650,537

Filed: 28 AUGUST 2003

For: **UMBRELLA APPARATUS**

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§
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§
§
§
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Examiner: **SAWHNEY, HARGOBIND S.**

Art Unit: 2885

Confirmation No.: 9033

INFORMATION DISCLOSURE STATEMENT

Filed via EFS-Web

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

Sir:

Filed herewith is a Form PTO/SB/08a listing references that may be material to the patentability of the invention disclosed and claimed in the subject application. This submission is made pursuant to 37 C.F.R. §§ 1.56 and 1.97(d). This Information Disclosure Statement is being filed under 37 C.F.R. § 1.97(d) before the payment of the issue fee and, pursuant to 37 C.F.R. §§ 1.97(d)(2), is accompanied by the fee set forth in 37 C.F.R § 1.17(p) and by the statement specified in 37 C.F.R. § 1.97(e)(2).

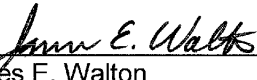
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Date of Transmission:	<u>4/12/11</u>
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By:	<u>James E. Walton</u> James E. Walton

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jim@waltonpllc.com (Email)

CUSTOMER NO. 38441

ATTORNEY FOR APPLICANT

Doc code: IDS

Doc description: Information Disclosure Statement (IDS) Filed

PTO/SB/08a (01-10)

Approved for use through 07/31/2012. OMB 0651-0031

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

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number		10650537
	Filing Date		2003-08-28
	First Named Inventor	GREGORY G. KUELBS	
	Art Unit	2885	
	Examiner Name	SAWHNEY, HARGOBIND S.	
	Attorney Docket Number	0664MH-40982-C	

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	7051744	B2	2006-05-30	Hung	
	2	7188633	B2	2007-03-13	Zerillo	
	3	8069868	B2	2011-12-06	Kuelbs	
	4	4346606		1982-08-31	Cannon et al.	
	5	5819455		1998-10-13	Tsuda	
	6	4893356		1990-01-16	Waters	
	7	7753546	B2	2010-07-13	Kuelbs	
	8	6612713	B1	2003-09-02	Kuelbs	

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	10650537
	Filing Date	2003-08-28
	First Named Inventor	GREGORY G. KUELBS
	Art Unit	2885
	Examiner Name	SAWHNEY, HARGOBIND S.
	Attorney Docket Number	0664MH-40982-C

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	20060005869	A1	2006-01-12	Kuelbs	
	2	20040149325	A1	2004-08-05	Kuelbs	

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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"/>

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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	Amendment dated 2012-04-18 from corresponding Application No. 13/311,887	<input type="checkbox"/>
	2	Non-Final Office Action dated 2012-01-18 from corresponding Application No. 13/311,887	<input type="checkbox"/>
	3	Amendment dated 2011-04-12 from corresponding Application No. 12/240,845	<input type="checkbox"/>

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	10650537
	Filing Date	2003-08-28
	First Named Inventor	GREGORY G. KUELBS
	Art Unit	2885
	Examiner Name	SAWHNEY, HARGOBIND S.
	Attorney Docket Number	0664MH-40982-C

4	Issue Notification from corresponding Application No. 12/240,845	<input type="checkbox"/>
5	Notice of Allowance from corresponding Application No. 12/240,845	<input type="checkbox"/>
6	Examiner's Answer dated 2011-09-20 from corresponding Application 95/000,104	<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	
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*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.

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	Filing Date	2003-08-28
	First Named Inventor	GREGORY G. KUELBS
	Art Unit	2885
	Examiner Name	SAWHNEY, HARGOBIND S.
	Attorney Docket Number	0664MH-40982-C

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.

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

A certification statement is not submitted herewith.

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)	2012-04-27
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 Patent Application Fee Transmittal				
Application Number:	10650537			
Filing Date:	28-Aug-2003			
Title of Invention:	Umbrella apparatus			
First Named Inventor/Applicant Name:	Gregory G. Kuelbs			
Filer:	James Edward Walton			
Attorney Docket Number:	0664MH-40982-C			
Filed as Small Entity				
Utility under 35 USC 111(a) Filing Fees				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				

YOT-1202-0929

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Miscellaneous:				
Submission- Information Disclosure Stmt	1806	1	180	180
Total in USD (\$)				180

YOT-1202-0930

Electronic Acknowledgement Receipt	
EFS ID:	12651300
Application Number:	10650537
International Application Number:	
Confirmation Number:	9033
Title of Invention:	Umbrella apparatus
First Named Inventor/Applicant Name:	Gregory G. Kuelbs
Customer Number:	38441
Filer:	James Edward Walton
Filer Authorized By:	
Attorney Docket Number:	0664MH-40982-C
Receipt Date:	27-APR-2012
Filing Date:	28-AUG-2003
Time Stamp:	16:08:57
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	\$ 180
RAM confirmation Number	3265
Deposit Account	502806
Authorized User	WALTON,JAMES E
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows: Charge any Additional Fees required under 37 C.F.R. Section 1.21 (Miscellaneous fees and charges)	

YOT-1202-0931

File Listing:					
Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		IDS20120427.pdf	387795 d4cd9f960f727f305d7cd5a06a0cf3b79a2e4e0b	yes	8
Multipart Description/PDF files in .zip description					
	Document Description		Start	End	
	Miscellaneous Incoming Letter		1	2	
	Transmittal Letter		3	4	
	Information Disclosure Statement (IDS) Form (SB08)		5	8	
Warnings:					
Information:					
2	Non Patent Literature	NPD_1_Amendment.pdf	390361 44dcbfd620f5c71b0404d0ff091e6a2a02c59ae8	no	10
Warnings:					
Information:					
3	Non Patent Literature	NPD_2_Office_Action.pdf	311606 a13ecca2ba4ac307e79d1cdea6672ffe2d2b83b8	no	6
Warnings:					
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4	Non Patent Literature	NPD_3_Amendment.pdf	535940 16b7e546887b92909cf181a63e596ffc5205c93	no	13
Warnings:					
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5	Non Patent Literature	NPD_4_Issue_Notice.pdf	57799 4ec17b7daffb0702c7a300ae775e55db69ec872	no	1
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6	Non Patent Literature	NPD_5_Notice_of_Allowance.pdf	645369 99c0fd8a2722c5b66af83b3af6c7ced9888a1	no	8
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7	Non Patent Literature	NPD_6_Examiners_Answer.pdf	184490 858a005d29b17782014c615c62dc204290f95b20	no YOT-1202-0932	5

Warnings:					
Information:					
8	Fee Worksheet (SB06)	fee-info.pdf	30177	no	2
			dd445ea57634e956e518bb805ea0c77350b91bdb		
Warnings:					
Information:					
Total Files Size (in bytes):				2543537	
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YOT-1202-0933

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 0664MH-40982-C

In Re Application of:

GREGORY G. KUELBS

Serial No.: 10/650,537

Filed: 28 AUGUST 2003

For: **UMBRELLA APPARATUS**

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Examiner: **SAWHNEY, HARGOBIND**

Art Unit: 2885

Confirmation No.: 9033

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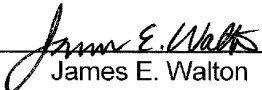
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Commissioner for Patents
P.O. Box 1450
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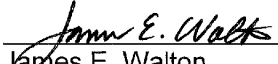
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Respectfully submitted,

4/22/12
Date



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Burleson, Texas 76028
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CUSTOMER NO. 38441

ATTORNEY FOR APPLICANT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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GREGORY G. KUELBS

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Examiner: SAWHNEY, HARGOBIND S

Art Unit: 2885

Confirmation No.: 9033

INFORMATION DISCLOSURE STATEMENT

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Commissioner for Patents
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Sir:

Filed herewith is one Form PTO/SB/08a listing references that may be material to the patentability of the invention disclosed and claimed in the subject application. This submission is made pursuant to 37 C.F.R. § 1.56 and 1.97(c). This Information Disclosure Statement is being filed under 37 C.F.R. § 1.97(c) before the mailing of a final Office Action, a Notice of Allowance, or any action that otherwise closes prosecution in the application and, pursuant to 37 C.F.R. § 1.97(c)(2), is accompanied by the fee set forth in 37 C.F.R § 1.17(p).

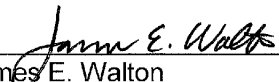
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By:	<u>James E. Walton</u> James E. Walton

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jim@waltonpllc.com (Email)

CUSTOMER NO. 38441

ATTORNEY FOR APPLICANT

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number		10650537	
	Filing Date		2003-08-28	
	First Named Inventor	GREGORY G. KUELBS		
	Art Unit	2885		
	Examiner Name	SAWHNEY, HARGOBIND S.		
	Attorney Docket Number	0664MH-40982-C		

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	5217296		1993-06-08	Tanner et al.	

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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	20120325278	A1	2012-12-27	KUELBS	

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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"/>

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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	10650537
	Filing Date	2003-08-28
	First Named Inventor	GREGORY G. KJELBS
	Art Unit	2885
	Examiner Name	SAWHNEY, HARGOBIND S.
	Attorney Docket Number	0664MH-40982-C

1	Notice of Publication Dated 2012-03-29 from 13/311,887.	<input type="checkbox"/>
2	Amendment Date 2012-04-18 from 13/311,887.	<input type="checkbox"/>
3	Office Action Dated 2012-08-03 from 13/311,887.	<input type="checkbox"/>
4	Office Action Dated 2012-11-02 from 13/607,911.	<input type="checkbox"/>
5	Notice of Publication Dated 2012-12-27 from 13/607,911.	<input type="checkbox"/>
6	Filing Receipt Dated 2012-09-21 from 13/607,911.	<input type="checkbox"/>
7	Office Action Dated 2012-08-03 from 13/311,887.	<input type="checkbox"/>
8	Notice of Allowance Dated 2012-10-17 from 13/311,887.	<input type="checkbox"/>
9	Amendment After Final Dated 2012-10-03 from 13/311,887.	<input type="checkbox"/>
10	Appeal Decision Dated 2013-01-10 from 95/000,104	<input type="checkbox"/>
If you wish to add additional non-patent literature document citation information please click the Add button		

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	Filing Date	2003-08-28
	First Named Inventor	GREGORY G. KUELBS
	Art Unit	2885
	Examiner Name	SAWHNEY, HARGOBIND S.
	Attorney Docket Number	0664MH-40982-C

EXAMINER SIGNATURE	
Examiner Signature	Date Considered
<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>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.</p>	

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	Art Unit	2885
	Examiner Name	SAWHNEY, HARGOBIND S.
	Attorney Docket Number	0664MH-40982-C

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.

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

A certification statement is not submitted herewith.

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)	2013-02-27
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 Patent Application Fee Transmittal				
Application Number:	10650537			
Filing Date:	28-Aug-2003			
Title of Invention:	Umbrella apparatus			
First Named Inventor/Applicant Name:	Gregory G. Kuelbs			
Filer:	James Edward Walton			
Attorney Docket Number:	0664MH-40982-C			
Filed as Small Entity				
Utility under 35 USC 111(a) Filing Fees				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				

YOT-1202-0942

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Miscellaneous:				
Submission- Information Disclosure Stmt	1806	1	180	180
Total in USD (\$)				180

YOT-1202-0943

Electronic Acknowledgement Receipt	
EFS ID:	15071021
Application Number:	10650537
International Application Number:	
Confirmation Number:	9033
Title of Invention:	Umbrella apparatus
First Named Inventor/Applicant Name:	Gregory G. Kuelbs
Customer Number:	38441
Filer:	James Edward Walton
Filer Authorized By:	
Attorney Docket Number:	0664MH-40982-C
Receipt Date:	27-FEB-2013
Filing Date:	28-AUG-2003
Time Stamp:	18:05:10
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	\$ 180
RAM confirmation Number	7021
Deposit Account	502806
Authorized User	WALTON, JAMES E
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows: Charge any Additional Fees required under 37 C.F.R. Section 1.21 (Miscellaneous fees and charges)	

YOT-1202-0944

File Listing:					
Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		IDS20130227.pdf	920530 fe39aeeaf9be752c79b6c8973f81d6153ce853d1	yes	8
Multipart Description/PDF files in .zip description					
Document Description			Start	End	
Miscellaneous Incoming Letter			1	2	
Transmittal Letter			3	4	
Information Disclosure Statement (IDS) Form (SB08)			5	8	
Warnings:					
Information:					
2	Non Patent Literature	NPLD_1_NoticeOfPub.pdf	77381 05af9ef3f7ad8e82df4a294a5e84f5e528cb73ed	no	1
Warnings:					
Information:					
3	Non Patent Literature	NPLD_2_Amendment.pdf	554246 e421df2a4efede1e17b2b36c2497ca54a8faee2	no	10
Warnings:					
Information:					
4	Non Patent Literature	NPLD_3_OfficeAction.pdf	484042 14c96972764e8aac7ff10629ef2f16da5a65e16	no	9
Warnings:					
Information:					
5	Non Patent Literature	NPLD_4_Office_Action.pdf	272726 67d15ed0c326762b1104b21411d6519f22a77684	no	8
Warnings:					
Information:					
6	Non Patent Literature	NPLD_5_NOP.pdf	57547 41e18909a1fb07186e84bd8a0fa2816f17591a	no	1
Warnings:					
Information:					
7	Non Patent Literature	NPLD_6_Filing_Receipt.pdf	164280 736c5bf15118420e9f9afe3e325b03feca12389a7	no	3 YOT-1202-0945

Warnings:					
Information:					
8	Non Patent Literature	NPLD_7_Office_Action.pdf	529112 8d1cbf00f5eae55d813ed76309ef9d6d71a4bba6	no	10
Warnings:					
Information:					
9	Non Patent Literature	NPLD_8_NOA.pdf	2584900 db01dfe7235fba0d48259fbce01642b807019740	no	51
Warnings:					
Information:					
10	Non Patent Literature	NPLD_9_AmendAfterFinal.pdf	860992 3d16a8b9cc3134520aa1adfec6f7a20d011ae5224	no	8
Warnings:					
Information:					
11	Non Patent Literature	NPLD_10_Appeal_Decision.pdf	436821 3048b84cc5bfb5a8e790a12b8d4e6166e372b85	no	7
Warnings:					
Information:					
12	Fee Worksheet (SB06)	fee-info.pdf	30178 ca21c6cade4d5ed5ca754991096a0b63a8b9ca	no	2
Warnings:					
Information:					
Total Files Size (in bytes):			6972755		
<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-1202-0946

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 0664MH-40982-C

In Re Application of:

GREGORY G. KUELBS

Serial No.: 10/650,537

Filed: 28 AUGUST 2003

For: **UMBRELLA APPARATUS**

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Examiner: **SAWHNEY, HARGOBIND**

Art Unit: **2885**

Confirmation No.: **9033**

TRANSMITTAL

Filed via EFS-Web

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

Dear Sir:

Please file the following documents in the subject application:

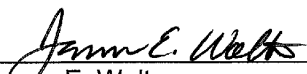
1. This Transmittal with Certificate of Transmission; and
2. Information Disclosure Statement, Form PTO/SB/08a, and non-patent literature documents.

CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. § 1.8(a)(1)(i)(C)	
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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><i>James E. Walton</i></u> James E. Walton

The foregoing documents are being filed via the U.S. Patent and Trademark Office EFS-Web System electronic filing system. The Filing Fee under 37 C.F.R. § 1.17(p) is being paid via a designated credit card. No other fees are deemed to be necessary; however, the undersigned hereby authorizes the Commissioner to charge any additional fees that are necessary, or credit any overpayments, to **Deposit Account No. 502806**.

Respectfully submitted,

2/27/13
Date



James E. Walton
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CUSTOMER NO. 38441

ATTORNEY FOR APPLICANT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 0664MH-40982-C

In Re Application of:

GREGORY G. KUELBS

Serial No.: 10/650,537

Filed: 28 AUGUST 2003

For: **UMBRELLA APPARATUS**

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§
§
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§
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§
§

Examiner: **SAWHNEY, HARGOBIND S**

Art Unit: **2885**

Confirmation No.: **9033**

INFORMATION DISCLOSURE STATEMENT

Filed via EFS-Web

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

Sir:

Filed herewith is one Form PTO/SB/08a listing references that may be material to the patentability of the invention disclosed and claimed in the subject application. This submission is made pursuant to 37 C.F.R. § 1.56 and 1.97(c). This Information Disclosure Statement is being filed under 37 C.F.R. § 1.97(c) before the mailing of a final Office Action, a Notice of Allowance, or any action that otherwise closes prosecution in the application and, pursuant to 37 C.F.R. § 1.97(c)(2), is accompanied by the fee set forth in 37 C.F.R § 1.17(p).

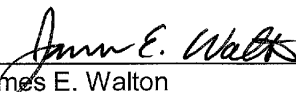
CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. § 1.8(a)(1)(i)(C)	
Date of Transmission:	<u>2/27/13</u>
I hereby certify that this correspondence is being transmitted to the U.S. Patent and Trademark Office (USPTO) via the USPTO electronic filing system (EFS-Web) on the date shown above.	
By:	<u>James E. 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).

This Information Disclosure Statement is being filed via the U.S. Patent and Trademark Office EFS-Web System electronic filing system. The fee required by 37 C.F.R. § 1.97(c)(2) and 1.17(p) is being paid via a designated credit card. No other fees are deemed to be necessary; however, the undersigned hereby authorizes the Commissioner to charge any additional fees that are necessary, or credit any overpayments, to **Deposit Account No. 502806**.

Respectfully submitted,

2/27/13
Date


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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/650,537	08/28/2003	Gregory G. Kuelbs	0664MH-40982-C	9033
38441	7590	07/31/2013	EXAMINER	
LAW OFFICES OF JAMES E. WALTON, PLLC 1169 N. BURLESON BLVD. SUITE 107-328 BURLESON, TX 76028			SAWHNEY, HARGOBIND S	
			ART UNIT	PAPER NUMBER
			2885	
			NOTIFICATION DATE	DELIVERY MODE
			07/31/2013	ELECTRONIC

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

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

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

JIM@WALTONPLLC.COM

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte GREGORY G. KUELBS

Appeal 2010-007991
Application 10/650,537
Technology Center 1700

Before PETER F. KRATZ, ROMULO H. DELMENDO, and
JEFFREY T. SMITH, *Administrative Patent Judges*.

DELMENDO, *Administrative Patent Judge*.

DECISION ON APPEAL

The Appellant¹ seeks our review under 35 U.S.C. § 134(a) of a rejection of claims 76-92. We have jurisdiction under 35 U.S.C. § 6(b). We affirm-in-part and reverse-in-part.

BACKGROUND

The invention relates to an umbrella, in particular a patio umbrella

¹ The Appellant identifies the real party in interest as “World Factory, Inc.” Appeal Brief filed July 7, 2009 (“App. Br.”) at 3.

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Application 10/650,537

with an integral lighting system and other modular electronic systems and components. Specification (“Spec.”) 2, ll. 7-9. Representative claims 76 and 86 are reproduced below:

76. An umbrella apparatus comprising:

a pole portion;

an umbrella portion hingedly coupled to the pole portion, the umbrella portion having a plurality of radially extending rib members;

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

a solar energy system coupled to the pole 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;

a lighting system having a plurality of light emitting diodes conductively coupled to the rechargeable electrical power system, *the light emitting diodes being recessed within the rib members*; and

translucent materials disposed over the light emitting diodes for enhancing the light from the light emitting diodes.

86. An umbrella apparatus comprising:

a pole portion;

a top cap coupled to the pole portion;

a plurality of rib members hingedly coupled to the top cap;

a flexible canopy carried by the rib members;

Appeal 2010-007991
Application 10/650,537

at least one rechargeable battery for providing electrical power to the umbrella apparatus, the at least one rechargeable battery being located below the flexible canopy;

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 at least one rechargeable battery, such that the solar energy collected and converted into electrical energy recharges the at least one rechargeable battery, *the solar energy system being releasably coupled to the top cap, such that the flexible canopy passes between the top cap and the solar energy system, the flexible canopy being adjacent to both the top cap and the solar energy system;* and

a lighting system carried by the rib members, the lighting system having a plurality of light emitting diodes conductively coupled to the at least one rechargeable battery.

App. Br., Claims App'x A1, A3-A4 (emphases added).

The Examiner rejected the claims under 35 U.S.C. § 103(a) as follows:

- I. Claims 76-81 and 83 as unpatentable over Small '094² and Mai;³
- II. Claim 82 as unpatentable over Small '094, Mai, and Small '466;⁴
- III. Claim 84 as unpatentable over Small '094, Mai, and Phyle;⁵

² U.S. Patent 2,960,094 issued November 15, 1960.

³ U.S. Patent 5,954,417 issued September 21, 1999.

⁴ U.S. Patent 2,863,466 issued December 9, 1958.

⁵ U.S. Patent 5,584,564 issued December 17, 1996.

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- IV. Claim 85 as unpatentable over Small '094, Mai, Phyle, and Perrier;⁶
- V. Claims 86-89 as unpatentable over Oshio⁷ and Small '094; and
- VI. Claims 90-92 as unpatentable over Oshio, Small '094, Wilson,⁸ and Doublet.

Examiner's Answer entered December 9, 2009 ("Ans.") 4-19.

DISCUSSION

Rejections I – IV

In response to the Appellant's argument that Mai does not teach light emitting diodes ("LEDs") that are "recessed within the rib members" as required by claim 76, App. Br. 13, the Examiner states that "the transparent strips or tubes 84" integral with the ribs have been interpreted as portions of the rib members receiving LEDs." Ans. 17 (citing Mai's Figure 5 and col. 4, ll. 11-19, 20-31).

We cannot agree with the Examiner. While the PTO gives claims their broadest reasonable construction, "such construction [must] be *'consistent with the specification, . . . and . . . claim language should be read in light of the specification as it would be interpreted by one of ordinary*

⁶ PCT Publication WO 93/00840 published January 21, 1993. *See* English language translation of record.

⁷ Japanese Patent Publication 9-168415 published June 30, 1997. *See* English language translation of record.

⁸ U.S. Patent 6,058,951 issued May 9, 2000.

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skill in the art.” *In re Suitco Surface, Inc.*, 603 F.3d 1255, 1259-60 (Fed. Cir. 2010) (citation omitted). *See also In re Morris*, 127 F.3d 1048, 1054 (Fed. Cir. 1997) (“[I]t would be unreasonable for the PTO to ignore any interpretive guidance afforded by the applicant’s written description.”).

The current Specification informs one skilled in the relevant art that the materials covering the LEDs (i.e., the “translucent materials” recited in claim 76) *are separate and distinct elements from the rib members*. Figure 4A; Spec. 17, ll. 8-24. Mai teaches that elements 84” shown in Figure 5 are transparent strips attached along the connecting edges of gores 30” to cover LEDs 83” as well as electrical wires 831”. Col. 4, ll. 14-19. Much like the Appellant’s Specification, Mai teaches that the transparent strips 84” covering the LEDs *are separate and distinct from ribs 20”*. Col. 4, ll. 12-14. Therefore, contrary to the Examiner’s stated position, one skilled in the relevant would not have reasonably construed the claim term “rib members” in claim 76 to include covering materials for the LEDs as part of the “rib members.”

Because Rejections I through IV are based on an unreasonably broad construction of the claim term “rib members,” we cannot affirm.

Rejections V & VI

We reach a different conclusion with respect to Rejections V and VI. The Appellant’s principal arguments are as follows:

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Application 10/650,537

[W]hether taken singly or in combination, Oshio and Small '094 fail to teach or suggest an umbrella apparatus comprising a solar energy system that is releasably coupled to a top cap, and further fail to teach or suggest a solar energy system, top cap, and canopy where the canopy is adjacent to both the top cap and the solar energy system and passes between the top cap and the solar energy system as recited by claim 86.

App. Br. 18.

Regarding the argument based on the limitation “the solar energy system being releasably coupled to the top cap” in claim 86, we find no error in the Examiner’s analysis at pages 13 and 18 of the Answer. As stated by our reviewing court, an obviousness analysis “may include recourse to logic, judgment, and common sense available to the person of ordinary skill that do not necessarily require explication in any reference or expert opinion.” *PerfectWeb Techs., Inc. v. InfoUSA, Inc.* 587 F.3d 1324, 1329 (Fed. Cir. 2009).

With respect to the argument that the prior art references “fail to teach or suggest a solar energy system, top cap, and canopy where the canopy is adjacent to both the top cap and the solar energy system and passes between the top cap and the solar energy system,” App. Br. 18, it is unpersuasive to demonstrate reversible error in any of the Examiner’s findings at page 18-19 of the Answer.

Lastly, the Appellant argues that “Wilson and Doublet are silent with regard to an umbrella comprising a solar energy system” and that “Doublet

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Application 10/650,537

is not even directed to an umbrella system.” App. Br. 19. The Examiner, however, has relied on the *collective* teachings of the prior art references. Ans. 14-15. The mere fact that Doublet may not disclose umbrellas does not defeat the Examiner’s rejection, because “[w]hen a work is available in one field of endeavor, design incentives and other market forces can prompt variations of it, either in the same field or a different one.” *KSR Int’l Co. v. Teleflex Inc.*, 550 U.S. 398, 417 (2007).

SUMMARY

Rejections I through IV are reversed.

Rejections V and VI are affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a).

AFFIRMED-IN-PART

sld

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 (01-10)

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	10650537
	Filing Date	2003-08-28
	First Named Inventor	GREGORY G. KUELBS
	Art Unit	2885
	Examiner Name	SAWHNEY, HARGOBIND S.
	Attorney Docket Number	0664MH-40982-C

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	8375966	B2	2012-02-19	Kuelbs			
	2	6612713	C1	2013-09-23	Kuelbs			
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U.S.PATENT APPLICATION PUBLICATIONS								
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**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**
(Not for submission under 37 CFR 1.99)

Application Number	10650537
Filing Date	2003-08-28
First Named Inventor	GREGORY G. KUELBS
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Examiner Name	SAWHNEY, HARGOBIND S.
Attorney Docket Number	0664MH-40982-C

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	Appeal Decision Dated 2013-07-25 from 11/199,956	<input type="checkbox"/>
	2	Issue Notice Dated 2013-02-19 from 13/311,887	<input type="checkbox"/>
	3	Examiner's Amendment Dated 2013-08-27 from 95/000,104	<input type="checkbox"/>
	4	Notice to Issue Reexamination Certificate Dated 2013-05-14 from 95/000,104	<input type="checkbox"/>
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	7	Notice of Publication Dated 2012-12-27 from 13/607,911	<input type="checkbox"/>
	8	Office Action Dated 2013-04-15 from 13/607,911	<input type="checkbox"/>
	9	Amendment After Final Dated 2013-06-17 from 13/607,911	<input type="checkbox"/>
	10	Advisory Action Dated 2013-07-03 from 13/607,911	<input type="checkbox"/>

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STATEMENT BY APPLICANT**
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Attorney Docket Number	0664MH-40982-C

11	RCE and Amendment under 37CFR1.114 Dated 2013-09-16 from 13/607,911	<input type="checkbox"/>
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EXAMINER SIGNATURE

Examiner Signature		Date Considered	
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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.

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STATEMENT BY APPLICANT**
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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.

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

A certification statement is not submitted herewith.

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)	2013-09-30
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 Patent Application Fee Transmittal				
Application Number:	10650537			
Filing Date:	28-Aug-2003			
Title of Invention:	Umbrella apparatus			
First Named Inventor/Applicant Name:	Gregory G. Kuelbs			
Filer:	James Edward Walton			
Attorney Docket Number:	0664MH-40982-C			
Filed as Small Entity				
Utility under 35 USC 111(a) Filing Fees				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				

YOT-1202-0963

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Miscellaneous:				
Submission- Information Disclosure Stmt	2806	1	90	90
Total in USD (\$)				90

YOT-1202-0964

Electronic Acknowledgement Receipt	
EFS ID:	16998390
Application Number:	10650537
International Application Number:	
Confirmation Number:	9033
Title of Invention:	Umbrella apparatus
First Named Inventor/Applicant Name:	Gregory G. Kuelbs
Customer Number:	38441
Filer:	James Edward Walton
Filer Authorized By:	
Attorney Docket Number:	0664MH-40982-C
Receipt Date:	30-SEP-2013
Filing Date:	28-AUG-2003
Time Stamp:	17:37:42
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	\$ 90
RAM confirmation Number	9703
Deposit Account	502806
Authorized User	WALTON, JAMES E
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows: Charge any Additional Fees required under 37 C.F.R. Section 1.21 (Miscellaneous fees and charges)	

YOT-1202-0965

File Listing:					
Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		Amendment20130930.pdf	1142545 6fccd9c50dbbf3c8b1795688138e73b9394af62b	yes	15
Multipart Description/PDF files in .zip description					
Document Description			Start	End	
Miscellaneous Incoming Letter			1	2	
Amendment/Req. Reconsideration-After Non-Final Reject			3	9	
Transmittal Letter			10	11	
Information Disclosure Statement (IDS) Form (SB08)			12	15	
Warnings:					
Information:					
2	Non Patent Literature	NPLD_1_AppealDecision.pdf	399510 fb0b1de61853f9ab2a4b0a6111295db5e27562bb	no	8
Warnings:					
Information:					
3	Non Patent Literature	NPLD_2_IssueNotice.pdf	54043 7b51d8444811ee14533bb0d190494cb716ed232	no	1
Warnings:					
Information:					
4	Non Patent Literature	NPLD_3_ExaminerAmendment.pdf	154557 17214749c97c9f2ed9696914fd344d72e67c6d2f	no	6
Warnings:					
Information:					
5	Non Patent Literature	NPLD_4_NIRC.pdf	587894 fd9bac848b326278acc6e59c80070537ee101d0f	no	16
Warnings:					
Information:					
6	Non Patent Literature	NPLD_5_LitigationSReport.pdf	666063 8693eaf11d053ec262f9afe47f8585e33a27a6f6	no	18
Warnings:					
Information:					

YOT-T202-0966

7	Non Patent Literature	NPLD_6_Response20130204.pdf	1108648 c4bedfde2df468aae676ffb99f80495e3a9e3ce	no	11
Warnings:					
Information:					
8	Non Patent Literature	NPLD_7_PAIR20121227NOP.pdf	57547 41e18909a1fb071f86e84bd8af281617591a	no	1
Warnings:					
Information:					
9	Non Patent Literature	NPLD_8_PAIR20130415FinalRejection.pdf	326244 8a788de0de4505c96714bf3983614117d106dc	no	9
Warnings:					
Information:					
10	Non Patent Literature	NPLD_9_AmendmentAfterFinal20130617.pdf	1167593 13ad106919b05473d9585f5e775sec279a52988e	no	16
Warnings:					
Information:					
11	Non Patent Literature	NPLD_10_PAIR20130703AdvisoryAction.pdf	137539 49336f511ae7c40431632541c27ebf1b3d5d5035	no	3
Warnings:					
Information:					
12	Non Patent Literature	NPLD_11_RCE20130916.pdf	1533797 cc0849c1befff6219126ceef689f3cbf71f84d07	no	20
Warnings:					
Information:					
13	Non Patent Literature	NPLD_12_PAIR20130927NONFinalOA.pdf	2735817 8e328b8a4392cf211d33d9580078cd88f62a6d23	no	58
Warnings:					
Information:					
14	Fee Worksheet (SB06)	fee-info.pdf	30161 207bb6bb68019a5444b4732e290ec1f948b5ab62	no	2
Warnings:					
Information:					
Total Files Size (in bytes):			10101958		

YOT-1202-0967

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.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. **0664MH-40982-C**

In Re Application of:

GREGORY G. KUELBS

Serial No.: **10/650,537**

Filed: **28 AUGUST 2003**

For: **UMBRELLA APPARATUS**

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§

Examiner: **SAWHNEY, HARGOBIND**

Art Unit: **2885**

Confirmation No.: **9033**

TRANSMITTAL

Filed via EFS-Web

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

Dear Sir:

Please file the following documents in the subject application:

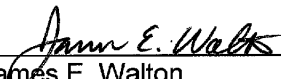
1. This Transmittal with Certificate of Transmission;
2. Amendment; and
3. Information Disclosure Statement, Form PTO/SB/08a, and non-patent literature documents.

CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. § 1.8(a)(1)(i)(C)	
Date of Transmission:	<u>9/30/13</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 foregoing documents are being filed via the U.S. Patent and Trademark Office EFS-Web System electronic filing system. The Filing Fee under 37 C.F.R. § 1.17(p) is being paid via a designated credit card. No other fees are deemed to be necessary; however, the undersigned hereby authorizes the Commissioner to charge any additional fees that are necessary, or credit any overpayments, to **Deposit Account No. 502806**.

Respectfully submitted,

Date 9/30/13


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-C**

In Re Application of:

GREGORY G. KUELBS

Serial No.: **10/650,537**

Filed: **28 AUGUST 2003**

For: **UMBRELLA APPARATUS**

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Examiner: **SAWHNEY, HARGOBIND**

Art Unit: **2885**

Confirmation No.: **9033**

AMENDMENT


Filed via EFS-Web

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Amendment is being filed in response to the Decision on Appeal dated 31 July 2013.

Please enter the following amendments and consider the following remarks.

CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. § 1.8(a)(1)(i)(C)	
Date of Transmission:	<u>9/30/13</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

IN THE CLAIMS:

1-75. **(Cancelled).**

76. **(Previously Presented)** An umbrella apparatus comprising:

a pole portion;

an umbrella portion hingedly coupled to the pole portion, the umbrella portion having a plurality of radially extending rib members;

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

a solar energy system coupled to the pole 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;

a lighting system having a plurality of light emitting diodes conductively coupled to the rechargeable electrical power system, the light emitting diodes being recessed within the rib members; and

translucent materials disposed over the light emitting diodes for enhancing the light from the light emitting diodes.

77. **(Previously Presented)** The umbrella apparatus according to claim 76, wherein the translucent materials are smooth.

78. **(Previously Presented)** The umbrella apparatus according to claim 76, wherein the translucent materials are textured.

79. **(Previously Presented)** The umbrella apparatus according to claim 76, wherein the translucent materials extend beyond the exterior surfaces of the rib members.

80. **(Previously Presented)** The umbrella apparatus according to claim 76, further comprising:

conductors carried within the rib members for conductively coupling the light emitting diodes to the rechargeable electrical power system.

81. **(Previously Presented)** The umbrella apparatus according to claim 76, wherein the solar energy system is releasably coupled to the rechargeable electrical power system.

82. **(Previously Presented)** The umbrella apparatus according to claim 76, further comprising:

a top cap for hingedly connecting the umbrella portion to the pole portion;
wherein the rechargeable electrical power system is releasably coupled to the top cap.

83. **(Previously Presented)** The umbrella apparatus according to claim 76, wherein the solar energy system and the rechargeable electrical power system are disposed in separate housings.

84. **(Previously Presented)** The umbrella apparatus according to claim 76, wherein the rechargeable electrical power system comprises:

at least one rechargeable battery disposed in a housing that surrounds the pole portion.

85. **(Previously Presented)** The umbrella apparatus according to claim 84, further comprising:

a power system charger conductively coupled to the at least one rechargeable battery;

a detachable transformer for converting AC electrical power to DC electrical power, the transformer being releasably coupled to the power system charger, thereby allowing the power system charger to use AC power to recharge the at least one

rechargeable battery when the transformer is conductively coupled to the power system charger.

86-92. (Canceled).

The Applicant submits that the foregoing amendments add no new matter to the application.

REMARKS:

Claims 76-92 are pending in the present Application. By this amendment, claims 86-92 are hereby canceled.

This application was subject to an Appeal before the Patent Trial and Appeal Board (PTAB). The PTAB affirmed the Examiner in part and reversed the Examiner in part. Specifically, the PTAB reversed the Examiner in regards to the rejection of Claims 76-85. The PTAB affirmed the rejection of Claims 86-92.

In view of the decision by the PTAB and the following comments, allowance of all the claims pending in the application is respectfully requested.

Rejections Under 35 U.S.C. § 103(a):

Claims 76-81, and 83 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 2,960,094 "Small" in view of U.S. Patent No. 5,954,417 "Mai". The PTAB ruled that the Examiner's rejection was based on an unreasonably broad construction of the claim term "rib members." The Applicant respectfully agrees with the PTAB.

Claim 82 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Small '094 in view of Mai and further in view of U.S. Patent No. 2,863,466 "Small". The PTAB ruled that the Examiner's rejection was based on an unreasonably broad construction of the claim term "rib members." The Applicant respectfully agrees with the PTAB.

Claim 84 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Small '094 in view of Mai and further in view of U.S. Patent No. 5,584,564 "Phyle". The PTAB ruled that the Examiner's rejection was based on an unreasonably broad construction of the claim term "rib members." The Applicant respectfully agrees with the PTAB.

Claim 85 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Small '094 in view of Mai, Phyle, and further in view of PCT Publication No. W) 93/00840 "Perrier". The PTAB ruled that the Examiner's rejection was based on an unreasonably broad construction of the claim term "rib members." The Applicant respectfully agrees with the PTAB.

Claims 86-89 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Japanese Patent Publication No. 9-168415 "Oshio" in view of Small '094. The PTAB ruled that there was no error in the Examiner's analysis. The Applicant respectfully disagrees with the PTAB, however to further aid the prosecution of the patent Claims 86-89 are hereby canceled.

Claims 90-92 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Oshio in view of Small '094, U.S. Patent No. 6,058,951 "Wilson", and Doublet. The PTAB ruled that there was no error in the Examiner's analysis because the Examiner relied on the collective teachings of the prior art references. The Applicant respectfully disagrees with the PTAB, however to further aid the prosecution of the patent Claims 90-92 are hereby canceled.

For at least these reasons, the Applicant submits that Claims 76-85 are in condition for allowance. Therefore, the Applicant respectfully requests that Claims 76-85 be allowed.

Distinctions, Other Than Those Discussed, May Exist:

It should be noted that the Applicant has merely discussed example distinctions from the reference cited by the Examiner. Other distinctions may exist and Applicant reserves the right to discuss these additional distinctions in a future Response or on Appeal.

CONCLUSION:

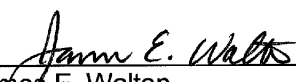
The Applicant submit that the foregoing amendments and remarks made with respect to Claims 76-85 traverse the Examiner's rejections under 103(a), and that Claims 76-85 are in condition for allowance. Therefore, the Applicant respectfully requests that Claims 76-85 be allowed.

The Applicant submits that the subject application is now considered to be in condition for allowance, and an early reconsideration and issuance of a Notice of Allowance are earnestly solicited. The Examiner is invited to contact the undersigned at (817) 447-9955 with any questions, comments, or suggestions relating to the referenced patent application.

This Amendment is 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 Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayments, to **Deposit Account No. 502806**.

Respectfully submitted,

9/30/13
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)
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jim@waltonpllc.com

CUSTOMER NO. 38441

ATTORNEY FOR APPLICANT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 0664MH-40982-C

In Re Application of:

GREGORY G. KUELBS

Serial No.: 10/650,537

Filed: 28 AUGUST 2003

For: UMBRELLA APPARATUS

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§

Examiner: SAWHNEY, HARGOBIND S

Art Unit: 2885

Confirmation No.: 9033

INFORMATION DISCLOSURE STATEMENT

Filed via EFS-Web

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

Sir:

Filed herewith is one Form PTO/SB/08a listing references that may be material to the patentability of the invention disclosed and claimed in the subject application. This submission is made pursuant to 37 C.F.R. § 1.56 and 1.97(c). This Information Disclosure Statement is being filed under 37 C.F.R. § 1.97(c) before the mailing of a final Office Action, a Notice of Allowance, or any action that otherwise closes prosecution in the application and, pursuant to 37 C.F.R. § 1.97(c)(2), is accompanied by the fee set forth in 37 C.F.R § 1.17(p).


CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. § 1.8(a)(1)(i)(C)	
Date of Transmission:	<u>9/30/13</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).

This Information Disclosure Statement is being filed via the U.S. Patent and Trademark Office EFS-Web System electronic filing system. The fee required by 37 C.F.R. § 1.97(c)(2) and 1.17(p) is being paid via a designated credit card. No other fees are deemed to be necessary; however, the undersigned hereby authorizes the Commissioner to charge any additional fees that are necessary, or credit any overpayments, to **Deposit Account No. 502806**.

Respectfully submitted,

Date 9/30/13



James E. Walton
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ATTORNEY FOR APPLICANT



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

NOTICE OF ALLOWANCE AND FEE(S) DUE

38441 7590 11/29/2013
LAW OFFICES OF JAMES E. WALTON, PLLC
1169 N. BURLESON BLVD.
SUITE 107-328
BURLESON, TX 76028

EXAMINER
SAWHNEY, HARGOBIND S

ART UNIT PAPER NUMBER
2885

DATE MAILED: 11/29/2013

Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
10/650,537 08/28/2003 Gregory G. Kuelbs 0664MH-40982-C 9033

TITLE OF INVENTION: Umbrella apparatus

Table with 7 columns: APPLN. TYPE, ENTITY STATUS, ISSUE FEE DUE, PUBLICATION FEE DUE, PREV. PAID ISSUE FEE, TOTAL FEE(S) DUE, DATE DUE
nonprovisional SMALL \$890 \$300 \$0 \$1190 02/28/2014

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the ENTITY STATUS shown above. If the ENTITY STATUS is shown as SMALL or MICRO, verify whether entitlement to that entity status still applies.

If the ENTITY STATUS is the same as shown above, pay the TOTAL FEE(S) DUE shown above.

If the ENTITY STATUS is changed from that shown above, on PART B - FEE(S) TRANSMITTAL, complete section number 5 titled "Change in Entity Status (from status indicated above)".

For purposes of this notice, small entity fees are 1/2 the amount of undiscounted fees, and micro entity fees are 1/2 the amount of small entity fees.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

**Complete and send this form, together with applicable fee(s), to: Mail Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or Fax (571)-273-2885**

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

38441 7590 11/29/2013
LAW OFFICES OF JAMES E. WALTON, PLLC
1169 N. BURLESON BLVD.
SUITE 107-328
BURLESON, TX 76028

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

_____ (Depositor's name)
_____ (Signature)
_____ (Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/650,537	08/28/2003	Gregory G. Kuelbs	0664MH-40982-C	9033

TITLE OF INVENTION: Umbrella apparatus

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	SMALL	\$890	\$300	\$0	\$1190	02/28/2014

EXAMINER	ART UNIT	CLASS-SUBCLASS
SAWHNEY, HARGOBIND S	2885	362-102000

<p>1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).</p> <p><input type="checkbox"/> Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.</p> <p><input type="checkbox"/> "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.</p>	<p>2. For printing on the patent front page, list</p> <p>(1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 _____</p> <p>(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 _____</p> <p>3 _____</p>
---	---

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE _____ (B) RESIDENCE: (CITY and STATE OR COUNTRY) _____

Please check the appropriate assignee category or categories (will not be printed on the patent): Individual Corporation or other private group entity Government

<p>4a. The following fee(s) are submitted:</p> <p><input type="checkbox"/> Issue Fee</p> <p><input type="checkbox"/> Publication Fee (No small entity discount permitted)</p> <p><input type="checkbox"/> Advance Order - # of Copies _____</p>	<p>4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)</p> <p><input type="checkbox"/> A check is enclosed.</p> <p><input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.</p> <p><input type="checkbox"/> The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).</p>
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5. **Change in Entity Status** (from status indicated above)

Applicant certifying micro entity status. See 37 CFR 1.29

NOTE: Absent a valid certification of Micro Entity Status (see form PTO/SB/15A and 15B), issue fee payment in the micro entity amount will not be accepted at the risk of application abandonment.

Applicant asserting small entity status. See 37 CFR 1.27

NOTE: If the application was previously under micro entity status, checking this box will be taken to be a notification of loss of entitlement to micro entity status.

Applicant changing to regular undiscounted fee status.

NOTE: Checking this box will be taken to be a notification of loss of entitlement to small or micro entity status, as applicable.

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____

Date _____

Typed or printed name _____

Registration No. _____

This collection of information is required by 37 CFR 1.311. 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 12 minutes 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, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/650,537	08/28/2003	Gregory G. Kuelbs	0664MH-40982-C	9033

38441 7590 11/29/2013
LAW OFFICES OF JAMES E. WALTON, PLLC
1169 N. BURLESON BLVD.
SUITE 107-328
BURLESON, TX 76028

EXAMINER

SAWHNEY, HARGOBIND S

ART UNIT PAPER NUMBER

2885

DATE MAILED: 11/29/2013

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)
(application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 1042 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 1042 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

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 disclosure of these records is required by the Freedom of Information Act.
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 inspection 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-1202-0984

**Notices of Allowance and Fee(s) Due mailed between October 1, 2013 and
December 31, 2013**

(Addendum to PTOL-85)

If the "Notice of Allowance and Fee(s) Due" has a mailing date on or after October 1, 2013 and before January 1, 2014, the following information is applicable to this application.

If the issue fee is being timely paid on or after January 1, 2014, the amount due is the issue fee and publication fee in effect January 1, 2014. On January 1, 2014, the issue fees set forth in 37 CFR 1.18 decrease significantly and the publication fee set forth in 37 CFR 1.18(d)(1) decreases to \$0.

If an issue fee or publication fee has been previously paid in this application, applicant is not entitled to a refund of the difference between the amount paid and the amount in effect on January 1, 2014.

YOT-1202-0985

Notice of Allowability	Application No. 10/650,537	Applicant(s) KUELBS, GREGORY G.	
	Examiner HARGOBIND S. SAWHNEY	Art Unit 2885	AIA (First Inventor to File) Status No

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

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to the appeal brief filed on 2/9/2010.
 A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on _____.

2. An election was made by the applicant in response to a restriction requirement set forth during the interview on _____; the restriction requirement and election have been incorporated into this action.

3. The allowed claim(s) is/are 76-85. As a result of the allowed claim(s), you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see http://www.uspto.gov/patents/init_events/pph/index.jsp or send an inquiry to PPHfeedback@uspto.gov.

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

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. <input type="checkbox"/> Notice of References Cited (PTO-892)	5. <input type="checkbox"/> Examiner's Amendment/Comment
2. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date <u>See Continuation Sheet</u>	6. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance
3. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material	7. <input type="checkbox"/> Other _____.
4. <input type="checkbox"/> Interview Summary (PTO-413), Paper No./Mail Date _____ .	

/HARGOBIND S SAWHNEY/ Primary Examiner, Art Unit 2885	11/19/2013
--	------------

Continuation of Attachment(s) 2. Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date:
9/30/13,2/27/13,4/27/13,4/12/11,1/3/10,10/6/10,12/18/09,.

Receipt date: 09/30/2013

10650537 - GAU: 2885

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 (01-10)
 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	10650537
	Filing Date	2003-08-28
	First Named Inventor	GREGORY G. KUELBS
	Art Unit	2885
	Examiner Name	SAWHNEY, HARGOBIND S.
	Attorney Docket Number	0664MH-40982-C

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	8375966	B2	2012-02-19	Kuelbs			
	2	6612713	C1	2013-09-23	Kuelbs			
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								

EFS Web 2.1.17

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /H.S./

Receipt date: 09/30/2013

10650537 - GAU: 2885

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	10650537
	Filing Date	2003-08-28
	First Named Inventor	GREGORY G. KUELBS
	Art Unit	2885
	Examiner Name	SAWHNEY, HARGOBIND S.
	Attorney Docket Number	0664MH-40982-C

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	Appeal Decision Dated 2013-07-25 from 11/199,956	<input type="checkbox"/>
	2	Issue Notice Dated 2013-02-19 from 13/311,887	<input type="checkbox"/>
	3	Examiner's Amendment Dated 2013-08-27 from 95/000,104	<input type="checkbox"/>
	4	Notice to Issue Reexamination Certificate Dated 2013-05-14 from 95/000,104	<input type="checkbox"/>
	5	Litigation Search Report Dated 2013-04-17 from 13/311,887	<input type="checkbox"/>
	6	Response to Office Action Dated 2013-02-04 from 13/607,911	<input type="checkbox"/>
	7	Notice of Publication Dated 2012-12-27 from 13/607,911	<input type="checkbox"/>
	8	Office Action Dated 2013-04-15 from 13/607,911	<input type="checkbox"/>
	9	Amendment After Final Dated 2013-06-17 from 13/607,911	<input type="checkbox"/>
	10	Advisory Action Dated 2013-07-03 from 13/607,911	<input type="checkbox"/>

EFS Web 2.1.17

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /H.S./

Receipt date: 09/30/2013

10650537 - GAU: 2885

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number		10650537
	Filing Date		2003-08-28
	First Named Inventor	GREGORY G. KUELBS	
	Art Unit	2885	
	Examiner Name	SAWHNEY, HARGOBIND S.	
	Attorney Docket Number	0664MH-40982-C	

11	RCE and Amendment under 37CFR1.114 Dated 2013-09-16 from 13/607,911	<input type="checkbox"/>
12	Office Action Dated 2013-09-27 from 13/607,911	<input type="checkbox"/>

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

EXAMINER SIGNATURE

Examiner Signature	/Hargobind Sawhney/	Date Considered	11/19/2013
--------------------	---------------------	-----------------	------------

*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.

Receipt date: 09/30/2013

10650537 - GAU: 2885

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	10650537
	Filing Date	2003-08-28
	First Named Inventor	GREGORY G. KUELBS
	Art Unit	2885
	Examiner Name	SAWHNEY, HARGOBIND S.
	Attorney Docket Number	0664MH-40982-C

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.

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


A certification statement is not submitted herewith.

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)	2013-09-30
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.**

Index of Claims 	Application/Control No. 10650537	Applicant(s)/Patent Under Reexamination KUELBS, GREGORY G.
	Examiner HARGOBIND S SAWHNEY	Art Unit 2885

✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

Claims renumbered in the same order as presented by applicant
 CPA
 T.D.
 R.1.47


CLAIM		DATE							
Final	Original	03/15/2008	12/12/2008	11/19/2013					
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	2	-	-	-					
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	36	-	-	-					

Index of Claims 	Application/Control No. 10650537	Applicant(s)/Patent Under Reexamination KUELBS, GREGORY G.
	Examiner HARGOBIND S SAWHNEY	Art Unit 2885

✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

Claims renumbered in the same order as presented by applicant
 CPA
 T.D.
 R.1.47


CLAIM		DATE							
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Index of Claims 	Application/Control No. 10650537	Applicant(s)/Patent Under Reexamination KUELBS, GREGORY G.
	Examiner HARGOBIND S SAWHNEY	Art Unit 2885

✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

Claims renumbered in the same order as presented by applicant
 CPA
 T.D.
 R.1.47


CLAIM		DATE							
Final	Original	03/15/2008	12/12/2008	11/19/2013					
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	88	✓	✓	-					
	89	✓	✓	-					
	90	✓	✓	-					
	91	✓	✓	-					
	92	✓	✓	-					

Issue Classification 	Application/Control No. 10650537	Applicant(s)/Patent Under Reexamination KUELBS, GREGORY G.
	Examiner HARGOBIND S SAWHNEY	Art Unit 2885

CPC		
Symbol	Type	Version


CPC Combination Sets				
Symbol	Type	Set	Ranking	Version

NONE	Total Claims Allowed: 10		
(Assistant Examiner) /HARGOBIND S SAWHNEY/ Primary Examiner. Art Unit 2885	(Date) 11/19/2013	O.G. Print Claim(s) 1	O.G. Print Figure 1
(Primary Examiner)	(Date)		

Issue Classification 	Application/Control No. 10650537	Applicant(s)/Patent Under Reexamination KUELBS, GREGORY G.
	Examiner HARGOBIND S SAWHNEY	Art Unit 2885

US ORIGINAL CLASSIFICATION					INTERNATIONAL CLASSIFICATION								
CLASS		SUBCLASS			CLAIMED					NON-CLAIMED			
362		102			A	4	5	B		03 / 02			
CROSS REFERENCE(S)													
CLASS	SUBCLASS (ONE SUBCLASS PER BLOCK)												
362	577												

NONE	Total Claims Allowed: 10		
(Assistant Examiner)	(Date)	O.G. Print Claim(s)	O.G. Print Figure
/HARGOBIND S SAWHNEY/ Primary Examiner, Art Unit 2885	11/19/2013	1	1
(Primary Examiner)	(Date)		

Issue Classification 	Application/Control No. 10650537	Applicant(s)/Patent Under Reexamination KUELBS, GREGORY G.
	Examiner HARGOBIND S SAWHNEY	Art Unit 2885

<input type="checkbox"/> Claims renumbered in the same order as presented by applicant <input type="checkbox"/> CPA <input type="checkbox"/> T.D. <input type="checkbox"/> R.1.47															
Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original
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	2		18		34		50		66	7	82				
	3		19		35		51		67	8	83				
	4		20		36		52		68	9	84				
	5		21		37		53		69	10	85				
	6		22		38		54		70		86				
	7		23		39		55		71		87				
	8		24		40		56		72		88				
	9		25		41		57		73		89				
	10		26		42		58		74		90				
	11		27		43		59		75		91				
	12		28		44		60	1	76		92				
	13		29		45		61	2	77						
	14		30		46		62	3	78						
	15		31		47		63	4	79						
	16		32		48		64	5	80						

NONE		Total Claims Allowed:	
		10	
(Assistant Examiner) /HARGOBIND S SAWHNEY/ Primary Examiner. Art Unit 2885	(Date)	O.G. Print Claim(s)	O.G. Print Figure
(Primary Examiner)	11/19/2013	1	1
	(Date)		

Receipt date: 01/03/2011

10650537 - GAU: 2885

Doc code: IDS
 Doc description: Information Disclosure Statement (IDS) Filed
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PTO/SB/08a (07-09)
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	10650537
	Filing Date	2003-08-28
	First Named Inventor	GREGORY G. KUJELBS
	Art Unit	2885
	Examiner Name	SAWHNEY, HARGOBIND S.
	Attorney Docket Number	0664MH-40982-C

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	2960094		1960-11-15	Small, Samuel N.	
	2	5502624		1996-03-26	Tu, Yeu-Feng	

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U.S.PATENT APPLICATION PUBLICATIONS						
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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"/>

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Receipt date: 01/03/2011

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	1	Request for Continued Examination and Amendment under 37 CFR 1.114 dated 2010-11-04 from corresponding Application No. 12/240,845	<input type="checkbox"/>
	2	Non-Final Office Action dated 2010-12-15 from corresponding Application No. 12/240,845	<input type="checkbox"/>

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Examiner Signature	/Hargobind Sawhney/	Date Considered	11/19/2013
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Receipt date: 02/27/2013

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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	5217296		1993-06-08	Tanner et al.	

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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	20120325278	A1	2012-12-27	KUELBS	

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FOREIGN PATENT DOCUMENTS								
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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

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	Attorney Docket Number	0664MH-40982-C

1	Notice of Publication Dated 2012-03-29 from 13/311,887.	<input type="checkbox"/>
2	Amendment Date 2012-04-18 from 13/311,887.	<input type="checkbox"/>
3	Office Action Dated 2012-08-03 from 13/311,887.	<input type="checkbox"/>
4	Office Action Dated 2012-11-02 from 13/607,911.	<input type="checkbox"/>
5	Notice of Publication Dated 2012-12-27 from 13/607,911.	<input type="checkbox"/>
6	Filing Receipt Dated 2012-09-21 from 13/607,911.	<input type="checkbox"/>
7	Office Action Dated 2012-08-03 from 13/311,887.	<input type="checkbox"/>
8	Notice of Allowance Dated 2012-10-17 from 13/311,887.	<input type="checkbox"/>
9	Amendment After Final Dated 2012-10-03 from 13/311,887.	<input type="checkbox"/>
10	Appeal Decision Dated 2013-01-10 from 95/000,104	<input type="checkbox"/>

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EXAMINER SIGNATURE			
Examiner Signature	/Hargobind Sawhney/	Date Considered	11/19/2013
<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>			

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	Examiner Name	SAWHNEY, HARGOBIND S.
	Attorney Docket Number	0664MH-40982-C

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).

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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.

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

A certification statement is not submitted herewith.

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)	2013-02-27
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.**

Receipt date: 12/18/2009

10650537 - GAU: 2885

Doc code: IDS

Doc description: Information Disclosure Statement (IDS) Filed

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Receipt date: 12/18/2009

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	Art Unit	2885
	Examiner Name	SAWHNEY, HARGOBIND S.
	Attorney Docket Number	0664MH-40982-C

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"/>
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Examiner Signature	/Hargobind Sawhney/	Date Considered	11/19/2013
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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.

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	Examiner Name	SAWHNEY, HARGOBIND S.
	Attorney Docket Number	0664MH-40982-C

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"/>
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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"/>

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Examiner Signature	/Hargobind Sawhney/	Date Considered	11/19/2013
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1	Specification dated 2002-02-07 from 95/000,104	<input type="checkbox"/>
2	Request for Reexamination dated 2003-09-02 from 95/000,104	<input type="checkbox"/>
3	Notice of Assignment dated 2005-08-12 from 95/000,104	<input type="checkbox"/>
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5	First Office Action dated 2005-10-03 from 95/000,104	<input type="checkbox"/>
6	Response to Order Granting Reexamination dated 2005-11-08 from 95/000,104	<input type="checkbox"/>
7	Notice to Correct Papers dated 2005-12-05 from 95/000,104	<input type="checkbox"/>
8	Response to Notice to Correct Papers dated 2005-12-12 from 95/000,104	<input type="checkbox"/>
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12	Declaration dated 2007-02-05 from 95/000,104	<input type="checkbox"/>
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15	Notice to Correct Papers dated 2008-07-25 from 95/000,104	<input type="checkbox"/>
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18	Requester's Change of Address dated 2009-05-31 from 95/000,104	<input type="checkbox"/>
19	Response to Notice to Correct Papers dated 2009-04-17 from 95/000,104	<input type="checkbox"/>
20	Requester's Response dated 2009-05-18 from 95/000,104	<input type="checkbox"/>
21	Office Action Rejecting Requester's Response dated 2009-08-28 from 95/000,104	<input type="checkbox"/>
22	Requester's Replacement Comments dated 2009-09-16 from 95/000,104	<input type="checkbox"/>

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ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /H.S./

Receipt date: 12/18/2009

10650537 - GAU: 2885

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number		10650537
	Filing Date		2003-08-28
	First Named Inventor	GREGORY G. KUELBS	
	Art Unit	2885	
	Examiner Name	SAWHNEY, HARGOBIND S.	
	Attorney Docket Number	0664MH-40982-C	

23	Office Action Expunging Requester's Comments dated 2009-10-22 from 95/000,104	<input type="checkbox"/>
24	Petition Under 37 CFR 1.181 to Find the Third Party Requester's Replacement Comments in Compliance with 37 CFR 1.948 dated 2009-11-16 from 95/000,104	<input type="checkbox"/>
25	Petition Under 37 CFR 1.181 to Enter the Third-Party Requester's Replacement Comments on the Basis of the Examiner's Noncompliance with MPEP 2617 dated 2009-11-16 from 95/000,104	<input type="checkbox"/>
26	Petition Under 37 CFR 1.181 to Enter Third Party Requester's Replacement Comments for Failure of the Examiner to Comply with MPEP 2667 dated 2009-11-16 from 95/000,104	<input type="checkbox"/>
27	Petition Under 37 CFR 1.183 to Suspend the Rules with Respect to the 50-page Limit for Requester's Comments dated 2009-11-16 from 95/000,104	<input type="checkbox"/>
28	Petition Under 37 CFR 1.181 to Enter Third Party Requester's Replacement Comments Because the 50-page Limit has Been Properly Met dated 2009-11-16 from 95/000,104	<input type="checkbox"/>

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EXAMINER SIGNATURE

Examiner Signature	/Hargobind Sawhney/	Date Considered	11/19/2013
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*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.

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /H.S./

Receipt date: 12/18/2009

10650537 - GAU: 2885

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

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	10650537
	Filing Date	2003-08-28
	First Named Inventor	GREGORY G. KUELBS
	Art Unit	2885
	Examiner Name	SAWHNEY, HARGOBIND S.
	Attorney Docket Number	0664MH-40982-C

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					

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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

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B4

Receipt date: 12/18/2009

10650537 - GAU: 2885

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	10650537
	Filing Date	2003-08-28
	First Named Inventor	GREGORY G. KUELBS
	Art Unit	2885
	Examiner Name	SAWHNEY, HARGOBIND S.
	Attorney Docket Number	0664MH-40982-C

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"/>

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Receipt date: 12/18/2009

10650537 - GAU: 2885

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number		10650537
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	First Named Inventor	GREGORY G. KUELBS	
	Art Unit	2885	
	Examiner Name	SAWHNEY, HARGOBIND S.	
	Attorney Docket Number	0664MH-40982-C	

	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	/Hargobind Sawhney/	Date Considered	11/19/2013
--------------------	---------------------	-----------------	------------

*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.

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /H.S./

Receipt date: 04/27/2012

10650537 - GAU: 2885

Doc code: IDS

Doc description: Information Disclosure Statement (IDS) Filed

PTO/SB/08a (01-10)

Approved for use through 07/31/2012. OMB 0651-0031

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

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number		10650537
	Filing Date		2003-08-28
	First Named Inventor	GREGORY G. KJELBS	
	Art Unit	2885	
	Examiner Name	SAWHNEY, HARGOBIND S.	
	Attorney Docket Number	0664MH-40982-C	

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	7051744	B2	2006-05-30	Hung	
	2	7188633	B2	2007-03-13	Zerillo	
	3	8069868	B2	2011-12-06	Kuelbs	
	4	4346606		1982-08-31	Cannon et al.	
	5	5819455		1998-10-13	Tsuda	
	6	4893356		1990-01-16	Waters	
	7	7753546	B2	2010-07-13	Kuelbs	
	8	6612713	B1	2003-09-02	Kuelbs	

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Receipt date: 04/27/2012

10650537 - GAU: 2885

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	10650537
	Filing Date	2003-08-28
	First Named Inventor	GREGORY G. KUELBS
	Art Unit	2885
	Examiner Name	SAWHNEY, HARGOBIND S.
	Attorney Docket Number	0664MH-40982-C

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	20060005869	A1	2006-01-12	Kuelbs	
	2	20040149325	A1	2004-08-05	Kuelbs	

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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"/>

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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	Amendment dated 2012-04-18 from corresponding Application No. 13/311,887	<input type="checkbox"/>
	2	Non-Final Office Action dated 2012-01-18 from corresponding Application No. 13/311,887	<input type="checkbox"/>
	3	Amendment dated 2011-04-12 from corresponding Application No. 12/240,845	<input type="checkbox"/>

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Receipt date: 04/27/2012

10650537 - GAU: 2885

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	First Named Inventor	GREGORY G. KUELBS
	Art Unit	2885
	Examiner Name	SAWHNEY, HARGOBIND S.
	Attorney Docket Number	0664MH-40982-C

4	Issue Notification from corresponding Application No. 12/240,845	<input type="checkbox"/>
5	Notice of Allowance from corresponding Application No. 12/240,845	<input type="checkbox"/>
6	Examiner's Answer dated 2011-09-20 from corresponding Application 95/000,104	<input type="checkbox"/>

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

EXAMINER SIGNATURE

Examiner Signature	/Hargobind Sawhney/	Date Considered	11/19/2013
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*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.

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	First Named Inventor	GREGORY G. KUELBS
	Art Unit	2885
	Examiner Name	SAWHNEY, HARGOBIND S.
	Attorney Docket Number	0664MH-40982-C

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.
- The fee set forth in 37 CFR 1.17 (p) has been submitted herewith.
- A certification statement is not submitted herewith.

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)	2012-04-27
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.**



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BIB DATA SHEET

CONFIRMATION NO. 9033

SERIAL NUMBER 10/650,537	FILING or 371(c) DATE 08/28/2003 RULE	CLASS 362	GROUP ART UNIT 2885	ATTORNEY DOCKET NO. 0664MH-40982-C		
APPLICANTS INVENTORS Gregory G. Kuelbs, Westlake, TX; ** CONTINUING DATA ***** This application is a CON of 10/068,424 02/07/2002 PAT 6612713 which claims benefit of 60/267,018 02/07/2001 and claims benefit of 60/335,933 11/02/2001 ** FOREIGN APPLICATIONS ***** ** IF REQUIRED, FOREIGN FILING LICENSE GRANTED *** SMALL ENTITY ** 03/04/2004						
Foreign Priority claimed <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	35 USC 119(a-d) conditions met <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Met after Allowance	STATE OR COUNTRY TX	SHEETS DRAWINGS 11	TOTAL CLAIMS 18	INDEPENDENT CLAIMS 2
Verified and /HARGOBIND S SAWHNEY/ Acknowledged _____ Examiner's Signature	_____	Initials				
ADDRESS LAW OFFICES OF JAMES E. WALTON, PLLC 1169 N. BURLESON BLVD. SUITE 107-328 BURLESON, TX 76028 UNITED STATES						
TITLE Umbrella apparatus						
FILING FEE RECEIVED 1120	FEES: Authority has been given in Paper No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following:		<input type="checkbox"/> All Fees <input type="checkbox"/> 1.16 Fees (Filing) <input type="checkbox"/> 1.17 Fees (Processing Ext. of time) <input type="checkbox"/> 1.18 Fees (Issue) <input type="checkbox"/> Other _____ <input type="checkbox"/> Credit			

Receipt date: 04/12/2011

10650537 - GAU: 2885

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

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	Art Unit	2885
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	Attorney Docket Number	0664MH-40982-C

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
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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
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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"/>

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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

Receipt date: 04/12/2011

10650537 - GAU: 2885

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	10650537
	Filing Date	2003-08-28
	First Named Inventor	GREGORY G. KUELBS
	Art Unit	2885
	Examiner Name	SAWHNEY, HARGOBIND S.
	Attorney Docket Number	0664MH-40982-C

1	Right of Appeal Notice dated 2011-01-12 from corresponding Patent Reexamination Application/Control No. 95/000,104	<input type="checkbox"/>
2	Notice of Appeal of Third Party Requester dated 2011-02-10 from corresponding Patent Reexamination Application/Control No. 95/000,104	<input type="checkbox"/>
3	Appeal Brief of Appellant Third Party Requester dated 2011-04-08 from corresponding Patent Reexamination Application/Control No. 95/000,104	<input type="checkbox"/>

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

EXAMINER SIGNATURE

Examiner Signature	/Hargobind Sawhney/	Date Considered	11/19/2013
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PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail** Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or Fax (571)-273-2885

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

38441 7590 11/29/2013
LAW OFFICES OF JAMES E. WALTON, PLLC
1169 N. BURLESON BLVD.
SUITE 107-328
BURLESON, TX 76028

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission
 I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below *via EFS-Web.*

James E. Walton	(Depositor's name)
<i>James E. Walton</i>	(Signature)
24 February 2014	(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/650,537	08/28/2003	Gregory G. Kuelbs	0664MH-40982-C	9033

TITLE OF INVENTION: Umbrella apparatus

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	SMALL	\$890	\$300	\$0	\$1190	02/28/2014

EXAMINER	ART UNIT	CLASS-SUBCLASS
SAWHNEY, HARGOBIND S	2885	362-102000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

"Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list

(1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 James E. Walton

(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 _____

3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE: World Factory, Inc.

(B) RESIDENCE: (CITY and STATE OR COUNTRY) Westlake, Texas

Please check the appropriate assignee category or categories (will not be printed on the patent): Individual Corporation or other private group entity Government

4a. The following fee(s) are submitted:

Issue Fee

Publication Fee (No small entity discount permitted)

Advance Order - # of Copies _____

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

A check is enclosed.

Payment by credit card. Form PTO-2038 is attached. Paid via EFS-Web.

The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number 502806 (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- Applicant certifying micro entity status. See 37 CFR 1.29
- Applicant asserting small entity status. See 37 CFR 1.27
- Applicant changing to regular undiscounted fee status.

NOTE: Absent a valid certification of Micro Entity Status (see form PTO/SB/15A and 15B), issue fee payment in the micro entity amount will not be accepted at the risk of application abandonment.

NOTE: If the application was previously under micro entity status, checking this box will be taken to be a notification of loss of entitlement to micro entity status.

NOTE: Checking this box will be taken to be a notification of loss of entitlement to small or micro entity status, as applicable.

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature *James E. Walton*

Date 24 February 2014

Typed or printed name James E. Walton

Registration No. 47,245

This collection of information is required by 37 CFR 1.311. 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 12 minutes 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, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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Electronic Patent Application Fee Transmittal				
Application Number:	10650537			
Filing Date:	28-Aug-2003			
Title of Invention:	Umbrella apparatus			
First Named Inventor/Applicant Name:	Gregory G. Kuelbs			
Filer:	James Edward Walton			
Attorney Docket Number:	0664MH-40982-C			
Filed as Small Entity				
Utility under 35 USC 111(a) Filing Fees				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Utility Appl Issue Fee	2501	1	480	480
Publ. Fee- Early, Voluntary, or Normal	1504	1	0	0
YOT-1202-1026				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Extension-of-Time:				
Miscellaneous:				
Total in USD (\$)				480

Electronic Acknowledgement Receipt	
EFS ID:	18277215
Application Number:	10650537
International Application Number:	
Confirmation Number:	9033
Title of Invention:	Umbrella apparatus
First Named Inventor/Applicant Name:	Gregory G. Kuelbs
Customer Number:	38441
Filer:	James Edward Walton
Filer Authorized By:	
Attorney Docket Number:	0664MH-40982-C
Receipt Date:	24-FEB-2014
Filing Date:	28-AUG-2003
Time Stamp:	11:52:28
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	\$480
RAM confirmation Number	11204
Deposit Account	502806
Authorized User	WALTON, JAMES E
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows: Charge any Additional Fees required under 37 C.F.R. Section 1.21 (Miscellaneous fees and charges)	

YOT-1202-1028

File Listing:					
Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Issue Fee Payment (PTO-85B)	PTOL-85-20140224.pdf	155194 40f7595389eeef04a02d05d9d8ecec71c6da4e268	no	2
Warnings:					
Information:					
2	Fee Worksheet (SB06)	fee-info.pdf	31740 07072e8c528c58e9c414b41cb2c4244d4e208796	no	2
Warnings:					
Information:					
Total Files Size (in bytes):			186934		
<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-1202-1029



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.
10/650,537	08/28/2003	Gregory G. Kuelbs	0664MH-40982-C	9033
38441	7590	02/27/2014	EXAMINER	
LAW OFFICES OF JAMES E. WALTON, PLLC 1169 N. BURLESON BLVD. SUITE 107-328 BURLESON, TX 76028			SAWHNEY, HARGOBIND S	
			ART UNIT	PAPER NUMBER
			2885	
			NOTIFICATION DATE	DELIVERY MODE
			02/27/2014	ELECTRONIC

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

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

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

JIM@WALTONPLLC.COM



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

Application No. : 10650537
Applicant : Kuelbs
Filing Date : 08/28/2003
Date Mailed : 02/27/2014

NOTICE TO FILE CORRECTED APPLICATION PAPERS

Notice of Allowance Mailed

This application has been accorded an Allowance Date and is being prepared for issuance. The application, however, is incomplete for the reasons below.

Applicant is given two (2) months from the mail date of this Notice within which to respond. This time period for reply is extendable under 37 CFR 1.136(a) for only TWO additional MONTHS.

The application is not in compliance with 37 CFR 1.78, as indicated in the attachment. The consequences of failure to respond within the above-identified time period are set forth in the attachment.

Even if the Office has recognized a benefit claim and has entered it into the Office's database and included it on applicant's filing receipt, the benefit claim is not a proper benefit claim unless the reference in compliance with 37 CFR 1.78 is included, depending upon the application's filing date and as indicated in the attachment, in an application data sheet or in the first sentence(s) of the specification and all other requirements are met.

See attachment.

*A copy of this notice **MUST** be returned with the reply. Please address response to "Mail Stop Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450".*

/Yen-Chu Chen/
Publication Branch
Office of Data Management
(571) 272-4200

YOT-1202-1031

Application No. 10650537

**APPLICATION FILED PRIOR TO SEPTEMBER 16, 2012,
NOT IN COMPLIANCE WITH 37 CFR 1.78**

- The 37 CFR 1.78(a)(2) reference on the application data sheet or in the first sentence(s) of the specification does not indicate the relationship (continuation, division, continuation-in-part) to the prior U.S. nonprovisional application or international application designating the U.S. See document coded SPEC dated 08/28/2003, listing application number(s) 10068424.
- The 37 CFR 1.78(a)(2) reference on the application data sheet or in the first sentence(s) of the specification following the title does not provide the U.S. nonprovisional application number (series code and serial number) or, with respect to an international PCT application designating the U.S., it provides the international application number or international filing date but not both. See document coded SPEC dated 08/28/2003, in which the following is missing: 10068424.
- The 37 CFR 1.78(a)(2) reference on the application data sheet or in the first sentence(s) of the specification following the title shows an incorrect, incomplete, or illegible U.S. nonprovisional application number, international PCT application number, or international PCT filing date. See document coded dated , in which the following error was made: .
- The 37 CFR 1.78(a)(2) reference to the prior U.S. nonprovisional application or international application designating the U.S. is not present on an application data sheet or in the first sentence(s) of the specification following the title, thus removing the validating link under 35 U.S.C. 119(a)-(d) to a prior foreign application or under 35 U.S.C. 119(e) to a prior U.S. provisional application.
- The 37 CFR 1.78(a)(2) reference to the prior U.S. nonprovisional application or international application designating the U.S. is not present on an application data sheet or in the first sentence(s) of the specification following the title.
- The 37 CFR 1.78(a)(5) reference to the prior U.S. provisional application is not present on an application data sheet or in first sentence(s) of the specification following the title.
- The 37 CFR 1.78(a)(5) reference to the prior U.S. provisional application on an application data sheet or in first sentence(s) of the specification following the title does not provide the provisional application number (series code and serial number). See document coded dated , in which the following is missing: .
- The 37 CFR 1.78(a)(5) reference to the prior U.S. provisional application on an application data sheet or in first sentence(s) of the specification following the title shows an incorrect, incomplete, or illegible U.S. provisional application number. See document coded dated , in which the following error was made: .
- Other: .

HOW TO RESPOND

A proper response to this notice would include any one of: (1) a supplemental Application Data Sheet (ADS) pursuant to 37 CFR 1.76(c) which provides benefit information that complies with 37 CFR 1.78(a)(2) or 37 CFR 1.78(a)(5); (2) an amendment to the first sentence(s) of the specification which provides benefit information that complies with 37 CFR 1.78(a)(2) or 37 CFR 1.78(a)(5); or (3) a petition filed pursuant to the provisions of 37 CFR 1.78(a)(3) or 37 CFR 1.78(a)(6) if the benefit information from the document identified above by code and date does not accurately reflect the benefits under 35 U.S.C. 119(e), 120, 121 or 365(c) as claimed by applicant (a grantable petition would include either a supplemental ADS or an amendment to the first sentence(s) of the specification as required by 37 CFR 1.78(a)(3)(i) or 37 CFR 1.78(a)(6)(i)). Such amendments to the specification or supplemental ADS submission may be filed after payment of the issue fee if limited to informalities noted herein. See Waiver of 37 CFR 1.312 for Document Required by Office of Patent Publication, 1280 Off. Gaz. Patent Office 918 (March 23, 2004).

WARNING: If Applicant fails to timely submit a proper response, the benefit information will be deleted and the patent will be printed without the benefit information present.

YOT-1202-1032

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. **0664MH-40982-C**

In Re Application of:

GREGORY G. KUELBS

Serial No.: **10/650,537**

Filed: **28 AUGUST 2003**

For: **UMBRELLA APPARATUS**

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Examiner: **SAWHNEY, HARGOBIND**

Art Unit: **2885**

Confirmation No.: **9033**

AMENDMENT

Filed via EFS-Web

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Amendment is being filed in response to the Notice to File Corrected Application Papers dated 27 February 2014, which provides for a two-month response period ending 27 April 2014.

Please enter the following amendments and consider the following remarks.

CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. § 1.8(a)(1)(i)(C)	
Date of Transmission:	<u>3/11/14</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><i>James E. Walton</i></u> James E. Walton

IN THE SPECIFICATION:

The Examiner states that the specification originally filed with the application failed to reference the parent U.S. Patent Application 10/068,424. Please replace the first paragraph on page 2 of the specification with the next paragraph just below this.

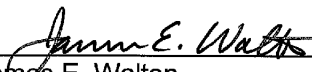
This application is a continuation of U.S. Application No. 10/068,424, filed 7 February 2002, titled "Umbrella Apparatus," which issued on 2 September 2003 under U.S. Patent No. 6,612,713, which claims the benefit of U.S. Provisional Application No. 60/267,018, filed 7 February 2001, titled "Lighted Patio Umbrella Apparatus;" and of U.S. Provisional Application No. 60/335,933, filed 2 November 2001, titled "Outdoor Lighting Systems with Cold Cathode Tubes."

The Applicants submit that the Amendment to the Specification adds no new matter to the application.

This Amendment is 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 Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayments, to **Deposit Account No. 502806**.

Respectfully submitted,

3/11/14
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

Electronic Acknowledgement Receipt	
EFS ID:	18427984
Application Number:	10650537
International Application Number:	
Confirmation Number:	9033
Title of Invention:	Umbrella apparatus
First Named Inventor/Applicant Name:	Gregory G. Kuelbs
Customer Number:	38441
Filer:	James Edward Walton
Filer Authorized By:	
Attorney Docket Number:	0664MH-40982-C
Receipt Date:	11-MAR-2014
Filing Date:	28-AUG-2003
Time Stamp:	10:04:48
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no
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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		AmendmentAfterAllowance20140311.pdf	600845 6ee38e9bc11f32264232f2b44d437d89c89ec4d1	yes	8

YOT-1202-1036

Multipart Description/PDF files in .zip description		
Document Description	Start	End
Miscellaneous Incoming Letter	1	2
Miscellaneous Incoming Letter	3	5
Amendment after Notice of Allowance (Rule 312)	6	8
Warnings:		
Information:		
Total Files Size (in bytes):	600845	
<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-C

In Re Application of:

GREGORY G. KUELBS

Serial No.: 10/650,537

Filed: 28 AUGUST 2003

For: **UMBRELLA APPARATUS**

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Examiner: **SAWHNEY, HARGOBIND**

Art Unit: **2885**

Confirmation No.: **9033**

TRANSMITTAL

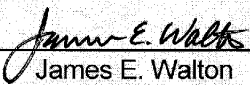
Filed via EFS-Web

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

Dear Sir:

Please file the following documents in the subject application:

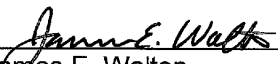
1. This Transmittal with Certificate of Transmission;
2. Amendment; and
3. Response to Notice to File Corrected Application Papers.

CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. § 1.8(a)(1)(i)(C)	
Date of Transmission:	<u>3/11/14</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 EFS-Web System electronic filing system. No fees are deemed to be necessary; however, the undersigned hereby authorizes the Commissioner to charge any additional fees that are necessary, or credit any overpayments, to **Deposit Account No. 502806**.

Respectfully submitted,

3/11/14
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-C

In Re Application of:

GREGORY G. KUELBS

Serial No.: 10/650,537

Filed: 28 AUGUST 2003

For: **UMBRELLA APPARATUS**

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§
§

Examiner: **SAWHNEY, HARGOBIND**

Art Unit: **2885**

Confirmation No.: **9033**

**RESPONSE TO NOTICE TO FILE CORRECTED
APPLICATION PAPERS**

MAIL STOP: MISSING PARTS

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

Sir:

A Notice to File Corrected Application Papers was mailed to the undersigned on 27 February 2014, which provides for a response period ending 27 April 2014. The Notice indicated that the Specification failed to include a priority claim to application 10/068,424.

Enclosed herewith is an Amendment to the Specification.

CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. § 1.8(a)(1)(i)(C)	
Date of Transmission:	<u>3/11/14</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><i>James E. Walton</i></u> James E. Walton

REMARKS:

The original parent application, U.S. Application No. 10/068,424, was filed on 7 February 2002. The subject application failed to list the parent application 10/068,424 in the first sentence of the specification.

Enclosed herewith is an Amendment to the Specification Showing All Changes.

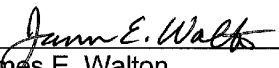
The Applicant respectfully submits that the Amendment to the Specification contains no new matter.

CONCLUSION:

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

Respectfully submitted,

3/11/14
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 (Fax)
jim@waltonpllc.com (Email)

CUSTOMER NOS. 38441

ATTORNEY FOR APPLICANT



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.
10/650,537	08/28/2003	Gregory G. Kuelbs	0664MH-40982-C	9033
38441	7590	03/18/2014	EXAMINER	
LAW OFFICES OF JAMES E. WALTON, PLLC 1169 N. BURLESON BLVD. SUITE 107-328 BURLESON, TX 76028			SAWHNEY, HARGOBIND S	
			ART UNIT	PAPER NUMBER
			2885	
			NOTIFICATION DATE	DELIVERY MODE
			03/18/2014	ELECTRONIC

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

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

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

JIM@WALTONPLLC.COM

Response to Rule 312 Communication	Application No. 10/650,537	Applicant(s)
	Examiner	Art Unit
-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --		
<p>1. <input checked="" type="checkbox"/> The amendment filed on <u>11 March 2014</u> under 37 CFR 1.312 has been considered, and has been:</p> <p>a) <input checked="" type="checkbox"/> entered.</p> <p>b) <input type="checkbox"/> entered as directed to matters of form not affecting the scope of the invention.</p> <p>c) <input type="checkbox"/> disapproved because the amendment was filed after the payment of the issue fee. Any amendment filed after the date the issue fee is paid must be accompanied by a petition under 37 CFR 1.313(c)(1) and the required fee to withdraw the application from issue.</p> <p>d) <input type="checkbox"/> disapproved. See explanation below.</p> <p>e) <input type="checkbox"/> entered in part. See explanation below.</p>		
<i>Util</i> Publishing Division		

Receipt date: 12/18/2009

10650537 - GAU: 2885

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		10650537	
	Filing Date		2003-08-28	
	First Named Inventor	GREGORY G. KUELBS		
	Art Unit	2885		
	Examiner Name	SAWHNEY, HARGOBIND S.		
	Attorney Docket Number	0664MH-40982-C		

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

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /H.S./
B4

Receipt date: 12/18/2009

10650537 - GAU: 2885

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	10650537
	Filing Date	2003-08-28
	First Named Inventor	GREGORY G. KUELBS
	Art Unit	2885
	Examiner Name	SAWHNEY, HARGOBIND S.
	Attorney Docket Number	0664MH-40982-C

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"/>

EFS Web 2.1.16

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /H.S./

Receipt date: 12/18/2009

10650537 - GAU: 2885

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number		10650537
	Filing Date		2003-08-28
	First Named Inventor	GREGORY G. KUELBS	
	Art Unit	2885	
	Examiner Name	SAWHNEY, HARGOBIND S.	
	Attorney Docket Number	0664MH-40982-C	

	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	/Hargobind Sawhney/	Date Considered	03/23/2014
--------------------	---------------------	-----------------	------------

*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.

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /H.S./

Receipt date: 12/18/2009

10650537 - GAU: 2885

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

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number		10650537
	Filing Date		2003-08-28
	First Named Inventor	GREGORY G. KUELBS	
	Art Unit	2885	
	Examiner Name	SAWHNEY, HARGOBIND S.	
	Attorney Docket Number	0664MH-40982-C	

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					

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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
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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
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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

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Receipt date: 12/18/2009

10650537 - GAU: 2885

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number		10650537
	Filing Date		2003-08-28
	First Named Inventor	GREGORY G. KUELBS	
	Art Unit	2885	
	Examiner Name	SAWHNEY, HARGOBIND S.	
	Attorney Docket Number	0664MH-40982-C	

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"/>
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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"/>

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Receipt date: 12/18/2009

10650537 - GAU: 2885

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number		10650537
	Filing Date		2003-08-28
	First Named Inventor	GREGORY G. KUELBS	
	Art Unit	2885	
	Examiner Name	SAWHNEY, HARGOBIND S.	
	Attorney Docket Number	0664MH-40982-C	

	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"/>

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EXAMINER SIGNATURE

Examiner Signature	/Hargobind Sawhney/	Date Considered	06/16/2014
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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.

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Receipt date: 12/18/2009

10650537 - GAU: 2885

Doc code: IDS
 Doc description: Information Disclosure Statement (IDS) Filed
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	Attorney Docket Number	0664MH-40982-C

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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
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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
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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
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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

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10650537 - GAU: 2885

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	Art Unit	2885
	Examiner Name	SAWHNEY, HARGOBIND S.
	Attorney Docket Number	0664MH-40982-C

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"/>

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YOT-1202-1052

Receipt date: 12/18/2009

10650537 - GAU: 2885

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	10650537
	Filing Date	2003-08-28
	First Named Inventor	GREGORY G. KUELBS
	Art Unit	2885
	Examiner Name	SAWHNEY, HARGOBIND S.
	Attorney Docket Number	0664MH-40982-C

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"/>

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EXAMINER SIGNATURE

Examiner Signature	<u>/Hargobind Sawhney/</u>	Date Considered	03/23/2014
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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.

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	10650537
	Filing Date	2003-08-28
	First Named Inventor	Gregory G. Kuelbs
	Art Unit	2885
	Examiner Name	Hargobind S. Sawhney
	Attorney Docket Number	0638MH-40982-C

Change(s) applied

to document,

N.C.C./

2/21/2014

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
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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
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FOREIGN PATENT DOCUMENTS

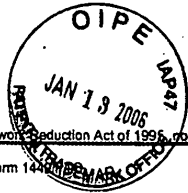
Examiner Initial*	Cite No	Foreign Document Number ³	Country Code ²	Kind Code ⁴	Publication Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear	T ⁵
	1	JP09168415	JP		<i>6-30-1997</i>	Oshio		<input type="checkbox"/>

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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

Change(s) applied
to document,
Y.C.C./
7/8/2014



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Substitute for form 1449 INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)	Complete if Known	
	Application Number	10/650,537
	Filing Date	28 August 2003
	First Named Inventor	Gregory G. Kuelbs
	Art Unit	2875
	Examiner Name	Hargobind S. Hawhney
Attorney Docket Number	0664MH-40982-C	
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)			
[Signature]	AI	US-5911493	06-15-1999	Walker, et al.	—
	AJ	US-5611614	03-18-1997	Morgan, Robert E.	—
	AK	US-2005/0072451-A1	04-07-2005	Vivian, Charlie, et al.	—
		US-			
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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 ⁴
		Country Code ³ -Number ² -Kind Code ⁴ (if known)				
[Signature]	AL	JP-9-168415	6-30-1997		—	

Examiner Signature	[Signature: H. Hawhney]	Date Considered	3/29/06
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Receipt date: 12/18/2009

10650537 - GAU: 2885

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	10650537
	Filing Date	2003-08-28
	First Named Inventor	GREGORY G. KUELBS
	Art Unit	2885
	Examiner Name	SAWHNEY, HARGOBIND S.
	Attorney Docket Number	0664MH-40982-C

Change(s) applied
to document,

N.C.C./

7/8/2014

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 <i>9/2/2003</i> <i>Kuelbs</i>	<input type="checkbox"/>

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Examiner Signature	<i>/Hargobind Sawhney/</i>	Date Considered	11/19/2013
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Receipt date: 09/30/2013

10650537 - GAU: 2885

Doc code: IDS
 Doc description: Information Disclosure Statement (IDS) Filed
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PTO/SB/08a (01-10)
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99) Change(s) applied to document,	Application Number	10650537
	Filing Date	2003-08-28
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	Art Unit	2885
	Examiner Name	SAWHNEY, HARGOBIND S.
	Attorney Docket Number	0664MH-40982-C

N.C.C./

7/8/2014

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	8375966	B2	2012-02-19 ³	Kuelbs			
	2	6612713	C1	2013-09-23 2003-09-02	Kuelbs			
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 ²ⁱ	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"/>
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Table with 5 columns: APPLICATION NO., ISSUE DATE, PATENT NO., ATTORNEY DOCKET NO., CONFIRMATION NO.
Row 1: 10/650,537, 08/05/2014, 8794781, 0664MH-40982-C, 9033

38441 7590 07/16/2014
LAW OFFICES OF JAMES E. WALTON, PLLC
1169 N. BURLESON BLVD.
SUITE 107-328
BURLESON, TX 76028

ISSUE NOTIFICATION

The projected patent number and issue date are specified above.

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)
(application filed on or after May 29, 2000)

The Patent Term Adjustment is 886 day(s). Any patent to issue from the above-identified application will include an indication of the adjustment on the front page.

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (http://pair.uspto.gov).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Application Assistance Unit (AAU) of the Office of Data Management (ODM) at (571)-272-4200.

APPLICANT(s) (Please see PAIR WEB site http://pair.uspto.gov for additional applicants):

Gregory G. Kuelbs, Westlake, TX;

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AO 120 (Rev. 08/10)

TO: Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court Eastern District of Texas, Sherman Division on the following
 Trademarks or Patents. (the patent action involves 35 U.S.C. § 292.):

DOCKET NO. 4:15-CV-398	DATE FILED 6/12/2015	U.S. DISTRICT COURT Eastern District of Texas, Sherman Division
PLAINTIFF LakeSouth Holdings, LLC		DEFENDANT Bed Bath & Beyond, Inc.
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 8,727,555 B2	5/20/2014	LakeSouth Holdings, LLC
2 8,794,781 B2	8/5/2014	LakeSouth Holdings, LLC
3		
4		
5		

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY	<input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1		
2		
3		
4		
5		

In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT		
CLERK	(BY) DEPUTY CLERK	DATE

Copy 1—Upon initiation of action, mail this copy to Director Copy 3—Upon termination of action, mail this copy to Director
 Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy

YOT-1202-1059

AO 120 (Rev. 08/10)

TO: Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court Eastern District of Texas, Sherman Division on the following

Trademarks or Patents. (the patent action involves 35 U.S.C. § 292.):

DOCKET NO. 4:15-CV-400	DATE FILED 6/12/2015	U.S. DISTRICT COURT Eastern District of Texas, Sherman Division	
PLAINTIFF LakeSouth Holdings, LLC		DEFENDANT Sears, Roebuck and Co. and K Mart Corporation	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK	
1 8,794,781 B2	8/5/2014	LakeSouth Holdings, LLC	
2			
3			
4			
5			

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY	
	<input type="checkbox"/> Amendment	<input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1		
2		
3		
4		
5		

In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT		
CLERK	(BY) DEPUTY CLERK	DATE

Copy 1—Upon initiation of action, mail this copy to Director Copy 3—Upon termination of action, mail this copy to Director
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AO 120 (Rev. 08/10)

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In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY	HOLDER OF PATENT OR TRADEMARK
	<input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading	
	DATE OF PATENT OR TRADEMARK	
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT		
CLERK	(BY) DEPUTY CLERK	DATE

Copy 1—Upon initiation of action, mail this copy to Director Copy 3—Upon termination of action, mail this copy to Director
 Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy

YOT-1202-1061

AO 120 (Rev. 08/10)

TO: Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court Eastern District of Texas, Sherman Division on the following
 Trademarks or Patents. (the patent action involves 35 U.S.C. § 292.);

DOCKET NO. 4:15-CV-400	DATE FILED 6/12/2015	U.S. DISTRICT COURT Eastern District of Texas, Sherman Division
PLAINTIFF LakeSouth Holdings, LLC		DEFENDANT Sears, Roebuck and Co. and K Mart Corporation
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 8,794,781 B2	8/5/2014	LakeSouth Holdings, LLC
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In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK	(BY) DEPUTY CLERK	DATE
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Copy 1—Upon initiation of action, mail this copy to Director Copy 3—Upon termination of action, mail this copy to Director
 Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy

YOT-1202-1062

AO 120 (Rev. 08/10)

TO: Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court Eastern District of Texas, Sherman Division on the following
 Trademarks or Patents. (the patent action involves 35 U.S.C. § 292.):

DOCKET NO. 4:15-CV-400	DATE FILED 6/12/2015	U.S. DISTRICT COURT Eastern District of Texas, Sherman Division
PLAINTIFF LakeSouth Holdings, LLC		DEFENDANT Sears, Roebuck and Co. and K Mart Corporation
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 8,794,781 B2	8/5/2014	LakeSouth Holdings, LLC
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In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK	(BY) DEPUTY CLERK	DATE
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Copy 1—Upon initiation of action, mail this copy to Director Copy 3—Upon termination of action, mail this copy to Director
 Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy

YOT-1202-1063

AO 120 (Rev. 08/10)

TO: Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court Eastern District of Texas, Sherman Division on the following
 Trademarks or Patents. (the patent action involves 35 U.S.C. § 292.);

DOCKET NO. 4:15-CV-400	DATE FILED 6/12/2015	U.S. DISTRICT COURT Eastern District of Texas, Sherman Division
PLAINTIFF LakeSouth Holdings, LLC		DEFENDANT Sears, Roebuck and Co. and K Mart Corporation
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 8,794,781 B2	8/5/2014	LakeSouth Holdings, LLC
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In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK	(BY) DEPUTY CLERK	DATE
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Copy 1—Upon initiation of action, mail this copy to Director Copy 3—Upon termination of action, mail this copy to Director
 Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy

YOT-1202-1064

TO: Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court Northern District of Texas on the following

Trademarks or Patents. (the patent action involves 35 U.S.C. § 292.):

DOCKET NO. 3:16-cv-1027	DATE FILED 4/15/2016	U.S. DISTRICT COURT Northern District of Texas
PLAINTIFF LakeSouth Holdings, LLC		DEFENDANT Tuesday Morning Corporation and Tuesday Morning, Inc.
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 6,612,713 B1	9/2/2003	LakeSouth Holdings, LLC
2 6,612,713 C1	9/23/2013	LakeSouth Holdings, LLC
3 8,794,781 B2	8/5/2014	LakeSouth Holdings, LLC
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In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY
	<input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK CLERK OF COURT	(BY) DEPUTY CLERK s/S. Shelby	DATE 4/15/2016
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Copy 1—Upon initiation of action, mail this copy to Director Copy 3—Upon termination of action, mail this copy to Director
Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy

TO: Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court Northern District of Texas, Dallas Division on the following

Trademarks or Patents. (the patent action involves 35 U.S.C. § 292.):

DOCKET NO. 3:16-cv-1026-G	DATE FILED 4/15/2016	U.S. DISTRICT COURT Northern District of Texas, Dallas Division
PLAINTIFF LakeSouth Holdings LLC		DEFENDANT Lowe's Companies Inc et al
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 6,612,713 B1	9/2/2003	LakeSouth Holdings LLC
2 6,612,713 C1	9/23/2013	LakeSouth Holdings LLC
3 8,794,781 B2	8/5/2014	LakeSouth Holdings LLC
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In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading		
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK	
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK Karen Mitchell	(BY) DEPUTY CLERK s/T. Knighton	DATE 4/15/2016
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Copy 1—Upon initiation of action, mail this copy to Director Copy 3—Upon termination of action, mail this copy to Director
Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy

YOT-1202-1066

TO: Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court Northern District of Texas, Dallas Division on the following

Trademarks or Patents. (the patent action involves 35 U.S.C. § 292.):

DOCKET NO. 3:16-cv-1024-D	DATE FILED 4/15/2016	U.S. DISTRICT COURT Northern District of Texas, Dallas Division
PLAINTIFF LakeSouth Holdings LLC		DEFENDANT Kohl's Department Stores Inc et al
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 6,612,713 B1	9/2/2003	LakeSouth Holdings LLC
2 6,612,713 C1	9/23/2013	LakeSouth Holdings LLC
3 8,794,781 B2	8/5/2014	LakeSouth Holdings LLC
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In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY		
	<input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading		
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK	
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK Karen Mitchell	(BY) DEPUTY CLERK s/T. Knighton	DATE 4/15/2016
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Copy 1—Upon initiation of action, mail this copy to Director Copy 3—Upon termination of action, mail this copy to Director
Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy

YOT-1202-1067

TO: Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court Northern District of Texas, Dallas Division on the following

Trademarks or Patents. (the patent action involves 35 U.S.C. § 292.):

DOCKET NO. 3:16-cv-1026-G	DATE FILED 4/15/2016	U.S. DISTRICT COURT Northern District of Texas, Dallas Division
PLAINTIFF LakeSouth Holdings LLC		DEFENDANT Lowe's Companies Inc et al
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 6,612,713 B1	9/2/2003	LakeSouth Holdings LLC
2 6,612,713 C1	9/23/2013	LakeSouth Holdings LLC
3 8,794,781 B2	8/5/2014	LakeSouth Holdings LLC
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In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK Karen Mitchell	(BY) DEPUTY CLERK s/T. Knighton	DATE 4/15/2016
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Copy 1—Upon initiation of action, mail this copy to Director Copy 3—Upon termination of action, mail this copy to Director
Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy

YOT-1202-1068

TO: Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court Northern District of Texas on the following

Trademarks or Patents. (the patent action involves 35 U.S.C. § 292.):

DOCKET NO. 3:16-cv-1027	DATE FILED 4/15/2016	U.S. DISTRICT COURT Northern District of Texas
PLAINTIFF LakeSouth Holdings, LLC		DEFENDANT Tuesday Morning Corporation and Tuesday Morning, Inc.
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
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2 6,612,713 C1	9/23/2013	LakeSouth Holdings, LLC
3 8,794,781 B2	8/5/2014	LakeSouth Holdings, LLC
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In the above—entitled case, the following patent(s)/ trademark(s) have been included:

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PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK	
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK CLERK OF COURT	(BY) DEPUTY CLERK s/S. Shelby	DATE 4/15/2016
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Copy 1—Upon initiation of action, mail this copy to Director Copy 3—Upon termination of action, mail this copy to Director
Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy

YOT-1202-1069