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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/775,310	05/06/2010	Fredric S. Maxik	LSG0347US2	9888

15915 7590 10/12/2011
Cantor Colburn LLP-LSG
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EXAMINER

ALAVI, ALI

ART UNIT	PAPER NUMBER
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2875

NOTIFICATION DATE	DELIVERY MODE
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10/12/2011

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):

usptopatentmail@cantorcolburn.com

Office Action Summary	Application No.		Applicant(s)	
	12/775,310		MAXIK ET AL.	
	Examiner		Art Unit	
	ALI ALAVI		2875	

-- 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 ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on ____; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 5) ☒ Claim(s) 1-20 is/are pending in the application.
- 5a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 6) ☐ Claim(s) ____ is/are allowed.
- 7) ☒ Claim(s) 1-20 is/are rejected.
- 8) ☐ Claim(s) ____ is/are objected to.
- 9) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☒ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) ☐ 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

- 13) ☐ 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 checked="" 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>3/03/11</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-8, and 10-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Roberge et al (WO 2008/137732).

Regarding claim 1, Roberge discloses a luminaire (figs. 3a, 3b), comprising: a heat spreader (330) and a heat sink (320) thermally coupled to and disposed diametrically outboard of the heat spreader; an outer optic (315) securely retained relative to at least one of the heat spreader and the heat sink, and a light source disposed in thermal communication with the heat spreader, the light source comprising a plurality of light emitting diodes (LEDs); wherein the heat spreader, the heat sink and the outer optic, in combination, have an overall height H and an overall outside dimension D such that the ratio of H/D is equal to or less than 0.25; wherein the combination defined by the heat spreader, the heat sink and the outer optic, is so dimensioned as to: cover an opening defined by a nominally sized four-inch can light

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fixture; and, cover an opening defined by a nominally sized four-inch electrical junction box (3b).

Regarding claim 2, Roberge further discloses that the heat spreader and the heat sink are integrally formed such that a heat flow path from the light source through the heat spreader to the heat sink is continuous and uninterrupted (fig. 3a).

Regarding claim 3, Roberge further discloses that 3. The luminaire of Claim 1, further comprising: a power conditioner mechanically supported by the heat spreader, the power conditioner being configured and disposed to receive AC voltage from an electrical supply line and to deliver DC voltage to the plurality of LEDs.

Regarding claim 4, Roberge further discloses that a reflector disposed on the heat spreader, the reflector having an aperture in which the plurality of LEDs are disposed (fig. 3a, 0094).

Regarding claim 5, Roberge further discloses that the heat spreader comprises mounting holes suitably spaced apart to receive mounting fasteners to secure the heat spreader to an electrical junction box.

Regarding claim 6, Roberge further discloses that the heat spreader comprises mounting holes and the reflector comprises mounting holes suitably spaced apart to receive mounting fasteners to secure the heat spreader to an electrical junction box (3b).

Regarding claim 7, Roberge further discloses that further comprising: a mounting bracket; and a power conditioner, the power conditioner being configured and disposed to receive AC voltage from an electrical supply line and to deliver DC voltage

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to the plurality of LEDs; wherein the power conditioner is supported by the mounting bracket on one side thereof, and the heat spreader and heat sink are supported by the mounting bracket on another opposing side thereof; and wherein the mounting bracket comprises mounting holes disposed to secure the luminaire to an electrical junction box (0097).

Regarding claim 8, Roberge further discloses that at least one torsion spring configured and disposed so as to secure the luminaire to a can light fixture (fig. 3b).

Regarding claim 10, Roberge further discloses that the power conditioner is disposed on an opposite side of the heat spreader as the plurality of LEDs, the power conditioner being so dimensioned as to fit within: a nominally sized four-inch can light fixture; and, a nominally sized four-inch electrical junction box (0097).

Regarding claim 11, Roberge further discloses that comprising: an inner optic disposed over the plurality of LEDs (fig. 3a).

Regarding claim 12, Roberge further discloses that the inner optic is integrally formed with the reflector (fig. 3a).

Regarding claim 13, Roberge further discloses that the inner optic comprises a color mixing diffuser (fig. 3b).

Regarding claim 14, Roberge further discloses that a phosphor disposed over the plurality of LEDs comprising material to produce a color temperature output of 2700 deg-Kelvin (0100)

Regarding claim 15, Roberge further discloses that a trim ring; wherein the outer optic is securely retained relative to at least one of the heat spreader and the heat sink

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