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Foley & Lardner LLP 3000 K STREET N.W. SUITE 600 WASHINGTON, DC 20007-5109			EVERHART, CARIDAD	
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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.

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

Claim Objections

Claims 40 and 41 are objected to because of the following informalities: Claims 40 and 41 seem to be identical. Appropriate correction is required.

Claim Rejections - 35 USC § 102

In the event the determination of the status of the application as subject to AIA 35 U.S.C. 102 and 103 (or as subject to pre-AIA 35 U.S.C. 102 and 103) is incorrect, any correction of the statutory basis for the rejection will not be considered a new ground of rejection if the prior art relied upon, and the rationale supporting the rejection, would be the same under either status.

The following is a quotation of the appropriate paragraphs of pre-AIA 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.

Claim Rejections - 35 USC § 103

In the event the determination of the status of the application as subject to AIA 35 U.S.C. 102 and 103 (or as subject to pre-AIA 35 U.S.C. 102 and 103) is incorrect, any correction of the statutory basis for the rejection will not be considered a new ground of

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rejection if the prior art relied upon, and the rationale supporting the rejection, would be the same under either status.

The following is a quotation of pre-AIA 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, 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.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under pre-AIA 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under pre-AIA 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of pre-AIA 35 U.S.C. 103(c) and potential pre-AIA 35 U.S.C. 102(e), (f) or (g) prior art under pre-AIA 35 U.S.C. 103(a).

Claim(s) 31-34, 37-38, and 45 is/are rejected under pre-AIA 35 U.S.C. 102(b) as being anticipated by Wang et al (US 6,627,482 B2).

Wang et al discloses a package for a light emitting diode (col. 1, lines 7-13), the package including an insulating material such as a glue (col. 1, lines 23-27) which is formed in a mold (col. 1, lines 49-63), which is a disclosure that the material is a mold material, which implies that the material such as a glue is a polymeric or resin material, and metal leads 211, 221 (col. 2, lines 46-29), the light emitting diode is shown mounted in a “cup” or concave portion of the package (Fig. 12 and col. 3, lines 3-21), Fig. 15 shows that the leads are exposed on the outer surfaces of the package on first and second outer surfaces which are opposed to each other, the exposed surfaces of the leads being coplanar with the resin side surfaces, Wang et al shows in Fig. 17 that the leads can be exposed and flush with the insulating material of the walls of the device (col. 3, lines 50-55), and Wang et al also discloses in Fig. 12 that a notch formed between the leads 312, 322 has a portion which is wider than another portion of the notch, the narrow portion is visible when viewed from above, as seen in combining Fig. 7, in which 211, 221 are the leads and 20 is the insulating material (col. 2, lines 46-49) with Fig. 12, which has been discussed above, and the wider portion is seen in Fig. 12, as discussed above. Wang et al also discloses mounting a light emitting diode in the cup (col. 2, lines 49-55 and col. 3, lines 12-20) and sawing or cutting the structure to expose the portion of the resin molded body and the portions of the leads as disclosed by Wang et al and discussed above (col. 2, lines 45-55).

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