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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/776,091	02/25/2013	Niall R. Lynam	DON09 P-2048	1002
15671	7590	08/16/2013	EXAMINER	
Gardner, Linn, Burkhardt & Flory, LLP			AMARI, ALESSANDRO V	
2851 Charlevoix Dr.			ART UNIT	PAPER NUMBER
SE, Suite 207			2872	
Grand Rapids, MI 49546			NOTIFICATION DATE	DELIVERY MODE
			08/16/2013	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):

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<b>Office Action Summary</b>	<b>Application No.</b> 13/776,091	<b>Applicant(s)</b> LYNAM, NIAL R.	
	<b>Examiner</b> ALESSANDRO AMARI	<b>Art Unit</b> 2872	<b>AIA (First Inventor to File) Status</b> No

-- 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 26 June 2013.  
 A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were 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) 1-98 is/are pending in the application.  
5a) Of the above claim(s) 41-98 is/are withdrawn from consideration.
- 6)  Claim(s) \_\_\_\_\_ is/are allowed.
- 7)  Claim(s) 1-6 and 11-40 is/are rejected.
- 8)  Claim(s) 7-10 is/are objected to.
- 9)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

\* If any claims have been determined allowable, 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](http://www.uspto.gov/patents/init_events/pph/index.jsp) or send an inquiry to [PPHfeedback@uspto.gov](mailto:PPHfeedback@uspto.gov).

**Application Papers**

- 10)  The specification is objected to by the Examiner.
- 11)  The drawing(s) filed on 25 February 2013 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).

**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).

**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)).

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

**Attachment(s)**

- 1)  Notice of References Cited (PTO-892)
- 2)  Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 4/10/2013
- 3)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 4)  Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Election/Restrictions***

Applicant's election of Invention I (claims 1-40) in the reply filed on 26 June 2013 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)). Claims 41-98 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected Invention, there being no allowable generic or linking claim.

### ***Claim Rejections - 35 USC § 102***

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 –  
(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 1-6 and 11-40 are rejected under pre-AIA 35 U.S.C. 102(e) as being anticipated by Lynam et al (hereafter "Lynam") US 2002/0072026.

The applied reference has a common Inventor with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under pre-AIA 35 U.S.C. 102(e). This rejection under pre-AIA 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not

claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131(a).

In regard to claim 1, Lynam discloses (see Figs. 1-3, 5, 6, 8, 11, 12, 14) an exterior sideview mirror assembly suitable for use on a vehicle, said exterior sideview mirror assembly comprising: a mirror housing (40); a mirror backing plate element (60); wherein said mirror backing plate element is movable within said mirror housing by an electrically-operable actuator (36) as described in [0042]; a main plano mirror element (50) fixedly disposed at a first portion of said mirror backing plate element as described in [0041], [0042]; said main plano mirror element having a first primary field of view rearward of a vehicle equipped with said exterior sideview mirror assembly as described in [0041] and [0042]; an auxiliary non-plano curved mirror element (55) fixedly disposed at a second portion of said mirror backing plate element as described in [0042]; wherein said main plano mirror element and said auxiliary non-plano curved mirror element are adjacently disposed at said mirror backing plate element in a side-by-side relationship and are not superimposed with one mirror element on top of the other mirror element as shown in Figure 5; wherein said mirror backing plate element comprises a polymeric molding as described in [0050]; said auxiliary non-plano curved mirror element having a second auxiliary field of view rearward of the equipped vehicle as described in [0083]; wherein said first primary field of view of said main plano mirror element overlaps said second auxiliary field of view of said auxiliary non-plano curved mirror element as shown in Figure 14 and as described in [0076]; wherein said auxiliary non-plano curved mirror element that is at said second portion of said mirror backing plate element is

angled relative to said main plano mirror element that is at said first portion of said mirror backing plate element as shown in Figures 11 and 12; wherein said mirror backing plate element mounts to said actuator such that movement of said mirror backing plate element by said actuator simultaneously and similarly moves said main plano mirror element and said auxiliary non-plano curved mirror element as described in [0041], [0042] and [0056]; wherein said main plano mirror element comprises one of (a) a generally flat glass substrate having a surface coated with a metallic reflector coating and (b) a generally flat polymeric substrate having a thin glass element applied to a surface thereof and with an opposing surface thereof having a reflecting layer applied thereto as described in [0043]; and wherein said first primary field of view of said main plano mirror element overlaps said second auxiliary field of view of said auxiliary non-plano curved mirror element by between about 2 degrees and about 20 degrees as shown in Figure 14 and as described in [0076].

Regarding claim 2, Lynam discloses that said main plano mirror element comprises a generally flat glass substrate having a surface coated with a metallic reflector coating as described in [0043].

Regarding claim 3, Lynam discloses (see Fig. 5) including a divider (65) between said main plano mirror element and said auxiliary non-plano curved mirror element that visually demarcates said auxiliary non-plano curved mirror element from said main plano mirror element as described in [0042].

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