### DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN APPLICATION DATA SHEET (37 CFR 1.76)

#### Electronic Version v11

Stylesheet Version v10

Title of Invention					
As the below named inventor, I declare that:					
This declaration is directed to the invention titled: "MIRROR REFLECTIVE ELEMENT"					
I believe that I am the original and first inventor of the subject matter which is claimed and for which a patent is sought;					
I have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above;					
I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT International filing date of the continuation-in-part application.					
All statements made herein of my knowledge are true, all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.					
FULL NAME	FULL NAME OF INVENTOR:				
Inventor: N	liall R. Lynam	Inventor			
Signature :		Citizen of : US			

#### **DECLARATION AND POWER OF ATTORNEY**

As a below named inventor, I hereby declare:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor, if only one name is listed below, or an original, first and joint inventor, if plural names are listed below, of the subject matter which is claimed and for which a patent is sought on the invention entitled MIRROR REFLECTIVE ELEMENT, the specification of which is attached hereto.

I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office (the Office), all information which is known by me to be material to patentability as defined in Title 37, Code of Federal Regulations (C.F.R.), Section 1.56.

#### CLAIM OF PRIORITY

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below:

U.S. Serial No. 60/471,872, filed on May 20, 2003.

#### POWER OF ATTORNEY

I hereby appoint the patent law firm of Van Dyke, Gardner, Linn & Burkhart, LLP, 2851 Charlevoix Drive, S.E., Suite 207, Grand Rapids, Michigan 49546, telephone number 616/975-5500, facsimile number 616/975-5505, and the individual patent attorneys and patent agents at such patent law firm, namely, Daniel Van Dyke, Reg. No. 25 046; Donald S. Gardner, Reg. No. 25 975; Terence J. Linn, Reg. No. 30 283; Frederick S. Burkhart, Reg. No. 29 288; Catherine S. Collins, Reg. No. 37 599; Timothy A. Flory, Reg. No. 42 540; and Karl T. Ondersma, Reg. No. 55 894 my attorney(s) or agent(s) with full power of substitution and revocation, to prosecute this application and to transact all business in and to receive all correspondence from the Patent and Trademark Office connected therewith.

All statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true, and further, these statements are made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements may jeopardize the validity of this application or any patent issued thereon.

Sole inventor:

Niall R. Lynam Citizenship: U.S.A. Residence: 248 Foxdown Holland, Michigan 49424 United States of America Post Office Address: Same as above.

Date

SMR USA Exhibit 1028 Page 002

## FEE TRANSMITTAL

#### Electronic Version v08

Stylesheet Version v08.0

Title of Invention								
Application N	Number :							
Date :								
First Named	First Named Applicant: Niall R. Lynam							
Attorney Doc	ket Number:	DON01 P-	1152					
TOTAL F	EE AUTHO	<b>RIZED \$ 788</b>						
Patent fees a	are subject to ann	ual revisions on or a	bout C	October 1st o	f each year.			
Filing as lar	ge entity							
BASIC FIL	ING FEE							
Fee Description		Fee Code Amo			F	ee Paid \$		
Utility Filing Fee 1001 770 Subtotal For Basic Filing I		Filina Fees:	770 \$ 770					
EXTRA C	LAIM FEES							<u> </u>
	escription	Extra Claim	Fe	e Code	Amount S		Fee Paid	
		1	1         1202         18           0         1201         86			18		
	Subtotal For Extra Claims Fees: \$		: \$ 18					
	ssioner is her	INFORMATION eby authorized	to ch	arge indic	ated fees a	and cr	edit any	
Deposit acc	Deposit account number: 220190							
Access Code ****								
Deposit name: Van Dyke, Gardner, Linn and Burkhart, LLP								
Deposit auth	Deposit authorized name: Timothy A. Flory							
Signature:		[	taf/					
Date (YYYY	MMDD):	2	2004-	05-05				
Charge Any	Additional Fee	Required Under	· 37 C	.F.R. Sect	ions 1.1 <u>6</u> ai	nd 1.1	7.	

#### APPLICATION DATA SHEET

Electronic Version v14

Stylesheet Version v14.0

Title of Invention MIRROR REFLECTIVE ELEMENT		
Application Type : Attorney Docket Numb	regular, utility er : DON01 P-1152	
Correspondence address:		
Customer Number:	28101	
Continuing Data:		
This is a Non-Provisional c	f US application number 60/471,872, filed 2	003-05-20 , now pending.
Inventor Information:		
Inventor 1:		
Applicant Authority Type	: Inventor	
Citizenship:	US	
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practitioner(s) at Customer Number:

28101



as my attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

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### TRANSMITTAL

#### Electronic Version v1.1

Stylesheet Version v1.1.0

Title of Invention	MIRROR REFLECTIVE	ELEMENT		
Application Number	:			
Date :				
First Named Applica	ant: Niall R. Lynam			
Confirmation Number	ər:			
Attorney Docket Nu	mber: DON01 P-1152			
applicants or of official corr	I hereby certify that the use of this system is for OFFICIAL correspondence between patent applicants or their representatives and the USPTO. Fraudulent or other use besides the filing of official correspondence by authorized parties is strictly prohibited, and subject to a fine and/or imprisonment under applicable law.			
submitted to t style sheet or prosecution o	I, the undersigned, certify that I have viewed a display of document(s) being electronically submitted to the United States Patent and Trademark Office, using either the USPTO provided style sheet or software, and that this is the document(s) I intend for initiation or further prosecution of a patent application noted in the submission. This document(s) will become part of the official electronic record at the USPTO.			
Timothy A Registered	Submitted By: Flory I Number: 42 540	Elec. Sign. /taf/	Sign. Capacity Attorney	

Documents being submitted:	Files
us-declaration	DON01P1152-usdecl.xml
	us-declaration.dtd
	us-declaration.xsl
us-fee-sheet	DON01P1152-usfees.xml
	us-fee-sheet.xsl
	us-fee-sheet.dtd
us-request	DON01P1152-usrequ.xml
	us-request.dtd
	us-request.xsl
application-body	SpecificationDON01P1152-trans.xml
	us-application-body.xsl
	application-body.dtd
	wipo.ent
	mathml2.dtd
	mathml2-qname-1.mod
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	isoamsb.ent
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	isopub.ent
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	soextblx.dtd
	FIG1.tif
	FIG2.tif
	FIG3.tif
us-declaration	DeclarationPOA.tif

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# Description

# MIRROR REFLECTIVE ELEMENT

CROSS REFERENCE TO RELATED APPLICATIONS

[0001] The present application claims the benefit of U.S. provisional application, Ser. No. 60/471,872, filed May 20, 2003 (Attorney Docket DON01 P-1092), which is hereby incorporated herein by reference in its entirety.

## FIELD OF THE INVENTION

- [0002] The present invention relates generally to rearview mirror elements for a rearview mirror assembly of a vehicle and, more particularly, to exterior rearview mirror elements comprising multi-radius reflective elements.
  BACKGROUND OF THE INVENTION
- <sup>[0003]</sup> Typically, mirror reflective elements are formed of glass and have a reflective coating deposited thereon, such as via vacuum deposition or wet chemical silvering or the like, such as on a silver line, such as described in U.S. Pat. No. 4,737,188, which is hereby incorporated herein by reference. Polymeric reflective elements are also known,

such as are described in U.S. Pat. Nos. 6,601,960; 6,409,354; 4,944,581; 4,385,804; 4,193,668; 4,666,264; and 5,483,386, which are hereby incorporated herein by reference. For such polymeric mirror reflective elements, the need exists for a hard coat or surface on the first or outer or exterior surface of the element which is contacted by the exterior elements, such as rain, road debris, or the like, or contacted, for example, by a person scraping ice or wiping snow or condensation off the mirror element outer surface, such as during winter. A variety of hard coats have been proposed in the art, typically applied by dip coating or vacuum deposition techniques. However, a need exists for an automotive mirror reflective element which has the properties of plastic (i.e., a specific gravity roughly half that of glass), and which has a glass-like exterior surface.

<sup>[0004]</sup> Also, exterior rearview mirror reflective elements may be aspheric or multi-radius, and may typically have a less curved or substantially flat (around 2000 mm radius or thereabouts) inboard portion or surface at the inboard side of the reflective element (i.e., closer to the side body of the vehicle when the mirror assembly is mounted to the vehicle), and a more curved multi-radius portion or surface at the outboard side of the reflective element (i.e., further from the side body of the vehicle when the mirror assembly is mounted to the vehicle), in order to provide an extended field of view. It is typically desirable to have the reflective elements or substrates of such exterior mirror elements to be formed of a glass material because glass material typically provides an enhanced scratch resistance over conventional optical resins and the like.

- <sup>[0005]</sup> Therefore, there is a need in the art for a mirror reflective element that overcomes the shortcomings of the prior art elements and substrates.
  - SUMMARY OF INVENTION
- <sup>[0006]</sup> The present invention provides a molded wide angle or multi-radius substrate for a reflective element. The molded substrate comprises a polymeric optical resin transparent material and has a curved exterior surface, which may have a less curved/flatter or substantially flat inboard portion or surface and a more curved outboard portion or surface. The molded substrate may have an anti-abrasion film or layer, such as an ultrathin glass film, applied over the exterior surface or first surface to provide substantial protection against scratches occurring to the molded substrate. The inner surface or second surface

of the reflective element substrate may have a reflective coating or layer, such as a polymeric reflective film, laminated or adhered or otherwise applied thereto.

- [0007] According to an aspect of the present invention, a wide angle reflective element for a mirror assembly for a vehicle includes a wide angle substrate having an exterior surface and a glass film disposed at the exterior surface. The exterior surface of the substrate has a less curved inboard portion or surface and a more curved outboard portion or surface. The substrate comprises a polymeric resin material. The glass film is adapted to substantially conform to the exterior surface of the wide angle substrate. The glass film comprises a glass material and has a thickness of less than approximately 0.8 mm.
- <sup>[0008]</sup> According to another aspect of the present invention, a reflective element for a mirror assembly for a vehicle comprises a substrate having an exterior surface, and an anti-abrasion film applied to the exterior surface. The substrate comprises a polymeric resin material, such as a transparent optical polymeric resin material. The antiabrasion film preferably comprises a glass material (such as a soda lime glass or a borosilicate or the like) and has a thickness of less than approximately 0.8 mm, and is flexi-

ble to conform to the exterior surface.

- <sup>[0009]</sup> The substrate may be cut from a strip or sheet of molded or extruded or cast substrate material (or less preferably, may be cut from an injected molded strip or sheet). The flexible glass film may be unrolled from a reel or roll and applied to the exterior surface of the elongated strip or sheet of substrate material. The substrate, including the glass film or layer, may then be cut or otherwise formed from the elongated strip or sheet.
- <sup>[0010]</sup> The substrate may comprise a wide angle substrate and/ or may comprise a multi-radius exterior surface having a less curved inboard portion or surface and a more curved outboard portion or surface.
- <sup>[0011]</sup> A reflective film or layer may be applied to the inner surface or side of the substrate or strip opposite the exterior surface. The reflective film may comprise a polymeric reflective film laminated or otherwise adhered or applied to the inner side of the substrate or strip. The reflective film may comprise an all polymer-thin-film multilayer, high reflective mirror film comprising multiple coextrusion of many plastic layers to form a highly reflective mirror film.
- <sup>[0012]</sup> Optionally, a reflective film or layer may be applied to the exterior surface of the substrate or sheet or strip, and the

glass film or layer or sheet may be applied over the reflective film layer. In such an application, the substrate acts as a support or backing plate for the reflective film or layer and the glass film or layer, whereby optical clarity / transparency of the substrate material is not necessary.

- [0013] According to another aspect of the present invention, a method for forming a reflective element substrate for a mirror assembly of a vehicle comprises generally continuously forming an elongated strip or sheet of substrate material and applying a substantially transparent functional film, such as an anti-abrasion film or a hydrophilic film or a hydrophobic film or the like, to a surface of the elongated strip sheet. The substrate material may comprise a transparent optical polymeric resin. The functional film is preferably unrolled from a reel or roll of film and applied to the surface of the elongated strip or sheet generally continuously as the strip or sheet is formed or extruded or cast or molded. Preferably, multiple mirror element shapes or mirror element substrates may be cut or otherwise formed from the elongated sheet after the functional film is applied to the surface of the strip or sheet.
- <sup>[0014]</sup> The functional or anti-abrasion film may comprise an ul-

trathin glass material which is sufficiently flexible to be provided in a reel or roll (or in a sheet that is flexible and conformable to a bent substrate). The substrates may be formed with a wide angle exterior surface or a multi-radius exterior surface. The anti-abrasion film may be sufficiently flexible to conform to the wide angle or multi-radius or curved exterior surface.

- <sup>[0015]</sup> A reflective film, such as a polymeric reflective film or the like, may be applied to the opposite surface of the substrate or sheet or strip. The reflective film may be sufficiently flexible to be provided in a reel or roll form (or in a sheet that is flexible and conformable to a bent substrate) for unrolling the reflective film as the film is generally continuously applied to the surface of the generally continuously formed sheet or strip.
- <sup>[0016]</sup> Therefore, the present invention provides a molded wide angle or multi-radius single substrate for a rearview mirror assembly which has an anti-abrasion or anti-scratch film or layer applied to the curved, wide angle or multiradius exterior surface of the substrate. The anti-abrasion film preferably comprises an ultrathin glass film or sheet to provide enhanced scratch resistance. The molded substrate may have a reflective film or layer laminated or ap-

plied to the inner surface opposite the exterior surface.

<sup>[0017]</sup> These and other objects, advantages, purposes and features of the present invention will become apparent upon review of the following specification in conjunction with the drawings.

**BRIEF DESCRIPTION OF DRAWINGS** 

- <sup>[0018]</sup> FIG. 1 is a perspective view of an exterior rearview mirror assembly in accordance with the present invention;
- <sup>[0019]</sup> FIG. 2 is a perspective view of a wide angle or multi-radius reflective element in accordance with the present invention;
- <sup>[0020]</sup> FIG. 3 is a sectional view of the wide angle or multi-radius reflective element taken along the line III-III in FIG. 2;
- <sup>[0021]</sup> FIG. 4 is a sectional view similar to FIG. 3, showing a wide angle or multi-radius reflective element in accordance with the present invention with a reflective film or layer applied to the exterior surface of the element and an antiabrasion film or layer applied over the reflective film or layer;
- <sup>[0022]</sup> FIG. 5 is a diagram showing the extruding, coating and cutting processes for manufacturing a prismatic mirror reflective element in accordance with the present invention;

- <sup>[0023]</sup> FIG. 5A is an elevation of the extruder of FIG. 5, showing the wedge shape of the extruded strip and reflective element substrate;
- <sup>[0024]</sup> FIG. 6 is a plan view of the extruded strip showing the cut out shapes of the reflective element cut from the extruded strip;
- <sup>[0025]</sup> FIG. 7 is a sectional view of the reflective element formed by the process shown in FIG. 5; and
- <sup>[0026]</sup> FIG. 8 is a diagram showing an alternate process for manufacturing a prismatic mirror reflective element in accordance with the present invention, where a strip of substrate material is cast and formed via a caster and float section.

## **DETAILED DESCRIPTION**

<sup>[0027]</sup> Referring now to the drawings and the illustrative embodiments depicted therein, an exterior rearview mirror assembly 10 includes a reflective element 12 mounted at a casing 14, which is mounted at an exterior portion of a vehicle 16 (FIG. 1). Reflective element 12 may provide an enhanced field of view or wide angle field of view to a driver or occupant of the vehicle and may comprise a single reflective element substrate 18 having an inner surface 18a and an opposite exterior surface 18b (FIGS. 2 and 3). The exterior surface 18b comprises a less curved or substantially flat inboard portion or surface 18c and a more curved outboard portion or surface 18d, as discussed below. The substrate 18 may have an anti-abrasion coating or layer or film 20, such as an ultrathin glass coating or layer or film, laminated or deposited or otherwise applied to the exterior surface 18b, and may have a reflective coating or layer 22 laminated or applied to the inner surface 18a, as also discussed below. Aspects of the reflective element of the present invention may be suitable for use in a reflective element for an exterior rearview mirror assembly (as shown in FIG. 1) and/or a reflective element for an interior rearview mirror assembly (not shown).

- <sup>[0028]</sup> Reflective element 12 may comprise an aspheric or multiradius or wide angle single element reflective element substrate. The reflective element 12 may provide a field of view similar to the plano-auxiliary reflective element assembly disclosed in U.S. Pat. Nos. 6,522,451 and 6,717,712, which are hereby incorporated herein by reference.
- <sup>[0029]</sup> The substrate 18 of the reflective element 12 of the present invention may be formed (such as by casting, extrusion or injection molding) of a polymeric optical resin

material, such as an acrylic or polycarbonate resin, a polyolefin, a cyclic olefin copolymer, such as a COC resin known as "TOPAS" and available from Ticona of Summit, NJ (such as a resin of the type described in U.S. pat. application, Ser. No. 09/946,228, filed Sep. 5, 2001 for IM-PROVED PLASTIC SUBSTRATE FOR INFORMATION DEVICE AND METHOD FOR MAKING SAME (Attorney Docket DON03 P-910), which is hereby incorporated herein by reference) or the like. Because the substrate can be, for example, injection molded from an optical resin, the substrate may be molded or formed to a desired shape having a wide angle or multi-radius surface, which is typically challenging to accomplish with glass sheets. This is because any prescription or form for the substrate can be established in an injection mold by machining, such that when the injection mold is filled with molten injected optical resin material, the optical resin material takes the shape of the mold. Thus, for example, a substrate having a substantially or fully flat inboard region for a multi-radius (often referred to as an aspheric) exterior mirror element is fully practical.

<sup>[0030]</sup> As shown in FIGS. 1–3, inboard portion or surface 18c of exterior surface 18b is positioned at or toward the side of

the reflective element that is toward the side body of the vehicle when the mirror assembly is mounted to or attached to the vehicle. The inboard portion 18c of surface 18b of substrate 18 may comprise a substantially flat or slightly curved or less curved surface, such as a surface having a radius of curvature of preferably greater than at least approximately 4000 mm, more preferably greater than at least approximately 9000 mm, and most preferably greater than at least approximately 12000 mm. The inboard surface 18c may provide a field of view of up to approximately 10 degrees, preferably up to approximately 15 degrees, and more preferably up to approximately 20 degrees.

<sup>[0031]</sup> Outboard portion or surface 18d of exterior surface 18b of substrate 18 is positioned outward from inboard portion and is thus further away from the side body of the vehicle when the mirror assembly is mounted to or attached to the vehicle. Outboard portion 18d of exterior surface 18b may be a more convex or curved surface, such that the substrate comprises a wide angle or multiradius exterior surface substrate. The more curved outboard surface 18d of the substrate may have radii of curvature in the range of less than about 4000 mm to about 100 mm or lower. The more curved outboard portion or surface 18d may provide an extended field of view when combined with the less curved inboard portion or surface 18c. For example, the combined field of view of the mirror reflective element 12 may be preferably greater than at least approximately 25 degrees, more preferably greater than at least approximately 35 degrees, and most preferably greater than at least approximately 45 degrees. The substrate may be formed to have curves or shapes or to provide other field of views, without affecting the scope of the present invention.

[0032] The exterior surface 18b of substrate 18 may be coated or covered with a substantially transparent functional film or layer 20, such as an anti-abrasion film or layer, such as an ultrathin glass film or layer or sheet having a thickness of preferably less than or equal to approximately 0.8 mm, more preferably less than or equal to approximately 0.5 mm, and most preferably less than or equal to approximately 0.3 mm. The ultrathin glass film or layer or sheet 20 provides a flexible glass film which can be conformed to the exterior surface of the molded substrate (for example, such as described in U.S. Pat. No. 5,085,907, which is hereby incorporated herein by reference) after the substrate is molded. The ultrathin glass film or layer may provide substantial protection against scratches on the outboard surface, such as may occur due to impact by debris at the outside of the vehicle (for exterior mirror assembly applications) or by use of ice scrapers and the like on the glass surface and the like. The ultrathin glass film or layer may be applied to a molded or extruded strip (such as described below with respect to FIGS. 5-8) or may be applied to the surface or surfaces of a formed or cut substrate, without affecting the scope of the present invention. The flexible ultrathin glass film or layer of the present invention allows the wide angle or multi-radius substrate to be molded in the desired shape out of a transparent acrylic resin material, yet may conform to the curved or multi-radius or aspheric shape and provide enhanced protection or scratch resistance to the substrate.

<sup>[0033]</sup> It is envisioned that other functional films or hard coats or anti-abrasion films or the like may be applied to the exterior surface of the molded substrate, such as via adhering or applying a film to the exterior surface or via dip coating or vacuum deposition or the like. Optionally, a hydrophobic film or hydrophilic film or element or property may also or otherwise be applied to the exterior surface 18b of the substrate. Optionally, the functional film may comprise a non-glass or polymeric film, such as a polymeric material that is a harder and/or different property material than the substrate itself. Optionally, the anti-abrasion film may be formed of the same resin material as the substrate to match the coefficients of thermal expansion and thus reduce thermal expansion/contraction mismatches between the materials.

[0034] Optionally, the inner or rear surface 18a of the substrate 18 may have a reflective layer or coating or film or sheet 22 laminated or otherwise applied thereto. For example, the reflective layer or film 22 may comprise a polymeric reflective film 22 laminated or otherwise adhered or applied to the rear or inner surface 18a of a molded or extruded or cast strip (such as described below with respect to FIGS. 5–8) or of the molded or formed substrate 18. Reflective film 22 may comprise a polymeric reflective film, such as an all polymer-thin-film multilayer, high reflective mirror film, such as a multilayer, non-metallic reflective film which may comprise multiple coextrusion of many plastic layers to form a highly reflective mirror film, such as described in U.S. Pat. Nos. 3,773,882; 3,884,606; and 3,759,647, which are hereby incorporated herein by

reference. Such a reflective film thus may comprise multilayers of polymer materials to form a highly reflective mirror film, such as a Radiant Light Film, a Radiant Mirror Film or a Radiant Color Film, such as commercially available from 3M of St. Paul, Minn., such as a Radiant Color Film CM590 or CM500. Also, a durable metallized polymeric mirror layer can be used, such as described in U.S. Pat. No. 5,361,172, which is hereby incorporated herein by reference.

[0035] As shown in FIG. 4, it is envisioned that a substrate or substrate shape or sheet or strip of substrate material 118 may have a reflective film or layer 122 adhered or laminated or otherwise applied to the exterior surface 118b of the substrate material. An anti-abrasion film or layer 120 (which may comprise an ultrathin glass film or layer as described above) may be adhered or laminated or otherwise applied to the reflective film or layer 122. In such an application, with the reflective layer on the front or exterior surface of the substrate, the substrate material may be molded or formed of a polymeric material that does not provide optical clarity and need not be transparent. The substrate material may act only as a support or backing plate for the reflective film or layer and the antiabrasion film or layer and thus may be opaque or nontransparent. The exterior surface 118b of substrate material 118 may comprise a wide angle exterior surface or a multi-radius exterior surface having a less curved inboard portion or surface 118c and a more curved outboard portion or surface 118d, such as discussed above with respect to substrate 18.

- <sup>[0036]</sup> Optionally, and such as shown in FIGS. 5, 6 and 8, the optical resin material may be molded or extruded or cast into a generally continuous strip 19 having the desired curved or multi-radius surfaces, and may be cut to form the substrates. The substrates may be cut from the strip via any known cutting process, such as via a laser cutting process or a water-jet cutting process or the like, without affecting the scope of the present invention.
- [0037] As shown in FIGS. 5-8, the molding processes and film or layer application processes of the present invention may be used to form a prismatic or wedge-shaped strip for forming prismatic or wedge-shaped substrates 18' (FIG. 7) for use in an interior rearview mirror assembly of a vehicle.
- <sup>[0038]</sup> As also shown in FIGS. 5–8, the substrate material or optical resin material may be extruded or cast to form the

continuous strip or sheet 19. For example, and as shown in FIGS. 5 and 5A, the strip 19 may be extruded by an extruder 24, which, preferably continuously, extrudes the optical resin material through an extrusion nozzle 26. The extruded material may be moved through an annealing lehr 28 to reduce or substantially eliminate birefringence, striation, stress and/or distortion in the strip or substrates. The coatings or layers or films 20 and/or 22 may be applied to one or both surfaces of the strip or substrate after the annealing process. The strip 19 may then be cut, such as via laser cutting or water-jet cutting devices or processes 30, or via other forming processes, to form the substrates 18' after the films or coatings have been applied thereto.

<sup>[0039]</sup> Optionally, and as shown in FIG. 8, the strip 19 of optical polymeric resin material may be cast by a caster 32, which deposits the molten polymer or resin material onto a float section 34, such as a heated plate or heated melt. The float section 34 may be angled to form the wedge-shaped strip as the strip or ribbon of cast molten polymer solidifies as it passes across the hot float section (it is also envisioned that the float may provide a curved surface to form the curved outboard surface of the substrate). The

coatings or layers or films 20, 22 may be applied to the solidified strip and the strip may be cut to form the substrates after the coatings or layers or films have been applied thereto.

[0040] Because the films or layers are flexible, it is envisioned that the anti-abrasion film or ultrathin glass film and/or the reflective polymeric film may be unwound or unrolled and applied along the generally continuously extruded or cast substrate material or strip 19. For example, and as shown in FIGS. 5–8, the ultrathin glass film (or other outer layer anti-abrasion coating or film) 20 may be provided in a reel or roll form or strip 20a and may be unwound or unrolled and laminated or otherwise adhered or applied along the exterior surface 19b of the extruded or cast strip 19 of substrate material. Likewise, the reflective polymeric film 22 may be provided in a reel or roll form or strip 22a and may be attached or applied to the inner surface 19a of the substrate material strip 19, such as via laminating or adhering or otherwise applying the film to the substrate material, such as by using optical adhesive and/or via rolling or ironing the film or sheet (preferably at an elevated temperature and with vacuum assist) onto the substrate or strip surface, to secure the reflective film

to the substrate or extruded or cast strip or sheet.

[0041] Optionally, the glass film or layer or sheet (or reel or roll of glass sheet or strip) may be coated with a highly reflective metallic layer, such as silver or aluminum or the like, deposited on or applied to its inner surface (i.e., the surface which is adhered to or otherwise applied to the substrate or substrate sheet or strip). The reflective layer or coating may be applied to the glass film or layer with or without transparent overcoats. The glass film thus may provide the reflective layer at the exterior surface of the substrate, such that the reflective layer provides the second layer or surface, with the substrate behind the reflective layer. The glass sheet or film may thus be provided with the reflective mirror coating already applied thereto. The glass layer with reflective layer or coating applied thereto may be provided in a reel or roll form for applying both the reflective layer and the anti-abrasion layer to the exterior surface of the substrate or substrate strip or sheet in one application process. In such an application, the substrate material need not comprise a transparent optical resin material, and a separate reflective layer or film or coating would not be necessary at the inner or rear surface of the substrate.

- [0042] It is envisioned that other hard coats or films or the like may be applied to one or more surfaces of the molded substrate strip or to the molded and cut substrates, such as via dip coating or vacuum deposition or the like, without affecting the scope of the present invention. The other hard coats or films may be substantially flexible and may be applied via unrolling of a reel of an anti-abrasion film or sheet and applying the film or sheet to a surface of an extruded or cast strip of transparent acrylic resin or the like, as discussed above. Optionally, a hydrophobic film or hydrophilic film or element or property may also or otherwise be applied to (or sprayed on) one or both surfaces 18a, 18b of the substrate or strip or sheet. Optionally, one or both of the reflective polymeric film 22 and the antiabrasion film 20 may be formed of the same resin material as the substrate 18, 18' or substrate strip 19 to match the coefficients of thermal expansion and thus reduce thermal expansion/contraction mismatches between the materials.
- <sup>[0043]</sup> Optionally, it is envisioned that such ultrathin glass films, anti-abrasion films, reflective films or reflective systems may be used for electrochromic mirror reflective elements or cells as well. For example, the interior or exterior

rearview mirror assembly of the present invention may comprise an electrochromic mirror, such as an electrochromic mirror assembly and electrochromic element utilizing principles disclosed in commonly assigned U.S. Pat. Nos. 5,140,455; 5,151,816; 6,690,268; 6,178,034; 6,154,306; 6,002,544; 5,567,360; 5,525,264; 5,610,756; 5,406,414; 5,253,109; 5,076,673; 5,073,012; 5,117,346; 5,724,187; 5,668,663; 5,910,854; 5,142,407 and/or 4,712,879, which are hereby incorporated herein by reference, and/or as disclosed in the following publications: N. R. Lynam, "Electrochromic Automotive Day/Night Mirrors", SAE Technical Paper Series 870636 (1987); N. R. Lynam, "Smart Windows for Automobiles", SAE Technical Paper Series 900419 (1990); N. R. Lynam and A. Agrawal, "Automotive Applications of Chromogenic Materials", Large Area Chromogenics: Materials and Devices for Transmittance Control, C.M. Lampert and C.G. Granquist, EDS., Optical Engineering Press, Wash. (1990), which are hereby incorporated by reference herein. The mirror assembly may comprise an interior rearview mirror assembly, and may include an accessory module or may be mounted to an accessory module, such as an accessory module of the types disclosed in U.S. pat. application, Ser. No.

10/355,454, filed Jan. 31, 2003 for VEHICLE ACCESSORY MODULE (Attorney Docket DON01 P-1050), which is hereby incorporated herein by reference.

[0044] Optionally, the mirror assembly may include one or more displays for displaying information to a driver of the vehicle at or through the reflective element of the mirror assembly. For example, the mirror assembly may include one or more displays of the types described in U.S. Pat. Nos. 6,329,925; 6,501,387; 6,690,268; 5,910,854; 6,420,036; 5,668,663; and 5,724,187, and/or in U.S. pat. applications, Ser. No. 10/054,633, filed Jan. 22, 2002 by Lynam et al. for VEHICULAR LIGHTING SYSTEM (Attorney Docket DON01 P-962); and Ser. No. 10/456,599, filed Jun. 6, 2003 by Weller et al. for INTERIOR REARVIEW MIR-ROR SYSTEM WITH COMPASS (Attorney Docket DON01 P-1076), and/or in PCT Application No. PCT/US03/29776, filed Sep. 19, 2003 by Donnelly Corporation et al. for **ELECTROCHROMIC MIRROR ASSEMBLY (Attorney Docket** DON01 FP-1109(PCT)); PCT Application No. PCT/ US03/35381, filed Nov. 5, 2003 by Donnelly Corporation et al. for ELECTRO-OPTIC REFLECTIVE ELEMENT ASSEMBLY (Attorney Docket DON01 FP-1116(PCT)); and/or PCT Application No. PCT/US03/40611, filed Dec. 19, 2003 by

Donnelly Corporation et al. for ACCESSORY SYSTEM FOR VEHICLE (Attorney Docket DON01 FP-1123(PCT)), and/or in U.S. provisional applications, Ser. No. 60/508,086, filed Oct. 2, 2003 by Schofield for MIRROR REFLECTIVE ELE-MENT ASSEMBLY INCLUDING ELECTRONIC COMPONENT (Attorney Docket DON01 P-1113); Ser. No. 60/525,952, filed Nov. 26, 2003 by Lynam for MIRROR REFLECTIVE EL-EMENT FOR A VEHICLE (Attorney Docket DON01 P-1130); Ser. No. 60/471,546, filed May 19, 2003 (Attorney Docket DON01 P-1093); Ser. No. 60/525,537, filed Nov. 26, 2003 (Attorney Docket DON01 P-1129); and Ser. No. 60/556,259, filed Mar. 25, 2004 (Attorney Docket DON01 P-1147), which are all hereby incorporated herein by reference, without affecting the scope of the present invention.

[0045] Optionally, the mirror assembly may include or be associated with electronic accessories, such as, for example, antennas, including global positioning system (GPS) or cellular phone antennas, such as disclosed in U.S. Pat. No. 5,971,552, a communication module, such as disclosed in U.S. Pat. No. 5,798,688, a blind spot detection system, such as disclosed in U.S. Pat. Nos. 5,929,786 and/or 5,786,772, a high/low headlamp controller, such as disclosed in U.S. Pat. Nos. 5,796,094 and/or 5,715,093, transmitters and/or receivers, such as a garage door opener or the like, a digital network, such as described in U.S. Pat. No. 5,798,575, a memory mirror system, such as disclosed in U.S. Pat. No. 5,796,176, a hands-free phone attachment, a video device for internal cabin surveillance and/or video telephone function, such as disclosed in U.S. Pat. Nos. 5,760,962 and/or 5,877,897, a remote keyless entry receiver or system or circuitry and/or a universal garage door opening system or circuitry (such as the types disclosed in U.S. Pat. Nos. 6,396,408; 6,362,771; 5,798,688 and 5,479,155, and/or U.S. pat. application, Ser. No. 10/770,736, filed Feb. 3, 2004 by Baumgardner et al. for GARAGE DOOR OPENING SYSTEM FOR VEHICLE (Attorney Docket DON01 P-1135)), lights, such as map reading lights or one or more other lights or illumination sources, such as disclosed in U.S. Pat. Nos. 6,690,268; 5,938,321; 5,813,745; 5,820,245; 5,673,994; 5,649,756; 5,178,448; 5,671,996; 4,646,210; 4,733,336; 4,807,096; 6,042,253; and/or 5,669,698, and/or U.S. pat. application, Ser. No. 10/054,633, filed Jan. 22, 2002 by Lynam et al. for VEHICULAR LIGHTING SYSTEM (Attorney Docket DON01 P-962), microphones, such as disclosed in U.S.

Pat. Nos. 6,243,003; 6,278,377; and/or 6,420,975, and/ or PCT Application No. PCT/US03/30877, filed Oct. 1, 2003 (Attorney Docket DON01 FP-1111(PCT)), speakers, a compass or compass system, such as disclosed in U.S. Pat. Nos. 5,924,212; 4,862,594; 4,937,945; 5,131,154; 5,255,442; and/or 5,632,092, and/or U.S. pat. application, Ser. No. 10/456,599, filed Jun. 6, 2003 by Weller et al. for INTERIOR REARVIEW MIRROR SYSTEM WITH COM-PASS (Attorney Docket DON01 P-1076), a navigation system, such as described in U.S. Pat. No. 6,477,464, and U.S. pat. applications, Ser. No. 10/456,599, filed Jun. 6, 2003 by Weller et al. for INTERIOR REARVIEW MIRROR SYS-TEM WITH COMPASS (Attorney Docket DON01 P-1076); Ser. No. 10/287,178, filed Nov. 4, 2002 by McCarthy et al. for NAVIGATION SYSTEM FOR A VEHICLE (Attorney Docket DON01 P-1051); Ser. No. 10/645,762, filed Aug. 20, 2003 by Taylor et al. for VEHICLE NAVIGATION SYSTEM FOR USE WITH A TELEMATICS SYSTEM (Attorney Docket DON01 P-1103); and Ser. No. 10/422,378, filed Apr. 24, 2003 (Attorney Docket DON01 P-1074); and/or PCT Application No. PCT/US03/40611, filed Dec. 19, 2003 by Donnelly Corporation et al. for ACCESSORY SYSTEM FOR VEHICLE (Attorney Docket DON01 FP-1123(PCT)), a tire

pressure monitoring system, such as the types disclosed in U.S. Pat. Nos. 6,294,989; 6,445,287; and/or 6,472,979, and/or in U.S. pat. application, Ser. No. 10/206,495, filed Jul. 26, 2002 by Schofield et al. for SELF TRAINING TIRE PRESSURE MONITORING SYSTEM (Attorney Docket DON01 P-992), a seat occupancy detector, a trip computer, a telematics system, such as an ONSTAR<sup>®</sup> system or the like, and/or any other desired accessory or system or the like (with all of the above-referenced patents and patent applications and PCT applications being commonly assigned to Donnelly Corporation, and with the disclosures of all of the above referenced patents and patent applications and PCT applications being hereby incorporated herein by reference in their entireties).

<sup>[0046]</sup> Optionally, a vehicle compass or compass system may comprise a printed circuit board and may be positioned within a pod or the like that may be fixedly mounted in the vehicle. The compass may be initially calibrated (such as at the assembly plant or the like) via a small Helmholtz coil that may accommodate the small circuit board or pod. The coil induces a field to calibrate the compass, such as described in U.S. provisional application, Ser. No. 60/467,899, filed May 5, 2003 (Attorney Docket DON01

P-1090), which is hereby incorporated herein by reference in its entirety. The induced field in the miniature Helmholtz coil may be controlled via the use of a highly permeable magnetic shielding material that may enclose the miniature Helmholtz coil with only a small slot for the circuit board or compass pod to enter through. Such a set up may allow the compass pod manufacturer to automate and magnetically shield the calibration and test stage of a microprocessor-based compass. The calibration process may utilize an indexing rotary table that may rotate to move a compass pod from a loading bay to a calibration bay. The shielded Helmholtz coil may be adjacent to the rotary table and may be shuttled back and forth to align with the rotary table to receive a compass pod therefrom. The rotary table may rotate to move a calibrated compass pod (after it leaves the miniature Helmholtz coil) from the calibration bay to a final functional test station to test the calibrated compass pod.

<sup>[0047]</sup> Therefore, the present invention provides a wide angle or multi-radius single substrate or reflective element which may provide an enhanced field of view for an interior or exterior rearview mirror assembly. The wide angle or multi-radius single element reflector may have an anti-

abrasion coating or ultrathin glass film conformed to and applied to the exterior curved surface of the substrate. The substrate may be molded or extruded into the desired shape and may be formed into an elongated strip or sheet, whereby the anti-abrasion coating or film may be applied along the strip before the strip is cut into the desired substrates. The present invention thus provides a single element wide angle or multi-radius substrate which has enhanced scratch resistance. A polymeric reflective film may be laminated, adhered or otherwise applied to the opposite inner surface of the substrate or extruded strip while the anti-abrasion coating or film is applied to the exterior surface. Optionally, a reflective film or layer may be applied to the exterior surface of the substrate and an anti-abrasion film or layer may be applied to the reflective film or layer.

<sup>[0048]</sup> Changes and modifications in the specifically described embodiments can be carried out without departing from the principles of the present invention, which is intended to be limited only by the scope of the appended claims, as interpreted according to the principles of patent law.

## Claims

[c1] A wide angle reflective element for a mirror assembly for a vehicle comprising:

a wide angle substrate having an exterior surface comprising a less curved inboard portion or surface and a more curved outboard portion or surface, said substrate comprising a polymeric resin material; and a glass film disposed at said exterior surface, said glass film adapted to substantially conform to said exterior surface of said wide angle substrate, said glass film comprising a glass material and having a thickness of less than approximately 0.8 mm.

- [c2] The wide angle reflective element of claim 1, wherein said glass film comprises a flexible glass film.
- [c3] The wide angle reflective element of claim 1, wherein said substrate is cut from a molded or extruded or cast strip or sheet, said glass film being applied to said strip or sheet, at least two substrates being cut from said strip or sheet.
- [c4] The wide angle reflective element of claim 3 including a reflective film applied to said strip or sheet on an inner

surface of said substrates opposite said exterior surface.

- [c5] The wide angle reflective element of claim 1 including a reflective film applied to an inner surface of said substrate opposite said exterior surface.
- [c6] The wide angle reflective element of claim 5, wherein said reflective film comprises a polymeric reflective film laminated or otherwise adhered or applied to said inner surface of said substrate.
- [c7] The wide angle reflective element of claim 6, wherein said reflective film comprises an all polymer-thin-film multilayer, high reflective mirror film comprising multiple coextrusion of many plastic layers to form a highly reflective mirror film.
- [c8] The wide angle reflective element of claim 1 including a reflective film applied to said exterior surface of said substrate, said glass film being applied to an exterior surface of said reflective film.
- [c9] The wide angle reflective element of claim 8, wherein said reflective film comprises a polymeric reflective film laminated or adhered or otherwise applied to said exterior surface of said substrate.
- [c10] The wide angle reflective element of claim 9, wherein

said reflective film comprises an all polymer-thin-film multilayer, high reflective mirror film comprising multiple coextrusion of many plastic layers to form a highly reflective mirror film.

- [c11] The wide angle reflective element of claim 1, wherein said reflective element is adapted for one of an interior rearview mirror assembly and an exterior rearview mirror assembly.
- [c12] A method for forming a reflective element substrate for a mirror assembly of a vehicle comprising:
   generally continuously forming an elongated sheet of substrate material, said substrate material comprising a polymeric resin material;

applying a substantially transparent functional film to a surface of said elongated sheet;

unrolling said substantially transparent functional film from a reel or roll of said film and applying said unrolled film to said surface of said elongated sheet generally continuously as said sheet is formed or extruded or cast; and

forming two or more mirror substrates from said elongated sheet after said film is applied to said surface of said sheet.

[c13] The method of claim 12, wherein said substantially

transparent functional film provides an anti-abrasion function.

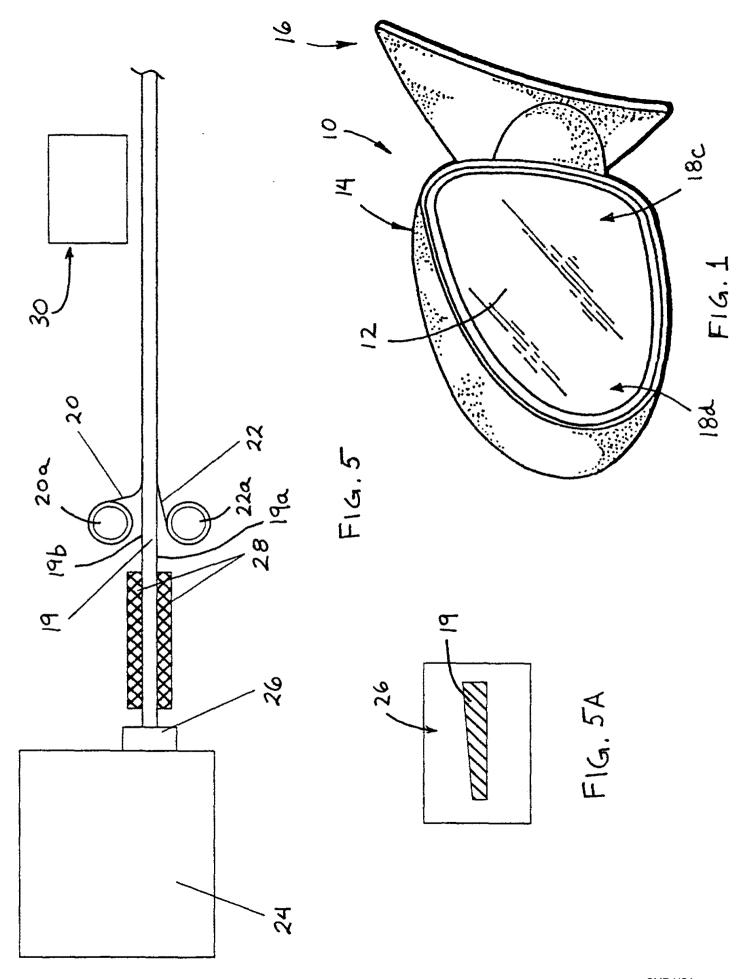
- [c14] The method of claim 12, wherein said substantially transparent functional film provides a hydrophobic function or a hydrophilic function.
- [c15] The method of claim 12, wherein said functional film comprises an ultrathin glass material which is sufficiently flexible to be provided in a reel or roll.
- [c16] The method of claim 12, wherein said substrates are formed with a wide angle or multi-radius exterior surface, said functional film being sufficiently flexible to conform to said wide angle or multi-radius curved surface.
- [c17] The method of claim 12 including applying a reflective film, such as a polymeric reflective film or the like, to an opposite surface of said sheet.
- [c18] The method of claim 17, wherein said reflective film is sufficiently flexible to be provided in a reel or roll form, said method including unrolling said reflective film and generally continuously applying said reflective film to said opposite surface of said generally continuously formed sheet.

- [c19] The method of claim 12 including applying a reflective film, such as a polymeric reflective film or the like, to said surface of said sheet, wherein applying said functional film comprises applying said functional film to said reflective film.
- [c20] The method of claim 19, wherein said reflective film is sufficiently flexible to be provided in a reel or roll form, said method including unrolling said reflective film and generally continuously applying said reflective film to said surface of said generally continuously formed sheet.
- [c<sup>21</sup>] The method of claim 12 including forming a vehicle mirror assembly with one of said two or more mirror substrates.

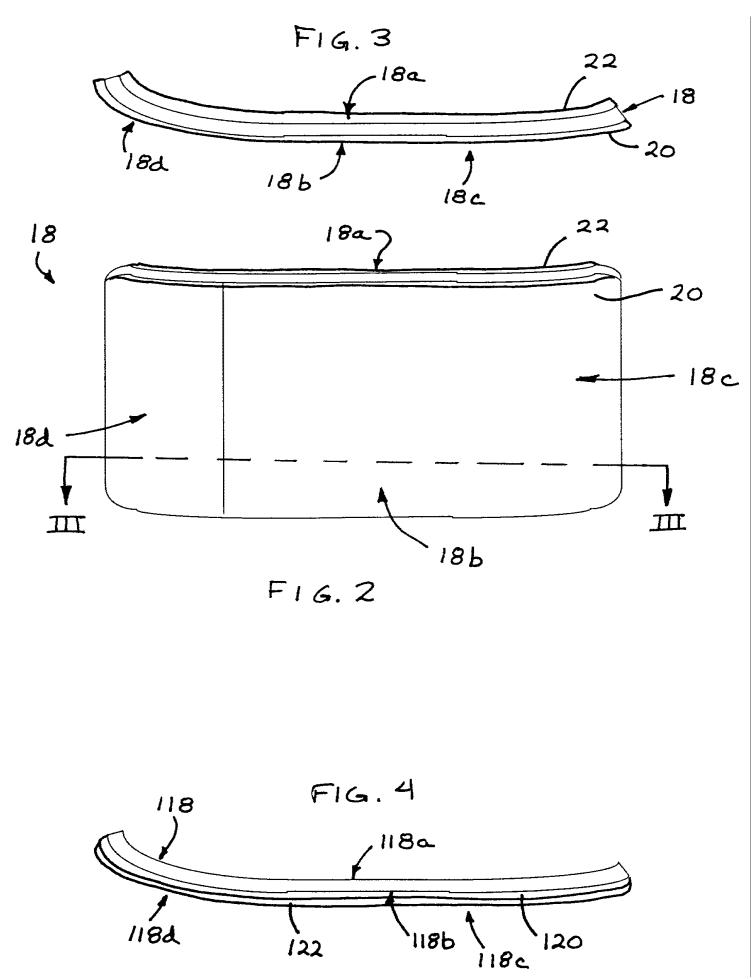
# MIRROR REFLECTIVE ELEMENT

## Abstract

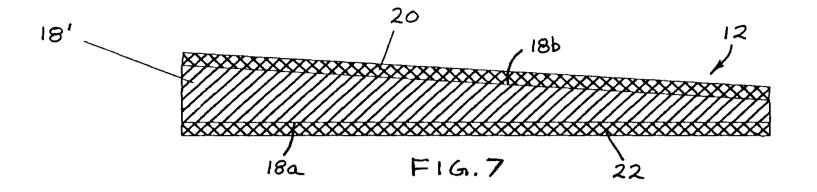
A reflective element for a mirror assembly for a vehicle includes a substrate and a functional or anti-abrasion film applied to an exterior surface of the substrate. The substrate comprises a polymeric resin material, such as a transparent optical polymeric resin material. The functional or anti-abrasion film may comprise a glass material and may have a thickness of less than approximately 0.8 mm. The anti-abrasion film is flexible to conform to the exterior surface of the substrate. The flexible film may be unrolled from a reel or roll and applied to the exterior surface of an elongated strip or sheet of substrate material. The substrate, including the glass film or layer, may then be cut or otherwise formed from the elongated strip or sheet of molded or extruded or cast substrate material.

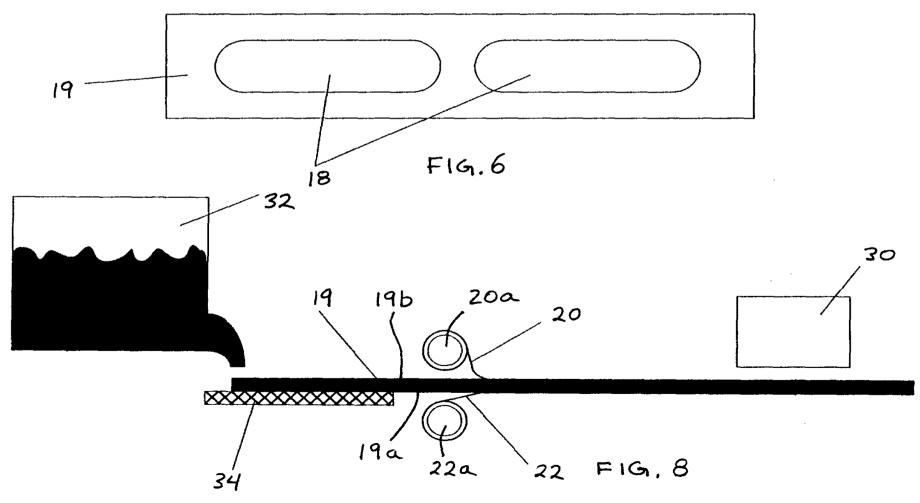


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SMR USA Exhibit 1028 Page 044





SMR USA Exhibit 1028 Page 045

## ACKNOWLEDGEMENT RECEIPT

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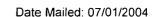
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28101 VAN DYKE, GARDNER, LINN AND BURKHART, LLP 2851 CHARLEVOIX DRIVE, S.E. P.O. BOX 888695 GRAND RAPIDS, MI 49588-8695



FORMALITIES LETTER

\*OC000000013118965\*

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

#### FILED UNDER 37 CFR 1.53(b)

#### Filing Date Granted

#### Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

#### SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is \$130 for a Large Entity

• \$130 Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts Commissioner for Patents P.O. Box 1450 Alexandria VA 22313-1450

A copy of this notice <u>MUST</u> be returned with the reply.

## BU.

Customer Service Center Initial Patent Examination Division (703) 308-1202 PART 3 - OFFICE COPY

1



PATENT DON01 P-1152

#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Art Unit	:	3612
Applicant	:	Niall R. Lynam
Serial No.	:	10/709,434
Filing Date	:	May 5, 2004
For	:	MIRROR REFLECTIVE ELEMENT

Mail Stop Missing Parts Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Dear Sir or Madam:

### RESPONSE TO NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

Responsive to the Notice To File Missing Parts Of NonProvisional Application mailed July 1, 2004, enclosed herewith are the required parts of the above identified application which were not available at the time of filing:

- 1. Declaration and Power of Attorney (1 page, signed).
- 2. Assignment Recordation Form Cover Sheet (1 page, in duplicate), Assignment (1 page, signed) and Assignment Recording Fee (\$40.00).

Also enclosed is the required copy of the NOTICE TO FILE MISSING PARTS OF

NONPROVISIONAL APPLICATION and a check in the amount of \$170.00 to cover the surcharge and recording fee.

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Account 22-0190. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

NIALL R. LYNAM

By: Van Dyke, Gardner, Linn & Burkhart, LLP

Timothy A. Flbry Registration No. 42 540 2851 Charlevoix Drive, S.E., Suite 207 P.O. Box 888695 Grand Rapids, Michigan 49588-8695 (616) 975-5500

Date: August 19, 2004

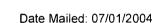
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/709,434	05/05/2004	Niall R. Lynam	DON01 P-1152

28101

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VAN DYKE, GARDNER, LINN AND BURKHART, LLP 2851 CHARLEVOIX DRIVE, S.E. P.O. BOX 888695 GRAND RAPIDS, MI 49588-8695



**CONFIRMATION NO. 3433** 

FORMALITIES LETTER

\*OC000000013118965\*

### NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

#### FILED UNDER 37 CFR 1.53(b)

#### Filing Date Granted

#### Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

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#### SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is \$130 for a Large Entity

• \$130 Late oath or declaration Surcharge.

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<u>B-14-</u> Customer Service Center Initial Patent Examination Division (703) 308-1202 PART 2 - COPY TO BE RETURNED WITH RESPONSE

2



PATENT DON01 P-1152

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Art Unit	:	3612
Applicant	:	Niall R. Lynam
Serial No.	:	10/709,434
Filing Date	:	May 5, 2004
For	:	MIRROR REFLECTIVE ELEMENT

Mail Stop Missing Parts Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Dear Sir or Madam:

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#### **CERTIFICATE OF MAILING**

I hereby certify that the attached return postal card, a check in the amount of \$170.00 (\$130 – missing parts surcharge and \$40 – assignment recordation), Response to Notice to File Missing Parts of NonProvisional Application (1 page, in duplicate), Declaration and Power of Attorney (1 page, signed), Assignment Recordation Form Cover Sheet (1 page, in duplicate), Assignment (1 page, signed) and the required copy of the Notice to File Missing Parts of NonProvisional Application (2 pages) are being deposited with the United States Postal Service as first class mail in an envelope addressed to:

Mail Stop Missing Parts Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

on August 19, 2004.

Susan L. Gasper Van Dyke, Gardner, Linn & Burkhart, LLP 2851 Charlevoix Drive, S.E., Suite 207 P.O. Box 888695 Grand Rapids, Michigan 49588-8695 (616) 975-5500

TAF:slg

DON01 P-1152



#### DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor, if only one name is listed below, or an original, first and joint inventor, if plural names are listed below, of the subject matter which is claimed and for which a patent is sought on the invention entitled MIRROR REFLECTIVE ELEMENT, the specification of which was filed on May 5, 2004 as application Serial No. 10/709,434.

I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office (the Office), all information which is known by me to be material to patentability as defined in Title 37, Code of Federal Regulations (C.F.R.), Section 1.56.

#### CLAIM OF PRIORITY

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below:

U.S. Serial No. 60/471,872, filed on May 20, 2003.

#### POWER OF ATTORNEY

I hereby appoint the patent law firm of Van Dyke, Gardner, Linn & Burkhart, LLP, 2851 Charlevoix Drive, S.E., Suite 207, Grand Rapids, Michigan 49546, telephone number 616/975-5500, facsimile number 616/975-5505, and the individual patent attorneys and patent agents at such patent law firm, namely, Daniel Van Dyke, Reg. No. 25 046; Donald S. Gardner, Reg. No. 25 975; Terence J. Linn, Reg. No. 30 283; Frederick S. Burkhart, Reg. No. 29 288; Catherine S. Collins, Reg. No. 37 599; Timothy A. Flory, Reg. No. 42 540; and Karl T. Ondersma, Reg. No. 55 894 my attorney(s) or agent(s) with full power of substitution and revocation, to prosecute this application and to transact all business in and to receive all correspondence from the Patent and Trademark Office connected therewith.

All statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true, and further, these statements are made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements may jeopardize the validity of this application or any patent issued thereon.

Sole inventor:

Niall R. Lynam Date

Citizenship: U.S.A. Residence: 248 Foxdown Holland, Michigan 49424 United States of America Post Office Address: Same as above.

 ${\mathbb Q}^*$ 

## **ELECTRONIC INFORMATION DISCLOSURE STATEMENT**

Electronic Version v18

Stylesheet Version v18.0

Title of Invention	MIRROR REFLECTIVE ELEMENT			
Application Num Confirmation Nu		10/709434 3433		
First Named Ap Attorney Docket		Niall Lynam DON01 P-1152		
Art Unit:		3612		
Examiner: Search string:			or 5483386 or 5361172 or 5085907 or 4944581 or 4737188 or 4193668 or 3884606 or 3773882 or 3759647 ).pn	

## **US Patent Documents**

Note: Applicant is not required to submit a paper copy of cited US Patent Documents

init	Cite.No.	Patent No.	Date	Patentee	Kind	Class	Subclass
	1	6522451	2003-02-18	Lynam		359	265
	2	6409354	2002-06-25	Richard		359	883
	3	5483386	1996-01-09	Carson		359	883
	4	5361172	1994-11-01	Schissel et al.		359	883
	5	5085907	1992-02-04	Smith		428	40
	6	4944581	1990-07-31	Ichikawa		350	641
	7	4737188	1988-04-12	Bahls		106	1.23
	8	4666264	1987-05-19	Yamabe		350	641
	9	4385804	1983-05-31	Tamura et al.		350	310
	10	4193668	1980-03-18	Skinner		350	281
	11	3884606	1975-05-20	Schrenk		425	133.5
	12	3773882	1973-11-20	Schrenk		264	171
	13	3759647	1973-09-18	Schrenk et al.		425	131

## Remarks

Note: Remarks are not for responding to an office action.

In accordance with 37 CFR 1.51, 1.56, 1.97 and 1.98, Applicant submits herewith patents for consideration by the Examiner in connection with examination of the present application. This Information Disclosure Statement is not intended to constitute an admission that any patent, publication or other information referred to herein is "prior art" for this invention unless specifically designated as such. The present application and U.S. Patent No. 6,522,451 are

commonly assigned. Under 37 CFR 1.97, the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR 1.56(a) exists. This Information Disclosure Statement is being filed before Applicant is aware of any mailing date of a first Office Action on the merits. An early and favorable action on the merits is respectfully requested.

## Signature

Examiner Name	Date

## TRANSMITTAL

## Electronic Version v1.1

Stylesheet Version v1.1.0

Title of Invention	MIRROR REFLECTIVE ELEMENT					
Application Number	: 10/709434					
Date :	2004-05-05					
First Named Applica	ant: Lynam Niall R.					
Confirmation Numb	er: 3433					
Attorney Docket Nu	mber: DON01 P-1152					
applicants or of official corr	I hereby certify that the use of this system is for OFFICIAL correspondence between patent applicants or their representatives and the USPTO. Fraudulent or other use besides the filing of official correspondence by authorized parties is strictly prohibited, and subject to a fine and/or imprisonment under applicable law.					
I, the undersigned, certify that I have viewed a display of document(s) being electronically submitted to the United States Patent and Trademark Office, using either the USPTO provide style sheet or software, and that this is the document(s) I intend for initiation or further prosecution of a patent application noted in the submission. This document(s) will become part of the official electronic record at the USPTO.						
	Submitted By:	Elec. Sign.	Sign. Capacity			
Timothy A Registered	. Flory I Number: 42 540	/taf/	Attorney			

Documents being submitted:	Files	
us-ids	DON01P1152IDS-usidst.xml us-ids.dtd us-ids.xsl	
Comments		

## ACKNOWLEDGEMENT RECEIPT

Electronic Version 1.1

Stylesheet Version v1.1.1

Title of Invention	MIRROR REFLECTIVE ELEMENT						
Submision Ty	vpe :	Information Disc Statement	slosure				
Application N	umber:	10/709434					
EFS ID:		67335					
Server Respo	onse:	Confirmation Code	Mess	sage			
		ISVR1	Submission was succe Even if Informational o appear below, please o application	r Warnir	ng Messa	iges	
			3433				
			<b>Ee</b> r assistance with e-f application, contact the Business Center: Toll- 217-9197 Website: http://www.uspto.gov/e	e Patent Free Nu	Electron		
First Named	Applicant:	Niall Lynam					
Attorney Docl		DON01 P-1152					
Timestamp:		2004-08-25 09:					
From:							
		US Doc. Name	File Name		Cine (Dutes)	Data	
File Listing:		Doc. Name			Size (Bytes)	Date Produced (yyyymmdd)	
		us-ids	DON01P1152IDS-usidst.xml		4280	2004-08-25	
		us-ids	us-ids.dtd			2004-08-25	
		us-ids package-data	us-ids.xsl DON01P1152IDS-pkda.xml			2004-08-25 2004-08-25	
		package-data	package-data.dtd			2004-08-25	
		package-data	us-package-data.xsl		19263	2004-08-25	
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Digital Certifi Name:	cate Holder	cn=Timothy A. Flory,ou=Regist Attorneys,ou=Pa Trademark Office,ou=Depa Commerce,o=U Government,c=	atent and rtment of .S.				

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
S1	28	("6522451" or "6409354" or "5483386" or "5361172" or "5085907" or "4944581" or "4737188" or "4666264" or "4385804" or "4193668" or "3884606" or "3773882" or "3759647").pn.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	ADJ	ON	2005/11/16 09:10
S2	8236	(rearview or rear-view or sideview or side-view) adj mirror	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	ADJ	ON	2005/11/15 16:18
S3	562	S2 and (wide adj angle or multiradius or aspheric)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	ADJ	ON	2005/11/15 16:19
S4	196	S3 and polymer\$2	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	ADJ	ON	2005/11/16 10:04
S5	20	S4 and (scratch-resistant or scratch adj resistant or anti-abrasive)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	ADJ	ON	2005/11/15 16:46
S6	69	S3 and (polymer\$2 with substrate)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	ADJ	ON	2005/11/15 16:37
S7	6	S6 and (scratch-resistant or scratch adj resistant or anti-abrasive)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	ADJ	ON	2005/11/15 16:21
<b>S</b> 8	2	("6409354").PN.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2005/11/15 16:38
S9	374	(359/866,868):CCLS.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2005/11/15 16:39

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S10	12	S9 and polymer\$2	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	ADJ	ON	2005/11/15 16:39
S11	73	S2 and (scratch-resistant or scratch adj resistant or anti-abrasive)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	ADJ	ON	2005/11/15 16:46
S12	71	S11 and glass	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	ADJ	ON	2005/11/15 16:46
S13	16	S11 and (glass with scratch)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	ADJ	ON	2005/11/15 16:47
S14	1105	(359/866,868,869,883).CCLS.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2005/11/16 10:42
S15	146	S14 and polymer\$2	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	ADJ	ON	2005/11/16 09:12
S16	130	S15 and (glass or SiO2 or silicon adj oxide or silicon adj dioxide)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	ADJ	ON	2005/11/16 09:12
S17	8236	(rearview or rear-view or sideview or side-view) adj mirror	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	ADJ	ON	2005/11/16 10:04
S18	562	S17 and (wide adj angle or multiradius or aspheric)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	ADJ	ON	2005/11/16 10:04
S19	196	S18 and polymer\$2	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	ADJ	ON	2005/11/16 10:05

S20	1	S19 and coextrusion	US-PGPUB;	ADJ	ON	2005/11/16 10:05
			USPAT;			
			USOCR;			
			EPO; JPO;			
			DERWENT			
S21	374	(359/866.868).CCLS.	US-PGPUB:	OR	OFF	2005/11/16 10:42
			USPAT;			
			USOCR;			
			EPO; JPO;			
			DERWENT			

	red States Paten	T AND TRADEMARK OFFICE	UNITED STATES DEPAR United States Patent and Address: COMMISSIONER F P.O. Box 1450 Alexandria, Virginia 223 www.uspto.gov	OR PATENTS	
APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/709,434	05/05/2004	Niall R. Lynam	DON01 P-1152	3433	
28101 7	11/28/2005		EXAM	INER	
VAN DYKE, GARDNER, LINN AND BURKHART, LLP 2851 CHARLEVOIX DRIVE, S.E.			AMARI, ALESSANDRO V		
P.O. BOX 888	,		ART UNIT	PAPER NUMBER	
GRAND RAPI	DS, MI 49588-8695		2872		
			DATE MAILED: 11/28/200	5	

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

		tl
	Application No.	Applicant(s)
	10/709,434	LYNAM, NIALL R.
Office Action Summa	ary Examiner	Art Unit
	Alessandro V. Amari	2872
The MAILING DATE of this co Period for Reply	ommunication appears on the cover shee	t with the correspondence address
<ul> <li>WHICHEVER IS LONGER, FROM</li> <li>Extensions of time may be available under the p after SIX (6) MONTHS from the mailing date of t</li> <li>If NO period for reply is specified above, the may</li> <li>Failure to reply within the set or extended period</li> </ul>	ximum statutory period will apply and will expire SIX (6) I for reply will, by statute, cause the application to becom months after the mailing date of this communication, ev	JNICATION. ay a reply be timely filed MONTHS from the mailing date of this communication. ne ABANDONED (35 U.S.C. § 133).
itatus		
1) Responsive to communication	n(s) filed on .	
2a) This action is <b>FINAL</b> .	2b) This action is non-final.	
3) Since this application is in cor	ndition for allowance except for formal r	natters, prosecution as to the merits is
closed in accordance with the	e practice under Ex parte Quayle, 1935	C.D. 11, 453 O.G. 213.
isposition of Claims		
4) Claim(s) <u>1-21</u> is/are pending i	in the application.	
	21 is/are withdrawn from consideration.	
5) Claim(s) is/are allowed	l.	
6) Claim(s) <u>1-11</u> is/are rejected.		
7) Claim(s) is/are objecte		
8) Claim(s) are subject to	restriction and/or election requirement.	
Application Papers		
9) The specification is objected to	o by the Examiner.	
10) The drawing(s) filed on <u>05 Ma</u>	<u>y 2004</u> is/are: a) accepted or b) o	bjected to by the Examiner.
	ny objection to the drawing(s) be held in abe	
		ving(s) is objected to. See 37 CFR 1.121(d).
11) The oath or declaration is obje	ected to by the Examiner. Note the attac	ched Office Action or form PTO-152.
Priority under 35 U.S.C. § 119		
12) Acknowledgment is made of a a) All b) Some * c) Non	claim for foreign priority under 35 U.S. e of:	C. § 119(a)-(d) or (f).
	priority documents have been received.	
	priority documents have been received i	in Application No
	copies of the priority documents have be	
application from the Inte	ernational Bureau (PCT Rule 17.2(a)).	
* See the attached detailed Offic	e action for a list of the certified copies	not received.
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Attachment(s)	<u>م الم الم الم الم الم الم الم الم الم ال</u>	ew Summary (PTO-413)
<ol> <li>Notice of References Cited (P10-892)</li> <li>Notice of Draftsperson's Patent Drawing References Patent P</li></ol>	eview (PTO-948) Paper	No(s)/Mail Date
Information Disclosure Statement(s) (PTO- Paper No(s)/Mail Date <u>8/25/2004</u> .	1449 or PTO/SB/08) 5) 🛄 Notice	of Informal Patent Application (PTO-152)

Part of Paper No./Mail Date 11162005

#### DETAILED ACTION

### **Election/Restrictions**

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - Claims 1-11, drawn to a wide angle reflective element, classified in class 359, subclass 868.
  - II. Claims 12-21, drawn to a method for forming a reflective element, classified in class 359, subclass 900.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions II and I are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case a reflective element can be formed by lamination.

3. Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

4. During a telephone conversation with Mr. Timothy Flory on 14 November 2005 a provisional election was made with traverse to prosecute the invention of Group I, claims 1-11. Affirmation of this election must be made by applicant in replying to this Office action. Claims 12-21 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

#### Claim Rejections - 35 USC § 103

5. 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 negatived by the manner in which the invention was made.

6. Claims 1-4, 8 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lynam US 6,522,451.

In regard to claim 1, Lynam discloses (see for example, Figure 3) a wide angle reflective element for a mirror assembly for a vehicle comprising a wide angle substrate (60) having an exterior surface comprising a less curved inboard portion (F -G) or surface and a more curved outboard portion (G-H) or surface as shown in Figure 3, said substrate comprising a polymeric resin material as described in column 9, lines 13-32, and a glass film (50, 55) disposed at said exterior surface as described in column 7, lines 4-5, said glass film adapted to substantially conform to said exterior surface of said wide angle substrate as shown in Figure 3, said glass film comprising a glass material as described in column 7, lines 4-5.

However, in regard to claim 1, Lynam does not teach that the glass film having a thickness of less than approximately 0.8 mm. It would have been obvious to one having ordinary skill in the art at the time the invention was made to adjust the thickness as claimed, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. One would have been motivated to adjust

the thickness for the purpose of improving overall stability/vibration performance of the mirror. *In re Antonie*, 559 F.2d 618, 195 USPQ 6 (CCPA 1977)

Regarding claim 2, Lynam discloses that said glass film comprises a flexible glass film as described in column 7, lines 4-10. Since the applicant's specification does not define the term "flexible" in any terms of degree, the reference is taken to read on this feature.

Regarding claims 3 and 4, Lynam discloses that said substrate is cut from a molded or extruded or cast strip or sheet, said glass film being applied to said strip cut from said strip or sheet, at least two substrates being or sheet as described in column 9, lines 13-52 and regarding claim 4, Lynam discloses including a reflective film applied to said strip or sheet on an inner surface of said substrates opposite said exterior surface as described in column 7, lines 4-22 and column 9, lines 13-52. Applicant should note that claims 3 and 4 are product-by-process claims and in product-by-process claims, "once a product appearing to be substantially identical is found and a 35 U.S.C. 102/103 rejection [is] made, the burden shifts to the applicant to show an unobvious difference." MPEP 2113. This rejection under 35 U.S.C. 102/103 is proper because the "patentability of a product does not depend on its method of production." *In re Thorpe*, 227 USPQ 964, 966 (Fed. Cir. 1985).

Regarding claim 8, Lynam discloses (see Figure 3) that a reflective film (67) applied to said exterior surface of said substrate, said glass film being applied to an exterior surface of said reflective film as shown in Figure 3 and as described in column 7, lines 18-26.

Regarding claim 11, Lynam discloses that said reflective element is adapted for use as an exterior rearview mirror assembly as shown in Figure 1.

7. Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lynam US 6,522,451 in view of Wheatley et al US 5,262,894.

Regarding claims 9 and 10, Lynam teaches the invention as set forth above but regarding claim 9, does not teach that said reflective film comprises a polymeric reflective film laminated or adhered or otherwise applied to said exterior surface of said substrate and regarding claim 10 does not teach that said reflective film comprises an all polymer thin film multilayer high reflective mirror comprising multiple coextrusion of many plastic layers to form a highly reflective mirror.

Regarding claim 9, Wheatley et al teaches (see Figure 1) that a reflective film is a polymeric reflective film laminated or adhered or otherwise applied to said exterior surface of said substrate and regarding claim 10 teaches that said reflective film comprises an all polymer thin film multilayer high reflective mirror comprising multiple coextrusion of many plastic layers to form a highly reflective mirror as shown in Figure 1 and as described in column 6, lines 65-68, column 7, lines 45-68, column 11, lines 61-68 and column 12, lines 1-11.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the polymeric film of Wheatley et al for the reflective element of Lynam in order to provide for a reflective element which will not corrode or flake.

8. Claims 1-5, 8 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schmidt US 6,030,084 in view of Gillich et al US 6,709,119.

In regard to claim 1, Schmidt teaches (see for example, Figures 2, 3) a wide angle reflective element for a mirror assembly for a vehicle comprising a wide angle substrate (12) having an exterior surface comprising a less curved inboard portion or surface and a more curved outboard portion or surface as shown in Figures 2 and 3, said substrate comprising a polymeric resin material as described in column 3, lines 39-50.

However, in regard to claim 1, Schmidt does not teach a glass film disposed at said exterior surface, said glass film adapted to substantially conform to said exterior surface of said wide angle substrate, said glass film comprising a glass material and having a thickness of less than approximately 0.8 mm.

In regard to claim 1, Gillich et al teaches (see Figure 1) a glass film (101) disposed at said exterior surface, said glass film adapted to substantially conform to said exterior surface of said wide angle substrate, said glass film comprising a glass material as described in column 1, lines 56-67 and column 2, lines 1-5 and having a thickness of less than approximately 0.8 mm as described in column 2, lines 32-39. Regarding claim 2, Gillich et al discloses that said glass film comprises a flexible glass film as described in column as described in column 1, lines 56-67 and column 2, lines 1-5 and 32-39. Since the applicant's specification does not define the term "flexible" in any terms of degree, the reference is taken to read on this feature.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the glass film as taught by Gillich et al in the substrate of Schmidt in order to provide for a protective layer that protects the underlying layers from mechanical damage.

Regarding claims 3 and 4, Schmidt discloses that said substrate is cut from a molded or extruded or cast strip or sheet, said glass film being applied to said strip cut from said strip or sheet, at least two substrates being or sheet as described in column 3, lines 39-65 and regarding claim 4, Schmidt discloses including a reflective film applied to said strip or sheet on an inner surface of said substrates opposite said exterior surface as described in column 3, lines 39-65. Applicant should note that claims 3 and 4 are product-by-process claims and in product-by-process claims, "once a product appearing to be substantially identical is found and a 35 U.S.C. 102/103 rejection [is] made, the burden shifts to the applicant to show an unobvious difference." MPEP 2113. This rejection under 35 U.S.C. 102/103 is proper because the "patentability of a product does not depend on its method of production." *In re Thorpe*, 227 USPQ 964, 966 (Fed. Cir. 1985).

Regarding claim 5, Schmidt teaches (see Figure 2) including a reflective film (15) applied to an inner surface (14) of said substrate opposite said exterior surface as described in column 51-57.

Regarding claim 11, Schmidt discloses that said reflective element is adapted for use as an exterior rearview mirror assembly as described in column1, lines 15-21.

Regarding claim 8, Schmidt in view of Gillich et al discloses the claimed invention as set forth above except for the rearrangement of the reflective film being applied to the exterior surface of the substrate, said glass film being applied to an exterior surface of the reflective film. It would have been obvious to one having ordinary skill in the art at the time the invention was made to rearrange the reflective film to be applied to the exterior surface of the substrate, since it has been held that a mere rearrangement of elements without modification of the operation of the device involves only routine skill in the art. One would have been motivated to rearrange the reflective film to be applied to the exterior surface for the purpose of easier and more efficient manufacturing of the reflective element. *In re Japikse*, 181 F.2d 1019, 86 USPQ 70 (CCPA 1950)

9. Claims 6, 7, 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schmidt US 6,030,084 in view of Gillich et al US 6,709,119 and further in view of Wheatley et al US 5,262,894.

Regarding claims 6, 7, 9 and 10, Schmidt in view of Gillich et al teaches the invention as set forth above but regarding claims 6 and 9, does not teach that said reflective film comprises a polymeric reflective film laminated or adhered or otherwise applied to said inner or exterior surface of said substrate and regarding claims 7 and 10 does not teach that said reflective film comprises an all polymer thin film multilayer high reflective mirror comprising multiple coextrusion of many plastic layers to form a highly reflective mirror.

Regarding claims 6 and 9, Wheatley et al teaches (see Figure 1) that a reflective film is a polymeric reflective film laminated or adhered or otherwise applied to said

exterior surface of said substrate and regarding claims 7 and 10 Wheatley et al teaches that said reflective film comprises an all polymer thin film multilayer high reflective mirror comprising multiple coextrusion of many plastic layers to form a highly reflective mirror as shown in Figure 1 and as described in column 6, lines 65-68, column 7, lines 45-68, column 11, lines 61-68 and column 12, lines 1-11.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the polymeric film of Wheatley et al for the reflective element of Schmidt in view of Gillich et al in order to provide for a reflective element which will not corrode or flake.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alessandro V. Amari whose telephone number is (571) 272-2306. The examiner can normally be reached on Monday-Friday 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew Dunn can be reached on (571) 272-2312. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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).

ava (7)4 16 November 2005

> Alessandru Amari Examiner AU2872

SMR USA Exhibit 1028 Page 073

# **ELECTRONIC INFORMATION DISCLOSURE STATEMENT**

Electronic Version v18

Stylesheet Version v18.0

Title of Invention	MIR	ROR REFLECTIVE	ELEMENT
Application Num Confirmation Nu		10/709434 3433	
First Named Ap	plicant:	Niali Lynam	
Attorney Docket	Number:	DON01 P-1152	·
Art Unit:		3612	
Examiner:			
Search string:			r 5483386 or 5361172 or 5085907 or 4944581 or 4737188 r 4193668 or 3884606 or 3773882 or 3759647 ).pn

# **US Patent Documents**

Note: Applicant is not required to submit a paper copy of cited US Patent Documents

init	Cite.No.	Patent No.	Date	Patentee	Kind	Class	Subclass
Qu	1	6522451	2003-02-18	Lynam		359	265
1	2	6409354	2002-06-25	Richard		359	883
Π	3	5483386	1996-01-09	Carson		359	883
	4	5361172	1994-11-01	Schissel et al.		359	883
	5	5085907	1992-02-04	Smith		428	40
	6	4944581	1990-07-31	Ichikawa		350	641
	7	4737188	1988-04-12	Bahls		106	1.23
	8	4666264	1987-05-19	Yamabe		350	641
$\square$	9	4385804	1983-05-31	Tamura et al.		350	310
	10	4193668	1980-03-18	Skinner		350	281
	11	3884606	1975-05-20	Schrenk		425	133.5
	12	3773882	1973-11-20	Schrenk		264	171
24	13	3759647	1973-09-18	Schrenk et al.	•	425	131

# Remarks

Note: Remarks are not for responding to an office action.

In accordance with 37 CFR 1.51, 1.56, 1.97 and 1.98, Applicant submits herewith patents for consideration by the Examiner in connection with examination of the present application. This Information Disclosure Statement is not intended to constitute an admission that any patent, publication or other information referred to herein is "prior art" for this invention unless specifically designated as such. The present application and U.S. Patent No. 6,522,451 are

commonly assigned. Under 37 CFR 1.97, the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR 1.56(a) exists. This Information Disclosure Statement is being filed before Applicant is aware of any mailing date of a first Office Action on the merits. An early and favorable action on the merits is respectfully requested.

# Signature

Examiner Name	Date
alessanter Ameri	11/15/2015

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Notice of References Cited	Application/Control No. 10/709,434	Applicant(s)/Pater Reexamination LYNAM, NIALL F	
Notice of References Offed	Examiner	Art Unit	
	Alessandro V. Amari	2872	Page 1 of 1

#### U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-5,262,894	11-1993	Wheatley et al.	359/586
*	в	US-6,030,084	02-2000	Schmidt, William P.	359/868
*	с	US-6,709,119	03-2004	Gillich et al.	359/883
	D	US-			
	Е	US-			
	F	US-			
	G	US-			
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#### FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
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#### NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
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A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).) Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

U.S. Patent and Trademark Office PTO-892 (Rev. 01-2001)

Notice of References Cited

Part of Paper No. 11162005

SMR USA Exhibit 1028 Page 076



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Application/Control No.	Applicant(s)/Patent under Reexamination
10/709,434	LYNAM, NIALL R.
Examiner	Art Unit
Alessandro V. Amari	2872

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359	866 868 883 514	11/16/2005	AA

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U.S. Patent and Trademark Office

Part of Paper No. 11162005

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U.S. Patent and Trademark Office

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# 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

# Bib Data Sheet

# **CONFIRMATION NO. 3433**

SERIAL NUMBER 10/709,434	FILING DATE 05/05/2004 RULE	c	CLASS 359	GROI	JP ART 2872	UNIT		RNEY DOCKET NO. N01 P-1152
APPLICANTS Niall R. Lynam,	Holland, MI;							
** CONTINUING DATA This appln claim	A ************************************	5/20/2003	<i>u</i> y					
** FOREIGN APPLICA IF REQUIRED, FOREI ** 06/30/2004	TIONS ************************************	÷ бу ANTED						
Foreign Priority claimed	yes no net yes no Met after Munda Anua xaminer's Signature	Allowance 24 tials	STATE OR COUNTRY MI	DRA	ETS WING 3	CLA	TAL MMS	INDEPENDENT CLAIMS 2
ADDRESS 28101 VAN DYKE, GARDNEI 2851 CHARLEVOIX D P.O. BOX 888695 GRAND RAPIDS , MI 49588-8695	R, LINN AND BURKHART RIVE, S.E.	<sup>-</sup> , LLP						
TITLE MIRROR REFLECTIV	E ELEMENT							
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### VIA FACSIMILE: (571) 273-8300

PATENT DON01 P-1152

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Art Unit	:	2872
Examiner	:	Alessandro V. Amari
Applicant	;	Niall R. Lynam
Serial No.	:	10/709,434
Filing Date	:	May 5, 2004
For	:	MIRROR REFLECTIVE ELEMENT

Mail Stop Amendment Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 Via Facsimile: (571) 273-8300

Dear Sir or Madam:

### CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that the following papers are being facsimile transmitted to the Patent and Trademark Office on the date shown below:

- 1. Claims As Amended Transmittal Sheet (1 page, in duplicate)
- 2. Response (12 pages)

### YOU SHOULD RECEIVE A TOTAL OF 15 PAGES.

Date: February 27, 2006

& Daspe

Susan L. Gasper Van Dyke, Gardner, Linn & Burkhart, LLP 2851 Charlevoix Drive, S.E., Suite 207 P.O. Box 888695 Grand Rapids, Michigan 49588-8695 (616) 975-5500

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PAGE 1/15 \* RCVD AT 2/27/2006 2:04:20 PM [Eastern Standard Time] \* SVR:USPTO-EFXRF-6/44 \* DNIS:2738300 \* CSID:6169885894 \* DURATION (mm-ss):03-28

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P.2/15

### RECEIVED CENTRAL FAX CENTER

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: Alessandro V. Amari

: 2872

TO: USPTO

PATEN'I DON01 P-1152

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Mail Stop Amendment Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 Via Facsimile; 571-273-8300

Dear Sir or Madam:

Transmitted herewith is an amendment in the above identified application. The fee has been calculated as shown below:

#### CLAIMS AS AMENDED

	Col. 1		Col. 2	Col. 3	Small Entity		Other Than Small Entit	
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Add'l Fee	Rate	Add'i Fee
Total Claims	* 11	Minus	** 21	= 0	x \$25	\$ .00	x \$50	\$ 0.00
Independent <u>Claims</u>	* ]	Minus	*** 3	= ()	x \$100	\$ .00	x \$200	\$ 0.00
First Presentati	on of Multiple Depend	ent Claims			\$180	\$ .00	x \$360	\$ .00
TOTAL ADDI	TIONAL FEE FOR TI	IIS AMEN	IDMENT			\$ .00		\$ 0.00

\* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3

If the "Highest No. Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.

\*\*\* If the "Highest No. Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space. The "Highest No. Previously Paid For" (Total or Independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment or the number of claims originally filed.

1. \_\_\_\_ Small entity status of this application has been established.

- 2. <u>X</u> No additional Fee is required.
- 3. \_\_\_\_ A check in the amount of \$\_\_\_\_\_ is attached.
- 4. X Please charge any additional fees or credit overpayment to Deposit Account No. 22-0190. A duplicate copy of this sheet is attached.

VAN DYKE, GARDNER, LINN & BURKHART, LLP

Date: February 27, 2006

Bv

Timothy A. Flory, Registration No. 42 540 2851 Charlevoix Drive, S.E. P.O. Box 888695 Grand Rapids, Michigan 49588-8695

PAGE 2/15\* RCVD AT 2/27/2006 2:04:20 PM [Eastern Standard Time] \* SVR:USP TO-EFXRF-6/44\* DNIS:2738300 \* CSID:6169885894 \* DURATION (mm-ss):03-28

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PATENT DON01 P-1152

FEB 2 7 2006

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Niall R. Lynam Group Art Unit : 2872 Serial No. : 10/709,434 Examiner : Alessandro V. Amari Filed : May 5, 2004 : MIRROR REFLECTIVE ELEMENT For

Mail Stop Amendment Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 Via Facsimile: 571-273-8300

Dear Sir or Madam:

Transmitted herewith is an amendment in the above identified application. The fee has been calculated as shown below:

### CLAIMS AS AMENDED

	Col. 1		Col. 2	Col. 3	Small Entity		Other Than Small Entit		
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Add'l Fee	Rate	A Fe	dd'l se
Total Claims	* 11	Minus	** 21	= 0	x \$25	\$ .00	x \$50	\$	0.00
Independent Claims	*1	Minus	*** 3	= 0	x \$100	\$ .00	x \$200	\$	0.00
First Presentati	on of Multiple Depend	ent Claims			<u>\$180</u>	\$ .00	x \$360	\$	_00_
TOTAL ADDI	TIONAL FEE FOR TI	IIS AMEN	DMENT			\$ ,00		\$	0.00

If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3

If the "Highest No. Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space. If the "Highest No. Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space. The "Highest No. Previously Paid For" (Total or Independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment or the number of claims originally filed.

Small entity status of this application has been established. 1.

- X No additional Fee is required. 2.
- is attached. 3. A check in the amount of \$

Please charge any additional fees or credit overpayment to Deposit Account No. 22-0190. 4. <u>X</u>\_ A duplicate copy of this sheet is attached.

VAN DYKE, GARDNER, LINN & BURKHART, LLP

Date: February 27, 2006

By

Timothy A. Flory, Registration No. 42 540 2851 Charlevoix Drive, S.E. P.O. Box 888695 Grand Rapids, Michigan 49588-8695 (616) 975-5500 TAF/slg PAGE 3/15 \* RCVD AT 2/27/2006 2:04:20 PM [Eastern Standard Time] \* SVR:USPTO-EFXRF-6/44 \* DNIS:2738300 \* CSID:6169885894 \* DURATION (mm-ss):03-28

PATENT DON01 P-1152

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Art Unit:2872Examiner:Alessandro V. AmariApplicant:Niall R. LynamSerial No.:10/709,434Filing Date:May 5, 2004For:MIRROR REFLECTIVE ELEMENT

Mail Stop Amendment Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 Via Facsimile: 571-273-8300

Dear Sir or Madam:

#### RESPONSE

Responsive to the Office Action mailed November 28, 2005, Applicant wishes to amend the application as follows:

Amendments to the Specification begin on page 2 of this paper.

Amendments to the Claims are reflected in the listing of claims which begins on page 6 of this paper.

Remarks begin on page 9 of this paper.

PAGE 4/15\* RCVD AT 2/27/2006 2:04:20 PM [Eastern Standard Time] \* SVR:USPTO-EFXRF-6/44 \* DNIS:2738300 \* CSID:6169885894 \* DURATION (mm-ss):03-28

#### Amendments to the Specification:

Please amend paragraph [0042] as follows:

[0042] Optionally, it is envisioned that such ultrathin glass films, anti-abrasion films, reflective films or reflective systems may be used for electrochromic mirror reflective elements or cells as well. For example, the interior or exterior rearview mirror assembly of the present invention may comprise an electrochromic mirror, such as an electrochromic mirror assembly and electrochromic element utilizing principles disclosed in commonly assigned U.S. Pat. Nos. 5,140,455; 5,151,816; 6,690,268; 6,178,034; 6,154,306; 6,002,544; 5,567,360; 5,525,264; 5,610,756; 5,406,414; 5,253,109; 5,076,673; 5,073,012; 5,117,346; 5,724,187; 5,668,663; 5,910,854; 5,142,407 and/or 4,712,879, which are hereby incorporated herein by reference, and/or as disclosed in the following publications: N. R. Lynam, "Electrochromic Automotive Day/Night Mirrors", SAE Technical Paper Series 870636 (1987); N. R. Lynam, "Smart Windows for Automobiles", SAE Technical Paper Series 900419 (1990); N. R. Lynam and A. Agrawal, "Automotive Applications of Chromogenic Materials", Large Area Chromogenics: Materials and Devices for Transmittance Control, C.M. Lampert and C.G. Granquist, EDS., Optical Engineering Press, Wash. (1990), which are hereby incorporated by reference herein. The mirror assembly may comprise an interior rearview mirror assembly, and may include an accessory module or may be mounted to an accessory module, such as an accessory module of the types disclosed in U.S. pat. application, Scr. No. 10/355,454, filed Jan. 31, 2003 for VEHICLE ACCESSORY MODULE, now U.S. Pat. No. 6,824,281 (Attorney Docket DON01 P-1050), which is hereby incorporated herein by reference.

Please amend paragraph [0043] as follows:

[0043] Optionally, the mirror assembly may include one or more displays for displaying information to a driver of the vehicle at or through the reflective element of the mirror assembly.

PAGE 5/15 \* RCVD AT 2/27/2006 2:04:20 PM [Eastern Standard Time] \* SVR:USPTO-EFXRF-6/44 \* DNIS:2738300 \* CSID:6169885894 \* DURATION (mm-ss):03-28

For example, the mirror assembly may include one or more displays of the types described in U.S. Pat. Nos. 6,329,925; 6,501,387; 6,690,268; 5,910,854; 6,420,036; 5,668,663; and 5,724,187, and/or in U.S. pat, applications, Ser. No. 10/054,633, filed Jan. 22, 2002 by Lynam et al, for VEHICULAR LIGHTING SYSTEM (Attorney Docket DON01 P-962); and Ser. No. 10/456,599, filed Jun. 6, 2003 by Weller et al. for INTERIOR REARVIEW MIRROR SYSTEM WITH COMPASS, now U.S. Pat. No. 7.004,593 (Attorney Docket DON01 P-1076), and/or in PCT Application No. PCT/US03/29776, filed Sep. 19, 2003 by Donnelly Corporation et al. for ELECTROCHROMIC MIRROR ASSEMBLY (Attorney Docket DON01 FP-1109(PCT)); PCT Application No. PCT/US03/35381, filed Nov. 5, 2003 by Donnelly Corporation et al. for ELECTRO-OPTIC REFLECTIVE ELEMENT ASSEMBLY (Attorney Docket DON01 FP-1116(PCT)); and/or PCT Application No. PCT/US03/40611, filed Dec. 19, 2003 by Donnelly Corporation et al. for ACCESSORY SYSTEM FOR VEHICLE (Attorney Docket DON01 FP-1123(PCT)), and/or in U.S. provisional applications, Scr. No. 60/508,086, filed Oct. 2, 2003 by Schofield for MIRROR REFLECTIVE ELEMENT ASSEMBLY INCLUDING ELECTRONIC COMPONENT (Attorney Docket DON01 P-1113); Ser. No. 60/525,952, filed Nov. 26, 2003 by Lynam for MIRROR REFLECTIVE ELEMENT FOR A VEHICLE (Attorney Docket DON01 P-1130); Ser. No. 60/471,546, filed May 19, 2003 (Attorney Docket DON01 P-1093); Ser. No. 60/525,537, filed Nov. 26, 2003 (Attorney Docket DON01 P-1129); and Scr. No. 60/556,259, filed Mar. 25, 2004 (Attorney Docket DON01 P-1147), which are all hereby incorporated herein by reference, without affecting the scope of the present invention.

Please amend paragraph [0044] as follows:

[0044] Optionally, the mirror assembly may include or be associated with electronic accessories, such as, for example, antennas, including global positioning system (GPS) or cellular phone antennas, such as disclosed in U.S. Pat. No. 5,971,552, a communication module, such as disclosed in U.S. Pat. No. 5,798,688, a blind spot detection system, such as disclosed in U.S. Pat. Nos. 5,929,786 and/or 5,786,772, a high/low headlamp controller, such as disclosed in

PAGE 6/15 \* RCVD AT 2/27/2006 2:04:20 PM [Eastern Standard Time] \* SVR:USPTO-EFXRF-6/44 \* DNIS:2738300 \* CSID:6169885894 \* DURATION (mm-ss):03-28

P.7/15

Applicant:Niall R. LynamScrial No.:10/709,434Pagc:4

U.S. Pat. Nos. 5,796,094 and/or 5,715,093, transmitters and/or receivers, such as a garage door opener or the like, a digital network, such as described in U.S. Pat. No. 5,798,575, a memory mirror system, such as disclosed in U.S. Pat. No. 5,796,176, a hands-free phone attachment, a video device for internal cabin surveillance and/or video telephone function, such as disclosed in U.S. Pat. Nos. 5,760,962 and/or 5,877,897, a remote keyless entry receiver or system or circuitry and/or a universal garage door opening system or circuitry (such as the types disclosed in U.S. Pat. Nos. 6,396,408; 6,362,771; 5,798,688 and 5,479,155, and/or U.S. pat. application, Ser. No. 10/770,736, filed Feb. 3, 2004 by Baumgardner et al. for GARAGE DOOR OPENING SYSTEM FOR VEHICLE (Attorney Docket DON01 P-1135)), lights, such as map reading lights or one or more other lights or illumination sources, such as disclosed in U.S. Pat. Nos. 6,690,268; 5,938,321; 5,813,745; 5,820,245; 5,673,994; 5,649,756; 5,178,448; 5,671,996; 4,646,210; 4,733,336; 4,807,096; 6,042,253; and/or 5,669,698, and/or U.S. pat. application, Ser. No. 10/054,633, filed Jan. 22, 2002 by Lynam et al. for VEHICULAR LIGHTING SYSTEM (Attorney Docket DON01 P-962), microphones, such as disclosed in U.S. Pat. Nos. 6,243,003; 6,278,377; and/or 6,420,975, and/or PCT Application No. PCT/US03/30877, filed Oct. 1, 2003 (Attorney Docket DON01 FP-1111(PCT)), speakers, a compass or compass system, such as disclosed in U.S. Pat. Nos. 5,924,212; 4,862,594; 4,937,945; 5,131,154; 5,255,442; and/or 5,632,092, and/or U.S. pat. application, Ser. No. 10/456,599, filed Jun. 6, 2003 by Weller et al. for INTERIOR REARVIEW MIRROR SYSTEM WITH COMPASS, now U.S. Pat. No. 7,004,593 (Attorney Docket DON01 P-1076), a navigation system, such as described in U.S. Pat. No. 6,477,464, and U.S. pat. applications, Scr. No. 10/456,599, filed Jun. 6, 2003 by Weller et al. for INTERIOR REARVIEW MIRROR SYSTEM WITH COMPASS, now U.S. Pat. No. 7,004,593 (Attorney Docket DON01 P-1076); Ser. No. 10/287,178, filed Nov. 4, 2002 by McCarthy et al. for NAVIGATION SYSTEM FOR A VEHICLE, now U.S. Pat. No. 6,678,614 (Attorney Docket DON01 P-1051); Scr. No. 10/645,762, filed Aug. 20, 2003 by Taylor et al. for VEHICLE NAVIGATION SYSTEM FOR USE WITH A TELEMATICS SYSTEM (Attomey Docket DON01 P-1103); and Ser. No. 10/422,378, filed Apr. 24, 2003, now U.S. Pat. No. 6,946,978 (Attorney Docket DON01 P-1074); and/or PCT Application No. PCT/US03/40611,

PAGE 7/15 \* RCVD AT 2/27/2006 2:04:20 PM [Eastern Standard Time] \* SVR:USPTO-EFXRF-6/44 \* DNIS:2738300 \* CSID:6169885894 \* DURATION (mm-ss):03-28

filed Dec. 19, 2003 by Donnelly Corporation et al. for ACCESSORY SYSTEM FOR VEHICLE (Attorney Docket DON01 FP-1123(PCT)), a tire pressure monitoring system, such as the types disclosed in U.S. Pat. Nos. 6,294,989; 6,445,287; and/or 6,472,979, and/or in U.S. pat. application, Ser. No. 10/206,495, filed Jul. 26, 2002 by Schofield et al. for SELF TRAINING TIRE PRESSURE MONITORING SYSTEM (Attorney Docket DON01 P-992), a seat occupancy detector, a trip computer, a telematics system, such as an ONSTAR® system or the like, and/or any other desired accessory or system or the like (with all of the above-referenced patents and patent applications and PCT applications being commonly assigned to Donnelly Corporation, and with the disclosures of all of the above referenced patents and patent applications being hereby incorporated herein by reference in their entireties).

PAGE 8/15 \* RCVD AT 2/27/2006 2:04:20 PM [Eastern Standard Time] \* SVR:USPTO-EFXRF-6/44 \* DNIS:2738300 \* CSID:6169885894 \* DURATION (mm-ss):03-28

Applicant	:	Niall R. Lynam
Serial No.	:	10/709,434
Page	:	6

#### Amendments to the Claims:

This listing of claims will replace all prior versions and listings of claims in the present application:

1 (currently amended): A wide angle reflective element for a mirror assembly for a vehicle comprising:

a wide angle <u>mirror</u> substrate having an exterior surface comprising a less curved inboard portion or surface and a more curved outboard portion or surface, said substrate comprising <u>formed by one of casting, extrusion or injection molding of a polymeric resin material, said</u> <u>substrate having a reflector disposed on a surface thereof to provide a reflective element for a</u> <u>vehicle mirror assembly</u>; and

a <u>thin at least partially flexible</u> glass <del>film disposed sheet adhered to said exterior surface</del> so as to provide an anti-abrasion layer at said outboard and inboard surfaces of said exterior surface, said <u>thin at least partially flexible</u> glass <u>sheet</u> <del>film adapted to</del> substantially <del>conform</del> conforming to said exterior surface of said <del>wide angle</del> substrate, said <u>thin at least partially</u> <u>flexible</u> glass <u>sheet</u> <del>film comprising a glass material and</del> having a thickness of less than approximately 0.8 mm.

2 (currently amended): The wide angle reflective element of claim 1, wherein said-glass-film comprises a flexible glass film reflector is disposed at an inner surface of said substrate opposite said exterior surface.

3 (currently amended): The wide angle reflective element of claim 1, wherein said substrate is cut from a molded or extruded or cast strip or sheet, said glass film sheet being applied laminated to said strip or sheet, at least two substrates being cut from said strip or sheet.

PAGE 9/15\* RCVD AT 2/27/2006 2:04:20 PM [Eastern Standard Time] \* SVR:USPTO-EFXRF-6/44 \* DNIS:2738300 \* CSID:6169885894 \* DURATION (mm-ss):03-28

4 (currently amended): The wide angle reflective element of claim 3, wherein said reflector comprises including a reflective film applied to said strip or sheet on an inner surface of said substrates opposite said exterior surface.

5 (currently amended): The wide angle reflective element of claim 1, wherein said reflector <u>comprises including</u> a reflective film applied to an inner surface of said substrate opposite said exterior surface.

6 (currently amended): The wide angle reflective element of claim 5, wherein said reflective film comprises a polymeric reflective film <u>at least one of laminated</u>, or otherwise adhered <u>and or</u> applied to said inner surface of said substrate.

7 (original): The wide angle reflective element of claim 6, wherein said reflective film comprises an all polymer-thin-film multilayer, high reflective mirror film comprising multiple coextrusion of many plastic layers to form a highly reflective mirror film.

8 (currently amended): The wide angle reflective element of claim 1, wherein said reflector comprises including a reflective film applied to said exterior surface of said substrate, said glass film being applied to an exterior surface of said reflective film.

9 (currently amended): The wide angle reflective element of claim 8, wherein said reflective film comprises a polymeric reflective film <u>at least one of laminated</u>, or adhered or otherwise and applied to said exterior surface of said substrate.

10. The wide angle reflective element of claim 9, wherein said reflective film comprises an all polymer-thin-film multilayer, high reflective mirror film comprising multiple coextrusion of many plastic layers to form a highly reflective mirror film.

PAGE 10/15 \* RCVD AT 2/27/2006 2:04:20 PM [Eastern Standard Time] \* SVR:USPTO-EFXRF-6/44 \* DNIS:2738300 \* CSID:6169885894 \* DURATION (mm-ss):03-28

11 (original): The wide angle reflective element of claim 1, wherein said reflective element is adapted for one of an interior rearview mirror assembly and an exterior rearview mirror assembly.

12-21 (canceled).

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#### Remarks:

The amendments and remarks presented herein are believed to be fully responsive to the Office Action dated November 28, 2005.

Claims 1-11 are pending in the application. Claims 12-21 have been canceled herein without prejudice and claims 1-6, 8 and 9 have been amended as set forth above. The specification has been amended to update incorporated patent applications that have now issued as United States patents. The amendments are fully supported in the specification and drawings as originally filed. No new matter has been added.

Claims 12-21 were withdrawn from consideration as being drawn to a non-elected invention, and are canceled herein without prejudice.

#### **CLAIM REJECTIONS**

Claims 1-4, 8 and 11 were rejected under 35 U.S.C. §103(a) as being unpatentable over Lynam, U.S. Patent No. 6,522,451. Claims 9 and 10 were rejected under 35 U.S.C. §103(a) as being unpatentable over Lynam, in view of Wheatley et al., U.S. Patent No. 5,262,894. Claims 1-5, 8 and 11 were also rejected under 35 U.S.C. §103(a) as being unpatentable over Schmidt, U.S. Patent No. 6,030,084, in view of Gillich et al., U.S. Patent No. 6,709,119. Claims 6, 7, 9 and 10 were rejected under 35 U.S.C. §103(a) as being unpatentable over Schmidt, in view of Gillich et al., and further in view of Wheatley et al.

Applicant respectfully traverses the rejections under 35 U.S.C. §103(a) for the reasons set forth below.

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Applicant has amended independent claim 1 to clarify that a mirror substrate has an exterior surface that comprises a less curved inboard surface and a more curved outboard surface. The substrate is formed by one of casting, extrusion or injection molding of a polymeric resin material. The substrate has a reflector disposed on a surface thereof to provide a reflective element for a vehicle mirror assembly. A thin at least partially flexible glass sheet is adhered to the exterior surface so as to provide an anti-abrasion layer at the outboard and inboard surfaces of the exterior surface. The thin at least partially flexible glass sheet substrate to the exterior surface of the substrate. The thin at least partially flexible glass sheet has a thickness of less than approximately 0.8 mm.

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 combine the 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 claimed limitations. The teaching or suggestion to make the claim combination and reasonable expectation of success must both be found in the prior art and not based on Applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.O.2d 1438 (Fed. Cir. 1991). *See* MPEP § 2143.

Applicant respectfully submits that Lynam '451 does not disclose, teach, suggest or render obvious the present invention, particularly as set forth in independent claim 1 and in the claims depending therefrom. Lynam '451 discloses a plano-auxiliary reflective element assembly having a plano element 50 and a multiradius element 55 supported on a backing plate 60. In stark contrast to the claimed invention, Lynam '451 does not disclose or suggest a thin at least partially flexible glass sheet, particularly one that is adhered to and substantially conforms to the exterior surface of the substrate. Contrary to the statements in the Office Action, the backing plate 60 of Lynam '451 is not a mirror substrate with a reflector disposed at a surface thereof. Further, the elements 50 and 55 of Lynam '451 (cited in the Office Action as being glass film) are clearly

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disclosed in Lynam '451 as comprising a plano element 50, which is described as a flat glass substrate, and a multiradius element 55, which is described as a curved/bent mirrored glass substrate. There is no disclosure or suggestion in Lynam '451 that either element 50, 55 comprises a thin at least partially flexible glass sheet that is adhered to and that substantially conforms to a curved exterior surface of a mirror substrate.

With respect to the rejection of independent claim 1 in view of the combination of Schmidt and Gillich et al., Applicant submits that this combination does not disclose, teach, suggest or render obvious the present invention, particularly as set forth in independent claim 1 and in the claims depending therefrom. For example, and contrary to the statements in the Office Action, Gillich et al. does not disclose, teach or suggest a thin flexible glass sheet that is adhered to and that substantially conforms to a curved exterior surface of a mirror substrate. The protective layer 101 of Gillich et al. is clearly defined as comprising a silicon dioxide or aluminum oxide (column 1, lines 62-67 of Gillich et al.). The layers are applied to the body by deposition in vacuum or by thermal vaporization or by electron beam vaporization or by sputtering or by plasma polymerization or by chemical vapor deposition. See column 7, line 66 through column 8, line 12 of Gillich et al. Thus, there is no disclosure or suggestion in Gillich et al. of providing a thin at least partially flexible glass sheet that is adhered to a substrate surface and that substantially conforms to a curved surface of the substrate.

Accordingly, Applicant respectfully submits that neither Lynam '451, Schmidt or Gillich et al., either alone or in combination with one another or with any other prior art of record, disclose, teach, suggest or render obvious the wide angle reflective element of the present invention, particularly as set forth in independent claim 1 and in the claims depending therefrom. Reconsideration and withdrawal of the rejections of claims 1-11 is respectfully requested.

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Claims 1-11 remain pending in the application. Applicant respectfully submits that claims 1-11 are in condition for allowance and a notice to that effect is earnestly and respectfully requested.

Respectfully submitted,

NIALL R. LYNAM

By: Van Dyke, Gardner, Linn & Burkhart, LLP

Date: February 27, 2006.

Timothy A. Flory Registration No. 42 540 2851 Charlevoix Drive, S.E., Suite 207 P.O. Box 888695 Grand Rapids, Michigan 49588-8695 (616) 975-5500

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/709,434	05/05/2004	Niall R. Lynam	DON01 P-1152	3433
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Please find below and/or attached an Office communication concerning this application or proceeding.

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	Application No.	Applicant(s)
Office Action Summers	10/709,434	LYNAM, NIALL R.
Office Action Summary	Examiner	Art Unit
	Alessandro V. Amari	2872
The MAILING DATE of this communication app Period for Reply	pears on the cover sheet with the	correspondence address
A SHORTENED STATUTORY PERIOD FOR REPL WHICHEVER IS LONGER, FROM THE MAILING D - Extensions of time may be available under the provisions of 37 CFR 1.1 after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period - Failure to reply within the set or extended period for reply will, by statute Any reply received by the Office later than three months after the mailin earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATIO 36(a). In no event, however, may a reply be t will apply and will expire SIX (6) MONTHS fror , cause the application to become ABANDON	NN. imely filed n the mailing date of this communication. ED (35 U.S.C. § 133).
Status		
1) Responsive to communication(s) filed on 27 F	ebruary 2006.	
2a)⊠ This action is FINAL. 2b)□ This	s action is non-final.	
3) Since this application is in condition for allowa		
closed in accordance with the practice under A	Ex parte Quayle, 1935 C.D. 11, 4	453 O.G. 213.
Disposition of Claims		
4) Claim(s) <u>1-11</u> is/are pending in the application		
4a) Of the above claim(s) is/are withdra		
5) Claim(s) is/are allowed.		
6)⊠ Claim(s) <u>1-11</u> is/are rejected.		
7) Claim(s) is/are objected to.		
8) Claim(s) are subject to restriction and/o	or election requirement.	
Application Papers		
9) The specification is objected to by the Examine	er.	
10) The drawing(s) filed on is/are: a) acc		Examiner.
Applicant may not request that any objection to the		
Replacement drawing sheet(s) including the correc	tion is required if the drawing(s) is o	bjected to. See 37 CFR 1.121(d).
11) The oath or declaration is objected to by the Ex	kaminer. Note the attached Offic	e 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 document	s have been received.	
2. Certified copies of the priority document	s have been received in Applica	tion No
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* See the attached detailed Office action for a list	of the certified copies not receiv	ved.
Attachment(s)		
1)  Notice of References Cited (PTO-892)	4) 🔲 Interview Summar	
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)	Paper No(s)/Mail [ 5) Notice of Informal	Date Patent Application (PTO-152)
Paper No(s)/Mail Date	6) 🗌 Other:	· ····································
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# DETAILED ACTION

### **Election/Restrictions**

1. It is noted that a provisional election was made with traverse on 14 November

2005 to prosecute the invention of Group I, claims 1-11. The Applicant however, failed

to affirm this election in replying to this office action. 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)). It is noted that

claims 12-21 drawn to the other invention were canceled.

# 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 negatived by the manner in which the invention was made.

3. Claims 1-5, 8 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schmidt US 6,030,084 in view of Gillich et al US 6,709,119.

In regard to claim 1, Schmidt teaches (see for example, Figures 2, 3) a wide

angle reflective element for a mirror assembly for a vehicle comprising a mirror

substrate (12) having an exterior surface comprising a less curved inboard surface or

surface and a more curved outboard surface as shown in Figures 2 and 3, said

substrate formed by one of casting, extrusion or injection molding comprising a

polymeric resin material as described in column 3, lines 39-50, said substrate having a

reflector (15) disposed on a surface thereof to provide a reflective element for a vehicle

mirror assembly. Applicant should note that the recitation of the substrate being formed by one of casting ,extrusion or injection molding renders the claim product-by-process claims and in product-by-process claims, "once a product appearing to be substantially identical is found and a 35 U.S.C. 102/103 rejection [is] made, the burden shifts to the applicant to show an unobvious difference." MPEP 2113. This rejection under 35 U.S.C. 102/103 is proper because the "patentability of a product does not depend on its method of production." *In re Thorpe*, 227 USPQ 964, 966 (Fed. Cir. 1985).

Regarding claim 2, Schmidt et al teaches that said reflector is disposed at an inner surface (14) of said substrate opposite said exterior surface as shown in Figure 2.

However, in regard to claim 1, Schmidt does not teach a thin at least partially flexible glass sheet adhered to said exterior surface so as to provide an anti-abrasion layer at said outboard and inboard surfaces of said exterior surface, said thin at least partially flexible glass sheet conforming to said exterior surface of said substrate, said thin at least partially flexible glass sheet having a thickness of less than approximately 0.8 mm.

In regard to claim 1, Gillich et al teaches (see Figure 1) a thin at least partially flexible glass sheet (101) adhered to said exterior surface so as to provide an antiabrasion layer at said outboard and inboard surfaces of said exterior surface, said thin at least partially flexible glass sheet conforming to said exterior surface of said substrate, as described in column 1, lines 56-67 and column 2, lines 1-5 and said thin at least partially flexible glass sheet having a thickness of less than approximately 0.8 mm as described in column 2, lines

32-39. Since the applicant's specification does not define the term "partially flexible" in any terms of degree, the reference is taken to read on this feature.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the glass film as taught by Gillich et al in the substrate of Schmidt in order to provide for a protective layer that protects the underlying layers from mechanical damage.

Regarding claims 3 and 4, Schmidt discloses that said substrate is cut from a molded or extruded or cast strip or sheet, said glass sheet being laminated to said strip cut from said strip or sheet, at least two substrates being or sheet as described in column 3, lines 39-65 and regarding claim 4, Schmidt discloses wherein said reflector comprises a reflective film applied to said strip or sheet on an inner surface of said substrates opposite said exterior surface as described in column 3, lines 39-65. Applicant should note that claims 3 and 4 are product-by-process claims and in product-by-process claims, "once a product appearing to be substantially identical is found and a 35 U.S.C. 102/103 rejection [is] made, the burden shifts to the applicant to show an unobvious difference." MPEP 2113. This rejection under 35 U.S.C. 102/103 is proper because the "patentability of a product does not depend on its method of production." *In re Thorpe*, 227 USPQ 964, 966 (Fed. Cir. 1985).

Regarding claim 5, Schmidt teaches (see Figure 2) wherein said reflector comprises a reflective film (15) applied to an inner surface (14) of said substrate opposite said exterior surface as described in column 51-57.

Regarding claim 11, Schmidt discloses that said reflective element is adapted for use as an exterior rearview mirror assembly as described in column1, lines 15-21.

Regarding claim 8, Schmidt in view of Gillich et al discloses the claimed invention as set forth above except for the rearrangement of the reflective film being applied to the exterior surface of the substrate, said glass film being applied to an exterior surface of the reflective film. It would have been obvious to one having ordinary skill in the art at the time the invention was made to rearrange the reflective film to be applied to the exterior surface of the substrate, since it has been held that a mere rearrangement of elements without modification of the operation of the device involves only routine skill in the art. One would have been motivated to rearrange the reflective film to be applied to the exterior surface for the purpose of easier and more efficient manufacturing of the reflective element. *In re Japikse*, 181 F.2d 1019, 86 USPQ 70 (CCPA 1950)

4. Claims 6, 7, 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schmidt US 6,030,084 in view of Gillich et al US 6,709,119 and further in view of Wheatley et al US 5,262,894.

Regarding claims 6, 7, 9 and 10, Schmidt in view of Gillich et al teaches the invention as set forth above but regarding claims 6 and 9, does not teach that said reflective film comprises a polymeric reflective film at least one of laminated, adhered and applied to said inner or exterior surface of said substrate and regarding claims 7 and 10 does not teach that said reflective film comprises an all polymer thin film multilayer high reflective mirror comprising multiple coextrusion of many plastic layers to form a highly reflective mirror.

Regarding claims 6 and 9, Wheatley et al teaches (see Figure 1) that a reflective film is a polymeric reflective film at least one of laminated, adhered and applied to said exterior surface of said substrate and regarding claims 7 and 10 Wheatley et al teaches that said reflective film comprises an all polymer thin film multilayer high reflective mirror comprising multiple coextrusion of many plastic layers to form a highly reflective mirror as shown in Figure 1 and as described in column 6, lines 65-68, column 7, lines 45-68, column 11, lines 61-68 and column 12, lines 1-11.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the polymeric film of Wheatley et al for the reflective element of Schmidt in view of Gillich et al in order to provide for a reflective element which will not corrode or flake.

### **Response to Arguments**

5. Applicant's arguments filed 27 February 2006 have been fully considered but they are not persuasive.

The Applicant argues that the combination of Schmidt and Gillich et al does not disclose, teach, suggest or render obvious the presently claimed invention. Specifically, the Applicant argues that Gillich does not teach a thin flexible glass sheet that adheres to and conforms to the curved exterior surface of a mirror substrate. Rather, the Applicant argues that the protective layer 101 of Gillich et al is defined as comprising silicon dioxide or aluminum oxide. Further, the Applicant argues that there is no disclosure or suggestion in Gillich et al of providing a glass sheet as a protective layer.

In response to this argument, the Examiner would like to point out that Gillich et al does indeed teach a thin, partially flexible glass sheet adhered to the exterior surface which must conform to the curved surface of the substrate since the chemical compound,  $SiO_2$  or silicon dioxide is a form of glass, therefore meeting the claim limitation. Further, the Examiner would like to point out that the Gillich et al does teach that the  $SiO_2$  layer or sheet (i.e., glass) serves a protective layer as described in column 1, lines 57-67 and column 2, lines 1-4 and as described in the abstract.

#### Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

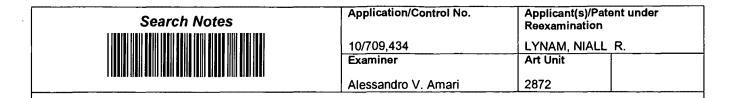
 Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alessandro V. Amari whose telephone number is (571)
 272-2306. The examiner can normally be reached on Monday-Friday 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew Dunn can be reached on (571) 272-2312. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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).

avaû*v* 02 May 2006

alessandro Amari Alessandro Amari Examiner AU2872



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Update	above	5/2/2006	AA

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Class	Subclass	Date	Examiner								

SEARCH NOTES (INCLUDING SEARCH STRATEGY)								
	DATE	EXMR						
EAST search-see attached	11/16/2005	AA						

U.S. Patent and Trademark Office

Part of Paper No. 05022006

Index of Claims				Application/Control 10709434 Examiner Amari, Alessandro V	LYNAM,	Applicant(s)/Patent under Reexamination LYNAM, NIALL R. Art Unit 2872			
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#### VIA FACSIMILE: 571-273-8300

### RESPONSE UNDER 37 CFR 1.116 EXPEDITED PROCEDURE EXAMINING GROUP 2872

TO: USPTO

PATENT DON01 P-1152

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Group:2872Examiner:Alessandro V. AmariApplicant:Niall R. LynamScrial No.:10/709,434Filing Date:May 5, 2004For:MIRROR REFLECTIVE ELEMENT

Mail Stop AF Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 Via Facsimile: 571-273-8300

Dear Sir or Madam:

#### CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that the following papers are being facsimile transmitted to the Patent and Trademark Office on the date shown below:

- 1. Claims As Amended Transmittal Sheet (1 page, in duplicate)
- 2. Response (8 pages)

### YOU SHOULD RECEIVE A TOTAL OF 11 PAGES.

Date: July 7, 2006

D Haspe Susan L. Gasper

Van Dyke, Gardner, Linn & Burkhart, LLP 2851 Charlevoix Drive, S.E., Suite 207 P.O. Box 888695 Grand Rapids, Michigan 49588-8695 (616) 975-5500

TAF/sig

PAGE 1/11 \* RCVD AT 7/7/2006 11:49:16 AM [Eastern Daylight Time] \* SVR:USPTO-EFXRF-1/21 \* DNIS:2738300 \* CSID:6169885894 \* DURATION (mm-ss):02-56

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P.2/11

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PATENT DON01 P-1152

#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

: Niall R. Lynam Applicant Group Art Unit : 2872 Serial No. : 10/709,434 Examiner : Alessandro V. Amari Filing Date : May 5, 2004 : MIRROR REFLECTIVE ELEMENT For

Mail Stop AF Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 Via Facsimile: 571-273-8300

Dear Sir or Madam:

Transmitted herewith is an amendment in the above identified application. The fee has been calculated as shown below:

#### **CLAIMS AS AMENDED**

	Col. 1		Col. 2	Col. 3	Small Entity		Other Than Small Entity	·
	Claims Remaining After Amendment		Ilighest No. Previously Paid For	Present Extra	Rate	Add'l Fee	Rate	Add'l Fee
Total Claims	* 11	Minus	** 21	= 0	x \$25	\$ .00	x \$50	\$ .00
Independent Claims	*1	Mínus	*** 3	= 0	x \$100	\$ .00	x \$200	\$00
First Presentati	on of Multiple Depend	ent Claims	•		\$180	\$.00	x \$360	\$ .00
TOTAL ADDI	TIONAL FEE FOR TI	HIS AMEN	IDMENT			\$.00		\$ .00

If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3 If the "Highest No. I reviously Paid For" IN THIS SPACE is less than 20, write "20" in this space. If the "Highest No. Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space.

The "Highest No. Previously Paid For" (Total or Independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment or the number of claims originally filed.

Small entity status of this application has been established. 1.

2. X No additional Fee is required.

A check in the amount of \$\_\_\_\_ 3. is attached.

Please charge any additional fees or credit overpayment to Deposit Account No. 22-0190. 4. A duplicate copy of this sheet is attached.

VAN DYKE, GARDNER, LINN & BURKHART, LLP

Date: July 7, 2006

Timothy A. Flory, Registration No. 42 540 2851 Charlevoix Drive, S.E. P.O. Box 888695 Grand Rapids, Michigan 49588-8695

PAGE 2/11 \* RCVD AT 7/7/2006 11:49:16 AM [Eastern Daylight Time] \* SVR:USPTO-EFXRF-1/21 \* DNIS:2738300 \* CSID:6169885894 \* DURATION (mm-ss):02-56

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#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	: Niall R. Lynam	Group Art Unit	: 2872
Serial No.	: 10/709,434	Examiner	: Alessandro V. Amari
Filing Date	: May 5, 2004		
For	: MIRROR REFLECTIVE ELEMEN	Т	

Mail Stop AF Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 Via Facsimile: 571-273-8300

Dcar Sir or Madam:

Transmitted herewith is an amendment in the above identified application. The fee has been calculated as shown below:

#### CLAIMS AS AMENDED

	Col. 1		Col, 2	Col. 3	Small Entity		Other Than Small Entit		
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Add'l Fee	Rate	Ad Fee	
Total Claims	* 11	Minus	** 21	= 0	x \$25	\$ .00	x \$50	\$	.00
Independent Claims	* 1	Minus	*** 3	= 0	x \$100	\$ .00	x \$200	\$	.00
First Presentat	ion of Multiple Depend	lent Claims			\$180	\$.00	x \$360	\$	.00
TOTAL ADD	ITIONAL FEE FOR T	HIS AMEN	IDMENT			\$ .00		\$	.00

If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3

If the "Highest No. Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.

\*\*\* If the "Highest No. Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space. The "Highest No. Previously Paid For" (Total or Independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment or the number of claims originally filed.

1. \_\_\_\_ Small entity status of this application has been established.

2. X No additional Fee is required.

3. A check in the amount of \$ is attached.

4. X Please charge any additional fees or credit overpayment to Deposit Account No. 22-0190. A duplicate copy of this sheet is attached.

VAN DYKE, GARDNER, LINN & BURKHART, LLP

Date: July 7, 2006

Bу

Timothy A. Flory, Registration No. 42 540 2851 Charlevoix Drive, S.E. P.O. Box 888695 Grand Rapids, Michigan 49588-8695

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RESPONSE UNDER 37 CFR 1.116 EXPEDITED PROCEDURE EXAMINING GROUP 2872 PATENT DON01 P-1152

TO: USPTO

#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Art Unit	:	2872
Examiner	:	Alessandro V. Amari
Applicant	:	Niall R. Lynam
Serial No.	:	10/709,434
Filing Date	:	May 5, 2004
For	:	MIRROR REFLECTIVE ELEMENT

Mail Stop AF Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 Via Facsimile: 571-273-8300

Dear Sir or Madam:

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#### RESPONSE

Responsive to the Final Office Action mailed May 8, 2006, Applicant wishes to

amend the application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks begin on page 5 of this paper.

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Applicant	:	Niall R. Lynam
Serial No.	:	10/709,434
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#### Amendments to the Claims:

This listing of claims will replace all prior versions and listings of claims in the present application:

1 (currently amended): A wide angle reflective element for a mirror assembly for a vehicle comprising:

a <u>polymeric</u> mirror substrate having an exterior surface comprising a less curved inboard surface and a more curved outboard surface, said <u>polymeric mirror</u> substrate formed by one of custing, extrusion or injection molding of <u>comprising</u> a polymeric resin material, said <u>polymeric</u> <u>mirror</u> substrate having a reflector disposed on a surface thereof to provide a reflective element for a vehicle mirror assembly; and

a thin at least partially flexible glass sheet, said thin at least partially flexible glass sheet having an attaching surface opposed to and adhered to said exterior surface of said polymeric mirror substrate so as to provide an anti-abrasion layer-sheet at said outboard and inboard surfaces of said exterior surface of said polymeric mirror substrate, said thin at least partially flexible glass sheet substantially conforming to said exterior surface of said <u>polymeric mirror</u> substrate when adhered thereto, said thin at least partially flexible glass sheet having a thickness of less than approximately 0.8 mm.

2 (previously presented): The wide angle reflective element of claim 1, wherein said reflector is disposed at an inner surface of said substrate opposite said exterior surface.

3 (previously presented): The wide angle reflective element of claim 1, wherein said substrate is cut from a molded or extruded or cast strip or sheet, said glass sheet being laminated to said strip or sheet, at least two substrates being cut from said strip or sheet.

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4 (previously presented): The wide angle reflective element of claim 3, wherein said reflector comprises a reflective film applied to said strip or sheet on an inner surface of said substrates opposite said exterior surface.

5 (previously presented): The wide angle reflective element of claim 1, wherein said reflector comprises a reflective film applied to an inner surface of said substrate opposite said exterior surface.

6 (previously presented): The wide angle reflective element of claim 5, wherein said reflective film comprises a polymeric reflective film at least one of laminated, adhered and applied to said inner surface of said substrate.

7 (original): The wide angle reflective element of claim 6, wherein said reflective film comprises an all polymer-thin-film multilayer, high reflective mirror film comprising multiple coextrusion of many plastic layers to form a highly reflective mirror film.

8 (previously presented): The wide angle reflective element of claim 1, wherein said reflector comprises a reflective film applied to said exterior surface of said substrate, said glass film being applied to an exterior surface of said reflective film.

9 (previously presented): The wide angle reflective element of claim 8, wherein said reflective film comprises a polymeric reflective film at least one of laminated, adhered and applied to said exterior surface of said substrate.

10 (original): The wide angle reflective element of claim 9, wherein said reflective film comprises an all polymer-thin-film multilayer, high reflective mirror film comprising multiple coextrusion of many plastic layers to form a highly reflective mirror film.

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Applicant:Niall R. LynamScrial No.:10/709,434Page:4

11 (original): The wide angle reflective element of claim 1, wherein said reflective element is adapted for one of an interior rearview mirror assembly and an exterior rearview mirror assembly.

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12-21 (canceled).

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Applicant	:	Niall R. Lynam
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#### **Remarks:**

The amondments and remarks presented herein are believed to be fully responsive to the Final Office Action dated May 8, 2006.

Claims 1-11 are pending in the application. Claims 12-21 have been canceled without prejudice and independent claim 1 has been amended as set forth above. The amendments are fully supported in the specification and drawings as originally filed. No new matter has been added.

#### **CLAIM REJECTIONS**

Claims 1-5, 8 and 11 were rejected under 35 U.S.C. §103(a) as being unpatentable over Schmidt, U.S. Patent No. 6,030,084, in view of Gillich et al., U.S. Patent No. 6,709,119. Claims 6, 7, 9 and 10 were rejected under 35 U.S.C. §103(a) as being unpatentable over Schmidt, in view of Gillich et al., and further in view of Wheatley et al., U.S. Patent No. 5,262,894.

Applicant respectfully traverses the rejections under 35 U.S.C. §103(a) for the reasons set forth below.

Applicant has amended independent claim 1 to clarify that the wide angle reflective clement for a mirror assembly for a vehicle comprises a polymeric mirror substrate having an exterior surface comprising a less curved inboard surface and a more curved outboard surface. The polymeric mirror substrate comprises a polymeric resin material. The polymeric mirror substrate has a reflector disposed on a surface thereof to provide a reflective element for a vehicle mirror assembly. The thin at least partially flexible glass sheet has an attaching surface opposed to and adhered to the exterior surface of the polymeric mirror substrate so as to provide an antiabrasion sheet at the outboard and inboard surfaces of the exterior surface of the polymeric

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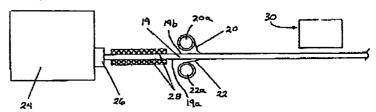
Applicant	:	Niall R. Lynam
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mirror substrate. The thin at least partially flexible glass sheet substantially conforms to the exterior surface of the polymeric mirror substrate when adhered thereto.

With respect to the rejection of independent claim 1 in view of the combination of Schmidt and Gillich et al., Applicant submits that this combination does not disclose, teach, suggest or render obvious the wide angle reflective element of the present invention, particularly as set forth in independent claim 1 and in the claims depending therefrom. Schmidt discloses a combination curved and flat mirror that has a varying radius of curvature. There is no disclosure or suggestion of a thin flexible glass sheet that is adhered to and substantially conforms with a curved exterior surface of the mirror.

The combination of Gillich et al. and Schmidt also does not disclose or teach or suggest the claimed invention. For example, and contrary to the statements in the Office Action, Gillich et al. does not disclose, teach or suggest a thin flexible glass sheet as is disclosed and claimed in the present application. To the contrary, the protective layer 101 of Gillich et al. is a hard coat similar to the hard coats discussed and distinguished in the background section of the present invention. In stark contrast to the thin flexible glass sheet of the claimed invention, and as discussed in the background section of the present application (see page 1, paragraph [0002] of the present application), such hard coats are provided on the first or outer or exterior surface of the reflective element which is contacted by the exterior elements, and are typically applied by dip coating or vacuum deposition techniques. The hard coat of Gillich et al. is not a thin flexible

glass sheet, such as the thin flexible glass sheet 20 shown in Figure 5 of the present application (reproduced to the right), as is clearly evident by



the disclosure in Gillich et al. that the hard coat of Gillich et al. has a maximum thickness of 1,000 nanometers (see column 2, lines 32-36 of Gillich et al.). Such a hard coat thus is less than

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Applicant	:	Niall R. Lynam
Scrial No.	:	10/709,434
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 $1 \times 10^{-9}$  millimeters thick and thus such a hard coat is not providable as a thin flexible sheet as disclosed and claimed in the present application. As stated in the background section of the present application, such a hard coat will not provide the benefits of the claimed invention.

The hard coat of Gillich et al. is applied to the body by deposition in vacuum or by thermal vaporization or by electron beam vaporization or by sputtering or by plasma polymerization or by chemical vapor deposition (see column 7, line 66 through column 8, line 12 of Gillich et al.). Such a hard coat thus does not have an attaching surface for adhering to an exterior surface of a polymeric mirror substrate so as to provide an anti-abrasion sheet at the outboard and inboard surfaces of the exterior surface of the polymeric mirror substrate. Thus, there is no disclosure or suggestion in Gillich et al. of a thin flexible glass sheet, and there is no disclosure or suggestion in Gillich et al. of providing a thin flexible glass sheet that has an attaching surface that is opposed to and adhered to a polymeric substrate surface and that substantially conforms to a curved surface of the substrate, such as is claimed in independent claim 1 of the present application.

With respect to the rejection of dependent claims 2-11, Applicant submits that the combination of Schmidt and Gillich et al., either alone or in further combination with Wheatley et al., does not disclose, teach or suggest the claimed invention for at least all of the reasons set forth above.

Accordingly, Applicant respectfully submits that neither Schmidt nor Gillich et al., either alone or in combination with one another or with any other prior art of record, disclose, teach, suggest or render obvious the wide angle reflective element of the present invention, particularly as set forth in independent claim 1 and in the claims depending therefrom. Reconsideration and withdrawal of the rejections of claims 1-11 is respectfully requested.

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Applicant:Niall R. LynamSerial No.:10/709,434Page:8

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Claims 1-11 remain pending in the application. Applicant respectfully submits that claims 1-11 are in condition for allowance and a notice to that effect is earnestly and respectfully requested.

Respectfully submitted,

NIALL R. LYNAM

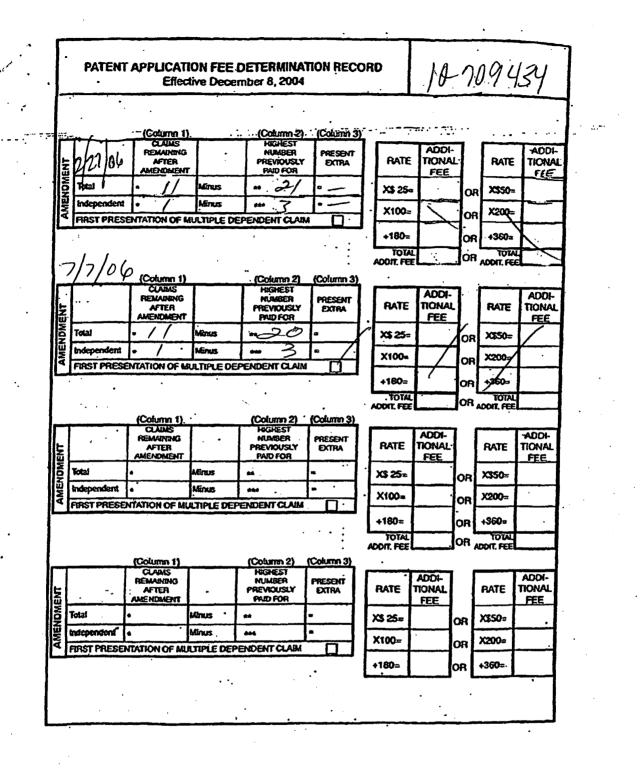
By: Van Dyke, Gardner, Linn & Burkhart, LLP

Date: July 7, 2006.

Timethy A. Flory Registration No. 42 540 2851 Charlevoix Drive, S.E., Suite 207 P.O. Box 888695 Grand Rapids, Michigan 49588-8695 (616) 975-5500

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SMR USA Exhibit 1028 Page 119

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/709,434	05/05/2004	Niall R. Lynam	DON01 P-1152	3433
28101 7	590 07/18/2006		EXAM	INER
,	GARDNER, LINN A	AND BURKHART, LLP	AMARI, ALE	SSANDRO V
P.O. BOX 888	- , .		ART UNIT	PAPER NUMBER
CRAND RADI	DS. MI 49588-8695		2872	

DATE MAILED: 07/18/2006

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

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	Application No.	A	pplicant(s)	
Advisory Action	10/709,434	Ľ	YNAM, NIALL R.	
Before the Filing of an Appeal Brief	Examiner	A	rt Unit	
	Alessandro V. Amari	2	872	
The MAILING DATE of this communication app	pears on the cover sheet w	ith the cor	respondence ado	rass
THE REPLY FILED 07. July 2006 FAILS TO PLACE THIS AF				
<ol> <li>The reply was filed after a final rejection, but prior to or this application, applicant must timely file one of the fol places the application in condition for allowance; (2) a (3) a Request for Continued Examination (RCE) in corr following time periods:</li> </ol>	on the same day as filing a llowing replies: (1) an amend Notice of Appeal (with appea	Notice of A Iment, affid I fee) in co	ppeal. To avoid at lavit, or other evid mpliance with 37 (	ence, which CFR 41.31;
a) The period for reply expires months from the mailing		6		
b) The period for reply expires on: (1) the mailing date of this A event, however, will the statutory period for reply expire later				er is later. In
Examiner Note: If box 1 is checked, check either box (a) or (		N THE FIRS	T REPLY WAS FILE	D WITHIN T
MONTHS OF THE FINAL REJECTION. See MPEP 706.07 Extensions of time may be obtained under 37 CFR 1.136(a). The date of		R 1.136(a) ar	nd the appropriate ext	ension fee ha
<ul> <li>been filed is the date for purposes of determining the period of extension CFR 1.17(a) is calculated from: (1) the expiration date of the shortened above, if checked. Any reply received by the Office later than three mon earned patent term adjustment. See 37 CFR 1.704(b).</li> <li><u>NOTICE OF APPEAL</u></li> <li>2. The Notice of Appeal was filed on A brief in con of filing the Notice of Appeal (37 CFR 41.37(a)), or any</li> </ul>	statutory period for reply originally ths after the mailing date of the fir mpliance with 37 CFR 41.37	set in the fin nal rejection, must be fil	al Office action; or (2) even if timely filed, ma ed within two mor	as set forth i ay reduce any oths of the c
Since a Notice of Appeal has been filed, any reply mus				
AMENDMENTS				
3. The proposed amendment(s) filed after a final rejectio				because
(a)⊠ They raise new issues that would require further ( (b)□ They raise the issue of new matter (see NOTE be		(see NOTE	below);	
(c) $\square$ They are not deemed to place the application in b		erially redu	icing or simplifying	g the issues
appeal; and/or (d)  ☐ They present additional claims without canceling	a corresponding number of	finally rejec	ted claims	
NOTE: <u>See Continuation Sheet</u> . (See 37 CFR 1		initiany rejec	ica clainis.	
4. The amendments are not in compliance with 37 CFR 1		f Non-Com	pliant Amendmen	t (PTOL-32
5. Applicant's reply has overcome the following rejection				
<ol> <li>Newly proposed or amended claim(s) would be the non-allowable claim(s).</li> </ol>	allowable if submitted in a s	separate, ti	mely filed amendn	nent cancel
7. For purposes of appeal, the proposed amendment(s): a how the new or amended claims would be rejected is p The status of the claim(s) is (or will be) as follows:		b) 🗌 will I	be entered and an	explanation
Claim(s) allowed:				
Claim(s) objected to: Claim(s) rejected: <u>1-11</u> .				
Claim(s) rejected: <u>1-11</u> . Claim(s) withdrawn from consideration:				
AFFIDAVIT OR OTHER EVIDENCE				
<ol> <li>The affidavit or other evidence filed after a final action, because applicant failed to provide a showing of good a and was not earlier presented. See 37 CFR 1.116(e).</li> </ol>				
9. The affidavit or other evidence filed after the date of fili entered because the affidavit or other evidence failed to showing a good and sufficient reasons why it is necess	o overcome all rejections und	ler appeal a	and/or appellant fa	ails to provi
10.  The affidavit or other evidence is entered. An explanation of the evidence is entered.				
REQUEST FOR RECONSIDERATION/OTHER 11. X The request for reconsideration has been considered	but does NOT place the app	lication in c	ondition for allowa	ance becau
See Continuation Sheet. 12. Note the attached Information Disclosure Statement(s	s). (PTO/SB/08 or PTO-1449	) Paper No	(s)	
13. Other:				
	C	lessondro	Amari Amari AV2872	
	•	Lecondra	Ameri	
	А	162201010	E Troude 1	

Part of Paper No. 20060712

## Continuation Sheet (PTOL-303)

4

#### Application No.

Continuation of 3. NOTE: The new issue is directed to the proposed language further defining the mirror substrate as polymeric and that the thin at least partially flexible glass sheet has an attaching surface opposed to the exterior surface of said polymeric mirror substrate.

Continuation of 11. does NOT place the application in condition for allowance because: The claims as finally rejected do not distinguish the claimed wide angle reflective element from the prior art cited.

JUL-07-2006 10:56 FROM: VGLB

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TO:USPTO

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## DO NOT ENIER AY

#### VIA FACSIMILE: 571-273-8300

#### RESPONSE UNDER 37 CFR 1.116 EXPEDITED PROCEDURE EXAMINING GROUP 2872

PATENT DON01 P-1152

#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Group : 2872 Examiner : Alessandro V. Amari Applicant : Niall R. Lynam Serial No. : 10/709,434 Filing Date : May 5, 2004 For : MIRROR REFLECTIVE ELEMENT

Mail Stop AF Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 Viu Facsimile: 571-273-8300

Dear Sir or Madam:

#### CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that the following papers are being facsimile transmitted to the Patent and Trademark Office on the date shown below:

1. Claims As Amended Transmittal Sheet (1 page, in duplicate)

2. Response (8 pages)

#### YOU SHOULD RECEIVE A TOTAL OF 11 PAGES.

Date: July 7, 2006

DHas

Susan L. Gasper Van Dyke, Gardner, Linn & Burkhart, LLP 2851 Charlevoix Drive, S.E., Suite 207 P.O. Box 888695 Grand Rapids, Michigan 49588-8695 (616) 975-5500

TAF/sig

PAGE 1111 \* RCVD AT 7/7/2005 11:49:16 AM [Eastern Daylight Time] \* SVR:USPTO-EFXRF-1/21 \* DNIS:2738300 \* CSID:6169885894 \* DURATION (mm-ss):02-56

. AUG-29-2006 11:38 FROM:VGLB

#### 6169755505 RECEIVED CENTRAL FAX CENTER

Request	Application Number	10/709,434
for Continued Exemination (BCE)	Filing Date	May 5, 2004
Continued Examination (RCE)	First Named Inventor	Niall R. Lynam
Address to:	Art Unit	2872
Mail Stop RCE Commissioner for Patents	Examiner Name	Alessandro V. Amari
P.O. Box 1450 Alexandria, VA 22313-1450	Attorney Docket Numbe	DQN01 P-1152
This is a Request for Continued Examination (RCE) un Request for Continued Examination (RCE) practice under 37 CF 1995, or to any design application. See Instruction Sheet for RCE 1. Submission required under 37 CFR 1.114 Note	R 1.114 does not apply to any Es (not to be submitted to the L	utility or plant application filed pri SPTO) on page 2.
amendments enclosed with the RCE will be entered in the applicant does not wish to have any previously filed unent amendment(s). e. Previously submitted. If a final Office action is o considered as a submission even if this box is r i. Consider the arguments in the Appeal Bri	e order in which they were filed ered amendment(s) entered, aj putstanding, any amendments fi not checked.	unless applicant instructs otherw oplicant must request non-entry of led after the final Office action m
li. Other Response dated July 7, 2006		
bEnclosed		
i. Amendment/Reply	iji. 🔲 Informat	on Disclosure Statement (IDS)
ii. Affidavit(s)/ Declaration(s)	IV. Other_	
Suspension of action on the above-identified a     period of months. (Period of suspensio     Other      Other      Fees     The RCE fee under 37 CFR 1.17(e) is required     The Director is hereby authorized to charge the     Deposit Account No. 22-0190	on shall not exceed 3 months; Fea 1 by 37 CFR 1.114 when the Ri e following fees, any underpays	under 37 CFR 1.17(i) required)  CE is filed. nent of fees, or credit any overpa
i. RCE fee required under 37 CFR 1.17(e) ii. Extension of time fee (37 CFR 1.136 and 1.136 ind	17)	
b. Check In the amount of \$		
c. Payment by credit card (Form PTO-2038 enclose VARNING: Information on this form may become public. Cre ard information and authorization on PTO-2038.		not be included on this form. I
SIGNATURE OF APPLICAI	NT, ATTORNEY, OR AGENT I	REQUIRED Inte August 29, 200
Vame (PANVType) Timothy A. Flory		egistration No. 42 540
CERTIFICATE OF hereby certify that this correspondence is being deposited with the United doreased to: Mail Stop RCE, Commissioner for Patents, P O. Box 1450, Mice on the date shown below.		nt postage as first class mail in an er
Iame (Print/Type) Lynetle M, S, Clark	Dat	August 29, 2006
This collection of information is required by 37 CFR 1.114. The information p process) an application. Confidentiality is governed by 35 U.S.C. 122. Including gethering, preparing, and submitting the completed application in the amount of time you require to complete this form and/or suggestions a rademark Office, U.S. Department of Commerce. P.O. Box 1450, Ale:	and 37 CFR 1.11 and 1.14. This c orm to the USPTO. Time will vary o for reducing this burden, should be	enefit by the public which is to fill (an plection is astimated to take 12 min repending upon the individual case. A sent to the Chief Information Officer SEND FEES OR COMPLETED F

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PETITION	FOR EXTENSION OF TIME UNDER	37 CFR 1.136(a)	Docket Number (Optic	onal)
(Fees	FY 2005 pursuant to the Consolidated Appropriations Act	, 2005 (H.R. 4818).)	DON01 P-1152	
Application	Number 10/709,434		Filed May 5, 2	004
For MIRRO	R REFLECTIVE ELEMENT	······		
Art Unit 2	872		Examiner Alessa	ndro V.
This is a rec application.	uest under the provisions of 37 CFR 1.13	i6(a) to extend the pe	riod for filing a reply in t	he above ide
	ed extension and fee are as follows (cheo	k time period desired	and enter the appropria	ate fee below
		Fee	Small Entity Fee	
X	One month (37 CFR 1.17(a)(1))	\$120	\$60	\$ <u>120</u>
	Two months (37 CFR 1.17(a)(2))	\$450	\$225	\$
	Three months (37 CFR 1.17(a)(3))	\$1020	\$510	S
	Four months (37 CFR 1.17(a)(4))	\$1590	\$795	\$
	Five months (37 CFR 1.17(a)(5))	\$2160	\$1080	s
Applica	nt claims small entity status. See 37 CFR	1.27.		
A chec	k in the amount of the fee is enclosed	ł.		
	et by gradit gard. Earn PTO 2028 is			
	ini dy ciedii caid. Funn F 10-2030 is i	attached.		
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The Di The Di Depos	rector has already been authorized to rector is hereby authorized to charge it Account Number <u>22-0190</u> NG: Information on this form may become p credit card information and authorization of epplicant/inventor.	o charge fees in this any fees which ma I ha ublic. Credit card infoi on PTO-2038.	y be required, or cred ve enclosed a duplica mation should not be ind	lit any overp ate copy of t
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NOTE Signature is required in the control of the co	rector has already been authorized to rector is hereby authorized to charge it Account Number <u>22-0190</u> NG: Information on this form may become p credit card information and authorization of applicant/inventor. assignee of record of the entities Statement under 37 CFR 3 attorney or agent under 37 CFR 3 signeture <u>Timothy A. Flory</u> Typed or printed name res of all the inventors or assignees of record of the c ured. see below.	o charge fees in this any fees which ma I ha ublic. Credit cart Infor n PTO-2038. The interest. See 37 ( 3.73(b) is enclosed egistration Number FR 1.34. er 37 CFR 1.34	y be required, or cred ve enclosed a duplica mation should not be ind CFR 3.71. (Form PTO/SB/96). 42 540 August 2 (616) 97 Telep entative(s) are required. Subir or retain a banefit by the public and 1.14. This collection is PTO Time will vary dependir g this burden, a hould be cent to 22213-1430, DO NOT SEN.	dit any overp ale copy of t cluded on this 

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This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above application.         The requested extension and fee are as follows (check time period desired and enter the appropriate fee to 	Filed May 5, 2004         Examiner Alessandro V. Arr         the period for filing a reply in the above identifies         estred and enter the appropriate fee below):         Small Entity Fee         \$60       \$ 120	If feese pursuant to the Consolidered Appropriations Act, 2005 (H.R. 4416).)         ation Number       10/709,434         Filed       May 5, 2004         IRROR REFLECTIVE       ELEMENT         it       2872         is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identifiation.         iguested extension and fee are as follows (check time period desired and enter the appropriate fee below):         Image: team on the grading of the period for filing a reply in the above identifiation.         iguested extension and fee are as follows (check time period desired and enter the appropriate fee below):         Image: team on the grading of the grading of the period for filing a reply in the above identifiation.         iguested extension and fee are as follows (check time period desired and enter the appropriate fee below):         Image: team on the grading of the grading of the period desired and enter the appropriate fee below):         Image: team on the grading of the grading of the period desired and enter the appropriate fee below):         Image: team on the grading of the grading of the grading of the team on the grading of the team on the grading of the grading of the team on the grading of the team on the grading of the grading of the team on the grading of the team on	(Feee pursuant to the Consolidered Appropriations Act, 2006 (H.R. 4518).)         Application Number       10/709, 434       Filed       Kary 5, 2004         For MIRROR REFLECTIVE ELEMENT       Examiner Alessandro V. Am         Art Unit       2872       Examiner Alessandro V. Am         This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identifiapplication.       The requested extension and fee are as follows (check time period desired and enter the appropriate fee below):         Fee       Small Entity Fee         Image: Colspan="2">Image: Colspan="2">Colspan="2">Colspan="2">Cone month (37 CFR 1.17(a)(1))         S120       \$60       \$120         Two months (37 CFR 1.17(a)(2))       \$450       \$225       \$         Image: Colspan="2">Three months (37 CFR 1.17(a)(3))       \$1020       \$510       \$         Five months (37 CFR 1.17(a)(4))       \$1590       \$795       \$       \$         Image: Colspan="2">Five months (37 CFR 1.17(a)(5))       \$2160       \$1080       \$       \$         Applicant claims small entity status See 37 CFR 1.27.       A check in the amount of the fee is enclosed.       \$       \$       \$       \$         Payment by credit card. Form PTO-2038 is attached.       \$       \$       \$       \$       \$       \$       \$       \$       \$<	(Feee pursuant to the Consolidered Appropriations Act. 2009 (H.R. 4519.)         Application Number       10/709,434         For MIRROR REFLECTIVE ELEMENT         Art Unit       2872         Examiner Alessandro V. Am         This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identif application.         The requested extension and fee are as follows (check time period desired and enter the appropriate fee below):	(free pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4516).)         Application Number       10/709,434         For MITROR REFLECTIVE ELEMENT         Art Unit       2872         Examiner Alessandro V. Am         This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identil application.         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The requested extension and fee are as follows (check time period desired and example a follows)       Ex	aminer <u>Alessan</u> r filing a reply in the	<b>dro V. Am</b> e above identifi
For MIRROR REFLECTIVE ELEMENT         Art Unit       2872       Examiner Alessandro         This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the abov application.       The requested extension and fee are as follows (check time period desired and enter the appropriate fee to Eee         Image: Constraint of the period for filing a reply in the abov application.       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Arr the period for filing a reply in the above identii estred and enter the appropriate fee below): <u>Small Entity Fee</u> \$60 \$ <u>120</u> \$225 \$ \$225 \$ \$510 \$ \$795 \$ \$1080 \$ \$1080 \$ \$1080 \$ \$1080 \$ \$1080 \$	TRROR REFLECTIVE ELEMENT         It 2872         Examiner Alessandro V. Am         La request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identifiator.         request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identifiator.         requested extension and fee are as follows (check time period desired and enter the appropriate fee below):         Fee       Small Entity Fee         Image: Colspan="2">Cone month (37 CFR 1.17(a)(1))       \$120         Two months (37 CFR 1.17(a)(2))       \$450       \$225       \$	For MIRROR REFLECTIVE ELEMENT         Art Unit 2872       Examiner Alessandro V. Am         Art Unit 2872         Examiner Alessandro V. Am         The request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identif application.         The requested extension and fee are as follows (check time period desired and enter the appropriate fee below):	For MIRROR REFLECTIVE ELEMENT         Art Unit       2872         Examiner Alessandro V. Am         This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identif application.         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A check in the amount of the fee is enclosed.       Payment by credit card. Form</th> <th>Art Unit       2872       Examiner Alessandro       V. Am         This is a request under the provisions of 37 CFR 1.138(a) to extend the period for filing a reply in the above identif application.       The requested extension and fee are as follows (check time period desired and enter the appropriate fee below):         Fee       Small Entity Fee         Image: Common comparison of 37 CFR 1.17(a)(1))       \$120       \$60       \$120         Image: Common comparison comp</th> <th>Art Unit       2872       Examiner Alessandro V. Am         This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identit application.       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Credit card information should not be included on this for Provide credit card information and authorization on PTO-2038.         I am the       applicant/inventor.         assignee of record of the entire interest. See 37 CFR 3.71.         Statement under 37 CFR 1.34.         Registration number if acting under 37</th> <th>Art Unit       2872       Examiner Alessandro V. Art         This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identit application.       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<ul> <li>Five months (37 CFR 1.17(a)(5)) \$2160</li> <li>Applicant claims small entity status See 37 CFR 1.27.</li> <li>A check in the amount of the fee is enclosed.</li> <li>Payment by credit card. Form PTO-2038 is attached.</li> <li>The Director has already been authorized to charge fees in this application to a Deposit Accord The Director is hereby authorized to charge any fees which may be required, or credit any conditional states and the stat</li></ul>	\$1080 \$ n this application to a Deposit Account. h may be required, or credit any overpay I have enclosed a duplicate copy of this	Five months (37 CFR 1.17(a)(5))       \$2160       \$1080       \$	Five months (37 CFR 1.17(a)(5))       \$2160       \$1080       \$	Five months (37 CFR 1.17(a)(5))       \$2160       \$1080       \$	Five months (37 CFR 1.17(a)(5))       \$2160       \$1080       \$	Five months (37 CFR 1.17(a)(5))       \$2160       \$1080       \$	Three months (37 CFR 1.17(a)(3)) \$1020	\$510	\$
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		the applicant/inventor. assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed (Form PTO/SB/96). attorney or agent of record. Registration Number <u>42 540</u>	I am the       applicant/inventor.         assignee of record of the entire interest. See 37 CFR 3.71.         Statement under 37 CFR 3.73(b) is enclosed (Form PTO/SB/96).         x         attorney or agent of record. Registration Number <u>42 540</u> attorney or agent under 37 CFR 1.34.	I am the       applicant/inventor.         assignee of record of the entire interest. See 37 CFR 3.71.         Statement under 37 CFR 3.73(b) is enclosed (Form PTO/SB/96).         x         attorney or agent of record. Registration Number 42 540         attorney or agent under 37 CFR 1.34.         Registration number if acting under 37 CFR 1.34.	I am the       applicant/inventor.         assignee of record of the entire interest. See 37 CFR 3.71.         Statement under 37 CFR 3.73(b) is enclosed (Form PTO/SB/96).         x attorney or agent of record. Registration Number 42 540         attorney or agent under 37 CFR 1.34.         Registration number if acting under 37 CFR 1.34.         TEach Marke       August 29, 2006	I am the       applicant/inventor.         assignee of record of the entire interest. See 37 CFR 3.71.         Statement under 37 CFR 3.73(b) is enclosed (Form PTO/SB/96).         x attorney or agent of record. Registration Number 42 540         attorney or agent under 37 CFR 1.34.         Registration number if acting under 37 CFR 1.34         TEAT       August 29, 2006	Deposit Account Number <u>22-0190</u> I have en     WARNING: Information on this form may become public. Credit card information	closed a duplicate	e copy of this
		<ul> <li>assignee of record of the entire interest. See 37 CFR 3.71.</li> <li>Statement under 37 CFR 3.73(b) is enclosed (Form PTO/SB/96).</li> <li>attorney or agent of record. Registration Number <u>42 540</u></li> </ul>	<ul> <li>assignee of record of the entire interest. See 37 CFR 3.71.</li> <li>Statement under 37 CFR 3.73(b) is enclosed (Form PTO/SB/96).</li> <li>attorney or agent of record. Registration Number <u>42 540</u></li> <li>attorney or agent under 37 CFR 1.34.</li> </ul>	<ul> <li>assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed (Form PTO/SB/96).</li> <li>attorney or agent of record. Registration Number <u>42 540</u></li> <li>attorney or agent under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34.</li> </ul>	<ul> <li>assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed (Form PTO/SB/96).</li> <li>attorney or agent of record. Registration Number <u>42 540</u></li> <li>attorney or agent under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34.</li> <li>TEM LAR August 29, 2006</li> </ul>	<ul> <li>assignee of record of the entire interest. See 37 CFR 3.71.</li> <li>Statement under 37 CFR 3.73(b) is enclosed (Form PTO/SB/96).</li> <li>attorney or agent of record. Registration Number <u>42 540</u></li> <li>attorney or agent under 37 CFR 1.34.</li> <li>Registration number if acting under 37 CFR 1.34</li> <li>TEAT Acc</li> </ul>			
I am the applicant/inventor.		Statement under 37 CFR 3.73(b) is enclosed (Form PTO/SB/96). attorney or agent of record. Registration Number <u>42 540</u>	<ul> <li>Statement under 37 CFR 3.73(b) is enclosed (Form PTO/SB/96).</li> <li>attorney or agent of record. Registration Number <u>42 540</u></li> <li>attorney or agent under 37 CFR 1.34.</li> </ul>	Statement under 37 CFR 3.73(b) is enclosed (Form PTO/SB/96).         Image: Statement under 37 CFR 1.34.         Image: Statement under 37 CFR 1.34.         Registration number if acting under 37 CFR 1.34.	Statement under 37 CFR 3.73(b) is enclosed (Form PTO/SB/96).         Image: Statement under 37 CFR 1.34.         Image: Statement under 37 CFR 1.34.         Registration number if acting under 37 CFR 1.34.         Trank Large	Statement under 37 CFR 3.73(b) is enclosed (Form PTO/SB/96).         Image: Statement under 37 CFR 3.73(b) is enclosed (Form PTO/SB/96).         Image: Statement under 37 CFR 1.34.         Image: Statement under 37 CFR 1.34.         Registration number if acting under 37 CFR 1.34.         Image: Transform Transfor	I am the applicant/inventor.		
		x attorney or agent of record. Registration Number 42 540	x       attorney or agent of record. Registration Number 42 540         attorney or agent under 37 CFR 1.34.	X       attorney or agent of record. Registration Number 42 540         Image: station agent under 37 CFR 1.34.         Registration number if acting under 37 CFR 1.34	X       attorney or agent of record. Registration Number 42 540         Image: attorney or agent under 37 CFR 1.34.         Registration number if acting under 37 CFR 1.34         Transfer Large         August: 29, 2006	X       attorney or agent of record. Registration Number 42 540         attorney or agent under 37 CFR 1.34.         Registration number if acting under 37 CFR 1.34         TEST       August 29, 2006			
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Signature Date						Timothy A. Flory (616) 975-5500	Signatore		
	Date	Signature Date	Signatore Date		Timothy A. Flory (616) 975-5500				
	Date	Signatore Date	Signatore Date		Timothy A. Flory (616) 975-5500				

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#### VIA FACSIMILE: 571-273-8300

#### RESPONSE UNDER 37 CFR 1.116 EXPEDITED PROCEDURE EXAMINING GROUP 2872

TO: USPTO

PATENT DON01 P-1152

#### • IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Group	:	2872
Examiner	:	Alessandro V. Amari
Applicant	:	Niall R. Lynam
Scrial No.	:	10/709,434
Filing Date	:	May 5, 2004
For	:	MIRROR REFLECTIVE ELEMENT

Mall Stop AF Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 Via Facsimile: 571-273-8300

Dear Sir or Madam:

#### **CERTIFICATION OF FACSIMILE TRANSMISSION**

I hereby certify that the following papers are being facsimile transmitted to the Patent and Trademark Office on the date shown below:

- 1. Claims As Amended Transmittal Sheet (1 page, in duplicate)
- 2. Response (8 pages)

YOU SHOULD RECEIVE A TOTAL OF 11 PAGES.

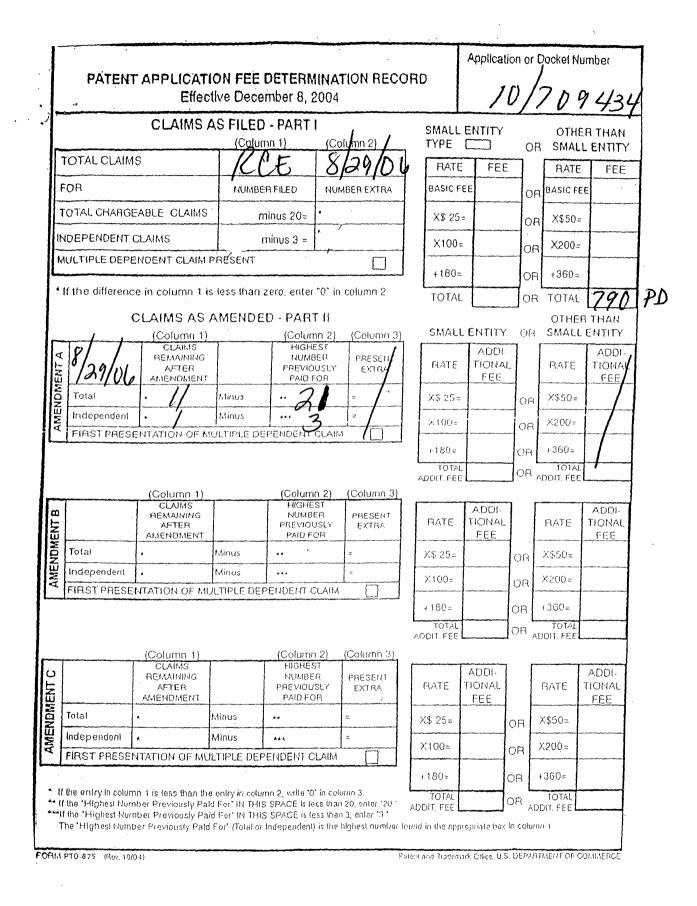
Date: July 7, 2006

Jappe

Susan L. Gasper Van Dyke, Gardner, Linn & Burkhart, LLP 2851 Charlevoix Drive, S.E., Suite 207 P.O. Box 888695 Grand Rapids, Michigan 49588-8695 (616) 975-5500

TAF/slg

PAGE 1/11\* RCVD AT 7072005 11:X9:16 AH [Eastern Daylight Time] \* SVR.USPTO-EFXRF-1/21\* DHIS: 2738300 \* CSID: 6169885884 \* DURATION (min-ss): 472-66



			UNITED STATES DEPAR United States Patent and Address: COMMISSIONER F P.O. Box 1450 Alexandria, Virginia 223 www.uspto.gov	<b>Frademark Office</b> OR PATENTS
APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
10/709,434	05/05/2004	Niall R. Lynam	DON01 P-1152	3433
28101 75	590 11/0 <del>6</del> /2006		EXAM	INER
	GARDNER, LINN AN	D BURKHART, LLP	AMARI, ALES	SSANDRO V
2851 CHARLE P.O. BOX 8886	VOIX DRIVE, S.E.		ART UNIT	PAPER NUMBER
	DS, MI 49588-8695		2872	

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

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	Application No.	Applicant(s)
	10/709,434	LYNAM, NIALL R.
Office Action Summary	Examiner	Art Unit
	Alessandro Amari	2872
The MAILING DATE of this communication of Period for Reply	appears on the cover sheet v	vith the correspondence address
A SHORTENED STATUTORY PERIOD FOR REI WHICHEVER IS LONGER, FROM THE MAILING - Extensions of time may be available under the provisions of 37 CFR after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory peri - Failure to reply within the set or extended period for reply will, by sta Any reply received by the Office later than three months after the ma earned patent term adjustment. See 37 CFR 1.704(b).	DATE OF THIS COMMUN 1.136(a). In no event, however, may a od will apply and will expire SIX (6) MC tute, cause the application to become A	ICATION. reply be timely filed INTHS from the mailing date of this communication. ABANDONED (35 U.S.C. § 133).
Status		
1) Responsive to communication(s) filed on $29$	August 2006.	
	his action is non-final.	
3) Since this application is in condition for allow	wance except for formal ma	tters, prosecution as to the merits is
closed in accordance with the practice unde	er Ex parte Quayle, 1935 C.	D. 11, 453 O.G. 213.
Disposition of Claims		
4)⊠ Claim(s) <u>1-11</u> is/are pending in the applicati	on.	
4a) Of the above claim(s) is/are withd		
5) Claim(s) is/are allowed.		
6) Claim(s) <u>1-11</u> is/are rejected.		
7) Claim(s) is/are objected to.		
8) Claim(s) are subject to restriction and	d/or election requirement.	
Application Papers		
9) The specification is objected to by the Exam	inor	
10) The drawing(s) filed on is/are: a) a		by the Examiner
Applicant may not request that any objection to t	•	-
Replacement drawing sheet(s) including the corr		
11) The oath or declaration is objected to by the		
Priority under 35 U.S.C. § 119		
12) Acknowledgment is made of a claim for fore	gn priority under 35 U.S.C.	§ 119(a)-(d) or (f).
a) All b) Some * c) None of:		
1. Certified copies of the priority docume		
2. Certified copies of the priority docume		
3. Copies of the certified copies of the p	-	n received in this National Stage
application from the International Bur		
* See the attached detailed Office action for a l	ist of the certified copies no	t received.
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Attachment(s)		
1) Notice of References Cited (PTO-892)	4) Interview	Summary (PTO-413)
2) DNotice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No	(s)/Mail Date
<ol> <li>Information Disclosure Statement(s) (PTO/SB/08)</li> <li>Paper No(s)/Mail Date</li> </ol>	5) 🛄 Notice of 6) 🛄 Other:	Informal Patent Application
J.S. Patent and Trademark Office		
	Action Summary	Part of Paper No./Mail Date 20061030

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#### DETAILED ACTION

#### Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 29 August 2006 has been entered.

#### 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 negatived by the manner in which the invention was made.

3. Claims 1-5, 8 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schmidt US 6,030,084 in view of Gillich et al US 6,709,119.

In regard to claim 1, Schmidt teaches (see for example, Figures 2, 3) a wide angle reflective element for a mirror assembly for a vehicle comprising a polymeric mirror substrate (12) having an exterior surface comprising a less curved inboard surface or surface and a more curved outboard surface as shown in Figures 2 and 3, said polymeric mirror substrate comprising a polymeric resin material as described in

column 3, lines 39-50, said substrate having a reflector (15) disposed on a surface thereof to provide a reflective element for a vehicle mirror assembly.

Regarding claim 2, Schmidt et al teaches that said reflector is disposed at an inner surface (14) of said substrate opposite said exterior surface as shown in Figure 2.

However, in regard to claim 1, Schmidt does not teach a thin at least partially flexible glass sheet, said thin at least partially flexible glass sheet having an attaching surface opposed to and adhered to said exterior surface of said polymeric mirror substrate so as to provide an anti-abrasion sheet at said outboard and inboard surfaces of said exterior surface of said polymeric mirror substrate, said thin at least partially flexible glass sheet conforming to said exterior surface of said polymeric mirror substrate when adhered thereto, said thin at least partially flexible glass sheet having a thickness of less than approximately 0.8 mm.

In regard to claim 1, Gillich et al teaches (see Figure 1) a thin at least partially flexible glass sheet (101) said thin at least partially flexible glass sheet having an attaching surface opposed to and adhered to said exterior surface so as to provide an anti-abrasion sheet at said outboard and inboard surfaces of said exterior surface of said polymeric mirror substrate, said thin at least partially flexible glass sheet conforming to said exterior surface of said polymeric mirror substrate of said polymeric mirror substrate when adhered thereto, as described in column 1, lines 56-67, column 2, lines 1-5 and column 8, lines 28-37, said thin at least partially flexible glass sheet having a thickness of less than approximately 0.8 mm having a thickness of less than approximately 0.8 mm having a thickness of less than approximately 0.8 mm as

the claimed partially flexible glass sheet, this is seen to be an inherent teaching of the device since glass sheets thinner than 100  $\mu$ m show bending properties and are therefore flexible. Furthermore, the applicant's specification does not define the term "partially flexible" in any terms of degree, so the reference is taken to read on this feature.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the glass film as taught by Gillich et al in the substrate of Schmidt in order to provide for a protective layer that protects the underlying layers from mechanical damage.

Regarding claims 3 and 4, Schmidt discloses that said substrate is cut from a molded or extruded or cast strip or sheet, said glass sheet being laminated to said strip cut from said strip or sheet, at least two substrates being or sheet as described in column 3, lines 39-65 and regarding claim 4, Schmidt discloses wherein said reflector comprises a reflective film applied to said strip or sheet on an inner surface of said substrates opposite said exterior surface as described in column 3, lines 39-65. Applicant should note that claims 3 and 4 are product-by-process claims and in product-by-process claims, "once a product appearing to be substantially identical is found and a 35 U.S.C. 102/103 rejection [is] made, the burden shifts to the applicant to show an unobvious difference." MPEP 2113. This rejection under 35 U.S.C. 102/103 is proper because the "patentability of a product does not depend on its method of production." *In re Thorpe*, 227 USPQ 964, 966 (Fed. Cir. 1985).

Regarding claim 5, Schmidt teaches (see Figure 2) wherein said reflector comprises a reflective film (15) applied to an inner surface (14) of said substrate opposite said exterior surface as described in column 51-57.

Regarding claim 11, Schmidt discloses that said reflective element is adapted for use as an exterior rearview mirror assembly as described in column1, lines 15-21.

Regarding claim 8, Schmidt in view of Gillich et al discloses the claimed invention as set forth above except for the rearrangement of the reflective film being applied to the exterior surface of the substrate, said glass film being applied to an exterior surface of the reflective film. It would have been obvious to one having ordinary skill in the art at the time the invention was made to rearrange the reflective film to be applied to the exterior surface of the substrate, since it has been held that a mere rearrangement of elements without modification of the operation of the device involves only routine skill in the art. One would have been motivated to rearrange the reflective film to be applied to the exterior surface for the purpose of easier and more efficient manufacturing of the reflective element. *In re Japikse*, 181 F.2d 1019, 86 USPQ 70 (CCPA 1950)

4. Claims 6, 7, 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schmidt US 6,030,084 in view of Gillich et al US 6,709,119 and further in view of Wheatley et al US 5,262,894.

Regarding claims 6, 7, 9 and 10, Schmidt in view of Gillich et al teaches the invention as set forth above but regarding claims 6 and 9, does not teach that said reflective film comprises a polymeric reflective film at least one of laminated, adhered and applied to said inner or exterior surface of said substrate and regarding claims 7

and 10 does not teach that said reflective film comprises an all polymer thin film multilayer high reflective mirror comprising multiple coextrusion of many plastic layers to form a highly reflective mirror.

Regarding claims 6 and 9, Wheatley et al teaches (see Figure 1) that a reflective film is a polymeric reflective film at least one of laminated, adhered and applied to said exterior surface of said substrate and regarding claims 7 and 10 Wheatley et al teaches that said reflective film comprises an all polymer thin film multilayer high reflective mirror comprising multiple coextrusion of many plastic layers to form a highly reflective mirror as shown in Figure 1 and as described in column 6, lines 65-68, column 7, lines 45-68, column 11, lines 61-68 and column 12, lines 1-11.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the polymeric film of Wheatley et al for the reflective element of Schmidt in view of Gillich et al in order to provide for a reflective element which will not corrode or flake.

#### **Response to Arguments**

5. Applicant's arguments filed on 29 August 2006 have been fully considered but they are not persuasive.

The Applicant argues that the combination of Gillich et al and Schmidt does not teach the claimed invention, specifically, a thin flexible glass sheet. The Applicant asserts that the protective layer of Gillich et al is a hard coat in contrast to the thin flexible glass sheet of the claimed invention and such hard coats are provided on the

first and outer or exterior surface of the reflective element which is contacted by exterior elements and typically applied by dip coating or vacuum deposition techniques. The Applicant further asserts that that hard coat of Gillich is not a thin flexible glass sheet as shown in Figure 5 of the present application and that the hard coat of Gillich et al has a maximum thickness of 1000 nanometers which is less than  $1 \times 10^{-9}$  mm thick and thus such a hard coat is not providable as a thin flexible sheet as disclosed and claimed in the present invention.

In response to this argument, the Examiner would like to point out that the coat of Gilich et al is also taught as being a sheet which can be rolled. The Examiner directs the Applicant's attention to column 8, lines 28-37 of Gillich et al which is reproduced below:

The transparent layers, and here in particular the protective layer, can also be obtained by a flame pyrolytic method. It is also possible to use different processes for the individual layers of a sequence of layers. For example, in the case of rolled products, e.g. foils, strips or sheets, or in the case of laminates containing an aluminum layer, individual coatings or preferably all coatings are applied or deposited in a continuous process, usually the belt or continuous process, also known as coil coating.

Furthermore, the Examiner maintains that Gillich et al (in combination with Schmidt) does teach a thin flexible glass sheet which serves as a protective layer (as described in the abstract and column 1, lines 56-67 and column 2, lines 1-5). As pointed out by the Examiner (and reaffirmed by the Applicant in his arguments), the sheet of Gillich et al is described as having a maximum thickness of 1000 nanometers which is less than 1 x  $10^{-9}$  mm thick. Therefore, the glass sheet of Gillich which is less than 1 x  $10^{-9}$  mm thick. Therefore, the glass sheet of Gillich which is less than 1 x  $10^{-9}$  mm thick is at least partially flexible because inherently ultra thin glass sheets show bending properties if they are thinner than 100  $\mu$ m.

The Applicant further argues that the hard coat of Gillich et al is applied to the body by deposition in vacuum or by thermal vaporization or by electron beam vaporization or by sputtering or by plasma vaporization or by chemical vapor deposition. Thus the Applicant argues the hard coat does not have an attaching surface for adhering to an exterior surface of a polymeric mirror substrate.

In response to this argument, the Examiner would again like to point out that the coat of Gilich et al is also taught as being a sheet which can be rolled (see column 8, lines 28-37 as reproduced above). Thus Gillich et al does teach a flexible glass sheet which would therefore have an attaching surface for adhering to an exterior surface of a mirror substrate.

 Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alessandro Amari whose telephone number is (571)272-2306. The examiner can normally be reached on Monday-Friday 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew Dunn can be reached on (571) 272-2312. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ava 30 October 2006

alementer Amari

ALESSANDRO AMARI PRIMARY PATENT EXAMINER

SMR USA Exhibit 1028 Page 138

	ndex of (			Application/Control No. 10709434 Examiner Amari, Alessandro				Applicant(s)/Patent under Reexamination LYNAM, NIALL R. Art Unit 2872			nination	
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Part of Paper No.

10302006



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Application/Control No.	Applicant(s)/Patent under Reexamination
10/709,434	LYNAM, NIALL R.
Examiner	Art Unit
Alessandro V. Amari	2872

SEARCHED						
Subclass	Date	Examiner				
866 868 883 514	11/16/2005	AA				
above	5/2/2006	AA				
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	Subclass 866 868 883 514 above above	Subclass         Date           866         868           883         11/16/2005           3514         -           above         5/2/2006           above         10/30/2006           -         -           -         -           -         -           -         -           -         -           -         -           -         -           -         -           -         -           -         -           -         -           -         -           -         -           -         -				

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PATENT DON01 P-1152

#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Group	:	2872
Examiner	:	Alessandro V. Amari
Applicant	:	Niall R. Lynam
Serial No.	:	10/709,434
Filing Date	:	May 5, 2004
For	:	MIRROR REFLECTIVE ELEMENT

Mail Stop Amendment Commissioner For Patents P.O. Box 1450 Alexandria, VA 22313-1450 Via Facsimile (571) 273-8300

Dear Sir or Madam;

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1. Request for Reconsideration (5 pages)

YOU SHOULD RECEIVE A TOTAL OF 6 PAGES

Dated: January 22, 2007.

Elaine L. Leva

Van Dyke, Gardner, Linn & Burkhart, LLP P.O. Box 888695 Grand Rapids, MI 49588-8695 (616) 975-5500

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PAGE 1/6 \* RCVD AT 1/22/2007 1:18:00 PM [Eastern Standard Time] \* SVR:USPTO-EFXRF-5/1 \* DNIS:2738300 \* CSID:6169885894 \* DURATION (mm-ss):01-20

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PATENT DON01 P-1152

#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Art Unit	:	2872
Examiner	:	Alessandro V. Amari
Applicant	:	
Scrial No.	:	10/709,434
Filing Date	:	May 5, 2004
For	:	MIRROR REFLECTIVE ELEMENT

Mail Stop Amendment Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 Via Facsimile: 571-273-8300

Dear Sir or Madam:

#### **REQUEST FOR RECONSIDERATION**

Responsive to the Office Action mailed November 6, 2006, Applicant requests reconsideration of the rejections for the reasons set forth below.

Remarks begin on page 2 of this paper.

PAGE 2/6 \* RCVD AT 1/22/2007 1:18:00 PM [Eastern Standard Time] \* SVR:USPTO-EFXRF-6/1 \* DNIS:2738300 \* CSID:6169885894 \* DURATION (mm-ss):01-20

Applicant:Niall R. LynamSerial No.:10/709,434Page:2

#### **Remarks:**

The amendments and remarks presented herein are believed to be fully responsive to the Office Action dated November 6, 2006. Claims 1-11 are pending in the application.

#### **CLAIM REJECTIONS**

Claims 1-5, 8 and 11 were rejected under 35 U.S.C. §103(a) as being unpatentable over Schmidt, U.S. Patent No. 6,030,084, in view of Gillich et al., U.S. Patent No. 6,709,119. Claims 6, 7, 9 and 10 were rejected under 35 U.S.C. §103(a) as being unpatentable over Schmidt, in view of Gillich et al., and further in view of Wheatley et al., U.S. Patent No. 5,262,894.

Applicant respectfully traverses the rejections under 35 U.S.C. §103(a) for the reasons set forth below.

With respect to the rejection of independent claim 1 in view of the combination of Schmidt and Gillich et al., Applicant submits that this combination does not disclose, teach, suggest or render obvious the wide angle reflective element of the present invention, particularly as set forth in independent claim 1 and in the claims depending therefrom, for at least all of the reasons set forth in the previous response, the arguments of which are incorporated herein.

As previously stated, the combination of Gillich et al. and Schmidt also does not disclose or teach or suggest a thin flexible glass sheet as is disclosed and claimed in the present application. To the contrary, the protective layer 101 of Gillich et al. is a hard coat similar to the hard coats discussed and distinguished in the background section of the present invention. In stark contrast to the thin flexible glass sheet of the claimed invention, and as discussed in the background section of the present application (see page 1, paragraph [0002] of the present application), such hard coats are provided (such as via dip coating or vacuum deposition or the

PAGE 3/6 \* RCVD AT 1/22/2007 1:18:00 PM [Eastern Standard Time] \* SVR:USPTO-EFXRF-5/1 \* DNIS:2738300 \* CSID:6169885894 \* DURATION (mm-ss):01-20

Applicant:Niall R. LynamSerial No.:10/709,434Pagc:3

like) on the first or outer or exterior surface of the reflective element which is contacted by the exterior elements. The hard coat of Gillich et al. thus is <u>not</u> a thin flexible glass sheet, such as the thin flexible glass sheet 20 shown in Figure 5 of the present application, as is clearly evident by the disclosure in Gillich et al. that the hard coat of Gillich et al. has a maximum thickness of 1,000 nanometers (see column 2, lines 32-36 of Gillich et al.). Such a hard coat thus is less than  $1 \times 10^{-9}$  millimeters thick and thus such a hard coat is not providable as a thin flexible sheet as disclosed and claimed in the present application. As stated in the background section of the present application, such a hard coat will not provide the benefits of the claimed invention.

Further, the hard coat of Gillich et al. is disclosed as being applied to the body by deposition in vacuum or by thermal vaporization or by electron beam vaporization or by sputtering or by plasma polymerization or by chemical vapor deposition (see column 7, line 66 through column 8, line 12 of Gillich et al.). Such a hard coat thus is not provided as a thin flexible sheet and thus does not have an attaching surface for adhering to an exterior surface of a polymeric mirror substrate so as to provide an anti-abrasion sheet at the outboard and inboard surfaces of the exterior surface of the polymeric mirror substrate.

The Office Action states that "the coat of Gillich et al. is also taught as being a sheet which can be rolled", and directs the Applicant's attention to column 8, lines 28-37 of Gillich et al., which states:

"The transparent layers, and here in particular the protective layer, can also be obtained by a flame pyrolytic method. It is also possible to use different processes for the individual layers of a sequence of layers.

For example, in the case of rolled products, e.g. foils, strips or sheets, or in the case of laminates containing an aluminum layer, individual coatings or preferably all coatings are applied or deposited in a continuous process, usually the belt or continuous process, also known as coil coating." (emphasis added).

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The Office Action thus points to the statement "in the case of rolled products" and states that this provides a teaching of providing the hardcoat (disclosed as being less than 1,000 nanometers thick) as a "rolled product". However, Applicant submits that the statement quoted above is referring to the case of rolled substrates, and <u>not</u> rolled coatings. As evidence of this, Gillich et al. states that, in the case of rolled products, the <u>individual coatings or preferably all</u> <u>coatings</u> are *applied or deposited* in a continuous process. Moreover, in the sentences immediately following the above quoted portion of Gillich et al., Gillich et al. further states:

"To produce the pretreatment layer, for example, processes for anodic oxidation of aluminum can be applied. The functional layer a) e.g. a sol-gel layer, can also be applied in a continuous process, in which the sol is applied to the surface to be treated by **immersion**, **spraying**, **etc.** or by coil-coating, **and dried or hardened** by subsequent radiation and/or heat treatment in a through-type furnace. Finally, the reflective layers b) can be **deposited by vaporization**, **sputtering**, **etc.**, in both cases especially in a vacuum etc." See column 8, lines 37-45 of Gillich et al. (emphasis added).

Thus, Gillich et al. discloses providing a rolled substrate and coating the rolled substrate (such as via immersion, spraying, vaporization or sputtering) via a continuous coating process. Thus, Applicant submits that there is no disclosure or suggestion in Gillich et al. of a thin flexible glass sheet, and there is no disclosure or suggestion in Gillich et al. of providing a thin flexible glass sheet that has an attaching surface that is opposed to and adhered to a polymeric substrate surface, such as is claimed in independent claim 1 of the present application. Therefore, the combination of Schmidt and Gillich et al. does not disclose, suggest or render obvious the invention claimed herein.

With respect to the rejection of dependent claims 2-11, Applicant submits that the combination of Schmidt and Gillich et al., either alone or in further combination with Wheatley et al., does not disclose, teach or suggest the claimed invention for at least all of the reasons set forth above.

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Accordingly, Applicant respectfully submits that neither Schmidt nor Gillich et al., either alone or in combination with one another or with any other prior art of record, disclose, teach, suggest or render obvious the wide angle reflective element of the present invention, particularly as set forth in independent claim 1 and in the claims depending therefrom. Reconsideration and withdrawal of the rejections of claims 1-11 is respectfully requested.

Claims 1-11 remain pending in the application. Applicant respectfully submits that claims 1-11 are in condition for allowance and a notice to that effect is carnestly and respectfully requested. Should the Examiner have any questions regarding the above discussion, the Examiner is invited to contact the undersigned attorney to discuss this further.

Respectfully submitted,

NIALL R. LYNAM

By: Van Dyke, Gardner, Linn & Burkhart, LLP

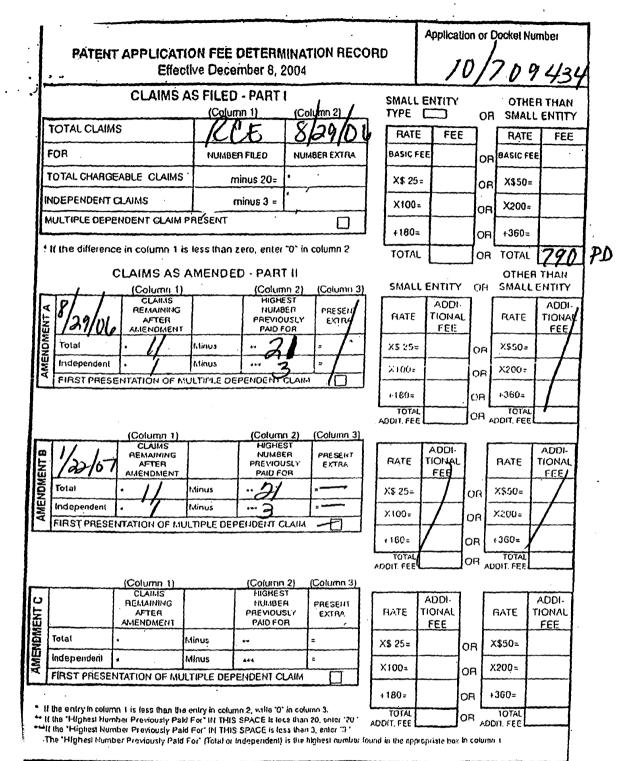
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Timothy A. Flory Registration No. 42 540 2851 Charlevoix Drive, S.E., Suite 207 P.O. Box 888695 Grand Rapids, Michigan 49588-8695 (616) 975-5500

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Date: January 22, 2007.

PAGE 6/6 \* RCVD AT 1/22/2007 1:18:00 PM [Eastern Standard Time] \* SVR:USPTO-EFXRF-5/1 \* DNIS:2738300 \* CSID:6169885894 \* DURATION (mm-ss):01-20



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/709,434	05/05/2004	Niall R. Lynam	DON01 P-1152	3433
	7590 04/13/2007 GARDNER, LINN AND B	ΠΡΕΊΑΡΤ ΓΓΡ	EXAMINER AMARI, ALESSANDRO V	
2851 CHARLE	VOIX DRIVE, S.E.	URRHART, ELI		
P.O. BOX 8886 GRAND RAPII	95 DS, MI 49588-8695		ART UNIT	PAPER NUMBER
			2872	
SHORTENED STATUTORY PERIOD OF RESPONSE MAIL DATE			DELIVER	Y MODE
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## Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

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	Application No.	Applicant(s)					
	10/709,434	LYNAM, NIALL R.					
Office Action Summary	Examiner	Art Unit					
	Alessandro Amari	2872					
The MAILING DATE of this communication ap Period for Reply	pears on the cover sheet with the c	correspondence address					
<ul> <li>A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.</li> <li>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.</li> <li>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.</li> <li>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).</li> </ul>							
Status							
1) Responsive to communication(s) filed on <u>22 J</u>	anuary 2007.						
2a) This action is <b>FINAL</b> . 2b) This	s action is non-final.						
3) Since this application is in condition for allowa	nce except for formal matters, pro	osecution as to the merits is					
closed in accordance with the practice under	Ex parte Quayle, 1935 C.D. 11, 48	53 O.G. 213.					
Disposition of Claims							
4) Claim(s) <u>1-11</u> is/are pending in the application							
4a) Of the above claim(s) is/are withdra	wn from consideration.						
5) Claim(s) is/are allowed.							
6)⊠ Claim(s) <u>1-11</u> is/are rejected.							
7) Claim(s) is/are objected to.							
8) Claim(s) are subject to restriction and/o	or election requirement.						
Application Papers							
9) The specification is objected to by the Examine	er.						
10) The drawing(s) filed on is/are: a) acc	epted or b) cobjected to by the I	Examiner.					
Applicant may not request that any objection to the	drawing(s) be held in abeyance. See	e 37 CFR 1.85(a).					
Replacement drawing sheet(s) including the correct	tion is required if the drawing(s) is ob	jected to. See 37 CFR 1.121(d).					
11) The oath or declaration is objected to by the E	xaminer. Note the attached Office	Action or form PTO-152.					
Priority under 35 U.S.C. § 119							
12) Acknowledgment is made of a claim for foreigr	priority under 35 U.S.C. § 119(a)	)-(d) or (f).					
a) All b) Some * c) None of:	×						
1. Certified copies of the priority document	ts have been received.						
2. Certified copies of the priority document	s have been received in Applicati	ion No					
3. Copies of the certified copies of the price	rity documents have been receive	ed in this National Stage					
application from the International Burea							
* See the attached detailed Office action for a list	of the certified copies not receive	ed.					
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Attachment(s)							
1) DNotice of References Cited (PTO-892)	4) 🔲 Interview Summary	(PTO-413)					
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Da						
3) Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date	5) 🔛 Notice of Informal P 6) 🔲 Other:	ratent Application					
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#### DETAILED ACTION

#### 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 negatived by the manner in which the invention was made.

2. Claims 1-5, 8 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schmidt US 6,030,084 in view of Gillich et al US 6,709,119.

In regard to claim 1, Schmidt teaches (see for example, Figures 2, 3) a wide angle reflective element for a mirror assembly for a vehicle comprising a polymeric mirror substrate (12) having an exterior surface comprising a less curved inboard surface or surface and a more curved outboard surface as shown in Figures 2 and 3, said polymeric mirror substrate comprising a polymeric resin material as described in column 3, lines 39-50, said substrate having a reflector (15) disposed on a surface thereof to provide a reflective element for a vehicle mirror assembly.

Regarding claim 2, Schmidt et al teaches that said reflector is disposed at an inner surface (14) of said substrate opposite said exterior surface as shown in Figure 2.

However, in regard to claim 1, Schmidt does not teach a thin at least partially flexible glass sheet, said thin at least partially flexible glass sheet having an attaching surface opposed to and adhered to said exterior surface of said polymeric mirror substrate so as to provide an anti-abrasion sheet at said outboard and inboard surfaces

of said exterior surface of said polymeric mirror substrate, said thin at least partially flexible glass sheet conforming to said exterior surface of said polymeric mirror substrate when adhered thereto, said thin at least partially flexible glass sheet having a thickness of less than approximately 0.8 mm.

In regard to claim 1, Gillich et al teaches (see Figure 1) a thin at least partially flexible glass sheet (101) said thin at least partially flexible glass sheet having an attaching surface opposed to and adhered to said exterior surface so as to provide an anti-abrasion sheet at said outboard and inboard surfaces of said exterior surface of said polymeric mirror substrate, said thin at least partially flexible glass sheet conforming to said exterior surface of said polymeric mirror substrate, said thin at least partially flexible glass sheet thereto, as described in column 1, lines 56-67, column 2, lines 1-5 and column 8, lines 28-37, said thin at least partially flexible glass sheet having a thickness of less than approximately 0.8 mm having a thickness of less than approximately 0.8 mm having a thickness of less than approximately 0.8 mm having a thickness of less than approximately 0.8 mm having a thickness of less than approximately 0.8 mm as described in column 2, lines 32-39. Although the prior art does not specifically disclose the claimed partially flexible glass sheet, this is seen to be an inherent teaching of the device since glass sheets thinner than 100  $\mu$ m show bending properties and are therefore flexible. Furthermore, the applicant's specification does not define the term "partially flexible" in any terms of degree, so the reference is taken to read on this feature.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the glass film as taught by Gillich et al in the substrate of

Schmidt in order to provide for a protective layer that protects the underlying layers from mechanical damage.

Regarding claims 3 and 4, Schmidt discloses that said substrate is cut from a molded or extruded or cast strip or sheet, said glass sheet being laminated to said strip cut from said strip or sheet, at least two substrates being or sheet as described in column 3, lines 39-65 and regarding claim 4, Schmidt discloses wherein said reflector comprises a reflective film applied to said strip or sheet on an inner surface of said substrates opposite said exterior surface as described in column 3, lines 39-65. Applicant should note that claims 3 and 4 are product-by-process claims and in product-by-process claims, "once a product appearing to be substantially identical is found and a 35 U.S.C. 102/103 rejection [is] made, the burden shifts to the applicant to show an unobvious difference." MPEP 2113. This rejection under 35 U.S.C. 102/103 is proper because the "patentability of a product does not depend on its method of production." *In re Thorpe*, 227 USPQ 964, 966 (Fed. Cir. 1985).

Regarding claim 5, Schmidt teaches (see Figure 2) wherein said reflector comprises a reflective film (15) applied to an inner surface (14) of said substrate opposite said exterior surface as described in column 51-57.

Regarding claim 11, Schmidt discloses that said reflective element is adapted for use as an exterior rearview mirror assembly as described in column1, lines 15-21.

Regarding claim 8, Schmidt in view of Gillich et al discloses the claimed invention as set forth above except for the rearrangement of the reflective film being applied to the exterior surface of the substrate, said glass film being applied to an exterior surface

of the reflective film. It would have been obvious to one having ordinary skill in the art at the time the invention was made to rearrange the reflective film to be applied to the exterior surface of the substrate, since it has been held that a mere rearrangement of elements without modification of the operation of the device involves only routine skill in the art. One would have been motivated to rearrange the reflective film to be applied to the exterior surface for the purpose of easier and more efficient manufacturing of the reflective element. *In re Japikse*, 181 F.2d 1019, 86 USPQ 70 (CCPA 1950)

3. Claims 6, 7, 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schmidt US 6,030,084 in view of Gillich et al US 6,709,119 and further in view of Wheatley et al US 5,262,894.

Regarding claims 6, 7, 9 and 10, Schmidt in view of Gillich et al teaches the invention as set forth above but regarding claims 6 and 9, does not teach that said reflective film comprises a polymeric reflective film at least one of laminated, adhered and applied to said inner or exterior surface of said substrate and regarding claims 7 and 10 does not teach that said reflective film comprises an all polymer thin film multilayer high reflective mirror comprising multiple coextrusion of many plastic layers to form a highly reflective mirror.

Regarding claims 6 and 9, Wheatley et al teaches (see Figure 1) that a reflective film is a polymeric reflective film at least one of laminated, adhered and applied to said exterior surface of said substrate and regarding claims 7 and 10 Wheatley et al teaches that said reflective film comprises an all polymer thin film multilayer high reflective mirror comprising multiple coextrusion of many plastic layers to form a highly reflective mirror

as shown in Figure 1 and as described in column 6, lines 65-68, column 7, lines 45-68, column 11, lines 61-68 and column 12, lines 1-11.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the polymeric film of Wheatley et al for the reflective element of Schmidt in view of Gillich et al in order to provide for a reflective element which will not corrode or flake.

#### **Response to Arguments**

4. Applicant's arguments filed 22 January 2007 have been fully considered but they are not persuasive.

The Applicant argues that the protective layer 101 of Gillich et al is a hard coat as discussed and distinguished in the background section of the present invention. The Applicant further argues that the hard coat of Gillich is disclosed as having a thickness less than  $1*10^{-9}$  millimeters and thus such a hardcoat is not providable as a thin flexible sheet as disclosed and claimed in the present invention.

In response to this argument, the Applicant is reminded that an inherency argument was presented with respect to the flexible glass sheet as taught by Gillich. The reasoning for a finding of inherency was that the glass sheet was seen to be flexible in that the glass sheets thinner than 100  $\mu$ m (for example, coating 101 in Gillich) show bending properties (i.e., are flexible). When an examiner presents evidence of inherency, the burden shifts to the Applicant to show an unobvious difference (see MPEP 2112). However, the Applicant has not provided any rebuttal in regard to the

finding of inherency. Furthermore, the Examiner has reviewed the background section of the specification of the Applicant's invention and can find no reasoning or evidence distinguishing the hard coat of Gillich from the Applicant's claimed invention.

The Applicant further argues that Gillich et al discloses providing a rolled substrate (such as via immersion, spraying, vaporization, or sputtering) via a continuous coating process. Further, the Applicant contends that there is no disclosure or suggestion in Gillich et al of a thin flexible glass sheet that has an attaching surface that is opposed to and adhered to a polymeric substrate surface such as claimed in claim 1 of the present invention.

In response to this argument, the Examiner maintains that element 101 which is being read as the partially flexible glass sheet must have some surface, which is attached or joined to some other surface. For example in Figure 1 of Gillich et al coating 101 is attached to other layers 102. Therefore, whether the flexible glass sheet is provided by a continuous coating process or via rolled sheet is irrelevant in regard to the recited claimed language, which only requires that the partially flexible glass sheet have an attaching surface opposed to and adhered to another surface. Clearly, the 101 coating of Gillich must have some attaching surface in order for it to be adhered to another opposing surface, (i.e., other layers or a substrate layer) in order to provide for the device as shown. Therefore, the Examiner maintains that the Gillich et al reference provides the teaching of a partially flexible glass sheet have an attaching surface opposed to and adhered to another surface and the fourt of a partially flexible glass sheet have an attaching surface opposed to and adhered to another surface so as to provide the anti-abrasion sheet as recited in claim 1.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

 Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alessandro Amari whose telephone number is (571)272-2306. The examiner can normally be reached on Monday-Friday 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephone B. Allen can be reached on (571) 272-2434. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

avan 02 April 2007

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ALESSANDRO AMARI PRIMARY PATENT EXAMINER

Index of Claims		1( E: Ar	Application/Control No.         10709434         Examiner         Amari, Alessandro V         Cancelled       N       Non-Ele			Applicant(s)/Patent Under         Reexamination         LYNAM, NIALL         Art Unit         2872         ected       A       Appeal					
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 Application/Control No.	Applicant(s)/Patent under Reexamination	
10/709,434	LYNAM, NIALL R.	
Examiner	Art Unit	
 Alessandro V. Amari	2872	

SEARCHED					
Class	Subclass	Date	Examiner		
359	866 868 883 514	11/16/2005	AA		
Update	above	5/2/2006	AA		
Update	above	10/30/2006	AA		
Update	above	4/2/2007	AA		
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INTERFERENCE SEARCHED					
Class	Subclass	Date	Examiner		
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SEARCH NOTES (INCLUDING SEARCH STRATEGY)					
	DATE	EXMR			
EAST search-see attached	11/16/2005	AA			

U.S. Patent and Trademark Office

Part of Paper No. 20070402

#### **RESPONSE UNDER 37 CFR 1.116 EXPEDITED PROCEDURE EXAMINING GROUP 2872**

PATENT DON01 P-1152

#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Art Unit	:	2872
Examiner	:	Alessandro V. Amari
Applicant	:	Niall R. Lynam
Serial No.	:	10/709,434
Filing Date	:	May 5, 2004
For	:	MIRROR REFLECTIVE ELEMENT

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

Dear Sir or Madam:

#### **RESPONSE**

Responsive to the Final Office Action mailed April 13, 2007, Applicant wishes to

amend the application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this

paper.

Remarks begin on page 5 of this paper.

SMR USA Exhibit 1028 Page 160

Applicant	:	Niall R. Lynam
Serial No.	:	10/709,434
Page	:	2

#### Amendments to the Claims:

This listing of claims will replace all prior versions and listings of claims in the present application:

1 (currently amended): A wide angle reflective element for a mirror assembly for a vehicle comprising:

a polymeric mirror substrate having an exterior surface comprising a less curved inboard surface and a more curved outboard surface, said polymeric mirror substrate comprising a polymeric resin material, said polymeric mirror substrate having a reflector disposed on a surface thereof to provide a reflective element for a vehicle mirror assembly; and

a thin at least partially flexible glass sheet, <u>said thin at least partially flexible glass sheet</u> <u>existing as a pre-formed glass sheet that is separate from said polymeric mirror substrate</u>, said thin at least partially flexible glass sheet having an attaching surface, <u>said attaching surface being</u> opposed to and adhered to said exterior surface of said polymeric mirror substrate <u>when said thin</u> <u>at least partially flexible sheet is adhered to said exterior surface of said polymeric mirror</u> <u>substrate</u>, <u>said thin at least partially flexible sheet providing so as to provide</u> an anti-abrasion sheet at said outboard and inboard surfaces of said exterior surface of said polymeric mirror substrate <u>when adhered thereto</u>, said thin at least partially flexible glass sheet substantially conforming to said exterior surface of said polymeric mirror substrate when adhered thereto, said thin at least partially flexible glass sheet having a thickness of less than approximately 0.8 mm.

2 (previously presented): The wide angle reflective element of claim 1, wherein said reflector is disposed at an inner surface of said substrate opposite said exterior surface.

3 (previously presented): The wide angle reflective element of claim 1, wherein said substrate is cut from a molded or extruded or cast strip or sheet, said glass sheet being laminated to said strip or sheet, at least two substrates being cut from said strip or sheet.

4 (previously presented): The wide angle reflective element of claim 3, wherein said reflector comprises a reflective film applied to said strip or sheet on an inner surface of said substrates opposite said exterior surface.

5 (previously presented): The wide angle reflective element of claim 1, wherein said reflector comprises a reflective film applied to an inner surface of said substrate opposite said exterior surface.

6 (previously presented): The wide angle reflective element of claim 5, wherein said reflective film comprises a polymeric reflective film at least one of laminated, adhered and applied to said inner surface of said substrate.

7 (original): The wide angle reflective element of claim 6, wherein said reflective film comprises an all polymer-thin-film multilayer, high reflective mirror film comprising multiple coextrusion of many plastic layers to form a highly reflective mirror film.

8 (previously presented): The wide angle reflective element of claim 1, wherein said reflector comprises a reflective film applied to said exterior surface of said substrate, said glass film being applied to an exterior surface of said reflective film.

9 (previously presented): The wide angle reflective element of claim 8, wherein said reflective film comprises a polymeric reflective film at least one of laminated, adhered and applied to said exterior surface of said substrate.

10 (original): The wide angle reflective element of claim 9, wherein said reflective film comprises an all polymer-thin-film multilayer, high reflective mirror film comprising multiple coextrusion of many plastic layers to form a highly reflective mirror film.

11 (original): The wide angle reflective element of claim 1, wherein said reflective element is adapted for one of an interior rearview mirror assembly and an exterior rearview mirror assembly.

12-21 (canceled).

#### Remarks:

The amendments and remarks presented herein are believed to be fully responsive to the Final Office Action dated April 13, 2007.

Claims 1-11 are pending in the application. Claims 12-21 have been canceled without prejudice and independent claim 1 has been amended as set forth above. The amendments are fully supported in the specification and drawings as originally filed. No new matter has been added.

#### **CLAIM REJECTIONS**

Claims 1-5, 8 and 11 were rejected under 35 U.S.C. §103(a) as being unpatentable over Schmidt, U.S. Patent No. 6,030,084, in view of Gillich et al., U.S. Patent No. 6,709,119. Claims 6, 7, 9 and 10 were rejected under 35 U.S.C. §103(a) as being unpatentable over Schmidt, in view of Gillich et al., and further in view of Wheatley et al., U.S. Patent No. 5,262,894.

Applicant respectfully traverses the rejections under 35 U.S.C. §103(a) for the reasons set forth below.

Applicant has amended independent claim 1 to clarify that the thin at least partially flexible glass sheet exists as a pre-formed glass sheet that is separate from the polymeric mirror substrate. The attaching surface of the thin at least partially flexible glass sheet is opposed to and adhered to the exterior surface of the polymeric mirror substrate when the thin at least partially flexible sheet is adhered to the exterior surface of the polymeric mirror substrate. The thin at least partially flexible sheet is adhered to the exterior surface of the polymeric mirror substrate. The thin at least partially flexible sheet provides an anti-abrasion sheet at the outboard and inboard surfaces of the exterior surface of the polymeric mirror substrate when adhered thereto.

With respect to the rejection of independent claim 1 in view of the combination of Schmidt and Gillich et al., Applicant submits that this combination does not disclose, teach, suggest or render obvious the wide angle reflective element of the present invention, particularly as set forth in independent claim 1 and in the claims depending therefrom, for at least all of the reasons set forth in the previous responses, the arguments of which are incorporated herein, and for at least the reasons set forth below.

The combination of Gillich et al. and Schmidt does not disclose or teach or suggest a pre-formed, pre-existing thin flexible glass sheet as is disclosed and claimed in the present application. To the contrary, the protective layer 101 of Gillich et al. is a hard coat similar to the hard coats discussed and distinguished in the background section of the present invention. In stark contrast to the thin flexible glass sheet of the claimed invention, and as discussed in the background section of the present application (see page 1, paragraph [0002] of the present application), such hard coats are provided (such as via dip coating or vacuum deposition or the like) on the first or outer or exterior surface of the reflective element which is contacted by the exterior elements. The hard coat of Gillich et al. thus is not a thin flexible glass sheet that exists as a pre-formed glass sheet that is separate from a polymeric mirror substrate, such as the thin flexible glass sheet 20 shown in Figure 5 of the present application, as is clearly evident by the disclosure in Gillich et al. that the hard coat of Gillich et al. has a maximum thickness of 1,000 nanometers (see column 2, lines 32-36 of Gillich et al.). Such a hard coat thus is less than  $1 \times 10^{-9}$ millimeters thick and thus such a hard coat is not providable as a pre-formed thin flexible sheet that exists separate from the substrate as disclosed and claimed in the present application. Moreover, and as stated in the background section and Summary of the Invention section of the present application, such a hard coat will not provide the benefits of the claimed invention.

Further, the hard coat of Gillich et al. is disclosed as being applied to the body by deposition in vacuum or by thermal vaporization or by electron beam vaporization or by sputtering or by plasma polymerization or by chemical vapor deposition (see column 7, line 66

Applicant	:	Niall R. Lynam
Serial No.	:	10/709,434
Page	:	7

through column 8, line 12 of Gillich et al.). Such a hard coat thus is not provided as a preformed, pre-existing thin flexible sheet and thus does not have an attaching surface for adhering the pre-formed, pre-existing thin flexible sheet to an exterior surface of a polymeric mirror substrate so as to provide an anti-abrasion sheet at the outboard and inboard surfaces of the exterior surface of the polymeric mirror substrate.

The Office Action states that the claimed partially flexible glass sheet is seen to be an inherent teaching of the Gillich et al. device since glass sheets thinner than 100  $\mu$ m show bending properties and are therefore flexible. Applicant respectfully traverses. Such vacuum deposited (or otherwise deposited or coated) coatings are not inherently flexible sheets, since they are deposited as particles or a coating onto a substrate surface. While such a deposited coating may flex with the underlying substrate that gives the coating its form <u>if</u> the coating is deposited on a flexible substrate, it is not inherent that such deposited coatings are flexible sheets.

The fact that a certain result or characteristic may occur or be present in the prior art is not sufficient to establish the inherency of that result or characteristic. *In re Rijckaert*, 9 F.3d 1531, 1534, 28 USPQ2d 1955, 1957 (Fed. Cir. 1993) (reversed rejection because inherency was based on what would result due to optimization of conditions, not what was necessarily present in the prior art); *In re Oelrich*, 666 F.2d 578, 581-82, 212 USPQ 323, 326 (CCPA 1981). "To establish inherency, the extrinsic evidence 'must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. Inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient.' "*In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950-51 (Fed. Cir. 1999) (citations omitted). "In relying upon the theory of inherency, the examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art." *Ex* 

parte Levy, 17 USPQ2d 1461, 1464 (Bd. Pat. App. & Inter. 1990) (emphasis in original). See MPEP 2112.

Moreover, and as noted above, the deposited coatings described in Gillich et al. do not exist as pre-formed glass sheets that are separate from the targeted substrates and are not preformed flexible sheets with attaching surfaces for adhering to a surface of the targeted substrates. To establish a prima facie case of obviousness, the prior art reference or references when combined must teach or suggest or render obvious all the claimed limitations. The teaching or suggestion to make the claim combination and reasonable expectation of success must both be found in the prior art and not based on Applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). *See* MPEP § 2143.

The Office Action states that the Gillich et al. coating "must have some surface, which is attached or joined to some other surface". Applicant respectfully traverses. The coating of Gillich et al. is deposited onto a substrate, such as via immersion, spraying, vaporization or sputtering, and is thus deposited or coated as particles or a liquid and not a pre-formed, preexisting thin flexible glass sheet having an attachment surface for adhering to a substrate surface.

Applicant submits that there is no disclosure or suggestion in Gillich et al. of a pre-formed, pre-existing thin flexible glass sheet, and there is no disclosure or suggestion in Gillich et al. of providing such a pre-formed, pre-existing thin flexible glass sheet that has an attaching surface that is opposed to and adhered to a polymeric substrate surface, such as is claimed in independent claim 1 of the present application. Therefore, the combination of Schmidt and Gillich et al. does not disclose, suggest or render obvious the invention claimed herein.

With respect to the rejection of dependent claims 2-11, Applicant submits that the combination of Schmidt and Gillich et al., either alone or in further combination with Wheatley

et al., does not disclose, teach or suggest or render obvious the claimed invention for at least all of the reasons set forth above.

Accordingly, Applicant respectfully submits that neither Schmidt nor Gillich et al., either alone or in combination with one another or with any other prior art of record, disclose, teach, suggest or render obvious the wide angle reflective element of the present invention, particularly as set forth in independent claim 1 and in the claims depending therefrom. Reconsideration and withdrawal of the rejections of claims 1-11 is respectfully requested.

Claims 1-11 remain pending in the application. Applicant respectfully submits that claims 1-11 are in condition for allowance and a notice to that effect is earnestly and respectfully requested. Should the Examiner have any questions regarding the above discussion, the Examiner is invited to contact the undersigned attorney to discuss this further.

Respectfully submitted,

NIALL R. LYNAM

By: Van Dyke, Gardner, Linn & Burkhart, LLP

Date: July 11, 2007.

- Afle

Timothy A. Flory Registration No. 42 540 2851 Charlevoix Drive, S.E., Suite 207 P.O. Box 888695 Grand Rapids, Michigan 49588-8695 (616) 975-5500

DON01 P-1152 TAF:ell

Electronic Acknowledgement Receipt					
EFS ID:	1960876				
Application Number:	10709434				
International Application Number:					
Confirmation Number:	3433				
Title of Invention:	MIRROR REFLECTIVE ELEMENT				
First Named Inventor/Applicant Name:	Niall R. Lynam				
Customer Number:	28101				
Filer:	Timothy A. Flory/Elaine Leva				
Filer Authorized By:	Timothy A. Flory				
Attorney Docket Number:	DON01 P-1152				
Receipt Date:	11-JUL-2007				
Filing Date:	05-MAY-2004				
Time Stamp:	16:30:41				
Application Type:	Utility under 35 USC 111(a)				

# Payment information:

Submitted with Payment no		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	Miscellaneous Incoming Letter	TransmittalForm.pdf	59125	no	1
I	Miscellaneous incoming Letter		96e82977b463c5115738c730c2a9e4b b1dc9dfe5	no	I
Warnings:					

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2	Fee Worksheet (PTO-06)	ClaimsAsAmended.pdf	47973 24efbe82954a202932cce266b813a844 1860e2ae	no	1				
Warnings:									
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3	Amendment After Final	no	9						
5	Amendment Alter Final	ResponseD.pdf	efd5d075aa6d9ebc968f7b225104126d 2578115f	ΠΟ	9				
Warnings:									
Information	:								
		Total Files Size (in bytes):	46	7648					
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 (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.									

Hadaaliba Daaraanah Dadaalibaa tatu siste				nd Tradema	ark Office;	PTO/SB/21 (04-07) through 09/30/2007. OMB 0651-0031 U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995	b. no persons	Application Number	10/709		on unless	t displays a valid OMB control number.
TRANSMITTAL		Filing Date	May 5	. 2004		
FORM		First Named Inventor		. Lynam		
		Art Unit	2872	<u> </u>		, <u></u> ,
	£10	Examiner Name	Alessa	indro V. Am	nari	
(to be used for all correspondence after initial Total Number of Pages in This Submission	11	Attorney Docket Number		1 <b>P-</b> 1152		
	ENCL		all that ap	nply)		
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Affidavits/declaration(s)		Change of Correspondence	e Address		s Letter Enclosure(s) (please identify	
Extension of Time Request		erminal Disclaimer		):		
Express Abandonment Request	Express Abandonment Request					
Information Disclosure Statement		CD, Number of CD(s)		-		
		Landscape Table on	CD			
Certified Copy of Priority Document(s)	Remark	ks				
Reply to Missing Parts/						
Incomplete Application						
under 37 CFR 1.52 or 1.53						
SIGNA	TURE O	F APPLICANT, ATT	ORNEY	, OR AC	GENT	
Firm Name Van Dyke, Gardner, Linn	& Burkhart	, LLP				
Signature	, le					
Printed name Timothy AFlory						
Date July 11, 2007			Reg. No	· 4254	D	
CI	ERTIFIC	ATE OF TRANSMIS	SION/M	AILING		
I hereby certify that this correspondence is b sufficient postage as first class mail in an en-	eing <b>alle</b> velope add	ressed to: Commissioner	PTO or dep for Patent	oosited wi s, P.O. Bo	th the Ur x 1450,	ited States Postal Service with Alexandria, VA 22313-1450 on
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Typed or printed name Elaine L. Leva					Date	July 11, 2007

This collection of information is required by 37 CFR 1.5. 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 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, 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.

#### PATENT DON01 P-1152

#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Niall R. LynamGroup Art Unit: 2872Serial No.: 10/709,434Examiner: Alessandro V. AmariFiled: May 5, 2004: MIRROR REFLECTIVE ELEMENT

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

Dear Sir:

Transmitted herewith is an amendment in the above identified application. The fee has been calculated as shown below:

#### CLAIMS AS AMENDED

Col. 1 Col. 2			Col. 2	Col. 3	Small Entity		Other Than Small Entity	,	
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Add'l Fee	Rate	Ac Fe	ld'l e
Total Claims	11	Minus	21	= 0	x \$25	\$.00	x \$50	\$	.00
Independent Claims	2	Minus	2	= 0	x \$100	\$00	x \$200	\$	.00
First Presentation of Multiple Dependent Claims \$180						\$ .00	x \$360	\$	.00
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT						\$ .00		\$	.00

\* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3

\*\* If the "Highest No. Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.

\*\*\* If the "Highest No. Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space.

The "Highest No. Previously Paid For" (Total or Independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment or the number of claims originally filed.

1. \_\_\_\_ Small entity status of this application has been established.

- 2. <u>X</u> No additional Fee is required.
- 3. \_\_\_\_ A check in the amount of \$\_\_\_\_\_ is attached.

4. <u>X</u> Please charge any additional fees or credit overpayment to Deposit Account No. 22-0190.

VAN DYKE, GARDNER, LINN & BURKHART, LLP

Date: July 11, 2007.

Bv

Timothy A. Flory, Registration No. 42 540 2851 Charlevoix Drive, S.E. P.O. Box 888695 Grand Rapids, Michigan 49588-8695 (616) 975-5500

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO	
10/709,434	05/05/2004	Niall R. Lynam	DON01 P-1152	3433	
28101 VAN DYKE (	7590 07/23/2007 GARDNER, LINN AND E	EXAMINER			
SUITE 207			AMARI, ALESSANDRO V		
2851 CHARLEVOIX DRIVE, S.E. GRAND RAPIDS, MI 49546		ART UNIT	PAPER NUMBER		
GRAND RAF	IDS, MI 49540		2872		

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

07/23/2007

PAPER

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)	
Advisory Action	10/709,434	LYNAM, NIALL R.	
Before the Filing of an Appeal Brief	Examiner	Art Unit	
	Alessandro Amari	2872	
The MAILING DATE of this communication app	pears on the cover sheet w	ith the correspondence address	
IE REPLY FILED 11 July 2007 FAILS TO PLACE THIS AP	PLICATION IN CONDITION	FOR ALLOWANCE.	•
<ul> <li>The reply was filed after a final rejection, but prior to or of this application, applicant must timely file one of the foll places the application in condition for allowance; (2) a N a Request for Continued Examination (RCE) in complia time periods:</li> <li>a) The period for reply expires <u>3</u> months from the mailing date of this</li> </ul>	lowing replies: (1) an amend Notice of Appeal (with appea Ince with 37 CFR 1.114. The ate of the final rejection. & Advisory Action, or (2) the date	ment, affidavit, or other evidence, w I fee) in compliance with 37 CFR 4 reply must be filed within one of th set forth in the final rejection, whicheve	vhich 1.31; or e follow
no event, however, will the statutory period for reply expire Examiner Note: If box 1 is checked, check either box (a) of TWO MONTHS OF THE FINAL REJECTION. See MPEP tensions of time may be obtained under 37 CFR 1.136(a). The da ve been filed is the date for purposes of determining the period of der 37 CFR 1.17(a) is calculated from: (1) the expiration date of th t forth in (b) above, if checked. Any reply received by the Office la	or (b). ONLY CHECK BOX (b) W 706.07(f). te on which the petition under 3 extension and the corresponding e shortened statutory period for	THEN THE FIRST REPLY WAS FILED TCFR 1.136(a) and the appropriate extend a amount of the fee. The appropriate extended reply originally set in the final Office act	ension fe tension : tion; or (2
ay reduce any earned patent term adjustment. See 37 CFR 1.704		-	-
The Notice of Appeal was filed on A brief in cor filing the Notice of Appeal (37 CFR 41.37(a)), or any ex a Notice of Appeal has been filed, any reply must be file MENDMENTS	tension thereof (37 CFR 41.	37(e)), to avoid dismissal of the app	
The proposed amendment(s) filed after a final rejection			se
(a) They raise new issues that would require further of the issue of new matter (and NOTE here)		(see NOTE below);	
(b) They raise the issue of new matter (see NOTE be (c) They are not deemed to place the application in b		erially reducing or simplifying the is	isues fo
appeal; and/or			
(d) They present additional claims without canceling		inally rejected claims.	
NOTE: <u>See Continuation Sheet</u> . (See 37 CFR 1	,		1 2040
<ul> <li>The amendments are not in compliance with 37 CFR 1</li> <li>Applicant's reply has overcome the following rejection(</li> </ul>		anon-Compliant Amendment (PTO	L-324).
Newly proposed or amended claim(s) would be		eparate, timely filed amendment ca	inceling
non-allowable claim(s). For purposes of appeal, the proposed amendment(s): a how the new or amended claims would be rejected is p The status of the claim(s) is (or will be) as follows:	a) 🛛 will not be entered, or I		
Claim(s) allowed: Claim(s) objected to:			
Claim(s) rejected: 1-11.			
Claim(s) withdrawn from consideration: FIDAVIT OR OTHER EVIDENCE			
The affidavit or other evidence filed after a final action, because applicant failed to provide a showing of good a was not earlier presented. See 37 CFR 1.116(e).			
☐ The affidavit or other evidence filed after the date of filir entered because the affidavit or other evidence failed to showing a good and sufficient reasons why it is necess	o overcome <u>all</u> rejections und ary and was not earlier prese	der appeal and/or appellant fails to ented. See 37 CFR 41.33(d)(1).	<u>ot</u> be provide
D. The affidavit or other evidence is entered. An explanal EQUEST FOR RECONSIDERATION/OTHER		• •	
. The request for reconsideration has been considered See Continuation Sheet.		• •	ecause
□ Note the attached Information Disclosure Statement(s □ Other:	J. (FIU/SE/U8) Paper NO(S).	·	,
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SMR USA Exhibit 1028 Page 175

#### Continuation Sheet (PTO-303)

#### Application No. 10/709,434

Continuation of 3. NOTE: The new issue is directed to the proposed language further defining said at least partially flexible glass sheet existing as a pre-formed glass sheet that is separate from said polymeric mirror substrate, said thin at least partially flexible glass sheet having an attaching surface, said attaching surface being opposed to and adhered to said exterior surface of said polymeric mirror substrate when said thin at least partially flexible sheet is adhered to said exterior surface of said polymeric mirror substrate.

Continuation of 11. does NOT place the application in condition for allowance because: The claims as finally rejected do not distinguish the claimed wide angle reflective element from the prior art cited.

2

# DO NOT ENTER avy 7/10/07

#### **RESPONSE UNDER 37 CFR 1.116 EXPEDITED PROCEDURE EXAMINING GROUP 2872**

PATENT DON01 P-1152

#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Art Unit	:	2872
Examiner	:	Alessandro V. Amari
Applicant	:	Niall R. Lynam
Serial No.	:	10/709,434
Filing Date	:	May 5, 2004
For	:	MIRROR REFLECTIVE ELEMENT

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

Dear Sir or Madam: .

#### RESPONSE

Responsive to the Final Office Action mailed April 13, 2007, Applicant wishes to amend the application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks begin on page 5 of this paper.

SMR USA Exhibit 1028 Page 177

PTO/SB/30 (04-05) Approved for use through 07/31/2006. OMB 0651-0031

Under the Paperwork Reduction Act of 1995, no persons are require			.S. DEPARTMENT OF COMMERCE contains a valid OMB control number.
Request	Application Number	10/709,434	
for Continued Exemination (BCE)	Filing Date	May 5, 2004	4
Continued Examination (RCE) Transmittal	First Named Inventor	Niall R. Lyn	am
Address to:	Art Unit	2872	
Mail Stop RCE Commissioner for Patents	Examiner Name	V. Amari	
P.O. Box 1450 Alexandria, VA 22313-1450	Attorney Docket Numb	er DON01 P-1	152
This is a Request for Continued Examination (RCE) u Request for Continued Examination (RCE) practice under 37 CF 1995, or to any design application. See Instruction Sheet for RC	FR 1.114 does not apply to any	utility or plant a	pplication filed prior to June 8,
<ol> <li>Submission required under 37 CFR 1.114 Not amendments enclosed with the RCE will be entered in the applicant does not wish to have any previously filed unen amendment(s).</li> </ol>	e order in which they were filed	unless applican	t instructs otherwise. If
a. Previously submitted. If a final Office action is of considered as a submission even if this box is		filed after the fin	al Office action may be
i. Consider the arguments in the Appeal Br	ief or Reply Brief previously fil	ed on	
li Other			
b. Endosed	_		
I Amendment/Reply		tion Disclosure S	Statement (IDS)
ii. Affidavit(s)/ Declaration(s)	iv Other _		
2. Miscellaneous     Suspension of action on the above-identified a     a	ion shall not exceed 3 months; Fee		
<ul> <li>Fees) The RCE fee under 37 CFR 1.17(e) is require.</li> <li>a. ✓ The Director is hereby authorized to charge the Deposit Account No. <u>22-0190</u></li> </ul>	e following fees, any underpay	ment of fees, or	
i. RCE fee required under 37 CFR 1.17(e)			
ii. Extension of time fee (37 CFR 1.136 and 1.	17)		
iii. Other	·		
b. Check in the amount of \$	enclose	b	
c. V Payment by credit card (Form PTO-2038 enclose	ed)		
WARNING: Information on this form may become public. Cr card information and authorization on PTO-2038.	edit card information should	not be include	d on this form. Provide credit
	NT, ATTORNEY, OR AGENT		
Signature         TExt         Dife           Name (Print/Type)         Timothy A. Plory		ate egistration No.	August 7, 2007 42 540
Thirddy A Holy	MAILING OR TRANSMISSIC	<u> </u>	
I hereby certify that this correspondence is being deposited with the Unite addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450 Office on the date shown below.	d States Postal Service with suffic	ent postage as firs	t class mail in an envelope to the U.S. Patent and Trademark
Signature			·····
Name (Print/Type)	Da		e which is to file (and by the LICETO
This collection of information is required by 37 CFR 1.114. The informati to process) an application. Confidentiality is governed by 35 U.S.C. 122 including gathering, preparing, and submitting the completed application the amount of time you require to complete this form and/or suggestions Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Ale ADDRESS. <b>SEND TO: Mail Stop RCE, Commissioner for Pate</b> <i>If you need assistance in completing</i>	and 37 CFR 1.11 and 1.14. This form to the USPTO. Time will vary for reducing this burden, should b exandria, VA 22313-1450. DO NO ints, P.O. Box 1450, Alexandri	collection is estimated depending upon the sent to the Chief T SEND FEES O ia, VA 22313-14	ted to take 12 minutes to complete, le individual case. Any comments on Information Officer, U.S. Patent and R COMPLETED FORMS TO THIS 150.

Electronic Patent Application Fee Transmittal							
Application Number:	10709434						
Filing Date:	05	-May-2004					
Title of Invention:	MIRROR REFLECTIVE ELEMENT						
First Named Inventor/Applicant Name:	Ni	all R. Lynam					
Filer:		Timothy A. Flory/Elaine Leva					
Attorney Docket Number:	DON01 P-1152						
Filed as Large 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:							

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Miscellaneous:				
Request for continued examination	1801	1	790	790
	790			

Electronic Ac	knowledgement Receipt					
EFS ID:	2055068					
Application Number:	10709434					
International Application Number:						
Confirmation Number:	3433					
Title of Invention:	MIRROR REFLECTIVE ELEMENT					
First Named Inventor/Applicant Name:	Niall R. Lynam					
Customer Number:	28101					
Filer:	Timothy A. Flory/Elaine Leva					
Filer Authorized By:	Timothy A. Flory					
Attorney Docket Number:	DON01 P-1152					
Receipt Date:	07-AUG-2007					
Filing Date:	05-MAY-2004					
Time Stamp:	16:13:21					
Application Type:	Utility under 35 USC 111(a)					

# Payment information:

Submitted with Payment	yes
Payment was successfully received in RAM	\$ 790
RAM confirmation Number	1124
Deposit Account	

# File Listing:

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1	Miscellaneous Incoming Letter	TransmittalForm2.pdf	58581	no	1								
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Warnings:													
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3	Fee Worksheet (PTO-06)	fee-info.pdf	8159	no	2								
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Information:													
Total Files Size (in bytes):140920													
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.													
If a new inte components Internationa course, sub	in due course. <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.												

						PTO/SB/21 (04-07 Approved for use through 09/30/2007. OMB 0651-0032
Un	der the Par	perwork Reduction Act of 1995	no person	s are required to respond to a		and Trademark Office; U.S. DEPARTMENT OF COMMERCE of information unless it displays a valid OMB control number
				Application Number	10/70	09,434
	TR	ANSMITTAL		Filing Date	May	5, 2004
		FORM		First Named Inventor	Niall	R. Lynam
				Art Unit	2872	2
(to b	be used for	all correspondence after initial	filing)	Examiner Name	Aless	sandro V. Amari
Total	Number of	Pages in This Submission	2	Attorney Docket Number		J01 P-1152
			ENCI	LOSURES (Check	all that a	apply)
	Amendme	smittal Form ee Attached ent/Reply ter Final fidavits/declaration(s)		Drawing(s) Licensing-related Papers Petition Petition to Convert to a Provisional Application Power of Attorney, Revoca Change of Correspondence		After Allowance Communication to TC Appeal Communication to Board of Appeals and Interferences Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) Proprietary Information Status Letter Other Enclosure(s) (please Identify
	Extension of Time Request     Express Abandonment Request     Information Disclosure Statement     Certified Copy of Priority			Ferminal Disclaimer Request for Refund CD, Number of CD(s) Landscape Table on ks	CD	Request For Continued Examination
	Incomplet Re	/lissing Parts/ e Application ply to Missing Parts ider 37 CFR 1.52 or 1.53				
Cirra Ma		SIGNA	TURE C	F APPLICANT, ATT	ORNE	Y, OR AGENT
Firm Na		Van Dyke, Gardner, Linn	& Burkhar	t, LLP		
Signatu	re	TETRE	۹	>		
Printed name Timothy A. Flory						· · · · · · · · · · · · · · · · · · ·
Date		August 7, 2007			Reg. N	No. 42540
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sufficient postage as first c the date shown below:	lass mail in an envelope addressed to: Commissioner for Patents, P.O. Box	ς 1450, <i>ι</i>	Alexandria, VA 22313-1450 on
Signature	Claine of Kein		
Typed or printed name	Elaine L. Leva	Date	August 7, 2007

This collection of information is required by 37 CFR 1.5. 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 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, 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.

	Under the Pa	perwork Reduct	ion Act of 19	95, no persons are	required to respor			nd Trademark Off	ice; U.S	. DEPARTME	PTO/SB/06 (07-06) 007. OMB 0651-0032 ENT OF COMMERCE OMB control number.
Ρ/	ATENT APPL		EE DET	ERMINATION			Application or	Docket Number )9,434	Fil	ing Date 05/2004	To be Mailed
	Al	PPLICATION	AS FILE	D – PART I					ОТІ	HER THAN	
			(Column	1) ('	Column 2)		SMALL	ENTITY	OR	SMA	ALL ENTITY
	FOR		NUMBER FILED NUMBER EXTRA				RATE (\$)	FEE (\$)		RATE (\$)	FEE (\$)
	BASIC FEE (37 CFR 1.16(a), (b),	or (c))	N/A		N/A		N/A			N/A	
	SEARCH FEE (37 CFR 1.16(k), (i),	or (m))	N/A		N/A		N/A			N/A	
	EXAMINATION FE (37 CFR 1.16(o), (p),		N/A		N/A		N/A			N/A	
	TAL CLAIMS CFR 1.16(i))		mir	nus 20 = *			X \$ =		OR	x \$ =	
	EPENDENT CLAIM CFR 1.16(h))	S	m	inus 3 = *			X \$ =			X \$ =	
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	MULTIPLE DEPEN	IDENT CLAIM F	PRESENT (3	7 CFR 1.16(j))							
* If i	he difference in col	umn 1 is less tha	an zero, ente	r "0" in column 2.		-	TOTAL			TOTAL	
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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.

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			UNITED STATES DEPAR United States Patent and Address: COMMISSIONER F P.O. Box 1450 Alexandria, Virginia 223 www.uspto.gov	Trademark Office OR PATENTS
APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/709,434	05/05/2004	Niall R. Lynam	DON01 P-1152	3433
28101 VAN DVKE (	7590 10/16/2007 GARDNER, LINN & BUF		EXAM	INER
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2851 CHARLE GRAND RAPI	EVOIX DRIVE, S.E.		ART UNIT	PAPER NUMBER
	<b>D</b> 3, MII 47540		2872	
			MAIL DATE	DELIVERY MODE
			10/16/2007	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.

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	Application No.	Applicant(s)
	10/709,434	LYNAM, NIALL R.
Office Action Summary	Examiner	Art Unit
	Alessandro Amari	2872
The MAILING DATE of this communication Period for Reply	appears on the cover sheet wit	h the correspondence address
A SHORTENED STATUTORY PERIOD FOR RE WHICHEVER IS LONGER, FROM THE MAILING - Extensions of time may be available under the provisions of 37 CFI after SIX (6) MONTHS from the mailing date of this communication - If NO period for reply is specified above, the maximum statutory pe - Failure to reply within the set or extended period for reply will, by st Any reply received by the Office later than three months after the m earned patent term adjustment. See 37 CFR 1.704(b).	B DATE OF THIS COMMUNIC R 1.136(a). In no event, however, may a re- riod will apply and will expire SIX (6) MONT atule, cause the application to become AB/	ATION. ply be timely filed HS from the mailing date of this communication. NDONED (35 U.S.C. § 133).
Status		
1) Responsive to communication(s) filed on $\underline{0}$	7 August 2007.	
	This action is non-final.	
3) Since this application is in condition for allo		rs, prosecution as to the merits is
closed in accordance with the practice und		
	· · · · · · · · · · · · · · · · · · ·	
Disposition of Claims		
4) Claim(s) <u>1-11</u> is/are pending in the application		
4a) Of the above claim(s) is/are with	drawn from consideration.	
5) Claim(s) is/are allowed.		· · · · ·
6) Claim(s) <u>1-11</u> is/are rejected.		
7) Claim(s) is/are objected to.		
8) Claim(s) are subject to restriction ar	id/or election requirement.	· · · ·
Application Papers		•
9) The specification is objected to by the Exan	niner.	
10) The drawing(s) filed on is/are: a)		v the Examiner
Applicant may not request that any objection to	-	-
Replacement drawing sheet(s) including the co		
11) The oath or declaration is objected to by the		
Priority under 35 U.S.C. § 119		
12) Acknowledgment is made of a claim for fore	high priority under 25 11 S.C. S.	110(0) (d) or (f)
a) All b) Some * c) None of:	agit phoney under 55 0.5.0. §	1 19(a)-(d) or (1).
1. Certified copies of the priority docum	ents have been received	
2. Certified copies of the priority docum		polication No.
3. Copies of the certified copies of the	-	
application from the International Bu	•	eceived in this National Stage
* See the attached detailed Office action for a		acoived
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<ol> <li>Notice of References Cited (PTO-892)</li> <li>Notice of Draftsperson's Patent Drawing Review (PTO-948)</li> </ol>		ımmary (PTO-413) /Mail Date
<ul> <li>a) Information Disclosure Statement(s) (PTO/SB/08)</li> </ul>		formal Patent Application
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S. Patent and Trademark Office		

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### DETAILED ACTION

#### Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11 July 2007 has been entered.

### 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 negatived by the manner in which the invention was made.

3. Claims 1-5, 8 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schmidt US 6,030,084 in view of Gillich et al US 6,709,119.

In regard to claim 1, Schmidt teaches (see for example, Figures 2, 3) a wide angle reflective element for a mirror assembly for a vehicle comprising a polymeric mirror substrate (12) having an exterior surface comprising a less curved inboard surface or surface and a more curved outboard surface as shown in Figures 2 and 3, said polymeric mirror substrate comprising a polymeric resin material as described in column 3, lines 39-50, said substrate having a reflector (15) disposed on a surface thereof to provide a reflective element for a vehicle mirror assembly.

Regarding claim 2, Schmidt et al teaches that said reflector is disposed at an inner surface (14) of said substrate opposite said exterior surface as shown in Figure 2.

However, in regard to claim 1, Schmidt does not teach a thin at least partially flexible glass sheet, said thin at least partially flexible glass sheet existing as a preformed glass sheet that is separate from said polymeric mirror substrate, said thin at least partially flexible glass sheet having an attaching surface, said attaching surface being opposed to and adhered to said exterior surface of said polymeric mirror substrate when said thin at least partially flexible sheet is adhered to said exterior surface of said polymeric mirror substrate, said thin at least partially flexible sheet is adhered to said exterior surface of said polymeric mirror substrate, said thin at least partially flexible sheet providing an anti-abrasion sheet at said outboard and inboard surfaces of said exterior surface of said polymeric mirror substrate when adhered thereto, said thin at least partially flexible glass sheet conforming to said exterior surface of said polymeric mirror substrate when adhered thereto, said thin at least partially flexible glass sheet having a thickness of less than approximately 0.8 mm.

In regard to claim 1, Gillich et al teaches (see Figure 1) a thin at least partially flexible glass sheet (101), said thin at least partially flexible glass sheet existing as a pre-formed glass sheet that is separate from said polymeric mirror substrate as described in column 8, lines 28-37, said thin at least partially flexible glass sheet having an attaching surface, said attaching surface being opposed to and adhered to said exterior surface of said polymeric mirror substrate when said thin at least partially flexible sheet is adhered to said exterior surface of said polymeric mirror substrate, said thin at least partially flexible sheet providing an anti-abrasion sheet at said outboard and

Page 3

inboard surfaces of said exterior surface of said polymeric mirror substrate when adhered thereto, said thin at least partially flexible glass sheet conforming to said exterior surface of said polymeric mirror substrate when adhered thereto as described in column 1, lines 56-67, column 2, lines 1-5 and column 8, lines 28-37, said thin at least partially flexible glass sheet having a thickness of less than approximately 0.8 mm having a thickness of less than approximately 0.8 mm as described in column 2, lines 32-39. Although the prior art does not specifically disclose the claimed partially flexible glass sheet, this is seen to be an inherent teaching of the device since glass sheets thinner than 100  $\mu$ m show bending properties and are therefore flexible. Furthermore, the applicant's specification does not define the term "partially flexible" in any terms of degree, so the reference is taken to read on this feature.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the glass film as taught by Gillich et al in the substrate of Schmidt in order to provide for a protective layer that protects the underlying layers from mechanical damage.

Regarding claims 3 and 4, Schmidt discloses that said substrate is cut from a molded or extruded or cast strip or sheet, said glass sheet being laminated to said strip cut from said strip or sheet, at least two substrates being or sheet as described in column 3, lines 39-65 and regarding claim 4, Schmidt discloses wherein said reflector comprises a reflective film applied to said strip or sheet on an inner surface of said substrates opposite said exterior surface as described in column 3, lines 39-65. Applicant should note that claims 3 and 4 are product-by-process claims and in product-

by-process claims, "once a product appearing to be substantially identical is found and a 35 U.S.C. 102/103 rejection [is] made, the burden shifts to the applicant to show an unobvious difference." MPEP 2113. This rejection under 35 U.S.C. 102/103 is proper because the "patentability of a product does not depend on its method of production." *In re Thorpe*, 227 USPQ 964, 966 (Fed. Cir. 1985).

Regarding claim 5, Schmidt teaches (see Figure 2) wherein said reflector comprises a reflective film (15) applied to an inner surface (14) of said substrate opposite said exterior surface as described in column 51-57.

Regarding claim 11, Schmidt discloses that said reflective element is adapted for use as an exterior rearview mirror assembly as described in column1, lines 15-21.

Regarding claim 8, Schmidt in view of Gillich et al discloses the claimed invention as set forth above except for the rearrangement of the reflective film being applied to the exterior surface of the substrate, said glass film being applied to an exterior surface of the reflective film. It would have been obvious to one having ordinary skill in the art at the time the invention was made to rearrange the reflective film to be applied to the exterior surface of the substrate, since it has been held that a mere rearrangement of elements without modification of the operation of the device involves only routine skill in the art. One would have been motivated to rearrange the reflective film to be applied to the exterior surface for the purpose of easier and more efficient manufacturing of the reflective element. *In re Japikse*, 181 F.2d 1019, 86 USPQ 70 (CCPA 1950)

4. Claims 6, 7, 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schmidt US 6,030,084 in view of Gillich et al US 6,709,119 and further in view of Wheatley et al US 5,262,894.

Regarding claims 6, 7, 9 and 10, Schmidt in view of Gillich et al teaches the invention as set forth above but regarding claims 6 and 9, does not teach that said reflective film comprises a polymeric reflective film at least one of laminated, adhered and applied to said inner or exterior surface of said substrate and regarding claims 7 and 10 does not teach that said reflective film comprises an all polymer thin film multilayer high reflective mirror comprising multiple coextrusion of many plastic layers to form a highly reflective mirror.

Regarding claims 6 and 9, Wheatley et al teaches (see Figure 1) that a reflective film is a polymeric reflective film at least one of laminated, adhered and applied to said exterior surface of said substrate and regarding claims 7 and 10 Wheatley et al teaches that said reflective film comprises an all polymer thin film multilayer high reflective mirror comprising multiple coextrusion of many plastic layers to form a highly reflective mirror as shown in Figure 1 and as described in column 6, lines 65-68, column 7, lines 45-68, column 11, lines 61-68 and column 12, lines 1-11.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the polymeric film of Wheatley et al for the reflective element of Schmidt in view of Gillich et al in order to provide for a reflective element which will not corrode or flake.

#### **Response to Arguments**

5. Applicant's arguments filed 11 July 2007 have been fully considered but they are not persuasive.

The Applicant argues that the Schmidt-Gillich et al combination does not teach a pre-formed thin flexible glass sheet as disclosed and currently recited. The Applicant further contends that Gillich et al teaches that the protective layer of Gillich et al is a hard coat and is therefore not a thin flexible glass sheet that exists as a pre-formed glass sheet that is separate from a polymeric mirror substrate.

In response to this argument, the Examiner wishes to direct the Applicant's attention to column 6, lines 28-37 of Gillich et al reproduced below which states:

The transparent layers, and here in particular the protective layer, can also be obtained by a flame pyrolytic method. It is also possible to use different processes for the individual layers of a sequence of layers. For example, in the case of rolled products, e.g. foils, strips or sheets, or in the case of laminates containing an aluminum layer, individual coatings or preferable all coatings are applied or deposited in a continuous process, also known as coil-coating.

So, it is apparent that the protective layer can be formed as a pre-existing, pre-formed glass sheet that is separate from the mirror substrate (i.e., rolled products, coil coating) as currently recited in claim 1.

The Applicant further argues that the hard coat of Gillich et al is applied to the body by vacuum, thermal or other vapor deposition methods, and therefore cannot be provided as a pre-formed, pre-existing thin flexible sheet and thus does not have an attaching surface for adhering the pre-formed, pre-existing thin flexible sheet to an exterior surface of a polymeric mirror substrate so as to provide an anti-abrasion sheet

at the outboard and inboard surfaces of the exterior surface of the polymeric mirror substrate.

In response to this argument, the Examiner refers to the discussion above wherein the protective layer can be formed as a pre-existing, pre-formed, glass sheet that is separate from the mirror substrate and would therefore have an attaching surface for adhering the sheet to the surface of the mirror substrate as claimed.

The Applicant further argues that the glass sheet of Gillich et al are not inherently flexible sheets since they are deposited as particles or a coating onto a substrate surface. The Applicant adds that while such a deposited coating may flex with the underlying substrate that gives the coating its form if the coating is deposited on a flexible substrate, it is not inherent that such deposited coatings are flexible sheets.

In response to this argument, the Examiner again refers to the discussion above, which discloses that the protective layer can be a glass sheet separate from the mirror substrate. Since Gillich et al teaches that the protective layer can be formed as a glass sheet which is less than 1000 nm (or .001 mm) and since glass sheets thinner than 100  $\mu$ m show bending properties, there is sufficient basis in fact to reasonably support the determination that the inherent characteristic (i.e., flexibility of the glass sheet) flows from the teaching of Gillich et al.

The Applicant further argues that deposited coatings described in Gillich et al do not exist as pre-formed glass sheets that are separate from the targeted substrate and are not pre-formed glass sheets with attaching surfaces for adhering to a surface of the targeted substrates as recited in claim 1.

In response to this argument, the Examiner refers to the discussion above wherein the protective layer can be formed as a pre-existing, pre-formed, glass sheet that is separate from the mirror substrate and would therefore have an attaching surface for adhering the sheet to the surfaces of the mirror substrate as claimed.

 Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alessandro Amari whose telephone number is (571)272-2306. The examiner can normally be reached on Monday-Friday 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephone B. Allen can be reached on (571) 272-2434. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ava 11 October 2007

alesander amuni

ALESSANDRO AMARI PRIMARY PATENT EXAMINER

> SMR USA Exhibit 1028 Page 195

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U.S. Patent and Trademark Office

Part of Paper No.: 20071011

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SMR USA Exhibit 1028 Page 196

	Application/Control No.	Applicant(s)/Patent Under Reexamination
Search Notes	10709434	LYNAM, NIALL R.
	Examiner	Art Unit
	Amari, Alessandro	2872

# SEARCHED

Class	Subclass	Date	Examiner
359	866,868,883,514	11/16/2005	AA
Update	above	5/2/2006	AA
Update	above	10/30/2006	AA
Update	above	4/2/2007	AA
Update	above	10/11/2007	AA

SEARCH NOT	ES	,
Search Notes	- Date	Examiner
EAST search - see attached	11/16/2005	AA

	INTERFERENCE SEA	RCH	
Class	Subclass	Date	Examiner

#### U.S. Patent and Trademark Office

Part of Paper No.: 20071011

### PATENT DON01 P-1152

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Art Unit	:	2872
Examiner	:	Alessandro V. Amari
Applicant	:	Niall R. Lynam
Serial No.	:	10/709,434
Filing Date	:	May 5, 2004
For	:	MIRROR REFLECTIVE ELEMENT

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

Dear Sir or Madam:

#### **RESPONSE**

Responsive to the Final Office Action mailed October 16, 2007, the period for response being extended via the attached petition and fee for a one month extension of time, Applicant wishes to amend the application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

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**Remarks** begin on page 5 of this paper.

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## Amendments to the Claims:

This listing of claims will replace all prior versions and listings of claims in the present application:

1 (currently amended): A wide angle reflective element for a mirror assembly for a vehicle comprising:

a polymeric mirror substrate having an exterior surface comprising a less curved inboard surface and a more curved outboard surface, said polymeric mirror substrate comprising a polymeric resin material, said polymeric mirror substrate having a reflector disposed on a surface thereof to provide a reflective element for a vehicle mirror assembly; and

a thin at least partially flexible glass sheet, said thin at least partially flexible glass sheet existing as a pre-formed glass sheet that is separate from said polymeric mirror substrate, said thin at least partially flexible glass sheet having an attaching surface, said attaching surface being opposed to and adhered to said exterior surface of said polymeric mirror substrate when said thin at least partially flexible sheet is adhered to said exterior surface of said polymeric mirror substrate, said thin at least partially flexible sheet providing an anti-abrasion sheet at said outboard and inboard surfaces of said exterior surface of said polymeric mirror substrate when adhered thereto, said thin at least partially flexible glass sheet substantially conforming to said exterior surface of said polymeric mirror substrate when adhered thereto, said thin at least partially flexible glass sheet having a thickness of less than approximately 0.8 mm and greater than approximately 0.3 mm.

2 (previously presented): The wide angle reflective element of claim 1, wherein said reflector is disposed at an inner surface of said substrate opposite said exterior surface.

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3 (previously presented): The wide angle reflective element of claim 1, wherein said substrate is cut from a molded or extruded or cast strip or sheet, said glass sheet being laminated to said strip or sheet, at least two substrates being cut from said strip or sheet.

4 (previously presented): The wide angle reflective element of claim 3, wherein said reflector comprises a reflective film applied to said strip or sheet on an inner surface of said substrates opposite said exterior surface.

5 (previously presented): The wide angle reflective element of claim 1, wherein said reflector comprises a reflective film applied to an inner surface of said substrate opposite said exterior surface.

6 (previously presented): The wide angle reflective element of claim 5, wherein said reflective film comprises a polymeric reflective film at least one of laminated, adhered and applied to said inner surface of said substrate.

7 (original): The wide angle reflective element of claim 6, wherein said reflective film comprises an all polymer-thin-film multilayer, high reflective mirror film comprising multiple coextrusion of many plastic layers to form a highly reflective mirror film.

8 (previously presented): The wide angle reflective element of claim 1, wherein said reflector comprises a reflective film applied to said exterior surface of said substrate, said glass film being applied to an exterior surface of said reflective film.

9 (previously presented): The wide angle reflective element of claim 8, wherein said reflective film comprises a polymeric reflective film at least one of laminated, adhered and applied to said exterior surface of said substrate.

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10 (original): The wide angle reflective element of claim 9, wherein said reflective film comprises an all polymer-thin-film multilayer, high reflective mirror film comprising multiple coextrusion of many plastic layers to form a highly reflective mirror film.

11 (original): The wide angle reflective element of claim 1, wherein said reflective element is adapted for one of an interior rearview mirror assembly and an exterior rearview mirror assembly.

12-21 (canceled).

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#### Remarks:

The amendments and remarks presented herein are believed to be fully responsive to the Office Action dated October 16, 2007, the period for response being extended via the attached petition and fee for a one month extension of time.

Claims 1-11 are pending in the application. Claims 12-21 were previously canceled without prejudice and independent claim 1 has been amended as set forth above. The amendments are fully supported in the specification and drawings as originally filed. No new matter has been added.

### TELEPHONE INTERVIEW CONDUCTED FEBRUARY 7, 2008

The undersigned would like to thank Examiner Amari for the courtesies extended during the telephone interview conducted on February 7, 2008. During the interview, the undersigned was given the opportunity to discuss the claimed invention and the cited art of record, particularly Gillich et al., U.S. Patent No. 6,709,119. During the interview, the above clarification of independent claim 1 was discussed, and the Examiner indicated that this overcomes the present claim rejection.

#### **CLAIM REJECTIONS**

Claims 1-5, 8 and 11 were rejected under 35 U.S.C. §103(a) as being unpatentable over Schmidt, U.S. Patent No. 6,030,084, in view of Gillich et al., U.S. Patent No. 6,709,119. Claims 6, 7, 9 and 10 were rejected under 35 U.S.C. §103(a) as being unpatentable over Schmidt, in view of Gillich et al., and further in view of Wheatley et al., U.S. Patent No. 5,262,894.

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Applicant respectfully traverses the rejections under 35 U.S.C. §103(a). However, and without acquiescing in the rejections in any manner and solely to expedite prosecution and allowance of the claims, Applicant has clarified independent claim 1 and submits that the present claims are in condition for allowance for at least the reasons set forth below.

Applicant has amended independent claim 1 to clarify that the thin at least partially flexible glass sheet has a thickness of less than approximately 0.8 mm and greater than approximately 0.3 mm.

The wide angle reflective element of the claimed invention of independent claim 1 thus includes a thin at least partially flexible glass sheet that exists as a pre-formed glass sheet that is separate from the polymeric mirror substrate. The thin at least partially flexible glass sheet has a thickness of less than approximately 0.8 mm and greater than approximately 0.3 mm. The attaching surface of the separate, pre-formed thin at least partially flexible glass sheet is opposed to and adhered to the exterior surface of the polymeric mirror substrate to form the wide angle reflective element.

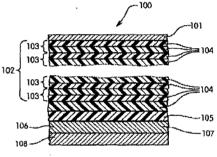
With respect to the rejection of independent claim 1 in view of the combination of Schmidt and Gillich et al., Applicant submits that this combination does not disclose, teach, suggest or render obvious the wide angle reflective element of the present invention, particularly as set forth in independent claim 1 and in the claims depending therefrom, for at least the reasons set forth in the previous responses, the arguments of which are incorporated herein, and for at least the reasons set forth below.

The combination of Gillich et al. and Schmidt does not disclose or teach or suggest a pre-formed, pre-existing thin flexible glass sheet as is disclosed and claimed in the present application. To the contrary, the protective layer 101 of Gillich et al. is a hard coat similar to the hard coats discussed and distinguished in the background section of the present invention. In

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stark contrast to the thin flexible glass sheet of the claimed invention, and as discussed in the background section of the present application (see page 1, paragraph [0002] of the present application), such hard coats are provided (such as via dip coating or vacuum deposition or the like) on the first or outer or exterior surface of the reflective element which is contacted by the exterior elements. The disclosure of Gillich et al. clearly is limited to a hard coat or protective layer that is coated or deposited or formed on a separate substrate and that does not exist as a preformed glass sheet.

As can be seen with reference to Figure 1 of Gillich et al. (reproduced to the right), the reflector 100 includes a reflector body 108 that is coated by a plurality of layers 101-107, which include the protective layer 101. The reflector body may be provided as a rolled product, whereby some or all of the layers 101-107 may be deposited or





applied on a surface of the rolled product in a continuous process. There is no disclosure or suggestion in Gillich et al. that any of the coatings or layers may be provided as a separately existing pre-formed sheet that is adhered to the surface of the reflector body. Moreover, Gillich et al. teaches away from such a configuration by teaching that the layers can be deposited via immersion, spraying, vaporization or sputtering or the like, all of which function to establish or form the layer on the surface and none of which utilize a pre-formed sheet of the applied materials. Gillich et al. further teaches away from such a configuration by teaching that the preferred thickness of the protective coating or layer is 3 nm to 400 nm and that the maximum thickness of the protective coating or layer is 1000 nm, as discussed below.

Thus, the protective layer of Gillich et al. is not a pre-formed thin flexible glass sheet. This is evidenced, for example, by the statement in Gillich et al. that "the minimum thickness of the protective layer is 3 nm. The maximum thickness of the protective layer may, for example, be 1000 nm and advantageously 400 nm. In another embodiment the thickness of Applicant:Niall R. LynamSerial No.:10/709,434Page:8

the protected layer may preferably be 40 nm or less. The thickness of the protective layer may in particular be 3 to 20 nm. In the present description of the invention, the term nm means nanometer." See column 2, lines 32-39 of Gillich et al. Thus, Gillich et al. teaches away from the present invention by teaching that the *maximum* thickness of the deposited protective layer is 1000 nm, which is 0.001 mm, which is substantially less than the thickness (less than approximately 0.8 mm and greater than approximately 0.3 mm) of the pre-formed glass sheet of the claimed invention.

The hard coat of Gillich et al. thus is <u>not</u> a thin flexible glass sheet that exists as a pre-formed glass sheet that is separate from a polymeric mirror substrate, as is clearly evident by the disclosure in Gillich et al. that the hard coat of Gillich et al. has a maximum thickness of 1,000 nanometers (see column 2, lines 32-36 of Gillich et al.). Such a hard coat thus is less than 0.001 millimeters thick and thus such a hard coat is not providable as a pre-formed thin flexible sheet (i.e., a sheet existing by itself as a flexible sheet and <u>not</u> as a layer that is coated or deposited on a separate substrate) that exists separate from the substrate or reflector body. Moreover, and as stated in the background section and Summary of the Invention section of the present application, such a hard coat will not provide the benefits of the claimed invention.

Further, the hard coat of Gillich et al. is disclosed as being applied to the reflector body by deposition in vacuum or by thermal vaporization or by electron beam vaporization or by sputtering or by plasma polymerization or by chemical vapor deposition (see column 7, line 66 through column 8, line 12 of Gillich et al.). The Office Action states that the disclosure at column 8, lines 28-37 of Gillich et al. evidences that the protective layer can be formed as a preexisting, pre-formed glass sheet that is separate from the mirror substrate of claim 1 (see page 7 of the Office Action).

Applicant respectfully traverses. The cited lines of Gillich et al. merely disclose that the *reflector body* (not the protective layer) may be provided as a rolled product, e.g. foils,

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strips or sheets, and that the coatings or layers (including the protective layer) may be applied or deposited on the rolled reflector body in a continuous process (such as by immersion, spraying, etc.). This is evidenced by the statement at column 3, lines 13-17 of Gillich et al. that "examples of reflector bodies are castings and forgings and in particular rolled products such as foils, strips, plates, sheets," and is further evidenced by the statement at column 2, lines 28-30 of Gillich et al. that "the protective layer is considered as one of the transparent layers in the sequence of reflective layers." As described throughout Gillich et al., the transparent layers are coated or deposited on the reflector body and do not exist as a pre-formed sheet separate from the reflector body and thus cannot have an attaching surface opposed to and adhered to an exterior surface of a polymeric mirror substrate, as set forth in independent claim 1 above.

Thus, Gillich et al. discloses that the protective layer is deposited on the surface of the reflector body via a suitable coating or forming process, such as vaporization, sputtering, immersion, spraying, sol-gel process and/or the like. Applicant submits that Gillich et al. is utterly devoid of any disclosure or suggestion that the protective layer may be provided as a thin at least partially flexible glass sheet existing as a pre-formed glass sheet that is separate from the reflector body and that has an attaching surface opposed to and adhered to an exterior surface of the reflector body when the thin at least partially flexible sheet is adhered to the exterior surface of the reflector body. Nor is there any disclosure or suggestion in Gillich et al. of such a thin glass sheet that has a thickness of less than approximately 0.8 mm and greater than approximately 0.3 mm. Therefore, the combination of Schmidt and Gillich et al. does not disclose, suggest or render obvious the invention claimed herein.

With respect to the rejection of dependent claims 2-11, Applicant submits that the combination of Schmidt and Gillich et al., either alone or in further combination with Wheatley et al., does not disclose, teach or suggest or render obvious the claimed invention for at least the reasons set forth above.

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Accordingly, Applicant respectfully submits that neither Schmidt nor Gillich et al., either alone or in combination with one another or with any other prior art of record, disclose, teach, suggest or render obvious the wide angle reflective element of the present invention, particularly as set forth in independent claim 1 and in the claims depending therefrom. Reconsideration and withdrawal of the rejections of claims 1-11 is respectfully requested.

Claims 1-11 remain pending in the application. Applicant respectfully submits that claims 1-11 are in condition for allowance and a notice to that effect is earnestly and respectfully requested. Should the Examiner have any questions regarding the above discussion, the Examiner is invited to contact the undersigned attorney to discuss this further.

Respectfully submitted,

NIALL R. LYNAM

By: Van Dyke, Gardner, Linn & Burkhart, LLP

Test

Timothy A. Flory Registration No. 42 540 2851 Charlevoix Drive, S.E., Suite 207 P.O. Box 888695 Grand Rapids, Michigan 49588-8695 (616) 975-5500

Date: February 13, 2008.

DON01 P-1152

Electronic Patent Application Fee Transmittal					
Application Number:	10709434				
Filing Date:	05-	May-2004			
Title of Invention:		MIRROR REFLECTIVE ELEMENT			
First Named Inventor/Applicant Name:	Niall R. Lynam				
Filer:		nothy A. Flory/Kris	sten Buter		
Attorney Docket Number:		DON01 P-1152			
Filed as Large Entity					
Utility Filing Fees					
			Sub-Total in USD(\$)		
Basic Filing:					
Pages:					
Claims:					
Miscellaneous-Filing:					
Petition:					
Patent-Appeals-and-Interference:					
Post-Allowance-and-Post-Issuance:					
Extension-of-Time:					
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Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Miscellaneous:				
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Electronic Acknowledgement Receipt				
EFS ID:	2853243			
Application Number:	10709434			
International Application Number:				
Confirmation Number:	3433			
Title of Invention:	MIRROR REFLECTIVE ELEMENT			
First Named Inventor/Applicant Name:	Niall R. Lynam			
Customer Number:	28101			
Filer:	Timothy A. Flory/Kristen Buter			
Filer Authorized By:	Timothy A. Flory			
Attorney Docket Number:	DON01 P-1152			
Receipt Date:	13-FEB-2008			
Filing Date:	05-MAY-2004			
Time Stamp:	14:10:10			
Application Type:	Utility under 35 USC 111(a)			

# Payment information:

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Payment Type	Deposit Account			
Payment was successfully received in RAM	\$120			
RAM confirmation Number	7739			
Deposit Account	220190			
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The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:				
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1	Miscellaneous Incoming Letter	Transmittal.pdf	794b602c6637198717f240ee3ca8b8d4 b00578e4	no	1		
Warnings:							
Information		1					
2	Extension of Time	PetitionForExtensionOfTime.	81364	no	1		
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Warnings:							
Information		1	1				
3	Amendment - After Non-Final	Response.pdf	521617	no	10		
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Warnings:							
Information							
4	Fee Worksheet (PTO-06)	fee-info.pdf	8140	no	2		
			960a452d953fc429cfad357cb1aa27da 1109a6bc	10	L		
Warnings:							
Information	:		1				
		Total Files Size (in bytes)	: 68	36181			
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.							

PTO/SB/21 (12-07)

Approved for use through	12/31/2007.	OMB	0651-0	)03	1
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Under the Paperwork Rea	duction Act of 1995, no pers					U.S. DEPARTMENT OF COMMERCE displays a valid OMB control number.
		Application Number	10/709,43	34		
TRANSM	MITTAL	Filing Date	February	13, 2008		
FOF	First Named Inventor	Niall R. Ly	Niall R. Lynam			
		Art Unit	2872			
(to be used for all correspo	ondence after initial filing)	Examiner Name	Alessandr	ro V. Amar	i	
Total Number of Pages in T		Attorney Docket Number	DON01 P	-1152		
	EN	CLOSURES (Check a	il that apply	<i>v)</i>		
Fee Transmittal For	m 🗌	Drawing(s)			After	Allowance Communication to TC
Fee Attache	ed 🗌	Licensing-related Papers				al Communication to Board beals and Interferences
Amendment/Reply		Petition				al Communication to TC
Amendment/Reply		Petition to Convert to a				al Notice, Brief, Reply Brief)
After Final		Provisional Application Power of Attorney, Revocati	on		Propri	etary Information
Affidavits/de	eclaration(s)	Change of Correspondence				Letter Enclosure(s) (please Identify
Extension of Time R	Request	Terminal Disclaimer			below	.,,
Express Abandonm	ent Request	Request for Refund				
Information Disclosu	ure Statement	CD, Number of CD(s)				
		Landscape Table on C	CD.			
Certified Copy of Pri	iority Rem			<u> </u>		
Document(s)						
Reply to Missing Pa Incomplete Applicat						
Reply to Mis	sing Parts R 1.52 or 1.53					
	141.02 01 1.00					
					-	
Firm Name	SIGNATURE	OF APPLICANT, ATTO	JRNET, C	JR AGE		
	KE, GARDNER, LINN & I	BURKHART LLP				
Signature T2	It pre	<u> </u>				
Printed name Timothy A	A. Flory					
Date February 13, 2008 Reg. No. 42540						
(	CERTIF	ICATE OF TRANSMISS	SION/MAI	LING		
						ited States Postal Service with Alexandria, VA 22313-1450 on
Signature Kuster M. Buter						
Typed or printed name	Kristen M. Buter				Date	February 13, 2008

This collection of information is required by 37 CFR 1.5. 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 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, 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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PTO/SB/22 (12-07) Approved for use through 12/31/2007. OMB 0651-0031 U.S. Patent and Trademark Office; U.S. DEPARMENT OF COMMERCE a collection of information unless if displaye a valid OMB control purchas

Under th	e paperwork Reduction Act of 1995, no persons are requ		tion of information unless if display		
PETITIO	N FOR EXTENSION OF TIME UNDER	37 CFR 1.136(a)	Docket Number (Optional)		
(Fee	FY 2008 s pursuant to the Consolidated Appropriations Act, 2	DON01 P-1152			
Application	10/700 / 2/		Filed May 5, 200	4	
For MI	ROR REFLECTIVE ELEMENT	· · ·			
Art Unit	2872		Examiner Alessand	dro V. Amari	
This is a re applicatior	equest under the provisions of 37 CFR 1.136	i(a) to extend the per	riod for filing a reply in the a	bove identified	
The reque	sted extension and fee are as follows (check	time period desired	and enter the appropriate f	ee below):	
		Fee	Small Entity Fee	120	
X	One month (37 CFR 1.17(a)(1))	\$120	\$60	\$	
	Two months (37 CFR 1.17(a)(2))	\$460	\$230	\$	
	Three months (37 CFR 1.17(a)(3))	\$1050	\$525	\$	
	Four months (37 CFR 1.17(a)(4))	\$1640	\$820	\$	
	Five months (37 CFR 1.17(a)(5))	\$2230	\$1115	\$	
	ant claims small entity status. See 37 CFR 1	.27.			
A che	ck in the amount of the fee is enclosed.				
🗌 Paym	ent by credit card. Form PTO-2038 is at	ttached.			
The [	Pirector has already been authorized to c	charge fees in this	application to a Deposit	Account.	
The Depo	Director is hereby authorized to charge a sit Account Number <u>22-0190</u>		/ be required, or credit ar enclosed a duplicate cop		
WARN Provid	ING: Information on this form may become pul e credit card information and authorization on	blic. Credit card inform PTO-2038.	mation should not be include	ed on this form.	
I am the	applicant/inventor.				
	assignee of record of the entire Statement under 37 CFR 3.		Form PTO/SB/96).		
	X attorney or agent of record. Rep	gistration Number	42 540	_	
	attorney or agent under 37 CFF Registration number if acting under				
	Tet Dee	<b>&gt;</b>	February	13, 2008	
	Signature		Da	te	
	Timothy A. Flory		(616) 975-5		
	Typed or printed name		Telephone	Number	
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.					
	l of forms are of information is required by 37 CFR 1.136(a). The inform	submitted.	or retain a benefit by the public whi	ich is to file (and by the	
	ess) an application. Confidentiality is governed by 35 U.S				

Complete, including gathering, preparing, and submitting the completed application form to the USPTO. The 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.

	Under the Pa	perwork Reduct	on Act of 19	95, no persons are	required to respor			nd Trademark Of	ice; U.S	5. DEPARTME	PTO/SB/06 (07-06) 007. OMB 0651-0032 ENT OF COMMERCE OMB control number
PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875						Application or Docket Number 10/709,434			Filing Date 05/05/2004		To be Mailed
	AI	PPLICATION	I AS FILE	D – PART I						от	HER THAN
			(Column	1) (	Column 2)		SMALL	ENTITY	OR	SMA	ALL ENTITY
	FOR		NUMBER FI	LED NUM	MBER EXTRA		RATE (\$)	FEE (\$)		RATE (\$)	FEE (\$)
	BASIC FEE (37 CFR 1.16(a), (b),	or (c))	N/A		N/A		N/A			N/A	
	SEARCH FEE (37 CFR 1.16(k), (i),	or (m))	N/A		N/A		N/A			N/A	
	EXAMINATION FE (37 CFR 1.16(o), (p),		N/A		N/A		N/A			N/A	
	TAL CLAIMS CFR 1.16(i))		mir	nus 20 = *			X \$ =		OR	X\$ =	
	EPENDENT CLAIM CFR 1.16(h))	S	m	inus 3 = *			X\$ =			X\$ =	
	APPLICATION SIZE (37 CFR 1.16(s))	FEE is add	eets of pap 250 (\$125 ditional 50	ation and drawing er, the applicatio for small entity) sheets or fractior a)(1)(G) and 37	n size fee due for each n thereof. See						
	MULTIPLE DEPEN	IDENT CLAIM F	RESENT (3	7 CFR 1.16(j))							
* If i	he difference in col	umn 1 is less tha	in zero, ente	er "0" in column 2.			TOTAL			TOTAL	
	APP	LICATION A	S AMENI	DED – PART II	(Column 3)		CMAL	L ENTITY	OR		ER THAN
		CLAIMS	Т	HIGHEST	(Column 3)	1	SIVIAL			Sivir	
AMENDMENT	02/13/2008	Remaining After Amendmen	г	NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA		RATE (\$)	additional Fee (\$)		RATE (\$)	Additional Fee (\$)
DME	Total (37 CFR 1.16(i))	* 11	Minus	** 20	= 0		X \$ =		OR	X \$50=	0
U U U	Independent (37 CFR 1.16(h))	* 1	Minus	***3	= 0		X \$ =		OR	X \$210=	0
AM	Application S	ize Fee (37 CFF	: 1.16(s))								
	FIRST PRESEN	NTATION OF MUL	TIPLE DEPEN	IDENT CLAIM (37 CFF	R 1.16(j))				OR		
Γ						• •	TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE	0
		(Column 1)		(Column 2)	(Column 3)						
		CLAIMS REMAINING AFTER AMENDMEN		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA		RATE (\$)	ADDITIONAL FEE (\$)		RATE (\$)	ADDITIONAL FEE (\$)
z	Total (37 CFR 1.16(i))	*	Minus	**	=		X \$ =		OR	X\$ =	
AMENDMENT	Independent (37 CFR 1.16(h))	*	Minus	***	=	1	X\$ =		OR	X\$ =	
I U U		ize Fee (37 CFF	: 1.16(s))								
AM		NTATION OF MUL	TIPLE DEPEN	IDENT CLAIM (37 CFF	R 1.16(j))				OR		
						.	total Add'l Fee		OR	TOTAL ADD'L FEE	
** If *** I The	the entry in column the "Highest Numb f the "Highest Numb "Highest Number P	er Previously Pa per Previously P reviously Paid F	id For" IN TI aid For" IN T for" (Total or	HIS SPACE is less HIS SPACE is less Independent) is th	than 20, enter "20' s than 3, enter "3".	found	/ANNIE d in the appro		DN/ mn 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.* 

	Under the Pa	perwork Reductio	on Act of 19	95, no persons are	required to respor			nd Trademark Off	ice; U.S	5. DEPARTME	PTO/SB/06 (07-06) 007. OMB 0651-0032 ENT OF COMMERCE OMB control number.
Ρ/	PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875						Application or Docket Number 10/709,434			ing Date 05/2004	To be Mailed
	A	PPLICATION	AS FILE	D – PART I						ОТІ	HER THAN
			(Column	1) ('	Column 2)		SMALL	ENTITY	OR	SMA	ALL ENTITY
	FOR		NUMBER FI	_ED NUM	MBER EXTRA		RATE (\$)	FEE (\$)		RATE (\$)	FEE (\$)
	BASIC FEE (37 CFR 1.16(a), (b),	or (c))	N/A		N/A		N/A			N/A	
	SEARCH FEE (37 CFR 1.16(k), (i),	or (m))	N/A		N/A		N/A			N/A	
	EXAMINATION FE (37 CFR 1.16(o), (p),		N/A		N/A		N/A			N/A	
	FAL CLAIMS CFR 1.16(i))		mir	nus 20 = *			X\$ =		OR	X\$ =	
	EPENDENT CLAIM CFR 1.16(h))			inus 3 = *			X \$ =			X \$ =	
	APPLICATION SIZE (37 CFR 1.16(s))	FEE she is \$ add	ets of pap 250 (\$125 itional 50	ation and drawing er, the applicatio for small entity) sheets or fractior a)(1)(G) and 37	n size fee due for each n thereof. See						
	MULTIPLE DEPEN	IDENT CLAIM P	RESENT (3	7 CFR 1.16(j))							
* If i	the difference in col	umn 1 is less tha	n zero, ente	r "0" in column 2.		-	TOTAL			TOTAL	
	APP	LICATION AS	S AMENE	DED – PART II (Column 2)	(Column 3)		SMAL	L ENTITY	OR		ER THAN ALL ENTITY
AMENDMENT	02/13/2008	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA		RATE (\$)	ADDITIONAL FEE (\$)		RATE (\$)	ADDITIONAL FEE (\$)
OME	Total (37 CFR 1.16(i))	* 11	Minus	** 21	= 0		X \$ =		OR	X \$50=	0
IJ.	Independent (37 CFR 1.16(h))	* 1	Minus	***3	= 0		X\$ =		OR	X \$210=	0
AME	Application S	ize Fee (37 CFR	1.16(s))								
		NTATION OF MULT	IPLE DEPEN	DENT CLAIM (37 CFF	R 1.16(j))				OR		
							TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE	0
		(Column 1)		(Column 2)	(Column 3)				-		
		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA		RATE (\$)	ADDITIONAL FEE (\$)		RATE (\$)	ADDITIONAL FEE (\$)
Ż	Total (37 CFR 1.16(i))	*	Minus	**	=		X \$ =		OR	X \$ =	
MO	Independent (37 CFR 1.16(h))	*	Minus	***	=		X \$ =		OR	X \$ =	
N U	Application Size Fee (37 CFR 1.16(s))										
AM	Total (37 CFR         *         Minus         **         =           Independent (37 CFR 1.16(n))         *         Minus         ***         =								OR		
Γ							TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE	
** lf *** l	the entry in column the "Highest Numb f the "Highest Numt "Highest Number P	er Previously Pai per Previously Pa	d For" IN TH id For" IN T	HIS SPACE is less HIS SPACE is less	than 20, enter "20' s than 3, enter "3".		/AJAY I	nstrument Ex R. DAVID/ opriate box in colu		er:	

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.



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# NOTICE OF ALLOWANCE AND FEE(S) DUE

28101 7590 05/02/2008 VAN DYKE, GARDNER, LINN & BURKHART, LLP SUITE 207 2851 CHARLEVOIX DRIVE, S.E. GRAND RAPIDS, MI 49546

EXAMINER						
AMARI, ALESSANDRO V						
ART UNIT	PAPER NUMBER					
2872						

DATE MAILED: 05/02/2008

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.		
10/709,434	05/05/2004	Niall R. Lynam	DON01 P-1152	3433		
TITLE OF INVENTION: MIRROR REFLECTIVE ELEMENT						

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1440	\$300	\$0	\$1740	08/04/2008

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. <u>PROSECUTION ON THE MERITS IS CLOSED</u>. 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 <u>THREE MONTHS</u> FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. <u>THIS STATUTORY PERIOD CANNOT BE EXTENDED</u>. 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 SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:	If the SMALL ENTITY is shown as NO:
A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.	A. Pay TOTAL FEE(S) DUE shown above, or
B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or	B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

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 se	end this form, toget	her with applicab		Cor P.O Ale	il Stop ISSUE 1 mmissioner for ). Box 1450 xandria, Virgin 1)-273-2885	Pate				
INSTRUCTIONS: This appropriate. All further indicated unless correct maintenance fee notifica	s form should be used f correspondence includin ted below or directed oth ations.	for transmitting the IS ng the Patent, advance nerwise in Block 1, by	SUE FEE and PUBLIC orders and notification (a) specifying a new o	CATI of m	ON FEE (if requir naintenance fees wi pondence address;	ed). B ll be n and/or	locks 1 through 5 sh nailed to the current of (b) indicating a separ	ould be completed correspondence addre ate "FEE ADDRESS	where ess as S" for	
	DENCE ADDRESS (Note: Use Bl		8)	Fee(	s) Transmittal. This rs. Each additional	certifi naper.	can only be used for cate cannot be used fo such as an assignmen ing or transmission.	domestic mailings of r any other accompa t or formal drawing,	of the nying must	
SUITE 207 2851 CHARLE	7590 05/02 GARDNER, LINN VOIX DRIVE, S.E.		Γ, LLP	<b>Certificate of Mailing or Transmission</b> 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.						
GRAND RAPII	DS, MI 49546							(Depositor's	name)	
								(Sigr	nature)	
_									(Date)	
APPLICATION NO.	FILING DATE		FIRST NAMED INVEN	ITOR		ATTOR	RNEY DOCKET NO.	CONFIRMATION NO	Э.	
10/709,434	05/05/2004		Niall R. Lynam			D	ON01 P-1152	3433		
TITLE OF INVENTION	N: MIRROR REFLECTIV	VE ELEMENT								
APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE 1	DUE	PREV. PAID ISSUE	FEE	TOTAL FEE(S) DUE	DATE DUE		
nonprovisional	NO	\$1440	\$300		\$0		\$1740	08/04/2008		
EXAN	CLASS-SUBCLAS	s								
AMARI, ALI	ESSANDRO V	2872	359-884000							
CFR 1.363). Change of corresp Address form PTO/S	lence address or indicatio pondence address (or Cha B/122) attached. dication (or "Fee Address 02 or more recent) attach	nge of Correspondence	(1) the names of up to 3 registered patent attorneys or agents OR, alternatively, (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to							
PLEASE NOTE: Un	AND RESIDENCE DAT/ iless an assignee is ident th in 37 CFR 3.11. Comp IGNEE	ified below, no assigne	e data will appear on t	the pa g an a	atent. If an assigned			cument has been file	ed for	
Please check the appropriate the propriet of t	riate assignee category or	categories (will not be	printed on the patent):		Individual 🖵 Cor	poratio	on or other private grou	ıp entity 📮 Govern	ment	
<ul> <li>4a. The following fee(s)</li> <li>Issue Fee</li> <li>Publication Fee (1</li> <li>Advance Order -</li> </ul>	<ul> <li>4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)</li> <li>A check is enclosed.</li> <li>Payment by credit card. Form PTO-2038 is attached.</li> <li>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 for</li></ul>									
_ · ·	atus (from status indicate ns SMALL ENTITY stati	· · · · · · · · · · · · · · · · · · ·	h Applicant is n	o long	or alaiming SMAL		ITY status. See 37 CF	$P_{1,27(\alpha)(2)}$		
NOTE: The Issue Fee ar	nd Publication Fee (if req records of the United Sta	ted from anyone other t		0			0,00	rty in		
Authorized Signature	2				Date					
Typed or printed nam	ne				Registration No	)				
an application. Confider submitting the complete this form and/or suggest Box 1450, Alexandria, V Alexandria, Virginia 22.	nation is required by 37 C ntiality is governed by 35 ed application form to the tions for reducing this bu Virginia 22313-1450. DC 313-1450. eduction Act of 1995, no	U.S.C. 122 and 37 CF. USPTO. Time will va rden, should be sent to NOT SEND FEES OF	R 1.14. This collection ry depending upon the the Chief Information ( R COMPLETED FORM	is esti indivi Office IS TC	imated to take 12 m idual case. Any con r, U.S. Patent and T ) THIS ADDRESS.	inutes nments radem SEND	to complete, including on the amount of tim ark Office, U.S. Depar TO: Commissioner fo	gathering, preparing e you require to con tment of Commerce or Patents, P.O. Box	g, and nplete , P.O.	

	ITED STATES PATE	NT AND TRADEMARK OFFICE	UNITED STATES DEPAR United States Patent and Address: COMMISSIONER F P.O. Box 1450 Alexandria, Virginia 223 www.uspto.gov	Trademark Office OR PATENTS			
APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.			
10/709,434	05/05/2004	Niall R. Lynam	DON01 P-1152	3433			
28101 75	90 05/02/2008		EXAMINER				
VAN DYKE, GA	ARDNER, LINN & B	AMARI, ALESSANDRO V					
SUITE 207	· · · · · · · · · · · · · · · · · · ·		ART UNIT	PAPER NUMBER			
2851 CHARLEVC GRAND RAPIDS,	,		2872 DATE MAILED: 05/02/200	8			

# 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 72 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 72 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.

	Application No.	Applicant(s)					
	10/709,434	LYNAM, NIALL R.					
Notice of Allowability	Examiner	Art Unit					
	ALESSANDRO AMARI	2872					
The MAILING DATE of this communication app All claims being allowable, PROSECUTION ON THE MERITS IS herewith (or previously mailed), a Notice of Allowance (PTOL-85 NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT R of the Office or upon petition by the applicant. See 37 CFR 1.313	(OR REMAINS) CLOSED in this ap ) or other appropriate communication (IGHTS. This application is subject t	plication. If not included n will be mailed in due course. <b>THIS</b>					
1. This communication is responsive to <u>amdt of 2/13/2008</u> .							
2. 🔀 The allowed claim(s) is/are <u>1-11</u> .							
<ul> <li>3. ☐ Acknowledgment is made of a claim for foreign priority u <ul> <li>a) ☐ All</li> <li>b) ☐ Some*</li> <li>c) ☐ None of the:</li> <li>1. ☐ Certified copies of the priority documents have</li> <li>2. ☐ Certified copies of the priority documents have</li> <li>3. ☐ Copies of the certified copies of the priority documents have</li> <li>3. ☐ Copies of the certified copies of the priority documents have</li> <li>3. ☐ Copies of the certified copies of the priority documents have</li> <li>3. ☐ Copies of the certified copies of the priority documents have</li> <li>3. ☐ Copies of the certified copies of the priority documents have</li> <li>3. ☐ Copies of the certified copies of the priority documents have</li> <li>3. ☐ Copies of the certified copies of the priority documents have</li> <li>3. ☐ Copies of the certified copies of the priority documents have</li> <li>3. ☐ Copies of the certified copies of the priority documents have</li> <li>3. ☐ Copies of the certified copies of the priority documents have</li> <li>3. ☐ Copies of the certified copies of the priority documents have</li> <li>3. ☐ Copies of the certified copies of the priority documents have</li> <li>3. ☐ Corrected copies not received:</li> </ul> Applicant has THREE MONTHS FROM THE "MAILING DATE" noted below. Failure to timely comply will result in ABANDONN THIS THREE-MONTH PERIOD IS NOT EXTENDABLE. 4. ☐ A SUBSTITUTE OATH OR DECLARATION must be subminified below. Failure to APPLICATION (PTO-152) which give 5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") mu <ul> <li>(a) ☐ including changes required by the Notice of Draftspering including changes required by the attached Examiner</li> <li>Paper No./Mail Date</li></ul></li></ul>	e been received. e been received in Application No ocuments have been received in this of this communication to file a reply MENT of this application. hitted. Note the attached EXAMINER es reason(s) why the oath or declara st be submitted. son's Patent Drawing Review (PTO 's Amendment / Comment or in the C 1.84(c)) should be written on the drawi	national stage application from the complying with the requirements CS AMENDMENT or NOTICE OF ation is deficient. -948) attached Diffice action of <b>ngs in the front (not the back) of</b>					
each sheet. Replacement sheet(s) should be labeled as such in 6. DEPOSIT OF and/or INFORMATION about the depo attached Examiner's comment regarding REQUIREMENT	osit of BIOLOGICAL MATERIAL	must be submitted. Note the					
Attachment(s)       1. □ Notice of References Cited (PTO-892)       5. □ Notice of Informal Patent Application         2. □ Notice of Draftperson's Patent Drawing Review (PTO-948)       6. □ Interview Summary (PTO-413), Paper No./Mail Date         3. □ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date       7. □ Examiner's Amendment/Comment         4. □ Examiner's Comment Regarding Requirement for Deposit of Biological Material       8. ☑ Examiner's Statement of Reasons for Allowance         9. □ Other							
U.S. Patent and Trademark Office PTOL-37 (Rev. 08-06) N	otice of Allowability	Part of Paper No./Mail Date 20080429					

Application/Control Number: 10/709,434 Art Unit: 2872

### **REASONS FOR ALLOWANCE**

1. Claims 1-11 are allowed.

2. The following is an examiner's statement of reasons for allowance:

Claim 1 is allowable for at least the reason, "said thin at least partially flexible glass sheet having a thickness of less than approximately 0.8 mm and greater than approximately 0.3 mm" as set forth in the claimed combination. Claims 2-11 are allowable due to their dependence on claim 1.

The Applicant's arguments on pages 7, 2<sup>nd</sup> and 3<sup>rd</sup> paragraphs and page 8, 1<sup>st</sup> paragraph were persuasive.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALESSANDRO AMARI whose telephone number is (571)272-2306. The examiner can normally be reached on Monday-Friday 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephone B. Allen can be reached on (571) 272-2434. The fax phone

Application/Control Number: 10/709,434 Art Unit: 2872

number for the organization where this application or proceeding is assigned is 571-273-8300.

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). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ava 29 April 2008

/Alessandro Amari/ Primary Examiner, Art Unit 2872

SMR USA Exhibit 1028 Page 221

## EAST Search History

Ref #	#         Hits         Search Query           1433         (359/866,868,869,883,514).CQLS.		DBs	Default Operator	Plurals	Time Stamp
L1			US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2008/04/29 15:02
12	483	(359/884).COLS.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2008/04/29 15:05
L3	2679708	polymer\$2	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	ADJ	ON	2008/04/29 15:05
L4	90	2 and 3	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	ADJ	ON	2008/04/29 15:05
L5	75	4 and glass	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	ADJ	ON	2008/04/29 15:11
L6	15	(polymer\$2 mirror).clm.	US-PGPUB; USPAT	ADJ	ON	2008/04/29 15:21
L7	2	6 and glass.clm.	US-PGPUB; USPAT	ADJ	ON	2008/04/29 15:21
L8	90829	mirror.clm.	US-PGPUB; USPAT	ADJ	ON	2008/04/29 15:22
L9	307107	polymer\$2.clm.	US-PGPUB; USPAT	ADJ	ON	2008/04/29 15:22
L10	2436	8 and 9	US-PGPUB; USPAT	ADJ	ON	2008/04/29 15:22
L11	24	10 and glass sheet.clm.	US-PGPUB; USPAT	ADJ	ON	2008/04/29 15:23

4/29/2008 3:24:48 PM

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Index of Claims				pplication 0709434 xaminer mari, Aless		lo.	<b>Reexa</b> LYNAN	Applicant(s)/Patent Under Reexamination LYNAM, NIALL R. Art Unit 2872						
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Part of Paper No.: 20080429

	Application/Control No.	Applicant(s)/Patent Under Reexamination
Search Notes	10709434	LYNAM, NIALL R.
	Examiner	Art Unit
	Amari, Alessandro	2872

## SEARCHED

Class	Subclass	Date Exami					
359	866,868,883,514	11/16/2005	AA				
Update	above	5/2/2006	AA				
Update	above	10/30/2006	AA				
Update	above	4/2/2007	AA				
Update	above	10/11/2007	AA				
Update	above	4/29/2008	AA				
359	884	4/29/2008	AA				

SEARCH NOTES							
Date	Examiner						
11/16/2005	AA						
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INTERFERENCE SEARCH										
Class		Subclass	Date	Examiner						
	PG Pub text search		4/29/2008	AA						

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Issue Classification	

Application/Control No.	Applicant(s)/Patent Under Reexamination							
10709434	LYNAM, NIALL R.							
Examiner	Art Unit							

ORIGINAL					INTERNATIONAL CLASSIFICATION											
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U.S. Patent and Trademark Office

Part of Paper No. 20080429

1070 9434

FE8-27-2006 14:09 FROM: VGL8

TO:USPTO

Applicant:Niall R. LynamSerial No.:10/709,434Page:2

#### Amendments to the Specification:

43 Please amend paragraph [0042] as follows: 5-15-08 TM

4<sup>-</sup> [00421 Optionally, it is envisioned that such ultrathin glass films, anti-abrasion films, reflective films or reflective systems may be used for electrochromic mirror reflective elements or cells as well. For example, the interior or exterior rearview mirror assembly of the present invention may comprise an electrochromic mirror, such as an electrochromic mirror assembly and electrochromic element utilizing principles disclosed in commonly assigned U.S. Pat. Nos. 5,140,455; 5,151,816; 6,690,268; 6,178,034; 6,154,306; 6,002,544; 5,567,360; 5,525,264; 5,610,756; 5,406,414; 5,253,109; 5,076,673; 5,073,012; 5,117,346; 5,724,187; 5,668,663; 5,910,854; 5,142,407 and/or 4,712,879, which are hereby incorporated herein by reference, and/or as disclosed in the following publications: N. R. Lynam, "Electrochromic Automotive Day/Night Mirrors", SAE Technical Paper Series 870636 (1987); N. R. Lynam, "Smart Windows for Automobiles", SAE Technical Paper Series 900419 (1990); N. R. Lynam and A. Agrawal, "Automotive Applications of Chromogenic Materials", Large Area Chromogenics: Materials and Devices for Transmittance Control, C.M. Lampert and C.G. Granquist, EDS., Optical Engineering Press, Wash. (1990), which are hereby incorporated by reference herein. The mirror assembly may comprise an interior rearview mirror assembly, and may include an accessory module or may be mounted to an accessory module, such as an accessory module of the types disclosed in U.S. pat. application, Scr. No. 10/355,454, filed Jan. 31, 2003 for VEHICLE ACCESSORY MODULE, now U.S. Pat. No. 6.824,281 (Attorney Docket DON01 P-1050), which is hereby incorporated herein by reference.

> 44 Please amend paragraph [9043] as follows:

5-15:08 TM

(0043) Optionally, the mirror assembly may include one or more displays for displaying information to a driver of the vehicle at or through the reflective element of the mirror assembly.

PAGE 5/15 \* RCVD AT 2/27/2006 2:04:20 PM [Eastern Standard Time] \* SVR:USPTO-EFXRF-6/44 \* DNIS:2738300 \* CSID:6169885894 \* DURATION (mm-ss):03-28

For example, the mirror assembly may include one or more displays of the types described in U.S. Pat. Nos. 6.329.925; 6.501.387; 6.690.268; 5.910.854; 6.420.036; 5.668,663; and 5,724,187, and/or in U.S. pat, applications, Ser. No. 10/054,633, filed Jan. 22, 2002 by Lynam ct al, for VEHICULAR LIGHTING SYSTEM (Attorney Docket DON01 P-962); and Scr. No. 10/456,599, filed Jun. 6, 2003 by Weller et al. for INTERIOR REARVIEW MIRROR SYSTEM WITH COMPASS, now U.S. Pat. No. 7,004,593 (Attorney Docket DON01 P-1076), and/or in PCT Application No. PCT/US03/29776, filed Scp. 19, 2003 by Donnelly Corporation et al. for ELECTROCHROMIC MTRROR ASSEMBLY (Attorney Docket DON01 FP-1109(PCT)); PCT Application No. PCT/US03/35381, filed Nov. 5, 2003 by Donnelly Corporation et al. for ELECTRO-OPTIC REFLECTIVE ELEMENT ASSEMBLY (Attorney Docket DON01 FP-1116(PCT)); and/or PCT Application No. PCT/US03/40611, filed Dec. 19, 2003 by Donnelly Corporation et al. for ACCESSORY SYSTEM FOR VEHICLE (Attorney Docket DON01 FP-1123(PCT)), and/or in U.S. provisional applications, Scr. No. 60/508,086, filed Oct. 2, 2003 by Schofield for MIRROR REFLECTIVE ELEMENT ASSEMBLY INCLUDING ELECTRONIC COMPONENT (Attorney Docket DON01 P-1113); Ser. No. 60/525,952, filed Nov. 26, 2003 by Lynam for MIRROR REFLECTIVE ELEMENT FOR A VEHICLE (Attorney Docket DON01 P-1130); Ser. No. 60/471,546, filed May 19, 2003 (Attorney Docket DON01 P-1093); Scr. No. 60/525,537, filed Nov. 26, 2003 (Attorney Docket DON()1 P-1129); and Scr. No. 60/556,259, filed Mar. 25, 2004 (Attorney Docket DON01 P-1147), which are all hereby incorporated herein by reference, without affecting the scope of the present invention.

Please amend paragraph [0044] as follows:

5-15-08 Thy

**45** (0<del>044</del>1

4] Optionally, the mirror assembly may include or be associated with electronic accessories, such as, for example, antennas, including global positioning system (GPS) or cellular phone antennas, such as disclosed in U.S. Pat. No. 5,971,552, a communication module, such as disclosed in U.S. Pat. No. 5,798,688, a blind spot detection system, such as disclosed in U.S. Pat. Nos. 5,929,786 and/or 5,786,772, a high/low headlamp controller, such as disclosed in

PAGE 6/15 \* RCVD AT 2/27/2006 2:04:20 PM [Eastern Standard Time] \* SVR:USPTO-EFXRF-6/44 \* DNIS:2738300 \* CSID:6169885894 \* DURATION (mm-ss):03-28

### PATENT DON09 P-1152

#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Group Art: 2872Examiner: Alessandro V. AmariApplicant: Niall R. LynamSerial No.: 10/709,434Filing Date: May 5, 2004For: MIRROR REFLECTIVE ELEMENT

Confirmation No.: 3433 Notice of Allowance Mailing Date: May 2, 2008

Mail Stop Issue Fee Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Dear Sir:

#### AMENDMENT AFTER ALLOWANCE UNDER 37 CFR 1.312

Receipt of the Notice of Allowability and the Notice of Allowance and Fee(s) Due and Examiner's Amendment mailed May 2, 2008 in connection with the above identified application is hereby acknowledged.

Amendments to the Specification are on page 2 of this paper.

**Remarks** are on page 6 of this paper.

#### Amendments to the Specification:

Please amend paragraph [0042] as follows:

[0042] Optionally, it is envisioned that such ultrathin glass films, anti-abrasion films, reflective films or reflective systems may be used for electrochromic mirror reflective elements or cells as well. For example, the interior or exterior rearview mirror assembly of the present invention may comprise an electrochromic mirror, such as an electrochromic mirror assembly and electrochromic element utilizing principles disclosed in commonly assigned U.S. Pat. Nos. 5,140,455; 5,151,816; 6,690,268; 6,178,034; 6,154,306; 6,002,544; 5,567,360; 5,525,264; 5,610,756; 5,406,414; 5,253,109; 5,076,673; 5,073,012; 5,117,346; 5,724,187; 5,668,663; 5,910,854; 5,142,407 and/or 4,712,879, which are hereby incorporated herein by reference, and/or as disclosed in the following publications: N. R. Lynam, "Electrochromic Automotive Day/Night Mirrors", SAE Technical Paper Series 870636 (1987); N. R. Lynam, "Smart Windows for Automobiles", SAE Technical Paper Series 900419 (1990); N. R. Lynam and A. Agrawal, "Automotive Applications of Chromogenic Materials", Large Area Chromogenics: Materials and Devices for Transmittance Control, C.M. Lampert and C.G. Granquist, EDS., Optical Engineering Press, Wash. (1990), which are hereby incorporated by reference herein. The mirror assembly may comprise an interior rearview mirror assembly, and may include an accessory module or may be mounted to an accessory module, such as an accessory module of the types disclosed in U.S. pat. application, Ser. No. 10/355,454, filed Jan. 31, 2003 for VEHICLE ACCESSORY MODULE, now U.S. Pat. No. 6,824,281 (Attorney Docket DON01 P-1050), which is hereby incorporated herein by reference.

Please amend paragraph [0043] as follows:

[0043] Optionally, the mirror assembly may include one or more displays for displaying information to a driver of the vehicle at or through the reflective element of the mirror assembly. For example,

the mirror assembly may include one or more displays of the types described in U.S. Pat. Nos. 6,329,925; 6,501,387; 6,690,268; 5,910,854; 6,420,036; 5,668,663; and 5,724,187, and/or in U.S. pat. applications, Ser. No. 10/054,633, filed Jan. 22, 2002 by Lynam et al. for VEHICULAR LIGHTING SYSTEM, now U.S. Pat. No. 7,195,381-(Attorney Docket DON01 P-962); and Ser. No. 10/456,599, filed Jun. 6, 2003 by Weller et al. for INTERIOR REARVIEW MIRROR SYSTEM WITH COMPASS, now U.S. Pat. No. 7,004,593 (Attorney Docket DON01 P-1076), and/or in PCT Application No. PCT/US03/29776, filed Sep. 19, 2003 by Donnelly Corporation et al. for ELECTROCHROMIC MIRROR ASSEMBLY (Attorney Docket DON01 FP-1109(PCT)); PCT Application No. PCT/US03/35381, filed Nov. 5, 2003 by Donnelly Corporation et al. for ELECTRO-OPTIC REFLECTIVE ELEMENT ASSEMBLY (Attorney Docket DON01 FP-1116(PCT)); and/or PCT Application No. PCT/US03/40611, filed Dec. 19, 2003 by Donnelly Corporation et al. for ACCESSORY SYSTEM FOR VEHICLE (Attorney Docket DON01 FP-1123(PCT)), and/or in U.S. provisional applications, Ser. No. 60/508,086, filed Oct. 2, 2003 by Schofield for MIRROR REFLECTIVE ELEMENT ASSEMBLY INCLUDING ELECTRONIC COMPONENT (Attorney Docket DON01 P-1113); Ser. No. 60/525,952, filed Nov. 26, 2003 by Lynam for MIRROR REFLECTIVE ELEMENT FOR A VEHICLE (Attorney Docket DON01 P-<del>1130)</del>; Ser. No. 60/471,546, filed May 19, 2003 (Attorney Docket DON01 P-1093); Ser. No. 60/525,537, filed Nov. 26, 2003 (Attorney Docket DON01 P-1129); and Ser. No. 60/556,259, filed Mar. 25, 2004 (Attorney Docket DON01 P-1147), which are all hereby incorporated herein by reference, without affecting the scope of the present invention.

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[0044] Optionally, the mirror assembly may include or be associated with electronic accessories, such as, for example, antennas, including global positioning system (GPS) or cellular phone antennas, such as disclosed in U.S. Pat. No. 5,971,552, a communication module, such as disclosed in U.S. Pat. No. 5,798,688, a blind spot detection system, such as disclosed in U.S. Pat.

Nos. 5,929,786 and/or 5,786,772, a high/low headlamp controller, such as disclosed in U.S. Pat. Nos. 5,796,094 and/or 5,715,093, transmitters and/or receivers, such as a garage door opener or the like, a digital network, such as described in U.S. Pat. No. 5,798,575, a memory mirror system, such as disclosed in U.S. Pat. No. 5,796,176, a hands-free phone attachment, a video device for internal cabin surveillance and/or video telephone function, such as disclosed in U.S. Pat. Nos. 5,760,962 and/or 5,877,897, a remote keyless entry receiver or system or circuitry and/or a universal garage door opening system or circuitry (such as the types disclosed in U.S. Pat. Nos. 6,396,408; 6,362,771; 5,798,688 and 5,479,155, and/or U.S. pat. application, Ser. No. 10/770,736, filed Feb. 3, 2004 by Baumgardner et al. for GARAGE DOOR OPENING SYSTEM FOR VEHICLE, now U.S. Pat. No. 7,023,322-(Attorney Docket DON01 P-1135)), lights, such as map reading lights or one or more other lights or illumination sources, such as disclosed in U.S. Pat. Nos. 6,690,268; 5,938,321; 5,813,745; 5,820,245; 5,673,994; 5,649,756; 5,178,448; 5,671,996; 4,646,210; 4,733,336; 4,807,096; 6,042,253; and/or 5,669,698, and/or U.S. pat. application, Ser. No. 10/054,633, filed Jan. 22, 2002 by Lynam et al. for VEHICULAR LIGHTING SYSTEM, now U.S. Pat. No. 7,195,381 (Attorney Docket DON01 P-962), microphones, such as disclosed in U.S. Pat. Nos. 6,243,003; 6,278,377; and/or 6,420,975, and/or PCT Application No. PCT/US03/30877, filed Oct. 1, 2003 (Attorney Docket DON01 FP-1111(PCT)), speakers, a compass or compass system, such as disclosed in U.S. Pat. Nos. 5,924,212; 4,862,594; 4,937,945; 5,131,154; 5,255,442; and/or 5,632,092, and/or U.S. pat. application, Ser. No. 10/456,599, filed Jun. 6, 2003 by Weller et al. for INTERIOR REARVIEW MIRROR SYSTEM WITH COMPASS, now U.S. Pat. No. 7,004,593 (Attorney Docket DON01 P-1076), a navigation system, such as described in U.S. Pat. No. 6,477,464, and U.S. pat. applications, Ser. No. 10/456,599, filed Jun. 6, 2003 by Weller et al. for INTERIOR REARVIEW MIRROR SYSTEM WITH COMPASS, now U.S. Pat. No. 7,004,593-(Attorney Docket DON01 P-1076); Ser. No. 10/287,178, filed Nov. 4, 2002 by McCarthy et al. for NAVIGATION SYSTEM FOR A VEHICLE, now U.S. Pat. No. 6,678,614 (Attorney Docket DON01 P-1051); Ser. No. 10/645,762, filed Aug. 20, 2003 by Taylor et al. for VEHICLE

## NAVIGATION SYSTEM FOR USE WITH A TELEMATICS SYSTEM, now U.S. Pat. No.

<u>7,167,796 (Attorney Docket DON01 P-1103)</u>; and Ser. No. 10/422,378, filed Apr. 24, 2003, now U.S. Pat. No. 6,946,978 (Attorney Docket DON01 P-1074); and/or PCT Application No. PCT/US03/40611, filed Dec. 19, 2003 by Donnelly Corporation et al. for ACCESSORY SYSTEM FOR VEHICLE (Attorney Docket DON01 FP-1123(PCT)), a tire pressure monitoring system, such as the types disclosed in U.S. Pat. Nos. 6,294,989; 6,445,287; and/or 6,472,979, and/or in U.S. pat. application, Ser. No. 10/206,495, filed Jul. 26, 2002 by Schofield et al. for SELF TRAINING TIRE PRESSURE MONITORING SYSTEM, now U.S. Pat. No. 6,731,205 (Attorney Docket DON01 P-992), a seat occupancy detector, a trip computer, a telematics system, such as an ONSTAR<sup>®</sup> system or the like, and/or any other desired accessory or system or the like (with all of the above-referenced patents and patent applications and PCT applications being commonly assigned to Donnelly Corporation, and with the disclosures of all of the above referenced patents and PCT applications being hereby incorporated herein by reference in their entireties).

### **Remarks:**

Review of the specification revealed that the specification needed updating to reference the patent numbers of the incorporated patent applications, which have now issued as United States patents.

Because the present amendment relates to matters of form only, and does not require any further search on the part of the Examiner, it is respectfully submitted that it is proper for entry and such entry is requested along with a notice of approval of the amendment.

Respectfully submitted,

NIALL R. LYNAM

By: Van Dyke, Gardner, Linn & Burkhart, LLP

Date: May 16, 2008

Timothy A. Flory Registration No. 42 540 2851 Charlevoix Drive, S.E. P.O. Box 888695 Grand Rapids, MI 49588-8695 (616) 975-5500

Electronic Acl	Electronic Acknowledgement Receipt				
EFS ID:	3313627				
Application Number:	10709434				
International Application Number:					
Confirmation Number:	3433				
Title of Invention:	MIRROR REFLECTIVE ELEMENT				
First Named Inventor/Applicant Name:	Niall R. Lynam				
Customer Number:	28101				
Filer:	Timothy A. Flory/Amanda Sytsma				
Filer Authorized By:	Timothy A. Flory				
Attorney Docket Number:	DON01 P-1152				
Receipt Date:	16-MAY-2008				
Filing Date:	05-MAY-2004				
Time Stamp:	13:35:37				
Application Type:	Utility under 35 USC 111(a)				

# Payment information:

Submitted with	n Payment	no	no				
File Listing	g:						
Document Number	Document Description	File Name	File Size(Bytes) /Message Digest	Multi Part /.zip	Pages (if appl.)		
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2	Amendment after Notice of Allowance (Rule 312)	AmendmentAfterAllowance.p df	336975 0affbd076d153fbc679e3cd1b3d00cd1f 89b6dd4	no	6				
Warnings:	Warnings:								
Information	:								
		Total Files Size (in bytes):	4	16915					
characterize similar to a <u>New Applic</u> If a new app 37 CFR 1.53 shown on the <u>National Sta</u> If a timely s of 35 U.S.C. application in due cour <u>New Interna</u> If a new international course, sub	wledgement Receipt evidences receipt by the applicant, and including Post Card, as described in MPEP ations Under 35 U.S.C. 111 blication is being filed and the app 8(b)-(d) and MPEP 506), a Filing Re his Acknowledgement Receipt will age of an International Application ubmission to enter the national sta . 371 and other applicable requiren as a national stage submission ur se. ational Application Filed with the U ernational application is being filed s for an international filing date (se al Application Number and of the la ject to prescriptions concerning n establish the international filing date	page counts, where applic 503. lication includes the neces ceipt (37 CFR 1.54) will be establish the filing date of <u>under 35 U.S.C. 371</u> age of an international app nents a Form PCT/DO/EO/9 nder 35 U.S.C. 371 will be is <u>ISPTO as a Receiving Offic</u> and the international appl ee PCT Article 11 and MPE nternational Filing Date (Fo national security, and the data	able. It serves as e sary components fo issued in due cours the application. lication is complian 03 indicating accept sued in addition to <u>e</u> lication includes the P 1810), a Notification prm PCT/RO/105) wi	vidence of or a filing d se and the o tance of th the Filing e necessar on of the Il be issued	receipt late (see date conditions ne Receipt, y d in due				

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Under the Paperwork Reduc	ction Act of 1995, no persons	are required to respond to a col Application Number	10/709,434		t displays a valid OMB control number.	
	ΙΤΤΔΙ	Filing Date	May 5, 200			
FOR	ļ	First Named Inventor	Niall R. Ly			
		Art Unit	2872			
//- h // // // // ////////////////////		Examiner Name	Alessandro	v. Amari		
	(to be used for all correspondence after initial filing)     Attorney Docket Number       Total Number of Pages in This Submission     7					
ENCLOSURES (Check all that apply)						
Extension of Time Rec Express Abandonmen Information Disclosure	Fee Attached       Licensing-related Papers       Appeal Communication to Board of Appeals and Interferences         Amendment/Reply       Petition       Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)         Petition to Convert to a       Description       Description					
Certified Copy of Prior Document(s) Reply to Missing Parts Incomplete Application Reply to Missir under 37 CFR	s/ n ng Parts	(5				
	SIGNATURE O	F APPLICANT, ATTO	RNEY. O	RAGENT		
Firm Name VAN DYKE,	, GARDNER, LINN & BUI					
Signature Text	t ple_	~				
Printed name Timothy A. I	flory	-				
Date May 16, 200	Date May 16, 2008 Reg. No. 42 540					
sufficient postage as first class the date shown below:	CERTIFICATE OF TRANSMISSION/MAILING  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 on the date shown below:				ited States Postal Service with Alexandria, VA 22313-1450 on	
Signature	<u>Amarda P</u> .	styteme	)			
Typed or printed name Am	nanda R. Sytsma			Date	May 16, 2008	

This collection of information is required by 37 CFR 1.5. 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 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, 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.

	ed States Patent	I AND TRADEMARK OFFICE	UNITED STATES DEPAR United States Patent and Address: COMMISSIONER F P.O. Box 1450 Alexandra, Virginia 22: www.uspto.gov	FOR PATENTS
APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/709,434	05/05/2004	Niall R. Lynam	DON01 P-1152	3433
	7590 06/16/2008 GARDNER, LINN & BU		EXAM	IINER
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2851 CHARLE GRAND RAPII	VOIX DRIVE, S.E. DS, MI 49546		ART UNIT	PAPER NUMBER
			2872	
			MAIL DATE	DELIVERY MODE
			06/16/2008	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.

		Application No.	Applicant(s)
<b>D</b>		10/709,434	LYNAM, NIALL R.
Respo	onse to Rule 312 Communication	Examiner	Art Unit
		ALESSANDRO AMARI	2872
	The MAILING DATE of this communication	appears on the cover sheet wit	h the correspondence address –
	amendment filed on <u>16 May 2008</u> under 37 CFR 1 entered.	.312 has been considered, and h	as been:
	entered as directed to matters of form not affectir	ng the scope of the invention.	
c) 🗌	disapproved because the amendment was filed a Any amendment filed after the date the issue and the required fee to withdraw the application	fee is paid must be accompanied	
d) 🗌	disapproved. See explanation below.		
e) 🗌	entered in part. See explanation below.		
		/Alessandro Amari/	t   Init 2072
		Primary Examiner, Ar	

Reponse to Rule 312 Communication

Part of Paper No. 20080611

OK TO ENTER: /AA/

## PATENT DON09 P-1152

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Group Art	:	2872
Examiner	:	Alessandro V. Amari
Applicant	:	Niall R. Lynam
Serial No.	:	10/709,434
Filing Date	:	May 5, 2004
For	:	MIRROR REFLECTIVE ELEMENT

Confirmation No.: 3433 Notice of Allowance Mailing Date: May 2, 2008

Mail Stop Issue Fee Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Dear Sir:

#### AMENDMENT AFTER ALLOWANCE UNDER 37 CFR 1.312

Receipt of the Notice of Allowability and the Notice of Allowance and Fee(s) Due and Examiner's Amendment mailed May 2, 2008 in connection with the above identified application is hereby acknowledged.

Amendments to the Specification are on page 2 of this paper.

**Remarks** are on page 6 of this paper.

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				July 28			(Date)
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10/709,434 TITLE OF INVENTION	05/05/2004 I: MIRROR REFLECTIV	/E ELEMENT	Niall R. Lynam			DONO <b>9</b> P-1152	3433
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Electronic Patent Application Fee Transmittal					
Application Number:	10	709434			
Filing Date:	05	05-May-2004			
Title of Invention:	MI	RROR REFLECT	IVE ELEMEN	Т	
First Named Inventor/Applicant Name:	Ni	all R. Lynam			
Filer:	Timothy A. Flory/Kristen Buter				
Attorney Docket Number:	y Docket Number: DON01 P-1152				
Filed as Large 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:					
Utility Appl issue fee		1501	1	1440	1440
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Miscellaneous:				
	Tota	al in USE	D (\$)	1740

Electronic Acl	Electronic Acknowledgement Receipt				
EFS ID:	3684159				
Application Number:	10709434				
International Application Number:					
Confirmation Number:	3433				
Title of Invention:	MIRROR REFLECTIVE ELEMENT				
First Named Inventor/Applicant Name:	Niall R. Lynam				
Customer Number:	28101				
Filer:	Timothy A. Flory/Kristen Buter				
Filer Authorized By:	Timothy A. Flory				
Attorney Docket Number:	DON01 P-1152				
Receipt Date:	28-JUL-2008				
Filing Date:	05-MAY-2004				
Time Stamp:	15:36:04				
Application Type:	Utility under 35 USC 111(a)				

# Payment information:

Submitted with Payment yes				
Payment Type	Credit Card			
Payment was successfully received in RAM	nt was successfully received in RAM \$1740			
AM confirmation Number 886				
Deposit Account	eposit Account 220190			
Authorized User FLORY, TIMOTHY A				
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 1.20 (Post Issuance fees)				

Document Number	Document Description	File Name	File Size(Bytes) /Message Digest	Multi Part /.zip	Pages (if appl.)
1	lssue Fee Payment (PTO-85B)	IssueFeeTransmittal.pdf	137688	no	1
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2	Fee Worksheet (PTO-06)	fee-info.pdf	8272	no	2
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IFW SENT

Applicant:Niall R. LynamSerial No.:10/709,434Page:2

#### Amendments to the Specification:

Please amend paragraph [0042] as follows:

TR 8/4/08

43 [00#2] Optionally, it is envisioned that such ultrathin glass films, anti-abrasion films, reflective films or reflective systems may be used for electrochromic mirror reflective elements or cells as well. For example, the interior or exterior rearview mirror assembly of the present invention may comprise an electrochromic mirror, such as an electrochromic mirror assembly and electrochromic element utilizing principles disclosed in commonly assigned U.S. Pat. Nos. 5,140,455; 5,151,816; 6,690,268; 6,178,034; 6,154,306; 6,002,544; 5,567,360; 5,525,264; 5,610,756; 5,406,414; 5,253,109; 5,076,673; 5,073,012; 5,117,346; 5,724,187; 5,668,663; 5,910,854; 5,142,407 and/or 4,712,879, which are hereby incorporated herein by reference, and/or as disclosed in the following publications: N. R. Lynam, "Electrochromic Automotive Day/Night Mirrors", SAE Technical Paper Series 870636 (1987); N. R. Lynam, "Smart Windows for Automobiles", SAE Technical Paper Series 900419 (1990); N. R. Lynam and A. Agrawal, "Automotive Applications of Chromogenic Materials", Large Area Chromogenics: Materials and Devices for Transmittance Control, C.M. Lampert and C.G. Granquist, EDS., Optical Engineering Press, Wash. (1990), which are hereby incorporated by reference herein. The mirror assembly may comprise an interior rearview mirror assembly, and may include an accessory module or may be mounted to an accessory module, such as an accessory module of the types disclosed in U.S. pat. application, Ser. No. 10/355,454, filed Jan. 31, 2003 for VEHICLE ACCESSORY MODULE, now U.S. Pat. No. 6,824,281-(Attorney Docket DON01 P 1050), which is hereby incorporated herein by reference.

> 44 Please amend paragraph [0043] as follows:

5/6/08 [0043]

S] Optionally, the mirror assembly may include one or more displays for displaying information to a driver of the vehicle at or through the reflective element of the mirror assembly. For example,

JFW

the mirror assembly may include one or more displays of the types described in U.S. Pat. Nos. 6,329,925; 6,501,387; 6,690,268; 5,910,854; 6,420,036; 5,668,663; and 5,724,187, and/or in U.S. pat. applications, Ser. No. 10/054,633, filed Jan. 22, 2002 by Lynam et al. for VEHICULAR LIGHTING SYSTEM, now U.S. Pat. No. 7,195,381 (Attorney Docket DON01 P-962); and Ser. No. 10/456,599, filed Jun. 6, 2003 by Weller et al. for INTERIOR REARVIEW MIRROR SYSTEM WITH COMPASS, now U.S. Pat. No. 7,004,593 (Attorney Docket DON01 P-1076), and/or in PCT Application No. PCT/US03/29776, filed Sep. 19, 2003 by Donnelly Corporation et al. for ELECTROCHROMIC MIRROR ASSEMBLY (Attorney Docket DON01 FP-1109(PCT)); PCT Application No. PCT/US03/35381, filed Nov. 5, 2003 by Donnelly Corporation et al. for ELECTRO-OPTIC REFLECTIVE ELEMENT ASSEMBLY (Attorney Docket DON01-FP-1116(PCT)); and/or PCT Application No. PCT/US03/40611, filed Dec. 19, 2003 by Donnelly Corporation et al. for ACCESSORY SYSTEM FOR VEHICLE (Attorney Docket DON01 FP-1123(PCT)), and/or in U.S. provisional applications, Scr. No. 60/508,086, filed Oct. 2, 2003 by Schofield for MIRROR REFLECTIVE ELEMENT ASSEMBLY INCLUDING ELECTRONIC COMPONENT (Attorney Docket DON01 P 1113); Ser. No. 60/525,952, filed Nov. 26, 2003 by Lynam for MIRROR REFLECTIVE ELEMENT FOR A VEHICLE (Attorney Docket DON01 P-<del>1130)</del>; Ser. No. 60/471,546, filed May 19, 2003 (Attorney Docket DON01 P-1093); Ser. No. 60/525,537, filed Nov. 26, 2003 (Attorney Docket DON01 P-1129); and Ser. No. 60/556,259, filed Mar. 25, 2004 (Attorney Docket DON01 P-1147), which are all hereby incorporated herein by reference, without affecting the scope of the present invention.

١

Please amend paragraph [0044] as follows:

[00]44] Optionally, the mirror assembly may include or be associated with electronic accessories, such as, for example, antennas, including global positioning system (GPS) or cellular phone antennas, such as disclosed in U.S. Pat. No. 5,971,552, a communication module, such as disclosed in U.S. Pat. No. 5,798,688, a blind spot detection system, such as disclosed in U.S. Pat.



# UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	ISSUE DATE	PATENT NO.	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/709,434	09/02/2008	7420756	DON01 P-1152	3433

28101 7590 08/13/2008 VAN DYKE, GARDNER, LINN & BURKHART, LLP SUITE 207 2851 CHARLEVOIX DRIVE, S.E. GRAND RAPIDS, MI 49546

# **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 40 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 Customer Service Center of the Office of Patent Publication at (571)-272-4200.

APPLICANT(s) (Please see PAIR WEB site http://pair.uspto.gov for additional applicants):

Niall R. Lynam, Holland, MI;

PTO/SB/44 (09-07) Approved for use through 08/31/2010. OMB 0651-0033 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 displays a valid OMB control number. (Also Form PTO-1050)

# UNITED STATES PATENT AND TRADEMARK OFFICE CERTIFICATE OF CORRECTION

Page <u>1</u> of <u>1</u>

PATENT NO. : 7,420,756 B2

APPLICATION NO.: 10/709,434

ISSUE DATE : September 2, 2008

INVENTOR(S) : Niall R. Lynam

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Column 8:

Line 15, "or" should be --of--. Line 28, "Welter" should be --Weller--.

Column 9:

Line 8, "Lynarn" should be --Lynam--. Line 9, "7,023,322" should be --7,195,381--.

MAILING ADDRESS OF SENDER (Please do not use customer number below):

Van Dyke, Gardner, Linn & Burkhart, LLP 2851 Charlevoix Drive S.E., Suite 207 Grand Rapids, MI 49588-8695

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. 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 1.0 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: Attention Certificate of Corrections Branch, 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.

Electronic Acknowledgement Receipt				
EFS ID:	4955011			
Application Number:	10709434			
International Application Number:				
Confirmation Number:	3433			
Title of Invention:	MIRROR REFLECTIVE ELEMENT			
First Named Inventor/Applicant Name:	Niall R. Lynam			
Customer Number:	28101			
Filer:	Timothy A. Flory/Chana Withers			
Filer Authorized By:	Timothy A. Flory			
Attorney Docket Number:	DON01 P-1152			
Receipt Date:	12-MAR-2009			
Filing Date:	05-MAY-2004			
Time Stamp:	14:44:17			
Application Type:	Utility under 35 USC 111(a)			

# Payment information:

Submitted with Payment		no				
File Listing:						
Document Number	<b>Document Description</b>		File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Miscellaneous Incoming Letter	Т	ransmittalFormSigned.pdf	63301	no 1	
	Miscellaneous incoming Letter	38e7c9a70e7472854ac3590cc10 d6c6			110	I
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Information:						

2	Request for Certificate of Correction	CertificateOfCorrectionForm.	663581	no	1		
		pdf	4b317d33e6b055b905f4de7bec61f35f480 0ad43				
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Information	:						
		): 726882					
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	ntions 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.

PTO/SB/21 (09-08)

Under the Paperwork Reduction Act of 1995, no	U.S.	Patent and Tra	domark Office: I	through 10/31/2008. OMB 0651-0031 J.S. DEPARTMENT OF COMMERCE
	Application Number	10/709,434	mation unless it	displays a valid OMB control number.
TRANSMITTAL	Filing Date	May 5, 2004		
FORM	First Named Inventor	Niall R. Lyna	· · · · · · · · · · · · · · · · · · ·	
	Art Unit	2872		
(to be used for all correspondence after initial filin	Examiner Name	Alessandro	V. Amari	
Total Number of Pages in This Submission 2	Attorney Docket Number	DON09 P-1	152	
	ENCLOSURES (Check al	l that apply)		
			After A	Allowance Communication to TC
Fee Transmittal Form	Licensing-related Papers		Appea	al Communication to Board
Amendment/Reply After Final Affidavits/declaration(s) Extension of Time Request Express Abandonment Request Information Disclosure Statement	Petition Petition to Convert to a Provisional Application Power of Attorney, Revocatio Change of Correspondence Terminal Disclaimer Request for Refund CD, Number of CD(s) Landscape Table on C Remarks	Address	Appea (Appea Propri Status Other below	Il Communication to TC Il Notice, Brief, Reply Brief) etary Information I Letter Enclosure(s) (please Identify
SIGNATU	JRE OF APPLICANT, ATTO	RNEY, OF	RAGENT	
Van Dyke, Gardner, Linn & E	Burkhart, LLP			
Signature TAT				
Printed name Timothy A. Flory	· · · · · · · · · · · · · · · · · · ·			
Date March 12, 2009		Reg. No.	42 540	· · · · · · · · · · · · · · · · · · ·
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Typed or printed name Chana L. Withers	J -	Date March 12, 2009		

This collection of information is required by 37 CFR 1.5. 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 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, 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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# UNITED STATES PATENT AND TRADEMARK OFFICE CERTIFICATE OF CORRECTION

 PATENT NO.
 : 7,420,756 B2

 APPLICATION NO.
 : 10/709434

 DATED
 : September 2, 2008

 INVENTOR(S)
 : Niall R. Lynam

Page 1 of 1

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

<u>Column 8:</u> Line 15, "or" should be --of--. Line 28, "Welter" should be --Weller--.

<u>Column 9:</u> Line 8, "Lynarn" should be --Lynam--. Line 9, "7,023,322" should be --7,195,381--.

Signed and Sealed this

Seventh Day of April, 2009

John Ooll

JOHN DOLL Acting Director of the United States Patent and Trademark Office

> SMR USA Exhibit 1028 Page 252