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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
14/523,650	10/24/2014	John C. BYRD	PIR-88501	1095
136314	7590	11/03/2016	EXAMINER	
FOLEY HOAG, LLP (W/PIR) PATENT GROUP, Seaport West 155 SEAPORT BLVD BOSTON, MA 02210			TRAN, MY CHAU T	
			ART UNIT	PAPER NUMBER
			1629	
			NOTIFICATION DATE	DELIVERY MODE
			11/03/2016	ELECTRONIC

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

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

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 14/523,650	Applicant(s) BYRD ET AL.	
	Examiner MY-CHAU T. TRAN	Art Unit 1629	AIA (First Inventor to File) Status Yes

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

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTHS FROM THE MAILING DATE OF THIS COMMUNICATION.

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

Status

- 1) Responsive to communication(s) filed on 07/22/2016.
 A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on _____.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) An election was made by the applicant in response to a restriction requirement set forth during the interview on _____; the restriction requirement and election have been incorporated into this action.
- 4) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims*

- 5) Claim(s) 1,3-11,15,16 and 18-25 is/are pending in the application.
5a) Of the above claim(s) 19 and 20 is/are withdrawn from consideration.
- 6) Claim(s) _____ is/are allowed.
- 7) Claim(s) 1,3-6,15,16,18,21 and 25 is/are rejected.
- 8) Claim(s) 7-11 and 22-24 is/are objected to.
- 9) Claim(s) _____ are subject to restriction and/or election requirement.

* If any claims have been determined allowable, you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see http://www.uspto.gov/patents/init_events/pph/index.jsp or send an inquiry to PPHfeedback@uspto.gov.

Application Papers

- 10) The specification is objected to by the Examiner.
- 11) The drawing(s) filed on 10/24/2014 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

Priority under 35 U.S.C. § 119

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

Certified copies:

- a) All b) Some** c) None of the:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

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

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Information Disclosure Statement(s) (PTO/SB/08a and/or PTO/SB/08b)
Paper No(s)/Mail Date 07/06/2016.
- 3) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 4) Other: _____.

DETAILED ACTION

Application and Claims Status

1. Applicant's amendment and response filed on 07/22/2016 are acknowledged and entered.
2. Claims 1-20 were pending. Applicants have amended claims 1, 7-9, 11, and 16; cancelled claims 2, 12-14, and 17; and added claims 21-25. Therefore, claims 1, 3-11, 15, 16, and 18-25 are currently pending. Claims 19 and 20 are drawn to non-elected species and/or inventions, wherein the election was made *without* traverse in the reply filed on 02/02/2016, and thus these claims remain withdrawn from further consideration by the examiner, 37 CFR 1.142(b), there being no allowable generic claim. Accordingly, claims 1, 3-11, 15, 16, and 18-25 are under consideration in this Office Action.
3. The present application, filed on or after March 16, 2013, is being examined under the first inventor to file provisions of the AIA.

Information Disclosure Statement

4. The information disclosure statement (IDS) that was filed on 07/06/2016 has been reviewed, and the references that have been considered are initialed as recorded in PTO-1449 forms.

Status of Claim(s) Objection(s) and /or Rejection(s)

5. The rejection of claims 1 and 3-18 under 35 U.S.C. 112(a) or 35 USC 112 (pre-AIA), first paragraph (scope of enablement) has been withdrawn in view of applicant's amendments of claims 1, 7-9, 11, and 16 and/or cancellation of claims 12-14, and 17 thereto.

6. The rejection of claims 1, 3-6, 11, 12, and 18 under 35 U.S.C. 102(a)(1)/102(a)(2) as being anticipated by Izumi et al. (US Patent Application Publication US 2015/0086507 A1; *Effective Filing Date of 04/11/2012*) has been withdrawn in light of applicant's arguments (see pages 6-8, filed on 07/22/2016) and/or amendments of claims 1, 7-9, 11, and 16 thereto.
7. The rejection of claims 1-18 under 35 U.S.C. 102(a)(1)/102(a)(2) as anticipated by or, in the alternative, under 35 U.S.C. 103 as obvious over Izumi et al. (US Patent Application Publication US 2015/0086507 A1; *Effective Filing Date of 04/11/2012*) has been withdrawn in view of applicant's arguments (see pages 6-8, filed on 07/22/2016) and/or amendments of claims 1, 7-9, 11, and 16 and/or cancellation of claims 2, 12-14, and 17 thereto.
8. The provisional rejection under the judicially created doctrine of obviousness-type double patenting of claim 2 over claim 1 of copending Application No. 14/558,297 (US Patent Application Publication US 2015/0157634 A1) has been withdrawn in light of the cancellation of claim 2 thereto.

Maintained Rejection(s)

Double Patenting

9. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory double patenting rejection is appropriate

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where the claims at issue are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the reference application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement. A terminal disclaimer must be signed in compliance with 37 CFR 1.321(b).

The USPTO internet Web site contains terminal disclaimer forms which may be used. Please visit <http://www.uspto.gov/forms/>. The filing date of the application will determine what form should be used. A web-based eTerminal Disclaimer may be filled out completely online using web-screens. An eTerminal Disclaimer that meets all requirements is auto-processed and approved immediately upon submission. For more information about eTerminal Disclaimers, refer to <http://www.uspto.gov/patents/process/file/efs/guidance/eTD-info-I.jsp>.

10. Claims 1, 3-6, 15, 16, and 18 are provisionally rejected on the ground of nonstatutory double patenting as being unpatentable over claims 1-5, 16, 17, and 19 of copending Application

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