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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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11/463,215	08/08/2006	David F. MACNEIL	31700.000107	6568
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64770 7590 06/06/2007
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EXAMINER

MORROW, JASON S

ART UNIT	PAPER NUMBER
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3612

MAIL DATE	DELIVERY MODE
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06/06/2007

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.

Office Action Summary

Application No.

11/463,215

Applicant(s)

MACNEIL

Examiner

Jason S. Morrow

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

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

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

Status

- 1) Responsive to communication(s) filed on ____.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) 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

- 4) Claim(s) 21-27 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) Claim(s) ____ is/are allowed.
- 6) Claim(s) 21-27 is/are rejected.
- 7) Claim(s) ____ is/are objected to.
- 8) Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 08 August 2006 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).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 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:
- Certified copies of the priority documents have been received.
 - Certified copies of the priority documents have been received in Application No. ____.
 - 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)

- Notice of References Cited (PTO-892)
- Notice of Draftsperson's Patent Drawing Review (PTO-948)
- Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 3/27/07, 10/6/06, 8/8/06
- Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____
- Notice of Informal Patent Application
- Other:

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DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 27 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 27 recites the limitation "the third upstanding sidewall" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 27 recites the limitation "the fourth upstanding wall" in line 2. There is insufficient antecedent basis for this limitation in the claim.

It is suggested that to correct the above mentioned problems, applicant should change the dependence of the claim from "25" to --26--.

Specification

3. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

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4. The abstract of the disclosure is objected to because it uses the term “means” in line 1.

Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 102

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

A person shall be entitled to a patent unless –

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

6. Claims 21, 25, 26, and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Morawski (US Patent 4,280,729).

Re claim 21, Morawski discloses a vehicle floor tray (see figure 7), comprising a floor substantially conforming to a floor of a vehicle foot well, the floor having at least one longitudinally disposed lateral side and at least one transversely disposed lateral side, a first wall integrally formed with the floor and upwardly extending from the first lateral side of the floor, a second wall integrally formed with the floor and the first wall and upwardly extending from the second lateral side of the floor, the floor of the tray having an upper surface including a general portion and a reservoir portion, a general surface of the reservoir portion being lower than and surrounded by the general portion of the upper surface of the floor of the tray, a plurality of channels (14a) molded into the general portion of the upper surface of the tray, bottoms of the channels being lower than the general portion of the upper surface of the tray but higher than the general surface of the reservoir portion, and a plurality of longitudinally oriented baffles (26α) disposed in the reservoir portion and a plurality of transversely oriented baffles disposed baffles

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disposed in the reservoir portion which are joined to ones of the longitudinally disposed baffles, the channels acting to channel drip water to the reservoir portion, the baffles acting to impede lateral movement of the drip water occurring because of vehicle motion.

Re claim 25, Morawski discloses a removable vehicle floor tray (see figure 7) which may be removably installed into a vehicle foot well, comprising a floor substantially occupying a horizontal plane, and a plurality of sidewalls including a first longitudinally oriented upstanding sidewall extending from the floor to a top margin and a second substantially transversely oriented upstanding sidewall extending from the floor to a top margin, the sidewalls joined at an angle to each other, the top margin of the first sidewall being continuous with a top margin of the second sidewall, the top margins being substantially located in a plane which tilts forwardly and upwardly relative to said horizontal plane.

Re claim 26, the sidewalls of the tray further include a third upstanding sidewall which extends from the floor to a top margin and a fourth upstanding sidewall which extends from the floor to a top margin, the top margins of the third and fourth sidewalls being continuous with the top margins of the first and second sidewalls and being substantially coplanar therewith.

Re claim 27, the third upstanding sidewall conforms to a kick plate of the vehicle foot well and the fourth upstanding sidewall conforms to a seat pedestal of the vehicle foot well, the third and fourth upstanding sidewalls spaced apart by a substantially horizontal door sill plate of the tray.

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