

EXHIBIT 1



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
90/019,124	10/17/2022	15942282	071994-0099	2064
20551	7590	11/09/2023	EXAMINER ENGLAND, DAVID E	
THORPE NORTH & WESTERN, LLP. P.O. Box 1219 SANDY, UT 84091-1219				
			ART UNIT	PAPER NUMBER
			3992	
			MAIL DATE	DELIVERY MODE
			11/09/2023	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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***EX PARTE* REEXAMINATION COMMUNICATION TRANSMITTAL FORM**

REEXAMINATION CONTROL NO. 90/019,124 .

PATENT UNDER REEXAMINATION 10218606 .

ART UNIT 3992 .

Enclosed is a copy of the latest communication from the United States Patent and Trademark Office in the above identified *ex parte* reexamination proceeding (37 CFR 1.550(f)).

Where this copy is supplied after the reply by requester, 37 CFR 1.535, or the time for filing a reply has passed, no submission on behalf of the *ex parte* reexamination requester will be acknowledged or considered (37 CFR 1.550(g)).

Notice of Intent to Issue Ex Parte Reexamination Certificate	Control No. 90/019,124	Patent Under Reexamination 10218606	
	Examiner DAVID E ENGLAND	Art Unit 3992	AIA Status No

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

- Prosecution on the merits is (or remains) closed in this *ex parte* reexamination proceeding. This proceeding is subject to reopening at the initiative of the Office or upon petition. *Cf.* 37 CFR 1.313(a). A Certificate will be issued in view of
 - Patent owner's communication(s) filed: 07/24/2023.
 - Patent owner's failure to file an appropriate timely response to the Office action mailed: _____.
 - Patent owner's failure to timely file an Appeal Brief (37 CFR 41.31).
 - The decision on appeal by the Board of Patent Appeals and Interferences Court dated _____
 - Other: _____.
- The Reexamination Certificate will indicate the following:
 - Change in the Specification: Yes No
 - Change in the Drawing(s): Yes No
 - Status of the Claim(s):
 - Patent claim(s) confirmed: 1, 3 – 9, 11, 13 – 16, 18 – 24, 26, 27, 29, 30, 32, 35 – 37, 41, 42, 44.
 - Patent claim(s) amended (including dependent on amended claim(s)): _____
 - Patent claim(s) canceled: _____.
 - Newly presented claim(s) patentable: 50-57.
 - Newly presented canceled claims: _____.
 - Patent claim(s) previously currently disclaimed: _____
 - Patent claim(s) not subject to reexamination: 2, 10, 12, 17, 25, 28, 31, 33-34, 38-40, 43 and 45-49.
- A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on _____.
- Note the attached statement of reasons for patentability and/or confirmation. Any comments considered necessary by patent owner regarding reasons for patentability and/or confirmation must be submitted promptly to avoid processing delays. Such submission(s) should be labeled: "Comments On Statement of Reasons for Patentability and/or Confirmation."
- Note attached NOTICE OF REFERENCES CITED (PTO-892).
- Note attached LIST OF REFERENCES CITED (PTO/SB/08 or PTO/SB/08 substitute).
- The drawing correction request filed on _____ is: approved disapproved.
- Acknowledgment is made of the priority claim under 35 U.S.C. § 119(a)-(d) or (f).
 - All
 - Some*
 - None of the certified copies have
 - been received.
 - not been received.
 - been filed in Application No. _____.
 - been filed in reexamination Control No. _____.
 - been received by the International Bureau in PCT Application No. _____.

* Certified copies not received: _____.
- Note attached Examiner's Amendment.
- Note attached Interview Summary (PTO-474).
- Other: _____.

All correspondence relating to this reexamination proceeding should be directed to the **Central Reexamination Unit** at the mail, FAX, or hand-carry addresses given at the end of this Office action.

/DAVID E ENGLAND/ Primary Examiner, Art Unit 3992	
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cc: Requester (if third party requester)
U.S. Patent and Trademark Office

Application/Control Number: 90/019,124
Art Unit: 3992

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NOTICE OF INTENT TO ISSUE AN EXPARTE REEXAMINATION CERTIFICATE

1. This action is in response to the PO filing of a Responses, dated 09/29/2023 and 07/24/2023, in response to the Notification of Defective Papers in Reexam dated 09/22/2023 and the Non-Final Office action, filed 04/24/2023, respectively, with regards to claims 1, 3 – 9, 11, 13 – 16, 18 – 24, 26, 27, 29, 30, 32, 35 – 37, 41, 42, 44, and newly added claims 50 – 57 of US Patent No. 10,218,606 to Perreault et al., hereinafter “the ‘606 Patent”.
2. The present application is being examined under the pre-AIA first to invent provisions.

History and Status of Proceeding

3. A request for *ex parte* reexamination of claims 1, 3 – 9, 11, 13 – 16, 18 – 24, 26, 27, 29, 30, 32, 35 – 37, 41, 42, and 44 of the ‘606 Patent was filed 06/30/2022.
4. An Order granting the request for *ex parte* reexamination was mailed on 11/25/2022.
5. A Non-final Office action was mailed on 04/24/2023, rejecting claims 1, 3 – 9, 11, 13 – 16, 18 – 24, 26, 27, 29, 30, 32, 35 – 37, 41, 42, and 44.
6. A Response to the Non-final Office action was filed 07/24/2023 along with an amendment to the claims adding claims 50 – 57 and a Declaration of Dr. Danijela Cabric Under 37 C.F.R. §1.132.
7. An interview was conducted 08/29/2023 to discuss the limitations in claim 1, see Examiner’s Interview summary dated 09/22/2023, and PO’s Interview Summary dated 09/29/2023.
8. A Notification of Defective Paper in a Reexam was filed 09/22/2023.

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