



# 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](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
17/440,875	09/20/2021	Sujin YANG	Q61021YG02	8376
89340	7590	02/29/2024	EXAMINER	
The PL Law Group, PLLC 13800 Coppermine Road FL 1-3 Herndon, VA 20171			BAKER, ADAM D	
			ART UNIT	PAPER NUMBER
			3786	
			NOTIFICATION DATE	DELIVERY MODE
			02/29/2024	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):

[mail@thepllaw.com](mailto:mail@thepllaw.com)

<b>Office Action Summary</b>	<b>Application No.</b> 17/440,875	<b>Applicant(s)</b> YANG, Sujin	
	<b>Examiner</b> ADAM D BAKER	<b>Art Unit</b> 3786	<b>AIA (FITF) Status</b> 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 9/20/21.  
☐ 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) 1-7 is/are pending in the application.  
5a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 6) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 7) ☒ Claim(s) 1-7 is/are rejected.
- 8) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 9) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement

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

#### Application Papers

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☒ The drawing(s) filed on 9/20/21 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 9/20/21
- 3) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### ***Notice of Pre-AIA or AIA Status***

The present application, filed on or after March 16, 2013, is being examined under the first inventor to file provisions of the AIA.

### ***Priority***

Applicant's claim for the benefit of a prior-filed application KR10-2019-0031746 under 35 U.S.C. 119 is acknowledged.

Applicant's claim for the benefit of a prior-filed application PCT/KR2020/002639 under 35 U.S.C. 371 is acknowledged.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent for a claimed invention may not be obtained, notwithstanding that the claimed invention is not identically disclosed as set forth in section 102, if the differences between the claimed invention and the prior art are such that the claimed invention as a whole would have been obvious before the effective filing date of the claimed invention to a person having ordinary skill in the art to which the claimed invention pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-7 are rejected under 35 U.S.C. 103 as being unpatentable over Staab (US 2007/0175484) in view of Alieva (DE102008062426A1) and in view of Kumosani et al (US 10,154,958) and in view of Hajhashemi et al (Hajhashemi et al, *Analgesic and Anti-inflammatory Effects of Rosa damascene Hydroalcoholic Extract and its Essential Oil in Animal Models*, Iranian Journal of Pharmaceutical Research, 9 (2): 163-168 (2010)) and in view of Santo et al (US 2005/0255076).**

**With respect to claim 1**, Staab discloses A condom comprising: a condom body ([0016], condom body 10); and a lubricant layer formed on an outer surface of the condom body by applying a lubricant solution comprising a mixture of a lubricant and a composition for antibacterial and anti-inflammatory activities to the outer surface ([0009], [0029], composition which improved lubricity- so is a lubricant- with an antibacterial and an anti-inflammatory).

Staab is silent on the composition comprising, as an active ingredient, a combination comprising a fisetin compound, a *Rose damascene* extract, a *Paeonia suffruticosa Andr.* extract, and a *Scutellaria baicalensis* extract.

Alieva teaches an analogous active ingredient in which the combined flavonoid (fisetin is a type of flavonoid) essential oil have an anti-inflammatory effect (p 2 II 16-17, Examiner notes that “phlovonoid” is the untranslated term “flavonoid”).

It would have been obvious to one of ordinary skill in the art before the effective filing date of the claimed invention to modify the anti-inflammatory active ingredients of Staab to be an essential oil and a flavonoid as taught by Alieva to be effective in reducing inflammation (Alieva p 2 II 16-17).

Staab/Alieva is silent on the flavonoid being a fisetin compound and the essential oil being a *Rose damascene* extract, and a *Paeonia suffruticosa Andr.* extract, and a *Scutellaria baicalensis* extract.

Kumosani et al teaches an analogous anti-inflammatory flavonoid for vaginal use which is fisetin (col 16 II 30-35, col 1 II 10-15, col 6 II 10-20).

It would have been obvious to one of ordinary skill in the art before the effective filing date of the claimed invention to modify the flavonoid of Staab/Alieva to be fisetin as taught by Kumosani et al in order to have a flavonoid that is effective as an anti-inflammatory and is known to be safe in the vagina (Kumosani et al col 16 II 30-35, col 1 II 10-15, col 6 II 10-20)

Staab/Alieva/Kumosani et al is silent on the essential oil being a *Rose damascene* extract, and a *Paeonia suffruticosa Andr.* extract, and a *Scutellaria baicalensis* extract.

Hajhashemi et al teaches an analogous essential oil for anti-inflammation in which the essential oil is *Rose damascene* extract (p 164 col 1).

It would have been obvious to one of ordinary skill in the art before the effective filing date of the claimed invention to modify the essential oil of Staab/Alieva/Kumosani et al to be *Rose damascene* extract in order to have an ingredient with well-known anti-inflammatory effects (p 167 col 2).

Staab/Alieva/Kumosani et al/Hajhashemi et al is silent on and a *Paeonia suffruticosa Andr.* extract, and a *Scutellaria baicalensis* extract.

Santo et al teaches an analogous therapeutic compound with anti-bacterial and anti-inflammatory activities wherein the compound comprises *Paeonia suffruticosa Andr.* Extract ([0029], extract added to

other compounds with similar purposes, anti-inflammatory), and a *Scutellaria baicalensis* extract ([0051], [0054], antibacterial).

It would have been obvious to one of ordinary skill in the art before the effective filing date of the claimed invention to modify the compound of Staab/Alieva/Kumosani et al/Hajhashemi et al with the addition of the extracts as taught by Santo et al in order to further the medical use of the compound with materials known to work on the outer user (Santo et al [0001]).

**With respect to claim 2**, Staab/Alieva/Kumosani et al/Hajhashemi et al/Santo et al discloses The condom of claim 1, wherein the fisetin compound is a kind of flavonoid and is a compound represented by a molecular formula of  $C_{15}H_{10}O_6$  (Kumosani et al, col 16 ll 30-35, col 1 ll 10-15, col 6 ll 10-20, fisetin, this claimed formula is the formula for fisetin).

It would have been obvious to one of ordinary skill in the art before the effective filing date of the claimed invention to modify the flavonoid of Staab/Alieva to be fisetin as taught by Kumosani et al in order to have a flavonoid that is effective as an anti-inflammatory and is known to be safe in the vagina (Kumosani et al col 16 ll 30-35, col 1 ll 10-15, col 6 ll 10-20)

**With respect to claim 3**, Staab/Alieva/Kumosani et al/Hajhashemi et al/Santo et al discloses The condom of claim 2, wherein the fisetin compound is a compound represented by the following formula (Kumosani et al, col 16 ll 30-35, col 1 ll 10-15, col 6 ll 10-20, fisetin, this claimed formula is the formula for fisetin).

It would have been obvious to one of ordinary skill in the art before the effective filing date of the claimed invention to modify the flavonoid of Staab/Alieva to be fisetin as taught by Kumosani et al in order to have a flavonoid that is effective as an anti-inflammatory and is known to be safe in the vagina (Kumosani et al col 16 ll 30-35, col 1 ll 10-15, col 6 ll 10-20)

**With respect to claim 4**, Staab/Alieva/Kumosani et al/Hajhashemi et al/Santo et al discloses The condom of claim 2, wherein the Rose damascene extract is a substance obtained by extraction from Rose damascene which is a small shrub belonging to the family Rosaceae of the order Rosales of Dicotyledoneae (Hajhashemi p 164 col 1, *Rose damascene* extract, a rose damascene extract obviously comes from the claimed tree); the Paeonia suffruticosa Andr. extract is a substance obtained by extraction from Paeonia suffruticosa Andr. which is a plant belonging to the family Ranunculaceae of

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.