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INTERNATIONAL REGISTRATION NO.	APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
DM/094105	35/502,315		Gerhard Kampe		1913

World Intellectual Property Organization
34, chemin des Colombettes, P.O. Box 18
1211 Geneva 20, Switzerland

DATE MAILED : 06/04/2018

NOTIFICATION OF REFUSAL

(Rule 18 of the Common Regulations under the Hague Agreement/ 37 CFR 1.1063)

This communication was unintentionally not communicated to the International Bureau within the applicable time period under Rule 18(1)(b). Pursuant to Rule 18(1)(c)(ii), the International Bureau is hereby notified accordingly.

Applicant must file any reply to this communication directly with the United States Patent and Trademark Office. Applicant may **NOT** file such reply through the International Bureau.

This refusal relates to all the industrial designs that are the subject of the international registration



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
35/502,315	08/19/2016	Gerhard Kampe		1913
	7590 12/28/2017			
GRAMM, LINS & PARTNER PATENT UND RECHTSANWALTE PARTGMBB Freundallee 13a Hannover, 30173 GERMANY			EXAMINER WATKINS, JENNIFER L	
			ART UNIT	PAPER NUMBER
			2915	
			MAIL DATE	DELIVERY MODE
			12/28/2017	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.

Clarification Regarding Notification Refusal

Due to a technical problem, the previously mailed Office action was not communicated to the International Bureau as a Notification of Refusal, as required under 37 CFR 1.1062. Accordingly, that Office action is communicated herewith to the International Bureau as a Notification of Refusal.

As applicant has filed a timely reply to the Office action, **no further reply in response to this Notification of Refusal is required.**

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

Restriction Requirement

This application discloses the following embodiments:

Embodiment 1- Figs. 1.1- 1.7

Embodiment 2- Figs. 2.1- 2.7

Multiple embodiments of a single inventive concept may be included in the same design application only if they are patentably indistinct. See *In re Rubinfeld*, 270 F.2d 391, 123 USPQ 210 (CCPA 1959).

Embodiments that are patentably distinct from one another do not constitute a single inventive concept and thus may not be included in the same design application. See *In re Platner*, 155 USPQ 222 (Comm'r Pat. 1967).

The differences in the overall shape and appearance create patentably distinct designs. Because of the differences identified, the embodiments are considered to either have overall appearances that are not basically the same, or if they are basically the same, the differences are not minor and patentably indistinct or are not shown to be obvious in view of analogous prior art.

Therefore, the above embodiments divide into the following patentably distinct groups of designs:

Group I: Embodiment 1

Group II: Embodiment 2

Restriction is required under 35 U.S.C. 121 to one of the patentably distinct groups of designs.

A reply to this requirement must include an election of a single group for prosecution on the merits, even if this requirement is traversed, 37 CFR 1.143. Any reply that does not include election of a single group will be held nonresponsive. Applicant is also requested to direct cancellation of all drawing figures and the corresponding descriptions which are directed to nonelected groups. **Original figure numbering must be maintained for continuity with the original international registration.** Hague Administrative Instructions Section 405(a). (37 CFR 1.1026 and MPEP 2909.02).

Should applicant traverse this requirement on the grounds that the groups are not patentably distinct, applicant should present evidence or identify such evidence now of record showing the groups to be obvious variations of one another. If the groups are determined not to be patentably distinct and they remain in this application, any rejection of one group over prior art will apply equally to all other groups. See *Ex parte Appeal No.* 315-40, 152 USPQ 71 (Bd. App. 1965). No argument asserting patentability

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based on the differences between the groups will be considered once the groups have been determined to comprise a single inventive concept.

In view of the above requirement, action on the merits is deferred pending compliance with the requirement in accordance with *Ex parte Heckman*, 135 USPQ 229 (P.O. Super. Exam. 1960).

Specification

A. A clear and accurate description of the reproductions is required. (See Hague Rule 7(5)(a), 37 CFR 1.1024, MPEP 2920.04(a)II).

B. The figures contain broken lines. A broken line descriptive statement is required in order to avoid a claim rejection under 35 USC 112(a)(b). MPEP 2920.04(a) (II). For example:

--The broken line showing of a diagnosis instrument is for the purpose of illustrating ***** and forms no part of the claim. --

Conclusion

Applicant is reminded that any reply to this Refusal must be signed either by a patent practitioner (i.e., a patent attorney or agent registered to practice before the United States Patent and Trademark Office) or by the applicant. If the applicant is a juristic entity, the reply must be signed by a patent practitioner. See 37 CFR 1.33(b).

Additionally, renumbering of the drawing figures in any elected Group is neither required nor permitted.

For ease of comparison with the International Registration, and for compliance with 37 CFR 1.1026 and Section 405 of the Administrative Instructions, the numbering of the drawing figures included in the elected Group must not be changed. Upon election, applicant is requested to direct cancellation of all drawing figures and corresponding description from the nonelected Group(s).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JENNIFER WATKINS whose telephone number is (571)272-6415. The examiner can normally be reached on M-F 9:00- 5:30 pm. Examiner interviews are available via telephone, in-person, and video conferencing using a USPTO supplied web-based collaboration tool. To schedule an interview, applicant is encouraged to use the USPTO Automated Interview Request (AIR) at <http://www.uspto.gov/interviewpractice>.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brandon Rosati can be reached on 571-270-3536. 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.

Note on Correspondence

Please note that, at this time, the examiner is prohibited from initiating or returning international telephone calls. If applicant wishes to communicate by telephone, the examiner may be reached by email to arrange a time for applicant to initiate the telephone interview: [Jennifer.watkins@uspto.gov]. The merits of the application may not be discussed via email unless an appropriate authorization for email communication is placed in the U.S. application file at the USPTO. Replies to office actions may not be sent via email. For those applications where applicant wishes to communicate with the examiner via Internet communications, e.g., email or video conferencing tools, the following is a sample authorization form which may be used by applicant:

"Recognizing that Internet communications are not secure, I hereby authorize the USPTO to communicate with the undersigned and practitioners in accordance with 37 CFR 1.33 and 37 CFR 1.34 concerning any subject matter of this application by video conferencing, instant messaging, or electronic mail. I understand that a copy of these communications will be made of record in the application file."

Please see *MPEP 502.03 II (Article 5)* for more details.

Discussion of the Merits of the Case

In any application not prosecuted by the inventor, a Power of Attorney (POA), filed with the USPTO in the specific case, is *required* whether or not attorney for the applicant has POA authority in a foreign IP office. Only US registered Practitioners (not foreign attorneys) may represent applicants before the USPTO. Legal entities must be represented by US registered Practitioners. Examiner may not discuss the merits or specifics of a case without a proper POA on file.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brandon Rosati can be reached on 571-270-3536. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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The POA form submitted in the international phase is not effective for purposes of the US. The proper form is available at: <https://www.uspto.gov/web/forms/sb0080.pdf>

When Responding to Official USPTO Correspondence

When responding to an official correspondence issued by the USPTO, including refusals, Notice of Allowances, or Notice of Abandonments, please note the following:

The USPTO transacts business in writing. Applicants may submit replies to Office actions only by:

- Online via the USPTO's Electronic Filing System-Web (EFS-Web) (Registered eFilers only)
 - <https://www.uspto.gov/patents-application-process/applying-online/efs-web-guidance-and-resources>
- Mail: Commissioner For Patents, P.O. Box 1450, Alexandria, VA, 22313-1450
 - Mailing should be done sufficiently in advance to ensure the USPTO receipt prior to reply period expiration
- Facsimile to the USPTO's Official Fax Number (571-273-8300) (Do Not Fax Formal Drawings)
- Hand-carry to USPTO's Alexandria, Virginia Customer Service Window

For additional information regarding responding to office actions see:

<https://www.uspto.gov/patents-maintaining-patent/responding-office-actions>

Note that correspondence received will appear in Public PAIR, which may be viewed by the applicant at:

<https://portal.uspto.gov/pair/PublicPair>

**/JENNIFER L WATKINS/
Examiner, Art Unit 2915
December 27, 2017**

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**/JENNIFER L WATKINS/
Examiner, Art Unit 2915
December 27, 2017**

Notice of References Cited

Application/Control No. 35/502,315	Applicant(s)/Patent Under Reexamination Kampe et al.	
Examiner JENNIFER WATKINS	Art Unit 2915	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	CPC Classification	US Classification
*	A	US-20160053293-A1	02-2016	Broder; Daniel H.	B01L3/50853	435/34
*	B	US-20040053417-A1	03-2004	Sinsky, Jerome L.	B01L3/5085	436/163
*	C	US-D499813-S	12-2004	Wu; Chun-Te		D24/223
*	D	US-D423110-S	04-2000	Cipkowski; Stan		D24/223
*	E	US-D804682-S	12-2017	Taylor; Jason		D24/225
*	F	US-D738526-S	09-2015	Huang; Li-Kang		D24/224
*	G	US-D705443-S	05-2014	Ichimura; Masaki		D24/224
*	H	US-D694425-S	11-2013	Markovsky; Robert J.		D24/225
*	I	US-D616564-S	05-2010	Galano; Kenneth		D24/224
*	J	US-D806256-S	12-2017	Allen; Julie		D24/189
*	K	US-D790714-S	06-2017	Addison; Deborah		D24/189
*	L	US-D516727-S	03-2006	Neri; Giampaolo		D24/189
*	M	US-D463564-S	09-2002	Sieglwart; Kathleen		D24/189

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	CPC Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*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.

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*	C	US-D499813-S	12-2004	Wu; Chun-Te		D24/223
*	D	US-D423110-S	04-2000	Cipkowski; Stan		D24/223
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*	M	US-D463564-S	09-2002	Sieglwart; Kathleen		D24/189

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	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*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.

Bibliographic Data

Application No: 35502315

Foreign Priority claimed:

Yes No

35 USC 119 (a-d) conditions met:

Yes No

Met After Allowance

Verified and Acknowledged:

/JENNIFER L WATKINS/

Examiner's Signature

Initials

Title:

Diagnosis Instrument

FILING or 371(c) DATE	CLASS	GROUP ART UNIT	ATTORNEY DOCKET NO.
08/19/2016	D24	2915	
RULE			

APPLICANTS

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Norbert Böhm, Bamberg, GERMANY

CONTINUING DATA

FOREIGN APPLICATIONS

OHIM 003104512-0002 05/01/2016

OHIM 003104512-0001 05/01/2016

IF REQUIRED, FOREIGN LICENSE GRANTED**

02/16/2017

STATE OR COUNTRY

GERMANY

ADDRESS

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UND RECHTSANWALTE PARTGMBB

Freundallee 13a

Hannover, 30173

GERMANY

FILING FEE RECEIVED

\$380

Bibliographic Data

Application No: 35502315

Foreign Priority claimed:

Yes No

35 USC 119 (a-d) conditions met:

Yes No

Met After Allowance

Verified and Acknowledged:

/JENNIFER L WATKINS/

Examiner's Signature

Initials

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08/19/2016	D24	2915	
RULE			

APPLICANTS

WERTSCHMIED GROUP GMBH, Bamberg, GERMANY

INVENTORS

Gerhard Kampe, Coburg, GERMANY

Florian Bangert, Coburg, GERMANY

Petra Kinzl, Bamberg, GERMANY

Norbert Böhm, Bamberg, GERMANY

CONTINUING DATA

FOREIGN APPLICATIONS

OHIM 003104512-0002 05/01/2016

OHIM 003104512-0001 05/01/2016

IF REQUIRED, FOREIGN LICENSE GRANTED**

02/16/2017

STATE OR COUNTRY

GERMANY

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UND RECHTSANWALTE PARTGMBB

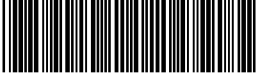
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\$380

Search Notes 	Application/Control No. 35/502,315	Applicant(s)/Patent Under Reexamination Kampe et al.
	Examiner JENNIFER WATKINS	Art Unit 2915

CPC - Searched*		
Symbol	Date	Examiner
A61M1/0088; A61M27/00; A61M1/0031; A61M1/0023; A61M2005/004; A61M1/0092; A61M1/0084; B01L2300/0816; B01L3/502715; B01L2200/10; B01L3/5027; B01L3/50273; B01L2400/0487; B01L2200/027; B01L2300/0887; B01L2400/0406; B01L2300/0867; B01L3/502738; B01L2300/087; B01L7/52; ...	12/27/2017	JW

CPC Combination Sets - Searched*		
Symbol	Date	Examiner


US Classification - Searched*			
Class	Subclass	Date	Examiner
D24	189,216,223-226	12/27/2017	JW

* See search history printout included with this form or the SEARCH NOTES box below to determine the scope of the search.

Search Notes		
Search Notes	Date	Examiner
BRS text search	12/27/2017	JW
EAST backward forward search		
inventor and assignee search		

Interference Search			
US Class/CPC Symbol	US Subclass/CPC Group	Date	Examiner
D24	216	12/27/2017	JW

/J.L.W/ Examiner, Art Unit 2915	
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<i>Search Notes</i> 	Application/Control No. 35/502,315	Applicant(s)/Patent Under Reexamination Kampe et al.
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CPC Combination Sets - Searched*		
Symbol	Date	Examiner

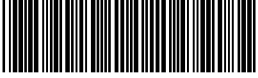
US Classification - Searched*			
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Search Notes		
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BRS text search	12/27/2017	JW
EAST backward forward search		
inventor and assignee search		
updated search	03/01/2018	JW

Interference Search			
US Class/CPC Symbol	US Subclass/CPC Group	Date	Examiner
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/J.L.W/ Examiner, Art Unit 2915	
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A61M1/0088; A61M27/00; A61M1/0031; A61M1/0023; A61M2005/004; A61M1/0092; A61M1/0084; B01L2300/0816; B01L3/502715; B01L2200/10; B01L3/5027; B01L3/50273; B01L2400/0487; B01L2200/027; B01L2300/0887; B01L2400/0406; B01L2300/0867; B01L3/502738; B01L2300/087; B01L7/52; ...	12/27/2017	JW

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Symbol	Date	Examiner

US Classification - Searched*			
Class	Subclass	Date	Examiner
D24	189,216,223-226	12/27/2017	JW

* See search history printout included with this form or the SEARCH NOTES box below to determine the scope of the search.

Search Notes		
Search Notes	Date	Examiner
BRS text search	12/27/2017	JW
EAST backward forward search		
inventor and assignee search		

Interference Search			
US Class/CPC Symbol	US Subclass/CPC Group	Date	Examiner
D24	216	12/27/2017	JW

/J.L.W/ Examiner, Art Unit 2915	
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