

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

INTERNATIONAL	APPLICATION	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION
REGISTRATION NO.	NO.				NO.

Ingrid Pape DM/090560 35/501,841 4762

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

DATE MAILED: 11/08/2017

NOTIFICATION OF REFUSAL

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

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

	Application No. 35/501,841	Applicant(s) PAPE, INGR	
Office Action Summary	Examiner GEORGE D. KIRSCHBAUM	Art Unit 2913	AIA (First Inventor to File) Status Yes
The MAILING DATE of this communication app	pears on the cover sheet with the c	correspondenc	ce address
Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period w - Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	36(a). In no event, however, may a reply be tir will apply and will expire SIX (6) MONTHS from a cause the application to become ABANDONE	nely filed the mailing date of ED (35 U.S.C. § 133	this communication.
Status			
1) Responsive to communication(s) filed on A declaration(s)/affidavit(s) under 37 CFR 1.1			
3) An election was made by the applicant in response		set forth durin	g the interview on
; the restriction requirement and election Since this application is in condition for allowar closed in accordance with the practice under E	have been incorporated into this nce except for formal matters, pro	s action. osecution as t	
Disposition of Claims*			
5) Claim(s) is/are pending in the applicatio 5a) Of the above claim(s) is/are withdraw 6) Claim(s) is/are allowed. 7) Claim(s) is/are rejected. 8) Claim(s) is/are objected to. 9) Claim(s) are subject to restriction and/or if any claims have been determined allowable, you may be eleparticipating intellectual property office for the corresponding another/www.uspto.gov/patents/init_events/pph/index.jsp or send	wn from consideration. r election requirement. igible to benefit from the Patent Pro pplication. For more information, plea an inquiry to <u>PPHfeedback@uspto.aaaa</u>	ase see	way program at a
 10) ☐ The specification is objected to by the Examine 11) ☐ The drawing(s) filed on 11/11/16 is/are: a) ☐ a Applicant may not request that any objection to the Replacement drawing sheet(s) including the correct 	ccepted or b)⊠ objected to by the drawing(s) be held in abeyance. See	e 37 CFR 1.85(·
Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign Certified copies: a) All b) Some** c) None of the: 1. Certified copies of the priority document 2. Certified copies of the priority document 3. Copies of the certified copies of the priority document application from the International Bureaut* See the attached detailed Office action for a list of the certified	priority under 35 U.S.C. § 119(a) ts have been received. ts have been received in Applicatority documents have been received (PCT Rule 17.2(a)).)-(d) or (f). tion No	
* See the attached detailed Office action for a list of the certifie	ed copies not received.		
Attachment(s)			
Notice of References Cited (PTO-892) Information Disclosure Statement(s) (PTO/SB/08a and/or PTO/SPaper No/s)/Mail Date	3) Interview Summary Paper No(s)/Mail Da SB/08b) 4) Other:		

Art Unit: 2913

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

Detailed Office Action

Drawings

With deference to the treaty governing this Hague application, the drawings are not objected to. However, applicant should note that the drawings as present do not meet the standard for 37 CFR 1.84(g) which defines the margins required for drawing sheets. The current drawings bleed past the standard U.S. Patent page boundaries and could be clipped at the time of printing. Applicant may submit replacement drawings using the following drawing sheet margins: top- 2.5cm, left- 2.5cm, right- 1.5cm, and bottom- 1.0cm.

Claim Refusal – 35 U.S.C. § 171

The claim is rejected under 35 U.S.C. 171 as directed to nonstatutory subject matter because the design is not shown embodied in or applied to an article.

The language "new, original and ornamental design for an article of manufacture" set forth in 35 USC 171 has been interpreted by case law to include at least three kinds of designs:

- (1) an design for an ornament, impression, print, or picture applied to an article of manufacture (surface ornamentation),
- (2) a design for the shape or configuration embodied in an article of manufacture, and
- (3) a combination of the first two categories. See In re Schnell, 46 F.2d 203, 8 USPQ 19 (CCPA 1931); Ex parte Donaldson, 26 USPQ2d 1250 (Bd. Pat. App. & Int. 1992).

Applicant has not shown the claimed design embodied in an article of manufacture and is attempting to make claim to a graphic symbol or logo which can be applied to many different articles; however, graphic symbols and logos are not articles of manufacture. Design is inseparable from the article to which it is applied and cannot exist alone merely as a scheme of surface ornamentation. See MPEP 1502. Applicant may wish to consider seeking copyright or trademark protection for the subject matter of the instant application.

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Art Unit: 2913

Applicant is advised that any attempt to amend the reproductions to include a specific article of manufacture would introduce impermissible new matter prohibited by 35 U.S.C. 132 and 37 CFR 1.121.

Conclusion

In conclusion the claim stands Refused under 35 U.S.C. § 171.

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).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George D. Kirschbaum whose telephone number is 571-272-4232. The examiner can normally be reached on *Monday-Friday*, *7:30AM-4:00PM*. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Caron Veynar can be reached on 571-272-2646. 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.

Applicant is advised examiners are not approved by the USPTO to initiate international calls. Applicant may contact examiner via email at George.kirschbaum@uspto.gov to arrange a time to discuss the content of this action. Applicant is advised that no content specific to the application should be included in the email with the exception of the application registration number.

/GEORGE D KIRSCHBAUM/ PRIMARY EXAMINER, ART UNIT 2913

November 6, 2017

Notice of References Cited Application/Control No. 35/501,841 Examiner GEORGE D. KIRSCHBAUM Applicant(s)/Patent Under Reexamination PAPE, INGRID Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	CPC Classification	US Classification
*	Α	US-D257,590 S	12-1980	Jackson; Timothy		D21/637
*	В	US-D315,749 S	03-1991	Visco; Serafino		D21/439
*	C	US-D428,078 S	07-2000	Renner; Carnel E		D21/596
	D	US-				
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FOREIGN PATENT DOCUMENTS

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NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)				
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*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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BIB DATA SHEET

CONFIRMATION NO. 4762

SERIAL NUM	BER	FILING o	r_ 371(c)		CLASS	GRO	OUP ART	UNIT	ATTO	ORNEY DOCKET NO.
35/501,84	.1	05/07/2			D14		2913			NO.
		RUL	E							
APPLICANT MAJORT	_	CORDS KG,	Munchen,	GERM	IANY					
	INVENTORS Ingrid Pape, Berglen, GERMANY;									
** CONTINUIN	G DATA	4 **********	******	*						
** FOREIGN A	PPLICA	ATIONS *****	*****	*****	*					
** IF REQUIRE 11/16/20		REIGN FILING	G LICENS	E GRA	ANTED ** ** MICI	RO EI	NTITY **			
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35 USC 119(a-d) cond Verified and	ditions met ′ GEORGE		☐ Met af Allowa	ince	COUNTRY	DRA	WINGS	CLAII	VIS	CLAIMS
	KIRSCHBA Examiner's		Initials		GERMANY		1	1		1
ADDRESS										
Elmar Me Reinhold Boblinger GERMAN	-Nagele n, 7103₄	-Hof 7								
TITLE										
Logo										
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	Other									
							☐ Credit			

Search Notes

Application/Control No.	Applicant(s)/Patent Under Reexamination
35501841	PAPE, INGRID
Examiner	Art Unit
GEORGE D KIRSCHBAUM	2913

CPC- SEARCHED		
Symbol	Date	Examiner

CPC COMBINATION SETS - SEARCHED				
Symbol	Date	Examiner		

US CLASSIFICATION SEARCHED						
Class	Subclass	Date	Examiner			
D21	637 439 596	11/1/2017	GDK			
D20	11					

 $^{^{\}ast}$ 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
Inventor and title search completed (EAST/PALM)EAST/CPC search completed (see search history)Assignee search complete (eDan, PALM, google)Orbit international design patent database search	11/1/2017	GDK

INTERFERENCE SEARCH				
US Class/ CPC Symbol	US Subclass / CPC Group	Date	Examiner	
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