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INTERNATIONAL REGISTRATION NO.	APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
DM/090560	35/501,841		Ingrid Pape		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

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.

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	Applicant(s)/Patent Under Reexamination PAPE, INGRID	
	Examiner GEORGE D. KIRSCHBAUM	Art Unit 2913	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-D257,590 S	12-1980	Jackson; Timothy		D21/637
*	B US-D315,749 S	03-1991	Visco; Serafino		D21/439
*	C US-D428,078 S	07-2000	Renner; Carnel E		D21/596
	D US-				
	E US-				
	F US-				
	G US-				
	H US-				
	I US-				
	J US-				
	K US-				
	L US-				
	M US-				

FOREIGN PATENT DOCUMENTS

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	N				
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	T				

NON-PATENT DOCUMENTS

*	Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	CPC Classification
		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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BIB DATA SHEET

CONFIRMATION NO. 4762

SERIAL NUMBER 35/501,841	FILING or 371(c) DATE 05/07/2016 RULE	CLASS D14	GROUP ART UNIT 2913	ATTORNEY DOCKET NO.	
APPLICANTS MAJORTONRECORDS KG, Munchen, GERMANY INVENTORS Ingrid Pape, Berglen, GERMANY; ** CONTINUING DATA ***** ** FOREIGN APPLICATIONS ***** ** IF REQUIRED, FOREIGN FILING LICENSE GRANTED ** ** MICRO ENTITY ** 11/16/2016					
Foreign Priority claimed <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No 35 USC 119(a-d) conditions met <input type="checkbox"/> Yes <input type="checkbox"/> No Verified and / GEORGE KIRSCHBAUM / Acknowledged Examiner's Signature	<input type="checkbox"/> Met after Allowance _____ Initials	STATE OR COUNTRY GERMANY	SHEETS DRAWINGS 1	TOTAL CLAIMS 1	INDEPENDENT CLAIMS 1
ADDRESS Elmar Meyer zu Bexten Reinhold-Nagele-Hof 7 Boblingen, 71034 GERMANY					
TITLE Logo					
FILING FEE RECEIVED 0.00	FEES: Authority has been given in Paper No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following:		<input type="checkbox"/> All Fees <input type="checkbox"/> 1.16 Fees (Filing) <input type="checkbox"/> 1.17 Fees (Processing Ext. of time) <input type="checkbox"/> 1.18 Fees (Issue) <input type="checkbox"/> Other _____ <input type="checkbox"/> Credit		

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

* 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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