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INTERNATIONAL REGISTRATION NO.	APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
DM/093893	35/502,201		Philipp MAINZER		3213

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

DATE MAILED : 12/07/2017

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

Office Action Summary

Application No.
35/502,201

Applicant(s)
MAINZER, PHILIPP

Examiner
MARY ANN CALABRESE

Art Unit
2913

AIA (First Inventor to File)
Status
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 2 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 _____.
 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 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) _____ is/are rejected.
- 8) Claim(s) _____ is/are objected to.
- 9) Claim(s) 1 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 or send an inquiry to PPHfeedback@uspto.gov.

Application Papers

- 10) The specification is objected to by the Examiner.
- 11) The drawing(s) filed on _____ 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:
 - Certified copies of the priority documents have been received.
 - Certified copies of the priority documents have been received in Application No. _____.
 - 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 _____
- 3) Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 4) Other: _____

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Restriction

This application discloses the following embodiments:

Embodiment 1: 1.0

Embodiment 2: 2.0

Embodiment 3: 3.1 - 3.6

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

Group I: Embodiments 1 and 2

Group II: Embodiment 3

Groups I and II involve a difference in appearance. Multiple embodiments of a single inventive concept may be included in the same design application only if they are patentably indistinct. *In re Rubinfield*, 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. *In re Platner*, 155 USPQ 222 (Comm'r Pat. 1967). The overall appearance of the two tables differs do to the change of scope between Groups I and II and the exclusion of the wood surface in Group II. These differences 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.

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 an 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 the nonelected groups. 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.

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

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remain in this application, any rejection of one group over prior art will apply equally to all other groups. *Ex parte Appeal No. 315-40*, 152 USPQ 71 (Bd. App. 1965). No argument asserting patentability 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).

The references are cited as pertinent to the claimed design, but no determination as to patentability has been made pending a response to this restriction requirement.

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 Mary Ann Calabrese whose telephone number is (571) 272-8704. The examiner can normally be reached Monday through Thursday from 7:00am to 5:30pm, Eastern Time. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Caron Veynar, can be reached at (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://www.uspto.gov/patents/process/status/private_pair/index.jsp. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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: mary.calabrese@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

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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." (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. 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>

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

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

/MARY ANN CALABRESE/
Primary Examiner, Art Unit 2913
12/04/2017

Notice of References Cited	Application/Control No. 35/502,201	Applicant(s)/Patent Under Reexamination MAINZER, PHILIPP	
	Examiner MARY ANN CALABRESE	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-D414,354 S	09-1999	Gower; Andrew		D6/691.1
*	B	US-D649,381 S	11-2011	Mainzer; Philipp		D6/691.8
*	C	US-2016/0064995 A1	03-2016	SCHWALBACH; Charles A.	A47F7/022	320/108
*	D	US-D766,630 S	09-2016	Akana; Jody		D6/691.1
*	E	US-D766,631 S	09-2016	Akana; Jody		D6/691.9
*	F	US-D773,868 S	12-2016	Schwalbach; Charles A.		D6/691.2
*	G	US-D776,471 S	01-2017	Mandon; Kully Kraig		D6/691.1
*	H	US-D783,324 S	04-2017	Akana; Jody		D6/691.1
*	I	US-D799,250 S	10-2017	Schwalbach; Charles A.		D6/691.2
	J	US-				
	K	US-				
	L	US-				
	M	US-				

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	CPC Classification
	N	DM/078 433	05-2012	WIPO	Mainzer;Philipp	06-03
	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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BIB DATA SHEET

CONFIRMATION NO. 3213

SERIAL NUMBER 35/502,201	FILING or 371(c) DATE 12/07/2016 RULE	CLASS D06	GROUP ART UNIT 2913	ATTORNEY DOCKET NO.	
APPLICANTS E15 DESIGN UND DISTRIBUTIONS GMBH, Frankfurt Am Main, GERMANY INVENTORS Philipp MAINZER, Frankfurt Am Main, GERMANY; ** CONTINUING DATA ***** ** FOREIGN APPLICATIONS ***** GERMANY 402016100749.2 06/10/2016 WORLD INTELLECTUAL PROPERTY ORGANIZATION WIPO50063 06/10/2016 ** IF REQUIRED, FOREIGN FILING LICENSE GRANTED ** ** SMALL ENTITY ** 01/19/2017					
Foreign Priority claimed <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No 35 USC 119(a-d) conditions met <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Verified and /MARY ANN CALABRESE/ Acknowledged Examiner's Signature	<input type="checkbox"/> Met after Allowance Initials	STATE OR COUNTRY GERMANY	SHEETS DRAWINGS 8	TOTAL CLAIMS 1	INDEPENDENT CLAIMS 1
ADDRESS Patentanwaltskanzlei Dr. Stoffregen Friedrich-Ebert-Anlage 11b Hanau, 63450 GERMANY					
TITLE Tables					
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. 35502201	Applicant(s)/Patent Under Reexamination MAINZER, PHILIPP
	Examiner MARY ANN CALABRESE	Art Unit 2913

CPC- SEARCHED		
Symbol	Date	Examiner
A47B1/00, A47B3/00, A47B7/00	11/19/2017	MAC
A47B13/00, A47B13/003, A47B13/02, A47B13/04, A47B13/06, A47B2013/006	11/19/2017	MAC
A47B2200/0011, A47B2200/002	11/19/2017	MAC

CPC COMBINATION SETS - SEARCHED		
Symbol	Date	Examiner

US CLASSIFICATION SEARCHED			
Class	Subclass	Date	Examiner
D6	685, 686, 691, 691.2, 691.3, 691.6	11/19/2017	MAC

* 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 name search	12/2/2017	MAC
assignee search	12/2/2017	MAC
applicant search	12/2/2017	MAC
forward and backward citation on all cited references	12/2/2017	MAC
creator and holder search in hague express	12/2/2017	MAC

INTERFERENCE SEARCH			
US Class/ CPC Symbol	US Subclass / CPC Group	Date	Examiner
D6	691	11/19/2017	MAC

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Hague Express

Hague Registration

(Information valid as of 20171201)

Current Status

Registration under 1999 Act

- (11) **International Registration Number**
DM/078 433
- (15) **Date of the international registration**
07.05.2012
- (18) **Expected expiration date of the registration/renewal**
07.05.2022
- (22) **Filing date**
07.05.2012
- (73) **Name and address of the holder(s)**
E15 DESIGN UND DISTRIBUTIONS GMBH
Hospitalstraße 4,
61440 Oberursel (DE)
- (86) **Contracting Party of which the holder is a national**
DE, EM
- (87) **Contracting Party in the territory of which the holder has a domicile**
DE, EM
- (88) **Contracting Party in the territory of which the holder has an industrial or commercial establishment**
DE, EM
- (85) **Contracting Party to the 1999 Act in the territory of which the holder has a habitual residence**
DE, EM
- (89) **Applicant's Contracting Party**
DE
- (74) **Name and address of representative**
Patentanwalt
Dr. Hans-Herbert Stoffregen
Friedrich-Ebert-Anlage 11b,

63450 Hanau (DE)

(72) Name and address of creator of designs

Philipp Mainzer, Staufenstr  e 24, 60323 Frankfurt

(28) Number of designs included in the international registration

8

(51) Class and subclass of the Locarno Classification

Cl. 06-03

(54) Indication of products

1.-8. Tables

(81) Designated Contracting Parties

III. CH, EM

(45) Date of publication of the registered industrial design by printing or similar process, or making it available to the public by any other means

15.06.2012

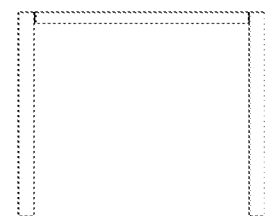
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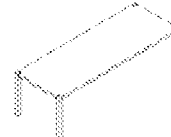
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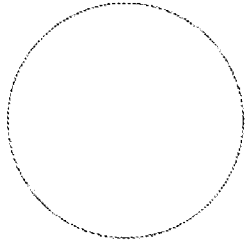
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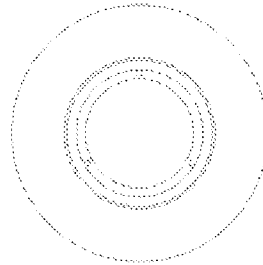
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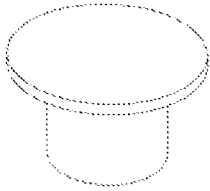
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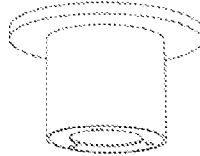
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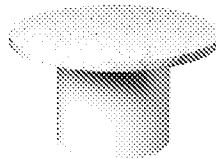
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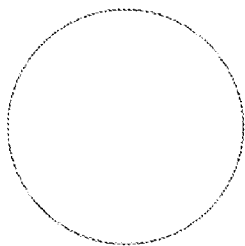
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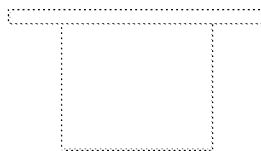
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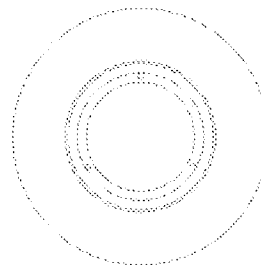
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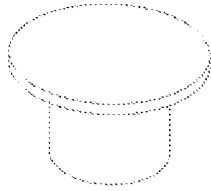
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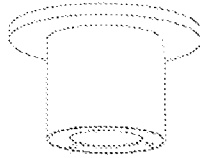
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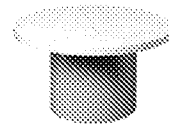
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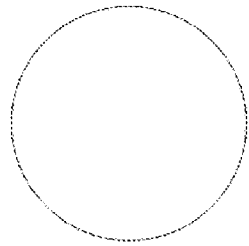
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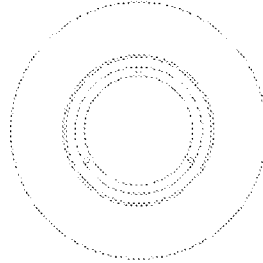
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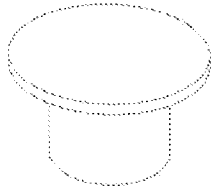
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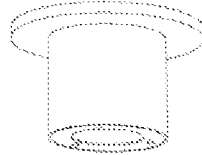
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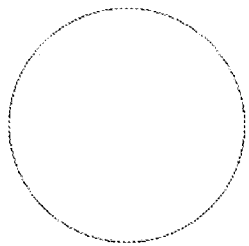
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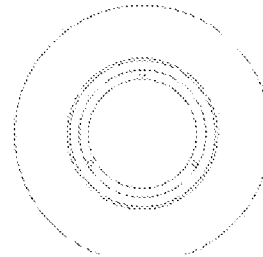
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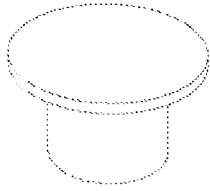
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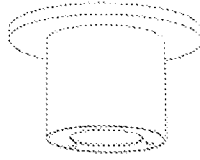
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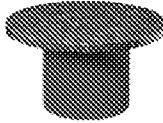
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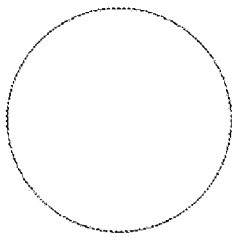
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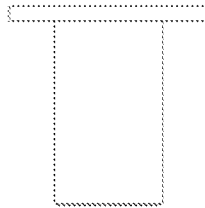
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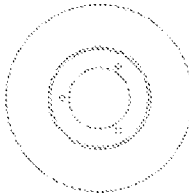
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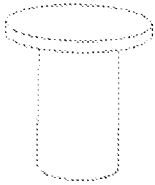
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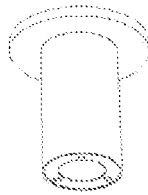
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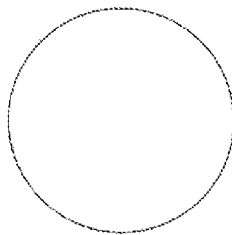
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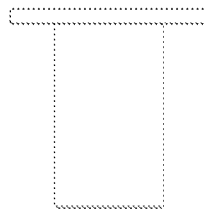
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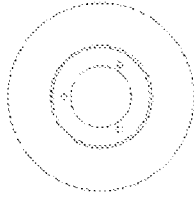
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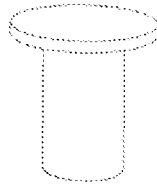
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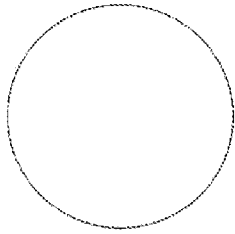
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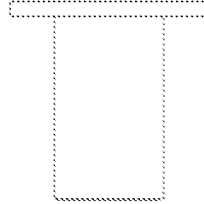
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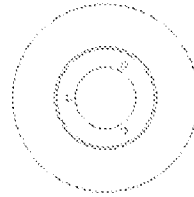
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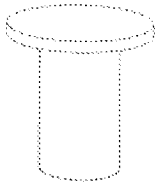
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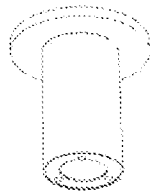
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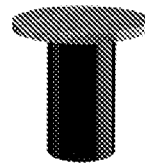
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8.5



8.6



History

Renewal (1R): Bulletin No. 19/2017

(11) International Registration Number

DM/078 433

(15) Date of renewal

07 05 2017 (1R)

(73) Name and address of the holder
 E15 DESIGN UND DISTRIBUTIONS GMBH
 Hospitalstraße 4,
 61440 Oberursel (DE)

(81) Designated Contracting Parties
 III. CH, EM

Statement of Grant of Protection: EM: Bulletin No. 26/2012

(11) International registration number
DM/078 433

(81) Designated Contracting Party which made the notification, followed by the date on which protection was granted where that date was communicated to the International Bureau
 EM

(58) Date of recording in the International Register
 22.06.2012

Original Registration under 1999 Act: Bulletin No. 23/2012

(11) International Registration Number
DM/078 433

(15) Date of the international registration
 07.05.2012

(22) Filing date
 07.05.2012

(73) Name and address of the holder(s)
 E15 DESIGN UND DISTRIBUTIONS GMBH
 Hospitalstraße 4,
 61440 Oberursel (DE)

(86) Contracting Party of which the holder is a national
 DE, EM

(87) Contracting Party in the territory of which the holder has a domicile
 DE, EM

(88) Contracting Party in the territory of which the holder has an industrial or commercial establishment
 DE, EM

(85) Contracting Party to the 1999 Act in the territory of which the holder has a habitual residence
 DE, EM

(89) Applicant's Contracting Party
 DE

(74) Name and address of representative
 Patentanwalt
 Dr. Hans-Herbert Stoffregen
 Friedrich-Ebert-Anlage 11b,
 63450 Hanau (DE)

(72) Name and address of creator of designs

Philipp Mainzer, Staudenstraße 24, 60323 Frankfurt

(28) Number of designs included in the international registration

8

(54) Indication of products

1.-8. Tables / 1.-8. *Tables* / 1.-8. *Mesas*

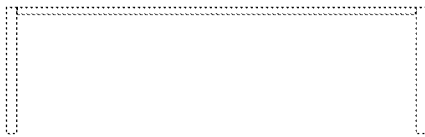
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III. CH, EM

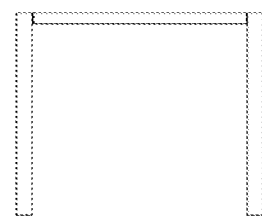
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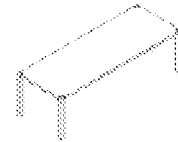
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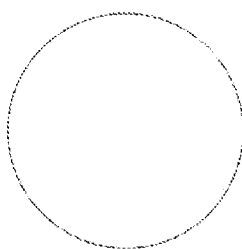
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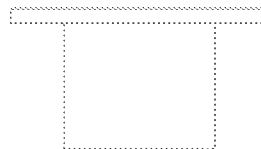
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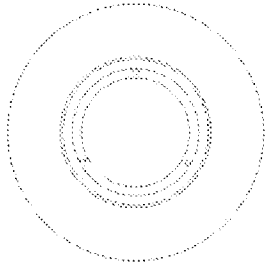
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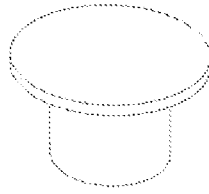
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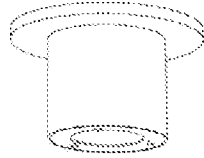
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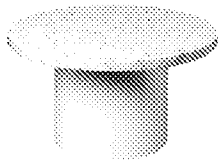
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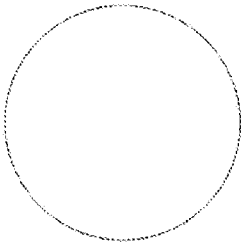
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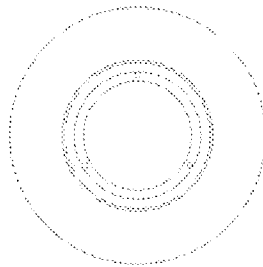
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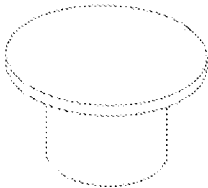
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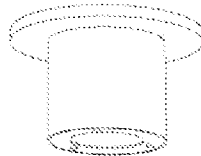
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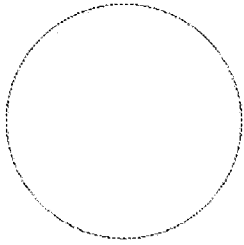
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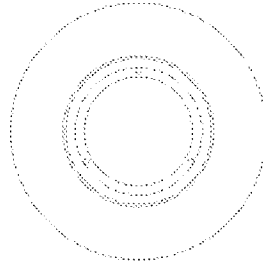
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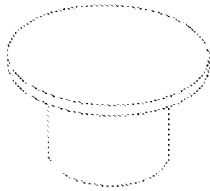
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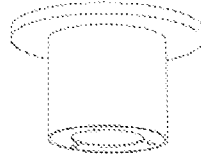
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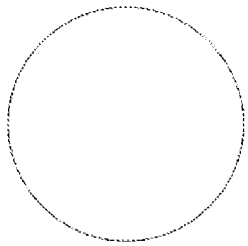
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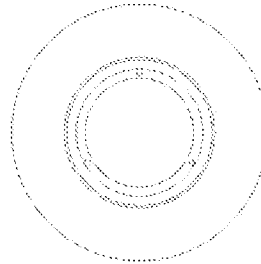
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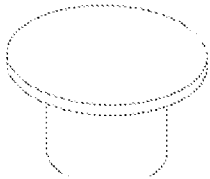
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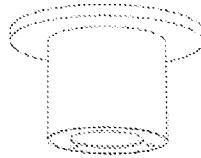
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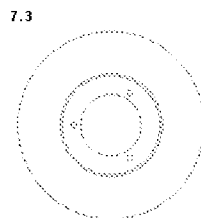
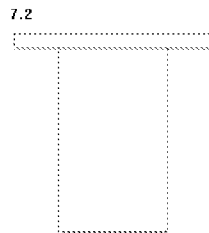
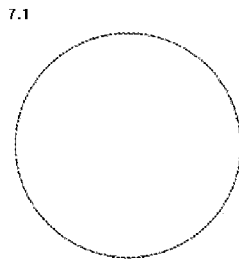
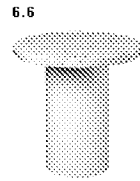
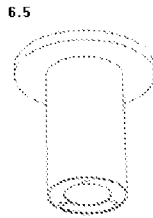
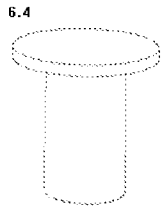
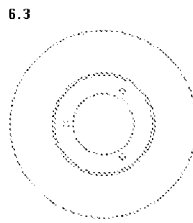
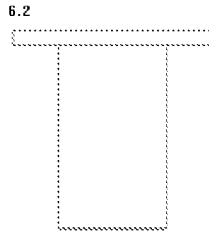
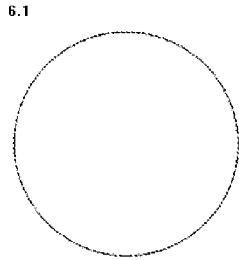
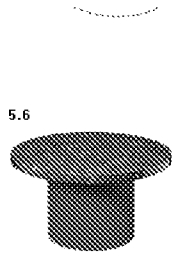


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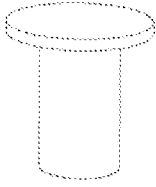


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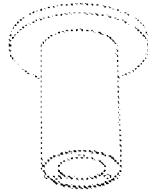




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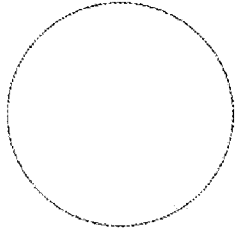
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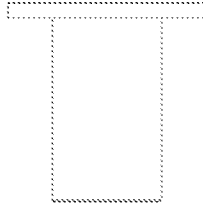
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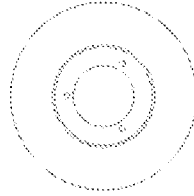
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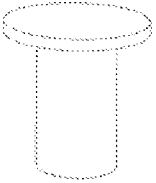
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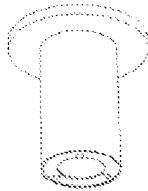
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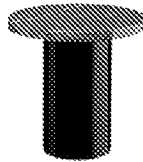
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8.6



(Information valid as of 20171201)

Hague Registration