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INTERNATIONAL REGISTRATION NO.	APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
DM/205931	35/508,606		Michael Willfort		2734

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

DATE MAILED : 12/15/2020

## 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.**

35/508,606

**Applicant(s)**

Willfort, Michael

**Examiner**

NATASHA VUJCIC

**Art Unit**

2913

**AIA (FITF) 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 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 \_\_\_\_\_.  
 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) 1 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 \_\_\_\_\_ 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 11/10/2020.
- 3)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4)  Other: \_\_\_\_\_.

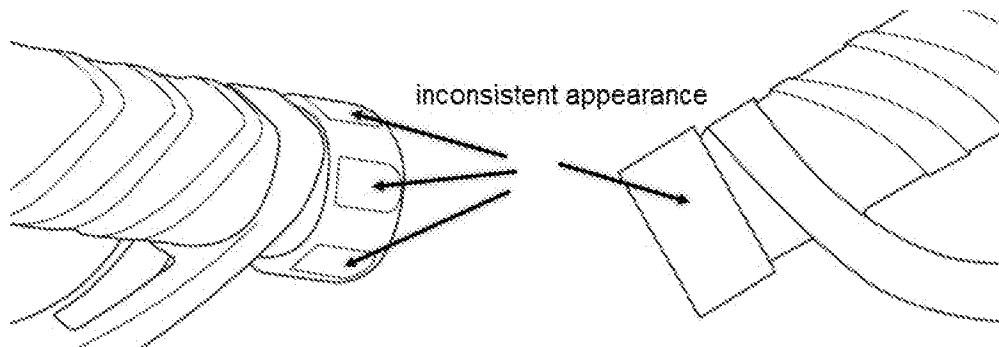
The present application, filed on or after March 16, 2013, is being examined under the first inventor to file provisions of the AIA.

### DETAILED OFFICE ACTION

#### **Claim Refusal - 35 U.S.C. § 112, A&B**

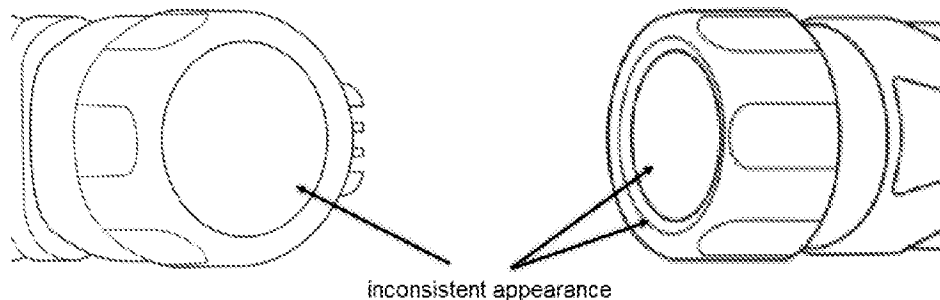
The claim is refused under 35 U.S.C. 112, first and second paragraphs, as the claimed invention is not described in such full, clear, concise and exact terms as to enable any person skilled in the art to make and use the same, and fails to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claim is indefinite and non-enabling because:

**A.** The appearance of the bottom cylindrical cap is unclear since it is illustrated inconsistently between the views. Specifically, in Figs. 1.1, 1.2, 1.6, and 1.7 the cylindrical cap is illustrated with semi circle grip elements, whereas in Figs. 1.3 and 1.5 the cylindrical cap is illustrated as a smooth surface. It is open to conjecture what the exact appearance of this bottom cylindrical cap may be.



*Annotated Figs. 1.1 vs 1.3*

**B.** The appearance of the circular elements on the bottom cylindrical cap is unclear because it is illustrated inconsistently between Figs. 1.7 and 1.2. In Fig. 1.7, the cylindrical cap is illustrated with a single circle element, whereas in Figs. 1.2 the cap is illustrated with two indented circular elements. With limited views of the bottom of the cap, the true appearance of these elements are unclear as it can be open to multiple interpretations regarding the profile and depth of the circular elements, and whether they are surface indicia, indentations, or openings.



*Annotated Figs. 1.7 vs 1.2*

Applicant may overcome this rejection by illustrating the bottom cap elements consistently throughout the drawing disclosure. Additionally, the unknown circular elements may be placed into broken lines, and thus disclaiming them. If applicant chooses to do so, then applicant must amend the specification to include an appropriate broken line statement following the figure descriptions, and prior to the claim. In regards to *MPEP 1503.02, III*, a suggested broken line statement **should be** inserted into the Specification:

-- The broken lines in the drawings illustrate portions of the Fueling Nozzle and form no part of the claimed design. --

Applicant is advised that *all of the* preceding issues must be addressed to overcome this rejection, *without the* introduction of anything that was not shown in the original disclosure (i.e., new matter), either by the addition or removal of features of the claimed design.

New matter is anything (structure, features, elements) which was not apparent (seen) in the drawings as originally filed. It is possible for new matter to consist of the removal as well as the addition of structure, features or elements. Further, the clarification of drawings with poor line quality can introduce new matter.

Applicant is cautioned that any attempt to clarify the scope must meet 37 CFR 1.145 and the written description requirement of 35 USC 112 (a). It must be apparent that applicant was in possession of the amended design at the time of original filing; otherwise, applicant must provide evidence of that possession.

A response is required in reply to the Office action to avoid abandonment of the application. If corrected drawings are submitted in response to the Office action, they must be in compliance with 37 CFR 1.121 (d).

Care must be exercised to avoid introduction of anything which could be construed to be new matter prohibited by 35 U.S.C. 132 and 37 CFR 1.121 when preparing new reproductions. Each sheet of reproductions submitted after the filing date of an application must be labeled in the top margin as either "REPLACEMENT SHEET" or "NEW SHEET" pursuant to 37 CFR 1.121(d). Applicant is reminded that the numbering of the reproductions and legends must follow the Hague Administrative Instructions Section 405(a) consisting of two separate figures separated by a dot (e.g., 1.1, 1.2, 1.3, etc. for the first design, 2.1, 2.2, 2.3, etc. for the second design, and so on) (see 37 CFR 1.1026 and MPEP 2909.02)

### ***Notes 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 a telephone interview: [natasha.vujcic@uspto.gov](mailto:natasha.vujcic@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. 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***

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. Examiner may not discuss the merits or specifics of a case without a proper POA on file. <https://www.uspto.gov/web/forms/sb0080.Ddf>

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, Ex Parte Quayle, 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
- Facsimile to the USPTO's Official Fax Number (571-273-8300)
- Hand-carry to USPTO's Alexandria, Virginia Customer Service Window

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

### ***Conclusion***

In conclusion the claim stands Refused under 35 U.S.C. § 112, (a) and (b).

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 NATASHA VUJCIC whose telephone number is (571)272-6403. The examiner can normally be reached on Monday-Thursday 7-5:30 EST. 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>.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shannon Morgan can be reached on 571-272-7979. 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.

**/NATASHA VUJCIC/  
Examiner, Art Unit 2913  
December 14, 2020**

<b>Notice of References Cited</b>	Application/Control No. 35/508,606	Applicant(s)/Patent Under Reexamination Willfort, Michael	
	Examiner NATASHA VUJCIC	Art Unit 2913	Page 1 of 2

**U.S. PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	CPC Classification	US Classification
*	A	US-D852324-S	06-2019	Willfort; Michael		D23/226
*	B	US-D898869-S	10-2020	Lucas; David		D23/226
*	C	US-D893676-S	08-2020	Lucas; David		D23/226
*	D	US-D882729-S	04-2020	Sever; John		D23/226
*	E	US-D782001-S	03-2017	Birch; Vongie A.		D23/211.2
*	F	US-D728736-S	05-2015	Dhuru; Yashodhan		D23/213
*	G	US-D684664-S	06-2013	Gevers; Matthew		D23/226
*	H	US-D656221-S	03-2012	Gevers; Matthew H.		D23/226
*	I	US-D579078-S	10-2008	Deline; Jonathan E.		D23/223
*	J	US-D522611-S	06-2006	Carder, Sr.; Mervin L.		D23/213
*	K	US-D359100-S	06-1995	Dotson; Kenneth W.		D23/223
*	L	US-D355704-S	02-1995	Simpson; W. Dwain		D23/223
*	M	US-D355703-S	02-1995	Duell; Graham		D23/213

**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.

**Notice of References Cited**

Application/Control No.  
35/508,606

Applicant(s)/Patent Under  
Reexamination  
Willfort, Michael

Examiner  
NATASHA VUJCIC

Art Unit  
2913

Page 2 of 2

**U.S. PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	CPC Classification	US Classification
*	A	US-D317969-S	07-1991	Lambert; Terrance L.		D23/226
*	B	US-D828489-S	09-2018	Lee; Dongkyu		D23/213
*	C	US-D824492-S	07-2018	Chen; Chin-Yuan		D23/223
	D					
	E					
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**FOREIGN PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	CPC Classification
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	S					
	T					

**NON-PATENT DOCUMENTS**

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	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.



PTO/SB/08 Equivalent

<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>	Application No.	35/508606
	Filing Date	January 20, 2020
	First Named Inventor	Michael Willfort
	Art Unit	2900
<i>(Multiple sheets used when necessary)</i>	Examiner	YOUNG, KAREN MERRITT
SHEET 1 OF 1	Attorney Docket No.	KIP001.009HUS

U.S. PATENT DOCUMENTS					
Examiner Initials	Cite No.	Document Number <i>Number - Kind Code (if known)</i> Example: 1,234,567 B1	Publication Date MM-DD-YYYY	Name	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear
	1	D831,158 S	10-16-2018	Weh et al.	
	2	D852,324 S	06-25-2019	Willfort	

FOREIGN PATENT DOCUMENTS						
Examiner Initials	Cite No.	Foreign Patent Document <i>Country Code-Number-Kind Code</i> Example: JP 1234567 A1	Publication Date MM-DD-YYYY	Name	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear	T <sup>1</sup>
	3	EU 004016038-0001	05-23-2017	Wolfgang Weh		
	4	DM/202585	02-09-2019	WEH GmbH Verbindungstechnik		

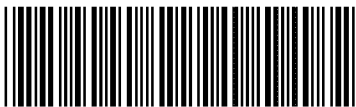
33629959

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /N.V/

Examiner Signature	/NATASHA VUJCIC/	Date Considered	12/08/2020
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**\*Examiner:** Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

T<sup>1</sup> - Place a check mark in this area when an English language Translation is attached.

<b><i>Search Notes</i></b> 	<b>Application/Control No.</b> 35/508,606	<b>Applicant(s)/Patent Under Reexamination</b> Willfort, Michael
	<b>Examiner</b> NATASHA VUJCIC	<b>Art Unit</b> 2913

<b>CPC - Searched*</b>		
<b>Symbol</b>	<b>Date</b>	<b>Examiner</b>
B67D 5/37; 7/50	12/10/2020	NV
F16L 37/00;46		
F17C 13/12; 2205/0376		

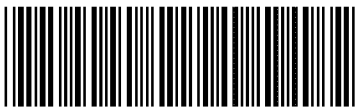
<b>CPC Combination Sets - Searched*</b>		
<b>Symbol</b>	<b>Date</b>	<b>Examiner</b>

<b>US Classification - Searched*</b>			
<b>Class</b>	<b>Subclass</b>	<b>Date</b>	<b>Examiner</b>
D23	211, 211.1, 211.2, 213, 223, 224, 226, 231, 249, 255, 257, 260, 262, 263, 266	12/10/2020	NV

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

<b>Search Notes</b>		
<b>Search Notes</b>	<b>Date</b>	<b>Examiner</b>
Inventor and title search completed (EAST/PALM)	12/10/2020	NV
Google Images Search (fueling nozzle; fuel dispenser nozzle; gas dispensing nozzle)		
EAST search completed (see search history)		
Orbit international design patent database search		
Assignee Search		

/NATASHA VUJCIC/ Examiner, Art Unit 2913	
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<b><i>Search Notes</i></b> 	<b>Application/Control No.</b> 35/508,606	<b>Applicant(s)/Patent Under Reexamination</b> Willfort, Michael
	<b>Examiner</b> NATASHA VUJCIC	<b>Art Unit</b> 2913

<b>Interference Search</b>			
<b>US Class/CPC Symbol</b>	<b>US Subclass/CPC Group</b>	<b>Date</b>	<b>Examiner</b>
D23	226	12/10/2020	NV

/NATASHA VUJCIC/ Examiner, Art Unit 2913	
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## EAST Search History

### EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
S19	30	"fuel" and "nozzle" and d23.clas.	USPAT	OR	OFF	2020/12/08 17:56
S18	0	"fueling nozzle" and d23.clas.	USPAT	OR	OFF	2020/12/08 17:56
S17	814	"nozzle" and d23.clas.	USPAT	OR	OFF	2020/12/08 17:56
S21	10	((("WEH") near3 ("GMBH") near3 ("VERBINDUNGSTECHNIK"))).AS,AANM.	USPAT	OR	OFF	2020/12/08 17:57
S20	1	((("WILLFORT") near3 ("Michael"))).INV.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2020/12/08 17:57
S23	14	"fuel" and d23/226.cor.	USPAT	OR	OFF	2020/12/08 18:04
L24	640	"shower" and "head" and d23.clas.	USPAT	OR	OFF	2020/12/09 15:25
L23	196	"spray" and "head" and d23.clas.	USPAT	OR	OFF	2020/12/09 15:25
L22	1,214	"spray" and d23.clas.	USPAT	OR	OFF	2020/12/09 15:25
L26	12	"handheld" and "nozzle" and s.at.	USPAT	OR	OFF	2020/12/09 15:29
L29	49	"gas" and "nozzle" and s.at.	USPAT	OR	OFF	2020/12/09 15:30
L28	48	"fuel" and "nozzle" and s.at.	USPAT	OR	OFF	2020/12/09 15:30
L27	258	"spray" and "nozzle" and s.at.	USPAT	OR	OFF	2020/12/09 15:30
L32	247	("1203607"   "20120018534"   "20160083243"   "20160347602"   "20180057349"   "20180304292"   "20190263654"   "20190330048"   "2087139"   "2545820"   "2826455"   "2837240"   "2993655"   "3012592"   "3088500"   "3323560"   "3474837"   "3638689"   "3734339"   "3759423"   "3780776"   "3938565"   "3974865"   "4121635"   "4199012"   "4223706"	US-PGPUB; USPAT; USOCR	OR	OFF	2020/12/09 15:33

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L33	45	("1872058"   "3363842"   "3704831"   "5577561"   "5795053"   "6854491"   "7258285"   "8539997"   "9630201"   "9707573"   "9770731"   "D219214"   "D221547"   "D223491"   "D355704"   "D489792"   "D615157"   "D615158"   "D650047"   "D656221"   "D684664"   "D726872"   "D749696"   "D767091"   "D767094"   "D779036"   "D783122"   "D783123").PN. OR ("D824492"   "D828489").URPN.	US- PGPUB; USPAT; USOCR	OR	OFF	2020/12/09 15:37

12/9/2020 3:43:43 PM

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