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INTERNATIONAL REGISTRATION NO.	APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
DM/094426	35/503,396		Tobias Koeniger		8731

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

DATE MAILED : 05/22/2018

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. 35/503,396	Applicant(s) Koeniger et al.	
	Examiner ELIZA Z BENNETT-HATTAN	Art Unit 2915	AIA 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 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 07/21/2017 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 _____.
- 3) Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 4) Other: _____.

DETAILED ACTION

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

Embodiments

This application discloses the following embodiments:

Embodiment 1 - Figs. 1.1 – 1.8

Embodiment 2 - Figs. 2.1 – 2.8

Multiple embodiments of a single inventive concept may be included in the same design application only if they are patentably indistinct. See *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. See *In re Platner*, 155 USPQ 222 (Comm'r Pat. 1967).

The above-identified embodiments are considered by the examiner to present overall appearances that are basically the same. Furthermore, the differences between the appearances of the embodiments are considered minor and patentably indistinct, or are shown to be obvious in view of analogous prior art cited. Accordingly, they are deemed to be obvious variations and are being retained and examined in the same application.

Specification

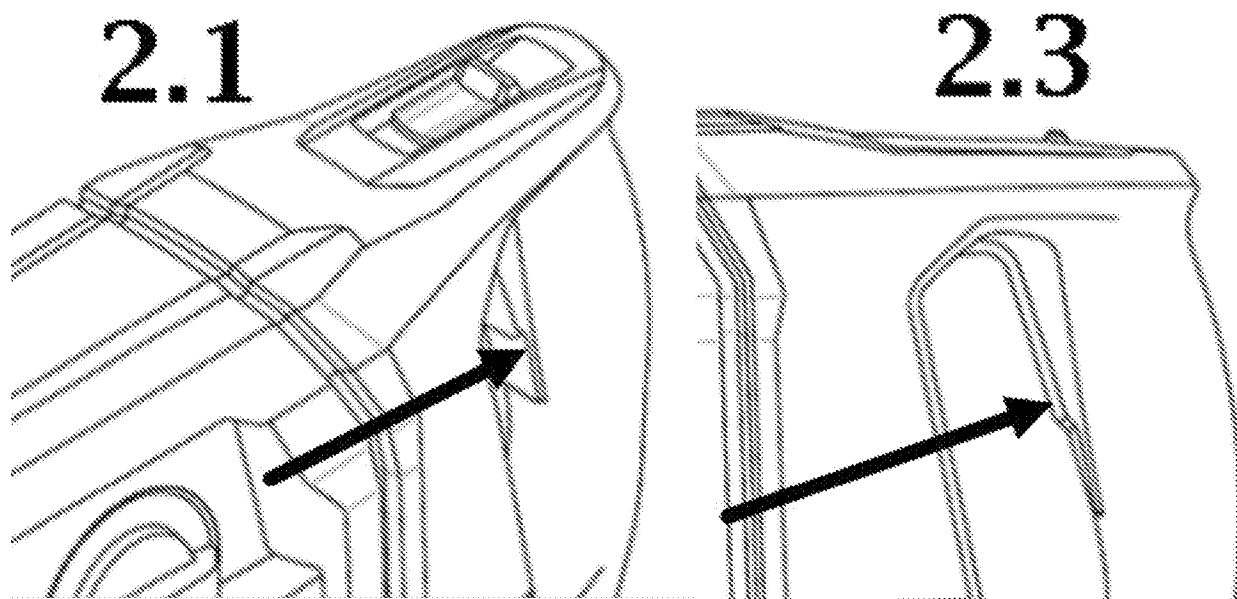
The following changes must be made to the specification:

- The title "**Combihammers**" is inaccurate (MPEP 1503.01.I) because it is directed to more than one article of manufacture. 35 USC 171 requires designs to be directed to "an article of manufacture," and 35 USC 112 requires that the claim particularly point out and distinctly claim the subject matter which the applicant regards as his invention. Therefore, the title must be in the singular, not plural, form. For accuracy the title must be amended throughout the application, original oath or declaration excepted, to read: -- **Combination hammer drill** --, or another similar title.
- The application contains at least one color drawing or color photograph. The specification must be amended to include the following language as the first paragraph of the brief description of the drawings section:
--The file of this patent contains at least one drawing/photograph executed in color. Copies of this patent with color drawing(s)/photograph(s) will be provided by the Office upon request and payment of the necessary fee--.

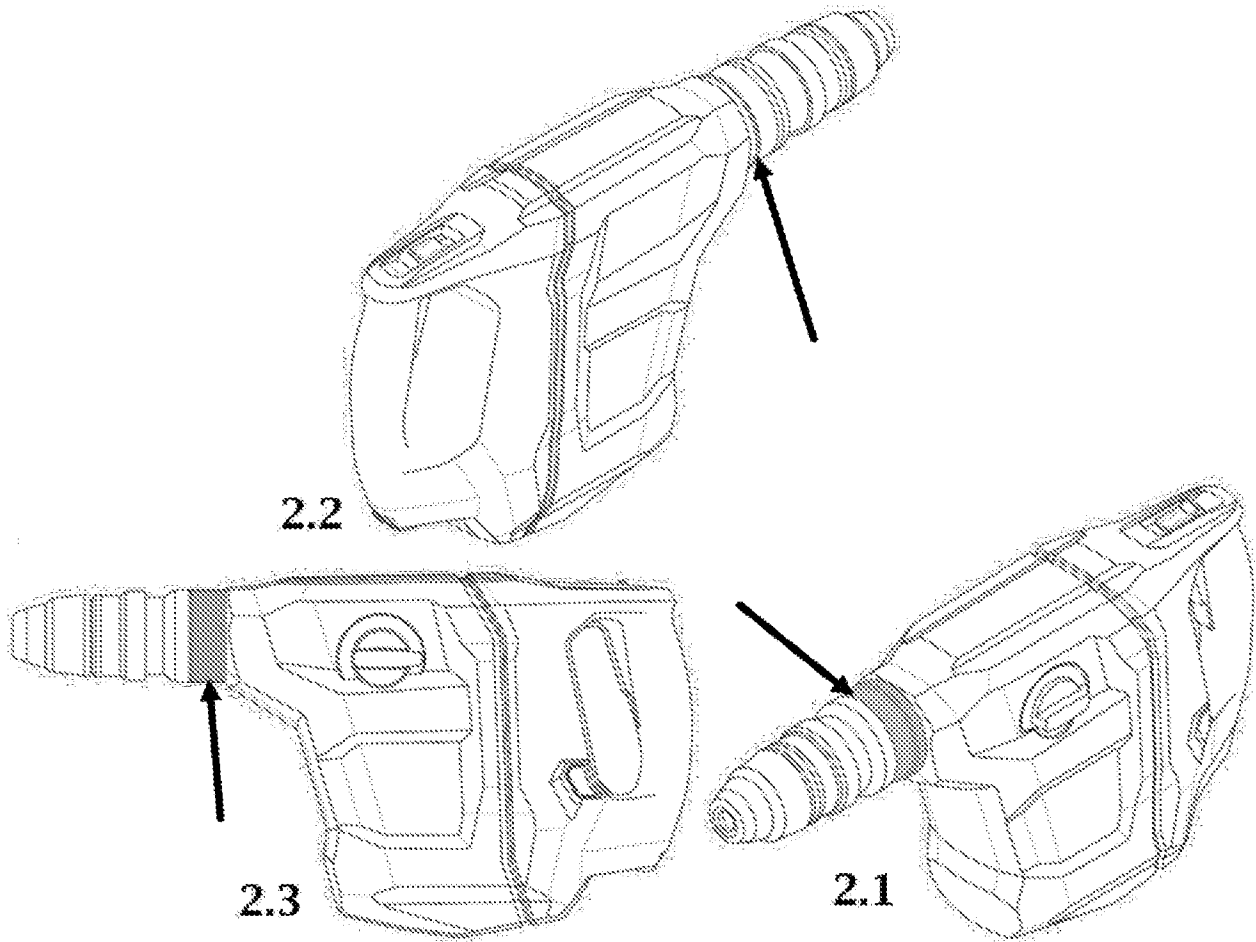
Claim Rejection - 35 USC § 112

The claim is rejected under 35 U.S.C. 112(a) and (b), 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 nonenabling and indefinite because:

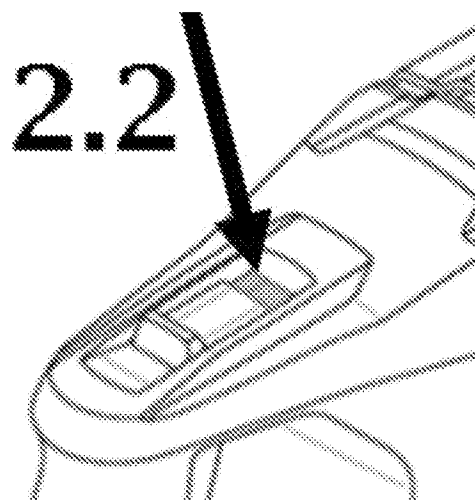
- The inside of the handle of the Combi hammer is inconsistently disclosed. Specifically, in Fig. 2.1 the inside of the handle is shown with a single outline while Fig. 2.3 shows a double outline.



- The front shaft sections of the Combi hammer are inconsistently disclosed. Specifically, in Fig. 2.1 the Combi Hammer is shown with a thinner ring closest to where the shaft attaches to the tool while Fig. 2.3 shows a thicker ring at the closest section and Fig. 2.2 shows a different configuration as well.



- The disclosure for the shaded portion below does not provide a clear understanding of the exact appearance and three-dimensional configuration of the underside of the article. Specifically, it is unclear if the element is an opening or a flat surface etc.



Because of the confusing and inconsistent drawings, the claimed design is in fact subject to multiple interpretations, and one of ordinary skill in the art would not be able to reproduce the design without the use of conjecture. This renders the claim indefinite and non-enabled.

Applicant may indicate that protection is not sought for those portions of the reproductions which are considered indefinite and nonenabling in the rejection under 35 U.S.C. 112 above by amending the reproductions to color those portions or convert those portions to broken lines and by amending the specification to include a statement that the portions of the cartridge shown in broken lines form no part of the claimed design or a statement that the portions of the cartridge shown by coloring form no part of the claimed design provided such amendments do not introduce new matter (see 35 U.S.C. 132, 37 CFR 1.121).

Matter excluded from the claim: Hague Administrative Instructions Section 403

Matter which is shown in a reproduction but for which protection is not sought may be indicated

- (i) **in the description** referred to in Rule 7(5)(a) and/or
- (ii) by means of **dotted** or **broken lines** or **coloring**.

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). If corrected drawings are submitted in response to this Office action, they must be in compliance with 37 CFR 1.121(d).

Conclusion

The claim stands rejected under 35 U.S.C. 112(a) and (b). The references cited but not applied are considered cumulative art related to the claimed design.

To inquire about this communication or earlier communications from the examiner, contact Examiner Eliza Bennett-Hattan by phone at (571) 272-7476. The examiner can normally be reached Monday - Thursday 9 - 5 Mountain time. If attempts to reach the examiner are unsuccessful, you may contact Supervisory Examiner Manpreet Matharu at (571) -272-8601, or the examiner's supervisor, Brandon Rosati, at (571)-270-3536. The USPTO official fax number 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>. If you

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have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/ELIZA Z BENNETT-HATTAN/
Examiner, Art Unit 2915

Notice of References Cited	Application/Control No. 35/503,396	Applicant(s)/Patent Under Reexamination Koeniger et al.	
	Examiner ELIZA Z BENNETT-HATTAN	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-D815933-S	04-2018	Koeniger; Tobias		D8/69
*	B	US-D799929-S	10-2017	Aoki; Yoshiki		D8/69
*	C	US-D791565-S	07-2017	Hyma; Steven W.	B25D11/04	D8/69
*	D	US-D762435-S	08-2016	Itoh; Takafumi		D8/69
*	E	US-D740636-S	10-2015	Koeniger; Tobias		D8/69
*	F	US-D706603-S	06-2014	Kokawa; Kiyozumi		D8/16
*	G	US-D679162-S	04-2013	Aglassinger; Hans-Peter		D8/69
*	H	US-D676731-S	02-2013	Aglassinger; Hans-Peter		D8/69
*	I	US-D528393-S	09-2006	Stirm; Michael		D8/69
*	J	US-D474092-S	05-2003	Stirm; Michael		D8/69
*	K	US-D466780-S	12-2002	Stirm; Michael		D8/69
*	L	US-D691011-S	10-2013	Walz; Ruprecht		D8/68
	M					

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.

Bibliographic Data

Application No: 35/503,396

Foreign Priority claimed: Yes No

35 USC 119 (a-d) conditions met: Yes No

Met After Allowance

Verified and Acknowledged:

/ELIZA Z BENNETT-
HATTAN/

Examiner's Signature

Initials

Title:

Combihammers

FILING or 371(c) DATE	CLASS	GROUP ART UNIT	ATTORNEY DOCKET NO.
01/20/2017	D08	2915	
RULE			

APPLICANTS

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Yuan Liu Shanghai, CHINA

CONTINUING DATA

FOREIGN APPLICATIONS

IF REQUIRED, FOREIGN LICENSE GRANTED**

08/15/2017

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LIECHTENSTEIN

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Search Notes 	Application/Control No. 35/503,396	Applicant(s)/Patent Under Reexamination Koeniger et al.
	Examiner ELIZA Z BENNETT-HATTAN	Art Unit 2915

CPC - Searched*		
Symbol	Date	Examiner
B25D1/00; B25D2216/0023; B25F1/00	05/21/2018	EB-H

CPC Combination Sets - Searched*		
Symbol	Date	Examiner

US Classification - Searched*			
Class	Subclass	Date	Examiner
D8	69,68,61,14.1	05/21/2018	EB-H

* 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
fwd & bkwd on all citations in east	05/21/2018	EB-H
assignee search		
inventor name search east and PE2E		
Google Keyword: combination hammer drill		
See East Search PDF		

Interference Search			
US Class/CPC Symbol	US Subclass/CPC Group	Date	Examiner
D8	69	05/21/2018	EB-H

/ELIZA Z BENNETT-HATTAN/ Examiner, Art Unit 2915	
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EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L1	0	(combi hammer).ti.	US-PGPUB; USPAT; USOCR	AND	ON	2018/05/21 17:01
L2	76	(combination hammer).ti.	US-PGPUB; USPAT; USOCR	AND	ON	2018/05/21 17:03
L3	12	2 AND ((B25D1/00 OR B25D2216/0023 OR B25F1/00).CPC.)	US-PGPUB; USPAT; USOCR	AND	ON	2018/05/21 17:26
S1	316	D8/69.cor.	US-PGPUB; USPAT; USOCR	OR	ON	2018/05/16 16:15
S2	23	((("Koeniger") near3 ("Tobias"))).INV.	US-PGPUB; USPAT; USOCR	OR	ON	2018/05/16 16:25
S3	4	((("Aupperle") near3 ("Heiko"))).INV.	US-PGPUB; USPAT; USOCR	OR	ON	2018/05/16 16:25
S6	887	((("Liu") near3 ("Yuan"))).INV.	US-PGPUB; USPAT; USOCR	OR	ON	2018/05/16 16:25
S11	199	(D8/14.1).cor.	US-PGPUB; USPAT; USOCR	AND	ON	2018/05/18 13:36
S12	610	D8/61.cor.	US-PGPUB; USPAT; USOCR	OR	ON	2018/05/18 14:10
S13	977	D8/68.cor.	US-PGPUB; USPAT; USOCR	OR	ON	2018/05/18 14:10