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INTERNATIONAL REGISTRATION NO.	APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
DM/096583	35/503,299		Markus Fieber		4625

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

DATE MAILED : 05/29/2018

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.

35/503,299

Applicant(s)

Fieber et al.

Examiner

Rhea Shields

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 _____ 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: _____.

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

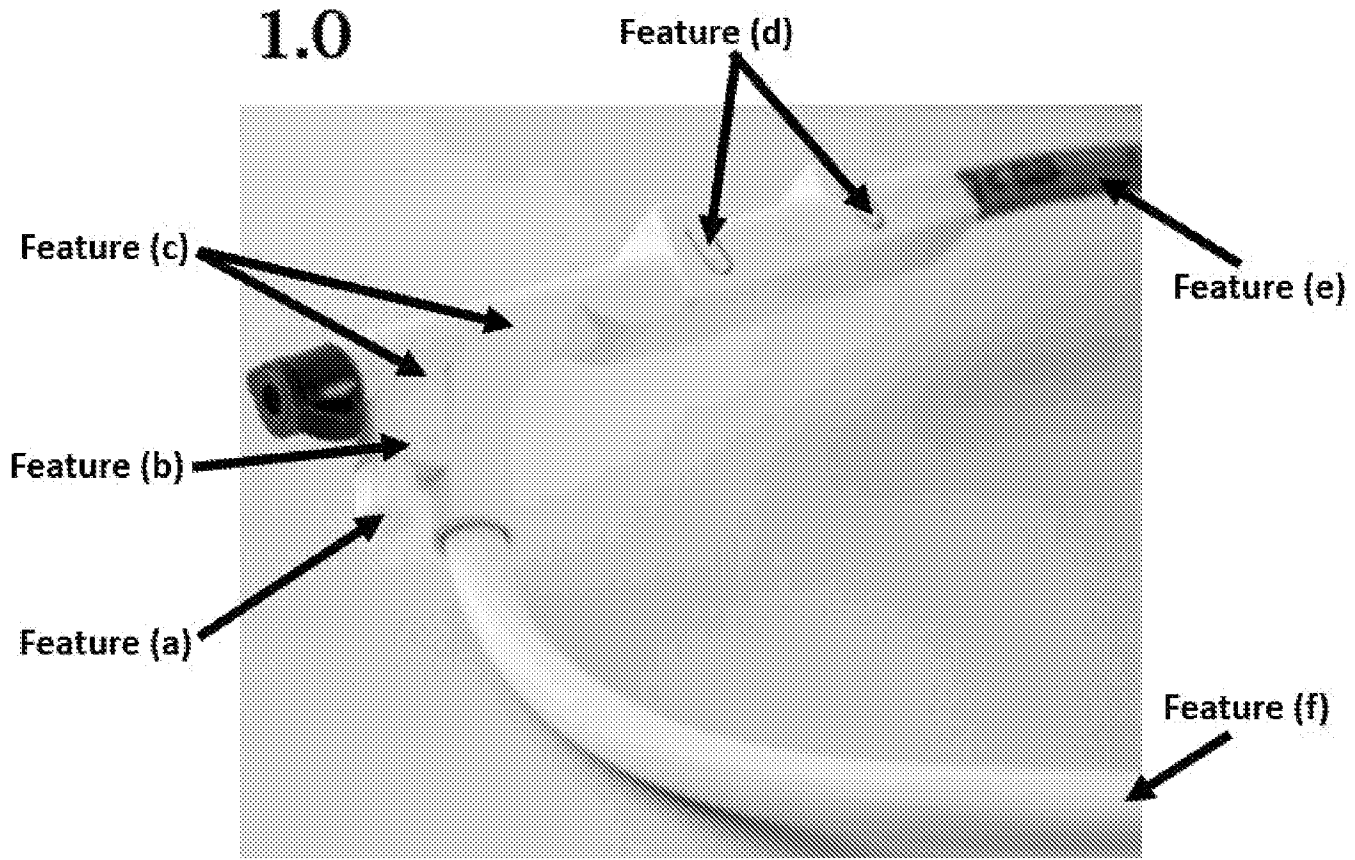
Claim Rejection - 35 USC § 112

The claim is rejected under 35 U.S.C. 112(a) and (b) or 35 U.S.C. 112 (pre-AIA), 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 not enabled because the exact three dimensional appearances of the claim cannot be understood.

- In the single reproduction, the exact three dimensional appearance of feature (a) cannot be determined. While the examiner understands this feature is cylindrical in shape the exact three dimensional appearance of the outer surface is unclear.
- In the single reproduction, the exact three dimensional appearance of features (b) through (d) cannot be determined.
- In the single reproduction, the exact three dimensional appearance of feature (e) cannot be determined. This feature is blurred and therefore the exact three dimensional appearance cannot be understood as flat, round, etc.
- In the single reproduction, the exact three dimensional appearance of feature (f) cannot be determined. This feature is not shown in a distinguishable contrast of color in comparison to the image background and therefore it is too difficult to understand the exact three dimensional appearance of this portion of the article.

Without sectional or additional perspective views to corroborate or explain the changes in contours and differences in the depths of these features it is not possible to determine the exact appearance or spatial characteristics for this portion of the design. All features must be corroborated throughout the views; and without the presence of multiple interpretations.



Conclusion – Reply Reminder

The claim is rejected under 35 U.S.C. 112(a) and (b) or 35 U.S.C. 112 (pre-AIA), first and second paragraphs.

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).

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>

Note that correspondence received will appear in Public PAIR, which may be viewed by the applicant at: <https://portal.uspto.gov/pair/PublicPair>

The references are cited as pertinent prior art. Applicant may view and obtain copies of the cited references by visiting <http://www.uspto.gov/patft/index.html> and pressing the "Patent Number Search" button.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rhea Shields whose telephone number is (571)272-3848. The examiner can normally be reached on M-F 8:00a-5:00p EST.. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brandon Rosati (571) 270-3536. 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>. If 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.

/Rhea Shields/
Primary Examiner, Art Unit 2915

Notice of References Cited	Application/Control No. 35/503,299	Applicant(s)/Patent Under Reexamination Fieber et al.	
	Examiner Rhea Shields	Art Unit 2915	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-D818586-S	05-2018	Hamel; Ross		D24/146
*	B	US-D818583-S	05-2018	Harlev; Doron		D24/130
*	C	US-D818122-S	05-2018	Oberkircher; Brendan J.		D24/133
*	D	US-D809139-S	01-2018	Marsot; Travis R.		D24/145
*	E	US-D806245-S	12-2017	Halbert; Phillip Charles		D24/133
*	F	US-D806230-S	12-2017	Johnson; Greg		D24/112
*	G	US-D802777-S	11-2017	Burachynsky; Natalia		D24/187
*	H	US-D802769-S	11-2017	Robertson; Taylor		D24/167
*	I	US-D775728-S	01-2017	Cavada; Gilberto		D24/144
*	J	US-D734469-S	07-2015	Zheng; Yüewen		D24/170
*	K	US-D724749-S	03-2015	Koby; Refael Gil		D24/209
*	L	US-D719651-S	12-2014	Hoffmann; Peer		D24/133
*	M	US-D660421-S	05-2012	Miller; Robert F.		D24/133

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	
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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.

Notice of References CitedApplication/Control No.
35/503,299Applicant(s)/Patent Under
Reexamination
Fieber et al.Examiner
Rhea ShieldsArt Unit
2915

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-D646387-S	10-2011	Bast; Robert		D24/133
*	B	US-D638540-S	05-2011	Ijiri; Tomonori		D24/133
*	C	US-D593674-S	06-2009	Fedenia; Adam S.		D24/108
*	D	US-D581052-S	11-2008	Root; Thomas V.		D24/133
*	E	US-D578645-S	10-2008	Shumer; Dan		D24/133
*	F	US-D560803-S	01-2008	Tasse; Daniel		D24/130
*	G	US-D549325-S	08-2007	Schnitzler; Uwe		D24/133
*	H	US-D533274-S	12-2006	Visconti; Peter L.		D24/133
*	I	US-D530818-S	10-2006	Lin; Shih-Chu		D24/138
*	J	US-D495051-S	08-2004	Reschke; Arlan James		D24/133
*	K	US-6332886-B1	12-2001	Green; James M.	A61B17/1617	606/79
*	L	US-7500974-B2	03-2009	Sartor; Joe Don	A61B18/1402	606/45
*	M	US-8795269-B2	08-2014	Garrison; David M.	A61B18/14	606/37

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: 35/503,299

Foreign Priority claimed: Yes No

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

Verified and Acknowledged:

/Rhea Shields/

Examiner's Signature

Initials

Title:

Handle for hand operated medical instruments

FILING or 371(c) DATE	CLASS	GROUP ART UNIT	ATTORNEY DOCKET NO.
03/14/2017	D24	2915	
RULE			

APPLICANTS

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Gunter Schutz Augsburg, GERMANY

CONTINUING DATA

FOREIGN APPLICATIONS

GERMANY 402016101112.0 09/14/2016

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07/25/2017

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GERMANY

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Alois-Steinecker-Strasse 22,

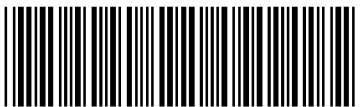
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<i>Search Notes</i> 	Application/Control No. 35/503,299	Applicant(s)/Patent Under Reexamination Fieber et al.
	Examiner Rhea Shields	Art Unit 2915

CPC - Searched*		
Symbol	Date	Examiner
A 61B 17/1617; 18/1402; 18/14	05/13/2018	RMS

CPC Combination Sets - Searched*		
Symbol	Date	Examiner

US Classification - Searched*			
Class	Subclass	Date	Examiner
D24	133, 146, 130, 145, 112, 187, 167, 144, 170, 209, 108, 138	05/13/2018	RMS
606	79, 45, 37	05/13/2018	RMS

* 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 and assignee search	05/13/2018	RMS
Extensive forward/backward citation search on references similar in appearance	05/13/2018	RMS
Google (NPL) search	05/13/2018	RMS

Interference Search			
US Class/CPC Symbol	US Subclass/CPC Group	Date	Examiner
D24	133	05/13/2018	RMS

/RHEA M SHIELDS/ Primary Examiner, Art Unit 2915	
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