



# UNITED STATES PATENT AND TRADEMARK OFFICE

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INTERNATIONAL REGISTRATION NO.	APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
DM/209505	35/509,975		Vincent Duysen		5342

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

DATE MAILED : 08/06/2021

## 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.**

35/509,975

**Applicant(s)**

Duysen, Vincent Van

**Examiner**

STEVEN J CZYZ

**Art Unit**

2922

**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 \_\_\_\_\_.
- 3)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4)  Other: \_\_\_\_\_.

***Notice of Pre-AIA or AIA Status***

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

***Specification***

- For clarity and accuracy, the descriptions should be amended to read as follows. Hague Rule 7(5)(a), CFR 1.1067, MPEP 2920.04(a)II. Applicant is not required to correct the above-noted formal matters but may wish to do so to place the application in better form.

--1.1: Perspective View

1.2: Front View

1.3: Right Side View

1.4: Rear View

1.5: Bottom View

1.6: Top View

1.7: Left Side View--

***35 USC 112 (a) and (b)***

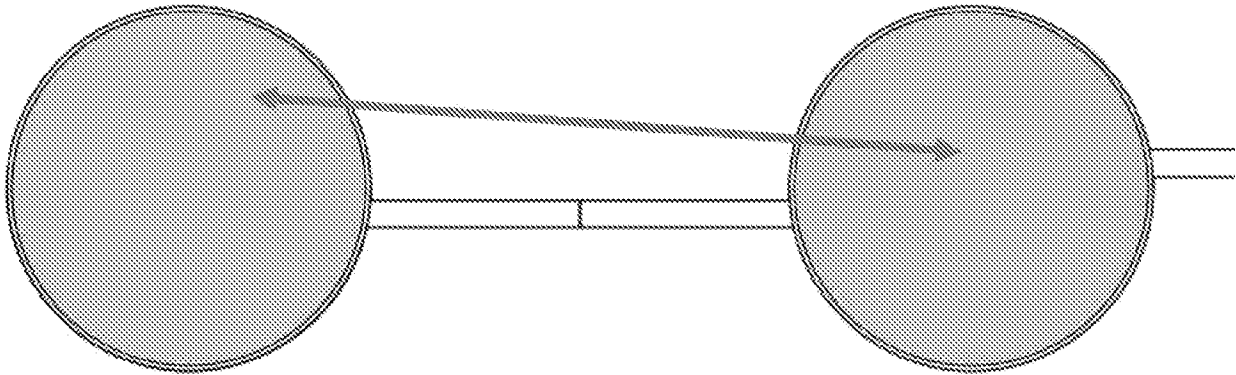
The claim is refused under 35 U.S.C. 112 (a) and (b), as the claimed invention is not described in such full, clear, concise and exact terms as to enable any person skilled in the art to make and use the same, and fails to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claim is indefinite and nonenabling for the following reasons:

- The scope of the claim is unclear. Specifically, the exact depth and three-dimensional shape of the bottom surface of the four round lights on the article in reproduction 1.5 (indicated below in grey color) are not clearly disclosed. The bottom surface of the lights could be recessed or flat.

As currently disclosed it would be impossible for one skilled in the art to make and use the design without resort to conjecture.

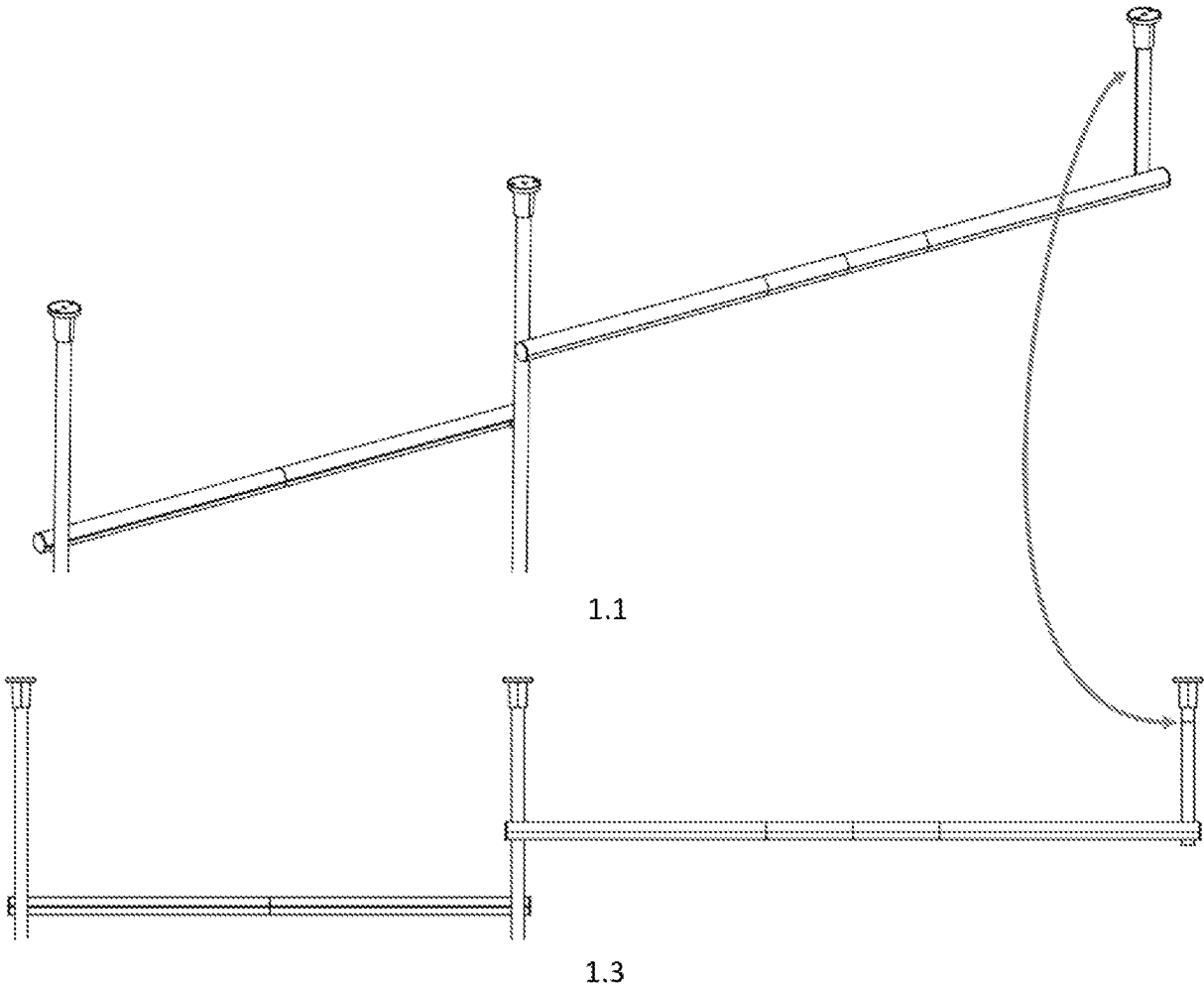
## 1.5



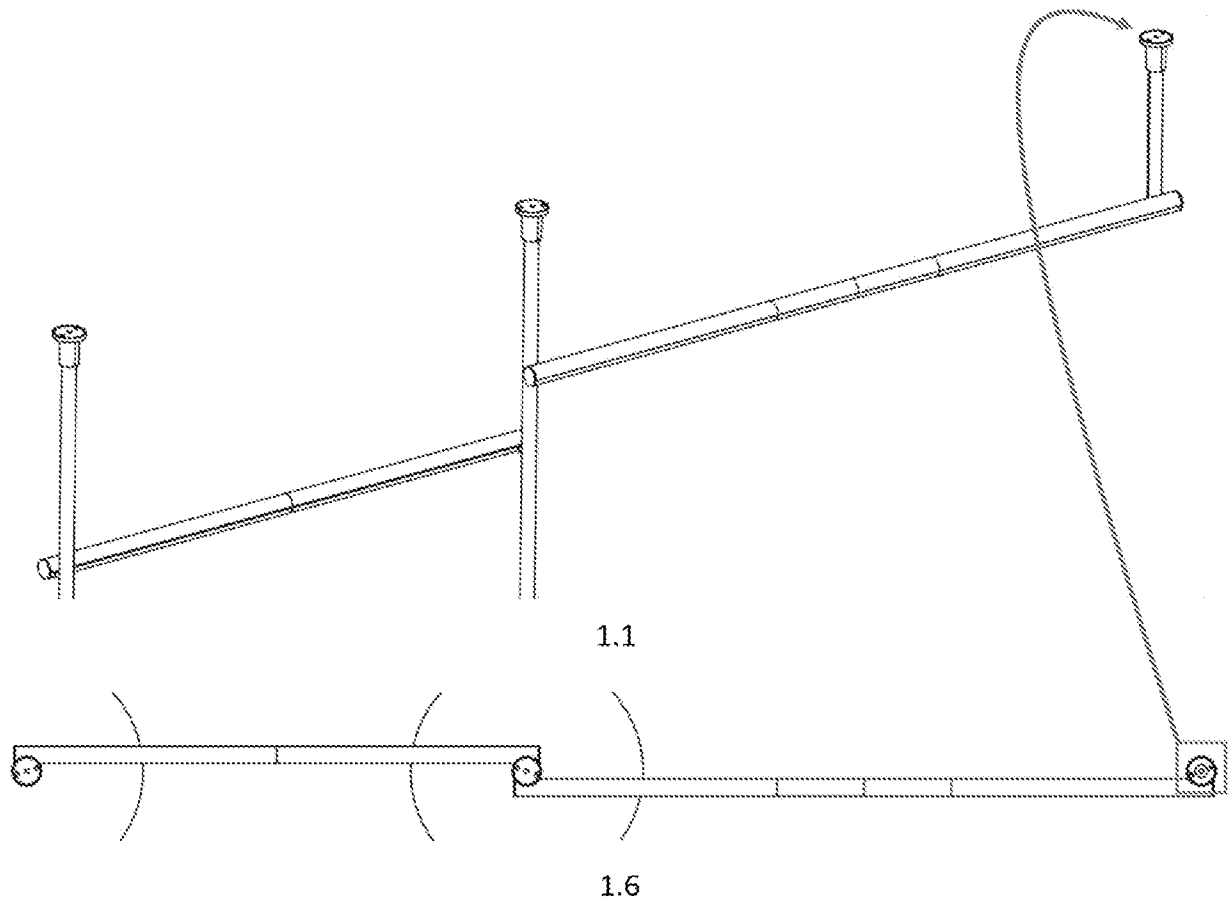
Applicant may overcome this refusal by amending reproduction 1.5 to reduce the inner most solid line on each light to broken lines to remove the interior of the lights from the claim.

- Reproductions 1.1, 1.4, and 1.7 are inconsistent with 1.3. Reproduction 1.3 shows a small solid line on the article (indicated below) that is not seen in reproductions 1.1, 1.4, and 1.7.

Consistency is required.



- Reproductions 1.6 inconsistent with 1.1. Reproduction 1.6 shows the top of the indicated element on the article (indicated below) with an additional solid line that is not seen in reproduction 1.1. Consistency is required.



Because of the inconsistencies, and insufficient information in the drawings provided, 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. **In order to overcome this refusal, it is suggested that the design be shown clearly and consistently among the views.** However, care must be taken to not introduce new matter. It is recommended that every line be clean, sufficiently dense and dark, and uniformly thick and well-defined in the replacement reproductions.

***Discussion of the Merits of the Case:***

All discussions between the applicant and the examiner regarding the merits of a pending application will be considered an interview and are to be made of record. See MPEP 713. The examiner

will not discuss the merits of the application with applicant's representative if the representative is not registered to practice before the USPTO. Appointment as applicant's representative before the International Bureau pursuant to Rule 3 of the *Common Regulations* under the Hague Agreement does NOT entitle such representative to represent the applicant before the USPTO. Furthermore, an applicant that is a juristic entity must be represented by a patent attorney or agent registered to practice before the USPTO. Additional information regarding interviews is set forth below.

### ***Telephonic or In Person Interviews***

A telephonic or in person interview may only be conducted with an attorney or agent registered to practice before the USPTO ("registered practitioner") or with a *pro se* applicant (an applicant who is the inventor and who is not represented by a registered practitioner).

The registered practitioner may either be of record or not of record. To become "of record", a power of attorney (POA) in accordance with 37 CFR 1.32 must be filed in the application. Form PTO/AIA/80 "Power of Attorney to Prosecute Applications Before the USPTO", may be used for this purpose:

<https://www.uspto.gov/patent/forms/forms-patent-applications-filed-or-after-september-16-2012>

See MPEP 402.02(a) for further information. Interviews may also be conducted with a registered practitioner not of record provided the registered practitioner can show authorization to conduct an interview by completing, signing and filing an "Applicant Initiated Interview Request Form" (PTOL-413A) (available at the USPTO web page indicated above). See MPEP 405. For acceptable ways to submit forms to the USPTO, see "When Responding to Official USPTO Correspondence" below.

If a *pro se* applicant or registered practitioner located outside of the United States wishes to communicate by telephone, it is suggested that such person email the examiner at

[darcey.gottschalk@uspto.gov](mailto:darcey.gottschalk@uspto.gov) to arrange a time and date for the telephone interview. Please include

proposed days and times for the proposed call. When proposing a day/time for the interview, please take into account the examiner's work schedule indicated in the last paragraph of this communication. The email should also be used to determine who will initiate the telephone call.

#### ***Email Communications***

The merits of the application will not be discussed via email (or other electronic medium) unless appropriate authorization for internet communication is filed in the application. Form PTO/SB/439 "Authorization for Internet Communications in a Patent Application or Request to Withdraw Authorization for Internet Communications" may be used to provide such authorization and is available at the USPTO web page indicated above. The authorization may not be sent by email to the USPTO. For acceptable ways to submit the authorization form to the USPTO, see "When Responding to Official USPTO Correspondence" below. See MPEP 502.03 II for further information.

#### ***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***

The claim is refused under 35 USC § 112 (a) and (b).

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.

To inquire about this communication, applicants may contact Examiner Steven Czyz by phone at 571-270-0204. The examiner can normally be reached Monday through Friday, 8 a.m. to 4 p.m. Eastern. Examiner interviews are available via telephone. 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 applicant may contact the examiner's supervisor, Manny Matharu, by phone at 571-272-8601. The fax number for this group 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](http://www.uspto.gov/patents/process/status/private_pair/index.jsp). If you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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).

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Art Unit: 2922

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/STEVEN J CZYZ/  
Primary Examiner, Art Unit 2922

<b>Notice of References Cited</b>	Application/Control No. 35/509,975	Applicant(s)/Patent Under Reexamination Duysen, Vincent Van	
	Examiner STEVEN J CZYZ	Art Unit 2922	Page 1 of 5

**U.S. PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	CPC Classification	US Classification
*	A	US-3240925-A	03-1966	KARL PASCHKE	F21V21/30	362/33
*	B	US-D320465-S	10-1991	Sonneman; Robert A.		D26/86
*	C	US-D373002-S	08-1996	Porter; David H.		D26/144
*	D	US-D416643-S	11-1999	Benghozi; Simon		D26/86
*	E	US-D542456-S	05-2007	Swanson; Dennis K.		D26/65
*	F	US-D570030-S	05-2008	Starck; Philippe		D26/84
*	G	US-7410138-B2	08-2008	Parsons; Shannon G.	F16M11/04	248/278.1
*	H	US-D590980-S	04-2009	Sabernig; Robert		D26/63
*	I	US-D620168-S	07-2010	Sabernig; Robert		D26/63
*	J	US-D620629-S	07-2010	Sabernig; Robert		D26/84
*	K	US-D620632-S	07-2010	Wanders; Marcel		D26/88
*	L	US-D620179-S	07-2010	Sabernig; Robert		D26/84
*	M	US-D620178-S	07-2010	Sabernig; Robert		D26/84

**FOREIGN PATENT DOCUMENTS**

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**NON-PATENT DOCUMENTS**

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\*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)  
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**U.S. PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	CPC Classification	US Classification
*	A	US-D634046-S	03-2011	Sabernig; Robert		D26/84
*	B	US-D645598-S	09-2011	Sabernig; Robert		D26/65
*	C	US-D645188-S	09-2011	Sabernig; Robert		D26/65
*	D	US-D649674-S	11-2011	Sabernig; Robert		D26/84
*	E	US-D655852-S	03-2012	Sabernig; Robert		D26/88
*	F	US-D700390-S	02-2014	Sabernig; Robert		D26/90
*	G	US-D730561-S	05-2015	Loebach; Paul		D26/88
*	H	US-D761478-S	07-2016	Ng; Edmund		D26/80
*	I	US-D773101-S	11-2016	Sonneman; Robert A.		D26/88
*	J	US-D772468-S	11-2016	Sonneman; Robert A.		D26/90
*	K	US-D772467-S	11-2016	Sonneman; Robert A.		D26/88
*	L	US-D775397-S	12-2016	Sonneman; Robert A.		D26/90
*	M	US-D780979-S	03-2017	Urquiola; Patricia		D26/88

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*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	CPC Classification
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**U.S. PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	CPC Classification	US Classification
*	A	US-D792633-S	07-2017	Sonneman; Robert A.		D26/90
*	B	US-D791388-S	07-2017	Sonneman; Robert A.		D26/90
*	C	US-D794863-S	08-2017	Sonneman; Robert A.		D26/87
*	D	US-D806304-S	12-2017	Amato; Michael		D26/81
*	E	US-9920922-B2	03-2018	Liang; Clay	F21V17/02	1/1
*	F	US-10030842-B1	07-2018	Sonneman; Robert A.	F21S8/06	1/1
*	G	US-D828607-S	09-2018	Sonneman; Robert A.		D26/81
*	H	US-D828945-S	09-2018	Crocker; Justin		D26/81
*	I	US-10184645-B2	01-2019	Sonneman; Robert A.	F21S8/065	1/1
*	J	US-D849311-S	05-2019	Hendifar; Gabriel		D26/88
*	K	US-10295164-B2	05-2019	Liang; Clay	F21V21/40	1/1
*	L	US-D854223-S	07-2019	Hecht; Samuel Israel		D26/88
*	M	US-D857965-S	08-2019	Amato; Michael	F21V17/02	D26/81

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Duysen, Vincent VanExaminer  
STEVEN J CZYZArt Unit  
2922

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**U.S. PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	CPC Classification	US Classification
*	A	US-D865263-S	10-2019	Amato; Michael	F16M11/04	D26/81
*	B	US-D862767-S	10-2019	Pomputius; John	F21V23/06	D26/81
*	C	US-D888317-S	06-2020	Amato; Michael		D26/87
*	D	US-D891671-S	07-2020	Amato; Michael	F21S8/065	D26/82
*	E	US-D889724-S	07-2020	Richardson; Theodore		D26/81
*	F	US-D906584-S	12-2020	Moses; Eran		D26/138
*	G	US-D903934-S	12-2020	Moses; Eran		D26/138
*	H	US-D914268-S	03-2021	Anastasiades; Michael		D26/88
*	I	US-D917760-S	04-2021	Lissoni; Piero		D26/72
*	J	US-10966796-B2	04-2021	Bellows; Lance Clark	F21V21/088	1/1
*	K	US-D917770-S	04-2021	Yuan; Shiqiang		D26/90
*	L	US-D920562-S	05-2021	Hendifar; Gabriel		D26/88
*	M	US-D920559-S	05-2021	Hendifar; Gabriel		D26/84

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**U.S. PATENT DOCUMENTS**

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*	A	US-D919872-S	05-2021	Hendifar; Gabriel		D26/84
*	B	US-11067256-B2	07-2021	Kinsley; Mark Anthony	F21V23/06	1/1
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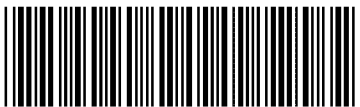
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<b>Search Notes</b> 	<b>Application/Control No.</b> 35/509,975	<b>Applicant(s)/Patent Under Reexamination</b> Duysen, Vincent Van
	<b>Examiner</b> STEVEN J CZYZ	<b>Art Unit</b> 2922

CPC - Searched*		
Symbol	Date	Examiner
F21S 8/04, 8/043, 8/046, 8/006, 8/06, 8/061, 8/063, 8/065, 8/066, 8/068	08/05/2021	/SJC/

CPC Combination Sets - Searched*		
Symbol	Date	Examiner

US Classification - Searched*			
Class	Subclass	Date	Examiner
D26	24, 72, 73, 80, 81, 82, 84, 85, 86, 87, 88, 90, 92	08/05/2021	/SJC/

\* 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
Forward and Backward Search on Most Relevant References	08/05/2021	/SJC/
Title Search in EAST		
Inventor Name Search		
NPL Search in Google Images		

Interference Search			
US Class/CPC Symbol	US Subclass/CPC Group	Date	Examiner
D26	81	08/05/2021	/SJC/

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## EAST Search History

### EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L11	639	D26/24.ccls.	USPAT	OR	OFF	2021/08/05 09:07
L12	653	D26/72.ccls.	USPAT	OR	OFF	2021/08/05 09:27
L13	336	D26/73.ccls.	USPAT	OR	OFF	2021/08/05 09:41
L14	368	D26/80.ccls.	USPAT	OR	OFF	2021/08/05 10:00
L15	684	D26/81.ccls.	USPAT	OR	OFF	2021/08/05 10:05
L16	75	D26/82.ccls.	USPAT	OR	OFF	2021/08/05 10:33
L17	509	D26/84.ccls.	USPAT	OR	OFF	2021/08/05 10:34
L18	1,223	D26/85.ccls.	USPAT	OR	OFF	2021/08/05 10:49
L19	405	D26/86.ccls.	USPAT	OR	OFF	2021/08/05 11:17
L20	856	D26/87.ccls.	USPAT	OR	OFF	2021/08/05 11:29
L21	1,141	D26/88.ccls.	USPAT	OR	OFF	2021/08/05 11:50
L22	375	D26/90.ccls.	USPAT	OR	OFF	2021/08/05 12:19
L23	474	D26/92.ccls.	USPAT	OR	OFF	2021/08/05 12:25
L24	1,415	F21S8/04.cpc.	USPAT	OR	OFF	2021/08/05 12:30
L25	228	F21S8/043.cpc.	USPAT	OR	OFF	2021/08/05 12:51
L26	121	F21S8/046.cpc.	USPAT	OR	OFF	2021/08/05 12:53
L27	126	F21S8/006.cpc.	USPAT	OR	OFF	2021/08/05 12:54
L28	994	F21S8/06.cpc.	USPAT	OR	OFF	2021/08/05 12:55
L29	293	F21S8/061.cpc.	USPAT	OR	OFF	2021/08/05 13:06
L30	124	F21S8/063.cpc.	USPAT	OR	OFF	2021/08/05 13:09
L31	250	F21S8/065.cpc.	USPAT	OR	OFF	2021/08/05 13:11
L32	56	F21S8/066.cpc.	USPAT	OR	OFF	2021/08/05 13:13
L33	46	F21S8/068.cpc.	USPAT	OR	OFF	2021/08/05 13:18

8/5/2021 1:59:13 PM

C:\Users\sczyz\Documents\EAST\Workspaces\173.wsp

## Bibliographic Data

Application No: 35/509,975

Foreign Priority claimed:  Yes  No

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

Met After Allowance

Verified and Acknowledged:

/STEVEN J CZYZ/

Examiner's Signature

Initials

Title:

Lamp

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FILING or 371(c) DATE	CLASS	GROUP ART UNIT	ATTORNEY DOCKET NO.
05/21/2020	D26	2922	
<b>RULE</b>			

### APPLICANTS

ANTARES ILUMINACION, S.A.U., Ribarroja, SPAIN

### INVENTORS

Vincent Van Duysen, Valencia, SPAIN

### CONTINUING DATA

### FOREIGN APPLICATIONS

### IF REQUIRED, FOREIGN LICENSE GRANTED\*\*

08/10/2020

### STATE OR COUNTRY

SPAIN

### ADDRESS

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### FILING FEE RECEIVED

\$987.69

### WIPO Int'l Reg. Allowed Design#s: