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INTERNATIONAL	APPLICATION	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION
REGISTRATION NO.	NO.				NO.

DM/225681 35/515,928 Viktor Haupt null 2485

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

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

	Application No.	Applicant(s)	
	35/515,928	Haupt, Viktor	
Office Action Summary	Examiner	Art Unit	AIA (FITF) Status
	NATHAN M JOHNSTON	2919	Yes
The MAILING DATE of this communication app	ears on the cover sheet with the c	orrespondend	ce address
Period for Reply			
A SHORTENED STATUTORY PERIOD FOR REPLY DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.13 date of this communication. - If NO period for reply is specified above, the maximum statutory period w - Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing	36(a). In no event, however, may a reply be tim rill apply and will expire SIX (6) MONTHS from cause the application to become ABANDONE	ely filed after SIX (the mailing date of D (35 U.S.C. § 133	6) MONTHS from the mailing this communication.
adjustment. See 37 CFR 1.704(b). Status	date of this communication, even in timely life	, may reduce any c	samed patent term
1) Responsive to communication(s) filed onA declaration(s)/affidavit(s) under 37 CFR 1			
	✓ This action is non-final.	<u>-</u> ·	
3) An election was made by the applicant in res		ant sat forth (during the interview
on; the restriction requirement and elec			
4) Since this application is in condition for allow closed in accordance with the practice under	ance except for formal matters,	prosecution	as to the merits is
Disposition of Claims*			
5) 🗹 Claim(s) 1 is/are pending in the applica	tion.		
5a) Of the above claim(s) is/are withdr	awn 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 as	nd/or election requirement		
* If any claims have been determined <u>allowable</u> , you may be eli		secution High	wav program at a
participating intellectual property office for the corresponding ap	•	_	,,,
http://www.uspto.gov/patents/init_events/pph/index.jsp or send	an inquiry to PPHfeedback@uspto.	.gov.	
Application Papers	nor		
10) The specification is objected to by the Exami		the Evenier	~ w
11) The drawing(s) filed on is/are: a) a			
Applicant may not request that any objection to the di Replacement drawing sheet(s) including the correction			
Priority under 35 U.S.C. § 119			
12) ☐ Acknowledgment is made of a claim for foreig Certified copies:	gn priority under 35 U.S.C. § 11	9(a)-(d) or (t).
a) \square All b) \square Some** c) \square None of t	he:		
 Certified copies of the priority document 	nents have been received.		
Certified copies of the priority docun	nents have been received in Ap	plication No.	·
 Copies of the certified copies of the application from the International But 		eceived in th	is National Stage
** See the attached detailed Office action for a list of the certific			
Attachment(s)	2\	/DTO 410\	
1) Notice of References Cited (PTO-892)	3) Interview Summary Paper No(s)/Mail D		
 Information Disclosure Statement(s) (PTO/SB/08a and/or PTO/S Paper No(s)/Mail Date 	B/08b) 4) Other:		

PTOL-326 (Rev. 11-13)

DETAILED ACTION

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.

Restriction not Required

This application discloses the following embodiments:

Embodiment 1 - Reproductions 1.1-1.8

Embodiment 2 - Reproductions 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 difference between the appearances of the embodiments, namely the removal of the cap in Embodiment 2 is considered minor and patentably indistinct, or are shown to be obvious in view of analogous prior art cited.

Objections to the Title

The title is objectionable. The title of the design must designate the particular article so that the formal claim will be directed to the ornamental design for the article. Art Unit: 2919

See 37 CFR 1.153 and 35 U.S.C. 171. Therefore, the title should be amended throughout the application, original oath or declaration accepted to read –Medical Needle device-.

35 U.S.C. 112, (a) and (b)

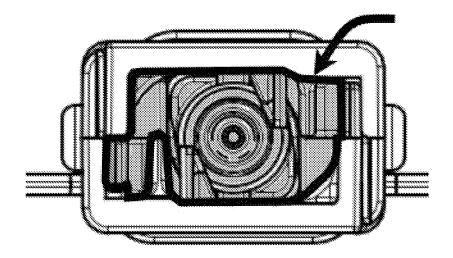
The claim is rejected under 35 U.S.C. 112(a) and (b) or pre-AIA 35 U.S.C. 112, first and second paragraphs, as the claimed invention is not described in such full, clear, concise and exact terms as to enable any person skilled in the art to make and use the same, and fails to particularly point out and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

The claim is indefinite and nonenabling because the shape and appearance of the claimed design cannot be understood due to the following inconsistencies and nonenabling features, as outlined below:

• Due to the available views and lack of shading the form and position of the selected features (highlighted in gray) inside the medical instrument as seen through the opening in reproductions 1.7, and 2.8 are uncertain and could be considered by the examiner to have many variations of depth and form (concave, convex, flat, angled, curved). Applicant may exclude from the claim all the areas or portions of the design which are considered indefinite and nonenabling in the rejection under 35 U.S.C. 112 by converting them to broken lines.

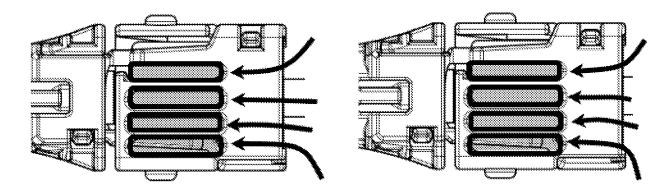
Application/Control Number: 35/515,928

Art Unit: 2919



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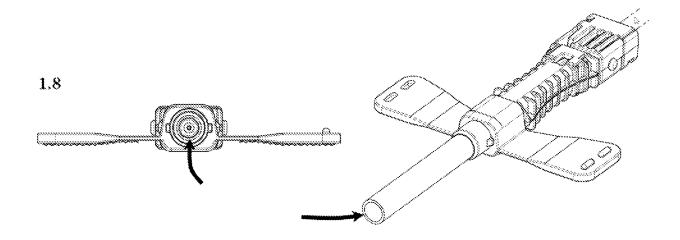
• Due to the available views and lack of shading the form and position of the select surfaces (highlighted in gray) inside the medical equipment as seen through the openings in reproductions 1.1-1.4 and 2.3-2.6 are uncertain and could be considered by the examiner to have many variations of depth and form (concave, convex, flat, angled, curved). Applicant may exclude from the claim all the areas or portions of the design which are considered indefinite and nonenabling in the rejection under 35 U.S.C. 112 by converting them to broken lines.



The end of the medical equipment is inconsistent between reproductions 1.1
 compared to 1.8. The applicant is reminded that ALL features/elements MUST be

Art Unit: 2919

consistently shown in the drawing disclosure in order to constitute a proper and full disclosure.



It is suggested that applicant submit revised drawings which show the configuration of the design with regards to the points outlined above, clearly and accurately, in order that the examiner may be in a position to determine if the claim may be clarified without the addition of new matter (35 U.S.C. 132, 37 CFR 1.121). However, applicant is advised that it may not be possible to redraw the features with uncertain depth and form indicated above without introducing new matter. Because these features are not shown in enough views to fully understand their shape and appearance, these portions of the claimed design are 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 these portions of the claim indefinite and non-enabled.

If the design cannot be fully enabled without introducing new matter because certain portions are indefinite, applicant may be able to exclude those portions of the design from the claim by converting those portions of the article to broken lines, so long

as the amendment meets 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, or applicant must provide evidence of that possession.

Applicant is advised that surface shading must be removed from any subject matter that is placed in broken lines. Surface shading should not be used on unclaimed subject matter shown in broken lines, to avoid confusion about the scope of the claim (37 CFR 1.152).

A response is required in reply to the Office action to avoid abandonment of the application. If corrected drawings are submitted in response to this Office action, they must be in compliance with 37 CFR 1.121(d). Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The reproduction number of an amended drawing should not be labeled as amended. If a drawing is to be canceled, the appropriate reproduction must be removed from the replacement sheet, and where necessary, the remaining reproductions must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. If all the figures on a drawing sheet are canceled, a replacement sheet is not required. A marked-up copy of the drawing sheet (labeled as "Annotated Sheet") including an annotation showing that all the figures on that drawing sheet have been canceled must be presented in the amendment or remarks section that explains the change to the drawings. Each drawing sheet 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). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action.

The references cited, but not applied, are considered the most pertinent art related to the claimed design.

The claim stands rejected for the reasons set forth above.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NATHAN M JOHNSTON whose telephone number is (571)270-0223. The examiner can normally be reached on Monday - Thursday and Alternating Friday, 10-3:30.

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, Holly Thurman can be reached on 571-272-8068. 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

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

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Art Unit: 2919

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

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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). 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.

Inventors Assistance Center

The Inventors Assistance Center (IAC) provides patent information and services to the public. The IAC is staffed by former Supervisory Patent Examiners and experienced Primary Examiners who answer general questions concerning patent examining policy and procedure. Applicants should contact the IAC concerning payment of FEES, schedule of PRINTING of Patents, RECEIPTS, and any other administrative issues. IAC is available M-F 9:00 AM – 3:00 PM (ET) at 800-PTO-9199 (800-786-9199) or 703-308-HELP (703-308-4357) and for TTY 703-305-7785 for customer assistance

/NATHAN M JOHNSTON/ Primary Examiner, Art Unit 2919

Notice of References Cited Application/Control No. 35/515,928 Applicant(s)/Patent Under Reexamination Haupt, Viktor Examiner NATHAN M JOHNSTON U.S. PATENT DOCUMENTS Page 1 of 3

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	CPC Classification	US Classification
*	Α	US-D926978-S	08-2021	Stoklund; Ole		D24/147
*	В	US-D900308-S	10-2020	Burkholz; Jonathan Karl		D24/129
*	С	US-D893711-S	08-2020	Chheda; Harsh D.		D24/130
*	D	US-D880693-S	04-2020	Harding; Weston		D24/130
*	Е	US-D870883-S	12-2019	Harding; Weston		D24/130
*	F	US-D837368-S	01-2019	Burkholz; Jonathan Karl	A61M25/0097	D24/129
*	G	US-D835262-S	12-2018	Burkholz; Jonathan Karl		D24/112
*	Н	US-D819802-S	06-2018	Burkholz; Jonathan Karl		D24/129
*	-	US-D817482-S	05-2018	Howell; Julie C.	A61B5/150641	D24/112
*	J	US-D808013-S	01-2018	Chheda; Harsh D.		D24/130
*	К	US-D751691-S	03-2016	Shaw; Thomas J		D24/112
*	L	US-D749214-S	02-2016	Uenishi; Masayuki		D24/130
*	М	US-D732160-S	06-2015	Du; Tianhu		D24/112

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	CPC Classification
	Z					
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NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	Google image search, Butterfly needle, 8-29-23, https://www.google.com/search?sca_esv=561082500&rlz= 1C1GCEB_enUS800US800&q=butterfly+needle&tbm=isch&source=lnms&sa=X&ved= 2ahUKEwjtgvDE14KBAxUyBzQIHXiECMMQ0pQJegQIDxAB&biw=1745&bih=955&dpr=1.1 (Year: 2023)
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^{*}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.

Application/Control No. Applicant(s)/Patent Under 35/515,928 Reexamination Haupt, Viktor Notice of References Cited Art Unit Examiner NATHAN M JOHNSTON 2919 Page 2 of 3 **U.S. PATENT DOCUMENTS Document Number** Date Name **CPC Classification US Classification** MM-YYYY Country Code-Number-Kind Code US-D731641-S 06-2015 D24/112 Du; Tianhu * US-D713957-S 09-2014 Woehr; Kevin D24/112 D24/112 С US-D686316-S 07-2013 Baid; Rishi US-D678513-S Baid; Rishi D24/112 D 03-2013 Ε US-D572819-S 07-2008 Puhasmagi; Arne D24/130 * F US-D492031-S 06-2004 Cindrich; Christopher Noel D24/130 * 06-2003 G US-D475783-S Swenson; Kirk D. D24/112 * Н 03-2003 US-D471979-S Wilkinson; Bradley M. D24/112 * US-D469529-S 01-2003 Niermann; Volker D24/112 * J US-D465571-S 11-2002 Niermann; Volker D24/130 * Κ US-D462765-S 09-2002 Niermann; Volker D24/112 * L US-D459802-S 07-2002 Cindrich; Christopher N. D24/130 * Μ US-D452312-S 12-2001 Crawford; Jamieson William Maclean D24/112 **FOREIGN PATENT DOCUMENTS Document Number** Date Name **CPC Classification** Country MM-YYYY Country Code-Number-Kind Code Ν 0 Ρ Q R S Т **NON-PATENT DOCUMENTS** Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages) U W

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^{*}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.

Application/Control No. Applicant(s)/Patent Under 35/515,928 Reexamination Haupt, Viktor Notice of References Cited Art Unit Examiner NATHAN M JOHNSTON 2919 Page 3 of 3 **U.S. PATENT DOCUMENTS Document Number** Date Name **CPC Classification US Classification** MM-YYYY Country Code-Number-Kind Code US-D451999-S 12-2001 D24/112 Crawford; Jamieson William Maclean * US-D452000-S 12-2001 Crawford; Jamieson William Maclean D24/112 С US-D452002-S 12-2001 Crawford; Jamieson William Maclean D24/112 US-D451601-S D24/112 D 12-2001 Crawford; Jamieson William Maclean Ε US-D433503-S 11-2000 Powers; Kelly B. D24/112 * F US-D408530-S 04-1999 Eliasen; Kenneth A. D24/112 * 01-1994 G US-D342995-S D24/112 Simmons; James W. * Н US-D282008-S 12-1985 McFarlane; Richard H. D24/113 * US-4445893-A 05-1984 Bodicky; Raymond O. A61M25/0606 D24/112 * 04-1982 J US-4326519-A D'Alo: Herbert F. A61M25/0631 604/177 * Κ US-D258387-S 02-1981 De Frank; Michael P. 604/177 * L US-D257885-S 01-1981 Kulle; Lee K. D24/112 * Μ US-D223043-S 02-1972 Raines; Kenneth D24/112 **FOREIGN PATENT DOCUMENTS Document Number** Date **CPC Classification** Country Name MM-YYYY Country Code-Number-Kind Code Ν 0 Ρ Q R S Т **NON-PATENT DOCUMENTS** Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages) U W

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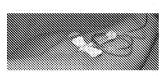
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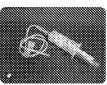
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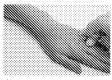
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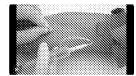
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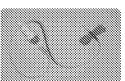


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Search Notes	

Application/Control No.	Applicant(s)/Patent Under Reexamination
35/515,928	Haupt, Viktor
Examiner	Art Unit
NATHAN M JOHNSTON	2919

CPC - Searched*			
Symbol	Date	Examiner	
A61B5/1411, A61M1/3693, A61B5/14532, A61M25/00, A61M39/00	08/29/2023	NJ	
A61M27/00, A61M25/0043, A61M25/0067, A61M25/0097, A61F2/ 958	08/29/2023	NJ	

CPC Combination Sets - Searched*				
Symbol Date Examiner				

US Classification - Searched*				
Class	Subclass	Date	Examiner	
D24	112-114,133,186,104,127-131	08/29/2023	NJ	
606	181,185	08/29/2023	NJ	
604	264,272,115,232,187,158,164.08,192,263,163,181,1 84,198,227	08/29/2023	NJ	
600	101,139,143	08/29/2023	NJ	
128	200.24,207.14,207.15	08/29/2023	NJ	

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



Application/Control No.	Applicant(s)/Patent Under Reexamination	
35/515,928	Haupt, Viktor	
Examiner	Art Unit	
NATHAN M JOHNSTON	2919	

Search Notes				
Search Notes	Date	Examiner		
Inventor search	08/29/2023	NJ		
Assignee search	08/29/2023	NJ		
Assignee website search	08/29/2023	NJ		
Google image search (hand-operated medical instrument)	08/29/2023	NJ		
("HAND-OPERATED MEDICAL INSTRUMENT" OR " HAND-OPERATED MEDICAL DEVICE") term search	08/29/2023	NJ		
("HAND-OPERATED MEDICAL INSTRUMENT" OR " HAND-OPERATED MEDICAL DEVICE") foreign database (JPO & EPO) term search	08/29/2023	NJ		

Interference Search					
US Class/CPC Symbol	US Subclass/CPC Group	Date	Examiner		

PE2E SEARCH - Search History (Prior Art)

Ref#	Hits	Search Query	DBs	Default Operator	Plurals	British Equivalents	Time Stamp
L1	8832	D24/112- 114,133,186,104,127- 131.CCLS.	(US-PGPUB; USPAT; USOCR)	OR	ON	ON	2023/08/29 10:17 AM
L2	2667	606/181,185.CCLS.	(US-PGPUB; USPAT; USOCR)	OR	ON	ON	2023/08/29 10:18 AM
L4	12933	604/264,272,115,232,1 87,158,164.08,192,263, 163,181,184,198,227.C CLS.	(US-PGPUB; USPAT; USOCR)	OR	ON	ON	2023/08/29 10:20 AM
L5	1431	600/101,139,143.CCLS.	(US-PGPUB; USPAT; USOCR)	OR	ON	ON	2023/08/29 10:21 AM
L6	4428	128/200.24,207.14,207. 15.CCLS.	(US-PGPUB; USPAT; USOCR)	OR	ON	ON	2023/08/29 10:22 AM
L12	40157	(A61B5/1411.CPC. OR A61M1/3693.CPC. OR A61B5/14532.CPC. OR A61M25/00.CPC. OR A61M39/00.CPC. OR A61M27/00.CPC. OR A61M25/0043.CPC. OR A61M25/0067.CPC. OR A61M25/0097.CPC. OR A61F2/958.CPC.)	(US-PGPUB; USPAT; USOCR)	OR	ON	ON	2023/08/29 10:33 AM
L13	8503	L1 NOT "OCR SCANNED DOCUMENT".TI.	(US-PGPUB; USPAT; USOCR)	OR	ON	ON	2023/08/29 10:43 AM
L15	547	L12 AND ("catheter assembly" OR "needle assembly" OR winged).ti.	(US-PGPUB; USPAT; USOCR)	OR	ON	ON	2023/08/29 12:29 PM
L16	175	L10 AND ("catheter assembly" OR "needle assembly" OR winged).ti.	(US-PGPUB; USPAT; USOCR)	OR	ON	ON	2023/08/29 12:30 PM
L17	719	(L15 L16) NOT "OCR SCANNED DOCUMENT".TI.	(US-PGPUB; USPAT; USOCR)	OR	ON	ON	2023/08/29 12:32 PM
L18	29	("HAND-OPERATED MEDICAL INSTRUMENT" OR "HAND-OPERATED MEDICAL DEVICE")	(US-PGPUB; USPAT; USOCR)	OR	ON	ON	2023/08/29 02:54 PM
L19	29	("HAND-OPERATED MEDICAL INSTRUMENT" OR "HAND-OPERATED MEDICAL DEVICE")	(US-PGPUB; USPAT; USOCR; EPO; JPO)	OR	ON	ON	2023/08/29 02:56 PM
L20	0	((("Haupt") near3 ("Viktor"))).INV.	(US-PGPUB; USPAT; USOCR)	OR	ON	ON	2023/08/29 02:57 PM

08/29/2023 02:59:10 PM Workspace: 23-8-29 medical device

ſ	L21	0	"SARSTEDT AG & CO.	(US-PGPUB; USPAT;	OR	ON	ON	2023/08/29
			KG".AS.	USOCR)				02:57 PM

PE2E SEARCH - Search History (Interference)

There are no Interference searches to show.

08/29/2023 02:59:10 PM Workspace: 23-8-29 medical device

Bibliographic Data

Applio	cation No: 35/515,9	28			
Foreign Priority claimed:		O Yes	● No		
35 USC 119 (a-d) conditions met:		Yes	□No	☐ Met A	fter Allowance
Verified and Acknowledged:		/NATHAN	M JOHNSTON/	NMJ	
		Examiner's S	Signature	Initials	
Title:		Handoperate	ed medical instrument		
	FILING or 371(c) DATE	CLASS	GROUP ART U	NIT	ATTORNEY DOCKET NO.
	11/25/2022	D24	2919		

APPLICANTS

RULE

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CONTINUING DATA

FOREIGN APPLICATIONS

IF REQUIRED, FOREIGN LICENSE GRANTED**

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