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INTERNATIONAL REGISTRATION NO.	APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
DM/093286	35/501,911		Marco Deusing		8296

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

DATE MAILED : 11/15/2017

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.**
35/501,911**Applicant(s)**
DEUSING, MARCO**Examiner**
ZENIA BENNETT**Art Unit**
2913**AIA (First Inventor to File)
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 2 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) 1 is/are allowed.
- 7) Claim(s) _____ 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 FPHfeedback@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: _____

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Office Action

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

Restriction Requirement Not Required

This application discloses the following embodiments:

Embodiment 1 - Figs. 1.1-1.7

Embodiment 2 - Figs. 2.1-2.7

Embodiment 3 - Figs. 3.1-3.7

Embodiment 4 - Figs. 4.1-4.7

Embodiment 5 - Figs. 5.1-5.7

Multiple embodiments of a single inventive concept may be included in the same design application only if they are patentably indistinct. See *In re Rubinfeld*, 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. Any rejection of one embodiment over prior art will apply equally to all other embodiments. See *Ex parte Appeal No. 315-40*, 152 USPQ 71 (Bd. App. 1965). No argument asserting patentability based on the differences between the embodiments will be considered once the embodiments have been determined to comprise a single inventive concept. Failure of applicant to traverse this

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determination in reply to this action will be considered an admission of lack of patentable distinction between the above identified embodiments.

Quayle Action

This application is in condition for allowance except for the following formal matters:

Title

For accuracy, the title must amended throughout the application, original oath or declaration excepted, to read: --Lighting Apparatus--

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 25 USPQ 74, 453 O.G. 213, (Comm'r Pat. 1935).

A shortened statutory period for reply to this action is set to expire TWO MONTHS from the mailing date of this letter.

Conclusion

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).

Special Note

Applicant is reminded that if new drawings are submitted for this application, then the drawings must be properly numbered according to Hague Administrative Instructions Section

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405(a). See MPEP § 2909.02. Each view of the drawings must be labelled using two separate figures separated by a dot. (e.g., 1.1, 1.2, etc.).

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ZENIA BENNETT whose telephone number is (571)272-2466. The examiner can normally be reached on Monday through Friday, 7:30 AM to 4:00 PM P.S.T.

Please note, the Examiner cannot return calls international calls outside the U.S. You may attempt to reach the Examiner via email at zenia.bennett@uspto.gov. Emails are not considered an official response to the Office and are not considered confidential.

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.

/Zenia I. Bennett/
Zenia I. Bennett
Design Patent Examiner
Art Unit 2913

Notice of References Cited	Application/Control No. 35/501,911	Applicant(s)/Patent Under Reexamination DEUSING, MARCO	
	Examiner ZENIA BENNETT	Art Unit 2913	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-			
	B	US-			
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

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

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




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BIB DATA SHEET

CONFIRMATION NO. 8296

SERIAL NUMBER 35/501,911	FILING or 371(c) DATE 10/21/2016 RULE	CLASS D26	GROUP ART UNIT 2913	ATTORNEY DOCKET NO.	
APPLICANTS RITTAL GMBH & CO. KG, Herborn, GERMANY INVENTORS Marco Deusing, Herborn, GERMANY; ** CONTINUING DATA ***** ** FOREIGN APPLICATIONS ***** EUROPEAN UNION INTELLECTUAL PROPERTY OFF 003082239 04/22/2016 ** IF REQUIRED, FOREIGN FILING LICENSE GRANTED ** 12/15/2016					
Foreign Priority claimed <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No 35 USC 119(a-d) conditions met <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Verified and /ZENIA IBANEZ BENNETT/ Acknowledged Examiner's Signature	<input type="checkbox"/> Met after Allowance _____ Initials	STATE OR COUNTRY GERMANY	SHEETS DRAWINGS 35	TOTAL CLAIMS 1	INDEPENDENT CLAIMS 1
ADDRESS Boehmert & Boehmert Hollerallee 32 Bremen, 28209 GERMANY					
TITLE Lighting apparatus					
FILING FEE RECEIVED 0.00	FEES: Authority has been given in Paper No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following:		<input type="checkbox"/> All Fees <input type="checkbox"/> 1.16 Fees (Filing) <input type="checkbox"/> 1.17 Fees (Processing Ext. of time) <input type="checkbox"/> 1.18 Fees (Issue) <input type="checkbox"/> Other _____ <input type="checkbox"/> Credit		

Search Notes 	Application/Control No. 35501911	Applicant(s)/Patent Under Reexamination DEUSING, MARCO
	Examiner ZENIA BENNETT	Art Unit 2913

CPC- SEARCHED		
Symbol	Date	Examiner
F21S8/00,024,026,031,033,035-037,04,043,063	11/12/17	ZIB
F21S2/00	"	"
F21S4/00,005,006,007,008	"	"
F21S6/00	"	"

CPC COMBINATION SETS - SEARCHED		
Symbol	Date	Examiner

US CLASSIFICATION SEARCHED			
Class	Subclass	Date	Examiner
D26	76,78,79,80,81,82,83,85,86,88,90,113,118,119,120,121,122,138,139,140,141,142	11/12/17	/ZIB/

* 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 SEARCH	11/12/17	ZIB
DATABASE SEARCH: US PATENTS, PG PUBS, OCR, EPO, JPO	"	"
WORD SEARCH: LAMP, LIGHTING	"	"
INTERNET SEARCH	"	"
EAST WORD SEARCH	"	"

INTERFERENCE SEARCH			
US Class/ CPC Symbol	US Subclass / CPC Group	Date	Examiner
D26	76	11/12/17	ZIB

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