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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
29/748,412	08/28/2020	Rahib Diwan	CIG-063US1	1778
159688	7590	06/17/2025		
Cigna - Small Patent Law Group One Express Way, HQ1 St. Louis, MO 63121			EXAMINER WHITMORE, IAN F	
			ART UNIT	PAPER NUMBER
			2923	
			NOTIFICATION DATE	DELIVERY MODE
			06/17/2025	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

tim.clise@evernorth.com
uspto@express-scripts.com



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APPLICATION NO.	ISSUE DATE	PATENT NO.
29/748,412	17-Jun-2025	D1079708

Cigna - Small Patent Law Group
One Express Way, HQ1
St. Louis, MO 63121

EGRANT NOTIFICATION

Your electronic patent grant (eGrant) is now available, which can be accessed via Patent Center at <https://patentcenter.uspto.gov>

The electronic patent grant is the official patent grant under 35 U.S.C. 153. For more information, please visit <https://www.uspto.gov/electronicgrants>

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), by mail or fax, or via the USPTO patent electronic filing system.

By mail, send to: Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

By fax, send to: (571)-273-2885

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications. **Because electronic patent issuance may occur shortly after issue fee payment, any desired continuing application should preferably be filed prior to payment of this issue fee in order not to jeopardize copendency.**

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

159688 7590 02/18/2025
Cigna - Small Patent Law Group
One Express Way, HQ1
St. Louis, MO 63121

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being transmitted to the USPTO via the USPTO patent electronic filing system or by facsimile to (571) 273-2885, on the date below.

Jennifer Birmingham	(Typed or printed name)
/Jennifer Birmingham/	(Signature)
May 12, 2025	(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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29/748,412

08/28/2020

Rahib Diwan

CIG-063US1

1778

TITLE OF INVENTION: ELECTRONIC DISPLAY SCREEN WITH GRAPHICAL USER INTERFACE

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
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nonprovisional

UNDISCOUNTED

\$1300

\$0.00

\$0

\$1300

05/19/2025

EXAMINER	ART UNIT	CLASS-SUBCLASS
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WHITMORE, IAN F

2923

D14-485000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

☐ Change of correspondence address (or Change of Correspondence Address form PTO/AIA/122 or PTO/SB/122) attached.

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/AIA/47 or PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

(1) The names of up to 3 registered patent attorneys or agents OR, alternatively,

(2) The name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 The Small Patent Law Group

2

3

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document must have been previously recorded, or filed for recordation, as set forth in 37 CFR 3.11 and 37 CFR 3.81(a). Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Cigna Intellectual Property, Inc.

Wilmington, Delaware

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☒ Corporation or other private group entity ☐ Government

4a. Fees submitted: ☒ Issue Fee ☐ Publication Fee (if required)

4b. Method of Payment: (Please first reapply any previously paid fee shown above)

☒ Electronic Payment via the USPTO patent electronic filing system ☐ Enclosed check ☐ Non-electronic payment by credit card (Attach form PTO-2038)

☒ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment to Deposit Account No. 602999

5. Change in Entity Status (from status indicated above)

☐ Applicant certifying micro entity status. See 37 CFR 1.29

☐ Applicant asserting small entity status. See 37 CFR 1.27

☐ Applicant changing to regular undiscounted fee status.

NOTE: Absent a valid certification of Micro Entity Status (see forms PTO/SB/15A and 15B), issue fee payment in the micro entity amount will not be accepted at the risk of application abandonment.

NOTE: If the application was previously under micro entity status, checking this box will be taken to be a notification of loss of entitlement to micro entity status.

NOTE: Checking this box will be taken to be a notification of loss of entitlement to small or micro entity status, as applicable.

NOTE: This form must be signed in accordance with 37 CFR 1.31 and 1.33. See 37 CFR 1.4 for signature requirements and certifications.

Authorized Signature /Timothy B. Clise/

Date May 12, 2025

Typed or printed name Timothy B. Clise

Registration No. 40957



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
www.uspto.gov

NOTICE OF ALLOWANCE AND FEE(S) DUE

159688 7590 02/18/2025
Cigna - Small Patent Law Group
One Express Way, HQ1
St. Louis, MO 63121

EXAMINER	
WHITMORE, IAN F	
ART UNIT	PAPER NUMBER
2923	

DATE MAILED: 02/18/2025

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
29/748,412	08/28/2020	Rahib Diwan	CIG-063US1	1778

TITLE OF INVENTION: ELECTRONIC DISPLAY SCREEN WITH GRAPHICAL USER INTERFACE

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	UNDISCOUNTED	\$1300	\$0.00	\$0	\$1300	05/19/2025

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the ENTITY STATUS shown above. If the ENTITY STATUS is shown as SMALL or MICRO, verify whether entitlement to that entity status still applies.

If the ENTITY STATUS is the same as shown above, pay the TOTAL FEE(S) DUE shown above.

If the ENTITY STATUS is changed from that shown above, on PART B - FEE(S) TRANSMITTAL, complete section number 5 titled "Change in Entity Status (from status indicated above)".

For purposes of this notice, small entity fees are 40% the amount of undiscounted fees, and micro entity fees are 20% the amount of undiscounted fees.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Maintenance fees are due in utility patents issuing on applications filed on or after Dec. 12, 1980. It is patentee's responsibility to ensure timely payment of maintenance fees when due. More information is available at www.uspto.gov/PatentMaintenanceFees.

PART B - FEE(S) TRANSMITTAL

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(Typed or printed name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
29/748,412	08/28/2020	Rahib Diwan	CIG-063US1	1778

TITLE OF INVENTION: ELECTRONIC DISPLAY SCREEN WITH GRAPHICAL USER INTERFACE

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	UNDISCOUNTED	\$1300	\$0.00	\$0	\$1300	05/19/2025

EXAMINER	ART UNIT	CLASS-SUBCLASS
WHITMORE, IAN F	2923	D14-485000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

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2 _____

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(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent) : ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. Fees submitted: ☐ Issue Fee ☐ Publication Fee (if required)

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Authorized Signature _____

Date _____

Typed or printed name _____

Registration No. _____



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
29/748,412	08/28/2020	Rahib Diwan	CIG-063US1	1778
159688	7590	02/18/2025	EXAMINER	
Cigna - Small Patent Law Group One Express Way, HQ1 St. Louis, MO 63121			WHITMORE, IAN F	
			ART UNIT	PAPER NUMBER
			2923	
DATE MAILED: 02/18/2025				

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (Applications filed on or after May 29, 2000)

The Office has discontinued providing a Patent Term Adjustment (PTA) calculation with the Notice of Allowance.

Section 1(h)(2) of the AIA Technical Corrections Act amended 35 U.S.C. 154(b)(3)(B)(i) to eliminate the requirement that the Office provide a patent term adjustment determination with the notice of allowance. See Revisions to Patent Term Adjustment, 78 Fed. Reg. 19416, 19417 (Apr. 1, 2013). Therefore, the Office is no longer providing an initial patent term adjustment determination with the notice of allowance. The Office will continue to provide a patent term adjustment determination with the Issue Notification Letter that is mailed to applicant approximately three weeks prior to the issue date of the patent, and will include the patent term adjustment on the patent. Any request for reconsideration of the patent term adjustment determination (or reinstatement of patent term adjustment) should follow the process outlined in 37 CFR 1.705.

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

OMB Clearance and PRA Burden Statement for PTOL-85 Part B

The Paperwork Reduction Act (PRA) of 1995 requires Federal agencies to obtain Office of Management and Budget approval before requesting most types of information from the public. When OMB approves an agency request to collect information from the public, OMB (i) provides a valid OMB Control Number and expiration date for the agency to display on the instrument that will be used to collect the information and (ii) requires the agency to inform the public about the OMB Control Number's legal significance in accordance with 5 CFR 1320.5(b).

The information collected by PTOL-85 Part B is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450. Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. The United States Patent and Trademark Office (USPTO) collects the information in this record under authority of 35 U.S.C. 2. The USPTO's system of records is used to manage all applicant and owner information including name, citizenship, residence, post office address, and other information with respect to inventors and their legal representatives pertaining to the applicant's/owner's activities in connection with the invention for which a patent is sought or has been granted. The applicable Privacy Act System of Records Notice for the information collected in this form is COMMERCE/PAT-TM-7 Patent Application Files, available in the Federal Register at 78 FR 19243 (March 29, 2013).

<https://www.govinfo.gov/content/pkg/FR-2013-03-29/pdf/2013-07341.pdf>

Routine uses of the information in this record may include disclosure to:

- 1) law enforcement, in the event that the system of records indicates a violation or potential violation of law;
- 2) a federal, state, local, or international agency, in response to its request;
- 3) a contractor of the USPTO having need for the information in order to perform a contract;
- 4) the Department of Justice for determination of whether the Freedom of Information Act (FOIA) requires disclosure of the record;
- 5) a Member of Congress submitting a request involving an individual to whom the record pertains, when the individual has requested the Member's assistance with respect to the subject matter of the record;
- 6) a court, magistrate, or administrative tribunal, in the course of presenting evidence, including disclosures to opposing counsel in the course of settlement negotiations;
- 7) the Administrator, General Services Administration (GSA), or their designee, during an inspection of records conducted by GSA under authority of 44 U.S.C. 2904 and 2906, in accordance with the GSA regulations and any other relevant (i.e., GSA or Commerce) directive, where such disclosure shall not be used to make determinations about individuals;
- 8) another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c));
- 9) the Office of Personnel Management (OPM) for personnel research purposes; and
- 10) the Office of Management and Budget (OMB) for legislative coordination and clearance.

If you do not furnish the information requested on this form, the USPTO may not be able to process and/or examine your submission, which may result in termination of proceedings, abandonment of the application, and/or expiration of the patent.

Notice of Allowability For A Design Application	Application No. 29/748,412	Applicant(s) Diwan, Rahib	
	Examiner IAN F WHITMORE	Art Unit 2923	AIA (FITF) Status Yes

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308. This notice does not set or reset the time period for paying the issue fee. The issue fee must be paid within THREE MONTHS FROM THE MAILING DATE of the Notice of Allowance (PTOL-85) or this application shall be regarded as ABANDONED. This statutory period cannot be extended. See 35 U.S.C.151.

1. ☒ This communication is responsive to amendment of 05 February 2025 .
☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on ____ .
2. ☐ 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.
3. ☒ The claim is allowed.
4. ☒ Acceptable drawings:
 (a) ☒ The drawings filed on 11 September 2024 are accepted by the Examiner.
 (b) ☐ Drawing Figures filed on ____ and drawing Figures filed on ____ are accepted by the Examiner.
5. ☐ The claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f) is acknowledged.

Certified copies:

- a) ☐ All b) ☐ Some *c) ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____ .
 - ☐ 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)).
- * Certified copies not received: ____ .

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirement for corrected drawings noted in item 6 below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE. See 37 CFR 1.85(c). **NOTE: This notice does not set or reset the time period for paying the issue fee.**

6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____ .

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

Attachment(s)

- | | |
|---|---|
| 1. ☐ Notice of References Cited (PTO-892) | 4. ☐ Examiner's Amendment/Comment |
| 2. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Receipt Date ____ | 5. ☐ Examiner's Statement of Reasons for Allowance |
| 3. ☐ Interview Summary (PTO-413),
Paper No./Mail Date ____ | 6. ☐ Other ____ . |

NOTE: ____

/IAN F WHITMORE/
Examiner, Art Unit 2923

IN THE SPECIFICATION

Please amend the specification as set forth in the Substitute Specification submitted with this Amendment. Both redlined and clean copies of the Substitute Specification are provided. No new matter is introduced by the amendments to the specification.

SUBSTITUTE SPECIFICATION – CLEAN COPY

**ELECTRONIC DISPLAY SCREEN WITH GRAPHICAL
USER INTERFACE**

[0001] I, Rahib Diwan, have invented a new, ornamental design for an electronic display screen with a graphical user interface.

DETAILED DESCRIPTION

[0002] The Figure illustrates a front view of an electronic display screen with a graphical user interface.

[0003] The outermost broken-line rectangle illustrates an electronic display screen and forms no part of the claimed design. The broken lines illustrating the symbol in the center of the three arcuate segments and the camera icon in the upper right segment form no part of the claimed design. The differing line patterns in the Figure illustrate a contrast in appearance. The longer dashed lines in the bottom arcuate segment of the graphical user interface illustrate a contrast in appearance and are included in the claimed design.

REMARKS

The Ex Parte Quayle Action dated January 3, 2025, has been carefully considered, and the following amendments are made to address the formal matters raised by the Office Action. As such, the application is believed to be in condition for allowance.

The present specification and drawing amendments are believed to overcome the pending rejections. Allowance of the application is respectfully requested.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and that the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. By addressing particular positions taken by the Examiner in the above remarks, the Applicant does not acquiesce to other positions that have not been explicitly addressed. In addition, the Applicant's arguments for the patentability of a claim should not be understood as implying that no other reasons exist for the patentability of that claim.

Applicant invites the Examiner to contact the below practitioner if any issues are identified that stand in the way of allowance of the application.

The Patent Office is authorized to charge or refund any fee deficiency or excess to Deposit Account 60-2999.

Favorable consideration and allowance of this application is respectfully requested.

Respectfully submitted,

Dated: 4 February 2025

By: 

Tim Clise, Reg. No. 40,957
(517) 245-2995

SUBSTITUTE SPECIFICATION – MARKED COPY

**ELECTRONIC DISPLAY SCREEN WITH GRAPHICAL
USER INTERFACE**

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SUBSTITUTE SPECIFICATION – MARKED COPY

CLAIM

What is claimed is:

1. The ornamental design for an electronic display screen with a graphical user interface, as shown and described.

SUBSTITUTE SPECIFICATION – CLEAN COPY

CLAIM

What is claimed is:

1. The ornamental design for an electronic display screen with a graphical user interface, as shown and described.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First-Named Inventor: Rahib Diwan

Serial No.: 29/748,412

Filed: August 28, 2020

Title: ELECTRONIC DISPLAY SCREEN
WITH GRAPHICAL USER INTERFACE

Examiner: Ian F. Whitmore

Group Art Unit: 2923

Confirmation No.: 1778

Attorney Docket No.:
CIG-063US1

AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

In response to the Ex Parte Quayle Action dated January 3, 2025, please amend the application as follows and consider the remarks set forth below.

Amendments to the Specification begin on page 2 of this paper.

Remarks begin on page 3 of this paper.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
29/748,412	08/28/2020	Rahib Diwan	CIG-063US1	1778
159688	7590	01/03/2025		
Cigna - Small Patent Law Group One Express Way, HQ1 St. Louis, MO 63121			EXAMINER WHITMORE, IAN F	
			ART UNIT	PAPER NUMBER
			2923	
			NOTIFICATION DATE	DELIVERY MODE
			01/03/2025	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

tim.clise@evernorth.com
uspto@express-scripts.com

Office Action Summary

Application No.

29/748,412

Applicant(s)

Diwan, Rahib

Examiner

IAN F WHITMORE

Art Unit

2923

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 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 11 September 2024.
☐ 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) ____ is/are rejected.
- 8) ☒ Claim(s) 1 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 11 September 2024 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 request filed on September 11, 2024 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 29/748412 is acceptable and a CPA has been established. An action on the CPA follows.

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

OFFICE ACTION

Ex parte Quayle

This application is in condition for allowance except for the formal matters set forth below. 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. Extensions of time may be granted under 37 CFR 1.136 but in no case can any extension carry the date for reply to this Office action beyond the maximum period of SIX MONTHS set by statute (35 U.S.C. 133).

Acknowledgement of Applicant's Response

The response received September 11, 2024 is hereby acknowledged, wherein a request for CPA was filed, accompanied by a preliminary amendment in which FIG 2 was cancelled, a replacement figure was filed showing the now sole figure of the application, and the specification was amended.

Applicant's revisions to the drawing disclosure are sufficient to overcome the rejection given under 35 USC 112(a) in the June 11, 2024 Office action. Applicant's revisions to the descriptive language of specification are likewise sufficient to overcome the rejection given under 35 USC 112(b). Lastly, applicant's cancellation of the embodiment against which prior art was applied are sufficient to overcome the rejection given under 35 USC 103.

The revisions made to the descriptive language of paragraph [0003] result in lack of clarity concerning the status of the broken-line camera icon shown in the upper right segment of the ring menu. Accordingly, the specification is objected to as set forth below.

Specification Objection

In amending the description of broken-line subject matter to account for the inclusion of the longer dashed lines in the bottom arc segment and distinguish these from “the remaining broken lines” that form no part of the claimed design, the sense conveyed by the revised language of paragraph [0003] now omits the status of the broken-line camera icon at upper right.

The meaning of broken lines shown in the drawings must be completely and accurately accounted for. See *In re Blum* 153 USPQ 177 (1967). Based on the record, the examiner understands this camera icon, like the symbol in the center of the three arcuate segments, to be intended as non-claim subject matter. Therefore, in order to fully and accurately describe what is shown in conformance with the requirements set forth in MPEP § 1503.02, paragraph [0003] must be revised to account for the status of the camera icon relative the claimed subject matter.

If the camera icon is intended to be excluded from the claimed design, a substitute paragraph may read:

- The outermost broken-line rectangle illustrates an electronic display screen and forms no part of the claimed design. The broken lines illustrating the symbol in the center of the three arcuate segments and the camera icon in the upper right segment form no part of the claimed design. The differing lines patterns in the Figure illustrate a contrast in appearance. The longer dashed lines in the bottom arcuate segment of the graphical user interface illustrate a contrast in appearance and are included in the claimed design.—

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to IAN F WHITMORE whose telephone number is (571)270-3842. The examiner can normally be reached Monday - Friday 9:30 - 5:30.

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, Christian McLean can be reached on (571) 270-1996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of published or unpublished applications may be obtained from Patent Center. Unpublished application information in Patent Center is available to registered users. To file and manage patent submissions in Patent Center, visit: <https://patentcenter.uspto.gov>. Visit <https://www.uspto.gov/patents/apply/patent-center> for more information about Patent Center and <https://www.uspto.gov/patents/docx> for information about filing in DOCX format. For additional questions, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/IAN F WHITMORE/

Primary Examiner, Art Unit 2923

12/28/2024

IN THE SPECIFICATION

Please amend the specification as set forth in the Substitute Specification submitted with this Amendment. Both redlined and clean copies of the Substitute Specification are provided. No new matter is introduced by the amendments to the specification.

SUBSTITUTE SPECIFICATION – CLEAN COPY

**ELECTRONIC DISPLAY SCREEN WITH GRAPHICAL
USER INTERFACE**

[0001] I, Rahib Diwan, have invented a new, ornamental design for an electronic display screen with a graphical user interface.

DETAILED DESCRIPTION

[0002] The Figure illustrates a front view of an electronic display screen with a graphical user interface.

[0003] The outermost broken-line rectangle illustrates an electronic display screen and forms no part of the claimed design. The broken lines illustrating the symbol in the center of the three arcuate segments form no part of the claimed design. The differing line patterns in the Figure illustrate a contrast in appearance. The longer dashed lines in the bottom arcuate segment of the graphical user interface illustrate a contrast in appearance and are included in the claimed design.

IN THE DRAWINGS

Please amend the drawings as set forth in the attached Replacement Sheet. The amendments to the drawings cancel Figure 2, revert the dash-dot lines in the bottom arcuate segment of the graphical user interface in the remaining Figure to the longer dashed lines, and change the phone symbol in the remaining Figure from broken lines to solid lines. Applicant further ensures that the lines indicated as missing in the Advisory Action are returned to the Figure. Applicant submits that no new matter is introduced by the amendments to the drawings.

REMARKS

The Final Office Action dated 11-June-2024 and the Advisory Action dated 22-August 2024, has been carefully considered, and the following amendments are made to address the formal matters raised by the Office Action. As such, the application is believed to be in condition for allowance.

The present specification and drawing amendments are believed to overcome the pending rejections. Allowance of the application is respectfully requested.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Final Office Action and that the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. By addressing particular positions taken by the Examiner in the above remarks, the Applicant does not acquiesce to other positions that have not been explicitly addressed. In addition, the Applicant's arguments for the patentability of a claim should not be understood as implying that no other reasons exist for the patentability of that claim.

Applicant invites the Examiner to contact the below practitioner if any issues are identified that stand in the way of allowance of the application.

The Patent Office is authorized to charge or refund any fee deficiency or excess to Deposit Account 60-2999.

Favorable consideration and allowance of this application is respectfully requested.

Respectfully submitted,

Dated: 11 Sept. 2024

By: Tim Clise/
Tim Clise, Reg. No. 40,957
(517) 245-2995

SUBSTITUTE SPECIFICATION – REDLINED COPY

ELECTRONIC DISPLAY SCREEN WITH GRAPHICAL
USER INTERFACE

[0001] I, Rahib Diwan, have invented a new, ornamental design for an electronic display screen with a graphical user interface.

DETAILED DESCRIPTION

~~**[0002]**—The Figure 1—illustrates a front view of an electronic display screen with a graphical user interface according to a first embodiment; and~~

~~**[0003]**—**[0002]** Figure 2 illustrates a front view of an electronic display screen with a graphical user interface according to a second embodiment.~~

~~**[0004]**—**[0003]** The outermost broken-line rectangle illustrates an electronic display screen and forms no part of the claimed design. The remaining broken lines illustrating the symbol in the center of the three arcuate segments ~~illustrate environment and~~ form no part of the claimed design. The differing line patterns in the Figure 1—illustrate a contrast in appearance. The longer dashed lines in the bottom arcuate segment of the graphical user interface illustrate a contrast in appearance and are included in the claimed design.~~

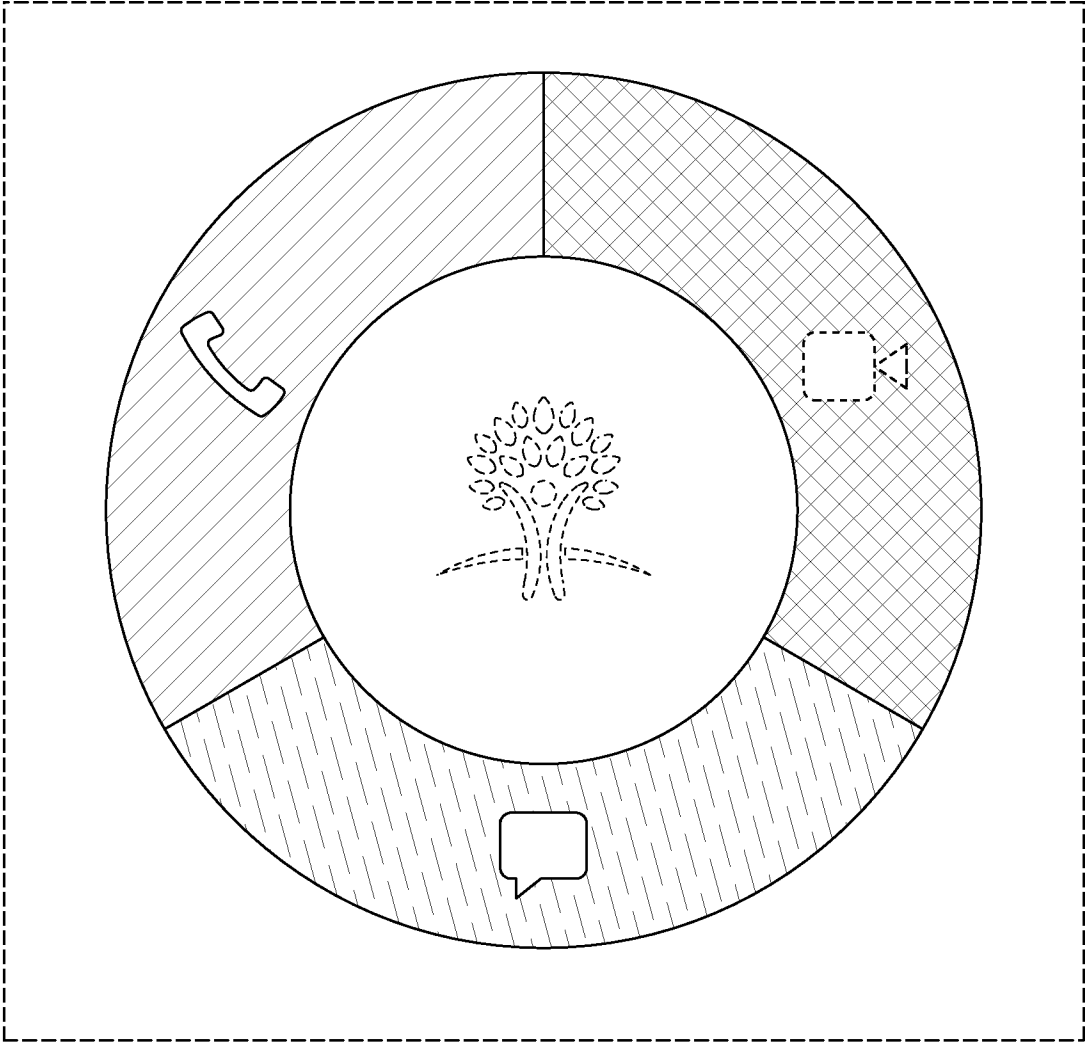
SUBSTITUTE SPECIFICATION – REDLINED COPY

CLAIM

What is claimed is:

1. The ornamental design for an electronic display screen with a graphical user interface, as shown and described.

REPLACEMENT SHEET



SUBSTITUTE SPECIFICATION – CLEAN COPY

CLAIM

What is claimed is:

1. The ornamental design for an electronic display screen with a graphical user interface, as shown and described.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First-Named Inventor: Rahib Diwan

Serial No.: 29/748,412

Filed: August 28, 2020

Title: ELECTRONIC DISPLAY SCREEN
WITH GRAPHICAL USER INTERFACE

Examiner: Ian F. Whitmore

Group Art Unit: 2923

Confirmation No.: 1778

Attorney Docket No.:
CIG-063US1

AMENDMENT C

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

In response to the Final Office Action dated June 11, 2024 and the Advisory Action dated August 22, 2024, please amend the application as follows and consider the remarks set forth below. This Amendment is timely because it is submitted within three months of the date of the Final Office Action.

Amendments to the Specification begin on page 2 of this paper.

Amendments to the Drawings begin on page 3 of this paper.

Remarks begin on page 4 of this paper.

FOR DESIGN APPLICATIONS ONLY: CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL

(Only for Continuation or Divisional applications under 37 CFR 1.53(d))

CHECK BOX, if applicable:

☐

DUPLICATE

Address to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Attorney Docket No.
of Prior Application

CIG-063US1

First Named Inventor

Rahib Diwan

Examiner Name

Ian F. Whitmore

Art Unit

2923

Priority Mail Express® Label No.

This is a request for a ☐ continuation or ☐ Divisional application under 37 CFR 1.53(d),
(continued prosecution application (CPA)) of prior application number 29/748,412

filed on August 28, 2020, entitled ELECTRONIC DISPLAY SCREEN WITH GRAPHICAL USER INTERFACE

NOTES

A CPA may **only** be filed in a **design** application but not in an international design application. A CPA **cannot** be filed in a utility or plant application. See "Elimination of Continued Prosecution Application Practice as to Utility and Plant Applications; Final Rule," 68 FR 32376 (May 30, 2003). Applicant may consider filing a Request for Continued Examination (RCE) under 37 CFR 1.114 in utility or plant applications. See MPEP 706.07(h) and form PTO/SB/30.

Filing Qualifications: The prior application identified above must be a design application that is complete as defined by 37 CFR 1.51(b).

C-I-P NOT PERMITTED: A continuation-in-part application cannot be filed as a CPA under 37 CFR 1.53(d), but must be filed under 37 CFR 1.53(b).

EXPRESS ABANDONMENT OF PRIOR APPLICATION: The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

ACCESS TO PRIOR APPLICATION: The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file.

35 U.S.C. 120 STATEMENT: In a CPA, no reference to the prior application is needed in the Application Data Sheet (ADS). A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 CFR 1.78(d)(4).

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

1. ☐ Enter the unentered amendment previously filed on _____
under 37 CFR 1.116 in the prior design application.
2. ☒ A preliminary amendment is enclosed.
3. This application is filed by fewer than all the inventor(s) named in the prior application, 37 CFR 1.53(d)(4).
 - a. ☐ **DELETE** the following inventor(s) named in the prior design application:

 - b. ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
4. ☐ A new power of attorney (PTO/AIA/82) is enclosed.
5. Information Disclosure Statement (IDS) is enclosed;
 - a. ☐ PTO/SB/08, PTO-1449 or equivalent
 - b. ☐ Copies of IDS Citations

Page 1 of 2

A Federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with an information collection subject to the requirements of the Paperwork Reduction Act of 1995, unless the information collection has a currently valid OMB Control Number. The OMB Control Number for this information collection is 0651-0032. Public burden for this form is estimated to average 24 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the information collection. Send comments regarding this burden estimate or any other aspect of this information collection, including suggestions for reducing this burden to the Chief Administrative Officer, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450 or email InformationCollection@uspto.gov. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.** If filing this completed form by mail, send to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

6. ☐ Small entity status: Applicant claims small entity status. See 37 CFR 1.27.
7. The Director is hereby authorized to credit overpayments or change the following fees to Deposit Account No. 602999:
- a. ☒ Fees required under 37 CFR 1.16.
- b. ☒ Fees required under 37 CFR 1.17.
- c. ☒ Fees required under 37 CFR 1.18.
8. ☐ A check in the amount of \$ _____ is enclosed.
9. ☐ Payment by credit card. Form PTO-2038 is attached.
10. ☒ Payment made via USPTO patent electronic filing system.
11. ☐ Applicant requests suspension of action under 37 CFR 1.103(b) for a period of _____ months (not to exceed 3 months) and the fee under 37 CFR 1.17(i) is enclosed.
12. ☐ New Attorney Docket Number, if desired _____
[Prior application Attorney Docket Number will carry over to this CPA unless a new Attorney Docket Number has been provided herein.]
13. a. ☐ Receipt For Facsimile Transmitted CPA (PTO/SB/29A)
- b. ☐ Return Receipt Postcard (Should be specifically itemized. See MPEP 503)
14. ☐ Other:

NOTE: The prior application's correspondence address will carry over to this CPA UNLESS a new correspondence address is provided below.

14. NEW CORRESPONDENCE ADDRESS

☐ The address associated with Customer Number:

OR ☐ New correspondence address below

Name			
Address			
City		State	
Zip Code		Country	Email

15. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Signature	/Timothy B. Clise/
Name (Print/Type)	Timothy B. Clise
Registration No. (Attorney/Agent)	40957
Date	September 11, 2024
Telephone Number	517-245-2992

From: Chris Carroll
To: Whitmore, Ian E.
Cc: Gina Stephen; Chris Carroll
Subject: RE: Interview re: 29/748412 (o/r 565-0134DES)
Date: Wednesday, August 28, 2024 4:07:23 PM
Attachments: image001.png
image003.png
image004.png

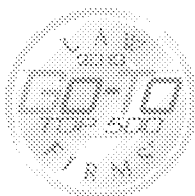
CAUTION: This email has originated from a source outside of USPTO. **PLEASE CONSIDER THE SOURCE** before responding, clicking on links, or opening attachments.

Thank you, Examiner. The Advisory Action is very clear so I don't have much to discuss. The only topic is the very last issue regarding the different arcs in the design having different appearances. If you recall during our last interview, the different backgrounds in the different arcs represent different appearances (i.e., colors). But the last statement in the Advisory Action appears to argue that those exact lines must appear in the different arcs. I just want to make sure that we are on the same page with this and that the application is clear that we are claiming different appearances/colors, and not those exact lines/dashed lines in the different arcs.

I look forward to speaking with you.

Best regards,
Chris

Christopher R. Carroll
ccarroll@spiglaw.com
(314) 584-4095



Top 10 Firm for quality patents in Art Unit 3600 at USPTO (6th overall in PatentBots)
Top 30 Firm for Overall Patent Quality (28th overall in PatentBots)
Fortune 500 Go-To Law Firm

SuperLawyer 2022, 2023

Best Intellectual Property Attorneys, 2020, 2024 (St. Louis Small Business Monthly)

SMALL PATENT LAW GROUP LLC

1423 Strassner Dr.

Suite 100

St. Louis, MO 63144

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From: Whitmore, Ian F. <Ian.Whitmore@USPTO.GOV>

Sent: Wednesday, August 28, 2024 12:51 PM

To: Chris Carroll <ccarroll@splglaw.com>

Subject: Interview re: 29/748412

I've received the Automated Interview Request for a telephone interview concerning application 29/748412, to be conducted on September 4, 2024 at 10 AM ET. I am writing to let you know the requested time will work well for me. If you have an agenda or any visual aids you feel might facilitate our discussion, please feel free to submit them prior to the interview, either via email to this address, or by fax at (571) 270-4842. You may reach me directly by telephone at (571) 270-3842.

Ian Whitmore

Design Examiner

Art Unit 2923



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
29/748,412	08/28/2020	Rahib Diwan	CIG-063US1	1778
159688	7590	09/09/2024		
Cigna - Small Patent Law Group One Express Way, HQ1 St. Louis, MO 63121			EXAMINER WHITMORE, IAN F	
			ART UNIT	PAPER NUMBER
			2923	
			NOTIFICATION DATE	DELIVERY MODE
			09/09/2024	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

tim.clise@evernorth.com
uspto@express-scripts.com

<i>Applicant-Initiated Interview Summary</i>	Application No. 29/748,412	Applicant(s) Diwan, Rahib		
	Examiner IAN F WHITMORE	Art Unit 2923	AIA (First Inventor to File) Status Yes	Page 1 of 1

All Participants (applicant, applicants representative, PTO personnel)	Title	Type
IAN F WHITMORE	Primary Examiner	Telephonic
CHRISTOPHER CARROLL	Attorney of Record	

Date of Interview: 04 September 2024

Issues Discussed:

Proposed Amendment(s)

Prior to interview, applicant's representative submitted an agenda outlining discussion topics (attached). During interview, examiner clarified that the descriptive language of the specification cannot allude to a claim including visual characteristics not shown in the drawings, but could accurately indicate that the differing line patterns illustrate a contrast in appearance. Examiner further noted that because broken lines in design patent drawings may mean different things and may be included in, or excluded from, the claimed subject matter, the status of all broken-line subject matter must be accounted for. To that end, examiner agreed that revision of the specification language to indicate that the noted line patterns illustrate a contrast of appearance, and also to indicate that the longer-dashed line pattern of the bottom arcuate segment is included in the claimed design, would be sufficient to address the issue identified by the last paragraph of note 3c in the 22 August 2024 Advisory Action.

☒ Attachment

/IAN F WHITMORE/ Examiner, Art Unit 2923	
Applicant is reminded that a complete written statement as to the substance of the interview must be made of record in the application file. It is the applicants responsibility to provide the written statement, unless the interview was initiated by the Examiner and the Examiner has indicated that a written summary will be provided. See MPEP 713.04 Please further see: MPEP 713.04 Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews, paragraph (b) 37 CFR § 1.2 Business to be transacted in writing	

Applicant recordation instructions: The formal written reply to the last Office action must include the substance of the interview. (See MPEP section 713.04). If a reply to the last Office action has already been filed, applicant is given a non-extendable period of the longer of one month or thirty days from this interview date, or the mailing date of this interview summary form, whichever is later, to file a statement of the substance of the interview.

Examiner recordation instructions: Examiners must summarize the substance of any interview of record. A complete and proper recordation of the substance of an interview should include the items listed in MPEP 713.04 for complete and proper recordation including the identification of the general thrust of each argument or issue discussed, a general indication of any other pertinent matters discussed regarding patentability and the general results or outcome of the interview, to include an indication as to whether or not agreement was reached on the issues raised.



UNITED STATES PATENT AND TRADEMARK OFFICE

USPTO Automated Interview Request (AIR)

Aug 27 2024

This paper requesting to schedule and/or conduct an interview is appropriate because:

This submission is requested to be accepted as an authorization for this interview to communicate via the internet. Recognizing that Internet communications are not secure, I hereby authorize the USPTO to communicate with the undersigned concerning scheduling of the interview via video conference, instant messaging, or electronic mail, and to conduct the interview in accordance with office practice including video conferencing.

Name(s):
Christopher R. Carroll

S-signature:
/Christopher R Carroll/

Registration Number:
52700

U.S. Application Number:
29748412

Confirmation Number:
1778

E-mail Address:
ccarroll@splglaw.com

Phone Number:
+1 3145844095

Proposed Time of Interview:
9-4-2024 10:00 AM ET

Alternative Proposed Time(s) of Interview:
9-5-2024 12:00 PM ET

Alternative Proposed Time(s) of Interview:
9-6-2024 10:30 AM ET

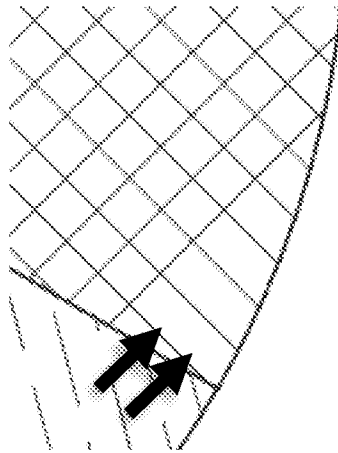
Preferred Interview Type:
Telephonic

I am the applicant or applicant's representative for this application.

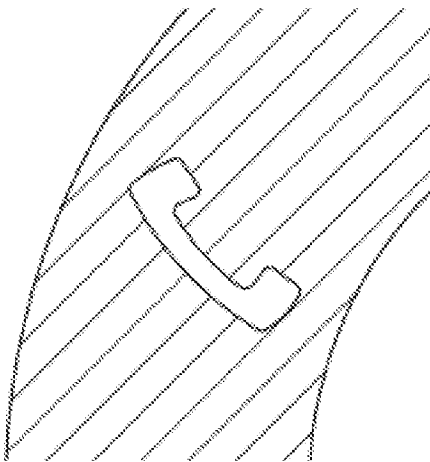
Topic for Discussion:
Advisory Action and how to proceed for an RCE.



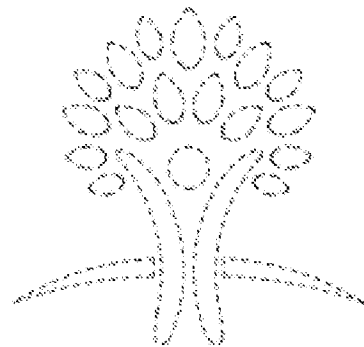
UNITED STATES
PATENT AND TRADEMARK OFFICE



**cross-hatched
solid-line pattern
in the arc
segment at upper
right now shows
multiple lines
removed**



**telephone icon feature is shown in
solid line but is referred to in
specification as a broken-line feature,
or as having broken lines "around" it**



**central symbol is rendered *in*
broken line; no broken lines are
understood to be "around" it**

The longer dashed lines in the bottom
arcuate segment of the graphical user interface illustrate a contrast in appearance relative
to the top left and the top right arcuate segments, which forms part of the claimed design.

**amended language suggests that relative contrast between
the segments is being claimed, rather than stating that the
specific appearance of the dashed lines in the bottom
segment are part of the claim**



UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
29/748,412	08/28/2020	Rahib Diwan	CIG-063US1	1778
159688	7590	08/22/2024		
Cigna - Small Patent Law Group One Express Way, HQ1 St. Louis, MO 63121			EXAMINER WHITMORE, IAN F	
			ART UNIT	PAPER NUMBER
			2923	
			NOTIFICATION DATE	DELIVERY MODE
			08/22/2024	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

tim.clise@evernorth.com
uspto@express-scripts.com

Advisory Action Before the Filing of an Appeal Brief	Application No. 29/748,412	Applicant(s) Diwan, Rahib	
	Examiner IAN F WHITMORE	Art Unit 2923	AIA (FITF) Status Yes

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 17 July 2024 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

NO NOTICE OF APPEAL FILED

1. ☒ The reply was filed after a final rejection. No Notice of Appeal has been filed. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114 if this is a utility or plant application. Note that RCEs are not permitted in design applications. The reply must be filed within one of the following time periods:

a) ☐ The period for reply expires ____ months from the mailing date of the final rejection.

b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action; or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

c) ☐ A prior Advisory Action was mailed more than 3 months after the mailing date of the final rejection in response to a first after-final reply filed within 2 months of the mailing date of the final rejection. The current period for reply expires ____ months from the mailing date of the prior Advisory Action or SIX MONTHS from the mailing date of the final rejection, whichever is earlier.

Examiner Note: If box 1 is checked, check either box (a), (b) or (c). ONLY CHECK BOX (b) WHEN THIS ADVISORY ACTION IS THE FIRST RESPONSE TO APPLICANTS FIRST AFTER-FINAL REPLY WHICH WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. ONLY CHECK BOX (c) IN THE LIMITED SITUATION SET FORTH UNDER BOX (c). See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) or (c) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendments filed after a final rejection, but prior to the date of filing a brief, will not be entered because

a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);

b) ☒ They raise the issue of new matter (see NOTE below);

c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): (a) ☒ will not be entered; or (b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on _____

9. ☐ The affidavit or other evidence filed after final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

10. ☐ The affidavit or other evidence filed after the date of filing the Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

11. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

12. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.

13. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____

14. ☐ Other: _____

STATUS OF CLAIMS

15. The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: 1

Claim(s) withdrawn from consideration: _____

/IAN F WHITMORE/ Examiner, Art Unit 2923	
---	--

Continuation of 3. NOTE:

3a. Conversion of the telephone icon to solid-line subject matter raises the issue of whether previously-cited Non Patent reference "Tynan" (Document U from the 17 November 2023 Office), which includes a similar telephone icon similarly positioned, would be newly applicable as a primary reference under 103 against the revised claim. The amendment would also necessitate further search of the prior art to determine whether any secondary references teach the differences remaining between Tynan and the sole embodiment shown in the proposed replacement figure.

3b. The replacement drawing figure shows changes to the appearance of the cross-hatched line pattern at the lower right corner of the arc segment of the upper right region of the ring; specifically, multiple solid lines appear to have been removed. (See figure in attached PDF document.) Such change to the solid-line appearance of the design is unsupported by the original disclosure and would necessitate rejection for failing the description requirement under 35 USC 112(a).

3c. The proposed amendments to the descriptive language of the specification would introduce new ambiguity into the understanding of the extent of the claimed subject matter and fail to clearly resolve the issue concerning the extent of the claim that was the subject of rejection under 35 USC 112(b) in the 11 June 2024 Final Office action. Specifically, although the telephone icon feature has been converted to solid line in the replacement sheet, the proposed amendment to the specification would indicate that the telephone represents non-claim broken-line subject matter, creating ambiguity as to whether the icon is intended to be included in the claim.

(As a formal matter, the examiner additionally notes that the proposed revision to the description of the broken lines illustrating the telephone icon and the central symbol would also be objectionable as inaccurate or unclear in meaning for suggesting that broken lines go "around" these features instead of forming the illustration of the features themselves. Substitute language might instead read "the broken lines illustrating the _____ form no part of the claimed design".)

The descriptive language of the proposed fourth sentence of paragraph [0003] would fail to resolve the ambiguity concerning the status of the broken-line pattern in the bottom arc segment that was the subject of the rejection given under 112(b) in the June 11th Office action. In the interview conducted June 26th the examiner noted that including a statement to the effect that the appearance of the dashed line pattern is included in the claimed design might help overcome the rejection, however, the revised language appears to instead indicate that the idea of relative contrast between arc segments is being claimed, leaving the status of the dashed lines themselves unclear. If the appearance of the dashed lines is part of the design being claimed, a substitute fourth sentence might instead read "The longer dashed lines in the bottom arcuate segment are included in the claimed design."

Continuation of REQUEST FOR RECONSIDERATION/OTHER 12. The request for reconsideration has been considered but does NOT place the application in condition for allowance because: Although the proposed cancellation of the embodiment against which prior art was applied in the June 11th 103 rejection would effectively overcome the rejection as given, the proposed reply would fail to overcome the 112(b) rejection, as noted above, and would introduce additional issues that would necessitate further rejection under 112(b), as well as under 112(a). Additionally, further review of the prior art in view of the amended claim would be required to determine whether a new rejection under 35 USC 103 is called for.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First-Named Inventor: Rahib Diwan

Serial No.: 29/748,412

Filed: August 28, 2020

Title: ELECTRONIC DISPLAY SCREEN
WITH GRAPHICAL USER INTERFACE

Examiner: Ian F. Whitmore

Group Art Unit: 2923

Confirmation No.: 1778

Attorney Docket No.:
CIG-063US1

AMENDMENT B

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

In response to the Final Office Action dated June 11, 2024, please amend the application as follows and consider the remarks set forth below. This Amendment is timely because it is submitted within two months of the date of the Final Office Action.

Amendments to the Specification begin on page 2 of this paper.

Amendments to the Drawings begin on page 3 of this paper.

Remarks begin on page 4 of this paper.

IN THE SPECIFICATION

Please amend the specification as set forth in the Substitute Specification submitted with this Amendment. Both redlined and clean copies of the Substitute Specification are provided. No new matter is introduced by the amendments to the specification.

SUBSTITUTE SPECIFICATION – CLEAN COPY

**ELECTRONIC DISPLAY SCREEN WITH GRAPHICAL
USER INTERFACE**

[0001] I, Rahib Diwan, have invented a new, ornamental design for an electronic display screen with a graphical user interface.

DETAILED DESCRIPTION

[0002] The Figure illustrates a front view of an electronic display screen with a graphical user interface.

[0003] The outermost broken-line rectangle illustrates an electronic display screen and forms no part of the claimed design. The broken lines around the telephone symbol in the top left arcuate segment and around the symbol in the center of the three arcuate segments of the graphical user interface in the electronic display screen illustrate environment and form no part of the claimed design. The differing line patterns in the Figure illustrate a contrast in appearance. The longer dashed lines in the bottom arcuate segment of the graphical user interface illustrate a contrast in appearance relative to the top left and the top right arcuate segments, which forms part of the claimed design.

IN THE DRAWINGS

Please amend the drawings as set forth in the attached Replacement Sheet. The amendments to the drawings cancel Figure 2, revert the dash-dot lines in the bottom arcuate segment of the graphical user interface in the remaining Figure to the longer dashed lines, and change the phone symbol in the remaining Figure from broken lines to solid lines. Applicant submits that no new matter is introduced by the amendments to the drawings.

REMARKS

The Final Office Action dated 11-June-2024, has been carefully considered, and the following amendments are made to address the formal matters raised by the Office Action. As such, the application is believed to be in condition for allowance.

INTERVIEW SUMMARY

Applicant thanks the Examiner for the telephone interview on 26-June-2024. As an initial matter, Applicant would like to correct a statement in page 4 of the Amendment dated 07-February-2024. That Amendment stated that the Examiner “requested” amendments to the Figures. To clarify, the Examiner merely recommended amendments to help advance examination of the application, but did not request or demand that any amendments be made.

During the telephone interview, the Section 112 and Section 103 rejections were discussed. With respect to the Section 112 rejections, the Examiner and Applicant discussed reverting the bottom arcuate segment in Figure 1 (now the sole Figure) from the dash-dot pattern to the longer dashed lines pattern. The Examiner and Applicant also discussed adding language to the specification to clarify that the longer dashed lines are not merely part of the environment, but show a contrast in appearance from the other two arcuate segments and do form a part of the claimed design. No agreement was reached, however, on the precise language to add to the specification.

With respect to the Section 103 rejection, the Examiner and Applicant discussed deleting Figure 2 and amending the phone icon from broken lines to solid lines in an attempt to overcome the rejection. Given the recent decision by the Court of Appeals for the Federal Circuit in LKQ Corp. v. GM Global Tech. Ops. LLC, the Examiner and Applicant were unable to come to agreement on whether these amendments would be sufficient to overcome the Section 103 rejection.

No other agreements were made during the interview.

REJECTION UNDER 35 U.S.C. §112

Claim 1 stands rejected under 35 U.S.C. §112(a) or 35 U.S.C. §112(pre-AIA), first paragraph, as failing to comply with the written description requirement.

Claim 1 stands rejected under 35 U.S.C. §112(b) or 35 U.S.C. §112(pre-AIA), second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the inventor or a joint inventor, or for pre-AIA the applicant, regards as the invention.

Figure 1 (now the sole Figure) is amended to revert the pattern in the bottom arcuate segment from a dash-dot pattern to a pattern formed from longer dashed lines. Additionally, Applicant has amended the specification to clarify that the pattern of longer dashed lines in the bottom arcuate segment indicate a contrast in appearance which forms part of the claimed design. Applicant submits that reverting this pattern to the prior appearance overcomes the Section 112(a) rejection as this pattern was included in the originally filed drawings.

Applicant also submits that the amendment to the specification clarifying that the longer dashed lines in the lower arcuate segment indicate a contrast in appearance that is part of the claimed design also overcomes the Section 112(b) rejection.

REJECTIONS UNDER 35 U.S.C. §103

Claim 1 stands rejected under 35 U.S.C. § 103 as being unpatentable over a graphical user interface comprising a radial menu that was posted by King to the website dribbble.com (“King”) in view of a graphical user interface comprising a radial menu posted by “vipervxw” to the website depositphotos.com (“Viper”) and in further view of a graphical user interface comprising a radial menu shown in an article credited to “OnAir” published at the website onaircode.com (“OnAir”). This rejection is respectfully traversed.

The three arcuate segments of the sole Figure of the pending application include different patterns that indicate different appearances, such as different colors. None of the references cited in the final Office Action has arcuate segments of a ring with each of the arcuate segments having an appearance that contrasts with the other arcuate segments. For example, the eight-segment ring

in King shows all segments in the same color. Every segment has an identical shape and appearance (e.g., color) but for the icons in the different segments. Therefore, King does not have segments with different appearances, as shown in the Figure of the pending application.

Similarly, Viper shows a volume and playback control gauge having three arcuate segments. These segments all appear to have the same appearance (e.g., color). Therefore, Viper also does not have segments with different appearances, as shown in the Figure of the pending application.

OnAir shows a circle menu formed from a continuous ring with six icons evenly distributed around the center of the ring. But the circle menu is continuous and does not have any segments. Therefore, OnAir also does not have segments with different appearances, as shown in the Figure of the pending application.

No combination of the references cited in the final Office Action shows or suggests arcuate segments of a ring with each of the arcuate segments having an appearance that contrasts with the other arcuate segments, as shown in the sole Figure of this application. Therefore, the references cited in the final Office Action do not show or suggest the entirety of the Figure and the claim. Applicant traverses the Section 103 rejection.

Additionally, the sole Figure of the pending application includes a message icon, a video camera icon, and a phone icon in different arcuate segments, with the message icon in the bottom arcuate segment, the video camera icon in the top right arcuate segment, and the phone icon in the top left segment. None of the references cited in the final Office Action has this arrangement.

King has eight arcuate segments, with a different video camera icon in a left side arcuate segment (and not a top right arcuate segment), a message icon in a bottom left arcuate segment, and no phone icon in any segment. King does not show or suggest a message icon, a video camera icon, and a phone icon in different arcuate segments, with the message icon in the bottom arcuate segment, the video camera icon in the top right arcuate segment, and the phone icon in the top left segment, as shown in the sole Figure.

Viper has three arcuate segments, with no video camera icon, message icon, or phone icon in any segment. OnAir does not have any arcuate segments, only a continuous ring. Additionally, OnAir has a video camera in a bottom right side of the ring, but not in a top right side of the ring. Therefore, Viper also does not show or suggest a message icon, a video camera icon, and a phone icon in different arcuate segments, with the message icon in the bottom arcuate segment, the video camera icon in the top right arcuate segment, and the phone icon in the top left segment, as shown in the sole Figure.

No combination of the references cited in the final Office Action shows or suggests a message icon, a video camera icon, and a phone icon in different arcuate segments, with the message icon in the bottom arcuate segment, the video camera icon in the top right arcuate segment, and the phone icon in the top left segment, as shown in the sole Figure. Therefore, the references cited in the final Office Action do not describe or suggest the entirety of the Figure and the claim. Applicant traverses the Section 103 rejection for this additional reason.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Final Office Action and that the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. By addressing particular positions taken by the Examiner in the above remarks, the Applicant does not acquiesce to other positions that have not been explicitly addressed. In addition, the Applicant's arguments for the patentability of a claim should not be understood as implying that no other reasons exist for the patentability of that claim.

Applicant invites the Examiner to contact the below practitioner if any issues are identified that stand in the way of allowance of the application.

The Patent Office is authorized to charge or refund any fee deficiency or excess to Deposit Account 60-2999.

Favorable consideration and allowance of this application is respectfully requested.

Respectfully submitted,

Dated: July 15, 2024

By: Christopher R Carroll
Christopher R. Carroll, Reg. No. 52,700
The Small Patent Law Group LLC
1423 Strassner Drive, Suite 100
St. Louis, Missouri 63144
(314) 584-4095

SUBSTITUTE SPECIFICATION – REDLINED COPY

**ELECTRONIC DISPLAY SCREEN WITH GRAPHICAL
USER INTERFACE**

[0001] I, Rahib Diwan, have invented a new, ornamental design for an electronic display screen with a graphical user interface.

DETAILED DESCRIPTION

~~**[0002]**—The Figure 4—illustrates a front view of an electronic display screen with a graphical user interface according to a first embodiment; and~~

~~**[0003]**—**[0002]** Figure 2 illustrates a front view of an electronic display screen with a graphical user interface according to a second embodiment.~~

~~**[0004]**—**[0003]** The outermost broken-line rectangle illustrates an electronic display screen and forms no part of the claimed design. The ~~remaining~~ broken lines around the telephone symbol in the top left arcuate segment and around the symbol in the center of the three arcuate segments of the graphical user interface in the electronic display screen illustrate environment and form no part of the claimed design. The differing line patterns in the Figure 4—illustrate a contrast in appearance. The longer dashed lines in the bottom arcuate segment of the graphical user interface illustrate a contrast in appearance relative to the top left and the top right arcuate segments, which forms part of the claimed design.~~

SUBSTITUTE SPECIFICATION – REDLINED COPY

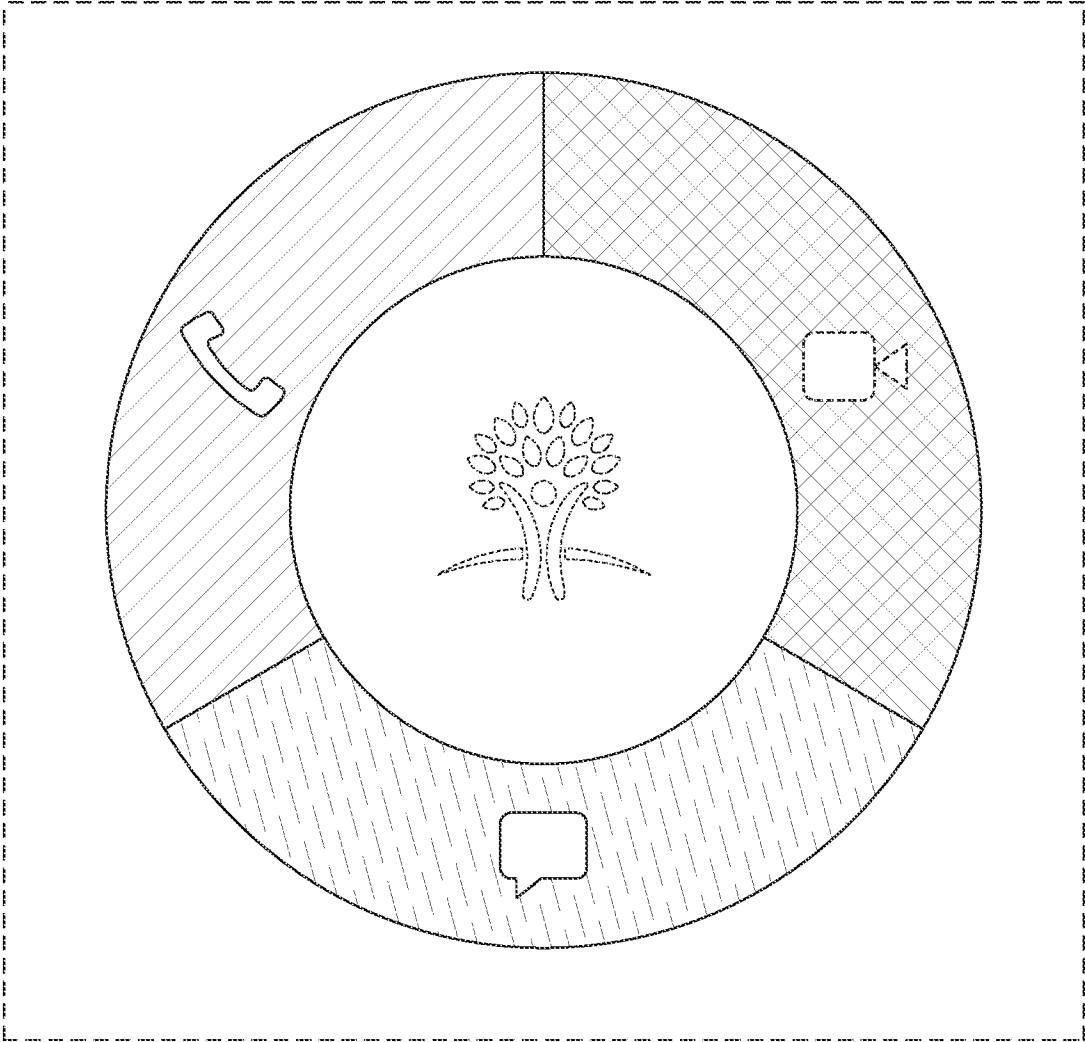
CLAIM

What is claimed is:

1. The ornamental design for an electronic display screen with a graphical user interface, as shown and described.

REPLACEMENT SHEET

1/1



SUBSTITUTE SPECIFICATION – CLEAN COPY

CLAIM

What is claimed is:

1. The ornamental design for an electronic display screen with a graphical user interface, as shown and described.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First-Named Inventor: Rahib Diwan

Serial No.: 29/748,412

Filed: August 28, 2020

Title: ELECTRONIC DISPLAY SCREEN
WITH GRAPHICAL USER INTERFACE

Examiner: Ian F. Whitmore

Group Art Unit: 2923

Confirmation No.: 1778

Attorney Docket No.:
CIG-063US1

AMENDMENT B

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

In response to the Final Office Action dated June 11, 2024, please amend the application as follows and consider the remarks set forth below. This Amendment is timely because it is submitted within two months of the date of the Final Office Action.

Amendments to the Specification begin on page 2 of this paper.

Amendments to the Drawings begin on page 3 of this paper.

Remarks begin on page 4 of this paper.

From: Chris Carroll
To: Whitmore, Ian E.
Cc: Gina Stephen; Chris Carroll
Subject: RE: 29/748412 interview request (o/r 565-0134DES1)
Date: Monday, June 24, 2024 1:28:27 PM
Attachments: image001.png
image003.png
image004.png

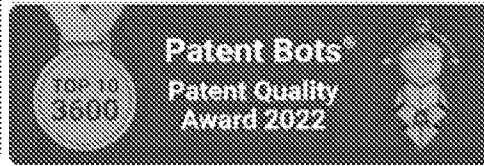
CAUTION: This email has originated from a source outside of USPTO. **PLEASE CONSIDER THE SOURCE** before responding, clicking on links, or opening attachments.

Thank you, Examiner. I will call you at (571) 270-3842 on Wednesday, June 26th at 2pm eastern (1pm central). Below is a brief agenda for the call.

- I. Correction to interview summary – I incorrectly stated that you requested a change to the drawings when you instead stated that the change would overcome the prior 103 rejection. I will submit a statement in the next Amendment making that clear. My apologies for this mistake. It certainly was not my intent to mischaracterize you.
- II. Section 112(a, b) rejections – I would like to discuss with you how to best overcome these rejections. The change to the dot-dash lines was to make clear that the previous usage of dash lines (in the bottom arcuate segment of Figure 1) did not indicate that the segment was unclaimed. But with the new matter 112(a) rejection, I am not entirely sure how to proceed. I would appreciate any insight or recommendations that you have for overcoming these rejections.
- III. Section 103 rejection – I would like to discuss whether any one or combination of the following differences between the claimed design and the cited art would be successful in overcoming this rejection:
 - a. The arcuate segments in the claimed design have different appearances, such as different colors. It appears that each of the cited references has all segments in the same color.
 - b. No reference shows both the message icon and the video camera icon in different arcuate segments with the message icon in the bottom arc and the video camera in the top right arc
 - c. No reference shows the phone icon. We can amend the drawings to change the phone icon in the top left arcuate segment from broken lines to solid lines to positively recite the phone icon in the claimed design.

Best regards,
Chris

Christopher R. Carroll
ccarroll@spiglaw.com
(314) 584-4095



Top 10 Firm for quality patents in Art Unit 3600 at USPTO (6th overall in PatentBots)
Top 30 Firm for Overall Patent Quality (28th overall in PatentBots)
Fortune 500 Go-To Law Firm
SuperLawyer 2022, 2023
Best Intellectual Property Attorneys, 2020, 2024 (St. Louis Small Business Monthly)

SMALL PATENT LAW GROUP LLC
1423 Strassner Dr.
Suite 100
St. Louis, MO 63144

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From: Whitmore, Ian F. <Ian.Whitmore@USPTO.GOV>

Sent: Thursday, June 20, 2024 9:18 AM

To: Chris Carroll <ccarroll@splglaw.com>

Subject: 29/748412 interview request

I've received the Automated Interview Request for a telephone interview concerning application 29/748412, to be conducted on June 26, 2024 at 2:00 PM ET. I am writing to let you know the requested time will work well for me. If you have an agenda or any visual aids you feel might facilitate our discussion, please feel free to submit them prior to the interview, either via email to this address, or by fax at (571) 270-4842. You may reach me directly by telephone at (571) 270-3842.

Ian Whitmore
Design Examiner
Art Unit 2923



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
29/748,412	08/28/2020	Rahib Diwan	CIG-063US1	1778
159688	7590	07/01/2024		
Cigna - Small Patent Law Group One Express Way, HQ1 St. Louis, MO 63121			EXAMINER WHITMORE, IAN F	
			ART UNIT	PAPER NUMBER
			2923	
			NOTIFICATION DATE	DELIVERY MODE
			07/01/2024	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

tim.clise@evernorth.com
uspto@express-scripts.com

<i>Applicant-Initiated Interview Summary</i>	Application No. 29/748,412	Applicant(s) Diwan, Rahib		
	Examiner IAN F WHITMORE	Art Unit 2923	AIA (First Inventor to File) Status Yes	Page 1 of 1

All Participants (applicant, applicants representative, PTO personnel)	Title	Type
IAN F WHITMORE	Primary Examiner	Telephonic
CHRISTOPHER CARROLL	Attorney of Record	

Date of Interview: 26 June 2024

Issues Discussed:

Proposed Amendment(s)

Prior to interview, applicant's representative submitted an agenda outlining discussion topics (attached). During interview, participants briefly discussed wording clarification regarding summary of earlier 12/06/2023 interview, as well as potential revisions to overcome the 112(a) and 112(b) rejections given in the 06/11/2024 Office action, with examiner noting that the rejections could be overcome by amending FIG 1 to show the bottom ring section's line pattern having the same dashed appearance it originally had, and by adding a descriptive statement to the specification indicating that the appearance of this subject matter is included in the claimed design. Regarding the 103 rejection, examiner noted he would be unable to provide specific suggestions to overcome, pending further future guidance from the Office concerning design obviousness in view of the recent LKQ Corp. v. GM Global Tech. Operations LLC decision, however, participants discussed the 103 rejection in general terms with no specific agreement being reached.

☒ Attachment

/IAN F WHITMORE/ Examiner, Art Unit 2923	
Applicant is reminded that a complete written statement as to the substance of the interview must be made of record in the application file. It is the applicants responsibility to provide the written statement, unless the interview was initiated by the Examiner and the Examiner has indicated that a written summary will be provided. See MPEP 713.04 Please further see: MPEP 713.04 Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews, paragraph (b) 37 CFR § 1.2 Business to be transacted in writing	

Applicant recordation instructions: The formal written reply to the last Office action must include the substance of the interview. (See MPEP section 713.04). If a reply to the last Office action has already been filed, applicant is given a non-extendable period of the longer of one month or thirty days from this interview date, or the mailing date of this interview summary form, whichever is later, to file a statement of the substance of the interview.

Examiner recordation instructions: Examiners must summarize the substance of any interview of record. A complete and proper recordation of the substance of an interview should include the items listed in MPEP 713.04 for complete and proper recordation including the identification of the general thrust of each argument or issue discussed, a general indication of any other pertinent matters discussed regarding patentability and the general results or outcome of the interview, to include an indication as to whether or not agreement was reached on the issues raised.



UNITED STATES PATENT AND TRADEMARK OFFICE

USPTO Automated Interview Request (AIR)

Jun 18 2024

This paper requesting to schedule and/or conduct an interview is appropriate because:

This submission is requested to be accepted as an authorization for this interview to communicate via the internet. Recognizing that Internet communications are not secure, I hereby authorize the USPTO to communicate with the undersigned concerning scheduling of the interview via video conference, instant messaging, or electronic mail, and to conduct the interview in accordance with office practice including video conferencing.

Name(s):
Christopher R. Carroll

S-signature:
/Christopher R Carroll/

Registration Number:
52700

U.S. Application Number:
29748412

Confirmation Number:
1778

E-mail Address:
ccarroll@splglaw.com

Phone Number:
+1 3145844095

Proposed Time of Interview:
6-26-2024 2:00 PM ET

Alternative Proposed Time(s) of Interview:
6-27-2024 2:30 PM ET

Alternative Proposed Time(s) of Interview:
6-28-2024 10:00 AM ET

Preferred Interview Type:
Telephonic

I am the applicant or applicant's representative for this application.

Topic for Discussion:
Rejections in the final Office Action.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
29/748,412	08/28/2020	Rahib Diwan	CIG-063US1	1778
159688	7590	06/11/2024		
Cigna - Small Patent Law Group One Express Way, HQ1 St. Louis, MO 63121			EXAMINER WHITMORE, IAN F	
			ART UNIT	PAPER NUMBER
			2923	
			NOTIFICATION DATE	DELIVERY MODE
			06/11/2024	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

tim.clise@evernorth.com
uspto@express-scripts.com

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

OFFICE ACTION

Acknowledgement of Applicant's Response

Acknowledgment is made of applicant's response filed February 9, 2024, in which the title, specification, and claim language were revised, replacement drawing sheets were submitted showing a camera icon feature converted from broken to solid line, and brief remarks were offered concerning the objections raised and the rejections given under 35 USC §§ 112(a) and (b) and 103 in the Office action issued November 17, 2023, as well as summarizing the interview conducted December 6, 2023.

The examiner notes that the remarks concerning the §103 rejection mischaracterize the content of the interview where they state (at 4) that "During the interview, the Examiner requested that Applicant amend the Figures to change the camera icon appearing in each Figure from broken line to solid line." The examiner did not make such request. Rather, when discussing whether such revision would overcome the §103 rejection as set forth in the Office action, the examiner confirmed it would.

Applicant's revisions to the title, specification, and claim language are sufficient to overcome the objections raised in the November 17th Office action. Applicant's revision of the specification is sufficient to overcome the rejection given under 35 USC 112(a) and (b) in the November 17th Office action. Applicant's revision of the solid-line subject matter of the drawing disclosure is likewise sufficient to overcome the rejection given under 35 USC 103 in the November 17th Office action, because the combination of references applied in the rejection fails to teach the addition of the camera icon feature to the radial menu shown in the design.

Applicant's revision of the drawings in the replacement sheets shows alteration of the appearance of the line pattern at the bottom of FIG 1 that is not supported by the original disclosure and is therefore subject to rejection as set forth below for failing the description requirement of 35 USC 112(a). Additionally, the status of this altered line pattern feature relative to the subject matter being claimed is uncertain in view of the revised descriptive

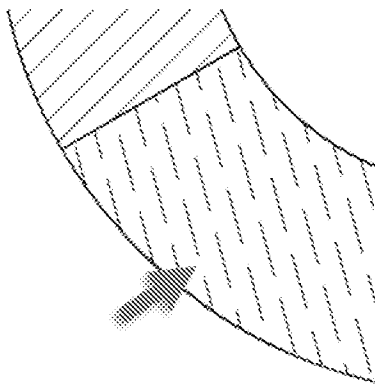
language of the specification, therefore the amended claim is additionally rejected herein under 35 USC 112(b) for indefiniteness.

A new search of the prior art has been conducted in view of the revised appearance of the claimed design and a new combination of references that together read on the claimed design has come to the examiner's attention. Accordingly, the claim is rejected hereinbelow under 35 USC 103.

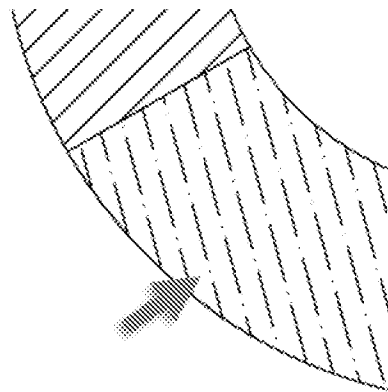
As applicant's amendments necessitated the new grounds of rejection presented in this Office action, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Claim Rejection – 35 USC §112(a)

The claim is rejected under 35 U.S.C. 112(a) as failing to comply with the description requirement. The original disclosure does not reasonably convey to a designer of ordinary skill in the art that applicant was in possession of the design now claimed at the time the application was filed. See *In re Daniels*, 144 F.3d 1452, 46 USPQ2d 1788 (Fed. Cir. 1998); *In re Rasmussen*, 650 F.2d 1212, 211 USPQ 323 (CCPA 1981).



**original
FIG 1 (detail)**



**replacement
FIG 1 (detail)**

Specifically, there is no support in the original disclosure for the new appearance of the line pattern shown filling the bottom section of the ring of the radial menu feature in the embodiment shown in FIG 1. Whereas previously this line pattern was rendered in a series of long dashes, the revised pattern is shown as alternating dots and dashes. (See comparison figure above, on page 3.)

A designer of ordinary skill would not have recognized the altered appearance of the line pattern as having been described in the original disclosure. In evaluating written description, “the test for sufficiency is whether the disclosure of the application relied upon reasonably conveys to those skilled in the art that the inventor had possession of the claimed subject matter as of the filing date.” *Ariad Pharms., Inc. v. Eli Lilly & Co.*, 598 F.3d 1336, 1351 (Fed. Cir. 2010) (en banc). Prior to the filing of the amendment the original disclosure did not reasonably convey to one skilled in the art that the inventor had possession of the claimed subject matter¹.

To overcome this rejection, applicant may attempt to revise the drawing disclosure to show a design understandable as having been described in the original disclosure, or applicant may otherwise attempt to demonstrate by what reasoning one of ordinary skill might understand the original disclosure to describe the design now claimed as having been within applicant’s possession at the time of filing.

Claim Rejection – 35 USC §112(b)

The claim is rejected under 35 U.S.C. 112(b) as being indefinite for failing to particularly point out and distinctly claim the subject matter which the inventor or a joint inventor regards as the invention.

The claim is indefinite due to inability to determine the intended scope of the claim because the status of the dot-dash line pattern shown in FIG 1 relative to the claimed subject matter is uncertain in view of the descriptive language of the specification.

¹ The examiner notes here that although the status of this dot-dash line pattern is uncertain in view of the current descriptive language of the specification (see rejection under 35 USC 112(b) given herein,) for the purposes of the present §112(a) rejection, the line pattern is assumed to form part of the appearance being claimed in the first embodiment of the design. The examiner further notes that where unsupported introduction of new matter otherwise occurs in the depiction of non-claim environmental subject matter, it would constitute objectionable new matter under 35 U.S.C. 132 and 37 CFR 1.121. See MPEP § 1504.04(I)(B).

The revised FIG 1 shows a line pattern of oblique dot-dash broken lines filling the bottom third section of a ring-shaped radial menu graphical user interface feature. Although the third sentence of revised paragraph [0004] of the specification suggests that “The differing line patterns in Figure 1 illustrate a contrast in appearance” that is understood to be included as part of the intended appearance of the claimed design of the first embodiment, the second sentence of the paragraph alternatively asserts that “broken lines illustrate environment and form no part of the claimed design”. The status of the dot-dash line pattern as either claimed subject matter or a non-claim depiction of environmental context is thus uncertain due to the apparently conflicting descriptions offered by the specification.

The scope of a design claim is defined by what is shown in full lines in the application drawings, in light of description in the specification. See MPEP §§ 1504.04(I)(A) and (C). See also *Contessa Food Prods., Inc. v. Conagra, Inc.*, 282 F.3d 1370, 1378, 62 USPQ2d 1065, 1069 (Fed. Cir. 2002) and *In re Mann*, 861 F.2d 1581, 8 USPQ2d 2030 (Fed. Cir. 1988). Broken lines in design drawings may be used for a variety of purposes, including the illustration of the environment of the article, or of portions of the article that form no part of the claim, or for the demarcation of boundaries. MPEP § 1503.02(III). Their appearance may otherwise constitute a graphic element that is included in the claimed subject matter.

Because broken lines may mean different things in different circumstances, “in each case it must be made entirely clear what they do mean, else the claim is bad for indefiniteness under 35 U.S.C. 112.” *In re Blum* 153 USPQ 177 (1967). The status of the dot-dash broken lines in relation to the claimed subject matter is unclear in view of the conflicting accounts offered in the specification, thus, the scope of the claim is uncertain.

This rejection may be overcome by amending the specification to include descriptive language explicitly indicating whether the appearance of the noted pattern of lines is included in the claimed design or not.

Claim Rejection – 35 USC §103

A claim involving more than one embodiment of a design concept is broad to the extent that the claim may be rejected by applying prior art against any embodiment presented as

representative of the concept. See *Ex parte Appeal No. 315-40 (Wolfe et al.)* 833 O.G. 474 152 USPQ 71 (1965). In the following rejection prior art is applied against the embodiment shown in FIG 2.

The claim is rejected under 35 U.S.C. 103 as being unpatentable over the reference previously cited as examiner's Non Patent Document X in the 892 form accompanying the November 17, 2023 Office action, a graphical user interface comprising a radial menu that was posted by King to the website dribbble.com (hereinafter "King"), in view of the reference previously cited as examiner's Non Patent Document V in the November 17th 892 form, a graphical user interface comprising a radial menu posted by "vipervxw" to the website depositphotos.com (hereinafter "Viper") and examiner's Non Patent Document U from the current 892 form, a graphical user interface comprising a radial menu shown in an article credited to "OnAir" published at the website onaircode.com (hereinafter "OnAir").

Although the invention is not identically disclosed or described as set forth in 35 U.S.C. 102, if the differences between the claimed invention and the prior art are such that the claimed invention as a whole would have been obvious before the effective filing date of the claimed invention to a designer having ordinary skill in the art to which the claimed invention pertains, the invention is not patentable.

In rejections of design claims based on 35 USC 103, the proper standard is whether a design would have been obvious to a designer of ordinary skill in the art involved. *In re Nalbandian*, 661 F.2d 1214, 1216, 211 USPQ 782, 784 (CCPA 1981). In regard to the present claim, the level of ordinary skill in the art is understood as determined by the knowledge of a designer of graphical user interface ornamentation for display screens.

The scope and content of the prior art show that "radial menu"-type graphical control elements like that of the claimed design, having a conventional appearance comprising a ring shape equally divided into sections each associated with an icon or button indicating separate

menu options, are an old² and well-known³ form in the art. Additionally, the prior art shows that it is customary to vary the number of segments into which the ring is divided based on the number of menu options that are to be displayed by the interface.⁴ The prior art further shows that it is customary to orient the menu selections within the individual ring segments either circumferentially⁵ or horizontally⁶ as a common design variation, and that the decision to position particular icon selections at various different equivalent points in the order around the ring may be made arbitrarily at the will of the designer⁷. An ordinary designer conversant with the prior art would thus understand that in a radial menu-type graphical user interface, the number of equal divisions within the ring could be increased or decreased to suit a particular number of menu selections, and that the icons of the menu could be oriented either circumferentially or horizontally, and that these different icons could be distributed variously in order around the ring at will.

King (see figure below, on page 8) shows a primary reference design from the same field of art as the claimed design, both comprising graphical user interface ornamentation applied to a display screen. The overall appearance of the solid-line subject matter constituting the claimed design and the corresponding design in King share a high degree of visual similarity: both depict a graphical user interface feature having the conventional form commonly known as that of a “radial menu”, comprising a circular annulus or ring shape divided equally into multiple arcuate sections by a series of regularly-spaced radiating lines that traverse the width of the ring. Both

² See <https://bigmedium.com/ideas/radial-menus-for-touch-ui.html>, accessed June 5, 2024: “Radial menus (sometimes called pie menus or marking menus) have been around since the late 1960s”; https://en.wikipedia.org/wiki/Pie_menu, accessed June 5, 2024: “The first documented radial menu is attributed to a system called PIXIE in 1969.”

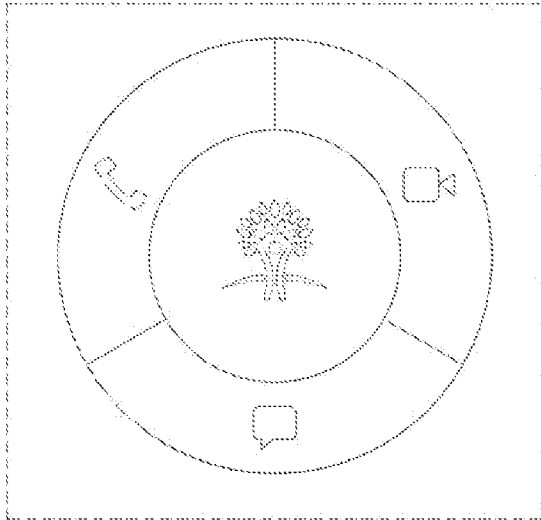
³ See <https://dribbble.com/search/radial-menu>, accessed June 5, 2024, offering “thousands of Radial Menu images for design inspiration”; <https://onaircode.com/javascript-js-circle-menu-examples/>, published March 28, 2020, showing 33 “circle menu examples”.

⁴ See, e.g., previously-cited US Patent D757817, to Pan, showing a radial menu graphical user interface feature across multiple embodiments that differ by the number of sections into which the ring is divided; see also https://en.wikipedia.org/wiki/Pie_menu, accessed June 5, 2024: “Around 3-12 items can be reasonably accommodated in a radial layout”.

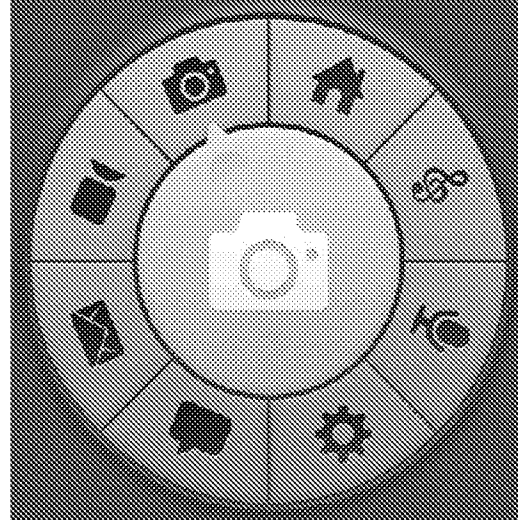
⁵ See, e.g., current NPL Document V, previous Office action NPL Document X, and US Patents D783630 and D716319

⁶ See, e.g., current NPL Document U, US Patents D757817, D722079, D602033, and US Patent Publication 2007/0271528 FIG 6.

⁷ Compare, e.g., the diverse positioning of similar camera icons shown among current NPL Document U, current NPL Document V, US Patent D659152, and US Patent Publication 2011/0154174 FIG 16, or the diverse positioning of similar speech balloon icons among current NPL Document U, US Patents D915457, D847148, and D757817, and US Patent Publication 2009/0083665 FIG 2G.



claimed design



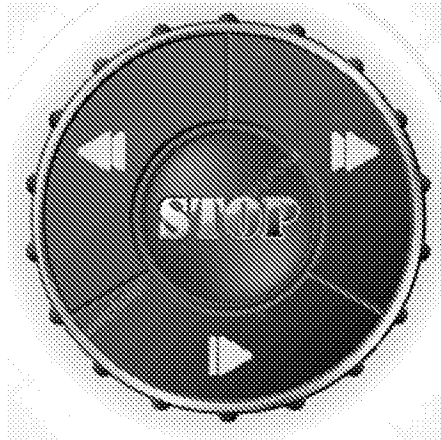
King

designs show ring shapes of the same thickness. Both designs show each arcuate section of the ring enclosing, at center, an icon representing a menu selection, including one icon that resembles a speech bubble, consisting of a round-cornered horizontally-aligned rectangle shape with a small triangular pointer feature emerging from the bottom edge near its lower left corner, pointing downward and to the left, and another icon that resembles a simplified rightward-pointing movie camera shown in profile, rendered as a round-cornered square body shape and an outward-flaring triangular lens shape projecting from the right edge of the camera body.

The claimed design differs from King by showing a ring menu with only three selection items and thus divides its ring into three sections rather than eight. The claimed design also differs by showing the icons oriented horizontally rather than circumferentially, and by showing the lens shape of the camera icon connecting to the camera body, whereas King shows a small gap between these shapes.

The Viper reference shows a design from the same field of art as King and the claimed design, comprising graphical user interface ornamentation for a display screen. Viper similarly depicts a graphical user interface feature having the conventional form commonly known as that of a “radial menu”, comprising a circular annulus or ring shape that is equally divided into multiple

arcuate sections by a series of regularly-spaced radiating lines that traverse the width of the ring, with each section enclosing, at center, an icon representing a menu selection. Viper teaches, in accordance with the custom of varying the number of segments in the rings by the number of menu items, that a radial menu feature like that shown in King could be modified to show just three divisions, as also shown by the claimed design.



Viper

The OnAir reference shows a design from the same field of art as King and the claimed design, comprising graphical user interface ornamentation for a display screen. Viper likewise depicts a



OnAir

graphical user interface feature having the conventional form commonly known as that of a “radial menu”, comprising a circular annulus or ring shape that is equally divided into multiple selections, each represented an icon spaced evenly around the ring. OnAir teaches that, per the custom of orienting the icon selections horizontally, a radial menu like King could be modified to show its icon selections oriented horizontally, as are the icons in the claimed design. OnAir additionally teaches that a simplified rightward-pointing movie camera icon included in such a radial menu, formed by a round-cornered square body shape and an outward-flaring triangular lens shape, could be modified to connect the lens shape to the body without an intervening, as also shown in the camera icon featuring in the claimed design.

It would have been obvious to a designer of ordinary skill not later than the effective filing date of the present claimed invention to reduce the number of divisions in the radial menu of the King design to accommodate a three-selection menu, as taught by Viper. It would likewise have been obvious to reorient the icon selections of the King design horizontally, as suggested by the appearance of the horizontally-oriented icon selections in the radial menu of OnAir, and to connect the lens and body shapes of the camera icon within the radial menu of King, as taught by the alternative appearance for a movie camera icon suggested by the icon shown in radial menu of OnAir.

The design resulting from the modifications noted above would have the same overall appearance as that of the claimed design, which would have no patentable distinction over it.

The alternative design approaches to visually similar design characteristics shown in the Viper and OnAir references suggests that their teachings be applied to the design shown in King. See *MRC Innovations, Inc. v. Hunter Mfg., LLP*, 110 USPQ2d 1235 (Fed. Cir. 2014) at 1241, noting that similarity in appearance provides the suggestion that one should apply certain features to another design.

It is noted that case law has held that a designer skilled in the art is charged with knowledge of the related art; therefore, the combination of old elements, herein, would have been well within the level of ordinary skill. See *In re Antle*, 444 F.2d 1168, 170 USPQ 285 (CCPA 1971) and *In re Nalbandian*, 661 F.2d 1214, 211 USPQ 782 (CCPA 1981).

Conclusion

The claimed design is finally rejected as set forth above.

As applicant's amendment necessitated the new grounds of rejection presented in this Office action, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to IAN F WHITMORE whose telephone number is (571)270-3842. The examiner can normally be reached Monday - Friday 9:30 - 5:30.

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, Christian McLean can be reached on (571) 270-1996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/IAN F WHITMORE/

Primary Examiner, Art Unit 2923

6/5/2024

REPLACEMENT SPECIFICATION – CLEAN COPY

**ELECTRONIC DISPLAY SCREEN WITH GRAPHICAL
USER INTERFACE**

[0001] I, Rahib Diwan, have invented a new, ornamental design for an electronic display screen with a graphical user interface.

DETAILED DESCRIPTION

[0002] Figure 1 illustrates a front view of an electronic display screen with a graphical user interface according to a first embodiment; and

[0003] Figure 2 illustrates a front view of an electronic display screen with a graphical user interface according to a second embodiment.

[0004] The outermost broken-line rectangle illustrates an electronic display screen and forms no part of the claimed design. The remaining broken lines illustrate environment and form no part of the claimed design. The differing line patterns in Figure 1 illustrate a contrast in appearance.

IN THE SPECIFICATION

Applicant herewith submits a substitute specification in both marked-up and clean versions. No new matter is proposed.

REPLACEMENT SPECIFICATION – REDLINED COPY

**ONE TOUCH ICON FOR USE IN ELECTRONIC
DISPLAYS**
**DISPLAY SCREEN WITH GRAPHICAL
USER INTERFACE**

[0001] I, Rahib Diwan, have invented a new, ornamental design for ~~a one touch icon an~~
electronic display screen with a graphical user interface~~for use in electronic displays of~~
~~information.~~

DETAILED DESCRIPTION

[0002] Figure 1 illustrates a front view of an electronic display screen with a ~~one touch~~
~~icon~~ graphical user interface according to a first embodiment; and

[0003] Figure 2 illustrates a front view of an electronic display screen with a ~~one touch~~
~~icon~~ graphical user interface according to a second embodiment.

[0004] The outermost broken-line rectangle illustrates an electronic ~~drawings of a~~
display screen ~~on which the one touch icon is shown are for illustrative purposes only and~~
~~form and forms~~ no part of the claimed design. The remaining broken lines illustrate
environment and form no part of the claimed design. The differing line patterns in Figure
1 illustrate a contrast in appearance~~cross-hatching represents potential different colors in~~
~~the different parts of the icon.~~

REPLACEMENT SPECIFICATION – REDLINED COPY

CLAIM

What is claimed is:

1. The ornamental design for ~~a~~an electronic display screen with ~~an icon~~a graphical user interface, as shown and described.

REMARKS

The single claim stands objected to due to the formal matters that are addressed below and would be otherwise allowable. The Office Action dated November 17, 2023, has been carefully considered, and the following amendments are made to address the formal matters raised by the Office Action. As such, the application is believed to be in condition for allowance.

INTERVIEW SUMMARY

Applicant thanks the Examiner for the telephone interview on 06-December-2024. No exhibit was shown or demonstration conducted. The pending rejections and prior art references mentioned below were generally discussed. Applicant offered reasons for patentability similar to those presented below. Further, Applicant proposed amendments to further distinguish the references cited. Agreement was reached that, subject to further search and consideration, the above claim amendments define over the art of record. Accordingly, Applicant has submitted herein the additional claim amendments and arguments.

OBJECTIONS TO THE SPECIFICATION

The specification and title are amended herein as suggested in the Office Action and by the Examiner during the Interview. Applicant requests that the objections to the specification be withdrawn.

REJECTION UNDER 35 U.S.C. §112

The claim stands rejected under 35 U.S.C. §112(a) and (b) as failing to comply with the enablement requirement and as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. The specification and claim have been amended as suggested by the Office Action and the Examiner during the Interview. Specifically, language was removed and added to paragraph 4 of the specification making clear that the different line patterns appearing in the three arcs of the circle illustrate a contrast in appearance. Applicant traverses this rejection and submits that the amendments suggested by the Examiner overcome this rejection.

REJECTIONS UNDER 35 U.S.C. §103

Claim 1 stands rejected under 35 U.S.C. § 103 as being unpatentable over an article posted at the website finance.yahoo.com (“Tynan”) in view of a graphical interface by user “vipervxw” posted at the website depositphotos.com (“Viper”). These rejections are respectfully traversed.

During the interview, the Examiner requested that Applicant amend the Figures to change the camera icon appearing in each Figure from broken line to solid line. The Examiner also indicated that this amendment would overcome the Section 103 rejection as neither the Tynan nor the Viper references describe or suggest the camera icon as shown in the amended Figures of this application. Therefore, Applicant traverses the Section 103 rejection and submits that the claim is allowable.

CLAIM OBJECTIONS

In the Office Action of November 17, 2023, the Examiner states that the language of the claim is objected to for failing to accurately recite the title. The title is amended according to the Examiner’s request. Applicant requests withdrawal of this objection.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. The Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and that the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. By addressing particular positions taken by the Examiner in the above remarks, the Applicant does not acquiesce to other positions that have not been explicitly addressed. In addition, the Applicant’s arguments for the patentability of a claim should not be understood as implying that no other reasons exist for the patentability of that claim.

The Applicant invites the Examiner to contact the below practitioner if any issues are identified that stand in the way of allowance of the application.

The Patent Office is authorized to charge or refund any fee deficiency or excess to Deposit Account 60-2999.

Favorable consideration and allowance of this application is respectfully requested.

Respectfully submitted,

Dated: 07-February-2024

By: Christopher R Carroll
Christopher R. Carroll, Reg. No. 52,700
The Small Patent Law Group, LLC
1423 Strassner Drive, Suite 100
St. Louis, Missouri 63144
(314) 584-4095

REPLACEMENT SHEET
1/2

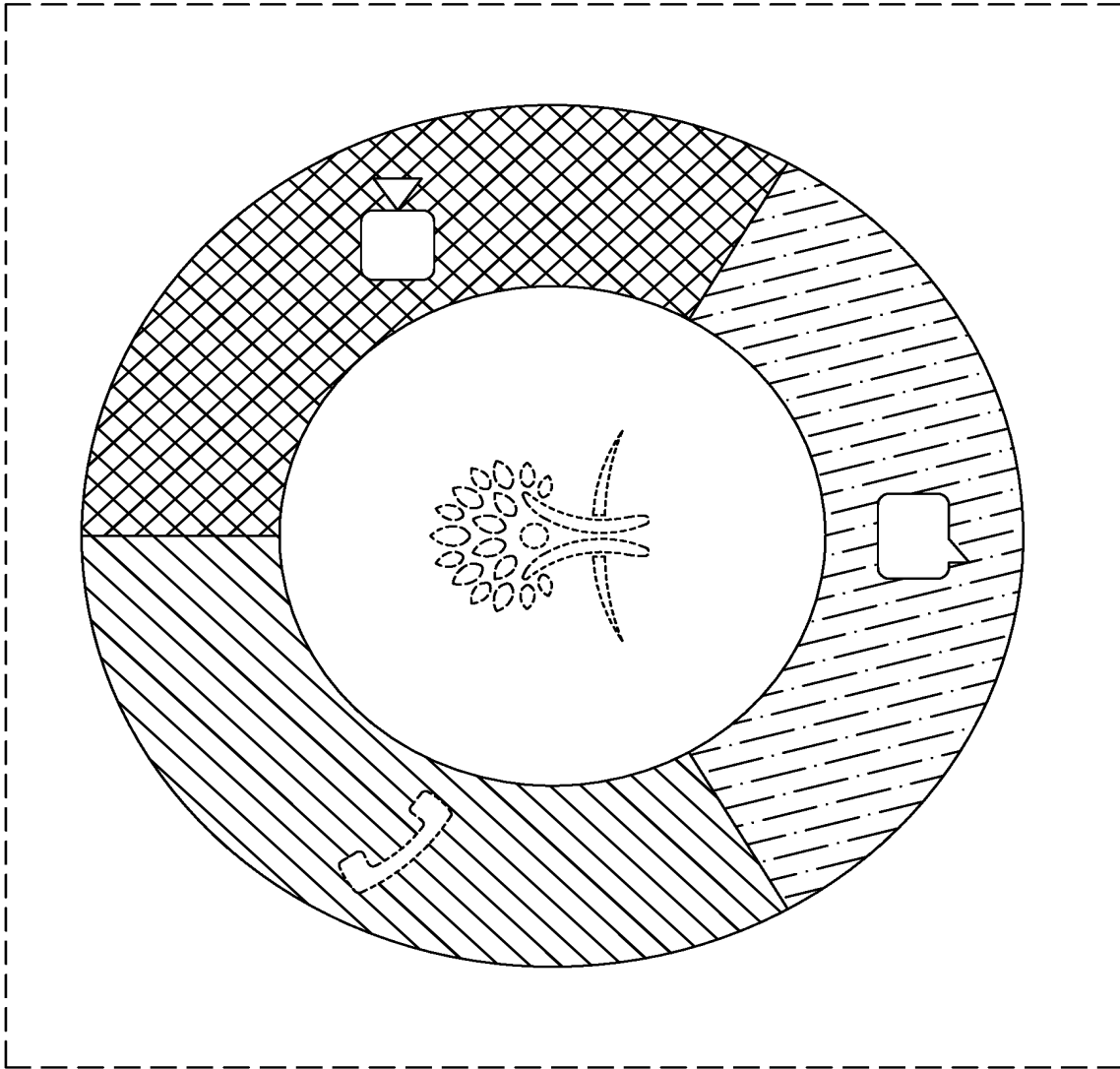


FIG. 1

REPLACEMENT SHEET
2/2

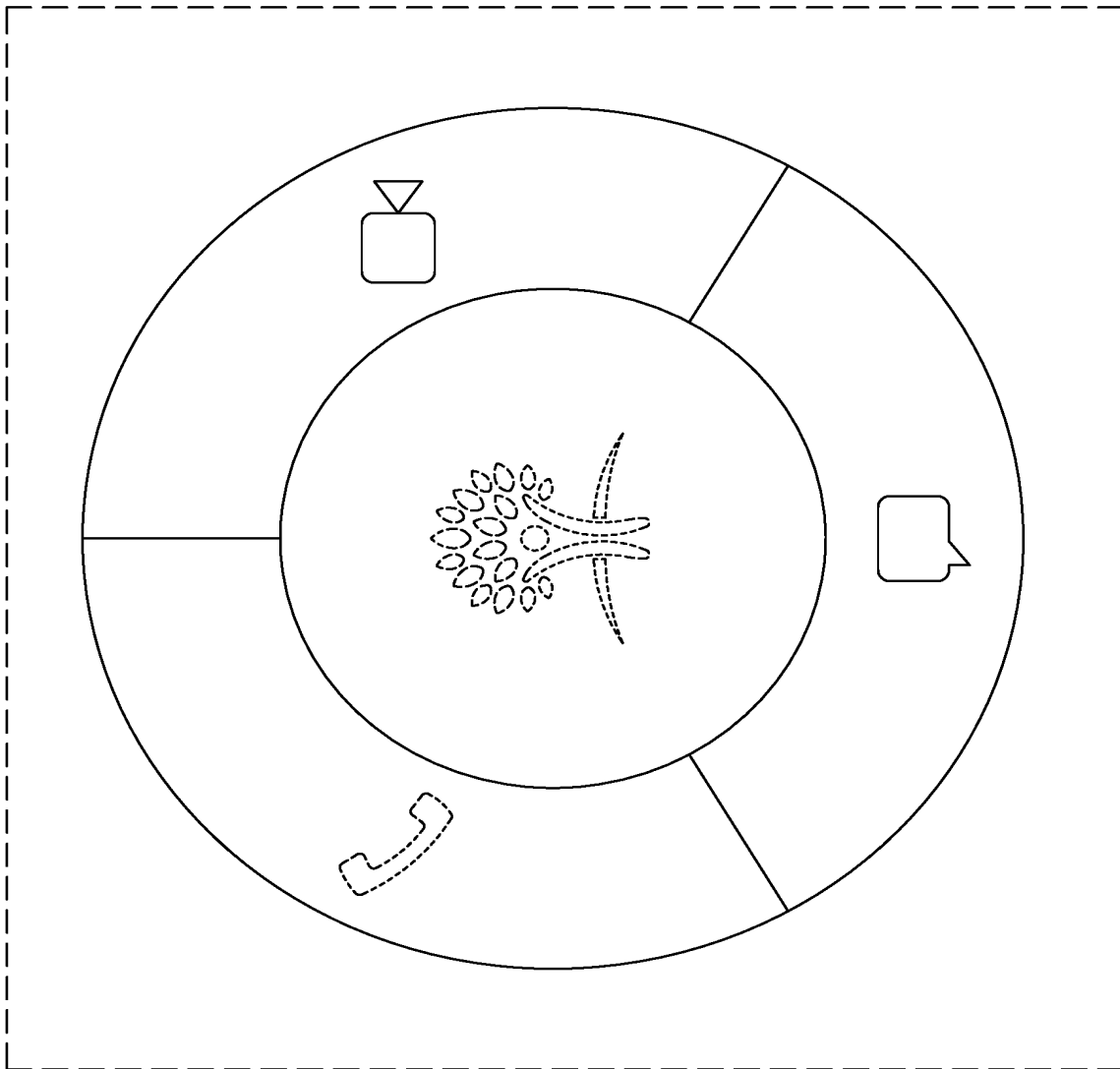


FIG. 2

REPLACEMENT SPECIFICATION – CLEAN COPY

CLAIM

What is claimed is:

1. The ornamental design for an electronic display screen with a graphical user interface, as shown and described.

\ **IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

First-Named Inventor: Rahib Diwan

Serial No.: 29/748,412

Filed: August 28, 2020

Title: ONE TOUCH ICON FOR USE IN
ELECTRONIC DISPLAYS

Examiner: Ian F. Whitmore

Group Art Unit: 2923

Confirmation No.: 1778

Attorney Docket No.:
CIG-063US1

AMENDMENT A

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

In response to the Office Action dated November 17, 2023, please amend the application as follows and consider the remarks set forth below.

Amendments to the Specification begin on page 2 of this paper.

Remarks begin on page 3 of this paper.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
29/748,412	08/28/2020	Rahib Diwan	CIG-063US1	1778
159688	7590	12/12/2023		
Cigna - Small Patent Law Group One Express Way, HQ1 St. Louis, MO 63121			EXAMINER WHITMORE, IAN F	
			ART UNIT	PAPER NUMBER
			2923	
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			12/12/2023	ELECTRONIC

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The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

uspto@express-scripts.com

<i>Applicant-Initiated Interview Summary</i>	Application No. 29/748,412	Applicant(s) Diwan, Rahib		
	Examiner IAN F WHITMORE	Art Unit 2923	AIA (First Inventor to File) Status Yes	Page 1 of 2

All Participants (applicant, applicants representative, PTO personnel)	Title	Type
IAN F WHITMORE	Primary Examiner	Telephonic
CHRISTOPHER CARROLL	Attorney of Record	
TIM CLISE	Attorney	

Date of Interview: 06 December 2023

Issues Discussed:

35 U.S.C. 112

Applicant's representative inquired whether a substitute color drawing figure might be submitted in lieu of current FIG 1, with line patterns replaced by color subject matter. Examiner indicated that such revision would likely run afoul of the description requirement of §112(a) or otherwise introduce new matter as proscribed by §132. Applicant's representative inquired whether a feature statement might be added to better describe the role of the line patterns in FIG 1. Examiner indicated that because no color is shown in the figure, the description could not allude to undisclosed color variations of the design as previously outlined in the §112 rejection of the 17 November 2023 Office action, however, to the extent that the line patterns do show contrasting appearances, a statement might be added clarifying that the differing line patterns in FIG 1 illustrate a contrast of appearance.

35 U.S.C. 103

Applicant's representative inquired whether converting the broken-line camera icon to solid line would be sufficient to overcome the §103 rejection set forth in the 17 November 2023 Office action. Examiner indicated that it would, since the applied combination of references does not include such icon. Examiner noted that a review and further search of the prior art would be undertaken in view of such response if submitted.

Objections

Applicant's representative indicated intent to amend the application generally in line with suggestions made in the 17 November 2023 Office action in order to overcome the objections made therein.

/IAN F WHITMORE/ Examiner, Art Unit 2923	
Applicant is reminded that a complete written statement as to the substance of the interview must be made of record in the application file. It is the applicants responsibility to provide the written statement, unless the interview was initiated by the Examiner and the Examiner has indicated that a written summary will be provided. See MPEP 713.04 Please further see: MPEP 713.04 Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews, paragraph (b) 37 CFR § 1.2 Business to be transacted in writing	

<i>Applicant-Initiated Interview Summary</i>	Application No. 29/748,412	Applicant(s) Diwan, Rahib		
	Examiner IAN F WHITMORE	Art Unit 2923	AIA (First Inventor to File) Status Yes	Page 2 of 2

Applicant recordation instructions: The formal written reply to the last Office action must include the substance of the interview. (See MPEP section 713.04). If a reply to the last Office action has already been filed, applicant is given a non-extendable period of the longer of one month or thirty days from this interview date, or the mailing date of this interview summary form, whichever is later, to file a statement of the substance of the interview.

Examiner recordation instructions: Examiners must summarize the substance of any interview of record. A complete and proper recordation of the substance of an interview should include the items listed in MPEP 713.04 for complete and proper recordation including the identification of the general thrust of each argument or issue discussed, a general indication of any other pertinent matters discussed regarding patentability and the general results or outcome of the interview, to include an indication as to whether or not agreement was reached on the issues raised.



UNITED STATES PATENT AND TRADEMARK OFFICE

USPTO Automated Interview Request (AIR)

Nov 28 2023

This paper requesting to schedule and/or conduct an interview is appropriate because:

This submission is requested to be accepted as an authorization for this interview to communicate via the internet. Recognizing that Internet communications are not secure, I hereby authorize the USPTO to communicate with the undersigned concerning scheduling of the interview via video conference, instant messaging, or electronic mail, and to conduct the interview in accordance with office practice including video conferencing.

Name(s) :
Christopher R. Carroll

S-signature:
/Christopher R Carroll/

Registration Number:
52700

U.S. Application Number:
29748412

Confirmation Number:
1778

E-mail Address:
ccarroll@splglaw.com

Phone Number:
+1 3145844095

Proposed Time of Interview:
12-6-2023 9:30 AM ET

Alternative Proposed Time(s) of Interview:
12-8-2023 9:30 AM ET

Alternative Proposed Time(s) of Interview:
12-12-2023 9:30 AM ET

Preferred Interview Type:
Telephonic

I am the applicant or applicant's representative for this application.

Topic for Discussion:
Amendments to address rejections in the Office Action.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
29/748,412	08/28/2020	Rahib Diwan	CIG-063US1	1778
159688	7590	11/17/2023		
Cigna - Small Patent Law Group One Express Way, HQ1 St. Louis, MO 63121			EXAMINER WHITMORE, IAN F	
			ART UNIT	PAPER NUMBER
			2923	
			NOTIFICATION DATE	DELIVERY MODE
			11/17/2023	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

uspto@express-scripts.com

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

OFFICE ACTION

Multiple Embodiments

This application discloses two embodiments, shown in two separate drawing figures. Figure 1 includes portions showing linear patterns, including an arcuate section filled with oblique parallel lines, a second arcuate section filled with dashed lines arranged at a different angle, and a single third section showing cross-hatching (i.e. overlapping lines arranged at differing angles¹.)

The drawings show no color, however, paragraph [0004] includes a descriptive sentence indicating that “The cross-hatching represents potential different colors in the different parts of the icon.” This sentence makes the claim indefinite and nonenabling because it attempts to attribute unspecified visual characteristics that are not shown to the ostensibly symbolic “cross-hatching” marks that appear in one portion of FIG 1. (See rejection under 35 USC 112(a) and (b) given below.)

For the purposes of the restriction requirement given below, the examiner has based his interpretation of the figures solely on their appearance as disclosed in the black-and-white line drawings as filed, apart from any consideration of alluded-to but undisclosed color characteristics.

This application discloses the following embodiments:

Embodiment 1 – FIG 1

Embodiment 2 – FIG 2

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

¹ See <https://en.wikipedia.org/wiki/Hatching>

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, the embodiments are deemed to be obvious variations of one another and are being retained and examined in the same application. A claim may be rejected by applying prior art to any embodiment within a patentably indistinct group. 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 determination in reply to this action will be considered an admission of lack of patentable distinction between the above identified embodiments.

Title Objection

The title is objected to as misdescriptive, as well as for inclusion of extraneous matter directed to function, and for failing to direct the claim to the design for a known article of manufacture.

The title is misdescriptive (MPEP § 1503.01(I)) where it indicates that the surface ornamentation forming the claimed subject matter consists in an “icon” alone. Visual reference to the figures shows what appears to be a graphical user interface feature having the conventional appearance of a “radial menu”² divided into multiple sections, each featuring an interior icon, with the speech bubble symbol at bottom particularly picked out in solid line. Since the claimed subject matter includes not just the single speech bubble icon but the entire ring shape and subdivided sections of the radial menu as well, it is inaccurate and misdescriptive to characterize the design as consisting solely of an “icon.”

The title of a design identifies the article in which the design is embodied by the name generally known and used by the public. MPEP § 1503.01. The title of the instant application is objected to as misdescriptive where it suggests that the design is confined to an “icon”, rather than the

² See, e.g., [https://en.wikipedia.org/wiki/Pie_menu#](https://en.wikipedia.org/wiki/Pie_menu#;); <https://dribbble.com/tags/radial-menu>

full “graphical user interface” feature shown in solid line. Accordingly, the title must be revised to substitute the term “graphical user interface” where it currently recites “icon”.

The title is objectionable for inclusion of extraneous matter directed to intended functionality where it indicates that the icon feature in questions is a “one touch icon”. Although no further description is offered to define the term “one touch” in the present context, the examiner infers that it is intended to indicate that in the functioning of the related interface software, an operation is initiated from a single touch on a touch screen displaying an icon included in the design. Functional features of the related software are of no consequence to the consideration of how the design ornaments an article of manufacture. Per MPEP § 1503.01 (II)(B), design patents are concerned solely with the ornamental appearance of an article of manufacture; functional features alluded to in the specification are not a matter of concern and are neither permitted nor required.

In order to remove subject matter not useful to the understanding of the appearance of the design itself (*Ex parte Spiegel*, 2658 O.G. 741, 1919 CD 112), the phrase “ONE TOUCH” must be deleted from the title.

The format of the title is objectionable in that, if it were properly incorporate into the claim language per the requirements of 37 CFR 1.153, it would fail to direct the claim to a known article of manufacture. The format of the title must direct the claim to the design for an article of manufacture by reciting the name of the article first in the title, such that, when incorporated into the language of the claim, the claim shall be in formal terms to the ornamental design for the article (specifying name) as shown and described. (MPEP § 1504.01 (a)(I)(B)(A) and 37 CFR 1.153.)

The examiner notes that the phrase “article of manufacture” has been interpreted to be a tangible object or physical substance. (See *Henry Hanger & Display Fixture Corp. of America v. Sel-O-Rak Corp.*, 270 F.2d 635, 640, 123 USPQ 3, 6 (5th Cir. 1959); *Pelouze Scale & Mfg. Co. v. American Cutlery Co.*, 102 F. 916, 918 (7th Cir. 1900); *Kim Craftsman, Ltd. V. Astra Products, Inc.*, 212 USPQ 268 (D.N.J. 1980).)

The title as filed reads “ONE TOUCH ICON FOR USE IN ELECTRONIC DISPLAYS” and thus, if it were properly incorporated³ into the claim language as required by 37 CFR 1.153, would direct the claim to a “design for a one touch icon”. The examiner notes that an icon alone is understood as surface ornamentation and is not an article of manufacture. MPEP § 1504.01(a)(I)(A).

The title must be revised in order to direct the claim to a known article of manufacture in accordance with 37 CFR 1.153. Such revision must be effected wherever the title appears throughout the application, ***including the language of the claim***, excepting only the original oath or declaration.

The figure description indicates that the figures show “an electronic display” and paragraph [0004] describes the “icon” of the title as being shown on “a display screen” that is rendered in broken line in the drawing disclosure, therefore, the examiner infers that the design of the instant claim may be intended for a “display screen” article of manufacture with graphical user interface surface ornamentation displayed thereon.

For clarity and accuracy in identifying the designated article of manufacture per the guidelines of MPEP § 1503.01(I) and 37 CFR 1.153, the title must be amended. A substitute title, given the interpretation outlined above, may read:

— ~~ONE TOUCH ICON FOR USE IN ELECTRONIC DISPLAY~~[[S]] SCREEN WITH GRAPHICAL USER INTERFACE —

Specification Objections

The figure description (paragraphs [0002] and [0003]) is objected to for failure to describe the views shown in the drawings.

Paragraphs [0002] and [0003] indicate that the figures “illustrate an electronic display” and paragraph [0004] suggests that this “display” should be understood as a “display screen” that is illustrated by broken lines in the figures, however, the specification fails to describe what type

³ The examiner additionally notes that the claim language as filed fails to properly incorporate the title. See “Claim Objection” below.

of view (i.e. “perspective”, “elevational”, “plan”, “front”, “back”, “side”, etc.) of such “display screen” article is being shown in the figures.

From visual analysis, the examiner infers that the two figures are each intended to show a “front view” of the display screen article.

In order to clearly and accurately describe the views as per MPEP § 1503.01 (II), the figure description must be amended. A substitute description, given the interpretation above and incorporating the suggested revision to the claim language, may read:

- Figure 1 illustrates a front view of an electronic display screen with a one-touch icon graphical user interface according to a first embodiment; and —
- Figure 2 illustrates a front view of an electronic display screen with a one-touch icon graphical user interface according to a second embodiment. —

The description of broken-line subject matter provided by the first sentence of paragraph [0004] is objected to for lack of clarity, imprecision, and incompleteness.

The description is unclear in meaning where it suggests that certain features are shown in the drawings “for illustrative purposes only”. In a design patent, the drawings serve to illustrate both the design itself and features of the design’s environment that, though they may be excluded from the claimed subject matter, provide an understanding of the design’s context. Because this illustration is expressly incorporated into the claim by the claim language, the description of the drawings as being “for illustrative purposes only” has no clear meaning and must therefore be deleted from the paragraph.

The description is imprecise because it fails to identify which broken-line feature shown in the drawings corresponds to the showing of “a display screen”, which the examiner infers to be the intended article of manufacture for the instant design claim. Per the requirements of the pertinent class of designs, an illustration of a display screen, showing the article of manufacture to which the claimed design is applied, must be identifiable in the drawings. See MPEP § 1504.01 (a)(I)(A). From visual analysis of the figures with reference to common practice in the art, the examiner infers that the outermost broken-line rectangle here illustrates the perimeter

of the display screen, with all other broken lines pertaining to portions of a graphical user interface displayed thereon.

The description is incomplete because it fails to address other broken-line subject matter shown in the drawings, and fails to clarify the status of this subject matter relative to that of the claim. The examiner notes that, in addition to the outer broken-line perimeter, which has been interpreted as an illustration of the display screen, the drawings additionally show broken-line icons in the upper left and right sections of the radial menu feature, as well as a broken-line icon at its center. (Figure 1 additionally shows a pattern of oblique dashed lines filling the bottom section of the radial menu. For suggested revisions to the descriptive language of the specification relating to this line pattern, see the rejection below under 35 USC 112(a) and (b).)

From visual analysis of the noted broken-line subject with reference to common practice, the examiner infers that these features within the perimeter of the display screen represent portions of the graphical user interface that form no part of the claimed design.

The meaning of broken lines shown in the drawings must be completely and accurately accounted for. *In re Blum* 153 USPQ 177 (1967). In order to clearly, fully, and accurately describe what is shown, in accordance with the requirements set forth in MPEP §§ 1503.01(II) and 1503.02(III), the description of broken-line subject matter must be revised.

In view of the above-given interpretation of the drawings, substitute language to replace the first sentence of paragraph [0004] may read:

- The outermost broken-line drawings of rectangle illustrates a display screen ~~on which the one touch icon is shown~~ are for illustrative purposes only and forms no part of the claimed design. The remaining broken lines illustrate portions of a graphical user interface and form no part of the claimed design. —

Claim Objection

The language of the claim is objected to for failing to accurately recite the title. As per 37 CFR 1.153, the claim shall be in formal terms to the ornamental design for the article (specifying name) as shown and described. For consistency, therefore, and to clearly designate the article, the claim language must be amended.

A substitute claim, incorporating the title revision suggested above, may read:

- The ornamental design for an electronic display screen with ~~an icon~~ graphical user interface, as shown and described. —

Claim Rejection – 35 USC §112(a) and (b)

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 the applicant regards as the invention.

The claim is indefinite and nonenabling due to the following descriptive statement in paragraph [0004] of the specification, which suggests the existence of modified forms of the claimed design that are not shown in the drawing, and suggests that the claimed design is not limited to the appearance that is shown:

The cross-hatching represents potential different colors in the difference parts of the icon.

The examiner notes that although only one area of crosshatching is shown (in the upper right section of the radial menu in FIG 1), the description is being interpreted here as intended to refer to all three line patterns that are shown filling the three sections of the radial menu graphical user interface feature in FIG 1.

The noted statement suggests that the lines in the drawing, rather than illustrating the visual qualities of the claimed design, are intended to symbolically represent “potential different colors” that are not specified or shown. The language thus suggests the possibility of unspecified variations within the claimed design, and renders the claim indefinite and nonenabling because the appearance of the alluded-to variations is not clear, complete, and free of the necessity for conjecture.

The scope of a design claim is defined by what is shown in full lines in the application drawings. MPEP §1504.04(I)(C). See *Contessa Food Prods., Inc. v. Conagra, Inc.*, 282 F.3d 1370, 1378, 62 USPQ2d 1065, 1069 (Fed. Cir. 2002) and *In re Mann*, 861 F.2d 1581, 8 USPQ2d 2030 (Fed. Cir. 1988). Where color characteristics are intended to form part of the appearance being claimed,

these may be illustrated and positively claimed by submission of color drawing figures showing the colors that are included in the design. 37 CFR 1.84.

Figure 1 of the submitted drawings show specific line patterns but no color, and does not relate any of the line patterns to any specific colors, thus the claim is incommensurate with the scope asserted because the statement implies modifications of the design that cannot be determined from what is shown in the drawings.

“A design is a unitary thing and all of its portions are material in that they contribute to the appearance which constitutes the design.” *In re Blum*, 374 F.2d 904, 907, 153 USPQ 177, 180 (CCPA 1967). Therefore, if specific color features are part of the design, their explicit disclosure is necessarily essential for a proper understanding of the invention. The form the claim takes can include nothing more nor less than the design disclosed in the formal drawings. (See *Ex Parte Kahn*, 116 OG 2008, 1905 CD 212). A symbolic representation makes the claim indefinite, because the symbolic patterns appear to be part of the design while supposedly indicating subject matter that is not illustrated. The specific appearance of such subject matter cannot be confidently ascertained from such symbolic notation without resort to conjecture.

Per MPEP § 1504.04(I)(A):

*[I]f a description in the specification refers to embodiments or **modified forms not shown in the drawing** or includes vague and nondescriptive words such as "variations" and "equivalents," or **a statement indicating that the claimed design is not limited to the exact shape and appearance shown in the drawing**, the claim should be rejected under 35 U.S.C. 112(a) and (b) (or for applications filed prior to September 16, 2012, 35 U.S.C. 112, first and second paragraphs), as nonenabling and indefinite. [Examiner's emphasis.]*

The claim is nonenabling because the appearance of the alluded-to variations is not clear, complete, and free of the necessity for conjecture. The claim is indefinite because the statement improperly broadens the claim's scope to include undefined types of other designs that cannot be determined from the drawings. Variations and modifications of the design that are not shown in the drawings are not permitted in a design patent (MPEP §§ 1503.01 and 1504.04(I)(A)). See *ex parte Burdick* 1901 C.D. 184; 970 O.G. 1373 (1901).

This rejection may be overcome by deleting the noted sentence from the specification.

The examiner notes that because the line pattern in the bottom section of the radial menu in FIG 1 employs a dashed form of line, it would be interpreted as broken-line subject matter and thus excluded from the claimed design if the revised broken line description suggested in the specification objection above were adopted. If instead the appearance of this line pattern is intended to form a part of the design being claimed in FIG 1, the specification must be amended to so indicate. A proper addition to the descriptive language of paragraph might then read:

— *The pattern of dashed oblique lines in the bottom section of the graphical user interface is included in the claimed design.* —

Claim Rejection – 35 USC §103

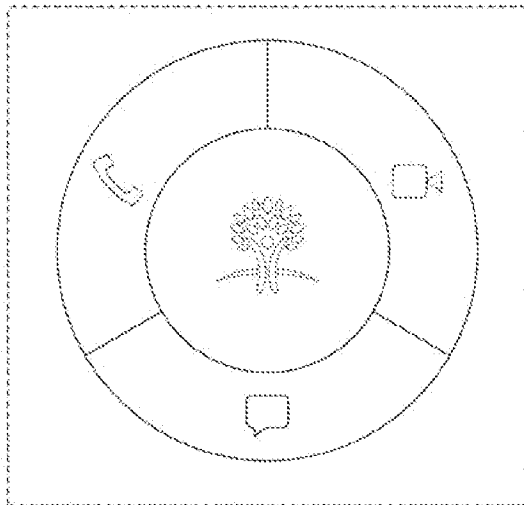
A claim involving more than one embodiment of a design concept is broad to the extent that the claim may be rejected by applying prior art against any embodiment presented as representative of the concept. See *Ex parte Appeal No. 315-40 (Wolfe et al.)* 833 O.G. 474 152 USPQ 71 (1965). In the following rejection prior art is applied against the embodiment shown in FIG 2.

The claim is rejected under 35 U.S.C. 103 as being unpatentable over examiner's Non Patent Document U, a graphical user interface shown in an article by Tynan posted at the website finance.yahoo.com (hereinafter "Tynan"), in view of examiner's Non Patent Document V, a graphical user interface by user "vipervxw" posted at the website depositphotos.com (hereinafter "Viper").

Although the invention is not identically disclosed or described as set forth in 35 U.S.C. 102, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious before the effective filing date of the claimed invention to a designer having ordinary skill in the art to which said subject matter pertains, the invention is not patentable.

In rejections of design claims based on 35 USC 103, the proper standard is whether a design would have been obvious to a designer of ordinary skill in the art involved. *In re Nalbandian*, 661 F.2d 1214, 1216, 211 USPQ 782, 784 (CCPA 1981). To support a holding of obviousness there must be a reference, a something in existence, the design characteristics of which are

basically the same as the claimed design. Once a reference meets the test of a basic design, reference features may reasonably be interchanged with or added from those in other pertinent references. *In re Rosen*, 673 F.2d 388, 391; 213 USPQ 347, 350 (CCPA 1982). A proper obviousness rejection based on a combination of references requires that the visual ornamental design features of the claimed design appear in the prior art in a manner which suggests their application as used in the claimed design. *In re Sung Nam Cho*, 813 F.2d 378, 382; 1 USPQ2d 1662, 1663 (Fed. Cir. 1987); *In re Glavas*, 230 F.2d 447, 450; 109 USPQ 50, 52 (CCPA 1956); and *In re Carter*, 673 F.2d 1378, 213 USPQ 625 (CCPA 1982). It is distinctiveness in overall appearance of an object when compared with the prior art, rather than minute details or small variations in configuration, that constitutes the test of design patentability. *In re Lapworth*, 451 F.2d 1094, 1096; 172 USPQ 129, 131 (CCPA 1971).



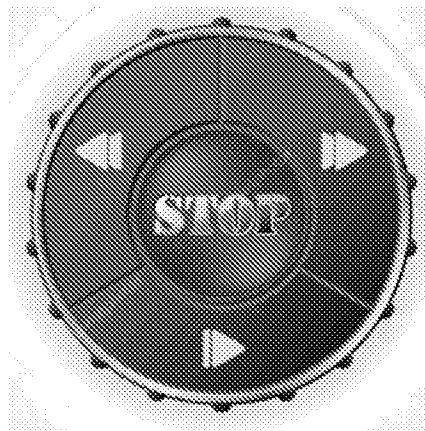
claimed design



Tynan

The solid-line subject matter constituting the claimed design and the corresponding subject matter of the graphical user interface shown in Tynan have overall appearances with design characteristics that are basically the same. (See figure above.) Both designs show a graphical user interface feature having the conventional form of what is commonly known as a “radial menu”, comprising a circular annulus or ring shape equally subdivided into multiple arcuate sections by a series of regularly-spaced radiating line segments that traverse the width of the

ring. Both designs show each arcuate section enclosing at its center an icon or button feature representing a menu selection, including one icon that resembles a speech bubble, consisting of a round-cornered horizontally-aligned rectangle shape with a small triangular pointer feature emerging from the bottom edge near its lower left corner, pointing downward and to the left. The claimed design differs from Tynan by showing a thinner ring that is divided into three sections rather than four, and by showing the speech bubble icon as the bottom menu selection rather than the right-side selection.



Viper

Viper shows a design that is related in appearance to that of Tynan by also depicting a graphical user interface feature having the appearance of a “radial menu”, comprising a circular annulus or ring shape equally subdivided into multiple arcuate sections by a series of regularly-spaced radiating line segments that traverse the width of the ring. Viper teaches that the ring shape may be thinner and may be divided in three sections rather than four. (See figure above.)

It would have been obvious to a designer of ordinary skill not later than the effective filing date of the present claimed invention to substitute the thinner ring width and three-part division pattern of Viper in the radial menu design of Tynan. Further, repositioning the speech bubble icon of the menu to the bottom menu position would be a minor modification representing a matter of ordinary skill in the art, where radial menus commonly show that an icon representing a menu selection can be positioned at this point. (See e.g. cited Non Patent Documents U and V, as well as cited Patent Publication 2009/0083665, FIG 2G.) The examiner

notes that minor or *de minimis* changes in arrangement that are shown to be within the skill of an ordinary design do not represent patentable distinction.⁴

The design resulting from the modifications noted above would have the same overall appearance as that of the claimed design, which would have no patentable distinction over it.

This modification of the primary reference in light of the secondary reference is proper because the applied references are so related that the appearance of features shown in one would suggest the application of those features to the other. See *In re Rosen*, 673 F.2d 388, 213 USPQ 347 (CCPA 1982); *In re Carter*, 673 F.2d 1378, 213 USPQ 625 (CCPA 1982), and *In re Glavas*, 230 F.2d 447, 109 USPQ 50 (CCPA 1956).

It is noted that case law has held that a designer skilled in the art is charged with knowledge of the related art; therefore, the combination of old elements, herein, would have been well within the level of ordinary skill. See *In re Antle*, 444 F.2d 1168, 170 USPQ 285 (CCPA 1971) and *In re Nalbandian*, 661 F.2d 1214, 211 USPQ 782 (CCPA 1981).

Conclusion

The claimed design is rejected as set forth above.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to IAN F WHITMORE whose telephone number is (571)270-3842. The examiner can normally be reached Monday - Friday 9:30 - 5:30.

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

⁴ See, e.g., *In re Carter*, 673 F.2d 1380; *In re Chung*, No. 00-1148, [243 F.3d 561], 2000 U.S. App. LEXIS 24916, 2000 WL 1476861; and *In re Cooper*, 480 F.2d 900, 901-02 (CCPA 1973); see also MPEP § 1504.03(II), noting that a difference may be held "minor in nature and unrelated to the overall aesthetic appearance of the design with or without the support of secondary references."

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, Christian McLean can be reached on (571) 270-1996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/IAN F WHITMORE/

Primary Examiner, Art Unit 2923

11/14/2023

ONE TOUCH ICON FOR USE IN ELECTRONIC
DISPLAYS

[0001] I, Rahib Diwan, have invented a new, ornamental design for a one touch icon for use in electronic displays of information.

DETAILED DESCRIPTION

[0002] Figure 1 illustrates an electronic display with a one touch icon according to a first embodiment; and

[0003] Figure 2 illustrates an electronic display with a one touch icon according to a second embodiment.

[0004] The broken-line drawings of a display screen on which the one touch icon is shown are for illustrative purposes only and form no part of the claimed design. The cross-hatching represents potential different colors in the different parts of the icon.

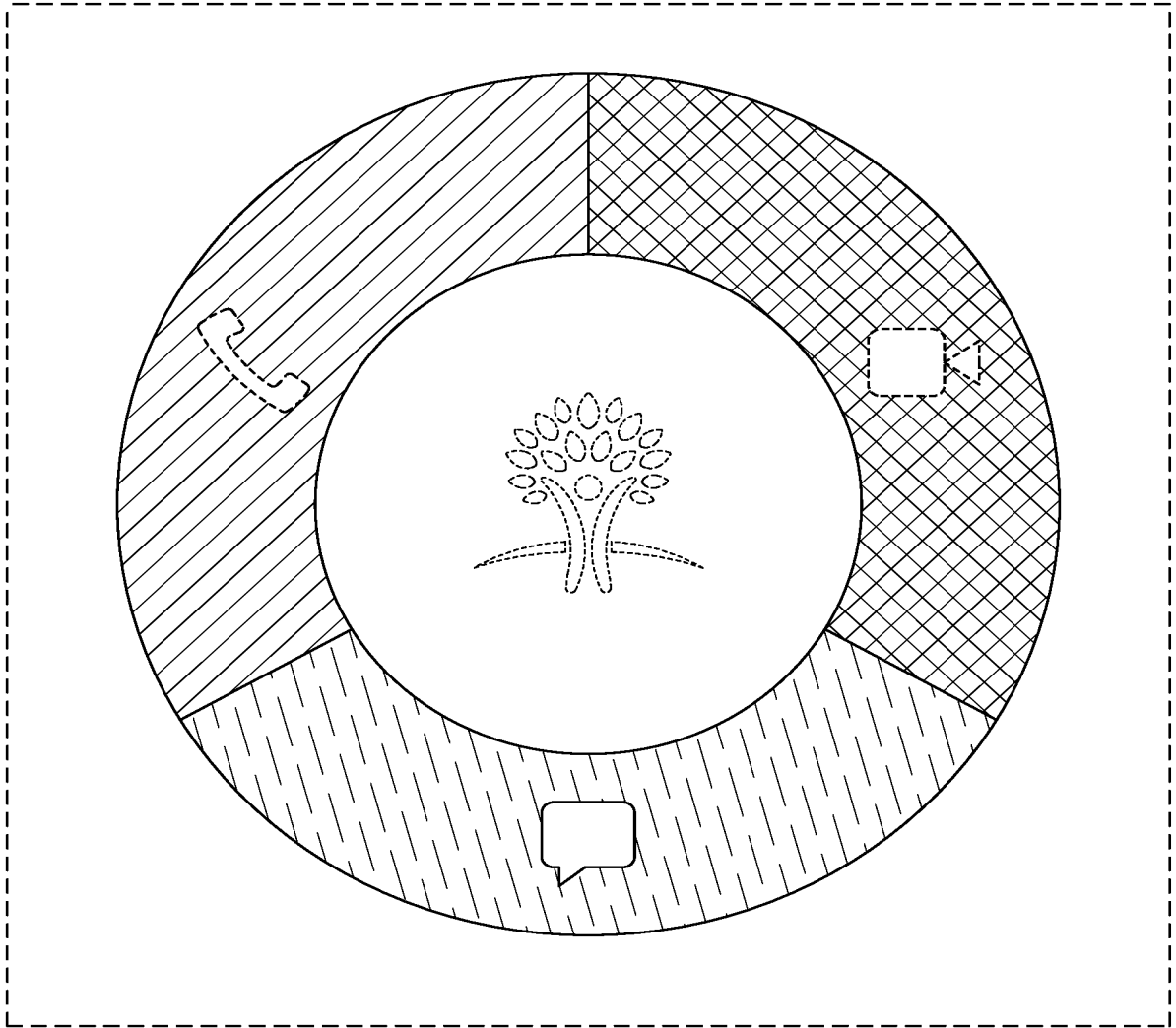


FIG. 1

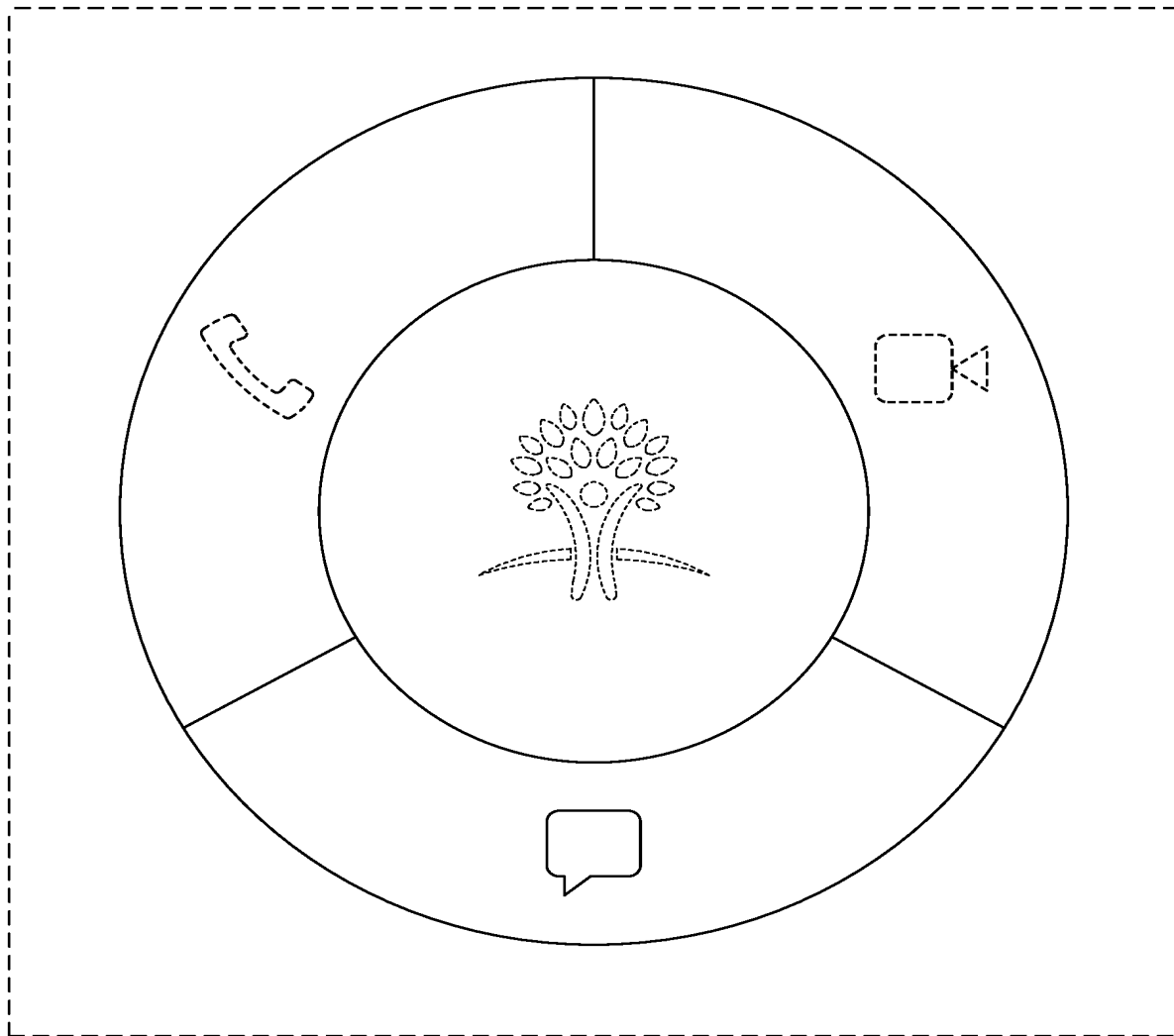


FIG. 2

CLAIM

What is claimed is:

1. The ornamental design for a display with an icon, as shown and described.