



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
29/851,964	09/01/2022	Jesse Richard	7174US02 (510009.05026)	7727
155316 7590 06/10/2025 S.C. JOHNSON & SON, INC./Quarles & Brady LLP 1525 Howe Street Racine, WI 53403-2236			EXAMINER OBRIEN, DAVID WILLIAM	
			ART UNIT	PAPER NUMBER
			2916	
			NOTIFICATION DATE	DELIVERY MODE
			06/10/2025	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):

mjthomps@scj.com
pat-dept@quarles.com



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	ISSUE DATE	PATENT NO.
29/851,964	10-Jun-2025	D1078973

S.C. JOHNSON & SON, INC./Quarles & Brady LLP
1525 Howe Street
Racine, WI 53403-2236

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.

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.

Jaden Knosher	(Typed or printed name)
/Jaden Knosher/	(Signature)
May 6, 2025	(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
29/851,964	09/01/2022	Jesse Richard	7174US02 (510009.05026)	7727

TITLE OF INVENTION: DISPENSER

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	\$0.00	\$1300	05/12/2025

EXAMINER	ART UNIT	CLASS-SUBCLASS
OBRIEN, DAVID WILLIAM	2916	D23-366000

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 _____

2 Quarles & Brady LLP

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
S. C. JOHNSON & SON, INC.

(B) RESIDENCE: (CITY and STATE OR COUNTRY)
Racine, WI

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. 10-0849

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 /NPSchmidbauer/

Date May 6, 2025

Typed or printed name Nicholas P. Schmidbauer

Registration No. 56,610



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
29/851,964	09/01/2022	Jesse Richard	7174US02 (510009.05026)	7727

155316 7590 03/26/2025
S.C. JOHNSON & SON, INC./Quarles & Brady LLP
1525 Howe Street
Racine, WI 53403-2236

EXAMINER

OBRIEN, DAVID WILLIAM

ART UNIT	PAPER NUMBER
----------	--------------

2916

NOTIFICATION DATE	DELIVERY MODE
-------------------	---------------

03/26/2025

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):

mjthomps@scj.com
pat-dept@quarles.com

<p style="text-align: center;">Corrected</p> <p style="text-align: center;">Notice of Allowability</p> <p style="text-align: center;">For</p> <p style="text-align: center;">A Design Application</p>	Application No. 29/851,964	Applicant(s) Richard et al.	
	Examiner DAVID OBRIEN	Art Unit 2916	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 the pre-appeal conference request filed on 01/17/2025 .
- ☐ 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 ____ are accepted by the Examiner.
- (b) ☒ Drawing Figures 1 through 8 filed on 01 September 2022 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:
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)).
- * 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. <input type="checkbox"/> Notice of References Cited (PTO-892) | 4. <input type="checkbox"/> Examiner's Amendment/Comment |
| 2. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Receipt Date <u>10/28/2022</u> | 5. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| 3. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date ____ . | 6. <input type="checkbox"/> Other ____ . |

NOTE: ____

/D.O.B./
Examiner, Art Unit 2916

/GINO COLAN/
Primary Examiner, Art Unit 2925



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
29/851,964	09/01/2022	Jesse Richard	7174US02 (510009.05026)	7727
155316 7590 03/05/2025 S.C. JOHNSON & SON, INC./Quarles & Brady LLP 1525 Howe Street Racine, WI 53403-2236			EXAMINER OBRIEN, DAVID WILLIAM	
			ART UNIT	PAPER NUMBER
			2916	
			NOTIFICATION DATE	DELIVERY MODE
			03/05/2025	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):

mjthomps@scj.com
pat-dept@quarles.com

<p style="text-align: center;">Corrected</p> <p style="text-align: center;">Notice of Allowability</p> <p style="text-align: center;">For</p> <p style="text-align: center;">A Design Application</p>	Application No. 29/851,964	Applicant(s) Richard et al.	
	Examiner DAVID OBRIEN	Art Unit 2916	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 the pre-appeal conference request filed on 01/17/2025 .
- ☐ 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 ____ are accepted by the Examiner.
- (b) ☒ Drawing Figures 1 through 8 filed on 01 September 2022 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:
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)).
- * 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. <input type="checkbox"/> Notice of References Cited (PTO-892) | 4. <input type="checkbox"/> Examiner's Amendment/Comment |
| 2. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Receipt Date <u>10/28/2022</u> | 5. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| 3. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date ____ . | 6. <input type="checkbox"/> Other ____ . |

NOTE: ____

/D.O.B./
Examiner, Art Unit 2916

/GINO COLAN/
Primary Examiner, Art Unit 2925



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

NOTICE OF ALLOWANCE AND FEE(S) DUE

155316 7590 02/10/2025
S.C. JOHNSON & SON, INC./Quarles & Brady LLP
1525 Howe Street
Racine, WI 53403-2236

EXAMINER

O'BRIEN, DAVID WILLIAM

ART UNIT

PAPER NUMBER

2916

DATE MAILED: 02/10/2025

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
29/851,964	09/01/2022	Jesse Richard	7174US02 (510009.05026)	7727

TITLE OF INVENTION: DISPENSER

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	\$0.00	\$1300	05/12/2025

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

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.

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.

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
29/851,964	09/01/2022	Jesse Richard	7174US02 (510009.05026)	7727

TITLE OF INVENTION: DISPENSER

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	\$0.00	\$1300	05/12/2025

EXAMINER	ART UNIT	CLASS-SUBCLASS
OBRIEN, DAVID WILLIAM	2916	D23-366000

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,

1 _____

(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.

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)

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. _____

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 _____

Date _____

Typed or printed name _____

Registration No. _____



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
29/851,964	09/01/2022	Jesse Richard	7174US02 (510009.05026)	7727
155316	7590	02/10/2025	EXAMINER	
S.C. JOHNSON & SON, INC./Quarles & Brady LLP			OBRIEN, DAVID WILLIAM	
1525 Howe Street			ART UNIT	
Racine, WI 53403-2236			PAPER NUMBER	
			2916	
DATE MAILED: 02/10/2025				

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. 29/851,964	Applicant(s) Richard et al.	
	Examiner DAVID OBRIEN	Art Unit 2916	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 the pre-appeal conference request filed on 01/17/2025 .
☐ 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 ____ are accepted by the Examiner.
 (b) ☒ Drawing Figures 1 through 8 filed on 01 September 2022 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. <input type="checkbox"/> Notice of References Cited (PTO-892) | 4. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 2. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Receipt Date ____ | 5. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| 3. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date ____ | 6. <input type="checkbox"/> Other ____ . |

NOTE: ____

/D.O.B./
Examiner, Art Unit 2916

/GINO COLAN/
Primary Examiner, Art Unit 2925

wNotice of Pre-AIA or AIA Status

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

Examiner's Comment

2. Applicant's response filed on January 17, 2025, is acknowledged. After review of the remarks provided, the examiner believes the applicant's arguments are valid and place the application in condition for allowance. The rejection under 35 USC 103 has been overcome and withdrawn.

Contact

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID OBRIEN whose telephone number is (571)272-9121. The examiner can normally be reached Monday - Thursday 7AM-5PM ET.

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 Primary Patent examiner, Gino Colan, can be reached at (571)270-0209 or the examiner's supervisor, Erich Herbermann can be reached at (571)272-6390. 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.

/D.O.B./

Examiner, Art Unit 2916

/GINO COLAN/

Primary Examiner, Art Unit 2925



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
29/851,964	09/01/2022	Jesse Richard	7174US02 (510009.05026)	7727
155316	7590	02/03/2025		
S.C. JOHNSON & SON, INC./Quarles & Brady LLP				
1525 Howe Street				
Racine, WI 53403-2236				
			EXAMINER	
			OBRIEN, DAVID WILLIAM	
			ART UNIT	PAPER NUMBER
			2916	
			NOTIFICATION DATE	DELIVERY MODE
			02/03/2025	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):

mjthomps@scj.com
pat-dept@quarles.com

Notice of Panel Decision from Pre-Appeal Brief Review	Application No. 29/851,964		Applicant(s) Richard et al.	
	Examiner ERICH G HERBERMANN		Art Unit 2916	AIA (FITF) Status Yes

This is in response to the Pre-Appeal Brief Request for Review filed 17 January 2025 .

1. ☐ **Improper Request** - The Request is improper and a conference will not be held for the following reason(s):

- ☐ The Notice of Appeal has not been filed concurrent with the Pre-Appeal Brief Request.
- ☐ The request does not include reasons why a review is appropriate.
- ☐ A proposed amendment is included with the Pre-Appeal Brief request.
- ☐ Other: _____ .

The time period for filing a response continues to run from the receipt date of the Notice of Appeal or from the mail date of the last Office communication, if no Notice of Appeal has been received.

2. ☐ **Proceed to Patent Trial and Appeal Board** - A Pre-Appeal Brief conference has been held. The application remains under appeal because there is at least one actual issue for appeal. Applicant is required to submit an appeal brief in accordance with 37 CFR 41.37. The time period for filing an appeal brief will be reset to be one month from mailing this decision, or the balance of the two-month time period running from the receipt of the notice of appeal, whichever is greater. Further, the time period for filing of the appeal brief is extendible under 37 CFR 1.136 based upon the mail date of this decision or the receipt date of the notice of appeal, as applicable.

- ☐ The panel has determined the status of the claim(s) is as follows:
 Claim(s) allowed: _____ .
 Claim(s) objected to: _____ .
 Claim(s) rejected: _____ .
 Claim(s) withdrawn from consideration: _____ .

3. ☒ **Allowable application** - A conference has been held. The rejection is withdrawn and a Notice of Allowance will be mailed. Prosecution on the merits remains closed. No further action is required by applicant at this time.

4. ☐ **Reopen Prosecution** - A conference has been held. The rejection is withdrawn and a new Office action will be mailed. No further action is required by applicant at this time.

All participants:

(1) ERICH G HERBERMANN .

(3) David OBrien .

(2) Ian Simmons .

(4) _____ .

/ERICH G HERBERMANN/
Supervisory Patent Examiner, Art
Unit 2916

/IAN SIMMONS/
Supervisory Patent Examiner, Art
Unit 2900

/DAVID OBRIEN/
Examiner, Art Unit 2916



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
29/851,964	09/01/2022	Jesse Richard	7174US02 (510009.05026)	7727
155316 7590 01/23/2025 S.C. JOHNSON & SON, INC./Quarles & Brady LLP 1525 Howe Street Racine, WI 53403-2236			EXAMINER OBRIEN, DAVID WILLIAM	
			ART UNIT	PAPER NUMBER
			2916	
			NOTIFICATION DATE	DELIVERY MODE
			01/23/2025	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):

mjthomps@scj.com
pat-dept@quarles.com

Notice of Pre-AIA or AIA Status

1. The present application, filed on or after March 16, 2013, is being examined under the first inventor to file provisions of the AIA.
2. Applicant's response filed on November 15th, 2024, is acknowledged. However, the rejection under 35 U.S.C. 103 has not been overcome by the remarks and arguments provided.

Examiner note

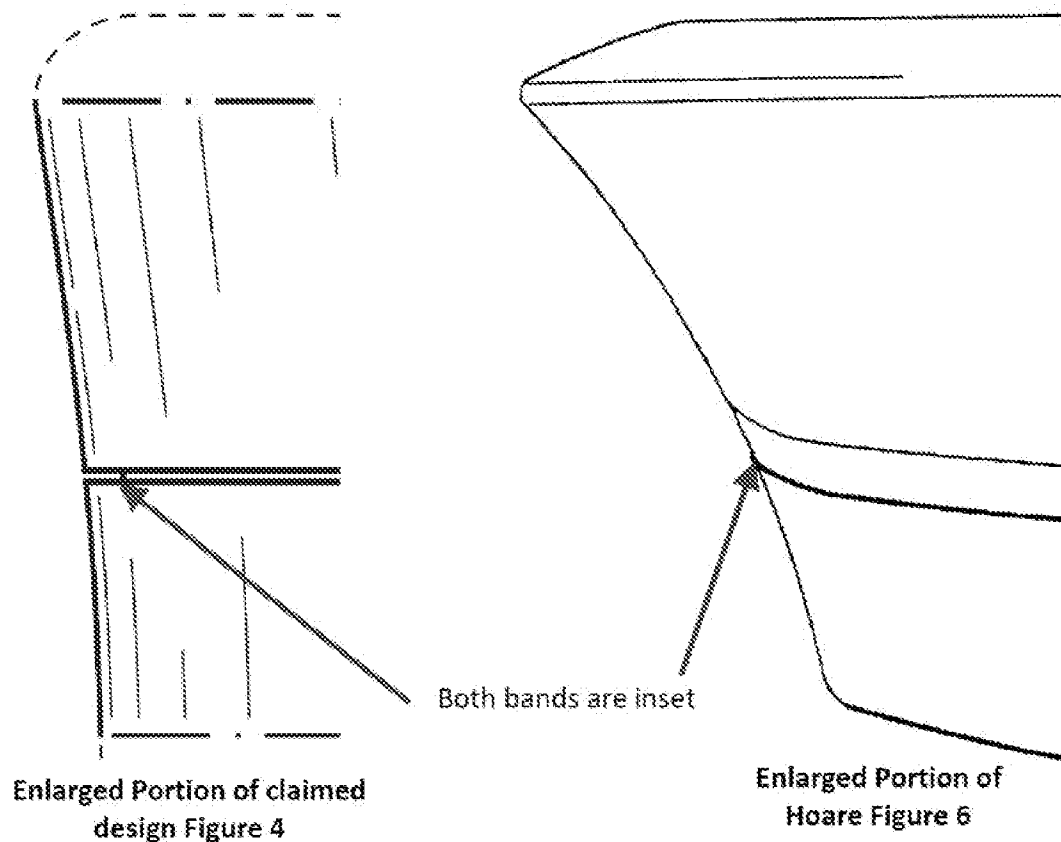
After further review of the case, the examiner noticed a typo in the previously sent Office Action from December 20th, 2024. In paragraph 4 under the “Examiner’s Comments to Applicant’s Remarks” section the place holder “pages blah through blah” has been edited to include the appropriate reference page numbers and now reads “pages 2 through 3.” In the same sentence, the term “proper facie” has been edited to read “proper prima facie.” For this reason, a corrected advisory action follows.

Examiner’s Comments to Applicant’s Remarks

3. The applicant has made a series of supporting arguments in the attempt to traverse the final rejection in their remarks filed on November 15th, 2024 that are addressed below by the examiner.
4. The applicant appears to be largely reiterating arguments made in their response from 07/03/2024 in the new remarks using the terminology “inflection” and “taper” to describe what the examiner has called “pitch” and “flare” however, the examiner stands by the response outlined in the final rejection from 09/17/2024. The overall form of Hoare is visually similar to the claimed design. Merely flexing the pitch and foreshortening the edges of a flared cylinder, or what might otherwise be called a cone, is not invention. Case law has held that obvious changes in proportioning are not patentable *In re Stevens* 624 O.G. 366; 81 USPQ 362 (1949). The applicant has indicated on pages 2 through 3 that the examiner did not describe the specific difference in pitch and edge length between the

claimed design and prior art and therefore did not provide a proper prima facie case. However, the examiner maintains that all relevant design details were clearly described and included in the first rejection under 35 USC 103. The differences in “pitch” and “flare” or “inflection” and “taper” do not constitute patentable distinctions that require teaching by secondary art. They are minor, and obvious variations in proportions of the same basic form.

Additionally, the applicant has indicated that the band in Hoare is a “positive structure” while the band in the claimed design is a “negative space” however both designs show their respective bands as inset elements. See exemplary annotated diagram below. While there are differences in the height of the bands and the depth of each band’s inset or recess, the examiner will again note that these differences are also “obvious changes in arrangement and proportioning” and are therefore not patentable distinctions. *In re Stevens* 624 O.G. 366; 81 USPQ 362 (1949).



5. Thus, the examiner holds that the combination of references is indeed appropriate prior art that represents all conditions exhibited by the claimed design. Moreover, case law has held that the points of distinction outlined by the applicant are not patentable.

Contact

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID OBRIEN whose telephone number is (571)272-9121. The examiner can normally be reached Monday - Thursday 7AM-5PM ET.

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 Primary Patent examiner, Gino Colan, can be reached at (571)270-0209 or the examiner's supervisor, Erich Herbermann can be reached at (571)272-6390. 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.

/D.O.B./
Examiner, Art Unit 2916

Application/Control Number: 29/851,964

Page 5

Art Unit: 2916

/ERICH G HERBERMANN/

Supervisory Patent Examiner, Art Unit 2916

Advisory Action Before the Filing of an Appeal Brief	Application No. 29/851,964	Applicant(s) Richard et al.	
	Examiner DAVID OBRIEN	Art Unit 2916	AIA (FITF) Status Yes

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

THE REPLY FILED 15 November 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 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 Attachment.

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: _____

/D.O.B./ Examiner, Art Unit 2916	/ERICH G HERBERMANN/ Supervisory Patent Examiner, Art Unit 2916
-------------------------------------	--

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.

NOTICE OF APPEAL FROM THE EXAMINER TO THE PATENT TRIAL AND APPEAL BOARD		Docket Number (Optional) 7174US02 (510009.05026)
I hereby certify that this correspondence is being transmitted by the USPTO patent electronic filing system or facsimile to the USPTO, or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on <u>January 17, 2025</u> . Signature <u>/Jaden Knosher/</u> Typed or printed name <u>Jaden Knosher</u>		First Named Inventor <u>Jesse Richard</u> <hr/> Application Number <u>29/851,964</u> <hr/> Filed <u>September 1, 2022</u> <hr/> For <u>DISPENSER</u> <hr/> Art Unit <u>2916</u> <hr/> Examiner <u>David William Obrien</u>
Applicant hereby appeals to the Patent Trial and Appeal Board from the last decision of the examiner.		
The fee for this Notice of Appeal is (37 CFR 41.20(b)(1))		\$ <u>840.00</u>
<input type="checkbox"/> Applicant asserts small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by 60%, and the resulting fee is:		\$ _____
<input type="checkbox"/> Applicant certifies micro entity status. See 37 CFR 1.29. Therefore, the fee shown above is reduced by 80%, and the resulting fee is: Form PTO/SB/15A or B or equivalent must either be enclosed or have been submitted previously.		\$ _____
<input type="checkbox"/> A check in the amount of the fee is enclosed.		
<input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.		
<input checked="" type="checkbox"/> The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. <u>10-0849</u> .		
<input checked="" type="checkbox"/> Payment made via USPTO patent electronic filing system.		
<input checked="" type="checkbox"/> A petition for an extension of time under 37 CFR 1.136(a) (PTO/AIA/22 or equivalent) is enclosed. For extensions of time in reexamination proceedings, see 37 CFR 1.550.		
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.		
I am the		
<input type="checkbox"/> applicant		
<input checked="" type="checkbox"/> attorney or agent of record Registration number <u>69,958</u>		
<input type="checkbox"/> attorney or agent acting under 37 CFR 1.34 Registration number _____		
Signature <u>/Justin D. DeAngelis/</u>		
Typed or printed name <u>Justin D. DeAngelis</u>		
Telephone Number <u>312-715-5168</u>		
Date <u>January 17, 2025</u>		
NOTE: This form must be signed in accordance with 37 CFR 1.33. See 37 CFR 1.4 for signature requirements and certifications. Submit multiple forms if more than one signature is required, see below*.		
<input checked="" type="checkbox"/> * Total of <u>1</u> forms are submitted.		

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 0651-0031. Public burden for this form is estimated to average 12 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. **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 and select option 2.

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.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

29/851,964

09/01/2022

Jesse Richard

7174US02 (510009.05026)

7727

155316

7590

12/20/2024

S.C. JOHNSON & SON, INC./Quarles & Brady LLP

1525 Howe Street

Racine, WI 53403-2236

EXAMINER

OBRIEN, DAVID WILLIAM

ART UNIT

PAPER NUMBER

2916

NOTIFICATION DATE

DELIVERY MODE

12/20/2024

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):

mjthomps@scj.com

pat-dept@quarles.com

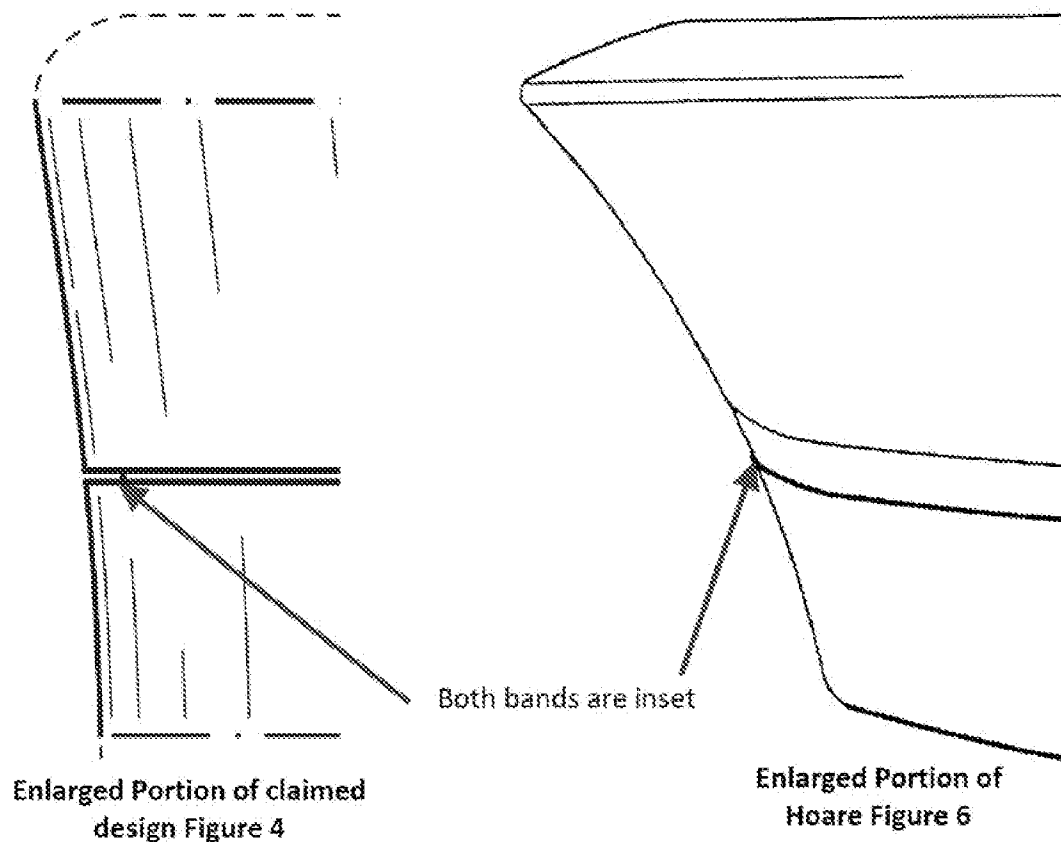
Notice of Pre-AIA or AIA Status

1. The present application, filed on or after March 16, 2013, is being examined under the first inventor to file provisions of the AIA.
2. Applicant's response filed on November 15th, 2024, is acknowledged. However, the rejection under 35 U.S.C. 103 has not been overcome by the remarks and arguments provided.

Examiner's Comments to Applicant's Remarks

3. The applicant has made a series of supporting arguments in the attempt to traverse the final rejection in their remarks filed on November 15th, 2024 that are addressed below by the examiner.
4. The applicant appears to be largely reiterating arguments made in their response from 07/03/2024 in the new remarks using the terminology "inflection" and "taper" to describe what the examiner has called "pitch" and "flare" however, the examiner stands by the response outlined in the final rejection from 09/17/2024. The overall form of Hoare is visually similar to the claimed design. Merely flexing the pitch and foreshortening the edges of a flared cylinder, or what might otherwise be called a cone, is not invention. Case law has held that obvious changes in proportioning are not patentable *In re Stevens* 624 O.G. 366; 81 USPQ 362 (1949). The applicant has indicated on pages blah through blah that the examiner did not describe the specific difference in pitch and edge length between the claimed design and prior art and therefore did not provide a proper *facie* case. However, the examiner maintains that all relevant design details were clearly described and included in the first rejection under 35 USC 103. The differences in "pitch" and "flare" or "inflection" and "taper" do not constitute patentable distinctions that require teaching by secondary art. They are minor, and obvious variations in proportions of the same basic form.

Additionally, the applicant has indicated that the band in Hoare is a “positive structure” while the band in the claimed design is a “negative space” however both designs show their respective bands as inset elements. See exemplary annotated diagram below. While there are differences in the height of the bands and the depth of each band’s inset or recess, the examiner will again note that these differences are also “obvious changes in arrangement and proportioning” and are therefore not patentable distinctions. *In re Stevens* 624 O.G. 366; 81 USPQ 362 (1949).



5. Thus, the examiner holds that the combination of references is indeed appropriate prior art that represents all conditions exhibited by the claimed design. Moreover, case law has held that the points of distinction outlined by the applicant are not patentable.

Contact

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID OBRIEN whose telephone number is (571)272-9121. The examiner can normally be reached Monday - Thursday 7AM-5PM ET.

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 Primary Patent examiner, Gino Colan, can be reached at (571)270-0209 or the examiner's supervisor, Erich Herbermann can be reached at (571)272-6390. 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.

/D.O.B./

Examiner, Art Unit 2916

/GINO COLAN/

Primary Examiner, Art Unit 2925

Advisory Action Before the Filing of an Appeal Brief	Application No. 29/851,964	Applicant(s) Richard et al.	
	Examiner DAVID OBRIEN	Art Unit 2916	AIA (FITF) Status Yes

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

THE REPLY FILED 15 November 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 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 Attachment.

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: _____

/D.O.B./ Examiner, Art Unit 2916	/GINO COLAN/ Primary Examiner, Art Unit 2925
-------------------------------------	---

REMARKS

The claim is pending and at issue in the present application. In the Office action, the claim stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Richard Lehone Hoare U.S. Design Patent No. 451,180 (“Hoare”) in view of Richard et al. U.S. Patent Publication No. 2021/0213152 (“Richard”). *Office action*, pp. 2-3. Applicant respectfully traverses the obviousness rejection and requests that the Examiner withdraw the outstanding rejection and allow the claim.

Rejection under 35 U.S.C. § 103

The claim stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hoare in view of Richard.

Obviousness of design patents, “is determined [based] on factual criteria similar to those that have been developed as analytical tools for reviewing the validity of a utility patent under § 103, that is, on application of the *Graham* factors.” *LKQ Corp. v. GM Glob. Tech. Operations LLC*, 102 F.4th 1280, 1295 (Fed. Cir. 2024) (citing *Hupp v. Siroflex of Am., Inc.*, 122 F.3d 1456, 1462 (Fed. Cir. 1997)). After considering the scope and content of the prior art under the first *Graham* factor, the second step of the inquiry requires the fact finder to “determin[e] the differences between the prior art designs and the design claim at issue.” *Id.* at 1298 (citing *Graham v. John Deere Co. of Kansas City*, 383 U.S. 1, 17 (1966)). It is at the second step of the *Graham* inquiry that the Office’s assessment fails here since the Office has failed to sufficiently identify the clearly visible differences between the claimed design and the cited prior art, and these differences are so great that a *prima facie* case of obviousness cannot stand.

As an initial matter, Applicant notes that the Office has failed to properly analyze the claimed design and the cited prior art under the new examination standard set forth by the USPTO, namely, by failing to determine “the differences between the prior art design[] and the design claim at issue....” *Updated Guidance and Examination Instructions for Making a Determination of Obviousness in Designs in Light of LKQ Corp. v. GM Global Technology Operations LLC*, dated May 22, 2024 (“the Guidance”). To that end, the Guidance requires that the differences between the claimed design and the prior art be identified by the Office, which has not occurred here. Instead, the Office appears to have only listed the *similarities* between the claimed design and the

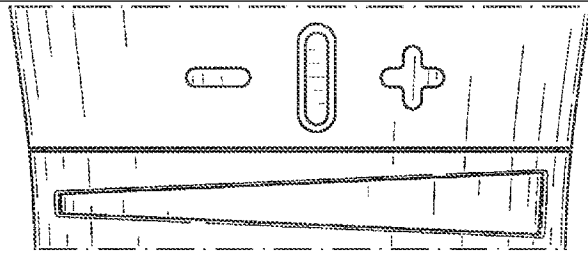
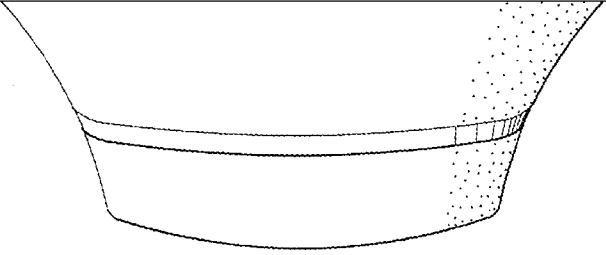
primary reference, proffering that “Hoare shows a Dispenser having design characteristics which are visually similar to the claimed design in that both feature the same overall form of a flared cylinder with a thin band bisecting the side of the main cylindrical volume along its circumference.” *Office action*, p. 2. The Office then only lists the differences between Hoare and the claimed design as being “four common shapes on the side of the main volume in the form of a minus, plus, oval, and wedge.” *Id.*

Notwithstanding the Office’s failure to recognize *any* structural differences between Hoare and the claimed design, which are clear from the juxtaposed images shown below, Applicant notes that there are at least two significant, structural differences between the claimed design and the primary reference, *i.e.*, Hoare, and that these differences preclude the use of the references under the *LKQ* standard. In particular, Applicant notes that (1) the claimed design and Hoare have significantly different flare geometry, and (2) the alleged “thin band” of Hoare is *positive* structure having a much larger relative height than the inset region of the claimed design, which defines *negative* space. These differences preclude the use of Hoare and Richard as primary and secondary references such that a proper *prima facie* case of obviousness has not been made.

With respect to the first difference noted above, and as shown in Table 1 below, Applicant respectfully submits that the claimed design includes a concavely-shaped taper along on outer profile thereof that defines an inflection point *below* the circular band and a changing radius of curvature along a height thereof, while Hoare teaches a much steeper taper with an inflection point *above* the circular band thereof and what appears to be a generally constant radius of curvature along a height thereof. For ease of comparison, only the claimed portion of the claimed design is provided in the table below, and the corresponding portion of Hoare is provided for comparative purposes. As is readily apparent when viewing juxtaposed images of the claimed design and the design of Hoare, the two designs have significantly different tapered geometries.

With respect to the second difference above, and as immediately apparent from the side-by-side comparison shown in Table 1 below, the alleged “thin band bisecting the side of the main cylindrical volume across its circumference” is completely different when comparing the claimed design with Hoare. *Office action*, p. 2. As noted above, the “thin band” of Hoare is *positive* structure having a much larger relative height than the inset region of the claimed design, which defines *negative* space. Relatively speaking, the thin band of Hoare appears to be approximately

1/10 of a total height of the portion corresponding to Applicant's design, while the thin band of the claimed design is approximately 1/30 of a total height of the claimed design. Further, the band of Hoare appears to be *positive* structure with shading shown therealong to denote positive structure, while the inset region of Applicant's claimed design is clearly negative structure with a claimed inner wall inset from the outer tapered portion. These differences alone demonstrate that the two designs are dissimilar, and that a *prima facie* case of obviousness has not been made.

<u>Table 1</u>	
<i>Instant Application – Detail View of FIG. 3</i>	<i>Hoare – Detail View of FIG. 4</i>
	

It is beyond question that the claimed design and Hoare do not have the same ornamental appearance, and either the USPTO has failed to consider the differences between Hoare and the claimed design beyond those features for which the secondary reference has been cited, or in the Office's estimation, the only differences between the claimed design and the prior art are the inclusion of the "four common shapes" for which the secondary reference is relied upon. If the latter, the Office effectively suggests that notwithstanding the inclusion of the "four common shapes," Hoare could stand on its own as an anticipatory reference under 35 U.S.C. § 102 such that Hoare is "identical in all material respects"—that is, the claimed design and the prior art design are substantially the same. *Hupp v. Siroflex of America Inc.*, 122 F.3d 1456 (Fed. Cir. 1997); *Door-Master v. Yorktowne, Inc.*, 256 F.3d 1308, 1313 (Fed. Cir. 2001) (internal quotations and citations omitted); MPEP §1504.02.

As is clear from the side-by-side comparison shown above, notwithstanding the inclusion of the "four common shapes," the claimed design is ***not*** identical in all material respects when compared with Hoare, so it is ***not*** substantially the same as the claimed design such that an ordinary observer would be deceived into purchasing one supposing it to be the other.

In light of the foregoing, Applicant respectfully submits that the § 103 rejection is improper since Hoare and Richard fail to satisfy at least the second *Graham* factor, as set forth in *LKQ*, and as such, a *prima facie* case of obviousness has not been made. To that end, Applicant respectfully requests that the rejection be withdrawn and the claim allowed.

Conclusion

For at least these reasons, the obviousness rejection of the claimed design is improper, and Applicant respectfully requests reconsideration and withdrawal of the rejection and allowance of the claim.

Deposit Account Authorization

No fees are believed to be due with this communication. However, the Commissioner is hereby authorized to charge any deficiency in the amount enclosed or any additional fees, except issue fees, which may be required under 37 CFR 1.16 or 1.17, to Deposit Account No. 10-0849.

Respectfully submitted,
QUARLES & BRADY LLP
300 N. LaSalle Street, Suite 4000
Chicago, Illinois 60654
(312) 715-5168

November 15, 2024

By: /Justin D. DeAngelis/
Justin D. DeAngelis
Registration No. 69,958

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s):	S. C. Johnson & Son, Inc.	)	<i>Confirmation No. 7727</i>
)	
Serial No.:	29/851,964	)	CERTIFICATE OF EFS FILING
)	
Filed:	September 1, 2022	)	I hereby certify that this correspondence
		)	is being electronically transmitted to the
For:	DISPENSER	)	United States Patent and Trademark
		)	Office, Commissioner for Patents, via the
Group Art Unit:	2916	)	EFS on the date below.
)	
		)	November 15, 2024
Examiner:	David William Obrien	)	<u>/Jaden Knosher/</u>
		)	Jaden Knosher

RESPONSE TO FINAL OFFICE ACTION

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

Dear Commissioner:

This response is filed in response to the final Office action dated September 17, 2024 ("Office action"). Please consider the following:

Remarks begin on page 2 of this paper.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
29/851,964	09/01/2022	Jesse Richard	7174US02 (510009.05026)	7727
155316	7590	09/17/2024		
S.C. JOHNSON & SON, INC./Quarles & Brady LLP				
1525 Howe Street				
Racine, WI 53403-2236				
			EXAMINER	
			OBRIEN, DAVID WILLIAM	
			ART UNIT	PAPER NUMBER
			2916	
			NOTIFICATION DATE	DELIVERY MODE
			09/17/2024	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):

mjthomps@scj.com
pat-dept@quarles.com

Notice of Pre-AIA or AIA Status

1. The present application, filed on or after March 16, 2013, is being examined under the first inventor to file provisions of the AIA.
2. Applicant's response filed on July 3rd, 2024 is acknowledged. After consideration of the Applicant's response and in conjunction with the recent LKQ court decision, the rejection of record under 35 U.S.C. §103 has not been overcome and is being made final.

Final Rejection under 35 U.S.C. 103

3. The claim is finally rejected under 35 U.S.C. 103 as being unpatentable over U.S. Design Patent No. D451,180 to Richard Lehone Hoare (hereinafter Hoare) in view of U.S. Patent Application No. 2021/0213152 to Richard et al. (hereinafter Richard). 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.

Hoare shows a Dispenser having design characteristics which are visually similar to the claimed design in that both feature the same overall form of a flared cylinder with a thin band bisecting the side of the main cylindrical volume along its circumference.

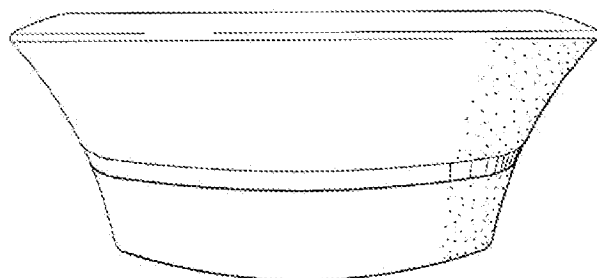
The claimed design differs from Hoare in that there are four common shapes on the side of the main volume in the form of a minus, plus, oval, and wedge.

Richard shows a Dispenser with four common shapes on the side of the main volume in the form of a minus, plus, oval, and wedge.

It would have been obvious to a designer of ordinary skill in the art not later than the effective filing date of the present claimed invention to have modified Hoare by adding four common shapes to

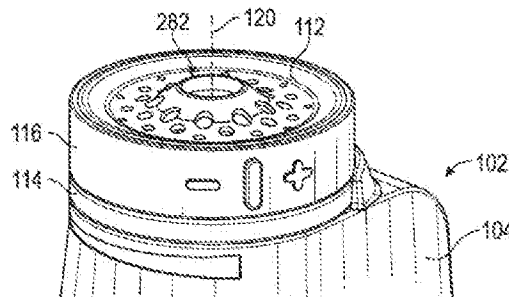
the side of the main volume in the form of a minus, plus, oval, and wedge because Richard demonstrates that these shapes are commonplace in the field of Dispensers. The claimed design would have no patentable distinction over the examiner's combination of references.

Primary Reference



U.S. Design Patent No. D451,180
(to Richard Lehonde Hoare)

Secondary Reference



U.S. Patent Application
Publication 2021/0213152
(to Richard et al.)

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure because it illustrates the various uses of the common minus, plus, oval, and wedge elements that are prevalent throughout the art.

Examiner's Comments to Applicant's Remarks

4. The applicant has attempted to traverse the non-final rejection in their remarks filed on July 3rd, 2024 with a series of arguments that are addressed below by the examiner.

The applicant has argued that this response and rejection to the applicant's arguments cannot be made final because of the recent LKQ decision. While *In re Rosen* is no longer a standard used in rejections under 35 U.S.C. 103, the LKQ decision does not negate the previous non-final rejection because the cited prior art has in no way changed from the non-final rejection, and has always been appropriate analogous prior art that is visually similar to the claimed design. While a secondary reference need no longer be "so related" to the primary reference, if an ordinary designer in the field to which the claimed design pertains would have been motivated to modify the primary reference using

analogous prior art to create the same overall visual appearance as the claimed design, then claim is unpatentable. As previously cited in the non-final rejection, a designer skilled in the art could easily apply the basic shapes of Richard to Hoare. 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). These basic ordinary shapes appear to be common control buttons used often throughout the dispenser arts. The application would indeed have no patentable distinction over the examiner's combination of references. This motivation for the 103 rejection has not changed.

The applicant has also argued in the last paragraph on Page 3 of the remarks that the pitch/curvature of the walls of the claimed design differ from the pitch and curvature of Hoare. However, the examiner holds that overall form of Hoare is the same as the claimed design. Case law has held that obvious changes in proportioning are not patentable *In re Stevens* 624 O.G. 366; 81 USPQ 362 (1949). In this case, the overall form of the prior art and the claimed design are the same. Merely flexing the pitch and foreshortening the edges of a flared cylinder, or what might otherwise be called a cone, is not invention.

The applicant has further argued that their seam dividing the upper and lower sections of the claimed design is patentably distinct from the seam dividing the upper and lower sections of Hoare. The actual width of the seam is again a simple change in proportion. As noted above, case law has held that this type of change is not invention *In re Stevens* 624 O.G. 366; 81 USPQ 362 (1949).

5. Thus, the examiner holds that the claimed design would have no patentable distinction over the examiner's combination of references. Moreover, case law has held that the points of distinction outlined by the applicant that are not specifically shown in the prior art are not patentable.

6. THIS ACTION IS MADE FINAL. 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.

7. If new drawings are prepared as a response to this rejection, care must be exercised to avoid introduction of anything which could be construed to be new matter prohibited by 35 U.S.C. 132 and 37 CFR 1.121(f).

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

Conclusion

The claim is finally rejected under 35 U.S.C. § 103 for the reasons set forth above.

Contact

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID OBRIEN whose telephone number is (571)272-9121. The examiner can normally be reached Monday - Thursday 7AM-5PM ET.

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 Primary Patent examiner, Gino Colan, can be reached at (571)270-0209 or the examiner's supervisor, Katherine Holbrow can be reached at (571)270-1935. 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.

/D.O.B./

Examiner, Art Unit 2916

/GINO COLAN/

Primary Examiner, Art Unit 2925

Remarks

The claim is pending and at issue in the present application. In the Office action, the claim stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Richard Lehonde Hoare U.S. Design Patent No. 451,180 (“Hoare”) in view of Richard et al. U.S. Patent Application No. 2021/0213152 (“Richard”). *Office action*, pp. 2-3. In view of the remarks herein, Applicant respectfully requests that the Examiner withdraw the outstanding rejection and requests allowance of the claim.

Rejection under 35 U.S.C. § 103

The claim stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hoare in view of Richard. Applicant respectfully traverses the § 103 rejection and requests reconsideration and allowance of the claim.

As a preliminary matter, the sole claim of the application stands rejected under the “so related” standard derived from the holding in *In re Rosen* to contend that the modification of the primary reference, Hoare, with the secondary reference, Richard, is acceptable. *See Office action* p. 3. After the mailing date of the Office action, that standard of *In re Rosen* was overturned by the Court of Appeals for the Federal Circuit (“CAFC”) sitting *en banc* in *LKQ Corp. v. GM Glob. Tech. Operations LLC*. No. 2021-2348, 2024 U.S. App. LEXIS 12139, at *19 (Fed. Cir. May 21, 2024). As such, the rejection of the sole claim is premised on a standard that is no longer applicable. For this reason alone, Applicant respectfully submits that the rejection of the pending claim is moot.

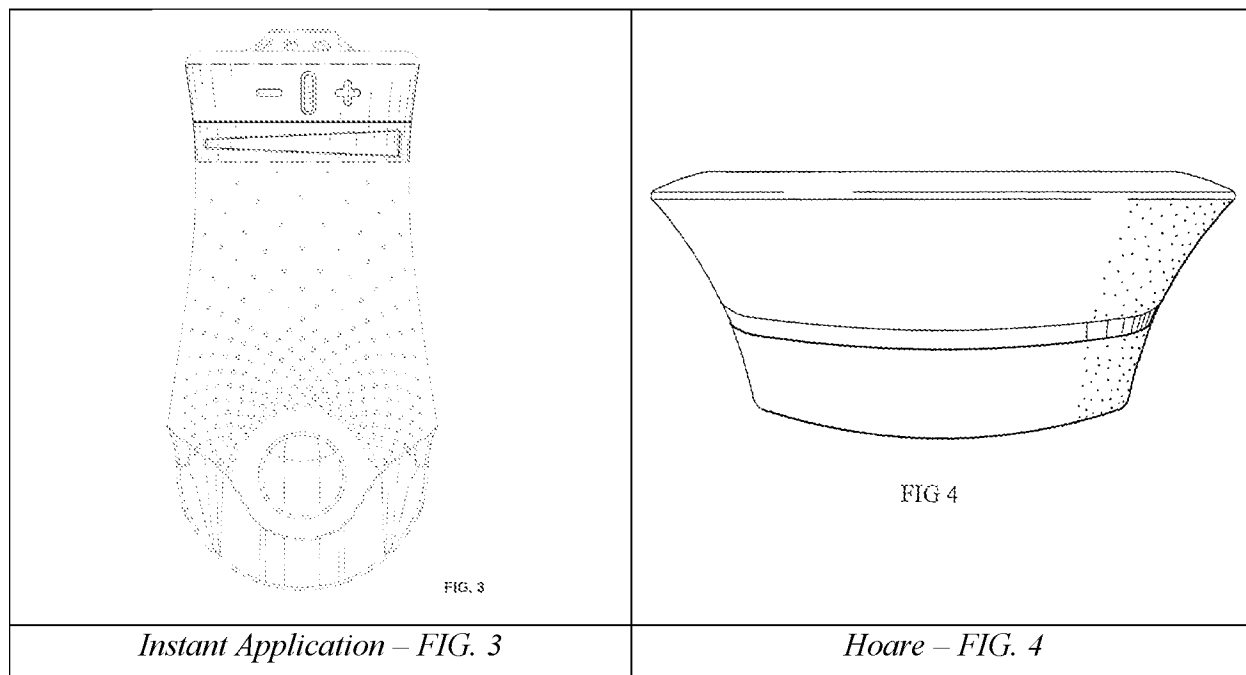
Additionally, because the Office action contends only the abrogated standard, and no supplemental rejection has been alleged under the new standard, Applicant has not been provided with all of the necessary information to determine the position of the Office regarding the patentability of the instant application. As necessitated by MPEP § 2271, the Office must “twice provide the patent owner with **such information and references** as may be useful in defining the position of the Office as to unpatentability before the action is made final.” MPEP § 2271. (Emphasis Added.). Thus, Applicant notes that if a new standard is provided to define a position for unpatentability in a subsequent Office action, Applicant will only have been provided once with the necessary information and references for defining the position of the Office as to

unpatentability. Hence, Applicant respectfully submits that a subsequent office action shall not properly be made final. *See id.*

Despite the Office relying on law that has been abrogated, Applicant provides the remarks below related to the prior art cited in the Office action in a good faith effort to move prosecution forward, as best understood under the holding of the CAFC in the *LKQ* decision.

In that regard, the CAFC held that an obviousness inquiry for a design patent should be “consistent with Congress's statutory scheme for design patents, which provides that **the same conditions for patentability that apply to utility patents apply to design patents**, as well as Supreme Court precedent which suggests a more flexible approach than the *Rosen-Durling* test for determining nonobviousness.” *LKQ* at *5. Under the *LKQ* decision and as advised by the Updated Guidance and Examination Instructions issued on May 22, 2024 by the Katherine K. Vidal at the USPTO, MPEP § 2143(A) is applicable to both design filings and utility filings. As outlined in MPEP § 2143(A), for a proper *prima facie* case of obviousness under 35 U.S.C. § 103(a), an examiner must establish “a finding that the prior art included each element claimed, although not necessarily in a single prior art reference, with the only difference between the claimed invention and the prior art being the lack of actual combination of the elements in a single prior art reference” in addition to the *Graham* factual inquiries. MPEP § 2143(A) (citing *KSR Int'l Co. v. Teleflex Inc.*, 550 U.S. 398 (2007)). Therefore, an applicant need only identify one recited element not arranged or combined in the prior art references to overcome the rejection.

Here, Applicant contends that the pitch and the curvature of the walls of the claimed design differ from the pitch and the curvature of the walls taught in Hoare, which form steep outward protrusions as they extend from a bottom of the vaporizer to a top of the vaporizer. Further, the claimed design includes a slight interruption between upper and lower sections, which is not shown in Hoare since the Hoare design contrasts with the claimed design by including an upper wall and a lower wall with an intermediate wall between that extends around the vaporizer as shown below.



In addition to the missing elements described above and as admitted by the Office, the Hoare design lacks the ornamental shapes, *i.e.*, the plus, minus, oval and wedge, present in the claimed design. *See Office action* at p. 2.

To cure the deficiencies of Hoare, the Office proffers that the shapes of Richard can be combined with the Hoare design to render the instant design obvious. *See id.* at pp. 2-3. However, Applicant respectfully asserts that even if the ornamental shapes of Richard were combined with the Hoare design as suggested by the Office, the combined design would still fail to include the pitch and the curvature of the walls and the slight interruption between the upper and lower section of the claimed design. *See id.*

Hence, Applicant respectfully asserts that a § 103 rejection is improper since neither Hoare nor Richard, alone or in combination, teach or suggest each and every design element necessary to provide a visual impression similar to the claimed design. As such, Applicant respectfully requests that the rejection be withdrawn and the claim allowed.

Conclusion

For at least these reasons, the rejection of the claimed design is improper, and Applicant respectfully requests reconsideration and withdrawal of the rejection and allowance of the claim.

Deposit Account Authorization

No fees are believed to be due with this communication. However, the Commissioner is hereby authorized to charge any deficiency in the amount enclosed or any additional fees, except issue fees, which may be required under 37 CFR 1.16 or 1.17, to Deposit Account No. 10-0849.

Respectfully submitted,

QUARLES & BRADY LLP
300 N. LaSalle Street, Suite 4000
Chicago, Illinois 60654
(312) 715-5106

July 3, 2024

By: /Joseph R. Ambrose/
Joseph R. Ambrose
Registration No. 78,458

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s):	S. C. Johnson & Son, Inc.	)	<i>Confirmation No. 7727</i>
)	
Serial No.:	29/851,964	)	CERTIFICATE OF EFS FILING
)	
Filed:	September 1, 2022	)	I hereby certify that this correspondence
		)	is being electronically transmitted to the
For:	DISPENSER	)	United States Patent and Trademark
		)	Office, Commissioner for Patents, via the
		)	EFS on the date below.
)	
		)	July 3, 2024
Group Art Unit:	2916	)	<u>/Jaden Knosher/</u>
)	
Examiner:	David William Obrien)	

RESPONSE TO NON-FINAL OFFICE ACTION

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

Dear Commissioner:

This response is filed in response to the non-final Office action dated April 12, 2024 (“Office action”). Please consider the following:

Remarks begin on page 2 of this paper.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
29/851,964	09/01/2022	Jesse Richard	7174US02 (510009.05026)	7727
155316 7590 04/12/2024 S.C. JOHNSON & SON, INC./Quarles & Brady LLP 1525 Howe Street Racine, WI 53403-2236			EXAMINER OBRIEN, DAVID WILLIAM	
			ART UNIT	PAPER NUMBER
			2916	
			NOTIFICATION DATE	DELIVERY MODE
			04/12/2024	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):

pat-dept@quarles.com
patentdept@scj.com

Continuation of Attachment(s) 2) Information Disclosure Statement(s) (PTO/SB/08a and/or PTO/SB/08b)

Paper No(s)/Mail Date: 10/28/2022

10/28/2022

11/17/2023

Notice of Pre-AIA or AIA Status

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

Non-Final Rejection under 35 U.S.C. 103

2. The claim is rejected under 35 U.S.C. 103 as being unpatentable over U.S. Design Patent No. D451,180 to Richard Lehonde Hoare (hereinafter Hoare) in view of U.S. Patent Application No. 2021/0213152 to Richard et al. (hereinafter Richard). 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.

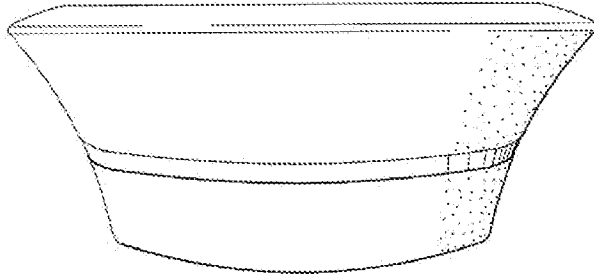
Hoare shows a Dispenser having design characteristics which are basically the same as the claimed design in that both feature the same overall form of a flared cylinder with a thin band bisecting the side of the main cylindrical volume along its circumference.

The claimed design differs from Hoare in that there are four common shapes on the side of the main volume in the form of a minus, plus, oval, and wedge.

Richard shows a Dispenser with four common shapes on the side of the main volume in the form of a minus, plus, oval, and wedge.

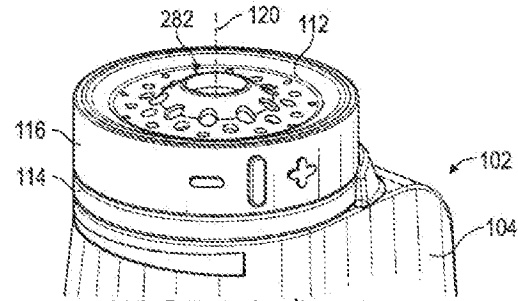
It would have been obvious to a designer of ordinary skill in the art not later than the effective filing date of the present claimed invention to have modified Hoare by adding four common shapes to the side of the main volume in the form of a minus, plus, oval, and wedge. The claimed design would have no patentable distinction over the examiner's combination of references.

Primary Reference



U.S. Design Patent No. D451,180
(to Richard Lehonde Hoare)

Secondary Reference



U.S. Patent Application
Publication 2021/0213152
(to Richard et al.)

3. 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). Further, 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).

4. If new drawings are prepared as a response to this rejection, care must be exercised to avoid introduction of anything which could be construed to be new matter prohibited by 35 U.S.C. 132 and 37 CFR 1.121(f).

5. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as amended. If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief

description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. If all the figures on a drawing sheet are canceled, a replacement sheet is not required. A marked-up copy of the drawing sheet (labeled as "Annotated Sheet") including an annotation showing that all the figures on that drawing sheet have been canceled must be presented in the amendment or remarks section that explains the change to the drawings. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action.

CONCLUSION

The claim is rejected under 35 U.S.C. § 103 for the reasons set forth above.

CONTACT

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID OBRIEN whose telephone number is (571)272-9121.

The examiner can normally be reached Monday - Thursday 7AM-5PM ET.

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 Primary Patent examiner, Gino Colan, can be reached at (571)270-0209 or the examiner's supervisor, Joshua

Art Unit: 2916

Kading can be reached at (571)270-3413. 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.

/D.O.B./

Examiner, Art Unit 2916

/GINO COLAN/

Primary Examiner, Art Unit 2925



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
29/851,964	09/01/2022	Jesse Richard	7174US02 (510009.05026)

CONFIRMATION NO. 7727

155316
S.C. JOHNSON & SON, INC./Quarles & Brady LLP
1525 Howe Street
Racine, WI 53403-2236

INFORMAL NOTICE



OC000000048282475

Date Mailed: 09/13/2022

INFORMATIONAL NOTICE TO APPLICANT

Applicant is notified that the above-identified application contains the deficiencies noted below. No period for reply is set forth in this notice for correction of these deficiencies. However, if a deficiency relates to the inventor's oath or declaration, the applicant must file an oath or declaration in compliance with 37 CFR 1.63, or a substitute statement in compliance with 37 CFR 1.64, executed by or with respect to each actual inventor no later than the expiration of the time period set in the "Notice of Allowability" to avoid abandonment. See 37 CFR 1.53(f).

The item(s) indicated below are also required and should be submitted with any reply to this notice to avoid further processing delays.

- A properly executed inventor's oath or declaration has not been received for the following inventor(s):
Jesse Richard
Michael Haynes
David Dycher
Harold Augier

An inventor's oath or declaration in compliance with 37 CFR 1.63 or 1.64 executed by or with respect to each inventor must be submitted no later than the date on which the issue fee is paid in response to a notice requiring such fee. See 37 CFR 1.53(f).

Questions about the contents of this notice and the requirements it sets forth should be directed to the Office of Data Management, Application Assistance Unit, at (571) 272-4000 or (571) 272-4200 or 1-888-786-0101.

/symohammed/

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

SPECIFICATION AND CLAIM OF
DESIGN PATENT APPLICATION

We request that a Letters Patent be granted to us for the new, original, and ornamental design for a:

DISPENSER

of which the following is a specification, reference being had to the accompanying drawings forming a part hereof.

IN THE DRAWINGS:

FIG. 1 is an isometric view of a top, front, and right side of an ornamental design for a dispenser;

FIG. 2 is an isometric view of a top, front, and left side of the dispenser of FIG. 1;

FIG. 3 is a front elevational view of the dispenser of FIG. 1;

FIG. 4 is a rear elevational view of the dispenser of FIG. 1;

FIG. 5 is a right side elevational view of the dispenser of FIG. 1;

FIG. 6 is a left side elevational view of the dispenser of FIG. 1;

FIG. 7 is a top plan view of the dispenser of FIG. 1; and

FIG. 8 is a bottom plan view of the dispenser of FIG. 1.

The dash-dash-dash broken lines are included for the purpose of illustrating portions of the dispenser that form no part of the claimed design. The dash-dot-dash broken lines illustrate boundary lines and form no part of the claimed design.

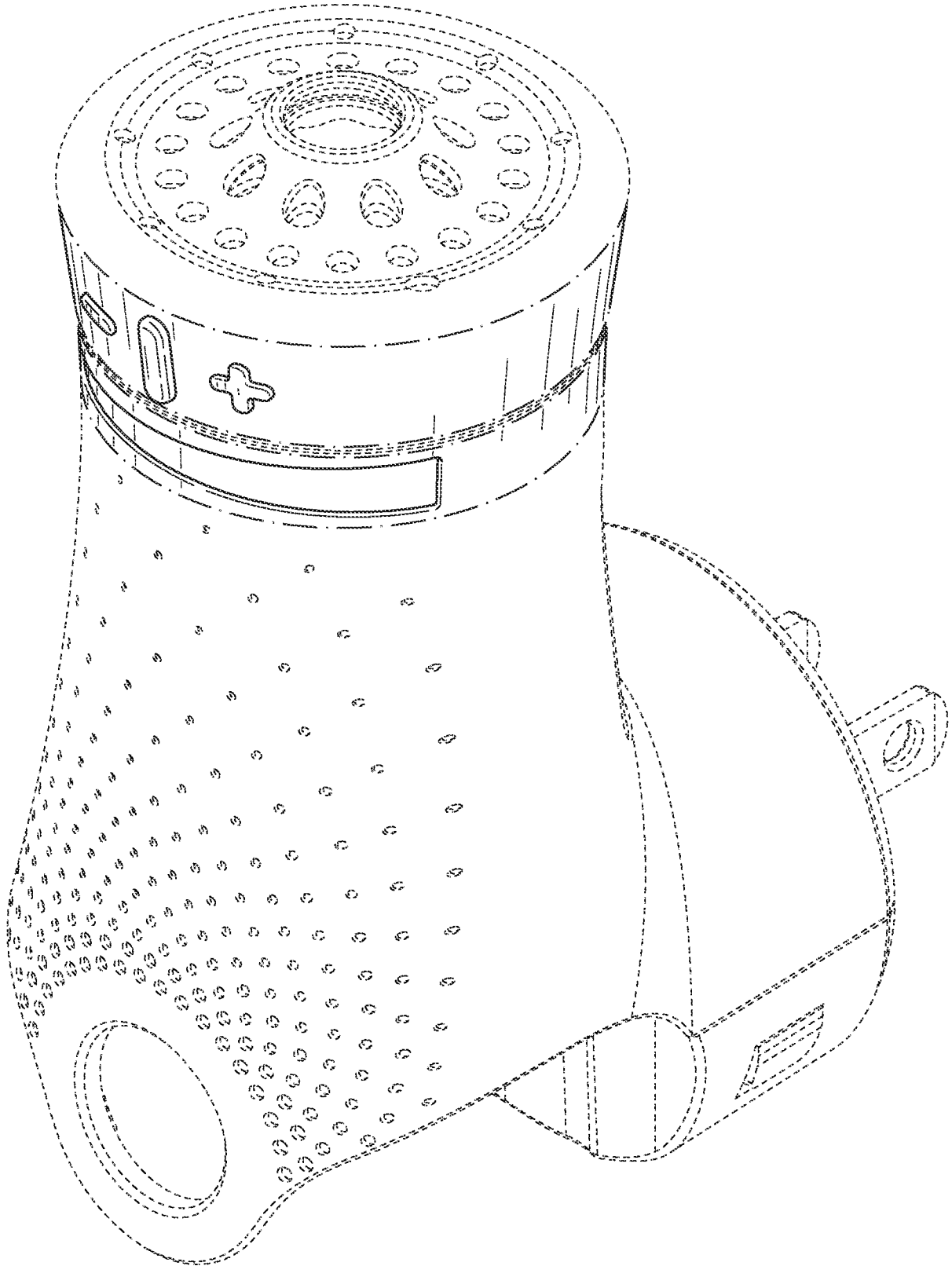


FIG. A

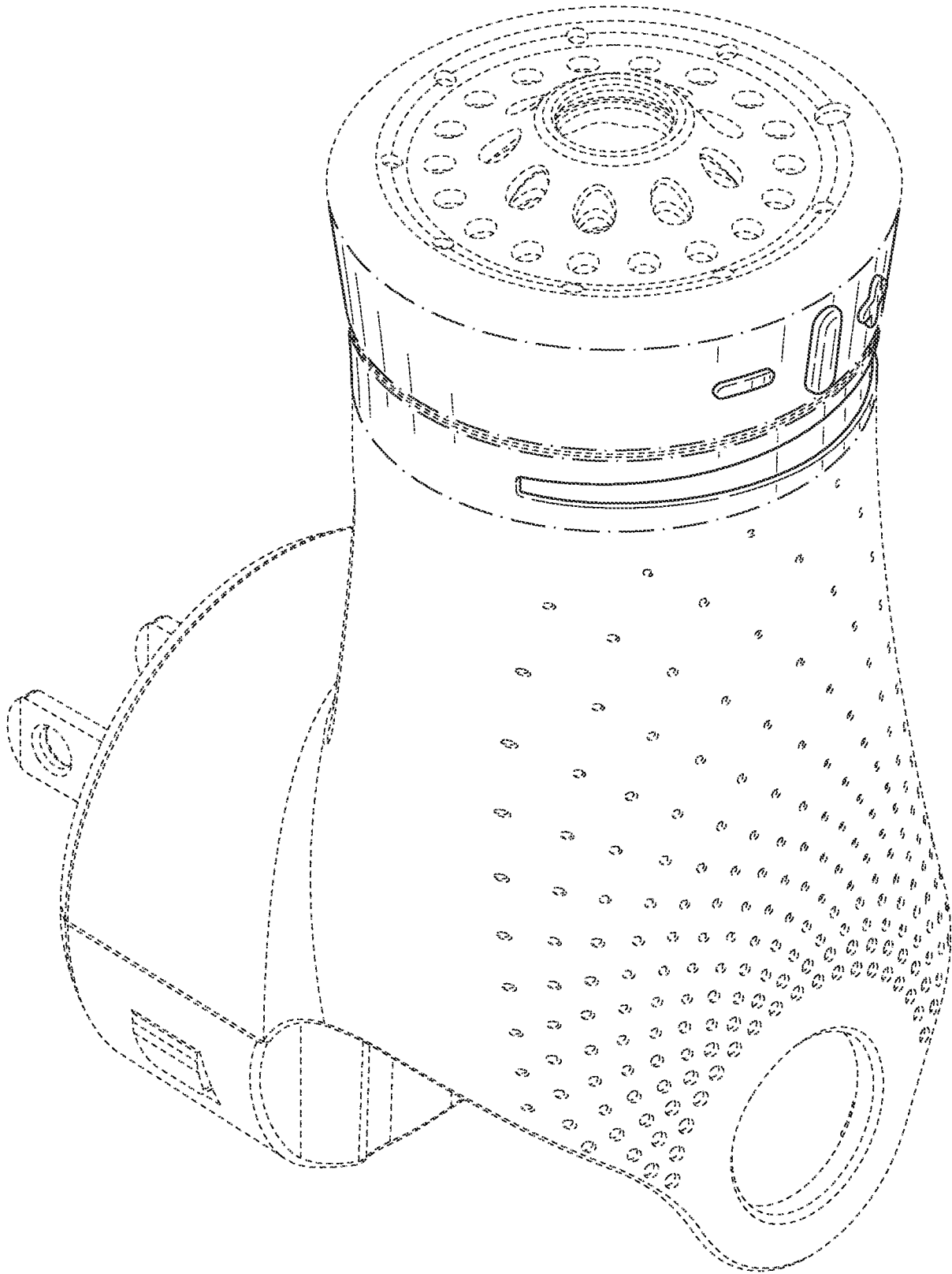


FIG. B

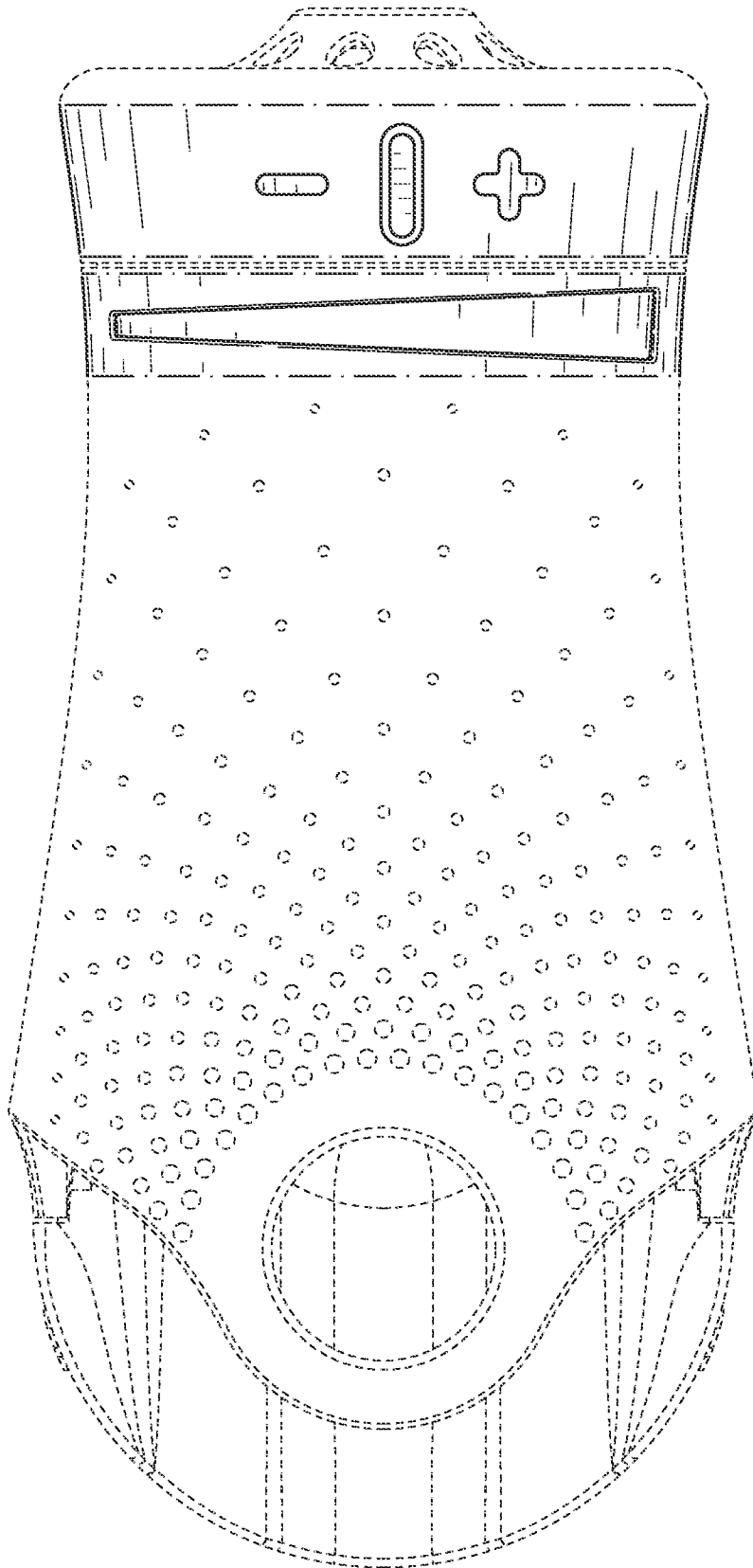


FIG. C

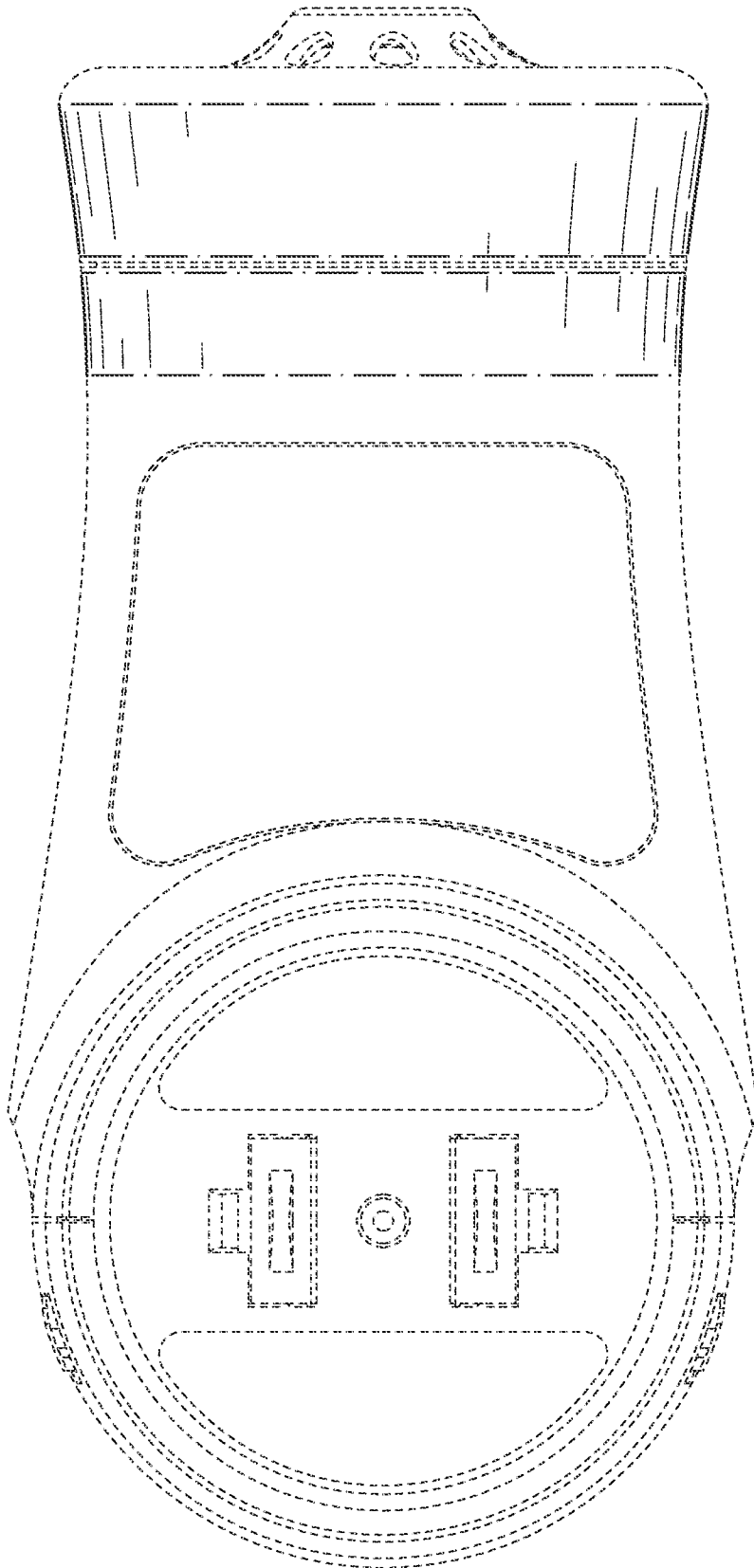


FIG. D

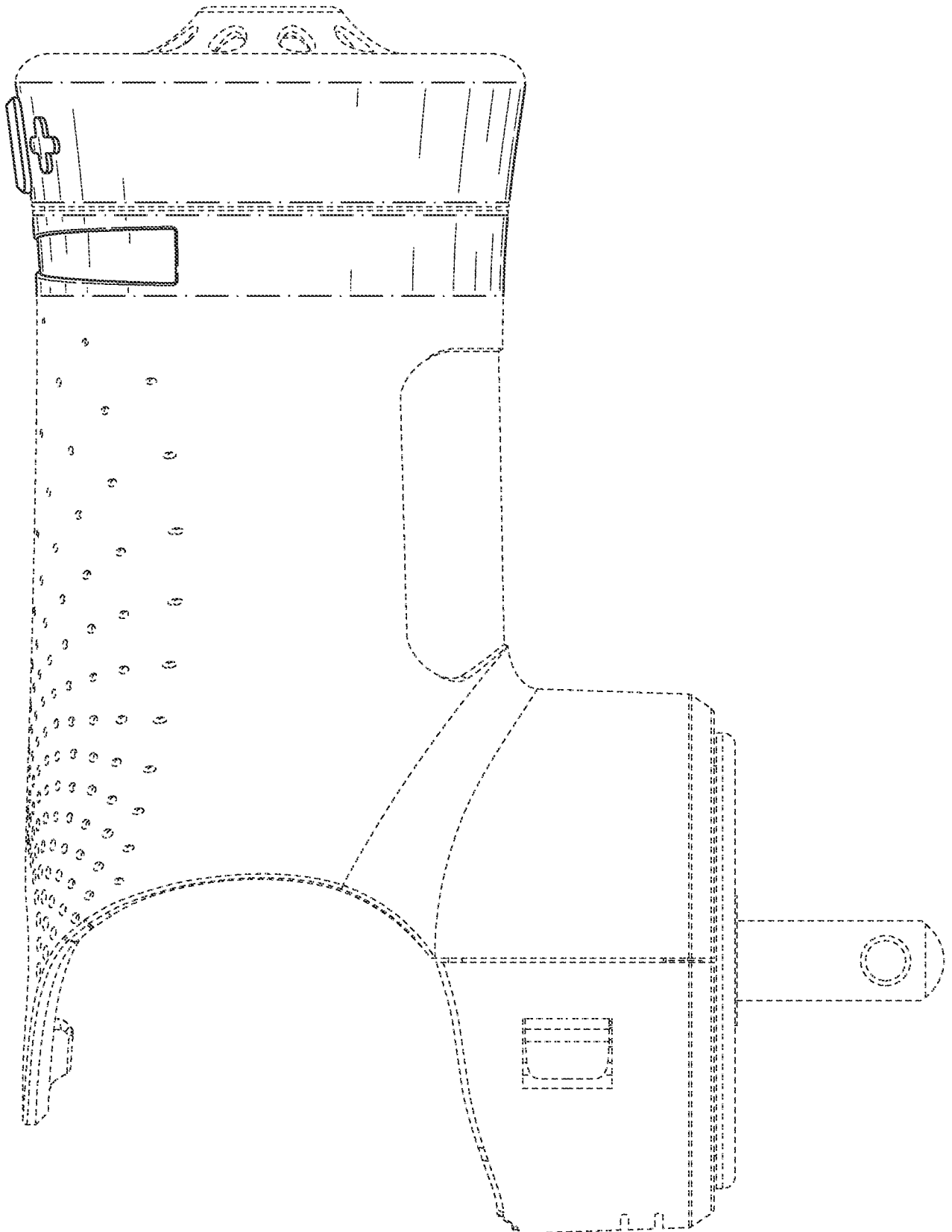


FIG. E

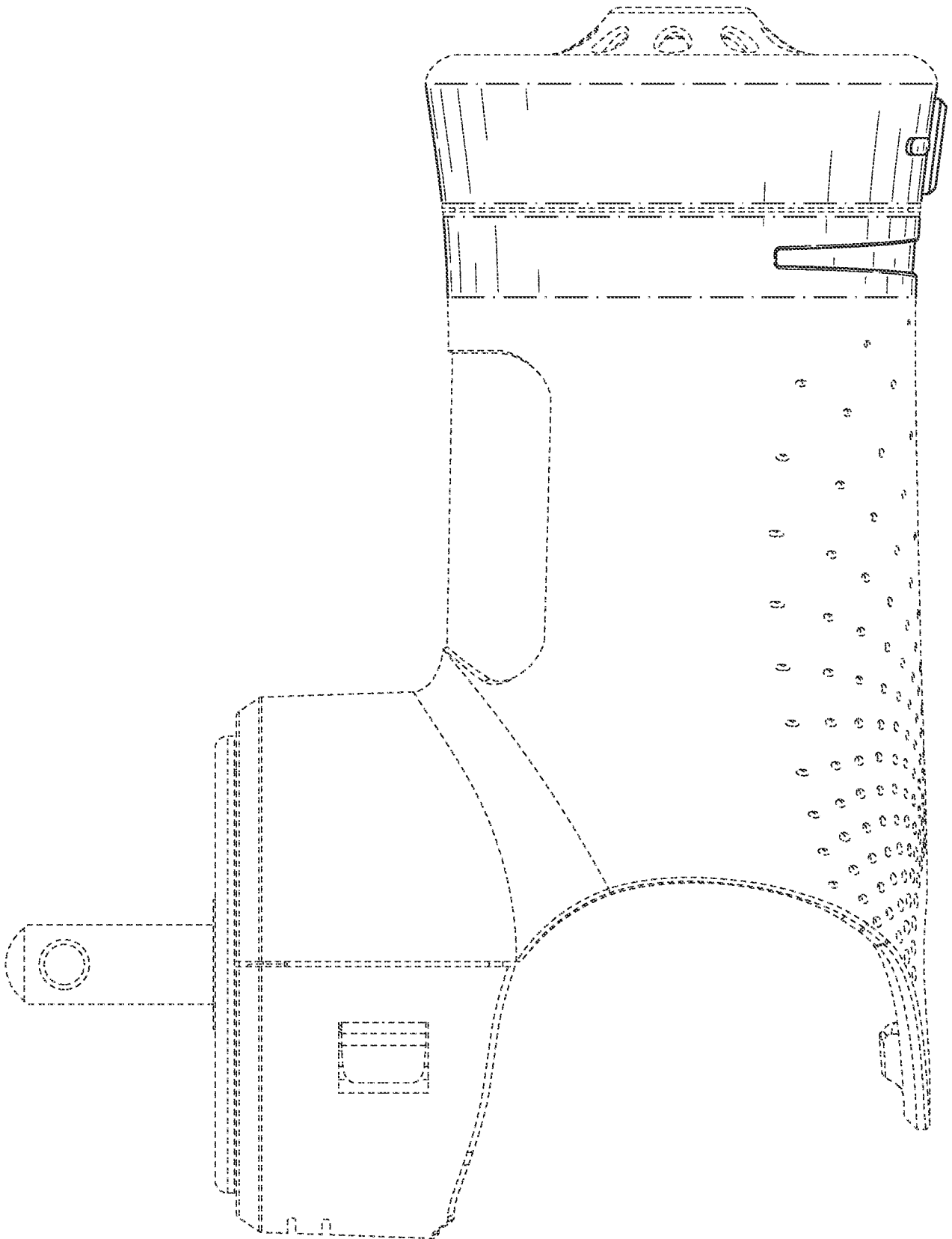


FIG. F

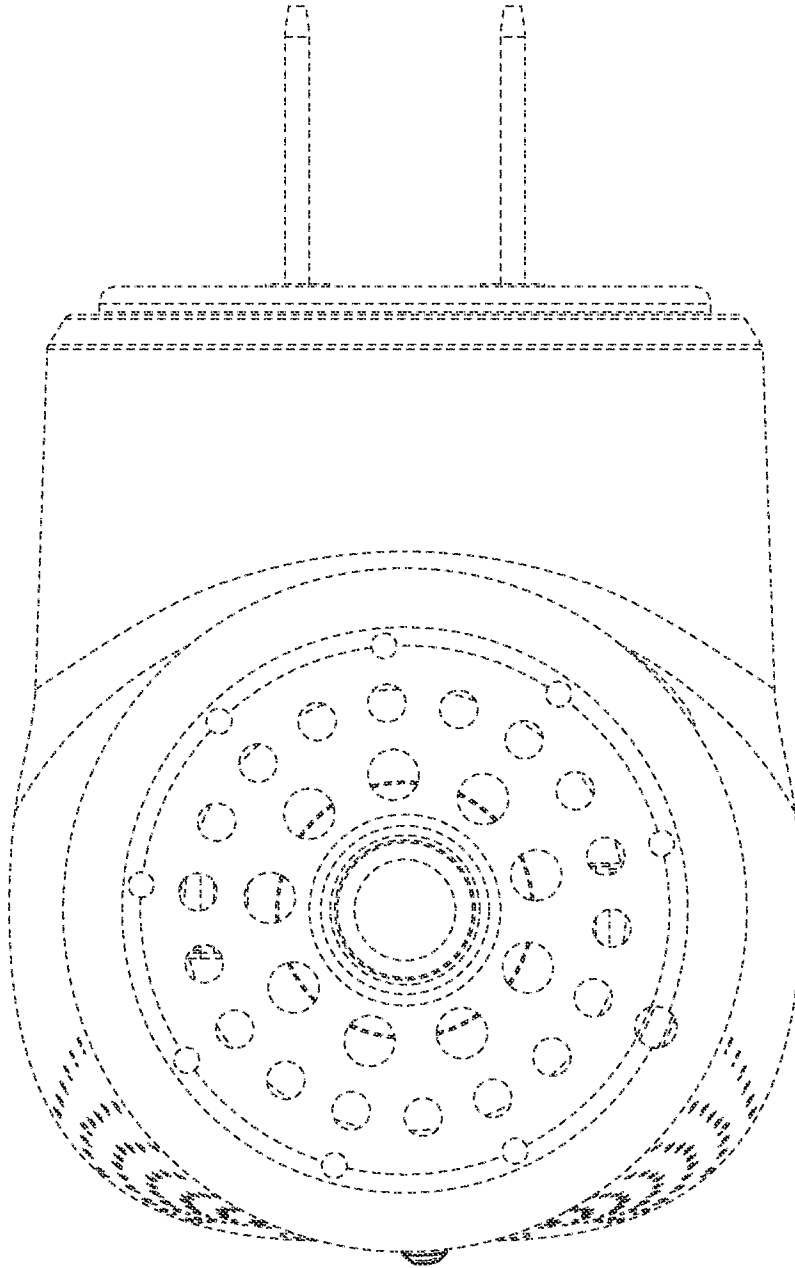


FIG. G

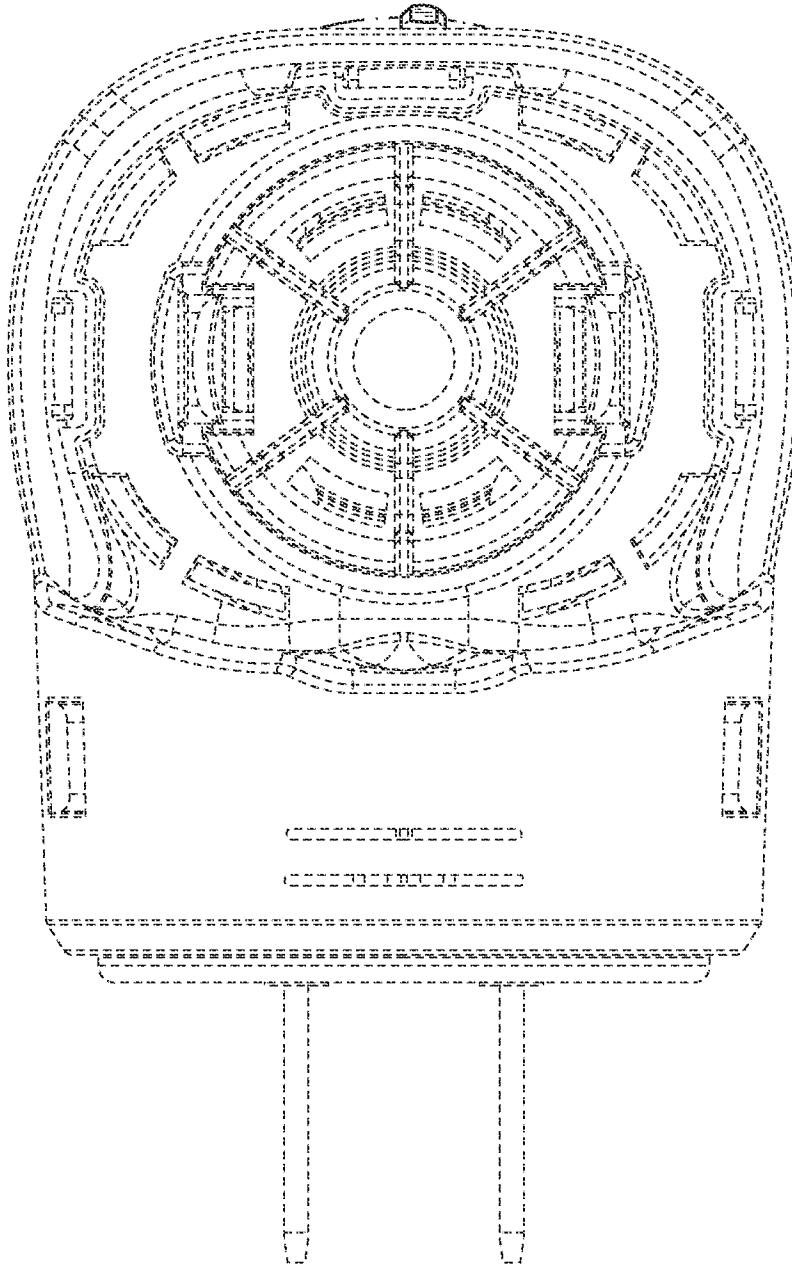


FIG. H

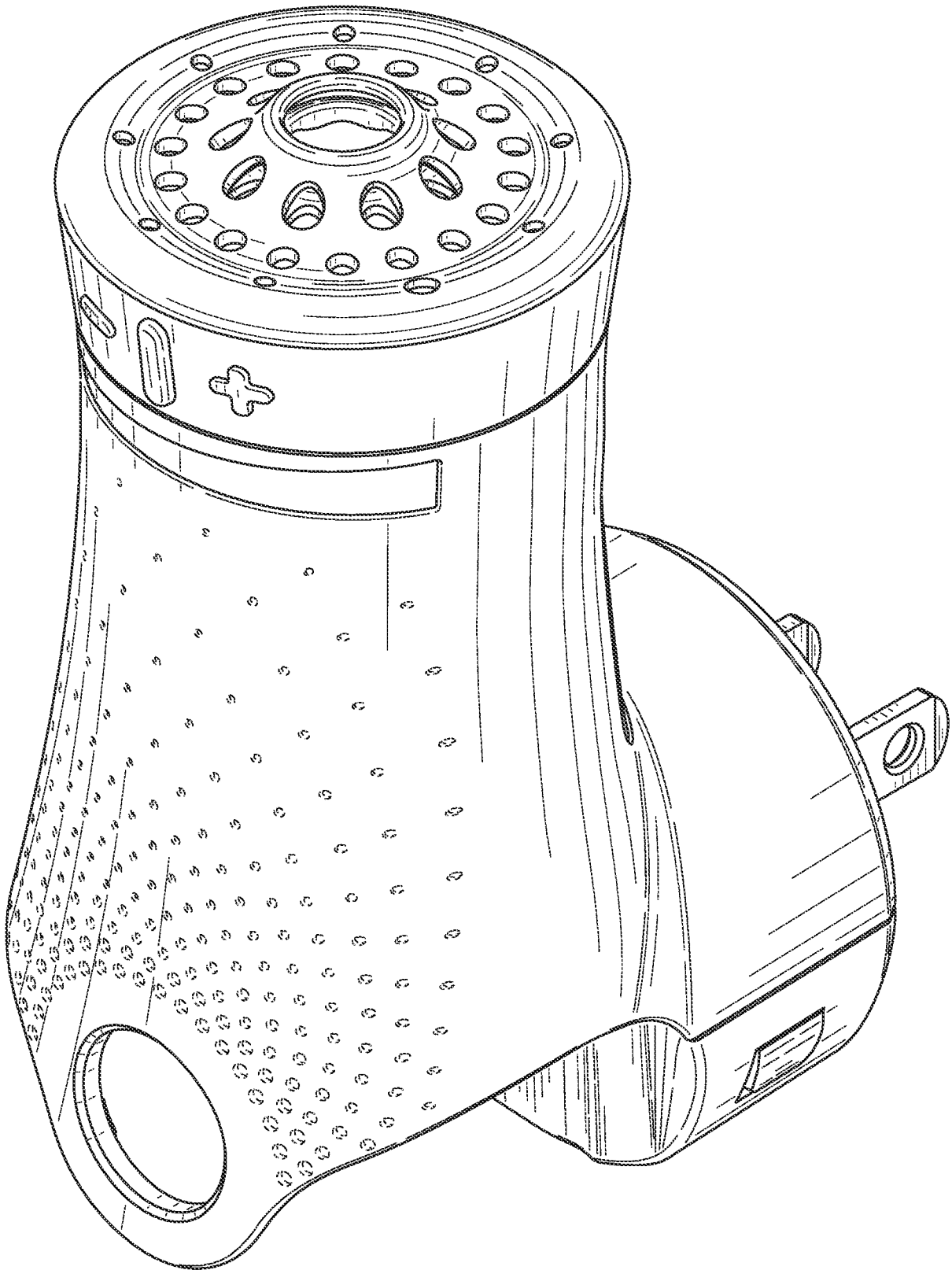


FIG. 1

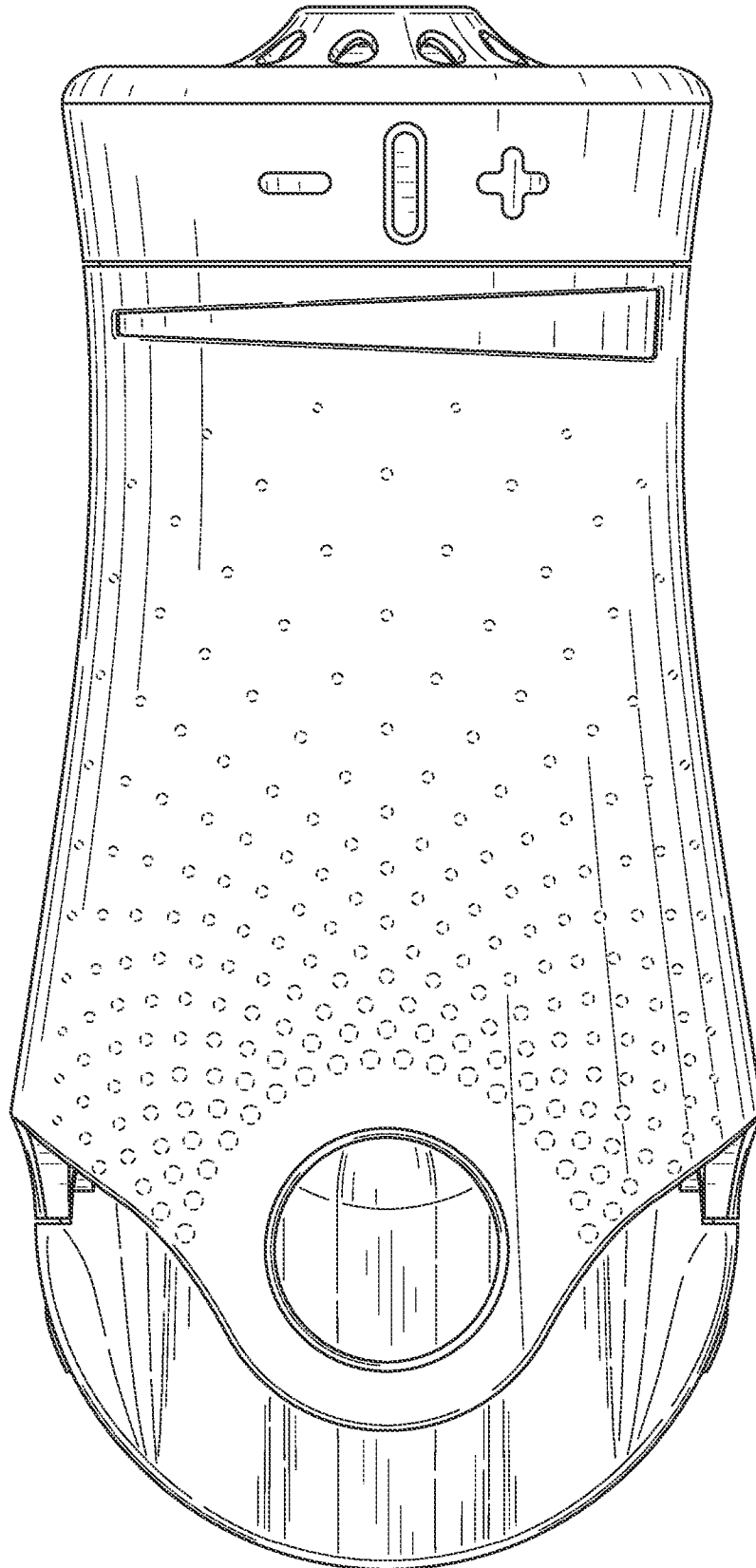


FIG. J

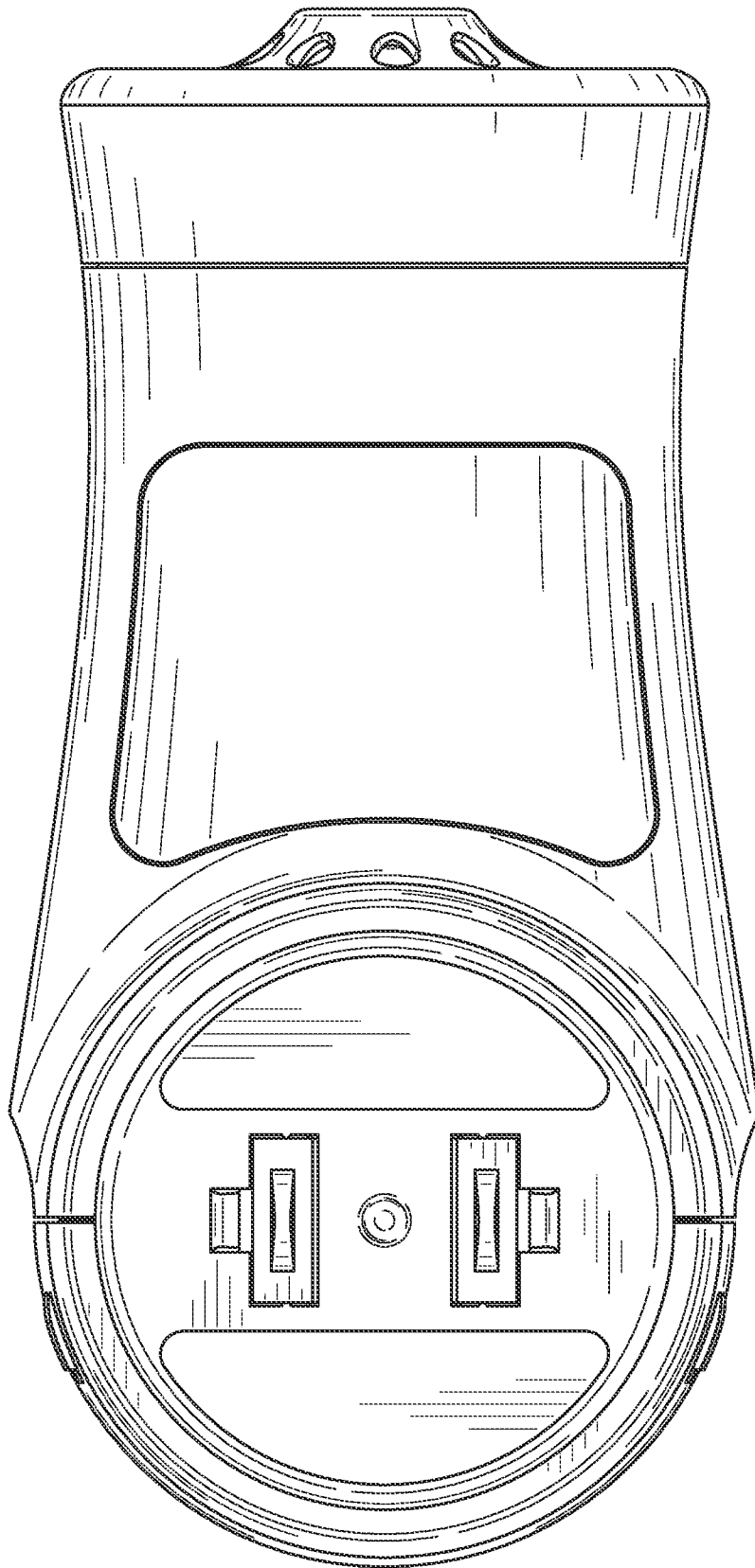


FIG. K

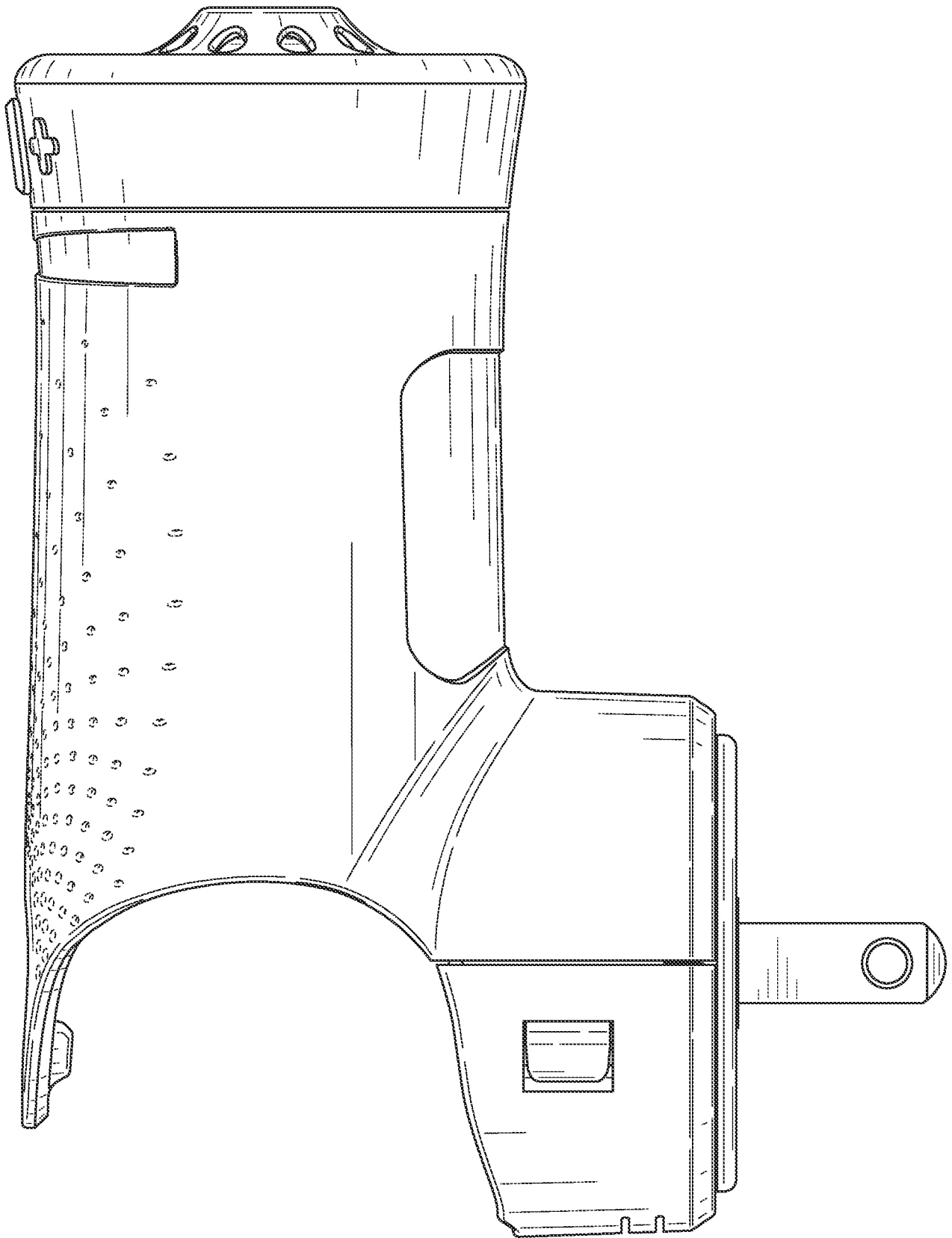


FIG. L

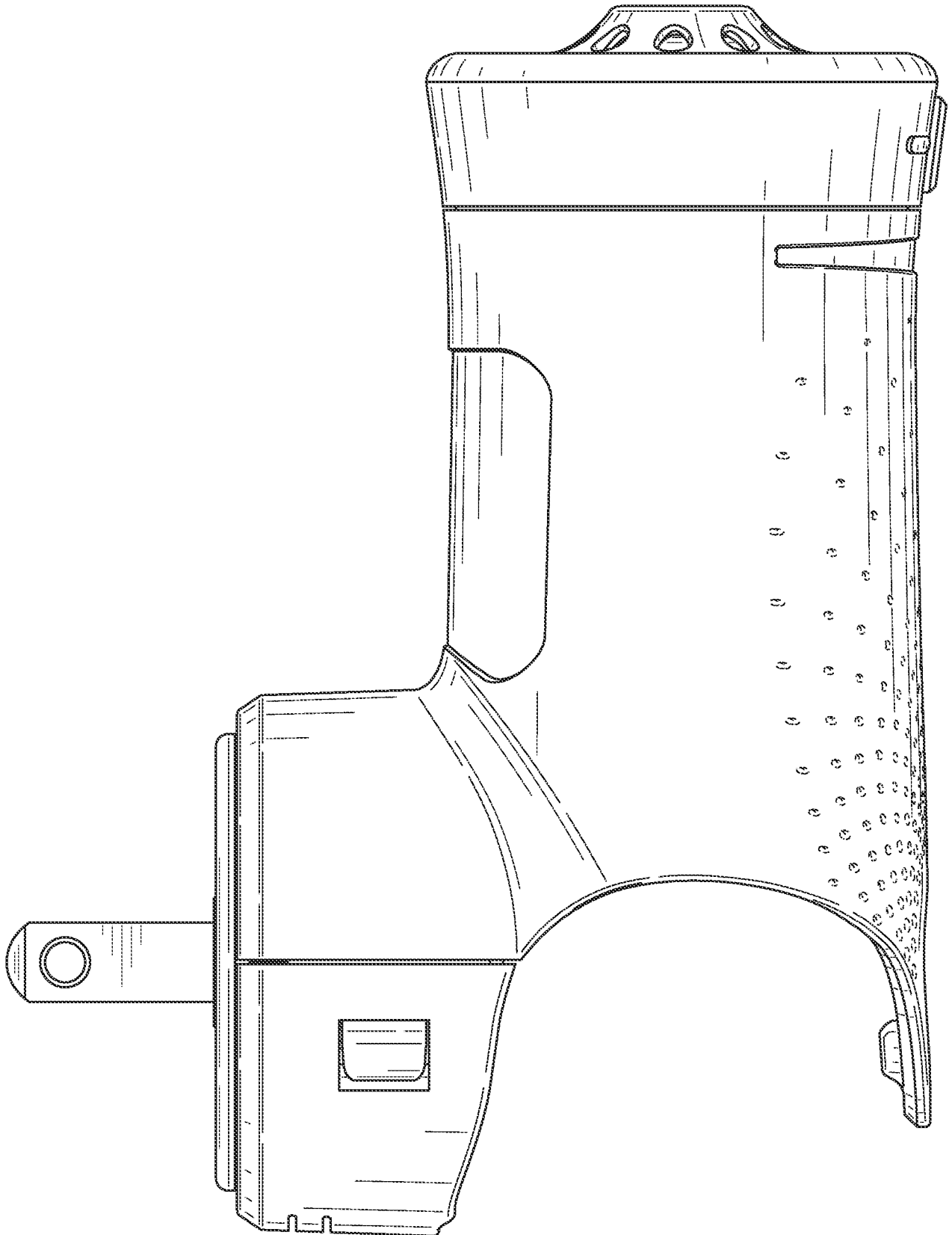


FIG. M

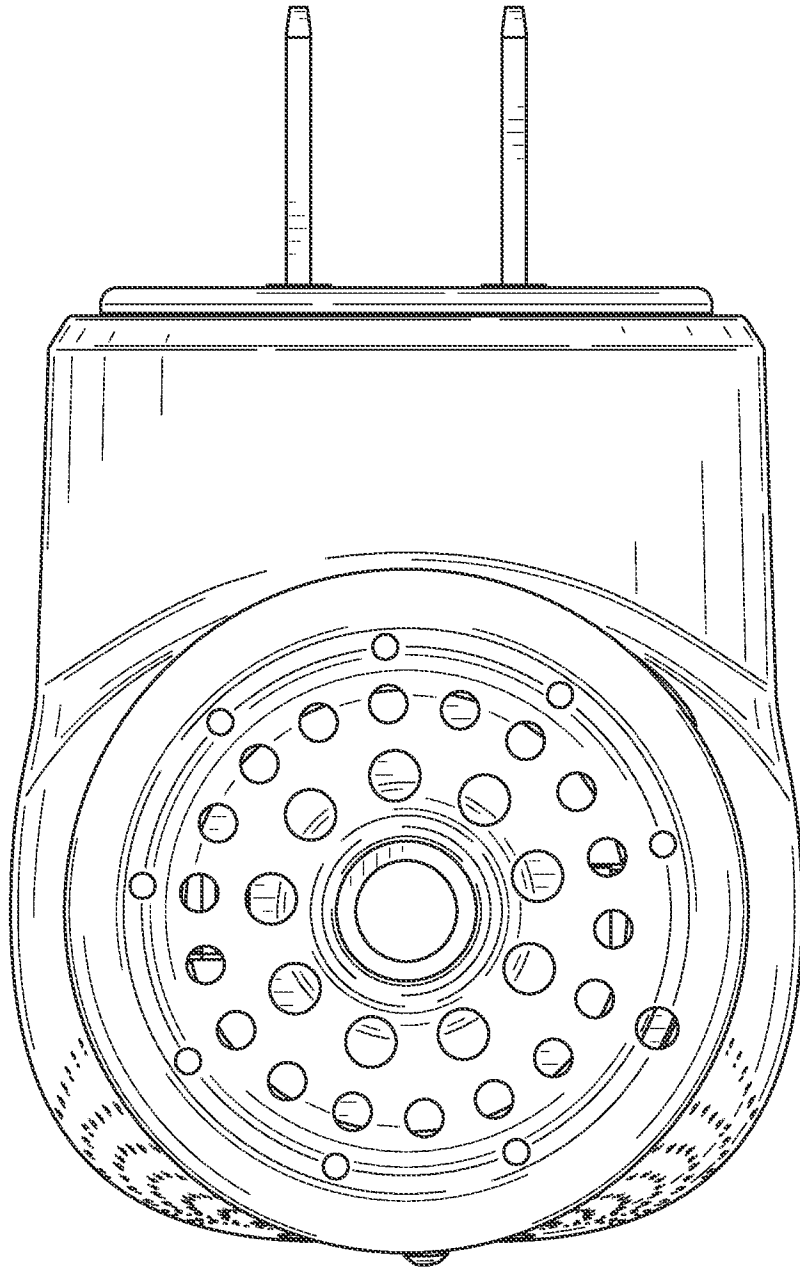


FIG. N

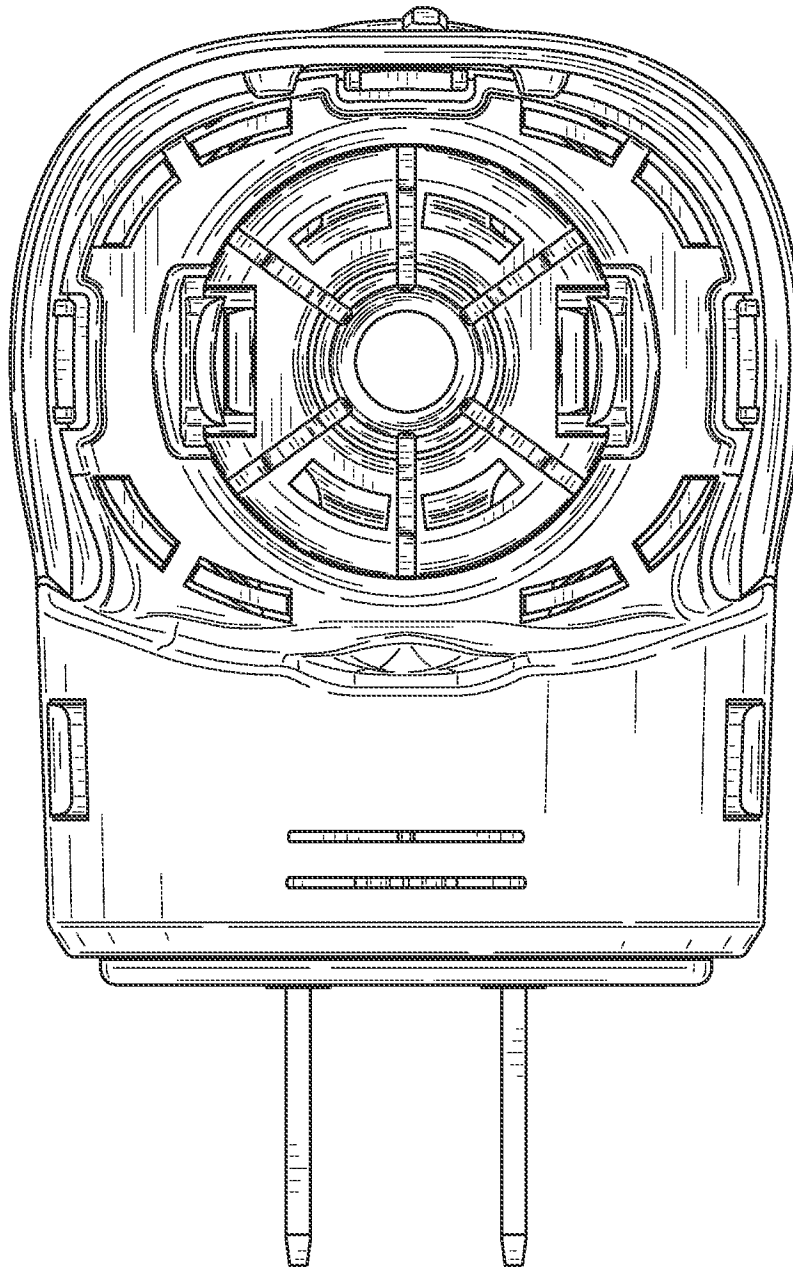


FIG. O

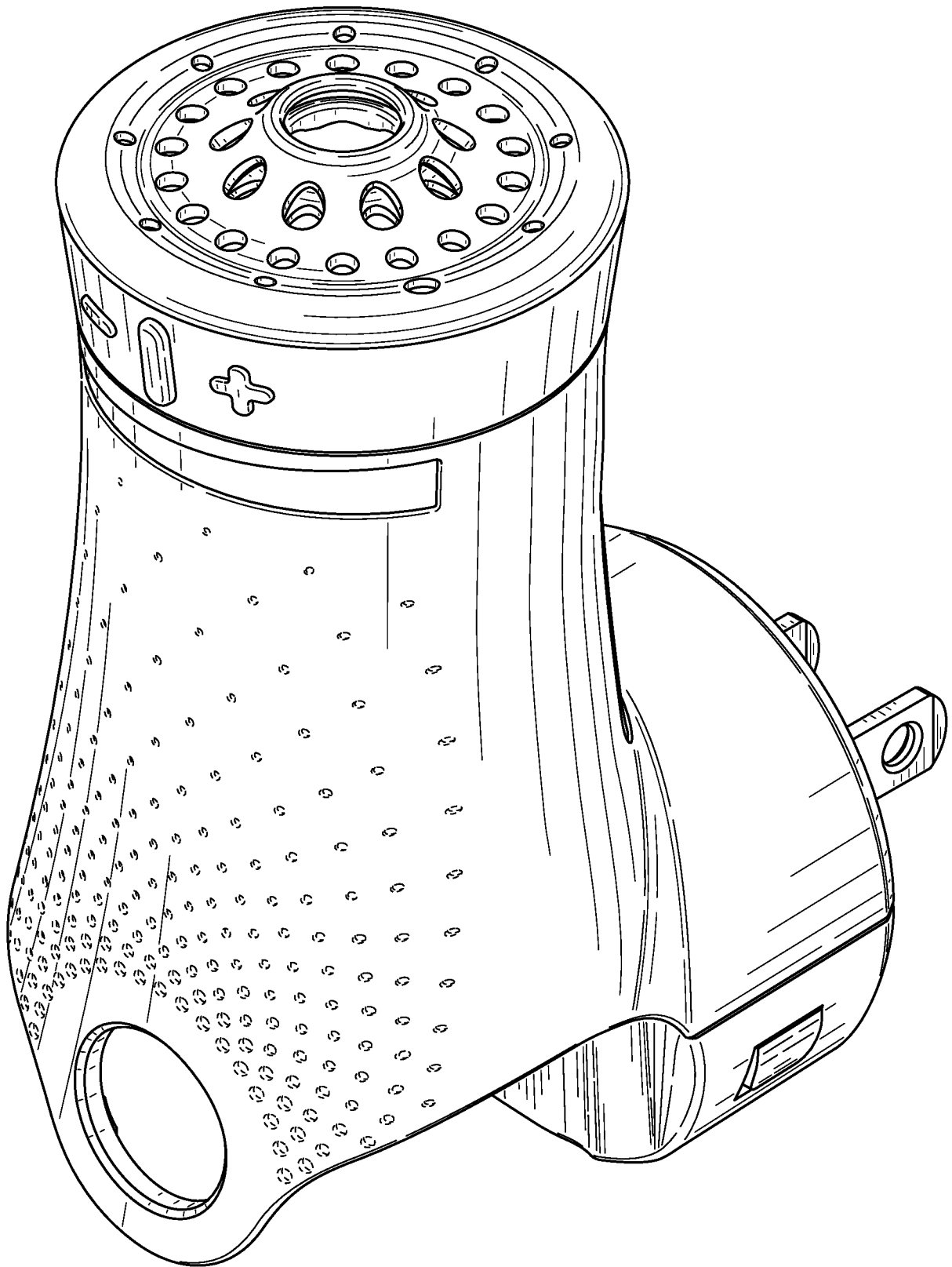


FIG. P

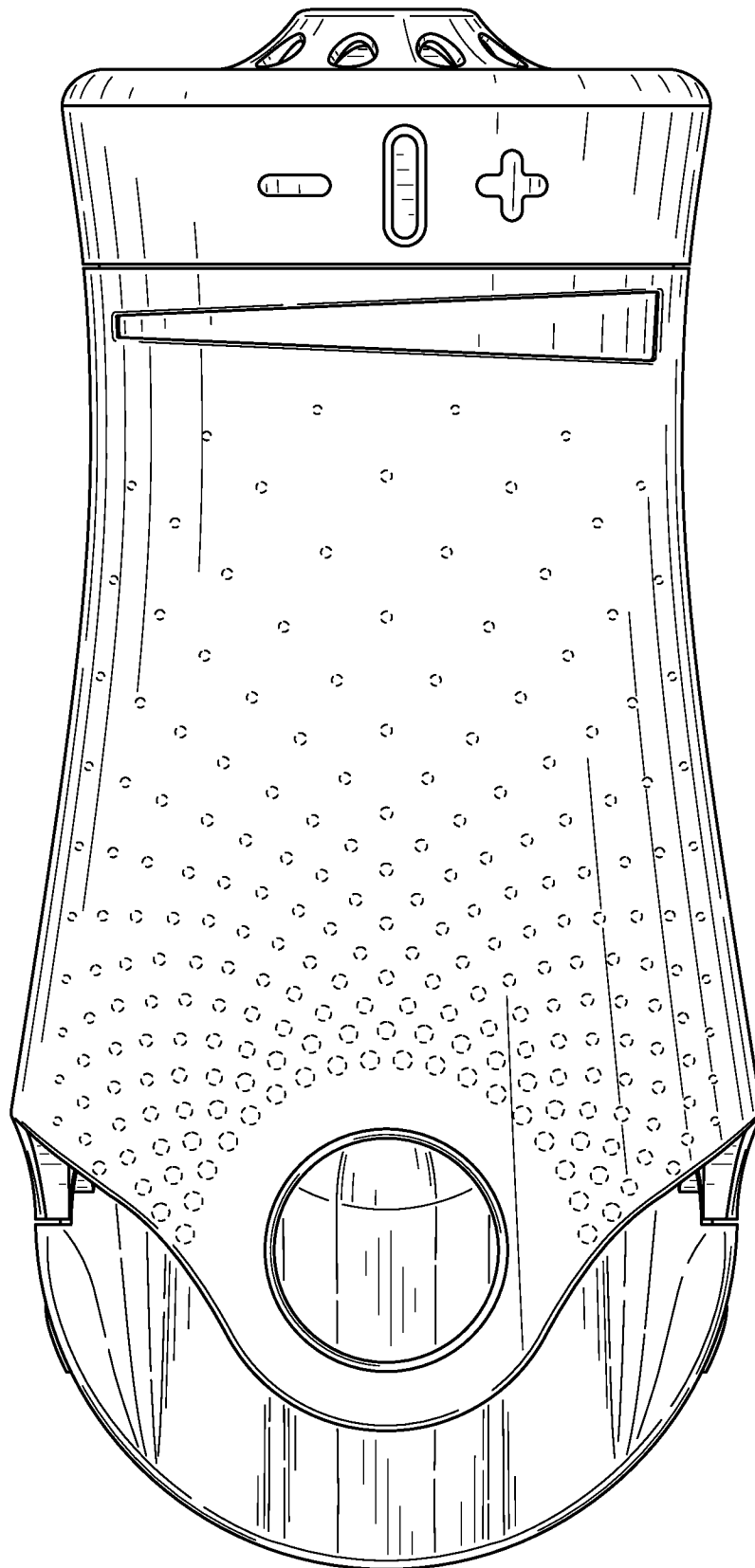


FIG. Q

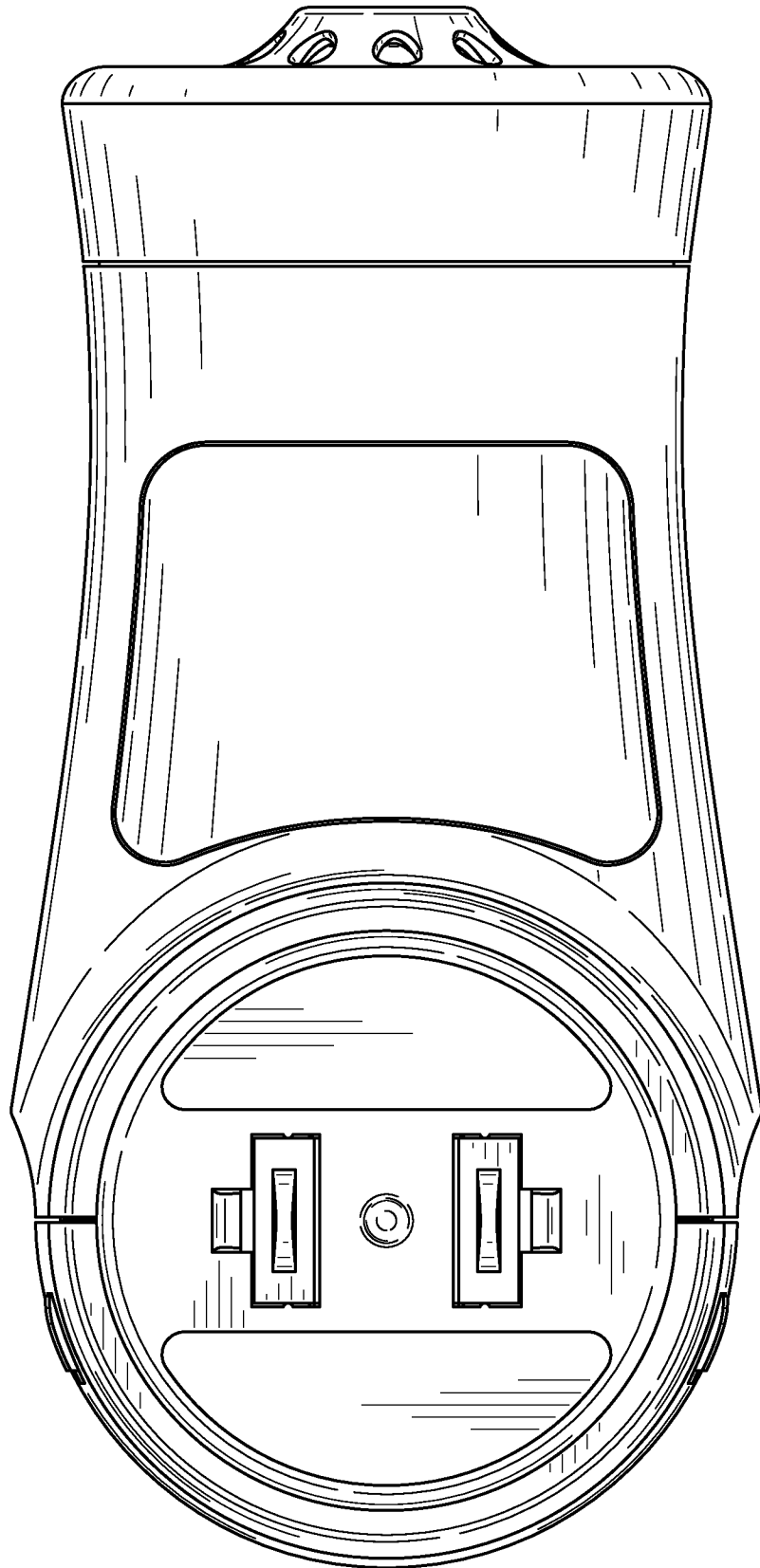


FIG. R

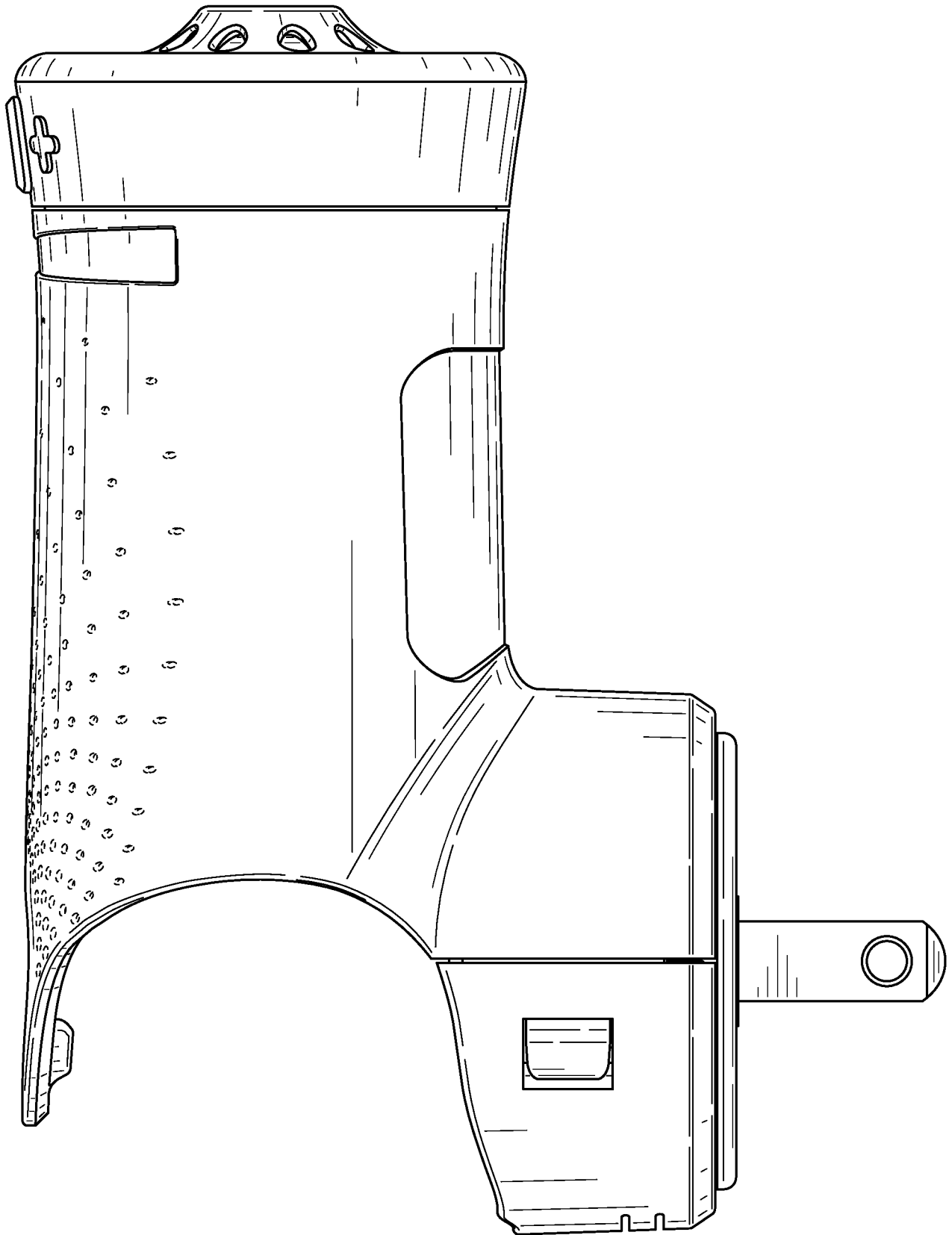


FIG. S

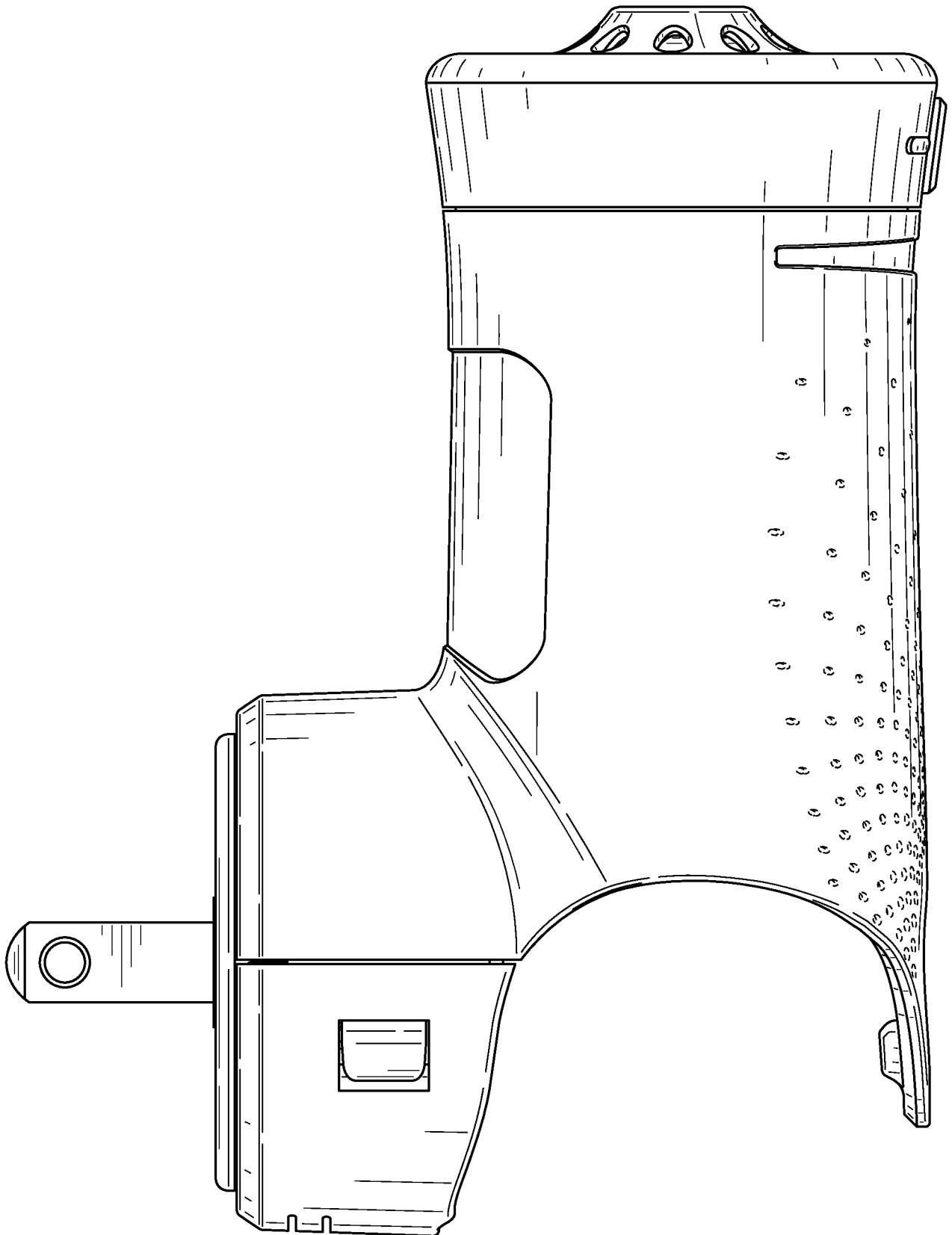


FIG. T

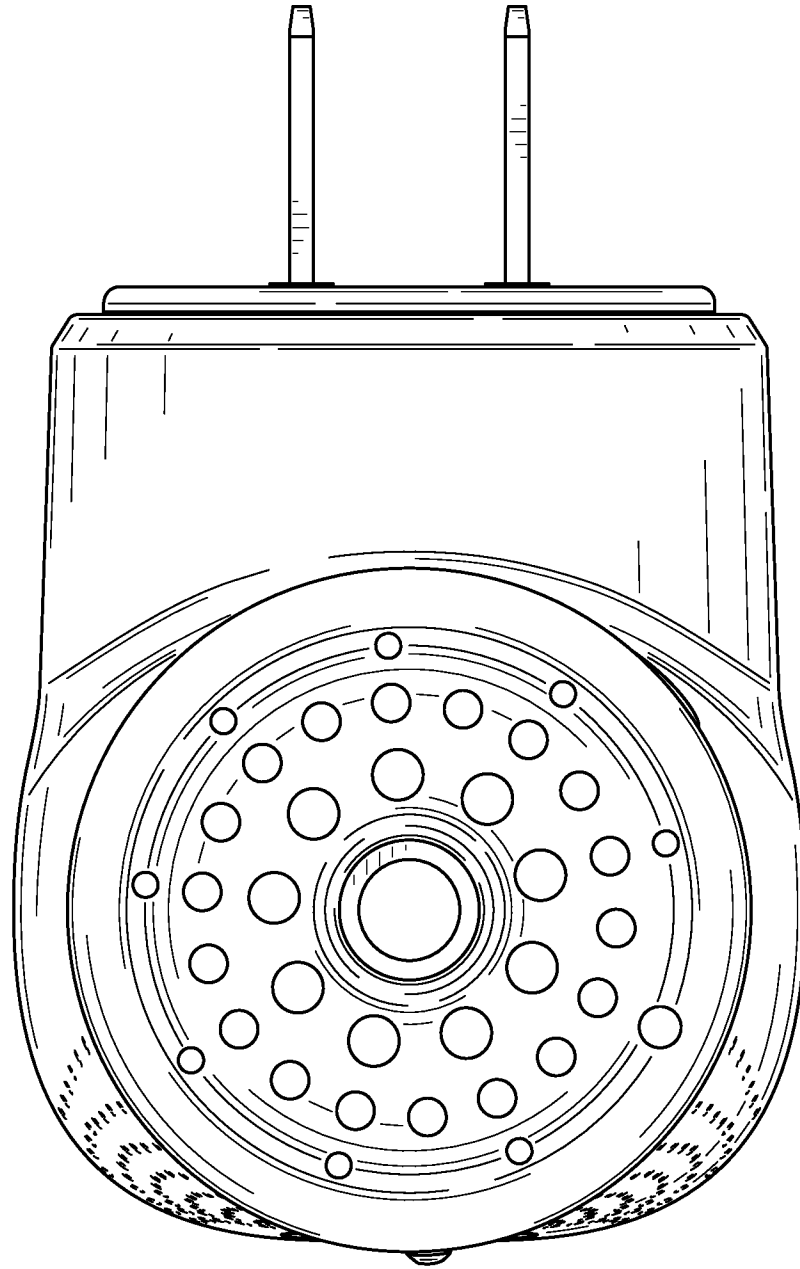


FIG. U

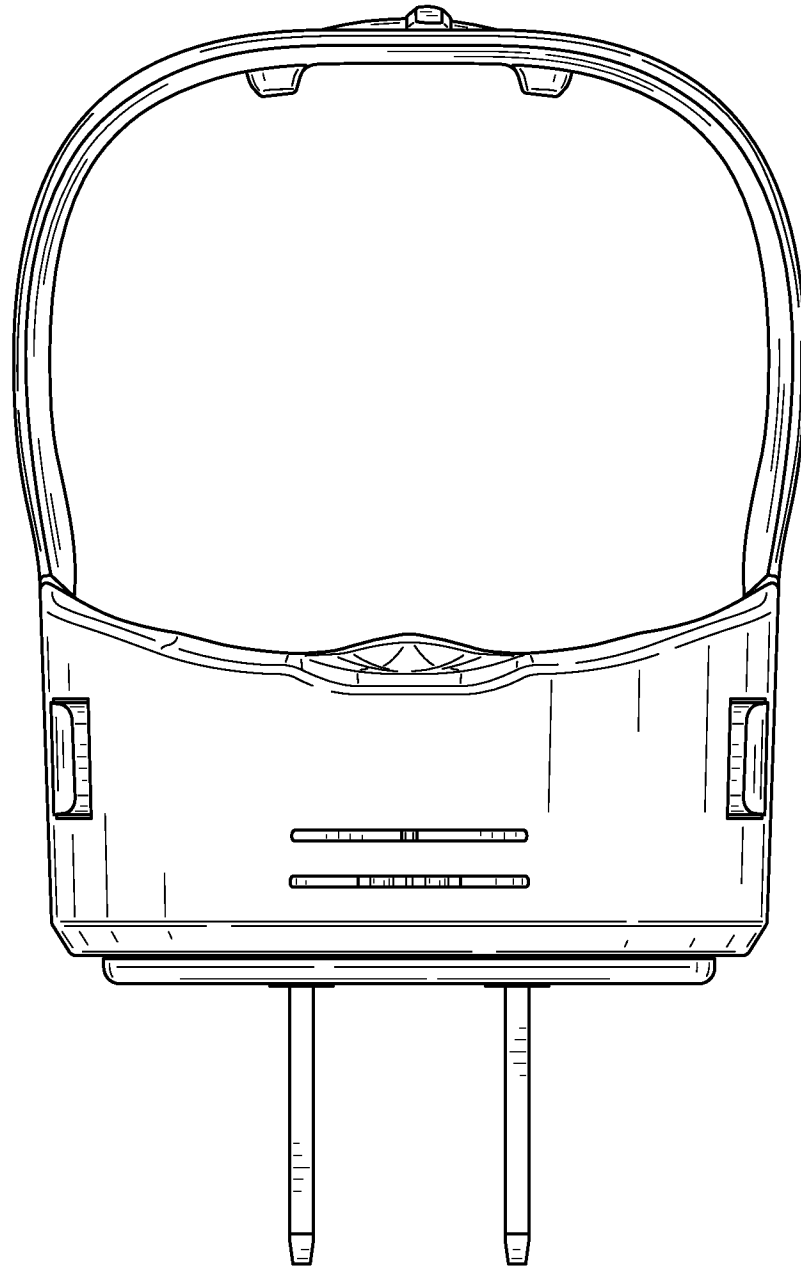


FIG. V

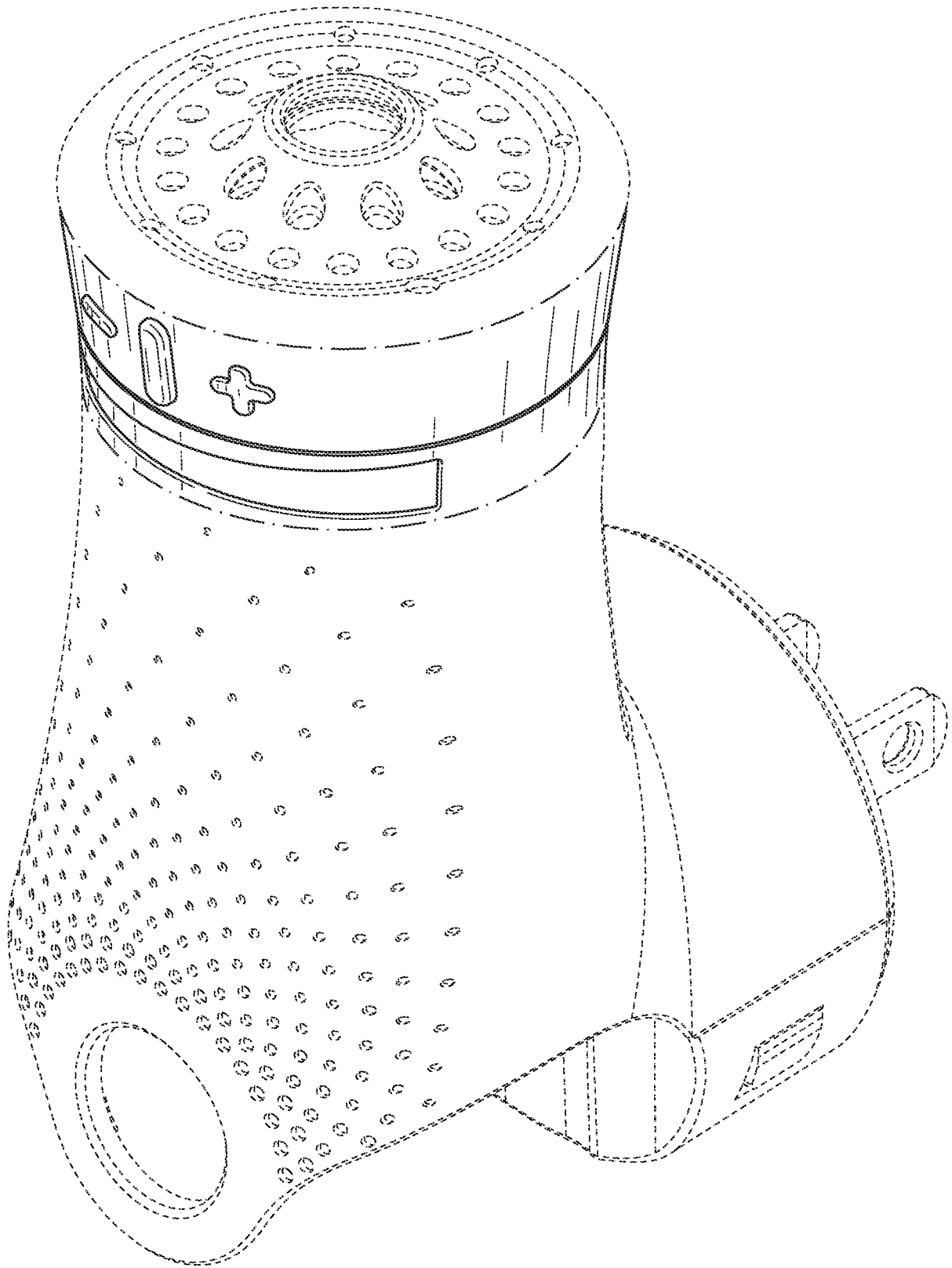


FIG. 1

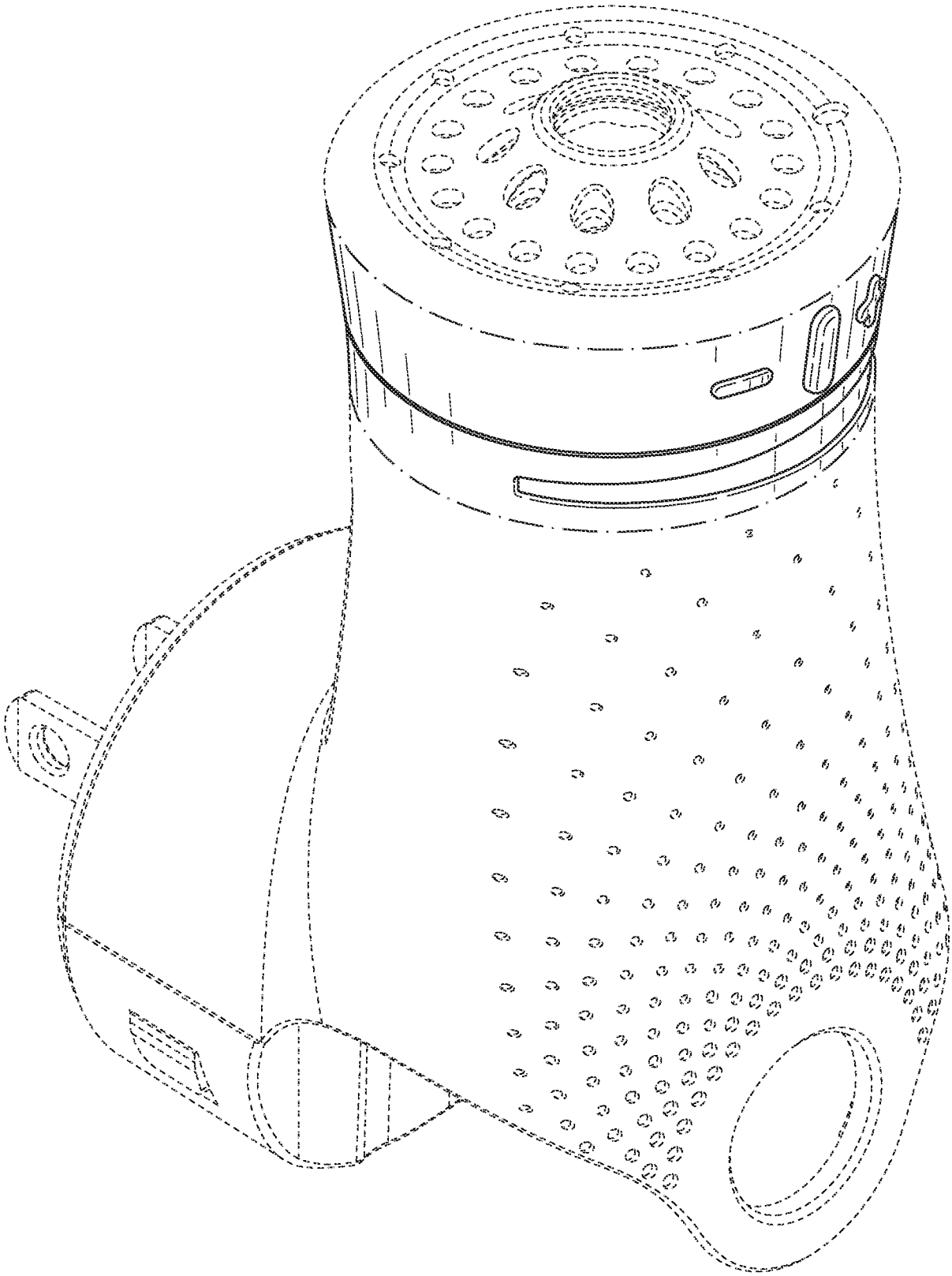


FIG. 2

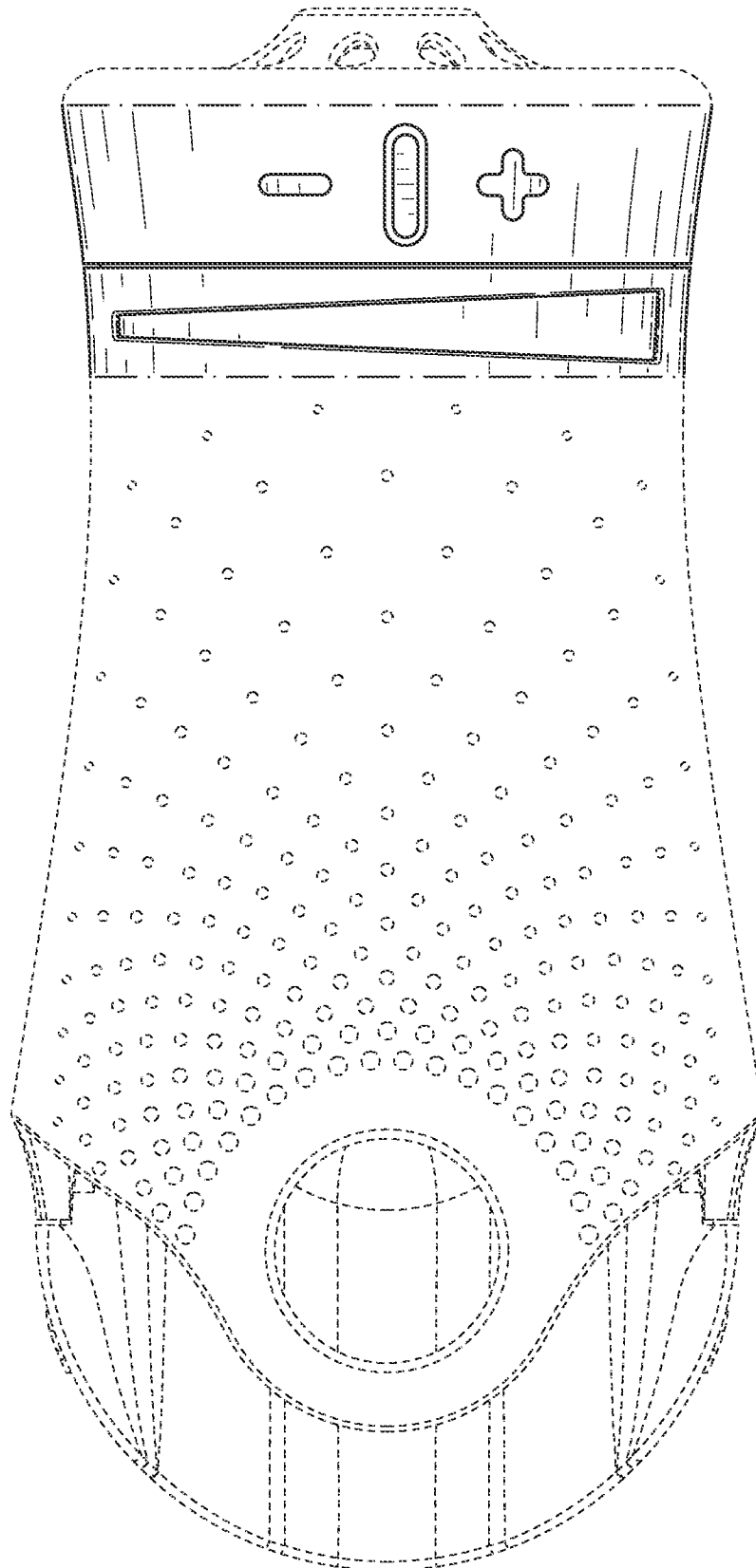


FIG. 3

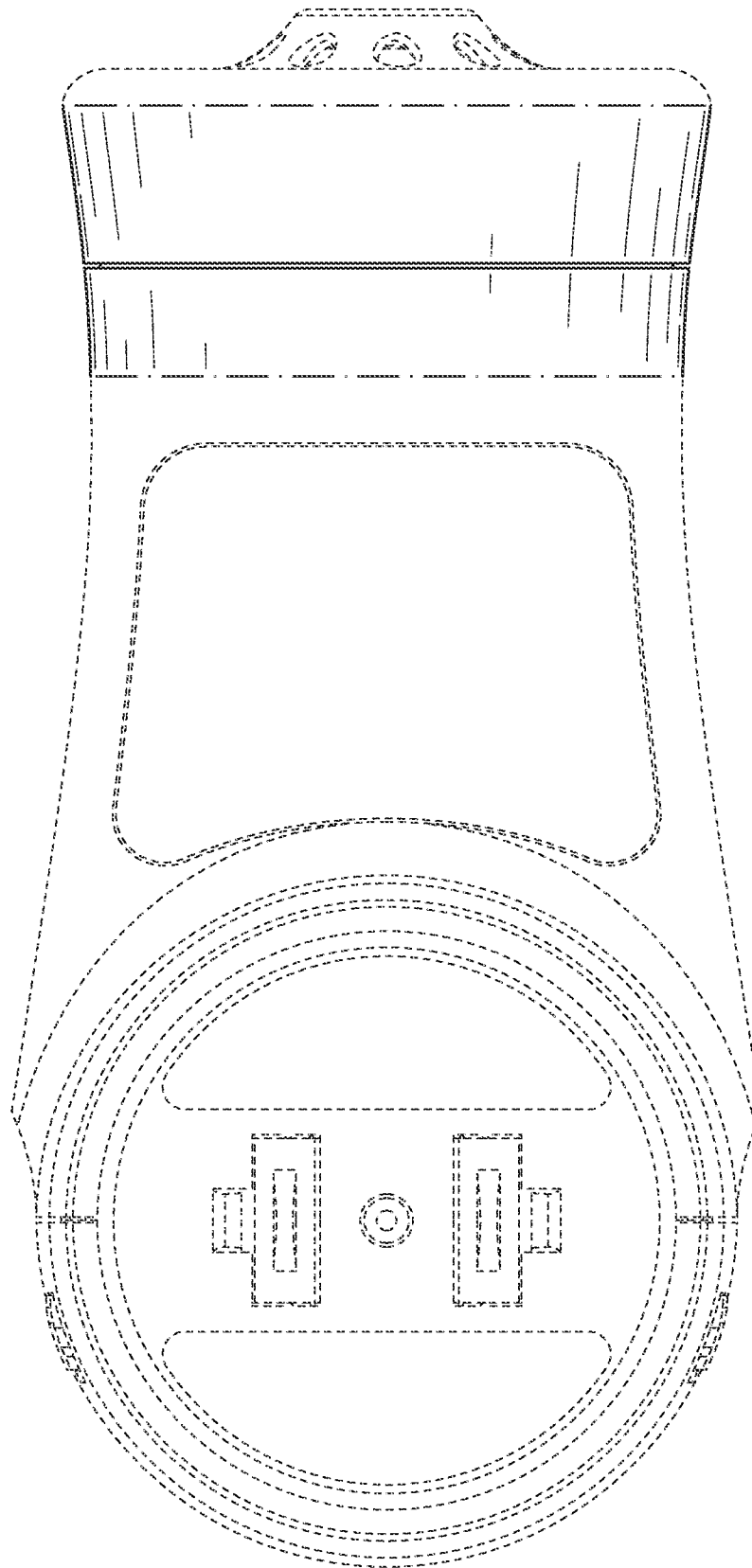


FIG. 4

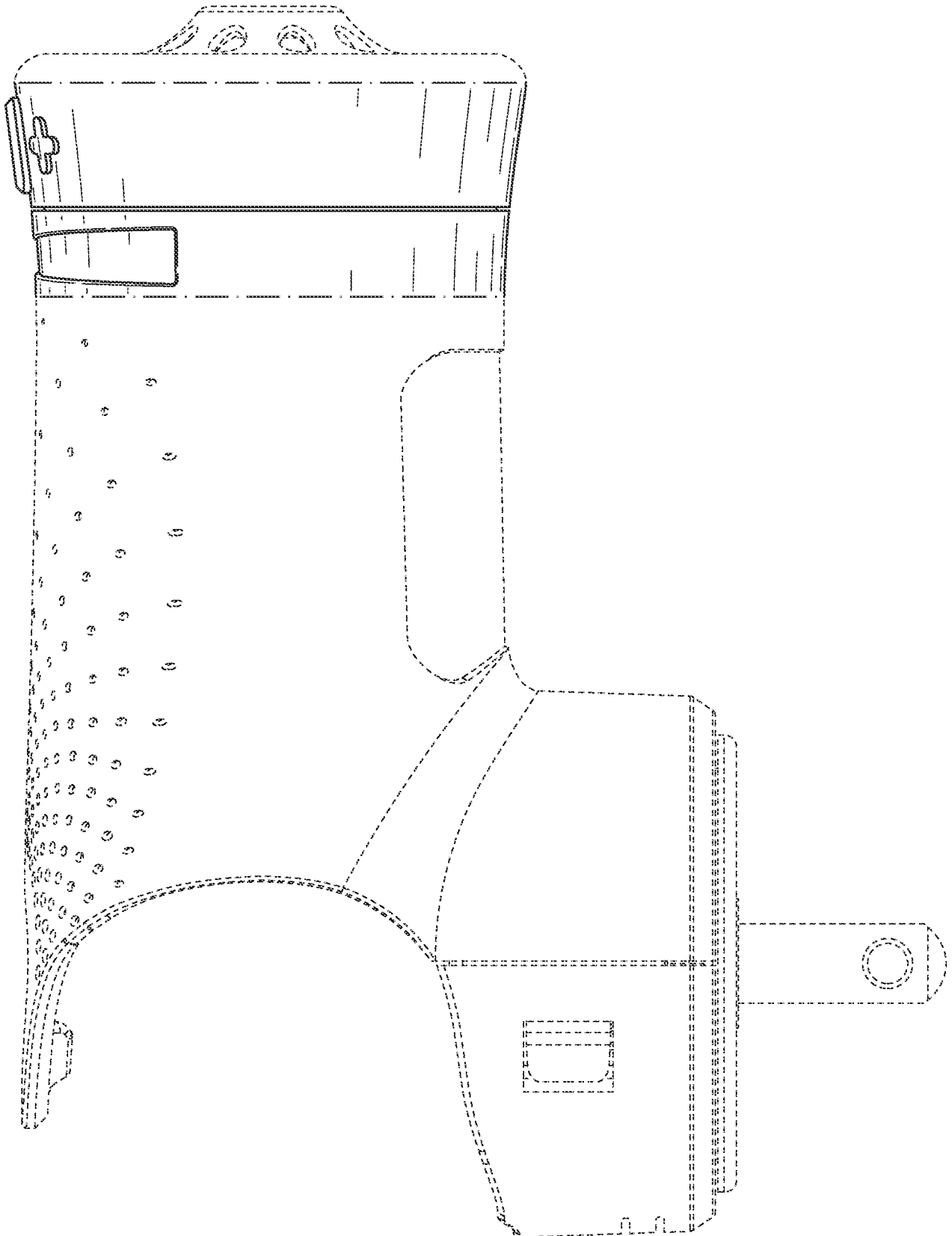


FIG. 5

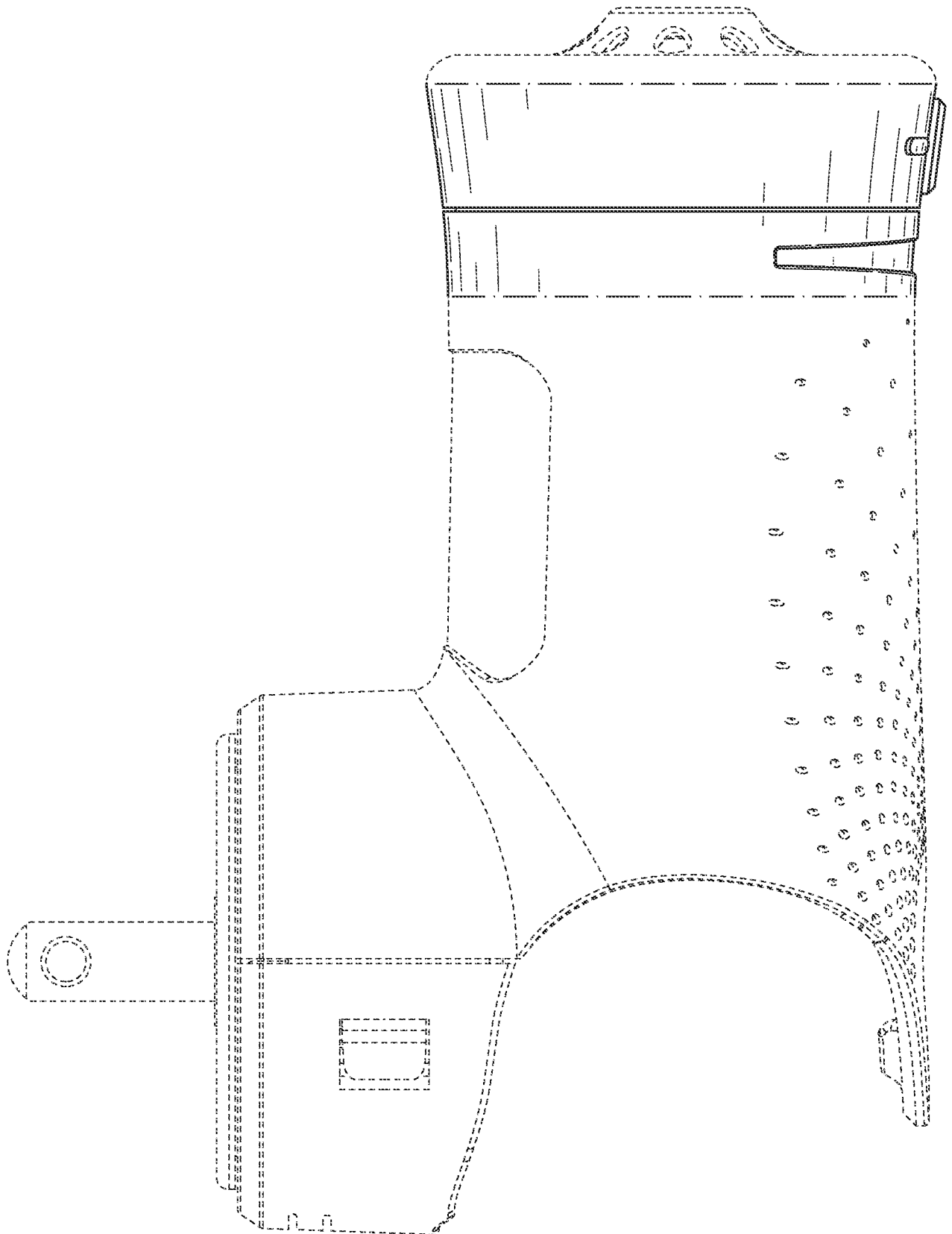


FIG. 6

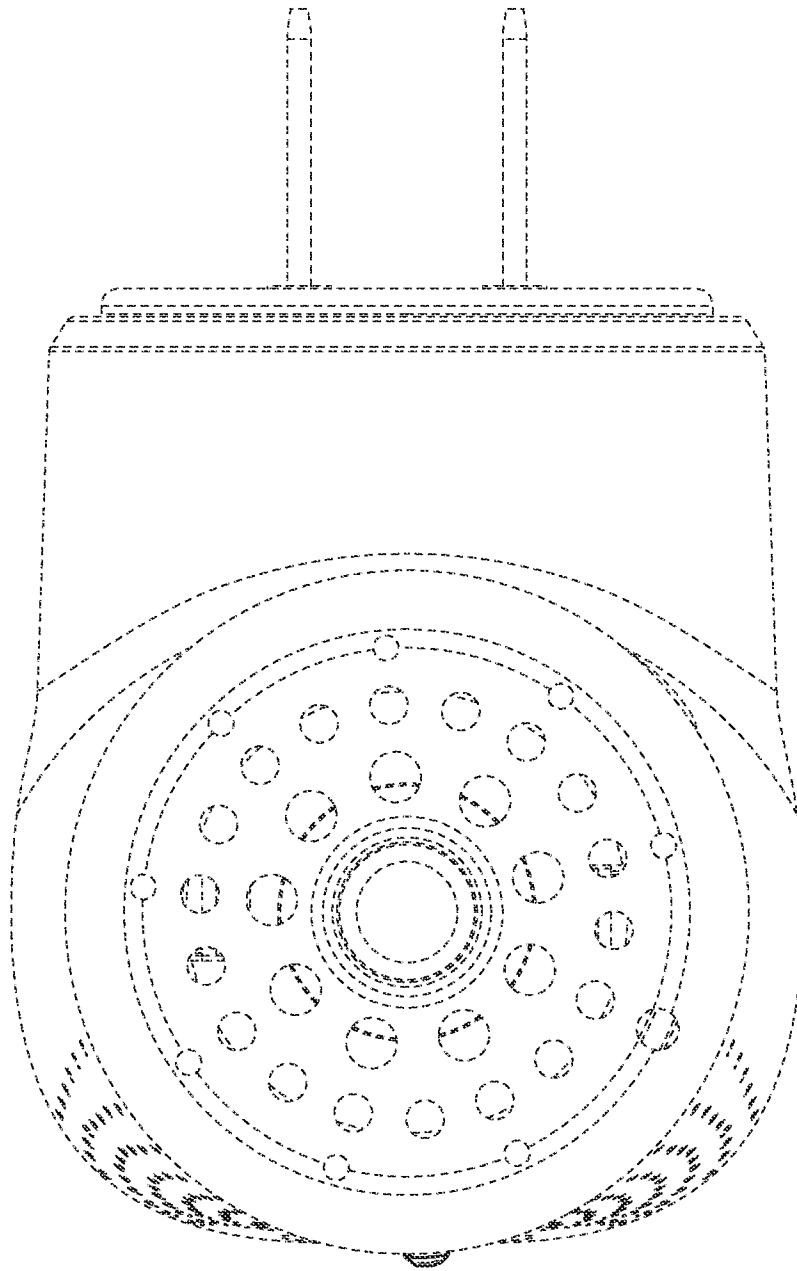


FIG. 7

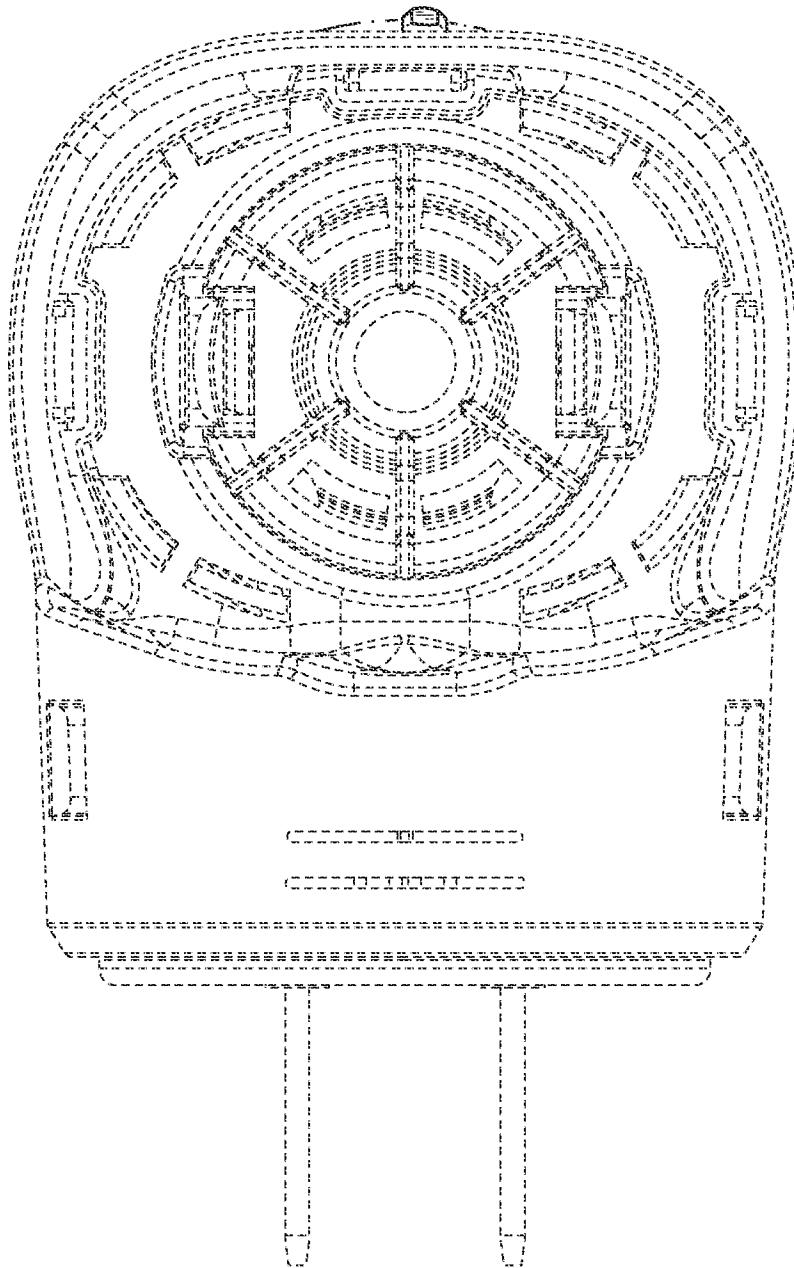


FIG. 8

WE CLAIM:

The ornamental design for a dispenser, as shown and described.