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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
29/856,109	10/11/2022	Kevin Bechtold	051892-1302	6904
104696	7590	06/10/2025	EXAMINER	
Foley & Lardner LLP			PAUL, SANJEEV	
Suite 600				
3000 K Street N.W.				
Washington, DC 20007-5109				
			ART UNIT	PAPER NUMBER
			2919	
			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):

ipdocketing@foley.com



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APPLICATION NO.	ISSUE DATE	PATENT NO.
29/856,109	10-Jun-2025	D1079003

Foley & Lardner LLP
Suite 600
Washington, DC 20007-5109

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.

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
29/856,109	10/11/2022	Kevin Bechtold	051892-1302	6904

TITLE OF INVENTION: FEMORAL IMPLANT COMPONENT

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	06/25/2025

EXAMINER	ART UNIT	CLASS-SUBCLASS
PAUL, SANJEEV	2919	D24-155000

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 **FOLEY & LARDNER LLP**

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

MAKO Surgical Corp.

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

Weston, Florida

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. **19-0741**

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 /David P. Britton/

Date May 7, 2025

Typed or printed name David P. Britton

Registration No. 76,629



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29/856,109	10/11/2022	Kevin Bechtold	051892-1302	6904
104696	7590	03/28/2025		
Foley & Lardner LLP Suite 600 3000 K Street N.W. Washington, DC 20007-5109			EXAMINER PAUL, SANJEEV	
			ART UNIT	PAPER NUMBER
			2919	
			NOTIFICATION DATE	DELIVERY MODE
			03/28/2025	ELECTRONIC

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

ipdocketing@foley.com

Letter Withdrawing a Notice Requiring Inventor's Oath or Declaration	Application No. 29/856,109	Applicant(s) Bechtold et al.

The Notice Requiring Inventor's Oath or Declaration mailed on 25 March 2025 was sent in error, and is hereby withdrawn. The time period set forth in the Notice of Allowance and Fee(s) Due to file a reply and pay the required fees continues to run from the mailing date of the Notice of Allowance and Fee(s) Due. Any time period set forth in the Notice of Allowability continues to run from the mailing date of the Notice of Allowability.

Questions relating to this Notice should be directed to the Application Assistance Unit at 571-272-4200.

Haimanot Christian
Quality Control Specialist
571-272-4200 or 1-888-786-0101
Patent Publication Branch
Office of Data Management



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NOTICE OF ALLOWANCE AND FEE(S) DUE

104696 7590 03/25/2025
Foley & Lardner LLP
Suite 600
3000 K Street N.W.
Washington, DC 20007-5109

EXAMINER

PAUL, SANJEEV

ART UNIT

PAPER NUMBER

2919

DATE MAILED: 03/25/2025

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
29/856,109	10/11/2022	Kevin Bechtold	051892-1302	6904

TITLE OF INVENTION: FEMORAL IMPLANT COMPONENT

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	06/25/2025

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

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

HOW TO REPLY TO THIS NOTICE:

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

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

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

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

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

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

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

PART B - FEE(S) TRANSMITTAL

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104696 7590 03/25/2025
Foley & Lardner LLP
Suite 600
3000 K Street N.W.
Washington, DC 20007-5109

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
29/856,109	10/11/2022	Kevin Bechtold	051892-1302	6904

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EXAMINER	ART UNIT	CLASS-SUBCLASS
PAUL, SANJEEV	2919	D24-155000

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(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.

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Authorized Signature _____

Date _____

Typed or printed name _____

Registration No. _____



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29/856,109	10/11/2022	Kevin Bechtold	051892-1302	6904
104696	7590	03/25/2025	EXAMINER	
Foley & Lardner LLP			PAUL, SANJEEV	
Suite 600			ART UNIT	
3000 K Street N.W.			PAPER NUMBER	
Washington, DC 20007-5109			2919	

DATE MAILED: 03/25/2025

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.

<i>Notice Requiring Inventor's Oath or Declaration</i>	Application No. 29/856,109	Applicant(s) Kevin Bechtold	
	Examiner PAUL, SANJEEV	Art Unit 2919	

This notice is an attachment to the Notice of Allowability (PTOL-37), or the Notice of Allowability For A Design Application (PTOL-37D).

An inventor's oath or declaration in compliance with 37 CFR 1.63 or 1.64 executed by or with respect to each inventor has not yet been submitted.

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 inventor (for any inventor for which a compliant oath, declaration, or substitute statement has not yet been submitted) **MUST** be filed no later than the date on which the issue fee is paid. See 35 U.S.C. 115(f). Failure to timely comply will result in ABANDONMENT of this application.

A properly executed inventor's oath to declaration has not been received for the following inventor(s):

If applicant previously filed one or more oaths, declarations, or substitute statements, applicant may have received an informational notice regarding deficiencies therein.

The following deficiencies are noted:

INFORMAL ACTION PROBLEMS

Questions relating to this Notice should be directed to the Application Assistance Unit at 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. 29/856,109	Applicant(s) Bechtold et al.	
	Examiner SANJEEV PAUL	Art Unit 2919	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 Applicant response dated 08/29/2024 .
- ☐ 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 10/11/2022 are accepted by the Examiner.
- (b) ☐ Drawing Figures filed on ____ and drawing Figures filed on ____ are accepted by the Examiner.
5. ☐ The claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f) is acknowledged.

Certified copies:

- a) ☐ All b) ☐ Some *c) ☐ None of the:
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 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: ____

/SANJEEV PAUL/
Primary Examiner, Art Unit 2919

Amendments to the Specification

Please amend the Specification following the “Description of the Figures” header thereof as follows:

The ornamental design which is claimed is shown in solid lines in the drawings. The broken lines in the drawings are for illustrative purposes only and form no part of the claimed design.

~~While the accompanying drawings illustrate one or more exemplary embodiments, it should be understood that according to other exemplary embodiments that should be considered to be within the possession of the inventors of the present application at the time this application is being filed, it is contemplated that any illustrated solid lines (or portions thereof) may be converted to broken lines and that any illustrated broken lines (or portions thereof) may be converted to solid lines so as to claim or disclaim portions, components, or sub-components of the designs shown. It is further contemplated that shading may be added or removed to claim or disclaim the corresponding surfaces.~~

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and the reasons that follow.

Rejections Under 35 U.S.C. § 112

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

By this Amendment and Reply, without acquiescing to the rejections and in the interest of advancing prosecution, Applicant has amended the Specification in accordance with the Examiner's suggestions outlined in the Office Action. Favorable reconsideration and withdrawal of the rejections of the Claim under 35 U.S.C. § 112 is respectfully requested.

Rejections Under 35 U.S.C. § 103

The Claim was rejected under 35 U.S.C. § 103 as allegedly being unpatentable over US Patent Publication No. 2010/0305710 ("Metzger").

Applicant respectfully disagrees and traverses this rejection. According to the "Updated Guidance and Examination Instructions for Making a Determination of Obviousness in Designs in Light of LKQ Corp. v. GM Global Technology Operations LLC" issued May 22, 2024, (the "Updated Guidance") a flexible approach to obviousness should be made including the following factual inquiries:

1. The scope and content of the prior art;
2. Differences between the prior art and the design as claimed at issue;

3. The level of ordinary skill in the art; and
4. The relevance of any secondary considerations as indicia of obviousness or nonobviousness.

(Updated Guidance, pg. 2).

After performing each of the above factual inquiries, the examiner “must evaluate the obviousness or nonobvious of the claimed design.” (*Id.* at pg. 3). There “must [also] be some record-supported reason (without impermissible hindsight) that an ordinary designer in the field of the article of manufacture would have modified the primary reference with the feature(s) from the secondary reference(s) to create the same overall appearance as the claimed design.” (*Id.*)

Applicant respectfully submits that:

- (i) under the second factual inquiry the Examiner has failed to identify several features of the claimed design which are different from the relied upon references;
- (ii) the cited references do not include at least some of the features of the claimed design; and
- (iii) there is not a record-supported reason to modify the reference to obtain the same overall visual appearance as the claimed design.

For the reasons articulated below, Applicant respectfully submits that the rejection under 35 U.S.C. § 103 is unsupported and should be withdrawn.

A representative image of Metzger is shown below next to certain of the currently pending Figures in different examples to illustrate the novelty in the overall appearance of the claimed design.

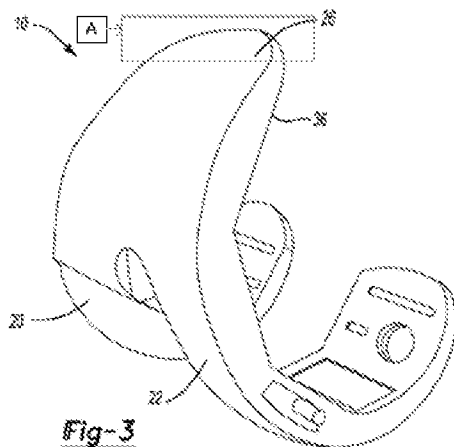


Figure 3 of Metzger

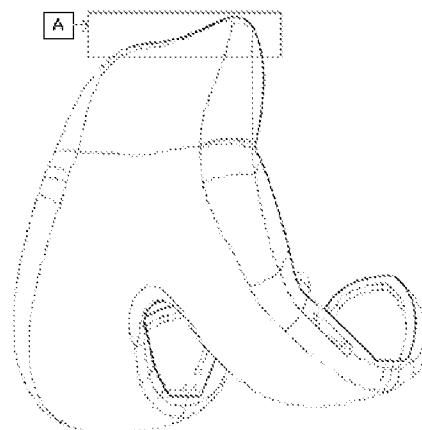


Figure 4 of the Application

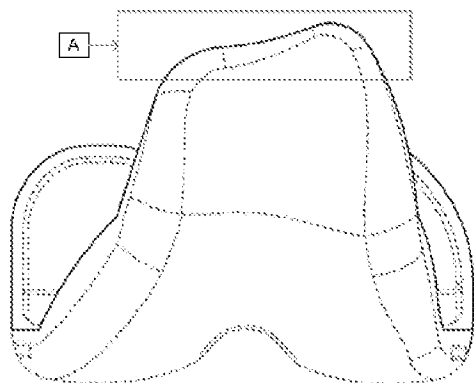


FIG. 8

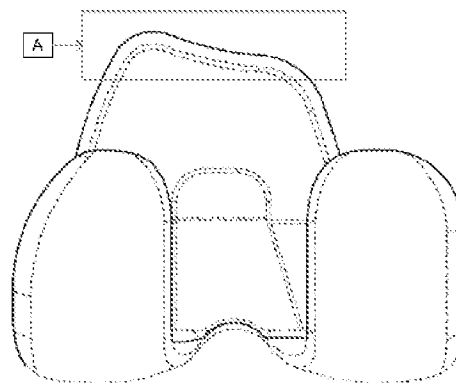


FIG. 9

Figures 8 and 9 of the Application

For the sake of argument, analogizing Feature [A] of the Application to Feature [A] of Metzger, it is clear that the claimed design has at least one other feature not shown in Metzger. In addition, the design of Feature [A] of the Application is not anticipated by Metzger.

Feature [A] of Metzger is a curved edge of the femoral implant component that (i) is symmetrical about the center of the implant and (ii) extends the furthest at the center (i.e., convex curvature). In contrast, Feature [A] of the Application is a curved edge of the femoral

implant component that (i) is not symmetrical about the center of the implant and (ii) clearly extends the furthest on one side (e.g., has an irregular contour including a slightly concave appearance). Feature [A] of Metzger and Feature [A] of the Application are shown side-by-side above for comparison. In addition, Feature [A] of the Application is shown in additional views to further demonstrate the differences in features.

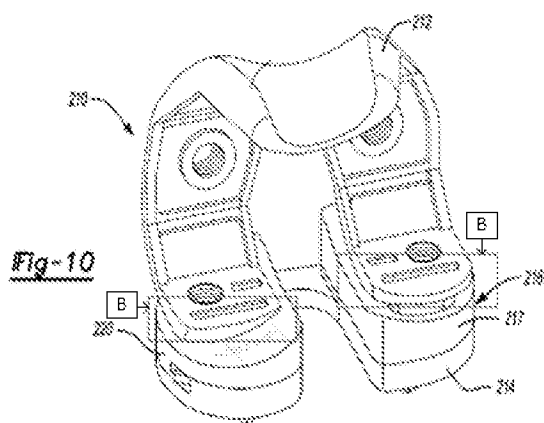


Figure 10 of Metzger

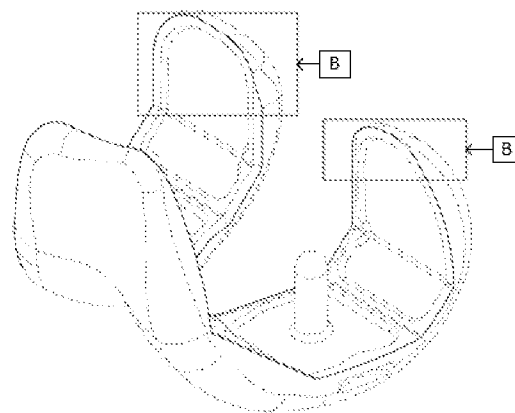


FIG. 1

Figure 1 of the Application

For the sake of argument, analogizing Feature [B] of the Application to Feature [B] of Metzger, it is clear that the claimed design has at least one other feature not shown in Metzger. In addition, the design of Feature [B] of the Application is not anticipated by Metzger.

Feature [B] of Metzger represents two legs of the implant, which include two edge corners on each leg (see sharp corners facing each other at the end of each condyle). In contrast, Feature [B] of the Application represents an ornamentally different visual design for the legs of the implant. Specifically, each leg of Feature [B] of the application includes at least one rounded edge on the leg of the implant (i.e., different curvature/contour at the ends of each condyle as compared to Metzger).

These and other differences are apparent in the ornamental design of the present application as compared to Metzger, i.e., there are several features of the claimed design which

are different than the relied-upon references. No secondary reference is cited, and no detailed rationale is provided as to why an ordinary designer in the field would have changed Metzger to add the different features of the ornamental design of the present application. Accordingly, by looking at these features and designs as a whole, Applicant respectfully submits that the Section 103 is improper and should be withdrawn. Favorable reconsideration and withdrawal of the rejection of the Claim under 35 U.S.C. § 103 is respectfully requested.

Concluding Remarks

Each outstanding objection and rejection to the present application has been overcome and the present application is in condition for allowance.

Although Applicant may have only addressed certain claims or claimed features herein, other claims, features, or combinations of features may also be patentable for additional reasons. Further, a failure to address any statement by the Examiner should not be interpreted as acquiescence or agreement with such statement. Applicant expressly reserves the right to rebut any statement presented by the Examiner and to set forth additional and/or alternative reasons for patentability during prosecution of the present application or in any other future proceeding.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would facilitate examination.

Respectfully submitted,

Date August 29, 2024

By /David P. Britton/

FOLEY & LARDNER LLP
Customer Number: 104696
Telephone: (414) 319-7107
Facsimile: (414) 297-4900

David P. Britton
Attorney for Applicant
Registration No. 76,629

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Inventor Name: Kevin Bechtold
Title: FEMORAL IMPLANT COMPONENT
Appl. No.: 29/856,109
Filing Date: 10/11/2022
Examiner: HANSON, CHARLES D
Art Unit: 2918
Confirmation Number: 6904

AMENDMENT AND REPLY UNDER 37 CFR 1.111

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

Commissioner:

This communication is responsive to the non-final Office Action mailed June 10, 2024, concerning the above-referenced patent application.

Amendments to the Specification are on page 2 of this document.

Remarks begin on page 3 of this document.

The Commissioner is hereby authorized to charge any additional fees which may be required for this application to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extensions under 37 CFR § 1.136.



UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
29/856,109	10/11/2022	Kevin Bechtold	051892-1302	6904
104696	7590	06/10/2024		
Foley & Lardner LLP Suite 600 3000 K Street N.W. Washington, DC 20007-5109			EXAMINER HANSON, CHARLES D	
			ART UNIT	PAPER NUMBER
			2918	
			NOTIFICATION DATE	DELIVERY MODE
			06/10/2024	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):

ipdocketing@foley.com

Notice of Pre-AIA or AIA Status

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

DETAILED ACTION

Claim Rejection under 35 USC § 103

1. The claim is rejected under 35 U.S.C. 103 as being unpatentable over US Patent Application Publication No. 2010/0305710 to Metzger et.al. 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.
2. The claimed design consists of the line edge of the Implant in solid line in the drawings. The prior art shows the same line as part of the invention, over which the claim is not patentable.
3. It is well settled that it is unobviousness in the overall appearance of the claimed design, when compared with the prior art, rather than minute details or small variations in design as appears to be the case here, that constitutes the test of design patentability. See *In re Frick*, 275 F.2d 741, 125 USPQ 191 (CCPA 1960) and *In re Lamb*, 286 F.2d 610, 128 USPQ 539 (CCPA 1961).

Claim Rejection under 35 USC § 112

4. The claim is rejected under 35 U.S.C. 112(a) and (b) or pre-AIA 35 U.S.C. 112, first and second paragraphs, as the claimed invention is not described in such full, clear,

concise and exact terms as to enable any person skilled in the art to make and use the same, and fails to particularly point out and distinctly claim the subject matter which the inventor or a joint inventor (or, for applications subject to pre-AIA 35 U.S.C. 112, the applicant) regards as the invention.

5. The claim is indefinite and nonenabling because language in the special description suggests versions or embodiments of the claimed design that are not shown in the disclosure.

Conclusion

6. The claim stands rejected under 35 USC § 103 and 35 USC § 112 for the reasons given above.

Contact Information

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles D. Hanson whose telephone number is 571-272-4312. The examiner can normally be reached between 10:00am - 4:00pm.

8. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vy Koenig can be reached on 571-272-7954. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic

Art Unit: 2918

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/CHARLES D HANSON/

Primary Examiner, Art Unit 2918



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
29/856,109	10/11/2022	Kevin Bechtold	051892-1302

CONFIRMATION NO. 6904

INFORMAL NOTICE



104696
Foley & Lardner LLP
Suite 600
3000 K Street N.W.
Washington, DC 20007-5109

Date Mailed: 10/14/2022

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) as named on the application data sheet:

Kartik Mangudi Varadarajan

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).

If the name of the inventor provided on the ADS is not correct, applicant must submit a request to correct the inventor name according to 37 CFR 1.48(f), accompanied by the appropriate fee under 37 CFR 1.17(i) and a corrected ADS in compliance with 37 CFR 1.76(c), i.e., identifying the information that is being changed with underlining for insertions, and strike-through or brackets for text removed.

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.

/fhadara/

APPLICATION FOR UNITED STATES DESIGN PATENT

INVENTORS: Kevin Bechtold, Ali Abbasi, Amit Mistry, Mark Nadzadi, Jason Otto,
Kartik Mangudi Varadarajan, Dr. Tom Coon, Dr. Ken Gustke, Dr. Richard
Illgen, Dr. Stefan Kreuzer, Dr. Carlos Lavernia, Dr. Martin Roche,
Dr. Harry Rubash

TITLE: FEMORAL IMPLANT COMPONENT

ATTORNEY: Jeffrey S. Gundersen
FOLEY & LARDNER LLP
Customer Number: 104696
TELEPHONE: (414) 297-5897

ATTY DOCKET: 051892-1302

PREAMBLE

Be it known that we, Kevin Bechtold, Ali Abbasi, Amit Mistry, Mark Nadzadi, Jason Otto, Kartik Varadarajan, Tom Coon, Ken Gustke, Richard Illgen, Stefan Kreuzer, Carlos Lavernia, Martin Roche, and Harry Rubash, have invented a new, original, and ornamental design for a femoral implant component, with reference being made to the accompanying drawings forming a part hereof.

CROSS-REFERENCE TO RELATED APPLICATIONS

This is a divisional of U.S. Application No. 29/688,453, filed April 22, 2019, which is a divisional of U.S. Application No. 29/544,891, filed November 6, 2015, which is a divisional of U.S. Application No. 29/466,148, filed September 4, 2013, each of which is incorporated herein by reference in its entirety. U.S. Application No. 29/466,148 is a continuation-in-part of U.S. Application No. 13/340,636, filed December 29, 2011, which is incorporated herein by reference in its entirety. U.S. Application No. 29/466,148 is also a continuation-in-part of U.S. Application No. 13/340,645, filed December 29, 2011, which is incorporated herein by reference in its entirety.

DESCRIPTION OF THE FIGURES

Figure 1 is a front perspective view from above of the claimed design;
Figure 2 is a left side perspective view from above of the claimed design of Figure 1;
Figure 3 is a right side perspective view from above of the claimed design of Figure 1;
Figure 4 is a front perspective view from below left of the claimed design of Figure 1;
Figure 5 is front perspective view from below right of the claimed design of Figure 1;
Figure 6 is a top view of the claimed design of Figure 1;
Figure 7 is a bottom view of the claimed design of Figure 1;
Figure 8 is a front view of the claimed design of Figure 1;

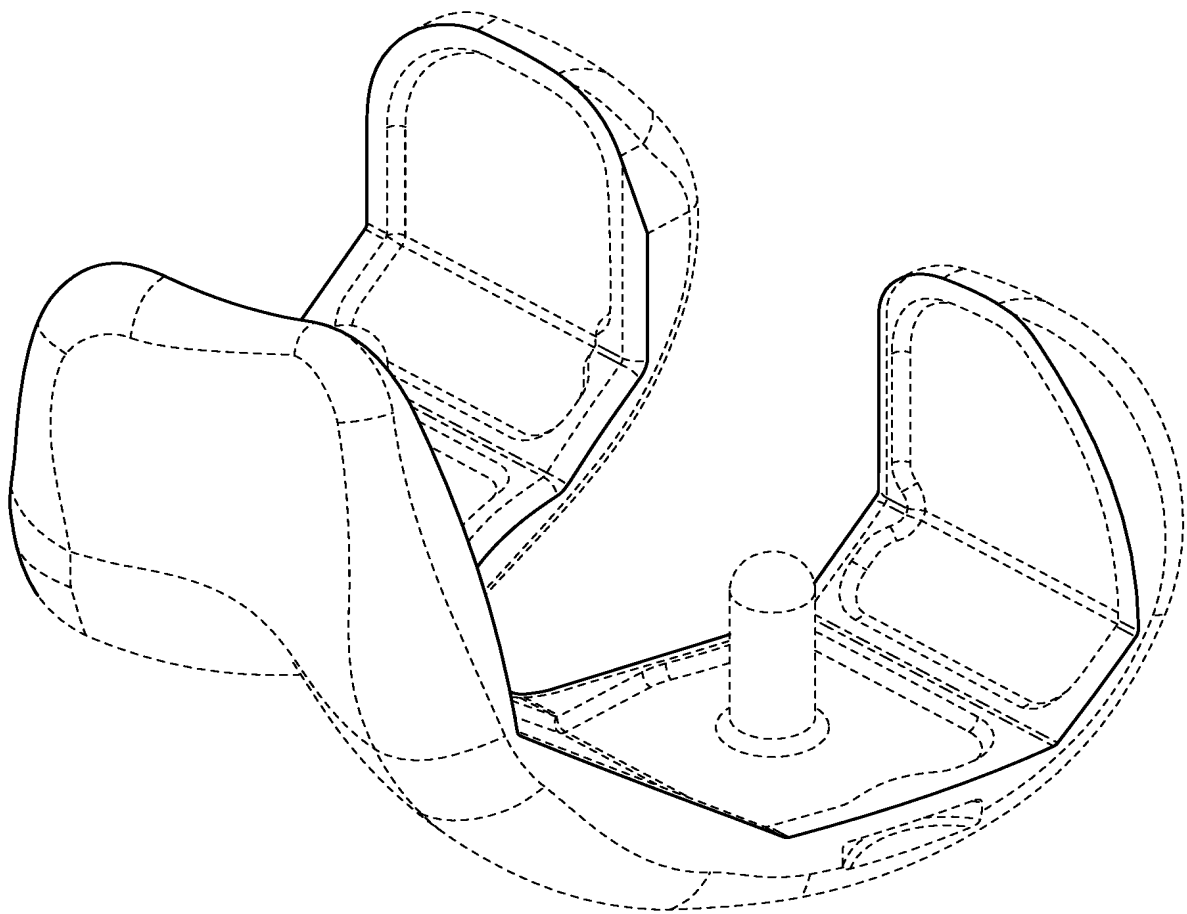


FIG. 1

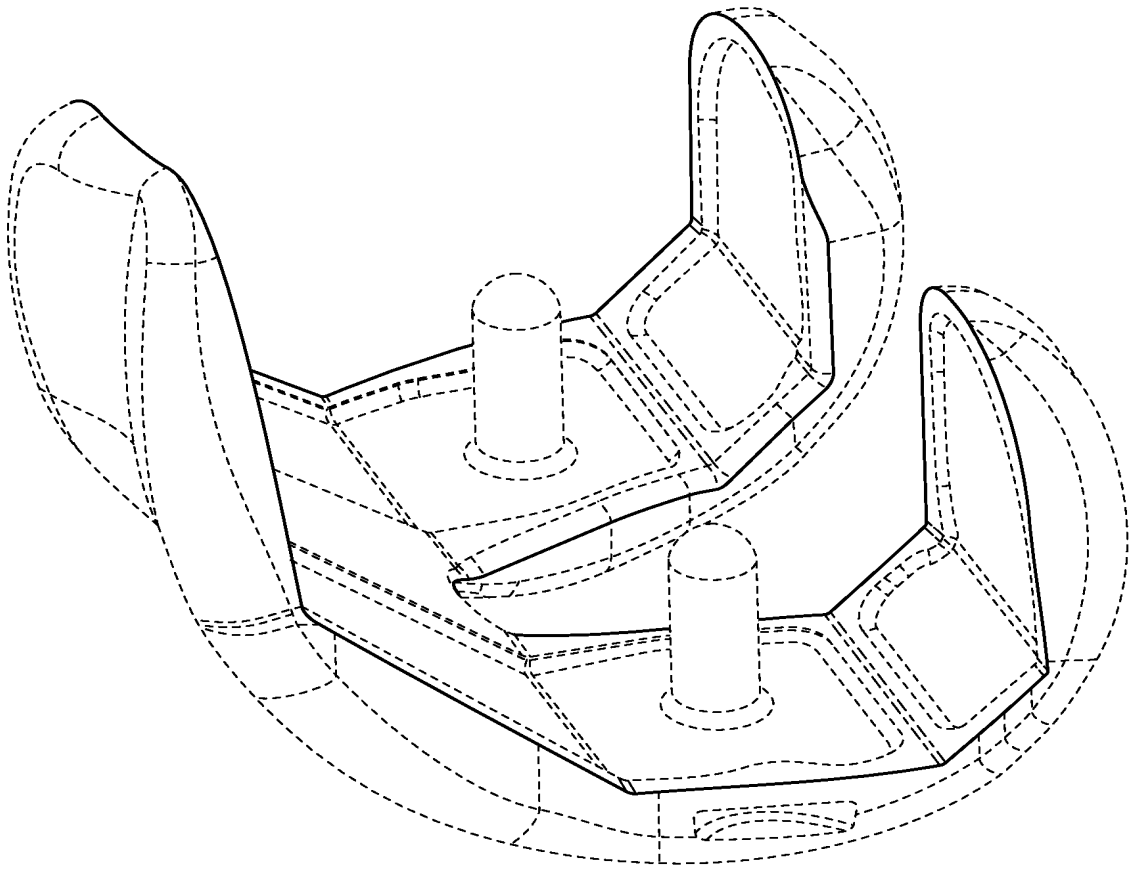


FIG. 2

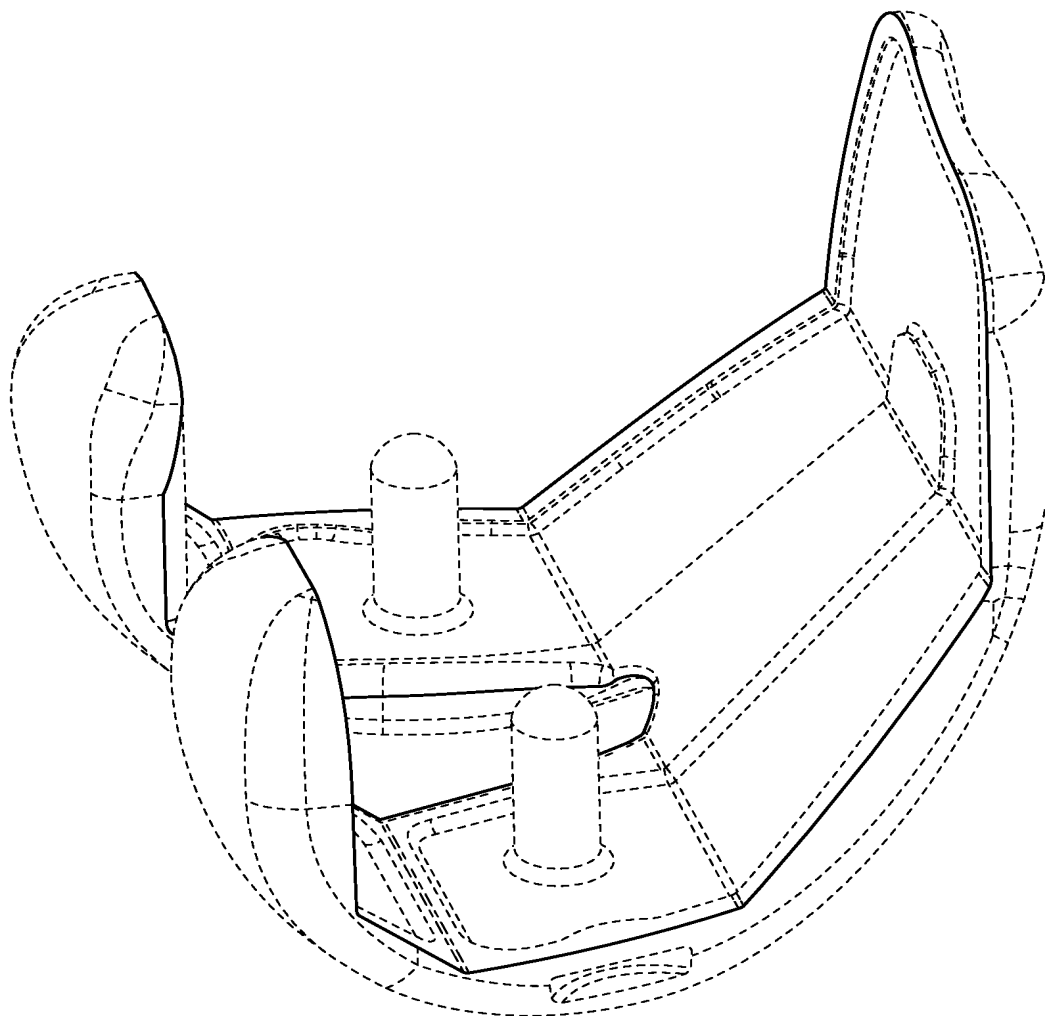


FIG. 3

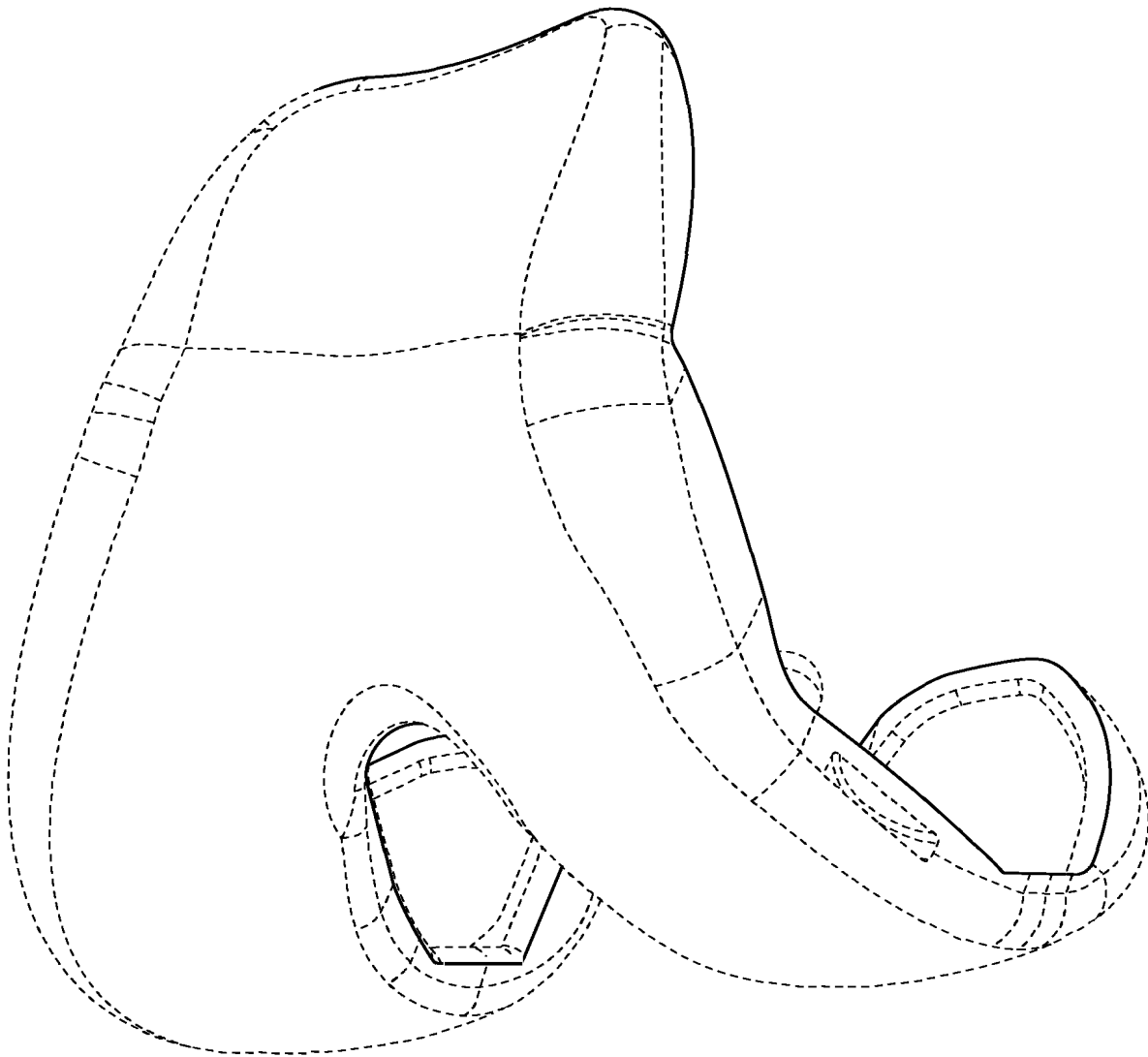


FIG. 4

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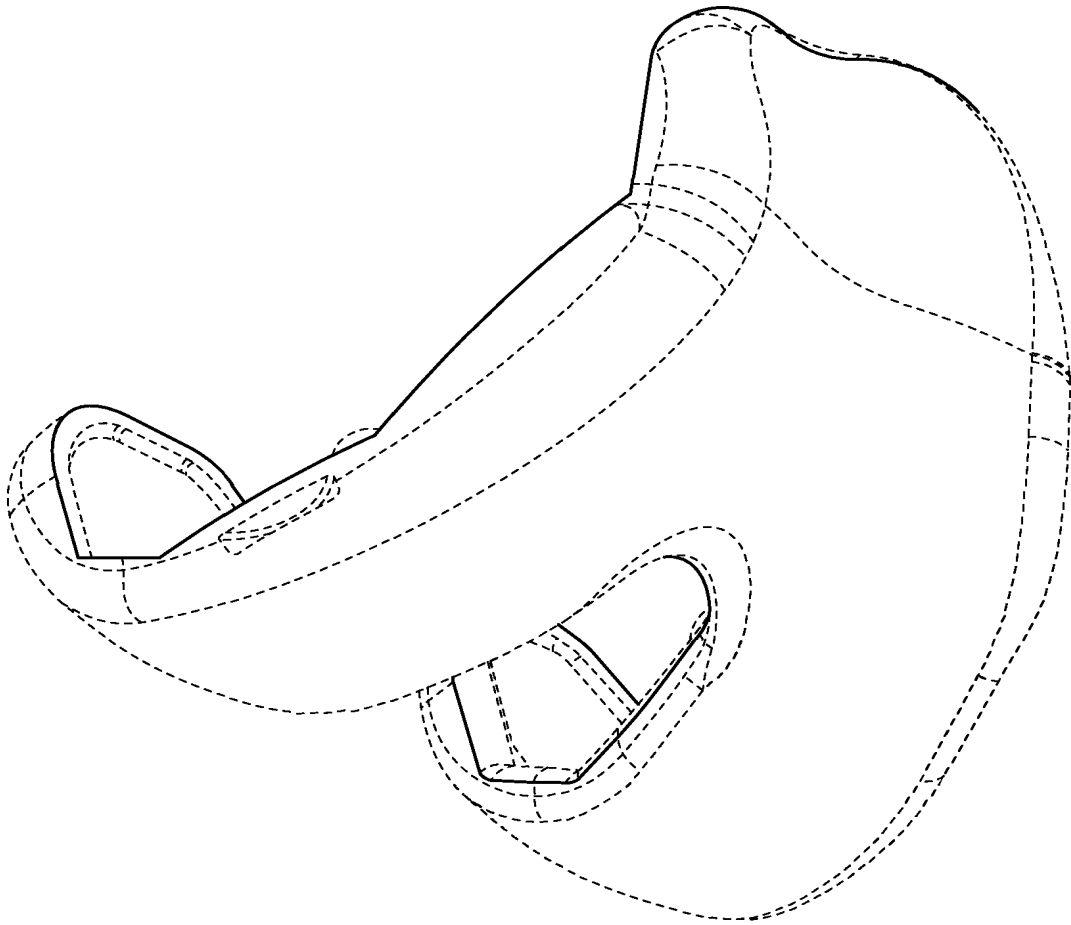


FIG. 5

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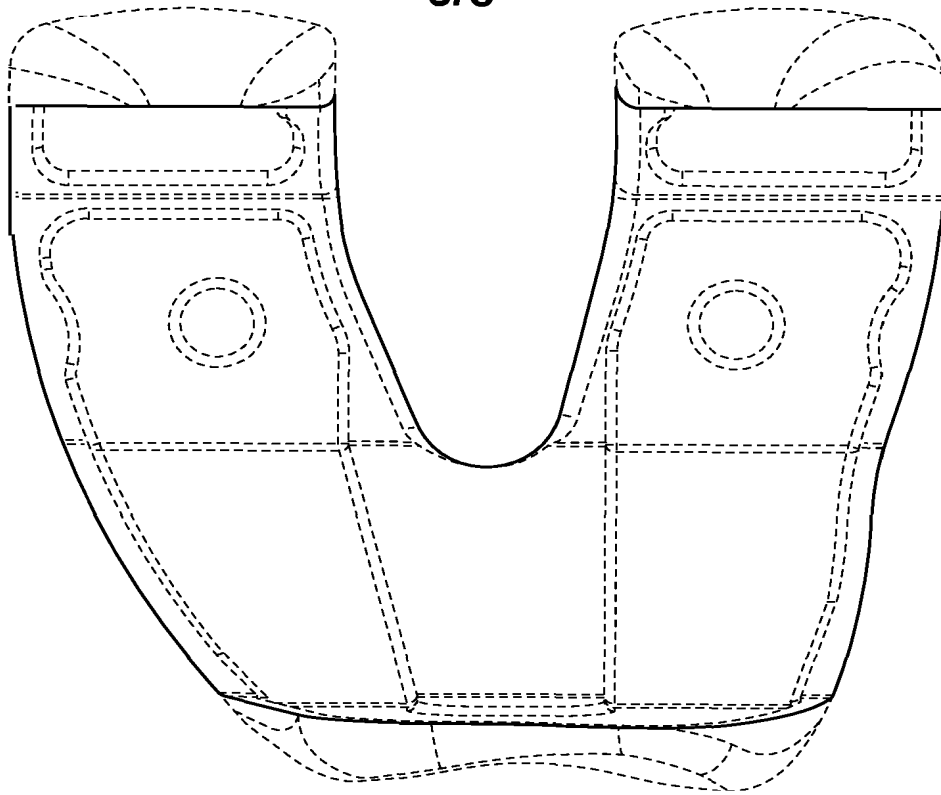


FIG. 6

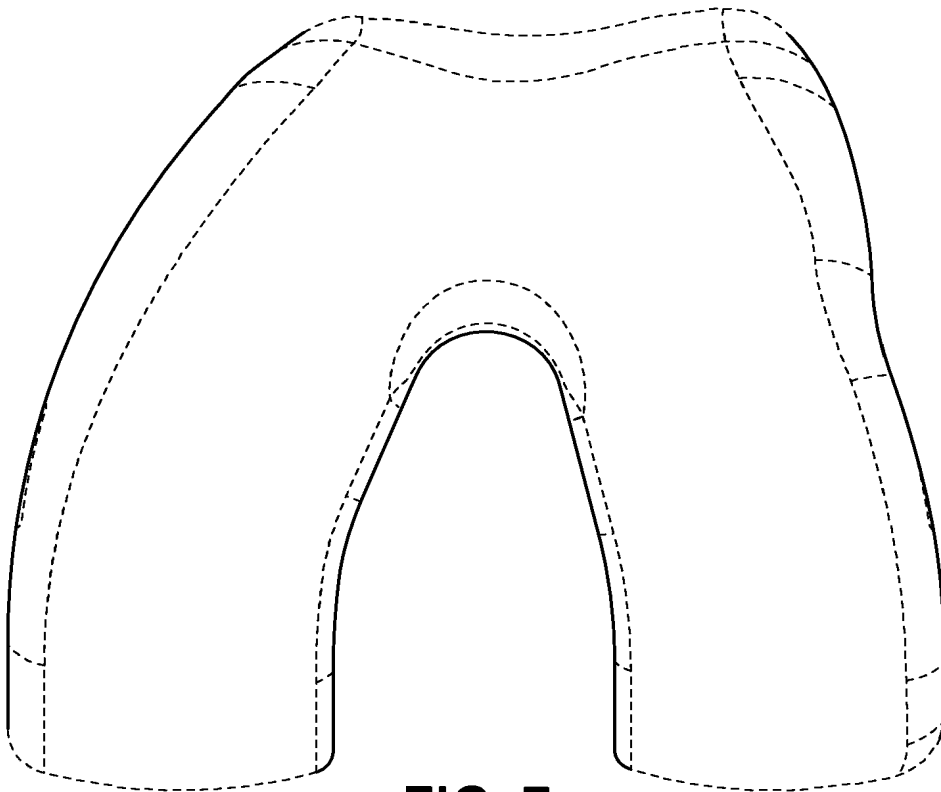


FIG. 7

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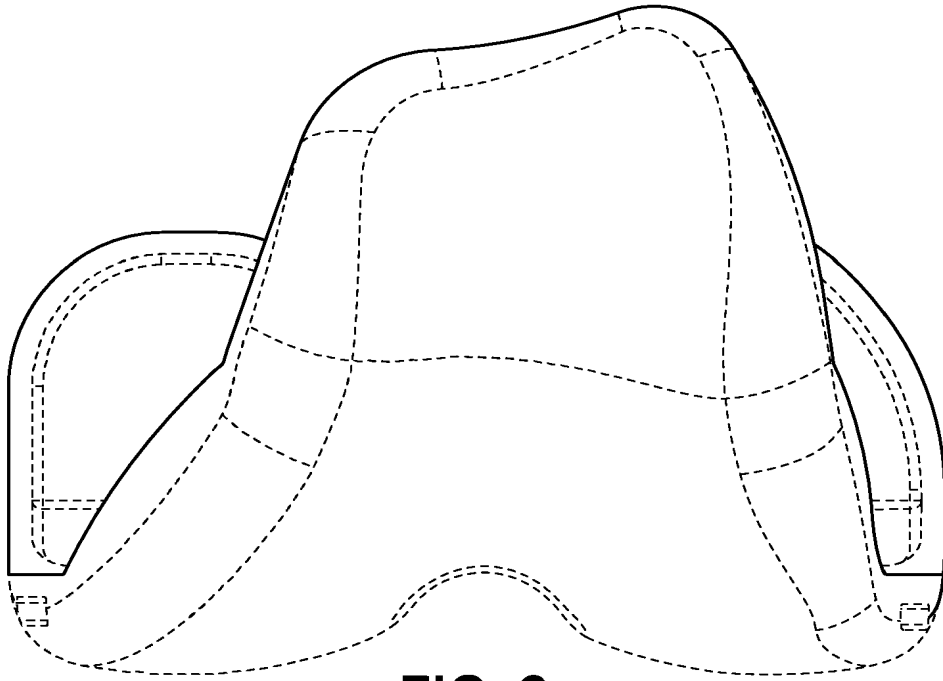


FIG. 8

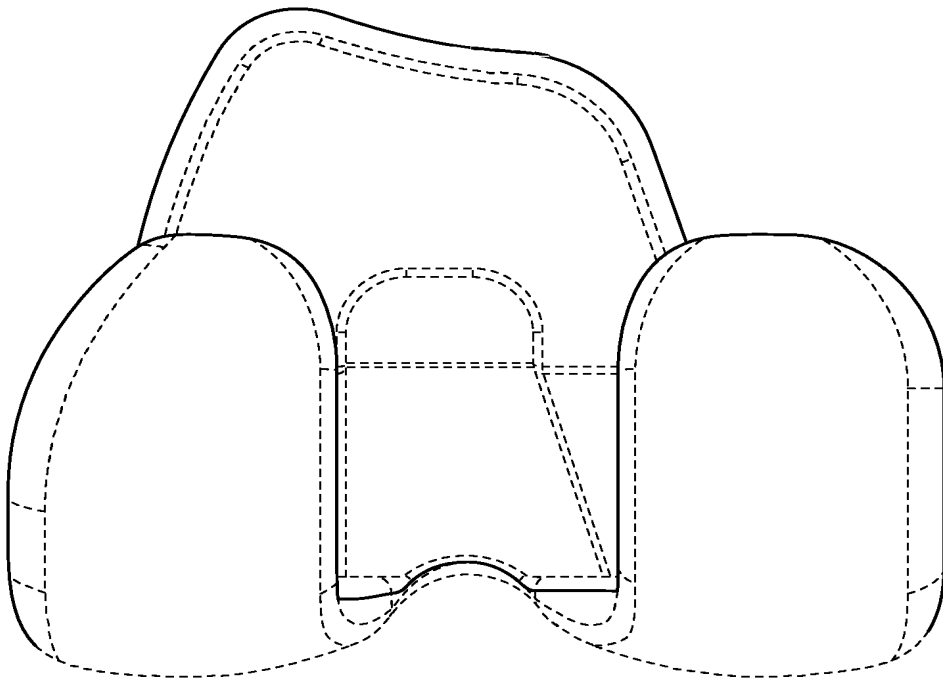


FIG. 9

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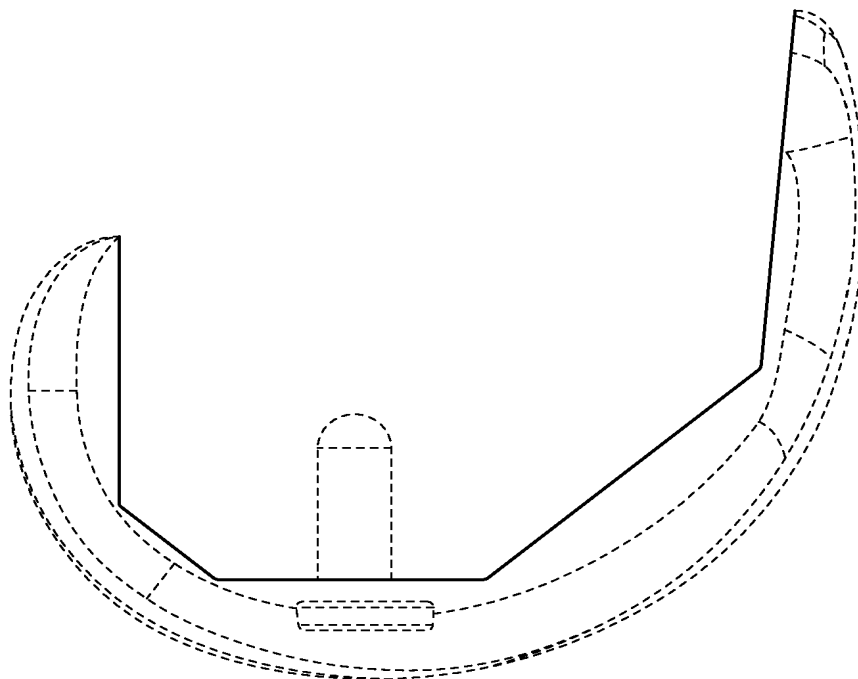


FIG. 10

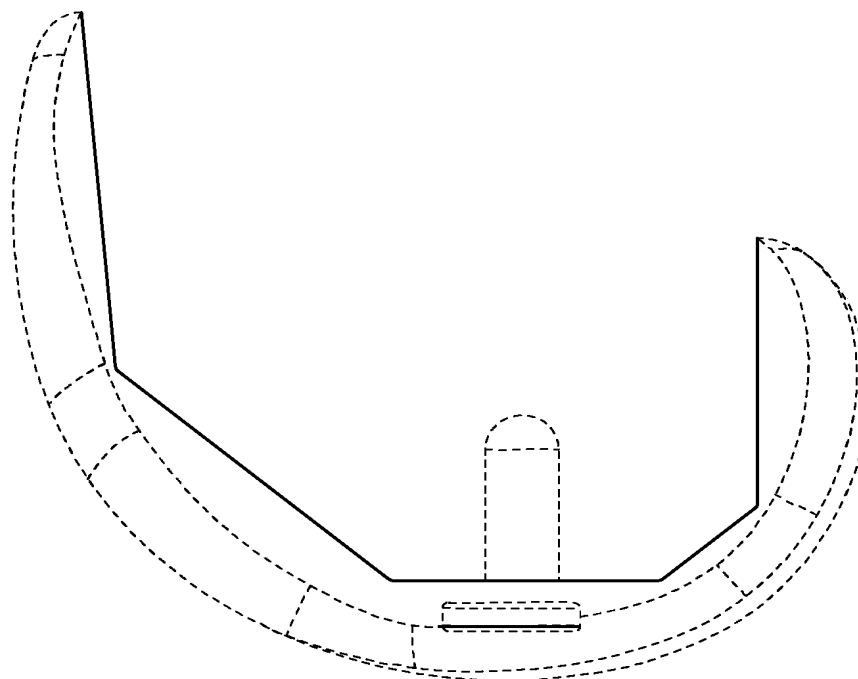


FIG. 11

Figure 9 is a rear view of the claimed design of Figure 1;

Figure 10 is a right side view of the claimed design of Figure 1;

Figure 11 is a left side view of the claimed design of Figure 1.

The ornamental design which is claimed is shown in solid lines in the drawings. The broken lines in the drawings are for illustrative purposes only and form no part of the claimed design.

While the accompanying drawings illustrate one or more exemplary embodiments, it should be understood that according to other exemplary embodiments that should be considered to be within the possession of the inventors of the present application at the time this application is being filed, it is contemplated that any illustrated solid lines (or portions thereof) may be converted to broken lines and that any illustrated broken lines (or portions thereof) may be converted to solid lines so as to claim or disclaim portions, components, or sub-components of the designs shown. It is further contemplated that shading may be added or removed to claim or disclaim the corresponding surfaces.

CLAIM

We claim the ornamental design for a femoral implant component as shown and described.