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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
29/867,397	10/24/2022	Andreas Papenfuss	BMLP.D020 20/4025695	8428
69842	7590	06/24/2025		
Oppedahl Patent Law Firm LLC -- BMLP			EXAMINER	
P O Box 351240			DAVID, ALEXANDER JOSEPH	
Westminster, CO 80035				
			ART UNIT	PAPER NUMBER
			2938	
			NOTIFICATION DATE	DELIVERY MODE
			06/24/2025	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):

docket-oppedahl@oppedahl.com
info@patentanwaltskanzlei-wuppertal.de
mail-log@oppedahl.com



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APPLICATION NO.	ISSUE DATE	PATENT NO.
29/867,397	24-Jun-2025	D1080693

Oppedahl Patent Law Firm LLC -- BMLP
P O Box 351240
Westminster, CO 80035

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>



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Alexandria, VA 22313 - 1450
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ISSUE FEE TRANSMITTAL FORM

APPLICATION #	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET #
29867397	10/24/2022	Andreas Papenfuss	BMLP.D020 20/4025695

Title of Invention

Creative tool

Application Information

APPLICATION TYPE	Nonprovisional Application under 35 USC 171	DATE DUE	07/16/2025
CONFIRMATION #	8428	ISSUE FEE DUE	\$ 1300
EXAMINER	ALEXANDER DAVID	PUBLICATION DUE	\$ 0
GROUP ART UNIT	2938	TOTAL FEES DUE	\$1300
CLASS - SUBCLASS	D15/066000	PREV. PAID FEE	\$ 0
ENTITY STATUS	Regular Undiscounted		

1. CHANGE OF CORRESPONDENCE ADDRESS AND/OR INDICATION OF FEE ADDRESS (37 CFR 1.33 & 1.363)

Correspondence Address

CURRENT ADDRESS

Maintenance Fee Address

CURRENT ADDRESS

☐

Change of correspondence address
requested, system generated AIA/122-PC form
attached

☐

Fee address indication requested, system
generated SB/47-PC form attached

2. ENTITY STATUS

Change in Entity Status

NEW STATUS

3. THE FOLLOWING FEES ARE SUBMITTED

☒

Issue Fee

☒

Publication Fee

4. FEE AUTHORIZATION

☐

I authorize USPTO to apply my previously paid issue fee to the current fees due

☐

The Director is hereby authorized to apply my previously paid issue fee to the current fee due and to charge
deficient fees to Deposit Account Number:

☐

If in addition to the payment of the issue fee amount submitted with this form, there are any discrepancies in
any amount(s) due, the Director is authorized to charge any deficiency, or credit any overpayment, to Deposit
Account Number:

5. FIRM AND/OR ATTORNEY NAMES TO BE PRINTED

NOTE: If no name is listed, no name will be printed

For printing on the patent front page, list to be displayed as entered

Oppedahl Patent Law Firm LLC

6. ASSIGNEE NAME(S) AND RESIDENCE DATA TO BE PRINTED

NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been
filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

Signature

I certify, in accordance with 37 CFR 1.4(d)(4) that I am an attorney or agent registered to practice before the Patent and Trademark Office who has filed and has been granted power of attorney in this application. I also certify that this Fee(s) Transmittal form is being transmitted to the USPTO via Patent Center on the date indicated below.

Signature	Name	Registration #	Date
/s/	carl oppedahl	32746	05/16/2025



UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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NOTICE OF ALLOWANCE AND FEE(S) DUE

69842 7590 04/16/2025
Oppedahl Patent Law Firm LLC -- BMLP
P O Box 351240
Westminster, CO 80035

EXAMINER

DAVID, ALEXANDER J

ART UNIT

PAPER NUMBER

2938

DATE MAILED: 04/16/2025

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
29/867,397	10/24/2022	Andreas Papenfuss	BMLP.D020 20/4025695	8428

TITLE OF INVENTION: Creative tool

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	07/16/2025

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.

69842 7590 04/16/2025
Oppedahl Patent Law Firm LLC -- BMLP
P O Box 351240
Westminster, CO 80035

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.
29/867,397	10/24/2022	Andreas Papenfuss	BMLP.D020 20/4025695	8428

TITLE OF INVENTION: Creative tool

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	07/16/2025

EXAMINER	ART UNIT	CLASS-SUBCLASS
DAVID, ALEXANDER J	2938	D15-066000

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. _____



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
29/867,397	10/24/2022	Andreas Papenfuss	BMLP.D020 20/4025695	8428
69842	7590	04/16/2025	EXAMINER	
Oppedahl Patent Law Firm LLC -- BMLP			DAVID, ALEXANDER J	
P O Box 351240			ART UNIT	
Westminster, CO 80035			PAPER NUMBER	
			2938	
DATE MAILED: 04/16/2025				

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. 29/867,397	Applicant(s) Papenfuss, Andreas	
	Examiner ALEXANDER J DAVID	Art Unit 2938	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 response dated 03/10/2025 .
- ☐ 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 1-3 and 5-14 filed on 10 March 2025 and drawing Figure 4 filed on 29 November 2024 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. ☐ Notice of References Cited (PTO-892) | 4. ☐ Examiner's Amendment/Comment |
| 2. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Receipt Date ____ | 5. ☐ Examiner's Statement of Reasons for Allowance |
| 3. ☐ Interview Summary (PTO-413),
Paper No./Mail Date ____ | 6. ☐ Other ____ . |

NOTE: ____

/ALEXANDER J DAVID/
Examiner, Art Unit 2938

/RICHARD EDGAR/
Supervisory Patent Examiner, Art Unit 2931

US patent application number 29/867,397

RESPONSE TO OFFICE ACTION

Kindly amend the drawings and specification as shown on the attached sheets.

Broken-line practice. The Examiner was dissatisfied with the manner in which the undersigned, in the previous response, attempted to deal with broken-line practice. The Examiner found fault with every figure except Figure 4. The Examiner found fault with Figures 1, 2, 3, 5, 7, 8, 9, 10, 12 and 14 regarding a screw thread. The Examiner found fault with Figures 8, 9, 10 and 12 regarding a knurled area. The Examiner found fault with Figures 6, 9, 11 and 13 regarding areas that were rejected despite what the undersigned considers to be the clear law of *In re Maatita*, 900 F.3d 1369 (Fed. Cir. 2018).

The undersigned has now gone to a lot of time and trouble, and the client has incurred prodigious expense, to prepare a second set of new drawing sheets 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14 which, it is hoped, will satisfy the Examiner regarding broken-line practice.

The undersigned has canceled the offending broken-line statements from the previous response and has now adopted the broken-line language specified by the Examiner.

Instructions to the Issue Branch. In any Notice of Allowance, the Examiner is begged to give an explicit instruction to the Issue Branch to use the SCORE drawings in any issued design patent, and to refrain from attempting to use the IFW drawings.

Conclusion. It is hoped that the next step for the Examiner can be an allowance of the present design patent application. If after reviewing the present response, any issue remains that might get in the way of an allowance, the Examiner is begged to get in touch with the undersigned.

Respectfully submitted,

/s/

Carl Oppedahl
PTO Reg No 32746
telephone 303-252-8800

In the specification

Creative tool

Design application number EM 009005556-0001, filed April 27, 2022, is incorporated herein for all purposes. Design application number EM 009005556-0002, filed April 27, 2022, is incorporated herein for all purposes.

Figure 1 is a perspective view of the creative tool, the tool having a handle shown in a first, lowered, position.

Figure 2 is a rear view thereof.

Figure 3 is a first side view thereof.

Figure 4 is a top view thereof.

Figure 5 is a second side view thereof.

Figure 6 is a bottom view thereof.

Figure 7 is a front view thereof.

Figure 8 is a perspective view of the creative tool showing the handle in a second, raised, position.

Figure 9 is a rear view thereof.

Figure 10 is a first side view thereof.

Figure 11 is a top view thereof.

Figure 12 is a second side view thereof.

Figure 13 is a bottom view thereof.

Figure 14 is a front view thereof.

~~Figures 1, 2, 3, 5, 7, 8, 9, 10, 12 and 14 each show a table clamp at the bottom of the figure, the table clamp having a shaft shown in solid black, denoting an unclaimed screw thread.~~

~~Figures 8, 9, 10 and 12, due to the handle being in a raised position, reveal a knob having a portion shown in solid black, denoting an unclaimed knurled area.~~

The broken line portion of the figure drawings is included to show portions of the creative tool that form no part of the claimed design.

Replacement sheet

Fig. 1

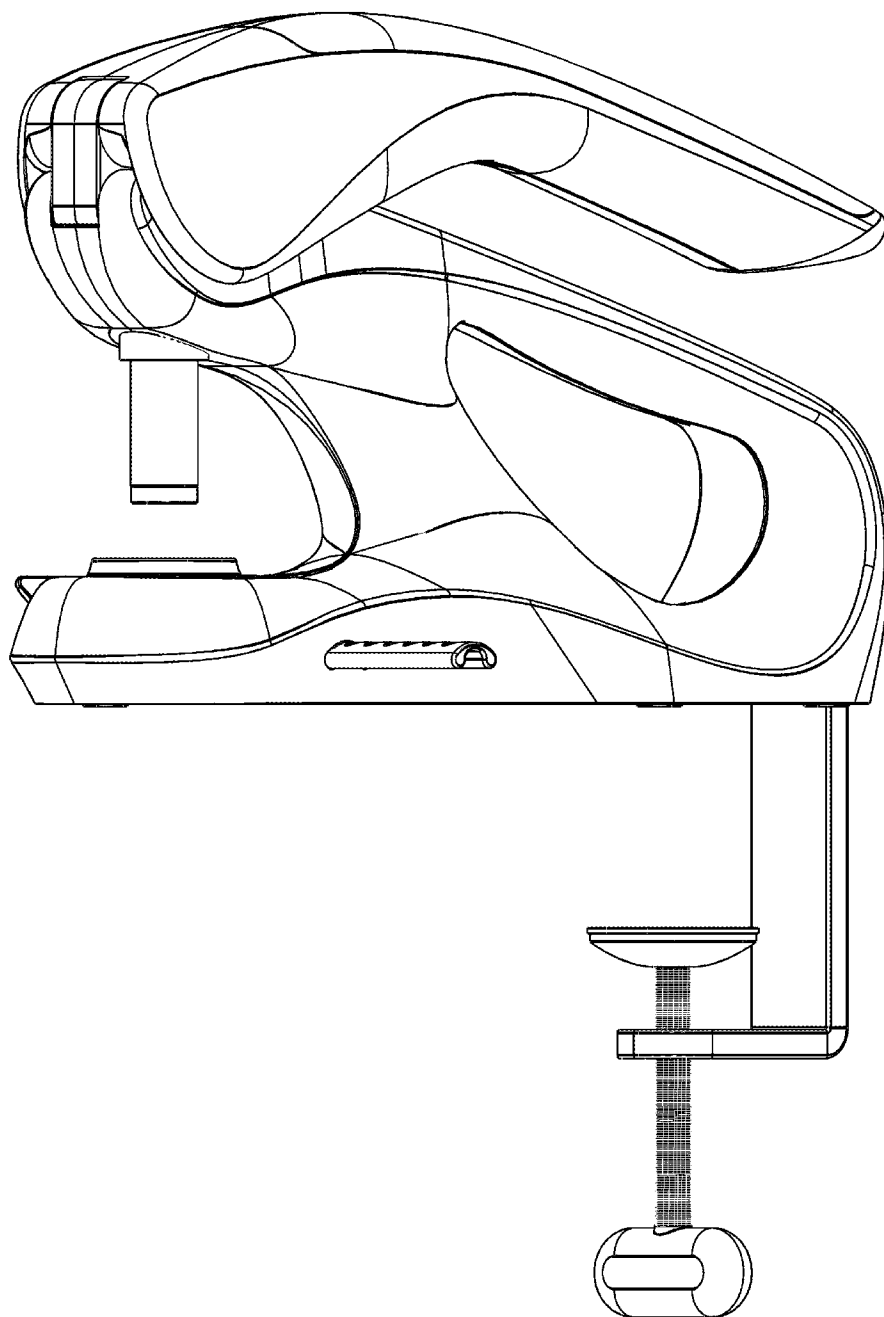


Fig. 2

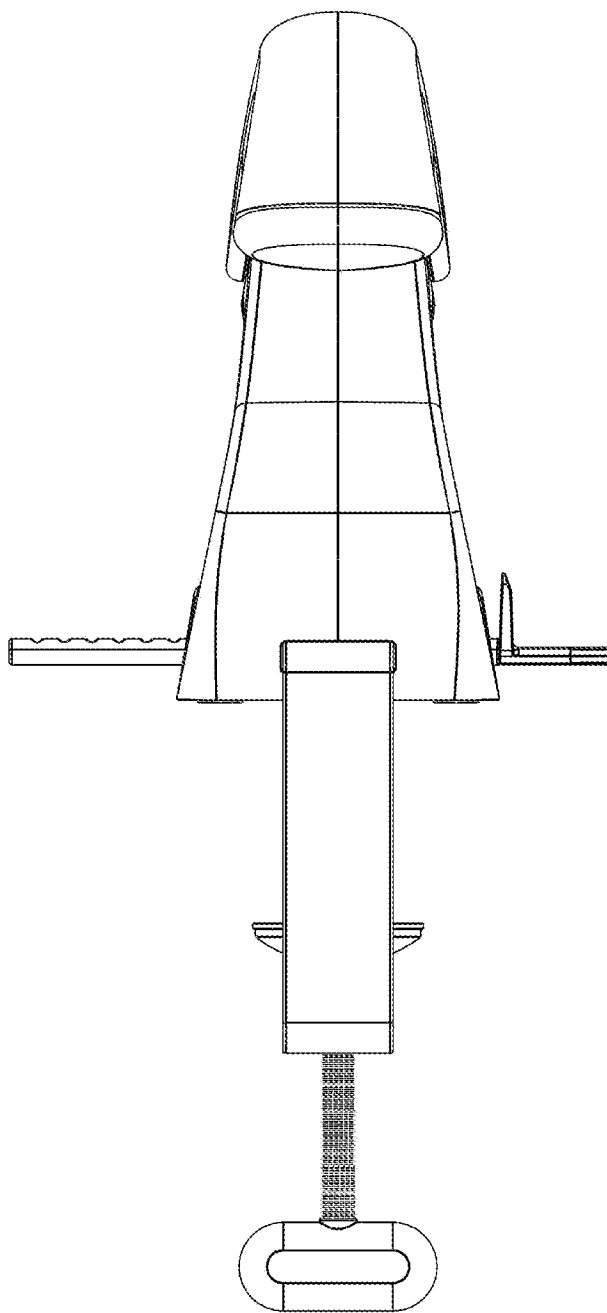


Fig. 3

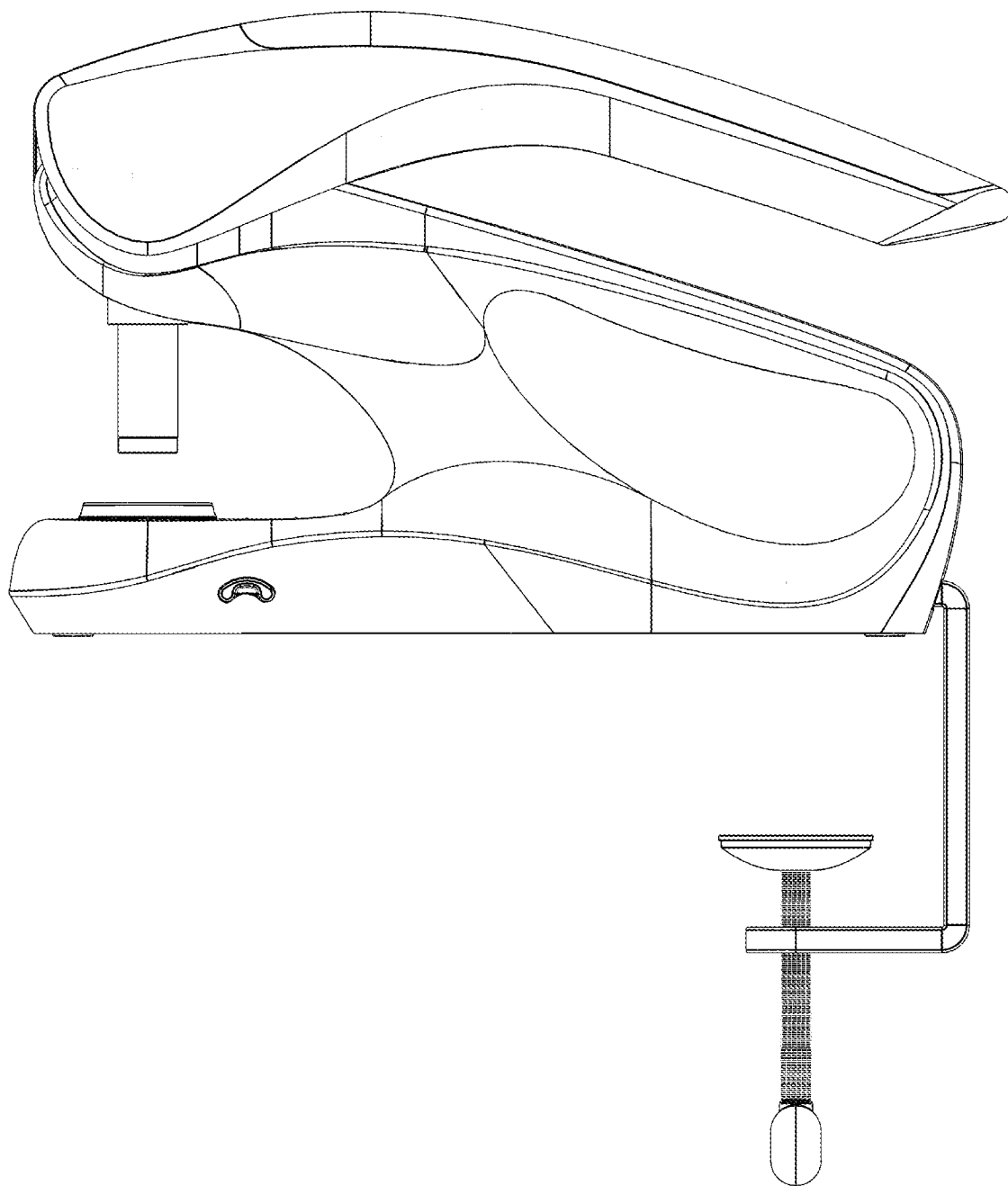


Fig. 5

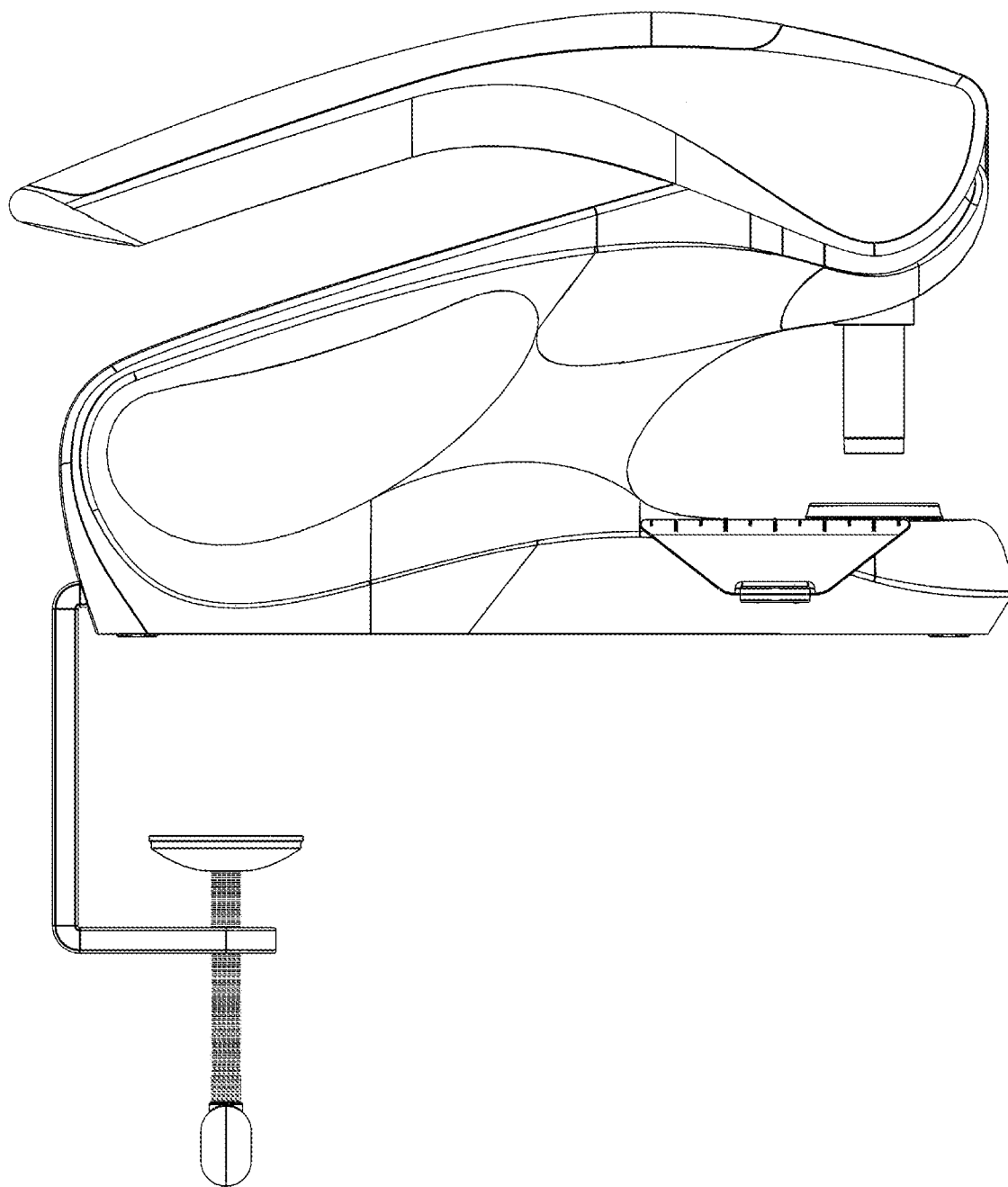
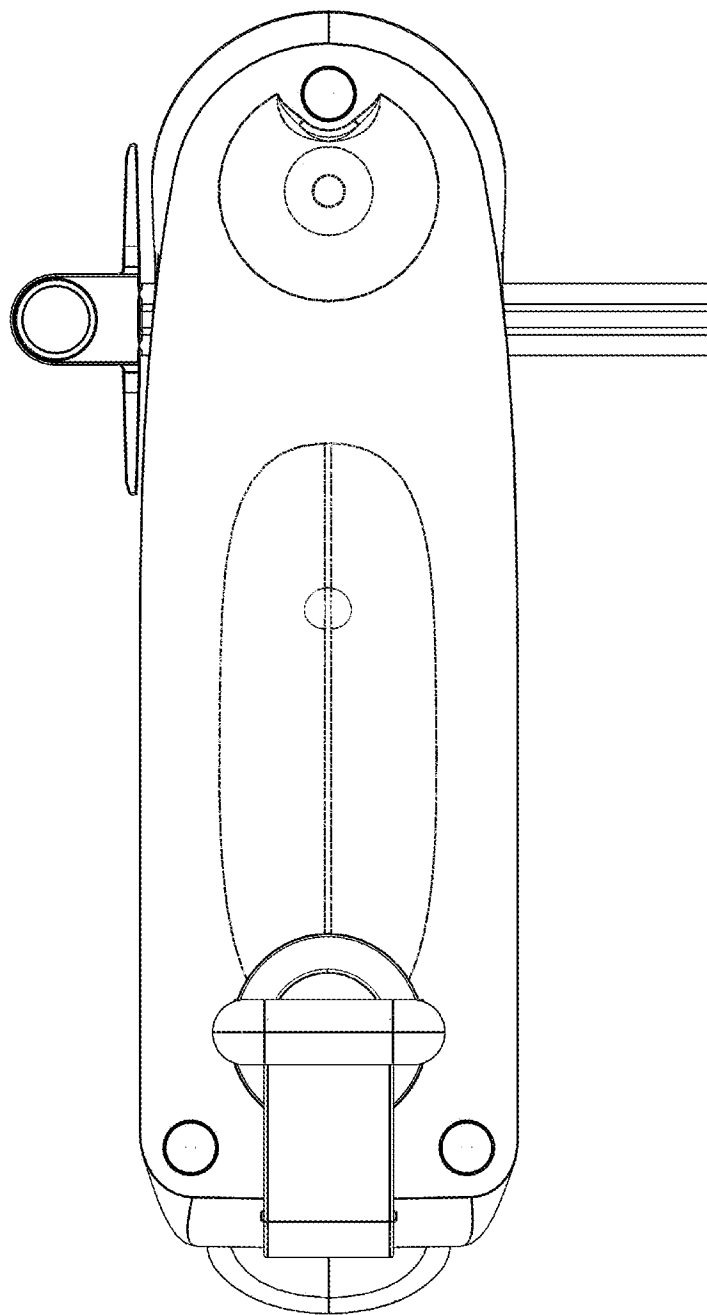


Fig. 6



Replacement sheet

Fig. 7

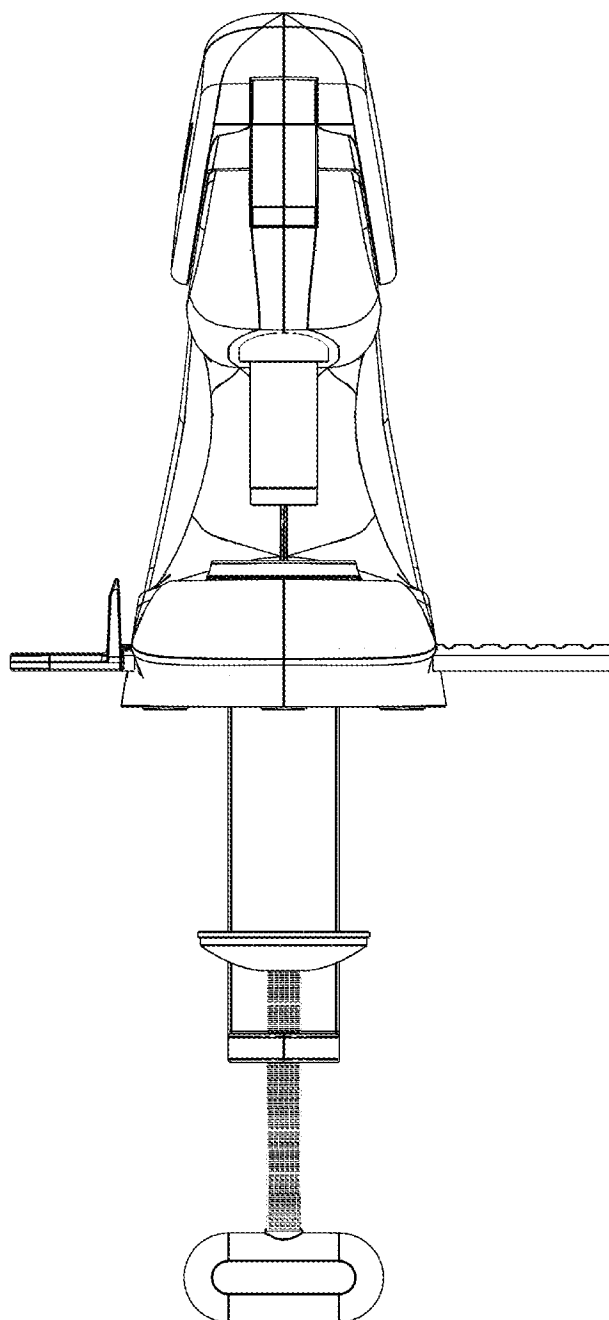


Fig. 8

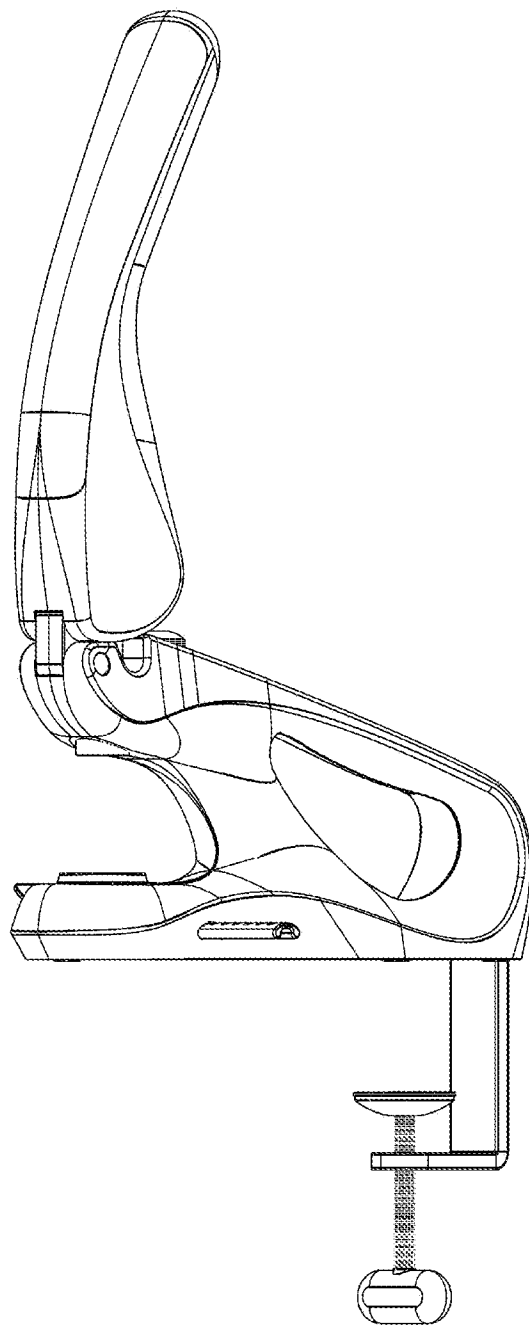
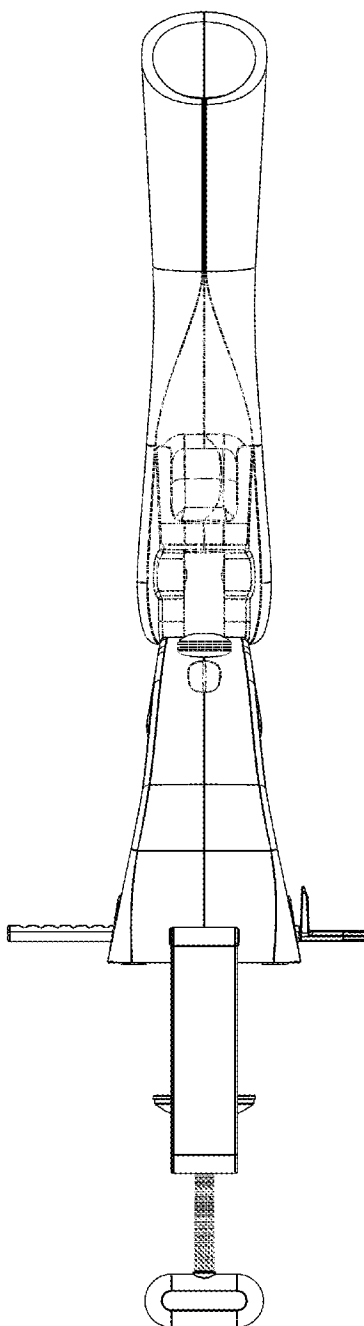


Fig. 9



Replacement sheet

Fig. 10

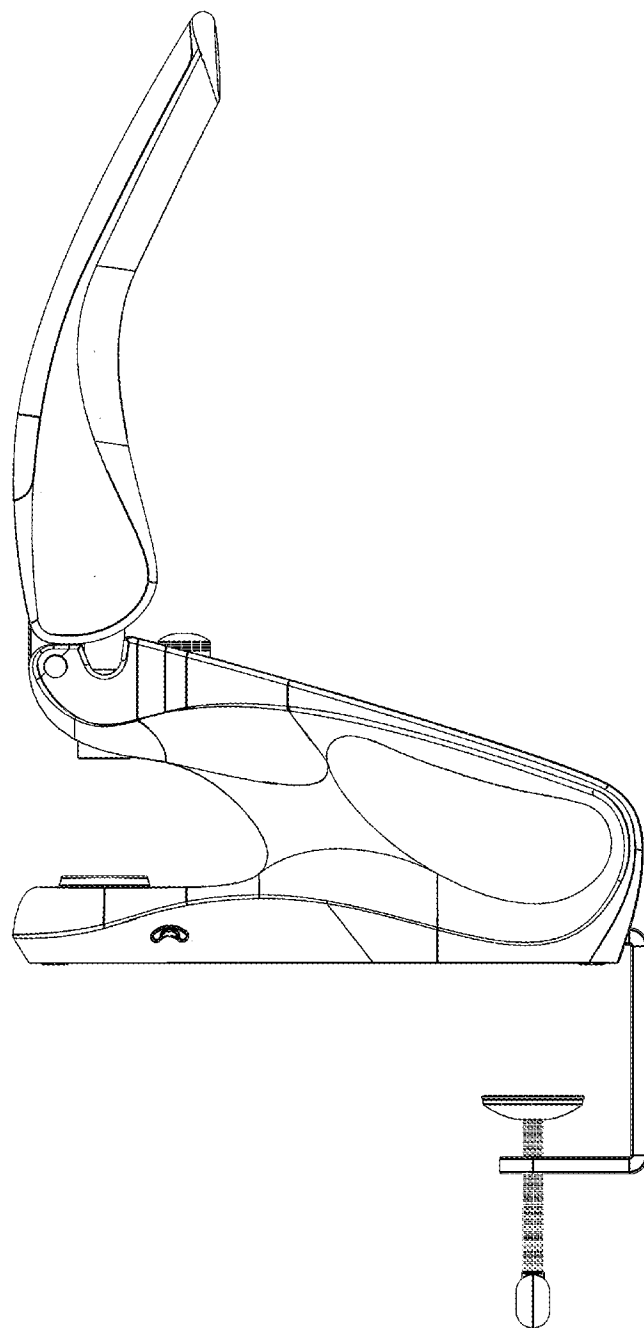
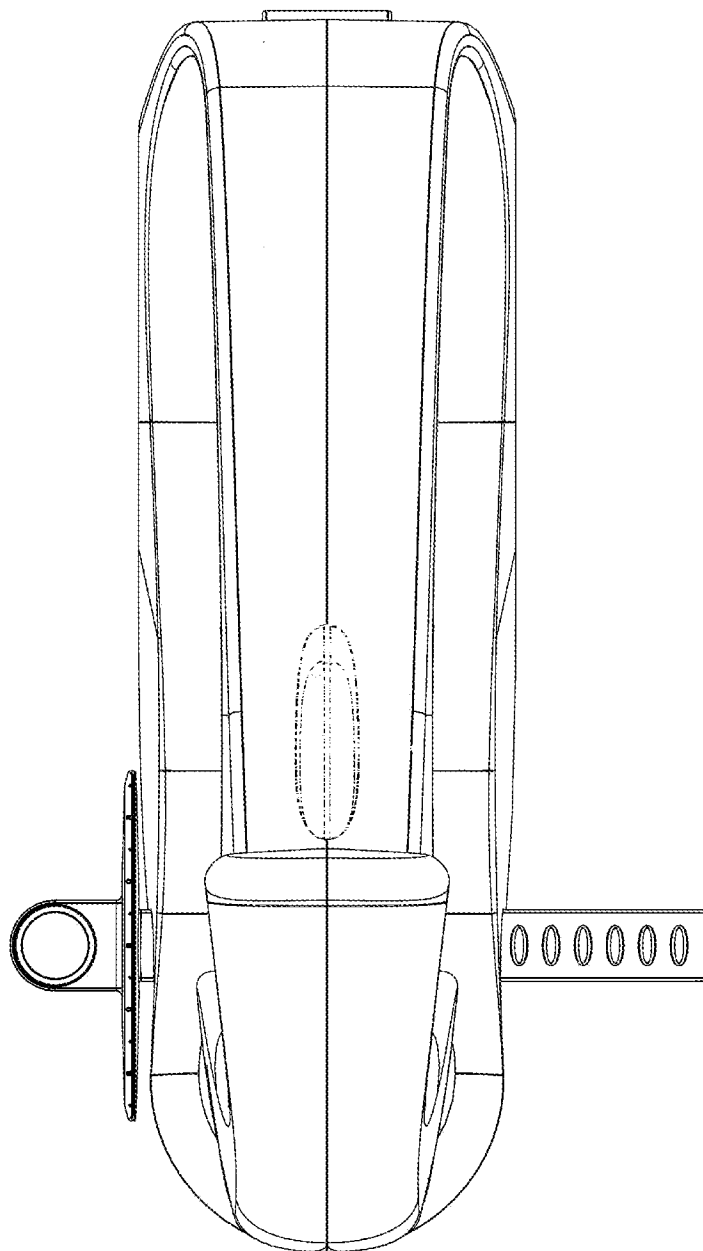


Fig. 11



Replacement sheet

Fig. 12

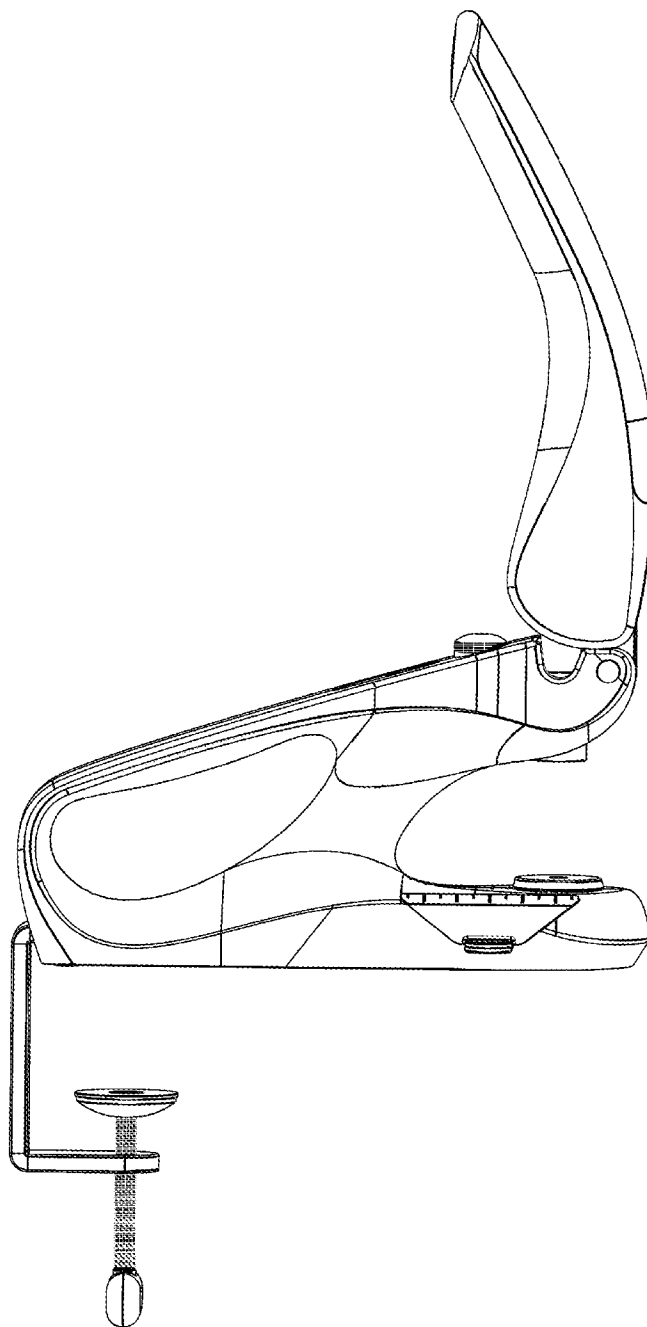


Fig. 13

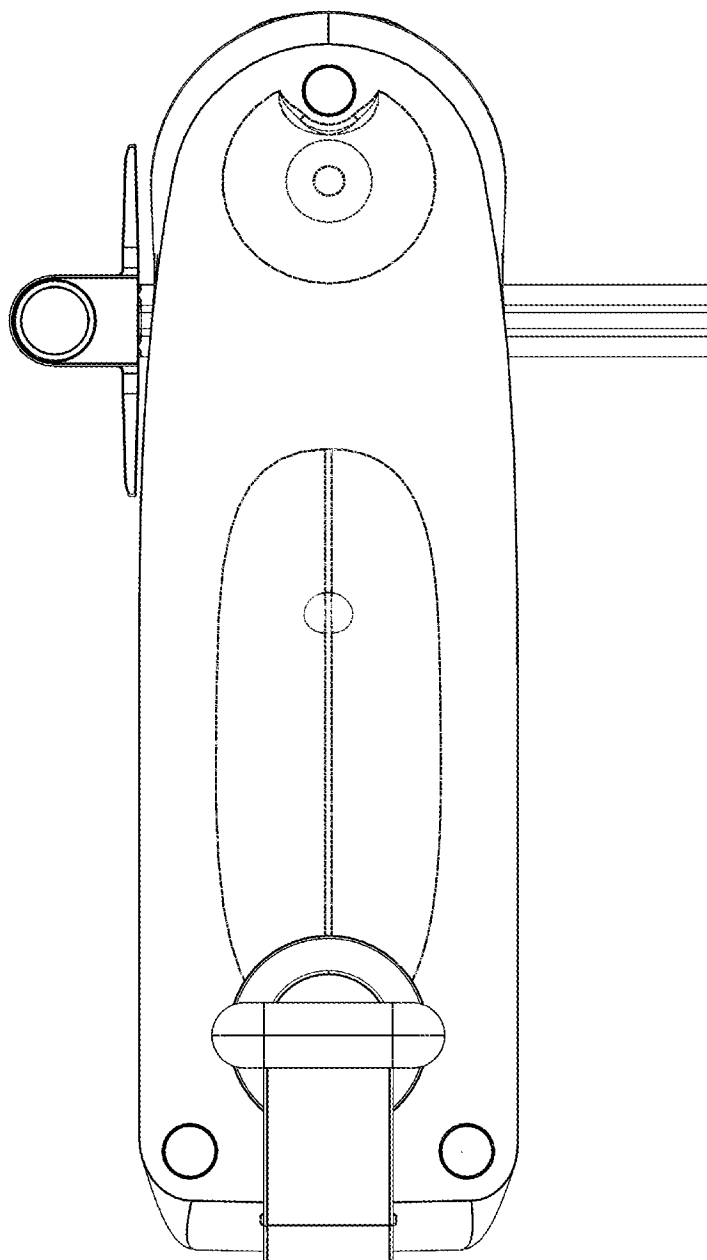
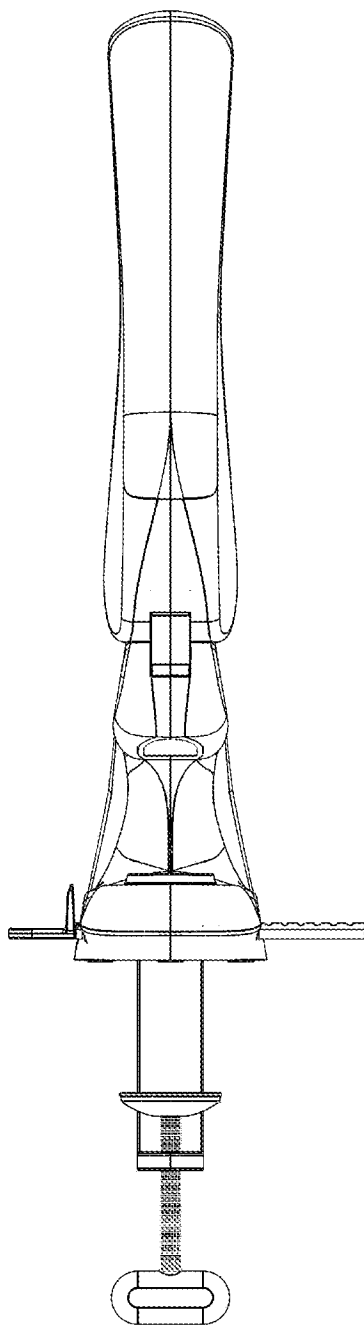


Fig. 14



RESPONSE TO OFFICE ACTION

Kindly amend the drawings and specification as shown on the attached sheets.

Broken-line practice. The Examiner was dissatisfied with the manner in which the undersigned, in the previous response, attempted to deal with broken-line practice. The Examiner found fault with every figure except Figure 4. The Examiner found fault with Figures 1, 2, 3, 5, 7, 8, 9, 10, 12 and 14 regarding a screw thread. The Examiner found fault with Figures 8, 9, 10 and 12 regarding a knurled area. The Examiner found fault with Figures 6, 9, 11 and 13 regarding areas that were rejected despite what the undersigned considers to be the clear law of *In re Maatita*, 900 F.3d 1369 (Fed. Cir. 2018).

The undersigned has now gone to a lot of time and trouble, and the client has incurred prodigious expense, to prepare a second set of new drawing sheets 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14 which, it is hoped, will satisfy the Examiner regarding broken-line practice.

The undersigned has canceled the offending broken-line statements from the previous response and has now adopted the broken-line language specified by the Examiner.

Instructions to the Issue Branch. In any Notice of Allowance, the Examiner is begged to give an explicit instruction to the Issue Branch to use the SCORE drawings in any issued design patent, and to refrain from attempting to use the IFW drawings.

Conclusion. It is hoped that the next step for the Examiner can be an allowance of the present design patent application. If after reviewing the present response, any issue remains that might get in the way of an allowance, the Examiner is begged to get in touch with the undersigned.

Respectfully submitted,

/s/

Carl Oppedahl
PTO Reg No 32746
telephone 303-252-8800



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
29/867,397	10/24/2022	Andreas Papenfuss	BMLP.D020 20/4025695	8428
69842	7590	01/28/2025		
Oppedahl Patent Law Firm LLC -- BMLP			EXAMINER	
P O Box 351240			DAVID, ALEXANDER J	
Westminster, CO 80035				
			ART UNIT	PAPER NUMBER
			2938	
			NOTIFICATION DATE	DELIVERY MODE
			01/28/2025	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):

docket-oppedahl@oppedahl.com
info@patentanwaltskanzlei-wuppertal.de
mail-log@oppedahl.com

Detailed Action

Notice of Pre-AIA or AIA Status

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

Examiner's Comment

The examiner acknowledges with appreciation the amendment filed 11/29/2024 addresses most of the issues mentioned in the Non-Final Rejection office action dated 09/25/2024. The issues successfully addressed are listed below.

- Drawing inconsistency regarding the logo/writing seen in certain views but not in others.
- The title being updated to remove the word "Vario", as well as the portions of the specification and claim where "Vario" was present as well.
- The rewording of the specification to remove the term embodiment as the two claimed embodiments were in fact a single design, only shown in different states of use.
- The line quality is improved (see following objections for addition details).
- Certain aspects of the 112 a and b rejection were overcome with improved quality drawings (see following sections for additional details).

Response to Arguments

The amendment received 11/29/2024 is acknowledged and formally considered. The amended drawings do not overcome the rejection under 112 (a) and (b) given in the office action dated 09/25/2024 and the arguments with respect to the conjecture of the claimed design have been considered but are not persuasive. In summary, the bottom views (and other views) contain lines which cannot be seen in another corresponding view to determine their intention, and therefore the claimed design is rendered as indefinite and non-enabled by the examiner. In an attempt to justify the claimed scope and ultimately the enablement of the design, Applicant analogizes the conjecture explanation with a movie quote and also cites the decision from *In re Maatita*, 900 F.3d 1369 (Fed. Cir. 2018).

Conjecture is understood to be a conclusion based on incomplete evidence. So, the movie quote cited by Applicant is agreeable as conjecture since there is no way to know that Ralphie would indeed shoot his eye out once he secured a Red Ryder BB-gun. As applied to the claimed design, there is no way to be sure the lines of the claimed design in the pertinent views convey one and only one interpretation. Not everyone with a Red Ryder BB-gun will shoot their

Art Unit: 2938

eye out, and not every designer with the current views will replicate the claimed design similarly. Accordingly, much like Applicant's appreciated analogy, we cannot conclude the end result based on many possibilities.

Further, in contrast to the presently claimed design, the shoe bottom in *Maatita* was exemplified in a two-dimensional, plan-view. The Federal Circuit equated a shoe bottom to a rug and "is capable of being viewed and understood in two-dimensions through a plan- or planer-view illustration." Also, the Federal Circuit contrasted the shoe bottom to an entire shoe or teapot, which as a three-dimensional article could not be adequately disclosed with a single, plan- or planer-view drawing.

Accordingly, because the instantly claimed design is not constrained to the bottom of the article, but encompasses other views which collectively set forth the metes and bounds of the article's claimed design, the lines only seen in the bottom view(s) cannot be resolved as to their intents, and so the scope remains unclear, and the ordinary skilled designer is incapable of making the design. See MPEP 1503.02 I, 1504.04 I. A.

Specification Objections

Shading/Broken Line Statement

In the previous office action, the issue of the knurled knob and screw shaft having lines that merged to create shading has not been addressed. The specification was amended to include the statements:

Figures 1, 2, 3, 5, 7, 8, 9, 10, 12 and 14 each show a table clamp at the bottom of the figure, the table clamp having a shaft shown in solid black, denoting an unclaimed screw thread.

Figures 8, 9, 10 and 12, due to the handle being in a raised position, reveal a knob having a portion shown in solid black, denoting an unclaimed knurled area.

However, this type of statement is not permissible in the specification. A disclaimer statement directed to any portion of the claimed design that is shown in solid lines in the drawings is not permitted in the specification of an issued design patent. However, the disclaimer statement may be included in the design application as originally filed to provide antecedent basis for a future amendment. See *Ex parte Remington*, 114 O.G. 761, 1905 C.D. 28 (Comm'r Pat. 1905); *In re Blum*, 374 F.2d 904, 153 USPQ 177 (CCPA 1967). See MPEP § 2909.02 regarding disclaimer statements in international design applications.

Art Unit: 2938

If the screw shaft and knurled portion of the knob are to be removed from the claimed portion of the design, those portions must be converted to broken lines and a broken line statement added to the specification which read as follows:

-- The broken line portion of the figure drawings is included to show portions of the Creative Tool that form no part of the claimed design. --

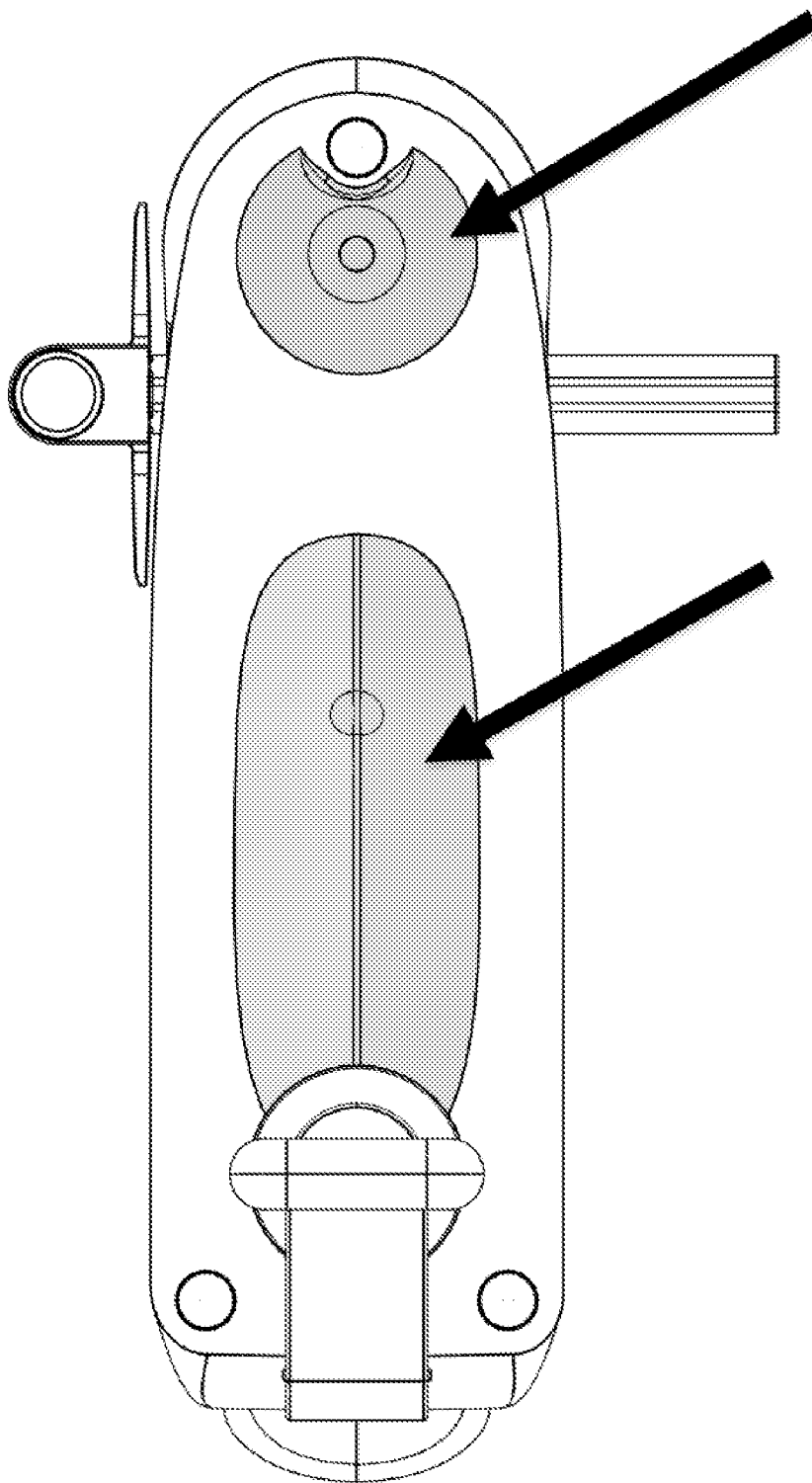
Claim Rejection - 35 USC § 112(a) and (b)

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

The claim is indefinite and non-enabled. Specifically, the precise shape and relative location of certain elements cannot be determined from the provided views. One skilled in the art would necessarily resort to conjecture attempting to understand these details. Please see sketches below for identification of the non-enabled subject matter. In an effort to overcome the 35 U.S.C. § 112, (a) and (b) rejection, follow the guidelines provided with each sketch description.

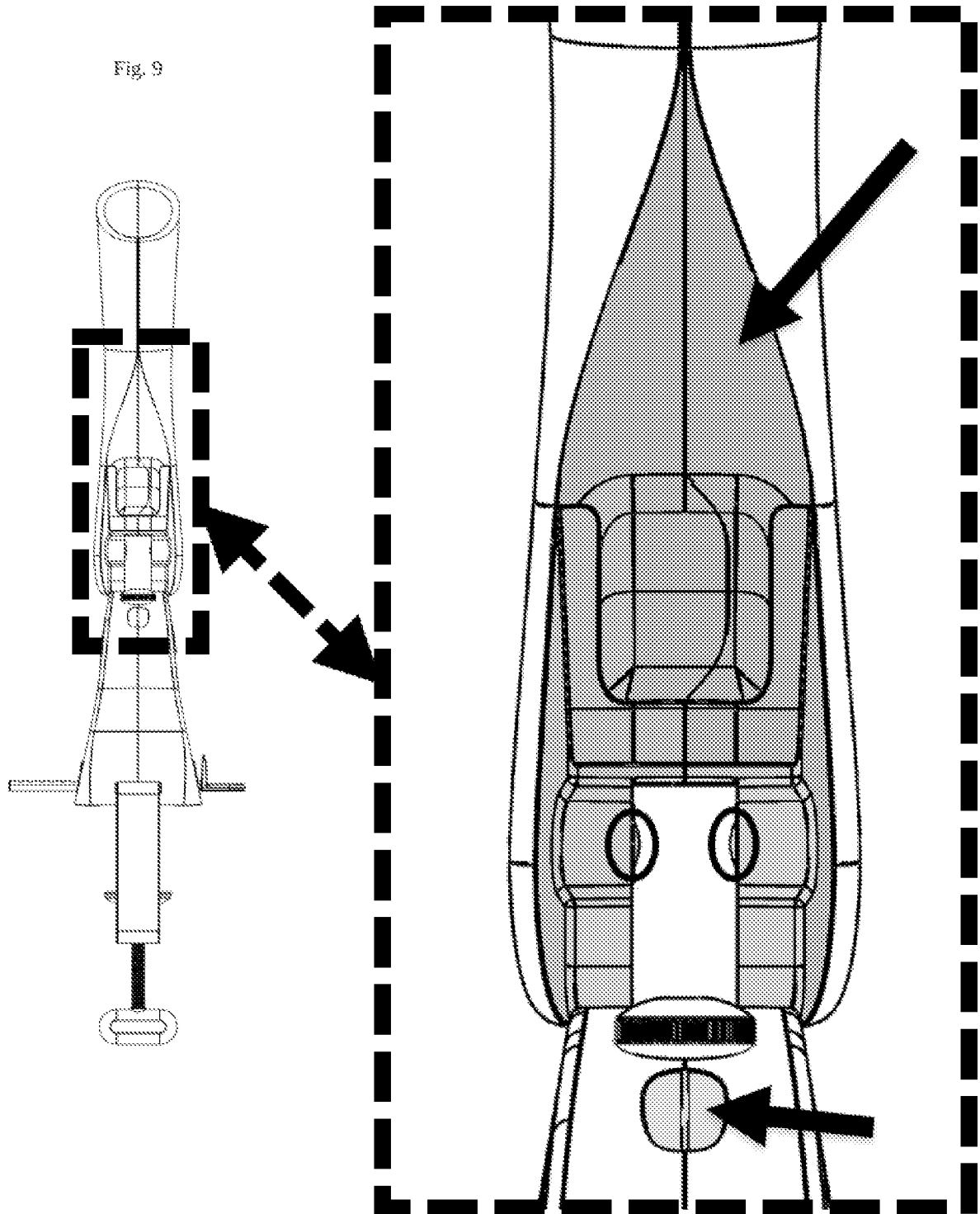
- In Figures 6 and 13 (Figure 6 shown), convert the areas WITHIN the highlighted grey areas to lightweight broken lines.

Fig. 6



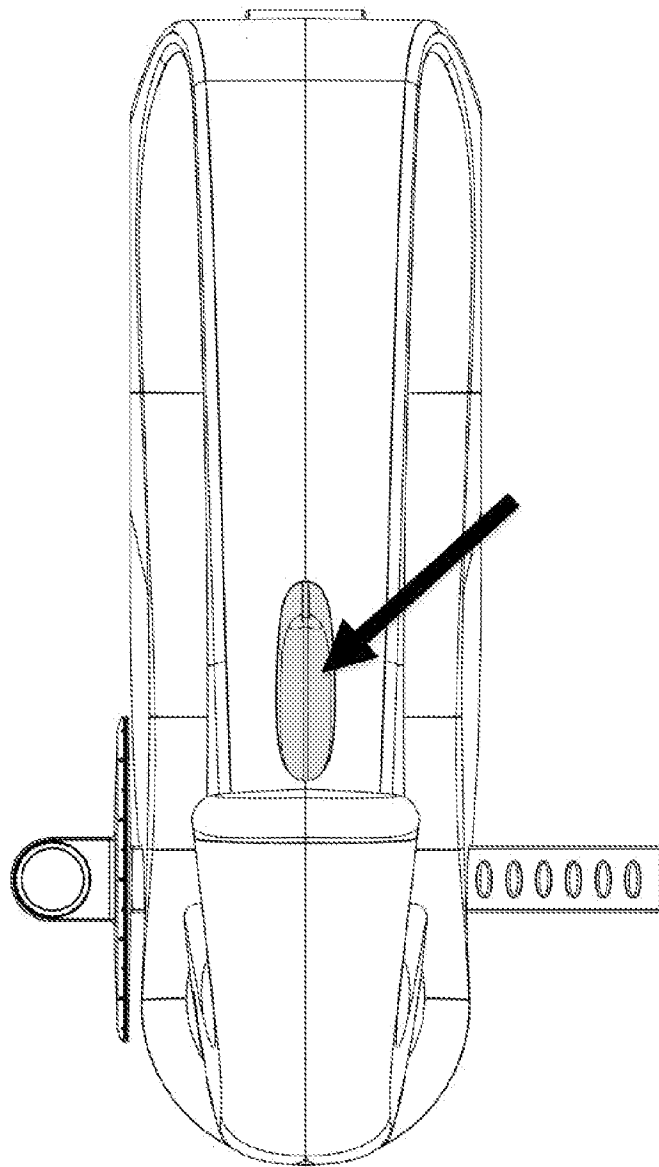
Art Unit: 2938

- In Figure 9, convert the areas WITHIN the light grey highlighted areas to lightweight broken lines, to include the elements annotated with circles.



- In Figure 9, convert the area WITHIN the grey highlighted area to lightweight broken lines.

Fig. 11.



Replacement Drawings

Corrected drawing sheets are suggested in reply to the Office action to avoid abandonment of the application. 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.

When preparing new or replacement drawings, be careful to avoid introducing new matter. New matter is prohibited by 35 U.S.C. 132 and 37 CFR 1.121(f).

Conclusion

The claim stands FINALLY REJECTED under 35 U.S.C. 112 (a) and (b). THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALEXANDER J DAVID whose telephone number is (703)756-1578. The examiner can normally be reached Mon-Fri. 8am-5pm.

Art Unit: 2938

Examiner interviews are available via telephone, in-person, and video conferencing using a USPTO supplied web-based collaboration tool. To schedule an interview, applicant is encouraged to use the USPTO Automated Interview Request (AIR) at <http://www.uspto.gov/interviewpractice>.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Kearney can be reached on 571-272-8312. 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.

/A.J.D./

Examiner, Art Unit 2938

/RICHARD EDGAR/

Supervisory Patent Examiner, Art Unit 2931

Creative tool

Design application number EM 009005556-0001, filed April 27, 2022, is incorporated herein for all purposes. Design application number EM 009005556-0002, filed April 27, 2022, is incorporated herein for all purposes.

Figure 1 is a perspective view of the creative tool, the tool having a handle shown in a first, lowered, position.

Figure 2 is a rear view thereof.

Figure 3 is a first side view thereof.

Figure 4 is a top view thereof.

Figure 5 is a second side view thereof.

Figure 6 is a bottom view thereof.

Figure 7 is a front view thereof.

Figure 8 is a perspective view of the creative tool showing the handle in a second, raised, position.

Figure 9 is a rear view thereof.

Figure 10 is a first side view thereof.

Figure 11 is a top view thereof.

Figure 12 is a second side view thereof.

Figure 13 is a bottom view thereof.

Figure 14 is a front view thereof.

Figures 1, 2, 3, 5, 7, 8, 9, 10, 12 and 14 each show a table clamp at the bottom of the figure, the table clamp having a shaft shown in solid black, denoting an unclaimed screw thread.

Figures 8, 9, 10 and 12, due to the handle being in a raised position, reveal a knob having a portion shown in solid black, denoting an unclaimed knurled area.

Claim

What is claimed is an ornamental design for a creative tool, as shown and described.

Replacement sheet

Fig. 1

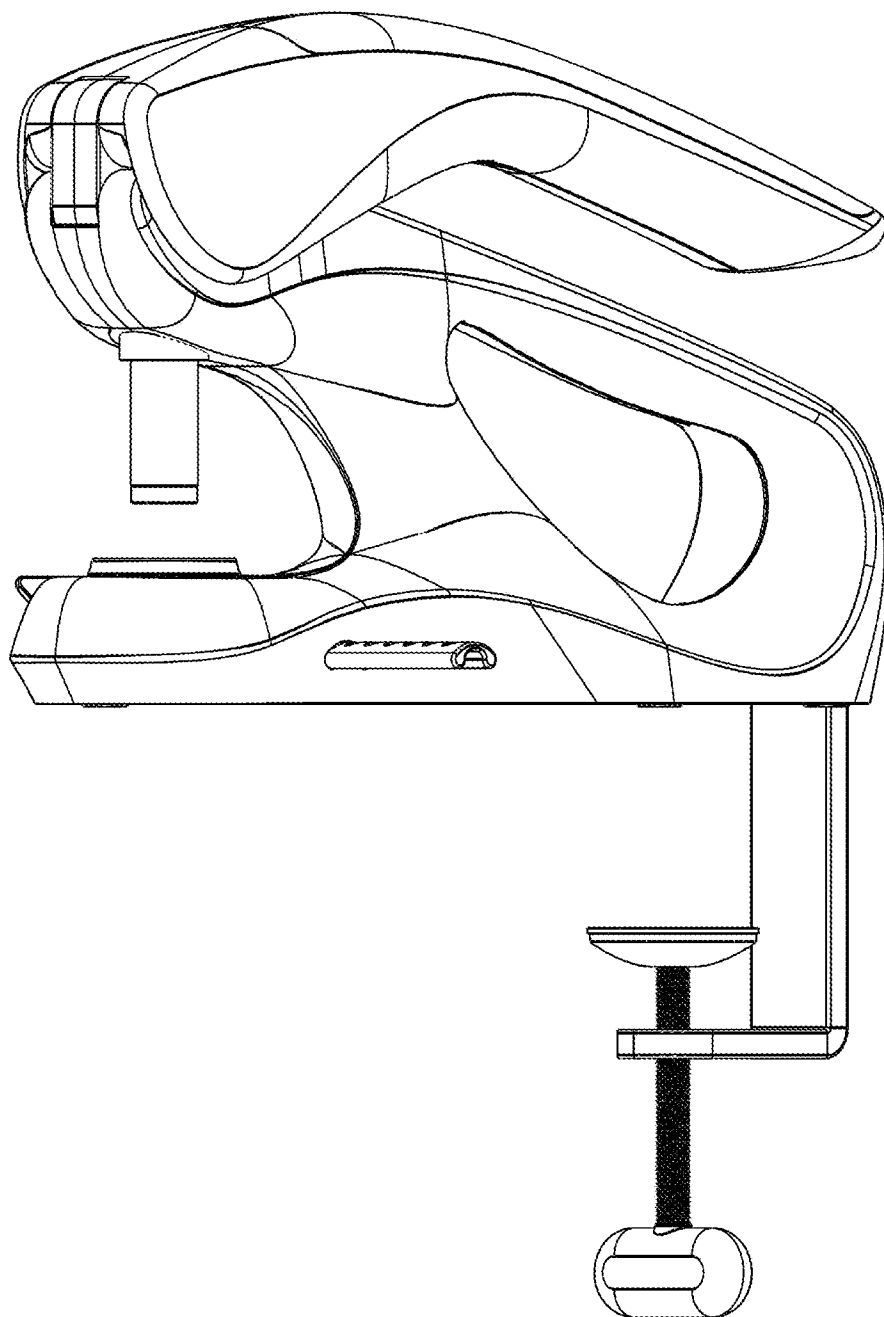


Fig. 2

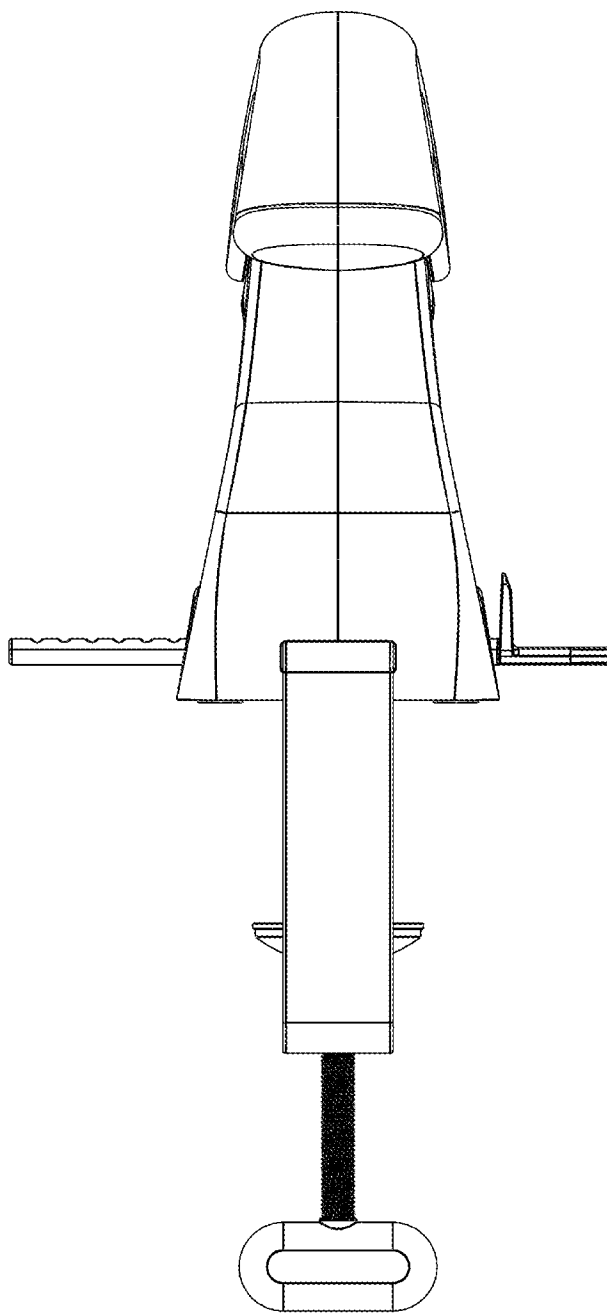


Fig. 3

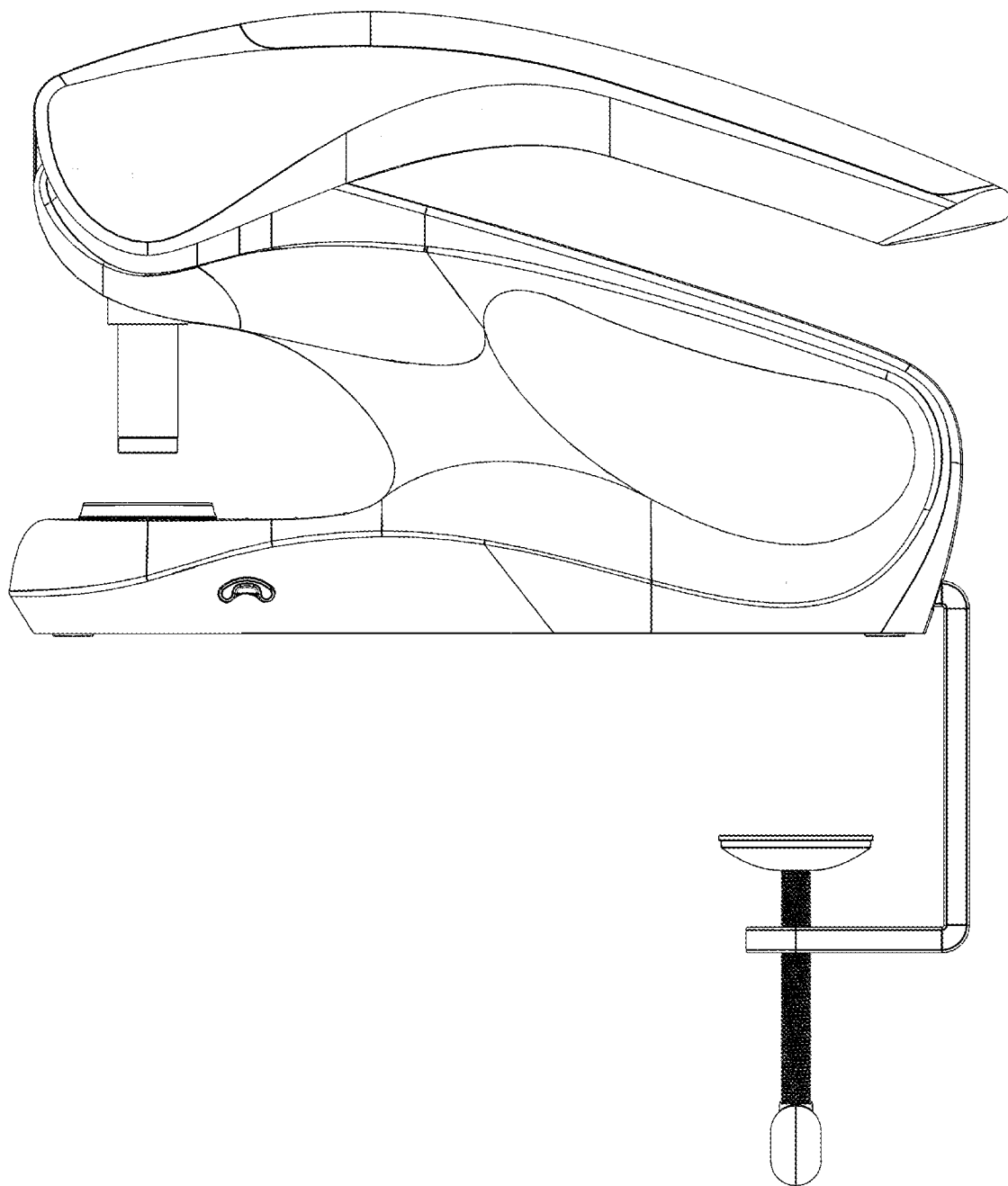
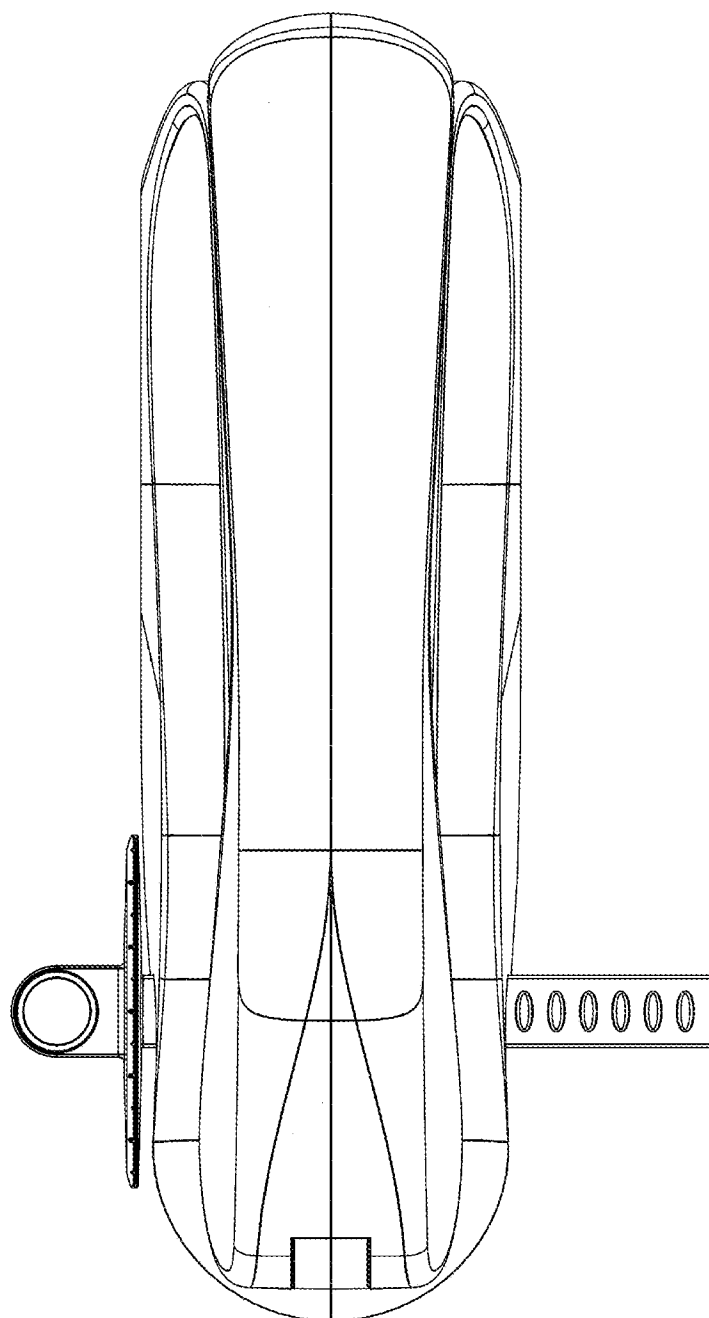


Fig. 4



Replacement sheet

Fig. 5

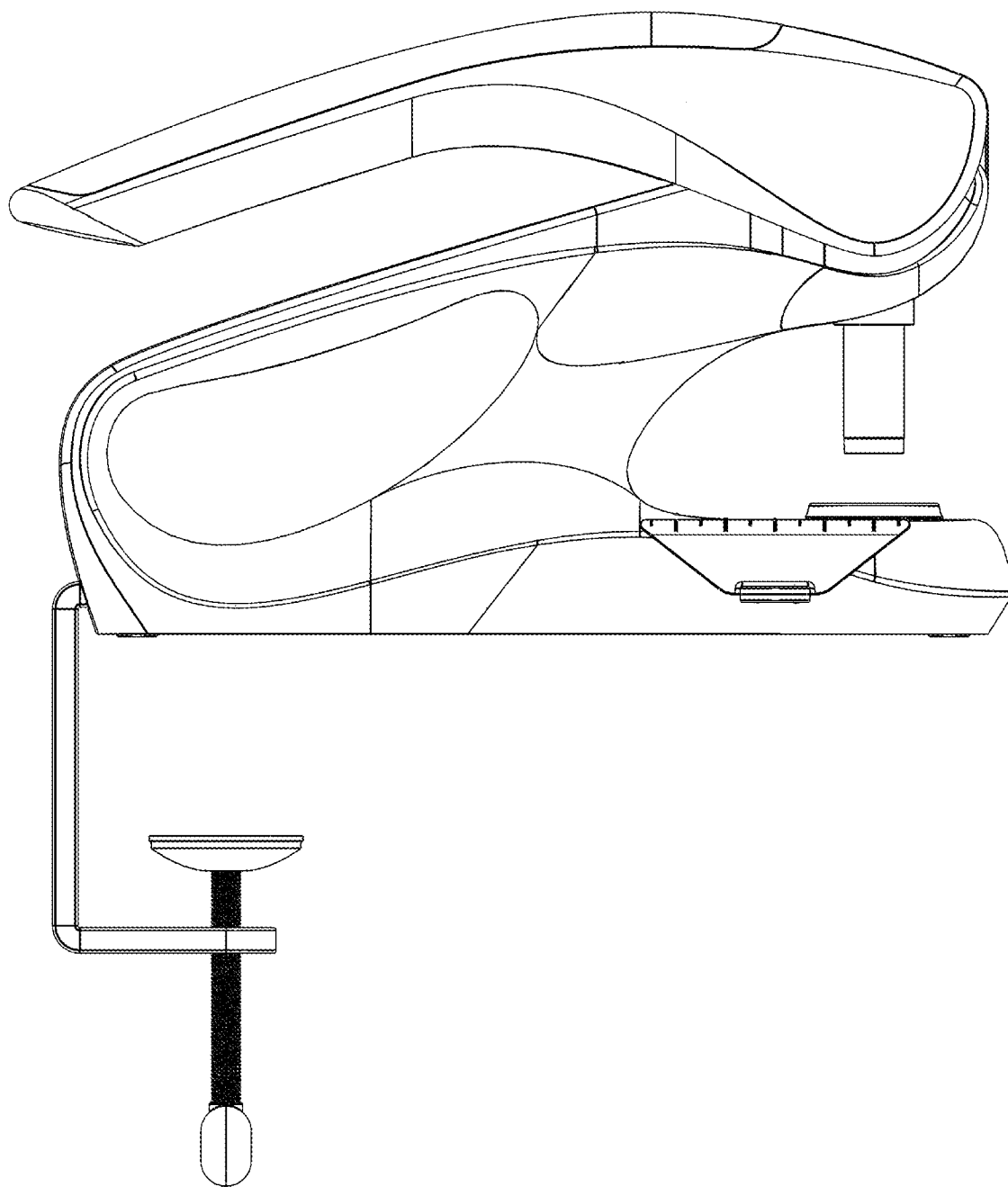
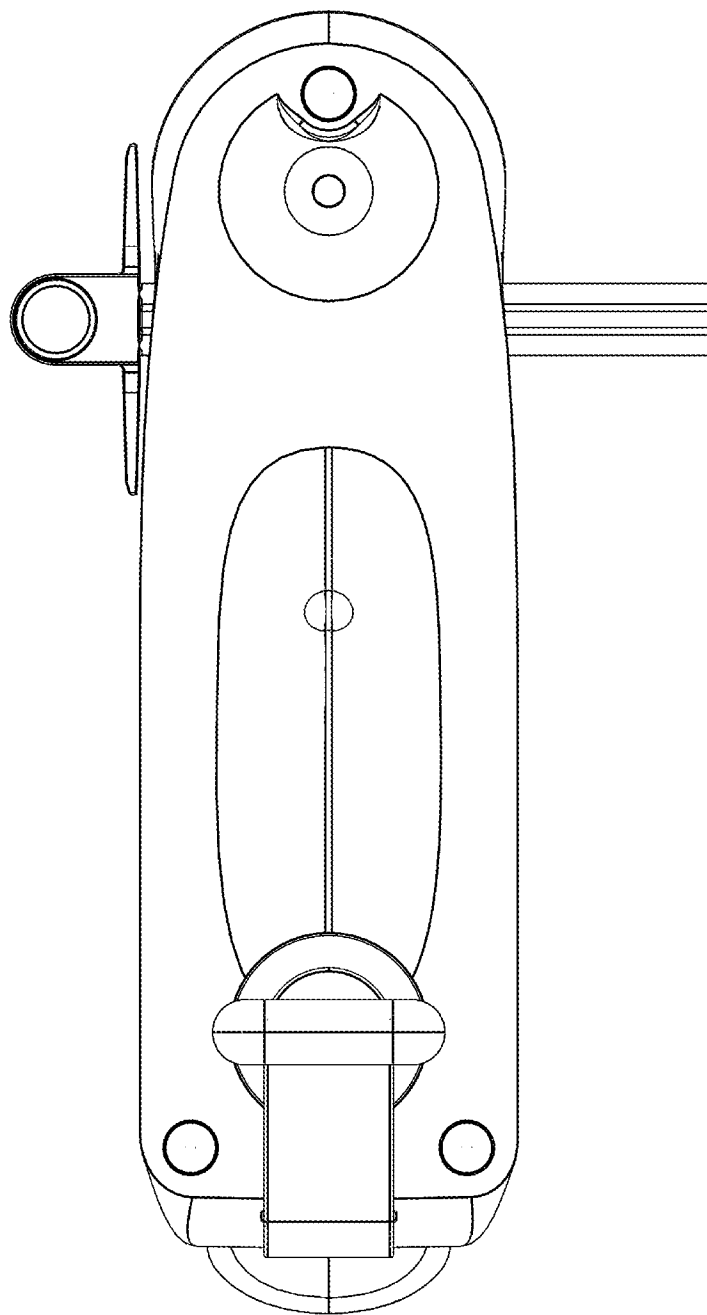


Fig. 6



Replacement sheet

Fig. 7

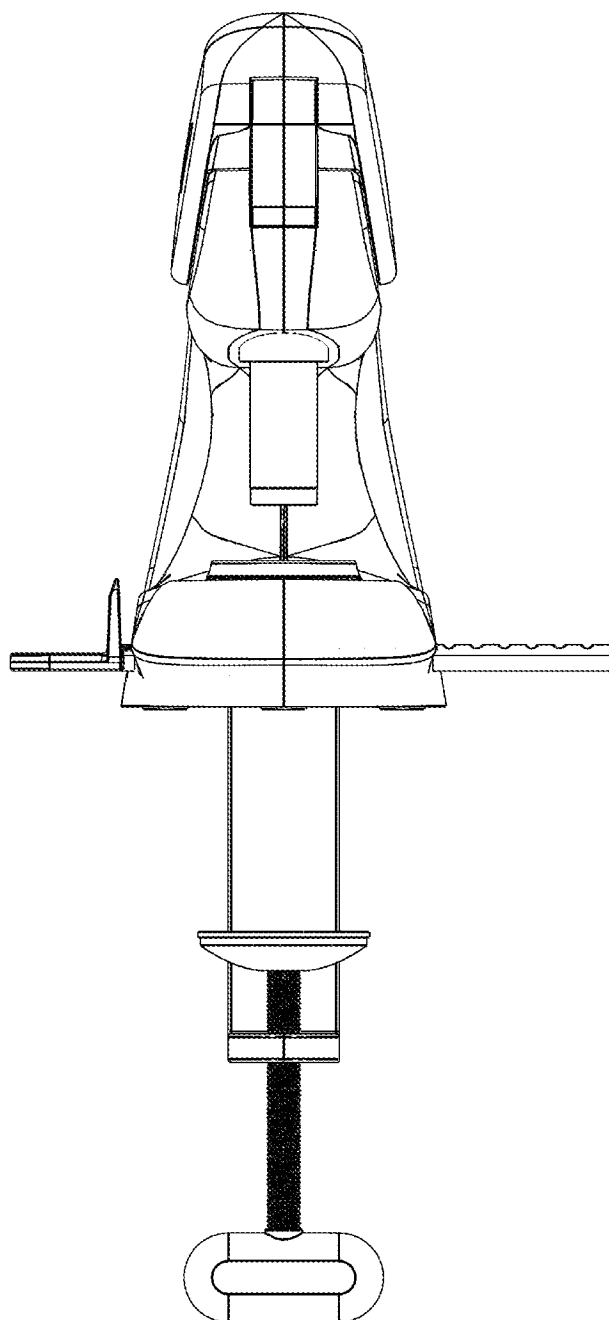


Fig. 8

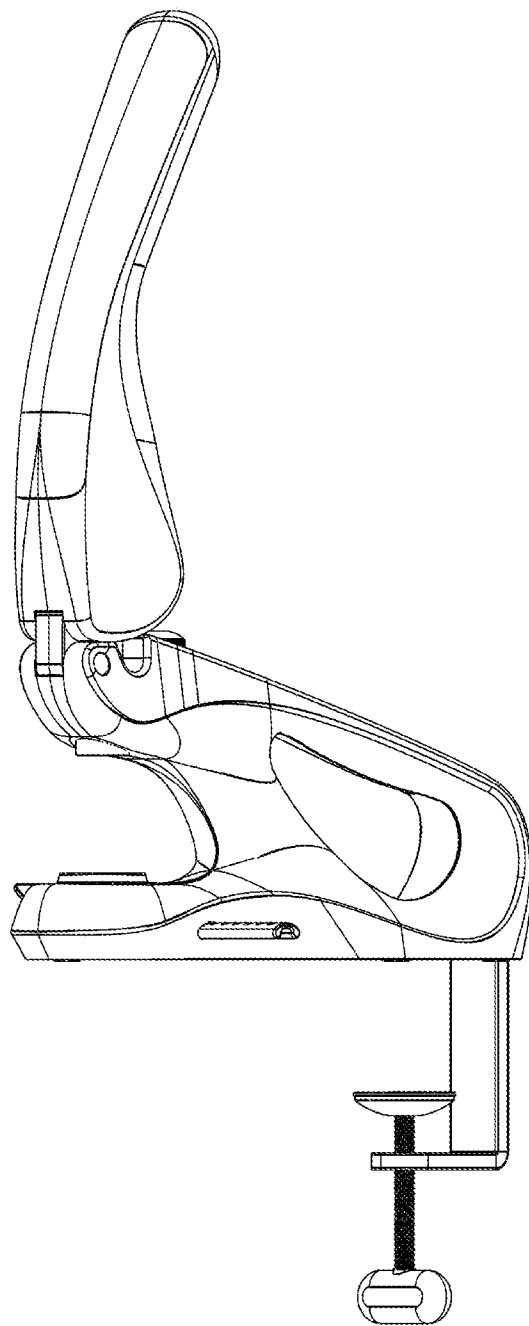


Fig. 9

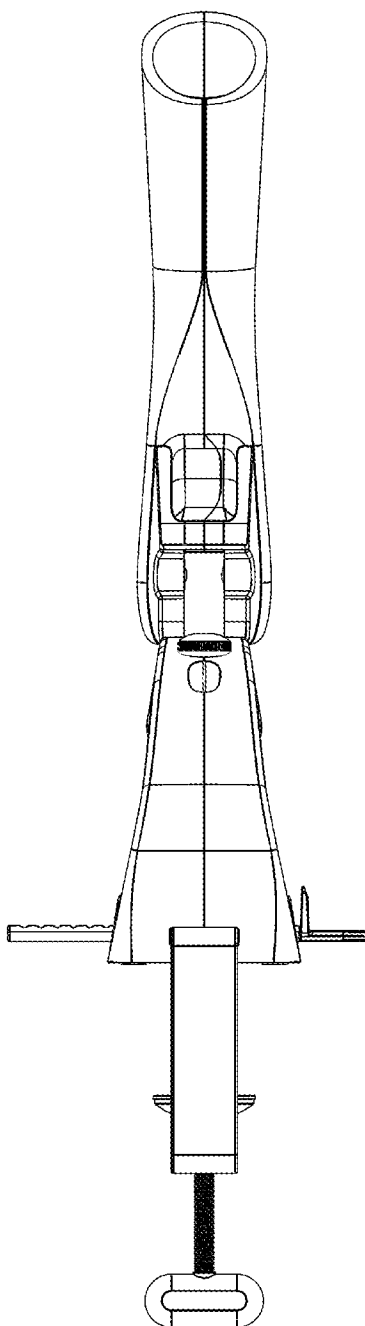


Fig. 10

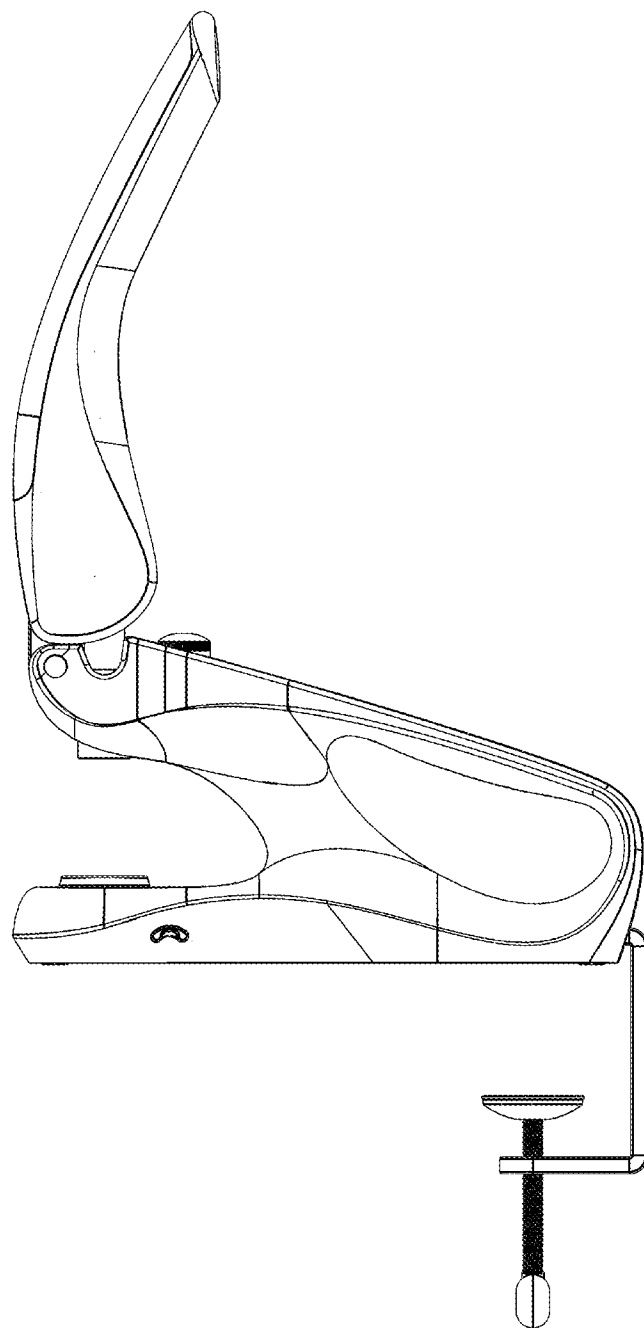
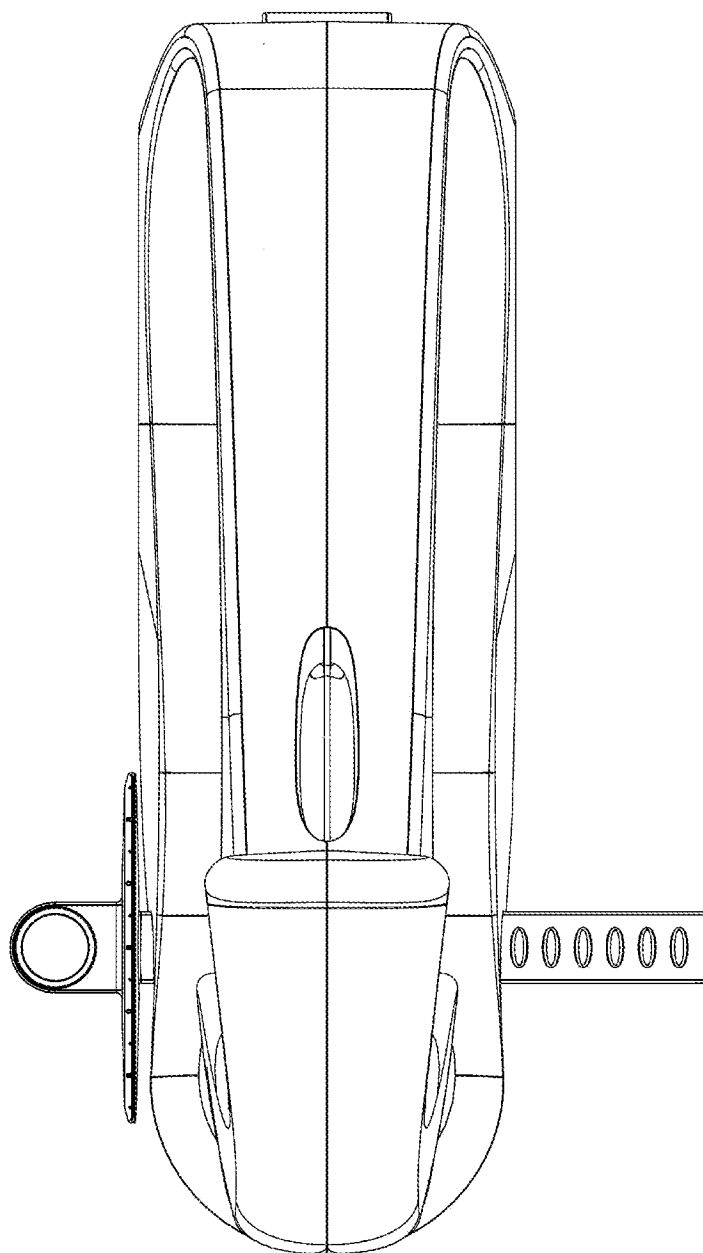


Fig. 11



Replacement sheet

Fig. 12

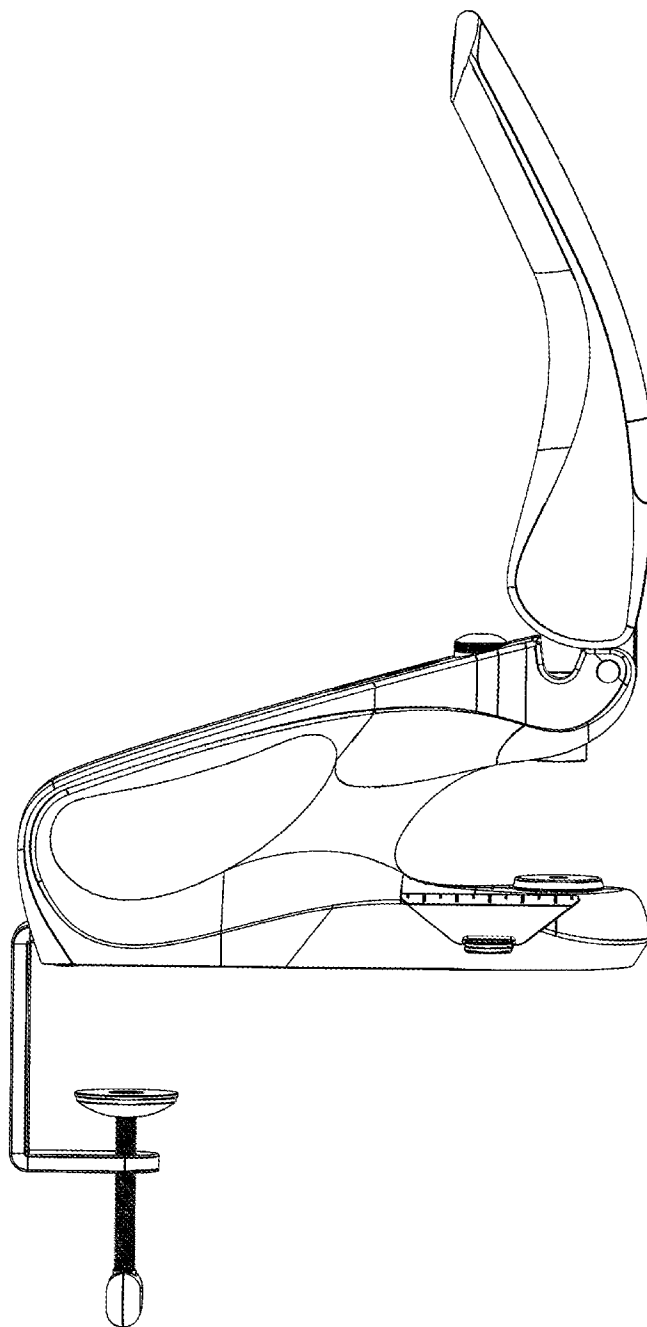


Fig. 13

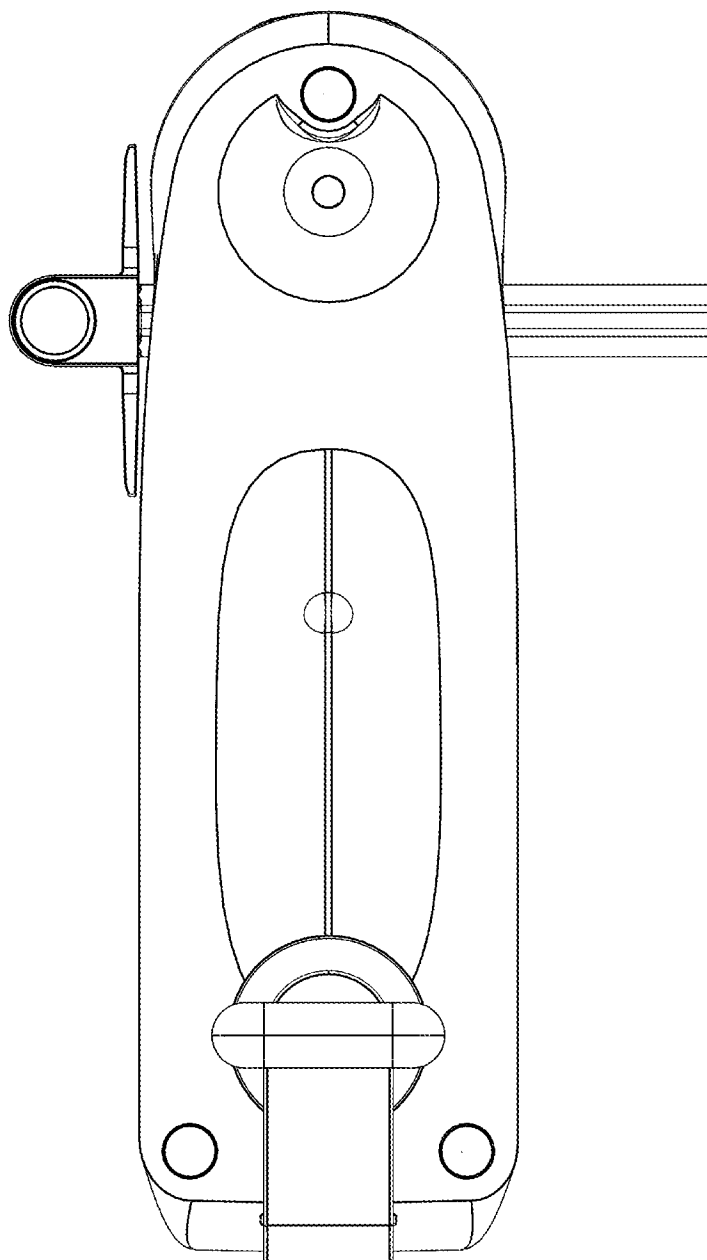
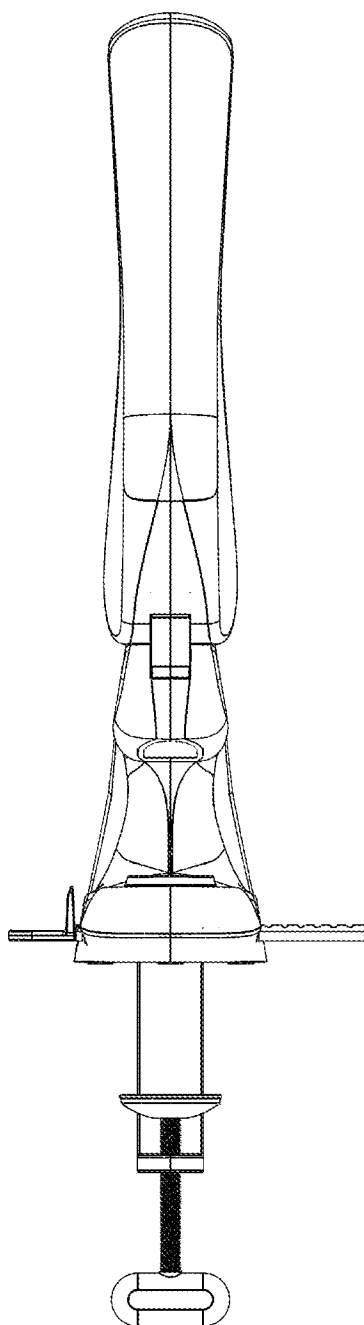


Fig. 14



RESPONSE TO OFFICE ACTION

The undersigned thanks the Examiner for the thorough examination of the present patent application, both for matters of form and substance.

Kindly amend the drawings, specification, and claim as shown on the attached sheets.

Line Quality. The Examiner objects to the drawings, holding the view that the lines appear fuzzy and blurry, which in turn make it difficult to determine the characteristics of some features.

The undersigned apologizes for the line quality in the drawings as filed.

It is noted that in the application as filed, the applicant explicitly incorporated by reference the entirety of the priority applications (filed at the European Union Intellectual Property Office) for all purposes. The undersigned has downloaded the high quality original drawings from the web site of the European Union Intellectual Property Office and has made use of those high quality original drawings in the preparation of the replacement sheets filed herewith.

To see the difference, the undersigned notes that in the Image File Wrapper system, Figure 1 as originally filed was only about 319 by 540 pixels in detail. In today's amended drawings as filed, Figure 1 is about 2613 by 3795 pixels in detail. There are about fifty times more pixels in today's drawings. (The Examiner is begged to ignore the IFW drawings and to look only at the SCORE drawings, since the USPTO e-filing system ruins the IFW drawings.) The resolution in today's amended drawings is about **seven times finer** than the resolution in the drawings that the Examiner examined.

In the discussion that follows, the undersigned will make reference to the "seven times finer" resolution of today's drawings.

Blowing up drawings for design examination. The undersigned will offer a general comment about the practice in Art Unit 2900 of blowing up drawings by 200% or more during examination. The undersigned recognizes that such blowing-up of drawings can sometimes be helpful in identifying issues such as consistency between views. The undersigned urges, however, that everyone involved in the examination process needs to keep in mind that when the Issue Branch prints the issued design patent, the drawings are reproduced only at 100%. This means that if some detail in a figure is unobjectionable when viewed at 100%, then the fact that it shows some real or imagined flaw or defect when blown up to 200% or more is (or at least should be) irrelevant in the examination process.

Table clamp. The Examiner correctly identifies a table clamp at the bottom of each of Figures 1, 2, 3, 5, 7, 8, 9, 10, 12 and 14. The Examiner also correctly notes that the table clamp has a shaft which is shown in solid black. The Examiner also correctly surmises that if one were to have an opportunity to see the creative tool in person, one would see very fine screw thread at this shaft.

The Examiner invites the undersigned to attempt to "clarify" this in Figures 1, 2, 3, 5, 7, 8, 9, 10, 12 and 14. The undersigned respectfully declines, for two reasons. First the undersigned wishes to avoid any suggestion that a third party might later make about some real or imagined "added new matter" if the undersigned were to attempt to actually show such screw thread in detail. Second, the screw thread

is very fine and the undersigned believes that such fine screw thread would be very difficult to show clearly with the page size and image size available in an issued US design patent. Instead, what the undersigned proposes is to eliminate any need for “clarification” by disclaiming the screw thread with this wording:

Figures 1, 2, 3, 5, 7, 8, 9, 10, 12 and 14 each show a table clamp at the bottom of the figure, the table clamp having a shaft shown in solid black, denoting an unclaimed screw thread.

Knurling on knob. The Examiner correctly identifies a knob that becomes visible in each of Figures 8, 9, 10 and 12, due to the handle being in a raised position. The Examiner also correctly surmises that if one were to have an opportunity to see the creative tool in person, one would see very fine knurling on part of this knob.

The Examiner invites the undersigned to attempt to “clarify” this in Figures 8, 9, 10 and 12. The undersigned respectfully declines, for two reasons. First the undersigned wishes to avoid any suggestion that a third party might later make about some real or imagined “added new matter” if the undersigned were to attempt to actually show such knurling in detail. Second, the knurling is very fine and the undersigned believes that such fine knurling would be very difficult to show clearly with the page size and image size of an issued US design patent. Instead, what the undersigned proposes is to eliminate any need for “clarification” by disclaiming the knurling with this wording:

Figures 8, 9, 10 and 12, due to the handle being in a raised position, reveal a knob having a portion shown in solid black, denoting an unclaimed knurled area.

Inconsistency. The Examiner objects to inconsistencies seen in the figures. The Examiner identifies a logo or writing in Figures 4, 11 and 14 that is not visible in Figures 5 and 12. The undersigned has cleaned up Figures 4, 11 and 14 to eliminate the logo or writing.

Title. The undersigned has amended the title as suggested by the Examiner.

Claim. The undersigned has amended the claim as suggested by the Examiner.

Prohibited surface shading. The Examiner directs the applicant as follows:

In an effort to overcome the 35 U.S.C. § 112, (a) and (b) rejection, ... remove the surface shading from the indefinite and non-enabled surfaces as surface shading is prohibited on non-enabling detail.

The undersigned is not, however, aware of any places where the applicant made use of surface shading, prohibited or otherwise. The undersigned invites the Examiner to assist the undersigned in understanding this direction.

Circled zig-zag line. The Examiner finds fault with what is described as a “zig-zag line” in each of Figures 1 and 8. The undersigned is only able to see this zig-zag line by blowing up the figure to at least 150%. To avoid any further difficulty about this detail, the undersigned has carefully erased the detail. It is hoped that this issue is now eliminated.

Resort to conjecture. The Examiner points to particular areas in Figures 4, 5, 6, 9, 10, 11 and 12, expressing the need to “resort to conjecture” as to whether each area might be a recess or might

protrude. The concern that some area in a figure might protrude, perhaps arbitrarily far, reminds the undersigned of the famous line in the movie *A Christmas Story* in which Ralphie is warned “you could shoot your eye out with that”.

In response, the Examiner is respectfully reminded of the case *In re Maatita*, 900 F.3d 1369 (Fed. Cir. 2018). In that case, the Examiner rejected a claimed design showing only a bottom plan view of a shoe sole. The Examiner held the view that one could not be sure what parts of the sole were recesses and what parts of the sole were protrusions. The Court of Appeals for the Federal Circuit reversed, finding that the design claim in question was both definite and enabled.

It is hoped that the undersigned having provided replacement drawings with seven times more resolution, and with the reminder of the holding in *In re Maatita*, the “resort to conjecture” rejection can be withdrawn.

Instructions to the Issue Branch. In any Notice of Allowance, the Examiner is begged to give an explicit instruction to the Issue Branch to use the SCORE drawings in any issued design patent, and to refrain from attempting to use the IFW drawings.

Conclusion. The undersigned has gone to quite a lot of time and trouble, and the applicant has incurred substantial cost and expense, in the hopes of responding as fully to the Office Action as is possible to do without impermissibly adding new matter or otherwise introducing possible new grounds for objection or rejection. These efforts have included going to the web site of the European Union Intellectual Property Office and downloading high quality original images, and carrying out extremely careful edits upon those images, to respond to concerns raised by the Examiner. The new images have seven times the resolution of the images previously examined by the Examiner. It is hoped that the next step for the Examiner can be an allowance of the present design patent application. If after reviewing the present response, any issue remains that might get in the way of an allowance, the Examiner is begged to get in touch with the undersigned.

Respectfully submitted,

/s/

Carl Oppedahl
PTO Reg No 32746
telephone 303-252-8800



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
29/867,397	10/24/2022	Andreas Papenfuss	BMLP.D020 20/4025695	8428
69842	7590	09/25/2024		
Oppedahl Patent Law Firm LLC -- BMLP				
P O Box 351240				
Westminster, CO 80035				
EXAMINER				
DAVID, ALEXANDER J				
ART UNIT		PAPER NUMBER		
2938				
NOTIFICATION DATE		DELIVERY MODE		
09/25/2024		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):

docket-oppedahl@oppedahl.com
info@patentanwaltskanzlei-wuppertal.de
mail-log@oppedahl.com

Detailed Action

Notice of Pre-AIA or AIA Status

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

Multiple Embodiments

This application discloses the following embodiments:

Embodiment 1: Figures 1 - 7

Embodiment 2: Figures 8 - 14

Multiple embodiments of a single inventive concept may be included in the same design application only if they are patentably indistinct. See *In re Rubinfeld*, 270 F.2d 391, 123 USPQ 210 (CCPA 1959). Embodiments that are patentably distinct from one another do not constitute a single inventive concept and thus may not be included in the same design application. See *In re Platner*, 155 USPQ 222 (Comm'r Pat. 1967).

The above identified embodiments are considered by the examiner to present overall appearances that are basically the same. The differences are Embodiment 1 shows the design with the lever in the down position, with the shaft extending through the bottom of the upper portion of the creative tool, while Embodiment 2 shows the design with the lever in the up position, with the shaft retracted, and additional elements under the lever exposed. The differences between the appearances of the embodiments are considered minor and patentably indistinct, or are shown to be obvious in view of analogous prior art cited. Accordingly, they are deemed to be obvious variations and are being retained and examined in the same application.

Foreign Priority Benefit

Receipt is acknowledged of certified copies of papers required by 37 CFR 1.55.

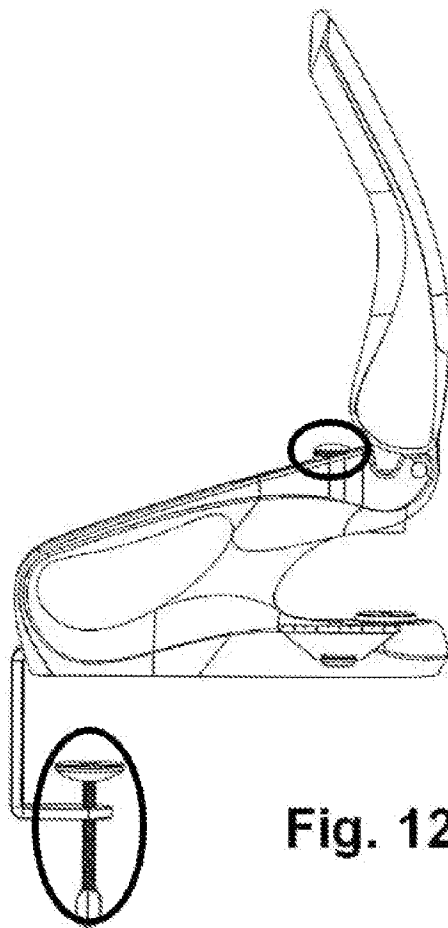
Drawing Objections

Line Quality

The drawings are objectionable because they do not meet the Standards for Drawings as set forth in 37 CFR 1.84(l). Specifically, the lines appear fuzzy and blurry, which in turn make it

difficult to determine the characteristics of some features. All drawings must be made by a process which will give them satisfactory reproduction characteristics. Every line, number, and letter must be durable, clean, black (except for color drawings), sufficiently dense and dark, and uniformly thick and well-defined. The weight of all lines and letters must be heavy enough to permit adequate reproduction. This requirement applies to all lines however fine, to shading, and to lines representing cut surfaces in sectional views. Lines and strokes of different thicknesses may be used in the same drawing where different thicknesses have a different meaning (see 37 CFR 1.84(l)). Therefore, the drawings must be amended to comply with 37 CFR 1.84. See the sketches below for some examples of issues encountered because of blurry/fuzzy lines, however, the issue applies to ALL figures included in the application.

- Areas of note are the table clamp as well as the other circled structure shown in Figure 12 below. It is the examiners understanding that the shaft of the clamp is screw thread, and that the surface on the other structure is knurled, however, effort should be made to better clarify this in the new drawings.



Inconsistency

The drawings are objectionable due to inconsistencies seen in the figures. These inconsistent figures must be corrected to disclose a consistent design. See the sketches below for identification of the inconsistent subject matter. Please ensure that any corrections are carried throughout the figure drawings.

- In Embodiment 1, Figure 4, there is what appears to be a logo/writing on the side that is not visible in Figure 5.

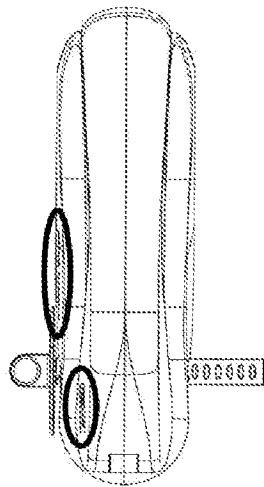


Fig. 4

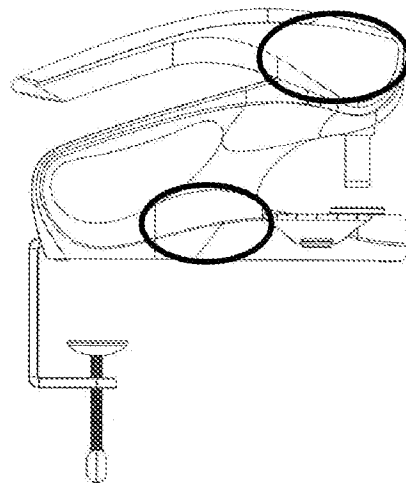


Fig. 5

- In Embodiment 2, Figures 11 and 14, the logos/writing are present, but are absent in Figure 12.

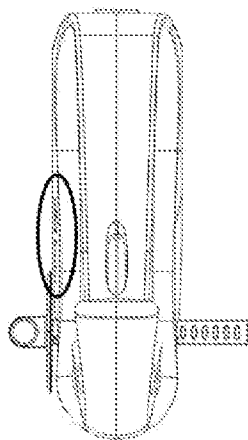


Fig. 11

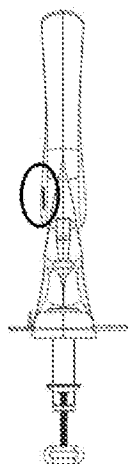


Fig. 14

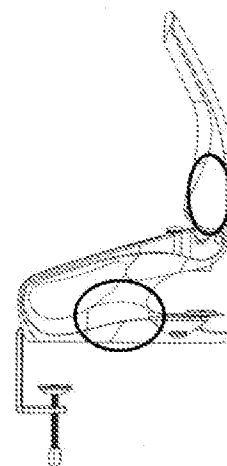


Fig. 12

Replacement Drawings

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.

When preparing new or replacement drawings, be careful to avoid introducing new matter. 35 USC §132 and 37 CFR §1.121(f).

Specification Objections

Title

The title is objected to because it does not identify the article in which the design is embodied by the name generally known and used by the public. The title of the design must designate the particular article (37 CFR 1.153(a) and MPEP 1503.01). The title **“Vario Creative Tool”**, specifically the word **“Vario”**, appears to be a **trade** or **brand** name and does not identify a specific article. Therefore, the title **“Vario Creative Tool”** must be cancelled throughout the application, original oath or declaration excepted, and replaced with a proper title which the design is embodied by the name generally known and used by the public. The examiner suggests one of the following titles or similar: **-- Creative Tool --**.

Claim

The claim is objectionable due to not being in proper form (37 CFR 1.153; MPEP 1503.01), as well as containing the word “Vario” as described in the Title portion of the Specification Objections. The claim must should be amended to:

-- I CLAIM:

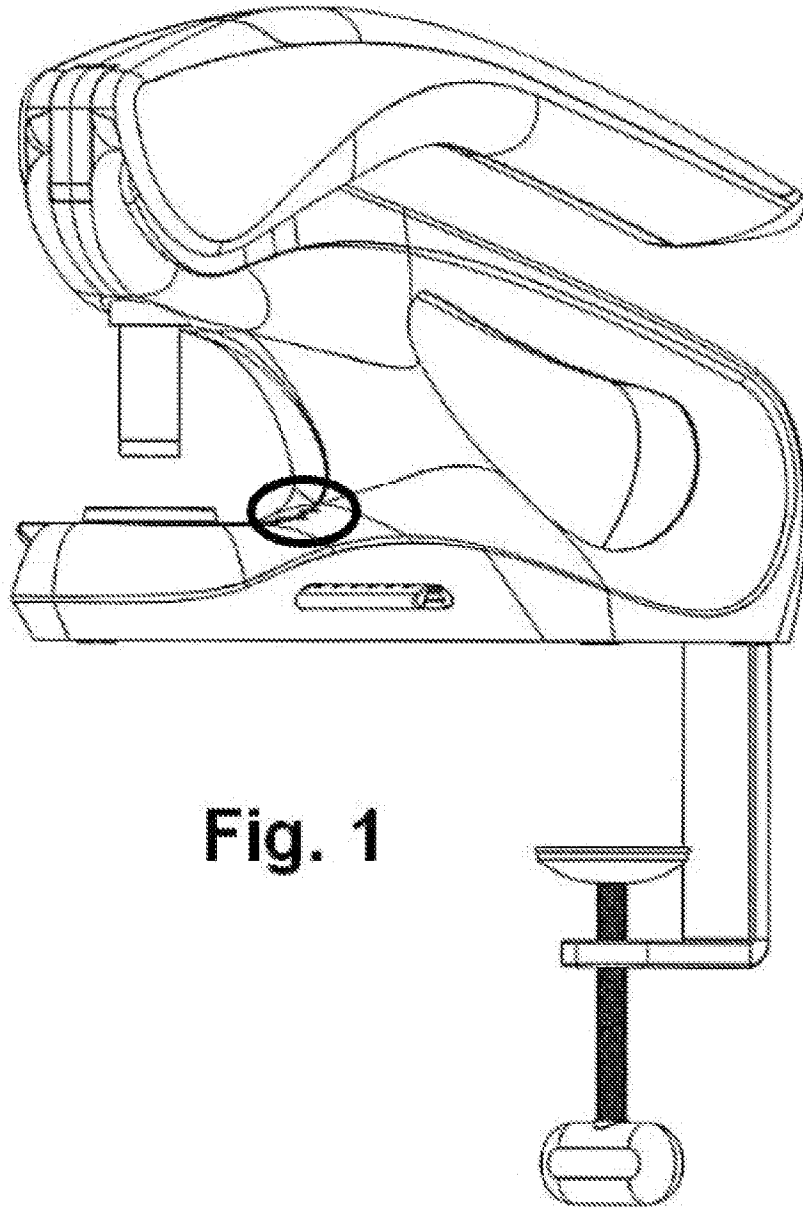
The ornamental design for a Creative Tool, as shown and described.--.

Claim Rejection: 35 U.S.C. § 112, (a) and (b)

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

The claim is indefinite and non-enabled. Specifically, the precise shape and relative location of elements in the figures cannot be determined. One skilled in the art would necessarily resort to conjecture attempting to understand these details. Please see the sketches below for identification of the non-enabled subject matter. In an effort to overcome the 35 U.S.C. § 112, (a) and (b) rejection, convert the non-enabled elements WITHIN the highlighted areas in the sketches to lightweight broken line and remove the surface shading from the indefinite and non-enabled surfaces as surface shading is prohibited on non-enabling detail.

- In Figure 1, shown below, the exact shape and design of the circled zig-zag line cannot be determined as it is only visible in a single view, and is thus indefinite and non-enabled.



- In Figure 4 shown below, the inner circle of the highlighted area, as well as the portion below the adjustable stop are indefinite and non-enabled. The area behind the adjustable stop specifically because its shape and location cannot be determined from a single view. The highlighted circle area, because the dept and location cannot be determined from this view, with the poor line quality present in other views contributing to the issue.

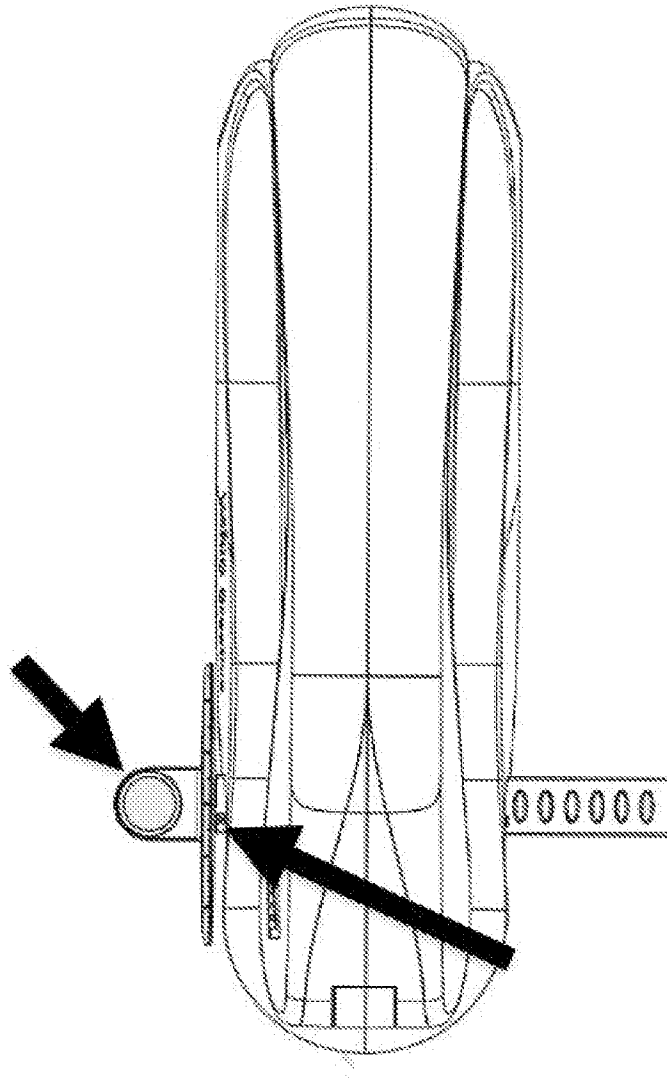
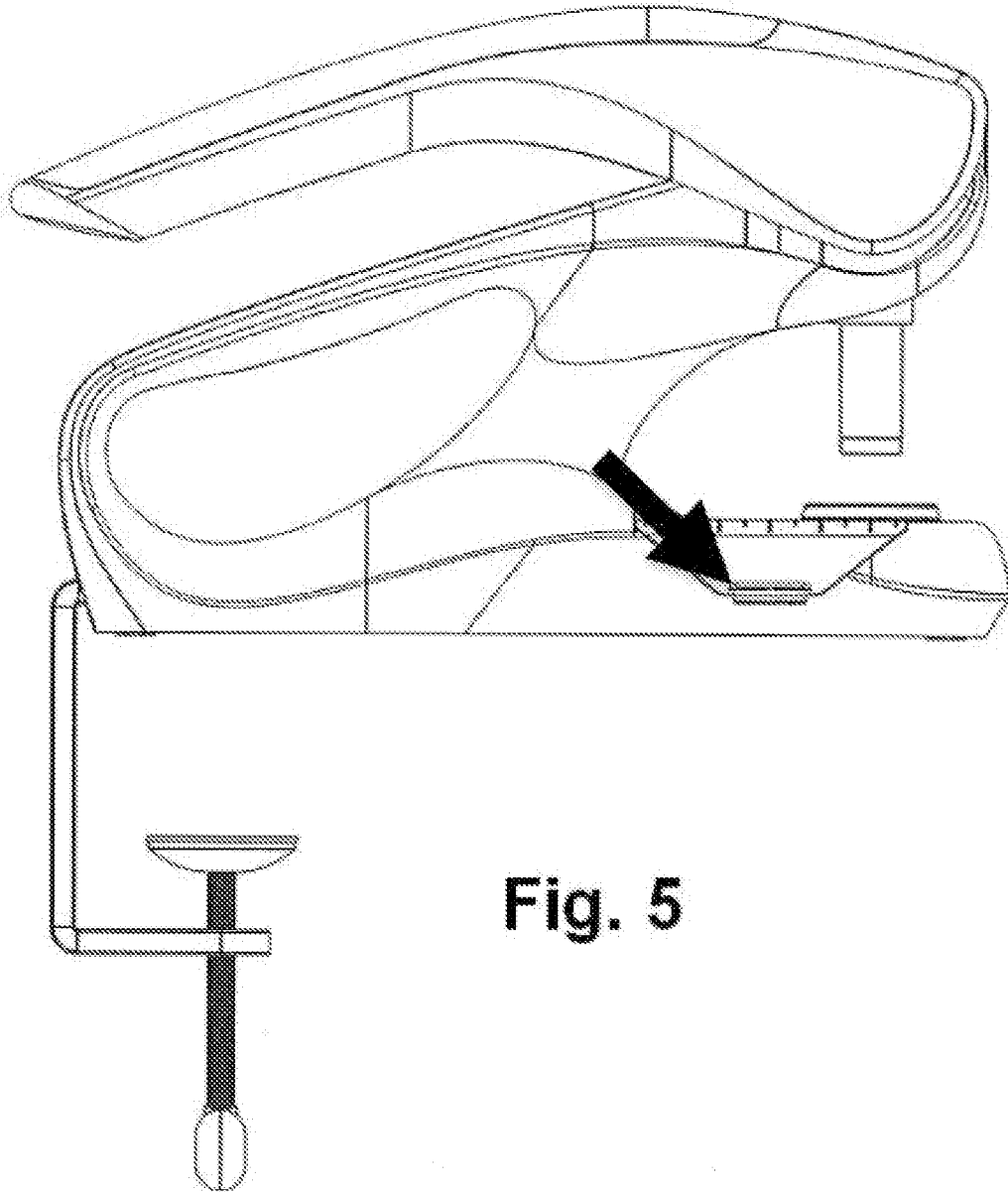


Fig. 4

Art Unit: 2938

- In Figure 5 shown below, the area annotated with an arrow, where the adjustable stop meets the bar is indefinite and non-enabled as the shape and contour of this surface cannot be determined from a single view, with the poor line quality contributing to the issue as well.



- In Figure 6, shown below, the highlighted areas are indefinite and non-enabled as their shape and location cannot be determined from a single view.

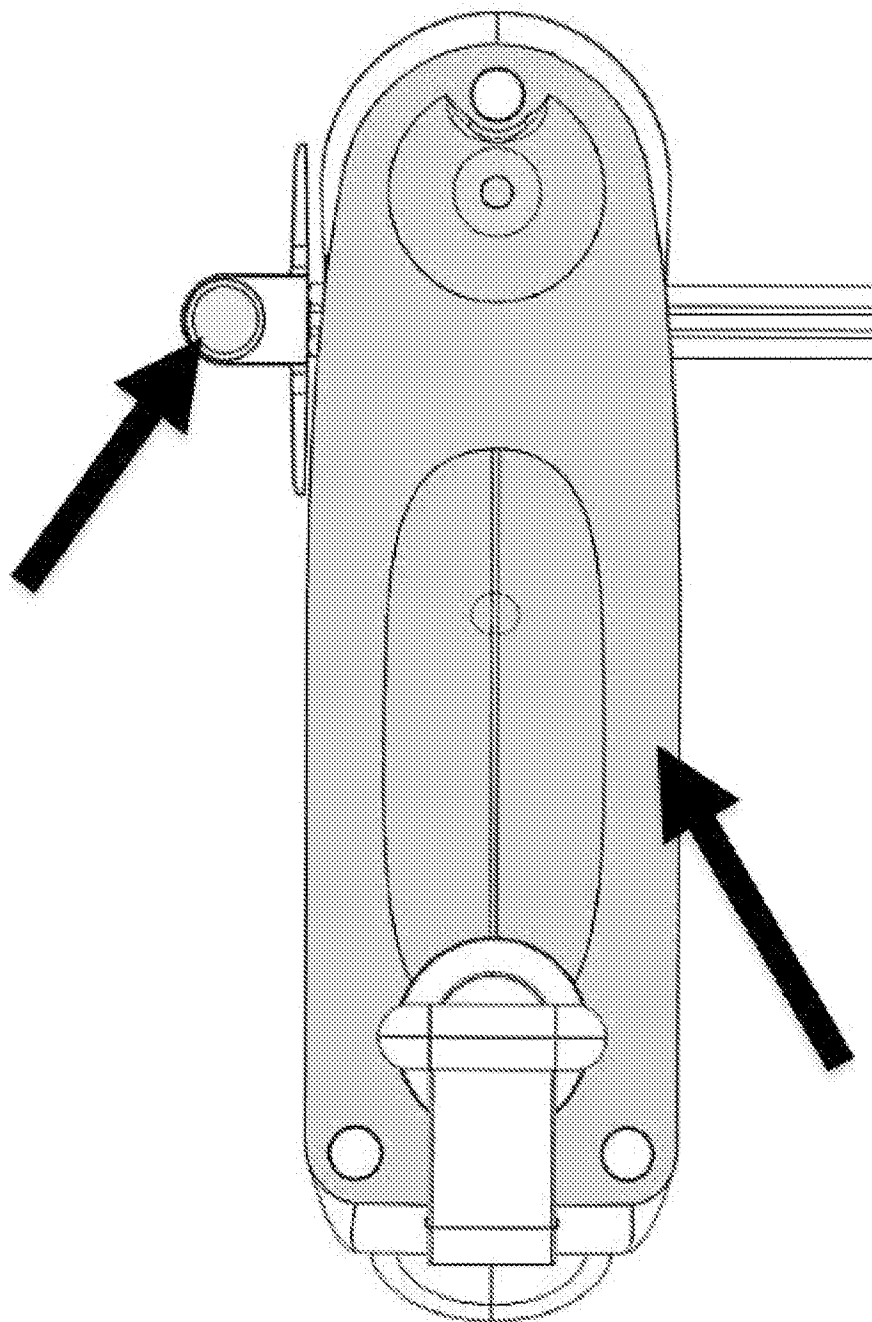
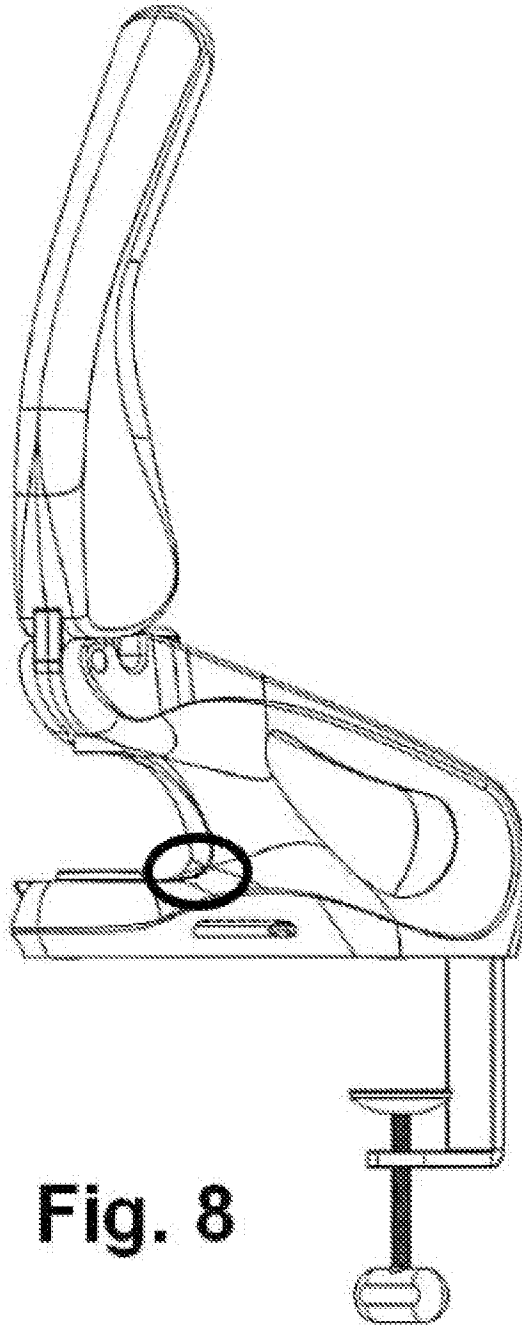


Fig. 6

- In Figure 8, shown below, the exact shape and design of the circled zig-zag line cannot be determined as it is only visible in a single view, and is thus indefinite and non-enabled.



Art Unit: 2938

- In Figure 9, the highlighted areas are indefinite and non-enabled, as their shape and location cannot be determined from a single view. It is also the examiner's understanding that the un-highlighted area in the center of the circle is a cylinder.

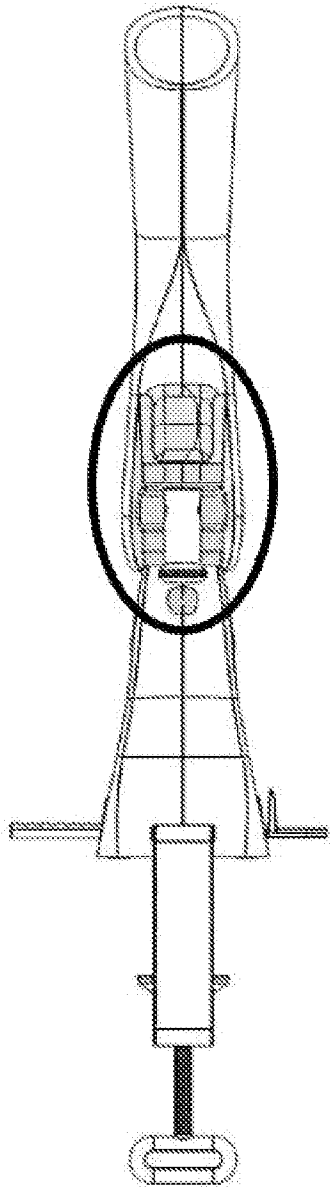


Fig. 9

- In Figure 11, the highlighted areas are indefinite and non-enabled, as their shape and location cannot be determined from a single view.

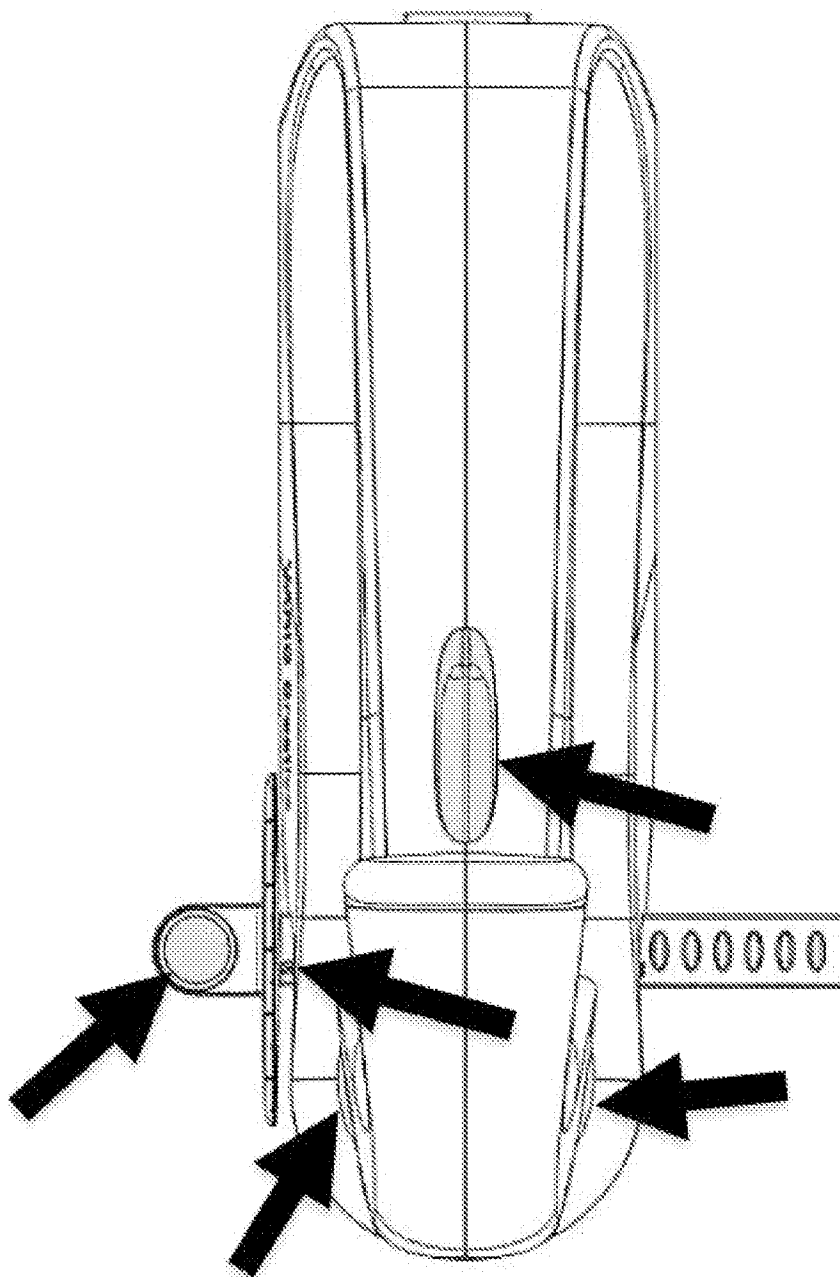


Fig. 11

- In Figures 10 and 12 (Figure 12 shown), the area within the recess, annotated with an arrow, is indefinite and non-enabled as it's precise location cannot be determined.

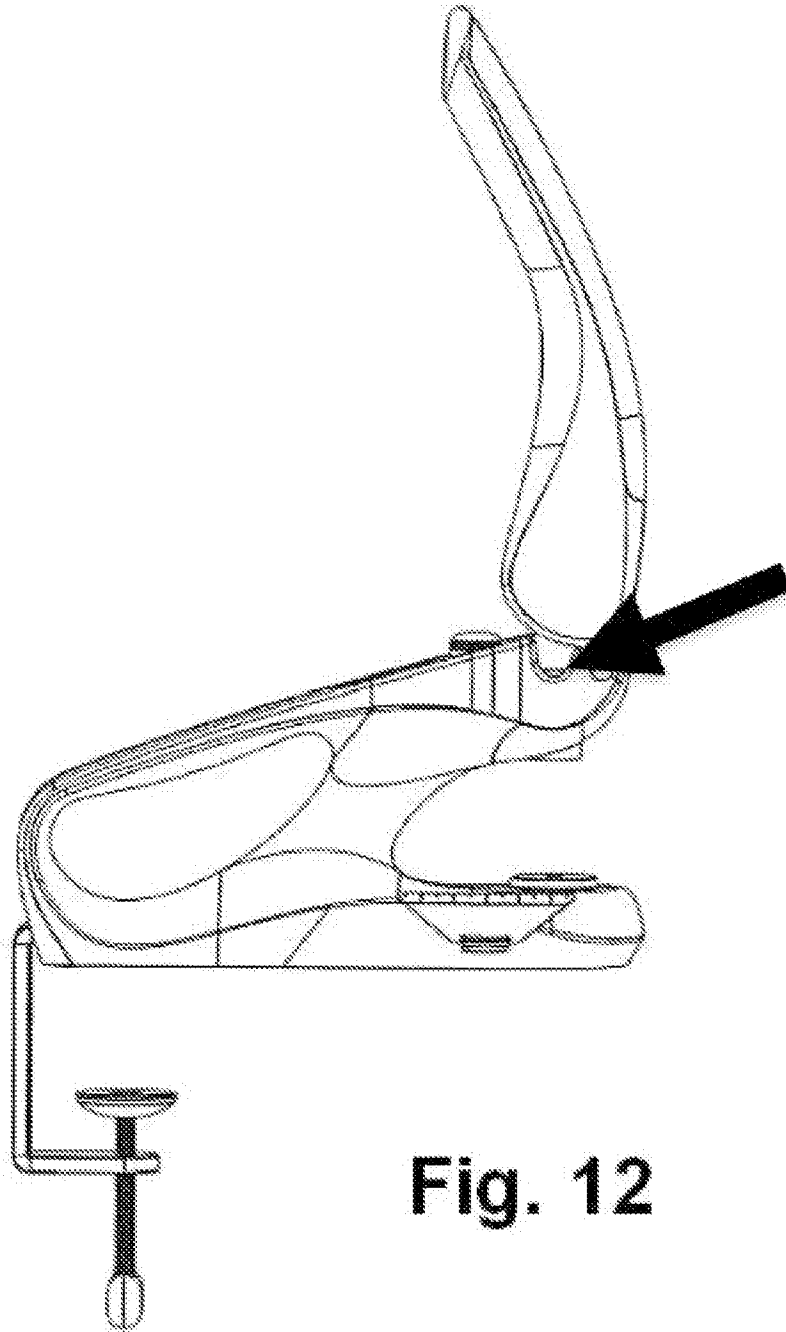


Fig. 12

- In Figure 12, shown below, the highlighted areas are indefinite and non-enabled as their shape and location cannot be determined from a single view.

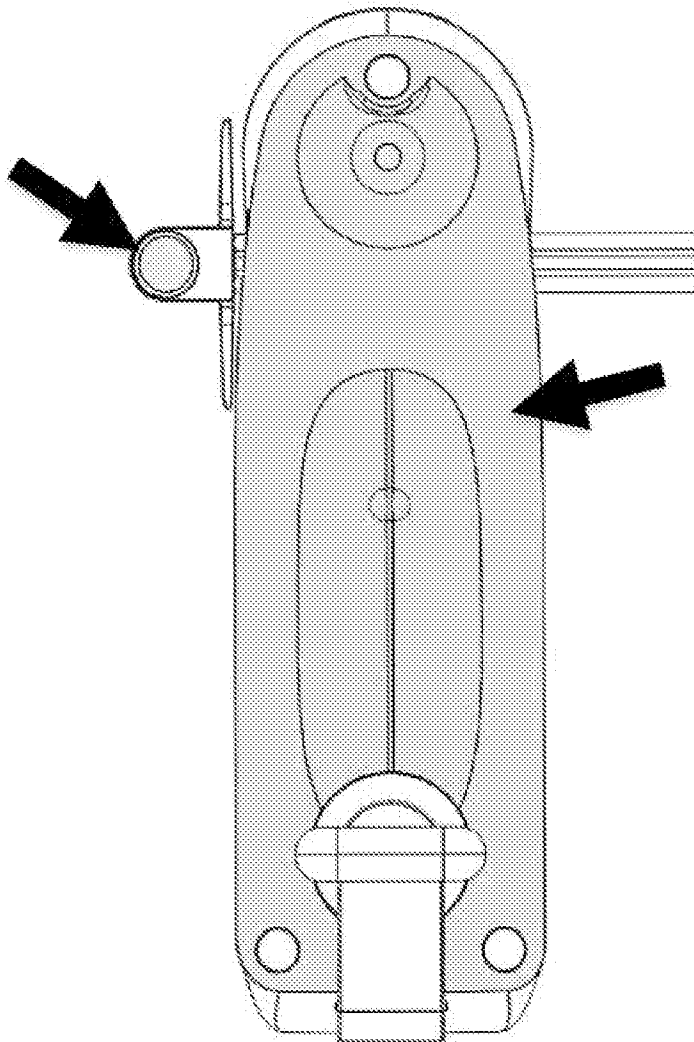


Fig. 13

If elements of the figures are converted to broken lines, the following statement must be used to describe the broken lines on the drawings (37 CFR 1.152; MPEP § 1503.02, subsection III; and *In re Blum* 153 USPQ 177 (1967).):

-- The broken lines in the drawings illustrate portions of the Creative Tool that form no part of the claimed design. --.

Art Unit: 2938

This statement should be inserted in the specification preceding the claim when converting details to broken line.

Conclusion

The claim stands rejected under 35 U.S.C. § 112, (a) and (b).

The references are cited as pertinent prior art. Applicant may view and obtain copies of the cited references by visiting <<https://ppubs.uspto.gov/pubwebapp/static/pages/landing.html>> and pressing the "Patent Number Search" button.

Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALEXANDER J DAVID whose telephone number is (703)756-1578. The examiner can normally be reached Mon-Fri. 8am-5pm.

Examiner interviews are available via telephone, in-person, and video conferencing using a USPTO supplied web-based collaboration tool. To schedule an interview, applicant is encouraged to use the USPTO Automated Interview Request (AIR) at <http://www.uspto.gov/interviewpractice>.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Kearney can be reached on 571-272-8312. 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.

/A.J.D./

Examiner, Art Unit 2938

/RICHARD EDGAR/

Supervisory Patent Examiner, Art Unit 2931

Vario creative tool

Design application number EM 009005556-0001, filed April 27, 2022, is incorporated herein for all purposes. Design application number EM 009005556-0002, filed April 27, 2022, is incorporated herein for all purposes.

Figure 1 is a perspective view of a first embodiment of the vario creative tool.

Figure 2 is a rear view thereof.

Figure 3 is a first side view thereof.

Figure 4 is a top view thereof.

Figure 5 is a second side view thereof.

Figure 6 is a bottom view thereof.

Figure 7 is a front view thereof.

Figure 8 is a perspective view of a second embodiment of the vario creative tool.

Figure 9 is a rear view thereof.

Figure 10 is a first side view thereof.

Figure 11 is a top view thereof.

Figure 12 is a second side view thereof.

Figure 13 is a bottom view thereof.

Figure 14 is a front view thereof.

Claim

What is claimed is an ornamental design for a vario creative tool, as shown and described.

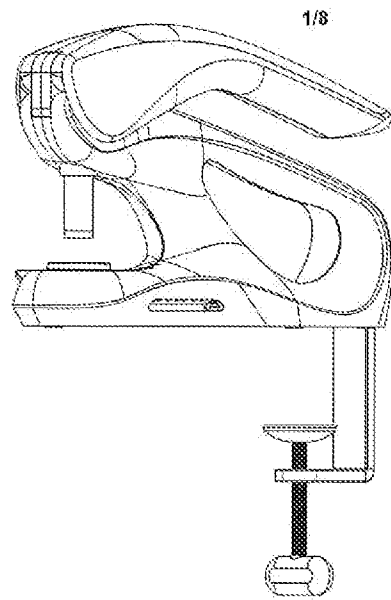


Fig. 1

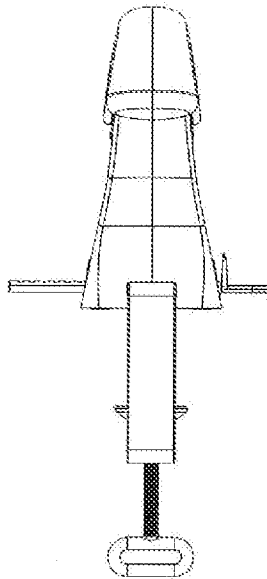


Fig. 2

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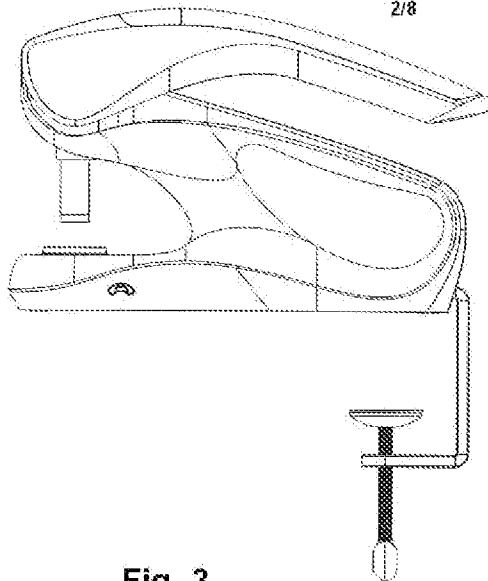


Fig. 3

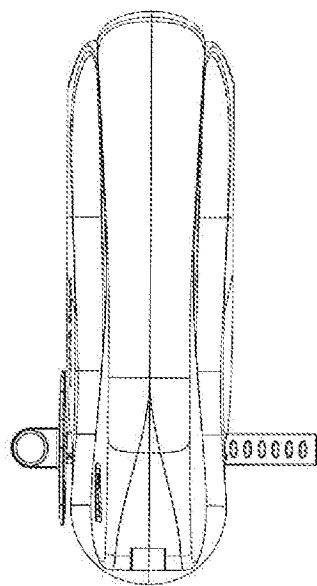


Fig. 4

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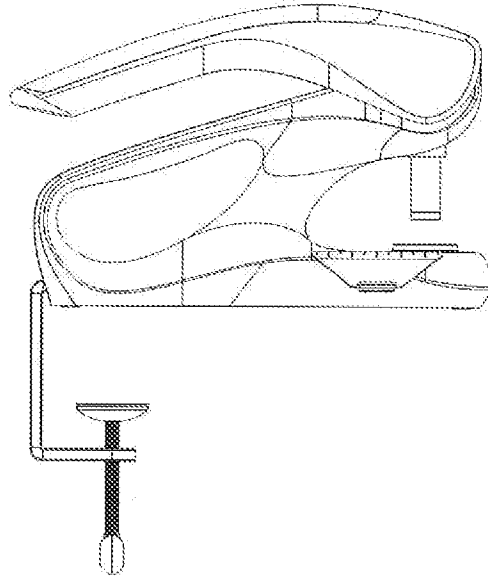


Fig. 5

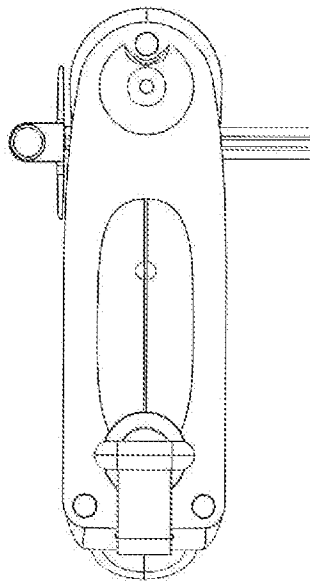


Fig. 6

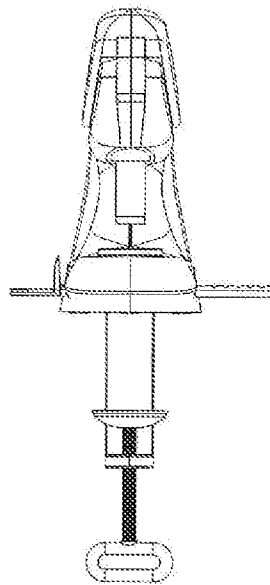


Fig. 7

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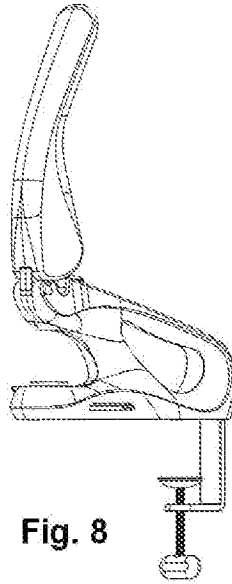


Fig. 8

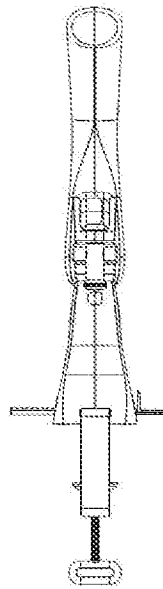


Fig. 9

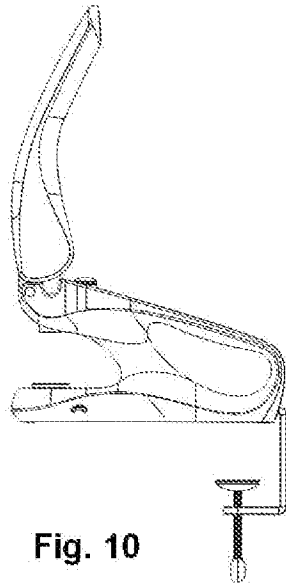


Fig. 10

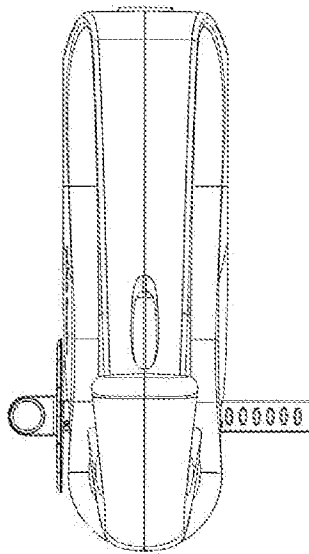


Fig. 11

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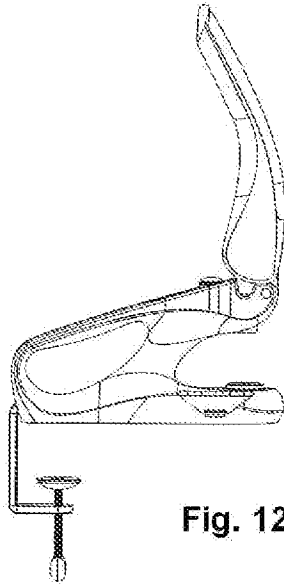


Fig. 12

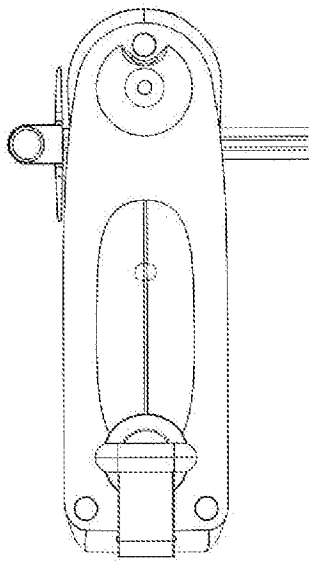


Fig. 13

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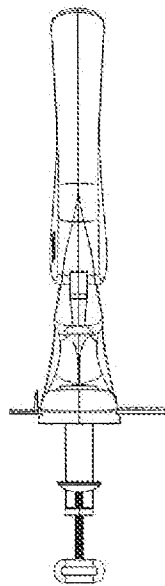


Fig. 14