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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|-------------------------|---------------------|------------------|
| 10/789,488 | 02/26/2004 | Simon Nicholas Richmond | SPRUSON-08795 | 7998 |

7590 09/07/2005
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EXAMINER

A, MINH D

ART UNIT PAPER NUMBER

2821

DATE MAILED: 09/07/2005

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

| | | | |
|------------------------------|--------------------------------------|---|--|
| Office Action Summary | Application No. 10/789,488 | Applicant(s) RICHMOND, SIMON NICHOLAS | |
| | Examiner Minh D. A | Art Unit 2821 | |

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

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 26 February 2004.
- 2a) This action is **FINAL**.
- 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-29 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 1-19 is/are allowed.
- 6) Claim(s) 20-23 and 26-27 is/are rejected.
- 7) Claim(s) 24, 25, 28 and 29 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 - 1. Certified copies of the priority documents have been received.
 - 2. Certified copies of the priority documents have been received in Application No. _____.
 - 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 20-23 and 26-27 are rejected under 35 U.S.C. 102(b) as being unpatentable by Shalvi (US 6,120,165).

Regarding claim 20, Shalvi discloses an outdoor solar lamp including: a body (13); a lens mounted on the body (13) and generally enclosing a chamber; a circuit(21) having at least two lamps of different colours to produce a desired colour including a varying colour, the lamps being mounted to direct light into the chamber, connections for at least one rechargeable battery to power the circuit and a solar cell(12) mounted on an exposed surface of the assembly and operatively associated with the connections to charge the battery, and a switch operable to control delivery of electric power from the battery to operate said circuit, the switch being exposed to provide for access thereto by a user. See figures 1-3, col.1, lines 40-67 to col.3, lines 1-28.

Regarding claim 21, Shalvi discloses the circuit (21) includes a light sensitive switch (31) that renders the circuit operative at low light levels. See figures 1-3.

Regarding claim 22, Shalvi discloses the circuit (21) includes a light sub-circuit connected to the lamps to deliver electric power thereto so that the lamps produce said desired colour, with said switch being an on/off switch to deliver electric

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power from the batteries to said sub-circuit. See figures 1-3.

Regarding claim 23, Shalvi discloses the circuit includes a light sub-circuit having an integrated circuit operable to select a desired fixed colour, with said switch being connected to said integrated circuit and operable to select said desired fixed colour. See figures 1-3.

Regarding claim 26, Shalvi discloses the circuit includes a light sub-circuit connected to the lamps to deliver electric power thereto so that the lamps produce said desired colour with said switch being an on/off switch to deliver electric power from the batteries to said sub-circuit. See figures 1-3.

Regarding claim 27, Shalvi discloses the circuit includes a light sub-circuit having an integrated circuit operable to select a desired fixed colour with the switch being connected to said integrated circuit and operable to select said desired fixed colour. See figures 1-3.

Allowable Subject Matter

3. Claims 1-19 are allowed.
4. Claims 24-25 and 28-29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

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The prior art does not teach that, a body; a lens mounted on the body and generally enclosing a chamber having an upper rim surrounding a top opening, and a bottom region; a reflector mounted in the bottom region; a cap assembly including securing means to releasably engage the rim so that the cap assembly can be selectively removed from the lens in combination with all limitations recited in independent claim 1.

Claims 2-19 allowed, since they are depending in claim 1.

Prior art does not teach that, the circuit includes a sub-circuit, said switch is a first switch, said first switch being an on/off switch to deliver electric power from the battery to said sub-circuit, and said sub-circuit includes an integrated circuit and a second switch connected to said integrated circuit, the second switch being operable to select a desired fixed colour and exposed to provide for access thereto by a user.

Claim 25 allowed, since it is depending on claim 24.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Szekely et al (US 4,999,060) and Doud (US 6,769,907) are cited to show a solar lamp apparatus.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Minh A whose telephone number is (571) 272-1817. The examiner can normally be reached on M-F (5:30 –2:30 PM).

If attempts to reach the examiner by telephone is unsuccessful, the examiner's supervisor, Don Wong, can be reached on (571) 272-1834. The fax phone numbers for

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