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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 05/02/2006  
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EXAMINER

A, MINH D

ART UNIT PAPER NUMBER

2821

DATE MAILED: 05/02/2006

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

3/1

<b>Office Action Summary</b>	<b>Application No.</b> 10/789,488	<b>Applicant(s)</b> RICHMOND, SIMON NICHOLAS	
	<b>Examiner</b> Minh D. A	<b>Art Unit</b> 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 06 February 2006.
- 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  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.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) 20-29 is/are rejected.
- 7)  Claim(s) \_\_\_\_\_ 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.

  
 TUYET VO  
 PRIMARY EXAMINER

**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**

1. This is a response to the Applicant's filing on 2/6/06. In virtue of this filing, claims 1-29 are currently presented in the instant applicant.

Applicant's communication filed on 2/6/06 has been carefully considered by the examiner. The arguments advanced therein are persuasive with respect to the rejection of record, and those rejection are accordingly withdraw. In view of a further consideration, however, a new rejection is set forth below. This action is not made final.

**Claim Rejections - 35 USC § 103**

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 20-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over by May et al (US 2005/0156103) in view of Zhang (US 6,528,782).

Regarding claim 20, figure 1, May disclose a body(10); a lens mounted on the body and generally a chamber(11) and a circuit (21) having at least two lamps (19) of different colours to produce a desired colour including a varying colour, the lamps(19) being mounted to direct light into the chamber. See figures 1-5, col.3, lines [0045] to col.8, lines [0098] to [0103].

May does not teach a connections for at least one rechargeable battery to power the circuit and a solar cell mounted on an exposed surface of the assembly so as to be

Art Unit: 2821

exposed to light and operatively associated with the connections to charge the battery, and a user operated on/off 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 thereby enabling a user to manipulate the switch to control the delivery of electric power from the battery.

Zhang a chromogenic light filter and controls comprise a connections for at least one rechargeable battery (361)(figure 3) to power the circuit (361) and a solar cell(360) mounted on an exposed surface of the assembly so as to be exposed to light and operatively associated with the connections to charge the battery(360), and a user operated on/off switch(456)(456) operable to control delivery of electric power from the battery to operate said circuit, the switch(456) being exposed to provide for access thereto by a user(440) thereby enabling a user to manipulate the switch to control the delivery of electric power from the battery. See figures 1-3, col.3, lines 25-67 to col.29, lines 1-55.

It would have been an obvious to one of ordinary skill in the art at the time the invention was made to employ at least one rechargeable battery (361)(figure 3) to power the circuit (361) and a solar cell (360) mounted on an exposed surface of the assembly so as to be exposed to light and operatively associated with the connections to charge the battery (360), and a user operated on/off switch (456)(456) operable to control delivery of electric power from the battery to operate said circuit, the switch(456) being exposed to provide for access thereto by a user(440) thereby enabling a user to manipulate the switch to control the delivery of electric power from the battery such as

Art Unit: 2821

that suggested by Zhang in the lamp circuit of May to switch on/off and adjust different color by user, since such a combination of circuits to create a different colors have been well known in the art as evidenced by the teachings of Zhang.

Regarding claim 21, figure 10, May discloses the circuit includes a light sensitive switch (139) that renders the circuit operative at low level voltage.

Regarding claim 22, figure 10, May disclose a 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 (137) to deliver electric power from the batteries to said sub-circuit. See figures 9-11.

Regarding claim 23, figure 10, May discloses the circuit includes a light sub-circuit having an integrated circuit (129) operable to select a desired fixed colour, with said switch being connected to said integrated circuit and operable to select said desired fixed colour.

Regarding claim 24, figure 10, May discloses the circuit (21) 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. Col.9, line [0112] to col.11, lines [0126].

Regarding claim 25, figures 1 and 10, May inherently discloses the second switch is on the exposed external surface, since it provides a different colors or adjusting a LED for different colors.

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