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Values: 12/569,659, 09/29/2009, Susan Katherine Walvius, 29712-0002001, 8676

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EXAMINER
POLITO, NICHOLAS F

ART UNIT 3673
PAPER NUMBER

DATE MAILED: 03/13/2013

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)

(application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 180 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 180 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (http://pair.uspto.gov).

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.

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Examiner-Initiated Interview Summary	Application No. 12/569,659	Applicant(s) WALVIUS ET AL.	
	Examiner Nicholas Polito	Art Unit 3673	

All participants (applicant, applicant's representative, PTO personnel):

- (1) Nicholas Polito. (3)_____.
- (2) Frank Gerratana. (4)_____.

Date of Interview: 28 February 2013.

Type: Telephonic Video Conference
 Personal [copy given to: applicant applicant's representative]

Exhibit shown or demonstration conducted: Yes No.
If Yes, brief description: _____.

Issues Discussed 101 112 102 103 Others
(For each of the checked box(es) above, please describe below the issue and detailed description of the discussion)

Claim(s) discussed: 1-36.

Identification of prior art discussed: N/A.

Substance of Interview

(For each issue discussed, provide a detailed description and indicate if agreement was reached. Some topics may include: identification or clarification of a reference or a portion thereof, claim interpretation, proposed amendments, arguments of any applied references etc...)

Examiner called because claims 1, 2, 4-8, 26-30, 32-36 are allowable over the prior art; however, there would be a double patenting rejection between the current application and child applications 13/271,884 and 13/272,977. Applicants' representative agreed to file a Terminal Disclaimer so the examiner can proceed with allowance. Examiner will cancel withdrawn claims 9-25 with an Examiner's Amendment.

Applicant recordation instructions: It is not necessary for applicant to provide a separate record of the substance of interview.

Examiner recordation instructions: Examiners must summarize the substance of any interview of record. A complete and proper recordation of the substance of an interview should include the items listed in MPEP 713.04 for complete and proper recordation including the identification of the general thrust of each argument or issue discussed, a general indication of any other pertinent matters discussed regarding patentability and the general results or outcome of the interview, to include an indication as to whether or not agreement was reached on the issues raised.

Attachment

/ROBERT G. SANTOS/
Primary Examiner, Art Unit 3673

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Frank Gerratana on 2/28/2013.

The application has been amended as follows:

Claims 9-25 are cancelled.

2. Claims 1, 2, 4-8, 26-30 and 32-36 are allowed.

3. The following is an examiner's statement of reasons for allowance: Murphy et al. and Taniguchi et al., taken either alone or in combination, do not teach "a finished [fabric] at least 90 inches wide [comprising] ...[a] performance fabric having an elasticity such that the performance fabric has a tendency to sag by an amount that is greater than a threshold amount of sag determined by a finishing process, such that the sag would interfere with the finishing process if the performance fabric were circularly knit at greater than a 72.5 inch circumference" as written in all independent claims (1, 5 and 29). The prior art is silent as to the width limitations of elastic performance fabrics and therefore does not teach joining two fabric portions together, one portion comprising the elastic performance fabric, in order to make a finished fabric at least 90 inches wide.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

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accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas Polito whose telephone number is (571)270-5923. The examiner can normally be reached on Monday-Friday 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on (571) 272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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 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.

/Nicholas Polito/
Examiner, Art Unit 3673

/ROBERT G. SANTOS/
Primary Examiner, Art Unit 3673

3/4/2013

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