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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/056,594	03/27/2008	Philip Bryan Howes	CTT-0009	9840

23413 7590 11/20/2008
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EXAMINER

GORDON, STEPHEN T

ART UNIT	PAPER NUMBER
3612	

3612

NOTIFICATION DATE	DELIVERY MODE
11/20/2008	ELECTRONIC

11/20/2008

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):

usptopatentmail@cantorcolburn.com

OK
SM

Office Action Summary

Application No. 12/056,594	Applicant(s) HOWES ET AL.	
Examiner Stephen Gordon	Art Unit 3612	

-- 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 18 September 2008.
- 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) 1-8 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-8 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 27 March 2008 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/SB/08)
Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) Notice of Informal Patent Application
- 6) Other: _____

DETAILED ACTION

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 146, 147, 148, and 149 (used throughout paragraphs 0004 and 0005). Applicant's proposed drawing correction to figure 3 filed 9-18-08 is noted. While the proposed changes if submitted in clean/formal drawing format would overcome the drawing objections, they are not deemed to define a proper response. A new clean/formal drawing copy of figure 3 is required that "formalizes" the informal rough/light added references numbers 146-149 on the proposed figure. Additionally, such new formal drawing figure should be labeled as a "Replacement Sheet" as discussed below. **Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required 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. 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. The objection to the drawings will not be held in abeyance.
2. 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 –

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(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.

3. Claims 1-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Ruan.

Ruan teaches a ratcheting tie down mechanism for a transporter including a tie shaft 3, a pawl mechanism (e.g. at the leftmost side of figure 1), a ratchet gear 1, and a ratchet head 2. The device could be used to transport vehicles.

Claim 1, to the extent that the ratchet/shaft is attached to a cargo truck including a cargo bed platform, the device is deemed to be "affixed to one of the one or more vehicle platforms" as broadly claimed. Additionally, the device defines contacting inner faces – see figure 1. Finally, the device is configured to rotate in a forward direction and remain as a single unit as broadly claimed. The device is configured to rotate in the reverse direction with the head rotating with respect to the gear and shaft as broadly claimed. The gear and head remain in mechanical contact as claimed.

Claim 2, note drive bodies 8 and depressions/holes 6.

Claim 3, note figures 2 and 3.

Claim 4, note springs 7 providing for compression and expansion as claimed.

Claim 5, see figure 3.

Claims 6 and 7, the device is configured as broadly claimed and as best understood.

Claim 8, the device is configured as broadly claimed.

4. 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

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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.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1-8 are alternatively rejected under 35 U.S.C. 103(a) as being unpatentable over Thomas in view of Ruan.

If one were to assume Ruan does not clearly teach affixing of the ratchet assembly structure to a vehicle platform, then the following applies:

Thomas teaches a ratcheting tie down system for a transport which could be used to transport vehicles. The device defines a tie shaft 28 and the ratchet assembly/tie shaft are affixed to the side of a vehicle platform (e.g. the cargo bed of vehicle 15+). Note also pawl mechanism (figure 4) and turning mechanism 32 for engagement of a torque bar in holes 33. The device could be used to transport vehicles.

Thomas fails to teach that the turning mechanism defines a ratchet gear and head configured as defined.

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