

Electronic Petition Request	TERMINAL DISCLAIMER TO OBIVIATE A DOUBLE PATENTING REJECTION OVER A "PRIOR" PATENT
Application Number	15087775
Filing Date	31-Mar-2016
First Named Inventor	Alastair McAuley
Attorney Docket Number	FPHCR.112C5
Title of Invention	BREATHING ASSISTANCE APPARATUS

- Filing of terminal disclaimer does not obviate requirement for response under 37 CFR 1.111 to outstanding Office Action
- This electronic Terminal Disclaimer is not being used for a Joint Research Agreement.

Owner	Percent Interest
Fisher & Paykel Healthcare Limited	100%

The owner(s) with percent interest listed above in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of prior patent number(s)

9974914

as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later:

- expires for failure to pay a maintenance fee;
- is held unenforceable;
- is found invalid by a court of competent jurisdiction;
- is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
- has all claims canceled by a reexamination certificate;
- is reissued; or
- is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

I certify, in accordance with 37 CFR 1.4(d)(4), that the terminal disclaimer fee under 37 CFR 1.20(d) required for this terminal disclaimer has already been paid in the above-identified application.

Applicant claims the following fee status:

- Small Entity
- Micro Entity
- Regular Undiscounted

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

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 is of record in this application

Registration Number 42611
- A sole inventor
- A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors as evidenced by the power of attorney in the application
- A joint inventor; all of whom are signing this request

Signature	/Michael Guiliana/
Name	Michael A. Guiliana

*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

Electronic Patent Application Fee Transmittal

Application Number:	15087775			
Filing Date:	31-Mar-2016			
Title of Invention:	BREATHING ASSISTANCE APPARATUS			
First Named Inventor/Applicant Name:	Alastair Edwin McAuley			
Filer:	Michael A. Guiliana/Chelsea Veinot			
Attorney Docket Number:	FPHCR.112C5			
Filed as Large Entity				
Filing Fees for Utility under 35 USC 111(a)				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
STATUTORY OR TERMINAL DISCLAIMER	1814	1	160	160
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Extension-of-Time:				
Miscellaneous:				
Total in USD (\$)				160

Doc Code: DISQ.E.FILE

Document Description: Electronic Terminal Disclaimer – Approved

Application No.: 15087775

Filing Date: 31-Mar-2016

Applicant/Patent under Reexamination: McAuley

Electronic Terminal Disclaimer filed on September 10, 2018

APPROVED

This patent is subject to a terminal disclaimer

DISAPPROVED

Approved/Disapproved by: Electronic Terminal Disclaimer automatically approved by EFS-Web

U.S. Patent and Trademark Office

Electronic Acknowledgement Receipt

EFS ID:	33668698
Application Number:	15087775
International Application Number:	
Confirmation Number:	4437
Title of Invention:	BREATHING ASSISTANCE APPARATUS
First Named Inventor/Applicant Name:	Alastair Edwin McAuley
Customer Number:	20995
Filer:	Michael A. Guiliana/Chelsea Veinot
Filer Authorized By:	Michael A. Guiliana
Attorney Docket Number:	FPHCR.112C5
Receipt Date:	10-SEP-2018
Filing Date:	31-MAR-2016
Time Stamp:	13:14:30
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	CARD
Payment was successfully received in RAM	\$160
RAM confirmation Number	091018INTEFSW13142701
Deposit Account	111410
Authorized User	Chelsea Veinot

The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:

37 CFR 1.16 (National application filing, search, and examination fees)

37 CFR 1.17 (Patent application and reexamination processing fees)

RMD

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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Terminal Disclaimer-Filed (Electronic)	eTerminal-Disclaimer.pdf	33527	no	2
			d99189777af2d0a7f047fe5c0e2299ef5f1d487d		

Warnings:

Information:

2	Fee Worksheet (SB06)	fee-info.pdf	30442	no	2
			b3e8874a813e6c7a4d8517b5cda2a9d8bc4bbd94		

Warnings:

Information:

Total Files Size (in bytes):	63969
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This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

Table with 4 columns: APPLICATION NUMBER (15/087,775), PATENT NUMBER (9539405), GROUP ART UNIT (3778), REQUEST ID (67732)

PAIR Correspondence Address/Fee Address Change

The following fields have been changed to Customer Number 10802 on 07/16/2018 via Private PAIR in view of the certification copied below that authorized the change.

- Maintenance Fee Address

The address for Customer Number 10802 is:
10802
Ipan Intellectual Property Associated Network GMBH
Munchener Strasse 14
Munich, D-85540
GERMANY

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

An attorney or Agent of Record registered to practice before the Patent and Trademark Office who has been given power of attorney in this application

Table with 2 columns: Signature (/Robert J. Roby/), Name (Robert J. Roby), Registration Number (44304)



APPLICATION NO.	ISSUE DATE	PATENT NO.	ATTORNEY DOCKET NO.	CONFIRMATION NO.
15/087,775	01/10/2017	9539405	FPHCR.112C5	4437

20995 7590 12/21/2016
KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

ISSUE NOTIFICATION

The projected patent number and issue date are specified above.

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment is 0 day(s). Any patent to issue from the above-identified application will include an indication of the adjustment on the front page.

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 Application Assistance Unit (AAU) of the Office of Data Management (ODM) at (571)-272-4200.

APPLICANT(s) (Please see PAIR WEB site <http://pair.uspto.gov> for additional applicants):

Alastair Edwin McAuley, Dallas, TX;
Fisher & Paykel Healthcare Limited, Auckland, NEW ZEALAND;
Craig Robert Prentice, Auckland, NEW ZEALAND;
Oliver Gleeson, Auckland, NEW ZEALAND;

The United States represents the largest, most dynamic marketplace in the world and is an unparalleled location for business investment, innovation, and commercialization of new technologies. The USA offers tremendous resources and advantages for those who invest and manufacture goods here. Through SelectUSA, our nation works to encourage and facilitate business investment. To learn more about why the USA is the best country in the world to develop technology, manufacture products, and grow your business, visit SelectUSA.gov.

INFORMATION DISCLOSURE STATEMENT BY APPLICANT	Application No.	15/087,775	
	Filing Date	March 31, 2016	
	First Named Inventor	Alastair Edwin McAuley	
	Art Unit	3778	
<i>(Multiple sheets used when necessary)</i>		Examiner	Annette Fredricka Dixon
SHEET 2 OF 4		Attorney Docket No.	FPHCR.112C5

U.S. PATENT DOCUMENTS					
Examiner Initials	Cite No.	Document Number <i>Number - Kind Code (if known)</i> Example: 1,234,567 B1	Publication Date MM-DD-YYYY	Name	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear
	30	8,950,404	02-10-2015	Formica et al.	
	31	8,960,196	02-24-2015	Henry	
	32	8,944,061	02-03-2015	D'souza et al.	
	33	9,375,545	06-28-2016	Darkin et al.	
	34	9,381,316	07-05-2016	Ng et al.	
	35	2001/0017134	08-30-2001	Bahr	
	36	2002/0020416	02-21-2002	Namey	
	37	2002/0029780	03-14-2002	Frater et al.	
	38	2003/0029454	02-13-2003	Gelinas et al.	
	39	2003/0196655	10-23-2003	Ging et al.	
	40	2003/0196658	10-23-2003	Ging et al.	
	41	20040118406	06-24-2004	Lithgow et al.	
	42	2004/0149280	08-05-2004	Semeniuk	
	43	2004/0182398	09-23-2004	Sprinkle et al.	
	44	2006/0042629	03-02-2006	Geist	
	45	2007/0044804	03-01-2007	Matula et al.	
	46	D595,841	07-07-2009	McAuley et al.	

FOREIGN PATENT DOCUMENTS						
Examiner Initials	Cite No.	Foreign Patent Document <i>Country Code-Number-Kind Code</i> Example: JP 1234567 A1	Publication Date MM-DD-YYYY	Name	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear	T ¹
Change(s) applied to document, /JH/ 12/12/2016	47	DE 10312881 B3	0506-2004	Dragerwerk AG	05/2004	x - Abs
	48	GB2173274	12-04-1997	Ruesch Willy AG		
	49	WO 1998/04311	02-05-1998	Netzer		x - Abs
	50	WO 1998/57691	12-23-1998	Resmed Limited		
	51	WO 2001/062326	08-30-2001	Map Medizintechnik Fur Arzt Und Patient GmbH & Co. KG		
	52	WO 2004/022147	03-18-2004	Resmed Limited		
	53	WO 2004/041342	05-21-2004	Resmed Limited		

Examiner Signature	/Annette Dixon/ (11/07/2016)	Date Considered
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*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

INFORMATION DISCLOSURE STATEMENT BY APPLICANT	Application No.	15/087,775	
	Filing Date	March 31, 2016	
	First Named Inventor	Alastair Edwin McAuley	
	Art Unit	Unknown	
(Multiple sheets used when necessary)		Examiner	Unknown
SHEET 6 OF 12		Attorney Docket No.	FPHCR.112C5

U.S. PATENT DOCUMENTS					
Examiner Initials	Cite No.	Document Number Number - Kind Code (if known) Example: 1,234,567 B1	Publication Date MM-DD-YYYY	Name	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear
	146	2003/0005933	01-09-2003	Izuchukwu	
	147	2003/0019495	01-30-2003	Palkon et al.	
	148	2003/0019496	01-30-2003	Kopacko et al.	
	149	2003/0079749	05-01-2003	Strickland et al.	
	150	2003/0089373	05-15-2003	Gradon et al.	
	151	2003/0121519	07-03-2003	Estes et al.	
	152	2003/0164170	09-02-2003	Reomed™ Drew et al.	
	153	2003/0172936	09-18-2003	Wilkie et al.	
	154	2003/0196656	10-23-2003	Moore	
	155	2003/0196659	10-23-2003	Gradon, et al.	
	156	2003/0196664	10-23-2003	Jacobson	
	157	2003/0200970	10-30-2003	Stenzler et al.	
	158	2004/0067333	04-08-2004	Amarasinghe	
	159	2004/0182398	09-23-2004	Sprinkle et al.	
	160	2004/0211427	10-01-2004	Jones et al.	
	161	2004/0226566	11-18-2004	Gunaratnam et al.	
	162	2005/0011524	01-20-2005	Thomlinson et al.	
	163	2005/0028822	02-10-2005	Sleeper et al.	
	164	2005/0033247	02-10-2005	Thompson	
	165	2005/0066976	03-31-2005	Wondka	
	166	2005/0076913	04-14-2005	Ho et al.	
	167	2005/0098183	05-12-2005	Nash et al.	
	168	2005/0150497	07-14-2005	Eifler et al.	
	169	2005/0199242	09-15-2005	Matula et al.	
	170	2005/0205096	09-22-2005	Matula	
	171	2005/0235999	10-27-2005	Wood et al.	
	172	2006/0060200	03-01-2006	Ho et al.	
	173	2006/0096598	05-11-2006	Ho et al.	
	174	2006/0107958	05-01-2006	Sleeper	

Change(s) applied to document, /M.H.E./ 10/20/2016

Examiner Signature /Annette Dixon/ (06/12/2016)	Date Considered
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*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

INFORMATION DISCLOSURE STATEMENT BY APPLICANT	Application No.	15/087,775	
	Filing Date	March 31, 2016	
	First Named Inventor	Alastair Edwin McAuley	
	Art Unit	Unknown	
<i>(Multiple sheets used when necessary)</i>		Examiner	Unknown
SHEET 5 OF 12		Attorney Docket No.	FPHCR.112C5

U.S. PATENT DOCUMENTS					
Examiner Initials	Cite No.	Document Number <i>Number - Kind Code (if known)</i> Example: 1,234,567 B1	Publication Date MM-DD-YYYY	Name	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear
	117	8,479,741	07-09-2013	McAuley et al.	
	118	8,567,404	10-29-2013	Davidson et al.	
	119	8,631,793	01-21-2014	Omura et al.	
	120	8,757,157	06-24-2014	Price et al.	
	121	8,783,257	07-22-2014	McAuley et al.	
	122	9,032,955	05-19-2015	Lubke et al.	
	123	9,072,852	07-07-2015	McAuley et al.	
	124	9,149,596	10-06-2015	Valcic et al.	
	125	D250,047	10-24-1978	Lewis, et al.	
	126	D250,131	10-31-1978	Lewis, et al.	
	127	D252,322	07-10-1979	Johnson	
	128	D293,613	01-05-1988	Wingler	
	129	D310,431	09-04-1990	Bellm	
	130	D320,677	10-08-1991	Kumagai et al.	
	131	D321,419	11-05-1991	Wallace	
	132	D340,317	10-12-1993	Cole	
	133	D354,128	01-03-1995	Rinehart	
	134	D355,484	02-14-1995	Rinehart	
	135	D378,610	05-25-1997	Reischel et al. 03/1997	
	136	D440,302	04-10-2001	Wolfe	
	137	D455,891	04-23-2002	Biedrzycki	
	138	D520,140	05-02-2006	Chaggares	
	139	D526,094	08-01-2006	Chen	
	140	D686,313	07-16-2013	Matula et al.	
	141	2001/0020474	09-13-2001	Hecker et al.	
	142	2002/0046755	04-25-2002	Voss	
	143	2002/0053347	05-09-2002	Ziaee	
	144	2002/0059935	05-23-2002	Wood	
	145	2002/0096178	07-25-2002	Ziaee	

Change(s) applied to document, /M.H.E./ 10/20/2016

Examiner Signature /Annette Dixon/ (06/12/2016)	Date Considered
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*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

INFORMATION DISCLOSURE STATEMENT BY APPLICANT	Application No.	15/087,775	
	Filing Date	March 31, 2016	
	First Named Inventor	Alastair Edwin McAuley	
	Art Unit	Unknown	
(Multiple sheets used when necessary)		Examiner	Unknown
SHEET 2 OF 12		Attorney Docket No.	FPHCR.112C5

U.S. PATENT DOCUMENTS					
Examiner Initials	Cite No.	Document Number Number - Kind Code (if known) Example: 1,234,567 B1	Publication Date MM-DD-YYYY	Name	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear
	30	4,782,832	11-08-1988	Trimble et al.	
	31	4,856,508	08-15-1989	Tayebi	
	32	4,915,105	04-10-1990	Lee	
	33	4,941,467	07-17-1990	Takata	
	34	4,971,051	11-01-1990	Toffolon	
	35	4,986,269	01-22-1991	Hakkinen	
	36	5,010,925	04-30-1991	Atkinson et al.	
	37	5,016,625	05-21-1991	Hsu et al.	
	38	5,042,478	08-27-1991	Kopala et al.	
	39	5,065,756	11-19-1991	Rapoport	
	40	5,094,236	03-10-1992	Amed Tayebi	
	41	5,113,857	05-19-1992	Dickerman et al.	
	42	5,148,802	09-22-1992	Sanders et al.	
	43	5,231,979	08-03-1993	Rose et al.	
	44	5,245,995	09-21-1993	Sullivan et al.	
	45	5,269,296	12-14-1993	Landis et al.	
	46	5,477,852	12-26-1995	Landis et al.	
	47	5,513,634	05-07-1996	Jackson	
	48	5,533,506	07-09-1996	Wood	
	49	5,551,419	09-03-1996	Froehlich et al.	
	50	5,595,174	01-21-1997	Gwaltney	
	51	5,601,078	02-01-1997	Schaller et al.	
	52	5,657,752	08-19-1997	Landis et al.	
	53	5,724,965	03-10-1998	Handke et al.	
	54	5,752,510	05-19-1998	Goldstein	
	55	5,755,578	05-26-1998	Contant et al.	
	56	5,857,460	01-12-1999	Popitz	
	57	5,884,624	03-23-1999	Barnett et al.	
	58	5,921,239	07-13-1999	McCall et al.	

Change(s) applied to document, /M.H.E./ 10/20/2016

Examiner Signature /Annette Dixon/ (06/12/2016)	Date Considered
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*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail** **Mail Stop ISSUE FEE**
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or Fax (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 including the Patent, advance orders and notification of maintenance fees 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.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

20995 7590 11/21/2016
KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

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.

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 facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

_____ (Depositor's name)
_____ (Signature)
_____ (Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
15/087,775	03/31/2016	Alastair Edwin McAuley	FPHCR.112C5	4437

TITLE OF INVENTION: BREATHING ASSISTANCE APPARATUS

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	UNDISCOUNTED	\$960	\$0	\$0	\$960	02/21/2017

EXAMINER	ART UNIT	CLASS-SUBCLASS
DIXON, ANNETTE FREDRICKA	3778	128-207180

<p>1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).</p> <p><input type="checkbox"/> Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.</p> <p><input type="checkbox"/> "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.</p>	<p>2. For printing on the patent front page, list</p> <p>(1) The names of up to 3 registered patent attorneys or agents OR, alternatively,</p> <p>(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.</p> <p>1 <u>Knobbe, Martens,</u> <u>Olson & Bear, LLP</u> 2 _____ 3 _____</p>
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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 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.

(A) NAME OF ASSIGNEE **Fisher & Paykel Healthcare Limited**

(B) RESIDENCE: (CITY and STATE OR COUNTRY) **Auckland, New Zealand**

Please check the appropriate assignee category or categories (will not be printed on the patent) : Individual Corporation or other private group entity Government

<p>4a. The following fee(s) are submitted:</p> <p><input checked="" type="checkbox"/> Issue Fee</p> <p><input type="checkbox"/> Publication Fee (No small entity discount permitted)</p> <p><input type="checkbox"/> Advance Order - # of Copies _____</p>	<p>4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)</p> <p><input type="checkbox"/> A check is enclosed.</p> <p><input checked="" type="checkbox"/> Payment via EFS Web.</p> <p><input checked="" type="checkbox"/> The director is hereby authorized to charge the assigned fee(s), any deficiency, or credits any overpayment, to Deposit Account Number <u>11-1410</u> (enclose an extra copy of this form).</p>
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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 undiscouted 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 /Michael Guiliana/ Date November 22, 2016
 Typed or printed name Michael Guiliana Registration No. 42,611

Electronic Patent Application Fee Transmittal

Application Number:	15087775
Filing Date:	31-Mar-2016
Title of Invention:	BREATHING ASSISTANCE APPARATUS
First Named Inventor/Applicant Name:	Alastair Edwin McAuley
Filer:	Michael A. Guiliana/Linh Do
Attorney Docket Number:	FPHCR.112C5

Filed as Large Entity

Filing Fees for Utility under 35 USC 111(a)

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
UTILITY APPL ISSUE FEE	1501	1	960	960

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Extension-of-Time:				
Miscellaneous:				
Total in USD (\$)				960

Electronic Acknowledgement Receipt

EFS ID:	27595671
Application Number:	15087775
International Application Number:	
Confirmation Number:	4437
Title of Invention:	BREATHING ASSISTANCE APPARATUS
First Named Inventor/Applicant Name:	Alastair Edwin McAuley
Customer Number:	20995
Filer:	Michael A. Guiliana/Gustavo Lopez
Filer Authorized By:	Michael A. Guiliana
Attorney Docket Number:	FPHCR.112C5
Receipt Date:	22-NOV-2016
Filing Date:	31-MAR-2016
Time Stamp:	20:07:46
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	CARD
Payment was successfully received in RAM	\$960
RAM confirmation Number	112316INTEFSW20085500
Deposit Account	111410
Authorized User	Gustavo Lopez

The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:

37 CFR 1.16 (National application filing, search, and examination fees)

37 CFR 1.17 (Patent application and reexamination processing fees)

RMD

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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Miscellaneous Incoming Letter	Comments.pdf	21770	no	2
			4d9751c024c779625164ff3c94e3fd24e34df40d		

Warnings:

Information:

2	Issue Fee Payment (PTO-85B)	Issue_Fee.pdf	222229	no	1
			566b070889bc52a966e72eccca9d599ac797fb7		

Warnings:

Information:

3	Fee Worksheet (SB06)	fee-info.pdf	30478	no	2
			25494d92a52a1abdc90c8251875d98ebcb287421		

Warnings:

Information:

Total Files Size (in bytes):	274477
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This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor	: Alastair Edwin McAuley, <i>et al.</i>
App. No.	: 15/087,775
Filed	: March 31, 2016
For	: BREATHING ASSISTANCE APPARATUS
Examiner	: Annette Fredericka Dixon
Art Unit	: 3778
Conf No.	: 4437

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Mail Stop Amendment

Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Dear Sir:

In response to the Statement of Reasons for Allowance in the Notice of Allowance dated September 30, 2016 (“Reasons”), Applicant respectfully submits the following comments.

Applicant wishes to point out that to the extent that the Reasons omit claim elements, add claim elements, group claims together, or identify purportedly similar features or distinguishing features of a claim or a group of claims, Applicant respectfully disagrees with the Reasons. Additionally, to the extent that the Reason’s paraphrasing of the subject matter of the claims deviates from the actual language recited in each individual claim, Applicant respectfully disagrees with the Reasons. Applicant respectfully disagrees with the Reasons to the extent there is any implication that the patentability of the dependent claims is dependent on, or these claims have the same scope as, the independent claim from which each depends. As noted above, patentability of each claim rests on each claim taken as a whole on its own merits.

Application No.: 15/087,775
Filing Date: March 31, 2016

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: November 22, 2016

By: /Michael Guiliana/
Michael A. Guiliana
Registration No. 42,611
Attorney of Record
Customer No. 20995
(949) 760-0404

24684647



NOTICE OF ALLOWANCE AND FEE(S) DUE

20995 7590 11/21/2016
KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

Table with 2 columns: EXAMINER (DIXON, ANNETTE FREDRICKA), ART UNIT (3778), PAPER NUMBER

DATE MAILED: 11/21/2016

Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.

TITLE OF INVENTION: BREATHING ASSISTANCE APPARATUS

Table with 7 columns: APPLN. TYPE, ENTITY STATUS, ISSUE FEE DUE, PUBLICATION FEE DUE, PREV. PAID ISSUE FEE, TOTAL FEE(S) DUE, DATE DUE

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 1/2 the amount of undiscounted fees, and micro entity fees are 1/2 the amount of small entity 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 and an extra copy of the form should be submitted. 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: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

**Complete and send this form, together with applicable fee(s), to: Mail Mail Stop ISSUE FEE
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 or Fax (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 including the Patent, advance orders and notification of maintenance fees 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.

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.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

20995 7590 11/21/2016
KNOBBE MARTENS OLSON & BEAR LLP
 2040 MAIN STREET
 FOURTEENTH FLOOR
 IRVINE, CA 92614

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 facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
15/087,775	03/31/2016	Alastair Edwin McAuley	FPHCR.112C5	4437

TITLE OF INVENTION: BREATHING ASSISTANCE APPARATUS

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	UNDISCOUNTED	\$960	\$0	\$0	\$960	02/21/2017

EXAMINER	ART UNIT	CLASS-SUBCLASS
DIXON, ANNETTE FREDRICKA	3778	128-207180

<p>1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).</p> <p><input type="checkbox"/> Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.</p> <p><input type="checkbox"/> "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.</p>	<p>2. For printing on the patent front page, list</p> <p>(1) The names of up to 3 registered patent attorneys or agents OR, alternatively, _____ 1</p> <p>(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</p> <p>_____ 3</p>
---	---

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 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.

(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

<p>4a. The following fee(s) are submitted:</p> <p><input type="checkbox"/> Issue Fee</p> <p><input type="checkbox"/> Publication Fee (No small entity discount permitted)</p> <p><input type="checkbox"/> Advance Order - # of Copies _____</p>	<p>4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)</p> <p><input type="checkbox"/> A check is enclosed.</p> <p><input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.</p> <p><input type="checkbox"/> The director is hereby authorized to charge the required fee(s), any deficiency, or credits any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).</p>
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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. _____



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
15/087,775 03/31/2016 Alastair Edwin McAuley FPHCR.112C5 4437

20995 7590 11/21/2016
KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

Table with 1 column: EXAMINER
DIXON, ANNETTE FREDRICKA

Table with 2 columns: ART UNIT, PAPER NUMBER
3778

DATE MAILED: 11/21/2016

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 12 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. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to 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)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

Notice of Allowability	Application No. 15/087,775	Applicant(s) MCAULEY ET AL.	
	Examiner ANNETTE DIXON	Art Unit 3778	AIA (First Inventor to File) Status No

-- 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.

1. This communication is responsive to 10/13/16.
 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 allowed claim(s) is/are 1-20. As a result of the allowed claim(s), you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see http://www.uspto.gov/patents/init_events/pph/index.jsp or send an inquiry to PPHfeedback@uspto.gov.
4. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

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. 10/598,026.
 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 requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. 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).
6. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Examiner's Amendment/Comment |
| 2. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date <u>ALL IDS</u> | 6. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| 3. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 7. <input type="checkbox"/> Other _____. |
| 4. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. | |

/ANNETTE DIXON/
Primary Examiner, Art Unit 3778

INFORMATION DISCLOSURE STATEMENT BY APPLICANT	Application No.	15/087,775
	Filing Date	March 31, 2016
	First Named Inventor	Alastair Edwin McAuley
	Art Unit	3778
(Multiple sheets used when necessary)	Examiner	Annette Fredricka Dixon
SHEET 1 OF 4	Attorney Docket No.	FPHCR.112C5

U.S. PATENT DOCUMENTS					
Examiner Initials	Cite No.	Document Number Number - Kind Code (if known) Example: 1,234,567 B1	Publication Date MM-DD-YYYY	Name	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear
	1	2,228,218	01-07-1941	Schwartz	
	2	3,424,633	01-28-1969	Corrigall et al.	
	3	4,676,241	06-30-1987	Webb et al.	
	4	4,919,128	04-24-1990	Kopala et al.	
	5	4,944,310	07-31-1990	Sullivan	
	6	5,062,421	11-05-1991	Burns et al.	
	7	5,164,652	11-17-1992	Johnson et al.	
	8	5,243,971	09-14-1993	Sullivan et al.	
	9	5,349,949	09-27-1994	Schegerin	
	10	5,449,234	09-12-1995	Gipp et al.	
	11	5,588,423	12-31-1996	Smith	
	12	5,662,101	09-02-1997	Ogden et al.	
	13	5,943,473	08-24-1999	Levine	
	14	5,953,763	09-21-1999	Gouget	
	15	6,016,804	01-25-2000	Gleason et al.	
	16	6,135,432	10-24-2000	Hebblewhite et al.	
	17	6,272,933	08-14-2001	Gradon et al.	
	18	6,302,105	10-16-2001	Wickham et al.	
	19	6,398,197	06-04-2002	Dickinson et al.	
	20	6,412,488	07-02-2002	Barnett et al.	
	21	6,457,473	10-01-2002	Brostrom et al.	
	22	6,467,483	10-22-2002	Kopacko et al.	
	23	6,668,828	12-30-2003	Figley et al.	
	24	6,691,707	02-17-2004	Gunaratnam et al.	
	25	6,796,308	09-28-2004	Gunaratnam et al.	
	26	6,953,354	10-11-2005	Edirisuriya et al.	
	27	7,827,990	11-09-2010	Melidis et al.	
	28	8,636,005	01-28-2014	Gradon et al.	
	29	8,714,157	05-06-2014	McAuley et al.	

Examiner Signature	<u>/Annette Dixon/ (11/07/2016)</u>	Date Considered
--------------------	-------------------------------------	-----------------

***Examiner:** Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

INFORMATION DISCLOSURE STATEMENT BY APPLICANT	Application No.	15/087,775	
	Filing Date	March 31, 2016	
	First Named Inventor	Alastair Edwin McAuley	
	Art Unit	3778	
<i>(Multiple sheets used when necessary)</i>		Examiner	Annette Fredricka Dixon
SHEET 2 OF 4		Attorney Docket No.	FPHCR.112C5

U.S. PATENT DOCUMENTS					
Examiner Initials	Cite No.	Document Number <i>Number - Kind Code (if known)</i> Example: 1,234,567 B1	Publication Date MM-DD-YYYY	Name	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear
	30	8,950,404	02-10-2015	Formica et al.	
	31	8,960,196	02-24-2015	Henry	
	32	8,944,061	02-03-2015	D'souza et al.	
	33	9,375,545	06-28-2016	Darkin et al.	
	34	9,381,316	07-05-2016	Ng et al.	
	35	2001/0017134	08-30-2001	Bahr	
	36	2002/0020416	02-21-2002	Namey	
	37	2002/0029780	03-14-2002	Frater et al.	
	38	2003/0029454	02-13-2003	Gelinas et al.	
	39	2003/0196655	10-23-2003	Ging et al.	
	40	2003/0196658	10-23-2003	Ging et al.	
	41	20040118406	06-24-2004	Lithgow et al.	
	42	2004/0149280	08-05-2004	Semeniuk	
	43	2004/0182398	09-23-2004	Sprinkle et al.	
	44	2006/0042629	03-02-2006	Geist	
	45	2007/0044804	03-01-2007	Matula et al.	
	46	D595,841	07-07-2009	McAuley et al.	

FOREIGN PATENT DOCUMENTS						
Examiner Initials	Cite No.	Foreign Patent Document <i>Country Code-Number-Kind Code</i> Example: JP 1234567 A1	Publication Date MM-DD-YYYY	Name	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear	T ¹
	47	DE 10312881 B3	0506-2004	Dragerwerk AG		x - Abs
	48	GB2173274	12-04-1997	Ruesch Willy AG		
	49	WO 1998/04311	02-05-1998	Netzer		x - Abs
	50	WO 1998/57691	12-23-1998	Resmed Limited		
	51	WO 2001/062326	08-30-2001	Map Medizintechnik Fur Arzt Und Patient GmbH & Co. KG		
	52	WO 2004/022147	03-18-2004	Resmed Limited		
	53	WO 2004/041342	05-21-2004	Resmed Limited		

Examiner Signature	<i>/Annette Dixon/ (11/07/2016)</i>	Date Considered
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***Examiner:** Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

INFORMATION DISCLOSURE STATEMENT BY APPLICANT	Application No.	15/087,775	
	Filing Date	March 31, 2016	
	First Named Inventor	Alastair Edwin McAuley	
	Art Unit	3778	
<i>(Multiple sheets used when necessary)</i>		Examiner	Annette Fredricka Dixon
SHEET 3 OF 4		Attorney Docket No.	FPHCR.112C5

FOREIGN PATENT DOCUMENTS						
Examiner Initials	Cite No.	Foreign Patent Document Country Code-Number-Kind Code Example: JP 1234567 A1	Publication Date MM-DD-YYYY	Name	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear	T ¹
	54	WO 2005/079726	09-01-2005	Fisher & Paykel Healthcare Limited		
	55	WO 2006/096924	09-21-2006	Resmed Limited		
	56	WO 2007/041751	04-19-2007	Resmed Limited		
	57	WO 2007/045008	04-26-2007	Resmed Limited		
	58	WO 2008/030831	03-13-2008	RIC Investments, LLC		

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ¹
	59	Declaration of Dr. John Izuchukwu, Ph.D., P.E., Patent No. 8,479,741, IPR Nos. 2016-1714 & 2016-1718	
	60	Declaration of Dr. John Izuchukwu, Ph.D., P.E., Patent No. 8,443,807, IPR Nos. 2016-1726 & 2016-1734	
	61	File History of U.S. Patent No. 8,443,807 to McAuley et al.	
	62	File History of U.S. Patent No. 8,479,741 to McAuley et al.	
	63	Fisher & Paykel MR810 Manual, Rev. C	
	64	Fisher & Paykel HC200 Series Nasal CPAP Blower & Heated Humidifier User Manual	
	65	HomeDepot.com – Ring Nut Sales Page (Retrieved October 16, 2015 from http://www.homedepot.com/p/Everbilt-1-2-in-Galvanized-HexNut-804076/204647893)	
	66	Malloy, Plastic Part Design for Injection Molding (1994)	
	67	Merriam-Webster's Collegiate Dictionary, Eleventh Edition (2004) (selected portions)	
	68	Patent Owner's Complaint for Fisher & Paykel Healthcare Ltd. v. ResMed Corp., Case No. 3:16-cv-02068-GPC-WVG (S.D. Cal.)	
	69	Patent Owner's Complaint for Fisher & Paykel Healthcare Ltd. v. ResMed Corp., Case No. 2:16-cv-06099-R-AJW (C.D. Cal.)	
	70	Patent Owner's Notice of Voluntary Dismissal Without Prejudice for Fisher & Paykel Healthcare Ltd. v. ResMed Corp., Case No. 2:16-cv-06099-R-AJW (C.D. Cal.)	
	71	Petitioners' Complaint for ResMed Inc., et al. v. Fisher & Paykel Healthcare Corp. Ltd., et al., Case No. 3:16-cv-02072-JAH-MDD (S.D. Cal.)	

Examiner Signature	<u>/Annette Dixon/ (11/07/2016)</u>	Date Considered
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***Examiner:** Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.


INFORMATION DISCLOSURE STATEMENT BY APPLICANT	Application No.	15/087,775
	Filing Date	March 31, 2016
	First Named Inventor	Alastair Edwin McAuley
	Art Unit	3778
<i>(Multiple sheets used when necessary)</i>	Examiner	Annette Fredricka Dixon
SHEET 4 OF 4	Attorney Docket No.	FPHCR.112C5

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ¹
	72	Petitioners' Notice of Voluntary Dismissal Without Prejudice for ResMed Inc., et al. v. Fisher & Paykel Healthcare Corp. Ltd., et al., Case No. 3:16-cv-02072-JAH-MDD (S.D. Cal.)	
	73	Petition for Inter Partes Review of United States Patent No. 8,479,741 Pursuant to 35 U.S.C. §§ 311-19, 37 C.F.R. § 42, IPR2016-01714	
	74	Petition for Inter Partes Review of United States Patent No. 8,479,741 Pursuant to 35 U.S.C. §§ 311-19, 37 C.F.R. § 42, IPR2016-01718	
	75	Petition for Inter Partes Review of United States Patent No. 8,443,807 Pursuant to 35 U.S.C. §§ 311-19, 37 C.F.R. § 42, IPR2016-01726	
	76	Petition for Inter Partes Review of United States Patent No. 8,443,807 Pursuant to 35 U.S.C. §§ 311-19, 37 C.F.R. § 42, IPR2016-01734	
	77	ResMed FlexiFit brochure	
	78	ResMed FlexiFit web pages (Wayback Machine)	
	79	ResMed Webpage from June 29, 1997 (Source: Wayback Machine Internet Archive); http://web.archive.org/web/19970629053430/http://www.resmed.com/maskframes/mask.htm	
	80	ResMed "Mirage Swift™ Nasal Pillows System from ResMed" publication, ©2004 ResMed Ltd.	
	81	ResMed "Mirage Swift™ Nasal Pillows System: User's Guide" publication, ©2004 ResMed Ltd.	
	82	ResMed "Mirage Vista™ Nasal Mask: Components Card" publication, ©2005 ResMed Ltd.	
	83	ResMed Origins Brochure (Retrieved April 17, 2016 from http://www.resmed.com/us/dam/documents/articles/resmedorigins.pdf)	
	84	ResMed Ultra Mirage brochure	
	85	ResMed Ultra Mirage web pages (Wayback Machine)	
	86	Statutory Declaration made by Alistair Edwin McAuley, Apr. 9, 2015, in the matter of an Opposition by Fisher & Paykel Healthcare Limited of Australian patent application 2009221630 in the name of ResMed Limited	
	87	The American Heritage Dictionary of the English Language, Fourth Edition (2006) (selected portions)	
	88	WeddingBands.com – Men's Wedding Ring Shopping Page (Retrieved October 16, 2015 from http://www.weddingbands.com/ProductPop_wedding_bands_metal/4_8214W.html)	

24340243

Examiner Signature /Annette Dixon/ (11/07/2016)	Date Considered
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***Examiner:** Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Search Notes 	Application/Control No. 15087775	Applicant(s)/Patent Under Reexamination MCAULEY ET AL.
	Examiner ANNETTE DIXON	Art Unit 3778

CPC- SEARCHED		
Symbol	Date	Examiner
A61M16/0057; A61M16/0069; A61M16/06; A61M16/0611; A61M16/0616; A61M16/0633; A61M16/0666; A61M16/0683; A61M16/08; A61M16/0816; A61M16/0825; A61M16/0875	6/12/16	afd
A61M16/109; A61M16/16; A61M16/208; A61M2016/0661; A61M2205/0216; A61M2209/088; A61M2210/0618	6/12/16	afd
Updated Above Search	9/19/16	afd
Updated Above Search	11/7/16	afd

CPC COMBINATION SETS - SEARCHED		
Symbol	Date	Examiner

US CLASSIFICATION SEARCHED			
Class	Subclass	Date	Examiner
128	203.22,205.25,206.11,206.24,206.26,206.27,207.11,207.13,207.18	6/12/2016	afd
Updated Above	Search	9/19/16	afd
Updated Above	Search	11/7/16	afd

SEARCH NOTES		
Search Notes	Date	Examiner
Inventor Name Search	6/12/16	afd
Above Search limited by text	9/19/16	afd

INTERFERENCE SEARCH			
US Class/ CPC Symbol	US Subclass / CPC Group	Date	Examiner

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INTERFERENCE SEARCH

US Class/ CPC Symbol	US Subclass / CPC Group	Date	Examiner
SAME AS ABOVE	See search history including PG-PUB database search	9/19/16	afd
SAME AS ABOVE	See search history including PG-PUB database search	11/7/16	afd

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EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L1	46	("2228218" "20010017134" "20020020416" "20020029780" "20030029454" "20030196655" "20030196658" "20040118406" "20040149280" "20040182398" "20060042629" "20070044804" "3424633" "4676241" "4919128" "4944310" "5062421" "5164652" "5243971" "5349949" "5449234" "5588423" "5662101" "5943473" "5953763" "6016804" "6135432" "6272933" "6302105" "6398197" "6412488" "6457473" "6467483" "6668828" "6691707" "6796308" "6953354" "7827990" "8636005" "8714157" "8944061" "8950404" "8960196" "9375545" "9381316" "D595841").PN.	US-PGPUB; USPAT	OR	ON	2016/11/07 15:15
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S2	406	((nose nostril nasal nare cannula cannulae) and (headgear harness strap) and ((headgear harness strap) with (left and	US-PGPUB; USPAT; USOCR;	OR	ON	2016/03/30 13:35

		right)) and @ad<="20040223"	FPRS; EPO; JPO; DERWENT; IBM_TDB			
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S8	36346	(A61M16/0057; A61M16/0069; A61M16/06; A61M16/0616; A61M16/0633; A61M16/0666; A61M16/0683; A61M16/08; A61M16/0816; A61M16/0825; A61M16/0875; A61M16/109; A61M16/16; A61M16/208; A61M2205/0216; A61M2210/0618).cpc.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2016/03/30 15:38
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S16	37	S15 not S9	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2016/03/30 16:23
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S18	68	S17 not (S15 S9)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2016/03/30 16:25
S19	835	(nose nostril nasal nare cannula cannulae) and (headgear harness strap) and (\$pap (positive with pressure)) and (nose) and @ad<="20040223"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT;	OR	ON	2016/03/30 16:27

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S21	432	(mcauley.in. near alastair) (prentice.in. near craig) (gleeson.in. near oliver)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2016/03/31 14:48
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S23	5	S21 and ((nose nostril nasal nare cannula cannulae) and (headgear harness strap) and (\$pap (positive with pressure)) and \$oval).clm.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2016/03/31 14:50
S24	5714	(128/203.22; 128/205.25; 128/206.11; 128/206.24; 128/206.26; 128/206.27; 128/207.11; 128/207.13; 128/207.18).cls.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2016/06/12 12:56
S25	38275	(A61M16/0057; A61M16/0069; A61M16/06; A61M16/0611; A61M16/0616; A61M16/0633; A61M16/0666; A61M16/0683; A61M16/08; A61M16/0816; A61M16/0825; A61M16/0875; A61M16/109; A61M16/16; A61M16/208; A61M2016/0661; A61M2205/0216; A61M2209/088; A61M2210/0618).cpc.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2016/06/12 12:56
S26	1212	(S24 S25) and (nose nostril nasal nare cannula cannulae) and (headgear strap harness belt) and @ad<="20040223"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2016/06/12 12:58
S27	1692	(mcauley.in. near alastair)(prentice.in. near craig)(gleeson.in. near oliver) (fisher with paykel).as.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2016/06/12 13:25
S28	3274	((nose nostril nasal nare cannula cannulae) and (headgear strap harness	US-PGPUB; USPAT;	OR	ON	2016/06/12 13:25


		belt)).clm.	USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB			
S29	49	((nose nostril nasal nare cannula cannulae) and (headgear strap harness belt)).clm. and S27	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2016/06/12 13:25
S30	13	((nose nostril nasal nare cannula cannulae) and (headgear strap harness belt) and prong).clm. and S27	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2016/06/12 13:25
S31	3	((nose nostril nasal nare cannula cannulae) and (headgear strap harness belt) and prong and ((headgear strap harness belt) with extension)).clm. and S27	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2016/06/12 13:26
S32	0	((nose nostril nasal nare cannula cannulae) and (headgear strap harness belt) and prong and ((headgear strap harness belt) with extension) and oblong).clm. and S27	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2016/06/12 13:26
S33	0	((nose nostril nasal nare cannula cannulae) and (headgear strap harness belt) and prong and oblong).clm. and S27	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2016/06/12 13:26
S34	3	((nose nostril nasal nare cannula cannulae) and (headgear strap harness belt) and prong and ((headgear strap harness belt) with extension) and (bias with vent)).clm. and S27	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2016/06/12 13:28
S35	5729	(128/203.22; 128/205.25; 128/206.11; 128/206.24; 128/206.26; 128/206.27; 128/207.11; 128/207.13; 128/207.18).cls.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2016/07/19 16:11
S36	38524	(A61M16/0057; A61M16/0069; A61M16/06; A61M16/0611; A61M16/0616; A61M16/0633; A61M16/0666; A61M16/0683; A61M16/08; A61M16/0816; A61M16/0825; A61M16/0875; A61M16/109; A61M16/16; A61M16/208;	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2016/07/19 16:11

		A61M2016/0661; A61M2205/0216; A61M2209/088; A61M2210/0618).cpc.				
S37	4339	(S35 S36 "128".clas. A61M\$.cpc. A62B\$.cpc. A41D\$.cpc. A42D\$.cpc. A61F\$.cpc.) and (nose nostril nasal nare cannula cannulae) and (headgear strap harness belt) and @ad<="20040223"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2016/07/19 16:11
S38	796	(S35 S36 "128".clas. A61M\$.cpc. A62B\$.cpc. A41D\$.cpc. A42D\$.cpc. A61F\$.cpc.) and (nose nostril nasal nare cannula cannulae) and (headgear strap harness belt) and (PAP (positive with pressure)) and @ad<="20040223"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2016/07/19 16:14
S39	5750	(128/203.22; 128/205.25; 128/206.11; 128/206.24; 128/206.26; 128/206.27; 128/207.11; 128/207.13; 128/207.18).ccls.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2016/09/19 14:03
S40	40516	(A61M16/0057; A61M16/0069; A61M16/06; A61M16/0611; A61M16/0616; A61M16/0633; A61M16/0666; A61M16/0683; A61M16/08; A61M16/0816; A61M16/0825; A61M16/0875; A61M16/109; A61M16/16; A61M16/208; A61M2016/0661; A61M2205/0216; A61M2209/088; A61M2210/0618).cpc.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2016/09/19 14:03
S41	796	(S39 S40 "128".clas. A61M\$.cpc. A62B\$.cpc. A41D\$.cpc. A42D\$.cpc. A61F\$.cpc.) and (nose nostril nasal nare cannula cannulae) and (headgear strap harness belt) and (PAP (positive with pressure)) and @ad<="20040223"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2016/09/19 14:03
S42	25	(S39 S40 "128".clas. A61M\$.cpc. A62B\$.cpc. A41D\$.cpc. A42D\$.cpc. A61F\$.cpc.) and (nose nostril nasal nare cannula cannulae) and (headgear strap harness belt) and (PAP (positive with pressure)) and ((curve curved) with (lateral laterally left right)) and @ad<="20040223"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2016/09/19 14:05
S43	0	(S39 S40 "128".clas. A61M\$.cpc. A62B\$.cpc. A41D\$.cpc. A42D\$.cpc. A61F\$.cpc.) and ((nose nostril nasal nare cannula cannulae) and (headgear strap harness belt) and (PAP (positive with pressure)) and ((curve curved) with (lateral laterally left right))).clm. and @ad<="20040223"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2016/09/19 14:07
S44	0	(S39 S40 "128".clas. A61M\$.cpc. A62B\$.cpc. A41D\$.cpc. A42D\$.cpc. A61F\$.cpc.) and ((nose nostril nasal nare cannula cannulae) and (headgear strap harness belt) and (PAP (positive with pressure)) and ((curve curved curving	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT;	OR	ON	2016/09/19 14:07

		curvature) same (lateral laterally left right))).clm. and @ad<="20040223"	IBM_TDB			
S45	11	(S39 S40 "128".clas. A61M\$.cpc. A62B\$.cpc. A41D\$.cpc. A42D\$.cpc. A61F\$.cpc.) and ((nose nostril nasal nare cannula cannulae) and (headgear strap harness belt) and (PAP (positive with pressure)) and ((curve curved curving curvature) same (lateral laterally left right))).clm.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2016/09/19 14:08
S46	62	(S39 S40 "128".clas. A61M\$.cpc. A62B\$.cpc. A41D\$.cpc. A42D\$.cpc. A61F\$.cpc.) and ((nose nostril nasal nare cannula cannulae) and (headgear strap harness belt) and (PAP (positive with pressure)) and ((curve curved curving curvature) same (lateral laterally left right))) and @ad<="20040223"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2016/09/19 14:09

11/ 7/ 2016 3:20:24 PM


C:\ Users\ adixon2\ Documents\ EAST\ Workspaces\ 15087775.wsp

Issue Classification 	Application/Control No. 15087775	Applicant(s)/Patent Under Reexamination MCAULEY ET AL.
	Examiner ANNETTE DIXON	Art Unit 3778

CPC						
Symbol					Type	Version
A61M		16		0666	F	2013-01-01
A61M		16		0683	I	2013-01-01
A61M		16		16	I	2013-01-01
A61M		16		0825	I	2014-02-04
A61M		16		0069	I	2014-02-04
A61M		16		109	I	2014-02-04
A61M		16		0875	I	2013-01-01
A61M		16		0616	I	2014-02-04
A61M		16		0816	I	2013-01-01
A61M		2205		0216	A	2013-01-01
A61M		16		0057	I	2013-01-01
A61M		16		08	I	2013-01-01


CPC Combination Sets							
Symbol				Type	Set	Ranking	Version

NONE		Total Claims Allowed:	
(Assistant Examiner)	(Date)	20	
/ANNETTE DIXON/ Primary Examiner. Art Unit 3778	11/07/2016	O.G. Print Claim(s)	O.G. Print Figure
(Primary Examiner)	(Date)	1	2

Issue Classification 	Application/Control No. 15087775	Applicant(s)/Patent Under Reexamination MCAULEY ET AL.
	Examiner ANNETTE DIXON	Art Unit 3778

US ORIGINAL CLASSIFICATION						INTERNATIONAL CLASSIFICATION								
CLASS		SUBCLASS				CLAIMED				NON-CLAIMED				
128		207.18				A	6	1	M	16 / 06				
CROSS REFERENCE(S)														
CLASS	SUBCLASS (ONE SUBCLASS PER BLOCK)													
128	207.13	207.11	206.21	205.25	200.24									
128	204.21	204.18												

NONE		Total Claims Allowed:	
(Assistant Examiner)	(Date)	20	
/ANNETTE DIXON/ Primary Examiner. Art Unit 3778	11/07/2016	O.G. Print Claim(s)	O.G. Print Figure
(Primary Examiner)	(Date)	1	2

Issue Classification 	Application/Control No. 15087775	Applicant(s)/Patent Under Reexamination MCAULEY ET AL.
	Examiner ANNETTE DIXON	Art Unit 3778

<input checked="" type="checkbox"/> Claims renumbered in the same order as presented by applicant																<input type="checkbox"/> CPA		<input checked="" type="checkbox"/> T.D.		<input type="checkbox"/> R.1.47	
Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original						
1	1	17	17																		
2	2	18	18																		
3	3	19	19																		
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10	10																				
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14	14																				
15	15																				
16	16																				

NONE		Total Claims Allowed:	
		20	
(Assistant Examiner)	(Date)	O.G. Print Claim(s)	O.G. Print Figure
/ANNETTE DIXON/ Primary Examiner. Art Unit 3778	11/07/2016	1	2
(Primary Examiner)	(Date)		

REQUEST FOR CONTINUED EXAMINATION(RCE)TRANSMITTAL (Submitted Only via EFS-Web)

Application Number	15087775	Filing Date	2016-03-31	Docket Number (if applicable)	FPHCR.112C5	Art Unit	3778
First Named Inventor	Alastair Edwin McAuley			Examiner Name	Annette Fredricka Dixon		

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.
 Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. The Instruction Sheet for this form is located at WWW.USPTO.GOV

SUBMISSION REQUIRED UNDER 37 CFR 1.114

Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

- Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
- Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
- Other _____
- Enclosed
- Amendment/Reply
- Information Disclosure Statement (IDS)
- Affidavit(s)/ Declaration(s)
- Other _____

MISCELLANEOUS

- Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of months _____
 (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
- Other _____

FEES

- The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.**
 The Director is hereby authorized to charge any underpayment of fees, or credit any overpayments, to
 Deposit Account No

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

<input checked="" type="checkbox"/>	Patent Practitioner Signature Applicant Signature
-------------------------------------	--

Signature of Registered U.S. Patent Practitioner			
Signature	Michael Guiliana/	Date (YYYY-MM-DD)	2016-10-13
Name	Michael A. Guiliana	Registration Number	42611

This collection of information is required by 37 CFR 1.114. 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 1.11 and 1.14. This collection is estimated to take 12 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, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to 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)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

INFORMATION DISCLOSURE STATEMENT

First Inventor :	Alastair Edwin McAuley, <i>et al.</i>
App. No. :	15/087,775
Filed :	March 31, 2016
For :	BREATHING ASSISTANCE APPARATUS
Examiner :	Annette Fredericka Dixon
Art Unit :	3778
Conf. No. :	4437

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

References and Listing

An Information Disclosure Statement (IDS) listing references is provided herewith. Copies of the listed foreign and non-patent literature references are being submitted.

No Disclaimers

To the extent that anything in the IDS or the listed references could be construed as a disclaimer of any subject matter supported by the present application, Applicant hereby rescinds and retracts such disclaimer.

Timing of Disclosure

This IDS is being filed within three months of the filing date or date of national phase entry, with an RCE or before receipt of a First Office Action after an RCE, and no fee is believed to be required.

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: October 13, 2016

By: Michael Guiliana/

Michael A. Guiliana
Registration No. 42,611
Attorney of Record
Customer No. 20995
(949) 760-0404

INFORMATION DISCLOSURE STATEMENT BY APPLICANT	Application No.	15/087,775
	Filing Date	March 31, 2016
	First Named Inventor	Alastair Edwin McAuley
	Art Unit	3778
<i>(Multiple sheets used when necessary)</i>	Examiner	Annette Fredricka Dixon
SHEET 1 OF 4	Attorney Docket No.	FPHCR.112C5

U.S. PATENT DOCUMENTS					
Examiner Initials	Cite No.	Document Number <i>Number - Kind Code (if known)</i> Example: 1,234,567 B1	Publication Date MM-DD-YYYY	Name	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear
	1	2,228,218	01-07-1941	Schwartz	
	2	3,424,633	01-28-1969	Corrigall et al.	
	3	4,676,241	06-30-1987	Webb et al.	
	4	4,919,128	04-24-1990	Kopala et al.	
	5	4,944,310	07-31-1990	Sullivan	
	6	5,062,421	11-05-1991	Burns et al.	
	7	5,164,652	11-17-1992	Johnson et al.	
	8	5,243,971	09-14-1993	Sullivan et al.	
	9	5,349,949	09-27-1994	Schegerin	
	10	5,449,234	09-12-1995	Gipp et al.	
	11	5,588,423	12-31-1996	Smith	
	12	5,662,101	09-02-1997	Ogden et al.	
	13	5,943,473	08-24-1999	Levine	
	14	5,953,763	09-21-1999	Gouget	
	15	6,016,804	01-25-2000	Gleason et al.	
	16	6,135,432	10-24-2000	Hebblewhite et al.	
	17	6,272,933	08-14-2001	Gradon et al.	
	18	6,302,105	10-16-2001	Wickham et al.	
	19	6,398,197	06-04-2002	Dickinson et al.	
	20	6,412,488	07-02-2002	Barnett et al.	
	21	6,457,473	10-01-2002	Brostrom et al.	
	22	6,467,483	10-22-2002	Kopacko et al.	
	23	6,668,828	12-30-2003	Figley et al.	
	24	6,691,707	02-17-2004	Gunaratnam et al.	
	25	6,796,308	09-28-2004	Gunaratnam et al.	
	26	6,953,354	10-11-2005	Edirisuriya et al.	
	27	7,827,990	11-09-2010	Melidis et al.	
	28	8,636,005	01-28-2014	Gradon et al.	
	29	8,714,157	05-06-2014	McAuley et al.	

Examiner Signature	Date Considered
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***Examiner:** Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

T¹ - Place a check mark in this area when an English language Translation is attached.

INFORMATION DISCLOSURE STATEMENT BY APPLICANT	Application No.	15/087,775
	Filing Date	March 31, 2016
	First Named Inventor	Alastair Edwin McAuley
	Art Unit	3778
<i>(Multiple sheets used when necessary)</i>	Examiner	Annette Fredricka Dixon
SHEET 2 OF 4	Attorney Docket No.	FPHCR.112C5

U.S. PATENT DOCUMENTS					
Examiner Initials	Cite No.	Document Number <i>Number - Kind Code (if known)</i> Example: 1,234,567 B1	Publication Date MM-DD-YYYY	Name	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear
	30	8,950,404	02-10-2015	Formica et al.	
	31	8,960,196	02-24-2015	Henry	
	32	8,944,061	02-03-2015	D'souza et al.	
	33	9,375,545	06-28-2016	Darkin et al.	
	34	9,381,316	07-05-2016	Ng et al.	
	35	2001/0017134	08-30-2001	Bahr	
	36	2002/0020416	02-21-2002	Namey	
	37	2002/0029780	03-14-2002	Frater et al.	
	38	2003/0029454	02-13-2003	Gelinas et al.	
	39	2003/0196655	10-23-2003	Ging et al.	
	40	2003/0196658	10-23-2003	Ging et al.	
	41	20040118406	06-24-2004	Lithgow et al.	
	42	2004/0149280	08-05-2004	Semeniuk	
	43	2004/0182398	09-23-2004	Sprinkle et al.	
	44	2006/0042629	03-02-2006	Geist	
	45	2007/0044804	03-01-2007	Matula et al.	
	46	D595,841	07-07-2009	McAuley et al.	

FOREIGN PATENT DOCUMENTS						
Examiner Initials	Cite No.	Foreign Patent Document <i>Country Code-Number-Kind Code</i> Example: JP 1234567 A1	Publication Date MM-DD-YYYY	Name	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear	T ¹
	47	DE 10312881 B3	0506-2004	Dragerwerk AG		x - Abs
	48	GB2173274	12-04-1997	Ruesch Willy AG		
	49	WO 1998/04311	02-05-1998	Netzer		x - Abs
	50	WO 1998/57691	12-23-1998	Resmed Limited		
	51	WO 2001/062326	08-30-2001	Map Medizintechnik Fur Arzt Und Patient GmbH & Co. KG		
	52	WO 2004/022147	03-18-2004	Resmed Limited		
	53	WO 2004/041342	05-21-2004	Resmed Limited		

Examiner Signature	Date Considered
--------------------	-----------------

***Examiner:** Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

T¹ - Place a check mark in this area when an English language Translation is attached.

INFORMATION DISCLOSURE STATEMENT BY APPLICANT	Application No.	15/087,775
	Filing Date	March 31, 2016
	First Named Inventor	Alastair Edwin McAuley
	Art Unit	3778
<i>(Multiple sheets used when necessary)</i>	Examiner	Annette Fredricka Dixon
SHEET 3 OF 4	Attorney Docket No.	FPHCR.112C5

FOREIGN PATENT DOCUMENTS

Examiner Initials	Cite No.	Foreign Patent Document <i>Country Code-Number-Kind Code</i> Example: JP 1234567 A1	Publication Date MM-DD-YYYY	Name	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear	T ¹
	54	WO 2005/079726	09-01-2005	Fisher & Paykel Healthcare Limited		
	55	WO 2006/096924	09-21-2006	Resmed Limited		
	56	WO 2007/041751	04-19-2007	Resmed Limited		
	57	WO 2007/045008	04-26-2007	Resmed Limited		
	58	WO 2008/030831	03-13-2008	RIC Investments, LLC		

NON PATENT LITERATURE DOCUMENTS

Examiner Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ¹
	59	Declaration of Dr. John Izuchukwu, Ph.D., P.E., Patent No. 8,479,741, IPR Nos. 2016-1714 & 2016-1718	
	60	Declaration of Dr. John Izuchukwu, Ph.D., P.E., Patent No. 8,443,807, IPR Nos. 2016-1726 & 2016-1734	
	61	File History of U.S. Patent No. 8,443,807 to McAuley et al.	
	62	File History of U.S. Patent No. 8,479,741 to McAuley et al.	
	63	Fisher & Paykel MR810 Manual, Rev. C	
	64	Fisher & Paykel HC200 Series Nasal CPAP Blower & Heated Humidifier User Manual	
	65	HomeDepot.com – Ring Nut Sales Page (Retrieved October 16, 2015 from http://www.homedepot.com/p/Everbilt-1-2-in-Galvanized-HexNut-804076/204647893)	
	66	Malloy, Plastic Part Design for Injection Molding (1994)	
	67	Merriam-Webster's Collegiate Dictionary, Eleventh Edition (2004) (selected portions)	
	68	Patent Owner's Complaint for Fisher & Paykel Healthcare Ltd. v. ResMed Corp., Case No. 3:16-cv-02068-GPC-WVG (S.D. Cal.)	
	69	Patent Owner's Complaint for Fisher & Paykel Healthcare Ltd. v. ResMed Corp., Case No. 2:16-cv-06099-R-AJW (C.D. Cal.)	
	70	Patent Owner's Notice of Voluntary Dismissal Without Prejudice for Fisher & Paykel Healthcare Ltd. v. ResMed Corp., Case No. 2:16-cv-06099-R-AJW (C.D. Cal.)	
	71	Petitioners' Complaint for ResMed Inc., et al. v. Fisher & Paykel Healthcare Corp. Ltd., et al., Case No. 3:16-cv-02072-JAH-MDD (S.D. Cal.)	

Examiner Signature	Date Considered
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***Examiner:** Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

T¹ - Place a check mark in this area when an English language Translation is attached.

INFORMATION DISCLOSURE STATEMENT BY APPLICANT	Application No.	15/087,775
	Filing Date	March 31, 2016
	First Named Inventor	Alastair Edwin McAuley
	Art Unit	3778
<i>(Multiple sheets used when necessary)</i>	Examiner	Annette Fredricka Dixon
SHEET 4 OF 4	Attorney Docket No.	FPHCR.112C5

NON PATENT LITERATURE DOCUMENTS

Examiner Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ¹
	72	Petitioners' Notice of Voluntary Dismissal Without Prejudice for ResMed Inc., et al. v. Fisher & Paykel Healthcare Corp. Ltd., et al., Case No. 3:16-cv-02072-JAH-MDD (S.D. Cal.)	
	73	Petition for Inter Partes Review of United States Patent No. 8,479,741 Pursuant to 35 U.S.C. §§ 311-19, 37 C.F.R. § 42, IPR2016-01714	
	74	Petition for Inter Partes Review of United States Patent No. 8,479,741 Pursuant to 35 U.S.C. §§ 311-19, 37 C.F.R. § 42, IPR2016-01718	
	75	Petition for Inter Partes Review of United States Patent No. 8,443,807 Pursuant to 35 U.S.C. §§ 311-19, 37 C.F.R. § 42, IPR2016-01726	
	76	Petition for Inter Partes Review of United States Patent No. 8,443,807 Pursuant to 35 U.S.C. §§ 311-19, 37 C.F.R. § 42, IPR2016-01734	
	77	ResMed FlexiFit brochure	
	78	ResMed FlexiFit web pages (Wayback Machine)	
	79	ResMed Webpage from June 29, 1997 (Source: Wayback Machine Internet Archive); http://web.archive.org/web/19970629053430/http://www.resmed.com/maskframes/mask.htm	
	80	ResMed "Mirage Swift™ Nasal Pillows System from ResMed" publication, ©2004 ResMed Ltd.	
	81	ResMed "Mirage Swift™ Nasal Pillows System: User's Guide" publication, ©2004 ResMed Ltd.	
	82	ResMed "Mirage Vista™ Nasal Mask: Components Card" publication, ©2005 ResMed Ltd.	
	83	ResMed Origins Brochure (Retrieved April 17, 2016 from http://www.resmed.com/us/dam/documents/articles/resmedorigins.pdf)	
	84	ResMed Ultra Mirage brochure	
	85	ResMed Ultra Mirage web pages (Wayback Machine)	
	86	Statutory Declaration made by Alistair Edwin McAuley, Apr. 9, 2015, in the matter of an Opposition by Fisher & Paykel Healthcare Limited of Australian patent application 2009221630 in the name of ResMed Limited	
	87	The American Heritage Dictionary of the English Language, Fourth Edition (2006) (selected portions)	
	88	WeddingBands.com – Men's Wedding Ring Shopping Page (Retrieved October 16, 2015 from http://www.weddingbands.com/ProductPop_wedding_bands_metal/4_8214W.html)	

24340243

Examiner Signature	Date Considered
* Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	

T¹ - Place a check mark in this area when an English language Translation is attached.

Electronic Patent Application Fee Transmittal

Application Number:	15087775
Filing Date:	31-Mar-2016
Title of Invention:	BREATHING ASSISTANCE APPARATUS
First Named Inventor/Applicant Name:	Alastair Edwin McAuley
Filer:	Michael A. Guiliana/Linh Do
Attorney Docket Number:	FPHCR.112C5

Filed as Large Entity

Filing Fees for Utility under 35 USC 111(a)

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Miscellaneous:				
RCE- 1st Request	1801	1	1200	1200
Total in USD (\$)				1200

Electronic Acknowledgement Receipt

EFS ID:	27211644
Application Number:	15087775
International Application Number:	
Confirmation Number:	4437
Title of Invention:	BREATHING ASSISTANCE APPARATUS
First Named Inventor/Applicant Name:	Alastair Edwin McAuley
Customer Number:	20995
Filer:	Michael A. Guiliana/Angel Zehnder
Filer Authorized By:	Michael A. Guiliana
Attorney Docket Number:	FPHCR.112C5
Receipt Date:	13-OCT-2016
Filing Date:	31-MAR-2016
Time Stamp:	20:44:53
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	CARD
Payment was successfully received in RAM	\$1200
RAM confirmation Number	101416INTEFSW20455501
Deposit Account	111410
Authorized User	Angel Zehnder

The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:

37 CFR 1.16 (National application filing, search, and examination fees)

37 CFR 1.17 (Patent application and reexamination processing fees)

RMD

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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Request for Continued Examination (RCE)	RCE.pdf	697624	no	3
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Warnings:

Information:

2		IDS.pdf	68802	yes	5
			1cf85411e4357d4ecbaf2991b972867cd95efba		

Multipart Description/PDF files in .zip description

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	Transmittal Letter	1	1
	Information Disclosure Statement (IDS) Form (SB08)	2	5

Warnings:

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3	Foreign Reference	DE10312881B3.pdf	556293	no	6
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Warnings:

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Warnings:

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19	Non Patent Literature	Fisher_and_Paykel_MR810_Manual.pdf	5225867	no	43
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Warnings:					
Information:					
Total Files Size (in bytes):			198728602		

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.



NOTICE OF ALLOWANCE AND FEE(S) DUE

20995 7590 09/30/2016
KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

Table with 2 columns: EXAMINER (DIXON, ANNETTE FREDRICKA), ART UNIT (3778), PAPER NUMBER

DATE MAILED: 09/30/2016

Table with 5 columns: APPLICATION NO. (15/087,775), FILING DATE (03/31/2016), FIRST NAMED INVENTOR (Alastair Edwin McAuley), ATTORNEY DOCKET NO. (FPHCR.112C5), CONFIRMATION NO. (4437)

TITLE OF INVENTION: BREATHING ASSISTANCE APPARATUS

Table with 7 columns: APPLN. TYPE (nonprovisional), ENTITY STATUS (UNDISCOUNTED), ISSUE FEE DUE (\$960), PUBLICATION FEE DUE (\$0), PREV. PAID ISSUE FEE (\$0), TOTAL FEE(S) DUE (\$960), DATE DUE (12/30/2016)

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 1/2 the amount of undiscounted fees, and micro entity fees are 1/2 the amount of small entity 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 and an extra copy of the form should be submitted. 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: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

**Complete and send this form, together with applicable fee(s), to: Mail Mail Stop ISSUE FEE
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
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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 including the Patent, advance orders and notification of maintenance fees 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.

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.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

20995 7590 09/30/2016
KNOBBE MARTENS OLSON & BEAR LLP
 2040 MAIN STREET
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 IRVINE, CA 92614

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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 facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
15/087,775	03/31/2016	Alastair Edwin McAuley	FPHCR.112C5	4437

TITLE OF INVENTION: BREATHING ASSISTANCE APPARATUS

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	UNDISCOUNTED	\$960	\$0	\$0	\$960	12/30/2016

EXAMINER	ART UNIT	CLASS-SUBCLASS
DIXON, ANNETTE FREDRICKA	3778	128-205250

<p>1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).</p> <p><input type="checkbox"/> Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.</p> <p><input type="checkbox"/> "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.</p>	<p>2. For printing on the patent front page, list</p> <p>(1) The names of up to 3 registered patent attorneys or agents OR, alternatively, _____ 1</p> <p>(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</p> <p>_____ 3</p>
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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 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.

(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

<p>4a. The following fee(s) are submitted:</p> <p><input type="checkbox"/> Issue Fee</p> <p><input type="checkbox"/> Publication Fee (No small entity discount permitted)</p> <p><input type="checkbox"/> Advance Order - # of Copies _____</p>	<p>4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)</p> <p><input type="checkbox"/> A check is enclosed.</p> <p><input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.</p> <p><input type="checkbox"/> The director is hereby authorized to charge the required fee(s), any deficiency, or credits any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).</p>
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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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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
15/087,775 03/31/2016 Alastair Edwin McAuley FPHCR.112C5 4437

20995 7590 09/30/2016
KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

Table with 2 columns: EXAMINER, ART UNIT, PAPER NUMBER
DIXON, ANNETTE FREDRICKA
3778

DATE MAILED: 09/30/2016

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 12 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. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to 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)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

Notice of Allowability	Application No. 15/087,775	Applicant(s) MCAULEY ET AL.	
	Examiner ANNETTE DIXON	Art Unit 3778	AIA (First Inventor to File) Status No

-- 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.

1. This communication is responsive to amds: 7/18/16 and 9/9/16.
 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 allowed claim(s) is/are 1-20. As a result of the allowed claim(s), you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see http://www.uspto.gov/patents/init_events/pph/index.jsp or send an inquiry to PPHfeedback@uspto.gov.
4. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

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. 10/598,026.
 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 requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. 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).
6. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 2. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 6. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| 3. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 7. <input type="checkbox"/> Other _____. |
| 4. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ . | |

/ANNETTE DIXON/
Primary Examiner, Art Unit 3778

DETAILED ACTION

1. This Office Action is in response to the amendment, filed on July 18, 2016, the terminal disclaimers, filed on September 7, 2016, and the applicant provided proposed examiner's amendment, filed on September 9, 2016.
2. The present application is being examined under the pre-AIA first to invent provisions.

EXAMINER'S AMENDMENT

3. 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 by Applicant proposed examiner's amendment with Attorney Michael Guiliana on September 9, 2016.

The application has been amended as follows:

IN THE CLAIMS:

Claim 1, Line 10: "the left side curved side portion comprising" has been changed to -- the left side curved portion comprising --.

Claim 1, Line 13: "the first end of the headgear extension attached to" has been changed to -- the first end of the first headgear extension connected to --.

Art Unit: 3778

Claim 1, Line 17: "a first end attached to the right" has been changed to -- a first end connected to the right --.

Claim 1, Line 21: "the prong part in a position with the first and second prongs" has been changed to -- the nasal cannula prong part in a position with the first and second nasal prongs --.

Claim 1, Line 23: "extension and second end" has been changed to -- extension and the second end --.

Claim 1, Line 26: "the prong part" has been changed to -- the nasal cannula prong part --.

Claim 2, Line 2: "along a direction" has been changed to -- along a first direction -
-.

Claim 4, Line 1: "the extension extends" has been changed to -- the extension of the nasal cannula body part extends --.

Claim 5, Line 2: "the extension." has been changed to -- the extension of the nasal cannula body part. --.

Claim 7, Line 1: "the first bias flow vent" has been changed to -- the at least one bias flow vent --.

Claim 8, Line 13: "nasal cannula body at the first" has been changed to -- nasal cannula body part at the first -- .

Claim 8, Line 17: "nasal cannula body at the second" has been changed to -- nasal cannula body part at the second -- .

Claim 9, Line 2: "along a direction" has been changed to -- along a first direction -
-.

Claim 11, Line 1: "extension extends" has been changed to -- extension of the
nasal cannula body part extends --.

Claim 12, Line 2: "the extension." has been changed to -- the extension of the
nasal cannula body part. --.

Claim 14, Line 3: "the recessed curved portion" has been changed to -- the
curved recess portion --.

Claim 16, Line 3: "an outlet comprising" has been changed to -- an oblong outlet
comprising --.

Claim 16, Line 7: "the inlet of the hollow body removably" has been changed to --
the inlet of the prong part removably --.

Claim 17, Line 2: "lateral surfaces, respectively, along a direction" has been
changed to -- lateral sides, respectively, along a first direction --.

Claim 17, Line 3: "lateral surfaces, then" has been changed to -- lateral sides,
then --.

Claim 19, Line 1: "the extension extends" has been changed to -- extension of
the nasal cannula body part extends --.

Claim 20, Line 2: "the extension." has been changed to -- the extension of the
nasal cannula body part. --.

Art Unit: 3778

4. The following is an examiner's statement of reasons for allowance: The prior art made of record does not disclose or teach the specific mask assembly having the specific structure and relationship as claimed in independent claims 1, 8, and 16, including the features of the nasal cannula prong part having a nasal cannula body part with left and right OR laterally curved side portions, wherein the first and second headgear extensions extend away from the nasal cannula body part which has an oblong shape.

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

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANNETTE DIXON whose telephone number is (571)272-3392. The examiner can normally be reached on Monday thru Friday 0630 to 1500.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jackie Ho can be reached on (571) 272-4696. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3778

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.

Annette F Dixon
Primary Examiner
Art Unit 3778

/ANNETTE DIXON/
Primary Examiner, Art Unit 3778

Search Notes 	Application/Control No. 15087775	Applicant(s)/Patent Under Reexamination MCAULEY ET AL.
	Examiner ANNETTE DIXON	Art Unit 3778

CPC- SEARCHED

Symbol	Date	Examiner
A61M16/0057; A61M16/0069; A61M16/06; A61M16/0611; A61M16/0616; A61M16/0633; A61M16/0666; A61M16/0683; A61M16/08; A61M16/0816; A61M16/0825; A61M16/0875	6/12/16	afd
A61M16/109; A61M16/16; A61M16/208; A61M2016/0661; A61M2205/0216; A61M2209/088; A61M2210/0618	6/12/16	afd
Updated Above Search	9/19/16	afd

CPC COMBINATION SETS - SEARCHED
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Symbol	Date	Examiner

US CLASSIFICATION SEARCHED

Class	Subclass	Date	Examiner
128	203.22,205.25,206.11,206.24,206.26,206.27,207.11,207.13,207.18	6/12/2016	afd
Updated Above	Search	9/19/16	afd

SEARCH NOTES

Search Notes	Date	Examiner
Inventor Name Search	6/12/16	afd
Above Search limited by text	9/19/16	afd

INTERFERENCE SEARCH

US Class/ CPC Symbol	US Subclass / CPC Group	Date	Examiner
SAME AS ABOVE	See search history including PG-PUB database search	9/19/16	afd

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EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
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		same (lateral laterally left right))).clm.	IBM_TDB			
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S2	406	(nose nostril nasal nare cannula cannulae) and (headgear harness strap) and ((headgear harness strap) with (left and right)) and @ad<="20040223"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2016/03/30 13:35
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S7	3112	(128/203.22; 128/206.27; 128/207.11; 128/207.13; 128/207.18).ccls.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2016/03/30 15:38
S8	36346	(A61M16/0057; A61M16/0069; A61M16/06; A61M16/0616; A61M16/0633; A61M16/0666; A61M16/0683; A61M16/08; A61M16/0816; A61M16/0825; A61M16/0875; A61M16/109; A61M16/16; A61M16/208; A61M2205/0216; A61M2210/0618).cpc.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2016/03/30 15:38
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S10	444	S9 not S3	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO;	OR	ON	2016/03/30 15:39

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S13	5673	(128/203.22; 128/205.25; 128/206.11; 128/206.24; 128/206.26; 128/206.27; 128/207.11; 128/207.13; 128/207.18).ccls.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2016/03/30 16:07
S14	37850	(A61M16/0057; A61M16/0069; A61M16/06; A61M16/0611; A61M16/0616; A61M16/0633; A61M16/0666; A61M16/0683; A61M16/08; A61M16/0816; A61M16/0825; A61M16/0875; A61M16/109; A61M16/16; A61M16/208; A61M2016/0661; A61M2205/0216; A61M2209/088; A61M2210/0618).cpc.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2016/03/30 16:07
S15	508	(nose nostril nasal nare cannula cannulae) and (headgear harness strap) and (\$pap (positive with pressure)) and (S13 S14) and @ad<="20040223"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2016/03/30 16:23
S16	37	S15 not S9	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2016/03/30 16:23


S17	278	(nose nostril nasal nare cannula cannulae) and (headgear harness strap) and (\$pap (positive with pressure)) and (nostril nare) and @ad<="20040223"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2016/03/30 16:25
S18	68	S17 not (S15 S9)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2016/03/30 16:25
S19	835	(nose nostril nasal nare cannula cannulae) and (headgear harness strap) and (\$pap (positive with pressure)) and (nose) and @ad<="20040223"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2016/03/30 16:27
S20	329	S19 not (S15 S9 S17)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2016/03/30 16:27
S21	432	(mcauley.in. near alastair) (prentice.in. near craig) (gleeson.in. near oliver)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2016/03/31 14:48
S22	15	S21 and ((nose nostril nasal nare cannula cannulae) and (headgear harness strap) and (\$pap (positive with pressure))).clm.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2016/03/31 14:49
S23	5	S21 and ((nose nostril nasal nare cannula cannulae) and (headgear harness strap) and (\$pap (positive with pressure)) and \$oval).clm.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2016/03/31 14:50
S24	5714	(128/203.22; 128/205.25; 128/206.11; 128/206.24; 128/206.26; 128/206.27; 128/207.11; 128/207.13; 128/207.18).cls.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2016/06/12 12:56
S25	38275	(A61M16/0057; A61M16/0069; A61M16/06; A61M16/0611; A61M16/0616; A61M16/0633; A61M16/0666; A61M16/0683; A61M16/08; A61M16/0816;	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO;	OR	ON	2016/06/12 12:56

		A61M16/0825; A61M16/0875; A61M16/109; A61M16/16; A61M16/208; A61M2016/0661; A61M2205/0216; A61M2209/088; A61M2210/0618).cpc.	DERWENT; IBM_TDB			
S26	1212	((S24 S25) and (nose nostril nasal nare cannula cannulae) and (headgear strap harness belt) and @ad<="20040223"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2016/06/12 12:58
S27	1692	((mcauley.in. near alastair)(prentice.in. near craig)(gleeson.in. near oliver) (fisher with paykel).as.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2016/06/12 13:25
S28	3274	((nose nostril nasal nare cannula cannulae) and (headgear strap harness belt)).clm.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2016/06/12 13:25
S29	49	((nose nostril nasal nare cannula cannulae) and (headgear strap harness belt)).clm. and S27	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2016/06/12 13:25
S30	13	((nose nostril nasal nare cannula cannulae) and (headgear strap harness belt) and prong).clm. and S27	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2016/06/12 13:25
S31	3	((nose nostril nasal nare cannula cannulae) and (headgear strap harness belt) and prong and ((headgear strap harness belt) with extension)).clm. and S27	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2016/06/12 13:26
S32	0	((nose nostril nasal nare cannula cannulae) and (headgear strap harness belt) and prong and ((headgear strap harness belt) with extension) and oblong).clm. and S27	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2016/06/12 13:26
S33	0	((nose nostril nasal nare cannula cannulae) and (headgear strap harness belt) and prong and oblong).clm. and S27	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2016/06/12 13:26
S34	3	((nose nostril nasal nare cannula	US-PGPUB;	OR	ON	2016/06/12

		cannulae) and (headgear strap harness belt) and prong and ((headgear strap harness belt) with extension) and (bias with vent)).clm. and S27	USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB			13:28
S35	5729	(128/203.22; 128/205.25; 128/206.11; 128/206.24; 128/206.26; 128/206.27; 128/207.11; 128/207.13; 128/207.18).cls.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2016/07/19 16:11
S36	38524	(A61M16/0057; A61M16/0069; A61M16/06; A61M16/0611; A61M16/0616; A61M16/0633; A61M16/0666; A61M16/0683; A61M16/08; A61M16/0816; A61M16/0825; A61M16/0875; A61M16/109; A61M16/16; A61M16/208; A61M2016/0661; A61M2205/0216; A61M2209/088; A61M2210/0618).cpc.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2016/07/19 16:11
S37	4339	(S35 S36 "128".clas. A61M\$.cpc. A62B\$.cpc. A41D\$.cpc. A42D\$.cpc. A61F\$.cpc.) and (nose nostril nasal nare cannula cannulae) and (headgear strap harness belt) and @ad<="20040223"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2016/07/19 16:11
S38	796	(S35 S36 "128".clas. A61M\$.cpc. A62B\$.cpc. A41D\$.cpc. A42D\$.cpc. A61F\$.cpc.) and (nose nostril nasal nare cannula cannulae) and (headgear strap harness belt) and (PAP (positive with pressure)) and @ad<="20040223"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2016/07/19 16:14

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Issue Classification 	Application/Control No. 15087775	Applicant(s)/Patent Under Reexamination MCAULEY ET AL.	
	Examiner ANNETTE DIXON	Art Unit 3778	

CPC						
Symbol					Type	Version
A61M		16		0666	F	2013-01-01
A61M		16		0683	I	2013-01-01
A61M		16		16	I	2013-01-01
A61M		16		0825	I	2014-02-04
A61M		16		0069	I	2014-02-04
A61M		16		109	I	2014-02-04
A61M		16		0875	I	2013-01-01
A61M		16		0616	I	2014-02-04
A61M		16		0816	I	2013-01-01
A61M		2205		0216	A	2013-01-01
A61M		16		0057	I	2013-01-01
A61M		16		08	I	2013-01-01


CPC Combination Sets						
Symbol			Type	Set	Ranking	Version

NONE		Total Claims Allowed:	
		20	
(Assistant Examiner)	(Date)	O.G. Print Claim(s)	O.G. Print Figure
/ANNETTE DIXON/ Primary Examiner.Art Unit 3778	09/19/2016	1	2
(Primary Examiner)	(Date)		

Issue Classification 	Application/Control No. 15087775	Applicant(s)/Patent Under Reexamination MCAULEY ET AL.
	Examiner ANNETTE DIXON	Art Unit 3778

US ORIGINAL CLASSIFICATION						INTERNATIONAL CLASSIFICATION								
CLASS		SUBCLASS				CLAIMED				NON-CLAIMED				
128		207.18				A	6	1	M	16 / 06				
CROSS REFERENCE(S)														
CLASS	SUBCLASS (ONE SUBCLASS PER BLOCK)													
128	207.13	207.11	206.21	205.25	200.24									
128	204.21	204.18												

NONE		Total Claims Allowed:	
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(Assistant Examiner)	(Date)	O.G. Print Claim(s)	O.G. Print Figure
/ANNETTE DIXON/ Primary Examiner.Art Unit 3778	09/19/2016	1	2
(Primary Examiner)	(Date)		

Issue Classification 	Application/Control No. 15087775	Applicant(s)/Patent Under Reexamination MCAULEY ET AL.
	Examiner ANNETTE DIXON	Art Unit 3778

<input checked="" type="checkbox"/> Claims renumbered in the same order as presented by applicant																<input type="checkbox"/> CPA		<input checked="" type="checkbox"/> T.D.		<input type="checkbox"/> R.1.47	
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NONE		Total Claims Allowed:	
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(Assistant Examiner)	(Date)	O.G. Print Claim(s)	O.G. Print Figure
/ANNETTE DIXON/ Primary Examiner.Art Unit 3778	09/19/2016	1	2
(Primary Examiner)	(Date)		

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 FIRM: USPTO, Art Unit 3778
 FACSIMILE No.: 571-273-3392
 OUR REF.: FPHCR.112C5
 YOUR REF.: Application Serial No. 15/087,775
 FROM: Michael A. Guiliiana, Esq.
 OPERATOR: Ping-Ping Tang, IP Assistant NO. OF PAGES: 6 (incl. cover sheet)
 DATE: September 9, 2016 TIME:

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FPHCR.112C5

App. No.: 15/087,775

Filing Date: March 31, 2016

BREATHING ASSISTANCE APPARATUS

Proposed Examiner's Amendment

1. A mask assembly including a nasal cannula prong part and a nasal cannula body part for delivering positive airway pressure to a user in use, the mask comprising:

the nasal cannula prong part comprising a hollow body, an inlet opening of the hollow body, and first and second nasal prongs extending from the hollow body, the first and second nasal prongs formed as a flexible single piece, a horizontal direction of the nasal cannula prong part extending from the inlet opening toward the first and second nasal prongs, a vertical direction extending perpendicular to the horizontal direction;

the nasal cannula body part comprising a central portion with at least one bias flow vent, an inlet, an outlet, and an outer surface having at least a left side curved portion and a right side curved portion, the left side curved ~~side~~ portion comprising a left side apex and the right side curved portion comprising a right side apex, the outer surface having a first height along the vertical direction;

a first headgear extension having a first end, the first end of the first headgear extension connected ~~attached~~ to the left side apex, the first end of the first headgear extension having a second height along the vertical direction at the connection between the first end and the left side apex;

a second headgear extension having a first end connected ~~attached~~ to the right side apex, the first end of the second headgear extension having a third height along the vertical direction at the connection between the first end of the second headgear extension and the right side apex, wherein the second and third heights are smaller than the first height;

a headgear strap configured to maintain the nasal cannula prong part in a position with the first and second nasal prongs against a user's nares in use, the headgear strap having first and second ends, the first end connected to the first headgear extension and the second end connected to the second headgear extension; and

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Proposed Examiner's Amendment

an inspiratory conduit connected to the inlet of the nasal cannula body part and configured to deliver pressurized gases into the nasal cannula body part and the nasal cannula prong part for inhalation by a user in use.

2. The mask assembly of Claim 1, wherein the first and second head gear extensions extend from the left and right apexes, respectively, along a first direction laterally outwardly away from the left and right apexes, then along a second direction, oblique relative to the first direction, more toward a user's face in use.

3. The mask assembly of Claim 1, wherein the nasal cannula body part comprises an extension extending proximally from the outlet of the nasal cannula body part to a position more proximal relative to the first end of the first headgear extension.

4. The mask assembly of Claim 3, wherein the extension of the nasal cannula body part extends circumferentially along the outlet of the nasal cannula body part, adjacent to the first ends of both the first and second headgear extensions.

5. The mask assembly of Claim 3, wherein the inlet of the nasal cannula prong part fits about the extension of the nasal cannula body part.

6. The mask assembly according to Claim 1, wherein vertically lower portions of the nasal cannula body part and the nasal cannula prong part, extending transverse to the horizontal direction, are concave with respect to an enclosed space between the nasal cannula body part and the nasal cannula prong part, when assembled.

7. The mask assembly of Claim 1, wherein the at least one first-bias flow vent comprises a flow vent outer surface, the flow vent outer surface being recessed inwardly from the outer surface of the rigid mask body.

8. A mask assembly for delivering positive airway pressure to a user, the mask comprising:

a nasal cannula body part comprising a circular inlet, a central portion and an outlet with first and second curved lateral sides, the outlet of the nasal cannula body part comprising an oblong shape having a major direction with a first end at the first curved

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lateral side and a second end at the second curved lateral side, the outlet having a minor direction extending transverse to the major direction, the outlet having a first height along the minor direction;

a prong part comprising a hollow body, an inlet, and first and second nasal prongs extending from the hollow body, the inlet of the prong part removably connected to the outlet of the nasal cannula body part;

a first headgear extension having a distal end and a proximal end, the distal end of the first headgear extension connected to the nasal cannula body part at the first end of the major direction, the distal end of the first headgear extension having a second height smaller than the first height;

a second headgear extension having a distal end and a proximal end, the distal end of the second headgear extension connected to the nasal cannula body part at the second end of the major direction, the distal end of the second headgear extension having a third height smaller than the first height;

a headgear strap connected to the first headgear extension and the second headgear extension.

9. The mask assembly of Claim 8, wherein the first and second head gear extensions extend from the left and right curved lateral sides, respectively, along a first direction laterally outwardly away from the left and right curved lateral sides, then along a second direction, oblique relative to the first direction, and more toward a user's face in use.

10. The mask assembly of Claim 8, wherein the nasal cannula body part comprises an extension extending proximally from the outlet of the nasal cannula body part to a position proximal relative to the distal end of the first headgear extension.

11. The mask assembly of Claim 10, wherein the extension of the nasal cannula body part extends circumferentially along the outlet of the nasal cannula body part, adjacent to the distal ends of both the first and second headgear extensions.

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BREATHING ASSISTANCE APPARATUS

Proposed Examiner's Amendment

12. The mask assembly of Claim 10, wherein the inlet of the nasal cannula prong part fits about the extension of ~~the nasal cannula body part~~.

13. The mask assembly of Claim 8, wherein the headgear strap comprises a flexible tube.

14. The mask assembly of Claim 8, wherein the nasal cannula body part comprises an outer surface, the outer surface comprising a curved recessed portion, recessed inwardly relative to a surrounding portion of the outer surface, the curved recessed ~~curved~~ portion comprising a plurality of apertures defining a bias flow outlet vent.

15. The mask assembly of Claim 14, wherein a lower major surface of the nasal cannula body part, extending between the first and second curved lateral sides, is concave with respect to an enclosed space between the nasal cannula body part and the nasal cannula prong part.

16. A mask assembly for delivering positive airway pressure to a user, the mask comprising:

a nasal cannula body part comprising a circular inlet, and an oblong outlet comprising an oblong shape and first and second curved lateral sides, the oblong outlet having a first height at a location between the first and second curved lateral sides;

a prong part comprising a hollow body, an inlet, and first and second nasal prongs extending from the hollow body, the inlet of the prong part ~~hollow body~~ removably connected to the oblong outlet of the nasal cannula body part;

a first headgear extension having a distal end, the distal end of the first headgear extension connected to the nasal cannula body part at the first curved lateral side, the distal end of the first headgear extension having a second height smaller than the first height;

a second headgear extension having a distal end, the distal end of the second headgear extension connected to the second curved lateral side, the distal end of the second headgear extension having a third height smaller than the first height;

FPHCR.112C5

App. No.: 15/087,775

Filing Date: March 31, 2016

BREATHING ASSISTANCE APPARATUS

Proposed Examiner's Amendment

a headgear strap connected to the first and second headgear extensions and configured to support the mask assembly against a user's face in use.

17. The mask assembly of Claim 16, wherein the first and second headgear extensions extend from the left and right curved lateral ~~sidessurfaces~~, respectively, along a first direction laterally outwardly away from the left and right curved lateral ~~sidessurfaces~~, then along a second direction, oblique relative to the first direction, and more toward a user's face in use.

18. The mask assembly of Claim 16, wherein the nasal cannula body part comprises an extension extending proximally from the outlet of the nasal cannula body part to a position proximal relative to the first end of the first headgear extension.

19. The mask assembly of Claim 18, wherein the extension of the nasal cannula body part extends circumferentially along the outlet of the nasal cannula body part, adjacent to the distal ends of both the first and second headgear extensions.

20. The mask assembly of Claim 19, wherein the inlet of the ~~nasal-cannula~~ prong part fits about the extension of the nasal cannula body part.

24173225

Doc Code: DIST.E.FILE Document Description: Electronic Terminal Disclaimer - Filed	PTO/SB/25 PTO/SB/26 U.S. Patent and Trademark Office Department of Commerce
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Electronic Petition Request	TERMINAL DISCLAIMER TO OBIATE A PROVISIONAL DOUBLE PATENTING REJECTION OVER A PENDING "REFERENCE" APPLICATION AND TERMINAL DISCLAIMER TO OBIATE A DOUBLE PATENTING REJECTION OVER A "PRIOR" PATENT
Application Number	15087775
Filing Date	31-Mar-2016
First Named Inventor	Alastair McAuley
Attorney Docket Number	FPHCR.112C5
Title of Invention	BREATHING ASSISTANCE APPARATUS

Filing of terminal disclaimer does not obviate requirement for response under 37 CFR 1.111 to outstanding Office Action

This electronic Terminal Disclaimer is not being used for a Joint Research Agreement.

Owner	Percent Interest
Fisher & Paykel Healthcare Limited	100 %

The owner(s) of percent interest listed above in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on pending reference Application Number(s)

14887200 filed on 10/19/2015

as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the reference application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term of any patent granted on said reference application, "as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application," in the event that any such patent granted on the pending reference application: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

The owner(s) with percent interest listed above in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of prior patent number(s)

9333315

as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later:

- expires for failure to pay a maintenance fee;
- is held unenforceable;
- is found invalid by a court of competent jurisdiction;
- is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
- has all claims canceled by a reexamination certificate;
- is reissued; or
- is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

- Terminal disclaimer fee under 37 CFR 1.20(d) is included with Electronic Terminal Disclaimer request.
- I certify, in accordance with 37 CFR 1.4(d)(4), that the terminal disclaimer fee under 37 CFR 1.20(d) required for this terminal disclaimer has already been paid in the above-identified application.

Applicants claims the following fee status:

- Small Entity
- Micro Entity
- Regular Undiscounted

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

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 is of record in this application

Registration Number 42611
- A sole inventor
- A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors as evidenced by the power of attorney in the application
- A joint inventor; all of whom are signing this request

Signature	/Michael Guiliana/
Name	Michael A. Guiliana

RMD

*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

Electronic Patent Application Fee Transmittal

Application Number:	15087775			
Filing Date:	31-Mar-2016			
Title of Invention:	BREATHING ASSISTANCE APPARATUS			
First Named Inventor/Applicant Name:	Alastair Edwin McAuley			
Filer:	Michael A. Guiliana/Heather OBrien			
Attorney Docket Number:	FPHCR.112C5			
Filed as Large Entity				
Filing Fees for Utility under 35 USC 111(a)				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Statutory or Terminal Disclaimer	1814	1	160	160
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Extension-of-Time:				
Miscellaneous:				
Total in USD (\$)				160

Doc Code: DISQ.E.FILE

Document Description: Electronic Terminal Disclaimer – Approved

Application No.: 15087775

Filing Date: 31-Mar-2016

Applicant/Patent under Reexamination: McAuley et al.

Electronic Terminal Disclaimer filed on September 7, 2016

APPROVED

This patent is subject to a terminal disclaimer

DISAPPROVED

Approved/Disapproved by: Electronic Terminal Disclaimer automatically approved by EFS-Web

U.S. Patent and Trademark Office

Electronic Acknowledgement Receipt

EFS ID:	26861199
Application Number:	15087775
International Application Number:	
Confirmation Number:	4437
Title of Invention:	BREATHING ASSISTANCE APPARATUS
First Named Inventor/Applicant Name:	Alastair Edwin McAuley
Customer Number:	20995
Filer:	Michael A. Guiliana/Heather OBrien
Filer Authorized By:	Michael A. Guiliana
Attorney Docket Number:	FPHCR.112C5
Receipt Date:	07-SEP-2016
Filing Date:	31-MAR-2016
Time Stamp:	20:49:36
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	CARD
Payment was successfully received in RAM	\$160
RAM confirmation Number	090816INTEFSW20493300
Deposit Account	6237
Authorized User	Heather OBrien

The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:

37 CFR 1.16 (National application filing, search, and examination fees)

37 CFR 1.17 (Patent application and reexamination processing fees)

RMD

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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Electronic Terminal Disclaimer-Filed	eTerminal-Disclaimer.pdf	36064	no	3
			bad65e5cbea08c8cdf624b64e0c460919b5754fa		

Warnings:

Information:

2	Fee Worksheet (SB06)	fee-info.pdf	30429	no	2
			20f625856ce3f78b953f0515534af6c031e0ad0b		

Warnings:

Information:

Total Files Size (in bytes):	66493
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New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

Electronic Acknowledgement Receipt

EFS ID:	26861199
Application Number:	15087775
International Application Number:	
Confirmation Number:	4437
Title of Invention:	BREATHING ASSISTANCE APPARATUS
First Named Inventor/Applicant Name:	Alastair Edwin McAuley
Customer Number:	20995
Filer:	Michael A. Guiliana/Heather OBrien
Filer Authorized By:	Michael A. Guiliana
Attorney Docket Number:	FPHCR.112C5
Receipt Date:	07-SEP-2016
Filing Date:	31-MAR-2016
Time Stamp:	20:49:36
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	CARD
Payment was successfully received in RAM	\$160
RAM confirmation Number	090816INTEFSW20493300
Deposit Account	111410
Authorized User	Heather OBrien

The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:

37 CFR 1.16 (National application filing, search, and examination fees)

37 CFR 1.17 (Patent application and reexamination processing fees)

RMD

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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Electronic Terminal Disclaimer-Filed	eTerminal-Disclaimer.pdf	36064	no	3
			bad65e5cbea08c8cdf624b64e0c460919b5754fa		

Warnings:

Information:

2	Fee Worksheet (SB06)	fee-info.pdf	30429	no	2
			20f625856ce3f78b953f0515534af6c031e0ad0b		

Warnings:

Information:

Total Files Size (in bytes):	66493
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This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

Table with 4 columns: APPLICATION NUMBER (15/087,775), FILING OR 371(C) DATE (03/31/2016), FIRST NAMED APPLICANT (Alastair Edwin McAuley), ATTY. DOCKET NO./TITLE (FPHCR.112C5)

CONFIRMATION NO. 4437

PUBLICATION NOTICE

20995
KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614



Title: BREATHING ASSISTANCE APPARATUS

Publication No. US-2016-0213876-A1
Publication Date: 07/28/2016

NOTICE OF PUBLICATION OF APPLICATION

The above-identified application will be electronically published as a patent application publication pursuant to 37 CFR 1.211, et seq. The patent application publication number and publication date are set forth above.

The publication may be accessed through the USPTO's publically available Searchable Databases via the Internet at www.uspto.gov. The direct link to access the publication is currently http://www.uspto.gov/patft/.

The publication process established by the Office does not provide for mailing a copy of the publication to applicant. A copy of the publication may be obtained from the Office upon payment of the appropriate fee set forth in 37 CFR 1.19(a)(1). Orders for copies of patent application publications are handled by the USPTO's Office of Public Records. The Office of Public Records can be reached by telephone at (703) 308-9726 or (800) 972-6382, by facsimile at (703) 305-8759, by mail addressed to the United States Patent and Trademark Office, Office of Public Records, Alexandria, VA 22313-1450 or via the Internet.

In addition, information on the status of the application, including the mailing date of Office actions and the dates of receipt of correspondence filed in the Office, may also be accessed via the Internet through the Patent Electronic Business Center at www.uspto.gov using the public side of the Patent Application Information and Retrieval (PAIR) system. The direct link to access this status information is currently http://pair.uspto.gov/. Prior to publication, such status information is confidential and may only be obtained by applicant using the private side of PAIR.

Further assistance in electronically accessing the publication, or about PAIR, is available by calling the Patent Electronic Business Center at 1-866-217-9197.

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Inventor	: Alastair Edwin McAuley
App. No.	: 15/087,775
Filed	: March 31, 2016
For	: BREATHING ASSISTANCE APPARATUS
Examiner	: Annette Fredricka Dixon
Art Unit	: 3778
Conf. No.	: 4437

**RESPONSE TO FIRST ACTION INTERVIEW PILOT PROGRAM PRE-INTERVIEW
COMMUNICATION**

Mail Stop Amendment

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Examiner:

In response to the First Action Interview Pilot Program Pre-Interview Communication dated June 16, 2016, Applicants hereby waive a first action interview and a First Action Interview Office Action and respectfully submit the following amendments and comments in connection with the above-captioned application.

Amendments to the Specification begin on page 2 of this paper.

Amendments to the Claims are reflected in the listing of claims which begins on page 3 of this paper.

Amendments to the Drawings begin on page 8 of this paper. A “Replacement Sheet” for each sheet of drawings being amended can be found in the Appendix.

Remarks/Arguments begin on page 9 of this paper.

Application No.: 15/087,775
Filing Date: March 31, 2016

AMENDMENTS TO THE SPECIFICATION

Please amend the specification as follows. Insertions appear as bold underlined text (e.g., **insertions**) while deletions appear as bold strikethrough text (e.g., ~~**deletions**~~).

[0074] To provide additional comfort for the user or ensure the nasal cannula of the present invention does not fall from a user's nares, the nasal cannula 60 is preferably used in combination with a headgear strap. The strap may be similar to that shown in FIG. 1 with relation to the first form of the nasal cannula 2. In this fourth form of the nasal cannula 60 the body part 62 has headgear extensions 72, ~~73~~**95** that extend out from the body part 70. The extensions 72, ~~73~~**95** each have a channel 77, 78 formed in them that is capable of receiving an end 80, 81 of the headgear strap 79. The strap ends 80, 81 in use are threaded through apertures (preferably two) and extend into and are held in the channels 77, 78. In this form the headgear strap 79 is made from a small diameter silicon, rubber or similar type material. Therefore, when the strap ends 80, 81 are threaded through the apertures friction is created that maintains the straps within the apertures and prevents the straps from slipping from the cannula.

AMENDMENTS TO THE CLAIMS

Please replace all prior versions of the claims with the following listing of the claims. Please note that in the amendments to the claims, deletions are indicated by strikethrough (e.g., ~~deletion~~) or double brackets (e.g., [[word]]) and additions are underlined (e.g., addition).

1. **(Original)** A mask assembly including a nasal cannula prong part and a nasal cannula body part for delivering positive airway pressure to a user in use, the mask comprising:

the nasal cannula prong part comprising a hollow body, an inlet opening of the hollow body, and first and second nasal prongs extending from the hollow body, the first and second nasal prongs formed as a flexible single piece, a horizontal direction of the nasal cannula prong part extending from the inlet opening toward the first and second nasal prongs, a vertical direction extending perpendicular to the horizontal direction;

the nasal cannula body part comprising a central portion with at least one bias flow vent, an inlet, an outlet, and an outer surface having at least a left side curved portion and a right side curved portion, the left side curved side portion comprising a left side apex and the right side curved portion comprising a right side apex, the outer surface having a first height along the vertical direction;

a first headgear extension having a first end, the first end of the headgear extension attached to the left side apex, the first end of the first headgear extension having a second height along the vertical direction at the connection between the first end and the left side apex;

a second headgear extension having a first end attached to the right side apex, the first end of the second headgear extension having a third height along the vertical direction at the connection between the first end of the second headgear extension and the right side apex, wherein the second and third heights are smaller than the first height;

a headgear strap configured to maintain the prong part in a position with the first and second prongs against a user's nares in use, the headgear strap having first and second ends, the first end connected to the first headgear extension and second end connected to the second headgear extension; and

an inspiratory conduit connected to the inlet of the nasal cannula body part and configured to deliver pressurized gases into the nasal cannula body part and the prong part for inhalation by a user in use.

2. **(Original)** The mask assembly of Claim 1, wherein the first and second head gear extensions extend from the left and right apexes, respectively, along a direction laterally outwardly away from the left and right apexes, then along a second direction, oblique relative to the first direction, more toward a user's face in use.

3. **(Original)** The mask assembly of Claim 1, wherein the nasal cannula body part comprises an extension extending proximally from the outlet of the nasal cannula body part to a position more proximal relative to the first end of the first headgear extension.

4. **(Original)** The mask assembly of Claim 3, wherein the extension extends circumferentially along the outlet of the nasal cannula body part, adjacent to the first ends of both the first and second headgear extensions.

5. **(Original)** The mask assembly of Claim 3, wherein the inlet of the nasal cannula prong part fits about the extension.

6. **(Original)** The mask assembly according to Claim 1, wherein vertically lower portions of the nasal cannula body part and the nasal cannula prong part, extending transverse to the horizontal direction, are concave with respect to an enclosed space between the nasal cannula body part and the nasal cannula prong part, when assembled.

7. **(Original)** The mask assembly of Claim 1, wherein the first bias flow vent comprises a flow vent outer surface, the flow vent outer surface being recessed inwardly from the outer surface of the rigid mask body.

8. **(Original)** A mask assembly for delivering positive airway pressure to a user, the mask comprising:

a nasal cannula body part comprising a circular inlet, a central portion and an outlet with first and second curved lateral sides, the outlet of the nasal cannula body part comprising an oblong shape having a major direction with a first end at the first curved lateral side and a second end at the second curved lateral side, the outlet having a minor direction extending transverse to the major direction, the outlet having a first height along the minor direction;

a prong part comprising a hollow body, an inlet, and first and second nasal prongs extending from the hollow body, the inlet of the prong part removably connected to the outlet of the nasal cannula body part;

a first headgear extension having a distal end and a proximal end, the distal end of the first headgear extension connected to the nasal cannula body at the first end of the major direction, the distal end of the first headgear extension having a second height smaller than the first height;

a second headgear extension having a distal end and a proximal end, the distal end of the second headgear extension connected to the nasal cannula body at the second end of the major direction, the distal end of the second headgear extension having a third height smaller than the first height;

a headgear strap connected to the first headgear extension and the second headgear extension.

9. **(Original)** The mask assembly of Claim 8, wherein the first and second head gear extensions extend from the left and right curved lateral sides, respectively, along a direction laterally outwardly away from the left and right curved lateral sides, then along a second direction, oblique relative to the first direction, and more toward a user's face in use.

10. **(Original)** The mask assembly of Claim 8, wherein the nasal cannula body part comprises an extension extending proximally from the outlet of the nasal cannula body part to a position proximal relative to the distal end of the first headgear extension.

11. **(Original)** The mask assembly of Claim 10, wherein the extension extends circumferentially along the outlet of the nasal cannula body part, adjacent to the distal ends of both the first and second headgear extensions.

12. **(Original)** The mask assembly of Claim 10, wherein the inlet of the nasal cannula prong part fits about the extension.

13. **(Original)** The mask assembly of Claim 8, wherein the headgear strap comprises a flexible tube.

14. **(Original)** The mask assembly of Claim 8, wherein the nasal cannula body part comprises an outer surface, the outer surface comprising a curved recessed portion, recessed

inwardly relative to a surrounding portion of the outer surface, the recessed curved portion comprising a plurality of apertures defining a bias flow outlet vent.

15. **(Original)** The mask assembly of Claim 14, wherein a lower major surface of the nasal cannula body part, extending between the first and second curved lateral sides, is concave with respect to an enclosed space between the nasal cannula body part and the nasal cannula prong part.

16. **(Currently Amended)** A mask assembly for delivering positive airway pressure to a user, the mask comprising:

a nasal cannula body part comprising a circular inlet, and an outlet comprising an oblong shape and first and second curved lateral sides, the oblong outlet having a first height at a location between the first and second curved lateral sides;

a prong part comprising a hollow body, an inlet, and first and second nasal prongs extending from the hollow body, the inlet of the hollow body removably connected to the oblong outlet of the nasal cannula body part;

a first headgear extension having a distal end, the distal end of the first headgear extension connected to the nasal cannula body part at the first curved lateral side, the distal end of the first headgear extension having a second height smaller than the first height;

a second headgear extension having a distal end, the distal end of the second headgear extension connected to the second curved lateral side, the distal end of the second headgear extension having a third height smaller than the first height;

a headgear strap connected to the first and second headgear extensions and configured to support the mask assembly against a user's face in use.

17. **(Original)** The mask assembly of Claim 16, wherein the first and second headgear extensions extend from the left and right curved lateral surfaces, respectively, along a direction laterally outwardly away from the left and right curved lateral surfaces, then along a second direction, oblique relative to the first direction, and more toward a user's face in use.

18. **(Original)** The mask assembly of Claim 16, wherein the nasal cannula body part comprises an extension extending proximally from the outlet of the nasal cannula body part to a position proximal relative to the first end of the first headgear extension.

Application No.: 15/087,775
Filing Date: March 31, 2016

19. **(Original)** The mask assembly of Claim 18, wherein the extension extends circumferentially along the outlet of the nasal cannula body part, adjacent to the distal ends of both the first and second headgear extensions.

20. **(Original)** The mask assembly of Claim 19, wherein the inlet of the nasal cannula prong part fits about the extension.

Application No.: 15/087,775
Filing Date: March 31, 2016

AMENDMENTS TO THE DRAWINGS

Applicants are concurrently submitting replacement Figures 6, 11, and 13 providing brackets to the exploded views pursuant to 37 CFR 1.84(h)(1) and replacement Figures 9 and 11 to revise reference character utilized to disclose the “headgear extension” from 73 to 95. Applicants believe that no new matter is added.

Application No.: 15/087,775
Filing Date: March 31, 2016

REMARKS

In response to the First Action Interview Pilot Program Pre-Interview Communication dated June 16, 2016, Applicants respectfully request that the Examiner reconsider the above-captioned application in view of the foregoing amendments and the following remarks.

By this Response, Claim 16 has been amended. Claims 1-20 remain pending for consideration.

Waiver of First Action Interview and First Action Interview Office Action

Applicants hereby waive a first action interview and a First Action Interview Office Action.

Objection to Drawings

Figures 6, 11 and 13 stand objected to because Figures 6, 11, and 13 are exploded views and should be embraced by brackets pursuant to 37 CFR 1.84 (h)(1). Applicants have amended Figures 6, 11, and 13 to add the brackets.

Figures 9 and 11 stand objected to because Figures 9 and 11 show reference character 73 duplicated wherein reference character 73 is utilized to disclose the “headgear extension” (Paragraph 0074) and the flange (Paragraph 0064). Applicants have amended Figures 9 and 11 to utilize reference character 95 to disclose the “headgear extension” (Paragraph 0074)

Accordingly, Applicants respectfully request that the drawing objections be withdrawn.

Objection to Specification

The specification stands objected to because Figures 9 and 11 show reference character 73 duplicated wherein reference character 73 is utilized to disclose the “headgear extension” (Paragraph 0074) and the flange (Paragraph 0064). In accordance with the amended Figures 9 and 11, Applicants have amended paragraph 0074 of the specification to utilize reference character 95 to disclose the “headgear extension.” Accordingly, Applicants respectfully request that the objection to the specification be withdrawn.

Claim Rejections under Obviousness-Type Double Patenting

Claims 1-7 stand rejected under the judicially-created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-3, 6, and 15 of U.S. Patent No. 9,333,315.

Application No.: 15/087,775
Filing Date: March 31, 2016

While Applicants do not necessarily agree with the foregoing rejection, in order to expedite prosecution of the present application, an appropriate terminal disclaimer over U.S. Patent No. 9,333,315 is submitted herewith in compliance with 37 CFR 1.321(c). Accordingly, Applicants respectfully request entry of the disclaimers and withdrawal of the double patenting rejection.

Claim Rejections under Provisional Obviousness-type Double Patenting

Claims 1-7 stand rejected under provisional obviousness-type double patenting as being unpatentable over Claims 1 and 3 of U.S. Publication No. 2016/0038705. While Applicants do not necessarily agree with the foregoing rejection, in order to expedite prosecution of the present application, an appropriate terminal disclaimer over U.S. Publication No. 2016/0038705 is submitted herewith in compliance with 37 CFR 1.321(c). Accordingly, Applicants respectfully request entry of the disclaimers and withdrawal of the double patenting rejection.

No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, Applicants are not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. Applicants reserve the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that Applicants have made any disclaimers or disavowals of any subject matter supported by the present application.

Co-Pending Applications of Assignee

Applicants wish to draw the Examiner's attention to the following co-pending applications of the present application's assignee.

Application No.: 15/087,775
Filing Date: March 31, 2016

Docket No.	Serial No.	Title	Filed
FPHCR.112C1	14/333,134	BREATHING ASSISTANCE APPARATUS	07/16/2014
FPHCR.112C4	14/887,200	BREATHING ASSISTANCE APPARATUS	10/19/2015

Conclusion

Applicants respectfully submit that the Office Action's rejections have been overcome and that the present Application is now in condition for allowance. Therefore, Applicants respectfully request that the Examiner indicate that all of the pending claims are acceptable and allowed.

If any undeveloped issues remain or if any issues require clarification, the Examiner is cordially invited to call the undersigned in order to resolve such issue promptly.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: July 18, 2016

By: Michael Guiliana/

Michael A. Guiliana
Registration No. 42,611
Attorney of Record
Customer No. 20995
(949) 760-0404

23792041

APPENDIX

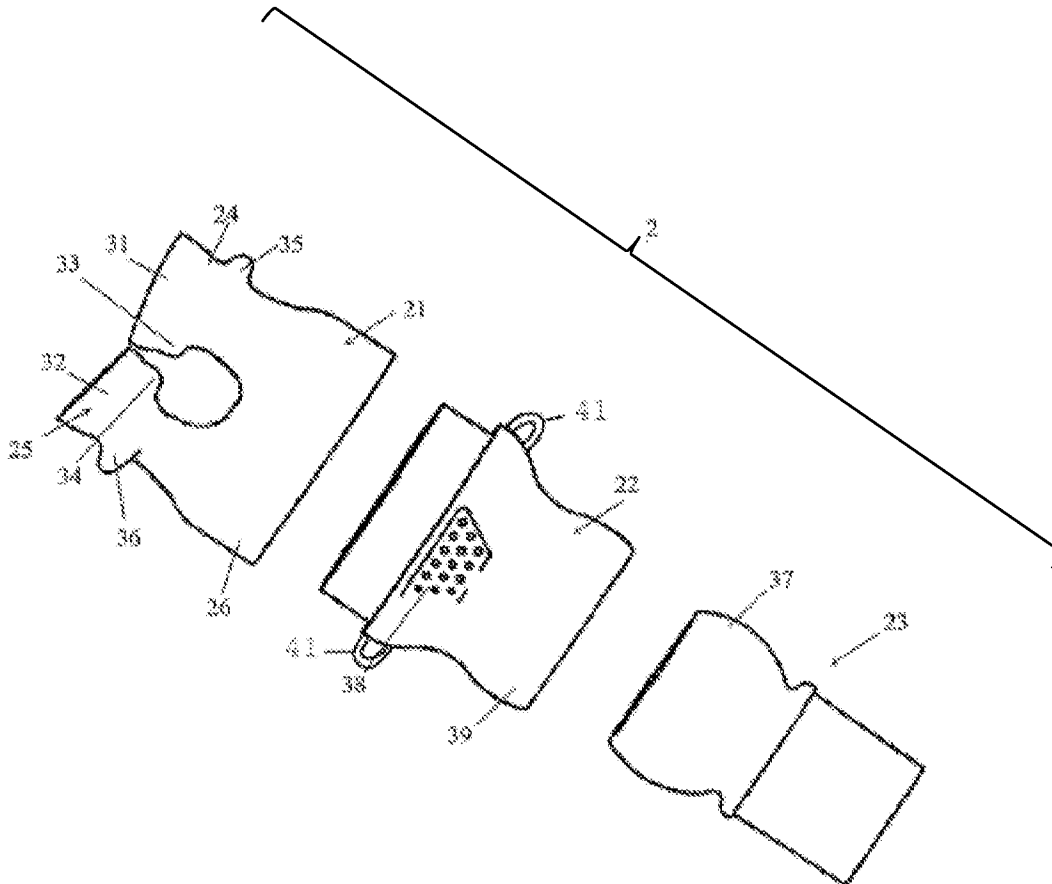


Figure 6

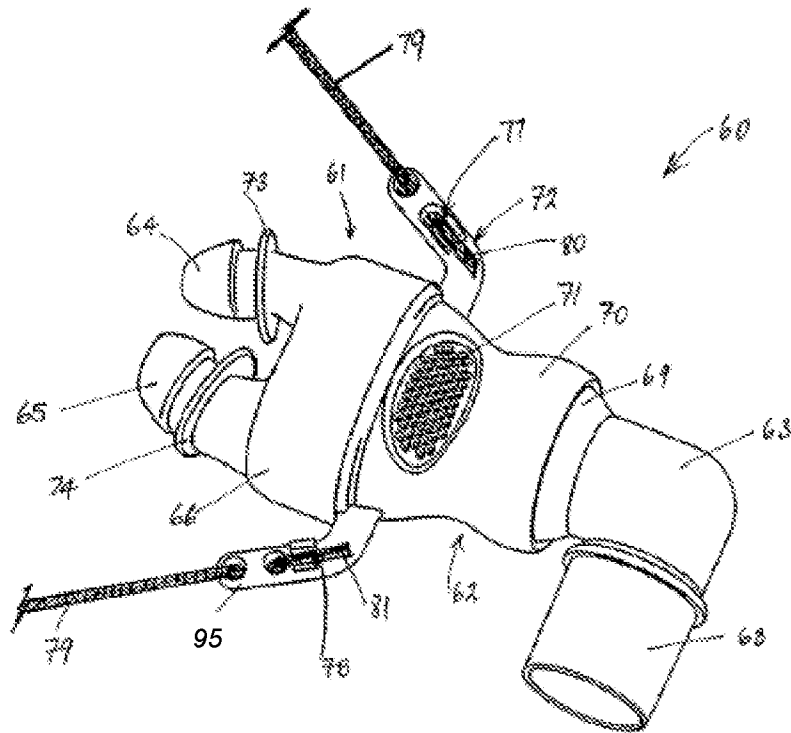


Figure 9

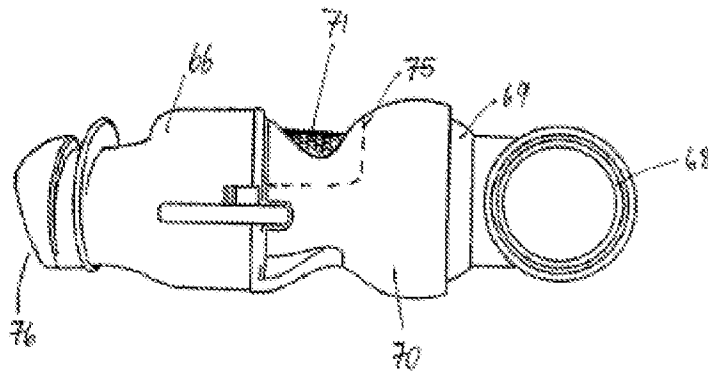


Figure 10

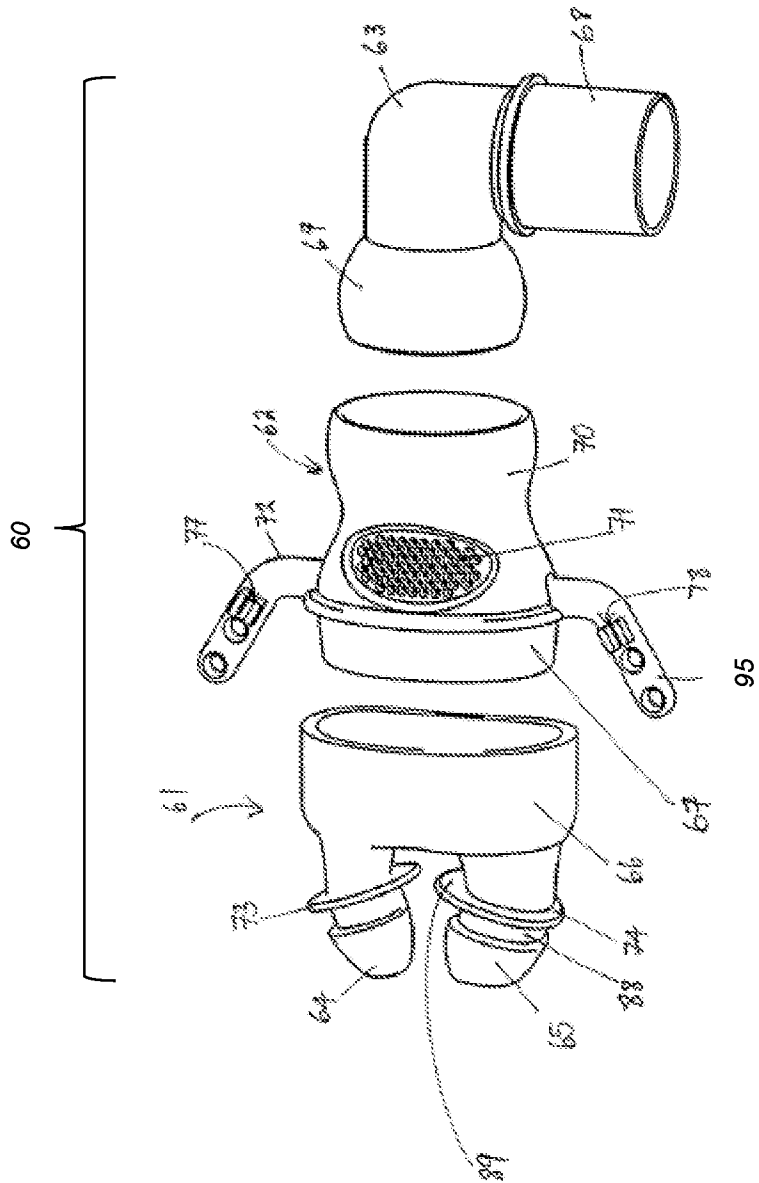


Figure 11

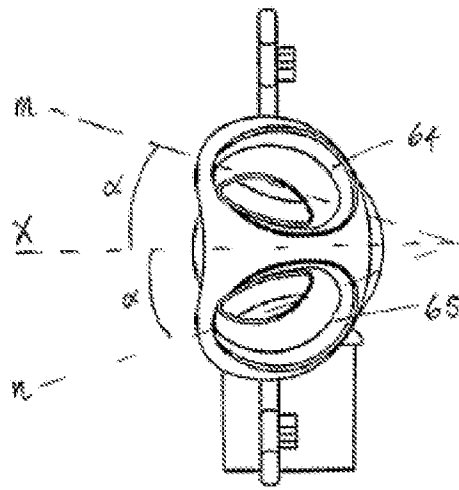


Figure 12

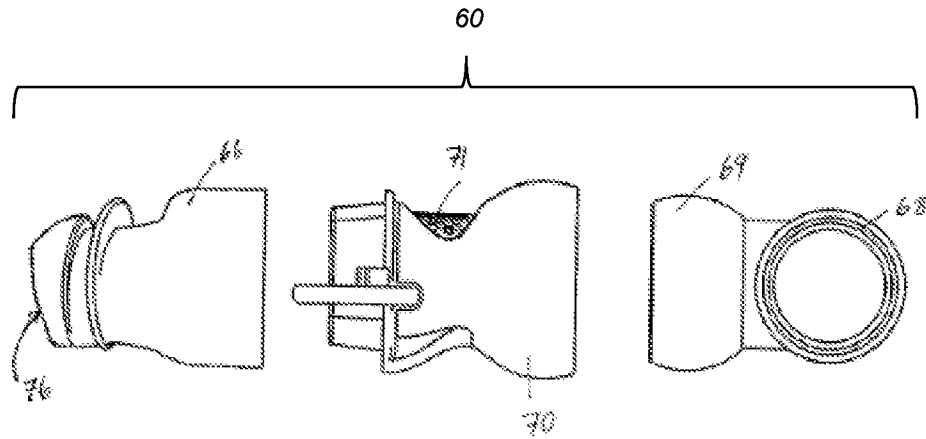


Figure 13

Electronic Acknowledgement Receipt

EFS ID:	26376412
Application Number:	15087775
International Application Number:	
Confirmation Number:	4437
Title of Invention:	BREATHING ASSISTANCE APPARATUS
First Named Inventor/Applicant Name:	Alastair Edwin McAuley
Customer Number:	20995
Filer:	Michael A. Guiliana/Melanie Smuck
Filer Authorized By:	Michael A. Guiliana
Attorney Docket Number:	FPHCR.112C5
Receipt Date:	18-JUL-2016
Filing Date:	31-MAR-2016
Time Stamp:	15:30:16
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no
------------------------	----

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		FPHCR112C5_Response.pdf	512573 8bace87bb5cdba08178d4013ebc7a6f13836cdeb	yes	16

Multipart Description/PDF files in .zip description			
Document Description		Start	End
Amendment/Req. Reconsideration-After Non-Final Reject		1	1
Specification		2	2
Claims		3	7
Drawings-only black and white line drawings		8	8
Applicant Arguments/Remarks Made in an Amendment		9	11
Drawings-only black and white line drawings		12	16

Warnings:

Information:

Total Files Size (in bytes):

512573

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

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.

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875	Application or Docket Number 15/087,775	Filing Date 03/31/2016	<input type="checkbox"/> To be Mailed
---	---	----------------------------------	---------------------------------------

ENTITY: LARGE SMALL MICRO

APPLICATION AS FILED – PART I

FOR	NUMBER FILED	NUMBER EXTRA	RATE (\$)	FEE (\$)
<input type="checkbox"/> BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A	
<input type="checkbox"/> SEARCH FEE (37 CFR 1.16(k), (l), or (m))	N/A	N/A	N/A	
<input type="checkbox"/> EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A	
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =	*	X \$ =	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*	X \$ =	
<input type="checkbox"/> APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$310 (\$155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).			
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))				
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL	

APPLICATION AS AMENDED – PART II

	(Column 1)	(Column 2)	(Column 3)	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)
AMENDMENT	07/18/2016	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR			
	Total (37 CFR 1.16(i))	* 20	Minus	** 20	= 0	X \$80 = 0
	Independent (37 CFR 1.16(h))	* 3	Minus	***3	= 0	X \$420 = 0
	<input type="checkbox"/> Application Size Fee (37 CFR 1.16(s))					
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))						
					TOTAL ADD'L FEE	0

	(Column 1)	(Column 2)	(Column 3)	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)
AMENDMENT		CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR			
	Total (37 CFR 1.16(i))	*	Minus	**	=	X \$ =
	Independent (37 CFR 1.16(h))	*	Minus	***	=	X \$ =
	<input type="checkbox"/> Application Size Fee (37 CFR 1.16(s))					
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))						
					TOTAL ADD'L FEE	

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.
 ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".
 *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".
 The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

LIE
/STELLA LITTLE/

This collection of information is required by 37 CFR 1.16. 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 12 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, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



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Alexandria, Virginia 22313-1450
www.uspto.gov

Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
15/087,775 03/31/2016 Alastair Edwin McAuley FPHCR.112C5 4437

20995 7590 06/16/2016
KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

EXAMINER

DIXON, ANNETTE FREDRICKA

ART UNIT PAPER NUMBER

3778

NOTIFICATION DATE DELIVERY MODE

06/16/2016

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):

jayna.cartee@knobbe.com
efiling@knobbe.com

Notice of References Cited	Application/Control No. 15/087,775	Applicant(s)/Patent Under Reexamination MCAULEY ET AL.	
	Examiner ANNETTE DIXON	Art Unit 3778	Page 1 of 1

U.S. PATENT DOCUMENTS

*	Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	CPC Classification	US Classification
*	A US-9,333,315 B2	05-2016	McAuley; Alastair Edwin	A61M16/0666	1/1
*	B US-2016/0038705 A1	02-2016	McAuley; Alastair Edwin	A61M16/0666	128/205.25
	C US-				
	D US-				
	E US-				
	F US-				
	G US-				
	H US-				
	I US-				
	J US-				
	K US-				
	L US-				
	M US-				

FOREIGN PATENT DOCUMENTS

*	Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	CPC Classification
	N				
	O				
	P				
	Q				
	R				
	S				
	T				

NON-PATENT DOCUMENTS

*	Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	CPC Classification
	Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)				
	U				
	V				
	W				
	X				

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

First Action Interview Pilot Program Pre-Interview Communication	Application No. 15/087,775	Applicant(s) MCAULEY ET AL.	
	Examiner ANNETTE DIXON	Art Unit 3778	AIA (First Inventor to File) Status No

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

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

This time period for reply is extendable under 37 CFR 1.136(a) for only ONE additional MONTH.

This communication constitutes notice under 37 CFR 1.136(a)(1)(i).

Applicant must, within the time period for reply, file: (1) A letter requesting not to have a first action interview; (2) A reply under 37 CFR 1.111 waiving the first action interview and First Action Interview Office Action; or (3) An Applicant Initiated Interview Request Form (PTOL-413A) electronically via EFS-Web, accompanied by a proposed amendment or arguments, and schedule the interview within 2 months from the filing of the request. A failure to respond to this communication will be treated as a request not to have an interview. If applicant waives the First Action Interview Office Action, the instant Pre-Interview Communication is deemed the first Office Action on the Merits. The next subsequent Office action may be made final if appropriate. See MPEP 706.07(a).

Status

- 1) Responsive to communication(s) filed on 3/31/16.
- A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on _____.

Disposition of Claims

- 2) Claim(s) 1-20 is/are pending in the application.
 - 2a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 3) Claim(s) _____ is/are allowed.
- 4) Claim(s) 1-7 is/are rejected.
- 5) Claim(s) 8-20 is/are objected to.
- 6) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 7) The specification is objected to by the Examiner.
- 8) The drawing(s) filed on 3/31/16 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).

Priority under 35 U.S.C. § 119

- 9) 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. 10/598,026.
 - 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.

Contact Information

Examiner's Telephone Number: (571)272-3392
 Examiner's Typical Work Schedule: Monday thru Friday 0630 to 1500
 Supervisor's Name: Jackie Ho

Supervisor's Telephone Number: 571-272-4696

Attachment(s)	
1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	3) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____
2) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>4/1/16</u>	4) <input type="checkbox"/> Other: _____

First Action Interview Pilot Program Pre-Interview Communication	Application No. 15/087,775	Applicant(s) MCAULEY ET AL.	
	Examiner ANNETTE DIXON	Art Unit 3778	AIA (First Inventor to File) Status No

Notification of Rejection(s) and/or Objection(s)

#	Claim(s)	Reference(s) (if applicable)	Rejection Statutory Basis	Brief Explanation of Rejection
1	N/A	N/A	DRW Objection	Figures 6, 11, and 13 are exploded views and should be embraced by brackets pursuant to 37 CFR 1.84(h)(1). Appropriate correction is required.
2	N/A	N/A	DRW Objection	Figures 9 and 11 show reference character 73 duplicated wherein reference character 73 is utilized to disclose the "headgear extension" (Paragraph 0074) and the flange (Paragraph 0064). Appropriate correction is required.
3	N/A	N/A	Spec Objection	Figures 9 and 11 show reference character 73 duplicated wherein reference character 73 is utilized to disclose the "headgear extension" (Paragraph 0074) and the flange (Paragraph 0064). Appropriate correction is required.
4	1-7	A	101 - Obvious Double Patenting	Instant Claim 1 and Patent Claims 3 (as dependent upon Claim 1) and 6 are OBV double patenting have coextensive subject matter of the first and second nasal prongs, bias flow vent, first and second headgear extensions, headgear strap and inspiratory conduit.
5	1-7	B	101-Prov Obv Double Patenting	Instant Claim 1 and copending claim 3 are provisional double patenting and have coextensive subject matter of the first and second nasal prongs, bias flow vent, first and second headgear extensions, headgear strap and inspiratory conduit.

Expanded Discussion/Commentary

4	The limitations of Claims 2-6 are recited in patent claims 1 and 6. The limitations of Claim 7 are recited in patent claims 2 and 15.
5	The limitations of Claim 2 are recited in copending claim 3. The limitations of Claims 3-7 are recited in copending claim 1.

DATE:
12 June, 2016

/ANNETTE DIXON/
Primary Examiner, Art Unit 3778

Notice of References Cited	Application/Control No. 15/087,775	Applicant(s)/Patent Under Reexamination MCAULEY ET AL.	
	Examiner ANNETTE DIXON	Art Unit 3778	Page 1 of 1

U.S. PATENT DOCUMENTS

*	Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	CPC Classification	US Classification
*	A US-9,333,315 B2	05-2016	McAuley; Alastair Edwin	A61M16/0666	1/1
*	B US-2016/0038705 A1	02-2016	McAuley; Alastair Edwin	A61M16/0666	128/205.25
C	US-				
D	US-				
E	US-				
F	US-				
G	US-				
H	US-				
I	US-				
J	US-				
K	US-				
L	US-				
M	US-				

FOREIGN PATENT DOCUMENTS

*	Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	CPC Classification
N					
O					
P					
Q					
R					
S					
T					

NON-PATENT DOCUMENTS

*	Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	CPC Classification
	Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)				
U					
V					
W					
X					

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

INFORMATION DISCLOSURE STATEMENT BY APPLICANT	Application No.	15/087,775	
	Filing Date	March 31, 2016	
	First Named Inventor	Alastair Edwin McAuley	
	Art Unit	Unknown	
(Multiple sheets used when necessary)		Examiner	Unknown
SHEET 1 OF 12		Attorney Docket No.	FPHCR.112C5

U.S. PATENT DOCUMENTS					
Examiner Initials	Cite No.	Document Number Number - Kind Code (if known) Example: 1,234,567 B1	Publication Date MM-DD-YYYY	Name	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear
	1	301,111	07-01-1884	Genese	
	2	472,238	04-05-1892	Van Orden	
	3	577,926	03-02-1897	Miller	
	4	718,470	01-13-1903	Jones	
	5	751,091	02-02-1904	Moran	
	6	770,013	09-13-1904	Linn	
	7	1,635,545	07-12-1927	Drager	
	8	2,228,218	01-07-1941	Schwartz	
	9	2,296,150	09-15-1942	Dockson et al.	
	10	2,359,506	10-03-1944	Battley et al.	
	11	2,388,604	11-06-1945	Eisenbud	
	12	2,508,050	05-16-1950	Valente	
	13	2,693,800	11-09-1954	Caldwell	
	14	2,738,788	03-20-1956	Matheson et al.	
	15	2,843,121	07-15-1958	Hudson	
	16	2,859,748	11-11-1958	Hudson	
	17	2,939,458	06-07-1960	Lundquist	
	18	3,490,452	01-20-1970	Greenfield	
	19	3,850,171	11-26-1974	Ball et al.	
	20	3,972,321	08-03-1976	Proctor	
	21	3,992,720	11-23-1976	Nicolinas	
	22	4,090,510	05-23-1978	Segersten	
	23	4,201,205	05-06-1980	Bartholomew	
	24	4,266,540	05-12-1981	Panzik et al.	
	25	4,278,082	07-14-1981	Blackmer	
	26	4,354,488	10-18-1982	Bartos	
	27	4,367,735	01-11-1983	Dali	
	28	4,437,462	03-20-1984	Piljay	
	29	4,753,233	06-28-1988	Grimes	

Examiner Signature /Annette Dixon/ (06/12/2016)	Date Considered
---	-----------------

***Examiner:** Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

T¹ - Place a check mark in this area when an English language Translation is attached.

RMD

INFORMATION DISCLOSURE STATEMENT BY APPLICANT	Application No.	15/087,775	
	Filing Date	March 31, 2016	
	First Named Inventor	Alastair Edwin McAuley	
	Art Unit	Unknown	
(Multiple sheets used when necessary)		Examiner	Unknown
SHEET 2 OF 12		Attorney Docket No.	FPHCR.112C5

U.S. PATENT DOCUMENTS					
Examiner Initials	Cite No.	Document Number Number - Kind Code (if known) Example: 1,234,567 B1	Publication Date MM-DD-YYYY	Name	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear
	30	4,782,832	11-08-1988	Trimble et al.	
	31	4,856,508	08-15-1989	Tayebi	
	32	4,915,105	04-10-1990	Lee	
	33	4,941,467	07-17-1990	Takata	
	34	4,971,051	11-01-1990	Toffolon	
	35	4,986,269	01-22-1991	Hakkinen	
	36	5,010,925	04-30-1991	Atkinson et al.	
	37	5,016,625	05-21-1991	Hsu et al.	
	38	5,042,478	08-27-1991	Kopala et al.	
	39	5,065,756	11-19-1991	Rapoport	
	40	5,094,236	03-10-1992	Amad	
	41	5,113,857	05-19-1992	Dickerman et al.	
	42	5,148,802	09-22-1992	Sanders et al.	
	43	5,231,979	08-03-1993	Rose et al.	
	44	5,245,995	09-21-1993	Sullivan et al.	
	45	5,269,296	12-14-1993	Landis et al.	
	46	5,477,852	12-26-1995	Landis et al.	
	47	5,513,634	05-07-1996	Jackson	
	48	5,533,506	07-09-1996	Wood	
	49	5,551,419	09-03-1996	Froehlich et al.	
	50	5,595,174	01-21-1997	Gwaltney	
	51	5,601,078	02-01-1997	Schaller et al.	
	52	5,657,752	08-19-1997	Landis et al.	
	53	5,724,965	03-10-1998	Handke et al.	
	54	5,752,510	05-19-1998	Goldstein	
	55	5,755,578	05-26-1998	Contant et al.	
	56	5,857,460	01-12-1999	Popitz	
	57	5,884,624	03-23-1999	Barnett et al.	
	58	5,921,239	07-13-1999	McCall et al.	

Examiner Signature /Annette Dixon/ (06/12/2016)	Date Considered
---	-----------------

***Examiner:** Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

T¹ - Place a check mark in this area when an English language Translation is attached.

INFORMATION DISCLOSURE STATEMENT BY APPLICANT	Application No.	15/087,775	
	Filing Date	March 31, 2016	
	First Named Inventor	Alastair Edwin McAuley	
	Art Unit	Unknown	
<i>(Multiple sheets used when necessary)</i>		Examiner	Unknown
SHEET 3 OF 12		Attorney Docket No.	FPHCR.112C5

U.S. PATENT DOCUMENTS					
Examiner Initials	Cite No.	Document Number <i>Number - Kind Code (if known)</i> Example: 1,234,567 B1	Publication Date MM-DD-YYYY	Name	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear
	59	6,016,804	01-25-2000	Gleason et al.	
	60	6,017,315	01-25-2000	Starr et al.	
	61	6,019,101	02-01-2000	Cotner et al.	
	62	6,039,044	03-21-2000	Sullivan	
	63	6,050,260	04-18-2000	Daniell et al.	
	64	6,119,694	09-19-2000	Correa et al.	
	65	6,192,886	02-01-2001	Rudolph	
	66	6,298,850	10-09-2001	Argraves	
	67	6,347,631	02-19-2002	Hansen et al.	
	68	6,418,928	07-16-2002	Bordewick et al.	
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	71	6,439,234	08-27-2002	Curti et al.	
	72	6,467,483	10-22-2002	Kopacko et al.	
	73	6,478,026	11-12-2002	Wood	
	74	6,491,034	12-01-2002	Gunaratnam et al.	
	75	6,513,526	02-04-2003	Kwok et al.	
	76	6,561,188	05-13-2003	Ellis	
	77	6,561,191	05-13-2003	Kwok	
	78	6,581,594	06-24-2003	Drew, et al.	
	79	6,581,601	06-01-2003	Ziaee	
	80	6,588,424	07-08-2003	Bardel	
	81	6,631,718	10-14-2003	Lovell	
	82	6,637,434	10-28-2003	Noble	
	83	6,644,315	11-11-2003	Ziaee	
	84	6,651,658	11-25-2003	Hill	
	85	6,659,102	12-09-2003	Sico	
	86	6,662,803	12-16-2003	Gradon, et al.	
	87	6,679,257	01-20-2004	Robertson et al.	

Examiner Signature /Annette Dixon/ (06/12/2016)	Date Considered
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT	Application No.	15/087,775	
	Filing Date	March 31, 2016	
	First Named Inventor	Alastair Edwin McAuley	
	Art Unit	Unknown	
<i>(Multiple sheets used when necessary)</i>		Examiner	Unknown
SHEET 4 OF 12		Attorney Docket No.	FPHCR.112C5

U.S. PATENT DOCUMENTS					
Examiner Initials	Cite No.	Document Number <i>Number - Kind Code (if known)</i> Example: 1,234,567 B1	Publication Date MM-DD-YYYY	Name	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear
	88	6,679,265	01-20-2004	Strickland et al.	
	89	6,772,761	08-10-2004	Rucker, Jr.	
	90	6,851,425	02-08-2005	Jaffre et al.	
	91	6,892,729	05-17-2005	Smith et al.	
	92	6,895,965	05-24-2005	Scarberry et al.	
	93	6,907,882	06-21-2005	Ging et al.	
	94	6,951,218	10-04-2005	Gradon et al.	
	95	7,004,165	02-28-2006	Salcido	
	96	7,007,696	03-07-2006	Palkon et al.	
	97	7,021,311	04-04-2006	Gunaratnam et al.	
	98	7,066,179	06-27-2006	Eaton et al.	
	99	7,077,126	07-18-2006	Kummer et al.	
	100	7,096,864	08-29-2006	Mayer	
	101	7,201,169	04-10-2007	Wilkie et al.	
	102	7,207,333	04-24-2007	Tohara	
	103	7,210,481	05-01-2007	Lovell et al.	
	104	7,219,669	05-22-2007	Lovell et al.	
	105	7,225,811	06-05-2007	Ruiz et al.	
	106	7,290,546	11-06-2007	Sprinkle et al.	
	107	7,318,437	01-15-2008	Gunaratnam et al.	
	108	7,353,827	04-08-2008	Geist	
	109	7,523,754	04-28-2009	Lithgow et al.	
	110	7,665,464	02-23-2010	Kopacko et al.	
	111	7,814,911	10-19-2010	Bordewick et al.	
	112	7,896,003	03-01-2011	Matula et al.	
	113	8,042,539	10-25-2011	Chandran, et al.	
	114	8,136,524	03-20-2012	Ging et al.	
	115	8,371,302	02-12-2013	Ging et al.	
	116	8,443,807	05-21-2013	McAuley et al.	

Examiner Signature /Annette Dixon/ (06/12/2016)	Date Considered
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	Art Unit	Unknown	
<i>(Multiple sheets used when necessary)</i>		Examiner	Unknown
SHEET 5 OF 12		Attorney Docket No.	FPHCR.112C5

U.S. PATENT DOCUMENTS					
Examiner Initials	Cite No.	Document Number <i>Number - Kind Code (if known)</i> Example: 1,234,567 B1	Publication Date MM-DD-YYYY	Name	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear
	117	8,479,741	07-09-2013	McAuley et al.	
	118	8,567,404	10-29-2013	Davidson et al.	
	119	8,631,793	01-21-2014	Omura et al.	
	120	8,757,157	06-24-2014	Price et al.	
	121	8,783,257	07-22-2014	McAuley et al.	
	122	9,032,955	05-19-2015	Lubke et al.	
	123	9,072,852	07-07-2015	McAuley et al.	
	124	9,149,596	10-06-2015	Valcic et al.	
	125	D250,047	10-24-1978	Lewis, et al.	
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	128	D293,613	01-05-1988	Wingler	
	129	D310,431	09-04-1990	Bellm	
	130	D320,677	10-08-1991	Kumagai et al.	
	131	D321,419	11-05-1991	Wallace	
	132	D340,317	10-12-1993	Cole	
	133	D354,128	01-03-1995	Rinehart	
	134	D355,484	02-14-1995	Rinehart	
	135	D378,610	05-25-1997	Reischel et al.	
	136	D440,302	04-10-2001	Wolfe	
	137	D455,891	04-23-2002	Biedrzycki	
	138	D520,140	05-02-2006	Chaggares	
	139	D526,094	08-01-2006	Chen	
	140	D686,313	07-16-2013	Matula et al.	
	141	2001/0020474	09-13-2001	Hecker et al.	
	142	2002/0046755	04-25-2002	Voss	
	143	2002/0053347	05-09-2002	Ziaee	
	144	2002/0059935	05-23-2002	Wood	
	145	2002/0096178	07-25-2002	Ziaee	

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SHEET 6 OF 12		Attorney Docket No.	FPHCR.112C5

U.S. PATENT DOCUMENTS					
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	146	2003/0005933	01-09-2003	Izuchukwu	
	147	2003/0019495	01-30-2003	Palkon et al.	
	148	2003/0019496	01-30-2003	Kopacko et al.	
	149	2003/0079749	05-01-2003	Strickland et al.	
	150	2003/0089373	05-15-2003	Gradon et al.	
	151	2003/0121519	07-03-2003	Estes et al.	
	152	2003/0164170	09-02-2003	Resmed	
	153	2003/0172936	09-18-2003	Wilkie et al.	
	154	2003/0196656	10-23-2003	Moore	
	155	2003/0196659	10-23-2003	Gradon, et al.	
	156	2003/0196664	10-23-2003	Jacobson	
	157	2003/0200970	10-30-2003	Stenzler et al.	
	158	2004/0067333	04-08-2004	Amarasinghe	
	159	2004/0182398	09-23-2004	Sprinkle et al.	
	160	2004/0211427	10-01-2004	Jones et al.	
	161	2004/0226566	11-18-2004	Gunaratnam et al.	
	162	2005/0011524	01-20-2005	Thomlinson et al.	
	163	2005/0028822	02-10-2005	Sleeper et al.	
	164	2005/0033247	02-10-2005	Thompson	
	165	2005/0066976	03-31-2005	Wondka	
	166	2005/0076913	04-14-2005	Ho et al.	
	167	2005/0098183	05-12-2005	Nash et al.	
	168	2005/0150497	07-14-2005	Eifler et al.	
	169	2005/0199242	09-15-2005	Matula et al.	
	170	2005/0205096	09-22-2005	Matula	
	171	2005/0235999	10-27-2005	Wood et al.	
	172	2006/0060200	03-01-2006	Ho et al.	
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	174	2006/0107958	05-01-2006	Sleeper	

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	Art Unit	Unknown
<i>(Multiple sheets used when necessary)</i>	Examiner	Unknown
SHEET 7 OF 12	Attorney Docket No.	FPHCR.112C5

U.S. PATENT DOCUMENTS					
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	175	2006/0124131	06-01-2006	Chandran	
	176	2006/0137690	06-01-2006	Gunaratnam et al.	
	177	2006/0174887	08-01-2006	Chandran et al.	
	178	2006/0196511	09-07-2006	Lau et al.	
	179	2006/0237018	10-26-2006	McAuley et al.	
	180	2006/0254593	11-16-2006	Chang	
	181	2007/0000492	01-04-2007	Hansel et al.	
	182	2007/0010786	01-11-2007	Casey et al.	
	183	2007/0089749	04-26-2007	Ho et al.	
	184	2007/0125385	06-07-2007	Ho et al.	
	185	2007/0125387	06-07-2007	Zollinger et al.	
	186	2007/0137653	06-21-2007	Wood	
	187	2007/0163600	07-19-2007	Hoffman	
	188	2007/0175480	08-02-2007	Gradon et al.	
	189	2007/0221227	09-27-2007	Ho	
	190	2007/0267017	11-22-2007	McAuley et al.	
	191	2007/0295335	12-01-2007	Nashed	
	192	2008/0041388	02-21-2008	McAuley et al.	
	193	2008/0041393	02-21-2008	Bracken	
	194	2008/0047560	02-01-2008	Veliss et al.	
	195	2008/0060648	03-13-2008	Thornton et al.	
	196	2008/0060657	03-13-2008	McAuley et al.	
	197	2008/0099024	05-01-2008	Gunaratnam et al.	
	198	2008/0110464	05-15-2008	Davidson et al.	
	199	2008/0196728	08-21-2008	Ho	
	200	2008/0264422	10-30-2008	Fishman	
	201	2008/0314388	12-25-2008	Brambilla et al.	
	202	2009/0044808	02-19-2009	Guney et al.	
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	Art Unit	Unknown	
<i>(Multiple sheets used when necessary)</i>		Examiner	Unknown
SHEET 8 OF 12		Attorney Docket No.	FPHCR.112C5

U.S. PATENT DOCUMENTS					
Examiner Initials	Cite No.	Document Number <i>Number - Kind Code (if known)</i> Example: 1,234,567 B1	Publication Date MM-DD-YYYY	Name	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear
	204	2009/0133697	05-28-2009	Kwok et al.	
	205	2009/0145429	06-11-2009	Ging et al.	
	206	2009/0173349	07-09-2009	Hernandez et al.	
	207	2010/0000538	01-07-2010	Edwards et al.	
	208	2010/0083961	04-08-2010	McAuley et al.	
	209	2010/0154798	06-24-2010	Henry et al.	
	210	2010/0307502	12-09-2010	Rummery et al.	
	211	2010/0313891	12-16-2010	Veliss et al.	
	212	2010/0319700	12-23-2010	Ng et al.	
	213	2011/0146685	06-23-2011	Allan et al.	
	214	2011/0265796	11-03-2011	Amarasinghe et al.	
	215	2011/0308520	12-22-2011	McAuley et al.	
	216	2012/0125339	05-24-2012	Ho et al.	
	217	2012/0132209	05-01-2012	Rummery	
	218	2012/0304999	12-06-2012	Swift et al.	
	219	2013/0152918	06-20-2013	Rummery et al.	
	220	2013/0160769	06-27-2013	Ng et al.	
	221	2014/0083428	03-27-2014	Rothermel et al.	
	222	2014/0137870	05-22-2014	Barlow et al.	
	223	2015/0013678	01-01-2015	McAuley	
	224	2015/0033457	02-05-2015	Tryner et al.	
	225	2015/0090266	04-02-2015	Melidis et al.	
	226	2015/0297855	10-22-2015	McAuley et al.	
	227	2015/0374946	12-31-2015	McAuley et al.	
	228	2016/0038705	02-11-2016	McAuley et al.	
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	First Named Inventor	Alastair Edwin McAuley	
	Art Unit	Unknown	
<i>(Multiple sheets used when necessary)</i>		Examiner	Unknown
SHEET 9 OF 12		Attorney Docket No.	FPHCR.112C5

Examiner Initials	Cite No.	Foreign Patent Document Country Code-Number-Kind Code Example: JP 1234567 A1	Publication Date MM-DD-YYYY	Name	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear	T ¹
	231	CA 131 16 62	12-22-1992	New England Thermoplastics, Inc.		
	232	CN 101214402	07-09-2008	Resmed Ltd.		v - Abs
	233	CN 101541380	09-23-2009	RIC Investments LLC		v - Abs
	234	CN 1784250	06-07-2006	Resmed Ltd.		
	235	CN 1901961 A	01-24-2007	Resmed Ltd.		v - Abs
	236	CN 1988930 A	06-27-2007	Resmed Ltd.		v - Abs
	237	CN 217 253 8	07-20-1994	Suda Telecommunications Applia		v - Abs
	238	DE 102006011151	09-13-2007	Weinmann Gerate Fur Medizn GMBH & Co., KG		
	239	DE 895692	11-05-1953	Neue Argus Gesellschaft M.B.H.		
	240	EP 0747078	12-11-1996	Respiroics, Inc.		
	241	EP 1488820	09-23-2009	RIC Investments, Inc.		
	242	EP 1646910	08-19-2015	CareFusion 202, Inc.		
	243	EP 2 130 563 A1	12-09-2009	Resmed Limited		
	244	FR 2658725	08-30-1991	Barthou		
	245	FR 2749176	12-05-1997	Midi Oxygene		
	246	GB 1 467 828	03-23-1977	Laerdal		
	247	GB 190 224 431	12-24-1902	Emery		
	248	GB 2133275	07-25-1984	Draegerwerk AG		
	249	GB 880 824	10-25-1961	Oxygenaire London Ltd.		
	250	JP 2004-016488	01-22-2004	Koken KK		v - Abs
	251	JP 2005-529687	10-06-2005	MAP Medizin Technologie GmbH		v - Abs
	252	JP 2007-516750	06-28-2007	Resmed Ltd.		v - Abs
	253	JP 2007-527271	09-27-2007	Viasys Healthcare Inc.		v - Abs
	254	JP H09-010311	01-14-1997	Respiroics Inc.		v - Abs
	255	WO 1998/018514	05-07-1998	Sleepnet, Corp.		
	256	WO 1998/04310	02-05-1998	Resmed Limited		
	257	WO 1999/04842	02-04-1999	Respiroics Georgia Inc		
	258	WO 1999/058181	11-18-1999	Goldstein		

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	Art Unit	Unknown	
<i>(Multiple sheets used when necessary)</i>		Examiner	Unknown
SHEET 10 OF 12		Attorney Docket No.	FPHCR.112C5

FOREIGN PATENT DOCUMENTS						
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	259	WO 2000/069497	11-23-2000	Mallinckrodt Inc.		
	260	WO 2000/074758	12-14-2000	Sleep-Net Corporation		
	261	WO 2001/041854	06-14-2001	Vapotherm, Inc.		
	262	WO 2001/097892	12-27-2001	Australian Centre for Advanced Medical Technology LTD		
	263	WO 2002/074372	09-26-2002	The Government of the U.S.A./Secretary of the Department of Health and Human Services		
	264	WO 2004/007010	01-22-2004	Fisher & Paykel Healthcare Limited		
	265	WO 2004/041341	05-21-2004	Resmed Ltd.		
	266	WO 2004/073778	09-02-2004	Resmed Ltd.		
	267	WO 2005/021075	03-10-2005	Fisher & Paykel Healthcare Limited		
	268	WO 2005/051468	06-09-2005	Resmed Limited		
	269	WO 2005/086946	09-22-2005	Respironics, Inc.		
	270	WO 2007/022562	03-01-2007	Compumedics Limited		
	271	WO 2007/041786	04-19-2007	Resmed Ltd.		
	272	WO 2007/147088	12-21-2007	Ric Investments LLC		
	273	WO 2008/007985	01-17-2008	Fisher & Paykel Healthcare Limited		
	274	WO 2008/060295	05-22-2008	Mergenet Medical Inc.		
	275	WO 2008/070929	06-19-2008	Resmed Ltd.		
	276	WO 2008/106716	09-12-2008	Resmed Ltd		
	277	WO 2008/148086	12-04-2008	Viasys Mfg Inc.		
	278	WO 2009/052560	04-30-2009	Resmed Ltd.		
	279	WO 2009/059353	05-14-2009	Resmed Ltd.		
	280	WO 2009/092057	07-23-2009	Menlo Life, Inc.		
	281	WO 2009/139647	11-19-2009	Fisher & Paykel Healthcare Limited		
	282	WO 2015/033287	03-12-2015	Koninkl Philips NV		

NON PATENT LITERATURE DOCUMENTS

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<i>(Multiple sheets used when necessary)</i>	Examiner	Unknown
SHEET 11 OF 12	Attorney Docket No.	FPHCR.112C5

Examiner Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ¹
	283	International Preliminary Report on Patentability (IPRP), International Application No. PCT/NZ2009/000219, mailed April 12, 2011, 9 pages.	
	284	International Search Report, International Application No. PCT/NZ2009/000219, mailed February 2, 2010, 3 pages.	
	285	English Translation of Chinese Examination Report; Application No. 2007800266164; 5 pages.	
	286	English Translation of First Office Action for Chinese Application No. 201210080441.8 dated March 24, 2014, in 4 pages.	
	287	Examination Report; Australian Application No. 2007273324; dated May 22, 2012; 3 pages.	
	288	International Search Report for International Application No. PCT/NZ2007/000185, dated October 31, 2007, in 3 pages.	
	289	Second Chinese Office Action for Chinese Patent Application No. 201210080441.8 dated December 1, 2014 in 11 pages (with English translation).	
	290	Australian Examination Report for Patent Application No. 2012265597 dated December 19, 2013, in 5 pages.	
	291	Canadian Examination Report for Application No. 2655839 dated October 4, 2013, in 2 pages.	
	292	English Translation of Chinese Examination Report; Chinese Application No. 2007800266164; 5 pages.	
	293	International Search Report; PCT/NZ2009/000072; dated July 28, 2009; 3 pages.	
	294	UK Search and Examination Report; March 14, 2013; Application No. GB1210075.6; 2 pages.	
	295	UK Examination Report; dated May 9, 2013; Application No. GB1119385.1; 4 pages.	
	296	Australian Examination Report; dated March 4, 2014; Application No. 2010246985; 5 pages.	
	297	English Translation of JP Examination Report; dated February 10, 2014; Application No. 2012-510418; 4 pages.	
	298	Chinese Examination Report; dated March 27, 2014; Chinese Application No. 201080028029.0; 16 pages.	
	299	GB Combined Search and Examination Report; dated May 7, 2014; Application No. GB1406402.6; 6 pages.	
	300	GB Combined Search and Examination Report; dated May 7, 2014; Application No. GB1406401.8; 4 pages.	
	301	JP Examination Report, Application No. 2012-538784; 3 pages.	
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	Art Unit	Unknown
<i>(Multiple sheets used when necessary)</i>	Examiner	Unknown
SHEET 12 OF 12	Attorney Docket No.	FPHCR.112C5

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ¹
	303	Chinese Examination Report; dated July 17, 2015; Application No. 201080061122.1; 10 pages.	
	304	Chinese Examination Report; dated September 14, 2015; Application No. 201080028029.0; 3 pages.	
	305	European Extended Search Report; dated September 4, 2015; Application No. 10830251.4; 7 pages.	
	306	European Extended Search Report; dated September 8, 2015; Application No. 10774623.2; 7 pages.	
	307	Japanese Examination Report; dated July 22, 2015; Application No. 2015-098324; 8 pages.	
	308	Japanese Examination Report; dated August 5, 2015; Application No. 2012-538784; 8 pages.	
	309	Australian Examination Report; dated January 9, 2015; Application No. 2010241390; 4 pages.	
	310	English Translation of Chinese Examination Report; dated September 3, 2014; Application No. 201080061122.1; 9 pages.	
	311	Second Chinese Office Action; dated January 19, 2015; Application No. 201080028029.0; 16 pages.	
	312	EPO Search Report; dated April 2, 2014; Application No. 09819444.2; 8 pages.	
	313	Australian Examination Report; dated July 20, 2015; Application No. 20015201920; 3 pages	
	314	EP Office Action; dated July 8, 2015; Application No. 07808683.2; 8 pages	
	315	Canadian Examination Report of Application No. 2890556; dated January 27, 2016; 3 pages	
	316	International Search Report; PCT/NZ2010/000229; dated March 18, 2011; 8 pages	
	317	Written Opinion of the International Searching Authority; PCT/NZ2010/000229; dated March 18, 2011; 13 pages	
	318	International Preliminary Report on Patentability and Written Opinion of the ISA; International Application No. PCT/NZ2010/000229; dated May 22, 2012; 14 pages.	
	319	International Search Report; Application No. PCT/NZ2013/000138; dated November 1, 2013; 5 pages	
	320	Philips Respironics 'System One Heated Humidifier – User Manual', 2011, pages 1-16, [retrieved on 11-25-2013] from the internet: URL: http://www.cpapxchange.com/cpap-machines-biap-machines/system-one-60-series-cpap-humidifier-manual.pdf front cover, pages 3-4 and 6	
	321	International Search Report; PCT/NZ2005/000062; dated May 27, 2005; 3 pages	

Examiner Signature /Annette Dixon/ (06/12/2016)	Date Considered
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***Examiner:** Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

T¹ - Place a check mark in this area when an English language Translation is attached.

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CONFIRMATION NO. 4437

SERIAL NUMBER 15/087,775	FILING or 371(c) DATE 03/31/2016 RULE	CLASS 128	GROUP ART UNIT 3778	ATTORNEY DOCKET NO. FPHCR.112C5
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APPLICANTS

Fisher & Paykel Healthcare Limited, Auckland, NEW ZEALAND;

INVENTORS

Alastair Edwin McAuley, Dallas, TX;
 Craig Robert Prentice, Auckland, NEW ZEALAND;
 Oliver Gleeson, Auckland, NEW ZEALAND;

**** CONTINUING DATA ***** /ad/**

This application is a CON of 14/887,200 10/19/2015
 which is a CON of 14/791,142 07/02/2015 PAT 9339622
 which is a CON of 14/333,134 07/16/2014
 which is a CON of 10/598,026 10/18/2007 PAT 8783257
 which is a 371 of PCT/NZ05/00023 02/18/2005

**** FOREIGN APPLICATIONS ***** /ad/**

NEW ZEALAND 531332 02/23/2004
 NEW ZEALAND 534606 08/06/2004

**** IF REQUIRED, FOREIGN FILING LICENSE GRANTED ****

04/15/2016

Foreign Priority claimed <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Met after Allowance	STATE OR COUNTRY TX	SHEETS DRAWINGS 10	TOTAL CLAIMS 20	INDEPENDENT CLAIMS 3
35 USC 119(a-d) conditions met <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No					
Verified and /ANNETTE FREDRICKA DIXON/	Initials				
Acknowledged					


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 IRVINE, CA 92614
 UNITED STATES

TITLE

BREATHING ASSISTANCE APPARATUS

FILING FEE RECEIVED 1600	FEES: Authority has been given in Paper No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following:	<input type="checkbox"/> All Fees
		<input type="checkbox"/> 1.16 Fees (Filing)
		<input type="checkbox"/> 1.17 Fees (Processing Ext. of time)
		<input type="checkbox"/> 1.18 Fees (Issue)
		<input type="checkbox"/> Other _____
		<input type="checkbox"/> Credit

<i>Index of Claims</i> 	Application/Control No. 15087775	Applicant(s)/Patent Under Reexamination MCAULEY ET AL.
	Examiner ANNETTE DIXON	Art Unit 3778

✓	Rejected
=	Allowed

-	Cancelled
÷	Restricted

N	Non-Elected
I	Interference

A	Appeal
O	Objected

Claims renumbered in the same order as presented by applicant
 CPA
 T.D.
 R.1.47

CLAIM		DATE							
Final	Original	06/12/2016							
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	20	✓							

EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L1	5714	(128/203.22; 128/205.25; 128/206.11; 128/206.24; 128/206.26; 128/206.27; 128/207.11; 128/207.13; 128/207.18).ccls.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2016/06/12 12:56
L2	38275	(A61M16/0057; A61M16/0069; A61M16/06; A61M16/0611; A61M16/0616; A61M16/0633; A61M16/0666; A61M16/0683; A61M16/08; A61M16/0816; A61M16/0825; A61M16/0875; A61M16/109; A61M16/16; A61M16/208; A61M2016/0661; A61M2205/0216; A61M2209/088; A61M2210/0618).cpc.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2016/06/12 12:56
L3	1212	(1 2) and (nose nostril nasal nare cannula cannulae) and (headgear strap harness belt) and @ad<="20040223"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2016/06/12 12:58
L4	1692	(mcauley.in. near alastair)(prentice.in. near craig)(gleeson.in. near oliver) (fisher with paykel).as.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2016/06/12 13:25
L5	3274	((nose nostril nasal nare cannula cannulae) and (headgear strap harness belt)).clm.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2016/06/12 13:25
L6	49	((nose nostril nasal nare cannula cannulae) and (headgear strap harness belt)).clm. and 4	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2016/06/12 13:25
L7	13	((nose nostril nasal nare cannula cannulae) and (headgear strap harness belt) and prong).clm. and 4	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2016/06/12 13:25

L8	3	((nose nostril nasal nare cannula cannulae) and (headgear strap harness belt) and prong and ((headgear strap harness belt) with extension)).clm. and 4	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2016/06/12 13:26
L9	0	((nose nostril nasal nare cannula cannulae) and (headgear strap harness belt) and prong and ((headgear strap harness belt) with extension) and oblong).clm. and 4	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2016/06/12 13:26
L10	0	((nose nostril nasal nare cannula cannulae) and (headgear strap harness belt) and prong and oblong).clm. and 4	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2016/06/12 13:26
L11	3	((nose nostril nasal nare cannula cannulae) and (headgear strap harness belt) and prong and ((headgear strap harness belt) with extension) and (bias with vent)).clm. and 4	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2016/06/12 13:28
S1	1359	(nose nostril nasal nare cannula cannulae) and (headgear harness strap) and ((headgear harness strap) with (left and right))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2016/03/30 13:34
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S7	3112	(128/203.22; 128/206.27; 128/207.11; 128/207.13; 128/207.18).ccls.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2016/03/30 15:38
S8	36346	(A61M16/0057; A61M16/0069;	US-PGPUB;	OR	ON	2016/03/30


		A61M16/06; A61M16/0616; A61M16/0633; A61M16/0666; A61M16/0683; A61M16/08; A61M16/0816; A61M16/0825; A61M16/0875; A61M16/109; A61M16/16; A61M16/208; A61M2205/0216; A61M2210/0618).cpc.	USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB			15:38
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S10	444	S9 not S3	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2016/03/30 15:39
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S17	278	(nose nostril nasal nare cannula cannulae) and (headgear harness strap) and (\$pap (positive with pressure)) and (nostril nare) and @ad<="20040223"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2016/03/30 16:25
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S19	835	(nose nostril nasal nare cannula cannulae) and (headgear harness strap) and (\$pap (positive with pressure)) and (nose) and @ad<="20040223"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2016/03/30 16:27
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6/12/2016 2:15:42 PM

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Search Notes 	Application/Control No. 15087775	Applicant(s)/Patent Under Reexamination MCAULEY ET AL.
	Examiner ANNETTE DIXON	Art Unit 3778

CPC- SEARCHED		
Symbol	Date	Examiner
A61M16/0057; A61M16/0069; A61M16/06; A61M16/0611; A61M16/0616; A61M16/0633; A61M16/0666; A61M16/0683; A61M16/08; A61M16/0816; A61M16/0825; A61M16/0875	6/12/16	afd
A61M16/109; A61M16/16; A61M16/208; A61M2016/0661; A61M2205/0216; A61M2209/088; A61M2210/0618	6/12/16	afd

CPC COMBINATION SETS - SEARCHED		
Symbol	Date	Examiner

US CLASSIFICATION SEARCHED			
Class	Subclass	Date	Examiner
128	203.22,205.25,206.11,206.24,206.26,206.27,207.11,207.13,207.18	6/12/2016	afd

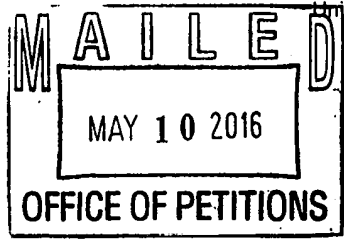
SEARCH NOTES		
Search Notes	Date	Examiner
Inventor Name Search	6/12/16	afd

INTERFERENCE SEARCH			
US Class/ CPC Symbol	US Subclass / CPC Group	Date	Examiner

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Doc Code: TRACK1.GRANT

Decision Granting Request for Prioritized Examination (Track I or After RCE)	Application No.: 15/087,775
<p>1. THE REQUEST FILED <u>March 31, 2016</u> IS GRANTED</p> <p>The above-identified application has met the requirements for prioritized examination</p> <p>A. <input checked="" type="checkbox"/> for an original nonprovisional application (Track I). B. <input type="checkbox"/> for an application undergoing continued examination (RCE).</p> <p>2. The above-identified application will undergo prioritized examination. The application will be accorded special status throughout its entire course of prosecution until one of the following occurs:</p> <p>A. filing a <u>petition for extension of time</u> to extend the time period for filing a reply; B. filing an <u>amendment to amend the application to contain more than four independent claims, more than thirty total claims</u>, or a multiple dependent claim; C. filing a <u>request for continued examination</u>; D. filing a notice of appeal; E. filing a request for suspension of action; F. mailing of a notice of allowance; G. mailing of a final Office action; H. completion of examination as defined in 37 CFR 41.102; or I. abandonment of the application.</p> <p>Telephone inquiries with regard to this decision should be directed to Jose' G. Dees at 571-272-1569</p> <p>/Jose' G. Dees/ [Signature]</p> <p>Petitions Examiner, Office of Petitions (Title)</p>	



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Table with 7 columns: APPLICATION NUMBER, FILING or 371(c) DATE, GRP ART UNIT, FIL FEE REC'D, ATTY. DOCKET NO, TOT CLAIMS, IND CLAIMS. Row 1: 15/087,775, 03/31/2016, 3771, 1600, FPHCR.112C5, 20, 3

CONFIRMATION NO. 4437

FILING RECEIPT

20995
KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614



Date Mailed: 04/18/2016

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections

Inventor(s)

Alastair Edwin McAuley, Dallas, TX;
Craig Robert Prentice, Auckland, NEW ZEALAND;
Oliver Gleeson, Auckland, NEW ZEALAND;

Applicant(s)

Fisher & Paykel Healthcare Limited, Auckland, NEW ZEALAND;

Power of Attorney: The patent practitioners associated with Customer Number 20995

Domestic Priority data as claimed by applicant

This application is a CON of 14/887,200 10/19/2015
which is a CON of 14/791,142 07/02/2015
which is a CON of 14/333,134 07/16/2014
which is a CON of 10/598,026 10/18/2007 PAT 8783257
which is a 371 of PCT/NZ05/00023 02/18/2005

Foreign Applications (You may be eligible to benefit from the Patent Prosecution Highway program at the USPTO. Please see http://www.uspto.gov for more information.)

NEW ZEALAND 531332 02/23/2004
NEW ZEALAND 534606 08/06/2004

Permission to Access Application via Priority Document Exchange: Yes

Permission to Access Search Results: Yes

Applicant may provide or rescind an authorization for access using Form PTO/SB/39 or Form PTO/SB/69 as appropriate.

If Required, Foreign Filing License Granted: 04/15/2016

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 15/087,775**

Projected Publication Date: 07/28/2016

Non-Publication Request: No

Early Publication Request: No
Title

BREATHING ASSISTANCE APPARATUS

Preliminary Class

128

Statement under 37 CFR 1.55 or 1.78 for AIA (First Inventor to File) Transition Applications: No

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Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

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Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

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PATENT APPLICATION FEE DETERMINATION RECORD

Substitute for Form PTO-875

Application or Docket Number
15/087,775

APPLICATION AS FILED - PART I

(Column 1) (Column 2)

FOR	NUMBER FILED	NUMBER EXTRA
BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A
SEARCH FEE (37 CFR 1.16(k), (l), or (m))	N/A	N/A
EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A
TOTAL CLAIMS (37 CFR 1.16(j))	20 minus 20 =	*
INDEPENDENT CLAIMS (37 CFR 1.16(h))	3 minus 3 =	*
APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$310 (\$155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).	
MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))		

SMALL ENTITY

RATE(\$)	FEE(\$)
N/A	
N/A	
N/A	
TOTAL	

OR OTHER THAN SMALL ENTITY

RATE(\$)	FEE(\$)
N/A	280
N/A	600
N/A	720
x 80 =	0.00
x 420 =	0.00
	0.00
	0.00
TOTAL	1600

* If the difference in column 1 is less than zero, enter "0" in column 2.

APPLICATION AS AMENDED - PART II

(Column 1) (Column 2) (Column 3)

AMENDMENT A		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
	Total (37 CFR 1.16(j))	*	Minus	**	=
Independent (37 CFR 1.16(h))	*	Minus	***	=	
Application Size Fee (37 CFR 1.16(s))					
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))					

SMALL ENTITY

RATE(\$)	ADDITIONAL FEE(\$)
x =	
x =	
TOTAL ADD'L FEE	

OR OTHER THAN SMALL ENTITY

RATE(\$)	ADDITIONAL FEE(\$)
x =	
x =	
TOTAL ADD'L FEE	

(Column 1) (Column 2) (Column 3)

AMENDMENT B		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
	Total (37 CFR 1.16(j))	*	Minus	**	=
Independent (37 CFR 1.16(h))	*	Minus	***	=	
Application Size Fee (37 CFR 1.16(s))					
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))					

SMALL ENTITY

RATE(\$)	ADDITIONAL FEE(\$)
x =	
x =	
TOTAL ADD'L FEE	

OR OTHER THAN SMALL ENTITY

RATE(\$)	ADDITIONAL FEE(\$)
x =	
x =	
TOTAL ADD'L FEE	

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.

** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".

*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".

The "Highest Number Previously Paid For" (Total or Independent) is the highest found in the appropriate box in column 1.

Please Direct All Correspondence to Customer Number 20995

EFS WEB CONTINUING IDS COVER LETTER

Inventor	:	Alastair Edwin McAuley
App. No.	:	15/087,775
Filed	:	March 31, 2016
For	:	BREATHING ASSISTANCE APPARATUS
Examiner	:	Unknown
Art Unit	:	Unknown
Conf No.	:	4437

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Submitted herewith are references numbered 283 to 321 listed on the PTO/SB/08 or equivalent filed under EFS ID 25367213.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: April 1, 2016

By: /Michael Guiliana/

Michael A. Guiliana
Registration No. 42,611
Attorney of Record
Customer No. 20995
(949) 760-0404

Electronic Acknowledgement Receipt

EFS ID:	25373549
Application Number:	15087775
International Application Number:	
Confirmation Number:	4437
Title of Invention:	BREATHING ASSISTANCE APPARATUS
First Named Inventor/Applicant Name:	Alastair Edwin McAuley
Customer Number:	20995
Filer:	Michael A. Guiliana/Melanie Neat
Filer Authorized By:	Michael A. Guiliana
Attorney Docket Number:	FPHCR.112C5
Receipt Date:	01-APR-2016
Filing Date:	
Time Stamp:	15:35:25
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no
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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Non Patent Literature	NPL283_PCTNZ2009-000219_I PRP-20110412-9pgs.pdf	1073999 ba3ea91e147169e7af24fdb757eb3000726fcd7f	no	9

Warnings:

Information:

RMD

2	Non Patent Literature	NPL284_PCTNZ2009-000219_ISR-20100202-3pgs.pdf	467063 3842499847e3e66e7f82e56edbc6e79234c74165	no	3
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Information:					
3	Non Patent Literature	NPL285_CN2007800266164_ExamReportEngTrans-5pgs.pdf	812008 b2989e2ac87739254c2fdb379b717c9ede5d6de1	no	5
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Information:					
4	Non Patent Literature	NPL286_CN2012100804418_OA1EngTrans-20140324_4pgs.pdf	581988 75f04d59d82ff973739f7ac728b0b8cae5d6f46e	no	4
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Information:					
5	Non Patent Literature	NPL287_AU2007273324_ExamReport-20120522-3pgs.pdf	371739 f040906e4df5ea54ac934909b7e9533b580565a6	no	3
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Information:					
6	Non Patent Literature	NPL288_PCTNZ2007000185_ISR-20071031-3pgs.pdf	317225 28c8f4aecfd901d0ae85d62530030a5731e70e17	no	3
Warnings:					
Information:					
7	Non Patent Literature	NPL289_CN2012100804418_OA2EngTrans-20141201-11pgs.pdf	1491846 7333acdd76b38e117abb42e20dabee499a2201bf	no	11
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Information:					
8	Non Patent Literature	NPL290_AU2012265597_ExamReport-20131219-5pgs.pdf	518343 a12149e6c66b54ecf49c408b37e92f968a4ee2f	no	5
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Information:					
9	Non Patent Literature	NPL291_CA2655839_ExamReport-20131004-2pgs.pdf	371665 80d921ad48c57dd581b8b479dc57de9c5a60b6e7	no	2
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Information:					
10	Non Patent Literature	NPL292_CN2007800266164_ExamReportEngTrans-5pgs.pdf	811997 161eb5f19b59cf155622de7ca336e994937a0d44	no	5
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Information:					

11	Non Patent Literature	NPL293_PCTNZ2009000072_ISR-20090728-3pgs.pdf	505608 11d813e01a5d8a66b80b9d319b5a9cb5cfa66f60	no	4
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12	Non Patent Literature	NPL294_GB12100756-ExamReport20130314-2pgs.pdf	238092 3acd8b831afc32ef46d59818d20ae07d0a561f74	no	2
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13	Non Patent Literature	NPL295_GB11193851_ExamReport-20130509-4pgs.pdf	507655 d4441c3bacc100e1fe2e6461e7939e2119996d70	no	4
Warnings:					
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14	Non Patent Literature	NPL296_AU2010246985_ExamReport-20140304-5pgs.pdf	645168 d43ff0467e0fb9725a2eb19118915af5e815ca56	no	5
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15	Non Patent Literature	NPL297_JP2012510418_ExamReportEngTrans-20140210-4pgs.pdf	273422 a2732f96fc202c3ab5a073f05972f0686e9d5b9a	no	4
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16	Non Patent Literature	NPL298_CN2010800280290_ExamReport-20140327-16pgs.pdf	3194780 27063fa7effe68071fc62286280a3d70fc3c4a76	no	16
Warnings:					
Information:					
17	Non Patent Literature	NPL299_GB14064026-SR20140507-6pgs.pdf	710612 0311e1abce6010e216dfcc44af7ccae296cbec0e	no	6
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Information:					
18	Non Patent Literature	NPL300_GB14064018-SR20140507-4pgs.PDF	297706 5a2e2fa2397dc49fd4c1aba8e8e48d89cd2552c6	no	4
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19	Non Patent Literature	NPL301_JP2012538784_OA-20140825-3pgs.pdf	328921 6176f93fe209cadf73e92fabe6d3433ff82cdfbe	no	3
Warnings:					
Information:					

20	Non Patent Literature	NPL302_AU2015202814_Exam Report-20150814-8pgs.pdf	1144885 5bdeeeef28f2a284942e20bfa8c226e55625 435b	no	8
Warnings:					
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21	Non Patent Literature	NPL303_CN2010800611221_Ex amReport-20150717-10pgs.pdf	1626129 02405b63c2a85a687c7087a8cf26345551b 719f4	no	10
Warnings:					
Information:					
22	Non Patent Literature	NPL304_CN2010800280290_Ex amReport-20150914-3pgs.pdf	417569 66433ce9ec72e7d872f19df3b560e7bb57e 5d5dd	no	3
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23	Non Patent Literature	NPL305_EP108302514_ESR-20 150904-7pgs.pdf	646162 b557c8417f7ddecd4db930c86b1c1b1624a 0ae2a	no	7
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Information:					
24	Non Patent Literature	NPL306_EP107746232_ESR-20 150908-7pgs.pdf	583836 8c0975a2ce377837e247f15f6e158ad386fc 937f	no	7
Warnings:					
Information:					
25	Non Patent Literature	NPL307_JP2015098324_ExamR eport-20150722-8pgs.pdf	993943 e32afc2af7a5de7e2e6ffaababd95f0227d8e 988	no	8
Warnings:					
Information:					
26	Non Patent Literature	NPL308_JP2012538784_ExamR eportEngTrans-20150805-8pgs. pdf	1163358 a4f8e840a7c07f213c5f69c509c1570231a0f6 a10	no	8
Warnings:					
Information:					
27	Non Patent Literature	NPL309_AU2010241390_Exam Report-20150109-4pgs.pdf	410495 43a8c149e42ffba009d3ac6b82772cdd81a1 7ade	no	4
Warnings:					
Information:					
28	Non Patent Literature	NPL310_CN2010800611221_Ex amReportEngTrans-20140903- 9pgs.pdf	1227246 518276cdfd520ff8a2b11140cdd34f12f0879 d94	no	9
Warnings:					
Information:					

29	Non Patent Literature	NPL311_CN2010800280290_2ndExamReport-20150119-16pgs.pdf	3278337 da16af66eaa113d65d074a0d33fc8a35f125b1c2	no	16
Warnings:					
Information:					
30	Non Patent Literature	NPL312_EP098194442_EPSR-20140402-8pgs.pdf	1091968 3c8b14b92534c0107a71235742561c4c1cd0927d	no	8
Warnings:					
Information:					
31	Non Patent Literature	NPL313_AU20015201920_ExaminationReport_20150720-3pgs.PDF	220822 a9e2a6e7d55b509dd6b3c95992cbffdf17ce5fe2	no	3
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Information:					
32	Non Patent Literature	NPL314_EP078086832_ExaminationReport-20150708-8pgs.PDF	415775 8008d65ad953fc59ce3c58656ae2d41ce010a7a0	no	8
Warnings:					
Information:					
33	Non Patent Literature	NPL315_CA2890556_ExaminationReport-20160127-3pgs.PDF	496686 1ae3d414095201f1c630b9408f3246bc28a1e80e	no	3
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34	Non Patent Literature	NPL316_PCTNZ2010-000229_ISR-20110318-8pgs.pdf	1237017 9ee393c2f6c45512782a693d53ea84b551785d5f	no	8
Warnings:					
Information:					
35	Non Patent Literature	NPL317_PCTNZ2010-000229_WO-ISA-20110318-13pgs.pdf	2654012 06319985d440c5bc115708c9066837efb7b7cc08	no	13
Warnings:					
Information:					
36	Non Patent Literature	NPL318_PCTNZ2010-000229_IPRP-20120522-14pgs.pdf	2759719 4316e3cb5b48a5da378d1e0ba242d6a1fafc8bd9	no	14
Warnings:					
Information:					
37	Non Patent Literature	NPL319_PCTNZ2013000138_WO-ISA-20131101-5pgs.PDF	125114 beb5a46b7c7002049105a1de993056644572e591	no	5
Warnings:					
Information:					

38	Non Patent Literature	NPL320_PhilipsRespironics-16pgs.PDF	2451250 242757c36d3dda4424dafb4f85c36485af60b4b5	no	20
Warnings:					
Information:					
39	Non Patent Literature	NPL321_PCTNZ2005-000062_ISR-20052705-3pgs.pdf	384504 75c27fb2d74648c7f7f60ed48d7d95df23ff1633b	no	3
Warnings:					
Information:					
40	Transmittal Letter	FPHCR112C5-ConIDS.pdf	15566 66d6e6eb08f4b47406b5b1f300c265ee9aeadb2c	no	1
Warnings:					
Information:					
Total Files Size (in bytes):				36864230	

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

INFORMATION DISCLOSURE STATEMENT BY APPLICANT	Application No.	15/087,775
	Filing Date	March 31, 2016
	First Named Inventor	Alastair Edwin McAuley
	Art Unit	Unknown
<i>(Multiple sheets used when necessary)</i>	Examiner	Unknown
SHEET 1 OF 12	Attorney Docket No.	FPHCR.112C5

U.S. PATENT DOCUMENTS					
Examiner Initials	Cite No.	Document Number Number - Kind Code (if known) Example: 1,234,567 B1	Publication Date MM-DD-YYYY	Name	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear
	1	301,111	07-01-1884	Genese	
	2	472,238	04-05-1892	Van Orden	
	3	577,926	03-02-1897	Miller	
	4	718,470	01-13-1903	Jones	
	5	751,091	02-02-1904	Moran	
	6	770,013	09-13-1904	Linn	
	7	1,635,545	07-12-1927	Drager	
	8	2,228,218	01-07-1941	Schwartz	
	9	2,296,150	09-15-1942	Dockson et al.	
	10	2,359,506	10-03-1944	Battley et al.	
	11	2,388,604	11-06-1945	Eisenbud	
	12	2,508,050	05-16-1950	Valente	
	13	2,693,800	11-09-1954	Caldwell	
	14	2,738,788	03-20-1956	Matheson et al.	
	15	2,843,121	07-15-1958	Hudson	
	16	2,859,748	11-11-1958	Hudson	
	17	2,939,458	06-07-1960	Lundquist	
	18	3,490,452	01-20-1970	Greenfield	
	19	3,850,171	11-26-1974	Ball et al.	
	20	3,972,321	08-03-1976	Proctor	
	21	3,992,720	11-23-1976	Nicolinas	
	22	4,090,510	05-23-1978	Segersten	
	23	4,201,205	05-06-1980	Bartholomew	
	24	4,266,540	05-12-1981	Panzik et al.	
	25	4,278,082	07-14-1981	Blackmer	
	26	4,354,488	10-18-1982	Bartos	
	27	4,367,735	01-11-1983	Dali	
	28	4,437,462	03-20-1984	Piljay	
	29	4,753,233	06-28-1988	Grimes	

Examiner Signature	Date Considered
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT	Application No.	15/087,775
	Filing Date	March 31, 2016
	First Named Inventor	Alastair Edwin McAuley
	Art Unit	Unknown
<i>(Multiple sheets used when necessary)</i>	Examiner	Unknown
SHEET 2 OF 12	Attorney Docket No.	FPHCR.112C5

U.S. PATENT DOCUMENTS					
Examiner Initials	Cite No.	Document Number <i>Number - Kind Code (if known)</i> Example: 1,234,567 B1	Publication Date MM-DD-YYYY	Name	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear
	30	4,782,832	11-08-1988	Trimble et al.	
	31	4,856,508	08-15-1989	Tayebi	
	32	4,915,105	04-10-1990	Lee	
	33	4,941,467	07-17-1990	Takata	
	34	4,971,051	11-01-1990	Toffolon	
	35	4,986,269	01-22-1991	Hakkinen	
	36	5,010,925	04-30-1991	Atkinson et al.	
	37	5,016,625	05-21-1991	Hsu et al.	
	38	5,042,478	08-27-1991	Kopala et al.	
	39	5,065,756	11-19-1991	Rapoport	
	40	5,094,236	03-10-1992	Amad	
	41	5,113,857	05-19-1992	Dickerman et al.	
	42	5,148,802	09-22-1992	Sanders et al.	
	43	5,231,979	08-03-1993	Rose et al.	
	44	5,245,995	09-21-1993	Sullivan et al.	
	45	5,269,296	12-14-1993	Landis et al.	
	46	5,477,852	12-26-1995	Landis et al.	
	47	5,513,634	05-07-1996	Jackson	
	48	5,533,506	07-09-1996	Wood	
	49	5,551,419	09-03-1996	Froehlich et al.	
	50	5,595,174	01-21-1997	Gwaltney	
	51	5,601,078	02-01-1997	Schaller et al.	
	52	5,657,752	08-19-1997	Landis et al.	
	53	5,724,965	03-10-1998	Handke et al.	
	54	5,752,510	05-19-1998	Goldstein	
	55	5,755,578	05-26-1998	Contant et al.	
	56	5,857,460	01-12-1999	Popitz	
	57	5,884,624	03-23-1999	Barnett et al.	
	58	5,921,239	07-13-1999	McCall et al.	

Examiner Signature	Date Considered
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	Art Unit	Unknown
<i>(Multiple sheets used when necessary)</i>	Examiner	Unknown
SHEET 3 OF 12	Attorney Docket No.	FPHCR.112C5

U.S. PATENT DOCUMENTS					
Examiner Initials	Cite No.	Document Number <i>Number - Kind Code (if known)</i> Example: 1,234,567 B1	Publication Date MM-DD-YYYY	Name	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear
	59	6,016,804	01-25-2000	Gleason et al.	
	60	6,017,315	01-25-2000	Starr et al.	
	61	6,019,101	02-01-2000	Cotner et al.	
	62	6,039,044	03-21-2000	Sullivan	
	63	6,050,260	04-18-2000	Daniell et al.	
	64	6,119,694	09-19-2000	Correa et al.	
	65	6,192,886	02-01-2001	Rudolph	
	66	6,298,850	10-09-2001	Argraves	
	67	6,347,631	02-19-2002	Hansen et al.	
	68	6,418,928	07-16-2002	Bordewick et al.	
	69	6,431,172	08-13-2002	Bordewick	
	70	6,435,181	08-20-2002	Jones, Jr. et al.	
	71	6,439,234	08-27-2002	Curti et al.	
	72	6,467,483	10-22-2002	Kopacko et al.	
	73	6,478,026	11-12-2002	Wood	
	74	6,491,034	12-01-2002	Gunaratnam et al.	
	75	6,513,526	02-04-2003	Kwok et al.	
	76	6,561,188	05-13-2003	Ellis	
	77	6,561,191	05-13-2003	Kwok	
	78	6,581,594	06-24-2003	Drew, et al.	
	79	6,581,601	06-01-2003	Ziaee	
	80	6,588,424	07-08-2003	Bardel	
	81	6,631,718	10-14-2003	Lovell	
	82	6,637,434	10-28-2003	Noble	
	83	6,644,315	11-11-2003	Ziaee	
	84	6,651,658	11-25-2003	Hill	
	85	6,659,102	12-09-2003	Sico	
	86	6,662,803	12-16-2003	Gradon, et al.	
	87	6,679,257	01-20-2004	Robertson et al.	

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	First Named Inventor	Alastair Edwin McAuley
	Art Unit	Unknown
<i>(Multiple sheets used when necessary)</i>	Examiner	Unknown
SHEET 4 OF 12	Attorney Docket No.	FPHCR.112C5

U.S. PATENT DOCUMENTS					
Examiner Initials	Cite No.	Document Number <i>Number - Kind Code (if known)</i> Example: 1,234,567 B1	Publication Date MM-DD-YYYY	Name	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear
	88	6,679,265	01-20-2004	Strickland et al.	
	89	6,772,761	08-10-2004	Rucker, Jr.	
	90	6,851,425	02-08-2005	Jaffre et al.	
	91	6,892,729	05-17-2005	Smith et al.	
	92	6,895,965	05-24-2005	Scarberry et al.	
	93	6,907,882	06-21-2005	Ging et al.	
	94	6,951,218	10-04-2005	Gradon et al.	
	95	7,004,165	02-28-2006	Salcido	
	96	7,007,696	03-07-2006	Palkon et al.	
	97	7,021,311	04-04-2006	Gunaratnam et al.	
	98	7,066,179	06-27-2006	Eaton et al.	
	99	7,077,126	07-18-2006	Kummer et al.	
	100	7,096,864	08-29-2006	Mayer	
	101	7,201,169	04-10-2007	Wilkie et al.	
	102	7,207,333	04-24-2007	Tohara	
	103	7,210,481	05-01-2007	Lovell et al.	
	104	7,219,669	05-22-2007	Lovell et al.	
	105	7,225,811	06-05-2007	Ruiz et al.	
	106	7,290,546	11-06-2007	Sprinkle et al.	
	107	7,318,437	01-15-2008	Gunaratnam et al.	
	108	7,353,827	04-08-2008	Geist	
	109	7,523,754	04-28-2009	Lithgow et al.	
	110	7,665,464	02-23-2010	Kopacko et al.	
	111	7,814,911	10-19-2010	Bordewick et al.	
	112	7,896,003	03-01-2011	Matula et al.	
	113	8,042,539	10-25-2011	Chandran, et al.	
	114	8,136,524	03-20-2012	Ging et al.	
	115	8,371,302	02-12-2013	Ging et al.	
	116	8,443,807	05-21-2013	McAuley et al.	

Examiner Signature	Date Considered
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	Filing Date	March 31, 2016
	First Named Inventor	Alastair Edwin McAuley
	Art Unit	Unknown
<i>(Multiple sheets used when necessary)</i>	Examiner	Unknown
SHEET 5 OF 12	Attorney Docket No.	FPHCR.112C5

U.S. PATENT DOCUMENTS					
Examiner Initials	Cite No.	Document Number <i>Number - Kind Code (if known)</i> Example: 1,234,567 B1	Publication Date MM-DD-YYYY	Name	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear
	117	8,479,741	07-09-2013	McAuley et al.	
	118	8,567,404	10-29-2013	Davidson et al.	
	119	8,631,793	01-21-2014	Omura et al.	
	120	8,757,157	06-24-2014	Price et al.	
	121	8,783,257	07-22-2014	McAuley et al.	
	122	9,032,955	05-19-2015	Lubke et al.	
	123	9,072,852	07-07-2015	McAuley et al.	
	124	9,149,596	10-06-2015	Valcic et al.	
	125	D250,047	10-24-1978	Lewis, et al.	
	126	D250,131	10-31-1978	Lewis, et al.	
	127	D252,322	07-10-1979	Johnson	
	128	D293,613	01-05-1988	Wingler	
	129	D310,431	09-04-1990	Bellm	
	130	D320,677	10-08-1991	Kumagai et al.	
	131	D321,419	11-05-1991	Wallace	
	132	D340,317	10-12-1993	Cole	
	133	D354,128	01-03-1995	Rinehart	
	134	D355,484	02-14-1995	Rinehart	
	135	D378,610	05-25-1997	Reischel et al.	
	136	D440,302	04-10-2001	Wolfe	
	137	D455,891	04-23-2002	Biedrzycki	
	138	D520,140	05-02-2006	Chaggares	
	139	D526,094	08-01-2006	Chen	
	140	D686,313	07-16-2013	Matula et al.	
	141	2001/0020474	09-13-2001	Hecker et al.	
	142	2002/0046755	04-25-2002	Voss	
	143	2002/0053347	05-09-2002	Ziaee	
	144	2002/0059935	05-23-2002	Wood	
	145	2002/0096178	07-25-2002	Ziaee	

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<i>(Multiple sheets used when necessary)</i>	Examiner	Unknown
SHEET 6 OF 12	Attorney Docket No.	FPHCR.112C5

U.S. PATENT DOCUMENTS					
Examiner Initials	Cite No.	Document Number <i>Number - Kind Code (if known)</i> Example: 1,234,567 B1	Publication Date MM-DD-YYYY	Name	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear
	146	2003/0005933	01-09-2003	Izuchukwu	
	147	2003/0019495	01-30-2003	Palkon et al.	
	148	2003/0019496	01-30-2003	Kopacko et al.	
	149	2003/0079749	05-01-2003	Strickland et al.	
	150	2003/0089373	05-15-2003	Gradon et al.	
	151	2003/0121519	07-03-2003	Estes et al.	
	152	2003/0164170	09-02-2003	Resmed	
	153	2003/0172936	09-18-2003	Wilkie et al.	
	154	2003/0196656	10-23-2003	Moore	
	155	2003/0196659	10-23-2003	Gradon, et al.	
	156	2003/0196664	10-23-2003	Jacobson	
	157	2003/0200970	10-30-2003	Stenzler et al.	
	158	2004/0067333	04-08-2004	Amarasinghe	
	159	2004/0182398	09-23-2004	Sprinkle et al.	
	160	2004/0211427	10-01-2004	Jones et al.	
	161	2004/0226566	11-18-2004	Gunaratnam et al.	
	162	2005/0011524	01-20-2005	Thomlinson et al.	
	163	2005/0028822	02-10-2005	Sleeper et al.	
	164	2005/0033247	02-10-2005	Thompson	
	165	2005/0066976	03-31-2005	Wondka	
	166	2005/0076913	04-14-2005	Ho et al.	
	167	2005/0098183	05-12-2005	Nash et al.	
	168	2005/0150497	07-14-2005	Eifler et al.	
	169	2005/0199242	09-15-2005	Matula et al.	
	170	2005/0205096	09-22-2005	Matula	
	171	2005/0235999	10-27-2005	Wood et al.	
	172	2006/0060200	03-01-2006	Ho et al.	
	173	2006/0096598	05-11-2006	Ho et al.	
	174	2006/0107958	05-01-2006	Sleeper	

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	Art Unit	Unknown
<i>(Multiple sheets used when necessary)</i>	Examiner	Unknown
SHEET 7 OF 12	Attorney Docket No.	FPHCR.112C5

U.S. PATENT DOCUMENTS					
Examiner Initials	Cite No.	Document Number <i>Number - Kind Code (if known)</i> Example: 1,234,567 B1	Publication Date MM-DD-YYYY	Name	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear
	175	2006/0124131	06-01-2006	Chandran	
	176	2006/0137690	06-01-2006	Gunaratnam et al.	
	177	2006/0174887	08-01-2006	Chandran et al.	
	178	2006/0196511	09-07-2006	Lau et al.	
	179	2006/0237018	10-26-2006	McAuley et al.	
	180	2006/0254593	11-16-2006	Chang	
	181	2007/0000492	01-04-2007	Hansel et al.	
	182	2007/0010786	01-11-2007	Casey et al.	
	183	2007/0089749	04-26-2007	Ho et al.	
	184	2007/0125385	06-07-2007	Ho et al.	
	185	2007/0125387	06-07-2007	Zollinger et al.	
	186	2007/0137653	06-21-2007	Wood	
	187	2007/0163600	07-19-2007	Hoffman	
	188	2007/0175480	08-02-2007	Gradon et al.	
	189	2007/0221227	09-27-2007	Ho	
	190	2007/0267017	11-22-2007	McAuley et al.	
	191	2007/0295335	12-01-2007	Nashed	
	192	2008/0041388	02-21-2008	McAuley et al.	
	193	2008/0041393	02-21-2008	Bracken	
	194	2008/0047560	02-01-2008	Veliss et al.	
	195	2008/0060648	03-13-2008	Thornton et al.	
	196	2008/0060657	03-13-2008	McAuley et al.	
	197	2008/0099024	05-01-2008	Gunaratnam et al.	
	198	2008/0110464	05-15-2008	Davidson et al.	
	199	2008/0196728	08-21-2008	Ho	
	200	2008/0264422	10-30-2008	Fishman	
	201	2008/0314388	12-25-2008	Brambilla et al.	
	202	2009/0044808	02-19-2009	Guney et al.	
	203	2009/0120442	05-14-2009	Ho	

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	First Named Inventor	Alastair Edwin McAuley
	Art Unit	Unknown
<i>(Multiple sheets used when necessary)</i>	Examiner	Unknown
SHEET 8 OF 12	Attorney Docket No.	FPHCR.112C5

U.S. PATENT DOCUMENTS					
Examiner Initials	Cite No.	Document Number <i>Number - Kind Code (if known)</i> Example: 1,234,567 B1	Publication Date MM-DD-YYYY	Name	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear
	204	2009/0133697	05-28-2009	Kwok et al.	
	205	2009/0145429	06-11-2009	Ging et al.	
	206	2009/0173349	07-09-2009	Hernandez et al.	
	207	2010/0000538	01-07-2010	Edwards et al.	
	208	2010/0083961	04-08-2010	McAuley et al.	
	209	2010/0154798	06-24-2010	Henry et al.	
	210	2010/0307502	12-09-2010	Rummery et al.	
	211	2010/0313891	12-16-2010	Veliss et al.	
	212	2010/0319700	12-23-2010	Ng et al.	
	213	2011/0146685	06-23-2011	Allan et al.	
	214	2011/0265796	11-03-2011	Amarasinghe et al.	
	215	2011/0308520	12-22-2011	McAuley et al.	
	216	2012/0125339	05-24-2012	Ho et al.	
	217	2012/0132209	05-01-2012	Rummery	
	218	2012/0304999	12-06-2012	Swift et al.	
	219	2013/0152918	06-20-2013	Rummery et al.	
	220	2013/0160769	06-27-2013	Ng et al.	
	221	2014/0083428	03-27-2014	Rothermel et al.	
	222	2014/0137870	05-22-2014	Barlow et al.	
	223	2015/0013678	01-01-2015	McAuley	
	224	2015/0033457	02-05-2015	Tryner et al.	
	225	2015/0090266	04-02-2015	Melidis et al.	
	226	2015/0297855	10-22-2015	McAuley et al.	
	227	2015/0374946	12-31-2015	McAuley et al.	
	228	2016/0038705	02-11-2016	McAuley et al.	
	229	2016/0038706	02-11-2016	McAuley et al.	
	230	2016/0038707	02-11-2016	Allan et al.	

FOREIGN PATENT DOCUMENTS

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	Art Unit	Unknown	
<i>(Multiple sheets used when necessary)</i>		Examiner	Unknown
SHEET 9 OF 12		Attorney Docket No.	FPHCR.112C5

Examiner Initials	Cite No.	Foreign Patent Document Country Code-Number-Kind Code Example: JP 1234567 A1	Publication Date MM-DD-YYYY	Name	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear	T ¹
	231	CA 131 16 62	12-22-1992	New England Thermoplastics, Inc.		
	232	CN 101214402	07-09-2008	Resmed Ltd.		v - Abs
	233	CN 101541380	09-23-2009	RIC Investments LLC		v - Abs
	234	CN 1784250	06-07-2006	Resmed Ltd.		
	235	CN 1901961 A	01-24-2007	Resmed Ltd.		v - Abs
	236	CN 1988930 A	06-27-2007	Resmed Ltd.		v - Abs
	237	CN 217 253 8	07-20-1994	Suda Telecommunications Applia		v - Abs
	238	DE 102006011151	09-13-2007	Weinmann Gerate Fur Medizn GMBH & Co., KG		
	239	DE 895692	11-05-1953	Neue Argus Gesellschaft M.B.H.		
	240	EP 0747078	12-11-1996	Respironics, Inc.		
	241	EP 1488820	09-23-2009	RIC Investments, Inc.		
	242	EP 1646910	08-19-2015	CareFusion 202, Inc.		
	243	EP 2 130 563 A1	12-09-2009	Resmed Limited		
	244	FR 2658725	08-30-1991	Barthou		
	245	FR 2749176	12-05-1997	Midi Oxygene		
	246	GB 1 467 828	03-23-1977	Laerdal		
	247	GB 190 224 431	12-24-1902	Emery		
	248	GB 2133275	07-25-1984	Draegerwerk AG		
	249	GB 880 824	10-25-1961	Oxygenaire London Ltd.		
	250	JP 2004-016488	01-22-2004	Koken KK		v - Abs
	251	JP 2005-529687	10-06-2005	MAP Medizin Technologie GmbH		v - Abs
	252	JP 2007-516750	06-28-2007	Resmed Ltd.		v - Abs
	253	JP 2007-527271	09-27-2007	Viasys Healthcare Inc.		v - Abs
	254	JP H09-010311	01-14-1997	Respironics Inc.		v - Abs
	255	WO 1998/018514	05-07-1998	Sleepnet, Corp.		
	256	WO 1998/04310	02-05-1998	Resmed Limited		
	257	WO 1999/04842	02-04-1999	Respironics Georgia Inc		
	258	WO 1999/058181	11-18-1999	Goldstein		

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	Art Unit	Unknown
<i>(Multiple sheets used when necessary)</i>	Examiner	Unknown
SHEET 10 OF 12	Attorney Docket No.	FPHCR.112C5

FOREIGN PATENT DOCUMENTS

Examiner Initials	Cite No.	Foreign Patent Document Country Code-Number-Kind Code Example: JP 1234567 A1	Publication Date MM-DD-YYYY	Name	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear	T ¹
	259	WO 2000/069497	11-23-2000	Mallinckrodt Inc.		
	260	WO 2000/074758	12-14-2000	Sleep-Net Corporation		
	261	WO 2001/041854	06-14-2001	Vapotherm, Inc.		
	262	WO 2001/097892	12-27-2001	Australian Centre for Advanced Medical Technology LTD		
	263	WO 2002/074372	09-26-2002	The Government of the U.S.A./Secretary of the Department of Health and Human Services		
	264	WO 2004/007010	01-22-2004	Fisher & Paykel Healthcare Limited		
	265	WO 2004/041341	05-21-2004	Resmed Ltd.		
	266	WO 2004/073778	09-02-2004	Resmed Ltd.		
	267	WO 2005/021075	03-10-2005	Fisher & Paykel Healthcare Limited		
	268	WO 2005/051468	06-09-2005	Resmed Limited		
	269	WO 2005/086946	09-22-2005	Respironics, Inc.		
	270	WO 2007/022562	03-01-2007	Compumedics Limited		
	271	WO 2007/041786	04-19-2007	Resmed Ltd.		
	272	WO 2007/147088	12-21-2007	Ric Investments LLC		
	273	WO 2008/007985	01-17-2008	Fisher & Paykel Healthcare Limited		
	274	WO 2008/060295	05-22-2008	Mergenet Medical Inc.		
	275	WO 2008/070929	06-19-2008	Resmed Ltd.		
	276	WO 2008/106716	09-12-2008	Resmed Ltd		
	277	WO 2008/148086	12-04-2008	Viasys Mfg Inc.		
	278	WO 2009/052560	04-30-2009	Resmed Ltd.		
	279	WO 2009/059353	05-14-2009	Resmed Ltd.		
	280	WO 2009/092057	07-23-2009	Menlo Life, Inc.		
	281	WO 2009/139647	11-19-2009	Fisher & Paykel Healthcare Limited		
	282	WO 2015/033287	03-12-2015	Koninkl Philips NV		

NON PATENT LITERATURE DOCUMENTS

Examiner Signature	Date Considered
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***Examiner:** Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

T¹ - Place a check mark in this area when an English language Translation is attached.

INFORMATION DISCLOSURE STATEMENT BY APPLICANT	Application No.	15/087,775
	Filing Date	March 31, 2016
	First Named Inventor	Alastair Edwin McAuley
	Art Unit	Unknown
<i>(Multiple sheets used when necessary)</i>	Examiner	Unknown
SHEET 11 OF 12	Attorney Docket No.	FPHCR.112C5

Examiner Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ¹
	283	International Preliminary Report on Patentability (IPRP), International Application No. PCT/NZ2009/000219, mailed April 12, 2011, 9 pages.	
	284	International Search Report, International Application No. PCT/NZ2009/000219, mailed February 2, 2010, 3 pages.	
	285	English Translation of Chinese Examination Report; Application No. 2007800266164; 5 pages.	
	286	English Translation of First Office Action for Chinese Application No. 201210080441.8 dated March 24, 2014, in 4 pages.	
	287	Examination Report; Australian Application No. 2007273324; dated May 22, 2012; 3 pages.	
	288	International Search Report for International Application No. PCT/NZ2007/000185, dated October 31, 2007, in 3 pages.	
	289	Second Chinese Office Action for Chinese Patent Application No. 201210080441.8 dated December 1, 2014 in 11 pages (with English translation).	
	290	Australian Examination Report for Patent Application No. 2012265597 dated December 19, 2013, in 5 pages.	
	291	Canadian Examination Report for Application No. 2655839 dated October 4, 2013, in 2 pages.	
	292	English Translation of Chinese Examination Report; Chinese Application No. 2007800266164; 5 pages.	
	293	International Search Report; PCT/NZ2009/000072; dated July 28, 2009; 3 pages.	
	294	UK Search and Examination Report; March 14, 2013; Application No. GB1210075.6; 2 pages.	
	295	UK Examination Report; dated May 9, 2013; Application No. GB1119385.1; 4 pages.	
	296	Australian Examination Report; dated March 4, 2014; Application No. 2010246985; 5 pages.	
	297	English Translation of JP Examination Report; dated February 10, 2014; Application No. 2012-510418; 4 pages.	
	298	Chinese Examination Report; dated March 27, 2014; Chinese Application No. 201080028029.0; 16 pages.	
	299	GB Combined Search and Examination Report; dated May 7, 2014; Application No. GB1406402.6; 6 pages.	
	300	GB Combined Search and Examination Report; dated May 7, 2014; Application No. GB1406401.8; 4 pages.	
	301	JP Examination Report, Application No. 2012-538784; 3 pages.	
	302	Australian Examination Report; dated August 14, 2015; Application No. 2015202814; 8 pages.	

Examiner Signature	Date Considered
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT	Application No.	15/087,775
	Filing Date	March 31, 2016
	First Named Inventor	Alastair Edwin McAuley
	Art Unit	Unknown
<i>(Multiple sheets used when necessary)</i>	Examiner	Unknown
SHEET 12 OF 12	Attorney Docket No.	FPHCR.112C5

NON PATENT LITERATURE DOCUMENTS

Examiner Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ¹
	303	Chinese Examination Report; dated July 17, 2015; Application No. 201080061122.1; 10 pages.	
	304	Chinese Examination Report; dated September 14, 2015; Application No. 201080028029.0; 3 pages.	
	305	European Extended Search Report; dated September 4, 2015; Application No. 10830251.4; 7 pages.	
	306	European Extended Search Report; dated September 8, 2015; Application No. 10774623.2; 7 pages.	
	307	Japanese Examination Report; dated July 22, 2015; Application No. 2015-098324; 8 pages.	
	308	Japanese Examination Report; dated August 5, 2015; Application No. 2012-538784; 8 pages.	
	309	Australian Examination Report; dated January 9, 2015; Application No. 2010241390; 4 pages.	
	310	English Translation of Chinese Examination Report; dated September 3, 2014; Application No. 201080061122.1; 9 pages.	
	311	Second Chinese Office Action; dated January 19, 2015; Application No. 201080028029.0; 16 pages.	
	312	EPO Search Report; dated April 2, 2014; Application No. 09819444.2; 8 pages.	
	313	Australian Examination Report; dated July 20, 2015; Application No. 20015201920; 3 pages	
	314	EP Office Action; dated July 8, 2015; Application No. 07808683.2; 8 pages	
	315	Canadian Examination Report of Application No. 2890556; dated January 27, 2016; 3 pages	
	316	International Search Report; PCT/NZ2010/000229; dated March 18, 2011; 8 pages	
	317	Written Opinion of the International Searching Authority; PCT/NZ2010/000229; dated March 18, 2011; 13 pages	
	318	International Preliminary Report on Patentability and Written Opinion of the ISA; International Application No. PCT/NZ2010/000229; dated May 22, 2012; 14 pages.	
	319	International Search Report; Application No. PCT/NZ2013/000138; dated November 1, 2013; 5 pages	
	320	Philips Respironics 'System One Heated Humidifier – User Manual', 2011, pages 1-16, [retrieved on 11-25-2013] from the internet: URL: http://www.cpapxchange.com/cpap-machines-biap-machines/system-one-60-series-cpap-humidifier-manual.pdf front cover, pages 3-4 and 6	
	321	International Search Report; PCT/NZ2005/000062; dated May 27, 2005; 3 pages	

Examiner Signature	Date Considered
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***Examiner:** Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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Electronic Acknowledgement Receipt

EFS ID:	25367213
Application Number:	15087775
International Application Number:	
Confirmation Number:	4437
Title of Invention:	BREATHING ASSISTANCE APPARATUS
First Named Inventor/Applicant Name:	Alastair Edwin McAuley
Customer Number:	20995
Filer:	Michael A. Guiliana/Melanie Neat
Filer Authorized By:	Michael A. Guiliana
Attorney Docket Number:	FPHCR.112C5
Receipt Date:	01-APR-2016
Filing Date:	
Time Stamp:	15:36:40
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no
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File Listing:

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	Document Description		Start	End	
	Transmittal Letter		1	2	
	Information Disclosure Statement (IDS) Form (SB08)		3	14	
Warnings:					
Information:					
Total Files Size (in bytes):				260645870	

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

INFORMATION DISCLOSURE STATEMENT

First Inventor :	Alastair Edwin McAuley
App. No. :	15/087,775
Filed :	March 31, 2016
For :	BREATHING ASSISTANCE APPARATUS
Examiner :	Unknown
Art Unit :	Unknown
Conf. No. :	4437

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

References and Listing

Pursuant to 37 CFR 1.56, an Information Disclosure Statement listing references is provided herewith. Copies of any listed foreign and non-patent literature references are being submitted.

No Disclaimers

To the extent that anything in the Information Disclosure Statement or the listed references could be construed as a disclaimer of any subject matter supported by the present application, Applicant hereby rescinds and retracts such disclaimer.

Timing of Disclosure

This Information Disclosure Statement is being filed within three months of the filing date or date of national phase entry, and no fee is believed to be required.

Application No.: 15/087,775
Filing Date: March 31, 2016

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to Account No. 11-1410.

Respectfully submitted,
KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: April 1, 2016

By: Michael Guiliana/
Michael A. Guiliana
Registration No. 42,611
Attorney of Record
Customer No. 20995
(949) 760-0404

22950888

**CERTIFICATION AND REQUEST FOR PRIORITIZED EXAMINATION
 UNDER 37 CFR 1.102(e)** (Page 1 of 1)

First Named Inventor:	Alastair Edwin McAuley	Nonprovisional Application Number (if known):	
Title of Invention:	BREATHING ASSISTANCE APPARATUS		

APPLICANT HEREBY CERTIFIES THE FOLLOWING AND REQUESTS PRIORITIZED EXAMINATION FOR THE ABOVE-IDENTIFIED APPLICATION.

1. The processing fee set forth in 37 CFR 1.17(i)(1) and the prioritized examination fee set forth in 37 CFR 1.17(c) have been filed with the request. The publication fee requirement is met because that fee, set forth in 37 CFR 1.18(d), is currently \$0. The basic filing fee, search fee, and examination fee are filed with the request or have been already been paid. I understand that any required excess claims fees or application size fee must be paid for the application.
2. I understand that the application may not contain, or be amended to contain, more than four independent claims, more than thirty total claims, or any multiple dependent claims, and that any request for an extension of time will cause an outstanding Track I request to be dismissed.

3. The applicable box is checked below:

I. Original Application (Track One) - Prioritized Examination under § 1.102(e)(1)

- i. (a) The application is an original nonprovisional utility application filed under 35 U.S.C. 111(a). This certification and request is being filed with the utility application via EFS-Web.
 ---OR---
 (b) The application is an original nonprovisional plant application filed under 35 U.S.C. 111(a). This certification and request is being filed with the plant application in paper.
- ii. An executed inventor's oath or declaration under 37 CFR 1.63 or 37 CFR 1.64 for each inventor, or the application data sheet meeting the conditions specified in 37 CFR 1.53(f)(3)(i) is filed with the application.

II. Request for Continued Examination - Prioritized Examination under § 1.102(e)(2)

- i. A request for continued examination has been filed with, or prior to, this form.
- ii. If the application is a utility application, this certification and request is being filed via EFS-Web.
- iii. The application is an original nonprovisional utility application filed under 35 U.S.C. 111(a), or is a national stage entry under 35 U.S.C. 371.
- iv. This certification and request is being filed prior to the mailing of a first Office action responsive to the request for continued examination.
- v. No prior request for continued examination has been granted prioritized examination status under 37 CFR 1.102(e)(2).

Signature /Michael Guiliana/	Date 2016-03-31
Name (Print/Typed) Michael A. Guiliana	Practitioner Registration Number 42611

Note: This form must be signed in accordance with 37 CFR 1.33. See 37 CFR 1.4(d) for signature requirements and certifications. Submit multiple forms if more than one signature is required.*

*Total of _____ forms are submitted.

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. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to 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)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

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.

TRANSMITTAL FOR POWER OF ATTORNEY TO ONE OR MORE REGISTERED PRACTITIONERS

NOTE: This form is to be submitted with the Power of Attorney by Applicant form (PTO/AIA/82B) to identify the application to which the Power of Attorney is directed, in accordance with 37 CFR 1.5, unless the application number and filing date are identified in the Power of Attorney by Applicant form. If neither form PTO/AIA/82A nor form PTO/AIA82B identifies the application to which the Power of Attorney is directed, the Power of Attorney will not be recognized in the application.

Application Number	Unknown
Filing Date	Herewith
First Named Inventor	Alastair Edwin McAuley
Title	BREATHING ASSISTANCE APPARATUS
Art Unit	Unknown
Examiner Name	Unknown
Attorney Docket Number	FPHCR.112C5

SIGNATURE of Applicant or Patent Practitioner

Signature	/Michael Guiliana/	Date (Optional)	2016-03-31
Name	Michael A. Guiliana	Registration Number	42,611
Title (if Applicant is a juristic entity)			
Applicant Name (if Applicant is a juristic entity)			

NOTE: This form must be signed in accordance with 37 CFR 1.33. See 37 CFR 1.4(d) for signature requirements and certifications. If more than one applicant, use multiple forms.

*Total of 1 forms are submitted.

This collection of information is required by 37 CFR 1.131, 1.32, and 1.33. 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 1.11 and 1.14. This collection is estimated to take 3 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, VA 22313-1450. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

POWER OF ATTORNEY BY APPLICANT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

I hereby revoke all previous powers of attorney given in the application identified in the attached transmittal letter.

I hereby appoint Practitioner(s) associated with the following Customer Number as my/our attorney(s) or agent(s), and to transact all business in the United States Patent and Trademark Office connected therewith for the application referenced in the attached transmittal letter (form PTO/AIA/82A or equivalent): **Customer No. 20,995**

Please recognize or change the correspondence address for the application identified in the attached transmittal letter to the address associated with **Customer No. 20,995**.

I am the Applicant: FISHER & PAYKEL HEALTHCARE LIMITED, the Assignee or Person to Whom the Inventor is Under an Obligation to Assign.

Signature of Applicant for Patent

The undersigned (whose title is supplied below) is authorized to act on behalf of the applicant.

Signature:	<u>L. Graddon</u>	Date:	<u>3/17/13</u>
Name:	<u>L. GRADDON</u>	Title:	<u>SENIOR VICE PRESIDENT</u>
Signature:	<u>Michael Daniell</u>	Date:	<u>3/17/13</u>
Name:	<u>Michael Daniell</u>	Title:	<u>CEO</u>

14737883:ah
012513

Electronic Patent Application Fee Transmittal

Application Number:				
Filing Date:				
Title of Invention:	BREATHING ASSISTANCE APPARATUS			
First Named Inventor/Applicant Name:	Alastair Edwin McAuley			
Filer:	Michael A. Guiliana/Frances Tsai			
Attorney Docket Number:	FPHCR.112C5			
Filed as Large Entity				
Filing Fees for Track I Prioritized Examination - Nonprovisional Application under 35 USC 111(a)				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Utility application filing	1011	1	280	280
Utility Search Fee	1111	1	600	600
Utility Examination Fee	1311	1	720	720
Request for Prioritized Examination	1817	1	4000	4000
Pages:				
Claims:				
Miscellaneous-Filing:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Publ. Fee- Early, Voluntary, or Normal	1504	1	0	0
PROCESSING FEE, EXCEPT PROV. APPLS.	1830	1	140	140
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				
Miscellaneous:				
Total in USD (\$)				5740

Electronic Acknowledgement Receipt

EFS ID:	25365554
Application Number:	15087775
International Application Number:	
Confirmation Number:	4437
Title of Invention:	BREATHING ASSISTANCE APPARATUS
First Named Inventor/Applicant Name:	Alastair Edwin McAuley
Customer Number:	20995
Filer:	Michael A. Guiliana/Anthony Bonilla
Filer Authorized By:	Michael A. Guiliana
Attorney Docket Number:	FPHCR.112C5
Receipt Date:	31-MAR-2016
Filing Date:	
Time Stamp:	18:55:09
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	\$5740
RAM confirmation Number	5823
Deposit Account	111410
Authorized User	KNOBBE MARTENS OLSON AND BEAR

The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:

Charge any Additional Fees required under 37 CFR 1.16 (National application filing, search, and examination fees)

Charge any Additional Fees required under 37 CFR 1.17 (Patent application and reexamination processing fees)

RMD

File Listing:					
Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Application Data Sheet	FPHCR112C5-ADS.pdf	1823724	no	9
			6a003229d3f03e1ba01f7ebd2f431eeacd7f2df9		
Warnings:					
Information:					
2		FPHCR112C5-Spec.pdf	87370	yes	19
			b5ddf635ca0306aa6cfd4e35c1abf96ed31a21eb		
	Multipart Description/PDF files in .zip description				
	Document Description		Start	End	
	Specification		1	13	
	Claims		14	18	
	Abstract		19	19	
Warnings:					
Information:					
3	Drawings-only black and white line drawings	FPHCR112C5-Drawings.pdf	344091	no	10
			d497a07758e9913bdb10d60d1085a23183e7c1f0		
Warnings:					
Information:					
4	Oath or Declaration filed	FPHCR112C5-Declarations.PDF	534943	no	3
			6d4432728dfb22736b14608795b8793cf9e5056		
Warnings:					
Information:					
5	TrackOne Request	FPHCR112C5-TrackOne.pdf	131805	no	2
			e033367f20ec698e1f27ecdceacc5645ddf7ac27		
Warnings:					
Information:					
6	First Action Interview - Enrollment Request	FPHCR112C5-FAIntReq.pdf	138738	no	1
			bffcfcf5a989979c72f76fbcaa50ba127997b7a4		

Warnings:					
Information:					
7	Power of Attorney	FPHCR112C5-POA.pdf	195922	no	2
			14f21376029782a4c028738e21ce94cdcce1b480		
Warnings:					
Information:					
8	Fee Worksheet (SB06)	fee-info.pdf	40298	no	2
			cf6ed9dc77ce07a2c3f64c1c03d6801dac5b33c5		
Warnings:					
Information:					
Total Files Size (in bytes):				3296891	
<p>This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.</p> <p><u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.</p> <p><u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.</p> <p><u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.</p>					

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Application Data Sheet 37 CFR 1.76		Attorney Docket Number	FPHCR.112C5
		Application Number	
Title of Invention	BREATHING ASSISTANCE APPARATUS		
The application data sheet is part of the provisional or nonprovisional application for which it is being submitted. The following form contains the bibliographic data arranged in a format specified by the United States Patent and Trademark Office as outlined in 37 CFR 1.76. This document may be completed electronically and submitted to the Office in electronic format using the Electronic Filing System (EFS) or the document may be printed and included in a paper filed application.			

Secrecy Order 37 CFR 5.2:

Portions or all of the application associated with this Application Data Sheet may fall under a Secrecy Order pursuant to 37 CFR 5.2 (Paper filers only. Applications that fall under Secrecy Order may not be filed electronically.)

Inventor Information:

Inventor	1				Remove
Legal Name					
Prefix	Given Name	Middle Name	Family Name	Suffix	
	Alastair	Edwin	McAuley		
Residence Information (Select One) <input checked="" type="radio"/> US Residency <input type="radio"/> Non US Residency <input type="radio"/> Active US Military Service					
City	Dallas	State/Province	TX	Country of Residence	US

Mailing Address of Inventor:

Address 1	15 Maurice Paykel Place				
Address 2	East Tamaki				
City	Auckland	State/Province			
Postal Code	2013	Country i	NZ		

Inventor	2				Remove
Legal Name					
Prefix	Given Name	Middle Name	Family Name	Suffix	
	Craig	Robert	Prentice		
Residence Information (Select One) <input type="radio"/> US Residency <input checked="" type="radio"/> Non US Residency <input type="radio"/> Active US Military Service					
City	Auckland	Country of Residence i	NZ		

Mailing Address of Inventor:

Address 1	15 Maurice Paykel Place				
Address 2	East Tamaki				
City	Auckland	State/Province			
Postal Code	2013	Country i	NZ		

Inventor	3				Remove
Legal Name					
Prefix	Given Name	Middle Name	Family Name	Suffix	
	Oliver		Gleeson	RMT	

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Application Data Sheet 37 CFR 1.76		Attorney Docket Number	FPHCR.112C5
		Application Number	
Title of Invention	BREATHING ASSISTANCE APPARATUS		

Residence Information (Select One) <input type="radio"/> US Residency <input checked="" type="radio"/> Non US Residency <input type="radio"/> Active US Military Service			
City	Auckland	Country of Residence ⁱ	NZ

Mailing Address of Inventor:

Address 1	15 Maurice Paykel Place		
Address 2	East Tamaki		
City	Auckland	State/Province	
Postal Code	2013	Country ⁱ	NZ

All Inventors Must Be Listed - Additional Inventor Information blocks may be generated within this form by selecting the **Add** button.

Correspondence Information:

Enter either Customer Number or complete the Correspondence Information section below.
For further information see 37 CFR 1.33(a).

An Address is being provided for the correspondence information of this application.

Customer Number	20995		
Email Address	efiling@knobbe.com	<input type="button" value="Add Email"/>	<input type="button" value="Remove Email"/>

Application Information:

Title of the Invention	BREATHING ASSISTANCE APPARATUS		
Attorney Docket Number	FPHCR.112C5	Small Entity Status Claimed	<input type="checkbox"/>
Application Type	Nonprovisional		
Subject Matter	Utility		
Total Number of Drawing Sheets (if any)	10	Suggested Figure for Publication (if any)	

Filing By Reference:

Only complete this section when filing an application by reference under 35 U.S.C. 111(c) and 37 CFR 1.57(a). Do not complete this section if application papers including a specification and any drawings are being filed. Any domestic benefit or foreign priority information must be provided in the appropriate section(s) below (i.e., "Domestic Benefit/National Stage Information" and "Foreign Priority Information").

For the purposes of a filing date under 37 CFR 1.53(b), the description and any drawings of the present application are replaced by this reference to the previously filed application, subject to conditions and requirements of 37 CFR 1.57(a).

Application number of the previously filed application	Filing date (YYYY-MM-DD)	Intellectual Property Authority or Country

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Application Data Sheet 37 CFR 1.76	Attorney Docket Number	FPHCR.112C5
	Application Number	
Title of Invention	BREATHING ASSISTANCE APPARATUS	

Publication Information:

<input type="checkbox"/>	Request Early Publication (Fee required at time of Request 37 CFR 1.219)
<input type="checkbox"/>	Request Not to Publish. I hereby request that the attached application not be published under 35 U.S.C. 122(b) and certify that the invention disclosed in the attached application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication at eighteen months after filing.

Representative Information:

Representative information should be provided for all practitioners having a power of attorney in the application. Providing this information in the Application Data Sheet does not constitute a power of attorney in the application (see 37 CFR 1.32). Either enter Customer Number or complete the Representative Name section below. If both sections are completed the customer Number will be used for the Representative Information during processing.

Please Select One:	<input checked="" type="radio"/> Customer Number	<input type="radio"/> US Patent Practitioner	<input type="radio"/> Limited Recognition (37 CFR 11.9)
Customer Number	20995		

Domestic Benefit/National Stage Information:

This section allows for the applicant to either claim benefit under 35 U.S.C. 119(e), 120, 121, 365(c), or 386(c) or indicate National Stage entry from a PCT application. Providing benefit claim information in the Application Data Sheet constitutes the specific reference required by 35 U.S.C. 119(e) or 120, and 37 CFR 1.78.

When referring to the current application, please leave the "Application Number" field blank.

Prior Application Status	Pending				Remove
Application Number	Continuity Type	Prior Application Number	Filing or 371(c) Date (YYYY-MM-DD)		
	Continuation of	14/887200	2015-10-19		
Prior Application Status	Pending				Remove
Application Number	Continuity Type	Prior Application Number	Filing or 371(c) Date (YYYY-MM-DD)		
14/887200	Continuation of	14/791142	2015-07-02		
Prior Application Status	Pending				Remove
Application Number	Continuity Type	Prior Application Number	Filing or 371(c) Date (YYYY-MM-DD)		
14/791142	Continuation of	14/333134	2014-07-16		
Prior Application Status	Patented				Remove
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)	Patent Number	Issue Date (YYYY-MM-DD)
14/333134	Continuation of	10/598026	2007-10-18	8783257	2014-07-22 RMD

Application Data Sheet 37 CFR 1.76		Attorney Docket Number	FPHCR.112C5	
		Application Number		
Title of Invention	BREATHING ASSISTANCE APPARATUS			
Prior Application Status	Expired			<input type="button" value="Remove"/>
Application Number	Continuity Type	Prior Application Number	Filing or 371(c) Date (YYYY-MM-DD)	
10/598026	a 371 of international	PCT/NZ05/00023	2005-02-18	
Additional Domestic Benefit/National Stage Data may be generated within this form by selecting the Add button.				<input type="button" value="Add"/>

Foreign Priority Information:

This section allows for the applicant to claim priority to a foreign application. Providing this information in the application data sheet constitutes the claim for priority as required by 35 U.S.C. 119(b) and 37 CFR 1.55. When priority is claimed to a foreign application that is eligible for retrieval under the priority document exchange program (PDX)ⁱ the information will be used by the Office to automatically attempt retrieval pursuant to 37 CFR 1.55(i)(1) and (2). Under the PDX program, applicant bears the ultimate responsibility for ensuring that a copy of the foreign application is received by the Office from the participating foreign intellectual property office, or a certified copy of the foreign priority application is filed, within the time period specified in 37 CFR 1.55(g)(1).

			<input type="button" value="Remove"/>
Application Number	Country ⁱ	Filing Date (YYYY-MM-DD)	Access Code ⁱ (if applicable)
531332	NZ	2004-02-23	
			<input type="button" value="Remove"/>
Application Number	Country ⁱ	Filing Date (YYYY-MM-DD)	Access Code ⁱ (if applicable)
534606	NZ	2004-08-06	
Additional Foreign Priority Data may be generated within this form by selecting the Add button.			<input type="button" value="Add"/>

Statement under 37 CFR 1.55 or 1.78 for AIA (First Inventor to File) Transition Applications

This application (1) claims priority to or the benefit of an application filed before March 16, 2013 and (2) also contains, or contained at any time, a claim to a claimed invention that has an effective filing date on or after March 16, 2013.

NOTE: By providing this statement under 37 CFR 1.55 or 1.78, this application, with a filing date on or after March 16, 2013, will be examined under the first inventor to file provisions of the AIA.

Application Data Sheet 37 CFR 1.76	Attorney Docket Number	FPHCR.112C5
	Application Number	
Title of Invention	BREATHING ASSISTANCE APPARATUS	

Authorization or Opt-Out of Authorization to Permit Access:

When this Application Data Sheet is properly signed and filed with the application, applicant has provided written authority to permit a participating foreign intellectual property (IP) office access to the instant application-as-filed (see paragraph A in subsection 1 below) and the European Patent Office (EPO) access to any search results from the instant application (see paragraph B in subsection 1 below).

Should applicant choose not to provide an authorization identified in subsection 1 below, applicant **must opt-out** of the authorization by checking the corresponding box A or B or both in subsection 2 below.

NOTE: This section of the Application Data Sheet is **ONLY** reviewed and processed with the **INITIAL** filing of an application. After the initial filing of an application, an Application Data Sheet cannot be used to provide or rescind authorization for access by a foreign IP office(s). Instead, Form PTO/SB/39 or PTO/SB/69 must be used as appropriate.

1. Authorization to Permit Access by a Foreign Intellectual Property Office(s)

A. Priority Document Exchange (PDX) - Unless box A in subsection 2 (opt-out of authorization) is checked, the undersigned hereby **grants the USPTO authority** to provide the European Patent Office (EPO), the Japan Patent Office (JPO), the Korean Intellectual Property Office (KIPO), the State Intellectual Property Office of the People's Republic of China (SIPO), the World Intellectual Property Organization (WIPO), and any other foreign intellectual property office participating with the USPTO in a bilateral or multilateral priority document exchange agreement in which a foreign application claiming priority to the instant patent application is filed, access to: (1) the instant patent application-as-filed and its related bibliographic data, (2) any foreign or domestic application to which priority or benefit is claimed by the instant application and its related bibliographic data, and (3) the date of filing of this Authorization. See 37 CFR 1.14(h)(1).

B. Search Results from U.S. Application to EPO - Unless box B in subsection 2 (opt-out of authorization) is checked, the undersigned hereby **grants the USPTO authority** to provide the EPO access to the bibliographic data and search results from the instant patent application when a European patent application claiming priority to the instant patent application is filed. See 37 CFR 1.14(h)(2).

The applicant is reminded that the EPO's Rule 141(1) EPC (European Patent Convention) requires applicants to submit a copy of search results from the instant application without delay in a European patent application that claims priority to the instant application.

2. Opt-Out of Authorizations to Permit Access by a Foreign Intellectual Property Office(s)

A. Applicant **DOES NOT** authorize the USPTO to permit a participating foreign IP office access to the instant application-as-filed. If this box is checked, the USPTO will not be providing a participating foreign IP office with any documents and information identified in subsection 1A above.

B. Applicant **DOES NOT** authorize the USPTO to transmit to the EPO any search results from the instant patent application. If this box is checked, the USPTO will not be providing the EPO with search results from the instant application.

NOTE: Once the application has published or is otherwise publicly available, the USPTO may provide access to the application in accordance with 37 CFR 1.14.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Application Data Sheet 37 CFR 1.76	Attorney Docket Number	FPHCR.112C5
	Application Number	
Title of Invention	BREATHING ASSISTANCE APPARATUS	

Applicant Information:

Providing assignment information in this section does not substitute for compliance with any requirement of part 3 of Title 37 of CFR to have an assignment recorded by the Office.

Applicant	1	<input type="button" value="Remove"/>
<p>If the applicant is the inventor (or the remaining joint inventor or inventors under 37 CFR 1.45), this section should not be completed. The information to be provided in this section is the name and address of the legal representative who is the applicant under 37 CFR 1.43; or the name and address of the assignee, person to whom the inventor is under an obligation to assign the invention, or person who otherwise shows sufficient proprietary interest in the matter who is the applicant under 37 CFR 1.46. If the applicant is an applicant under 37 CFR 1.46 (assignee, person to whom the inventor is obligated to assign, or person who otherwise shows sufficient proprietary interest) together with one or more joint inventors, then the joint inventor or inventors who are also the applicant should be identified in this section.</p>		
<input type="button" value="Clear"/>		
<input checked="" type="radio"/> Assignee	Legal Representative under 35 U.S.C. 117	Joint Inventor
Person to whom the inventor is obligated to assign.		Person who shows sufficient proprietary interest
If applicant is the legal representative, indicate the authority to file the patent application, the inventor is:		
<div style="border: 1px solid black; height: 20px; width: 100%;"></div>		
Name of the Deceased or Legally Incapacitated Inventor: <input type="text"/>		
If the Applicant is an Organization check here. <input checked="" type="checkbox"/>		
Organization Name	Fisher & Paykel Healthcare Limited	
Mailing Address Information For Applicant:		
Address 1	15 Maurice Paykel Place	
Address 2	East Tamaki	
City	Auckland	State/Province
Country	NZ	Postal Code
Phone Number		Fax Number
Email Address		
Additional Applicant Data may be generated within this form by selecting the Add button. <input type="button" value="Add"/>		

Assignee Information including Non-Applicant Assignee Information:

Providing assignment information in this section does not substitute for compliance with any requirement of part 3 of Title 37 of CFR to have an assignment recorded by the Office.

Application Data Sheet 37 CFR 1.76	Attorney Docket Number	FPHCR.112C5
	Application Number	
Title of Invention	BREATHING ASSISTANCE APPARATUS	

Assignee	1
-----------------	---

Complete this section if assignee information, including non-applicant assignee information, is desired to be included on the patent application publication. An assignee-applicant identified in the "Applicant Information" section will appear on the patent application publication as an applicant. For an assignee-applicant, complete this section only if identification as an assignee is also desired on the patent application publication.

If the Assignee or Non-Applicant Assignee is an Organization check here.

Prefix	Given Name	Middle Name	Family Name	Suffix

Mailing Address Information For Assignee including Non-Applicant Assignee:

Address 1				
Address 2				
City		State/Province		
Country ⁱ		Postal Code		
Phone Number		Fax Number		
Email Address				

Additional Assignee or Non-Applicant Assignee Data may be generated within this form by selecting the Add button.

Signature:

NOTE: This Application Data Sheet must be signed in accordance with 37 CFR 1.33(b). However, if this Application Data Sheet is submitted with the **INITIAL** filing of the application and either box A or B is not checked in subsection 2 of the "Authorization or Opt-Out of Authorization to Permit Access" section, then this form must also be signed in accordance with 37 CFR 1.14(c).

This Application Data Sheet **must** be signed by a patent practitioner if one or more of the applicants is a **juristic entity** (e.g., corporation or association). If the applicant is two or more joint inventors, this form must be signed by a patent practitioner, **all** joint inventors who are the applicant, or one or more joint inventor-applicants who have been given power of attorney (e.g., see USPTO Form PTO/AIA/81) on behalf of **all** joint inventor-applicants.

See 37 CFR 1.4(d) for the manner of making signatures and certifications.

Signature	/Michael Guiliana/		Date (YYYY-MM-DD)	2016-03-31	
First Name	Michael	Last Name	Guiliana	Registration Number	42611

Additional Signature may be generated within this form by selecting the Add button.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Application Data Sheet 37 CFR 1.76	Attorney Docket Number	FPHCR.112C5
	Application Number	
Title of Invention	BREATHING ASSISTANCE APPARATUS	

This collection of information is required by 37 CFR 1.76. 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 23 minutes to complete, including gathering, preparing, and submitting the completed application data sheet 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, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to 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)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

BREATHING ASSISTANCE APPARATUS

INCORPORATION BY REFERENCE TO ANY PRIORITY APPLICATIONS

[0001] Any and all applications for which a foreign or domestic priority claim is identified in the Application Data Sheet as filed with the present application are hereby incorporated by reference and made a part of the present disclosure.

BACKGROUND

Field

[0002] The present invention relates to apparatus for treating sleep apnoea. More specifically, the present invention provides a nasal positive airway pressure device.

Description of Related Art

[0003] Obstructive Sleep Apnoea (OSA) is a sleep disorder that affects up to at least 5% of the population in which muscles that normally hold the airway open relax and ultimately collapse, sealing the airway. The sleep pattern of an OSA sufferer is characterised by repeated sequences of snoring, breathing difficulty, lack of breathing, waking with a start and then returning to sleep. Often the sufferer is unaware of this pattern occurring. Sufferers of OSA usually experience daytime drowsiness and irritability due to a lack of good continuous sleep.

[0004] In an effort to treat OSA sufferers, a technique known as Continuous Positive Airway Pressure (CPAP) was devised. A CPAP device consists of a gases supply (or blower) with a conduit connected to supply pressurised gases to a patient, usually through a nasal mask. The pressurised air supplied to the patient effectively assists the muscles to keep the patient's airway open, eliminating the typical OSA sleep pattern.

[0005] The procedure for administering CPAP treatment has been well documented in both the technical and patent literature. Briefly stated, CPAP treatment acts as a pneumatic splint of the airway by the provision of a positive pressure, usually in the range 4 to 20 cm H.sub.2O. The air is supplied to the airway by a motor driven blower whose outlet passes via an air delivery hose to a nose (or nose and/or mouth) mask sealingly engaged to a patient's face by means of a harness or other headgear. An exhaust port is provided in the

delivery tube proximate to the mask. More sophisticated forms of positive airway pressure devices, such as bi-level devices and auto-titrating devices, are described in U.S. Pat. No. 5,148,802 of Respironics, Inc. and U.S. Pat. No. 5,245,995 of Rescare Limited, respectively.

[0006] U.S. Pat. No. 5,477,852 of Airways Ltd, Inc. discloses a nasal positive airway pressure device that has a pair of nasal members each having a cannula tip to be inserted into the nares of the patient. Each cannula is tapered from a substantially circular cross-section outside the patient's nostril to a substantially oval cross-section at the tip inserted into the nostril. An inflatable cuff surrounds each cannula with the interior space of the cuff communicating with the lumen of the cannula through at least one aperture in the sidewall of the cannula. The nasal members are connected to one or more flexible hoses that, in turn, are connected to a source of positive air pressure. In use, positive air pressure is supplied to each cannula tip through the air hoses and nasal members. The positive air pressure inflates the cuffs to hold the nasal members in place and to effect treatment. The nasal device of U.S. Pat. No. 5,477,852 is attached to headgear that is located about a patient's head; this headgear could be considered by many patients as cumbersome and uncomfortable.

[0007] Conventional nasal masks used for administering CPAP treatment are also considered uncomfortable and cumbersome, and prior art nasal masks and the like are noisy (due to air leaks). These disadvantages in many cases are a formidable obstacle to patient acceptance of such treatment. Therefore, a substantial number of patients either cannot tolerate treatment or choose to forego treatment. It is believed a substantial number of such patients could benefit from a nasal positive airway pressure apparatus that is more convenient to use and comfortable to wear, thereby resulting in increased treatment compliance.

[0008] As oxygen is supplied as a dry gas it is well known in the art to either heat and/or humidify gases before delivering them for breathing by a patient. In particular when delivering oxygen, or oxygen or air mixture, it has proven beneficial to humidify the gases first. In WO01/41854 of VapoTherm, Inc. a system is disclosed that allows the delivery of humidified oxygen through a nasal cannula. This system uses a narrow bore conduit and nasal cannula with a high resistance to gas flows, thereby requiring the oxygen be of a high

pressure. Air, as well as oxygen can also be passed down the conduit and nasal cannula and it too must be of a high pressure. This system allows the delivery of high flows of oxygen enriched air to the patient, but is limited in the flows achievable due to the narrow bore of the cannula resulting in high resistance gas flow and excessive velocity and noise upon exiting the cannula. Furthermore, the narrowness of the nasal cannula in this system allows easy expiration of gases between the prongs and nares and therefore does not create any positive airway pressure.

[0009] Innomed Technologies, Inc. manufactures a nasal cannula device called the NASALAIRE.TM.. In this device air or oxygen travels down a wide bore conduit to nasal cannula. The NASALAIRE.TM. creates a physical seal between the nares and itself, and relies on the absence of leaks around itself and the nares to deliver pressure supplied by a continuous positive airway pressure (CPAP) blower to the airway of the wearer.

SUMMARY

[0010] It is an object of the present invention to provide a breathing assistance apparatus which goes some way to overcoming the above mentioned disadvantages or which will at least provide the public a useful choice.

[0011] Accordingly in a first aspect the present invention consists in a breathing assistance apparatus comprising:

[0012] nasal cannula, shaped to fit within a user's nares, and adapted to deliver said humidified gases to said user,

[0013] a pressurised source of gases,

[0014] transportation means adapted to, in use, be in fluid communication with said source of gases and said nasal cannula and adapted to in use convey said gases to said user,

[0015] wherein said nasal cannula including at least one prong allowing high flow delivery of said humidified gases and creating a positive airway pressure in said patient's airway, said at least one prong having an angled end, such that in use, gases flowing through said prong are directed to said user's nasal passages.

[0016] In a second aspect the present invention consists in a breathing assistance apparatus comprising:

[0017] nasal cannula, shaped to fit within a user's nares,

[0018] a pressurised source of gases,

[0019] transportation means adapted to, in use, be in fluid communication with said source of gases and said nasal cannula and adapted to in use convey said gases to said user,

[0020] wherein said nasal cannula are adapted to deliver said humidified gases to said user, said nasal cannula including at least one prong allowing high flow delivery of said humidified gases and creating positive airway pressure in said patient's airway, said at least one prong having an end that is flared outwardly.

[0021] To those skilled in the art to which the invention relates, many changes in construction and widely differing embodiments and applications of the invention will suggest themselves without departing from the scope of the invention as defined in the appended claims. The disclosures and the descriptions herein are purely illustrative and are not intended to be in any sense limiting.

BRIEF DESCRIPTION OF THE DRAWINGS

[0022] Preferred forms of the present invention will now be described with reference to the accompanying drawings.

[0023] FIG. 1 is a block diagram of a system providing humidified continuous positive airway pressure to a user as might be used in conjunction with a nasal cannula of the present invention.

[0024] FIG. 2 is a perspective view of a first embodiment of the nasal cannula of the present invention.

[0025] FIG. 3 is a side view of the nasal cannula of FIG. 2.

[0026] FIG. 4 is a plan view of the nasal cannula of FIG. 2.

[0027] FIG. 5 is a prong end view of the nasal cannula of FIG. 2.

[0028] FIG. 6 is an exploded view of the nasal cannula of FIG. 2.

[0029] FIG. 7 is a side view of a second embodiment of a nasal cannula of the present invention.

[0030] FIG. 8 is a side view of a third embodiment of a nasal cannula of the present invention.

[0031] FIG. 9 is a perspective view of a fourth embodiment of a nasal cannula of the present invention.

[0032] FIG. 10 is a side view of the nasal cannula of FIG. 9.

[0033] FIG. 11 is an exploded perspective view of the nasal cannula of FIG. 9.

[0034] FIG. 12 is a front view of the prongs of the nasal cannula of FIG. 9.

[0035] FIG. 13 is an exploded side view of the nasal cannula of FIG. 9.

[0036] FIG. 14 is a side cross-sectional view of a fifth embodiment of the nasal cannula of the present invention where the connection between a body part and connector of the cannula includes a plurality of channels.

[0037] FIG. 15 is a cross-section through AA of the nasal cannula of FIG. 14.

[0038] FIG. 16 is a side cross-sectional view of a sixth embodiment of the nasal cannula of the present invention including a shield that protects an outlet vent from inlet gases.

[0039] FIG. 17 is a cross-section through BB of the nasal cannula of FIG. 16.

DETAILED DESCRIPTION

[0040] Whether used in a hospital environment or in a home environment, the nasal cannula of the present invention will generally have associated three main pieces of apparatus. Firstly, an active humidifier, which that controls the temperature of a heater plate heating a body of water to achieve a desired temperature and humidity of the gases being humidified. Secondly, a transport conduit from the humidifier to the patient is also required, which is preferably heated to reduce condensation, or "rain out". Thirdly, a cannula designed to fit into the nasal cavity and deliver humidified, pressurized gases. In particular, in one embodiment the nasal cannula of the present invention has two flared end prongs that seal within a patient's nares, although in some embodiments the cannula may have a single prong. The cannula prongs are shaped such that a step is created between them so that the prongs

abut the user's nasal septum in use. Furthermore, the gripping action of the sides of the prongs to the user's septum in use prevents the prongs from dislodging from the user's nares. In another embodiment the prongs of the nasal cannula are angled toward one another as well as having an angled profile at the outlet of gases, such that gases flow from the prongs flows back into the nasal passage and is not forced up into the rest of the nasal cavity.

[0041] With reference to FIG. 1 a humidified Continuous Positive Airway Pressure (CPAP) system is shown in which a patient 1 is receiving humidified and pressurised gases through the nasal cannula 2 of the present invention. The cannula 2 is connected to a humidified gases transportation pathway or inspiratory conduit 3. It should be understood that delivery systems could also be VPAP (Variable Positive Airway Pressure) and BiPAP (Bi-level Positive Airway Pressure) or numerous other forms of respiratory therapy. Inspiratory conduit 3 is connected to the outlet 4 of a humidification chamber 5 that contains a volume of water 6. The inspiratory conduit 3 may contain heating means or heater wires (not shown) which heat the walls of the conduit to reduce condensation of humidified gases within the conduit. The humidification chamber 6 is preferably formed from a plastics material and may have a highly heat conductive base (for example an aluminium base) which is in direct contact with a heater plate 7 of humidifier 8. The humidifier 8 is provided with control means or electronic controller 9 that may comprise a microprocessor based controller executing computer software commands stored in associated memory.

[0042] The controller 9 receives input from sources such as user input means or dial 10 through which a user of the device may, for example, set a predetermined required value (preset value) of humidity or temperature of the gases supplied to patient 1. The controller may also receive input from other sources; for example, temperature and/or flow velocity sensors 11 and 12 through connector 13 and heater plate temperature sensor 14. In response to the user set humidity or temperature value input via dial 10 and the other inputs, controller 9 determines when (or to what level) to energise heater plate 7 to heat the water 6 within humidification chamber 5. A flow of gases (for example air) is provided to the chamber through inlet 16 from a gases supply means or blower 15. As the volume of water 6 within humidification chamber 5 is heated, water vapour begins to fill the volume of the chamber above the water's surface and is passed out of the humidification chamber 5 through

outlet 4. Exhaled gases from the patient's mouth are passed directly to ambient surroundings in FIG. 1.

[0043] The blower 15 is provided with variable pressure regulating means or a variable speed fan 20 which draws air or other gases through the blower inlet 17. The speed of the variable speed fan 20 is controlled by the electronic controller 18 (or alternatively the function of the controller 18 could be carried out by the controller 9) in response to inputs from the controller 9 and a user set predetermined required value (preset value) of pressure or fan speed via the dial 19.

Flared Prong Nasal Cannula

[0044] A first embodiment of a nasal cannula of the present invention is shown in detail in FIGS. 2 to 6. Referring to FIGS. 2 and 6, the nasal cannula 2 comprises three main components; the prong part 21, body part 22 and ball connector 23.

[0045] The prong part 21 has two nasal prongs 24, 25, each of which are substantially shaped to follow the contours of the human nares and in use are placed inside a user's nares. The prongs 24, 25 extend out from a hollow tubular body 26 that in use fits to the body part 22. Each of the prongs 24, 25 are integrally moulded with the tubular body 26 in a flexible plastics material or rubber, such as silicone, other thermoset elastomers or thermoplastic elastomers such as Kraton.TM.. The prongs 24, 25 are substantially oval tubular members that allow for a passage of gases. In particular, as shown in FIG. 5, the prongs are oval in shape and angled in the same manner as a human's nares. The prongs 24, 25 are angled toward one another (or toward the vertical axis Y) at the top 27, 28 of the prongs and away from one another at the bottom 29, 30 of the prongs. Furthermore, the ends 31, 32 of the prongs flare outwardly and preferably are formed such that the ends of the prongs are thinner in cross-section than the rest of the prongs. The flared thinner section ends 31, 32 of the prongs assist with the sealing of the prongs 24, 25 in use within the user's nares. When in use and with gases flowing through the prongs the force of the gas pressure will force the prong ends 31,32 to flare outwardly and seal against the inside of the user's nares.

[0046] The prongs 24, 25 each include a step 33, 34 formed along their lengths. Each of the steps 33, 34 are formed on the prongs 24, 25 in an opposing manner such that in use, when the prongs are within a user's nares the steps 33, 34 abut the user's nasal septum

and form a ledge that prevents dislodgement of the prongs. The prongs 24, 25 also have protrusions 35, 36 formed on their outer edges that abut the sides of the user's nares (opposite to the nasal septum). The protrusions 35, 36 assist in preventing the dislodgement of the prongs, especially if the user moves his or her head. The protrusions 35, 36 also maintain the prongs within the user's nares in a correct orientation such that in use gases flow through the prongs and directly up the user's nasal passages.

[0047] The body part 22 is a tubular passageway in which the prong part 21 is connected at one end and a ball joint 37 at the other end. The ball joint 37 extends from the connector 23 and slots into a complementary shaped (partial sphere) socket end 39. The body part 22 also has a number of apertures 38 formed in it, which act as a bias flow outlet vent. Therefore, any gases exhaled by the user through their nose will exit through the apertures 38.

[0048] The connector 23 is preferably connected to the inspiratory conduit 3 (see FIG. 1) that supplies gases flow to the cannula 2. The inspiratory conduit 3 may be moulded directly to the connector 23 or other connection mechanisms may be used, such as a friction fit formed between the connector and conduit.

[0049] Although a ball and socket joint, as described above, between the body part 22 and connector 23 is preferred other connections may be utilised, such as a flexible piece of silicone, or other appropriate connection. The connection between the cannula body and connector must be able to be flexed or rotated to allow for the inspiratory conduit 3 to be moved without causing the dislodgement of the nasal cannula 2 from the user's nares.

[0050] In the preferred form of the nasal cannula 2 of the present invention the body part 22 and connector 23 are preferably made from a hard or rigid plastics material, such as polypropylene, polycarbonate or acetyl. In other forms the body part 22 and connector 23 may be of different plastics materials to allow for increased slidability between these parts.

[0051] The prong part 21 may be supplied in various different sizes such that different sized user's may remove an existing prong part and simply attach a different sized flexible plastics prong part over the body part 22.

[0052] To provide additional comfort for the user or ensure the nasal cannula of the present invention do not fall from a user's nares, the nasal cannula may be used in

combination with a headgear strap, which in one embodiment is a small flexible tube. For example, FIG. 1 shows a headgear strap 40 extending from the nasal cannula 2. The ends of the headgear strap that attach to the cannula may attach to extensions (or loops) 41 on the body part 22 of the cannula shown in FIG. 2, or may attach about other appropriate areas of the cannula, for example, about the connector 23.

[0053] The abovementioned embodiment of the nasal cannula 2 of the present invention is preferably a wide bore pronged cannula used for high flow conditions.

[0054] A second embodiment of the present invention is shown in FIG. 7. In this embodiment of the nasal cannula 42 the prongs 43, 44 are preferably small bore prongs for use with lower flow conditions. The prongs 43, 44 are similarly shaped to the prongs 24, 25 detailed above, but may not seal in the same manner as the abovementioned prongs due to the smaller size of the prongs. In fact these prongs may not seal at all in use within the user's nares.

[0055] Furthermore, in this second embodiment the nasal cannula 42 is smaller and weighs less as it is only comprised of a prong body 45 and prongs 43, 44, where the body 45 is connected to a small tube that is formed with corrugations or bellows 48 that connect to an inspiratory tube or conduit 47 (similar to the inspiratory conduit 3 described above) that receives a supply of gases.

[0056] The corrugations of bellows 48 will bend or move when a weight or force is placed on the cannula, thereby preventing dislodgement of the cannula 42 from a user's face in use. In particular, the corrugations or bellows 48 prevent transferral of the torque onto the cannula 42 when a user moves his or her head.

[0057] The body 45 of the cannula 42 is provided with a number of apertures 46 that allows for gases exhaled by the users to be expelled into the ambient air.

[0058] The prong body and prongs of this embodiment of the cannula of the present invention are preferably formed a flexible plastics material or rubber, such as silicone, other thermoset elastomers or thermoplastic elastomers such as Kraton.TM..

[0059] A third embodiment of the nasal cannula of the present invention is shown in FIG. 8 where the cannula may be provided with corrugated or baffled sections on the prongs. The nasal cannula 49 of this embodiment is similar to that of FIG. 2 but the prongs

50, 51 have a series of corrugations 52, 53 formed in them. The corrugations 52, 53 allow for movement of each of the prongs 50, 51 for a better user fit, and allow for movement of the cannula 49 without causing dislodgement of the prongs from the user's nares.

Angled Prong Nasal Cannula

[0060] A fourth embodiment of the nasal cannula of the present invention is shown in FIGS. 9 to 13. The nasal cannula 60 has a similar construction to the nasal cannula of FIG. 2 and comprises three main components; a prong part 61, body part 62 and ball jointed connector 63.

[0061] The prong part 61 preferably has two nasal prongs 64, 65, each of which are substantially shaped to follow the contours of the human nares and in use are placed inside a user's nares. In some forms a cannula with only one prong may be provided. The prongs 64, 65 extend out from a hollow tubular body 66 that in use fits to the body part 62, preferably about an extension 67 (as shown in the exploded view of the nasal cannula of FIG. 11). Each of the prongs 64, 65 are integrally moulded with the tubular body 66 in a flexible plastics material or rubber, such as silicone, other thermoset elastomers or thermoplastic elastomers, such as Kraton.TM.. The prongs 64, 65 are substantially oval tubular members that allow for a passage of gases.

[0062] In particular, as shown in FIG. 12, the prongs are oval in shape (to reflect the shape of human nares) and angled in the same manner as a human's nares. The prongs 64, 65 are angled toward one another (or toward the horizontal axis X) such that angles α are formed between the midlines m, n through each respective prong 64, 65. The angled profile of the prongs 64, 65 means that they are more ergonomically correct with a human's nares and may assist in directing the gases flow from the prongs to the user's nasal cavities. The prongs 64, 65 are constructed such that their cross-sectional width narrows closer to the tip of each prong.

[0063] In the preferred form the prongs 64, 65 have an angled and profiled end 76 (see FIG. 10). The angled ends 76 assist in directing gases flow to the user's nasal passages.

[0064] Each of the prongs 64, 65 has a flange 73, 74 disposed about its circumference. The flanges 73, 74 are at a position on the prongs 64, 65 such that the each of the flanges rests against the outside of each of the patient's nares. The flanges 73, 74 do not

extend inside the nares, but rest at the entranceway of the user's nares, and preferably seal the nares. In some users the flanges 73, 74 may extend within the user's nares and provide sealing of the nares. The flanges 73, 74 are preferably thin flexible extensions that extend substantially completely around the circumference of the prongs 64, 65. The flanges 73, 74 are preferably substantially elliptical in shape with one side (for example, side 89, which in use will abut the nasal septum of a user) of the flange extending out from each prong further than the other side of each prong. There is a recessed area 88 on each of the prongs between the flange and the shaped ends of the prongs in which preferably in use the ends of a user's nares rest.

[0065] The body part 62 is a tubular passageway in which the prong part 61 is connected at one end and a ball joint 69 at the other end. The ball joint 69 extends from the connector 63 and slots into a complementary shaped (partial sphere) socket end 70 on the body part 62. The body part 62 may also have a plurality of apertures 71 formed in it, which acts as a bias flow outlet vent. Therefore, any gases exhaled by the user through their nose will exit through the apertures 71.

[0066] A shield 75 (illustrated by the dashed line in FIG. 10) may extend over the bias vent 71 inside the body part 70 to prevent gases from the blower (gases supply 15) from interacting with the bias vent 71 and vent holes, causing noise in use.

[0067] In a sixth embodiment as shown in FIGS. 16 and 17 a nasal cannula without a prong part is shown, but that includes a shield similar to that described above. In this embodiment a body part 90 and a ball jointed connector 91 fit together as described above. The body part 90 includes an expiratory vent shield 92 that extends down from the top wall 94 of the body part 90 and shields the outlet vent 93.

[0068] Referring back to FIGS. 10 to 13, preferably the ball joint connector 63 is angled and extends into a swivelable connector 68. The swivel connector 68 is capable in use of being connected to the inspiratory conduit 3 (see FIG. 1) that supplies gases flow to the cannula 60. The inspiratory conduit 3 may be moulded directly to the connector 68 or other connection mechanisms may be used, such as a friction fit formed between the connector 68 and the conduit 3.

[0069] In other forms of the present invention the ball joint connector 63 or the ball joint 69 may have formed in it a plurality of channels. One example of this is the embodiment of FIGS. 14 and 15. Such channels allow there to be a leak when gases flow through the connector to the cannula and prongs. The channels are therefore capable of acting as a bias flow and a separate bias flow out outlet (such as that outlet 71 described above) may not be required.

[0070] In FIGS. 14 and 15 only a body part 82 and ball jointed connector 83 are shown. The body part 82 and ball jointed connector 83 join in a manner as described above, where the substantially half sphere shaped end 84 of the body part 82 receives the substantially half sphere shaped end 85 of the connector 83. The ends 84, 85 enable a rotation between the body part 82 and connector 83. In this embodiment two channels 86, 87 are formed in the connector end 85. Two channels are shown in this embodiment but there may be only one or any number of channels. Similarly, channels may be formed in the body part end 84.

[0071] It is preferred that there is a ball and socket joint, as described above, between the body part 62 and connector 63, although other connections may be utilised, such as a flexible piece of silicone, or other appropriate connection. The connection between the cannula body and connector must be able to be flexed or rotated to allow for the inspiratory conduit 3 to be moved without causing the dislodgement of the nasal cannula 60 from the user's nares.

[0072] In the preferred form of the nasal cannula 60 of the present invention the body part 62, connector 63, ball joint 69 and swivel connector 68 are preferably made from a hard or rigid plastics material, such as polypropylene, polycarbonate or acetyl. In other forms these may be of different plastics materials to allow for increased slidability between these parts.

[0073] The prong part 61 may be supplied in various different sizes such that different sized user's may remove an existing prong part and simply attach a different sized flexible plastics prong part over the body part 62.

[0074] To provide additional comfort for the user or ensure the nasal cannula of the present invention does not fall from a user's nares, the nasal cannula 60 is preferably used

in combination with a headgear strap. The strap may be similar to that shown in FIG. 1 with relation to the first form of the nasal cannula 2. In this fourth form of the nasal cannula 60 the body part 62 has headgear extensions 72, 73 that extend out from the body part 70. The extensions 72, 73 each have a channel 77, 78 formed in them that is capable of receiving an end 80, 81 of the headgear strap 79. The strap ends 80, 81 in use are threaded through apertures (preferably two) and extend into and are held in the channels 77, 78. In this form the headgear strap 79 is made from a small diameter silicon, rubber or similar type material. Therefore, when the strap ends 80, 81 are threaded through the apertures friction is created that maintains the straps within the apertures and prevents the straps from slipping from the cannula.

[0075] In other forms the ends of the headgear strap that attach to the cannula may attach to extensions (or loops) 41 on the body part 22 of the cannula shown in FIG. 6, or may attach about other appropriate areas of the cannula, for example, about the connector 23.

WHAT IS CLAIMED IS:

1. A mask assembly including a nasal cannula prong part and a nasal cannula body part for delivering positive airway pressure to a user in use, the mask comprising:

the nasal cannula prong part comprising a hollow body, an inlet opening of the hollow body, and first and second nasal prongs extending from the hollow body, the first and second nasal prongs formed as a flexible single piece, a horizontal direction of the nasal cannula prong part extending from the inlet opening toward the first and second nasal prongs, a vertical direction extending perpendicular to the horizontal direction;

the nasal cannula body part comprising a central portion with at least one bias flow vent, an inlet, an outlet, and an outer surface having at least a left side curved portion and a right side curved portion, the left side curved side portion comprising a left side apex and the right side curved portion comprising a right side apex, the outer surface having a first height along the vertical direction;

a first headgear extension having a first end, the first end of the headgear extension attached to the left side apex, the first end of the first headgear extension having a second height along the vertical direction at the connection between the first end and the left side apex;

a second headgear extension having a first end attached to the right side apex, the first end of the second headgear extension having a third height along the vertical direction at the connection between the first end of the second headgear extension and the right side apex, wherein the second and third heights are smaller than the first height;

a headgear strap configured to maintain the prong part in a position with the first and second prongs against a user's nares in use, the headgear strap having first and second ends, the first end connected to the first headgear extension and second end connected to the second headgear extension; and

an inspiratory conduit connected to the inlet of the nasal cannula body part and configured to deliver pressurized gases into the nasal cannula body part and the prong part for inhalation by a user in use.

2. The mask assembly of Claim 1, wherein the first and second head gear extensions extend from the left and right apexes, respectively, along a direction laterally outwardly away from the left and right apexes, then along a second direction, oblique relative to the first direction, more toward a user's face in use.

3. The mask assembly of Claim 1, wherein the nasal cannula body part comprises an extension extending proximally from the outlet of the nasal cannula body part to a position more proximal relative to the first end of the first headgear extension.

4. The mask assembly of Claim 3, wherein the extension extends circumferentially along the outlet of the nasal cannula body part, adjacent to the first ends of both the first and second headgear extensions.

5. The mask assembly of Claim 3, wherein the inlet of the nasal cannula prong part fits about the extension.

6. The mask assembly according to Claim 1, wherein vertically lower portions of the nasal cannula body part and the nasal cannula prong part, extending transverse to the horizontal direction, are concave with respect to an enclosed space between the nasal cannula body part and the nasal cannula prong part, when assembled.

7. The mask assembly of Claim 1, wherein the first bias flow vent comprises a flow vent outer surface, the flow vent outer surface being recessed inwardly from the outer surface of the rigid mask body.

8. A mask assembly for delivering positive airway pressure to a user, the mask comprising:

a nasal cannula body part comprising a circular inlet, a central portion and an outlet with first and second curved lateral sides, the outlet of the nasal cannula body part comprising an oblong shape having a major direction with a first end at the first curved lateral side and a second end at the second curved lateral side, the outlet having a minor direction extending transverse to the major direction, the outlet having a first height along the minor direction;

a prong part comprising a hollow body, an inlet, and first and second nasal prongs extending from the hollow body, the inlet of the prong part removably connected to the outlet of the nasal cannula body part;

a first headgear extension having a distal end and a proximal end, the distal end of the first headgear extension connected to the nasal cannula body at the first end of the major direction, the distal end of the first headgear extension having a second height smaller than the first height;

a second headgear extension having a distal end and a proximal end, the distal end of the second headgear extension connected to the nasal cannula body at the second end of the major direction, the distal end of the second headgear extension having a third height smaller than the first height;

a headgear strap connected to the first headgear extension and the second headgear extension.

9. The mask assembly of Claim 8, wherein the first and second head gear extensions extend from the left and right curved lateral sides, respectively, along a direction laterally outwardly away from the left and right curved lateral sides, then along a second direction, oblique relative to the first direction, and more toward a user's face in use.

10. The mask assembly of Claim 8, wherein the nasal cannula body part comprises an extension extending proximally from the outlet of the nasal cannula body part to a position proximal relative to the distal end of the first headgear extension.

11. The mask assembly of Claim 10, wherein the extension extends circumferentially along the outlet of the nasal cannula body part, adjacent to the distal ends of both the first and second headgear extensions.

12. The mask assembly of Claim 10, wherein the inlet of the nasal cannula prong part fits about the extension.

13. The mask assembly of Claim 8, wherein the headgear strap comprises a flexible tube.

14. The mask assembly of Claim 8, wherein the nasal cannula body part comprises an outer surface, the outer surface comprising a curved recessed portion, recessed inwardly relative to a surrounding portion of the outer surface, the recessed curved portion comprising a plurality of apertures defining a bias flow outlet vent.

15. The mask assembly of Claim 14, wherein a lower major surface of the nasal cannula body part, extending between the first and second curved lateral sides, is concave

with respect to an enclosed space between the nasal cannula body part and the nasal cannula prong part.

16. A mask assembly for delivering positive airway pressure to a user, the mask comprising:

a nasal cannula body part comprising a circular inlet, and an outlet comprising an oblong shape and first and second curved lateral sides, the oblong outlet having a first height at a location between the first and second curved lateral sides;

a prong part comprising a hollow body, an inlet, and first and second nasal prongs extending from the hollow body, the inlet of the hollow body removably connected to the outlet of the nasal cannula body part;

a first headgear extension having a distal end, the distal end of the first headgear extension connected to the nasal cannula body at the first curved lateral side, the distal end of the first headgear extension having a second height smaller than the first height;

a second headgear extension having a distal end, the distal end of the second headgear extension connected to the second curved lateral side, the distal end of the second headgear extension having a third height smaller than the first height;

a headgear strap connected to the first and second headgear extensions and configured to support the mask assembly against a user's face in use.

17. The mask assembly of Claim 16, wherein the first and second headgear extensions extend from the left and right curved lateral surfaces, respectively, along a direction laterally outwardly away from the left and right curved lateral surfaces, then along a second direction, oblique relative to the first direction, and more toward a user's face in use.

18. The mask assembly of Claim 16, wherein the nasal cannula body part comprises an extension extending proximally from the outlet of the nasal cannula body part to a position proximal relative to the first end of the first headgear extension.

19. The mask assembly of Claim 18, wherein the extension extends circumferentially along the outlet of the nasal cannula body part, adjacent to the distal ends of both the first and second headgear extensions.

20. The mask assembly of Claim 19, wherein the inlet of the nasal cannula prong part fits about the extension.

BREATHING ASSISTANCE APPARATUS

ABSTRACT OF THE DISCLOSURE

In one embodiment, a nasal cannula is shaped to fit within a user's nares, where the nasal cannula includes at least one prong allowing high flow delivery of humidified gases and creates positive airway pressure in the patient's airway. The prongs have angled ends such that, in use, gases flowing through the prongs are directed to the user's nasal passages. The nasal cannula body is partially swivelling and preferably has a ball joint connector. In another embodiment the nasal cannula may have at least one flared end prong that preferably seals within a patient's nare.

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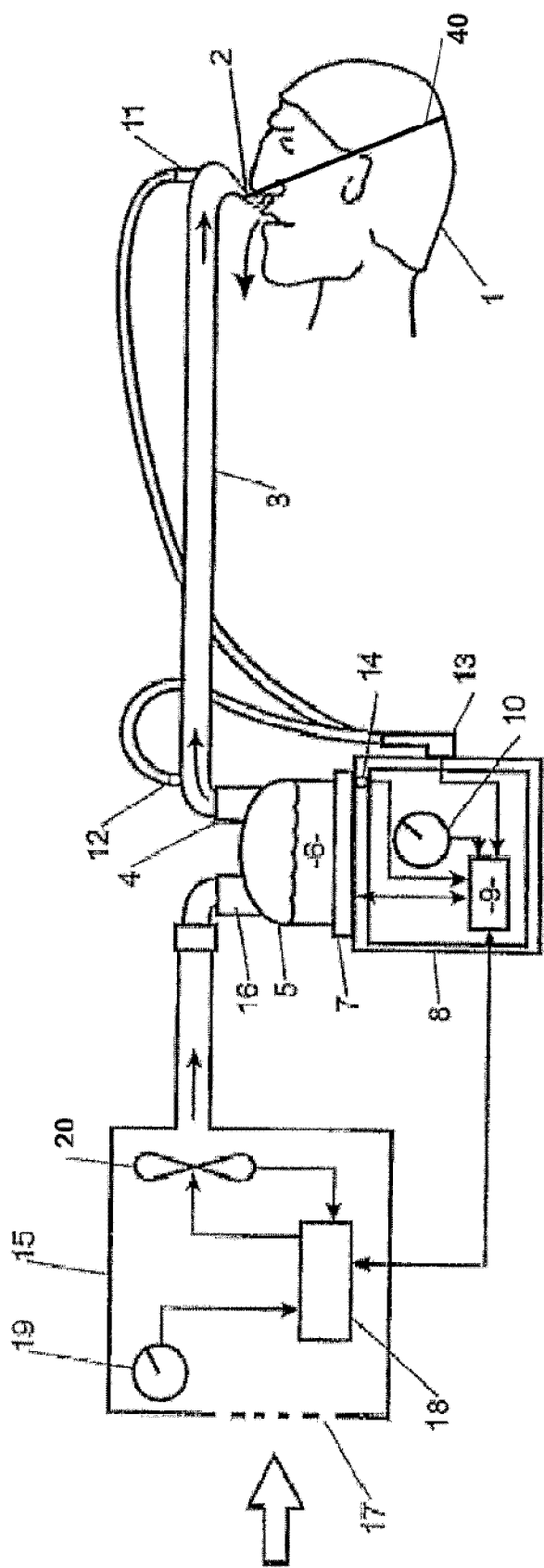


Figure 1

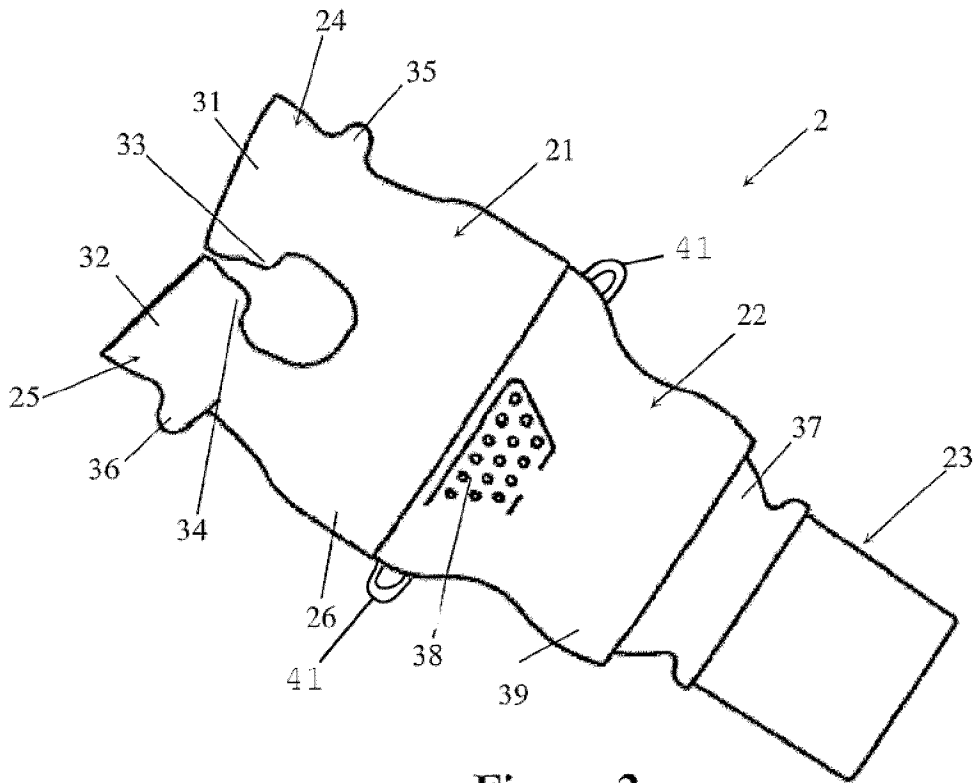


Figure 2

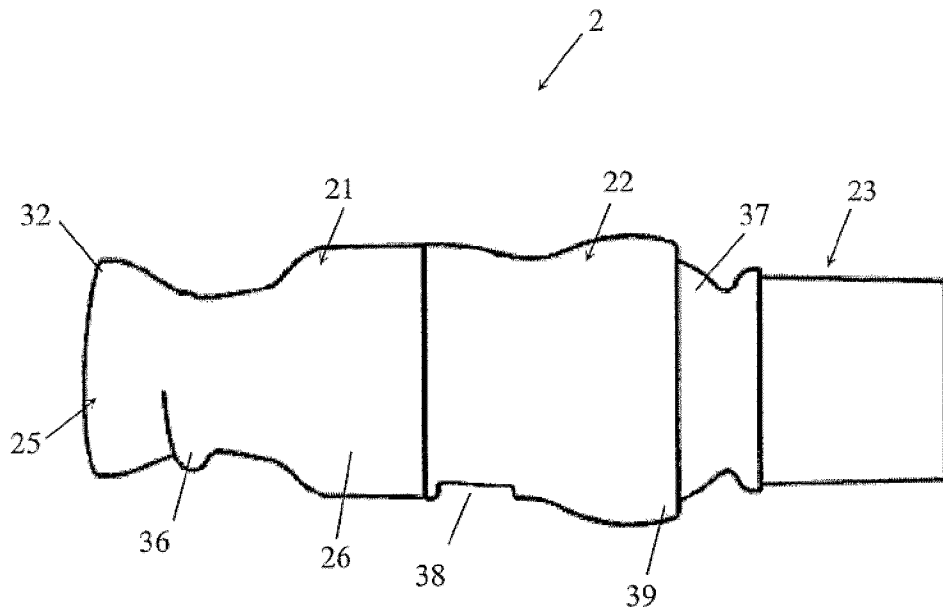


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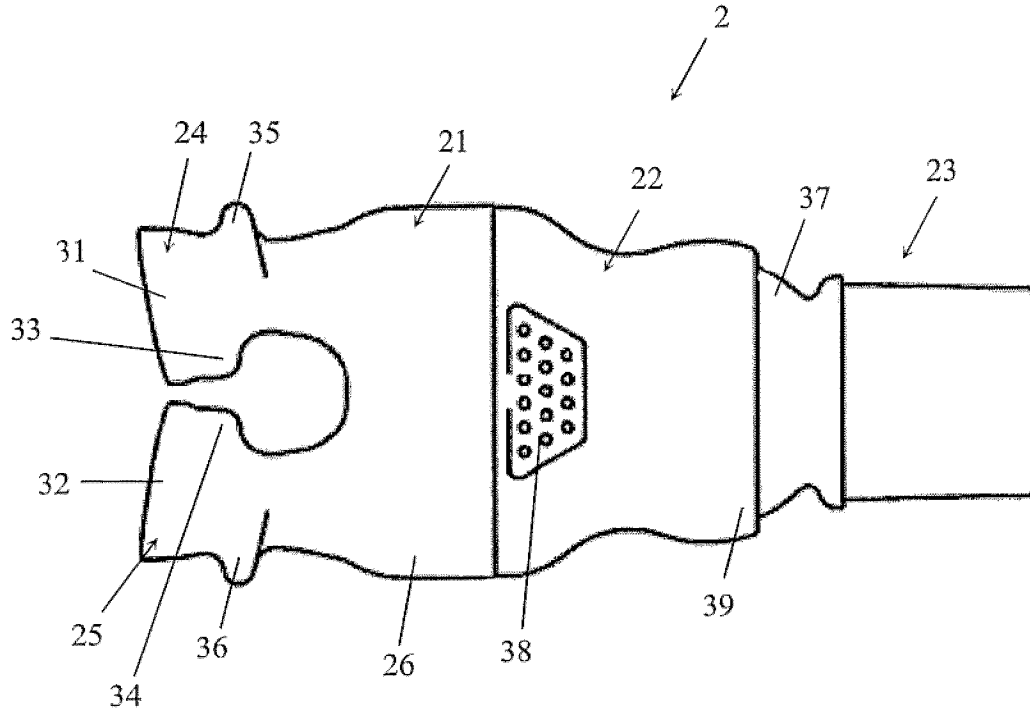


Figure 4

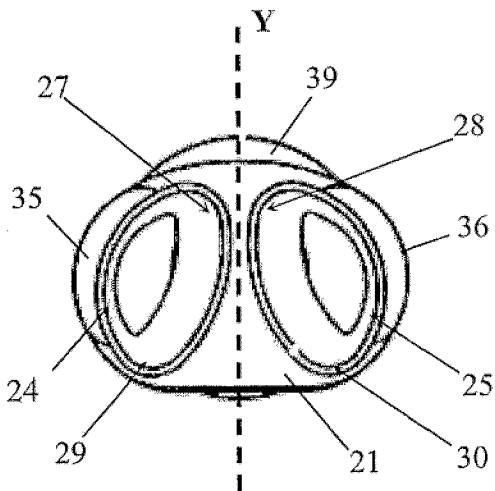


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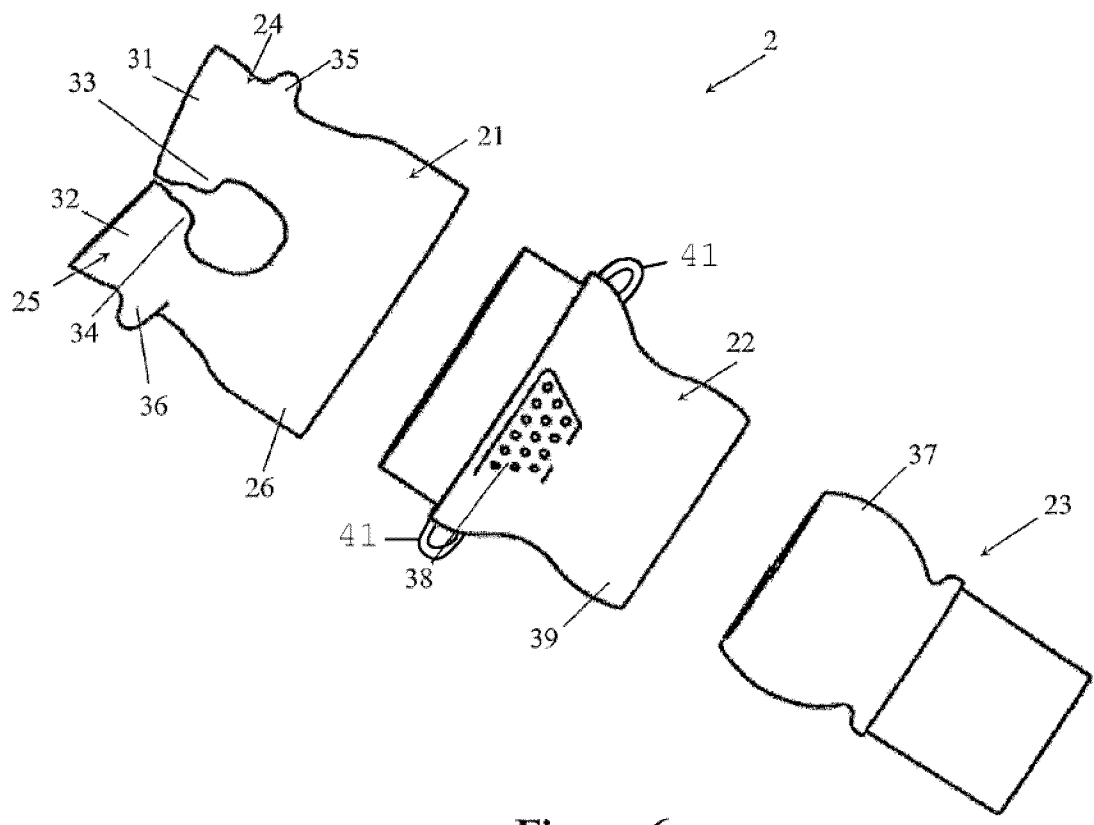


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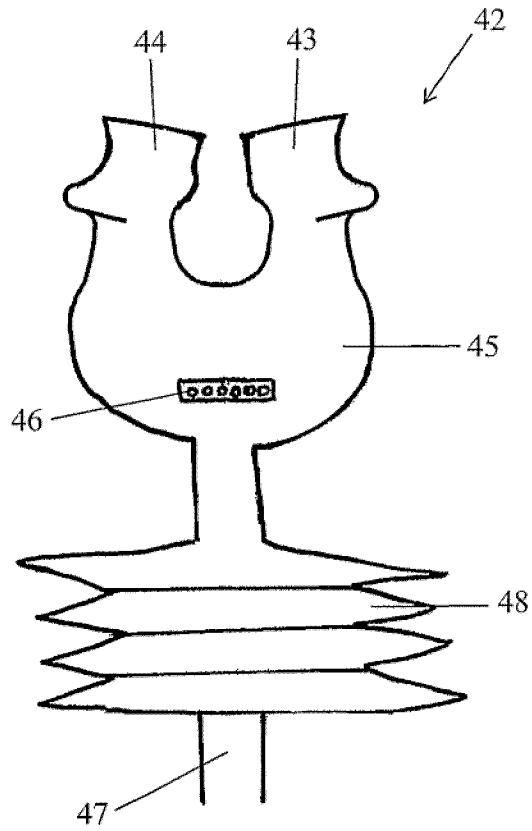


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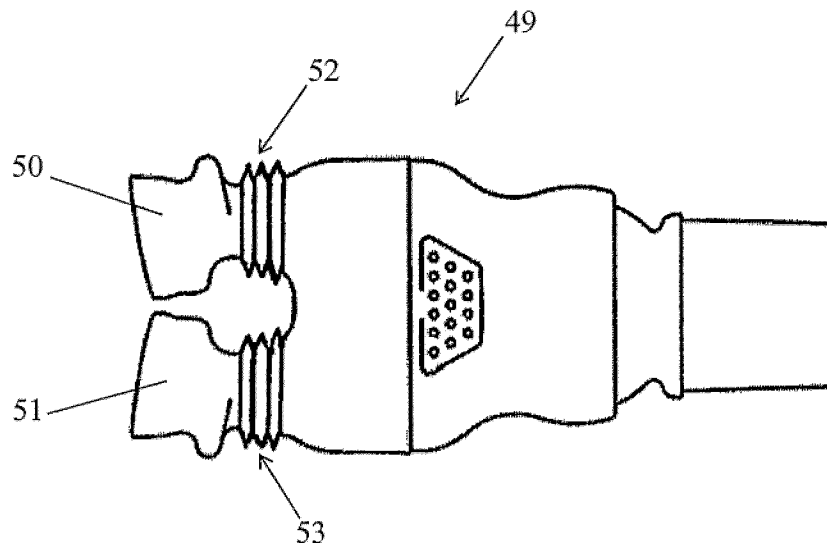


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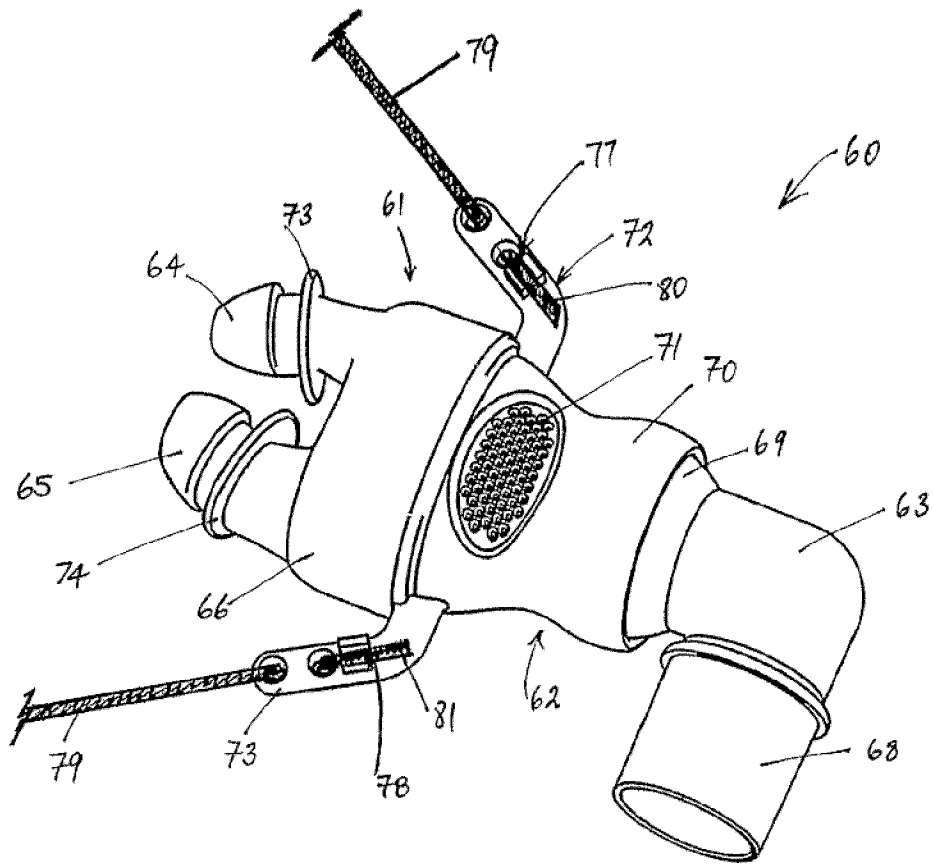


Figure 9

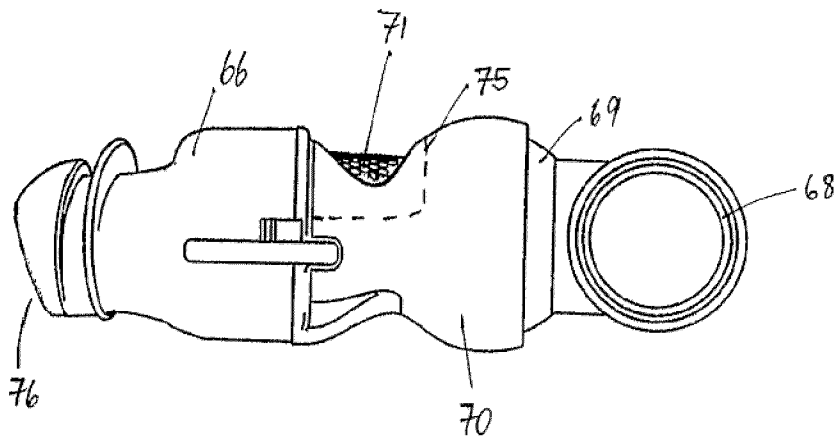


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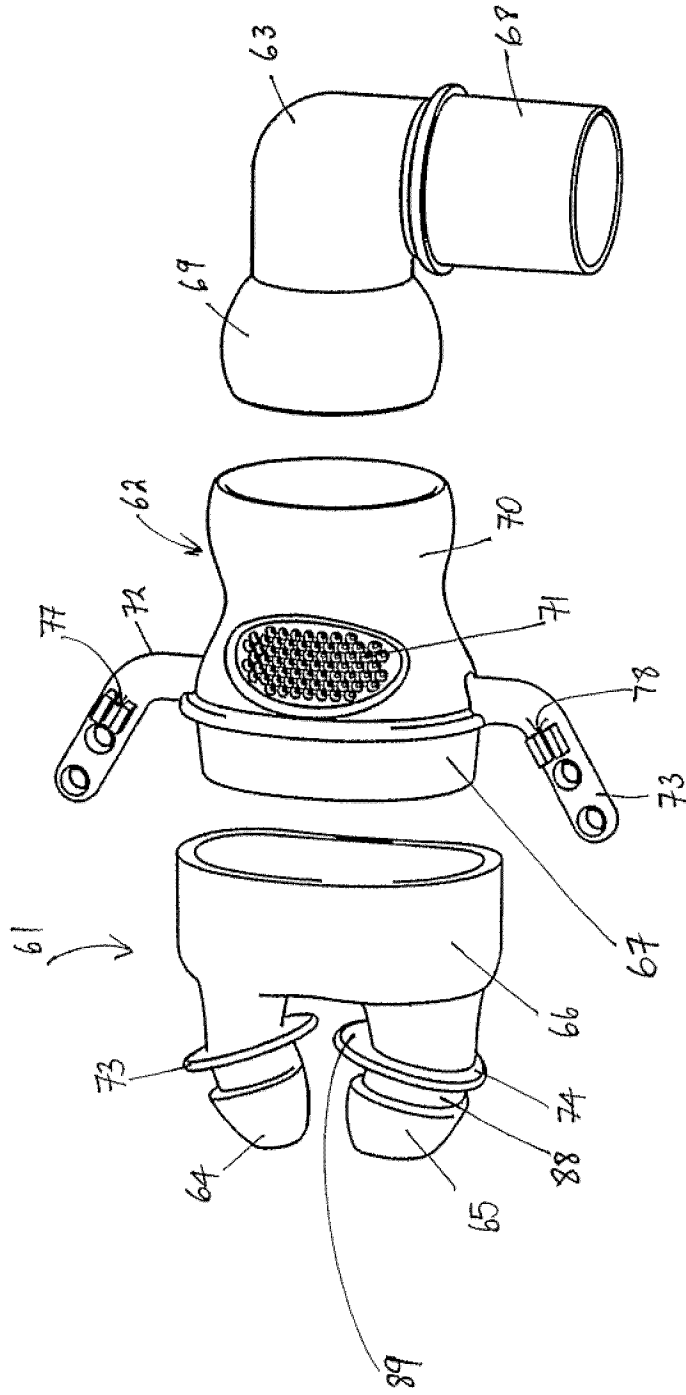


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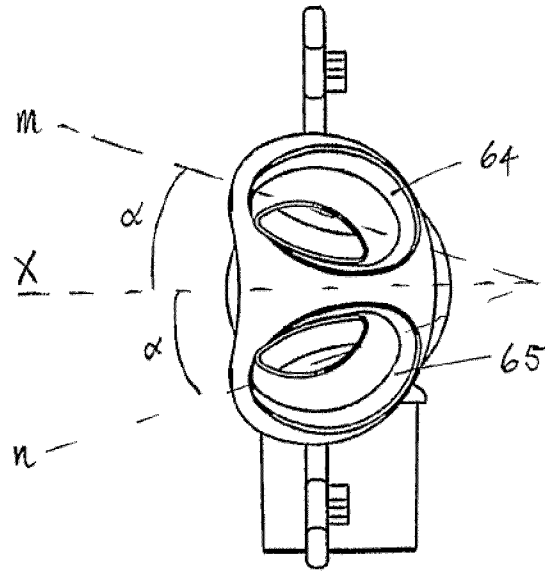


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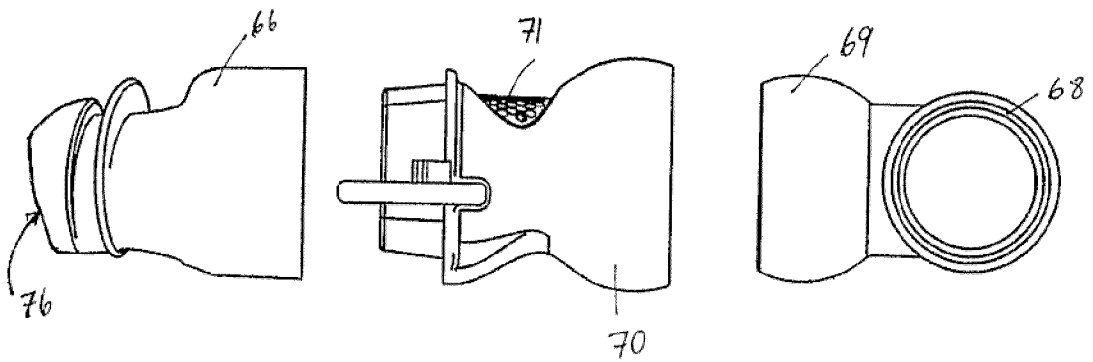


Figure 13

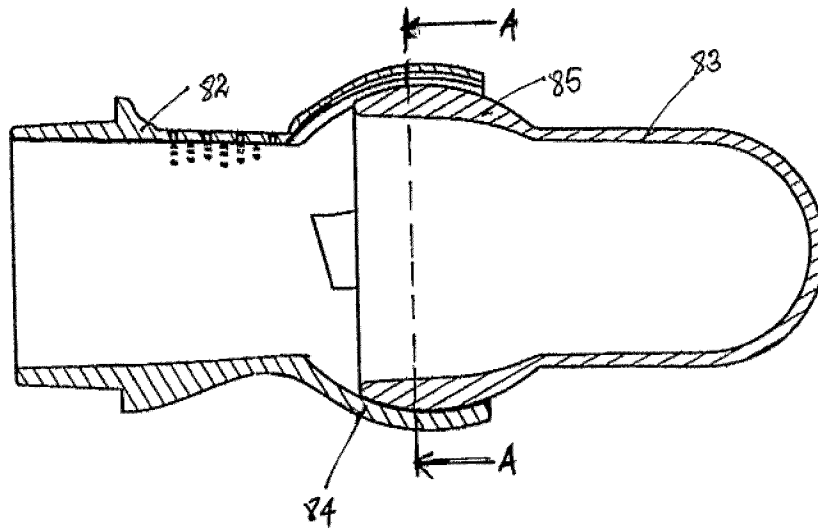


Figure 14

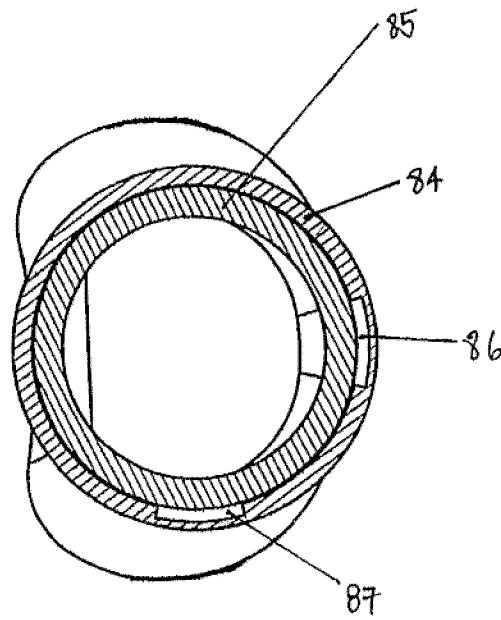


Figure 15

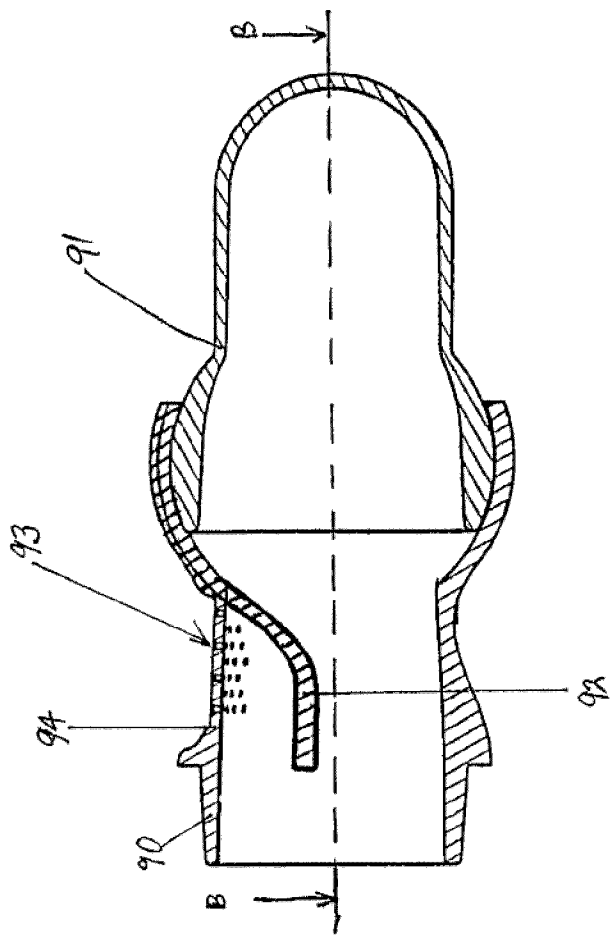


Figure 16

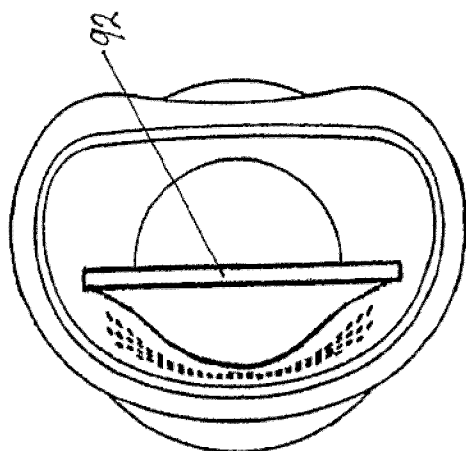


Figure 17

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DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN APPLICATION DATA SHEET (37 CFR 1.76)

Title of Invention	BREATHING ASSISTANCE APPARATUS
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As the below named inventor, I hereby declare that:

This declaration is directed to: The attached application, or
 United States application or PCT international application number 14/887200
filed on October 19, 2015.

The above-identified application was made or authorized to be made by me.

I believe that I am the original inventor or an original joint inventor of a claimed invention in the application.

I hereby acknowledge that any willful false statement made in this declaration is punishable under 18 U.S.C. 1001 by fine or imprisonment of not more than five (5) years, or both.

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

LEGAL NAME OF INVENTOR

Inventor: Alastair Edwin McAuley Date (Optional): 15/3/2016

Signature: 

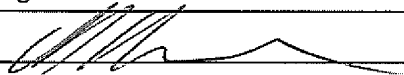
Note: An application data sheet (PTO/SB/14 or equivalent), including naming the entire inventive entity, must accompany this form or must have been previously filed. Use an additional PTO/AIA/01 form for each additional inventor.

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. 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 1.11 and 1.14. This collection is estimated to take 1 minute 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, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN APPLICATION DATA SHEET (37 CFR 1.76)

Title of Invention	BREATHING ASSISTANCE APPARATUS
<p>As the below named inventor, I hereby declare that:</p> <p>This declaration is directed to: <input type="checkbox"/> The attached application, or <input checked="" type="checkbox"/> United States application or PCT international application number <u>14/887200</u> filed on <u>October 19, 2015</u>.</p> <p>The above-identified application was made or authorized to be made by me.</p> <p>I believe that I am the original inventor or an original joint inventor of a claimed invention in the application.</p> <p>I hereby acknowledge that any willful false statement made in this declaration is punishable under 18 U.S.C. 1001 by fine or imprisonment of not more than five (5) years, or both.</p> <p style="text-align: center;">WARNING:</p> <p>Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.</p>	
<p>LEGAL NAME OF INVENTOR</p> <p>Inventor: <u>Craig Robert Prentice</u> Date (Optional): <u>4 FEB 16</u></p> <p>Signature: </p>	
<p>Note: An application data sheet (PTO/SB/14 or equivalent), including naming the entire inventive entity, must accompany this form or must have been previously filed. Use an additional PTO/AIA/01 form for each additional inventor.</p>	

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. 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 1.11 and 1.14. This collection is estimated to take 1 minute 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, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN
APPLICATION DATA SHEET (37 CFR 1.76)**

Title of Invention	BREATHING ASSISTANCE APPARATUS
As the below named inventor, I hereby declare that:	
This declaration is directed to: <input type="checkbox"/> The attached application, or	
<input checked="" type="checkbox"/> United States application or PCT international application number <u>14/887200</u>	
filed on <u>October 19, 2015</u>	
The above-identified application was made or authorized to be made by me.	
I believe that I am the original inventor or an original joint inventor of a claimed invention in the application.	
I hereby acknowledge that any willful false statement made in this declaration is punishable under 18 U.S.C. 1001 by fine or imprisonment of not more than five (5) years, or both.	
WARNING:	
Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.	
LEGAL NAME OF INVENTOR	
Inventor: <u>Oliver Gleeson</u>	Date (Optional) : _____
Signature: 	
Note: An application data sheet (PTO/SB/14 or equivalent), including naming the entire inventive entity, must accompany this form or must have been previously filed. Use an additional PTO/AIA/01 form for each additional inventor.	

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If you need assistance in completing the form, call 1-800-PTO-9199 and select option 3.

REQUEST FOR FIRST ACTION INTERVIEW (FULL PILOT PROGRAM)

Attorney Docket Number: FPHCR.112C5	Application Number (if known):	Filing date: Herewith
First Named Inventor: Alastair Edwin McAuley	Title: BREATHING ASSISTANCE APPARATUS	

APPLICANT HEREBY REQUESTS A FIRST ACTION INTERVIEW IN THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.

1. The application must contain three (3) or fewer independent claims and twenty (20) or fewer total claims.
2. The application must not contain any multiple dependent claims.
3. By filing this request:

Applicant is agreeing to make an election without traverse if the Office determines that the claims are not obviously directed to a single invention; and

Applicant is agreeing not to request for a refund of the search fee and any excess claims fee paid in the application after the mailing or notification of the pre-interview communication prepared by the examiner.

4. Other attachments: _____

Signature /Michael Guiliana/	Date 2016-03-31
Name (Print/Typed) Michael A. Guiliana	Registration Number 42611

Note: This form must be signed in accordance with 37 CFR 1.33. See 37 CFR 1.4(d) for signature requirements and certifications. Submit multiple forms if more than one signature is required, see below*.

*Total of _____ forms are submitted.

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 1.11 and 1.14. This collection is estimated to take 12 hours 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, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

REQUEST FOR FIRST ACTION INTERVIEW (FULL PILOT PROGRAM)

Attorney Docket Number: **FPHCR.112C5**

Application Number (if known):

Filing date: **Herewith**

First Named Inventor: **Alastair Edwin McAuley**

Title: **BREATHING ASSISTANCE APPARATUS**

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4. Other attachments: _____

Signature **/Michael Guiliana/**

Date **2016-03-31**

Name (Print/Typed) **Michael A. Guiliana**

Registration Number **42611**

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*Total of _____ forms are submitted.

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