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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
14/764,601	07/30/2015	ANJA VAN DE STOLPE	2012P01650WOUS	7225
24737 7590 11/09/2018 PHILIPS INTELLECTUAL PROPERTY & STANDARDS 465 Columbus Avenue Suite 340 Valhalla, NY 10595			EXAMINER	
			CROW, ROBERT THOMAS	
			ART UNIT	PAPER NUMBER
variatia, i v i	00)0		1634	
			NOTIFICATION DATE	DELIVERY MODE

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):

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	Application No. 14/764,601		Applicant(s) VAN DE STOLPE et al.			
Office Action Summary	Examiner	Art Unit	AIA Status			
•	Robert T Crow	1634	No No			
The MAILING DATE of this communication appears on the cover sheet with the correspondence address						
Period for Reply		-,- 3.1.2.01				
A SHORTENED STATUTORY PERIOD FOR REPLY DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period v - Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	Ga(a). In no event, however, may a reply be t will apply and will expire SIX (6) MONTHS fro cause the application to become ABANDON	imely filed m the mailing date IED (35 U.S.C. § 1	of this communication. 33).			
Status						
1) Responsive to communication(s) filed on 6 Aug	just 2018.					
☐ A declaration(s)/affidavit(s) under 37 CFR 1.130(b) was/were filed on						
, —	This action is non-final.					
3) 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.						
4) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.						
Disposition of Claims*						
5) 🗹 Claim(s) 1-5,8-9 and 11-17 is/are pending	g in the application.					
5a) Of the above claim(s) <u>2 and 15</u> is/are withdrawn from consideration.						
6) Claim(s) is/are allowed.						
7) ② Claim(s) 1,3-5,8-9,11-14 and 16-17 is/are rejected.						
8) W Claim(s) 5 is/are objected to.						
9) Claim(s) 5 is/are objected to. 9) Claim(s) are subject to restriction and/or election requirement						
If any claims have been determined <u>allowable</u> , 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						
Application Papers						
application Papers 10) ☐ The specification is objected to by the Examiner.						
11) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.						
Applicant may not request that any objection to the dr						
Replacement drawing sheet(s) including the correction	- · · ·	•	•			
Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). Certified copies:						
a) ☐ All b) ☐ Some** c) ☐ None of the						
1. Certified copies of the priority docume						
2. Certified copies of the priority documents have been received in Application No						
	3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).					
** See the attached detailed Office action for a list of the certified copies not received.						
Attachment(s)						
1) Notice of References Cited (PTO-892)	3) Interview Summa	ry (PTO-413)				
2) Information Disclosure Statement(s) (PTO/SB/08a and/or PTO/S Paper No(s)/Mail Date	B/08b) Paper No(s)/Mail 4) Other:	Date				



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FINAL ACTION

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Notice of Pre-AIA or AIA Status

1. The present application is being examined under the pre-AIA first to invent provisions.

Status of the Claims

2. This action is in response to papers filed 6 August 2018 in which claim 5 was amended, no claims were canceled, and new claims 16-17 were added. All of the amendments have been thoroughly reviewed and entered.

The previous objections to the claims not reiterated below are withdrawn in view of the amendments.

The previous rejections under 35 U.S.C. 112, (a)/pre-AIA first paragraph, and 35 U.S.C. 103(a) are maintained and are reiterated below.

Applicant's arguments have been thoroughly reviewed and are addressed following the rejections necessitated by the amendments.

Claims 1, 3-5, 8-9, 11-14, and 16-17 are under prosecution.

3. This Office Action includes new objections and rejections necessitated by the amendments.

Claim Objections

4. Claim 5 is objected to because of the following informalities: claim 5 contains the recitation "oligonucleotides solution," which appears to be a typographical error.

Appropriate correction is required.



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Claim Rejections - 35 USC § 112

5. The following is a quotation of the first paragraph of 35 U.S.C. 112(a):

(a) IN GENERAL.—The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same, and shall set forth the best mode contemplated by the inventor or joint inventor of carrying out the invention.

The following is a quotation of the first paragraph of pre-AIA 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same, and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 1, 3-5, 8-9, 11-14, and 16-17 are rejected under 35 U.S.C. 112(a) or 35 U.S.C. 112 (pre-AIA), first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor or a joint inventor, or for pre-AIA the inventor(s), at the time the application was filed, had possession of the claimed invention.

This is a written description rejection maintained from the previous Office Action and applied to new claims 16-17.

Claim 1 (upon which claims 3-5, 8-9, 11-14, and 16-17 depend) requires a processing circuit that is "configured and arranged for selective application..., and selectively increasing attractive electric potential... to further bind and flatted the attached nanoball...."

Claim 8 requires the processing circuit to be "configured to address electrodes...to specifically attract a plurality of nanoballs...."



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Claim 11 requires the circuit to be "configured for measuring the capacitance of each electrode."

The methodology for determining adequacy of Written Description to convey that applicant was in possession of the claimed invention includes determining whether the application describes an actual reduction to practice, determining whether the invention is complete as evidenced by drawings or determining whether the invention has been set forth in terms of distinguishing identifying characteristics as evidenced by other descriptions of the invention that are sufficiently detailed to show that applicant was in possession of the claimed invention (*Guidelines for Examination of Patent Applications under 35 U.S.C. § 112, p 1 "Written Description" Requirement;* Federal Register/ Vol 66. No. 4, Friday, January 5, 2001; II Methodology for Determining Adequacy of Written Description (3.)). The factors to be considered include disclosure of complete or partial structure, physical and/or chemical properties, functional characteristics, structure/function correlation, methods of making the claimed product, or any combination thereof.

Limitations Present In the Claim

In the instant case, the only factor present in the claim is a recitation of function; there is no identification of any structure, let alone any particular portion of the structure, that must be conserved or required to result in the claimed configurations. Accordingly, in the absence of sufficient recitation of the distinguishing identifying characteristics, the specification does not provide adequate written description of the claimed genus.



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