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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
17/281,668	03/31/2021	Christopher Brian LOCKE	P001658US02PCT	1000
60402	7590	03/02/2023	EXAMINER	
KINETIC CONCEPTS, INC. c/o Harness Dickey & Pierce 5445 Corporate Drive Suite 200 Troy, MI 48098			FLYNN, TIMOTHY LEE	
			ART UNIT	PAPER NUMBER
			3781	
			NOTIFICATION DATE	DELIVERY MODE
			03/02/2023	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):

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Office Action Summary	Application No. 17/281,668	Applicant(s) LOCKE et al.	
	Examiner TIMOTHY L FLYNN	Art Unit 3781	AIA (FITF) Status Yes

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

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTHS FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 February 2023.
☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ 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 *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims*

- 5) ☒ Claim(s) 1-5,7-8,10-12,14-20,23-24 and 26 is/are pending in the application.
5a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 6) ☐ Claim(s) ____ is/are allowed.
- 7) ☒ Claim(s) 1-5,7-8,10-12,14-20,23-24 and 26 is/are rejected.
- 8) ☐ Claim(s) ____ is/are objected to.
- 9) ☐ Claim(s) ____ are subject to restriction and/or election requirement

* If any claims have been determined allowable, 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.

Application Papers

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☒ The drawing(s) filed on 31 March 2021 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

- 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 documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

** See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Information Disclosure Statement(s) (PTO/SB/08a and/or PTO/SB/08b)
Paper No(s)/Mail Date _____
- 3) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 4) ☐ Other: _____

DETAILED ACTION

Notice of Pre-AIA or AIA Status

The present application, filed on or after March 16, 2013, is being examined under the first inventor to file provisions of the AIA.

Claim Rejections - 35 USC § 102

In the event the determination of the status of the application as subject to AIA 35 U.S.C. 102 and 103 (or as subject to pre-AIA 35 U.S.C. 102 and 103) is incorrect, any correction of the statutory basis for the rejection will not be considered a new ground of rejection if the prior art relied upon, and the rationale supporting the rejection, would be the same under either status.

a. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a)(1) the claimed invention was patented, described in a printed publication, or in public use, on sale, or otherwise available to the public before the effective filing date of the claimed invention.

(a)(2) the claimed invention was described in a patent issued under section 151, or in an application for patent published or deemed published under section 122(b), in which the patent or application, as the case may be, names another inventor and was effectively filed before the effective filing date of the claimed invention.

Claims 23-24 are rejected under 35 U.S.C. 102(a)(1) as being anticipated by Wu (US 20130144230 A1).

Regarding **Claim 23**, Wu discloses A fluid conductor (conduit body 105, Fig 5) for use treating a tissue site with negative pressure ([abstract]), the fluid conductor (105, Fig 5) comprising: a fluid path (channel 200, Figs 4, 7A ¶[0044] device 100 may be configured to create and maintain a fluidic pathway ¶[0041]) between a first end (distal port 115, Fig 1. Figs 1 and 5 show the same device, with Fig 5 illustrating the different layers that make up conduit body 105. Distal port 115, proximal port 125, and device 100, are present in both figures, but they are unlabeled in Fig 5) and a second end (proximal port

Art Unit: 3781

125, Fig 1); and a plurality of pressure indicators (pressure indicator 230, Fig 5. The indicator 230 can be positioned in one or more locations along the device 100 such as within the tubing 130, on a region of the conduit body 105, near the distal port 115 or proximal port 125 ¶[0057]) configured to indicate a pressure state (Deformation of the exterior wall of the indicator 230 can result in a change from a first profile to a second profile. The relative position of the exterior wall between the first profile and the second profile can be indicative of an amount of pressure delivered to the wound site. ¶[0058]) between the first end (115, Fig 1) and the second end (125, Fig 1).

Regarding **Claim 24**, Wu discloses that the fluid path (channel 200, Figs 4, 7A ¶[0044]) has a height and a width that is substantially greater than the height (Figs 4 and 7A show cross sections of conduit 105, wherein the width of the channel 200 is substantially greater than the height).

Claim Rejections - 35 USC § 103

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

A patent for a claimed invention may not be obtained, notwithstanding that the claimed invention is not identically disclosed as set forth in section 102, if the differences between the claimed invention and the prior art are such that the claimed invention as a whole would have been obvious before the effective filing date of the claimed invention to a person having ordinary skill in the art to which the claimed invention pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries for establishing a background for determining obviousness under 35 U.S.C. 103 are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims the examiner presumes that the subject matter of the various claims was commonly owned as of the effective filing date of the claimed invention(s) absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and effective filing dates of each claim that was not commonly owned as of the effective filing date of the later invention in order for the examiner to consider the applicability of 35 U.S.C. 102(b)(2)(C) for any potential 35 U.S.C. 102(a)(2) prior art against the later invention.

Claims 1-5, 8, 10-12, 14-19, and 26 are rejected under 35 U.S.C. 103 as being unpatentable over Wu in view of Robinson (US 20110224633 A1).

Regarding **Claim 1**, Wu discloses a fluid conductor (conduit body 105, Fig 5), comprising:

a first barrier (combination of upper cover 215 and base 210, Fig 5) formed from a first fluid-impermeable material (conduit body 105 can be made of polyethylene or polyurethane ¶[0046]) and defining a fluid path (device 100 may be configured to create and maintain a fluidic pathway ¶[0041]) having a first end (distal port 115, Fig 1. Figs 1 and 5 show the same device, with Fig 5 illustrating the different layers that make up conduit body 105. Distal port 115, proximal port 125, and device 100, are present in both figures, but they are unlabeled in Fig 5), a second end (proximal port 125, Fig 1), and a longitudinal axis (conduit body 105 has a longitudinal axis extending between 125 and 115, Fig 1);

and a plurality of pressure indicators (pressure indicator 230, Fig 5. The indicator 230 can be positioned in one or more locations along the device 100 such as within the tubing 130, on a region of the conduit body 105, near the distal port 115 or proximal port 125 ¶[0057]) configured to elastically deform in response to a reduction in pressure (Deformation of the exterior wall of the indicator 230 can result in a change from a first profile to a second profile. The relative position of the exterior wall between the first profile and the second profile can be indicative of an amount of pressure delivered to the wound site. ¶[0058])

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