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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
17/417,847	06/24/2021	Richard E. Raby	80628US004	5454
32692	7590	01/18/2024	EXAMINER	
3M INNOVATIVE PROPERTIES COMPANY			GASPAR, KYLIE MARIE	
PO BOX 33427			ART UNIT	PAPER NUMBER
ST. PAUL, MN 55133-3427			3772	
			NOTIFICATION DATE	DELIVERY MODE
			01/18/2024	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

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## 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.

### ***Drawings***

The drawings were received on 09/22/2023. These drawings are acceptable.

### ***Claim Objections***

Claim 19 is objected to because of the following informalities: Lines 1-2 reads "the **second frame** surrounds at least 75% of the first perimeter of the first bracket pad". However, the **second frame** surrounds the "**second bracket pad** second perimeter" as set forth in claim 8. While the first perimeter of the first bracket pad is surrounded by the first frame. The claim should be adjusted to read only all "first" or only all "second" features. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

#### **The following is a quotation of 35 U.S.C. 112(d):**

(d) REFERENCE IN DEPENDENT FORMS.—Subject to subsection (e), a claim in dependent form shall contain a reference to a claim previously set forth and then specify a further limitation of the subject matter claimed. A claim in dependent form shall be construed to incorporate by reference all the limitations of the claim to which it refers.

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

Subject to the following paragraph [i.e., the fifth paragraph of pre-AIA 35 U.S.C. 112], a claim in dependent form shall contain a reference to a claim previously set forth and then specify a further limitation of the subject matter claimed. A claim in dependent form shall be construed to incorporate by reference all the limitations of the claim to which it refers.

**Claim 3 is rejected under 35 U.S.C. 112(d)** or pre-AIA 35 U.S.C. 112, 4th paragraph, as being of improper dependent form for failing to further limit the subject matter of the claim upon which it depends, or for failing to include all the limitations of the claim upon which it depends. Claim 3 recites “wherein the slot is formed in the appliance body [of the orthodontic appliance]”, this limitation is broader than claim 1 from which it depends as claim 1 set forth that the slot is on the bracket, which is a specific part of the orthodontic appliance body. For purposes of examination, examiner will interpret claim 3 as wherein the body of the orthodontic bracket includes a slot formed in the bracket body. This interpretation still fails to further limit the subject matter of claim 1. Applicant may cancel the claim(s), amend the claim(s) to place the claim(s) in proper dependent form, rewrite the claim(s) in independent form, or present a sufficient showing that the dependent claim(s) complies with the statutory requirements.

### ***Claim Rejections - 35 USC § 103***

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 (i.e., changing from AIA to pre-AIA) 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.

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.

**Claims 1-20 are rejected under 35 U.S.C. 103 as being unpatentable over Webber (US 2019/0298494 A1) in view of Okazaki (US 2014/0349241 A1).**

**Claim 1**, Webber discloses an apparatus for indirect bonding of orthodontic appliances (Figs. 8A-C)[abstract], the apparatus comprising:

a first receptacle (the portion of 800 in which 806, 808, 810 are illustrated), the first receptacle has the claimed structure and is capable to receive a first tooth [0181, 0197 second sentence, 0207], the first tooth having an outer surface [0185 lines 6-8] and gingival margins [0183 (note line 18), 0185 line 8];

a first bracket bonding pad (806)[0065 lines 17-22], the first bracket bonding pad including a first bonding surface [0201] and a first perimeter (Figs. 8A-B), the first bonding surface has the claimed structure and is capable to complement contours of a portion of the first outer surface of the first tooth [0182 lines 1-6], and

an orthodontic bracket [0077 line 5] adhesively bonded to a surface of the first bracket bonding pad opposite the bonding surface (as Webber [0077] describes a bracket or brace extending from the attachment 806, it is understood the bracket or brace would be opposite the bonding surface),

wherein the first receptacle comprises a first frame (801), the first frame at least partially surrounding the first bracket pad first perimeter (Figs. 8A-B), wherein the first receptacle is joined to the first bracket bonding pad (806) with a sprue

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