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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
17/048,380	10/16/2020	Ignatius A. Kadoma	80615US006	9173
32692	7590	08/19/2022	EXAMINER	
3M INNOVATIVE PROPERTIES COMPANY			ZHANG, MICHAEL N	
PO BOX 33427			ART UNIT	PAPER NUMBER
ST. PAUL, MN 55133-3427			1781	
			NOTIFICATION DATE	DELIVERY MODE
			08/19/2022	ELECTRONIC

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

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**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

Application Number: 17/048,380

Filing Date: 16 Oct 2020

Appellant(s): 3M INNOVATIVE PROPERTIES COMPANY

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Bradford B. Wright  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed 2022 July 21.

**(1) Grounds of Rejection to be Reviewed on Appeal**

Every ground of rejection set forth in the Office action dated 04/01/2022 from which the appeal is taken is being maintained by the examiner except for the grounds of rejection (if any) listed under the subheading “WITHDRAWN REJECTIONS.” New grounds of rejection (if any) are provided under the subheading “NEW GROUNDS OF REJECTION.”

**(2) Response to Argument**

Appellant argues Wong does not teach the limitation of “particles enmeshed in the biodegradable polymeric ... fibers.” Appellant argues enmeshed is defined, according to the American Heritage Dictionary, as “to entangle or catch in or as in in a mesh.” Appellant argues Wong teaches the filler particles are held within the body fibers and not entangled within the fibers.

Examiner respectfully disagrees with this argument.

An applicant is entitled to be their own lexicographer and may rebut the presumption that claim terms are to be given their ordinary and customary meaning by clearly setting forth a definition of the term that is different from its ordinary and customary meaning in the specification at the time of filing. See *In re Paulsen*, 30 F.3d 1475, 1480, 31 USPQ2d 1671, 1674 (Fed. Cir. 1994). In addition, ordinary meaning and intrinsic evidence, such as the claims, the specification and the prosecution history, are more reliable than extrinsic evidence, such as dictionaries and expert testimony, in claim construction. See *Phillips v. AWH Corp.*, 415 F.3d 1303.

Here, Appellant’s Specification recites “[a]s used herein, ‘enmeshed’ refers to particles that are dispersed and physically held in the fibers of the nonwoven biodegradable layer.” ¶6

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Appellant has operated as their own lexicographer in clearly defining “enmeshed.” The extrinsic evidence from a dictionary should not narrow or change the explicit definition provided by the Specification.

Appellant admits Wong teaches “filler particles being contained within ... the fibers.”

App. Br. 4. Examiner maintains that filler particles being contained within the fibers means the particles are dispersed and physically held within the fibers, as particles will be physically bonded and captured by the polymer material forming the fibers. Therefore, Wong teaches particles that are enmeshed in the biodegradable polymeric fibers, as defined by the instant Specification.

Appellant does not offer specific arguments regarding the dependent claims, other than Wong not teaching the independent claim. Examiner maintains Wong teaches the independent claim, as discussed above.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Michael Zhang/  
Primary Examiner, Art Unit 1781

Conferees:

/FRANK J VINEIS/  
Supervisory Patent Examiner, Art Unit 1781

/CALLIE E SHOSHO/  
Supervisory Patent Examiner, Art Unit 1787

**Requirement to pay appeal forwarding fee.** In order to avoid dismissal of the instant appeal in any application or ex parte reexamination proceeding, 37 CFR 41.45 requires payment of an

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appeal forwarding fee within the time permitted by 37 CFR 41.45(a), unless appellant had timely paid the fee for filing a brief required by 37 CFR 41.20(b) in effect on March 18, 2013.