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17/052,990	11/04/2020	Emre Ozer	P00497US.family	1047
134423	7590	11/09/2023	EXAMINER	
Leveque Intellectual Property Law, P.C.			BOYER, RANDY	
241 E. 4th Street, #102			ART UNIT	PAPER NUMBER
Frederick, MD 21701			1771	
			NOTIFICATION DATE	DELIVERY MODE
			11/09/2023	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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DETAILED ACTION

Notice of Pre-AIA or AIA Status

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

Election/Restrictions

2. Applicant's election without traverse of claims 1-11 and 24 in the reply filed on 27 October 2023 is acknowledged.

3. Claims 13-23 are withdrawn from further consideration as being drawn to a non-elected invention.

Claim Objections

4. Claim 10 is objected to for improper English grammar.
5. With respect to claim 10, the language “wherein in the inlet and outlet ports include a seal” is improper English grammar. Appropriate correction is required.

Claim Rejections - 35 USC § 102

6. 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.

7. Claims 1-11 and 24 are rejected under 35 U.S.C. 102(a)(1) as being anticipated by Wikswow (US 2014/0356849).
8. With respect to claims 1-11 and 24, Wikswow discloses a fluid delivery device (see Wikswow, paragraph [0220]) comprising an inlet portal (851, 852, 853) to allow fluid passage into a chamber (“organ N”); an outlet portal to allow fluid passage from the chamber (see Wikswow, paragraph [0221]); a biosensor (870); an actuator, wherein the actuator unambiguously derivable from the disclosure of “selectively operable valves” (see Wikswow, paragraphs [0223] and [0227]); wherein the biosensor (870) is in fluid communication with the fluid (see Wikswow, paragraph [0224]) and is associated with a valve having actuator capability, the valve being in communication with the sensor

measured conditions upon which the valve permits or inhibits delivery of fluid from the chamber (see Wiksw, paragraphs [0234]-[0236] and [0285]). The valve having actuator capability may be a single unit which responds to a selected fluid parameter (see Wiksw, paragraphs [0223] and [0227]). The device may comprise a plurality of fluidic switches (i.e. valves) (see Wiksw, paragraphs [0223] and [0227]). The device may be integral to a microfluidic chip (see Wiksw, Abstract), the chip being associated with a pump for assisting fluid flow (see Wiksw, Abstract). The biosensor may detect changes in electrochemical or fluorescent signals (see Wiksw, paragraph [0103]). The biosensor may be linked to molecules detectable by light sensors (see Wiksw, paragraph [0311]). The inlet and outlet ports may include a seal (see Wiksw, paragraph [0347]). The valve may be linked to a control system capable of processing data which permits or inhibits delivery of fluid (see Wiksw, paragraph [0296]). Examiner notes that the specific limitations of claims 9 and 24 do not structurally limit the claimed device over that disclosed by Wiksw. Claims directed to an *apparatus* must be distinguished from the prior art on the basis of *structural* differences. Hewlett-Packard Co. v. Bausch & Lomb Inc., 909 F.2d 1464, 1469 (Fed. Cir. 1990) (“[A]pparatus claims cover what a device *is*, not what a device *does*.”) (emphasis in original).

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Randy Boyer whose telephone number is (571) 272-7113. The examiner can normally be reached Monday through Friday from 10:00 A.M. to 7:00 P.M. (EST).

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