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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
29/788,007	02/08/2021	Andreas J. Boehm	80040US014	4342
32692	7590	11/04/2021	EXAMINER	
3M INNOVATIVE PROPERTIES COMPANY			OUM, SHARON SEJIN	
PO BOX 33427			ART UNIT	PAPER NUMBER
ST. PAUL, MN 55133-3427			2925	
			NOTIFICATION DATE	DELIVERY MODE
			11/04/2021	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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<b>Office Action Summary</b>	<b>Application No.</b> 29/788,007	<b>Applicant(s)</b> Boehm et al.	
	<b>Examiner</b> SHARON S OUM	<b>Art Unit</b> 2925	<b>AIA (FITF) Status</b> 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 \_\_\_\_\_.  
☐ 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 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 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](http://www.uspto.gov/patents/init_events/pph/index.jsp) or send an inquiry to [PPHfeedback@uspto.gov](mailto:PPHfeedback@uspto.gov).

#### Application Papers

- 10) ☒ The specification is objected to by the Examiner.
- 11) ☒ The drawing(s) filed on 2/8/2021 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. 29/667,734.
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 5/6/2021
- 3) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Other: \_\_\_\_\_

***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.

**OFFICE ACTION**

***Multiple Embodiments***

This application discloses the following embodiments:

**Embodiment 1 - FIGURES 1-7**

**Embodiment 2 - FIGURES 8-14**

Multiple embodiments of a single inventive concept may be included in the same design application only if they are patentably indistinct. See *In re Rubinfeld*, 270 F.2d 391, 123 USPQ 210 (CCPA 1959). Embodiments that are patentably distinct from one another do not constitute a single inventive concept and thus may not be included in the same design application. See *In re Platner*, 155 USPQ 222 (Comm'r Pat. 1967).

The above identified embodiments are considered by the examiner to present overall appearances that are basically the same. Furthermore, the differences between the appearances of the embodiments are considered minor and patentably indistinct, or are shown to be obvious in view of analogous prior art cited. Accordingly, they are deemed to be obvious variations and are being retained and examined in the same application.

***SPECIFICATION OBJECTION – Figure Descriptions***

The figure descriptions for FIGURES 1 and 8 are objected to because they are redundant in twice stating the title “dosage dispenser”. Additionally, the figure descriptions should identify each embodiment clearly. Therefore, it is suggested that the figure descriptions for FIGURES 1 and 8 be amended to read as follows:

**-- FIGURE 1 is a perspective view of a first embodiment of a dosage dispenser showing a new design; --**

**-- FIGURE 8 is a perspective view of a second embodiment of a dosage dispenser showing a new design; --**

***SPECIFICATION OBJECTION – Broken Line Description***

The specification is objected to for failing to describe the broken lines in the drawings. The examiner assumes that the broken lines are meant to illustrate portions of the article that

form no part of the claimed design. If this is the case, it is suggested that the following statement be added preceding the claim in the specification to describe the broken lines in the drawing (MPEP § 1503.02, subsection III):

**-- The broken lines illustrate portions of the dosage dispenser that form no part of the claimed design. --**

***REJECTION – 35 U.S.C. 112(a) and (b)***

The claim is rejected under 35 U.S.C. 112(a) and (b), as the claimed invention is not described in such full, clear, concise and exact terms as to enable any person skilled in the art to make and use the same, and fails to particularly point out and distinctly claim the subject matter which the inventor or a joint inventor regards as the invention.

The claim is indefinite and nonenabling because of deficiencies in the figures that prevent a clear understanding of the appearance of the claimed design.

Specifically, FIG. 2 shows a long, narrow area (highlighted in gray and indicated with arrows in the image below) whose shape and form cannot be corroborated in the other views. The area is shaded such that contour is indicated, however, the exact three dimensional appearance cannot be understood from the views provided.

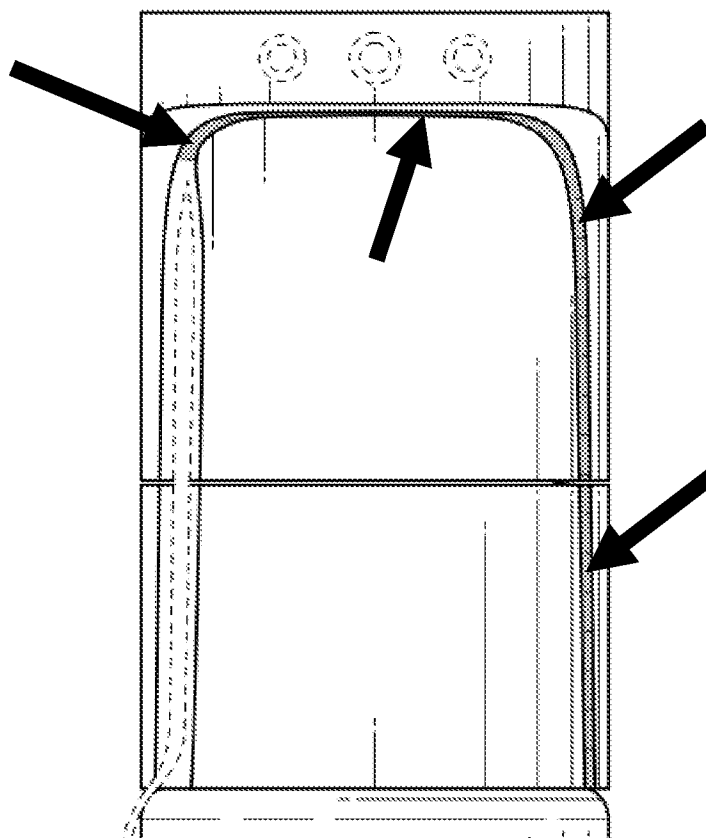


FIG. 2

In order to overcome this rejection, it is suggested that the design be shown clearly and completely.

Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as amended. A marked-up copy of the drawing sheet (labeled as "Annotated Sheet") including an annotation showing that all the figures on that drawing sheet have been canceled must be presented in the amendment or remarks section that explains the change to the drawings. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action.

If the design cannot be clarified without changing its appearance, and there is no description of this changed appearance in the original disclosure, then applicant may wish to amend the design such that the non-enabled areas are removed from the claim by converting them to broken lines. Any amendment to the claim must meet the written description requirement of 35 USC 112(a). That is, it must be apparent that applicant was in possession of the amended design at the time of filing. See MPEP 1504.04.I.C. This pertains to the addition or removal of parts of the design, as well as the conversion of solid lines to broken lines and vice versa. See 35 USC 132 and 37 CFR 1.121(f) for new matter.

### **CONCLUSION**

The claimed design is rejected as set forth above.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SHARON S. OUM whose telephone number is 571-270-3033. The examiner can normally be reached on Monday - Friday, 9 am - 5 pm, EST.

Examiner interviews are available via telephone, in-person, and video conferencing using a USPTO supplied web-based collaboration tool. To schedule an interview, applicant is encouraged to use the USPTO Automated Interview Request (AIR) at <http://www.uspto.gov/interviewpractice>.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dana Weiland can be reached on 571-270-0253. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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