

FIG. 1

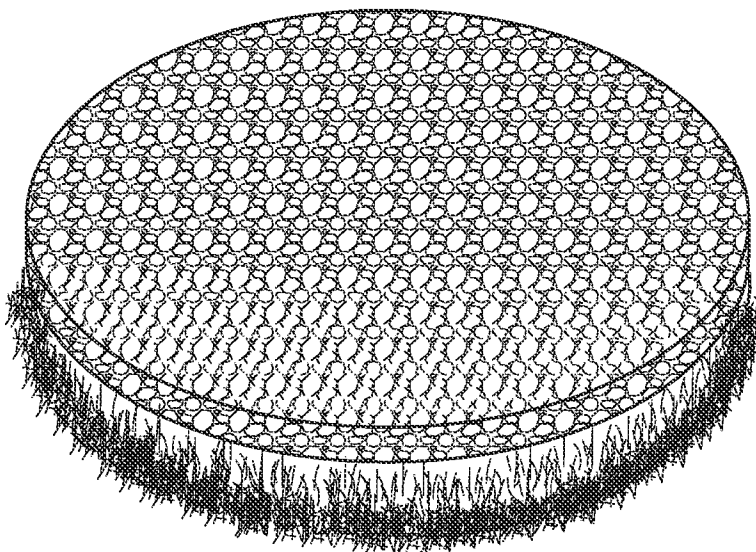


FIG. 2

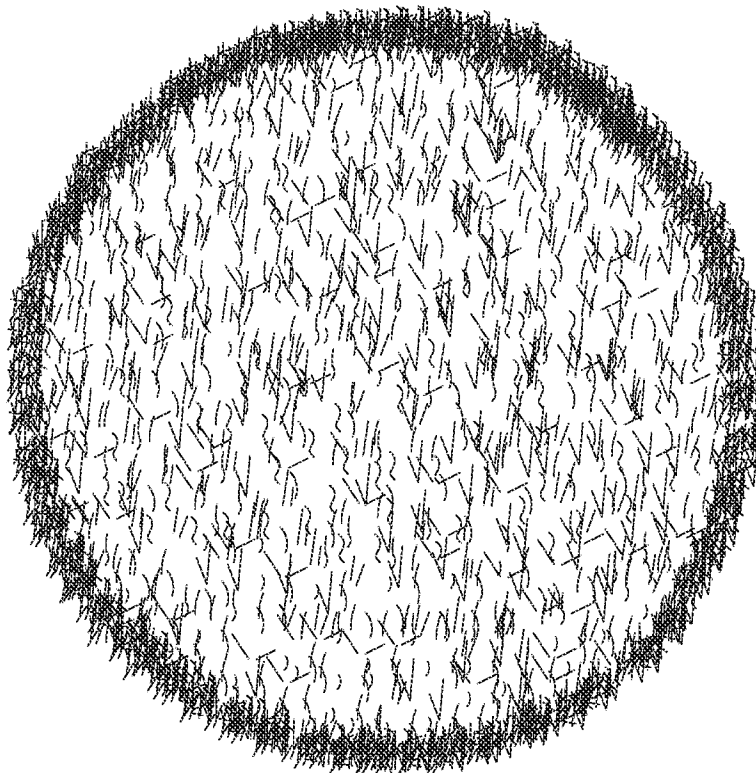


FIG. 3

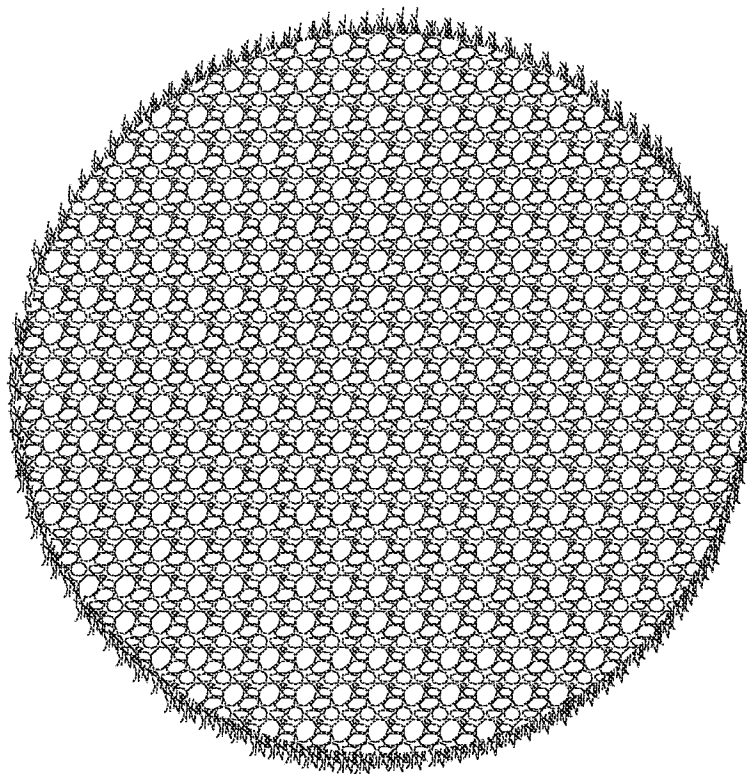


FIG. 4

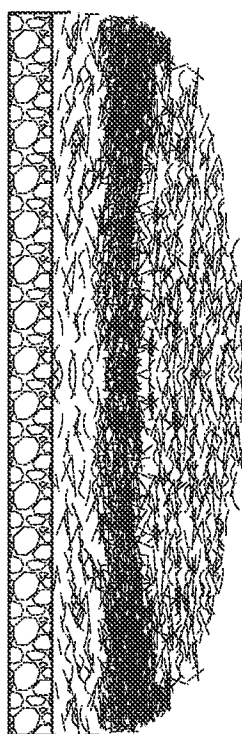


FIG. 5

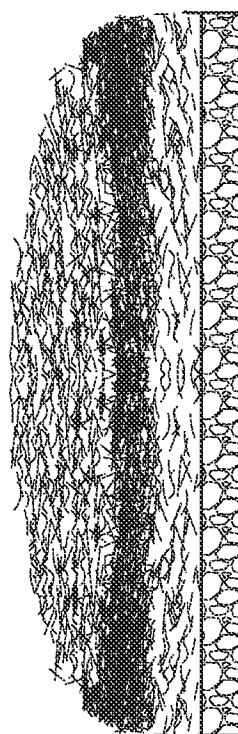


FIG. 6

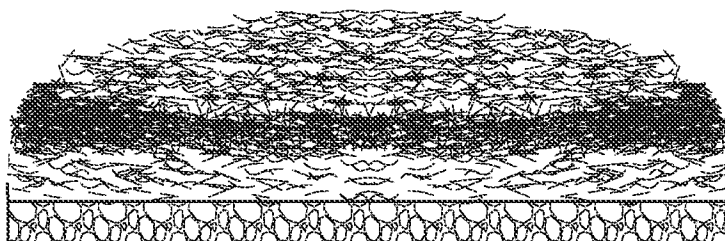


FIG. 7

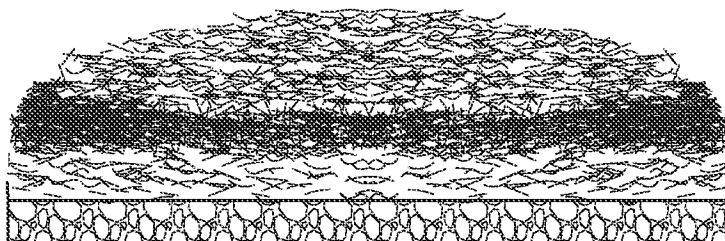


FIG. 8

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Jason Sharratt

Serial No.: 29/547,246

Group Art Unit: 2922

Filing Date: 12/02/2015

Examiner: Robinson, Yolanda

Title: *FURNITURE LEG FLOOR PROTECTION APPARATUS*

Attorney Docket No.: WAX-024725 US DES

<p>CERTIFICATE OF ELECTRONIC TRANSMISSION I hereby certify that this Amendment is being filed today with the U.S. Patent and Trademark Office <i>via</i> electronic filing using the U.S. Patent Office's EFS Web System.</p> <p>On: <u>December 14, 2021</u> Name: Carol A. Placko Signature: / Carol A. Placko/</p>
--

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Facsimile (216) 621-4072

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT AND RESPONSE TO OFFICE ACTION

Responsive to the Non-Final Office Action mailed June 24, 2021, Applicant provides the following response.

Amendments to the Drawings begin on page 2 of this paper

Remarks begin on page 3 of this paper.

In the Drawings

Attached are Replacement Sheets that include Amendments to FIGS. 5-8, as further discussed in the Remarks. No new matter has been added by way of the Amendments to the drawings.

REMARKS

Responsive to the Office Action dated June 24, 2021, entry of the above amendments, Replacement Sheets, and consideration of the following Remarks is respectfully requested. No new matter has been added by way of this amendment.

EXAMINER INTERVIEW

In the interview of December 7, 2021, Examiner Robinson and Applicant's counsel reached an agreement that FIGS. 1-4 are supported by the original figures as well as the Appendix, and are therefore acceptable in present form. To maintain consistency with the original figures as filed, Examiner Robinson recommended thickening the upper hair on the rounded portions of FIGS. 5-8 by 10%. This ensures that FIGS. 5-8 are supported by the original figures and the Appendix. Applicant extends his appreciation to Examiner Robinson for the interview of December 7, 2021.

35 U.S.C. § 112 Rejections

The Office stated that the claim was rejected under 35 U.S.C. § 112(a) and (b) as failing to comply with the description requirement due to the introduction of new matter. More specifically, the Office maintained that there is no basis in the original disclosure that Applicant was in possession of the current disclosure. Applicant has overcome this rejection by amending FIGS. 5-8 in accordance with Examiner Robinson's recommendations. See a comparison between the previously submitted FIGS. 5-8 in the continued prosecution application of August 5, 2019 on the left side and currently amended FIGS. 5-8 on the right side below:

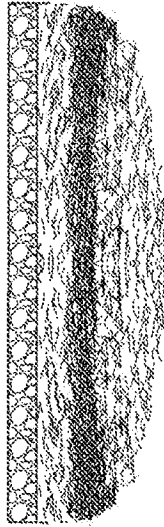


FIG. 5

As pending on 8/5/2019

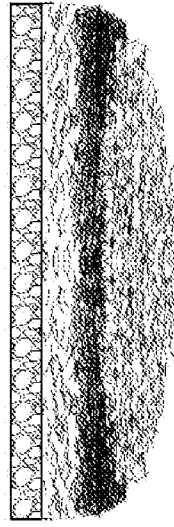


FIG. 5

As currently amended

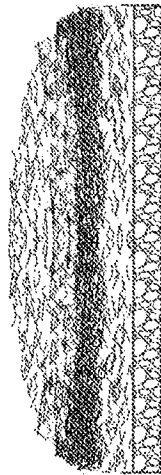


FIG. 6

As pending on 8/5/2019



FIG. 6

As currently amended

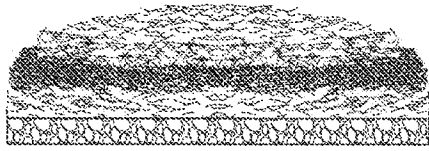


FIG. 7

As pending on 8/5/2019

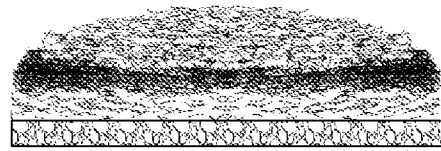


FIG. 7

As currently amended

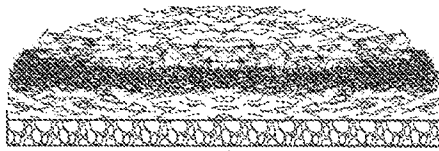


FIG. 8

As pending on 8/5/2019

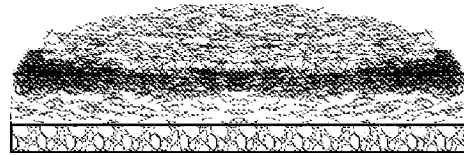


FIG. 8

As currently amended

In view of the above Amendments, Applicant believes that no new matter has been introduced, the figures are supported by the original drawings as well as the Appendix, and that the application is in condition for allowance. Should Examiner Robinson disagree, she is encouraged to contact the undersigned to discuss.

Conclusion

The claim, drawings, and specification are believed to be in condition for allowance and prompt issuance of a Notice of Allowance is respectfully requested.

If any fees are determined to be due in connection with filing this Amendment or any other paper filed during prosecution of this application, the Commissioner is authorized to charge any such fees to deposit account no. 20-0090. If any extension of time is required in connection with filing this Amendment or any other paper filed during prosecution of

this application, such an extension of time is petitioned for and hereby respectfully requested.

Respectfully submitted,

Dated: December 14, 2021

/John A. Yirga/
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Reg. No. 56,480

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
29/547,246	12/02/2015	Jason A. Sharratt	WAX-024725 US DES	4915
26294	7590	06/24/2021	EXAMINER	
TAROLLI, SUNDHEIM, COVELL & TUMMINO L.L.P. 1300 EAST NINTH STREET, SUITE 1700 CLEVELAND, OH 44114			ROBINSON, YOLANDA	
			ART UNIT	PAPER NUMBER
			2922	
			NOTIFICATION DATE	DELIVERY MODE
			06/24/2021	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):

docketing@tarolli.com
rkline@tarolli.com

Office Action Summary

Application No.

29/547,246

Applicant(s)

Sharratt, Jason A.

Examiner

YOLANDA ROBINSON

Art Unit

2922

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 CPA filed August 5, 2019.

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 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 _____ 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)

3) Interview Summary (PTO-413)

Paper No(s)/Mail Date _____.

2) Information Disclosure Statement(s) (PTO/SB/08a and/or PTO/SB/08b)

4) Other: _____.

Paper No(s)/Mail Date _____.

DETAILED CORRESPONDENCE

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

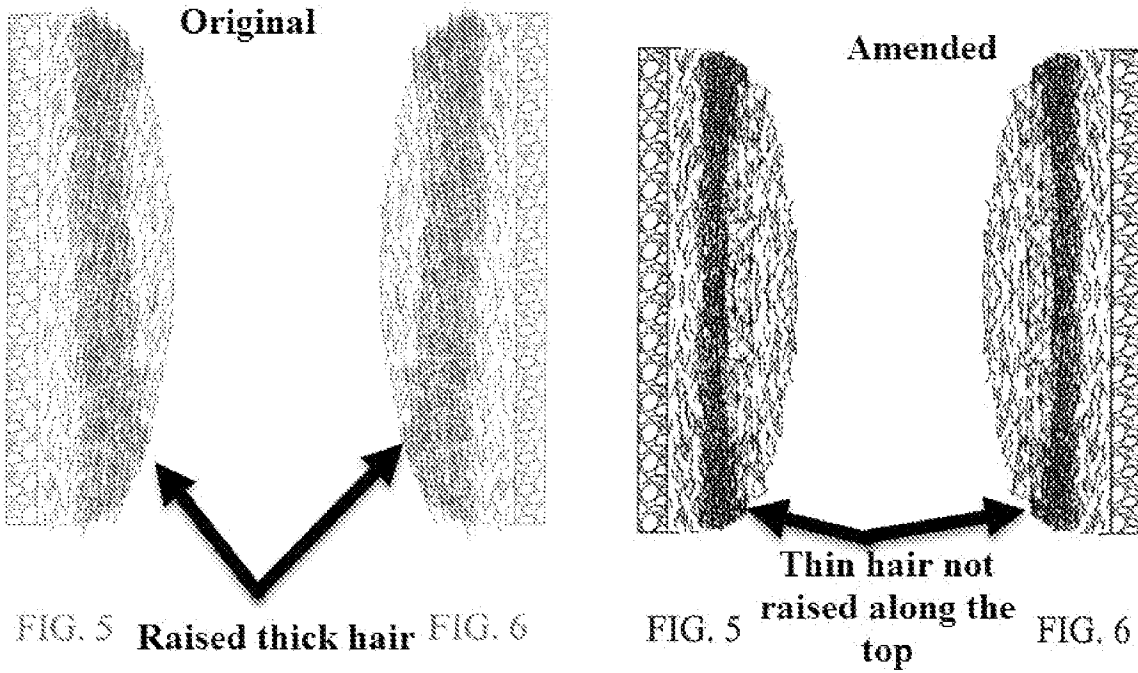
Claim Rejection - 35 USC § 112 (a) New Matter

The claim is **rejected** under 35 USC 112(a), as failing to comply with the description requirement thereof since the drawings of March 1, 2019 introduce new matter not supported by the original disclosure. The original drawings of June 16, 2016 do not reasonably convey to a designer of ordinary skill in the art that the applicant was in possession of the design now claimed at the time the application was filed. See *In re Daniels*, 144 F.3d 1452, 46 USPQ2d 1788 (Fed Cir. 1998); *In re Rasmussen*, 650 F.2d 1212, 211 USPQ 323 (CCPA, 1981).

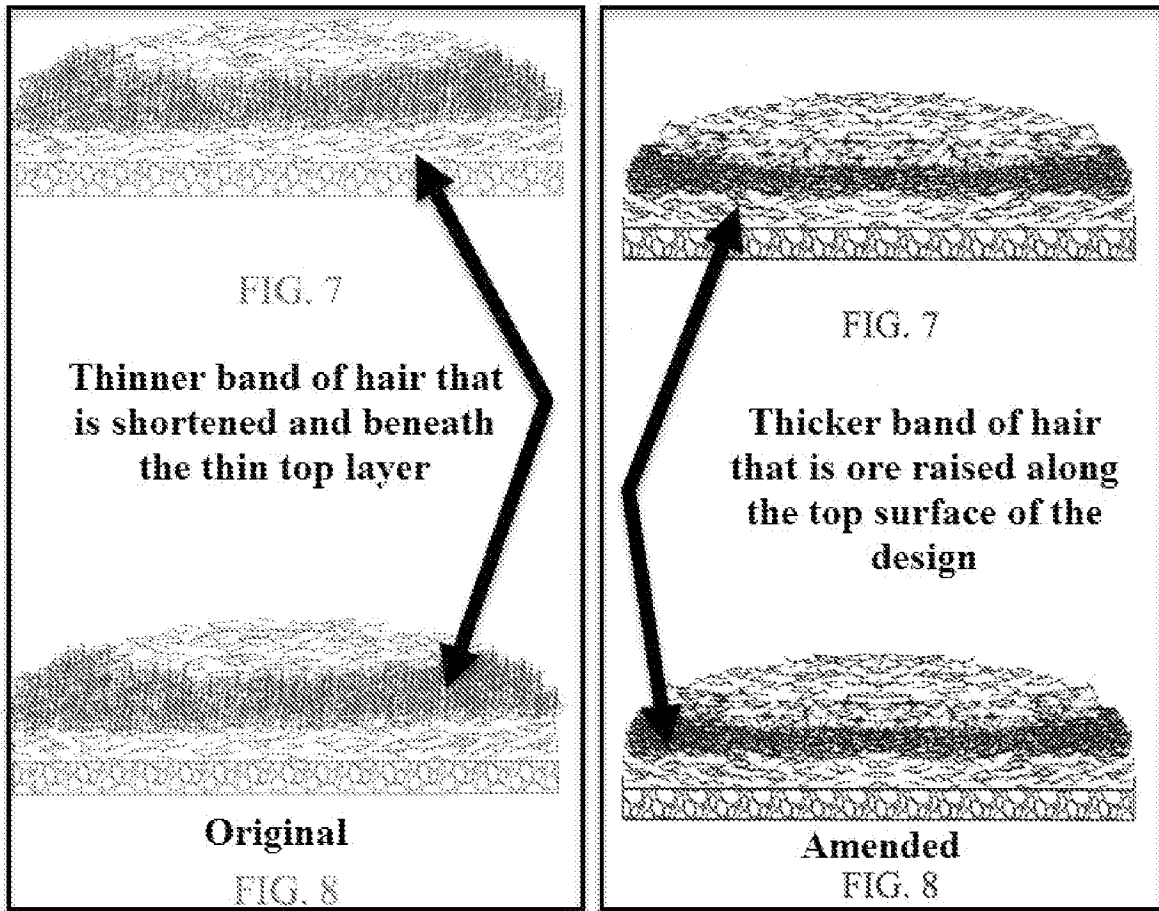
There is no basis in the original disclosure that the applicant was in possession of the current disclosure.

- The applicant's CPA filed on August 5, 2019 to the FINAL rejection of new matter presented in the drawing disclosure does not put the application in a condition of allowance. The examiner has made a determination that the changes in Figs. 1 and 3-5 provided by the applicant was not a part of the original disclosure dated December 2, 2015. The applicants' explanation that the amended Fig. 1 is supported by Figs. 5-8 of the original disclosure and the appendix are not persuasive. As was pointed out by examiner's Final rejection dated April 4, 2019 which stated "Fig. 1 of the newly submitted drawings filed Dec 10, 2018 disclose a design with a thin hair pattern along the top perimeter of the furniture leg floor protection apparatus that was not embodied in the original disclosure." Therefore, Figs. 1-8 remain rejected under 112 (a) New Matter.
- To illustrate further, for example, Figs. 5 and 6 of the newly amended drawings filed August 5, 2019 are considered to be new matter as the original disclosure shows the top portion of the design with thicker hair that is more raised along the top of the design while

the newly amended drawings of August 5, 2019 continue to show thinner hair that is laid down.



- Figs. 7 and 8 of the original disclosure shows areas of the design with the thicker portions of hair that is more raised along the top surface while the newly amended drawings of August 5, 2019 show the design with a small band of hair in the same area that is shortened and beneath the thin top layer.



Therefore, the applicant's amendment to the rejection of **112 (a) New Matter** has not been overcome.

CONCLUSION

The claim is rejected under 35 USC § 112 (a) New Matter.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to YOLANDA ROBINSON whose telephone number is (571) 272-1690.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Manpreet Matharu can be reached on 571 272 8601. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Y. R/
Examiner, Art Unit 2922

/MANPREET S MATHARU/
Supervisory Patent Examiner, Art Unit 2922

1/4

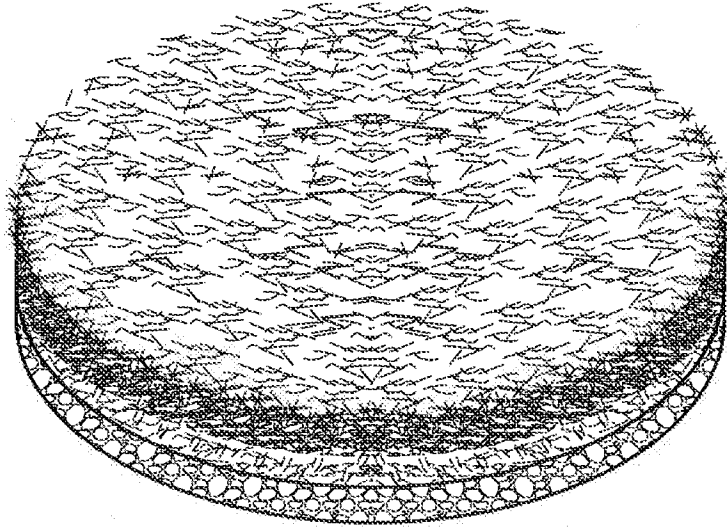


FIG. 1

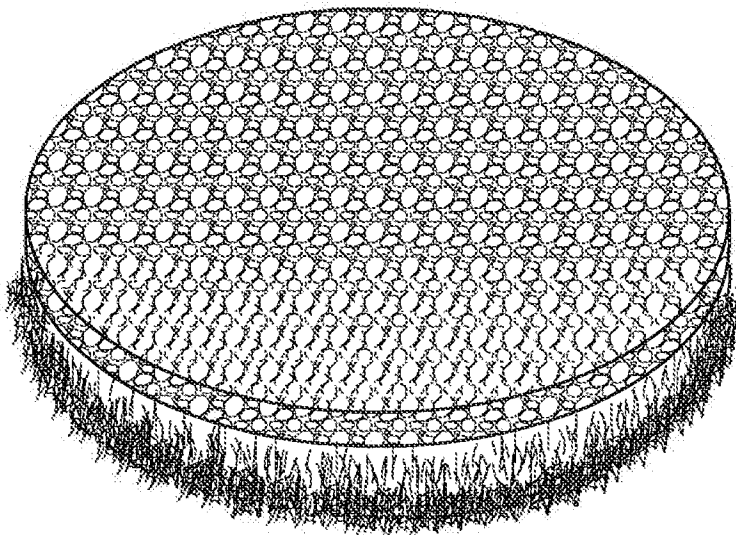


FIG. 2

2/4

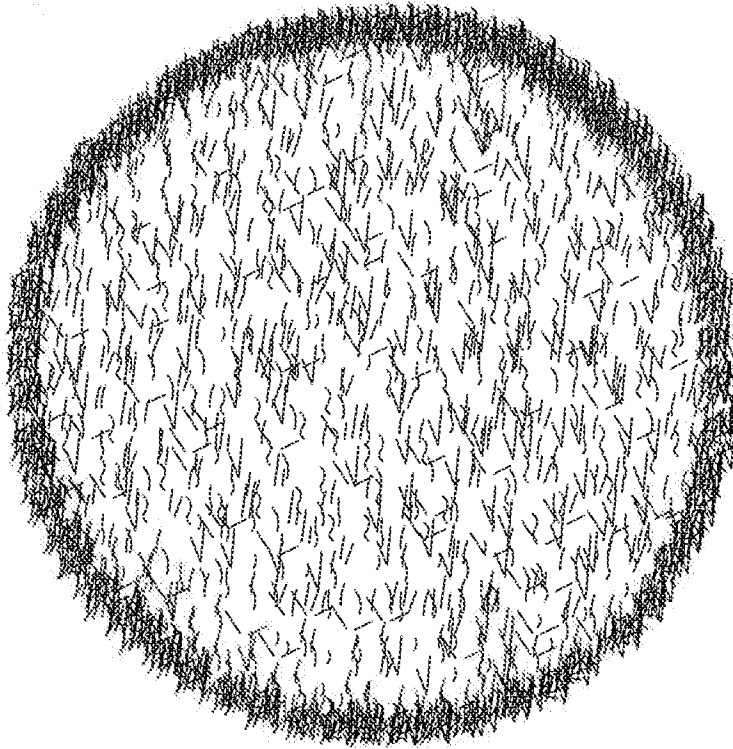


FIG. 3

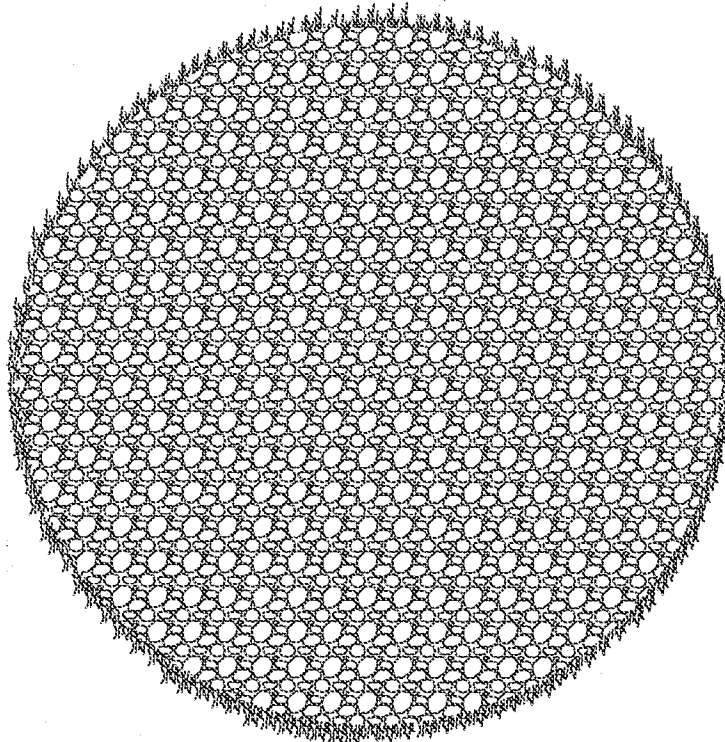


FIG. 4

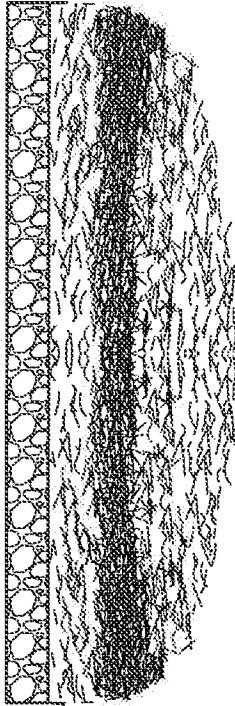


FIG. 5

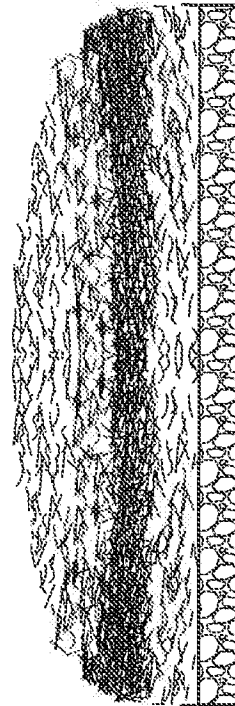


FIG. 6

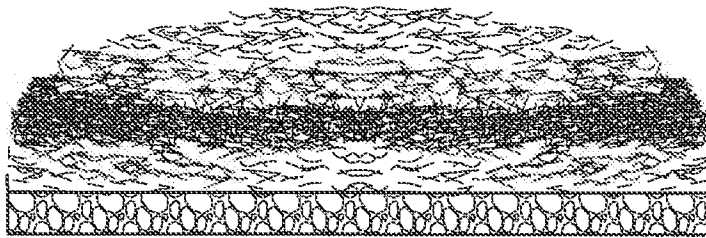


FIG. 7

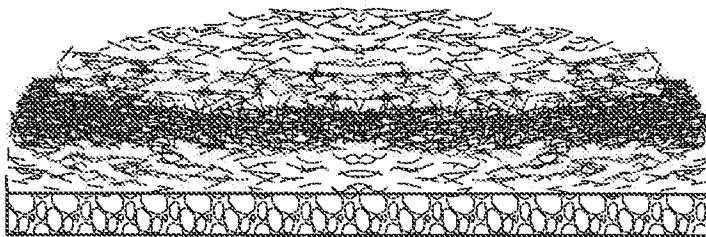


FIG. 8

AMENDMENTS TO THE DRAWINGS

Attached are Replacement Sheets that include Amendments to FIGS. 5-8, as further discussed in the Remarks. No new matter has been added by way of the Amendments to the drawings.

REMARKS

In response to the Office Action issued by the Office, Applicant respectfully disagrees with the Office's rejection that new matter has been added. For the foregoing reasons, the Application is now ready for issuance and a notice to that effect is respectfully requested.

REJECTION UNDER 35 U.S.C. §§ 112(a)

The Office Action stated that the claim was rejected under 35 U.S.C. 112(a) as failing to comply with the description requirement thereof since the drawings of December 12, 2018 introduce new matter not supported by the original disclosure.

The amendment to FIG. 1 is supported at least by original FIGS. 5-8, and by the appendix filed 12/2/2015. Looking at original FIGS. 5-6, the "thin hair pattern" (actually a felt pad) over the top of the "thicker pattern" (actually a rounded corner) is clearly illustrated in both right and left side elevations, and in FIGS. 7-8 the "thin hair pattern" (felt pad) over the top of the "thicker pattern" (rounded corner) is clearly illustrated in both front and rear elevations. Further, page 3 of the appendix shows the "thin hair pattern" (which is the rounded corner of the felt, indicated by the four least peripheral "rounded corner" arrows) and the "thicker pattern" (which is the rounded corner of the felt, indicated by the two most peripheral "rounded corner" arrows). As the left, right, front, and rear elevations, as well as the appendix illustrate, the applicant was in possession of the claimed design at the time of filing.

FIGS. 5, 6, 7, and 8 have been amended to clarify that the "thicker pattern" is a rounded corner, and the amendment is supported at least by original FIGS. 1-3, and by the appendix filed

12/2/2015. Looking at original FIGS. 1-3, the reduced thicker portion (rounded corner) of the hair pattern is clearly illustrated in a top perspective view, and top and bottom plan views. Further, page 3 of the appendix shows the "thin hair pattern" (which is the rounded corner of the felt, indicated by the four least peripheral "rounded corner" arrows) and the "thicker pattern" (which is the rounded corner of the felt, indicated by the two most peripheral "rounded corner" arrows). As the top perspective view, and top and bottom plan views, as well as the appendix illustrate, the applicant was in possession of the claimed design at the time of filing.

Accordingly, it is believed that the subject application is in condition for issuance and a notice to that effect is respectfully requested. Should Examiner ROBINSON disagree, she is encouraged to contact the undersigned to discuss.

CONCLUSION

In view of the foregoing Amendment and Remarks, the above pending claim is believed satisfy all the issues to the Office Action and advancement of the application to issue is respectfully requested. If any fees are determined to be due in connection with filing this Response to Office Action or any other paper filed during prosecution of this application, the Commissioner is authorized to charge any such fees to deposit account no. 20-0090. If any extension of time is required in connection with filing this Amendment or any other paper filed during prosecution of this application, such an extension of time is petitioned for and hereby respectfully requested.

Respectfully submitted,

Dated: August 5, 2019

/John A. Yirga/
John A. Yirga
Reg. No. 56,480
Samantha R. Smart
Reg. No. 75,341

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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO. Includes application details for Jason A. Sharratt and examiner information for Yolanda Robinson.

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):

docketing@tarolli.com
rkline@tarolli.com

Office Action Summary	Application No. 29/547,246	Applicant(s) Sharratt et al.	
	Examiner YOLANDA ROBINSON	Art Unit 2922	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 Amended Response filed 12/10/2018.
 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 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 ____ 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 CORRESPONDENCE

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

Acknowledgement of Amendment Filed December 10, 2018

The amendment filed December 10, 2018 has overcome the following:

- The 112 rejection to the sectional view of Fig. 9. Accordingly, applicant has deleted Fig. 9 from the drawing disclosure.
- The rejection of Fig. 1 regarding curvature along the top surface of the design. However, the applicant added new matter as the pattern to Fig. 1 has drastically changed in appearance.
- The rejection of Figs. 1-3 inconsistency with Figs. 5-8 regarding the thickness of hair along the perimeter of the design has been overcome.
- The rejection regarding the hair orientation throughout the view have been overcome. However, Figs. 7-8 contain new matter as the drawing has been altered.

Because of the noted areas of design changes from the original disclosure, a FINAL rejection is being presented below,

Claim Rejection - 35 USC § 112 (a)

The claim is **FINALLY REJECTED** under 35 USC 112(a), as failing to comply with the description requirement thereof since the drawings of December 12, 2018 introduce new matter not supported by the original disclosure. The original drawings of December 2, 2015 do not reasonably convey to a designer of ordinary skill in the art that the applicant was in possession of the design now claimed at the time the application was filed. See *In re Daniels*, 144 F.3d 1452, 46 USPQ2d 1788 (Fed Cir. 1998); *In re Rasmussen*, 650 F.2d 1212, 211 USPQ 323 (CCPA, 1981).

There is no basis in the original disclosure that the applicant was in possession of the current disclosure. See annotated drawings below. The drawing on the top represent the original drawings submitted December 2, 2015, whereas the drawings on the bottom represent the amended drawings submitted December 10, 2018.

Specifically, the new drawings filed on December 10, 2018 introduce new matter for the following reasons:

- Fig. 1 of the original drawings disclosed the design with a thick hair pattern along the top perimeter while Fig. 1 of the amended drawings submitted December 10, 2018 now presents the thin hair pattern over the top of the thicker pattern. See annotated drawings below.

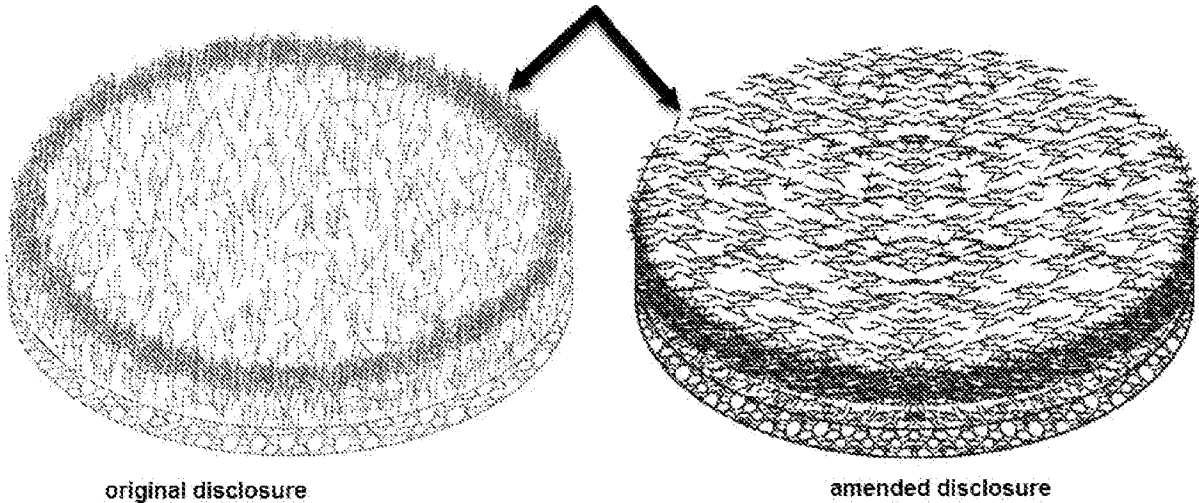
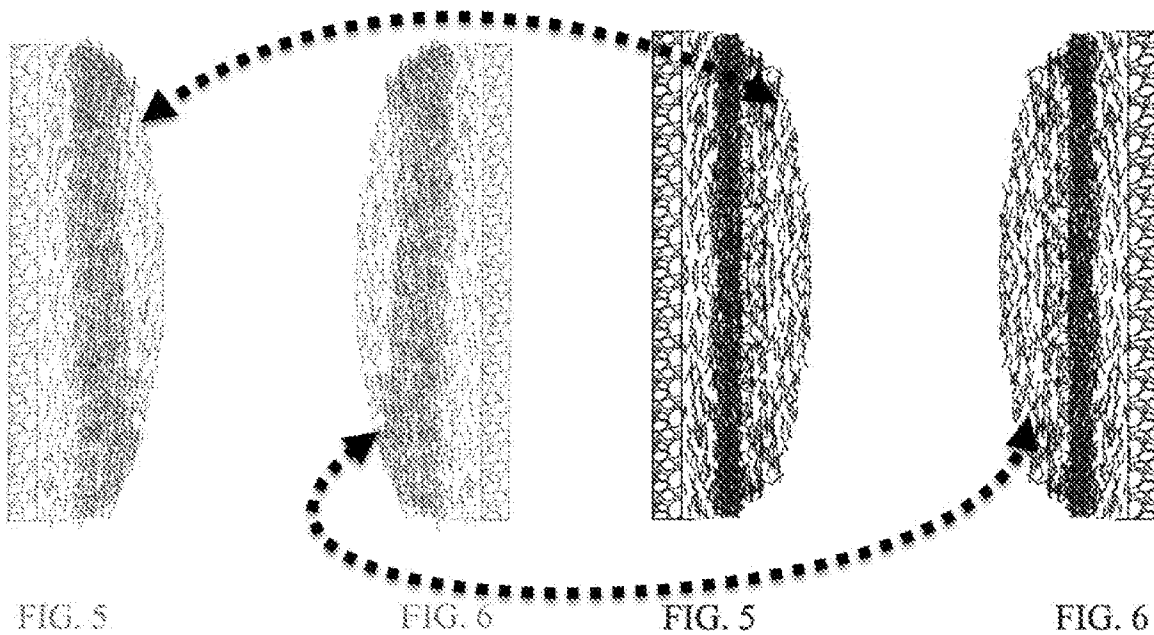
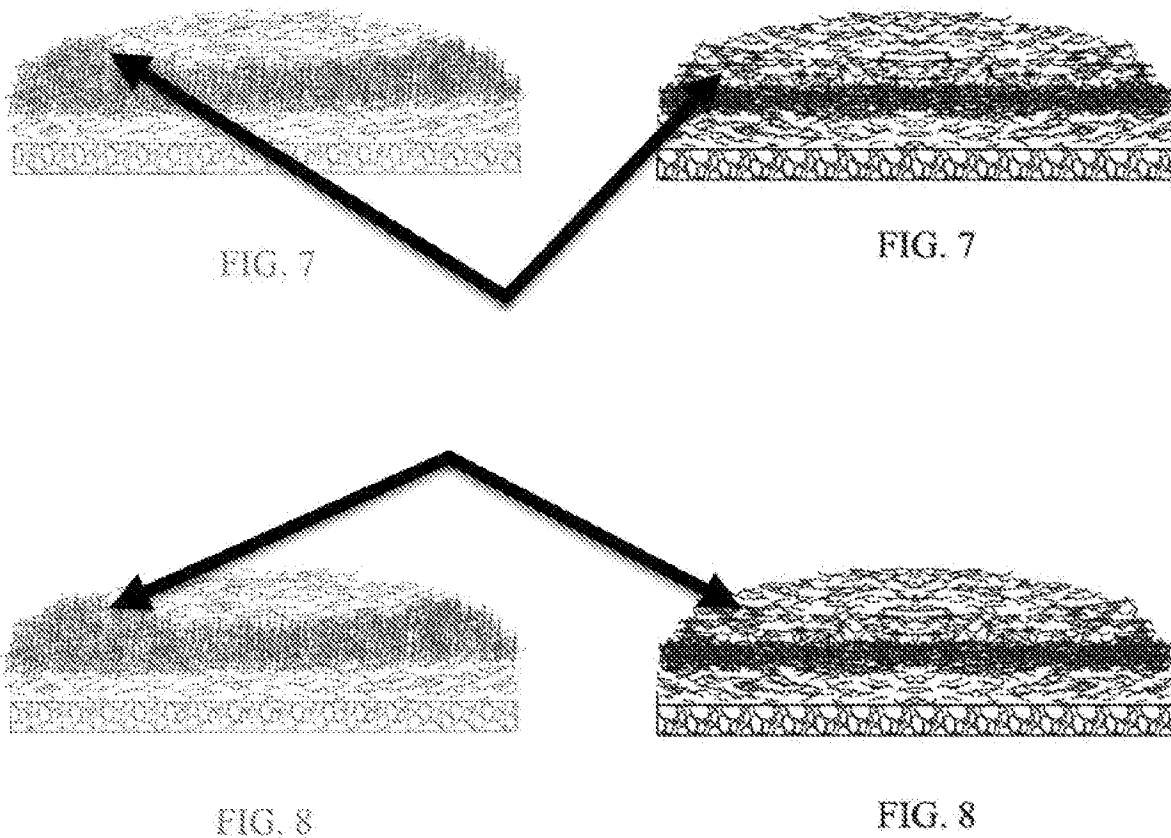


FIG. 1

- Figs. 5 and 6 of the original disclosure shows the top portion of the design with the thicker portion of hair more raised along the top of the design while the newly amended drawings of 12/10/2018 now reduce the thicker portion of the hair and placing it beneath the thin top portion. See annotated drawings below.



- Figs. 7 and 8 of the original disclosure also shows the top portion of the design with the thicker portion of hair more raised along the top surface of the design while the newly amended drawings of 12/10/2018 now significantly reduced the thick portion of the hair by shortening it and placing it beneath the thin top portion. See annotated drawings below.



To overcome this rejection, applicant may attempt to demonstrate (by means of argument or evidence) that the original disclosure establishes that he or she was in possession of the amended claim.

Conclusion

The claim is **FINALLY** rejected under 35 U.S.C. 112 (a).

Applicant's amendment necessitated new ground(s) of rejection presented in this Office action.

Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action.

In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to YOLANDA ROBINSON whose telephone number is 571-272-1690. The examiner can normally be reached on Monday – Friday, 10:30AM until 7PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Manpreet Matharu can be reached at (571) 272-8601. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/Y. R. /
Examiner, Art Unit 2922

/IAN SIMMONS/
Supervisory Patent Examiner, Art Unit 2912

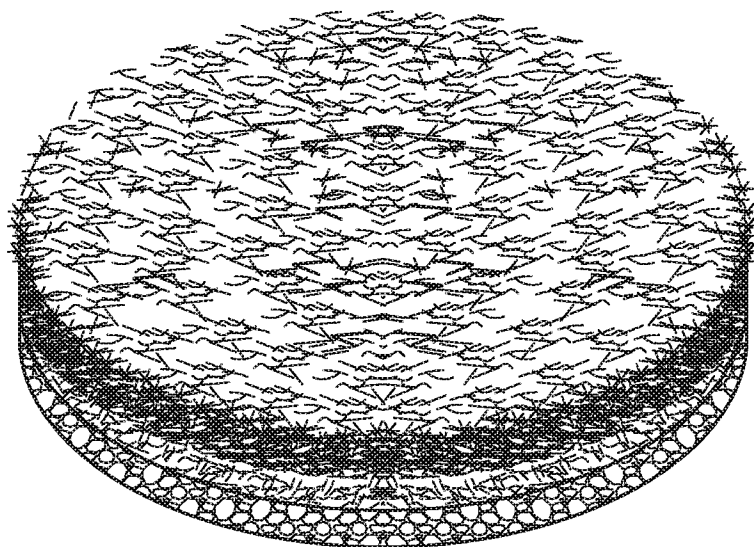


FIG. 1

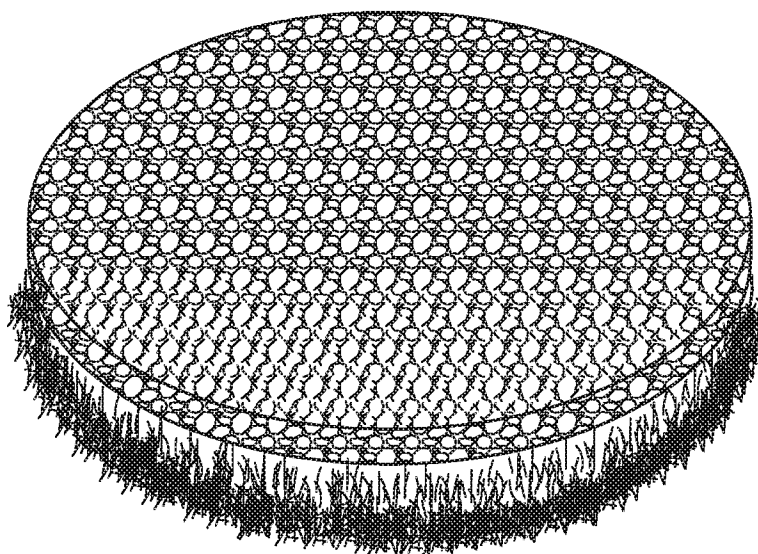


FIG. 2

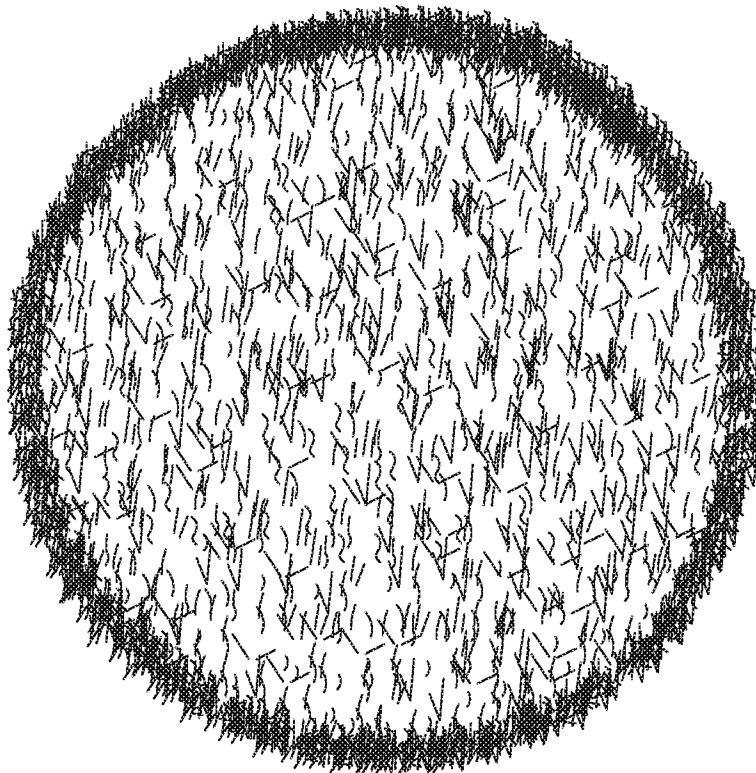


FIG. 3

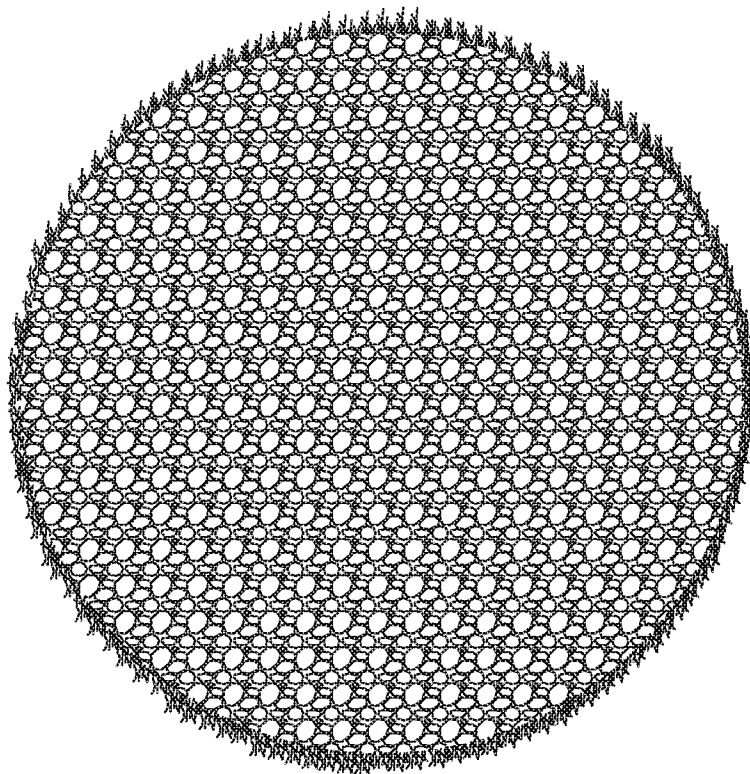


FIG. 4

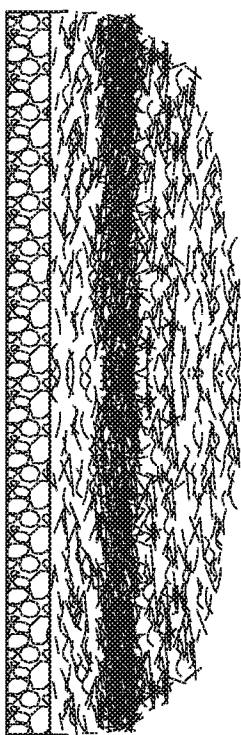


FIG. 5

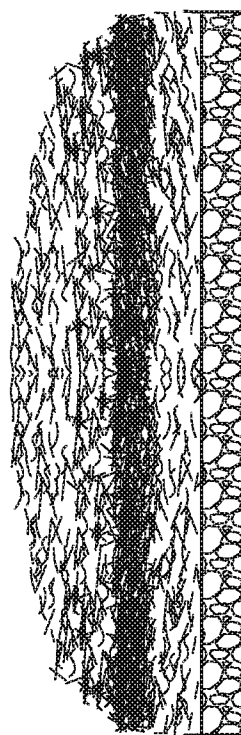


FIG. 6

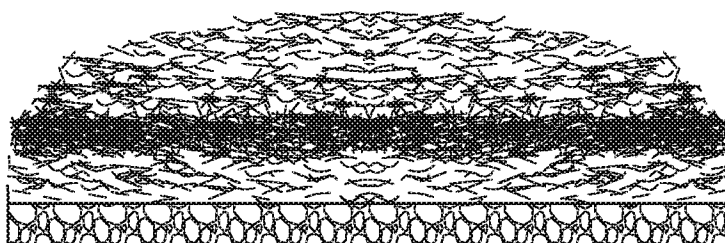


FIG. 7

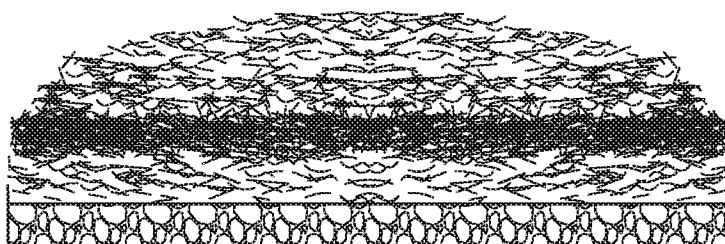


FIG. 8

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT DIVISION

In re application of: Jason Sharrot *et al.*

Serial No.: 29/547,246 Examiner: YOLANDA ROBINSON

Filing Date: December 02, 2015 Art Unit: 2922

Title: *FURNITURE PAD*

Docket No.: WAX-024725 US DES

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

<i>CERTIFICATE OF ELECTRONIC TRANSMISSION</i>	
I hereby certify that this Response to Office Action is being filed on the date shown below with the U.S. Patent and Trademark Office <i>via</i> electronic filing using the U.S. Patent Office's EFS Web System.	
Name:	<u>Carol A. Placko</u>
Signed:	/Carol A. Placko/
Date:	<u>December 10, 2018</u>

AMENDMENT AND RESPONSE TO OFFICE ACTION

In response to the Non-Final Office Action having a mailing date of September 10, 2018 entry of the following Amendment is respectfully requested.

Amendments to the Specification begin at page 2;

Amendments to the Drawings begins on page 3;

Amendments to the Claims begins on page 4; and

Remarks begin on page 5.

In the Specification:

Please amend the First and Second Paragraphs of the application as shown.

We, Jason Sharratt and Jacob Meyers, citizens of the United States have invented a new, original, and ornamental design for a FURNITURE PAD LEG FLOOR PROTECTION ~~APPARATUS~~, of which the following is a specification referring to the accompanying drawings.

A description for each of the Figures found in the drawings is as follows:

FIG. 1 is a top perspective view of a FURNITURE PAD LEG FLOOR PROTECTION ~~APPARATUS~~;

FIG. 2 is a bottom perspective view thereof;

FIG. 3 is a top plan view thereof;

FIG. 4 is a bottom plan view thereof;

FIG. 5 is a left side elevation view thereof;

FIG. 6 is a right side elevation view thereof;

FIG. 7 is a front elevation view thereof; and

FIG. 8 is a rear elevation view thereof; ~~and~~

~~FIG. 9 is a section view of FIG. 3 along section lines 9-9.~~

In the Drawings:

Please amend the drawings as shown in the attached Replacement Sheets. FIG. 9 has been deleted without prejudice or disclaimer. No new matter has been added to the application.

In the Claim:

Please amend the Claim as shown.

WE CLAIM:

The ornamental design for a FURNITURE PAD LEG FLOOR PROTECTION
~~APPARATUS~~ as shown and described.

REMARKS

In response to the Office Action issued by the Office, entry of the following Amendment is respectfully requested. The Application is now ready for issuance and a notice to that effect is respectfully requested.

OBJECTIONS TO THE SPECIFICATION

The Office Action stated that the Office objected to the title of the application. The application has been amended to the title suggested by the Office, in the specification and claim.

REJECTION UNDER 35 U.S.C. §§ 112(a) and 112(b)

The Office Action stated that the claim was rejected under 35 U.S.C. 112 first and second paragraphs, stating that the claimed invention was not described in such full, clear, and 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 applicant regards as the invention.

The Office states that the claim is indefinite and non-enabling because the top perspective view of FIG. 1 discloses a furniture leg floor protection apparatus that is inconsistent with the views of FIGS. 3 and 5-9 as this view discloses the top surface of the design with no apparent curvature. Figure 1 has been amended to show the curvature already present and disclosed in FIGS. 3, and 5-9.

The Office states that FIGS. 1-3 are indefinite and non-enabling because they disclose a thinly haired outline along the top and side portions of the design that is inconsistent with the same feature presented in FIGS. 5-8, which shows the same area with more thickness and covering more of the surface along the top and sides. Figures 5-8 have been amended so that the width of the thinly

haired outlines in FIGS. 5-8 are consistent with the thickness already present and disclosed in FIGS. 1-3.

The Office states that the hair orientation in FIGS. 5-6 and 9 is inconsistent with the hair orientation depicted in FIGS. 1-4, and in addition, that the top area of FIGS. 7-8 disclose the hair orientation in a horizontal manner while showing vertical hair orientation on the side areas. Figures 1, 7, and 8 have been amended so that the orientation of the hair in FIGS. 1, 7, 8 is consistent with the orientation of the hair already present and disclosed in FIGS. 5-6 and 9.

Additionally, the Office states that FIG. 9 incorrectly discloses a sectional view as it is described in the specification. FIG. 9 has been deleted without prejudice or disclaimer. No new matter has been added by way of the Amendment to the figures. The amended claim and drawings enable a designer of ordinary skill to reproduce the shape and appearance of the claimed design.

Accordingly, it is believed that the subject application is in condition for issuance and a notice to that effect is respectfully requested. Should Examiner Robinson disagree, she is encouraged to contact the undersigned to discuss.

CONCLUSION

In view of the foregoing Amendment and Remarks, the above pending claim is believed satisfy all the issues to the Office Action and advancement of the application to an allowance is respectfully requested. If any fees are determined to be due in connection with filing this Response to Office Action or any other paper filed during prosecution of this application, the Commissioner is authorized to charge any such fees to deposit account no. 20-0090. If any extension of time is required in connection with filing this Amendment or any other paper filed during prosecution of this

application, such an extension of time is petitioned for and hereby respectfully requested.

Respectfully submitted,

Dated: December 10, 2018

/John A. Yirga/
John A. Yirga
Reg. No. 56,480

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& TUMMINO LLP**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
29/547,246	12/02/2015	Jason A. Sharratt	WAX-024725 US DES	4915
26294	7590	09/10/2018	EXAMINER	
TAROLLI, SUNDHEIM, COVELL & TUMMINO L.L.P. 1300 EAST NINTH STREET, SUITE 1700 CLEVELAND, OH 44114			ROBINSON, YOLANDA	
			ART UNIT	PAPER NUMBER
			2922	
			NOTIFICATION DATE	DELIVERY MODE
			09/10/2018	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):

docketing@tarolli.com
rkline@tarolli.com

Art *Unit*: 2922

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

DETAILED ACTION

Specification Objection

The specification is objected to for the following reason:

- The title of the design as it is presently known “**Furniture Leg Floor Protection Apparatus**” is broad and can provide multiple meanings. Therefore, the examiner suggest that the title **should be amended** to read:

-- Pad for Furniture Protection -- or **-- Furniture Pad --**

Drawing Objection

The drawings are objected to for the following reason:

- **Poor line quality.** The drawings of Figs. 1-9 contain lines that are too thin with too little weight and does not meet the standards of quality as set forth in 37 CFR 1.84(l). According to 37 CFR 1.84(l) “*Character of lines, numbers, and letters. All drawings must be made by a process which will give them satisfactory reproduction characteristics. Every line, number, and letter must be durable, clean, black (except for color drawings), sufficiently dense and dark, and uniformly thick and well-defined. The weight of all lines and letters must be heavy enough to permit adequate reproduction. This requirement applies to all lines however fine, to shading, and to lines representing cut surfaces in sectional views. Lines and strokes of different thicknesses may be used in the same drawing where different thicknesses have a different meaning.*”

•

Correction of the above drawing objection is required.

Claim Rejection - 35 USC § 112 (a) and (b)

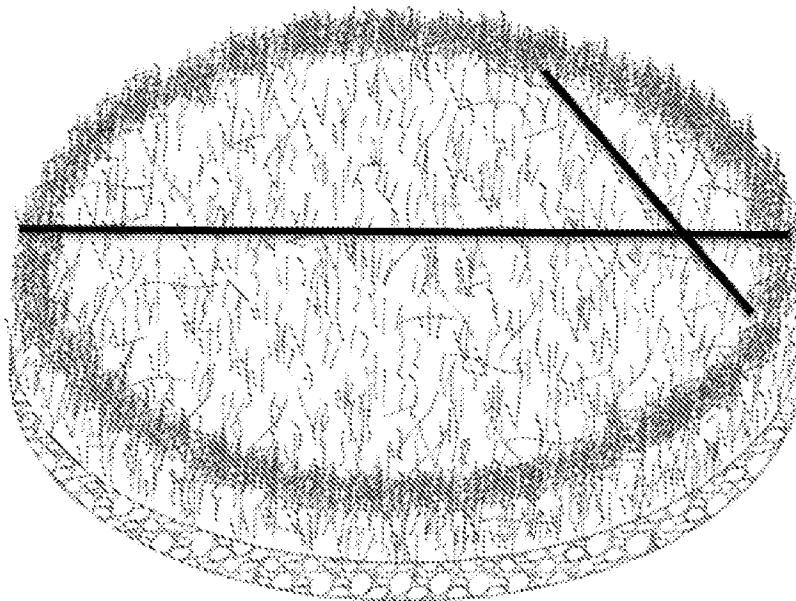
Drawings

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The claim is rejected under 35 U.S.C. 112(a) and (b) or pre-AIA 35 U.S.C. 112, first and second paragraphs, 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 applicant regards as the invention.

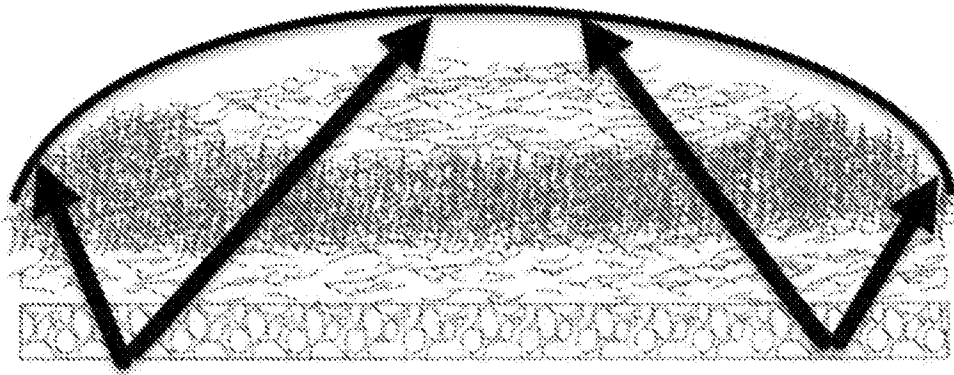
The claim is indefinite and non-enabling because:

- The top perspective view of Fig. 1 discloses a furniture leg floor protection apparatus that is inconsistent with the views of Figs. 3 and 5-9 as this view discloses the top surface of the design with no apparent curvature. The same area of the design in Figs. 3 and 5-7 present the same area as a rounded top with curvature along the top and sides. See annotated drawings below.



Curvature along the top surface is not apparent
in this view.

FIG. 1

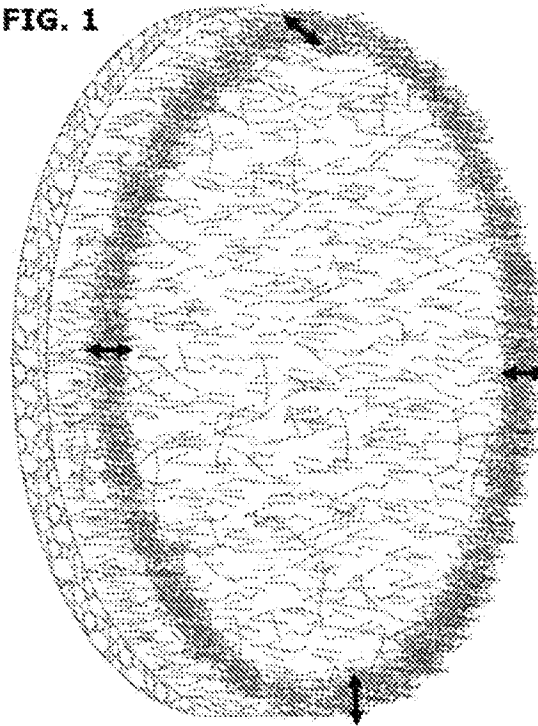


This view discloses curvature along the top and sides of the design

FIG. 7

- Figs. 1-3 disclose a thinly haired outline along the top and side portions of the design that is inconsistent with the same feature presented in Figs. 5-8 which shows the same area with more thickness and covering more of the surface along the top and sides. See annotated drawings below.

FIG. 1



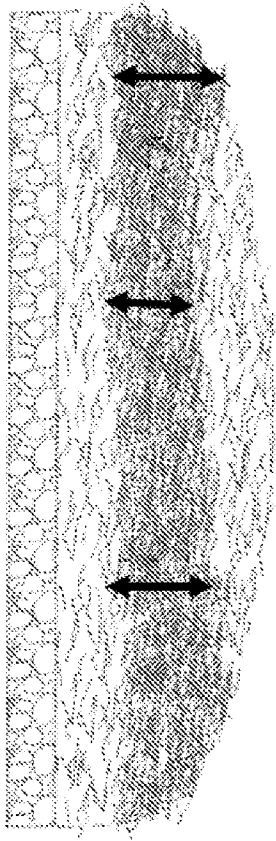


FIG. 5

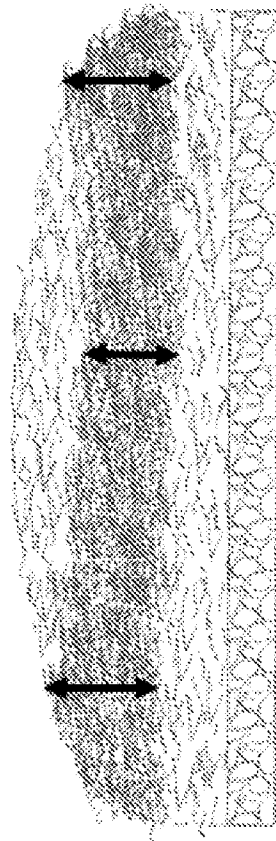


FIG. 6

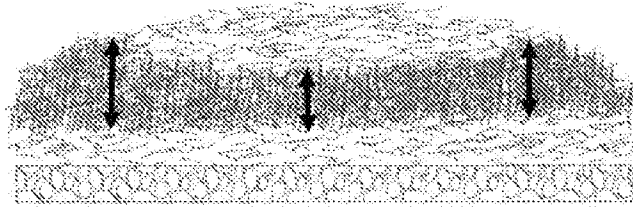


FIG. 7

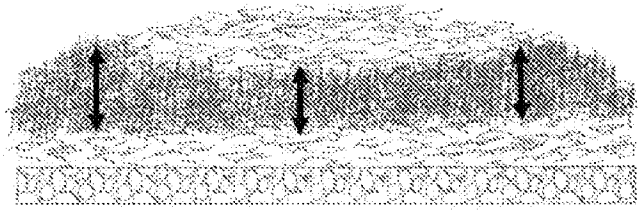


FIG. 8

- The hair orientation is inconsistent throughout the disclosure. In the views of Figs. 5-6 and 9, a horizontal pattern of hair is disclosed on the top and side areas of the furniture leg floor protection apparatus that is inconsistent with the hair orientation in the views of Figs. 1-4 that display a vertical pattern on the top and side areas. In addition, the top area of Figs. 7-8 disclose the hair orientation in a horizontal manner while showing vertical hair orientation on the side areas. See annotated drawings below.

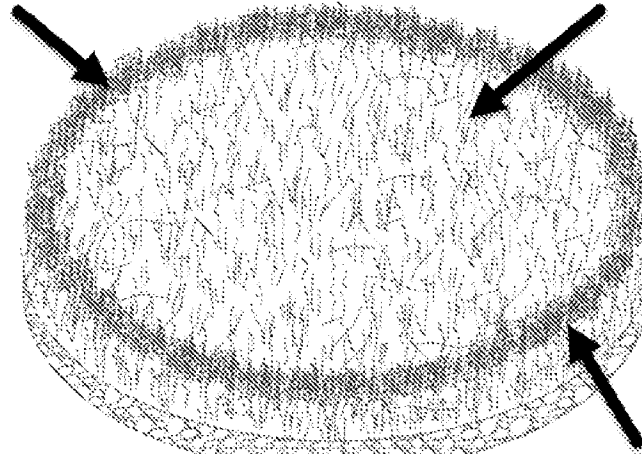


FIG. 1 discloses vertical hair orientation on top and side areas

The hair orientation is horizontal and lays flat in Figs. 5 and 6 on the top and sides

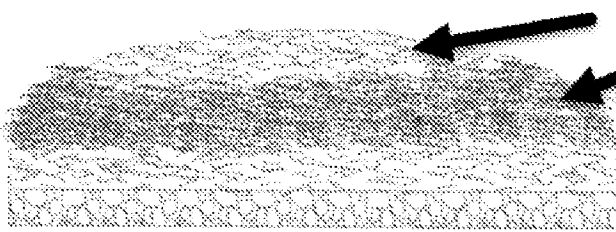


FIG. 5

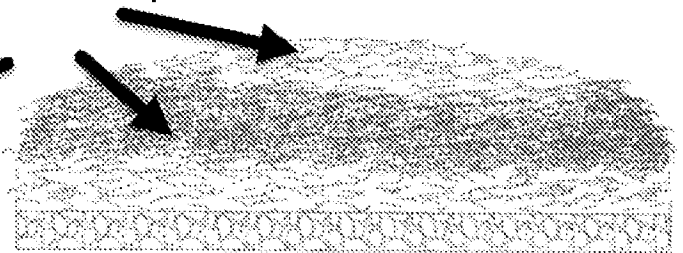


FIG. 6

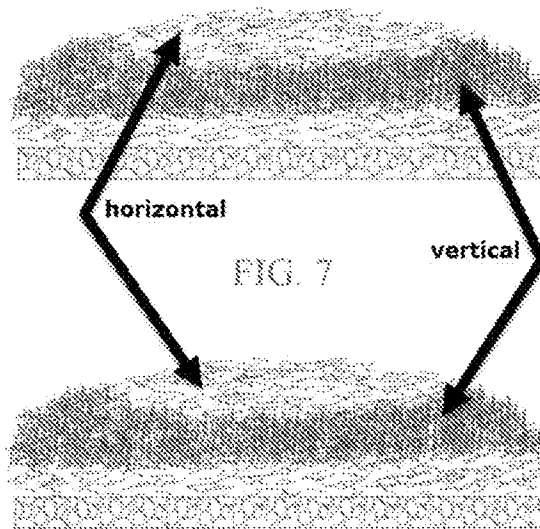


FIG. 8

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- * The view of Fig. 9 incorrectly discloses a sectional view as it is described in the specification. Sectional views should contain hatching and not hair. According to 37 C.F.R. 1.84(h) (3) of the MPEP *Sectional views. The plane upon which a sectional view is taken should be indicated on the view from which the section is cut by a broken line. The ends of the broken line should be designated by Arabic or Roman numerals corresponding to the view number of the sectional view, and should have arrows to indicate the direction of sight. Hatching must be used to indicate section portions of an object, and must be made by regularly spaced oblique parallel lines spaced sufficiently apart to enable the lines to be distinguished without difficulty. Hatching should not impede the clear reading of the reference characters and lead lines. If it is not possible to place reference characters outside the hatched area, the hatching may be broken off wherever reference characters are inserted. Hatching must be at a substantial angle to the surrounding axes or principal lines, preferably 45°. A cross section must be set out and drawn to show all of the materials as they are shown in the view from which the cross section was taken. The parts in cross section must show proper material(s) by hatching with regularly spaced parallel oblique strokes, the space between strokes being chosen on the basis of the total area to be hatched. The various parts of a cross section of the same item should be hatched in the same manner and should accurately and graphically indicate the nature of the material(s) that is illustrated in cross section. The hatching of juxtaposed different elements must be angled in a different way. In the case of large areas, hatching may be confined to an edging drawn around the entire inside of the outline of the area to be hatched. Different types of hatching should have different conventional meanings as regards the nature of a material seen in cross section.*

In addition, the sectional view provided in Fig. 9 discloses a furniture leg floor protection apparatus with no hatching pattern to distinguish unseen interior structure. Figs. 1-8 provide all the views necessary to understand the design. It is the examiner's position that this sectional view may lead to some confusion because it shows no area of the design which is not visible from the exterior.

Therefore, in order to overcome this portion of the rejection, the sectional view of Fig. 9 **should be amended** by deleting the view of Fig. 9 from the drawing disclosure and the figure description located in the specification. In addition, care should be given to amend Fig. 3 of the drawings and figure description to be consistent with the entire disclosure since those areas specifically address the existence of Fig. 9.

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." If a drawing figure is to be canceled, the appropriate figure

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must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. If all the figures on a drawing sheet are canceled, a replacement sheet is not required. 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.

When preparing new or replacement drawings, be careful to avoid introducing new matter. New matter is prohibited by 35 U.S.C. 132 and 37 CFR 1.121(f).

Conclusion

The claim stands rejected under 35 U.S.C. 112, (a) & (b).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to YOLANDA ROBINSON whose telephone number is (571) 272-1690. The examiner can normally be reached on MONDAY – FRIDAY, 10AM – 6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Manpreet Matharu can be reached on (571) 272-8601. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/Y. R. /
Examiner, Art Unit 2922

/IAN SIMMONS/
Supervisory Patent Examiner, Art Unit 2912