

Remarks

The drawings, specification, and claims were amended in accordance with the amendments above. The amendments to the claims are being made merely to clarify the invention. All of the amendments are fully supported by the specification, claims, and figures as originally filed. No new matter is believed or intended to be involved.

Objections to the Drawings

In the Office Action dated December 9, 2012, the Office objected to the drawings stating that the drawings must show every feature of the invention specified in the claims. In particular, the Office referred to the “elastic key” of claim 3, and “step or the flange includes a sealing member” of claim 6. Regarding the elastic key of claim 3, Applicant respectfully submits that Figure 9 and paragraph [93] of the specification clearly describe the elastic key of claim 3, which is shown, for example, as reference numeral 39 of Figure 9. Regarding claim 6, Applicant has amended claim 6 and claims depending therefrom to recite “flange” rather than “step or the flange.” Applicant submits that an exemplary flange is clearly shown, for example, in Figure 10 designated as reference numeral 139, and discussed, for example, in paragraph [85]. Accordingly, Applicant respectfully requests that the rejection be withdrawn.

Additionally, the Office objected to the drawings because “reference character ‘27’ in Figs. 4-5 has been used to designate both through hole on inner cover 26 per line 5 of para [0104] and support plate 17 per line 4 of para [0098].” Applicant has amended Figures 4-5 to remove the duplicate reference numerals as well as amending para [0098] as described above in “Amendments to the Specification,” thereby obviating the objection. Accordingly, Applicant requests that the objection be withdrawn.

Finally, the Office objected to the drawings because “Figure 1 should be designated by a legend such as --Prior Art--.” Applicant has amended Figure 1 to designate it as prior art, thereby obviating the objection. Accordingly, Applicant requests that the objection be withdrawn.

Objections to the Specification

The Office objected to the specification of the invention because the disclosure was not in the preferred format shown in the Office Action. Applicant has amended the headings as described above in “Amendments to the Specification” to conform to the preferred format, thereby obviating the objection. Accordingly, Applicant requests that the objection be withdrawn.

Additionally, the Office objected to the Abstract because it includes legal phraseology often used in patent claims. Applicant has amended to Abstract to remove the language referred to by the Office as being legal phraseology as described above in “Amendments to the Specification,” thereby obviating the objection. Accordingly, Applicant requests that the objection be withdrawn.

Finally, the disclosure was objected to because the Office stated that “in line 3 of para [0098], ‘a support plate 27’ is believed to be in error for --a support plate 17--.” Applicant has reassigned the support plate to reference numeral 300 and amended paragraph [0098] as described above in “Amendments to the Specification,” thereby obviating the objection. Accordingly, Applicant requests that the objection be withdrawn.

#### Objections to the Claims

The Office objected to the status identifiers of claims 4-5, 8, and 10-12 as not being designated as withdrawn. In the present response, the status identifiers have been updated to correctly reflect the status of the claims, thereby obviating the objection. Applicant respectfully requests that the objection be withdrawn.

Additionally, the Office objected to claim 1 for including multiple instances of “which”, which purportedly led to an unclear understanding of the claimed limitations. Without addressing the merits of the Office’s objections and in the interest of coming to an agreement, claim 1 has been amended as described in “Amendment to the Claims” to remove many of the instances of “which,” thereby obviating the objection. Applicant respectfully requests that the objection be withdrawn.

Finally, the Office objected to claim 2 for use of the word “it” as purportedly not defining and claiming the subject matter of the invention. Without addressing the merits of the Office’s

objections and in the interest of coming to an agreement, Applicant has amended claim 2 such that claim 2 no longer recites “it.”

### §112 Rejections

The Office rejected claims 1-3, and 6-7 under 35 U.S.C. §112, second paragraph, as being indefinite. In particular, the Office pointed to line 3 of claim 1, and lines 8-10 of claim 1 as being unclear as a result of the multiple uses of “which” in the claims. Without addressing the merits of the Office’s rejections and in the interest of coming to an agreement, Applicant has amended claim 1 to remove many of the instances of “which,” thereby obviating the rejection. Accordingly, Applicant respectfully requests that the rejection be withdrawn.

Additionally, the Office rejected claim 1 under 35 U.S.C. §112, second paragraph, because the Office states that “a plate-like” in line 18 renders the claim indefinite. Without addressing the merits of the Office’s rejection and in an attempt to reach an agreement, Applicant has amended the aforementioned phrase to recite “a plate-shaped,” thereby obviating the rejection. Applicant respectfully requests that the rejection be withdrawn.

### §103 Rejections

Claims 1, 2, and 6 were rejected under 35 U.S.C. §103(a) as being obvious over Hsu (U.S. 6,453,968) in view of Corriveau (U.S. Pub. No. 2004/0043134). Claims 1 and 3 were rejected under 35 U.S.C. §103(a) as being obvious over Horng (U.S. 5,472,560) in view of Corriveau in further view of Hsu. Claim 7 was rejected under 35 U.S.C. §103(a) as being obvious over Hsu in view of Corriveau and in further view of Lorscheidt (U.S. 4,139,311). Under MPEP 2143.03, in order to establish a *prima facie* case of obviousness, the Office must give due consideration to all of the limitations of a claim. Obviousness rejections “cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” *KSR International Co. v. Teleflex Inc.*, 82 USPQ2d 1385, 1395-97 (2007) (quoting *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006)). For at least the reasons set forth below, Applicant respectfully submits that the combined art of record fails to render any of the present claims obvious.

Applicant submits that the art of record fails to teach or suggest all of the limitations recited in each independent claim in accordance with MPEP 2143.03. For instance, Applicant notes that amended independent claim 1 recites “(e) the main shaft is formed in the center of a lower end of the cartridge body, the take-up shaft is on the main shaft to be spaced a predetermined distance therefrom, the separating pin is formed to be adjacent to the draw slit such that a forward direction of the edible film tape provided from the main bobbin to be transmitted to the take-up bobbin is changed, and the edible tape is separated from the release paper tape to draw out the separated edible tape, (f) the center of the take-up shaft includes a through hole to which the rotary shaft rotated by the driver unit formed in the edible film dispenser is inserted, and the take-up shaft is in close contact with the take-up bobbin to prevent external moisture from being introduced into the edible film cartridge through the through hole, so that the edible film is prevented from being damaged by the moisture, (h) when the edible film cartridge is installed in the edible film dispenser, the rotary shaft of the edible film dispenser is inserted into the through hole of the edible film cartridge, and the rotary shaft inserted into the through hole is coupled to rotate the take-up bobbin, and (g) when the take-up bobbin is rotated by the driver unit, the release paper tape of the edible film tape wound around the main bobbin is wound around the take-up bobbin via the separating pin, and the edible film adhered to the release paper tape is separated from the release paper tape to be discharged one at a time through the draw slit.” These limitations, among others recited in amended claim 1, are neither taught nor suggested by the combined art of record. Applicant therefore submits that the combined art of record fails to teach or suggest all of the limitations of amended claim 1 in accordance with MPEP 2143.03. Accordingly, Applicant respectfully submits that the combined art of record fails to render present claim 1 obvious in accordance with MPEP 2143, and respectfully requests that the rejection be withdrawn.

Applicant further notes that the dependent claims include additional limitations not taught or suggested in the art of record, thus forming independent basis for non-obviousness.

### Conclusion

While several distinctions have been noted over the art of record, Applicant notes that there are several other limitations recited in the present claims which are neither taught nor

suggested by the art of record. Applicant expressly reserves all rights and arguments with respect to distinctions not explicitly noted herein. In addition, to the extent that the amendments constitute a narrowing of the claims, such narrowing of the claims should not be construed as an admission as to the merits of the prior rejections. Indeed, Applicant traverses the rejections and preserves all rights and arguments. To the extent that any particular statement or argument by the Office in the pending Office Action has not been explicitly addressed herein, the same should not be construed as an acquiescence or admission by the Applicant that such statements or arguments by the Office are accurate or proper.

Based on the foregoing, all pending claims are in a condition for allowance. Accordingly, Applicant respectfully requests reconsideration and an early notice of allowance. Should the Office wish to discuss the amendments or arguments made herein, Applicant invites the Office to contact the undersigned at (513) 651-6175 or via e-mail at [dchoi@fbtlaw.com](mailto:dchoi@fbtlaw.com).

The Commissioner for Patents is hereby authorized to charge any deficiency, including any fees required for an extension of time not already paid for or any other required fees not already paid for, or to credit any overpayment of fees, to Frost Brown Todd LLC Deposit Account No. 06-2226.

Respectfully Submitted,



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