

DETAILED ACTION

Election/Restrictions

1. Claims 1-3 and 6-7 are directed to an allowable edible cartridge mounted in an edible film dispenser. Pursuant to the procedures set forth in MPEP § 821.04(b), claims 8-9, directed to the allowable claims and withdrawn from consideration as a result of a restriction requirement, directed to the edible cartridge mounted in an edible film dispenser with a sealing guide member; with sealing tapes for preventing external moisture from being introduced, are hereby rejoined and fully examined for patentability under 37 CFR 1.104. Claims 4-5 and 10-12, directed to the invention(s) of Species III & IV require all the limitations of an allowable product claim, and have NOT been rejoined.

Because a claimed invention previously withdrawn from consideration under 37 CFR 1.142 has been rejoined, **the restriction requirement among groups I as set forth in the Office action mailed on 9/1/11 is hereby withdrawn.** In view of the withdrawal of the restriction requirement as to the rejoined inventions, applicant(s) are advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Once the restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Daniel Choi (Reg. # 66714) on 7/11/12.

The application has been amended as follows:

In claims:

- In line 12 of claim 1, "(c) an edible film tape contained" has been changed to --(b) an edible film tape contained --.
- In line 21 of claim 1, "(d) the body plate of the cartridge body" has been changed to --(c) the body plate of the cartridge body--.
- In line 40 of claim 1, "(e) the main shaft is formed" has been changed to --(d) the main shaft is formed--.
- In line 46 of claim 1, "(f) the center of the take-up shaft" has been changed to --(e) the center of the take-up shaft--.
- In line 52 of claim 1, "(h) when the edible film" has been changed to --(f) when the edible film--.
- In line 23 of claim 1, "a separating pin" has been changed to --a draw shaft--.

Art Unit: 3724

- In line 24 of claim 1, “tape a from the edible film tape,” has been changed to –tape from the edible film tape,--.
- In line 42 of claim 1, “the separating pin” has been changed to --the draw shaft--.
- In line 58 of claim 1, “the separating pin” has been changed to --the draw shaft--.
- Claims 4-5 and 10-12 are cancelled.

Allowable Subject Matter

3. Claims 1-3 and 6-9 are allowed.

Reasons for Allowance

4. The following is an examiner’s statement of reasons for allowance: The claims are allowable because prior art fails to teach an edible film cartridge mounted in an edible film dispenser with the main shaft 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 draw shaft 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, 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

Art Unit: 3724

damaged by the moisture,

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 via the draw shaft, in combination with other limitations set forth in claim 1, and with the other limitations of the dependent claims.

Re claim 1, Hsu teaches tape cartridge 1 per Figs. 1-7 capable of being an edible film cartridge 1, which is capable of being mounted in an edible film dispenser, the edible film cartridge comprising: a cartridge body formed with an edge perpendicular wall along the edge of a body plate; and a plate-shaped cartridge cover closely coupled with a top surface of the edge perpendicular wall of the cartridge body, wherein the edge perpendicular wall of the cartridge body is in a sealed state, wherein the edge perpendicular wall defines a draw slit formed on one side of the top surface to draw out an edible film such that a receiving space is formed in the edible film cartridge; b) an edible film tape contained within the receiving space defined by the edible film cartridge, wherein the edible film tape is cut to a predetermined length and is adhered on a surface of a release paper tape, a cylindrical main bobbin, around which the edible film tape is wound in a roll form, and a cylindrical take-up bobbin around which the release paper tape separated from the edible film tape is wound in a roll form, (c) the body plate of the cartridge body is integrally formed with a main shaft to which the main bobbin is rotatably coupled, a take-up shaft to which the take-up bobbin is rotatably coupled, and a separating pin separating the edible tape a from the edible film tape per Figs. 1-7.

Art Unit: 3724

Corriveau teaches edible thin films in the form of a rolled tape per Figs. 1-2 per para [0011-0012] and [0036] in order to provide a confectionary product in a novelty form can enhance the marketability of a product, particularly to young consumers per lines 104 of para [0008].

However, Neither Hsu nor Corriveau nor combination thereof teaches an edible film cartridge mounted in an edible film dispenser with the main shaft 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 draw shaft 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, 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, 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 via the draw shaft.

None of these and the prior arts of record references by themselves or in combination with the other prior art cited teach the claimed invention set forth in claim 1.

Art Unit: 3724

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

5. The prior art made of record and not relied upon, as previously submitted, is considered pertinent to applicant's disclosure. Pearce teaches an edible film tape; Engberg, Myers and Weigolt teach different types of gummed tape dispenser; Lammers, Lee, Lash, Summers, Nose, Muenzer teach various types of dispenser for double-sided adhesive tape; Au and Schlotthauer teach various types of tape dispenser; Martin teaches a sealing element adjacent to a cutter; and Taulbee teaches sterile or seal barrier for dust/dirt proofing a tape dispenser.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to BHARAT C. PATEL whose telephone number is (571)270-3078. The examiner can normally be reached on Monday-Friday, alt. Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on 24502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3724

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/Bharat C Patel/
Examiner, Art Unit 3724
7/12/12.

/Ghassem Alie/
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