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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/602,768	09/04/2012	Jouni Pitkäranta	BERAJP-PT001	9122
3624	7590	03/13/2014	EXAMINER	
VOLPE AND KOENIG, P.C. UNITED PLAZA 30 SOUTH 17TH STREET PHILADELPHIA, PA 19103			NGUYEN, TRINH T	
			ART UNIT	PAPER NUMBER
			3644	
			NOTIFICATION DATE	DELIVERY MODE
			03/13/2014	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):

eoffice@volpe-koenig.com

Office Action Summary	Application No. 13/602,768	Applicant(s) PITKÄRANTA, JOUNI	
	Examiner TRINH NGUYEN	Art Unit 3644	AIA (First Inventor to File) Status No

-- 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 election dated 11/25/13.
 - 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) 1-16 is/are pending in the application.
 - 5a) Of the above claim(s) 9 and 13-15 is/are withdrawn from consideration.
- 6) Claim(s) _____ is/are allowed.
- 7) Claim(s) 1,5-8,10-12 and 16 is/are rejected.
- 8) Claim(s) 2-4 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 9/4/12 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 2/27/14, 9/4/12
- 3) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 4) Other: _____

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DETAILED ACTION

1. The present application is being examined under the pre-AIA first to invent provisions.

Election/Restrictions

2. Applicant's election with traverse of Species 1 as shown in Figures 1a-1c (claims 1-8,10-12 and 16) in the reply filed on 11/25/13 is acknowledged. The traversal is on the ground(s) that Figures 1a-1c disclose the features on the apparatus defined in claim 1, Figures 2a, 2b and 2c disclose embodiments of the same apparatus and that these embodiments contain all the features on the apparatus shown in Figures 1a-1c although not all features are depicted with reference numbers. This is not found persuasive because as clearly shown in Figures 1a-2c, Species 1 of Figures 1a-1c comprises different structural components as compared to Figures 2a-2c. Furthermore, it is noted that the only proper traverse to an election of species requirement is to state that the species are not patentably distinct. If the Applicant(s) wish to do so, they, and their admission that one species is not patentably distinct over the other, will provide an express admission that a rejection of one species necessarily is a rejection of all species.

The requirement is still deemed proper and is therefore made FINAL.

Claim Rejections - 35 USC § 102

3. In the event the determination of the status of the application as subject to AIA 35 U.S.C. 102 and 103 (or as subject to pre-AIA 35 U.S.C. 102 and 103) is incorrect, any correction of the statutory basis for the rejection will not be considered a new ground of rejection if the prior art relied upon, and the rationale supporting the rejection, would be the same under either status.

The following is a quotation of the appropriate paragraphs of pre-AIA 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 –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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4. **Claims 1,10,12 and 16 are rejected under pre-AIA 35 U.S.C. 102 (b) as being anticipated by WO 2008/125727 (WO'727).**

For claim 1, **WO'727** teaches an apparatus for covering a feeding aperture of an animal shelter, which feeding aperture (110) comprises an upper edge and a lower edge, which apparatus comprises at least one first curtain (106) which includes a first edge from which it can be fastened to the upper edge of the feeding aperture or above it, and a second edge which is dimensioned to extend at least close to the lower edge of the feeding aperture when the curtain is hanging freely and a turning mechanism (124,126) for moving the second edge of the curtain in the first direction towards the interior of the animal shelter and in the second direction away from the interior of the animal shelter.

For claim 10, **WO'727** teaches said first curtain is permeable to light (see lines 5-10 of page 6).

For claim 12, **WO'727** teaches the second edge of said first curtain (106) is dimensioned to take its position at least for the most of its length against the lower edge of the feeding aperture (see Figure 1a).

For claim 16, **WO'727** teaches an animal shelter comprising a feeding aperture (110), which feeding aperture comprises an upper edge and a lower edge, at least one first curtain (106) which includes a first edge from which it is fastened to the upper edge of the feeding aperture or above it, and a second edge which extends at least close to the lower edge of the feeding aperture when the first curtain is hanging freely and a turning mechanism (124,126) for moving the second edge of the curtain in the first direction towards the interior of the animal shelter and in the second direction away from the interior of the animal shelter.

Claim Rejections - 35 USC § 103

5. In the event the determination of the status of the application as subject to AIA 35 U.S.C. 102 and 103 (or as subject to pre-AIA 35 U.S.C. 102 and 103) is incorrect, any correction of the statutory basis for the rejection will not be considered a new ground of rejection if the prior art relied upon, and the rationale supporting the rejection, would be the same under either status.

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The following is a quotation of pre-AIA 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 5-8 are rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over WO 2008/125727 (WO'727) in view of Pidgeon (US 2299173).

For claims 5-8, as described above, **WO'727** discloses most of the claimed invention except for mentioning an elongated edge stiffening, wherein the second edge of said first curtain comprises an edge cavity extending substantially along the second edge, and said edge stiffening is a tube or a bar, which has been adapted to said edge cavity and at least one intermediate stiffening, wherein in the area between the first edge and the second edge of the first curtain there is at least one intermediate cavity, and said intermediate stiffening is a tube or a bar, which has been adapted to said intermediate cavity.

Pidgeon teaches that it is old and well known in the art to provide stiffeners such as a tube or a bar in curtain so as to add more body and/or structure to the curtain.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the apparatus of **WO'727** so as to include the use of stiffenings, in a similar manner as taught in Pidgeon, in order to add more body and/or structure to the curtain.

7. Claim 11 is rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over WO 2008/125727 (WO'727).

As described above, **WO'727** discloses most of the claimed invention except for the use of a specific material such as a net-like element.

However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to select such a material, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice.

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Allowable Subject Matter

8. Claims 2-4 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to TRINH NGUYEN whose telephone number is (571)272-6906. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Collins can be reached on (571) 272-6886. 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.

/TRINH NGUYEN/
Primary Examiner, Art Unit 3644