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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
15/884,435	01/31/2018	BERTRAND BARRE	5885-077	2929

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EXAMINER

STEVENS, ALLAN D

ART UNIT	PAPER NUMBER
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3728

NOTIFICATION DATE	DELIVERY MODE
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06/14/2018

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):

ipdocket@pfs-law.com

Office Action Summary	Application No. 15/884,435	Applicant(s) BARRE ET AL.	
	Examiner ALLAN STEVENS	Art Unit 3728	AIA (First Inventor to File) 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 31 January 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) 1-21 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) 1-21 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 31 January 2018 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) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 3) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08a and/or PTO/SB/08b)
Paper No(s)/Mail Date ____. | 4) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Notice of Pre-AIA or AIA Status

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

Specification

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: "height", "articulating regions", "first substantially triangular articulating region", "second substantially triangular articulating region", "third substantially triangular articulating region", "fourth substantially triangular articulating region".
3. The disclosure is objected to because of the following informalities: multiple claim limitations such as "the height of the lid adding to the storage capacity of the body when the lid is in the open configuration" of claim 1 are not described in the Specification.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of 35 U.S.C. 112(b):

(b) CONCLUSION.—The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the inventor or a joint inventor regards as the invention.

The following is a quotation of 35 U.S.C. 112 (pre-AIA), second paragraph:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-21 are rejected under 35 U.S.C. 112(b) or 35 U.S.C. 112 (pre-AIA), second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the inventor or a joint inventor, or for pre-AIA the applicant regards as the invention.

6. The term "substantially" in claim 1 is a relative term which renders the claim indefinite. The term "circumscribing" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

7. Claim 6 is led to be indefinite because it is unclear if "a portion of the body of the container" of line 3 and "a portion of the body of the container" of lines 2-3 of claim 3, from which claim 6 depends, refer to the same or different structures. For purposes of applying art the claim will be examined as if they refer to the same structure, however further clarification and correction are required.

8. The term "substantially" in claim 8 and its dependents is a relative term which renders the claims indefinite. The term "triangular" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

9. The term "substantially" in claim 13 is a relative term which renders the claim indefinite. The term "coplanar" is not defined by the claim, the specification does not

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provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

10. The term "substantially" in claim 9 and its dependents is a relative term which renders the claims indefinite. The term "triangular" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

11. Claim 17 recites the limitation "the frame" in line 1. There is insufficient antecedent basis for this limitation in the claim.

12. Claims 2-5, 15, 16, and 18-21 are led to be rejected in that they are dependent on an indefinite claim.

Claim Rejections - 35 USC § 102

13. 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.

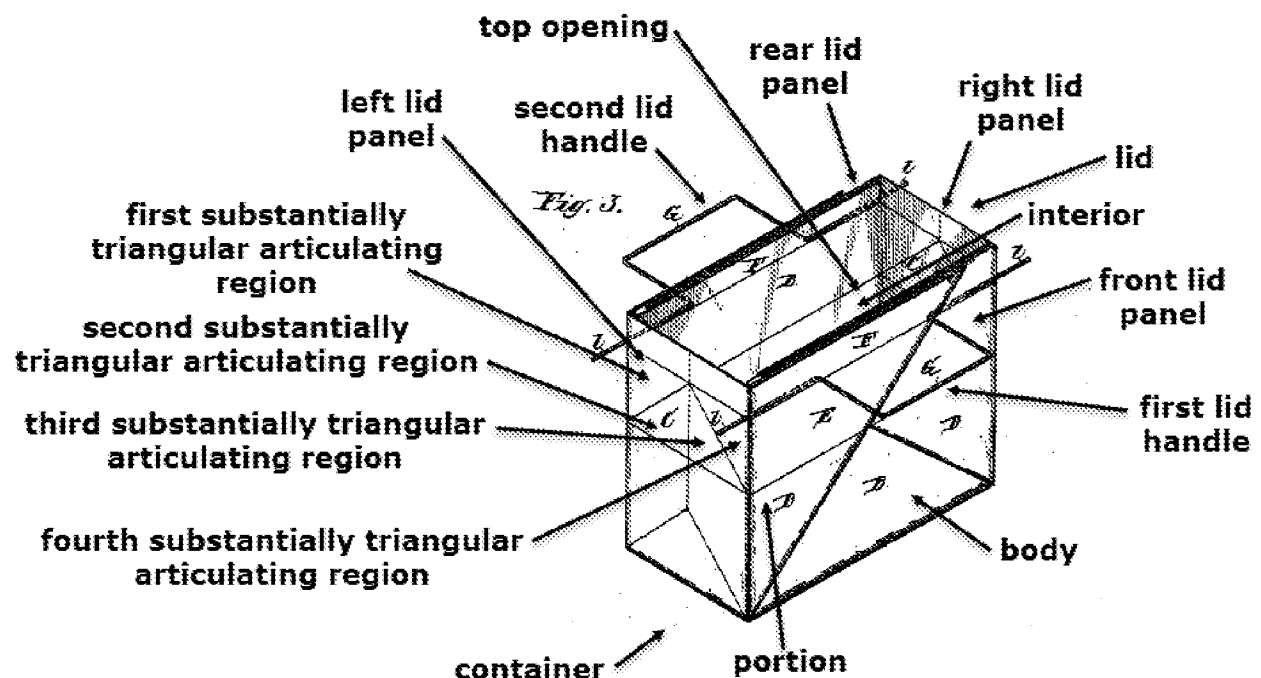
14. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a)(1) the claimed invention was patented, described in a printed publication, or in public use, on sale or otherwise available to the public before the effective filing date of the claimed invention.

15. Claim(s) 1-14 and 18-20 is/are rejected under 35 U.S.C. 102(a)(1) as being anticipated by Sefton (US 440656).

Claim 1: Sefton discloses a container comprising a body having a top opening and an interior having a storage capacity; a lid substantially circumscribing the top opening, the lid having a height, an open configuration, a closed configuration, a first lid handle, and a second lid handle; the height of the lid adding to the storage capacity of the body when the lid is in the open configuration; and the lid transitioning from the open configuration to the closed configuration upon drawing at least one of the first lid handle and the second lid handle towards the other of the first lid handle and the second lid handle (see fig. 1 and annotated fig. 3 below).



Claim 2: Sefton disclose the lid transitioning from the closed configuration to the open configuration upon drawing at least one of the first lid handle and the second lid

handle away from the other of the first lid handle and the second lid handle (see annotated fig. 3 above).

Claim 3: Sefton discloses the lid comprising a front lid panel and a rear lid panel, both the front lid panel and the rear lid panel being hingedly coupled to a portion of the body of the container (see annotated fig. 3 above).

Claim 4: Sefton discloses the first lid handle being operably coupled to the front lid panel and the second lid handle being operably coupled to the rear lid panel (see annotated fig. 3 above).

Claim 5: Sefton discloses the first lid handle being integrally formed with the front lid panel and the second lid handle being integrally formed with the rear lid panel (see annotated fig. 3 above).

Claim 6: Sefton discloses the lid further comprising a left lid and a right lid panel, at least one of the left lid panel and the right lid panel being hingedly coupled to a portion of the body of the container (see annotated fig. 3 above).

Claim 7: Sefton discloses at least one of the left lid panel and the right lid panel comprising a plurality of articulating regions (see annotated fig. 3 above).

Claim 8: Sefton discloses at least one of the left lid panel and the right lid panel comprising a plurality of substantially triangular articulating regions (see annotated fig. 3 above).

Claim 9: Sefton discloses at least one of the left lid panel and the right lid panel comprising four substantially triangular articulating regions (see annotated fig. 3 above).

Claim 10: Sefton discloses each of the substantially triangular articulating regions being hingedly coupled to at least one adjacent substantially triangular articulating region (see annotated fig. 3 above).

Claim 11: Sefton discloses the four substantially triangular articulating regions including a first substantially triangular articulating region hingedly coupled to a second substantially triangular articulating region, and a third substantially triangular articulating region hingedly coupled to a fourth substantially triangular articulating region (see annotated fig. 3 above).

Claim 12: Sefton discloses the second and third substantially triangular articulating regions being hingedly coupled to each other (see annotated fig. 3 above).

Claim 13: Sefton discloses the substantially triangular articulating regions being substantially coplanar when the lid is in the open configuration (see annotated fig. 3 above).

Claim 14: Sefton discloses the first substantially triangular articulating region folding towards the second substantially triangular articulating region and the third substantially triangular articulating region folding towards the fourth substantially triangular articulating region as the lid transitions from the open configuration to the closed configuration (see annotated fig. 3 above).

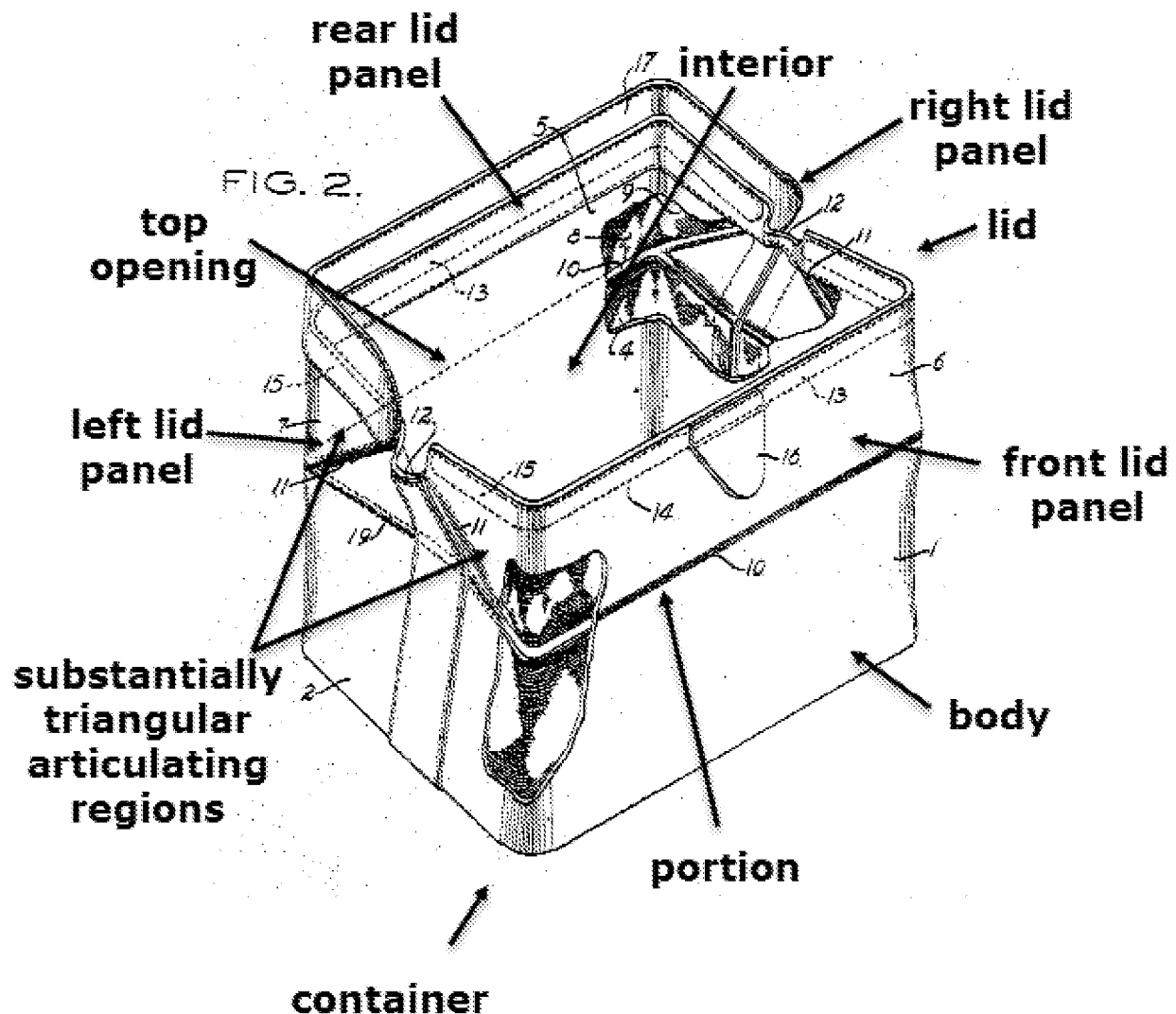
Claim 18: Sefton discloses the container being a hamper (see annotated fig. 3 above).

Claim 19: Sefton discloses the container being a basket (see annotated fig. 3 above).

Claim 20: Sefton discloses the container being a tote (see annotated fig. 3 above).

16. Claim(s) 1-8, 13, 15, and 18-20 is/are rejected under 35 U.S.C. 102(a)(1) as being anticipated by Fontana (US 2714911).

Claim 1: Fontana discloses a container comprising a body having a top opening and an interior having a storage capacity; a lid substantially circumscribing the top opening, the lid having a height, an open configuration, a closed configuration, pull tabs 16 (first lid handle and second lid handle); the height of the lid adding to the storage capacity of the body when the lid is in the open configuration; and the lid transitioning from the open configuration to the closed configuration upon drawing at least one of the pull tabs 16 (first lid handle and second lid handle) towards the other of the pull tabs 16 (first lid handle and second lid handle) (see fig. 1 and annotated fig. 2 below).



Claim 2: Fontana disclose the lid transitioning from the closed configuration to the open configuration upon drawing at least one of the pull tabs 16 (first lid handle and second lid handle) away from the other of the pull tabs 16 (first lid handle and second lid handle) (see annotated fig. 2 above).

Claim 3: Fontana discloses the lid comprising a front lid panel and a rear lid panel, both the front lid panel and the rear lid panel being hingedly coupled to a portion of the body of the container (see annotated fig. 2 above).

Claim 4: Fontana discloses the pull tab 16 (first lid handle) being operably coupled to the front lid panel and the pull tab 16 (second lid handle) being operably coupled to the rear lid panel (see annotated fig. 2 above).

Claim 5: Fontana discloses the pull tab 16 (first lid handle) being integrally formed with the front lid panel and the pull tab 16 (second lid handle) being integrally formed with the rear lid panel (see annotated fig. 2 above).

Claim 6: Fontana discloses the lid further comprising a left lid and a right lid panel, at least one of the left lid panel and the right lid panel being hingedly coupled to a portion of the body of the container (see annotated fig. 2 above).

Claim 7: Fontana discloses at least one of the left lid panel and the right lid panel comprising a plurality of articulating regions (see annotated fig. 2 above).

Claim 8: Fontana discloses at least one of the left lid panel and the right lid panel comprising a plurality of substantially triangular articulating regions (see annotated fig. 2 above).

Claim 13: Fontana discloses the substantially triangular articulating regions being substantially coplanar when the lid is in the open configuration (see annotated fig. 2 above).

Claim 15: Fontana discloses the lid and body being reinforced with fabric (constructed of a fabric material) (see C. 1 L. 39-52).

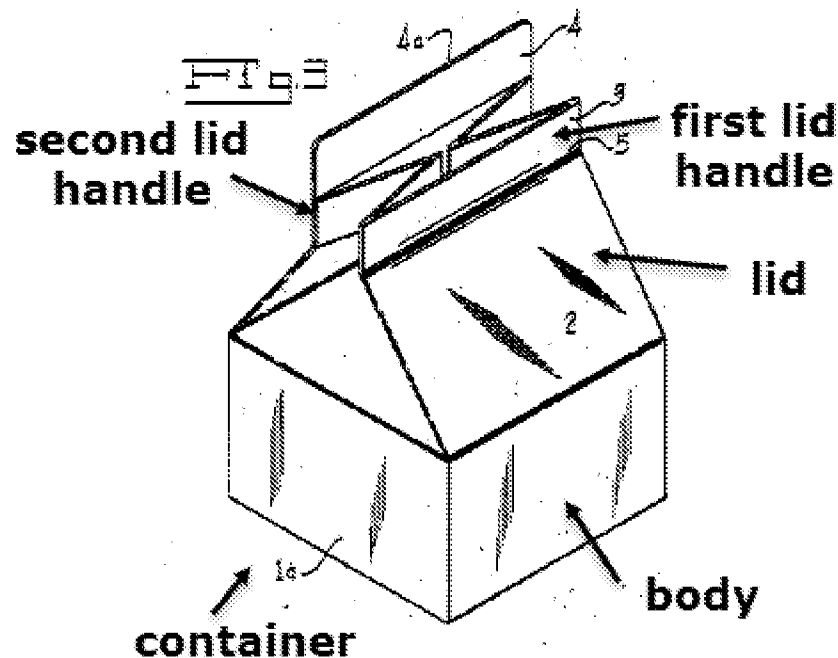
Claim 18: Fontana discloses the container being a hamper (see annotated fig. 2 above).

Claim 19: Fontana discloses the container being a basket (see annotated fig. 2 above).

Claim 20: Fontana discloses the container being a tote (see annotated fig. 2 above).

17. Claim(s) 1 and 21 is/are rejected under 35 U.S.C. 102(a)(1) as being anticipated by Vivian (US 2533539).

Claim 1: Vivian discloses a container comprising a body having a top opening and an interior having a storage capacity; a lid substantially circumscribing the top opening, the lid having a height, an open configuration, a closed configuration, first lid handle and second lid handle; the height of the lid adding to the storage capacity of the body when the lid is in the open configuration; and the lid transitioning from the open configuration to the closed configuration upon drawing at least one of the pull tabs 16 (first lid handle and second lid handle) towards the other of the pull tabs 16 (first lid handle and second lid handle) (see fig. 1, 2, and annotated fig. 3 below).



Claim 21: Vivian discloses the lid being inverted frusto-square pyramidal in shape (see fig. 2 and annotated fig. 3 above).

Claim Rejections - 35 USC § 103

18. 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.

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

A patent for a claimed invention may not be obtained, notwithstanding that the claimed invention is not identically disclosed as set forth in section 102, if the differences between the claimed invention and the prior art are such that the claimed invention as a whole would have been obvious before the effective filing date of the claimed invention to a person having

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ordinary skill in the art to which the claimed invention pertains. Patentability shall not be negated by the manner in which the invention was made.

20. Claim 17 is/are rejected under 35 U.S.C. 103 as being unpatentable over Fontana (US 2714911) as applied to claim 13 above, and further in view of Kellogg (US 6948632).

Claim 17: Fontana discloses the claimed invention except for at least a portion of a frame being constructed of a wire material.

Fontana discloses the claimed invention except for a frame with at least a portion constructed of a wire material.

Kellogg teaches a container 10 having side panels 20 with respective frames 22 along their sides, wherein the frames 22 are made of wire (see fig. 1 and C. 6 L. 59-61).

It would have been obvious to one of ordinary skill in the art before the effective filing date of the invention to have modified the container of Fontana to have frames 22 along its edges, like Kellogg, in order to provide it with additional structural stability.

21. Claim 16 is/are rejected under 35 U.S.C. 103 as being unpatentable over Fontana (US 2714911) as applied to claim 1 above, and further in view of Kellogg (US 6948632).

Claim 16: Fontana discloses the claimed invention except for the container further comprising a frame.

Kellogg teaches a container 10 having side panels 20 with respective frames 22 along their sides (see fig. 1).

It would have been obvious to one of ordinary skill in the art before the effective filing date of the invention to have modified the container of Fontana to have frames 22 along its edges, like Kellogg, in order to provide it with additional structural stability.

Double Patenting

22. Applicant is advised that should claim 18 be found allowable, claims 19 and 20 will be objected to under 37 CFR 1.75 as being substantial duplicates thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALLAN STEVENS whose telephone number is (571)270-7798. The examiner can normally be reached on Monday to Friday from 12:00 to 8:00 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>.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Pickett can be reached on (571) 272-4560. 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.

/ALLAN STEVENS/
Examiner, Art Unit 3728