

during the examination of the request for invalidation, the patentee of a patent for invention or utility model may amend the claims, but cannot enlarge the protection scope of the original patent. The patentee of the patent for invention or utility model cannot amend the description and the drawings. The patentee of a patent for industrial design cannot amend the drawings, photographs and the brief explanation of the design.

Pursuant to Rule 70 of the Implementing Regulations of the Chinese Patent Law, during the examination of the request for invalidation, the deadlines specified by the Patent Reexamination Board shall not be extended.

Pursuant to provisions of Rule 71 of the Implementation of the Chinese Patent Law, before the Patent Reexamination Board makes a decision on the request for invalidation, the petitioner for invalidation may withdraw such a request. Where the petitioner for invalidation withdraws his request before the Patent Reexamination Board makes the decision, the procedures for examining the request for invalidation shall be terminated.

According to provisions relate to presenting evidence in a foreign language of the Section 2.2.1 of Part IV Chapter 8 of the Guidelines, where the party concerned submits evidence in a foreign language, he shall also submit the Chinese translation thereof. If he fails to submit the Chinese translation within the limit for producing evidences, the foreign language evidence shall be deemed not to have been submitted. The party concerned shall submit the Chinese translation in written form. If he fails to submit the Chinese translation in written form, the said Chinese translation shall be deemed not to have been submitted. The party concerned may submit the Chinese translation only for part of foreign language evidence. Other parts of the foreign language evidence without

Chinese translation being submitted shall not be taken as evidence, unless the Chinese translation for the other parts are subsequently submitted at the request of the Patent Reexamination Board. If the opposite party has objection to the contents of the Chinese translation, he shall submit the Chinese translation for the disputed parts within a specified time limit. Failure to submit the Chinese translation shall be deemed as having no objection to the translation. Where there is a dispute in the Chinese translation, if the both parties have reached an agreement as to the translation, the agreed translation shall be used; if the both parties cannot reach an agreement as to the translation, the Patent Reexamination Board may entrust a translator to translate when necessary. Where the both parties have reached an agreement on the translator, the Patent Reexamination Board may entrust the translator as agreed on by the both parties to translate, for the full text, the part to be used, or the part in dispute. Where the both parties cannot reach an agreement on the translator, the Patent Reexamination Board may entrust ex officio a professional translation agency to translate. The both parties shall respectively bear 50% of the translation fee for the entrusted translation. The party refusing to pay the translation fee shall be deemed to acknowledge that the Chinese translation submitted by the other party is correct.

Annex:

"Request for Invalidation" and a copy of the attachments as listed therein.

The supplementary opinion and a copy of the attachments as listed therein submitted by the petitioner on _____

The Patent Reexamination Board

中华人民共和国国家知识产权局专利复审委员会

100037

北京市阜成门外大街2号万通新世界广场8层
 中国国际贸易促进委员会专利商标事务所
 范莉

发文日期:

专利复审委员会

2008-12-11

发 文

专利号: 200730148719.0

案件编号: W608509

发明创造名称: 移动式通讯装置

专利权人: 苹果公司

无效宣告请求人: 上海罗恩网络信息技术有限公司

无效宣告请求受理通知书

专利权人:

2008年11月21日无效宣告请求人对上栏所述专利权提出的无效宣告请求, 经形式审查符合专利法及其实施细则和审查指南的有关规定, 准予受理。请在收到本通知之日起壹个月内对该无效宣告请求陈述意见; 期满未答复的, 不影响专利复审委员会审理。意见陈述书请提交一式两份, 并注明案件编号和专利号。

根据《中华人民共和国专利法实施细则》第六十八条的规定, 在无效宣告请求的审查过程中, 发明或者实用新型专利的专利权人可以修改其权利要求书, 但是不得扩大原专利的保护范围。发明或者实用新型专利的专利权人不得修改专利说明书和附图, 外观设计专利的专利权人不得修改图片、照片和简要说明。

根据《中华人民共和国专利法实施细则》第七十条的规定, 在无效宣告请求审查程序中, 专利复审委员会指定的期限不得延长。

根据《审查指南》第四部分第八章2.2.1节关于外文证据提交的规定, 当事人提交外文证据的, 应当提交中文译文, 未在举证期限内提交中文译文的, 该外文证据视为未提交。当事人应当以书面方式提交中文译文, 未以书面方式提交中文译文的, 该中文译文视为未提交。当事人可以仅提交外文证据的部分中文译文。该外文证据中没有提交中文译文的部分, 不作为证据使用。但当事人应专利复审委员会的要求补充提交该外文证据其他部分的中文译文的除外。对方当事人对中文译文内容有异议的, 应当在指定的期限内对有异议的部分提交中文译文。没有提交中文译文的, 视为无异议。对中文译文出现异议时, 双方当事人

回函请直寄: 100088 北京海淀区蓟门桥西土城路6号 国家知识产权局专利复审委员会
 20603 2006.7

人就异议部分达成一致意见的，以双方最终认可的中文译文为准。双方当事人未能就异议部分达成一致意见的，必要时，专利复审委员会可以委托翻译。双方当事人就委托翻译达成协议的，专利复审委员会可以委托双方当事人认可的翻译单位进行全文、所使用部分或者有异议部分的翻译。双方当事人就委托翻译不成协议的，专利复审委员会可以自行委托专业翻译单位进行翻译。委托翻译所需翻译费用由双方当事人各承担 50%；拒绝支付翻译费用的，视为其承认对方当事人提交的中文译文正确。

随本通知书将下列文件转送专利权人：

《专利权无效宣告请求书》及其附件清单中所列附件副本。

无效宣告请求人于 年 月 日提交的补充意见及其附件清单中所列附件副本。

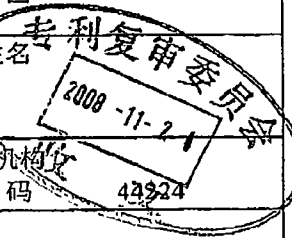


审查员：万琦


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20603 2006.7

专利权无效宣告请求书

请按照本表背面“填表注意事项”正确填写本表各栏

① 无 效 宣 告 人	姓名或名称 (代表) <u>上海罗恩网络信息有限公司</u>	国籍或所 在地国家 <u>中国</u>	
	邮政地址 <u>上海市漕溪路二五〇号B1七〇四室</u>	联系人姓名 电话	 <p style="text-align: center;">专利复审委员会 2008-11-21</p>
② 专 机 利 代 理 构	名称 <u>广州华进联合专利商标代理有限公司</u>	专利代理机构 代 码 <u>44224</u>	
	邮政编码 <u>510095</u> 地址 <u>广州市先烈中路69号东山广场9楼918—920室</u>		
	曾昱辉 专利代理人 <u>4422405754.2</u> 代理人姓名 <u>赵磊</u> 工作证号 <u>4422408759.7</u> 电话 <u>020-87323188-806</u>		
③	根据《中华人民共和国专利法》第四十五条及《中华人民共和国专利法实施细则》第六十四条规定对下述专利权提出无效宣告请求： 专利号 <u>200730148719.0</u> 授权公告日 <u>2008.06.04</u> 专利权人(代表) <u>苹果公司</u> 发明创造名称 <u>移动式通讯装置</u>		
④	无效宣告请求的理由、范围及所依据的证据		
理 由	范 围	依据的证据	
专利法第 23 条第 款 实施细则第 条第 款	权利要求	证据 1	
专利法第 23 条第 款 实施细则第 条第 款	权利要求	证据 2	
专利法第 23 条第 款 实施细则第 条第 款	权利要求	证据 3	
专利法第 23 条第 款 实施细则第 条第 款	权利要求	证据 4	
专利法第 条第 款 实施细则第 13 条第 1 款	权利要求	证据 5	
专利法第 条第 款 实施细则第 13 条第 1 款	权利要求	证据 6	
⑤	结合证据对无效宣告请求理由的具体意见陈述 <p style="text-align: center; font-size: 1.2em;">请参见附页（共 6 页）</p>		

专利权无效宣告请求书

⑥ 附件清单	
文件名称	份数及页数
<input checked="" type="checkbox"/> 附件 1: 2008 沪闵证字第 3236 号公证书复印件	2 份, 每份 6 页
<input checked="" type="checkbox"/> 附件 2: 2004 年第 12 新潮电子封面、出版信息页、第 60 页	2 份, 每份 3 页
<input checked="" type="checkbox"/> 附件 3: 2005 年 6 月 1 日总第 119 期新潮电子封面、出版信息页、第 45 页	2 份, 每份 3 页
<input checked="" type="checkbox"/> 附件 4: 2006 年 4 月总第 172 期通信技术封面、出版信息页、第 26 页	2 份, 每份 3 页
<input checked="" type="checkbox"/> 附件 5: 专利号为 200730148751.9、名称为“声音或图像的记录或复制设备”的中国外观设计专利图片或照片复印件	2 份, 每份 3 页
<input checked="" type="checkbox"/> 附件 6: 专利号为 200730148767.x、名称为“数据处理装置”的中国外观设计专利图片或照片复印件	2 份, 每份 3 页
<input type="checkbox"/> 附件 7	份, 每份 页
<input type="checkbox"/> 附件 8	份, 每份 页
<input type="checkbox"/> 附件 9	份, 每份 页
<input type="checkbox"/> 附件 10	份, 每份 页
⑦无效宣告请求人或专利代理机构签章 	⑧专利复审委员会处理意见 年 月 日

注意事项:

1. 根据专利法实施细则第六十六条的规定, 无效宣告请求人可以在提出无效宣告请求之日起 1 个月内增加理由或者补充证据。逾期增加理由或者补充证据的, 专利复审委员会可以不予考虑。
2. 根据《审查指南》第四部分第一章 14 节关于外文证据翻译的规定, 当事人提交外文证据的, 应当在提交该外文证据的同时提交所使用部分的中文译文。当事人未在提交外文证据的同时提交中文译文的, 应当主动补正。在专利复审委员会书面通知指定期限内仍未补交的, 该外文证据视为未提交。对方当事人对译文具体内容有异议的, 应当对有异议的部分提交中文译文。必要时, 可以委托双方当事人认可的单位进行全文、所使用部分或者有异议部分的翻译。双方当事人对委托翻译不成协议的, 专利复审委员会可以委托专业翻译单位进行全文、所使用部分或者有异议部分的翻译。委托翻译所需费用由双方当事人各承担 50%; 拒绝支付翻译费用的, 视为其承认对方提交的译文正确。
3. 根据专利法实施细则第九十七条的规定, 无效宣告请求人应当自提出请求之日起壹个月内, 缴纳无效宣告请求费。期满未缴纳或者未缴足的, 视为未提出无效宣告请求。

国家知识产权局专利复审委员会:

请求人上海罗恩网络信息有限公司基于现有技术,认为专利号为200730148719.0、名称为“移动式通讯装置”的外观设计专利不符合专利法的有关规定,现依据《中华人民共和国专利法》第二十三条、第四十五条以及《专利法实施细则》第六十四条之规定,向贵委员会提请宣告该专利权无效。

《中华人民共和国专利法》第二十三条规定:“授予专利权的外观设计,应当同申请日以前在国内外出版物上公开发表过或者国内公开使用过的外观设计不相同和不相近似,并不得与他人在先取得的合法权利相冲突。”

《中华人民共和国专利法实施细则》第十三条第一款规定:“同样的发明创造只能被授予一项专利。”

下列证据证明在本案专利申请日之前已经有相近似的外观设计在国外公开出版物上公开发表过,以及证明该本案专利不符合专利法实施细则第十三条第一款的规定。

具体证据如下:

证据 1、(2008)沪闵证字第 3236 号公证书复印件;

证据 2、2004 年第 12 期新潮电子封面、出版信息页、第 60 页;

证据 3、2005 年 6 月 1 日总第 119 期新潮电子封面、出版信息页、第 45 页;

证据 4、2006 年 4 月总第 172 期通信技术封面、出版信息页、第 26 页;

证据 5、专利号为 200730148751.9、名称为“声音或图像的记录或复制设备”的中国外观设计专利图片或照片复印件;

证据 6、专利号为 200730148767.x、名称为“数据处理装置”的中国外观设计专利图片或照片复印件。

一、本案专利明显不符合专利法第二十三条的规定。

证据 1 中是 2006 年 6 月 29 日网页公开的 LG 公司生产的一款 DMB MP3 播放器 FM35。其公开日期早于本案专利的申请日期,也早于本案专利的优先权日期。证据 1 中公开的该款 FM35 播放器产品可以用来播放 MP3、WMA、OGG 等传统音频格式文件,支持 AVI 和 ASF 格式文件,此外增加了 DMB 技术的支持,可以通过这款播放器来收看 DMB 节目和广播等内容,通过连接电脑下载图片和文本等文件。首先,本案专利的产品是移动式通讯装置,通常也具有播放音乐和下载图片文本的功能,因此,证据 1 公开的产品和本案专利产品的部分用途相同,属于相近类别的产品;其次,将证据 1 公开的产品与本案专利的六视图比较,二者的主视图均为一个竖置的四角为圆弧过渡的长方形,沿其四边分别设有边框,边框内设有一个竖置的长方形,该长方形下方设有圆形按键;后视图也为一个竖置的长方形;左视图和右视图均为则是竖置的上下两侧弧形过渡的长方形。作为使用时容易看到的部位,主视图对整体视觉效果的影响较大,虽然本案专利主视图中长方形上方为长条形框,证据 1 中主视图中为音乐符号,但是其本身尺寸较小,属于局部的细微变化,二者的区别对整体视觉效果不足以产生

显著影响。可见, 本案专利与其申请日以前公开的证据 1 中的产品外观设计相近似。

证据 2 是 2004 年 12 月 1 日出版的第 12 期新潮电子杂志, 该杂志出版日期早于本案专利申请时间, 也早于本案申请的优先权日期。证据 2 中公开了一种多普达 818 智能手机图片。首先, 证据 2 中公开的产品为智能手机, 与本案专利的移动式通讯装置属于同类产品; 其次, 证据 2 中公开的多普达 818 智能手机的主视图同样是一个竖置的四角为圆弧过渡的长方形, 沿其四边分别设有边框, 边框内有一个竖置的长方形, 该长方形上方设有条形框, 下方设有按键。作为使用时容易看到的部位, 主视图对整体视觉效果的影响较大, 虽然本案专利与证据 2 中产品的条形框位置以及按键形状不同, 但是作为手机产品的惯常设计, 其本身尺寸较小, 属于局部的细微变化, 二者的区别对整体视觉效果不足以产生显著影响。可见, 本案专利与其申请日以前公开的证据 2 中的产品外观设计相近似。

证据 3 是 2005 年 6 月 1 日出版的总第 119 期的新潮电子杂志, 该杂志的出版日期早于本案专利申请时间, 也早于本案申请的优先权日期。证据 3 中公开了一种多普达 828+智能手机图片。首先, 证据 3 中公开的产品为智能手机, 与本案专利的移动式通讯装置属于同类产品; 其次, 证据 3 中公开的多普达 828+智能手机的主视图同样是一个竖置的四角为圆弧过渡的长方形, 沿其四边分别设有边框, 边框内有一个竖置的长方形, 该长方形上方设有条形框, 下方设有按键。作为使用时容易看到的部位, 主视图对整体视觉效果的影响较大, 虽

然本案专利与证据 3 中产品的按键形状不同,但是作为手机产品的惯常设计,属于局部的细微变化,二者的区别对整体视觉效果不足以产生显著影响。可见,本案专利与其申请日以前公开的证据 3 中的产品外观设计相近似。

证据 4 是 2006 年 4 月出版的总第 172 期通信技术杂志,该杂志出版日期早于本案专利申请时间,也早于本案申请的优先权日期。证据 4 中同样公开了一种多普达 828+智能手机图片。首先,证据 4 中公开的产品为智能手机,与本案专利的移动式通讯装置属于同类产品;其次,证据 4 中公开的多普达 828+智能手机的主视图同样是一个竖置的四角为圆弧过渡的长方形,沿其四边分别设有边框,边框内设有一个竖置的长方形,该长方形上方设有条形框,下方设有按键。作为使用时容易看到的部位,主视图对整体视觉效果的影响较大,虽然本案专利与证据 4 中产品的条形框以及按键形状不同,但是作为手机产品的惯常设计,其本身尺寸较小,属于局部的细微变化,二者的区别对整体视觉效果不足以产生显著影响。可见,本案专利与其申请日以前公开的证据 4 中的产品外观设计相近似。

上述证据充分证明在本案专利的申请日之前,在手机产品设计中,产品是一个竖置的四角为圆弧过渡的长方形,沿其四边分别设有边框,边框内设有一个竖置的长方形,该长方形上方设有条形框,下方设有按键的设计,以及将条形框作为手机话筒或者听筒位置的设计,均为行业中的惯常设计,并且已经有相近似的外观设计在国内出版物上公开发表过,因此本案专利明显不符合专利法第二十三条的规

定。

二、本案专利不符合专利法实施细则第十三条第一款的规定。

按照审查指南的相关规定, 同样的外观设计是指两项外观设计相同或者相近似, 外观设计相同是指被比设计与在先设计是同一类别的产品的外观设计, 并且被比设计的全部外观设计要素与在先设计的相应要素相同, 其中外观设计的要素是指形状、图案以及色彩。同一类别的产品是指用途完全相同的产品。所谓相近类别的产品是指用途接近的产品。只有对于相同或者相近类别的产品, 才可能存在外观设计相近似的情况。应当注意的是, 当产品具有多种用途时, 如果其中部分用途相同, 而其他用途不同, 则二者应属于相近类别的产品。

证据 5 是专利号为 200730148751.9、名称为“声音或图像的记录或复制设备”的中国外观设计专利, 其申请日期为 2007 年 6 月 29 日, 与本案专利相同。首先, 本案专利的产品是移动式通讯装置, 通常也具有播放音乐和下载图片文本的功能, 因此, 证据 5 公开的产品和本案专利产品的部分用途相同, 属于相近类别的产品; 其次, 证据 5 中公开的主视图与本案专利完全一样, 虽然二者后视图或左右视图中存在细微差异, 但是主视图作为使用时容易看到的部位, 其对整体视觉效果的影响较大, 因此本案专利和证据 5 的外观设计整体视觉效果上不存在显著区别, 两者属于相近似的外观设计。

证据 6 是专利号为 200730148767.x、名称为“数据处理装置”的中国外观设计专利, 其申请日期为 2007 年 6 月 29 日, 与本案专利相

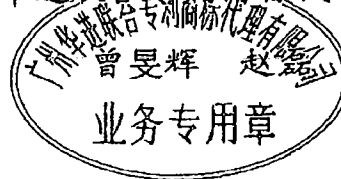
同。首先，本案专利的产品是移动式通讯装置，通常也具有数据下载和处理的功 能，因此，证据 6 的产品和本案专利产品的部分用途相同，属于相近类别的产品；其次，证据 6 中公开的主视图与本案专利完全一样，虽然二者后视图或左右视图中存在细微差异，但是主视图作为使用时容易看到的部位，其对整体视觉效果的影响较大，因此本案专利和证据 6 的外观设计整体视觉效果上不存在显著区别，两者属于相近似的外观设计。

上述证据充分证明本案专利与证据 5 和证据 6 分别是同样的外观设计，不符合专利法实施细则第十三条第一款的规定。

综上所述，上述证据证明在本案专利申请日前已经有相近似的外观设计在国内公开出版物上公开过，因此本案专利明显不符合专利法第二十三条的规定，同时本案专利也不符合专利法实施细则第十三条第一款的规定，特请求贵委员会完全无效该专利权。

请求人：上海罗恩网络信息有限公司

代理人：广州华进联合专利商标代理有限公司



日期：2008 年 11 月 12 日

Request for Declaring Invalidation

Patent Reexamination Board:

The petitioner “Shanghai Leon Networks Information Co. Ltd”, on the basis of the prior art, considers that the Chinese design patent No. 200730148719.0, of which the title is “MOBILE COMMUNICATION DEVICE”, does not comply with corresponding provisions of the Chinese Patent Law. According to Art.23 and Art.45 of the Chinese Patent Law and Rule.64 of the Implementing Regulations of the Chinese Patent Law, the petitioner filed the request for declaring invalidation against the above mentioned design patent.

Under Art.23 of the Chinese Patent Law, “any design for which patent right may be granted must not be identical with and similar to any design which, before the date of filing, has been publicly disclosed in publications in the country or abroad or has been publicly used in the country, and must not be in conflict with any prior right of any other person”.

Under Rule.13 (1) of the Implementing Regulations of the Chinese Patent Law, “for any identical invention-creation, only one patent right shall be granted”.

The following evidences are provided to prove that there are similar designs which have been publicly disclosed in publications before the date of filing of the present patent, so that the above mentioned patent for design does not comply with Rule.13 (1) of the Implementing Regulations of the Chinese Patent Law.

The evidences are as follows:

Evidence 1: A copy of the notarial deed with a serial number of (2008) 3236 issued by Shanghai Minhang notarial office.

Evidence 2: The cover, publication information page and page 60 of the magazine “eFashion Magazine”, the 12th issue of 2004.

Evidence 3: The cover, publication information page and page 45 of the magazine “eFashion Magazine”, the 119th issue in total with a publish date of June 1, 2005.

Evidence 4: The cover, publication information page and page 26 of the magazine “Communication Technology” published on April. 2006 and the 172th issue in total.

Evidence 5: The copy of the drawings or photos of the Chinese patent for design No. 200730148751.9 with a title "EQUIPMENT FOR RECORDING OR REPRODUCTION OF SOUNDS OR PICTURES".

Evidence 6: The copy of the drawings or photos of the Chinese patent for design No. 200730148767.x with a title "DATA PROCESSING DEVICE".

1. The present patent obviously does not comply with the provisions of Art.23 of the Chinese Patent Law.

Evidence 1 shows a DMB MP3 player FM35 produced by LG Company and disclosed at web pages on June. 29, 2006 that is prior to the filling date and the priority date of the present patent. Said MP3 player is not only adapted for playing the conventional audio information, such as MP3, WMA, OGG etc and supporting AVI and ASF files, but also is available for receiving DMB programs and broadcast etc. for watching and for downloading pictures and texts by connecting to a computer. Firstly, the present patent pertains to a mobile communication device which usually has the functions of playing music and downloading pictures and texts. Thus the product disclosed by evidence 1 partly shares the same function with the product of the present patent and they belong to the similar class of the International Classification for Industrial Designs. Secondly, by comparing the player disclosed by evidence 1 with the six views of the present patent, it can be seen that the front views of the both two products are upright rectangles with four arc shaped corners. A frame is disposed on the four sides with an upright rectangle formed within the frame and a round button provided under the rectangle. The rear view shows an upright rectangle and the left and right side views also show an upright rectangle with arc shaped upside and downside portions. The front view, which shows the parts easily seen in use, makes a greater influence on the whole visual effect. A strip-shaped frame is located above the inner rectangle in the front view of the present patent, and a music sign is located above the rectangle in the front view of evidence 1, but the difference between the strip-shaped frame and the music sign is not sufficient enough to make prominent influence to the whole visual effect due to its small size which can be considered as slight local changes. Thus, the designs of the present patent and the product of the evidence 1 disclosed before the filling date of the present patent are similar to each other.

Evidence 2 is the magazine "eFashion Magazine", the 12th issue of 2004, published on Dec. 1, 2004 that is prior to the filling date and the priority date of the present patent. Evidence 2 discloses a picture of a Dopod 818 intelligent mobile telephone. Firstly, evidence 2 discloses an intelligent mobile telephone which belongs to the similar class with the mobile communication device of the present patent. Secondly, it can be seen that the front view of the Dopod 818

intelligent mobile telephone disclosed in evidence 2 is an upright rectangle with arc shaped four corners. A frame is disposed on the four sides with an upright inner rectangle formed within the frame. A strip-shaped frame is provided above the inner rectangle and a button is provided under the inner rectangle. The front view, which shows the parts easily seen in use, makes a greater influence on the whole visual effect. The present patent and the product disclosed in evidence 2 are different in the location of the strip-shaped frame and the shape of the button, but the difference between them is not sufficient enough to make prominent influence to the whole visual effect due to its small size which can be considered as slight local changes and the conventional design for a mobile telephone. Thus, the designs of the present patent and the product of the evidence 2 disclosed before the filling date of the present patent are similar to each other.

Evidence 3 is the magazine "eFashion Magazine", the 119th issue in total, published on Jun. 1, 2005 that is prior to the filling date and the priority date of the present patent. Evidence 3 discloses a picture of a Dopod 828+ intelligent mobile telephone. Firstly, evidence 3 discloses an intelligent mobile telephone which belongs to the similar class with the mobile communication device of the present patent. Secondly, it can be seen that the front view of the Dopod 828+ intelligent mobile telephone disclosed in evidence 3 is an upright rectangle with arc shaped four corners. A frame is disposed on the four sides with an inner upright rectangle formed within the frame. A strip-shaped frame is provided above the inner rectangle and a button is provided under the inner rectangle. The front view, which shows the parts easily seen in use, makes a greater influence on the whole visual effect. The present patent and the product disclosed in evidence 3 are different in the shape of the button, but the difference between them, which can be considered as slight local changes and the conventional design for a mobile telephone, is not sufficient enough to make prominent influence to the whole visual effect. Thus, the designs of the present patent and the product disclosed by evidence 3 disclosed before the filling date of the present patent are similar to each other.

Evidence 4 is the magazine "Communication Technology", the 172th issue in total, published on April. 2006 that is prior to the filling date and the priority date of the present patent. Evidence 4 discloses a picture of a Dopod 828+ intelligent mobile telephone. Firstly, evidence 4 discloses an intelligent mobile telephone which belongs to the similar class with the mobile communication device of the present patent. Secondly, it can be seen that the front view of the Dopod 828+ intelligent mobile telephone disclosed in evidence 4 is an upright rectangle with arc shaped four corners. A frame is disposed on the four sides with an upright inner rectangle formed within the frame. A strip-shaped frame is provided above the inner rectangle and a button is provided under the inner rectangle. The front view, which shows the parts easily seen in use, makes a

greater influence on the whole visual effect. The present patent and the product disclosed in evidence 4 are different in the location of the strip-shaped frame and the shape of the button, but the difference between them, which can be considered as slight local changes and the conventional design for a mobile telephone, is not sufficient enough to make prominent influence to the whole visual effect. Thus, the designs of the present patent and the product disclosed by evidence 4 disclosed before the filling date of the present patent are similar to each other.

According to the above-mentioned evidences 1-4, it involves the conventional design in the field to design a mobile telephone as an upright rectangle with arc shaped four corners wherein a frame is disposed on the four sides with an upright inner rectangle formed within the frame with a strip-shaped frame, where the mouthpiece and the handset locates, provided above the inner rectangle and button/buttons provided under the inner rectangle. In addition, similar designs have been publicly disclosed in publications in china. Therefore, the present patent obviously does not comply with Art.23 of the Chinese Patent Law.

2. The present patent does not comply with the provisions of Rule.13 (1) of the Implementing Regulations of the Chinese Patent Law.

According to corresponding regulations of the Guidelines for Examination, two identical or similar designs can be considered as the same design, identity of designs means that the design being examined and the prior design are designs for the same class of products, and all the design features of the design being examined and the corresponding design features of the prior design are identical, wherein design features mean the three features of shape, pattern and color of a design. The products of the same class refer to the products that have completely the same use. Products of approximate classes refer to products that have the similar use. Similarity of designs exists only among products that belong to the same class or approximate classes. It should be noted that for products having multiple uses, if some of the uses are the same and some are not, they are regarded as products of approximate classes.

Evidence 5 shows a Chinese patent for design No. 200730148751.9 with a title "EQUIPMENT FOR RECORDING OR REPRODUCTION OF SOUNDS OR PICTURES", which has the same filling date of Jun. 29, 2007 as the present patent. Firstly, the present patent pertains to a mobile communication device which usually has the functions of playing music and downloading pictures and texts. Some of the uses of the product disclosed by evidence 5 and the present patent are identical, and thus the two products are regarded as products of approximate classes. Secondly, the front view disclosed in evidence 5 and that of the present patent are completely identical. The front view, which shows the

parts easily seen in use, makes a greater influence on the whole visual effect despite the slight differences between the rear views or left side views and right side views of the two products. Therefore, the products of evidence 5 and the present patent do not have prominent differences in the whole visual effect and possess the similarity.

Evidence 6 shows a Chinese patent for design No. 200730148767.x with a title "DATA PROCESSING DEVICE", which has the same filling date of Jun. 29, 2007 as the present patent. Firstly, the present patent pertains to a mobile communication device which usually has the function of data download and data processing. Some of the uses of the product disclosed by evidence 6 and the present patent are identical, and thus the two products are regarded as products of approximate classes. Secondly, the front view disclosed in evidence 6 and that of the present patent are completely identical. The front view, which shows the parts easily seen in use, makes a greater influence on the whole visual effect despite the slight differences between the rear views or left side views and right side views of the two products. Therefore, the products of evidence 6 and the present patent do not have prominent differences in the whole visual effect and possess the similarity.

According to the above-mentioned evidences 5-6, the present patent and evidences 5-6 are identical designs, thereby failing to comply with Rule.13 (1) of the Implementing Regulations of the Chinese Patent Law.

To sum up, the above-mentioned evidences prove that there are similar designs which have been publicly disclosed in publications in china before the date of filing of the present patent, so that the present patent obviously does not comply with Art.23 of the Chinese Patent Law and Rule.13 (1) of the Implementing Regulations of the Chinese Patent Law. The petitioner therefore requests the Board to declare the above mentioned patent for design completely invalid.

Petitioner: Shanghai Leon Networks Information Co. Ltd

Patent Attorney: Advance China I.P. Law Office

Zeng Minhui Zhao Lei

Nov. 12, 2008

FP2



RCD-ONLINE - Design consultation service - RCD information

Design number : 000569157-0005
Number of results : 1 of 1

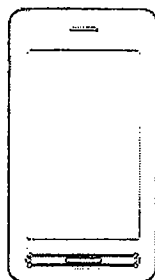
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Filing date:	01/08/2006
Registration date:	01/08/2006
Publication date (A1):	05/09/2006
Expiry date:	01/08/2011
Locarno class-subclass:	14.03
Verbal element:	
Status:	Registered and fully published (A1)
Language of filing:	English
Second language:	French

Representation

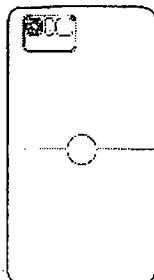
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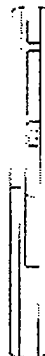
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0005.3



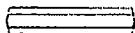
0005.4



0005.5

0005.6

0005.7



Indication of the product

Indication of the product: Mobile phones

Owner

Name of the owner: LG Electronics Inc.
ID number: 144734
Natural or legal person: Legal entity
Address: 20, Yoido-dong, Yongdungpo-gu
Post code: 150-721
Town: Seoul
Country: KOREA, REPUBLIC OF
Correspondence address: LG Electronics Inc. 20, Yoido-dong, Yongdungpo-gu
Seoul 150-721 REPÚBLICA DE COREA (LA)
Telephone:
Fax:
E-mail:

Representative

Name of the representative: CABINET REGIMBEAU
ID number: 10866
Natural or legal person: Legal entity
Address: 20, rue de Chazelles
Post code: 75847
Town: Paris Cédex 17
Country: FRANCE
Correspondence address: CABINET REGIMBEAU 20, rue de Chazelles F-75847
Paris Cédex 17 FRANCIA
Telephone: 00 33-144293500
Fax: 00 33-144293599
E-mail: paris@regimbeau.fr

Designer

No entry for design number: 000569157-0005

Exhibition

No entry for design number: 000569157-0005

Priority

Country: KOREA, REPUBLIC OF
Date of application: 21/02/2006
Number of application: 30-2006-0006542

Publication

Bulletin number: 2006/100
Date of publication: 05/09/2006
Part: A.1

Bulletin number: 2007/071
Date of publication: 08/05/2007
Part: A.3.2

Bulletin number: 2007/094
Date of publication: 03/07/2007
Part: B.2.2

Bulletin number: 2007/103
Date of publication: 31/07/2007
Part: B.2.2

Bulletin number: 2008/022
Date of publication: 01/02/2008
Part: B.2.2

Renewals

No entry for design number: 000569157-0005

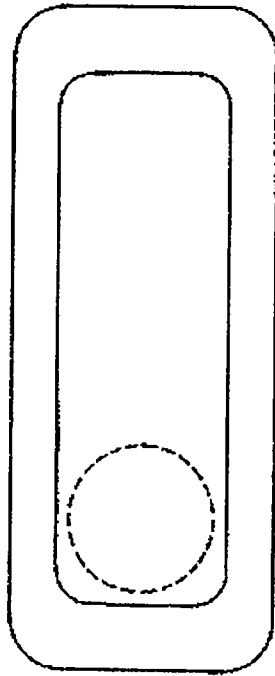
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FP3

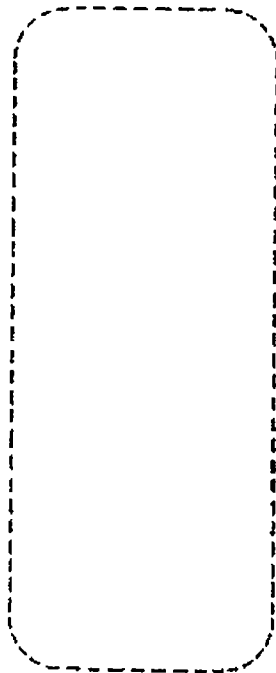
(19) 【発行国】日本国特許庁 (JP)
(45) 【発行日】平成14年12月3日 (2002. 12. 3)
(12) 【公報種別】意匠公報 (S)
(11) 【登録番号】意匠登録第1159881号 (D1159881)
(24) 【登録日】平成14年10月11日 (2002. 10. 11)
(54) 【意匠に係る物品】音声記録再生機
【部分意匠】
【本意匠の意匠登録番号】意匠登録第1159618号 (D1159618)
(52) 【意匠分類】H4-40
(51) 【国際意匠分類 (参考)】14-01
(21) 【出願番号】意願平11-149
(22) 【出願日】平成11年1月1日 (1999. 1. 1)
(72) 【創作者】
【氏名】谷屋 聡
【住所又は居所】東京都渋谷区幡ヶ谷2丁目43番2号 オリンパス光学工業株式会社内
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【識別番号】000000376
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【弁理士】
【氏名又は名称】伊藤 進
【審査官】奥本 忠夫
(56) 【参考文献】ミニコンボXG-E20 (電波新聞10. 4. 22P31). 2頁、IC-M3
(55) 【意匠の説明】実線で表された部分が、部分意匠として意匠登録を受けようとする部分である。
【図面】
【正面図】

(2)

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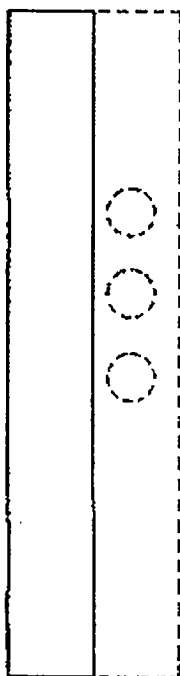
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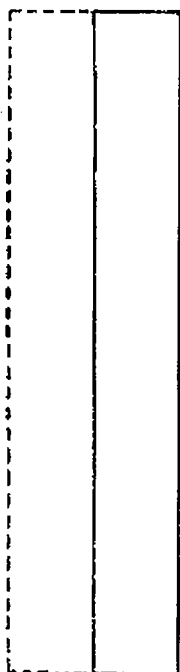
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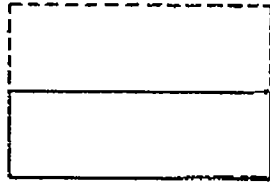
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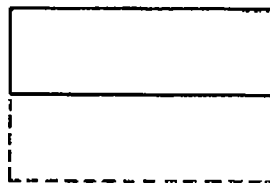
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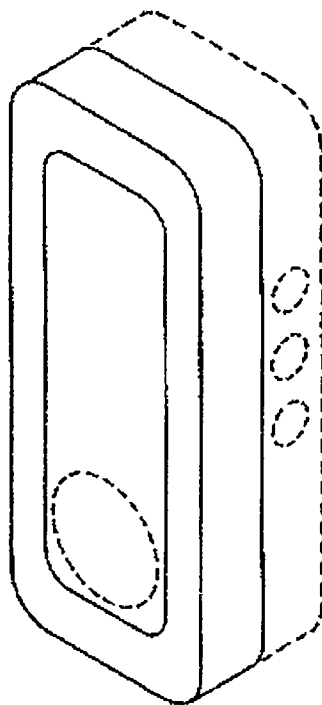
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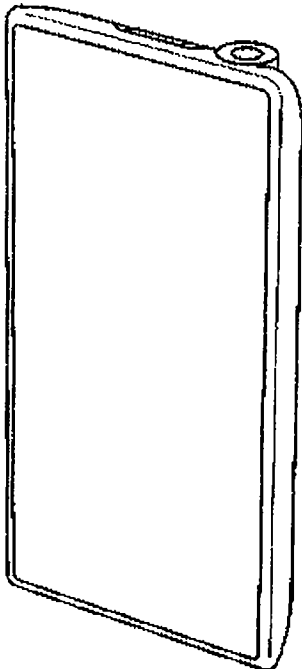
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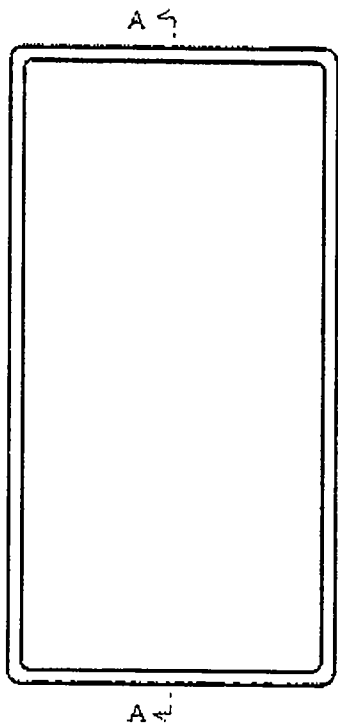
- (19) 【発行国】日本国特許庁(JP)
- (45) 【発行日】平成17年9月12日(2005. 9. 12)
- (12) 【公報種別】意匠公報(S)
- (11) 【登録番号】意匠登録第1250487号(D1250487)
- (24) 【登録日】平成17年7月29日(2005. 7. 29)
- (54) 【意匠に係る物品】ハードディスクレコーダー
- (52) 【意匠分類】H4-40
- (51) 【国際意匠分類(参考)】14-01
- (21) 【出願番号】意願2004-35855(D2004-35855)
- (22) 【出願日】平成16年11月25日(2004. 11. 25)
- (72) 【創作者】
- 【氏名】谷口 敏之
- 【住所又は居所】東京都港区芝浦一丁目1番1号 株式会社東芝 本社事務所内
- (73) 【意匠権者】
- 【識別番号】390010308
- 【氏名又は名称】京芝デジタルメディアエンジニアリング株式会社
- 【住所又は居所】東京都青葉区新町3丁目3番地の1
- (74) 【代理人】
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- 【氏名又は名称】櫻木 信義
- 【審査官】外山 雅晴
- (56) 【参考文献】意登1142127 意登1158950 意登1176174 意登1249126
- (55) 【意匠に係る物品の説明】本物品は、内蔵されたハードディスクに音楽等を記録・再生できる携帯用音声再生機で、操作は表示部のタッチ式スイッチにて行う。
- (55) 【意匠の説明】左側面図は右側面図と対称につき省略する。各部の名称を示す参考図中、平行斜線を施した部分は透光性を有する。
- 【図面】
- 【斜視図】



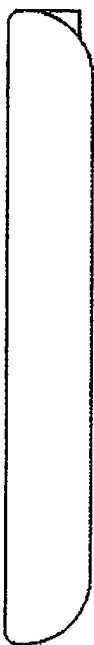
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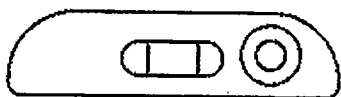
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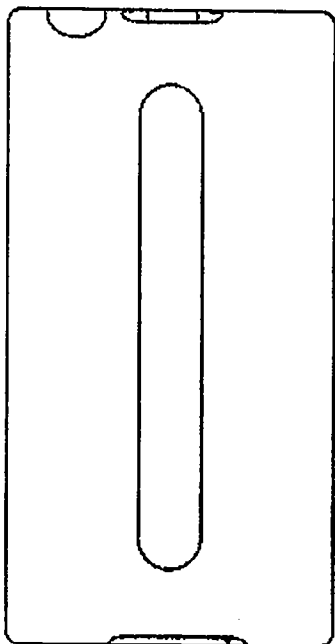
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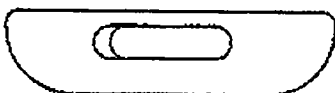
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【背面図】



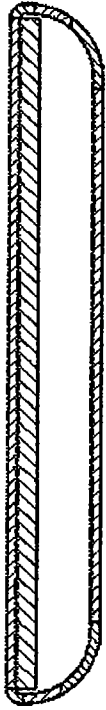
【底面図】



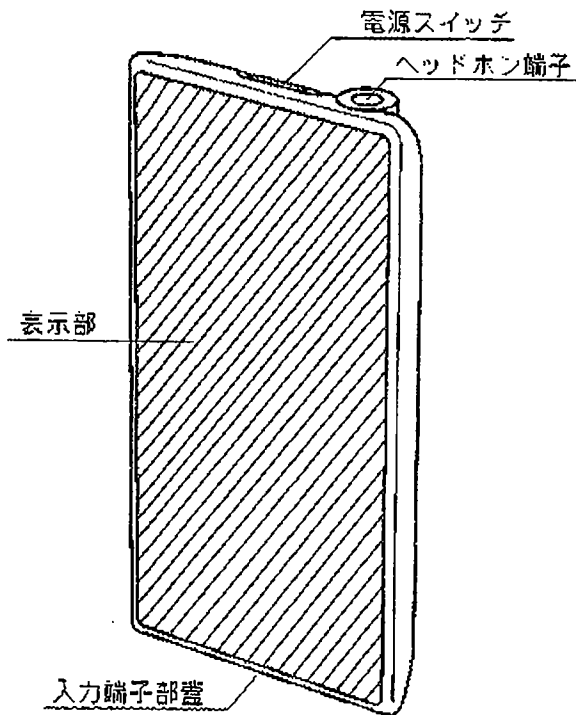
【内部機構を省略したA-A拡大断面図】

(4)

意匠登録1250487



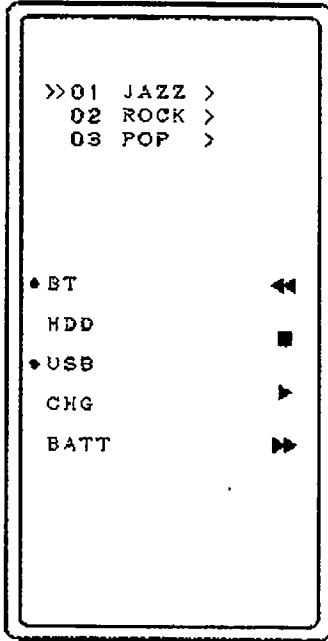
【各部の名称を示す参考図】



【通電状態の参考図】

(5)

意匠登録1250487



(19)대한민국특허청(KR)
(12) 등록디자인공보(S)

(52) 분류 H4-430

(45) 공고일자

2005년12월08일

(11) 등록번호

30-0394921유사1

(24) 등록일자

2005년12월02일

(51) 국제분류

14-01

(21) 출원번호

30-2005-0015569

(22) 출원일자

2005년05월10일

(73) 디자인권자

주식회사 레인콤

서울특별시 강남구 도곡1동 949-3 캠프양재타워 14층

(72) 창작자

양덕준

서울 강남구 도곡동 91-5 도곡동 삼성래미안아파트 108-1304

(74) 대리인

특허법인정적파특허

당당심사관 박시득

※디자인보호법(법률 제7289호, 시행일 2005.7.1)에 의거 종전의 규정에 의한 의장은
이 법의 개정규정에 의한 디자인으로 봅니다.

(54) 애플피씨리 플레이어

디자인의 대상이 되는 물품

애플피씨리 플레이어

디자인의 설명

1. 재질은 플라스틱 및 금속임.

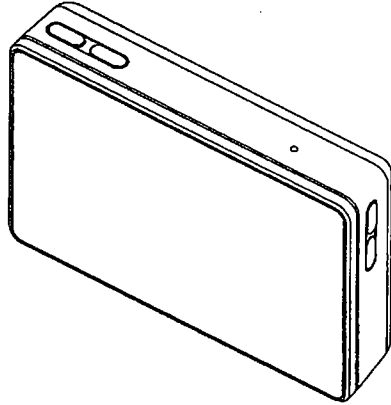
2. 애플피씨리형식의 음악파일을 자체 메모리에 저장하여 필요에 따라 재생시키는 음향재생기구로서, 라디오 기능과 녹음
기능 등이 부설된 것임.

3. 참고도1을 참조하여, 물품 전면을 덮는 판상의 부재는 투명 또는 색채등이 가미된 반투명의 재질로 구성되는 것이어서,
그 이면에 배설된 디스플레이부에 나타나는 내용을 확인할 수 있는 것이며, 동시에 그 자체로서 텍 스위치(Tack Switch)
기능을 갖는 것이어서, 선곡 및 플레이와 같은 조작을 할 수 있도록 된 것임.

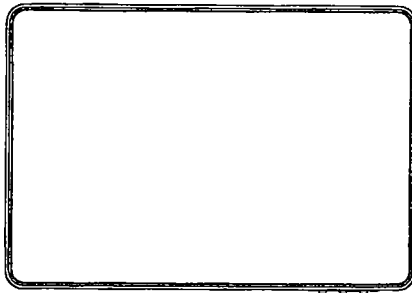
디자인 창작 내용의 요점

본원 앰피쓰리 플레이어 의장은, 전술한 바와 같이 조작스위치기능을 갖는 전면창에 대하여 일체의 모양이나 장식을 배제함으로써 심플한 이미지를 형성하는 한편, 물품의 측면을 따라 기능키들을 적소에 배설하여 사용편의를 배려한 것으로서, 기능미와 조형미를 조화시켜 컴팩트한 외형으로 구현한 물품디자인을 의장 창작내용의 요점으로 함.

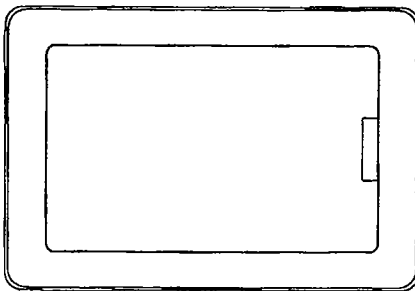
【 사시도 】



【 정면도 】



【 배면도 】



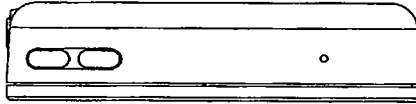
【 좌측면도 】



【 우측면도 】



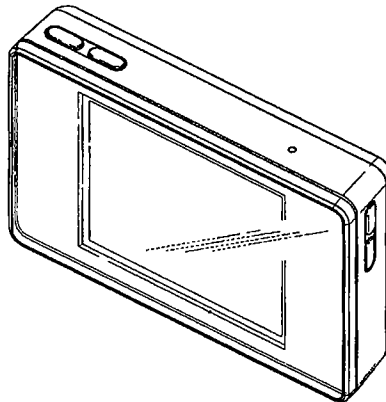
【 평면도 】



【 저면도 】



【 참고도 1 】
참고 사시도



(19)대한민국특허청(KR)
(12) 등록디자인공보(S)

(52) 분류 H4-430	(45) 공고일자	2006년08월11일
	(11) 등록번호	30-0422221
	(24) 등록일자	2006년08월07일

(51) 국제분류	14-01
(21) 출원번호	30-2005-0042672
(22) 출원일자	2005년12월16일

(73) 디자인권자	삼성전자주식회사 경기도 수원시 영통구 매탄동 416
(72) 창작자	윌리엄 미국 캘리포니아주 94107 샌프랜시스코 23가 1011번지 스위트 11 클라이브 영국 런던 세인트 존스 레인 27 에스디이 3층 김병수 경기도 파주시 교하읍 월드메르디앙 2차아파트 218동 1003호
(74) 대리인	유미특허법인

담당심사관 박시득

(54) 앰피쓰리 플레이어

디자인의 대상이 되는 물품

앰피쓰리 플레이어

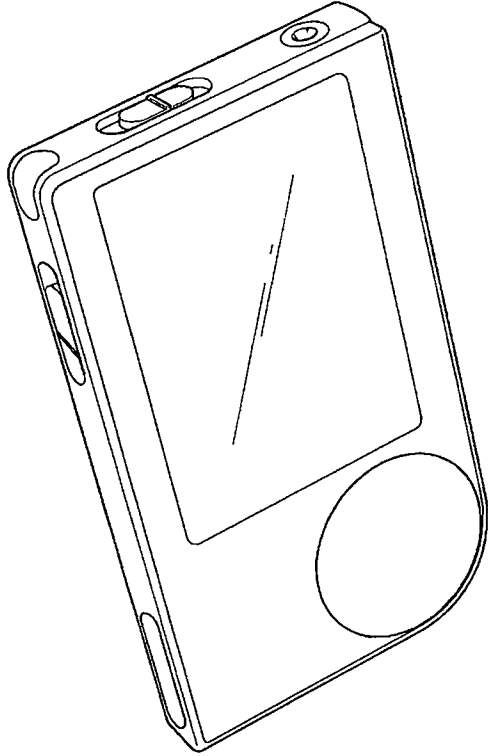
디자인의 설명

1. 재질은 합성수지 및 금속재임.

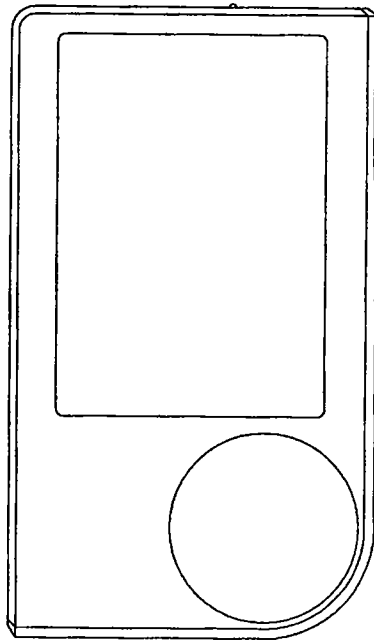
디자인 창작 내용의 요점

"앰피쓰리 플레이어"의 형상과 모양의 결합을 디자인창작 내용의 요점으로 함.

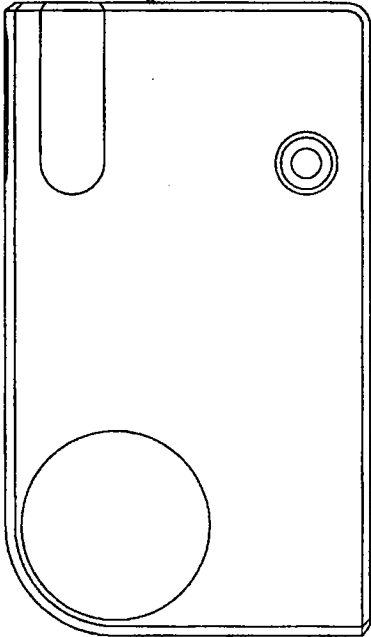
【 사시도 】



【 정면도 】



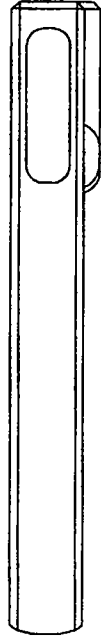
【 배면도 】



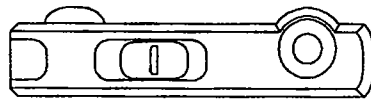
【 좌측면도 】



【 후측면도 】



【 평면도 】



【 저면도 】



Substitute for form 1449/PTO FIRST SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Complete if Known		
				Application Number	29/328,018	
				Filing Date	April 2, 2008	
				First Named Inventor	Bartley K. Andre	
				Art Unit	2913	
				Examiner Name	To Be Assigned	
Sheet	1	of	2	Attorney Docket Number	2607.0590002(P4984USD1)/TGD/AKS	

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
	US30	2004/0132499	07-08-2004	Abe	
	US31	2004/0166907	08-26-2004	Yajima	
	US32	2004/0223004	11-11-2004	Lincke et al.	
	US33	D536,962	02-20-2007	Tanner	
	US34	D541,785	05-01-2007	Hwang et al.	
	US35	D554,098	10-30-2007	Lee	
	US36	7,303,424	12-04-2007	Tu et al.	
	US37	D424,535	05-09-2000	Peltola	
	US38	D519,116	04-18-2006	Tanaka et al.	
	US39	D548,732	08-14-2007	Cebe et al.	
	US40	D556,211	11-27-2007	Howard	
	US41	D557,238	12-11-2007	Kim	
	US42	D558,460	01-01-2008	Yu et al.	
	US43	D558,756	01-01-2008	Andre et al.	
	US44	D558,757	01-01-2008	Andre et al.	
	US45	D558,758	01-01-2008	Andre et al.	
	US46	D558,792	01-01-2008	Chigira	
	US47	D560,683	01-29-2008	Lee	
	US48	D560,686	01-29-2008	Kim	
	US49	D561,153	02-05-2008	Hong et al.	

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ Number ⁴ Kind Code ⁵ (if known)				
	FP2	EM 000569157-0005	05-09-2006	LG Electronics Inc.		
	FP3	JP D1159881	12-03-2002			
	FP4	JP D1250487	09-12-2005			
	FP5	KR 30-0394921	12-08-2005			
	FP6	KR 30-0422221	08-11-2006			
	FP7					
	FP8					
	FP9					
	FP10					

Examiner Signature	Date Considered
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

Substitute for form 1449/PTO			Complete if Known	
FIRST SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>			Application Number	29/328,018
			Filing Date	April 2, 2008
			First Named Inventor	Bartley K. Andre
			Art Unit	2913
			Examiner Name	To Be Assigned
			Attorney Docket Number	2607.0590002(P4984USD1)/TGD/AKS
Sheet	2	of	2	

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
	US50	D561,024	02-05-2008	Toh	
	US51	2008/0004085	01-03-2008	Jung et al.	
	US52	D561,782	02-12-2008	Kim	
	US53	D562,285	02-19-2008	Lim	
	US54	D563,432	03-04-2008	Kim	
	US55	D563,929	03-11-2008	Park	
	US56	D580,387	11-11-2008	Andre et al.	
	US57	D581,922	12-02-2008	Andre et al.	
	US58				
	US59				
	US60				
	US61				
	US62				
	US63				
	US64				
	US65				
	US66				
	US67				
	US68				
	US69				

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ Number ⁴ Kind Code ⁵ (if known)				
	FP11					
	FP12					
	FP13					
	FP14					
	FP15					
	FP16					
	FP17					
	FP18					
	FP19					

935308_1.DOC

Examiner Signature	Date Considered
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 809. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

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If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

Substitute for form 1449/PTO FIRST SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)				<i>Complete if Known</i>	
				Application Number	29/328,018
				Filing Date	April 2, 2008
				First Named Inventor	Bartley K. Andre
				Art Unit	2913
				Examiner Name	To Be Assigned
Sheet	1	of	3	Attorney Docket Number	2607.0590002(P4984USD1)/TGD/AKS

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T ²
	NPL10	U.S. Patent Appl. No. 29/282,831, Andre <i>et al.</i> , Electronic Device, filed 07-30-2007.	
	NPL11	U.S. Patent Appl. No. 29/282,832, Andre <i>et al.</i> , Electronic Device, filed 07-30-2007.	
	NPL12	U.S. Patent Appl. No. 29/282,833, Andre <i>et al.</i> , Electronic Device, filed 07-30-2007.	
	NPL13	U.S. Patent Appl. No. 29/284,187, Andre <i>et al.</i> , Electronic Device, filed 08-31-2007.	
	NPL14	U.S. Patent Appl. No. 29/284,188, Andre <i>et al.</i> , Electronic Device, filed 08-31-2007.	
	NPL15	U.S. Patent Appl. No. 29/284,269, Andre <i>et al.</i> , Electronic Device, filed 09-04-2007.	
	NPL16	U.S. Patent Appl. No. 29/284,272, Andre <i>et al.</i> , Electronic Device, filed 09-05-2007.	
	NPL17	U.S. Patent Appl. No. 29/284,276, Andre <i>et al.</i> , Electronic Device, filed 09-05-2007.	
	NPL18	U.S. Patent Appl. No. 29/284,288, Andre <i>et al.</i> , Electronic Device, filed 09-05-2007.	
	NPL19	U.S. Patent Appl. No. 29/284,308, Andre <i>et al.</i> , Electronic Device, filed 09-05-2007.	

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

Substitute for form 1449/PTO				Complete if Known	
FIRST SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				<i>Application Number</i>	29/328,018
				<i>Filing Date</i>	April 2, 2008
				<i>First Named Inventor</i>	Bartley K. Andre
				<i>Art Unit</i>	2913
				<i>Examiner Name</i>	<i>To Be Assigned</i>
Sheet	2	of	3	<i>Attorney Docket Number</i>	2607.0590002(P4984USD1)/TGD/AKS

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume number, publisher, city and/or country where published	T ²
	NPL20	U.S. Patent Appl. No. 29/284,310, Andre et al., Electronic Device, filed 09-05-2007.	
	NPL21	Hilon LG DMB MP3 FM35, posted on 06-26-2006, [online], [retrieved on 12-26-2008]. Retrieved from Internet, <URL:http://hilon.com.cn.autobak/a8810005549>.	
	NPL22	eFashion Magazine, 2004, vol. no. 12, pg. 60, China.	
	NPL23	eFashion Magazine, June 1, 2005, vol. no. 119, pg. 45, China.	
	NPL24	eFashion Magazine, April 2006, vol. no. 142, pg. 26, China.	
	NPL25	Notification and Request for Invalidation of Chinese Patent ZL200730148767.X, Patent Reexamination Board of the State of Intellectual Property Office of the PRC and English translation, mailed December 11, 2008, 19 pages.	
	NPL26	Notification and Request for Invalidation of Chinese Patent ZL200730148751.9, Patent Reexamination Board of the State of Intellectual Property Office of the PRC and English translation, mailed December 11, 2008, 19 pages.	
	NPL27	Notification and Request for Invalidation of Chinese Patent ZL200730148719.0, Patent Reexamination Board of the State of Intellectual Property Office of the PRC and English translation, mailed December 11, 2008, 19 pages.	
	NPL28	U.S. Patent Appl. No. 29/306,334, Andre <i>et al.</i> , Electronic Device, filed 04-07-2008.	
	NPL29	U.S. Patent Appl. No. 29/306,950, Andre <i>et al.</i> , Electronic Device, filed 04-18-2008.	

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

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If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

APLPROS0000011758

Substitute for form 1449/PTO				Complete if Known	
				<i>Application Number</i>	29/328,018
FIRST SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				<i>Filing Date</i>	April 2, 2008
				<i>First Named Inventor</i>	Bartley K. Andre
				<i>Art Unit</i>	2913
				<i>Examiner Name</i>	To Be Assigned
				<i>Attorney Docket Number</i>	2607.0590002(P4984USD1)/TGD/AKS
Sheet	3	of	3		

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume number, publisher, city and/or country where published	T ²
	NPL30	U.S. Patent Appl. No. 29/319,239, Andre <i>et al.</i> , Electronic Device, filed 06-05-2008.	
	NPL31	U.S. Patent Appl. No. 29/319,377, Andre <i>et al.</i> , Electronic Device, filed 06-06-2008.	
	NPL32	U.S. Patent Appl. No. 29/319,433, Andre <i>et al.</i> , Electronic Device, filed 06-09-2008.	
	NPL33	U.S. Patent Appl. No. 29/324,130, Andre <i>et al.</i> , Electronic Device, filed 09-05-2008.	
	NPL34	U.S. Patent Appl. No. 29/324,137, Andre <i>et al.</i> , Electronic Device, filed 09-06-2008.	
	NPL35	U.S. Patent Appl. No. 29/324,262, Andre <i>et al.</i> , Electronic Device, filed 09-09-2008.	
	NPL36		
	NPL37		
	NPL38		
	NPL39		

935342_1.DOC

Examiner Signature		Date Considered	
--------------------	--	-----------------	--

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

Electronic Acknowledgement Receipt

EFS ID:	4759048
Application Number:	29328018
International Application Number:	
Confirmation Number:	7091
Title of Invention:	Electronic Device
First Named Inventor/Applicant Name:	Bartley K. ANDRE
Customer Number:	63975
Filer:	Tracy-Gene G. Durkin/Dana Bennett Jackson
Filer Authorized By:	Tracy-Gene G. Durkin
Attorney Docket Number:	2607.0590002(P4984USD1)/T
Receipt Date:	09-FEB-2009
Filing Date:	18-NOV-2008
Time Stamp:	16:38:45
Application Type:	Design

Payment information:

Submitted with Payment	no
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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		26070590002cvrltrpoa373b.pdf	164940 <small>ba4d920146e9a678d894723ee7a931cf89f8c066</small>	yes	4

Multipart Description/PDF files in .zip description					
Document Description			Start	End	
Miscellaneous Incoming Letter			1	2	
Power of Attorney			3	3	
Assignee showing of ownership per 37 CFR 3.73(b).			4	4	
Warnings:					
Information:					
2		26070590002firstsuppids.pdf	469357	yes	10
			27814c639c8915a27bba6b3f1b58bbe650c78406		
Multipart Description/PDF files in .zip description					
Document Description			Start	End	
Information Disclosure Statement Letter			1	5	
Information Disclosure Statement (IDS) Filed (SB/08)			6	10	
Warnings:					
Information:					
3	Foreign Reference	26070590002fp.pdf	313001	no	20
			f43df0eb6ac0a14357f00dbc9d9d534b78d99846		
Warnings:					
Information:					
4	NPL Documents	26070590002npl.pdf	5018826	no	87
			f4a60c3848ca4644b103d44085b09119a36af146		
Warnings:					
Information:					
Total Files Size (in bytes):			5966124		

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

STATEMENT UNDER 37 CFR 3.73(b) Atty. Docket No. 2607.0590002(P4984USD1)

Applicant/Patent Owner: Apple Inc.
Application No./Patent No.: 29/328,018 Filed/Issue Date: November 18, 2008
Entitled: Electronic Device

Apple Inc., a corporation
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

- 1. the assignee of the entire right, title, and interest; or
- 2. an assignee of less than the entire right, title and interest
(The extent (by percentage) of its ownership interest is _____ %)

in the patent application/patent identified above by virtue of either:

A. An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel 019095, Frame 0193, or for which a copy therefore is attached.

OR

B. A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

2. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

3. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

Additional documents in the chain of title are listed on a supplemental sheet.

As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.


Signature

February 9, 2009
Date

Tracy-Gene G. Durkin
Printed or Typed Name

202.371.2600
Telephone Number

Attorney for the Applicants
Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

POWER OF ATTORNEY TO PROSECUTE APPLICATIONS BEFORE THE USPTO

I hereby revoke all previous powers of attorney given in the application identified in the attached statement under 37 CFR 3.73(b).

I hereby appoint:

Practitioners associated with the Customer Number: 63975

OR

Practitioner(s) named below (if more than ten patent practitioners are to be named, then a customer number must be used):

Name	Registration Number	Name	Registration Number

as attorney(s) or agent(s) to represent the undersigned before the United States Patent and Trademark Office (USPTO) in connection with any and all patent applications assigned only to the undersigned according to the USPTO assignment records or assignment documents attached to this form in accordance with 37 CFR 3.73(b).

Please change the correspondence address for the application identified in the attached statement under 37 CFR 3.73(b) to:

The address associated with Customer Number: 63975

OR

<input type="checkbox"/> Firm or Individual Name			
Address			
City	State	Zip	
Country			
Telephone	Email		

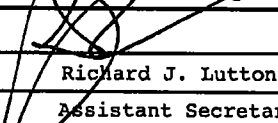
Assignee Name and Address:

Apple Inc.
 1 Infinite Loop
 Cupertino, CA 95014

A copy of this form, together with a statement under 37 CFR 3.73(b) (Form PTO/SB/96 or equivalent) is required to be filed in each application in which this form is used. The statement under 37 CFR 3.73(b) may be completed by one of the practitioners appointed in this form if the appointed practitioner is authorized to act on behalf of the assignee, and must identify the application in which this Power of Attorney is to be filed.

SIGNATURE of Assignee of Record

The individual whose signature and title is supplied below is authorized to act on behalf of the assignee

Signature		Date	May 14, 2007
Name	Richard J. Lutton	Telephone	(408) 974-9453
Title	Assistant Secretary and Chief Patent Counsel		

This collection of information is required by 37 CFR 1.31, 1.32 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



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David C. Isaacson

*Admitted only in Maryland
*Admitted only in Virginia
*Practice Limited to Federal Agencies

February 9, 2009

WRITER'S DIRECT NUMBER:
(202) 772-8660

INTERNET ADDRESS:
TDURKIN@SKGF.COM

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Art Unit 2913

Re: U.S. Design Patent Application
Application No. 29/328,018; Filing Date: November 18, 2008
For: **Electronic Device**
Inventors: ANDRE *et al.*
Our Ref: 2607.0590002(P4984USD1)

Sir:

Transmitted herewith for appropriate action are the following documents:

1. A copy of an original executed Power of Attorney to Prosecute Applications Before the USPTO;
2. Statement Under 37 C.F.R. § 3.73(b);
3. First Supplemental Information Disclosure Statement;
4. Six pages of Forms PTO/SB/08A and PTO/SB/08B listing documents US30-US57, FP2-FP6 and NPL10-NPL35; and
5. Copies of FP2-FP6 and NPL21-NPL27.

The above-listed documents are filed electronically through EFS-Web.

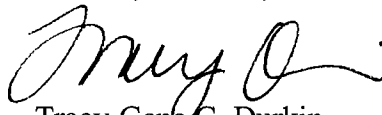
In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

Commissioner for Patents
February 9, 2009
Page 2

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Tracy-Gene G. Durkin
Attorney for Applicants
Registration No. 32,831

TGD/AKS:dbj
Enclosures

933602_1.doc

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

ANDRE *et al.*

Appl. No.: 29/328,018

Filed: November 18, 2008

For: **Electronic Device**

Confirmation No.: 7091

Art Unit: 2913

Examiner: *To be assigned*

Atty. Docket:

2607.0590002(P4984USD1)/TGD/AKS

First Supplemental Information Disclosure Statement

Mail Stop Amendment

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

Listed on accompanying IDS Forms are documents that may be considered material to the patentability of this application as defined in 37 C.F.R. §1.56, and in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.97 and 1.98.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached IDS Forms based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

APLPROS0000011767

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

Applicants have checked the appropriate boxes below.

- 1. Statement under 37 C.F.R. 1.704(d). Each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty days prior to the filing of this information disclosure statement.
- 2. Filing under 37 C.F.R. § 1.97(b). This Information Disclosure Statement is being filed within three months of the date of filing of a national application other than a continued prosecution application (CPA), OR within three months of the date of entry of the national stage as set forth in 37 C.F.R. § 1.491 in an international application, OR before the mailing date of a first Office Action on the merits OR before the mailing of a first Office Action after the filing of a request for continued examination under 37 C.F.R. § 1.114. No statement or fee is required.
- 3. Filing under 37 C.F.R. § 1.97(c). This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection, or Notice of Allowance, or an action that otherwise closes prosecution in the application.

- a. Statement under 37 C.F.R. § 1.97(e)(1). I hereby state that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).
- b. Statement under 37 C.F.R. § 1.97(e)(2). I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).
- c. Attached is our PTO-2038 Credit Card Payment Form in the amount of \$_____ in payment of the fee under 37 C.F.R. § 1.17(p).
- 4. Filing under 37 C.F.R. § 1.97(d) This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but on or before payment of the Issue Fee. Enclosed find our PTO-2038 Credit Card Payment Form in the amount of \$_____ in payment of the fee under 37 C.F.R. § 1.17(p); in addition:
 - a. Statement under 37 C.F.R. § 1.97(e)(1). I hereby state that each item of information contained in this Information Disclosure

Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).

- b. Statement under 37 C.F.R. § 1.97(e)(2). I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).
5. The document(s) was/were cited in a search report by a foreign patent office in a counterpart foreign application. Submission of an English language version of the search report that indicates the degree of relevance found by the foreign office is provided in satisfaction of the requirement for a concise explanation of relevance. 1138 OG 37, 38.
6. A concise explanation of the relevance of the non-English language document(s) appears below in accordance with 37 C.F.R. § 1.98(a)(3).
7. In accordance with 37 C.F.R. § 1.98(a)(2), no copies of U.S. patents and patent application publications cited on the attached IDS Forms are submitted. Further, NPL10-NPL20 and NPL28-NPL35 are believed to be stored on the Image File Wrapper System. Thus, copies of these documents are not attached. MPEP 1406; 1287 O.G. 163 (Oct. 19, 2004).

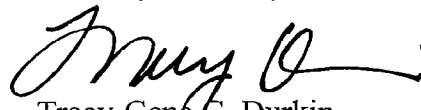
8. Copies of the documents _____ were cited by or submitted to the Office in an IDS that complies with 37 C.F.R. § 1.98(a)-(c) in Application No. _____, which is relied upon for an earlier filing date under 35 U.S.C. § 120. Thus, copies of these documents are not attached. 37 C.F.R. § 1.98(d).
9. It is expected that the examiner will review the prosecution and cited art in the parent application nos. 29/282,834, filed July 30, 2007 and 29/270,888, filed January 5, 2007 in accordance with MPEP 2001.06(b), and indicate in the next communication from the office that the art cited in the earlier prosecution history has been reviewed in connection with the present application.

It is respectfully requested that the Examiner initial and return a copy of the enclosed IDS Forms, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Tracy-Gene G. Durkin
Attorney for Applicants
Registration No. 32,831

Date: February 9, 2009

1100 New York Avenue, N.W.
Washington, D.C. 20005-3934
(202) 371-2600

902143_1.DOC



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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
29/328,018 11/18/2008 Bartley K. ANDRE 2607.0590002(P4984USD1)/T 7091

63975 7590 06/09/2009
STERNE KESSLER GOLDSTEIN & FOX P.L.L.C.
1100 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER

LEE, ANGELA J

ART UNIT PAPER NUMBER

2911

MAIL DATE DELIVERY MODE

06/09/2009

PAPER

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.

Office Action Summary	Application No. 29/328,018	Applicant(s) ANDRE ET AL.	
	Examiner ANGELA J. LEE	Art Unit 2911	

-- 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 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, 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 ____.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) 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

- 4) Claim(s) 1 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) Claim(s) ____ is/are allowed.
- 6) Claim(s) ____ is/are rejected.
- 7) Claim(s) ____ is/are objected to.
- 8) Claim(s) 1 are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) 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).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

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).
a) All b) Some * c) None of:
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) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>11/18/08 & 2/9/09</u> . | 6) <input type="checkbox"/> Other: ____. |

RESTRICTION

This application discloses the following embodiments:

Embodiment 1 - Figs. 1 – 8 are directed to a front surface of an electronic device.

Embodiment 2 - Figs. 9 – 14 are directed to a partial front surface and partial upper edge of an electronic device.

Embodiment 3 - Figs. 15 – 24 are directed to an electronic device.

Embodiment 4 - Figs. 25 – 30 are directed to a front surface and upper edge of an electronic device.

Multiple embodiments of a single inventive concept may be included in the same design application only if they are patentably indistinct. See *In re Rubinfeld*, 270 F.2d 391, 123 USPQ 210 (CCPA 1959). Embodiments that are patentably distinct from one another do not constitute a single inventive concept and thus may not be included in the same design application. See *In re Platner*, 155 USPQ 222 (Comm'r Pat. 1967). The change in scope create(s) patentably distinct designs.

Because of the differences identified, the embodiments are considered to either have overall appearances that are not basically the same, or if they are basically the same, the differences are not minor and patentably indistinct or are not shown to be obvious in view of analogous prior art.

The above embodiments divide into the following patentably distinct groups of designs:

Group I: Embodiment 1

Group II: Embodiment 2

Art Unit: 2911

Group III: Embodiment 3

Group IV: Embodiment 4

Restriction is required under 35 U.S.C. 121 to one of the patentably distinct groups of designs.

A reply to this requirement must include an election of a single group for prosecution on the merits, even if this requirement is traversed, 37 CFR 1.143. Any reply that does not include election of a single group will be held nonresponsive. Applicant is also requested to direct cancellation of all drawing figures and the corresponding descriptions which are directed to nonelected groups.

Should applicant traverse this requirement on the grounds that the groups are not patentably distinct, applicant should present evidence or identify such evidence now of record showing the groups to be obvious variations of one another. If the groups are determined not to be patentably distinct and they remain in this application, any rejection of one group over prior art will apply equally to all other groups. See *Ex parte Appeal No. 315-40*, 152 USPQ 71 (Bd. App. 1965). No argument asserting patentability based on the differences between the groups will be considered once the groups have been determined to comprise a single inventive concept.

IDS

Reference US 50 has been lined through for inconsistent information. Reference NPL31 is already listed on the first IDS and has been lined through. The other lined through foreign and NPL references have not been considered because there are no copies in the file.

Art Unit: 2911

Conclusion/Contact Information

In view of the above requirement, action on the merits is deferred pending compliance with the requirement in accordance with *Ex parte Heckman*, 135 USPQ 229 (P.O. Super. Exam. 1960).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angela J. Lee whose telephone number is 571-272-4453. The examiner can normally be reached on Monday to Friday from 8:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cathron Brooks, can be reached on 571-272-2633. 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).

/A. J. L./
/Angela J Lee/
Examiner, Art Unit 2911

Notice of References Cited	Application/Control No. 29/328,018	Applicant(s)/Patent Under Reexamination ANDRE ET AL.	
	Examiner ANGELA J. LEE	Art Unit 2911	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-D410,440 S	06-1999	Carnell, Charles F	D14/346
*	B	US-D455,433 S	04-2002	Alviar et al.	D14/441
*	C	US-D458,252 S	06-2002	Palm et al.	D14/343
*	D	US-D469,413 S	01-2003	To et al.	D14/126
*	E	US-7,042,712 B2	05-2006	Ghosh et al.	361/679.03
*	F	US-D568,309 S	05-2008	Cebe et al.	D14/341
*	G	US-D573,143 S	07-2008	Park et al.	D14/341
*	H	US-D574,015 S	07-2008	Masui, Kirio	D14/496
*	I	US-D579,930 S	11-2008	Maskatia, Arif	D14/341
*	J	US-D584,738 S	01-2009	Kim et al.	D14/496
*	K	US-D586,800 S	02-2009	Andre et al.	D14/341
*	L	US-D589,979 S	04-2009	Andre et al.	D14/496
	M	US-			


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*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
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	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

Search Notes 	Application/Control No. 29328018	Applicant(s)/Patent Under Reexamination ANDRE ET AL.
	Examiner ANGELA J LEE	Art Unit 2911

SEARCHED			
Class	Subclass	Date	Examiner
D14	341, 342, 343, 344, 345, 346, 347, 420, 426, 427, 432, 439, 440, 441, 448, 496, 125, 137, 129, 130, 138, 250, 389, 147, 218, 247, 248, 156	9/5/2007	/AJL/
D10	65, 104	9/6/2007	/AJL/
D13	168	9/6/2007	/AJL/
D18	6, 7	9/6/2007	/AJL/
D21	329, 686	9/10/2007	/AJL/
455	90.3, 556.1, 556.2, 575.1, 575.3, 575.4	9/6/2007	/AJL/
379	433.01, 433.04, 433.06, 433.07	9/10/2007	/AJL/
361	814	9/10/2007	/AJL/
341	22	9/10/2007	/AJL/
345	169, 173	9/11/2007	/AJL/
D6	596, 601, 605	9/13/2007	/AJL/

SEARCH NOTES		
Search Notes	Date	Examiner
Design and utility search. Consulted Jeff Asch, Bridget Eland and Cathron Brooks	9/4/2007	/AJL/
Inventor name search.	9/13/2007	/AJL/
Assignee search.	9/14/2007	/AJL/
NPL search - www.gsmarena.com	2/8/08	/AJL/
Foreign search - OHIM 14-02 and 14-03	2/7/08	/AJL/
Backwards and forwards citation search	2/8/08	/AJL/
Updated search.	2/8/08	/AJL/
updated search	5/1/09	/AJL/

INTERFERENCE SEARCH			
Class	Subclass	Date	Examiner
D14	341, 138, 496	10/10/2007	/AJL/
D14	341	6/4/09	/AJL/

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Substitute for form 1449/PTO			Complete if Known	
FIRST SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>			Application Number	29/328,018
			Filing Date	April 2, 2008
			First Named Inventor	Bartley K. Andre
			Art Unit	2913
			Examiner Name	To Be Assigned
			Attorney Docket Number	2607.0590002(P4984USD1)/TGD/AKS
Sheet	1	of	2	

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
↓	US30	2004/0132499	07-08-2004	Abe	
	US31	2004/0166907	08-26-2004	Yajima	
	US32	2004/0223004	11-11-2004	Lincke et al.	
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	US34	D541,785	05-01-2007	Hwang et al.	
	US35	D554,098	10-30-2007	Lee	
	US36	7,303,424	12-04-2007	Tu et al.	
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	US40	D556,211	11-27-2007	Howard	
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	US43	D558,756	01-01-2008	Andre et al.	
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Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ Number ⁴ Kind Code ⁵ (if known)				
↓	FP2	EM 000569157-0005	05-09-2006	LG Electronics Inc.		
	FP3	JP D1159881	12-03-2002			
	FP4	JP D1250487	09-12-2005			
	FP5	KR 30-0394921	12-08-2005			
	FP6	KR 30-0422221	08-11-2006			
	FP7					
	FP8					
	FP9					
	FP10					

Examiner Signature	/Angela Lee/	Date Considered	06/04/2009
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FIRST SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>			Application Number	29/328,018
			Filing Date	April 2, 2008
			First Named Inventor	Bartley K. Andre
			Art Unit	2913
			Examiner Name	To Be Assigned
			Attorney Docket Number	2607.0590002(P4984USD1)/TGD/AKS
Sheet	2	of	2	

U.S. PATENT DOCUMENTS					
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		Number-Kind Code ² (if known)			
	US50	D561,924	02-05-2008	Tom	
/AL/	US51	2008/0004085	01-03-2008	Jung et al.	
↓	US52	D561,782	02-12-2008	Kim	
	US53	D562,285	02-19-2008	Lim	
	US54	D563,432	03-04-2008	Kim	
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	US58				
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	US60				
	US61				
	US62				
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	US64				
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	US66				
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	US68				
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		Country Code ³ Number ⁴ Kind Code ⁵ (if known)				
	FP11					
	FP12					
	FP13					
	FP14					
	FP15					
	FP16					
	FP17					
	FP18					
	FP19					

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Examiner Signature	/Angela Lee/	Date Considered	06/04/2009
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				<i>First Named Inventor</i>	Bartley K. Andre
				<i>Art Unit</i>	2913
				<i>Examiner Name</i>	To Be Assigned
				<i>Attorney Docket Number</i>	2607.0590002(P4984USD1)/TGD/AKS
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/AL/	NPL10	U.S. Patent Appl. No. 29/282,831, Andre <i>et al.</i> , Electronic Device, filed 07-30-2007.	
/AL/	NPL11	U.S. Patent Appl. No. 29/282,832, Andre <i>et al.</i> , Electronic Device, filed 07-30-2007.	
/AL/	NPL12	U.S. Patent Appl. No. 29/282,833, Andre <i>et al.</i> , Electronic Device, filed 07-30-2007.	
/AL/	NPL13	U.S. Patent Appl. No. 29/284,187, Andre <i>et al.</i> , Electronic Device, filed 08-31-2007.	
/AL/	NPL14	U.S. Patent Appl. No. 29/284,188, Andre <i>et al.</i> , Electronic Device, filed 08-31-2007.	
/AL/	NPL15	U.S. Patent Appl. No. 29/284,269, Andre <i>et al.</i> , Electronic Device, filed 09-04-2007.	
/AL/	NPL16	U.S. Patent Appl. No. 29/284,272, Andre <i>et al.</i> , Electronic Device, filed 09-05-2007.	
/AL/	NPL17	U.S. Patent Appl. No. 29/284,276, Andre <i>et al.</i> , Electronic Device, filed 09-05-2007.	
/AL/	NPL18	U.S. Patent Appl. No. 29/284,288, Andre <i>et al.</i> , Electronic Device, filed 09-05-2007.	
/AL/	NPL19	U.S. Patent Appl. No. 29/284,308, Andre <i>et al.</i> , Electronic Device, filed 09-05-2007.	

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				<i>Filing Date</i>	April 2, 2008
				<i>First Named Inventor</i>	Bartley K. Andre
				<i>Art Unit</i>	2913
				<i>Examiner Name</i>	<i>To Be Assigned</i>
Sheet	2	of	3	<i>Attorney Docket Number</i>	2607.0590002(P4984USD1)/TGD/AKS

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Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume number, publisher, city and/or country where published	T ²
/AL/	NPL20	U.S. Patent Appl. No. 29/284,310, Andre et al., Electronic Device, filed 09-05-2007.	
/AL/	NPL21	Hilon LG DMB MP3 FM35, posted on 06-26-2006, [online], [retrieved on 12-26-2008]. Retrieved from Internet, <URL:http://hilon.com.cn.autobak/a8810005549>.	
/AL/	NPL22	eFashion Magazine, 2004, vol. no. 12, pg. 60, China.	
/AL/	NPL23	eFashion Magazine, June 1, 2005, vol. no. 119, pg. 45, China.	
/AL/	NPL24	eFashion Magazine, April 2006, vol. no. 142, pg. 26, China.	
/AL/	NPL25	Notification and Request for Invalidation of Chinese Patent ZL200730148767.X, Patent Reexamination Board of the State of Intellectual Property Office of the PRC and English translation, mailed December 11, 2008, 19 pages.	
/AL/	NPL26	Notification and Request for Invalidation of Chinese Patent ZL200730148751.9, Patent Reexamination Board of the State of Intellectual Property Office of the PRC and English translation, mailed December 11, 2008, 19 pages.	
/AL/	NPL27	Notification and Request for Invalidation of Chinese Patent ZL200730148719.0, Patent Reexamination Board of the State of Intellectual Property Office of the PRC and English translation, mailed December 11, 2008, 19 pages.	
/AL/	NPL28	U.S. Patent Appl. No. 29/306,334, Andre <i>et al.</i> , Electronic Device, filed 04-07-2008.	
/AL/	NPL29	U.S. Patent Appl. No. 29/306,950, Andre <i>et al.</i> , Electronic Device, filed 04-18-2008.	

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Substitute for form 1449/PTO				Complete if Known	
				<i>Application Number</i>	29/328,018
FIRST SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				<i>Filing Date</i>	April 2, 2008
				<i>First Named Inventor</i>	Bartley K. Andre
				<i>Art Unit</i>	2913
				<i>Examiner Name</i>	To Be Assigned
				<i>Attorney Docket Number</i>	2607.0590002(P4984USD1)/TGD/AKS
Sheet	3	of	3		

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/AL/	NPL30	U.S. Patent Appl. No. 29/319,239, Andre <i>et al.</i> , Electronic Device, filed 06-05-2008.	
	NPL31	U.S. Patent Appl. No. 29/319,277, Andre <i>et al.</i>, Electronic Device, filed 06-06-2008.	
/AL/	NPL32	U.S. Patent Appl. No. 29/319,433, Andre <i>et al.</i> , Electronic Device, filed 06-09-2008.	
/AL/	NPL33	U.S. Patent Appl. No. 29/324,130, Andre <i>et al.</i> , Electronic Device, filed 09-05-2008.	
/AL/	NPL34	U.S. Patent Appl. No. 29/324,137, Andre <i>et al.</i> , Electronic Device, filed 09-06-2008.	
/AL/	NPL35	U.S. Patent Appl. No. 29/324,262, Andre <i>et al.</i> , Electronic Device, filed 09-09-2008.	
	NPL36		
	NPL37		
	NPL38		
	NPL39		

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				Application Number	To be assigned	
				Filing Date	Herewith	
				First Named Inventor	ANDRE <i>et al.</i>	
				Art Unit	To be assigned	
				Examiner Name	To be assigned	
Sheet	1	of	3	Attorney Docket Number	2607.0590002(P4984USD1)	

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
/AL/	US1	D289,873	05-19-1987	Gemmell <i>et al.</i>	
	US2	D337,569	07-20-1993	Kando	
	US3	D456,023	04-23-2002	Andre <i>et al.</i>	
	US4	D489,731	05-11-2004	Huang	
	US5	D498,754	11-23-2004	Blyth	
	US6	D499,423	12-07-2004	Bahroocha <i>et al.</i>	
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	US8	D504,889	05-10-2005	Andre <i>et al.</i>	
	US9	D505,950	06-07-2005	Summit <i>et al.</i>	
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	US11	D507,003	07-05-2005	Pai <i>et al.</i>	
	US12	D514,121	01-31-2006	Johnson	
	US13	D514,590	02-07-2006	Naruki	
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	US15	D520,020	05-02-2006	Senda <i>et al.</i>	
	US16	D528,542	09-19-2006	Luminosu <i>et al.</i>	
	US17	D528,561	09-19-2006	Ka-Wei <i>et al.</i>	
	US18	D529,045	09-26-2006	Shin	

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ Kind Code ⁵ (in known)				
	FP1	KR 30-0452432	06-14-2007			

Examiner Signature	/Angela Lee/	Date Considered	06/04/2009
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹Applicant's unique citation designation number (optional). ²See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)				Complete if Known		
				Application Number	To be assigned	
				Filing Date	Herewith	
				First Named Inventor	ANDRE <i>et al.</i>	
				Art Unit	To be assigned	
				Examiner Name	To be assigned	
Sheet	2	of	3	Attorney Docket Number	2607.0590002(P4984USD1)	

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
/AL/	US19	D532,791	11-28-2006	Kim	
	US20	2006/0281501	12-14-2006	Zuo <i>et al.</i>	
	US21	D534,143	12-26-2006	Lheem	
	US22	D535,281	01-16-2007	Yang	
	US23	D536,691	02-13-2007	Park	
	US24	D538,822	03-20-2007	Andre <i>et al.</i>	
	US25	2007/0082718	04-12-2007	Yoon <i>et al.</i>	
	US26	D541,298	04-24-2007	Andre <i>et al.</i>	
	US27	D541,299	04-24-2007	Andre <i>et al.</i>	
	US28	D546,313	07-10-2007	Lheem	
	US29	D548,747	08-14-2007	Andre <i>et al.</i>	

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ Kind Code ⁵ (in known)				

Examiner Signature	/Angela Lee/	Date Considered	06/04/2009
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This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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			Application Number	To be assigned	
			Filing Date	Herewith	
			First Named Inventor	ANDRE <i>et al.</i>	
			Art Unit	To be assigned	
			Examiner Name	To be assigned	
Sheet	3	of	3	Attorney Docket Number	2607.0590002(P4984USD1)

NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date page(s), volume-issue number(s), publisher, city and/or country where published	T ²
	NPL1	Samsung F700, announced February 2007, [online], [retrieved on 02-08-07]. Retrieved from Internet, <URL:http://www.gsmarena.com>	
	NPL2	Philips S900, announced June 2006, [online], [retrieved on 02-20-07]. Retrieved from Internet, <URL:http://www.gsmarena.com>	
	NPL3	I.G KE850 Prada, announced January 2007, [online], [retrieved on 02-20-07]. Retrieved from Internet, <URL:http://www.gsmarena.com>	
	NPL4	Apple iPhone, announced January 2007, [online], [retrieved on 03-12-07]. Retrieved from Internet, <URL:http://www.gsmarena.com>	
	NPL5	Tinnos PDA, posted May 19, 2006, [online], [retrieved on 08-22-07]. Retrieved from Internet, <URL:http://www.mobilewhack.com>	
	NPL6	Meizu M8, posted January, 20, 2007, [online], [retrieved on 09-13-07]. Retrieved from Internet, <URL:http://www.engadget.com>	
/AL/	NPL7	U.S. Appl. No. 29/284,271, Andre et al., Electronic Device, filed 09-04-2007.	
/AL/	NPL8	U.S. Appl. No. 29/284,312, Andre et al., Electronic Device, filed 09-05-2007.	
/AL/	NPL9	U.S. Appl. No. 29/319,377, Andre et al., Electronic Device, filed 06-06-2008.	

Examiner Signature	/Angela Lee/	Date Considered	06/04/2009
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¹Applicant's unique citation designation number (optional). ²Applicant is to place a check mark here if English language Translation is attached.

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BIB DATA SHEET

CONFIRMATION NO. 7091

SERIAL NUMBER	FILING or 371(c) DATE	CLASS	GROUP ART UNIT	ATTORNEY DOCKET NO.
29/328,018	11/18/2008	D14	2911 2607	7.0590002(P4984USD)/T
	RULE			

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 Christopher J. Stringer, Woodside, CA;
 Eugene Anthony Whang, San Francisco, CA;
 Rico Zorkendorfer, San Francisco, CA;

**** CONTINUING DATA *******

This application is a DIV of 29/282,834 07/30/2007 PAT D,581,922
 which is a CON of 29/270,888 01/05/2007 PAT D,558,758

**** FOREIGN APPLICATIONS *******

**** IF REQUIRED, FOREIGN FILING LICENSE GRANTED ****

11/26/2008

Foreign Priority claimed <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Met after Allowance	STATE OR COUNTRY	SHEETS DRAWINGS	TOTAL CLAIMS	INDEPENDENT CLAIMS
35 USC 119(a-d) conditions met <input type="checkbox"/> Yes <input type="checkbox"/> No	Initials	CA	8	1	1
Verified and Acknowledged <u>/ANGELA J LEE/</u> Examiner's Signature					

ADDRESS

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 UNITED STATES

TITLE

Electronic Device

FILING FEE RECEIVED 460	FEES: Authority has been given in Paper No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following:	<input type="checkbox"/> All Fees
		<input type="checkbox"/> 1.16 Fees (Filing)
		<input type="checkbox"/> 1.17 Fees (Processing Ext. of time)
		<input type="checkbox"/> 1.18 Fees (Issue)
		<input type="checkbox"/> Other _____
		<input type="checkbox"/> Credit

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

ANDRE *et al.*

Appl. No.: 29/328,018

Filed: November 18, 2008

For: **Electronic Device**

Confirmation No.: 7091

Art Unit: 2911

Examiner: Lee, Angela J.

Atty. Docket:

2607.0590002(P4984USD1)/TGD/AKS

**Reply to Election Requirement
and Amendment Under 37 C.F.R. §1.115**

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the Office Action dated June 9, 2009, Applicants submit the following Election Requirement, Amendment and Remarks. This Reply is provided in the following format:

- (A) Each section begins on a separate sheet;
- (B) Starting on a separate sheet, amendments to the specification by presenting replacement paragraphs marked up to show changes made;
- (C) Starting on a separate sheet, the Remarks.

It is not believed that extensions of time are required, beyond those that may otherwise be provided for in accompanying documents. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefore are hereby authorized to be charged to our Deposit Account No. 19-0036.

Election Requirement

In reply to the Office Action dated June 9, 2009, requesting an election of one invention to prosecute in the above-referenced patent application, Applicants hereby provisionally elect to prosecute the invention of Group I, Figures 1 through 8. This election is made without prejudice to or disclaimer of the other inventions disclosed.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Andre *et al.*

Appl. No.: 29/328,018

Filed: November 18, 2008

For: **Electronic Device**

Confirmation No.: 7091

Art Unit: 2913

Examiner: Angela J. Lee

Atty. Docket: 2607.0590002(P4984USD1)/TGD/AKS

Second Supplemental Information Disclosure Statement

Mail Stop Amendment

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

Listed on accompanying IDS Forms are documents that may be considered material to the patentability of this application as defined in 37 C.F.R. §1.56, and in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.97 and 1.98. The numbering on this Second Supplemental Information Disclosure Statement is a continuation of the numbering in Applicants' First Supplemental Information Disclosure Statement filed on February 9, 2009 in connection with the above-captioned application.

Applicants have listed publication dates on the attached IDS Forms based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

Applicants have checked the appropriate boxes below.

- 1. Statement under 37 C.F.R. 1.704(d). Each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty days prior to the filing of this information disclosure statement.
- 2. Filing under 37 C.F.R. § 1.97(b). This Information Disclosure Statement is being filed within three months of the date of filing of a national application other than a continued prosecution application (CPA), OR within three months of the date of entry of the national stage as set forth in 37 C.F.R. § 1.491 in an international application, OR before the mailing date of a first Office Action on the merits OR before the mailing of a first Office Action after the filing of a request for continued examination under 37 C.F.R. § 1.114. No statement or fee is required.
- 3. Filing under 37 C.F.R. § 1.97(c). This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection, or Notice of Allowance, or an action that otherwise closes prosecution in the application.

- a. Statement under 37 C.F.R. § 1.97(e)(1). I hereby state that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).
- b. Statement under 37 C.F.R. § 1.97(e)(2). I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).
- c. The required fee is provided through online credit card payment authorization in the amount of \$_____ in payment of the fee under 37 C.F.R. § 1.17(p).
4. Filing under 37 C.F.R. § 1.97(d) This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but on or before payment of the Issue Fee. The required fee is provided through online credit card payment authorization in the amount of \$_____ in payment of the fee under 37 C.F.R. § 1.17(p); in addition:

- a. Statement under 37 C.F.R. § 1.97(e)(1). I hereby state that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).
- b. Statement under 37 C.F.R. § 1.97(e)(2). I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).
5. The document(s) was/were cited in a search report by a foreign patent office in a counterpart foreign application. Submission of an English language version of the search report that indicates the degree of relevance found by the foreign office is provided in satisfaction of the requirement for a concise explanation of relevance. 1138 OG 37, 38 and MPEP 609.04(a)(III).
6. A concise explanation of the relevance of the non-English language document(s) appears below in accordance with 37 C.F.R. § 1.98(a)(3).
7. In accordance with 37 C.F.R. § 1.98(a)(2), no copies of U.S. patents and patent application publications cited on the attached IDS Forms are submitted.

8. Copies of the documents FP1 and NPL1-NPL6 were cited by or submitted to the Office in an IDS that complies with 37 C.F.R. § 1.98(a)-(c) in Application No. 29/270,888, filed January 1, 2007, which is relied upon for an earlier filing date under 35 U.S.C. § 120. Thus, copies of these documents are not attached. 37 C.F.R. § 1.98(d).
9. It is expected that the examiner will review the prosecution and cited art in the parent application no(s). 29/282,834 and 29/270,888 in accordance with MPEP 2001.06(b), and indicate in the next communication from the office that the art cited in the earlier prosecution history has been reviewed in connection with the present application.

It is respectfully requested that the Examiner initial and return a copy of the enclosed IDS Forms, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Tracy-Gene G. Durkin
Attorney for Applicants
Registration No. 32,831

Date: July 9, 2009

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988100_1.DOC

Atty. Dkt. No. 2607.0590002(P4984USD1)/TGD/AKS

APLPROS0000011794

Amendments to the Specification

Please amend paragraphs [0001] through [0011] as follows:

[0001] This application is a divisional application of U.S. Design Patent Application No. 29/282,834, filed July 30, 2007 (~~pending~~ now U.S. Patent No. D581,922), which is a continuation application of U.S. Design Patent Application No. 29/270,888,

~~{0002}~~ filed January 5, 2007 (now U.S. Patent No. Des. 558,758), the disclosures of which are all hereby incorporated in their entirety by reference thereto.

[0002] This is an application for a new, original, and ornamental design for an ELECTRONIC DEVICE, of which the following is a specification, reference being had to the accompanying drawings, forming a part thereof.

~~{0004}~~[0003] Figure 1 is a front perspective view of an electronic device in ~~{0005}~~ accordance with the present invention;

~~{0006}~~[0004] Figure 2 is a rear perspective view thereof;

~~{0007}~~[0005] Figure 3 is a front view thereof;

~~{0008}~~[0006] Figure 4 is a rear view thereof;

~~{0009}~~[0007] Figure 5 is a top view thereof;

~~{0010}~~[0008] Figure 6 is bottom view thereof;

~~{0011}~~[0009] Figure 7 is a left side view thereof; and

[0010] Figure 8 is a right side view thereof[[:]].

Please delete paragraphs [0012] through [0035].

Please amend paragrph [0036] as follows:

Atty. Dkt. No. 2607.0590002(P4984USD1)/TGD/AKS

~~{0036}~~{0011} The features shown in broken lines in the various Figures are for illustrating environmental structure and form no part of the claimed design. ~~The dot dash lines in Figures 9 & 11 represent an indeterminate length.~~

Please renumber paragraphs **[0037]** and **[0038]** as follows:

~~{0037}~~{0011} The surfaces of the electronic device are illustrated with color designations. The grid pattern indicates the color black, the dashed line pattern indicates metal. By way of example, the metallic portions may be selected from steel, aluminum, anodized aluminum, chrome, nickel, and/or the like.

~~{0038}~~{0012} More generally, the invention pertains to an ornamental design for an article of manufacture. The article is not limited to the scale shown herein. As indicated in the title, the article of manufacture to which the ornamental design has been applied is an electronic device, media player (e.g., music, video and/or game player), media storage device, a personal digital assistant, a communication device (e.g., cellular phone), a novelty item or toy.

Amendment to the Drawings

Please cancel Figures 9 through 32.

Remarks

Reconsideration of this Application is respectfully requested.

Figures 9 through 32 have been cancelled. The specification has been amended to reflect these drawing changes. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Conclusion

Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Response is respectfully requested.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Tracy-Gene G. Durkin
Attorney for Applicants
Registration No. 32,831

Date: July 9, 2009

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999311_1.DOC

Atty. Dkt. No. 2607.0590002(P4984USD1)/TGD/AKS

SUPPLEMENTAL APPLICATION DATA SHEET

Electronic Version v14
Stylesheet Version v14.1

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E-mail:

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Postal Code of Mailing Address: 94114
95014
Country of Mailing Address: US
Phone:
Fax:
E-mail:

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Country of Residence: US
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Apple Inc.
Address-2 of Mailing Address: 1 Infinite Loop, MS 302-1ID
City of Mailing Address: ~~San Francisco~~
Cupertino
State of Mailing Address: CA
Postal Code of Mailing Address: 94114
95014
Country of Mailing Address: US
Phone:
Fax:
E-mail:

Inventor 6:

Applicant Authority Type: Inventor
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Address-2 of Mailing Address: 1 Infinite Loop, MS 301-CEO
City of Mailing Address: Palo Alto
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State of Mailing Address: CA
Postal Code of Mailing Address: 94301
95014
Country of Mailing Address: US
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Cupertino
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Cupertino
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95014
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E-mail:

Correspondence Information:

Customer Number: 63975 *63975*

Application Information:

Title of Invention: Electronic Device
Application Type: regular, design
Attorney Docket Number: 2607.0590002(P4984USD1)/TGD/AKS

Botanic Information:

Publication Information:
Suggested Figure for Publication -
Suggested Classification -
Suggested Technology Center -
Total Number of Drawing Sheets - 8

Representative Information:

practitioner(s) at Customer Number:

63975 *63975*

as our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Domestic Priority Information:

This is a Divisional of US application number 29/282,834, filed 2007-07-30, now U.S. Patent D581,922.

US application number 29/282,834, filed 2007-07-30 is a Continuation of US application number 29/270,888, filed 2007-01-05, now U.S. Patent D558,758.

Foreign Priority Information:

Assignee Information:

Assignee 1:

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Address-2 of Mailing Address:

City of Mailing Address: Cupertino
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Postal Code of Mailing Address: 95014
Country of Mailing Address: US
Phone:
Fax:
E-mail:

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Tracy-Gene G. Durkin
Attorney for Applicants
Registration No. 32,831

Date: July 9, 2009

1100 New York Avenue, N.W.
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1001891_1.DOC

APLPROS0000011808

Substitute for form 1449/PTO SECOND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Complete if Known	
				Application Number	29/328,018
				Filing Date	April 2, 2008
				First Named Inventor	Bartley K. Andre
				Art Unit	2913
				Examiner Name	Angela J. Lee
Sheet	1	of	1	Attorney Docket Number	2607.0590002(P4984USD1)/TGD/AKS

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if Known)			
	US50	D561,204	02-05-2008	Toh	
	US58	D559,220	01-01-2008	Lee et al.	
	US59	D560,192	01-22-2008	Lee et al.	

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ Number ⁴ Kind Code ⁵ (if known)				
	FP7					
	FP8					
	FP9					
	FP10					
	FP11					
	FP12					
	FP13					
	FP14					
	FP15					

988092_1.DOC

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

Substitute for form 1449/PTO				Complete if Known	
				<i>Application Number</i>	29/328,018
SECOND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				<i>Filing Date</i>	April 2, 2008
				<i>First Named Inventor</i>	Bartley K. Andre
				<i>Art Unit</i>	2913
				<i>Examiner Name</i>	Angela J. Lee
				<i>Attorney Docket Number</i>	2607.0590002(P4984USC5)/TGD/AKS
Sheet	1	of	1		

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T ²
	NPL1	Samsung F700, announced February 2007, [online], [retrieved on 02-08-07]. Retrieved from Internet, <URL:http://www.gsmarena.com>	
	NPL2	Philips S900, announced June 2006, [online], [retrieved on 02-20-07]. Retrieved from Internet, <URL:http://www.gsmarena.com>	
	NPL3	LG DE850 Prada, announced January 2007, [online], [retrieved on 02-20-07]. Retrieved from Internet, <URL:http://www.gsmarena.com>	
	NPL4	Apple iPhone, announced January 2007, [online], [retrieved on 03-12-07]. Retrieved from Internet, <URL:http://www.gsmarena.com>	
	NPL5	Tinnos PDA, posted May 19, 2006, [online], [retrieved on 08-22-07]. Retrieved from Internet, <URL:http://www.mobilewhack.com>	
	NPL6	Meizu M8, posted January 29, 2007, [online], [retrieved on 09-13-07]. Retrieved from Internet, <URL:http://www.engadget.com>	
	NPL7		
	NPL8		
	NPL9		
	NPL10		

1002584_1.DOC

Examiner Signature	Date Considered
--------------------	-----------------

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

Electronic Acknowledgement Receipt

EFS ID:	5672640
Application Number:	29328018
International Application Number:	
Confirmation Number:	7091
Title of Invention:	Electronic Device
First Named Inventor/Applicant Name:	Bartley K. ANDRE
Customer Number:	63975
Filer:	Tracy-Gene G. Durkin/Dana Bennett Jackson
Filer Authorized By:	Tracy-Gene G. Durkin
Attorney Docket Number:	2607.0590002(P4984USD1)/T
Receipt Date:	09-JUL-2009
Filing Date:	18-NOV-2008
Time Stamp:	15:39:40
Application Type:	Design

Payment information:

Submitted with Payment	no
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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		26070590002.pdf	876328 <small>ae6d202bcb23dfbc639de8ab4edebf4fb4b fsdf</small>	yes	25

Multipart Description/PDF files in .zip description			
Document Description	Start	End	
Miscellaneous Incoming Letter	1	2	
Response to Election / Restriction Filed	3	4	
Specification	5	6	
Applicant Arguments/Remarks Made in an Amendment	7	8	
Application Data Sheet	9	18	
Transmittal Letter	19	23	
Information Disclosure Statement (IDS) Filed (SB/08)	24	25	

Warnings:

Information:

Total Files Size (in bytes):	876328
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This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.



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* Admitted only in Maryland
* Admitted only in Virginia
• Practice Limited to Federal Agencies

July 9, 2009

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Commissioner for Patents
PO Box 1450
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Art Unit 2913

Attn: Mail Stop Amendment

Re: U.S. Design Patent Application
Application No. 29/328,018; Filing Date: November 18, 2008
For: **Electronic Device**
Inventors: Andre *et al.*
Our Ref: 2607.0590002(P4984USD1)/TGD/AKS

Sir:

Transmitted herewith for appropriate action are the following documents:

1. Reply to Election Requirement and Amendment Under 37 C.F.R. § 1.115;
2. Supplemental Application Data Sheet;
3. Second Supplemental Information Disclosure Statement;
4. One page of Form PTO/SB/08A listing documents US50, US58-US59, and FP1; and
5. One page of Form PTO/SB/08B listing documents NPL1-NPL6.

The above-listed documents are filed electronically through EFS-Web.

US50 was cited on Form PTO/SB/08A originally submitted to the USPTO on February 9, 2009. However, the Examiner did not consider this reference because there was a typographical error on Form PTO/SB/08A. This submission is believed to correct this error in accordance with MPEP § 707.05(g).

FP1 and NPL1-NPL6 were cited on Forms PTO/SB/08A and PTO/SB/08B originally submitted to the USPTO on November 18, 2008. However, the Examiner did not consider these references because the submission incorrectly stated copies of these documents were cited by or submitted to the Office in an IDS in Application No. 29/282,834. FP1 and NPL1-NPL6 were cited by or submitted to the Office in and IDS in Application No. 29/270,888, filed January 1,

Commissioner for Patents
July 9, 2009
Page 2

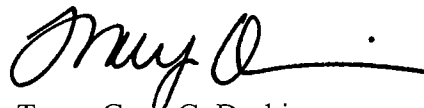
2007, which is relied upon for an earlier filing date under 35 U.S.C. § 120. Thus, copies of these documents are not attached hereto.

In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Tracy-Gene G. Durkin
Attorney for Applicants
Registration No. 32,831

TGD/AKS:dbj
Enclosures

988110_1.DOC



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
29/328,018 11/18/2008 Bartley K. ANDRE 2607.0590002(P4984USD1) 7091

63975 7590 10/02/2009
STERNE KESSLER GOLDSTEIN & FOX P.L.L.C.
1100 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER

LEE, ANGELA J

ART UNIT PAPER NUMBER

2911

MAIL DATE DELIVERY MODE

10/02/2009

PAPER

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.

Office Action Summary	Application No. 29/328,018	Applicant(s) ANDRE ET AL.	
	Examiner ANGELA J. LEE	Art Unit 2911	

-- 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 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, 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 09 July 2009.
- 2a) This action is **FINAL**.
- 2b) This action is non-final.
- 3) 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

- 4) Claim(s) 1 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) 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).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

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).
 - a) All b) Some * c) None of:
 - 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) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>7/9/09</u> . | 6) <input type="checkbox"/> Other: _____ |

Introduction

Applicant's response of July 9, 2009, including election of Group I and amendment to the specification, has been reviewed.

Groups II – IV have been withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being for the nonelected design. Election was made without traverse in the reply filed on July 9, 2009.

FIGS. 9 - 32 have been cancelled by applicant.

Incorporation by Reference

This application incorporates by reference D581,922 and D558,758. All the material from the D581,922 and D558,758 which is essential to the claimed design is included in this application. Amendments of the claim may be based on the content of the incorporated material. However, with or without a specific amendment, it is understood that any material in the D581,922 and D558,758 which is not present in this application forms no part of the claimed design.

Specification

The specification is objected to because the first sentence of the description in paragraph [0012] is confusing. The first sentence, "More generally, the invention pertains to an ornamental design for an article of manufacture" is confusing, unnecessary and redundant. See MPEP 1503.01, subsection II. Therefore, this sentence should be deleted.

The specification is also objected to because it includes a description of color designations which are no longer applicable. Applicant has elected Group I. There are

Art Unit: 2911

no dashed line patterns in Group I. Therefore, the following portions of paragraph [0011] must be deleted: "the dashed line pattern indicates metal. By way of example, the metallic portions may be selected from steel, aluminum, anodized aluminum, chrome, nickel, and/or the like."

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a non-statutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

The claim is provisionally rejected under the judicially created doctrine of the obviousness-type double patenting of the claim of copending Application No.

Art Unit: 2911

29/332,683. Although the conflicting claims are not identical, they are not patentably distinct from each other because the claims are identical with the exception that 29/328,018 includes a color designation (black) and 29/332,683 does not include a color designation. Patentability of a design may not rest on color alone and “it would be obvious to employ a chromatic color.” *In re Iknayan et al.*, F.2d 943, 124 USPQ 507, 508 (CCPA 1960).

It is well settled that it is unobviousness in the overall appearance of the claimed design, when compared with the prior art, rather than minute details or small variations in design as appears to be the case here, that constitutes the test of design patentability. See *In re Frick*, 275 F2d 741, 125 USPQ 191 (CCPA 1960) and *In re Lamb*, 286 F2d 610, 128 USPQ 539 (CCPA 1961).

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Rejection 35 USC 103

The claim is rejected under 35 U.S.C. 103(a) as being unpatentable over U. S. Patent 7409059 in view of U. S. PGPUB 2008/0004083.

Although the invention is not identically disclosed or described as set forth in 35 U.S.C. 102, (from the point-of-view of a designer of ordinary skill in the art) 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 designer having ordinary skill in the art to which said subject matter pertains, the invention is not patentable.

The claimed invention is strikingly similar to the left portion of the design shown in FIG. 7 of 7409059. The differences in the claimed design over the reference are the modification of the elongated oval speaker, the modification of the rectangular display and the inclusion of color designation. It would have been obvious to a designer of ordinary skill in the art at the time the invention was made to modify the elongated oval to have more rounded edges as taught by the elongated oval in FIG. 56 of 2008/0004083 and to modify the rectangular display to extend to the left and right side edges and to remove the inner border as demonstrated by FIG. 56 of 2008/0004083. It would be obvious to modify the design by showing a color designation. Patentability of a design may not rest on color alone and "it would be obvious to employ a chromatic color." *In re Iknayan et al.*, F.2d 943, 124 USPQ 507, 508 (CCPA 1960).

Moreover, any differences that may exist between the claimed design and the basic reference as modified are considered minor in nature and insufficient to define a patentably distinct design.

The claimed design is held to be patentably indistinct even without the rounded edges on the elongated oval modification taught by 2008/0004083. It is acknowledged that the de minimis difference in the shape of the elongated oval has a minimal impact on the overall appearance. However, an elongated oval with rounded edges of this type utilized herein is known in the art. Incorporation of an elongated oval with rounded edges included into the primary reference would result in an appearance that is even closer to the claimed design. Therefore, the combination has been made.

Art Unit: 2911

The modification of the primary reference in light of the secondary references is proper because the applied references are so related that the appearance of features shown in one would suggest the application of those features to the other. See *In re Rosen*, 673 F.2d 388, 213 USPQ 347 (CCPA 1982); *In re Carter*, 673 F.2d 1378, 213 USPQ 625 (CCPA 1982), and *In re Glavas*, 230 F.2d 447, 109 USPQ 50 (CCPA 1956). Further, it is noted that case law has held that one skilled in the art is charged with knowledge of the related art; therefore, the combination of old elements, herein, would have been well within the level of ordinary skill. See *In re Antle*, 444 F.2d 1168, 170 USPQ 285 (CCPA 1961) and *In re Nalbandian*, 661 F.2d 1214, 211 USPQ 782 (CCPA 1982).

It is well settled that it is unobviousness in the overall appearance of the claimed design, when compared with the prior art combination, rather than minute details or small variations in design as appears to be the case here, that constitutes the test of design.

Conclusion/Contact Information

The claim is rejected for the reasons set forth above.

The references cited but not applied are cumulative art related to the claimed design.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angela J. Lee whose telephone number is 571-272-4453. The examiner can normally be reached on Monday to Friday from 8:30 am to 5:00 pm.

Art Unit: 2911

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cathron Brooks, can be reached on 571-272-2633. 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).

/A. J. L./
/Angela J Lee/
Examiner, Art Unit 2911

Notice of References Cited	Application/Control No. 29/328,018	Applicant(s)/Patent Under Reexamination ANDRE ET AL.	
	Examiner ANGELA J. LEE	Art Unit 2911	Page 1 of 1

U.S. PATENT DOCUMENTS

*	Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A US-7,409,059	08-2008	Fujisawa, Eizo	379/433.13
*	B US-2008/0004083	01-2008	Ohki et al.	455/566
	C US-			
	D US-			
	E US-			
	F US-			
	G US-			
	H US-			
	I US-			
	J US-			
	K US-			
	L US-			
	M US-			

FOREIGN PATENT DOCUMENTS

*	Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N				
	O				
	P				
	Q				
	R				
	S				
	T				

NON-PATENT DOCUMENTS

*	Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)				
	U				
	V				
	W				
	X				

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

Substitute for form 1449/PTO				Complete if Known	
SECOND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Application Number	29/328,018
				Filing Date	April 2, 2008
				First Named Inventor	Bartley K. Andre
				Art Unit	2913
				Examiner Name	Angela J. Lee
Sheet	1	of	1	Attorney Docket Number	2607.0590002(P4984USD1)/TGD/AKS

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if Known)			
/AL/	US50	D561,204	02-05-2008	Toh	
/AL/	US58	D559,220	01-01-2008	Lee et al.	
/AL/	US59	D560,192	01-22-2008	Lee et al.	

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ Number ⁴ Kind Code ⁵ (if known)				
	FP7					
	FP8					
	FP9					
	FP10					
	FP11					
	FP12					
	FP13					
	FP14					
	FP15					

988092_1.DOC

Examiner Signature	/Angela Lee/	Date Considered	09/25/2009
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

Substitute for form 1449/PTO				Complete if Known	
				<i>Application Number</i>	29/328,018
SECOND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				<i>Filing Date</i>	April 2, 2008
				<i>First Named Inventor</i>	Bartley K. Andre
				<i>Art Unit</i>	2913
				<i>Examiner Name</i>	Angela J. Lee
				<i>Attorney Docket Number</i>	2607.0590002(P4984USC5)/TGD/AKS
Sheet	1	of	1		

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T ²
/AL/	NPL1	Samsung F700, announced February 2007, [online], [retrieved on 02-08-07]. Retrieved from Internet, <URL:http://www.gsmarena.com>	
/AL/	NPL2	Philips S900, announced June 2006, [online], [retrieved on 02-20-07]. Retrieved from Internet, <URL:http://www.gsmarena.com>	
/AL/	NPL3	LG DE850 Prada, announced January 2007, [online], [retrieved on 02-20-07]. Retrieved from Internet, <URL:http://www.gsmarena.com>	
/AL/	NPL4	Apple iPhone, announced January 2007, [online], [retrieved on 03-12-07]. Retrieved from Internet, <URL:http://www.gsmarena.com>	
/AL/	NPL5	Tinnos PDA, posted May 19, 2006, [online], [retrieved on 08-22-07]. Retrieved from Internet, <URL:http://www.mobilewhack.com>	
/AL/	NPL6	Meizu M8, posted January 29, 2007, [online], [retrieved on 09-13-07]. Retrieved from Internet, <URL:http://www.engadget.com>	
	NPL7		
	NPL8		
	NPL9		
	NPL10		

1002584_1.DOC

Examiner Signature	/Angela Lee/	Date Considered	09/25/2009
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

APLPROS0000011825

Applicant Initiated Interview Request Form

Application No.: 29/328,018 First Named Applicant: ANDRE
 Examiner: Lee, Angela J. Art Unit: 2911 Status of Application: Non-Final Rejection

Tentative Participants:

(1) Tracy-Gene G. Durkin (2) Alyssa K. Sandrowitz
 (3) _____ (4) _____

Proposed Date of Interview: November 5, 2009 Proposed Time: 1:00 AM PM

Type of Interview Requested:

(1) Telephonic (2) Personal (3) Video Conference

Exhibit To Be Shown or Demonstrated: YES NO

If yes, provide brief description: Apple iPhone

Issues To Be Discussed

Issues (Rej., Obj., etc)	Claims/ Fig. #s	Prior Art	Discussed	Agreed	Not Agreed
(1) <u>Rej.</u>	<u>1</u>	<u>Applied</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(4) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Continuation Sheet Attached


Brief Description of Argument to be Presented:

Applicant's Representative intends to point out the proposed combination does not result in the claimed design.

An interview was conducted on the above-identified application on _____.

NOTE: This form should be completed by applicant and submitted to the examiner in advance of the interview (see MPEP § 713.01).

This application will not be delayed from issue because of applicant's failure to submit a written record of this interview. Therefore, applicant is advised to file a statement of the substance of this interview (37 CFR 1.133(b)) as soon as possible.


 Applicant/Applicant's Representative Signature
Tracy-Gene G. Durkin
 Typed/Printed Name of Applicant or Representative
32,831
 Registration Number, if applicable

 Examiner/SPE Signature

This collection of information is required by 37 CFR 1.133. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Electronic Acknowledgement Receipt

EFS ID:	6382468
Application Number:	29328018
International Application Number:	
Confirmation Number:	7091
Title of Invention:	Electronic Device
First Named Inventor/Applicant Name:	Bartley K. ANDRE
Customer Number:	63975
Filer:	Tracy-Gene G. Durkin/Joann Autry
Filer Authorized By:	Tracy-Gene G. Durkin
Attorney Docket Number:	2607.0590002(P4984USD1)
Receipt Date:	03-NOV-2009
Filing Date:	18-NOV-2008
Time Stamp:	14:57:12
Application Type:	Design

Payment information:

Submitted with Payment	no
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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Letter Requesting Interview with Examiner	INTERVIEWREQUEST.pdf	50177 <small>43c97f7c979aed2bfece68e9bef6595aa92c0868</small>	no	1

Warnings:

Information:

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
29/328,018 11/18/2008 Bartley K. ANDRE 2607.0590002(P4984USD1) 7091

63975 7590 11/10/2009
STERNE KESSLER GOLDSTEIN & FOX P.L.L.C.
1100 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER

LEE, ANGELA J

ART UNIT PAPER NUMBER

2911

MAIL DATE DELIVERY MODE

11/10/2009

PAPER

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.

Interview Summary	Application No. 29/328,018	Applicant(s) ANDRE ET AL.	
	Examiner ANGELA J. LEE	Art Unit 2911	

All participants (applicant, applicant's representative, PTO personnel):

- (1) ANGELA J. LEE. (3) Barbara Fox, Bridget Eland.
(2) Cathron Brooks. (4) Tracy-Gene Durkin, Alyssa Sandrowitz.

Date of Interview: 05 November 2009.

Type: a) Telephonic b) Video Conference
c) Personal [copy given to: 1) applicant 2) applicant's representative]

Exhibit shown or demonstration conducted: d) Yes e) No.

If Yes, brief description: A sample iPhone was presented.

Claim(s) discussed: 1.

Identification of prior art discussed: US Patent 7409059, US PGPUB 2008/0004083, KR30-0394921.

Agreement with respect to the claims f) was reached. g) was not reached. h) N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Ms. Durkin supplied files for 29/328,018, 29/332,683 and the above listed prior art. The 103 rejection and the application of the art was discussed. Ms. Durkin presented the Korean reference for discussion in its potential application in a 103 rejection and possible responses to the 103 were discussed.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

/A. J. L./
Examiner, Art Unit 2911

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION OVER PENDING "REFERENCE" APPLICATIONS

Docket Number (Optional)
2607.0590002(P4984USD1)/
TGD/AKS

In re Application of: Andre et al.
Application No.: 29/328,018
Filed: November 18, 2008
For: ELECTRONIC DEVICE

The owner*, Apple, Inc., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on pending **reference** Application Number 29/332,683, filed on February 23, 2008, as such term is defined in 35 U.S.C. 154 and 173, and as the term of any patent granted on said **reference** applications may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending **reference** applications. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the **reference** applications are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

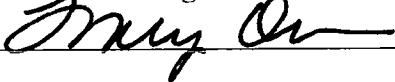
In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of any patent granted on said **reference** applications, "as the term of any patent granted on said **reference** applications may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending **reference** applications," in the event that: any such patent: granted on the pending **reference** applications: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

Check either box 1 or 2 below, if appropriate.

1. For submissions on behalf of business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. The undersigned is an attorney or agent of record. Reg. No. 32,831.



Signature

January 27, 2010

Date

Tracy-Gene G. Durkin
Typed or printed Name

(202) 772-8660

Telephone Number

- Terminal disclaimer fee under 37 CFR 1.20(d) included.

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*Statement under 37 C.F.R. 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).

Form PTO/SB/96 may be used for making this statement. See MPEP §324

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Andre et al.

Appl. No.: 29/328,018

Filed: November 18, 2008

For: **Electronic Device**

Confirmation No.: 7091

Art Unit: 2911

Examiner: Angela J. Lee

Atty. Docket:

2607.0590002(P4984USD1)/TGD/AKS

Third Supplemental Information Disclosure Statement

Mail Stop Amendment

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

Listed on accompanying IDS Forms are documents that may be considered material to the patentability of this application as defined in 37 C.F.R. §1.56, and in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.97 and 1.98. The numbering on this Third Supplemental Information Disclosure Statement is a continuation of the numbering in Applicants' Second Supplemental Information Disclosure Statement filed on July 9, 2009 in connection with the above-captioned application.

Applicants have listed publication dates on the attached IDS Forms based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may

not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

Applicants have checked the appropriate boxes below.

- 1. Statement under 37 C.F.R. 1.704(d). Each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty days prior to the filing of this information disclosure statement.
- 2. Filing under 37 C.F.R. § 1.97(b). This Information Disclosure Statement is being filed within three months of the date of filing of a national application other than a continued prosecution application (CPA), OR within three months of the date of entry of the national stage as set forth in 37 C.F.R. § 1.491 in an international application, OR before the mailing date of a first Office Action on the merits OR before the mailing of a first Office Action after the filing of a request for continued examination under 37 C.F.R. § 1.114. No statement or fee is required.
- 3. Filing under 37 C.F.R. § 1.97(c). This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date

of the first Office Action on the merits, but before the mailing date of a Final Rejection, or Notice of Allowance, or an action that otherwise closes prosecution in the application.

- a. Statement under 37 C.F.R. § 1.97(e)(1). I hereby state that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).
 - b. Statement under 37 C.F.R. § 1.97(e)(2). I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).
 - c. The required fee is provided through online credit card payment authorization in the amount of \$180.00 in payment of the fee under 37 C.F.R. § 1.17(p).
4. Filing under 37 C.F.R. § 1.97(d) This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but on or before payment of the

Issue Fee. The required fee is provided through online credit card payment authorization in the amount of \$***IDS payment amount NU*** in payment of the fee under 37 C.F.R. § 1.17(p); in addition:

- a. Statement under 37 C.F.R. § 1.97(e)(1). I hereby state that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).

- b. Statement under 37 C.F.R. § 1.97(e)(2). I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).

- 5. The document(s) was/were cited in a search report by a foreign patent office in a counterpart foreign application. Submission of an English language version of the search report that indicates the degree of relevance found by the foreign office is provided in satisfaction of the requirement for a concise explanation of relevance. 1138 OG 37, 38 and MPEP 609.04(a)(III).

6. A concise explanation of the relevance of the non-English language document(s) appears below in accordance with 37 C.F.R. § 1.98(a)(3).
7. A copy of document FP7 is submitted.
8. Copies of the documents were cited by or submitted to the Office in an IDS that complies with 37 C.F.R. § 1.98(a)-(c) in Application No. _____, filed _____, which is relied upon for an earlier filing date under 35 U.S.C. § 120. Thus, copies of these documents are not attached. 37 C.F.R. § 1.98(d).
9. It is expected that the examiner will review the prosecution and cited art in the parent application no(s). 29/282,834 and 29/270,888 in accordance with MPEP 2001.06(b), and indicate in the next communication from the office that the art cited in the earlier prosecution history has been reviewed in connection with the present application.

It is respectfully requested that the Examiner initial and return a copy of the enclosed IDS Forms, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.