

## Exhibit 27 – Part 3

### Examples of Applications Delayed by Examiner Failure to Follow PTO's Procedural Rules

The examiner refused to enter an appeal brief. The regulation at issue, 37 C.F.R. § 41.67(c)(ix) only requires that if an appeal brief relies on evidence, then “any evidence submitted ... or relied upon by appellant in the appeal” must appear in an evidence appendix. The rule is silent on any requirement when no evidence is relied on.

The appeal brief was bounced by the examiner because the “evidence appendix” was presented on a separate sheet with the words “No evidence is relied upon in this Appeal Brief.” The examiner insisted that the correct words were “None.”

A second example is an appeal brief bounced because the brief included headings for sub-sections, for individual arguments, within the headings discussing separately patentable claims. 37 C.F.R. § 41.67, the appeal brief rule, does not specify any requirement relating to headings. The examiner simply made up a new requirement out of thin air.



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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/949,996	09/12/2001	Sawako Kamei	E59121.098	9253

44093 7590 08/23/2007

ELEY LAW FIRM CO.  
 7870 OLENTANGY RIVER RD  
 SUITE 311  
 COLUMBUS, OH 43235

EXAMINER

ART UNIT PAPER NUMBER

DATE MAILED: 08/23/2007

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Notification of Non-Compliant Appeal Brief (37 CFR 41.37)</b>	<b>Application No.</b> 09/949,996	<b>Applicant(s)</b> KAMEI ET AL.	
	<b>Examiner</b> William P. Fletcher III	<b>Art Unit</b> 1762	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on 15 May 2007 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer.

**EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136:**

1.  The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2.  The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3.  At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4.  (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5.  The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6.  The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7.  The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8.  The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner **and relied upon by appellant in the appeal**, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9.  The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10.  Other (including any explanation in support of the above items):

*If no evidence is presented in the Evidence Appendix and no decisions are presented in the Related Appeals and Interferences Appendix, then these should be labeled "NONE." See MPEP 1205.02(ix)-(x).*

William Phillip Fletcher III/  
Primary Examiner

5

Filed Aug. 27, 2007

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

First Named Inventor	:	Sawako Kamei
Title	:	METHOD OF APPLYING A COATING TO A SUBSTRATE WHICH HAS BEEN PREPARED BY APPLYING AN ADHESION PROMOTER THERETO
Filing Date	:	September 12, 2001
Application Serial Number	:	09/949,996
Examiner	:	William P. Fletcher, III
Art Unit	:	1762
Confirmation No.	:	9253
U.S. Patent Office Communication	:	April 17, 2007
Amendment Date:	:	May 15, 2007
Attorney Docket No.	:	E59121.098

**BRIEF ON APPEAL**

Commissioner for Patents  
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. § 41.37, Appellant submits this Appeal Brief to the Board of Patent Appeals and Interferences in response to the non-final rejection mailed on February 6, 2006 which twice rejected the claims. A Notice of Appeal was timely filed on June 6, 2006.

**TABLE OF CONTENTS**

	<u>Page</u>
I. Real Party in Interest.....	3
II. Related Appeals and Interferences.....	4
III. Status of the Claims.....	5
IV. Status of Amendments After Final Rejection.....	6
V. Summary of Claimed Subject Matter.....	7
VI. Grounds of Rejection to be Reviewed on Appeal.....	9
VII. Argument.....	10
A. Claims 1-6, 8, 10, 11, 13-15 and 32, 38, and 39 Stand Rejected Under 35 U.S.C. § 103(a) as Being Unpatentable Over Ogisu ‘235 in View of Blum and Dunn.....	10
B. Claim 7 Stands Rejected Under 35 U.S.C. § 103(a) as Being Unpatentable Over Ogisu ‘235 in View of Blum and Dunn, and Further in View of Ogisu ‘297.....	14
C. Claims 1-6, 8-25, and 27-32, 38, and 39 Stand Rejected Under 35 U.S.C. § 103(a) as Being Unpatentable Over Manabe in View of Blum and Dunn.....	14
D. Claims 7 and 26 Stand Rejected Under 35 U.S.C. § 103(a) as Being Unpatentable Over Manabe in View of Blum and Dunn, and Further in View of Ogisu ‘297.....	16
E. Claims 1, 2, 4-8, 10, 11, 13, 14, 32, and 38 Stand Rejected Under 35 U.S.C. § 103(a) as Being Unpatentable Over Harakawa in View of Srinivasan, Blum, and Dunn.....	16
F. Claim 7 Stands Rejected Under 35 U.S.C. § 103(a) as Being Unpatentable Over Harakawa in View of Srinivasan, Blum, and Dunn, and Further in View of Ogisu ‘297.....	17
CLAIMS APPENDIX.....	i
EVIDENCE APPENDIX.....	viii
RELATED PROCEEDINGS APPENDIX.....	ix

### CLAIMS APPENDIX

1. A method of coating a plastic substrate to provide an aesthetic effect, said method comprising the steps of:
  - a) preparing a plastic substrate for receiving a base coat, said preparing step including the step of applying an adhesion promoter to said plastic substrate;
  - b) heat flashing said adhesion promoter on said plastic substrate at a temperature of between about 60 degrees C and about 120 degrees C for between 5 and 20 minutes such that said adhesion promoter forms a film layer over at least a portion of an outer surface of said plastic substrate after the heat flashing step has been completed;
  - c) applying a base coat over said plastic substrate after said heat flashing step has been completed;
  - d) curing said base coat so that said base coat forms a layer on said plastic substrate;
  - e) applying a decorative coat to said plastic substrate; and
  - f) applying a cover coat over the decorative coat to protect said decorative coat from being damaged.
  
2. The method of claim 1 further including the step of curing said decorative coat on said plastic substrate.
  
3. The method of claim 1 wherein said decorative coat includes a metal film layer; and said step of applying a decorative coat includes metallizing said metal film layer on said base coat.

**EVIDENCE APPENDIX**

No evidence is relied upon in this Appeal Brief.

**RELATED PROCEEDINGS APPENDIX**

There are no related proceedings and therefore no final decisions have been rendered in related proceedings.





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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/949,996	09/12/2001	Sawako Kamei	004047.00001	9253
------------	------------	--------------	--------------	------

22907 7590 04/17/2007

BANNER & WITCOFF, LTD.  
 1100 13th STREET, N.W.  
 SUITE 1200  
 WASHINGTON, DC 20005-4051

EXAMINER
----------

ART UNIT	PAPER NUMBER
----------	--------------

DATE MAILED: 04/17/2007

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Notification of Non-Compliant Appeal Brief (37 CFR 41.37)</b>	<b>Application No.</b> 09/949,996	<b>Applicant(s)</b> KAMEI ET AL.	
	<b>Examiner</b> William P. Fletcher III	<b>Art Unit</b> 1762	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

The Appeal Brief filed on 27 December 2006 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.**

1.  The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2.  The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3.  At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4.  (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5.  The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6.  The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7.  The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8.  The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner **and relied upon by appellant in the appeal**, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9.  The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10.  Other (including any explanation in support of the above items):

see attached.

Application/Control Number: 09/949,996  
Art Unit: 1762

Page 2

Continuation of 10

The only sub-headings permitted in the "Arguments" section are those identifying claims which Appellant desires to argue separately. The Examiner urges Appellant to either delete or incorporate into the main text the sub-headings appearing at 10:6-9, 12:4-6, and 14:24, in order to ensure prompt consideration by the Board.

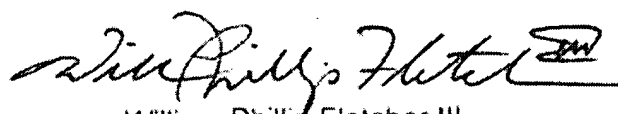
Any inquiry concerning this communication or earlier communications from the examiner should be directed to William P. Fletcher III whose telephone number is (571) 272-1419. The examiner can normally be reached on Monday through Friday, 0900h-1700h.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy H. Meeks can be reached on (571) 272-1423. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Application/Control Number: 09/949,996  
Art Unit: 1762

Page 3

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



William Phillip Fletcher III  
Primary Examiner  
Art Unit 1762

April 12, 2007

0714-16/APBD