Entry of Amendment

Applicant's amendment filed on February 4, 2009 is acknowledged. Claims 3-11, 13 and 15-27 have been canceled by the applicant, and claims 28-30, 33 and 47-56 have been withdrawn, thus claims 2, 12, 14, 31, 32 and 34-46 are currently examined.

Prior Rejections or Objections

The following comments pertain to the rejections or objections in the most recent Office action mailed on April 18, 2007. Rejections under 35 U.S.C. 102 are maintained as presented below.

Claim Rejections - 35 USC § 102

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

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

Claims 2, 12, 14, 31, 32 and 34-46 are rejected under 35 U.S.C. 102(b) as being anticipated by Searfoss et al. (5,265,598). Searfoss et al. disclose a method of at least treating or preventing at least one light responsive disorder (SAD) in at least one mammal, said method comprising the steps of:

utilizing at least one light source, said at least one light source (16) emitting optical radiation;

causing said optical radiation to be therapeutically effective light in an effective amount, said therapeutically effective by employing a pre-established spectral composition comprising at least one enhanced spectral region comprising at least one peak of emitted light within the range of 435-488 nm (blue light filter on wheel of eight narrow band pass filters each with 10-20 nm width and a "peak" in the either the violet (400-450 nm) or blue range (450-510 nm which each overlaps the claimed range of 435-488 nm while the violet or blue filter transmits the therapeutically effective light in an effective amount);

exposing at least a portion of the retina of at least one eye of at least one mammal to said pre-established spectral composition of optical radiation such that said light source is not mounted on the body of said at least one mammal;

stimulating the photoreceptor system for at least one of the circadian, photoneural, neuroendocrine or neurobehavioral systems of said at least one mammal; and, enabling at least the treatment or the prevention of at least one light responsive disorder in said at least one mammal (col. 1, lines 14-52, col. 5, line 61-col. 6, line 20 and lines 36-49).

Note that Searfoss et al. disclose in Figure 2, a wheel of eight filters that span the visible spectrum (400 -700 nm) evenly spaced throughout the spectrum, therefore, the examiner concludes that a filter for at least violet, blue, green, yellow, orange and red are included (see col. 5, lines 61-67). These filters would provide a "pre-established spectral composition as claimed by amended claim 31.

Note that none of the claims disclose an intensity distribution, width-at-half-maximum, or and intensity level that is a threshold for "therapeutically effective".

Further to claim 35-38 a typical blue or any color filter is inherently made of a transparent substrate with various coating which are selected to provide a transmission of selected wavelengths of, in this case, 10-20 nm wide and peaking in the blue. Note that the light filtering component would be transparent or translucent depending upon the thickness of the coating material(s). (See Sakamoto et al., patent no. 5,648,653 for details).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Gott (5,274,403) discloses a violet through blue lens for treating inhibiting the production of melatonin.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory

period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roy D. Gibson whose telephone number is 571-272-4767. The examiner can normally be reached on Tu-Th, 7:30 am-4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Linda Dvorak can be reached on 571-272-4764. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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

/Roy D. Gibson/
Primary Examiner
Art Unit 3739

April 27, 2009

Notice of References Cited	Application/Control No. 09/853,428	Applicant(s)/Patent Under Reexamination BRAINARD, GEORGE	
	Examiner Roy D. Gibson	Art Unit 3739	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-5,274,403	12-1993	Gott, George M.	351/47
	B	US-			
	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

*		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.

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PATENT & TRADEMARK OFFICE

PTO/SB/08a (01-09)
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Substitute for form 1449/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet 1 of 1

Complete if Known	
Application Number	09/853,428
Filing Date	May 10, 2001
First Named Inventor	Brainard
Art Unit	3739
Examiner Name	Gibson, Roy Dean
Attorney Docket Number	

U. S. PATENT DOCUMENTS

Examiner Initials*	Cite No.[1]	Document Number Number-Kind Code[2] (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
/RG/		US- 3445153	05-20-1969	Marks et al.	
		US-			
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FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No.[1]	Foreign Patent Document Country Code[3]-Number[4]-Kind Code[5] (if known)	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]

Examiner Signature	/Roy Gibson/	Date Considered	04/27/2009

*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.**

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Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	09853428	BRAINARD, GEORGE
	Examiner	**Art Unit**
	Roy D Gibson	3739

SEARCHED

Class	Subclass	Date	Examiner
	updated previous	7/31/2008	/RDG/
356	213, 217, 218, 221and 227	7/31/2008	/RDG/
396	57	7/31/2008	/RDG/
607	88-89	4/27/2009	/RDG/

SEARCH NOTES

Search Notes	Date	Examiner
EAST SEARCH (search provided by Hoa Pham in A.U. 2886)	7/31/2008	/RDG/
EAST SEARCH	4/27/2009	/RDG/

INTERFERENCE SEARCH

Class	Subclass	Date	Examiner

EAST Search History

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L30	2	("5265598").PN.	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	OFF	2009/04/27 10:22
L31	0	(light near1 respons$3 near1 disorder) and @ad<"20000510"	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	OFF	2009/04/27 12:53
L32	0	(light near1 respons$3 near1 disorder) and @ad<"20000510"	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/04/27 12:53
L33	0	(light adj respons$3 adj disorder) and @ad<"20000510"	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/04/27 12:54
L34	352	(seasonal adj affective adj disorder) and @ad<"20000510"	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/04/27 12:54
L35	61	34 and blue	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/04/27 12:55
L36	29	35 and retina	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/04/27 12:55
L39	29	36 and (mammal human)	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/04/27 12:56
L40	8	("5274403").URPN.	USPAT	OR	OFF	2009/04/27 13:16

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.: 09/853,428 : FILING DATE: May 10, 2001

ART UNIT: 3739 : EXAMINER: Gibson, Roy Dean

FIRST NAMED INVENTOR: Brainard

TITLE: Photoreceptor System for Melatonin Regulation and Phototherapy

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Commissioner for Patents
Alexandria, VA 22313

RESPONSE TO OFFICE ACTION MAILED ON APRIL 30, 2009 AND CLAIM AMENDMENTS

I. CLAIM REJECTIONS – 35 USC § 102

In response to Examiner's rejection of claims 2, 12, 14, 31 - 32, and 34 - 46, which were rejected under 35 U.S.C. § 102(b), Applicants amend claim 31 to include the following: "causing said optical radiation to be commonly therapeutically effective in humans by employing a pre-established spectral composition that has been pre-identified as a maximally potent spectral composition in the regulation of human circadian physiology, said pre-established spectral composition comprising at least one enhanced spectral region comprising at least one peak of emitted light within the range of 435-488 nm". Applicant's note that the present invention teaches causing optical radiation to be commonly therapeutically effective in humans by employing a pre-established spectral composition that has been pre-identified as a maximally potent spectral composition in the regulation of human circadian physiology. In contrast, Searfoss et al. (5,265,598),

among other differences teaches employing a spectral composition that is individually determined based on subjective response of the specific human being treated. In addition, new claim 57, which depends from claim 31, further includes pre-identifying the pre-established spectral composition that has been pre-identified as a maximally potent spectral composition in the regulation of human circadian physiology. Claim 57 depends from a now allowable claim 31, and Applicants maintain that the added patent claim 57 will not require the Examiner to conduct a new and/or additional patent search.

Applicants further note that claims 2, 12, 14, 32, and 34 - 46 now depend from allowable claims. In addition, new claim 57 depends from claim 31, which is now an allowable claim.

Claims 35 - 38 now depend from allowable claims. It is noted that Searfoss et al. (5,265,598) does not teach a blue light filter or the 435 – 488 nm waveband. The only color Searfoss et al. (5,265,598) specifically identifies is "green" which is mentioned three times in the claims, once in the Summary and once in the Description. Searfoss et al. (5,265,598) identify no other colors in their application. Sakamoto el al. (5,648,653) does not teach a method of at least treating or preventing at least one light responsive disorder in at least one mammal.

IV. AMENDMENTS

Amend the claims as follows:

Claim 1. (canceled)

Claim 2. (previously presented) The method of Claim 31, wherein said light responsive disorder is at least one of the group of seasonal affective disorders (SAD), sleep disorders, circadian disruption, eating disorders, menstrual cycle disorders, non-specific alerting or performance deficits, hormone-sensitive cancers, or cardiovascular disorders.

Claims 3 - 11. (canceled)

Claim 12. (previously presented) The method of Claim 36, wherein said light responsive disorder is at least one of the group of seasonal affective disorders (SAD), sleep disorders, circadian disruption, eating disorders, menstrual cycle disorders, non-specific alerting or performance deficits, hormone-sensitive cancers, or cardiovascular disorders.

Claim 13. (canceled)

Claim 14. (previously presented) The method of Claim 38, wherein said light responsive disorder is at least one of the group of seasonal affective disorders (SAD), sleep disorders, circadian disruption, eating disorders, menstrual cycle disorders, non-specific alerting or performance deficits, hormone-sensitive cancers, or cardiovascular disorders.

Claims 15 - 27. (canceled)

Claim 28. (withdrawn) A meter for measuring optical radiation for stimulating at least one of the mammalian circadian, photoneural, neuroendocrine or neurobehavioral systems, said meter system comprising at least one meter, said at least one meter being configured to measure optical radiation based on the spectral sensitivity of the photoreceptor system for at least one of the mammalian circadian, photoneural,

neuroendocrine or neurobehavioral systems, wherein said spectral sensitivity has at least one peak of sensitivity within the range of 425 - 505 nm.

Claim 29. (withdrawn) The meter of claim 28, wherein said at least one meter is configured to measure therapeutically effective light, whereby said measured therapeutically effective light stimulates the photoreceptor system for at least one of the circadian, photoneural, neuroendocrine or neurobehavioral systems of said mammal and at least treats or prevents at least one light responsive disorder in said at least one mammal.

Claim 30. (withdrawn) The meter of claim 29, wherein said at least one meter is configured to measure therapeutically effective light, whereby said measured therapeutically effective light stimulates the photoreceptor system for at least one of the circadian, photoneural, neuroendocrine or neurobehavioral systems of said mammal and treats and prevents at least one light responsive disorder in said at least one mammal.

Claim 31. (currently amended) A method of at least treating or preventing at least one light responsive disorder in at least one mammal, said method comprising the steps of: utilizing at least one light source, said at least one light source emitting optical radiation; causing said optical radiation to be <u>commonly</u> therapeutically effective <u>in humans</u> by employing a pre-established spectral composition <u>that has been pre-identified as a maximally potent spectral composition in the regulation of human circadian physiology, said pre-established spectral composition</u> comprising at least one enhanced spectral region comprising at least one peak of emitted light within the range of 435-488 nm;

exposing at least a portion of the retina of at least one eye of at least one mammal to said pre-established spectral composition of optical radiation such that said light source is not mounted on the body of said at least one mammal;

stimulating the photoreceptor system for at least one of the circadian, photoneural, neuroendocrine or neurobehavioral systems of said at least one mammal;

and, enabling at least the treatment or the prevention of at least one light responsive disorder in said at least one mammal.

32. (previously presented) The method of Claim 31, wherein said therapeutically effective optical radiation further comprises a therapeutically effective amount of light.

33. (withdrawn) The method of Claim 31, said method further comprising enabling the treatment of at least one light responsive disorder in said at least one mammal.

34. (previously presented) The method of Claim 31, said method further comprising providing at least one light filtering component in conjunction with said at least one light source; and

causing said at least one light filtering component to transmit therapeutically effective optical radiation.

35. (previously presented) The method of claim 34 wherein said method further comprises providing at least one transparent composition in conjunction with said at least one light filtering component.

36. (previously presented) The method of 34 wherein said at least one light filtering component further comprises at least one transparent composition.

37. (previously presented) The method of claim 34 wherein said method further comprises providing at least one translucent composition in conjunction with said at least one light filtering component.

38. (previously presented) The method of 34 wherein said light filtering component further comprises at least one translucent composition.

39. (previously presented) The method of Claim 31, said method further comprising enabling the prevention of at least one light responsive disorder in said at least one mammal.

40. (previously presented) The method of Claim 39, said method further comprising providing at least one light filtering component in conjunction with said at least one light source; and

causing said at least one light filtering component to transmit therapeutically effective optical radiation.

41. (previously presented) The method of claim 40 wherein said method further comprises providing at least one transparent composition in conjunction with said at least one light filtering component.

42. (previously presented) The method of claim 40 wherein said at least one light filtering component further comprises at least one transparent composition.

43. (previously presented) The method of claim 42, wherein said at least one light responsive disorder is at least one of the group of seasonal affective disorders (SAD), sleep disorders, circadian disruption, eating disorders, menstrual cycle disorders, non-specific alerting or performance deficits, hormone-sensitive cancers, or cardiovascular disorders.

44. (previously presented) The method of claim 40 wherein said method further comprises providing at least one translucent composition in conjunction with said at least one light filtering component.

45. (previously presented) The method of 40 wherein said at least one light filtering component further comprises at least one translucent composition.

46. (previously presented) The method of claim 45, wherein said at least one light responsive disorder is at least one of the group of seasonal affective disorders (SAD), sleep disorders, circadian disruption, eating disorders, menstrual cycle disorders, non-

specific alerting or performance deficits, hormone-sensitive cancers, or cardiovascular disorders.

47. (withdrawn) A method of treating and preventing at least one light responsive disorder in at least one mammal, said method comprising the steps of:

utilizing at least one light source, said at least one light source emitting optical radiation;

causing said optical radiation to be therapeutically effective light, said therapeutically effective light comprising a spectral composition of at least one enhanced spectral region comprising at least one peak of emitted light within the range of 435-488 nm;

exposing at least a portion of the retina of at least one eye of at least one mammal to said therapeutically effective light such that said light source is not mounted on the body of said at least one mammal;

stimulating the photoreceptor system for at least one of the circadian, photoneural, neuroendocrine or neurobehavioral systems of said at least one mammal; and,

enabling the treatment and prevention of at least one light responsive disorder in said at least one mammal.

48. (withdrawn) The method of Claim 47, wherein said therapeutically effective light further comprises a therapeutically effective amount of light.

49. (withdrawn) The method of claim 47, wherein said at least one light responsive disorder is at least one of the group of seasonal affective disorders (SAD), sleep

disorders, circadian disruption, eating disorders, menstrual cycle disorders, non-specific alerting or performance deficits, hormone-sensitive cancers, or cardiovascular disorders.

50. (withdrawn) The method of claim 47, said method further comprising providing at least one light filtering component in conjunction with said at least one light source; and causing said at least one light filtering component to emit therapeutically effective light.

51. (withdrawn) The method of claim 50 wherein said method further comprises providing at least one transparent composition in conjunction with said at least one light filtering component.

52. (withdrawn) The method of 50 wherein said at least one light filtering component further comprises at least one transparent composition.

53. (withdrawn) The method of claim 52, wherein said at least one light responsive disorder is at least one of the group of seasonal affective disorders (SAD), sleep disorders, circadian disruption, eating disorders, menstrual cycle disorders, non-specific alerting or performance deficits, hormone-sensitive cancers, or cardiovascular disorders.

54. (withdrawn) The method of claim 50 wherein said method further comprises providing at least one translucent composition in conjunction with said at least one light filtering component.

55. (withdrawn) The method of 50 wherein said light filtering component further comprises at least one translucent composition.

56. (withdrawn) The method of Claim 55, wherein said at least one light responsive disorder is at least one of the group of seasonal affective disorders (SAD), sleep disorders, circadian disruption, eating disorders, menstrual cycle disorders, non-specific alerting or performance deficits, hormone-sensitive cancers, or cardiovascular disorders.

57. (new) The method of claim 31, said method further comprising pre-identifying said pre-established spectral composition that has been pre-identified as a maximally potent spectral composition in the regulation of human circadian physiology, said pre-established spectral composition comprising at least one enhanced spectral region comprising at least one peak of emitted light within the range of 435-488 nm.

V. CONCLUSION

In view of the above, Applicant maintains that all points raised by the Examiner relating to claims 2, 12, 14, 31 - 32, and 34 - 46 have been answered. In addition, claim 57 has been added as a claim that depends from claim 31, which is an allowable claim.

Claims 2, 12, 14, 31 - 32, 34 - 46, and 57 now presented are in condition for allowance.

Reconsideration and favorable action are earnestly solicited.

If the Examiner has any questions, the Examiner is encouraged to contact Applicants' attorney via telephone.

Date: June 30, 2009

Respectfully Submitted,

/Patricia A. Wenger/

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Claim 1. (canceled)

Claim 2. (previously presented) The method of Claim 31, wherein said light responsive disorder is at least one of the group of seasonal affective disorders (SAD), sleep disorders, circadian disruption, eating disorders, menstrual cycle disorders, non-specific alerting or performance deficits, hormone-sensitive cancers, or cardiovascular disorders.

Claims 3 - 11. (canceled)

Claim 12. (previously presented) The method of Claim 36, wherein said light responsive disorder is at least one of the group of seasonal affective disorders (SAD), sleep disorders, circadian disruption, eating disorders, menstrual cycle disorders, non-specific alerting or performance deficits, hormone-sensitive cancers, or cardiovascular disorders.

Claim 13. (canceled)

Claim 14. (previously presented) The method of Claim 38, wherein said light responsive disorder is at least one of the group of seasonal affective disorders (SAD), sleep disorders, circadian disruption, eating disorders, menstrual cycle disorders, non-specific alerting or performance deficits, hormone-sensitive cancers, or cardiovascular disorders.

Claims 15 - 27. (canceled)

Claim 28. (withdrawn) A meter for measuring optical radiation for stimulating at least one of the mammalian circadian, photoneural, neuroendocrine or neurobehavioral systems, said meter system comprising at least one meter, said at least one meter being configured to measure optical radiation based on the spectral sensitivity of the photoreceptor system for at least one of the mammalian circadian, photoneural,

neuroendocrine or neurobehavioral systems, wherein said spectral sensitivity has at least one peak of sensitivity within the range of 425 - 505 nm.

Claim 29. (withdrawn) The meter of claim 28, wherein said at least one meter is configured to measure therapeutically effective light, whereby said measured therapeutically effective light stimulates the photoreceptor system for at least one of the circadian, photoneural, neuroendocrine or neurobehavioral systems of said mammal and at least treats or prevents at least one light responsive disorder in said at least one mammal.

Claim 30. (withdrawn) The meter of claim 29, wherein said at least one meter is configured to measure therapeutically effective light, whereby said measured therapeutically effective light stimulates the photoreceptor system for at least one of the circadian, photoneural, neuroendocrine or neurobehavioral systems of said mammal and treats and prevents at least one light responsive disorder in said at least one mammal.

Claim 31. (currently amended) A method of at least treating or preventing at least one light responsive disorder in at least one mammal, said method comprising the steps of: utilizing at least one light source, said at least one light source emitting optical radiation; causing said optical radiation to be <u>commonly</u> therapeutically effective <u>in humans</u> by employing a pre-established spectral composition <u>that has been pre-identified as a maximally potent spectral composition in the regulation of human circadian physiology, said pre-established spectral composition</u> comprising at least one enhanced spectral region comprising at least one peak of emitted light within the range of 435-488 nm;

exposing at least a portion of the retina of at least one eye of at least one mammal to said pre-established spectral composition of optical radiation such that said light source is not mounted on the body of said at least one mammal;

stimulating the photoreceptor system for at least one of the circadian, photoneural, neuroendocrine or neurobehavioral systems of said at least one mammal;

and, enabling at least the treatment or the prevention of at least one light responsive disorder in said at least one mammal.

32. (previously presented) The method of Claim 31, wherein said therapeutically effective optical radiation further comprises a therapeutically effective amount of light.

33. (withdrawn) The method of Claim 31, said method further comprising enabling the treatment of at least one light responsive disorder in said at least one mammal.

34. (previously presented) The method of Claim 31, said method further comprising providing at least one light filtering component in conjunction with said at least one light source; and

causing said at least one light filtering component to transmit therapeutically effective optical radiation.

35. (previously presented) The method of claim 34 wherein said method further comprises providing at least one transparent composition in conjunction with said at least one light filtering component.

36. (previously presented) The method of 34 wherein said at least one light filtering component further comprises at least one transparent composition.

37. (previously presented) The method of claim 34 wherein said method further comprises providing at least one translucent composition in conjunction with said at least one light filtering component.

38. (previously presented) The method of 34 wherein said light filtering component further comprises at least one translucent composition.

39. (previously presented) The method of Claim 31, said method further comprising enabling the prevention of at least one light responsive disorder in said at least one mammal.

40. (previously presented) The method of Claim 39, said method further comprising providing at least one light filtering component in conjunction with said at least one light source; and

causing said at least one light filtering component to transmit therapeutically effective optical radiation.

41. (previously presented) The method of claim 40 wherein said method further comprises providing at least one transparent composition in conjunction with said at least one light filtering component.

42. (previously presented) The method of claim 40 wherein said at least one light filtering component further comprises at least one transparent composition.

43. (previously presented) The method of claim 42, wherein said at least one light responsive disorder is at least one of the group of seasonal affective disorders (SAD), sleep disorders, circadian disruption, eating disorders, menstrual cycle disorders, non-specific alerting or performance deficits, hormone-sensitive cancers, or cardiovascular disorders.

44. (previously presented) The method of claim 40 wherein said method further comprises providing at least one translucent composition in conjunction with said at least one light filtering component.

45. (previously presented) The method of 40 wherein said at least one light filtering component further comprises at least one translucent composition.

46. (previously presented) The method of claim 45, wherein said at least one light responsive disorder is at least one of the group of seasonal affective disorders (SAD), sleep disorders, circadian disruption, eating disorders, menstrual cycle disorders, non-

specific alerting or performance deficits, hormone-sensitive cancers, or cardiovascular disorders.

47. (withdrawn) A method of treating and preventing at least one light responsive disorder in at least one mammal, said method comprising the steps of:

utilizing at least one light source, said at least one light source emitting optical radiation;

causing said optical radiation to be therapeutically effective light, said therapeutically effective light comprising a spectral composition of at least one enhanced spectral region comprising at least one peak of emitted light within the range of 435-488 nm;

exposing at least a portion of the retina of at least one eye of at least one mammal to said therapeutically effective light such that said light source is not mounted on the body of said at least one mammal;

stimulating the photoreceptor system for at least one of the circadian, photoneural, neuroendocrine or neurobehavioral systems of said at least one mammal; and,

enabling the treatment and prevention of at least one light responsive disorder in said at least one mammal.

48. (withdrawn) The method of Claim 47, wherein said therapeutically effective light further comprises a therapeutically effective amount of light.

49. (withdrawn) The method of claim 47, wherein said at least one light responsive disorder is at least one of the group of seasonal affective disorders (SAD), sleep

disorders, circadian disruption, eating disorders, menstrual cycle disorders, non-specific alerting or performance deficits, hormone-sensitive cancers, or cardiovascular disorders.

50. (withdrawn) The method of claim 47, said method further comprising providing at least one light filtering component in conjunction with said at least one light source; and causing said at least one light filtering component to emit therapeutically effective light.

51. (withdrawn) The method of claim 50 wherein said method further comprises providing at least one transparent composition in conjunction with said at least one light filtering component.

52. (withdrawn) The method of 50 wherein said at least one light filtering component further comprises at least one transparent composition.

53. (withdrawn) The method of claim 52, wherein said at least one light responsive disorder is at least one of the group of seasonal affective disorders (SAD), sleep disorders, circadian disruption, eating disorders, menstrual cycle disorders, non-specific alerting or performance deficits, hormone-sensitive cancers, or cardiovascular disorders.

54. (withdrawn) The method of claim 50 wherein said method further comprises providing at least one translucent composition in conjunction with said at least one light filtering component.

55. (withdrawn) The method of 50 wherein said light filtering component further comprises at least one translucent composition.

56. (withdrawn) The method of Claim 55, wherein said at least one light responsive disorder is at least one of the group of seasonal affective disorders (SAD), sleep disorders, circadian disruption, eating disorders, menstrual cycle disorders, non-specific alerting or performance deficits, hormone-sensitive cancers, or cardiovascular disorders.

57. (new) The method of claim 31, said method further comprising pre-identifying said pre-established spectral composition that has been pre-identified as a maximally potent spectral composition in the regulation of human circadian physiology, said pre-established spectral composition comprising at least one enhanced spectral region comprising at least one peak of emitted light within the range of 435-488 nm.

Electronic Patent Application Fee Transmittal

Application Number:	09853428
Filing Date:	10-May-2001
Title of Invention:	Photoreceptor system for melatonin regulation and phototherapy
First Named Inventor/Applicant Name:	George Brainard
Filer:	Patricia A. Wenger
Attorney Docket Number:	BRA01-NP002

Filed as Small Entity

Utility under 35 USC 111(a) Filing Fees

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Basic Filing:				
Pages:				
Claims:				
Claims in excess of 20	2202	1	26	26
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Miscellaneous:				
			Total in USD ($)	**26**

Electronic Acknowledgement Receipt

EFS ID:	5621607
Application Number:	09853428
International Application Number:	
Confirmation Number:	6772
Title of Invention:	Photoreceptor system for melatonin regulation and phototherapy
First Named Inventor/Applicant Name:	George Brainard
Customer Number:	44321
Filer:	Patricia A. Wenger
Filer Authorized By:	
Attorney Docket Number:	BRA01-NP002
Receipt Date:	30-JUN-2009
Filing Date:	10-MAY-2001
Time Stamp:	21:39:59
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	$26
RAM confirmation Number	7684
Deposit Account	
Authorized User	

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)

1	Amendment After Final	2090630resp.pdf	42553 63a874cf2929cf82cf46259b0ec65e754d41c55	no	11
Warnings:					
Information:					
2	Claims	claims.pdf	25369 1619215b96778a3f8052f5cf0aad3f608e202e45	no	8
Warnings:					
Information:					
3	Fee Worksheet (PTO-875)	fee-info.pdf	30145 2394f8704099c860dce5db4124f96ab13ac7fdf0	no	2
Warnings:					
Information:					
		Total Files Size (in bytes):	98067		

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<u>New Applications Under 35 U.S.C. 111</u>
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.

<u>National Stage of an International Application under 35 U.S.C. 371</u>
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.

<u>New International Application Filed with the USPTO as a Receiving Office</u>
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.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.: 09/853,428 : FILING DATE: May 10, 2001

ART UNIT: 3739 : EXAMINER: Gibson, Roy Dean

FIRST NAMED INVENTOR: Brainard

TITLE: Photoreceptor System for Melatonin Regulation and Phototherapy

---

Commissioner for Patents
Alexandria, VA 22313

SUPPLEMENTAL RESPONSE TO OFFICE ACTION MAILED ON APRIL 30, 2009 AND CLAIM AMENDMENTS

Sir:

Applicants filed a response on June 30, 2009 to Examiner's rejection of claims 2, 12, 14, 31 - 32, and 34 - 46. It is Applicants' understanding that Applicants' amendment that was filed on June 30, 2009 has not been entered, and the following response and claim listing is submitted in place of the response that was filed on June 30, 2009.

I. CLAIM REJECTIONS – 35 USC § 102

In response to Examiner's rejection of claims 31, 32, 34 - 42, 44 and 45, which were rejected under 35 U.S.C. § 102(b), Applicants amend claim 31 to include the following: "causing said optical radiation to be commonly therapeutically effective in humans by employing a pre-established spectral composition that has been pre-identified as a maximally potent spectral composition in the regulation of human circadian physiology, said pre-established spectral composition comprising at least one enhanced spectral region comprising at least one peak of emitted light within the range of 435-488 nm". Applicants note that the present invention teaches causing optical radiation to be

commonly therapeutically effective in humans by employing a pre-established spectral composition that has been pre-identified as a maximally potent spectral composition in the regulation of human circadian physiology. In contrast, Searfoss et al. (5,265,598), among other differences teaches employing a spectral composition that is individually determined based on subjective response of the specific human being treated.

Claim 31 is "currently amended" in a manner that is identical to the amendment of claim 31, that was "currently amended" in the response filed on June 30, 2009.

Applicants further note that claims 32, and 34 - 42, and 44 - 45 now depend from allowable claims.

Claims 35 - 38 now depend from allowable claims. It is noted that Searfoss et al. (5,265,598) does not teach a blue light filter or the 435 – 488 nm waveband. The only color Searfoss et al. (5,265,598) specifically identifies is "green" which is mentioned three times in the claims, once in the Summary and once in the Description. Searfoss et al. (5,265,598) identify no other colors in their application. Sakamoto el al. (5,648,653) does not teach a method of at least treating or preventing at least one light responsive disorder in at least one mammal.

Applicants cancel the following claims without prejudice for reasons of efficiency and not for reasons of patentability; which Applicants may intend to resubmit in a continuation application to be filed while the current application is pending: 2, 12, 14, 43, and 46.

In addition, to put the application in better form for allowance, applicants currently cancel the following previously withdrawn claims without prejudice for reasons of efficiency and not for reasons of patentability; which Applicants may intend to

resubmit in a continuation application to be filed while the current application is pending: 28 - 30, 33, and 47 - 56.

Claim 57 was added as a "new" claim in the amendment filed on June 30, 2009, however, the amendments filed on June 30, 2009 have not been entered and claim 57 is now listed as "not entered". Claim 57 is currently not submitted as a "new" claim for reasons of efficiency and not for reasons of patentability; and Applicants may intend to resubmit claim 57 as a new claim in a continuation application to be filed while the current application is pending.

II. AMENDMENTS TO THE CLAIMS

This listing of claims will replace all prior versions, and listings, of claims in the application. Amend the claims as follows:

Claims 1 - 30 (canceled)

Claim 31 (currently amended): A method of at least treating or preventing at least one light responsive disorder in at least one mammal, said method comprising the steps of:
utilizing at least one light source, said at least one light source emitting optical radiation;
causing said optical radiation to be commonly therapeutically effective in humans by employing a pre-established spectral composition that has been pre-identified as a maximally potent spectral composition in the regulation of human circadian physiology, said pre-established spectral composition comprising at least one enhanced spectral region comprising at least one peak of emitted light within the range of 435-488 nm;
exposing at least a portion of the retina of at least one eye of at least one mammal to said pre-established spectral composition of optical radiation such that said light source is not mounted on the body of said at least one mammal;
stimulating the photoreceptor system for at least one of the circadian, photoneural, neuroendocrine or neurobehavioral systems of said at least one mammal;
and, enabling at least the treatment or the prevention of at least one light responsive disorder in said at least one mammal.

Claim 32 (previously presented): The method of Claim 31, wherein said therapeutically effective optical radiation further comprises a therapeutically effective amount of light.

Claim 33 (canceled)

Claim 34 (previously presented): The method of Claim 31, said method further comprising providing at least one light filtering component in conjunction with said at least one light source; and

causing said at least one light filtering component to transmit therapeutically effective optical radiation.

Claim 35 (previously presented): The method of claim 34 wherein said method further comprises providing at least one transparent composition in conjunction with said at least one light filtering component.

Claim 36 (previously presented): The method of 34 wherein said at least one light filtering component further comprises at least one transparent composition.

Claim 37 (previously presented): The method of claim 34 wherein said method further comprises providing at least one translucent composition in conjunction with said at least one light filtering component.

Claim 38 (previously presented): The method of 34 wherein said light filtering component further comprises at least one translucent composition.

Claim 39 (previously presented): The method of Claim 31, said method further comprising

enabling the prevention of at least one light responsive disorder in said at least one mammal.

Claim 40 (previously presented): The method of Claim 39, said method further comprising providing at least one light filtering component in conjunction with said at least one light source; and
causing said at least one light filtering component to transmit therapeutically effective optical radiation.

Claim 41 (previously presented): The method of claim 40 wherein said method further comprises providing at least one transparent composition in conjunction with said at least one light filtering component.

Claim 42 (previously presented): The method of claim 40 wherein said at least one light filtering component further comprises at least one transparent composition.

Claim 43 (canceled)

Claim 44 (previously presented): The method of claim 40 wherein said method further comprises providing at least one translucent composition in conjunction with said at least one light filtering component.

Claim 45 (previously presented): The method of 40 wherein said at least one light filtering component further comprises at least one translucent composition.

Claims 46 - 56 (canceled)

Claim 57 (not entered)

V. CONCLUSION

In view of the above, Applicants maintain that all points raised by the Examiner relating to claims 2, 12, 14, and 28 - 56 have been answered.

Applicants cancel claims 2, 12, 14, 28 - 30, 33, 43, and 46 - 56 without prejudice for reasons of efficiency and not for reasons of patentability; which Applicants may intend to resubmit in a continuation application to be filed while the current application is pending. Claim 57 has not been entered.

Claims 31, 32, 34 - 42, 44 and 45 now presented are in condition for allowance.

Reconsideration and favorable action are earnestly solicited. Applicants respectfully request that a timely Notice of Allowance be issued in this case.

If the Examiner has any questions, the Examiner is encouraged to contact Applicants' attorney via telephone.

Date: July 24, 2009

Respectfully Submitted,

/Patricia A. Wenger/

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pwenger@legalpatent.com

Electronic Acknowledgement Receipt

EFS ID:	5764088
Application Number:	09853428
International Application Number:	
Confirmation Number:	6772
Title of Invention:	Photoreceptor system for melatonin regulation and phototherapy
First Named Inventor/Applicant Name:	George Brainard
Customer Number:	44321
Filer:	Patricia A. Wenger
Filer Authorized By:	
Attorney Docket Number:	BRA01-NP002
Receipt Date:	24-JUL-2009
Filing Date:	10-MAY-2001
Time Stamp:	13:49:50
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		090724resp.pdf	34507 e1572c1ef599d21b44ad38baa52685f3e5341a5a	yes	8

	Multipart Description/PDF files in .zip description		
	Document Description	**Start**	**End**
	Amendment After Final	1	3
	Claims	4	7
	Amendment After Final	8	8

Warnings:

Information:

Total Files Size (in bytes):	34507

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New Applications Under 35 U.S.C. 111
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New International Application Filed with the USPTO as a Receiving Office
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.: 09/853,428 : FILING DATE: May 10, 2001

ART UNIT: 3739 : EXAMINER: Gibson, Roy Dean

FIRST NAMED INVENTOR: Brainard

TITLE: Photoreceptor System for Melatonin Regulation and Phototherapy

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Commissioner for Patents
Alexandria, VA 22313

SECOND SUPPLEMENTAL RESPONSE TO OFFICE ACTION MAILED ON APRIL 30, 2009 AND CLAIM AMENDMENTS

Sir:

Applicants filed a response on June 30, 2009 and on July 24, 2009 to Examiner's rejection of claims 2, 12, 14, 31 - 32, and 34 - 46. It is Applicants' understanding that neither of Applicants' amendments that were filed on June 30, 2009 nor July 24, 2009 has been entered, and the following response and claim listing is submitted in place of the responses that were filed on June 30, 2009 and July 24, 2009.

I. CLAIM REJECTIONS – 35 USC § 102

In response to Examiner's rejection of claims 31, 34, 35, 37 - 41 and 44, which were rejected under 35 U.S.C. § 102(b), Applicants amend claim 31 to include the following: "causing said optical radiation to be commonly therapeutically effective in humans by employing a pre-established spectral composition that has been pre-identified as a maximally potent spectral composition in the regulation of at least one of the human circadian, photoneural, neuroendocrine or neurobehavioral systems, said pre-established spectral composition comprising at least one enhanced spectral region

comprising at least one peak of emitted light within the range of 435-488 nm". Applicants note that the present invention teaches causing optical radiation to be commonly therapeutically effective in humans by employing a pre-established spectral composition that has been pre-identified as a maximally potent spectral composition in the regulation of human circadian physiology. In contrast, Searfoss et al. (5,265,598), among other differences teaches employing a spectral composition that is individually determined based on subjective response of the specific human being treated.

Applicants further note that claims 34, 35, 37 - 41, and 44 now depend from allowable claims.

Claims 35 and 37 - 38 now depend from allowable claims. It is noted that Searfoss et al. (5,265,598) does not teach a blue light filter or the 435 – 488 nm waveband. The only color Searfoss et al. (5,265,598) specifically identifies is "green" which is mentioned three times in the claims, once in the Summary and once in the Description. Searfoss et al. (5,265,598) identify no other colors in their application. Sakamoto el al. (5,648,653) does not teach a method of at least treating or preventing at least one light responsive disorder in at least one mammal.

Applicants cancel the following claims without prejudice for reasons of efficiency and not for reasons of patentability; which Applicants may intend to resubmit in a continuation application to be filed while the current application is pending: 2, 12, 14, 32, 36, 42, 43, 45 and 46.

In addition, to put the application in better form for allowance, applicants currently cancel the following previously withdrawn claims without prejudice for reasons of efficiency and not for reasons of patentability; which Applicants may intend to

resubmit in a continuation application to be filed while the current application is pending: 28 - 30, 33, and 47 - 56.

Claim 57 was added as a "new" claim in the amendment filed on June 30, 2009, however, the amendments filed on June 30, 2009 have not been entered and claim 57 is now listed as "not entered". Claim 57 is currently not submitted as a "new" claim for reasons of efficiency and not for reasons of patentability; and Applicants may intend to resubmit claim 57 as a new claim in a continuation application to be filed while the current application is pending.

II. AMENDMENTS TO THE CLAIMS

This listing of claims will replace all prior versions, and listings, of claims in the application. Amend the claims as follows:

Claims 1 - 30 (canceled)

Claim 31 (currently amended): A method of at least treating or preventing at least one light responsive disorder in at least one mammal, said method comprising the steps of:

utilizing at least one light source, said at least one light source emitting optical radiation;

causing said optical radiation to be commonly therapeutically effective in humans by employing a pre-established spectral composition that has been pre-identified as a maximally potent spectral composition in the regulation of at least one of the human circadian, photoneural, neuroendocrine or neurobehavioral systems, said pre-established spectral composition comprising at least one enhanced spectral region comprising at least one peak of emitted light within the range of 435-488 nm;

exposing at least a portion of the retina of at least one eye of at least one mammal to said pre-established spectral composition of optical radiation such that said light source is not mounted on the body of said at least one mammal;

stimulating the photoreceptor system for at least one of the circadian, photoneural, neuroendocrine or neurobehavioral systems of said at least one mammal;

and, enabling at least the treatment or the prevention of at least one light responsive disorder in said at least one mammal.

Claim 32 (canceled)

Claim 33 (canceled)

Claim 34 (previously presented): The method of Claim 31, said method further comprising providing at least one light filtering component in conjunction with said at least one light source; and

causing said at least one light filtering component to transmit therapeutically effective optical radiation.

Claim 35 (previously presented): The method of claim 34 wherein said method further comprises providing at least one transparent composition in conjunction with said at least one light filtering component.

Claim 36 (canceled)

Claim 37 (previously presented): The method of claim 34 wherein said method further comprises providing at least one translucent composition in conjunction with said at least one light filtering component.

Claim 38 (previously presented): The method of 34 wherein said light filtering component further comprises at least one translucent composition.

Claim 39 (previously presented): The method of Claim 31, said method further comprising

enabling the prevention of at least one light responsive disorder in said at least one mammal.

Claim 40 (previously presented): The method of Claim 39, said method further comprising providing at least one light filtering component in conjunction with said at least one light source; and

causing said at least one light filtering component to transmit therapeutically effective optical radiation.

Claim 41 (previously presented): The method of claim 40 wherein said method further comprises providing at least one transparent composition in conjunction with said at least one light filtering component.

Claim 42 (canceled)

Claim 43 (canceled)

Claim 44 (previously presented): The method of claim 40 wherein said method further comprises providing at least one translucent composition in conjunction with said at least one light filtering component.

Claims 45 - 56 (canceled)

Claim 57 (not entered)

V. CONCLUSION

In view of the above, Applicants maintain that all points raised by the Examiner relating to claims 2, 12, 14, and 28 - 56 have been answered.

Applicants cancel claims 2, 12, 14, 28 - 30, 32, 33, 36, 42, 43, and 45 - 56 without prejudice for reasons of efficiency and not for reasons of patentability; which Applicants may intend to resubmit in a continuation application to be filed while the current application is pending. Claim 57 has not been entered.

Claims 31, 34, 35, 37 - 41 and 44 now presented are in condition for allowance.

Reconsideration and favorable action are earnestly solicited. Applicants respectfully request that a timely Notice of Allowance be issued in this case.

If the Examiner has any questions, the Examiner is encouraged to contact Applicants' attorney via telephone.

Date: July 30, 2009

Respectfully Submitted,

/Patricia A. Wenger/

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Registration No. 42,218
Wenger Law Offices
201 North Jackson Street
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Electronic Acknowledgement Receipt

EFS ID:	5804892
Application Number:	09853428
International Application Number:	
Confirmation Number:	6772
Title of Invention:	Photoreceptor system for melatonin regulation and phototherapy
First Named Inventor/Applicant Name:	George Brainard
Customer Number:	44321
Filer:	Patricia A. Wenger
Filer Authorized By:	
Attorney Docket Number:	BRA01-NP002
Receipt Date:	30-JUL-2009
Filing Date:	10-MAY-2001
Time Stamp:	23:58:37
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		official090730resp2.pdf	33815 09c1651c1c970195ad03d54796729ac908f8c101	yes	8

	Multipart Description/PDF files in .zip description		
	Document Description	**Start**	**End**
	Amendment After Final	1	3
	Claims	4	8

Warnings:

Information:

Total Files Size (in bytes):	33815

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New Applications Under 35 U.S.C. 111
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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
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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/853,428	05/10/2001	George Brainard	BRA01-NP002	6772

44321 7590 08/21/2009
PATRICIA A. WENGER
201 NORTH JACKSON STREET
MEDIA, PA 19063

EXAMINER
GIBSON, ROY DEAN

ART UNIT	PAPER NUMBER
3739	

MAIL DATE	DELIVERY MODE
08/21/2009	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.

Advisory Action Before the Filing of an Appeal Brief	Application No.	Applicant(s)	
	09/853,428	BRAINARD, GEORGE	
	Examiner	Art Unit	
	Roy D. Gibson	3739	

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

THE REPLY FILED 30 July 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
   a) ☐ The period for reply expires 6 months from the mailing date of the final rejection.
   b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
   Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
   (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
   (b) ☐ They raise the issue of new matter (see NOTE below);
   (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.
   NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
   The status of the claim(s) is (or will be) as follows:
   Claim(s) allowed: _____.
   Claim(s) objected to: _____.
   Claim(s) rejected: *31,34,35,37-41 and 44*.
   Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____
13. ☒ Other: See Continuation Sheet.

/Roy D. Gibson/
Primary Examiner
Art Unit: 3739

Continuation of 13. Other: For the record the examiner has presented below a brief summary of the actions taken by him and the applicant's representive regarding the amendments after final and telephone interviews with the aim of placing the application in Condition for Allowance.
First Amendment after final.filed on 6/30/3009 (within two months of the Final rejection):.
The examiner initiated a telephone interview with Patricia Wanger on about 7/15/2009 to discuus the claims, in particular independent claim 31. The examiner pointed out that addition of "in the regulation of circadian physiology" would be appropiate to overcome the Seafoss et al. reference. Also the examiner pointed out that claims 2, 12 and 14 recited disorders, etc that were not consistant with " the regulation of circadian physiology"

On 7/24/2009 Ms. Wanger filed an amendment to correct the issues discussed in the interview of 7/15/2009 above, cancelling cliams 2, 12 and 14. After further review the examiner telephoned Ms. Wanger again on or about 7/26/2009 with the new concern that this amendment was not completely consistant with the recitation in the last four lines of claim 31, namely "stimulating the photoreceptor system for at least one of the circadian, photoneural, neuroendocrine or neurobehavorial systems". Also the examiner pointed out that the limitation of claim 36 was included in claim 34, the limitation of claim 42 was included in claim 40, and that the limitation of claim 45 was included in claim 45.

On 7/30/2009 Ms. Wanger filed an amendment to correct the issues discussed in the interview of 7/26/2009 which seemed to be acceptable to the examiner.Claims 36, 42 and 45 were canceled by Ms Wanger. However, after further consideration of the support for all the language of the independent claim 31, it was noted by the examiner that the word "neurobehavorial" did not appear in the Specification and, therefore, was not an appropiate antecedent as required by MPEP 608.01 (o).

The examier telephoned Ms. Wanger on or about August 5 to discuss this issue .The examiner suggested that this be deleted from the claim in order to correct this issue.

In summary the amendments filed on 6/30 and 7/24/09 have not been entered into record, but the claim amendments filed on 7/30/2009 will be entered if the approval from Ms. Wangerr corrects this last issue.

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UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/853,428	05/10/2001	George Brainard	BRA01-NP002	6772

44321 7590 08/24/2009
PATRICIA A. WENGER
201 NORTH JACKSON STREET
MEDIA, PA 19063

EXAMINER
GIBSON, ROY DEAN

ART UNIT	PAPER NUMBER
3739	

MAIL DATE	DELIVERY MODE
08/24/2009	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.

UNITED STATES DEPARTMENT OF COMMERCE
U.S. Patent and Trademark Office
Address : COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
09853428	5/10/01	BRAINARD, GEORGE	BRA01-NP002

EXAMINER
Roy D.. Gibson

ART UNIT	PAPER
3739	20090821-A

DATE MAILED:

PATRICIA A. WENGER
201 NORTH JACKSON STREET
MEDIA, PA 19063

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

Commissioner for Patents

The attached Advisory action replaces the one mailed on 8/20/2009. The prior Advisory action was sent in error and should be ignored,

/Roy D. Gibson/
Primary Examiner
Art Unit: 3739

Advisory Action Before the Filing of an Appeal Brief	**Application No.** 09/853,428	**Applicant(s)** BRAINARD, GEORGE	
	Examiner Roy D. Gibson	**Art Unit** 3739	

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

THE REPLY FILED 30 July 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
   a) ☐ The period for reply expires _____months from the mailing date of the final rejection.
   b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
   Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
   (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
   (b) ☐ They raise the issue of new matter (see NOTE below);
   (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.
   NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
   The status of the claim(s) is (or will be) as follows:
   Claim(s) allowed: _____.
   Claim(s) objected to: _____.
   Claim(s) rejected: *31,34,35,37-41 and 44*.
   Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____
13. ☒ Other: _____.

/Roy D. Gibson/
Primary Examiner
Art Unit: 3739

Continuation Sheet (PTO-303) **Application No.**

Continuation of 13. Other: For the record the examiner has presented below a brief summary of the actions taken by him and the applicant's representive regarding the amendments after final and telephone interviews with the aim of placing the application in Condition for Allowance.

First Amendment after final.filed on 6/30/2009 (within two months of the Final rejection):.

The examiner initiated a telephone interview with Patricia Wenger on about 7/15/2009 to discuus the claims, in particular independent claim 31. The examiner pointed out that addition of "in the regulation of circadian physiology" would be appropiate to overcome the Seafoss et al. reference.

On 7/24/2009 Ms. Wenger filed an amendment After further review the examiner telephoned Ms. Wenger again on or about 7/26/2009 with the new concern that this amendment was not completely consistant with the recitation in the last four lines of claim 31, namely "stimulating the photoreceptor system for at least one of the circadian, photoneural, neuroendocrine or neurobehavorial systems".

On 7/30/2009 Ms. Wenger filed an amendment to correct the issues discussed in the interview of 7/26/2009 which seemed to be acceptable to the examiner. However, after further consideration of the support for all the language of the independent claim 31, it was noted by the examiner that the word "neurobehavorial" did not appear in the Specification and, therefore, was not an appropiate antecedent as required by MPEP 608.01 (o).

The examier telephoned Ms. Wenger on or about August 5 to discuss this issue .The examiner suggested that this be deleted from the claim in order to correct this issue or for the applicant to provide an explanation of support from the disclosure..

In summary the amendments filed on 6/30 and 7/24/09 have not been entered into record, but the claim amendments filed on 7/30/2009 will be entered if the approval from Ms. Wenger corrects this last issue.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/853,428	05/10/2001	George Brainard	BRA01-NP002	6772

44321 7590 09/21/2009
PATRICIA A. WENGER
201 NORTH JACKSON STREET
MEDIA, PA 19063

EXAMINER
GIBSON, ROY DEAN

ART UNIT	PAPER NUMBER
3739	

MAIL DATE	DELIVERY MODE
09/21/2009	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.

UNITED STATES DEPARTMENT OF COMMERCE
U.S. Patent and Trademark Office
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P.O. Box 1450
Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
09853428	5/10/01	BRAINARD, GEORGE	BRA01-NP002

EXAMINER
Roy D.. Gibson

ART UNIT	PAPER
3739	20090918

DATE MAILED:

PATRICIA A. WENGER
201 NORTH JACKSON STREET
MEDIA, PA 19063

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

Commissioner for Patents

This communication is sent to correct the PTO-90C dated 8/24/2009. The correct date for the Advisoty action referenced is 8/21/2009 not 8/20/2009.

/Roy D. Gibson/
Primary Examiner
Art Unit: 3739

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.: 09/853,428 : FILING DATE: May 10, 2001

ART UNIT: 3739 : EXAMINER: Gibson, Roy Dean

FIRST NAMED INVENTOR: Brainard

TITLE: Photoreceptor System for Melatonin Regulation and Phototherapy

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Commissioner for Patents
Alexandria, VA 22313

THIRD SUPPLEMENTAL RESPONSE TO OFFICE ACTION MAILED ON APRIL 30, 2009, RESPONSE TO ADVISORY ACTION MAILED ON AUGUST 24, 2009, AND CLAIM AMENDMENTS

Sir:

Applicants filed a response on June 30, 2009, July 24, 2009 and July 30, 2009 to Examiner's rejection of claims 2, 12, 14, 31 - 32, and 34 - 46. It is Applicants' understanding that none of Applicants' amendments that were filed on June 30, 2009, July 24, 2009 or July 30, 2009 has been entered, and the following response and claim listing is submitted in place of the responses that were filed on June 30, 2009, July 24, 2009 and July 30, 2009.

I. AUGUST 24, 2009 ADVISORY ACTION

Applicants note Examiner's comment in the Advisory Action of August 24, 2009 regarding claim 31 which stated: "However, after further consideration of the support for all the language of the independent claim 31, it was noted by the examiner that the word "neurobehavioral" did not appear in the Specification and, therefore, was not an appropriate antecedent as required by MPEP 608.01(o)". Applicants disagree with the

Examiner's contention that the word "neurobehavioral" does not have appropriate antecedent basis, however without prejudice for reasons of expediency and not for reasons of patentability, Applicants herein amend claim 31 to include the following: "stimulating the photoreceptor system for at least one of the circadian, photoneural, or neuroendocrine ~~or neurobehavioral~~ systems of said at least one mammal". Applicants may intend to resubmit the word "neurobehavioral" in at least one claim in a continuation application to be filed during the pendency of the current application or, in a series of co-pending applications, during the pendency of at least one application that claims this application as its parent application or that claims the same parent application that is claimable by this application.

II. CLAIM REJECTIONS – 35 USC § 102

In response to Examiner's rejection of claims 31, 34, 35, 37 - 41 and 44, which were rejected, in the office action mailed on April 30, 2009, under 35 U.S.C. § 102(b), Applicants amend claim 31 to include the following: "causing said optical radiation to be commonly therapeutically effective in humans by employing a pre-established spectral composition that has been pre-identified as a maximally potent spectral composition in the regulation of at least one of the human circadian, photoneural, or neuroendocrine systems, said pre-established spectral composition comprising at least one enhanced spectral region comprising at least one peak of emitted light within the range of 435-488 nm". Applicants note that the present invention teaches causing optical radiation to be commonly therapeutically effective in humans by employing a pre-established spectral composition that has been pre-identified as a maximally potent spectral composition in the regulation of human circadian physiology. In contrast, Searfoss et al. (5,265,598),

among other differences teaches employing a spectral composition that is individually determined based on subjective response of the specific human being treated.

Applicants further note that claims 34, 35, 37 - 41, and 44 now depend from allowable claims.

Claims 35 and 37 - 38 now depend from allowable claims. It is noted that Searfoss et al. (5,265,598) does not teach a blue light filter or the 435 – 488 nm waveband. The only color Searfoss et al. (5,265,598) specifically identifies is "green" which is mentioned three times in the claims, once in the Summary and once in the Description. Searfoss et al. (5,265,598) identify no other colors in their application. Sakamoto el al. (5,648,653) does not teach a method of at least treating or preventing at least one light responsive disorder in at least one mammal.

Applicants cancel the following claims without prejudice for reasons of expediency and not for reasons of patentability; which Applicants may intend to resubmit in a continuation application to be filed during the pendency of the current application or, in a series of co-pending applications, during the pendency of at least one application that claims this application as its parent application or that claims the same parent application that is claimable by this application: 2, 12, 14, 32, 36, 42, 43, 45 and 46.

In addition, to put the application in better form for allowance, applicants currently cancel the following previously withdrawn claims without prejudice for reasons of expediency and not for reasons of patentability; which Applicants may intend to resubmit in a continuation application to be filed during the pendency of the current application or, in a series of co-pending applications, during the pendency of at least one

application that claims this application as its parent application or that claims the same parent application that is claimable by this application: 28 - 30, 33, and 47 - 56.

Claim 57 was added as a "new" claim in the amendment filed on June 30, 2009, however, the amendments filed on June 30, 2009 have not been entered and claim 57 is now listed as "not entered". Claim 57 is currently not submitted as a "new" claim for reasons of expediency and not for reasons of patentability; and Applicants may intend to resubmit claim 57 as a new claim in a continuation application to be filed during the pendency of the current application or, in a series of co-pending applications, during the pendency of at least one application that claims this application as its parent application or that claims the same parent application that is claimable by this application.

III. AMENDMENTS TO THE CLAIMS

This listing of claims will replace all prior versions, and listings, of claims in the application. Amend the claims as follows:

Claims 1 - 30 (canceled)

Claim 31 (currently amended): A method of at least treating or preventing at least one light responsive disorder in at least one mammal, said method comprising the steps of:

utilizing at least one light source, said at least one light source emitting optical radiation;

causing said optical radiation to be commonly therapeutically effective in humans by employing a pre-established spectral composition that has been pre-identified as a maximally potent spectral composition in the regulation of at least one of the human circadian, photoneural, or neuroendocrine systems, said pre-established spectral composition comprising at least one enhanced spectral region comprising at least one peak of emitted light within the range of 435-488 nm;

exposing at least a portion of the retina of at least one eye of at least one mammal to said pre-established spectral composition of optical radiation such that said light source is not mounted on the body of said at least one mammal;

stimulating the photoreceptor system for at least one of the circadian, photoneural, or neuroendocrine ~~or neurobehavioral~~ systems of said at least one mammal;

and, enabling at least the treatment or the prevention of at least one light responsive disorder in said at least one mammal.

Claim 32 (canceled)

Claim 33 (canceled)

Claim 34 (previously presented): The method of Claim 31, said method further comprising providing at least one light filtering component in conjunction with said at least one light source; and

causing said at least one light filtering component to transmit therapeutically effective optical radiation.

Claim 35 (previously presented): The method of claim 34 wherein said method further comprises providing at least one transparent composition in conjunction with said at least one light filtering component.

Claim 36 (canceled)

Claim 37 (previously presented): The method of claim 34 wherein said method further comprises providing at least one translucent composition in conjunction with said at least one light filtering component.

Claim 38 (previously presented): The method of 34 wherein said light filtering component further comprises at least one translucent composition.

Claim 39 (previously presented): The method of Claim 31, said method further comprising

enabling the prevention of at least one light responsive disorder in said at least one mammal.

Claim 40 (previously presented): The method of Claim 39, said method further comprising providing at least one light filtering component in conjunction with said at least one light source; and

causing said at least one light filtering component to transmit therapeutically effective optical radiation.

Claim 41 (previously presented): The method of claim 40 wherein said method further comprises providing at least one transparent composition in conjunction with said at least one light filtering component.

Claim 42 (canceled)

Claim 43 (canceled)

Claim 44 (previously presented): The method of claim 40 wherein said method further comprises providing at least one translucent composition in conjunction with said at least one light filtering component.

Claims 45 - 56 (canceled)

Claim 57 (not entered)

V. CONCLUSION

In view of the above, Applicants maintain that all points raised by the Examiner relating to claims 2, 12, 14, and 28 - 56 have been answered.

Applicants cancel claims 2, 12, 14, 28 - 30, 32, 33, 36, 42, 43, and 45 - 56 without prejudice for reasons of expediency and not for reasons of patentability; which Applicants may intend to resubmit in a continuation application to be filed during the pendency of the current application or, in a series of co-pending applications, during the pendency of at least one application that claims this application as its parent application or that claims the same parent application that is claimable by this application. Applicants amend claim 31 without prejudice for reasons of expediency and not for reasons of patentability; and Applicants may intend to resubmit the word "neurobehavioral" in at least one claim in a continuation application to be filed during the pendency of the current application or, in a series of co-pending applications, during the pendency of at least one application that claims this application as its parent application or that claims the same parent application that is claimable by this application. Claim 57 has not been entered.

Claims 31, 34, 35, 37 - 41 and 44 now presented are in condition for allowance.

Reconsideration and favorable action are earnestly solicited. Applicants respectfully request that a timely Notice of Allowance be issued in this case.

If the Examiner has any questions, the Examiner is encouraged to contact Applicants' attorney via telephone.

Date: October 21, 2009

Respectfully Submitted,

/Patricia A. Wenger/

Patricia A. Wenger, Esquire
Registration No. 42,218
Wenger Law Offices
201 North Jackson Street
Media, PA 19063
610-566-3040
pwenger@legalpatent.com

Electronic Patent Application Fee Transmittal

Application Number:	09853428
Filing Date:	10-May-2001
Title of Invention:	Photoreceptor system for melatonin regulation and phototherapy
First Named Inventor/Applicant Name:	George Brainard
Filer:	Patricia A. Wenger
Attorney Docket Number:	BRA01-NP002

Filed as Small Entity

Utility under 35 USC 111(a) Filing Fees

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				
Extension - 2 months with $0 paid	2252	1	245	245

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Miscellaneous:				
			Total in USD ($)	**245**

Electronic Acknowledgement Receipt

EFS ID:	6307552
Application Number:	09853428
International Application Number:	
Confirmation Number:	6772
Title of Invention:	Photoreceptor system for melatonin regulation and phototherapy
First Named Inventor/Applicant Name:	George Brainard
Customer Number:	44321
Filer:	Patricia A. Wenger
Filer Authorized By:	
Attorney Docket Number:	BRA01-NP002
Receipt Date:	21-OCT-2009
Filing Date:	10-MAY-2001
Time Stamp:	23:37:05
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	$245
RAM confirmation Number	10369
Deposit Account	
Authorized User	

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)

1		filedresp.pdf	38772 2786d10ff2beca4a7bd3dd7074f193b3156da2fa	yes	9

	Multipart Description/PDF files in .zip description		
	Document Description	**Start**	**End**
	Supplemental Response or Supplemental Amendment	1	4
	Claims	5	7
	Supplemental Response or Supplemental Amendment	8	9

Warnings:

Information:

2	Fee Worksheet (PTO-875)	fee-info.pdf	30142 2c2f3f23c2175b7b4a2d835b9f68d4d48d734654	no	2

Warnings:

Information:

Total Files Size (in bytes):	68914

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.

OK TO ENTER: /RG/

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.: 09/853,428 : FILING DATE: May 10, 2001

ART UNIT: 3739 : EXAMINER: Gibson, Roy Dean

FIRST NAMED INVENTOR: Brainard

TITLE: Photoreceptor System for Melatonin Regulation and Phototherapy

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Commissioner for Patents
Alexandria, VA 22313

THIRD SUPPLEMENTAL RESPONSE TO OFFICE ACTION MAILED ON APRIL 30, 2009, RESPONSE TO ADVISORY ACTION MAILED ON AUGUST 24, 2009, AND CLAIM AMENDMENTS

Sir:

Applicants filed a response on June 30, 2009, July 24, 2009 and July 30, 2009 to Examiner's rejection of claims 2, 12, 14, 31 - 32, and 34 - 46. It is Applicants' understanding that none of Applicants' amendments that were filed on June 30, 2009, July 24, 2009 or July 30, 2009 has been entered, and the following response and claim listing is submitted in place of the responses that were filed on June 30, 2009, July 24, 2009 and July 30, 2009.

I. AUGUST 24, 2009 ADVISORY ACTION

Applicants note Examiner's comment in the Advisory Action of August 24, 2009 regarding claim 31 which stated: "However, after further consideration of the support for all the language of the independent claim 31, it was noted by the examiner that the word "neurobehavioral" did not appear in the Specification and, therefore, was not an appropriate antecedent as required by MPEP 608.01(o)". Applicants disagree with the

Examiner's contention that the word "neurobehavioral" does not have appropriate antecedent basis, however without prejudice for reasons of expediency and not for reasons of patentability, Applicants herein amend claim 31 to include the following: "stimulating the photoreceptor system for at least one of the circadian, photoneural, or neuroendocrine ~~or neurobehavioral~~ systems of said at least one mammal". Applicants may intend to resubmit the word "neurobehavioral" in at least one claim in a continuation application to be filed during the pendency of the current application or, in a series of co-pending applications, during the pendency of at least one application that claims this application as its parent application or that claims the same parent application that is claimable by this application.

II. CLAIM REJECTIONS – 35 USC § 102

In response to Examiner's rejection of claims 31, 34, 35, 37 - 41 and 44, which were rejected, in the office action mailed on April 30, 2009, under 35 U.S.C. § 102(b), Applicants amend claim 31 to include the following: "causing said optical radiation to be commonly therapeutically effective in humans by employing a pre-established spectral composition that has been pre-identified as a maximally potent spectral composition in the regulation of at least one of the human circadian, photoneural, or neuroendocrine systems, said pre-established spectral composition comprising at least one enhanced spectral region comprising at least one peak of emitted light within the range of 435-488 nm". Applicants note that the present invention teaches causing optical radiation to be commonly therapeutically effective in humans by employing a pre-established spectral composition that has been pre-identified as a maximally potent spectral composition in the regulation of human circadian physiology. In contrast, Searfoss et al. (5,265,598),

among other differences teaches employing a spectral composition that is individually determined based on subjective response of the specific human being treated.

Applicants further note that claims 34, 35, 37 - 41, and 44 now depend from allowable claims.

Claims 35 and 37 - 38 now depend from allowable claims. It is noted that Searfoss et al. (5,265,598) does not teach a blue light filter or the 435 – 488 nm waveband. The only color Searfoss et al. (5,265,598) specifically identifies is "green" which is mentioned three times in the claims, once in the Summary and once in the Description. Searfoss et al. (5,265,598) identify no other colors in their application. Sakamoto el al. (5,648,653) does not teach a method of at least treating or preventing at least one light responsive disorder in at least one mammal.

Applicants cancel the following claims without prejudice for reasons of expediency and not for reasons of patentability; which Applicants may intend to resubmit in a continuation application to be filed during the pendency of the current application or, in a series of co-pending applications, during the pendency of at least one application that claims this application as its parent application or that claims the same parent application that is claimable by this application: 2, 12, 14, 32, 36, 42, 43, 45 and 46.

In addition, to put the application in better form for allowance, applicants currently cancel the following previously withdrawn claims without prejudice for reasons of expediency and not for reasons of patentability; which Applicants may intend to resubmit in a continuation application to be filed during the pendency of the current application or, in a series of co-pending applications, during the pendency of at least one

application that claims this application as its parent application or that claims the same parent application that is claimable by this application: 28 - 30, 33, and 47 - 56.

Claim 57 was added as a "new" claim in the amendment filed on June 30, 2009, however, the amendments filed on June 30, 2009 have not been entered and claim 57 is now listed as "not entered". Claim 57 is currently not submitted as a "new" claim for reasons of expediency and not for reasons of patentability; and Applicants may intend to resubmit claim 57 as a new claim in a continuation application to be filed during the pendency of the current application or, in a series of co-pending applications, during the pendency of at least one application that claims this application as its parent application or that claims the same parent application that is claimable by this application.

III. AMENDMENTS TO THE CLAIMS

This listing of claims will replace all prior versions, and listings, of claims in the application. Amend the claims as follows:

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.: 09/853,428 : FILING DATE: May 10, 2001

ART UNIT: 3739 : EXAMINER: Gibson, Roy Dean

FIRST NAMED INVENTOR: Brainard

TITLE: Photoreceptor System for Melatonin Regulation and Phototherapy

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Commissioner for Patents
Alexandria, VA 22313

SECOND SUPPLEMENTAL RESPONSE TO OFFICE ACTION MAILED ON APRIL 30, 2009 AND CLAIM AMENDMENTS

Sir:

Applicants filed a response on June 30, 2009 and on July 24, 2009 to Examiner's rejection of claims 2, 12, 14, 31 - 32, and 34 - 46. It is Applicants' understanding that neither of Applicants' amendments that were filed on June 30, 2009 nor July 24, 2009 has been entered, and the following response and claim listing is submitted in place of the responses that were filed on June 30, 2009 and July 24, 2009.

I. CLAIM REJECTIONS – 35 USC § 102

In response to Examiner's rejection of claims 31, 34, 35, 37 - 41 and 44, which were rejected under 35 U.S.C. § 102(b), Applicants amend claim 31 to include the following: "causing said optical radiation to be commonly therapeutically effective in humans by employing a pre-established spectral composition that has been pre-identified as a maximally potent spectral composition in the regulation of at least one of the human circadian, photoneural, neuroendocrine or neurobehavioral systems, said pre-established spectral composition comprising at least one enhanced spectral region

comprising at least one peak of emitted light within the range of 435-488 nm". Applicants note that the present invention teaches causing optical radiation to be commonly therapeutically effective in humans by employing a pre-established spectral composition that has been pre-identified as a maximally potent spectral composition in the regulation of human circadian physiology. In contrast, Searfoss et al. (5,265,598), among other differences teaches employing a spectral composition that is individually determined based on subjective response of the specific human being treated.

Applicants further note that claims 34, 35, 37 - 41, and 44 now depend from allowable claims.

Claims 35 and 37 - 38 now depend from allowable claims. It is noted that Searfoss et al. (5,265,598) does not teach a blue light filter or the 435 – 488 nm waveband. The only color Searfoss et al. (5,265,598) specifically identifies is "green" which is mentioned three times in the claims, once in the Summary and once in the Description. Searfoss et al. (5,265,598) identify no other colors in their application. Sakamoto el al. (5,648,653) does not teach a method of at least treating or preventing at least one light responsive disorder in at least one mammal.

Applicants cancel the following claims without prejudice for reasons of efficiency and not for reasons of patentability; which Applicants may intend to resubmit in a continuation application to be filed while the current application is pending: 2, 12, 14, 32, 36, 42, 43, 45 and 46.

In addition, to put the application in better form for allowance, applicants currently cancel the following previously withdrawn claims without prejudice for reasons of efficiency and not for reasons of patentability; which Applicants may intend to

resubmit in a continuation application to be filed while the current application is pending: 28 - 30, 33, and 47 - 56.

Claim 57 was added as a "new" claim in the amendment filed on June 30, 2009, however, the amendments filed on June 30, 2009 have not been entered and claim 57 is now listed as "not entered". Claim 57 is currently not submitted as a "new" claim for reasons of efficiency and not for reasons of patentability; and Applicants may intend to resubmit claim 57 as a new claim in a continuation application to be filed while the current application is pending.

II. AMENDMENTS TO THE CLAIMS

This listing of claims will replace all prior versions, and listings, of claims in the application. Amend the claims as follows:

EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L10	381	(treat$3 with ((light near1 responsive near1 disorder) sad circadian) and (retina eye) and ("435" "440" "445" "450" "455" "460" "465" "470" "475" "480" "488"))	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	OFF	2009/10/27 10:58
L11	65	10 and @ad<"20000510"	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	OFF	2009/10/27 10:58
L12	61	11 and (laser light led diode)	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/10/27 10:59
L13	35	10 and (laser light led diode).clm.	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/10/27 11:06
L14	15	13 and @ad<"20000510"	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	OFF	2009/10/27 11:06
L15	8	14 and 607/88.ccls.	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	OFF	2009/10/27 11:07
L16	0	(LIGHT NEAR1 RESPONSIVE NEAR1 DISORDER) AND PEAK ADJ ("435" "440" "445" "450" "455" "460" "465" "470" "475" "480" "485" "488") AND (STIMULATING ADJ PHOTORECEPTOR).CLM.	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/10/27 11:14

10/27/09 11:15:08 AM
C:\Documents and Settings\rgibson2\My Documents\EAST\workspaces\default.wsp

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

NOTICE OF ALLOWANCE AND FEE(S) DUE

44321 7590 11/09/2009

PATRICIA A. WENGER
201 NORTH JACKSON STREET
MEDIA, PA 19063

EXAMINER	
GIBSON, ROY DEAN	
ART UNIT	PAPER NUMBER
3739	

DATE MAILED: 11/09/2009

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/853,428	05/10/2001	George Brainard	BRA01-NP002	6772

TITLE OF INVENTION: PHOTORECEPTOR SYSTEM FOR MELATONIN REGULATION AND PHOTOTHERAPY

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	$1510	$300	$0	$1810	02/09/2010

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PTOL-85 (Rev. 08/07) Approved for use through 08/31/2010.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail **Mail Stop ISSUE FEE**
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or Fax (571)-273-2885

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

44321 7590 11/09/2009

PATRICIA A. WENGER
201 NORTH JACKSON STREET
MEDIA, PA 19063

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)

(Signature)

(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/853,428	05/10/2001	George Brainard	BRA01-NP002	6772

TITLE OF INVENTION: PHOTORECEPTOR SYSTEM FOR MELATONIN REGULATION AND PHOTOTHERAPY

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	$1510	$300	$0	$1810	02/09/2010

EXAMINER	ART UNIT	CLASS-SUBCLASS
GIBSON, ROY DEAN	3739	607-088000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

❑ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

❑ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47: Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

(1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1_____

(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2_____ 3_____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE (B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent) : ❑ Individual ❑ Corporation or other private group entity ❑ Government

4a. The following fee(s) are submitted:

❑ Issue Fee

❑ Publication Fee (No small entity discount permitted)

❑ Advance Order - # of Copies _____

4b. Payment of Fee(s): **(Please first reapply any previously paid issue fee shown above)**

❑ A check is enclosed.

❑ Payment by credit card. Form PTO-2038 is attached.

❑ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. **Change in Entity Status** (from status indicated above)

❑ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.

❑ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____ Date _____

Typed or printed name _____ Registration No. _____

This collection of information is required by 37 CFR 1.311. 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 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, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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.

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.
09/853,428	05/10/2001	George Brainard	BRA01-NP002	6772

44321 7590 11/09/2009

PATRICIA A. WENGER
201 NORTH JACKSON STREET
MEDIA, PA 19063

EXAMINER
GIBSON, ROY DEAN

ART UNIT	PAPER NUMBER
3739	

DATE MAILED: 11/09/2009

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)
(application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 1133 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 1133 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (http://pair.uspto.gov).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

PTOL-85 (Rev. 08/07) Approved for use through 08/31/2010.

Notice of Allowability	Application No.	Applicant(s)	
	09/853,428	BRAINARD, GEORGE	
	Examiner	Art Unit	
	Roy D. Gibson	3739	

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

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS**. This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to *after final amendment filed 10/21/2009*.

2. ☒ The allowed claim(s) is/are *31,34,35,37-41 and 44*.

3. ☐ 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 the:
      1. ☐ Certified copies of the priority documents have been received.
      2. ☐ Certified copies of the priority documents have been received in Application No. _____ .
      3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

   * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
   (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
   (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

   Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____ .
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

The third supplemental response to Office action mailed on April 30, 2009 and filed on 10/21/2009 is acknowledged. This response has been entered and the three previous responses have not been entered.

Reasons for Allowance

None of the prior art of record disclose or suggest a method of at least treating or preventing at least one light responsive disorder in at least one mammal, said method comprising the steps as claimed. The examiner agrees with the remarks filed in the above referenced response that the Searfoss et al. reference teaches employing a spectral composition that is individually determined based on subjective responses of the specific human being treated, namely inducing a nominally homeostatic state as a direct result of the exposure of the individual's eyes to the selected electromagnetic energy pattern. The conclusion revealed that substantially monochromatic green light (510-575 nm) was preferred.

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

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roy D. Gibson whose telephone number is 571-272-4767. The examiner can normally be reached on Tu-Th, 7:30 am-4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Linda Dvorak can be reached on 571-272-4764. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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

/Roy D. Gibson/
Primary Examiner
Art Unit 3739

October 28, 2009

Issue Classification

Application/Control No.	Applicant(s)/Patent Under Reexamination
09853428	BRAINARD, GEORGE
Examiner	**Art Unit**
Roy D Gibson	3739

ORIGINAL		INTERNATIONAL CLASSIFICATION										
CLASS	SUBCLASS	CLAIMED					NON-CLAIMED					
607	88	A	6	1	N	5 / 06 (2006.01.01)						

CROSS REFERENCE(S)					
CLASS	SUBCLASS (ONE SUBCLASS PER BLOCK)				
607	91				

☐ Claims renumbered in the same order as presented by applicant ☐ CPA ☐ T.D. ☐ R.1.47

Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original
1	31														
2	34														
3	35														
4	37														
5	38														
6	39														
7	40														
8	41														
9	44														

NONE (Assistant Examiner) (Date)	Total Claims Allowed: 9	
/Roy D Gibson/ Primary Examiner.Art Unit 3739 (Primary Examiner) (Date) 10/28/09	O.G. Print Claim(s) 1	O.G. Print Figure 5

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	09853428	BRAINARD, GEORGE
	Examiner	**Art Unit**
	Roy D Gibson	3739

SEARCHED

Class	Subclass	Date	Examiner
	updated previous	7/31/2008	/RDG/
356	213, 217, 218, 221and 227	7/31/2008	/RDG/
396	57	7/31/2008	/RDG/
607	88-89	4/27/2009	/RDG/
	updated previous	10/27/2009	/RDG/

SEARCH NOTES

Search Notes	Date	Examiner
EAST SEARCH (search provided by Hoa Pham in A.U. 2886)	7/31/2008	/RDG/
EAST SEARCH	4/27/2009	/RDG/

INTERFERENCE SEARCH

Class	Subclass	Date	Examiner
	Interference search	10/27/2009	/RDG/

DO NOT ENTER: /RG/

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.: 09/853,428 : FILING DATE: May 10, 2001

ART UNIT: 3739 : EXAMINER: Gibson, Roy Dean

FIRST NAMED INVENTOR: Brainard

TITLE: Photoreceptor System for Melatonin Regulation and Phototherapy

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Commissioner for Patents
Alexandria, VA 22313

RESPONSE TO OFFICE ACTION MAILED ON APRIL 30, 2009 AND CLAIM AMENDMENTS

I. CLAIM REJECTIONS – 35 USC § 102

In response to Examiner's rejection of claims 2, 12, 14, 31 - 32, and 34 - 46, which were rejected under 35 U.S.C. § 102(b), Applicants amend claim 31 to include the following: "causing said optical radiation to be commonly therapeutically effective in humans by employing a pre-established spectral composition that has been pre-identified as a maximally potent spectral composition in the regulation of human circadian physiology, said pre-established spectral composition comprising at least one enhanced spectral region comprising at least one peak of emitted light within the range of 435-488 nm". Applicant's note that the present invention teaches causing optical radiation to be commonly therapeutically effective in humans by employing a pre-established spectral composition that has been pre-identified as a maximally potent spectral composition in the regulation of human circadian physiology. In contrast, Searfoss et al. (5,265,598),

among other differences teaches employing a spectral composition that is individually determined based on subjective response of the specific human being treated. In addition, new claim 57, which depends from claim 31, further includes pre-identifying the pre-established spectral composition that has been pre-identified as a maximally potent spectral composition in the regulation of human circadian physiology. Claim 57 depends from a now allowable claim 31, and Applicants maintain that the added patent claim 57 will not require the Examiner to conduct a new and/or additional patent search.

Applicants further note that claims 2, 12, 14, 32, and 34 - 46 now depend from allowable claims. In addition, new claim 57 depends from claim 31, which is now an allowable claim.

Claims 35 - 38 now depend from allowable claims. It is noted that Searfoss et al. (5,265,598) does not teach a blue light filter or the 435 – 488 nm waveband. The only color Searfoss et al. (5,265,598) specifically identifies is "green" which is mentioned three times in the claims, once in the Summary and once in the Description. Searfoss et al. (5,265,598) identify no other colors in their application. Sakamoto el al. (5,648,653) does not teach a method of at least treating or preventing at least one light responsive disorder in at least one mammal.

IV. AMENDMENTS

Amend the claims as follows:

EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L17	4	(("5274403") or ("5648653")).PN.	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	OFF	2009/10/27 11:26
L18	8	("5274403").URPN.	USPAT	OR	OFF	2009/10/27 11:29

10/27/09 11:31:10 AM
C:\ Documents and Settings\ rgibson2\ My Documents\ EAST\ workspaces\ default.wsp

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

BIB DATA SHEET

CONFIRMATION NO. 6772

SERIAL NUMBER	FILING or 371(c) DATE	CLASS	GROUP ART UNIT	ATTORNEY DOCKET NO.
09/853,428	05/10/2001 **RULE**	514	3739	BRA01-NP002

APPLICANTS
George Brainard, Haddonfield, NJ;

**** CONTINUING DATA ****************************
This appln claims benefit of 60/203,308 05/10/2000
and claims benefit of 60/228,493 08/28/2000

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

**** IF REQUIRED, FOREIGN FILING LICENSE GRANTED ****
07/09/2001

Foreign Priority claimed	35 USC 119(a-d) conditions met	Verified and Acknowledged	Met after Allowance	STATE OR COUNTRY	SHEETS DRAWINGS	TOTAL CLAIMS	INDEPENDENT CLAIMS
☐ Yes ☑ No	☐ Yes ☑ No	/ROY DEAN GIBSON/ Examiner's Signature	☐ Initials	NJ	12	19	13

ADDRESS
PATRICIA A. WENGER
201 NORTH JACKSON STREET
MEDIA, PA 19063
UNITED STATES

TITLE
Photoreceptor system for melatonin regulation and phototherapy

FILING FEE RECEIVED		
1381	FEES: Authority has been given in Paper No._____ to charge/credit DEPOSIT ACCOUNT No._____ for following:	☐ All Fees ☐ 1.16 Fees (Filing) ☐ 1.17 Fees (Processing Ext. of time) ☐ 1.18 Fees (Issue) ☐ Other _____ ☐ Credit

EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L11	0	(LIGHT NEAR1 RESPONSIVE NEAR1 DISORDER) AND PEAK ADJ ("435" "440" "445" "450" "455" "460" "465" "470" "475" "480" "485" "488") AND (STIMULATING ADJ PHOTORECEPTOR).CLM.	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/10/26 14:48
L13	0	(LIGHT NEAR1 RESPONSIVE NEAR1 DISORDER) AND PEAK ADJ ("435" "440" "445" "450" "455" "460" "465" "470" "475" "480" "485" "488") AND (STIMULATING ADJ PHOTORECEPTOR) AND @AD<"20000828"	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/10/26 14:50
L14	0	(LIGHT NEAR1 RESPONSIVE NEAR1 DISORDER) AND PEAK ADJ ("435" "440" "445" "450" "455" "460" "465" "470" "475" "480" "485" "488") AND @AD<"20000828"	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/10/26 14:50
L15	0	(LIGHT NEAR1 RESPONSIVE NEAR1 DISORDER) AND PEAK ADJ BLUE AND @AD<"20000828"	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/10/26 14:51
L16	0	(LIGHT NEAR1 RESPONSIVE NEAR1 DISORDER) AND PEAK WITH BLUE AND @AD<"20000828"	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/10/26 14:52
L17	0	(LIGHT NEAR1 RESPONSIVE NEAR1 DISORDER) AND @AD<"20000828"	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/10/26 14:52
L18	0	(SAD) AND PEAK ADJ BLUE AND @AD<"20000828"	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/10/26 14:53
L19	5	(SAD) AND PEAK WITH BLUE AND @AD<"20000828"	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/10/26 14:53

L20	0	(SAD) AND PEAK WITH BLUE .CLM.	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/10/26 14:54
L21	15700	(SAD)	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/10/26 14:56
L22	5756	(SAD) AND LIGHT	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/10/26 14:56
L23	2901	22 AND @AD<"20020510"	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/10/26 14:56
L24	21	23 AND (606/4 607/88-89. CCLS.)	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/10/26 14:57
L25	2123	22 AND @AD<"20000510"	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/10/26 14:57
L26	14	25 AND (606/4 607/88-89. CCLS.)	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/10/26 14:57
L27	16	("4516110" | "4858609" | "4911166" | "5163426" | "5358503" | "5447528" | "5503637" | "5616140" | "5709645" | "5793405" | "5805267" | "5862167" | "5913883" | "5977566" | "6053936" | "6135117"). PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/10/26 15:04
L28	14	("6350275").URPN.	USPAT	OR	OFF	2009/10/26 15:06

10/26/09 3:15:40 PM
C:\ Documents and Settings\ rgibson2\ My Documents\ EAST\ workspaces\ default.wsp

DO NOT ENTER: /RG/

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.: 09/853,428 : FILING DATE: May 10, 2001

ART UNIT: 3739 : EXAMINER: Gibson, Roy Dean

FIRST NAMED INVENTOR: Brainard

TITLE: Photoreceptor System for Melatonin Regulation and Phototherapy

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Commissioner for Patents
Alexandria, VA 22313

SUPPLEMENTAL RESPONSE TO OFFICE ACTION MAILED ON APRIL 30, 2009 AND CLAIM AMENDMENTS

Sir:

Applicants filed a response on June 30, 2009 to Examiner's rejection of claims 2, 12, 14, 31 - 32, and 34 - 46. It is Applicants' understanding that Applicants' amendment that was filed on June 30, 2009 has not been entered, and the following response and claim listing is submitted in place of the response that was filed on June 30, 2009.

I. CLAIM REJECTIONS – 35 USC § 102

In response to Examiner's rejection of claims 31, 32, 34 - 42, 44 and 45, which were rejected under 35 U.S.C. § 102(b), Applicants amend claim 31 to include the following: "causing said optical radiation to be commonly therapeutically effective in humans by employing a pre-established spectral composition that has been pre-identified as a maximally potent spectral composition in the regulation of human circadian physiology, said pre-established spectral composition comprising at least one enhanced spectral region comprising at least one peak of emitted light within the range of 435-488 nm". Applicants note that the present invention teaches causing optical radiation to be

commonly therapeutically effective in humans by employing a pre-established spectral composition that has been pre-identified as a maximally potent spectral composition in the regulation of human circadian physiology. In contrast, Searfoss et al. (5,265,598), among other differences teaches employing a spectral composition that is individually determined based on subjective response of the specific human being treated.

Claim 31 is "currently amended" in a manner that is identical to the amendment of claim 31, that was "currently amended" in the response filed on June 30, 2009.

Applicants further note that claims 32, and 34 - 42, and 44 - 45 now depend from allowable claims.

Claims 35 - 38 now depend from allowable claims. It is noted that Searfoss et al. (5,265,598) does not teach a blue light filter or the 435 – 488 nm waveband. The only color Searfoss et al. (5,265,598) specifically identifies is "green" which is mentioned three times in the claims, once in the Summary and once in the Description. Searfoss et al. (5,265,598) identify no other colors in their application. Sakamoto el al. (5,648,653) does not teach a method of at least treating or preventing at least one light responsive disorder in at least one mammal.

Applicants cancel the following claims without prejudice for reasons of efficiency and not for reasons of patentability; which Applicants may intend to resubmit in a continuation application to be filed while the current application is pending: 2, 12, 14, 43, and 46.

In addition, to put the application in better form for allowance, applicants currently cancel the following previously withdrawn claims without prejudice for reasons of efficiency and not for reasons of patentability; which Applicants may intend to

resubmit in a continuation application to be filed while the current application is pending: 28 - 30, 33, and 47 - 56.

Claim 57 was added as a "new" claim in the amendment filed on June 30, 2009, however, the amendments filed on June 30, 2009 have not been entered and claim 57 is now listed as "not entered". Claim 57 is currently not submitted as a "new" claim for reasons of efficiency and not for reasons of patentability; and Applicants may intend to resubmit claim 57 as a new claim in a continuation application to be filed while the current application is pending.

II. AMENDMENTS TO THE CLAIMS

This listing of claims will replace all prior versions, and listings, of claims in the application. Amend the claims as follows:

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Bib Data Sheet

CONFIRMATION NO. 6772

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09/853,428	05/10/2001 RULE	607	3739	BRA01-NP002

APPLICANTS

George Brainard, Haddonfield, NJ;
Gena Glickman, San Diego, CA;

fem 11/30/05

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

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** 07/09/2001

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Foreign Priority claimed 35 USC 119 (a-d) conditions met Verified and Acknowledged	☐ yes ☑ no ☐ yes ☑ no ☐ Met after Allowance Examiner's Signature Initials	NJ	12	19	13

ADDRESS
44321

TITLE

PHOTORECEPTOR SYSTEM FOR MELATONIN REGULATION AND PHOTOTHERAPY

FILING FEE RECEIVED		
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PRINTER RUSH

(PTO ASSISTANCE)

Application:	09853428	**Examiner:**	R. Gibson	**GAU:**	3739
From:	Renee Mitchell	**Location:**	IDC	**Date:**	11/30/2009

Tracking #: Week Date: 11/09/2009

DOC CODE	DOC DATE	MISCELLANEOUS
[ ] 1449		[ ] Continuing Data
[X] IDS	11/04/2002	[ ] Foreign Priority
[ ] CLM		[ ] Document Legibility
[ ] IIFW/FWCLM		[ ] Fees
[ ] SRFW		[ ] Other
[ ] DRW		
[ ] OATH		Attn:
[ ] 312		
[ ] SPEC		

[RUSH] Message:

Please initial/line through citations.

Thank you

[XRUSH] Response:

Initials: _____

Examiner: PUBS contacts - for DESIGNS: Don Fairchild, 703-756-1566; for ALL OTHER files: Bernadette Queen, 703-756-1565.
NOTE: This form will be included as part of the official USPTO record with the response document coded as XRUSH.

REV: May 09

PRINTER RUSH

(PTO ASSISTANCE)

Application:	09853428	**Examiner:**	R. Gibson	**GAU:**	3739
From:	Renee Mitchell	**Location:**	IDC	**Date:**	11/30/2009

Tracking #: Week Date: 11/09/2009

DOC CODE	DOC DATE	MISCELLANEOUS
[ ] 1449		[ ] Continuing Data
[X] IDS	11/04/2002	[ ] Foreign Priority
[ ] CLM		[ ] Document Legibility
[ ] IIFW/FWCLM		[ ] Fees
[ ] SRFW		[ ] Other
[ ] DRW		
[ ] OATH		Attn:
[ ] 312		
[ ] SPEC		

[RUSH] Message:

Please initial/line through citations.

Thank you

[XRUSH] Response:

Completed form on 12/14/2009.

Initials: RDG

Examiner: PUBS contacts - for DESIGNS: Don Fairchild, 703-756-1566; for ALL OTHER files: Bernadette Queen, 703-756-1565.
NOTE: This form will be included as part of the official USPTO record with the response document coded as XRUSH.

REV: May 09

Receipt date: 11/04/2002

09853428 - GAU: 3739
Sheet 1 of 1

NOV 0 4 2002 PATENT & TRADEMARK OFFICE

FORM PTO-1449	DOCKET NO.: 052961	SERIAL NO.: 09/853,428
INFORMATION DISCLOSURE	APPLICANT(S): George Brainard	
STATEMENT	FILING DATE: 5/10/01	GROUP NO.: 1614

UNITED STATES PATENT DOCUMENTS

EXAM. INITIALS		DOCUMENT NUMBER	DATE	INVENTOR/ASSIGNEE	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	AA	5,447,527	9/5/1995	Waldman			
	AB	5,824,024	10/20/1998	Dial			
	AC	5,855,595	1/5/1999	Fujishima et al.			
	AD	5,170,035	12/8/1992	Webster et al.			
	AE	5.235.178	8/10/1993	Hegyi			

RECEIVED NOV 1 2 2002 TECHNOLOGY CENTER R3700

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES/NO
	BA	29713395	12/3/1998	DE			
	BB	2666991	3/27/1992	FR			

OTHER DOCUMENTS (INCLUDING AUTHOR, TITLE, DATE, PERTINENT PAGES, ETC.)

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/Roy Gibson/ 12/14/2009

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B639150.2

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /RG/

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44321 7596 11/09/2009

PATRICIA A. WENGER
201 NORTH JACKSON STREET
MEDIA, PA 19063

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Patricia A. Wenger (Depositor's name)
(Signature)
11/23/2010 (Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/853,428	05/10/2001	George Brainard	BBA01-NP002	6772

TITLE OF INVENTION: PHOTORECEPTOR SYSTEM FOR MELATONIN REGULATION AND PHOTOTHERAPY

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	$1510	$300	$0	$1810	02/09/2010

EXAMINER	ART UNIT	CLASS-SUBCLASS
GIBSON, ROY DEAN	3739	607-088000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list
(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,
(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 Patricia A. Wenger
2
3

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE (B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:
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4b. Payment of Fee(s): **(Please first reapply any previously paid issue fee shown above)**
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☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. **Change in Entity Status** (from status indicated above)
☒ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

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Authorized Signature: Patricia A. Wenger Date 11/23/2010

Typed or printed name Patricia A. Wenger Registration No. 42,213

This collection of information is required by 37 CFR 1.311. 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 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, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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Electronic Patent Application Fee Transmittal

Application Number:	09853428
Filing Date:	10-May-2001
Title of Invention:	PHOTORECEPTOR SYSTEM FOR MELATONIN REGULATION AND PHOTOTHERAPY
First Named Inventor/Applicant Name:	George Brainard
Filer:	Patricia A. Wenger
Attorney Docket Number:	BRA01-NP002

Filed as Small Entity

Utility under 35 USC 111(a) Filing Fees

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Utility Appl issue fee	2501	1	755	755
Publ. Fee- early, voluntary, or normal	1504	1	300	300

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Extension-of-Time:				
Miscellaneous:				
			Total in USD ($)	**1055**

Electronic Acknowledgement Receipt

EFS ID:	6868331
Application Number:	09853428
International Application Number:	
Confirmation Number:	6772
Title of Invention:	PHOTORECEPTOR SYSTEM FOR MELATONIN REGULATION AND PHOTOTHERAPY
First Named Inventor/Applicant Name:	George Brainard
Customer Number:	44321
Filer:	Patricia A. Wenger
Filer Authorized By:	
Attorney Docket Number:	BRA01-NP002
Receipt Date:	23-JAN-2010
Filing Date:	10-MAY-2001
Time Stamp:	02:15:22
Application Type:	Utility under 35 USC 111(a)

Payment information:

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Payment was successfully received in RAM	$1055
RAM confirmation Number	8572
Deposit Account	
Authorized User	

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Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)

1	Issue Fee Payment (PTO-85B)	onlinefeetran.pdf	2224983 12efe8d359eb298579c15af69db3ed5450eb046c	no	1
Warnings:					
Information:					
2	Fee Worksheet (PTO-875)	fee-info.pdf	31871 8cae085ceb7f1eaea40e2d1f95ba118e0ff467cb	no	2
Warnings:					
Information:					
		Total Files Size (in bytes):	2256854		

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.

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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.

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		STATE OR COUNTRY	SHEETS DRAWING	TOTAL CLAIMS	INDEPENDENT CLAIMS
Foreign Priority claimed 35 USC 119 (a-d) conditions met Verified and Acknowledged	☐ yes ☐ no ☐ yes ☐ no ☐ Met after Allowance Examiner's Signature Initials	NJ	12	19	13

ADDRESS
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TITLE

PHOTORECEPTOR SYSTEM FOR MELATONIN REGULATION AND PHOTOTHERAPY

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1681	FEES: Authority has been given in Paper No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following:	☐ All Fees ☐ 1.16 Fees (Filing) ☐ 1.17 Fees (Processing Ext. of time) ☐ 1.18 Fees (Issue) ☐ Other _____ ☐ Credit

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Patricia A. Wenger (Depositor's name)
(Signature)
11/23/2010 (Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/853,428	05/10/2001	George Brainard	BRA01-NP002	6772

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APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	$1510	$300	$0	$1810	02/09/2010

02/12/2010 MGEBREMR 00000007 09853428
01 FC:8001 6.00 OP

EXAMINER	ART UNIT	CLASS-SUBCLASS
GIBSON, ROY DEAN	3739	607-088000

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1 Patricia A. Wenger
2
3

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)
PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.
(A) NAME OF ASSIGNEE (B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:
- ☒ Issue Fee
- ☒ Publication Fee (No small entity discount permitted)
- ☒ Advance Order - # of Copies 2

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)
- ☐ A check is enclosed.
- ☒ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)
- ☒ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.
- ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature Patricia A. Wenger Date 11/23/2010

Typed or printed name Patricia A. Wenger Registration No. 42,218

This collection of information is required by 37 CFR 1.311. 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 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, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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.

Attachment C

PAGE 9/9 * RCVD AT 2/8/2010 11:53:38 PM [Eastern Standard Time] * SVR:USPTO-EFXRF-6/36 * DNIS:2732885 * CSID:8773692792 * DURATION (mm-ss):04-36

OPAP IAP13 FEB 0 8 2010 PATENT & TRADEMARK OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.: 09/853,428 : FILING DATE: May 10, 2001

ART UNIT: 3739 : EXAMINER: Gibson, Roy Dean

FIRST NAMED INVENTOR: George Brainard

TITLE: Photoreceptor System for Melatonin Regulation and Phototherapy

---

Honorable Commissioner for Patents
Alexandria, VA 22313-1450

COMMUNICATION

Dear Sir:

1. On January 23, 2010 Applicants' Attorney attempted numerous times to file via facsimile a Fee(s) Transmittal 85B form, along with Credit Payment Form 2038 in the amount of $1,061.00; however, the facsimile transmission would not transmit due to "poor line condition". Two of the Facsimile Transmission Verification Reports are attached and labeled "Attachment A".

2. On January 23, 2010, following the failure of the facsimile transmittal, Applicants' Attorney electronically filed the Fee(s) Transmittal form 85B, claiming small entity status, and submitted payment in the amount of $1,055.00 for the issuance fee and publication fee for the above referenced patent application. A copy of the Electronic Acknowledgement Receipt is attached and labeled "Attachment B". A copy of the filed Fee(s) Transmittal form 85B is attached and labeled "Attachment C".

3. The Fee(s) Transmittal form 85B filed on January 23, 2010 requests an advance order of two copies of the Patent, however on January 23, 2010, Applicants' Attorney did not recognize an opportunity to pay for the advance order of two copies of the Patent via

the automated electronic filing system payment options.

4. Currently, Applicants submit a Credit Card Form 2038 in the amount of $6.00 to pay for the advance order of two copies of the Patent noted on the Fee(s) Transmittal form 85B filed on January 23, 2010.

5. Alternatively, if processing the current Credit Card Form 2038 in the amount of $6.00 is too cumbersome or too untimely, Applicants rescind their request for the advance order of two copies of the Patent noted on the Fee(s) Transmittal form 85B filed on January 23, 2010.

6. If there are any questions regarding this Communication, it is urged that Applicants' Attorney be contacted directly via telephone or email.

Date: 2/8/2010

Respectfully Submitted,

Patricia A. Wenger, Esquire
Registration No. 42,218
Customer No. 44321
Wenger Law Offices
201 North Jackson Street
Media, PA 19063
610-566-3040
pwenger@legalpatent.com

PAGE 4/9 * RCVD AT 2/8/2010 11:53:38 PM [Eastern Standard Time] * SVR:USPTO-EFXRF-6/36 * DNIS:2732885 * CSID:8773692792 * DURATION (mm-ss):04-36

02/08/2010 23:53 8773692792 PATRICIA WENGER PAGE 05

TRANSMISSION VERIFICATION REPORT

TIME : 01/23/2010 00:44

DATE, TIME	01/23 00:44
FAX NO./NAME	15712732885
DURATION	00:00:22
PAGE(S)	00
RESULT	NG
MODE	STANDARD

NG : POOR LINE CONDITION

Attachment A

02/08/2010 23:53 8773692792 PATRICIA WENGER PAGE 06

TRANSMISSION VERIFICATION REPORT

TIME : 01/23/2010 01:20

DATE,TIME	01/23 01:27
FAX NO./NAME	15712732885
DURATION	00:00:20
PAGE(S)	00
RESULT	NG
MODE	STANDARD

NG : POOR LINE CONDITION

Attachment A

Electronic Acknowledgement Receipt

EFS ID:	6868331
Application Number:	09853428
International Application Number:	
Confirmation Number:	6772
Title of Invention:	PHOTORECEPTOR SYSTEM FOR MELATONIN REGULATION AND PHOTOTHERAPY
First Named Inventor/Applicant Name:	George Brainard
Customer Number:	44321
Filer:	Patricia A. Wenger
Filer Authorized By:	
Attorney Docket Number:	BRA01-NP002
Receipt Date:	23-JAN-2010
Filing Date:	10-MAY-2001
Time Stamp:	02:15:22
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	$1055
RAM confirmation Number	8572
Deposit Account	
Authorized User	

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)

1	Issue Fee Payment (PTO-85B)	onlinefeetran.pdf	2224983 [illegible]	no	1
Warnings:					
Information:					
2	Fee Worksheet (PTO-875)	fee-info.pdf	31871 [illegible]	no	2
Warnings:					
Information:					
			Total Files Size (in bytes):	2256854	

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.

Attachment B

OPAP 113
FEB 0 8 2010
PATENT & TRADEMARK OFFICE

Doc Code: TRAN.LET
Document Description: Transmittal Letter

PTO/SB/21 (07-09)
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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission: 9

Application Number	09/853,428
Filing Date	May 10, 2001
First Named Inventor	Brainard
Art Unit	3739
Examiner Name	Gibson, Roy Dean
Attorney Docket Number	

ENCLOSURES *(Check all that apply)*

- ☐ Fee Transmittal Form
  - ☑ Fee Attached
- ☐ Amendment/Reply
  - ☐ After Final
  - ☐ Affidavits/declaration(s)
- ☐ Extension of Time Request
- ☐ Express Abandonment Request
- ☐ Information Disclosure Statement
- ☐ Certified Copy of Priority Document(s)
- ☐ Reply to Missing Parts/ Incomplete Application
  - ☐ Reply to Missing Parts under 37 CFR 1.52 or 1.53
- ☐ Drawing(s)
- ☐ Licensing-related Papers
- ☐ Petition
- ☐ Petition to Convert to a Provisional Application
- ☐ Power of Attorney, Revocation Change of Correspondence Address
- ☐ Terminal Disclaimer
- ☐ Request for Refund
- ☐ CD, Number of CD(s) _____
  - ☐ Landscape Table on CD
- ☐ After Allowance Communication to TC
- ☐ Appeal Communication to Board of Appeals and Interferences
- ☐ Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
- ☐ Proprietary Information
- ☐ Status Letter
- ☑ Other Enclosure(s) (please identify below):
  Credit Card form 2038, Communication and attachments A - C

Remarks

The forms are being faxed to 571-273-2885. Please send a confirmatory fax to 877-369-2792.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Wenger Law Offices		
Signature	Patricia A. Wenger		
Printed name	Patricia A. Wenger		
Date	February 8, 2010	Reg. No.	42,218

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature	Patricia A. Wenger		
Typed or printed name	Patricia A. Wenger	Date	February 8, 2010

This collection of information is required by 37 CFR 1.8. 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 and1.14. This collection is estimated to 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.**

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

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.	ISSUE DATE	PATENT NO.	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/853,428	03/16/2010	7678140	BRA01-NP002	6772

44321 7590 02/24/2010
PATRICIA A. WENGER
201 NORTH JACKSON STREET
MEDIA, PA 19063

ISSUE NOTIFICATION

The projected patent number and issue date are specified above.

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)
(application filed on or after May 29, 2000)

The Patent Term Adjustment is 1913 day(s). Any patent to issue from the above-identified application will include an indication of the adjustment on the front page.

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (http://pair.uspto.gov).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Application Assistance Unit (AAU) of the Office of Data Management (ODM) at (571)-272-4200.

APPLICANT(s) (Please see PAIR WEB site http://pair.uspto.gov for additional applicants):

George Brainard, Haddonfield, NJ;
Gena Glickman, San Diego, CA;

PTO/SB/80 (11-06)
Approved for use through 11/30/2011. OMB 0651-0035
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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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: 77845

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: 77845

OR

☐ Firm or Individual Name			
Address			
City		State	Zip
Country			
Telephone		Email	

Assignee Name and Address:
Progressive Lighting And Radiometrics, LLC
813 Mt. Vernon Avenue
Haddonfield, New Jersey 08033

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	George B	Date	12/27/10
Name	George Brainard	Telephone	
Title	Founder, Progressive Lighting And Radiometrics, LLC		

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.

American LegalNet, Inc.
www.FormsWorkflow.com

PTO/SB/96 (07-08)
Approved for use through 07/31/2012. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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)

Applicant/Patent Owner Brainard

Application No./Patent No : 7678140 Filed/Issue Date: 03/16/2010

Entitled: Photoreceptor Systems For Melatonin Regulation And Photoherapy

Progressive Lighting And Radiometrics, LLC, a Limited Liability Company
(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 in;

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

3. ☐ the assignee of an undivided interest in the entirety of (a complete assignment from one of the joint inventors was made)

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 025192, Frame 0389, or for which a copy thereof 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(s).

☐ 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] 12-29-10
Signature Date

Steven A. Moore, Reg. No. 55462 Attorney of Record
Printed or Typed Name 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.

American LegalNet, Inc.
www.LegalNetDocs.com

Electronic Acknowledgement Receipt

EFS ID:	9132064
Application Number:	09853428
International Application Number:	
Confirmation Number:	6772
Title of Invention:	PHOTORECEPTOR SYSTEM FOR MELATONIN REGULATION AND PHOTOTHERAPY
First Named Inventor/Applicant Name:	George Brainard
Customer Number:	44321
Filer:	Steven A. Moore/Jennifer Vail
Filer Authorized By:	Steven A. Moore
Attorney Docket Number:	BRA01-NP002
Receipt Date:	29-DEC-2010
Filing Date:	10-MAY-2001
Time Stamp:	14:07:46
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Power of Attorney	POA.pdf	495858 af068fb8e2b3191867bedf9501ca6c6e2a9af7a1	no	2

Warnings:

Information:

Total Files Size (in bytes):	495858

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/853,428	05/10/2001	George Brainard	BRA01-NP002

CONFIRMATION NO. 6772

POA ACCEPTANCE LETTER

77845
Goodwin Procter LLP
Attn: Patent Administrator
135 Commonwealth Drive
Menlo Park, CA 94025-1105

OC000000045298510

Date Mailed: 01/07/2011

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 12/29/2010.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/sibrahim/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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 NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/853,428	05/10/2001	George Brainard	BRA01-NP002

CONFIRMATION NO. 6772

POWER OF ATTORNEY NOTICE

44321
PATRICIA A. WENGER
P.O. Box 659
West Chester, PA 19381

OC000000045298468

Date Mailed: 01/07/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 12/29/2010.

- The Power of Attorney to you in this application has been revoked by the assignee who has intervened as provided by 37 CFR 3.71. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

/sibrahim/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

To: dnakley@goodwinprocter.com,Patentsv@goodwinprocter.com,
From: PAIR_eOfficeAction@uspto.gov
Cc: PAIR_eOfficeAction@uspto.gov
Subject: Private PAIR Correspondence Notification for Customer Number 77845

Jan 07, 2011 05:41:30 AM

Dear PAIR Customer:

Goodwin Procter LLP
Attn: Patent Administrator
135 Commonwealth Drive
Menlo Park, CA 94025-1105
UNITED STATES

The following USPTO patent application(s) associated with your Customer Number, 77845 , have new outgoing correspondence. This correspondence is now available for viewing in Private PAIR.

The official date of notification of the outgoing correspondence will be indicated on the form PTOL-90 accompanying the correspondence.

Disclaimer:
The list of documents shown below is provided as a courtesy and is not part of the official file wrapper. The content of the images shown in PAIR is the official record.

Application	Document	Mailroom Date	Attorney Docket No.
09853428	N570	01/07/2011	BRA01-NP002
	N570	01/07/2011	BRA01-NP002

To view your correspondence online or update your email addresses, please visit us anytime at https://sportal.uspto.gov/secure/myportal/privatepair.

If you have any questions, please email the Electronic Business Center (EBC) at EBC@uspto.gov with 'e-Office Action' on the subject line or call 1-866-217-9197 during the following hours:

Monday - Friday 6:00 a.m. to 12:00 a.m.

Thank you for prompt attention to this notice,

UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT APPLICATION INFORMATION RETRIEVAL SYSTEM

PTO/SB/47 (03-09)
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"FEE ADDRESS" INDICATION FORM

Address to:
Mail Stop M Correspondence
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

- OR -

Fax to:
571-273-6500

INSTRUCTIONS: The issue fee must have been paid for application(s) listed on this form. In addition, only an address represented by a Customer Number can be established as the fee address for maintenance fee purposes (hereafter, fee address). A fee address should be established when correspondence related to maintenance fees should be mailed to a different address than the correspondence address for the application. **When to check the first box below:** If you have a Customer Number to represent the fee address. **When to check the second box below:** If you have no Customer Number representing the desired fee address, in which case a completed Request for Customer Number (PTO/SB/125) must be attached to this form. For more information on Customer Numbers, see the Manual of Patent Examining Procedure (MPEP) § 403.

For the following listed application(s), please recognize as the "Fee Address" under the provisions of 37 CFR 1.363 the address associated with:

[X] Customer Number: 77845

OR

[ ] The attached Request for Customer Number (PTO/SB/125) form.

PATENT NUMBER (if known)	APPLICATION NUMBER
7,678,140	

Completed by (check one):

[ ] Applicant/Inventor

[X] Attorney or Agent of record 55,462 (Reg. No.)

[ ] Assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

[ ] Assignee recorded at Reel ..... Frame .....

Signature

Steven A. Moore
Typed or printed name

(858) 202-2700
Requester's telephone number

2-10-11
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

[ ] *Total of 1 forms are submitted.

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4).

Dated: 2-10-11 Signature: ..... (Jennifer Vail)

Electronic Acknowledgement Receipt

EFS ID:	9423106
Application Number:	09853428
International Application Number:	
Confirmation Number:	6772
Title of Invention:	PHOTORECEPTOR SYSTEM FOR MELATONIN REGULATION AND PHOTOTHERAPY
First Named Inventor/Applicant Name:	George Brainard
Customer Number:	77845
Filer:	Steven A. Moore/Jennifer Vail
Filer Authorized By:	Steven A. Moore
Attorney Docket Number:	PLR-001US
Receipt Date:	10-FEB-2011
Filing Date:	10-MAY-2001
Time Stamp:	20:16:31
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Change of Address	Fee_Address.pdf	373974 370258ed52fd6e3ef984a3a0d68a0183099c8b05	no	1

Warnings:

Information:

Total Files Size (in bytes):	373974

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.

PTO/AIA/80 (07-12)
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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(c).

I hereby appoint:

[■] Practitioners associated with Customer Number: 27500

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 assignments documents attached to this form in accordance with 37 CFR 3.73(c).

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

[■] The address associated with Customer Number: 27500

OR

[ ] Firm or Individual Name			
Address			
City		State	Zip
Country			
Telephone		Email	

Assignee Name and Address. Progressive Lighting and Radiometrics
813 Mount Vernon Avenue
Haddonfield NJ 08033

A copy of this form, together with a statement under 37 CFR 3.73(c) (Form PTO/AIA/96 or equivalent) is required to be Filed in each application in which this form is used. The statement under 37 CFR 3.73(c) may be completed by one of The practitioners appointed in this form, 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	12/6/13
Name	George Brainard	Telephone	856-354-0499
Title	Authorized Signer, Progressive Lighting and Radiometrics		

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.

PTO/AIA/96 (08-12)
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STATEMENT UNDER 37 CFR 3.73(c)

Applicant/Patent Owner: Progressive Lighting and Radiometrics, LLC

Application No./Patent No.: 7,678,140 Filed/Issue Date: March 16, 2010

Titled: Photoreceptor System for Melatonin Regulation and Phototherapy

Progressive Lighting and Radiometrics, LLC, a Limited Liability Company

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

states that, for the patent application/patent identified above, it is (choose **one** of options 1, 2, 3 or 4 below):

1. ☑ The assignee of the entire right, title, and interest.

2. ☐ An assignee of less than the entire right, title, and interest (check applicable box):

☐ The extent (by percentage) of its ownership interest is _____%. Additional Statement(s) by the owners holding the balance of the interest must be submitted to account for 100% of the ownership interest.

☐ There are unspecified percentages of ownership. The other parties, including inventors, who together own the entire right, title and interest are:

Additional Statement(s) by the owner(s) holding the balance of the interest must be submitted to account for the entire right, title, and interest.

3. ☐ The assignee of an undivided interest in the entirety (a complete assignment from one of the joint inventors was made). The other parties, including inventors, who together own the entire right, title, and interest are:

Additional Statement(s) by the owner(s) holding the balance of the interest must be submitted to account for the entire right, title, and interest.

4. ☐ The recipient, via a court proceeding or the like (*e.g.*, bankruptcy, probate), of an undivided interest in the entirety (a complete transfer of ownership interest was made). The certified document(s) showing the transfer is attached.

The interest identified in option 1, 2 or 3 above (not option 4) is evidenced by either (choose **one** of options A or B below):

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 _____, Frame _____, or for which a copy thereof is attached.

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

1. From: George Brainard To: Thomas Jefferson University

The document was recorded in the United States Patent and Trademark Office at

Reel 011817, Frame 0191, or for which a copy thereof is attached.

2. From: Thomas Jefferson University To: George Brainard

The document was recorded in the United States Patent and Trademark Office at

Reel 018022, Frame 0659, or for which a copy thereof is attached.

This collection of information is required by37 CFR3.73(b). The information is required toobtain or retain a benefit by the public which is to file (and by the USPTO to process) an application Confidentialityis governed by35 U.S C 122and 37 CFR1 11 and1.14 Thiscollection is estimated to take 12 minutes to complete, including gathering, preparing, and submittingthe 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 tothe 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.

PTO/AIA/96 (08-12)
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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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STATEMENT UNDER 37 CFR 3.73(c)

3. From: George Brainard, Gena Glickman To: Progressive Lighting and Radiometrics, LLC

The document was recorded in the United States Patent and Trademark Office at
Reel 025192, Frame 0389, or for which a copy thereof is attached.

4. 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.

5. 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.

6. 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(s).

☑ As required by 37 CFR 3.73(c)(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.

/Richard W. Thill/	December 19, 2013
Signature	Date
Richard W. Thill	53686
Printed or Typed Name	Title or Registration Number

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that yoube given certain informationin connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, pleasebe advised that: (1) the general authority forthe collection of thisinformation is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and(3) the principal purpose forwhich the information isused by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent applicationor patent. If you do not furnish the requested information,the U.S. Patent and Trademark Office may not be able to process and/or examineyour submission,which may result in termination of proceedings or abandonment of the applicationor expiration of the patent.

The informationprovided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the informationin order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an InternationalApplication filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, arecord may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from thissystem of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

Electronic Acknowledgement Receipt

EFS ID:	17710065
Application Number:	09853428
International Application Number:	
Confirmation Number:	6772
Title of Invention:	PHOTORECEPTOR SYSTEM FOR MELATONIN REGULATION AND PHOTOTHERAPY
First Named Inventor/Applicant Name:	George Brainard
Customer Number:	77845
Filer:	Richard Thill/Patricia Munoz
Filer Authorized By:	Richard Thill
Attorney Docket Number:	PLR-001US
Receipt Date:	19-DEC-2013
Filing Date:	10-MAY-2001
Time Stamp:	14:48:34
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Power of Attorney	Progressive_Executed_PoA_0427895.PDF	114648 8f4e7c510ca53e744da999de4f6fc40e17b19c18	no	1

Warnings:

Information:

2	Assignee showing of ownership per 37 CFR 3.73.	0427895_373c_Statement.pdf	123806 bc8166e3580abaaf5857d37e0efb410168743b7d	no	3

Warnings:

Information:

Total Files Size (in bytes):	238454

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New Applications Under 35 U.S.C. 111
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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 NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/853,428	05/10/2001	George Brainard	PLR-001US

CONFIRMATION NO. 6772

POWER OF ATTORNEY NOTICE

77845
Goodwin Procter LLP
Attn: Patent Administrator
135 Commonwealth Drive
Menlo Park, CA 94025-1105

OC000000065889919

Date Mailed: 01/06/2014

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 12/19/2013.

- The Power of Attorney to you in this application has been revoked by the assignee who has intervened as provided by 37 CFR 3.71. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

/rmturner myles/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/853,428	05/10/2001	George Brainard	

CONFIRMATION NO. 6772

POA ACCEPTANCE LETTER

27500
PILLSBURY WINTHROP SHAW PITTMAN LLP (CV)
ATTENTION: DOCKETING DEPARTMENT
P.O BOX 10500
McLean, VA 22102

OC000000065889957

Date Mailed: 01/06/2014

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 12/19/2013.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/rmturner myles/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

To: Docket_IP@pillsburylaw.com,,
From: PAIR_eOfficeAction@uspto.gov
Cc: PAIR_eOfficeAction@uspto.gov
Subject: Private PAIR Correspondence Notification for Customer Number 27500

Jan 06, 2014 05:23:29 AM

Dear PAIR Customer:

PILLSBURY WINTHROP SHAW PITTMAN LLP (CV)
ATTENTION: DOCKETING DEPARTMENT
P.O BOX 10500
McLean, VA 22102
UNITED STATES

The following USPTO patent application(s) associated with your Customer Number, 27500 , have new outgoing correspondence. This correspondence is now available for viewing in Private PAIR.

The official date of notification of the outgoing correspondence will be indicated on the form PTOL-90 accompanying the correspondence.

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Application	Document	Mailroom Date	Attorney Docket No.
09853428	N570	01/06/2014	
	N570	01/06/2014	

To view your correspondence online or update your email addresses, please visit us anytime at https://sportal.uspto.gov/secure/myportal/privatepair.

If you have any questions, please email the Electronic Business Center (EBC) at EBC@uspto.gov with 'e-Office Action' on the subject line or call 1-866-217-9197 during the following hours:

Monday - Friday 6:00 a.m. to 12:00 a.m.

Thank you for prompt attention to this notice,

UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT APPLICATION INFORMATION RETRIEVAL SYSTEM

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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(c).

I hereby appoint:

☑ Practitioners associated with Customer Number: 23971

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 assignments documents attached to this form in accordance with 37 CFR 3.73(c).

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

☑ The address associated with Customer Number: 23971

OR

☐

Firm or Individual Name			
Address			
City		State	Zip
Country			
Telephone		Email	

Assignee Name and Address: Progressive Lighting and Radiometrics, LLC
813 Mount Vernon Avenue
Haddonfield, NJ 08033

A copy of this form, together with a statement under 37 CFR 3.73(c) (Form PTO/AIA/96 or equivalent) is required to be filed in each application in which this form is used. The statement under 37 CFR 3.73(c) may be completed by one of The practitioners appointed in this form, 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	[signature]	Date	2/28/2016
Name	George C. Brainard	Telephone	856-354-0499 215-955-7649
Title	Authorized Signer, Progressive Lighting and Radiometrics		

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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PATENT - POWER OF ATTORNEY OR REVOCATION OF POWER OF ATTORNEY WITH A NEW POWER OF ATTORNEY AND CHANGE OF CORRESPONDENCE ADDRESS

Patent Number	7,678,140
Issue Date	March 16, 2010
First Named Inventor	George C. Brainard
Title	Photoreceptor System for Melatonin Regulation and Phototherapy
Attorney Docket No.	

I hereby revoke all previous powers of attorney given in the above-identified patent.

☑ A Power of Attorney is submitted herewith.

OR

☐ I hereby appoint Practitioner(s) associated with the Customer Number identified in the box at right as my/our attorney(s) or agent(s) with respect to the patent identified above, and to transact all business in the United States Patent and Trademark Office connected therewith:

OR

☐ I hereby appoint Practitioner(s) named below as my/our attorney(s) or agent(s) with respect to the patent identified above, and to transact all business in the United States Patent and Trademark Office connected therewith:

Practitioner(s) Name	Registration Number

Please recognize or change the correspondence address for the above-identified patent to:

☐ The address associated with the above-identified Customer Number.

OR

☑ The address associated with the Customer Number identified in the box at right: 23971

OR

☐ Firm or Individual Name					
Address					
City		State		Zip	
Country					
Telephone		Email			

I am the:

☐ Applicant.

OR

☑ Patent owner.

Statement under 37 CFR 3.73(c) (Form PTO/AIA/96) submitted herewith or filed on December 19,2013

SIGNATURES of Applicant or Patent Owner

Signature		Date	2/28/2018
Name	George C. Brainard	Telephone	858-354-0498
Title and Company	Authorized signer, Progressive Lighting and Radiometrics		425-765-7613

NOTE: Signatures of all the applicants or patent owners of the entire interest or their representative(s) are required. If more than one signature is required, submit multiple forms, check the box below, and identify the total number of forms submitted in the blank below.

☑ A total of _____ forms are submitted.

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

Electronic Acknowledgement Receipt

EFS ID:	25297695
Application Number:	09853428
International Application Number:	
Confirmation Number:	6772
Title of Invention:	PHOTORECEPTOR SYSTEM FOR MELATONIN REGULATION AND PHOTOTHERAPY
First Named Inventor/Applicant Name:	George Brainard
Customer Number:	27500
Filer:	Roseann B. Caldwell/Ismat Rajan
Filer Authorized By:	Roseann B. Caldwell
Attorney Docket Number:	
Receipt Date:	30-MAR-2016
Filing Date:	10-MAY-2001
Time Stamp:	14:01:56
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Power of Attorney	44261-PoA-23971.pdf	280685 6d719cf0ee1f2a7156ac60f4763d4b260cc4-1029	no	1

Warnings:

Information:

2	Change of Address	44261-64-PoA.pdf	251814 fc034eed0c3a3001904704 5d144a23d8067 90a0b	no	1
Warnings:					
Information:					
			Total Files Size (in bytes):	532499	

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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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/853,428	05/10/2001	George Brainard	

CONFIRMATION NO. 6772

POA ACCEPTANCE LETTER

23971
BENNETT JONES LLP
C/O MS ROSEANN CALDWELL
4500 BANKERS HALL EAST
855 - 2ND STREET, SW
CALGARY, AB T2P 4K7
CANADA

OC000000081894453

Date Mailed: 04/04/2016

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/30/2016.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

Questions about the contents of this notice and the requirements it sets forth should be directed to the Office of Data Management, Application Assistance Unit, at **(571) 272-4000** or **(571) 272-4200** or **1-888-786-0101**.

/mmturner myles/

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
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/853,428	05/10/2001	George Brainard	

CONFIRMATION NO. 6772

POWER OF ATTORNEY NOTICE

27500
PILLSBURY WINTHROP SHAW PITTMAN LLP (CV)
ATTENTION: DOCKETING DEPARTMENT
P.O BOX 10500
McLean, VA 22102

OC000000081894390

Date Mailed: 04/04/2016

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/30/2016.

- The Power of Attorney to you in this application has been revoked by the assignee who has intervened as provided by 37 CFR 3.71. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

Questions about the contents of this notice and the requirements it sets forth should be directed to the Office of Data Management, Application Assistance Unit, at **(571) 272-4000** or **(571) 272-4200** or **1-888-786-0101**.

/rmturner myles/

To: docketing-patentscalgary@bennettjones.com,rajani@bennettjones.com,
From: PAIR_eOfficeAction@uspto.gov
Cc: PAIR_eOfficeAction@uspto.gov
Subject: Private PAIR Correspondence Notification for Customer Number 23971

Apr 04, 2016 07:55:14 AM

Dear PAIR Customer:

BENNETT JONES LLP
C/O MS ROSEANN CALDWELL
4500 BANKERS HALL EAST
855 - 2ND STREET, SW
CALGARY, AB T2P 4K7
CANADA

The following USPTO patent application(s) associated with your Customer Number, 23971 , have new outgoing correspondence. This correspondence is now available for viewing in Private PAIR.

The official date of notification of the outgoing correspondence will be indicated on the form PTOL-90 accompanying the correspondence.

Disclaimer:
The list of documents shown below is provided as a courtesy and is not part of the official file wrapper. The content of the images shown in PAIR is the official record.

Application	Document	Mailroom Date	Attorney Docket No.
09853428	N570	04/04/2016	
	N570	04/04/2016	

To view your correspondence online or update your email addresses, please visit us anytime at https://sportal.uspto.gov/secure/myportal/privatepair.

If you have any questions, please email the Electronic Business Center (EBC) at EBC@uspto.gov with 'e-Office Action' on the subject line or call 1-866-217-9197 during the following hours:

Monday - Friday 6:00 a.m. to 12:00 a.m.

Thank you for prompt attention to this notice,

UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT APPLICATION INFORMATION RETRIEVAL SYSTEM

PTO/AIA/82A (07-13)
Approved for use through 03/31/2021. OMB 0651-0035
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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.

TRANSMITTAL FOR POWER OF ATTORNEY TO ONE OR MORE REGISTERED PRACTITIONERS

NOTE: This form is to be submitted with the Power of Attorney by Applicant form (PTO/AIA/82B) to identify the application to which the Power of Attorney is directed, in accordance with 37 CFR 1.5, unless the application number and filing date are identified in the Power of Attorney by Applicant form. If neither form PTO/AIA/82A nor form PTO/AIA82B identifies the application to which the Power of Attorney is directed, the Power of Attorney will not be recognized in the application.

Application Number	09/853,428
Filing Date	05-10-2001
First Named Inventor	George Brainard, et al.
Title	PHOTORECEPTOR SYSTEM FOR MELATONIN REGULATION AND PHOTOTHERAPY
Art Unit	3739
Examiner Name	GIBSON, ROY DEAN
Attorney Docket Number	030293.00103

SIGNATURE of Applicant or Patent Practitioner

Signature	/Craig A. Gelfound/	Date (Optional)	
Name	Craig A. Gelfound	Registration Number	41.032
Title (if Applicant is a juristic entity)			
Applicant Name (if Applicant is a juristic entity)			

NOTE: This form must be signed in accordance with 37 CFR 1.33. See 37 CFR 1.4(d) for signature requirements and certifications. If more than one applicant, use multiple forms.

☑ *Total of 3 forms are submitted.

This collection of information is required by 37 CFR 1.131, 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.

Doc Code: PA..
Document Description: Power of Attorney

PTO/AIA/82B (07-13)
Approved for use through 11/30/2014. OMB 0651-0031
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE
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 BY APPLICANT

I hereby revoke all previous powers of attorney given in the application identified in either the attached transmittal letter or the boxes below.

Application Number	Filing Date

(Note: The boxes above may be left blank if information is provided on form PTO/AIA/82A.)

☑ I hereby appoint the Patent Practitioner(s) associated with the following Customer Number as my/our attorney(s) or agent(s), and to transact all business in the United States Patent and Trademark Office connected therewith for the application referenced in the attached transmittal letter (form PTO/AIA/82A) or identified above: 68543

OR

☐ I hereby appoint Practitioner(s) named in the attached list (form PTO/AIA/82C) as my/our attorney(s) or agent(s), and to transact all business in the United States Patent and Trademark Office connected therewith for the patent application referenced in the attached transmittal letter (form PTO/AIA/82A) or identified above. (Note: Complete form PTO/AIA/82C.)

Please recognize or change the correspondence address for the application identified in the attached transmittal letter or the boxes above to:

☑ The address associated with the above-mentioned Customer Number

OR

☐ The address associated with Customer Number:

OR

Firm or Individual Name					
Address					
City		State		Zip	
Country					
Telephone		Email			

I am the Applicant (if the Applicant is a juristic entity, list the Applicant name in the box):

PROGRESSIVE LIGHTING AND RADIOMETRICS, LLC

☐ Inventor or Joint Inventor (title not required below)

☐ Legal Representative of a Deceased or Legally Incapacitated Inventor (title not required below)

☑ Assignee or Person to Whom the Inventor is Under an Obligation to Assign (provide signer's title if applicant is a juristic entity)

☐ Person Who Otherwise Shows Sufficient Proprietary Interest (e.g., a petition under 37 CFR 1.46(b)(2) was granted in the application or is concurrently being filed with this document) (provide signer's title if applicant is a juristic entity)

SIGNATURE of Applicant for Patent

The undersigned (whose title is supplied below) is authorized to act on behalf of the applicant (e.g., where the applicant is a juristic entity).

Signature		Date (Optional)	2/12/12
Name	George Brainard		
Title	Co-Owner, PROGRESSIVE LIGHTING AND RADIOMETRICS, LLC		

NOTE: Signature - This form must be signed by the applicant in accordance with 37 CFR 1.33. See 37 CFR 1.4 for signature requirements and certifications. If more than one applicant, use multiple forms.

☐ Total of forms are submitted.

This collection of information is required by 37 CFR 1.131, 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.

Electronic Acknowledgement Receipt

EFS ID:	38011138
Application Number:	09853428
International Application Number:	
Confirmation Number:	6772
Title of Invention:	PHOTORECEPTOR SYSTEM FOR MELATONIN REGULATION AND PHOTOTHERAPY
First Named Inventor/Applicant Name:	George Brainard
Customer Number:	23971
Filer:	Craig A. Gelfound/Reynaldo Gallardo
Filer Authorized By:	Craig A. Gelfound
Attorney Docket Number:	
Receipt Date:	12-DEC-2019
Filing Date:	10-MAY-2001
Time Stamp:	13:49:52
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		030293_00103_POA_Statement_Under_37_CFR373.pdf	499167 5ce626405e013c7ce9f087f88cea503264d51dcd	yes	4

	Multipart Description/PDF files in .zip description		
	Document Description	**Start**	**End**
	Assignee showing of ownership per 37 CFR 3.73	3	4
	Power of Attorney	1	2

Warnings:

Information:

Total Files Size (in bytes):	499167

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.

PTO/AIA/96 (08-12)
Approved for use through 01/31/2013. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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(c)

Applicant/Patent Owner: George Brainard

Application No./Patent No.: 09/853,428 Filed/Issue Date: 05-10-2001

Titled: PHOTORECEPTOR SYSTEM FOR MELATONIN REGULATION AND PHOTOTHERAPY

LITEBOOK COMPANY LTD., a Corporation

(Name of Assignee) (Type of Assignee, e g , corporation, partnership, university, government agency, etc)

states that, for the patent application/patent identified above, it is (choose **one** of options 1, 2, 3 or **4** below):

1. ☑ The assignee of the entire right, title, and interest.

2. ☐ An assignee of less than the entire right, title, and interest (check applicable box):

☐ The extent (by percentage) of its ownership interest is _____%. Additional Statement(s) by the owners holding the balance of the interest must be submitted to account for 100% of the ownership interest.

☐ There are unspecified percentages of ownership. The other parties, including inventors, who together own the entire right, title and interest are:

Additional Statement(s) by the owner(s) holding the balance of the interest must be submitted to account for the entire right, title, and interest.

3. ☐ The assignee of an undivided interest in the entirety (a complete assignment from one of the joint inventors was made). The other parties, including inventors, who together own the entire right, title. and interest are:

Additional Statement(s) by the owner(s) holding the balance of the interest must be submitted to account for the entire right, title, and interest.

4. ☐ The recipient, via a court proceeding or the like (*e.g.*, bankruptcy, probate), of an undivided interest in the entirety (a complete transfer of ownership interest was made). The certified document(s) showing the transfer is attached.

The interest identified in option 1, 2 or 3 above (not option **4**) is evidenced by either (choose **one** of options A or B below):

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 _____, Frame _____, or for which a copy thereof is attached.

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

1. From: BRAINARD, GEORGE To: THOMAS JEFFERSON UNIVERSITY

The document was recorded in the United States Patent and Trademark Office at Reel 011817, Frame 0191, or for which a copy thereof is attached.

2. From: THOMAS JEFFERSON UNIVERSITY To: GEORGE BRAINARD

The document was recorded in the United States Patent and Trademark Office at Reel 018022, Frame 0659, or for which a copy thereof is attached.

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.

PTO/AIA/96 (08-12)
Approved for use through 01/31/2013. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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(c)

3. From: GEORGE BRAINARD To: PROGRESSIVE LIGHTING AND RADIOMETRICS, LLC

The document was recorded in the United States Patent and Trademark Office at
Reel 025192, Frame 0389, or for which a copy thereof is attached.

4. 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.

5. 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.

6. 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(s).

☑ As required by 37 CFR 3.73(c)(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.

/Craig A. Gelfound/	December 12, 2019
Signature	Date
Craig A. Gelfound	41,032
Printed or Typed Name	Title or Registration Number

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 NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/853,428	05/10/2001	George Brainard	030293.00103

CONFIRMATION NO. 6772

POA ACCEPTANCE LETTER

68543
Arent Fox LLP - Los Angeles
555 West Fifth Street
48th Floor
Los Angeles, CA 90013

OC000000113988290

Date Mailed: 01/16/2020

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 12/12/2019.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

Questions about the contents of this notice and the requirements it sets forth should be directed to the Office of Data Management, Application Assistance Unit, at **(571) 272-4000** or **(571) 272-4200** or **1-888-786-0101**.

/deelliott/

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 NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/853,428	05/10/2001	George Brainard	

CONFIRMATION NO. 6772

POWER OF ATTORNEY NOTICE

23971
BENNETT JONES LLP
C/O MS ROSEANN CALDWELL
4500 BANKERS HALL EAST
855 - 2ND STREET, SW
CALGARY, AB T2P 4K7
CANADA

OC000000113988204

Date Mailed: 01/16/2020

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

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Questions about the contents of this notice and the requirements it sets forth should be directed to the Office of Data Management, Application Assistance Unit, at **(571) 272-4000** or **(571) 272-4200** or **1-888-786-0101**.

/deelliott/

To: patentdocket@arentfox.com,,
From: PAIR_eOfficeAction@uspto.gov
Cc: PAIR_eOfficeAction@uspto.gov
Subject: Private PAIR Correspondence Notification for Customer Number 68543

Jan 16, 2020 03:31:20 AM

Dear PAIR Customer:

Arent Fox LLP - Los Angeles
555 West Fifth Street
48th Floor
Los Angeles, CA 90013
UNITED STATES

The following USPTO patent application(s) associated with your Customer Number, 68543 , have new outgoing correspondence. This correspondence is now available for viewing in Private PAIR.

The official date of notification of the outgoing correspondence will be indicated on the form PTOL-90 accompanying the correspondence.

Disclaimer:
The list of documents shown below is provided as a courtesy and is not part of the official file wrapper. The content of the images shown in PAIR is the official record.

Application	Document	Mailroom Date	Attorney Docket No.
09853428	N570	01/16/2020	030293.00103
	N570	01/16/2020	030293.00103

To view your correspondence online or update your email addresses, please visit us anytime at https://sportal.uspto.gov/secure/myportal/privatepair.

If you have any questions, please email the Electronic Business Center (EBC) at EBC@uspto.gov with 'e-Office Action' on the subject line or call 1-866-217-9197 during the following hours:

Monday - Friday 6:00 a.m. to 12:00 a.m.

Thank you for prompt attention to this notice,

UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT APPLICATION INFORMATION RETRIEVAL SYSTEM

AO 120 (Rev. 08/10)

TO: Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	**REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK**

In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court United States District Court for the Central District of CA on the following

☐ Trademarks or ☑ Patents. (☐ the patent action involves 35 U.S.C. § 292.):

DOCKET NO.	DATE FILED	U.S. DISTRICT COURT
8:21-cv-1011	6/8/2021	United States District Court for the Central District of CA

PLAINTIFF	DEFENDANT
The Litebook Company Ltd.	TCL Corporation (n/k/a TCL Technology Group Corporation, TCL Communication Technology Holdings Ltd., See Attachment

PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 7,678,140	3/16/2010	The Litebook Company Ltd.
2		
3		
4		
5		

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY ☐ Amendment ☐ Answer ☐ Cross Bill ☐ Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1		
2		
3		
4		
5		

In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK	(BY) DEPUTY CLERK	DATE

Copy 1—Upon initiation of action, mail this copy to Director Copy 3—Upon termination of action, mail this copy to Director
Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy

ATTACHMENT TO CERTIFICATE OF INTERESTED PARTIES

DEFENDANTS:

HUIZHOU TCL MOBILE COMMUNICATION CO. LTD.

TCL ELECTRONICS HOLDINGS LIMITED

TCT MOBILE (US) INC.

TCT MOBILE INTERNATIONAL LIMITED

TCT MOBILE WORLDWIDE LIMITED

AO 120 (Rev. 08/10)

TO: Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	**REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK**

In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court Western District of Texas - Waco Division on the following

☐ Trademarks or ☑ Patents. (☐ the patent action involves 35 U.S.C. § 292.):

DOCKET NO.	DATE FILED	U.S. DISTRICT COURT
6:22-cv-00371	4/13/2022	Western District of Texas - Waco Division

PLAINTIFF	DEFENDANT
THE LITEBOOK COMPANY LTD.	ONEPLUS TECHNOLOGY (SHENZHEN) CO., LTD.

PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 7,678,140	3/16/2010	THE LITEBOOK COMPANY LTD.
2		
3		
4		
5		

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY ☐ Amendment ☐ Answer ☐ Cross Bill ☐ Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1		
2		
3		
4		
5		

In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK	(BY) DEPUTY CLERK	DATE

Copy 1—Upon initiation of action, mail this copy to Director Copy 3—Upon termination of action, mail this copy to Director
Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy