

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Marc Krüger

Group Art Unit: 1792

Serial No.: 16/538,752

Examiner: Smith, Chaim A.

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For: PORTION CAPSULE HAVING AN IDENTIFIER

Attorney Docket No.: 1859.029USD3 (KRU0022-WO-US-T5)

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE AND AMENDMENT

In response to the Office Action mailed April 28, 2020, please amend the above-identified application as follows and consider the following remarks.

Amendments to the Claims

1) – 8) (Cancelled)

9) (Currently Amended) A method of ~~using a system for making a coffee beverage, the method comprising:~~

providing an apparatus including a barcode reader, ~~the apparatus being adapted to supply heated water;~~

~~loading/inserting~~ a first portion capsule into the apparatus, the first portion capsule including a first foil lid sealed to a base element having a cavity within which a powdered coffee material is located, the cavity ~~being free of a filter and~~ including a central portion, and a plurality of ribs that are ~~(i)~~ radially spaced, ~~(ii)~~ vertically oriented, and ~~(iii)~~ configured to extend toward the central portion of the cavity, the base element including a circumferential flange having a top side ~~to which the first foil lid is sealed and an opposing~~ bottom side with a first barcode located on the bottom side, ~~the base element of the first portion capsule includes an outside surface having a plurality of vertically oriented grooves;~~

reading the first barcode with the barcode reader;

controlling a production process of a first coffee beverage based upon the reading of the first barcode;

piercing the first foil lid with a mandrel of the apparatus in a region that is offset from a central axis of the first portion capsule;

sealing the ~~top side of the flange and/or the first foil lid~~ against a seal of the apparatus;

introducing ~~the~~ heated water into the first portion capsule through a water inlet of the apparatus that is arranged along the central axis of the portion capsule to form the first coffee beverage;

unloading the first portion capsule from the apparatus;

~~loading~~ inserting a second portion capsule into the apparatus, the second portion capsule including a second foil lid sealed to a base element having a cavity within which a powdered coffee material is located, the cavity of the second portion capsule being free of a filter and includes ~~including~~ a central portion, and a plurality of ribs that are (i)-radially spaced, (ii)-vertically oriented, and (iii)-configured to extend toward the central portion of the cavity, the base element of the second portion capsule including a circumferential flange having a top side to which the second foil lid is sealed and an opposing bottom side with a second barcode located on the bottom side and being different from the first barcode, the base element of the second portion capsule includes an outside surface having a plurality of vertically oriented grooves;

reading the second barcode with the barcode reader;

controlling a second production process of a second coffee beverage based upon the reading of the second barcode, the second production process being different than the first production process;

piercing the second foil lid with the mandrel of the apparatus in a region that is offset from a central axis of the second portion capsule;

sealing the top side of the flange and/or the second foil lid of the second portion capsule against the seal of the apparatus; and

introducing the heated water into the second portion capsule to form the second coffee beverage.

10) (Cancelled)

11) (Cancelled)

12) (Currently Amended) The method according to ~~claim 11~~ claim 9, wherein one or both of the introducing steps include: inducing turbulent flow of the heated water by the ribs.

13) (Previously Presented) The method according to claim 9, wherein the method comprises: comparing the read barcode with a stored reference.

14) (Previously Presented) The method according to claim 13, wherein the method comprises: activating the apparatus if the read barcode matches with the stored reference.

15) (Previously Presented) The method according to claim 14, wherein the method comprises: activating a water-providing-pressure pump of the apparatus if the read barcode matches with the stored reference.

16) (Previously Presented) The method according to claim 15, wherein the barcode reader is placed in a media chute of the apparatus.

17) (Previously Presented) The method according to claim 13, wherein the method comprises activating a water-providing-pressure pump of the apparatus if the read barcode matches with the stored reference.

18) (Previously Presented) The method according to claim 17, wherein the barcode reader is placed in a media chute of the apparatus.

19) (Cancelled)

20) (Cancelled)

21) (Cancelled)

22) (Cancelled)

23) (Cancelled)

24) (Cancelled)

25) (Cancelled)

26) (Currently Amended) A method of ~~using a system for~~ making a coffee beverage, comprising steps of:

providing an apparatus including a barcode reader configured to read a barcode, ~~and being adapted to supply heated water under pressure~~, the apparatus including a mandrel, a water inlet, and a seal;

~~loading~~ inserting a first portion capsule into the apparatus, the first portion capsule being free of a filter and including a first lid that is sealed to a base element having a cavity within which a powdered coffee material is located, the base element has been shaped to define ~~(+)~~ a wall ~~(*)~~ that defines the cavity with a central interior portion, and ~~(*)~~ having a plurality of ribs

that are (i)-radially spaced, (ii)-vertically oriented, and (iii)-configured to extend toward the central interior portion and (2), an outside surface of the wall having a plurality of vertically oriented grooves, the base element having a circumferential flange having a top side to which the first lid is sealed and an opposing bottom side with a first barcode located on the bottom side;

piercing the first ~~seal~~-lid with the mandrel in a region that is offset from a central axis of the first portion capsule;

sealing the top side of the flange of the first portion capsule and/or the first lid against the seal of the apparatus;

reading the first barcode with the barcode reader;

controlling production of a first coffee beverage based upon the reading of the first barcode;

introducing ~~the~~-heated water into the first portion capsule via the water inlet that is arranged along the central axis of the first portion capsule according to production conditions associated with the first barcode to form the first coffee beverage;

unloading the first portion capsule from the apparatus;

~~loading-inserting~~ a second portion capsule into the apparatus, the second portion capsule being free of a filter and including a second lid sealed to a base element having a cavity within which a powdered coffee material is located, the base element has been shaped to define (i)-a wall (ii)-that defines a cavity with a central interior portion, and (iii)-having a plurality of ribs that are (i)-radially spaced, (ii)-vertically oriented, and (iii)-configured to extend toward the cavity central interior portion, and (2), an outside surface of the wall having a plurality of vertically oriented grooves, the base element has a circumferential flange having a top side to which the second lid is sealed and an opposing bottom side with a second barcode that is located on the bottom side and being different from the first barcode;

piercing the second ~~foil~~-lid with the mandrel in a region that is offset from a central axis of the second portion capsule;

sealing the top side of the flange of the second portion capsule and/or the second lid against the seal of the apparatus;

reading the second barcode with the barcode reader;

controlling production of a second coffee beverage based upon the reading of the second barcode;

introducing the heated water into the second portion capsule via the water inlet that is arranged along the central axis of the second portion capsule according to production conditions associated with the second barcode to form the second coffee beverage.

27) (Previously Presented) The method according to claim 26, wherein the production conditions associated with the first barcode are different from the production conditions associated with the second barcode, the production conditions include: pressure, temperature and/or an amount of the heated water.

28) (Previously Presented) The method according to claim 26, wherein the mandrel has a chamfered distal tip.

29) (Previously Presented) The method according to claim 9, wherein one or both of the introducing steps include: inducing laminar flow of the heated water by the ribs.

30) (New) The method according to claim 9, wherein the base element of the first portion capsule is made of metal.

31) (New) The method according to claim 30, wherein the base element of the second portion capsule is made of metal.

32) (New) The method according to claim 9, wherein the first foil lid and/or the second foil lid is made of metal.

Amendments to the Drawings

Replacement Drawings are submitted. No new matter has been added. Applicant requests entry of the Replacement Drawings.

REMARKS

In the Office Action mailed April 28, 2020, the Examiner rejected claims 26-29.

Claim Amendments

By way of the foregoing amendments and the markings to show changes Applicant has amended the claims. No new matter has been added.

The foregoing amendments are taken in the interest of expediting prosecution and there is no intention of surrendering any range of equivalents to which Applicant would otherwise be entitled in view of the prior art.

Further, by the present amendment, it does not follow that the amended claims have become so perfect in their description that no one could devise an equivalent. After amendment, as before, limitations in the ability to describe the present invention in language in the patent claims naturally prevent the Applicant from capturing every nuance of the invention or describing with complete precision the range of its novelty or every possible equivalent. Accordingly, the foregoing amendments are made specifically in the interest of expediting prosecution and there is no intention of surrendering any range of equivalents to which Applicant would otherwise be entitled.

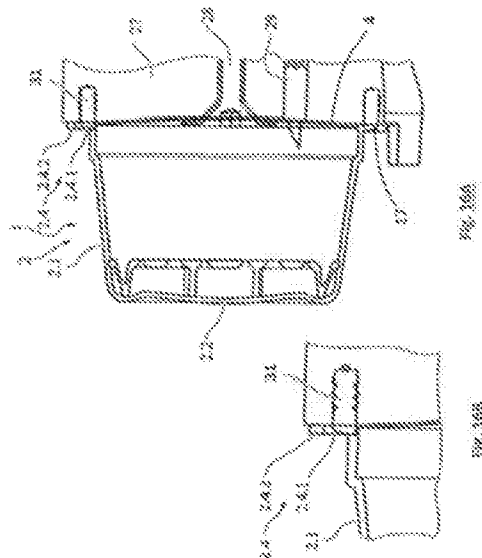
Priority

It is alleged on pages 2-3 of the Office Action that the priority applications fail to provide adequate support or enablement for one or more of the claims. This allegation is respectfully traversed. Applicant submits all claims and amendments are expressly, implicitly, or inherently supported in the originally filed disclosure.

It is alleged on page 3 of the Office Action that there is no disclosure of a method of using a “system” for making a coffee beverage. Applicant respectfully disagrees and submits one having ordinary skill in the art can appreciate that, in addition to disclosing a portion capsule, Applicant’s disclosure also refers to a coffee or beverage apparatus for use with a portion capsule, which coact as a “system” to make a beverage. However, in the interest of expediting prosecution, Applicant has amended the preambles of claims 9 and 26 to remove the term “system.”

It is alleged on page 3 of the Office Action that there is no disclosure of loading portion capsules into the apparatus. Applicant respectfully disagrees and kindly directs the Examiner’s attention to at least the following passage from Applicant’s priority application DE 10 2010 031 988.0 dated July 22, 2010: Page 10, Ins. 6-7 “The identifier is read, for example during the insertion of the capsule.” In the interest of expediting prosecution, the term “loading” in claims 9 and 26 is now replaced with “inserting”, to be consistent with the text of the disclosure. Accordingly, Applicant submits the priority applications describe the claimed invention in sufficient detail and with reasonable clarity that one skilled in the art can reasonably conclude that Applicant had possession of the claimed invention.

It is alleged on page 3 of the Office Action that there is no disclosure of sealing the top side of the flange and/or the foil lid against a seal of the apparatus. Applicant respectfully disagrees and kindly directs the Examiner’s attention to at least the following passage from Applicant’s priority application DE 10 2010 044 251.8: Page 12, Ins. 27-31: “a sealing surface 2.4.1 is provided in the peripheral region 2.4 . . . and interacts with sealing action with a seal 21, which is arranged on the brewing chamber 27”; Page 5, Ins. 24-25: “the periphery can be used as a stop and/or sealing surface”; and Claim 17: “a sealing surface (2.4.1) is provided on the periphery (2.4).” Moreover, referring to Figs. 16A and 16B reproduced below, the top side of the flange 17 or periphery/edge region 2.4 and/or the foil lid 4 is sealed against a seal 31 of the apparatus.



Accordingly, Applicant submits the priority applications describe the claimed invention in sufficient detail and with reasonable clarity that one skilled in the art can reasonably conclude that Applicant had possession of the claimed invention.

It is alleged on page 3 of the Office Action that there is no disclosure of loading a second portion capsule, reading a second barcode, and controlling a second production process based thereon. Applicant respectfully disagrees and kindly directs the Examiner's attention to at least the passage recited at Page 4, Ins. 10-15 in Applicant's priority application DE 10 2010 031 988.0 dated July 22, 2010: "Furthermore, the identifier makes it possible for the coffee machine to detect which kind of capsule is located in its brewing chamber and to set the beverage-making or food-making process, i.e., for example the quantity of water, the pressure thereof and/or the temperature thereof, correspondingly." (*emphasis added*) Applicant submits the phrase "which kind of capsule" in the aforementioned passage contemplates to one having ordinary skill in the art inserting different capsules into the apparatus (i.e., the claimed first and second portion capsules) and the term "correspondingly" contemplates to one having ordinary skill in the art controlling or adjusting the brewing characteristics (water quantity, pressure and/or temperature) depending on

the kind of portion capsule inserted into the apparatus (i.e., depending on the read identifier on the portion capsule). The later method steps disclosed and claimed by Applicant regarding sealing the top side of the flange and/or the foil lid against a seal of the apparatus; piercing the second foil lid with the mandrel; and making the second beverage would then reasonably and correspondingly follow to make a second coffee beverage after the second portion capsule is inserted into the apparatus. Accordingly, Applicant submits one having skill in the art will readily conclude from at least the aforementioned passage an understanding that at the time of application filing, Applicant had in its possession the claimed subject matter.

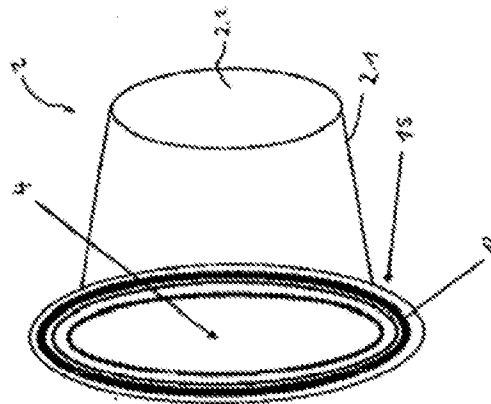
It is alleged on page 3 of the Office Action that there is no disclosure of piercing the foil lid with a mandrel of the apparatus. Applicant respectfully disagrees and kindly directs the Examiner's attention to at least Fig. 16A, B and its corresponding description which describes a piercing spike 29 that forms an opening in the lid 4.

Accordingly, in view of at least the aforementioned remarks, Applicant submits this application is a proper divisional application and not a CIP as alleged on page 3 of the Office Action. Applicant respectfully requests the Examiner acknowledge Applicant's priority claim.

Drawings

It is alleged on page 4 of the Office Action that certain claimed features are not shown in the drawings. This allegation is respectfully traversed. Referring to Figure 16A reproduced above and its corresponding description, a water inlet adapted to supply water is shown at reference numeral 28, which is arranged along a central axis of the portion capsule. Figure 16A also shows that the edge region or flange has a sealing surface 2.4.1, which sealingly interacts with the seal 31 attached to the brewing chamber 27.

It is alleged on page 4 of the Office Action that Applicant does not have support for a barcode being on a bottom side of a circumferential flange. Applicant respectfully disagrees. Referring to page 7 of Applicant's priority application DE 10 2010 031 988.0 dated July 22, 2010 and Fig. 2 from that priority application, reproduced below, Applicant discloses at Ins. 27-29 "as symbolized by the arrow 15, for the barcode to be provided on that side of the peripheral region of the basic element which is directed away from the membrane." The membrane is identified at reference numeral 4 and is attached to the top side of the flange/edge region. Applicant submits one having ordinary skill in the art can understand from the aforementioned description and the below Figure that the arrow 15 points to the barcode being on the bottom side of the peripheral region or flange. Accordingly, Applicant submits the DE 10 2010 031 988.0 priority application dated July 22, 2010 describes the claimed subject matter in sufficient detail and with reasonable clarity that one skilled in the art can reasonably conclude that Applicant had possession of the claimed subject matter.



Applicant includes herewith Replacement Sheets and a Substitute Specification that address the other drawing objections alleged on pages 4-6 of the Office Action.

Specification

The Specification is objected to for allegedly failing to provide antecedent basis for certain claimed features recited on pages 6-7 of the Office Action. These allegations are respectfully traversed.

It is alleged on page 4 of the Office Action that there is no antecedent basis in the specification for loading a portion capsule into the apparatus and reading the barcode with a barcode reader. Applicant respectfully disagrees and kindly directs the Examiner's attention to at least at paragraph [00058] "This portion capsule can be inserted into a brewing chamber 12, with a liquid, in particular water, flowing through it" and "After the identifier has been read out the identifier is compared to a stored reference." Paragraph [00060] further provides antecedent basis for reading the barcode by a detector 13.

It is alleged on page 4 of the Office Action that there is no antecedent basis in the specification for sealing the top side of the flange and/or the foil lid against a seal of the apparatus. Applicant respectfully disagrees and kindly directs the Examiner's attention to at least at paragraph [00074] and Figures 16A,B where it is disclosed that the edge region of the portion capsule has a sealing surface 2.4.1, which sealingly interacts with the seal 31 attached to the brewing chamber 27.

It is alleged on page 4 of the Office Action that there is no antecedent basis in the specification for forming a first coffee beverage. Applicant respectfully disagrees and kindly directs the Examiner's attention to at least at paragraph [00079] "Preferably an extraction liquid, which is particularly water or hot water, is brought under high pressure into the brewing chamber of the device for producing a beverage. The extraction liquid interacts with the raw material of the beverage in such a way that an extract of a beverage or a beverage is generated."

It is alleged on page 4 of the Office Action that there is no antecedent basis in the specification for unloading a first or second portion capsule from the apparatus. Applicant respectfully disagrees and kindly directs the Examiner's attention to at least at paragraph [00022] "As a result, ejecting or removing the portion capsule from the brewing chamber is made easier." Applicant also submits it is within the knowledge of one having ordinary skill that a portion capsule is unloaded from a coffee machine before a second portion capsule is loaded, which the Office Action appears to agree with (See Office Action page 13, "the first portion capsule would have to be unloaded from the apparatus or the apparatus could not be used to make other coffee beverages."

Regarding the method steps associated with the second portion capsule / second coffee beverage, Applicant directs the Examiner's attention to at least the passage recited at Page 4, Ins. 10-15 in the priority application DE 10 2010 031 988.0 dated July 22, 2010: "Furthermore, the identifier makes it possible for the coffee machine to detect which kind of capsule is located in its brewing chamber and to set the beverage-making or food-making process, i.e., for example the quantity of water, the pressure thereof and/or the temperature thereof, correspondingly" and the description at paragraph [00015] of this specification. The phrase "which kind of capsule" in the aforementioned passage contemplates to one having ordinary skill in the art inserting different capsules into the apparatus (i.e., the claimed first portion capsule and then the claimed second portion capsule) and the term "correspondingly" contemplates to one having ordinary skill controlling or adjusting the brewing characteristics (water quantity, pressure and/or temperature) depending on the kind of portion capsule inserted into the apparatus (i.e., depending on the detected identifier). The later method steps regarding sealing the top side of the flange and/or the foil lid of the second portion capsule against a seal of the apparatus; piercing the second foil lid with the mandrel; and making the second beverage would then reasonably and correspondingly follow after the second portion capsule is inserted into the apparatus.

Claim Objections

Claims 9 and 26 are objected to for the reasons alleged on page 7 of the office action. Without conceding the validity of these objections, Applicant submits these objections are moot in view of the currently amended claims.

Claim Rejections 35 USC 112

1. Claims 9-18 and 26-29 are rejected under 35 USC 112(a) or 35 USC 112 (pre-AIA), first paragraph, as allegedly failing to comply with the written description requirement. These rejections are respectfully traversed.

It is alleged on page 8 of the Office Action that no method steps for making a coffee beverage are positively recited in the specification. Applicant respectfully disagrees with this allegation and submits Applicant's disclosure supports method steps for making a coffee beverage. For example, originally-filed claim 9, which is part of the disclosure (See MPEP 2163), recites a method step of "Use of a single-serve capsule according to claim 1 for making a hot beverage." Applicant's specification further includes numerous method steps associated with making the coffee beverage including at least the following: "This portion capsule can be inserted into a brewing chamber 12, with a liquid, in particular water, flowing through it" (See [00058]); "the portion capsule has an identifier that allows to individualize the respective portion capsule" (See [00058]); "a barcode is read out by a detector 13" (See [0060]); "a sensor/detection system handles the identifier and compares it with a stored reference substantially" (See [0007]); "the respective portion capsule can be assigned to a group of capsules that are suitable for the coffee machine" (See [0007]); "the coffee machine, in particular the water-providing- pressure pump, will be activated if the detected identifier matches with the reference. Otherwise the coffee machine will

not start operating” (See [0007]); “the production process of beverage or food may be controlled, for example by adjusting the temperature, the pressure and/or the amount of water” (See [0015] and [0025]); “the raw material is extracted or dissolved and therefore the beverage is produced” (See [00058]); “it is possible to use the surface of the edge for stopping and/or sealing” (See [0017]); “the edge region has a sealing surface 2.4.1, which sealingly interacts with the seal 31 attached to the brewing chamber 27” (See [00074]); “the water coming from a water inlet 28 flows through the portion capsule” (See [00074]); “the stream of the extraction liquid, which flows along the base element in the cavity, can be optimized by choosing a grooves’ structure that is able, for example, to generate on the one hand a better or stronger turbulence in the extraction liquid” (See [00022]); “eject the portion capsule from the brewing chamber automatically” (See [00080]). Accordingly, Applicant submits at least the aforementioned recited method steps render the alleged 35 USC 112(a) or 35 USC 112 (pre-AIA), first paragraph rejection improper and Applicant respectfully requests the rejection be withdrawn.

It is alleged on page 8 of the Office Action that there is no disclosure of “sealing the (entire) top side of a flange and/or a first foil lid or a second foil lid against the seal of the apparatus.” This allegation is respectfully traversed. Applicant’s claim requires “sealing the top side of the flange and/or the first foil lid against a seal of the apparatus.” This limitation is supported throughout Applicant’s disclosure, including, at the very least paragraph [00074], which recites in relevant part, “the edge region has a sealing surface 2.4.1, which sealingly interacts with the seal 31 attached to the brewing chamber 27.” Referring to Figs. 16A and 16B reproduced above, the top side of the flange 17 and/or the foil lid 4 is sealed against a seal 31 of the apparatus.

It is alleged on page 8 of the Office Action that there is no disclosure of piercing a second foil lid with a mandrel that is offset from a central axis of the portion capsule. This allegation is respectfully traversed. Applicant discloses at least at paragraph [00075] that an opening in the

foil 4 is made with a mandrel 29. Referring to Fig. 16A reproduced above, the mandrel 29 is offset from a central axis of the portion capsule. Applicant also kindly directs the Examiner's attention to the remarks included above as to where Applicant's disclosure supports the second portion capsule.

It is alleged on page 8 of the Office Action that there is no disclosure of unloading a first portion capsule from the apparatus. This allegation is respectfully traversed. Applicant discloses at least at paragraph [00080] that the portion capsule can be ejected from the brewing chamber.

It is alleged on page 8 of the Office Action that claim 9 fails to unload the first portion capsule from the apparatus. The Office Action goes on to allege on page 9 of the office action that "unless the first portion capsule is unloaded from the apparatus, a second capsule would not be able to be inserted into the apparatus to make a second beverage." Without conceding the validity of this allegation, Claim 9 is amended in the interest of expediting prosecution to include a step of unloading the first portion capsule from the apparatus.

2. Claims 9-18 and 26-29 are rejected under 35 USC 112(b) or 35 USC 112 (pre-AIA), second paragraph, as allegedly being indefinite. These rejections are respectfully traversed. Without conceding the validity of this rejection, and in the interest of expediting prosecution, Applicant has amended the claims in a manner that is believed to overcome and render this rejection moot.

3. Claims 11 and 12 are rejected under 35 USC 112(d) or pre-AIA 35 USC 112, 4th paragraph, as allegedly being of improper dependent form. This rejection is respectfully traversed. Without conceding the validity of this rejection, and in the interest of expediting prosecution, Applicant has amended the claims in a manner that is believed to overcome and render this rejection moot.

Claim Rejections - 35 USC 103

When determining if a claim is obvious, the Patent Office (hereafter “Office”) must make “a searching comparison of the claimed invention – including all its limitations – with the teaching of the prior art.” *In re Ochiai*, 71 F.3d 1565, 1572 (Fed. Cir. 1995) (emphasis added). If just one claim limitation is not accounted for, then the Office will be unable to maintain its obviousness rejection, or the Office has failed to present a prima facie case of obviousness. To support an obviousness rejection “[a]ll words in a claim must be considered in judging the patentability of that claim against the prior art.” *In re Wilson*, 424 F.2d 1382, 1385 (CCPA 1970).

1. Claims 9-18 and 26-29 are rejected under 35 USC 103(a) as allegedly being unpatentable over “Kruger” (US 2013/0129872). This rejection is respectfully traversed. In view of the claim amendments and remarks included in this Paper above, Applicant submits the rejection of the pending claims under 35 USC 103(a) as being unpatentable over “Kruger” (US 2013/0129872) is not proper. Applicant respectfully requests the Examiner withdrawal this rejection and allow all pending claims.

2. Claims 9-11, 13-15, 17, 26-29 are rejected under 35 USC 103(a) as allegedly being unpatentable over “Schifferle” (US 2005/0150391) in view of “Jarisch” (US 2013/0064937), “Sweeney” (US 2002/0020659), “Boyd” (US 2002/0048621) and “Rossi” (WO 2010/099806). This rejection is respectfully traversed.

Without conceding the validity of the rejection of these claims, or the appropriateness of the Examiner relying on a combination of Schifferle, Jarisch, Sweeney, Boyd, and Rossi to reject these claims, Applicant submits claims 9 and 26 are allowable for at least their inclusion of the limitation relating to the barcode being located on a bottom side of a circumferential flange, the

bottom side opposing a top side to which the foil lid is attached. Accordingly, Applicant respectfully requests the Examiner withdrawal this rejection and allow all pending claims.

3. Claim 12 is rejected under 35 USC 103(a) as allegedly being unpatentable over “Schifferle” (US 2005/0150391) in view of “Jarisch” (US 2013/0064937), “Sweeney” (US 2002/0020659), “Boyd” (US 2002/0048621) in view of “Rossi” (WO 2010/099806) in view of “Rubino” (EP 1 849 718). This rejection is respectfully traversed.

Without conceding the validity of the rejection of claim 12, or the appropriateness of the Examiner relying on a combination of Schifferle, Jarisch, Sweeney, Boyd, Rossi, and Rubino to reject claim 12, Applicant submits claim 12 is allowable for at least its dependence on claim 9, which is believed to be allowable for at least the reasons mentioned above. Accordingly, Applicant respectfully requests the Examiner withdrawal this rejection and allow claim 12.

4. Claims 16 and 18 are rejected under 35 USC 103(a) as allegedly being unpatentable over “Schifferle” (US 2005/0150391) in view of “Jarisch” (US 2013/0064937), “Sweeney” (US 2002/0020659), “Boyd” (US 2002/0048621) in view of “Rossi” (WO 2010/099806) and further in view of “Mahlich” (US 2004/0089158). This rejection is respectfully traversed.

Without conceding the validity of the rejection of claims 16 and 18, or the appropriateness of the Examiner relying on a combination of Schifferle, Jarisch, Sweeney, Boyd, Rossi, and Mahlich to reject claims 16 and 18, Applicant submits claims 16 and 18 are allowable for at least their dependence on claim 9, which is believed to be allowable for at least the reasons mentioned above. Accordingly, Applicant respectfully requests the Examiner withdrawal this rejection and allow claims 16 and 18.

CONCLUSIONS

In view of Applicant's amendments and remarks, the Examiner's rejections are believed to be rendered moot. Accordingly, Applicant submits that the present application is in condition for allowance and requests that the Examiner pass the case to issue at the earliest convenience. Should the Examiner have any questions or wish to further discuss this application, Applicant requests that the Examiner contact the undersigned at (248) 292-2920.

If for some reason Applicant has not requested a sufficient extension and/or has not paid a sufficient fee for this response and/or for the extension necessary to prevent the abandonment of this application, please consider this as a request for an extension for the required time period and/or authorization to charge our Deposit Account No. 50-1097 for any fee which may be due.

Respectfully submitted,

Date: July 27, 2020

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