

To: USPTOmail@beyerlaw.com,,
From: PAIR_eOfficeAction@uspto.gov
Cc: PAIR_eOfficeAction@uspto.gov
Subject: Private PAIR Correspondence Notification for Customer Number 58766

Sep 29, 2016 05:44:19 AM

Dear PAIR Customer:

Beyer Law Group LLP
P. O. Box 51887
Palo Alto, CA 94303-1887
UNITED STATES

The following USPTO patent application(s) associated with your Customer Number, 58766 , 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.
14204497	ISSUE.NTF	09/28/2016	HMG1P008

To view your correspondence online or update your email addresses, please visit us anytime at <https://portal.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



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.
14/204,497	10/18/2016	9468321	HMG1P008	1678

58766 7590 09/28/2016
Beyer Law Group LLP
P. O. Box 51887
Palo Alto, CA 94303-1887

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 123 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):

humangear, Inc., San Francisco, CA
Christopher A. MIKSOVSKY, San Francisco, CA;
Clint N. SLONE, San Francisco, CA;
Evelyne CHAUBERT, San Francisco, CA;
Charlie NGHIEM, Oakland, CA;
Robert Charles LANE, Larkspur, CA;
Jonathan Paul DOWNING, Belmont, CA;

The United States represents the largest, most dynamic marketplace in the world and is an unparalleled location for business investment, innovation, and commercialization of new technologies. The USA offers tremendous resources and advantages for those who invest and manufacture goods here. Through SelectUSA, our nation works to encourage and facilitate business investment. To learn more about why the USA is the best country in the world to develop technology, manufacture products, and grow your business, visit SelectUSA.gov.

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)

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.

58766 7590 06/14/2016
Beyer Law Group LLP
P. O. Box 51887
Palo Alto, CA 94303-1887

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.
14/204,497	03/11/2014	Christopher A. MIKSOVSKY	HMG1P008	1678

TITLE OF INVENTION: EATING UTENSIL SYSTEM

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	SMALL	\$480	\$0	\$0	\$480	09/14/2016

EXAMINER	ART UNIT	CLASS-SUBCLASS
PRONE, JASON D	3724	030-150000

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 <u>Beyer Law Group LLP</u> 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)

humangear, Inc.

San Francisco, CA

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 3

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 credits any overpayment, to Deposit Account Number 504481 (enclose an extra copy of this form).

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

- ☐ Applicant certifying micro entity status. See 37 CFR 1.29
- ☐ Applicant asserting small entity status. See 37 CFR 1.27
- ☐ Applicant changing to regular undiscounted fee status.

NOTE: Absent a valid certification of Micro Entity Status (see forms PTO/SB/15A and 15B), issue fee payment in the micro entity amount will not be accepted at the risk of application abandonment.

NOTE: If the application was previously under micro entity status, checking this box will be taken to be a notification of loss of entitlement to micro entity status.

NOTE: Checking this box will be taken to be a notification of loss of entitlement to small or micro entity status, as applicable.

NOTE: This form must be signed in accordance with 37 CFR 1.31 and 1.33. See 37 CFR 1.4 for signature requirements and certifications.

Authorized Signature /Tina Chen/

Date September 13, 2016

Typed or printed name Tina Chen

Registration No. 44,606

Electronic Patent Application Fee Transmittal

Application Number:	14204497			
Filing Date:	11-Mar-2014			
Title of Invention:	EATING UTENSIL SYSTEM			
First Named Inventor/Applicant Name:	Christopher A. MIKSOVSKY			
Filer:	Tina Chen/Cara Romero			
Attorney Docket Number:	HMG1P008			
Filed as Small Entity				
Filing Fees for Utility under 35 USC 111(a)				
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	480	480

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Extension-of-Time:				
Miscellaneous:				
Printed Copy of Patent - No Color	8001	3	3	9
Total in USD (\$)				489

Electronic Acknowledgement Receipt

EFS ID:	26906073
Application Number:	14204497
International Application Number:	
Confirmation Number:	1678
Title of Invention:	EATING UTENSIL SYSTEM
First Named Inventor/Applicant Name:	Christopher A. MIKSOVSKY
Customer Number:	58766
Filer:	Tina Chen/Cara Romero
Filer Authorized By:	Tina Chen
Attorney Docket Number:	HMG1P008
Receipt Date:	13-SEP-2016
Filing Date:	11-MAR-2014
Time Stamp:	14:46:54
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Deposit Account
Payment was successfully received in RAM	\$ 489
RAM confirmation Number	1278
Deposit Account	504481
Authorized User	CHEN, TINA

The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:

Charge any Additional Fees required under 37 CFR 1.16 (National application filing, search, and examination fees)

Charge any Additional Fees required under 37 CFR 1.17 (Patent application and reexamination fees)

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)	HMG1P008_IF_Pmt.pdf	1104357	no	1
			414f15aac32a13b251e4ee0d8cad4d539fb27320		
Warnings:					
Information:					
2	Fee Worksheet (SB06)	fee-info.pdf	31961	no	2
			da6dd174cd25a88fbfbfe2de6be79dc0f4cec a62f		
Warnings:					
Information:					
Total Files Size (in bytes):			1136318		
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. <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.					



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

58766 7590 06/14/2016
Beyer Law Group LLP
P. O. Box 51887
Palo Alto, CA 94303-1887

EXAMINER

PRONE, JASON D

ART UNIT

PAPER NUMBER

3724

DATE MAILED: 06/14/2016

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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14/204,497

03/11/2014

Christopher A. MIKSOVSKY

HMG1P008

1678

TITLE OF INVENTION: EATING UTENSIL SYSTEM

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	SMALL	\$480	\$0	\$0	\$480	09/14/2016

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 ENTITY STATUS shown above. If the ENTITY STATUS is shown as SMALL or MICRO, verify whether entitlement to that entity status still applies.

If the ENTITY STATUS is the same as shown above, pay the TOTAL FEE(S) DUE shown above.

If the ENTITY STATUS is changed from that shown above, on PART B - FEE(S) TRANSMITTAL, complete section number 5 titled "Change in Entity Status (from status indicated above)".

For purposes of this notice, small entity fees are 1/2 the amount of undiscounted fees, and micro entity fees are 1/2 the amount of small entity fees.

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.

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)

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.

58766 7590 06/14/2016
Beyer Law Group LLP
P. O. Box 51887
Palo Alto, CA 94303-1887

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.
14/204,497	03/11/2014	Christopher A. MIKSOVSKY	HMG1P008	1678

TITLE OF INVENTION: EATING UTENSIL SYSTEM

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	SMALL	\$480	\$0	\$0	\$480	09/14/2016

EXAMINER	ART UNIT	CLASS-SUBCLASS
PRONE, JASON D	3724	030-150000

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 credits any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

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

- ☐ Applicant certifying micro entity status. See 37 CFR 1.29
☐ Applicant asserting small entity status. See 37 CFR 1.27
☐ Applicant changing to regular undiscounted fee status.

NOTE: Absent a valid certification of Micro Entity Status (see forms PTO/SB/15A and 15B), issue fee payment in the micro entity amount will not be accepted at the risk of application abandonment.

NOTE: If the application was previously under micro entity status, checking this box will be taken to be a notification of loss of entitlement to micro entity status.

NOTE: Checking this box will be taken to be a notification of loss of entitlement to small or micro entity status, as applicable.

NOTE: This form must be signed in accordance with 37 CFR 1.31 and 1.33. See 37 CFR 1.4 for signature requirements and certifications.

Authorized Signature _____ Date _____
Typed or printed name _____ Registration No. _____



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.
14/204,497	03/11/2014	Christopher A. MIKSOVSKY	HMG1P008	1678

58766 7590 06/14/2016
Beyer Law Group LLP
P. O. Box 51887
Palo Alto, CA 94303-1887

EXAMINER

PRONE, JASON D

ART UNIT	PAPER NUMBER
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3724

DATE MAILED: 06/14/2016

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

The Office has discontinued providing a Patent Term Adjustment (PTA) calculation with the Notice of Allowance.

Section 1(h)(2) of the AIA Technical Corrections Act amended 35 U.S.C. 154(b)(3)(B)(i) to eliminate the requirement that the Office provide a patent term adjustment determination with the notice of allowance. See Revisions to Patent Term Adjustment, 78 Fed. Reg. 19416, 19417 (Apr. 1, 2013). Therefore, the Office is no longer providing an initial patent term adjustment determination with the notice of allowance. The Office will continue to provide a patent term adjustment determination with the Issue Notification Letter that is mailed to applicant approximately three weeks prior to the issue date of the patent, and will include the patent term adjustment on the patent. Any request for reconsideration of the patent term adjustment determination (or reinstatement of patent term adjustment) should follow the process outlined in 37 CFR 1.705.

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.

OMB Clearance and PRA Burden Statement for PTOL-85 Part B

The Paperwork Reduction Act (PRA) of 1995 requires Federal agencies to obtain Office of Management and Budget approval before requesting most types of information from the public. When OMB approves an agency request to collect information from the public, OMB (i) provides a valid OMB Control Number and expiration date for the agency to display on the instrument that will be used to collect the information and (ii) requires the agency to inform the public about the OMB Control Number's legal significance in accordance with 5 CFR 1320.5(b).

The information collected by PTOL-85 Part B 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.

Privacy Act Statement

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

The information provided 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 information in 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 International Application 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, a record 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 this system 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.

Notice of Allowability	Application No. 14/204,497	Applicant(s) MIKSOVSKY ET AL.	
	Examiner Jason Daniel Prone	Art Unit 3724	AIA (First Inventor to File) Status Yes

-- 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 the amendment after final received 5-27-16.
☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on _____.
2. ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on _____; the restriction requirement and election have been incorporated into this action.
3. ☒ The allowed claim(s) is/are 1-6,8,10-13 and 36-45. As a result of the allowed claim(s), you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see http://www.uspto.gov/patents/init_events/pph/index.jsp or send an inquiry to PPHfeedback@uspto.gov.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

Certified copies:

- a) ☐ All b) ☐ Some *c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* 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.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
☐ 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) | 5. ☒ Examiner's Amendment/Comment |
| 2. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 6. ☐ Examiner's Statement of Reasons for Allowance |
| 3. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 7. ☒ Other <u>PTO 2323</u> . |
| 4. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____. | |

/Jason Daniel Prone/
Primary Examiner, Art Unit 3724

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Tina Chen on 6-1-16.

The application has been amended as follows:

- In claim 1 line 3, the phrase "in a recess in a bottom" has been replaced with --in a recess having end walls in a bottom--.
- In claim 1 lines 8-11, the phrase "configuration, wherein the spoon is configured to interlock with the fork by sliding an entire width of the handle of the spoon between the rails of the fork until the raised edge engages a groove between one of the pair of detents and an end wall of the handle of the fork." has been replaced with --configuration, and wherein the interlocking between the spoon and the fork is defined by sliding an entire width of the handle of the spoon between the rails of the fork until the raised edge is received in respective grooves defined between respective ones of the detents and the end walls of the recess.--.
- In claim 5 line 3, the phrase "rail of the pair of rails" has been replaced with --respective one of the rails--.

- In claim 36 line 3, the phrase “in a recess in a bottom” has been replaced with --in a recess having end walls in a bottom--.
- In claim 36 line 7, the phrase “for engaging a groove between one of the pair of detents of the fork and an end wall of” has been replaced with --being received in grooves defined between respective ones of the detents and the end walls of--.
- Claim 37 has been replaced with --The combination fork and spoon system of claim 36, wherein the raised edge is configured to respectively slide over each of the detents to be received in respective ones of the grooves.--.
- In claim 39 line 2, the phrase “wherein the fork at least one tine on an outer edge that has” has been replaced with --wherein an outer one of the tines has--.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Daniel Prone whose telephone number is (571)272-4513. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Choi can be reached on (571) 272-4504. 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.

01 June 2016

/Jason Daniel Prone/

Primary Examiner, Art Unit 3724

OK TO ENTER: /J.P./

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: MIKSOVSKY et al.

Attorney Docket No.: HMG1P008

Application No.: 14/204,497

Examiner: PRONE, JASON

Filed: March 11, 2014

Group: 3724

Title: EATING UTENSIL SYSTEM

Confirmation No.: 1678

CERTIFICATE OF EFS-WEB TRANSMISSION

I hereby certify that this correspondence is being transmitted electronically through EFS-WEB to the Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450 on May 27, 2016.

Signed: _____/Dawn Wold/
Dawn Wold

AMENDMENT B; REQUEST FOR CONSIDERATION UNDER AFCP 2.0

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

Dear Sir:

In response to the final Office Action mailed March 28, 2016, please amend the above-identified application as set forth herein. Applicants respectfully request consideration under AFCP 2.0.

Amendments to the Specification begin on page 2 of this paper.

Amendments to the Claims are reflected in the listing of claims which begin on page 4 of this paper.

Amendments to the Drawings begin on page 9 of this paper.

Remarks/Arguments begin on page 10 of this paper.

<i>Index of Claims</i> 	Application/Control No. 14204497	Applicant(s)/Patent Under Reexamination MIKSOVSKY ET AL.
	Examiner JASON D PRONE	Art Unit 3724

✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

☐ Claims renumbered in the same order as presented by applicant						☐ CPA		☐ T.D.		☐ R.1.47	
CLAIM		DATE									
Final	Original	09/04/2015	10/22/2015	03/23/2016	06/01/2016						
1	1	÷	✓	✓	=						
2	2	÷	✓	✓	=						
3	3	÷	✓	✓	=						
6	4	÷	✓	✓	=						
7	5	÷	✓	✓	=						
8	6	÷	✓	✓	=						
	7	÷	✓	-	-						
10	8	÷	✓	✓	=						
	9	÷	✓	-	-						
11	10	÷	✓	✓	=						
9	11	÷	✓	✓	=						
4	12	÷	✓	✓	=						
5	13	÷	✓	✓	=						
	14	÷	N	-	-						
	15	÷	N	-	-						
	16	÷	N	-	-						
	17	÷	N	-	-						
	18	÷	N	-	-						
	19	÷	N	-	-						
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	28	÷	N	-	-						
	29	÷	N	-	-						
	30	÷	N	-	-						
	31	÷	N	-	-						
	32	÷	N	-	-						
	33	÷	N	-	-						
	34	÷	N	-	-						
	35	÷	N	-	-						
12	36			✓	=						

<i>Index of Claims</i> 	Application/Control No. 14204497	Applicant(s)/Patent Under Reexamination MIKSOVSKY ET AL.
	Examiner JASON D PRONE	Art Unit 3724

✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

☐ Claims renumbered in the same order as presented by applicant						☐ CPA		☐ T.D.		☐ R.1.47	
CLAIM		DATE									
Final	Original	09/04/2015	10/22/2015	03/23/2016	06/01/2016						
13	37			✓	=						
14	38			✓	=						
15	39			✓	=						
16	40			✓	=						
17	41			✓	=						
18	42			✓	=						
19	43			✓	=						
20	44			✓	=						
21	45			✓	=						

AFCP 2.0 Decision

Application No.

14/204,497

Applicant(s)

MIKSOVSKY ET AL.

Examiner

Jason Daniel Prone

Art Unit

3724

This is in response to the After Final Consideration Pilot request filed 27 May 2016.

1. **Improper Request** – The AFCP 2.0 request is improper for the following reason(s) and the after final amendment submitted with the request will be treated under pre-pilot procedure.

- ☐ An AFCP 2.0 request form PTO/SB/434 (or equivalent document) was not submitted.
- ☐ A non-broadening amendment to at least one independent claim was not submitted.
- ☐ A proper AFCP 2.0 request was submitted in response to the most recent final rejection.
- ☐ Other:

2. **Proper Request**

- A. After final amendment submitted with the request will not be treated under AFCP 2.0.

The after final amendment cannot be reviewed and a search conducted within the guidelines of the pilot program.

- ☐ The after final amendment will be treated under pre-pilot procedure.

- B. Updated search and/or completed additional consideration.

The examiner performed an updated search and/or completed additional consideration of the after final amendment within the time authorized for the pilot program. The result(s) of the updated search and/or completed additional consideration are:

- ☒ 1. All of the rejections in the most recent final Office action are overcome and a Notice of Allowance is issued herewith.
- ☐ 2. The after final amendment would not overcome all of the rejections in the most recent final Office action. See attached interview summary for further details.
- ☐ 3. The after final amendment was reviewed, and it raises a new issue(s). See attached interview summary for further details.
- ☐ 4. The after final amendment raises new issues, but would overcome all of the rejections in the most recent final Office action. A decision on determining allowability could not be made within the guidelines of the pilot. See attached interview summary for further details, including any newly discovered prior art.
- ☐ 5. Other:

Examiner Note: Please attach an interview summary when necessary as described above.

Search Notes 	Application/Control No. 14204497	Applicant(s)/Patent Under Reexamination MIKSOVSKY ET AL.
	Examiner JASON D PRONE	Art Unit 3724

CPC- SEARCHED		
Symbol	Date	Examiner
A47G 21/06, 065, 04, 023	10/22/2015	/JP/

CPC COMBINATION SETS - SEARCHED		
Symbol	Date	Examiner

US CLASSIFICATION SEARCHED			
Class	Subclass	Date	Examiner
30	147-150, 322-328		
D7	643, 644, 653	10/22/2015	/JP/

SEARCH NOTES		
Search Notes	Date	Examiner
consulted CPC and USPC		
inventor search	10/22/2015	/JP/
updated search	6/1/2016	/JP/

INTERFERENCE SEARCH			
US Class/ CPC Symbol	US Subclass / CPC Group	Date	Examiner
	entire listed search		
	EAST claim search	6/1/2016	/JP/

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Issue Classification 	Application/Control No. 14204497	Applicant(s)/Patent Under Reexamination MIKSOVSKY ET AL.	
	Examiner JASON D PRONE	Art Unit 3724	

CPC						
Symbol					Type	Version
A47G		21	/	06	F	2013-01-01
A47G		21	/	023	I	2013-01-01
A47G		21	/	04	I	2013-01-01
			/			
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CPC Combination Sets				
Symbol	Type	Set	Ranking	Version
				
				

NONE		Total Claims Allowed:	
		21	
(Assistant Examiner)	(Date)	O.G. Print Claim(s)	O.G. Print Figure
/JASON DANIEL PRONE/ Primary Examiner.Art Unit 3724	6-1-16	1	1A and 6A
(Primary Examiner)	(Date)		

Issue Classification 	Application/Control No. 14204497	Applicant(s)/Patent Under Reexamination MIKSOVSKY ET AL.	
	Examiner JASON D PRONE	Art Unit 3724	

US ORIGINAL CLASSIFICATION						INTERNATIONAL CLASSIFICATION														
CLASS			SUBCLASS			CLAIMED					NON-CLAIMED									
30			150			A	4	7	G	21 / 06 (2006.0)										
CROSS REFERENCE(S)																				
CLASS	SUBCLASS (ONE SUBCLASS PER BLOCK)																			
																		</		

NONE		Total Claims Allowed:	
		21	
(Assistant Examiner)	(Date)		
/JASON DANIEL PRONE/ Primary Examiner.Art Unit 3724	6-1-16	O.G. Print Claim(s)	O.G. Print Figure
(Primary Examiner)	(Date)	1	1A and 6A

Issue Classification 	Application/Control No. 14204497	Applicant(s)/Patent Under Reexamination MIKSOVSKY ET AL.
	Examiner JASON D PRONE	Art Unit 3724

☐ 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	1		17		33										
2	2		18		34										
3	3		19		35										
6	4		20	12	36										
7	5		21	13	37										
8	6		22	14	38										
	7		23	15	39										
10	8		24	16	40										
	9		25	17	41										
11	10		26	18	42										
9	11		27	19	43										
4	12		28	20	44										
5	13		29	21	45										
	14		30												
	15		31												
	16		32												

NONE		Total Claims Allowed:	
		21	
(Assistant Examiner) /JASON DANIEL PRONE/ Primary Examiner.Art Unit 3724	(Date) 6-1-16	O.G. Print Claim(s)	O.G. Print Figure
(Primary Examiner)	(Date)	1	1A and 6A



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BIB DATA SHEET

CONFIRMATION NO. 1678

SERIAL NUMBER	FILING or 371(c) DATE	CLASS	GROUP ART UNIT	ATTORNEY DOCKET NO.	
14/204,497	03/11/2014	030	3724	HMG1P008	
APPLICANTS humangear, Inc., San Francisco, CA INVENTORS Christopher A. MIKSOVSKY, San Francisco, CA; Clint N. SLONE, San Francisco, CA; Evelyne CHAUBERT, San Francisco, CA; Charlie NGHIEM, Oakland, CA; Robert Charles LANE, Larkspur, CA; Jonathan Paul DOWNING, Belmont, CA;					
** CONTINUING DATA ***** ** FOREIGN APPLICATIONS ***** ** IF REQUIRED, FOREIGN FILING LICENSE GRANTED ** ** SMALL ENTITY ** 03/28/2014					
Foreign Priority claimed ☐ Yes ☒ No 35 USC 119(a-d) conditions met ☐ Yes ☒ No Verified and /JASON DANIEL PRONE/ Acknowledged Examiner's Signature	☐ Met after Allowance Initials	STATE OR COUNTRY CA	SHEETS DRAWINGS 24	TOTAL CLAIMS 35	INDEPENDENT CLAIMS 4
ADDRESS Beyer Law Group LLP P. O. Box 51887 Palo Alto, CA 94303-1887 UNITED STATES					
TITLE EATING UTENSIL SYSTEM					
FILING FEE RECEIVED 1610	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	

To: USPTOmail@beyerlaw.com,,
From: PAIR_eOfficeAction@uspto.gov
Cc: PAIR_eOfficeAction@uspto.gov
Subject: Private PAIR Correspondence Notification for Customer Number 58766

Jun 14, 2016 05:19:31 AM

Dear PAIR Customer:

Beyer Law Group LLP
P. O. Box 51887
Palo Alto, CA 94303-1887
UNITED STATES

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Application	Document	Mailroom Date	Attorney Docket No.
14204497	NOA	06/14/2016	HMG1P008
	A.NE.AFCP.D	06/14/2016	HMG1P008

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

Thank you for prompt attention to this notice,

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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
14/204,497	03/11/2014	Christopher A. MIKSOVSKY	HMG1P008	1678

58766 7590 06/08/2016
Beyer Law Group LLP
P. O. Box 51887
Palo Alto, CA 94303-1887

EXAMINER

PRONE, JASON D

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

3724

NOTIFICATION DATE	DELIVERY MODE
-------------------	---------------

06/08/2016

ELECTRONIC

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

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USPTOmail@beyerlaw.com

<i>Examiner-Initiated Interview Summary</i>	Application No. 14/204,497	Applicant(s) MIKSOVSKY ET AL.	
	Examiner Jason Daniel Prone	Art Unit 3724	

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

(1) Jason Daniel Prone. (3) _____.

(2) Tina Chen. (4) _____.

Date of Interview: 01 June 2016.

Type: ☒ Telephonic ☐ Video Conference
 ☐ Personal [copy given to: ☐ applicant ☐ applicant's representative]

Exhibit shown or demonstration conducted: ☐ Yes ☒ No.
 If Yes, brief description: _____.

Issues Discussed ☐101 ☐112 ☐102 ☐103 ☒Others
 (For each of the checked box(es) above, please describe below the issue and detailed description of the discussion)

Claim(s) discussed: 1 and 36.

Identification of prior art discussed: N/A.

Substance of Interview
 (For each issue discussed, provide a detailed description and indicate if agreement was reached. Some topics may include: identification or clarification of a reference or a portion thereof, claim interpretation, proposed amendments, arguments of any applied references etc...)

Discussed possible amendments to the claims for the Amendment After-Final Pilot Program. The USPTO was granted permission to utilize email as a form of communication for this case. See attachment.

Applicant recordation instructions: It is not necessary for applicant to provide a separate record of the substance of interview.

Examiner recordation instructions: Examiners must summarize the substance of any interview of record. A complete and proper recordation of the substance of an interview should include the items listed in MPEP 713.04 for complete and proper recordation including the identification of the general thrust of each argument or issue discussed, a general indication of any other pertinent matters discussed regarding patentability and the general results or outcome of the interview, to include an indication as to whether or not agreement was reached on the issues raised.

☒ Attachment

/Jason Daniel Prone/ Primary Examiner, Art Unit 3724	
---	--

June 1, 2016

Dear Examiner Prone,

Thank you for the phone call regarding proposed amendments in Application No. 14/204,497. I am granting permission for email communication in this case.

Best regards,

/Tina Chen/

Tina Chen

Reg. No. 44,606

To: USPTOmail@beyerlaw.com,,
From: PAIR_eOfficeAction@uspto.gov
Cc: PAIR_eOfficeAction@uspto.gov
Subject: Private PAIR Correspondence Notification for Customer Number 58766

Jun 08, 2016 05:33:49 AM

Dear PAIR Customer:

Beyer Law Group LLP
P. O. Box 51887
Palo Alto, CA 94303-1887
UNITED STATES

The following USPTO patent application(s) associated with your Customer Number, 58766 , 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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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.
14204497	INTV.SUM.EX	06/08/2016	HMG1P008
	OA.APPENDIX	06/08/2016	HMG1P008

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

CERTIFICATION AND REQUEST FOR CONSIDERATION UNDER THE AFTER FINAL CONSIDERATION PILOT PROGRAM 2.0		
Practitioner Docket No.: HMG1P008	Application No.: 14/204,497	Filing Date: March 11, 2014
First Named Inventor: Christopher A. MIKSOVSKY	Title: EATING UTENSIL SYSTEM	
APPLICANT HEREBY CERTIFIES THE FOLLOWING AND REQUESTS CONSIDERATION UNDER THE AFTER FINAL CONSIDERATION PILOT PROGRAM 2.0 (AFCP 2.0) OF THE ACCOMPANYING RESPONSE UNDER 37 CFR 1.116. 1. The above-identified application is (i) an original utility, plant, or design nonprovisional application filed under 35 U.S.C. 111(a) [a continuing application (<i>e.g.</i>, a continuation or divisional application) is filed under 35 U.S.C. 111(a) and is eligible under (i)], or (ii) an international application that has entered the national stage in compliance with 35 U.S.C. 371(c). 2. The above-identified application contains an outstanding final rejection. 3. Submitted herewith is a response under 37 CFR 1.116 to the outstanding final rejection. The response includes an amendment to at least one independent claim, and the amendment does not broaden the scope of the independent claim in any aspect. 4. This certification and request for consideration under AFCP 2.0 is the only AFCP 2.0 certification and request filed in response to the outstanding final rejection. 5. Applicant is willing and available to participate in any interview requested by the examiner concerning the present response. 6. This certification and request is being filed electronically using the Office's electronic filing system (EFS-Web). 7. Any fees that would be necessary consistent with current practice concerning responses after final rejection under 37 CFR 1.116, <i>e.g.</i>, extension of time fees, are being concurrently filed herewith. [There is no additional fee required to request consideration under AFCP 2.0.] 8. By filing this certification and request, applicant acknowledges the following: • Reissue applications and reexamination proceedings are not eligible to participate in AFCP 2.0. • The examiner will verify that the AFCP 2.0 submission is compliant, <i>i.e.</i>, that the requirements of the program have been met (see items 1 to 7 above). For compliant submissions: ○ The examiner will review the response under 37 CFR 1.116 to determine if additional search and/or consideration (i) is necessitated by the amendment and (ii) could be completed within the time allotted under AFCP 2.0. If additional search and/or consideration is required but cannot be completed within the allotted time, the examiner will process the submission consistent with current practice concerning responses after final rejection under 37 CFR 1.116, <i>e.g.</i>, by mailing an advisory action. ○ If the examiner determines that the amendment does not necessitate additional search and/or consideration, or if the examiner determines that additional search and/or consideration is required and could be completed within the allotted time, then the examiner will consider whether the amendment places the application in condition for allowance (after completing the additional search and/or consideration, if required). If the examiner determines that the amendment does not place the application in condition for allowance, then the examiner will contact the applicant and request an interview. ▪ The interview will be conducted by the examiner, and if the examiner does not have negotiation authority, a primary examiner and/or supervisory patent examiner will also participate. ▪ If the applicant declines the interview, or if the interview cannot be scheduled within ten (10) calendar days from the date that the examiner first contacts the applicant, then the examiner will proceed consistent with current practice concerning responses after final rejection under 37 CFR 1.116.		
Signature /Tina Chen/	Date May 27, 2016	
Name (Print/Typed) Tina Chen	Practitioner Registration No. 44,606	
Note: This form must be signed in accordance with 37 CFR 1.33. See 37 CFR 1.4(d) for signature requirements and certifications. Submit multiple forms if more than one signature is required, see below*.		
☐ * Total of _____ forms are submitted.		

Privacy Act Statement

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

The information provided 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 information in 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 International Application 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, a record 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 this system 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.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: MIKSOVSKY et al.

Attorney Docket No.: HMG1P008

Application No.: 14/204,497

Examiner: PRONE, JASON

Filed: March 11, 2014

Group: 3724

Title: EATING UTENSIL SYSTEM

Confirmation No.: 1678

CERTIFICATE OF EFS-WEB TRANSMISSION

I hereby certify that this correspondence is being transmitted electronically through EFS-WEB to the Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450 on May 27, 2016.

Signed: _____/Dawn Wold/
Dawn Wold

AMENDMENT B TRANSMITTAL

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

Sir:

Transmitted herewith is an Amendment in the above-identified application.

The fee has been calculated as shown below.

	Claims After Amendment		Highest Previously Paid For	Present Extra	Small Entity Rate Fee	Large Entity Rate Fee
Total Claims	21	MINUS	35	00	x 40 = \$0.00	x 80 = \$0.00
Independent Claims	02	MINUS	04	00	x 210 = \$0.00	x 420 = \$0.00
Multiple Dependent Claim Present and Fee Not Previously Paid						
Total					\$0.00	\$0.00

☒ Applicant(s) believe that no (additional) Extension of Time is required; however, if it is determined that such an extension is required, Applicant(s) hereby petition that such an extension be granted and authorize the Commissioner to charge the required fees for an Extension of Time under 37 CFR 1.136 to Deposit Account No. 50-4481.

☒ Please charge the required fees, or any additional fees required to facilitate filing the enclosed response, to Deposit Account No. 50-4481 (Order No. HMG1P008).

Respectfully submitted,
BEYER LAW GROUP LLP

/Tina Chen/
Tina Chen
Reg. No. 44,606

P. O. Box 51887
Palo Alto, CA 94303-1887

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: MIKSOVSKY et al.

Attorney Docket No.: HMG1P008

Application No.: 14/204,497

Examiner: PRONE, JASON

Filed: March 11, 2014

Group: 3724

Title: EATING UTENSIL SYSTEM

Confirmation No.: 1678

CERTIFICATE OF EFS-WEB TRANSMISSION

I hereby certify that this correspondence is being transmitted electronically through EFS-WEB to the Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450 on May 27, 2016.

Signed: _____/Dawn Wold/
Dawn Wold

AMENDMENT B; REQUEST FOR CONSIDERATION UNDER AFCP 2.0

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

Dear Sir:

In response to the final Office Action mailed March 28, 2016, please amend the above-identified application as set forth herein. Applicants respectfully request consideration under AFCP 2.0.

Amendments to the Specification begin on page 2 of this paper.

Amendments to the Claims are reflected in the listing of claims which begin on page 4 of this paper.

Amendments to the Drawings begin on page 9 of this paper.

Remarks/Arguments begin on page 10 of this paper.

Amendments to the Specification:

Please replace paragraph [0059] with the following amended paragraph:

[0059] The raised edge 116 at proximal end of the spoon 110 is then slid laterally along the recess 150 toward the proximal end of the fork 140 while guiding the outer edges of the spoon handle 114 between the rails 148 until the raised edge 116 abuts the gradually sloped face of the detent 152 closer to the proximal end of the fork 140. A greater force is then applied in the same direction to push the raised edge 116 over the gradually sloped face of the detent 152 and over the top of the detent 152 to engage the groove **151** between the detent 152 and the proximal end wall 162 of the recess 150. As the raised edge 116 is pushed over the gradually sloped face of the detent 152, the handle-ends of the spoon 110 and fork 140 are bent away from each other. This bending allows the crescent of the raised edge 116 to ride up and over the detent 152. The distance between the ends of the rails 148 and the detent 152 effectively creates beams in the spoon and fork ends that are made to bend through the pressing or pulling action. It will be appreciated that the snapping force can be tuned by such things as changing the length of the rails and/or the size of the detent. That is, longer rails results in shorter beams making it more difficult to deflect and snap. Conversely, shorter rails result in longer beams making it easier to deflect and snap.

Please replace paragraph [0060] with the following amended paragraph:

[0060] With the **raised edge 116** ~~detent 152~~ snapped in the groove **151** between the detent 152 and the proximal end wall 162 of the recess 150, the spoon 110 and fork 140 are interlocked. The end wall 162 acts as a hard stop and prevents the spoon 110 from moving beyond the locked position and the detent 152 prevents the spoon 110 from moving back in the opposite direction to

disengage the fork 140. The rails 148 prevent the fork 140 and spoon 110 from being separated in the z-direction.

Please replace paragraph [0062] with the following amended paragraph:

[0062] As shown in Figs. 4F and 4G, there are two detents 152, 153 **and there is a groove 151 between detent 152 and end wall 162 and there is also a groove 157 between detent 153 and end wall 163.** Each detent has an angled face on both sides. The sides facing together or inward are more gradually sloped, and the sides facing away from each other are steeply sloped. The inward-facing detent angles are more gradually sloped to permit easier nesting of the fork and spoon (as explained above) or extension to form the elongated combination utensil (as explained in more detail below). The outward-facing detent angles are steeper making it more difficult to “un-snap” or disengage the spoon and fork from each configuration.

The listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

1. (Currently Amended) A combination fork and spoon system, comprising:

a fork including a plurality of tines at one end, the fork including a handle and ~~one or more~~ **a pair of** detents in a recess in a bottom surface of the handle and a pair of rails, each ~~rail~~ **of the rails** along a portion of an outer edge of the bottom surface of the handle; and

a spoon including a bowl portion and a handle having a raised edge on its proximal end, the spoon configured to interlock with the fork either in a nested position or in a single combination utensil configuration in which the bowl portion of the spoon and tines of the fork are on opposite ends of the single combination utensil configuration, wherein the spoon is configured to interlock with the fork by sliding an entire width of the handle of the spoon between the rails of the fork until the raised edge engages a ~~detent on~~ **groove between one of the pair of detents and an end wall of** the handle of the fork.

2. (Currently Amended) The combination fork and spoon system as recited in claim 1, ~~wherein the fork has a plurality of tines,~~ wherein at least one **of the tines** ~~tine~~ on an outer edge of the fork has a chamfered outer edge.

3. (Currently Amended) The combination fork and spoon system as recited in claim 2, wherein the chamfered outer edge tapers at an end **of the chamfered outer edge** near the handle of the fork.

4. (Currently Amended) The combination fork and spoon system as recited in claim 1, wherein the handle of the spoon has ~~[[a]]~~ chamfered outer ~~edge~~ **edges along sides of the handle.**

5. (Currently Amended) The combination fork and spoon system as recited in claim 4, wherein each **of the** chamfered outer **edge edges** of the handle of the spoon is slidable under a rail **of the pair of rails**.
6. (Previously Presented) The combination fork and spoon system as recited in claim 1, wherein the bowl portion has a substantially flat side edge.
7. (Canceled)
8. (Currently Amended) The combination fork and spoon system as recited in claim 1, wherein the raised edge is configured to slide **within the recess** along **a length of** the recess.
9. (Canceled)
10. (Original) The combination fork and spoon system as recited in claim 8, wherein the raised edge is crescent-shaped and the recess is curved corresponding to a curvature of the raised edge.
11. (Previously Presented) The combination fork and spoon system as recited in claim 6, wherein the bowl portion of the spoon is positioned at an angle relative to the handle of the spoon.
12. (Original) The combination fork and spoon system as recited in claim 2, wherein the tines do not extend beyond an outer edge of the spoon when the fork and spoon are in the nested position.

13. (Original) The combination fork and spoon system as recited in claim 1, wherein the fork and spoon are formed of a glass reinforced thermoplastic material.

14.-35 (Canceled)

36. (Currently Amended) A combination fork and spoon system, comprising:

a fork having tines and a handle with a pair of rails along a portion of ~~[[its]]~~ side edges of the handle, the handle further comprising a pair of ~~and one or more~~ detents in a recess in a bottom surface of the handle; and

a spoon having a bowl portion and a handle, an entire width of the handle slidable between the rails and a raised edge at a proximal end of a top surface of the handle of the spoon for engaging a ~~detent~~ groove between one of the pair of detents of the fork and an end wall of the recess to interlock the spoon and the fork either in a nested position or in a single combination utensil configuration in which the bowl portion of the spoon and tines of the fork are on opposite ends of the single combination utensil configuration.

37. (Currently Amended) The combination fork and spoon system of claim 36, wherein ~~the one or more detents comprises a pair of detents within a recess in a bottom surface of the handle of the fork, each detent~~ one of the pair of detents is spaced apart from ~~an~~ a first end wall of the recess to form a first groove and another of the pair of detents is spaced apart from a second end wall of the recess to form a second groove, wherein the raised edge can be slid over a detent to engage the groove to interlock the spoon and fork.

38. (Previously Presented) The combination fork and spoon system as recited in claim 36, wherein the raised edge is substantially crescent-shaped.

39. (Currently Amended) The combination fork and spoon system as recited in claim 36, wherein the fork has at least one ~~outer~~ tine on an outer edge that has ~~having~~ a chamfered outer edge.

40. (Previously Presented) The combination fork and spoon system as recited in claim 36, wherein the handle of the spoon has at least one chamfered side edge.

41. (Previously Presented) The combination fork and spoon system as recited in claim 36, wherein the bowl portion of the spoon has a substantially flat side edge.

42. (Previously Presented) The combination fork and spoon system as recited in claim 36, wherein the bowl portion of the spoon has a substantially flat end edge.

43. (Currently Amended) The combination fork and spoon system as recited in claim 36, wherein the bowl portion of the spoon and the tine of the fork are oriented in ~~a the~~ same upward direction ~~such that the combination fork and spoon system is substantially U shaped when viewed from its side~~ in the ~~[[a]]~~ single combination utensil configuration such that the bowl of the spoon and the tines of the fork are all angled upward when the combination fork and spoon system is viewed from a side.

44. (Previously Presented) The combination fork and spoon system as recited in claim 36, wherein the tines of the fork do not extend beyond a distal end of the spoon when the spoon and fork are interlocked in the nested position.

45. (Previously Presented) The combination fork and spoon system as recited in claim 36, wherein the bowl portion of the spoon has a substantially pentagonal shape.

Amendments to the Drawings:

The attached sheets of drawings include changes to Figs. 4E, 4F, and 4G. These sheets replace original sheets including Figs. 4E, 4F, and 4G. Reference numerals 151 and 157 are added.

Attachments: Replacement Sheets

REMARKS

Specification and Drawings

Reference numerals 151 and 157 for the grooves have been added to Figs. 4E-4G and the specification. Paragraph [0060] is also amended to correct a typographical error. No new matter is added by these amendments.

Claim Objections

To overcome the claim objections, the claims are amended in accordance with the Examiner's suggestions.

Rejections Under 35 U.S.C. §112

Claims 8 and 43 are rejected under 35 U.S.C. §112(a) or 112 (pre-AIA), first paragraph, as failing to comply with the written description requirement. To overcome the rejection under §112, claim 8 is amended to recite that the raised edge is configured to slide **within the recess** along **a length of** the recess. Claim 43 is amended to recite that the bowl portion of the spoon and the tine of the fork are oriented in a same upward direction in the single combination utensil configuration such that the bowl of the spoon and the tines of the fork are all angled upward when the combination fork and spoon system is viewed from a side.

Claims 1-6, 8, 10-13, and 36-35 are rejected under 35 U.S.C. §112(b) or 112 (pre-AIA), second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the inventor or a joint inventor regards as the invention. To overcome the rejections, the claims are amended to clarify the invention.

Rejections Under 35 U.S.C. §§102 and 103

Claims 36, 37, and 40 are rejected under 35 U.S.C. 102(a)(1) as being anticipated by Walters (2012/0036724). Claims 38, 41, 42, and 45 are rejected under 35 U.S.C. §103 as being unpatentable over Walters. Claim 39 is rejected under 35 U.S.C. §103 as being unpatentable over Walters in view of Miller (2003/0110644). Claim 43 is rejected under 35 U.S.C. §103 as being unpatentable over Walters in view of Brabeck et al. (D362,160). Claim 10 is under 35 U.S.C. §103 as being unpatentable over Walters. Claim 43 is rejected under 35 U.S.C. §103 as being unpatentable over Walters in view of Miller, and further in view of Prindle (4,317,284).

Independent Claim 36 is amended to recite that an entire width of the handle of the spoon is slidable between the rails and a raised edge at a proximal end of a top surface of the handle of the spoon for engaging a groove between one of the pair of detents of the fork and an end wall of the recess to interlock the spoon and the fork either in a nested position or in a single combination utensil configuration in which the bowl portion of the spoon and tines of the fork

are on opposite ends of the single combination utensil configuration. This amendment is fully supported by the specification and claims, as originally filed.

None of Walters and the other cited references discloses or suggests a spoon configured to interlock with the fork by sliding an entire width of the handle of the spoon between the rails of the fork until the raised edge engages a groove between a detent and an end wall of the fork. Walters does not disclose or suggest sliding an entire width of the spoon handle between rails of the fork to interlock the spoon and fork. None of the cited references discloses or suggests detents within a recess in a bottom surface of the handle of a fork, much less a raised edge on the handle of the spoon configured to engage a groove between a detent and an end wall of the handle of the fork to interlock the spoon and fork. Furthermore, Walters does not disclose or suggest a single combination utensil configuration in which the bowl portion of the spoon and tines of the fork are on opposite ends of the single combination utensil configuration.

Thus, for at least the reasons discussed above, amended independent Claim 36 is patentable over the cited references. Dependent Claims 37-45, which depend from and include all of the limitations of amended claim 36, are also patentable over the cited references. Furthermore, each of the dependent claims recites further distinguishing features of advantage and utility.

Conclusion

Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

BEYER LAW GROUP LLP

/Tina Chen/
Tina Chen
Reg. No. 44,606

P. O. Box 51887
Palo Alto, CA 94303-1887
650-842-1300

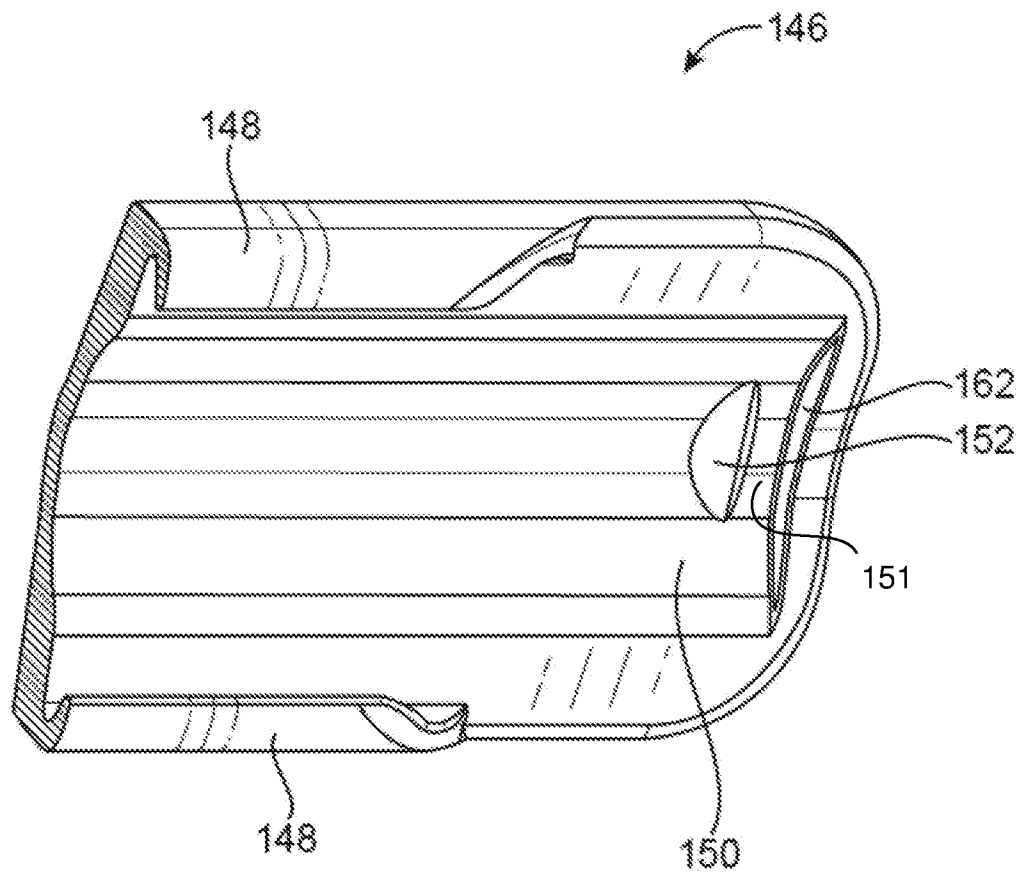


FIG. 4E

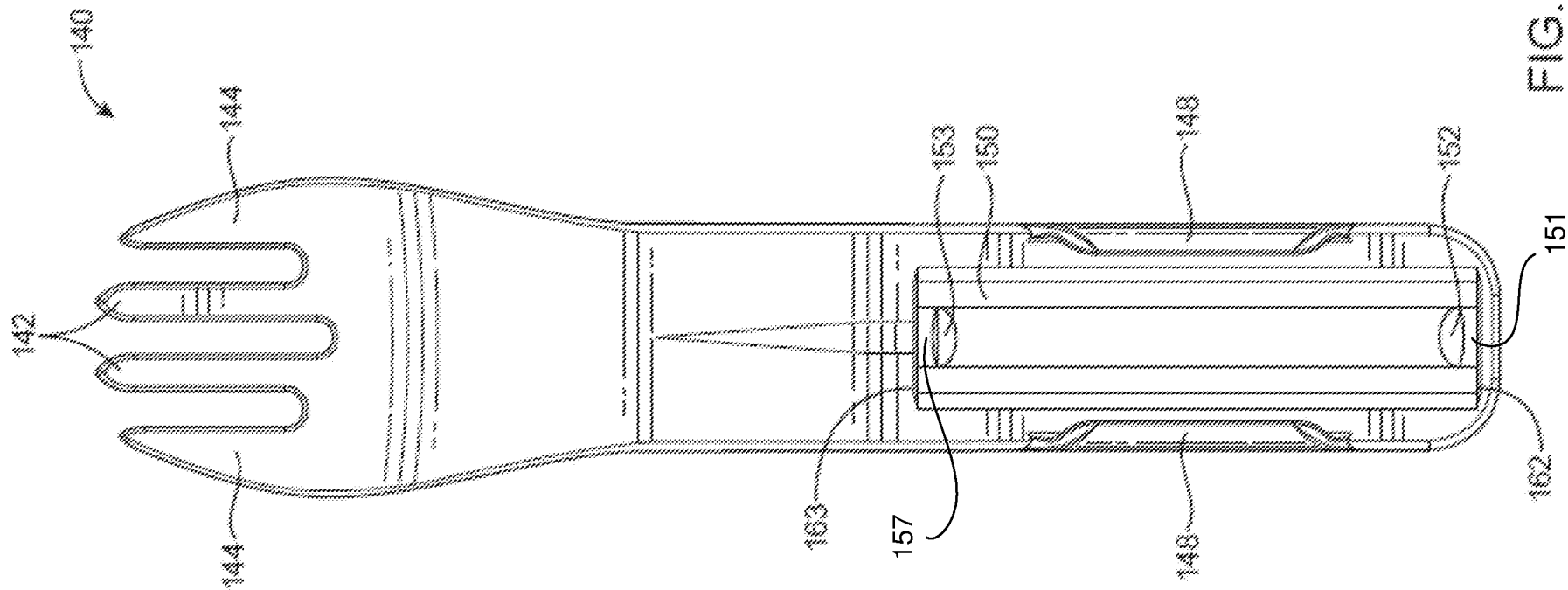


FIG. 4F

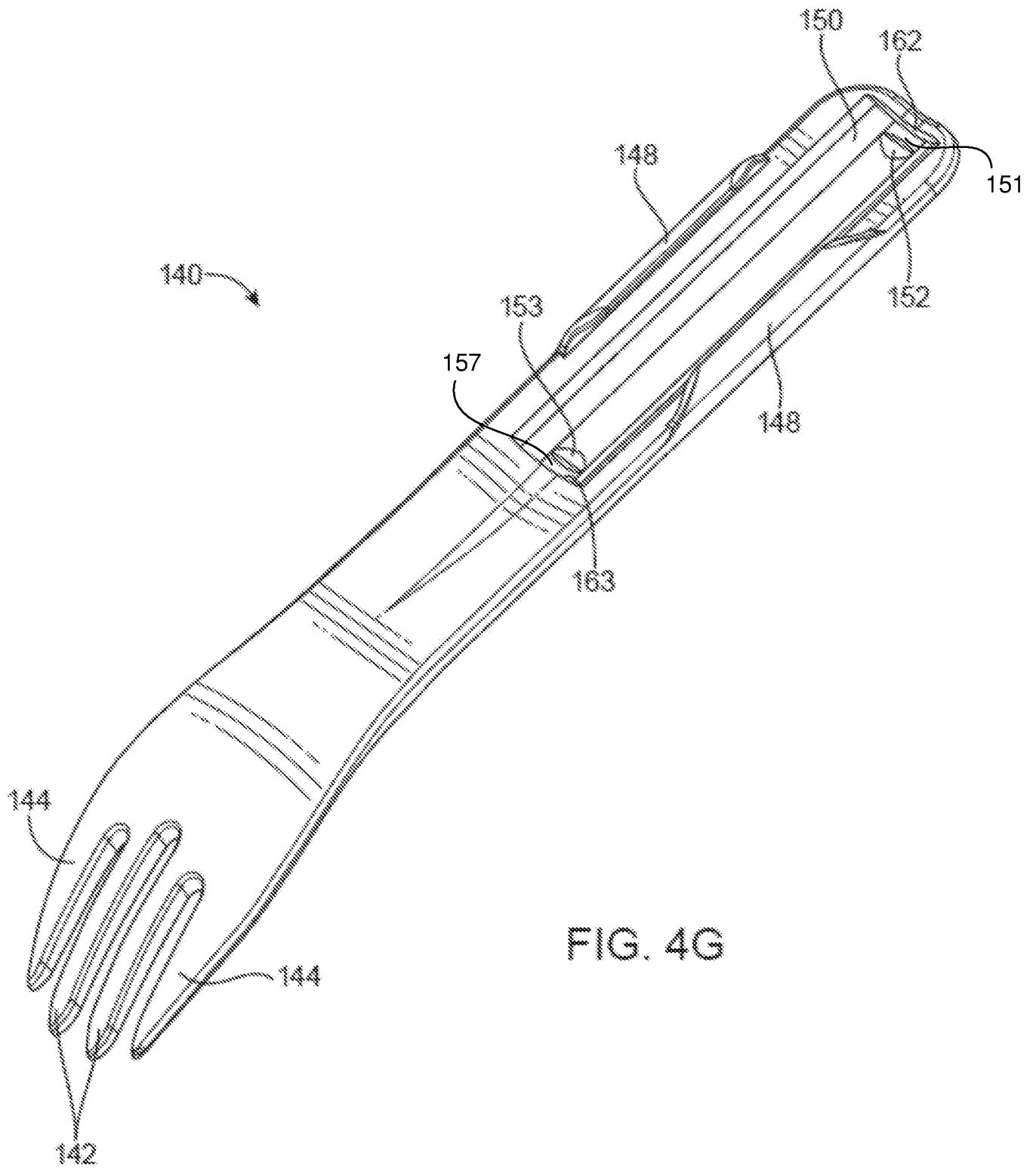


FIG. 4G

Electronic Acknowledgement Receipt

EFS ID:	25909013
Application Number:	14204497
International Application Number:	
Confirmation Number:	1678
Title of Invention:	EATING UTENSIL SYSTEM
First Named Inventor/Applicant Name:	Christopher A. MIKSOVSKY
Customer Number:	58766
Filer:	Tina Chen/Dawn Wold
Filer Authorized By:	Tina Chen
Attorney Docket Number:	HMG1P008
Receipt Date:	27-MAY-2016
Filing Date:	11-MAR-2014
Time Stamp:	17:28:22
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no
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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	After Final Consideration Program Request	After_Final_Consideration_Pilot_Program.pdf	226618 65a9a551133ff81e0a7c953a0f60d5c7399130aa	no	2

Warnings:

Information:

Humangear, Inc. Ex. 2004, Page 47

2	Miscellaneous Incoming Letter	HMG1P008_Amendment_B_Transmittal.pdf	22666 48e49bebe26965c172210a587e483ff568a85eab	no	1
Warnings:					
Information:					
3		HMG1P008_Amendment_B.pdf	52896 2a064701fb9d076ee7dbd4cf8020a025fa9e9af8	yes	11
	Multipart Description/PDF files in .zip description				
	Document Description		Start	End	
	Response After Final Action		1	1	
	Specification		2	3	
	Claims		4	8	
	Applicant Arguments/Remarks Made in an Amendment		9	11	
Warnings:					
Information:					
4	Drawings-only black and white line drawings	HMG1P008_Replacement_Sheets.pdf	639672 9f320d932b490af1b5f354e422c48fb1d4bd7706	no	3
Warnings:					
Information:					
Total Files Size (in bytes):			941852		
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. <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.					

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875	Application or Docket Number 14/204,497	Filing Date 03/11/2014	☐ To be Mailed
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ENTITY: ☐ LARGE ☒ SMALL ☐ MICRO

APPLICATION AS FILED – PART I

(Column 1)

(Column 2)

FOR	NUMBER FILED	NUMBER EXTRA	RATE (\$)	FEE (\$)
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A	
☐ SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A	N/A	
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A	
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =	*	X \$ =	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*	X \$ =	
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$310 (\$155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).			
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))				
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL	

APPLICATION AS AMENDED – PART II

(Column 1)

(Column 2)

(Column 3)

AMENDMENT	05/27/2016	CLAIMS REMAINING AFTER AMENDMENT	MINUS	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)
	Total (37 CFR 1.16(i))	* 21	Minus	** 35	= 0	x \$40 =	0
	Independent (37 CFR 1.16(h))	* 2	Minus	***4	= 0	x \$210 =	0
	☐ Application Size Fee (37 CFR 1.16(s))						
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))						
TOTAL ADD'L FEE						0	

(Column 1)

(Column 2)

(Column 3)

AMENDMENT	CLAIMS REMAINING AFTER AMENDMENT	MINUS	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)
	Total (37 CFR 1.16(i))	*	Minus	**	=	X \$ =
	Independent (37 CFR 1.16(h))	*	Minus	***	=	X \$ =
	☐ Application Size Fee (37 CFR 1.16(s))					
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))					
TOTAL ADD'L FEE						

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.

** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".

*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".

The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

LIE
/STELLA LITTLE/

This collection of information is required by 37 CFR 1.16. 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, 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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
14/204,497	03/11/2014	Christopher A. MIKSOVSKY	HMG1P008	1678

58766 7590 03/28/2016
Beyer Law Group LLP
P. O. Box 51887
Palo Alto, CA 94303-1887

EXAMINER

PRONE, JASON D

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

3724

NOTIFICATION DATE	DELIVERY MODE
-------------------	---------------

03/28/2016

ELECTRONIC

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

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USPTOmail@beyerlaw.com

Office Action Summary	Application No. 14/204,497	Applicant(s) MIKSOVSKY ET AL.	
	Examiner Jason Daniel Prone	Art Unit 3724	AIA (First Inventor to File) Status Yes

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

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTHS FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 1-22-16.
☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on ____; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims*

- 5) ☒ Claim(s) 1-6,8,10-13 and 36-45 is/are pending in the application.
5a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 6) ☐ Claim(s) ____ is/are allowed.
- 7) ☒ Claim(s) 1-6,8,10-13 and 36-45 is/are rejected.
- 8) ☐ Claim(s) ____ is/are objected to.
- 9) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

* If any claims have been determined allowable, you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see http://www.uspto.gov/patents/init_events/pph/index.jsp or send an inquiry to PPHfeedback@uspto.gov.

Application Papers

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☒ The drawing(s) filed on 3-11-14 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

Certified copies:

- a) ☐ All b) ☐ Some** c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

** See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) ☐ Notice of References Cited (PTO-892) | 3) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) ☐ Information Disclosure Statement(s) (PTO/SB/08a and/or PTO/SB/08b)
Paper No(s)/Mail Date ____. | 4) ☐ Other: ____. |

DETAILED ACTION

Notice of Pre-AIA or AIA Status

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

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the groove of claim 37 must be shown or the feature(s) canceled from the claim(s). It is noted the groove may be shown however, the groove is not labeled with a reference label that is also in the detailed description. If an item is important enough to claim, the item is important enough to be labeled in the Figures. No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New

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Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

3. The claims are objected to because of the following informalities:
- The use of the term “each” alone to reference back to a previously disclosed limitation is not proper. For example, on line 3 of claim 1, the phrase “each rail” should be replaced with “each of the rails”. All of the claims need to be reviewed and each occurrence of this issue amended in the way suggested.
 - Use of the term “its” is also improper in that it is not known what limitation the “its” is referencing. All occurrences of the term “its” need to be replaced with the actual name of the structure.
 - In claim 36 line 4, the phrase “having bowl portion” should be replaced with “having a bowl portion”.
 - In claim 43, the phrase “the a single combination utensil configuration” should be replaced with “the single combination utensil configuration”.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

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

(a) IN GENERAL.—The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same, and shall set forth the best mode contemplated by the inventor or joint inventor of carrying out the invention.

The following is a quotation of the first paragraph of pre-AIA 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same, and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 8 and 43 are rejected under 35 U.S.C. 112(a) or 35 U.S.C. 112 (pre-AIA), first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor or a joint inventor, or for pre-AIA the inventor(s), at the time the application was filed, had possession of the claimed invention.

With regards to claim 8, the phrase "slide along the recess" is unclear. What structure allows for the raised edge to slide along the recess? A person can lie along a wall and not even touch the wall and there is no support that the raised edge can operate in a position where it is not within the recess. The raised edge slides within the recess and not along the recess.

With regards to claim 43 and Figure 6D, it is unclear how this is considered a substantially U-shape. This shape is not remotely a U-shape.

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

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

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

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

7. Claims 1-6, 8, 10-13, and 36-45 are rejected under 35 U.S.C. 112(b) or 35 U.S.C. 112 (pre-AIA), second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the inventor or a joint inventor, or for pre-AIA the applicant regards as the invention.

The claims are replete with functional limitations without first disclosing all necessary structure allowing for the function to exist.

With regards to claims 1 and 36, the interlocking function is unclear in light of claim 37. Without the end walls in combination with the detents to define grooves, how can the handles ever be interlocked? The end wall and the detent together interlock the raised edge into position. Without the end wall, the detent is not capable of interlocking the raised edge on its own as supported by the specification.

With regards to claim 1 lines 11-12, the phrase “until the raised edge engages a detent on the handle of the fork” is unclear. First it is unclear if this detent represents the same or different structure as the previously disclosed “one or more detents”. As written, the “a detent” is in addition to the previously disclosed one or more detents which is not supported. Now assuming this detent is the same as the previously disclosed one or more detents, there is a situation where there is only one detent claimed. In this situation, the phrase in question is not true because the raised edge would only hit a detent in either the nested position or in the combination utensil configuration because and not both because there is only one detent. In order for this phrase to be true, there must be two detents claimed. Claim 36 has both of these issues.

With regards to claim 2, the phrase "at least one tine" is not clear. It is unclear if this at least one tine represents the same or different structure as the previously disclosed "plurality of tines" of claim 1. As written, the "at least one tine" is in addition to the previously disclosed tines which is not supported. The phrase needs to be replaced with "at least one of the tines" to overcome. Claim 39 has the same issue.

With regards to claim 3, the phrase "at an end" is unclear. End of what?

With regards to claim 5, the phrases "each chamfered outer edge" and "a rail" is unclear. The previous disclosure of the chamfered outer edge only discloses a single outer edge structure and not multiple edges. Therefore it is unclear what is meant by "each" edge when only one has been disclosed. It is unclear if this rail represents the same or different structure as the previously disclosed "pair of rails" of claim 1. As written, the "a rail" is in addition to the previously disclosed rails which is not supported.

With regards to claim 8, the phrase "slide along the recess" is not true. What structure allows for the raised edge to slide along the recess? A person can lie along a wall and not even touch the wall. The raised edge slides within the recess and not along the recess.

In claim 36, the bottom surface of the fork and the raised edge of the spoon is unclear in light of claim 37. Claim 37 discloses that the bottom surface is not the recess but instead has the recess. If the recess is in addition to the bottom surface it is unclear what structure allows for the bottom surface of the fork and the raised edge of the spoon capable of functioning as disclosed in claim 36. The recess is necessary in order for the

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raised surface to be received and to allow for the interlocking. Without the recess the spoon and fork can never connect.

With regards to claim 37 line 2, it is unclear if this bottom surface represents the same or different structure as the previously disclosed bottom surface of claim 36. As written, the “a bottom surface” is in addition to the previously disclosed bottom surface which is not supported.

With regards to claim 37 line 4, it is unclear if this “a detent” represents the same or different structure as the previously disclosed “one or more detents” of claim 36. As written, the “a detent” is in addition to the previously disclosed one or more detents which is not supported.

Claim 43 recites the limitation "the same direction" on line 2. There is insufficient antecedent basis for this limitation in the claim.

With regards to claim 43, it is unclear what structure allows for the side view of the system to be considered remotely in a U-shape.

Claim Rejections - 35 USC § 102

In the event the determination of the status of the application as subject to AIA 35 U.S.C. 102 and 103 (or as subject to pre-AIA 35 U.S.C. 102 and 103) is incorrect, any correction of the statutory basis for the rejection will not be considered a new ground of rejection if the prior art relied upon, and the rationale supporting the rejection, would be the same under either status.

8. 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:

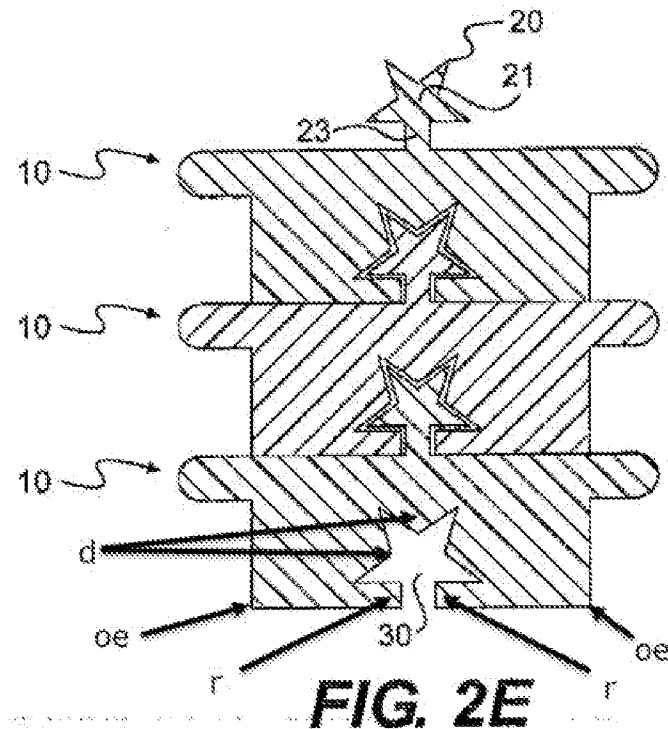
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A person shall be entitled to a patent unless –

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

9. Claims 36, 37, and 40 are rejected, as best understood, under 35 U.S.C. 102(a)(1) as being anticipated by Walters (2012/0036724). See Figure below for Examiner added reference labels. With regards to claim 36, Walters discloses the same invention including a fork spoon system (paragraph [0066] and Fig. 2E), a fork (paragraph [0066]) having tines (inherent feature that makes a fork a fork) including a handle with a pair of rails (r) along a portion of side edges (oe) and detents in a bottom surface of the handle (d), a spoon (paragraph [0066]) having a bowl portion (inherent feature that makes a spoon a spoon) and a handle slidable between the rails (21) and a raised edge at a proximal end of a top surface of the handle for engaging a detent (21) capable of interlocking the fork and spoon in a nested or in a single combination utensil configuration to form a single combination utensil where the bowl portion and tines are on opposite ends (Fig. 2E).

With regards to claims 37 and 40, Walters discloses the detents are a pair of detents within a recess in a bottom surface of the fork handle (d), each of the detents spaced from an end wall of the recess to form a groove (space in-between the detents d), the raised edge is capable of being slid over a detent to engage the groove to interlock the fork and spoon (Fig. 2E), and the handle of the spoon has a chamfered outer edge (20)



Claim Rejections - 35 USC § 103

In the event the determination of the status of the application as subject to AIA 35 U.S.C. 102 and 103 (or as subject to pre-AIA 35 U.S.C. 102 and 103) is incorrect, any correction of the statutory basis for the rejection will not be considered a new ground of rejection if the prior art relied upon, and the rationale supporting the rejection, would be the same under either status.

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

A patent for a claimed invention may not be obtained, notwithstanding that the claimed invention is not identically disclosed as set forth in section 102 of this title, if the differences between the claimed invention and the prior art are such that the claimed invention as a whole would have been obvious before the effective filing date of the claimed invention to a person having ordinary skill in the art to which the claimed invention pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 38, 41, 42, and 45 are rejected under 35 U.S.C. 103 as being unpatentable over Walters. Walters discloses the invention including the option of multiple shapes but fails to disclose the raised edge is substantially crescent-shaped and the bowl portion has substantially pentagonal shape with substantially flat side and end edges.

It would have been an obvious matter of design choice to make the raised edge or bowl portion of whatever form or shape was desired or expedient including the raised edge having any reasonable shape including a shape that can be considered crescent shape (and still meet the remaining limitations) and the bowl portion having any reasonable shape including substantially pentagonal. A change in form or shape is generally recognized as being within the level of ordinary skill in the art, absent any showing of unexpected results. *In re Dailey et al.*, 149 USPQ 47. Therefore, it would have been an obvious matter of design choice to modify the device of Walters to obtain the invention as specified in claims 38, 41, 42, and 45. The claim would have been obvious because a person of ordinary skill has good reason to pursue the known options within technical grasp. If this leads to the anticipated success, it is likely the product is not of innovation but of ordinary skill and common sense.

12. Claims 39 is rejected under 35 U.S.C. 103 as being unpatentable over Walters (2012/0036724) in view of Miller (2003/0110644). Walters discloses the invention but fails to disclose at least one tine having a chamfered outer edge.

Miller teaches it is old and well known in the art of forks to incorporate at least one tine with a chamfered outer edge (Fig. 6, 36). Therefore, it would have been

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obvious to one of ordinary skill in the art, at the time of the invention, to have provided Walters with the chamfered edge tine, as taught by Miller, because the substitution of one known element for another would have yielded predictable results and all claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective function and the combination would have yielded predictable results.

13. Claim 43 is rejected under 35 U.S.C. 103 as being unpatentable over Walters (2012/0036724) in view of Brabeck et al. (D362,160). Walters discloses the invention but fails to disclose the substantial u-shape when viewed from a side view.

Brabeck et al. teach it is old and well known in the art of interlockable spoon/fork systems to incorporate a substantial u-shape when viewed from a side view (Figs. 6 and 9). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided Walters with bowl portion and tine shapes that allow for a substantial u-shape, as taught by Brabeck et al., because the substitution of one known element for another would have yielded predictable results and all claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective function and the combination would have yielded predictable results.

14. Claim 43 is rejected under 35 U.S.C. 103 as being unpatentable over Walters (2012/0036724) in view of Miller (2003/0110644) as applied to claim 2 above, and further in view of Prindle (4,317,284). Walters in view of Miller is perfectly capable of

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achieving a nested position but fail to disclose the tines do not extend beyond an outer edge of the spoon when nested.

Prindle teach it is old and well known in the art of nesting spoon/forks to incorporate tines do not extend beyond an outer edge of the spoon when nested (Fig. 2). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided Walters in view of Miller with the tines within the outer boarder of the spoon, as taught by Prindle, because the substitution of one known element for another would have yielded predictable results and all claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective function and the combination would have yielded predictable results.

15. It is to be noted that claims 1-6, 8, and 10-13 have not been rejected over prior art. It may or may not be readable over the prior art but allowability cannot be determined at this time in view of the issues under 35 USC § 112.

Response to Arguments

16. Applicant's arguments with respect to claims 1-6, 8, and 10-13 have been considered but are moot because the arguments do not apply to any of the references being used in the current rejection. The newly added claims do not incorporate structure that prevents the Walters art rejections

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 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 Jason Daniel Prone whose telephone number is (571)272-4513. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward F. Landrum can be reached on (571) 272-5567. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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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.

23 March 2016

/Jason Daniel Prone/

Primary Examiner, Art Unit 3724

Search Notes 	Application/Control No. 14204497	Applicant(s)/Patent Under Reexamination MIKSOVSKY ET AL.
	Examiner JASON D PRONE	Art Unit 3724

CPC- SEARCHED		
Symbol	Date	Examiner
A47G 21/06, 065, 04, 023	10/22/2015	/JP/

CPC COMBINATION SETS - SEARCHED		
Symbol	Date	Examiner

US CLASSIFICATION SEARCHED			
Class	Subclass	Date	Examiner
30	147-150, 322-328		
D7	643, 644, 653	10/22/2015	/JP/

SEARCH NOTES		
Search Notes	Date	Examiner
consulted CPC and USPC		
inventor search	10/22/2015	/JP/
updated search	3/23/2016	/JP/

INTERFERENCE SEARCH			
US Class/ CPC Symbol	US Subclass / CPC Group	Date	Examiner

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<i>Index of Claims</i> 	Application/Control No. 14204497	Applicant(s)/Patent Under Reexamination MIKSOVSKY ET AL.
	Examiner JASON D PRONE	Art Unit 3724

✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

☐ Claims renumbered in the same order as presented by applicant		☐ CPA		☐ T.D.		☐ R.1.47			
CLAIM		DATE							
Final	Original	09/04/2015	10/22/2015	03/23/2016					
	1	÷	✓	✓					
	2	÷	✓	✓					
	3	÷	✓	✓					
	4	÷	✓	✓					
	5	÷	✓	✓					
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	29	÷	N	-					
	30	÷	N	-					
	31	÷	N	-					
	32	÷	N	-					
	33	÷	N	-					
	34	÷	N	-					
	35	÷	N	-					
	36			✓					

<i>Index of Claims</i> 	Application/Control No. 14204497	Applicant(s)/Patent Under Reexamination MIKSOVSKY ET AL.
	Examiner JASON D PRONE	Art Unit 3724

✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

☐ Claims renumbered in the same order as presented by applicant					☐ CPA					☐ T.D.					☐ R.1.47				
CLAIM		DATE																	
Final	Original	09/04/2015	10/22/2015	03/23/2016															
	37			✓															
	38			✓															
	39			✓															
	40			✓															
	41			✓															
	42			✓															
	43			✓															
	44			✓															
	45			✓															

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Application	Document	Mailroom Date	Attorney Docket No.
14204497	CTFR	03/28/2016	HMG1P008

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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

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: MIKSOVSKY et al.

Attorney Docket No.: HMG1P008

Application No.: 14/204,497

Examiner: PRONE, JASON

Filed: March 11, 2014

Group: 3724

Title: EATING UTENSIL SYSTEM

Confirmation No.: 1678

CERTIFICATE OF EFS-WEB TRANSMISSION

I hereby certify that this correspondence is being transmitted electronically through EFS-WEB to the Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450 on January 22, 2016.

Signed: _____/Cara Romero/_____
Cara Romero

AMENDMENT A

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

Dear Sir:

In response to the non-final Office Action dated October 28, 2015, please amend the above-identified patent application as follows:

Amendments to the Claims are reflected in the listing of claims which begin on page 2 of this paper.

Remarks/Arguments begin on page 6 of this paper.

The listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

1. (Currently Amended) A combination fork and spoon system, comprising:

a fork including a plurality of tines at one end, the fork including a handle and one or more detents in a recess in a bottom surface of the handle and a pair of rails, each rail along a portion of an outer edge of the bottom surface of ~~[[a]]~~ the handle; and

a spoon including a bowl portion and a handle having a raised edge on its proximal end, the spoon configured to interlock with the fork either in a nested position or in a single combination utensil ~~an end-to-end~~-configuration in which the bowl portion of the spoon and tines of the fork are on opposite ends of the single combination utensil configuration to form a single combination utensil, the spoon including a handle, wherein the spoon is configured to interlock with the fork by sliding an entire width of the handle of the spoon that is capable of being slid between the rails of the fork until the raised edge engages a detent on the handle of the fork.

2. (Currently Amended) The combination fork and spoon system as recited in claim 1, ~~wherein the fork has a plurality of tines~~, wherein at least one tine on an outer edge of the fork has a chamfered outer edge.

3. (Original) The combination fork and spoon system as recited in claim 2, wherein the chamfered outer edge tapers at an end near the handle of the fork.

4. (Original) The combination fork and spoon system as recited in claim 1, wherein the handle of the spoon has a chamfered outer edge.

5. (Currently Amended) The combination fork and spoon system as recited in claim 4, wherein ~~[[the]]~~ **each** chamfered outer edge of the handle of the spoon is slidable under **a rail** ~~the rails~~.

6. (Currently Amended) The combination fork and spoon system as recited in claim 1, wherein the ~~spoon further comprises a~~ bowl portion ~~having~~ **has** a substantially flat side edge.

7. (Canceled)

8. (Currently Amended) The combination fork and spoon system as recited in claim ~~[[7]]~~ **1**, wherein the raised edge is configured to slide **along** ~~within~~ the recess.

9. (Canceled)

10. (Original) The combination fork and spoon system as recited in claim 8, wherein the raised edge is crescent-shaped and the recess is curved corresponding to a curvature of the raised edge.

11. (Currently Amended) The combination fork and spoon system as recited in claim 6, wherein the bowl portion of the spoon is **positioned at an angle relative to the handle of the spoon** ~~angled upward~~.

12. (Original) The combination fork and spoon system as recited in claim 2, wherein the tines do not extend beyond an outer edge of the spoon when the fork and spoon are in the nested position.

13. (Original) The combination fork and spoon system as recited in claim 1, wherein the fork and spoon are formed of a glass reinforced thermoplastic material.

14.-35 (Canceled)

36. (New) A combination fork and spoon system, comprising:

a fork having tines and a handle with a pair of rails along a portion of its side edges and one or more detents in a bottom surface of the handle; and

a spoon having bowl portion and a handle slidable between the rails and a raised edge at a proximal end of a top surface of the handle of the spoon for engaging a detent of the fork to interlock the spoon and the fork either in a nested position or in a single combination utensil configuration in which the bowl portion of the spoon and tines of the fork are on opposite ends of the single combination utensil configuration.

37. (New) The combination fork and spoon system of claim 36, wherein the one or more detents comprises a pair of detents within a recess in a bottom surface of the handle of the fork, each detent spaced apart from an end wall of the recess to form a groove, wherein the raised edge can be slid over a detent to engage the groove to interlock the spoon and fork.

38. (New) The combination fork and spoon system as recited in claim 36, wherein the raised edge is substantially crescent-shaped.

39. (New) The combination fork and spoon system as recited in claim 36, wherein the fork has at least one outer tine having a chamfered outer edge.

40. (New) The combination fork and spoon system as recited in claim 36, wherein the handle of the spoon has at least one chamfered side edge.

41. (New) The combination fork and spoon system as recited in claim 36, wherein the bowl portion of the spoon has a substantially flat side edge.

42. (New) The combination fork and spoon system as recited in claim 36, wherein the bowl portion of the spoon has a substantially flat end edge.

43. (New) The combination fork and spoon system as recited in claim 36, wherein the bowl portion of the spoon and the tine of the fork are oriented in the same direction such that the combination fork and spoon system is substantially U-shaped when viewed from its side in the a single combination utensil configuration.

44. (New) The combination fork and spoon system as recited in claim 36, wherein the tines of the fork do not extend beyond a distal end of the spoon when the spoon and fork are interlocked in the nested position.

45. (New) The combination fork and spoon system as recited in claim 36, wherein the bowl portion of the spoon has a substantially pentagonal shape.

REMARKS

Drawings

Independent Claim 1 is amended to clarify that the combination fork and spoon system can be either in a nested position or in a single combination utensil configuration in which the bowl portion of the spoon and tines of the fork are on opposite ends of the single combination utensil configuration. The nested position is shown in, for example, FIGS. 1A-3. The single combination utensil configuration is shown in, for example, FIGS. 6A-6D.

Rejections Under 35 U.S.C. §112

Claims 1-13 are rejected under 35 U.S.C. §112 (pre-AIA), second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the inventor or joint inventor, or for pre-AIA the applicant, regards as the invention. To overcome the rejection under §112, independent Claim 1 is amended to clarify that the spoon is configured to interlock with the fork by sliding an entire width of the handle of the spoon between the rails of the fork until the raised edge engages a detent on the handle of the fork.

Claim 5 is amended to clarify that each chamfered outer edge of the handle of the spoon is slidable under a rail. Claim 8 is amended to recite that the raised edge is configured to slide along the recess. Claim 11 is amended to recite that the bowl portion of the spoon is positioned at an angle relative to the handle of the spoon. This relative angle can be seen clearly in FIG. 6D, for example. The amendments discussed above are all fully supported by the specification and claims, as originally filed, and no new matter has been added by the amendments.

Rejections Under 35 U.S.C. §§102 and 103

Claims 1, 4, 5, 7-9, and 13 are rejected under 35 U.S.C. 102(a)(1) as being anticipated by Walters (2012/0036724). Claims 1, 7, and 8 are rejected under 35 U.S.C. 102(a)(1) as being anticipated by Walters Fig. 2C. Claims 2 and 3 are rejected under 35 U.S.C. §103 as being unpatentable over Walters in view of Miller (2003/0110644). Claims 6 and 11 are under 35 U.S.C. §103 as being unpatentable over Walters in view of Brabeck et al. (D362,160). Claim 10 is under 35 U.S.C. §103 as being unpatentable over Walters. Claim 12 is rejected under 35 U.S.C. §103 as being unpatentable over Walters in view of Miller, and further in view of Prindle (4,317,284).

Independent Claim 1 is amended to recite one or more detents in a recess in a bottom surface of the handle of the fork and a spoon including a bowl portion and a handle having a raised edge on its proximal end, wherein the spoon is configured to interlock with the fork by

sliding an entire width of the handle of the spoon between the rails of the fork until the raised edge engages a detent on the handle of the fork. This amendment is fully supported by the specification and claims, as originally filed, at, for example, FIG. 4E, paragraph [0048], and original Claims 7 and 9. Claims 7, 9, and 14-35 are canceled.

Walters teaches that “utensils 10 may be coupled to one another, forming a stack or module of coupled utensils 10.” However, none of Walters and the other cited references discloses or suggests a spoon configured to interlock with the fork by sliding an entire width of the handle of the spoon between the rails of the fork until the raised edge engages a detent on the handle of the fork. Walters does not disclose or suggest sliding an entire width of the spoon handle between rail of the fork to interlock the spoon and fork. None of the cited references discloses or suggests one or more detents within a recess in a bottom surface of the handle of a fork, much less a raised edge on the handle of the spoon configured to engage a detent on the handle of the fork to interlock the spoon and fork. Furthermore, Walters does not disclose or suggest a single combination utensil configuration in which the bowl portion of the spoon and tines of the fork are on opposite ends of the single combination utensil configuration.

Thus, for at least the reasons discussed above, amended independent Claim 1 is patentable over the cited references. Dependent Claims 2-6, 8, and 10-13, which depend from and include all of the limitations of amended claim 1, are also patentable over the cited references. Furthermore, each of the dependent claims recites further distinguishing features of advantage and utility.

New Claims

New Claims 36-45 are added. The new claims are fully supported by the specification and claims, as originally filed. No new matter is added by the new claims.

Conclusion

Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

,
BEYER LAW GROUP LLP

/Tina Chen/
Tina Chen
Reg. No. 44,606

P. O. Box 51887
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650-842-1300

Electronic Acknowledgement Receipt

EFS ID:	24704437
Application Number:	14204497
International Application Number:	
Confirmation Number:	1678
Title of Invention:	EATING UTENSIL SYSTEM
First Named Inventor/Applicant Name:	Christopher A. MIKSOVSKY
Customer Number:	58766
Filer:	Tina Chen/Cara Romero
Filer Authorized By:	Tina Chen
Attorney Docket Number:	HMG1P008
Receipt Date:	22-JAN-2016
Filing Date:	11-MAR-2014
Time Stamp:	17:57:36
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no
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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Miscellaneous Incoming Letter	HMG1P008_Amendment_A_Transmittal.pdf	21309 c0788fc5e9b672bb68358066bebe21f841ff4faf	no	1

Warnings:

Information:

Humangear, Inc. Ex. 2004, Page 76

2		HMG1P008_Amendment_A.pdf	47862	yes	7
			f7db730dd9e85e4db05275c937272f417d8b02cd		
Multipart Description/PDF files in .zip description					
Document Description			Start	End	
Amendment/Req. Reconsideration-After Non-Final Reject			1	1	
Claims			2	5	
Applicant Arguments/Remarks Made in an Amendment			6	7	
Warnings:					
Information:					
Total Files Size (in bytes):			69171		
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. <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

In re application of: MIKSOVSKY et al.

Attorney Docket No.: HMG1P008

Application No.: 14/204,497

Examiner: PRONE, JASON

Filed: March 11, 2014

Group: 3724

Title: EATING UTENSIL SYSTEM

Confirmation No.: 1678

CERTIFICATE OF EFS-WEB TRANSMISSION

I hereby certify that this correspondence is being transmitted electronically through EFS-WEB to the Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450 on January 22, 2016.

Signed: /Cara Romero/
Cara Romero

AMENDMENT A TRANSMITTAL

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

Sir:

Transmitted herewith is an Amendment in the above-identified application.

The fee has been calculated as shown below.

	Claims After Amendment		Highest Previously Paid For	Present Extra	Small Entity Rate Fee	Large Entity Rate Fee
Total Claims	21	MINUS	35	00	x 40 = \$0.00	x 80 = \$0.00
Independent Claims	02	MINUS	04	00	x 210 = \$0.00	x 420 = \$0.00
Multiple Dependent Claim Present and Fee Not Previously Paid						
Total					\$0.00	\$0.00

☒ Applicant(s) believe that no (additional) Extension of Time is required; however, if it is determined that such an extension is required, Applicant(s) hereby petition that such an extension be granted and authorize the Commissioner to charge the required fees for an Extension of Time under 37 CFR 1.136 to Deposit Account No. 50-4481.

☒ Please charge the required fees, or any additional fees required to facilitate filing the enclosed response, to Deposit Account No. 50-4481 (Order No. HMG1P008).

Respectfully submitted,
BEYER LAW GROUP LLP

/Tina Chen/
Tina Chen
Reg. No. 44,606

P. O. Box 51887
Palo Alto, CA 94303-1887

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.

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875	Application or Docket Number 14/204,497	Filing Date 03/11/2014	☐ To be Mailed
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ENTITY: ☐ LARGE ☒ SMALL ☐ MICRO**APPLICATION AS FILED – PART I**

(Column 1)

(Column 2)

FOR	NUMBER FILED	NUMBER EXTRA	RATE (\$)	FEE (\$)
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A	
☐ SEARCH FEE (37 CFR 1.16(k), (l), or (m))	N/A	N/A	N/A	
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A	
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =	*	X \$ =	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*	X \$ =	
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$310 (\$155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).			
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))				
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL	

APPLICATION AS AMENDED – PART II

(Column 1)

(Column 2)

(Column 3)

AMENDMENT	01/22/2016	CLAIMS REMAINING AFTER AMENDMENT	MINUS	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)
	Total (37 CFR 1.16(i))	* 21	Minus	** 35	= 0	X \$40 =	0
	Independent (37 CFR 1.16(h))	* 2	Minus	***4	= 0	X \$210 =	0
	☐ Application Size Fee (37 CFR 1.16(s))						
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))						
						TOTAL ADD'L FEE	0

(Column 1)

(Column 2)

(Column 3)

AMENDMENT	CLAIMS REMAINING AFTER AMENDMENT	MINUS	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)
	Total (37 CFR 1.16(i))	*	Minus	**	=	X \$ =
	Independent (37 CFR 1.16(h))	*	Minus	***	=	X \$ =
	☐ Application Size Fee (37 CFR 1.16(s))					
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))					
					TOTAL ADD'L FEE	

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.

** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".

*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".

The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

LIE
/STEFANIE BRYCE/

This collection of information is required by 37 CFR 1.16. 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, 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
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
14/204,497	03/11/2014	Christopher A. MIKSOVSKY	HMG1P008	1678
58766	7590	10/28/2015		
Beyer Law Group LLP P. O. Box 51887 Palo Alto, CA 94303-1887			EXAMINER PRONE, JASON D	
			ART UNIT	PAPER NUMBER
			3724	
			NOTIFICATION DATE	DELIVERY MODE
			10/28/2015	ELECTRONIC

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

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USPTOmail@beyerlaw.com

Office Action Summary	Application No. 14/204,497	Applicant(s) MIKSOVSKY ET AL.	
	Examiner Jason Daniel Prone	Art Unit 3724	AIA (First Inventor to File) Status Yes

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

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTHS FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10-8-15.
☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on _____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on _____; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims*

- 5) ☒ Claim(s) 1-35 is/are pending in the application.
5a) Of the above claim(s) 14-35 is/are withdrawn from consideration.
- 6) ☐ Claim(s) _____ is/are allowed.
- 7) ☒ Claim(s) 1-13 is/are rejected.
- 8) ☐ Claim(s) _____ is/are objected to.
- 9) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

* If any claims have been determined allowable, you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see http://www.uspto.gov/patents/init_events/pph/index.jsp or send an inquiry to PPHfeedback@uspto.gov.

Application Papers

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☒ The drawing(s) filed on 3-11-14 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

Certified copies:

- a) ☐ All b) ☐ Some** c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

** See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Information Disclosure Statement(s) (PTO/SB/08a and/or PTO/SB/08b)
Paper No(s)/Mail Date 3-11-14, 10-8-15
- 3) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 4) ☐ Other: _____

DETAILED ACTION

Notice of Pre-AIA or AIA Status

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

Election/Restrictions

2. Upon further review, Applicant's arguments with regards to Figures 1-6D all being the same embodiment is persuasive. The Examiner improperly listed Figures 1-5D as Species A and Figures 6A-6D as Species B when all these Figures should have been listed as one species. The election of Species A will include Figures 1-6D.

3. Claims 14-35 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention/species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 10-8-15. Claims 23-31 have been withdrawn because the claimed subject matter does not pertain to the elected species. The elected species clearly incorporates a two-part system of a spoon and a fork with interlocking structures. Claim 23 discloses a 3-part system, a spoon, a fork, and an interlocking mechanism (which does not appear to be shown in the Figures and would be objected to under 37 CFR 1.83(a)).

Drawings

4. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the end to end

configuration of claim 1 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

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

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

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

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

6. Claims 1-13 are rejected under 35 U.S.C. 112(b) or 35 U.S.C. 112 (pre-AIA), second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the inventor or a joint inventor, or for pre-AIA the applicant regards as the invention.

With regards to claim 1, the phrase "a spoon configured to interlock with the fork" is unclear. It is unclear what structure allows for the spoon to interlock with the fork, The claim previously disclose the fork has a recess and rails but neither of these structures are acknowledged by the phrase in question. The claim goes on to disclose the spoon has a handle but there is no mention that the handle plays into the interlocking either. Since the fork has been disclosed as having a recess and rails and it is these structures that allow for the interlocking, they must be mentioned in the phrase in question. For example, "a spoon configured to interlock with the fork via the recess and the rails".

With regards to claim 1, the phrase "an end to end configuration" is not clear and appears to be untrue. The position shown in Figure 6C in no way discloses an end to end configuration. Cited references D608,602 and D575,593 show an end to end configuration.

With regards to claims 1 and 5, the phrase "a handle capable of being slid between the rails" and "edge of the handle of the handle of the spoon is slidable under the rails" are unclear. It is this interaction between the rails and the spoon handle that defines the interlocking but as written, the rails/spoon handle interaction is unrelated to

the interlock limitation of claim 1. Claim 8 has the same issue with regards to the interlocking limitation of claim 1.

With regards to claim 11, it is unclear how the spoon can be considered angled upward in an orientation shown in Figure 6C. It is recommended that the term “upward” be replaced with a term that is correct regardless of orientation.

Claim Rejections - 35 USC § 102

In the event the determination of the status of the application as subject to AIA 35 U.S.C. 102 and 103 (or as subject to pre-AIA 35 U.S.C. 102 and 103) is incorrect, any correction of the statutory basis for the rejection will not be considered a new ground of rejection if the prior art relied upon, and the rationale supporting the rejection, would be the same under either status.

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

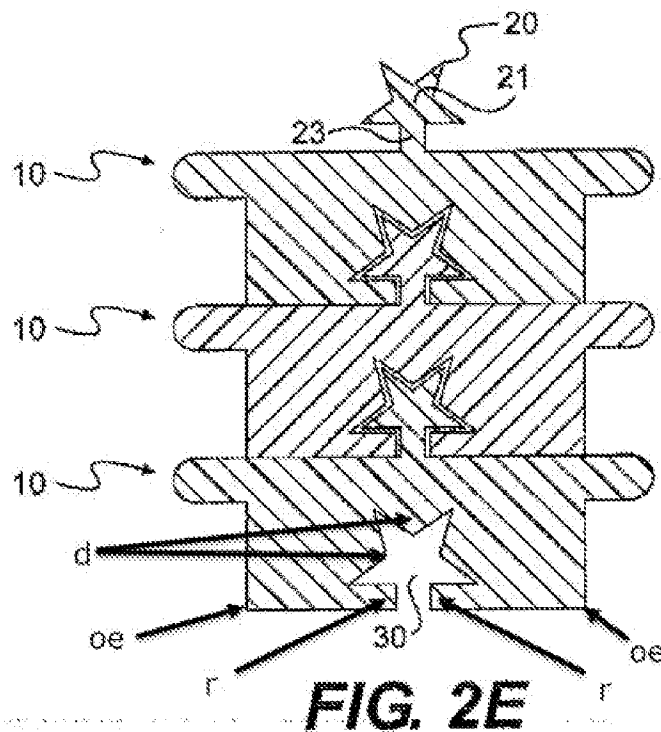
A person shall be entitled to a patent unless –

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

8. Claims 1, 4, 5, 7-9, and 13 are rejected under 35 U.S.C. 102(a)(1) as being anticipated by Walters (2012/0036724). See Figure below for Examiner added reference labels. With regards to claim 1, Walters discloses the same invention including a fork spoon combination (paragraph [0066] and Fig. 2E), a fork (paragraph [0066]) including a recess in a bottom surface (30) and a pair of rails (r), each rail along a portion of an outer edge of the bottom surface of a handle (oe), a spoon (paragraph [0066]) capable of interlocking (title) with the fork in a nested or end to end configuration

to form a single combination utensil (Fig. 2E), and the spoon having a handle that is cable of being slid between the rails (21).

With regards to claims 4, 5, 7-9, and 13, Walters discloses the handle of the spoon has a chamfered outer edge (20), the chamfered outer edge is slidable under the rails (Fig. 2E), the spoon has a raised edge on a proximal end (21 has a single edge that defines the 4 points), the raised edge is configured to slide within the recess (Fig. 2E), the recess has one or more detents configured to engage the raise edge (d), and the fork and spoon are formed of a glass reinforced thermoplastic (paragraph [0038]).



9. Claims 1, 7, and 8 are rejected under 35 U.S.C. 102(a)(1) as being anticipated by Walters (2012/0036724) Fig. 2C (hereafter known as W2C). With regards to claim 1, W2C discloses the same invention including a fork spoon combination (paragraph [0066] and Fig. 2C), a fork (paragraph [0066]) including a recess in a bottom surface

(30) and a pair of rails (Fig. 2C's equivalent to r in Figure 2E above), each rail along a portion of an outer edge of the bottom surface of a handle (Fig. 2C's equivalent to oe in Figure 2E above), a spoon (paragraph [0066]) capable of interlocking (title) with the fork in a nested or end to end configuration to form a single combination utensil (Fig. 2C), and the spoon having a handle that is cable of being slid between the rails (21).

With regards to claims 7 and 8, W2C discloses the spoon has a raised edge on a proximal end (21 has a circular outer edge) and the raised edge is configured to slide within the recess (Fig. 2C)

Claim Rejections - 35 USC § 103

In the event the determination of the status of the application as subject to AIA 35 U.S.C. 102 and 103 (or as subject to pre-AIA 35 U.S.C. 102 and 103) is incorrect, any correction of the statutory basis for the rejection will not be considered a new ground of rejection if the prior art relied upon, and the rationale supporting the rejection, would be the same under either status.

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

A patent for a claimed invention may not be obtained, notwithstanding that the claimed invention is not identically disclosed as set forth in section 102 of this title, if the differences between the claimed invention and the prior art are such that the claimed invention as a whole would have been obvious before the effective filing date of the claimed invention to a person having ordinary skill in the art to which the claimed invention pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 2 and 3 are rejected under 35 U.S.C. 103 as being unpatentable over Walters (2012/0036724) in view of Miller (2003/0110644). With regards to claims 2, Walters discloses the invention including the fork has a plurality of tines (inherent feature that makes a fork a fork).

However, with regards to claims 2 and 3, Walters fails to disclose at least one tine on an outer edge has a chamfered outer edge that tapered at an end near the handle.

Miller teaches it is old and well known in the art of forks to incorporate at least one tine on an outer edge has a chamfered outer edge that tapered at an end near the handle (Fig. 6, 36). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided Walters with the chamfered edge tine, as taught by Miller, because the substitution of one known element for another would have yielded predictable results and all claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective function and the combination would have yielded predictable results.

12. Claims 6 and 11 are rejected under 35 U.S.C. 103 as being unpatentable over Walters (2012/0036724) in view of Brabeck et al. (D362,160). Walters discloses the invention including the spoon has a bowl portion (inherent feature that makes a spoon a spoon)

However, with regards to claims 6 and 11, Walters fails to disclose the bowl portion has a substantially flat side edge and is angled upwards.

Brabeck et al. teach it is old and well known in the art of interlockable spoons to incorporate a bowl portion with a substantially flat side edge (Fig. 1) and is angled upwards (Fig. 12). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided Walters with the bowl portion, as

taught by Brabeck et al., because the substitution of one known element for another would have yielded predictable results and all claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective function and the combination would have yielded predictable results.

13. Claim 10 is rejected under 35 U.S.C. 103 as being unpatentable over W2C. W2C discloses the invention including the raised edge has a curved shape (Fig. 2C, 20) and the recess is curved corresponding to a curvature of the raised edge (Fig. 2C, 30).

However, W2C fails to disclose the curved shape is a crescent-shaped.

W2C clearly teaches it is old and well known to alter these shapes. It would have been an obvious matter of design choice to make the different portions of the raised edge and recess to incorporate any reasonable shape including a crescent shape of whatever form or shape was desired or expedient. A change in form or shape is generally recognized as being within the level of ordinary skill in the art, absent any showing of unexpected results. *In re Dailey et al.*, 149 USPQ 47. Therefore, it would have been an obvious matter of design choice to modify the device of W2C to obtain the invention as specified in claim 10. The claim would have been obvious because a person of ordinary skill has good reason to pursue the known options within technical grasp. If this leads to the anticipated success, it is likely the product is not of innovation but of ordinary skill and common sense.

14. Claim 12 is rejected under 35 U.S.C. 103 as being unpatentable over Walters (2012/0036724) in view of Miller (2003/0110644) as applied to claim 2 above, and

further in view of Prindle (4,317,284). Walters in view of Miller is perfectly capable of achieving a nested position but fail to disclose the tines do not extend beyond an outer edge of the spoon when nested.

Prindle teach it is old and well known in the art of nesting spoon/forks to incorporate tines do not extend beyond an outer edge of the spoon when nested (Fig. 2). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided Walters in view of Miller with the tines within the outer boarder of the spoon, as taught by Prindle, because the substitution of one known element for another would have yielded predictable results and all claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective function and the combination would have yielded predictable results.

15. To the degree it can be argued that Walters does not anticipate claim 13, claim 13 is rejected under 35 U.S.C. 103 as being unpatentable over Walters (2012/0036724). Walters discloses the invention including making the forks and spoons from different plastic combinations (paragraph [0038]).

However, Walters fails to disclose a glass reinforced thermoplastic.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have made the spoons/forks out of any reasonable material including glass reinforced thermoplastic, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

Art Unit: 3724

Therefore, it would have been an obvious matter of design choice to modify the device of Walters to obtain the invention as specified in claim 13. The claim would have been obvious because a person of ordinary skill has good reason to pursue the known options within technical grasp. If this leads to the anticipated success, it is likely the product is not of innovation but of ordinary skill and common sense.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Daniel Prone whose telephone number is (571)272-4513. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward F. Landrum can be reached on (571) 272-5567. 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.

Art Unit: 3724

22 October 2015

/Jason Daniel Prone/

Primary Examiner, Art Unit 3724

Notice of References Cited	Application/Control No. 14/204,497		Applicant(s)/Patent Under Reexamination MIKSOVSKY ET AL.	
	Examiner Jason Daniel Prone		Art Unit 3724	Page 1 of 6

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*	C	US-34,069 A	01-1862	Neill	A47G21/06	30/147
*	D	US-34,712 A	03-1862	Cables	B26B11/00	30/147
*	E	US-46,832 A	03-1865	Thorne	B26B11/00	30/143
*	F	US-RE7,925 E	10-1877	Ulmer		30/147
*	G	US-RE9,687 E	05-1881	Cox		30/148
*	H	US-398,264 A	02-1889	Kisner	A47G21/02	30/150
*	I	US-812,424 A	02-1906	Hellmuth	B67B7/38	30/148
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NON-PATENT DOCUMENTS

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Notice of References Cited	Application/Control No. 14/204,497		Applicant(s)/Patent Under Reexamination MIKSOVSKY ET AL.	
	Examiner Jason Daniel Prone		Art Unit 3724	Page 2 of 6

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*	F	US-1,348,762 A	08-1920	Suzuki	A47G21/02	30/150
*	G	US-1,372,325 A	03-1921	Willemin	A47G21/06	30/147
*	H	US-D60,369 S	02-1922	Quandee et al.		30/147
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Notice of References Cited	Application/Control No. 14/204,497		Applicant(s)/Patent Under Reexamination MIKSOVSKY ET AL.	
	Examiner Jason Daniel Prone		Art Unit 3724	Page 3 of 6

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Notice of References Cited	Application/Control No. 14/204,497		Applicant(s)/Patent Under Reexamination MIKSOVSKY ET AL.	
	Examiner Jason Daniel Prone		Art Unit 3724	Page 4 of 6

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Notice of References Cited	Application/Control No. 14/204,497		Applicant(s)/Patent Under Reexamination MIKSOVSKY ET AL.	
	Examiner Jason Daniel Prone		Art Unit 3724	Page 5 of 6

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Notice of References Cited	Application/Control No. 14/204,497		Applicant(s)/Patent Under Reexamination MIKSOVSKY ET AL.	
	Examiner Jason Daniel Prone		Art Unit 3724	Page 6 of 6

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Form 1449 (Modified) Information Disclosure Statement By Applicant (Use Several Sheets if Necessary)	Atty Docket No.	HMG1P008
	Application No.:	14/204,497
	Applicant	MIKSOVSKY et al.
	Filing Date	March 11, 2014
	Group	3724
		Page 1 of 1

U.S. Patent Documents

Examiner Initial	No.	Patent No.	Date	Patentee	Class	Sub-class	Filing Date
	1.						
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Foreign Patent or Published Foreign Patent Application

Examiner Initial	No.	Document No.	Publication Date	Country or Patent Office	Class	Sub-Class	Translation	
							Yes	No
	7.	WO 2013/095407	06/27/13	PCT				
	8.	0 129 495	12/27/84	EP				
	9.	DE 44 17 037	12/03/98	DE			Yes	
	10.	22,788	09/02/1915	GB				

Other Documents

Examiner Initial	No.	Author, Title, Place (e.g. Journal) of Publication, Date
	11.	International Search Report dated July 8, 2015 from International Application No. PCT/US2015/019017.
	12.	Written Opinion dated July 8, 2015 from International Application No. PCT/US2015/019017.
	13.	
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Examiner	/Jason Daniel Prone/	Date Considered	10/22/2015
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Examiner: Initial citation considered. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. J.P. Humagear, Inc. Ex. 2004, Page 99

Index of Claims 	Application/Control No. 14204497	Applicant(s)/Patent Under Reexamination MIKSOVSKY ET AL.
	Examiner JASON D PRONE	Art Unit 3724

✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

☐ Claims renumbered in the same order as presented by applicant				☐ CPA		☐ T.D.		☐ R.1.47	
CLAIM		DATE							
Final	Original	09/04/2015	10/22/2015						
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Form 1449 (Modified) Information Disclosure Statement By Applicant (Use Several Sheets if Necessary)	Atty Docket No.	HMG1P008
	Application No.:	Unassigned
	Applicant	MIKSOVSKY et al.
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		Page 1 of 1

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	2.	D269,060	05/24/83	Creamer			09/05/80
	3.	D414,988	10/12/99	Santini			01/04/99
	4.	D530,985	10/31/06	Evans			10/11/05
	5.	D575,593	08/26/08	Svartström			12/05/07
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Other Documents

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Examiner	/Jason Daniel Prone/	Date Considered	10/22/2015
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Examiner: Initial citation considered. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Search Notes 	Application/Control No. 14204497	Applicant(s)/Patent Under Reexamination MIKSOVSKY ET AL.
	Examiner JASON D PRONE	Art Unit 3724

CPC- SEARCHED		
Symbol	Date	Examiner
A47G 21/06, 065, 04, 023	10/22/2015	/JP/

CPC COMBINATION SETS - SEARCHED		
Symbol	Date	Examiner

US CLASSIFICATION SEARCHED			
Class	Subclass	Date	Examiner
30	147-150, 322-328		
D7	643, 644, 653	10/22/2015	/JP/

SEARCH NOTES		
Search Notes	Date	Examiner
consulted CPC and USPC		
inventor search	10/22/2015	/JP/

INTERFERENCE SEARCH			
US Class/ CPC Symbol	US Subclass / CPC Group	Date	Examiner

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Oct 28, 2015 05:27:33 AM

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Application	Document	Mailroom Date	Attorney Docket No.
14204497	CTNF	10/28/2015	HMG1P008
	892	10/28/2015	HMG1P008
	1449	10/28/2015	HMG1P008
	1449	10/28/2015	HMG1P008

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UNITED STATES PATENT AND TRADEMARK OFFICE
PATENT APPLICATION INFORMATION RETRIEVAL SYSTEM

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: MIKSOVSKY et al.

Attorney Docket No.: HMG1P008

Application No.: 14/204,497

Examiner: PRONE, JASON

Filed: March 11, 2014

Group: 3724

Title: EATING UTENSIL SYSTEM

Confirmation No.: 1678

CERTIFICATE OF EFS-WEB TRANSMISSION

I hereby certify that this correspondence is being transmitted electronically through EFS-WEB to the Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450 on October 8, 2015.

Signed: _____/Cara Romero/_____
Cara Romero

**RESPONSE TO RESTRICTION/ELECTION OF SPECIES
REQUIREMENT**

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

Dear Sir:

In response to the Restriction and Election of Species Requirement dated September 11, 2015, Applicant hereby elects, **with** traverse, group I, claims 1-13 and 23-31, to prosecute in the above-identified patent application.

Applicant respectfully traverses the Election of Species Requirement because Species A and Species B are not patentably distinct. Figs. 1-5D show the same invention as Figs. 6A-6D. Figs. 6A-6D show the same components shown in Figs. 1-5D (fork and spoon) fitted together to form a combination fork and spoon utensil. Applicant provisionally elects Species A. **[37 CFR 1.111, 1.143]**

If any fees are due in connection with the filing of this Response to Restriction Requirement, the Commissioner is hereby authorized to charge such fees to Deposit Account 50-4481 (Order No. HMG1P008).

Respectfully submitted,
BEYER LAW GROUP LLP

/Tina Chen/
Tina Chen
Registration No. 44,606

P. O. Box 51887
Palo Alto, CA 94303-1887
650-842-1300

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: MIKSOVSKY et al.

Attorney Docket No.: HMG1P008

Application No.: 14/204,497

Examiner: PRONE, JASON

Filed: March 11, 2014

Group: 3724

Title: EATING UTENSIL SYSTEM

Confirmation No.: 1678

CERTIFICATE OF EFS-WEB TRANSMISSION

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Signed: _____/Cara Romero/
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**INFORMATION DISCLOSURE STATEMENT
IN RESPONSE TO CORRESPONDING FOREIGN SEARCH REPORT OR
FOREIGN OFFICE ACTION**

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

Dear Sir:

The reference(s) identified in the attached PTO Form 1449 (copies of non-U.S. references are attached) may be material to the examination of the above-identified patent application. These reference(s) were cited in a corresponding PCT application. A copy of the International Search Report which was dated July 8, 2015 is enclosed herewith. These reference(s) are identified in compliance with the applicant's duty of disclosure pursuant to 37 CFR §§1.56 and 1.97. Accordingly, the Examiner is requested to make the identified reference(s) of official record in this application.

1. German Patent No. DE 44 17 037 - a computerized English translation is included herewith.

This Information Disclosure Statement is not to be construed as a representation that additional information (material to the examination of this application) does not exist or that the identified reference(s) constitute prior art.

Statement under 37 CFR § 1.97(e)

The undersigned hereby states that the reference(s) identified herewith were first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the Information Disclosure Statement. (37 CFR 1.97(e)(1))

Authorization for Deposit Account

In view of the foregoing, it is respectfully submitted that no fee is due in conjunction with the filing of this Information Disclosure Statement. However, should the Commissioner determine that additional fees are required for filing the present Information Disclosure Statement, the Commissioner is hereby authorized to charge any such fees to our Deposit Account Number 50-4481 (Order No. HMG1P008).

Respectfully submitted,
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Form 1449 (Modified) Information Disclosure Statement By Applicant (Use Several Sheets if Necessary)	Atty Docket No.	HMG1P008
	Application No.:	14/204,497
	Applicant	MIKSOVSKY et al.
	Filing Date	March 11, 2014
	Group	3724
		Page 1 of 1

U.S. Patent Documents

Examiner Initial	No.	Patent No.	Date	Patentee	Class	Sub-class	Filing Date
	1.						
	2.						
	3.						
	4.						
	5.						
	6.						

Foreign Patent or Published Foreign Patent Application

Examiner Initial	No.	Document No.	Publication Date	Country or Patent Office	Class	Sub-Class	Translation	
							Yes	No
	7.	WO 2013/095407	06/27/13	PCT				
	8.	0 129 495	12/27/84	EP				
	9.	DE 44 17 037	12/03/98	DE			Yes	
	10.	22,788	09/02/1915	GB				

Other Documents

Examiner Initial	No.	Author, Title, Place (e.g. Journal) of Publication, Date
	11.	International Search Report dated July 8, 2015 from International Application No. PCT/US2015/019017.
	12.	Written Opinion dated July 8, 2015 from International Application No. PCT/US2015/019017.
	13.	
	14.	
	15.	
	16.	
	17.	
	18.	
	19.	
	20.	

Examiner	Date Considered
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Examiner: Initial citation considered. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

12 **EUROPEAN PATENT APPLICATION**

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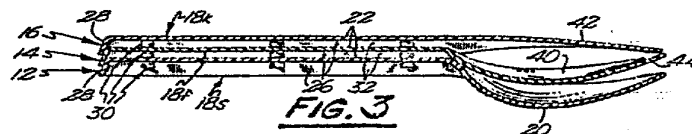
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54 Nestable and stackable set of table utensils.

57 Nestable, stackable cutlery is shown according to the teachings of the present invention in the form of spoons (12), forks (14), and knives (16). The cutlery (10) includes handle portions (18s, 18f, 18k), of generally identical construction, and food operational and engagement portions (20, 40, 42). The handle portions (18s, 18f, 18k) in the preferred embodiment have a U-shaped cross section allowing the outside surface of a first piece (12) of cutlery (10) to be received within the inside surface of a second piece (14) of cutlery (10). The cutlery further includes nesting and stacking lugs (30) for supporting the handle portion (18f) of the second piece (14) of

cutlery (10) along its entire length on the handle portion (18s) of the first piece (12) of cutlery (10). In their most preferred form, the lugs (30) include an inverse tapered inner surface for holding onto a punch of an injection mold during fabrication. In the preferred embodiment, the food operational and engagement portions (20, 40, 42) of the cutlery (10) have unique constructions allowing the food operational and engagement portions to lie within a single overall outline, and in the most preferred form, to lie generally within the outline of the bowl portion (20) of the spoon (12) when a spoon (12), a fork (14), and a knife (16) are stacked and nested together.



TITLE MODIFIED
see front page

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1 NESTABLE, STACKABLE CUTLERY

SUMMARY

The present invention relates generally to
cutlery, specifically to plastic cutlery, and more
5 particularly to nestable, stackable cutlery.

Known prior cutlery had severe limitations
in regard to the formation, packaging, storage, dispens-
ing, and handling of the cutlery. The present invention
solves these and other limitations and problems in
10 cutlery by providing, in the preferred embodiment,
cutlery including a plurality of utensils having
handle portions and food operational and engagement
portions. The handle portions include stacking and
nesting type surfaces allowing the utensils to be
15 stacked and nested together. The handle portions in
the preferred embodiment further include stacking and
nesting lugs for supporting the handle portions of the
cutlery along their entire length in their stacked,
nested positions.

20 Furthermore, the cutlery of the present
invention further provides, in the preferred embodiment,
unique food operational and engagement portions.
Specifically, the spoon includes an elongated, oval-
shaped bowl portion, the fork includes a complementary
25 shaped tine portion, and the knife includes a comple-
mentary shaped blade portion such that when the spoon,
fork, and knife are stacked together, the food opera-
tional and engagement portions lie within the outline

1 of the bowl portion of the spoon to protect the food
operational and engagement portions of the cutlery and
to prevent the food operational and engagement portions
from poking or cutting through the packaging of the
5 cutlery.

It is thus a primary object of the present invention to provide novel cutlery.

It is further an object of the present invention to provide such novel cutlery which is nestable and
10 stackable.

It is further an object of the present invention to provide such novel nestable, stackable cutlery including lugs formed on the stacking and nesting type surface for supporting the handle portions of the
15 cutlery along their entire length in their stacked, nested positions.

It is further an object of the present invention to provide such novel nestable, stackable cutlery which can be stacked in relatively low height stacks.

20 It is further an object of the present invention to provide such novel nestable, stackable cutlery which can be stacked in stacks having high structural integrity and in relatively stable stacks.

It is further an object of the present invention to provide such novel nestable, stackable cutlery
25 which lends itself to dispenser situations.

It is further an object of the present invention to provide such novel cutlery including advantageous packaging considerations.

30 It is further an object of the present invention to provide such novel cutlery having uniquely

1 constructed food operational and engagement portions
which remain in a single overall outline when a spoon,
a fork, and a knife are stacked together.

It is further an object of the present inven-
5 tion to provide such novel cutlery wherein when a
spoon, a fork, and/or a knife are stacked together,
the food operational and engagement portions are
protected from breakage and the packaging thereof is
protected against poking and cutting therethrough.

10 These and further objects and advantages of
the present invention will become clearer in light of
the following detailed description of illustrative
embodiments of this invention described in connection
with the drawings.

15 DESCRIPTION OF THE DRAWINGS

The illustrative embodiments may best be
described by reference to the accompanying drawings
where:

Figure 1 shows an exploded perspective view
20 of cutlery according to the teachings of the present
invention.

Figure 2 shows a top view of the cutlery of
Figure 1 in a stacked, nested relation.

Figure 3 shows a cross sectional view of the
25 cutlery of Figure 1 according to section line 3-3 of
Figure 2.

Figure 4 shows a cross sectional view of the
cutlery of Figure 1 according to section line 4-4 of
Figure 2.

30 Figure 5 shows a side view of a stack of
knives of the cutlery of Figure 1.

Figure 6 shows a side view of a stack of

1 forks of the cutlery of Figure 1.

Figure 7 shows a side view of a stack of spoons of the cutlery of Figure 1.

5 All figures are drawn for ease of explanation of the basic teachings of the present invention only; the extensions of the figures with respect to number, position, relationship, and dimensions of the parts to form preferred embodiments will be explained or will be obvious from the explanation given.

10 Where used in the various figures of the drawings, the same numerals designate the same or similar parts in the cutlery. Furthermore, when the terms "first", "second", "end", "edge", "top", "bottom", "inside", "outside", and similar terms are used herein, 15 it should be understood that these terms have reference only to the structures shown in the drawings as it would appear to a person viewing the drawings and are utilized only to facilitate describing the invention.

DESCRIPTION

20 Nestable, stacking cutlery is shown in its preferred form in the drawings and generally designated 10. Cutlery 10 includes in its most preferred form a set of cutlery comprising a spoon 12, a fork 14, and a knife 16.

25 Spoon 12 in the preferred embodiment includes a handle portion 18s and a bowl portion 20. Handle 18s has a generally U-shaped cross section and includes a flat top portion 22 and two depending leg portions 24 and 26 which extend at an obtuse angle from the 30 opposite edges of top portion 22. Handle 18s further includes at its first end an end portion 28 which extends at an obtuse angle from top portion 22 which

1 is equal to the obtuse angle which portions 24 and 26
extend from portion 22. End portion 28 is arcuately
attached to leg portions 24 and 26. In its most pre-
ferred form, the obtuse angle at which portions 24,
5 26, and 28 are attached to portion 22 is equal to
108°. As best seen in Figure 4, the inside and outside
corners at the intersection of portions 22, 24, and 26
and the inside corners of the free ends of portions 24
and 26 are rounded for molding and appearance consider-
10 ations. The outside surface of top portion 22 can
include indicia, decorations, or the like, if desired.

Handle 18s further includes lugs 30 formed
in the interior surface 32 of portions 24 and 26. In
their most preferred form, three or four lugs 30 are
15 formed on each of portions 24 and 26; however, fewer,
more, or continuous lugs can be provided according to
the teachings of the present invention. Lug 30 in its
most preferred form is generally wedge shaped and
includes an inside surface 34, a second surface 36
20 formed integrally with inside surface 32 of portions
24 and 26, and a curved surface 38 extending between
surface 34 and surfaces 32 and 36. In its most pre-
ferred form, curved surface 38 has a shape correspond-
ing and complementary to the outside corners of the
25 intersection of portions 22, 24, and 26. The angle of
intersection between surface 34 and surface 36 which
is concurrent with surface 32 is equal to approximately
one degree more than the number of degrees over 90
degrees of the obtuse angle between portions 24 and
30 26 and portion 22. Thus, in the most preferred form,
the angle between top portion 22 and surface 34 of
lugs 30 is generally equal to 89 degrees and such that
surfaces 34 of lugs 30 are not parallel to each other

1 but rather are in planes which converge towards each
other at a point spaced from top portion 22.

Fork 14 includes a handle portion 18f and a
tine portion 40. In its most preferred form, handle
5 18f has a generally identical construction as handle
18s of spoon 12.

Knife 16 includes a handle portion 18k and a
blade portion 42. In its most preferred form, handle
portion 18k has a generally identical construction as
10 handle 18s of spoon 12 and handle 18f of fork 14.

Examining the food operational and engage-
ment portions of spoon 12, fork 14 and knife 16 of
cutlery 10 in more detail, bowl portion 20 of spoon 12
has an elongated oval shape in the preferred embodiment.
15 In its most preferred form, portion 20 has a length in
the range of two and one half inches, a width in the
range of one and one sixteenth inch, and a depth in
the range of one quarter inch. Bowl portion 20 of the
present invention has the oval shape rather than the
20 round shape of bowl portions of prior spoons for several
reasons. First, the mouth of humans is proportionally
deeper than the bowl portion of prior art spoons and
the bowl portion 20 according to the teachings of the
present invention takes advantage of this depth.
25 Second, bowl portion 20 according to the teachings of
the present invention acts as a protector in protecting
the operational portion of fork 14 and knife 16 in a
stacked condition.

In its most preferred form, portions 24 and
30 26 terminate in bowl portion 20 as best seen in Figures
3 and 7 and act as a brace or strengthening portion to
aid in preventing bowl portion 20 from bending or
breaking relative to handle 18s.

In its most preferred form, tine portion 40

1 has a length and width equal to bowl portion 20 of
spoon 12. Tine portion 40 of fork 14 includes in its
most preferred form three tines 44 and a handle inter-
connection portion 46. Three tines 44 are used rather
5 than the standard four tines used in prior cutlery for
several reasons. First, tine portion 40 can be made
narrower so that it has the same width as bowl portion
20 of spoon 12, which width is less than the standard
width of prior forks and prior spoons. Second, more
10 material is used in fabricating tines 44 and thus they
are of a stronger design than if four tines were used.
Next, as best seen in Figures 1, 3, and 6, the outside
tines 44 can be made shorter than the middle tine 44
of tine portion 40 according to the teachings of
15 the present invention. Specifically, although the
operational length of tine portion 44 is maximized,
the tine portion 40 of fork 14 keeps in the outline of
bowl portion 20 of spoon 12 when fork 14 is stacked on
top of or above spoon 12 as best seen in Figures 2 and
20 3 according to the teachings of the present invention.
Thus, tines 44 are protected from breakage due to
catching on objects as would occur if the tines extended
beyond the outline of bowl portion 20 of spoon 12.
Likewise, tines 44 do not poke through the packaging
25 such as cellophane, heat shrunk plastic, and the
like in which cutlery 10 is packaged because bowl por-
tion 20 of spoon 12 acts as an abutment and protection
edge in preventing tines 44 from poking through the
packaging.
30 In its most preferred form, portions 24 and
26 terminate in handle interconnection portion 46 of
tine portion 40 as best seen in Figures 3 and 6 to aid
in preventing tine portion 40 from bending or breaking

1 relative to handle portion 18f.

In its most preferred form, the length of blade portion 42 is generally equal to the length of bowl portion 20 of spoon 12 and tine portion 40 of fork 14. The width of blade portion 42 is less than the width of bowl portion 20 of spoon 12 and tine portion 40 of fork 14. It should then be noted the length of blade portion 42 is considerably shorter than blade portions of prior knives. Specifically, prior knives had blade portions which were sufficient to butter a whole slice of bread. However, this function has been discovered to be not required in most situations where plastic cutlery is utilized, for example, in airline situations, but rather knives are required for cutting meats, buttering rolls, and like functions. Thus, knife 16 according to the teachings of the present invention has a blade portion 42 of a unique, much shorter design that is able to perform functions required in plastic cutlery situations.

Furthermore, since cutting has been discovered to be the primary function of knife 16, only a single serated edge 50 is provided on blade portion 42 with the other edge including a reinforcing rib 52. Rib 52 allows more material to be used in the formation of blade portion 42 thus increasing its strength. In its most preferred form, rib 52 is formed contiguous and integral with portion 24 of handle portion 18k. A further partial rib 54 is further provided as a radius between portion 26 of handle 18k and serated edge 50 of blade portion 42. Thus, knife 16 according to the teachings of the present invention has a great relative strength to aid in preventing blade portion 42 from bending or breaking relative to handle portion 18k.

1 Additionally, the unique design of blade
portion 42 obtains packaging consideration advantages.
Specifically, knife 16 has a total length equal to
that of spoon 12 and fork 14 rather than longer as in
5 the prior art. Second, blade portion 42 keeps in the
outline of bowl portion 20 of spoon 12 and tine portion
40 of fork 14 when knife 16 is stacked on top of or
above spoon 12 and/or fork 14 as best seen in Figures
2 and 3 according to the teachings of the present
10 invention. Thus, serrated edge 50 of blade portion 42
does not cut through the packaging of cutlery 10
such as cellophane, heat shrunk plastic, and the like
because bowl portion 20 of spoon 12 acts as a stacking
protector and as an abutment and protection edge in
15 preventing edge 50 from cutting through the packaging.
Similarly, blade portion 42 acts as a protector to
tines 44 of fork 14 when fork 14 is sandwiched between
knife 16 and spoon 12 as best seen in Figures 2 and 3.

 Cutlery 10 according to the teachings of the
20 present invention also obtains several advantages
because of their ability to be stacked and nested.
Specifically, handles portions 18 of cutlery 10 of the
present invention have several subtle features which
can now be explained and appreciated. Prior to the
25 present invention, known cutlery was stacked on the
thickest point, typically, at the junction of the
handle portion and the food operational and engagement
portion, and not along the entire length of the handle
portion, did not include nesting provisions, were very
30 unstable in a stacked condition, did not allow different
types of cutlery to be attached together, resulted in
stacks of relatively high heights, and like disadvantages.
The present invention solves these and other

10

1 problems of prior cutlery because of the unique features
of handle portions 18 and the food operational and
engagement portions of cutlery 10.

Specifically due to the construction of
5 handle portions 18 of cutlery 10, and particularly the
angular relationship of portions 24 and 26 and portion
22, handle portions 18 can be stacked and nested on
each other such that inside surfaces 34 of portions 24
and 26 can be positioned on top of outside surfaces 56
10 of portions 24 and 26 of a second handle portion 18 of
another piece of cutlery 10. Furthermore, lugs 30
abutting with the outside corners of the intersection
of portions 22, 24, and 26 and allow handle portions
18 of cutlery 10 to be stacked and supported along
15 the entire length of handle portion 18 and not at a
thickest point as in prior cutlery. Due to this nesting
and stacking provisions, stacks of a single type of
cutlery such as spoons, forks, or knives, as shown in
Figures 5-7, have a relatively low height, and speci-
20 fically have a height of less than 12 inches for 100
pieces of cutlery 10 in the most preferred embodiment
of the present invention. Of course, it should be
appreciated that the height of a stack varies with the
angular relation between portions 24 and 26 and portion
25 22 and other considerations. Furthermore, due to this
nesting ability, a stack of the same kind of cutlery as
shown in Figures 5-7 has a high structural integrity
and thus it is of a very stable design. Additionally,
according to the teachings of the present invention,
30 handle portion 18f can be stacked and nested on top of
and along the entire length of handle portion 18s,
and handle portion 18k can be stacked and nested on
top of and along the entire length of handle portion

1 18f or handle portion 18s, such that a set of cutlery
10 can be stacked and nested as best seen in Figures
2-4 to gain the packaging consideration advantages set
forth hereinbefore.

5 Additionally, the reverse taper of surface
34 provides injection consideration advantages over
prior cutlery. Specifically, the reverse taper of
surface 34 allows the piece of cutlery to be held on
the punch of an injection mold during formation allow-
10 ing automatic operation of the injection mold. Thus,
lugs 30 have dual functions and obtain formation and
nesting and stacking advantages.

 In addition to the production, assembly,
storage, and use advantages set forth, cutlery 10
15 according to the present invention obtains further and
similar advantages. For example, due to the U-shaped
cross section of handle portion 18, portions 24 and 26
act as reinforcement ribs such that handle portion 18
has a great relative strength requiring a minimum of
20 width, thickness, and material in addition to pro-
viding the stacking and nesting ability set forth.
Additionally, cutlery 10 according to the teachings of
the present invention is especially adapted for and
advantageous for use in dispenser situations.

25 Now that the basic teachings of the present
invention have been explained, many extensions and
variations will be obvious to one having ordinary
skill in the art. For example, cutlery 10 according
to the teachings of the present invention includes
30 several unique features which cooperate together to
form a synergistic combination having an accumulation
of advantages. However, these unique features can be
utilized separately or with further, substituted or

1 additional features according to the teachings of
the present invention.

Thus, since the invention disclosed herein
may be embodied in other specific forms without depart-
5 ing from the spirit or the general characteristics
thereof, some of which forms have been indicated, the
embodiments described herein are to be considered in
all respects illustrative and not restrictive. The
scope of the invention is indicated by the appended
10 claims, rather than by the foregoing description and
all changes which come within the meaning and range of
the equivalency of the claims are intended to be
embraced therein.

CLAIMS:

1. Nestable, stackable cutlery comprising, in combination: a spoon having a handle portion and a bowl portion; a fork having a handle portion and a tine portion; a knife having a handle portion and a blade portion, with the handle portions of the spoon, fork, and knife having a substantially identical construction, with the handle portions of the spoon, fork, and knife including a generally U-shaped cross section comprising, in combination: a flat top portion having a first end, a second end, a first edge, a second edge, an outside surface, and an inside surface; and first and second leg portions, with the first and second leg portions including a first end, a second end, a first edge, a second edge, an outside surface, and an inside surface, with the first edge of the first leg portion being attached at an obtuse angle to the first edge of the top portion and with the first edge of the second leg portion being attached at an obtuse angle to the second edge of the top portion, with the distance between the second edges of the first and second leg portions being greater than the distance between the first and second edges of the top portion allowing the handle portions of the spoon, fork, and knife to be stacked and nested together, with the handle portions further including means for supporting the handle portion along its entire length on the handle portion of another piece of cutlery in the their stacked, nested positions comprising lugs formed on the inside surfaces of the first and second leg portions for abutting with and support on the outside surface of the top portion of the handle portion of the other piece of cutlery, with the lugs being wedge shaped and including an inside surface and

an abutment surface, with the abutment surface having a shape complementary to and for abutment with the outside surfaces of the top portion and the first and second leg portions at their intersections, and wherein the inside surface of the lugs extend at an angle less than 90 degrees from the top portion of the handle portion to form an inverse taper for holding onto the punch of an injection mold during formation of the cutlery, with the bowl portion of the spoon being attached to the second ends of the top portion and the first and second leg portions of the handle portion and being of an elongated oval shape having a length, a width, and a depth, with the tine portion of the fork being attached to the second ends of the top portion and the first and second leg portions of the handle portion and having a length, a width, and a depth equal to the length, the width, and the depth of the bowl portion of the spoon, with the tine portion of the fork including a first tine, a second tine, and a third tine, with the first and third tines being located on opposite sides of the second tine, with the first and third tines being shorter than the second tine allowing the tine portion of the fork to remain in the outline of the bowl portion of the spoon for protecting the tines against breakage due to catching on external objects and for preventing the tines from poking through the packaging in which the cutlery is located when the fork is stacked on top of the spoon, with the blade portion of the knife being attached to the second ends of the top portion and the first and second leg portions of the handle portion and having a length generally equal to the length of the bowl portion of the spoon and tine portion of the

fork, with the width of the blade portion of the knife being less than the width of the bowl portion of the spoon and the tine portion of the fork, with the blade portion having a shape which remains in the outline of the bowl portion of the spoon and the tine portion of the fork when the knife is stacked on top of the spoon or on top of the fork for preventing the blade portion from cutting through the packaging of the cutlery.

2. Nestable, stackable cutlery comprising, in combination: a plurality of utensils, with each utensil including a handle portion and a food operational and engagement portion; with the handle portion having a first, stacking and nesting type surface and a second, stacking and nesting type surface allowing the handle portions of the utensils to be stacked and nested together with the first, nesting and stacking type surface of a first utensil being receivable within the second, stacking and nesting type surface of another utensil; and means for supporting the handle portion of the first utensil along its entire length on the handle portion of the other utensil in their stacked, nested positions comprising lugs formed on the second, stacking and nesting type surface of the handle portion of the first utensil for abutting with and support on the first, stacking and nesting type surface of the handle portion of the other utensil.

3. The nestable, stackable cutlery of claim 2 wherein the handle portions of the utensils include a generally U-shaped cross section comprising, in combination: a flat top portion having a first end, a second end, a first edge, a second edge, an outside surface,

and an inside surface; first and second leg portions, with the first and second leg portions including a first end, a second end, a first edge, a second edge, an outside surface, and an inside surface, with the first edge of the first leg portion being attached at an obtuse angle to the first edge of the top portion and with the first edge of the second leg portion being attached at an obtuse angle to the second edge of the top portion, with the food operational and engagement portion being attached to the second ends of the top portion and the first and second leg portions,

with the distance between the second edges of the first and second leg portions being greater than the distance between the first and second edges of the top portion allowing the handle portions of the utensils to be stacked and nested together with the inside surface of the first and second leg portions being positioned above the outside surfaces of the first and second leg portions of another utensil wherein the outside surfaces of the top portion and the first and second leg portions form the first, stacking and nesting type surface of the handle portion, and wherein the inside surfaces of the top portions and the first and second leg portions form the second, stacking and nesting type surface of the handle portion.

4. The nestable, stackable cutlery of claim 2 wherein the plurality of utensils comprises a plurality of spoons.

5. The nestable, stackable cutlery of claim 2 wherein the plurality of utensils comprises a plurality of forks.

6. The nestable, stackable cutlery of claim 2 wherein the plurality of utensils comprises a plurality of knives.

7. The nestable, stackable cutlery of claim 2 wherein the plurality of utensils include a spoon, a fork, and a knife.

8. The nestable, stackable cutlery of claim 7 wherein the food operational and engagement portion of the spoon comprises an elongated, oval-shaped bowl portion having a length, a width, and a depth; wherein the food operational and engagement portion of the fork comprises a tine portion having first, second, and third tines, with the tine portion having a length, a width, and a depth equal to the length, width, and depth of the bowl portion of the spoon, with the first and third tines being located on opposite sides of the second tine, with the first and third tines being shorter than the second tine of the tine portion and having a length such that the tine portion keeps in the outline of the bowl portion of the spoon when the fork is stacked on top of the spoon for protecting the tines against breakage due to catching on other objects or for poking through packaging of the cutlery; wherein the food operational and engagement portion of the knife comprises a blade portion having a length generally equal to the length of the bowl portion of the spoon and a width which is less than the width of the bowl portion of the spoon for allowing the blade portion of the knife to keep in the outline of the bowl portion of the spoon when the knife is stacked above the spoon.

9. The nestable, stackable cutlery of claim 2 wherein the lugs are wedge shaped and include an inside surface and an abutment surface, and wherein the inside surfaces of the lugs extend at an angle less than 90 degrees from the top portion of the handle portion to form an inverse taper for holding onto the punch of an injection mold during formation.

10. The nestable, stackable cutlery of claim 2 wherein the lugs include an abutment surface having a shape complementary to and for abutment with the outside surfaces of the top portion and the first and second leg portions at their intersection.

11. The nestable, stackable cutlery of claim 2 wherein the plurality of utensils include a fork and a knife.

12. The nestable, stackable cutlery of claim 11 wherein the food operational and engagement portion of the fork comprises a tine portion having first, second, and third tines, with the tine portion have a length, a width, and a depth, with the first and third tines being located on opposite sides of the second tine, with the first and third tines being shorter than the second tine of the tine portion; and wherein the food operational and engagement portion of the knife comprises a blade portion having a length generally equal to the length of the tine portion of the fork and a width which is less than the width of the tine portion of the fork for allowing the blade portion of the knife to keep in the outline of the tine portion of the fork when the knife is stacked on the fork.

13. The nestable, stackable cutlery of claim 2 wherein the plurality of utensils include a spoon and a fork.

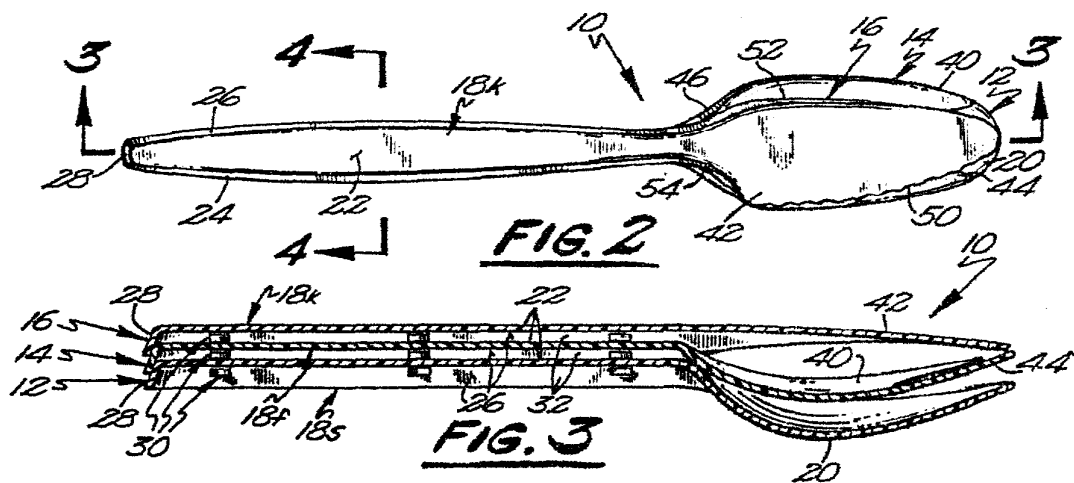
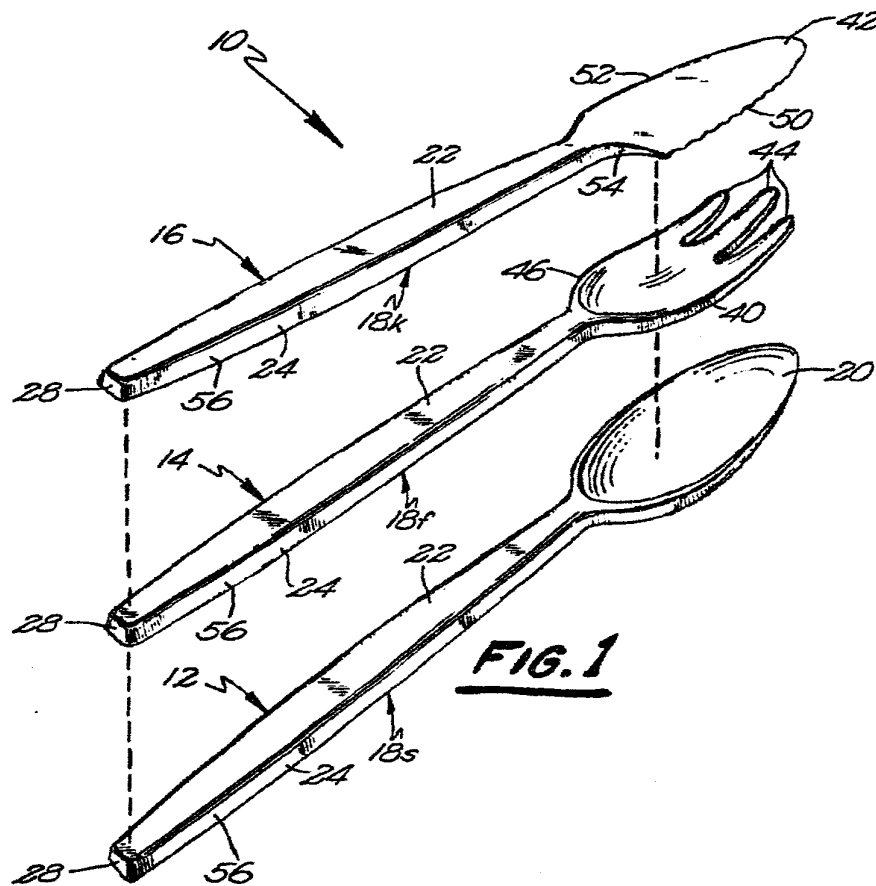
14. The nestable, stackable cutlery of claim 13 wherein the food operational and engagement portion of the spoon comprises an elongated, oval-shaped bowl portion having a length, a width, and a depth; and wherein the food operational and engagement portion of the fork comprises a tine portion having first, second, and third tines, with the tine portion having a length, a width, and a depth equal to the length, width, and depth of the bowl portion of the spoon, with the first and third tines being located on opposite sides of the second tine, with the first and third tines being shorter than the second tine of the tine portion and having a length such that the tine portion keeps in the outline of the bowl portion of the spoon when the fork is stacked on top of the spoon for protecting the tines against breakage due to catching on other objects or for poking through packaging of the cutlery.

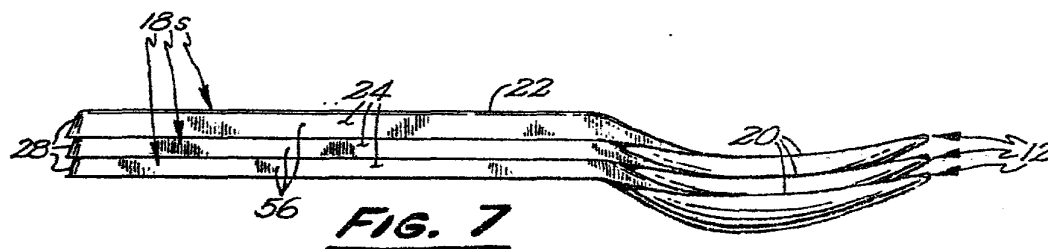
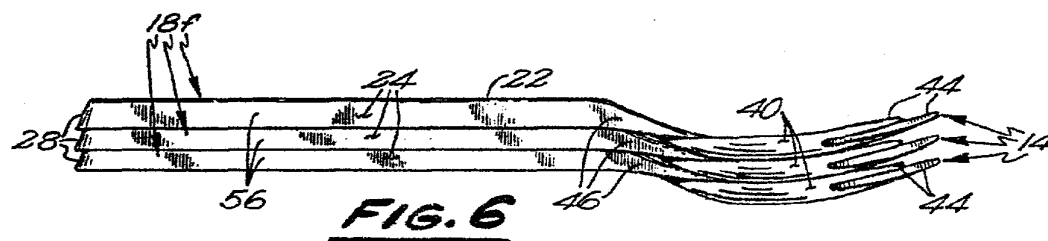
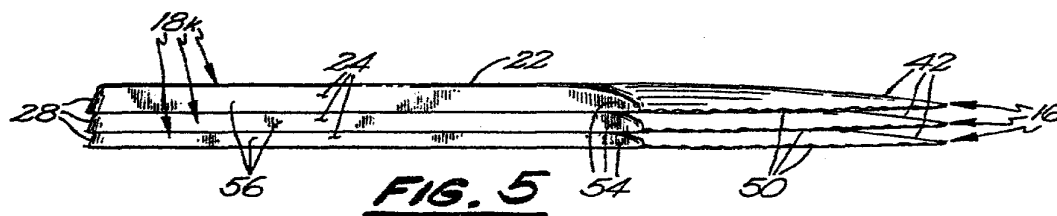
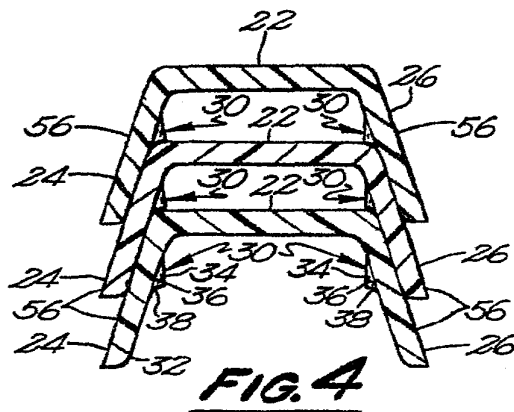
15. Cutlery comprising, in combination: a spoon having a handle portion and a bowl portion; a fork having a handle portion and a tine portion; a knife having a handle portion and a blade portion, with the fork being stackable on the spoon and with the knife being stackable on the fork or the spoon, with the bowl portion of the spoon being of an elongated oval shape having a length, a width, and a depth, with the tine portion of the fork having a length, a width, and a depth equal to the length, the width, and the depth of the bowl portion of the spoon, with the tine portion

of the fork including a first tine, a second tine, and a third tine, with the first and third tines being located on opposite sides of the second tine, with the first and third tines being shorter than the second tine allowing the tine portion of the fork to remain in the outline of the bowl portion of the spoon for protecting the tines against breakage due to catching on external objects and for preventing the tines from poking through packaging in which the cutlery is located;

with the length of the blade portion of the knife being generally equal to the length of the bowl portion of the spoon and the tine portion of the fork, with the width of the blade portion of the knife being less than the width of the bowl portion of the spoon and the tine portion of the fork, with the blade portion having a shape which remains in the outline of the bowl portion of the spoon and the tine portion of the fork when the knife is stacked on top of the spoon or on top of the fork for preventing the blade portion from cutting through the packaging of the cutlery.

16. The cutlery of claim 15 wherein the fork is nestable on the spoon and wherein the knife is nestable on the fork or the spoon.







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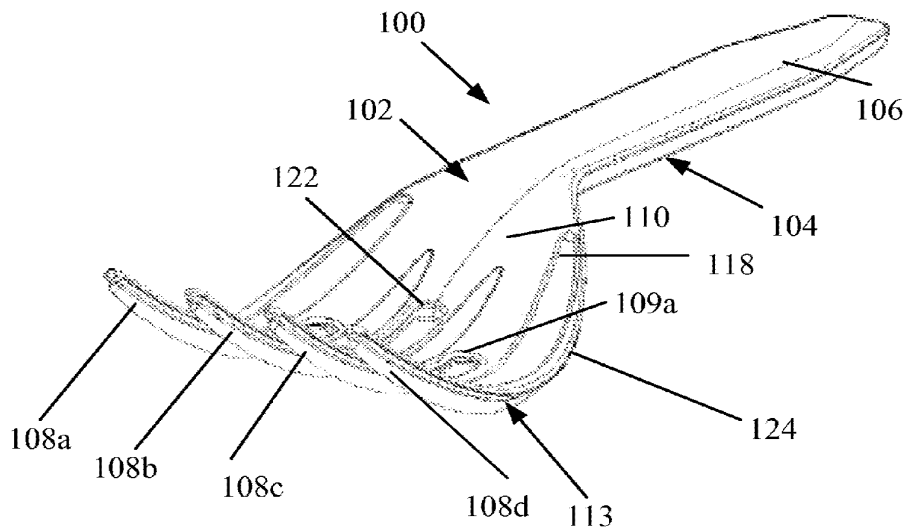


FIG. 1

(57) Abstract: At least one aspect, a disposable stackable plastic fork is provided. The disposable plastic fork, having a top surface and a bottom surface, comprises a handle portion; a plurality of tines, each tine of the plurality of tines having a curved shaped configuration and a longitudinal concave groove extending at least partially along a horizontal length of the each tine; and a transition portion integrally connected between the handle portion and the plurality of tines. The bottom surface of the fork has a curved profile and the top surface has a corresponding curved indentation.

DISPOSABLE STACKABLE FORKS

FIELD

[0001] Various embodiments of the invention pertain to stackable plastic forks.

BACKGROUND

[0002] Plastic forks are widely used around the world for disposable use. Such disposable use include the use outdoors, such as for camping and barbeques, at fast-food restaurants and on airplanes. In addition to the benefits of being disposable, plastic forks may be preferable for use over metal forks or other cutlery for weight and safety reasons.

[0003] However, despite the widespread use of disposable plastic forks, there are many problems inherent with conventional disposable plastic forks. First, conventional disposable plastic forks are not designed to be stacked so when the forks are shipped, they are merely placed randomly in a container without any particular order resulting in wasted space in the container. As a result, additional containers are needed to ship the forks which add to the shipping costs which then in turn are passed on to the consumer resulting in a more expensive fork.

[0004] Second, conventional disposable plastic forks must be strong enough so that the forks, especially the tines of the fork, do not break in the consumer's mouth or elsewhere harming the consumer. If a tine is accidentally swallowed but a consumer, sever injury may result to internal organs of the user. Conventional disposable plastic forks are made strong by maximizing the thickness of the forks. Maximizing the thickness comes at the detriment of cost as more material is needed making the forks heavier. Additionally, the thicker the forks the less that can be fit into a container.

What is needed is needed are disposable plastic forks having registerability (i.e. securely stacking on top of each other) so that a first fork may be registered within a second fork allowing for more forks to be placed in a container for shipping maximizing the space inside the shipping container and saving on shipping costs. Furthermore, disposable plastic forks are needed that are thinner so as to minimize material usage yet are strong enough to prevent the forks from easily breaking.

Summary of the invention

[0005] According to one aspect, a disposable stackable plastic fork is provided. The disposable plastic fork, having a top surface and a bottom surface, comprises a handle portion; a plurality of tines, each tine of the plurality of tines having a curved shaped configuration and a longitudinal concave groove extending at least partially along a horizontal length of the each tine; and a transition portion integrally connected between the handle portion and the plurality of tines. The bottom surface of the fork has a curved profile and the top surface has a corresponding curved indentation.

[0006] The plurality of tines may project outwardly along parallel axes from the transition portion and include a pair of outer tines and a pair of inner tines located between the pair of outer tines. The inner tines may be narrower than of outer tines. Each of the outer tines may have a thinned cutting edge on each upper outer side edge of the each outer tine.

[0007] In one aspect, the pair of outer tines extend further into the transition portion than the pair of inner tines. The pair of outer tines may include outer longitudinal concave grooves and the pair of inner tines has inner longitudinal concave grooves and the outer longitudinal concave grooves may be longer than the inner longitudinal concave grooves. Additionally, the outer longitudinal concave grooves extend further into the transition portion than the inner longitudinal concave grooves.

[0008] In one aspect, each inner tine is separated from the each outer tine by an outer gap and the outer gap may have an outer hemispherically rounded end formed at an outer integration point of the each inner tine, the each outer tine and the transition portion. Additionally, the inner tines are separated from each other by an inner gap, wherein the inner gap has an inner hemispherically rounded end formed at an inner integration point of the pair of inner tines and the transition portion. The the outer hemispherically rounded end are located within different horizontal and vertical planes than the inner hemispherically rounded end.

[0009] In one aspect, the plastic fork may be integrally formed from a non-metallic material or any other material known in the art.

[0010] In one aspect, the plurality of tines may have a V-shaped configuration or a U-shaped configuration.

[0011] In one aspect, longitudinal concave groove of each tine in the plurality of tines corresponds to a shape and size of an outer bottom surface of the each of the plurality of tines

such that the outer bottom surface of the each tine in the plurality of tines is adapted to fit and be received in a corresponding longitudinal concave groove of an identical fork.

[0012] According to yet another aspect, a stackable plastic fork having a top surface and a bottom surface is provided. The stackable plastic fork comprises a handle portion; a plurality of tines having a curved shaped configuration and a pair of outer tines and at least one inner tine, each outer tine in the pair of outer tines having an outer longitudinal concave groove and the at least one inner tine have an inner longitudinal groove, the outer and inner longitudinal concave grooves extending at least partially along a horizontal length of the plurality of tines; and a transition portion integrally connected between the handle portion and the plurality of tines; and wherein the bottom surface of the fork has a curved profile and the top surface has a corresponding curved indentation; and wherein the outer longitudinal concave grooves in the pair of outer tines plurality of tines correspond to a shape and size of outer bottom surfaces of the pair of outer tines such that the outer bottom surfaces of the pair of outer tines are adapted to fit and be received in corresponding outer longitudinal concave grooves of an identical fork.

[0013] In one aspect, each of the outer tines has thinned cutting edge on each upper outer side edge of the each outer tine.

[0014] In one aspect, the pair of outer tines extend further into the transition portion than the at least one inner tine.

[0015] In one aspect, the at least one inner tine is narrower than the each outer tine of the pair of outer tines.

[0016] In one aspect, the inner longitudinal concave grooves in the at least one inner tine corresponds to a shape and size of outer bottom surfaces of the at least one inner tine such that the outer bottom surface of the at least one tine is adapted to fit and be received in a corresponding inner longitudinal concave groove of the identical fork.

[0017] In one aspect, the outer longitudinal concave grooves are longer than the inner longitudinal concave groove.

BRIEF DESCRIPTION OF THE DRAWINGS

[0018] The features, nature, and advantages of the present aspects may become more apparent from the detailed description set forth below when taken in conjunction with the drawings in which like reference characters identify correspondingly throughout.

[0019] FIG. 1 illustrates a perspective view of a stackable fork according to one example.

[0020] FIG. 2 illustrates a top plan view of the stackable fork of FIG. 1.

[0021] FIG. 3 illustrates a bottom plan view of the stackable fork of FIG. 1.

[0022] FIG. 4 illustrates a side plan view of the stackable fork of FIG. 1.

[0023] FIG. 5 illustrates a cross-sectional view of the stackable fork taken along line 5--5 of FIG. 2.

[0024] FIG. 6 illustrates side plan view of a first fork and a second identical fork being stacked together according to one example.

[0025] FIG. 7 illustrates a cross-sectional view of the stackable forks taken along line 7--7 of FIG. 6.

[0026] FIG. 8 illustrates a perspective view of the first fork and the second identical fork of FIG. 6.

[0027] FIG. 9 illustrates a cross-sectional view of the stackable forks taken along line 9--9 of FIG. 8.

[0028] FIG. 10 is a fragmentary view of a pair of stackable forks illustrating the shape of the tines near transition portions of the pair of stackable forks according to one example.

[0029] FIG. 11 is a fragmentary view of the pair of stackable forks of FIG. 10 illustrating the shape of the end portions of the tines.

[0030] FIG. 12 is a fragmentary view of a stackable fork illustrating the shape of the tines near a transition portion of the fork according to one example.

[0031] FIG. 13 is a fragmentary view of the fork of FIG. 12 illustrating the shape of the end portions of the tines.

[0032] FIG. 14 is a fragmentary view of a stackable fork illustrating of a handle portion according to one example.

[0033] FIG. 15 is a fragmentary view of a pair of stackable forks illustrating the hand portions according to one example.

- [0034] FIG. 16 is a fragmentary view of the stackable fork of FIG. 1 illustrating a thin cutting edge feature.
- [0035] FIG. 17 is a fragmentary bottom perspective view of the tines of the fork of FIG. 1.
- [0036] FIG. 18 is a fragmentary side perspective view of the tines of the fork of FIG. 1.
- [0037] FIG. 19 is a fragmentary top plan view of the tines of the fork of FIG. 1.
- [0038] FIG. 20 is a fragmentary bottom plan view of tines of the fork of FIG. 1.
- [0039] FIG. 21 is a fragmentary front perspective view of the bottom of the tines of the fork of FIG. 1 shown in an upside down position.
- [0040] FIG. 22 is a front perspective view of the fork of FIG. 1 shown in an upside down position.
- [0041] FIG. 23 is a fragmentary side perspective view of the bottom of the tines of the fork of FIG. 1 shown in an upside down position.
- [0042] FIG. 24 is a back perspective view of the fork of FIG. 1 shown in an upside down position.
- [0043] FIG. 25 is a fragmentary side perspective view of the front of the tines of the fork of FIG. 1.
- [0044] FIG. 26 is a fragmentary bottom perspective view of the bottom of the tines of the fork of FIG. 1 shown in an upside down position.

DETAILED DESCRIPTION

- [0045] In the following description numerous specific details are set forth in order to provide a thorough understanding of the invention. However, one skilled in the art would recognize that the invention might be practiced without these specific details. In other instances, well known methods, procedures, and/or components have not been described in detail so as not to unnecessarily obscure aspects of the invention.
- [0046] FIG. 1 illustrates a perspective view of a stackable fork according to one example. FIG. 2 illustrates a top plan view of the stackable fork of FIG. 1. FIG. 3 illustrates a bottom plan view of the stackable fork of FIG. 1. FIG. 4 illustrates a side plan view of the stackable fork of FIG. 1. The following discussion refers interchangeably to FIGS. 1-4.
- [0047] The stackable fork 100 may have a top surface 102 and a bottom surface 104. To facilitate stacking of multiple forks, the bottom surface 104 may have a curved profile and the

top surface 102 may have a corresponding curved indentation such that the bottom surface of a first fork may be designed to fit, and be received within a top surface of an identical second fork, as described in further detail below. That is a first fork may be registered within a second fork. The registrability of the forks allows for more forks to be placed in a container for transportation or shipping, as compared to conventional forks, maximizing the space inside the shipping container and saving on shipping costs as a result.

[0048] As shown, the stackable fork 100 may include a handle portion 106, a plurality of tines 108a-108d and a transition portion 110 integrally connected between the handle portion 110 and the plurality of tines 108a-108d. The plurality of tines 108a-108d may include a pair of outer tines 108a, 108d and a pair of inner tines 108b, 108c. Each of the plurality of tines 108a-108d may have a curve shaped configuration and project outwardly along parallel axes from the transition portion 110 and be separated by gaps 111 having hemispherically rounded ends 109 formed at the integration point of the plurality of tines 108a-108d and the transition portion 110. As shown, a center hemispherically rounded end 109a may be located between a pair of outer hemispherically rounded ends 109b and the center hemispherically rounded end 109a may located within different horizontal and vertical planes than the outer hemispherically rounded ends 109b such that the center hemispherically rounded end 109a extends into the transition portion 110. In other words, as shown in FIG. 3, each inner tine may be separated from the each outer tine by an outer gap 11b and the inner tines may be separated from each other by an inner gap 111a. As less stress is placed on the inner tines during use, the inner gap 111a may have a longer length than the outer gaps 111a. In one example, the width of the inner 111a and outer gaps 111b may be the same.

[0049] Alternatively, the center hemispherically rounded end 109a and the outer hemispherically rounded ends 109b may be located within the same planes.

[0050] Although the stackable fork 100 is shown having two outer tines 108a, 108d and two inner tines 108b, 108c, this is by way of example only and the stackable fork 100 may have less than two inner tines or more than two inner tines.

[0051] A plurality of longitudinal concave grooves 112a-112d may be located within the plurality of tines 108a-108d. To facilitate stacking of multiple forks, the plurality of longitudinal concave grooves 112a-112d may correspond to the shape and size of an outer bottom surface 113 of the plurality of tines 108a-108d such that the outer bottom surface 113 of each tine may be

designed to fit, and be received within a corresponding longitudinal concave groove on an identical second fork.

[0052] The outer tines 108a, 108d may have longitudinal concave grooves 112a, 112d extending from a first point 116 on the outer tines 108a, 108d to a second point 118 located on the transition portion 110. The inner tines 108b, 108c may have longitudinal concave grooves 112b, 112c extending from a third point 120 on the inner tines 108b, 108c to a fourth point 122 located on the transition portion 110. In one example, the first point 116 and the third point 118 may be in the same plane and located approximately in the middle of the respective outer tines 108a, 108d.

[0053] In one example, the distance D1 between the first point 116 and the second point 118 may be greater than the distance D2 between the third point 120 and the fourth point 122 such that the longitudinal grooves 112a, 112d in the outer tines 108a, 108d are longer than the longitudinal grooves 112b, 112c of the inner tines 108b, 108c. (See FIG. 19)

[0054] In one example, the longitudinal grooves 112a, 112d in the outer tines 108a, 108d may extend outwardly from the first point 116 to approximately the outer hemispherically rounded ends 109b and then extend along and correspond to the shape of the outer edges 115 of the transition portion 110 of the fork 100 and then converge inwardly to the second point 118. In other words, the outer edges of the longitudinal grooves 112a, 112d correspond to the shape of the outer edges 115 of transition portion 110.

[0055] In one example, the longitudinal grooves in the inner tines 108b, 108c may extend outwardly from the third point 120 to the outer hemispherically rounded ends 109b and then converge inwardly to the fourth point 122.

[0056] The placement of the longitudinal concave grooves 112a-112d within the plurality of tines 108a-108d allows for the material needed for each fork to be minimized which in turn allows for a reduction in the cost of materials for each fork and as a result increases the profits that can be made on each fork. Additionally, as each fork is made from less material each fork weighs less which decreases the overall weight of the packaging when shipped resulting in a savings on shipping and transportation costs. Also, as the fork is thinner more forks may be stacked within a container. Furthermore, the placement of the longitudinal concave grooves 112a-112d in the plurality of tines 108a-108d may increase the strength of the tines preventing the tines from breaking off in the mouth of a user and causing injury to the user.

[0057] In one example, the outer tines 108a, 108d may include a thinned cutting edge 124 on each upper outer side edge of the outer tines 108a, 108d enabling a user to cut food with the fork 100. (See FIG. 16)

[0058] The fork 100 may be made from any plastic or non-metallic material or any other material known in the art.

Stacking

[0059] As discussed above, to facilitate stacking of multiple forks, the bottom surface of a first fork may be designed to fit, and be received within a top surface of an identical second fork. FIG. 6 illustrates a first fork 602 and an identical second fork 604 being stacked together according to an embodiment of the invention and FIG. 7 illustrates a cross-sectional view of the stacked forks taken along line 7--7 of FIG. 6. To facilitate stacking of multiple forks, the bottom surface of each fork may have a curved profile and the top surface of each fork may have a corresponding curved indentation such that the bottom surface of the first fork 602 may be designed to fit, and be received within the top surface of the identical second fork 604. Furthermore, as discussed above, the plurality of longitudinal concave grooves in the tines may correspond to the shape and size of an outer bottom surface of the tines such that the outer bottom surface of each tine of a first fork may be designed to fit, and be received within a corresponding longitudinal groove on an identical second fork to facilitate stacking of multiple forks.

[0060] FIG. 8 illustrates a perspective view of the first fork 602 and the second identical fork 604 of FIG. 6. FIG. 9 illustrates a cross-sectional view of the stackable forks taken along line 9--9 of FIG. 8.

Tines – First Example

[0061] FIGS. 10-11 are fragmentary views of a pair of stackable forks illustrating the shape of the tines according to one example. FIG. 10 illustrates the shape of the tines near transition portions of the forks while FIG. 11 illustrates the shape of the end portions of the tines. The pair of stackable forks may include a first fork 1002 having a bottom surface designed to fit, and be received within a top surface of an identical second fork 1004.

[0062] As shown in FIG. 10, a plurality of stacked tines 1006 extend outwardly from transition portions 1008 of the first and second forks 1002, 1004. Each of the tines may have a generally V-shaped configuration comprising a pair of lower sidewalls 1010a, 1010b extending outwardly from a lower point 1012 to a pair of lower walls 1014a, 1014b. A pair of end walls 1016a, 1016b may be integrally connected to and extend perpendicularly upward from the pair of lower walls 1014a, 1014b. A pair of upper walls 1018a, 1018b may be integrally connected to and extend perpendicularly from the pair of end walls 1016a, 1016b so that the pair of upper walls 1018a, 1018b and the pair of lower walls 1014a, 1014b are parallel. A pair of upper side walls 1020a, 1020b may be integrally connected to and extend inwardly from the pair of upper walls 1018a, 1018b to an upper point 1022. The lower point 1012 and the upper point 1022 may be located within the same vertical plane and the lower point of the first fork 1002 may be received into the upper point of the second fork 1004. In one example, the lower and upper points 1012, 1022 may have a slightly rounded configuration. In one example, the width W1 of the outer tines may be greater than the width of the inner tines.

[0063] As shown in FIG. 11, the farther the tines extend outwardly from the transition portion the slope of the upper side walls 1020a, 1020b decrease.

Tines – Second Example

[0064] FIGS. 12-13 are fragmentary views of a stackable fork illustrating the shape of the tines according to one example. FIG. 12 illustrates the shape of the tines near a transition portion of a fork while FIG. 11 illustrates the shape of the end portions of the tines. The fork 1200 may include a handle portion 1202, a plurality of tines 1204 and a transition portion 1206 integrally connected between the handle portion 1202 and the plurality of tines 1204.

[0065] As shown in FIG. 12, the plurality of tines 1204 may extend outwardly from the transition portion 1206 of the stackable fork 1200. Each of the tines may have a generally U-shaped configuration comprising a bottom wall 1208, having a generally curved or U-shaped configuration, extending outwardly and integrally connected to a pair of lower walls 1210a, 1210b. A pair of end walls 1212a, 1212b may be integrally connected to and extend perpendicularly upward from the pair of lower walls 1210a, 1210b. A pair of upper walls 1214a, 1214b may be integrally connected to and extend perpendicularly from the pair of end walls

1212a, 1212b so that the pair of upper walls 1214a, 1214b and the pair of lower walls 1212a, 1212b are parallel. A top wall 1216 may be integrally connected to the pair of upper walls 1214a, 1214b. The bottom wall 1208 and the curve wall 1216 may be located within the same vertical plane. In one example, the width W3 of the outer tines may be greater than the width W4 of the inner tines. The top wall 1216 may have a generally curved or U-shaped configuration near the transition portion 1206 and the farther the tines extend outwardly from the transition portion the more the slope of the top wall 1216 decreases.

[0066] FIG. 14 is a fragmentary view of a stackable fork illustrating of a handle portion according to one example. FIG. 15 is a fragmentary view of a pair of stackable forks illustrating the hand portions according to one example. As shown in FIG. 14, the handle portion 1402 of a fork may have a top surface 1404 and a bottom surface 1406. To facilitate stacking of multiple forks, the bottom surface 1406 of the handle portion 1402 may have a curved profile and the top surface 1404 may have a corresponding curved indentation such that the bottom surface of a handle portion of a first fork 1402 may be designed to fit, and be received within a top surface of an identical handle portion of a second fork 1408. (See FIG. 15)

[0067] FIGS. 16-26 illustrate various views of the fork of FIG. 1. FIG. 16 is a fragmentary view of the stackable fork of FIG. 1 illustrating a thin cutting edge feature 124. FIG. 17 is a fragmentary bottom perspective view of the tines of the fork of FIG. 1. FIG. 18 is a fragmentary side perspective view of the tines of the fork of FIG. 1. FIG. 19 is a fragmentary top plan view of the tines of the fork of FIG. 1. FIG. 20 is a fragmentary bottom plan view of tines of the fork of FIG. 1. FIG. 21 is a fragmentary front perspective view of the bottom of the tines of the fork of FIG. 1 shown in an upside down position. FIG. 22 is a front perspective view of the fork of FIG. 1 shown in an upside down position. FIG. 23 is a fragmentary side perspective view of the bottom of the tines of the fork of FIG. 1 shown in an upside down position. FIG. 24 is a back perspective view of the fork of FIG. 1 shown in an upside down position. FIG. 25 is a fragmentary side perspective view of the front of the tines of the fork of FIG. 1. FIG. 26 is a fragmentary bottom perspective view.

[0068] One or more of the components and functions illustrated in the previous figures may be rearranged and/or combined into a single component or embodied in several components without departing from the invention. Additional elements or components may also be added without departing from the invention.

[0069] While certain exemplary embodiments have been described and shown in the accompanying drawings, it is to be understood that such embodiments are merely illustrative of and not restrictive on the broad invention, and that this invention not be limited to the specific constructions and arrangements shown and described, since various other modifications are possible. Those skilled, in the art will appreciate that various adaptations and modifications of the just described preferred embodiment can be configured without departing from the scope and spirit of the invention. Therefore, it is to be understood that, within the scope of the appended claims, the invention may be practiced other than as specifically described herein.

CLAIMS

1. A stackable plastic fork, having a top surface and a bottom surface, comprising:
a handle portion;
a plurality of tines, each tine of the plurality of tines having a curved shaped configuration and a longitudinal concave groove extending at least partially along a horizontal length of the each tine; and
a transition portion integrally connected between the handle portion and the plurality of tines; and
wherein the bottom surface of the fork has a curved profile and the top surface has a corresponding curved indentation.
2. The plastic fork of claim 1, wherein the plurality of tines includes a pair of outer tines, each outer tine in the pair of outer tines having a thinned cutting edge on each upper outer side edge of the each outer tine.
3. The plastic fork of claim 2, wherein the plurality of tines include a pair of inner tines located between the pair of outer tines and wherein each inner tine of the pair of inner tines is narrower than the each outer tine of the pair of outer tines.
4. The plastic fork of claim 3, wherein the pair of outer tines extend further into the transition portion than the pair of inner tines.
5. The plastic fork of claim 3, wherein the pair of outer tines has outer longitudinal concave grooves and the pair of inner tines has inner longitudinal concave grooves and wherein the outer longitudinal concave grooves are longer than the inner longitudinal concave grooves.
6. The plastic fork of claim 5, wherein the outer longitudinal concave grooves extend further into the transition portion than the inner longitudinal concave grooves.

7. The plastic fork of claim 3, wherein the each inner tine is separated from the each outer tine by an outer gap, and wherein the outer gap has an outer hemispherically rounded end formed at an outer integration point of the each inner tine, the each outer tine and the transition portion.
8. The plastic fork of claim 7, wherein the pair inner tines are separated from each other by an inner gap, wherein the inner gap has an inner hemispherically rounded end formed at an inner integration point of the pair of inner tines and the transition portion.
9. The plastic fork of claim 6, wherein the outer hemispherically rounded end are located within different horizontal and vertical planes than the inner hemispherically rounded end.
10. The plastic fork of claim 1, wherein the plurality of tines project outwardly along parallel axes from the transition portion.
11. The plastic fork of claim 1, wherein the plastic fork is integrally formed from a non-metallic material.
12. The plastic fork of claim 1, wherein each tine of the plurality of tines has a V-shaped configuration.
13. The plastic fork of claim 1, wherein each tine of the plurality of tines has a U-shaped configuration.
14. The plastic fork of claim 1, wherein the longitudinal concave groove of each tine in the plurality of tines corresponds to a shape and size of an outer bottom surface of the each of the plurality of tines such that the outer bottom surface of the each tine in the plurality of tines is adapted to fit and be received in a corresponding longitudinal concave groove of an identical fork.
15. A stackable plastic fork, having a top surface and a bottom surface, comprising:
a handle portion;

a plurality of tines having a curved shaped configuration and a pair of outer tines and at least one inner tine, each outer tine in the pair of outer tines having an outer longitudinal concave groove and the at least one inner tine have an inner longitudinal groove, the outer and inner longitudinal concave grooves extending at least partially along a horizontal length of the plurality of tines; and

a transition portion integrally connected between the handle portion and the plurality of tines; and

wherein the bottom surface of the fork has a curved profile and the top surface has a corresponding curved indentation; and

wherein the outer longitudinal concave grooves in the pair of outer tines plurality of tines correspond to a shape and size of outer bottom surfaces of the pair of outer tines such that the outer bottom surfaces of the pair of outer tines are adapted to fit and be received in corresponding outer longitudinal concave grooves of an identical fork.

16. The plastic fork of claim 15, wherein the each outer tine in the pair of outer tines has thinned cutting edge on each upper outer side edge of the each outer tine.

17. The plastic fork of claim 15, wherein the pair of outer tines extend further into the transition portion than the at least one inner tine.

18. The plastic fork of claim 15, wherein the at least one inner tine is narrower than the each outer tine of the pair of outer tines.

19. The plastic fork of claim 15, wherein the inner longitudinal concave grooves in the at least one inner tine corresponds to a shape and size of outer bottom surfaces of the at least one inner tine such that the outer bottom surface of the at least one tine is adapted to fit and be received in a corresponding inner longitudinal concave groove of the identical fork.

20. The plastic fork of claim 15, wherein the outer longitudinal concave grooves are longer than the inner longitudinal concave groove.

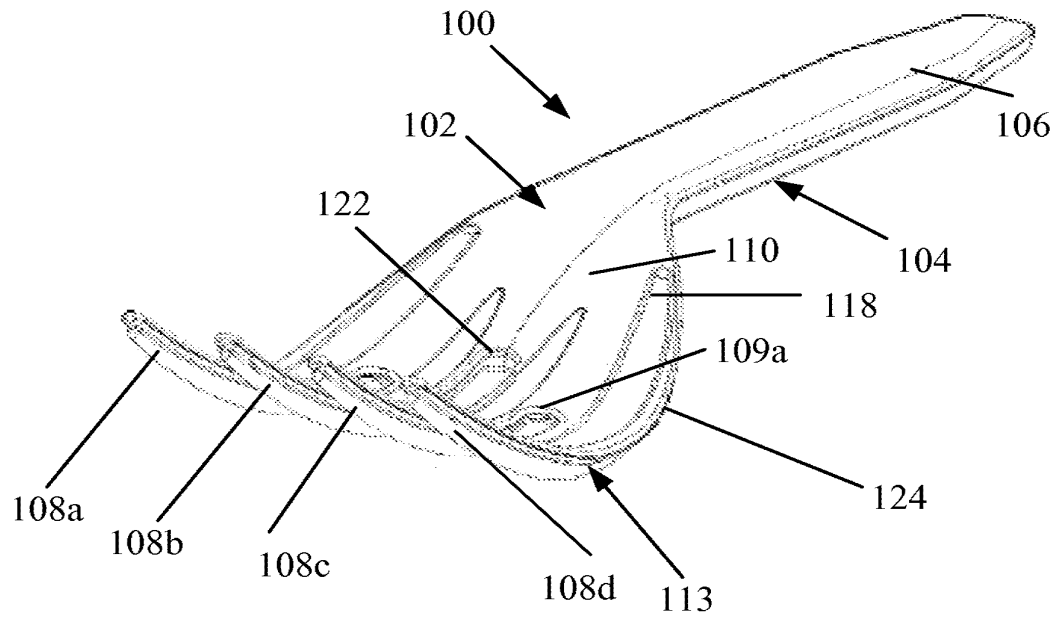


FIG. 1

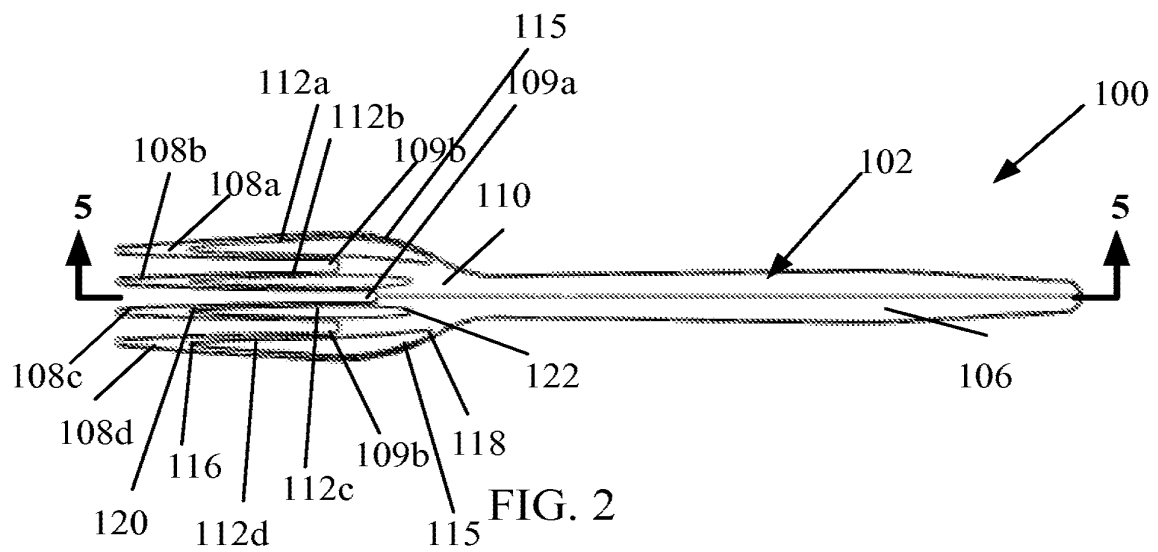


FIG. 2

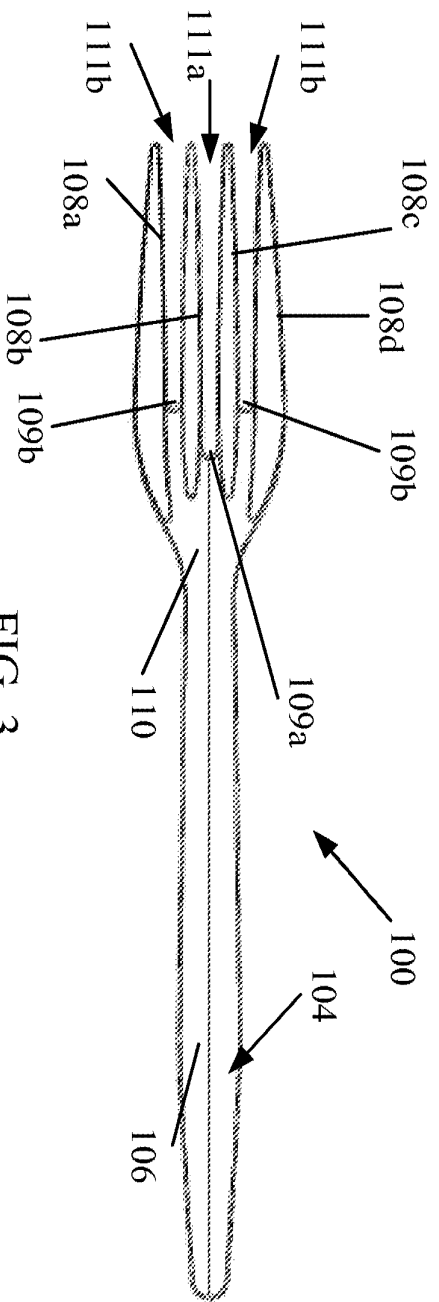


FIG. 3

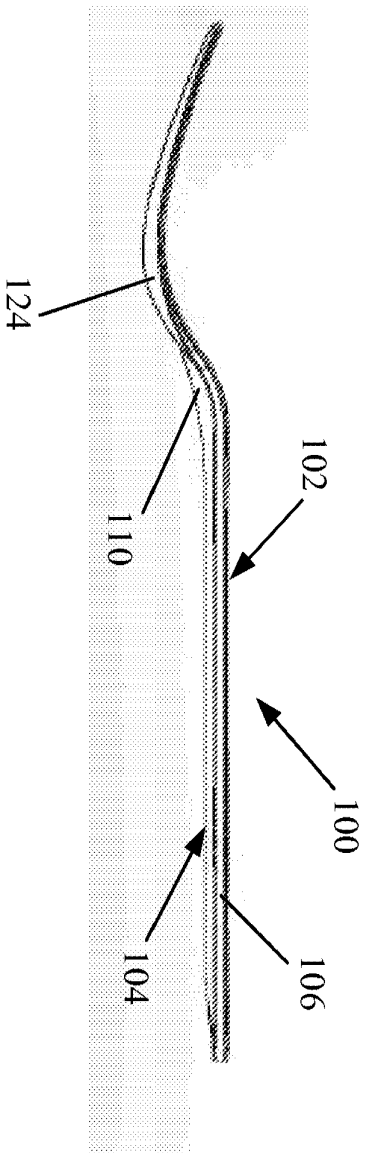


FIG. 4

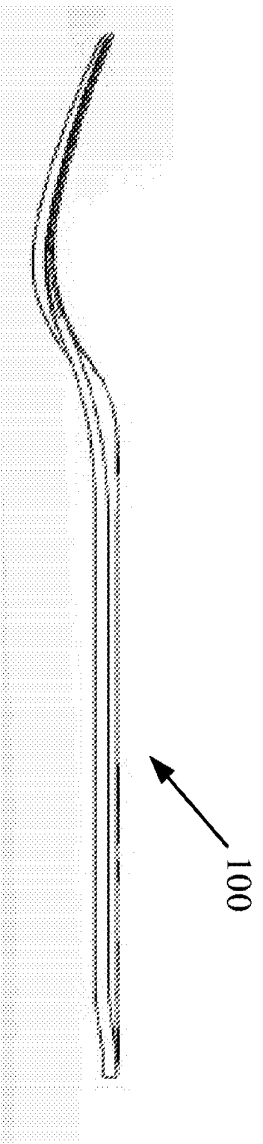


FIG. 5

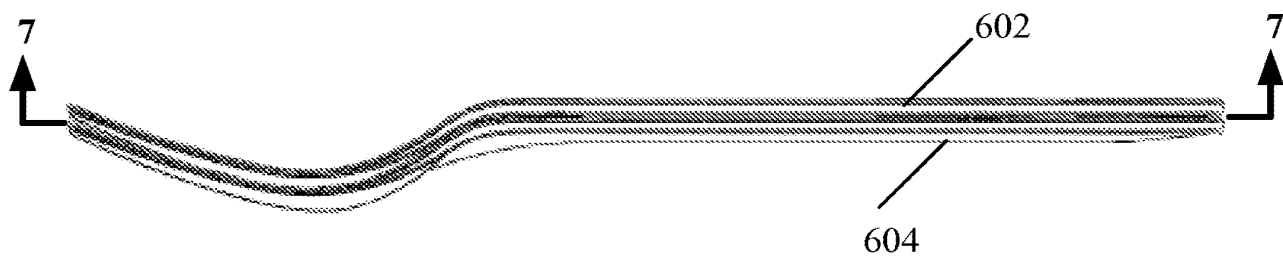


FIG. 6

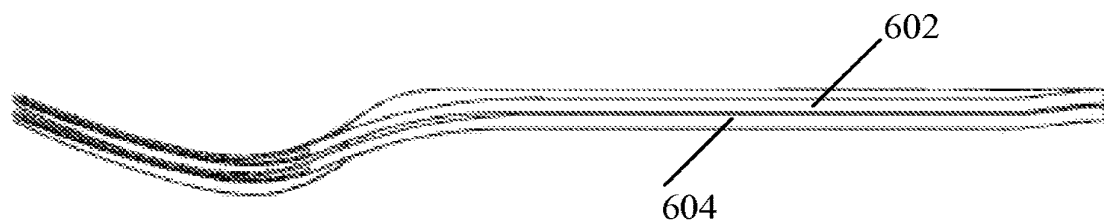


FIG. 7

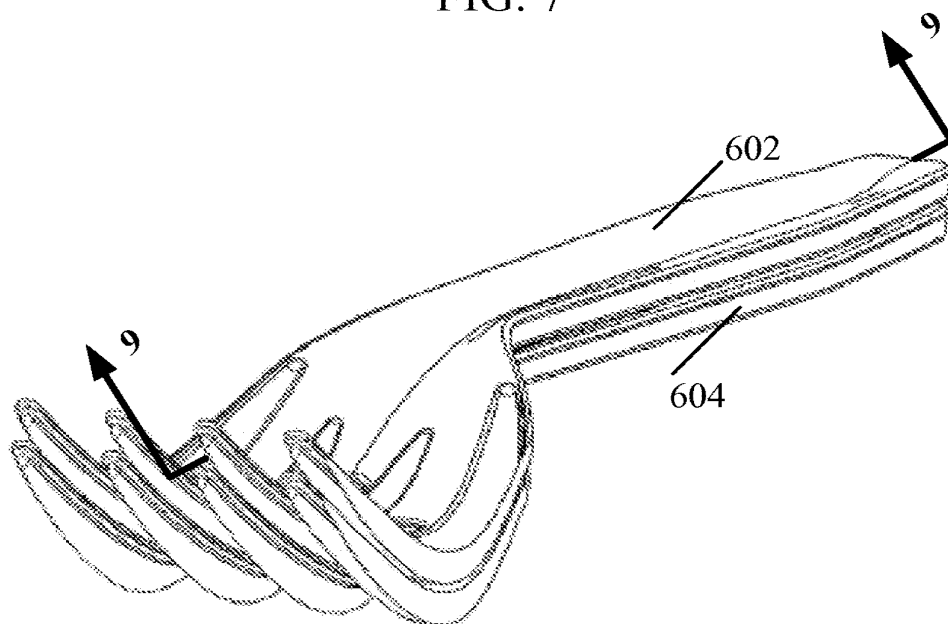
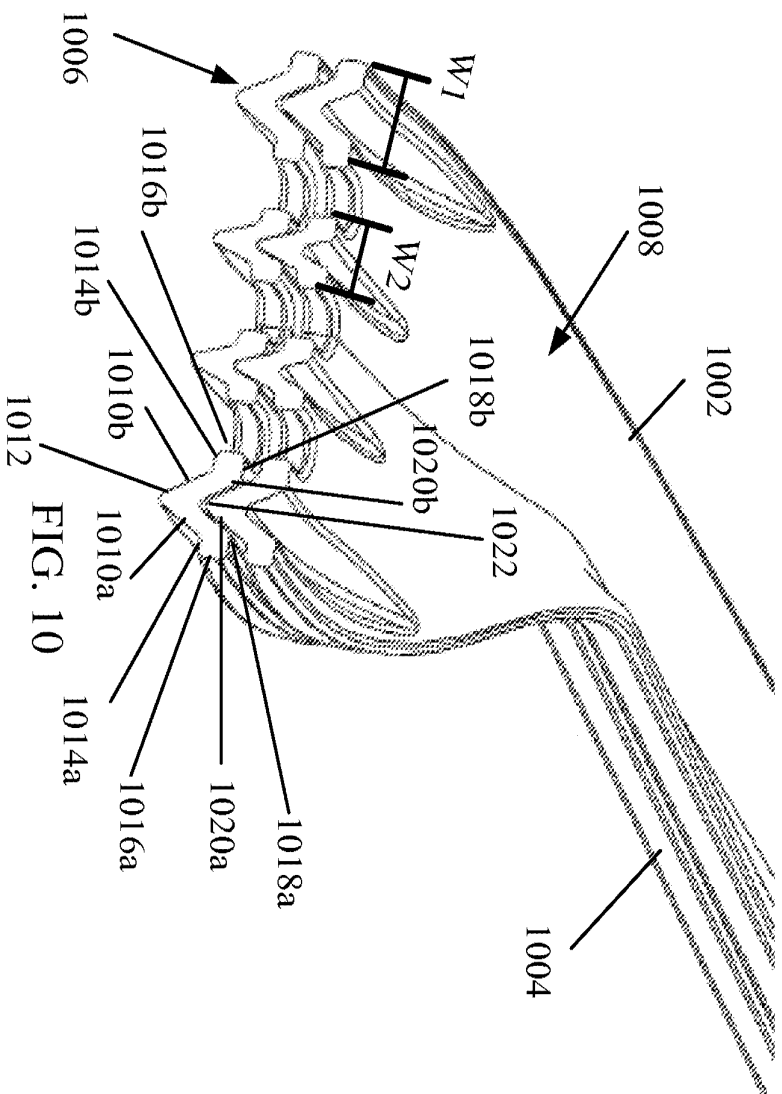
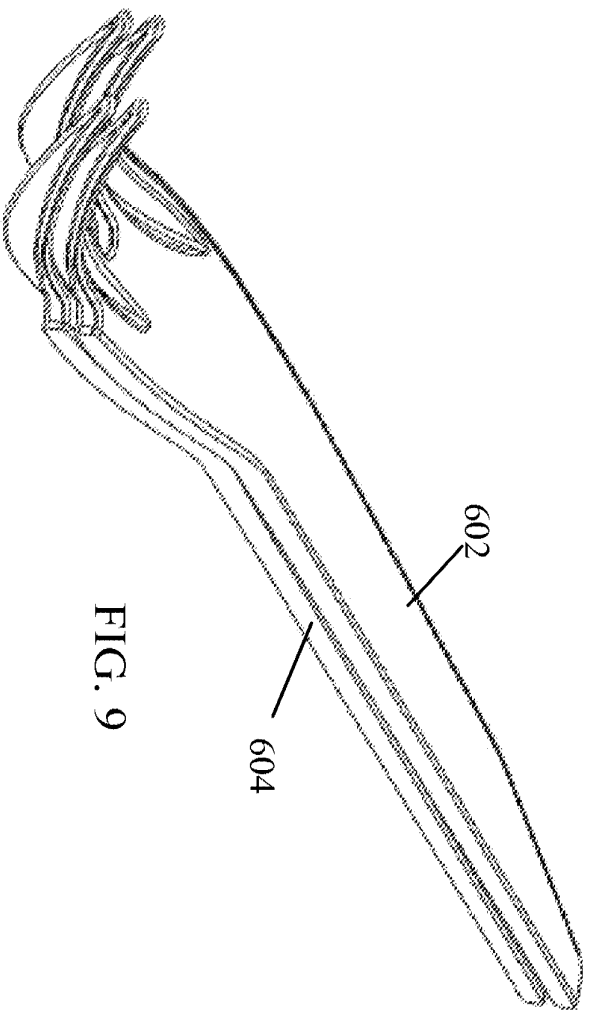


FIG. 8



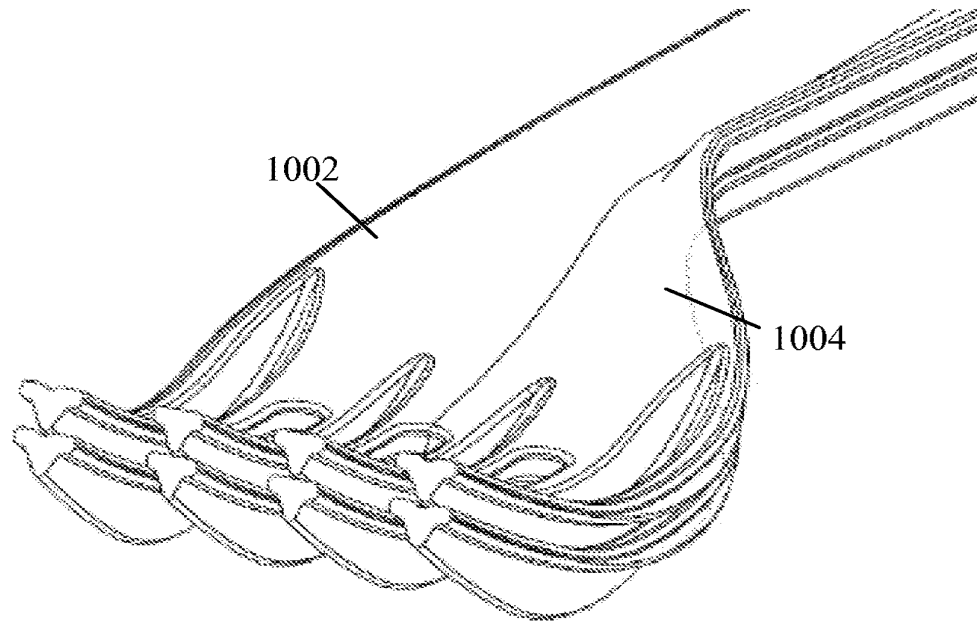


FIG. 11

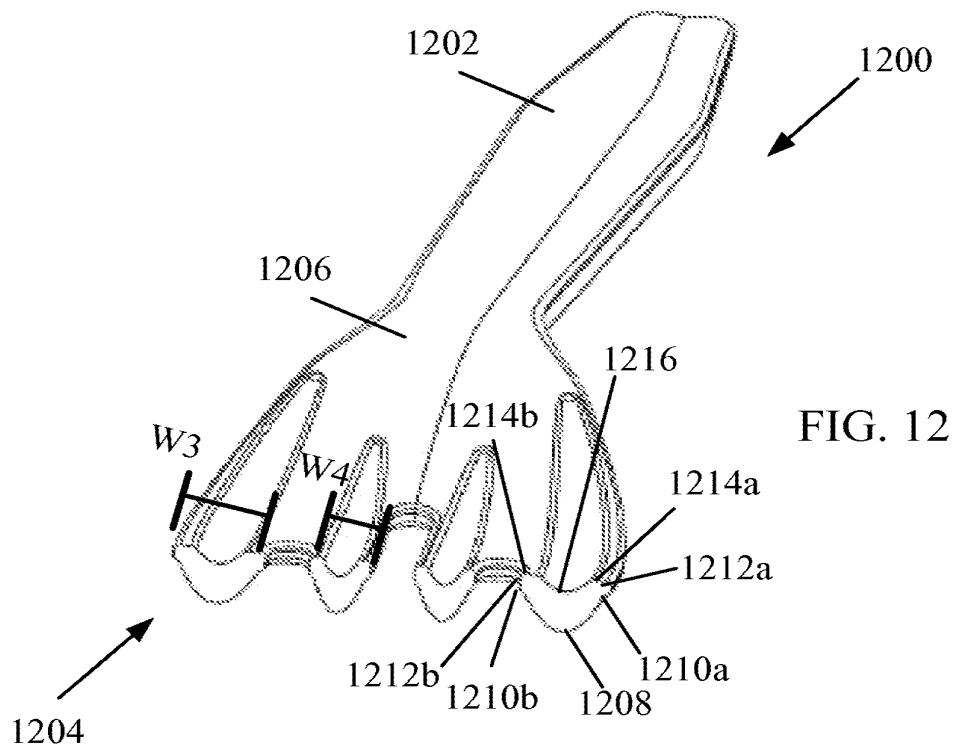


FIG. 12

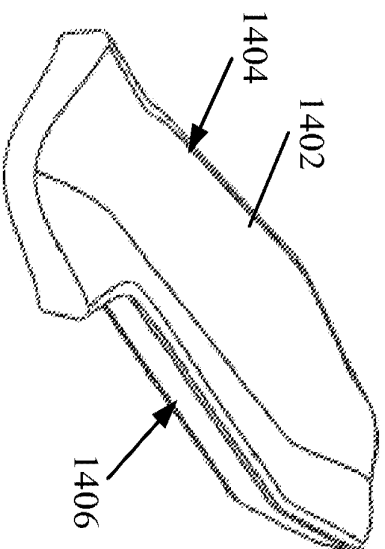
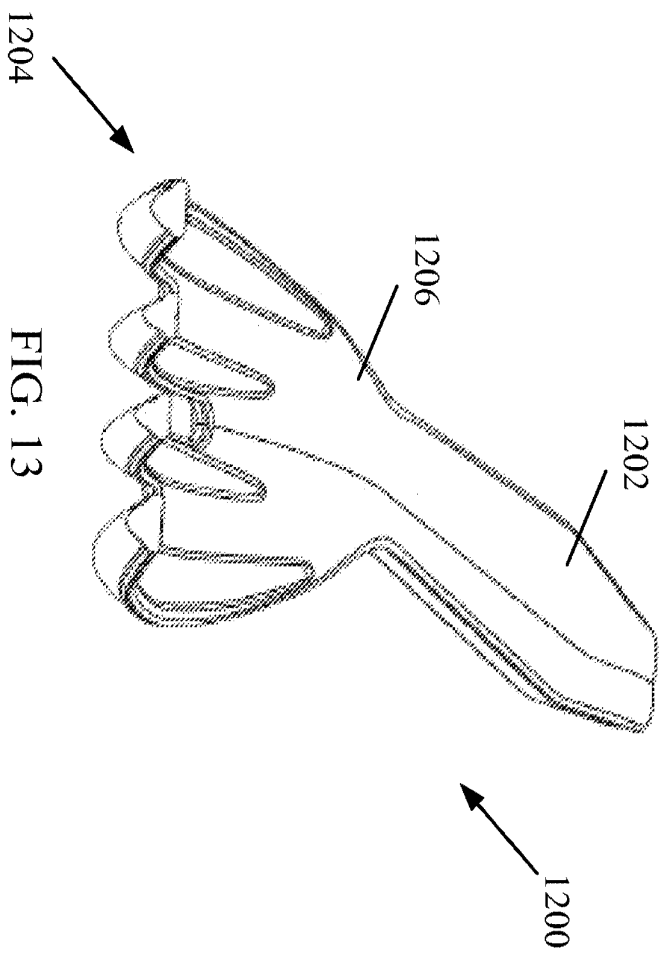


FIG. 14

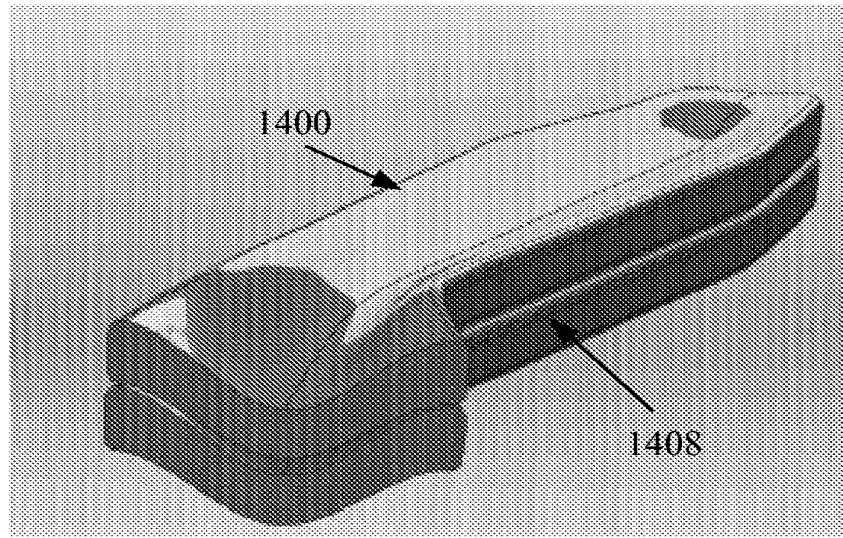


FIG. 15

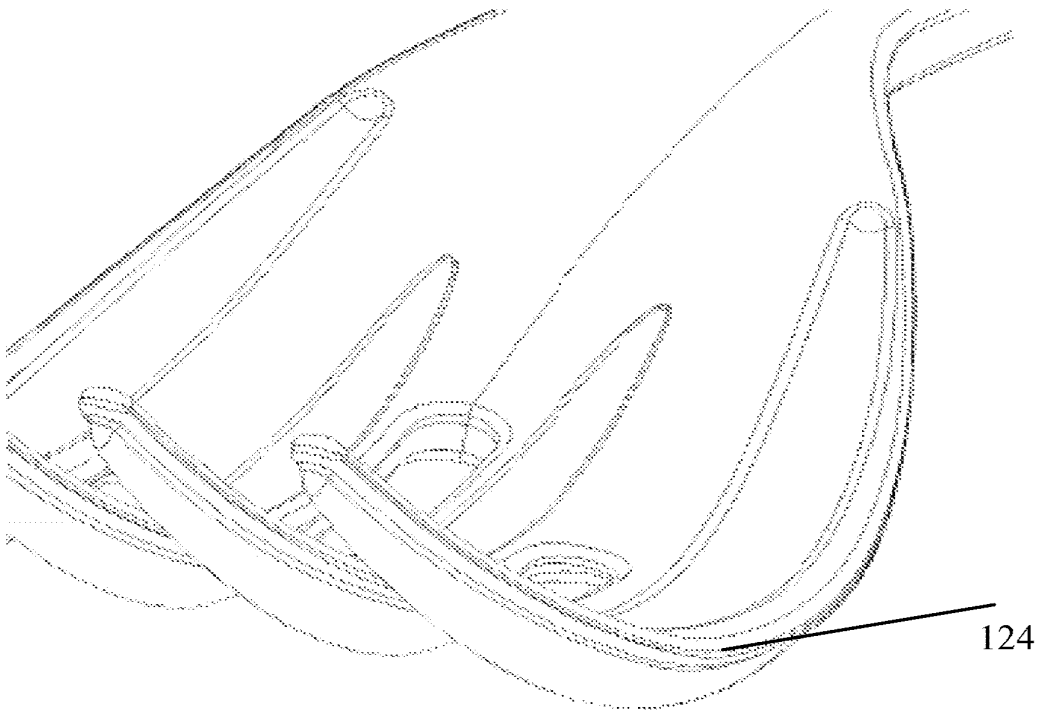


FIG. 16



FIG. 17

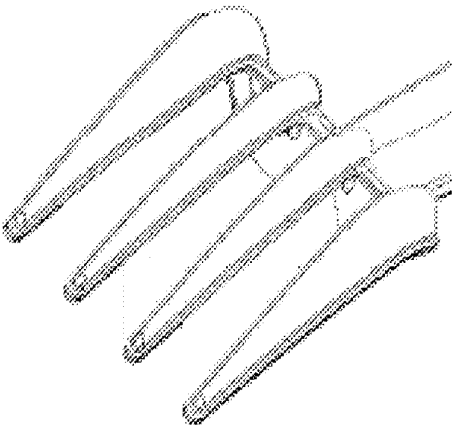


FIG. 18

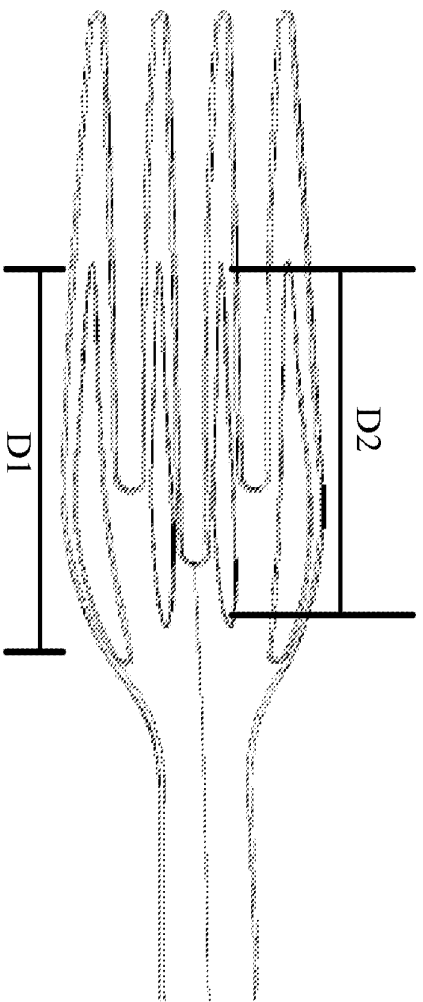


FIG. 19

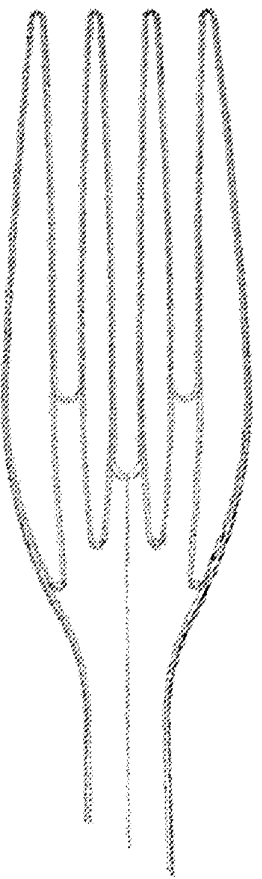


FIG. 20

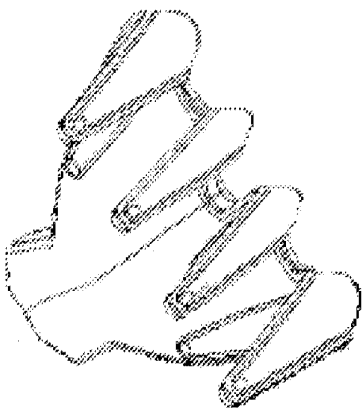


FIG. 21

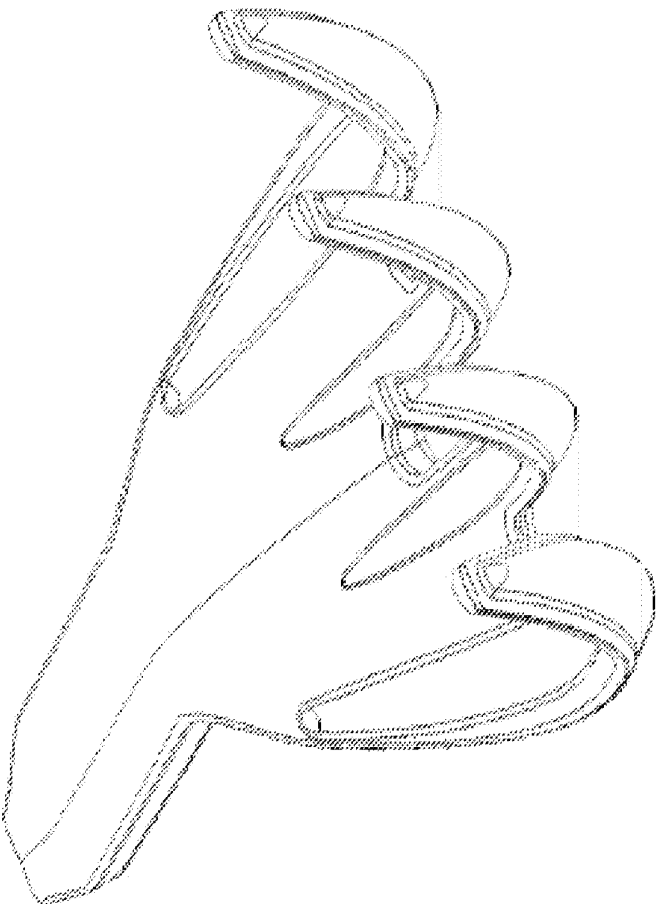


FIG. 22

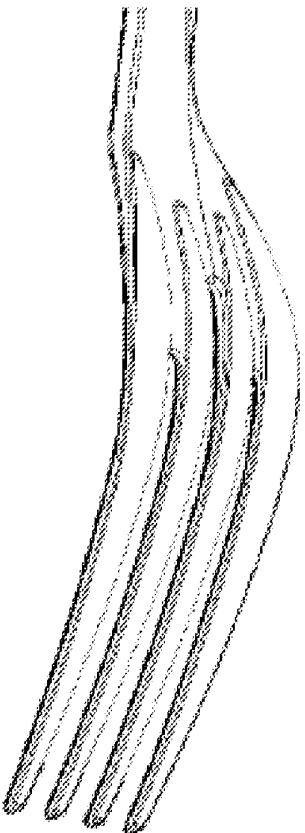


FIG. 23

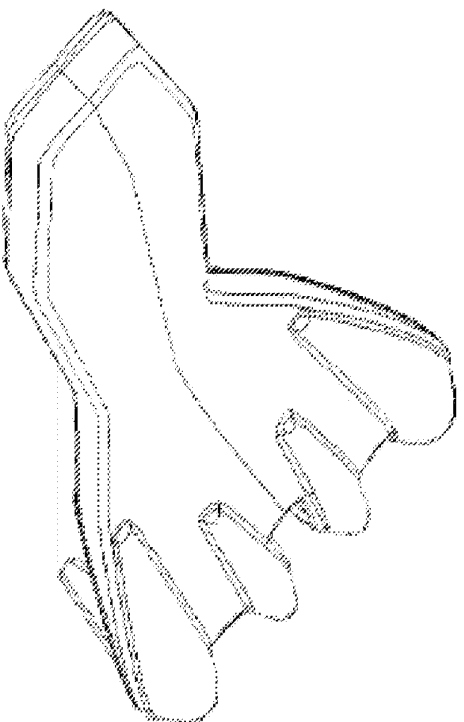


FIG. 24

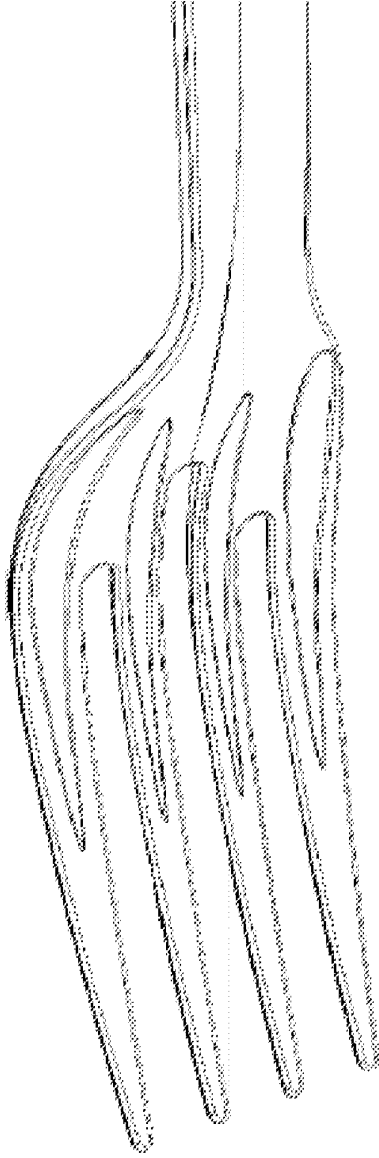


FIG. 25

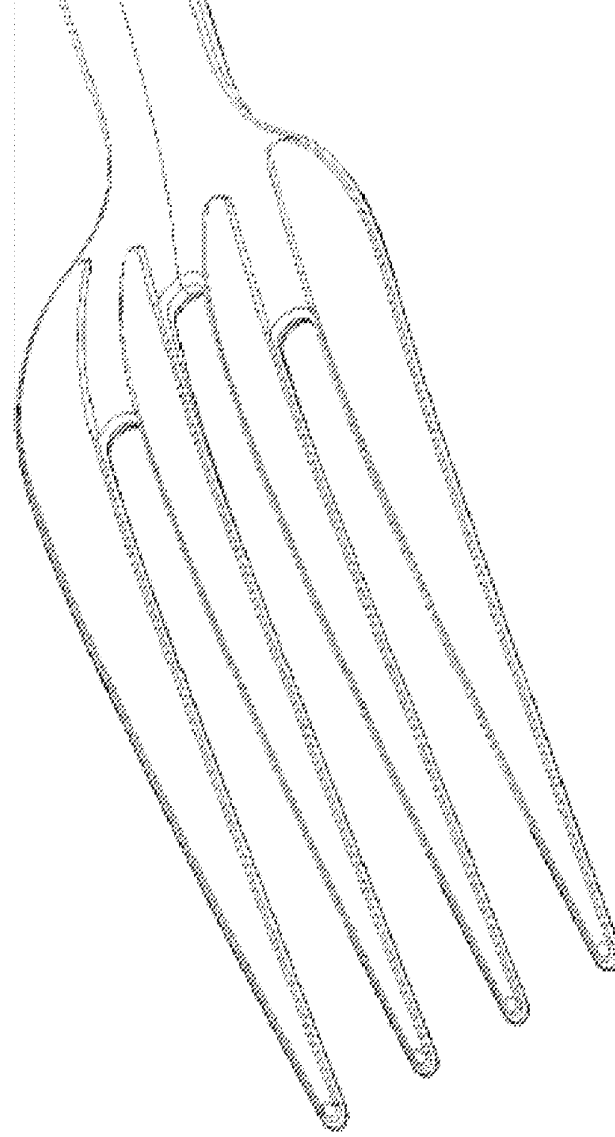


FIG. 26

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DE4417037



Patents

Application

Grant

English

German

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A method for producing a Eßwerkzeugs translated

from German

DE 4417037 C2

ABSTRACT available in

DESCRIPTION translated from German

The invention relates to a method of producing egg Nes Eßwerkzeugs.

In DE 42 08 338 A1 is already proposed to produce by the use of a dough wegzuerfende Eßwerkzeuge ware. DE-OS 19 05 964 it is known to be a piece of pasta wavy form and then push together in one section.

A fork and a spoon, the handle area are provided with ge corrugated stiffeners, are the subject of DE-GM 71 27 677h

The invention has for its object to provide a method for producing a Eßwerkzeugs formed from pasta.

According to the invention this object is achieved by the features of claim 1, claim 2 is a vorteilhaft th embodiment of the invention at.

An eating utensil according to the invention manufactured is shown in Figs. 1 and 2.

In the drawings:

Fig. 1, the eating utensil in plan view, and

Fig. 2 shows the eating utensil in side view.

In a central area 10 is stronger, the eating utensil GE folds, so to speak, "constricted" in which three Versteifun are generated next to one another gene 12 by folding. These three reinforcement folds 12 run in three Ga betzinken 18 of which are shaped slightly curved with its vaulted rounding down. Commonly the forks are rounded at the ends, so that Ver injuries are excluded. In the present case, the rounding can be selected with a slightly larger radius of curvature, so that the risk of breakage of the ends is further reduced.

At the other end portion 16 of the tool, a spoon is latte 20 with an end edge 28 and two sides 26 is shown having substantially spade-like shape. The outer edges 26 of the Löffelaffe are formed by the edges 22 of the outgoing herein outer beads 24.

It is particularly advantageous to the end portion 16 to bend the spoon in the direction of the fork portion 14 oppositely directed, so that the tool is hand clings better. The edge 22 is in this case 16 diagonally extending from the top of the bucket end to form even with use of the fork end 14, ie when rotated by 180 ° about its longitudinal axis tool, an upper outer edge.

In the manufacture of sheet material is special it benefits in that the sheet material can be pressed under high pressure so that advertising on expensive Formge or tooling costs as fuel injection technology such. B. Art and processing especially in the Metallverar are required can be omitted. With just two steps, a simple stamping and to sammenschiebeprozess that can Eßwerkzeuge who formed the. Nevertheless, you are, especially if they are ge from readily biodegradable material such. As pasta shapes, simple and easy to destroy softenable by Verrot lion, especially since they have nowhere greater thickening in a shredding tion process very uniform particles can be produced.

PATENT CITATIONS

Cited Patent	Filing date	Publication date	Applicant	Title
DE1905984A1 *	Feb 6, 1969	Sep 18, 1969	Barilla Flli G & R	Verfahren und Vorrichtung zur Herstellung kurzer Teiglaengen in Schmetterlingsform
DE4208338A1 *	Mar 18, 1992	Oct 21, 1993	Anton Ledwon	Biodegradable material for mfg. disposal objects e.g. knives, spoons, etc. - comprises semolina-water mixt. opt. mixed with materials for stability and elasticity sprayed with biodegradable coating or admixed with plastic, for packaging
DE7127677U *			Wuerttembergische Metallwarenfabrik	Title not available
FR450818A *				Title not available

Publication number	DE4417037 C2
Publication type	Grant
Application number	DE19944417037
Publication date	Dec 3, 1998
Filing date	May 14, 1994
Priority date	May 14, 1994
Also published as	DE4417037A1
Inventors	Susanne Backer
Applicant	Susanne Backer
Export Citation	BIBTeX, EndNote, RefMan
Patent Citations (5), Classifications (3), Legal Events (4)	
External Links: DPMA, Espacenet	

CLAIMS (2) translated from German

1. A method for producing a Eßwerkzeugs from a flat pasta comprising the steps of:

- 1. punching the contour of a blank from the dough and software
- 2. pushing together of the blank and forming Ver steifungsfaltungen under forming a constriction in the middle of the field.

2. The method according to claim 1, characterized in that the blank is formed like a spoon and a fork-like at the other end with his punching at one end thereof, said stiffening folds formed during the compression of the blank expire in Gabelzinken.

Cited Patent	Filing date	Publication date	Applicant	Title
US 1818235 *	Apr 3, 1928	Aug 11, 1931	Andreas Bothe	Fiber or paper fork

* Cited by examiner

CLASSIFICATIONS

International Classification	A47G21/02
Cooperative Classification	A47G21/02
European Classification	A47G21/02

LEGAL EVENTS

Date	Code	Event	Description
Nov 16, 1995	OP8	Request for examination as to paragraph 44 patent law	
Oct 3, 1998	D2	Grant after examination	
May 27, 1999	8364	No opposition during term of opposition	
Jul 6, 2000	8339	Ceased/non-payment of the annual fee	

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⑯ BUNDESREPUBLIK
DEUTSCHLAND



DEUTSCHES
PATENTAMT

⑫ **Offenlegungsschrift**
⑩ **DE 44 17 037 A 1**

⑤ Int. Cl. 8:
A47 G 21/02

⑲ Aktenzeichen: P 44 17 037.8
⑳ Anmeldetag: 14. 5. 94
㉑ Offenlegungstag: 16. 11. 95

DE 44 17 037 A 1

⑦① Anmelder:
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⑦④ Vertreter:
Patent- und Rechtsanwälte BOEHMERT &
BOEHMERT, NORDEMANND UND PARTNER, 24105
Kiel

⑦② Erfinder:
gleich Anmelder

Prüfungsantrag gem. § 44 PatG ist gestellt

⑤④ ESwerkzeug

⑤⑦ ESwerkzeug mit einem Griff- und Stübereich, in dem eine
Mehrzahl von Versteifungsrippen im wesentlichen parallel
zueinander in Axialrichtung angeordnet ist.

DE 44 17 037 A 1

Die folgenden Angaben sind den vom Anmelder eingereichten Unterlagen entnommen

BUNDESDRUCKEREI 08. 95 508 048/358

5/27

Die Erfindung betrifft ein Eßwerkzeug. Eßwerkzeuge, also z. B. Messer, Gabeln und Löffel, werden meist aus Metall hergestellt. Es gibt jedoch auch eine Vielzahl von Plastik-Eßwerkzeugen, die in ihrer Formgebung jedoch wesentlich den bereits bekannten Formgebungen aus Metall folgen.

Aufgrund neuerer Fertigungstechniken und neuer Materialien sind jedoch auch andere Formgebungen möglich.

Die Erfindung hat sich zur Aufgabe gestellt, ein Eßwerkzeug in einer Form zu schaffen, die leicht herzustellen ist, gut handhabbar ist, material- und gewichtssparend ist und gleichzeitig auch aus neuartigen Materialien hergestellt werden kann.

Erfindungsgemäß wird diese Aufgabe gelöst durch die im Hauptanspruch aufgeführten Merkmale. Die Unteransprüche geben vorteilhafte Ausführungsformen der Erfindung wieder.

Insbesondere ist vorteilhaft, ein Ende des Eßwerkzeuges als Gabel und das andere Ende als Löffel auszubilden. Somit kann auf eine separate Ausführung beider Besteckteile verzichtet werden, was insbesondere dann, wenn sowohl Löffel als auch Gabel aufgedeckt bzw. mitgenommen werden müssen, zur Einsparung eines Eßwerkzeuges führt.

Die erfindungsgemäß vorgeschlagene Vorsehung der Versteifungssicken parallel zueinander in Axialrichtung im Mittenbereich erlaubt die Verwendung dünnerer oder weniger belastbarer Materialien, so kann auf die bisher insbesondere bei Metall-Eßwerkzeugen sehr voluminösen Griffe verzichtet werden.

Durch die erfindungsgemäße Faltung ergibt sich dennoch eine Griffdicke, die angenehm mit der Hand zu fassen ist.

Weiter ist dadurch, daß der Grundkörper des Eßwerkzeugs nur in einem Mittenbereich sozusagen zusammengeschnürt zick-zack-gefaltet ist und flach zu beiden Enden ausläuft, eine ebenso formschöne wie auch im Gleichgewicht angenehm in der Hand liegende Form erreicht.

Das flache Auslaufen der Sicken ergibt die zum Bewegen der Speise übliche breite Fläche, die in den Mund geführt werden kann. Dadurch, daß die Sicken gleichzeitig in der Tiefe abnehmen, während sie sich verbreitern, kann bei der Herstellung ein bandartig vorgeformter Materialstreifen verwendet werden, bei dessen Herstellung eine Vielzahl von neuen Materialien erstmals kostengünstig Verwendung finden kann. Bisher war man darauf angewiesen, entweder Metall zu gießen oder Kunststoff in eine Form zu spritzen. Nunmehr kann auch flächiger Werkstoff verarbeitet werden.

Die Vorsehung von Zinken, die unter einem Winkel von ca. 25°, also relativ breit, zulaufen, ermöglicht es, auch bei kritischen Werkstoffen ohne Abbruchgefahr Zinken an dem Eßwerkzeug auszuformen. Randzinken können aufgrund gerader Ausbildung ihrer Außenkanten in einem spitzeren Winkel zulaufen, wobei die Außenkanten zusätzlich verdickt sein können.

Der weiter am anderen Ende des Eßwerkzeuges vorgeschlagene Löffelbereich wird vorteilhafterweise durch einen Löffelrand begrenzt, der sich von einem Mittenbereich als Rand einer Außensicken bis zu einer im wesentlichen spatentartig nur leicht gerundeten Vorderkante erstreckt. Der Löffelseitenrand wird damit in einem Winkel von über 90° an die Vorderkante anschließen.

Als Material für das neuartige Eßwerkzeug wird vorgeschlagen, biologisch abbaubares Material, z. B. papp- oder oblatenartige Materialien vorzusehen. Insbesondere wird vorgeschlagen, einen flächigen Nudelteig durch Faltung des Eßwerkzeug vorzuformen und anschließend erstarren zu lassen. Eine abschließende ggf. nahrungsmittelkompatible Glasierung oder Lackierung kann dem Werkzeug eine wesentlich verlängerte Lebensdauer bereiten. Dennoch ist das Werkzeug einfach durch natürliche Prozesse beseitigbar.

Weitere Merkmale und Vorteile ergeben sich aus der nachfolgenden Beschreibung eines bevorzugten Ausführungsbeispiels anhand der beigelegten Zeichnung.

Dabei zeigt

Fig. 1 das Eßwerkzeug in Draufsicht, und

Fig. 2 das Eßwerkzeug in Seitenansicht.

In einem Mittenbereich ist das Eßwerkzeug 10 stärker gefaltet, sozusagen "eingeschnürt", wobei beispielhaft drei Sicken 12 nebeneinanderliegend durch Faltung erzeugt sind. Diese drei Sicken laufen in drei Gabelzinken 18 aus, die leicht gewölbt mit ihrer gewölbten Rundung nach unten geformt sind. In üblicher Weise sind die Gabelzinken an ihren Enden abgerundet, so daß Verletzungen ausgeschlossen werden. Im vorliegenden Fall können die Abrundungen noch mit einem etwas größeren Krümmungsradius gewählt werden, so daß die Abbruchgefahr der Enden zusätzlich verringert wird.

Am anderen Endbereich 16 des Werkzeuges ist eine Löffellaffe 20 mit einer Abschlußkante 28 und zwei Seiten 26 gezeigt, die im wesentlichen spatentartige Form besitzt. Die Außenkanten 26 der Löffellaffe sind durch die Ränder 22 der hierin auslaufenden Außensicken 24 gebildet.

Hierbei ist besonders vorteilhaft, den Endbereich 16 mit dem Löffel in die dem Gabelbereich 14 entgegengerichtete Richtung zu biegen, so daß das Werkzeug sich der Hand besser anschmiegt. Die Kante 22 wird dabei von der Oberseite des Löffelendes 16 diagonal verlaufen, um auch bei Benutzung des Gabelendes 14, also bei um 180° um seine Längsachse gedrehten Werkzeug, eine obere Außenkante zu bilden.

Bei der Herstellung aus flächigem Material ist es besonders vorteilhaft, daß das flächige Material unter hohem Druck gepreßt werden kann, so daß auf aufwendige Formgebung oder Werkzeugkosten, wie sie z. B. in der Kunststoffspritztechnik und insbesondere in der Metallverarbeitung notwendig sind, verzichtet werden kann. Durch nur zwei Schritte, einen einfachen Stanz- und einen Zusammenschiebeprozess, können die Eßwerkzeuge geformt werden. Dennoch sind sie, insbesondere, wenn sie aus leicht biologisch abbaubaren Material, wie z. B. Nudelteig geformt sind, einfach aufweichbar und leicht durch Verrottung zu vernichten, insbesondere da sie an keiner Stelle stärkere Verdickungen aufweisen. In einem Zerkleinerungsprozeß werden sehr gleichförmige Teilchen erzeugt werden können.

Patentansprüche

1. Eßwerkzeug gekennzeichnet durch einen Griff- und Stielbereich (10) in dem eine Mehrzahl von Versteifungssicken (12) im wesentlichen parallel zueinander in Axialrichtung angeordnet ist.
2. Eßwerkzeug nach Anspruch 1, dadurch gekennzeichnet, daß ein Endbereich (14) mit einer Mehrzahl von Zinken (18) als Gabel und der andere Endbereich (16) mit einer mittigen Auswölbung (20) als Löffel ausgebildet ist.

3. Eßwerkzeug nach einem der vorangehenden Ansprüche, dadurch gekennzeichnet, daß das der Grundkörper des Eßwerkzeugs wenigstens in einem Mittenbereich flach auslaufende aus einem im wesentlichen flächigen Formteil mit breitenverringender Zick-Zack-Faltung gebildete Sicken (12) aufweist. 5

4. Eßwerkzeug nach einem der vorangehenden Ansprüche, dadurch gekennzeichnet, daß das ausgehend von einem Mittenbereich die Sicken (12) an Tiefe abnehmen, während sie gleichzeitig an Breite zunehmen, wobei an einem Ende des Eßwerkzeugs wenigstens innere Sicken (12) in Zinken (18) auslaufen. 10

5. Eßwerkzeug nach Anspruch 4, dadurch gekennzeichnet, daß wenigstens innere Zinken (18) in einem Winkel von ca. 25° als breite spitz zulaufende Zinken (18) ausgebildet sind, deren Abschlußspitze abgerundet ist. 15

6. Eßwerkzeug nach einem der vorangehenden Ansprüche, dadurch gekennzeichnet, daß sich der jeweilige Außenrand (22) der äußeren Sicken (24) an einem Ende des Eßwerkzeugs als Löffelrand (26) als seitliche Begrenzung einer zentralen Wölbung (20), in die hinein die anderen Sicken auslaufend sich erstrecken, verläuft, wobei sich der Rand spatenartig bis zu einer winklig an ihn anschließenden, im wesentlichen geraden senkrecht zur Erstreckung des Eßwerkzeugs liegenden Vorderkante (28) erstreckt. 20 25 30

7. Eßwerkzeug nach einem der vorangehenden Ansprüche, dadurch gekennzeichnet, daß das Material des Eßwerkzeugs aus biologisch schnell abbaubarem Material mit pappartiger Festigkeit gebildet ist. 35

8. Eßwerkzeug nach einem der vorangehenden Ansprüche, dadurch gekennzeichnet, daß das biologisch abbaubare Material Nudelteig ist, der zunächst flächig ausgewalzt wurde, dann bandförmig zugeschnitten und durch Faltung vor einem Erstarrungsprozeß geformt ist. 40

Hierzu 1 Seite(n) Zeichnungen

45

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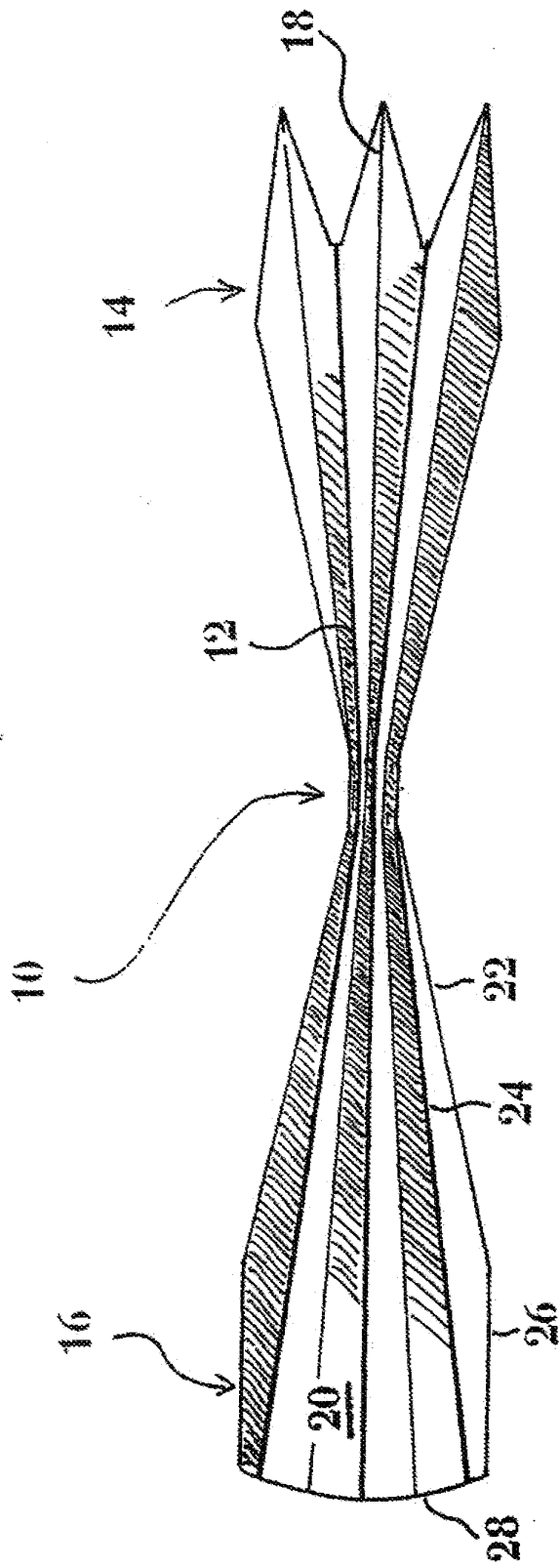


Fig. 1

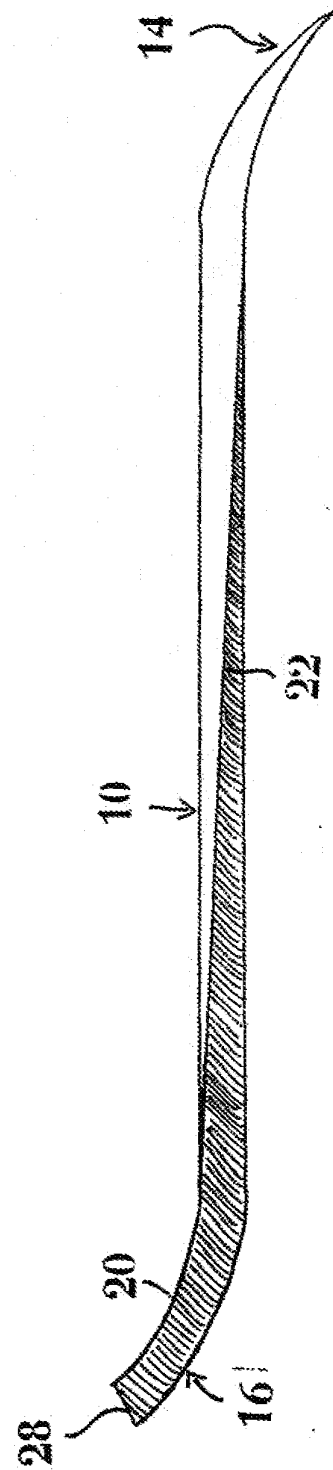


Fig. 2

508 046/358

N^o 22,788



A.D. 1914

Date of Application, 20th Nov., 1914

Complete Specification, Left, 20th May, 1915—Accepted, 2nd Sept., 1915

PROVISIONAL SPECIFICATION.

**Improvements in and connected with Combination Forks,
Spoons and Knives.**

I, ARTHUR EDWIN SYMMONDS, of 143, Newhall Street, Birmingham, Manufacturers' Manager, do hereby declare the nature of this invention to be as follows:—

This invention has reference to combination forks spoons and knives (made of german silver, aluminium or other alloys or metals) in which the knife fork and spoon (or spoon and fork only or the knife and fork only) are so constructed and arranged that they can be used as separate articles or, when out of use, can be temporarily fixed together in a compact way so as to protect the knife blade and the prongs of the fork. The combination is particularly useful for picnicing and for soldiers and sailors.

According to this invention as applied to a knife fork and spoon combination, the handle of the spoon (or the handle of the fork) is partially constructed as a flat sheath open at one end into which the handle of the fork and the blade of the knife (or the handle of the spoon if the sheath is formed on the fork) can be inserted, the fork prongs lying in the bowl of the spoon and their ends being protected by the knife handle. Or as a modification a separate open ended flat metal or other sheath may be employed into which the handle of the spoon and of the fork and the blade of the knife can be inserted and thus be held together with the knife blade and the ends of the prongs protected as aforesaid.

The preferred arrangement of carrying my invention into practice is for the sheath to be formed in one with the spoon handle said sheath being equal to about half the length of the spoon and extending from the end of the handle to about the centre of the spoon and being formed by the sheath part of the handle being made extra wide with parallel side parts which are folded over at the front of the spoon but preferably so as not to meet leaving a longitudinal opening along the front to facilitate cleaning out the sheath. The said sheath is closed at that end corresponding with the end of the handle and is open at the end towards the bowl so that the handle of the fork which is made flat can be inserted in the sheath until the prongs of the fork will lie within the bowl of the spoon. The sheath is made sufficiently large to receive also the knife blade which is inserted therein in front of the fork so that the end of the knife handle will cover the ends of the prongs.

It will be evident that if desired the sheath part of the spoon may be so constructed as to receive only the handle of the fork without the knife blade.

As a modification the said sheath may be formed as part of the fork handle and in this case it is preferred to construct the fork handle with a sheath both at the front and the back so that the handle of the spoon can be slid into the sheath at the back of the fork and the knife blade can be slid into the sheath at the front of the fork thus temporarily securing all the three articles together as aforesaid. Or when applying my invention to a fork and spoon only then the fork can be made with a sheath only at the back of its handle for the flat

Improvements in and connected with Combination Forks, Spoons and Knives.

handle of the spoon to slide into so that the prongs of the fork will lie in the bowl of the spoon as aforesaid.

When my invention is applied to a knife and fork combination without a spoon, the handle of the fork is formed with a flattened sheath at the front as aforesaid into which the blade of the knife can be slid, the knife and fork being made of such a length that the front of the fork will be protected by the knife handle.

It will be evident that as a further modification the flattened sheath may be made as an entirely separate article into which the flat handles of the fork and of the spoon and the knife blade can be inserted with the prongs of the fork lying in the bowl of the spoon and the ends of the prongs protected by the knife handle as aforesaid.

Dated this 18th day of November, 1914.

CHARLES BOSWORTH KETLEY,
Chartered Patent Agent,
128, Colmore Row, Birmingham,
Agent for the Applicant.

COMPLETE SPECIFICATION.

**Improvements in and connected with Combination Forks,
Spoons and Knives.**

I, ARTHUR EDWIN SYMONDS, of 143, Newhall Street, Birmingham, Manufacturers' Manager, do hereby declare the nature of this invention and in what manner the same is to be performed, to be particularly described and ascertained in and by the following statement:—

This invention has reference to combination forks spoons and knives (made of german silver, aluminium or other alloys or metals) in which the knife fork and spoon (or spoon and fork only or the knife and fork only) are so constructed and arranged that they can be used as separate articles or, when out of use, can be temporarily fixed together in a compact way so as to protect the knife blade and the prongs of the fork. The combination is particularly useful for picnicing and for soldiers and sailors.

My invention is illustrated by the accompanying drawings of which:—

Fig. 1 is a plan of a knife, fork and spoon combination according to this invention, the flat open fronted sheath being formed with the spoon;

Fig. 2 is a longitudinal sectional side elevation of the same;

Fig. 3 is a cross section of the same taken on line X X of Fig. 1;

Fig. 4 is a part sectional side elevation of a modified form of my knife fork and spoon combination, the said sheath being formed on the handle of the fork which latter is arranged outside the spoon;

Fig. 5 is a plan of a modified form of fork according to this invention, forming part of a knife, fork and spoon combination;

Fig. 6 is a longitudinal sectional elevation of the fork shewn in Fig. 5;

Fig. 7 is a cross sectional elevation of the handle part of the same, and

Fig. 8 is a flat metal sheath according to a further modification of this invention adapted to receive the blade of a knife and the handles of a fork and spoon, or the blade of a knife and the handle of a fork, or the handles of the fork and spoon without a knife blade.

The preferred arrangement of carrying out my invention as a knife fork and spoon combination is that illustrated by Figs. 1, 2 and 3 in which the knife is

Improvements in and connected with Combination Forks, Spoons and Knives.

marked A, the fork B and the spoon C. The flat open fronted sheath D is formed in one piece with the spoon handle 1, the sheath D being equal to about one half the length of the spoon and extending from the end 2 of the handle to somewhere about the centre of the spoon and being formed by the sheath part of the handle being made extra wide with parallel sided parts 3, 4 which are folded over at the front of the spoon but so as not to meet leaving a longitudinal opening 5 all along the front except at the extreme end 2 to facilitate cleaning out the sheath. The sheath D is closed at the end 2 corresponding with the end of the handle and is open at the end 6 towards the bowl of the spoon, so that the flat handle 7 of the fork can be inserted in the sheath D until the prongs 8 of the fork will lie within the bowl 9 of the spoon as shewn on my drawing. The sheath D is made sufficiently large to receive also the blade 10 of the knife A which is inserted therein at the front of the fork B so that the end 11 of the knife will be protected by the closed end 2 of the sheath and the knife handle will cover the ends of the prongs 8.

The knife A has to be made with the bolster 12 only on one side that is there is no bolster on the flat side which is adjacent to the spoon and fork.

In a spoon and fork combination without a knife, the sheath part D of the spoon has to be made shallower for only the flat handle of the fork to fit in.

As a modification of the above for the knife fork and spoon combination, or for the knife and fork combination, or spoon and fork combination, the said flat open fronted sheath D can be formed in a piece with the handle of the fork B to project at the front of the fork as shewn for instance in Fig. 4, the sides of the sheath being folded over at the front of the fork B for the flat handle of the spoon C and for the blade 10 of the knife A to fit in, the fork in this case being outside the spoon.

This arrangement of the sheath D formed on the handle of the fork can be similarly used with a flat handled spoon for a spoon and fork combination, the said sheath being made shallower so as to receive only the flat handle of the spoon and not the knife blade. Or in a knife and fork combination the sheath can be made slightly flatter still so as to receive only the knife blade.

In a further modification of my invention the sheath D such as shewn in Figs. 1, 2 and 3 instead of being formed on the front of the spoon handle is formed on the back of the same, adapted to receive the flat handle of the fork which will then lie outside the spoon as in Fig. 4. This arrangement however only serves when the knife is not required. Or the sheath D may be similarly formed on the fork handle to project on the back of the same to receive the flat handle of the spoon so that the prongs of the fork will then lie inside the spoon.

As a further modification of my invention in a knife fork and spoon combination the fork handle may be formed as in Fig. 5 with an open fronted flat sheath D at the front of the fork to receive the blade 10 of the knife A and also made with a second similar flat open fronted sheath D¹ on the back of the fork handle to receive the flat handle of the spoon so that the knife fork and spoon will occupy the same relative positions as in Figs. 1 and 2. In a similar manner when it is desired for the knife fork and spoon to pack together and occupy the positions relatively to each other as shewn in Fig. 4, then the flat handle of the spoon can be similarly made with two of the open fronted flat sheaths one of which D will be at the front of the spoon to receive the blade 10 of the knife and the other sheath D¹ will be on the back of the spoon handle to receive the flat handle of the fork B the prongs of which will be located outside the spoon bowl.

In any case the flat open fronted sheath can be either formed in a piece with the handle of the spoon or fork or made separately therefrom and soldered or otherwise fixed thereto.

Or as a further modification, the flat sheath may, as shewn in Fig. 8, be made as an entirely separate article D² closed at one end 2 and made with parallel sided turned over parts 3, 4 and the longitudinal slot 5 along one flat

Improvements in and connected with Combination Forks, Spoons and Knives.

side to facilitate cleaning the sheath being of about the same length in proportion to the knife fork and spoon as when forming a part of the handle of the fork or spoon as above described. The internal size of the sheath is such as to receive the flat handles of a fork and spoon and the blade 10 of the knife A for a knife fork and spoon combination, or made so as to receive the blade of the knife A and the flat handle of the fork B for a knife and fork combination, or made so as to receive only the flat handles of a fork B and a spoon to form a fork and spoon combination.

Having now particularly described and ascertained the nature of my said invention and in what manner the same is to be performed, I declare that what I claim is:—

1. Means for temporarily fixing together, when out of use, a knife, fork and spoon, or a knife and fork, or a spoon and fork, consisting in the provision on or for the handle of the spoon or fork of a flat open fronted sheath closed at the end of said handle and adapted to receive and hold the flat handle of the fork or/and spoon, with or without the knife blade, substantially as set forth.

2. A combination knife fork and spoon according to Claim 1 in which the flat open fronted sheath is provided at the front of the spoon handle adapted to receive the flat handle of the fork and the knife blade so that the knife fork and spoon can be packed together in the manner hereinbefore described and illustrated by Figs. 1, 2 and 3.

3. A combination knife, fork and spoon according to Claim 1, in which the flat open fronted sheath is provided at the front of the fork handle adapted to receive the flat handle of the spoon and the knife blade so that the knife fork and spoon can be packed together in the manner hereinbefore described and illustrated by Fig. 4.

4. A combination fork and spoon according to Claim 1 in which the flat open fronted sheath is provided at the front or back of the spoon handle adapted to receive the flat handle of the fork so that they can be packed together to lie one within the other, substantially as set forth.

5. A combination fork and spoon according to Claim 1 in which the flat open fronted sheath is provided at the front or back of the fork handle adapted to receive the flat handle of the spoon so that they can be packed together to lie one within the other, substantially as set forth.

6. A combination knife and fork according to Claim 1 in which the flat open fronted sheath is provided at the front of the fork handle adapted to receive the knife blade so that they may be packed together in the manner substantially as described.

7. The combination with a table fork of two flat open fronted sheaths provided at the front and at the back respectively of the fork handle, the sheath at the front of the fork handle being adapted to receive the knife blade and the sheath at the back of the handle being adapted to receive the flat handle of a table spoon, substantially as set forth.

8. The combination with a table spoon of two flat open fronted sheaths provided at the front and at the back respectively of the spoon handle, the sheath at the front of the spoon handle being adapted to receive the knife blade and the sheath at the back of the handle being adapted to receive the flat handle of a table fork, substantially as set forth.

Dated this 18th day of May, 1915.

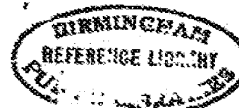
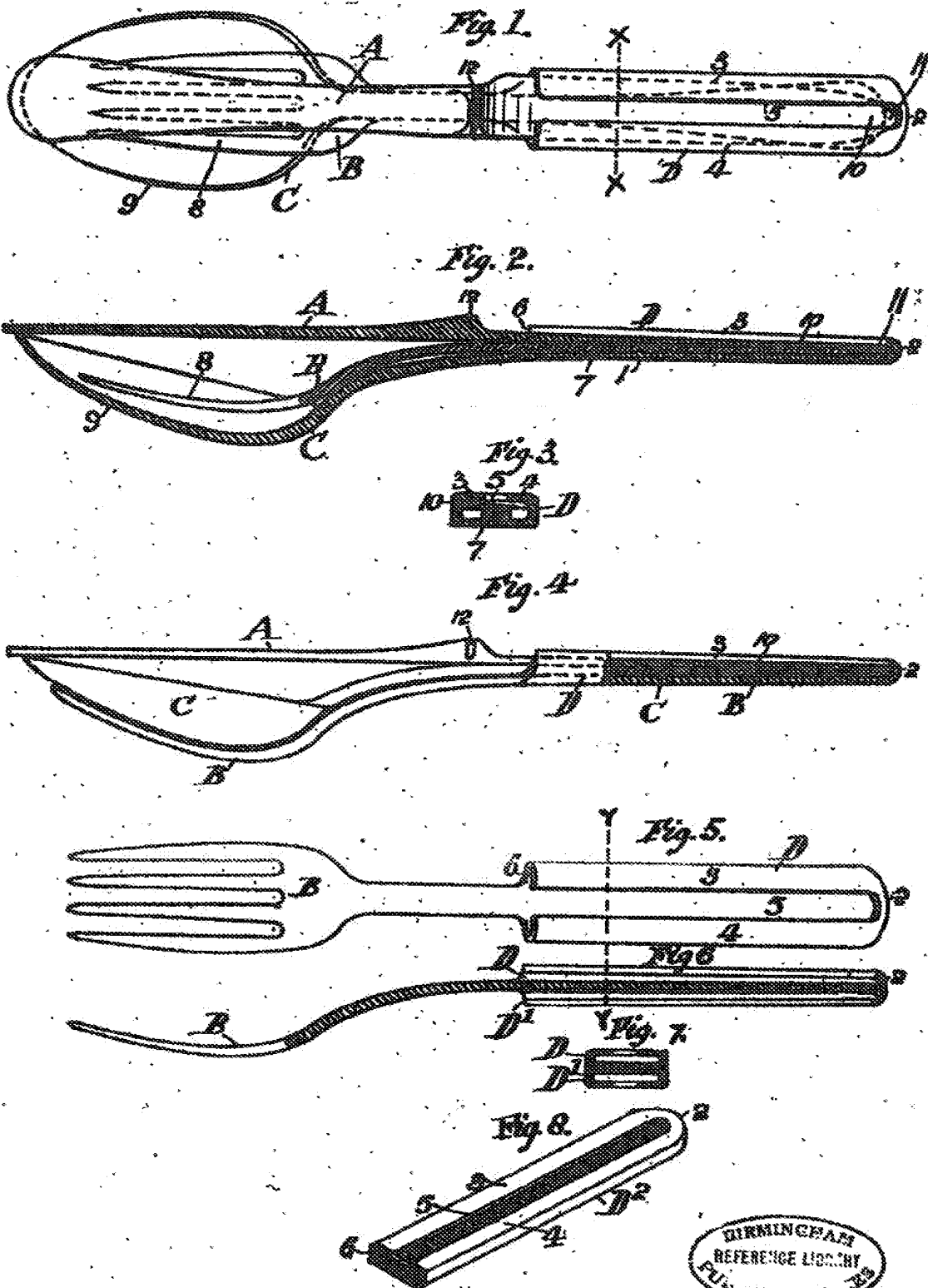
CHARLES BOSWORTH KETLEY, 60

Chartered Patent Agent,

128, Colmore Row, Birmingham,

Agent for the Applicant.

[This Drawing is a reproduction of the Original on a reduced scale.]



PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

PCT

To:
Chen, Tina
BEYER LAW GROUP LLP
P.O. Box 51887
Palo Alto CA 94303
ETATS-UNIS D'AMERIQUE

NOTIFICATION OF TRANSMITTAL OF
THE INTERNATIONAL SEARCH REPORT AND
THE WRITTEN OPINION OF THE INTERNATIONAL
SEARCHING AUTHORITY, OR THE DECLARATION

(PCT Rule 44.1)

Applicant's or agent's file reference HMG1P008WO	Date of mailing (day/month/year) 8 July 2015 (08-07-2015)
International application No. PCT/US2015/019017	International filing date (day/month/year) 5 March 2015 (05-03-2015)
Applicant HUMANGEAR, INC.	

1. ☒ The applicant is hereby notified that the international search report and the written opinion of the International Searching Authority have been established and are transmitted herewith.

Filing of amendments and statement under Article 19:

The applicant is entitled, if he so wishes, to amend the claims of the International Application (see Rule 46):

When? The time limit for filing such amendments is normally two months from the date of transmittal of the International Search Report.

How? Directly to the International Bureau of WIPO, 34 chemin des Colombettes
1211 Geneva 20, Switzerland, Facsimile No.: (41-22) 338.82.70

For more detailed instructions, see PCT Applicant's Guide, International Phase, paragraphs 9.004 - 9.011.

2. ☐ The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(b) to that effect and the written opinion of the International Searching Authority are transmitted herewith.
3. ☐ **With regard to any protest** against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:

- ☐ the protest together with the decision thereon has been transmitted to the International Bureau together with any applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.
- ☐ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

4. Reminders

The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the International Bureau. These comments will be made available to the public after international publication. The International Bureau will send a copy of such comments to all designated Offices unless an international preliminary examination report has been or is to be established.

Shortly after the expiration of 18 months from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau before the completion of the technical preparations for international publication (Rules 90bis.1 and 90bis.3).

Within 19 months from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase until 30 months from the priority date (in some Offices even later); otherwise, the applicant must, within 20 months from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices. In respect of other designated Offices, the time limit of 30 months (or later) will apply even if no demand is filed within 19 months. For details about the applicable time limits, Office by Office, see www.wipo.int/pct/en/texts/time_limits.html and the PCT Applicant's Guide, National Chapters.

Within 19 months from the priority date, the applicant may request that a supplementary international search be carried out by a different International Searching Authority that offers this service (Rule 45bis.1). The procedure for requesting supplementary international search is described in the PCT Applicant's Guide, International Phase, paragraphs 8.006-8.032.

Name and mailing address of the International Searching Authority



European Patent Office, P.B. 5818 Patentlaan 2
NL-2280 HV Rijswijk
Tel. (+31-70) 340-2040
Fax: (+31-70) 340-3016

Authorized officer

CARL, Iris
Tel: +31 (0)70 340-3672

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference HMG1P008WO	FOR FURTHER ACTION see Form PCT/ISA/220 as well as, where applicable, item 5 below.	
International application No. PCT/US2015/019017	International filing date (day/month/year) 5 March 2015 (05-03-2015)	(Earliest) Priority Date (day/month/year) 11 March 2014 (11-03-2014)
Applicant HUMANGEAR, INC.		

This international search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 4 sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the report

a. With regard to the **language**, the international search was carried out on the basis of:

- ☒ the international application in the language in which it was filed
☐ a translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b))

b. ☐ This international search report has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43.6bis(a)).

c. ☐ With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, see Box No. I.

2. ☐ **Certain claims were found unsearchable** (See Box No. II)

3. ☐ **Unity of invention is lacking** (see Box No. III)

4. With regard to the **title**,

- ☒ the text is approved as submitted by the applicant
☐ the text has been established by this Authority to read as follows:

5. With regard to the **abstract**,

- ☐ the text is approved as submitted by the applicant
☒ the text has been established, according to Rule 38.2, by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority

6. With regard to the **drawings**,

a. the figure of the **drawings** to be published with the abstract is Figure No. 6c

- ☒ as suggested by the applicant
☐ as selected by this Authority, because the applicant failed to suggest a figure
☐ as selected by this Authority, because this figure better characterizes the invention

b. ☐ none of the figures is to be published with the abstract

Box No. IV Text of the abstract (Continuation of item 5 of the first sheet)

A combination spoon and fork system (100) capable of being stored in a nested configuration or used as a combination eating utensil with the spoon (110) and fork (140) connected end to end. An interlocking mechanism can interlock the spoon and fork in either the nested position or in the end to end configuration. The interlocking system allows the handle (146) of the spoon to slide between rails (148) on the handle of the fork and to snap and lock the spoon in place either nested with the fork or end to end with the fork to form an elongated combination eating utensil. The spoon and fork of the system can also be used separately from one another.

INTERNATIONAL SEARCH REPORT

International application No

PCT/US2015/019017

A. CLASSIFICATION OF SUBJECT MATTER

INV. A47G21/06

ADD.

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

A47G

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)

EPO-Internal

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	WO 2013/095407 A1 (GADSDEN COFFEE COMPANY INC [US]; MCFARLAND DAVID B [US]) 27 June 2013 (2013-06-27)	1,6-26, 28-31
Y	page 4, line 20 - page 12; figures	2-5,27
X	EP 0 129 495 A2 (O TRAY CORP [US]) 27 December 1984 (1984-12-27)	32-35
Y	paragraphs [0046] - [0069]; figures	2-5,27
X	GB 22788 A A.D. 1914 (SYMMONDS ARTHUR EDWIN) 2 September 1915 (1915-09-02)	1,6-26, 28-31
A	the whole document	2-5,27
X	DE 44 17 037 A1 (BACKER SUSANNE [DE]) 16 November 1995 (1995-11-16)	32-35
A	figures	2-5,27

☐ Further documents are listed in the continuation of Box C.☒ See patent family annex.

* Special categories of cited documents:

A document defining the general state of the art which is not considered to be of particular relevance

E earlier application or patent but published on or after the international filing date

L document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

O document referring to an oral disclosure, use, exhibition or other means

P document published prior to the international filing date but later than the priority date claimed

T later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

X document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

Y document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art

Z document member of the same patent family

Date of the actual completion of the international search

23 June 2015

Date of mailing of the international search report

08/07/2015

Name and mailing address of the ISA/

European Patent Office, P.B. 5818 Patentlaan 2
NL - 2280 HV Rijswijk
Tel. (+31-70) 340-2040,
Fax: (+31-70) 340-3016

Authorized officer

Van Bastelaere, Tiny

INTERNATIONAL SEARCH REPORT

Information on patent family members

International application No

PCT/US2015/019017

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
WO 2013095407	A1	27-06-2013	NONE
EP 0129495	A2	27-12-1984	CA 1213154 A1 28-10-1986 DE 3471580 D1 07-07-1988 EP 0129495 A2 27-12-1984 JP S59209314 A 27-11-1984 US 4524512 A 25-06-1985
GB 191422788	A	02-09-1915	NONE
DE 4417037	A1	16-11-1995	NONE

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

see form PCT/ISA/220

PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43*bis*.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/US2015/019017

International filing date (day/month/year)
05.03.2015

Priority date (day/month/year)
11.03.2014

International Patent Classification (IPC) or both national classification and IPC
INV. A47G21/06

Applicant
HUMANGEAR, INC.

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step and industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1*bis*(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

Name and mailing address of the ISA:



European Patent Office
P.B. 5818 Patentlaan 2
NL-2260 HV Rijswijk - Pays Bas
Tel. +31 70 340 - 2040
Fax: +31 70 340 - 3016

Date of completion of
this opinion

see form
PCT/ISA/210

Authorized Officer

Van Bastelaere, Tiny

Telephone No. +31 70 340-0



**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/US2015/019017

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of:
 - ☒ the international application in the language in which it was filed.
 - ☐ a translation of the international application into , which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1 (b)).
2. ☐ This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43*bis*.1(a))
3. ☐ With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, this opinion has been established on the basis of a sequence listing:
 - a. ☐ forming part of the international application as filed:
 - ☐ in the form of an Annex C/ST.25 text file.
 - ☐ on paper or in the form of an image file.
 - b. ☐ furnished together with the international application under PCT Rule 13*ter*.1(a) for the purposes of international search only in the form of an Annex C/ST.25 text file.
 - c. ☐ furnished subsequent to the international filing date for the purposes of international search only:
 - ☐ in the form of an Annex C/ST.25 text file (Rule 13*ter*.1(a)).
 - ☐ on paper or in the form of an image file (Rule 13*ter*.1(b) and Administrative Instructions, Section 713).
4. ☐ In addition, in the case that more than one version or copy of a sequence listing has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that forming part of the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
5. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/US2015/019017

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	<u>2-5, 13, 27, 28</u>
	No: Claims	<u>1, 6-12, 14-26, 29-35</u>
Inventive step (IS)	Yes: Claims	
	No: Claims	<u>1-35</u>
Industrial applicability (IA)	Yes: Claims	<u>1-35</u>
	No: Claims	

2. Citations and explanations

see separate sheet

Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

0. Reference is made to the following documents:

D1: EP0129495

D2: WO2013/095407

1. Claims 1, 14, 23 and 32 do not meet the requirements of Article 6 PCT in that the matter for which protection is sought is not clearly defined.

1.1 Claims 1, 14 and 23 (...comprising a fork) are not appropriately formulated as a claim dependent on claim 32 (definition of a fork). (Rule 6.4 PCT).

1.2 Although claims 1, 14 and 23 have been drafted as separate independent claims, they appear to relate effectively to the same subject-matter and to differ from each other only with regard to the definition of the subject-matter for which protection is sought and/or in respect of the terminology used for the features of that subject-matter. The aforementioned claims therefore lack conciseness and as such do not meet the requirements of Article 6 PCT.

2. Novelty

2.1 D1 discloses (see p.4, line 20 - p. 12 and figures 1 and 3) a combination fork and spoon system, comprising:
a fork including a recess (underside of bottom portion 18f) in a bottom surface and a pair of rails (portions 24 and 26), each rail along a portion of an outer edge of the bottom surface of a handle (see figure 3); and
a spoon configured to interlock with the fork either in a nested position (see figure 3) or in an end to end configuration to form a single combination utensil, the spoon including a handle that is capable of being slid between the rails.

Hence the subject-matter of **claim 1 is not novel** (Art 33(2) PCT).

2.2 Since **independent claims 14 and 23** appear to relate to the same subject-matter as claim 1, the comments given above under point 2.1 make clear that this claim also does not seem to be novel.

2.3 D2 discloses (see §46-69 and figures) a fork, comprising:
a head portion including a plurality of tines, wherein an outer tine has a curved chamfered outer edge, the chamfered outer edge extending along substantially an entire length of the head portion (see figure 1); and
a handle portion connected to the head portion, wherein the chamfered edge tapers to a point where the handle portion meets the head portion (see figures 1 and 2).

Hence the subject-matter of **claim 32 is not novel** (Art 33(2) PCT).

3. D1 and D2 disclose furthermore the features of dependent **claims 2-13, 15-22 or 33-35**, so their subject-matter is even so **not novel** (Art 33(2) PCT) or do not seem to involve an **inventive** step because they refer to features which are generally known or which come within the scope of customary practice of a person skilled in the art.

Electronic Acknowledgement Receipt

EFS ID:	23730302
Application Number:	14204497
International Application Number:	
Confirmation Number:	1678
Title of Invention:	EATING UTENSIL SYSTEM
First Named Inventor/Applicant Name:	Christopher A. MIKSOVSKY
Customer Number:	58766
Filer:	Tina Chen/Cara Romero
Filer Authorized By:	Tina Chen
Attorney Docket Number:	HMG1P008
Receipt Date:	08-OCT-2015
Filing Date:	11-MAR-2014
Time Stamp:	14:13:54
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no
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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Response to Election / Restriction Filed	HMG1P008_Response_to_Restriction_Requirement.pdf	23317 8ab9bd13c40c9439f57b3f946fc479dd3cb6681	no	2

Warnings:

Information:

Humangear, Inc. Ex. 2004, Page 181

2	Transmittal Letter	HMG1P008_IDS.pdf	27057	no	2
			e0d23f035a9741a3306f3fba61456583601e84dd		
Warnings:					
Information:					
3	Information Disclosure Statement (IDS) Form (SB08)	HMG1P008_1449.pdf	26821	no	1
			f1533da9755d0bfe3c650d0faa764aa18db82a022		
Warnings:					
Information:					
This is not an USPTO supplied IDS fillable form					
4	Foreign Reference	EP0129495A2.pdf	946452	no	23
			68fbd086e17a5f84ee157b6a9029bf8ba5971890		
Warnings:					
Information:					
5	Foreign Reference	WO2013095407.pdf	1230870	no	27
			c2a778c2b8fc99e3fd94e78812a821c1a343e17		
Warnings:					
Information:					
6	Foreign Reference	DE_4417037_.pdf	2459997	no	6
			665acd1bf4416738ba3b837c9c09d859ea5b4aa3		
Warnings:					
Information:					
7	Foreign Reference	GB_22788_.pdf	3514556	no	6
			6fe033486d0fe4f09f4626a2ac6383a4aa4df474		
Warnings:					
Information:					
8	Non Patent Literature	HMG1P008WO_ISR_.pdf	3162665	no	10
			b297181f0cd29bcd829783e218a94c02d33ba39		
Warnings:					
Information:					
Total Files Size (in bytes):			11391735		

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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.

To: USPTOmail@beyerlaw.com,,
From: PAIR_eOfficeAction@uspto.gov
Cc: PAIR_eOfficeAction@uspto.gov
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Sep 18, 2015 05:26:46 AM

Dear PAIR Customer:

Beyer Law Group LLP
P. O. Box 51887
Palo Alto, CA 94303-1887
UNITED STATES

The following USPTO patent application(s) associated with your Customer Number, 58766 , have new outgoing correspondence. This correspondence is now available for viewing in Private PAIR.

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Application	Document	Mailroom Date	Attorney Docket No.
14204497	NTC.PUB	09/17/2015	HMG1P008

To view your correspondence online or update your email addresses, please visit us anytime at <https://portal.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,

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PATENT APPLICATION INFORMATION RETRIEVAL SYSTEM



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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 NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
14/204,497	03/11/2014	Christopher A. MIKSOVSKY	HMG1P008

CONFIRMATION NO. 1678

PUBLICATION NOTICE



OC000000077491288

58766
Beyer Law Group LLP
P. O. Box 51887
Palo Alto, CA 94303-1887

Title:EATING UTENSIL SYSTEM

Publication No.US-2015-0257561-A1

Publication Date:09/17/2015

NOTICE OF PUBLICATION OF APPLICATION

The above-identified application will be electronically published as a patent application publication pursuant to 37 CFR 1.211, et seq. The patent application publication number and publication date are set forth above.

The publication may be accessed through the USPTO's publically available Searchable Databases via the Internet at www.uspto.gov. The direct link to access the publication is currently <http://www.uspto.gov/patft/>.

The publication process established by the Office does not provide for mailing a copy of the publication to applicant. A copy of the publication may be obtained from the Office upon payment of the appropriate fee set forth in 37 CFR 1.19(a)(1). Orders for copies of patent application publications are handled by the USPTO's Office of Public Records. The Office of Public Records can be reached by telephone at (703) 308-9726 or (800) 972-6382, by facsimile at (703) 305-8759, by mail addressed to the United States Patent and Trademark Office, Office of Public Records, Alexandria, VA 22313-1450 or via the Internet.

In addition, information on the status of the application, including the mailing date of Office actions and the dates of receipt of correspondence filed in the Office, may also be accessed via the Internet through the Patent Electronic Business Center at www.uspto.gov using the public side of the Patent Application Information and Retrieval (PAIR) system. The direct link to access this status information is currently <http://pair.uspto.gov/>. Prior to publication, such status information is confidential and may only be obtained by applicant using the private side of PAIR.

Further assistance in electronically accessing the publication, or about PAIR, is available by calling the Patent Electronic Business Center at 1-866-217-9197.

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



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
14/204,497	03/11/2014	Christopher A. MIKSOVSKY	HMG1P008	1678

58766 7590 09/11/2015
Beyer Law Group LLP
P. O. Box 51887
Palo Alto, CA 94303-1887

EXAMINER

PRONE, JASON D

ART UNIT	PAPER NUMBER
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3724

NOTIFICATION DATE	DELIVERY MODE
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09/11/2015

ELECTRONIC

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

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USPTOmail@beyerlaw.com

Office Action Summary	Application No. 14/204,497	Applicant(s) MIKSOVSKY ET AL.	
	Examiner Jason Daniel Prone	Art Unit 3724	AIA (First Inventor to File) Status Yes

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

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____.
☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on _____.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on _____; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 5) ☒ Claim(s) 1-35 is/are pending in the application.
5a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 6) ☐ Claim(s) _____ is/are allowed.
- 7) ☐ Claim(s) _____ is/are rejected.
- 8) ☐ Claim(s) _____ is/are objected to.
- 9) ☒ Claim(s) 1-35 are subject to restriction and/or election requirement.

* If any claims have been determined allowable, you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see http://www.uspto.gov/patents/init_events/pph/index.jsp or send an inquiry to PPHfeedback@uspto.gov.

Application Papers

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

Certified copies:

- a) ☐ All b) ☐ Some c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) ☐ Notice of References Cited (PTO-892) | 3) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 4) ☐ Other: _____ |

DETAILED ACTION

It is noted that this Office action features multiple restrictions and a proper response will have an election for each.

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-13 and 23-31, drawn to a combination fork spoon system with rails.
 - II. Claims 14-22 and 32-35, drawn to a utensil with a curved chamfered outer edge that extends along substantially an entire length of the head portion.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct if they do not overlap in scope and are not obvious variants, and if it is shown that at least one subcombination is separately usable. For example, the apparatus with rails could be employed without a curved chamfered outer edge that extends along substantially an entire length of the head portion of group II, and conversely the apparatus with the curved chamfered outer edge that extends along substantially an entire length of the head portion could be employed without rails of group I. See MPEP § 806.05(d).

The examiner has required restriction between subcombinations usable together. Where applicant elects a subcombination and claims thereto are subsequently found allowable, any claim(s) depending from or otherwise requiring all the limitations of the allowable subcombination will be examined for patentability in accordance with 37 CFR

1.104. See MPEP § 821.04(a). Applicant is advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application.

Restriction for examination purposes as indicated is proper because all these inventions listed in this action are independent or distinct for the reasons given above and there would be a serious search and/or examination burden if restriction were not required because at least the following reason(s) apply:

- the inventions require a different field of search (e.g., searching different classes /subclasses or electronic resources, or employing different search strategies or search queries).

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a invention to be examined even though the requirement may be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse. Traversal must be presented at the time of election in order to be considered timely. Failure to timely traverse the requirement will result in the loss of right to petition under 37 CFR 1.144. If claims are added after

the election, applicant must indicate which of these claims are readable upon the elected invention.

Should applicant traverse on the ground that the inventions are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

2. This application contains claims directed to the following patentably distinct species:

- Species A: Figures 1-5D
- Species B: Figures 6A-6D
- Species C: Figures 7A-7C

The species are independent or distinct because each species incorporates structure not incorporated by the other species. In addition, these species are not obvious variants of each other based on the current record.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species, or a single grouping of patentably indistinct species, for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, some claims may be generic.

There is a search and/or examination burden for the patentably distinct species as set forth above because at least the following reason(s) apply:

- the species or groupings of patentably indistinct species require a different field of search (e.g., searching different classes /subclasses or electronic resources, or employing different search strategies or search queries).

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species to be examined even though the requirement may be traversed (37 CFR 1.143) **and (ii) identification of the claims encompassing the elected species or grouping of patentably indistinct species**, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

The election may be made with or without traverse. To preserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the election of species requirement, the election shall be treated as an election without traverse. Traversal must be presented at the time of election in order to be considered timely. Failure to timely traverse the requirement will result in the loss of right to petition under 37 CFR 1.144. If claims are added after

Art Unit: 3724

the election, applicant must indicate which of these claims are readable on the elected species or grouping of patentably indistinct species.

Should applicant traverse on the ground that the species, or groupings of patentably indistinct species from which election is required, are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing them to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the species unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103 or pre-AIA 35 U.S.C. 103(a) of the other species.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141.

The present application is being examined under the pre-AIA first to invent provisions.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Daniel Prone whose telephone number is (571)272-4513. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward F. Landrum can be reached on (571) 272-5567. 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.

04 September 2015

/Jason Daniel Prone/

Primary Examiner, Art Unit 3724

<i>Index of Claims</i> 	Application/Control No. 14204497	Applicant(s)/Patent Under Reexamination MIKSOVSKY ET AL.
	Examiner JASON D PRONE	Art Unit 3724

✓	Rejected
=	Allowed

-	Cancelled
÷	Restricted

N	Non-Elected
I	Interference

A	Appeal
O	Objected

☐ Claims renumbered in the same order as presented by applicant		☐ CPA		☐ T.D.		☐ R.1.47			
CLAIM		DATE							
Final	Original	09/04/2015							
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To: USPTOmail@beyerlaw.com,,
From: PAIR_eOfficeAction@uspto.gov
Cc: PAIR_eOfficeAction@uspto.gov
Subject: Private PAIR Correspondence Notification for Customer Number 58766

Sep 11, 2015 05:28:48 AM

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UNITED STATES

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Application	Document	Mailroom Date	Attorney Docket No.
14204497	CTRS	09/11/2015	HMG1P008

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
14/204,497	03/11/2014	Christopher A. MIKSOVSKY	HMG1P008

CONFIRMATION NO. 1678

58766
Beyer Law Group LLP
P. O. Box 51887
Palo Alto, CA 94303-1887

NOTICE



Date Mailed: 04/01/2014

INFORMATIONAL NOTICE TO APPLICANT

Applicant is notified that the above-identified application contains the deficiencies noted below. No period for reply is set forth in this notice for correction of these deficiencies. However, if a deficiency relates to the inventor's oath or declaration, the applicant must file an oath or declaration in compliance with 37 CFR 1.63, or a substitute statement in compliance with 37 CFR 1.64, executed by or with respect to each actual inventor no later than the expiration of the time period set in the "Notice of Allowability" to avoid abandonment. See 37 CFR 1.53(f).

The item(s) indicated below are also required and should be submitted with any reply to this notice to avoid further processing delays.

- A properly executed inventor's oath or declaration has not been received for the following inventor(s):
Christopher A. MIKSOVSKY
Clint N. SLONE
Evelyne CHAUBERT
Charlie NGHIEM
Robert Charles LANE
Jonathan Paul DOWNING



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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
14/204,497	03/11/2014	3724	1610	HMG1P008	35	4

CONFIRMATION NO. 1678

58766

Beyer Law Group LLP

P. O. Box 51887

Palo Alto, CA 94303-1887

FILING RECEIPT



OC000000067453246

Date Mailed: 04/01/2014

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Inventor(s)

Christopher A. MIKSOVSKY, San Francisco, CA;
Clint N. SLONE, San Francisco, CA;
Evelyne CHAUBERT, San Francisco, CA;
Charlie NGHIEM, Oakland, CA;
Robert Charles LANE, Larkspur, CA;
Jonathan Paul DOWNING, Belmont, CA;

Applicant(s)

humangear, Inc., San Francisco, CA

Power of Attorney: The patent practitioners associated with Customer Number 58766

Domestic Applications for which benefit is claimed - None.

A proper domestic benefit claim must be provided in an Application Data Sheet in order to constitute a claim for domestic benefit. See 37 CFR 1.76 and 1.78.

Foreign Applications for which priority is claimed (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see <http://www.uspto.gov> for more information.) - None.

Foreign application information must be provided in an Application Data Sheet in order to constitute a claim to foreign priority. See 37 CFR 1.55 and 1.76.

Permission to Access - A proper **Authorization to Permit Access to Application by Participating Offices** (PTO/SB/39 or its equivalent) has been received by the USPTO.

If Required, Foreign Filing License Granted: 03/28/2014

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 14/204,497**

Projected Publication Date: 09/17/2015

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

EATING UTENSIL SYSTEM

Preliminary Class

030

Statement under 37 CFR 1.55 or 1.78 for AIA (First Inventor to File) Transition Applications: No

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4258).

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

SelectUSA

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PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875						Application or Docket Number 14/204,497			
APPLICATION AS FILED - PART I									
(Column 1)		(Column 2)		SMALL ENTITY		OR OTHER THAN SMALL ENTITY			
FOR	NUMBER FILED	NUMBER EXTRA	RATE(\$)	FEE(\$)		RATE(\$)	FEE(\$)		
BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A	70		N/A			
SEARCH FEE (37 CFR 1.16(k), (l), or (m))	N/A	N/A	N/A	300		N/A			
EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A	360		N/A			
TOTAL CLAIMS (37 CFR 1.16(j))	35 minus 20 =	*	15	x 40 =	600				
INDEPENDENT CLAIMS (37 CFR 1.16(h))	4 minus 3 =	*	1	x 210 =	210				
APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$310 (\$155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).			0.00					
MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))				0.00					
				TOTAL	1540	TOTAL			
* If the difference in column 1 is less than zero, enter "0" in column 2.									
APPLICATION AS AMENDED - PART II									
(Column 1)		(Column 2)		(Column 3)		SMALL ENTITY		OR OTHER THAN SMALL ENTITY	
AMENDMENT A	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE(\$)	ADDITIONAL FEE(\$)		RATE(\$)	ADDITIONAL FEE(\$)	
	Total (37 CFR 1.16(i))	*	Minus **	=	x =		x =		
	Independent (37 CFR 1.16(h))	*	Minus ***	=	x =		x =		
	Application Size Fee (37 CFR 1.16(s))								
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))								
				TOTAL ADD'L FEE		TOTAL ADD'L FEE			
AMENDMENT B	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE(\$)	ADDITIONAL FEE(\$)		RATE(\$)	ADDITIONAL FEE(\$)	
	Total (37 CFR 1.16(i))	*	Minus **	=	x =		x =		
	Independent (37 CFR 1.16(h))	*	Minus ***	=	x =		x =		
	Application Size Fee (37 CFR 1.16(s))								
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))								
				TOTAL ADD'L FEE		TOTAL ADD'L FEE			
* If the entry in column 1 is less than the entry in column 2, write "0" in column 3. ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20". *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3". The "Highest Number Previously Paid For" (Total or Independent) is the highest found in the appropriate box in column 1.									

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: MIKSOVSKY et al.

Attorney Docket No.: HMG1P008

Application No.: 14/204,497

Examiner: Unassigned

Filed: March 11, 2014

Group: 3724

Title: EATING UTENSIL SYSTEM

Confirmation No.: 1678

CERTIFICATE OF EFS-WEB TRANSMISSION

I hereby certify that this correspondence is being transmitted electronically through EFS-WEB to the Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450 on April 1, 2014.

Signed: /Cara Romero/
Cara Romero

RESPONSE TO INFORMATIONAL NOTICE TO APPLICANT

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

Sir:

Enclosed herewith are the executed Declarations in response to the Informational Notice to Applicant. Please file these documents in the subject application.

\$70.00 in payment of the surcharge for the late filing of the declarations was previously charged to Deposit Account 50-4481. Accordingly, it is believed that no fees are due in connection with this filing. However, if it is determined that any fees are due, the Commissioner is hereby authorized to charge such fees to Deposit Account 50-4481 (Order No. HMG1P008).

Respectfully submitted,
BEYER LAW GROUP LLP

/Steve D Beyer/
Steve D Beyer
Registration No. 31,234

P. O. Box 51887
Palo Alto, CA 94303-1887
650-842-1300

DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN APPLICATION DATA SHEET (37 CFR 1.76)

Title of
Invention

EATING UTENSIL SYSTEM

As the below named inventor, I hereby declare that:

This declaration
is directed to:



The attached application, or



United States application or PCT international application number 14/204,497

filed on March 11, 2014

The above-identified application was made or authorized to be made by me.

I believe that I am the original inventor or an original joint inventor of a claimed invention in the application.

I hereby acknowledge that any willful false statement made in this declaration is punishable under 18 U.S.C. 1001 by fine or imprisonment of not more than five (5) years, or both.

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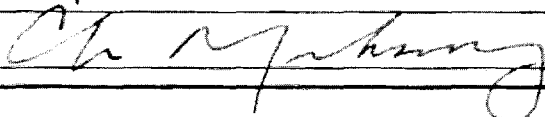
LEGAL NAME OF INVENTOR

Inventor: Christopher A. MIKSOVSKY

Date (Optional):

3/18/2014

Signature:



Note: An application data sheet (PTO/AIA/14 or equivalent), including naming the entire inventive entity, must accompany this form. Use an additional PTO/SB/AIA01 form for each additional inventor.

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**DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN
APPLICATION DATA SHEET (37 CFR 1.76)**

Title of
Invention

EATING UTENSIL SYSTEM

As the below named inventor, I hereby declare that:

This declaration
is directed to:

☐

The attached application, or

☒

United States application or PCT international application number 14/204,497
filed on March 11, 2014

The above-identified application was made or authorized to be made by me.

I believe that I am the original inventor or an original joint inventor of a claimed invention in the application.

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by fine or imprisonment of not more than five (5) years, or both.

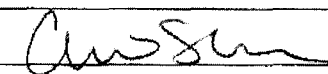
WARNING:

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LEGAL NAME OF INVENTOR

Inventor: Clint N. SLONE

Date (Optional): 3/18/2014

Signature: 

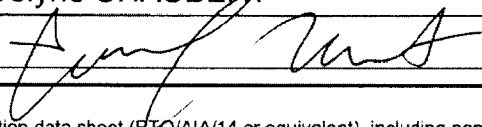
Note: An application data sheet (PTO/AIA/14 or equivalent), including naming the entire inventive entity, must accompany this form.
Use an additional PTO/SB/AIA01 form for each additional inventor.

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**DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN
APPLICATION DATA SHEET (37 CFR 1.76)**

Title of Invention	EATING UTENSIL SYSTEM
As the below named inventor, I hereby declare that: This declaration is directed to: ☐ The attached application, or ☒ United States application or PCT international application number <u>14/204,497</u> filed on <u>March 11, 2014</u>. The above-identified application was made or authorized to be made by me. I believe that I am the original inventor or an original joint inventor of a claimed invention in the application. I hereby acknowledge that any willful false statement made in this declaration is punishable under 18 U.S.C. 1001 by fine or imprisonment of not more than five (5) years, or both. WARNING: Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.	
LEGAL NAME OF INVENTOR Inventor: <u>Evelyne CHAUBERT</u> Date (Optional): <u>3/13/2014</u> Signature: 	
Note: An application data sheet (PTO/AIA/14 or equivalent), including naming the entire inventive entity, must accompany this form. Use an additional PTO/SB/AIA01 form for each additional inventor.	

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DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN APPLICATION DATA SHEET (37 CFR 1.76)

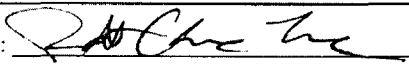
Title of Invention	EATING UTENSIL SYSTEM
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LEGAL NAME OF INVENTOR Inventor: <u>Charlie NGHIEM</u> Date (Optional): <u>3/13/2014</u> Signature: <u><i>Charlie</i></u>	
Note: An application data sheet (PTO/AIA/14 or equivalent), including naming the entire inventive entity, must accompany this form. Use an additional PTO/SB/AIA01 form for each additional inventor.	

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LEGAL NAME OF INVENTOR	
Inventor: <u>Robert Charles LANE</u> Date (Optional): <u>3/13/2014</u> Signature: <u></u>	
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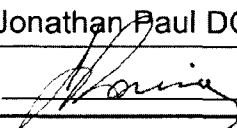
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LEGAL NAME OF INVENTOR

Inventor: Jonathan Paul DOWNING

Date (Optional): 03/13/14

Signature: 

Note: An application data sheet (PTO/AIA/14 or equivalent), including naming the entire inventive entity, must accompany this form. Use an additional PTO/SB/AIA01 form for each additional inventor.

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Electronic Acknowledgement Receipt

EFS ID:	18640765
Application Number:	14204497
International Application Number:	
Confirmation Number:	1678
Title of Invention:	EATING UTENSIL SYSTEM
First Named Inventor/Applicant Name:	Christopher A. MIKSOVSKY
Customer Number:	58766
Filer:	Steve D. Beyer/Cara Romero
Filer Authorized By:	Steve D. Beyer
Attorney Docket Number:	HMG1P008
Receipt Date:	01-APR-2014
Filing Date:	11-MAR-2014
Time Stamp:	18:02:48
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no
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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Applicant Response to Pre-Exam Formalities Notice	HMG1P008_Response_to_Infor mational_Notice.pdf	21017 a05f22e8c97706518cb26fd4b379b6567be 03804	no	1

Warnings:

Information:

Humangear, Inc. Ex. 2004, Page 208

2	Oath or Declaration filed	HMG1P008_Decs_as_filed.pdf	520379 c305dd47ab97a9fa944b45ec1d46de3c1c842f6f	no	6
Warnings:					
Information:					
Total Files Size (in bytes):				541396	
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Application	Document	Mailroom Date	Attorney Docket No.
14204497	M327	04/01/2014	HMG1P008
	APP.FILE.REC	04/01/2014	HMG1P008

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Application Number	Unassigned
Filing Date	Herewith
First Named Inventor	Christopher A. MIKSOVSKY
Title	EATING UTENSIL SYSTEM
Art Unit	Unassigned
Examiner Name	Unassigned
Attorney Docket Number	HMG1P008

SIGNATURE of Applicant or Patent Practitioner

Signature	/Tina Chen/	Date	March 11, 2014
Name	Tina Chen	Telephone	650-842-1300
Registration Number	44,606		

NOTE: This form must be signed in accordance with 37 CFR 1.33. See 37 CFR 1.4(d) for signature requirements and certifications.



*Total of 1 forms are submitted.

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.**

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Form 1449 (Modified) Information Disclosure Statement By Applicant (Use Several Sheets if Necessary)	Atty Docket No.	HMG1P008
	Application No.:	Unassigned
	Applicant	MIKSOVSKY et al.
	Filing Date	Herewith
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		Page 1 of 1

U.S. Patent Documents

Examiner Initial	No.	Patent No.	Date	Patentee	Class	Sub-class	Filing Date
	1.	2014/0026425	01/30/14	Kim			03/11/13
	2.	D269,060	05/24/83	Creamer			09/05/80
	3.	D414,988	10/12/99	Santini			01/04/99
	4.	D530,985	10/31/06	Evans			10/11/05
	5.	D575,593	08/26/08	Svartström			12/05/07
	6.	D633,344	03/01/11	Nordwall			06/10/10
	7.	5,845,403	12/08/98	Nivin			09/13/95

Foreign Patent or Published Foreign Patent Application

Examiner Initial	No.	Document No.	Publication Date	Country or Patent Office	Class	Sub-Class	Translation	
							Yes	No
	8.							
	9.							
	10.							

Other Documents

Examiner Initial	No.	Author, Title, Place (e.g. Journal) of Publication, Date
	11.	Alite, Cloverware Lite, http://shop.alitedesigns.com/cloverware-lite.html , downloaded on March 6, 2014.
	12.	Alite, Cloverware 2.0, http://shop.alitedesigns.com/cloverware-538.html , downloaded on March 6, 2014.
	13.	Guyot, Microbites™, https://www.guyotdesigns.com/product-microbites/ , downloaded on March 6, 2014.
	14.	Guyot, Utensils, https://www.guyotdesigns.com/utensils/ , downloaded on March 6, 2014.
	15.	
	16.	
	17.	
	18.	

Examiner	Date Considered
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Examiner: Initial citation considered. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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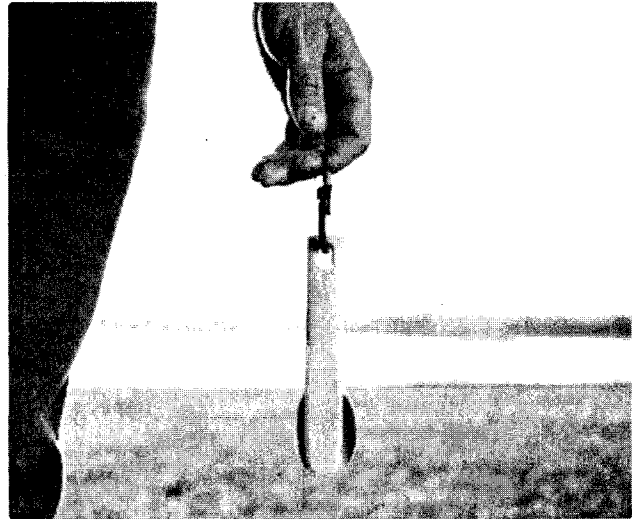


Our Cloverware Lite eating utensils are a pared down version of our Cloverware 2.0. Great for outdoor eating as well as lunches in the office, the Cloverware Lite utensil set offers a spork and knife that can scoop, poke, and slice your tasty morsels. Made from recyclable, high temperature nylon 6, Cloverware Lite utensils are both dishwasher safe and 100% BPA-free. Just like the Cloverware 2.0, the Cloverware Lite utensils are designed to nest together for easy organization, storage, and portability. You can connect the spork and knife end-to-end and have a full-length utensil that's ideal for cooking or eating out of a freeze-dried meal pouch. Toss a few sets in your backpack, and you'll always be ready to chow down anywhere!

- nest utensils for easy organization and storage
- easy to clean and carry
- 100% BPA free and recyclable
- heat resistant up to 400°F
- dishwasher and boil-safe
- connect utensils end-to-end for full-size cooking tool

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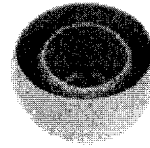
Cloverware 2.0



Clover Cook



S'well Bottle



Squishy Bowl Set

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New to the outdoor retail world is @gowithoutwalls - a community of adventure seekers, & Alite is a part of the mix! <http://t.co/tpgX6UESwS>

Let the hiking begin - The Big Oak Backpack is in our 'No Excuses Sale' for \$89!! <http://t.co/UdgyYNvrCR>

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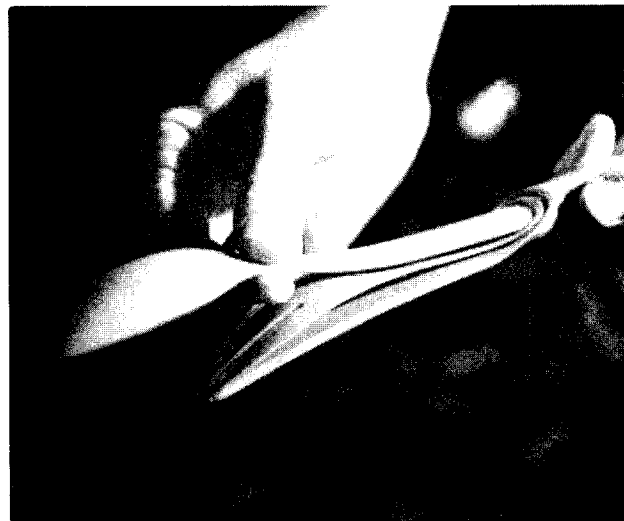
Cloverware 2.0

Our Cloverware 2.0 eating utensils are perfect for enjoying a meal in the outdoors, around the apartment, and even in the office. This 4-in-1 utensil set includes a spoon, fork, and serrated knife. Made from recyclable, high temperature nylon 6, Cloverware 2.0 utensils are both dishwasher safe and 100% BPA-free. Most importantly, the Cloverware 2.0 utensil set is beautifully designed to nest when not in use, making the utensils extremely easy to organize, store, and transport. The nesting functionality also allows the fork and spoon to connect and make an extended cooking tool. Keep a few sets handy for when you've got family and friends joining you for the big weekend cookout!

- nest utensils for easy organization and storage
- easy to clean and carry
- 100% BPA-free and recyclable
- heat resistant up to 400°F
- dishwasher and boil safe
- connect utensils end to end for full-size cooking tool

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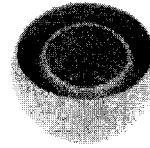
Cloverware Lite



Clover Cook



S'well Bottle



Squishy Bowl Set

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<http://t.co/apMMoCstkt>

New to the outdoor retail world is @gowithoutwalls - a community of adventure seekers, & Alite is a part of the mix! <http://t.co/tpgX6UESwS>

Let the hiking begin - The Big Oak Backpack is in our 'No Excuses Sale' for \$89!! <http://t.co/UdgyYNvrCR>

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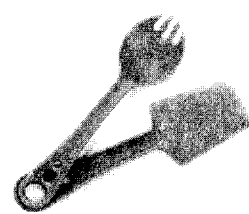
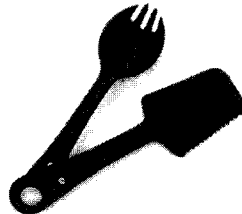
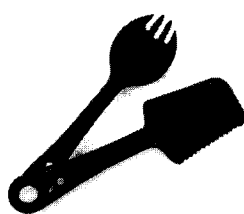
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MicroBites 5 in 1 Utensil Set

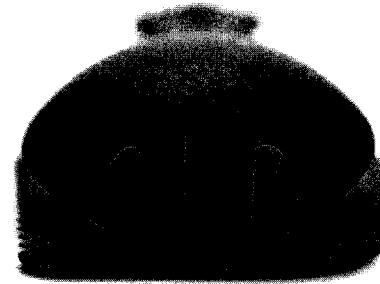
A spoon that is deep enough to hold soup, a fork that's tines are wide enough to twirl spaghetti, a spreader, a spatula and a knife that is sharp enough to really cut. It really does cut! All



snapped together ready for your camp set or your day bag. Replace disposable utensils and feel great about it! A 2% of the sales of the MicroBites go to support organizations that help develop sustainable businesses.



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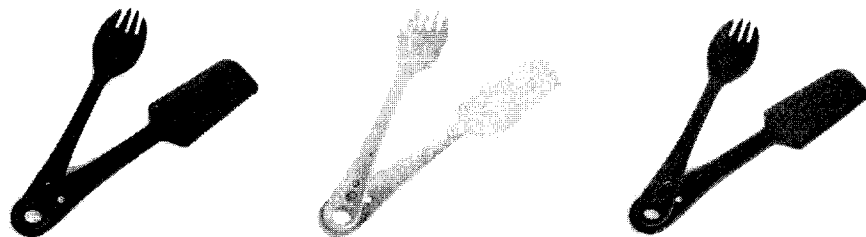
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Utensils

A spoon that is deep enough to hold soup, a fork that's tines are wide enough to twirl spaghetti, a spreader, a spatula and a knife that is sharp enough to really cut. It really does cut! All of the virtues of our MicroBite set but designed with a handle that is long enough to fit into a cookstove like JetBoil or scrape the last bit of goodness out of an MRE or freeze dried pouch. The Utensils are as great at home as they are on the trail!



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Electronic Patent Application Fee Transmittal

Application Number:				
Filing Date:				
Title of Invention:	EATING UTENSIL SYSTEM			
First Named Inventor/Applicant Name:	Christopher A. MIKSOVSKY			
Filer:	Tina Chen/Cara Romero			
Attorney Docket Number:	HMG1P008			
Filed as Small Entity				
Utility under 35 USC 111(a) Filing Fees				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Utility filing Fee (Electronic filing)	4011	1	70	70
Utility Search Fee	2111	1	300	300
Utility Examination Fee	2311	1	360	360
Pages:				
Claims:				
Claims in excess of 20	2202	15	40	600
Independent Claims in Excess of 3	2201	1	210	210
Miscellaneous-Filing:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				
Miscellaneous:				
Total in USD (\$)				1540

Electronic Acknowledgement Receipt

EFS ID:	18434215
Application Number:	14204497
International Application Number:	
Confirmation Number:	1678
Title of Invention:	EATING UTENSIL SYSTEM
First Named Inventor/Applicant Name:	Christopher A. MIKSOVSKY
Customer Number:	58766
Filer:	Tina Chen/Cara Romero
Filer Authorized By:	Tina Chen
Attorney Docket Number:	HMG1P008
Receipt Date:	11-MAR-2014
Filing Date:	
Time Stamp:	16:12:18
Application Type:	Utility under 35 USC 111(a)

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File Listing:					
Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Application Data Sheet	HMG1P008_APPLICATION_DATA_SHEET.pdf	1561412	no	8
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Warnings:					
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2	Power of Attorney	HMG1P008_Transmittal_POA_by_Applicant.pdf	138037	no	1
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3	Power of Attorney	HMG1_POA_Applicant.pdf	522554	no	1
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4		HMG1P008_Application_as_filed.pdf	107418	yes	27
			73e3c18edc374f0b00c04c35ebf327207cb1257a		
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5	Drawings-only black and white line drawings	HMG1P008_figs_as_filed.pdf	520471	no	24
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6	Transmittal Letter	HMG1P008_IDS.pdf	24183	no	2
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7	Information Disclosure Statement (IDS) Form (SB08)	HMG1P008_1449.pdf	40762	no	1
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9	Non Patent Literature	Cloverware_2_0.pdf	101992 3ceecba402acbcfe3ec0e30f8362b32bc3945bb2	no	2
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12	Fee Worksheet (SB06)	fee-info.pdf	37777 7c019ac4d435cc831fa6cc7578404ef9125c936c	no	2
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Application Data Sheet 37 CFR 1.76		Attorney Docket Number	HMG1P008
		Application Number	
Title of Invention	EATING UTENSIL SYSTEM		
The application data sheet is part of the provisional or nonprovisional application for which it is being submitted. The following form contains the bibliographic data arranged in a format specified by the United States Patent and Trademark Office as outlined in 37 CFR 1.76. This document may be completed electronically and submitted to the Office in electronic format using the Electronic Filing System (EFS) or the document may be printed and included in a paper filed application.			

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☐	Portions or all of the application associated with this Application Data Sheet may fall under a Secrecy Order pursuant to 37 CFR 5.2 (Paper filers only. Applications that fall under Secrecy Order may not be filed electronically.)
--------------------------	---

Inventor Information:

Inventor 1					Remove	
Legal Name						
Prefix	Given Name	Middle Name	Family Name	Suffix		
	Christopher	A.	MIKSOVSKY			
Residence Information (Select One) ☒ US Residency ☐ Non US Residency ☐ Active US Military Service						
City	San Francisco	State/Province	CA	Country of Residence i	US	

Mailing Address of Inventor:

Address 1	2140 Fell Street, #202					
Address 2						
City	San Francisco		State/Province	CA		
Postal Code	94117		Country i	US		

Inventor 2					Remove	
Legal Name						
Prefix	Given Name	Middle Name	Family Name	Suffix		
	Clint	N.	SLONE			
Residence Information (Select One) ☒ US Residency ☐ Non US Residency ☐ Active US Military Service						
City	San Francisco	State/Province	CA	Country of Residence i	US	

Mailing Address of Inventor:

Address 1	703 Douglass Street					
Address 2						
City	San Francisco		State/Province	CA		
Postal Code	94114		Country i	US		

Inventor 3					Remove	
Legal Name						
Prefix	Given Name	Middle Name	Family Name	Suffix		
	Evelyne		CHAUBERT			
Residence Information (Select One) ☒ US Residency ☐ Non US Residency ☐ Active US Military Service						

Application Data Sheet 37 CFR 1.76		Attorney Docket Number		HMG1P008	
		Application Number			
Title of Invention		EATING UTENSIL SYSTEM			

City	San Francisco	State/Province	CA	Country of Residence i	US
-------------	---------------	-----------------------	----	-------------------------------	----

Mailing Address of Inventor:

Address 1	81 Landers Street, #1				
Address 2					
City	San Francisco	State/Province	CA		
Postal Code	94114	Country i	US		
Inventor 4				Remove	
Legal Name					
Prefix	Given Name	Middle Name	Family Name	Suffix	
	Charlie		NGHIEM		
Residence Information (Select One) ☒ US Residency ☐ Non US Residency ☐ Active US Military Service					
City	Oakland	State/Province	CA	Country of Residence i	US

Mailing Address of Inventor:

Address 1	1940 Irving Avenue				
Address 2					
City	Oakland	State/Province	CA		
Postal Code	94601	Country i	US		
Inventor 5				Remove	
Legal Name					
Prefix	Given Name	Middle Name	Family Name	Suffix	
	Robert	Charles	LANE		
Residence Information (Select One) ☒ US Residency ☐ Non US Residency ☐ Active US Military Service					
City	Larkspur	State/Province	CA	Country of Residence i	US

Mailing Address of Inventor:

Address 1	116 Ward Street, #8				
Address 2					
City	Larkspur	State/Province	CA		
Postal Code	94939	Country i	US		
Inventor 6				Remove	
Legal Name					
Prefix	Given Name	Middle Name	Family Name	Suffix	
	Jonathan	Paul	DOWNING		
Residence Information (Select One) ☒ US Residency ☐ Non US Residency ☐ Active US Military Service					
City	Belmont	State/Province	CA	Country of Residence i	US

Application Data Sheet 37 CFR 1.76		Attorney Docket Number		HMG1P008	
		Application Number			
Title of Invention		EATING UTENSIL SYSTEM			
Mailing Address of Inventor:					
Address 1		2010 Monroe Avenue			
Address 2					
City	Belmont	State/Province		CA	
Postal Code	94002	Country	i	US	
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Application Information:

Title of the Invention	EATING UTENSIL SYSTEM		
Attorney Docket Number	HMG1P008	Small Entity Status Claimed	☒
Application Type	Nonprovisional		
Subject Matter	Utility		
Total Number of Drawing Sheets (if any)	24	Suggested Figure for Publication (if any)	01

Filing By Reference :

Only complete this section when filing an application by reference under 35 U.S.C. 111(c) and 37 CFR 1.57(a). Do not complete this section if application papers including a specification and any drawings are being filed. Any domestic benefit or foreign priority information must be provided in the appropriate section(s) below (i.e., "Domestic Benefit/National Stage Information" and "Foreign Priority Information").

For the purposes of a filing date under 37 CFR 1.53(b), the description and any drawings of the present application are replaced by this reference to the previously filed application, subject to conditions and requirements of 37 CFR 1.57(a).

Application number of the previously filed application	Filing date (YYYY-MM-DD)	Intellectual Property Authority or Country i

Publication Information:

☐ Request Early Publication (Fee required at time of Request 37 CFR 1.219)
☐ Request Not to Publish. I hereby request that the attached application not be published under 35 U.S.C. 122(b) and certify that the invention disclosed in the attached application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication at eighteen months after filing.

Application Data Sheet 37 CFR 1.76		Attorney Docket Number	HMG1P008
		Application Number	
Title of Invention	EATING UTENSIL SYSTEM		

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Application Data Sheet 37 CFR 1.76		Attorney Docket Number	HMG1P008
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Application Data Sheet 37 CFR 1.76		Attorney Docket Number	HMG1P008
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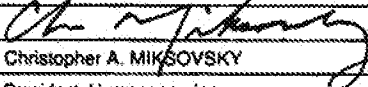
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Name	Christopher A. MIKSOVSKY	Telephone	415-830-6321
Title and Company	President, Humangear, Inc.		

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EATING UTENSIL SYSTEM

RELATED APPLICATIONS

[0001] This application is related to U.S. Design Application No. 29/484,447, filed on March 10, 2014, which is incorporated herein by reference.

BACKGROUND OF THE INVENTION

[0002] The present invention relates generally to eating utensils. More particularly, the invention relates to combination eating utensils that may be suitable for transport.

[0003] Eating utensils are used by people all over the world to bring food to their mouths. Sometimes, eating utensils, such as knives, are used to cut food to a size and shape suitable for placing in a person's mouth. In some Asian countries, chopsticks are typically the only eating utensils used although spoons are also used for soups in Asia. In Western countries, forks, knives, and spoons are typically used as eating utensils. In still other countries, such as India and Ethiopia, hands are often used in place of utensils.

[0004] Although these existing utensils work quite well, there are continuing efforts to develop new hybrid combinations of utensils that provide not only improved function and convenience but can also reduce the need for separate utensils. Such combination utensils are also more easily transported, as they take up less space.

SUMMARY OF THE INVENTION

[0005] In accordance with an embodiment, a combination fork and spoon system is provided. The combination fork and spoon system includes a fork and a spoon. The fork includes a recess in a bottom surface and a pair of rails. Each rail is positioned along a portion of an outer edge of the bottom surface of a handle. The spoon is configured to interlock with the fork either in a nested position or in an end to end configuration to form a single combination utensil. The spoon includes a handle that is capable of being slid between the rails.

[0006] In accordance with another embodiment, a combination eating utensil is provided. The combination eating utensil includes a fork and a spoon. The fork has a handle connected to a head portion including a plurality of tines. At least one tine on a curved outer edge of the head portion has a chamfered outer edge along substantially its entire length. The chamfered edge tapers to a point where the handle is connected to the head portion. The spoon has a substantially pentagonal bowl portion having substantially flat side and end edges. The spoon and fork can be connected at their proximal ends.

[0007] In accordance with yet another embodiment, a combination fork and spoon system is provided. The combination fork and spoon system includes a fork, a spoon, and an interlocking mechanism. The fork has a handle with a pair of rails along a portion of its side edges. The spoon has a handle slidable along the handle of the fork and the handle of the spoon is slidable between the rails of the fork. The interlocking mechanism is for interlocking the spoon and the fork either in a nested position or in an end to end position.

[0008] According to yet another embodiment, a fork is provided. The fork includes a head portion connected to a handle portion. The head portion includes a plurality of tines. An outer tine has a curved chamfered outer edge that extends along substantially an entire

length of the head portion. The chamfered edge tapers to a point where the handle portion meets the head portion.

BRIEF DESCRIPTION OF THE DRAWINGS

[0009] The invention, together with further objects and advantages thereof, may best be understood by reference to the following description taken in conjunction with the accompanying drawings in which:

[0010] FIG. 1A is a top perspective of a combination spoon and fork system in its nested position in accordance with an embodiment.

[0011] FIG. 1B is a top plan view of the combination spoon and fork system shown in FIG. 1A in its nested position.

[0012] FIG. 2A is a bottom perspective view of the embodiment shown in FIG. 1 in its nested position.

[0013] FIG. 2B is a bottom plan view of the embodiment shown in FIG. 1 in its nested position.

[0014] FIG. 3 is a side view of the embodiment shown in FIGS. 1 and 2.

[0015] FIG. 4A is a top plan view of the fork separated from the spoon of the embodiment shown in FIGS. 1-3.

[0016] FIG. 4B is a top perspective view of the fork separated from the spoon of the embodiment shown in FIGS. 1-3.

[0017] FIG. 4C is a cross-sectional perspective view of the fork shown in FIGS. 4A and 4B.

[0018] FIG. 4D is a cross-sectional end view of the handle portion of the fork shown in FIGS. 4A-4C.

[0019] FIG. 4E is a detailed cut-away view of the handle portion of the fork shown in FIGS. 4A-4D.

[0020] FIG. 4F is a bottom plan view of the fork shown in FIGS. 4A-4E

[0021] FIG. 4G is a bottom perspective view of the fork shown in FIGS. 4A-4F.

- [0022] FIG. 4H is a side view of the fork shown in FIGS. 4A-4G.
- [0023] FIG. 5A is a top perspective view of the spoon separated from the fork of the embodiment shown in FIGS. 1-3.
- [0024] FIG. 5B is a top plan view of the spoon shown in FIG. 5A.
- [0025] FIG. 5C is a bottom perspective view of the spoon shown in FIGS. 5A and 5B.
- [0026] FIG. 5D is a side view of the spoon shown in FIGS. 5A-5C.
- [0027] FIG. 6A is a perspective view of the combination spoon and fork system in the elongated combination utensil position in accordance with an embodiment.
- [0028] FIG. 6B is a bottom plan view of the embodiment shown in FIG. 6A.
- [0029] FIG. 6C is a bottom perspective view of the embodiment shown in FIGS. 6A and 6B.
- [0030] FIG. 6D is a side view of the embodiment shown in FIGS. 6A-6C.
- [0031] FIG. 7A is a top perspective view of an integral combination utensil in accordance with an embodiment.
- [0032] FIG. 7B is a bottom perspective view of the integral combination utensil shown in FIG. 7A.
- [0033] FIG. 7C is a side view of the integral combination utensil shown in FIGS. 7A and 7B.

DETAILED DESCRIPTION OF THE PREFERRED EMBODIMENTS

[0034] The present invention relates generally to combination eating utensils.

[0035] Referring to Figs. 1-6, a combination spoon and fork system in accordance with one embodiment of the invention will be described. In the illustrated embodiment, the combination spoon and fork system 100 includes a spoon 110 and a fork 140 that can nest together for storage and transport. To form a single, longer combination utensil with a spoon on one end and a fork on the other end, the proximal ends of the spoon 110 and fork 140 can slide together and lock in place. A low profile interlocking mechanism is used to interlock the spoon 110 and the fork 140 in both the nested position and in the combination utensil mode. The spoon 110 and fork 140 can also be separated completely and used separately.

[0036] Figs. 1A and 1B are top perspective and top plan views, respectively, of the combination spoon and fork system 100 in its nested position, in accordance with an embodiment. Figs. 2A and 2B are bottom perspective and bottom plan views, respectively, of the spoon and fork system 100 in its nested position.

[0037] As shown in Figs. 1-3, the spoon 110 and fork 140 can be nested together in a low profile manner for convenient storage and transport. Fig. 3 is a side view of the combination spoon and fork system 100, which illustrates the low profile nature of the spoon and fork system 100 nested position. In the illustrated embodiment, the fork 140 is nested over the spoon 110.

[0038] As discussed above, the spoon 110 and the fork 140 can be separated from one another and used separately. The geometries of the fork 140 and the spoon 110 will be described below. Figs. 4A and 4B are top plan and perspective views, respectively, of the fork 140 separated from the spoon 110. In the illustrated embodiment, the fork 140 has four tines 142, 144. It will be understood that, in other embodiments, the fork can have more or

fewer tines. The fork 140 has a head portion 141, which includes the tines, that is connected to a handle 146.

[0039] Each tine 142, 144 has a sharp crest, which aids in spearing or piercing pieces of food so that the food can be picked up by the fork 140. In the illustrated embodiment, the two center tines 142 are straight and the two outer tines 144 each have a straight inner edge and a curved outer edge 145. The curved outer edges 145 of the outer tines 144 and the ends of the tines 142, 144 do not extend beyond the outer edges of the bowl portion of the spoon 110, as shown in Figs. 1A and 1B. The curvature of the outer edges 145 can also be used for scraping food, as the curved edges 145 follow the curvature of a curved container, such as a bowl, better than the straight tines of many conventional forks.

[0040] In addition to being curved, the outer edges 145 of the outer tines 144 are also tapered or chamfered such that the fork 140 can be used to cut through or separate foods that do not require a knife. The tapered or chamfered outer edges 145 are shown in the cross-sectional perspective view of Fig. 4C. As illustrated in Fig. 4C, the top surface of each of the outer edges 145 is tapered or chamfered. As illustrated, each chamfered edge 145 has one end at the tip of the outer tine 144 and extends along the outer curved edge of the outer tine 144 to the position where the fork head 141 meets the handle 146. As shown in Figs. 4A-4C, the chamfered edge 145 spans the entire width of the outer tine 144 at the tip. As the chamfered edge 145 extends down along the curved outer edge of the outer tine 144, the width of the chamfered edge 145 remains substantially the same until it begins to taper toward the end of the fork head 141. In the illustrated embodiment, the chamfered edge 145 tapers and ends in a point where the fork head 141 meets the handle 146. Although the fork head 141 is described above as being connected to or meeting the handle 146, it will be understood that the fork is formed as an integral piece in this embodiment.

[0041] In a particular embodiment, the outer edges 145 are chamfered at an angle of about 20-25 degrees, and preferably at an angle of about 23 degrees. The outer edges 145 have an edge width of about 1 mm at its widest point. In the illustrated embodiment, the outer edges 145 of both outer tines 144 are chamfered so that both outer edges 145 can easily be used to cut or separate food regardless of whether the user is right-handed or left-handed.

[0042] In the illustrated embodiment, as shown in Figs. 1A and 1B, a safety feature is that when the spoon 110 and fork 140 are nested, the tines 142, 144 of the fork 140 do not extend as far as the end of the spoon 110 such that the tips of the tines 142, 144 cannot poke or stab someone or something when the fork 140 and spoon 110 are in the nested position.

[0043] As shown in Figs. 1A and 4A, the center tines 142 have a longer length than the outer tines 144 and therefore extend farther distally than the outer tines 144, thereby forming a curve at the distal end of the fork 140. The curvature of the distal end of the fork 140 can match the curvature of the distal end of the spoon 110, but as noted above, the tips of the tines 142, 144 do not extend beyond the end edge of the spoon 110 when nested. As shown in Fig 1A, the bowl portion of the spoon 110 is slightly wider and longer than the corresponding portion of the fork 140 in the illustrated embodiment.

[0044] The handle 146 of the fork 140 will be described with reference to Figs. 4D-4H. The handle 146 has a pair of rails 148 that extend downward from the bottom side of its two outer edges. The rails 148 aid in guiding the handle 146 of the fork 150 over the handle 114 of the spoon 110 when the spoon handle 114 is slid between the rails 148 to either place the spoon 110 and fork 140 in the nested position or slid end over end to form an elongated combination eating utensil, as will be described in more detail below. The rails 148 also secure the spoon handle 114 to the handle 146 of the fork 140, as will be explained in more detail below. As shown in the side view of Figs. 3 and 6D, the rails 148 are very low profile, as they do not extend below the lowest bottom surface of the spoon handle 114 when the fork

140 and spoon 110 are either nested together or slid end over end to form the elongated combination eating utensil. Figs. 2A, 2B, 6B and 6C show that, in the illustrated embodiment, the rails 148 extend only to about halfway across the width of the chamfered edge 122 of the spoon 110. The low profile nature of the rails 148 allow more efficient stacking of the fork and spoon systems 100.

[0045] The outer edge of each rails 148 is aligned and continuous with the outer edge of the rest of the fork handle 146. Further, the rails 148 taper inward so that the portion of the handle 146 with the rails 148 does not feel different from the rest of handle 146 when the fork 140 is held in a user's hand. The inward tapering as well as the low profile nature of the rails 148 reduce the tactile impact they have on a user's hand holding the fork. That is, the handle with low profile rails 148 feels better to hold than a handle having big protuberances, edges, etc.

[0046] As shown in Fig. 4D, the handle portion 146 of the fork 140 has a slight upside down V-shape with a ridge 156 in the center when viewed from an end. The center ridge 156 is the highest point of the handle 146 and runs down the center along substantially the entire length of the handle 146. Each side of the handle 146 angles downward from the center line to the edge at an angle of about 75-80 degrees, and preferably about 79 degrees.

[0047] The bottom of the fork handle 146 also includes a recess 150 that accommodates the contour of the top surface of the handle 114 of the spoon 110 as well as a crescent-shaped raised edge 116 on the proximal end of the spoon 110. As shown in Figs. 4F and 4G, the recess 150 has two straight end walls 162, 163, each acting as a hard stop when the raised edge 116 of the spoon 110 abuts the end wall.

[0048] The recess 150 also includes two detents 152, 153, one near each end of the recess 150. As will be explained in more detail below, the detents 152, 153 serve to snap and lock the spoon handle 114 in place relative to the handle 146 of the fork when the spoon 110 and

fork 140 are in the nested position as well as when the spoon 110 and fork 140 are attached end to end to form an elongated eating utensil, as shown in Figs. 6A-6D.

[0049] The spoon 110 will be described below with reference to Figs. 5A-5D. Fig. 5A is a top perspective view of the spoon 110. The spoon 110 includes a head portion or bowl 112 and a handle 114. The proximal end of the spoon handle 114 includes a crescent-shaped raised edge 116. As shown in the side view of Fig. 5D, the raised edge 116 protrudes above the top surface of the spoon handle 114.

[0050] The spoon handle 114 and the fork handle 146 are contoured similarly. As shown in Fig. 5A, the spoon handle 114 has a ridge 120 in the center. The center ridge 120 is the highest point of the handle body (excluding the raised edge 116) and runs down the center along substantially the entire length of the handle 114. Each side of the handle 114 angles downward from the center line 118 to the edge at an angle of about 75-80 degrees, and preferably about 79 degrees.

[0051] The bowl 112 of the spoon 110 has a substantially flat side edge 118, which allows for “scraping” food from of a container (e.g., a yogurt container) or a bowl. A conventional spoon typically has a rounded edge that is not particularly effective for scraping. As illustrated, the side edge 118 and front edge 118b of the bowl 112 of the spoon 110 is substantially flat, thus providing an effective surface for scraping. In the illustrated embodiment, as shown in Fig. 5B, the bowl 112 has a substantially elongated pentagonal shape with rounded corners.

[0052] Also, as shown in the side view of Fig. 5D, the bowl 112 is angled upward to form a deeper bowl, which can be more efficient when scooping liquids, such as soups. In a particular embodiment, the bowl is angled upward at an angle of about 20-25 degrees, and preferably about 23 degrees. It will be noted that the spoon 110 has a deeper bowl 112 than

the corresponding head portion 141 of the fork 140 so that the fork 140 can be nested on top of the spoon 110 in the nested position.

[0053] In the illustrated embodiment, the bottom surface of each of the edges 122 of the handle 114 of the spoon 110 is tapered or chamfered so that the edge 122 can be used as a splitter or cutter, similar to the outer tines 144 of the fork 140. In the illustrated embodiment as shown in Fig. 5C, the chamfered edge 122 starts at the proximal end of the spoon 110 and extends along the entire length of the spoon handle 114. In a particular embodiment, the edges 122 are chamfered at an angle of about 65-70 degrees, and preferably about 67 degrees, and each edge 122 has a width of about 0.7 mm at its widest point. The width remains substantially the same along the length of the chamfered edge 122 but tapers to end in a point where the spoon handle 114 meets the head portion or bowl 112, as shown in Fig. 5C. Although the spoon head portion or bowl 112 is described above as being connected to or meeting the spoon handle 114, it will be understood that the spoon is formed as an integral piece in this embodiment. In the illustrated embodiment, both edges 122 are chamfered so that both edges 122 can easily be used to cut or separate food regardless of whether the user is right-handed or left-handed.

[0054] The taper of the bottom surface edges 122 of the spoon handle 114 also allows for low profile rails 148 on the fork 140, as the edges 122 of the spoon 110 are configured to slide under and between the rails 148 of the fork 140 to either nest the spoon 110 and fork 140 together or to form a longer combination eating utensil. That is, the bottom edges 122 are chamfered at an angle that corresponds to the angle of the bottom surface of the rails 148 on the fork 140. According to an embodiment, the height of the rails is about 1.5-3 mm and the height of the edges 122 is about 0.5 – 1.75 mm.

[0055] The rails 148 are so low profile that when the spoon 110 and fork 140 are interlocked (whether in the nested position or connected in the elongated combination utensil

position), the bottom of the spoon bowl 112 actually extends below the bottom of the rails 148, as shown in the side view of Figs. 3 and 6D.

[0056] The spoon 110 and fork 140 are formed of a plastic material, such as a glass reinforced thermoplastic, that is suitable for food contact. A particularly suitable reinforced thermoplastic for forming the spoon 110 and fork 140 is glass filled nylon. Compared with unreinforced nylon, glass filled nylon has increased structural strength and stiffness.

Nested Position

[0057] As shown in Figs. 1-3, the spoon 110 and fork 140 can be nested together for storage and/or transport. In the nested position, the spoon 110 and fork 140 are interlocked with the spoon head 112 and the fork head 141 oriented the same way. An interlocking mechanism can lock the spoon 110 in place relative to the fork 140, as will be described in more detail below.

[0058] As described above, there is a recess 150 in the bottom surface of the fork 140 that is configured to receive the top surface spoon handle 114 and its crescent-shaped raised edge 116. To nest the spoon 110 and fork 140 together, the spoon 110 is first positioned underneath the fork 140 in the same orientation (the spoon 110 and fork 140 are both facing up or both facing down) and both pointed in the same direction (the bowl and tines pointed in the same direction), with the raised edge 116 at the proximal end of the spoon positioned in the recess 150 of the fork 140 laterally between the rails 148 and the detent 153 closer to the distal end of the fork 140. The curvature of the crescent-shaped raised edge 116 corresponds to the curvature of the recess 150 such that the raised edge 116 fits nicely in the recess 150.

[0059] The raised edge 116 at proximal end of the spoon 110 is then slid laterally along the recess 150 toward the proximal end of the fork 140 while guiding the outer edges of the spoon handle 114 between the rails 148 until the raised edge 116 abuts the gradually sloped

face of the detent 152 closer to the proximal end of the fork 140. A greater force is then applied in the same direction to push the raised edge 116 over the gradually sloped face of the detent 152 and over the top of the detent 152 to engage the groove between the detent 152 and the proximal end wall 162 of the recess 150. As the raised edge 116 is pushed over the gradually sloped face of the detent 152, the handle-ends of the spoon 110 and fork 140 are bent away from each other. This bending allows the crescent of the raised edge 116 to ride up and over the detent 152. The distance between the ends of the rails 148 and the detent 152 effectively creates beams in the spoon and fork ends that are made to bend through the pressing or pulling action. It will be appreciated that the snapping force can be tuned by such things as changing the length of the rails and/or the size of the detent. That is, longer rails results in shorter beams making it more difficult to deflect and snap. Conversely, shorter rails result in longer beams making it easier to deflect and snap.

[0060] With the detent 152 snapped in the groove between the detent 152 and the proximal end wall 162 of the recess 150, the spoon 110 and fork 140 are interlocked. The end wall 162 acts as a hard stop and prevents the spoon 110 from moving beyond the locked position and the detent 152 prevents the spoon 110 from moving back in the opposite direction to disengage the fork 140. The rails 148 prevent the fork 140 and spoon 110 from being separated in the z-direction.

[0061] It will be noted that the crescent shape of the raised edge 116 provides additional surface area to abut the end wall 162 to prevent the spoon 110 from sliding past the locked position. When the raised edge 116 engages the space between the detent 152 and the end wall 162, the spoon 110 and fork 140 are interlocked in the nested position and fairly significant force is required to disengage the spoon 110 and fork 140 from the nested position because the raised edge 116 must move over the top of the detent 152 without the benefit of a gradually sloped face of the detent 152. It will be understood that greater force is necessary

to disengage the spoon from the fork than is required to interlock the utensils in the nested position because the detent 152 is gradually sloped leading to the top of the detent 152 from the center of the distal end of the fork 140 whereas the opposite side of the detent 152 opposite the end wall 162 is more steeply angled, as illustrated. The more gradually sloped face of the detent 152 makes it easier for the raised edge 116 to slide up to the top of the detent 152. According to an embodiment, the slope of the gradually sloped face of the detent is at an angle of about 15 degrees. The gradually sloped face can also be formed as a curved surface of about 4mm radius.

[0062] As shown in Figs. 4F and 4G, there are two detents 152, 153. Each detent has an angled face on both sides. The sides facing together or inward are more gradually sloped, and the sides facing away from each other are steeply sloped. The inward-facing detent angles are more gradually sloped to permit easier nesting of the fork and spoon (as explained above) or extension to form the elongated combination utensil (as explained in more detail below). The outward-facing detent angles are steeper making it more difficult to “un-snap” or disengage the spoon and fork from each configuration.

[0063] To disengage the spoon 110 and fork 140 from the interlocked nested position, the spoon 110 and fork 140 can simply be pulled apart from one another in the lateral direction. A particularly convenient way to disengage the spoon 110 and fork 140 from the interlocked nested position is to start with the nested spoon and fork system 100 upside down. Thus, with the bottom of the spoon 110 facing up, a user can hold the handles with a conventional grip while using a thumb to push the bowl 112 toward the distal end to disengage the spoon 110 and fork 140. With enough force applied, the raised edge 116 of the spoon 110 will move over the nub 152 and the raised edge 116 of the spoon 110 can slide along the recess 150 and the spoon handle 114 can slide between the rails 148 until the raised edge 116 is once again between the rails 148 and the nub 152 closer to the distal portion of the fork 140.

When the raised edge 116 has moved past the rails 148, the spoon 110 can be disengaged from the fork 140 and separated.

[0064] The rails 148 are centered laterally between the detents 152, 153, as shown in Figs. 4F and 4G. In the illustrated embodiment, the rails 148 are approximately half the length of the recess 150. The length as well as the position of the rails 148 along the handle 146 are important for a properly functioning interlocking mechanism. It will be appreciated that the rails 148 need to have a certain length in order to adequately secure the handles 114, 146 together when the spoon and fork are interlocked. The centering of the rails 148 laterally with respect to the length of the recess 150 and the positioning of the detents 152, 153 is important to allow for the raised edge 116 of the spoon handle 114 to engage the recess 150 at one end of the recess and also for the raised edge 116 to engage the detent on the other end of the recess 150 to snap the spoon and fork in the interlocked position (whether nested or connected end to end to form a combination utensil).

Elongated Combination Utensil

[0065] As mentioned above, the spoon 110 and fork 140 can be connected end to end to form an elongated combination utensil having a fork 140 on one end and a spoon 110 on the other end, with an elongated handle in between. Such an elongated utensil can be useful in certain situations, such as stirring food in a pot or eating out of deep containers or bagged foods.

[0066] The elongated combination utensil will be described with reference to Figs. 6A-6D, which represent various views of the spoon 110 and fork 140 connected end to end to form the elongated combination utensil. The interlocking mechanism for forming the elongated combination utensil is the same as that for the nested position except that it operates in the opposite direction, as explained in more detail below.

[0067] To assemble the combination utensil, the fork 140 and spoon 110 are positioned facing opposite directions (with the spoon 110 on one end and the fork 140 on the other end) but with the same orientation (both facing up or both facing down). The raised edge 116 of the spoon 110 is then positioned in the recess 150 between the rails 148 and the detent 152 closer to the proximal end of the fork 140. The spoon 110 is then slid toward the distal end of the fork 140, with the crescent-shaped raised edge 116 sliding along the correspondingly shaped recess 150 and the outer edges of the spoon handle 114 between the rails 148. Once the raised edge 116 abuts the gradually sloped face of the detent 153 closer to the distal end of the fork 140, additional force is necessary to push the raised edge 116 up along the angled portion of the detent 153 and over the top of the detent 153 until the raised edge 116 engages the groove between the detent 153 and the distal end wall 163 of the recess 150. With the raised edge 116 engaged in the groove between the detent 153 and the end wall 163, the spoon 110 and fork 140 are interlocked in the elongated combination utensil position.

[0068] It will be understood that the end wall 163 acts as a hard stop, preventing the spoon 110 from being slid further. The end wall 163 prevents the spoon 110 from moving beyond the locked position and the detent 153 prevents the spoon 110 from moving back in the opposite direction to disengage the fork 140. The rails 148 not only prevent the fork 140 and spoon 110 from being separated in the z-direction, but also prevent the fork and spoon from being separated by bending (both side-to-side and top-to-bottom bending) as well by torsion or twisting forces.

[0069] When the raised edge 116 engages the groove between the detent 153 and the distal end wall 163 of the recess 150, the spoon 110 and fork 140 are interlocked in the combination utensil position and fairly significant force is required to disengage the spoon 110 and fork 140 from this position. To disengage the spoon 110 and fork 140, with the spoon 110 and fork 140 are simply pulled apart in the lateral direction. With enough force

applied, the gradually sloped face of the detent 153 exerts a normal force on the ends of the handles 114, 146, thereby bending them and allowing the raised edge 116 of the spoon 110 to move over the top of the detent 153. The spoon 110 can then slide along the recess 150 between the rails 148 until the raised edge 116 is once again positioned laterally between the rails 148 and the detent 152 closer to the proximal portion of the fork 140. When the raised edge 116 has moved laterally past the rails 148, the spoon 110 can be disengaged from the fork 140 and separated. It will be understood that greater force is necessary to disengage the spoon from the fork than is required to interlock the utensils because the detent 153 is more gradually sloped leading to the top of the detent 153 from the center of the proximal end of the fork 140 whereas the opposite face of the detent 153 opposite the end wall 163 is more steeply sloped. According to an embodiment, the gradually sloped face of the detent is at an angle of about 15 degrees.

[0070] As noted above, the spoon 110 and fork 140 are oriented in the same direction (with both heads 141, 112 facing up or both facing down) when connected end to end such that the combination spoon and fork system 100 has a substantially wide U-shaped configuration, as shown in Fig. 6D. It will be appreciated that the U-shaped configuration is comfortable for a user to hold and manipulate. With the spoon head 112 and the fork head 141 oriented the same way, the fork head 141 does not get in the way of the user's hand when the combination utensil is being used as a spoon and when the combination utensil is being used as a fork, the spoon head 112 does not get in the way of the user's hand.

Integral Combination Utensil

[0071] According to another embodiment, an integral combination fork and spoon utensil 200 is shown in Figs. 7A-7C. This embodiment is related to concurrently filed U.S. Design Application No. 29/484,553, which is incorporated herein by reference. This embodiment is

similar to the elongated combination utensil shown in Figs. 6A-6D except that this embodiment is formed as a single integral unit. The handle 210 is positioned laterally between a spoon 220 on one end and a fork 240 on the other end.

[0072] The fork 240 has a head portion 241, which includes the tines, that is connected to handle 210. In the illustrated embodiment, the fork 240 has two substantially straight center tines 242. The two outer tines 244 each have a substantially straight inner edge and a curved outer edge 245. The curvature of the outer edges 245 can also be used for scraping food from a container, as the curved edges 245 follow the curvature of a curved container, such as a bowl, better than the straight tines of many conventional forks. In the illustrated embodiment, the fork 240 has four tines 242, 244. It will be understood that, in other embodiments, the fork can have more or fewer tines. Each tine 242, 244 has a pointed tip, which aids in spearing or piercing pieces of food so that the food can be picked up by the fork 240.

[0073] In addition to being curved, the outer edges 245 of the two outer tines 244 are also tapered or chamfered such that the fork 240 can be used to cut through or separate foods that do not require a knife. As illustrated in Fig. 7A, the top surface of each of the outer edges 245 is tapered or chamfered. As illustrated in Fig. 7A, the top surface of each of the curved outer edges 245 is tapered or chamfered. As illustrated, each chamfered edge 245 has one end at the pointed tip of the outer tine 244 and extends along the outer curved edge of the outer tine 244 to the position where the fork head 241 meets the handle 210. As shown in Fig. 7A, the chamfered edge 245 spans the entire width of the outer tine 244 at the pointed tip. As the chamfered edge 245 extends down along the curved outer edge of the outer tine 244, the width of the chamfered edge 145 remains substantially the same until it begins to taper toward the end of the fork head 241. In the illustrated embodiment, the chamfered edge 245 tapers and ends in a point where the fork head 241 meets the handle 210. In a particular

embodiment, the outer edges 245 are chamfered at an angle of about 20-25 degrees, and preferably about 23 degrees, and the chamfered edge has a width of about 1mm. In the illustrated embodiment, the outer edges 245 of both outer tines 244 are chamfered so that both outer edges 245 can easily be used to cut or separate food regardless of whether the user is right-handed or left-handed. In the illustrated embodiment, the center tines 242 are longer than and extend further distally than the outer tines 244, thereby forming a curve at the distal end of the fork 240 when viewed from the top.

[0074] The spoon 220 has a head portion or bowl 212 on its distal end. The bowl 212 of the spoon 220 has a substantially flat side edge 218 and end edge 218b, which allows for “scraping” food from of a container (e.g., a yogurt container) or a bowl. As shown in the side view of Fig. 7C, the bowl 212 is angled upward to form a deeper bowl, which can be more efficient when scooping liquids, such as soups. In a particular embodiment, the bowl 212 is angled upward at an angle of about 20-25 degrees, and preferably about 23 degrees. In the illustrated embodiment, the bowl 212 has a substantially elongated pentagonal shape with rounded corners.

[0075] It will be noted that the integral combination fork and spoon utensil 200 can be formed with a handle of any desired length. That is, the handle can be a standard length, or if desired, the handle can be shorter or elongated. In a particular embodiment, the handle has a length of about 165mm. Similar to the elongated combination utensil described above, the integral combination utensil also has a substantially wide U-shaped configuration with the spoon 210 and fork 240 are oriented in the same direction (with both heads 241, 212 facing up or both facing down) when connected end to end such that the integral combination spoon and fork system 200 has a substantially wide U-shaped configuration, as shown in Fig. 7C. As noted above, the substantially U-shaped configuration is comfortable for a user to hold and manipulate. With the spoon head 212 and the fork head 241 oriented the same way, the

fork head 241 does not get in the way of the user's hand when the integral combination utensil is being used as a spoon. When the integral combination utensil is being used as a fork, the spoon head 212 does not get in the way of the user's hand.

[0076] Although only a few embodiments of the invention have been described in detail, it should be appreciated that the invention may be implemented in many other forms without departing from the spirit or scope of the invention. In view of all of the foregoing, it should be apparent that the present embodiments are illustrative and not restrictive and the invention is not limited to the details given herein, but may be modified within the scope and equivalents of the appended claims.

CLAIMS

What is claimed is:

1. A combination fork and spoon system, comprising:

a fork including a recess in a bottom surface and a pair of rails, each rail along a portion of an outer edge of the bottom surface of a handle; and

a spoon configured to interlock with the fork either in a nested position or in an end to end configuration to form a single combination utensil, the spoon including a handle that is capable of being slid between the rails.
2. The combination fork and spoon system as recited in claim 1, wherein the fork has a plurality of tines, wherein at least one tine on an outer edge of the fork has a chamfered outer edge.
3. The combination fork and spoon system as recited in claim 2, wherein the chamfered outer edge tapers at an end near the handle of the fork.
4. The combination fork and spoon system as recited in claim 1, wherein the handle of the spoon has a chamfered outer edge.
5. The combination fork and spoon system as recited in claim 4, wherein the chamfered outer edge of the handle of the spoon is slidable under the rails.
6. The combination fork and spoon system as recited in claim 1, wherein the spoon further comprises a bowl portion having a substantially flat side edge.
7. The combination fork and spoon system as recited in claim 1, wherein the

spoon further comprises a raised edge on its proximal end.

8. The combination fork and spoon system as recited in claim 7, wherein the raised edge is configured to slide within the recess.

9. The combination fork and spoon system as recited in claim 7, wherein the recess has one or more detents configured to engage the raised edge.

10. The combination fork and spoon system as recited in claim 8, wherein the raised edge is crescent-shaped and the recess is curved corresponding to a curvature of the raised edge.

11. The combination fork and spoon system as recited in claim 6, wherein the bowl portion of the spoon is angled upward.

12. The combination fork and spoon system as recited in claim 2, wherein the tines do not extend beyond an outer edge of the spoon when the fork and spoon are in the nested position.

13. The combination fork and spoon system as recited in claim 1, wherein the fork and spoon are formed of a glass reinforced thermoplastic material.

14. A combination eating utensil, comprising:

a fork having a handle connected to a head portion including plurality of tines, wherein at least one tine on a curved outer edge of the head portion has a chamfered

outer edge along substantially its entire length, the chamfered edge tapering to a point where the handle is connected to the head portion; and

a spoon having a substantially pentagonal bowl portion having substantially flat side and end edges, wherein the spoon and fork can be connected at their proximal ends.

15. The combination eating utensil as recited in claim 14, wherein the fork and spoon are integrally formed.

16. The combination eating utensil as recited in claim 14, wherein the fork further comprises a pair of rails, wherein each rail extends downward along a portion of an outer edge of the bottom surface of a handle portion, and wherein the spoon comprises a handle capable of sliding between the rails.

17. The combination eating utensil as recited in claim 16, further comprising an interlocking mechanism configured to interlock the spoon with the fork either in a nested position or in an end to end configuration.

18. The combination eating utensil as recited in claim 17, wherein the interlocking mechanism comprises:

the rails;

a recess on a bottom surface of the handle portion of the fork, the recess configured to receive a top surface of the handle of the spoon, and wherein the recess has a detent positioned near an end; and

a raised edge on the top surface at a proximal end of the handle of the spoon,

the raised edge configured to engage a groove between the detent and an end wall of the recess.

19. The combination eating utensil as recited in claim 16, wherein the handle of the spoon has chamfered side edges on its bottom surface that slide under the rails.

20. The combination eating utensil as recited in claim 17, wherein the tines of the fork do not extend beyond a distal end of the spoon when the spoon and fork are interlocked in the nested position.

21. The combination eating utensil as recited in claim 18, wherein the recess has a first detent positioned near a first end and a second detent positioned near a second end.

22. The combination eating utensil as recited in claim 21, wherein the raised edge is configured to engage a groove between the first detent and the first end wall in the nested position and wherein the raised edge is configured to engage a groove between the second detent and the second end wall in the end to end configuration.

23. A combination fork and spoon system, comprising:
a fork having a handle with a pair of rails along a portion of its side edges;
a spoon having a handle slidable along the handle of the fork, wherein the handle of the spoon is slidable between the rails; and
an interlocking mechanism for interlocking the spoon and the fork either in a nested position or in an end to end position.

24. The combination fork and spoon system as recited in claim 23, wherein the interlocking mechanism comprises:

a raised edge at a proximal end of a top surface of the spoon;

and a pair of detents within a recess in a bottom surface of the handle of the fork, each detent spaced apart from an end wall of the recess to form a groove, wherein the raised edge can be slid over a detent to engage the groove to interlock the spoon and fork.

25. The combination fork and spoon system as recited in claim 24, wherein the raised edge is substantially crescent-shaped.

26. The combination fork and spoon system as recited in claim 23, wherein the handle of the fork is configured to slide over the handle of the spoon.

27. The combination fork and spoon system as recited in claim 23, wherein the fork has at least one outer tine having a chamfered outer edge.

28. The combination fork and spoon system as recited in claim 23, wherein the handle of the spoon has at least one chamfered side edge.

29. The combination fork and spoon system as recited in claim 23, wherein the spoon has a bowl with a substantially flat side edge.

30. The combination fork and spoon system as recited in claim 23, wherein the spoon has a bowl with a substantially flat end edge.

31. The combination fork and spoon system as recited in claim 23, where the spoon and fork both have head portions oriented the same direction such that the combination fork and spoon system is substantially U-shaped when viewed from its side in the end to end position.

32. A fork, comprising:

a head portion including a plurality of tines, wherein an outer tine has a curved chamfered outer edge, the chamfered outer edge extending along substantially an entire length of the head portion; and

a handle portion connected to the head portion, wherein the chamfered edge tapers to a point where the handle portion meets the head portion.

33. The fork as recited in claim 32, wherein the chamfered edge spans an entire width of the outer tine at a distal tip of the outer tine.

34. The fork as recited in claim 32, wherein the fork has two outer tines, each having a curved chamfered outer edge.

35. The fork as recited in claim 32, wherein the fork is integrally formed of a glass reinforced thermoplastic material.

EATING UTENSIL SYSTEM

ABSTRACT OF THE DISCLOSURE

A combination spoon and fork system capable of being stored in a nested configuration or used as a combination eating utensil with the spoon and fork connected end to end. An interlocking mechanism can interlock the spoon and fork in either the nested position or in the end to end configuration. The interlocking system allows the handle of the spoon to slide between rails on the handle of the fork and to snap and lock the spoon in place either nested with the fork or end to end with the fork to form an elongated combination eating utensil. The spoon and fork of the system can also be used separately from one another.

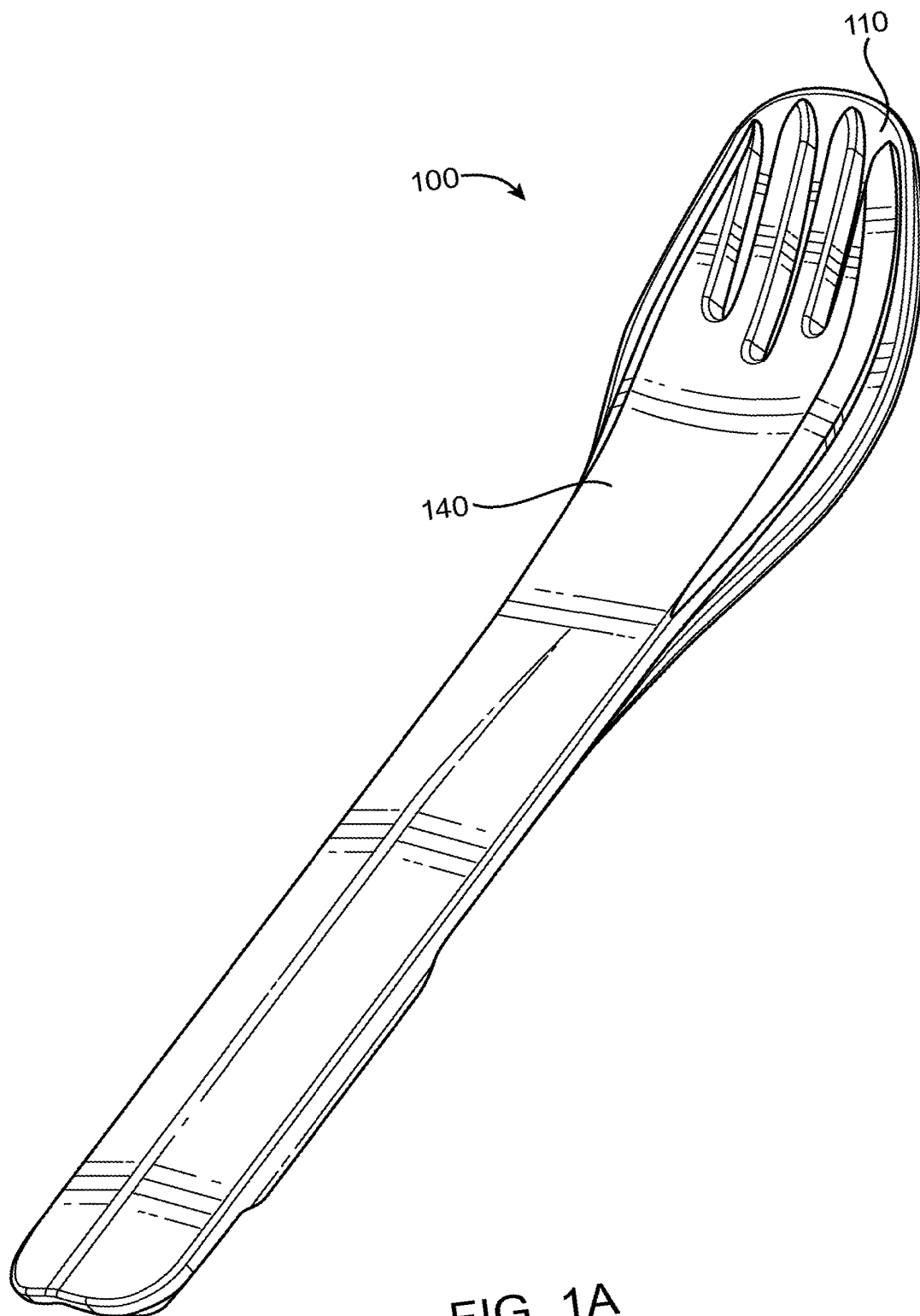


FIG. 1A

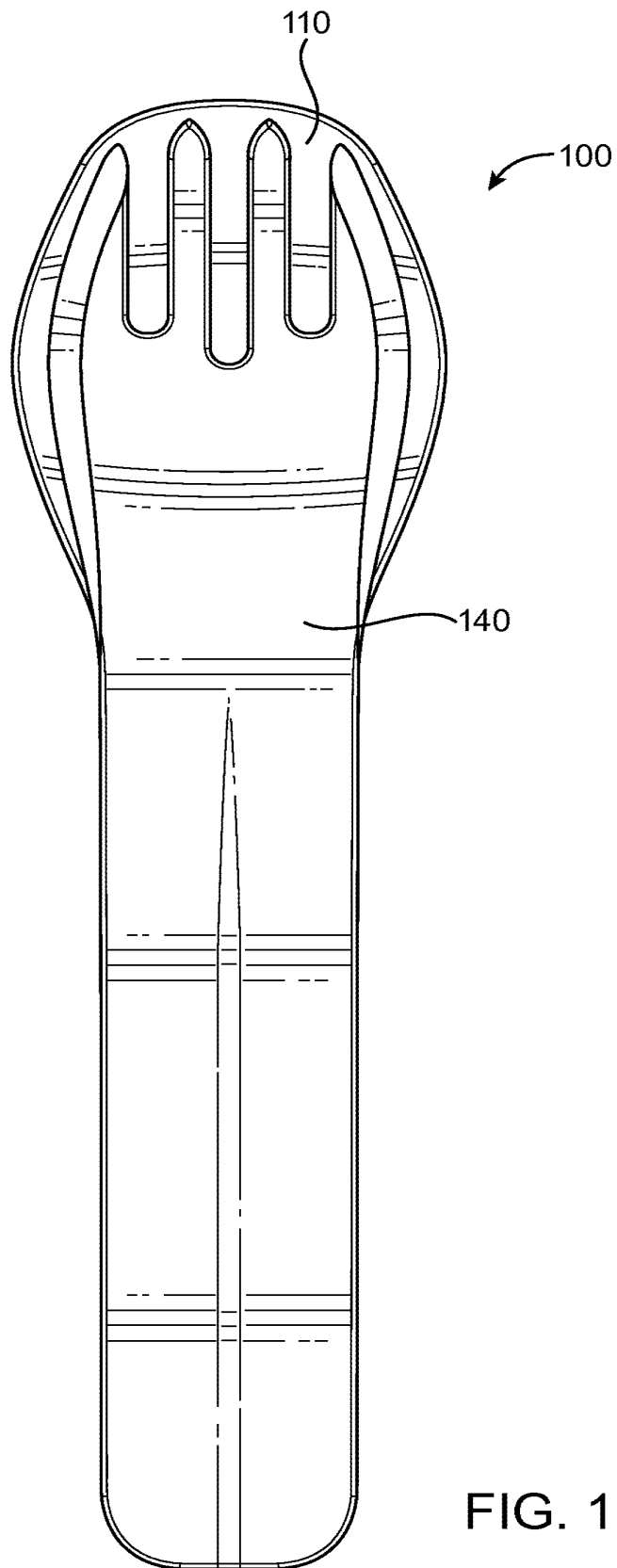


FIG. 1B

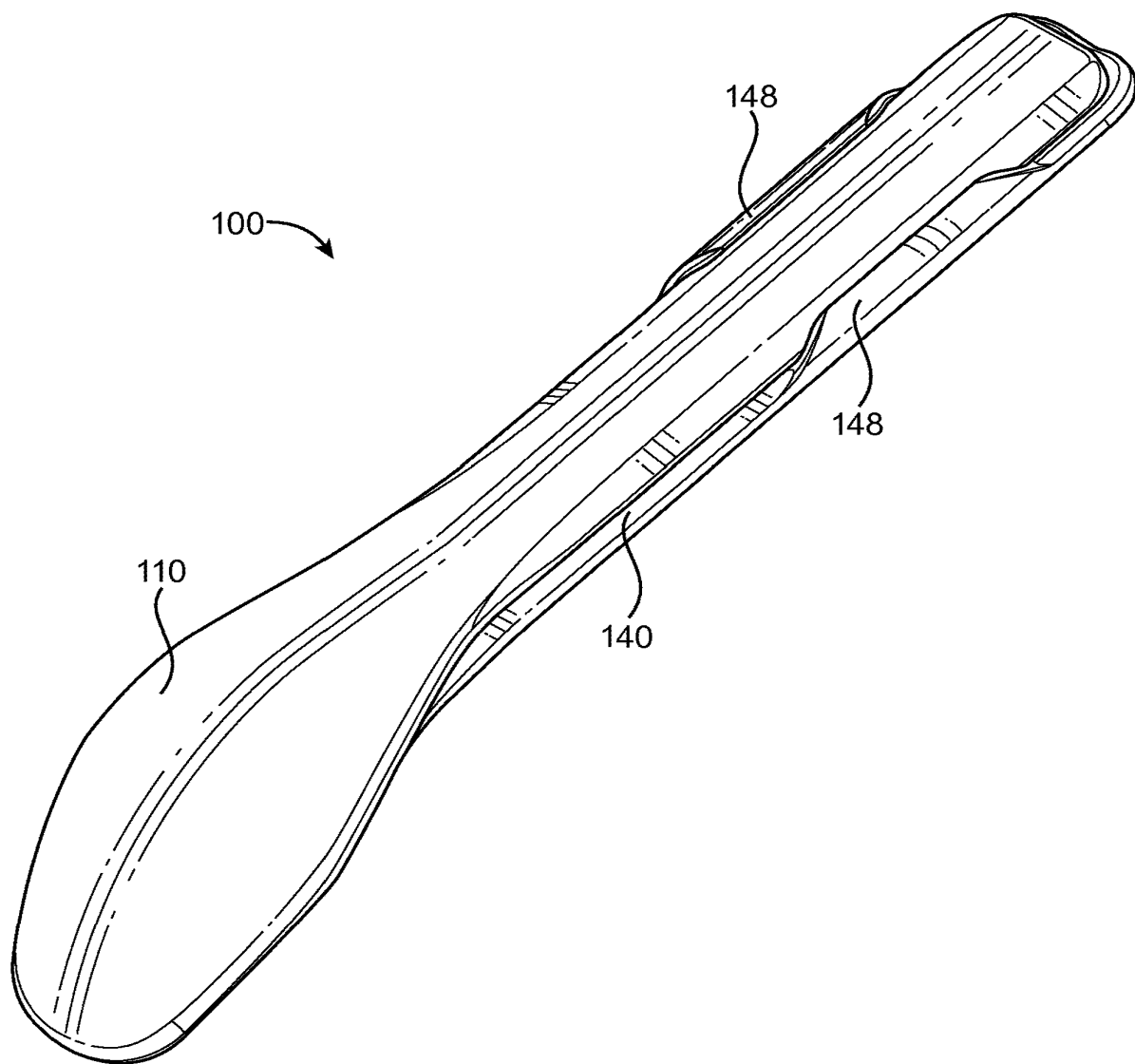


FIG. 2A

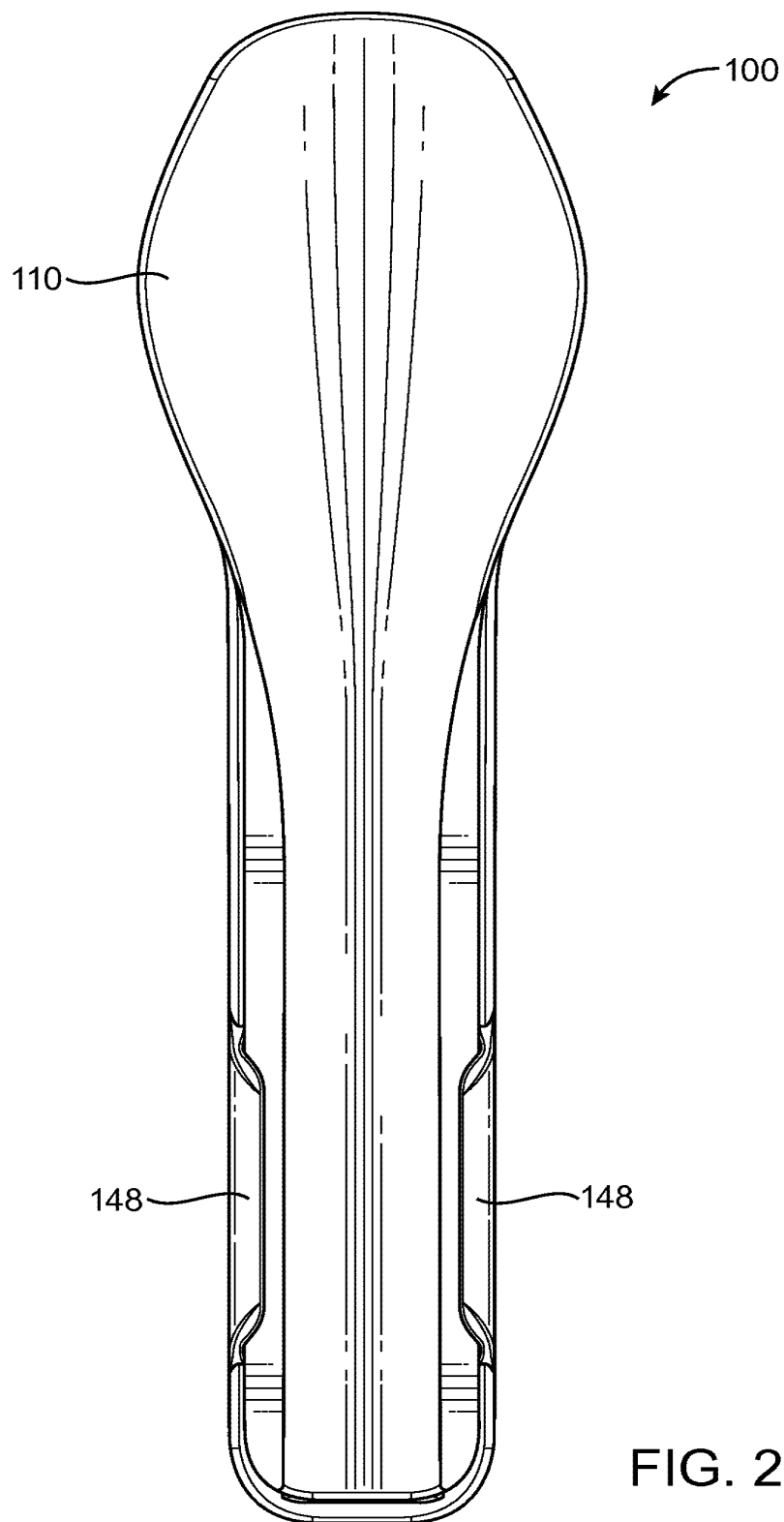


FIG. 2B

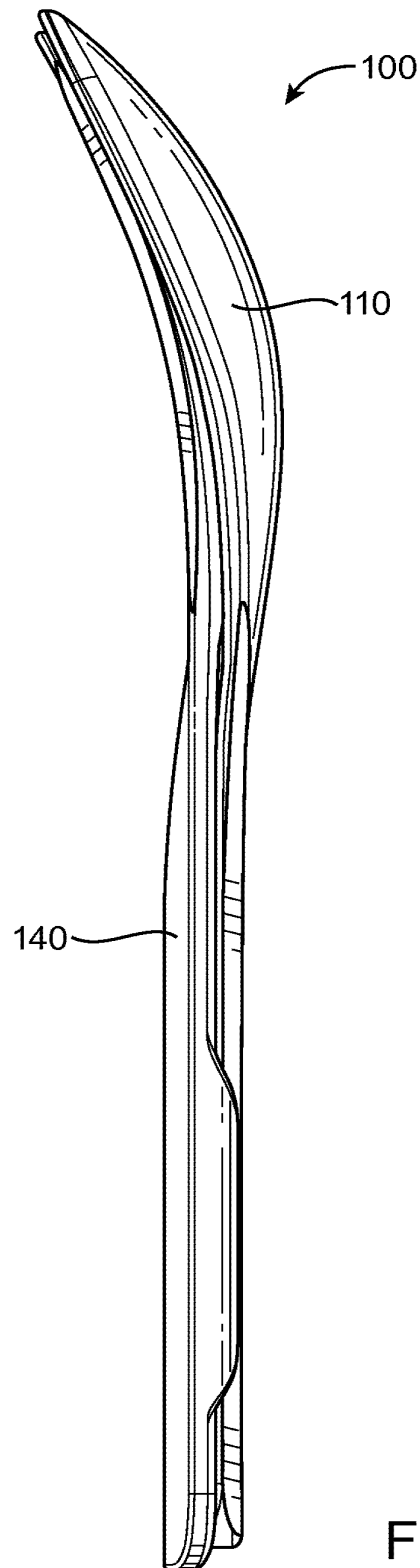


FIG. 3

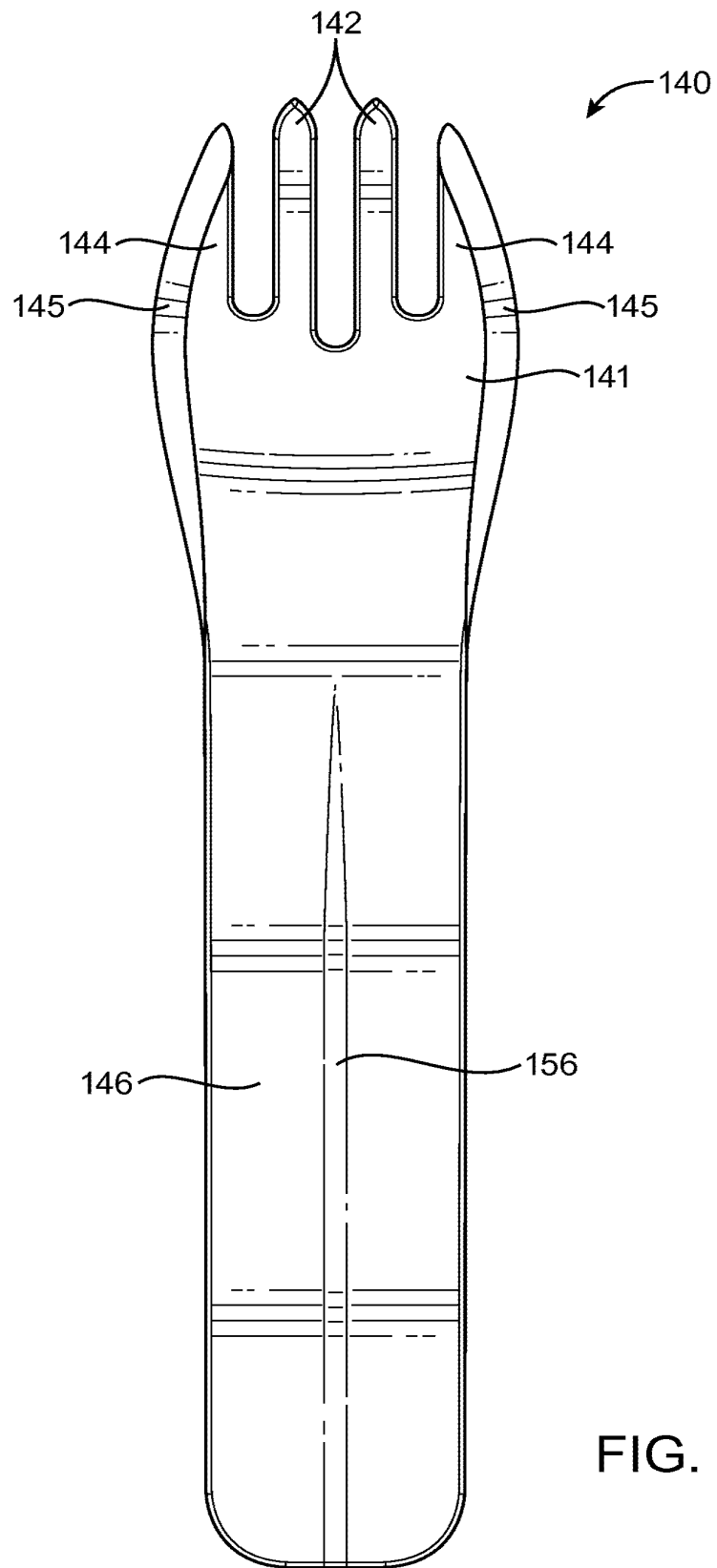


FIG. 4A

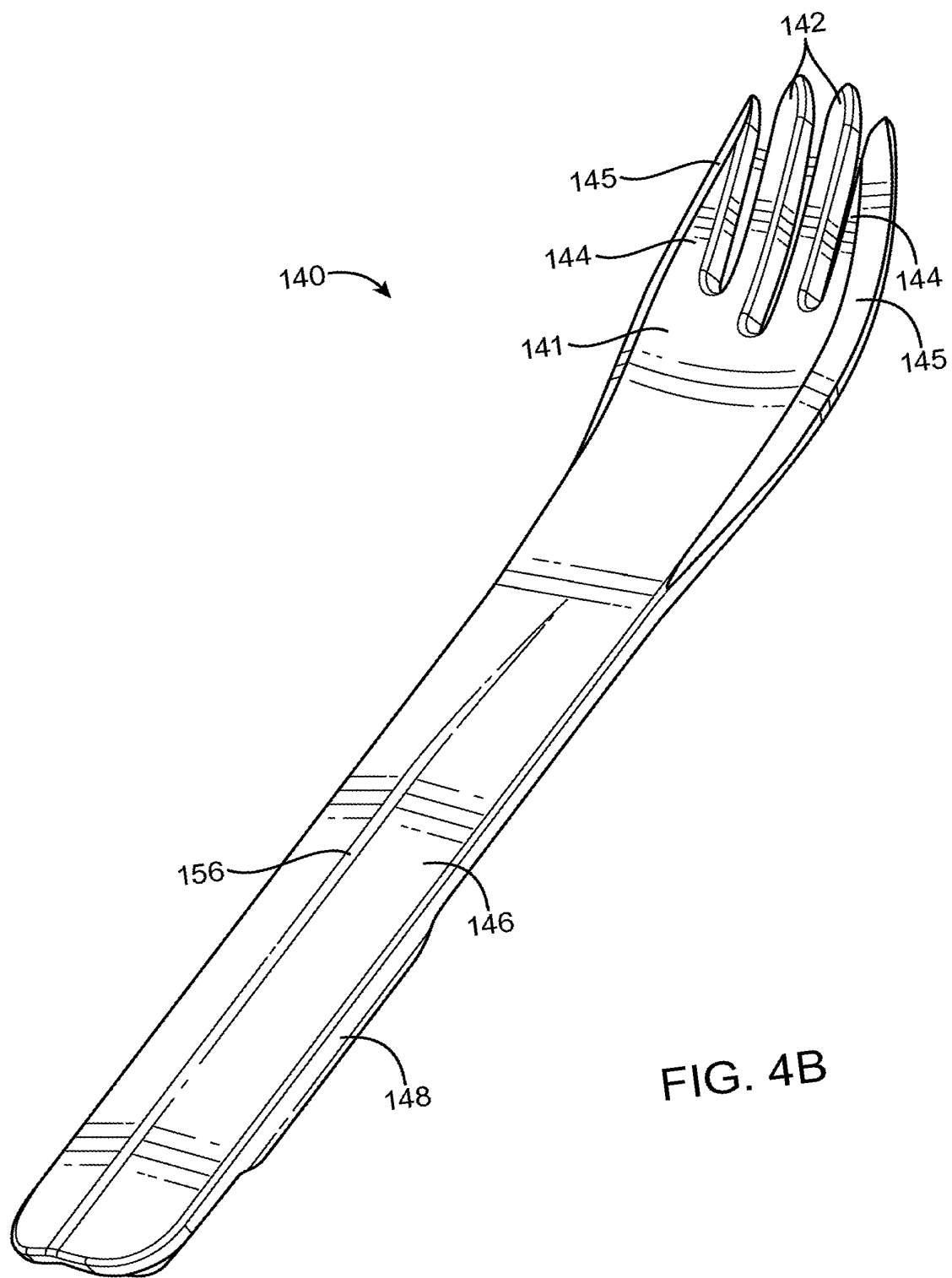


FIG. 4B

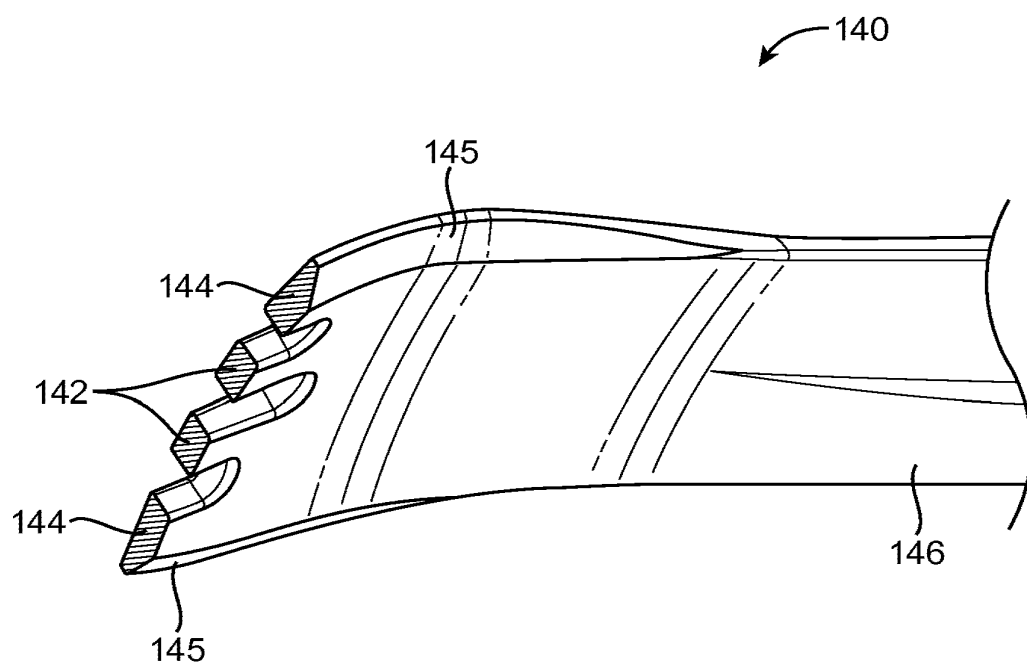


FIG. 4C

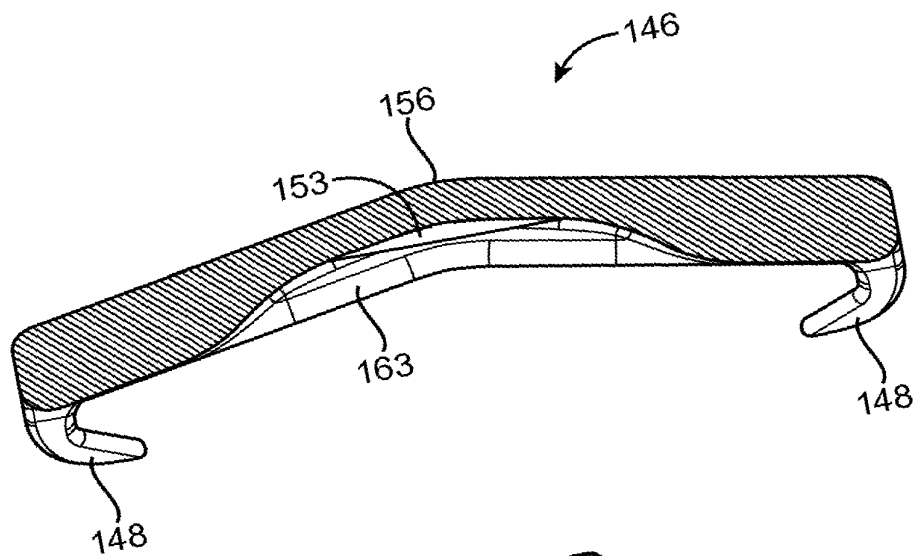


FIG. 4D

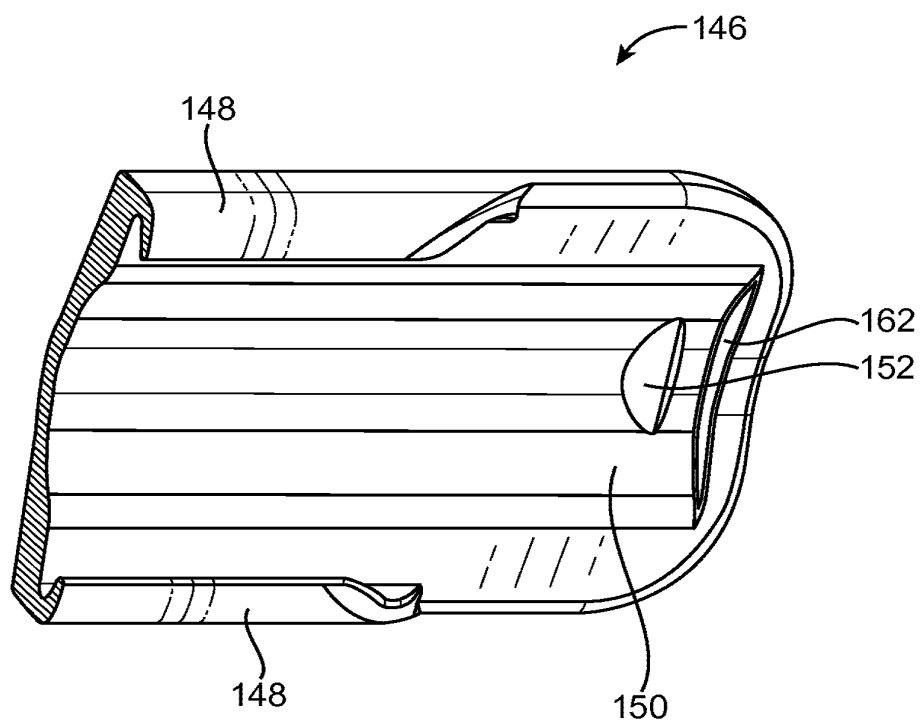


FIG. 4E

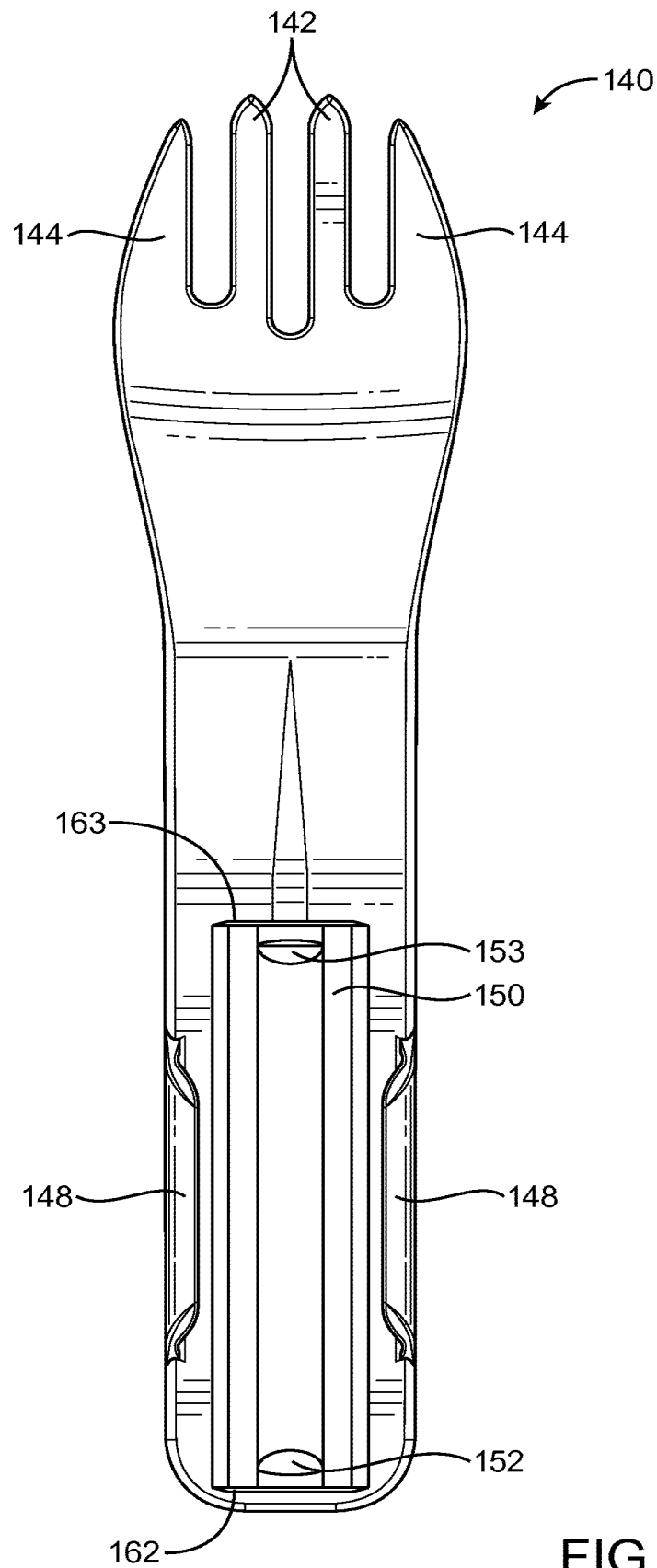


FIG. 4F

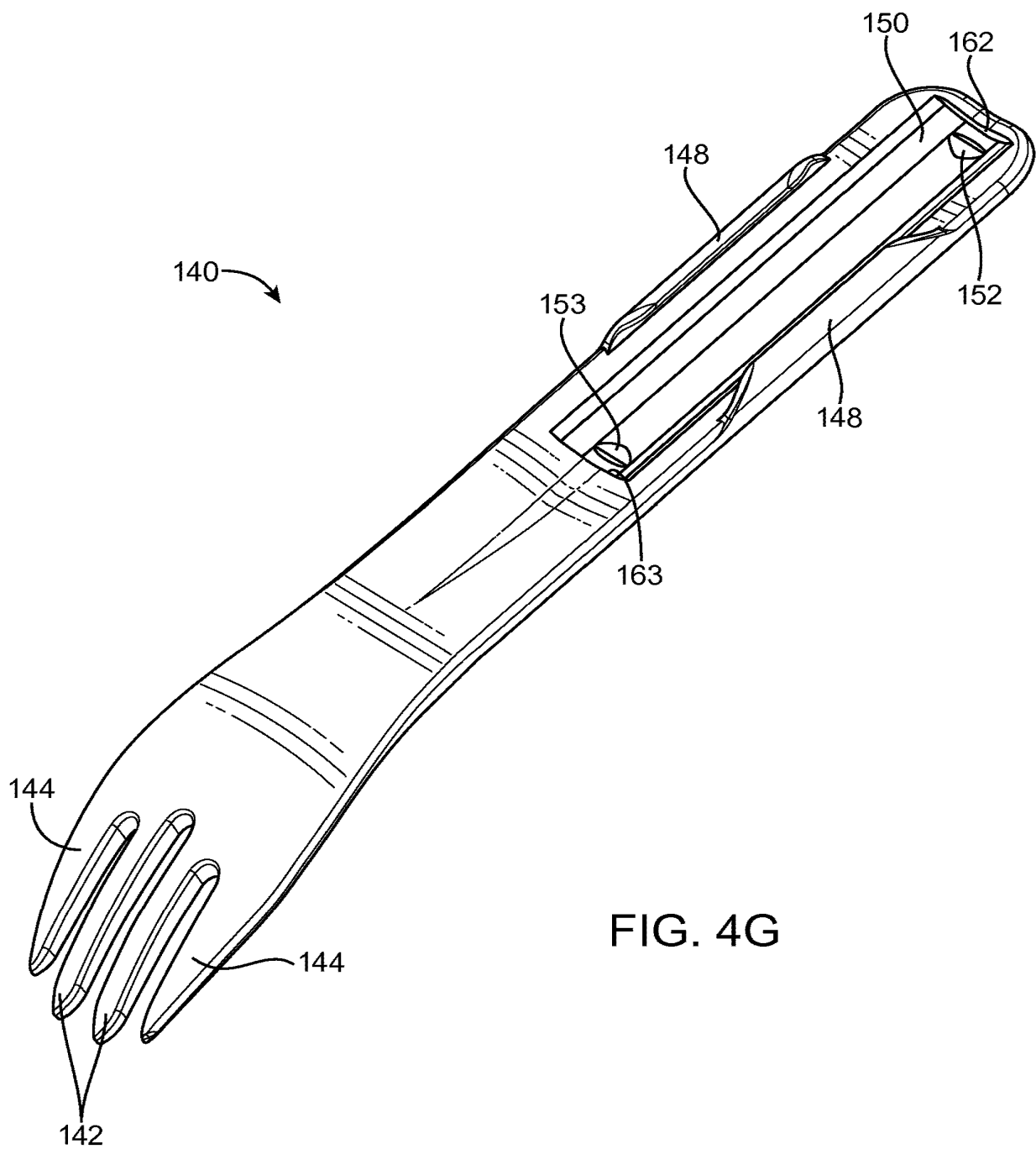


FIG. 4G

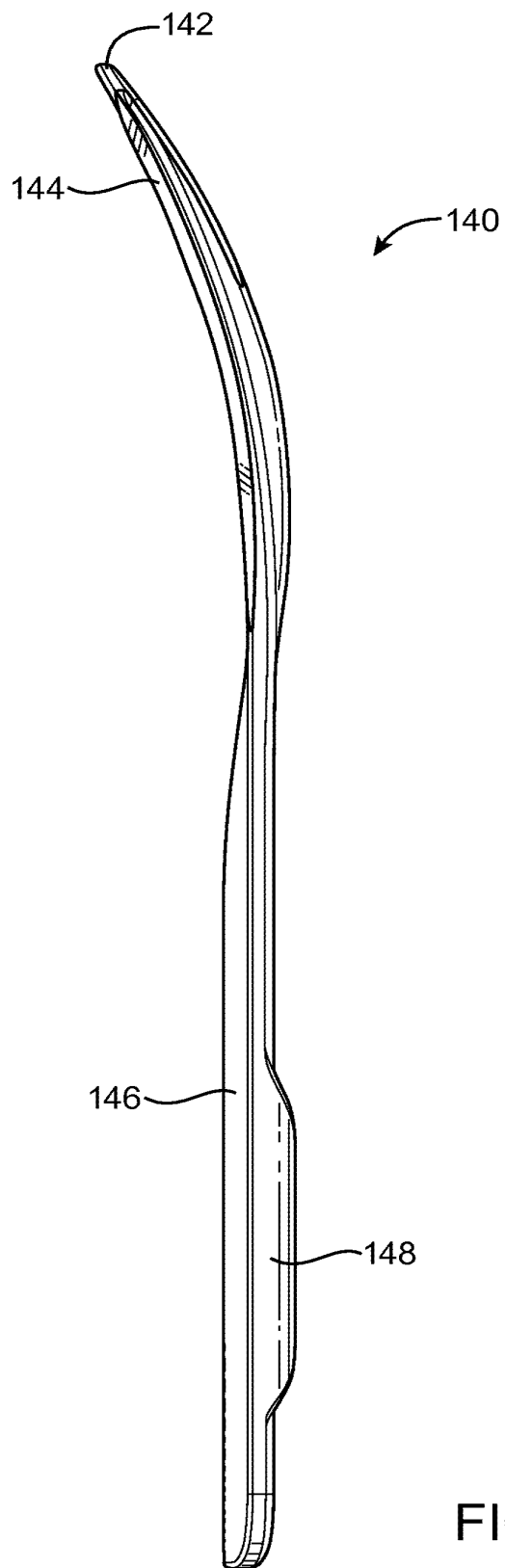


FIG. 4H

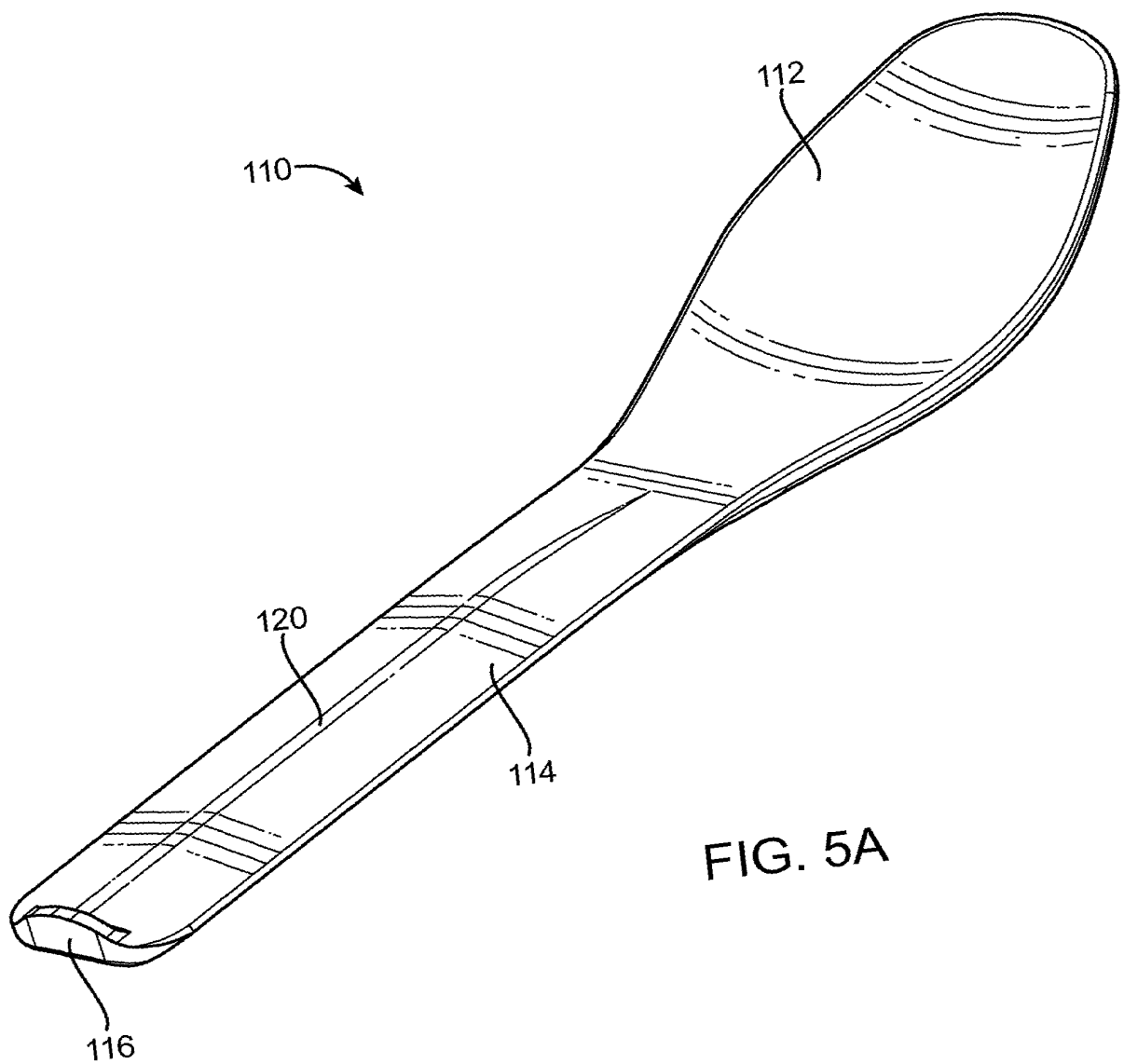


FIG. 5A

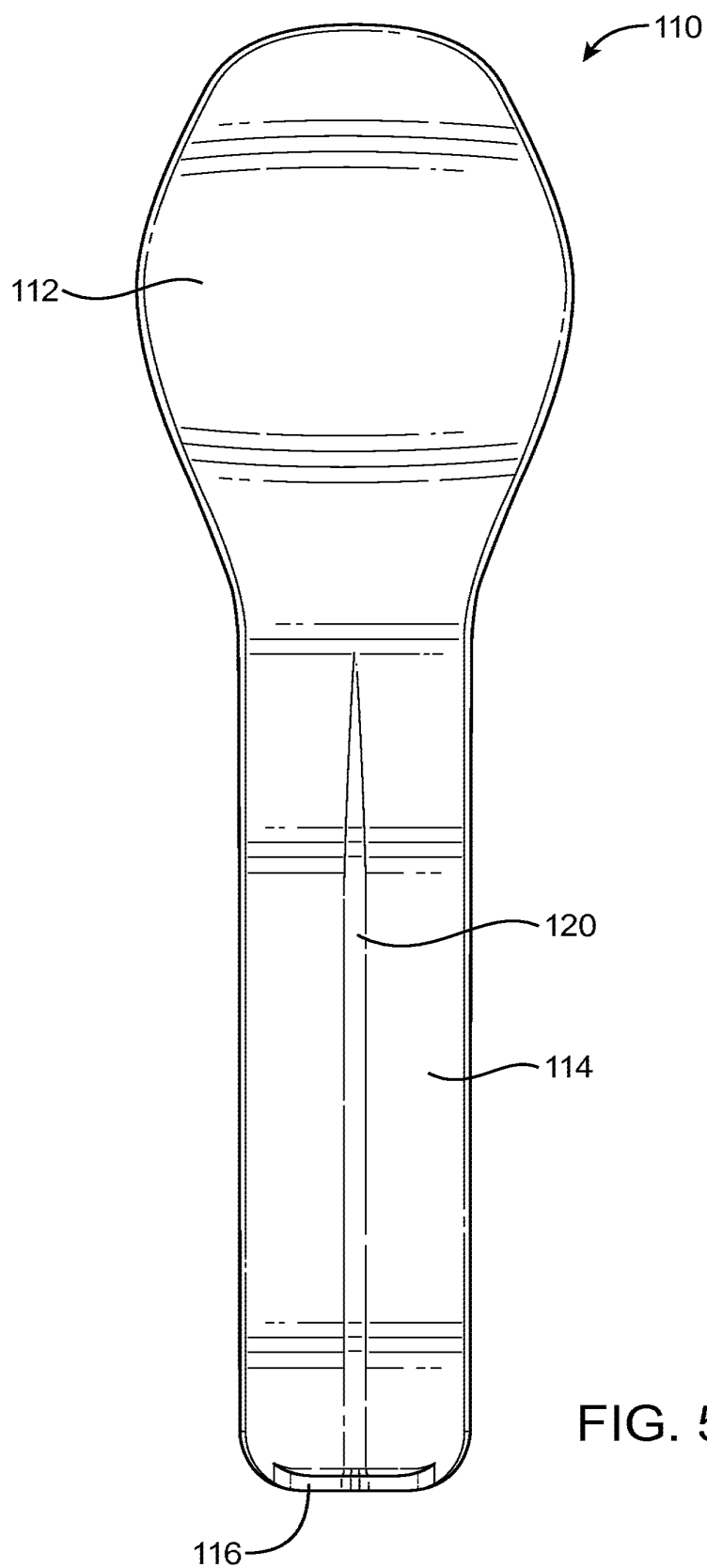


FIG. 5B

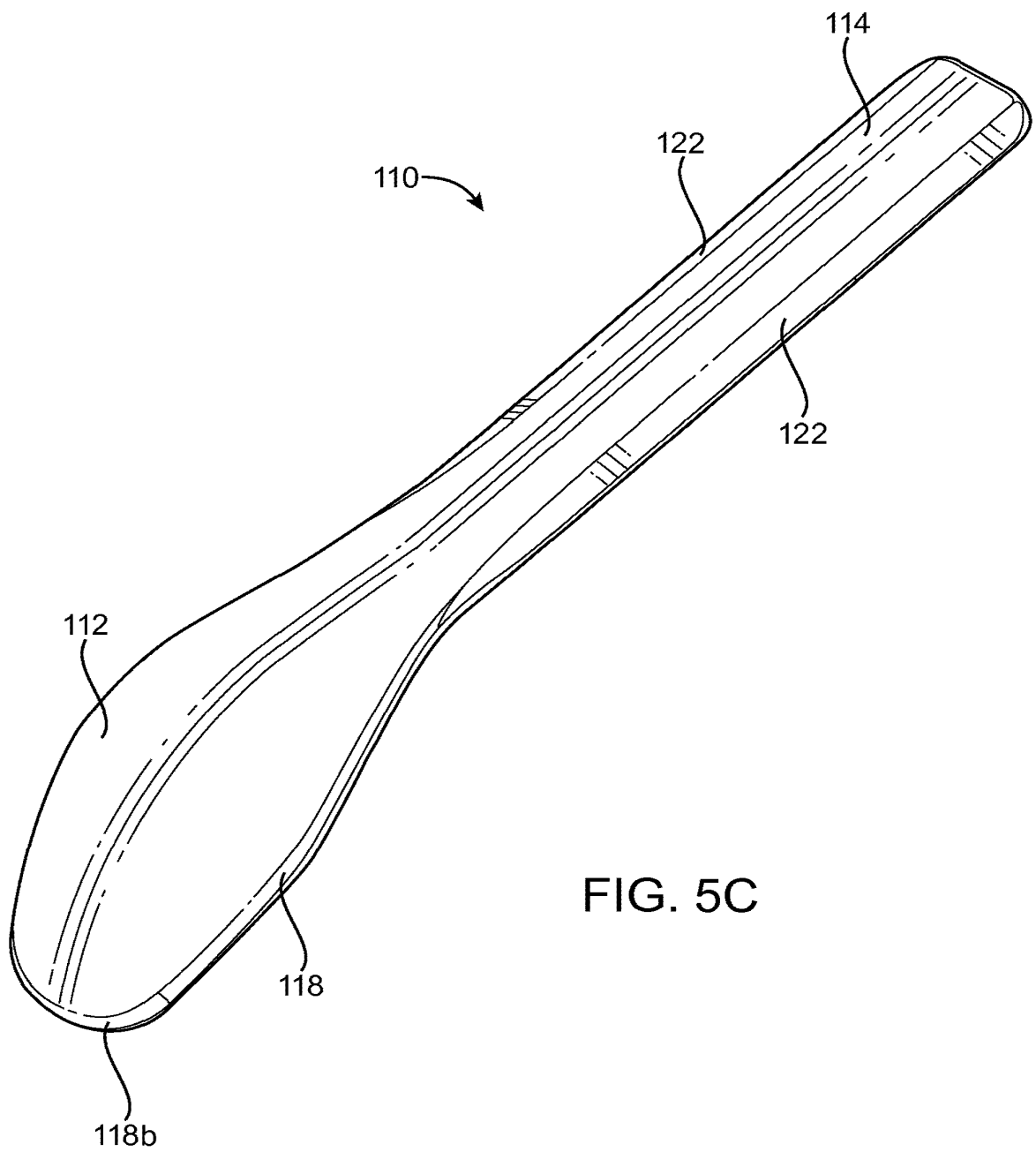


FIG. 5C

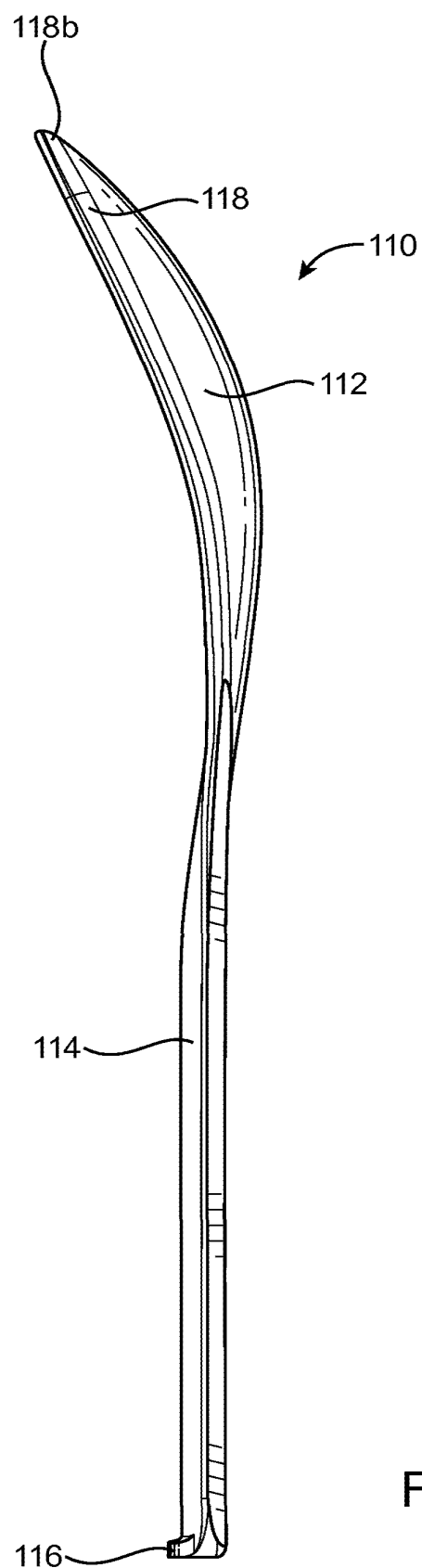


FIG. 5D

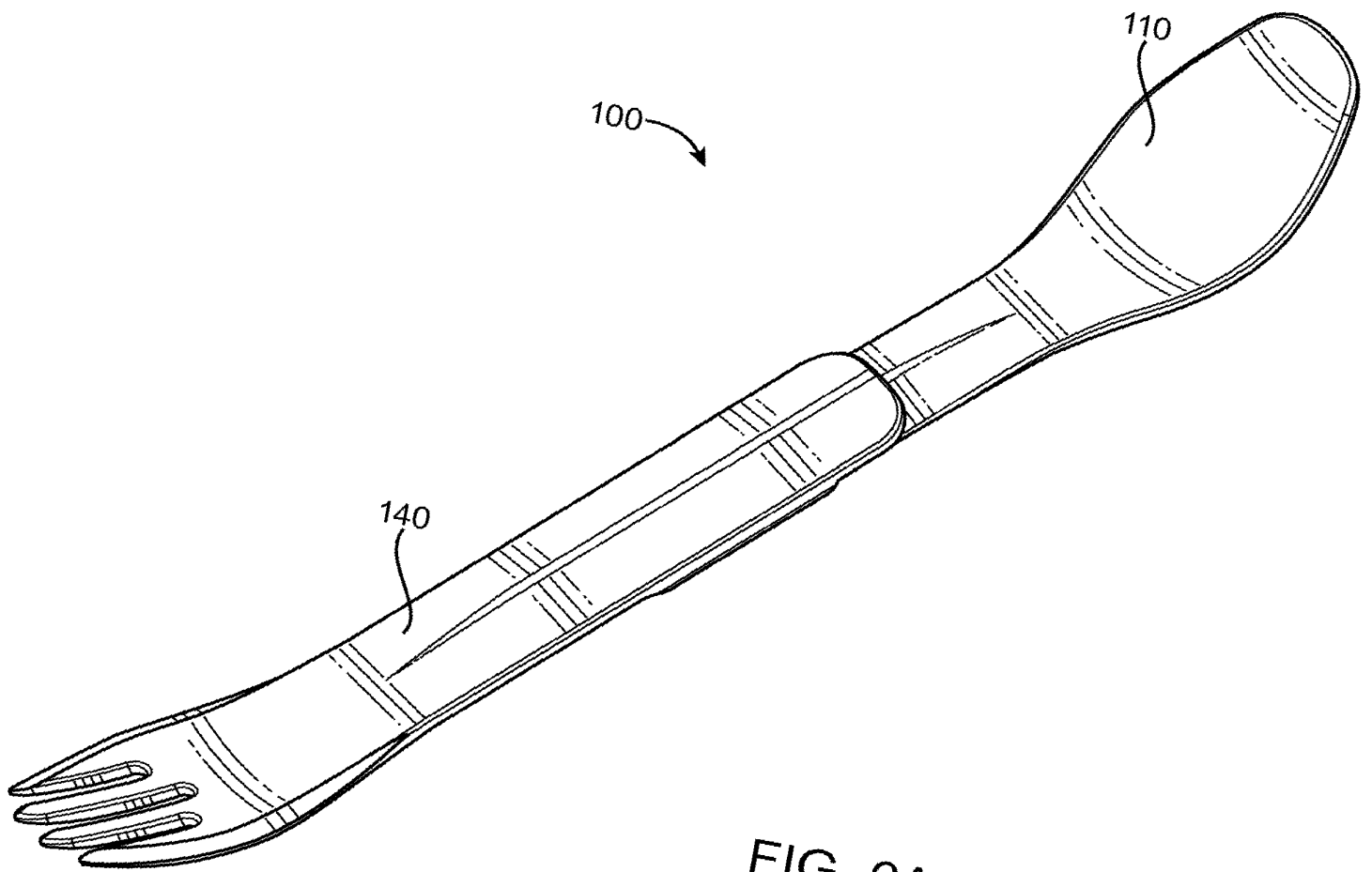


FIG. 6A

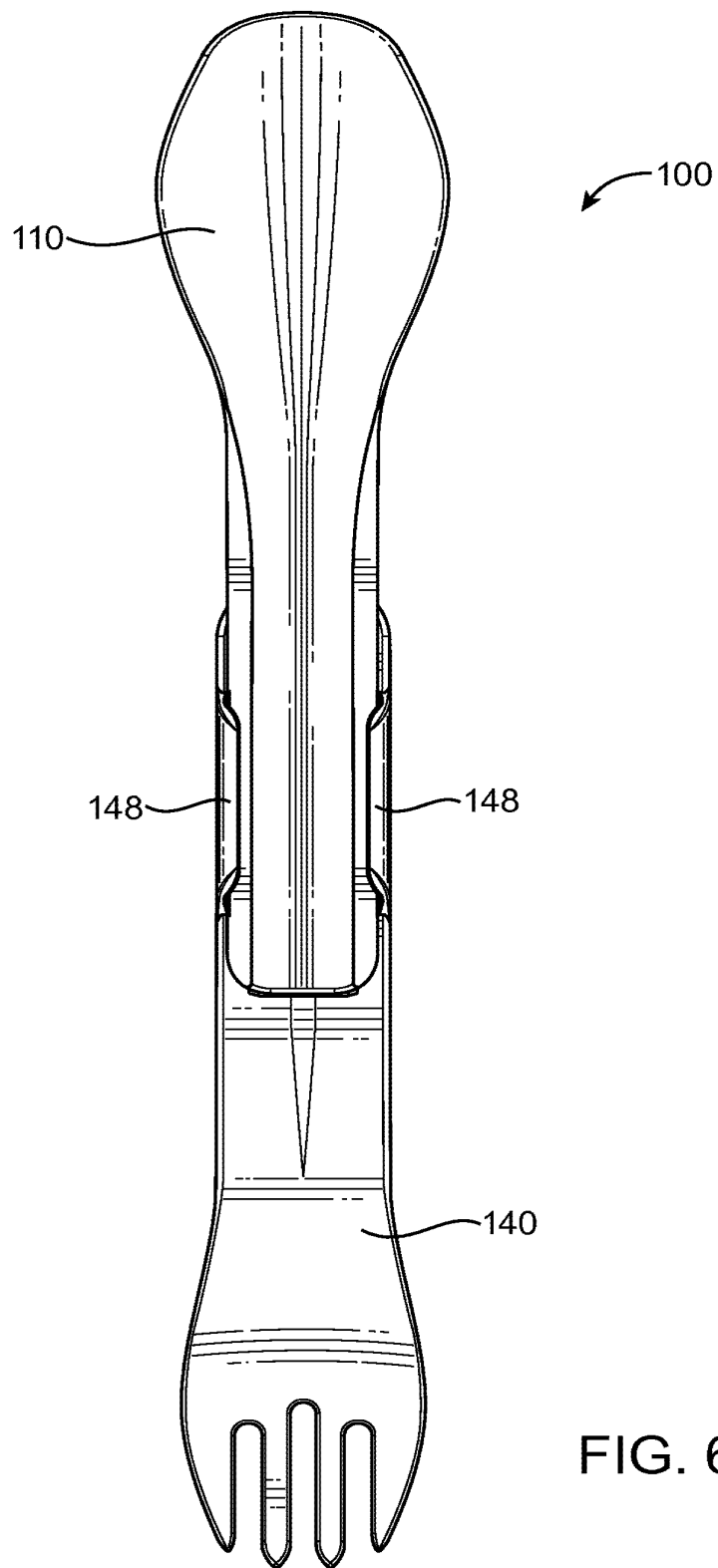


FIG. 6B

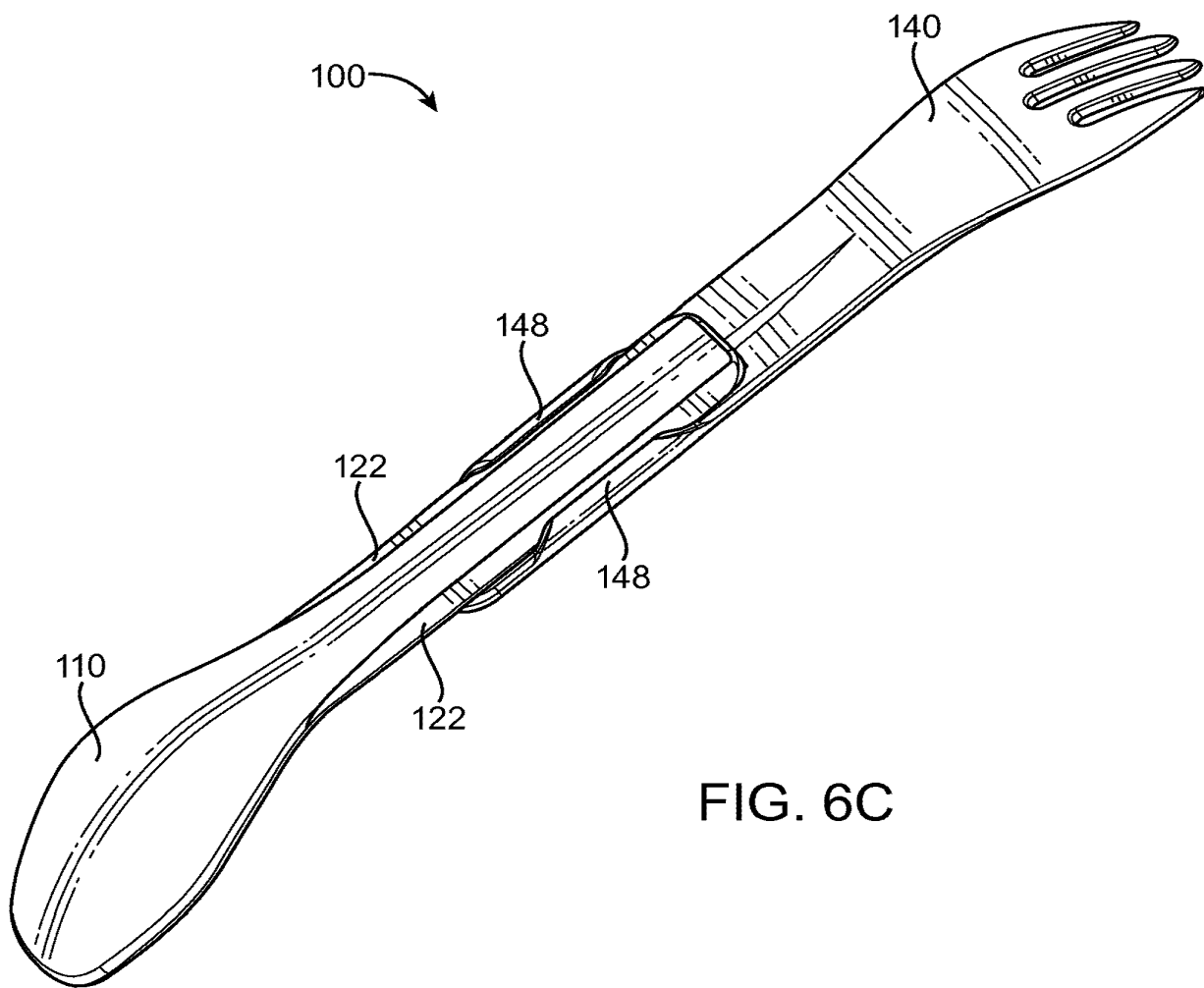


FIG. 6C

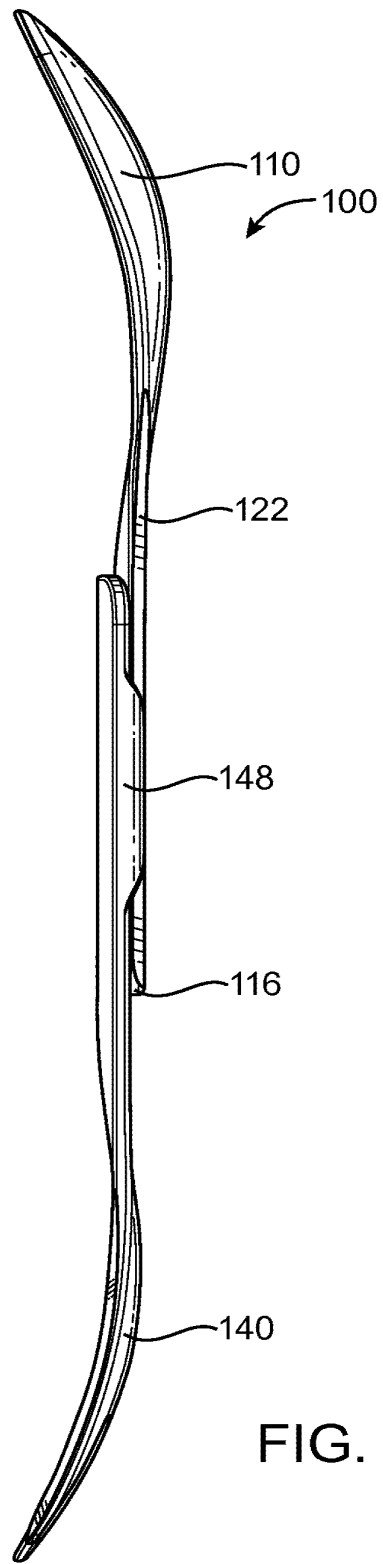


FIG. 6D

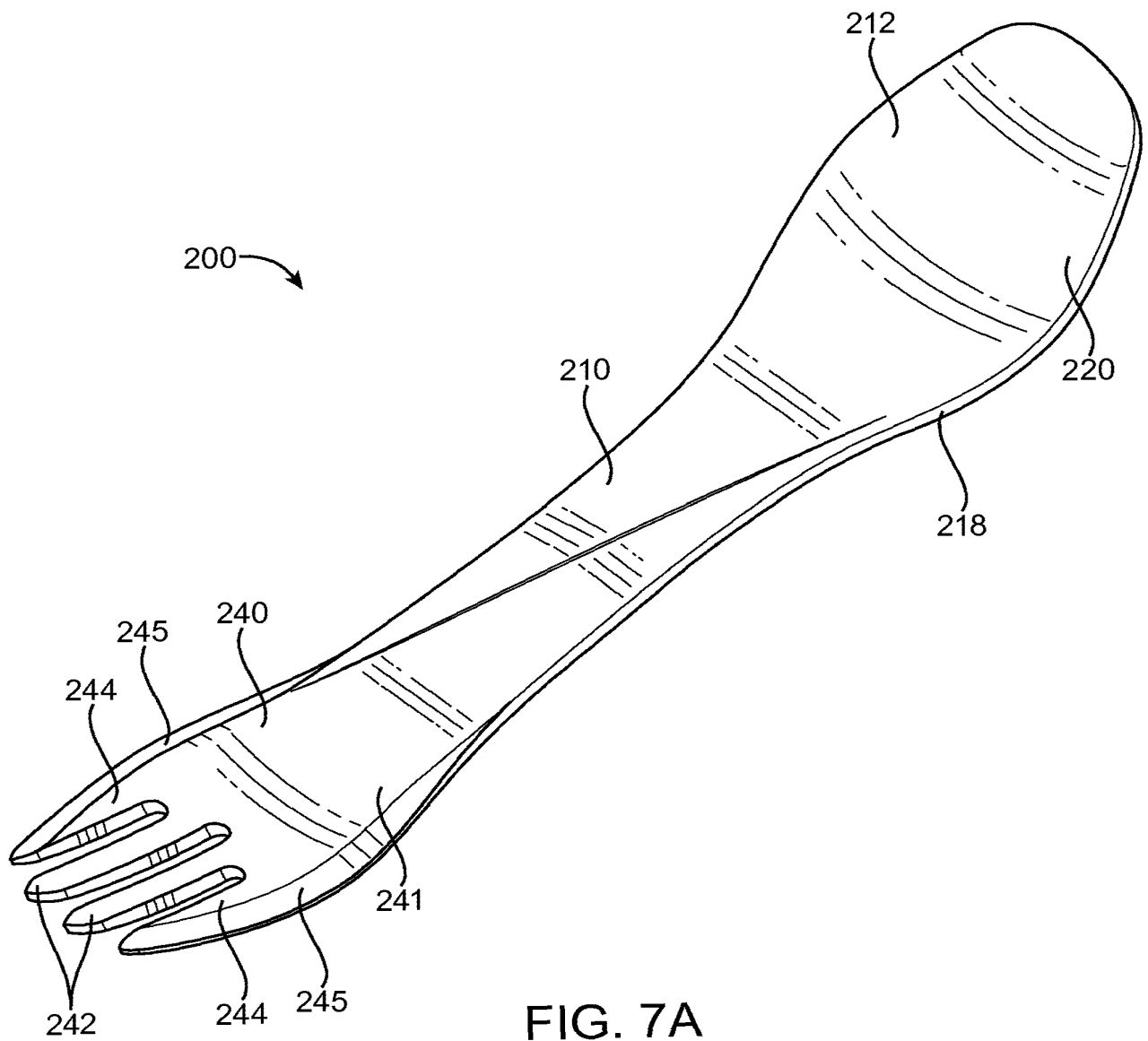


FIG. 7A

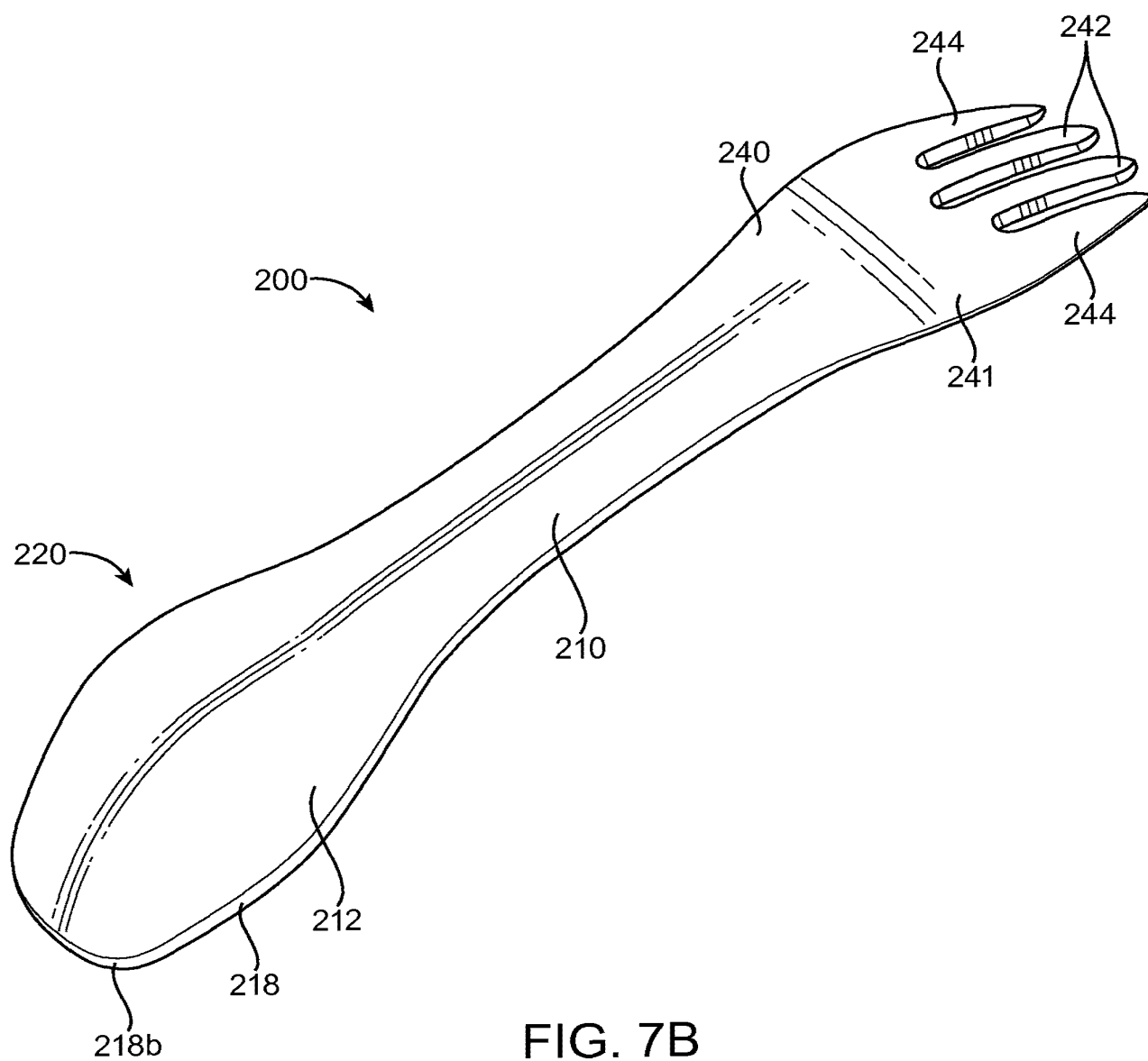


FIG. 7B

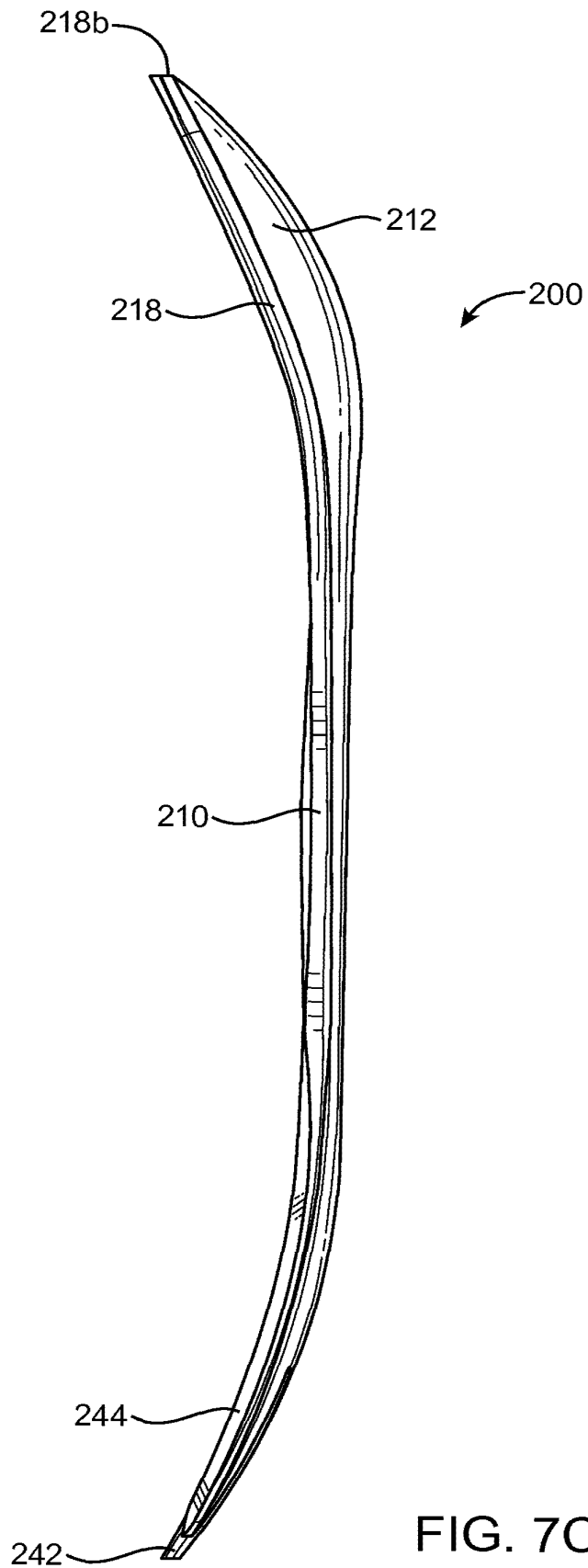


FIG. 7C

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: MIKSOVSKY et al.

Attorney Docket No.: HMG1P008

Application No.: Unassigned

Examiner: Unassigned

Filed: Herewith

Group: Unassigned

Title: EATING UTENSIL SYSTEM

Confirmation No.: Unassigned

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Cara Romero

**INFORMATION DISCLOSURE STATEMENT
37 CFR §§1.56 AND 1.97(b)**

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

Dear Sir:

The reference(s) identified in the attached PTO Form 1449 (copies of non-U.S. references are attached) may be material to examination of the above-identified patent application.

Applicants identify the reference(s) in compliance with their duty of disclosure pursuant to 37 CFR §§1.56 and 1.97. The Examiner is requested to make the identified reference(s) of official record in this application.

This Information Disclosure Statement is not to be construed as a representation that a search has been made, that additional information material to the examination of this application does not exist, or that the identified reference(s) indeed constitute prior art.

This Information Disclosure Statement is: (i) filed within three (3) months of the filing date of the above-referenced application, (ii) believed to be filed before the mailing date of a first Office Action on the merits, or (iii) believed to be filed before the mailing of a first Office Action after the filing of a Request for Continued Examination under §1.114. Accordingly, it is believed that no fees are due in connection with the filing of this Information Disclosure

Statement. However, if it is determined that any fees are due, the Commissioner is hereby authorized to charge such fees to Deposit Account 50-4481 (Order No. HMG1P008).

Respectfully submitted,
BEYER LAW GROUP LLP

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