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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
15/268,175	09/16/2016	Christopher A. MIKSOVSKY	HMG1P008D1	1040

58766 7590 07/25/2019

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
07/25/2019	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

Notice of Abandonment	Application No.	Applicant(s)
	15/268,175	MIKSOVSKY et al.
	Examiner	Art Unit
	JASON D PRONE	3724

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

This application is abandoned in view of:

1. ☑ Applicant's failure to timely file a proper reply to the Office letter mailed on 19 December 2018.
   (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
   (b) ☑ A proposed reply was received on 15 February 2019, but it does not constitute a proper reply under 37 CFR 1.113 to the final rejection. (A proper reply under 37 CFR 1.113 to a final rejection consists only of:(1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) if this is utility or plant application, a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. Note that RCEs are not permitted in design applications.)
   (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
   (d) ☐ No reply has been received.

2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
   (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
   (b) ☐ The submitted fee of $ _____ is insufficient. A balance of $ _____ is due.
   The issue fee required by 37CFR 1.18 is $ _____ . The publication fee, if required by 37 CFR 1.18(d), is $ _____ .
   (c) ☐ The issue fee and publication fee, if applicable, has not been received.

3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
   (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
   (b) ☐ No corrected drawings have been received.

4. ☐ The letter of express abandonment which is signed by the attorney or agent of record or other party authorized under 37 CFR 1.33 (b). See 37 CFR 1.138(b).

5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34) upon the filing of a continuing application.

6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.

7. ☐ The reason(s) below:

_____

/Jason Daniel Prone/
Primary Examiner, Art Unit 3724

Petitions to revive under 37 CFR 1.137, or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

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

Jul 25, 2019 03:38:53 AM

Dear PAIR Customer:

Beyer Law Group LLP
P. O. Box 51887
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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.
15268175	ABN	07/25/2019	HMG1P008D1

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PATENT APPLICATION INFORMATION RETRIEVAL SYSTEM

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
15/268,175	09/16/2016	Christopher A. MIKSOVSKY	HMG1P008D1	1040

58766 7590 03/01/2019

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
03/01/2019	ELECTRONIC

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

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USPTOmail@beyerlaw.com

Advisory Action Before the Filing of an Appeal Brief	Application No. 15/268,175	Applicant(s) MIKSOVSKY et al.	
	Examiner JASON D PRONE	Art Unit 3724	AIA Status Yes

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

THE REPLY FILED 15 February 2019 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

NO NOTICE OF APPEAL FILED

1. ☑ The reply was filed after a final rejection. No Notice of Appeal has been filed. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114 if this is a utility or plant application. Note that RCEs are not permitted in design applications. The reply must be filed within one of the following time periods:
   a) ☑ The period for reply expires 3 months from the mailing date of the final rejection.
   b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action; or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
   c) ☐ A prior Advisory Action was mailed more than 3 months after the mailing date of the final rejection in response to a first after-final reply filed within 2 months of the mailing date of the final rejection.The current period for reply expires ____ months from the mailing date of *the prior Advisory Action* or SIX MONTHS from the mailing date of the final rejection, whichever is earlier.
   Examiner Note: If box 1 is checked, check either box (a), (b) or (c). ONLY CHECK BOX (b) WHEN THIS ADVISORY ACTION IS THE FIRST RESPONSE TO APPLICANTS FIRST AFTER-FINAL REPLY WHICH WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. ONLY CHECK BOX (c) IN THE LIMITED SITUATION SET FORTH UNDER BOX (c). See MPEP 706.07(f).

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

NOTICE OF APPEAL

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

AMENDMENTS

3. ☐ The proposed amendments filed after a final rejection, but prior to the date of filing a brief, will not be entered because
   a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
   b) ☐ They raise the issue of new matter (see NOTE below);
   c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
   d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.
   NOTE: _____ (See 37CFR 1.116 and 41.33(a)).
4. ☐ The amendments are not in compliance with 37CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☑ Applicants reply has overcome the following rejection(s): 112 rejections to claims 8 and 14
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☑ For purposes of appeal, the proposed amendment(s):(a) ☐ will not be entered, or (b) ☑ will be entered, and an explanation of how the new or amended claims would be rejected is provided below or appended.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on _____
9. ☐ The affidavit or other evidence filed after final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
10. ☐ The affidavit or other evidence filed after the date of filing the Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
11. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

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

STATUS OF CLAIMS

15. The status of the claim(s) is (or will be) as follows:
    Claim(s) allowed:_____.
    Claim(s) objected to:_____.
    Claim(s) rejected:8-9,11-16 and 25-33.
    Claim(s) withdrawn from consideration:_____.

/Jason Daniel Prone/
Primary Examiner, Art Unit 3724

Continuation of REQUEST FOR RECONSIDERATION/OTHER 12. The request for reconsideration has been considered but does NOT place the application in condition for allowance because: The chamfer surface of LMFS extends from both the convex surface and the concave surface. The surfaces make up different parts of the same structure and if an item extends away from one, it extends away from the other. Curved cutting edges and serrated cutting edges are art known equivalents and it would have been obvious to have replaced one with the other especially if a desired intended use would be more efficiently completed with the other. As currently written, the claims would be rejected in the same manner as in the previous Office action.

OK TO ENTER: /JDP/

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: MIKSOVSKY et al.	Attorney Docket No.: HMG1P008D1
Application No.: 15/268,175	Examiner: PRONE, JASON D.
Filed: September 16, 2016	Group: 3724
Title: EATING UTENSIL SYSTEM	Confirmation No.: 1040

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 February 15, 2019.

Signed: _____/Cara Hedin/_____
Cara Hedin

AMENDMENT E ACCOMPANYING AFCP 2.0 REQUEST

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

Dear Commissioner:

In response to the Final Office Action dated December 19, 2018, 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.

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Mar 01, 2019 04:33:22 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.
15268175	CTAV	03/01/2019	HMG1P008D1

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PATENT APPLICATION INFORMATION RETRIEVAL SYSTEM

Doc Code: A.NE.AFCP
Document Description: After Final Consideration Pilot Program Request

PTO/SB/434 (05-13)

CERTIFICATION AND REQUEST FOR CONSIDERATION UNDER THE AFTER FINAL CONSIDERATION PILOT PROGRAM 2.0

Practitioner Docket No.:	Application No.:	Filing Date:
HMG1P008D1	15/268,175	September 16, 2016
First Named Inventor:	**Title:**	
Christopher A. MIKSOVSKY	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 (*e.g.*, 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, *e.g.*, 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.e.*, 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, *e.g.*, 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	Date
/Tina Chen/	February 15, 2019
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 1 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.: HMG1P008D1
Application No.: 15/268,175	Examiner: PRONE, JASON D.
Filed: September 16, 2016	Group: 3724
Title: EATING UTENSIL SYSTEM	Confirmation No.: 1040

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 February 15, 2019.

Signed: /Cara Hedin/
Cara Hedin

AMENDMENT E TRANSMITTAL

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

Commissioner:

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	24	MINUS	24	00	x 40 = $0.00	x 80 = $0.00
Independent Claims	03	MINUS	03	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. HMG1P008D1).

Respectfully submitted,
BEYER LAW GROUP LLP

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

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

REMARKS

On January 30, 2019, a telephone interview was held between Examiner Jason Prone and Applicant's representative, Tina Chen. The differences between the claimed invention and the Light My Fire Spork (LMFS), which was first brought to the Examiner's attention by Applicant's Representative in a voice mail on December 13, 2018, were discussed. Applicant's Representative noted that the LMFS "chamfer" is on the underside of the fork tine, whereas in the claimed invention, the chamfered edge is on the top or front (or food-receiving) surface. Applicant's Representative also noted that the LMFS "chamfer" is along a straight edge that is serrated, and that the serrations and the straight edge help with "sawing" food. The claimed invention has a curved chamfered edge, which is intended for "splitting" (not "sawing") food by using a "rocking action." The Examiner suggested filing a response under AFCP 2.0 and Applicant's Representative agreed to do so.

Rejections Under 35 U.S.C. §112

Claims 8-16 and 25-33 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 a joint inventor, or for pre-AIA the applicant regards as the invention. Independent Claims 8 and 14 are amended to overcome the Section 112 rejections. These amendments have been discussed with the Examiner.

Rejections Under 35 U.S.C. §103

Claims 8, 9, and 11-13 are rejected under 35 U.S.C. §103 as being unpatentalbe over Light My Fire Spork (LMFS) in view of Cox, U.S. Patent No. 88,370, and Geckler, U.S. Patent No. 3,014,277. Independent Claims 8 and 14 are amended to recite that the curved outer chamfered surface extends obliquely from the concave surface. These amendments are fully supported by the specification and claims, as originally filed, by, for example, Figs. 7A-7C.

The LMFS does not disclose or suggest a curved outer chamfered surface that extends obliquely from a concave surface. The LMFS "chamfered surface" extends obliquely from a ***convex*** surface, as the LMFS "chamfered surface" is on the "underside" or convex side of the fork bowl.

Furthermore, the LMFS "chamfered surface" is along a substantially straight edge, not a curved edge. The Examiner cites Cox for disclosing a curved outer edge. As mentioned above, the LMFS "chamfered surface" is along a straight edge that is serrated. Serrated edges are

typically provided to aid in a sawing action by providing many small splits in the surface of the material that is being sawed. The substantially straight serrated edge (as opposed to a curved edge) of the LMFS allows the teeth of the serrated edge to cut through food using a "sawing action."

In contrast, the claimed invention has a ***curved*** outer chamfered surface. The curved outer chamfered surface of the claimed invention is better suited for "splitting" foods using a back and forth rocking motion. If the LMFS serrated edge were curved, it would be much less effective as there would be a much smaller length of the edge "sawing" the food at any given time. The other cited references do not supply the deficiencies of LMFS and Cox discussed above.

Thus, for at least the reasons discussed above, amended Claims 8 and 14 are not obvious in view of the cited references, either alone or in combination. Claims 9-13, 15, 16, and 25-33, which depend from and include all of the limitations of amended Claim 8 or 14, are also patentable over the cited references. Furthermore, each of the dependent claims recites additional 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.

Respectfully submitted,
BEYER LAW GROUP LLP

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

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

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

Listing of Claims:

1. (Withdrawn) An eating utensil, comprising:

a fork having a handle connected to a head portion including plurality of tines; and

a spoon having a substantially five-sided bowl portion the spoon having a handle with a proximal end connected to a proximal end of the handle of the fork.

2. (Withdrawn) The eating utensil as recited in claim 1, wherein the fork and spoon are integrally formed.

3. (Withdrawn) The eating utensil as recited in claim 1, wherein the chamfered edge tapers to a point where the handle of the fork is connected to the head portion of the fork.

4. (Withdrawn) The eating utensil as recited in claim 1, wherein the handle of the spoon has a chamfered outer edge.

5. (Withdrawn) The eating utensil as recited in claim 1, wherein the eating utensil is formed of a glass reinforced thermoplastic material.

6. (Withdrawn) The eating utensil as recited in claim 1, the head portion of the fork has at least one tine on a curved outer edge.

7. (Withdrawn) The eating utensil as recited in claim 6, wherein the at least one tine has a chamfered outer edge along substantially its entire length.

8. (Currently Amended) An eating utensil, comprising:

first and second head portions;

a handle portion extending between **the** **[[a]]** first **and second** head ~~**portion**~~ **portions** ~~**and a second head portion**~~, wherein:

the first head portion comprises a plurality of tines, wherein **the first head portion including** ~~**at least one of**~~ the plurality of tines **defines a concave surface, a first one of the plurality of tines having a distal tip, and wherein the first head portion including the first one of the plurality of tines defines** ~~**has**~~ a curved outer ~~**edge having a**~~ chamfered surface**, the curved outer chamfered surface extending from the** ~~**between a**~~ distal tip of the **first one of the plurality of tines and tapering to** ~~**tine and**~~ a point **adjacent** ~~**where the curved outer edge meets**~~ the handle **portion, the chamfered surface extending obliquely from the concave surface**; and

the second head portion comprises a **spoon** bowl **with** ~~**of a spoon, the bowl having**~~ multiple sides **being connected via** ~~**and**~~ substantially rounded corners~~**, wherein the handle portion, the curved outer edge of the first head portion, and at least one of the sides at least one of the substantially rounded corners define a side edge that extends continuously along an entire length of the utensil from the distal tip of the tine to a distal tip of the bowl of the spoon, and wherein the chamfered surface of the curved outer edge of the at least one of the plurality of tines is chamfered at an angle from the side edge**~~.

9. (Original) The eating utensil as recited in claim 8, wherein the handle, the first head portion, and the second head portion are integrally formed.

10. (Canceled)

11. (Original) The eating utensil as recited in claim 8, wherein the plurality of tines includes at least one central tine that is substantially straight.

12. (Original) The eating utensil as recited in claim 8, wherein the at least one of the plurality of tines has a substantially straight inner edge.

13. (Original) The eating utensil as recited in claim 8, wherein the eating utensil is formed of a glass reinforced thermoplastic material.

14. (Currently Amended) An eating utensil, comprising ~~a fork including~~:

a head portion;

a handle portion connected to the head portion, wherein:

the [[a]] head portion **comprises** ~~including~~ a plurality of tines, wherein **the head portion including the plurality of tines defines a concave surface,** an outer **one** ~~tine~~ of the plurality of tines **having a distal tip, the head portion including the outer one of the plurality of tines defines a curved outer** ~~extends between a first end and a second end of the tine, the outer tine having a curved outer edge having a~~ chamfered surface**, the chamfered surface extending from the distal tip of the outer one of the plurality of tines and tapering to a point adjacent the handle portion, and the chamfered surface extending obliquely from the concave surface** ~~that is chamfered between the first end and the second end of the tine; and~~

~~a handle portion connected to the head portion, wherein the first end of the tine is defined by a tip of the outer tine and the second end of the tine is where handle portion meets the chamfered surface, the chamfered surface tapering to a point at the second end of the tine, wherein the handle portion and the curved outer edge of the head portion define a side edge that extends continuously along an entire length of the utensil, and wherein the chamfered surface is chamfered at an angle from the side edge~~.

15. (Previously Presented) The eating utensil as recited in claim 14, wherein the chamfered surface spans an entire width of the outer tine at a distal tip of the outer tine.

16. (Previously Presented) The eating utensil as recited in claim 14, comprising a second outer tine that has a curved outer edge.

17.-24. (Cancelled)

25. (Previously Presented) The eating utensil as recited in claim 8, wherein the handle comprises a diagonal ridge.

26. (Previously Presented) The eating utensil as recited in claim 14, further comprising a spoon bowl integrally formed with the handle portion, wherein the spoon bowl extends from an end of the handle portion opposite an end from which handle portion meets the head portion.

27. (Previously Presented) The eating utensil as recited in claim 26, wherein the spoon bowl is angled from the handle portion at an angle of about 20-25 degrees.

28. (Previously Presented) The eating utensil as recited in claim 26, wherein the spoon bowl has a substantially flat side edge.

29. (Previously Presented) The eating utensil as recited in claim 26, wherein the bowl has a substantially flat end edge.

30. (Previously Presented) The eating utensil as recited in claim 26, wherein the spoon bowl has a substantially pentagonal shape.

31. (Previously Presented) The eating utensil as recited in claim 30, wherein the spoon bowl has substantially rounded corners.

32. (Previously Presented) The eating utensil as recited in claim 26, wherein the handle comprises a diagonal ridge.

33. (Previously Presented) The eating utensil as recited in claim 14, wherein the eating utensil is formed of a glass reinforced thermoplastic material.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: MIKSOVSKY et al.	Attorney Docket No.: HMG1P008D1
Application No.: 15/268,175	Examiner: PRONE, JASON D.
Filed: September 16, 2016	Group: 3724
Title: EATING UTENSIL SYSTEM	Confirmation No.: 1040

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 February 15, 2019.

Signed: _____/Cara Hedin/_____
Cara Hedin

AMENDMENT E ACCOMPANYING AFCP 2.0 REQUEST

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

Dear Commissioner:

In response to the Final Office Action dated December 19, 2018, 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.

Electronic Acknowledgement Receipt

EFS ID:	35164476
Application Number:	15268175
International Application Number:	
Confirmation Number:	1040
Title of Invention:	EATING UTENSIL SYSTEM
First Named Inventor/Applicant Name:	Christopher A. MIKSOVSKY
Customer Number:	58766
Filer:	Tina Chen/Cara Hedin
Filer Authorized By:	Tina Chen
Attorney Docket Number:	HMG1P008D1
Receipt Date:	15-FEB-2019
Filing Date:	16-SEP-2016
Time Stamp:	13:23:49
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	After Final Consideration Program Request	HMG1P008D1_AFCP_Request_2.pdf	226683 02f3e2fd9b4671654806d684e16019f62d69c91b	no	2

Warnings:

Information:					
2	Miscellaneous Incoming Letter	HMG1P008D1_Amendment_E_Transmittal.pdf	21290 45368fd9d7815fe70cbd96e6922a05dfbe16be47	no	1
Warnings:					
Information:					
3		HMG1P008D1_Amendment_E.pdf	52100 76bb9df21a657ba1f625a4820932e7ddae732ea3	yes	7

	Multipart Description/PDF files in .zip description		
	Document Description	**Start**	**End**
	Applicant Arguments/Remarks Made in an Amendment	6	7
	Claims	2	5
	Response After Final Action	1	1

Warnings:	
Information:	
Total Files Size (in bytes):	300073

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

New Applications Under 35 U.S.C. 111

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

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

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

New International Application Filed with the USPTO as a Receiving Office

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

PTO/SB/06 (09-11)
Approved for use through 1/31/2014. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875	Application or Docket Number 15/268,175	Filing Date 09/16/2016	☐ To be Mailed

ENTITY: ☐ LARGE ☑ SMALL ☐ MICRO

APPLICATION AS FILED - PART I

FOR	(Column 1) NUMBER FILED	(Column 2) 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 $40 =	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*		x $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).				
☐ 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	02/15/2019	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA		RATE ($)	ADDITIONAL FEE ($)
	Total (37 CFR 1.16(i))	* 24	Minus	** 24	= 0		x $50 =	0
	Independent (37 CFR 1.16(h))	* 3	Minus	*** 3	= 0		x $230 =	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		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA		RATE ($)	ADDITIONAL FEE ($)
	Total (37 CFR 1.16(i))	*	Minus	**	=		x $0 =	
	Independent (37 CFR 1.16(h))	*	Minus	***	=		x $0 =	
	☐ 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.	LIE
** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".	/LASHAWN R MORGAN/
*** 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.	

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
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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
15/268,175	09/16/2016	Christopher A. MIKSOVSKY	HMG1P008D1	1040

58766 7590 12/19/2018

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
12/19/2018	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. 15/268,175	Applicant(s) MIKSOVSKY et al.	
	Examiner JASON D PRONE	Art Unit 3724	AIA 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 10-24-18.

☐ 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) 8-9,11-16 and 25-33 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) 8-9,11-16 and 25-33 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 _____ 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) ☑ 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.

Allowable Subject Matter

2. The indicated allowability of claims 14-16 and 26-33 is withdrawn in view of the newly discovered reference(s) to Light My Fire Spork (hereafter LMFS) supplied by Applicant. Rejections based on the newly cited reference(s) follow. It is noted that on Page 6 of 8 there is a review dated December 2, 2009. This is the date utilized for this reference.

Claim Rejections - 35 USC § 112

3. 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.

4. Claims 8-16 and 25-33 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.

Claims 8, 9, and 25 recite the limitation "the handle" on line 6, line 1, and line 1 respectively. There is insufficient antecedent basis for this limitation in the claims.

With regards to claim 8, it is unclear how the tine alone can have the curved outer edge and the chamfer surface at a point where the outer edge meets the handle.

The tine does not extend that far back. It is the first head portion along with the outer tine that both define the curved outer edge and the chamfer surface.

With regards to claim 8 line 5, the phrase "the tine" is unclear. It is unclear which of the tines is being referenced. The phrase should be replaced with "the at least one tine".

With regards to claim 8, the phrases "define a side edge that extends continuously along an entire length". It is unclear how the side edge can be continuous when it stops at the distal ends.

With regards to claim 14, the phrase "an outer tine…extends between a first end and a second end of the tine" is unclear. An item cannot extend to and from itself. The other tine has a first and second end.

With regards to claim 14, the phrase "the second end of the tine is where the handle portion meets the chamfered surface" does not appear to be true. The curved outer edge and the tine extend beyond the tine as they extend towards the handle portion. Therefore, the tine alone cannot define the outer edge and the chamfer surface. It is a combination of the tine with head portion that defines the edge and the surface.

With regards to claim 15, it is unclear if the distal tip represents the same or a different structure than the tip disclosed in claim 14. As written, the outer tine has a tip and a separate distal tip which is not supported.

With regards to claim 16, the second tine needs to further limit the previous "plurality of tines" disclosure of claim 14 since it makes up part of the plurality.

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.

5. 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, 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.

6. Claims 8, 9, and 11-13 are rejected under 35 U.S.C. 103 as being unpatentable over Light My Fire Spork (hereafter LMFS) in view of Cox (88,370) and Geckler (3,014,277). Please see the Figure below with Examiner added reference labels to LMFS.

With regards to claims 8, 9, 11, and 12, LMFS discloses an eating utensil (e) having a handle portion (hp) extending between a first head portion (1p) and a second head portion (2p), a first head portion has a plurality of tines (t), at least one (ot) of the tines has an outer edge (oe) having a chamfered surface (cs) between a distal tip of the tine (dt) and a point where the outer edge meets the handle (pt), the second head portion has a bowl (b), the handle, the first head portion, and the second head portion are integrally formed (hp, 1p, 2p), the tines includes at least one central tine that is substantially straight (ct), and the at least one tine has a substantially straight inner edge (ie).

However, with regards to claim 8, LMFS fails to disclose the outer edge is curved and the curve meets the handle.

Cox teaches it is old and well known in the art of cutting edged outer fork tines to incorporate a curve outer edge and the curve meets the handle (Fig. 1). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of filing, to have provided LMFS with the curved outer edge, as taught by Cox, 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.

With regards to claim 8, LMFS fails to disclose the spoon bowl with multiple sides and substantially rounded corners.

Geckler teaches it is old and well known in the art of spoon bowls to incorporate multiple sides (24, 26) and substantially rounded corners (40). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of filing, to have provided LMFS with the spoon bowl specifics, as taught by Geckler, 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.

It is noted that the combination of LMFS in view of Cox and Geckler disclose the handle portion, the curved outer edge, at least one of the sides and at least one of the corners define a side edge that extends continuously along an entire length of the

utensil from the distal tip to the distal tip of the bowl (se) and the chamfered surface is chamfered at an angle from the side edge (se, cs).

However, with regards to claim 13, LMFS in view of Cox and Geckler fail to disclose the utensil is formed of a glass reinforced thermoplastic material.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to formed the utensil 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. Therefore, it would have been an obvious matter of design choice to modify the device of LMFS in view of Cox and Geckler 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.

7. Claim 25 is rejected under 35 U.S.C. 103 as being unpatentable over LMFS in view of Cox (88,370) and Geckler (3,014,277) as applied to claim 8 above, and further in view of Hougland (2005/0066531). LMFS in view of Cox and Geckler fail to disclose the handle has a diagonal ridge.

Hougland teaches it is old and well known in the art of eating utensils to incorporate a diagonal ridge (11). Such a modifiaction would allow for a better handleing of the utensil. Therefore, it would have been obvious to one of ordinary skill in the art, at the time of filing, to have provided LMFS in view of Cox and Geckler with a ridge, as taught by Hougland, because 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.

8. Claims 14-16, 26, 27, and 33 are rejected, as best understood, under 35 U.S.C. 103 as being unpatentable over LMFS in view of Cox (88,370). Fork Please see the Figure below with Examiner added reference labels to LMFS. With regards to 14-16, 26, and 27, LMFS discloses an eating utensil (e) having a fork with a head portion (1p) including a plurality of tines (t), an outer tine of the tines extend between a first end and a second end (t), the outer tine having an outer edge (oe) having a chamfered surface between the ends of the tine (cs), a handle portion connected to the head portion (hp), the first end of the tine is defined by a tip of the outer tine (dt), the second end of the tine is where the handle portion meets the chamfered surface (pt), the chamfered surface tapering to a point at the second end of the tine (pt), the chamfered surface spans an entire width of the other tine at a distal tip of the outer tine (dt, cs), a second outer tine (2ot), a spoon bowl integrally formed with the handle portion (b), the bowl extends from an end of the handle portion opposite an from which the handle portion meets the head portion (b, hp, 1p), and the bowl is angled from the handle portion at an angle of about 20-25 degrees (b, hp).

However, with regards to claims 14 and 16, LMFS fails to disclose the outer edge is curved and the second outer tine has a curved outer edge.

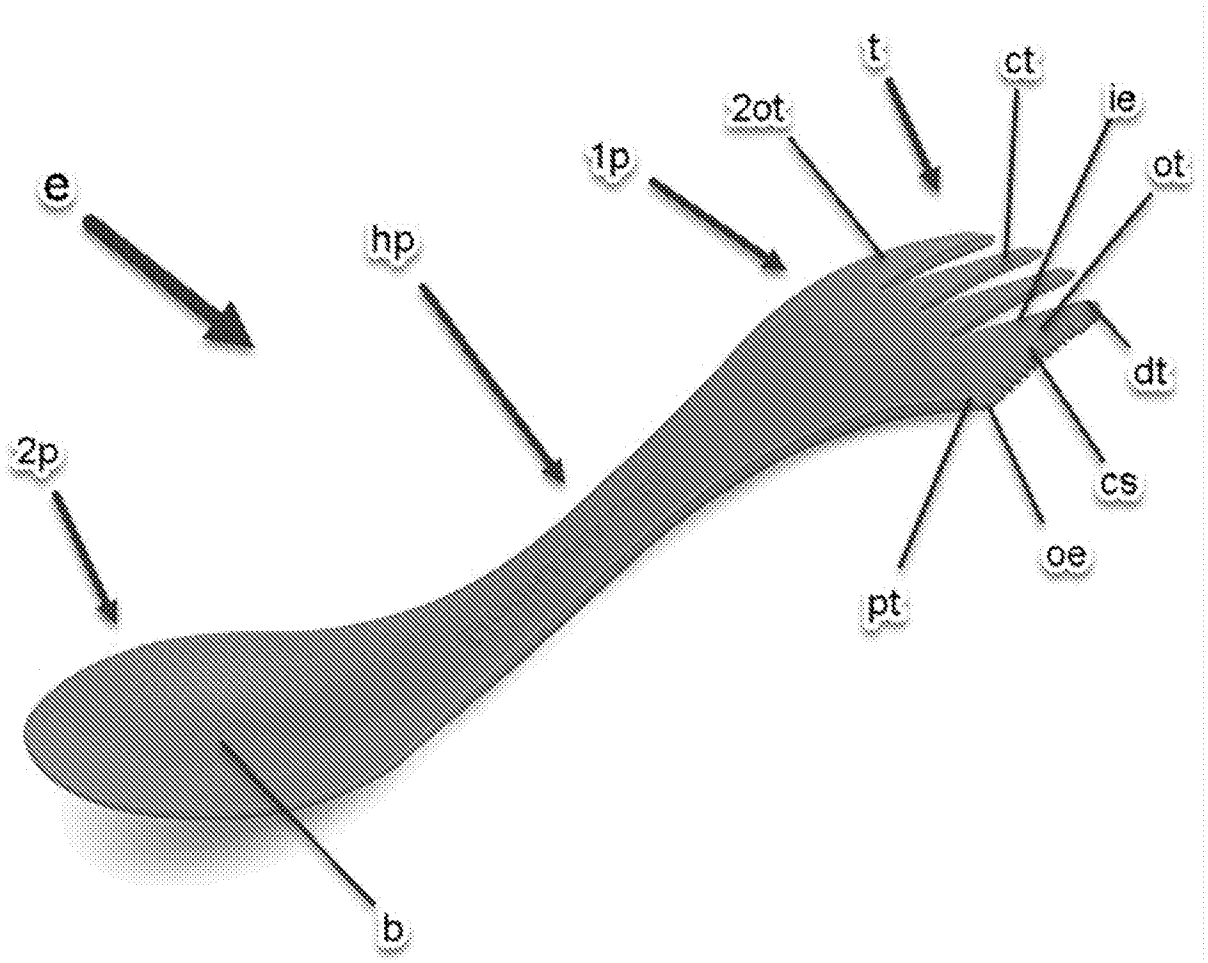
Cox teaches it is old and well known in the art of cutting edged outer fork tines to incorporate a curve outer edge and a second outer tine having a curved outer edge (Fig. 1). It would have been well within one's technical skill to have made the outer

edges of each of the outer tines mirror images of each other as taught by Cox. Therefore, it would have been obvious to one of ordinary skill in the art, at the time of filing, to have provided LMFS with the curved outer edges, as taught by Cox, 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.

It is noted that the combination of LMFS in view of Cox disclose the handle portion and the curved outer edge define a side edge that extends continuously along an entire length of the utensil (se) and the chamfered surface is chamfered at an angle from the side edge (se, cs).

However, with regards to claim 33, LMFS in view of Cox fail to disclose the utensil is formed of a glass reinforced thermoplastic material.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to formed the utensil 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. Therefore, it would have been an obvious matter of design choice to modify the device of LMFS in view of Cox to obtain the invention as specified in claim 33. 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.



9. Claims 28-31 are rejected under 35 U.S.C. 103 as being unpatentable over LMFS in view of Cox (88,370) as applied to claims 14 and 26 above, and further in view of Geckler (3,014,277). LMFS in view of Cox fail to disclose the spoon bowl a substantially flat side edge, a substantially flat end edge, the bowl is substantially pentagonal shaped, and the bowl has substantially rounded corners.

Geckler teaches it is old and well known in the art of spoon bowls to incorporate a substantially flat side edge (26), a substantially flat end edge (28), the bowl is substantially pentagonal shaped (Fig. 1), and the bowl has substantially rounded corners (40). Therefore, it would have been obvious to one of ordinary skill in the art, at

the time of filing, to have provided LMFS in view of Cox with the spoon bowl specifics, as taught by Geckler, 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.

10. Claim 32 is rejected under 35 U.S.C. 103 as being unpatentable over LMFS in view of Cox (88,370) as applied to claims 14 and 26 above, and further in view of Hougland (2005/0066531). LMFS in view of Cox fail to disclose the handle has a diagonal ridge.

Hougland teaches it is old and well known in the art of eating utensils to incorporate a diagonal ridge (11). Such a modifiaction would allow for a better handleing of the utensil. Therefore, it would have been obvious to one of ordinary skill in the art, at the time of filing, to have provided LMFS in view of Cox with a ridge, as taught by Hougland, because 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.

Response to Arguments

11. Applicant's arguments with respect to claims 8-16 and 25-33 have been considered but are moot because the arguments do not apply to the current rejection.

Conclusion

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

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JASON DANIEL PRONE whose telephone number is (571)272-4513. The examiner can normally be reached on Monday-Friday: 7:30 am-3:30 pm.

Examiner interviews are available via telephone, in-person, and video conferencing using a USPTO supplied web-based collaboration tool. To schedule an interview, applicant is encouraged to use the USPTO Automated Interview Request (AIR) at http://www.uspto.gov/interviewpractice.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrea Wellington can be reached on (571)272-4483. 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.

14 December 2018

/Jason Daniel Prone/

Primary Examiner, Art Unit 3724

Applicant-Initiated Interview Summary	**Application No.** 15/268,175	**Applicant(s)** MIKSOVSKY et al.	
	Examiner JASON D PRONE	**Art Unit** 3724	**AIA Status** Yes

All participants (applicant, applicants representative, PTO personnel):

(1) JASON DANIEL. PRONE. (3) _____.

(2) Tina Chen. (4) _____.

Date of Interview: 13 December 2018.

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: N/A.

Identification of prior art discussed: Light My Fire Spork.

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...)

Tina Chen left a phone message and an email with the Examiner notifying him of the Light My Fire Spork non-patent literature reference. http://www.lightmyfire.com/products/products/spork/spork-original.aspx.

Applicant recordation instructions: The formal written reply to the last Office action must include the substance of the interview. (See MPEP section 713.04). If a reply to the last Office action has already been filed, applicant is given a non-extendable period of the longer of one month or thirty days from this interview date, or the mailing date of this interview summary form, whichever is later, to file a statement of the substance of the interview

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	

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record
A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

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

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

37 CFR §1.2 Business to be transacted in writing.
All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

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

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

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

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

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

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

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

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

Examiner to Check for Accuracy

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

Notice of References Cited	Application/Control No. 15/268,175	Applicant(s)/Patent Under Reexamination MIKSOVSKY et al.	
	Examiner JASON D PRONE	Art Unit 3724	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	CPC Classification	US Classification
	A					
	B					
	C					
	D					
	E					
	F					
	G					
	H					
	I					
	J					
	K					
	L					
	M					

FOREIGN PATENT DOCUMENTS

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

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	Light My Fire Spork Medium BPA-Free Tritan Spork with Full-Sized Spoon, Fork and Serrated Knife Edge, December, 2 2009; https://www.amazon.com/Light-Fire-BPA-Free-Full-Sized-Serrated/dp/B00B5A2YX0/ref=sr_1_2_sspa?ie=UTF8&qid=1544804816&sr=8-2-spons&keywords=light+my+fire+spork&psc=1
	V	
	W	
	X	

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

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	15/268,175	MIKSOVSKY et al.
	Examiner	Art Unit
	JASON D PRONE	3724

CPC - Searched*		
Symbol	Date	Examiner
A47G 21/02, 023, 04, 06, 08		
A47J 43/28-282	8/31/2017	/JP/

CPC Combination Sets - Searched*		
Symbol	Date	Examiner

US Classification - Searched*			
Class	Subclass	Date	Examiner
30	147-150, 322-328		
D7	643, 644, 653	8/31/2017	/JP/

* See search history printout included with this form or the SEARCH NOTES box below to determine the scope of the search.

Search Notes		
Search Notes	Date	Examiner
consulted USPC and CPC		
inventor search	8/31/2017	/JP/
updated search	12/14/2018	/JP/

Interference Search			
US Class/CPC Symbol	US Subclass/CPC Group	Date	Examiner

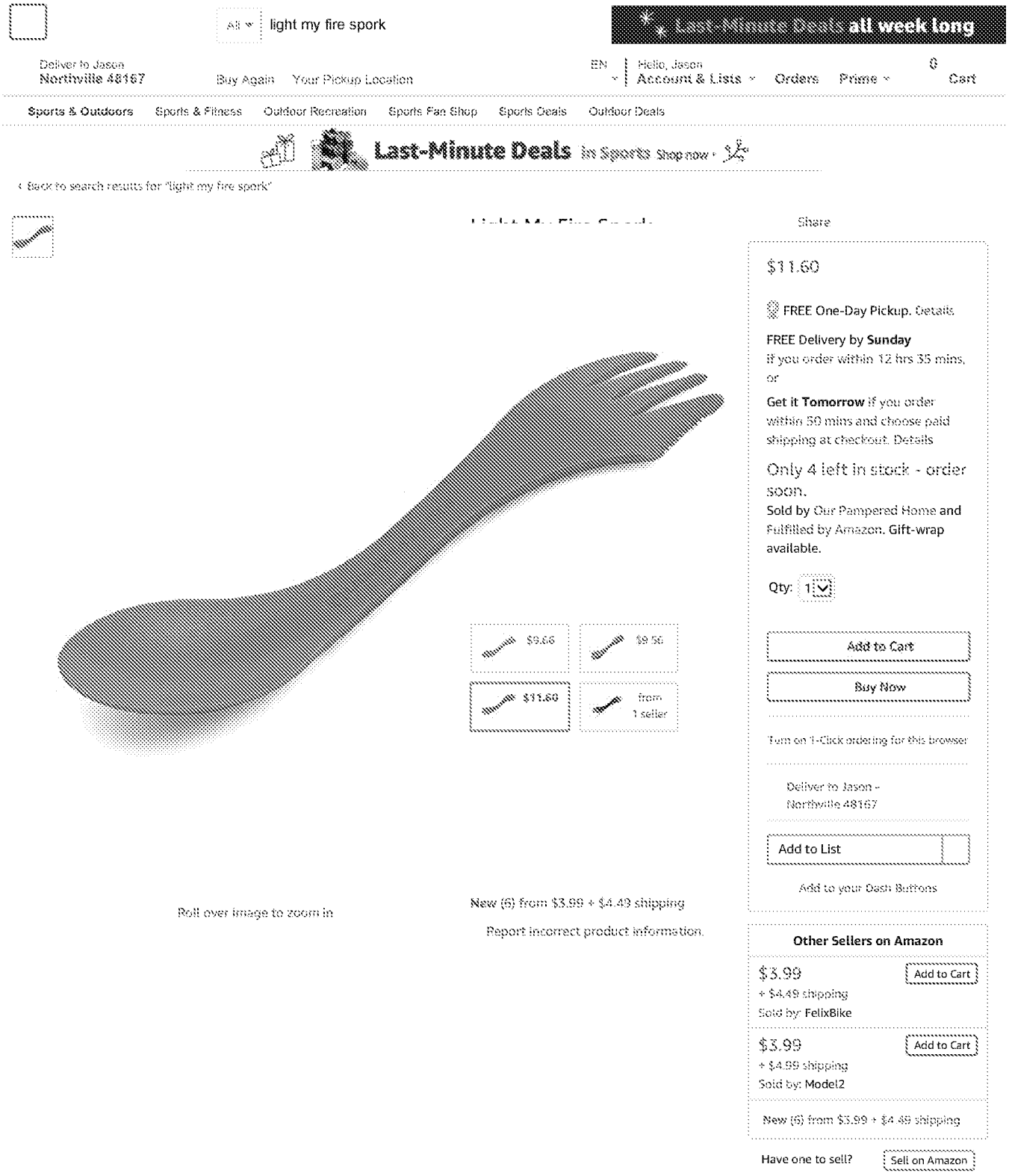
Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	15/268,175	MIKSOVSKY et al.
	Examiner	Art Unit
	JASON D PRONE	3724

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

CLAIMS

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

CLAIM		DATE								
Final	Original	07/12/2017	08/31/2017	01/31/2018	07/05/2018	12/14/2018				
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	6	÷	N	N	N	N				
	7	÷	N	N	N	N				
	8	÷	✓	✓	✓	✓				
	9	÷	✓	✓	✓	✓				
	10	÷	✓	-	-	-				
	11	÷	✓	✓	✓	✓				
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	33			✓	✓	✓				


All
light my fire spork
Last-Minute Deals all week long
Deliver to Jason
Northville 48167
Buy Again
Your Pickup Location
EN
Hello, Jason
Account & Lists
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Outdoor Deals
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Add to Cart
+ $4.49 shipping
Sold by: FelixBike
$3.99
Add to Cart
+ $4.99 shipping
Sold by: Model2
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Frequently bought together



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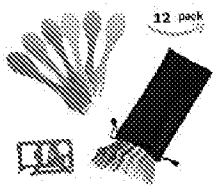
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- **This item:** Light My Fire Spork Medium BPA-Free Tritan Spork with Full-Sized Spoon, Fork and Serrated Knife Edge $11.60
- Light my Fire Titanium Spork $14.99
- GSI Outdoors Infinity Backpacker Mug $9.95

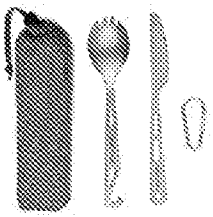
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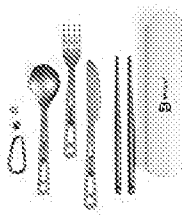
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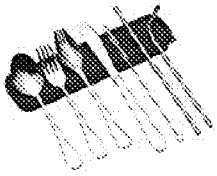


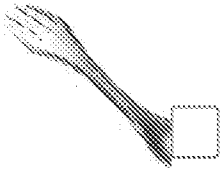


12 Pack Sporks,Durable & BPA Free Tritan Sporks,Spoon Fork & Knife Combo Utensils,6...
26
$10.99


KUCHYNEE Titanium Spork Knife Camping Utensils Portable Flatware Ultra Lightweight ...
2
$16.99


Titanium Utility Professional Cutlery 4 Piece Set: Fork, Spoon, Knife, Chopsticks +...
70
$29.88


ArderLive 7 Piece Stainless Steel Flatware Set, Healthy & Eco-Friendly utensils Wit...
17
$8.99


Outsmart 3 in 1 Ultral Titanium Spork | Port and Reusable Multi To for Ba...
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$14.95

Ad feedback

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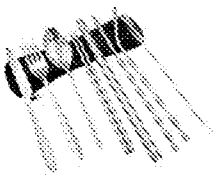
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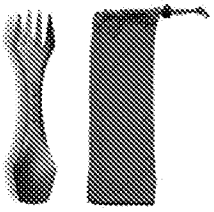
Light my Fire Original BPA-Free Tritan Spork with Full-Sized Spoon,



SSAWcase 4 Pack Sporks Camping,Stainless Steel Flatware Set with Travel



VICSOME 8Pcs Camping Flatware Set, Portable Stainless Steel Utensils



Valtcan Titanium Spork for Hiking Camping Outdoor Lunch Home Office Meals



Esbit Ultra Lightweight Titanium Cutlery 3 Piece Set with Fork, Spoon and

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Color: Orange

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   Explore other benefits on www.amazon.com/family. We'll periodically email you exclusive discounts, parenting tips, and much more - handpicked just for your family.

Boy or girl: Select | Arrival date or birthdate: Month / Day / Year | Child's name (optional) | Submit

Have a question?

Find answers in product info, Q&As, reviews

Product description

Product Description

Some committed outdoor folks wanted something a bit longer than the Spork original for those deep, freeze-dried food pouches that are just a little too deep. So we added a slightly larger model (extra medium) to our assortment with the same features as our Spork original, only slightly longer and wider. The Spork extra-medium is perfect for stirring the ingredients at the bottom of that bag without putting your hand in your food. And just like the Spork original, the Spork extra-medium is perfect for your backpack, boat, picnic basket, lunchbox, purse, or briefcase.

From the Manufacturer

The Spork XM is a larger version of the spoon-fork-knife combo.

Product details

Color: Orange

Product Dimensions: 8 x 1.6 x 1 inches

Shipping Weight: 0.3 ounces (View shipping rates and policies)

Domestic Shipping: Item can be shipped within U.S.

International Shipping: This item can be shipped to select countries outside of the U.S. Learn More

ASIN: B00B5A2YX0

Item model number: S-SP-XM-BULK-T Orange

Average Customer Review: 92 customer reviews

Amazon Best Sellers Rank: #267,999 in Sports & Outdoors (See Top 100 in Sports & Outdoors)
#129 in Sports & Outdoors > Outdoor Recreation > Camping & Hiking > Camp Kitchen > **Cooking Utensils**
#168 in Sports & Outdoors > Outdoor Recreation > Camping & Hiking > Camp Kitchen > Dishes & Utensils > **Flatware**

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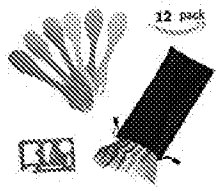


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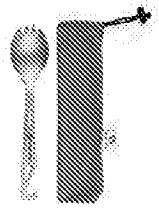
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12 Pack Sporks,Durable & BPA Free Tritan Sporks,Spoon Fork & Knife Combo Utensils,6...

26

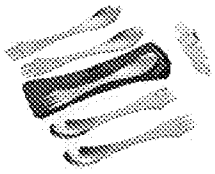
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Spork 1 Unit, Titanium Spork (Spoon Fork) With Bottle Opener Extra Strong Ultra Lig...

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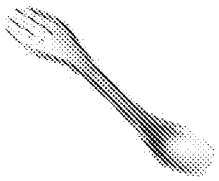
$10.99



Tapirus 5 Spork of Steel Utensils Set | Durable & Rust Proof Stainless Steel | Spoo...

266

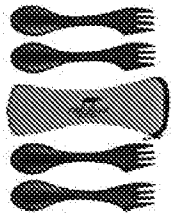
$13.99



Outsmart 3 in 1 Ultralight Titanium Spork | Portable and Reusable Multi Tool for Ba...

174

$14.95



Tapirus 4 Blue Spork To Go Set | Durable & BPA Free Tritan Sporks | Spoon, Fork & K...

163

$9.95

Ad feedback



Ad feedback

Customer questions & answers

Have a question? Search for answers

0 votes

Question: Is the metirial top seacret ???

Answer: The material is Tritan- A BPA free plastic.
By Customer IR MANUFACTURER on October 28, 2018

See more answers (2)

0 votes

Question: Has anyone used it with a child? I'm wondering if the knife that is blended with the fork could hurt a 5 year old.

Answer: I don't think the child could cut them self with it. I have found that these can snap in half fairly easy.
By Cornice on May 26, 2015

See more answers (5)

92 customer reviews

3.7 out of 5 stars

Read reviews that mention

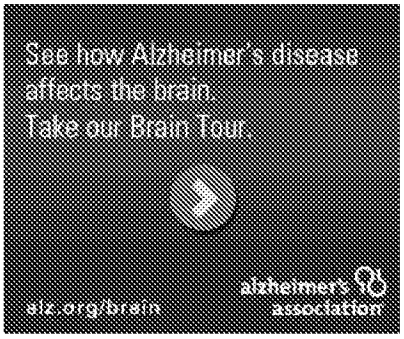
5 star 41%

4 star	24%
3 star	21%
2 star	8%
1 star	6%

Review this product

Share your thoughts with other customers

Write a customer review



Ad feedback

light my fire | sea to summit | fire spork | broke in half | long enough

Showing 1-8 of 92 reviews

Top Reviews

Ezra

Great camping utensil at an awesome price!

June 30, 2015

Color: Navy Blue Verified Purchase

I love backpacking and I really love to eat. Over the past few months of almost-weekly backpacking trips, I've found that the Light My Fire Spork meets 100 percent of my criteria: it scoops food and it's light and durable. I love that the fork and spoon are separate (combining them into a spork makes both the spoon and the fork worse). The knife edge on the fork is pretty much useless, but I take this camping and there's no food I need to cut (and if i did, I always have at least 1 real knife with me).

This is their newest model, which is pretty long (good for reaching the bottom of a freeze-dried meal pouch or stirring a hot pot). I like the size, and I always chuckle when I see that the big utensil makes my hand seem tiny!

Helpful Comment Report abuse

Portista

Spoon-Fork Combo for Camping

August 18, 2015

Color: Cyan Verified Purchase

Larger than I expected (and brighter blue), this is not a classic spork, in that the spoon and fork aren't combined-- rather there's one at each end. As an additional benefit, the fork-end has a serrated edge is supposed to serve as a knife as well. Unfortunately, you can't hold the food down with the fork while you cut it with the knife, as silverware is normally used-- since the fork IS the knife, you'll end up holding down whatever you're cutting with your fingers anyway. Still, most campers have a separate knife anyway.

One person found this helpful

Helpful Comment Report abuse

williamsr81

Fairly well executed Spork

February 21, 2013

Color: Navy Blue Verified Purchase

I took this ice fishing with me the other day, as sort of a trial run for my outdoor backpacking cooking system. I was impressed with the functionality of the Light my Fire XM Spork, it makes eating far easier and is certainly a lot lighter than your traditional fork, knife and spoon set. While it worked fairly effectively, I was disappointed at how bendable it was. Under normal eating conditions I don't see this being a problem, however if you had to stab into something thick or have ever had one of the plastic forks break in your hands be aware that this is going to feel more durable but still a little flimsy compared to your standard metal alloys. This spork also comes in a smaller model, but with my large hands, I wear a XXL mechanics glove, this one was a perfect fit for me.

Helpful Comment Report abuse

Danislav

I needed this

October 5, 2015

Color: Green Verified Purchase

As a chronic resistor to getting new gear that replaces working gear I already have, I needed to get this. I have been using the same mess-kit metalware since the 1980s and I finally upgraded. I love this thing. It is all-in-one and the light green makes it easy to find without being garish. The spoon and fork sides are a bit larger than your average spoon and fork, but the size makes it, especially the spoon side, much more useful. I don't use the "knife" part very much since I use my pocket knife. Lightweight, great shape, and super easy to clean.

Helpful Comment Report abuse

Christopher S. Cornette

AWESOME product

December 2, 2009

Verified Purchase

I recently saw someone using one of these, and knew I had to have one. The best, simplest utensil option for camping, or just to have around the office when you want a snack.

This version is heat-resistant and large, for scooping out of the deep bags that camping food can come in, which is great, but the spoon may be a bit too big for those with a small mouth.

Other versions include the smaller and more durable Light My Fire Titanium Spork and the Light My Fire Spork which is available in different colors, individually, or in packs.

10 people found this helpful

Helpful Comment Report abuse

Nobody Special

Not perfect

April 13, 2014

Color: Navy Blue Verified Purchase

Great size for a big eater (and those camping / freeze-dried food pouches). Lightweight and useful, but too flexible for me. I'll keep it for an emergency (if I "forget" to do the dishes), but I think I'll go for a titanium or stainless spork instead. Now if I can find one that is the size of this XM.

I'm also concerned if I were to keep this in winter camping kit that the cold weather would cause it to become overly brittle - but I have no data/experience on it's flexibility/usability in cold weather.

Helpful Comment Report abuse

Amazon Customer

Cool idea, sturdy, works well, lightweight. Bends but doesn't break.

November 18, 2013

Color: Green Verified Purchase

Cool idea, works well. Easy to wash, hasn't stained, bends but is sturdy and doesn't break.
Definitely a Big spoon and Big fork.
The only thing I'm not crazy about is my own personal issue - that I have a small mouth - so I have to be careful when using the fork end, because the knife ridges on one edge of the fork can tear up the corner of my mouth.
I still use it and like it a lot.

3 people found this helpful

Helpful Comment Report abuse

Cletus Furple

A bit flimsy for my liking

June 15, 2014

Color: Orange Verified Purchase

I got two of these for college as I didn't want to have to take full silverware sets with me and for a while they worked fine. While I was eating ice cream with one of them though the spoon end snapped off which I found a bit annoying. I can't remember what happened to the other one, but it ended up snapping as well. I like the design, but I'd recommend upgrading to the titanium version of this spoon instead.

Helpful Comment Report abuse

See all 92 reviews

Write a customer review

Set up an Amazon Giveaway



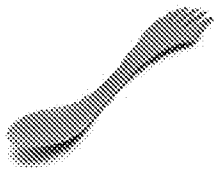
Amazon Giveaway allows you to run promotional giveaways in order to create buzz, reward your audience, and attract new followers and customers. Learn more about Amazon Giveaway

This item: Light my Fire Spork Extra Medium BPA-Free Tritan Spork with Full-Sized Spoon, Fork and Serrated Knife Edge

Set up a giveaway

Customers who bought this item also bought

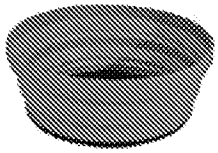
Page 1 of 3



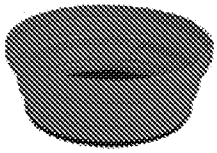
Light my Fire Original BPA-Free Tritan Spork with Full-Sized Spoon, Fork and Serrated Knife...
510
$1.99



Light my Fire Titanium Spork
1,885
$14.99



Sea to Summit X-Bowl
28
$15.95



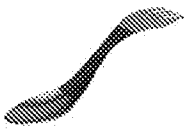
Sea to Summit X Bowl
112
$14.96



GSI Outdoors Infinity Backpacker Mug
259
$9.95

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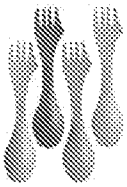
Light my Fire Titanium Spork
1,885
$14.99



Light my Fire Original BPA-Free Tritan Spork with Full-Sized Spoon, Fork and Serrated Knife...
510
$1.99

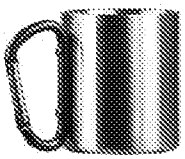


Light My Fire Swedish FireSteel 2.0 Army 12,000 Strike Fire Starter with Emergency Whistle
842
$16.76



Light My Fire Original BPA-Free Tritan Spork Multi-Color 4-Pack
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GSI Outdoors Infinity Backpacker Mug
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$9.95



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$9.97

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Form 1449 (Modified)	Atty Docket No.	HMG1P008D1
	Application No.:	15/268,175
Information Disclosure	Applicant	MIKSOVSKY et al.
Statement By Applicant	Filing Date	September 16, 2016
	Group	3724
(Use Several Sheets if Necessary)		Page 1 of 1

U.S. Patent Documents

Examiner Initial	No.	Patent No.	Date	Patentee	Class	Sub-class	Filing Date
	1.						
	2.						
	3.						
	4.						
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	6.						
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	8.						
	9.						
	10.						
	11.						

Foreign Patent or Published Foreign Patent Application

Examiner Initial	No.	Document No.	Publication Date	Country or Patent Office	Class	Sub-Class	Translation Yes	Translation No
	12.							
	13.							

Other Documents

Examiner Initial	No.	Author, Title, Place (e.g. Journal) of Publication, Date
	14.	European Office Action dated October 17, 2018 from European Patent Application No. 16 202 786.6 - 1011.
	15.	
	16.	
	17.	

Examiner	/Jason Daniel Prone/	Date Considered	12/13/2018

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 INDICATED THROUGH /JDP/

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Dec 19, 2018 04:08:48 AM

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Application	Document	Mailroom Date	Attorney Docket No.
15268175	CTFR	12/19/2018	HMG1P008D1
	INTV.SUM.APP	12/19/2018	HMG1P008D1
	892	12/19/2018	HMG1P008D1
	1449	12/19/2018	HMG1P008D1

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
15/268,175	09/16/2016	Christopher A. MIKSOVSKY	HMG1P008D1

CONFIRMATION NO. 1040

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

37 CFR 1.48 ACKNOWLEDGEMENT LETTER

OC000000104451099

Date Mailed: 12/14/2018

NOTICE OF ACCEPTANCE OF REQUEST UNDER 37 CFR 1.48(a)

This is in response to the applicant's request under 37 CFR 1.48(a) submitted on 12/11/2018.

The request under 37 CFR 1.48(a) to correct the inventorship, to correct or update the name of an inventor, or to correct the order of names of joint inventors is accepted.

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

/ggasgedom/

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UNITED STATES DEPARTMENT OF COMMERCE
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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
15/268,175	09/16/2016	3724	890	HMG1P008D1	20	3

CONFIRMATION NO. 1040

UPDATED FILING RECEIPT

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

OC000000104451098

Date Mailed: 12/14/2018

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 Priority data as claimed by applicant

This application is a DIV of 14/204,497 03/11/2014 PAT 9468321

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 Application via Priority Document Exchange: Yes

Permission to Access Search Results: Yes

Applicant may provide or rescind an authorization for access using Form PTO/SB/39 or Form PTO/SB/69 as appropriate.

Projected Publication Date: Not Applicable

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

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Title 37, Code of Federal Regulations, 5.11 & 5.15

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Form 1449 (Modified)	Atty Docket No.	HMG1P008D1
	Application No.:	15/268,175
Information Disclosure Statement By Applicant	Applicant	MIKSOVSKY et al.
	Filing Date	September 16, 2016
	Group	3724
(Use Several Sheets if Necessary)		Page 1 of 2

U.S. Patent Documents

Examiner Initial	No.	Patent No.	Date	Patentee	Class	Sub-class	Filing Date
	1.	2,505,122	04/25/1950	Krieger, Jr.			05/26/1947
	2.	2008/0256807	10/23/08	Kirkup			04/12/08
	3.	2010/0218382	09/02/10	Scott			03/02/09
	4.	671,740	04/09/1901	Wattne			12/10/1900
	5.	9,549,626	01/24/17	Truog et al.			11/13/14
	6.	D53,165	04/01/1919	Janosik			01/23/1919
	7.	D609,060	02/02/10	Pallotto			03/31/09
	8.	D746,644	01/05/16	Cai			09/26/14
	9.	D753,447	04/12/16	Busboom			12/15/14
	10.	D794,400	08/15/17	Young			02/26/16
	11.	D812,994	03/20/18	Mundhra			07/28/17
	12.	D816,432	05/01/18	Huang			05/15/17
	13.	D825,104	08/07/18	Simard et al.			12/31/15
	14.	D834,887	12/04/18	Miksovsky et al.			03/29/18

Foreign Patent or Published Foreign Patent Application

Examiner Initial	No.	Document No.	Publication Date	Country or Patent Office	Class	Sub-Class	Translation Yes	Translation No
	15.							
	16.							

Other Documents

Examiner Initial	No.	Author, Title, Place (e.g. Journal) of Publication, Date
	17.	Light My Fire, Spork original, http://www.lightmyfire.com/products/products/spork/spork-original.aspx, downloaded on March 6, 2014.
	18.	Primus, Folding Spork, http://store.primuscamping.com/cookware/utensils-and-accessories/primus-folding-spork-black/, downloaded on March 6, 2014.

Examiner	Date Considered

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.

Form 1449 (Modified) **Information Disclosure Statement By Applicant** (Use Several Sheets if Necessary)	**Atty Docket No.**	HMG1P008D1
	Application No.:	15/268,175
	Applicant	MIKSOVSKY et al.
	Filing Date	September 16, 2016
	Group	3724
		Page 2 of 2

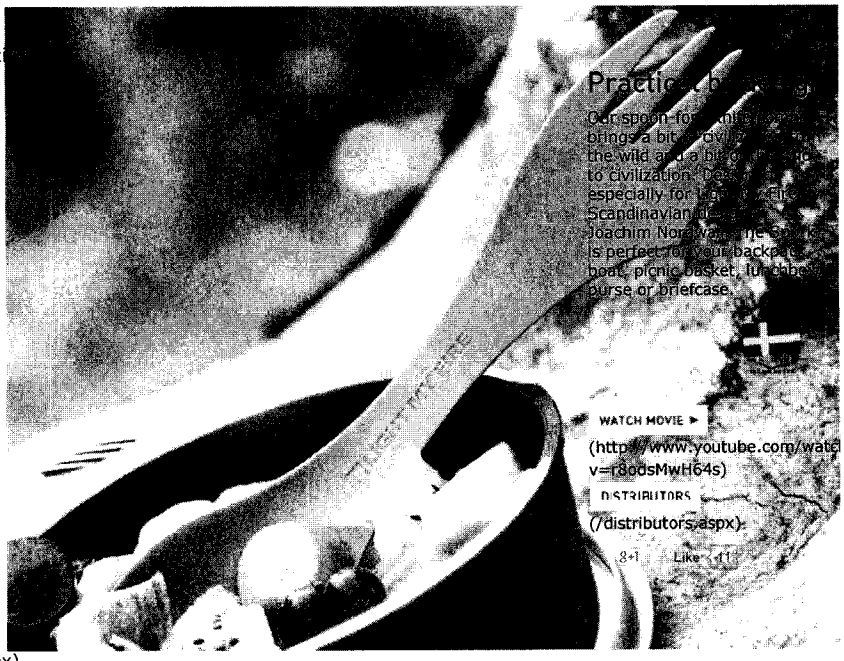
	19.	DCI, Swivel Spork & Knife Set, http://shop.dcigift.com/p/swivel-spork-knife-set, downloaded on March 6, 2014.
	20.	Miksovsky et al., U.S. Application No. 16/213,466, filed on December 7, 2018.
	21.	Miksovsky et al., U.S. Application No. 16/213,536, filed on December 7, 2018.

Examiner	**Date Considered**

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Spork original

Design by Joachim Nordwall





ProductKits (/products/productkits/firelight-kit.aspx)

Products (/products/products/swedish-firesteel-20.aspx)

Swedish FireSteel 2.0® (/products/products/swedish-firesteel-20.aspx)
Swedish FireKnife® (/products/products/swedish-fireknife.aspx)
Tinder selection (/products/products/tinder-selection/tinder-on-a-rope.aspx)
Grandpa's FireFork™ (/products/products/grandpas-firefork.aspx)
Grandpa's FireGrill™ (/products/products/grandpas-firegrill.aspx)
Salt&Pepper Plus™ (/products/products/saltpepper-plus.aspx)
Harness (/products/products/harness.aspx)
MealKit 2.0™ (/products/products/mealkit-20.aspx)
LunchKit™ (/products/products/lunchkit.aspx)
SnapBox (/products/products/snapbox/snapbox-original.aspx)
Pack-up-Bottle™ (/products/products/pack-up-bottle.aspx)
Pack-up-Cup™ (/products/products/pack-up-cup.aspx)
Spork (/products/products/spork/spork-original.aspx)
Spork original (/products/products/spork/spork-original.aspx)
Spork extra-medium (/products/products/spork/spork-extra-medium.aspx)
Spork large (/products/products/spork/spork-large.aspx)
Spork little (/products/products/spork/spork-little.aspx)
Spork titanium (/products/products/spork/spork-titanium.aspx)
Spork lefty (/products/products/spork/spork-lefty.aspx)

FEATURES SPECIFICATIONS LANGUAGES

- Dishwasher safe.
- Extremely durable.
- Lightweight.
- Safe for non stick cookware
- Heat-resistant.

Sporks´n Case™ (/products/products/sporks%C2%B4n-case.aspx)

Promotions (/products/promotions/cookn-fire-kit.aspx)

Store Support (/products/store-support/selling-ideas.aspx)

Customized (/products/customized/print-color.aspx)

Broschure 2013 (http://dl.dropbox.com/u/16739067/Broschure/Broschure%202013.pdf?dl=1)

(http://www.instagram.com/lightmyfire) (/sponsorship.aspx)

PRODUCTS

- ProductKits (/products/productkits/firelighting-kit.aspx)
- FireLighting Kit™ (/products/productkits/firelighting-kit.aspx)
- Pack´n Eat Kit™ (/products/productkits/pack%C2%B4n-eat-kit.aspx)
- Pack-up Drink Kit™ (/products/productkits/pack-up-drink-kit.aspx)
- Products (/products/products/swedish-firesteel-20.aspx)
- Swedish FireSteel 2.0® (/products/products/swedish-firesteel-20.aspx)
- Swedish FireKnife® (/products/products/swedish-fireknife.aspx)
- Tinder-on-a-Rope™ (/products/products/tinder-selection/tinder-on-a-rope.aspx)
- TinderSticks™ (/products/products/tinder-selection/tindersticks.aspx)
- TinderDust™ (/products/products/tinder-selection/tinderdust.aspx)
- Grandpa's FireFork™ (/products/products/grandpas-firefork.aspx)
- Grandpa's FireGrill™ (/products/products/grandpas-firegrill.aspx)
- Salt&Pepper Plus™ (/products/products/saltpepper-plus.aspx)
- Harness (/products/products/harness.aspx)
- MealKit 2.0™ (/products/products/mealkit-20.aspx)
- LunchKit™ (/products/products/lunchkit.aspx)
- SnapBox (/products/products/snapbox/snapbox-original.aspx)
- SnapBox original™ (/products/products/snapbox/snapbox-original.aspx)
- SnapBox oval™ (/products/products/snapbox/snapbox-oval.aspx)
- Pack-up-Bottle™ (/products/products/pack-up-bottle.aspx)
- Pack-up-Cup™ (/products/products/pack-up-cup.aspx)
- Spork original (/products/products/spork/spork-original.aspx)
- Spork extra-medium (/products/products/spork/spork-extra-medium.aspx)
- Spork large (/products/products/spork/spork-large.aspx)
- Spork little (/products/products/spork/spork-little.aspx)
- Spork titanium (/products/products/spork/spork-titanium.aspx)
- Spork lefty (/products/products/spork/spork-lefty.aspx)
- Sporks´n Case™ (/products/products/sporks%C2%B4n-case.aspx)
- Promotions (/products/promotions/cookn-fire-kit.aspx)
- Cook'n Fire Kit™ (/products/promotions/cookn-fire-kit.aspx)
- Broschure 2013 (http://dl.dropbox.com/u/16739067/Broschure/Broschure%202013.pdf?dl=1)

PROMOTIONS (/PRODUCTS/PROMOTIONS/COOKN-FIRE-KIT.ASPX)

- Cook'n Fire Kit™ (/products/promotions/cookn-fire-kit.aspx)

STORE SUPPORT (/PRODUCTS/STORE-SUPPORT/SELLING-IDEAS.ASPX)

- Selling Ideas (/products/store-support/selling-ideas/cross-selling.aspx)
- Sales Promotion Material (/products/store-support/sales-promotion-material/counter-displays.aspx)

CUSTOMIZED (/PRODUCTS/CUSTOMIZED/PRINT-COLOR.ASPX)

- Print & Color (/products/customized/print-color.aspx)
- Print Manual (/products/customized/print-manual.aspx)

BROSCHURE 2013 (HTTP://DL.DROPBOX.COM/U/16739067/BROSCHURE/BROSCHURE%202013.PDF?DL=1)

DOWNLOAD (HTTP://DOWNLOAD.LIGHTMYFIRE.COM)

WORLD OF FIRE (/WORLD-OF-FIRE.ASPX)

OUR STORY (/OUR-STORY.ASPX)

CONTACT (/CONTACT.ASPX)

ADVENTURE BLOG (/ADVENTURE-BLOG.ASPX)

DISTRIBUTORS (/DISTRIBUTORS.ASPX)

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(HTTPS://WWW.MSRGEAR.COM/SIMPLECHECKOUT/CART/)

IN (HTTPS://WWW.MSRGEAR.COM/CUSTOMER/ACCOUNT/LOGIN/)

FOLDING UTENSILS



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Folding Utensils

4.8 (13 reviews)

Read 13 Reviews Write a Review (https://www.msrgear.com/review?pr_page_id=Folding-Utensils)

Light, collapsible eating utensils.

MSR® Folding Utensils are constructed with BPA-free materials and collapse to fit inside MSR Insulated mugs for efficient packing. Different color options coordinate with our Mugs and DeepDish™-ware so you can keep track of your own set. Each is approximately 8 inches (20cm) open and 4.5 inches (11.5cm) closed.

$3.95 - $12.95

Color

Choose an Option...

Size

Select an option

Quantity:

1

Add to Cart

In stock

Find Online **Find A Store (/Retail-Store-Locator)**

Product Details

MSR® Folding Utensils are constructed with BPA-free materials and collapse to fit inside MSR Insulated mugs for efficient packing. Different color options coordinate with our Mugs and DeepDish™-ware so you can keep track of your own set. Each is approximately 8 inches (20cm) open and 4.5 inches (11.5cm) closed.

Made in Ireland

Product Specs

Product Support & FAQs

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From the Blog

(https://thesummitregister.com/plan-like-pro-strengthening-pre-season-backcountry-brain/)

Plan it Like a Pro: Strengthening Your Pre-Season Backcountry Brain

(https://thesummitregister.com/plan-like-pro-strengthening-pre-season-backcountry-brain/)

September 20, 2018

An educated mind is the most important tool in your backcountry kit.

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(https://thesummitregister.com/warm-and-spicy-samosa-filling/)

Camp Recipes: Warm and Spicy Samosa Filling

(https://thesummitregister.com/warm-and-spicy-samosa-filling/)

September 16, 2018

This spicy samosa filling will warm you up after a long day of outdoor adventure.

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(https://thesummitregister.com/why-does-my-fuel-canister-turn-cold-when-i-run-my-stove/)

Why does my fuel canister turn cold when I run my stove?
(https://thesummitregister.com/why-does-my-fuel-canister-turn-cold-when-i-run-my-stove/)

September 11, 2018

A look at what's happening inside your canister during stove use.

Read More

Product Reviews

4.8 **(based on 13 reviews)** **100%** of respondents would recommend this to a friend.

Write a Review
(https://www.msrgear.com/review?pr_page_id=Folding-Utensils)

Reviewed by 13 customers **Sort by** Newest

By Chris
from undisclosed

5.0 12/22/2017

well built, light and do the job.

Useful on the trail and my go to utensils for my work lunchbag - light, durable and get food where it needs to go.

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Was this review helpful? Yes / No
You may also flag this review

By Asif
from undisclosed

5.0 9/21/2017

Cute and functional!

Staff

Love the colors and function. Fold feature allows you to put the spoons inside the cookware when traveling. The fork folds perfectly. The spoon however, does not flush. Not a big deal though.

Was this review helpful? Yes / No
You may also flag this review

By Zeus C' Adle
from Seattle

VERIFIED BUYER

5.0

9/14/2017

Very well built. Thought through design. Practical. Sturdy

We used these spoons when traveling and or camping. We had Light My Fire spoons and forks before but they broke. And to our surprise, rather easily.
MSR spoons are very well built. Excellent, thought through folding design. Practical. Sturdy. Just one thing though- when folded, the two ends of the spoon are flush, whereas the form doesn't flush well.

Bottom Line Yes, I would recommend this to a friend

Was this review helpful? Yes / No
You may also flag this review

By Nigel
from Seattle, WA

VERIFIED BUYER

5.0

7/17/2017

Maximize your loadout

The folding spork is a must have piece of gear. The materials are of good quality, not cheap of flimsy feeling like some other brands. The Spork is easy to clean in the field and the hinge mechanism is not a trap for food particles like other sliding type mechanisms. The spork is compact when folded and negligible in weight, the perfect addition to an ultralight kit.
When unfolded the spork is long enough to stir or scrape the bottom of narrow cooking vessels thereby serving double duty in the meal prep and eating. Inexpensive, lightweight, multifunctional and quality construction equals a no brained for me

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Bottom Line Yes, I would recommend this to a friend

Was this review helpful? Yes / No
You may also flag this review

By Mo.
from Bend

VERIFIED BUYER

5.0

5/19/2017

Everyday use

Love these! Size, texture, and functionality! I carry a spoon and fork with me everywhere I go.
Good stuff - would recommend

Bottom Line Yes, I would recommend this to a friend

Was this review helpful? Yes / No
You may also flag this review

By Bbao200905
from New Mexico, USA

VERIFIED BUYER

(9 of 9 customers found this review helpful)

5.0

7/27/2016

Convenient and light

I have had this for aver a year on at least 2 dozen meals. It is small folded so it fits inside my cup and it is sturdy while eating. What else could you ask from a spork.

Bottom Line Yes, I would recommend this to a friend

Was this review helpful? Yes / No
You may also flag this review

By
thefallsmenomenee
from new berlin wi

VERIFIED BUYER

(3 of 3 customers found this review helpful)

5.0

1/23/2016

fold away nicely,nice balance of sturdy and light

I bought the 4 set of folding utensils for car camping but i now find myself using it for a more sturdy, reusable utensil for lunch or anytime I'm eating away from him

Bottom Line Yes, I would recommend this to a friend

Was this review helpful? Yes / No
You may also flag this review

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By TonyS
from Torrance, CA, USA

VERIFIED BUYER

5.0

1/21/2016

Perfect take along eating gear.

Compact, full sized and highly portable. Great for throwing in the backpack, bug out bag or lunch box.

Bottom Line Yes, I would recommend this to a friend

Was this review helpful? Yes / No
You may also flag this review

By TonyS
from Torrance, Ca.

(6 of 6 customers found this review helpful)

5.0

8/1/2015

VERIFIED BUYER

Excellent quality!!

I have been using these for almost a year, now. And I haven't been able to destroy them. Very light weight and compact, yet unfold them and they are easy to use in a normal fashion.

Bottom Line Yes, I would recommend this to a friend

Was this review helpful? Yes / No
You may also flag this review

By Tablet
from England, United Kingdom

5.0

6/12/2015

Compact

Used those with extra guests and easy to store away

Bottom Line Yes, I would recommend this to a friend

Was this review helpful? Yes / No
You may also flag this review

Displaying reviews 1-10 Back to top « Previous | Next »

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Snow Tools (https://www.msrgear.com/snow-tools)
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[illegible]65 (https://www.msrgear.com/faq?category=4)
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Stoves FAQ (https://www.msrgear.com/faq?category=5)
Cookware FAQ (https://www.msrgear.com/faq?category=6)
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Online Sales Returns (https://www.cascadedesigns.com/en/service/online-sales-return-exchange?webSyncID=0c51bba6-e929-6751-e01a-aa3398cdd529&sessionGUID=c0ba0c8c-eec1-5808-3c7e-b62997ac16aa)

Pro Sales (https://www.cascadedesigns.com/en/service/pro?webSyncID=0c51bba6-e929-6751-e01a-aa3398cdd529&sessionGUID=c0ba0c8c-eec1-5808-3c7e-b62997ac16aa)
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map?webSyncID=0c51bba6-e929-6751-e01a-aa3398cdd529&sessionGUID=c0ba0c8c-eec1-5808-3c7e-b62997ac16aa}

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PRIMUS FOLDING SPORK (BLACK) (P-734011)

Price: $3.00

Quantity: 1 ADD TO CART (#)

Share (http://www.addthis.com/bookmark.php?v=250&username=xa-4cb8b396453cff29)



Lightweight spork made of PC-plastic in folding design. An all-around eating utensil that is compact, ultralight, and easy to carry anywhere. Perfect for backpackers, adventurers, and anyone who needs lightweight utensils.

FEATURES

- BLACK
- Dimensions: 4.1" x 1.6" x 0.9"
- Weight: 10.5 g - 0.35 oz.

Reviews (#reviews) Videos (#videos) Downloads (#downloads)

There are no reviews for this product.

Products You May Like

Product ID	Product Name	Price
P-731760	PRIMUS Pot Gripper (http://store.primuscamping.com/cookware/utensils-and-accessories/primus-pot-gripper/)	$7.00
733320	PRIMUS Suspension Kit (http://store.primuscamping.com/cookware/utensils-and-accessories/primus-suspension-kit/)	$36.00
P-734750	PRIMUS Cooking Utensils (http://store.primuscamping.com/cookware/utensils-and-accessories/primus-cooking-utensils/)	$14.00

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Electronic Patent Application Fee Transmittal

Application Number:	15268175
Filing Date:	16-Sep-2016
Title of Invention:	EATING UTENSIL SYSTEM
First Named Inventor/Applicant Name:	Christopher A. MIKSOVSKY
Filer:	Tina Chen/Cara Hedin
Attorney Docket Number:	HMG1P008D1

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:				
Extension-of-Time:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Miscellaneous:				
SUBMISSION- INFORMATION DISCLOSURE STMT	2806	1	120	120
		Total in USD ($)		**120**

Electronic Acknowledgement Receipt

EFS ID:	34595991
Application Number:	15268175
International Application Number:	
Confirmation Number:	1040
Title of Invention:	EATING UTENSIL SYSTEM
First Named Inventor/Applicant Name:	Christopher A. MIKSOVSKY
Customer Number:	58766
Filer:	Tina Chen/Cara Hedin
Filer Authorized By:	Tina Chen
Attorney Docket Number:	HMG1P008D1
Receipt Date:	14-DEC-2018
Filing Date:	16-SEP-2016
Time Stamp:	18:54:21
Application Type:	Utility under 35 USC 111(a)

Payment information:

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Payment Type	DA
Payment was successfully received in RAM	$120
RAM confirmation Number	121718INTEFSW00007145504481
Deposit Account	504481
Authorized User	Cara Hedin

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37 CFR 1.16 (National application filing, search, and examination fees)

37 CFR 1.17 (Patent application and reexamination processing fees)

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Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Transmittal Letter	HMG1P008D1_IDS_6.pdf	24421 c0c7da81dcd2e703e406d2102da43faa11cb7de5	no	2
Warnings:					
Information:					
2	Information Disclosure Statement (IDS) Form (SB08)	HMG1P008D1_1449_6.pdf	29832 55eb08653724e0f2c1fa56c41f738dbbf8919394	no	2
Warnings:					
Information:					
This is not an USPTO supplied IDS fillable form					
3	Non Patent Literature	LMF_Spork.pdf	239253 e6e13d6eb3437ef8337dd11668a58452626a1dd8	no	2
Warnings:					
Information:					
4	Non Patent Literature	MSR_Ref.pdf	700179 c5ca1c1db783c24e4d889fae977cdd3c3f997e5c	no	10
Warnings:					
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5	Non Patent Literature	Primus_Spork.pdf	45251 8284ac80fa5bb48ae57d895576d05dd5a763d1e3	no	1
Warnings:					
Information:					
6	Fee Worksheet (SB06)	fee-info.pdf	30081 f6fc8067c8e53e5ca24af03d34421a5622e040c7	no	2
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This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

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

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

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

New International Application Filed with the USPTO as a Receiving Office

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

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: MIKSOVSKY et al.	Attorney Docket No.: HMG1P008D1
Application No.: 15/268,175	Examiner: PRONE, JASON D.
Filed: September 16, 2016	Group: 3724
Title: EATING UTENSIL SYSTEM	Confirmation No.: 1040

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 December 14, 2018.

Signed: _____/Cara Hedin/_____
Cara Hedin

INFORMATION DISCLOSURE STATEMENT BEFORE FINAL ACTION OR NOTICE OF ALLOWANCE (37 CFR §§ 1.56 AND 1.97(c))

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

Dear Commissioner:

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.

It's noted that the "Light My Fire" reference was identified in relation to the present case in an email to Examiner Prone on December 13, 2018.

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 reference(s) indeed constitutes prior art.

This Information Disclosure Statement is being filed after the mailing date of the first Office Action on the merits, or after three months from the filing date of this application, whichever event occurred last, but it is believed before the mailing date of either: (i) a final action under §1.113 or (ii) a notice of allowance under §1.311, whichever occurs first.

Humangear, Inc. Ex. 2005, Page 74

Accompanying this Information Disclosure Statement is the fee set forth in 37 CFR 1.17(p).

The Commissioner is hereby authorized to charge Deposit Account 50-4481 (Order No. HMG1P008D1) for $120.00 in payment of the Information Disclosure Statement Fee. If it is determined that any additional fees are due, the Commissioner is hereby authorized to charge such fees to Deposit Account 50-4481 (Order No. HMG1P008D1).

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

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

Dec 14, 2018 04:37:55 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.
15268175	R48.REQ.G	12/14/2018	HMG1P008D1
	APP.FILE.REC	12/14/2018	HMG1P008D1

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

Doc Code: ECOMM.AUTH/ECOMM.WTDW
Doc Description: Internet Communications Authorized/Internet Communications Authorization Withdrawn

PTO/SB/439 (11-15)

AUTHORIZATION FOR INTERNET COMMUNICATIONS IN A PATENT APPLICATION OR REQUEST TO WITHDRAW AUTHORIZATION FOR INTERNET COMMUNICATIONS		
	Application No.	15/268,175
	Filing Date	September 16, 2016
	First Named Inventor	Christopher A. MIKSOVSKY
	Art Unit	3724
	Examiner Name	Jason D. Prone
	Practitioner Docket No.	HMG1P008D1

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

I. To authorize permission for Internet Communications.

☑ Recognizing that Internet communications are not secure, I hereby authorize the USPTO to communicate with the undersigned and practitioners in accordance with 37 CFR 1.33 and 37 CFR 1.34 concerning any subject matter of this application via video conferencing, instant messaging, or electronic mail. I understand that a copy of these communications will be made of record in the application file. (MPEP 502.03)

II. To withdraw authorization for Internet Communications.

☐ The authorization given on _____, to the USPTO to communicate with the undersigned and any practitioner in accordance with 37 CFR 1.33 and 37 CFR 1.34 concerning any subject matter of this application via Internet communications such as video conferencing, instant messaging, or electronic mail is hereby withdrawn. I understand that the withdrawal is effective when approved rather than when received.

I am the

☐ applicant.

☑ attorney or agent of record. Registration number 44,606.

☐ attorney or agent acting under 37 CFR 1.34. Registration number _____.

/Tina Chen/ — Signature

December 11, 2018 — Date

Tina Chen — Typed or printed name

650-842-1300 — Telephone Number

NOTE: This form must be signed in accordance with 37 CFR 1.33. See 37 CFR 1.4 for signature requirements and certifications. Juristic entities must be represented by a patent practitioner (see 37 CFR 1.31, which is applicable to any paper filed on or after September 16, 2012, that is presented on behalf of a juristic entity, regardless of application filing date). Submit multiple forms if more than one signature is required, see below*.

☑ * Total of 1 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.

Electronic Acknowledgement Receipt

EFS ID:	34547042
Application Number:	15268175
International Application Number:	
Confirmation Number:	1040
Title of Invention:	EATING UTENSIL SYSTEM
First Named Inventor/Applicant Name:	Christopher A. MIKSOVSKY
Customer Number:	58766
Filer:	Tina Chen/Cara Hedin
Filer Authorized By:	Tina Chen
Attorney Docket Number:	HMG1P008D1
Receipt Date:	11-DEC-2018
Filing Date:	16-SEP-2016
Time Stamp:	13:01:46
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Internet Communications Authorized	HMG1P008D1_Electronic_Communications_Authorization.pdf	81038 06f927990aea4062851ab9f9bd8d8951377eb22b	no	2

Warnings:

Information:	
Total Files Size (in bytes):	81038

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

New Applications Under 35 U.S.C. 111

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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.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: MIKSOVSKY et al.	Attorney Docket No.: HMG1P008D1
Application No.: 15/268,175	Examiner: PRONE, JASON D.
Filed: September 16, 2016	Group: 3724
Title: EATING UTENSIL SYSTEM	Confirmation No.: 1040

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 December 11, 2018.

Signed: _____/Cara Hedin/_____
Cara Hedin

CORRECTION OF INVENTORSHIP
37 C.F.R. 1.48(a)

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

Commissioner:

Applicant respectfully requests to correct the inventorship of the above-referenced application. The desired inventorship change is set forth below.

ADDITION OF INVENTOR

Please add the following previously unnamed person as inventor of this application:

Jonathan Paul DOWNING Belmont, CA

A signed Application Data Sheet and properly executed Declaration for Inventor Jonathan Paul DOWNING are being filed concurrently. The Commissioner is hereby authorized to charge the $300.00 processing fee set forth in 37 C.F.R. 1.17(d) and any fees beyond the amount enclosed which may be required, or to credit any overpayment, to Deposit Account No. 50-4481 (Order No. HMG1P008D1).

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

Document Description: Application Data Sheet to update/correct info
Doc Code: ADS.CORR

CORRECTED ADS FORM

Application Number	15268175
Title of Invention	EATING UTENSIL SYSTEM

Inventor Information

****If no data is shown, no data has been corrected****

	Data of Record	Updated Data
Order Number	1	
Name	Christopher A. MIKSOVSKY	
Residence Information		
Residency	us-residency	
City	San Francisco	
State	CA	
Country of Residence	US	
Mailing Address of Inventor		
Address 1	2140 Fell Street, #202	
Address 2		
City,State/Province, Postal Code	San Francisco CA 94117	
Country	US	

	Data of Record	Updated Data
Order Number	2	
Name	Clint N. SLONE	
Residence Information		
Residency	us-residency	
City	San Francisco	
State	CA	
Country of Residence	US	
Mailing Address of Inventor		
Address 1	703 Douglass Street	
Address 2		
City,State/Province, Postal Code	San Francisco CA 94114	
Country	US	

	Data of Record	Updated Data
Order Number	3	
Name	Evelyne CHAUBERT	
Residence Information		
Residency	us-residency	
City	San Francisco	
State	CA	
Country of Residence	US	
Mailing Address of Inventor		
Address 1	81 Landers Street, #1	
Address 2		
City,State/Province, Postal Code	San Francisco CA 94114	
Country	US	

	Data of Record	Updated Data
Order Number	4	
Name	Charlie NGHIEM	
Residence Information		
Residency	us-residency	
City	Oakland	
State	CA	
Country of Residence	US	
Mailing Address of Inventor		
Address 1	1940 Irving Avenue	
Address 2		
City,State/Province, Postal Code	Oakland CA 94601	
Country	US	

	Data of Record	Updated Data
Order Number	5	
Name	Robert Charles LANE	
Residence Information		
Residency	us-residency	
City	~~Belmont~~	Larkspur
State	CA	
Country of Residence	US	
Mailing Address of Inventor		
Address 1	~~2010 Monroe Avenue~~	116 Ward Street, #8
Address 2		
City,State/Province, Postal Code	~~Belmont CA 94002~~	Larkspur CA 94939
Country	US	

	Data of Record	Updated Data
Order Number		6
Name		Jonathan Paul DOWNING
Residence Information		
Residency		us-residency
City		Belmont
State		CA
Country of Residence		US
Mailing Address of Inventor		
Address 1		2010 Monroe Avenue
Address 2		
City,State/Province, Postal Code		Belmont CA 94002
Country		US

Application Information

	Data of Record	Updated Data
Title of Invention	EATING UTENSIL SYSTEM	
Attorney Docket Number	HMG1P008D1	
Entity Type	Small	

Domestic Benefit/National Stage Information

****If no data is shown, no data has been corrected****

This section allows for the applicant to either claim benefit under 35 U.S.C. 119(e), 120, 121,365(c), or 386(c) or indicate National Stage entry from a PCT application. Providing this information in the application data sheet constitutes the specific reference required by 35 U.S. C. 119(e) or 120, and 37 CFR 1.78(a).

		Data of Record	Updated Data
	Prior Application Status		
	Application Number		
	Continuity Type		
	Prior Application Number		
	Filing Date (YYYY-MM-DD)		
	Patent Number		
	Issue Date (YYYY-MM-DD)		

Foreign Priority Information

****If no data is shown, no data has been corrected****

This section allows for the applicant to claim priority to a foreign application. Providing this information in the application data sheet constitutes the claim for priority as required by 35 U.S.C. 119(b) and 37 CFR 1.55. When priority is claimed to a foreign application that is eligible for retrieval under the priority document exchange program (PDX) the information will be used by the Office to automatically attempt retrieval pursuant to 37 CFR 1.55(i)(1) and (2). Under the PDX program, applicant bears the ultimate responsibility for ensuring that a copy of the foreign application is received by the Office from the participating foreign intellectual property office, or a certified copy of the foreign priority application is filed, within the time period specified in 37 CFR 1.55(g)(1).

		Data of Record	Updated Data
	Application Number		
	Country		
	Filing Date		
	Access Code		

Applicant Information

****If no data is shown, no data has been corrected****
Providing assignment information in this section does not substitute for compliance with any requirement of part 3 of Title 37 of CFR to have an assignment recorded by the Office.

	Data of Record	Updated Data
Applicant Type		

If applicant is the legal representative, indicate the authority to file the patent application, the inventor is		
Name of the Deceased or Legally Incapacitated Inventor		
Applicant is an Organization		
Name		
Organization Name		
Address 1		
Address 2		
City,State/Province,Postal Code		
Country		
Phone Number		
Fax Number		
Email Address		

Assignee Information including Non-Applicant Assignee Information

****If no data is shown, no data has been corrected****
Providing this information in the application data sheet does not substitute for compliance with any requirement of part 3 of Title 37 of the CFR to have an assignment recorded in the Office

	Data of Record	Updated Data
Order		
Applicant is an Organization		
Name		

Organization Name		

Mailing Address

Address 1		
Address 2		
City,State/Province,Postal Code		
Country		
Phone Number		
Fax Number		
Email Address		

Signature

NOTE: This Application Data Sheet must be signed in accordance with 37 CFR 1.33(b).

This Application Data Sheet **must** be signed by a patent practitioner if one or more of the applicants is a **juristic entity** (e.g., corporation or association). If the applicant is two or more joint inventors, this form must be signed by a patent practitioner, **all** joint inventors who are the applicant, or one or more joint inventor-applicants who have been given power of attorney (e.g., see USPTO Form PTO/AIA/81) on behalf of **all** joint inventor-applicants.

See 37 CFR 1.4(d) for the manner of making signatures and certifications.

Signature	/Tina Chen/	Registration Number	44606
First Name	Tina	Last Name	Chen

PTO/AIA/01 (06-12)
Approved for use through 01/31/2014. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

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.

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: 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.

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. 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 1 minute to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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

Electronic Patent Application Fee Transmittal

Application Number:	15268175
Filing Date:	16-Sep-2016
Title of Invention:	EATING UTENSIL SYSTEM
First Named Inventor/Applicant Name:	
Filer:	Tina Chen/Cara Hedin
Attorney Docket Number:	HMG1P008D1

Filed as Small Entity

Filing Fees for Utility under 35 USC 111(a)

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Basic Filing:				
CORRECTION OF INVENTORSHIP ON MERITS	2819	1	300	300
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Extension-of-Time:				
Miscellaneous:				
			Total in USD ($)	**300**

Electronic Acknowledgement Receipt

EFS ID:	34548815
Application Number:	15268175
International Application Number:	
Confirmation Number:	1040
Title of Invention:	EATING UTENSIL SYSTEM
First Named Inventor/Applicant Name:	
Customer Number:	58766
Filer:	Tina Chen/Cara Hedin
Filer Authorized By:	Tina Chen
Attorney Docket Number:	HMG1P008D1
Receipt Date:	11-DEC-2018
Filing Date:	16-SEP-2016
Time Stamp:	15:17:31
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	DA
Payment was successfully received in RAM	$300
RAM confirmation Number	121218INTEFSW00003565504481
Deposit Account	504481
Authorized User	Cara Hedin

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

37 CFR 1.16 (National application filing, search, and examination fees)

37 CFR 1.17 (Patent application and reexamination processing fees)

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Request under Rule 48 correcting inventorship	HMG1P008D1_Correction_Inventorship.pdf	22021 2345c901d336187f5779dc6eb7ae2c6d9005bc8e	no	1
Warnings:					
Information:					
2	Application Data Sheet to update/ correct info	CorrectedADS.pdf	107276 a14b4401e0e5034c927935a207b8c722674fa0b4	no	9
Warnings:					
Information:					
3	Oath or Declaration filed	HMG1P008_DOWNING_Dec_as_filed.pdf	85394 96fd5a1496242fe30b4ffca79aeddc84e55900f5	no	1
Warnings:					
Information:					
4	Fee Worksheet (SB06)	fee-info.pdf	29957 fea70e383dee6bd0ae99335a57486c894d9af15c	no	2
Warnings:					
Information:					
		Total Files Size (in bytes):	244648		

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

New Applications Under 35 U.S.C. 111

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Document code: WFEE

United States Patent and Trademark Office
Sales Receipt for Accounting Date: 12/13/2018

VVAN11 SALE #00000008 Mailroom Dt: 12/11/2018 504481 15268175
01 FC : 2830 70.00 DA

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: MIKSOVSKY et al.	Attorney Docket No.: HMG1P008D1
Application No.: 15/268,175	Examiner: PRONE, JASON D.
Filed: September 16, 2016	Group: 3724
Title: EATING UTENSIL SYSTEM	Confirmation No.: 1040

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 24, 2018.

Signed: _____/Cara Hedin/_____
Cara Hedin

AMENDMENT D – SUPPLEMENTAL AMENDMENT

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

Dear Commissioner:

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.

Electronic Acknowledgement Receipt

EFS ID:	34102313
Application Number:	15268175
International Application Number:	
Confirmation Number:	1040
Title of Invention:	EATING UTENSIL SYSTEM
First Named Inventor/Applicant Name:	Christopher A. MIKSOVSKY
Customer Number:	58766
Filer:	Tina Chen/Cara Hedin
Filer Authorized By:	Tina Chen
Attorney Docket Number:	HMG1P008D1
Receipt Date:	24-OCT-2018
Filing Date:	16-SEP-2016
Time Stamp:	14:59:13
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Miscellaneous Incoming Letter	HMG1P008D1_Amendment_D_Transmittal.pdf	21302 d67fdaa911dbed177ebe9b84375cc9880ae84be2	no	1

Warnings:

Information:					
2		HMG1P008D1_Supplemental_Amendment_D.pdf	37644 34fe2527f8d3835f392466aa2a2b71b5d3737667	yes	6

Multipart Description/PDF files in .zip description		
Document Description	**Start**	**End**
Applicant Arguments/Remarks Made in an Amendment	6	6
Claims	2	5
Supplemental Response or Supplemental Amendment	1	1

Warnings:	
Information:	
Total Files Size (in bytes):	58946

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

New Applications Under 35 U.S.C. 111

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

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

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

New International Application Filed with the USPTO as a Receiving Office

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

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: MIKSOVSKY et al.	Attorney Docket No.: HMG1P008D1
Application No.: 15/268,175	Examiner: PRONE, JASON D.
Filed: September 16, 2016	Group: 3724
Title: EATING UTENSIL SYSTEM	Confirmation No.: 1040

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 24, 2018.

Signed: /Cara Hedin/
Cara Hedin

AMENDMENT D TRANSMITTAL

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

Commissioner:

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	24	MINUS	24	00	x 40 = $0.00	x 80 = $0.00
Independent Claims	03	MINUS	03	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. HMG1P008D1).

Respectfully submitted,
BEYER LAW GROUP LLP

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

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

REMARKS

On October 15, 2018, a telephone interview was held between Examiner Jason Prone and Applicant's Representative, Tina Chen. The Section 112 rejections and the amendments filed on October 11, 2018 were discussed. The Examiner suggested filing a supplemental amendment and Applicant's Representative agreed to do so. Amendments to Claims 8, 14, and 16 are provided herein.

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.

Respectfully submitted,
BEYER LAW GROUP LLP

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

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

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

Listing of Claims:

1. (Withdrawn) An eating utensil, comprising:

a fork having a handle connected to a head portion including plurality of tines; and

a spoon having a substantially five-sided bowl portion the spoon having a handle with a proximal end connected to a proximal end of the handle of the fork.

2. (Withdrawn) The eating utensil as recited in claim 1, wherein the fork and spoon are integrally formed.

3. (Withdrawn) The eating utensil as recited in claim 1, wherein the chamfered edge tapers to a point where the handle of the fork is connected to the head portion of the fork.

4. (Withdrawn) The eating utensil as recited in claim 1, wherein the handle of the spoon has a chamfered outer edge.

5. (Withdrawn) The eating utensil as recited in claim 1, wherein the eating utensil is formed of a glass reinforced thermoplastic material.

6. (Withdrawn) The eating utensil as recited in claim 1, the head portion of the fork has at least one tine on a curved outer edge.

7. (Withdrawn) The eating utensil as recited in claim 6, wherein the at least one tine has a chamfered outer edge along substantially its entire length.

8. (Currently Amended) An eating utensil, comprising:

a handle **portion** extending between a first head portion and a second head portion, wherein:

the first head portion comprises a plurality of tines, wherein at least one of the plurality of tines has a curved outer edge having a chamfered surface between a distal tip of the tine and a point where the curved outer edge meets the handle; and

the second head portion comprises a bowl of a spoon, the bowl having multiple sides and substantially rounded corners, wherein the **handle portion, the curved outer edge of the first head portion, and at least one of the sides at least one of the substantially rounded corners define** ~~**utensil has**~~ a side edge that extends continuously along an entire length of the utensil from the distal tip of the tine to a distal tip of the bowl of the spoon, and wherein the chamfered surface of the curved outer edge of the at least one of the plurality of tines is chamfered at an angle from the side edge.

9. (Original) The eating utensil as recited in claim 8, wherein the handle, the first head portion, and the second head portion are integrally formed.

10. (Canceled)

11. (Original) The eating utensil as recited in claim 8, wherein the plurality of tines includes at least one central tine that is substantially straight.

12. (Original) The eating utensil as recited in claim 8, wherein the at least one of the plurality of tines has a substantially straight inner edge.

13. (Original) The eating utensil as recited in claim 8, wherein the eating utensil is formed of a glass reinforced thermoplastic material.

14. (Currently Amended) An eating utensil, comprising a fork including:

a head portion including a plurality of tines, wherein an outer tine of the plurality of tines extends between a first end and a second end of the tine, the outer tine having a curved outer edge having a chamfered surface that is chamfered between the first end and the second end of the tine; and

a handle portion connected to the head portion, wherein the first end of the tine is defined by a tip of the outer tine and the second end of the tine is where handle portion meets the chamfered surface, the chamfered surface tapering to a point at the second end of the tine, wherein the **handle portion and the curved outer edge of the head portion define** ~~**utensil has**~~ a side edge that extends continuously along an entire length of the utensil ~~**including the handle and the curved outer edge**~~, and wherein the chamfered surface is chamfered at an angle from the side edge.

15. (Previously Presented) The eating utensil as recited in claim 14, wherein the chamfered surface spans an entire width of the outer tine at a distal tip of the outer tine.

16. (Currently Amended) The eating utensil as recited in claim 14, comprising a second outer tine~~, wherein each of two outer tines~~ **that** has a curved outer edge ~~having a top surface that is chamfered at an angle from the side edge~~.

17.-24. (Cancelled)

25. (Previously Presented) The eating utensil as recited in claim 8, wherein the handle comprises a diagonal ridge.

26. (Previously Presented) The eating utensil as recited in claim 14, further comprising a spoon bowl integrally formed with the handle portion, wherein the spoon bowl extends from an end of the handle portion opposite an end from which handle portion meets the head portion.

27. (Previously Presented) The eating utensil as recited in claim 26, wherein the spoon bowl is angled from the handle portion at an angle of about 20-25 degrees.

28. (Previously Presented) The eating utensil as recited in claim 26, wherein the spoon bowl has a substantially flat side edge.

29. (Previously Presented) The eating utensil as recited in claim 26, wherein the bowl has a substantially flat end edge.

30. (Previously Presented) The eating utensil as recited in claim 26, wherein the spoon bowl has a substantially pentagonal shape.

31. (Previously Presented) The eating utensil as recited in claim 30, wherein the spoon bowl has substantially rounded corners.

32. (Previously Presented) The eating utensil as recited in claim 26, wherein the handle comprises a diagonal ridge.

33. (Previously Presented) The eating utensil as recited in claim 14, wherein the eating utensil is formed of a glass reinforced thermoplastic material.

PTO/SB/06 (09-11)
Approved for use through 1/31/2014. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875	Application or Docket Number 15/268,175	Filing Date 09/16/2016	☐ To be Mailed

ENTITY: ☐ LARGE ☒ SMALL ☐ MICRO

APPLICATION AS FILED – PART I

FOR	(Column 1) NUMBER FILED	(Column 2) 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

AMENDMENT **10/11/2018**

	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	RATE ($)	ADDITIONAL FEE ($)
Total (37 CFR 1.16(i))	* 24	Minus	** 24	= 0	X $50 =	0
Independent (37 CFR 1.16(h))	* 3	Minus	***3	= 0	X $230 =	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

AMENDMENT **10/24/2018**

	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	RATE ($)	ADDITIONAL FEE ($)
Total (37 CFR 1.16(i))	* 24	Minus	** 24	= 0	X $50 =	0
Independent (37 CFR 1.16(h))	* 3	Minus	*** 3	= 0	X $230 =	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

* 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
THERESA OKON

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.

Form 1449 (Modified) **Information Disclosure Statement By Applicant** (Use Several Sheets if Necessary)	**Atty Docket No.**	HMG1P008D1
	Application No.:	15/268,175
	Applicant	MIKSOVSKY et al.
	Filing Date	September 16, 2016
	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.						
	7.						
	8.						
	9.						
	10.						
	11.						

Foreign Patent or Published Foreign Patent Application

Examiner Initial	No.	Document No.	Publication Date	Country or Patent Office	Class	Sub-Class	Translation Yes	Translation No
	12.							
	13.							

Other Documents

Examiner Initial	No.	Author, Title, Place (e.g. Journal) of Publication, Date
	14.	European Office Action dated October 17, 2018 from European Patent Application No. 16 202 786.6 - 1011.
	15.	
	16.	
	17.	

Examiner	Date Considered

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.

Europäisches Patentamt
European Patent Office
Office européen des brevets

European Patent Office
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2280 HV Rijswijk
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Fax: +31 70 340 3016

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10 Salisbury Square
London EC4Y 8JD
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Formalities Officer
Name: Madeira, João Luis
Tel: +31 70 340 - 9879
or call
+31 (0)70 340 45 00

Substantive Examiner
Name: Van Bastelaere, Tiny
Tel: +31 70 340 - 4602

Application No.	Ref.	Date
16 202 786.6 - 1011	496.130244/01	17.10.2018
Applicant Humangear, Inc.		

Communication pursuant to Article 94(3) EPC

The examination of the above-identified application has revealed that it does not meet the requirements of the European Patent Convention for the reasons enclosed herewith. If the deficiencies indicated are not rectified the application may be refused pursuant to Article 97(2) EPC.

You are invited to file your observations and insofar as the deficiencies are such as to be rectifiable, to correct the indicated deficiencies within a period

of 4 months

from the notification of this communication, this period being computed in accordance with Rules 126(2) and 131(2) and (4) EPC. One set of amendments to the description, claims and drawings is to be filed within the said period on separate sheets (R. 50(1) EPC).

If filing amendments, you must identify them and indicate the basis for them in the application as filed. Failure to meet either requirement may lead to a communication from the Examining Division requesting that you correct this deficiency (R. 137(4) EPC).

In case you withdraw the application within the above-mentioned period, the examination fee will be refunded at a rate of 50% (Art. 11 (b) RFees).

Failure to comply with this invitation in due time will result in the application being deemed to be withdrawn (Art. 94(4) EPC).

Van Bastelaere, Tiny
Primary Examiner
For the Examining Division

Enclosure(s): 3 page/s reasons (Form 2906)

The examination is being carried out on the **following application documents**

Description, Pages

1-15	received on	19-01-2018	with letter of	19-01-2018

Claims, Numbers

1-6	received on	19-01-2018	with letter of	19-01-2018

Drawings, Sheets

1/3-3/3	received on	19-01-2018	with letter of	19-01-2018

****

Reference is made to the following documents; the numbering will be adhered to in the rest of the procedure.

D11 USD535857S, published on 30/01/202007 was found in a further search (see Guidel 7.3). A copy of the document is annexed to the communication and the numbering w the rest of the procedure.

1. The present application does not meet the requirements of Article 52(1) EPC, because the subject-matter of **claims 1-5** is **not new** in the sense of Article 54(1) and (2) EPC.

The arguments of the Applicant In the reply dated 19th of January, that D1-D3 are not novelty destroying over the new claim 1 have been carefully examined, however a further search on the amended claims has revealed a novelty destroying document D11:

1.1 D11 discloses (see figures) an eating utensil, comprising:
a handle having a first end and a second end;
a first head portion attached to the first end of the handle, wherein the first head portion comprises a plurality of tines, whereby
at least one of the plurality of tines has a chamfered curved outer edge along

substantially its entire length; and
a second head portion attached to the second end of the handle, wherein the second head portion comprises a bowl of a spoon.

1.2 D11 discloses furthermore the features of dependent claims 2-5, all of their features being disclosed by the figures 2 and 3.

Hence the subject-matter of **claims 1-5 is not novel** in the sense of Article 54 EPC.

2. The present application does not meet the requirements of Article 52(1) EPC, because the subject-matter of **claim 6 does not involve an inventive step** in the sense of Article 56 EPC, since the choice of using a glass reinforced thermoplastic material comes within the scope of customary practice of a person skilled in the art.

3. It is not at present apparent which part of the application could serve as a basis for a new, allowable claim.

4. Should the applicant nevertheless regard some particular matter as patentable, an independent claim should be filed in the two-part form in accordance with Rule 43(1) EPC, with those features known in combination from the prior art D11 being placed in the preamble (Rule 43(1)(a) EPC).

5. The features of the claims should be provided with reference signs placed in parentheses to increase the intelligibility of the claims (Rule 43(7) EPC).

6. Care should be taken during revision, especially of the introductory portion and any statements of problem or advantage, not to add subject-matter which extends beyond the content of the application as originally filed (Article 123(2) EPC).

7. D11 should be identified in the description and the invention as claimed should be disclosed in the description (Rule 42 EPC).

8. In order to comply with the requirements of Rule 137(4) EPC, the applicant should clearly identify the amendments made, irrespective of whether they concern amendments by addition, replacement or deletion, and indicate the passages of the application as filed on which these amendments are based (see Guidelines H III 2.2).

These indications could be submitted in handwritten form on a copy of the relevant parts of the application as filed.

Electronic Acknowledgement Receipt

EFS ID:	34052015
Application Number:	15268175
International Application Number:	
Confirmation Number:	1040
Title of Invention:	EATING UTENSIL SYSTEM
First Named Inventor/Applicant Name:	Christopher A. MIKSOVSKY
Customer Number:	58766
Filer:	Tina Chen/Cara Hedin
Filer Authorized By:	Tina Chen
Attorney Docket Number:	HMG1P008D1
Receipt Date:	18-OCT-2018
Filing Date:	16-SEP-2016
Time Stamp:	16:37:03
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Transmittal Letter	HMG1P008D1_IDS_5.pdf	26635 7d00b2154724bbfd4d5346aceb7c5935807ddc19	no	2

Warnings:

Information:					
2	Information Disclosure Statement (IDS) Form (SB08)	HMG1P008D1_1449_5.pdf	23333 079d509ba678ecac7c22542597a1406fca046686	no	1
Warnings:					
Information:					
This is not an USPTO supplied IDS fillable form					
3	Non Patent Literature	HMG1P008EPD1_OA_10_17_18.pdf	358281 295b754f16e67a768f6da35c42a3f393a635918e	no	5
Warnings:					
Information:					
		Total Files Size (in bytes):	408249		

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

New Applications Under 35 U.S.C. 111

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

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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.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: MIKSOVSKY et al.	Attorney Docket No.: HMG1P008D1
Application No.: 15/268,175	Examiner: PRONE, JASON D.
Filed: September 16, 2016	Group: 3724
Title: EATING UTENSIL SYSTEM	Confirmation No.: 1040

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 18, 2018.

Signed: _____/Cara Hedin/_____
Cara Hedin

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 Commissioner:

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 European application. A copy of the European Office Action which was dated October 17, 2018 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.

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))

Statement under 37 CFR § 1.704(d)

Each item of information contained in the Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart application; this communication was not received by any individual designated in §1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.

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. HMG1P008D1).

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.: HMG1P008D1
Application No.: 15/268,175	Examiner: PRONE, JASON D.
Filed: September 16, 2016	Group: 3724
Title: EATING UTENSIL SYSTEM	Confirmation No.: 1040

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 11, 2018.

Signed: _____/Cara Hedin/_____
Cara Hedin

AMENDMENT C

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

Dear Commissioner:

In response to the non-final Office Action dated July 11, 2018, 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. (Withdrawn) An eating utensil, comprising:

a fork having a handle connected to a head portion including plurality of tines; and

a spoon having a substantially five-sided bowl portion the spoon having a handle with a proximal end connected to a proximal end of the handle of the fork.

2. (Withdrawn) The eating utensil as recited in claim 1, wherein the fork and spoon are integrally formed.

3. (Withdrawn) The eating utensil as recited in claim 1, wherein the chamfered edge tapers to a point where the handle of the fork is connected to the head portion of the fork.

4. (Withdrawn) The eating utensil as recited in claim 1, wherein the handle of the spoon has a chamfered outer edge.

5. (Withdrawn) The eating utensil as recited in claim 1, wherein the eating utensil is formed of a glass reinforced thermoplastic material.

6. (Withdrawn) The eating utensil as recited in claim 1, the head portion of the fork has at least one tine on a curved outer edge.

7. (Withdrawn) The eating utensil as recited in claim 6, wherein the at least one tine has a chamfered outer edge along substantially its entire length.

8. (Currently Amended) An eating utensil, comprising:

a handle **extending between a first head portion and a second head portion, wherein:** ~~**having a first end and a second end;**~~

~~**a first head portion attached to the first end of the handle, wherein**~~ the first head portion comprises a plurality of tines, wherein at least one of the plurality of tines ~~**extends between a first end and a second end, the at least one of the plurality of tines having**~~ **has** a curved outer edge having a **chamfered** ~~**top**~~ surface ~~**that is chamfered**~~ between ~~**the first end**~~ **a**

distal tip of the tine and **a point where the curved outer edge** ~~**the second end wherein the first end is at a tip of the at least one of the plurality of tines and the second end is where the first head portion**~~ meets the handle~~**, wherein the utensil has a side edge that extends along an entire length of the utensil,** and wherein the top surface is chamfered at an angle from the side edge~~; and

~~**a second head portion attached to the second end of the handle, wherein**~~ the second head portion comprises a bowl of a spoon, the bowl having multiple sides and substantially rounded corners**, wherein the utensil has a side edge that extends continuously along an entire length of the utensil from the distal tip of the tine to a distal tip of the bowl of the spoon, and wherein the chamfered surface of the curved outer edge of the at least one of the plurality of tines is chamfered at an angle from the side edge**.

9. (Original) The eating utensil as recited in claim 8, wherein the handle, the first head portion, and the second head portion are integrally formed.

10. (Canceled)

11. (Original) The eating utensil as recited in claim 8, wherein the plurality of tines includes at least one central tine that is substantially straight.

12. (Original) The eating utensil as recited in claim 8, wherein the at least one of the plurality of tines has a substantially straight inner edge.

13. (Original) The eating utensil as recited in claim 8, wherein the eating utensil is formed of a glass reinforced thermoplastic material.

14. (Currently Amended) An eating utensil, comprising a fork including:

a head portion including a plurality of tines, wherein an outer tine of the plurality of tines extends between a first end and a second end **of the tine**, the outer tine having ~~**has**~~ a curved outer edge having a **chamfered** ~~**top**~~ surface that is chamfered between the first end and the second end **of the tine**; and

a handle portion connected to the head portion, wherein the first end **of the tine** is **defined by** ~~**at**~~ a tip of the outer tine and the second end **of the tine** is where handle portion meets the **chamfered surface** ~~**head portion**~~, the **chamfered** ~~**top**~~ surface tapering to a point at the

second end **of the tine**, wherein the utensil has a side edge that extends **continuously** along an entire length of the utensil **including the handle and the curved outer edge**, and wherein the **chamfered** ~~**top**~~ surface is chamfered at an angle from the side edge.

15. (Currently Amended) The eating utensil as recited in claim 14, wherein the chamfered **surface** ~~**edge**~~ spans an entire width of the outer tine at a distal tip of the outer tine.

16. (Currently Amended) The eating utensil as recited in claim 14, **comprising** ~~**wherein the plurality of tines includes**~~ a second outer tine, wherein each of two outer tines has a curved outer edge having a top surface that is chamfered at an angle from the side edge.

17.-24. (Cancelled)

25. (Previously Presented) The eating utensil as recited in claim 8, wherein the handle comprises a diagonal ridge.

26. (Previously Presented) The eating utensil as recited in claim 14, further comprising a spoon bowl integrally formed with the handle portion, wherein the spoon bowl extends from an end of the handle portion opposite an end from which handle portion meets the head portion.

27. (Previously Presented) The eating utensil as recited in claim 26, wherein the spoon bowl is angled from the handle portion at an angle of about 20-25 degrees.

28. (Previously Presented) The eating utensil as recited in claim 26, wherein the spoon bowl has a substantially flat side edge.

29. (Previously Presented) The eating utensil as recited in claim 26, wherein the bowl has a substantially flat end edge.

30. (Previously Presented) The eating utensil as recited in claim 26, wherein the spoon bowl has a substantially pentagonal shape.

31. (Previously Presented) The eating utensil as recited in claim 30, wherein the spoon bowl has substantially rounded corners.

32. (Previously Presented) The eating utensil as recited in claim 26, wherein the handle comprises a diagonal ridge.

33. (Previously Presented) The eating utensil as recited in claim 14, wherein the eating utensil is formed of a glass reinforced thermoplastic material.

REMARKS

Allowable Subject Matter

Applicant notes with appreciation that Claims 14-16 and 26-33 would be allowable if rewritten to overcome the rejections under 35 U.S.C. §112. These claims are now allowable as they have been rewritten to overcome the §112 rejections, as explained below.

Claim Objection

Claim 14 is amended in accordance with the Examiner's suggestion to overcome the claim objection.

Rejections Under 35 U.S.C. §112

Claims 8-16 and 25-33 are rejected under 35 U.S.C. §112(b) or 35 U.S.C. §112 (pre-AIA), second paragraph, 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 under §112, independent Claims 8 and 14 and dependent Claims 15-16 are amended to clarify and more particularly point out and distinctly claim the invention. The amendments are fully supported by the specification and claims, as originally filed, at, for example, FIGS. 7A-7C.

Rejections Under 35 U.S.C. §103

Claims 8, 9, and 11-13 are rejected under 35 U.S.C. §103 as being unpatentable over Cox, U.S. Patent No. 88,370 in view of Brunwin, U.S. Patent No. 3,630,249, and Watts (2009/0172949). Independent Claims 8 and 14 are amended, as noted above.

None of the cited references discloses or suggests an ***eating utensil*** that has a side edge that extends along an entire length of the utensil (including the tine and spoon bowl), wherein a chamfered surface of the curved outer edge of a tine is chamfered at an angle from the side edge, as recited in amended independent Claims 1 and 14. As noted by the Examiner "Cox fails to disclose the curved outer edge having a top surface that is chamfered between the ends at an angle from the side edge." The Cox utensil does not have any surface that is chamfered (or angled) from another surface. As discussed in the previously filed responses, the outer edge of the outer tines are not chamfered, as clearly shown in Figs. 2 and 3 of Cox.

The Examiner cites Brunwin for disclosing a chamfered edge. The Brunwin reference discloses a cutting tool that is used solely for cutting. The Brunwin tool is not an ***eating utensil*** and therefore does not include forks or spoons. It is respectfully submitted that cutting tools,

such as the one disclosed in the Brunwin reference, would have cutting blades and that such blades might be chamfered. However, in the claimed invention, the edge having a chamfered surface is on a tine of a fork. The primary purpose of a conventional fork is for spearing and for bringing food to the user's mouth. Forks are not primarily used as cutting utensils, as knives (instead of forks or spoons) are typically provided for cutting. As knives are cutting tools with a sharp blade, they are not meant for bringing food to a user's mouth. Similarly, the Brunwin cutting tool has a sharp blade made specifically for cutting or chopping. A blade, such as the one disclosed in Brunwin, would be very dangerous if inserted in a human's mouth. However, as the claimed invention is a combination utensil having a fork head on one end and a spoon bowl on the other end, there is not a conventional knife provided on this combination utensil. In the claimed invention, the edge of a fork tine is provided with a chamfered surface that is chamfered at an angle from the side edge to allow a user to cut through some foods without a conventional knife. Such a chamfered edge is typically not as sharp as a knife edge and therefore safer when placed inside a user's mouth as a fork normally would be used. Thus, it was not obvious to provide a tine of a fork with a chamfered edge.

As noted by the Examiner, Watts does not disclose any chamfered edge and does not supply the deficiencies of Cox and Brunwin discussed above. Thus, for at least the reasons discussed above, amended independent Claims 8 and 14 are patentable over the cited references. Dependent Claims 9, 11-13, 15-16, and 25-44, which depend from and include all of the limitations of amended claim 8 or 14, 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.

Respectfully submitted,
BEYER LAW GROUP LLP

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

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650-842-1300

Electronic Acknowledgement Receipt

EFS ID:	33979495
Application Number:	15268175
International Application Number:	
Confirmation Number:	1040
Title of Invention:	EATING UTENSIL SYSTEM
First Named Inventor/Applicant Name:	Christopher A. MIKSOVSKY
Customer Number:	58766
Filer:	Tina Chen/Cara Hedin
Filer Authorized By:	Tina Chen
Attorney Docket Number:	HMG1P008D1
Receipt Date:	11-OCT-2018
Filing Date:	16-SEP-2016
Time Stamp:	12:06:07
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Miscellaneous Incoming Letter	HMG1P008D1_Amendment_C_Transmittal.pdf	21417 1b10725f9992fcd1b4c89d8af9ac2e3ea36a28b4	no	1

Warnings:

Information:					
2		HMG1P008D1_Amendment_C_FINAL.pdf	51122 6383459a2463af75928196d7b8ac2e4cb2bb6de7	yes	7

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):	72539

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

New Applications Under 35 U.S.C. 111

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

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

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

New International Application Filed with the USPTO as a Receiving Office

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

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: MIKSOVSKY et al.	Attorney Docket No.: HMG1P008D1
Application No.: 15/268,175	Examiner: PRONE, JASON D.
Filed: September 16, 2016	Group: 3724
Title: EATING UTENSIL SYSTEM	Confirmation No.: 1040

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 11, 2018.

Signed: /Cara Hedin/
Cara Hedin

AMENDMENT C TRANSMITTAL

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

Commissioner:

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	24	MINUS	24	00	x 40 = $0.00	x 80 = $0.00
Independent Claims	03	MINUS	03	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. HMG1P008D1).

Respectfully submitted,
BEYER LAW GROUP LLP

/Tina Chen/
Tina Chen
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UNITED STATES PATENT AND TRADEMARK OFFICE

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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
15/268,175	09/16/2016	Christopher A. MIKSOVSKY	HMG1P008D1	1040

58766 7590 07/11/2018

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EXAMINER	
PRONE, JASON D	

ART UNIT	PAPER NUMBER
3724	

NOTIFICATION DATE	DELIVERY MODE
07/11/2018	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. 15/268,175	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 *4-5-18*.

☐ 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) *1-9,11-16 and 25-33* is/are pending in the application.

5a) Of the above claim(s) *1-7* is/are withdrawn from consideration.

6)☐ Claim(s) _____ is/are allowed.

7)☒ Claim(s) *8,9,11-16 and 25-33* 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 _____ 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) ☐ 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.

Claim Objections

2. Claim 14 is objected to because of the following informalities:

- On line 3 of claim 14, the phrase "the outer tine having has a curved" should be replaced with "the outer tine having a curved".

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. 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.

4. Claims 8-16 and 25-33 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 8, the claim discloses two sets of "first and second ends" which is confusing. It is recommended that "third and fourth" or another name be utilized to prevent the confusion.

With regards to claim 8, the phrases “a handle having a first end and a second end” and “the second end is where the first head portion meets the handle”. It is unclear what structure represents the first and second ends of the handle and what structure represents the first head portion in relation to the first end of the handle. The second “second end” disclosure depends on the location of the first end of the handle. There does not appear to be an actual end of the handle in relation to either of the head portions which makes these phrases indefinite. Without a physical location of the first end of the handle, the second end, which is where the first head portion meets the handle, cannot be determined. Without physical boundaries defining what can and cannot be the first head portion and what can and cannot be the first end of the handle, the first head portion, first end of the handle, and the second end defined by where the first head portion meets the handle can be different in each interpretation and are therefore indefinite. The specification fails to provide any inside on the exact location on where the first/second end of the handle actually is. Claim 14 has the same issue.

With regards to claim 8, the phrase "at least one of the plurality of tines extends between a first end and a second end" is unclear. Later in the claim it is disclosed that the first end is represented by the tine itself. How can an object extend from itself? Claim 14 has the same issue.

With regards to claim 8, the phrase “the second end is where the first end meets the handle” is unclear. As written, this limitation is unrelated to the first end of the handle. Earlier in the claim, it is disclosed that the first head portion is attached to the

first end of the handle. The first end of the handle and the second end would represent the same portion of the utensil. Claim 14 has the same issue.

With regards to claim 8, the phrase “the utensil has a side edge” is unclear. Claim 8 also discloses the handle, the at least one tine has a curved outer edge, and the bowl has multiple sides and corners. As written, the utensil side edge is unrelated to the curved outer edge, the handle, and the bowl sides/corners which is not supported. In other words, the utensil has a side edge that is in addition to the curved outer edge, the handle, and the bowl sides/corners which is not supported. The curved outer edge and the bowls sides/corners along with the unclaimed edge of the handle would together define the utensil side edge. Claims 14 and 28 have the same issue.

With regards to claim 8, the phrase “the first end is at a tip" is unclear. The term "at" does not require the tip to define the end which is the only way the first end is supported. The phrase should be replaced with “the first end is defined by a tip”. Claim 14 has the same issue.

With regards to claim 8, the phrase “a curved outer edge having a top surface” is unclear. It is unclear what structure allows for an edge to have a top surface. An edge of an object must be defined by the object. In this case, the chamfered surface would define the curved outer edge. Claim 14 has the same issue.

With regards to claims 8 and 14, the phrase “top surface” is indefinite. The utensil is handheld and is capable of achieving an infinite number of orientation including an orientation (Figure 7B) where the surface would not be able to be

considered a "top" surface. The word “top” needs to be replaced with a term that is true regardless of orientation.

With regards to claim 8 line 5 and claim 14 line 3, the way the first and second ends are introduced is confusing in that how the ends are defined comes later in the claim. Definition of the first and second ends should be made when they are introduced.

With regards to claim 8 and claim 14, the phrase “the top surface is chamfered at an angle from the side edge” is unclear. As disclosed above, the chamfered top surface defines the curved edge and the curved edge makes up a portion of the side edge. How can the surface be angled in relation to itself?

With regards to claim 16, the phrase “the plurality of tines has two outer tines” is unclear. It is unclear if these outer tines represent the same or a different structure than the previously disclosed outer tine. As written, the outer tines are in addition to the outer tine which is not supported. As written, the fork has three outer tines. Claim 16 should be amended to disclose the plurality of tines has a second outer tine with a curved chamfered outer edge since claim 14 already discloses this about the first outer tine.

With regards to claim 15, claim 14 has been amended and claim 15 no longer further limits limitations disclosed in claim 14. It is unclear how the subject matter of claim 15 corresponds to claim 14.

Claim 16 re-discloses first outer tine structure that has already been disclosed in claim 14 by saying "each of the tines has". Claim 16 only needs to disclose that the second tine has this structure and not "each" of the tines.

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.

5. 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, 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.

6. Claims 8, 9, and 11-13 are rejected, as best understood, under 35 U.S.C. 103 as being unpatentable over Cox (88,370) in view of Brunwin (3,630,249) and Watts (2009/0172949).

With regards to claims 8, 9, 11, and 12, Cox discloses an eating utensil (Fig. 1) having a handle with first and second ends (Fig. 1), a first head portion with tines attached to the first end (Fig. 1), at least one of the tines extends between a first end at the tip of the at least one tine and a second end where the first head portion meets the handle (Fig. 1), the at least one tine has a curved outer edge (Fig. 1), the first end is at a tip of the at least one tine and the second end is where the first head portion meets the

handle (Fig. 1), the utensil has a side edge that extends along an entire length of the utensil (Fig. 1), the first head portion and the second head portion are integrally formed (Fig. 1), the tines includes at least one central tine that is substantially straight (Fig. 1), and the at least one tine has a substantially straight inner edge (Fig. 1).

With regards to claim 8, Cox fails to disclose the curved outer edge having a top surface that is chamfered between the ends at an angle from the side edge.

In light of the fact that the curved outer edge of Cox is a cutting edge, Brunwin teaches it is old and well known in the art of cutting edges to incorporate an outer cutting edge with a top surface that is chamfered (19). Cox discloses a first surface and a curved outer cutting edge and it would have been obvious to have incorporated the chamfer surface, as taught by Brunwin, in-between the first surface and the curved cutting edge. The chamfered top surface in Modified Cox, would be between the ends and at an angle relative to the side edge. Therefore, it would have been obvious to one of ordinary skill in the art, at the time of filing, to have provided Cox with chamfered surface, as taught by Brunwin, because 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.

With regards to claims 8 and 9, Cox fails to disclose a second head portion integrally attached to the second end of the handle and the second head portion is a spoon bowl with multiple sides and substantially rounded corners.

Watts teaches it is old and well known in the art of eating utensils with an integrally formed tined first portion to incorporate a second head portion integrally attached to the second end of the handle (Fig. 1) and the second head portion is a spoon bowl with multiple sides and substantially rounded corners (Fig. 1). Such a modification would allow for the utensil to be a multifunctional utensil. Therefore, it would have been obvious to one of ordinary skill in the art, at the time of filing, to have provided Cox with the spoon bowl, as taught by Watts, because 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.

However, with regards to claim 13, Cox in view of Brunwin and Watts fail to disclose the utensil is formed of a glass reinforced thermoplastic material.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to formed the utensil 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. Therefore, it would have been an obvious matter of design choice to modify the device of Cox in view of Brunwin and Watts 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.

7. Claim 25 is rejected under 35 U.S.C. 103 as being unpatentable over Cox (88,370) in view of Brunwin (3,630,249) and Watts (2009/0172949) as applied to claim 8 above, and further in view of Hougland (2005/0066531). Cox in view of Brunwin and Watts fail to disclose the handle has a diagonal ridge.

Hougland teaches it is old and well known in the art of eating utensils to incorporate a diagonal ridge (11). Such a modifiaction would allow for a better handleing of the utensil. Therefore, it would have been obvious to one of ordinary skill in the art, at the time of filing, to have provided Cox in view of Brunwin and Watts with a ridge, as taught by Hougland, because 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.

Allowable Subject Matter

8. Claims 14-16 and 26-33 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112(b) or 35 U.S.C. 112 (pre-AIA), 2nd paragraph, set forth in this Office action.

The following is a statement of reasons for the indication of allowable subject matter: The prior art does not incorporate the limitation “the chamfered top surface tapering to a point at the second end”.

Response to Arguments

9. Applicant's arguments filed 4-5-18 have been fully considered but they are not persuasive. The amendments have created new issues under 112 and the claims have

been rejected as best understood in light of the issues under 112. With regards to the art rejection, Cox teaches a fork utensil with a cutting edge on the outer tine. Chamfered cutting edges are old and well known in the art of cutting edges as disclosed by Brunwin. Substituting the chamfered cutting edge of Brunwin in for the cutting edge of Cox still allows for an edge capable of cutting as intended.

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 7:30-4:00.

Examiner interviews are available via telephone, in-person, and video conferencing using a USPTO supplied web-based collaboration tool. To schedule an interview, applicant is encouraged to use the USPTO Automated Interview Request (AIR) at http://www.uspto.gov/interviewpractice.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrea L. Wellington can be reached on (571)272-4483. 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.

05 July 2018

/Jason Daniel Prone/

Primary Examiner, Art Unit 3724

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	15268175	MIKSOVSKY ET AL.
	Examiner	**Art Unit**
	JASON D PRONE	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	07/12/2017	08/31/2017	01/31/2018	07/05/2018					
	1	÷	N	N	N					
	2	÷	N	N	N					
	3	÷	N	N	N					
	4	÷	N	N	N					
	5	÷	N	N	N					
	6	÷	N	N	N					
	7	÷	N	N	N					
	8	÷	✓	✓	✓					
	9	÷	✓	✓	✓					
	10	÷	✓	-	-					
	11	÷	✓	✓	✓					
	12	÷	✓	✓	✓					
	13	÷	✓	✓	✓					
	14	÷	✓	✓	✓					
	15	÷	✓	✓	✓					
	16	÷	✓	✓	✓					
	17	÷	N	-	-					
	18	÷	N	-	-					
	19	÷	N	-	-					
	20	÷	N	-	-					
	21		N	-	-					
	22		N	-	-					
	23		N	-	-					
	24		N	-	-					
	25			✓	✓					
	26			✓	✓					
	27			✓	✓					
	28			✓	✓					
	29			✓	✓					
	30			✓	✓					
	31			✓	✓					
	32			✓	✓					
	33			✓	✓					

Form 1449 (Modified)	Atty Docket No.	HMG1P008D1
	Application No.:	15/268,175
Information Disclosure Statement By Applicant	Applicant	MIKSOVSKY et al.
	Filing Date	September 16, 2016
	Group	3724
(Use Several Sheets if Necessary)		Page 1 of 1

U.S. Patent Documents

Examiner Initial	No.	Patent No.	Date	Patentee	Class	Sub-class	Filing Date
	1.	2013/0152406	06/20/13	McFarland			12/20/11
	2.	2005/0155229	07/21/05	Lee			07/28/04
	3.						
	4.						
	5.						
	6.						
	7.						
	8.						
	9.						
	10.						
	11.						

Foreign Patent or Published Foreign Patent Application

Examiner Initial	No.	Document No.	Publication Date	Country or Patent Office	Class	Sub-Class	Translation Yes	Translation No
	12.							
	13.							

Other Documents

Examiner Initial	No.	Author, Title, Place (e.g. Journal) of Publication, Date
	14.	European Search Report dated June 16, 2017 from European Application No. 16202786.3-1653.
	15.	
	16.	
	17.	

Examiner	/Jason Daniel Prone/	Date Considered	07/05/2018

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. /JDP/

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	15268175	MIKSOVSKY ET AL.
	Examiner	Art Unit
	JASON D PRONE	3724

CPC- SEARCHED		
Symbol	Date	Examiner
A47G 21/02, 023, 04, 06, 08		
A47J 43/28-282	8/31/2017	/JP/

CPC COMBINATION SETS - SEARCHED		
Symbol	Date	Examiner

US CLASSIFICATION SEARCHED			
Class	Subclass	Date	Examiner
30	147-150, 322-328		
D7	643, 644, 653	8/31/2017	/JP/

* See search history printout included with this form or the SEARCH NOTES box below to determine the scope of the search.

SEARCH NOTES		
Search Notes	Date	Examiner
consulted USPC and CPC		
inventor search	8/31/2017	/JP/
updated search	7/5/2018	/JP/

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

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

Jul 11, 2018 03:47:39 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.
15268175	CTNF	07/11/2018	HMG1P008D1
	1449	07/11/2018	HMG1P008D1

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

Doc code: RCEX
Doc description: Request for Continued Examination (RCE)

PTO/SB/30EFS (08/08)
Approved for use through 09/30/2008. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

REQUEST FOR CONTINUED EXAMINATION(RCE)TRANSMITTAL
(Submitted Only via EFS-Web)

Application Number	15268175	Filing Date	2016-09-16	Docket Number (if applicable)	HMG1P008D1	Art Unit	3724
First Named Inventor	Christopher A. MIKSOVSKY			Examiner Name	PRONE, JASON D.		

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. The Instruction Sheet for this form is located at WWW.USPTO.GOV

SUBMISSION REQUIRED UNDER 37 CFR 1.114

Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

☒ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

- ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
- ☐ Other _____

☐ Enclosed

- ☐ Amendment/Reply
- ☐ Information Disclosure Statement (IDS)
- ☐ Affidavit(s)/ Declaration(s)
- ☐ Other _____

MISCELLANEOUS

☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of months _____
(Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

☐ Other _____

FEES

The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

☒ The Director is hereby authorized to charge any underpayment of fees, or credit any overpayments, to Deposit Account No 504481

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

X Patent Practitioner Signature

Applicant Signature

PTO/SB/30EFS (08/08)
Approved for use through 09/30/2008. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Signature of Registered U.S. Patent Practitioner			
Signature	/Tina Chen/	Date (YYYY-MM-DD)	2018-04-25
Name	Tina Chen	Registration Number	44606

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450.

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

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 the Freedom of Information Act requires disclosure of these record s.

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 inspections 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.

Electronic Patent Application Fee Transmittal

Application Number:	15268175
Filing Date:	16-Sep-2016
Title of Invention:	EATING UTENSIL SYSTEM
First Named Inventor/Applicant Name:	Christopher A. MIKSOVSKY
Filer:	Tina Chen/Cara Hedin
Attorney Docket Number:	HMG1P008D1

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:				
Extension-of-Time:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Miscellaneous:				
RCE- 1ST REQUEST	2801	1	650	650
		Total in USD ($)		**650**

Electronic Acknowledgement Receipt

EFS ID:	32445468
Application Number:	15268175
International Application Number:	
Confirmation Number:	1040
Title of Invention:	EATING UTENSIL SYSTEM
First Named Inventor/Applicant Name:	Christopher A. MIKSOVSKY
Customer Number:	58766
Filer:	Tina Chen/Cara Hedin
Filer Authorized By:	Tina Chen
Attorney Docket Number:	HMG1P008D1
Receipt Date:	25-APR-2018
Filing Date:	16-SEP-2016
Time Stamp:	17:27:15
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	DA
Payment was successfully received in RAM	$650
RAM confirmation Number	042618INTEFSW00004735504481
Deposit Account	504481
Authorized User	Cara Romero

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

37 CFR 1.16 (National application filing, search, and examination fees)

37 CFR 1.17 (Patent application and reexamination processing fees)

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Request for Continued Examination (RCE)	HMG1P008D1_RCE_Transmittal.pdf	697578 0da122e0c1afd161976f53af6d90737c1c748f41	no	3
Warnings:					
Information:					
2	Fee Worksheet (SB06)	fee-info.pdf	30085 ac92350764da543eb24ed175c21e1a32203f97c1	no	2
Warnings:					
Information:					
		Total Files Size (in bytes):	727663		

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

New Applications Under 35 U.S.C. 111

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

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

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

New International Application Filed with the USPTO as a Receiving Office

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
15/268,175	09/16/2016	Christopher A. MIKSOVSKY	HMG1P008D1	1040

58766 7590 04/13/2018

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
04/13/2018	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

Advisory Action Before the Filing of an Appeal Brief	**Application No.** 15/268,175	**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 --

THE REPLY FILED 05 April 2018 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

NO NOTICE OF APPEAL FILED

1. ☒ The reply was filed after a final rejection. No Notice of Appeal has been filed. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114 if this is a utility or plant application. Note that RCEs are not permitted in design applications. The reply must be filed within one of the following time periods:
   a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
   b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action; or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
   c) ☐ A prior Advisory Action was mailed more than 3 months after the mailing date of the final rejection in response to a first after-final reply filed within 2 months of the mailing date of the final rejection. The current period for reply expires months from the mailing date of *the prior Advisory Action* or SIX MONTHS from the mailing date of the final rejection, whichever is earlier.
   Examiner Note: If box 1 is checked, check either box (a), (b) or (c). ONLY CHECK BOX (b) WHEN THIS ADVISORY ACTION IS THE FIRST RESPONSE TO APPLICANT'S FIRST AFTER-FINAL REPLY WHICH WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. ONLY CHECK BOX (c) IN THE LIMITED SITUATION SET FORTH UNDER BOX (c). See MPEP 706.07(f).

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

NOTICE OF APPEAL

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

AMENDMENTS

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

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on _____.
9. ☐ The affidavit or other evidence filed after final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
10. ☐ The affidavit or other evidence filed after the date of filing the Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
11. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

12. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
13. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____
14. ☒ Other: PTO 2323.

STATUS OF CLAIMS

15. The status of the claim(s) is (or will be) as follows:
    Claim(s) allowed: .
    Claim(s) objected to: .
    Claim(s) rejected: 8,9,11-16 and 25-33.
    Claim(s) withdrawn from consideration: 1-7.

/Jason Daniel Prone/
Primary Examiner, Art Unit 3724

Continuation of 3. NOTE: The amendments have not been considered with regards to 112, have not been included in any of the previous searches, and the time to do so would take longer than the time alotted in After Final Pilot 2.0.

AFCP 2.0 Decision	Application No.	Applicant(s)
	15/268,175	MIKSOVSKY ET AL.
	Examiner	Art Unit
	Jason Daniel Prone	3724

This is in response to the After Final Consideration Pilot request filed 05 April 2018.

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.

DO NOT ENTER: /JDP/

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: MIKSOVSKY et al.	Attorney Docket No.: HMG1P008D1
Application No.: 15/268,175	Examiner: PRONE, JASON D.
Filed: September 16, 2016	Group: 3724
Title: EATING UTENSIL SYSTEM	Confirmation No.: 1040

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 5, 2018.

Signed: _____/Cara Hedin/_____
Cara Hedin

AMENDMENT B; REQUEST FOR CONSIDERATION UNDER AFCP 2.0

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

Dear Commissioner:

In response to the Final Office Action dated February 5, 2018, 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.

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

Apr 13, 2018 04:03:50 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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Application	Document	Mailroom Date	Attorney Docket No.
15268175	CTAV	04/13/2018	HMG1P008D1
	A.NE.AFCP.D	04/13/2018	HMG1P008D1

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

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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

Doc Code: A.NE.AFCP
Document Description: After Final Consideration Pilot Program Request

PTO/SB/434 (05-13)

CERTIFICATION AND REQUEST FOR CONSIDERATION UNDER THE AFTER FINAL CONSIDERATION PILOT PROGRAM 2.0

Practitioner Docket No.:	Application No.:	Filing Date:
HMG1P008D1	15/268,175	September 16, 2016
First Named Inventor:	**Title:**	
Christopher A. MIKSOVSKY	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 (*e.g.*, 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, *e.g.*, 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.e.*, 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, *e.g.*, 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	Date
/Tina Chen/	April 5, 2018
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.: HMG1P008D1
Application No.: 15/268,175	Examiner: PRONE, JASON D.
Filed: September 16, 2016	Group: 3724
Title: EATING UTENSIL SYSTEM	Confirmation No.: 1040

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 5, 2018.

Signed: /Cara Hedin/
Cara Hedin

AMENDMENT B TRANSMITTAL

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

Commissioner:

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	24	MINUS	24	00	x 40 = $0.00	x 80 = $0.00
Independent Claims	03	MINUS	03	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. HMG1P008D1).

Respectfully submitted,
BEYER LAW GROUP LLP

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

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

REMARKS

Rejections Under 35 U.S.C. §112

Claims 8-16 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 joint inventor, or for pre-AIA the applicant regards as the invention. Claims 1, 14, 16, and 27 are amended to overcome the §112 rejections.

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

Claims 14-16 are rejected under 35 U.S.C. §102(a)(1) as being anticipated by Cox, U.S. Patent No. 88,370, or, in the alternative, under 35 U.S.C. §103 as obvious over Cox in view of Valente et al., U.S. Patent No. 4,625,404, in view of Brunwin, U.S. Patent No. 3,630,249. Claims 8, 9, and 11-13 are rejected under 35 U.S.C. §103 as being unpatentable over Watts (2009/0172949) in view of Cox. Claims 8, 9, and 11-13 are rejected under 35 U.S.C. §103 as being unpatentable over Watts in view of Cox, and further in view of Valente et al. and Brunwin. Claim 35 is rejected under 35 U.S.C. §103 as being unpatentable over Watts in view of Cox, and further in view of Hougland (2005/0066531). Claim 26 is rejected under 35 U.S.C. §103 as being unpatentable over Cox or Cox in view of Valente et al. and Brunwin, and further in view of Watts. Claim 27 is rejected under 35 U.S.C. §103 as being unpatentable over Cox in view of Watts or Cox in view of Valente et al. and Brunwin, and further in view of Watts, and further in view of Albanese, U.S. Patent No. 4,984,367. Claims 28-31 are rejected under 35 U.S.C. §103 as being unpatentable over Cox in view of Watts or Cox in view of Valente et al. and Brunwin, and further in view of Watts, and further in view of Geckler et al., U.S. Patent No. 3,014,277. Claim 32 is rejected under 35 U.S.C. §103 as being unpatentable over Cox in view of Watts or Cox in view of Valente et al. and Brunwin further in view of Watts, and further in view of Hougland. Claim 33 is rejected under 35 U.S.C. §103 as being unpatentable over Cox or Cox in view of Valente et al. and Brunwin.

Independent Claim 1 is amended to recite that at least one of the plurality of tines extends between a first end and a second end, the at least one of the plurality of tines having a curved outer edge having a top surface that is chamfered between the first end and the second end, wherein the first end is at a tip of the at least one of the plurality of tines and the second end is where the first head portion meets the handle, wherein the utensil has a side edge that extends along an entire length of the utensil, and wherein the top surface is chamfered at an angle from the side edge. Independent Claim 14 is similarly amended. These amendments are fully

supported by the specification and claims, as originally filed, at, for example, paragraph [0073] and Fig. 7A.

None of the cited references discloses or suggests a utensil that has a side edge that extends along an entire length of the utensil, wherein the top surface of the curved outer edge of a tine is chamfered at an angle from the side edge, as recited in amended independent Claims 1 and 14. The Examiner states that he has "adopted the applicant provided definition of a chamfered edge which is defined as a transitional edge between two faces of an object." However, Applicant respectfully notes that, in the previously filed response, a "chamfer" was described as "'a beveled edge' or 'a transitional edge between two faces of an object.'" The Examiner has chosen to use only the description of "a transitional edge between two faces of an object" and has ignored "a beveled edge." It is commonly known that a beveled edge, like a chamfered edge" is angled from another surface. When taken alone, "a transitional edge between two faces of an object" could include a curved edge as the transitional edge. Clearly, "chamfered edge" should not include such curved edges that are transitional between two faces of an object.

Similarly, "chamfered edge" should not include the structure shown in the Cox, as there is no transitional edge that is angled from the top or bottom surface. As discussed in the previously filed response, the outer edge of the outer tines are not chamfered, as shown in Figs. 2 and 3 of Cox. As shown in Figs. 2 and 3, the top surface is curved downward and the bottom surface is curved upward and the top and bottom surface meet at a point. In Cox, the top surface is not chamfered at an angle from the side edge of the utensil. The top surface is clearly curved from the "knife edge" and the top surface does is not chamfered at an angle from the side edge. Thus, there is no chamfered edge on the Cox fork.

The Examiner cites Valente et al. and Brunwin for disclosing chamfered edges. Both of the Valente et al. and Brunwin references disclose cutting tools that are used solely for cutting. The Valente et al. and Brunwin tools do not include forks or spoons. It is respectfully submitted that cutting tools, such as those disclosed in the Valente et al. and Brunwin references, would have cutting blades and that such blades might be chamfered. However, in the claimed invention, the edge having a chamfered top surface is on a tine of a fork. Forks are not primarily used as cutting utensils, as knives are typically provided for cutting. However, as the claimed invention is a combination utensil having a fork head on one end and a spoon bowl on the other end, there is not a conventional knife provided on this combination utensil. In the claimed invention, the edge of a fork time has a top surface that is chamfered at an angle from the side edge to allow a user to cut through some foods without a conventional knife. Such a chamfered

edge is typically not as sharp as a knife edge and therefore safer when placed inside a user's mouth as a fork normally would be used. Thus, it was not obvious to provide a tine of a fork with a chamfered edge.

As noted by the Examiner, Watts does not disclose any chamfered edge. Similarly, the Hougland, Albanese and Geckler references do not provide the deficiencies of the Cox, Valente et al., Brunwin, and Watts references discussed above. Thus, for at least the reasons discussed above, amended independent Claims 8 and 14 are patentable over the cited references. Dependent Claims 9, 11-13, 15-16, and 25-44, which depend from and include all of the limitations of amended claim 8 or 14, 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.

Respectfully submitted,
BEYER LAW GROUP LLP

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

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

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

Listing of Claims:

1. (Withdrawn) An eating utensil, comprising:

a fork having a handle connected to a head portion including plurality of tines; and

a spoon having a substantially five-sided bowl portion the spoon having a handle with a proximal end connected to a proximal end of the handle of the fork.

2. (Withdrawn) The eating utensil as recited in claim 1, wherein the fork and spoon are integrally formed.

3. (Withdrawn) The eating utensil as recited in claim 1, wherein the chamfered edge tapers to a point where the handle of the fork is connected to the head portion of the fork.

4. (Withdrawn) The eating utensil as recited in claim 1, wherein the handle of the spoon has a chamfered outer edge.

5. (Withdrawn) The eating utensil as recited in claim 1, wherein the eating utensil is formed of a glass reinforced thermoplastic material.

6. (Withdrawn) The eating utensil as recited in claim 1, the head portion of the fork has at least one tine on a curved outer edge.

7. (Withdrawn) The eating utensil as recited in claim 6, wherein the at least one tine has a chamfered outer edge along substantially its entire length.

8. (Currently Amended) An eating utensil, comprising:

a handle having a first end and a second end;

a first head portion attached to the first end of the handle, wherein the first head portion comprises a plurality of tines, wherein at least one of the plurality of tines **extends between a first end and a second end, the at least one of the plurality of tines having** ~~**has**~~ a ~~**chamfered**~~ curved outer edge **having a top surface that is chamfered between the first end and the second end** ~~**along substantially an entire length of the at least one of the plurality of tines**~~

~~having a chamfered curved outer edge~~, wherein the ~~chamfered edge has one~~ **first** end **is** at a tip of the at least one of the plurality of tines and **the second** ~~has another~~ end **is** where the first head portion meets the handle**, wherein the utensil has a side edge that extends along an entire length of the utensil, and wherein the top surface is chamfered at an angle from the side edge**; and

a second head portion attached to the second end of the handle, wherein the second head portion comprises a bowl of a spoon, the bowl having multiple sides and substantially rounded corners.

9. (Original) The eating utensil as recited in claim 8, wherein the handle, the first head portion, and the second head portion are integrally formed.

10. (Canceled)

11. (Original) The eating utensil as recited in claim 8, wherein the plurality of tines includes at least one central tine that is substantially straight.

12. (Original) The eating utensil as recited in claim 8, wherein the at least one of the plurality of tines has a substantially straight inner edge.

13. (Original) The eating utensil as recited in claim 8, wherein the eating utensil is formed of a glass reinforced thermoplastic material.

14. (Currently Amended) An eating utensil, comprising a fork including:

a head portion including a plurality of tines, wherein an outer tine of the plurality of tines **extends between a first end and a second end, the outer tine having** has a curved ~~chamfered~~ outer edge **having a top surface that is chamfered between the first end and the second end**~~, 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 **first end is** ~~chamfered edge extends from one end~~ at a tip of the **outer tine** ~~at least one of the plurality of tines to a~~ **and the** second end **is**~~, wherein the chamfered edge tapers to a point~~ where the handle portion meets the head portion**, the top surface tapering to a point** at the second end**, wherein the**

utensil has a side edge that extends along an entire length of the utensil, and wherein the top surface is chamfered at an angle from the side edge.

15. (Original) The eating utensil as recited in claim 14, wherein the chamfered edge spans an entire width of the outer tine at a distal tip of the outer tine.

16. (Currently Amended) The eating utensil as recited in claim 14, wherein the plurality of tines **includes a second outer tine** ~~has two outer tines~~, wherein each of ~~the~~ two outer tines has a curved ~~chamfered~~ outer edge **having a top surface that is chamfered at an angle from the side edge**.

17.-24. (Cancelled)

25. (Previously Presented) The eating utensil as recited in claim 8, wherein the handle comprises a diagonal ridge.

26. (Previously Presented) The eating utensil as recited in claim 14, further comprising a spoon bowl integrally formed with the handle portion, wherein the spoon bowl extends from an end of the handle portion opposite an end from which handle portion meets the head portion.

27. (Currently Amended) The eating utensil as recited in claim **[[14]] 26**, wherein the spoon bowl is angled ~~upward~~ from the handle portion at an angle of about 20-25 degrees.

28. (Previously Presented) The eating utensil as recited in claim 26, wherein the spoon bowl has a substantially flat side edge.

29. (Previously Presented) The eating utensil as recited in claim 26, wherein the bowl has a substantially flat end edge.

30. (Previously Presented) The eating utensil as recited in claim 26, wherein the spoon bowl has a substantially pentagonal shape.

31. (Previously Presented) The eating utensil as recited in claim 30, wherein the spoon bowl has substantially rounded corners.

32. (Previously Presented) The eating utensil as recited in claim 26, wherein the handle comprises a diagonal ridge.

33. (Previously Presented) The eating utensil as recited in claim 14, wherein the eating utensil is formed of a glass reinforced thermoplastic material.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: MIKSOVSKY et al.	Attorney Docket No.: HMG1P008D1
Application No.: 15/268,175	Examiner: PRONE, JASON D.
Filed: September 16, 2016	Group: 3724
Title: EATING UTENSIL SYSTEM	Confirmation No.: 1040

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 5, 2018.

Signed: _____/Cara Hedin/_____
Cara Hedin

AMENDMENT B; REQUEST FOR CONSIDERATION UNDER AFCP 2.0

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

Dear Commissioner:

In response to the Final Office Action dated February 5, 2018, 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.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: MIKSOVSKY et al.	Attorney Docket No.: HMG1P008D1
Application No.: 15/268,175	Examiner: PRONE, JASON D.
Filed: September 16, 2016	Group: 3724
Title: EATING UTENSIL SYSTEM	Confirmation No.: 1040

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 5, 2018.

Signed: _____/Cara Hedin/_____
Cara Hedin

INFORMATION DISCLOSURE STATEMENT AFTER FINAL ACTION OR NOTICE OF ALLOWANCE (37 CFR §§ 1.56 AND 1.97(d))

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

Dear Commissioner:

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 submit 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 reference(s) indeed constitutes prior art.

This Information Disclosure Statement is being filed after the mailing date of final action under §1.113 or a notice of allowance under §1.311, but before or with payment of the issue fee.

Applicant's Representative is filing this Information Disclosure Statement to correct errors pointed out by the Examiner in the Office Action dated February 5, 2018. Attached for

Humangear, Inc. Ex. 2005, Page 168

the Examiner's reference is a copy of the European Search Report dated June 16, 2017. The following U.S. Publications were cited in the search report as follows: 2005/155229 and 2013/152406. It is noted that the leading zeros were omitted in the European Search Report listing of the references and in the Information Disclosure Statement filed on September 12, 2017. These references were listed exactly as indicated on the European Search Report, without the leading zeros. Applicant believes that the references were accurately listed in the Information Disclosure Statement filed on September 12, 2017, thus the Applicant's Representative believes no additional fee should be charged. However if it is determined that fees are due, the Commissioner is hereby authorized to charge such fees to Deposit Account 50-4481 (Order No. HMG1P008D1).

Respectfully submitted,
BEYER LAW GROUP LLP

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

P. O. Box 51887
Palo Alto, CA 94303-1887
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Humangear, Inc. Ex. 2005, Page 169

Europäisches Patentamt
European Patent Office
Office européen des brevets

European Patent Office
80298 MUNICH
GERMANY

Questions about this communication ?
Contact Customer Services at www.epo.org/contact

Samuels, Adrian James
Dehns
St Bride's House
10 Salisbury Square
London
EC4Y 8JD
ROYAUME UNI

Date
16.06.17

Reference	Application No./Patent No.
496.130244/01	16202786.6 - 1653

Applicant/Proprietor
Humangear, Inc.

Communication

The extended European search report is enclosed.

The extended European search report includes, pursuant to Rule 62 EPC, the European search report (R. 61 EPC) or the partial European search report/ declaration of no search (R. 63 EPC) and the European search opinion.

Copies of documents cited in the European search report are attached.

☑ 0 additional set(s) of copies of such documents is (are) enclosed as well.

The following have been approved:

☑ Abstract ☑ Title

☐ The Abstract was modified and the definitive text is attached to this communication.

The following figure(s) will be published together with the abstract: 6c

Refund of search fee
If applicable under Article 9 Rules relating to fees, a separate communication from the Receiving Section on the refund of the search fee will be sent later.

Should you wish to further prosecute this application in the examination phase, your attention is drawn to the provisions of Rule 70a EPC. An invitation to respond to the extended European search report will be issued once the date of publication of the European search report has been mentioned in the European Patent Bulletin (R. 69(1), R. 70(2) EPC).

Europäisches Patentamt · European Patent Office · Office européen des brevets

Europäisches Patentamt
European Patent Office
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EUROPEAN SEARCH REPORT

Application Number
EP 16 20 2786

DOCUMENTS CONSIDERED TO BE RELEVANT

Category	Citation of document with indication, where appropriate, of relevant passages	Relevant to claim	CLASSIFICATION OF THE APPLICATION (IPC)
X Y	EP 0 129 495 A2 (O TRAY CORP [US]) 27 December 1984 (1984-12-27) * paragraphs [0046] - [0069]; figures *	1 3-8, 10-13	INV. A47G21/06
X Y	US 2005/155229 A1 (LEE CHING M [CN]) 21 July 2005 (2005-07-21) * paragraphs [0033] - [0050]; figures *	14-16 3-13, 17-20	
X Y	DE 44 17 037 A1 (BACKER SUSANNE [DE]) 16 November 1995 (1995-11-16) * column 2, lines 17-56; figures *	1,2 9,17-20	
X A	GB 22788 A A.D. 1914 (SYMMONDS ARTHUR EDWIN) 2 September 1915 (1915-09-02) * the whole document *	1 3-8, 10-13	
X A	WO 2013/095407 A1 (GADSDEN COFFEE COMPANY INC [US]; MCFARLAND DAVID B [US]) 27 June 2013 (2013-06-27) * page 4, line 20 - page 12; figures *	14-16 3-13, 17-20	TECHNICAL FIELDS SEARCHED (IPC) A47G
X A	US 2013/152406 A1 (MCFARLAND DAVID B [US]) 20 June 2013 (2013-06-20) * figures *	14-16 3-13, 17-20	
X	US D 536 222 S (HEIBERG JAKOB [DK] ET AL) 6 February 2007 (2007-02-06) * figures *	1,3-20	
X	US 2 010 074 A (JOSEPH FUERST) 6 August 1935 (1935-08-06) * figures *	1-20	

-/--

The present search report has been drawn up for all claims

Place of search	Date of completion of the search	Examiner
The Hague	1 June 2017	Van Bastelaere, Tiny

CATEGORY OF CITED DOCUMENTS

X : particularly relevant if taken alone
Y : particularly relevant if combined with another document of the same category
A : technological background
O : non-written disclosure
P : intermediate document

T : theory or principle underlying the invention
E : earlier patent document, but published on, or after the filing date
D : document cited in the application
L : document cited for other reasons

& : member of the same patent family, corresponding document

EPO FORM 1503 03.82 (P04C01)

Europäisches Patentamt
European Patent Office
Office européen des brevets

EUROPEAN SEARCH REPORT

Application Number
EP 16 20 2786

DOCUMENTS CONSIDERED TO BE RELEVANT

Category	Citation of document with indication, where appropriate, of relevant passages	Relevant to claim	CLASSIFICATION OF THE APPLICATION (IPC)
X	US D 530 985 S (EVANS LYLE K [US]) 31 October 2006 (2006-10-31) * figures * -----	1-20	
X	US D 633 344 S (NORDWALL JOACHIM [SE]) 1 March 2011 (2011-03-01) * figures * -----	1-20	

TECHNICAL FIELDS SEARCHED (IPC)

The present search report has been drawn up for all claims

Place of search	Date of completion of the search	Examiner
The Hague	1 June 2017	Van Bastelaere, Tiny

CATEGORY OF CITED DOCUMENTS

X : particularly relevant if taken alone
Y : particularly relevant if combined with another document of the same category
A : technological background
O : non-written disclosure
P : intermediate document

T : theory or principle underlying the invention
E : earlier patent document, but published on, or after the filing date
D : document cited in the application
L : document cited for other reasons

& : member of the same patent family, corresponding document

EPO FORM 1503 03.82 (P04C01)

Humangear, Inc. Ex. 2005, Page 172

ANNEX TO THE EUROPEAN SEARCH REPORT ON EUROPEAN PATENT APPLICATION NO. EP 16 20 2786

This annex lists the patent family members relating to the patent documents cited in the above-mentioned European search report. The members are as contained in the European Patent Office EDP file on
The European Patent Office is in no way liable for these particulars which are merely given for the purpose of information.

01-06-2017

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
EP 0129495 A2	27-12-1984	CA 1213154 A	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
US 2005155229 A1	21-07-2005	CN 2673224 Y	26-01-2005
		GB 2424359 A	27-09-2006
		US 2005155229 A1	21-07-2005
		WO 2005074762 A1	18-08-2005
DE 4417037 A1	16-11-1995	NONE	
GB 191422788 A	02-09-1915	NONE	
WO 2013095407 A1	27-06-2013	NONE	
US 2013152406 A1	20-06-2013	NONE	
US D536222 S	06-02-2007	CA 113643 S	01-10-2007
		US D536222 S	06-02-2007
US 2010074 A	06-08-1935	NONE	
US D530985 S	31-10-2006	NONE	
US D633344 S	01-03-2011	NONE	

0. The examination is being carried out on the application documents as originally filed.

00. Reference is made to the following documents; the numbering will be adhered to in the rest of the procedure.

D1: EP 0 129 495 A2 (O TRAY CORP [US]) 27 December 1984 (1984-12-27)

D2: US2005/0155229

D3: DE 44 17 037 A1 (BACKER SUSANNE [DE]) 16 November 1995 (1995-11-16)

****

1. The application does not meet the requirements of Article 84 EPC, because **claims 1, 8 and 14 not clear.**

1.1 **Claims 1, 8 and 14** have been drafted as separate independent claims.

Under Article 84 in combination with Rule 43(2) EPC an application may contain more than one independent claim in a particular category only if the subject matter claimed falls within one or more of the exceptional situations set out in paragraphs (a), (b) or (c) of Rule 43(2) EPC. This is not the case in the present application.

1.2 Furthermore **claims 1, 8 and 14** would relate to two different groups of inventions as what can be understood as the invention over the prior art in this application, as there is not a technical relationship between the special technical features, and they can exist independently from one another:

2 inventions claimed could be considered to be present in the international application, covered by the following groups of claims:

Group 1: Independent claims 1,8 and dependent claims 2-7, 9-13: An eating utensil comprising a fork and a spoon of which the proximal ends of the handles are connected or connectable.

Group 2: Independent claim 14 and dependent claims 15-20: A fork with an outer tine having a curved chamfered outer edge.

Therefore this would lead to a lack of unity within the meaning of Article 82 EPC.

1.3 The applicant is requested to file an amended set of claims which complies with Rule 43(2) and Article 82 EPC.

Failure to do so, or failure to submit convincing arguments as to why the current set of claims does in fact comply with these provisions, will lead to refusal of the application under Article 97(1) EPC

1.4 The terminology used *'substantially flat side and end edges'* and *'substantially pentagonal'* can be interpreted in a broad way. These terms are vague and unclear and leave the reader in doubt as to the meaning of the technical feature to which they refer, thereby rendering the definition of the subject-matter of said claim unclear (Article 84 EPC).

2. The present application does not meet the requirements of Article 52(1) EPC, because the subject-matter of **claims 1, 2 and 14** is **not new** in the sense of Article 54(1) and (2) EPC.

2.1 **Claim 1:** D1 discloses (see §46-69 and figures):

An eating utensil, comprising:
a fork (fork 14) having a handle (handle 18f) connected to a head portion (tine portion 40) including plurality of tines; and
a spoon (spoon 12) having a substantially pentagonal bowl portion (see figure: the spoon bowl can be considered to be substantially pentagonal) having substantially flat

side and end edges (see figure 1: the upper side edge of the spoon, and thus its sides and end edges is considered to be substantially flat), the spoon having a handle with a proximal end connected to a proximal end of the handle of the fork (see figure 3).

Hence the subject-matter of **claim 1 is considered to be not novel.** (Article 54 EPC).

2.2 **Claim 14:** D2 discloses (see §33-50 and figures):

An eating utensil, comprising a fork including:
a head portion (section 83) 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 1and §34); 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 figure 1).

Hence the subject-matter of **claim 14 is considered to be not novel.** (Article 54 EPC).

2.3 D2 furthermore discloses the features of dependent **claims 15-16** (see figure 1), hence the subject-matter of these claims is considered **not** to be **novel** (Article 54 EPC).

2.4 D3 discloses even so the features of claim 1 (see figures and column 2, lines 17-56) and furthermore the features of claim 2.

Hence the subject-matter of **claim 2 is considered to be not novel.** (Article 54 EPC).

3. The present application does not meet the requirements of Article 52(1) EPC, because the subject-matter of **claims 3-13 and 17-20** does **not involve an inventive step** in the sense of Article 56 EPC.

The skilled person would regard it a normal design procedure to combine all the features set out in claims 3-10 and/or 17-20, because they refer to features which are generally known (cf. the documents cited in the search report) or which come within the scope of customary practice of a person skilled in the art.

4. It is not at present apparent which part of the application could serve as a basis for a new, allowable claim.

5. Should the applicant nevertheless regard some particular matter as patentable, an independent claim should be filed in the two-part form in accordance with Rule 43(1) EPC, with those features known in combination from the prior art D1 being placed in the preamble (Rule 43(1)(a) EPC).

6. The features of the claims should be provided with reference signs placed in parentheses to increase the intelligibility of the claims (Rule 43(7) EPC).

7. Care should be taken during revision, especially of the introductory portion and any statements of problem or advantage, not to add subject-matter which extends beyond the content of the application as originally filed (Article 123(2) EPC).

8. D1 should be identified in the description and the document which discloses the preamble of claim 1 should be identified and the invention as claimed should be disclosed in the description (Rule 42 EPC).

9. In order to comply with the requirements of Rule 137(4) EPC, the applicant should clearly identify the amendments made, irrespective of whether they concern amendments by addition, replacement or deletion, and indicate the passages of the application as filed on which these amendments are based (see Guidelines H III 2.2).

These indications could be submitted in handwritten form on a copy of the relevant parts of the application as filed.

Information on Search Strategy - Pilot phase (see OJ 2015, A86)
The type of information contained in this sheet may change during the pilot for improving the usefulness of this new service.

Application Number
EP 16 20 2786

TITLE:

APPLICANT: Humangear, Inc.

IPC CLASSIFICATION: A47G21/06

EXAMINER: Van Bastelaere, Tiny

CONSULTED DATABASES:

CLASSIFICATION SYMBOLS DEFINING EXTENT OF THE SEARCH:

IPC:

CPC: A47G21/06

FI/F-TERMS:

KEYWORDS OR OTHER ELEMENTS FEATURING THE INVENTION:

EPO FORM P04A42

Form 1449 (Modified) **Information Disclosure Statement By Applicant** (Use Several Sheets if Necessary)	**Atty Docket No.**	HMG1P008D1
	Application No.:	15/268,175
	Applicant	MIKSOVSKY et al.
	Filing Date	September 16, 2016
	Group	3724
		Page 1 of 1

U.S. Patent Documents

Examiner Initial	No.	Patent No.	Date	Patentee	Class	Sub-class	Filing Date
	1.	2013/0152406	06/20/13	McFarland			12/20/11
	2.	2005/0155229	07/21/05	Lee			07/28/04
	3.						
	4.						
	5.						
	6.						
	7.						
	8.						
	9.						
	10.						
	11.						

Foreign Patent or Published Foreign Patent Application

Examiner Initial	No.	Document No.	Publication Date	Country or Patent Office	Class	Sub-Class	Translation Yes	Translation No
	12.							
	13.							

Other Documents

Examiner Initial	No.	Author, Title, Place (e.g. Journal) of Publication, Date
	14.	European Search Report dated June 16, 2017 from European Application No. 16202786.3-1653.
	15.	
	16.	
	17.	

Examiner	Date Considered

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.

Electronic Acknowledgement Receipt

EFS ID:	32259588
Application Number:	15268175
International Application Number:	
Confirmation Number:	1040
Title of Invention:	EATING UTENSIL SYSTEM
First Named Inventor/Applicant Name:	Christopher A. MIKSOVSKY
Customer Number:	58766
Filer:	Tina Chen/Cara Hedin
Filer Authorized By:	Tina Chen
Attorney Docket Number:	HMG1P008D1
Receipt Date:	05-APR-2018
Filing Date:	16-SEP-2016
Time Stamp:	17:36:13
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	After Final Consideration Program Request	HMG1P008D1_AFCP_Request.pdf	226625 802b57fd349ecd98f8bbdf8b96830b14478c7239	no	2

Warnings:

Information:					
2	Miscellaneous Incoming Letter	HMG1P008D1_Amendment_B_Transmittal.pdf	21402 81416c5a8c4def15b70de6eb1783eb18849283a9	no	1
Warnings:					
Information:					
3		HMG1P008D1_Amendment_B_FINAL.pdf	55209 d9a335204869a3184af040c82e3c813aa3985aa8	yes	8

	Multipart Description/PDF files in .zip description		
	Document Description	**Start**	**End**
	Applicant Arguments/Remarks Made in an Amendment	6	8
	Claims	2	5
	Response After Final Action	1	1

Warnings:					
Information:					
4	Transmittal Letter	HMG1P008D1_IDS_4.pdf	24548 2446d94091e4af0c56f68ca31c47a4058fe5debf	no	2
Warnings:					
Information:					
5	Non Patent Literature	HMG1P008EPD1_EU_Search_Report.pdf	870748 0ead34f5fe2e14b32d51df2293a68a5e1c13a813	no	10
Warnings:					
Information:					
6	Information Disclosure Statement (IDS) Form (SB08)	HMG1P008D1_1449_4.pdf	23397 f158e8b57f663bc6482ecfbd9e80c411a0cb6293	no	1
Warnings:					
Information:					
This is not an USPTO supplied IDS fillable form					
		Total Files Size (in bytes):	1221929		

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

New Applications Under 35 U.S.C. 111

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

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

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

New International Application Filed with the USPTO as a Receiving Office

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

PTO/SB/06 (09-11)
Approved for use through 1/31/2014. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875	Application or Docket Number 15/268,175	Filing Date 09/16/2016	☐ To be Mailed

ENTITY: ☐ LARGE ☒ SMALL ☐ MICRO

APPLICATION AS FILED – PART I

FOR	(Column 1) NUMBER FILED	(Column 2) 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

AMENDMENT **04/05/2018**

	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	RATE ($)	ADDITIONAL FEE ($)
Total (37 CFR 1.16(i))	* 24	Minus	** 24	= 0	X $50 =	0
Independent (37 CFR 1.16(h))	* 3	Minus	***3	= 0	X $230 =	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

AMENDMENT

	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) 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
ANTJUAN RIVERA

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
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
15/268,175	09/16/2016	Christopher A. MIKSOVSKY	HMG1P008D1	1040

58766 7590 02/05/2018

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
02/05/2018	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. 15/268,175	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 *12-1-17*.

☐ 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) *1-9,11-16 and 25-33* is/are pending in the application.

5a) Of the above claim(s) *1-7* is/are withdrawn from consideration.

6)☐ Claim(s) _____ is/are allowed.

7)☒ Claim(s) *8,9,11-16 and 25-33* 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 *12-1-17* 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) ☐ 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.

Information Disclosure Statement

2. The I.D.S. received 9-12-17 has been considered. However, the two references have been lined through because they are missing a number.

Claim Rejections - 35 USC § 112

3. 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.

4. Claims 8-16 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 8, the phrase “wherein the chamfered edge has one end at a tip…and has another end where the first head portion meets the handle” is unclear. It is unclear if this edge extension description represents the same or a differ structure than the edge extending along substantially an entire length. As written, the edge extends substantially along an entire length and then also extends from the tip to the meeting spot. Is the entire length the same or a different dimension than the length

between tip and the meeting spot? These two disclosures are confusing in that they appear to be defining the same thing but as written appear as two different lengths. Also, the length between the tip and meeting spot appears to be the entire length while the earlier limitation discloses substantially the entire length which would be different than the entire length. Having both of these limitations in the claim is confusing and it is recommended that the "along substantially an entire length" limitation be removed because the newly added phrase explain the edge extends from the tip to the meet spot covers the same subject matter. Claim 14 has the same issue.

With regards to claim 8 line 6, the phrase "having a chamfered curved outer edge" is unclear. It is unclear what structure represents this additional outer edge. As written, this is not the same outer edge as the previously disclosed outer edge. This phrase should be deleted.

With regards to claim 16, the phrase "the plurality of tines has two outer tines" is unclear. It is unclear if these outer tines represent the same or a different structure than the previously disclosed outer tine. As written, the outer tines are in addition to the outer tine which is not supported. As written, the fork has three outer tines. Claim 16 should be amended to disclose the plurality of tines has a second outer tine with a curved chamfered outer edge since claim 14 already discloses this about the first outer tine.

With regards to claim 16, the phrase "each having a curved chamfered outer edge" is unclear. It is unclear if these edges represent the same or a different structure

than the previously disclosed curved chamfered outer edge in claim 14. As written, the fork has three curved chamfered outer edges which is not supported.

Claim 27 recites the limitation "the spoon bowl". There is insufficient antecedent basis for this limitation in the claim. It is believed that claim 27 should depend from claim 26 and not 14.

With regards to claim 27, the term “upward” is indefinite. The utensil is hand held and is capable of achieving an infinite number of orientations including orientations where the bowl does not angle upwards. This term needs to be replaced with a term that is true regardless of orientation.

Claim Rejections - 35 USC § 102/103

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.

5. 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.

6. Claims 14-16 are rejected under 35 U.S.C. 102(a)(1) as anticipated by Cox (88,370) or, in the alternative, under 35 U.S.C. 103 as obvious over Cox (88,370) in view of Valente et al. (4,625,404) and Brunwin (3,630,249). For the purposes of

interpretation, the Examiner has adopted the applicant provided definition of a chamfered edge which is defined as a transitional edge between two faces of an object. With regards to claims 14-16, Cox discloses the invention including an eating utensil (Fig. 1), having a head portion including a plurality of tines (Fig. 1), an outer one of the tines has a curved chamfered outer edge (Fig. 3 shows an outer edge that represents a transitional edge between an upper face and a lower face of the head portion), the outer edge extending along substantially an entire length of the head portion (Fig. 1), a handle portion connected to the head portion (Fig. 1), the edge extends from one end at a tip of the at least one of the tines to a second end tapers to a point where the handle portion meets the head portion (Fig. 1), the edge spans an entire width of the outer tine at a distal tip of the outer tine (Fig. 1), and the fork has two outer tines each with a curved outer edge (Fig. 1).

However, with regards to claims 14-16, if it can still be argued that the outer edge of the outer tine of Cox is not chamfered.

Valente et al. and Brunwin teach it is old and well known in the art of cutting edges to incorporate a chamfered cutting edge (17 in Valente et al. and lines 6-7 of the abstract of Brunwin). The outer edge of Cox is a cutting edge and it would have been obvious to have utilized any reasonable type of cutting edge definition including chamfered cutting edges. Therefore, it would have been obvious to one of ordinary skill in the art, at the time of filing, to have provided Cox with a chamfered outer cutting edge, as taught by Valente et al. and Brunwin, 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.

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.

7. 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, 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.

8. Claims 8, 9, and 11-13 are rejected under 35 U.S.C. 103 as being unpatentable over Watts (2009/0172949) in view of Cox (88,370). For the purposes of interpretation, the Examiner has adopted the applicant provided definition of a chamfered edge which is defined as a transitional edge between two faces of an object.

With regards to claims 8, 9, and 11, Watts discloses an eating utensil (Fig. 1) having a handle with first and second ends (Fig. 1), a first head portion with tines attached to the first end (Fig. 1), a second head portion with a spoon bowl attached to the second end (Fig. 1), the bowl has multiple sides and substantially rounded corners

(Fig. 1), the handle and the head portions are integrally formed (Fig. 1), and the tines includes at least one central tine that is substantially straight (Fig. 1).

With regards to claims 8 and 12, Watts fails to disclose at least one of the tines has a chamfered curved outer edge along substantially an entire length of the one tine, the chamfered edge has one end at a tip of the one tine and has another end where the first head portion meet the handle and the at least one of the tines has a substantially straight inner edge.

Cox teaches it is old and well known in the art of fork head portions to incorporate at least one of the tines with a chambered curved outer edge along substantially an entire length (Fig. 3 shows an outer edge that represents a transitional edge between an upper face and a lower face of the head portion), the chamfered edge has one end at a tip of the one tine and has another end where the first head portion meet the handle (Fig. 1), and the at least one of the tines has a substantially straight inner edge (Fig. 1). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of filing, to have provided Watts with the fork head, as taught by Cox, 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.

However, with regards to claim 13, Watts in view of Cox fail to disclose the utensil is formed of a glass reinforced thermoplastic material.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to formed the utensil 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. Therefore, it would have been an obvious matter of design choice to modify the device of Watts in view of Cox 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.

9. Claims 8, 9, and 11-13 are rejected under 35 U.S.C. 103 as being unpatentable over Watts (2009/0172949) in view of Cox (88,370) further in view of Valente et al. (4,625,404) and Brunwin (3,630,249). To the degree it is argued that Cox fails to disclose the chamfered outer edge, Valente et al. and Brunwin teach the chamfered edge. Please see the Valente et al. and Brunwin portion of the rejection above.

10. Claim 25 is rejected under 35 U.S.C. 103 as being unpatentable over Watts (2009/0172949) in view of Cox (88,370) further in view of Hougland (2005/0066531). Watts in view of Cox or Watts in view of Cox further in view of Valente et al. and Brunwin fail to disclose the handle has a diagonal ridge.

Hougland teaches it is old and well known in the art of eating utensils to incorporate a diagonal ridge (11). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of filing, to have provided Watts in view of Cox or

Watts in view of Cox further in view of Valente et al. and Brunwin with a ridge, as taught by Hougland, because 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.

11. Claim 26 is rejected under 35 U.S.C. 103 as being unpatentable over Cox (88,370) or Cox (88,370) in view of Valente et al. (4,625,404) and Brunwin (3,630,249) as applied to claim 14 above, and further in view of Watts (2009/0172949). Cox or Cox in view of Valente et al. and Brunwin disclose the invention but fail to disclose a spoon bowl integrally formed with an end of the handle portion opposite the head portion.

Watts teaches it is old and well known in the art of eating utensils to incorporate a spoon bowl integrally formed with an end of the handle portion opposite the head portion (Fig. 1). Adding the spoon to the fork creates a single two with multiple functions. Therefore, it would have been obvious to one of ordinary skill in the art, at the time of filing, to have provided Cox or Cox in view of Valente et al. and Brunwin with a spoon bowl, as taught by Watts, because 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. Claim 27 is rejected under 35 U.S.C. 103 as being unpatentable over Cox (88,370) in view of Watts (2009/0172949) or Cox (88,370) in view of Valente et al. (4,625,404) and Brunwin (3,630,249) further in view of Watts (2009/0172949) as applied

to claims 14 and 26 above, and further in view of Albanese (4,984,367). Both versions of the Modified Cox reference disclose the invention but fail to disclose the spoon bowl is angled upward from the handle portion at an angle.

Albanese teaches it is old and well known in the art of eating utensils to incorporate a spoon bowl that is angled upward from the handle portion at an angle (Fig. 2). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of filing, to have provided both versions of the Modified Cox reference with an angled spoon bowl, as taught by Albanese, because 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.

However, both versions of the Modified Cox reference fail to disclose the angle is about 20-25 degrees.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have made the angle any reasonable angle including within the claimed range, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 105 USPQ 233. Therefore, it would have been an obvious matter of design choice to modify the device of both versions of the Modified Cox reference to obtain the invention as specified in claim 27. 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.

13. Claims 28-31 are rejected under 35 U.S.C. 103 as being unpatentable over Cox (88,370) in view of Watts (2009/0172949) or Cox (88,370) in view of Valente et al. (4,625,404) and Brunwin (3,630,249) further in view of Watts (2009/0172949) as applied to claims 14 and 26 above, and further in view of Geckler (3,014,277). Both versions of the Modified Cox reference disclose the invention but fail to disclose the bowl has a substantially flat side edge, a substantially flat end edge, the bowl has a substantially pentagonal shape, and the bowl has substantially rounded corners.

Geckler teaches it is old and well known in the art of the spoon bowls to incorporate a substantially flat side edge (26), a substantially flat end edge (28), the bowl has a substantially pentagonal shape (Fig. 1), and the bowl has substantially rounded corners (40). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of filing, to have provided both versions of the Modified Cox reference with the bowl shapes, as taught by Geckler, because 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 32 is rejected under 35 U.S.C. 103 as being unpatentable over Cox (88,370) in view of Watts (2009/0172949) or Cox (88,370) in view of Valente et al. (4,625,404) and Brunwin (3,630,249) further in view of Watts (2009/0172949) as applied to claims 14 and 26 above, and further in view of Hougland (2005/0066531). Both

versions of the Modified Cox reference disclose the invention but fail to disclose the handle has a diagonal ridge.

Hougland teaches it is old and well known in the art of eating utensils to incorporate a diagonal ridge (11). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of filing, to have provided Both versions of the Modified Cox reference with a ridge, as taught by Hougland, because 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. Claim 33 is rejected under 35 U.S.C. 103 as being unpatentable over Cox (88,370) or Cox (88,370) in view of Valente et al. (4,625,404) and Brunwin (3,630,249). Cox or Cox in view of Valente et al. and Brunwin disclose the invention but fail to disclose the utensil is formed of a glass reinforced thermoplastic material.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to formed the utensil 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. Therefore, it would have been an obvious matter of design choice to modify the device of Cox or Cox in view of Valente et al. and Brunwin to obtain the invention as specified in claim 33. 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.

Response to Arguments

16. Applicant's arguments filed 12-1-17 have been fully considered but they are not persuasive. Using a chamfer definition provided by Applicant, the fork of Cox has an upper surface that transitions into a bottom surface via the pointed edge as shown in Figure 3. This pointed edge in-between the two surfaces is the chamfered edge. However, if it is still argued that this edge defined in Cox is not a chamfered edge, Valente et al. and Brunwin teach that chamfered cutting edges are old and well known.

Conclusion

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

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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

Examiner interviews are available via telephone, in-person, and video conferencing using a USPTO supplied web-based collaboration tool. To schedule an interview, applicant is encouraged to use the USPTO Automated Interview Request (AIR) at http://www.uspto.gov/interviewpractice.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrea L. Wellington can be reached on (571)272-4483. 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.

31 January 2018

/Jason Daniel Prone/

Primary Examiner, Art Unit 3724

Notice of References Cited	Application/Control No. 15/268,175	Applicant(s)/Patent Under Reexamination MIKSOVSKY ET AL.	
	Examiner Jason Daniel Prone	Art Unit 3724	Page 1 of 2

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	CPC Classification	US Classification
*	A	US- D20,340 S	11-1890	Wheeler		30/324
*	B	US- D30,129 S	02-1899	Whitcomb et al.		30/150
*	C	US-1,323,619 A	12-1919	Curtin	A47G21/04	30/324
*	D	US- D58,685 S	08-1921	Rayder		30/324
*	E	US- D59,869 S	11-1921	Quandee et al.		30/150
*	F	US-1,435,890 A	11-1922	Bothe	A47G21/04	30/328
*	G	US-1,868,289 A	07-1932	Leidel	A47G21/04	30/149
*	H	US-D159,920 S	08-1950	Pavlinetz		30/324
*	I	US-D161,224 S	12-1950	Wendling		30/324
*	J	US-2,803,059 A	08-1957	Murdock	A47G21/04	30/324
*	K	US-D207,018 S	02-1967	Di Benedetto		30/321
*	L	US-D207,270 S	03-1967	Di Benedetto		30/324
*	M	US-3,630,249 A	12-1971	Brunwin; Elizabeth C.	B26B3/04	30/304

FOREIGN PATENT DOCUMENTS

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

NON-PATENT DOCUMENTS

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

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

Notice of References Cited	Application/Control No. 15/268,175	Applicant(s)/Patent Under Reexamination MIKSOVSKY ET AL.	
	Examiner Jason Daniel Prone	Art Unit 3724	Page 2 of 2

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	CPC Classification	US Classification
*	A	US-4,625,404 A	12-1986	Valente et al.	A21C11/106	30/303
*	B	US-4,984,367 A	01-1991	Albanese; Joseph	A47G21/02	30/322
*	C	US-5,940,974 A	08-1999	Lee; Ji Cheng	A47G21/02	30/322
*	D	US-6,145,204 A	11-2000	Cash; Diane M.	A47G21/02	30/324
*	E	US-6,463,662 B1	10-2002	Coscia; Robert	A47G21/181	30/324
*	F	US-6,647,828 B2	11-2003	Hakim; Nouri E.	A47G21/02	30/324
*	G	US-2005/0066531 A1	03-2005	Hougland, Donna	A47G21/04	30/324
*	H	US-2007/0084063 A1	04-2007	Hughes; W. Scott	A47G21/02	30/327
*	I	US-2007/0124943 A1	06-2007	Hougland; Donna	A47G21/04	30/324
*	J	US-2008/0016698 A1	01-2008	Simpson; Alfred N.	A47G21/02	30/324
*	K	US-2009/0205209 A1	08-2009	Tovar; Cristian Bredee	A47G21/04	30/324
*	L	US-2012/0297628 A1	11-2012	Rayko; Jamie Lynn	A47G21/02	30/323
*	M	US-8,689,453 B2	04-2014	Vogan; Jacob	A47J43/281	30/325

FOREIGN PATENT DOCUMENTS

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

NON-PATENT DOCUMENTS

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

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

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	15268175	MIKSOVSKY ET AL.
	Examiner	Art Unit
	JASON D PRONE	3724

CPC- SEARCHED		
Symbol	Date	Examiner
A47G 21/02, 023, 04, 06, 08		
A47J 43/28-282	8/31/2017	/JP/

CPC COMBINATION SETS - SEARCHED		
Symbol	Date	Examiner

US CLASSIFICATION SEARCHED			
Class	Subclass	Date	Examiner
30	147-150, 322-328		
D7	643, 644, 653	8/31/2017	/JP/

* See search history printout included with this form or the SEARCH NOTES box below to determine the scope of the search.

SEARCH NOTES		
Search Notes	Date	Examiner
consulted USPC and CPC		
inventor search	8/31/2017	/JP/
updated search	1/31/2018	/JP/

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

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	15268175	MIKSOVSKY ET AL.
	Examiner	Art Unit
	JASON D PRONE	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	07/12/2017	08/31/2017	01/31/2018						
	1	÷	N	N						
	2	÷	N	N						
	3	÷	N	N						
	4	÷	N	N						
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	6	÷	N	N						
	7	÷	N	N						
	8	÷	✓	✓						
	9	÷	✓	✓						
	10	÷	✓	-						
	11	÷	✓	✓						
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	27			✓						
	28			✓						
	29			✓						
	30			✓						
	31			✓						
	32			✓						
	33			✓						

Form 1449 (Modified)	Atty Docket No.	HMG1P008D1
	Application No.:	15/268,175
Information Disclosure Statement By Applicant	Applicant	MIKSOVSKY et al.
	Filing Date	September 16, 2016
	Group	3724
(Use Several Sheets if Necessary)		Page 1 of 1

U.S. Patent Documents

Examiner Initial	No.	Patent No.	Date	Patentee	Class	Sub-class	Filing Date
	1.	~~2005/155229~~	~~07/21/05~~	~~Lee~~			~~06/28/04~~
	2.	~~2013/152406~~	~~06/20/13~~	~~McFarland~~			~~12/20/11~~
	3.	D536,222	02/06/07	Heiberg et al.			06/08/05
	4.	2,010,074	08/06/35	Fuerst			04/16/35
	5.						
	6.						
	7.						

Foreign Patent or Published Foreign Patent Application

Examiner Initial	No.	Document No.	Publication Date	Country or Patent Office	Class	Sub-Class	Translation Yes	Translation No
	8.							
	9.							
	10.							
	11.							
	12.							

Other Documents

Examiner Initial	No.	Author, Title, Place (e.g. Journal) of Publication, Date
	13.	European Search Report dated June 16, 2017 from European Application No. 16202786.3-1653.
	14.	
	15.	
	16.	
	17.	
	18.	

Examiner	/Jason Daniel Prone/	Date Considered	01/31/2018

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. /JDP/

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Application	Document	Mailroom Date	Attorney Docket No.
15268175	CTFR	02/05/2018	HMG1P008D1
	892	02/05/2018	HMG1P008D1
	1449	02/05/2018	HMG1P008D1

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PATENT APPLICATION INFORMATION RETRIEVAL SYSTEM

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: MIKSOVSKY et al.	Attorney Docket No.: HMG1P008D1
Application No.: 15/268,175	Examiner: PRONE, JASON D.
Filed: September 16, 2016	Group: 3724
Title: EATING UTENSIL SYSTEM	Confirmation No.: 1040

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 December 1, 2017.

Signed: _____/Cara Hedin/_____
Cara Hedin

AMENDMENT A

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

Dear Commissioner:

In response to the Office Action dated September 8, 2017, please amend the above-identified patent application as follows:

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 7 of this paper.

Remarks/Arguments begin on page 8 of this paper.

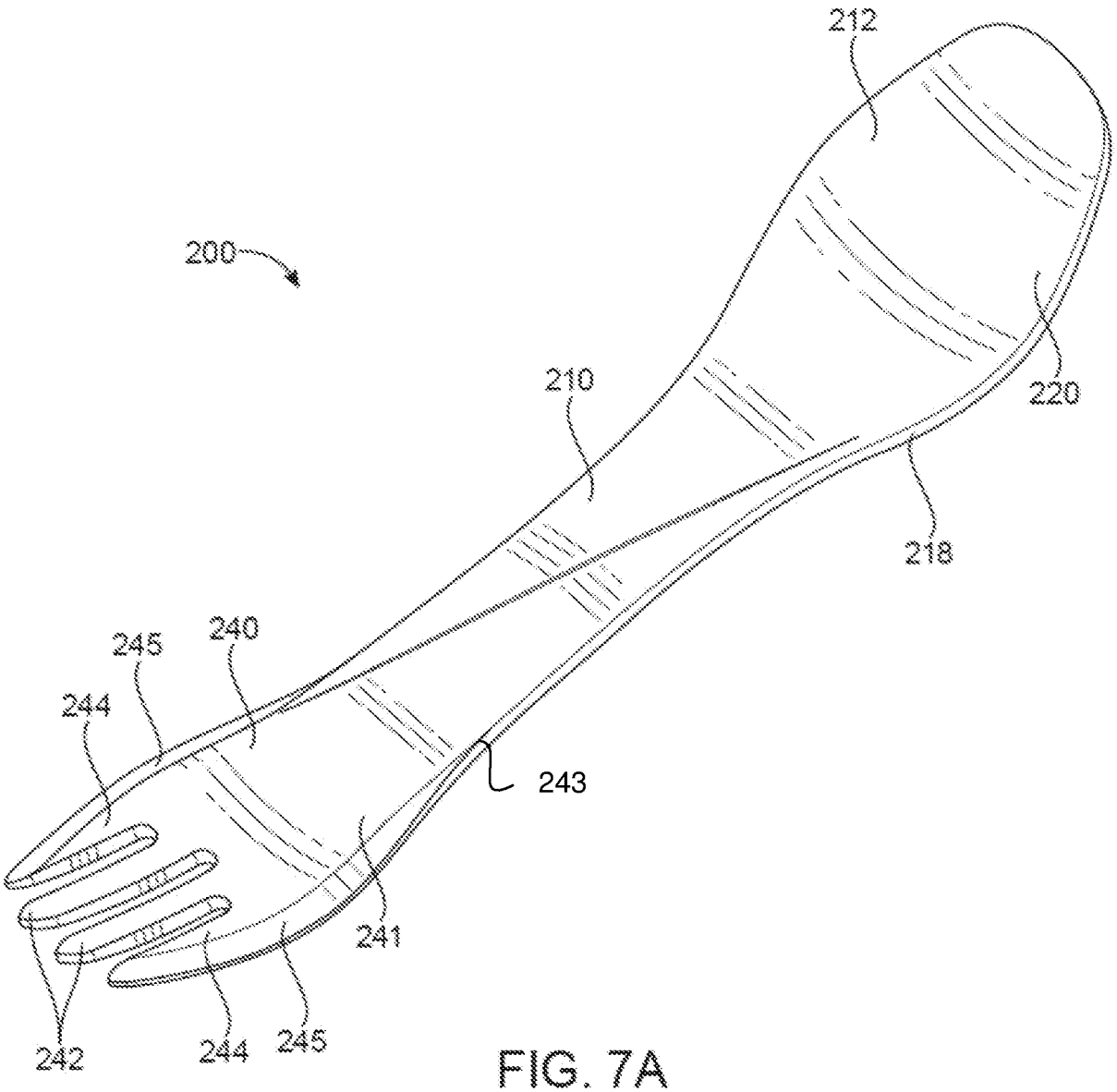


FIG. 7A

Electronic Acknowledgement Receipt

EFS ID:	31100833
Application Number:	15268175
International Application Number:	
Confirmation Number:	1040
Title of Invention:	EATING UTENSIL SYSTEM
First Named Inventor/Applicant Name:	Christopher A. MIKSOVSKY
Customer Number:	58766
Filer:	Tina Chen/Cara Hedin
Filer Authorized By:	Tina Chen
Attorney Docket Number:	HMG1P008D1
Receipt Date:	01-DEC-2017
Filing Date:	16-SEP-2016
Time Stamp:	12:00:42
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Miscellaneous Incoming Letter	HMG1P008D1_Amendment_A_Transmittal.pdf	21320 815bdc721ee34245fdb794c9b63556da9dcf4d95	no	1

Warnings:

Information:					
2		HMG1P008D1_Amendment_A_Final.pdf	59742 5d093a2bd3aed373615f1380bd6f4846be0e50af	yes	10

Multipart Description/PDF files in .zip description		
Document Description	**Start**	**End**
Applicant Arguments/Remarks Made in an Amendment	8	10
Drawings-only black and white line drawings	7	7
Claims	4	6
Specification	2	3
Amendment/Req. Reconsideration-After Non-Final Reject	1	1

Warnings:					
Information:					
3	Drawings-only black and white line drawings	HMG1P008D1_REP_FIG_7A.pdf	905192 1b500b25226a6decade75ce1b69a0c97db67d068	no	1
Warnings:					
Information:					
		Total Files Size (in bytes):	986254		

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

New Applications Under 35 U.S.C. 111

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

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

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

New International Application Filed with the USPTO as a Receiving Office

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

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: MIKSOVSKY et al.	Attorney Docket No.: HMG1P008D1
Application No.: 15/268,175	Examiner: PRONE, JASON D.
Filed: September 16, 2016	Group: 3724
Title: EATING UTENSIL SYSTEM	Confirmation No.: 1040

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 December 1, 2017.

Signed: /Cara Hedin/
Cara Hedin

AMENDMENT A TRANSMITTAL

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

Commissioner:

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	24	MINUS	24	00	x 40 = $0.00	x 80 = $0.00
Independent Claims	03	MINUS	03	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. HMG1P008D1).

Respectfully submitted,
BEYER LAW GROUP LLP

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

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

REMARKS

Drawings

Claim 10 has been cancelled and Fig. 7A has been amended to include reference numeral "243" for the "point where the handle portion meets the head portion." Paragraph [0073] has also been amended to include reference numeral "243." No new matter is added by these amendments.

Specification

The Abstract and paragraph [0001] of the Specification have been amended in accordance with the Examiner's suggestions. As noted above, paragraph [0073] has also been amended to include reference numeral "243."

Rejections Under 35 U.S.C. §112

Claims 8-16 are rejected under 35 U.S.C. 112(b) or 35 U.S.C. 112 (a) (pre-AIA), second paragraph, as being indefinite for failing to particularly point out or distinctly claim the subject matter which the inventor or a joint inventor, or for pre-AIA the applicant, regards as the invention. To overcome these rejections, Claims 8 and 14 are amended to more 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. Claim 10 has been cancelled.

Applicants respectfully submits that Claim 14 recites that the chamfered outer edge extends along substantially an entire length of the head portion. It could be possible for the tine and the head portion to not have a chamfered edge along the entire length. An edge does not have to be chamfered along the entire length. However, in Claim 14, the chamfered outer edge does extend along the entire length of the head portion.

Claim 16 is amended to make clear that the plurality of tines only has two outer tines and that each of the two outer tines has a curved chamfered outer edge.

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

Claims 14-16 are rejected under 35 U.S.C. §102(a)(1) as being anticipated by Cox, U.S. Patent No. 88,370. Claims 8, 9, and 11-13 are rejected under 35 U.S.C. §103 as being unpatentable over Watts (US 2009/0172949) in view of Cox. Claim 10 is rejected under 35 U.S.C. §103 as being unpatentable over Watts in view of Cox, and further in view of Wong (D249,926). Independent Claim 8 is amended to recite that at least one of the plurality of tines

has a chamfered curved outer edge along substantially an entire length of the at least one of the plurality of tines having a chamfered curved outer edge, wherein the chamfered edge has one end at a tip of the at least one of the plurality of tines and has another end where the first head portion meets the handle. Independent Claim 14 is similarly amended. These amendments are fully supported by the specification and claims, as originally filed, at, for example, paragraph [0073] and Fig. 7A.

None of the cited references discloses a fork having a chamfered curved outer edge that has one end at a tip of at least one of the plurality of tines and has another end where the first head portion meets the handle. Contrary to the Examiner's assertion, Cox does not disclose or suggest an outer tine having a curved ***chamfered*** outer edge that extends along a substantially entire length of the head portion nor does Cox disclose or suggest a chamfered edge that tapers to a point where the handle portion meets the head portion, as recited in Claims 14 -16. Cox does not disclose any ***chamfered*** edge. A "chamfer" is defined as "a beveled edge" or "a transitional edge between two faces of an object." As shown in Figs. 2 and 3 of Cox., the outer edge of the outer tines are not chamfered. The Cox fork has a central portion that is thicker and the outside edges of the tines are reduced to a knife point. As shown in the cross-sectional view of Fig. 3 of Cox, the outer edges of the tines are not chamfered, but rather tapered to a point at the outer edge of the tine. As shown in Fig. 3 of Cox, the thickness of the tines diminishes gradually toward the outer edge. The diminishing of the thickness as the edge of the tines of the Cox fork is not the same as a chamfered edge.

Similarly, Watts does not disclose any chamfered edge. While Wong discloses what seems to be arguably a chamfered edge, the Wong chamfered edge, as shown in Figs. 1-6, does not have one end at a tip of at least one of the plurality of tines. It is very clear from Figs. 1, 4, and 5 of Wong, that the "chamfered edge" does not have an end at the tip of a tine. The Wong "edge" does not extend to the tip of the tine.

Thus, for at least the reasons discussed above, amended independent Claims 8 and 14 are patentable over the cited references. Dependent Claims 9, 11-13, 15-16, and new claims 25-44, which depend from and include all of the limitations of amended claim 8 or 14, 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 25-33 are added. The new claims are fully supported by the specification and claims, as originally filed.

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.

Respectfully submitted,
BEYER LAW GROUP LLP

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

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

Amendments to the Drawings:

The attached sheet of drawings includes changes to Fig. 7A, which replaces the original sheet including Fig. 7A. In Fig. 7A, previously omitted reference numeral 243 has been added.

Attachment: Replacement Sheet

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

Listing of Claims:

1. (Withdrawn) An eating utensil, comprising:

a fork having a handle connected to a head portion including plurality of tines; and

a spoon having a substantially five-sided bowl portion the spoon having a handle with a proximal end connected to a proximal end of the handle of the fork.

2. (Withdrawn) The eating utensil as recited in claim 1, wherein the fork and spoon are integrally formed.

3. (Withdrawn) The eating utensil as recited in claim 1, wherein the chamfered edge tapers to a point where the handle of the fork is connected to the head portion of the fork.

4. (Withdrawn) The eating utensil as recited in claim 1, wherein the handle of the spoon has a chamfered outer edge.

5. (Withdrawn) The eating utensil as recited in claim 1, wherein the eating utensil is formed of a glass reinforced thermoplastic material.

6. (Withdrawn) The eating utensil as recited in claim 1, the head portion of the fork has at least one tine on a curved outer edge.

7. (Withdrawn) The eating utensil as recited in claim 6, wherein the at least one tine has a chamfered outer edge along substantially its entire length.

8. (Currently Amended) An eating utensil, comprising:

a handle having a first end and a second end;

a first head portion attached to the first end of the handle, wherein the first head portion comprises a plurality of tines, wherein at least one of the plurality of tines has a chamfered curved outer edge along substantially **an** ~~**its**~~ entire length **of the at least one of the plurality of tines having a chamfered curved outer edge, wherein the chamfered edge has one end at a**

tip of the at least one of the plurality of tines and has another end where the first head portion meets the handle; and

a second head portion attached to the second end of the handle, wherein the second head portion comprises a bowl of a spoon, the bowl having multiple sides and substantially rounded corners.

9. (Original) The eating utensil as recited in claim 8, wherein the handle, the first head portion, and the second head portion are integrally formed.

10. (Canceled)

11. (Original) The eating utensil as recited in claim 8, wherein the plurality of tines includes at least one central tine that is substantially straight.

12. (Original) The eating utensil as recited in claim 8, wherein the at least one of the plurality of tines has a substantially straight inner edge.

13. (Original) The eating utensil as recited in claim 8, wherein the eating utensil is formed of a glass reinforced thermoplastic material.

14. (Currently Amended) An eating utensil, comprising a fork including:

a head portion including a plurality of tines, wherein an outer tine **of the plurality of tines** 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 **extends from one end at a tip of the at least one of the plurality of tines to a second end, wherein the chamfered edge** tapers to a point where the handle portion meets the head portion **at the second end**.

15. (Original) The eating utensil as recited in claim 14, wherein the chamfered edge spans an entire width of the outer tine at a distal tip of the outer tine.

16. (Currently Amended) The eating utensil as recited in claim 14, wherein the ~~**fork**~~ **plurality of tines** has two outer tines, **wherein** each **of the two outer tines has** ~~**having**~~ a curved chamfered outer edge.

17.-24. (Cancelled)

25. (New) The eating utensil as recited in claim 8, wherein the handle comprises a diagonal ridge.

26. (New) The eating utensil as recited in claim 14, further comprising a spoon bowl integrally formed with the handle portion, wherein the spoon bowl extends from an end of the handle portion opposite an end from which handle portion meets the head portion.

27. (New) The eating utensil as recited in claim 14, wherein the spoon bowl is angled upward from the handle portion at an angle of about 20-25 degrees.

28. (New) The eating utensil as recited in claim 26, wherein the spoon bowl has a substantially flat side edge.

29. (New) The eating utensil as recited in claim 26, wherein the bowl has a substantially flat end edge.

30. (New) The eating utensil as recited in claim 26, wherein the spoon bowl has a substantially pentagonal shape.

31. (New) The eating utensil as recited in claim 30, wherein the spoon bowl has substantially rounded corners.

32. (New) The eating utensil as recited in claim 26, wherein the handle comprises a diagonal ridge.

33. (New) The eating utensil as recited in claim 14, wherein the eating utensil is formed of a glass reinforced thermoplastic material.

Amendments to the Specification:

Please amend paragraph [0001] as follows:

[0001] This application is a Divisional of U.S. Application No. 14/204,497, filed on March 11, 2014, **and now U.S. Patent No. 9,468,321 B2,** which is related to U.S. Design Application No. 29/484,447, filed on March 10, 2014, both of which are incorporated herein by reference in their entirety.

Please amend paragraph [0073] as follows:

[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 **243** 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.

Please replace the Abstract on Page 24 with the following replacement Abstract:

An integral combination fork and spoon utensil having a handle positioned laterally between a spoon on one end and a fork on the other end. Each of the outer tines has a substantially straight inner edge and a curved outer edge that can also be used for scraping food from a container. The outer edges of the outer tines are also chamfered such that the fork can be used to cut through foods. The bowl of the spoon has a substantially flat side edge and end edge, which allows for scraping food from of a container or a bowl.

PTO/SB/06 (09-11)
Approved for use through 1/31/2014. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875	Application or Docket Number 15/268,175	Filing Date 09/16/2016	☐ To be Mailed

ENTITY: ☐ LARGE ☒ SMALL ☐ MICRO

APPLICATION AS FILED – PART I

FOR	(Column 1) NUMBER FILED	(Column 2) 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

AMENDMENT **12/01/2017**

	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	RATE ($)	ADDITIONAL FEE ($)
Total (37 CFR 1.16(i))	* 24	Minus	** 24	= 0	X $40 =	0
Independent (37 CFR 1.16(h))	* 3	Minus	***3	= 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

AMENDMENT

	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) 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
JAMES MASON

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.

Form 1449 (Modified)	Atty Docket No.	HMG1P008D1
	Application No.:	15/268,175
Information Disclosure Statement By Applicant	Applicant	MIKSOVSKY et al.
	Filing Date	September 16, 2016
	Group	3724
(Use Several Sheets if Necessary)		Page 1 of 1

U.S. Patent Documents

Examiner Initial	No.	Patent No.	Date	Patentee	Class	Sub-class	Filing Date
	1.	2005/155229	07/21/05	Lee			06/28/04
	2.	2013/152406	06/20/13	McFarland			12/20/11
	3.	D536,222	02/06/07	Heiberg et al.			06/08/05
	4.	2,010,074	08/06/35	Fuerst			04/16/35
	5.						
	6.						
	7.						

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.						
	11.						
	12.						

Other Documents

Examiner Initial	No.	Author, Title, Place (e.g. Journal) of Publication, Date
	13.	European Search Report dated June 16, 2017 from European Application No. 16202786.3-1653.
	14.	
	15.	
	16.	
	17.	
	18.	

Examiner	Date Considered

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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Samuels, Adrian James
Dehns
St Bride's House
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London
EC4Y 8JD
ROYAUME UNI

Date
16.06.17

Reference	Application No./Patent No.
496.130244/01	16202786.6 - 1653
Applicant/Proprietor	
Humangear, Inc.	

Communication

The extended European search report is enclosed.

The extended European search report includes, pursuant to Rule 62 EPC, the European search report (R. 61 EPC) or the partial European search report/ declaration of no search (R. 63 EPC) and the European search opinion.

Copies of documents cited in the European search report are attached.

☑ 0 additional set(s) of copies of such documents is (are) enclosed as well.

The following have been approved:

☑ Abstract ☑ Title

☐ The Abstract was modified and the definitive text is attached to this communication.

The following figure(s) will be published together with the abstract: 6c

Refund of search fee
If applicable under Article 9 Rules relating to fees, a separate communication from the Receiving Section on the refund of the search fee will be sent later.

Should you wish to further prosecute this application in the examination phase, your attention is drawn to the provisions of Rule 70a EPC. An invitation to respond to the extended European search report will be issued once the date of publication of the European search report has been mentioned in the European Patent Bulletin (R. 69(1), R. 70(2) EPC).

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EUROPEAN SEARCH REPORT

Application Number
EP 16 20 2786

DOCUMENTS CONSIDERED TO BE RELEVANT

Category	Citation of document with indication, where appropriate, of relevant passages	Relevant to claim	CLASSIFICATION OF THE APPLICATION (IPC)
X Y	EP 0 129 495 A2 (O TRAY CORP [US]) 27 December 1984 (1984-12-27) * paragraphs [0046] - [0069]; figures *	1 3-8, 10-13	INV. A47G21/06
X Y	US 2005/155229 A1 (LEE CHING M [CN]) 21 July 2005 (2005-07-21) * paragraphs [0033] - [0050]; figures *	14-16 3-13, 17-20	
X Y	DE 44 17 037 A1 (BACKER SUSANNE [DE]) 16 November 1995 (1995-11-16) * column 2, lines 17-56; figures *	1,2 9,17-20	
X A	GB 22788 A A.D. 1914 (SYMMONDS ARTHUR EDWIN) 2 September 1915 (1915-09-02) * the whole document *	1 3-8, 10-13	
X A	WO 2013/095407 A1 (GADSDEN COFFEE COMPANY INC [US]; MCFARLAND DAVID B [US]) 27 June 2013 (2013-06-27) * page 4, line 20 - page 12; figures *	14-16 3-13, 17-20	TECHNICAL FIELDS SEARCHED (IPC) A47G
X A	US 2013/152406 A1 (MCFARLAND DAVID B [US]) 20 June 2013 (2013-06-20) * figures *	14-16 3-13, 17-20	
X	US D 536 222 S (HEIBERG JAKOB [DK] ET AL) 6 February 2007 (2007-02-06) * figures *	1,3-20	
X	US 2 010 074 A (JOSEPH FUERST) 6 August 1935 (1935-08-06) * figures *	1-20	

-/--

The present search report has been drawn up for all claims

Place of search	Date of completion of the search	Examiner
The Hague	1 June 2017	Van Bastelaere, Tiny

CATEGORY OF CITED DOCUMENTS

X : particularly relevant if taken alone
Y : particularly relevant if combined with another document of the same category
A : technological background
O : non-written disclosure
P : intermediate document

T : theory or principle underlying the invention
E : earlier patent document, but published on, or after the filing date
D : document cited in the application
L : document cited for other reasons

& : member of the same patent family, corresponding document

2

EPO FORM 1503 03.82 (P04C01)

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EUROPEAN SEARCH REPORT

Application Number
EP 16 20 2786

DOCUMENTS CONSIDERED TO BE RELEVANT

Category	Citation of document with indication, where appropriate, of relevant passages	Relevant to claim	CLASSIFICATION OF THE APPLICATION (IPC)
X	US D 530 985 S (EVANS LYLE K [US]) 31 October 2006 (2006-10-31) * figures * -----	1-20	
X	US D 633 344 S (NORDWALL JOACHIM [SE]) 1 March 2011 (2011-03-01) * figures * -----	1-20	
			TECHNICAL FIELDS SEARCHED (IPC)

The present search report has been drawn up for all claims

Place of search	Date of completion of the search	Examiner
The Hague	1 June 2017	Van Bastelaere, Tiny

CATEGORY OF CITED DOCUMENTS

X : particularly relevant if taken alone
Y : particularly relevant if combined with another document of the same category
A : technological background
O : non-written disclosure
P : intermediate document

T : theory or principle underlying the invention
E : earlier patent document, but published on, or after the filing date
D : document cited in the application
L : document cited for other reasons

& : member of the same patent family, corresponding document

EPO FORM 1503 03.82 (P04C01)

2

ANNEX TO THE EUROPEAN SEARCH REPORT ON EUROPEAN PATENT APPLICATION NO. EP 16 20 2786

This annex lists the patent family members relating to the patent documents cited in the above-mentioned European search report. The members are as contained in the European Patent Office EDP file on
The European Patent Office is in no way liable for these particulars which are merely given for the purpose of information.

01-06-2017

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
EP 0129495 A2	27-12-1984	CA 1213154 A	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
US 2005155229 A1	21-07-2005	CN 2673224 Y	26-01-2005
		GB 2424359 A	27-09-2006
		US 2005155229 A1	21-07-2005
		WO 2005074762 A1	18-08-2005
DE 4417037 A1	16-11-1995	NONE	
GB 191422788 A	02-09-1915	NONE	
WO 2013095407 A1	27-06-2013	NONE	
US 2013152406 A1	20-06-2013	NONE	
US D536222 S	06-02-2007	CA 113643 S	01-10-2007
		US D536222 S	06-02-2007
US 2010074 A	06-08-1935	NONE	
US D530985 S	31-10-2006	NONE	
US D633344 S	01-03-2011	NONE	

For more details about this annex : see Official Journal of the European Patent Office, No. 12/82

0. The examination is being carried out on the application documents as originally filed.

00. Reference is made to the following documents; the numbering will be adhered to in the rest of the procedure.

D1: EP 0 129 495 A2 (O TRAY CORP [US]) 27 December 1984 (1984-12-27)

D2: US2005/0155229

D3: DE 44 17 037 A1 (BACKER SUSANNE [DE]) 16 November 1995 (1995-11-16)

****

1. The application does not meet the requirements of Article 84 EPC, because **claims 1, 8 and 14 not clear.**

1.1 Claims 1, 8 and 14 have been drafted as separate independent claims.

Under Article 84 in combination with Rule 43(2) EPC an application may contain more than one independent claim in a particular category only if the subject matter claimed falls within one or more of the exceptional situations set out in paragraphs (a), (b) or (c) of Rule 43(2) EPC. This is not the case in the present application.

1.2 Furthermore **claims 1, 8 and 14** would relate to two different groups of inventions as what can be understood as the invention over the prior art in this application, as there is not a technical relationship between the special technical features, and they can exist independently from one another:

2 inventions claimed could be considered to be present in the international application, covered by the following groups of claims:

Group 1: Independent claims 1,8 and dependent claims 2-7, 9-13: An eating utensil comprising a fork and a spoon of which the proximal ends of the handles are connected or connectable.

Group 2: Independent claim 14 and dependent claims 15-20: A fork with an outer tine having a curved chamfered outer edge.

Therefore this would lead to a lack of unity within the meaning of Article 82 EPC.

1.3 The applicant is requested to file an amended set of claims which complies with Rule 43(2) and Article 82 EPC.

Failure to do so, or failure to submit convincing arguments as to why the current set of claims does in fact comply with these provisions, will lead to refusal of the application under Article 97(1) EPC

1.4 The terminology used *'substantially flat side and end edges'* and *'substantially pentagonal'* can be interpreted in a broad way. These terms are vague and unclear and leave the reader in doubt as to the meaning of the technical feature to which they refer, thereby rendering the definition of the subject-matter of said claim unclear (Article 84 EPC).

2. The present application does not meet the requirements of Article 52(1) EPC, because the subject-matter of **claims 1, 2 and 14** is **not new** in the sense of Article 54(1) and (2) EPC.

2.1 **Claim 1:** D1 discloses (see §46-69 and figures):

An eating utensil, comprising:
a fork (fork 14) having a handle (handle 18f) connected to a head portion (tine portion 40) including plurality of tines; and
a spoon (spoon 12) having a substantially pentagonal bowl portion (see figure: the spoon bowl can be considered to be substantially pentagonal) having substantially flat

side and end edges (see figure 1: the upper side edge of the spoon, and thus its sides and end edges is considered to be substantially flat), the spoon having a handle with a proximal end connected to a proximal end of the handle of the fork (see figure 3).

Hence the subject-matter of **claim 1 is considered to be not novel.** (Article 54 EPC).

2.2 **Claim 14:** D2 discloses (see §33-50 and figures):

An eating utensil, comprising a fork including:
a head portion (section 83) 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 1and §34); 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 figure 1).

Hence the subject-matter of **claim 14 is considered to be not novel.** (Article 54 EPC).

2.3 D2 furthermore discloses the features of dependent **claims 15-16** (see figure 1), hence the subject-matter of these claims is considered **not** to be **novel** (Article 54 EPC).

2.4 D3 discloses even so the features of claim 1 (see figures and column 2, lines 17-56) and furthermore the features of claim 2.

Hence the subject-matter of **claim 2 is considered to be not novel.** (Article 54 EPC).

3. The present application does not meet the requirements of Article 52(1) EPC, because the subject-matter of **claims 3-13 and 17-20** does **not involve an inventive step** in the sense of Article 56 EPC.

The skilled person would regard it a normal design procedure to combine all the features set out in claims 3-10 and/or 17-20, because they refer to features which are generally known (cf. the documents cited in the search report) or which come within the scope of customary practice of a person skilled in the art.

4. It is not at present apparent which part of the application could serve as a basis for a new, allowable claim.

5. Should the applicant nevertheless regard some particular matter as patentable, an independent claim should be filed in the two-part form in accordance with Rule 43(1) EPC, with those features known in combination from the prior art D1 being placed in the preamble (Rule 43(1)(a) EPC).

6. The features of the claims should be provided with reference signs placed in parentheses to increase the intelligibility of the claims (Rule 43(7) EPC).

7. Care should be taken during revision, especially of the introductory portion and any statements of problem or advantage, not to add subject-matter which extends beyond the content of the application as originally filed (Article 123(2) EPC).

8. D1 should be identified in the description and the document which discloses the preamble of claim 1 should be identified and the invention as claimed should be disclosed in the description (Rule 42 EPC).

9. In order to comply with the requirements of Rule 137(4) EPC, the applicant should clearly identify the amendments made, irrespective of whether they concern amendments by addition, replacement or deletion, and indicate the passages of the application as filed on which these amendments are based (see Guidelines H III 2.2).

These indications could be submitted in handwritten form on a copy of the relevant parts of the application as filed.

Information on Search Strategy - Pilot phase (see OJ 2015, A86)
The type of information contained in this sheet may change during the pilot for improving the usefulness of this new service.

Application Number
EP 16 20 2786

TITLE:

APPLICANT: Humangear, Inc.

IPC CLASSIFICATION: A47G21/06

EXAMINER: Van Bastelaere, Tiny

CONSULTED DATABASES:

CLASSIFICATION SYMBOLS DEFINING EXTENT OF THE SEARCH:

IPC:

CPC: A47G21/06

FI/F-TERMS:

KEYWORDS OR OTHER ELEMENTS FEATURING THE INVENTION:

EPO FORM P04A42

Electronic Acknowledgement Receipt

EFS ID:	30340985
Application Number:	15268175
International Application Number:	
Confirmation Number:	1040
Title of Invention:	EATING UTENSIL SYSTEM
First Named Inventor/Applicant Name:	Christopher A. MIKSOVSKY
Customer Number:	58766
Filer:	Tina Chen/Cara Hedin
Filer Authorized By:	Tina Chen
Attorney Docket Number:	HMG1P008D1
Receipt Date:	12-SEP-2017
Filing Date:	16-SEP-2016
Time Stamp:	16:58:53
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Transmittal Letter	HMG1P008D1_IDS_3.pdf	25741 d50df3d715e16e910c1c54c7d95168f76e4d2cf4	no	2

Warnings:

Information:					
2	Information Disclosure Statement (IDS) Form (SB08)	HMG1P008D1_1449_3.pdf	23533 05c3edcf72eb74268c8a291f3d6a573560c31eb7	no	1
Warnings:					
Information:					
This is not an USPTO supplied IDS fillable form					
3	Non Patent Literature	HMG1P008EPD1_EU_Search_Report.pdf	870748 0ead34f5fe2e14b32d51df2293a68a5e1c13a813	no	10
Warnings:					
Information:					
		Total Files Size (in bytes):	920022		

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

New Applications Under 35 U.S.C. 111

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

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

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

New International Application Filed with the USPTO as a Receiving Office

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

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: MIKSOVSKY et al.	Attorney Docket No.: HMG1P008D1
Application No.: 15/268,175	Examiner: PRONE, JASON D.
Filed: September 16, 2016	Group: 3724
Title: EATING UTENSIL SYSTEM	Confirmation No.: 1040

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 September 12, 2017.

Signed: _____/Cara Hedin/_____
Cara Hedin

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 Commissioner:

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 European application. A copy of the European Search Report which was dated June 16, 2017 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.

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.

Humangear, Inc. Ex. 2005, Page 234

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. HMG1P008D1).

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

Humangear, Inc. Ex. 2005, Page 235

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
15/268,175	09/16/2016	Christopher A. MIKSOVSKY	HMG1P008D1	1040

58766 7590 09/08/2017

Beyer Law Group LLP
P. O. Box 51887
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EXAMINER	
PRONE, JASON D	

ART UNIT	PAPER NUMBER
3724	

NOTIFICATION DATE	DELIVERY MODE
09/08/2017	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. 15/268,175	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 *7-19-17*.

☐ 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) *1-24* is/are pending in the application.

5a) Of the above claim(s) *1-7 and 17-24* is/are withdrawn from consideration.

6)☐ Claim(s) _____ is/are allowed.

7)☒ Claim(s) *8-16* 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 *9-16-16* 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) ☐ 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. Claims 1-7 and 17-24 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 7-19-17. Claim 1 discloses a fork having a handle and a spoon having a handle which is directed towards a non-elected embodiment because the elected embodiment has a single handle. Claim 17 discloses a fork having a handle portion and a spoon having a handle which is directed towards a non-elected embodiment because the elected embodiment has a single handle. The elected embodiment does not incorporate structure that accounts for a handle portion and a handle. The elected embodiment has a single handle with a fork head and a spoon head.

Drawings

3. 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 handle having a chamfered side edge, of claim 10;
- The point where the handle portion meets the head portion, of claim 14;

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.

Specification

4. The disclosure is objected to because of the following informalities:

- The abstract needs to be amended to be directed towards the elected embodiment. Currently, it is directed towards the non-elected embodiment only.

- Paragraph [0001] needs to be amended to acknowledge 14/204,497 is now U.S. Patent 9,468,321 B2.

Appropriate correction is required.

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 8-16 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 8, the phrase “its entire edge” is unclear. It is unclear what structure is represented by the word “its”.

With regards to claim 10, it is unclear what structure represents the side edge chamfer.

With regards to claim 14, the phrase “tapers to a point where the handle portion meets the head portion” is indefinite. The boundaries of these portions have not been defined and it is unclear where one portion ends/begins in relation to the other portion. Since the boundaries can be defined different every time, the point where the portions meets is indefinite.

With regards to claim 14, the phrase "wherein an outer tine" is unclear. It is unclear if this outer tine represents the same or a different structure than the previously disclosed plurality of tines. As written, the outer tine is in addition to the plurality of tines which is not supported.

With regards to claim 14, the phrase "the chamfered outer edge extending along substantially an entire length of the head portion" is unclear. The chamfered edge is a part of the tine which is a part of the head portion, how can something extend the whole length of itself? However long the chamfered edge is would also dictate how long the head portion is because the edge is part of the head portion.

With regards to claim 16, the phrase "fork has two outer tines" is unclear. It is unclear if these outer tines represent the same or a different structure than the previously disclosed plurality of tines and/or the previously disclosed outer tine. As written, the outer tine is in addition to the plurality of tines and/or the outer tine which is not supported. As written, the fork has at least two tines and three outer tines.

With regards to claim 16, the phrase "each having a curved chamfered outer edge" is unclear. It is unclear if these edges represent the same or a different structure than the previously disclosed curved chamfered outer edge in claim 14. As written, the fork has three curved chamfered outer edges which is not supported.

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 14-16 are rejected, as best understood, under 35 U.S.C. 102(a)(1) as being anticipated by Cox (88,370).

With regards to claims 14-16, Cox discloses the same invention including an eating utensil (Fig. 1), having a head portion including a plurality of tines (Fig. 1), an outer tine has a curved chamfered outer edge (Figs. 1 and 3), the chamfered outer edge extending along substantially an entire length of the head portion (Fig. 1), a handle portion connected to the head portion (Fig. 1), the chamfered edge tapers to a point where the handle portion meets the head portion (Fig. 1), the chamfered edge spans an entire width of the outer tine at a distal tip of the outer tine (Fig. 1), and the fork has two outer tines each with a curved chamfered outer edge (Fig. 1).

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.

9. 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, 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.

10. Claims 8, 9, and 11-13 are rejected under 35 U.S.C. 103 as being unpatentable over Watts (2009/0172949) in view of Cox (88,370). With regards to claims 8, 9, and 11, Watts discloses an eating utensil (Fig. 1) having a handle with first and second ends (Fig. 1), a first head portion with tines attached to the first end (Fig. 1), a second head portion with a spoon bowl attached to the second end (Fig. 1), the bowl has multiple sides and substantially rounded corners (Fig. 1), the handle and the head portions are integrally formed (Fig. 1), and the tines includes at least one central tine that is substantially straight (Fig. 1).

With regards to claims 8 and 12, Watts fails to disclose at least one of the tines has a chambered curved outer edge along substantially its entire length and the at least one of the tines has a substantially straight inner edge.

Cox teaches it is old and well known in the art of fork head portions to incorporate at least one of the tines with a chambered curved outer edge along substantially its entire length (Figs. 1-3) and the at least one of the tines has a substantially straight inner edge (Fig. 1). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of filing, to have provided Watts with the fork head, as taught by Cox, because the substitution of one known element for another would have yielded predictable results and all claimed elements were known in the prior art

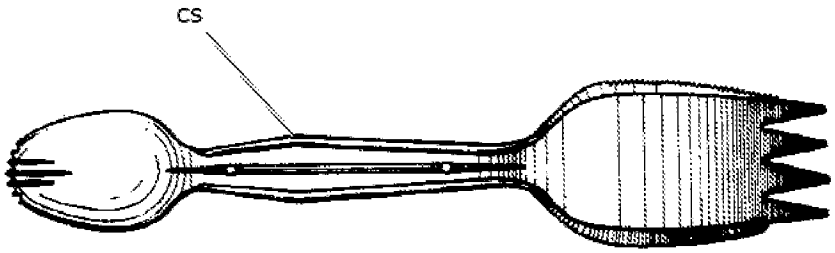
and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective function and the combination would have yielded predictable results.

However, with regards to claim 13, Watts in view of Cox fail to disclose the utensil is formed of a glass reinforced thermoplastic material.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to formed the utensil 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. Therefore, it would have been an obvious matter of design choice to modify the device of Watts in view of Cox 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.

11. Claim 10 is rejected under 35 U.S.C. 103 as being unpatentable over Watts (2009/0172949) in view of Cox (88,370) as applied to claim 8 above, and further in view of Wong (D249,926). See Figure below with Examiner added reference label to Wong. Watts in view of Cox disclose the invention but fail to disclose the handle has at least one chamfered side edge.

Wong teaches it is old and well known in the art of fork/spoon utensils to incorporate a handle that has at least one chamfered side edge (cs).



Therefore, it would have been obvious to one of ordinary skill in the art, at the time of filing, to have provided Watts in view of Cox with the at least one handle chamfer, as taught by Wong, 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.

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.

Examiner interviews are available via telephone, in-person, and video conferencing using a USPTO supplied web-based collaboration tool. To schedule an interview, applicant is encouraged to use the USPTO Automated Interview Request (AIR) at http://www.uspto.gov/interviewpractice.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrea L. Wellington can be reached on (571)272-4483. 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.

31 August 2017

/Jason Daniel Prone/

Primary Examiner, Art Unit 3724

Notice of References Cited	Application/Control No. 15/268,175	Applicant(s)/Patent Under Reexamination MIKSOVSKY ET AL.	
	Examiner Jason Daniel Prone	Art Unit 3724	Page 1 of 4

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	CPC Classification	US Classification
*	A	US-88,370 A	03-1869	Cox	A47G21/08	30/148
*	B	US-398,264 A	02-1889	Kisner	A47G21/06	30/150
*	C	US- D30,129 S	02-1899	Whitcomb et al.		30/150
*	D	US- D31,575 S	10-1899	Phillips et al.		30/148
*	E	US-675,475 A	06-1901	Glover	A45B27/00	30/150
*	F	US-849,098 A	04-1907	Aufrichtig	B67B7/38	30/147
*	G	US-854,745 A	05-1907	King	A47G21/02	30/150
*	H	US-1,337,174 A	04-1920	Whyte	A47G21/06	30/150
*	I	US- D59,869 S	11-1921	Quandee		30/150
*	J	US- D63,047 S	09-1923	Adler		30/148
*	K	US-1,868,289 A	07-1932	Leidel	A47G21/04	30/149
*	L	US- D93,956 S	11-1934	Wilson		30/150
*	M	US-1,984,081 A	12-1934	Pisculli	A47G21/04	30/324

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	CPC Classification
	N	WO 2015138218 A1	09-2015	UNITED STATES	DOWNING JONATHAN PAUL	A47G21/06
	O					
	P					
	Q					
	R					
	S					
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NON-PATENT DOCUMENTS

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Notice of References Cited	Application/Control No. 15/268,175	Applicant(s)/Patent Under Reexamination MIKSOVSKY ET AL.	
	Examiner Jason Daniel Prone	Art Unit 3724	Page 2 of 4

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	CPC Classification	US Classification
*	A	US-2,251,842 A	08-1941	Hill	A47J17/02	30/149
*	B	US-D143,431 S	01-1946	Lapin		30/150
*	C	US-2,610,400 A	09-1952	Wendling	A47G21/04	30/324
*	D	US-D184,317 S	01-1959	McArthur		30/147
*	E	US-3,014,277 A	12-1961	Geckler	A47G21/04	30/324
*	F	US-3,121,951 A	02-1964	Green	A47G21/02	30/149
*	G	US-3,138,871 A	06-1964	Sears	A47G21/02	30/150
*	H	US-D199,630 S	11-1964	Dedic, Sr.		30/150
*	I	US-3,586,161 A	06-1971	Fong; Gim P.	A47G21/04	215/DIG.5
*	J	US-3,991,466 A	11-1976	Smith; Howard H.	A47G21/065	30/149
*	K	US-D249,926 S	10-1978	Wong; Woon-Tong		D7/644
*	L	US-4,425,711 A	01-1984	Wood; Geraldine E.	A47G21/04	30/324
*	M	US-4,771,541 A	09-1988	Bouchakian; Myron	A47G21/02	30/148

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
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NON-PATENT DOCUMENTS

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

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	Examiner Jason Daniel Prone	Art Unit 3724	Page 3 of 4

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	CPC Classification	US Classification
*	A	US-4,835,864 A	06-1989	Tang; Hua H.	A47G21/02	30/150
*	B	US-D325,855 S	05-1992	Rea, Sr.; Mark A.		D7/683
*	C	US-D342,422 S	12-1993	Sanford; Harry W.		D7/643
*	D	US-5,542,181 A	08-1996	Gaylord; Caroline J.	A47G21/02	30/148
*	E	US-D388,664 S	01-1998	Gagnon; Hubert		D7/643
*	F	US-D391,123 S	02-1998	Rey; Clifford F.		D7/643
*	G	US-2006/0248732 A1	11-2006	Straube; Michael	A47J43/281	30/324
*	H	US-D535,857 S	01-2007	Bristow; Michael M.		D7/644
*	I	US-2007/0251103 A1	11-2007	Rhodes; Idus L. III	A47G21/04	30/324
*	J	US-2008/0000092 A1	01-2008	Vanguard; Max	A47G21/02	30/147
*	K	US-2008/0148575 A1	06-2008	Chan; Jack Sing-Chiow	A47G21/02	30/150
*	L	US-2009/0172949 A1	07-2009	Watts; Gabriele Pollard	A47G21/02	30/150
*	M	US-2009/0205209 A1	08-2009	Tovar; Cristian Bredee	A47G21/04	30/324

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
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	Examiner Jason Daniel Prone	Art Unit 3724	Page 4 of 4

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	CPC Classification	US Classification
*	A	US-2010/0206885 A1	08-2010	Bowden; James R.	A47G21/08	30/327
*	B	US-D718,093 S	11-2014	Miksovsky; Christopher A.		D7/643
*	C	US-D722,837 S	02-2015	Miksovsky; Christopher A.		D7/643
*	D	US-D739,685 S	09-2015	Miksovsky; Christopher A.		D7/653
*	E	US-D740,079 S	10-2015	Miksovsky; Christopher A.		D7/653
*	F	US-D752,918 S	04-2016	Katopis; Chris J		D7/401.2
*	G	US-9,434,590 B2	09-2016	Miksovsky; Christopher A.	B67B7/44	206/553
*	H	US-9,468,321 B2	10-2016	Miksovsky; Christopher A.	A47G21/06	30/150
	I	US-				
	J	US-				
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	L	US-				
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FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
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Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

(12) INTERNATIONAL APPLICATION PUBLISHED UNDER THE PATENT COOPERATION TREATY (PCT)

(19) World Intellectual Property Organization
International Bureau

(43) International Publication Date
17 September 2015 (17.09.2015)

WIPO | PCT

(10) International Publication Number
WO 2015/138218 A1

(51) International Patent Classification:
A47G 21/06 (2006.01)

(21) International Application Number:
PCT/US2015/019017

(22) International Filing Date:
5 March 2015 (05.03.2015)

(25) Filing Language: English

(26) Publication Language: English

(30) Priority Data:
14/204,497 11 March 2014 (11.03.2014) US

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(81) Designated States *(unless otherwise indicated, for every kind of national protection available)*: AE, AG, AL, AM, AO, AT, AU, AZ, BA, BB, BG, BH, BN, BR, BW, BY, BZ, CA, CH, CL, CN, CO, CR, CU, CZ, DE, DK, DM, DO, DZ, EC, EE, EG, ES, FI, GB, GD, GE, GH, GM, GT, HN, HR, HU, ID, IL, IN, IR, IS, JP, KE, KG, KN, KP, KR, KZ, LA, LC, LK, LR, LS, LU, LY, MA, MD, ME, MG, MK, MN, MW, MX, MY, MZ, NA, NG, NI, NO, NZ, OM, PA, PE, PG, PH, PL, PT, QA, RO, RS, RU, RW, SA, SC, SD, SE, SG, SK, SL, SM, ST, SV, SY, TH, TJ, TM, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, ZA, ZM, ZW.

(84) Designated States *(unless otherwise indicated, for every kind of regional protection available)*: ARIPO (BW, GH, GM, KE, LR, LS, MW, MZ, NA, RW, SD, SL, ST, SZ, TZ, UG, ZM, ZW), Eurasian (AM, AZ, BY, KG, KZ, RU, TJ, TM), European (AL, AT, BE, BG, CH, CY, CZ, DE, DK, EE, ES, FI, FR, GB, GR, HR, HU, IE, IS, IT, LT, LU, LV, MC, MK, MT, NL, NO, PL, PT, RO, RS, SE, SI, SK,

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(54) Title: EATING UTENSIL SYSTEM

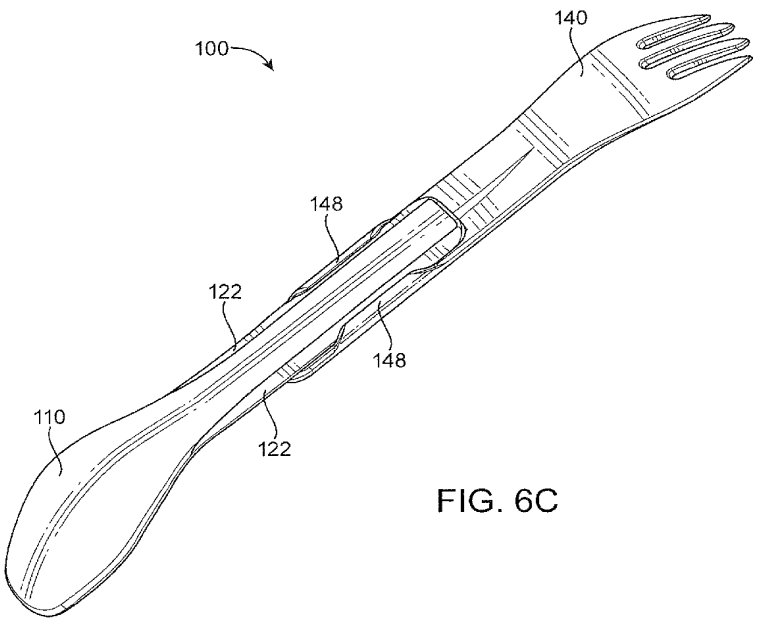


FIG. 6C

(57) Abstract: 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.

WO 2015/138218 A1

SM, TR), OAPI (BF, BJ, CF, CG, CI, CM, GA, GN, GQ, GW, KM, ML, MR, NE, SN, TD, TG).

Published:

— *with international search report (Art. 21(3))*

— *before the expiration of the time limit for amending the claims and to be republished in the event of receipt of amendments (Rule 48.2(h))*

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 140 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 any of claims 1-3, 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 any of claims 1-5, wherein the spoon further comprises a bowl portion having a substantially flat side edge.

7. The combination fork and spoon system as recited in any of claims 1-6, 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 or 8, 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 any of claims 1-12, 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 or 15, 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 14 or 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 any of claims 16-18, 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 any of claims 23-25, 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 any of claims 23-26, wherein the fork has at least one outer tine having a chamfered outer edge.

28. The combination fork and spoon system as recited in any of claims 23-27, wherein the handle of the spoon has at least one chamfered side edge.

29. The combination fork and spoon system as recited in any of claims 23-28, wherein the spoon has a bowl with a substantially flat side edge.

30. The combination fork and spoon system as recited in any of claims 23-29, wherein the spoon has a bowl with a substantially flat end edge.

31. The combination fork and spoon system as recited in any of claims 23-30, 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 or 33, wherein the fork has two outer tines, each having a curved chamfered outer edge.

35. The fork as recited in any of claims 32-34, wherein the fork is integrally formed of a glass reinforced thermoplastic material.

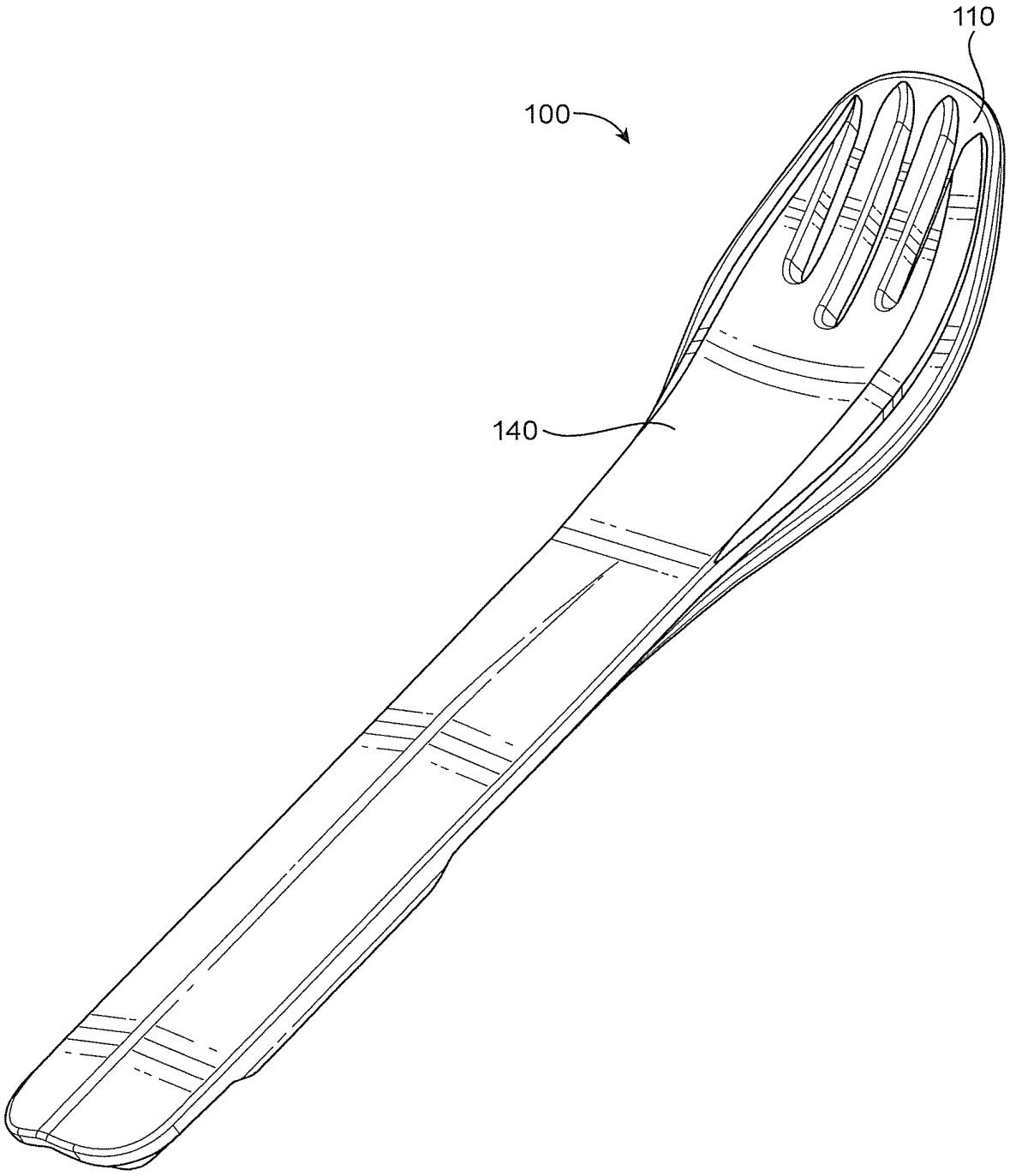


FIG. 1A

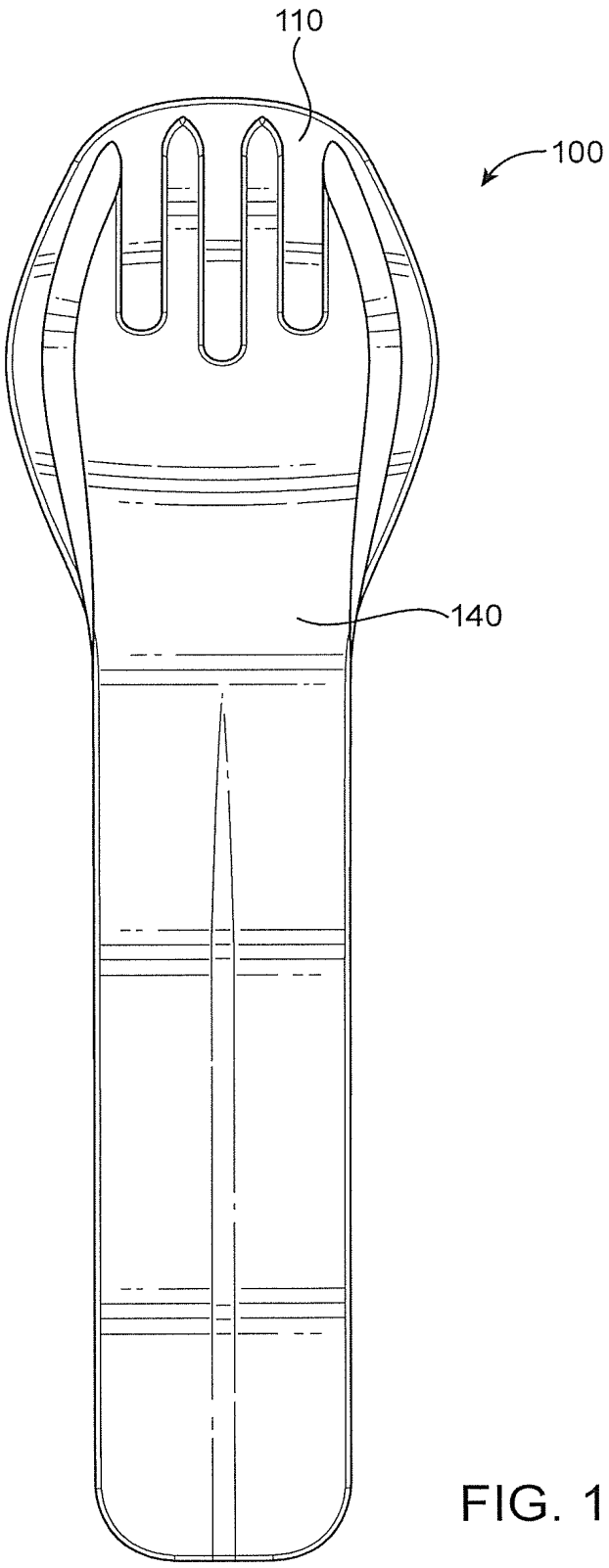


FIG. 1B

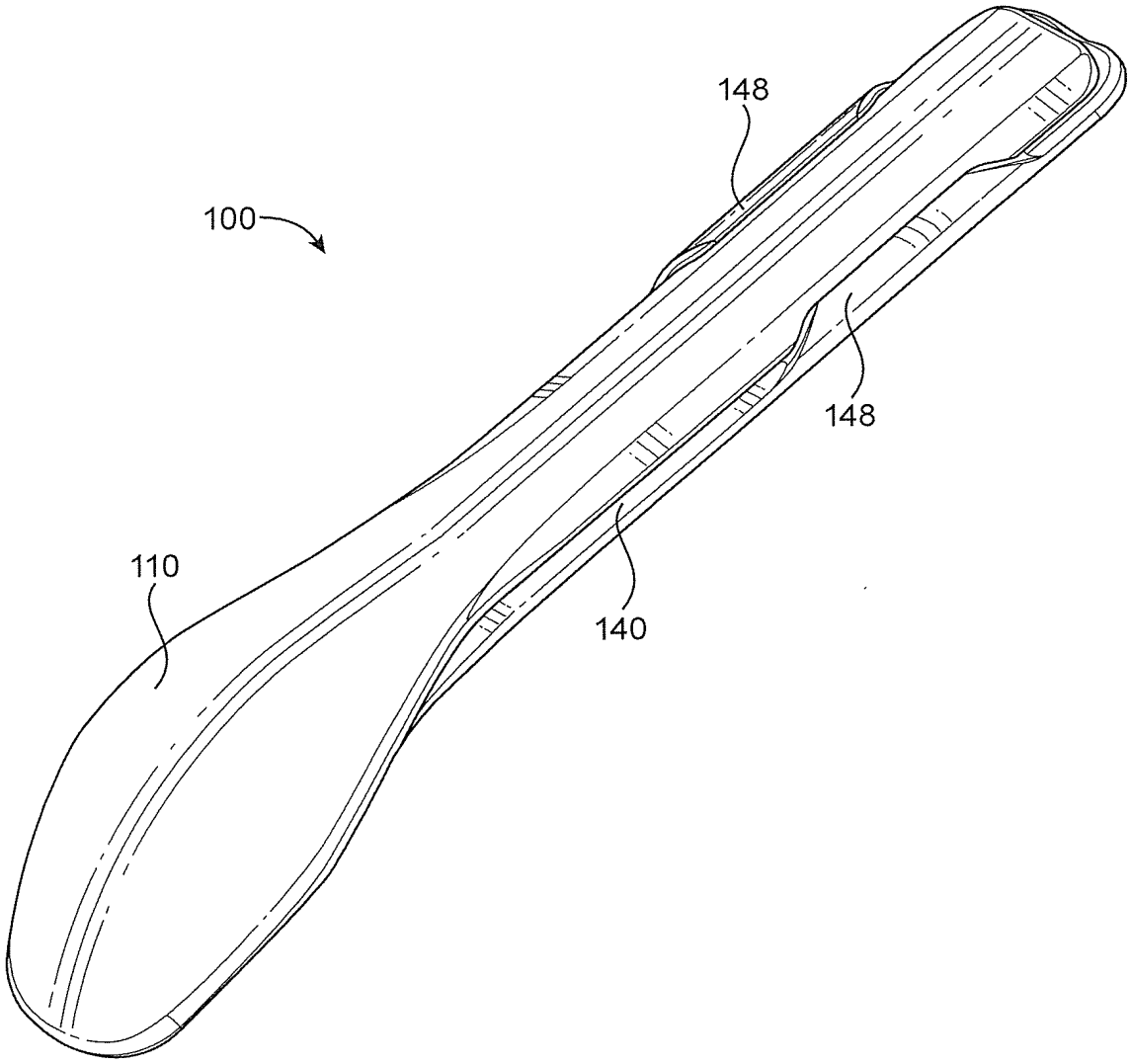


FIG. 2A

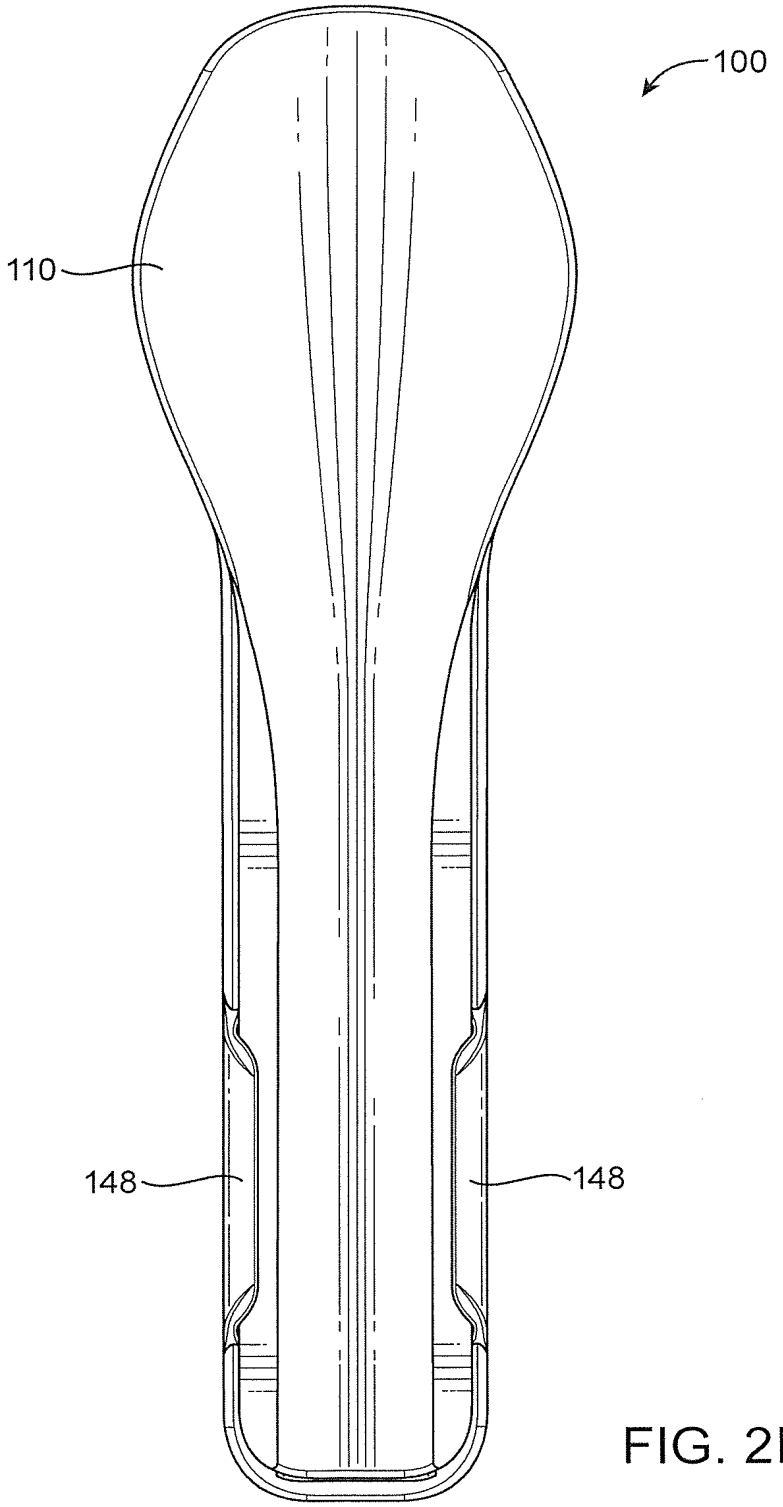


FIG. 2B

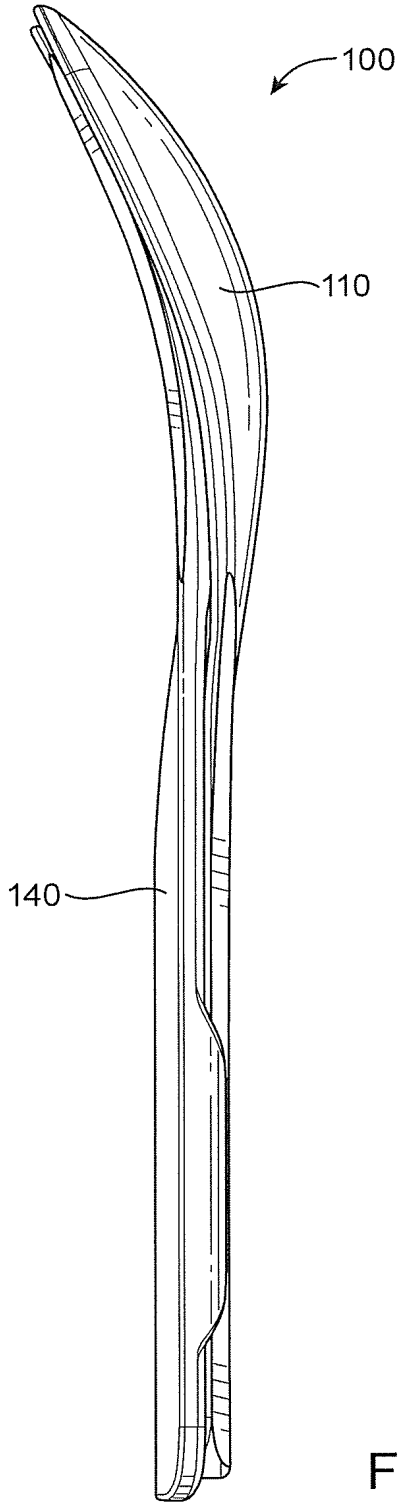


FIG. 3

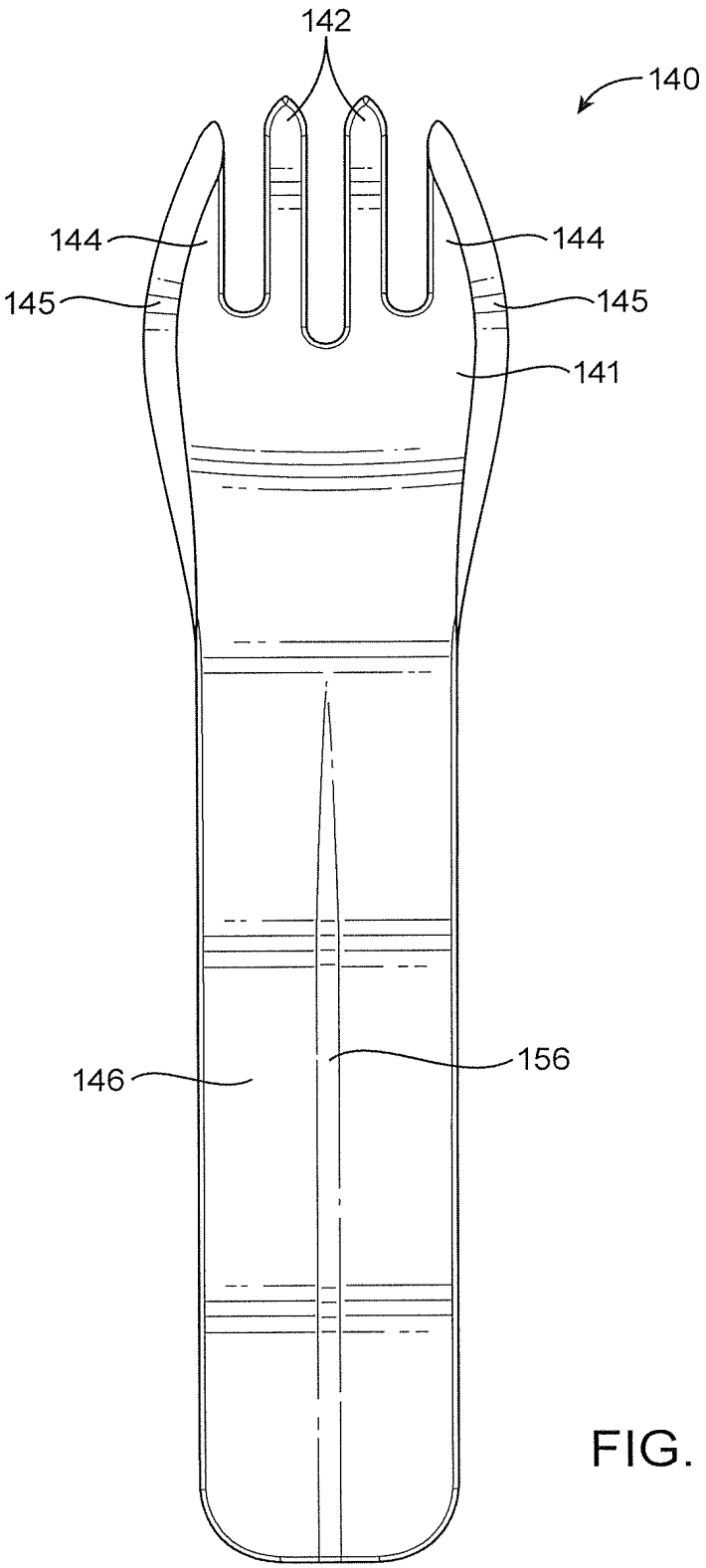


FIG. 4A

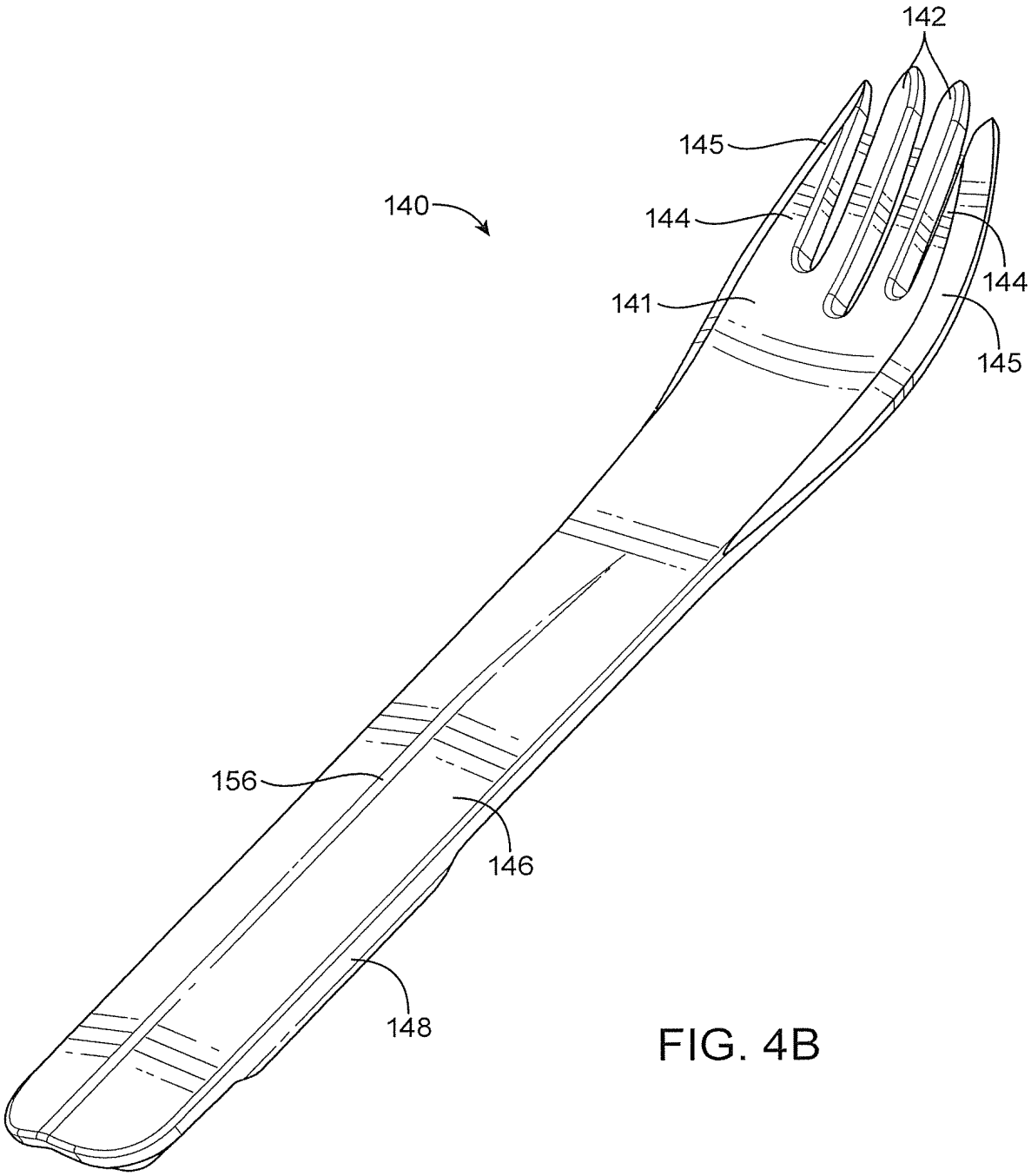


FIG. 4B

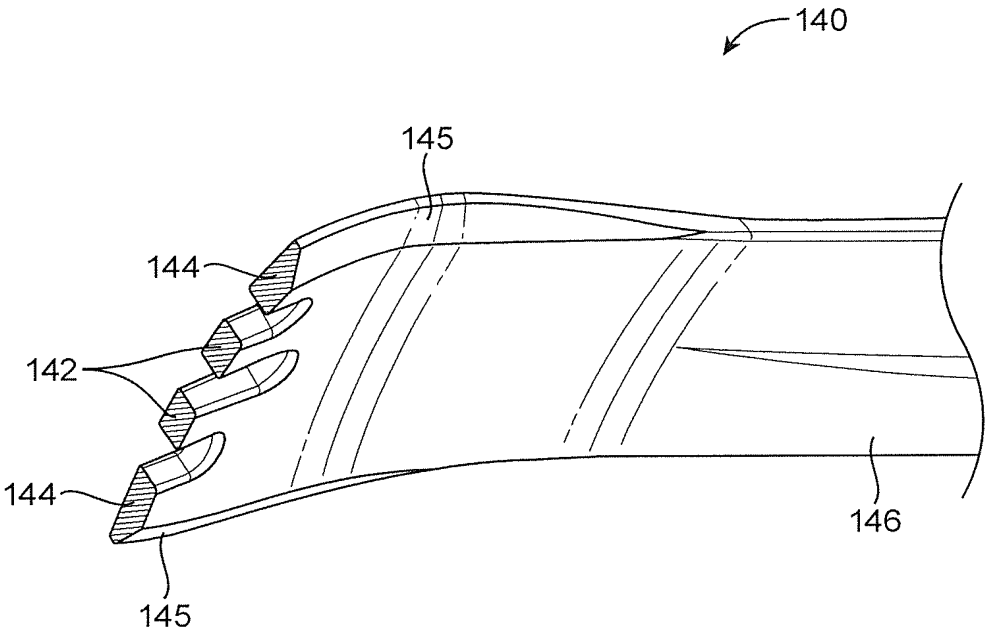


FIG. 4C

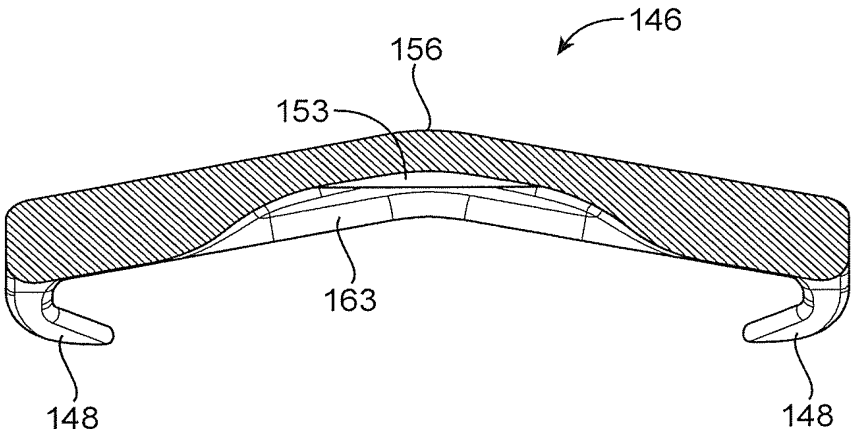


FIG. 4D

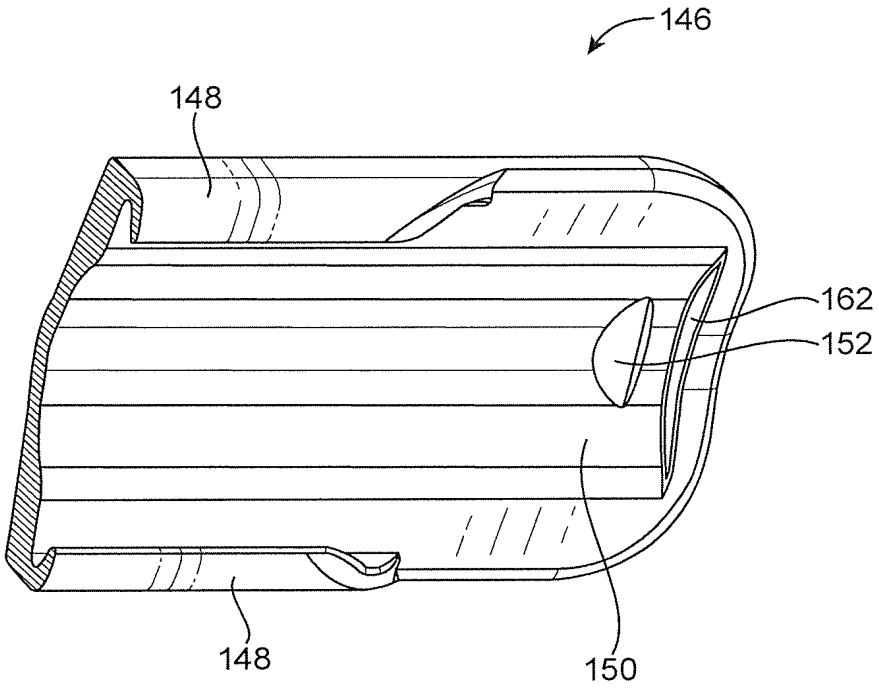


FIG. 4E

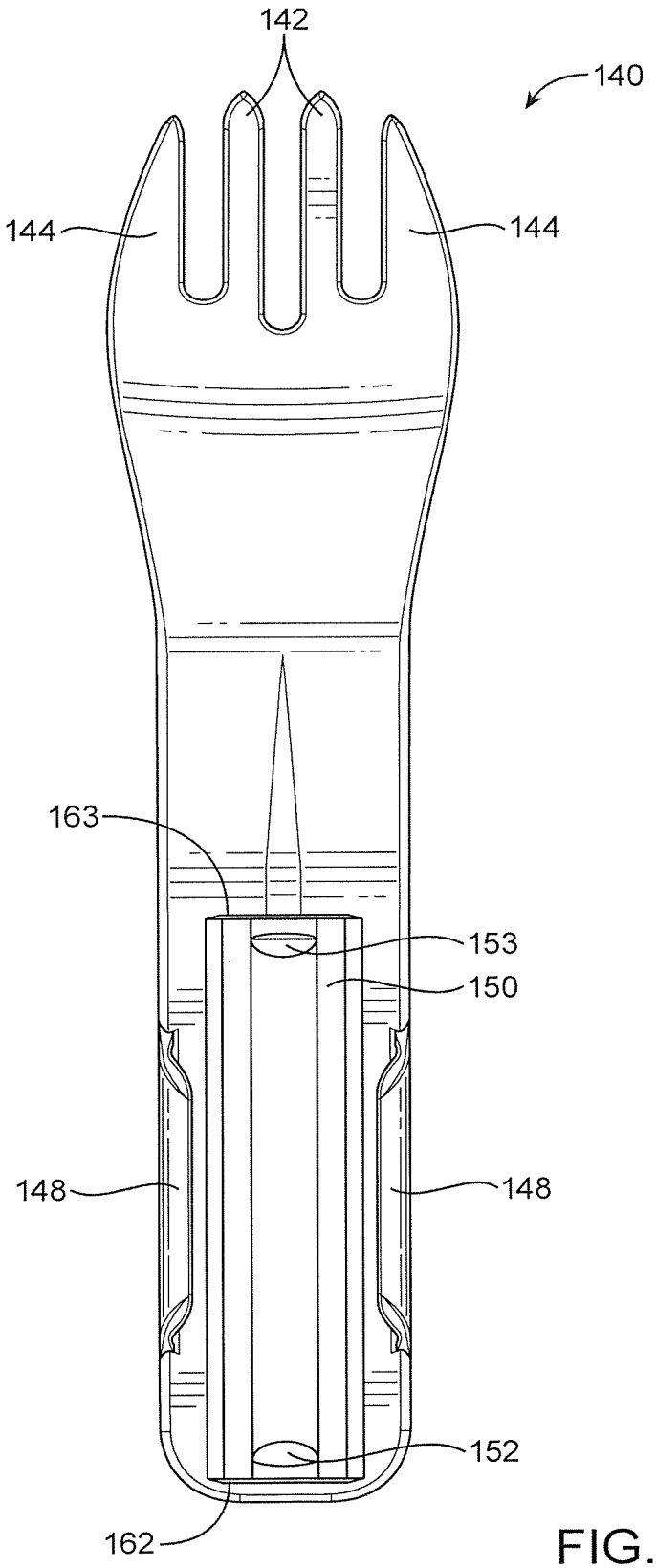


FIG. 4F

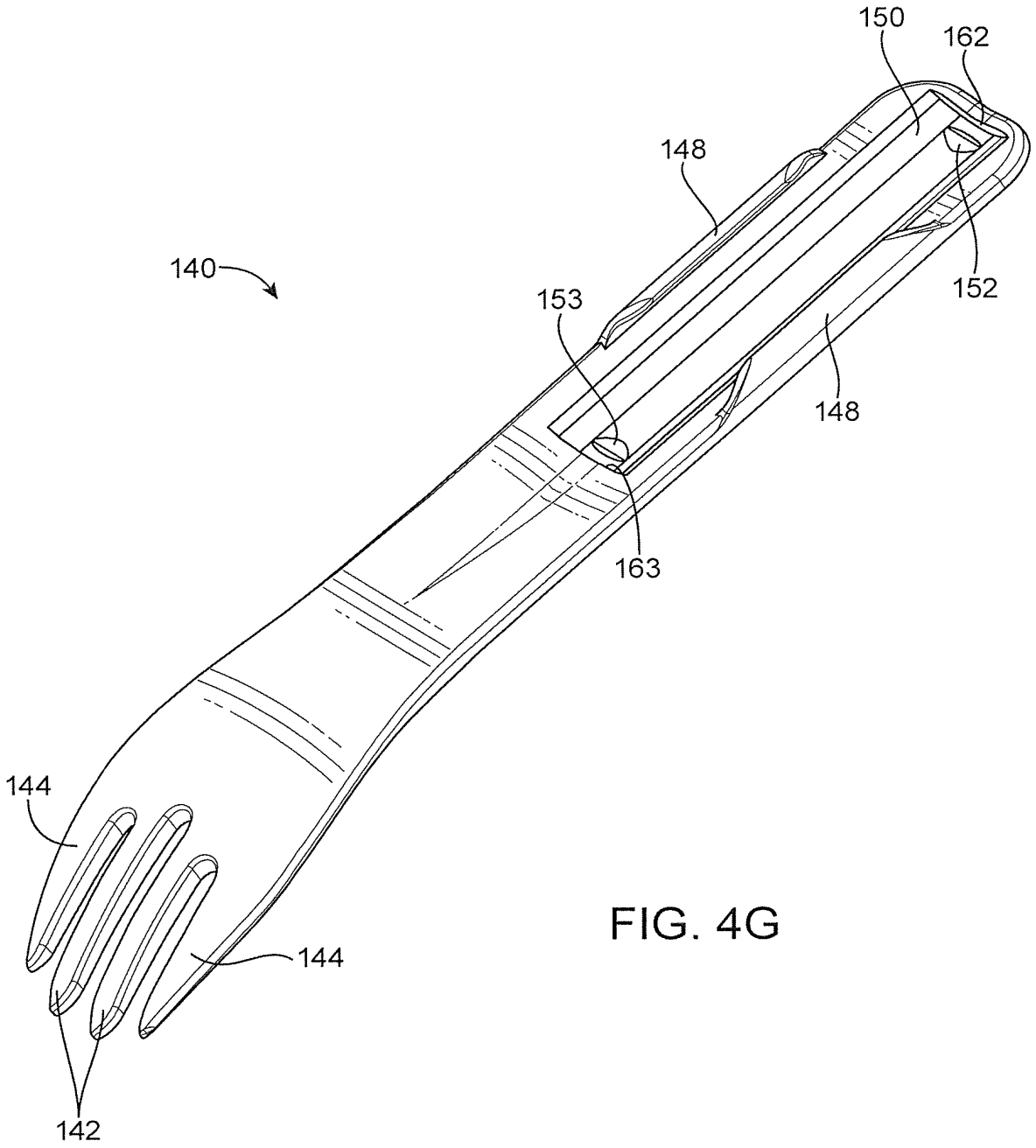


FIG. 4G

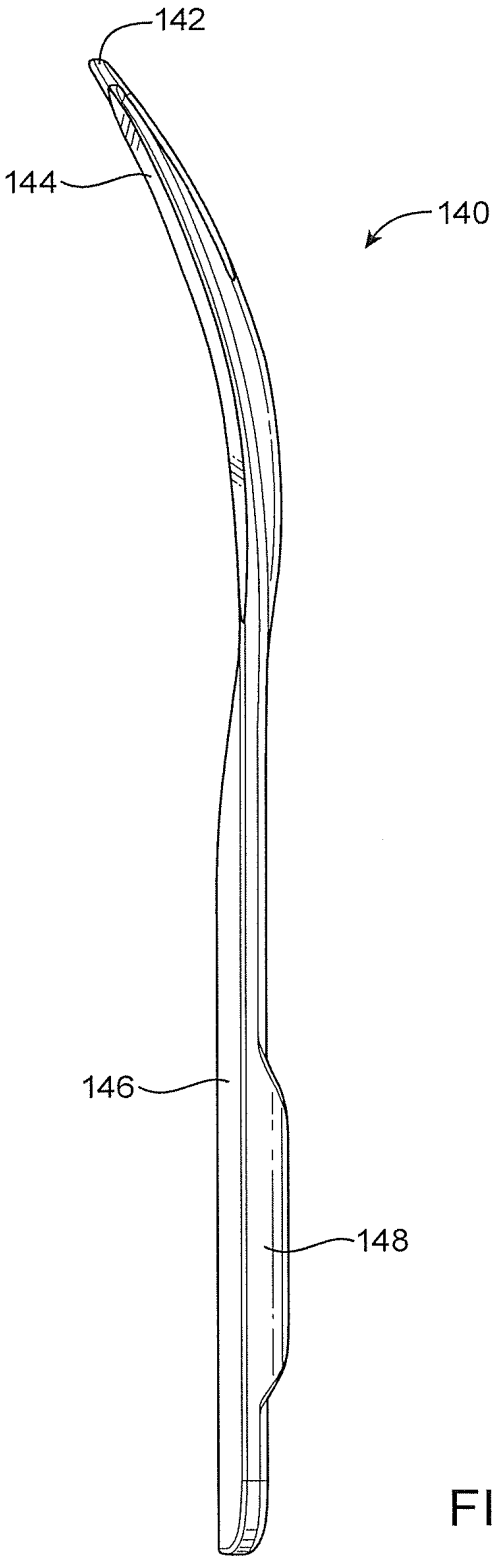


FIG. 4H

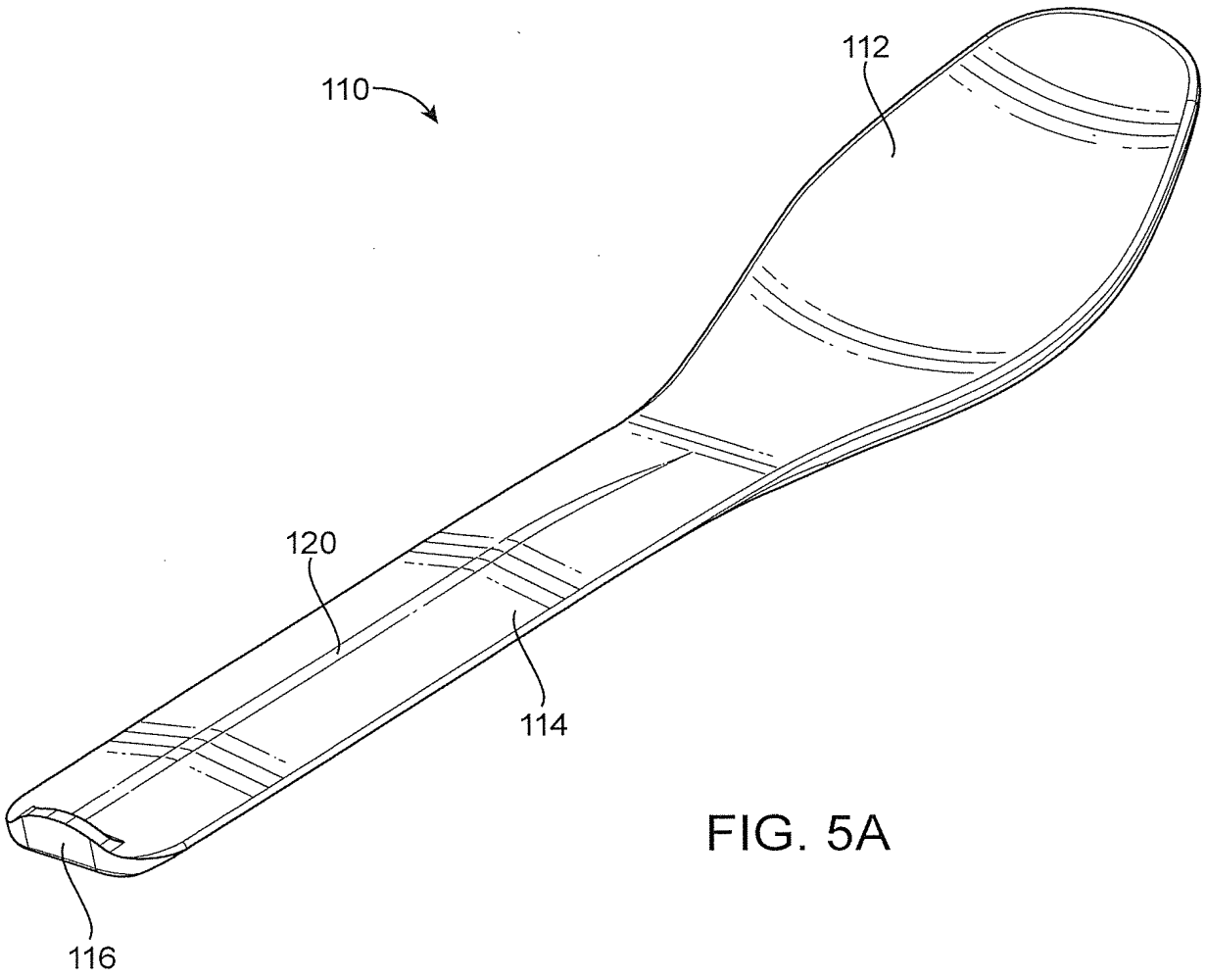


FIG. 5A

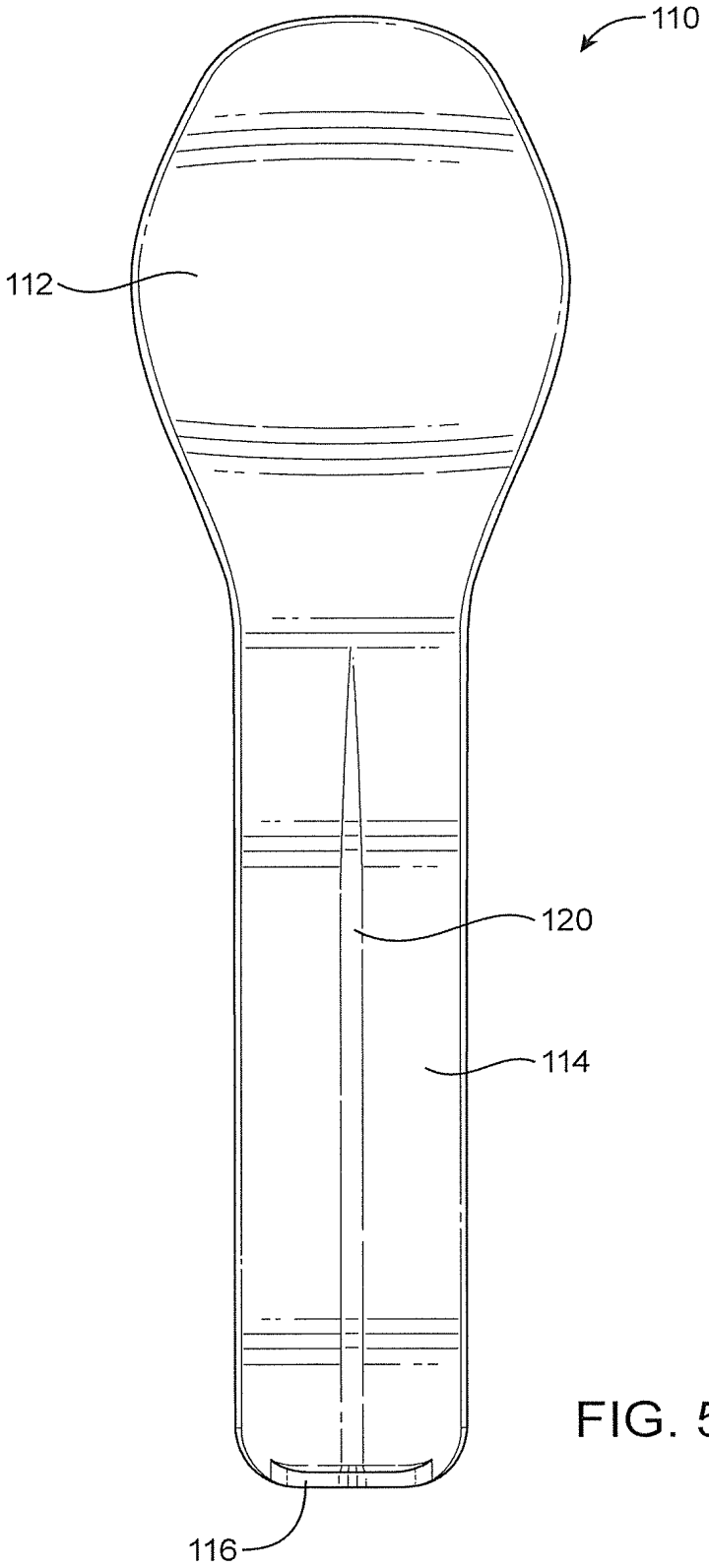


FIG. 5B

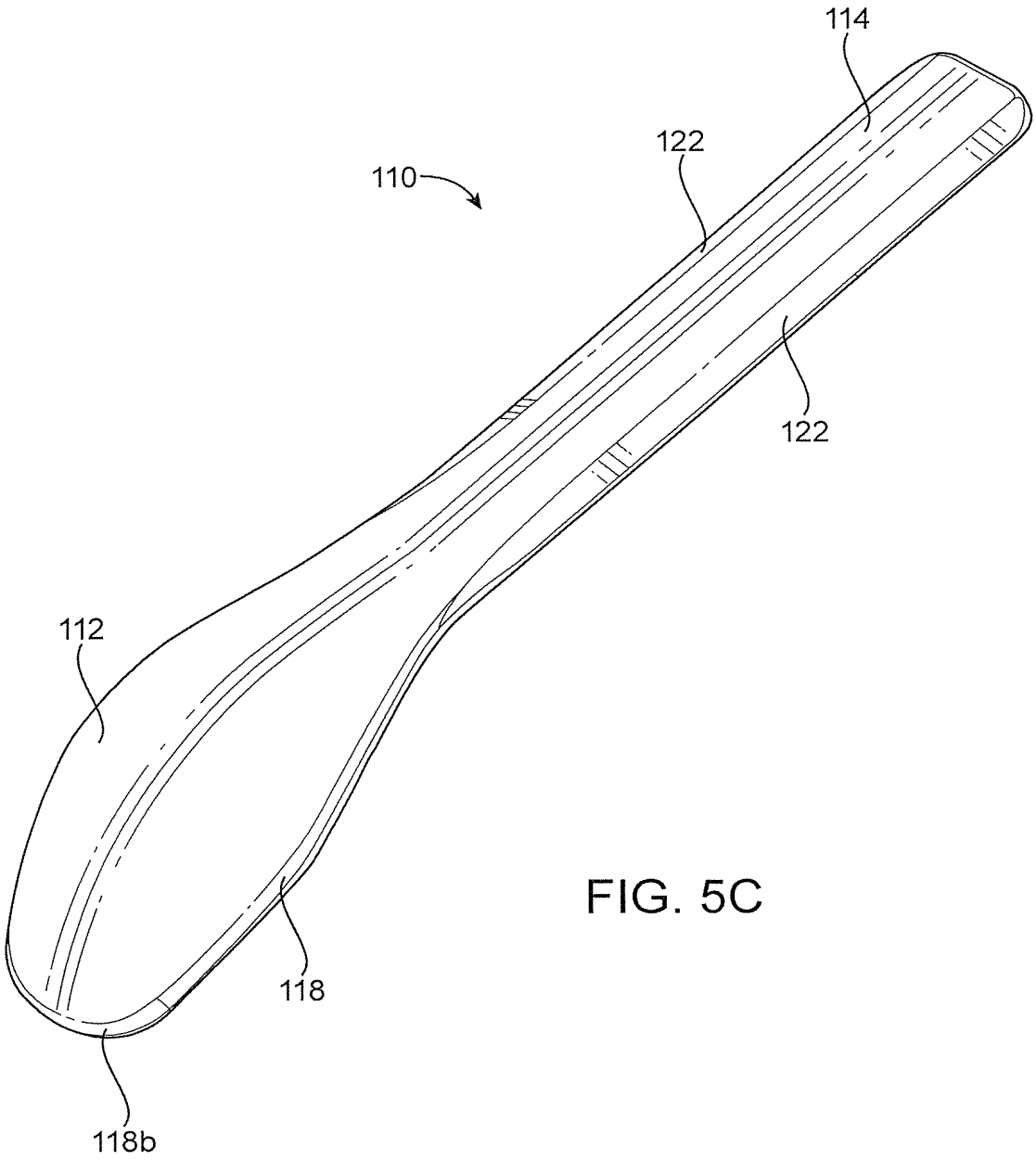


FIG. 5C

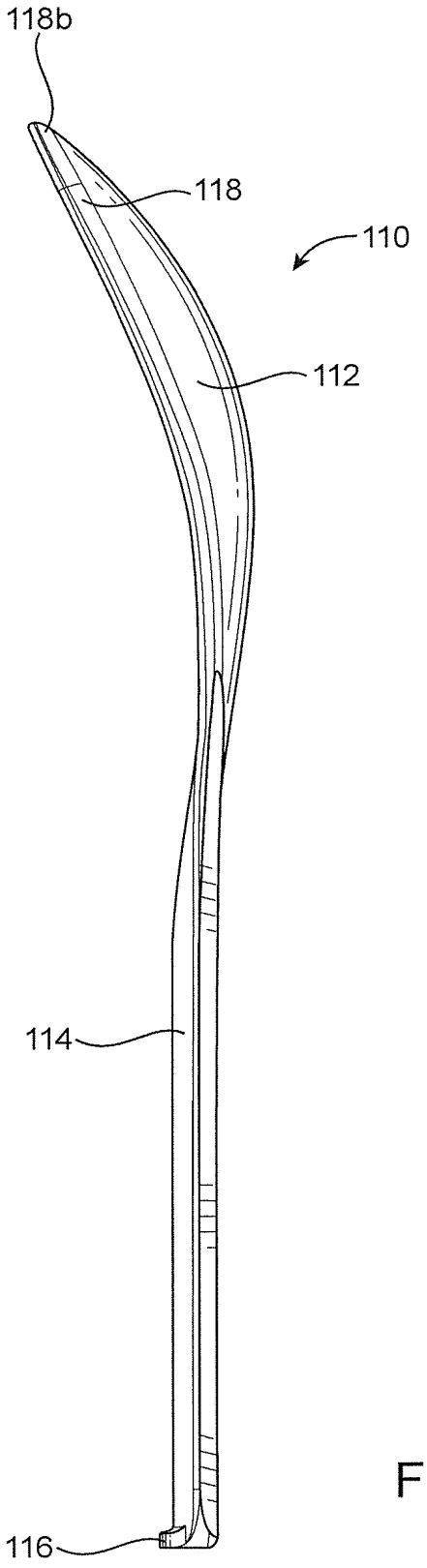


FIG. 5D

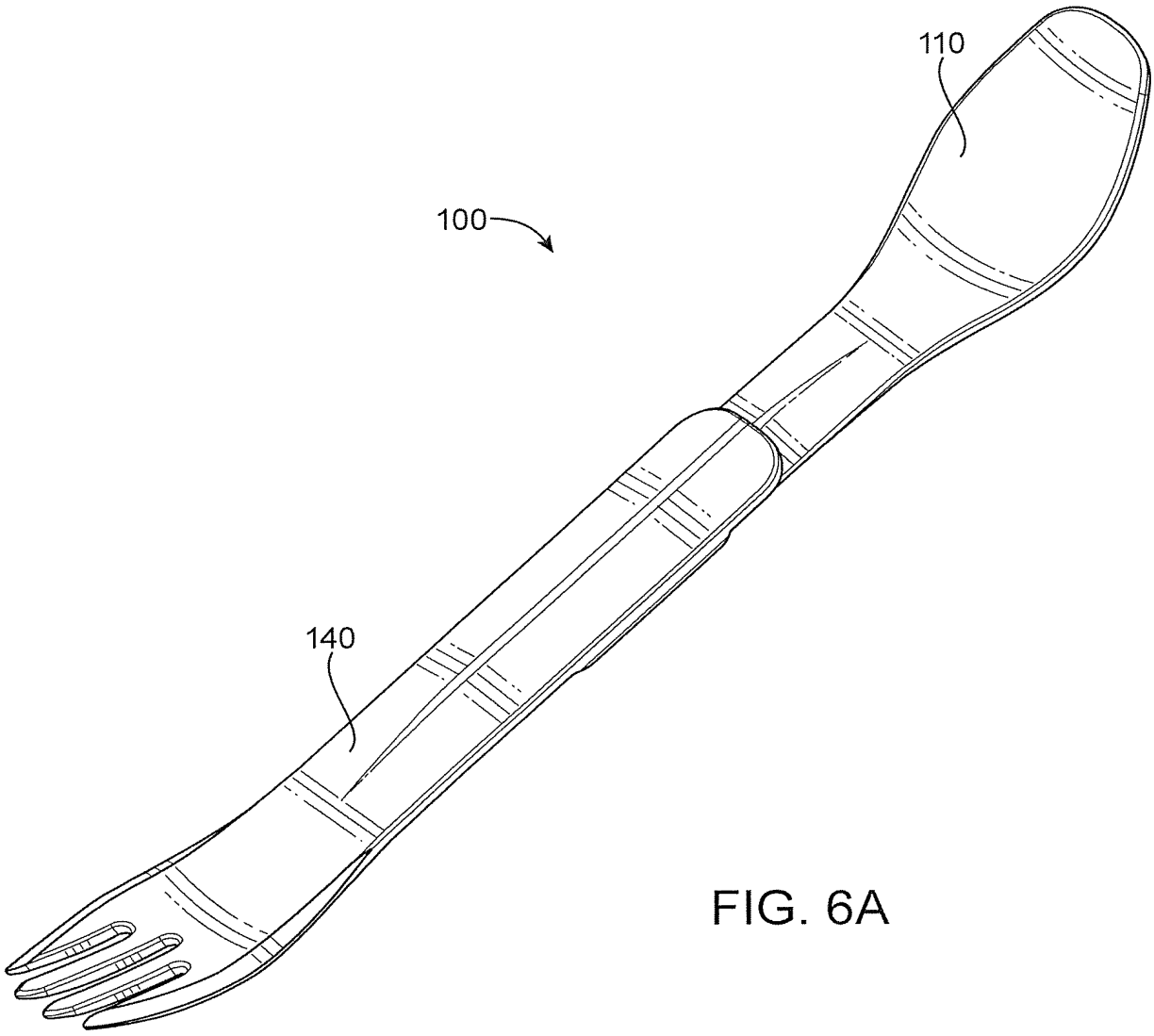


FIG. 6A

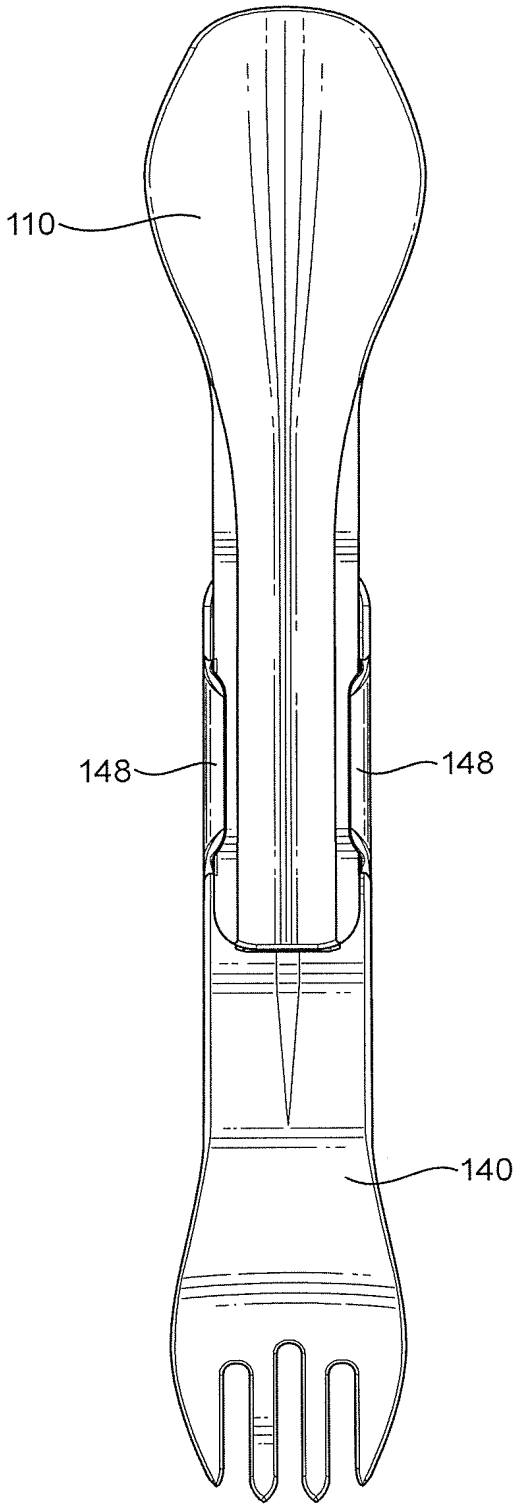


FIG. 6B

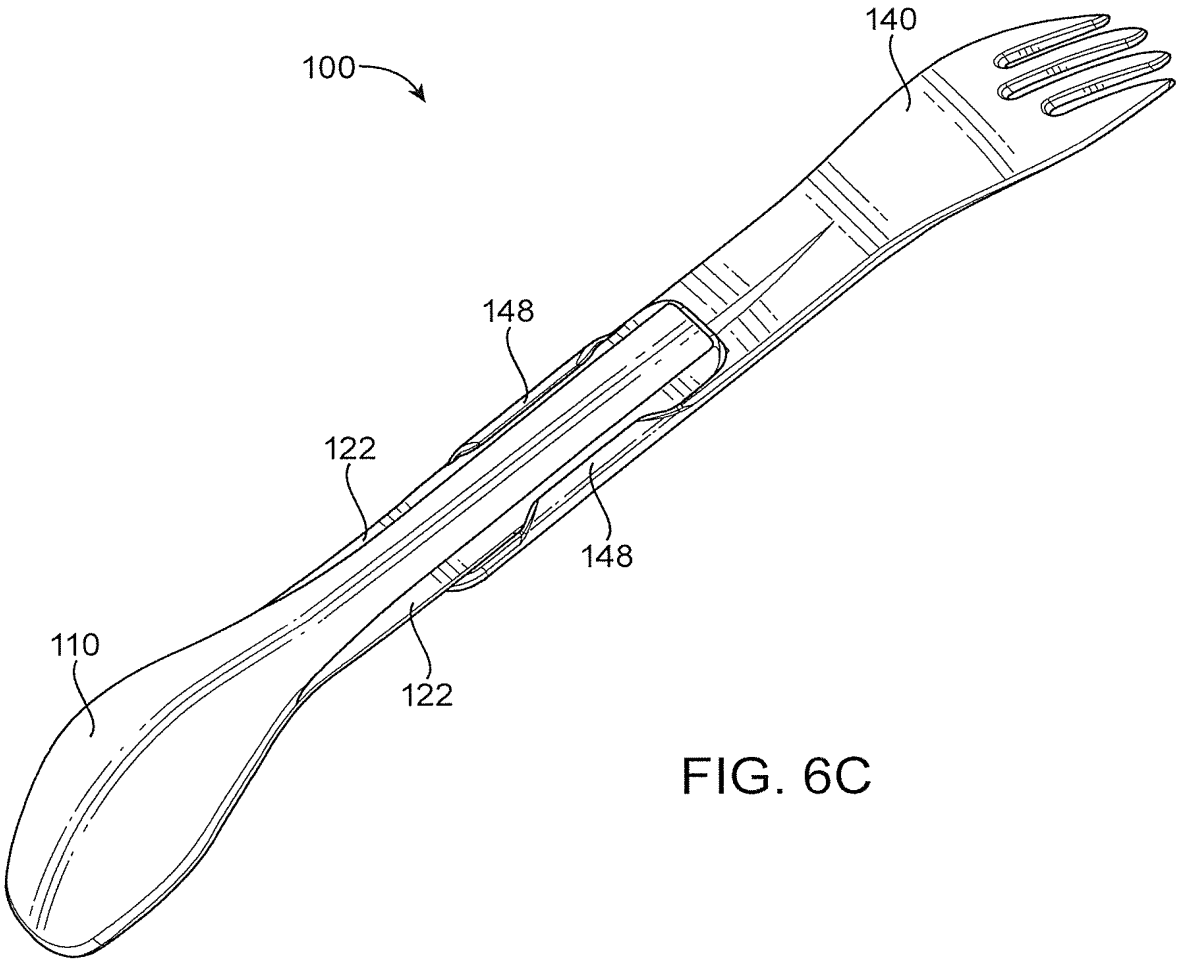


FIG. 6C

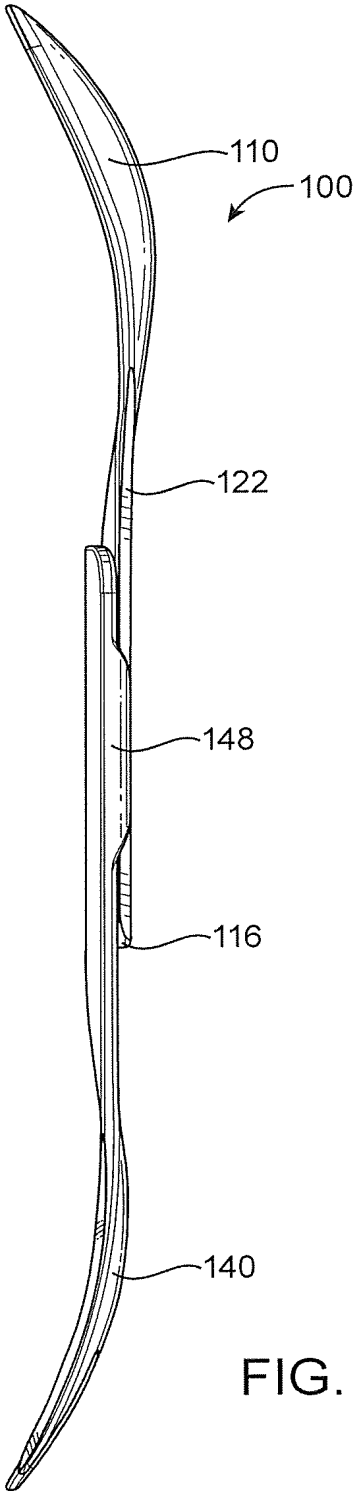


FIG. 6D

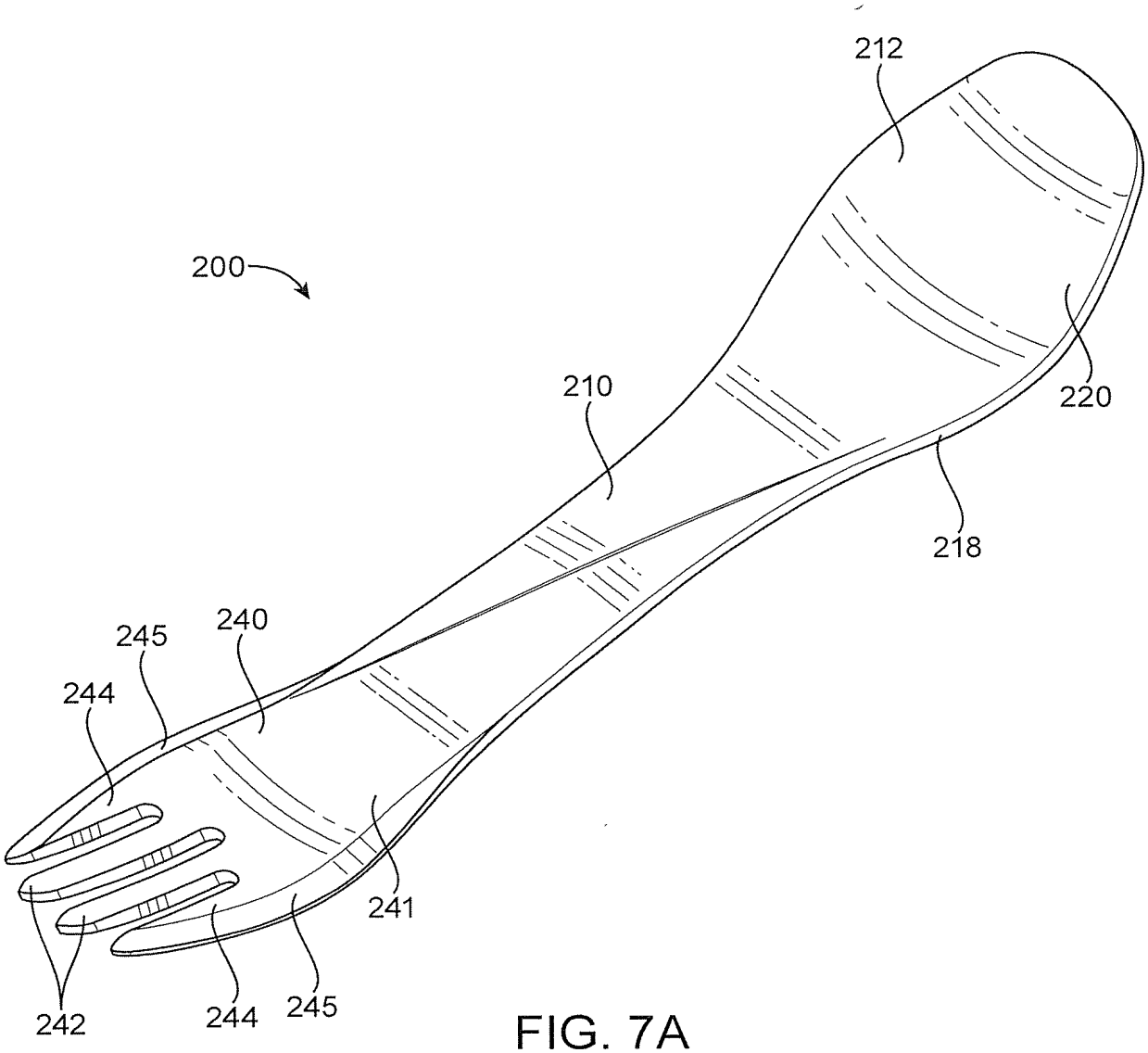


FIG. 7A

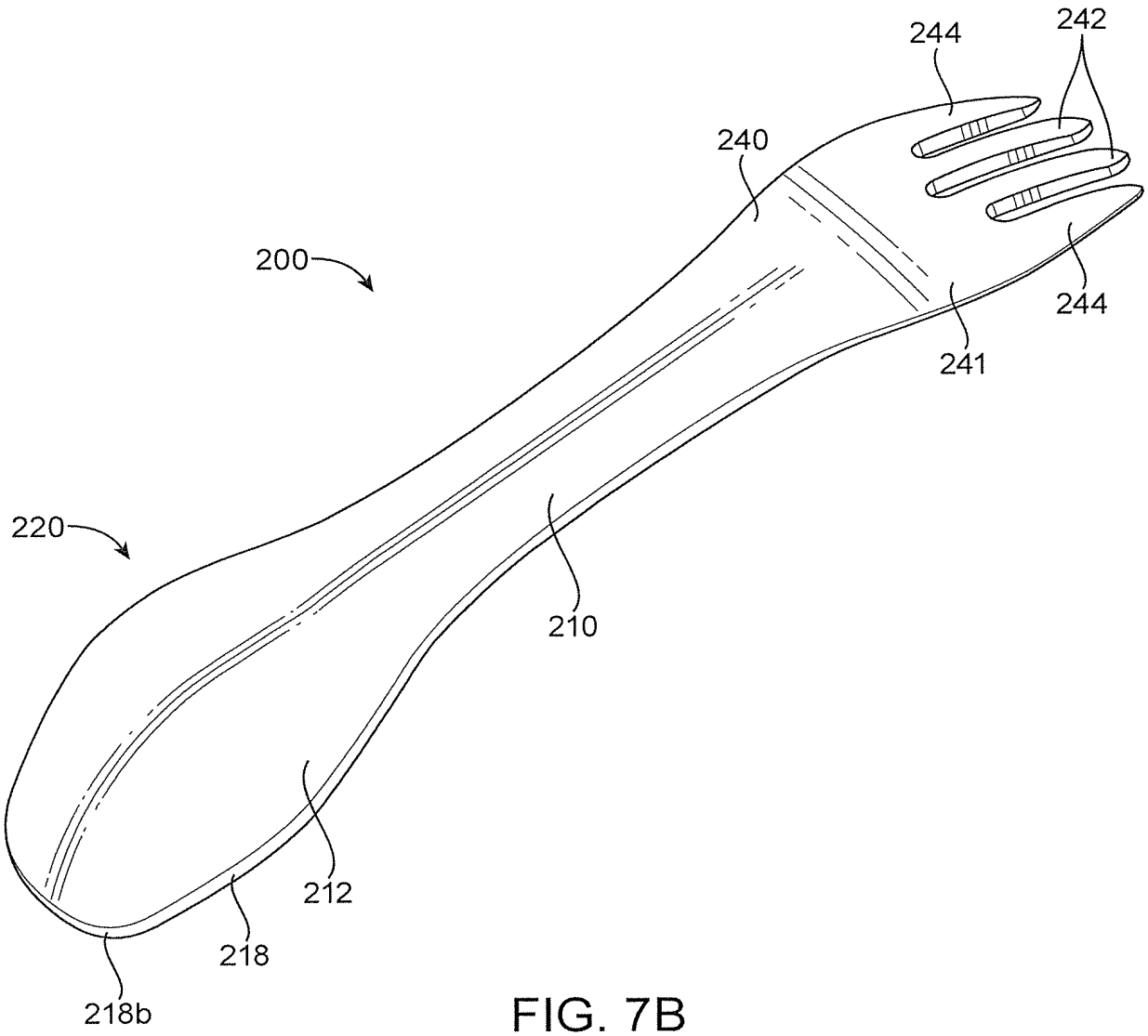


FIG. 7B

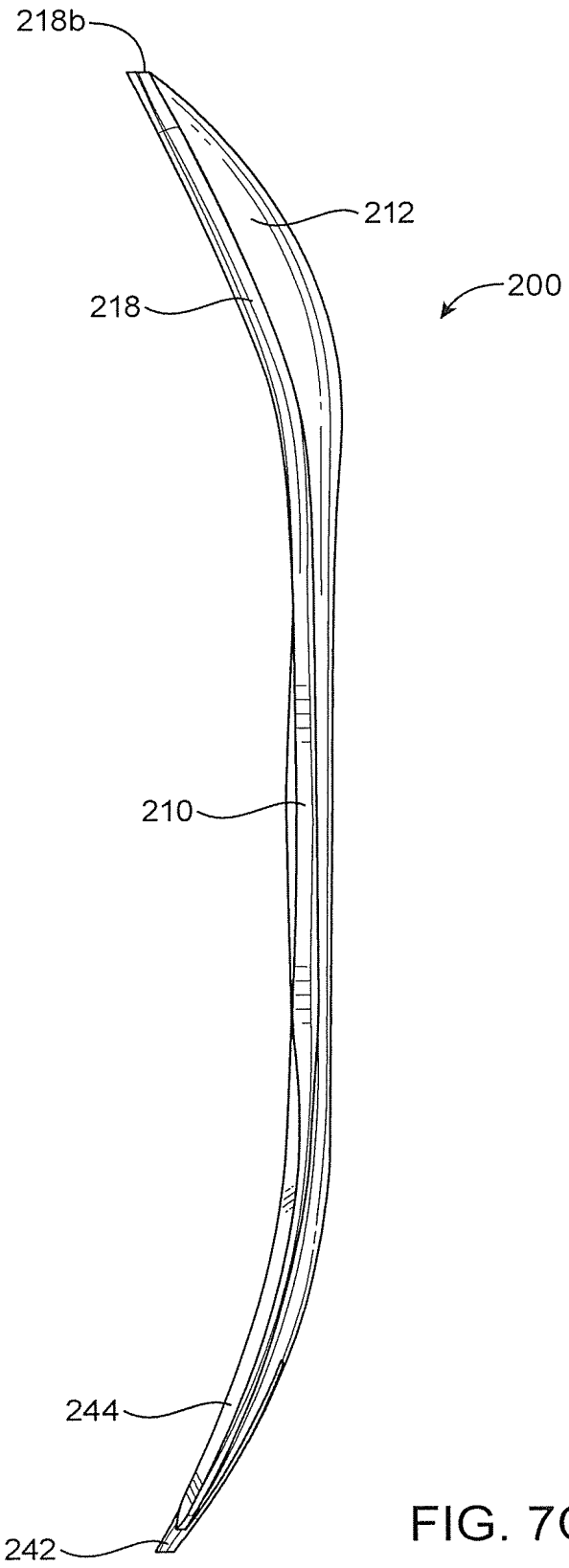


FIG. 7C

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

"&" document member of the same patent family

Date of the actual completion of the international search	Date of mailing of the international search report
23 June 2015	08/07/2015

Name and mailing address of the ISA/	Authorized officer
European Patent Office, P.B. 5818 Patentlaan 2 NL - 2280 HV Rijswijk Tel. (+31-70) 340-2040, Fax: (+31-70) 340-3016	Van Bastelaere, Tiny

1

Form PCT/ISA/210 (second sheet) (April 2005)

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	

PUB-NO: WO2015138218A1
DOCUMENT-IDENTIFIER: WO 2015138218 A1
TITLE: EATING UTENSIL SYSTEM
PUBN-DATE: September 17, 2015
PATENT-FAMILY-ID: 52684734

INVENTOR-INFORMATION:

NAME	COUNTRY
DOWNING JONATHAN PAUL	US
LANE ROBERT CHARLES	US
NGHIEM CHARLIE	US
CHAUBERT EVELYNE	US
SLONE CLINT N	US
MIKSOVSKY CHRISTOPHER A	US

APPLICANT:

NAME	COUNTRY
HUMANGEAR INC	US

APPL-NO: US 2015019017 W
APPL-DATE: March 5, 2015

PRIORITY-DATA:

PRIORITY-NO	PRIORITY-APPL-DATE
US 201414204497 A	20140311

CPC-CURRENT:

TYPE	CPC/DATE
CPCI	A47G21/06 20130101
CPCI	A47G21/023 20130101
CPCI	A47G21/04 20130101

INT-CL-CURRENT:

TYPE	IPC/DATE
IPCP	A47G21/06 20060101

REF-CITED:

PHASE-COUNTRY/NUMBER/KIND/DATE-NPL-INFO

US 201429484553 F 20140311
DE 4417037 A1 19951116
GB 191422788 A 19150902
EP 0129495 A2 19841227
WO 2013095407 A1 20130627

ABSTRACT:

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.

Form 1449 (Modified)	Atty Docket No.	HMG1P008D1
	Application No.:	15/268,175
Information Disclosure Statement By Applicant	Applicant	MIKSOVSKY et al.
	Filing Date	September 16, 2016
	Group	3724
(Use Several Sheets if Necessary)		Page 1 of 1

U.S. Patent Documents

Examiner Initial	No.	Patent No.	Date	Patentee	Class	Sub-class	Filing Date
	1.	2003/0110644	06/19/03	Miller			12/18/01
	2.						
	3.						
	4.						
	5.						
	6.						
	7.						

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.	203424719	02/12/14	CN			Abstract
	9.						
	10.						
	11.						
	12.						

Other Documents

Examiner Initial	No.	Author, Title, Place (e.g. Journal) of Publication, Date
	13.	Chinese Office Action dated August 1, 2017 from Chinese Application No. 201611163525.2.
	14.	
	15.	
	16.	
	17.	
	18.	

Examiner /Jason Daniel Prone/	Date Considered 08/31/2017

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. /JDP/

Form 1449 (Modified) Information Disclosure Statement By Applicant (Use Several Sheets if Necessary)	Atty Docket No.	HMG1P008D1
	Application No.:	15/268,175
	Applicant	MIKSOVSKY et al.
	Filing Date	September 16, 2016
	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.						
	7.						

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.	WO 2013/095407	06/27/13	PCT			
	9.	CN 202874843	04/17/13	CN			Abstract
	10.	CN 200945058	09/12/07	CN			Abstract
	11.	CN201691585	01/05/11	CN			Abstract
	12.	CN202234496	05/30/12	CN			Abstract

Other Documents

Examiner Initial	No.	Author, Title, Place (e.g. Journal) of Publication, Date
	13.	Chinese Office Action dated April 27, 2017 from Chinese Application No. 201580022197.1.
	14.	
	15.	
	16.	
	17.	
	18.	

Examiner /Jason Daniel Prone/	Date Considered 08/31/2017

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. /JDP/

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	15268175	MIKSOVSKY ET AL.
	Examiner	Art Unit
	JASON D PRONE	3724

CPC- SEARCHED		
Symbol	Date	Examiner
A47G 21/02, 023, 04, 06, 08		
A47J 43/28-282	8/31/2017	/JP/

CPC COMBINATION SETS - SEARCHED		
Symbol	Date	Examiner

US CLASSIFICATION SEARCHED			
Class	Subclass	Date	Examiner
30	147-150, 322-328		
D7	643, 644, 653	8/31/2017	/JP?

* See search history printout included with this form or the SEARCH NOTES box below to determine the scope of the search.

SEARCH NOTES		
Search Notes	Date	Examiner
consulted USPC and CPC		
inventor search	8/31/2017	/JP/

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

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	15268175	MIKSOVSKY ET AL.
	Examiner	**Art Unit**
	JASON D PRONE	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	07/12/2017	08/31/2017							
	1	÷	N							
	2	÷	N							
	3	÷	N							
	4	÷	N							
	5	÷	N							
	6	÷	N							
	7	÷	N							
	8	÷	✓							
	9	÷	✓							
	10	÷	✓							
	11	÷	✓							
	12	÷	✓							
	13	÷	✓							
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	15	÷	✓							
	16	÷	✓							
	17	÷	N							
	18	÷	N							
	19	÷	N							
	20	÷	N							
	21		N							
	22		N							
	23		N							
	24		N							

EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L3	633	prone.xp.	US-PGPUB; USPAT; FPRS; EPO; JPO	OR	OFF	2017/08/31 12:36
L4	2	"20150165633"	US-PGPUB; USPAT; FPRS; EPO; JPO	OR	OFF	2017/08/31 12:49
L5	44	("0803368" | "20120125171" | "20120198709" | "20140224091" | "20140338513" | "20150165633" | "20150343539" | "20160279716" | "20170001252" | "2482439" | "3470923" | "3503294" | "3554197" | "3706474" | "3837230" | "4147464" | "4760643" | "5014430" | "5048190" | "5092869" | "5456011" | "5468247" | "5651646" | "5697835" | "5797189" | "5860218" | "5867913" | "6283843" | "6681756" | "7667136" | "9358623" | "D391974" | "D392297" | "D406223" | "D438219" | "D639833" | "D681081" | "D681082" | "D727380" | "H000571").PN. OR ("9737941").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2017/08/31 13:15
L6	1844	a47g21/02,08.cpc.	US-PGPUB; USPAT; FPRS; EPO; JPO	OR	OFF	2017/08/31 13:16
L7	1911	a47j43/28-282.cpc.	US-PGPUB; USPAT; FPRS; EPO; JPO	OR	OFF	2017/08/31 13:16
L10	44	("0803368" | "20120125171" | "20120198709" | "20140224091" | "20140338513" | "20150165633" | "20150343539" | "20160279716" | "20170001252" | "2482439" | "3470923" | "3503294" | "3554197" | "3706474" | "3837230" | "4147464" | "4760643" | "5014430" | "5048190" | "5092869" | "5456011" | "5468247" | "5651646" | "5697835" | "5797189" | "5860218" | "5867913" | "6283843" | "6681756" | "7667136" | "9358623" | "D391974" | "D392297" | "D406223" | "D438219" | "D639833" | "D681081" | "D681082" | "D727380" | "H000571").PN. OR ("9737941").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2017/08/31 13:16
L11	435	30/147-150.ccls.	US-PGPUB; USPAT; FPRS; EPO; JPO	OR	OFF	2017/08/31 13:16
L12	2	"15268175"	US-PGPUB; USPAT; FPRS; EPO; JPO	OR	OFF	2017/08/31 13:16
L13	1	L12 and ((chamfer or chamfered) with handle)	US-PGPUB; USPAT; FPRS; EPO; JPO	OR	OFF	2017/08/31 13:16
L14	10	(20030110644|20140026425|5845403|d269060|d414988|d530985|d575593|d633344).pn.	US-PGPUB; USPAT; FPRS; EPO; JPO	OR	OFF	2017/08/31 13:16
L15	26	("0854745" | "20090172949" | "5845403" | "D030129" | "D249926" | "D269060" |	US-	OR	OFF	2017/08/31

		"D325855" | "D342422" | "D414988" | "D530985" | "D535857" | "D575593" | "D608602").PN. OR ("D633344").URPN.	PGPUB; USPAT; USOCR			13:16
L16	11	30/$.ccls. and (glass with reinforced with thermoplastic)	US-PGPUB; USPAT; FPRS; EPO; JPO	OR	OFF	2017/08/31 13:16
L17	25	("1337174" | "20080000092" | "0398264" | "0854745" | "D143431" | "D030129" | "D325855" | "D388664" | "D391123" | "D414988" | "D530985" | "D535857" | "D575593").PN.	US-PGPUB; USPAT; FPRS; EPO; JPO	OR	OFF	2017/08/31 13:16
L18	1879	a47g21/06,023,04.cpc.	US-PGPUB; USPAT; FPRS; EPO; JPO	OR	OFF	2017/08/31 13:16
L19	1396	30/322-328.ccls.	US-PGPUB; USPAT; FPRS; EPO; JPO	OR	OFF	2017/08/31 13:16
L20	108	MIKSOVSKY with Christopher.in. or SLONE with Clint.in. or CHAUBERT with Evelyne.in. or NGHIEM with Charlie.in. or LANE with Robert with Charles.in.	US-PGPUB; USPAT; FPRS; EPO; JPO	OR	OFF	2017/08/31 13:16

8/31/2017 1:23:08 PM
C:\Users\jprone\Documents\EAST\Workspaces\~auto.12142016.093205.bak.wsp

Form 1449 (Modified)	Atty Docket No.	HMG1P008D1
	Application No.:	Unassigned
Information Disclosure Statement By Applicant	Applicant	MIKSOVSKY et al.
	Filing Date	Herewith
	Group	Unassigned
(Use Several Sheets if Necessary)		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.	5,845,403	12/08/98	Nivin			09/13/95
	3.	D269,060	05/24/83	Creamer			09/05/80
	4.	D414,988	10/12/99	Santini			01/04/99
	5.	D530,985	10/31/06	Evans			10/11/05
	6.	D575,593	08/26/08	Svartström			12/05/07
	7.	D633,344	03/01/11	Nordwall			06/10/10

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.	WO 2013/095407	06/27/13	PCT			
	9.	0 129 495	12/27/84	EP			
	10.	DE 44 17 037	12/03/98	DE			Yes
	11.	22,788	09/02/1915	GB			

Other Documents

Examiner Initial	No.	Author, Title, Place (e.g. Journal) of Publication, Date
	12.	Alite, Cloverware Lite, http://shop.alitedesigns.com/cloverware-lite.html, downloaded on March 6, 2014.
	13.	Alite, Cloverware 2.0, http://shop.alitedesigns.com/cloverware-538.html, downloaded on March 6, 2014.
	14.	Guyot, Microbites ™, https://www.guyotdesigns.com/product-microbites/, downloaded on March 6, 2014.
	15.	Guyot, Utensils, https://www.guyotdesigns.com/utensils/, downloaded on March 6, 2014.
	16.	International Search Report dated July 8, 2015 from International Application No. PCT/US2015/019017.
	17.	Written Opinion dated July 8, 2015 from International Application No. PCT/US2015/019017.

Examiner	/Jason Daniel Prone/	Date Considered	08/31/2017

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. /JDP/

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From: PAIR_eOfficeAction@uspto.gov
Cc: PAIR_eOfficeAction@uspto.gov
Subject: Private PAIR Correspondence Notification for Customer Number 58766

Sep 08, 2017 03:45:09 AM

Dear PAIR Customer:

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

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

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Application	Document	Mailroom Date	Attorney Docket No.
15268175	CTNF	09/08/2017	HMG1P008D1
	892	09/08/2017	HMG1P008D1
	1449	09/08/2017	HMG1P008D1
	1449	09/08/2017	HMG1P008D1
	1449	09/08/2017	HMG1P008D1

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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

Form 1449 (Modified)	Atty Docket No.	HMG1P008D1
	Application No.:	15/268,175
Information Disclosure Statement By Applicant	Applicant	MIKSOVSKY et al.
	Filing Date	September 16, 2016
	Group	3724
(Use Several Sheets if Necessary)		Page 1 of 1

U.S. Patent Documents

Examiner Initial	No.	Patent No.	Date	Patentee	Class	Sub-class	Filing Date
	1.	2003/0110644	06/19/03	Miller			12/18/01
	2.						
	3.						
	4.						
	5.						
	6.						
	7.						

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.	203424719	02/12/14	CN			Abstract
	9.						
	10.						
	11.						
	12.						

Other Documents

Examiner Initial	No.	Author, Title, Place (e.g. Journal) of Publication, Date
	13.	Chinese Office Action dated August 1, 2017 from Chinese Application No. 201611163525.2.
	14.	
	15.	
	16.	
	17.	
	18.	

Examiner	Date Considered

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.

STATE INTELLECTUAL PROPERTY OFFICE OF THE PEOPLE'S REPUBLIC OF CHINA

CCPIT Patent and Trademark Law Office 8th Floor, 2 Fuchengmenwai Street, Beijing 100037, China ZHU HAITAO	Date of Notification: Day: 01 Month: 08 Year: 2017
Application No. or Patent No.:	201611163525.2
Applicant or Patentee:	HUMANGEAR, INC.
Title of the Invention-Creation:	EATING UTENSIL SYSTEM

Notification of the First Office Action

1. ☑ The SIPO conducts substantive examination on the application upon request of the applicant according to the provision of Article 35 paragraph 1 of the Patent Law.
   ☐ The SIPO has decided to examine the application on its own initiative under Article 35 paragraph 2 of the Patent Law.
2. ☑ The applicant claimed priority/priorities based on the application(s):
   filed in US on Mar. 11, 2014, filed in _____ on _____,
   filed in _____ on _____, filed in _____ on _____,
   filed in _____ on _____, filed in _____ on _____,
   ☑ The applicant has provided the priority documents certified by the Patent Office where the priority application(s) was/were filed.
   ☐ The applicant has not provided the priority documents certified by the Patent Office where the priority application(s) was/were filed and therefore the priority claim(s) is/are deemed not to have been made under Article 30 of the Patent Law.
3. ☐ After examination, the amended documents submitted on do not comply with Rule 51 paragraph 1 of the Implementing Regulations of the Patent Law, and thus cannot be accepted.
4. Examination as to substance was directed to:
   ☐ the initial application documents as filed.
   ☐ the documents filed on the date of submitting the divisional application.
   ☑ the documents as specified below:
   Claims 1-20, the description paragraphs 1-81, the figures of the description, the abstract of the description and the figure of the abstract submitted on the filing date of the present divisional application.
5. ☐ This Notification is issued without search reports.
   ☑ This Notification is issued with consideration of the search results.
   ☑ Below is/are the reference document(s) cited in this Office Action (the reference number(s) will be used throughout the examination procedure):

No.	Number(s) or Title(s) of Reference(s)	Date of Publication (or the filing date of conflicting application)
1	GB191422788A	Sep. 02, 1915
2	US2003/0110644A1	Jun. 19, 2003
3	CN2003424719U	Feb. 12, 2014

6. Conclusions of the Action:
   ☐ On the Description:
   ☐ The subject matter contained in the application is not patentable under Article 5 of the Patent Law.
   ☐ The description does not comply with Article 26 paragraph 3 of the Patent Law.
   ☐ The description does not comply with Article 33 of the Patent Law.
   ☐ The draft of the description does not comply with Rule 17 of the Implementing Regulations.
   ☐
   ☐ On the Claims:
   ☐ Claim(s) does/do not comply with Article 2 paragraph 2 of the Patent Law.
   ☐ Claim(s) does/do not comply with Article 9 paragraph 1 of the Patent Law.
   ☐ Claim(s) does/do not possess the novelty as required by Article 22 paragraph 2 of the Patent

Humangear, Inc. Ex. 2005, Page 309

Law.

☑ Claim(s) 1-20 does/do not possess the inventiveness as required by Article 22 paragraph 3 of the Patent Law.

☐ Claim(s) does/do not possess the practical applicability as required by Article 22 paragraph 4 of the Patent Law.

☐ Claim(s) is/are not patentable under Article 25 of the Patent Law.

☐ Claim(s) does/do not comply with Article 26 paragraph 4 of the Patent Law.

☐ Claim(s) does/do not comply with Article 31 paragraph 1 of the Patent Law.

☐ Claim(s) does/do not comply with Article 33 of the Patent Law.

☐ Claim(s) does/do not comply with the provisions of Rule 19 of the Implementing Regulations.

☐ Claim(s) does/do not comply with the provisions of Rule 20 of the Implementing Regulations.

☐ Claim(s) does/do not comply with the provisions of Rule 21 of the Implementing Regulations.

☐ Claim(s) does/do not comply with the provisions of Rule 22 of the Implementing Regulations.

☐

☐ The application does not comply with Article 26 paragraph 5 of the Patent Law or Rule 26 of the Implementing Regulations.

☐ The application does not comply with Article 20 paragraph 1 of the Patent Law.

☐ The divisional application does/do not comply with Rule 43 paragraph 1 of the Implementing Regulations.

Please refer to the text portion of the Office Action for details.

7. In view of the conclusions set forth above, the Examiner is of the opinion that:

☐ The applicant should make amendments as directed in the text portion of the Notification.

☐ The applicant should expound in the response reasons why the application is patentable and make amendments to the application where there are deficiencies as pointed out in the text portion of the Notification, otherwise, the application will not be allowed.

☑ The application contains no allowable invention, and therefore, if the applicant fails to submit sufficient reasons to prove that the application does have merits, it will be rejected.

☐

8. The followings should be taken into consideration by the applicant in making the response:

(1) Under Article 37 of the Patent Law, the applicant should respond to the office action within 4 months counting from the date of receipt of the Notification. If, without any justified reason, the time limit is not met, the application shall be deemed to have been withdrawn.

(2) Any amendments to the application may not go beyond the scope of the disclosure contained in the initial description and claims, as prescribed by Article 33 of the Patent Law, and should be made as required by the Notification, as prescribed by Rule 51 paragraph 3 of the Implementing Regulations.

(3) The response to the Notification and/or revision of the application should be mailed to or handed over to the "Reception Division" of the Patent Office, and documents not mailed or handed over to the Reception Divisions have no legal effect.

(4) Without an appointment, the applicant and/or his agent shall not interview with the Examiner in the Patent Office.

9. This Notification contains a text portion of 6 pages and the following attachments:

☐ 0 cited reference(s), totaling 0 pages.

☐

Examiner: ___ Examination Dept. ___ Seal of the Examination Department

Telephone No.:

210401 For application in written form, the corresponding documents shall be sent to: the Receiving Division of the Patent Office of SIPO, 6 Xi Tu Cheng Lu, Haidian, Beijing, 100088

2010.2 For application in electronic form, the corresponding documents shall be submitted in the form of electronic documents through the electronic patent application system. The corresponding documents submitted in other form than electronic documents shall be deemed not to have been submitted unless otherwise provided.

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Text Portion of the Notification of the First Office Action

The present application relates to an eating utensil system. After making examination, the examiner issues the following comments:

1. Claim 1 does not possess the inventiveness as prescribed by Art. 22 (3) of the Chinese Patent Law.

Claim 1 seeks protection for an eating utensil. However, D1 (GB191422788A) discloses an utensil with a knife and a fork, particularly with the following technical features (see the description page 1, the first paragraph, and Figs. 1-5): comprising a fork having a handle connected to a head portion including plurality of tines; and a spoon having a bowl portion having substantially flat side and end edges, the spoon having a handle with a proximal end connected to a proximal end of the handle of the fork.

Claim 1 is distinguishable from D1 by the following technical feature: the spoon having a substantially pentagonal bowl portion. Based on said distinguishable technical feature, the technical problem to be actually solved by the technical solution of claim 1 is: how to determine the shape of the bowl portion of the spoon.

Regarding said distinguishable technical feature, however, it is a conventional selection made by a person skilled in the art to configure such that the bowl portion of the spoon is in a substantially pentagonal shape.

Thus it can be known that it is obvious for a person skilled in the art to obtain the technical solution defined in claim 1 on the basis of D1 combined with the common knowledge in the art. Therefore, claim 1 which neither has prominent substantive features nor represents a notable progress, does not possess the inventiveness as prescribed in Art. 22 (3) of the Chinese Patent Law.

2. The additional technical feature of the dependent claim 2 pertains to conventional technical means taken in the art. Thus, claim 2 does not possess the inventiveness.

3. The additional technical feature of the dependent claim 3 pertains to conventional

technical means taken in the art. Thus, claim 3 does not possess the inventiveness.

4. The additional technical feature of the dependent claim 4 may be obtained on the basis of the disclosure of D1 combined with conventional technical means taken in the art. Thus, claim 4 does not possess the inventiveness.

5. The additional technical feature of the dependent claim 5 relates to a conventional selection made in the art. Thus, claim 5 does not possess the inventiveness.

6. The additional technical feature of the dependent claim 6 is disclosed by D1. Thus, claim 6 does not possess the inventiveness.

7. Regarding the additional technical features of the dependent claim 7, however, D2 (US2003/0110644A1) discloses a fork, particularly with the following technical feature (see the description paragraphs 0043-0045 and Figs. 1-8): comprising an edge 35 able to cut food disposed on an edge of an outer tine. Thus it can be seen that the feature of providing an edge able to cut food on an edge of a tine, is disclosed by D2, and it has the same function in D2 as in the present application, i.e., for enabling the fork to cut food, such that D2 gives the technical teaching for applying said technical feature to the technical solution of D1 for solving the technical problem. On the basis of the teaching given by D2, a person skilled in the art may easily conceive of disposing the edge of the tine along substantially the entire length of the chamfered edge.

Thus it can be known that it is obvious for a person skilled in the art to obtain the technical solution defined in claim 7 on the basis of D1 combined with D2 and the common knowledge in the art. Therefore, claim 7 does not possess the inventiveness.

8. Claim 8 does not possess the inventiveness as prescribed by Art. 22 (3) of the Chinese Patent Law.

Claim 8 seeks protection for an eating utensil. However, D3 (CN203424719U) discloses an utensil with a knife and a fork, particularly with the following technical features (see the description paragraphs 0010-0012, and Figs. 1-2): comprising: a spoon handle and a connecting handle (corresponding to a handle) having a first end and a second end; a

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fork head (corresponding to a first head portion) attached to an end adjacent the fork head, wherein the fork head comprises a plurality of tines, a spoon head (corresponding to a second head portion) attached to an end adjacent the spoon head, wherein the spoon head comprises a bowl of a spoon.

Claim 8 is distinguishable from D3 by the following technical features: the bowl having a substantially pentagonal shape; wherein at least one of the plurality of tines has a chamfered curved outer edge along substantially its entire length. Based on said distinguishable technical features, the technical problems to be actually solved by the technical solution of claim 8 are: how to enable the fork to cut food easily and how to determine the shape of the bowl portion of the spoon.

Regarding said distinguishable technical features, however, D2 (US2003/0110644A1) discloses a fork, particularly with the following technical feature (see the description paragraphs 0043-0045 and Figs. 1-8): comprising an edge 35 able to cut food disposed on an edge of an outer tine (corresponding to at least one of the plurality of tines). Thus it can be seen that the feature of providing an edge able to cut food on an edge of a tine, is disclosed by D2, and it has the same function in D2 as in the present application, i.e., for enabling the fork to cut food, such that D2 gives the technical teaching for applying said technical feature to the technical solution of D3 for solving the technical problem. On the basis of the teaching given by D2, a person skilled in the art may easily conceive of disposing the edge of the tine along substantially its entire length; and further, it is a conventional selection made by a person skilled in the art to configure such that the bowl portion of the spoon is in a substantially pentagonal shape, the technical effect of which is also anticipatable.

Thus it can be known that it is obvious for a person skilled in the art to obtain the technical solution defined in claim 8 on the basis of D3 combined with D2 and the common knowledge in the art. Therefore, the technical solution defined in claim 8 which neither has prominent substantive features nor represents a notable progress, does not possess the inventiveness.

9. The additional technical feature of the dependent claim 9 is of conventional technical means taken in the art. Thus, claim 9 does not possess the inventiveness.

10. The additional technical feature of the dependent claim 10 may be obtained on the basis of the disclosure of D3 combined with conventional technical means taken in the art. Thus, claim 10 does not possess the inventiveness.

11. The additional technical feature of the dependent claim 11 is disclosed by D3. Thus, claim 11 does not possess the inventiveness.

12. The additional technical feature of the dependent claim 12 is of conventional technical means taken in the art. Thus, claim 12 does not possess the inventiveness.

13. The additional technical feature of the dependent claim 13 relates to a conventional selection made in the art. Thus, claim 13 does not possess the inventiveness.

14. Claim 14 does not possess the inventiveness as prescribed by Art. 22 (3) of the Chinese Patent Law.

Claim 14 seeks protection for an eating utensil. However, D2 (US2003/0110644A1) discloses a fork, particularly with the following technical feature (see the description paragraphs 0043-0045 and Figs. 1-8): comprising a head portion including a plurality of tines, an edge 35 able to cut food disposed on an edge of an outer tine (corresponding to an outer tine), said edge 35 extending along substantially an entire length of the head portion; and a handle portion connected to the head portion.

Claim 14 is distinguishable from D2 by the following technical features: the outer tine has a curved chamfered outer edge; wherein the chamfered edge tapers to a point where the handle portion meets the head portion. Based on said distinguishable technical features, the technical problem to be actually solved by the technical solution of claim 14 is how to configure the edge of the outer tine.

Regarding said distinguishable technical features, om the basis of the disclosure of D2, it is a conventional selection made in the art to configure the edge of the outer tine that it has a curved chamfered edge, wherein the chamfered edge tapers to a point where the handle portion meets the head portion, the technical effect of which is also anticipatable.

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Thus it can be known that it is obvious for a person skilled in the art to obtain the technical solution defined in claim 14 on the basis of D2 combined with the common knowledge in the art. Therefore, claim 14 which neither has prominent substantive features nor represents a notable progress, does not possess the inventiveness as prescribed in Art. 22 (3) of the Chinese Patent Law.

15. The additional technical feature of the dependent claim 15 is a conventional selection made in the art on the basis of the disclosure of D2. Thus, claim 15 does not possess the inventiveness.

16. The additional technical feature of the dependent claim 16 is a conventional selection made in the art on the basis of the disclosure of D2. Thus, claim 16 does not possess the inventiveness.

17. Regarding the additional technical feature of the dependent claim 17, D1 (GB191422788A) discloses an utensil with a knife and a fork, particularly with the following technical features (see the description page 1, the first paragraph, and Figs. 1-5): comprising a fork and a spoon, the spoon having a bowl portion, the spoon having a handle with a proximal end connected to a proximal end of the handle of the fork. Thus it can be seen that the feature of providing a spoon on the handle of the fork is disclosed by D1, and it has the same function in D1 as in the present application, i.e., enabling the fork to cut food, such that D1 gives the technical teaching for applying said feature to the technical solution of D2 for solving the technical problem. On the basis of the teaching given by D1, it is conventional technical means taken in the art to configure such that the spoon handle is integrally formed with the handle portion of the fork.

Thus it can be known that it is obvious for a person skilled in the art to obtain the technical solution defined in claim 17 on the basis of D2 combined with D1 and the common knowledge in the art. Therefore, claim 17 does not possess the inventiveness.

18. The additional technical feature of the dependent claim 18 may be obtained on the basis of the disclosure of D1 combined with conventional technical means taken in the art. Thus, claim 18 does not possess the inventiveness.

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19. The additional technical feature of the dependent claim 19 is disclosed by D1. Thus, claim 19 does not possess the inventiveness.

20. The additional technical feature of the dependent claim 20 relates to a conventional selection made in the art. Thus, claim 20 does not possess the inventiveness.

In view of the conclusions set forth above, neither the independent claims nor the dependent claims of the present application possess the inventiveness. At the same time, there is no substantive content recited in the description which is patentable. Therefore, even if the applicant recombines the claims and/or further delimits the claims according to the content recited in the description, the present application has no chance to get approved. If the applicant fails to present sufficient arguments to support the inventiveness of the present application within the time limit as specified in this notification, the present application will be rejected.

The examiner

Code:

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State Intellectual Property Office of the People's Republic of China

Search Report

Application No.: 201611163525.2	Filing Date: 20150305	First Search
Applicant: HUMANGEAR, INC.	Earliest Priority Date: 20140311	
Number of Claims: 20	Number of Paragraphs of Description: 81+24	

IPC Classification Determined by the Examiner: A47G21/06

Search Record Information:
CNABS, CNTXT, DWPI, VEN, WOTXT, EPTXT, USTXT, CIFD, 百度, Google, CNKI, patentics, A47G21/06, A47J43/28, A47G21/02, 胡叟吉尔股份, 餐具, 勺, 叉, 柄, 倒角, 五角形, 切 or 害[], fork, spoon, tableware or dishware, handle, edge?, cut+, rail+

Related Patent Documents

Type	Country & Document No,. Provided by code [11]	Date Provided by Code [43] or [45]	IPC Classification	Related Paragraphs and/or Figure(s) No(s).	Involved Claim(s)
X	GB191422788A	19150902	A47G21/06	the description page 1, the first paragraph, and Figs. 1-5	1-6
X	US2003/0110644A1	20030619	A47J43/28	the description paragraphs 0043-0045 and Figs. 1-8	14-16
Y	GB191422788A	19150902	A47G21/06	the description page 1, the first paragraph, and Figs. 1-5	7, 17-20
Y	US2003/0110644A1	20030619	A47J43/28	the description paragraphs 0043-0045 and Figs. 1-8	7-13, 17-20
Y	CN203424719U	20140212	A47G21/02	the description paragraphs 0010-0012,	8-13

				and Figs. 1-2	
A	US2012/0036724A1	20120216	A47G21/06	Full text	1-20
A	CN203262920U	20131106	A47G21/02	Full text	1-20

Related Non-patent Documents					
Type	Book Title. (including edition No. & volume No.)	Publishing Date	Name of Author & Name of Publisher	Related Page(s)	Involved Claim(s)
Type	Journal or Digest Title (including volume No. & issue No.)	Issuing Date	Name of Author & Heading of Article	Related Page(s)	Involved Claim(s)

Notes for filling the form:

1. The IPC classification of the actual search field(s) determined by the examiner should be filled in the classification positions where a major group and/or a subgroup are/is situated.
2. An abbreviated title that conforms to generally accepted international practice maybe used as the title of journals or other regular publications.
3. Explanations for types of related documents:

   X: The document that when taken alone, prejudices the novelty or the inventiveness;

   Y: The document that when combined with other document(s) of Y type cited in this report, prejudices the inventiveness;

   A: The background art document;

   R: The patent or patent application document submitted by any entity or individual to the Patent Office on the filing date which pertains to identical invention-creation;

   P: The intermediate document that is the document published on date falling between the filing date of the application and the claimed priority date;

   E: The conflicting application document.

Examiner: Examination Dept.:

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中华人民共和国国家知识产权局

100037

北京市阜成门外大街2号八层 中国国际贸易促进委员会专利商标事务所
朱海涛

发文日：

2017年08月01日

申请号或专利号：201611163525.2　　发文序号：2017072701489470

申请人或专利权人：胡曼吉尔股份有限公司

发明创造名称：一种餐具系统

第一次审查意见通知书

1. ☒应申请人提出的实质审查请求，根据专利法第35条第1款的规定，国家知识产权局对上述发明专利申请进行实质审查。

☐根据专利法第35条第2款的规定，国家知识产权局决定自行对上述发明专利申请进行审查。

2. ☒申请人要求以其在：

US专利局的申请日2014年03月11日为优先权日。

☒申请人已经提交了经原受理机构证明的第一次提出的在先申请文件的副本。

☐申请人尚未提交经原受理机构证明的第一次提出的在先申请文件的副本，根据专利法第30条的规定视为未要求优先权要求。

3. ☐经审查，申请人于_____提交的修改文件，不符合专利法实施细则第51条第1款的规定，不予接受。

4. 审查针对的申请文件：

☐原始申请文件。☐分案申请递交日提交的文件。☒下列申请文件：

分案申请递交日提交的说明书摘要、权利要求第1-20项、说明书第1-81段、说明书附图、摘要附图：

5. ☐本通知书是在未进行检索的情况下作出的。

☒本通知书是在进行了检索的情况下作出的。

☒本通知书引用下列对比文件(其编号在今后的审查过程中继续沿用)：

编号	文件号或名称	公开日期（或抵触申请的申请日）
1	GB 191422788A	19150902
2	US 2003/0110644A1	20030619
3	CN 203424719U	20140212

6. 审查的结论性意见：

关于说明书：

☐申请的内容属于专利法第5条规定的不授予专利权的范围。

☐说明书不符合专利法第 26 条第 3 款的规定。
☐说明书不符合专利法第 33 条的规定。
☐说明书的撰写不符合专利法实施细则第 17 条的规定。
☐_____

关于权利要求书：

☐权利要求_____不符合专利法第 2 条第 2 款的规定。
☐权利要求_____不符合专利法第 9 条第 1 款的规定。
☐权利要求_____不具备专利法第 22 条第 2 款规定的新颖性。
☒权利要求 1-20 不具备专利法第 22 条第 3 款规定的创造性。
☐权利要求_____不具备专利法第 22 条第 4 款规定的实用性。
☐权利要求_____属于专利法第 25 条规定的不授予专利权的范围。
☐权利要求_____不符合专利法第 26 条第 4 款的规定。
☐权利要求_____不符合专利法第 31 条第 1 款的规定。
☐权利要求_____不符合专利法第 33 条的规定。
☐权利要求_____不符合专利法实施细则第 19 条的规定。
☐权利要求_____不符合专利法实施细则第 20 条的规定。
☐权利要求_____不符合专利法实施细则第 21 条的规定。
☐权利要求_____不符合专利法实施细则第 22 条的规定。
☐_____

☐申请不符合专利法第 26 条第 5 款或者实施细则第 26 条的规定。
☐申请不符合专利法第 20 条第 1 款的规定。
☐分案申请不符合专利法实施细则第 43 条第 1 款的规定。

上述结论性意见的具体分析见本通知书的正文部分。

7. 基于上述结论性意见，审查员认为：

☐申请人应当按照通知书正文部分提出的要求，对申请文件进行修改。
☐申请人应当在意见陈述书中论述其专利申请可以被授予专利权的理由，并对通知书正文部分中指出的不符合规定之处进行修改，否则将不能授予专利权。
☒专利申请中没有可以被授予专利权的实质性内容，如果申请人没有陈述理由或者陈述理由不充分，其申请将被驳回。
☐_____

8. 申请人应注意下列事项：

(1) 根据专利法第 37 条的规定，申请人应在收到本通知之日起的 4 个月内陈述意见，如果申请人无正当理由逾期不答复，其申请将被视为撤回。

(2) 申请人对其申请的修改应当符合专利法第 33 条的规定，不得超出原说明书和权利要求书记载的范围，同时申请人对专利申请文件进行的修改应当符合专利法实施细则第 51 条第 3 款的规定，按照本通知书的要求进行修改。

(3) 申请人的意见陈述书和/或修改文本应邮寄或递交国家知识产权局专利局受理处，凡未邮寄或递交给受理处的文件不具备法律效力。

(4) 未经预约，申请人和/或代理人不得前来国家知识产权局专利局与审查员举行会晤。

9. 本通知书正文部分共有 6 页，并附有下述附件：

☐引用的对比文件的复印件共_____份_____页。
☐_____

审查员：张雷锋　　联系电话：0512-88997477　　审查部门：专利审查协作江苏中心光电技术发明审查部

中华人民共和国国家知识产权局

第一次审查意见通知书

申请号:2016111635252

本申请涉及一种餐具系统，经审查，现提出如下审查意见：

1、权利要求1不具备专利法第22条第3款规定的创造性。

权利要求1要求保护一种进食餐具，对比文件1（GB191422788A）公开了一种带有刀和叉的餐具，并具体公开了（参见说明书第1页第1段，说明书附图1-5）其包括叉，所述叉具有柄，所述柄连接到头部，所述头部包括多个叉尖；还包括勺，所述勺具有碗状部，所述碗状部具有大体上平坦的侧面和端部边缘，所述勺具有柄，所述勺的柄的近端连接到所述叉的柄的近端。

相对于对比文件1，权利要求1的区别特征在于：所述勺的碗状部为大体上五角形。基于上述区别特征，该权利要求的技术方案实际解决的技术问题是如何设定所述勺碗状部的形状。

对于上述区别技术特征，将所述勺的碗状部设置为大体上五角形是本领域技术人员的常规选择，并且其技术效果也是可以预期的。

由此可知，在对比文件1的基础上结合本领域的公知常识，得到该权利要求的技术方案，对本技术领域的技术人员来说是显而易见的，因此该权利要求不具有突出的实质性特点和显著的进步，不具备专利法第22条第3款规定的创造性。

2、权利要求2不具备专利法第22条第3款规定的创造性。

从属权利要求2对权利要求1作了进一步的限定，对于其附加技术特征，将叉和勺设置为整体形成的结构是本领域的常规手段，因此，在引用的权利要求不具备创造性的基础上，该权利要求的技术方案也不具有突出的实质性特点和显著的进步，不具备专利法第22条第3款规定的创造性。

3、权利要求3不具备专利法第22条第3款规定的创造性。

从属权利要求3对权利要求1或2作了进一步的限定，对于其附加技术特征，将叉的柄和头部连接处设置为倒角边缘渐缩到一点是本领域的常规手段，因此，在引用的权利要求不具备创造性的基础上，该权利要求的技术方案也不具有突出的实质性特点和显著的进步，不具备专利法第22条第3款规定的创造性。

4、权利要求4不具备专利法第22条第3款规定的创造性。

从属权利要求4对权利要求1-3作了进一步的限定，对于其附加技术特征，对比文件1公开了在叉子的柄上设置倒角外缘用于连接勺，在此基础上，在勺的柄设置倒角外缘用于连接叉是一种常规手段，因此，在引用的权利要求不具备创造性的基础上，该权利要求的技术方案也不具有突出的实质性特点和显著的进步，

不具备专利法第 22 条第 3 款规定的创造性。

5、权利要求 5 不具备专利法第 22 条第 3 款规定的创造性。

从属权利要求 5 对权利要求 1-4 作了进一步的限定，对于其附加技术特征，采用玻璃纤维增强的热塑性材料制成进食餐具是本领域的常规选择，因此，在引用的权利要求不具备创造性的基础上，该权利要求的技术方案也不具有突出的实质性特点和显著的进步，不具备专利法第 22 条第 3 款规定的创造性。

6、权利要求 6 不具备专利法第 22 条第 3 款规定的创造性。

从属权利要求 6 对权利要求 1-5 作了进一步的限定，对于其附加技术特征，对比文件 1 公开了在叉的头部具有在弯曲外缘上的至少一个叉尖，因此，在引用的权利要求不具备创造性的基础上，该权利要求的技术方案也不具有突出的实质性特点和显著的进步，不具备专利法第 22 条第 3 款规定的创造性。

7、权利要求 7 不具备专利法第 22 条第 3 款规定的创造性。

从属权利要求 7 对权利要求 1-6 作了进一步的限定，对于其附加技术特征，对比文件 2（US2003/0110644A1）公开了一种叉子，并具体公开了（参见说明书第 0043-0045 段，说明书附图 1-8）其包括在外侧叉尖的边缘设置有可以切割食物的边缘 35，可见，上述在叉尖边缘设置可以切割食物的边缘的特征已被对比文件 2 所公开，并且其所起的作用与在本申请中所起的作用相同，都是为了使叉子能够方便的切割食物，从而对比文件 2 给出了将上述特征应用于对比文件 1 的技术方案中以解决其技术问题的技术启示。在此基础上，将叉尖的边缘设置为大体上沿着其全长的倒角边缘是本领域技术人员容易想到的。

由此可知，在对比文件 1 的基础上结合对比文件 2 以及本领域的公知常识，得到该权利要求的技术方案，对本技术领域的技术人员来说是显而易见的，因此该权利要求不具有突出的实质性特点和显著的进步，不具备专利法第 22 条第 3 款规定的创造性。

8、权利要求 8 不具备专利法第 22 条第 3 款规定的创造性。

权利要求 8 要求保护一种进食餐具，对比文件 3（CN203424719U）公开了一种带有刀和叉的餐具，并具体公开了（参见说明书第 0010-0012 段，说明书附图 1-2）其包括勺柄和连接柄（相当于柄），其具有第一端和第二端，附装到所述靠近叉头一端的叉头（相当于第一头部），所述叉头包括多个叉尖，附装到所述靠近勺头一端的勺头（相当于第二头部），所述勺头包括勺的碗部。

相对于对比文件 3，权利要求 8 的区别特征在于：所述碗部为大体上五角形；所述多个叉尖中的至少一个叉尖具有大体上沿着其全长的倒角弯曲外缘。基于上述区别特征，该权利要求的技术方案实际解决的技术问题是如何使叉子能够方便的切割食物、如何设定所述勺碗状部的形状。

对于上述区别技术特征，对比文件 2（US2003/0110644A1）公开了一种叉子，并具体公开了（参见说明

书第 0043-0045 段，说明书附图 1-8）其包括在外侧叉尖（相当于多个叉尖中的至少一个叉尖）的边缘设置有可以切割食物的边缘 35，可见，上述在叉尖边缘设置可以切割食物的边缘的特征已被对比文件 2 所公开，并且其所起的作用与在本申请中所起的作用相同，都是为了使叉子能够方便的切割食物，从而对比文件 2 给出了将上述特征应用于对比文件 3 的技术方案中以解决其技术问题的技术启示。在此基础上，将叉尖的边缘设置为大体上沿着其全长的倒角边缘是本领域技术人员容易想到的；而将所述勺的碗状部设置为大体上五角形是本领域技术人员的常规选择，并且其技术效果也是可以预期的。

由此可知，在对比文件 3 的基础上结合对比文件 2 以及本领域的公知常识，得到该权利要求的技术方案，对本技术领域的技术人员来说是显而易见的，因此该权利要求不具有突出的实质性特点和显著的进步，不具备专利法第 22 条第 3 款规定的创造性。

9、权利要求 9 不具备专利法第 22 条第 3 款规定的创造性。

从属权利要求 9 对权利要求 8 作了进一步的限定，对于其附加技术特征，将所述柄、第一头部和第二头部设置为整体形成的结构是本领域的常规手段，因此，在引用的权利要求不具备创造性的基础上，该权利要求的技术方案也不具有突出的实质性特点和显著的进步，不具备专利法第 22 条第 3 款规定的创造性。

10、权利要求 10 不具备专利法第 22 条第 3 款规定的创造性。

从属权利要求 10 对权利要求 8 或 9 作了进一步的限定，对于其附加技术特征，对比文件 3 公开了勺柄和连接柄通过转轴铰链连接，在此基础上，在所述柄上设置至少一个倒角侧缘用于连接是本领域的常规技术手段，因此，在引用的权利要求不具备创造性的基础上，该权利要求的技术方案也不具有突出的实质性特点和显著的进步，不具备专利法第 22 条第 3 款规定的创造性。

11、权利要求 11 不具备专利法第 22 条第 3 款规定的创造性。

从属权利要求 11 对权利要求 8 或 9 作了进一步的限定，对于其附加技术特征，对比文件 3 公开了所述多个叉尖包括大体上直的至少一个中央叉尖，因此，在引用的权利要求不具备创造性的基础上，该权利要求的技术方案也不具有突出的实质性特点和显著的进步，不具备专利法第 22 条第 3 款规定的创造性。

12、权利要求 12 不具备专利法第 22 条第 3 款规定的创造性。

从属权利要求 12 对权利要求 8 或 9 作了进一步的限定，对于其附加技术特征，将所述至少一个叉尖设置为大体上直的内缘是本领域的常规技术手段，因此，在引用的权利要求不具备创造性的基础上，该权利要求的技术方案也不具有突出的实质性特点和显著的进步，不具备专利法第 22 条第 3 款规定的创造性。

13、权利要求 13 不具备专利法第 22 条第 3 款规定的创造性。

从属权利要求 13 对权利要求 8 或 9 作了进一步的限定，对于其附加技术特征，采用玻璃纤维增强的热塑性材料制成进食餐具是本领域的常规选择，因此，在引用的权利要求不具备创造性的基础上，该权利要求的技术方案也不具有突出的实质性特点和显著的进步，不具备专利法第 22 条第 3 款规定的创造性。

14、权利要求 14 不具备专利法第 22 条第 3 款规定的创造性。

权利要求 14 要求保护一种进食餐具，对比文件 2（US2003/0110644A1）公开了一种叉子，并具体公开了（参见说明书第 0043-0045 段，说明书附图 1-8）其包括头部，头部包括多个叉尖，在外侧叉尖（相当于外叉尖）的边缘设置有可以切割食物的边缘 35，所述边缘 35 大体上沿所述头部的全长延伸；还包括连接到所述头部的柄部。

相对于对比文件 2，权利要求 14 的区别特征在于：所述外叉尖具有弯曲的倒角边缘，所述倒角边缘渐缩到一点，所述柄部在该电处会合所述头部。基于上述区别特征，该权利要求的技术方案实际解决的技术问题是如何所述外叉尖边缘。

对于上述区别技术特征，在对比文件 2 公开内容的基础上，将所述外叉尖的边缘设置为具有弯曲的倒角边缘，所述倒角边缘减缩到柄部和头部会合处的一点是本领域的常规选择，并且其技术效果也是可以预期的。

由此可知，在对比文件 2 的基础上结合本领域的公知常识，得到该权利要求的技术方案，对本技术领域的技术人员来说是显而易见的，因此该权利要求不具有突出的实质性特点和显著的进步，不具备专利法第 22 条第 3 款规定的创造性。

15、权利要求 15 不具备专利法第 22 条第 3 款规定的创造性。

从属权利要求 15 对权利要求 14 作了进一步的限定，对于其附加技术特征，在对比文件 2 公开内容的基础上，在外叉尖的远侧尖端处将倒角边缘设置为横跨外叉尖的整个宽度是本领域的常规选择，并且其技术效果也是可以预期的。因此，在引用的权利要求不具备创造性的基础上，该权利要求的技术方案也不具有突出的实质性特点和显著的进步，不具备专利法第 22 条第 3 款规定的创造性。

16、权利要求 16 不具备专利法第 22 条第 3 款规定的创造性。

从属权利要求 16 对权利要求 14 或 15 作了进一步的限定，对于其附加技术特征，在对比文件 2 公开内容的基础上，将两个外叉尖都设置为具有弯曲倒角边缘是本领域的常规选择，并且其技术效果也是可以预期的。因此，在引用的权利要求不具备创造性的基础上，该权利要求的技术方案也不具有突出的实质性特点和显著的进步，不具备专利法第 22 条第 3 款规定的创造性。

17、权利要求 17 不具备专利法第 22 条第 3 款规定的创造性。

从属权利要求 17 对权利要求 14 或 15 作了进一步的限定，对于其附加技术特征，对比文件 1

（GB191422788A）公开了一种带有刀和叉的餐具，并具体公开了（参见说明书第 1 页第 1 段，说明书附图 1-5）其包括叉和勺，所述勺具有碗状部，所述勺具有柄，所述勺的柄的近端连接到所述叉的柄的近端，可见，上述在叉的柄部设置勺的特征已被对比文件 1 所公开，并且其所起的作用与在本申请中所起的作用相同，都是为了使叉子能够方便的切割食物，从而对比文件 1 给出了将上述特征应用于对比文件 2 的技术方案中以解决其技术问题的技术启示。在此基础上，将勺柄和叉柄设作为整体形成是本领域技术人员的常规手段。

由此可知，在对比文件 2 的基础上结合对比文件 1 以及本领域的公知常识，得到该权利要求的技术方案，对本技术领域的技术人员来说是显而易见的，因此该权利要求不具有突出的实质性特点和显著的进步，不具备专利法第 22 条第 3 款规定的创造性。

18、权利要求 18 不具备专利法第 22 条第 3 款规定的创造性。

从属权利要求 18 对权利要求 17 作了进一步的限定，对于其附加技术特征，对比文件 1 公开了在叉子的柄上设置倒角外缘用于连接勺，在此基础上，在勺的柄设置至少一个倒角侧缘用于连接叉柄是一种常规手段，因此，在引用的权利要求不具备创造性的基础上，该权利要求的技术方案也不具有突出的实质性特点和显著的进步，不具备专利法第 22 条第 3 款规定的创造性。

19、权利要求 19 不具备专利法第 22 条第 3 款规定的创造性。

从属权利要求 19 对权利要求 17 作了进一步的限定，对于其附加技术特征，对比文件 1 公开了所述勺具有碗部，所述碗部具有大体上平坦的侧缘，因此，在引用的权利要求不具备创造性的基础上，该权利要求的技术方案也不具有突出的实质性特点和显著的进步，不具备专利法第 22 条第 3 款规定的创造性。

20、权利要求 20 不具备专利法第 22 条第 3 款规定的创造性。

从属权利要求 20 对权利要求 19 作了进一步的限定，对于其附加技术特征，将所述碗部设置为大体上五角形是一种常规的选择，因此，在引用的权利要求不具备创造性的基础上，该权利要求的技术方案也不具有突出的实质性特点和显著的进步，不具备专利法第 22 条第 3 款规定的创造性。

基于上述理由，本申请的独立权利要求以及从属权利要求都不具备创造性，同时说明书中也没有记载其他任何可以授予专利权的实质性内容，因而即使申请人对权利要求进行重新组合和／或根据说明书记载的内容作进一步的限定，本申请也不具备被授予专利权的前景。如果申请人不能在本通知书规定的答复期限内提出表明本申请具有创造性的充分理由，本申请将被驳回。

审查员姓名:张雷锋
审查员代码:705198

中华人民共和国国家知识产权局

检索报告

申请号：2016111635252	申请日：20150305	首次检索
申请人：胡曼吉尔股份有限公司	最早的优先权日：20140311	
权利要求项数：20	说明书段数：81+24	
审查员确定的 IPC 分类号：A47G21/06		
检索记录信息：CNABS，CNTXT，DWPI，VEN，WOTXT，EPTXT，USTXT，CJFD，百度，Google，CNKI，patentics，A47G21/06，A47J43/28，A47G21/02，胡曼吉尔股份，餐具，勺，叉，柄，倒角，五角形，切 or 割，fork，spoon，tableware or dishware，handle，edge?，cut+，rail+		

相关专利文献

类型	国别以及代码[11]给出的文献号	代码[43]或[45]给出的日期	IPC 分类号	相关的段落和/或图号	涉及的权利要求
X	GB191422788A	19150902	A47G21/06	说明书第 1 页第 1 段，说明书附图 1-5	1-6
X	US2003/0110644A1	20030619	A47J43/28	说明书第 0043-0045 段，说明书附图 1-8	14-16
Y	GB191422788A	19150902	A47G21/06	说明书第 1 页第 1 段，说明书附图 1-5	7、17-20
Y	US2003/0110644A1	20030619	A47J43/28	说明书第 0043-0045 段，说明书附图 1-8	7-13、17-20
Y	CN203424719U	20140212	A47G21/02	说明书第 0010-0012 段，说明书附图 1-2	8-13
A	US2012/0036724A1	20120216	A47G21/06	全文	1-20
A	CN203262920U	20131106	A47G21/02	全文	1-20

中华人民共和国国家知识产权局

相关非专利文献					
类型	书名（包括版本号和卷号）	出版日期	作者姓名和出版者名称	相关页数	涉及的权利要求
类型	期刊或文摘名称（包括卷号和期号）	发行日期	作者姓名和文章标题	相关页数	涉及的权利要求

表格填写说明事项：

1. 审查员实际检索领域的 IPC 分类号应当填写到大组和 / 或小组所在的分类位置。
2. 期刊或其它定期出版物的名称可以使用符合一般公认的国际惯例的缩写名称。
3. 相关文件的类型说明：

X：一篇文件影响新颖性或创造性；

Y：与本报告中的另外的 Y 类文件组合而影响创造性；

A：背景技术文件；

R：任何单位或个人在申请日向专利局提交的、属于同样的发明创造的专利或专利申请文件。

P：中间文件，其公开日在申请的申请日与所要求的优先权日之间的文件；

E：抵触申请。

审 查 员：张雷锋　　审查部门：专利审查协作江苏中心光电技术发明审查部

2017 年 07 月 18 日

Espacenet

Bibliographic data: CN203424719 (U) — 2014-02-12

Multifunctional spoon for children

Inventor(s): WU QIAOLI; YUAN XILIN ± (WU QIAOLI, ; YUAN XILIN)

Applicant(s): LUOYANG INST SCIENCE & TECHNOLOGY ± (LUOYANG INSTITUTE OF SCINENCE AND TECHNOLOGY)

Classification: **- international:** ***A47G21/02***
- cooperative:

Application number: CN20132393006U 20130703

Priority number (s): CN20132393006U 20130703

Abstract of CN203424719 (U)

The utility model relates to a spoon used in daily life, and provides a multifunctional spoon for children. The multifunctional spoon comprises a spoon head, a spoon handle, a connecting handle, a fork head and a sleeve. The spoon handle is in hinge joint with the connecting handle through a rotating shaft, the spoon head is detachably connected to the end of the spoon handle, the fork head is detachably connected to the end of the connecting handle, and the connecting handle and the fork head are sleeved with the sleeve. According to the multifunctional spoon, a spoon is combined with a fork, multifunctional purposes of the spoon are achieved, and meanwhile enjoyment of the spoon is increased.

(19)中华人民共和国国家知识产权局

(12)实用新型专利

(10)授权公告号 CN 203424719 U
(45)授权公告日 2014.02.12

(21)申请号 201320393006.0

(22)申请日 2013.07.03

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代理人 罗民健

(51)Int.Cl.
A47G 21/02(2006.01)

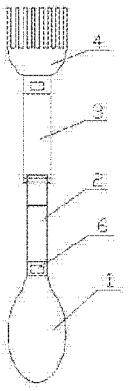
权利要求书1页 说明书1页 附图1页

(54)实用新型名称

一种儿童用多功能勺子

(57)摘要

一种儿童用多功能勺子，涉及一种日常生活用的勺子，包括勺头、勺柄、连接柄、叉头和套筒，勺柄和连接柄通过一个转轴铰链连接，勺头可拆卸连接在勺柄的端部，叉头可拆卸连接在连接柄的端部，套筒套装在连接柄和叉头的外部。本实用新型将勺子和叉子集合在一起，实现了勺子的多功能用途，同时增加了勺子本身的趣味性。



CN 203424719 U

1. 一种儿童用多功能勺子，其特征在于：包括勺头(1)、勺柄(2)、连接柄(3)、叉头(4)和套筒(5)，勺柄(2)和连接柄(3)通过一个转轴铰链连接，勺头(1)可拆卸连接在勺柄(2)的端部，叉头(4)可拆卸连接在连接柄(3)的端部，套筒(5)套装在连接柄(3)和叉头(4)的外部。

2. 如权利要求1所述的一种儿童用多功能勺子，其特征在于：所述勺柄(2)的端部设置有凹槽(6)，凹槽(6)与勺头(1)上的凸块嵌套配合。

Humangear, Inc. Ex. 2005, Page 331

一种儿童用多功能勺子

技术领域

[0001] 本实用新型涉及一种日常生活用的勺子，具体为一种儿童用多功能勺子。

背景技术

[0002] 现有的勺子结构比较简单，只具备单一的功能，当需进餐不同的食物时就得需要多种餐具，现代人们外出多自备餐具，就需携带各种不同的餐具，携带多有不便。而且现有的勺子结构简单，造型呆板，对于儿童使用群体来说，缺少趣味性。

实用新型内容

[0003] 本实用新型的目的就是提供一种儿童用多功能勺子，将勺子和叉子集合在一起，实现勺子的多功能化，并且使勺子的结构更具有趣味性。

[0004] 为达到上述目的，本实用新型的技术方案为：一种儿童用多功能勺子，包括勺头、勺柄、连接柄、叉头和套筒，勺柄和连接柄通过一个转轴铰链连接，勺头可拆卸连接在勺柄的端部，叉头可拆卸连接在连接柄的端部，套筒套装在连接柄和叉头的外部。

[0005] 所述勺柄的端部设置有凹槽，凹槽与勺头上的凸块嵌套配合。

[0006] 有益效果：本实用新型将勺子和叉子集合在一起，增加了勺子的功能，勺头和叉头分别与勺柄和连接柄可拆连接，勺头和叉头拆下后，勺柄和连接柄配合还可充当菜夹使用，实现勺子的多功能用途，对儿童来说也增加了勺子本身的趣味性。

附图说明

[0007] 图 1 为本实用新型去掉套筒的结构示意图。

[0008] 图 2 为本实用新型的整体结构示意图。

[0009] 图中标记为：1、勺头，2、勺柄，3、连接柄，4、叉头，5、套筒，6、凹槽。

具体实施方式

[0010] 一种儿童用多功能勺子，包括勺头 1、勺柄 2、连接柄 3、叉头 4 和套筒 5，勺柄 2 和连接柄 3 通过一个转轴铰链连接，勺柄 2 和连接柄 3 与转轴之间均为过度配合，勺头 1 可拆卸连接在勺柄 2 的端部，叉头 4 可拆卸连接在连接柄 3 的端部，套筒 5 套装在连接柄 3 和叉头 4 的外部，防止叉子不用时候伤害到儿童。

[0011] 所述勺柄 2 的端部设置有凹槽 6，凹槽 6 与勺头 1 上的凸块嵌套配合，勺柄 2 和勺头 1 之间也可以采用插接的可拆连接方式。

[0012] 当勺头 1 和叉头 4 分别从勺柄 2 和连接柄 3 拆下后，勺柄 2 和连接柄 3 配合可充当菜夹使用，实现勺子的多功能化。

Humangear, Inc. Ex. 2005, Page 332

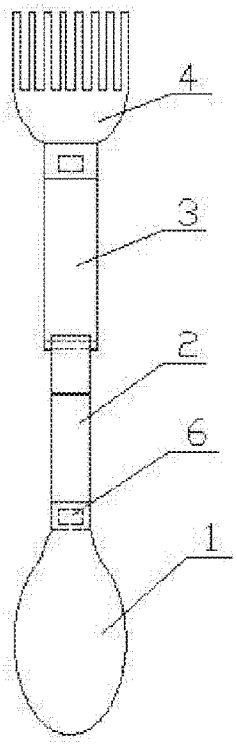


图 1

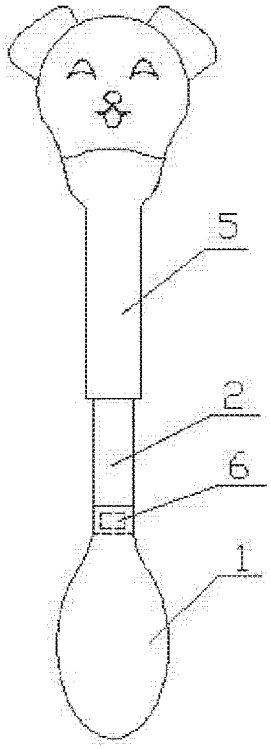


图 2

Humangear, Inc. Ex. 2005, Page 333

Electronic Acknowledgement Receipt

EFS ID:	30197370
Application Number:	15268175
International Application Number:	
Confirmation Number:	1040
Title of Invention:	EATING UTENSIL SYSTEM
First Named Inventor/Applicant Name:	Christopher A. MIKSOVSKY
Customer Number:	58766
Filer:	Tina Chen/Cara Hedin
Filer Authorized By:	Tina Chen
Attorney Docket Number:	HMG1P008D1
Receipt Date:	28-AUG-2017
Filing Date:	16-SEP-2016
Time Stamp:	17:42:45
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Transmittal Letter	HMG1P008D1_IDS_2.pdf	23166 1193c277103f5fa23a2931f3c76c2ccd94d12e28	no	2

Warnings:

Information:					
2	Information Disclosure Statement (IDS) Form (SB08)	HMG1P008D1_1449_2.pdf	23148 21d42bb30fb7a03dd4b364e76ef18aa6bd711257	no	1
Warnings:					
Information:					
This is not an USPTO supplied IDS fillable form					
3	Non Patent Literature	HMG1P008CND1_OA_8_1_17.pdf	1814179 4987da1a00d66475575c0f152df96f1884cd7457	no	20
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Information:					
4	Foreign Reference	CN_203424719U.pdf	409321 62a7c2e5a2b259dc018acf7ab10ff1e634cf3533	no	5
Warnings:					
Information:					
		Total Files Size (in bytes):	2269814		

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

New Applications Under 35 U.S.C. 111

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

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

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

New International Application Filed with the USPTO as a Receiving Office

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

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: MIKSOVSKY et al.	Attorney Docket No.: HMG1P008D1
Application No.: 15/268,175	Examiner: PRONE, JASON D.
Filed: September 16, 2016	Group: 3724
Title: EATING UTENSIL SYSTEM	Confirmation No.: 1040

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 August 28, 2017.

Signed: _____/Cara Hedin/_____
Cara Hedin

INFORMATION DISCLOSURE STATEMENT
37 CFR §§1.56 AND 1.97(b)

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

Dear Commissioner:

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

Humangear, Inc. Ex. 2005, Page 336

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. HMG1P008D1).

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.: HMG1P008D1
Application No.: 15/268,175	Examiner: PRONE, JASON D.
Filed: September 16, 2016	Group: 3724
Title: EATING UTENSIL SYSTEM	Confirmation No.: 1040

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 July 19, 2017.

Signed: _____/Cara Hedin/_____
Cara Hedin

RESPONSE TO RESTRICTION REQUIREMENT

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

Dear Sir:

In response to the Restriction Requirement dated July 17, 2017, Applicant hereby elects, **with** traverse, Species C: Figures 7A-7C to prosecute in the above-identified patent application.

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

Remarks/Arguments begin on page 5 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) An eating utensil, comprising:

a fork having a handle connected to a head portion including plurality of tines; and

a spoon having a substantially ~~pentagonal~~ five-sided bowl portion ~~having substantially flat side and end edges~~, the spoon having a handle with a proximal end connected to a proximal end of the handle of the fork.

2. (Original) The eating utensil as recited in claim 1, wherein the fork and spoon are integrally formed.

3. (Original) The eating utensil as recited in claim 1, wherein the chamfered edge tapers to a point where the handle of the fork is connected to the head portion of the fork.

4. (Original) The eating utensil as recited in claim 1, wherein the handle of the spoon has a chamfered outer edge.

5. (Original) The eating utensil as recited in claim 1, wherein the eating utensil is formed of a glass reinforced thermoplastic material.

6. (Original) The eating utensil as recited in claim 1, the head portion of the fork has at least one tine on a curved outer edge.

7. (Original) The eating utensil as recited in claim 6, wherein the at least one tine has a chamfered outer edge along substantially its entire length.

8. (Currently Amended) An eating utensil, comprising:

a handle having a first end and a second end;

a first head portion attached to the first end of the handle, wherein the first head portion comprises a plurality of tines, wherein at least one of the plurality of tines has a chamfered curved outer edge along substantially its entire length; and

a second head portion attached to the second end of the handle, wherein the second head portion comprises a bowl of a spoon, the bowl having **multiple sides and substantially rounded corners** ~~**a substantially pentagonal shape**~~.

9. (Previously Presented) The eating utensil as recited in claim 8, wherein the handle, the first head portion, and the second head portion are integrally formed.

10. (Original) The eating utensil as recited in claim 8, wherein the handle has at least one chamfered side edge.

11. (Original) The eating utensil as recited in claim 8, wherein the plurality of tines includes at least one central tine that is substantially straight.

12. (Original) The eating utensil as recited in claim 8, wherein the at least one of the plurality of tines has a substantially straight inner edge.

13. (Original) The eating utensil as recited in claim 8, wherein the eating utensil is formed of a glass reinforced thermoplastic material.

14. (Original) An eating utensil, comprising a fork including:

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.

15. (Original) The eating utensil as recited in claim 14, wherein the chamfered edge spans an entire width of the outer tine at a distal tip of the outer tine.

16. (Original) The eating utensil as recited in claim 14, wherein the fork has two outer tines, each having a curved chamfered outer edge.

17. (Original) The eating utensil as recited in claim 14, wherein the eating utensil further comprises a spoon having a handle integrally formed with the handle portion of the fork.

18. (Original) The eating utensil as recited in claim 17, wherein the handle of the spoon has at least one chamfered side edge.

19. (Original) The eating utensil as recited in any of claim 17, wherein the spoon has a bowl with a substantially flat side edge.

20. (Currently Amended) The eating utensil as recited in claim 19, wherein the bowl has **a** substantially pentagonal shape.

21. (New) The eating utensil as recited in claim 1, wherein the bowl has substantially rounded corners.

22. (New) The eating utensil as recited in claim 1, wherein the bowl has a substantially elongated pentagonal shape.

23. (New) The eating utensil as recited in claim 1, wherein the bowl has a substantially flat end edge.

24. (New) The eating utensil as recited in claim 1, wherein the bowl has a substantially flat side edge.

REMARKS

It is believed that all of the pending claims read on the elected species and therefore no claims are canceled as part of this reply.

Although it is not material to the present election, the restriction between Species A and B is respectfully traversed, since those respective drawings show the same embodiment.

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. HMG1P008D1).

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.

Respectfully submitted,
BEYER LAW GROUP LLP

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

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

Electronic Patent Application Fee Transmittal

Application Number:	15268175
Filing Date:	16-Sep-2016
Title of Invention:	EATING UTENSIL SYSTEM
First Named Inventor/Applicant Name:	Christopher A. MIKSOVSKY
Filer:	Tina Chen/Cara Hedin
Attorney Docket Number:	HMG1P008D1

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:				
CLAIMS IN EXCESS OF 20	2202	4	40	160
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Extension-of-Time:				
Miscellaneous:				
			Total in USD ($)	**160**

Electronic Acknowledgement Receipt

EFS ID:	29831432
Application Number:	15268175
International Application Number:	
Confirmation Number:	1040
Title of Invention:	EATING UTENSIL SYSTEM
First Named Inventor/Applicant Name:	Christopher A. MIKSOVSKY
Customer Number:	58766
Filer:	Tina Chen/Cara Hedin
Filer Authorized By:	Tina Chen
Attorney Docket Number:	HMG1P008D1
Receipt Date:	19-JUL-2017
Filing Date:	16-SEP-2016
Time Stamp:	17:38:26
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	DA
Payment was successfully received in RAM	$160
RAM confirmation Number	072017INTEFSW00004608504481
Deposit Account	504481
Authorized User	Cara Romero

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

37 CFR 1.16 (National application filing, search, and examination fees)

37 CFR 1.17 (Patent application and reexamination processing fees)

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Transmittal Letter	HMG1P008D1_IDS.pdf	23131 be0191fefbb55b11391c67efac8ad498dec144fb	no	2
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Information:					
2	Information Disclosure Statement (IDS) Form (SB08)	HMG1P008D1_1449.pdf	23339 d6bdaaa508465a8c96474eba1f0a4c4ecaa088da	no	1
Warnings:					
Information:					
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3	Foreign Reference	CN_200945058Y.pdf	1239150 ff0b0d20c39050933b7d07b5ce3430c783ccd68b	no	9
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Information:					
4	Foreign Reference	CN_201691585U.pdf	388454 3657af8087de1cd2951a50320a4b8f42b26da681	no	5
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Information:					
5	Foreign Reference	CN_202234496U.pdf	448153 c586c319c046e727e2083f5ad556f6da52de72ce	no	6
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Information:					
6	Foreign Reference	CN_202874843U.pdf	944975 985d94ef1aeb5ca438a500fb15ef3fc62e6588de	no	9
Warnings:					

Information:					
7	Non Patent Literature	HMG1P008CN_OA_4_27_17.pdf	821570 73148a536fe11a53ddb10c1b116cbcec9aa2fac3	no	11
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8	Foreign Reference	WO2013095407.pdf	2652373 36c86777029644e3bfdc5de0412f9ee70e5bc5c3	no	27
Warnings:					
Information:					
9	Miscellaneous Incoming Letter	HMG1P008D1_Amendment_Transmittal.pdf	21346 9626d8c048d195f503420ec4712d28771ce2eeda	no	1
Warnings:					
Information:					
10		HMG1P008D1_Response_to_Restriction.pdf	34644 ccd30970ecbd781fa90b6463e07ce65ae1c2b90d	yes	5

Multipart Description/PDF files in .zip description

Document Description	Start	End
Response to Election / Restriction Filed	1	1
Claims	2	4
Applicant Arguments/Remarks Made in an Amendment	5	5

Warnings:					
Information:					
11	Fee Worksheet (SB06)	fee-info.pdf	30053 57b5bfb0fd38e0b3ac5cb436a06fd760bf851edc	no	2
Warnings:					
Information:					
			Total Files Size (in bytes):	6627188	

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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.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: MIKSOVSKY et al.	Attorney Docket No.: HMG1P008D1
Application No.: 15/268,175	Examiner: PRONE, JASON D.
Filed: September 16, 2016	Group: 3724
Title: EATING UTENSIL SYSTEM	Confirmation No.: 1040

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 July 19, 2017.

Signed: _____/Cara Hedin/_____
Cara Hedin

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

Humangear, Inc. Ex. 2005, Page 349

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. HMG1P008D1).

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

Form 1449 (Modified) Information Disclosure Statement By Applicant (Use Several Sheets if Necessary)	Atty Docket No.	HMG1P008D1
	Application No.:	15/268,175
	Applicant	MIKSOVSKY et al.
	Filing Date	September 16, 2016
	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.						
	7.						

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.	WO 2013/095407	06/27/13	PCT			
	9.	CN 202874843	04/17/13	CN			Abstract
	10.	CN 200945058	09/12/07	CN			Abstract
	11.	CN201691585	01/05/11	CN			Abstract
	12.	CN202234496	05/30/12	CN			Abstract

Other Documents

Examiner Initial	No.	Author, Title, Place (e.g. Journal) of Publication, Date
	13.	Chinese Office Action dated April 27, 2017 from Chinese Application No. 201580022197.1.
	14.	
	15.	
	16.	
	17.	
	18.	

Examiner	Date Considered

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.

Espacenet

Bibliographic data: CN200945058 (Y) — 2007-09-12

Multifunction combined chopsticks

Inventor(s): ZHOU ZHONGQIANG [CN] ± (ZHONGQIANG ZHOU)

Applicant(s): ZHOU ZHONGQIANG [CN] ± (ZHOU ZHONGQIANG)

Classification: **- international:** ***A47G21/10***
- cooperative:

Application number: CN2006229356U 20060911

Priority number(s): CN2006229356U 20060911

Abstract of CN200945058 (Y)

The utility model discloses a new multifunctional combined typechopstick used in dining table including the sheel ,the upper end of the chopstick and the lower end of the chopstick. The utility model is characterized in that the chopstick popping component is provided in the sheel,the chopstick cliping component is in one end of the sheel with connector can connected with the knife and fork,spoon in the other end . The utility model is characterized in that only the bottom of the chopstick is made of wood and saves the wood resource ,the bottom of the chopstick is made of metal and can be used repeatedly after disinfection .When having dinner,the utility model can be used easily by pressing or pushing the pushing lump.The utility model is suitable for the old Testament, the children and the foreigner,is suitable for both Chinese dishes and Western foods with the knife and fork and spoon.The utility model is convenient to carry during travel or on business for the chopstick can be hidden in the sheel ,and the knife and fork and spoon are also can be put in a box. The utility model can be popularized widely and has a good market prospect.

[19] 中华人民共和国国家知识产权局

[51] Int. Cl.
A47G 21/10 (2006.01)

[12] 实用新型专利说明书

专利号 ZL 200620029356.9

[45] 授权公告日 2007 年 9 月 12 日

[11] 授权公告号 CN 200945058Y

[22] 申请日 2006.9.11

[21] 申请号 200620029356.9

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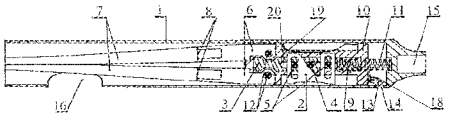
权利要求书 1 页 说明书 4 页 附图 2 页

[54] 实用新型名称

多功能组合式筷子

[57] 摘要

本实用新型公开了一种餐桌上用具——多功能组合式筷子，它包括壳体、筷子上端、筷子下端，其特征在于，在壳体内设有筷子弹出组件，在壳体的一端设有筷子夹动组件，在壳体另一端设有接口，可以与餐刀、叉、勺相连接。本实用新型优点在于只有筷子下端用木材，节省木材资源消耗，筷子下端用金属作成，可以灭菌消毒，能够重复利用；用餐时，只要按压和松开推动块就可以实现筷子的夹放动作，操作简单，一用就会，老年人、小孩、外国人都可以方便使用；可以连接刀、叉、勺、镊，具有多种用途，不但适于中餐，也可用于西餐；筷子上、下端藏于壳体内，刀、叉、勺也可以装入一个盒内，携带其出差、旅游十分方便，具有很高的推广价值，具有很好销售市场前景。



1、一种多功能组合式筷子，包括壳体（1）、筷子上端（6）、筷子下端（7），其特征在于，在壳体（1）内设有筷子弹出组件，在壳体（1）的一端设有筷子夹动组件。

2、按照权利要求1所述的多功能组合式筷子，其特征在于，所述的筷子弹出组件包括滑块（10）、滑块弹簧（11）、挂钩（13）、锁定孔（14），滑块（10）可以在壳体（1）内腔上下串动，滑块（10）上铰链连接有挂钩（13），滑块（10）和挂钩（13）间设有弹簧（18），滑块（10）和壳体（1）顶部之间设有滑块弹簧（11），壳体（1）上部设有锁定孔（14）、滑块（10）升到壳体（1）顶部，挂钩（13）在弹簧（18）作用下，弹入锁定孔（14）。

3、按照权利要求1所述多功能组合式筷子，其特征在于，所述筷子夹动组件包括推动块（2）、双向楔形杆（3）、立柱（4）、限位柱（5）、胀簧（19），在滑块（10）下端设有二个定位立轴（12），定位立轴（12）上连有筷子上端（6），双向楔形杆（3）设在两个定位立轴（12）之间，双向楔形杆（3）中间部位设有立柱（4），双向楔形杆（3）上下各有一个导槽（20），导槽（20）内设有限位柱（5），限位柱（5）与滑块10连成一体，游动于导槽（20）和推动块上长条孔之间，双向楔形杆（3）顶端和滑块（10）之间设有小弹簧（9），推动块（2）上、下部位各设有一个长条孔，长条孔内串有限位柱（5），推动块上有一斜边，在弹簧作用下紧贴立柱（4），在推动块（2）与壳体（1）之间设有胀簧（19）。

4、按照权利要求1所述多功能组合式筷子，其特征在于，筷子上端（6）、筷子下端（7）间设有接口（8），筷子壳体（1）上端设有接口15，与刀、叉、勺上的接头（17）连接。

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多功能组合式筷子

技术领域

本实用新型涉及一种餐桌上用具——筷子。

背景领域

筷子是中国传统饮食文化中的一大发明，给人们带来了方便，一些日本人、朝鲜人、东南亚地区的人也喜欢用筷子用餐，然而，两根筷子，多个手指的动作，才能夹持自如，一些西方人则感到麻烦；人们出差、旅行的时候，携带起来多有不便，公用筷子不卫生，会传染疾病，宾馆、饭店使用一次性筷子，消耗木材数量巨大，浪费资源不利于建设节约型社会。

发明内容

本实用新型的目的在于克服现有筷子的缺点，提供一种使用方便，携带方便的多功能组合式筷子。

本实用新型采用以下技术方案实现的。

不用的时候，筷子装在壳体内，用的时候两根筷子头弹出，只用大拇指按推动块，两根筷子就可以分、合，使用的时候动作简单，很容易学会，用餐方便。

多功能组合式筷子，包括壳体、筷子下端、筷子上端，其特征在于，在壳体内设有筷子弹出组件，在壳体一端设有筷子夹动组件，在壳体的另一端设有插接口，此插接口可以插接就餐用刀、叉、勺；也可以插接用于挑、捡杂物，拔毛用的镊子；所述的筷子弹出组件，包括滑块、滑块弹簧、挂钩、锁定孔，滑块可以在壳体内腔上下串动，滑块上铰链连

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接有挂钩，滑块和挂钩间设有弹簧，滑块和壳体顶部之间设有滑块弹簧，壳体上部设有锁定孔，滑块升到壳体顶部，挂钩在弹簧的作用下，弹入锁定孔；所述筷子夹动组件，包括推动块，双向楔形杆、立柱、限位柱、胀簧，在滑块下端设有二个定位立轴，定位立轴上连有筷子上端，双向楔形杆设在两个定位立轴之间，双向楔形杆中间部位设有立柱，双向楔形杆上下各有一个导槽，导槽内设有限位柱，限位柱与滑块连成一体，游动于导槽和推动块上长条孔之间，双向楔形杆顶端和滑块间设有小弹簧，推动块上、下部位各设有一个长条孔，长条孔内串有限位柱，推动块上有一个斜边，在弹簧作用下紧贴立柱，在推动块与壳体之间设有胀簧；筷子下端、筷子上端间设有接口，相互连接，筷子壳体上端设有接口，与刀、叉、勺的插接头连接。

本实用新型优点：

1、只有筷子下端用木材，用料少，可以节省木材资源，如果不用木材，用金属作筷子下端则更好，可以灭菌消毒，重复使用。

2、本实用新型在用餐时只要用大拇指按压和松开推动块就可以实现筷子的夹放动作，操作简单，老人、小孩、外国人用起来方便。

3、本实用新型除具有筷子功能外，还可以插接刀、叉、勺和镊子，具有多种用途。适于中餐，也适于西餐。

4、筷子上、下端都可以退入壳体内，刀、叉、勺等装在一个盒内，携带出差、旅游，十分方便。

本实用新型具有很高的推广价值，具有很好的销售市场前景。

附图说明

图 1 是本实用新型外形图。

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图 2 是本实用新型结构示意图

图 3 是筷子伸出状态下结构示意图。

图 4 是本实用新型所用勺的示意图。

图 5 是本实用新型所用镊子的示意图。

图 6 是本实用新型所用刀的示意图。

图 7 是本实用新型所用叉的示意图。

图中有壳体 1、推动块 2、双向楔形杆 3、立柱 4、限位柱 5、筷子上端 6、筷子下端 7、接口 8、小弹簧 9、滑块 10、滑块弹簧 11、定位立轴 12、挂钩 13、锁定孔 14、插接口 15、缺口 16、插接头 17、弹簧 18、胀簧 19、导槽 20。

具体实施方式

下面结合附图和具体实施例对本实用新型作出进一步详细描述。

图 1 是筷子上端 6，筷子下端 7 从壳体 1 内弹出状态下的外形图，图 2 是本实用新型结构示意图，筷子上端 6、筷子下端 7 缩回壳体 1 内，图 3 是筷子张开状态下结构示意图，筷子上端 6 和筷子下端 7 是插接，图 5 中的镊子也是插接，同时也可以采用螺纹连接；刀、叉、勺，如图 4、6、7，其连方式也是接口 15 与接头 17 插接，同时也可以螺纹连接。滑块 10 可以依靠滑块弹簧 11 在壳体 1 内腔上下串动，滑块 10 上铰链连接有挂钩 13，滑块 10 和挂钩 13 之间设有弹簧 18，在筷子头（包括筷子上端和筷子下端）插入壳体 1 内的时候，挂钩 13 上小钩弹入锁定孔 14，以保证滑块 10 不能乱动，在双向楔形杆 3 上设有立柱 4，限位柱 5 与滑块 10 连成一体，沿在双向楔形杆 3 上导槽 20 相对滑动，有双向楔形杆 3 上下滑动，张开、合拢筷子头，双向楔形杆 3 位于滑块内部中央，两者中间设

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推动块 2 在胀簧 19 的作用下，漏入缺口 16 后，用餐者大拇指松压推动块 2，有双向楔形杆 3 动作，有筷子头张开、合拢，手指动作简单，容易学会，使用方便。筷子下端 7 可以用木材，其长度总会比一次性筷子短，因而节省木材，还可以用金属，用金属可以灭菌、消毒，能够重复利用，壳体等可以用金属，如不锈钢、银、铝作成，也可以用塑料作成。

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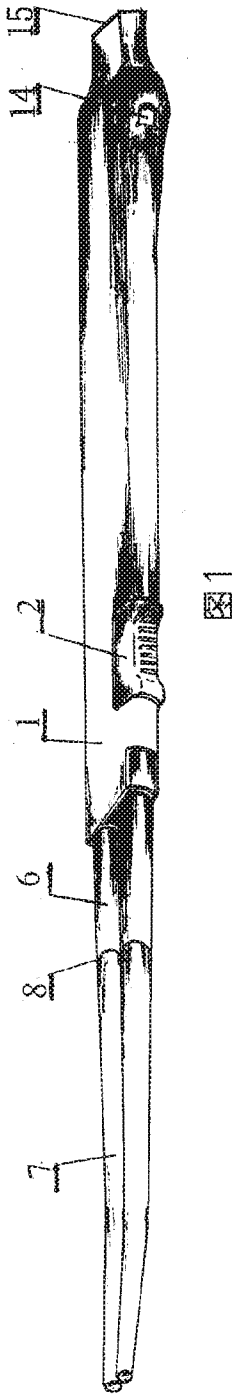


图1

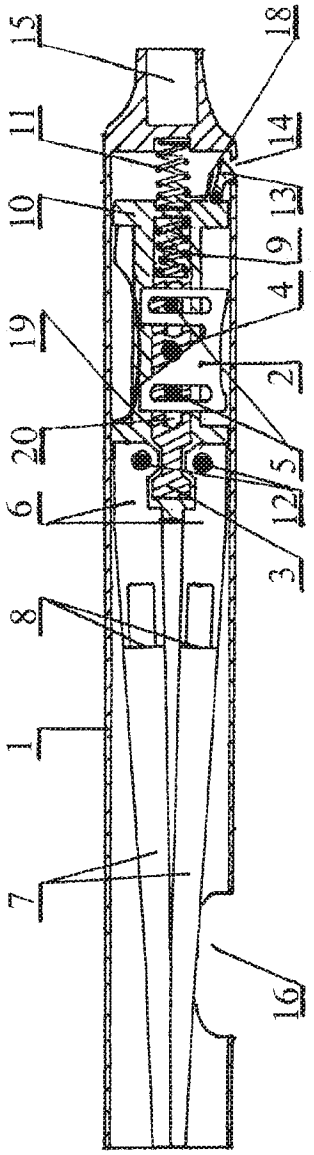


图2

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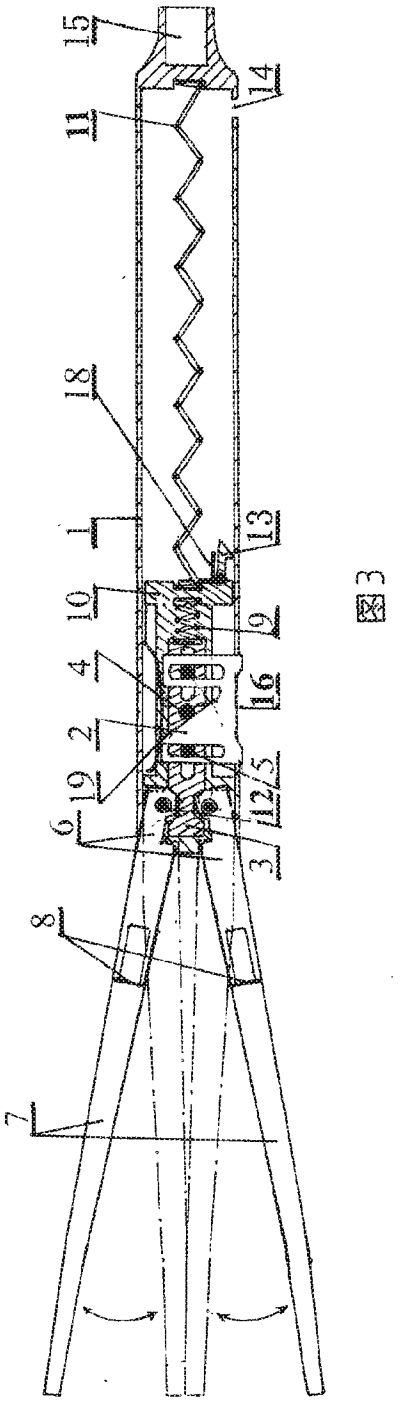


图3

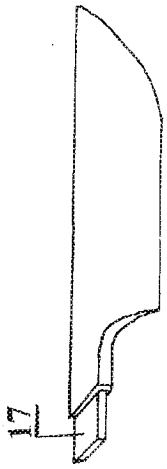


图6

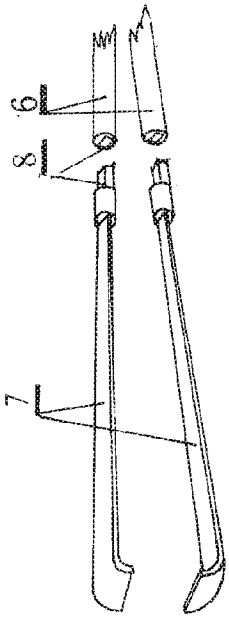


图5



图4

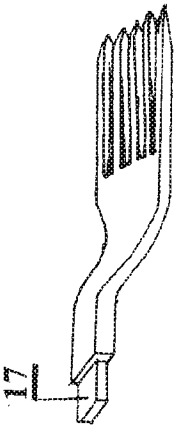


图7

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Espacenet

Bibliographic data: CN201691585 (U) — 2011-01-05

Combined dishware

Inventor(s):	CHENGNAN YIN ± (YIN CHENGNAN)
Applicant(s):	CHENGNAN YIN ± (YIN CHENGNAN)
Classification:	**- international:** ***A47G21/02*** **- cooperative:**
Application number:	CN20102147981U 20100401
Priority number(s):	CN20102147981U 20100401

Abstract of CN201691585 (U)

The utility model discloses a combined dishware and mainly solves the problem that conventional dishware has only single function and is inconvenient to carry. The combined dishware is characterized by comprising a split case; one end of the case is hinged and the other end of the case is opened; one side of the case is provided with a spoon therein and the other side of the case is provided with a fork therein; a stripped through hole is reserved in the case respectively; both sides of the stripped through hole are provided with a limit slot in communication with the through hole; both handles of the spoon and the fork are provided with a slider on one end; and the slider goes through the through hole in the case and protrudes out of the case. Corresponding dishware is pushed out of the case and positioned through the slider when in use and folded up when not in use, so that the combined dishware saves space and is convenient to use and carry.

(19)中华人民共和国国家知识产权局

(12)实用新型专利

(10)授权公告号 CN 201691585 U
(45)授权公告日 2011.01.05

(21)申请号 201020147981.X

(22)申请日 2010.04.01

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(51)Int.Cl.
A47G 21/02(2006.01)

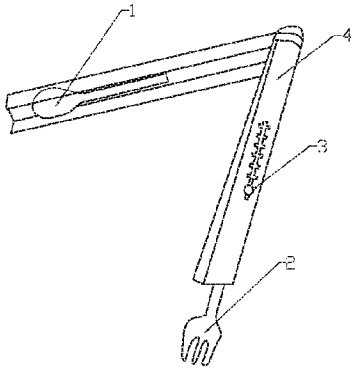
权利要求书 1 页 说明书 1 页 附图 1 页

(54)实用新型名称

一种组合餐具

(57)摘要

本实用新型公开了一种组合餐具，主要解决现有餐具功能单一而且携带不方便的问题。其特征是，包括壳体，所述的壳体为对开式，一端铰接，另一端开口，一侧的壳体内置有一把勺子，另一侧的壳体内置有一把叉子；所述的壳体上分别设有一长条状通孔，所述长条状通孔的两侧设有与通孔相通的限位槽；所述勺子的勺柄和叉子的叉柄末端均设有滑块，所述滑块穿过壳体上的通孔突出在壳体的外面。使用时将相应的餐具通过滑块推出壳体并定位，不用时折叠起来，节省空间，使用和携带都非常方便。



CN 201691585 U

1. 一种组合餐具，其特征是，包括壳体，所述的壳体为对开式，一端铰接，另一端开口，一侧的壳体内置有一把勺子，另一侧的壳体内置有一把叉子；所述的壳体上分别设有一长条状通孔，所述长条状通孔的两侧设有与通孔相通的限位槽；所述勺子的勺柄和叉子的叉柄末端均设有滑块，所述滑块穿过壳体上的通孔突出在壳体的外面。

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一种组合餐具

技术领域

[0001] 本实用新型涉及一种餐具，具体地说是一种组合餐具。

背景技术

[0002] 中国人用餐习惯用筷子夹菜，但是喝汤时还要再准备勺子，吃一顿饭要来回更换餐具，很不方便，而且筷子还不易保管，饭盆里放不了，容易弄脏，还容易丢失，如果将一双筷子尾部连起来就不易丢失了，但这样使用时也不方便。

实用新型内容

[0003] 本实用新型的目的在于提供一种组合餐具，该餐具一物多用，可适应各种食物的夹取，使用和携带都更加方便。

[0004] 本实用新型解决其技术问题所采取的技术方案是：一种组合餐具，其特征是，包括壳体，所述的壳体为对开式，一端铰接，另一端开口，一侧的壳体内置有一把勺子，另一侧的壳体内置有一把叉子；所述的壳体上分别设有一长条状通孔，所述长条状通孔的两侧设有与通孔相通的限位槽；所述勺子的勺柄和叉子的叉柄末端均设有滑块，所述滑块穿过壳体上的通孔突出在壳体的外面。

[0005] 本实用新型的有益效果是：使用时将相应的餐具通过滑块推出壳体并定位，不用时折叠起来，节省空间，使用和携带都非常方便。

附图说明

[0006] 图 1 为本实用新型的结构示意图。

[0007] 图中：1 勺子，2 叉子，3 滑块，4 壳体。

具体实施方式

[0008] 如图 1 所示。一种组合餐具，包括壳体 4，所述的壳体 4 为对开式，一端铰接，另一端开口，一侧的壳体内置有一把勺子 1，另一侧的壳体内置有一把叉子 2；所述的壳体 4 上分别设有一长条状通孔，所述长条状通孔的两侧设有与通孔相通的限位槽；所述勺子 1 的勺柄和叉子 2 的叉柄末端均设有滑块 3，所述滑块 3 穿过壳体 4 上的通孔突出在壳体 4 的外面。

[0009] 使用时，将相应的餐具通过滑块 3 推出壳体 4 并定位，不用时折叠起来，节省空间，使用和携带都非常方便。

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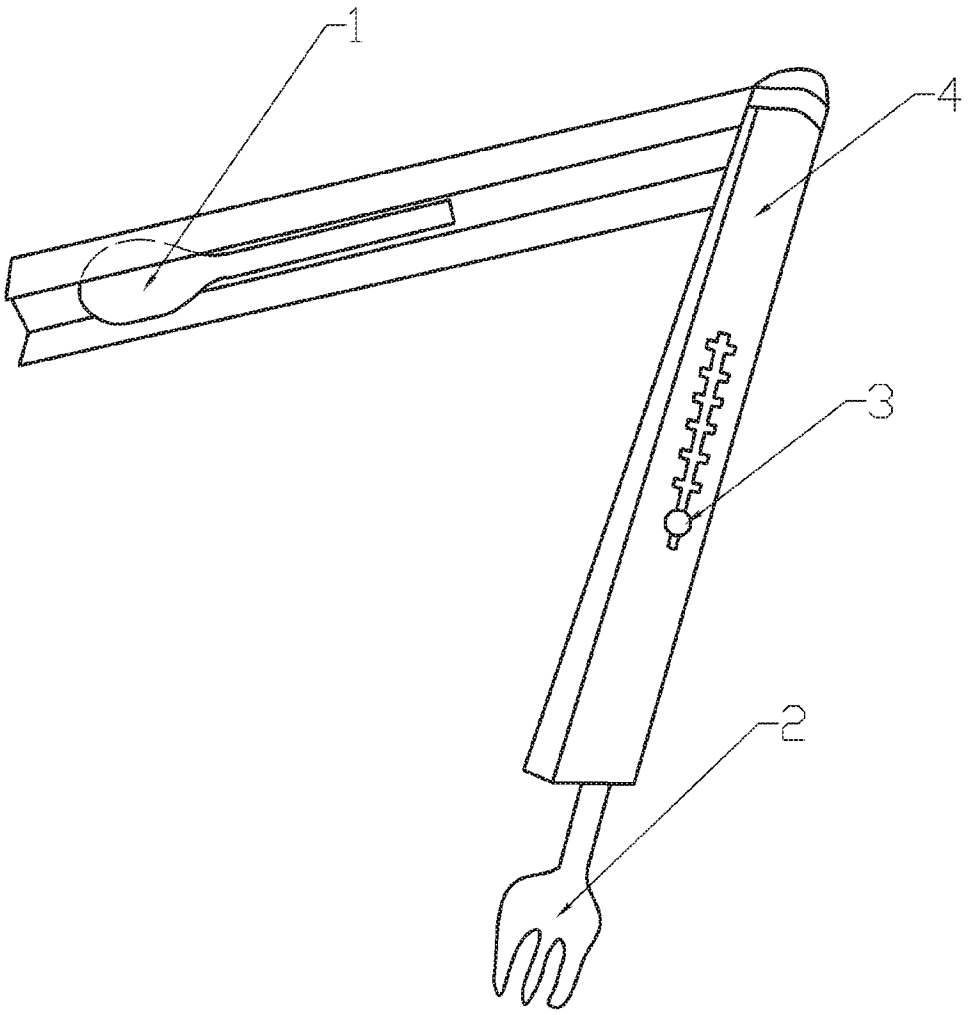


图 1

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Espacenet

Bibliographic data: CN202234496 (U) — 2012-05-30

Combined tableware

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Applicant(s): HANGZHOU YUHANG EX MIDDLE SCHO; LIFENG GUAN ± (HANGZHOU YUHANG EXPERIMENTAL MIDDLE SCHOOL, ; GUAN LIFENG)

Classification: **- international:** ***A47G21/02***
- cooperative:

Application number: CN20112266205U 20110726

Priority number (s): CN20112266205U 20110726

Abstract of CN202234496 (U)

The utility model relates to combined tableware which can conveniently and efficiently replace tableware as required and is healthful and reliable. The combined tableware comprises a spoon and a fork, wherein the spoon and the fork are arranged in a hollow tableware cover side by side, and a track is respectively arranged at each side of the tableware cover. The combined tableware provided by the utility model has the advantages that: firstly, tableware can be conveniently and efficiently replaced as required; secondly, stain can be isolated, and dust in the air can be prevented from being infected onto the spoon and the fork, thus being healthful and reliable; and thirdly, size is small, and no space is occupied, thus being convenient for storing and carrying about when people go out.

(19)中华人民共和国国家知识产权局

(12)实用新型专利

(10)授权公告号 CN 202234496 U
(45)授权公告日 2012.05.30

(21)申请号 201120266205.6

(22)申请日 2011.07.26

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(51)Int.Cl.
A47G 21/02(2006.01)

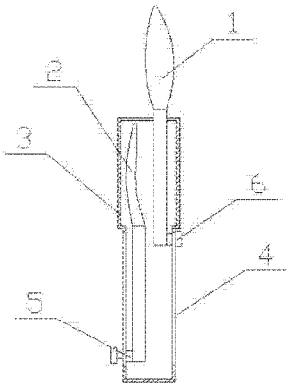
权利要求书 1 页 说明书 2 页 附图 1 页

(54)实用新型名称

组合餐具

(57)摘要

本实用新型涉及一种能够根据需要方便、高效地更换餐具，且卫生又可靠的组合餐具，它包括勺子、叉子，所述勺子、叉子并列放置在中空的餐具套中，餐具套两侧面均开有轨道，优点：一是能够根据需要方便、高效地更换餐具；二能够隔绝污渍，阻挡空气中的粉尘沾染到勺子和叉子上，卫生、可靠；三是外形小巧，不占空间，方便收纳以及外出携带。



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1. 一种组合餐具，它包括勺子、叉子，其特征是：所述勺子、叉子并列放置在中空的餐具套中，餐具套两侧面均开有轨道。

2. 根据权利要求 1 所述的组合餐具，其特征是：所述勺子与叉子底部与轨道相对应的侧面连接有滑块。

3. 根据权利要求 2 所述的组合餐具，其特征是：所述滑块侧面开有孔，可装配螺栓。

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组合餐具

技术领域

[0001] 本实用新型涉及一种能够根据需要方便、高效地更换餐具，且卫生又可靠的组合餐具，属于餐具制造领域。

背景技术

[0002] 人们用餐的过程中，时常会因为不同的需求使用到勺子或者叉子，更换起来比较麻烦，且餐具多了占空间，会影响到人们用餐。

实用新型内容

[0003] 设计目的：避免上述背景技术中的不足之处，设计一种能够根据需要方便、高效地更换餐具，且卫生又可靠的组合餐具。

[0004] 设计方案：为了实现上述设计目的。勺子、叉子并列放置在中空的餐具套中，餐具套两侧面均开有轨道的设计，是本实用新型的主要技术特征。这样做的目的在于：勺子与叉子底部与轨道相对应的侧面均连接有滑块，两滑块的侧面开有孔，可装配螺栓，通过拨动螺栓带动滑块沿着轨道运动，使勺子以及叉子能够在餐具套中伸缩、更换，操作非常方便，勺子或者叉子伸出餐具套外后，锁紧螺栓以固定，同时餐具套能够隔绝污渍，阻挡空气中的粉尘沾染到勺子和叉子上，非常小巧，不占空间，方便收纳以及外出携带，当用餐时，使用本申请即可实现根据需要方便、高效地更换餐具的目的，同时能够隔绝污渍，阻挡空气中的粉尘沾染到勺子和叉子上，卫生、可靠。

[0005] 技术方案：一种组合餐具，它包括勺子、叉子，所述勺子、叉子并列放置在中空的餐具套中，餐具套两侧面均开有轨道。

[0006] 本实用新型与背景技术相比，一是能够根据需要方便、高效地更换餐具；二能够隔绝污渍，阻挡空气中的粉尘沾染到勺子和叉子上，卫生、可靠；三是外形小巧，不占空间，方便收纳以及外出携带。

附图说明

[0007] 图 1 是组合餐具的结构示意图。

具体实施方式

[0008] 实施例 1：参照附图 1。一种组合餐具，它包括勺子 1、叉子 2，所述勺子 1、叉子 2 并列放置在中空的餐具套 3 中，餐具套 3 两侧面均开有轨道 4，勺子 1 与叉子 2 底部与轨道 4 相对应的侧面连接有滑块 5，滑块 5 上开有孔，可装配螺栓 6，通过拨动螺栓 6 带动滑块 5 沿着轨道 4 运动，使勺子 1 以及叉子 2 能够在餐具套 3 中伸缩、更换，其制作工艺系现有技术，在此不作叙述。

[0009] 需要理解到的是：上述实施例虽然对本实用新型的设计思路作了比较详细的文字描述，但是这些文字描述，只是对本实用新型设计思路的简单文字描述，而不是对本实用新

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型设计思路的限制，任何不超出本实用新型设计思路的组合、增加或修改，均落入本实用新型的保护范围内。

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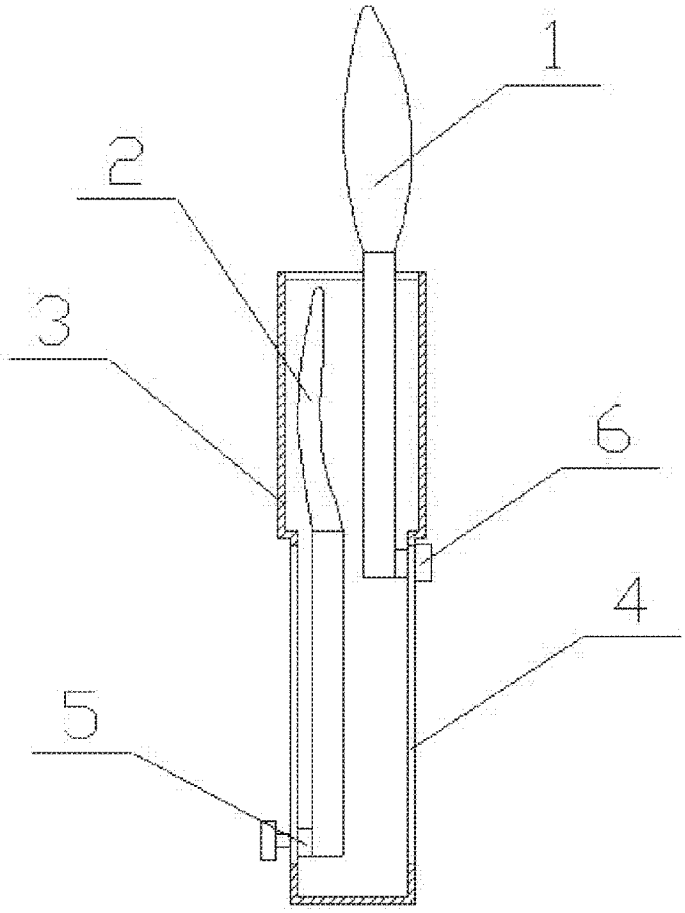


图 1

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Espacenet

Bibliographic data: CN202874843 (U) — 2013-04-17

Combined type tableware

Inventor(s): LI HONG ± (LI HONG)

Applicant(s): GUANGZHOU INST RAILWAY TECH ± (GUANGZHOU INSTITUTE OF RAILWAY TECHNOLOGY)

Classification: **- international:** ***A47G21/06***
- cooperative:

Application number: CN20122546911U 20121023

Priority number (s): CN20122546911U 20121023

Abstract of CN202874843 (U)

The utility model discloses combined type tableware which comprises a knife body and a fork body. The knife body comprises a first holding rod and a knife portion, wherein the knife portion is a spoon shape with saw teeth, the fork body comprises a second holding rod and a fork portion, and the fork portion is a spoon shape with a fork. One of the first holding rod and the second holding rod is provided with a groove, the other of the first holding rod and the second holding rod is embedded into the groove in a clamping mode. The knife body and the fork body can be used in a separating mode, and functions of a knife and the fork are respectively developed. The first holding rod and the second holding rod are embedded and combined to be used as a third holding rod in a clamping mode through the groove, the knife portion and the fork portion are combined to form a spoon portion, the third holding rod and the spoon portion form a spoon body, and the function of the spoon can be developed. When a user is used to using chopsticks, the knife body and the fork body can be separated and headstand, and then the first holding rod and the second holding rod can be used as the chopsticks to be used. The combined type tableware is convenient and combined to be used according to requirements of different people, and the inconvenient problem caused by inconformity of dinning tools of Chinese and Western people is solved.

(19)中华人民共和国国家知识产权局

(12)实用新型专利

(10)授权公告号 CN 202874843 U
(45)授权公告日 2013.04.17

(21)申请号 201220546911.0

(22)申请日 2012.10.23

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(51)Int.Cl.
A47G 21/06(2006.01)

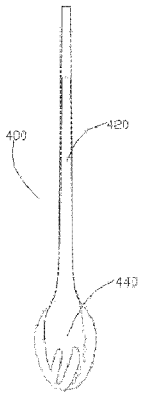
权利要求书 1 页 说明书 3 页 附图 3 页

(54)实用新型名称

组合式餐具

(57)摘要

一种组合式餐具，包括刀本体和叉本体，所述刀本体包括第一握杆和刀部，所述刀部为带锯齿勺形；所述叉本体包括第二握杆和叉部，所述叉部为带叉勺形；且所述第一握杆和所述第二握杆中的一个设有凹槽，另一个可以卡嵌于所述凹槽。可以将刀本体和叉本体分开使用，分别发挥刀和叉子的功能；第一握杆和第二握杆通过凹槽卡嵌结合作为第三握杆，且刀部和叉部结合形成为勺部，第三握杆与勺部形成为勺本体，从而可以发挥勺的功能；习惯用筷子时，可以将刀本体和叉本体分开并均倒立后，将第一握杆和第二握杆作为筷子使用，即方便又可以根据不同人的需求而进行组合使用，从而解决了中西方人用餐工具不一致而造成的不便问题。



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1. 一种组合式餐具，其特征在于，包括刀本体和叉本体，所述刀本体包括第一握杆和刀部，所述刀部为带锯齿勺形；所述叉本体包括第二握杆和叉部，所述叉部为带叉勺形；且所述第一握杆和所述第二握杆中的一个设有凹槽，另一个可以卡嵌于所述凹槽。

2. 根据权利要求 1 所述的组合式餐具，其特征在于，所述第一握杆和所述第二握杆中的一个卡嵌于所述凹槽的横截面为梯形或者凸形。

3. 根据权利要求 1 所述的组合式餐具，其特征在于，所述第一握杆和所述刀部连接处一端的端面面积大于所述第一握杆另一端的端面面积，且自所述第一握杆与所述刀部连接处一端到所述第一握杆另一端圆滑线性过渡；所述第二握杆和所述叉部连接处一端的端面面积大于所述第二握杆另一端的端面面积，且自所述第二握杆与所述叉部连接处一端到所述第二握杆另一端圆滑线性过渡。

4. 根据权利要求 1 所述的组合式餐具，其特征在于，所述刀部包括带锯齿部和第一勺形部，所述叉部包括带叉部和第二勺形部，所述刀部和所述叉部结合形成为勺部时，所述第一勺形部边缘紧贴于所述第二勺形部边缘，所述带叉部边缘紧贴于所述带锯齿部边缘。

5. 根据权利要求 1 至 4 任意一项所述的组合式餐具，其特征在于，所述第一握杆和所述刀部一体成型，所述第二握杆和所述叉部一体成型。

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组合式餐具

技术领域

[0001] 本实用新型涉及一种餐具，特别是涉及一种组合式餐具。

背景技术

[0002] 在日常生活中，人们经常会使用到餐具来就餐，一般的中式餐具有碗、筷子和勺子，西方餐具一般为刀和叉。

[0003] 随着我国对外开放扩大，国际友人来中国旅游、投资的越来越多，中国人去国外留学、旅游或者工作的人数也在增长。一般来说，西方人在中餐厅就餐时用筷子困难，而中国人吃西餐时用刀叉也不习惯，并且当中国人和西方人一起用餐时，就餐工具的选择与使用也不一致，而传统的餐具已经满足不了这种需求。

[0004] 这种由于就餐时用餐工具的不一致而给中西方人带了一定的不便。

实用新型内容

[0005] 基于此，有必要针对中西方人用餐工具不一致而造成的不便的问题，提供一种组合式餐具。

[0006] 一种组合式餐具，包括刀本体和叉本体，所述刀本体包括第一握杆和刀部，所述刀部为带锯齿勺形；所述叉本体包括第二握杆和叉部，所述叉部为带叉勺形；且所述第一握杆和所述第二握杆中的一个设有凹槽，另一个可以卡嵌于所述凹槽。

[0007] 在其中一个实施例中，所述第一握杆和所述第二握杆中的一个卡嵌于所述凹槽的横截面为梯形或者凸形。

[0008] 在其中一个实施例中，所述第一握杆和所述刀部连接处一端的端面面积大于所述第一握杆另一端的端面面积，且自所述第一握杆与所述刀部连接处一端到所述第一握杆另一端圆滑线性过渡；所述第二握杆和所述叉部连接处一端的端面面积大于所述第二握杆另一端的端面面积，且自所述第二握杆与所述叉部连接处一端到所述第二握杆另一端圆滑线性过渡。

[0009] 在其中一个实施例中，所述刀部包括带锯齿部和第一勺形部，所述叉部包括带叉部和第二勺形部，所述刀部和所述叉部结合形成为勺部时，所述第一勺形部边缘紧贴于所述第二勺形部边缘，所述带叉部边缘紧贴于所述带锯齿部边缘。

[0010] 在其中一个实施例中，所述第一握杆和所述刀部一体成型，所述第二握杆和所述叉部一体成型。

[0011] 上述组合式餐具，可以将刀本体和叉本体分开使用，分别发挥刀和叉子的功能；当需要用勺时，由于第一握杆和第二握杆中的一个设有凹槽，另一个可以卡嵌于所述凹槽，从而结合作为第三握杆，且刀部和叉部均为勺形，通过第一握杆和第二握杆结合作为第三握杆时，刀部和叉部结合形成为勺部，第三握杆与勺部形成为勺本体，从而可以发挥勺的功能；习惯用筷子时，可以将刀本体和叉本体分开并均倒立后，将第一握杆和第二握杆作为筷子使用，即方便又可以根据不同人的需求而进行组合使用，从而解决了中西方人用餐工具

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不一致而造成的不便问题。

附图说明

[0012] 图 1 为组合式餐具的结构示意图；

[0013] 图 2 为组合式餐具中刀本体的结构示意图；

[0014] 图 3 为组合式餐具中叉本体的结构示意图；

[0015] 图 4 为组合式餐具中刀本体和叉本体组合后的侧视图；

[0016] 图 5 为组合式餐具中凹槽的横截面示意图；

[0017] 图 6 为组合式餐具中卡嵌于凹槽的其中一个握杆的横截面示意图。

具体实施方式

[0018] 如图 1 至图 6 所示，一种组合式餐具，包括刀本体 100 和叉本体 200，所述刀本体 100 包括第一握杆 120 和刀部 140，所述刀部 140 为带锯齿勺形；所述叉本体 200 包括第二握杆 220 和叉部 240，所述叉部 240 为带叉勺形；且所述第一握杆 120 和所述第二握杆 220 中的一个设有凹槽 300，另一个可以卡嵌于所述凹槽 300。

[0019] 在本实施例中，所述凹槽 300 设于第一握杆 120 中，第二握杆 220 可以卡嵌于凹槽 300。在其它实施例中，所述凹槽 300 也可以设于第二握杆 220 中，第一握杆 120 卡嵌于凹槽 300，这并不影响第一握杆 120 和第二握杆 220 卡嵌结合后的使用。

[0020] 上述组合式餐具，可以将刀本体 100 和叉本体 200 分开使用，分别发挥刀和叉子的功能；当需要用勺时，由于第一握杆 120 和第二握杆 220 中的一个设有凹槽 300，另一个可以卡嵌于所述凹槽 300，从而结合作为第三握杆 420，且刀部 140 和叉部 240 均为勺形，通过第一握杆 120 和第二握杆 220 结合作为第三握杆 420 时，刀部 140 和叉部 240 结合形成为勺部 440，第三握杆 420 与勺部 440 形成为勺本体 400，从而可以发挥勺的功能；习惯用筷子时，可以将刀本体 100 和叉本体 200 分开并均倒立后，将第一握杆 120 和第二握杆 220 作为筷子使用，即方便又可以根据不同人的需求而进行组合使用，从而解决了中西方人用餐工具不一致而造成的不便问题。

[0021] 在其中一个实施例中，所述第一握杆 120 和所述第二握杆 220 中的一个卡嵌于所述凹槽 300 的横截面为梯形或者凸形。由于所述横截面为梯形或者凸形的设置，第一握杆 120 和第二握杆 220 之间卡嵌更为紧密，作为勺本体 400 的第三握柄 420 使用时更方便。

[0022] 具体到本实施例中，所述第二握杆 220 的横截面为梯形，第一握杆 120 横截面的凹槽 300 开口与刀本体 100 外侧位于同一侧，在刀本体 100 与叉本体 200 结合作为勺本体 400 使用时，根据第一握杆 120 和第二握杆 220 的横截面特点，可以使叉本体 200 卡嵌于刀本体 100 的外侧，第一握杆 120 和第二握杆 220 结合形成第三握杆 420 作为勺本体 400 使用时，更符合人体人工学，从而更方便使用者去握住勺本体 400 的第三握杆 420。应当理解的是，第一握杆 120 横截面的凹槽 300 开口与刀本体 100 内侧位于同一侧，叉本体 200 卡嵌于刀本体 100 的内侧，并不影响在刀本体 100 与叉本体 200 结合作为勺本体 400 的使用。

[0023] 在其它的实施例中，所述第一握杆 120 和所述第二握杆 220 中的一个卡嵌于所述凹槽 300 的横截面也可以为方形或者其它可以卡嵌于所述凹槽 300 的它他形状。

[0024] 在其中一个实施例中，所述第一握杆 120 和所述刀部 140 连接处一端的端面面积

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大于所述第一握杆 120 另一端的端面面积，且自所述第一握杆 120 与所述刀部 140 连接处一端到所述第一握杆 120 另一端圆滑线性过渡；所述第二握杆 220 和所述叉部 240 连接处一端的端面面积大于所述第二握杆 220 另一端的端面面积，且自所述第二握杆 220 与所述叉部 240 连接处一端到所述第二握杆 220 另一端圆滑线性过渡。当第一握杆 120 和第二握杆 220 分开倒立后作为筷子使用时，由于圆滑线性过渡的设置，作为筷子使用时更方便，这种线性的比例大小可以参考平常我们经常使用的筷子。

[0025] 在其它的实施例中，第一握杆 120 和第二握杆 220 两端的端面面积均可以是一样大，且从一端的端面面积到另一端的端面面积均不变化，也可以是其它更便于使用者使用的设置，这并不影响作为筷子的使用。

[0026] 如图 1 至图 3 所示，在其中一个实施例中，所述刀部 140 包括带锯齿部 142 和第一勺形部 144，所述叉部 240 包括带叉部 242 和第二勺形部 244，所述刀部 140 和所述叉部 240 结合形成为勺部 440 时，所述第一勺形部 144 边缘紧贴于所述第二勺形部 244 边缘，所述带叉部 242 边缘紧贴于所述带锯齿部 142 边缘。由于第一勺形部 144 和第二勺形部 244 之间没有重叠，可以节省一定的制作材料，降低成本，并且结合形成的勺本体 400 更方便使用。

[0027] 在其它的实施例中，第一勺形部 144 和第二勺形部 244 可以重叠贴合，带叉部 142 和带锯齿 242 部也可以重叠贴合，这并不影响刀部 140 与叉部 240 结合为勺部 440 时作为勺本体 400 的使用。

[0028] 如图 2 至图 3 所示，在优选的实施例中，所述第一握杆 120 和所述刀部 140 一体成型，所述第二握杆 220 和所述叉部 240 一体成型。一体成型的设置使得在制造组合式餐具的过程中，制造加工程序更加简单，使用时也更加安全方便。组合式餐具可以采用不锈钢、铝或者无毒塑料制造，制造工序可以采用传统的方法，这里不再赘述。应当理解的是，也可以采用通过销轴或者其它方式连接第一握杆 120 与刀部 140 或者连接第二握杆 220 与叉部 240，这并不影响本发明的目的。

[0029] 以上所述实施例仅表达了本实用新型的几种实施方式，其描述较为具体和详细，但并不能因此而理解为对本实用新型专利范围的限制。应当指出的是，对于本领域的普通技术人员来说，在不脱离本实用新型构思的前提下，还可以做出若干变形和改进，这些都属于本实用新型的保护范围。因此，本实用新型专利的保护范围应以所附权利要求为准。

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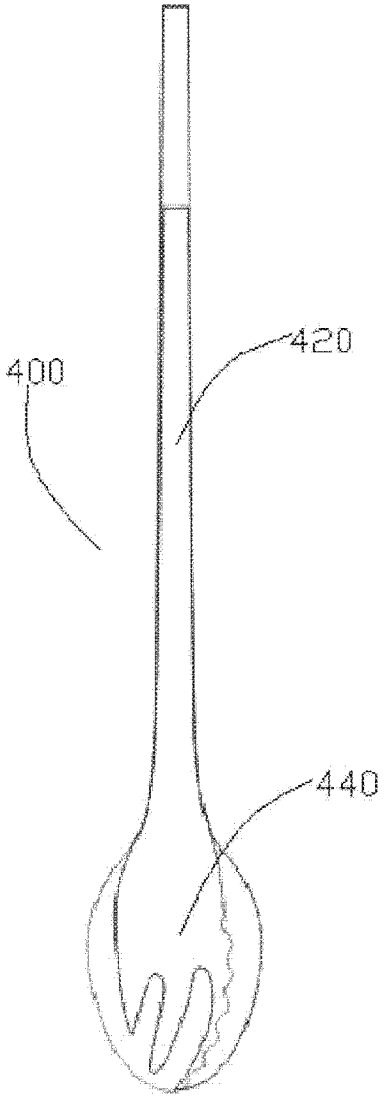


图 1

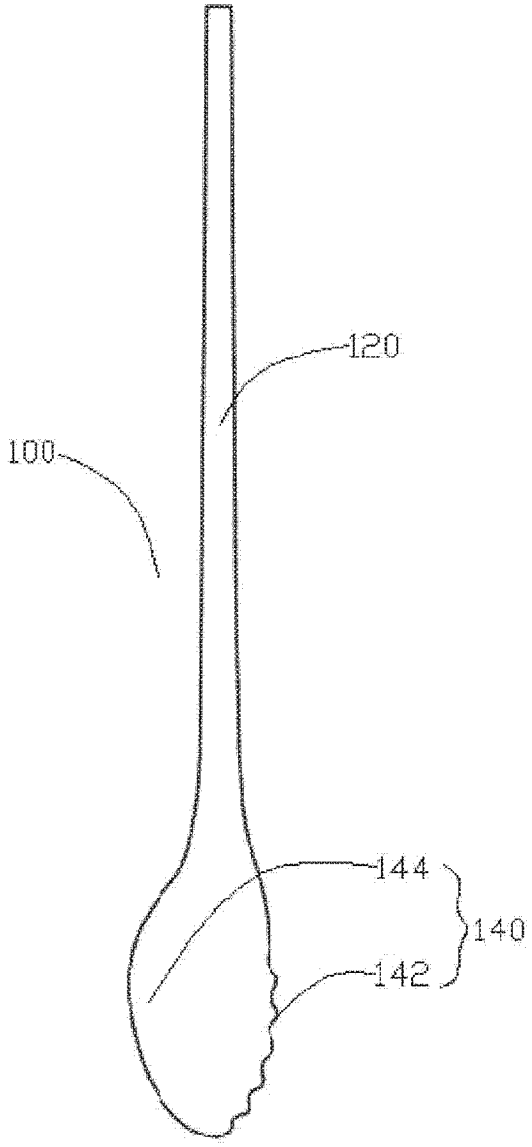


图 2

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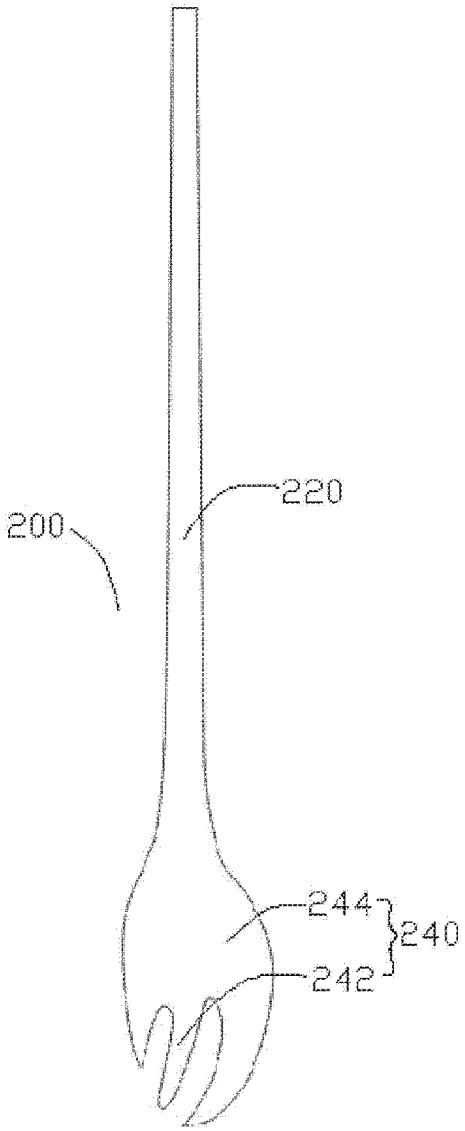


图 3

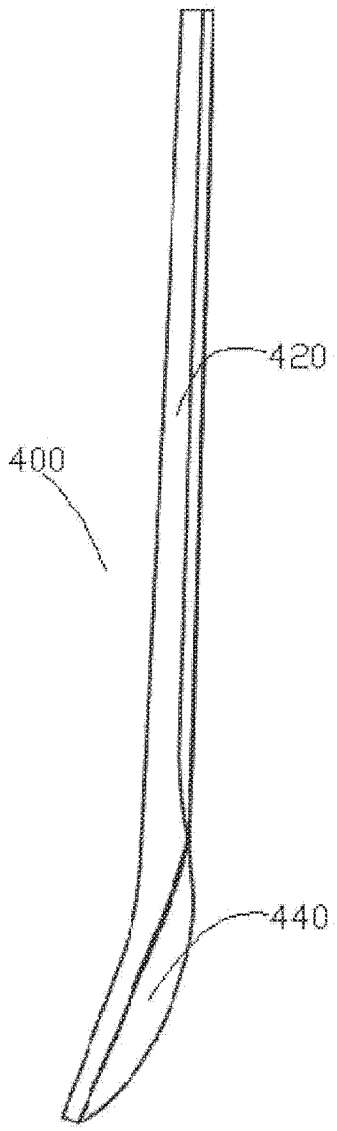


图 4

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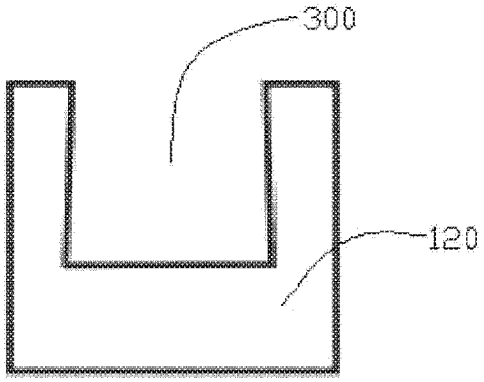


图 5

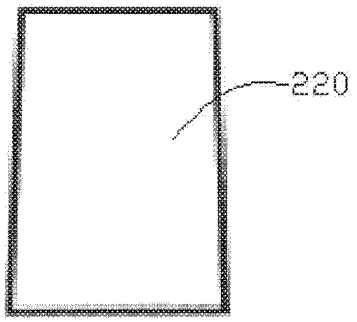


图 6

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CCPIT PATENT AND TRADEMARK LAW OFFICE

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May 18, 2017

Via E-mail only: BLGFOREIGN@BEYERLAW.COM

Y/R: HMG1P008CN
O/R: IIM162159
Re: Chinese Application for Invention No. 201580022197.1
In the name of HUMANGEAR, INC.
Title: EATING UTENSIL SYSTEM

Action Due Date: August 27, 2017
Non-Extendible Deadline Date: October 27, 2017

Dear Tina:

This is to report to you that we have received the first Office Action issued by the Chinese Patent Office on April 27, 2017 in connection with the above-identified patent application. Enclosed please find a copy of the Office Action.

Please be informed that the pending claims 1-21 amended according to your letter of September 27, 2016 are the same as those of US9468321 B2 so as to conform to PPH rules.

The examiner considers that "the tines do not extend beyond an outer edge of the spoon" in claim 4 and "the tines of the fork do not extend beyond a distal end of the spoon" in claim 20 are unclear.

As shown in Fig.1A and 1B, the fork and spoon are in the nested position, and both the outer tines and the center tines do not extend beyond an outer edge or a distal end of the spoon 100.

Although claims 4 and 20 have defined that "when the fork and spoon are in the nested position", please let us know whether claims 4 and 20 may be further amended to "the tines do not extend beyond an outer edge of the bowl portion of the spoon" and "the tines of the fork do not extend beyond a distal end of the spoon towards the bowl portion" so as to be more clear (basis: Fig.1A and 1B and paragraph [0039]). As a further option, please consider whether claims 1 and 12 may be amended to "either in a nested position in which the bowl portion of the spoon and tines of the fork are on the same end or in a single combination utensil configuration in which" (basis: Fig.1A and 1B).

Please note that a response to the Office Action is due on August 27, 2017. Your instructions given two weeks before the due date would be highly appreciated.

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For your information, the applicant may request an extension of time only once (either one or two months) upon payment of extension fees. Since no further extension of time is permitted, it is advised that the applicant extend the time for two months if necessary. For your information, the official fee for the extension of one month is 300RMB (about 43.59USD); the official fee for the extension of two months is 600RMB (about 87.18USD). Our service fee for either extension request is 700RMB (about 101.71USD).

Please be advised that it is generally not allowed to make amendments to the description or claims on applicant's own initiative when responding to the office action under Rule 51 of the Implementing Regulations of the Chinese Patent Law. Instead, the applicant can only make amendments as required by the examiner in the office action, or in order to obviate the defects existing in the description and claims. In addition, when amending the description or claims, please kindly let us know the basis for such amendments so that we can verify whether such amendments go beyond the disclosure contained in the original description and claims.

If you have any questions concerning this matter, please feel free to let us know.

Sincerely yours,

Lin Zhenbo
Direct E-mail address: linzhb@ccpit-patent.com.cn

CCPIT Patent and Trademark Law Office
Encl.: Copy of the Office Action

Notice

Please note that the SIPO, the CTMO/TRAB and our firm will be closed from May 28, 2017 to May 30, 2017 for Chinese Public Holiday. If there is any official deadline falling within this period, please kindly let us have your instruction in advance. Thank you.

STATE INTELLECTUAL PROPERTY OFFICE OF THE PEOPLE'S REPUBLIC OF CHINA

CCPIT Patent and Trademark Law Office **8th Floor, 2 Fuchengmenwai Street,** **Beijing 100037, China** **WANG QIWEN**	Date of Notification: Day: 27Month: 04Year: 2017
Application No. or Patent No.:	201580022197.1
Applicant or Patentee:	HUMANGEAR, INC.
Title of the Invention-Creation:	EATING UTENSIL SYSTEM

Notification of the First Office Action
(PCT Application in the National Phase)

1. ☑ The SIPO conducts substantive examination on the application upon request of the applicant according to the provision of Article 35 paragraph 1 of the Patent Law.
☐ The SIPO has decided to examine the application on its own initiative under Article 35 paragraph 2 of the Patent Law.

2. ☑ The applicant claimed priority/priorities based on the application(s):
filed in US on Mar. 11, 2014, filed in _____ on _____,
filed in _____ on _____, filed in _____ on _____,
filed in _____ on _____, filed in _____ on _____,

3. ☐ After examination, the amended documents submitted on do not comply with Rule 51 paragraph 1 of the Implementing Regulations of the Patent Law, and thus cannot be accepted.

4. ☐ Examination was directed to the Chinese version or the Chinese translation of the International Application as originally filed.
☑ Examination was directed to the application documents as specified below:
claims 1-21 amended under PCT Art. 28 or 41;
the description, drawings and abstract filed on Oct. 26, 2016

5. ☐ Below is/are the reference(s) cited in this Office Action (the reference number(s) will be used throughout the examination procedure):

No.	Number(s) or Title(s) of Reference(s)	Date of Publication (or filing date of the conflicting application)

6. Conclusions of the Action:
☐ On the Description:
- ☐ The subject matter contained in the application is not patentable under Article 5 of the Patent Law.
- ☐ The description does not comply with Article 26 paragraph 3 of the Patent Law.
- ☐ The description does not comply with Article 33 of the Patent Law.
- ☐ The draft of the description does not comply with Rule 17 of the Implementing Regulations.
- ☐

☑ On the Claims:
- ☐ Claim(s) does/do not comply with Article 2 paragraph 2 of the Patent Law.
- ☐ Claim(s) does/do not comply with Article 9 paragraph 1 of the Patent Law.
- ☐ Claim(s) does/do not possess the novelty as required by Article 22 paragraph 2 of the Patent Law.
- ☐ Claim(s) does/do not possess the inventiveness as required by Article 22 paragraph 3 of the Patent Law.
- ☐ Claim(s) does/do not possess the practical applicability as required by Article 22 paragraph 4 of the Patent Law.
- ☐ Claim(s) is/are not patentable under Article 25 of the Patent Law.
- ☑ Claim(s) 4 and 20 does/do not comply with Article 26 paragraph 4 of the Patent Law.
- ☐ Claim(s) does/do not comply with Article 31 paragraph 1 of the Patent Law.

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☐ Claim(s) does/do not comply with Article 33 of the Patent Law.
☐ Claim(s) does/do not comply with the provisions of Rule 19 of the Implementing Regulations.
☐ Claim(s) does/do not comply with the provisions of Rule 20 of the Implementing Regulations.
☐ Claim(s) does/do not comply with the provisions of Rule 21 of the Implementing Regulations.
☐ Claim(s) does/do not comply with the provisions of Rule 22 of the Implementing Regulations.
☐

☐ The application does not comply with Article 26 paragraph 5 of the Patent Law or Rule 26 of the Implementing Regulations.
☐ The application does not comply with Article 20 paragraph 1 of the Patent Law.
☐ The divisional application does/do not comply with Rule 43 paragraph 1 of the Implementing Regulations.
Please refer to the text portion of the Office Action for details.

7. In view of the conclusions set forth above, the Examiner is of the opinion that:
☐ The applicant should make amendments as directed in the text portion of the Notification.
☑ The applicant should expound in the response reasons why the application is patentable and make amendments to the application where there are deficiencies as pointed out in the text portion of the Notification, otherwise, the application will not be allowed.
☐ The application contains no allowable invention, and therefore, if the applicant fails to submit sufficient reasons to prove that the application does have merits, it will be rejected.
☐

8. The followings should be taken into consideration by the applicant in making the response:
(1) Under Article 37 of the Patent Law, the applicant should respond to the office action within 4 months counting from the date of receipt of the Notification. If, without any justified reason, the time limit is not met, the application shall be deemed to have been withdrawn.
(2) Any amendments to the application may not go beyond the scope of the disclosure contained in the initial description and claims, as prescribed by Article 33 of the Patent Law, and should be made as required by the Notification, as prescribed by Rule 51 paragraph 3 of the Implementing Regulations.
(3) The response to the Notification and/or revision of the application should be mailed to or handed over to the "Reception Division" of the Patent Office, and documents not mailed or handed over to the Reception Divisions have no legal effect.
(4) Without an appointment, the applicant and/or his agent shall not interview with the Examiner in the Patent Office.

9. This Notification contains a text portion of 1 page and the following attachments:
☐ 0 cited reference(s), totaling 0 pages.
☐

Examiner: ___ Examination Dept. ___ Seal of the Examination Department
Telephone No.:

210402 For application in written form, the corresponding documents shall be sent to: the Receiving Division of the Patent Office of SIPO, 6 Xi Tu Cheng Lu, Haidian, Beijing, 100088
2010.2 For application in electronic form, the corresponding documents shall be submitted in the form of electronic documents through the electronic patent application system. The corresponding documents submitted in other form than electronic documents shall be deemed not to have been submitted unless otherwise provided.

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State Intellectual Property Office of the People's Republic of China

Search Report

Application No.: 2015800221971	Filing Date: 20150305	First Search
Applicant: HUMANGEAR, INC.	Earliest Priority Date: 20140311	
Number of Claims: 21	Number of Paragraphs of Description: 80+24	

IPC Classification Determined by the Examiner: A47G21/06

Search Record Information:
CPRSABS, CNABS, VEN, CNKI
A47G21/06, A47G21/+, A47G
餐具，叉，勺，匙，轨道，滑轨，凹槽，轨，嵌套，嵌，匹配，耦合，渐变，逐渐，缩小，变小，减小，弯曲，table?ware?, fork?, spoon?, slid+, track?, concave?, embed+, coupl+, gradual+, smaller, reduc+, reduction, curv+

Related Patent Documents

Type	Country & Document No,. Provided by code [11]	Date Provided by Code [43] or [45]	IPC Classification	Related Paragraphs and/or Figure(s) No(s).	Involved Claim(s)
A	CN202874843U	20130417	A47G21/06	Full text	1-21
A	CN200945058Y	20070912	A47G21/10	Full text	1-21
A	CN201691585U	20110105	A47G21/02	Full text	1-21
A	CN202234496U	20120530	A47G21/02	Full text	1-21
A	WO2013095407A1	20130627	A47G21/02	Full text	1-21

Related Non-patent Documents

Type	Book Title. (including edition No. & volume No.)	Publishing Date	Name of Author & Name of Publisher	Related Page(s)	Involved Claim(s)
Type	Journal or Digest Title (including volume No. & issue No.)	Issuing Date	Name of Author & Heading of Article	Related Page(s)	Involved Claim(s)

Notes for filling the form:
1. The IPC classification of the actual search field(s) determined by the examiner should be filled in the classification positions where a major group and/or a subgroup are/is situated.
2. An abbreviated title that conforms to generally accepted international practice maybe used as the title of journals or other regular publications.
3. Explanations for types of related documents:
   X: The document that when taken alone, prejudices the novelty or the inventiveness;
   Y: The document that when combined with other document(s) of Y type cited in this report, prejudices the inventiveness;

Humangear, Inc. Ex. 2005, Page 385

A: The background art document;
R: The patent or patent application document submitted by any entity or individual to the Patent Office on the filing date which pertains to identical invention-creation;
P: The intermediate document that is the document published on date falling between the filing date of the application and the claimed priority date;
E: The conflicting application document.

Examiner: Examination Dept.:

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中华人民共和国国家知识产权局

100037

北京市阜成门外大街2号八层 中国国际贸易促进委员会专利商标事务所
王其文

发文日：

2017年04月27日

申请号或专利号：201580022197.1　　发文序号：20170424015281 80

申请人或专利权人：胡曼吉尔股份有限公司

发明创造名称：一种餐具系统

第一次审查意见通知书

（进入国家阶段的PCT申请）

1. ☒应申请人提出的实质审查请求，根据专利法第35条第1款的规定，国家知识产权局对上述发明专利申请进行实质审查。
   ☐根据专利法第35条第2款的规定，国家知识产权局决定自行对上述发明专利申请进行实质审查。
2. ☒申请人要求以其在：
   US专利局的申请日2014年03月11日为优先权日。
3. ☐经审查，申请人于_____提交的修改文件，不符合专利法实施细则第51条第1款的规定，不予接受。
4. ☐审查是针对原始提交的国际申请的中文文本或中文译文进行的。
   ☒审查是针对下列申请文件进行的：
   按照条约第28条或41修改的权利要求1-21项；
   2016年10月26日提交的说明书[0001]-[0080]段，说明书附图1A-1B、2A-2B、3、4A-4H、5A-5D、6A-6D、7A-7C及说明书摘要

5. ☐本通知书引用下列对比文献（其编号在今后的审查过程中继续沿用）

编号	文件号或名称	公开日期（或抵触申请的申请日）

6. 审查的结论性意见：
   关于说明书：
   ☐申请的内容属于专利法第5条规定的不授予专利权的范围。
   ☐说明书不符合专利法第26条第3款的规定。
   ☐说明书不符合专利法第33条的规定。
   ☐说明书的撰写不符合专利法实施细则第17条的规定。
   ☐_____
   关于权利要求书：
   ☐权利要求_____不符合专利法第2条第2款的规定。
   ☐权利要求_____不符合专利法第9条第1款的规定。
   ☐权利要求_____不具备专利法第22条第2款规定的新颖性。
   ☐权利要求_____不具备专利法第22条第3款规定的创造性。
   ☐权利要求_____不具备专利法第22条第4款规定的实用性。

☐权利要求_____属于专利法第25条规定的不授予专利权的范围。
☒权利要求4，20不符合专利法第26条第4款的规定。
☐权利要求_____不符合专利法第31条第1款的规定。
☐权利要求_____不符合专利法第33条的规定。
☐权利要求_____不符合专利法实施细则第19条的规定。
☐权利要求_____不符合专利法实施细则第20条的规定。
☐权利要求_____不符合专利法实施细则第21条的规定。
☐权利要求_____不符合专利法实施细则第22条的规定。
☐_____

☐申请不符合专利法第26条第5款或者实施细则第26条的规定。
☐申请不符合专利法第20条第1款的规定。
☐分案申请不符合专利法实施细则第43条第1款的规定。

上述结论性意见的具体分析见本通知书的正文部分。

7. 基于上述结论性意见，审查员认为：

☐申请人应当按照通知书正文部分提出的要求，对申请文件进行修改。
☒申请人应当在意见陈述书中论述其专利申请可以被授予专利权的理由，并对通知书正文部分中指出的不符合规定之处进行修改，否则将不能授予专利权。
☐专利申请中没有可以被授予专利权的实质性内容，如果申请人没有陈述理由或者陈述理由不充分，其申请将被驳回。
☐_____

8. 申请人应注意下列事项：

（1）根据专利法第37条的规定，申请人应当在收到本通知书之日起的4个月内陈述意见，如果申请人无正当理由逾期不答复，其申请将被视为撤回。

（2）申请人对其申请的修改应当符合专利法第33条的规定，不得超出原说明书和权利要求书记载的范围，同时申请人对专利申请文件进行的修改应当符合专利法实施细则第51条第3款的规定，按照本通知书的要求进行修改。

（3）申请人的意见陈述书和/或修改文本应当邮寄或递交国家知识产权局专利局受理处，凡未邮寄或递交给受理处的文件不具备法律效力。

（4）未经预约，申请人和/或代理人不得前来国家知识产权局与审查员举行会晤。

9. 本通知书正文部分共有1页，并附有下列附件：

☐引用的对比文件的复印件共_____份_____页。
☐_____

审查员：席万花　　联系电话：010-62085833　　审查部门：光电技术发明审查部

中华人民共和国国家知识产权局

第一次审查意见通知书

（进入国家阶段的 PCT 申请）

申请号：2015800221971

本申请涉及一种餐具系统。经检索，现提出如下审查意见：

1. 权利要求 4 和 20 中的技术特征“所述叉尖不延伸超过所述勺的外缘”表述不清楚，导致该权利要求 4 和 20 的保护范围不清楚，不符合专利法第二十六条第四款的规定。

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审查员姓名：席万花
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审查员确定的 IPC 分类号：A47G 21/06		
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2017 年 04 月 18 日

(12) INTERNATIONAL APPLICATION PUBLISHED UNDER THE PATENT COOPERATION TREATY (PCT)

(19) World Intellectual Property Organization
International Bureau

(43) International Publication Date
27 June 2013 (27.06.2013)

WIPO | PCT

(10) International Publication Number
WO 2013/095407 A1

(51) International Patent Classification:
A47G 21/02 (2006.01)

(21) International Application Number:
PCT/US2011/066329

(22) International Filing Date:
20 December 2011 (20.12.2011)

(25) Filing Language: English

(26) Publication Language: English

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(81) Designated States *(unless otherwise indicated, for every kind of national protection available)*: AE, AG, AL, AM, AO, AT, AU, AZ, BA, BB, BG, BH, BR, BW, BY, BZ, CA, CH, CL, CN, CO, CR, CU, CZ, DE, DK, DM, DO, DZ, EC, EE, EG, ES, FI, GB, GD, GE, GH, GM, GT, HN, HR, HU, ID, IL, IN, IS, JP, KE, KG, KM, KN, KP, KR, KZ, LA, LC, LK, LR, LS, LT, LU, LY, MA, MD, ME, MG, MK, MN, MW, MX, MY, MZ, NA, NG, NI, NO, NZ, OM, PE, PG, PH, PL, PT, QA, RO, RS, RU, RW, SC, SD, SE, SG, SK, SL, SM, ST, SV, SY, TH, TJ, TM, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, ZA, ZM, ZW.

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Declarations under Rule 4.17:

— *as to applicant's entitlement to apply for and be granted a patent (Rule 4.17(ii))*

Published:

— *with international search report (Art. 21(3))*

(54) Title: DISPOSABLE STACKABLE FORKS

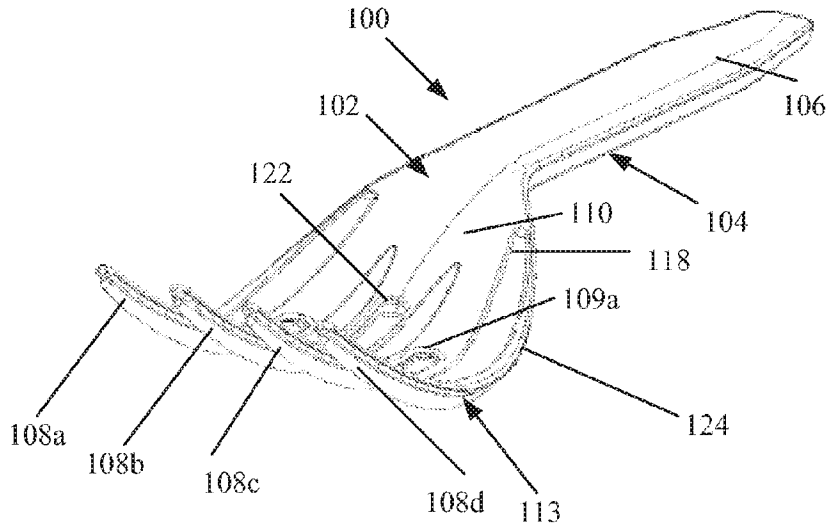


FIG. 1

(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.

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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 as 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.

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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

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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 tine 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.

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[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

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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

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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 1115 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.

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[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

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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. 1illustrating 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.

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[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.

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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.

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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;

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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.

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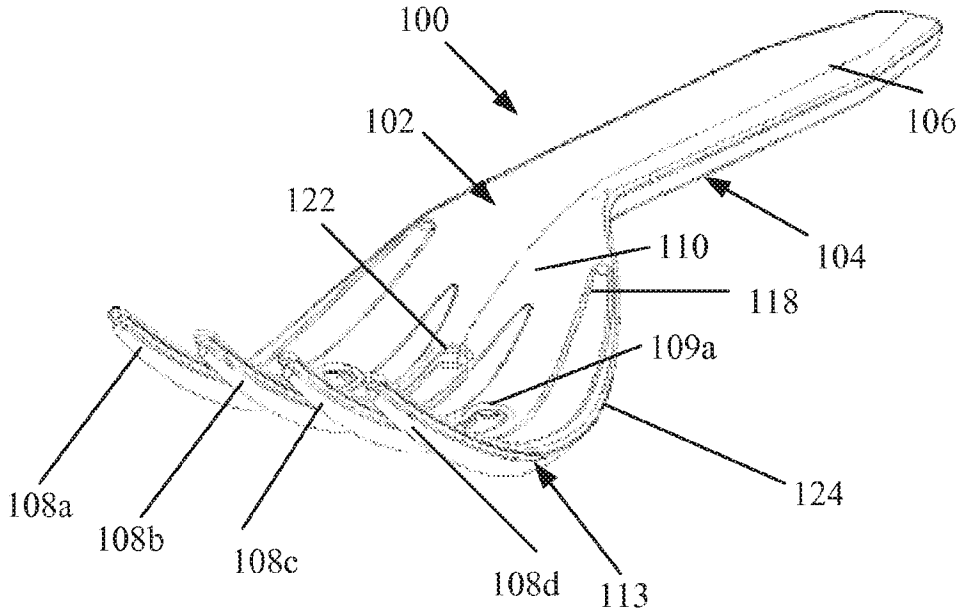


FIG. 1

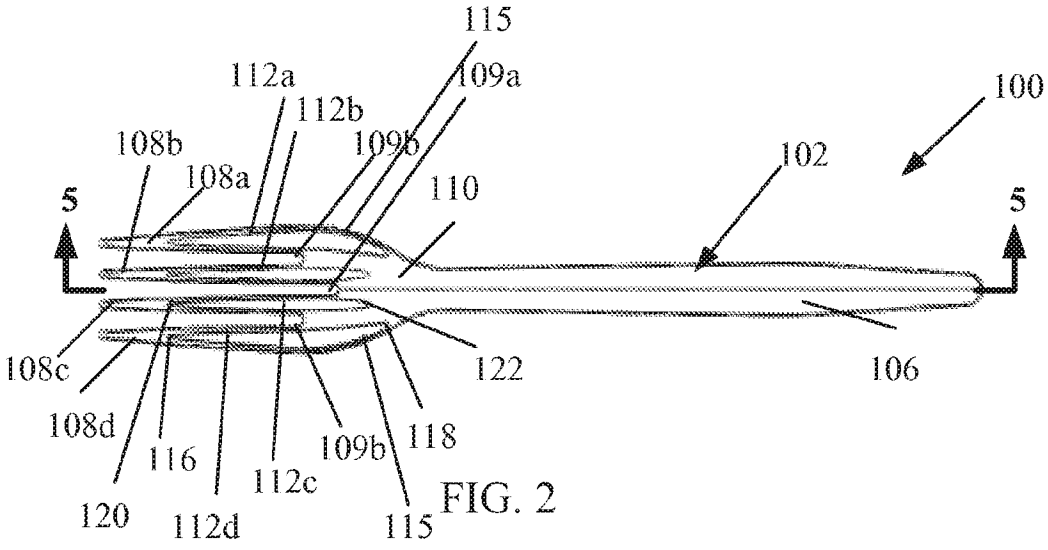


FIG. 2

Humangear, Inc. Ex. 2005, Page 407

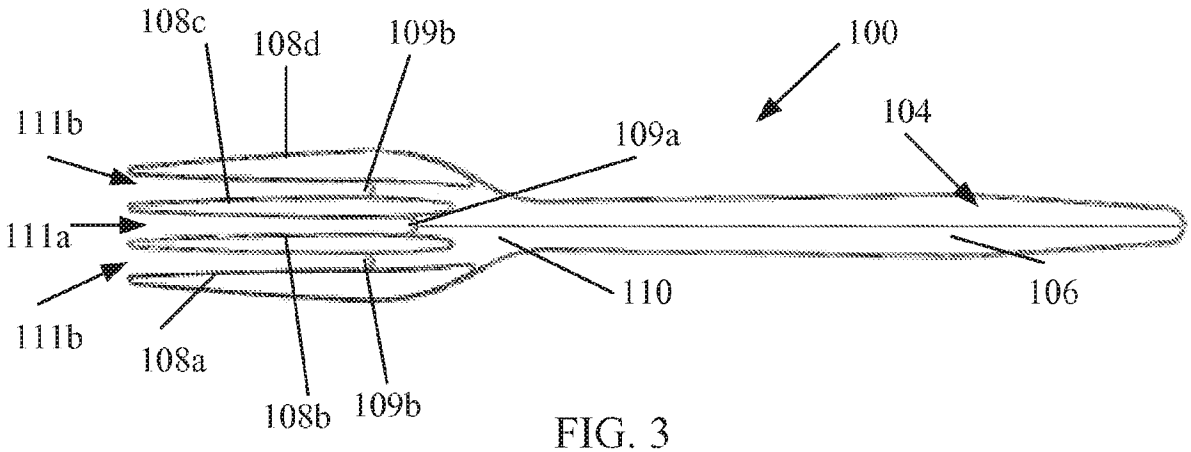


FIG. 3

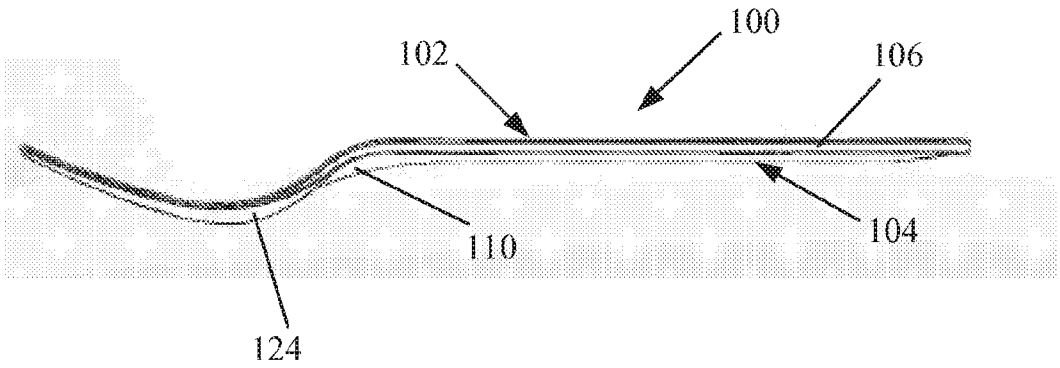


FIG. 4

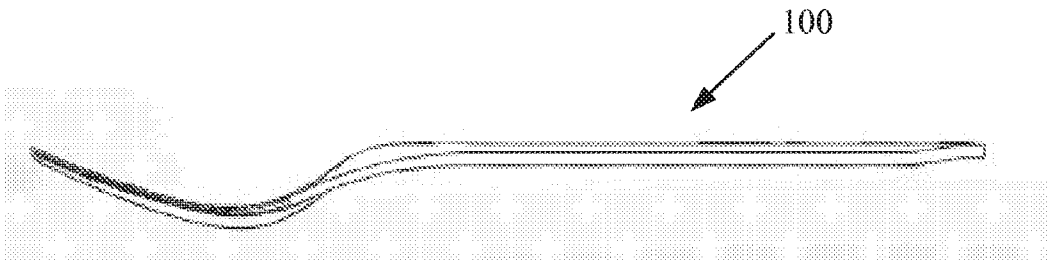


FIG. 5

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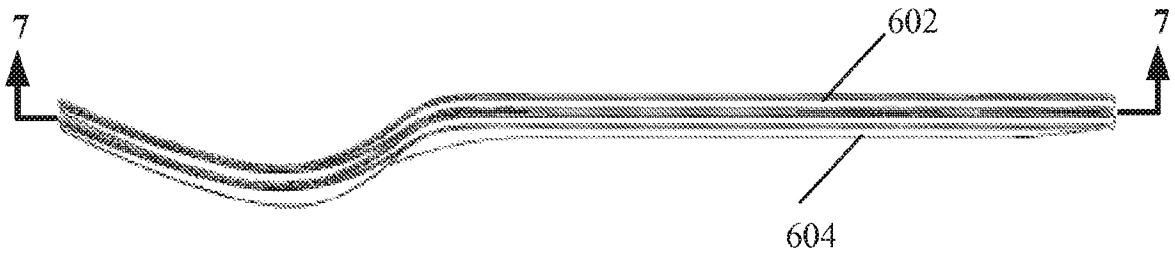


FIG. 6

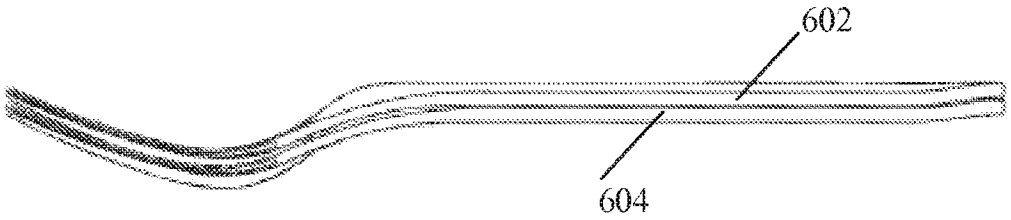


FIG. 7

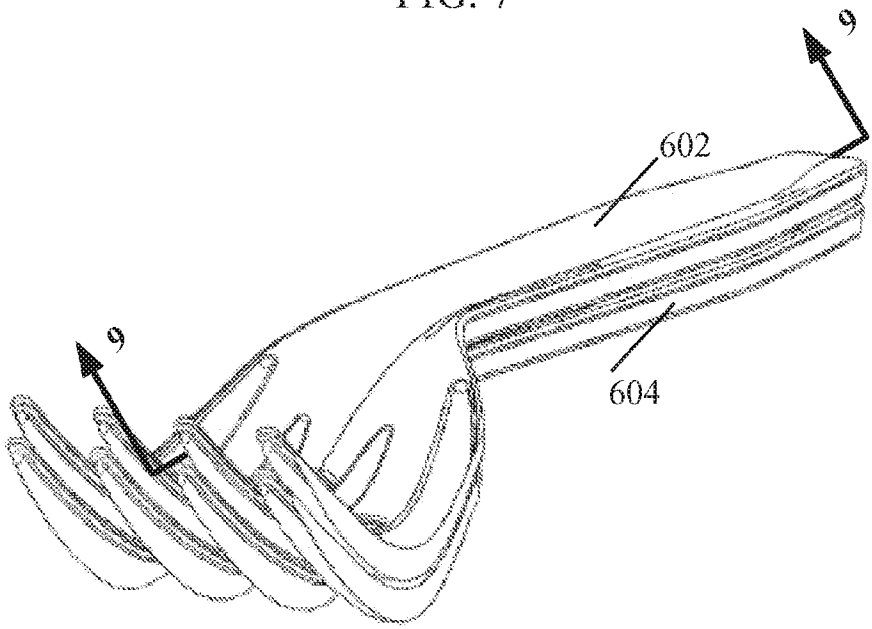


FIG. 8

Humangear, Inc. Ex. 2005, Page 409

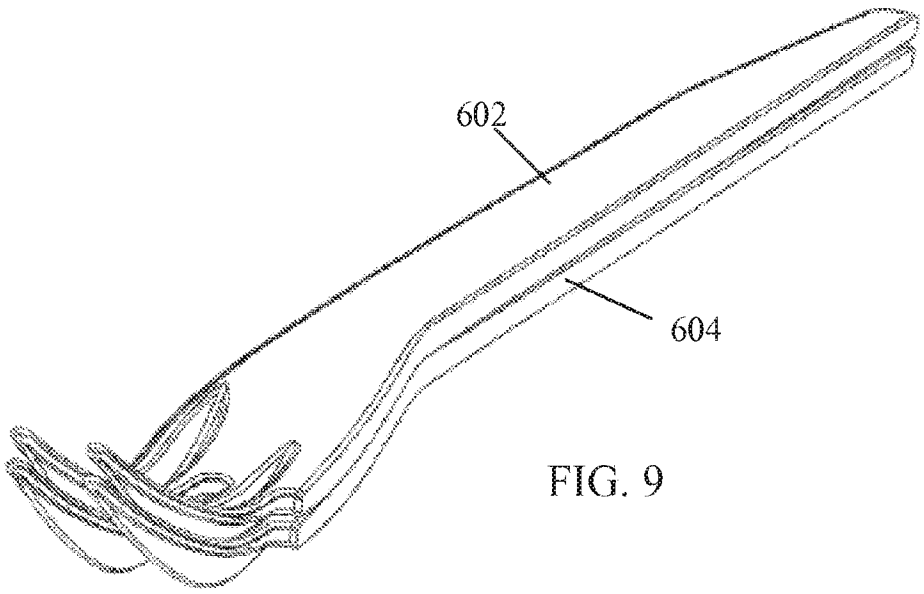


FIG. 9

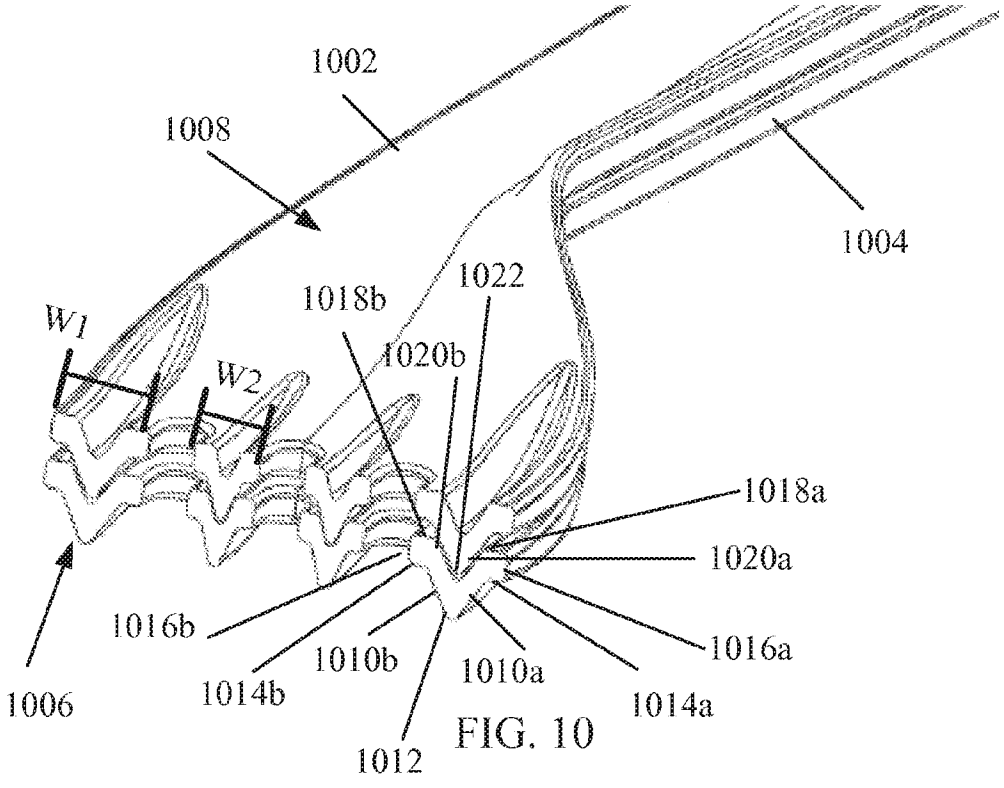


FIG. 10

Humangear, Inc. Ex. 2005, Page 410

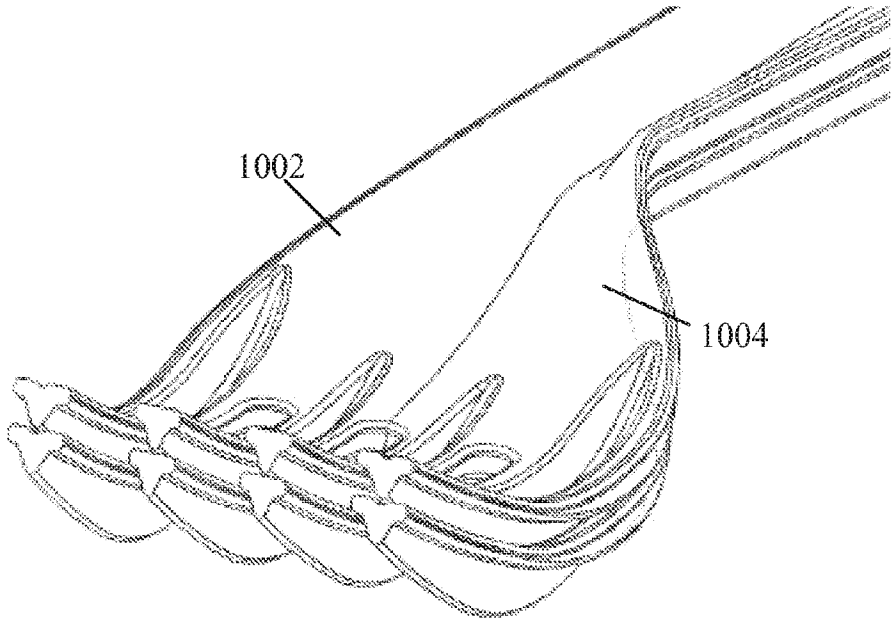


FIG. 11

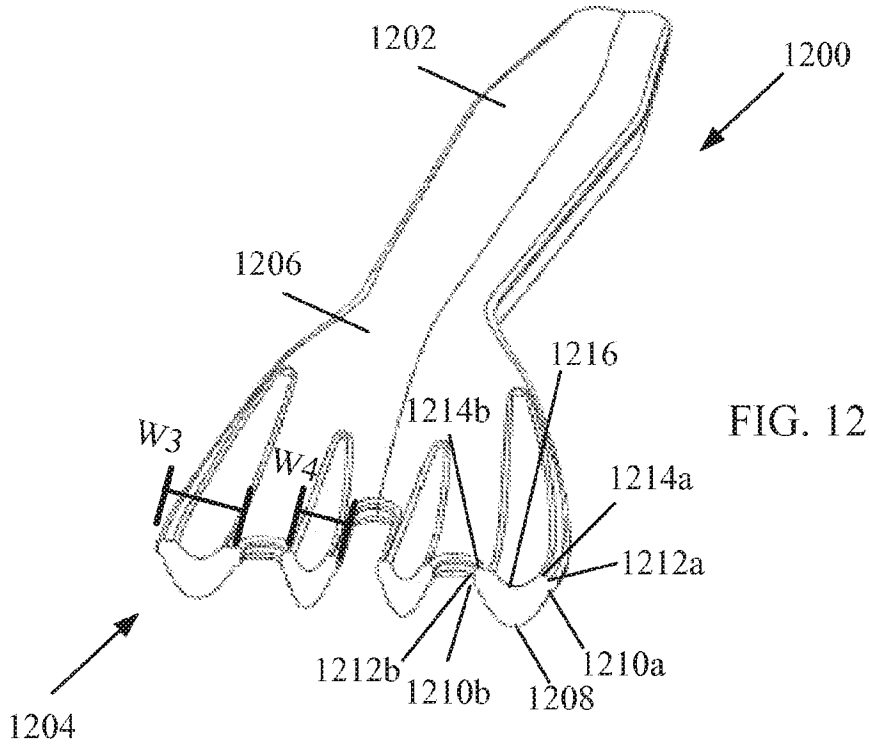


FIG. 12

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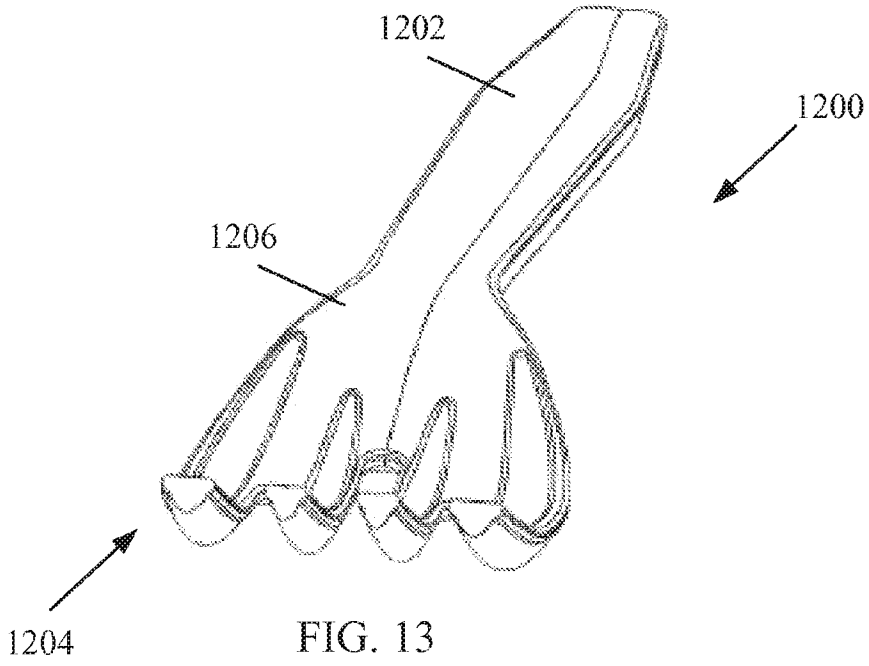


FIG. 13

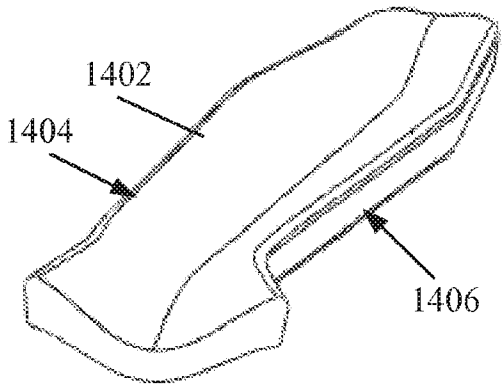


FIG. 14

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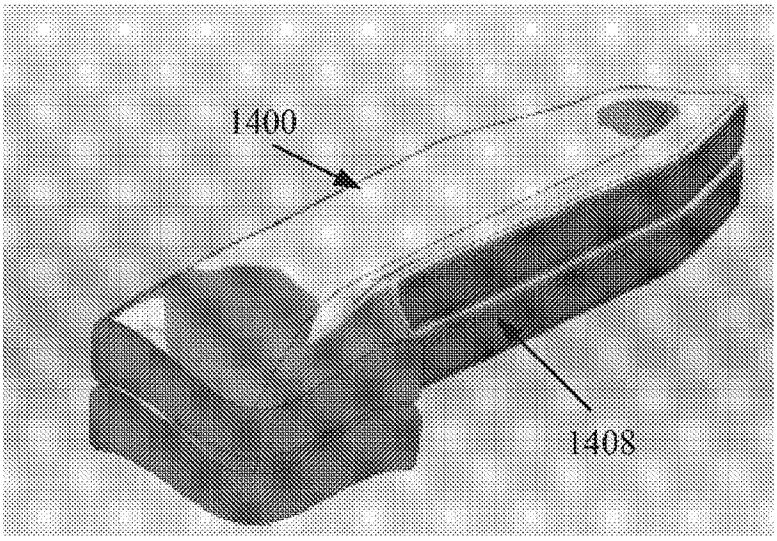


FIG. 15

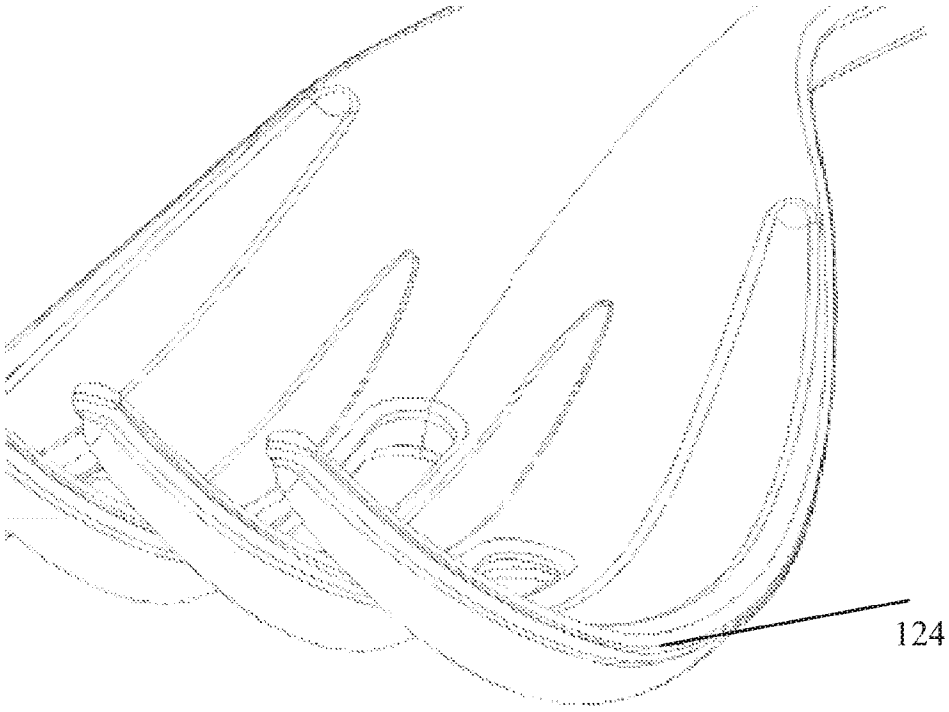


FIG. 16

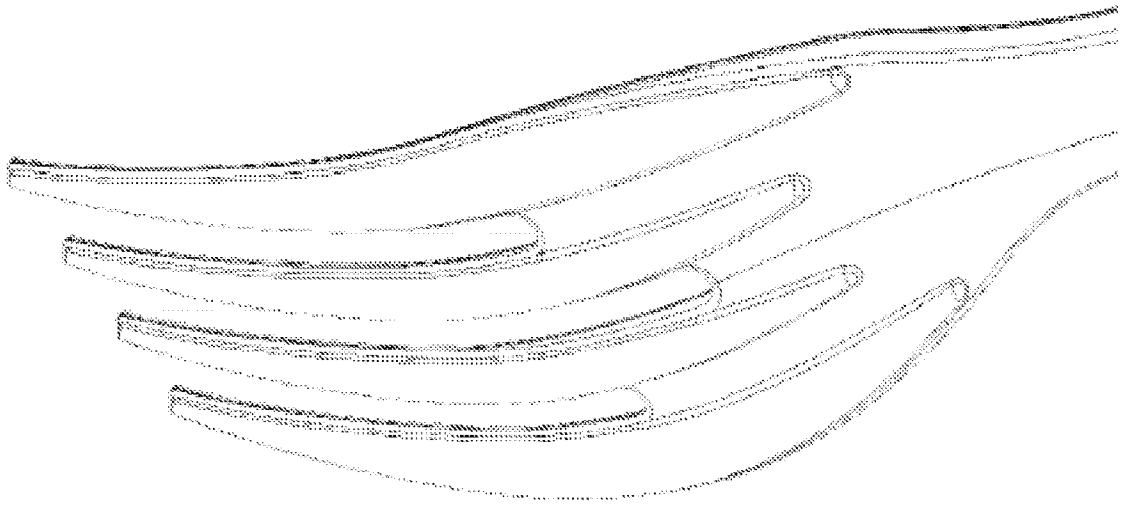


FIG. 17

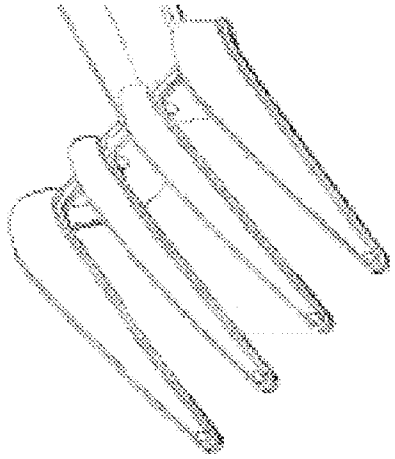


FIG. 18

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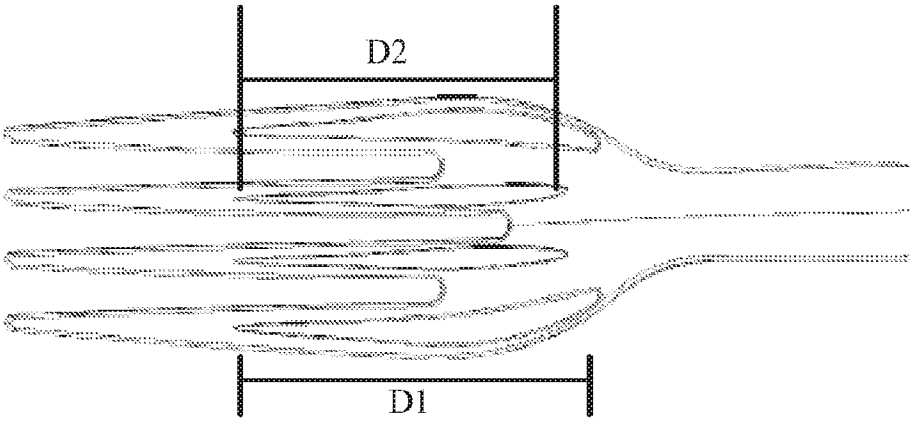


FIG. 19

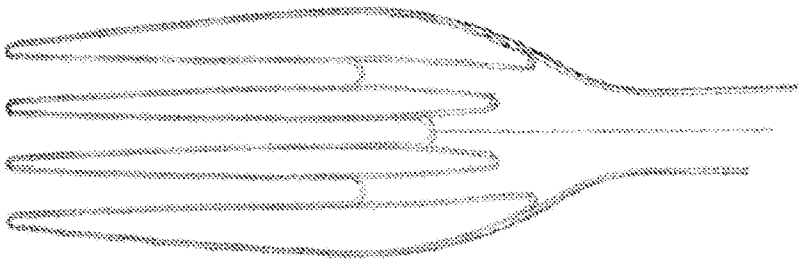


FIG. 20

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FIG. 21

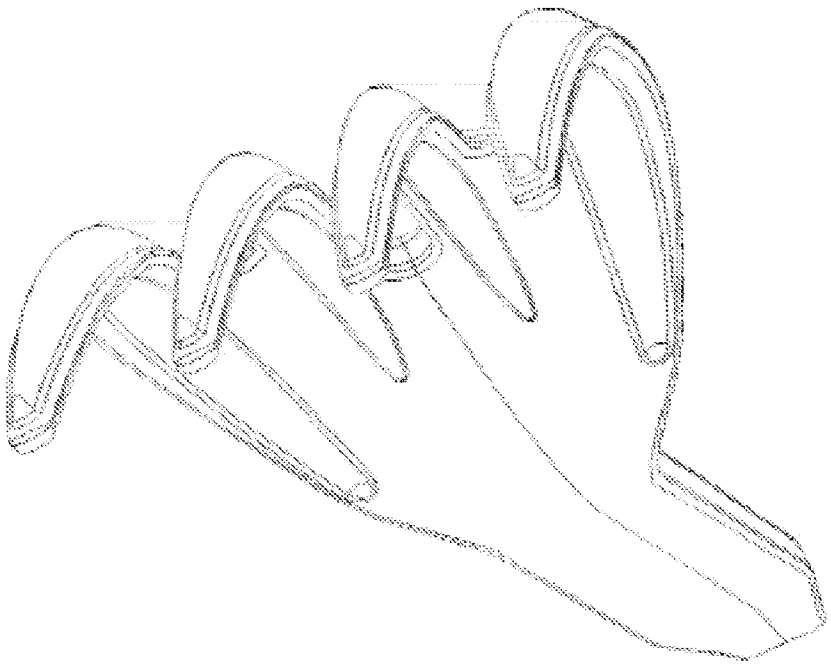


FIG. 22

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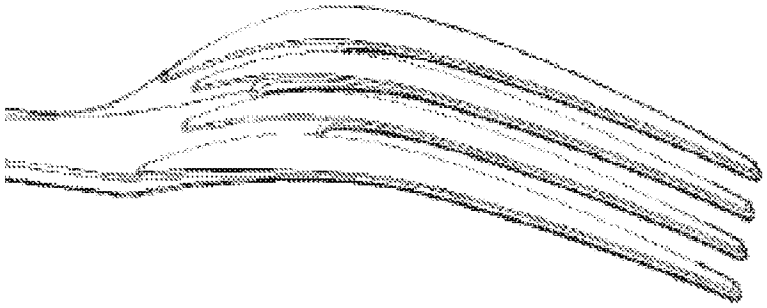


FIG. 23

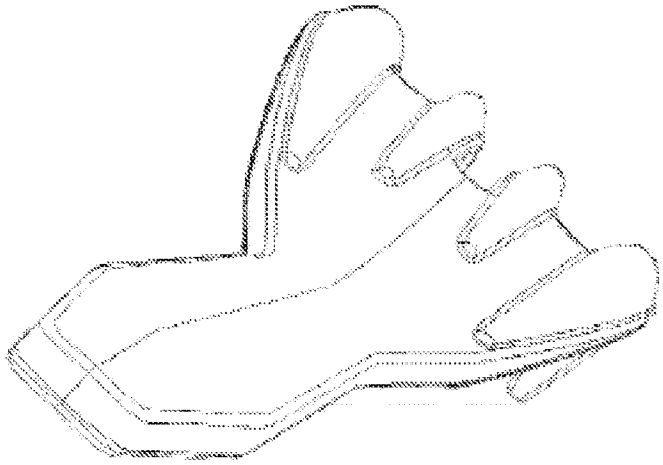


FIG. 24

Humangear, Inc. Ex. 2005, Page 417

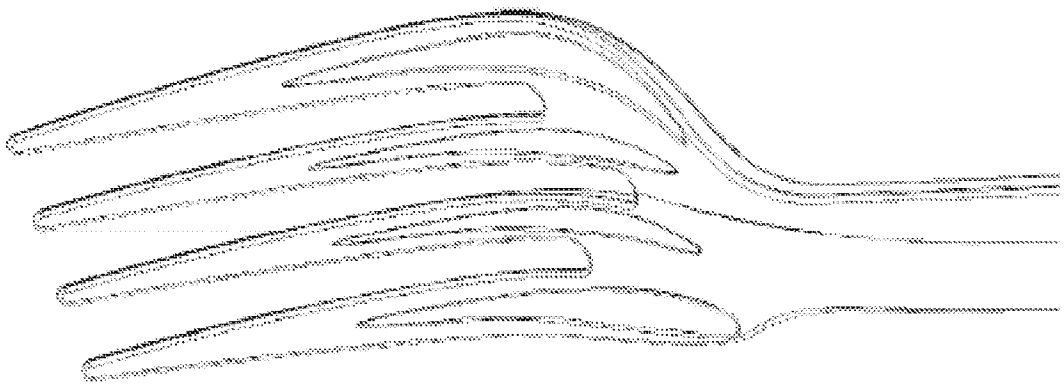


FIG. 25

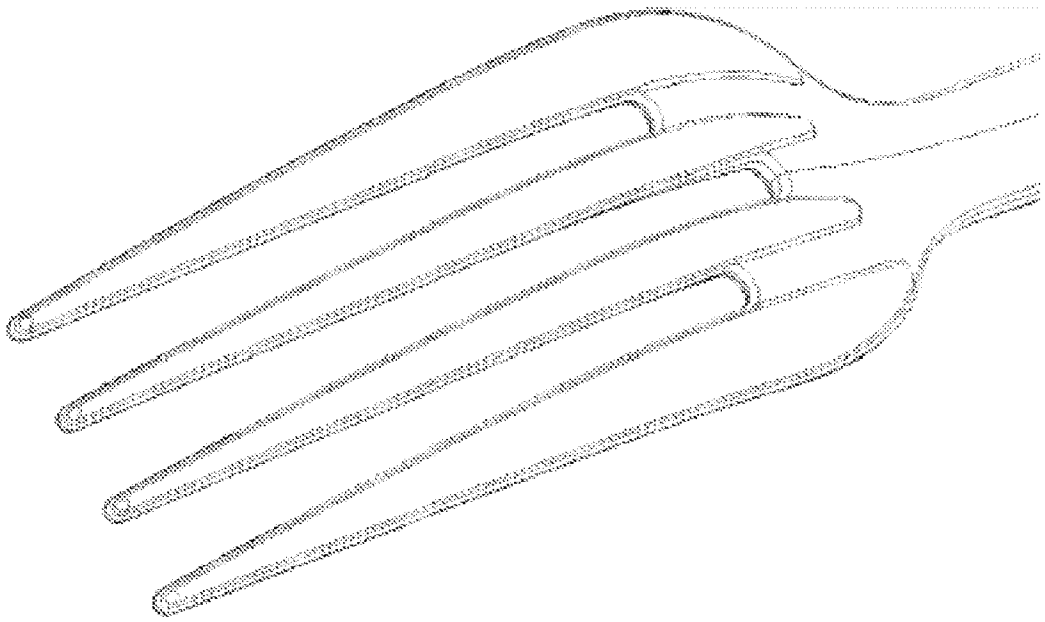


FIG. 26

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: MIKSOVSKY et al.	Attorney Docket No.: HMG1P008D1
Application No.: 15/268,175	Examiner: PRONE, JASON D.
Filed: September 16, 2016	Group: 3724
Title: EATING UTENSIL SYSTEM	Confirmation No.: 1040

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 July 19, 2017.

Signed: /Cara Hedin/
Cara Hedin

AMENDMENT 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	24	MINUS	20	04	x 40 = $160.00	x 80 = $0.00
Independent Claims	03	MINUS	03	00	x 210 = $0.00	x 420 = $0.00
Multiple Dependent Claim Present and Fee Not Previously Paid						
				Total	$160.00	$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. HMG1P008D1).

Respectfully submitted,
BEYER LAW GROUP LLP

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

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

PTO/SB/06 (09-11)
Approved for use through 1/31/2014. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875	Application or Docket Number 15/268,175	Filing Date 09/16/2016	☐ To be Mailed

ENTITY: ☐ LARGE ☑ SMALL ☐ MICRO

APPLICATION AS FILED - PART I

FOR	(Column 1) NUMBER FILED	(Column 2) 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 $40 =	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*		x $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).				
☐ 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

AMENDMENT	07/19/2017	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA		RATE ($)	ADDITIONAL FEE ($)
	Total (37 CFR 1.16(i))	* 24	Minus	** 20	= 4		x $40 =	160
	Independent (37 CFR 1.16(h))	* 3	Minus	*** 3	= 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	160

AMENDMENT		(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA		RATE ($)	ADDITIONAL FEE ($)
	Total (37 CFR 1.16(i))	*	Minus	**	=		x $0 =	
	Independent (37 CFR 1.16(h))	*	Minus	***	=		x $0 =	
	☐ 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.	HSLIE
** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".	LELAND WATKINS
*** 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.	

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

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United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
15/268,175	09/16/2016	Christopher A. MIKSOVSKY	HMG1P008D1	1040

58766 7590 07/17/2017

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
07/17/2017	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. 15/268,175	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) *1-20* 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) *1-20* 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)

2) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

3) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

4) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

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 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, Andrea L. Wellington can be reached on (571)272-4483. 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.

12 July 2017

/Jason Daniel Prone/

Primary Examiner, Art Unit 3724

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	15268175	MIKSOVSKY ET AL.
	Examiner	**Art Unit**
	JASON D PRONE	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	07/12/2017								
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Application	Document	Mailroom Date	Attorney Docket No.
15268175	CTRS	07/17/2017	HMG1P008D1

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Application	Document	Mailroom Date	Attorney Docket No.
15268175	NTC.PUB	01/05/2017	HMG1P008D1

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
15/268,175	09/16/2016	Christopher A. MIKSOVSKY	HMG1P008D1

CONFIRMATION NO. 1040

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

PUBLICATION NOTICE



Title:EATING UTENSIL SYSTEM

Publication No.US-2017-0000276-A1
Publication Date:01/05/2017

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/.

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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.

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

PATENT APPLICATION FEE DETERMINATION RECORD

Substitute for Form PTO-875

Application or Docket Number: 15/268,175

APPLICATION AS FILED - PART I

FOR	(Column 1) NUMBER FILED	(Column 2) NUMBER EXTRA	SMALL ENTITY RATE($)	SMALL ENTITY FEE($)	OR	OTHER THAN SMALL ENTITY RATE($)	OTHER THAN SMALL ENTITY FEE($)
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), (i), 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(i))	20 minus 20 =	*	x 40 =	0.00	OR		
INDEPENDENT CLAIMS (37 CFR 1.16(h))	3 minus 3 =	*	x 210 =	0.00			
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			
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL	730		TOTAL	

APPLICATION AS AMENDED - PART II

		(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	SMALL ENTITY RATE($)	SMALL ENTITY ADDITIONAL FEE($)	OR	OTHER THAN SMALL ENTITY RATE($)	OTHER THAN SMALL ENTITY ADDITIONAL FEE($)
AMENDMENT A	Total (37 CFR 1.16(i))	*	Minus	**	=	x =		OR	x =	
	Independent (37 CFR 1.16(h))	*	Minus	***	=	x =		OR	x =	
	Application Size Fee (37 CFR 1.16(s))									
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							OR		
						TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE	

		(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	SMALL ENTITY RATE($)	SMALL ENTITY ADDITIONAL FEE($)	OR	OTHER THAN SMALL ENTITY RATE($)	OTHER THAN SMALL ENTITY ADDITIONAL FEE($)
AMENDMENT B	Total (37 CFR 1.16(i))	*	Minus	**	=	x =		OR	x =	
	Independent (37 CFR 1.16(h))	*	Minus	***	=	x =		OR	x =	
	Application Size Fee (37 CFR 1.16(s))									
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							OR		
						TOTAL ADD'L FEE		OR	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".
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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
15/268,175	09/16/2016	3724	730	HMG1P008D1	20	3

CONFIRMATION NO. 1040

58766
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Palo Alto, CA 94303-1887

FILING RECEIPT

OC000000088105623

Date Mailed: 09/29/2016

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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, Belmont, CA;

Applicant(s)

humangear, Inc., San Francisco, CA;

Power of Attorney: The patent practitioners associated with Customer Number 58766

Domestic Priority data as claimed by applicant

This application is a DIV of 14/204,497 03/11/2014 PAT 9468321

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.

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The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 15/268,175**

Projected Publication Date: 01/05/2017

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

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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	HMG1P008D1

SIGNATURE of Applicant or Patent Practitioner

Signature	/Tina Chen/	Date	September 16, 2016
Name	Tina Chen	Telephone	650-842-1300
Registration Number	44,606		

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Form 1449 (Modified) Information Disclosure Statement By Applicant (Use Several Sheets if Necessary)	Atty Docket No.	HMG1P008D1
	Application No.:	Unassigned
	Applicant	MIKSOVSKY et al.
	Filing Date	Herewith
	Group	Unassigned
		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.	5,845,403	12/08/98	Nivin			09/13/95
	3.	D269,060	05/24/83	Creamer			09/05/80
	4.	D414,988	10/12/99	Santini			01/04/99
	5.	D530,985	10/31/06	Evans			10/11/05
	6.	D575,593	08/26/08	Svartström			12/05/07
	7.	D633,344	03/01/11	Nordwall			06/10/10

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.	WO 2013/095407	06/27/13	PCT			
	9.	0 129 495	12/27/84	EP			
	10.	DE 44 17 037	12/03/98	DE			Yes
	11.	22,788	09/02/1915	GB			

Other Documents

Examiner Initial	No.	Author, Title, Place (e.g. Journal) of Publication, Date
	12.	Alite, Cloverware Lite, http://shop.alitedesigns.com/cloverware-lite.html, downloaded on March 6, 2014.
	13.	Alite, Cloverware 2.0, http://shop.alitedesigns.com/cloverware-538.html, downloaded on March 6, 2014.
	14.	Guyot, Microbites ™, https://www.guyotdesigns.com/product-microbites/, downloaded on March 6, 2014.
	15.	Guyot, Utensils, https://www.guyotdesigns.com/utensils/, downloaded on March 6, 2014.
	16.	International Search Report dated July 8, 2015 from International Application No. PCT/US2015/019017.
	17.	Written Opinion dated July 8, 2015 from International Application No. PCT/US2015/019017.

Examiner	Date Considered

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.

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:	HMG1P008D1

Filed as Small Entity

Filing Fees for Utility under 35 USC 111(a)

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:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				
Miscellaneous:				
		Total in USD ($)		**730**

Electronic Acknowledgement Receipt

EFS ID:	26947795
Application Number:	15268175
International Application Number:	
Confirmation Number:	1040
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:	HMG1P008D1
Receipt Date:	16-SEP-2016
Filing Date:	
Time Stamp:	17:31:53
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Deposit Account
Payment was successfully received in RAM	$730
RAM confirmation Number	4508
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 processing fees)

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Power of Attorney	HMG1P008D1_Transmittal_POA_by_Applicant.pdf	143474 915550521732713ef2e105ee4b3a865e2dcc0bbc	no	1
Warnings:					
Information:					
2	Power of Attorney	HMG1_POA_Applicant.pdf	522554 a91fe80cef0e166151097e763854b279f15c87d2	no	1
Warnings:					
Information:					
3	Application Data Sheet	HMG1P008D1_ADS.pdf	1823390 09fc3aed9dc5d847bc33febd5913dedec0e5e4a4	no	9
Warnings:					
Information:					
4	Oath or Declaration filed	HMG1P008_Decs_as_filed.pdf	520379 c305dd47ab97a9fa944b45ec1d46de3c1c842f6f	no	6
Warnings:					
Information:					
5		HMG1P008D1_Application_as_filed.pdf	114874 5b71bc320dcdbeb27eab7d435fd968069c7693c1	yes	24

Multipart Description/PDF files in .zip description

Document Description	Start	End
Specification	1	20
Claims	21	23
Abstract	24	24

Warnings:					
Information:					
6	Drawings-only black and white line drawings	HMG1P008_figs_as_filed.pdf	1085252 4b5a294756a954adf3b3538cc1e197fda50dacff	no	24
Warnings:					
Information:					
7	Transmittal Letter	HMG1P008D1_IDS.pdf	23710 83161560cceab669f1d600bc79d0797f4e529f2a	no	2
Warnings:					
Information:					
8	Information Disclosure Statement (IDS) Form (SB08)	HMG1P008D1_1449.pdf	25551 ff327cda8d815f5230228dced12736e90faf2fbf	no	1
Warnings:					
Information:					
This is not an USPTO supplied IDS fillable form					
9	Fee Worksheet (SB06)	fee-info.pdf	35001 b5e99e742a8edf890b5b7e08aa1ee5e6c4d2dee2	no	2
Warnings:					
Information:					
			Total Files Size (in bytes):	4294185	

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

New Applications Under 35 U.S.C. 111

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

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

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

New International Application Filed with the USPTO as a Receiving Office

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

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POWER OF ATTORNEY BY APPLICANT

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

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

58766

OR

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

Name	Registration Number	Name	Registration Number

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

■ The address associated with the above-mentioned Customer Number.

OR

☐ The address associated with Customer Number:

OR

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

I am the Applicant:

☐ Inventor or Joint Inventor

☐ Legal Representative of a Deceased or Legally Incapacitated Inventor

■ Assignee or Person to Whom the Inventor is Under an Obligation to Assign

☐ Person Who Otherwise Shows Sufficient Proprietary Interest (*e.g.*, a petition under 37 CFR 1.46(b)(2) was granted in the application or is concurrently being filed with this document)

SIGNATURE of Applicant for Patent

Signature		Date	2013.01.07
Name	Christopher A. MIKSOVSKY	Telephone	415-830-6321
Title and Company	President, Humangear, Inc.		

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

☐ *Total of _____ 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.**

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

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Application Data Sheet 37 CFR 1.76	Attorney Docket Number	HMG1P008D1
	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.

Secrecy Order 37 CFR 5.2:

☐ 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	State/Province	Country of Residence
San Francisco	CA	US

Mailing Address of Inventor:

Address 1	2140 Fell Street, #202
Address 2	
City	San Francisco
State/Province	CA
Postal Code	94117
Country	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	State/Province	Country of Residence
San Francisco	CA	US

Mailing Address of Inventor:

Address 1	703 Douglass Street
Address 2	
City	San Francisco
State/Province	CA
Postal Code	94114
Country	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	HMG1P008D1
	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	31 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	Belmont	State/Province	CA	Country of Residence i	US

Mailing Address of Inventor:

Address 1	2010 Monroe Avenue		
Address 2			
City	Belmont	State/Province	CA
Postal Code	94002	Country i	US

All Inventors Must Be Listed - Additional Inventor Information blocks may be generated within this form by selecting the **Add** button. Add

Correspondence Information:

Enter either Customer Number or complete the Correspondence Information section below.
For further information see 37 CFR 1.33(a).

☐ **An Address is being provided for the correspondence Information of this application.**

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Application Data Sheet 37 CFR 1.76	Attorney Docket Number	HMG1P008D1
	Application Number	
Title of Invention	EATING UTENSIL SYSTEM	

Customer Number	58766		
Email Address		Add Email	Remove Email

Application Information:

Title of the Invention	EATING UTENSIL SYSTEM		
Attorney Docket Number	HMG1P008D1	**Small Entity Status Claimed**	☐
Application Type	Nonprovisional		
Subject Matter	Utility		
Total Number of Drawing Sheets (if any)	24	**Suggested Figure for Publication (if any)**	

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

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.

Representative Information:

Representative information should be provided for all practitioners having a power of attorney in the application. Providing this information in the Application Data Sheet does not constitute a power of attorney in the application (see 37 CFR 1.32).
Either enter Customer Number or complete the Representative Name section below. If both sections are completed the customer Number will be used for the Representative Information during processing.

Please Select One:	● Customer Number	US Patent Practitioner	○ Limited Recognition (37 CFR 11.9)
Customer Number	58766		

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Application Data Sheet 37 CFR 1.76	Attorney Docket Number	HMG1P008D1
	Application Number	
Title of Invention	EATING UTENSIL SYSTEM	

Domestic Benefit/National Stage Information:

This section allows for the applicant to either claim benefit under 35 U.S.C. 119(e), 120, 121, 365(c), or 386(c) or indicate National Stage entry from a PCT application. Providing benefit claim information in the Application Data Sheet constitutes the specific reference required by 35 U.S.C. 119(e) or 120, and 37 CFR 1.78.
When referring to the current application, please leave the "Application Number" field blank.

Prior Application Status	Pending		Remove
Application Number	Continuity Type	Prior Application Number	Filing or 371(c) Date (YYYY-MM-DD)
	Division of	14204497	2014-03-11

Additional Domestic Benefit/National Stage Data may be generated within this form by selecting the **Add** button. Add

Foreign Priority Information:

This section allows for the applicant to claim priority to a foreign application. Providing this information in the application data sheet constitutes the claim for priority as required by 35 U.S.C. 119(b) and 37 CFR 1.55. When priority is claimed to a foreign application that is eligible for retrieval under the priority document exchange program (PDX)[i] the information will be used by the Office to automatically attempt retrieval pursuant to 37 CFR 1.55(i)(1) and (2). Under the PDX program, applicant bears the ultimate responsibility for ensuring that a copy of the foreign application is received by the Office from the participating foreign intellectual property office, or a certified copy of the foreign priority application is filed, within the time period specified in 37 CFR 1.55(g)(1).

Remove

Application Number	Country[i]	Filing Date (YYYY-MM-DD)	Access Code[i] (if applicable)

Additional Foreign Priority Data may be generated within this form by selecting the **Add** button. Add

Statement under 37 CFR 1.55 or 1.78 for AIA (First Inventor to File) Transition Applications

☐ This application (1) claims priority to or the benefit of an application filed before March 16, 2013 and (2) also contains, or contained at any time, a claim to a claimed invention that has an effective filing date on or after March 16, 2013.
NOTE: By providing this statement under 37 CFR 1.55 or 1.78, this application, with a filing date on or after March 16, 2013, will be examined under the first inventor to file provisions of the AIA.

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Application Data Sheet 37 CFR 1.76	Attorney Docket Number	HMG1P008D1
	Application Number	
Title of Invention	EATING UTENSIL SYSTEM	

Authorization or Opt-Out of Authorization to Permit Access:

When this Application Data Sheet is properly signed and filed with the application, applicant has provided written authority to permit a participating foreign intellectual property (IP) office access to the instant application-as-filed (see paragraph A in subsection 1 below) and the European Patent Office (EPO) access to any search results from the instant application (see paragraph B in subsection 1 below).

Should applicant choose not to provide an authorization identified in subsection 1 below, applicant **must opt-out** of the authorization by checking the corresponding box A or B or both in subsection 2 below.

NOTE: This section of the Application Data Sheet is **ONLY** reviewed and processed with the **INITIAL** filing of an application. After the initial filing of an application, an Application Data Sheet cannot be used to provide or rescind authorization for access by a foreign IP office(s). Instead, Form PTO/SB/39 or PTO/SB/69 must be used as appropriate.

1. Authorization to Permit Access by a Foreign Intellectual Property Office(s)

A. Priority Document Exchange (PDX) - Unless box A in subsection 2 (opt-out of authorization) is checked, the undersigned hereby **grants the USPTO authority** to provide the European Patent Office (EPO), the Japan Patent Office (JPO), the Korean Intellectual Property Office (KIPO), the State Intellectual Property Office of the People's Republic of China (SIPO), the World Intellectual Property Organization (WIPO), and any other foreign intellectual property office participating with the USPTO in a bilateral or multilateral priority document exchange agreement in which a foreign application claiming priority to the instant patent application is filed, access to: (1) the instant patent application-as-filed and its related bibliographic data, (2) any foreign or domestic application to which priority or benefit is claimed by the instant application and its related bibliographic data, and (3) the date of filing of this Authorization. See 37 CFR 1.14(h)(1).

B. Search Results from U.S. Application to EPO - Unless box B in subsection 2 (opt-out of authorization) is checked, the undersigned hereby **grants the USPTO authority** to provide the EPO access to the bibliographic data and search results from the instant patent application when a European patent application claiming priority to the instant patent application is filed. See 37 CFR 1.14(h)(2).

The applicant is reminded that the EPO's Rule 141(1) EPC (European Patent Convention) requires applicants to submit a copy of search results from the instant application without delay in a European patent application that claims priority to the instant application.

2. Opt-Out of Authorizations to Permit Access by a Foreign Intellectual Property Office(s)

☐ A. Applicant **DOES NOT** authorize the USPTO to permit a participating foreign IP office access to the instant application-as-filed. If this box is checked, the USPTO will not be providing a participating foreign IP office with any documents and information identified in subsection 1A above.

☐ B. Applicant **DOES NOT** authorize the USPTO to transmit to the EPO any search results from the instant patent application. If this box is checked, the USPTO will not be providing the EPO with search results from the instant application.

NOTE: Once the application has published or is otherwise publicly available, the USPTO may provide access to the application in accordance with 37 CFR 1.14.

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Application Data Sheet 37 CFR 1.76	Attorney Docket Number	HMG1P008D1
	Application Number	
Title of Invention	EATING UTENSIL SYSTEM	

Applicant Information:

Providing assignment information in this section does not substitute for compliance with any requirement of part 3 of Title 37 of CFR to have an assignment recorded by the Office.

Applicant 1 Remove

If the applicant is the inventor (or the remaining joint inventor or inventors under 37 CFR 1.45), this section should not be completed. The information to be provided in this section is the name and address of the legal representative who is the applicant under 37 CFR 1.43; or the name and address of the assignee, person to whom the inventor is under an obligation to assign the invention, or person who otherwise shows sufficient proprietary interest in the matter who is the applicant under 37 CFR 1.46. If the applicant is an applicant under 37 CFR 1.46 (assignee, person to whom the inventor is obligated to assign, or person who otherwise shows sufficient proprietary interest) together with one or more joint inventors, then the joint inventor or inventors who are also the applicant should be identified in this section.

Clear

● Assignee	Legal Representative under 35 U.S.C. 117	Joint Inventor
Person to whom the inventor is obligated to assign.	Person who shows sufficient proprietary interest	

If applicant is the legal representative, indicate the authority to file the patent application, the inventor is:

Name of the Deceased or Legally Incapacitated Inventor:

If the Applicant is an Organization check here. ☒

Organization Name	humangear, Inc.		
Mailing Address Information For Applicant:			
Address 1	636 Shrader Street		
Address 2			
City	San Francisco	**State/Province**	CA
Country	US	Postal Code	94117
Phone Number		Fax Number	
Email Address			

Additional Applicant Data may be generated within this form by selecting the Add button. Add

Assignee Information including Non-Applicant Assignee Information:

Providing assignment information in this section does not substitute for compliance with any requirement of part 3 of Title 37 of CFR to have an assignment recorded by the Office.

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Application Data Sheet 37 CFR 1.76	Attorney Docket Number	HMG1P008D1
	Application Number	
Title of Invention	EATING UTENSIL SYSTEM	

Assignee 1

Complete this section if assignee information, including non-applicant assignee information, is desired to be included on the patent application publication. An assignee-applicant identified in the "Applicant Information" section will appear on the patent application publication as an applicant. For an assignee-applicant, complete this section only if identification as an assignee is also desired on the patent application publication.

Remove

If the Assignee or Non-Applicant Assignee is an Organization check here. ☐

Prefix	**Given Name**	Middle Name	**Family Name**	Suffix

Mailing Address Information For Assignee including Non-Applicant Assignee:

Address 1			
Address 2			
City		**State/Province**	
Country i		Postal Code	
Phone Number		Fax Number	
Email Address			

Additional Assignee or Non-Applicant Assignee Data may be generated within this form by selecting the Add button. Add

Signature:

Remove

NOTE: This Application Data Sheet must be signed in accordance with 37 CFR 1.33(b). **However, if this Application Data Sheet is submitted with the INITIAL filing of the application and either box A or B is not checked in subsection 2 of the "Authorization or Opt-Out of Authorization to Permit Access" section, then this form must also be signed in accordance with 37 CFR 1.14(c).**

This Application Data Sheet **must** be signed by a patent practitioner if one or more of the applicants is a **juristic entity** (e.g., corporation or association). If the applicant is two or more joint inventors, this form must be signed by a patent practitioner, **all** joint inventors who are the applicant, or one or more joint inventor-applicants who have been given power of attorney (e.g., see USPTO Form PTO/AIA/81) on behalf of **all** joint inventor-applicants.

See 37 CFR 1.4(d) for the manner of making signatures and certifications.

Signature	/Tina Chen/			Date (YYYY-MM-DD)	2016-09-16
First Name	Tina	Last Name	Chen	Registration Number	44606

Additional Signature may be generated within this form by selecting the Add button. Add

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Application Data Sheet 37 CFR 1.76	Attorney Docket Number	HMG1P008D1
	Application Number	
Title of Invention	EATING UTENSIL SYSTEM	

This collection of information is required by 37 CFR 1.76. 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 23 minutes to complete, including gathering, preparing, and submitting the completed application data sheet 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.**

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 the Freedom of Information Act requires disclosure of these records.

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 CooperationTreaty.

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 inspections 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.

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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.

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: Christopher A. Miksovsky

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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LEGAL NAME OF INVENTOR

Inventor: Clint N. SLONE Date (Optional): 3/18/2014

Signature: Clint Slone

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LEGAL NAME OF INVENTOR

Inventor: Evelyne CHAUBERT Date (Optional): 3/13/2014

Signature: _____

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LEGAL NAME OF INVENTOR

Inventor: Charlie NGHIEM Date (Optional): 3/13/2014

Signature: Charlie

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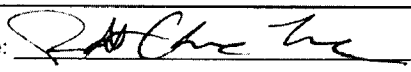
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LEGAL NAME OF INVENTOR

Inventor: Robert Charles LANE Date (Optional): 3/13/2014

Signature: 

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LEGAL NAME OF INVENTOR

Inventor: Jonathan Paul DOWNING Date (Optional): 03/13/14

Signature: _____

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EATING UTENSIL SYSTEM

CROSS-REFERENCE TO RELATED APPLICATIONS

[0001] This application is a Divisional of U.S. Application No. 14/204,497, filed on March 11, 2014, which is related to U.S. Design Application No. 29/484,447, filed on March 10, 2014, both of which are incorporated herein by reference in their entirety.

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 140 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. An eating utensil, comprising:

a fork having a handle connected to a head portion including plurality of tines; and

a spoon having a substantially pentagonal bowl portion having substantially flat side and end edges, the spoon having a handle with a proximal end connected to a proximal end of the handle of the fork.

2. The eating utensil as recited in claim 1, wherein the fork and spoon are integrally formed.

3. The eating utensil as recited in claim 1, wherein the chamfered edge tapers to a point where the handle of the fork is connected to the head portion of the fork.

4. The eating utensil as recited in claim 1, wherein the handle of the spoon has a chamfered outer edge.

5. The eating utensil as recited in claim 1, wherein the eating utensil is formed of a glass reinforced thermoplastic material.

6. The eating utensil as recited in claim 1, the head portion of the fork has at least one tine on a curved outer edge.

7. The eating utensil as recited in claim 6, wherein the at least one tine has a

chamfered outer edge along substantially its entire length.

8. An eating utensil, comprising:

a handle having a first end and a second end;

a first head portion attached to the first end of the handle, wherein the first head portion comprises a plurality of tines, wherein at least one of the plurality of tines has a chamfered curved outer edge along substantially its entire length; and

a second head portion attached to the second end of the handle, wherein the second head portion comprises a bowl of a spoon, the bowl having a substantially pentagonal shape.

9. The eating utensil as recited in claim 8, wherein the handle, the first head portion, and the second head portion are integrally formed.

10. The eating utensil as recited in claim 8, wherein the handle has at least one chamfered side edge.

11. The eating utensil as recited in claim 8, wherein the plurality of tines includes at least one central tine that is substantially straight.

12. The eating utensil as recited in claim 8, wherein the at least one of the plurality of tines has a substantially straight inner edge.

13. The eating utensil as recited in claim 8, wherein the eating utensil is formed of a glass reinforced thermoplastic material.

14. An eating utensil, comprising a fork including:

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.

15. The eating utensil as recited in claim 14, wherein the chamfered edge spans an entire width of the outer tine at a distal tip of the outer tine.

16. The eating utensil as recited in claim 14, wherein the fork has two outer tines, each having a curved chamfered outer edge.

17. The eating utensil as recited in claim 14, wherein the eating utensil further comprises a spoon having a handle integrally formed with the handle portion of the fork.

18. The eating utensil as recited in claim 17, wherein the handle of the spoon has at least one chamfered side edge.

19. The eating utensil as recited in any of claim 17, wherein the spoon has a bowl with a substantially flat side edge.

20. The eating utensil as recited in claim 19, wherein the bowl has substantially pentagonal shape.

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.

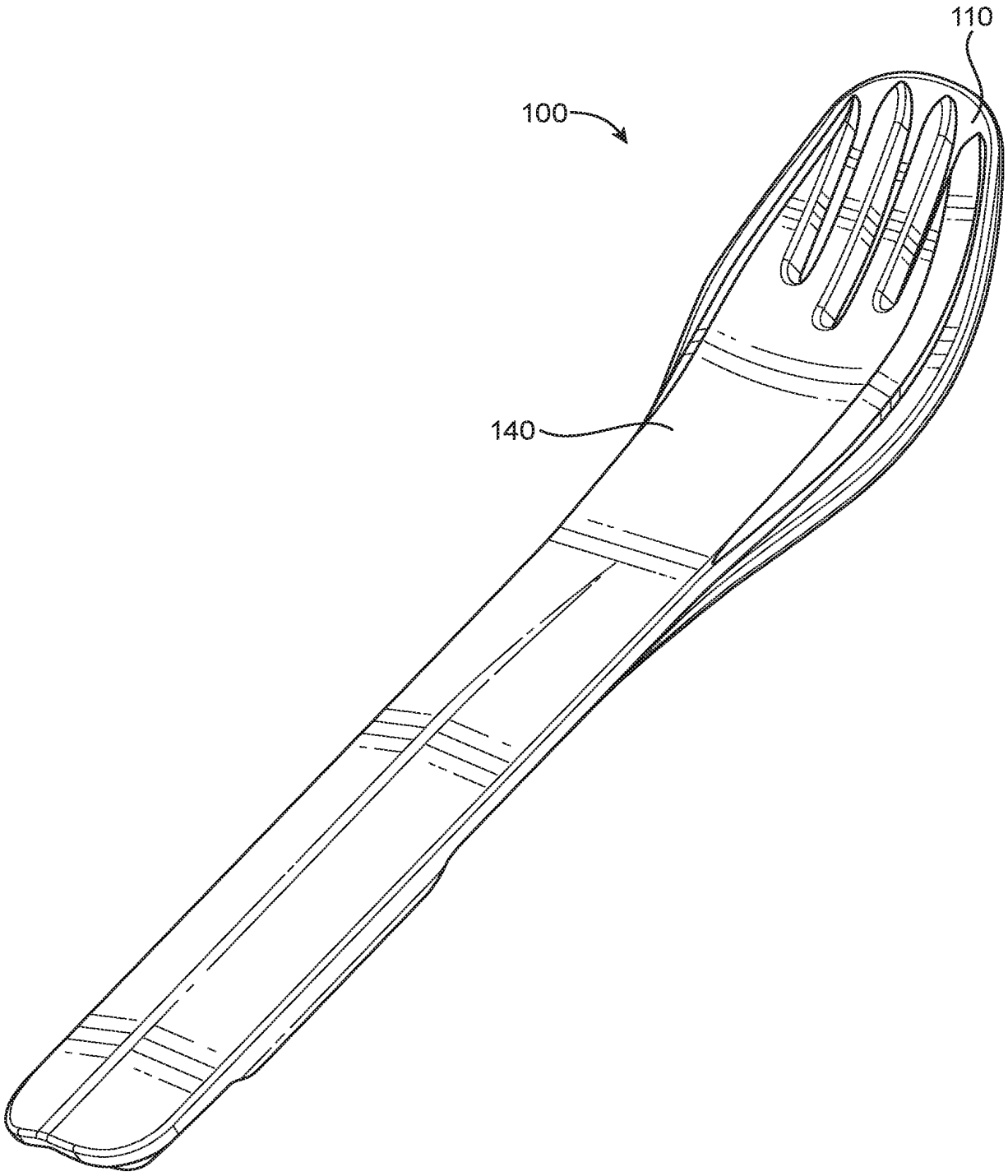


FIG. 1A

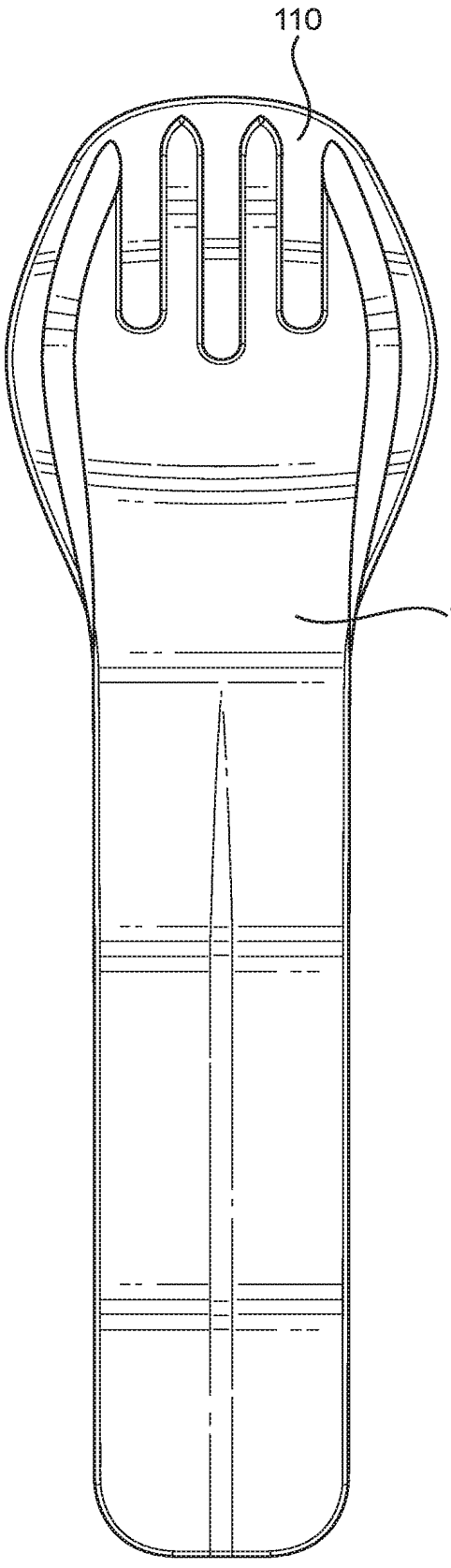


FIG. 1B

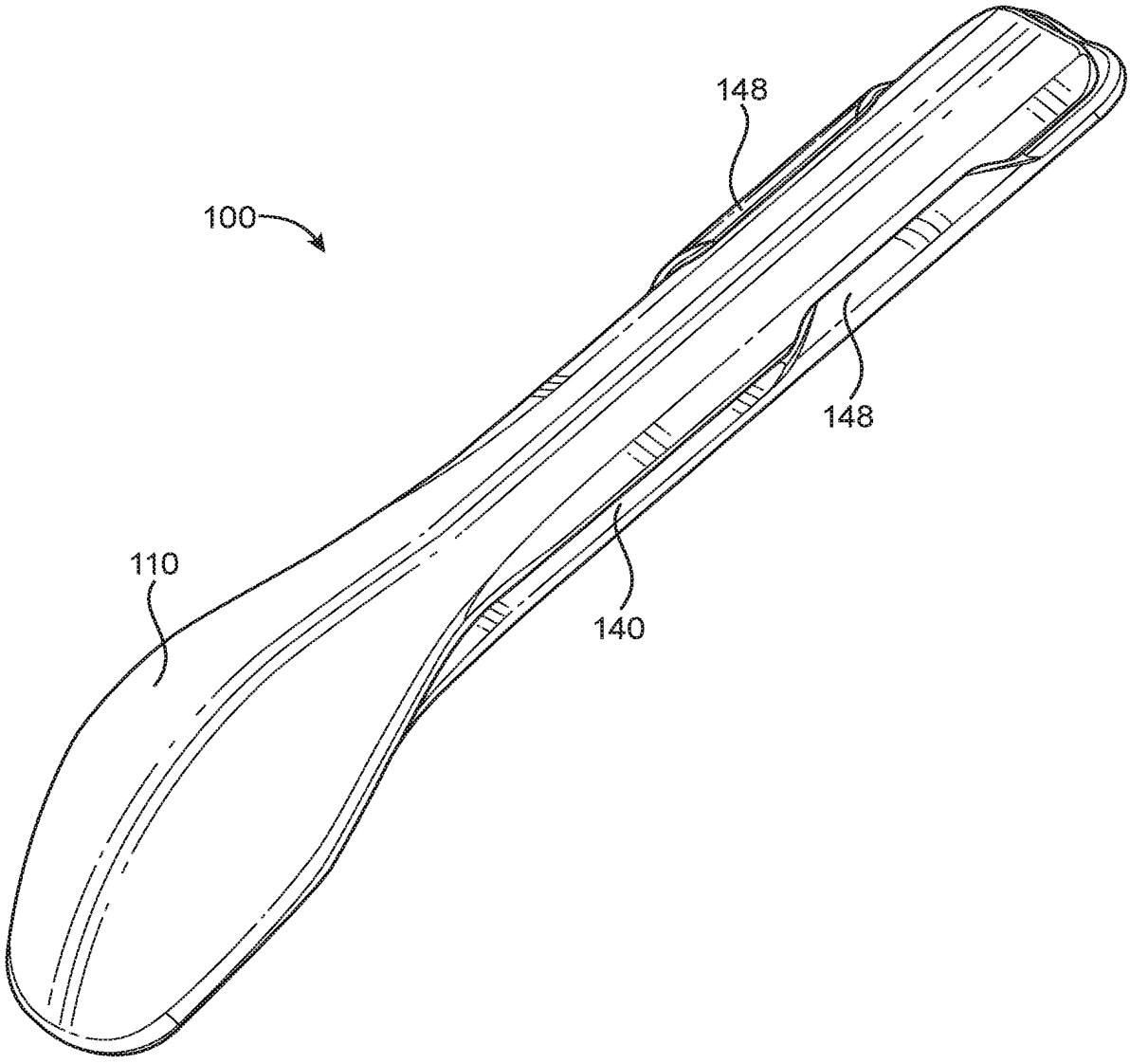


FIG. 2A

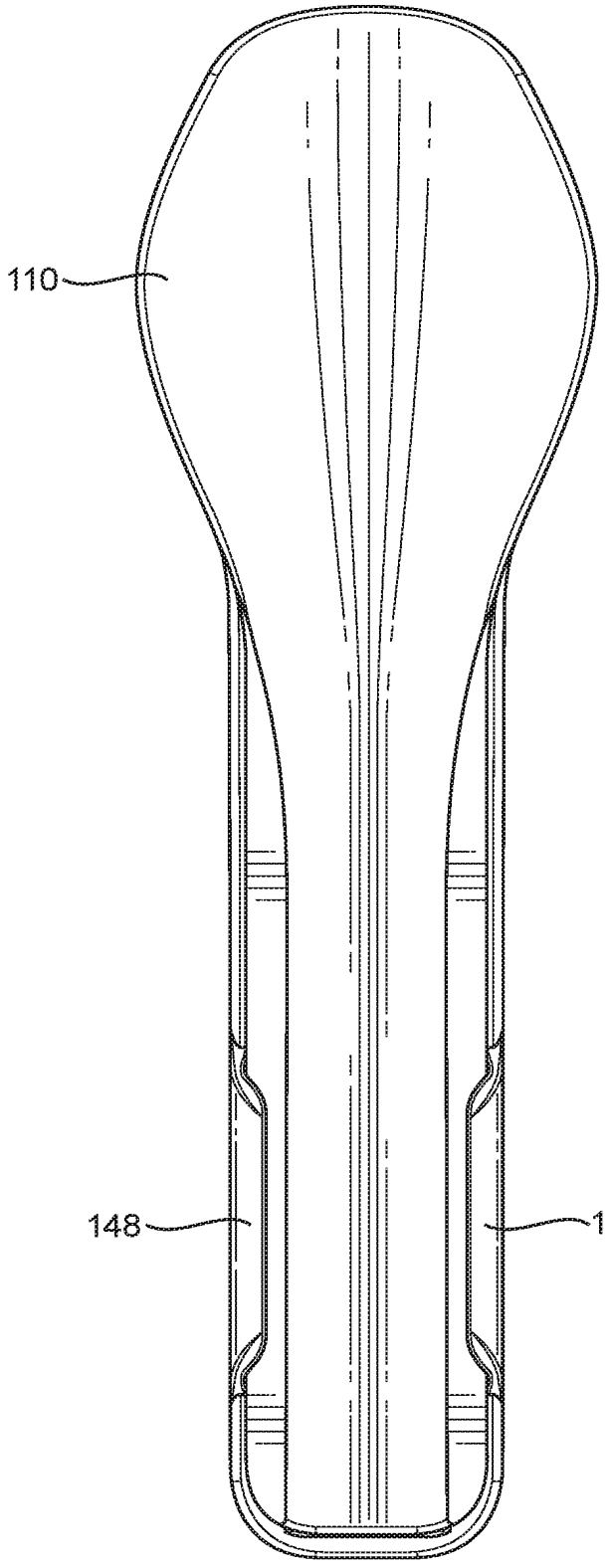


FIG. 2B

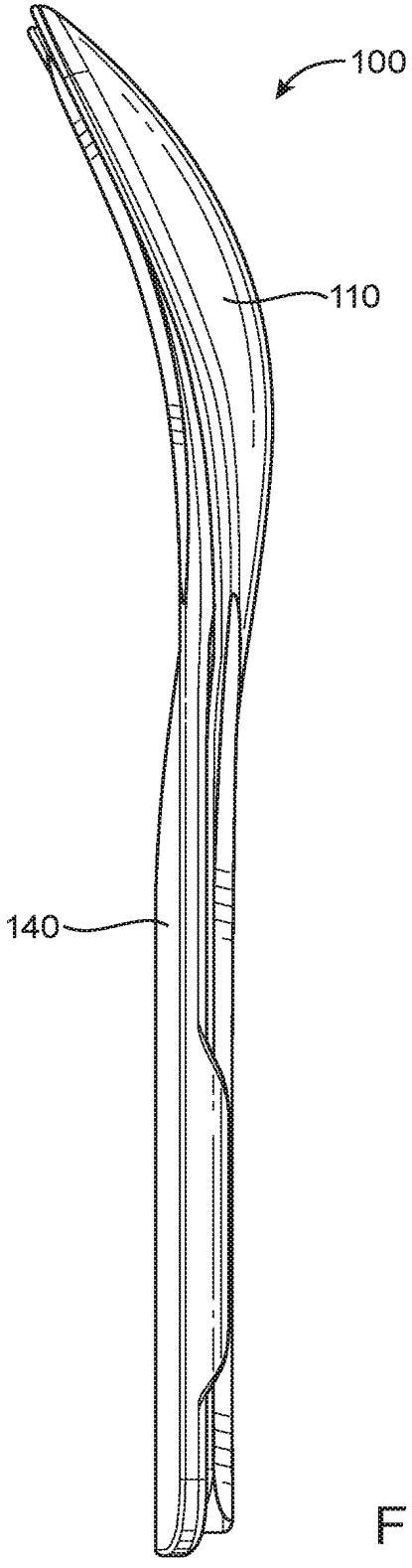


FIG. 3

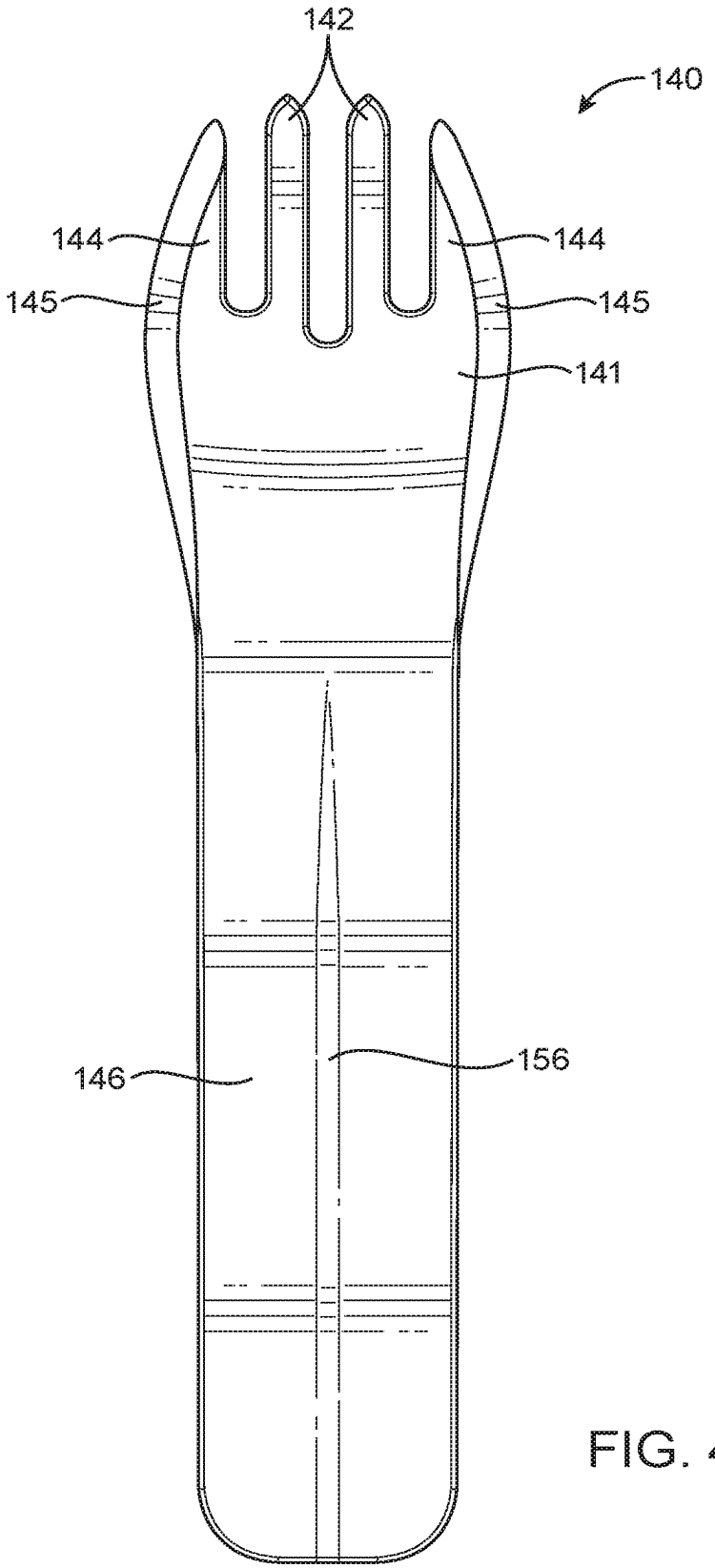


FIG. 4A

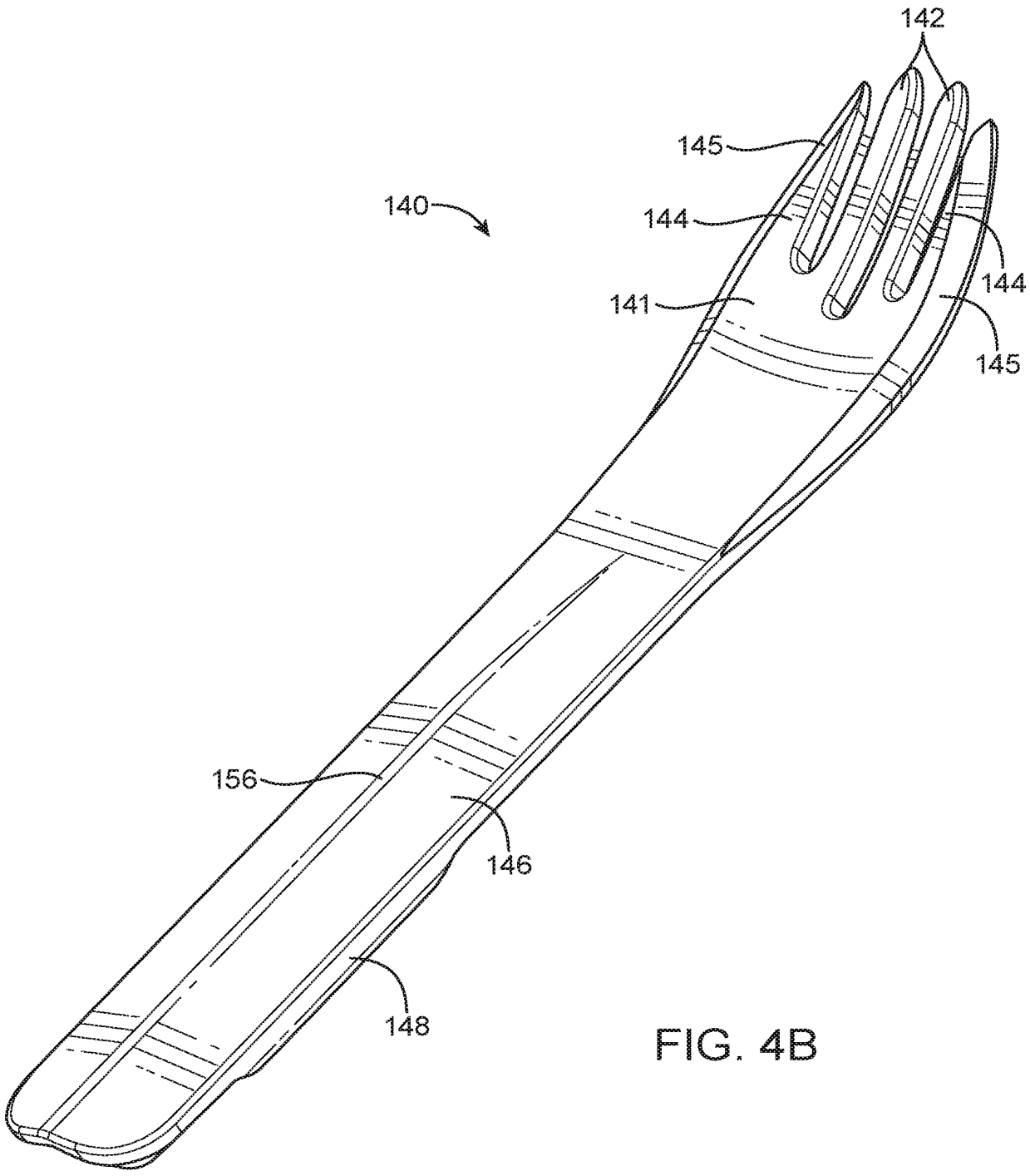


FIG. 4B

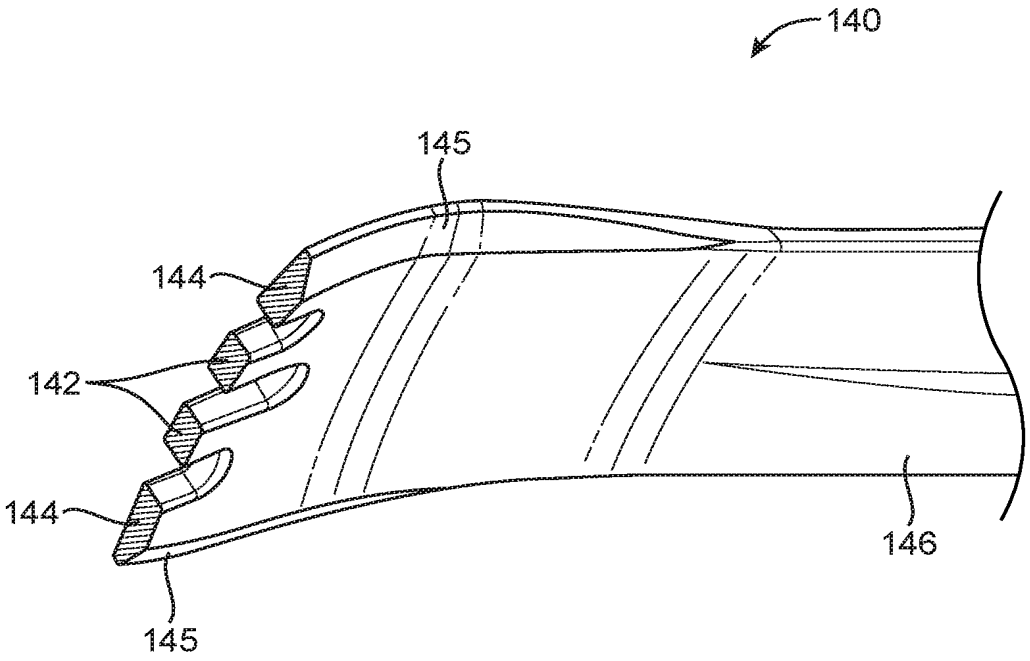


FIG. 4C

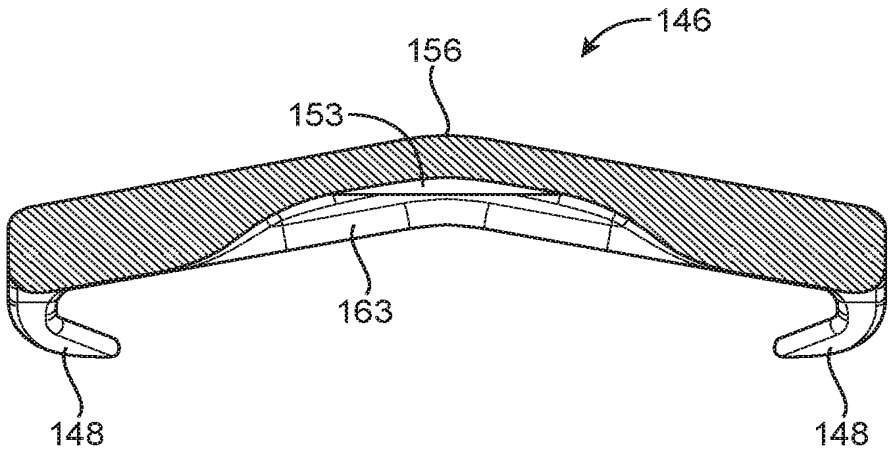


FIG. 4D

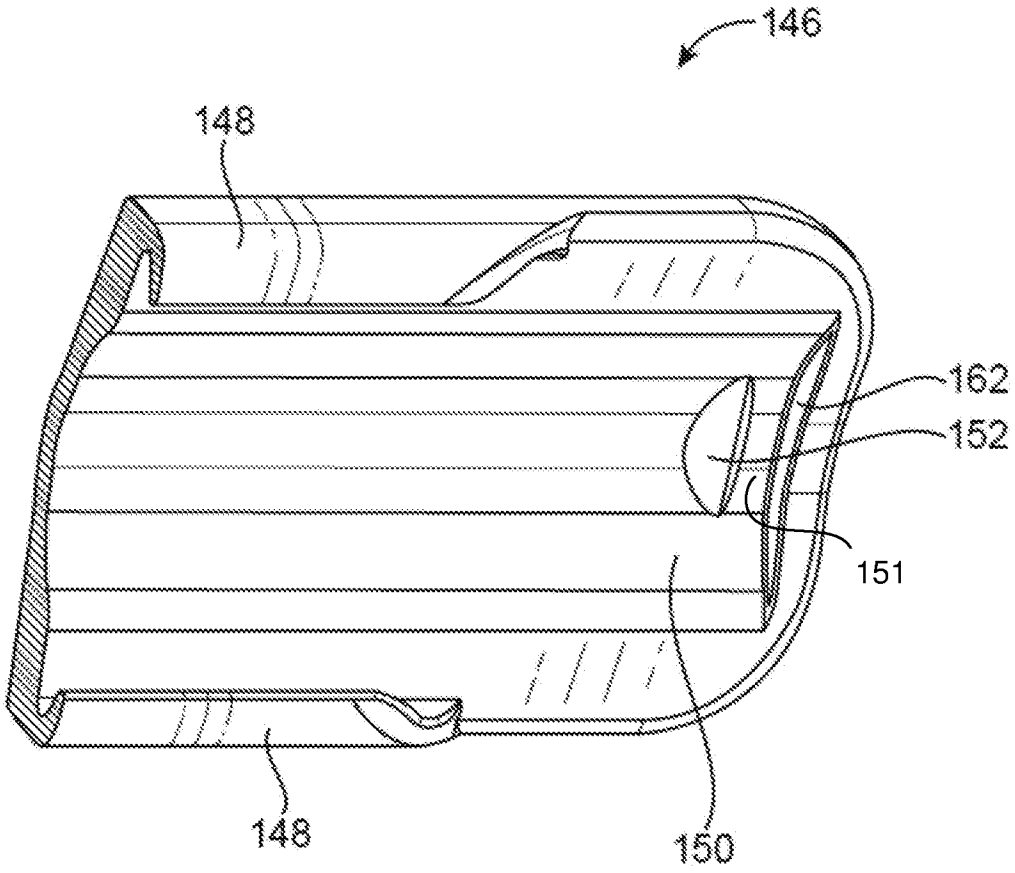


FIG. 4E

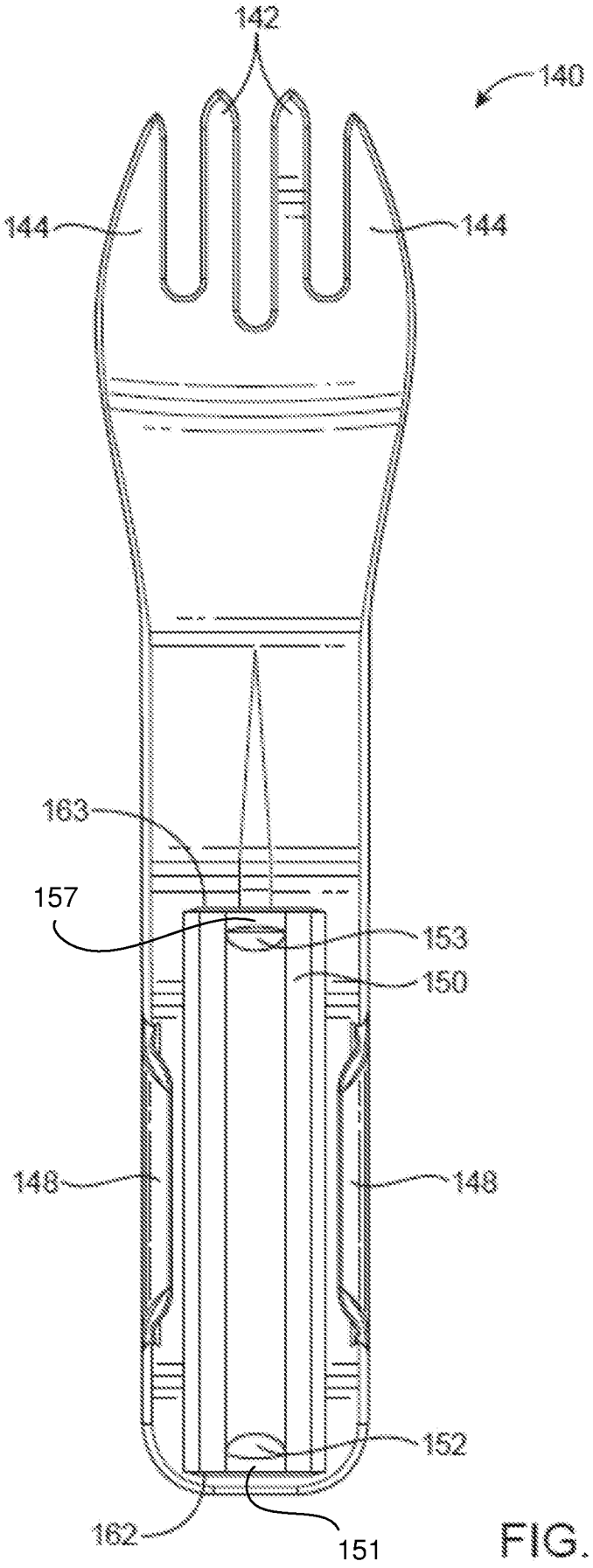


FIG. 4F

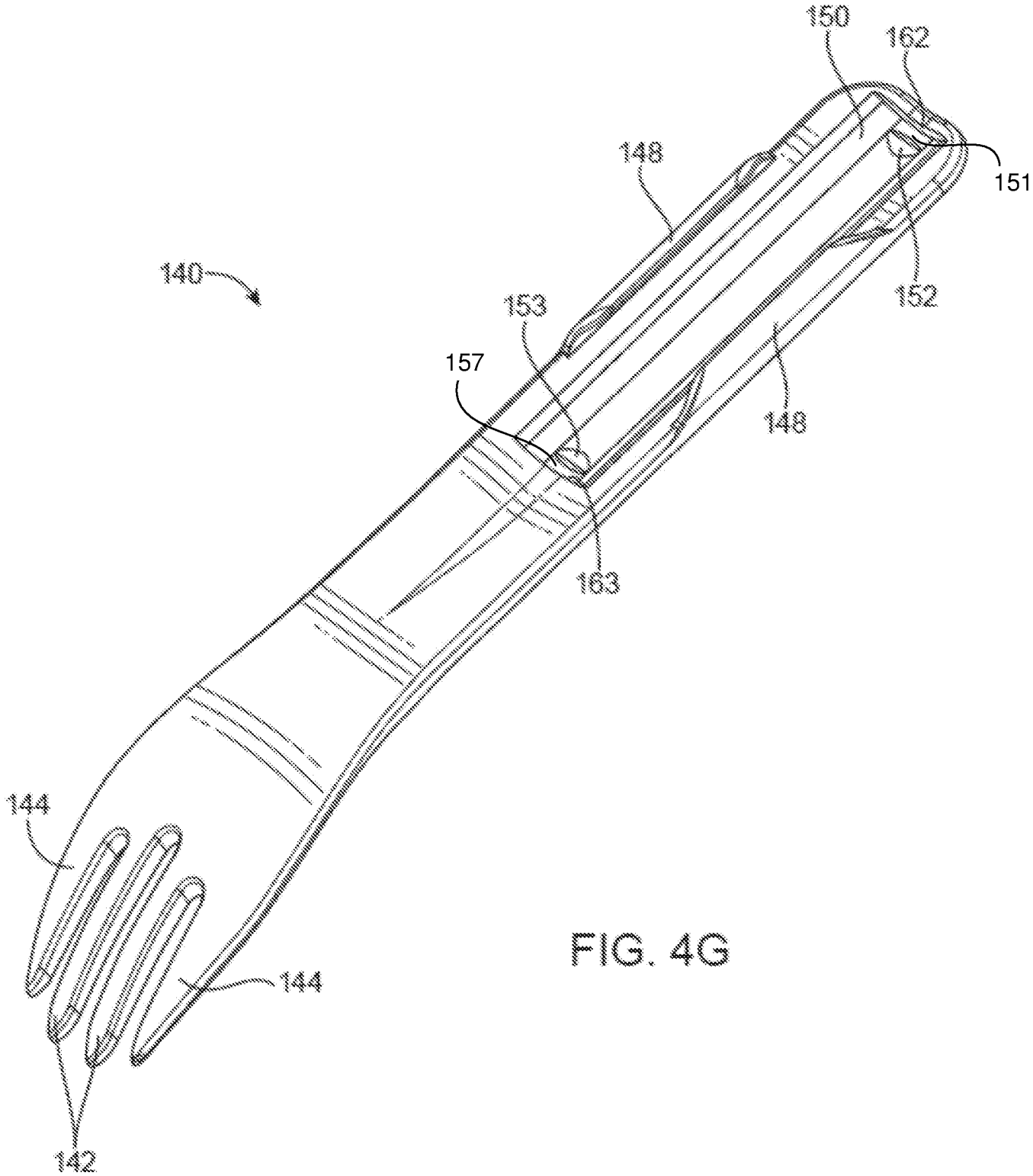


FIG. 4G

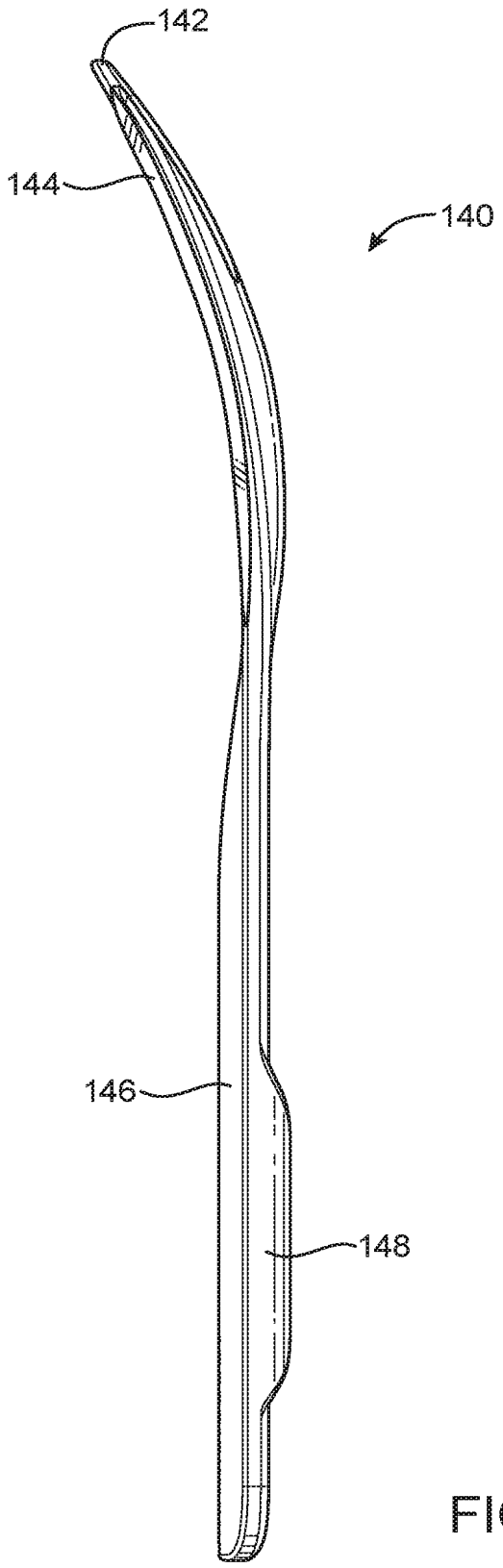


FIG. 4H

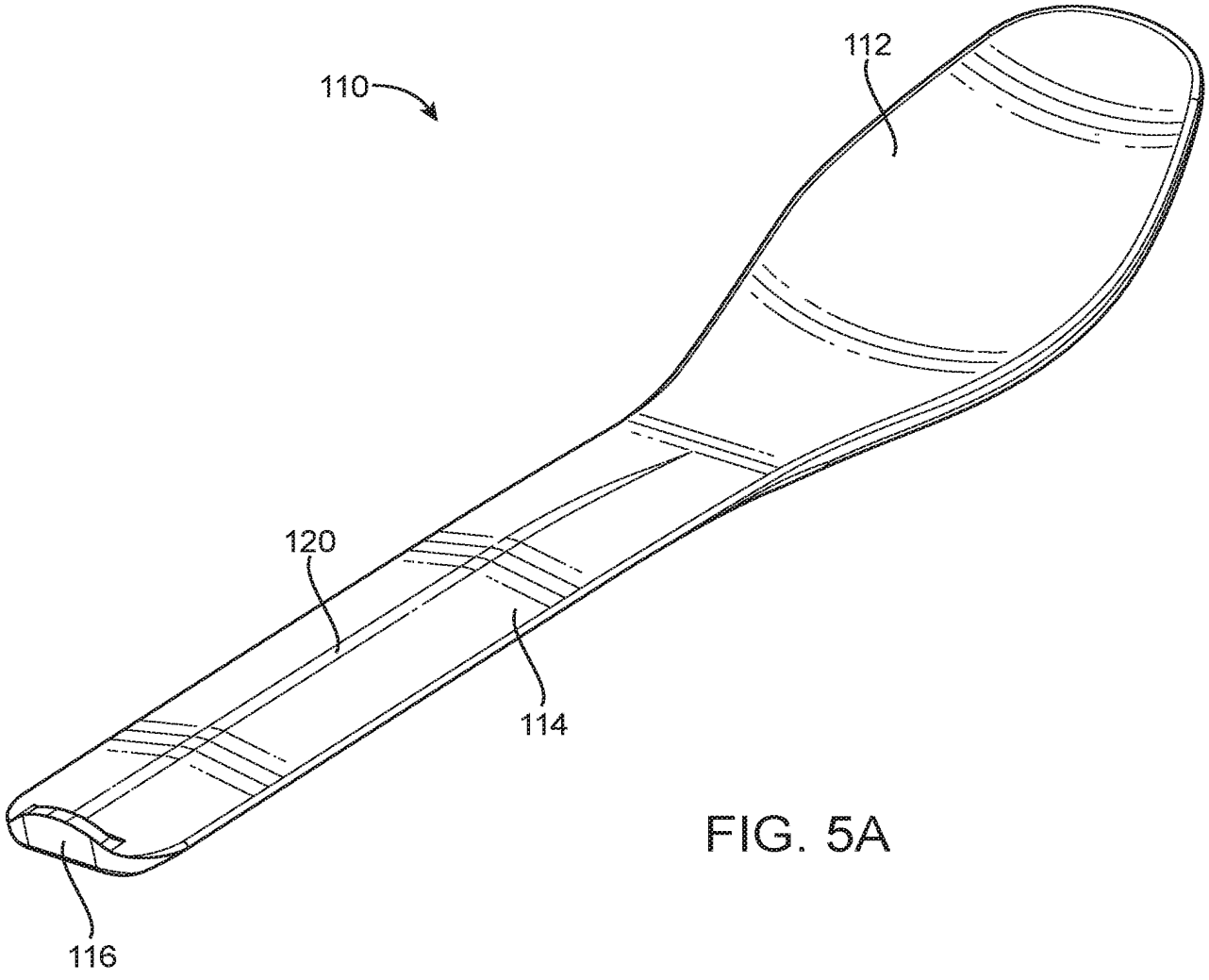


FIG. 5A

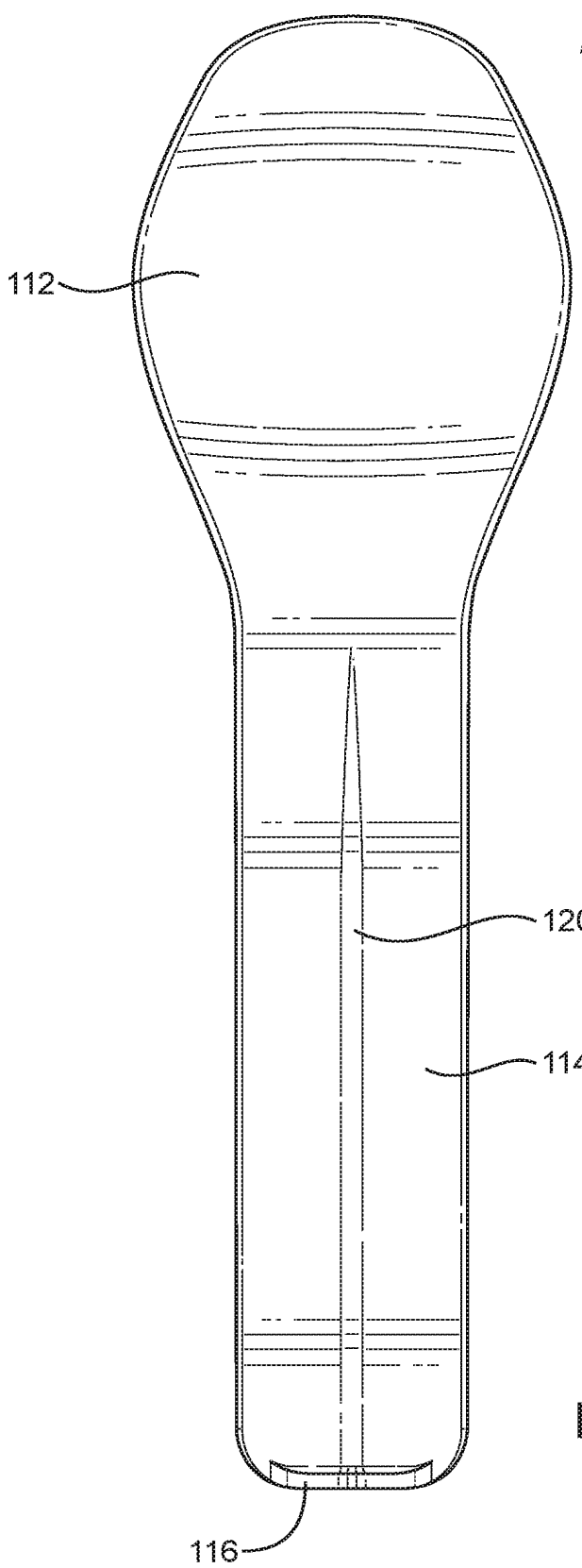


FIG. 5B

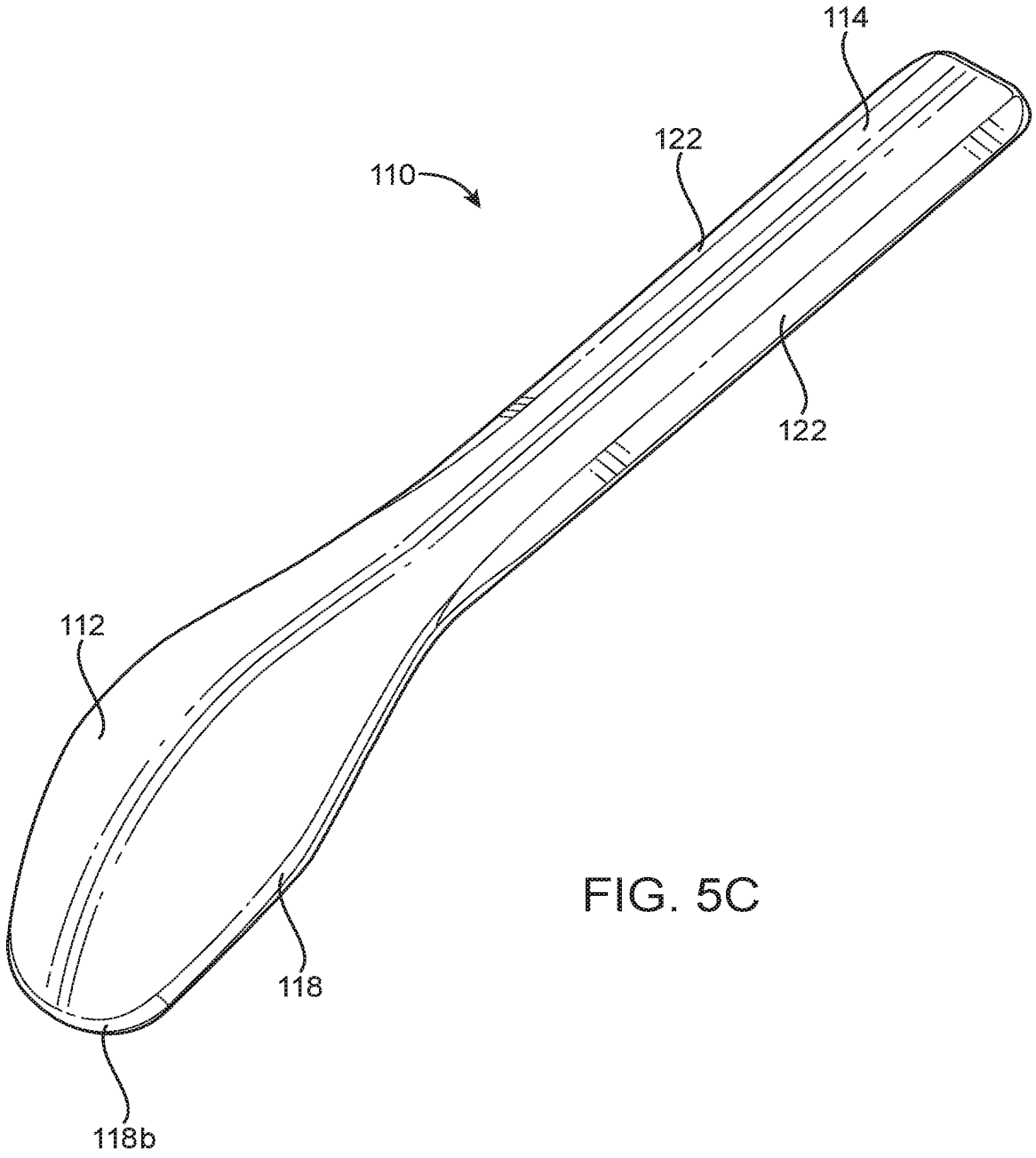


FIG. 5C

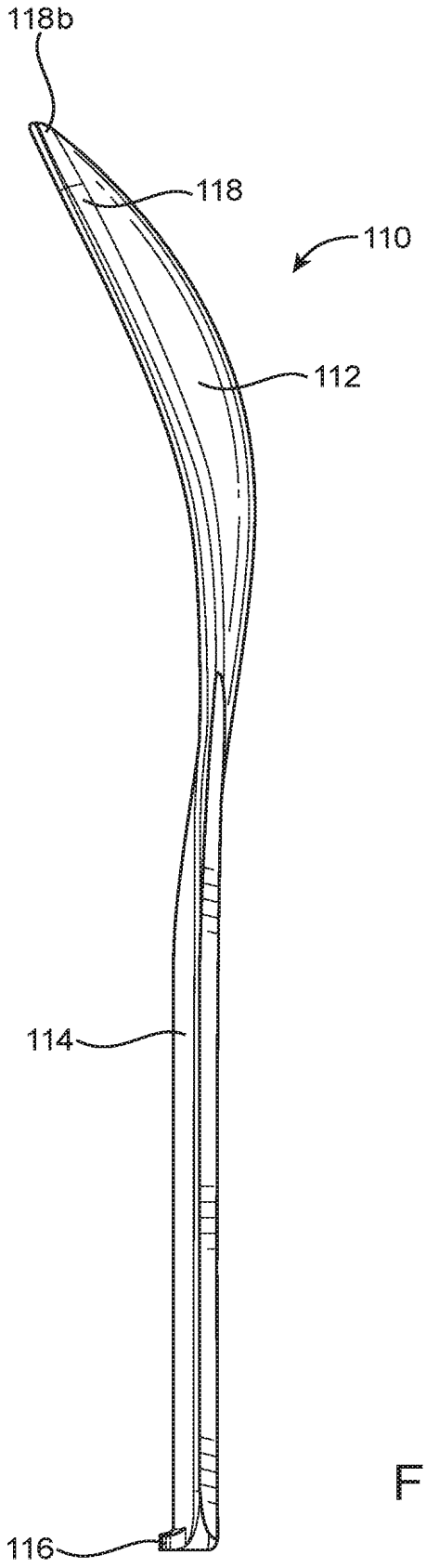


FIG. 5D

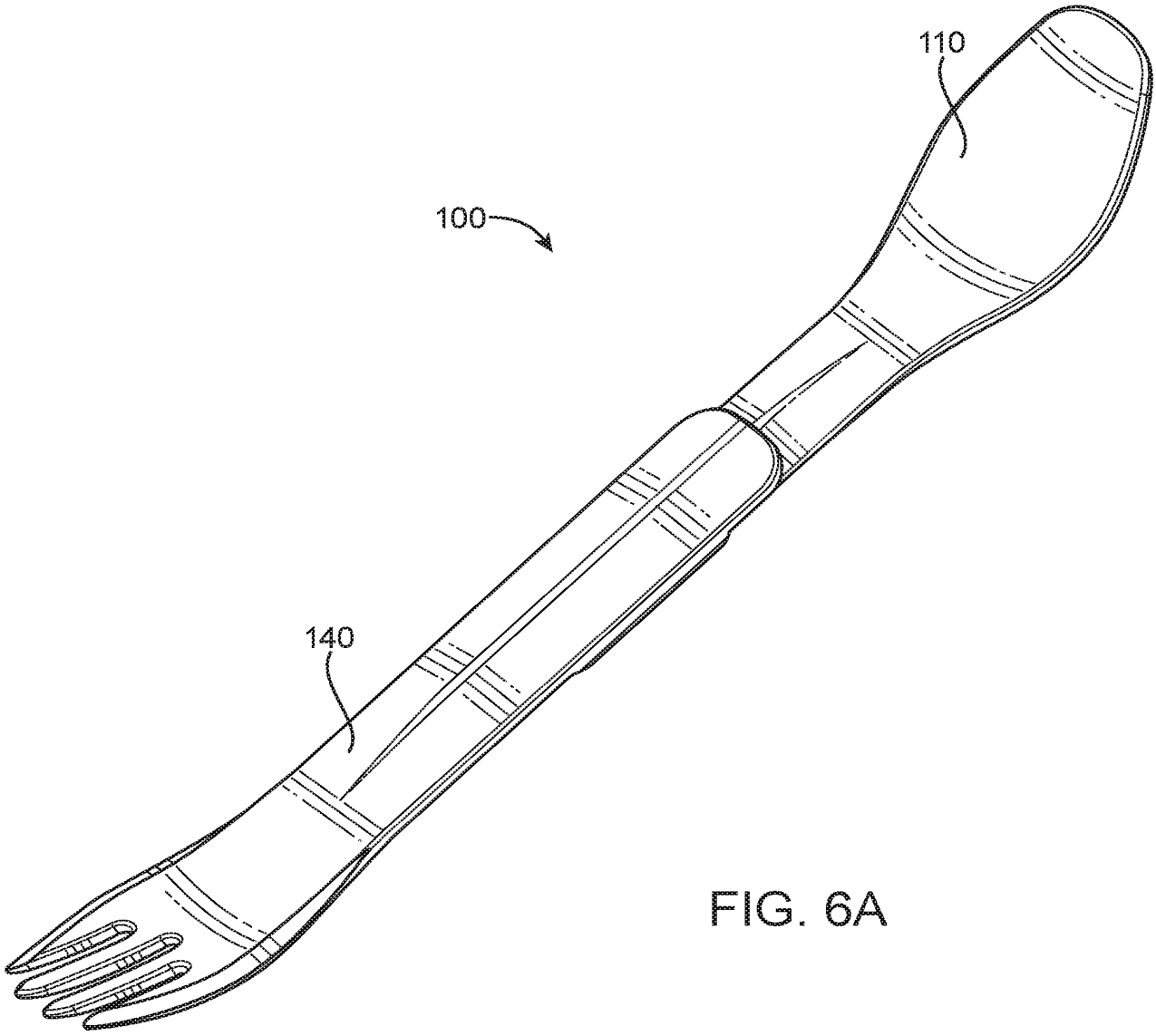


FIG. 6A

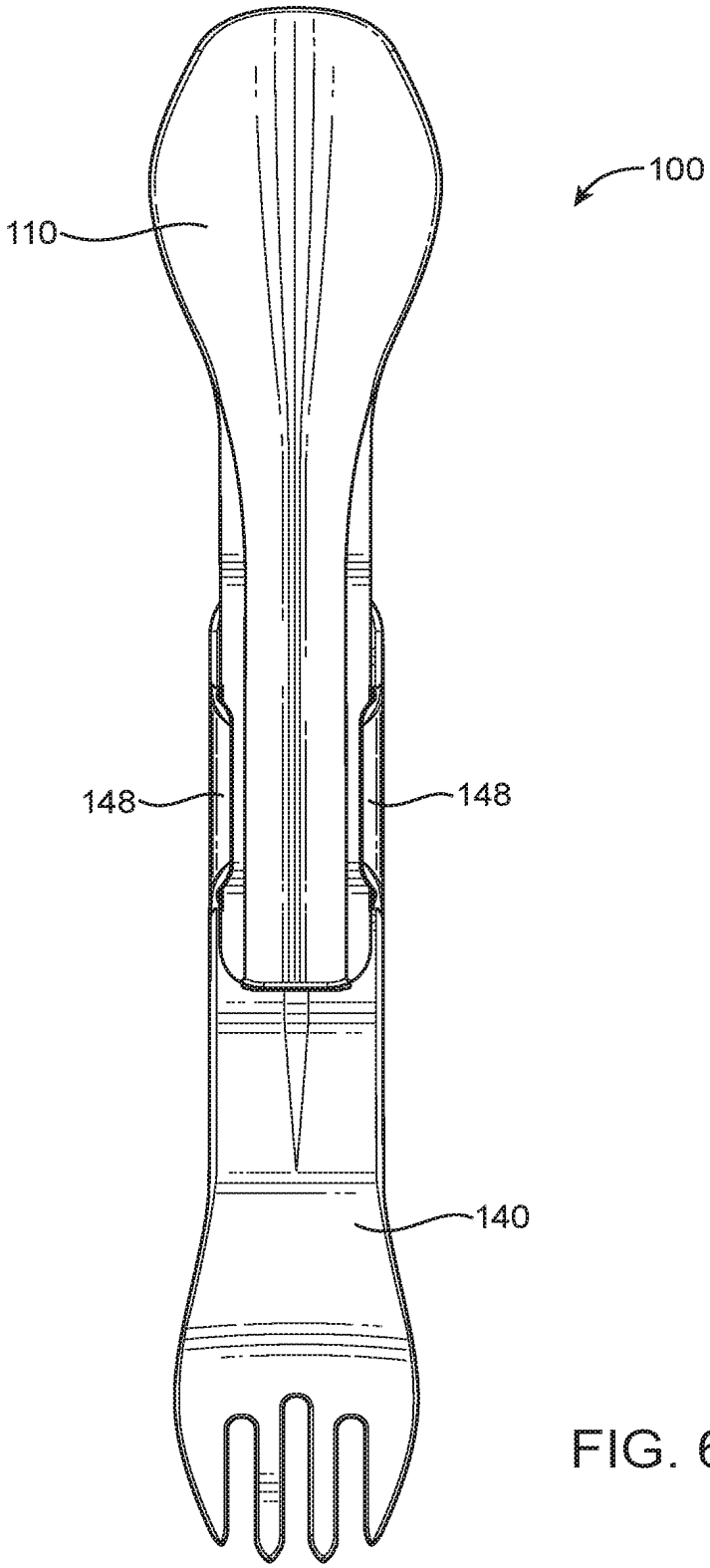


FIG. 6B

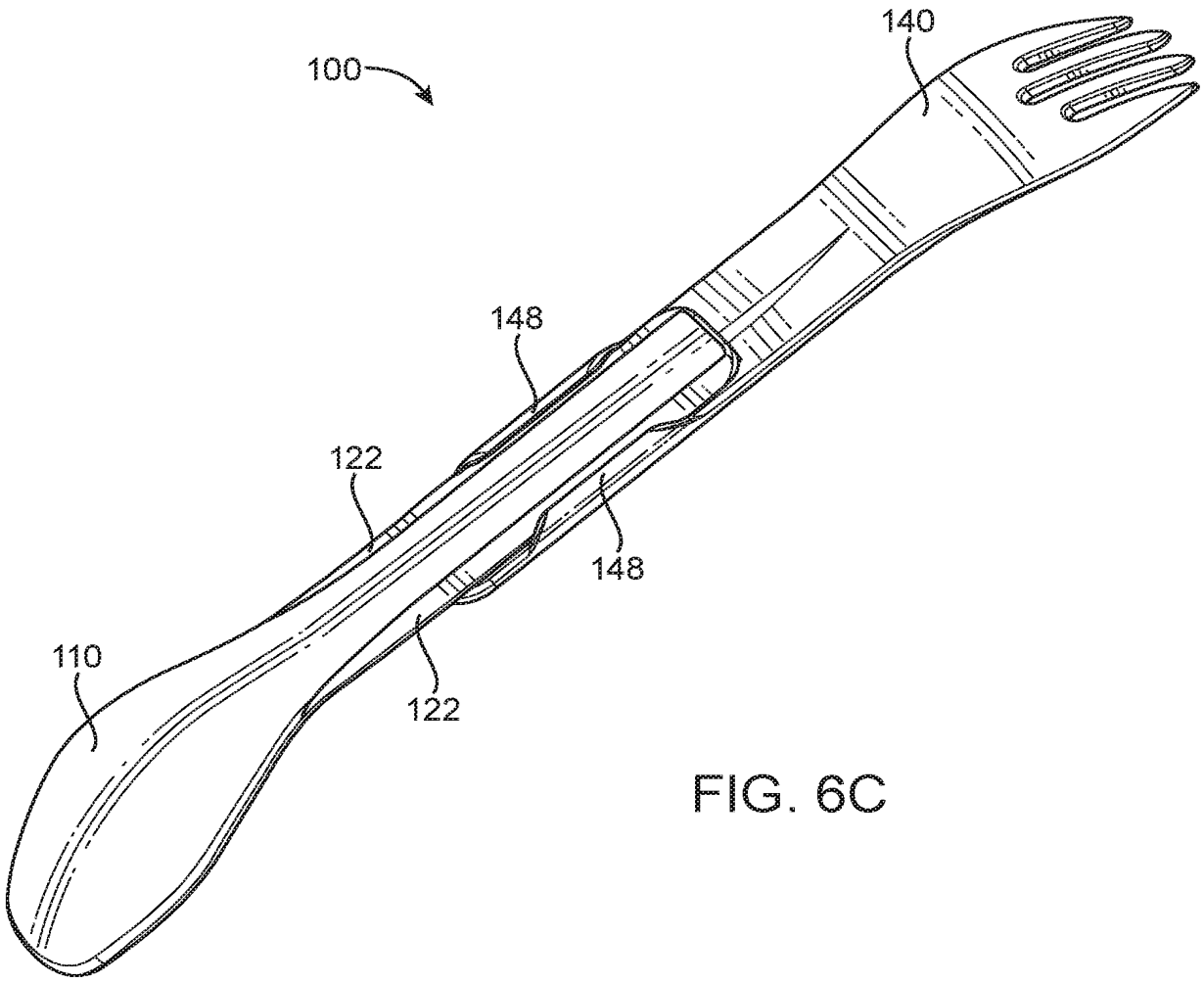


FIG. 6C

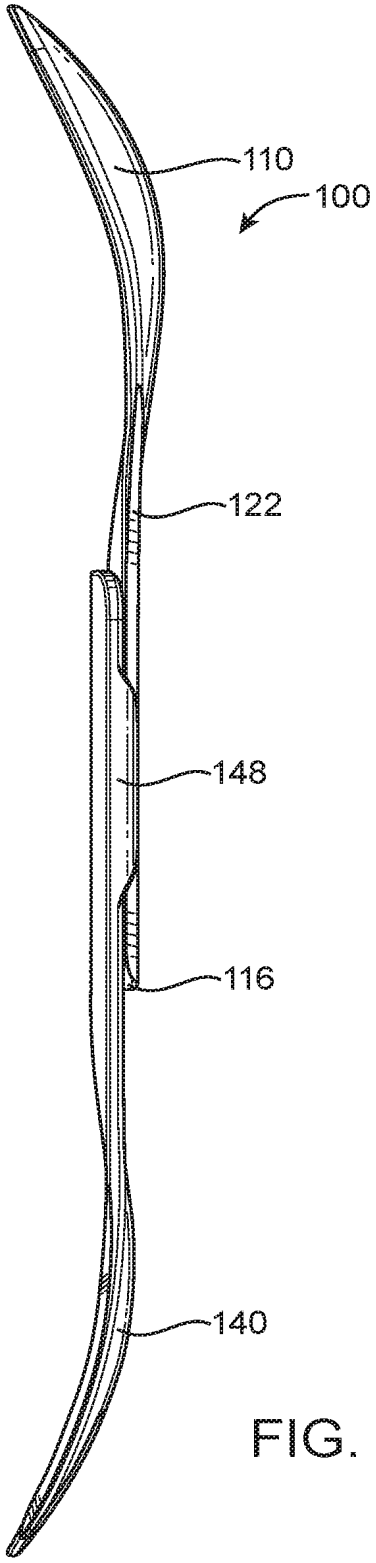


FIG. 6D

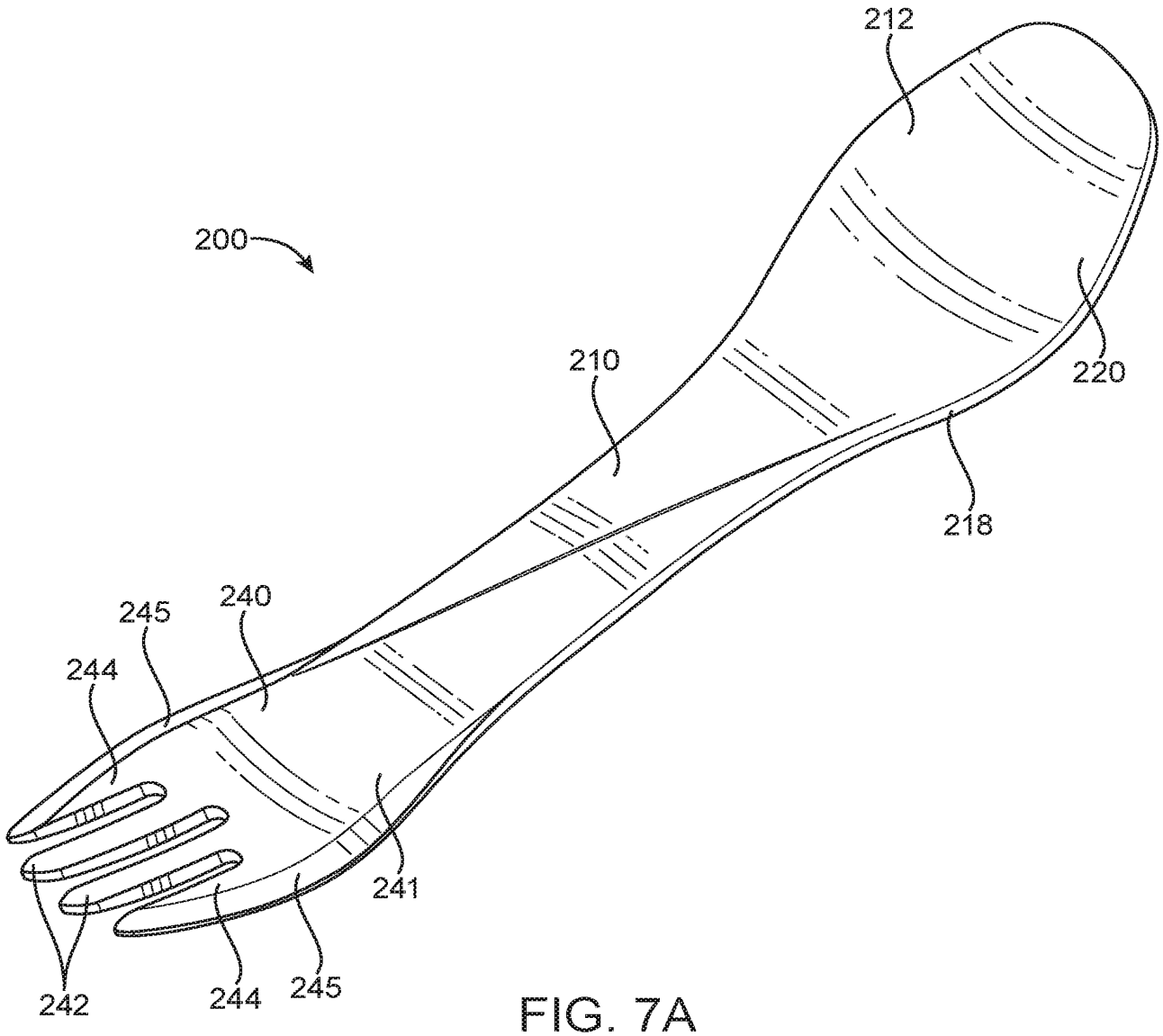


FIG. 7A

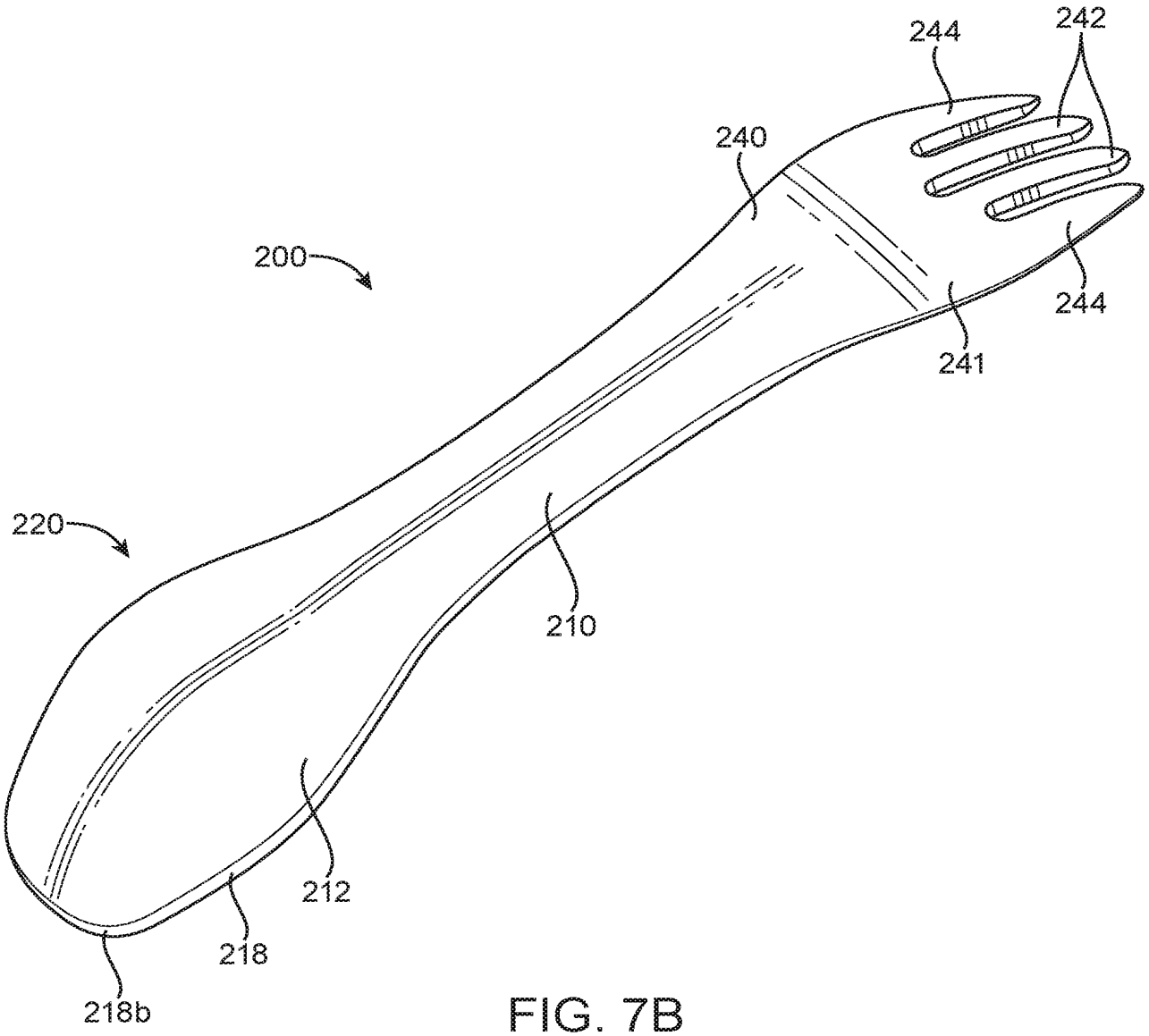


FIG. 7B

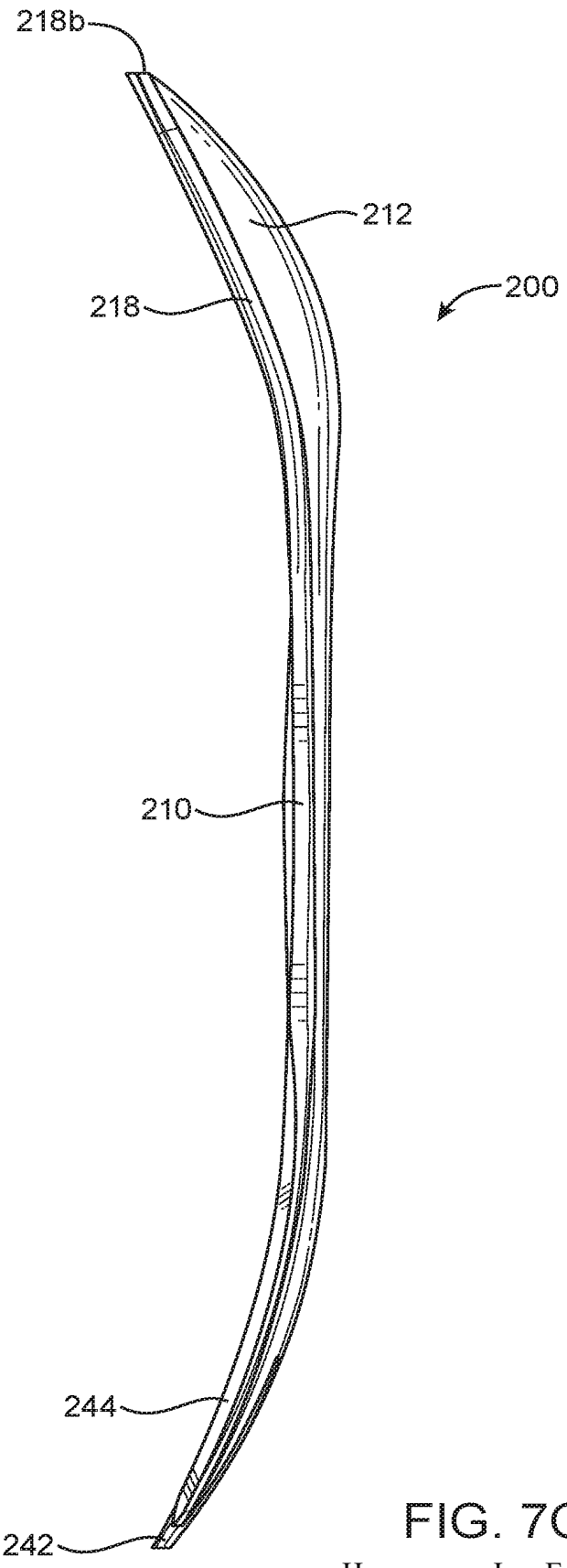


FIG. 7C

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: MIKSOVSKY et al.	Attorney Docket No.: HMG1P008D1
Application No.: Unassigned	Examiner: Unassigned
Filed: Herewith	Group: Unassigned
Title: EATING UTENSIL SYSTEM	Confirmation No.: Unassigned

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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 September 16, 2016.

Signed: _____/Cara Romero/_____
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) listed in the attached PTO Form 1449 may be material to examination of the above-identified patent application. Applicants submit a list of the identified 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. The above-identified application is a Divisional of prior application U.S. Patent Application No. 14/204,497. This prior application is being relied upon for an earlier filing date under 35 U.S.C. § 120. Because the listed reference(s) were either cited by the PTO, or submitted to the PTO in the prior application, under 37 CFR § 1.98(d) Applicants submit that copies need not be provided.

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

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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. HMG1P008D1).

Respectfully submitted,
BEYER LAW GROUP LLP

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