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NOTICE OF ALLOWANCE AND FEE(S) DUE

27752 7590 12/04/2017
THE PROCTER & GAMBLE COMPANY
Global IP Services
Central Building, C9
One Procter and Gamble Plaza
CINCINNATI, OH 45202

EXAMINER

TENTONI, LEO B

ART UNIT

PAPER NUMBER

1742

DATE MAILED: 12/04/2017

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
14/475,699	09/03/2014	Steven Lee BARNHOLTZ	10859C	8298
TITLE OF INVENTION: PROCESS FOR MAKING FIBROUS STRUCTURES				

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	UNDISCOUNTED	\$960	\$0	\$0	\$960	03/05/2018

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

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

HOW TO REPLY TO THIS NOTICE:

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

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

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

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

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

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

IMPORTANT REMINDER: Maintenance fees are due in utility patents issuing on applications filed on or after Dec. 12, 1980. It is patentee's responsibility to ensure timely payment of maintenance fees when due. More information is available at www.uspto.gov/PatentMaintenanceFees.

PART B - FEE(S) TRANSMITTAL

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

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

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

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

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Certificate of Mailing or Transmission

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

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
14/475,699	09/03/2014	Steven Lee BARNHOLTZ	10859C	8298

TITLE OF INVENTION: PROCESS FOR MAKING FIBROUS STRUCTURES

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	UNDISCOUNTED	\$960	\$0	\$0	\$960	03/05/2018

EXAMINER	ART UNIT	CLASS-SUBCLASS
TENTONI, LEO B	1742	264-131000

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

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

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

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

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

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

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

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

- ☐ Issue Fee
- ☐ Publication Fee (No small entity discount permitted)
- ☐ Advance Order - # of Copies _____

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

- ☐ A check is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The director is hereby authorized to charge the required fee(s), any deficiency, or credits any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

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

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

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

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

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

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

Authorized Signature _____

Date _____

Typed or printed name _____

Registration No. _____



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Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)

(Applications filed on or after May 29, 2000)

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

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

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

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

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

The information collected by PTOL-85 Part B is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450. Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Privacy Act Statement

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

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

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

Notice of Allowability	Application No. 14/475,699	Applicant(s) BARNHOLTZ et al.	
	Examiner LEO B TENTONI	Art Unit 1742	AIA Status No

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

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

1. ☒ This communication is responsive to remarks of 10 November 2017 .
☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on ____ .
2. ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on ____; the restriction requirement and election have been incorporated into this action.
3. ☒ The allowed claim(s) is/are 1,3-4 and 6-20 . As a result of the allowed claim(s), you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information , please see http://www.uspto.gov/patents/init_events/pph/index.jsp or send an inquiry to **PPHfeedback@uspto.gov**.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

Certified copies:

a) ☐ All b) ☐ Some *c) ☐ None of the:

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

* Certified copies not received: ____ .

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

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____ .
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892) 2. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date ____ 3. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material ____ 4. ☐ Interview Summary (PTO-413), Paper No./Mail Date. ____ .	5. ☐ Examiner's Amendment/Comment 6. ☐ Examiner's Statement of Reasons for Allowance 7. ☐ Other ____ .
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/LEO B TENTONI/
Primary Examiner, Art Unit 1742

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 14/475,699
Inventor(s) : Steven Lee Barnholtz *et al.*
Filed : September 3, 2014
Art Unit : 1742
Examiner : Leo B. Tentoni
Docket No. : 10859C
Confirmation No. : 8298
Customer No. : 27752
Title : Process for Making Fibrous Structures

REPLY

This is in response to the Office Action mailed August 28, 2017. Please consider the following remarks and reconsider the application.

Authorization is hereby given to charge, any fees that may be required, or credit any overpayment, to Deposit Account No. 16-2480 in the name of The Procter & Gamble Company.

Remarks begin on page 2 of this paper.

Appl. No. 14,475,699
Docket No. 10859C
Reply dated November 10, 2017
Reply to Office Action mailed August 28, 2017
Customer No. 27752

REMARKS

Claim Status

Applicants thank the Examiner for the telephonic interview on October 10, 2017 in which both Chhabra and Schwarz references were discussed with Applicants' legal representative, C. Brant Cook, the first-named inventor, Steven Barnholtz, and the first-named inventor of the Chhabra, Rajeev Chhabra.

Claims 1, 3-4 and 6-20 are pending in the present application. No additional claims fee is believed to be due.

Rejection Under 35 USC 103

Claims 1, 3, 4 and 6-20 are rejected under pre-AIA 35 U.S.C. 103(a) as allegedly defining obvious subject matter over Chhabra, et al. (US 2005/0266760 A1) ("Chhabra") in combination with Schwarz (US 5,476,616 A) ("Schwarz"). The Examiner asserts that Chhabra teaches a process of making a fibrous structure, including the steps of (b) combining a first plurality of first filaments with solid additives to form a mixture; (c) collecting the mixture on a collection device to produce a formed fibrous structure; and (d) adding a layer of second filaments to at least one surface of the formed fibrous structure. The Examiner recognizes that Chhabra does not explicitly teach the step of (a) producing a plurality of first filaments including a first polymer from a die. The Examiner asserts that Schwarz teaches a process of making fibrous structures, including the step of producing a plurality of first filaments including a first polymer from a die. The Examiner concludes that it would have been obvious to one of ordinary skill in the art at the time the invention was made to produce a plurality of first filaments including a first polymer from a die in the process of Chhabra in view of Schwarz in order to manufacture a fibrous structure having desired characteristics and/or properties.

Applicants respectfully submit that Chhabra in view of Schwarz fails to teach each and every element of Claim 1, the independent claim, because Chhabra in view of Schwarz, at a minimum, fails to teach meltblowing a plurality of filaments, wherein each filament is produced from a single filament-forming hole and collecting the first filaments and solid additives onto a collection device. Applicants respectfully submit that Chhabra requires a

Appl. No. 14,475,699
Docket No. 10859C
Reply dated November 10, 2017
Reply to Office Action mailed August 28, 2017
Customer No. 27752

central fluid stream to form an elongated hollow polymeric film tube produced from a single nozzle, which is then fibrillated (broken into smaller fibers as shown in Chhabra Fig. 1 such that a plurality of the smaller fibers are produced from a single nozzle rather than a single fiber being produced from a single nozzle or filament-forming hole). Chhabra Paragraph [0011].

Also, Applicants respectfully submit that Schwarz's teachings cannot properly be combined with Chhabra's teachings to arrive at the claimed invention; namely a method the comprises the step of externally attenuating filaments produced from a die. Applicants respectfully submit that if Chhabra's elongated hollow polymeric film tube was attenuated externally it would render Chhabra inoperable. Therefore, if Chhabra were to use Schwarz's teachings of attenuating its filaments via external attenuation it would render Chhabra's process inoperable. Further, Applicants respectfully submit that Chhabra doesn't even teach producing filaments from its die, as claimed in Claim 1, rather it teaches producing an elongated hollow polymeric film tube. Chhabra Paragraph [0011]. In support of this assertion that Schwarz cannot be properly combined with Chhabra, Rajeev Chhabra, the first named inventor on the Chhabra reference, provided verbal evidence during the telephonic interview on October 10, 2017 that Schwarz's die, as taught in Schwarz and from personal knowledge of working with Schwarz's die, could not achieve the velocities required to fibrillate the fibers produced by Schwarz's die nor Chhabra's die, and thus would render Chhabra inoperable because Chhabra requires fibrillation of its filaments. Accordingly, Applicants respectfully submit that Claim 1 is not rendered obvious over Chhabra in view of Schwarz. MPEP 2143.03. Further, Applicants respectfully submit that Claims 3, 4, and 6-20, which ultimately depend from Claim 1, are not rendered obvious over Chhabra in view of Schwarz. MPEP 2143.03.

Appl. No. 14,475,699
Docket No. 10859C
Reply dated November 10, 2017
Reply to Office Action mailed August 28, 2017
Customer No. 27752

CONCLUSION

This response represents an earnest effort to place the present application in proper form and to distinguish the invention as claimed from the applied references. In view of the foregoing, the Applicant respectfully requests the Examiner to reconsider this application and allow the pending claims.

Respectfully submitted,

THE PROCTER & GAMBLE COMPANY

By /C. Brant Cook/

C. Brant Cook

Registration No. 39,151

(513) 983-1004

Date: November 10, 2017
Customer No. 27752



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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EXAMINER

TENTONI, LEO B

ART UNIT	PAPER NUMBER
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1742

NOTIFICATION DATE	DELIVERY MODE
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10/13/2017

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):

centraldocket.im@pg.com
pair_pg@firsttofile.com
mayer.jk@pg.com

<i>Applicant-Initiated Interview Summary</i>	Application No. 14/475,699	Applicant(s) BARNHOLTZ ET AL.	
	Examiner Leo B. Tentoni	Art Unit 1742	

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

- (1) Leo B. Tentoni. (3) Steven L. Barnholtz (inventor).
 (2) C. Brant Cook Reg. No. 39,151. (4) Rajeev Chhabra (w/Proctor & Gamble).

Date of Interview: 10 October 2017.

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

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

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

Claim(s) discussed: 1,3,4 and 6-20.

Identification of prior art discussed: Chhabra et al (U.S. 2005/0266760 A1), Schwarz (U.S. 5,476,616 A).

Substance of Interview

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

Discussed that Chhabra et al is directed to fibrillation processes (i.e., wherein a force (e.g., attenuating gas) breaks up a filament into smaller fibers, while the instantly-claimed melt-blowing process is not directed to fibrillation. No agreement was reached as there is no formal response to the previous Office action. Examiner will consider timely-filed amendments and/or remarks.

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

/Leo B. Tentoni/
 Primary Examiner, Art Unit 1742

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 examiner's 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 applicant's 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 applicant's 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 examiner's 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 examiner's initials.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
14/475,699	09/03/2014	Steven Lee BARNHOLTZ	10859C	8298

27752 7590 08/28/2017
THE PROCTER & GAMBLE COMPANY
Global IP Services
Central Building, C9
One Procter and Gamble Plaza
CINCINNATI, OH 45202

EXAMINER

TENTONI, LEO B

ART UNIT	PAPER NUMBER
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1742

NOTIFICATION DATE	DELIVERY MODE
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08/28/2017

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):

centraldocket.im@pg.com
pair_pg@firsttofile.com
mayer.jk@pg.com

Office Action Summary	Application No. 14/475,699	Applicant(s) BARNHOLTZ ET AL.	
	Examiner Leo B. Tentoni	Art Unit 1742	AIA (First Inventor to File) Status No

-- 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 09 August 2017.
☐ 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) 1,3,4 and 6-20 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) 1, 3, 4 and 6-20 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) | 3) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) ☐ Information Disclosure Statement(s) (PTO/SB/08a and/or PTO/SB/08b)
Paper No(s)/Mail Date ____. | 4) ☐ Other: ____. |

Art Unit: 1742

1. The present application is being examined under the pre-AIA first to invent provisions.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 09 August 2017 has been entered.

Claim Rejections - 35 USC § 103

3. The following is a quotation of pre-AIA 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under pre-AIA 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point

Art Unit: 1742

out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of pre-AIA 35 U.S.C. 103(c) and potential pre-AIA 35 U.S.C. 102(e), (f) or (g) prior art under pre-AIA 35 U.S.C. 103(a).

5. Claims 1, 3, 4 and 6-20 is/are rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over Chhabra et al (U.S. Patent Application Publication 2005/0266760 A1) in combination with Schwarz (U.S. Patent 5,476,616 A).

Regarding claim 1, Chhabra et al (see the entire document, in particular, paragraphs [0002], [0005], [0006], [0010], [0011], [0015], [0021], [0023], [0034] and [0041] - [0043]) teaches a process of making a fibrous structure (see paragraphs [0002] and [0010] of Chhabra et al), including the steps of (a) melt-blowing (see paragraphs [0005], [0006] and [0023] of Chhabra et al) a plurality of first filaments (see paragraphs [0011] and [0023] of Chhabra et al) including a first polymer (see paragraph [0015] of Chhabra et al); (b) combining the plurality of first filaments with solid additives to form a mixture (see paragraph [0011] of Chhabra et al); (c) collecting the mixture of the first filaments and solid additives on a collection device to produce a formed fibrous structure (see paragraphs [0011] and [0034] of Chhabra et al); and (d) adding a layer of second filaments to at least one surface of the formed fibrous structure (see paragraphs [0042] and [0043] of Chhabra et al). Chhabra et al does not explicitly teach (1) the step of melt-blowing from a die including filament-

Art Unit: 1742

forming holes, or (2) wherein the first filaments are single filaments each produced from a single filament-forming hole, wherein the first filaments are externally attenuated. Schwarz (see the entire document, in particular, col. 1, lines 20-28; col. 2, lines 15-52; claim 1; Figures 1, 2A, 2B, 3 and 4) teaches a process of making a fibrous structure (see claim 1, line 5 ("to form a non-woven mat") of Schwarz), including the step of melt-blowing (see col. 1, lines 20-28 of Schwarz) from a die including filament-forming holes, wherein the filaments are single filaments each produced from a single filament-forming hole, wherein the first filaments are externally attenuated (see col. 2, lines 15-52; Figures 1, 2A, 2B, 3 and 4 of Schwarz), and it would have been obvious to one of ordinary skill in the art at the time the invention was made to melt-blow from a die including filament-forming holes, wherein the filaments are single filaments each produced from a single filament-forming hole, wherein the first filaments are externally attenuated in the process of Chhabra et al in view of Schwarz in order to provide a low-cost web containing particulates and provide a uniform stream of attenuating gas in a melt-blowing process (see paragraph [0010] of Chhabra et al and col. 1, lines 20-28 of Schwarz.

Regarding claim 3, see col. 2, lines 15-52 and Figure 1 of Schwarz.

Regarding claims 4 and 6-8, see col. 2, lines 15-52 and Figures 1, 2A, 2B, 3 and 4 of Schwarz.

Art Unit: 1742

Regarding claims 9-16, see paragraph [0015] of Chhabra et al.

Regarding claims 17 and 18, see paragraph [0021] of Chhabra et al.

Regarding claims 19 and 20, see paragraphs [0015] and [0041] - [0043] of Chhabra et al.

Response to Arguments

6. Applicant's arguments filed on 09 August 2017 have been fully considered but they are not persuasive.

7. Applicant argues (page 6) that Chhabra et al requires a central fluid stream to form a hollow fiber which is then fibrillated to form a plurality of smaller fibers (citing paragraph [0011] of Chhabra et al). Examiner responds that, while Chhabra et al does teach this embodiment (referred to as melt film fibrillation) of melt fibrillation, Chhabra et al teaches other embodiments of melt fibrillation, including melt-blowing (see paragraph [0023] of Chhabra et al). The Examiner also notes that a reference is not necessarily limited to a single (or preferred) embodiment (see MPEP §2123(I) and 2123(II)), and in this case, Chhabra et al is not limited to just melt film fibrillation, but includes other melt fibrillation embodiments (e.g., melt-blowing).

8. Applicant argues (page 6) that the teachings of Schwarz are not properly combinable with the teachings of Chhabra et al because Chhabra et al requires a central fluid stream to form a hollow fiber which is then fibrillated to form smaller fibers

Art Unit: 1742

(see paragraph 7 above; Chhabra et al refers to this as melt film fibrillation), and attenuation of such fibers (as taught by Schwarz) would render the process of Chhabra et al inoperable for its intended purpose (also citing MPEP §2143.03). Examiner responds that Chhabra et al is not limited to melt film fibrillation, but also includes other melt fibrillation embodiments, including melt-blowing (see paragraph [0023] of Chhabra et al), both Chhabra et al and Schwarz are directed to melt-blowing.

9. Applicant argues (page 6) that Chhabra et al does not teach the step of producing filaments. Examiner responds that Chhabra et al teaches the step of producing filaments (see paragraph [0023], first sentence, of Chhabra et al).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leo B. Tentoni whose telephone number is (571)272-1209. The examiner can normally be reached on Monday - Friday (6:30 A.M. - 3:00 P.M.).

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, Christina A. Johnson can

Art Unit: 1742

be reached on (571) 272-1176. 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.

/Leo B. Tentoni/
Primary Examiner, Art Unit 1742

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 14/475,699
Inventor(s) : Steven Lee Barnholtz *et al.*
Filed : September 3, 2014
Art Unit : 1742
Examiner : Leo B. Tentoni
Docket No. : 10859C
Confirmation No. : 8298
Customer No. : 27752
Title : Process for Making Fibrous Structures

SUBMISSION OF AMENDMENT WITH FILING OF RCE

This is in response to the Office Action mailed May 23, 2017, made Final. Please amend the above-identified application as follows, consider the following remarks and reconsider the application.

Authorization is hereby given to charge, any fees that may be required, or credit any overpayment, to Deposit Account No. 16-2480 in the name of The Procter & Gamble Company.

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

Remarks begin on page 5 of this paper.

REMARKS

Claim Status

Claim 1 has been amended to define the claimed invention with greater specificity by reciting that the first filaments are externally attenuated and comprise a single filament each produced from a single filament-forming hole and the mixture of the first filaments and solid additives are collected on a collection device. Support for this amendment is found in the Specification, for example Page 17, line 2 to Page 20, line 4, and in the Drawings, for example Figs. 10 and 11, as originally filed.

Claims 1, 3-4 and 6-20 are pending in the present application. No additional claims fee is believed to be due.

Rejection Under 35 USC 103

Claims 1, 3, 4, and 6-20 are rejected under pre-AIA 35 U.S.C. 103(a) as allegedly defining obvious subject matter over Chhabra, et al. (US 2005/0266760 A1) (“Chhabra”) in combination with Anderson, et al. (US 4,100,324 A) (“Anderson”) and Schwarz (US 5,476,616 A) (“Schwarz”). The Examiner asserts that Chhabra teaches a process of making a fibrous structure, including the steps of (b) combining a first plurality of first filaments with solid additives to form a mixture; (c) collecting the mixture on a collection device to produce a formed fibrous structure; and (d) adding a layer of second filaments to at least one surface of the formed fibrous structure. The Examiner recognizes that Chhabra does not explicitly teach the step of (a) producing a plurality of first filaments including a first polymer from a die. To overcome this deficiency, the Examiner combines the teachings of Anderson and Schwarz, which the Examiner asserts teaches a processes of making fibrous structures, including the step of producing a plurality of first filaments including a first polymer from a die. The Examiner concludes that it would have been obvious to one of ordinary skill in the art at the time the invention was made to produce a plurality of first filaments including a first polymer from a die in the process of Chhabra in view of Anderson and Schwarz in order to manufacture a fibrous structure having desired characteristics and/or properties.

Applicants respectfully submit that Chhabra in view of Anderson and Schwarz fails to teach each and every element of Claim 1, the independent claim, as amended, because Chhabra in view of Anderson and Schwarz, at a minimum, fails to teach meltblowing a plurality of filaments, wherein each filament is produced from a single filament-forming hole and collecting the first filaments and solid additives onto a collection device. Applicants respectfully submit that Chhabra requires a central fluid stream to form an elongated hollow polymeric film tube produced from a single nozzle, which is then fibrillated (broken into smaller fibers as shown in Chhabra Fig. 1 such that a plurality of the smaller fibers are produced from a single nozzle rather than a single fiber being produced from a single nozzle or filament-forming hole). Chhabra Paragraph [0011].

Also, Applicants respectfully submit that Schwarz's teachings cannot properly be combined with Chhabra's teachings alone or in combination with Anderson to arrive at the claimed invention; namely a method the comprises the step of externally attenuating filaments produced from a die. Applicants respectfully submit that if Chhabra's elongated hollow polymeric film tube was attenuated externally it would render Chhabra inoperable. Therefore, if Chhabra were to use Schwarz's teachings of attenuating its filaments via external attenuation it would render Chhabra's process inoperable. Further, Applicants respectfully submit that Chhabra doesn't even teach producing filaments from its die, as claimed in Claim 1, rather it teaches producing an elongated hollow polymeric film tube. Chhabra Paragraph [0011]. Accordingly, Applicants respectfully submit that Claim 1, as amended, is not rendered obvious over Chhabra in view of Anderson and Schwarz. MPEP 2143.03. Further, Applicants respectfully submit that Claims 3, 4, and 6-20, which ultimately depend from Claim 1, as amended, are not rendered obvious over Chhabra in view of Anderson and Schwarz. MPEP 2143.03.

Appl. No. 14,475,699
Docket No. 10859C
Amendment dated August 9, 2017
Reply to Office Action mailed May 23, 2017
Customer No. 27752

CONCLUSION

This response represents an earnest effort to place the present application in proper form and to distinguish the invention as claimed from the applied references. In view of the foregoing, the Applicant respectfully requests the Examiner to enter the amendments presented herein, reconsider this application and allow the pending claims.

Respectfully submitted,

THE PROCTER & GAMBLE COMPANY

By /C. Brant Cook/
C. Brant Cook
Registration No. 39,151
(513) 983-1004

Date: August 9, 2017
Customer No. 27752



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
14/475,699	09/03/2014	Steven Lee BARNHOLTZ	10859C	8298

27752 7590 08/07/2017
THE PROCTER & GAMBLE COMPANY
Global IP Services
Central Building, C9
One Procter and Gamble Plaza
CINCINNATI, OH 45202

EXAMINER

TENTONI, LEO B

ART UNIT	PAPER NUMBER
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1742

NOTIFICATION DATE	DELIVERY MODE
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08/07/2017

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):

centraldocket.im@pg.com
pair_pg@firsttofile.com
mayer.jk@pg.com

Advisory Action Before the Filing of an Appeal Brief	Application No. 14/475,699	Applicant(s) BARNHOLTZ ET AL.	
	Examiner Leo B. Tentoni	Art Unit 1742	AIA (First Inventor to File) Status No

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

THE REPLY FILED ON 24 JULY 2017 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: _____.

STATUS OF CLAIMS

15. The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: NONE.

Claim(s) objected to: NONE.

Claim(s) rejected: 1,3,4 and 6-20.

Claim(s) withdrawn from consideration: NONE.

/Leo B. Tentoni/
Primary Examiner, Art Unit 1742

Continuation of 3. NOTE: The proposed amendment is incorrect because the proposed amendment does not properly amend the most-recently submitted claims of 03 April 2017. For example, the proposed amendment does not recite the limitation of "attenuating" (line 3) or the limitation of the gas-releasing holes, and there is no appropriate bracketing and underlining..

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 14/475,699
Inventor(s) : Steven Lee Barnholtz *et al.*
Filed : September 3, 2014
Art Unit : 1742
Examiner : Leo B. Tentoni
Docket No. : 10859C
Confirmation No. : 8298
Customer No. : 27752
Title : Process for Making Fibrous Structures

AMENDMENT AFTER FINAL

This is in response to the Office Action mailed May 23, 2017, made Final. Please amend the above-identified application as follows, consider the following remarks and reconsider the application.

Authorization is hereby given to charge, any fees that may be required, or credit any overpayment, to Deposit Account No. 16-2480 in the name of The Procter & Gamble Company.

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

Remarks begin on page 5 of this paper.

DO NOT ENTER: /L.B.T/

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 14/475,699
Inventor(s) : Steven Lee Barnholtz *et al.*
Filed : September 3, 2014
Art Unit : 1742
Examiner : Leo B. Tentoni
Docket No. : 10859C
Confirmation No. : 8298
Customer No. : 27752
Title : Process for Making Fibrous Structures

AMENDMENT AFTER FINAL

This is in response to the Office Action mailed May 23, 2017, made Final. Please amend the above-identified application as follows, consider the following remarks and reconsider the application.

Authorization is hereby given to charge, any fees that may be required, or credit any overpayment, to Deposit Account No. 16-2480 in the name of The Procter & Gamble Company.

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

Remarks begin on page 5 of this paper.

AMENDMENTS TO THE CLAIMS

The following listing of claims replaces all prior versions and listings of the claims in the application.

1. (Currently Amended) A process for making a fibrous structure, the process comprising the steps of:
 - a. meltblowing a plurality of first filaments comprising a first polymer from a die comprising three or more rows of filament-forming holes such that the first filaments comprise single filaments each produced from a single filament-forming hole;
 - b. combining the plurality of first filaments with solid additives to form a mixture;
 - c. collecting the mixture of the first filaments and solid additives on a collection device to produce a formed fibrous structure; and
 - d. adding a layer of second filaments to at least one surface of the formed fibrous structure.
2. (Cancelled)
3. (Previously Presented) The process according to Claim 1 wherein the process further comprises the step of:
 - e. supplying at least the first polymer to the die.
4. (Previously Presented) The process according to Claim 1 wherein the die comprises one or more filament-forming holes, wherein one or more fluid-releasing holes are associated with one filament-forming hole such that a fluid exiting the fluid-releasing hole contacts an exterior surface of a filament exiting the filament-forming hole.
5. (Cancelled)
6. (Previously Presented) The process according to Claim 1 wherein at least one row of filament-forming holes comprises two or more filament-forming holes.

7. (Original) The process according to Claim 4 wherein more than one fluid-releasing hole is associated with a filament-forming hole.
8. (Original) The process according to Claim 4 wherein one fluid-releasing hole is concentrically positioned around one filament-forming hole.
9. (Original) The process according to Claim 1 wherein the first polymer comprises a synthetic polymer.
10. (Original) The process according to Claim 9 wherein the synthetic polymer is selected from the group consisting of: polyvinyl alcohol, polyvinyl alcohol derivatives, polyesters, nylons, polyolefins, polylactic acids, polyhydroxyalkanoates, polycaprolactones and mixtures thereof.
11. (Original) The process according to Claim 9 wherein the synthetic polymer comprises a polyolefin.
12. (Original) The process according to Claim 11 wherein the polyolefin comprises polypropylene.
13. (Original) The process according to Claim 1 wherein the first polymer comprises a natural polymer.
14. (Original) The process according to Claim 13 wherein the natural polymer is selected from the group consisting of: starch, starch derivatives, cellulose, cellulose derivatives, hemicellulose, hemicellulose derivatives and mixtures thereof.
15. (Original) The process according to Claim 1 wherein the first polymer comprises a compostable polymer.

Appl. No. 14,475,699
Docket No. 10859C
Amendment dated July 24, 2017
Reply to Office Action mailed May 23, 2017
Customer No. 27752

16. (Original) The process according to Claim 15 wherein the compostable polymer is selected from the group consisting of: polylactic acids, polyhydroxyalkanoates, polycaprolactones and mixtures thereof.
17. (Original) The process according to Claim 1 wherein the solid additives comprise fibers.
18. (Original) The process according to Claim 17 wherein the fibers comprise wood pulp fibers.
19. (Original) The process according to Claim 1 wherein the second filaments comprise a second polymer.
20. (Original) The process according to Claim 19 wherein the second polymer is the same as the first polymer.

REMARKS

Claim Status

Claim 1 has been amended to define the claimed invention with greater specificity by reciting that the first filaments comprise a single filament each produced from a single filament-forming hole and the mixture of the first filaments and solid additives are collected on a collection device. Support for this amendment is found in the Specification, for example Page 17, line 2 to Page 20, line 4, and in the Drawings, for example Figs. 10 and 11, as originally filed.

Claims 1, 3-4 and 6-20 are pending in the present application. No additional claims fee is believed to be due.

Rejection Under 35 USC 103

Claims 1, 3, 4 and 6-20 are rejected under pre-AIA 35 U.S.C. 103(a) as allegedly defining obvious subject matter over Chhabra, et al. (US 2005/0266760 A1) (“Chhabra”) in combination with Anderson, et al. (US 4,100,324 A) (“Anderson”) and Schwarz (US 5,476,616 A) (“Schwarz”). The Examiner asserts that Chhabra teaches a process of making a fibrous structure, including the steps of (b) combining a first plurality of first filaments with solid additives to form a mixture; (c) collecting the mixture on a collection device to produce a formed fibrous structure; and (d) adding a layer of second filaments to at least one surface of the formed fibrous structure. The Examiner recognizes that Chhabra does not explicitly teach the step of (a) producing a plurality of first filaments including a first polymer from a die. To overcome this deficiency, the Examiner combines the teachings of Anderson and Schwarz, which the Examiner asserts teaches a processes of making fibrous structures, including the step of producing a plurality of first filaments including a first polymer from a die. The Examiner concludes that it would have been obvious to one of ordinary skill in the art at the time the invention was made to produce a plurality of first filaments including a first polymer from a die in the process of Chhabra in view of Anderson and Schwarz in order to manufacture a fibrous structure having desired characteristics and/or properties.

Applicants respectfully submit that Chhabra in view of Anderson and Schwarz fails to teach each and every element of Claim 1, the independent claim, as amended,

because Chhabra in view of Anderson and Schwarz, at a minimum, fails to teach meltblowing a plurality of filaments, wherein each filament is produced from a single filament-forming hole and collecting the first filaments and solid additives onto a collection device. Applicants respectfully submit that Chhabra requires a central fluid stream to form an elongated hollow polymeric film tube produced from a single nozzle, which is then fibrillated (broken into smaller fibers as shown in Chhabra Fig. 1 such that a plurality of the smaller fibers are produced from a single nozzle rather than a single fiber being produced from a single nozzle or filament-forming hole). Chhabra Paragraph [0011].

Also, Applicants respectfully submit that Schwarz's teachings cannot properly be combined with Chhabra's teachings alone or in combination with Anderson to arrive at the claimed invention; namely a method the comprises the step of externally attenuating filaments produced from a die via gas-releasing holes that are present in the die from which filaments are formed. Applicants respectfully submit that if Chhabra's elongated hollow polymeric film tube was attenuated externally it would render Chhabra inoperable. Therefore, if Chhabra were to use Schwarz's teachings of attenuating its filaments via external attenuation it would render Chhabra's process inoperable. Further, Applicants respectfully submit that Chhabra doesn't even teach producing filaments from its die, as claimed in Claim 1, rather it teaches producing an elongated hollow polymeric film tube. Chhabra Paragraph [0011]. Accordingly, Applicants respectfully submit that Claim 1, as amended, is not rendered obvious over Chhabra in view of Anderson and Schwarz. MPEP 2143.03. Further, Applicants respectfully submit that Claims 3, 4, and 6-20, which ultimately depend from Claim 1, as amended, are not rendered obvious over Chhabra in view of Anderson and Schwarz. MPEP 2143.03.

CONCLUSION

This response represents an earnest effort to place the present application in proper form and to distinguish the invention as claimed from the applied references. In

Appl. No. 14,475,699
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view of the foregoing, the Applicant respectfully requests the Examiner to enter the amendments presented herein, reconsider this application and allow the pending claims.

Respectfully submitted,
THE PROCTER & GAMBLE COMPANY

By /C. Brant Cook/
C. Brant Cook
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Date: July 24, 2017
Customer No. 27752



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
14/475,699	09/03/2014	Steven Lee BARNHOLTZ	10859C	8298

27752 7590 05/23/2017
THE PROCTER & GAMBLE COMPANY
Global IP Services
Central Building, C9
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CINCINNATI, OH 45202

EXAMINER

TENTONI, LEO B

ART UNIT	PAPER NUMBER
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1742

NOTIFICATION DATE	DELIVERY MODE
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05/23/2017

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):

centraldocket.im@pg.com
pair_pg@firsttofile.com
mayer.jk@pg.com

Office Action Summary	Application No. 14/475,699	Applicant(s) BARNHOLTZ ET AL.	
	Examiner Leo B. Tentoni	Art Unit 1742	AIA (First Inventor to File) Status No

-- 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 27 April 2017.
☐ 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) 1,3,4 and 6-20 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) 1, 3, 4 and 6-20 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) | 3) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) ☐ Information Disclosure Statement(s) (PTO/SB/08a and/or PTO/SB/08b)
Paper No(s)/Mail Date ____. | 4) ☐ Other: ____. |

1. The present application is being examined under the pre-AIA first to invent provisions.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 27 April 2017 has been entered.

Claim Rejections - 35 USC § 103

3. The following is a quotation of pre-AIA 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under pre-AIA 35 U.S.C. 103(a), the examiner presumes that the subject matter of the

Art Unit: 1742

various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of pre-AIA 35 U.S.C. 103(c) and potential pre-AIA 35 U.S.C. 102(e), (f) or (g) prior art under pre-AIA 35 U.S.C. 103(a).

5. Claims 1, 3, 4 and 6-20 are is/are rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over Chhabra et al (U.S. Patent Application Publication 2005/0266760 A1) in combination with Anderson et al (U.S. Patent 4,100,324 A) and Schwarz (U.S. Patent 5,476,616 A) for the reasons set forth in the previous Office Action (mailed on 03 February 2017) and with additional comment below.

Regarding the newly-added limitations of "attenuating" and "and gas-releasing holes that provide external attenuation of the first filaments exiting the filament-forming holes" (amendment-after-final submitted on 03 April 2017 and entered by the Examiner (see Advisory Action mailed on 13 April 2017)), these limitations are taught at least by Schwarz (see col. 1, lines 20-28; col. 2, lines 15-52; Figures 1, 2A, 2B, 3 and 4 of Schwarz).

Response to Arguments

6. Applicant's arguments filed on 27 April 2017 have been fully considered but they are not persuasive.

7. Applicant argues (page 2) that none of the cited references teach externally attenuating filaments produced from a die via gas-releasing holes that are present in the die from which the filaments are formed. Examiner responds that this is taught at least by Schwarz (see col. 1, lines 20-28; col. 2, lines 15-52; Figures 1, 2A, 2B, 3 and 4 of Schwarz).

8. Applicant argues (pages 2 and 3) that Chhabra et al cannot properly be combined with Schwarz because Chhabra et al requires a central fluid stream to form an elongated hollow polymeric film tube (citing paragraph [0011] of Chhabra et al). Examiner responds that this is one embodiment taught by Chhabra et al, and Chhabra et al (or any other reference) is not limited to just one (or even a preferred) embodiment. In paragraph [0011], Chhabra et al teaches forming fibers by a melt fibrillation process, which is preferably a melt film fibrillation process. However, Chhabra et al teaches that other melt fibrillation processes may be used to form fibers, including melt blowing (see paragraph [0023] of Chhabra et al).

9. Applicant argues (page 3) that Chhabra et al does not even teach producing filaments from its die, rather Chhabra et al

Art Unit: 1742

teaches producing an elongated hollow polymeric film tube (citing paragraph [0011] of Chhabra et al). Examiner responds that Chhabra et al teaches the step of producing nanofibers (see, e.g., the first line of paragraph [0023] of Chhabra et al).

Conclusion

10. All claims are drawn to the same invention claimed in the application prior to the entry of the submission under 37 CFR 1.114 and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the application prior to entry under 37 CFR 1.114.

Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action after the filing of a request for continued examination and the submission under 37 CFR 1.114. See MPEP § 706.07(b). 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

Art Unit: 1742

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 mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leo B. Tentoni whose telephone number is (571)272-1209. The examiner can normally be reached on Monday - Friday (6:30 A.M. - 3:00 P.M.).

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, Christina A. Johnson can be reached on (571) 272-1176. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1742

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.

/Leo B. Tentoni/
Primary Examiner, Art Unit 1742

Appl. No. 14,475,699
Docket No. 10859C
Reply dated April 27, 2017
Reply to Office Action mailed February 3, 2017
Customer No. 27752

REMARKS

Claim Status

Claims 1, 3-4, and 6-20 are pending in the present application. No additional claims fee is believed to be due.

Rejection Under 35 USC 103

Claims 1, 3, 4, and 6-20 are rejected under pre-AIA 35 U.S.C. 103(a) as allegedly defining obvious subject matter over Chhabra, et al. (US 2005/0266760 A1) (“Chhabra”) in combination with Anderson, et al. (US 4,100,324 A) (“Anderson”) and Schwarz (US 5,476,616 A) (“Schwarz”). The Examiner asserts that Chhabra teaches a process of making a fibrous structure, including the steps of (b) combining a first plurality of first filaments with solid additives to form a mixture; (c) collecting the mixture on a collection device to produce a formed fibrous structure; and (d) adding a layer of second filaments to at least one surface of the formed fibrous structure. The Examiner recognizes that Chhabra does not explicitly teach the step of (a) producing a plurality of first filaments including a first polymer from a die. To overcome this deficiency, the Examiner combines the teachings of Anderson and Schwarz, which the Examiner asserts teaches a processes of making fibrous structures, including the step of producing a plurality of first filaments including a first polymer from a die. The Examiner concludes that it would have been obvious to one of ordinary skill in the art at the time the invention was made to produce a plurality of first filaments including a first polymer from a die in the process of Chhabra in view of Anderson and Schwarz in order to manufacture a fibrous structure having desired characteristics and/or properties.

Applicants respectfully submit that Chhabra in view of Anderson and Schwarz fails to teach each and every element of Claim 1, the independent claim, because Chhabra in view of Anderson and Schwarz, at a minimum, fails to teach externally attenuating filaments produced from a die via gas-releasing holes that are present in the die from which the filaments are formed. Applicants respectfully submit that Schwarz’s teachings cannot properly be combined with Chhabra’s teachings alone or in combination with Anderson to arrive at the claimed invention; namely a method the comprises the step of externally attenuating filaments produced from a die via gas-releasing holes that are present in the die from which filaments are formed. Applicants respectfully submit that

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Chhabra requires a central fluid stream to form an elongated hollow polymeric film tube. Chhabra Paragraph [0011]. If Chhabra's elongated hollow polymeric film tube was attenuated externally it would render Chhabra inoperable. Therefore, if Chhabra were to use Schwarz's teachings of attenuating its filaments via external attenuation it would render Chhabra's process inoperable. Further, Applicants respectfully submit that Chhabra doesn't even teach producing filaments from its die, as claimed in Claim 1, rather it teaches producing an elongated hollow polymeric film tube. Chhabra Paragraph [0011]. Accordingly, Applicants respectfully submit that Claim 1 is not rendered obvious over Chhabra in view of Anderson and Schwarz. MPEP 2143.03. Further, Applicants respectfully submit that Claims 3, 4, and 6-20, which ultimately depend from Claim 1, are not rendered obvious over Chhabra in view of Anderson and Schwarz. MPEP 2143.03.

CONCLUSION

This response represents an earnest effort to place the present application in proper form and to distinguish the invention as claimed from the applied references. In view of the foregoing, the Applicant respectfully requests the Examiner to enter the amendments presented herein, reconsider this application and allow the pending claims.

Respectfully submitted,

THE PROCTER & GAMBLE COMPANY

By /C. Brant Cook/

C. Brant Cook
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Date: April 27, 2017
Customer No. 27752



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
14/475,699	09/03/2014	Steven Lee BARNHOLTZ	10859C	8298

27752 7590 04/13/2017
THE PROCTER & GAMBLE COMPANY
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EXAMINER

TENTONI, LEO B

ART UNIT	PAPER NUMBER
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1742

NOTIFICATION DATE	DELIVERY MODE
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04/13/2017

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):

centraldocket.im@pg.com
pair_pg@firsttofile.com
mayer.jk@pg.com

Advisory Action Before the Filing of an Appeal Brief	Application No. 14/475,699	Applicant(s) BARNHOLTZ ET AL.	
	Examiner Leo B. Tentoni	Art Unit 1742	AIA (First Inventor to File) Status No

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

THE REPLY FILED ON 03 APRIL 2017 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 _____ 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 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: See Continuation Sheet.

STATUS OF CLAIMS

15. The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: NONE.

Claim(s) objected to: NONE.

Claim(s) rejected: 1,3,4 and 6-20.

Claim(s) withdrawn from consideration: NONE.

/Leo B. Tentoni/
Primary Examiner, Art Unit 1742

Continuation of 14. Other: Schwarz teaches the step of externally attenuating filaments produced from a die via gas-releasing holes that are present in the die from which the filaments are formed (see col. 2, lines 24-28 of Schwarz; see also col. 2, lines 15-52; Figures 1, 2A, 2B, 3 and 4 of Schwarz).

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 14/475,699
Inventor(s) : Steven Lee Barnholtz *et al.*
Filed : September 3, 2014
Art Unit : 1742
Examiner : Leo B. Tentoni
Docket No. : 10859C
Confirmation No. : 8298
Customer No. : 27752
Title : Process for Making Fibrous Structures

Mailstop – After Final
Commission for Patents
Via Electronic Filing

AMENDMENT AFTER FINAL

This is in response to the Office Action mailed February 3, 2017, made Final. Please amend the above-identified application as follows, consider the following remarks and reconsider the application.

Authorization is hereby given to charge, any fees that may be required, or credit any overpayment, to Deposit Account No. 16-2480 in the name of The Procter & Gamble Company.

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

Remarks begin on page 5 of this paper.

OK TO ENTER: /L.B.T/

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 14/475,699
Inventor(s) : Steven Lee Barnholtz *et al.*
Filed : September 3, 2014
Art Unit : 1742
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Amendments to the Claims begin on page 2 of this paper.

Remarks begin on page 5 of this paper.

AMENDMENTS TO THE CLAIMS

The following listing of claims replaces all prior versions and listings of the claims in the application.

1. (Currently Amended) A process for making a fibrous structure, the process comprising the steps of:
 - a. ~~melting~~extruding attenuating a plurality of first filaments comprising a first polymer from a die comprising ~~three or more rows of~~ filament-forming holes and gas-releasing holes that provide external attenuation of the first filaments exiting the filament-forming holes;
 - b. combining the plurality of first filaments with solid additives to form a mixture;
 - c. collecting the mixture on a collection device to produce a formed fibrous structure; and
 - d. adding a layer of second filaments to at least one surface of the formed fibrous structure.
2. (Cancelled)
3. (Previously Presented) The process according to Claim 1 wherein the process further comprises the step of:
 - e. supplying at least the first polymer to the die.
4. (Previously Presented) The process according to Claim 1 wherein the die comprises one or more filament-forming holes, wherein one or more fluid-releasing holes are associated with one filament-forming hole such that a fluid exiting the fluid-releasing hole contacts an exterior surface of a filament exiting the filament-forming hole.
5. (Cancelled)

6. (Previously Presented) The process according to Claim 1 wherein at least one row of filament-forming holes comprises two or more filament-forming holes.
7. (Original) The process according to Claim 4 wherein more than one fluid-releasing hole is associated with a filament-forming hole.
8. (Original) The process according to Claim 4 wherein one fluid-releasing hole is concentrically positioned around one filament-forming hole.
9. (Original) The process according to Claim 1 wherein the first polymer comprises a synthetic polymer.
10. (Original) The process according to Claim 9 wherein the synthetic polymer is selected from the group consisting of: polyvinyl alcohol, polyvinyl alcohol derivatives, polyesters, nylons, polyolefins, polylactic acids, polyhydroxyalkanoates , polycaprolactones and mixtures thereof.
11. (Original) The process according to Claim 9 wherein the synthetic polymer comprises a polyolefin.
12. (Original) The process according to Claim 11 wherein the polyolefin comprises polypropylene.
13. (Original) The process according to Claim 1 wherein the first polymer comprises a natural polymer.
14. (Original) The process according to Claim 13 wherein the natural polymer is selected from the group consisting of: starch, starch derivatives, cellulose, cellulose derivatives, hemicellulose, hemicellulose derivatives and mixtures thereof.
15. (Original) The process according to Claim 1 wherein the first polymer comprises a compostable polymer.

Appl. No. 14,475,699
Docket No. 10859C
Amdt. dated April 3, 2017
Reply to Office Action mailed February 3, 2017
Customer No. 27752

16. (Original) The process according to Claim 15 wherein the compostable polymer is selected from the group consisting of: polylactic acids, polyhydroxyalkanoates, polycaprolactones and mixtures thereof.

17. (Original) The process according to Claim 1 wherein the solid additives comprise fibers.

18. (Original) The process according to Claim 17 wherein the fibers comprise wood pulp fibers.

19. (Original) The process according to Claim 1 wherein the second filaments comprise a second polymer.

20. (Original) The process according to Claim 19 wherein the second polymer is the same as the first polymer.

REMARKS

Claim Status

Claim 1 has been amended to define the claimed invention with greater specificity by reciting that the first filaments are externally attenuated by gas-releasing holes that are present in the die from which the first filaments are formed. Support for this amendment is found throughout the Specification, for example at Page 17, line 15 to Page 18, line 4, and the Drawings as originally filed.

Claims 1, 3-4, and 6-20 are pending in the present application. No additional claims fee is believed to be due.

These changes do not involve any introduction of new matter. Consequently, entry of these changes is believed to be in order and is respectfully requested.

Rejection Under 35 USC 103

Claims 1, 3, 4, and 6-20 are rejected under pre-AIA 35 U.S.C. 103(a) as allegedly defining obvious subject matter over Chhabra, et al. (US 2005/0266760 A1) (“Chhabra”) in combination with Anderson, et al. (US 4,100,324 A) (“Anderson”) and Schwarz (US 5,476,616 A) (“Schwarz”). The Examiner asserts that Chhabra teaches a process of making a fibrous structure, including the steps of (b) combining a first plurality of first filaments with solid additives to form a mixture; (c) collecting the mixture on a collection device to produce a formed fibrous structure; and (d) adding a layer of second filaments to at least one surface of the formed fibrous structure. The Examiner recognizes that Chhabra does not explicitly teach the step of (a) producing a plurality of first filaments including a first polymer from a die. To overcome this deficiency, the Examiner combines the teachings of Anderson and Schwarz, which the Examiner asserts teaches a processes of making fibrous structures, including the step of producing a plurality of first filaments including a first polymer from a die. The Examiner concludes that it would have been obvious to one of ordinary skill in the art at the time the invention was made to produce a plurality of first filaments including a first polymer from a die in the process of Chhabra in view of Anderson and Schwarz in order to manufacture a fibrous structure having desired characteristics and/or properties.

Applicants respectfully submit that Chhabra in view of Anderson and Schwarz fails to teach each and every element of Claim 1, the independent claim, as amended,

Appl. No. 14,475,699
Docket No. 10859C
Amdt. dated April 3, 2017
Reply to Office Action mailed February 3, 2017
Customer No. 27752

because Chhabra in view of Anderson and Schwarz, at a minimum, fails to teach externally attenuating filaments produced from a die via gas-releasing holes that are present in the die from which the filaments are formed. Accordingly, Applicants respectfully submit that Claim 1, as amended, is not rendered obvious over Chhabra in view of Anderson and Schwarz. MPEP 2143.03. Further, Applicants respectfully submit that Claims 3, 4, and 6-20, which ultimately depend from Claim 1, as amended, are not rendered obvious over Chhabra in view of Anderson and Schwarz. MPEP 2143.03.

CONCLUSION

This response represents an earnest effort to place the present application in proper form and to distinguish the invention as claimed from the applied references. In view of the foregoing, the Applicant respectfully requests the Examiner to enter the amendments presented herein, reconsider this application and allow the pending claims.

Respectfully submitted,
THE PROCTER & GAMBLE COMPANY

By /C. Brant Cook/
C. Brant Cook
Registration No. 39,151
(513) 983-1004

Date: April 3, 2017
Customer No. 27752



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
14/475,699	09/03/2014	Steven Lee BARNHOLTZ	10859C	8298

27752 7590 02/03/2017
THE PROCTER & GAMBLE COMPANY
Global IP Services
Central Building, C9
One Procter and Gamble Plaza
CINCINNATI, OH 45202

EXAMINER

TENTONI, LEO B

ART UNIT	PAPER NUMBER
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1742

NOTIFICATION DATE	DELIVERY MODE
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02/03/2017

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):

centraldocket.im@pg.com
pair_pg@firsttofile.com
mayer.jk@pg.com

Office Action Summary	Application No. 14/475,699	Applicant(s) BARNHOLTZ ET AL.	
	Examiner Leo B. Tentoni	Art Unit 1742	AIA (First Inventor to File) Status No

-- 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 14 December 2016.
☐ 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) 1,3,4 and 6-20 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) 1, 3, 4 and 6-20 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) | 3) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) ☐ Information Disclosure Statement(s) (PTO/SB/08a and/or PTO/SB/08b)
Paper No(s)/Mail Date _____ | 4) ☐ Other: _____ |

Art Unit: 1742

1. The present application is being examined under the pre-AIA first to invent provisions.

DETAILED ACTION

Claim Rejections - 35 USC § 103

2. The following is a quotation of pre-AIA 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under pre-AIA 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of pre-AIA 35 U.S.C. 103(c) and potential pre-AIA 35 U.S.C. 102(e), (f) or (g) prior art under pre-AIA 35 U.S.C. 103(a).

Art Unit: 1742

4. Claims 1, 3, 4 and 6-20 is/are rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over Chhabra et al (U.S. Patent Application Publication 2005/0266760 A1) in combination with Anderson et al (U.S. Patent 4,100,324 A) and Schwarz (U.S. Patent 5,476,616 A).

Chhabra et al (see the entire document, in particular, paragraphs [0002], [0005], [0006], [0010], [0011], [0015], [0021], [0023], [0034] and [0041] - [0043]) teaches a process of making a fibrous structure (see paragraphs [0002] and [0010] of Chhabra et al), including the steps of (a) melt-blowing (see paragraphs [0005], [0006] and [0023] of Chhabra et al) first filaments (see paragraph [0023] of Chhabra et al) from a first polymer (see paragraph [0015] of Chhabra et al); (b) combining the first filaments with solid additives to form a mixture (see paragraph [0011] of Chhabra et al); (c) collecting the mixture on a collection device to produce a formed fibrous structure (see paragraphs [0011] and [0034] of Chhabra et al); and (d) adding a layer of second filaments to at least one surface of the formed fibrous structure (see paragraphs [0042] and [0043] of Chhabra et al). Chhabra et al does not explicitly teach (1) the step of melt-blowing first filaments from a die including three or more rows of filament-forming holes. Anderson et al (see the entire document, in particular, col. 1, lines 13-61;

Art Unit: 1742

col. 2, lines 28-54) teaches a process of making a fibrous structure (see col. 1, lines 56-58 of Anderson et al), including the step of melt-blowing first filaments from a die including at least one row of filament-forming holes (see col. 2, lines 44-45). Schwarz (see the entire document, in particular, col. 1, lines 20-28; col. 2, lines 15-52; Figures 1, 2A, 2B, 3 and 4) teaches a process of making a fibrous structure (see claim 1, line 5 ("to form a non-woven mat") of Schwarz) by melt-blowing (see col. 1, lines 20-28 of Schwarz), including the step of melt-blowing filaments from a die including three or more rows of filament-forming holes (see Figures 2A, 3 and 4 of Schwarz), and it would have been obvious to one of ordinary skill in the art at the time the invention was made to melt-blow first filaments from a die including three or more rows of filament-forming holes in the process of Chhabra et al in view of Anderson et al and Schwarz in order to economically manufacture non-woven fabrics (or webs) having desired properties, and also to increase the productivity of a melt-blowing spinneret and provide a uniform attenuating stream of gas in a melt-blowing process (see paragraph [0010] of Chhabra et al; col. 1, lines 13-61 of Anderson et al; col. 1, lines 20-28 of Schwarz).

Regarding claim 3, see col. 2, lines 28-54 of Anderson et al.

Regarding claims 4 and 6-8, see col. 2, lines 15-52;
Figures 1, 2A, 2B, 3 and 4 of Schwarz.

Regarding claims 9-16, see paragraph [0015] of Chhabra et al.

Regarding claims 17 and 18, see paragraph [0021] of Chhabra et al.

Regarding claims 19 and 20, see paragraphs [0015] and [0041] - [0043] of Chhabra et al.

Response to Arguments

5. Applicant's arguments filed on 14 December 2016 have been fully considered but they are not persuasive.

6. Applicant argues (pages 5-6) that the combination of Chhabra et al and Anderson et al does not disclose, suggest or teach a process including the step of melt-blowing a plurality of first filaments from a die including three or more rows of filament-forming material. Examiner responds that Anderson et al and Schwarz teach this feature (paragraph 4 above).

Conclusion

7. 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 Leo B. Tentoni whose telephone number is (571)272-1209. The examiner can normally be reached on Monday - Friday (6:30 A.M. - 3:00 P.M.).

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, Christina A. Johnson

Art Unit: 1742

can be reached on (571) 272-1176. 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.

/Leo B. Tentoni/
Primary Examiner, Art Unit 1742

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 14/475,699
Inventor(s) : Steven Lee Barnholtz *et al.*
Filed : September 3, 2014
Art Unit : 1742
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Title : Process for Making Fibrous Structures

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AMENDMENT

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

Remarks begin on page 5 of this paper.

AMENDMENTS TO THE CLAIMS

The following listing of claims replaces all prior versions and listings of the claims in the application.

1. (Currently Amended) A process for making a fibrous structure, the process comprising the steps of:
 - a. meltblowing a plurality of first filaments comprising a first polymer from a die comprising ~~two~~three or more rows of filament-forming holes ~~wherein the first filaments exit the two or more filament-forming holes~~;
 - b. combining the plurality of first filaments with solid additives to form a mixture;
 - c. collecting the mixture on a collection device to produce a formed fibrous structure; and
 - d. adding a layer of second filaments to at least one surface of the formed fibrous structure.
2. (Cancelled)
3. (Previously Presented) The process according to Claim 1 wherein the process further comprises the step of:
 - e. supplying at least the first polymer to the die.
4. (Previously Presented) The process according to Claim 1 wherein the die comprises one or more filament-forming holes, wherein one or more fluid-releasing holes are associated with one filament-forming hole such that a fluid exiting the fluid-releasing hole contacts an exterior surface of a filament exiting the filament-forming hole.
5. (Cancelled)
6. (Currently Amended) The process according to Claim ~~1~~5 wherein at least one row of filament-forming holes comprises two or more filament-forming holes.

7. (Original) The process according to Claim 4 wherein more than one fluid-releasing hole is associated with a filament-forming hole.
8. (Original) The process according to Claim 4 wherein one fluid-releasing hole is concentrically positioned around one filament-forming hole.
9. (Original) The process according to Claim 1 wherein the first polymer comprises a synthetic polymer.
10. (Original) The process according to Claim 9 wherein the synthetic polymer is selected from the group consisting of: polyvinyl alcohol, polyvinyl alcohol derivatives, polyesters, nylons, polyolefins, polylactic acids, polyhydroxyalkanoates, polycaprolactones and mixtures thereof.
11. (Original) The process according to Claim 9 wherein the synthetic polymer comprises a polyolefin.
12. (Original) The process according to Claim 11 wherein the polyolefin comprises polypropylene.
13. (Original) The process according to Claim 1 wherein the first polymer comprises a natural polymer.
14. (Original) The process according to Claim 13 wherein the natural polymer is selected from the group consisting of: starch, starch derivatives, cellulose, cellulose derivatives, hemicellulose, hemicellulose derivatives and mixtures thereof.
15. (Original) The process according to Claim 1 wherein the first polymer comprises a compostable polymer.

Appl. No. 14,475,699
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16. (Original) The process according to Claim 15 wherein the compostable polymer is selected from the group consisting of: polylactic acids, polyhydroxyalkanoates, polycaprolactones and mixtures thereof.

17. (Original) The process according to Claim 1 wherein the solid additives comprise fibers.

18. (Original) The process according to Claim 17 wherein the fibers comprise wood pulp fibers.

19. (Original) The process according to Claim 1 wherein the second filaments comprise a second polymer.

20. (Original) The process according to Claim 19 wherein the second polymer is the same as the first polymer.

REMARKS

Claim Status

Claim 1 has been amended to define the claimed invention with greater specificity by reciting that the die has three or more rows of filament-forming. Support for this amendment is found throughout the Specification and the Drawings as originally filed.

Claim 5 has been cancelled without prejudice.

Claim 6 has been amended to be consistent with Claim 1, as amended.

Claims 1, 3-4, and 6-20 are pending in the present application. No additional claims fee is believed to be due.

These changes do not involve any introduction of new matter. Consequently, entry of these changes is believed to be in order and is respectfully requested.

Rejections Under 35 USC 103

Claims 1, 3 and 9-20 are rejected under pre-AIA 35 U.S.C. 103(a) as allegedly defining obvious subject matter over Chhabra, et al. (US 2005/0266760 A1) (“Chhabra”) in combination with Anderson, et al. (US 4,100,324 A) (“Anderson”). The Examiner asserts that Chhabra teaches a process of making a fibrous structure, including the steps of (b) combining a first plurality of first filaments with solid additives to form a mixture; (c) collecting the mixture on a collection device to produce a formed fibrous structure; and (d) adding a layer of second filaments to at least one surface of the formed fibrous structure. The Examiner recognizes that Chhabra does not explicitly teach the step of (a) producing a plurality of first filaments including a first polymer from a die. To overcome this deficiency, the Examiner combines the teachings of Anderson, which the Examiner asserts teaches a process of making a fibrous structure, including the step of producing a plurality of first filaments including a first polymer from a die. The Examiner concludes that it would have been obvious to one of ordinary skill in the art at the time the invention was made to produce a plurality of first filaments including a first polymer from a die in the process of Chhabra in view of Anderson in order to manufacture a fibrous structure having desired characteristics and/or properties.

Applicants respectfully submit that Chhabra in view of Anderson fails to teach each and every element of Claim 1, the independent claim, as amended, because Chhabra in view of Anderson, at a minimum, fails to teach meltblowing a plurality of filaments

Appl. No. 14,475,699
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from a die comprising three or more rows of filament-forming holes. Accordingly, Applicants respectfully submit that Claim 1, as amended, is not rendered obvious over Chhabra in view of Anderson. MPEP 2143.03. Further, Applicants respectfully submit that Claims 3 and 9-20, which ultimately depend from Claim 1, as amended, are not rendered obvious over Chhabra in view of Anderson. MPEP 2143.03.

Claims 4-8 are rejected under pre-AIA 35 U.S.C. 103(a) as allegedly defining obvious subject matter over Chhabra, et al. (US 2005/0266760 A1) in combination with Anderson, et al. (US 4,100,324 A) as applied to Claims 1, 3 and 9-20 above, and further in view of Schwarz (US 5,476,616 A).

Claims 4-8 are rejected under pre-AIA 35 U.S.C. 103(a) as allegedly defining obvious subject matter over Chhabra in combination with Anderson, both discussed above, and further in view of Schwarz (US 5,476,616 A) ("Schwarz").

Applicants respectfully submit that Claims 4, and 6-8 (Claim 5 has been cancelled), which ultimately depend from Claim 1, as amended, are not rendered obvious over Chhabra and Anderson and further in view of Schwarz for the same reasons that Claim 1, as amended, is not rendered obvious over Chhabra in view of Anderson. MPEP 2143.03.

CONCLUSION

This response represents an earnest effort to place the present application in proper form and to distinguish the invention as claimed from the applied references. In view of the foregoing, the Applicant respectfully requests the Examiner to enter the amendments presented herein, reconsider this application and allow the pending claims.

Respectfully submitted,
THE PROCTER & GAMBLE COMPANY

By /C. Brant Cook/
C. Brant Cook
Registration No. 39,151
(513) 983-1004

Date: December 14, 2016
Customer No. 27752



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
14/475,699	09/03/2014	Steven Lee BARNHOLTZ	10859C	8298

27752 7590 09/14/2016
THE PROCTER & GAMBLE COMPANY
Global IP Services
Central Building, C9
One Procter and Gamble Plaza
CINCINNATI, OH 45202

EXAMINER

TENTONI, LEO B

ART UNIT	PAPER NUMBER
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centraldocket.im@pg.com
pair_pg@firsttofile.com
mayer.jk@pg.com

Office Action Summary	Application No. 14/475,699	Applicant(s) BARNHOLTZ ET AL.	
	Examiner Leo B. Tentoni	Art Unit 1742	AIA (First Inventor to File) Status No

-- 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 22 August 2016.
☐ 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 and 3-20 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) 1 and 3-20 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) | 3) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) ☐ Information Disclosure Statement(s) (PTO/SB/08a and/or PTO/SB/08b)
Paper No(s)/Mail Date ____. | 4) ☐ Other: ____. |

Art Unit: 1742

1. The present application is being examined under the pre-AIA first to invent provisions.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 22 August 2016 has been entered.

Claim Rejections - 35 USC § 103

3. The following is a quotation of pre-AIA 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under pre-AIA 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point

Art Unit: 1742

out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of pre-AIA 35 U.S.C. 103(c) and potential pre-AIA 35 U.S.C. 102(e), (f) or (g) prior art under pre-AIA 35 U.S.C. 103(a).

5. Claims 1, 3 and 9-20 is/are rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over Chhabra et al (U.S. Patent Application Publication 2005/0266760 A1) in combination with Anderson et al (U.S. Patent 4,100,324 A).

Chhabra et al (see the entire document, in particular, paragraphs [0002], [0005], [0006], [0010], [0011], [0015], [0021], [0023], [0034] and [0041] - [0043]) teaches a process of making a fibrous structure (see paragraphs [0002] and [0010] of Chhabra et al), including the steps of (a) melt-blowing (see paragraphs [0005], [0006] and [0023] of Chhabra et al) first filaments (see paragraph [0023] of Chhabra et al) from a first polymer (see paragraph [0015] of Chhabra et al); (b) combining the first filaments with solid additives to form a mixture (see paragraph [0011] of Chhabra et al); (c) collecting the mixture on a collection device to produce a formed fibrous structure (see paragraphs [0011] and [0034] of Chhabra et al); and (d) adding a layer of second filaments to at least one surface of the formed fibrous structure (see paragraphs [0042] and [0043] of Chhabra et al). Chhabra et al does not explicitly teach (1) the step of melt-blowing first filaments from a first polymer from a die including two or more filament-forming holes, wherein the first

Art Unit: 1742

filaments exit the two or more filament-forming holes. Anderson et al (see the entire document, in particular, col. 1, lines 13-61; col. 2, lines 28-54) teaches a process of making a fibrous structure (see col. 1, lines 56-58 of Anderson et al), including the step of melt-blowing first filaments from a first polymer from a die including two or more filament-forming holes, wherein the first filaments exit the two or more filament-forming holes (see col. 2, lines 28-54 (especially lines 44-45) of Anderson et al), and it would have been obvious to one of ordinary skill in the art at the time the invention was made to melt-blow first filaments from a first polymer from a die including two or more filament-forming holes, wherein the first filaments exit the two or more filament-forming holes in the process of Chhabra et al in view of Anderson et al in order to economically manufacture non-woven fabrics (or webs) having desired properties (see paragraph [0010] of Chhabra et al; see col. 1, lines 13-61 of Anderson et al).

Regarding claim 3, see col. 2, lines 28-54 of Anderson et al.

Regarding claims 9-16, see paragraph [0015] of Chhabra et al.

Regarding claims 17 and 18, see paragraph [0021] of Chhabra et al.

Regarding claims 19 and 20, see paragraphs [0015] and [0041] - [0043] of Chhabra et al.

Art Unit: 1742

6. Claims 4-8 are rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over Chhabra et al (U.S. Patent Application Publication 2005/0266760 A1) in combination with Anderson et al (U.S. Patent 4,100,324 A) as applied to claims 1, 3 and 9-20 above, and further in view of Schwarz (U.S. Patent 5,476,616 A).

Chhabra et al (in combination with Anderson et al) does not explicitly teach (1) the recited details of the filament-forming holes and of the fluid-releasing holes. Schwarz (see the entire document, in particular, col. 1, lines 20-28; col. 2, lines 15-52; Figures 1, 2A, 2B, 3 and 4) teaches a process of making a fibrous structure (see claim 1, line 5 ("to form a non-woven mat") of Schwarz), including the recited details of the filament-forming holes and of the fluid-releasing holes (see col. 2, lines 15-52; Figures 1, 2A, 2B, 3 and 4 of Schwarz), and it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the details of the filament-forming holes and of the fluid-releasing holes in the process of Chhabra et al (in combination with Anderson et al) in view of Schwarz in order to increase the productivity of a melt-blowing spinneret and provide a uniform attenuating stream of gas in a melt-blowing process (see col. 1, lines 20-28 of Schwarz).

Response to Arguments

7. Applicant's arguments filed on 15 August 2016 have been fully considered but they are not persuasive.

8. Applicant argues (pages 5 and 6) that the combination of Chhabra et al and Anderson et al, at a minimum, fails to teach

Art Unit: 1742

melt-blowing a plurality of filaments from a die including two or more filament-forming holes, wherein the filaments exit the two or more filament-forming holes. Examiner responds that Anderson et al teaches the step of melt-blowing a plurality of filaments from a die including two or more filament-forming holes, wherein the filaments exit the two or more filament-forming holes (see col. 2 lines 44-45 of Anderson et al).

9. Applicant argues (page 6) that Chhabra et al and Anderson et al cannot be properly combined because Chhabra et al teaches a melt-fibrillation process, not a melt-blowing process (citing paragraph [0023] of Chhabra et al), Anderson et al teaches a melt-blowing process, and the combination of Chhabra et al and Anderson et al would render Chhabra et al unsatisfactory for its intended purpose. Examiner responds that Chhabra et al and Anderson et al are properly combinable because both Chhabra et al and Anderson et al are directed to a melt-blowing process (see paragraph [0023] of Chhabra et al ("[t]he method of making the nanofibers of the present invention is any melt fibrillation process that is suitable for combining the fibers with particulates"; "[t]ypical single step melt fibrillation processes include melt blowing, melt film fibrillation, spun bonding, melt spinning in a typical spin/draw process, and combinations thereof"); col. 2, lines 30-31 of Anderson et al ("a known melt blowing technique"). Chhabra et al teaches several melt fibrillation processes (including melt-blowing), and Chhabra et al is not limited to a single (e.g., preferred) embodiment of a

Art Unit: 1742

melt fibrillation process (i.e., a prior art reference must be considered in its entirety, for all that it teaches (see MPEP §2123(I), 2123(II) and 2141.02(V)). Since both Chhabra et al and Anderson et al are directed to a melt-blowing process, the proposed modification of Chhabra et al with Anderson et al would not render Chhabra et al unsatisfactory for its intended purpose (see MPEP §2143.01(V)) and the proposed modification of Chhabra et al with Anderson et al would not change the principle of operation of Chhabra et al (see MPEP §2143.01(VI)).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leo B. Tentoni whose telephone number is (571)272-1209. The examiner can normally be reached on Monday - Friday (6:30 A.M. - 3:00 P.M.).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina A. Johnson can be reached on (571) 272-1176. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1742

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.

/Leo B. Tentoni/
Primary Examiner, Art Unit 1742

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 14/475,699
Inventor(s) : Steven Lee Barnholtz *et al.*
Filed : September 3, 2014
Art Unit : 1742
Examiner : Leo B. Tentoni
Docket No. : 10859C
Confirmation No. : 8298
Customer No. : 27752
Title : Process for Making Fibrous Structures

Mailstop – After Final
Commission for Patents
Via Electronic Filing

AMENDMENT AFTER FINAL

This is in response to the Office Action mailed June 13, 2016, made Final. Please amend the above-identified application as follows, consider the following remarks and reconsider the application.

Authorization is hereby given to charge, any fees that may be required, or credit any overpayment, to Deposit Account No. 16-2480 in the name of The Procter & Gamble Company.

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

Remarks begin on page 5 of this paper.

AMENDMENTS TO THE CLAIMS

The following listing of claims replaces all prior versions and listings of the claims in the application.

1. (Currently Amended) A process for making a fibrous structure, the process comprising the steps of:
 - a. meltblowing a plurality of first filaments comprising a first polymer from a die comprising two or more filament-forming holes wherein the first filaments exit the two or more filament-forming holes;
 - b. combining the plurality of first filaments with solid additives to form a mixture;
 - c. collecting the mixture on a collection device to produce a formed fibrous structure; and
 - d. adding a layer of second filaments to at least one surface of the formed fibrous structure.
2. (Cancelled)
3. (Previously Presented) The process according to Claim 1 wherein the process further comprises the step of:
 - e. supplying at least the first polymer to the die.
4. (Previously Presented) The process according to Claim 1 wherein the die comprises one or more filament-forming holes, wherein one or more fluid-releasing holes are associated with one filament-forming hole such that a fluid exiting the fluid-releasing hole contacts an exterior surface of a filament exiting the filament-forming hole.
5. (Original) The process according to Claim 4 wherein the die comprises two or more rows of filament-forming holes.

6. (Original) The process according to Claim 5 wherein at least one row of filament-forming holes comprises two or more filament-forming holes.
7. (Original) The process according to Claim 4 wherein more than one fluid-releasing hole is associated with a filament-forming hole.
8. (Original) The process according to Claim 4 wherein one fluid-releasing hole is concentrically positioned around one filament-forming hole.
9. (Original) The process according to Claim 1 wherein the first polymer comprises a synthetic polymer.
10. (Original) The process according to Claim 9 wherein the synthetic polymer is selected from the group consisting of: polyvinyl alcohol, polyvinyl alcohol derivatives, polyesters, nylons, polyolefins, polylactic acids, polyhydroxyalkanoates , polycaprolactones and mixtures thereof.
11. (Original) The process according to Claim 9 wherein the synthetic polymer comprises a polyolefin.
12. (Original) The process according to Claim 11 wherein the polyolefin comprises polypropylene.
13. (Original) The process according to Claim 1 wherein the first polymer comprises a natural polymer.
14. (Original) The process according to Claim 13 wherein the natural polymer is selected from the group consisting of: starch, starch derivatives, cellulose, cellulose derivatives, hemicellulose, hemicellulose derivatives and mixtures thereof.
15. (Original) The process according to Claim 1 wherein the first polymer comprises a compostable polymer.

Appl. No. 14,475,699
Docket No. 10859C
Amdt. dated August 15, 2016
Reply to Office Action mailed June 13, 2016
Customer No. 27752

16. (Original) The process according to Claim 15 wherein the compostable polymer is selected from the group consisting of: polylactic acids, polyhydroxyalkanoates, polycaprolactones and mixtures thereof.

17. (Original) The process according to Claim 1 wherein the solid additives comprise fibers.

18. (Original) The process according to Claim 17 wherein the fibers comprise wood pulp fibers.

19. (Original) The process according to Claim 1 wherein the second filaments comprise a second polymer.

20. (Original) The process according to Claim 19 wherein the second polymer is the same as the first polymer.

REMARKS

Claim Status

Claim 1 has been amended to define the claimed invention with greater specificity by reciting that the first filaments are produced from a die comprising two or more filament-forming holes wherein the first filaments exit the two or more filament-forming holes. Support for this amendment is found throughout the Specification and the Drawings as originally filed.

Claims 1 and 3-20 are pending in the present application. No additional claims fee is believed to be due.

These changes do not involve any introduction of new matter. Consequently, entry of these changes is believed to be in order and is respectfully requested.

Rejections Under 35 USC 103

Claims 1, 3 and 9-20 are rejected under pre-AIA 35 U.S.C. 103(a) as allegedly defining obvious subject matter over Chhabra, et al. (US 2005/0266760 A1) (“Chhabra”) in combination with Anderson, et al. (US 4,100,324 A) (“Anderson”). The Examiner asserts that Chhabra teaches a process of making a fibrous structure, including the steps of (b) combining a first plurality of first filaments with solid additives to form a mixture; (c) collecting the mixture on a collection device to produce a formed fibrous structure; and (d) adding a layer of second filaments to at least one surface of the formed fibrous structure. The Examiner recognizes that Chhabra does not explicitly teach the step of (a) producing a plurality of first filaments including a first polymer from a die. To overcome this deficiency, the Examiner combines the teachings of Anderson, which the Examiner asserts teaches a process of making a fibrous structure, including the step of producing a plurality of first filaments including a first polymer from a die. The Examiner concludes that it would have been obvious to one of ordinary skill in the art at the time the invention was made to produce a plurality of first filaments including a first polymer from a die in the process of Chhabra in view of Anderson in order to manufacture a fibrous structure having desired characteristics and/or properties.

Applicants respectfully submit that Chhabra in view of Anderson fails to teach each and every element of Claim 1, the independent claim, as amended, because Chhabra in view of Anderson, at a minimum, fails to teach meltblowing a plurality of filaments

Appl. No. 14,475,699
Docket No. 10859C
Amdt. dated August 15, 2016
Reply to Office Action mailed June 13, 2016
Customer No. 27752

from a die comprising two or more filament-forming holes wherein the filaments exit the two or more filament-forming holes. Applicants submit that Chhabra teaches making fibers by a melt fibrillation process not a meltblowing process. Chhabra Paragraph [0023]. Chhabra teaches extruding a polymer from a single orifice and then breaking that polymer apart into a plurality of fibers as shown in Fig. 1. Chhabra Paragraph [0025]. Further, Chhabra teaches that Anderson's process is different from Chhabra's and would render Chhabra's teachings inoperable. Therefore, Applicants respectfully submit that Chhabra and Anderson cannot properly be combined to render the claimed invention obvious. Accordingly, Applicants respectfully submit that Claim 1, as amended, is not rendered obvious over Chhabra in view of Anderson. MPEP 2143.03. Further, Applicants respectfully submit that Claims 3 and 9-20, which ultimately depend from Claim 1, as amended, are not rendered obvious over Chhabra in view of Anderson. MPEP 2143.03.

Claims 4-8 are rejected under pre-AIA 35 U.S.C. 103(a) as allegedly defining obvious subject matter over Chhabra in combination with Anderson, both discussed above, and further in view of Schwarz (US 5,476,616 A) ("Schwarz").

Applicants respectfully submit that Claims 4-8, which ultimately depend from Claim 1, as amended, are not rendered obvious over Chhabra and Anderson and further in view of Schwarz for the same reasons that Claim 1, as amended, is not rendered obvious over Chhabra in view of Anderson. MPEP 2143.03.

CONCLUSION

This response represents an earnest effort to place the present application in proper form and to distinguish the invention as claimed from the applied references. In view of the foregoing, the Applicant respectfully requests the Examiner to enter the amendments presented herein, reconsider this application and allow the pending claims.

Respectfully submitted,

THE PROCTER & GAMBLE COMPANY

By /C. Brant Cook/

C. Brant Cook

Registration No. 39,151
(513) 983-1004

Date: August 15, 2016
Customer No. 27752



UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
14/475,699	09/03/2014	Steven Lee BARNHOLTZ	10859C	8298

27752 7590 06/13/2016
THE PROCTER & GAMBLE COMPANY
Global Patent Services - Legal IP
Central Building, C8
One Procter and Gamble Plaza
CINCINNATI, OH 45202

EXAMINER

TENTONI, LEO B

ART UNIT	PAPER NUMBER
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1742

NOTIFICATION DATE	DELIVERY MODE
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06/13/2016

ELECTRONIC

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

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

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

centraldocket.im@pg.com
pair_pg@firsttofile.com
mayer.jk@pg.com

Office Action Summary	Application No. 14/475,699	Applicant(s) BARNHOLTZ ET AL.	
	Examiner Leo B. Tentoni	Art Unit 1742	AIA (First Inventor to File) Status No

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

Period for Reply

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Status

- 1) ☒ Responsive to communication(s) filed on 03 June 2016.
☐ 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 and 3-20 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) 1 and 3-20 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.

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Paper No(s)/Mail Date _____ | 4) ☐ Other: _____ |

Art Unit: 1742

1. The present application is being examined under the pre-AIA first to invent provisions.

DETAILED ACTION

Claim Rejections - 35 USC § 103

2. The following is a quotation of pre-AIA 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under pre-AIA 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of pre-AIA 35 U.S.C. 103(c) and potential pre-AIA 35 U.S.C. 102(e), (f) or (g) prior art under pre-AIA 35 U.S.C. 103(a).

4. Claims 1, 3 and 9-20 are rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over Chhabra et al (U.S. Patent Application Publication 2005/0266760 A1) in combination with

Art Unit: 1742

Anderson et al (U.S. Patent 4,100,324 A) for the reasons of record.

5. Claims 4-8 are rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over Chhabra et al (U.S. Patent Application Publication 2005/0266760 A1) in combination with Anderson et al (U.S. Patent 4,100,324 A) as applied to claims 1, 3 and 9-20 above, and further in view of Schwarz (U.S. Patent 5,476,616 A) for the reasons of record.

Response to Arguments

6. Applicant's arguments filed on 03 June 2016 have been fully considered but they are not persuasive.

7. Applicant argues (page 5) that Chhabra et al in view of Anderson et al fails to teach melt-blowing a plurality of filaments from a die. Examiner responds that Chhabra et al in view of Anderson et al does teach melt-blowing a plurality of filaments from a die (note particularly col. 2, lines 28-54 of Anderson et al; see also paragraph [0006] of Chhabra et al).

8. Applicant argues (pages 5 and 6) that Chhabra et al teaches making fibers by a melt-fibrillation process, not a melt-blowing process (citing paragraph [0023] of Chhabra et al); Chhabra et al teaches that the process of Anderson et al is different from the process of Chhabra et al and combining the teachings of Anderson et al with Chhabra et al would render the process of Chhabra et al inoperable. Examiner responds that Chhabra et al like Anderson et al, teaches a melt-blowing process because Chhabra et al teaches that "[t]ypical single step melt fibrillation processes

Art Unit: 1742

include melt blowing" (see paragraph [0023] of Chhabra et al) and since both Chhabra et al and Anderson et al teach a melt-blowing process, the modification of Chhabra et al by Anderson et al would not render Chhabra et al unsatisfactory for its intended purpose (see MPEP §2143.01(V)) and the modification of Chhabra et al by Anderson et al would not change the principle of operation of Chhabra et al (see MPEP §2143.01(VI)).

Conclusion

9. **THIS ACTION IS MADE FINAL.** 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 mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leo B. Tentoni whose telephone number is (571)272-1209. The examiner can normally be reached on Monday - Friday (6:30 A.M. - 3:00 P.M.).

Art Unit: 1742

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina A. Johnson can be reached on (571) 272-1176. 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.

/Leo B. Tentoni/
Primary Examiner, Art Unit 1742

AMENDMENTS TO THE CLAIMS

The following listing of claims replaces all prior versions and listings of the claims in the application.

1. (Currently Amended) A process for making a fibrous structure, the process comprising the steps of:
 - a. ~~producing~~meltblowing a plurality of first filaments comprising a first polymer from a die
 - ~~wherein at least one of the first filaments exhibits an average filament diameter of 2.7 μ m or greater;~~
 - b. combining the plurality of first filaments with solid additives to form a mixture;
 - c. collecting the mixture on a collection device to produce a formed fibrous structure; and
 - d. adding a layer of second filaments to at least one surface of the formed fibrous structure.
2. (Cancelled)
3. (Previously Presented) The process according to Claim 1 wherein the process further comprises the step of:
 - e. supplying at least the first polymer to the die.
4. (Previously Presented) The process according to Claim 1 wherein the die comprises one or more filament-forming holes, wherein one or more fluid-releasing holes are associated with one filament-forming hole such that a fluid exiting the fluid-releasing hole contacts an exterior surface of a filament exiting the filament-forming hole.
5. (Original) The process according to Claim 4 wherein the die comprises two or more rows of filament-forming holes.

6. (Original) The process according to Claim 5 wherein at least one row of filament-forming holes comprises two or more filament-forming holes.
7. (Original) The process according to Claim 4 wherein more than one fluid-releasing hole is associated with a filament-forming hole.
8. (Original) The process according to Claim 4 wherein one fluid-releasing hole is concentrically positioned around one filament-forming hole.
9. (Original) The process according to Claim 1 wherein the first polymer comprises a synthetic polymer.
10. (Original) The process according to Claim 9 wherein the synthetic polymer is selected from the group consisting of: polyvinyl alcohol, polyvinyl alcohol derivatives, polyesters, nylons, polyolefins, polylactic acids, polyhydroxyalkanoates, polycaprolactones and mixtures thereof.
11. (Original) The process according to Claim 9 wherein the synthetic polymer comprises a polyolefin.
12. (Original) The process according to Claim 11 wherein the polyolefin comprises polypropylene.
13. (Original) The process according to Claim 1 wherein the first polymer comprises a natural polymer.
14. (Original) The process according to Claim 13 wherein the natural polymer is selected from the group consisting of: starch, starch derivatives, cellulose, cellulose derivatives, hemicellulose, hemicellulose derivatives and mixtures thereof.
15. (Original) The process according to Claim 1 wherein the first polymer comprises a compostable polymer.

Appl. No. 14,475,699
Docket No. 10859C
Amdt. dated June 3, 2016
Reply to Office Action mailed May 10, 2016
Customer No. 27752

16. (Original) The process according to Claim 15 wherein the compostable polymer is selected from the group consisting of: polylactic acids, polyhydroxyalkanoates, polycaprolactones and mixtures thereof.
17. (Original) The process according to Claim 1 wherein the solid additives comprise fibers.
18. (Original) The process according to Claim 17 wherein the fibers comprise wood pulp fibers.
19. (Original) The process according to Claim 1 wherein the second filaments comprise a second polymer.
20. (Original) The process according to Claim 19 wherein the second polymer is the same as the first polymer.

REMARKS

Claim Status

Claim 1 has been amended to define the claimed invention with greater specificity by removing the previously added diameter reference and adding that the first filaments are made by meltblowing. Support for this amendment is found throughout the Specification.

Claims 1 and 3-20 are pending in the present application. No additional claims fee is believed to be due.

These changes do not involve any introduction of new matter. Consequently, entry of these changes is believed to be in order and is respectfully requested.

Rejections Under 35 USC 103

Claims 1, 3 and 9-20 are rejected under pre-AIA 35 U.S.C. 103(a) as allegedly defining obvious subject matter over Chhabra, et al. (US 2005/0266760 A1) (“Chhabra”) in combination with Anderson, et al. (US 4,100,324 A) (“Anderson”). The Examiner asserts that Chhabra teaches a process of making a fibrous structure, including the steps of (b) combining a first plurality of first filaments with solid additives to form a mixture; (c) collecting the mixture on a collection device to produce a formed fibrous structure; and (d) adding a layer of second filaments to at least one surface of the formed fibrous structure. The Examiner recognizes that Chhabra does not explicitly teach the step of (a) producing a plurality of first filaments including a first polymer from a die. To overcome this deficiency, the Examiner combines the teachings of Anderson, which the Examiner asserts teaches a process of making a fibrous structure, including the step of producing a plurality of first filaments including a first polymer from a die. The Examiner concludes that it would have been obvious to one of ordinary skill in the art at the time the invention was made to produce a plurality of first filaments including a first polymer from a die in the process of Chhabra in view of Anderson in order to manufacture a fibrous structure having desired characteristics and/or properties.

Applicants respectfully submit that Chhabra in view of Anderson fails to teach each and every element of Claim 1, the independent claim, as amended, because Chhabra in view of Anderson, at a minimum, fails to teach meltblowing a plurality of filaments from a die. Applicants submit that Chhabra teaches making fibers by a melt fibrillation

Appl. No. 14,475,699
Docket No. 10859C
Amdt. dated June 3, 2016
Reply to Office Action mailed May 10, 2016
Customer No. 27752

process not a meltblowing process. Chhabra Paragraph [0023]. Further, Chhabra teaches that Anderson's process is different from Chhabra's and would render Chhabra's teachings inoperable. Therefore, Applicants respectfully submit that Chhabra and Anderson cannot properly be combined to render the claimed invention obvious. Accordingly, Applicants respectfully submit that Claim 1, as amended, is not rendered obvious over Chhabra in view of Anderson. MPEP 2143.03. Further, Applicants respectfully submit that Claims 3 and 9-20, which ultimately depend from Claim 1, as amended, are not rendered obvious over Chhabra in view of Anderson. MPEP 2143.03.

Claims 4-8 are rejected under pre-AIA 35 U.S.C. 103(a) as allegedly defining obvious subject matter over Chhabra in view of Anderson, both discussed above, and further in view of Schwarz (U.S. Patent 5,476,616 A) ("Schwarz").

Applicants respectfully submit that Claims 4-8, which ultimately depend from Claim 1, as amended, are not rendered obvious over Chhabra and Anderson and further in view of Schwarz for the same reasons that Claim 1, as amended, is not rendered obvious over Chhabra in view of Anderson. MPEP 2413.03.

CONCLUSION

This response represents an earnest effort to place the present application in proper form and to distinguish the invention as claimed from the applied references. In view of the foregoing, the Applicant respectfully requests the Examiner to enter the amendments presented herein, reconsider this application and allow the pending claims.

Respectfully submitted,

THE PROCTER & GAMBLE COMPANY

By /C. Brant Cook/

C. Brant Cook

Registration No. 39,151

(513) 983-1004

Date: June 3, 2016
Customer No. 27752



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.
14/475,699	09/03/2014	Steven Lee BARNHOLTZ	10859C	8298

27752 7590 05/10/2016
THE PROCTER & GAMBLE COMPANY
Global Patent Services - Legal IP
Central Building, C8
One Procter and Gamble Plaza
CINCINNATI, OH 45202

EXAMINER

TENTONI, LEO B

ART UNIT	PAPER NUMBER
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1742

NOTIFICATION DATE	DELIVERY MODE
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05/10/2016

ELECTRONIC

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

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

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

centraldocket.im@pg.com
pair_pg@firsttofile.com
mayer.jk@pg.com

Office Action Summary	Application No. 14/475,699	Applicant(s) BARNHOLTZ ET AL.	
	Examiner Leo B. Tentoni	Art Unit 1742	AIA (First Inventor to File) Status No

-- 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 18 April 2016.
☐ 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 and 3-20 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) 1 and 3-20 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) | 3) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) ☐ Information Disclosure Statement(s) (PTO/SB/08a and/or PTO/SB/08b)
Paper No(s)/Mail Date ____. | 4) ☐ Other: ____. |

Art Unit: 1742

1. The present application is being examined under the pre-AIA first to invent provisions.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 18 April 2016 has been entered.

Claim Rejections - 35 USC § 103

3. The following is a quotation of pre-AIA 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under pre-AIA 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point

Art Unit: 1742

out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of pre-AIA 35 U.S.C. 103(c) and potential pre-AIA 35 U.S.C. 102(e), (f) or (g) prior art under pre-AIA 35 U.S.C. 103(a).

5. Claims 1, 3 and 9-20 are rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over Chhabra et al (U.S. Patent Application Publication 2005/0266760 A1) in combination with Anderson et al (U.S. Patent 4,100,324 A).

Chhabra et al (see the entire document, in particular, paragraphs [0005], [0006], [0011], [0015], [0021], [0034] and [0041] - [0043]) teaches a process of making a fibrous structure, including the steps of combining a plurality of first filaments (paragraph [0015], from a polymer material; paragraph [0042], the filaments may have a diameter of, typically, 3 to 5 microns) with solid additives to form a mixture (paragraph [0011]); (c) collecting the mixture on a collection device to produce a formed fibrous structure (paragraphs [0011] and [0034]); and (d) adding a layer of second filaments to at least one surface of the formed fibrous structure (paragraphs [0042] and [0043]). Chhabra et al does not explicitly teach the step of (a) producing a plurality of first filaments including a first polymer from a die. Anderson et al (see the entire document, in particular, col. 2, lines 28-54) teaches a process of making a fibrous structure, including the step of producing a plurality of first filaments including a first polymer from a die, and it would have been obvious to one

Art Unit: 1742

of ordinary skill in the art at the time the invention was made to produce a plurality of first filaments including a first polymer from a die in the process of Chhabra et al in view of Anderson et al in order to manufacture a fibrous structure having desired characteristics and/or properties.

Regarding claim 3, see col. 2, lines 28-54 of Anderson et al.

Regarding claims 9-16, see paragraph [0015] of Chhabra et al.

Regarding claims 17 and 18, see paragraph [0021] of Chhabra et al.

Regarding claims 19 and 20, see paragraphs [0015] and [0041] - [0043] of Chhabra et al.

6. Claims 4-8 are rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over Chhabra et al (U.S. Patent Application Publication 2005/0266760 A1) in combination with Anderson et al (U.S. Patent 4,100,324 A) as applied to claims 1, 3 and 9-20 above, and further in view of Schwarz (U.S. Patent 5,476,616 A).

Chhabra et al (in combination with Anderson et al) does not explicitly teach (1) the recited details of the filament-forming holes or of the fluid-releasing holes. Schwarz (see the entire document, in particular, col. 2, lines 15-52; Figures 1, 2A, 2B, 3 and 4) teaches a process of making a fibrous structure, including the recited details of the filament-forming holes or of the fluid-releasing holes, and it would have been obvious to one of ordinary skill in the art at the time the invention was made

Art Unit: 1742

to provide the details of the filament-forming holes and of the fluid-releasing holes in the process of Chhabra et al (in combination with Anderson et al) in view of Schwarz in order to manufacture a desired fibrous structure by a melt-blowing process.

Response to Arguments

7. Applicant's arguments filed on 18 April 2016 have been fully considered but they are not persuasive.

8. Applicant argues (pages 5 and 6) that none of the cited references (particularly Chhabra et al) teaches that at least one of the first filaments exhibits an average filament diameter of 2.7 microns or greater. Examiner responds that Chhabra et al (paragraphs [0006] and [0042]) and Anderson et al (col. 2, lines 46-52) both meet this claimed limitation.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leo B. Tentoni whose telephone number is (571)272-1209. The examiner can normally be reached on Monday - Friday (6:30 A.M. - 3:00 P.M.).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina A. Johnson can be reached on (571) 272-1176. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1742

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/Leo B. Tentoni/
Primary Examiner, Art Unit 1742



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
14/475,699	09/03/2014	Steven Lee BARNHOLTZ	10859C	8298

27752 7590 04/18/2016
THE PROCTER & GAMBLE COMPANY
Global Patent Services - Legal IP
Central Building, C8
One Procter and Gamble Plaza
CINCINNATI, OH 45202

EXAMINER

TENTONI, LEO B

ART UNIT	PAPER NUMBER
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1742

NOTIFICATION DATE	DELIVERY MODE
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04/18/2016

ELECTRONIC

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

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centraldocket.im@pg.com
pair_pg@firsttofile.com
mayer.jk@pg.com

Advisory Action Before the Filing of an Appeal Brief	Application No. 14/475,699	Applicant(s) BARNHOLTZ ET AL.	
	Examiner Leo B. Tentoni	Art Unit 1742	AIA (First Inventor to File) Status No

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

THE REPLY FILED ON 12 APRIL 2016 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 _____ 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: _____.

STATUS OF CLAIMS

15. The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: NONE.

Claim(s) objected to: NONE.

Claim(s) rejected: 1 and 3-20.

Claim(s) withdrawn from consideration: NONE.

/Leo B. Tentoni/
Primary Examiner, Art Unit 1742

Continuation of 3. NOTE: The proposed amendment to independent claim 1 of "wherein at least one of the first filaments exhibits an average filament diameter of 2.7 microns or greater" was not presented or discussed earlier, and has not been considered and searched earlier and thus, this proposed amendment raises new issues which would require further consideration and search on the part of the Examiner.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 14/475,699
Inventor(s) : Steven Lee Barnholtz *et al.*
Filed : September 3, 2014
Art Unit : 1742
Examiner : Leo B. Tentoni
Docket No. : 10859C
Confirmation No. : 8298
Customer No. : 27752
Title : Process for Making Fibrous Structures

Mailstop – After Final
Commission for Patents
Via Electronic Filing

AMENDMENT AFTER FINAL

This is in response to the Office Action mailed February 18, 2016, made Final. Please amend the above-identified application as follows, consider the following remarks and reconsider the application.

Authorization is hereby given to charge, any fees that may be required, or credit any overpayment, to Deposit Account No. 16-2480 in the name of The Procter & Gamble Company.

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

Remarks begin on page 5 of this paper.

DO NOT ENTER: /LBT/

AMENDMENTS TO THE CLAIMS

The following listing of claims replaces all prior versions and listings of the claims in the application.

1. (Currently Amended) A process for making a fibrous structure, the process comprising the steps of:
 - a. producing a plurality of first filaments comprising a first polymer from a die wherein at least one of the first filaments exhibits an average filament diameter of 2.7 μ m or greater;
 - b. combining the plurality of first filaments with solid additives to form a mixture;
 - c. collecting the mixture on a collection device to produce a formed fibrous structure; and
 - d. adding a layer of second filaments to at least one surface of the formed fibrous structure.
2. (Cancelled)
3. (Previously Presented) The process according to Claim 1 wherein the process further comprises the step of:
 - e. supplying at least the first polymer to the die.
4. (Previously Presented) The process according to Claim 1 wherein the die comprises one or more filament-forming holes, wherein one or more fluid-releasing holes are associated with one filament-forming hole such that a fluid exiting the fluid-releasing hole contacts an exterior surface of a filament exiting the filament-forming hole.
5. (Original) The process according to Claim 4 wherein the die comprises two or more rows of filament-forming holes.

Appl. No. 14,475,699
Docket No. 10859C
Amdt. dated April 12, 2016
Reply to Office Action mailed February 18, 2016
Customer No. 27752

6. (Original) The process according to Claim 5 wherein at least one row of filament-forming holes comprises two or more filament-forming holes.
7. (Original) The process according to Claim 4 wherein more than one fluid-releasing hole is associated with a filament-forming hole.
8. (Original) The process according to Claim 4 wherein one fluid-releasing hole is concentrically positioned around one filament-forming hole.
9. (Original) The process according to Claim 1 wherein the first polymer comprises a synthetic polymer.
10. (Original) The process according to Claim 9 wherein the synthetic polymer is selected from the group consisting of: polyvinyl alcohol, polyvinyl alcohol derivatives, polyesters, nylons, polyolefins, polylactic acids, polyhydroxyalkanoates, polycaprolactones and mixtures thereof.
11. (Original) The process according to Claim 9 wherein the synthetic polymer comprises a polyolefin.
12. (Original) The process according to Claim 11 wherein the polyolefin comprises polypropylene.
13. (Original) The process according to Claim 1 wherein the first polymer comprises a natural polymer.
14. (Original) The process according to Claim 13 wherein the natural polymer is selected from the group consisting of: starch, starch derivatives, cellulose, cellulose derivatives, hemicellulose, hemicellulose derivatives and mixtures thereof.
15. (Original) The process according to Claim 1 wherein the first polymer comprises a compostable polymer.

Appl. No. 14,475,699
Docket No. 10859C
Amdt. dated April 12, 2016
Reply to Office Action mailed February 18, 2016
Customer No. 27752

16. (Original) The process according to Claim 15 wherein the compostable polymer is selected from the group consisting of: polylactic acids, polyhydroxyalkanoates, polycaprolactones and mixtures thereof.

17. (Original) The process according to Claim 1 wherein the solid additives comprise fibers.

18. (Original) The process according to Claim 17 wherein the fibers comprise wood pulp fibers.

19. (Original) The process according to Claim 1 wherein the second filaments comprise a second polymer.

20. (Original) The process according to Claim 19 wherein the second polymer is the same as the first polymer.

REMARKS

Claim Status

Claim 1 has been amended to define the claimed invention with greater specificity by reciting that the first filaments comprising the first polymer are produced from a die, wherein at least one of the first filaments exhibits an average filament diameter of 2.7 μm or greater. Support for this amendment is found in the Specification, for example at Page 18, lines 8-16, and in the Drawings, for example Fig. 13, as originally filed.

Claims 1 and 3-20 are pending in the present application. No additional claims fee is believed to be due.

These changes do not involve any introduction of new matter. Consequently, entry of these changes is believed to be in order and is respectfully requested.

Rejections Under 35 USC 103

Claims 1, 3 and 9-20 are rejected under pre-AIA 35 U.S.C. 103(a) as allegedly defining obvious subject matter over Chhabra, et al. (US 2005/0266760 A1) (“Chhabra”) in combination with Anderson, et al. (US 4,100,324 A) (“Anderson”). The Examiner asserts that Chhabra teaches a process of making a fibrous structure, including the steps of (b) combining a first plurality of first filaments with solid additives to form a mixture; (c) collecting the mixture on a collection device to produce a formed fibrous structure; and (d) adding a layer of second filaments to at least one surface of the formed fibrous structure. The Examiner recognizes that Chhabra does not explicitly teach the step of (a) producing a plurality of first filaments including a first polymer from a die. To overcome this deficiency, the Examiner combines the teachings of Anderson, which the Examiner asserts teaches a process of making a fibrous structure, including the step of producing a plurality of first filaments including a first polymer from a die. The Examiner concludes that it would have been obvious to one of ordinary skill in the art at the time the invention was made to produce a plurality of first filaments including a first polymer from a die in the process of Chhabra in view of Anderson in order to manufacture a fibrous structure having desired characteristics and/or properties.

Applicants respectfully submit that Chhabra in view of Anderson fails to teach each and every element of Claim 1, the independent claim, as amended, because Chhabra in view of Anderson fails to teach combining a plurality of first filaments, wherein at least

Appl. No. 14,475,699
Docket No. 10859C
Amdt. dated April 12, 2016
Reply to Office Action mailed February 18, 2016
Customer No. 27752

one of the first filaments exhibits an average filament diameter of 2.7 μm or greater with solid additives. Applicants submit that Chhabra's fails to teach filaments that exhibit an average filament diameter of 2.7 μm or greater. Therefore, Chhabra fails to teach the step of combining one or more filaments that exhibit an average filament diameter of 2.7 μm or greater with solid additives. Applicants respectfully submit that nothing in Anderson overcomes this deficiency of Chhabra. Therefore, Applicants respectfully submit that Claim 1, as amended, is not rendered obvious over Chhabra in view of Anderson. MPEP 2143.03. Further, Applicants respectfully submit that Claims 3 and 9-20, which ultimately depend from Claim 1, as amended, are not rendered obvious over Chhabra in view of Anderson. MPEP 2143.03.

Claims 4-8 are rejected under pre-AIA 35 U.S.C. 103(a) as allegedly defining obvious subject matter over Chhabra in view of Anderson, both discussed above, and further in view of Schwarz (U.S. Patent 5,476,616 A) ("Schwarz").

Applicants respectfully submit that Claims 4-8, which ultimately depend from Claim 1, as amended, are not rendered obvious over Chhabra and Anderson and further in view of Schwarz for the same reasons that Claim 1, as amended, is not rendered obvious over Chhabra in view of Anderson. MPEP 2413.03.

CONCLUSION

This response represents an earnest effort to place the present application in proper form and to distinguish the invention as claimed from the applied references. In view of the foregoing, the Applicant respectfully requests the Examiner to enter the amendments presented herein, reconsider this application and allow the pending claims.

Respectfully submitted,
THE PROCTER & GAMBLE COMPANY

By /C. Brant Cook/
C. Brant Cook
Registration No. 39,151
(513) 983-1004

Date: April 12, 2016
Customer No. 27752

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 14/475,699
Inventor(s) : Steven Lee Barnholtz *et al.*
Filed : September 3, 2014
Art Unit : 1742
Examiner : Leo B. Tentoni
Docket No. : 10859C
Confirmation No. : 8298
Customer No. : 27752
Title : Process for Making Fibrous Structures

Mailstop – After Final
Commission for Patents
Via Electronic Filing

AMENDMENT AFTER FINAL

This is in response to the Office Action mailed February 18, 2016, made Final. Please amend the above-identified application as follows, consider the following remarks and reconsider the application.

Authorization is hereby given to charge, any fees that may be required, or credit any overpayment, to Deposit Account No. 16-2480 in the name of The Procter & Gamble Company.

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

Remarks begin on page 5 of this paper.

AMENDMENTS TO THE CLAIMS

The following listing of claims replaces all prior versions and listings of the claims in the application.

1. (Currently Amended) A process for making a fibrous structure, the process comprising the steps of:
 - a. producing a plurality of first filaments comprising a first polymer from a die wherein at least one of the first filaments exhibits an average filament diameter of 2.7 μ m or greater;
 - b. combining the plurality of first filaments with solid additives to form a mixture;
 - c. collecting the mixture on a collection device to produce a formed fibrous structure; and
 - d. adding a layer of second filaments to at least one surface of the formed fibrous structure.
2. (Cancelled)
3. (Previously Presented) The process according to Claim 1 wherein the process further comprises the step of:
 - e. supplying at least the first polymer to the die.
4. (Previously Presented) The process according to Claim 1 wherein the die comprises one or more filament-forming holes, wherein one or more fluid-releasing holes are associated with one filament-forming hole such that a fluid exiting the fluid-releasing hole contacts an exterior surface of a filament exiting the filament-forming hole.
5. (Original) The process according to Claim 4 wherein the die comprises two or more rows of filament-forming holes.

Appl. No. 14,475,699
Docket No. 10859C
Amdt. dated April 12, 2016
Reply to Office Action mailed February 18, 2016
Customer No. 27752

6. (Original) The process according to Claim 5 wherein at least one row of filament-forming holes comprises two or more filament-forming holes.
7. (Original) The process according to Claim 4 wherein more than one fluid-releasing hole is associated with a filament-forming hole.
8. (Original) The process according to Claim 4 wherein one fluid-releasing hole is concentrically positioned around one filament-forming hole.
9. (Original) The process according to Claim 1 wherein the first polymer comprises a synthetic polymer.
10. (Original) The process according to Claim 9 wherein the synthetic polymer is selected from the group consisting of: polyvinyl alcohol, polyvinyl alcohol derivatives, polyesters, nylons, polyolefins, polylactic acids, polyhydroxyalkanoates, polycaprolactones and mixtures thereof.
11. (Original) The process according to Claim 9 wherein the synthetic polymer comprises a polyolefin.
12. (Original) The process according to Claim 11 wherein the polyolefin comprises polypropylene.
13. (Original) The process according to Claim 1 wherein the first polymer comprises a natural polymer.
14. (Original) The process according to Claim 13 wherein the natural polymer is selected from the group consisting of: starch, starch derivatives, cellulose, cellulose derivatives, hemicellulose, hemicellulose derivatives and mixtures thereof.
15. (Original) The process according to Claim 1 wherein the first polymer comprises a compostable polymer.

Appl. No. 14,475,699
Docket No. 10859C
Amdt. dated April 12, 2016
Reply to Office Action mailed February 18, 2016
Customer No. 27752

16. (Original) The process according to Claim 15 wherein the compostable polymer is selected from the group consisting of: polylactic acids, polyhydroxyalkanoates, polycaprolactones and mixtures thereof.
17. (Original) The process according to Claim 1 wherein the solid additives comprise fibers.
18. (Original) The process according to Claim 17 wherein the fibers comprise wood pulp fibers.
19. (Original) The process according to Claim 1 wherein the second filaments comprise a second polymer.
20. (Original) The process according to Claim 19 wherein the second polymer is the same as the first polymer.

REMARKS

Claim Status

Claim 1 has been amended to define the claimed invention with greater specificity by reciting that the first filaments comprising the first polymer are produced from a die, wherein at least one of the first filaments exhibits an average filament diameter of 2.7 μm or greater. Support for this amendment is found in the Specification, for example at Page 18, lines 8-16, and in the Drawings, for example Fig. 13, as originally filed.

Claims 1 and 3-20 are pending in the present application. No additional claims fee is believed to be due.

These changes do not involve any introduction of new matter. Consequently, entry of these changes is believed to be in order and is respectfully requested.

Rejections Under 35 USC 103

Claims 1, 3 and 9-20 are rejected under pre-AIA 35 U.S.C. 103(a) as allegedly defining obvious subject matter over Chhabra, et al. (US 2005/0266760 A1) (“Chhabra”) in combination with Anderson, et al. (US 4,100,324 A) (“Anderson”). The Examiner asserts that Chhabra teaches a process of making a fibrous structure, including the steps of (b) combining a first plurality of first filaments with solid additives to form a mixture; (c) collecting the mixture on a collection device to produce a formed fibrous structure; and (d) adding a layer of second filaments to at least one surface of the formed fibrous structure. The Examiner recognizes that Chhabra does not explicitly teach the step of (a) producing a plurality of first filaments including a first polymer from a die. To overcome this deficiency, the Examiner combines the teachings of Anderson, which the Examiner asserts teaches a process of making a fibrous structure, including the step of producing a plurality of first filaments including a first polymer from a die. The Examiner concludes that it would have been obvious to one of ordinary skill in the art at the time the invention was made to produce a plurality of first filaments including a first polymer from a die in the process of Chhabra in view of Anderson in order to manufacture a fibrous structure having desired characteristics and/or properties.

Applicants respectfully submit that Chhabra in view of Anderson fails to teach each and every element of Claim 1, the independent claim, as amended, because Chhabra in view of Anderson fails to teach combining a plurality of first filaments, wherein at least

Appl. No. 14,475,699
Docket No. 10859C
Amdt. dated April 12, 2016
Reply to Office Action mailed February 18, 2016
Customer No. 27752

one of the first filaments exhibits an average filament diameter of 2.7 μm or greater with solid additives. Applicants submit that Chhabra's fails to teach filaments that exhibit an average filament diameter of 2.7 μm or greater. Therefore, Chhabra fails to teach the step of combining one or more filaments that exhibit an average filament diameter of 2.7 μm or greater with solid additives. Applicants respectfully submit that nothing in Anderson overcomes this deficiency of Chhabra. Therefore, Applicants respectfully submit that Claim 1, as amended, is not rendered obvious over Chhabra in view of Anderson. MPEP 2143.03. Further, Applicants respectfully submit that Claims 3 and 9-20, which ultimately depend from Claim 1, as amended, are not rendered obvious over Chhabra in view of Anderson. MPEP 2143.03.

Claims 4-8 are rejected under pre-AIA 35 U.S.C. 103(a) as allegedly defining obvious subject matter over Chhabra in view of Anderson, both discussed above, and further in view of Schwarz (U.S. Patent 5,476,616 A) ("Schwarz").

Applicants respectfully submit that Claims 4-8, which ultimately depend from Claim 1, as amended, are not rendered obvious over Chhabra and Anderson and further in view of Schwarz for the same reasons that Claim 1, as amended, is not rendered obvious over Chhabra in view of Anderson. MPEP 2413.03.

CONCLUSION

This response represents an earnest effort to place the present application in proper form and to distinguish the invention as claimed from the applied references. In view of the foregoing, the Applicant respectfully requests the Examiner to enter the amendments presented herein, reconsider this application and allow the pending claims.

Respectfully submitted,
THE PROCTER & GAMBLE COMPANY

By /C. Brant Cook/
C. Brant Cook
Registration No. 39,151
(513) 983-1004

Date: April 12, 2016
Customer No. 27752

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 14/475,699
Inventor(s) : Steven Lee Barnholtz *et al.*
Filed : September 3, 2014
Art Unit : 1742
Examiner : Leo B. Tentoni
Docket No. : 10859C
Confirmation No. : 8298
Customer No. : 27752
Title : Process for Making Fibrous Structures

Mailstop - Amendment
Commission for Patents
Via Electronic Filing

AMENDMENT

This is in response to the Office Action mailed October 8, 2015. Please amend the above-identified application as follows, consider the following remarks and reconsider the application.

Authorization is hereby given to charge, any fees that may be required, or credit any overpayment, to Deposit Account No. 16-2480 in the name of The Procter & Gamble Company.

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

Amendments to the Claims begin on page 3 of this paper.

Remarks begin on page 6 of this paper.

Appl. No. 14,475,699
Docket No. 10859C
Amdt. dated January 8, 2016
Reply to Office Action mailed October 8, 2015
Customer No. 27752

AMENDMENTS TO THE SPECIFICATION

Please amend the specification as follows:

Please add the following new paragraph after the Title beginning at page 1, line 3:

CROSS REFERENCE TO RELATED APPLICATIONS

This application is a Continuation of U.S. Application No. 12/870,575, filed on July 10, 2008, now patented as US 8,852,474; which claims the benefit of U.S. Provisional Application No. 60/959,885 filed July 17, 2007.

AMENDMENTS TO THE CLAIMS

The following listing of claims replaces all prior versions and listings of the claims in the application.

1. (Currently Amended) A process for making a fibrous structure, the process comprising the steps of:
 - a. producing a plurality of first filaments comprising a first polymer from a die;
 - b. combining thea plurality of first filaments ~~comprising a first polymer~~ with solid additives to form a mixture;
 - c. collecting the mixture on a collection device to produce a formed fibrous structure; and
 - d. adding a layer of second filaments to at least one surface of the formed fibrous structure.
2. (Cancelled)
3. (Currently Amended) The process according to Claim 12 wherein the process further comprises the step of:
 - e. supplying at least the first polymer to the die.
4. (Currently Amended) The process according to Claim 12 wherein the die comprises one or more filament-forming holes, wherein one or more fluid-releasing holes are associated with one filament-forming hole such that a fluid exiting the fluid-releasing hole contacts an exterior surface of a filament exiting the filament-forming hole.
5. (Original) The process according to Claim 4 wherein the die comprises two or more rows of filament-forming holes.
6. (Original) The process according to Claim 5 wherein at least one row of filament-forming holes comprises two or more filament-forming holes.

7. (Original) The process according to Claim 4 wherein more than one fluid-releasing hole is associated with a filament-forming hole.
8. (Original) The process according to Claim 4 wherein one fluid-releasing hole is concentrically positioned around one filament-forming hole.
9. (Original) The process according to Claim 1 wherein the first polymer comprises a synthetic polymer.
10. (Original) The process according to Claim 9 wherein the synthetic polymer is selected from the group consisting of: polyvinyl alcohol, polyvinyl alcohol derivatives, polyesters, nylons, polyolefins, polylactic acids, polyhydroxyalkanoates, polycaprolactones and mixtures thereof.
11. (Original) The process according to Claim 9 wherein the synthetic polymer comprises a polyolefin.
12. (Original) The process according to Claim 11 wherein the polyolefin comprises polypropylene.
13. (Original) The process according to Claim 1 wherein the first polymer comprises a natural polymer.
14. (Original) The process according to Claim 13 wherein the natural polymer is selected from the group consisting of: starch, starch derivatives, cellulose, cellulose derivatives, hemicellulose, hemicellulose derivatives and mixtures thereof.
15. (Original) The process according to Claim 1 wherein the first polymer comprises a compostable polymer.

Appl. No. 14,475,699
Docket No. 10859C
Amdt. dated January 8, 2016
Reply to Office Action mailed October 8, 2015
Customer No. 27752

16. (Original) The process according to Claim 15 wherein the compostable polymer is selected from the group consisting of: polylactic acids, polyhydroxyalkanoates, polycaprolactones and mixtures thereof.

17. (Original) The process according to Claim 1 wherein the solid additives comprise fibers.

18. (Original) The process according to Claim 17 wherein the fibers comprise wood pulp fibers.

19. (Original) The process according to Claim 1 wherein the second filaments comprise a second polymer.

20. (Original) The process according to Claim 19 wherein the second polymer is the same as the first polymer.

Appl. No. 14,475,699
Docket No. 10859C
Amdt. dated January 8, 2016
Reply to Office Action mailed October 8, 2015
Customer No. 27752

REMARKS

Claim Status

Claim 1 has been amended to define the claimed invention with greater specificity by reciting that the first filaments comprising the first polymer are produced from a die. Support for this amendment is found throughout the Specification, the Drawings, and the Claims as originally filed.

Claim 2 has been cancelled without prejudice. The subject matter of Claim 2 has been incorporated into Claim 1, as amended.

Claims 3 and 4 have been amended to change their dependency.

Claims 1 and 3-20 are pending in the present application. No additional claims fee is believed to be due.

These changes do not involve any introduction of new matter. Consequently, entry of these changes is believed to be in order and is respectfully requested.

Rejection Under 35 USC 102

Claims 1 and 9-20 are rejected under pre-AIA 35 U.S.C. 102 (b) as allegedly defining obvious subject matter by Chhabra, *et al.* (US 2005/0266760 A1) (“Chhabra”). The Examiner asserts that Chhabra teaches a process for making a fibrous structure.

Applicants respectfully submit that Chhabra fails to teach each and every element of Claim 1, the independent claim, as amended, because Chhabra fails to teach producing its nanofibers (less than 1 micron fibers) from a die. Accordingly, Applicants respectfully submit that Claim 1, as amended, is not anticipated by Chhabra. Further, Applicants respectfully submit that Claims 9-20, which ultimately depend from Claim 1, as amended, are not anticipated by Chhabra.

Rejection Under 35 USC 103

Claims 2 and 3 are rejected under pre-AIA 35 U.S.C. 103(a) as allegedly defining obvious subject matter over Chhabra, discussed above, and further in view of Anderson, *et al.* (US 4,100,324 A) (“Anderson”). The Examiner recognizes that Chhabra fails to teach producing its nanofibers from a die. The Examiner asserts that Anderson teaches using a die to produce filaments and thus overcomes the deficiencies of Chhabra.

Appl. No. 14,475,699
Docket No. 10859C
Amdt. dated January 8, 2016
Reply to Office Action mailed October 8, 2015
Customer No. 27752

Applicants respectfully submit that Chhabra in view of Anderson fails to teach each and every element of Claim 1, the independent claim, as amended, because Chhabra cannot properly be combined with Anderson. Applicants respectfully submit that Chhabra explicitly teaches away from Anderson because Anderson fails to teach making nanofibers. Chhabra, Paragraph [0006]. Accordingly, Applicants respectfully submit that Claim 1, as amended, is not rendered obvious over Chhabra in view of Anderson. MPEP 2143.03. Further, Applicants submit that Claim 3 (Claim 2 has been cancelled), as amended, which depends from Claim 1, as amended, are not rendered obvious over Chhabra in view of Anderson. MPEP 2143.03.

Claims 4-8 are rejected under pre-AIA 35 U.S.C. 103(a) as allegedly defining obvious subject matter over Chhabra and Anderson, both discussed above, and further in view of Schwarz (US 5,476,616) ("Schwarz").

Applicants respectfully submit that Claims 4-8, as amended, which ultimately depend from Claim 1, as amended, are not rendered obvious over Chhabra and Anderson and further in view of Schwarz for the same reasons that Claim 1, as amended, is not rendered obvious over Chhabra in view of Anderson. MPEP 2413.03.

Double Patenting

Claims 1-20 are rejected on the ground of nonstatutory double patenting as being unpatentable over Claims 1-18 of US 8,852,474 B2.

Applicants submit herewith a Terminal Disclaimer that overcomes this rejection.

CONCLUSION

This response represents an earnest effort to place the present application in proper form and to distinguish the invention as claimed from the applied references. In view of the foregoing, the Applicant respectfully requests the Examiner to enter the amendments presented herein, reconsider this application and allow the pending claims.

Respectfully submitted,

THE PROCTER & GAMBLE COMPANY

By /C. Brant Cook/

C. Brant Cook

Registration No. 39,151

(513) 983-1004

Date: January 8, 2016
Customer No. 27752

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 14/475,699
Inventor(s) : Steven Lee Barnholtz *et al.*
Filed : September 3, 2014
Art Unit : 1742
Examiner : Leo B. Tentoni
Docket No. : 10859C
Confirmation No. : 8298
Customer No. : 27752
Title : Process for Making Fibrous Structures

TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING
REJECTION OVER A PRIOR PATENT

The Applicant, The Procter & Gamble Company, owner of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of prior Patent No. US 8,852,474 B2 (P&G Case No. 10859) as the term of said prior patent is presently shortened by any terminal disclaimer. The Applicant hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the Applicant does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term of the prior patent, as the term of said prior patent is presently shortened by any terminal disclaimer, in the event that said prior patent later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Appl. No. 14/475,699
Docket No. 10859C
Paper dated January 8, 2016
Reply to Office Action mailed on October 8, 2015

Authorization is given to charge Deposit Account No. 16-2480 for the fee required under 37 C.F.R. §1.20 (d) for submission of this Terminal Disclaimer.

I hereby acknowledge that any willful false statements made are punishable under 18 U.S.C. 1001 by fine or imprisonment of not more than five (5) years, or both.

The undersigned is an attorney or agent of record.

Respectfully Submitted,

THE PROCTER & GAMBLE COMPANY\

By /C. Brant Cook
C. Brant Cook
Registration No. 39,151
(513) 983-1004

Date: January 8, 2016
Customer No. 27752



UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
14/475,699	09/03/2014	Steven Lee BARNHOLTZ	10859C	8298

27752 7590 10/08/2015
THE PROCTER & GAMBLE COMPANY
Global Patent Services - Legal IP
Central Building, C8
One Procter and Gamble Plaza
CINCINNATI, OH 45202

EXAMINER

TENTONI, LEO B

ART UNIT	PAPER NUMBER
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1742

NOTIFICATION DATE	DELIVERY MODE
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10/08/2015

ELECTRONIC

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

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

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

centraldocket.im@pg.com
pair_pg@firsttofile.com
mayer.jk@pg.com

Office Action Summary	Application No. 14/475,699	Applicant(s) BARNHOLTZ ET AL.	
	Examiner Leo B. Tentoni	Art Unit 1742	AIA (First Inventor to File) Status No

-- 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 26 March 2015.
☐ 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) 1-20 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 03 September 2014 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 09032014;03262015
- 3) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 4) ☐ Other: _____

Art Unit: 1742

1. The present application is being examined under the pre-AIA first to invent provisions.

DETAILED ACTION

Specification

2. The disclosure is objected to because of the following informalities: On page 1, the information (i.e., application number, filing date, patent number) for the parent application is missing.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

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

A person shall be entitled to a patent unless -

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

4. Claims 1 and 9-20 are rejected under pre-AIA 35 U.S.C. 102(b) as being anticipated by Chhabra et al (U.S. Patent Application Publication 2005/0266760 A1).

Chhabra et al (see the entire document, in particular, paragraphs [0006], [0011], [0015], [0021], [0034], [0042] and [0043]) teaches a process of making a fibrous structure, including the steps of (a) combining a plurality of first filaments including a first polymer with solid additives to form a mixture; (b) collecting the mixture on a collection device to produce a formed fibrous structure; and (c) adding a layer of

Art Unit: 1742

second filaments to at least one surface of the formed fibrous structure.

Claim Rejections - 35 USC § 103

5. The following is a quotation of pre-AIA 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under pre-AIA 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of pre-AIA 35 U.S.C. 103(c) and potential pre-AIA 35 U.S.C. 102(e), (f) or (g) prior art under pre-AIA 35 U.S.C. 103(a).

7. Claims 2 and 3 are rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over Chhabra et al (U.S. Patent Application Publication 2005/0266760 A1) as applied to claims 1 and 9-20 above, and further in view of Anderson et al (U.S. Patent 4,100,324 A).

Art Unit: 1742

Chhabra et al does not explicitly teach (1) the step of producing a plurality of first filaments from a die, or (2) the step of supplying at least the first polymer to a die. Anderson et al (see the entire document, in particular, col. 1, lines 13-64; col. 2, lines 28-54) teaches a process of making a fibrous structure, including the step of producing a plurality of first filaments from a die and the step of supplying at least the first polymer to a die, and it would have been obvious to one of ordinary skill in the art at the time the invention was made to produce a plurality of first filaments from a die and supply at least the first polymer to a die in the process of Chhabra et al in view of Anderson et al in order to manufacture a fibrous structure having desired characteristics and/or properties.

8. Claims 4-8 are rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over Chhabra et al (U.S. Patent Application Publication 2005/0266760 A1) in combination with Anderson et al (U.S. Patent 4,100,324 A) as applied to claims 1-3 and 9-20 above, and further in view of Schwarz (U.S. Patent 5,476,616 A).

Chhabra et al (in combination with Anderson et al) does not explicitly teach (1) the recited details of the filament-forming holes or of the fluid-releasing holes. Schwarz (see the entire document, in particular, col. 2, lines 15-52; Figures 1, 2A, 2B, 3 and 4) teaches a process of making a fibrous structure, including the recited details of the filament-forming holes and of the fluid-releasing holes, and it would have been obvious to one of ordinary skill in the art at the time the invention was

Art Unit: 1742

made to provide the details of the filament-forming holes and of the fluid-releasing holes in the process of Chhabra et al (in combination with Anderson et al) in view of Schwarz in order to manufacture a desired fibrous structure by a melt-blowing process.

Double Patenting

9. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory double patenting rejection is appropriate where the claims at issue are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the reference application or patent either is

Art Unit: 1742

shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement. A terminal disclaimer must be signed in compliance with 37 CFR 1.321(b).

The USPTO internet Web site contains terminal disclaimer forms which may be used. Please visit <http://www.uspto.gov/forms/>. The filing date of the application will determine what form should be used. A web-based eTerminal Disclaimer may be filled out completely online using web-screens. An eTerminal Disclaimer that meets all requirements is auto-processed and approved immediately upon submission. For more information about eTerminal Disclaimers, refer to <http://www.uspto.gov/patents/process/file/efs/guidance/eTD-info-I.jsp>.

10. Claims 1-20 are rejected on the ground of nonstatutory double patenting as being unpatentable over claims 1-18 of U.S. Patent No. 8,852,474 B2. Although the claims at issue are not identical, they are not patentably distinct from each other because the elimination of an element (i.e., and angle (at which fluid exiting the fluid-releasing hole contacts an exterior surface of a filament exiting a filament-forming hole) of less than 30°) and its function would have been obvious to one of ordinary skill in the art at the time the invention was made if the function of the element is not desired (MPEP §2144.04(II)(A)).

Art Unit: 1742

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. MacDonald et al (U.S. Patent 4,950,601 A) is cited as being of interest (note col. 3, line 59 to col. 4, line 3; col. 8, lines 3-39; col. 10, lines 14-21 and 33-47; col. 17, lines 53-64).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leo B. Tentoni whose telephone number is (571)272-1209. The examiner can normally be reached on Monday - Friday (6:30 A.M. - 3:00 P.M.).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina A. Johnson can be reached on (571) 272-1176. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1742

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.

/Leo B Tentoni/
Primary Examiner, Art Unit 1742

Notice of References Cited	Application/Control No. 14/475,699		Applicant(s)/Patent Under Reexamination BARNHOLTZ ET AL.	
	Examiner Leo B. Tentoni		Art Unit 1742	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-4,950,601 A	08-1990	MacDonald et al.	435/179
*	B	US-2005/0266760 A1	12-2005	Chhabra et al.	442/417
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

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

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

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