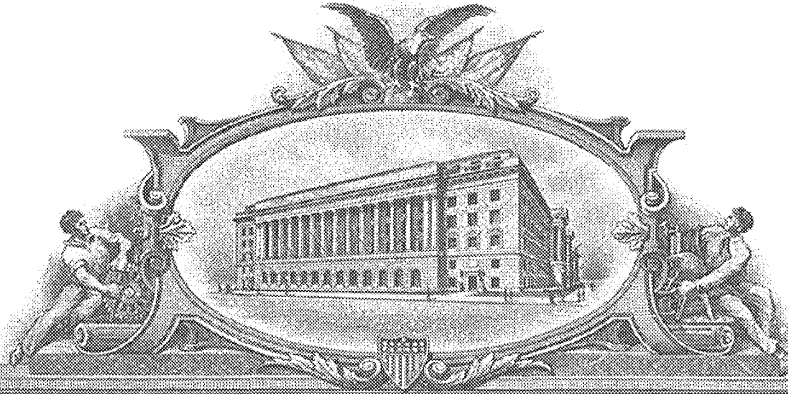


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UNITED STATES PATENT APPLICATION FOR:

**METHODS AND APPARATUS FOR POSITION SENSITIVE
SUSPENSION DAMPENING**

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METHODS AND APPARATUS FOR POSITION SENSITIVE SUSPENSION DAMPENING

CROSS-REFERENCE TO RELATED APPLICATIONS

[0001] This application claims benefit of United States provisional patent application 61/052,150 filed May 9, 2008, which is incorporated herein by reference.

FIELD OF THE INVENTION

[0002] Embodiments of the invention generally relate to methods and apparatus for use in vehicle suspension. Particular embodiments of the invention relate to methods and apparatus useful for variable and position sensitive dampening rate in vehicle shock absorbers.

BACKGROUND OF THE INVENTION

[0003] Vehicle suspension systems typically include a spring component or components and a dampening component or components. Typically, mechanical springs, such as helical springs are used with some type of viscous fluid-based dampening mechanism and the two are mounted functionally in parallel. Figure 1 is a perspective view of a shock absorber 100, typically used as a rear shock absorber for a motorcycle and fixable at an upper end with a mounting eye 105 to a main frame of a cycle and at a lower end with another mounting eye 110 to a link system beneath a swinging arm. The link system (not shown) is designed to leverage the suspension so that initially the suspension feels soft but feels progressively firmer as the shock absorber is compressed further. The shock absorber of Figure 1 includes a helical spring 115, a damper housing 120 with a piston and chamber (not shown) and an external reservoir 125 having a floating piston (not shown) and pressurized gas to compensate for a reduction in volume in the main damper chamber of the shock absorber as the piston shaft 130 moves into the damper body. Fluid communication between the main chamber of the damper and the reservoir 125 may be via a flow channel including an adjustable needle valve. In its basic form, the damper works in conjunction with the helical spring and controls the speed of movement of the piston

shaft by metering incompressible fluid from one side of the damper piston to the other, and additionally from the main chamber to the reservoir, during a compression stroke (and in reverse during the rebound or extension stroke).

[0004] Various refinements have been made to shock absorbers like the one shown in Figure 1 to enhance their performance. One continuing problem is that of a "bottom out" condition where the dampening piston becomes completely retracted due to compressive forces brought about by terrain and the weight of a rider. Additionally problematic is the fact that the dampening fluid typically increases in temperature during use. A "bottom out" dampener that may be initially set up to be effective at higher dampening fluid temperature will often be too stiff at lower temperatures during initial stages of use (noting that the shock fluid temperature may never even rise to an ideal temperature) creating a harsh ride and poor vehicle handling characteristics. A dampener that works well and initially doesn't bottom out too hard may begin to bottom out as the dampening fluid becomes heated and correspondingly less viscous during use or extended use.

[0005] To avoid bottom out, various means have been utilized to increase dampening in a position-sensitive manner whereby the dampening increases as the piston nears the end of a compressive stroke. In one example, illustrated in US patent no. 6,446,771 (which patent is incorporated by reference herein in its entirety), a shock absorber includes an additional piston located at an end of the piston shaft and designed to enter a completely closed cup-shaped member as the shock absorber approaches complete compression. The arrangement adds an additional fluid metering dampening piston and therefore additional dampening, as the shock nears the end of its stroke.

[0006] US patent no. 6,029,958, which is also incorporated by reference herein in its entirety, provides an increase in dampening as the shock is compressed by using a pin and hole arrangement. As illustrated in Figure 1 of the '958 patent, the piston has an aperture formed in its center and the aperture serves as a fluid path during a first portion of the shock's compression stroke. As the piston moves nearer the bottom out position,

a pin mounted at a bottom end of the chamber contacts the aperture and prevents further fluid communication. In this manner, dampening is increased by eliminating a metering path for the fluid.

[0007] While the forging patents teach structures for increasing dampening in the final stages of a shock absorber's compression stroke, none provide a complete and user-adjustable system through the use of a user-adjustable secondary dampening arrangement. None of the foregoing teachings suggest any way that bottom out dampening features can be readily adjusted during a ride or "on the fly" so to state. What is needed is a dampening system that will prevent or mitigate "bottom out" and that can be adjusted as a ride, and corresponding use of the shock absorber, progresses. What is needed is a bottom out mitigation system that can be adjusted to account for dampening fluid temperature changes during use. What is needed is a readily accessible and user adjustable secondary dampening arrangement and method for its use.

SUMMARY OF THE INVENTION

[0008] Embodiments of the invention are generally related to methods and apparatus for use in vehicle suspension. Particular embodiments relate to methods and apparatus useful in position sensitive dampening in a shock absorber for a motorcycle. In one aspect, a fluid damper is provided comprising a damper chamber divided by a piston into a primary compression and a primary rebound chamber. A secondary compression chamber is in fluid communication with the damper chamber and an adjustable fluid meter controls fluid flow out of the secondary compression chamber. In another embodiment, a bottom out cup is provided at a lower end of a damper chamber for operation in conjunction with a bottom out piston. As the bottom out piston enters and seals the cup, increased dampening takes place as the path of fluid from the cup back into the compression chamber of the shock is limited, in one embodiment, to a blow off valve and/ or a user-adjustable metering valve. In another embodiment, communication is selectively permitted between fluid in the sealed bottom out cup and the rebound portion of the chamber via a fluid path(s) formed in the interior of the piston shaft. In

one embodiment, the fluid path in the piston shaft is controlled with a reversible check valve that will permit, in one setting, fluid communication only during the rebound stroke of the piston and shaft.

BRIEF DESCRIPTION OF THE DRAWINGS

[0009] Figure 1 is a perspective view of a rear shock absorber including a damper, external reservoir and helical spring.

[0100] Figure 2 is a section view showing a shock absorber with a dampening assembly having a secondary, bottom out dampening assembly.

[0010] Figure 3A is a section view showing a bottom out piston entering a bottom out cup during a compression stroke of a shock absorber.

[0011] Figure 3B is a section view showing the bottom out cup of Figure 3A with the bottom out piston fully engaged and sealed therein.

[0012] Figure 3C is a section view of the bottom out cup of Figures 3A & 3B showing a blow off valve and a user-adjustable metering valve in communication with the bottom out cup.

[0013] Figure 4 is a section view showing the bottom out piston being removed from the cup and a piston shaft having a fluid path formed in its interior for providing fluid communication between the bottom out cup and the rebound portion of the dampening chamber during the rebound stroke.

DESCRIPTION OF A PREFERRED EMBODIMENT

[0014] Figure 2 is a section view showing a dampening assembly 200 of a shock absorber shown in an axially extended position. A dampening piston 210 is fixed relative to a shaft 215, both of which are axially movable relative to a housing or chamber 220. The piston 210 is equipped with fluid paths therethrough to permit dampening fluid within the chamber 220 to be metered through the piston 210. For example, when the shaft 215 moves into the chamber 220, fluid moves from a first side

(the compression portion) to an opposite side (the rebound portion) of the chamber 220 through the paths formed in the piston 210. Additionally, fluid must move through a flow path from the chamber 220 into the side reservoir 125, thereby causing a reservoir floating piston to compress a gas chamber in the reservoir 125. A configuration of a side reservoir, including a floating piston, is described in US patent no. 7,374,028 which patent is entirely incorporated herein by reference.

[0015] Also visible in Figure 2 is a bottom out piston 250 connected at the end of the shaft 215 and spaced from the dampening piston 210. The bottom out piston is constructed and arranged to engage a bottom out cup 275 formed at the lower end of the chamber 220. As will be explained herein in more detail, the bottom out cup and bottom out piston operate with various dampening devices including a pressure relief or "blow off" valve and a user-adjustable metering valve.

[0016] Figure 3A is a section view showing the bottom out piston 250 entering the bottom out cup 275 during a compression stroke of the shock absorber. The direction of movement of the piston 250 is illustrated by arrow 280. The bottom out piston includes a piston ring or dynamic seal 251 for axially slidable engagement with an inner diameter of the bottom out cup 275. In the embodiment of Figure 3A, the upper end of the bottom out cup has a diameter that tapers outwards (i.e. larger) permitting, initially in the stroke, some fluid to pass through an annular area formed between the bottom out piston seal 251 and the inner diameter of the cup 275. The piston by-pass flow of fluid through the annular area and into a compression portion 222 of chamber 220 is illustrated by arrow 281.

[0017] Figure 3B is a section view showing the bottom out cup 275 of Figure 3A with the bottom out piston 250 fully engaged therein. As the piston completely engages the cup 275, dampening is increased because the shaft 215 can only progress further as fluid (e.g. substantially incompressible) is moved from the bottom out cup through one of two paths 301, 302 leading back into the compression portion 222 of chamber 220 (and ultimately also into side reservoir 125 if one is used).

[0018] Figure 3B also shows various adjustable dampening mechanisms that work in conjunction with the bottom out cup and piston. At an end of flow path 301 is a pressure relief or "blow off" valve 300, a high speed compression circuit that operates at a blow off threshold, typically due to a relatively rapid event like the rapid compression of the shock absorber. The blow-off valve 300 selectively allows fluid flow from the bottom out cup 275 to the compression portion 222 of chamber 220 at shaft speeds (in the direction 280) that create fluid pressures within the bottom out cup above the blow off threshold pressure during engagement of piston 275 with bottom out cup 275. The blow-off valve generally comprises a valve opening, a blow-off valve or piston 302 and a compression spring 305. The blow off pressure is determined by a combination of the spring rate of the spring 305, the preload on the spring 305 and the area of the blow-off piston 302 that is subject to fluid pressure from the bottom out cup 275. When fluid pressure in the cup rises above the predetermined (e.g. preset) threshold, the piston is forced away from the piston seat and allows fluid to flow through the valve opening and into the compression portion 222, thus lowering the pressure within the bottom out cup 275. The blow off valve 300 is primarily a safety device and is typically set to crack or "blow off", thereby allowing fluid flow into the compression portion of chamber 200, at a pressure that is relatively high but still low enough to prevent excess pressure build up in the bottom out cup 275 from damaging the shock or the vehicle in which the shock is integrated.

[0019] Visible in Figures 3A-C, at an end of fluid flow path 302 is a user-adjustable metering valve 350 with externally accessible adjustment features. The valve 350 is operable provide an easily and readily adjustable dampening feature operable with the bottom out chamber 275 and piston 250. In Figures 3A-B the valve 350 is shown in an open position whereby fluid may flow through an orifice 400. In Figure 3C, the valve is shown in a closed position wherein orifice 400 is fully obstructed. The valve 350 is disposed in a bore formed in the damper housing cap. The valve assembly consists of a body 355, an indexing ring 360 and a nipple portion 370. The body 355 includes a slot 375 for a screwdriver head exposed to an area outside the shock absorber and permitting ready access to and adjustment of the valve 350 by a user. In one

embodiment the body 355 includes a hand manipulatable knob in addition to a wrench profile or screwdriver recess. Any suitable turning feature may be included with body 355 for easy external access and adjustment. As a body 355 of the valve is turned, the indexing ring 360 consisting of two opposing, outwardly spring-biased balls 380 rotates among indentions formed on an inside diameter of a lock ring 354. The interaction between the balls and the indentions locks the body 355 at each rotational location until the balls 380 are urged out of the indentations by additional rotational force input by the user. The result is that the body 355 will index at various points of its rotation so that positioning of the body 355, and the corresponding setting of valve 350, by the user is maintained against vibration of the shock and the vehicle while in use. As the body 355 rotates, so does the valve or nipple portion 370 at an opposite end of the valve from the head. The body 355 is rotationally engaged with the nipple 370. A male hex member extends from an end of the body 355 into a female hex profile bore formed in the nipple 370. Such engagement transmits rotation from the body 355 to the nipple 370 while allowing axial displacement of the nipple 370 relative to the body 355. Therefore, while the body does not axially move upon rotation, the threaded nipple portion 370 interacts with mating threads 390 formed on an inside diameter of the bore to transmit axial motion, resulting from rotation and based on the pitch of the threads 390, of the nipple portion 370 towards and away from an orifice 400 and between a closed and fully open positions.

[0020] In operation, the blow off valve 300 and the user-adjustable metering valve 350 operate independently of each other but each is designed to permit fluid to pass from the bottom out cup 275 to the compression portion 222 of the chamber 220 in order to lessen the increase in dampening effect (i.e. the "increase" being over that due to the piston 210 and the reservoir 125 during the majority of the compression stroke) when the bottom out piston 250 engages the bottom out cup. Even when valve 350 is completely closed with no fluid entering the compression portion of the chamber through the metering valve 350 (i.e. the bottom out dampening rate is very high), the dampening rate will decrease to some extent when a threshold pressure of blow off valve 300 is reached, thereby opening valve 300 and allowing fluid to flow from the bottom out cup

275 to the compression portion of the chamber 220 via flow path 302 and independently of orifice 400.

[0021] Figure 4 is a section view showing the piston shaft 215 with another dampening mechanism operable in conjunction with the bottom out cup 275 and piston 250 and also to operate prior to engagement of the piston in the cup. As indicated by movement direction arrow 450 in Figure 4, the bottom out piston 250 is shown being removed from the bottom out cup 275. In the embodiment of Figure 4, the piston shaft 215 includes a fluid path formed in its interior and provides for fluid communication between the bottom out cup 275 and a rebound portion 221 of the chamber 220 during the rebound stroke. The path and direction of flow in the embodiment is illustrated by arrow 465. The path winds through a bore in the shaft that is formed coaxially with the centerline of the shaft. At one end, the fluid path including 455, terminates at a lower end of the bottom out piston 250 and at an upper end of the path terminates at an aperture(s) 460 intersecting the path 465 and leading into the chamber 221.

[0022] An adjustment mechanism described herein in relation to Figure 2, and terminating in bullet shaped member (e.g. adjustable needle valve) 231 permits the volume of fluid flow, upon opening of the valve 475, to be set by a user. As shown in Figure 2, shaft 215 includes a mounting eye (or clevis) 225 at one end thereof. The mounting eye 225 includes a valve adjuster 230 which is user-adjustable and movable in and out (e.g. by threaded engagement) of the eye in a direction substantially perpendicular to the longitudinal axis of shaft 215. Shaft 215 also includes a coaxially mounted shaft 235 therein, where shaft 235 is axially movable relative to shaft 215. An end 232 of valve adjuster 230 contacts an end of shaft 235 and rotational movement of valve adjuster 230 causes axial movement of shaft 235 relative to shaft 215. Such axial movement of shaft 235 changes the position of a needle valve 231 inside the shaft and thereby adjusts the low speed fluid flow rate and maximum fluid flow rate through the piston shaft (in the direction that is not blocked by a check valve 475) and thereby allows manual adjustment of the dampening rate.

[0023] In addition to fluid path 465, the shaft 215 of the embodiment is provided with an adjustable and reversible check valve 475 installed at an upper end of the path and permitting fluid to selectively move in one direction while preventing fluid from moving in an opposite direction. In the embodiment shown in Figure 4, fluid is only permitted to move toward the lower end of the bottom out piston 250 (as indicated by path arrow 465) and is checked in the reverse direction. The valve 475 is spring loaded to open at a predetermined (set) fluid pressure in the direction of permitted flow (the direction shown by arrow 465). Varying spring preload will vary the fluid pressure at which the check valve is set to crack.

[0024] In one embodiment, as shown, dampening of the shock absorber is reduced in the extending or rebound direction, because the fluid flow through the shaft permits a quicker extension or "rebound" of the shaft by permitting an additional volume of fluid to move from the rebound portion 221 of the chamber 220 to the region below the bottom out piston 250 (which, following bottom out, flows into the bottom out cup below piston 250), thus reducing force required to retract the bottom out piston 250 from the cup 275 and therefore, the shaft 215 and permitting a quicker extension. In another embodiment, not shown, the check valve 475 is reversed and dampening on the compression stroke is reduced by the allowance of additional fluid flow through the shaft 215 and along path 465 but in an opposite direction from the one shown in Figure 4 as direction 465. Reversing the check valve from the shown embodiment results in the valve member 476 and seat 477 being oriented towards the bottom out piston.

[0025] In order to facilitate easy reversal and adjustment of the check valve, the bore of shaft 215 is provided with threads to accept a check valve cartridge assembly 485. The cartridge assembly 485 is further secured within the shaft 215 by a threaded nut 486. The cartridge 485 and the nut 486 are flush or below flush relative to the lower end of the shaft 215 and fit therein without additional shaft diameter or length, so that there is no interference with the interface between or operation or assembly of the piston 250 and the shaft 215. The shaft 215 having the provision for a modular valve cartridge 485 allows for other interchangeable valve configurations without modifying surrounding

hardware. For instance, the valve cartridge 485 may be equipped with fluid flow resistors (chokes), filters or other micro-fluidic devices as, for example, are illustrated in The Lee Company Technical Hydraulic Handbook, which is copyright 1996 by The Lee Company and entirely incorporated by reference herein, or any suitable combination of the foregoing as may be desirable for the tailoring of flowing fluid characteristics. Further, the inclusion of such cartridge check valve requires no additional length in the overall shaft 215 / piston 250 assembly.

[0026] In one embodiment the shock absorber 200 and bottom out feature are configured and operated, at the user's discretion, without the check valve 475 (or cartridge 485) installed. In that embodiment fluid may flow along path 465 in either direction, thereby reducing dampening characteristics in both the rebound and compression strokes to the extent allowed by adjustment of the needle valve 231. Alternatively, the needle valve may be completely closed into an adjacent end of cartridge 485 thereby excluding fluid flow in both directions along path 465.

[0027] In one embodiment (not shown) the bottom out chamber or "cup" is located proximate an end of the damping chamber corresponding to the hole through which the shaft enters that chamber. A "bottom out piston" surrounds the shaft and is axially movable relative thereto (there though). The primary damping piston includes a connector which connects it to the bottom out piston and the connector is capable of bearing tension between the two pistons but not compression. A simple embodiment of such a connector may comprise a flexible cable. The bottom out piston is forced into the bottom out cup by direct engagement of the "topping out" primary damping piston at near full extension of the shock absorber. In extended positions of the shock absorber the connector between the primary and bottom out pistons is slack. As the shock absorber is compressed to near bottom out position, the connector is placed in tension and begins to pull the bottom out piston from within the bottom out cup thereby creating a suction (or vacuum) within the bottom out cup. The bottom out cup includes a metering valve, in principle as described herein, for metering fluid through a path between (into) an interior of the bottom out cup (such interior formed by the cup and the

engaged bottom out piston) and (from) the rebound chamber thereby relieving the vacuum while creating an increased damping effect near bottom out. It is contemplated that the "bottom out cup" and "bottom out piston" may include many varied embodiments while retaining adjustability.

[0028] Each dampening mechanism described is usable with a bottom out cup and piston to provide a variety of selectable and/or adjustable dampening options in a shock absorber near the end of a compression stroke (and some throughout either stroke) or beginning of a rebound stroke. Embodiments described herein may also be adapted to work with dampeners generally as if the bottom out piston 250 and the bottom out cup described herein where the dampening piston and cylinder. For example, the user-adjustable metering valve 350 can be set by a user to permit a predetermined amount of fluid to flow between the cup and the compression portion 221 chamber 220 of the damper. The blow off valve 250, depending upon its setting, permits fluid flow in the event that pressure in the cup exceeds the threshold pressure of the blow off valve circuit. Operation of the blow off valve is in part determinable by the setting of the user-adjustable metering valve as its more or less metering of fluid operates to lessen or increase, respectively, the fluid pressure in the bottom out cup. Also, the reversible check valve 475 in the hollow shaft can be arranged to reduce dampening in either the compression or the rebound stroke of the piston.

[0029] While the foregoing is directed to embodiments of the present invention, other and further embodiments of the invention may be implemented without departing from the scope of the invention, and the scope thereof is determined by the claims that follow.

Claims:

1. A damper for a shock absorber comprising:
a damper chamber divided by a piston and shaft into a compression and rebound portions;
a bottom out cup at an end of the chamber; and
a fluid flow path connecting the bottom out cup with the compression portion of the chamber; wherein the capacity of the fluid flow path is adjustable.
2. The damper of claim 1, further including a bottom out piston disposed at an end of the rod for sealing engagement with the bottom out cup.
3. The damper of claim 2, wherein the capacity of the flow path is determined by a user-adjustable valve positioned in and partially obstructing the fluid flow path.
4. The damper of claim 3, wherein the user-adjustable valve is manually adjustable and accessible externally of the damper.
5. The damper of claim 4, wherein the user-adjustable valve can be adjusted between a closed position and a plurality of open positions.
6. The damper of claim 1, further including a second fluid flow path between the bottom out cup and the compression portion.
7. The damper of claim 6, further including a blow off valve disposed in the second fluid flow path, the blow off valve having a predetermined blow off threshold pressure.
8. The damper of claim 1, further including a fluid path between the cup and the rebound portion of the chamber, the path formed in the shaft.

9. The damper of claim 8, wherein the path between the cup and rebound portion is adjustable with a check valve to permit flow of fluid in a single direction between the cup and the rebound portion.
10. The damper of claim 9, wherein the check valve is arranged in the path to permit fluid communication between the rebound portion and the cup during a rebound stroke of the shaft.
11. The damper of claim 10, wherein the volume of fluid traveling through the fluid path is user-adjustable.
12. A fluid damper comprising:
 - a damper chamber divided, by a piston, into a primary compression and a primary rebound chamber;
 - a secondary compression chamber in fluid communication with the damper chamber; and
 - an adjustable fluid meter controlling fluid flow out of the secondary compression chamber.
13. The damper of claim 12, further including a fluid flow path connecting the secondary compression chamber with the primary compression chamber; wherein the capacity of the fluid flow path is adjustable.
14. The damper of claim 13, further including an externally accessible adjuster connected to a valve in the flow path.
15. The damper of claim 14, wherein the externally accessible adjuster is manually adjustable.
16. A shock absorber comprising:
 - A spring;

- a chamber operatively connected to the spring;
- a piston shaft extending into the chamber;
- a first piston connected to the shaft, the piston for metering fluid during movement of the shaft in the chamber between a compression side and a rebound side of the chamber;
- a second piston formed at an end of the shaft for sealing engagement with a bottom out chamber disposed at an end of the chamber;
- a blow off valve in fluid communication with the bottom out chamber and operable depending upon the pressure of fluid in the bottom out chamber; and
- a user-adjustable metering valve in fluid communication with the bottom out chamber, the valve for metering fluid from the bottom out cup to the compression side, the valve externally accessible to increase or decrease dampening.

17. A method of operating a shock absorber comprising:
- compressing the shock absorber to a location where a bottom out piston on a shaft moves in engagement with a bottom out chamber disposed within a dampening chamber;
 - creating a substantially sealed relationship between the piston and the bottom out chamber; and
 - metering the passage of fluid from within the bottom out chamber through a user-adjustable metering valve.

18. The method of claim 17, further including flowing, during extension, a fluid through a path between the bottom out chamber and a rebound portion of the dampening chamber, the fluid path closed during compression of the shock absorber.

19. The method of claim 17, further including the steps of:
- adjusting the user-adjustable metering valve; and
 - repeating the step of metering with the adjusted valve.

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Attorney Docket No.: FOXF/0024

20. The method of claim 19, further including the step of increasing the temperature of the shock absorber wherein adjusting the metering valve comprises further closing the metering valve.

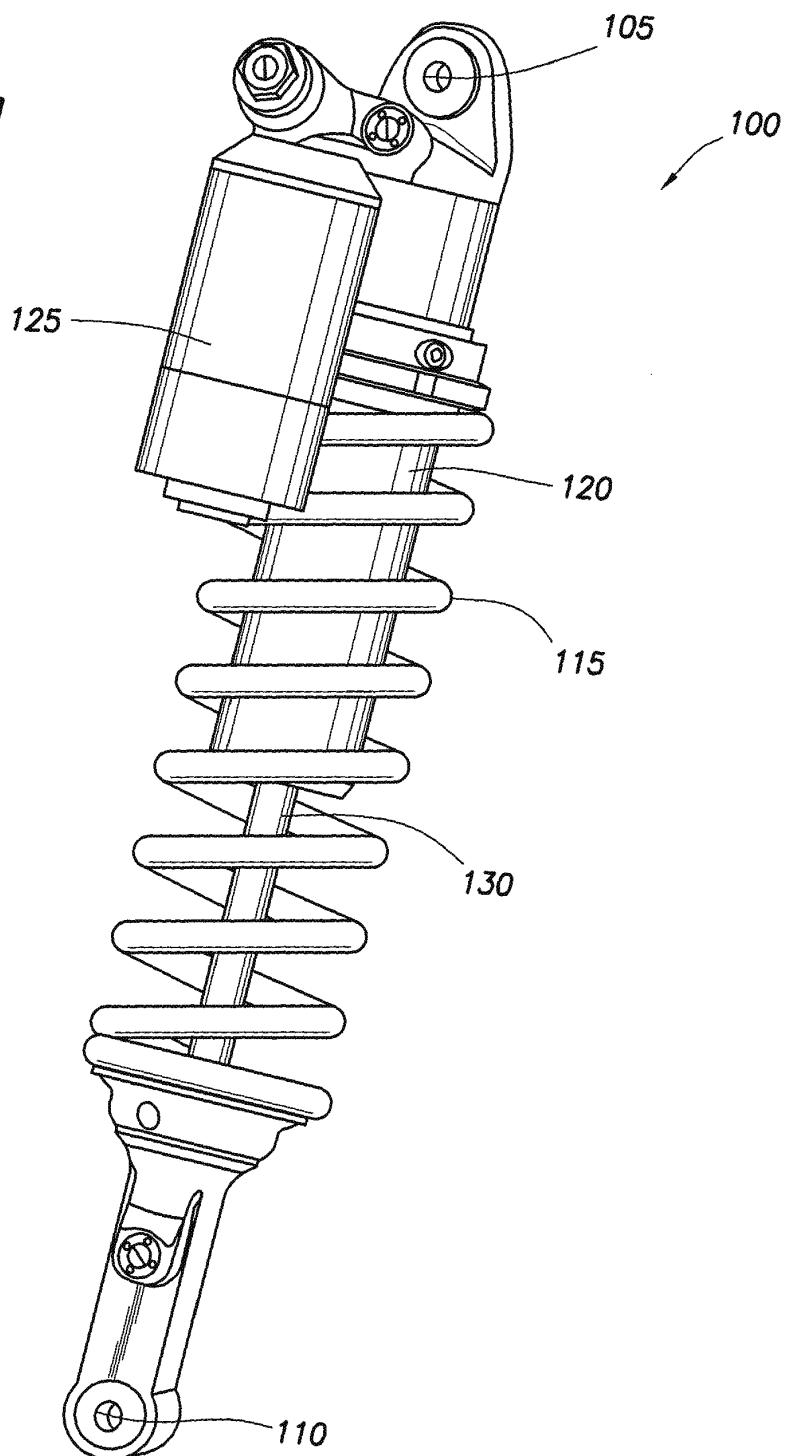
ABSTRACT OF THE DISCLOSURE

Methods and apparatus for position sensitive dampening. In one aspect a fluid damper is provided comprising a damper chamber divided by a piston into a primary compression and a primary rebound chamber; a secondary compression chamber in fluid communication with the damper chamber; and an adjustable fluid meter controlling fluid flow out of the secondary compression chamber.

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FIG. 1



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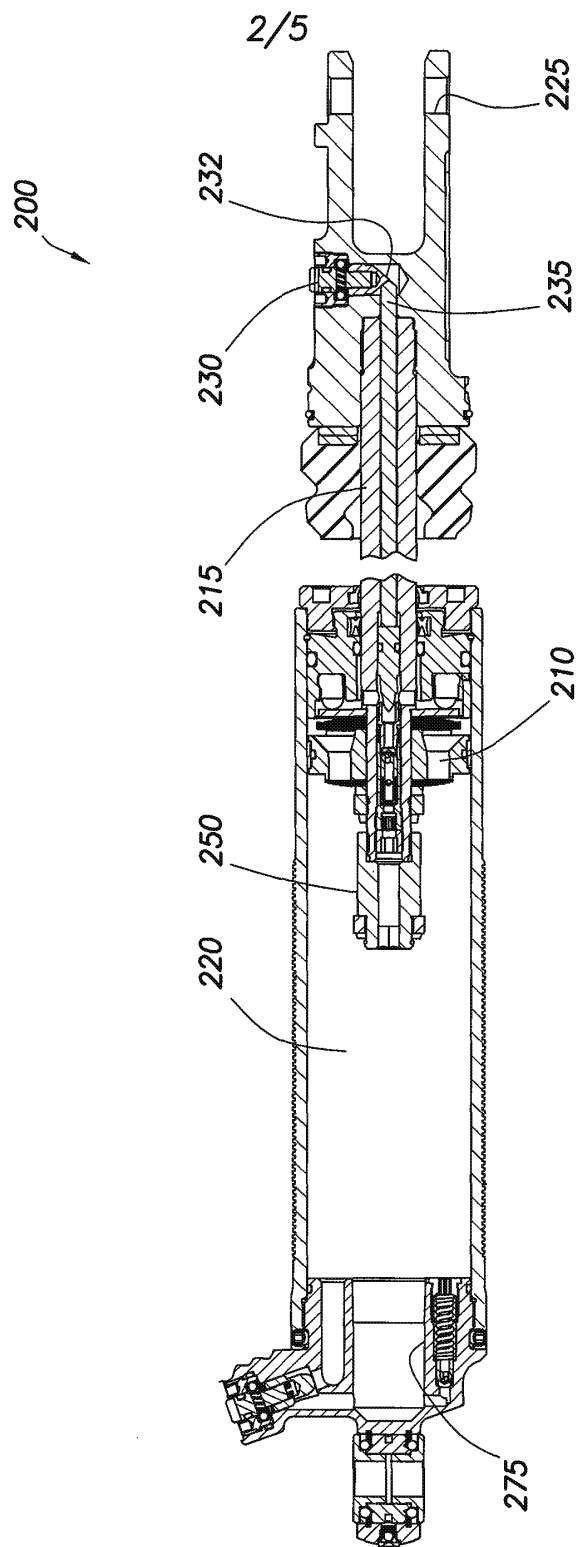


FIG.2

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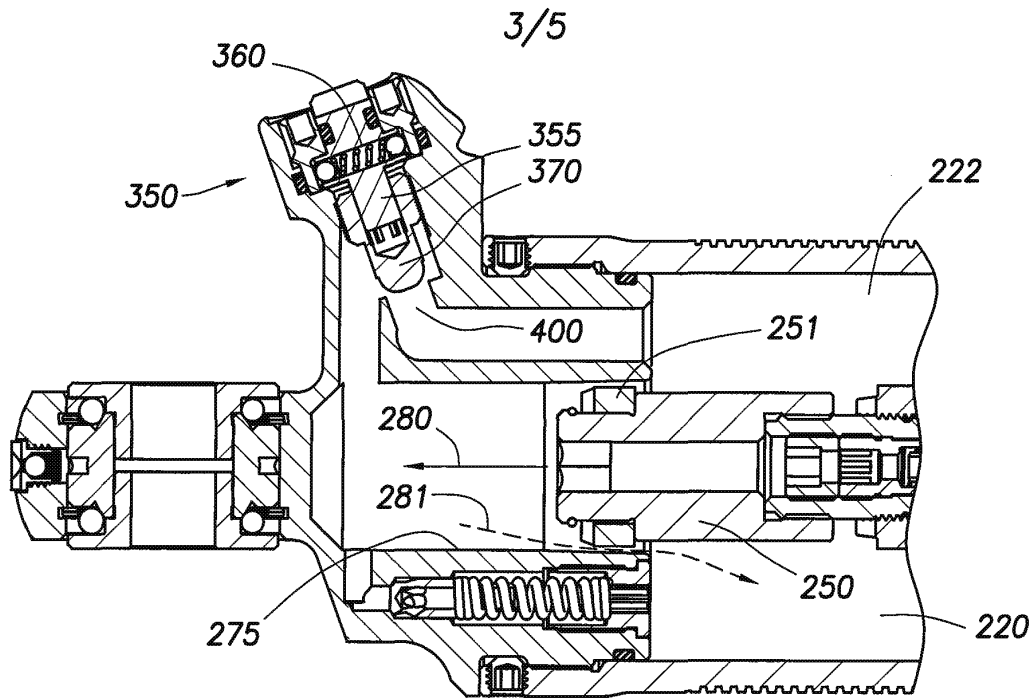


FIG. 3A

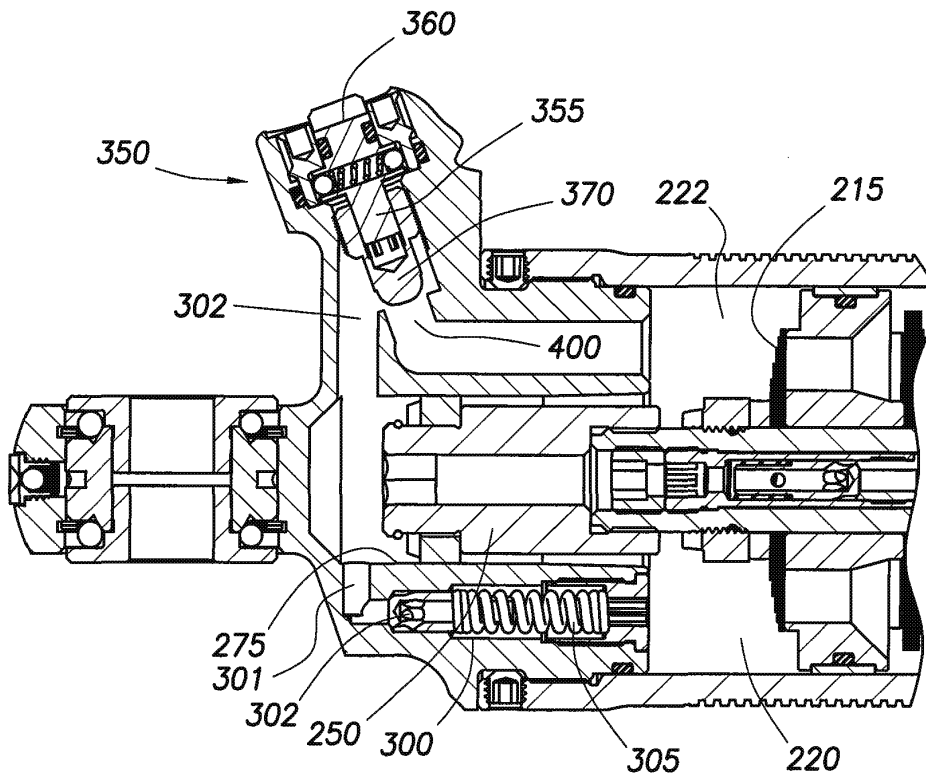


FIG. 3B

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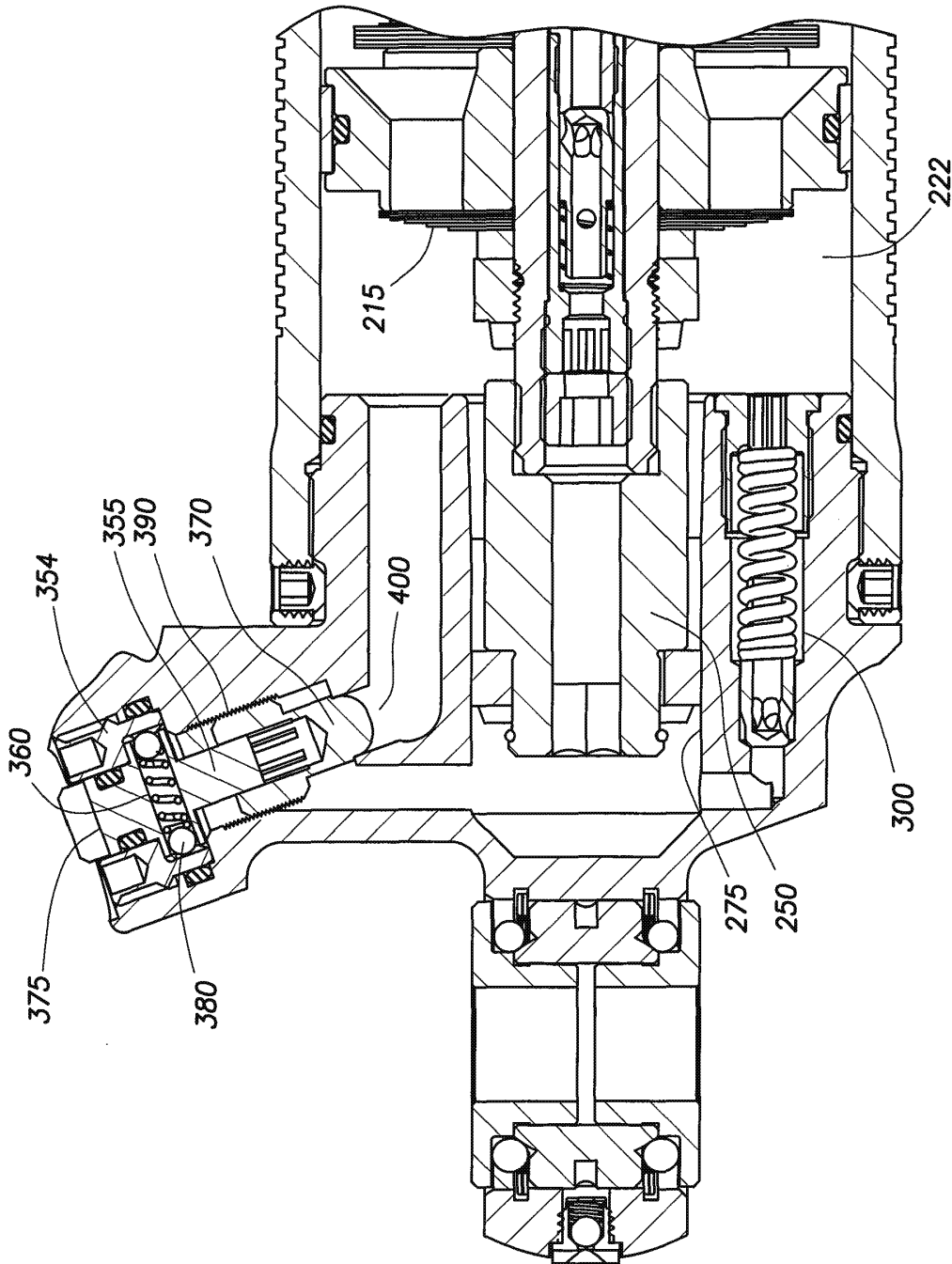
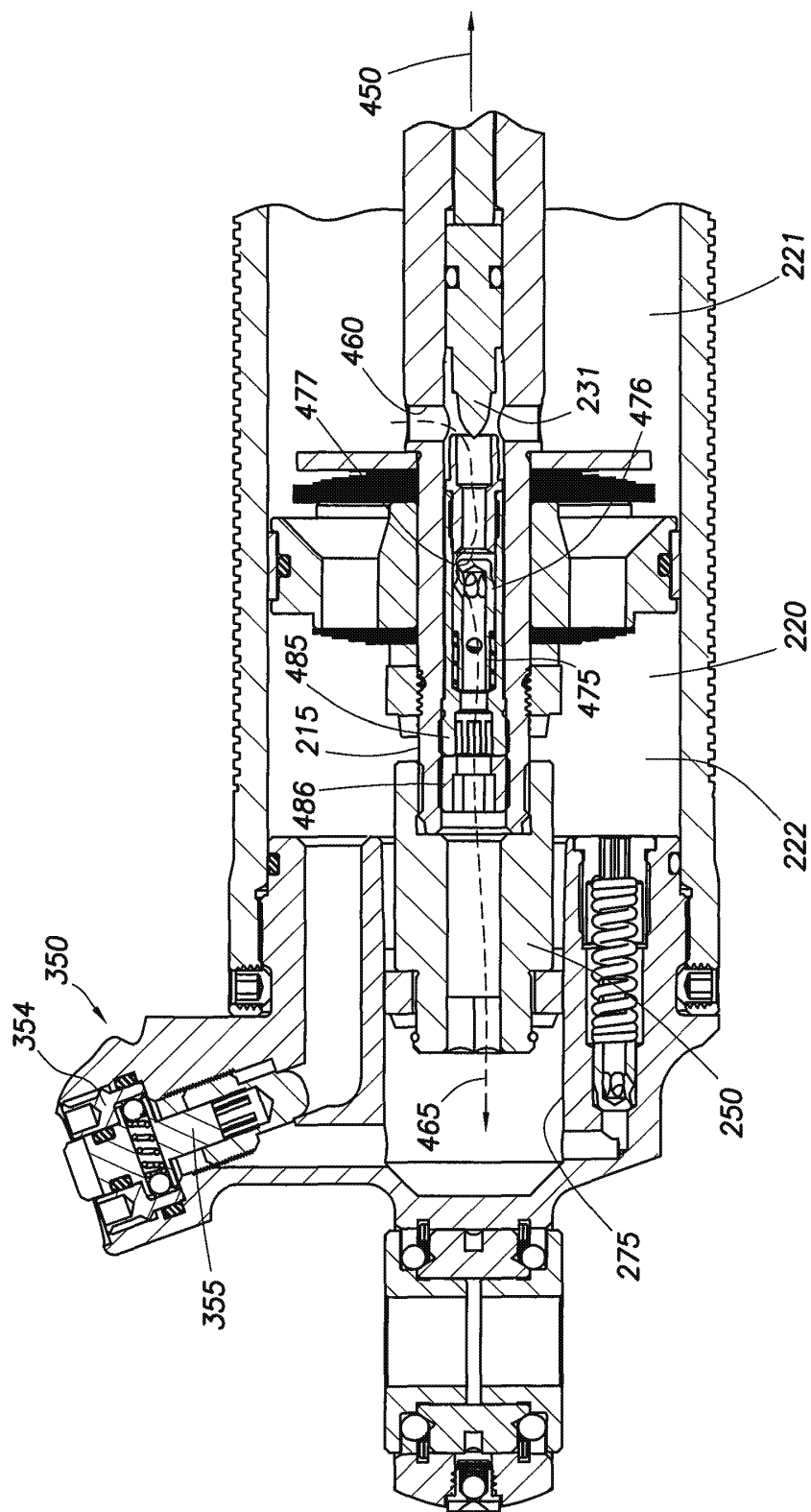


FIG.3C

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DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION (37 CFR 1.63) ☒ Declaration Submitted With Initial Filing ☐ Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16 (f)) required) OR	Attorney Docket Number	FOXF/0024
	First Named Inventor	Christopher Paul Cox
	COMPLETE IF KNOWN	
	Application Number	
	Filing Date	
	Art Unit	
	Examiner Name	

I hereby declare that: (1) Each inventor's residence, mailing address, and citizenship are as stated below next to their name; and (2) I believe the inventor(s) named below to be the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

METHODS AND APPARATUS FOR POSITION SENSITIVE SUSPENSION DAMPENING

(Title of the Invention)

the specification of which

☒ is attached hereto

OR

☐ was filed on (MM/DD/YYYY) [] as United States Application Number or PCT International

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I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

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Claim of Foreign Priority Benefits

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?	
				YES	NO
			☐	☐	☐
			☐	☐	☐
			☐	☐	☐
			☐	☐	☐

☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

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Address			
City		State	ZIP
Country	Telephone		Email
WARNING: Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available. Petitioner/applicant is advised that documents which form the record of a patent application (such as the PTO/SB/01) are placed into the Privacy Act system of records DEPARTMENT OF COMMERCE, COMMERCE-PAT-7, System name: <i>Patent Application Files</i> . Documents not retained in an application file (such as the PTO-2038) are placed into the Privacy Act system of COMMERCE/PAT-TM-10, System name: <i>Deposit Accounts and Electronic Funds Transfer Profiles</i> . I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.			
NAME OF SOLE OR FIRST INVENTOR:		☐ A petition has been filed for this unsigned inventor	
Given Name (first and middle [if any])		Family Name or Surname	
Christopher Paul		Cox	
Inventor's Signature		Date	
Residence: City	State	Country	Citizenship
Freedom	CA	United States of America	US
Mailing Address:			
4b Holly Drive			
City	State	Zip	Country
Freedom	CA	95019	United States of America
☐ Additional inventors or a legal representative are being named on the <u>1</u> supplemental sheet(s) PTO/SB/02A or 02LR attached hereto.			

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

DECLARATION	ADDITIONAL INVENTOR(S) Supplemental Sheet
Page <u>1</u> of <u>1</u>	

Name of Additional Joint Inventor, if any:		☐ A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Everet Owen		Ericksen	
Inventor's Signature		Date	
Residence: City	State	Country	Citizenship
Santa Cruz	CA	United States of America	US
Mailing Address: 133 Hagemann Avenue			
City	State	Zip	Country
Santa Cruz	CA	95063	United States of America
Name of Additional Joint Inventor, if any:		☐ A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Wesley E.		Allinger	
Inventor's Signature		Date	
Residence: City	State	Country	Citizenship
Santa Cruz	CA	United States of America	US
Mailing Address: 610 Fair Avenue			
City	State	Zip	Country
Santa Cruz	CA	95060	United States of America

Electronic Acknowledgement Receipt	
EFS ID:	5314201
Application Number:	12463927
International Application Number:	
Confirmation Number:	1562
Title of Invention:	METHODS AND APPARATUS FOR POSITION SENSITIVE SUSPENSION DAMPENING
First Named Inventor/Applicant Name:	Christopher Paul Cox
Customer Number:	49567
Filer:	William Bruce Patterson/Teresa Fish
Filer Authorized By:	William Bruce Patterson
Attorney Docket Number:	FOXF/0024
Receipt Date:	11-MAY-2009
Filing Date:	
Time Stamp:	18:16:51
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no
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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		FOXF0024_PA_Dwgs_Dec.pdf	996908 bec473eb7e569a22da23069f77c4ca0a2251ebd7	yes	26

	Multipart Description/PDF files in .zip description		
	Document Description	Start	End
	Specification	1	12
	Claims	13	16
	Abstract	17	17
	Drawings-only black and white line drawings	18	22
	Oath or Declaration filed	23	26
Warnings:			
Information:			
Total Files Size (in bytes):		996908	
This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503. <u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application. <u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course. <u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.			

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Complete if Known	
				Application Number	12/463,927
				Filing Date	May 11, 2009
				First Named Inventor	Christopher Paul Cox
				Art Unit	Unknown
				Examiner Name	Unknown
				Attorney Docket Number	FOXFE/0024

[illegible]

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ - Number ⁴ - Kind Code ⁵ (if known)				

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials *	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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

Electronic Acknowledgement Receipt	
EFS ID:	5341291
Application Number:	12463927
International Application Number:	
Confirmation Number:	1562
Title of Invention:	METHODS AND APPARATUS FOR POSITION SENSITIVE SUSPENSION DAMPENING
First Named Inventor/Applicant Name:	Christopher Paul Cox
Customer Number:	49567
Filer:	William Bruce Patterson/Teresa Fish
Filer Authorized By:	William Bruce Patterson
Attorney Docket Number:	FOXF/0024
Receipt Date:	15-MAY-2009
Filing Date:	
Time Stamp:	12:30:28
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no
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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		FOXF0024_IDS.pdf	111700 e53219972c9d2ed0d71c8c919275cc1efaf41674	yes	3

	Multipart Description/PDF files in .zip description		
	Document Description	Start	End
	Transmittal Letter	1	2
	Information Disclosure Statement (IDS) Filed (SB/08)	3	3
Warnings:			
Information:			
Total Files Size (in bytes):		111700	
This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503. <u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application. <u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course. <u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.			

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	§	
Christopher Paul Cox et al.	§	
	§	
Serial No.: 12/463,927	§	Group Art Unit: Unknown
	§	
Confirmation No.: 1562	§	
	§	
Filed: May 11, 2009	§	Examiner: Unknown
	§	
For: METHODS AND APPARATUS	§	
FOR POSITION SENSITIVE	§	
SUSPENSION DAMPENING	§	

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

Dear Sir:

INFORMATION DISCLOSURE STATEMENT

The Applicant, and the Attorney who signs below on the basis of the information supplied by the inventor and the information in his file, submit herewith patents, publications, or other information of which they are aware, which may be material to the patentability of this application and in respect of which there may be a duty to disclose in accordance with 37 CFR § 1.56.

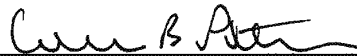
While the information submitted in this Information Disclosure Statement may be material pursuant to 37 CFR § 1.56, it is not intended to constitute an admission that any patent, publication, or other information referred to therein is prior art for this invention unless specifically designated as such.

In accordance with 37 CFR § 1.97, this Information Disclosure Statement is not to be construed as a representation that a search has been made or that no other possibly material information as defined under 37 CFR § 1.56(a) exists.

The patents and/or publications submitted herewith are set forth on the attached Form PTO-SB08a. Copies of the U.S. references are not being submitted.

In accordance with 37 C.F.R. §1.97(b)(3), this Information Disclosure Statement is being filed before the mailing of the first office action on the merits. Thus, a fee is not required. However, to the extent any fees are due, the Commissioner is hereby authorized to charge counsel's Deposit Account No. 20-0782/FOXF/0024/WBP for any fees required to make this submission timely and acceptable to the office.

Respectfully submitted,



William B. Patterson
Registration No. 34,102
PATTERSON & SHERIDAN, L.L.P.
3040 Post Oak Blvd. Suite 1500
Houston, TX 77056
Telephone: (713) 623-4844
Facsimile: (713) 623-4846
Attorney for Applicants



UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/463,927	05/11/2009	Christopher Paul Cox	FOXF/0024

CONFIRMATION NO. 1562

FORMALITIES LETTER



OC000000036108635*

49567
PATTERSON & SHERIDAN, L.L.P.
3040 Post Oak Blvd., Suite 1500
Houston, TX 77056

Date Mailed: 05/26/2009

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$330 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).
- The oath or declaration is unsigned.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of \$220 as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.16(f) of \$130 for a non-small entity, must be submitted with the missing items identified in this notice.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is \$1440 for a non-small entity

- \$330 Statutory basic filing fee.
- \$130 Surcharge.
- The application search fee has not been paid. Applicant must submit \$540 to complete the search fee.
- The application examination fee has not been paid. Applicant must submit \$220 to complete the examination fee for a non-small entity.
- Total additional claim fee(s) for this application is \$220
 - \$220 for 1 independent claims over 3.

Replies should be mailed to:

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.
<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at **1-866-217-9197** or visit our website at <http://www.uspto.gov/ebc>.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

/s/

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/463,927	05/11/2009	Christopher Paul Cox	FOXF/0024

CONFIRMATION NO. 1562

**IMPROPER AUTHORIZATION
LETTER**

49567
PATTERSON & SHERIDAN, L.L.P.
3040 Post Oak Blvd., Suite 1500
Houston, TX 77056



Date Mailed: 05/26/2009

Title: METHODS AND APPARATUS FOR POSITION SENSITIVE SUSPENSION DAMPENING

**Improper Submission of Authorization to Permit Access to
Application by Participating Offices under 37 CFR 1.14(h)**

The Authorization to Permit Access to Application by Participating Offices under 37 CFR 1.14(h) (authorization to permit access) on 05/11/2009 in application number 12/463,927 is not accepted because of the reason(s) listed below:

- The authorization to permit access was not properly signed. If applicant still wishes to provide authorization to permit access under 37 CFR 1.14(h), applicant must submit a properly signed authorization (e.g., PTO/SB/39).

Any authorization should be submitted prior to filing a subsequent foreign application with a participating intellectual property office in which priority is claimed to the above-identified U.S. application to ensure that it is likely that the participating foreign intellectual property office will be successful in its attempt to retrieve a copy of the U.S. priority application from the Office.

/fly/

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO.	TOT CLAIMS	IND CLAIMS
12/463,927	05/11/2009	3657	0.00	FOXF/0024	20	4

CONFIRMATION NO. 1562

49567
PATTERSON & SHERIDAN, L.L.P.
3040 Post Oak Blvd., Suite 1500
Houston, TX 77056

FILING RECEIPT



OC00000036108634

Date Mailed: 05/26/2009

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Christopher Paul Cox, Freedom, CA;
Everet Owen Ericksen, Santa Cruz, CA;
Wesley E. Allinger, Santa Cruz, CA;

Power of Attorney: None

Domestic Priority data as claimed by applicant

This appln claims benefit of 61/052,150 05/09/2008

Foreign Applications

If Required, Foreign Filing License Granted: 05/21/2009

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/463,927**

Projected Publication Date: To Be Determined - pending completion of Missing Parts

Non-Publication Request: No

Early Publication Request: No

Title

METHODS AND APPARATUS FOR POSITION SENSITIVE SUSPENSION DAMPENING

Preliminary Class

188

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER**Title 35, United States Code, Section 184****Title 37, Code of Federal Regulations, 5.11 & 5.15****GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

page 2 of 3

FOX_0000061

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

Filing Date: 05/11/09

Approved for use through 7/31/2006. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875					Application or Docket Number 12/463,927	
APPLICATION AS FILED – PART I						
(Column 1)		(Column 2)			(Column 3)	
FOR	NUMBER FILED	NUMBER EXTRA				
BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A				
SEARCH FEE (37 CFR 1.16(k), (l), or (m))	N/A	N/A				
EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A				
TOTAL CLAIMS (37 CFR 1.16(i))	20	minus 20 =				
INDEPENDENT CLAIMS (37 CFR 1.16(h))	4	minus 3 =			1	
APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$270 (\$135 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR					
MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))						
* If the difference in column 1 is less than zero, enter "0" in column 2.						
APPLICATION AS AMENDED – PART II						
(Column 1)		(Column 2)			(Column 3)	
AMENDMENT A	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA			
	Total (37 CFR 1.16(i))	*	Minus	**	=	
	Independent (37 CFR 1.16(h))	*	Minus	***	=	
	Application Size Fee (37 CFR 1.16(s))					
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))					
1,124,16,17						
(Column 1)		(Column 2)			(Column 3)	
AMENDMENT B	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA			
	Total (37 CFR 1.16(i))	*	Minus	**	=	
	Independent (37 CFR 1.16(h))	*	Minus	***	=	
	Application Size Fee (37 CFR 1.16(s))					
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))					
* If the entry in column 1 is less than the entry in column 2, write "0" in column 3. ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20". *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3". The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1. This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.						

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

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	§	
Christopher Paul Cox et al.	§	
	§	
Serial No.: 12/463,927	§	Group Art Unit: 3657
	§	
Confirmation No.: 1562	§	
	§	
Filed: May 11, 2009	§	Examiner: Unknown
	§	
For: METHODS AND APPARATUS	§	
FOR POSITION SENSITIVE	§	
SUSPENSION DAMPENING	§	

MAIL STOP MISSING PARTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

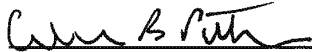
RESPONSE TO NOTICE TO FILE MISSING PARTS

Applicant files this Response to a Notice to File Missing Parts (Form PTO-1533), within the two-month period set to expire on July 26, 2009. The notice indicates that the application was filed without the statutory basic filing fee and a signed oath or declaration.

Enclosed for filing in the above-referenced application is an authorization for payment of the required fees and a signed Declaration in response to the missing parts request.

The Commissioner is hereby authorized to charge, or to credit any overpayment, to counsel's Deposit Account No. 20-0782/FOXF/0024/WBP, for any additional fees, including extension of time fees or excess claim fees, required to make this response timely and acceptable to the Office.

Respectfully submitted,



William B. Patterson
Registration No. 34,102
PATTERSON & SHERIDAN, L.L.P.
3040 Post Oak Blvd. Suite 1500
Houston, TX 77056
Telephone: (713) 623-4844
Facsimile: (713) 623-4846
Attorney for Applicant(s)

Doc Code: OATH

Document Description: Oath or declaration filed

PTO/SB/01 (10-08)

Approved for use through 06/30/2010. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION (37 CFR 1.63) ☐ Declaration Submitted With Initial Filing OR ☒ Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16 (f)) required)	Attorney Docket Number	FOXF/0024
	First Named Inventor	Christopher Paul Cox
	COMPLETE IF KNOWN	
	Application Number	12/463,927
	Filing Date	May 11, 2009
	Art Unit	3657
	Examiner Name	Unknown

I hereby declare that: (1) Each inventor's residence, mailing address, and citizenship are as stated below next to their name; and (2) I believe the inventor(s) named below to be the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

METHODS AND APPARATUS FOR POSITION SENSITIVE SUSPENSION DAMPENING

(Title of the Invention)

the specification of which

☐ is attached hereto

OR

☒ was filed on (MM/DD/YYYY) 05/11/2009 as United States Application Number or PCT International

Application Number 12/463,927 and was amended on (MM/DD/YYYY) (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

Authorization To Permit Access To Application by Participating Offices

☒ If checked, the undersigned hereby grants the USPTO authority to provide the European Patent Office (EPO), the Japan Patent Office (JPO), the Korean Intellectual Property Office (KIPO), and any other intellectual property offices in which a foreign application claiming priority to the above-identified application is filed access to the above-identified patent application. See 37 CFR 1.14(c) and (h). This box should not be checked if the applicant does not wish the EPO, JPO, KIPO, or other intellectual property office in which a foreign application claiming priority to the above-identified application is filed to have access to the application.

In accordance with 37 CFR 1.14(h)(3), access will be provided to a copy of the application-as-filed with respect to: 1) the above-identified application, 2) any foreign application to which the above-identified application claims priority under 35 USC 119(a)-(d) if a copy of the foreign application that satisfies the certified copy requirement of 37 CFR 1.55 has been filed in the above-identified US application, and 3) any U.S. application from which benefit is sought in the above-identified application.

In accordance with 37 CFR 1.14(c), access may be provided to information concerning the date of filing the Authorization to Permit Access to Application by Participating Offices.

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DECLARATION — Utility or Design Patent Application**Claim of Foreign Priority Benefits**

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

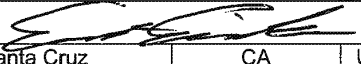
Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?	
				YES	NO
			☐	☐	☐
			☐	☐	☐
			☐	☐	☐
			☐	☐	☐

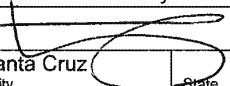
☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

DECLARATION — Utility or Design Patent Application				
Direct all correspondence to:		☒ The address associated with Customer Number: 49567		OR ☐ Correspondence address below
Name				
Address				
City		State		ZIP
Country		Telephone		Email
WARNING: Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available. Petitioner/applicant is advised that documents which form the record of a patent application (such as the PTO/SB/01) are placed into the Privacy Act system of records DEPARTMENT OF COMMERCE, COMMERCE-PAT-7, System name: <i>Patent Application Files</i>. Documents not retained in an application file (such as the PTO-2038) are placed into the Privacy Act system of COMMERCE/PAT-TM-10, System name: <i>Deposit Accounts and Electronic Funds Transfer Profiles</i>. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.				
NAME OF SOLE OR FIRST INVENTOR:			☐ A petition has been filed for this unsigned inventor	
Given Name (first and middle [if any])		Christopher Paul		Family Name or Surname
Inventor's Signature				Date
Residence: City		State		Citizenship
Freedom		CA		United States of America
Mailing Address: 4b Holly Drive				
City		State		Country
Freedom		CA		United States of America
☐ Additional inventors or a legal representative are being named on the <u>1</u> supplemental sheet(s) PTO/SB/02A or 02LR attached hereto.				

DECLARATION		ADDITIONAL INVENTOR(S) Supplemental Sheet		Page 1 of 1
-------------	--	--	--	-------------

Name of Additional Joint Inventor, if any:		☐ A petition has been filed for this unsigned inventor		
Given Name (first and middle (if any))		Family Name or Surname		
Everet Owen		Ericksen		
Inventor's Signature 		Date 7-1-09		
Residence: City	State	Country	Citizenship	
Santa Cruz	CA	United States of America	US	
Mailing Address: 133 Hagemann Avenue				
City	State	Zip	Country	
Santa Cruz	CA	95063	United States of America	

Name of Additional Joint Inventor, if any:		☐ A petition has been filed for this unsigned inventor		
Given Name (first and middle (if any))		Family Name or Surname		
Wesley E.		Allinger		
Inventor's Signature 		Date 7/6/09		
Residence: City	State	Country	Citizenship	
Santa Cruz	CA	United States of America	US	
Mailing Address: 610 Fair Avenue				
City	State	Zip	Country	
Santa Cruz	CA	95060	United States of America	

Electronic Patent Application Fee Transmittal				
Application Number:		12463927		
Filing Date:		11-May-2009		
Title of Invention:		METHODS AND APPARATUS FOR POSITION SENSITIVE SUSPENSION DAMPENING		
First Named Inventor/Applicant Name:		Christopher Paul Cox		
Filer:		William Bruce Patterson/Teresa Fish		
Attorney Docket Number:		FOXF/0024		
Filed as Large Entity				
Utility under 35 USC 111(a) Filing Fees				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Utility application filing	1011	1	330	330
Utility Search Fee	1111	1	540	540
Utility Examination Fee	1311	1	220	220
Pages:				
Claims:				
Independent claims in excess of 3	1201	1	220	220
Miscellaneous-Filing:				
Late filing fee for oath or declaration	1051	1	130	130

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				
Miscellaneous:				
Total in USD (\$)				1440

Electronic Acknowledgement Receipt	
EFS ID:	5713624
Application Number:	12463927
International Application Number:	
Confirmation Number:	1562
Title of Invention:	METHODS AND APPARATUS FOR POSITION SENSITIVE SUSPENSION DAMPENING
First Named Inventor/Applicant Name:	Christopher Paul Cox
Customer Number:	49567
Filer:	William Bruce Patterson/Teresa Fish
Filer Authorized By:	William Bruce Patterson
Attorney Docket Number:	FOXF/0024
Receipt Date:	16-JUL-2009
Filing Date:	11-MAY-2009
Time Stamp:	12:44:57
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	\$ 1440
RAM confirmation Number	10212
Deposit Account	
Authorized User	

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
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1		FOXF0024_POA_by_Assignee_373bStmt_RNMP_Dec.pdf	266745 f44dae6483c38e955831efef4d549f6791986df1	yes	7
Multipart Description/PDF files in .zip description					
	Document Description		Start	End	
	Power of Attorney		1	1	
	Assignee showing of ownership per 37 CFR 3.73(b).		2	2	
	Applicant Response to Pre-Exam Formalities Notice		3	3	
	Oath or Declaration filed		4	7	
Warnings:					
Information:					
2	Fee Worksheet (PTO-875)	fee-info.pdf	38329 4060a56386a4a6e7e68c69b5100ba5fbbbbb24a21	no	2
Warnings:					
Information:					
Total Files Size (in bytes):			305074		
This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503. <u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application. <u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course. <u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.					

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

POWER OF ATTORNEY TO PROSECUTE APPLICATIONS BEFORE THE USPTO

I hereby revoke all previous powers of attorney given in the application identified in the attached statement under 37 CFR 3.73(b).

I hereby appoint:

☒ Practitioners associated with the Customer Number: 49567

OR

☐ Practitioner(s) named below (if more than ten patent practitioners are to be named, then a customer number must be used):

Name	Registration Number	Name	Registration Number

as attorney(s) or agent(s) to represent the undersigned before the United States Patent and Trademark Office (USPTO) in connection with any and all patent applications assigned only to the undersigned according to the USPTO assignment records or assignment documents attached to this form in accordance with 37 CFR 3.73(b).

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

☒ The address associated with Customer Number: 49567

OR

☐ Firm or Individual Name

Address

City

State

Zip

Country

Telephone

Email

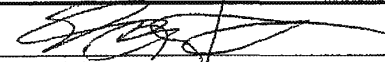
Assignee Name and Address:

FOX FACTORY, INC.
130 Hangar Way
Watsonville, California 95076

A copy of this form, together with a statement under 37 CFR 3.73(b) (Form PTO/SB/96 or equivalent) is required to be filed in each application in which this form is used. The statement under 37 CFR 3.73(b) may be completed by one of the practitioners appointed in this form if the appointed practitioner is authorized to act on behalf of the assignee, and must identify the application in which this Power of Attorney is to be filed.

SIGNATURE of Assignee of Record

The individual whose signature and title is supplied below is authorized to act on behalf of the assignee

Signature		Date	2/23/09
Name	David M. Haugen	Telephone	831 274 8336
Title	VP/General Counsel and Chief Patent Counsel		

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

STATEMENT UNDER 37 CFR 3.73(b)Applicant/Patent Owner: Christopher Paul Cox et al. (Atty. Dkt. No. FOXF/0024)Application No./Patent No.: 12/463,927 Filed/Issue Date: May 11, 2009Titled: METHODS AND APPARATUS FOR POSITION SENSITIVE SUSPENSION DAMPENINGFox Factory, Inc., a Corporation
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest in;
 2. ☐ an assignee of less than the entire right, title, and interest in
(The extent (by percentage) of its ownership interest is _____ %); or
 3. ☐ an assignee of an undivided interest in the entirety of (a complete assignment from one of the joint inventors was made) the patent application/patent identified above by virtue of either:
- A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:
1. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
 2. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
 3. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet(s).

- ☒ As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

William B. Patterson
Signature

William B. Patterson
Printed or Typed Name

15 July 2009
Date

Attorney of Record
Title



UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO.	TOT CLAIMS	IND CLAIMS
12/463,927	05/11/2009	3657	1440	FOXF/0024	20	4

CONFIRMATION NO. 1562

UPDATED FILING RECEIPT



0C000000036988890

49567
PATTERSON & SHERIDAN, L.L.P.
3040 Post Oak Blvd., Suite 1500
Houston, TX 77056

Date Mailed: 07/21/2009

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Christopher Paul Cox, Freedom, CA;
Everet Owen Ericksen, Santa Cruz, CA;
Wesley E. Allinger, Santa Cruz, CA;

Power of Attorney: None

Domestic Priority data as claimed by applicant

This appln claims benefit of 61/052,150 05/09/2008

Foreign Applications

Permission to Access - A proper **Authorization to Permit Access to Application by Participating Offices** (PTO/SB/39 or its equivalent) has been received by the USPTO.

If Required, Foreign Filing License Granted: 05/21/2009

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/463,927**

Projected Publication Date: 11/12/2009

Non-Publication Request: No

Early Publication Request: No

Title

METHODS AND APPARATUS FOR POSITION SENSITIVE SUSPENSION DAMPENING

Preliminary Class

188

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

page 2 of 3

FOX_0000076

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/463,927	05/11/2009	Christopher Paul Cox	FOXF/0024

49567
PATTERSON & SHERIDAN, L.L.P.
3040 Post Oak Blvd., Suite 1500
Houston, TX 77056

CONFIRMATION NO. 1562
IMPROPER CPOA LETTER



Date Mailed: 07/21/2009

NOTICE REGARDING POWER OF ATTORNEY

This is in response to the Power of Attorney filed 07/16/2009. The Power of Attorney in this application is not accepted for the reason(s) listed below:

- The Power of Attorney is from an assignee and the Certificate required by 37 CFR 3.73(b) has not been received.

/lvongxay/

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

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

POWER OF ATTORNEY TO PROSECUTE APPLICATIONS BEFORE THE USPTO

I hereby revoke all previous powers of attorney given in the application identified in the attached statement under 37 CFR 3.73(b).

I hereby appoint:

☒ Practitioners associated with the Customer Number: 49567

OR

☐ Practitioner(s) named below (if more than ten patent practitioners are to be named, then a customer number must be used):

Name	Registration Number	Name	Registration Number

as attorney(s) or agent(s) to represent the undersigned before the United States Patent and Trademark Office (USPTO) in connection with any and all patent applications assigned only to the undersigned according to the USPTO assignment records or assignment documents attached to this form in accordance with 37 CFR 3.73(b).

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

☒ The address associated with Customer Number: 49567

OR

☐ Firm or Individual Name

Address

City

State

Zip

Country

Telephone

Email

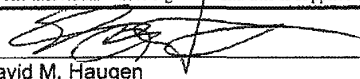
Assignee Name and Address:

FOX FACTORY, INC.
130 Hangar Way
Watsonville, California 95076

A copy of this form, together with a statement under 37 CFR 3.73(b) (Form PTO/SB/96 or equivalent) is required to be filed in each application in which this form is used. The statement under 37 CFR 3.73(b) may be completed by one of the practitioners appointed in this form if the appointed practitioner is authorized to act on behalf of the assignee, and must identify the application in which this Power of Attorney is to be filed.

SIGNATURE of Assignee of Record

The individual whose signature and title is supplied below is authorized to act on behalf of the assignee

Signature		Date	2/23/09
Name	David M. Haugen	Telephone	031 274 8336
Title	VP/General Counsel and Chief Patent Counsel		

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

STATEMENT UNDER 37 CFR 3.73(b)Applicant/Patent Owner: Christopher Paul Cox et al. (Atty. Dkt. No. FOXF/0024)Application No./Patent No.: 12/463,927 Filed/Issue Date: May 11, 2009Titled: METHODS AND APPARATUS FOR POSITION SENSITIVE SUSPENSION DAMPENINGFox Factory, Inc., a Corporation
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest in;
 2. ☐ an assignee of less than the entire right, title, and interest in
(The extent (by percentage) of its ownership interest is _____ %); or
 3. ☐ an assignee of an undivided interest in the entirety of (a complete assignment from one of the joint inventors was made)
the patent application/patent identified above by virtue of either:
- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel 022963, Frame 0756, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:
1. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
 2. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
 3. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet(s).☐ As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

William B. Patterson
SignatureWilliam B. Patterson
Printed or Typed Name19 August 09
DateAttorney of Record
Title

Electronic Acknowledgement Receipt	
EFS ID:	5916813
Application Number:	12463927
International Application Number:	
Confirmation Number:	1562
Title of Invention:	METHODS AND APPARATUS FOR POSITION SENSITIVE SUSPENSION DAMPENING
First Named Inventor/Applicant Name:	Christopher Paul Cox
Customer Number:	49567
Filer:	William Bruce Patterson/Teresa Fish
Filer Authorized By:	William Bruce Patterson
Attorney Docket Number:	FOXF/0024
Receipt Date:	19-AUG-2009
Filing Date:	11-MAY-2009
Time Stamp:	14:45:35
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no
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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		FOXF0024_POA_by_Assignee_373b_Stmt.pdf	88016 e534f4bc4a55f21a1337f1367dfb1e56e7a14810	yes	2

	Multipart Description/PDF files in .zip description		
	Document Description	Start	End
	Power of Attorney	1	1
	Assignee showing of ownership per 37 CFR 3.73(b).	2	2
Warnings:			
Information:			
Total Files Size (in bytes):		88016	
This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503. <u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application. <u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course. <u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.			



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/463,927	05/11/2009	Christopher Paul Cox	FOXF/0024

49567
PATTERSON & SHERIDAN, L.L.P.
3040 Post Oak Blvd., Suite 1500
Houston, TX 77056

CONFIRMATION NO. 1562
POA ACCEPTANCE LETTER



OC000000037503404

Date Mailed: 08/28/2009

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/19/2009.

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

/tnnguyen/

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



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/463,927	05/11/2009	Christopher Paul Cox	FOXF/0024

CONFIRMATION NO. 1562

PUBLICATION NOTICE

49567
PATTERSON & SHERIDAN, L.L.P.
3040 Post Oak Blvd., Suite 1500
Houston, TX 77056



OC000000038721877

Title:METHODS AND APPARATUS FOR POSITION SENSITIVE SUSPENSION DAMPENING

Publication No.US-2009-0277734-A1

Publication Date:11/12/2009

NOTICE OF PUBLICATION OF APPLICATION

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

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

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

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

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/463,927	05/11/2009	Christopher Paul Cox	FOXF/0024	1562

49567 7590 10/08/2010
PATTERSON & SHERIDAN, L.L.P.
3040 Post Oak Blvd., Suite 1500
Houston, TX 77056

EXAMINER

SCHWARTZ, CHRISTOPHER P

ART UNIT	PAPER NUMBER
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3657

MAIL DATE	DELIVERY MODE
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10/08/2010

PAPER

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

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

Office Action Summary	Application No.	Applicant(s)	
	12/463,927	COX ET AL.	
	Examiner	Art Unit	
	Christopher P. Schwartz	3657	

-- 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 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

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

Status

1) ☐ Responsive to communication(s) filed on ____.

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ 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

4) ☒ Claim(s) 1-20 is/are pending in the application.

4a) Of the above claim(s) ____ is/are withdrawn from consideration.

5) ☐ Claim(s) ____ is/are allowed.

6) ☒ Claim(s) 1-20 is/are rejected.

7) ☐ Claim(s) ____ is/are objected to.

8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ 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).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

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).
a) ☐ All b) ☐ Some * c) ☐ None of:

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) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: ____.

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement has been received and considered.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the secondary compression chamber as claimed in claim 12 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

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

Claim Rejections - 35 USC § 112

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

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

4. Claims 12-15 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. As claimed in claim 12 it is unclear what applicants consider the secondary compression chamber to be.

Claim Rejections - 35 USC § 102

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

A person shall be entitled to a patent unless –

(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.

6. Claims 1-4,8,12 are rejected under 35 U.S.C. 102(b) as being anticipated by Larsson et al. '958.

Regarding claim 1 Larsson shows in figures 1,2 or 11 a damper for a shock absorber comprising a damper chamber 10 divided by a movable piston 33 and shaft 6 into compression and rebound portions, a bottom out cup (but upper portion holding the

metering valve and tube) and a fluid flow path 3,3a through the adjustable valve 17 where the flow path is adjustable via the metering valve or the discs 16, 31 or 32.

Regarding claim 2 the bottom out piston is shown at 30.

Regarding claims 3,4,8 these requirement are met as broadly claimed and as readily apparent from the drawings.

Regarding claim 12 the secondary compression chamber may be above the floating piston in the accumulator unit 4. It may also be the chamber that houses the piston 15 or 30.

Regarding claims 13,14,15 these requirement are met as broadly claimed and as readily apparent from the drawings.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 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.

8. This application currently names joint inventors. In considering patentability of the claims under 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 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

9. Claims 5 rejected under 35 U.S.C. 103(a) as being unpatentable over Larsson et al. in view of Browning.

Regarding claim 5 Larsson et al. is silent regarding the number of adjustment positions.

However it is well known in the art to use a valve that offers a number of different adjustment positions so that the stiffness of the damper may be tuned according to the road terrain.

The reference to Browning suggest this idea in col. 3 lines 43-45 and col. 4 lines 19-29.

One having ordinary skill in the art at the time of the invention would have found it obvious to have modified the valve of Larsson et al. so that it could be used to adjust the damping level of the shock absorber to a number of different settings, as suggested by Browning.

10. Claims 6-11,16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Larrson in view of Gillespie '036.

Regarding claims 6,16 Larsson lacks a specific showing of a second fluid flow path.

Gillespie shows a piston 21 and compression and rebound chambers 35,36. Note the adjustment valve at 87 in a "bottom out cup" at an end of the chamber 35,36 and the blow off valve at 32 and a reservoir at 20.

One having ordinary skill in the art at the time of the invention would have found it obvious to have modified the stationary piston 30 of Larsson to include a blow off valve should the fluid flow path to the external chamber 4 be desired to be modified to that shown in figures 2 and 28. Also, as taught by Gillespie, an external reservoir could be included for added fluid volume.

Regarding claim 9-11 Gillespie also shows a valve at 31 that may be interpreted as a check valve. This could be added to the stationary piston 30 of Larsson dependent upon the damping characteristics desired as is well known in the art.

11. Claims 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Larsson et al. in view of Sendrea '241.

Regarding claims 17-20 Larsson et al. shows in the several different embodiments that the connection of the metering valve 17, stationary piston 15 and fluid path 3,3a may be located differently.

The reference to Sendrea shows that the metering valve 38 or 70 may be located in the bottom out chamber.

One having ordinary skill in the art at the time of the invention would have found it obvious to have moved the metering valve 17 of Larsson to adjust the flow within the path 3,3a simply as a variation of the embodiments already shown.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher P. Schwartz whose telephone number is 571-272-7123. The examiner can normally be reached on M-F 10:30-7:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rob Siconolfi can be reached on 571-272-7124. 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.

/Christopher P. Schwartz/
Primary Examiner, Art Unit 3657

10/5/10

Notice of References Cited	Application/Control No. 12/463,927	Applicant(s)/Patent Under Reexamination COX ET AL.	
	Examiner Christopher P. Schwartz	Art Unit 3657	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-5,634,653	06-1997	Browning, Michael Ronald S.	280/276
*	B	US-5,810,128	09-1998	Eriksson et al.	188/289
*	C	US-5,833,036	11-1998	Gillespie, George T.	188/285
*	D	US-6,029,958	02-2000	Larsson et al.	267/113
*	E	US-6,120,049	09-2000	Gonzalez et al.	280/276
*	F	US-6,318,525	11-2001	Vignocchi et al.	188/319.2
*	G	US-6,446,771	09-2002	Sintorn et al.	188/288
*	H	US-6,659,241	12-2003	Sendrea, Darryl	188/314
	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
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	S					
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NON-PATENT DOCUMENTS

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

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



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BIB DATA SHEET

CONFIRMATION NO. 1562

SERIAL NUMBER	FILING or 371(c) DATE	CLASS	GROUP ART UNIT	ATTORNEY DOCKET NO.		
12/463,927	05/11/2009	188	3657	FOXF/0024		
APPLICANTS Christopher Paul Cox, Freedom, CA; Everet Owen Ericksen, Santa Cruz, CA; Wesley E. Allinger, Santa Cruz, CA;						
** CONTINUING DATA ***** This appln claims benefit of 61/052,150 05/09/2008						
** FOREIGN APPLICATIONS *****						
** IF REQUIRED, FOREIGN FILING LICENSE GRANTED ** 05/21/2009						
Foreign Priority claimed ☐ Yes ☒ No 35 USC 119(a-d) conditions met ☐ Yes ☒ No Verified and /CHRISTOPHER P SCHWARTZ/ Acknowledged Examiner's Signature		☐ Met after Allowance Initials	STATE OR COUNTRY CA	SHEETS DRAWINGS 5	TOTAL CLAIMS 20	INDEPENDENT CLAIMS 4
ADDRESS PATTERSON & SHERIDAN, L.L.P. 3040 Post Oak Blvd., Suite 1500 Houston, TX 77056 UNITED STATES						
TITLE METHODS AND APPARATUS FOR POSITION SENSITIVE SUSPENSION DAMPENING						
FILING FEE RECEIVED 1440	FEES: Authority has been given in Paper No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following:			☐ All Fees ☐ 1.16 Fees (Filing) ☐ 1.17 Fees (Processing Ext. of time) ☐ 1.18 Fees (Issue) ☐ Other _____ ☐ Credit		

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Substitute for form 1449A/PTO				Complete if Known Application Number 12/463,927 Filing Date May 11, 2009 First Named Inventor Christopher Paul Cox Art Unit Unknown Examiner Name Unknown Attorney Docket Number FOXF/0024	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)					
Sheet	1	of	1		

[illegible]

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ - Number ⁴ - Kind Code ⁵ (if known)				

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials *	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²

Examiner Signature	/Christopher Schwartz/ (10/05/2010)	Date Considered	
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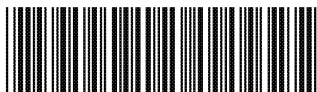
*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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

1224458 1 ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /C.S./

FOX 0000095

Search Notes 	Application/Control No. 12463927	Applicant(s)/Patent Under Reexamination COX ET AL.
	Examiner Christopher P Schwartz	Art Unit 3657

SEARCHED			
Class	Subclass	Date	Examiner
188	276, 278, 319.1, 319.2, 322.13	10/5/10	cps
280	275, 276		
251	126		
137	556, 614,17		

SEARCH NOTES			
Search Notes		Date	Examiner
EAST		10/5/10	CPS

INTERFERENCE SEARCH			
Class	Subclass	Date	Examiner

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/463,927	05/11/2009	Christopher Paul Cox	FOXF/0024	1562

49567 7590 02/03/2011
PATTERSON & SHERIDAN, L.L.P.
3040 Post Oak Blvd., Suite 1500
Houston, TX 77056

EXAMINER

SCHWARTZ, CHRISTOPHER P

ART UNIT	PAPER NUMBER
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3657

MAIL DATE	DELIVERY MODE
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02/03/2011

PAPER

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

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

Interview Summary	Application No.	Applicant(s)	
	12/463,927	COX ET AL.	
	Examiner	Art Unit	
	Christopher P. Schwartz	3657	

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

(1) Christopher P. Schwartz. (3) _____.

(2) Bruce Patterson. (4) _____.

Date of Interview: 01 February 2011.

Type: a) ☒ Telephonic b) ☐ Video Conference
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

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

Claim(s) discussed: 1-3.

Identification of prior art discussed: Larsson figures 1,2,11+.

Agreement with respect to the claims f) ☐ was reached. g) ☐ was not reached. h) ☒ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: The examiner explained his interpretation of the Larsson reference against the claims above. The examiner maintained the rejection against the claims. The examiner also suggested examples of language that would more narrowly define the claims.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

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. See Summary of Record of Interview requirements on reverse side or on attached sheet.

/Christopher P. Schwartz/ Primary Examiner, Art Unit 3657	
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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.

AMENDMENTS TO THE CLAIMS:

Please add new claims 21 and 22 and amend the claims as follows:

1. (Currently Amended) A damper for a shock absorber comprising:
a damper chamber divided by a piston and shaft into a compression and rebound portions;
a bottom out cup formed at an end of the compression portion chamber; and
a fluid flow path between connecting the bottom out cup and with the compression portion of the chamber; wherein the capacity of the fluid flow path is adjustable.
2. (Currently Amended) The damper of claim ~~[[1]]~~ 22, further including a bottom out piston disposed at an end of the shaft ~~rod~~ for moving with the piston and shaft and providing the sealing engagement with the bottom out cup.
3. (Currently Amended) The damper of claim ~~[[2]]~~ 1, wherein the capacity of the flow path is determined by an ~~capacity of the flow path is determined by a user-adjustable valve positioned in and partially obstructing the fluid flow path.~~
4. (Currently Amended) The damper of claim 3, wherein the user-adjustable valve is manually adjustable and accessible externally of the damper.
5. (Currently Amended) The damper of claim ~~[[4]]~~ 3, wherein the user-adjustable valve can be adjusted between a closed position and a plurality of open positions.
6. (Original) The damper of claim 1, further including a second fluid flow path between the bottom out cup and the compression portion.

7. (Original) The damper of claim 6, further including a blow off valve disposed in the second fluid flow path, the blow off valve having a predetermined blow off threshold pressure.
8. (Original) The damper of claim 1, further including a fluid path between the cup and the rebound portion of the chamber, the path formed in the shaft.
9. (Original) The damper of claim 8, wherein the path between the cup and rebound portion is adjustable with a check valve to permit flow of fluid in a single direction between the cup and the rebound portion.
10. (Original) The damper of claim 9, wherein the check valve is arranged in the path to permit fluid communication between the rebound portion and the cup during a rebound stroke of the shaft.
11. (Original) The damper of claim 10, wherein the volume of fluid traveling through the fluid path is user-adjustable.
12. (Currently Amended) A fluid damper comprising:
a damper chamber divided, by a piston mounted on a movable rod, into a primary compression and a primary rebound chamber;
a bottom out cup ~~secondary compression chamber~~ in fluid communication with the damper chamber; and
a bottom out piston formed on the movable rod for sealingly engaging the bottom out cup. and
~~an adjustable fluid meter controlling fluid flow out of the secondary compression chamber.~~

13. (Currently Amended) The damper of claim 12, further including a fluid flow path connecting the bottom out cup ~~secondary compression chamber~~ with the primary compression chamber; wherein the capacity of the fluid flow path is adjustable.

14. (Original) The damper of claim 13, further including an externally accessible adjuster connected to a valve in the flow path.

15. (Original) The damper of claim 14, wherein the externally accessible adjuster is manually adjustable.

16. (Currently Amended) A shock absorber comprising:

[[A]] a spring;

a chamber operatively connected to the spring;

a piston shaft extending into the chamber;

a first piston connected to the shaft, the piston for metering fluid during movement of the shaft in the chamber between a compression side and a rebound side of the chamber;

a second piston formed at an end of the shaft for moving into sealing engagement with a bottom out chamber at an end of a compression stroke of the shock absorber ~~disposed at an end of the chamber~~;

a blow off valve in a fluid path connecting the bottom out chamber with compression side, the blow off valve ~~fluid communication with the bottom out chamber~~ and operable depending upon the pressure of fluid in the bottom out chamber; and

a user-adjustable metering valve in a second fluid path connecting the bottom out chamber with the compression side, fluid communication with the bottom out chamber, the valve for metering fluid from the bottom out cup to the compression side, the valve externally accessible to increase or decrease dampening.

17. (Currently Amended) A method of operating a shock absorber comprising:
compressing the shock absorber to a location where a bottom out piston on a shaft moves in engagement with a bottom out chamber formed ~~disposed~~ within a dampening chamber;
creating a substantially sealed relationship between the piston and the bottom out chamber; and
metering the passage of fluid from within the bottom out chamber through a user-adjustable metering valve.
18. (Original) The method of claim 17, further including flowing, during extension, a fluid through a path between the bottom out chamber and a rebound portion of the dampening chamber, the fluid path closed during compression of the shock absorber.
19. (Original) The method of claim 17, further including the steps of:
adjusting the user-adjustable metering valve; and
repeating the step of metering with the adjusted valve.
20. (Original) The method of claim 19, further including the step of increasing the temperature of the shock absorber wherein adjusting the metering valve comprises further closing the metering valve.
21. (New) A damper for a shock absorber comprising:
a damper chamber divided by a piston and shaft into a compression and rebound portions;
a bottom out cup at an end of the chamber; and
two fluid flow paths extending between the bottom out cup and compression portion of the chamber, one flow path having an adjustable valve disposed therein and one having a normally closed valve disposed therein.
22. (New) The damper of claim 1, wherein the cup is constructed and arranged to become sealingly engaged during a compression stroke of the damper.

REMARKS

This is intended as a full and complete response to the Office Action dated October 8, 2010, having a shortened statutory period for response extended two months and set to expire on March 8, 2011. Please reconsider the claims pending in the application for reasons discussed herein.

Claims 1-20 remain pending in the application and are shown above. Claims 1-20 are rejected by the Examiner.

Drawings

The drawings are objected to under 37 C.F.R. § 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the secondary compression chamber as claimed in claim 12 must be shown or the feature(s) cancelled from the claim(s). The term "secondary chamber" has been removed from the claimed subject matter. Therefore, the drawing objection should be obviated.

Claim Rejections Under 35 U.S.C. § 112

Claims 12-15 are rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. The term "secondary chamber" has been removed from the claimed subject matter. Therefore, the rejection should be obviated.

Claim Rejections Under 35 U.S.C. § 102

Claims 1-4 and 8-12 are rejected under 35 U.S.C. § 102(b) as being anticipated by *Larsson et al.*, '958. Applicant respectfully traverses the rejection and submits that the claims as amended are not anticipated or made obvious by the teachings of *Larsson*. For example, *Larsson* does not teach a bottom out cup *formed at an end of* the compression portion as required by claim 1. Neither does *Larsson* teach or suggest a bottom out piston *formed on a movable rod* for sealingly engaging a bottom out cup as required by independent claim 12. Finally, *Larsson* does not teach or suggest a bottom out cup at an end of the chamber for *receiving* a movable bottom out piston as required

by new claim 21. Therefore, Applicant urges that independent claims 1, 12 and 21 as well as the claims that depend therefrom are patentable over *Larsson*.

Claim Rejections Under 35 U.S.C. § 103

Claim 5 is rejected under 35 U.S.C. § 103(a) as being unpatentable over *Larsson et al.* in view of *Browning*. Claims 6-11 and 16 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Larsson* in view of *Gillespie*, '036. Claims 17-20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Larsson et al.* in view of *Sendrea*, '241.

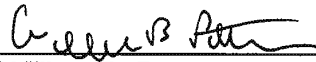
Applicant maintains that no combination of *Larsson*, *Browning*, *Gillespie* or *Sendrea* teaches, suggests or makes obvious claims 5, 6-11, 16-20 for at least the reasons given in the previous discussion of *Larsson*. Additionally, new claims 21 and 22 are patentable over any combination of these references for reasons set forth previously.

Independent claim 16 is patentable because no combination of the references teaches a second piston for engagement with a bottom out chamber, and independent claim 17 is patentable because the references do not teach a bottom out chamber formed within a dampening chamber.

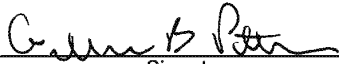
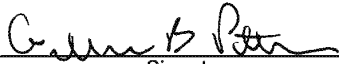
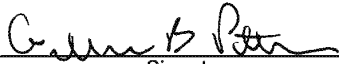
Conclusion

Having addressed all issues set out in the Office Action, Applicant respectfully submits that the claims are in condition for allowance and respectfully requests that the claims be allowed.

Respectfully submitted,



William B. Patterson
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Facsimile: (713) 623-4846
Attorney for Applicant(s)

PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a) FY 2005 <i>(Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).)</i>		Docket Number (Optional) FOXF/0024US																											
Application Number 12/463,927		Filed May 11, 2009																											
For METHODS AND APPARATUS FOR POSITION SENSITIVE SUSPENSION DAMPENING																													
Art Unit 3657		Examiner Christopher P. Schwartz																											
This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application. The requested extension and fee are as follows (check time period desired and enter the appropriate fee below): <table><thead><tr><th></th><th>Fee</th><th>Small Entity Fee</th><th></th></tr></thead><tbody><tr><td>☐ One month (37 CFR 1.17(a)(1))</td><td>\$130</td><td>\$65</td><td>\$ _____</td></tr><tr><td>☒ Two months (37 CFR 1.17(a)(2))</td><td>\$490</td><td>\$245</td><td>\$ <u>490</u></td></tr><tr><td>☐ Three months (37 CFR 1.17(a)(3))</td><td>\$1110</td><td>\$555</td><td>\$ _____</td></tr><tr><td>☐ Four months (37 CFR 1.17(a)(4))</td><td>\$1730</td><td>\$865</td><td>\$ _____</td></tr><tr><td>☐ Five months (37 CFR 1.17(a)(5))</td><td>\$2350</td><td>\$1175</td><td>\$ _____</td></tr></tbody></table> ☐ Applicant claims small entity status. See 37 CFR 1.27. ☐ A check in the amount of the fee is enclosed. ☒ Payment by credit card via EFS-Web. ☐ The Director has already been authorized to charge fees in this application to a Deposit Account. ☒ The Director is hereby authorized to charge any deficiency of fees which may be required, or credit any overpayment, to Deposit Account Number <u>20-0782/FOXF/0024US/WBP</u>. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038. I am the ☐ applicant/inventor. ☐ assignee of record of the entire interest. See 37 CFR 3.71 Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96). ☒ attorney or agent of record. Registration Number <u>34,102</u>. ☐ attorney or agent under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34. _____ <table><tr><td> Signature William B. Patterson Typed or printed name</td><td><u>41 March 2011</u> Date 713-623-4844 Telephone Number</td></tr></table> NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below. ☒ Total of <u>1</u> forms are submitted.					Fee	Small Entity Fee		☐ One month (37 CFR 1.17(a)(1))	\$130	\$65	\$ _____	☒ Two months (37 CFR 1.17(a)(2))	\$490	\$245	\$ <u>490</u>	☐ Three months (37 CFR 1.17(a)(3))	\$1110	\$555	\$ _____	☐ Four months (37 CFR 1.17(a)(4))	\$1730	\$865	\$ _____	☐ Five months (37 CFR 1.17(a)(5))	\$2350	\$1175	\$ _____	 Signature William B. Patterson Typed or printed name	<u>41 March 2011</u> Date 713-623-4844 Telephone Number
	Fee	Small Entity Fee																											
☐ One month (37 CFR 1.17(a)(1))	\$130	\$65	\$ _____																										
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☐ Four months (37 CFR 1.17(a)(4))	\$1730	\$865	\$ _____																										
☐ Five months (37 CFR 1.17(a)(5))	\$2350	\$1175	\$ _____																										
 Signature William B. Patterson Typed or printed name	<u>41 March 2011</u> Date 713-623-4844 Telephone Number																												

This collection of information is required by 37 CFR 1.136(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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

1730995_1

FOX_0000108

Electronic Patent Application Fee Transmittal				
Application Number:		12463927		
Filing Date:		11-May-2009		
Title of Invention:		METHODS AND APPARATUS FOR POSITION SENSITIVE SUSPENSION DAMPENING		
First Named Inventor/Applicant Name:		Christopher Paul Cox		
Filer:		William Bruce Patterson/Teresa Fish		
Attorney Docket Number:		FOXF/0024		
Filed as Large Entity				
Utility under 35 USC 111(a) Filing Fees				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Claims in excess of 20	1202	2	52	104
Independent claims in excess of 3	1201	1	220	220
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Extension-of-Time:				
Extension - 2 months with \$0 paid	1252	1	490	490
Miscellaneous:				
Total in USD (\$)				814

Electronic Acknowledgement Receipt	
EFS ID:	9592656
Application Number:	12463927
International Application Number:	
Confirmation Number:	1562
Title of Invention:	METHODS AND APPARATUS FOR POSITION SENSITIVE SUSPENSION DAMPENING
First Named Inventor/Applicant Name:	Christopher Paul Cox
Customer Number:	49567
Filer:	William Bruce Patterson/Teresa Fish
Filer Authorized By:	William Bruce Patterson
Attorney Docket Number:	FOXF/0024
Receipt Date:	04-MAR-2011
Filing Date:	11-MAY-2009
Time Stamp:	18:25:08
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	\$814
RAM confirmation Number	4737
Deposit Account	
Authorized User	

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
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1		FOXF0024US_ROA_dtd_10-8-1 0.PDF	356579 ccf35d829ada155868647c1029ff9fa69560c240	yes	9
Multipart Description/PDF files in .zip description					
	Document Description	Start	End		
	Amendment/Req. Reconsideration-After Non-Final Reject	1	1		
	Claims	2	5		
	Applicant Arguments/Remarks Made in an Amendment	6	8		
	Extension of Time	9	9		
Warnings:					
Information:					
2	Fee Worksheet (PTO-875)	fee-info.pdf	33844 1db4f90bd4fe3995035c207f0294cd9c0b53bdcf	no	2
Warnings:					
Information:					
Total Files Size (in bytes):			390423		
This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503. <u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application. <u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course. <u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.					

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875					Application or Docket Number 12/463,927		Filing Date 05/11/2009		☐ To be Mailed	
APPLICATION AS FILED – PART I										
(Column 1)			(Column 2)		SMALL ENTITY ☐		OR		OTHER THAN SMALL ENTITY	
FOR	NUMBER FILED	NUMBER EXTRA	RATE (\$)	FEE (\$)			RATE (\$)	FEE (\$)		
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A				N/A			
☐ SEARCH FEE (37 CFR 1.16(k), (l), or (m))	N/A	N/A	N/A				N/A			
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A				N/A			
TOTAL CLAIMS (37 CFR 1.16(i))	20 minus 20 =	* 0	X \$ =		OR		X \$52 =	0		
INDEPENDENT CLAIMS (37 CFR 1.16(h))	4 minus 3 =	* 1	X \$ =		OR		X \$220 =	220		
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).									
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))										
* If the difference in column 1 is less than zero, enter "0" in column 2.					TOTAL			TOTAL		220
APPLICATION AS AMENDED – PART II										
(Column 1)			(Column 2)		(Column 3)		SMALL ENTITY		OR OTHER THAN SMALL ENTITY	
AMENDMENT	03/04/2011	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)			RATE (\$)	ADDITIONAL FEE (\$)
	Total (37 CFR 1.16(i))	* 22	Minus	** 20	= 2	X \$ =		OR		X \$52= 104
	Independent (37 CFR 1.16(h))	* 5	Minus	***4	= 1	X \$ =		OR		X \$220= 220
	☐ Application Size Fee (37 CFR 1.16(s))									
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))									
	TOTAL ADD'L FEE							OR		TOTAL ADD'L FEE
									324	
(Column 1)			(Column 2)		(Column 3)		SMALL ENTITY		OR OTHER THAN SMALL ENTITY	
AMENDMENT	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)			RATE (\$)	ADDITIONAL FEE (\$)	
	Total (37 CFR 1.16(i))	*	Minus	**	=	X \$ =		OR		X \$ =
	Independent (37 CFR 1.16(h))	*	Minus	***	=	X \$ =		OR		X \$ =
	☐ Application Size Fee (37 CFR 1.16(s))									
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))									
	TOTAL ADD'L FEE							OR		TOTAL ADD'L FEE
* If the entry in column 1 is less than the entry in column 2, write "0" in column 3. ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20". *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3". The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.										

Legal Instrument Examiner:
/GLENN BURNS JR/

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/463,927	05/11/2009	Christopher Paul Cox	FOXF/0024	1562

49567 7590 05/26/2011
PATTERSON & SHERIDAN, L.L.P.
3040 Post Oak Blvd., Suite 1500
Houston, TX 77056

EXAMINER

SCHWARTZ, CHRISTOPHER P

ART UNIT	PAPER NUMBER
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3657

MAIL DATE	DELIVERY MODE
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05/26/2011

PAPER

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

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

Office Action Summary	Application No.	Applicant(s)
	12/463,927	COX ET AL.
	Examiner	Art Unit
	CHRISTOPHER SCHWARTZ	3657

-- 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 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

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

Status

1) ☒ Responsive to communication(s) filed on 04 March 2011.

2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.

3) ☐ 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

4) ☒ Claim(s) 1-22 is/are pending in the application.

 4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) 1-22 is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

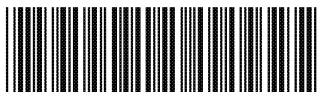
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to.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

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

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).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 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) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.	4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date: _____. 5) ☐ Notice of Informal Patent Application 6) ☐ Other: _____.
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Search Notes 	Application/Control No. 12463927	Applicant(s)/Patent Under Reexamination COX ET AL.
	Examiner Christopher P Schwartz	Art Unit 3657

SEARCHED			
Class	Subclass	Date	Examiner
188	276, 278, 319.1, 319.2, 322.13	10/5/10	cps
280	275, 276		
251	126		
137	556, 614,17		

SEARCH NOTES			
Search Notes		Date	Examiner
EAST		10/5/10	CPS

INTERFERENCE SEARCH			
Class	Subclass	Date	Examiner

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DETAILED ACTION

Amendment

1. Applicant's response filed March 4, 2011 has been received and considered.

Claim Rejections - 35 USC § 112

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

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

3. Claims 1-22 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. It is unclear what is meant by the newly add limitation of “.. a fluid flow path between the bottom out cup and the compression portion of the chamber...”. The fluid flow path, as defined in the specification with reference to figure 3B, is indicated at 301,302. The compression portion of the chamber is indicated at 222. The fluid flow path is arranged within the bottom out cup 275 and is not “between” the cup and the compression chamber

Claim Rejections - 35 USC § 103

4. The following is a quotation of 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.

5. This application currently names joint inventors. In considering patentability of the claims under 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 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1-4,8,12 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Larsson et al.

Regarding claim 1 Larsson shows in figures 1,2 or 11 a damper for a shock absorber comprising a damper chamber 10 divided by a movable piston 5,33 and shaft 6 into compression and rebound portions 2c,2a, a bottom out cup—not labeled --but upper portion holding the metering/adjustable valve 17 and tube) and a fluid flow path 3,3a through the adjustable valve 17 where the flow path is adjustable via the metering valve or the discs 16, 31 or 32.

Lacking is a specific showing of applicant's claimed limitation of “.. a fluid flow path between the bottom out cup and the compression portion of the chamber...”.

However it is well known in the art that certain features of the embodiments shown in figures 1 and 11 could be combined and/or exchanged. For instance the valve 17 shown in figure 1 could be moved to control the fluid paths 3,3a, as per figure 11.

Similarly the valve 15 of figure 1 could be moved to the location 30, as shown in figure 11, to the area 18 as shown in figure 1. Note also that the "bottom out cup" 3 extends over to the tube 4 from the tube 2. This would create a fluid flow path between at least a portion of the cup and the compression portion 2c of the chamber 10.

Notwithstanding this argument the embodiment of figure 1 shows that the bottom out cup 3 extends over to the tube 4. The fluid flow path is shown at 3,3a and therefore exists between the cup and the compression portion 2c of the chamber 10. This flow path is adjustable (capable of adjustment) due to the valves at 15.

Regarding claim 2 the bottom out piston is shown at 30.

Regarding claims 3,4,8 these requirements are met as broadly claimed and as readily apparent from the drawings.

Regarding claim 12 it is noted that applicant's seal is a dynamic seal subject to the taper of the cup 275, as per the specification. The reference to Larsson shows what appears to be a sealing element in the area of lead line 5d (5d indicates the axial recess for accommodation of the restriction element 9). Therefore the piston 5 is considered to sealingly engage the bottom out cup 3 via the relationship between 5d and 9 since element 9 (or 30 -- see figure 11) is considered to be a part of the bottom out cup.

Regarding claims 13,14,15 these requirements are met as broadly claimed and as readily apparent from the drawings.

7. Claims 5 rejected under 35 U.S.C. 103(a) as being unpatentable over Larsson et al. in view of Browning.

Regarding claim 5 Larsson et al. is silent regarding the number of adjustment positions.

However it is well known in the art to use a valve that offers a number of different adjustment positions so that the stiffness of the damper may be tuned according to the road terrain.

The reference to Browning suggest this idea in col. 3 lines 43-45 and col. 4 lines 19-29.

One having ordinary skill in the art at the time of the invention would have found it obvious to have modified the valve of Larsson et al. so that it could be used to adjust the damping level of the shock absorber to a number of different settings, as suggested by Browning.

8. Claims 6-11,16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Larrson in view of Gillespie '036.

Regarding claims 6,16 Larsson lacks a specific showing of a second fluid flow path.

Gillespie shows a piston 21 and compression and rebound chambers 35,36. Note the adjustment valve at 87 in a "bottom out cup" at an end of the chamber 35,36 and the blow off valve at 32 and a reservoir at 20.

One having ordinary skill in the art at the time of the invention would have found it obvious to have modified the stationary piston 30 of Larsson to include a blow off valve should the fluid flow path to the external chamber 4 be desired to be modified to

that shown in figures 2 and 28. Also, as taught by Gillespie, an external reservoir could be included for added fluid volume.

Regarding claim 9-11 Gillespie also shows a valve at 31 that may be interpreted as a check valve. This could be added to the stationary piston 30 of Larsson dependent upon the damping characteristics desired as is well known in the art.

9. Claims 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Larsson et al. in view of Sendrea '241.

Regarding claims 17-20 Larsson et al. shows in the several different embodiments that the connection of the metering valve 17, stationary piston 15 and fluid path 3,3a may be located differently.

The reference to Sendrea shows that the metering valve 38 or 70 may be located in the bottom out chamber.

One having ordinary skill in the art at the time of the invention would have found it obvious to have moved the metering valve 17 of Larsson to adjust the flow within the path 3,3a simply as a variation of the embodiments already shown.

10. Claims 21,22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Larsson et al. in view of Braswell et al '412. and Robertson '490.

Regarding claims 21,22 it is well known to provide the adjustable/normally closed valves within the flow paths 3,3a.

The references to Braswell and Robertson teach this known idea.

It would have been obvious to the ordinary skilled worker in the art at the time of the invention to have provided these valves within the flow paths 3,3a of Larsson simply to adjust the damping for a particular application.

Response to Arguments

11. Applicant's arguments filed March 4, 2011 have been fully considered but they are moot in view of the new grounds of rejection.

Conclusion

12. 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.

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher P. Schwartz whose telephone number is 571-272-7123. The examiner can normally be reached on M-F 10:30-7:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rob Siconolfi can be reached on 571-272-7124. 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.

/Christopher P. Schwartz/
Primary Examiner, Art Unit 3657

5/18/11

Application/Control Number: 12/463,927
Art Unit: 3657

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Notice of References Cited	Application/Control No. 12/463,927		Applicant(s)/Patent Under Reexamination COX ET AL.	
	Examiner CHRISTOPHER SCHWARTZ		Art Unit 3657	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-6,966,412	11-2005	Braswell et al.	188/286
*	B	US-7,513,490	04-2009	Robertson, Graeme Kershaw	267/64.15
	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.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	§	
Christopher Paul Cox	§	
Serial No.: 12/463,927	§	Group Art Unit: 3657
Confirmation No.: 1562	§	
Filed: May 11, 2009	§	Examiner: Christopher P. Schwartz
For: METHODS AND	§	
APPARATUS FOR	§	
POSITION SENSITIVE	§	
SUSPENSION	§	
DAMPENING	§	

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

Dear Sir:

RESPONSE TO FINAL OFFICE ACTION DATED MAY 26, 2011

In response to the Final Office Action dated May 26, 2011, having a shortened statutory period for response set to expire on August 26, 2011, please enter this response and reconsider the claims pending in the application for reasons discussed below. Although Applicant believes that no additional fees are due in connection with this response, the Commissioner is hereby authorized to charge counsel's Deposit Account No. 20-0782/FOXF/0024US/WBP for any fees required to make this response timely and acceptable to the Office.

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

Remarks begin on page 6 of this paper.

Page 1

1846355_1

FOX_0000126

IN THE CLAIMS:

Please cancel claims 17-20.

1. (Previously Presented) A damper for a shock absorber comprising:
a damper chamber divided by a piston and shaft into a compression and rebound portions;
a bottom out cup formed at an end of the compression portion; and
a fluid flow path between the bottom out cup and the compression portion of the chamber; wherein the capacity of the fluid flow path is adjustable.
2. (Previously Presented) The damper of claim 22, further including a bottom out piston disposed at an end of the shaft for moving with the piston and shaft and providing the sealing engagement with the bottom out cup.
3. (Previously Presented) The damper of claim 1, wherein the capacity of the flow path is determined by an adjustable valve.
4. (Previously Presented) The damper of claim 3, wherein the adjustable valve is manually adjustable and accessible externally of the damper.
5. (Previously Presented) The damper of claim 3, wherein the adjustable valve can be adjusted between a closed position and a plurality of open positions.
6. (Original) The damper of claim 1, further including a second fluid flow path between the bottom out cup and the compression portion.
7. (Original) The damper of claim 6, further including a blow off valve disposed in the second fluid flow path, the blow off valve having a predetermined blow off threshold pressure.

8. (Original) The damper of claim 1, further including a fluid path between the cup and the rebound portion of the chamber, the path formed in the shaft.
9. (Original) The damper of claim 8, wherein the path between the cup and rebound portion is adjustable with a check valve to permit flow of fluid in a single direction between the cup and the rebound portion.
10. (Original) The damper of claim 9, wherein the check valve is arranged in the path to permit fluid communication between the rebound portion and the cup during a rebound stroke of the shaft.
11. (Original) The damper of claim 10, wherein the volume of fluid traveling through the fluid path is user-adjustable.
12. (Previously Presented) A fluid damper comprising:
a damper chamber divided, by a piston mounted on a movable rod, into a primary compression and a primary rebound chamber;
a bottom out cup in fluid communication with the damper chamber; and
a bottom out piston formed on the movable rod for sealingly engaging the bottom out cup.
13. (Previously Presented) The damper of claim 12, further including a fluid flow path connecting the bottom out cup with the primary compression chamber; wherein the capacity of the fluid flow path is adjustable.
14. (Original) The damper of claim 13, further including an externally accessible adjuster connected to a valve in the flow path.
15. (Original) The damper of claim 14, wherein the externally accessible adjuster is manually adjustable.

16. (Previously Presented) A shock absorber comprising:
- a spring;
 - a chamber operatively connected to the spring;
 - a piston shaft extending into the chamber;
 - a first piston connected to the shaft, the piston for metering fluid during movement of the shaft in the chamber between a compression side and a rebound side of the chamber;
 - a second piston formed at an end of the shaft for moving into sealing engagement with a bottom out chamber at an end of a compression stroke of the shock absorber;
 - a blow off valve in a fluid path connecting the bottom out chamber with compression side, the blow off valve operable depending upon the pressure of fluid in the bottom out chamber; and
 - a user-adjustable metering valve in a second fluid path connecting the bottom out chamber with the compression side, the valve for metering fluid from the bottom out cup to the compression side, the valve externally accessible to increase or decrease dampening.
17. – 20. (Canceled)
21. (Previously Presented) A damper for a shock absorber comprising:
- a damper chamber divided by a piston and shaft into a compression and rebound portions;
 - a bottom out cup at an end of the chamber; and
 - two fluid flow paths extending between the bottom out cup and compression portion of the chamber, one flow path having an adjustable valve disposed therein and one having a normally closed valve disposed therein.

22. (Previously Presented) The damper of claim 1, wherein the cup is constructed and arranged to become sealingly engaged during a compression stroke of the damper.

REMARKS

This is intended as a full and complete response to the Final Office Action dated May 26, 2011, having a shortened statutory period for response set to expire on August 26, 2011. Claims 1-22 remain pending in the application and are shown above. Claims 1-22 are rejected by the Examiner. Claims 17-20 have been canceled. Reconsideration of the rejected claims is requested for the reasons presented below.

Claim Rejections Under 35 U.S.C. § 112

Claims 1-22 are rejected under 35 U.S.C. § 112. Claims 17-20 have been canceled. The Examiner states that the element “a fluid flow path between the bottom out cup and the compression portion of the chamber” (as recited in claim 1) is unclear. Applicant submits that this claim 1 element is clearly supported in the specification in at least paragraph [0017] and Figure 3B, which discloses a fluid flow path (e.g. 301, 302) between the bottom out cup (e.g. 275) and the compression portion (e.g. 222) of the chamber. Applicants respectfully request withdrawal of the rejection.

Claim Rejections Under 35 U.S.C. § 103

Claims 1-4, 8, and 12 are rejected under 35 U.S.C. § 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over *Larsson, et al.* U.S. 6,029,958. Applicant respectfully traverses the rejection.

Larsson discloses a shock absorber 1 with a cylinder 2 and a piston arrangement 5 in the cylinder 2. A unit 4 is connected to the cylinder 2 via connection unit 3, which includes connection channels 3a, 3b. See Col. 4, line 45 – Col. 5, line 6. *Larsson*, however, fails to teach or suggest a bottom out cup formed at an end of the compression portion, as recited in claim 1; and a bottom out piston formed on the movable rod for sealingly engaging the bottom out cup, as recited in claim 12. *Larsson* thus fails to disclose each and every element of claims 1 and 12, and/or otherwise fails to render obvious claims 1 and 12, and claims dependent therefrom. Applicant respectfully requests withdrawal of the rejection.

Claim 5 is rejected under 35 U.S.C. § 103(a) as being unpatentable over *Larsson* in view of *Browning*, U.S. 5,634,653.

Claim 5 depends from claim 1, and is therefore allowable for at least the same reasons stated above. *Browning* fails to cure the deficiencies of *Larsson*. Applicant respectfully requests withdrawal of the rejection.

Claims 6-11 and 16 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Larsson* in view of *Gillespie*, U.S. 5,833,036. Applicant respectfully traverses the rejection.

Claims 6-11 depend from claim 1, and are therefore allowable for at least the same reasons stated above. *Gillespie* fails to cure the deficiencies of *Larsson*. The disclosure of *Larsson* has been recited above. *Gillespie* discloses a shock absorber 10 having cylinders 13, 14, a piston assembly 15 within the cylinder 13, and a piston rod 16. See Col. 4, lines 25-31; Figure 1. *Larsson* in view of *Gillespie*, however, fails to teach or suggest a second piston formed at an end of the shaft for moving into sealing engagement with a bottom out chamber at an end of a compression stroke of the shock absorber, as recited in claim 16. *Larsson* in view of *Gillespie* thus fails to disclose each and every element of claim 16, and/or otherwise fails to render obvious claim 16. Applicant respectfully requests withdrawal of the rejection.

Claims 17-20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Larsson* in view of *Sendrea*, U.S. 6,659,241.

Claims 17-20 have been canceled. Applicant respectfully requests withdrawal of the rejection.

Claims 21 and 22 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Larsson*, in view of *Braswell, et al.*, U.S. 6,966,412, and *Robertson*, U.S. 7,513,490. Applicant respectfully traverses the rejection.

Claim 22 depends from claim 1, and is therefore allowable for at least the same reasons stated above. *Braswell* and *Robertson* fail to cure the deficiencies of *Larsson*. The disclosure of *Larsson* has been recited above. *Braswell* and *Robertson* similarly

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disclose shock absorber assemblies 10 (see Figure 2 in *Braswell* and Figure 1 in *Robertson*). *Larsson* in view of *Braswell* and *Robertson*, however, fails to teach or suggest two fluid flow paths extending between the bottom out cup and compression portion of the chamber, as recited in claim 21. *Larsson* in view of *Braswell* and *Robertson* thus fails to disclose each and every element of claim 21, and/or otherwise fails to render obvious claim 21. Applicant respectfully requests withdrawal of the rejection.

Conclusion

Having addressed all issues set out in the Final Office Action, Applicant respectfully submits that the claims are in condition for allowance and respectfully requests that the claims be allowed.

Respectfully submitted,

/William B. Patterson, Reg. No. 34,102/

William B. Patterson

Registration No. 34,102

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Attorney for Applicant(s)

Electronic Acknowledgement Receipt	
EFS ID:	10603124
Application Number:	12463927
International Application Number:	
Confirmation Number:	1562
Title of Invention:	METHODS AND APPARATUS FOR POSITION SENSITIVE SUSPENSION DAMPENING
First Named Inventor/Applicant Name:	Christopher Paul Cox
Customer Number:	49567
Filer:	William Bruce Patterson/Sharlyn Guthrie
Filer Authorized By:	William Bruce Patterson
Attorney Docket Number:	FOXF/0024
Receipt Date:	26-JUL-2011
Filing Date:	11-MAY-2009
Time Stamp:	18:40:53
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no
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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		FOXF0024RFOA052611.pdf	257365 1026881fc1ae33f0394687986ebf1f25cf9a0de	yes	8

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

Warnings:

Information:

Total Files Size (in bytes):	257365
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New Applications Under 35 U.S.C. 111
If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

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

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

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PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875					Application or Docket Number 12/463,927		Filing Date 05/11/2009		☐ To be Mailed	
APPLICATION AS FILED – PART I										
(Column 1)			(Column 2)		SMALL ENTITY ☐		OR		OTHER THAN SMALL ENTITY	
FOR	NUMBER FILED	NUMBER EXTRA	RATE (\$)	FEE (\$)			RATE (\$)	FEE (\$)		
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A				N/A			
☐ SEARCH FEE (37 CFR 1.16(k), (j), or (m))	N/A	N/A	N/A				N/A			
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A				N/A			
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =	*	X \$	=			X \$	=		
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*	X \$	=			X \$	=		
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).									
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))										
* If the difference in column 1 is less than zero, enter "0" in column 2.					TOTAL		TOTAL			
APPLICATION AS AMENDED – PART II										
(Column 1)			(Column 2)		(Column 3)		SMALL ENTITY		OR OTHER THAN SMALL ENTITY	
AMENDMENT	07/26/2011	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	RATE (\$)	ADDITIONAL FEE (\$)		
	Total (37 CFR 1.16(i))	* 18	Minus	** 22	= 0	X \$	=	X \$52=	0	
	Independent (37 CFR 1.16(h))	* 4	Minus	***5	= 0	X \$	=	X \$220=	0	
	☐ Application Size Fee (37 CFR 1.16(s))									
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))									
	TOTAL ADD'L FEE					TOTAL ADD'L FEE 0				
AMENDMENT	Total (37 CFR 1.16(i))	*	Minus	**	=	X \$	=	X \$	=	
	Independent (37 CFR 1.16(h))	*	Minus	***	=	X \$	=	X \$	=	
	☐ Application Size Fee (37 CFR 1.16(s))									
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))									
	TOTAL ADD'L FEE					TOTAL ADD'L FEE				
* If the entry in column 1 is less than the entry in column 2, write "0" in column 3. ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20". *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3". The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.										

Legal Instrument Examiner:
/SONYA HILLIARD/

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/463,927	05/11/2009	Christopher Paul Cox	FOXF/0024	1562
49567 7590 08/11/2011 PATTERSON & SHERIDAN, L.L.P. 3040 Post Oak Blvd., Suite 1500 Houston, TX 77056			EXAMINER SCHWARTZ, CHRISTOPHER P	
			ART UNIT 3657	PAPER NUMBER
			MAIL DATE 08/11/2011	DELIVERY MODE PAPER

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

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

Advisory Action Before the Filing of an Appeal Brief	Application No. 12/463,927	Applicant(s) COX ET AL.
	Examiner CHRISTOPHER SCHWARTZ	Art Unit 3657

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

THE REPLY FILED 26 July 2011 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

a) ☒ The period for reply expires 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.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

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

NOTICE OF APPEAL

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

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because

(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);

(b) ☐ They raise the issue of new matter (see NOTE below);

(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

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

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1-22.

Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: applicant has made no amendment to the claims to place the case into condition for allowance. Please see the explanation in the Final Rejection.

12. ☐ Note the attached Information *Disclosure Statement(s)*. (PTO/SB/08) Paper No(s). _____

13. ☐ Other: _____.

	/Christopher P. Schwartz/ Primary Examiner, Art Unit 3657
--	--

Doc code: RCEX

Doc description: Request for Continued Examination (RCE)

PTO/SB/30EFS (07-09)

Approved for use through 07/31/2012. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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

Application Number	12/463,927	Filing Date	2009-05-11	Docket Number (if applicable)	FOXF/0024US	Art Unit	3657
First Named Inventor	Christopher Paul Cox			Examiner Name	Christopher P. Schwartz		

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

SUBMISSION REQUIRED UNDER 37 CFR 1.114

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

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

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

☐ Other _____

☒ Enclosed

☒ Amendment/Reply

☐ Information Disclosure Statement (IDS)

☐ Affidavit(s)/ Declaration(s)

☒ Other

Petition for Two-Month Extension of Time

MISCELLANEOUS

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

☐ Other _____

FEES

☒ **The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.**
 The Director is hereby authorized to charge any underpayment of fees, or credit any overpayments, to
 Deposit Account No 200782

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

☒ Patent Practitioner Signature

☐ Applicant Signature

Doc code: RCEX

Doc description: Request for Continued Examination (RCE)

PTO/SB/30EFS (07-09)

Approved for use through 07/31/2012. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Signature of Registered U.S. Patent Practitioner			
Signature	/William B. Patterson/	Date (YYYY-MM-DD)	2011-10-24
Name	William B. Patterson	Registration Number	34102

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

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

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

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

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	§	
Christopher Paul Cox, et al	§	
	§	Group Art Unit: 3657
Serial No.: 12/463,927	§	
	§	
Confirmation No.: 1562	§	Examiner: Christopher P. Schwartz
	§	
Filed: May 11, 2009	§	
	§	
For: METHODS AND APPARATUS	§	
FOR POSITION SENSITIVE	§	
SUSPENSION DAMPENING	§	

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

Dear Sir:

**SECOND RESPONSE TO FINAL OFFICE ACTION DATED MAY 26, 2011 AND
RESPONSE TO ADVISORY ACTION DATED AUGUST 11, 2011**

In response to the Final Office Action dated May 26, 2011 and the Advisory Action dated August 11, 2011, please enter this response and Request for Continued Examination (RCE) under 37 C.F.R 1.114 and reconsider the claims pending in the application for reasons discussed below. Although Applicant believes that no additional fees are due in connection with this response, the Commissioner is hereby authorized to charge counsel's Deposit Account No. 20-0782/FOXF/0024US/WBP for any fees required to make this response timely and acceptable to the Office.

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

Remarks begin on page 6 of this paper.

Page 1

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FOX_0000142

IN THE CLAIMS:

Please amend the claims as follows:

1. – 22. (Cancelled)

23. (New) A damper for a shock absorber comprising:
a damper chamber divided by a piston and shaft into a compression and rebound portions;
a bottom out cup formed at an end of the compression portion; and
a fluid flow path for providing fluid communication between the cup and the compression portion of the chamber; wherein the capacity of the fluid flow path is adjustable.

24. (New) The damper of claim 23, wherein the capacity of the flow path is adjustable with an adjustable valve, the valve restricting the fluid flow.

25. (New) The damper of claim 24, wherein the adjustable valve is manually adjustable and accessible externally of the damper.

26. (New) The damper of claim 25, wherein the adjustable valve can be adjusted between a closed position and a plurality of open positions.

27. (New) The damper of claim 23, further including a second fluid flow path within the bottom out cup and the compression portion.

28. (New) The damper of claim 27, further including a blow off valve disposed in the second fluid flow path, the blow off valve having a predetermined blow off threshold pressure.

29. (New) The damper of claim 23, further including a fluid path between the cup and the rebound portion of the chamber, the path formed in the shaft.

30. (New) The damper of claim 29, wherein the path between the cup and rebound portion is adjustable with a check valve to permit flow of fluid in a single direction between the cup and the rebound portion.

31. (New) The damper of claim 30, wherein the check valve is arranged in the path to permit fluid communication between the rebound portion and the cup during a rebound stroke of the shaft.

32. (New) The damper of claim 31, wherein the volume of fluid traveling through the fluid path is user-adjustable.

33. (New) A fluid damper comprising:
a damper chamber divided, by a piston mounted on a movable rod, into a primary compression and a primary rebound chamber;
a bottom out cup in fluid communication with the damper chamber; and
a bottom out piston formed on the movable rod for sealingly engaging the bottom out cup; wherein the damper includes a first position in which the bottom out piston is not housed in the bottom out cup and a second position in which the bottom out piston is housed therein.

34. (New) The damper of claim 33, wherein in the second position the bottom out piston is sealingly engaged within the bottom out cup.

35. (New) The damper of claim 34, further including a fluid flow path formed between the cup and the primary compression chamber; wherein the capacity of the fluid flow path is adjustable.

36. (New) The damper of claim 35, further including an externally accessible adjuster connected to a valve disposed in the flow path.

37. (New) The damper of claim 36, wherein the externally accessible adjuster is manually adjustable.

38. (New) The damper of claim 35, further including a second fluid flow path within the bottom out cup and the compression portion.

39. (New) A shock absorber comprising:

- a spring;

- a chamber operatively connected to the spring;

- a piston shaft extending into the chamber;

- a first piston connected to the shaft, the piston for metering fluid during movement of the shaft in the chamber between a compression side and a rebound side of the chamber;

- a second piston formed at an end of the shaft for moving into sealing engagement with a bottom out chamber at an end of a compression stroke of the shock absorber;

- a blow off valve in a fluid path formed in the bottom out cup providing a fluid path with compression side, the blow off valve operable depending upon the pressure of fluid in the bottom out chamber; and

- a user-adjustable metering valve in a second fluid path connecting the bottom out cup with the compression side, the valve for metering fluid from the bottom out cup to the compression side, the valve externally accessible to increase or decrease dampening, wherein

- the damper includes a first position wherein the bottom out piston is not housed in the bottom out cup and a second position wherein the bottom out piston is housed therein.

REMARKS

This is intended as a full and complete response to the Final Office Action dated May 26, 2011 and the Advisory Action dated August 11, 2011. Claims 1-22 are cancelled and new claims 23-37 have been added. Positive consideration of the new claims is requested for the reasons presented below.

Claim Rejections Under 35 U.S.C. § 112

Previous claims 1-22 were rejected under 35 U.S.C. § 112. The Examiner stated that the element “a fluid flow path between the bottom out cup and the compression portion of the chamber” (as recited in claim 1) is unclear. Applicants submit the location of the cup as claimed in claims 1 and 35 in particular is clearly supported in the specification in at least paragraph [0017] and Figure 3B, which discloses a fluid flow path (e.g. 301, 302) between the bottom out cup (e.g. 275) and the compression portion (e.g. 222) of the chamber. Applicants respectfully request withdrawal of the rejection.

Claim Rejections Under 35 U.S.C. § 102(b) and §103

Claims 1-4, 8, and 12 are rejected under 35 U.S.C. § 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over *Larsson, et al.* U.S. 6,029,958. Applicants respectfully traverse the rejection.

Applicants urge that new claims 23-37 are patentable over *Larsson* for the following reasons. *Larsson* discloses a shock absorber 1 with a cylinder 2 and a piston arrangement 5 in the cylinder 2. A unit 4 is connected to the cylinder 2 via connection unit 3, which includes connection channels 3a, 3b. See Col. 4, line 45 – Col. 5, line 6. In the Office Action, the Examiner points to Figures 1, 2 and 11 of *Larsson* stating that elements of claim 1 are met by the top structure (in Figure 1, for instance) that holds “metering/adjustable valve 17 and tube”. Applicants respectfully suggest that this structure of *Larsson* does not teach every element of independent claim 23. Missing is an adjustable fluid path between the bottom out cup and the compression portion of the

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chamber. In *Larsson*, an adjustable metering valve 17 is located in a position whereby fluid does not pass through it as fluid travels between the cup and the compression portion. Rather, in *Larsson* the fluid travels between the “cup” and a reservoir.

In a section of the rejection related to § 103(a), the Examiner concedes that *Larsson* fails to teach the flow path between the cup and compression portion but maintains that valve 17 in Figure 1 of *Larsson* could be moved to a location where it is shown in Figure 11. However, this type arrangement, i.e., the placement of a control valve 17 upstream of a shim stack 15 would seriously undermine the purpose of the shim stack of *Larsson* in metering fluid from one side of the shim stack to the other side. For that reason, such a combination would not be made and the structure of the damper in *Larsson* actually teaches away from such an illogical combination of parts. The Examiner’s other suggestions, like moving a shim stack valve 15 from Figure 1 to a location 18 in Figure 1 or to a location 30 in Figure 11, would not meet the limitations of claim 23 as that claim requires the valve to be adjustable.

Therefore, claim 23 and those claims that depend from it are patentable over *Larsson*. Applicants respectfully request withdrawal of the rejection.

Independent claims 33 and 39, and the claims depending therefrom, are likewise patentable over *Larsson* because *Larsson* does not teach or make obvious a damper “wherein the damper includes a first position wherein the bottom out piston is not housed in the bottom out cup and a second position wherein the bottom out piston is housed therein.” *Browning* and *Gillespie* do not cure the deficiencies of *Larsson*.

Conclusion

Having addressed all issues set out in the Final Office Action, Applicants respectfully submit that the claims are in condition for allowance and respectfully requests that the claims be allowed.

Respectfully submitted,

/William B. Patterson, Reg. No. 34,102/
William B. Patterson
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PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)		Docket Number (Optional) FOXF/0024US																									
Application Number 12/463,927		Filed May 11, 2009																									
For METHODS AND APPARATUS FOR POSITION SENSITIVE SUSPENSION DAMPENING																											
Art Unit 3657		Examiner Christopher P. Schwartz																									
This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application. The requested extension and fee are as follows (check time period desired and enter the appropriate fee below): <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 40%;"></th> <th style="width: 15%; text-align: center;"><u>Fee</u></th> <th style="width: 15%; text-align: center;"><u>Small Entity Fee</u></th> <th style="width: 30%;"></th> </tr> </thead> <tbody> <tr> <td>☐ One month (37 CFR 1.17(a)(1))</td> <td style="text-align: center;">\$150</td> <td style="text-align: center;">\$75</td> <td>\$ _____</td> </tr> <tr> <td>☒ Two months (37 CFR 1.17(a)(2))</td> <td style="text-align: center;">\$560</td> <td style="text-align: center;">\$280</td> <td>\$ 560.00</td> </tr> <tr> <td>☐ Three months (37 CFR 1.17(a)(3))</td> <td style="text-align: center;">\$1270</td> <td style="text-align: center;">\$635</td> <td>\$ _____</td> </tr> <tr> <td>☐ Four months (37 CFR 1.17(a)(4))</td> <td style="text-align: center;">\$1980</td> <td style="text-align: center;">\$990</td> <td>\$ _____</td> </tr> <tr> <td>☐ Five months (37 CFR 1.17(a)(5))</td> <td style="text-align: center;">\$2690</td> <td style="text-align: center;">\$1345</td> <td>\$ _____</td> </tr> </tbody> </table> ☐ Applicant claims small entity status. See 37 CFR 1.27. ☐ A check in the amount of the fee is enclosed. ☒ Payment by credit card via EFS-Web. ☐ The Director has already been authorized to charge fees in this application to a Deposit Account. ☒ The Director is hereby authorized to charge any deficiency of fees, or credit any overpayment, to Deposit Account Number 20-0782/FOXF/0024US/WBP WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038. I am the ☐ applicant/inventor. ☐ assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96). ☒ attorney or agent of record. Registration Number 34,102 ☐ attorney or agent under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____ _____ Signature _____ Typed or printed name _____ October 24, 2011 Date _____ 713-623-4844 Telephone Number NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below. ☐ Total of _____ forms are submitted.					<u>Fee</u>	<u>Small Entity Fee</u>		☐ One month (37 CFR 1.17(a)(1))	\$150	\$75	\$ _____	☒ Two months (37 CFR 1.17(a)(2))	\$560	\$280	\$ 560.00	☐ Three months (37 CFR 1.17(a)(3))	\$1270	\$635	\$ _____	☐ Four months (37 CFR 1.17(a)(4))	\$1980	\$990	\$ _____	☐ Five months (37 CFR 1.17(a)(5))	\$2690	\$1345	\$ _____
	<u>Fee</u>	<u>Small Entity Fee</u>																									
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Electronic Patent Application Fee Transmittal				
Application Number:		12463927		
Filing Date:		11-May-2009		
Title of Invention:		METHODS AND APPARATUS FOR POSITION SENSITIVE SUSPENSION DAMPENING		
First Named Inventor/Applicant Name:		Christopher Paul Cox		
Filer:		William Bruce Patterson/Teresa Fish		
Attorney Docket Number:		FOXF/0024		
Filed as Large Entity				
Utility under 35 USC 111(a) Filing Fees				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				
Extension - 2 months with \$0 paid	1252	1	560	560

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Miscellaneous:				
Request for continued examination	1801	1	930	930
Total in USD (\$)				1490

Electronic Acknowledgement Receipt	
EFS ID:	11247912
Application Number:	12463927
International Application Number:	
Confirmation Number:	1562
Title of Invention:	METHODS AND APPARATUS FOR POSITION SENSITIVE SUSPENSION DAMPENING
First Named Inventor/Applicant Name:	Christopher Paul Cox
Customer Number:	49567
Filer:	William Bruce Patterson/Teresa Fish
Filer Authorized By:	William Bruce Patterson
Attorney Docket Number:	FOXF/0024
Receipt Date:	24-OCT-2011
Filing Date:	11-MAY-2009
Time Stamp:	13:00:41
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	\$ 1490
RAM confirmation Number	9782
Deposit Account	
Authorized User	

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
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1	Request for Continued Examination (RCE)	FOXF0024US_RCE.pdf	697309 9c40f883570ff5e68c2fcd81c9e9e6a9546a2aea	no	3
Warnings:					
Information:					
2		FOXF0024US_2nd_RFOA_and_Resp_to_AA.pdf	87008 2f75b5b6fddc5c80230353579e4cb9c5e87f3912	yes	7
	Multipart Description/PDF files in .zip description				
	Document Description		Start	End	
	Amendment After Final		1	1	
	Claims		2	4	
	Applicant Arguments/Remarks Made in an Amendment		5	7	
Warnings:					
Information:					
3	Extension of Time	FOXF0024US_2moExt.pdf	81414 67a9057d9d7448cce590b7db2cd883f08c4c15cf	no	1
Warnings:					
Information:					
4	Fee Worksheet (SB06)	fee-info.pdf	32685 771ad13e0b2941e37e1f1b454114bf7e57384a9a	no	2
Warnings:					
Information:					
Total Files Size (in bytes):			898416		

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

New Applications Under 35 U.S.C. 111

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

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

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

New International Application Filed with the USPTO as a Receiving Office

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

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875					Application or Docket Number 12/463,927		Filing Date 05/11/2009		☐ To be Mailed				
APPLICATION AS FILED – PART I													
(Column 1)			(Column 2)			SMALL ENTITY ☐		OR		OTHER THAN SMALL ENTITY			
FOR		NUMBER FILED	NUMBER EXTRA		RATE (\$)	FEE (\$)	OR		RATE (\$)	FEE (\$)			
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))		N/A	N/A		N/A		OR		N/A				
☐ SEARCH FEE (37 CFR 1.16(k), (l), or (m))		N/A	N/A		N/A		OR		N/A				
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))		N/A	N/A		N/A		OR		N/A				
TOTAL CLAIMS (37 CFR 1.16(i))		minus 20 =	*		X \$ =		OR		X \$ =				
INDEPENDENT CLAIMS (37 CFR 1.16(h))		minus 3 =	*		X \$ =		OR		X \$ =				
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))		If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).											
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))													
					TOTAL		OR		TOTAL				
* If the difference in column 1 is less than zero, enter "0" in column 2.													
APPLICATION AS AMENDED – PART II													
(Column 1)			(Column 2)			(Column 3)		SMALL ENTITY		OR		OTHER THAN SMALL ENTITY	
AMENDMENT	10/24/2011	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	OR		RATE (\$)	ADDITIONAL FEE (\$)		
	Total (37 CFR 1.16(i))	* 17	Minus	** 20	= 0	X \$ =		OR		X \$60=	0		
	Independent (37 CFR 1.16(h))	* 3	Minus	***3	= 0	X \$ =		OR		X \$250=	0		
	☐ Application Size Fee (37 CFR 1.16(s))												
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))												
						TOTAL ADD'L FEE		OR		TOTAL ADD'L FEE	0		
AMENDMENT		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	OR		RATE (\$)	ADDITIONAL FEE (\$)		
	Total (37 CFR 1.16(i))	*	Minus	**	=	X \$ =		OR		X \$ =			
	Independent (37 CFR 1.16(h))	*	Minus	***	=	X \$ =		OR		X \$ =			
	☐ Application Size Fee (37 CFR 1.16(s))												
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))												
						TOTAL ADD'L FEE		OR		TOTAL ADD'L FEE			
* If the entry in column 1 is less than the entry in column 2, write "0" in column 3. ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20". *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3". The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.													

Legal Instrument Examiner:
/MARY EVANS/

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	§	
Christopher Paul Cox, et al	§	
	§	Group Art Unit: 3657
Serial No.: 12/463,927	§	
	§	
Confirmation No.: 1562	§	Examiner: Christopher P. Schwartz
	§	
Filed: May 11, 2009	§	
	§	
For: METHODS AND APPARATUS	§	
FOR POSITION SENSITIVE	§	
SUSPENSION DAMPENING	§	

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

Dear Sir:

**SUPPLEMENT TO SECOND RESPONSE TO FINAL OFFICE ACTION DATED
MAY 26, 2011 AND RESPONSE TO ADVISORY ACTION DATED AUGUST 11, 2011**

As a further response to the Final Office Action dated May 26, 2011 and the Advisory Action dated August 11, 2011, please enter this supplement to the response filed on October 24, 2011 and reconsider the claims pending in the application for reasons discussed below. Although Applicant believes that no additional fees are due in connection with this response, the Commissioner is hereby authorized to charge counsel's Deposit Account No. 20-0782/FOXF/0024US/WBP for any fees required to make this response timely and acceptable to the Office.

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

Remarks begin on page 6 of this paper.

Page 1

2078754_1

FOX_0000156

IN THE CLAIMS:

Please amend the claims as follows:

1. – 22. (Cancelled)

23. (Previously Presented) A damper for a shock absorber comprising:
a damper chamber divided by a piston and shaft into a compression and rebound portions;
a bottom out cup formed at an end of the compression portion; and
a fluid flow path for providing fluid communication between the cup and the compression portion of the chamber; wherein the capacity of the fluid flow path is adjustable.

24. (Previously Presented) The damper of claim 23, wherein the capacity of the flow path is adjustable with an adjustable valve, the valve restricting the fluid flow.

25. (Previously Presented) The damper of claim 24, wherein the adjustable valve is manually adjustable and accessible externally of the damper.

26. (Previously Presented) The damper of claim 25, wherein the adjustable valve can be adjusted between a closed position and a plurality of open positions.

27. (Previously Presented) The damper of claim 23, further including a second fluid flow path within the bottom out cup and the compression portion.

28. (Previously Presented) The damper of claim 27, further including a blow off valve disposed in the second fluid flow path, the blow off valve having a predetermined blow off threshold pressure.

29. (Previously Presented) The damper of claim 23, further including a fluid path between the cup and the rebound portion of the chamber, the path formed in the shaft.

30. (Previously Presented) The damper of claim 29, wherein the path between the cup and rebound portion is adjustable with a check valve to permit flow of fluid in a single direction between the cup and the rebound portion.

31. (Previously Presented) The damper of claim 30, wherein the check valve is arranged in the path to permit fluid communication between the rebound portion and the cup during a rebound stroke of the shaft.

32. (Previously Presented) The damper of claim 31, wherein the volume of fluid traveling through the fluid path is user-adjustable.

33. (Previously Presented) A fluid damper comprising:
a damper chamber divided, by a piston mounted on a movable rod, into a primary compression and a primary rebound chamber;
a bottom out cup in fluid communication with the damper chamber; and
a bottom out piston formed on the movable rod for sealingly engaging the bottom out cup; wherein the damper includes a first position in which the bottom out piston is not housed in the bottom out cup and a second position in which the bottom out piston is housed therein.

34. (Previously Presented) The damper of claim 33, wherein in the second position the bottom out piston is sealingly engaged within the bottom out cup.

35. (Previously Presented) The damper of claim 34, further including a fluid flow path formed between the cup and the primary compression chamber; wherein the capacity of the fluid flow path is adjustable.

36. (Previously Presented) The damper of claim 35, further including an externally accessible adjuster connected to a valve disposed in the flow path.

37. (Previously Presented) The damper of claim 36, wherein the externally accessible adjuster is manually adjustable.

38. (Previously Presented) The damper of claim 35, further including a second fluid flow path within the bottom out cup and the compression portion.

39. (Currently Amended) A shock absorber comprising:

- a spring;
- a chamber operatively connected to the spring;
- a piston shaft extending into the chamber;
- a first piston connected to the shaft, the piston for metering fluid during movement of the shaft in the chamber between a compression side and a rebound side of the chamber;
- a second piston formed at an end of the shaft for moving into sealing engagement with a bottom out ~~chamber~~ cup at an end of a compression stroke of the shock absorber;
- a blow off valve in a fluid path formed in the bottom out cup providing a fluid path with compression side, the blow off valve operable depending upon the pressure of fluid in the bottom out chamber; and
- a user-adjustable metering valve in a second fluid path connecting the bottom out cup with the compression side, the valve for metering fluid from the bottom out cup to the compression side, the valve externally accessible to increase or decrease dampening, wherein

the damper includes a first position wherein the bottom out piston is not housed in the bottom out cup and a second position wherein the bottom out piston is housed therein.

40. (New) The shock absorber of claim 39, wherein the chamber comprises a cylinder.

41. (New) A damper for a shock absorber comprising:
a damper chamber divided by a piston and shaft into a compression and rebound portions;
a bottom out cup formed at an end of the compression portion; and
a fluid flow path providing fluid communication from the cup to the compression portion of the chamber during a compression stroke of the damper; wherein the capacity of the fluid flow path is manually adjustable externally of the shock absorber.

REMARKS

This is intended as a supplement to the second response (filed on October 24, 2011) to the Final Office Action dated May 26, 2011 and the Advisory Action dated August 11, 2011. Claim 39, added as a new claim in the second response, has been amended to replace the word "chamber" in line 9 with the word --cup--. New claims 40 and 41 have been added to better define the invention. No new matter has been added. Positive consideration of the new claims is requested.

Conclusion

Having addressed all issues set out in the Final Office Action, Applicant respectfully submits that the claims are in condition for allowance and respectfully requests that the claims be allowed.

Respectfully submitted,

/William B Patterson/

William B. Patterson
Registration No. 34,102
PATTERSON & SHERIDAN, L.L.P.
3040 Post Oak Blvd. Suite 1500
Houston, TX 77056
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Facsimile: (713) 623-4846
Attorney for Applicant(s)

Electronic Acknowledgement Receipt	
EFS ID:	11374636
Application Number:	12463927
International Application Number:	
Confirmation Number:	1562
Title of Invention:	METHODS AND APPARATUS FOR POSITION SENSITIVE SUSPENSION DAMPENING
First Named Inventor/Applicant Name:	Christopher Paul Cox
Customer Number:	49567
Filer:	William Bruce Patterson/Teresa Fish
Filer Authorized By:	William Bruce Patterson
Attorney Docket Number:	FOXF/0024
Receipt Date:	09-NOV-2011
Filing Date:	11-MAY-2009
Time Stamp:	19:09:49
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no
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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		FOXF0024US_Supplement_to_2nd_RFOA.pdf	70030 5f9b2b9ef0ed66b6b219e671dfcdad3127c14f8a	yes	6

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

Warnings:

Information:

Total Files Size (in bytes):	70030
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New Applications Under 35 U.S.C. 111
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National Stage of an International Application under 35 U.S.C. 371
If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

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Electronic Patent Application Fee Transmittal				
Application Number:		12463927		
Filing Date:		11-May-2009		
Title of Invention:		METHODS AND APPARATUS FOR POSITION SENSITIVE SUSPENSION DAMPENING		
First Named Inventor/Applicant Name:		Christopher Paul Cox		
Filer:		William Bruce Patterson/Teresa Fish		
Attorney Docket Number:		FOXF/0024		
Filed as Large Entity				
Utility under 35 USC 111(a) Filing Fees				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Independent claims in excess of 3	1201	1	250	250
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Miscellaneous:				
Total in USD (\$)				250

Electronic Acknowledgement Receipt	
EFS ID:	11374666
Application Number:	12463927
International Application Number:	
Confirmation Number:	1562
Title of Invention:	METHODS AND APPARATUS FOR POSITION SENSITIVE SUSPENSION DAMPENING
First Named Inventor/Applicant Name:	Christopher Paul Cox
Customer Number:	49567
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Filer Authorized By:	William Bruce Patterson
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Receipt Date:	09-NOV-2011
Filing Date:	11-MAY-2009
Time Stamp:	19:13:09
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	\$ 250
RAM confirmation Number	6334
Deposit Account	
Authorized User	

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
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1	Fee Worksheet (SB06)	fee-info.pdf	30492 796ca1fdb9792afb6e43ccdfa4829d41e9e01ded	no	2
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Information:					
Total Files Size (in bytes):				30492	
This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503. <u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application. <u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course. <u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.					

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(Column 1)			(Column 2)			SMALL ENTITY ☐		OR		OTHER THAN SMALL ENTITY	
FOR		NUMBER FILED	NUMBER EXTRA		RATE (\$)	FEE (\$)	OR		RATE (\$)	FEE (\$)	
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))		N/A	N/A		N/A		OR		N/A		
☐ SEARCH FEE (37 CFR 1.16(k), (l), or (m))		N/A	N/A		N/A		OR		N/A		
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))		N/A	N/A		N/A		OR		N/A		
TOTAL CLAIMS (37 CFR 1.16(i))		minus 20 =	*		X \$	=	OR		X \$	=	
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APPLICATION AS AMENDED – PART II											
(Column 1)			(Column 2)			(Column 3)		SMALL ENTITY		OR OTHER THAN SMALL ENTITY	
AMENDMENT	11/09/2011	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	OR		RATE (\$)	ADDITIONAL FEE (\$)
	Total (37 CFR 1.16(i))	* 19	Minus	** 20	= 0	X \$	=	OR		X \$60=	0
	Independent (37 CFR 1.16(h))	* 4	Minus	***3	= 1	X \$	=	OR		X \$250=	250
	☐ Application Size Fee (37 CFR 1.16(s))							OR			
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							OR			
						TOTAL ADD'L FEE		OR		TOTAL ADD'L FEE	250
AMENDMENT		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	OR		RATE (\$)	ADDITIONAL FEE (\$)
	Total (37 CFR 1.16(i))	*	Minus	**	=	X \$	=	OR		X \$	=
	Independent (37 CFR 1.16(h))	*	Minus	***	=	X \$	=	OR		X \$	=
	☐ Application Size Fee (37 CFR 1.16(s))							OR			
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							OR			
						TOTAL ADD'L FEE		OR		TOTAL ADD'L FEE	
* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.						Legal Instrument Examiner: /EVELYN NIMMONS/					
** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".											
*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".											
The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.											

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/463,927	05/11/2009	Christopher Paul Cox	FOXF/0024	1562

49567 7590 12/15/2011
PATTERSON & SHERIDAN, L.L.P.
3040 Post Oak Blvd., Suite 1500
Houston, TX 77056

EXAMINER

SCHWARTZ, CHRISTOPHER P

ART UNIT	PAPER NUMBER
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3657

MAIL DATE	DELIVERY MODE
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12/15/2011

PAPER

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

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

Office Action Summary	Application No.	Applicant(s)	
	12/463,927	COX ET AL.	
	Examiner	Art Unit	
	CHRISTOPHER SCHWARTZ	3657	

-- 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 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

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

Status

1) ☒ Responsive to communication(s) filed on 09 November 2011.

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) 23-41 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) 23-41 is/are rejected.

8) ☐ Claim(s) ____ is/are objected to.

9) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

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).

12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
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) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date ____	4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. ____ 5) ☐ Notice of Informal Patent Application 6) ☐ Other: ____
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DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. 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 October 24, 2011 has been entered. Claims 23-41 are currently pending.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the second fluid flow path as claimed in claim 27 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

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

of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112: The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 23-32 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

It remains unclear what is meant by the newly add limitation of "... a fluid flow path between the bottom out cup and the compression portion of the chamber...". The fluid flow path, as defined in the specification with reference to figure 3B, is indicated at 301,302. The compression portion of the chamber is indicated at 222. The fluid flow

path is arranged within the bottom out cup 275 and is not "between" the cup and the compression chamber.

Regarding claim 27 it is unclear what/where applicant's consider the second fluid flow path to be.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 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 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 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 23-25,29,33-37,41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Patriquin '304 in view of Robertson '490..

Regarding claims 23,33,41 Patriquin shows in figures 1 and 2 a shock absorber comprising a rod 15, a piston 26, a bottom out piston 24, and a bottom out cup at 13.

Lacking in Patriquin is a showing of an adjustable fluid flow path providing fluid communication between the cup and a compression portion of the chamber.

However it is known that shock absorbers may be reversibly installed.

The reference to Robertson '490 generally shows this in figure 2 in which the rod and piston have been reversibly installed.

Further, Robertson is relied upon to show an external chamber 100, a bottom out cup 102 with an adjustable fluid path 106. Note the adjustable valve at 160.

One having ordinary skill in the art at the time of the invention would have found it obvious to have modified the cup 13 of Patriquin so that communicates with an external chamber, or takes on the form of the cup and arrangement taught by Robertson, simply to adapt the absorber of Patriquin to different applications.

Regarding claim 29 note that Robertson in figure 1 teaches that the fluid path can formed in the hollowed out shaft. This is notoriously well known in the art.

Regarding claim 34, as broadly claimed, the bottom out piston 24 is 'sealingly engaged' within the bottom out cup 13 if only to some degree.

The limitations in the remaining claims are readily apparent from the drawings of the combined references above.

8. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Patriquin in view of Roberston as applied to claim 25 above, and further in view of Browning.

Regarding claim 26 Patriquin, as modified, is silent regarding the number of adjustment positions.

However it is well known in the art to use a valve that offers a number of different adjustment positions so that the stiffness of the damper may be tuned according to the road terrain, ride, or specific application of the absorber..

The reference to Browning suggests this idea in col. 3 lines 43-45 and col. 4 lines 19-29.

One having ordinary skill in the art at the time of the invention would have found it obvious to have modified the valve of Larsson et al. so that it could be used to adjust the damping level of the shock absorber to a number of different settings, as suggested by Browning.

9. Claims 27,28,30-31,38-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Patriquin in view of Roberston as applied to claim 27 above, and further in view of Verkuylen '244

The reference to Verkuylen is relied upon to show an adjustable valve assembly provided in two fluid flow paths that is also capable of functioning as a blow off valve, as broadly claimed. See the valves 13 and the check valve in figure 1 (prior art).

One having ordinary skill in the art at the time of the invention would have found it obvious to have added these valves to the modified cup of Patriquin above to enable adjustable rebound control of the device.

Response to Arguments

10. Applicant's arguments with respect to claims 23-41 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHRISTOPHER SCHWARTZ whose telephone number is (571)272-7123. The examiner can normally be reached on M-F 10:30-7:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rob Siconolfi can be reached on 571-272-7124. 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.

/Christopher P. Schwartz/
Primary Examiner, Art Unit 3657

12/14/11

Notice of References Cited	Application/Control No. 12/463,927	Applicant(s)/Patent Under Reexamination COX ET AL.	
	Examiner CHRISTOPHER SCHWARTZ	Art Unit 3657	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-2,363,867	11-1944	ISELY MALCOLM D	188/289
*	B	US-2,924,304	02-1960	PATRIQUIN WILLIAM G	188/288
*	C	US-3,127,958	04-1964	SZOSTAK HENRY T	188/275
*	D	US-3,795,291	03-1974	Naito et al.	188/274
*	E	US-4,732,244	03-1988	Verkuylen, Adrianus H. I.	188/318
*	F	US-4,045,008	08-1977	Bauer, Fritz	267/120
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

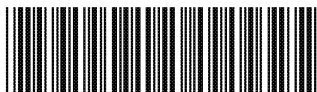
FOREIGN PATENT DOCUMENTS

*		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.

<i>Search Notes</i> 	Application/Control No. 12463927	Applicant(s)/Patent Under Reexamination COX ET AL.
	Examiner Christopher P Schwartz	Art Unit 3657

SEARCHED			
Class	Subclass	Date	Examiner
188	276, 278,288, 318,319.1, 319.2, 322.13	10/5/10	cps
280	275, 276		
251	126		
137	556, 614,17		

SEARCH NOTES			
Search Notes		Date	Examiner
EAST		10/5/10	CPS

INTERFERENCE SEARCH			
Class	Subclass	Date	Examiner

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	§	
CHRISTOPHER PAUL COX	§	
	§	
Serial No.:	§	Group Art Unit: 3657
12/463,927	§	
	§	
Confirmation No.:	§	Examiner: Christopher P. Schwartz
1562	§	
	§	
Filed:	§	
May 11, 2009	§	
	§	
For: METHODS AND APPARATUS	§	
FOR POSITION SENSITIVE	§	
SUSPENSION DAMPENING	§	

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

Dear Sir:

RESPONSE TO OFFICE ACTION DATED DECEMBER 15, 2011

In response to the Office Action dated December 15, 2011, please enter this response and consider the amended claims in the application for reasons discussed below. Although Applicant believes that no additional fees are due in connection with this response, the Commissioner is hereby authorized to charge counsel's Deposit Account No. 20-0782/FOXF/0024US/WBP for any fees required to make this response timely and acceptable to the Office.

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

Remarks begin on page 6 of this paper.

AMENDMENTS TO THE CLAIMS:

Please cancel claim 35, and amend the claims as follows:

- 1.–22. (Canceled)
23. (Previously Presented) A damper for a shock absorber comprising:
a damper chamber divided by a piston and shaft into a compression and rebound portions;
a bottom out cup formed at an end of the compression portion; and
a fluid flow path for providing fluid communication between the cup and the compression portion of the chamber; wherein the capacity of the fluid flow path is adjustable.
24. (Previously Presented) The damper of claim 23, wherein the capacity of the flow path is adjustable with an adjustable valve, the valve restricting the fluid flow.
25. (Previously Presented) The damper of claim 24, wherein the adjustable valve is manually adjustable and accessible externally of the damper.
26. (Previously Presented) The damper of claim 25, wherein the adjustable valve can be adjusted between a closed position and a plurality of open positions.
27. (Previously Presented) The damper of claim 23, further including a second fluid flow path within the bottom out cup and the compression portion.
28. (Previously Presented) The damper of claim 27, further including a blow off valve disposed in the second fluid flow path, the blow off valve having a predetermined blow off threshold pressure.

29. (Previously Presented) The damper of claim 23, further including a fluid path between the cup and the rebound portion of the chamber, the path formed in the shaft.

30. (Previously Presented) The damper of claim 29, wherein the path between the cup and rebound portion is adjustable with a check valve to permit flow of fluid in a single direction between the cup and the rebound portion.

31. (Previously Presented) The damper of claim 30, wherein the check valve is arranged in the path to permit fluid communication between the rebound portion and the cup during a rebound stroke of the shaft.

32. (Previously Presented) The damper of claim 31, wherein the volume of fluid traveling through the fluid path is user-adjustable.

33. (Currently Amended) A fluid damper comprising:
a damper chamber divided, by a piston mounted on a movable rod, into a primary compression and a primary rebound chamber;
a bottom out cup in fluid communication with the damper chamber;
a fluid flow path formed between the cup and the primary compression chamber,
wherein the capacity of the fluid flow path is adjustable; and
a bottom out piston formed on the movable rod for sealingly engaging the bottom out cup; wherein the damper includes a first position in which the bottom out piston is not housed in the bottom out cup and a second position in which the bottom out piston is housed therein.

34. (Previously Presented) The damper of claim 33, wherein in the second position the bottom out piston is sealingly engaged within the bottom out cup.

35. (Canceled)

36. (Currently Amended) The damper of claim ~~[[35]]~~ 33, further including an externally accessible adjuster connected to a valve disposed in the flow path.

37. (Previously Presented) The damper of claim 36, wherein the externally accessible adjuster is manually adjustable.

38. (Currently Amended) The damper of claim ~~[[35]]~~ 33, further including a second fluid flow path within the bottom out cup and the compression portion.

39. (Previously Presented) A shock absorber comprising:

- a spring;
- a chamber operatively connected to the spring;
- a piston shaft extending into the chamber;
- a first piston connected to the shaft, the piston for metering fluid during movement of the shaft in the chamber between a compression side and a rebound side of the chamber;
- a second piston formed at an end of the shaft for moving into sealing engagement with a bottom out cup at an end of a compression stroke of the shock absorber;
- a blow off valve in a fluid path formed in the bottom out cup providing a fluid path with compression side, the blow off valve operable depending upon the pressure of fluid in the bottom out chamber; and
- a user-adjustable metering valve in a second fluid path connecting the bottom out cup with the compression side, the valve for metering fluid from the bottom out cup to the compression side, the valve externally accessible to increase or decrease dampening, wherein

the damper includes a first position wherein the bottom out piston is not housed in the bottom out cup and a second position wherein the bottom out piston is housed therein.

40. (Previously Presented) The shock absorber of claim 39, wherein the chamber comprises a cylinder.

41. (Previously Presented) A damper for a shock absorber comprising:
a damper chamber divided by a piston and shaft into a compression and rebound portions;
a bottom out cup formed at an end of the compression portion; and
a fluid flow path providing fluid communication from the cup to the compression portion of the chamber during a compression stroke of the damper; wherein the capacity of the fluid flow path is manually adjustable externally of the shock absorber.

REMARKS

The following is intended as a full and complete response to the Office Action dated December 15, 2011. Claims 23-41 are pending in the application and are shown above. Claims 23-41 are rejected by the Examiner. Claim 35 has been canceled. Reconsideration of the rejected claims is respectfully requested for the reasons presented below.

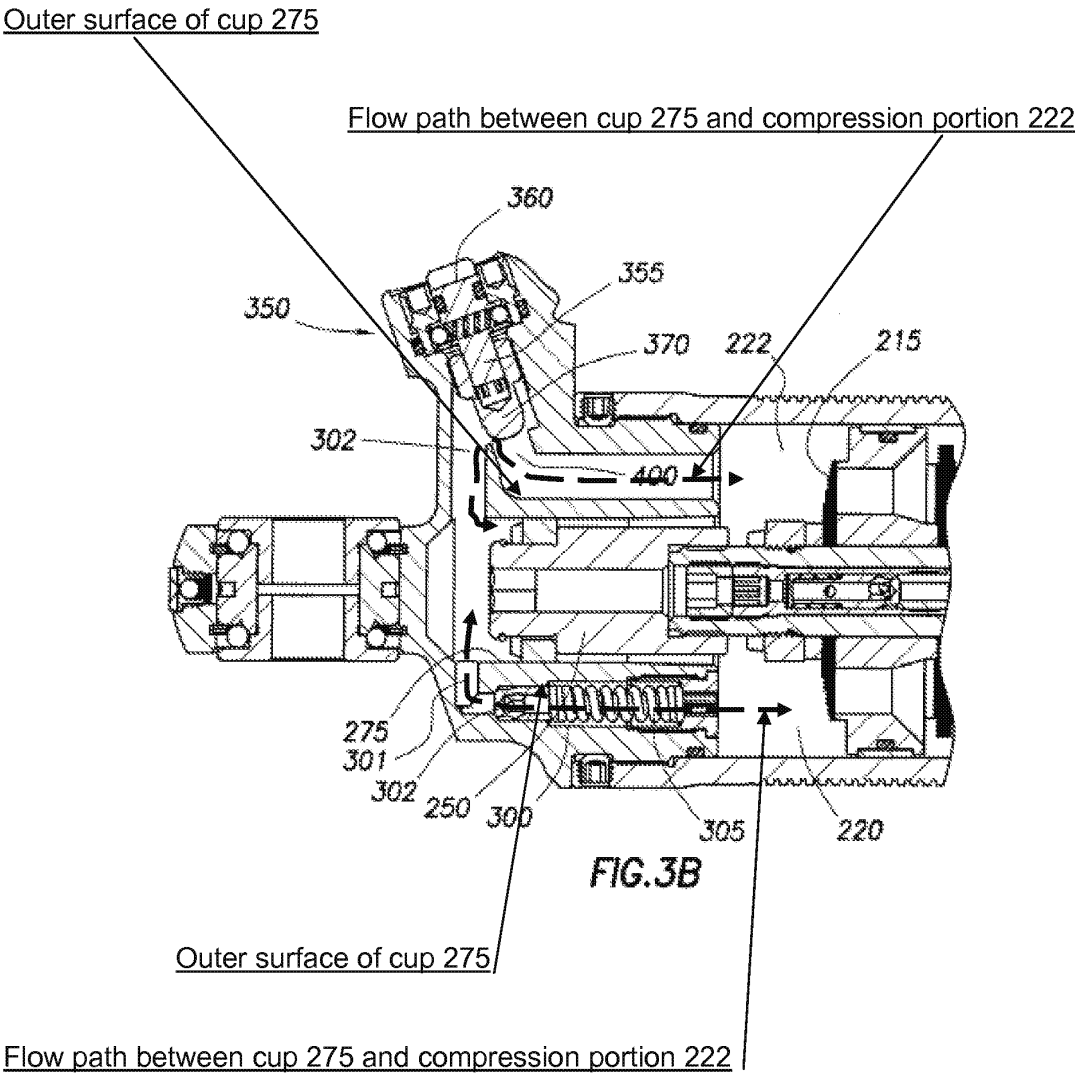
Objections to Drawings

The drawings are objected to by the Examiner under 37 CFR § 1.83(a). Applicants respectfully traverse the objection. A second fluid path is disclosed in at least Figure 3B, as illustrated in the annotated drawing below. Applicant respectfully requests withdrawal of the objection.

Claim Rejections Under 35 U.S.C. § 112

Claims 23-32 are rejected by the Examiner under 35 U.S.C. § 112. The element of "a fluid flow path between the bottom out cup and the compression portion of the chamber," as recited in claim 23; and the element of "a second fluid flow path," as recited in claim 27 are supported by at least paragraph [0017] and Figure 3B of the pending application. In particular, the annotated representation of Figure 3B clearly shows, according to one embodiment, at least two flow paths between the cup 275 and the compression portion 222. The characterization suggested by the Examiner would result in an inconsistency between the claims and the supporting specification. Applicant draws the Examiner's attention to the included, annotated Figure and respectfully requests withdrawal of the rejection.

Annotated Drawing of Figure 3B



Claim Rejections Under 35 U.S.C. § 103

Claims 23-25, 29, 33-37 and 41 are rejected by the Examiner under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 2,924,304 to *Patriquin* in view of U.S. Patent No. 7,513,490 to *Robertson*. Applicants respectfully traverse the rejection.

Claim 23 includes the limitation of a fluid flow path for providing fluid communication between the cup and the compressor portion of the chamber. Claim 33 has been amended to include the limitation of a fluid flow path formed between the cup and the primary compression chamber. Claim 41 includes the limitation of a fluid flow path providing fluid communication from the cup to the compression portion of the chamber. It would not have been obvious to modify *Patriquin* in view of *Robertson* as asserted by the Examiner because to do so would render the prior art invention unsatisfactory for its intended purpose.

Patriquin discloses a shock absorber having a recoil stop mechanism disposed in a cylinder 11. In particular, a plug member 24 is coupled to a piston rod 15 and slideably interfits with the interior of a circular skirt 13 of a closure plug 12. When the member 24 has telescoped within the skirt 13 a sufficient distance, the flow of oil from within the skirt 13 into the cylinder 11 is completely stopped. Thereafter, the hydraulic pressure within the skirt 13 reaches a maximum pressure that functions as a hydraulic lock to prevent bottoming of the member 24 against the plug 12. See Col. 4, lines 24-37. *Robertson* discloses an adjustor restrictor 160 to vary flow through a duct 106 between two chambers 104, 129, see Figure 2. However, adding such a flow path to the skirt 13 of *Patriquin* would enable fluid to flow out of skirt 13 and defeat any hydraulic lock feature, thereby permitting the member 24 to bottom out against plug 12. Because defeating the hydraulic lock feature of *Patriquin* would render the invention unsatisfactory for its intended purpose, no one skilled in the art would make such a combination. As stated in MPEP 2143.01(v), if a proposed modification would render the prior art invention unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. In re *Gordon*, 733 F.2d 900 (Fed. Cir. 1984). Therefore, there is no suggestion or motivation to modify *Patriquin* in view of *Robertson* as asserted by the Examiner, and Applicant respectfully requests withdrawal of the rejection.

Claim 26 is rejected by the Examiner under 35 U.S.C. § 103(a) as being unpatentable over *Patriquin* in view of *Robertson* as applied to claim 25, and further in view of U.S. Patent No. 5,634,653 to *Browning*.

Claim 26 depends from claim 23, and is therefore allowable for at least the reasons stated above. *Browning* fails to cure the deficiencies of *Patriquin* in view of *Robertson*. Applicant respectfully requests withdrawal of the rejection.

Claims 27-28, 30-31 and 38-40 are rejected by the Examiner under 35 U.S.C. § 103(a) as being unpatentable over *Patriquin* in view of *Robertson* as applied to claim 27, and further in view of U.S. Patent No. 4,732,244 to *Verkuylen*.

Claims 27-28 and 30-31 depend from claim 23, and claim 38 depends from claim 33, and are therefore allowable for at least the reasons stated above. *Verkuylen* fails to cure the deficiencies of *Patriquin* in view of *Robertson*. Modifying the cup 13 of *Patriquin* in view of the adjustable valve 13 illustrated in Figure 1 of *Verkuylen* would render the invention of *Patriquin* unsatisfactory for its intended purpose for the same reasons as *Robertson* discussed above. Applicant respectfully requests withdrawal of the rejection.

Conclusion

Based on the above remarks, Applicant believes that he has overcome all of the rejections set forth in the Office Action dated December 15, 2011, and that the pending claims are in condition for allowance. If the Examiner has any questions, please contact the Applicant's undersigned representative at the number provided below.

Respectfully submitted,

/William B. Patterson/

William B. Patterson
Registration No. 34,102
Patterson & Sheridan, L.L.P.
3040 Post Oak Blvd., Suite 1500
Houston, Texas 77056
Telephone: (713) 623-4844
Facsimile: (713) 623-4846
Attorney for Applicant(s)

PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a) FY 2005 <i>(Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).)</i>		Docket Number (Optional) FOXF/0024US																											
Application Number 12/463,927		Filed May 11, 2009																											
For METHODS AND APPARATUS FOR POSITION SENSITIVE SUSPENSION DAMPENING																													
Art Unit 3657		Examiner Christopher P. Schwartz																											
This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application. The requested extension and fee are as follows (check time period desired and enter the appropriate fee below): <table style="width: 100%; border-collapse: collapse;"><thead><tr><th></th><th style="text-align: center;"><u>Fee</u></th><th colspan="2" style="text-align: center;"><u>Small Entity Fee</u></th></tr></thead><tbody><tr><td>☒ One month (37 CFR 1.17(a)(1))</td><td style="text-align: center;">\$150</td><td style="text-align: center;">\$75</td><td style="text-align: center;">\$150</td></tr><tr><td>☐ Two months (37 CFR 1.17(a)(2))</td><td style="text-align: center;">\$560</td><td style="text-align: center;">\$280</td><td style="text-align: center;">\$</td></tr><tr><td>☐ Three months (37 CFR 1.17(a)(3))</td><td style="text-align: center;">\$1270</td><td style="text-align: center;">\$635</td><td style="text-align: center;">\$</td></tr><tr><td>☐ Four months (37 CFR 1.17(a)(4))</td><td style="text-align: center;">\$1980</td><td style="text-align: center;">\$990</td><td style="text-align: center;">\$</td></tr><tr><td>☐ Five months (37 CFR 1.17(a)(5))</td><td style="text-align: center;">\$2690</td><td style="text-align: center;">\$1345</td><td style="text-align: center;">\$</td></tr></tbody></table> ☐ Applicant claims small entity status. See 37 CFR 1.27. ☐ A check in the amount of the fee is enclosed. ☒ Payment by credit card via EFS-WEB. ☐ The Director has already been authorized to charge fees in this application to a Deposit Account. ☒ The Director is hereby authorized to charge any deficiency in fees which may be required, or credit any overpayment, to Deposit Account Number 20-0782/FOXF/0024US/WBP. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038. I am the ☐ applicant/inventor. ☐ assignee of record of the entire interest. See 37 CFR 3.71 Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96). ☒ attorney or agent of record. Registration Number <u>34,102</u>. ☐ attorney or agent under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34. _____. <table style="width: 100%; border-collapse: collapse;"><tr><td style="width: 50%; text-align: center;"><u>/William B. Patterson/</u> Signature <u>William B. Patterson</u> Typed or printed name</td><td style="width: 50%; text-align: center;"><u>April 16, 2012</u> Date <u>713-623-4844</u> Telephone Number</td></tr></table> NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below. ☒ Total of <u>1</u> form(s) are submitted.					<u>Fee</u>	<u>Small Entity Fee</u>		☒ One month (37 CFR 1.17(a)(1))	\$150	\$75	\$150	☐ Two months (37 CFR 1.17(a)(2))	\$560	\$280	\$	☐ Three months (37 CFR 1.17(a)(3))	\$1270	\$635	\$	☐ Four months (37 CFR 1.17(a)(4))	\$1980	\$990	\$	☐ Five months (37 CFR 1.17(a)(5))	\$2690	\$1345	\$	<u>/William B. Patterson/</u> Signature <u>William B. Patterson</u> Typed or printed name	<u>April 16, 2012</u> Date <u>713-623-4844</u> Telephone Number
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This collection of information is required by 37 CFR 1.136(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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

2232868

FOX_0000189

Electronic Patent Application Fee Transmittal				
Application Number:		12463927		
Filing Date:		11-May-2009		
Title of Invention:		METHODS AND APPARATUS FOR POSITION SENSITIVE SUSPENSION DAMPENING		
First Named Inventor/Applicant Name:		Christopher Paul Cox		
Filer:		William Bruce Patterson/Cynde Meinhart		
Attorney Docket Number:		FOXF/0024		
Filed as Large Entity				
Utility under 35 USC 111(a) Filing Fees				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				
Extension - 1 month with \$0 paid	1251	1	150	150

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Miscellaneous:				
Total in USD (\$)				150

Electronic Acknowledgement Receipt	
EFS ID:	12553054
Application Number:	12463927
International Application Number:	
Confirmation Number:	1562
Title of Invention:	METHODS AND APPARATUS FOR POSITION SENSITIVE SUSPENSION DAMPENING
First Named Inventor/Applicant Name:	Christopher Paul Cox
Customer Number:	49567
Filer:	William Bruce Patterson/Cynde Meinhart
Filer Authorized By:	William Bruce Patterson
Attorney Docket Number:	FOXF/0024
Receipt Date:	16-APR-2012
Filing Date:	11-MAY-2009
Time Stamp:	17:46:57
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	\$ 150
RAM confirmation Number	5048
Deposit Account	
Authorized User	

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
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1		12463927ROAof12-15-11.pdf	126519 967153997b95ab6520e2d4375312b930dcf93f15	yes	10
	Multipart Description/PDF files in .zip description				
	Document Description		Start	End	
	Amendment/Req. Reconsideration-After Non-Final Reject		1	1	
	Claims		2	5	
	Applicant Arguments/Remarks Made in an Amendment		6	10	
Warnings:					
Information:					
2	Extension of Time	12463927ExtensionOfTime.pdf	111393 1e5ebf8c2084592addb4804df5be0cb7b7c0077b	no	1
Warnings:					
Information:					
3	Fee Worksheet (SB06)	fee-info.pdf	30582 c2a8f961be8e543df4baacfde2d80a53033f48b0	no	2
Warnings:					
Information:					
Total Files Size (in bytes):			268494		
This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503. New Applications Under 35 U.S.C. 111 If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application. National Stage of an International Application under 35 U.S.C. 371 If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course. New International Application Filed with the USPTO as a Receiving Office If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.					

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875					Application or Docket Number 12/463,927		Filing Date 05/11/2009		☐ To be Mailed		
APPLICATION AS FILED – PART I											
(Column 1)			(Column 2)		SMALL ENTITY ☐		OR		OTHER THAN SMALL ENTITY		
FOR		NUMBER FILED	NUMBER EXTRA		RATE (\$)	FEE (\$)	OR		RATE (\$)	FEE (\$)	
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))		N/A	N/A		N/A		OR		N/A		
☐ SEARCH FEE (37 CFR 1.16(k), (l), or (m))		N/A	N/A		N/A		OR		N/A		
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))		N/A	N/A		N/A		OR		N/A		
TOTAL CLAIMS (37 CFR 1.16(i))		minus 20 =	*		X \$ =		OR		X \$ =		
INDEPENDENT CLAIMS (37 CFR 1.16(h))		minus 3 =	*		X \$ =		OR		X \$ =		
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))		If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).									
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))											
					TOTAL		OR		TOTAL		
* If the difference in column 1 is less than zero, enter "0" in column 2.											
APPLICATION AS AMENDED – PART II											
(Column 1)		(Column 2)		(Column 3)		SMALL ENTITY		OR		OTHER THAN SMALL ENTITY	
AMENDMENT	04/16/2012	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	OR		RATE (\$)	ADDITIONAL FEE (\$)
	Total (37 CFR 1.16(i))	* 18	Minus	** 22	= 0	X \$ =		OR		X \$60=	0
	Independent (37 CFR 1.16(h))	* 4	Minus	***5	= 0	X \$ =		OR		X \$250=	0
	☐ Application Size Fee (37 CFR 1.16(s))							OR			
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							OR			
						TOTAL ADD'L FEE		OR		TOTAL ADD'L FEE	0
(Column 1)		(Column 2)		(Column 3)		SMALL ENTITY		OR		OTHER THAN SMALL ENTITY	
AMENDMENT		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	OR		RATE (\$)	ADDITIONAL FEE (\$)
	Total (37 CFR 1.16(i))	*	Minus	**	=	X \$ =		OR		X \$ =	
	Independent (37 CFR 1.16(h))	*	Minus	***	=	X \$ =		OR		X \$ =	
	☐ Application Size Fee (37 CFR 1.16(s))							OR			
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							OR			
						TOTAL ADD'L FEE		OR		TOTAL ADD'L FEE	
* If the entry in column 1 is less than the entry in column 2, write "0" in column 3. ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20". *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3". The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.											

Legal Instrument Examiner:
/TARA WITCHER/

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/463,927	05/11/2009	Christopher Paul Cox	FOXF/0024	1562

49567 7590 05/17/2012
PATTERSON & SHERIDAN, L.L.P.
3040 Post Oak Blvd., Suite 1500
Houston, TX 77056

EXAMINER

SCHWARTZ, CHRISTOPHER P

ART UNIT	PAPER NUMBER
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3657

MAIL DATE	DELIVERY MODE
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05/17/2012

PAPER

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

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

Office Action Summary	Application No.	Applicant(s)	
	12/463,927	COX ET AL.	
	Examiner	Art Unit	
	CHRISTOPHER SCHWARTZ	3657	

-- 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 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

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

Status

1) ☒ Responsive to communication(s) filed on 16 April 2012.

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) 23-41 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) 23-41 is/are rejected.

8) ☐ Claim(s) _____ is/are objected to.

9) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

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).

12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
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)	4) ☐ Interview Summary (PTO-413)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)	5) ☐ Notice of Informal Patent Application
Paper No(s)/Mail Date _____	6) ☐ Other: _____

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the second fluid flow path as claimed in claim 27 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

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

Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.1 21 (d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 U.S.C. § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112: The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 23-32 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

As previously discussed it remains unclear what is meant by the limitation of "... a fluid flow path between the bottom out cup and the compression portion of the chamber...". The fluid flow path, as defined in the specification with reference to figure 3B, is indicated at 301,302. The compression portion of the chamber is indicated at 222. The fluid flow path is arranged **within** the bottom out cup 275 and is not "between" the cup and the compression chamber. Applicant's added annotated drawings supports the examiner's argument.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 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.

5. This application currently names joint inventors. In considering patentability of the claims under 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 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 23-25,29,33-37,41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Patriquin '304 in view of Robertson '490..

Regarding claims 23,33,41 Patriquin shows in figures 1 and 2 a shock absorber comprising a rod 15, a piston 26, a bottom out piston 24, and a bottom out cup at 13.

The compression portion of the chamber (not labeled) is above the bottom out piston 24-- into which fluid may flow, as indicated in figure 4.

Lacking in Patriquin is a showing of an adjustable fluid flow path providing fluid communication between the cup 13 and a compression portion of the chamber.

However it is known that shock absorbers may be reversibly installed (to orient the device similar to applicant's).

The reference to Robertson '490 generally shows this in figure 2 in which the rod and piston have been reversibly installed.

Further, Robertson is relied upon to show an external chamber 100, a bottom out cup 102 with an adjustable fluid path 106. Note the adjustable valve at 160.

In Patriquin col. 5 line 5 it is stated that during the impact stroke of the piston the oil in cylinder 11 displaced by the piston 24 and rod 1 *can flow through the open impact valve of the compression head assembly not shown to the reservoir 35.*

One having ordinary skill in the art at the time of the invention would have found it obvious to have modified the cup 13 of Patriquin so that it communicates with an external chamber, or takes on the form of the cup and arrangement taught by Robertson, simply to adapt the absorber of Patriquin to different applications -- or to reduce the possibility of sharp high force impacts should the device move to the unlikely position as shown in figure 3 of Patriquin.

Regarding claim 29 note that Robertson in figure 1 teaches that the fluid path can formed in the hollowed out shaft. This is notoriously well known in the art.

Regarding claim 34, as broadly claimed, the bottom out piston 24 is 'sealingly engaged' within the bottom out cup 13 if only to some degree.

The limitations in the remaining claims are readily apparent from the drawings of the combined references above.

7. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Patriquin in view of Roberston as applied to claim 25 above, and further in view of Browning.

Regarding claim 26 Patriquin, as modified, is silent regarding the number of adjustment positions.

However it is well known in the art to use a valve that offers a number of different adjustment positions so that the stiffness of the damper may be tuned according to the road terrain, ride, or specific application of the absorber..

The reference to Browning suggests this idea in col. 3 lines 43-45 and col. 4 lines 19-29.

One having ordinary skill in the art at the time of the invention would have found it obvious to have modified the valve of Larsson et al. so that it could be used to adjust the damping level of the shock absorber to a number of different settings, as suggested by Browning.

8. Claims 27,28,30-31,38-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Patriquin in view of Roberston as applied to claim 27 above, and further in view of Verkuylen '244

The reference to Verkuylen is relied upon to show an adjustable valve assembly provided in two fluid flow paths that is also capable of functioning as a blow off valve, as broadly claimed. See the valves 13 and the check valve in figure 1 (prior art).

One having ordinary skill in the art at the time of the invention would have found it obvious to have added these valves to the modified cup of Patriquin above to enable adjustable rebound control of the device.

Response to Arguments

9. Applicant's arguments with respect to claims 23-41 have been considered but are not persuasive.

Applicants state at page 8 of their remarks:

It would not have been obvious to modify Patriquin in view of Robertson as asserted by the Examiner because to do so would render the prior art invention unsatisfactory for its intended purpose.

Patriquin discloses a shock absorber having a recoil stop mechanism disposed in a cylinder 11. In particular, a plug member 24 is coupled to a piston rod 15 and slideably interfits with the interior of a circular skirt 13 of a closure plug 12. When the member 24 has telescoped within the skirt 13 a sufficient distance, the flow of oil from within the skirt 13 into the cylinder 11 is completely stopped. Thereafter, the hydraulic pressure within the skirt 13 reaches a maximum pressure that functions as a hydraulic lock to prevent bottoming of the member 24 against the plug 12. See Col. 4, lines 24- 37. Robertson discloses an adjustor restrictor 160 to vary flow through a duct 106 between

two chambers 104, 129, see Figure 2. However, adding such a flow path to the skirt 13 of Patriquin would enable fluid to flow out of skirt 13 and defeat any hydraulic lock feature, thereby permitting the member 24 to bottom out against plug 12. Because defeating the hydraulic lock feature of Patriquin would render the invention unsatisfactory for its intended purpose, no one skilled in the art would make such a combination. As stated in MPEP 2143.01(v), if a proposed modification would render the prior art invention unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. In re Gordon, 733 F.2d 900 (Fed. Cir. 1984). Therefore, there is no suggestion or motivation to modify Patriquin in view of Robertson as asserted by the Examiner, and Applicant respectfully requests withdrawal of the rejection.

The examiner disagrees that there is no suggestion to modify Patriquin because, as stated above in col. 5 of Patriquin "...during the impact stroke of the piston the oil in cylinder 11 displaced by the piston 24 and rod 1 can flow through the open impact valve of the compression head assembly (not shown) to the reservoir 35. Notwithstanding this argument there appears to be a flow opening (not labeled) at the top right of skirt 13. Obviously fluid can flow (somehow) from the chamber above piston 24 into reservoir 35. With the modification to Patriquin, as modified by figure 2 of Robertson, the examiner simply proposes to provide an adjustable valve somewhere in an already present flow path between the chambers. Doing so could enable the user to regulate/protect the device against excessive impacts.

Conclusion

10. **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.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHRISTOPHER SCHWARTZ whose telephone number is (571)272-7123. The examiner can normally be reached on M-F 10:30-7:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rob Siconolfi can be reached on 571-272-7124. 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.

/Christopher P. Schwartz/
Primary Examiner, Art Unit 3657

5/14/12

NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES		Docket Number (Optional) FOXF/0024US	
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on _____ Signature _____ Typed or printed name _____		In re Application of Cox, et al. Application Number 12/463,927 Filed May 11, 2009 For Methods and Apparatus For Position Sensitive Suspension Dampening Art Unit 3657 Examiner Christopher P. Schwartz	
Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the examiner.			
The fee for this Notice of Appeal is (37 CFR 41.20(b)(1))		\$ <u>620.00</u>	
☐ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is:		\$ _____	
☐ A check in the amount of the fee is enclosed.			
☒ Payment by credit card.			
☐ The Director has already been authorized to charge fees in this application to a Deposit Account.			
☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. <u>20-0782</u> .			
☐ A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.			
WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.			
I am the			
☐ applicant/inventor.		/William B. Patterson, Reg. No. 34102/ _____ Signature	
☐ assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)		William B. Patterson _____ Typed or printed name	
☒ attorney or agent of record. <u>34,102</u> Registration number _____		(713) 623-4844 _____ Telephone number	
☐ attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34. _____		August 17, 2012 _____ Date	
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.			
☒ *Total of <u>1</u> forms are submitted.			

This collection of information is required by 37 CFR 41.31. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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

Privacy Act Statement

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

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

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

Electronic Patent Application Fee Transmittal				
Application Number:		12463927		
Filing Date:		11-May-2009		
Title of Invention:		METHODS AND APPARATUS FOR POSITION SENSITIVE SUSPENSION DAMPENING		
First Named Inventor/Applicant Name:		Christopher Paul Cox		
Filer:		William Bruce Patterson/Sharlyn Guthrie		
Attorney Docket Number:		FOXF/0024		
Filed as Large Entity				
Utility under 35 USC 111(a) Filing Fees				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Notice of appeal	1401	1	620	620
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Miscellaneous:				
Total in USD (\$)				620

Electronic Acknowledgement Receipt	
EFS ID:	13528244
Application Number:	12463927
International Application Number:	
Confirmation Number:	1562
Title of Invention:	METHODS AND APPARATUS FOR POSITION SENSITIVE SUSPENSION DAMPENING
First Named Inventor/Applicant Name:	Christopher Paul Cox
Customer Number:	49567
Filer:	William Bruce Patterson/Sharlyn Guthrie
Filer Authorized By:	William Bruce Patterson
Attorney Docket Number:	FOXF/0024
Receipt Date:	17-AUG-2012
Filing Date:	11-MAY-2009
Time Stamp:	18:17:41
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	\$620
RAM confirmation Number	5799
Deposit Account	
Authorized User	

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
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1	Notice of Appeal Filed	FOXF0024USNOTICEOFAPPEAL.pdf	48334 1d4036acb2649a2dd47131648cd613b1793dd135	no	2
Warnings:					
Information:					
2	Fee Worksheet (SB06)	fee-info.pdf	30537 236b3ab0572f51c88875b31493818387e8d18c7a	no	2
Warnings:					
Information:					
Total Files Size (in bytes):			78871		
This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503. <u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application. <u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course. <u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.					

Doc code: RCEX

Doc description: Request for Continued Examination (RCE)

PTO/SB/30EFS (07-09)

Approved for use through 07/31/2012. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

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

Application Number	12/463,927	Filing Date	2009-05-11	Docket Number (if applicable)	FOXF/0024US	Art Unit	3657
First Named Inventor	Christopher Paul Cox			Examiner Name	Christopher P. Schwartz		

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

SUBMISSION REQUIRED UNDER 37 CFR 1.114

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

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

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

☐ Other _____

☒ Enclosed

☒ Amendment/Reply

☐ Information Disclosure Statement (IDS)

☐ Affidavit(s)/ Declaration(s)

☒ Other

Petition for Two-Month Extension of Time

MISCELLANEOUS

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

☐ Other _____

FEES

☒ **The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.**
 The Director is hereby authorized to charge any underpayment of fees, or credit any overpayments, to
 Deposit Account No 200782

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

☒ Patent Practitioner Signature

☐ Applicant Signature

Doc code: RCEX

Doc description: Request for Continued Examination (RCE)

PTO/SB/30EFS (07-09)

Approved for use through 07/31/2012. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Signature of Registered U.S. Patent Practitioner			
Signature	/William B. Patterson/	Date (YYYY-MM-DD)	2012-12-17
Name	William B. Patterson	Registration Number	34102

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

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

Privacy Act Statement

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

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	§	
CHRISTOPHER PAUL COX	§	
	§	Group Art Unit: 3657
Serial No.: 12/463,927	§	
	§	Examiner: Christopher P. Schwartz
Confirmation No.: 1562	§	
	§	
Filed: May 11, 2009	§	
	§	
For: METHODS AND APPARATUS	§	
FOR POSITION SENSITIVE	§	
SUSPENSION DAMPENING	§	

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

Dear Sir:

**RESPONSE TO FINAL OFFICE ACTION DATED MAY 17, 2012 AND NOTICE OF
APPEAL FILED AUGUST 17, 2012**

In response to the Final Office Action dated May 17, 2012, and the Notice of Appeal filed August 17, 2012, please enter this response and Request for Continued Examination ("RCE") under 37 C.F.R. § 1.114 and consider the amended claims in the application for the reasons discussed below. The Commissioner is hereby authorized to charge counsel's Deposit Account No. 20-0782/FOXF/0024US/WBP for any fees required to make this response timely and acceptable to the Office.

Amendments to the Specification begin on page 2 of this paper. **Amendments to the Claims** are reflected in the listing of claims which begins on page 3 of this paper. **Amendments to the Drawings** begin on page 7 of this paper. **Remarks** begin on page 8 of this paper.

Page 1

2599962_1

FOX_0000215

IN THE SPECIFICATION:

Please replace the paragraph numbered as [0019] in the published application with the following amended paragraph:

[0019] Figure 3B also shows various adjustable dampening mechanisms that work in conjunction with the bottom out cup and piston. At an end of flow path 301 is a pressure relief or “blow off” valve 300, a high speed compression circuit that operates at a blow off threshold, typically due to a relatively rapid event like the rapid compression of the shock absorber. The blow-off valve 300 selectively allows fluid flow from the bottom out cup 275 to the compression portion 222 of chamber 220 at shaft speeds (in the direction 280) that create fluid pressures within the bottom out cup above the blow off threshold pressure during engagement of piston 275 with bottom out cup 275. The blow-off valve generally comprises a valve opening, a blow-off valve or piston ~~[[302]]~~ 300 and a compression spring 305. The blow off pressure is determined by a combination of the spring rate of the spring 305, the preload on the spring 305 and the area of the blow-off piston ~~[[302]]~~ 300 that is subject to fluid pressure from the bottom out cup 275. When fluid pressure in the cup rises above the predetermined (e.g. preset) threshold, the piston is forced away from the piston seat and allows fluid to flow through the valve opening and into the compression portion 222, thus lowering the pressure within the bottom out cup 275. The blow off valve 300 is primarily a safety device and is typically set to crack or “blow off”, thereby allowing fluid flow into the compression portion of chamber 200, at a pressure that is relatively high but still low enough to prevent excess pressure build up in the bottom out cup 275 from damaging the shock or the vehicle in which the shock is integrated.

AMENDMENTS TO THE CLAIMS:

1.–41. (Canceled)

42. (New) A damper for a shock absorber comprising:
a damper chamber divided by a piston and shaft into a compression and rebound portions;

a bottom out cup formed at an end of the compression portion; and

a fluid flow path formed in the bottom out cup for providing fluid communication between the cup and the compression portion of the chamber during a compression stroke of the damper; wherein the capacity of the fluid flow path is adjustable.

43. (New) The damper of claim 42, wherein the capacity of the flow path is adjustable with an adjustable valve, the valve restricting the fluid flow.

44. (New) The damper of claim 43, wherein the adjustable valve is manually adjustable and accessible externally of the damper.

45. (New) The damper of claim 44, wherein the adjustable valve can be adjusted between a closed position and a plurality of open positions.

46. (New) The damper of claim 42, further including a second fluid flow path within the bottom out cup.

47. (New) The damper of claim 46, further including a blow off valve disposed in the second fluid flow path, the blow off valve having a predetermined blow off threshold pressure.

48. (New) The damper of claim 42, further including a fluid path between the cup and the rebound portion of the chamber, the path formed in the shaft.

49. (New) The damper of claim 48, wherein the path between the cup and rebound portion is adjustable with a check valve to permit flow of fluid in a single direction between the cup and the rebound portion.

50. (New) The damper of claim 49, wherein the check valve is arranged in the path to permit fluid communication between the rebound portion and the cup during a rebound stroke of the shaft.

51. (New) The damper of claim 50, wherein the volume of fluid traveling through the fluid path is user-adjustable.

52. (New) A fluid damper comprising:

- a damper chamber divided by a piston mounted on a movable rod, into a primary compression and a primary rebound chamber;

- a bottom out cup in fluid communication with the damper chamber;

- a bottom out piston formed on the movable rod for sealingly engaging an interior of the bottom out cup, the damper including a first position in which the bottom out piston is not housed in the bottom out cup and a second position in which the bottom out piston is housed therein; and

- an adjustable fluid flow path formed in the cup, the flow path providing fluid communication between the cup and the primary compression chamber in a compression stroke of the damper.

53. (New) The damper of claim 52, wherein in the second position the bottom out piston is sealingly engaged within the bottom out cup.

54. (New) The damper of claim 53, further including a fluid flow path formed between the cup and the primary compression chamber; wherein the capacity of the fluid flow path is adjustable.

55. (New) The damper of claim 54, further including an externally accessible adjuster connected to a valve disposed in the flow path.

56. (New) The damper of claim 55, wherein the externally accessible adjuster is manually adjustable.

57. (New) The damper of claim 54, further including a second fluid flow path within the bottom out cup and the compression portion.

58. (New) A shock absorber comprising:
a spring;
a chamber operatively connected to the spring;
a piston shaft extending into the chamber;
a first piston connected to the shaft, the piston for metering fluid during movement of the shaft in the chamber between a compression side and a rebound side of the chamber;
a second piston formed at an end of the shaft for moving into sealing engagement with a bottom out cup at an end of a compression stroke of the shock absorber;
a blow off valve in a fluid path formed in the bottom out cup for fluid communication with compression side, the blow off valve operable depending upon the pressure of fluid in the bottom out cup during a compression stroke of the shock absorber; and
a user-adjustable metering valve in a second fluid path for metering fluid from the bottom out cup to the compression side, the valve externally accessible to increase or decrease dampening.

59. (New) The shock absorber of claim 58, wherein the chamber comprises a cylinder.

60. (New) A damper for a shock absorber comprising:

a fluid;
a compression chamber;
a bottom out cup;
a valve wherein;

in a compression stroke of the damper, the fluid flows from the bottom out cup to the compression chamber at a first rate with the valve in a first position and at a second rate with the valve in a second position where the first rate is greater than the second rate and the valve includes an adjuster accessible from an exterior of the shock absorber.

IN THE DRAWINGS:

The attached sheet of drawings includes changes to Figure 3B. This sheet, which includes Figures 3A and 3B, replaces the original sheet including Figures 3A and 3B. In Figure 3B, labeling of certain items has been corrected. No new matter has been added. Applicant respectfully requests withdrawal of the objection.

Attachment: One Replacement Sheet

REMARKS

The following is intended as a full and complete response to the Final Office Action dated May 17, 2012 and the Notice of Appeal filed August 17, 2012. Claims 42-60 are pending in the application and are shown above. Consideration of the new claims is respectfully requested for the reasons presented below.

Objections to Drawings

The drawings are objected to by the Examiner under 37 CFR § 1.83(a). In response, Applicant has addressed several instances in the specification, paragraph [0019] where item 300 was mislabeled as item 302 and has removed a second and inaccurate occurrence of item 302 from Figure 3B. With the corrections, the two fluid paths 301, 302 are clearly labeled in Figure 3B and supported in the originally filed specification at least at paragraph [0018], lines 6-7. No new matter has been added. Applicant respectfully requests withdrawal of the objection.

Claim Rejections Under 35 U.S.C. § 112

The previous claims 23-32 were rejected by the Examiner under 35 U.S.C. § 112 based upon the claimed description of fluid paths and their location relative to the bottom out cup. The rejection has been obviated by the new claims. For example, new independent claim 42 specifically calls out a fluid flow path formed in the bottom out cup. Additionally, new independent claim 58 calls out a blow off valve in a fluid path formed in the bottom out cup. Applicant respectfully requests withdrawal of the rejection.

Claim Rejections Under 35 U.S.C. § 103

The previous claims were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 2,924,304 to *Patriquin* in view of U.S. Patent No. 7,513,490 to *Robertson*.

New claim 42 includes "a fluid flow path formed in the bottom out cup for providing fluid communication between the cup and the compression portion of the chamber during a compression stroke of the damper; wherein the capacity of the fluid

flow path is adjustable. New claim 52 includes “an adjustable fluid flow path formed in the cup, the flow path providing fluid communication between the cup and the primary compression chamber in a compression stroke of the damper. New claim 58 includes “a user-adjustable metering valve in a second fluid path for metering fluid from the bottom out cup to the compression side, the valve externally accessible to increase or decrease dampening.” Finally, new independent claim 60 includes a “valve wherein in a compression stroke of the damper, fluid flows from the bottom out cup to the compression chamber at a first rate with the valve in a first position and at a second rate with the valve in a second position where the first rate is greater than the second rate and the valve includes an adjuster accessible from an exterior of the shock absorber.”

In each case the limitations are either not taught or suggested by the references or, to utilize the references in the way suggested by the Examiner, would render the prior art invention unsatisfactory for its intended purpose.

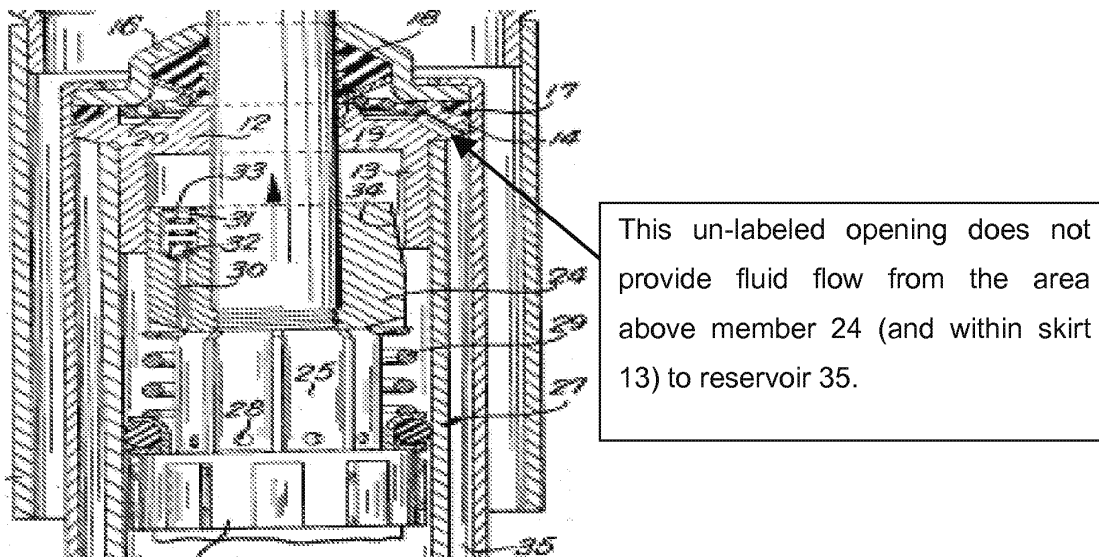
Figure 2 of *Patriquin* illustrates a shock absorber during a recoil/rebound/expansion stroke. As shown, during recoil/rebound/expansion, member 24 moves into skirt 13 until the flow of oil from within skirt 13 to cylinder 11 is completely stopped, at which time hydraulic pressure within skirt 13 functions as a hydraulic lock to prevent member 24 from bottoming out against plug 12. See Col. 4, lines 24-37. If the flow of oil from within skirt 13 to cylinder 11/reservoir 35 was allowed to continue, the hydraulic lock function would be inoperable and member 24 would bottom out against plug 12.

Still referring to Figure 2, the Examiner has identified the skirt 13 as the claimed “bottom out cup,” and has identified the area above the member 24 as the “compression portion/chamber.” Although Figure 2 makes clear that any bottom out cup of *Patriquin* operates only during a recoil/rebound/expansion stroke, the Examiner asserts that it is known to reversibly install shock absorbers. The Examiner thus proposes to reversibly install the shock absorber of *Patriquin* such that the member 24 would move into the skirt 13 during impact/compression (and not out of the skirt 13 as explicitly taught and claimed by *Patriquin*) to read on an element of the claimed invention.

Even with the shock absorber reversibly installed, the Examiner agrees that “lacking in *Patriquin* is an adjustable fluid flow path providing fluid communication

between the cup 13 and a compression portion of the chamber.” The Examiner, however, relies on a disclosure of *Robertson* to show an adjustable valve 160 for adjusting fluid flow between two chambers 104, 129 during a compression stroke. The Examiner therefore proposes to modify the reversibly installed shock absorber in *Patriquin* with an adjustable valve 160 disclosed in *Robertson* in order to read on the entire claimed invention.

Applicant submits that even if the shock absorber of *Patriquin* were reversibly installed and an adjustable flow path to the skirt 13 added, the resulting modification would still render the device of *Patriquin* inoperable for its intended purpose as the hydraulic lock function would be defeated. In an attempt to find a flow path in the device of *Patriquin*, the Examiner states that there appears to be a flow opening that is not labeled at the top right of skirt 13. Applicant has provided an annotated portion of Figure 2 (shown below) of *Patriquin* identifying the un-labeled opening in the top right of skirt 13. Applicant submits that this opening does not provide fluid flow from the area above the piston 24 (and within skirt 13) to the reservoir 35; and that there is not “an already present flow path” from the area above the piston 24 (and within skirt 13) to the reservoir 35 as the Examiner asserts.



To further support the proposition that a flow path is provided from the area above the member 24 (and within skirt 13) to the reservoir 35, the Examiner cites *Patriquin* for the following teaching:

During the impact stroke of the piston the oil in the cylinder 11 displaced by the entering member 24 and the piston rod 15 can flow through the open impact valve of the compression head assembly (not shown) to the reservoir 35. Col. 5, lines 5-10.

The Examiner is confusing different aspects of the *Patriquin* shock absorber between its operation in a recoil/expansion stroke and its operation during an impact/compression stroke. Although *Patriquin* teaches that during impact/compression the member 24 moves out of the skirt 13, the Examiner proposes reversibly installing the shock absorber such that the member 24 would move into the skirt 13 during impact/compression to read on the claimed invention. However, the Examiner is now relying on the teaching of *Patriquin* (cited above) when the member 24 moves out of the skirt 13 to support modifying the same, reversibly installed shock absorber with an “open impact valve” that is not even shown in *Patriquin*. In other words, the Examiner is applying both recoil/expansion and impact/compression teachings as if these teachings would occur during impact/compression only. As is well known in the art, oil is displaced during a compression stroke of a damper to slow the movement of a damper piston near the end of the stroke in order to avoid a bottom-out condition. The device of *Patriquin* is not concerned with a compression stroke. On the other hand, the device of *Patriquin* relies on the absence of a fluid path from the cup to create a hydraulic lock operable in a rebound stroke. Regardless of impermissible hindsight reconstruction, the modification proposed by the Examiner would make the shock absorber of *Patriquin* unsatisfactory for its intended purpose since the hydraulic lock feature would still be rendered inoperable if fluid were allowed to flow out of the area above member 24 within skirt 13 to the reservoir 35.

Based on the foregoing, Applicant submits that the proposed modifications to the shock absorber in *Patriquin* would eliminate the hydraulic lock function as taught and claimed in *Patriquin* and would render the invention unsatisfactory for its intended

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2599962_1

purpose. As stated in MPEP 2143.01(v), if a proposed modification would render the prior art invention unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. In re *Gordon*, 733 F.2d 900 (Fed. Cir. 1984). Therefore, there is no suggestion or motivation to modify *Patriquin* in view of *Robertson* as asserted by the Examiner. Because the independent claims are patentable, the dependent ones are patentable as well.

Conclusion

Based on the above remarks, Applicant believes that new claims 42-60 are patentable over the prior art of record and will look forward to a Notice of Allowance in this case. If the Examiner has any questions, please contact the Applicant's undersigned representative at the number provided below.

Respectfully submitted,

/William B. Patterson/

William B. Patterson

Registration No. 34,102

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Attorney for Applicant(s)

+

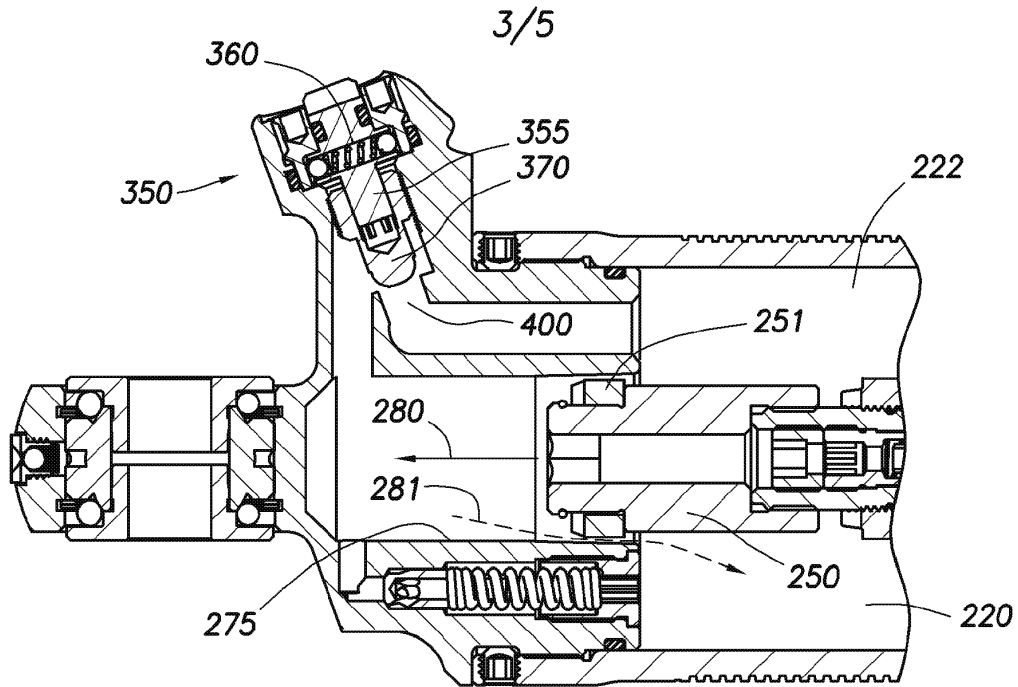


FIG. 3A

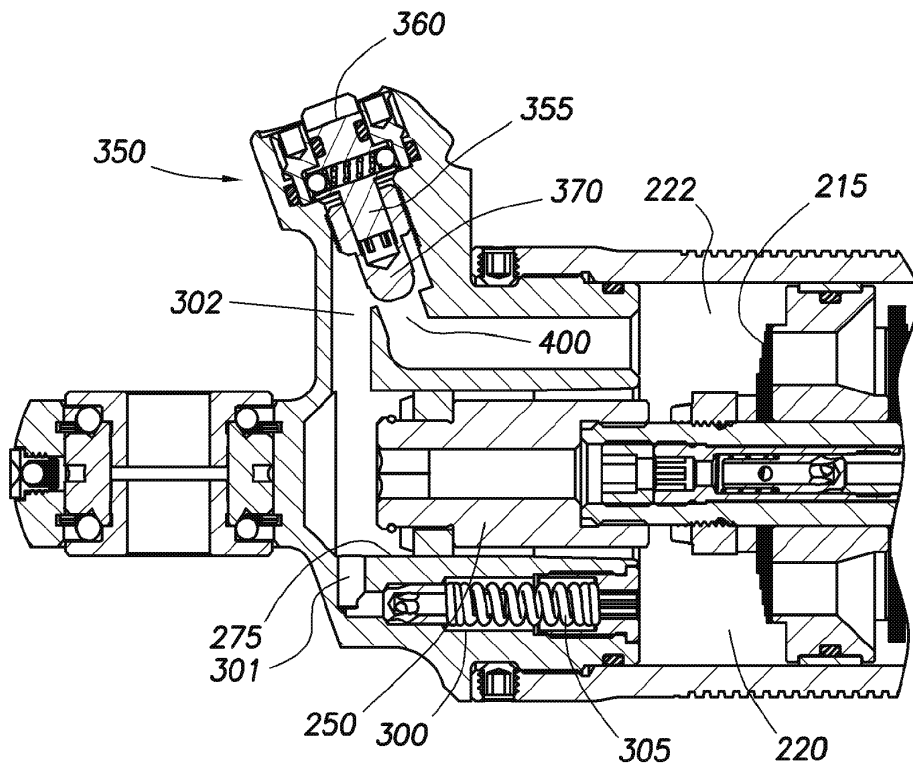


FIG. 3B

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PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)		Docket Number (Optional) FOXF/0024US																									
Application Number 12/463,927		Filed May 11, 2009																									
For METHODS AND APPARATUS FOR POSITION SENSITIVE SUSPENSION DAMPENING																											
Art Unit 3657		Examiner Christopher P. Schwartz																									
This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application. The requested extension and fee are as follows (check time period desired and enter the appropriate fee below): <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 40%;"></th> <th style="width: 15%; text-align: center;"><u>Fee</u></th> <th style="width: 15%; text-align: center;"><u>Small Entity Fee</u></th> <th style="width: 30%;"></th> </tr> </thead> <tbody> <tr> <td>☐ One month (37 CFR 1.17(a)(1))</td> <td style="text-align: center;">\$150</td> <td style="text-align: center;">\$75</td> <td>\$ _____</td> </tr> <tr> <td>☒ Two months (37 CFR 1.17(a)(2))</td> <td style="text-align: center;">\$570</td> <td style="text-align: center;">\$285</td> <td>\$ 570.00</td> </tr> <tr> <td>☐ Three months (37 CFR 1.17(a)(3))</td> <td style="text-align: center;">\$1290</td> <td style="text-align: center;">\$645</td> <td>\$ _____</td> </tr> <tr> <td>☐ Four months (37 CFR 1.17(a)(4))</td> <td style="text-align: center;">\$2010</td> <td style="text-align: center;">\$1005</td> <td>\$ _____</td> </tr> <tr> <td>☐ Five months (37 CFR 1.17(a)(5))</td> <td style="text-align: center;">\$2730</td> <td style="text-align: center;">\$1365</td> <td>\$ _____</td> </tr> </tbody> </table> ☐ Applicant claims small entity status. See 37 CFR 1.27. ☐ A check in the amount of the fee is enclosed. ☒ Payment by credit card via EFS-Web. ☐ The Director has already been authorized to charge fees in this application to a Deposit Account. ☒ The Director is hereby authorized to charge any deficiency of fees, or credit any overpayment, to Deposit Account Number 20-0782/FOXF/0024US/WBP. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038. I am the ☐ applicant/inventor. ☐ assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96). ☒ attorney or agent of record. Registration Number 34,102 ☐ attorney or agent under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____ _____ /William B. Patterson/ Signature _____ William B. Patterson Typed or printed name _____ December 17, 2012 Date _____ 713-623-4844 Telephone Number NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below. ☐ Total of _____ forms are submitted.					<u>Fee</u>	<u>Small Entity Fee</u>		☐ One month (37 CFR 1.17(a)(1))	\$150	\$75	\$ _____	☒ Two months (37 CFR 1.17(a)(2))	\$570	\$285	\$ 570.00	☐ Three months (37 CFR 1.17(a)(3))	\$1290	\$645	\$ _____	☐ Four months (37 CFR 1.17(a)(4))	\$2010	\$1005	\$ _____	☐ Five months (37 CFR 1.17(a)(5))	\$2730	\$1365	\$ _____
	<u>Fee</u>	<u>Small Entity Fee</u>																									
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☐ Three months (37 CFR 1.17(a)(3))	\$1290	\$645	\$ _____																								
☐ Four months (37 CFR 1.17(a)(4))	\$2010	\$1005	\$ _____																								
☐ Five months (37 CFR 1.17(a)(5))	\$2730	\$1365	\$ _____																								

Electronic Patent Application Fee Transmittal				
Application Number:		12463927		
Filing Date:		11-May-2009		
Title of Invention:		METHODS AND APPARATUS FOR POSITION SENSITIVE SUSPENSION DAMPENING		
First Named Inventor/Applicant Name:		Christopher Paul Cox		
Filer:		William Bruce Patterson/Teresa Fish		
Attorney Docket Number:		FOXF/0024		
Filed as Large Entity				
Utility under 35 USC 111(a) Filing Fees				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				
Extension - 2 months with \$0 paid	1252	1	570	570

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Miscellaneous:				
Request for continued examination	1801	1	930	930
Total in USD (\$)				1500

Electronic Acknowledgement Receipt	
EFS ID:	14489350
Application Number:	12463927
International Application Number:	
Confirmation Number:	1562
Title of Invention:	METHODS AND APPARATUS FOR POSITION SENSITIVE SUSPENSION DAMPENING
First Named Inventor/Applicant Name:	Christopher Paul Cox
Customer Number:	49567
Filer:	William Bruce Patterson/Teresa Fish
Filer Authorized By:	William Bruce Patterson
Attorney Docket Number:	FOXF/0024
Receipt Date:	17-DEC-2012
Filing Date:	11-MAY-2009
Time Stamp:	16:21:11
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	\$ 1500
RAM confirmation Number	3935
Deposit Account	
Authorized User	

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
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1	Request for Continued Examination (RCE)	FOXF0024US_RCE.pdf	697312 7d4e777ea62bea9b25ca5ec9ad6a1f0c617f7ac5	no	3
Warnings:					
Information:					
2		FOXF0024US_RFOA_dtd_5-17-12.pdf	130763 b043508a4c996793e7134194b2265fa3c21aedcd	yes	12
	Multipart Description/PDF files in .zip description				
	Document Description		Start	End	
	Amendment After Final		1	1	
	Specification		2	2	
	Claims		3	6	
	Drawings-only black and white line drawings		7	7	
	Applicant Arguments/Remarks Made in an Amendment		8	12	
Warnings:					
Information:					
3	Drawings-only black and white line drawings	FOXF0024US_Replacement_Dwg.pdf	45888 6a7997c17e54aa6f0b085fd7293881001f294f66	no	1
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Information:					
4	Extension of Time	FOXF0024US_2moExt.pdf	81417 4462ddd0040d693dade8bdbb6c5be01d4b709acc	no	1
Warnings:					
Information:					
5	Fee Worksheet (SB06)	fee-info.pdf	32497 12525e3907fcfe030d7cef8b957fdb14225fa3	no	2
Warnings:					
Information:					
Total Files Size (in bytes):			987877		

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

New Applications Under 35 U.S.C. 111

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

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

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

New International Application Filed with the USPTO as a Receiving Office

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



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/463,927	05/11/2009	Christopher Paul Cox	FOXF/0024	1562
49567 7590 01/22/2013 PATTERSON & SHERIDAN, L.L.P. 3040 Post Oak Blvd., Suite 1500 Houston, TX 77056			EXAMINER SCHWARTZ, CHRISTOPHER P	
			ART UNIT 3657	PAPER NUMBER
			MAIL DATE 01/22/2013	DELIVERY MODE PAPER

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

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

Office Action Summary	Application No.	Applicant(s)	
	12/463,927	COX ET AL.	
	Examiner	Art Unit	
	CHRISTOPHER SCHWARTZ	3657	

-- 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 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

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

Status

- 1) ☒ Responsive to communication(s) filed on 17 December 2012.
- 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) 42-60 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) 42-60 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).
- a) ☐ All b) ☐ Some c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

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

Attachment(s)

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

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. 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 December 17, 2012 has been entered.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112: The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 42-51 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

As previously discussed it remains unclear what is meant by the limitation of "... a fluid flow path between the bottom out cup and the compression portion of the

chamber...". The fluid flow path, as defined in the specification with reference to figure 3B, is indicated at 301,302. The compression portion of the chamber is indicated at 222. The fluid flow path is arranged within the bottom out cup 275 and is not "between" the cup and the compression chamber. Applicant's added annotated drawings supports the examiner's argument. Applicants could overcome this rejection simply by claiming " a fluid flow path formed in the bottom out cup for providing fluid communication **from** the cup **to** the compression portion of the chamber during a compression stroke of the damper; wherein the capacity of the fluid flow path is adjustable".

Claim Rejections - 35 USC § 103

4. The following is a quotation of 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.

5. This application currently names joint inventors. In considering patentability of the claims under 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 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims /42-44,48,52-56,60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Patriquin '304 in view of Robertson '490..

Regarding claims 42,52,60 Patriquin shows in figures 1 and 2 a shock absorber comprising a rod 15, a piston 26, a bottom out piston 24, and a bottom out cup at 13.

The compression portion of the chamber (not labeled) is above the bottom out piston 24-- into which fluid may flow, as indicated in figure 4.

Lacking in Patriquin is a showing of an adjustable fluid flow path providing fluid communication between the cup 13 and a compression portion of the chamber.

However it is known that shock absorbers may be reversibly installed (to orient the device similar to applicant's).

The reference to Robertson '490 generally shows this in figure 2 in which the rod and piston have been reversibly installed.

Further, Robertson is relied upon to show an external chamber 100, a bottom out cup 102 with an adjustable fluid path 106. Note the adjustable valve at 160.

In Patriquin col. 5 line 5 it is stated that during the impact stroke of the piston the oil in cylinder 11 displaced by the piston 24 and rod 1 can flow through the open impact valve of the compression head assembly not shown to the reservoir 35.

One having ordinary skill in the art at the time of the invention would have found it obvious to have modified the cup 13 of Patriquin so that it communicates with an

external chamber, or takes on the form of the cup and arrangement taught by Robertson, simply to adapt the absorber of Patriquin to different applications -- or to reduce the possibility of sharp high force impacts should the device move to the unlikely position as shown in figure 3 of Patriquin.

Regarding claim 48 note that Robertson in figure 1 teaches that the fluid path can be formed in the hollowed out shaft. This is notoriously well known in the art.

Regarding claim 53, as broadly claimed, the bottom out piston 24 is 'sealingly engaged' within the bottom out cup 13 if only to some degree.

The limitations in the remaining claims are readily apparent from the drawings of the combined references above.

7. Claim 45 is rejected under 35 U.S.C. 103(a) as being unpatentable over Patriquin in view of Roberston as applied to claim 25 above, and further in view of Browning.

Regarding claim 45 Patriquin, as modified, is silent regarding the number of adjustment positions.

However it is well known in the art to use a valve that offers a number of different adjustment positions so that the stiffness of the damper may be tuned according to the road terrain, ride, or specific application of the absorber..

The reference to Browning suggests this idea in col. 3 lines 43-45 and col. 4 lines 19-29.

One having ordinary skill in the art at the time of the invention would have found it obvious to have modified the valve of Larsson et al. so that it could be used to adjust

Art Unit: 3657

the damping level of the shock absorber to a number of different settings, as suggested by Browning.

8. Claims /46,47,49,50,57-59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Patriquin in view of Roberston as applied to claim 27 above, and further in view of Verkuylen '244.

Regarding claims 46,47,49,50,57-59 the reference to Verkuylen is relied upon to show an adjustable valve assembly provided in two fluid flow paths that is also capable of functioning as a blow off valve, as broadly claimed. See the valves 13 and the check valve in figure 1 (prior art).

One having ordinary skill in the art at the time of the invention would have found it obvious to have added these valves to the modified cup of Patriquin above to enable adjustable rebound control of the device.

Response to Arguments

9. Applicant's arguments filed December 17, 2012 have been fully considered but they are not persuasive. No changes have been made to the claims to define over the prior art of record. Therefore the previous remarks made by the examiner in the Office Action of May 17, 2012 are relied upon again.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHRISTOPHER SCHWARTZ whose telephone number is (571)272-7123. The examiner can normally be reached on M-F 10:30-7:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rob Siconolfi can be reached on 571-272-7124. 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.

/Christopher P. Schwartz/
Primary Examiner, Art Unit 3657

1/17/13

Notice of References Cited	Application/Control No. 12/463,927		Applicant(s)/Patent Under Reexamination COX ET AL.	
	Examiner CHRISTOPHER SCHWARTZ		Art Unit 3657	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-2,518,553	08-1950	KIEBER WILLIAM H	137/516.23
	B	US-			
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
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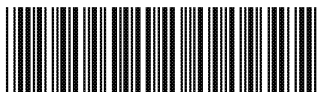
FOREIGN PATENT DOCUMENTS

*		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.

Search Notes 	Application/Control No. 12463927	Applicant(s)/Patent Under Reexamination COX ET AL.
	Examiner Christopher P Schwartz	Art Unit 3657

CPC- SEARCHED		
Symbol	Date	Examiner

CPC COMBINATION SETS - SEARCHED		
Symbol	Date	Examiner

US CLASSIFICATION SEARCHED			
Class	Subclass	Date	Examiner
188	276, 278,288, 318,319.1, 319.2, 322.13	10/5/10	cps
280	275, 276		
251	126		
137	556, 614,17		

SEARCH NOTES		
Search Notes	Date	Examiner
EAST	10/5/10	CPS

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

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	§	
CHRISTOPHER PAUL COX	§	
	§	Group Art Unit: 3657
Serial No.:	§	
12/463,927	§	
	§	Examiner: Christopher P. Schwartz
Confirmation No.:	§	
1562	§	
	§	
Filed:	§	
May 11, 2009	§	
	§	
For: METHODS AND APPARATUS	§	
FOR POSITION SENSITIVE	§	
SUSPENSION DAMPENING	§	

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

Dear Sir:

RESPONSE TO OFFICE ACTION DATED JANUARY 22, 2013

In response to the Office Action dated January 22, 2013, please enter this response and reconsider the claims pending in the application for the reasons discussed below. Although Applicant believes that no additional fees are due in connection with this response, the Commissioner is hereby authorized to charge counsel's Deposit Account No. 20-0782/FOXF/0024US/WBP, for any fees, including extension of time fees or excess claim fees, required to make this response timely and acceptable to the Office.

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

Remarks/Arguments begin on page 6 of this paper.

Page 1

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FOX_0000244

IN THE CLAIMS:

Please amend the claims as follows:

1. – 41. Canceled.
42. (Currently Amended) A damper for a shock absorber comprising:
a damper chamber divided by a piston and shaft into a compression and rebound portions;
a bottom out cup formed at an end of the compression portion; and
a fluid flow path formed in the bottom out cup for providing fluid communication from ~~between~~ the cup to ~~[[and]]~~ the compression portion of the chamber during a compression stroke of the damper; wherein the capacity of the fluid flow path is adjustable.
43. (Previously Presented) The damper of claim 42, wherein the capacity of the flow path is adjustable with an adjustable valve, the valve restricting the fluid flow.
44. (Previously Presented) The damper of claim 43, wherein the adjustable valve is manually adjustable and accessible externally of the damper.
45. (Previously Presented) The damper of claim 44, wherein the adjustable valve can be adjusted between a closed position and a plurality of open positions.
46. (Previously Presented) The damper of claim 42, further including a second fluid flow path within the bottom out cup.
47. (Previously Presented) The damper of claim 46, further including a blow off valve disposed in the second fluid flow path, the blow off valve having a predetermined blow off threshold pressure.

48. (Previously Presented) The damper of claim 42, further including a fluid path between the cup and the rebound portion of the chamber, the path formed in the shaft.

49. (Previously Presented) The damper of claim 48, wherein the path between the cup and rebound portion is adjustable with a check valve to permit flow of fluid in a single direction between the cup and the rebound portion.

50. (Previously Presented) The damper of claim 49, wherein the check valve is arranged in the path to permit fluid communication between the rebound portion and the cup during a rebound stroke of the shaft.

51. (Previously Presented) The damper of claim 50, wherein the volume of fluid traveling through the fluid path is user-adjustable.

52. (Previously Presented) A fluid damper comprising:
a damper chamber divided by a piston mounted on a movable rod, into a primary compression and a primary rebound chamber;
a bottom out cup in fluid communication with the damper chamber;
a bottom out piston formed on the movable rod for sealingly engaging an interior of the bottom out cup, the damper including a first position in which the bottom out piston is not housed in the bottom out cup and a second position in which the bottom out piston is housed therein; and
an adjustable fluid flow path formed in the cup, the flow path providing fluid communication between the cup and the primary compression chamber in a compression stroke of the damper.

53. (Previously Presented) The damper of claim 52, wherein in the second position the bottom out piston is sealingly engaged within the bottom out cup.

54. (Previously Presented) The damper of claim 53, further including a fluid flow path formed between the cup and the primary compression chamber; wherein the capacity of the fluid flow path is adjustable.

55. (Previously Presented) The damper of claim 54, further including an externally accessible adjuster connected to a valve disposed in the flow path.

56. (Previously Presented) The damper of claim 55, wherein the externally accessible adjuster is manually adjustable.

57. (Previously Presented) The damper of claim 54, further including a second fluid flow path within the bottom out cup and the compression portion.

58. (Previously Presented) A shock absorber comprising:
a spring;
a chamber operatively connected to the spring;
a piston shaft extending into the chamber;
a first piston connected to the shaft, the piston for metering fluid during movement of the shaft in the chamber between a compression side and a rebound side of the chamber;
a second piston formed at an end of the shaft for moving into sealing engagement with a bottom out cup at an end of a compression stroke of the shock absorber;
a blow off valve in a fluid path formed in the bottom out cup for fluid communication with compression side, the blow off valve operable depending upon the pressure of fluid in the bottom out cup during a compression stroke of the shock absorber; and
a user-adjustable metering valve in a second fluid path for metering fluid from the bottom out cup to the compression side, the valve externally accessible to increase or decrease dampening.

59. (Previously Presented) The shock absorber of claim 58, wherein the chamber comprises a cylinder.
60. (Previously Presented) A damper for a shock absorber comprising:
a fluid;
a compression chamber;
a bottom out cup;
a valve wherein;
in a compression stroke of the damper, the fluid flows from the bottom out cup to the compression chamber at a first rate with the valve in a first position and at a second rate with the valve in a second position where the first rate is greater than the second rate and the valve includes an adjuster accessible from an exterior of the shock absorber.

REMARKS

This is intended as a full and complete response to the Office Action dated January 22, 2013.

Claims 42-60 remain pending in the application and are shown above. Reconsideration of the claims is requested for reasons presented herein.

Claim Rejections Under 35 U.S.C. § 112

Claims 42-51 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement.

Applicant has amended claim 42 for clarification.

Claim Rejections Under 35 U.S.C. § 103

Claims 42-44, 48, 52-56, and 60 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Patriquin '304 in view of Robertson '490.

Applicant respectfully traverses this rejection.

Claim 42 includes “a fluid flow path formed in the bottom out cup for providing fluid communication between the cup and the compression portion of the chamber during a compression stroke of the damper; wherein the capacity of the fluid flow path is adjustable. Claim 52 includes “an adjustable fluid flow path formed in the cup, the flow path providing fluid communication between the cup and the primary compression chamber in a compression stroke of the damper. Claim 58 includes “a user-adjustable metering valve in a second fluid path for metering fluid from the bottom out cup to the compression side, the valve externally accessible to increase or decrease dampening.” Finally, claim 60 includes a “valve wherein in a compression stroke of the damper, fluid flows from the bottom out cup to the compression chamber at a first rate with the valve in a first position and at a second rate with the valve in a second position where the first rate is greater than the second rate and the valve includes an adjuster accessible from an exterior of the shock absorber.”

In each claim, the limitations are either not taught or suggested by the references or, to utilize the references in the way suggested by the Examiner, would render the prior art invention unsatisfactory for its intended purpose.

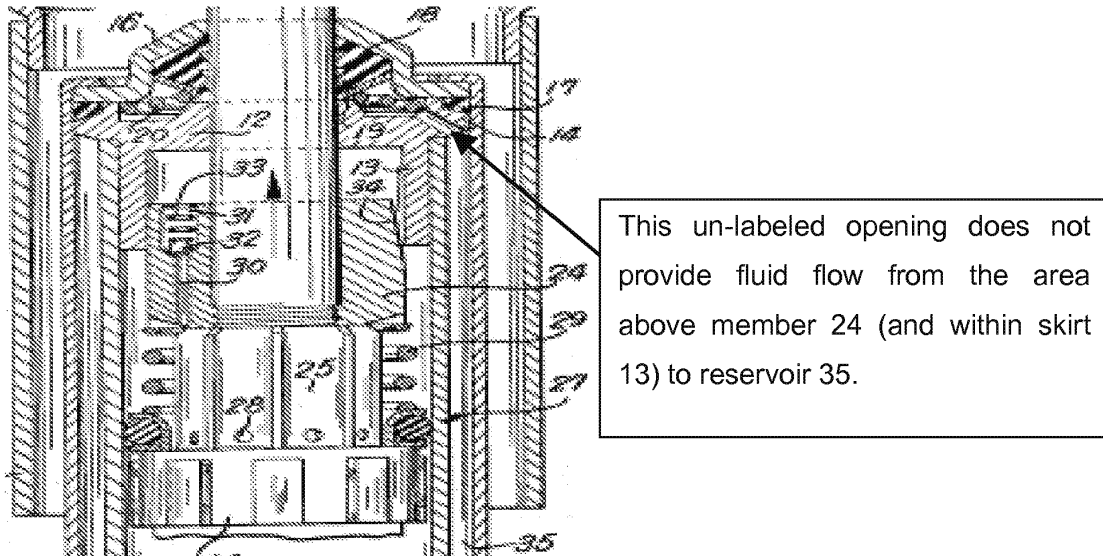
Figure 2 of *Patriquin* illustrates a shock absorber during a recoil/rebound/expansion stroke. As shown, during recoil/rebound/expansion, member 24 moves into skirt 13 until the flow of oil from within skirt 13 to cylinder 11 is completely stopped, at which time hydraulic pressure within skirt 13 functions as a hydraulic lock to prevent member 24 from bottoming out against plug 12. See Col. 4, lines 24-37. If the flow of oil from within skirt 13 to cylinder 11/reservoir 35 was allowed to continue, the hydraulic lock function would be inoperable and member 24 would bottom out against plug 12.

Still referring to Figure 2, the Examiner has identified the skirt 13 as the claimed "bottom out cup," and has identified the area above the member 24 as the "compression portion/chamber." Although Figure 2 makes clear that any bottom out cup of *Patriquin* operates only during a recoil/rebound/expansion stroke, the Examiner asserts that it is known to reversibly install shock absorbers. The Examiner thus proposes to reversibly install the shock absorber of *Patriquin* such that the member 24 would move into the skirt 13 during impact/compression (and not out of the skirt 13 as explicitly taught and claimed by *Patriquin*) to read on an element of the claimed invention.

Even with the shock absorber reversibly installed, the Examiner agrees that "lacking in *Patriquin* is an adjustable fluid flow path providing fluid communication between the cup 13 and a compression portion of the chamber." The Examiner, however, relies on a disclosure of *Robertson* to show an adjustable valve 160 for adjusting fluid flow between two chambers 104, 129 during a compression stroke. The Examiner therefore proposes to modify the reversibly installed shock absorber in *Patriquin* with an adjustable valve 160 disclosed in *Robertson* in order to read on the entire claimed invention.

Applicant submits that even if the shock absorber of *Patriquin* were reversibly installed and an adjustable flow path to the skirt 13 added, the resulting modification would still render the device of *Patriquin* inoperable for its intended purpose as the hydraulic lock function would be defeated. In an attempt to find a flow path in the device of *Patriquin*, the Examiner states that there appears to be a flow opening that is not labeled at the top right of skirt 13. Applicant has provided an annotated portion of Figure 2 (shown below) of *Patriquin* identifying the un-labeled opening in the top right of

skirt 13. Applicant submits that this opening does not provide fluid flow from the area above the piston 24 (and within skirt 13) to the reservoir 35; and that there is not "an already present flow path" from the area above the piston 24 (and within skirt 13) to the reservoir 35 as the Examiner asserts.



To further support the proposition that a flow path is provided from the area above the member 24 (and within skirt 13) to the reservoir 35, the Examiner cites *Patriquin* for the following teaching:

During the impact stroke of the piston the oil in the cylinder 11 displaced by the entering member 24 and the piston rod 15 can flow through the open impact valve of the compression head assembly (not shown) to the reservoir 35. Col. 5, lines 5-10.

The Examiner is confusing different aspects of the *Patriquin* shock absorber between its operation in a recoil/expansion stroke and its operation during an impact/compression stroke. Although *Patriquin* teaches that during impact/compression the member 24 moves out of the skirt 13, the Examiner proposes reversibly installing the shock absorber such that the member 24 would move into the skirt 13 during

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impact/compression to read on the claimed invention. However, the Examiner is now relying on the teaching of *Patriquin* (cited above) when the member 24 moves out of the skirt 13 to support modifying the same, reversibly installed shock absorber with an “open impact valve” that is not even shown in *Patriquin*. In other words, the Examiner is applying both recoil/expansion and impact/compression teachings as if these teachings would occur during impact/compression only. As is well known in the art, oil is displaced during a compression stroke of a damper to slow the movement of a damper piston near the end of the stroke in order to avoid a bottom-out condition. The device of *Patriquin* is not concerned with a compression stroke. On the other hand, the device of *Patriquin* relies on the absence of a fluid path from the cup to create a hydraulic lock operable in a rebound stroke. Regardless of impermissible hindsight reconstruction, the modification proposed by the Examiner would make the shock absorber of *Patriquin* unsatisfactory for its intended purpose since the hydraulic lock feature would still be rendered inoperable if fluid were allowed to flow out of the area above member 24 within skirt 13 to the reservoir 35.

Based on the foregoing, Applicant submits that the proposed modifications to the shock absorber in *Patriquin* would eliminate the hydraulic lock function as taught and claimed in *Patriquin* and would render the invention unsatisfactory for its intended purpose. As stated in MPEP 2143.01(v), if a proposed modification would render the prior art invention unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. In re *Gordon*, 733 F.2d 900 (Fed. Cir. 1984). Therefore, there is no suggestion or motivation to modify *Patriquin* in view of *Robertson* as asserted by the Examiner. Because the independent claims are patentable, the dependent ones are patentable as well.

Claim 45 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Patriquin* in view of *Roberston* as applied to claim 25 above, and further in view of *Browning*.

Applicant believes this claim is allowable for at least the same reasons discussed above. Withdrawal of the rejection is respectfully requested.

Claims 46, 47, 49, 50, and 57-59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Patriquin in view of Roberston as applied to claim 27 above, and further in view of Verkuylen '244.

Applicant believes these claims are allowable for at least the same reasons discussed above. Withdrawal of the rejection is respectfully requested.

Conclusion

In conclusion, the references cited by the Examiner, alone or in combination, do not teach, show, or suggest the invention as claimed.
response to this office action.

Having addressed all issues set out in the office action, Applicant respectfully submits that the claims are in condition for allowance and respectfully requests that the claims be allowed.

Respectfully submitted,

/Jason C. Huang/
Jason C. Huang
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Facsimile: (713) 623-4846
Attorney for Applicant(s)

PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)		Docket Number (Optional) FOXF/0024US																																		
Application Number 12/463,927	Filed May 11, 2009																																			
For METHODS AND APPARATUS FOR POSITION SENSITIVE SUSPENSION DAMPENING																																				
Art Unit 3657	Examiner Christopher P. Schwartz																																			
This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above-identified application. The requested extension and fee are as follows (check time period desired and enter the appropriate fee below): <table style="width: 100%; border-collapse: collapse;"><thead><tr><th></th><th style="text-align: center;"><u>Fee</u></th><th style="text-align: center;"><u>Small Entity Fee</u></th><th style="text-align: center;"><u>Micro Entity Fee</u></th><th></th></tr></thead><tbody><tr><td>☒ One month (37 CFR 1.17(a)(1))</td><td style="text-align: center;">\$200</td><td style="text-align: center;">\$100</td><td style="text-align: center;">\$50</td><td style="text-align: right;">\$ <u>200</u></td></tr><tr><td>☐ Two months (37 CFR 1.17(a)(2))</td><td style="text-align: center;">\$600</td><td style="text-align: center;">\$300</td><td style="text-align: center;">\$150</td><td style="text-align: right;">\$ _____</td></tr><tr><td>☐ Three months (37 CFR 1.17(a)(3))</td><td style="text-align: center;">\$1,400</td><td style="text-align: center;">\$700</td><td style="text-align: center;">\$350</td><td style="text-align: right;">\$ _____</td></tr><tr><td>☐ Four months (37 CFR 1.17(a)(4))</td><td style="text-align: center;">\$2,200</td><td style="text-align: center;">\$1,100</td><td style="text-align: center;">\$550</td><td style="text-align: right;">\$ _____</td></tr><tr><td>☐ Five months (37 CFR 1.17(a)(5))</td><td style="text-align: center;">\$3,000</td><td style="text-align: center;">\$1,500</td><td style="text-align: center;">\$750</td><td style="text-align: right;">\$ _____</td></tr></tbody></table> ☐ Applicant asserts small entity status. See 37 CFR 1.27. ☐ Applicant certifies micro entity status. See 37 CFR 1.29. Form PTO/SB/15A or B or equivalent must either be enclosed or have been submitted previously. ☐ A check in the amount of the fee is enclosed. ☐ Payment by credit card. Form PTO-2038 is attached. ☐ The Director has already been authorized to charge fees in this application to a Deposit Account. ☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number <u>20-0782/FOXF/0024US/JCH</u>. ☒ Payment made via EFS-Web. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038. I am the ☐ applicant. ☒ attorney or agent of record. Registration number <u>46,222</u>. ☐ attorney or agent acting under 37 CFR 1.34. Registration number _____. <table style="width: 100%; border-collapse: collapse;"><tr><td style="width: 50%; padding: 5px;"><u>/Jason C. Huang/</u> Signature</td><td style="width: 50%; padding: 5px;"><u>May 22, 2013</u> Date</td></tr><tr><td style="padding: 5px;"><u>Jason C. Huang</u> Typed or printed name</td><td style="padding: 5px;"><u>(713) 623-4844</u> Telephone Number</td></tr></table> NOTE: This form must be signed in accordance with 37 CFR 1.33. See 37 CFR 1.4 for signature requirements and certifications. Submit multiple forms if more than one signature is required, see below*.				<u>Fee</u>	<u>Small Entity Fee</u>	<u>Micro Entity Fee</u>		☒ One month (37 CFR 1.17(a)(1))	\$200	\$100	\$50	\$ <u>200</u>	☐ Two months (37 CFR 1.17(a)(2))	\$600	\$300	\$150	\$ _____	☐ Three months (37 CFR 1.17(a)(3))	\$1,400	\$700	\$350	\$ _____	☐ Four months (37 CFR 1.17(a)(4))	\$2,200	\$1,100	\$550	\$ _____	☐ Five months (37 CFR 1.17(a)(5))	\$3,000	\$1,500	\$750	\$ _____	<u>/Jason C. Huang/</u> Signature	<u>May 22, 2013</u> Date	<u>Jason C. Huang</u> Typed or printed name	<u>(713) 623-4844</u> Telephone Number
	<u>Fee</u>	<u>Small Entity Fee</u>	<u>Micro Entity Fee</u>																																	
☒ One month (37 CFR 1.17(a)(1))	\$200	\$100	\$50	\$ <u>200</u>																																
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☐ Three months (37 CFR 1.17(a)(3))	\$1,400	\$700	\$350	\$ _____																																
☐ Four months (37 CFR 1.17(a)(4))	\$2,200	\$1,100	\$550	\$ _____																																
☐ Five months (37 CFR 1.17(a)(5))	\$3,000	\$1,500	\$750	\$ _____																																
<u>/Jason C. Huang/</u> Signature	<u>May 22, 2013</u> Date																																			
<u>Jason C. Huang</u> Typed or printed name	<u>(713) 623-4844</u> Telephone Number																																			

☒ * Total of <u>1</u> forms are submitted.
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This collection of information is required by 37 CFR 1.136(a). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Electronic Patent Application Fee Transmittal				
Application Number:		12463927		
Filing Date:		11-May-2009		
Title of Invention:		METHODS AND APPARATUS FOR POSITION SENSITIVE SUSPENSION DAMPENING		
First Named Inventor/Applicant Name:		Christopher Paul Cox		
Filer:		Jason C. Huang/Cynde Meinhart		
Attorney Docket Number:		FOXF/0024		
Filed as Large Entity				
Utility under 35 USC 111(a) Filing Fees				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				
Extension - 1 month with \$0 paid	1251	1	200	200

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Miscellaneous:				
Total in USD (\$)				200

Electronic Acknowledgement Receipt	
EFS ID:	15844302
Application Number:	12463927
International Application Number:	
Confirmation Number:	1562
Title of Invention:	METHODS AND APPARATUS FOR POSITION SENSITIVE SUSPENSION DAMPENING
First Named Inventor/Applicant Name:	Christopher Paul Cox
Customer Number:	49567
Filer:	Jason C. Huang/Cynde Meinhart
Filer Authorized By:	Jason C. Huang
Attorney Docket Number:	FOXF/0024
Receipt Date:	22-MAY-2013
Filing Date:	11-MAY-2009
Time Stamp:	15:20:43
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	\$ 200
RAM confirmation Number	1860
Deposit Account	
Authorized User	

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
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1		12463927_ROAof1-22-13.pdf	112244 ba11c6b3dcaa54b913867cb61b7460e370de2fb8	yes	10
	Multipart Description/PDF files in .zip description				
	Document Description		Start	End	
	Amendment/Req. Reconsideration-After Non-Final Reject		1	1	
	Claims		2	5	
	Applicant Arguments/Remarks Made in an Amendment		6	10	
Warnings:					
Information:					
2	Extension of Time	12463927_ExtensionOfTime.pdf	30237 231c2b13e57318b177fb6d16e38ca491203ca45f	no	1
Warnings:					
Information:					
3	Fee Worksheet (SB06)	fee-info.pdf	30441 e5d6f7a7443edbe66415f3d93dee78b4b35db4d8	no	2
Warnings:					
Information:					
Total Files Size (in bytes):			172922		
This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503. <u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application. <u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course. <u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.					

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875				Application or Docket Number 12/463,927		Filing Date 05/11/2009		☐ To be Mailed	
ENTITY: ☒ LARGE ☐ SMALL ☐ MICRO									
APPLICATION AS FILED – PART I									
(Column 1)		(Column 2)							
FOR		NUMBER FILED		NUMBER EXTRA		RATE (\$)		FEE (\$)	
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))		N/A		N/A		N/A			
☐ SEARCH FEE (37 CFR 1.16(k), (j), or (m))		N/A		N/A		N/A			
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))		N/A		N/A		N/A			
TOTAL CLAIMS (37 CFR 1.16(i))		minus 20 =		*		X \$ =			
INDEPENDENT CLAIMS (37 CFR 1.16(h))		minus 3 =		*		X \$ =			
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))		If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$310 (\$155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).							
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))									
* If the difference in column 1 is less than zero, enter "0" in column 2.						TOTAL			
APPLICATION AS AMENDED – PART II									
(Column 1)		(Column 2)		(Column 3)					
AMENDMENT	05/22/2013	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)		ADDITIONAL FEE (\$)	
	Total (37 CFR 1.16(i))	* 19	Minus	** 22	= 0	X \$80 =		0	
	Independent (37 CFR 1.16(h))	* 4	Minus	*** 5	= 0	X \$420 =		0	
	☐ Application Size Fee (37 CFR 1.16(s))								
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))								
						TOTAL ADD'L FEE		0	
(Column 1)		(Column 2)		(Column 3)					
AMENDMENT		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)		ADDITIONAL FEE (\$)	
	Total (37 CFR 1.16(i))	*	Minus	**	=	X \$ =			
	Independent (37 CFR 1.16(h))	*	Minus	***	=	X \$ =			
	☐ Application Size Fee (37 CFR 1.16(s))								
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))								
						TOTAL ADD'L FEE			
* If the entry in column 1 is less than the entry in column 2, write "0" in column 3. ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20". *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3". The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.									

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

NOTICE OF ALLOWANCE AND FEE(S) DUE

49567 7590 06/14/2013
PATTERSON & SHERIDAN, L.L.P.
3040 Post Oak Blvd., Suite 1500
Houston, TX 77056

EXAMINER
SCHWARTZ, CHRISTOPHER P

ART UNIT PAPER NUMBER
3657

DATE MAILED: 06/14/2013

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/463,927	05/11/2009	Christopher Paul Cox	FOXF/0024	1562

TITLE OF INVENTION: METHODS AND APPARATUS FOR POSITION SENSITIVE SUSPENSION DAMPENING

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	UNDISCOUNTED	\$1780	\$300	\$0	\$2080	09/16/2013

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

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

HOW TO REPLY TO THIS NOTICE:

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

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

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

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

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

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

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

PART B - FEE(S) TRANSMITTAL

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

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

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

49567 7590 06/14/2013
PATTERSON & SHERIDAN, L.L.P.
3040 Post Oak Blvd., Suite 1500
Houston, TX 77056

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

Certificate of Mailing or Transmission

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

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/463,927	05/11/2009	Christopher Paul Cox	FOXF/0024	1562

TITLE OF INVENTION: METHODS AND APPARATUS FOR POSITION SENSITIVE SUSPENSION DAMPENING

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nonprovisional	UNDISCOUNTED	\$1780	\$300	\$0	\$2080	09/16/2013

EXAMINER	ART UNIT	CLASS-SUBCLASS
SCHWARTZ, CHRISTOPHER P	3657	188-322210

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 3.111. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

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

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

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

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

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

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

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

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

Authorized Signature _____

Date _____

Typed or printed name _____

Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/463,927	05/11/2009	Christopher Paul Cox	FOXF/0024	1562

49567 7590 06/14/2013
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3040 Post Oak Blvd., Suite 1500
Houston, TX 77056

EXAMINER	
SCHWARTZ, CHRISTOPHER P	

ART UNIT	PAPER NUMBER
3657	

DATE MAILED: 06/14/2013

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

The Patent Term Adjustment to date is 0 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 0 day(s).

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

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

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

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. 12/463,927	Applicant(s) COX ET AL.	
	Examiner CHRISTOPHER SCHWARTZ	Art Unit 3657	AI/A (First Inventor to File) 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 the amendment filed May 22, 2013.
☐ 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 48-60. 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: _____.

Interim copies:

a) ☐ All b) ☐ Some c) ☐ None of the: Interim copies of the priority documents have been received.

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

5. ☐ **CORRECTED DRAWINGS** (as "replacement sheets") must be submitted.
☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

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

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

Attachment(s)

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

/Christopher P. Schwartz/ Primary Examiner, Art Unit 3657	
--	--

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	§	
Christopher Paul Cox	§	
Serial No.: 12/463,927	§	Group Art Unit: 3657
Confirmation No.: 1562	§	
Filed: May 11, 2009	§	Examiner: Christopher P. Schwartz
For: METHODS AND	§	
APPARATUS FOR	§	
POSITION SENSITIVE	§	
SUSPENSION	§	
DAMPENING	§	

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

Entry Approved

Dear Sir:

RESPONSE TO FINAL OFFICE ACTION DATED MAY 26, 2011

In response to the Final Office Action dated May 26, 2011, having a shortened statutory period for response set to expire on August 26, 2011, please enter this response and reconsider the claims pending in the application for reasons discussed below. Although Applicant believes that no additional fees are due in connection with this response, the Commissioner is hereby authorized to charge counsel's Deposit Account No. 20-0782/FOXF/0024US/WBP for any fees required to make this response timely and acceptable to the Office.

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

Remarks begin on page 6 of this paper.

Page 1

1846355_1

FOX_0000266

Issue Classification 	Application/Control No. 12463927	Applicant(s)/Patent Under Reexamination COX ET AL.
	Examiner CHRISTOPHER SCHWARTZ	Art Unit 3657

CPC		
Symbol	Type	Version

CPC Combination Sets				
Symbol	Type	Set	Ranking	Version

US ORIGINAL CLASSIFICATION						INTERNATIONAL CLASSIFICATION													
CLASS			SUBCLASS			CLAIMED					NON-CLAIMED								
188			318			F	1	6	F	9 / 34 (2006.01.01)									
CROSS REFERENCE(S)																			
CLASS	SUBCLASS (ONE SUBCLASS PER BLOCK)																		
188	322.22																		

NONE		Total Claims Allowed:	
		19	
(Assistant Examiner)	(Date)		
/CHRISTOPHER SCHWARTZ/ Primary Examiner.Art Unit 3657	6/10/13	O.G. Print Claim(s)	O.G. Print Figure
(Primary Examiner)	(Date)	1	2

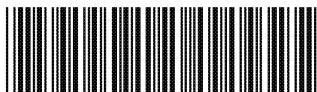
Issue Classification 	Application/Control No. 12463927	Applicant(s)/Patent Under Reexamination COX ET AL.
	Examiner CHRISTOPHER SCHWARTZ	Art Unit 3657

NONE		Total Claims Allowed:	
		19	
(Assistant Examiner)	(Date)		
/CHRISTOPHER SCHWARTZ/ Primary Examiner, Art Unit 3657	6/10/13	O.G. Print Claim(s)	O.G. Print Figure
(Primary Examiner)	(Date)	1	2

Issue Classification 	Application/Control No. 12463927	Applicant(s)/Patent Under Reexamination COX ET AL.
	Examiner CHRISTOPHER SCHWARTZ	Art Unit 3657

☐ Claims renumbered in the same order as presented by applicant ☐ CPA ☐ T.D. ☐ R.1.47															
Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original
1	42	17	58												
2	43	18	59												
3	44	19	60												
4	45														
9	46														
10	47														
5	48														
6	49														
7	50														
8	51														
11	52														
12	53														
13	54														
14	55														
15	56														
16	57														

NONE (Assistant Examiner) (Date)		Total Claims Allowed: 19	
/CHRISTOPHER SCHWARTZ/ Primary Examiner.Art Unit 3657 (Primary Examiner) (Date)		O.G. Print Claim(s) 1	O.G. Print Figure 2

Search Notes 	Application/Control No. 12463927	Applicant(s)/Patent Under Reexamination COX ET AL.
	Examiner Christopher P Schwartz	Art Unit 3657

CPC- SEARCHED		
Symbol	Date	Examiner

CPC COMBINATION SETS - SEARCHED		
Symbol	Date	Examiner

US CLASSIFICATION SEARCHED			
Class	Subclass	Date	Examiner
188	276, 278, 288, 318,319.1, 319.2, 322.13	10/5/10	cps
280	275, 276		
251	126		
137	556, 614,17		

SEARCH NOTES		
Search Notes	Date	Examiner
EAST	10/5/10	CPS

INTERFERENCE SEARCH			
US Class/ CPC Symbol	US Subclass / CPC Group	Date	Examiner
188	all above	6/10/2013	cps

--	--

EAST Search History**EAST Search History (Prior Art)**

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L1	11505	188/281-322.22.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/10/05 13:03
L2	88	1 and piston and rod and blow adj off adj valve	US-PGPUB; USPAT; USOCR	OR	OFF	2010/10/05 13:03
L3	79	2 and (meter \$3 or regulat \$3 or flow) near3 valve	US-PGPUB; USPAT; USOCR	OR	OFF	2010/10/05 13:04

10/ 5/ 10 1:55:03 PM



UNITED STATES PATENT AND TRADEMARK OFFICE

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

BIB DATA SHEET

CONFIRMATION NO. 1562

SERIAL NUMBER	FILING or 371(c) DATE	CLASS	GROUP ART UNIT	ATTORNEY DOCKET NO.		
12/463,927	05/11/2009	188	3657	FOXF/0024		
APPLICANTS Christopher Paul Cox, Freedom, CA; Everet Owen Ericksen, Santa Cruz, CA; Wesley E. Allinger, Santa Cruz, CA;						
** CONTINUING DATA ***** This appln claims benefit of 61/052,150 05/09/2008						
** FOREIGN APPLICATIONS *****						
** IF REQUIRED, FOREIGN FILING LICENSE GRANTED ** 05/21/2009						
Foreign Priority claimed ☐ Yes ☒ No 35 USC 119(a-d) conditions met ☐ Yes ☒ No Verified and /CHRISTOPHER P SCHWARTZ/ Acknowledged Examiner's Signature		☐ Met after Allowance Initials	STATE OR COUNTRY CA	SHEETS DRAWINGS 5	TOTAL CLAIMS 20	INDEPENDENT CLAIMS 4
ADDRESS PATTERSON & SHERIDAN, L.L.P. 3040 Post Oak Blvd., Suite 1500 Houston, TX 77056 UNITED STATES						
TITLE METHODS AND APPARATUS FOR POSITION SENSITIVE SUSPENSION DAMPENING						
FILING FEE RECEIVED 2014	FEES: Authority has been given in Paper No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following:			☐ All Fees ☐ 1.16 Fees (Filing) ☐ 1.17 Fees (Processing Ext. of time) ☐ 1.18 Fees (Issue) ☐ Other _____ ☐ Credit		

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **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):

43567 7590 05/14/2013
PATTERSON & SHERIDAN, L.L.P.
 3040 Post Oak Blvd., Suite 1500
 Houston, TX 77056

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

Certificate of Mailing or Transmission

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

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/463,927	05/11/2009	Christopher Paul Cox	FOXF/0024	1562

TITLE OF INVENTION: METHODS AND APPARATUS FOR POSITION SENSITIVE SUSPENSION DAMPENING

APPL. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	UNDISCOUNTED	\$1780	\$300	\$0	\$2080	09/16/2013

EXAMINER	ART UNIT	CLASS-SUBCLASS
SCHWARTZ, CHRISTOPHER P	3657	188-322210

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.563).

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

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

2. For printing on the patent front page, list

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

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

1. Patterson & Sheridan, L.L.P.

2. David M. Haugen

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

Fox Factory, Inc.

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

Scotts Valley, California

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 via EFS-Web.

☒ The Director is hereby authorized to charge any deficiency, or credit any overpayment, to Deposit Account Number 20-0782/FOXF/0024US/WBP.

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

Authorized Signature /William B. Patterson/

Date September 9, 2013

Typed or printed name William B. Patterson

Registration No. 34,102

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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Electronic Patent Application Fee Transmittal				
Application Number:		12463927		
Filing Date:		11-May-2009		
Title of Invention:		METHODS AND APPARATUS FOR POSITION SENSITIVE SUSPENSION DAMPENING		
First Named Inventor/Applicant Name:		Christopher Paul Cox		
Filer:		William Bruce Patterson/Teresa Fish		
Attorney Docket Number:		FOXF/0024		
Filed as Large Entity				
Utility under 35 USC 111(a) Filing Fees				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Utility Appl Issue Fee	1501	1	1780	1780
Publ. Fee- Early, Voluntary, or Normal	1504	1	300	300

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Extension-of-Time:				
Miscellaneous:				
Total in USD (\$)				2080

Electronic Acknowledgement Receipt	
EFS ID:	16793792
Application Number:	12463927
International Application Number:	
Confirmation Number:	1562
Title of Invention:	METHODS AND APPARATUS FOR POSITION SENSITIVE SUSPENSION DAMPENING
First Named Inventor/Applicant Name:	Christopher Paul Cox
Customer Number:	49567
Filer:	William Bruce Patterson/Teresa Fish
Filer Authorized By:	William Bruce Patterson
Attorney Docket Number:	FOXF/0024
Receipt Date:	09-SEP-2013
Filing Date:	11-MAY-2009
Time Stamp:	10:54:12
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	\$ 2080
RAM confirmation Number	10109
Deposit Account	
Authorized User	

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
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1	Issue Fee Payment (PTO-85B)	FOXF0024US_Issue_Fee_Transmittal.pdf	232918 c09848b6452fb665e5ae2f24e0d7559438235e84	no	2
Warnings:					
Information:					
2	Fee Worksheet (SB06)	fee-info.pdf	32347 d95b2e3a0ea15d1dcb817dee66c633970b841ea5	no	2
Warnings:					
Information:					
Total Files Size (in bytes):			265265		
This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503. <u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application. <u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course. <u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.					

IN THE SPECIFICATION:

0018

Change(s) applied Please replace the paragraph numbered as ~~[0019]~~ in the published application
to document, with the following amended paragraph:

/T.V.R./

6/26/2013

0018
~~[0019]~~

Figure 3B also shows various adjustable dampening mechanisms that work in conjunction with the bottom out cup and piston. At an end of flow path 301 is a pressure relief or "blow off" valve 300, a high speed compression circuit that operates at a blow off threshold, typically due to a relatively rapid event like the rapid compression of the shock absorber. The blow-off valve 300 selectively allows fluid flow from the bottom out cup 275 to the compression portion 222 of chamber 220 at shaft speeds (in the direction 280) that create fluid pressures within the bottom out cup above the blow off threshold pressure during engagement of piston 275 with bottom out cup 275. The blow-off valve generally comprises a valve opening, a blow-off valve or piston ~~[[302]]~~ 300 and a compression spring 305. The blow off pressure is determined by a combination of the spring rate of the spring 305, the preload on the spring 305 and the area of the blow-off piston ~~[[302]]~~ 300 that is subject to fluid pressure from the bottom out cup 275. When fluid pressure in the cup rises above the predetermined (e.g. preset) threshold, the piston is forced away from the piston seat and allows fluid to flow through the valve opening and into the compression portion 222, thus lowering the pressure within the bottom out cup 275. The blow off valve 300 is primarily a safety device and is typically set to crack or "blow off", thereby allowing fluid flow into the compression portion of chamber 200, at a pressure that is relatively high but still low enough to prevent excess pressure build up in the bottom out cup 275 from damaging the shock or the vehicle in which the shock is integrated.



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APPLICATION NO.	ISSUE DATE	PATENT NO.	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/463,927	10/08/2013	8550223	FOXF/0024	1562

49567 7590 09/18/2013
PATTERSON & SHERIDAN, L.L.P.
3040 Post Oak Blvd., Suite 1500
Houston, TX 77056

ISSUE NOTIFICATION

The projected patent number and issue date are specified above.

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

The Patent Term Adjustment is 0 day(s). Any patent to issue from the above-identified application will include an indication of the adjustment on the front page.

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

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

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

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

Christopher Paul Cox, Freedom, CA;
Everet Owen Ericksen, Santa Cruz, CA;
Wesley E. Allinger, Santa Cruz, CA;

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