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PATENT APPLICATION FEE DETERMINATION RECORD				Application or Docket Number 16/956,726		Filing Date 06/22/2020		☐ To be Mailed	
Substitute for Form PTO-875									
ENTITY: ☒ LARGE ☐ SMALL ☐ MICRO									
APPLICATION AS FILED - PART I									
		(Column 1)		(Column 2)					
FOR		NUMBER FILED		NUMBER EXTRA		RATE (\$)		FEE (\$)	
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))		N/A		N/A		N/A			
☐ SEARCH FEE (37 CFR 1.16(k), (i), or (m))		N/A		N/A		N/A			
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))		N/A		N/A		N/A			
TOTAL CLAIMS (37 CFR 1.16(i))		minus 20 =	*			x \$100 =			
INDEPENDENT CLAIMS (37 CFR 1.16(h))		minus 3 =	*			x \$460 =			
☐ 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	12/08/2022	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA		RATE (\$)		ADDITIONAL FEE (\$)
	Total (37 CFR 1.16(i))	* 14	Minus	** 20	= 0		x \$100 =		0
	Independent (37 CFR 1.16(h))	* 9	Minus	*** 3	= 6		x \$480 =		2880
	☐ Application Size Fee (37 CFR 1.16(s))								
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))								
						TOTAL ADD'L FEE		2880	
		(Column 1)		(Column 2)	(Column 3)				
AMENDMENT		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA		RATE (\$)		ADDITIONAL FEE (\$)
	Total (37 CFR 1.16(i))	*	Minus	**	=		x \$0 =		
	Independent (37 CFR 1.16(h))	*	Minus	***	=		x \$0 =		
	☐ Application Size Fee (37 CFR 1.16(s))								
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))								
						TOTAL ADD'L FEE			
* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.						LIE			
** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".						/DEBORAH D SCOTT/			
*** 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.**

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventors: Alexandre Perentes
Applicant: Société des Produits Nestlé S.A.
Appl. No.: 16/956,726
Conf. No.: 6260
Filed: June 22, 2020
Title: BEVERAGE PREPARATION SYSTEM
Art Unit: 2876~~87~~
Examiner: Toan C. Ly
Docket No.: 3712036-03728

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

RESPONSE TO NON-FINAL OFFICE ACTION

Examiner:

This Response is submitted in reply to the Non-Final Office Action dated September 9, 2022. **Amendments to the Claims** begin on page 2 of this paper. **Remarks** begin on page 8 of this paper.

Amendments to the Claims:

This listing of claims replaces all prior versions and listings of claims in the application:

Listing of Claims:

Claim 1 (Currently amended) A beverage ~~Beverage~~-preparation machine comprising:
a centrifugal brewing unit configured for preparing a beverage by centrifugation of an ingredient contained in a capsule, the ingredient being ~~[[and]]~~ mixed with a carrier liquid, the centrifugal brewing unit comprising:
a centrifugal cell configured for receiving the ~~such a~~-capsule;
a drive configured for rotating the centrifugal cell;
a regulator configured for regulating a rotation speed of the centrifugal cell by controlling the drive based on a feedback signal representative of a difference between a desired rotation speed and a measured rotation speed of the ~~[[a]]~~ capsule rotated in the centrifugal cell;
a liquid supply member for supplying the carrier liquid to the centrifugal brewing unit; and
an optical reading arrangement configured for reading a code on a periphery of the ~~[[a]]~~ capsule while the capsule is rotated in the centrifugal cell relative to the optical reading arrangement, the optical reading arrangement ~~[[and]]~~ generating an output signal representative of at least part of the code;
the beverage preparation machine is configured to compute the feedback signal using the ~~[[an]]~~ output signal of the optical reading arrangement representative of the at least part of the ~~[[a]]~~ code of the ~~[[a]]~~ capsule read by the optical reading arrangement.

Claim 2 (Currently amended) A beverage ~~Beverage~~-preparation machine ~~according to claim 1, comprising:~~

a centrifugal brewing unit configured for preparing a beverage by centrifugation of an ingredient contained in a capsule, the ingredient being mixed with a carrier liquid, the centrifugal brewing unit comprising:
a centrifugal cell configured for receiving the capsule;
a drive configured for rotating the centrifugal cell;
a regulator configured for regulating a rotation speed of the centrifugal cell by

controlling the drive based on a feedback signal representative of a difference between a desired rotation speed and a measured rotation speed of the capsule rotated in the centrifugal cell;

a liquid supply member for supplying the carrier liquid to the centrifugal brewing unit; and

an optical reading arrangement configured for reading a code on a periphery of the capsule while the capsule is rotated in the centrifugal cell relative to the optical reading arrangement, the optical reading arrangement generating an output signal representative of at least part of the code;

the beverage preparation machine is configured to compute the feedback signal using the output signal of the optical reading arrangement representative of the at least part of the code of the capsule read by the optical reading arrangement and ~~configured~~ to determine, from the output signal of the optical reading arrangement representative of the at least part of the [[a]] code of the [[a]] capsule read by the optical reading arrangement, a value representative of the measured rotation speed ~~based on the basis of~~ a bit period of a single bit of the code.

Claim 3 (Currently amended) The beverage ~~Beverage~~ preparation machine according to claim 2, configured to determine the value representative of the measured rotation speed as a number of samples of the output signal during the bit period.

Claim 4 (Currently amended) The beverage ~~Beverage~~ preparation machine according to claim 2, configured to determine the value representative of the measured rotation speed as an average number of samples of the output signal during a plurality of bit periods of single bits.

Claim 5 (Currently amended) A system ~~System~~ comprising a beverage preparation machine, the beverage preparation machine comprising:

a centrifugal brewing unit configured for preparing a beverage by centrifugation of an ingredient contained in a capsule, the ingredient being [[and]] mixed with a carrier liquid, the centrifugal brewing unit comprising:

a centrifugal cell configured for receiving the ~~such a~~ capsule;

a drive configured for rotating the centrifugal cell;

a regulator configured for regulating a rotation speed of the centrifugal cell by

controlling the drive based on a feedback signal representative of a difference between a desired rotation speed and a measured rotation speed of the [[a]] capsule rotated in the centrifugal cell;

a liquid supply member configured for supplying the carrier liquid to the centrifugal brewing unit; and

an optical reading arrangement configured for reading a code on a periphery of the [[a]] capsule while the capsule is rotated in the centrifugal cell relative to the optical reading arrangement, the optical reading arrangement [[and]] generating an output signal representative of at least part of the code;

the beverage preparation machine is configured to compute the feedback signal using the [[an]] output signal of the optical reading arrangement representative of the at least part of the [[a]] code of the [[a]] capsule read by the optical reading arrangement and the [[a]] capsule comprising the [[a]] code on the [[a]] periphery thereof, the code being configured for being read by the [[an]] optical reading arrangement of the beverage preparation machine while the capsule is being rotated relative to the optical reading arrangement.

Claim 6 (Currently amended) A system comprising a beverage preparation machine, the beverage preparation machine comprising: ~~System according to claim 5,~~

a centrifugal brewing unit configured for preparing a beverage by centrifugation of an ingredient contained in a capsule, the ingredient being mixed with a carrier liquid, the centrifugal brewing unit comprising:

a centrifugal cell configured for receiving the capsule;

a drive configured for rotating the centrifugal cell;

a regulator configured for regulating a rotation speed of the centrifugal cell by controlling the drive based on a feedback signal representative of a difference between a desired rotation speed and a measured rotation speed of the capsule rotated in the centrifugal cell;

a liquid supply member configured for supplying the carrier liquid to the centrifugal brewing unit; and

an optical reading arrangement configured for reading a code on a periphery of the capsule while the capsule is rotated in the centrifugal cell relative to the optical reading arrangement, the optical reading arrangement generating an output signal representative of at least part of the code;

the beverage preparation machine is configured to compute the feedback signal using the output signal of the optical reading arrangement representative of the at least part of the code of the capsule read by the optical reading arrangement and the capsule comprising the code on the periphery thereof, the code being configured for being read by the optical reading arrangement of the beverage preparation machine while the capsule is being rotated relative to the optical reading arrangement, wherein the code is a binary code.

Claim 7 (Currently amended) The system ~~System~~ according to claim 5, wherein the code is a barcode.

Claim 8 (Currently amended) A method ~~Method~~ for regulating a [[the]] rotation speed of a capsule in a beverage preparation machine configured for preparing a beverage by centrifugation of an ingredient contained in the [[a]] capsule, the ingredient being [[and]] mixed with a carrier liquid, the method comprising the steps of:

reading at least part of a code of the [[a]] capsule with an optical reading arrangement of the beverage preparation machine while the capsule is rotated by the beverage preparation machine relative to the optical reading arrangement;

computing a feedback signal representative of a difference between a desired rotation speed and a measured rotation speed of the capsule using an output signal of the optical reading arrangement representative of the at least part of the [[a]] code; and

feeding the feedback signal back to a regulator configured for regulating a drive ~~the driving means~~ of the beverage preparation machine ~~in order~~ to adjust the rotation speed of the capsule.

Claim 9 (Currently amended) A method for regulating a rotation speed of a capsule in a beverage preparation machine configured for preparing a beverage by centrifugation of an ingredient contained in the capsule, the ingredient being mixed with a carrier liquid, the method comprising the steps of: ~~Method according to claim 8, further comprising the step of~~

reading at least part of a code of the capsule with an optical reading arrangement of the beverage preparation machine while the capsule is rotated by the beverage preparation machine relative to the optical reading arrangement;

computing a feedback signal representative of a difference between a desired rotation speed

and a measured rotation speed of the capsule using an output signal of the optical reading arrangement representative of the at least part of the code;

feeding the feedback signal back to a regulator configured for regulating a drive of the beverage preparation machine to adjust the rotation speed of the capsule; and

gradually ramping up or down the rotation speed of the capsule until a predefined calibrated condition of the drive is reached, the predefined calibrated condition corresponding—that corresponds to a predefined calibrated rotation speed of the capsule relatively close to the desired rotation speed.

Claim 10 (Currently amended) A method for regulating a rotation speed of a capsule in a beverage preparation machine configured for preparing a beverage by centrifugation of an ingredient contained in the capsule, the ingredient being mixed with a carrier liquid, the method comprising the steps of:

reading at least part of a code of the capsule with an optical reading arrangement of the beverage preparation machine while the capsule is rotated by the beverage preparation machine relative to the optical reading arrangement, Method according to claim 8, wherein the code is a binary code;

computing a feedback signal representative of a difference between a desired rotation speed and a measured rotation speed of the capsule using an output signal of the optical reading arrangement representative of the at least part of the code; and

feeding the feedback signal back to a regulator configured for regulating a drive of the beverage preparation machine to adjust the rotation speed of the capsule.

Claim 11 (Currently amended) The method Method according to claim 8, wherein the code is a barcode.

Claim 12 (Currently amended) A method for regulating a rotation speed of a capsule in a beverage preparation machine configured for preparing a beverage by centrifugation of an ingredient contained in the capsule, the ingredient being mixed with a carrier liquid, the method comprising the steps of: Method according to claim 8,

reading at least part of a code of the capsule with an optical reading arrangement of the

beverage preparation machine while the capsule is rotated by the beverage preparation machine relative to the optical reading arrangement;

computing a feedback signal representative of a difference between a desired rotation speed and a measured rotation speed of the capsule using an output signal of the optical reading arrangement representative of the at least part of the code, wherein a value representative of the measured rotation speed is determined from the output signal of the optical reading arrangement representative of the at least part of the [[a]] code of the [[a]] capsule read by the optical reading arrangement based on the basis of a bit period of a single bit of the code; and

feeding the feedback signal back to a regulator configured for regulating a drive of the beverage preparation machine to adjust the rotation speed of the capsule.

Claim 13 (Currently amended) A method for regulating a rotation speed of a capsule in a beverage preparation machine configured for preparing a beverage by centrifugation of an ingredient contained in the capsule, the ingredient being mixed with a carrier liquid, the method comprising the steps of: Method according to claim [[8]],

reading at least part of a code of the capsule with an optical reading arrangement of the beverage preparation machine while the capsule is rotated by the beverage preparation machine relative to the optical reading arrangement;

computing a feedback signal representative of a difference between a desired rotation speed and a measured rotation speed of the capsule using an output signal of the optical reading arrangement representative of the at least part of the code, wherein a [[the]] value representative of the measured rotation speed is determined as a number of samples of the output signal during a [[the]] bit period; and

feeding the feedback signal back to a regulator configured for regulating a drive of the beverage preparation machine to adjust the rotation speed of the capsule.

Claim 14 (Currently amended) The method Method according to claim 12, wherein the value representative of the measured rotation speed is determined as an average number of samples of the output signal during a plurality of bit periods of single bits.

REMARKS

This Response is submitted in reply to the Non-Final Office Action dated September 9, 2022. The Director is authorized to charge any fee that may be required or to credit any overpayment to Deposit Account No. 02-1818. If such a withdrawal is made, please indicate the Attorney Docket No. 3712036-03728 on the account statement.

Claims 1-14 are pending and under consideration. Claims 1, 5, 7, 8, and 11 stand rejected under 35 U.S.C. §103. Claims 2-4, 6, 9, 10 and 12-14 would be allowable if rewritten to include all of the limitations of the base claim and any intervening claims.

Without acquiescing to the merits of the rejections and solely to advance prosecution of the present application, Applicant has amended Claims 1-14 for clarification only, not to avoid any prior art. Claims 2, 6, 9, 10, 12 and 13 have also been amended to independent form including all of the limitations of the base claims from which each claim depends.

The amendments do not add new matter. In view of the amendments and/or for at least the reasons set forth below, Applicant respectfully requests that the rejections be reconsidered and withdrawn.

In the Office Action, Claims 1, 5, 7, 8 and 11 stand rejected under 35 U.S.C. §103 as unpatentable over U.S. Publication No. 2011/0189362 to Denisart et al. ("*Denisart*") in view of International Application No. 2011095518 to Alvarez et al. ("*Alvarez*").¹ Applicant respectfully submits that *Denisart* and *Alvarez* are deficient with respect to the present claims.

Independent Claims 1 and 5 each recite, in part, a centrifugal cell configured for receiving a capsule, a drive configured for rotating the centrifugal cell, a regulator configured for regulating a rotation speed of the centrifugal cell by controlling the drive based on a feedback signal representative of a difference between a desired rotation speed and a measured rotation speed of the capsule rotated in the centrifugal cell, and an optical reading arrangement configured for reading a code on a periphery of the capsule while the capsule is rotated in the centrifugal cell relative to the optical reading arrangement, the optical reading arrangement generating an output signal representative of at least part of the code, and the beverage preparation machine is configured to compute the feedback signal using the output signal of the optical reading

¹ Office Action, pages 3-7.

arrangement representative of the at least part of the code of the capsule read by the optical reading arrangement.

Independent Claim 8 recites, in part, reading at least part of a code of a capsule with an optical reading arrangement of a beverage preparation machine while the capsule is rotated by the beverage preparation machine relative to the optical reading arrangement; computing a feedback signal representative of a difference between a desired rotation speed and a measured rotation speed of the capsule using an output signal of the optical reading arrangement representative of the at least part of the code; and feeding the feedback signal back to a regulator configured for regulating a drive of the beverage preparation machine to adjust the rotation speed of the capsule.

In contrast to the claimed inventions, *Denisart* and *Alvarez* alone or in combination fail to render obvious the present claims. For example, the cited references do not disclose an optical reading arrangement configured for reading a code on a periphery of the capsule while the capsule is rotated in the centrifugal cell relative to the optical reading arrangement, as required under independent Claims 1 and 5.

The cited references further do not disclose or suggest reading at least part of a code of a capsule with an optical reading arrangement of a beverage preparation machine while the capsule is rotated by the beverage preparation machine relative to the optical reading arrangement, as required under independent Claim 8.

In this regard, *Denisart* discloses a beverage production device that includes a centrifugal unit rotating at a speed that is regulated in a control loop to correct the flow rate. *Denisart* also includes an identification means such as a barcode scanner to read a barcode on an outside face of the capsule to enable detection of the type of capsule and/or the nature of ingredients provided within the capsule.²

Alvarez discloses a method for preparing a beverage that includes centrifuging the capsule to force the liquid coffee extract out of the capsule. The capsule is driven by a rotational driving assembly including a motor. The rotational speed of the capsule is controlled by measuring a rotational speed of the motor through an optical or Hall effect sensor, which provides a speed-related signal to a control unit.³

² *Denisart*, abstract and paragraphs [0029] and [0030].

³ *Alvarez*, abstract and page 6, lines 15-20.

The Patent Office points to identification means of *Denisart* as corresponding to the claimed optical reading arrangement. However, the identification means of *Denisart* is not configured for reading a code the capsule **while the capsule is rotated in the centrifugal cell relative to the optical reading arrangement**, as required under independent Claims 1, 5 and 8. Instead, *Denisart* merely describes scanning a barcode.

Further, the cited references do not disclose the optical reading arrangement generating an output signal representative of at least part of the code, as required under independent Claims 1 and 5. Similarly, the cited references do not disclose or suggest computing a feedback signal... using an output signal of the optical reading arrangement representative of the at least part of the code, as required under independent Claim 8.

Instead, *Denisart* merely discloses scanning a barcode to obtain information about the type or ingredients within the capsule. The barcode scanner or identification device of *Denisart* does not generate any sort of output signal representative of the barcode as required under the pending claims.

Further, the cited references do not disclose a regulator configured for regulating a rotation speed of the centrifugal cell by controlling the drive based on a feedback signal, and a beverage preparation machine being configured to compute the feedback signal using the output signal of the optical reading arrangement representative of the at least part of the code of the capsule read by the optical reading arrangement, as required under independent Claims 1 and 5.

Similarly, the cited references do not disclose or suggest computing a feedback signal using an output signal of the optical reading arrangement representative of the at least part of the code and feeding the feedback signal back to a regulator configured for regulating a drive of the beverage preparation machine to adjust the rotation speed of the capsule, as required under independent Claim 8.

In contrast to the claimed inventions, *Alvarez* merely discloses an optical or Hall effect sensor that measures the rotational speed of the **motor** that powers the rotational driving assembly that drives rotation of the capsule. There is no disclosure or suggestion of providing a feedback signal computed using an output signal of the optical reading arrangement to the regulator to control the drive of the centrifugal cell, as required under independent Claims 1, 5 and 8.

An obviousness rejection must rest on a factual basis, and these facts must be interpreted without hindsight reconstruction of the claimed invention from the prior art and without resort to

speculation, unfounded assumptions or hindsight driven review using Applicant's disclosure as a guide to supply deficiencies in that factual basis.⁴

Neither *Denisart* nor *Alvarez* discloses or suggests:

- an optical reading arrangement configured for reading a code on a periphery of the capsule **while the capsule is rotated in the centrifugal cell relative to the optical reading arrangement, the optical reading arrangement generating an output signal representative of at least part of the code,**
- a regulator configured for **regulating a rotation speed of the centrifugal cell by controlling the drive based on a feedback signal** representative of a difference between a desired rotation speed and a measured rotation speed of the capsule rotated in the centrifugal cell, and
- a beverage preparation machine being configured to **compute the feedback signal using the output signal of the optical reading arrangement representative** of the at least part of the code of the capsule read by the optical reading arrangement,

as required under independent Claims 1 and 5.

Further, neither *Denisart* nor *Alvarez* discloses or suggests:

- reading at least part of a code of a capsule with an optical reading arrangement of a beverage preparation machine **while the capsule is rotated by the beverage preparation machine relative to the optical reading arrangement;**
- **computing a feedback signal... using an output signal of the optical reading arrangement** representative of the at least part of the code; and
- **feeding the feedback signal back to a regulator** configured for regulating a drive of the beverage preparation machine to adjust the rotation speed of the capsule,

as required under independent Claim 8.

Further, the cited references do not provide any motivation to modify *Denisart* and/or *Alvarez* to include these limitations. As such, the skilled artisan would not have combined and/or modified *Denisart* and/or *Alvarez* to somehow arrive at the claimed inventions.

Therefore, Claims 1, 5, 7, 8 and 11 are novel, nonobvious and distinguishable from the cited references. Accordingly, the obviousness rejection of Claims 1, 5, 7, 8 and 11 should be reconsidered and withdrawn.

⁴ *In re GPAC Inc.*, 57 F. 3d 1573, 1582 (Fed. Cir. 1995), citing *In re Warner*, 379 F.2d 1011, 1017 (CCPA 1967), *cert. denied*, 389 U.S. 1057, 88 (1968).

For the foregoing reasons, Applicant respectfully requests reconsideration of the above-identified patent application and earnestly requests an early allowance of the same. In the event there remains any impediment to allowance of the claims which could be clarified in a telephonic interview, the Examiner is respectfully requested to initiate such an interview with the undersigned.

Respectfully submitted,

K&L GATES LLP

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Dated: December 8, 2022

Electronic Acknowledgement Receipt

EFS ID:	47172473
Application Number:	16956726
International Application Number:	
Confirmation Number:	6260
Title of Invention:	BEVERAGE PREPARATION SYSTEM
First Named Inventor/Applicant Name:	Alexandre Perentes
Customer Number:	29157
Filer:	Aaron J. Morrow/US Patent Mail
Filer Authorized By:	Aaron J. Morrow
Attorney Docket Number:	3712036-03728
Receipt Date:	08-DEC-2022
Filing Date:	22-JUN-2020
Time Stamp:	17:06:04
Application Type:	U.S. National Stage under 35 USC 371

Payment information:

Submitted with Payment	no
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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		Response.pdf	154228	yes	12
			a870dfca8f6932fc74b6baef35e61dcba669e4c2		

	Multipart Description/PDF files in .zip description		
	Document Description	Start	End
	Amendment/Request for Reconsideration-After Non-Final Rejection	1	1
	Claims	2	7
	Applicant Arguments/Remarks Made in an Amendment	8	12
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