Title

COLORED SUTURE

Preliminary Class

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 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

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HONEYWELL INTERNATIONAL INC. v. DSM IP ASSETS B.V.
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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).

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HONEYWELL INTERNATIONAL INC. v. DSM IP ASSETS B.V.
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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
12/599,869	01/14/2010	Joseph Arnold Paul Maria J.A.P.M Simmelink	BHD-4662-1326

CONFIRMATION NO. 3921

23117
NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

PUBLICATION NOTICE

OC000000043227701

Title:COLORED SUTURE

Publication No.US-2010-0217317-A1
Publication Date:08/26/2010

NOTICE OF PUBLICATION OF APPLICATION

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

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

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

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

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

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

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HONEYWELL INTERNATIONAL INC. v. DSM IP ASSETS B.V.
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PLUS Search Results for S/N 12599869, Searched Mon Jul 02 15:00:27 EDT 2012

The Patent Linguistics Utility System (PLUS) is a USPTO automated search system for U.S. Patents from 1971 to the present PLUS is a query-by-example search system which produces a list of patents that are most closely related linguistically to the application searched. This search was prepared by the staff of the Scientific and Technical Information Center, SIRA.

20100217317 99
20090048628 83
20090306709 83
20110238092 83
6969553 72
7078097 72
7078099 72
7081297 72
7115318 72
8070998 72
8070998 72
20060051577 72
20060141249 72
20060154059 72
20060172132 72
20080191377 72
20100086781 72
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7364678 62
7638193 62
8022171 62
8022171 62
20060012069 62
20070269654 62
20090012251 62
20090115099 62
20090318048 62
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20100050309 62
20100249831 62

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/599,869	01/14/2010	Joseph Arnold Paul Maria J.A.P.M Simmelink	BHD-4662-1326	3921

23117 7590 07/16/2012

NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

EXAMINER	
DANG, PHONG SON H	
ART UNIT	PAPER NUMBER
3773	

NOTIFICATION DATE	DELIVERY MODE
07/16/2012	ELECTRONIC

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

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

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

PTOMAIL@nixonvan.com
clm@nixonvan.com
pair_nixon@firsttofile.com

Office Action Summary	Application No.	Applicant(s)	
	12/599,869	SIMMELINK ET AL.	
	Examiner	Art Unit	
	SON DANG	3773	

-- 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 *12 November 2009*.

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

3)☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on _____; the restriction requirement and election have been incorporated into this action.

4)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

5)☒ Claim(s) *1-10* is/are pending in the application.

5a) Of the above claim(s) _____ is/are withdrawn from consideration.

6)☐ Claim(s) _____ is/are allowed.

7)☒ Claim(s) *1-10* 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 *11/12/2009*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

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HONEYWELL INTERNATIONAL INC. v. DSM IP ASSETS B.V.
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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. 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.

2. Claims 1-10 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 US 2008/0287990 A1 to Smit.

In regards to claims 1-10:

Smit teaches:

> Suture (paragraph 3) containing filaments of ultra-high molecular weight polyethylene (UHMwPE), characterized in that the suture contains a multi-filament yarn that is obtained by a process comprising the steps of: a) Providing a mixture containing UHMwPE, a spinning solvent and a pigment b) Spinning a multi-filament yarn from the mixture by the gel spinning process (product by process rejection, see below). The UHMwPE has an intrinsic viscosity (IV) of at least 5 dl/g (paragraph 13). The amount of pigment used is between 0.1 and 7.0 wt. % in the final filament as used for the production of the suture (product by process rejection). The amount of pigment used is lower than 5.0 wt. % (product by process rejection, see below). The amount of pigment used is lower than 2.0 wt. % (product by process rejection, see below). The pigment used is an inorganic pigment (product by process rejection, see below). The pigment

contains chromium oxide (product by process rejection, see below). The pigment contains aluminum-chromium-cobalt oxide (product by process rejection, see below). The filaments contain less than 800 ppm of residual amounts of spin solvent, preferably less than 500 ppm of residual amounts of spin solvent, more preferably less than 250 ppm of residual amounts of spin solvent, most preferably less than 100 ppm of residual amounts of spin solvent, such as less than 80 ppm of residual amounts of spin solvent, or less than 60 ppm of residual amounts of spin solvent (product by process rejection, see below). Use of the suture in a surgical method (Abstract).

As set forth in MPEP 2113, product by process claims are not limited to the manipulation of the recited steps, only the structure implied by the steps. Once a product appearing to be substantially the same or similar is found, a 35 USC 102/103 rejection may be made and the burden is shifted to applicant to show an unobvious difference. MPEP 2113.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SON DANG whose telephone number is (571)270-5809. The examiner can normally be reached on Monday-Friday 9:00 AM - 6:00 PM EDT.

If attempts to reach the examiner by telephone are unsuccessful, ***please contact the examiner's supervisor, Corrine McDermott, at* (571) 272-4754**. The fax phone

number for the organization where this application or proceeding is assigned is 571-273-8300.

If there are any inquiries that are not being addressed by first contacting the Examiner or the Supervisor, you may send an email inquiry to TC3700_Workgroup_D_Inquiries@uspto.gov.

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.

/S. D./
Examiner, Art Unit 3773

/Melanie Tyson/
Primary Examiner, Art Unit 3773

Notice of References Cited	Application/Control No. 12/599,869	Applicant(s)/Patent Under Reexamination SIMMELINK ET AL.	
	Examiner SON DANG	Art Unit 3773	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-2008/0287990	11-2008	Smit, Leo	606/228
	B	US-			
	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.

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HONEYWELL INTERNATIONAL INC. v. DSM IP ASSETS B.V.
IPR2024-00493

EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L1	1	12/599869	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/02 11:50
L2	2	("20030050667" | "5613987").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/02 11:52
L3	824	606/228.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/02 11:52
L4	644	suture and ((ultra-high near3 polyethylene) or UHMwPE)	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/02 11:55
L5	202	suture same ((ultra-high near3 polyethylene) or UHMwPE)	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/02 11:55
L6	5	suture same ((ultra-high near3 polyethylene) or UHMwPE) same multi-filament	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/02 11:56
L7	12	suture same ((ultra-high near3 polyethylene) or UHMwPE) and dl/g	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/02 11:57
L8	1	suture same ((ultra-high near3 polyethylene) or UHMwPE) same dl/g	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/02 11:57
L9	12	suture same ((ultra-high near3 polyethylene) or UHMwPE) and dl/g	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/02 11:58
L10	12	suture same ((ultra-high near3 polyethylene) or UHMwPE) and dl/g	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/02 11:59
L11	1	suture same ((ultra-high near3 polyethylene) or UHMwPE) same dl/g	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/02 12:00
L12	32	Simmelink.inv.	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/02 13:26
L13	14	Simmelink.inv. and suture	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/02 13:26
L14	65	3 and suture and ((ultra-high near3 polyethylene) or UHMwPE)	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/02 13:27

7/ 2/ 2012 1:27:46 PM
C:\ Users\ sdang\ Documents\ EAST\ Workspaces\ 12599869.wsp

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HONEYWELL INTERNATIONAL INC. v. DSM IP ASSETS B.V.
IPR2024-00493

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United States Patent and Trademark Office
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P.O. Box 1450
Alexandria, Virginia 22313-1450
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BIB DATA SHEET

CONFIRMATION NO. 3921

SERIAL NUMBER	FILING or 371(c) DATE RULE	CLASS	GROUP ART UNIT	ATTORNEY DOCKET NO.
12/599,869	01/14/2010	606	3773	BHD-4662-1326

APPLICANTS

Joseph Arnold Paul Maria J.A.P.M Simmelink, Cadier En Keer, NETHERLANDS;
Claudia C. Vaz, Maastricht, NETHERLANDS;

**** CONTINUING DATA ***************************

This application is a 371 of PCT/EP08/04135 05/23/2008

**** FOREIGN APPLICATIONS *************************

EUROPEAN PATENT OFFICE (EPO) 07010217.3 05/23/2007

**** IF REQUIRED, FOREIGN FILING LICENSE GRANTED ****

05/16/2010

Foreign Priority claimed ☑ Yes ☐ No 35 USC 119(a-d) conditions met ☑ Yes ☐ No Verified and Acknowledged /SON H DANG/ Examiner's Signature	☐ Met after Allowance Initials	STATE OR COUNTRY	SHEETS DRAWINGS	TOTAL CLAIMS	INDEPENDENT CLAIMS
		NETHERLANDS	0	10	1

ADDRESS

NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203
UNITED STATES

TITLE

COLORED SUTURE

FILING FEE RECEIVED		
1110	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

Receipt date: 11/12/2009 12599869 - GAU: 3773

INFORMATION DISCLOSURE CITATION

(Use several sheets if necessary)

ATTY. DOCKET NO.: 4662-1326
SERIAL NO.: To be assigned
APPLICANT: SIMMELINK et al.
FILING DATE: November 12, 2009
GROUP: To be assigned

U.S. PATENT DOCUMENTS

*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
		5,613,987	03/1997	Kuroki et al.			
		2003/0050667	03/2003	Grafton et al.			

FOREIGN PATENT DOCUMENTS

		DOCUMENT	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES	TRANSLATION NO
		1 306 471	05/2003	EP				
		879 069	10/1961	GB				
		2004/053212	06/2004	WO				
		2005/066401	07/2005	WO				
		1 746 187	01/2007	EP				
		1 847 276	10/2007	EP				

OTHER DOCUMENTS (including Author, Title, Date, Pertinent pages, etc.)

International Search Report for PCT/EP2008/004135, mailed October 2, 2008.

*Examiner	/Phong Son Dang/	Date Considered	07/02/2012

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. Initial a this form with next communication to application.

155

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /S.D./

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	12599869	SIMMELINK ET AL.
	Examiner	Art Unit
	SON DANG	3773

SEARCHED			
Class	Subclass	Date	Examiner
606	228 with text search	7/2/2012	SD

SEARCH NOTES		
Search Notes	Date	Examiner
East Search History	7/2/2012	SD
forward and backward citations	7/2/2012	SD
PLUS SEARCH	7/2/2012	SD
INVENTOR SEARCH	7/2/2012	SD
Consult with SPE Corrine McDermott for rejection	7/2/2012	SD
Consult with Leo Tentoni, Erin Snelting and Jeffrey Wollschlager in class 264	7/2/2012	SD
Consult with Cachet Sellman in class 427	7/2/2012	SD

INTERFERENCE SEARCH			
Class	Subclass	Date	Examiner

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	12599869	SIMMELINK ET AL.
	Examiner	Art Unit
	SON DANG	3773

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

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

CLAIM		DATE								
Final	Original	07/02/2012								
	1	✓								
	2	✓								
	3	✓								
	4	✓								
	5	✓								
	6	✓								
	7	✓								
	8	✓								
	9	✓								
	10	✓								

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HONEYWELL INTERNATIONAL INC. v. DSM IP ASSETS B.V.
IPR2024-00493

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of	Confirmation No.: **3921**
SIMMELINK et al.	Atty. Ref.: **BHD-4662-1326**
Serial No. **12/599,869**	Group: **3773**
Filed: **January 16, 2013**	Examiner: **DANG, Phong Son H.**
For: **COLORED SUTURE**	

* * * * * * * * * * *

January 16, 2013

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

AMENDMENT

Sir:

The following comments and amendments are intended to be fully responsive to the Official Action dated July 16, 2012, petition being hereby made for a time extension of three (3) months, up to and including January 16, 2013.

Pursuant to 37 CFR §1.121, each section of the subject Amendment (e.g., Claim Amendments, Specification Amendments, Drawing Amendments and Remarks) as may be appropriate to the issues raised in the Official Action to which this paper responds, begins on a separate page. Changes to the original text, claims and the like are shown by striking through language to be deleted and underlining of language to be added.

AMENDMENT TO THE CLAIMS:

The following claim set replaces all prior versions, and listings, of claims in the application:

1. (currently amendment) A suture ~~Suture~~ containing filaments of ultra-high molecular weight polyethylene (UHMwPE), wherein ~~characterized in that~~ the suture comprises ~~contains~~ a multi-filament yarn that is obtained by a process comprising the steps of:
   a) providing ~~Providing~~ a mixture containing UHMwPE, a spinning solvent and a pigment; and
   b) spinning ~~Spinning~~ a multi-filament yarn from the mixture by a ~~the~~ gel spinning process.

2. (currently amended) The suture ~~Suture~~ according to claim 1, wherein ~~characterized in that~~ the UHMwPE has an intrinsic viscosity (IV) of at least 5 dl/g.

3. (currently amended) The suture ~~Suture~~ according to claim 1, wherein ~~characterized in that~~ the ~~amount of~~ pigment is present in the mixture in an amount to obtain ~~used is~~ between 0.1 and 7.0 wt. % of the pigment in the ~~final~~ filaments ~~as used for the production~~ of the suture.

4. (currently amended) The suture ~~Suture~~ according to claim 3, wherein ~~characterized in that~~ the amount of pigment present in the filaments of the suture ~~used~~ is lower than 5.0 wt. %.

5. (currently amended) The suture ~~Suture~~ according to claim 4, wherein ~~characterized in that~~ the amount of pigment present in the filaments of the suture ~~used~~ is lower than 2.0 wt. %.

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HONEYWELL INTERNATIONAL INC. v. DSM IP ASSETS B.V.
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6. (currently amended) The suture ~~Suture~~ according to claim 1, wherein ~~characterized in that~~ the pigment ~~used~~ is an inorganic pigment.

7. (currently amended) The suture ~~Suture~~ according to claim 6, wherein ~~characterized in that~~ the pigment contains chromium oxide.

8. (currently amended) The suture ~~Suture~~ according to claim 7, wherein ~~characterized in that~~ the pigment contains aluminum-chromium-cobalt oxide.

9. (currently amended) The suture ~~Suture~~ according to claim 1, wherein ~~characterized in~~ the filaments contain less than 800 ppm of residual amounts of spin solvent~~, preferably less than 500 ppm of residual amounts of spin solvent, more preferably less than 250 ppm of residual amounts of spin solvent, most preferably less than 100 ppm of residual amounts of spin solvent, such as less than 80 ppm of residual amounts of spin solvent, or less than 60 ppm of residual amounts of spin solvent~~.

10. (canceled)

11. (new) The suture according to claim 9, wherein the filaments contain less than 500 ppm of residual amounts of spin solvent.

12. (new) The suture according to claim 9, wherein the filaments contain less than 250 ppm of residual amounts of spin solvent.

13. (new) The suture according to claim 9, wherein the filaments contain less than 100 ppm of residual amounts of spin solvent.

14. (new) The suture according to claim 9, wherein the filaments contain less than 60 ppm of residual amounts of spin solvent.

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REMARKS

Favorable reconsideration and allowance of this application are requested.

1. Discussion of Amendments

By way of the amendment instructions above, the pending claims herein have been amended for the purpose of clarity. In this regard, the claims have been amended so as to employ transitional language more consistent with US practice (e.g., "wherein" viz "characterized in that") and to provide an appropriate article preceding the preamble noun.

The embedded preferences originally expressed by claim 9 have been deleted therefrom and now appear as new claims 11-14.

Claim 10 has been canceled so as to obviate any issue under 35 USC §101.

Therefore, following entry of this claim amendment, claims 1-9 and 11-14 will remain pending herein for consideration. As will become evident from the following discussion, all such pending claims are in condition for allowance.

2. Claim Rejections - 35 USC §§102/103

The sole issue remaining to be resolved in this application is the rejection of prior claims 1-10 under 35 USC §102(b) as allegedly anticipated by, or under 35 USC §103(a) as allegedly obvious over Smit (US 2008/0287990). Applicants suggest that Smit fails to anticipate or render obvious the claims pending herein.

Applicants note in this regard that Smit discloses that a UHMWPE filament may contain customary additives. These additives may (if present) be one or more of a range of substances and as one of these substances, colorants are mentioned.

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It should of course be understood that in this technical field, colorants cover a range of different types of substances, which provide color to a UHMWPE filament including Dyes, Pigments, Inks, Paints and Colored Chemicals. (See for example http://en.wikipedia.org/wiki/Colorant). These colorants interact physically and chemically with the material in which they are mixed in fundamentally different ways. Selecting one member of this group of different types of substances is therefore not arbitrary.

This is further clear when observing that the products of Comparative Test A (colored using dipcoating in a solution with a dye) and Test B (colored by coating with a colored coating containing an azo-dye). Both the yarn of Test A and Test B resulted in leaching in coconut oil whereas the products of Examples 1-4 according to the claimed invention did not leach (see results in Table 1 of the pending patent application).

Smit does not disclose or specify any list of colorants and particularly no colorant is mentioned or utilized in any of the specific embodiments or examples of Smit. The present applicants have discovered that that using a *pigment* had major advantages over other types of colorants in that leaching was diminished. Smit does not teach, suggest or hint to this technical development. Particularly, in the presently claimed invention, several species of particular pigments are claimed in pending claims 6 to 8 as they were found to be highly advantageous in that no leaching or cytotoxicity was observed.

MPEP 2113 emphasizes that product-by-process claims are limited by the structure implied by the process steps and that patentability should be evaluated based on such an implied structure. In the present application, it is therefore important to recognize that the structural implication to the suture of a process containing the steps of

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a) Providing a mixture containing UHMwPE, a spinning solvent and a ***pigment***; and

b) Spinning a multi-filament yarn from the mixture by a gel spinning process,

is that the suture will have ***pigment*** incorporated into the filaments of the yarn. In other words, the process step of providing pigments leads to the necessary structural implication that that pigments are in fact present in the suture and that this presence of pigments should be compared with the elongated surgical repair product of Smit. Indeed, pending claim 3 requires the pigment to be present so that it is present in an amount between 0.1 and 7.0 wt. % in the suture filaments.

An unobvious difference between the surgical repair product of Smit and the suture of the present invention is the resulting improvement in leaching behavior when utilizing the pigment as in the suture according to the presently claimed invention as compared to use of any random selected "colorant" as indicated in Smit. (See the discussion above on the comparison between Tests A and B and Examples 1-4.)

Therefore, based on the remarks above, applicants suggest that all pending claims herein are both novel and patentably unobvious over Smit. Withdrawal of the rejection advanced under 35 USC §§102(b) or 103(a) based on Smit is therefore in order.

[INTENTIONALLY LEFT BLANK]

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3. Fee Authorization

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: /Bryan H. Davidson/
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Electronic Patent Application Fee Transmittal

Application Number:	12599869
Filing Date:	14-Jan-2010
Title of Invention:	COLORED SUTURE
First Named Inventor/Applicant Name:	Joseph Arnold Paul Maria J.A.P.M Simmelink
Filer:	Bryan H. Davidson/Dawn Barbour
Attorney Docket Number:	BHD-4662-1326

Filed as Large Entity

U.S. National Stage under 35 USC 371 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 - 3 months with $0 paid	1253	1	1290	1290

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Miscellaneous:				
		Total in USD ($)		**1290**

Electronic Acknowledgement Receipt	
EFS ID:	14712333
Application Number:	12599869
International Application Number:	
Confirmation Number:	3921
Title of Invention:	COLORED SUTURE
First Named Inventor/Applicant Name:	Joseph Arnold Paul Maria J.A.P.M Simmelink
Customer Number:	23117
Filer:	Bryan H. Davidson/Dawn Barbour
Filer Authorized By:	Bryan H. Davidson
Attorney Docket Number:	BHD-4662-1326
Receipt Date:	16-JAN-2013
Filing Date:	14-JAN-2010
Time Stamp:	12:34:17
Application Type:	U.S. National Stage under 35 USC 371

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	$1290
RAM confirmation Number	10288
Deposit Account	141140
Authorized User	DAVIDSON, BRYAN H.
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows: Charge any Additional Fees required under 37 C.F.R. Section 1.21 (Miscellaneous fees and charges)	

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		01-16-2013_AMENDMENT.pdf	39387 4eb1e0ceb6a8f79da030334efe4072ee6bc62c89	yes	7

Multipart Description/PDF files in .zip description		
Document Description	**Start**	**End**
Amendment/Req. Reconsideration-After Non-Final Reject	1	1
Claims	2	3
Applicant Arguments/Remarks Made in an Amendment	4	7

Warnings:

Information:

2	Fee Worksheet (SB06)	fee-info.pdf	30711 69a759592f689605c2a043554815f489a6c1e0a8	no	2

Warnings:

Information:

Total Files Size (in bytes):	70098

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

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

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

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

PTO/SB/06 (07-06)
Approved for use through 1/31/2007. 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	Filing Date	☐ To be Mailed
12/599,869	01/14/2010	

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), (i), 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 $ =		OR	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

AMENDMENT 01/16/2013	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	SMALL ENTITY RATE ($)	ADDITIONAL FEE ($)	OR	OTHER THAN SMALL ENTITY RATE ($)	ADDITIONAL FEE ($)
Total (37 CFR 1.16(i))	* 13	Minus	** 20	= 0	X $ =		OR	X $62=	0
Independent (37 CFR 1.16(h))	* 1	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))							OR		
					TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE	0

AMENDMENT	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	RATE ($)	ADDITIONAL FEE ($)		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))							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:
/Tina J. Barden/

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.
12/599,869	01/14/2010	Joseph Arnold Paul Maria J.A.P.M Simmelink	BHD-4662-1326	3921

23117 7590 05/30/2013

NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

EXAMINER	
DANG, PHONG SON H	
ART UNIT	**PAPER NUMBER**
3773	

NOTIFICATION DATE	DELIVERY MODE
05/30/2013	ELECTRONIC

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

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

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

PTOMAIL@nixonvan.com
pair_nixon@firsttofile.com

Office Action Summary	Application No. 12/599,869	Applicant(s) SIMMELINK ET AL.	
	Examiner SON DANG	Art Unit 3773	AIA (First Inventor to File) Status No

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

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* 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 January 2013*.

☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on _____.

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

3)☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on _____; the restriction requirement and election have been incorporated into this action.

4)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

5)☒ Claim(s) *1-9 and 11-14* is/are pending in the application.

5a) Of the above claim(s) _____ is/are withdrawn from consideration.

6)☐ Claim(s) _____ is/are allowed.

7)☒ Claim(s) *1-9 and 11-14* is/are rejected.

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

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

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

Application Papers

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

11)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

Priority under 35 U.S.C. § 119

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

Certified copies:

a)☐ All b)☐ Some * c)☐ None of the:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

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

Interim copies:

a)☐ All b)☐ Some c)☐ None of the: Interim copies of the priority documents have been received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

3) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

4) ☐ Other: _____.

DETAILED ACTION

1. The amendment on 01/16/2013 has been entered. Claim 10 has been cancelled. Claims 11-14 have been added. Claims 1-9 and 11-14 are pending.

Claim Rejections - 35 USC § 103

2. 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 negatived by the manner in which the invention was made.

3. Claims 1-9 and 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over 6,060,007 to Hutton et al. (Hutton) in view of US 2003/0050667 A1 to Grafton et al. (Grafton).

In regards to claim 1:

Hutton teaches:

A process for forming dyed braided suture comprising colorant to dye the suture comprises pigment powder (Col. 2, lines 26-27).

Hutton fails to teach:

A suture containing filaments of ultra-high molecular weight polyethylene (UHMwPE).

Grafton teaches:

A suture containing filaments of ultra-high molecular weight polyethylene (UHMwPE) (Abstract).

It would have been obvious to one of ordinary skill in the art at the time of the invention to employed the teaching of using suture containing filaments of ultra-high molecular weight polyethylene (UHMwPE) as taught by Grafton into Hutton in order to strengthening the suture.

Claim 2-9 and 11-14 are being rejected with a product-by-process rejections. As set forth in MPEP 2113, product by process claims are not limited to the manipulation of the recited steps, only the structure implied by the steps. Once a product appearing to be substantially the same or similar is found, a 35 USC 102/103 rejection may be made and the burden is shifted to applicant to show an unobvious difference. MPEP 2113.

Response to Arguments

4. Applicant's arguments with respect to claims 1-9 and 11-14 have been considered but are moot because the arguments do not apply to any of the references being used in the current rejection.

Conclusion

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

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SON DANG whose telephone number is (571)270-5809. The examiner can normally be reached on Monday-Friday 9:00 AM - 6:00 PM EDT.

If attempts to reach the examiner by telephone are unsuccessful, ***please contact the examiner's supervisor, Corrine McDermott, at* (571) 272-4754**. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

If there are any inquiries that are not being addressed by first contacting the Examiner or the Supervisor, you may send an email inquiry to TC3700_Workgroup_D_Inquiries@uspto.gov.

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.

/S. D./
Examiner, Art Unit 3773

/Melanie Tyson/
Primary Examiner, Art Unit 3773

Notice of References Cited	Application/Control No. 12/599,869	Applicant(s)/Patent Under Reexamination SIMMELINK ET AL.	
	Examiner SON DANG	Art Unit 3773	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-6,060,007	05-2000	Hutton et al.	264/78
*	B	US-5,651,377	07-1997	O'Donnell, Jr., Francis E.	128/898
	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.

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HONEYWELL INTERNATIONAL INC. v. DSM IP ASSETS B.V.
IPR2024-00493

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	12599869	SIMMELINK ET AL.
	Examiner	Art Unit
	SON DANG	3773

CPC- SEARCHED		
Symbol	Date	Examiner

CPC COMBINATION SETS - SEARCHED		
Symbol	Date	Examiner

US CLASSIFICATION SEARCHED			
Class	Subclass	Date	Examiner
606	228 with text search	7/2/2012	SD

SEARCH NOTES		
Search Notes	Date	Examiner
East Search History	7/2/2012	SD
forward and backward citations	7/2/2012	SD
PLUS SEARCH	7/2/2012	SD
INVENTOR SEARCH	7/2/2012	SD
Consult with SPE Corrine McDermott for rejection	7/2/2012	SD
Consult with Leo Tentoni, Erin Snelting and Jeffrey Wollschlager in class 264	7/2/2012	SD
Consult with Cachet Sellman in class 427	7/2/2012	SD
UPDATED SEARCH	5/23/2013	SD
Consult with SPE Corrine McDermott	5/23/2013	SD

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

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	12599869	SIMMELINK ET AL.
	Examiner	Art Unit
	SON DANG	3773

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

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

CLAIM		DATE								
Final	Original	07/02/2012	05/23/2013							
	1	✓	✓							
	2	✓	✓							
	3	✓	✓							
	4	✓	✓							
	5	✓	✓							
	6	✓	✓							
	7	✓	✓							
	8	✓	✓							
	9	✓	✓							
	10	✓	-							
	11		✓							
	12		✓							
	13		✓							
	14		✓							

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EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
S1	1	12/599869	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/02 11:50
S2	2	("20030050667" | "5613987").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/02 11:52
S3	824	606/228.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/02 11:52
S4	644	suture and ((ultra-high near3 polyethylene) or UHMwPE)	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/02 11:55
S5	202	suture same ((ultra-high near3 polyethylene) or UHMwPE)	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/02 11:55
S6	5	suture same ((ultra-high near3 polyethylene) or UHMwPE) same multi-filament	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/02 11:56
S7	12	suture same ((ultra-high near3 polyethylene) or UHMwPE) and dl/g	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/02 11:57
S8	1	suture same ((ultra-high near3 polyethylene) or UHMwPE) same dl/g	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/02 11:57
S9	12	suture same ((ultra-high near3 polyethylene) or UHMwPE) and dl/g	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/02 11:58
S10	12	suture same ((ultra-high near3 polyethylene) or UHMwPE) and dl/g	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/02 11:59
S11	1	suture same ((ultra-high near3 polyethylene) or UHMwPE) same dl/g	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/02 12:00
S12	32	Simmelink.inv.	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/02 13:26

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S13	14	Simmelink.inv. and suture	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/02 13:26
S14	65	S3 and suture and ((ultra-high near3 polyethylene) or UHMwPE)	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/02 13:27
S15	33	UHMwPE and spinning and solvent and pigment	US-PGPUB; USPAT; USOCR	OR	OFF	2013/05/22 14:08
S16	26	(suture or filament) and UHMwPE and spinning and solvent and pigment	US-PGPUB; USPAT; USOCR	OR	OFF	2013/05/22 14:08
S17	2	(suture or filament) and UHMwPE same spinning same solvent same pigment	US-PGPUB; USPAT; USOCR	OR	OFF	2013/05/22 14:08
S18	10	(suture or filament) and UHMwPE and spinning with solvent and pigment	US-PGPUB; USPAT; USOCR	OR	OFF	2013/05/22 14:11
S19	404	spinning same solvent same pigment	US-PGPUB; USPAT; USOCR	OR	OFF	2013/05/22 15:00
S20	1	suture same spinning same solvent same pigment	US-PGPUB; USPAT; USOCR	OR	OFF	2013/05/22 15:01
S21	343	UHMwPE and pigment	US-PGPUB; USPAT; USOCR	OR	OFF	2013/05/22 15:19
S22	49	(suture or filament) and UHMwPE and solvent and pigment	US-PGPUB; USPAT; USOCR	OR	OFF	2013/05/22 15:19
S23	2	(suture or filament) and UHMwPE same solvent same pigment	US-PGPUB; USPAT; USOCR	OR	OFF	2013/05/22 15:21
S24	3	(suture or filament) same UHMwPE same pigment	US-PGPUB; USPAT; USOCR	OR	OFF	2013/05/22 15:22
S25	2	suture same UHMwPE same pigment	US-PGPUB; USPAT; USOCR	OR	OFF	2013/05/22 15:26
S26	2	suture and UHMwPE same pigment	US-PGPUB; USPAT; USOCR	OR	OFF	2013/05/22 15:27
S27	25	suture and UHMwPE and pigment	US-PGPUB; USPAT;	OR	OFF	2013/05/22 15:27

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