

			USOCR			
S28	74	suture and UHMwPE and pigment	US-PGPUB; USPAT; USOCR	OR	ON	2013/05/22 15:27
S29	9	suture and multi-filament and UHMwPE and pigment	US-PGPUB; USPAT; USOCR	OR	OFF	2013/05/22 15:28
S30	6	(US-20080004702-\$ or US-20030050667-\$ or US-20080287990-\$ or US-20090048628-\$ or US-20070154707-\$).did. or (US-5370911-\$).did.	US-PGPUB; USPAT	OR	ON	2013/05/22 15:34
S31	1	S30 and pigment	US-PGPUB; USPAT; USOCR	OR	ON	2013/05/22 15:35
S32	2	suture same UHMwPE same pigment	US-PGPUB; USPAT; USOCR	OR	OFF	2013/05/22 15:35
S33	117	suture with pigment	US-PGPUB; USPAT; USOCR	OR	OFF	2013/05/22 15:36
S34	1	suture and multi-filament with pigment	US-PGPUB; USPAT; USOCR	OR	OFF	2013/05/22 15:36
S35	9	multi-filament and UHMwPE and pigment	US-PGPUB; USPAT; USOCR	OR	OFF	2013/05/22 15:37
S36	2	multi-filament same UHMwPE and pigment	US-PGPUB; USPAT; USOCR	OR	OFF	2013/05/22 15:37
S37	2	multi-filament and suture with pigment	US-PGPUB; USPAT; USOCR	OR	OFF	2013/05/22 15:43

EAST Search History (Interference)

< This search history is empty >

5/ 23/ 2013 2:26:54 PM**C:\Users\sdang\Documents\EAST\Workspaces\12599869.wsp**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Before the Patent Trial and Appeal Board**

In re Patent Application of

Atty Dkt. BHD-4662-1326

SIMMELINK et al.

Conf. No.: 3921

Art Unit: 3773

Appln. No. 12/599,869

Examiner: DANG, Phong Son H.

Filed: January 16, 2013

Date: December 2, 2013

Title: COLORED SUTURE

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

Sir:

☒ **NOTICE OF APPEAL**

Applicant hereby **appeals** to the Patent Trial and Appeal Board
from the last decision of the Examiner twice/finally
rejecting applicant's claim(s).

\$800.00 (1401)/\$400.00 (2401)/\$ 200.00 \$ 800.00
(3401)

☐ Credit for fees paid in prior appeal without decision on merits -\$ ()

☐ Pre-Appeal Brief Request for Review form attached

☐ Appeal Brief is attached. \$ (no fee)

☒ Petition is hereby made to extend the current due date so as to cover the filing date of this
paper and attachment(s)
1 Mo. Extension \$200.00 (1251)/\$100.00 (2251) /\$50.00 (3251) \$ 1400.00
2 Mo. Extensions \$600.00 (1252)/\$300.00 (2252) /\$150.00 (3252)
3 Mo. Extensions \$1400.00 (1253)/\$700.00 (2253) /\$350.00 (3253)
4 Mo. Extensions \$2200.00 (1254)/\$1100.00 (2254) /\$550.00 (3254)
5 Mo. Extension \$3000.00 (1255)/\$1500.00 (2255)/\$750.00

Less month extension previously paid on -\$ ()

☐ Appeal Forwarding Fee (waived if Appeal Brief and
Appeal Brief Fee paid by March 18, 2013) \$2000.00 (1413)/\$1000.00 (2413)/\$500.00 (3413) \$

☐ An **ORAL HEARING** is requested under Rule 41.47 \$ 1300.00 (1403)/\$650.00 (2403)/ \$325.00 \$
(3403)
(due within two months after Examiner's Answer) (Due date not extendible)

☐ Reply Brief is attached. (Due date not extendible) (no fee)

☐ "Small entity" status applies. ☐ "Micro entity" status applies.

☐ Applicant claims "micro entity" status ☐ Micro entity certification statement filed herewith

TOTAL FEE ENCLOSED \$ 2200.00

☐ Correspondence Address Indication Form.

☒ **CREDIT CARD OR DEPOSIT ACCOUNT PAYMENT (CREDIT CARD FORM ATTACHED IF PAPER FILING).**

Any future submission requiring an extension of time is hereby stated to include a petition for such time extension.
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 **Deposit Account No. 14-1140**.

901 North Glebe Road, 11th Floor
Arlington, Virginia 22203-1808
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BHD:dlb

NIXON & VANDERHYE P.C.
By Atty: Bryan H. Davidson, Reg. No. 30,251

Signature: /Bryan H. Davidson/

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:				
Notice of Appeal	1401	1	800	800
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Extension - 3 months with \$0 paid	1253	1	1400	1400
Miscellaneous:				
Total in USD (\$)				2200

Electronic Acknowledgement Receipt	
EFS ID:	17542304
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:	02-DEC-2013
Filing Date:	14-JAN-2010
Time Stamp:	16:51:48
Application Type:	U.S. National Stage under 35 USC 371

Payment information:

Submitted with Payment	yes
Payment Type	Deposit Account
Payment was successfully received in RAM	\$ 2200
RAM confirmation Number	4447
Deposit Account	141140
Authorized User	

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	Notice of Appeal Filed	12-02-2013_Notice_of_Appeal.pdf	66077 3ec573ff3d9b55bbcd38d51a5c1f206be843b414	no	1
Warnings:					
Information:					
2	Fee Worksheet (SB06)	fee-info.pdf	32469 16e59950a84ddceee2932f354d639dd2bf69e578	no	2
Warnings:					
Information:					
Total Files Size (in bytes):			98546		
<p>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.</p> <p><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.</p> <p><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.</p> <p><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.</p>					



REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL Address to: Mail Stop RCE Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	Application Number		12/599,869	
	Filing Date		January 16, 2013	
	First Named Inventor		SIMMELINK	
	Group Art Unit	3773	Conf. No.	3921
	Examiner Name		DANG, Phong Son H.	
	Attorney Docket Number		BHD-4662-1326	

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application. Request for continued Examination (RCE) practice under 37 C.F.R. § 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 C.F.R. § 1.114.**

a. ☐ Previously submitted (Note: Any previously filed unentered amendments will be entered unless applicant instructs otherwise. If applicant does not wish to have previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).)

i. ☐ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on _____

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

iii. ☐ Other _____

b. ☒ Enclosed

i. ☒ Amendment/Reply

ii. ☐ Affidavit(s)/Declaration(s)

iii. ☒ Information Disclosure Statement (IDS)

iv. ☐ Other _____

2. **Miscellaneous**

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

b. ☐ Other _____

3. **Fees** The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

a. ☐ Applicant claims "small entity" status.

☐ Applicant claims "micro entity" status. ☐ Micro entity certification statement filed herewith.

b. ☒ Fees are attached as calculated below:

i. ☒ RCE fee required under 37 C.F.R. § 1.17(e)(1) \$1200.00 (1801)/\$600.00 (2801) /\$300.00 (3801) \$ 1200.00

☐ RCE fee required under 37 C.F.R. § 1.17(e)(2) \$1700.00 (1820)/\$850.00 (2820) /\$425.00 (3820) \$

ii. ☐ Petition is made to extend the due date _____ months (less _____ months previously paid) \$

iii. ☒ Other 2 Claims in Excess of 20 (2 x \$80 = \$160.00 (1202)) \$ 160.00

c. ☒ CREDIT CARD OR DEPOSIT ACCOUNT PAYMENT (CREDIT CARD FORM ATTACHED IF PAPER FILING) in the amount of \$1360.00

d. ☒ The Director is hereby authorized to charge any deficiency in the fee(s) filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm), to Deposit Account No. 14-1140.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED			
Name (Print Type)	Bryan H. Davidson	Registration No. (Attorney/Agent)	30,251
Signature	/Bryan H. Davidson/	Date	February 3, 2014 (Monday)

CERTIFICATE OF MAILING OR TRANSMISSION			
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on:			
Name (Print Type)			
Signature		Date	

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

SIMMELINK et al.

Serial No. **12/599,869**

Filed: **January 16, 2013**

For: **COLORED SUTURE**

Confirmation No.: **3921**

Atty. Ref.: **BHD-4662-1326**

Group: **3773**

Examiner: **DANG, Phong Son H.**

* * * * *

February 3, 2014

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

AMENDMENT II

Sir:

The following comments and amendments are intended to be fully responsive to the "final" Official Action dated May 30, 2013, and are being filed subsequent to the Notice of Appeal dated December 2, 2013, which set a further action due date of February 2, 2014 (a Sunday).

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 ~~comprising containing filaments of ultra-high molecular weight polyethylene (UHMwPE), wherein the suture comprises a multi-filamentary yarn~~ comprised of multiple gel-spun pigment-containing filaments of ultra-high molecular weight polyethylene (UHMwPE) that is obtained by a process comprising the steps of:
 - a) providing a mixture ~~comprised of containing~~ UHMwPE having an intrinsic viscosity (IV) of at least 5 dl/g, a spinning solvent and a pigment; and
 - b) spinning multiple filaments ~~a multi-filament yarn~~ from the mixture by a gel spinning process; and
 - c) at least partly removing the spinning solvent from the multiple filaments to obtain a multi-filamentary yarn comprised of the multiple gel-spun pigment-containing UHMwPE filaments.
2. (canceled)
3. (previously presented) The suture according to claim 1, wherein the pigment is present in the mixture in an amount to obtain between 0.1 and 7.0 wt. % of the pigment in the filaments of the suture.
4. (previously presented) The suture according to claim 3, wherein the amount of pigment present in the filaments of the suture is lower than 5.0 wt. %.
5. (previously presented) The suture according to claim 4, wherein the amount of pigment present in the filaments of the suture is lower than 2.0 wt. %.

6. (previously presented) The suture according to claim 1, wherein the pigment is an inorganic pigment.
7. (previously presented) The suture according to claim 6, wherein the pigment contains chromium oxide.
8. (previously presented) The suture according to claim 7, wherein the pigment contains aluminum-chromium-cobalt oxide.
9. (currently amended) The suture according to claim 1, wherein the filaments contain a residual amount of less than 800 ppm ~~of residual amounts of the spinning spin~~ solvent.
10. (canceled)
11. (currently amended) The suture according to claim 9, wherein the filaments contain a residual amount of less than 500 ppm ~~of residual amounts of the spinning spin~~ solvent.
12. (currently amended) The suture according to claim 9, wherein the filaments contain a residual amount of less than 250 ppm ~~of residual amounts of the spinning spin~~ solvent.
13. (currently amended) The suture according to claim 9, wherein the filaments contain a residual amount of less than 100 ppm ~~of residual amounts of the spinning spin~~ solvent.
14. (currently amended) The suture according to claim 9, wherein the filaments contain a residual amount of less than 60 ppm ~~of residual amounts of the spinning spin~~ solvent.

15. (new) The suture according to claim 9, wherein the UHMWPE has an IV of between about 8 and 40 dl/g.
16. (new) A suture consisting of a multi-filamentary yarn, wherein at least 50 mass% of the yarn consists of gel-spun filaments consisting of ultra-high molecular weight polyethylene (UHMWPE) having an intrinsic viscosity (IV) of between about 8 and 40 dl/g, between 0.1 and 7.0 wt.% of an inorganic pigment, a residual amount of less than about 800 ppm of a spin solvent, and less than 1000 ppm of further constituents.
17. (new) The suture according to claim 16, wherein the amount of pigment present in the filaments of the suture is lower than 5.0 wt. %.
18. (new) The suture according to claim 16, wherein the amount of pigment present in the filaments of the suture is lower than 2.0 wt. %.
19. (new) The suture according to claim 16, wherein the inorganic pigment is chromium oxide.
20. (new) The suture according to claim 19, wherein the inorganic pigment is aluminum-chromium-cobalt oxide.
21. (new) The suture according to claim 16, wherein the filaments contain a residual amount of less than 500 ppm of the spin solvent.
22. (new) The suture according to claim 16, wherein the filaments contain a residual amount of less than 250 ppm of the spin solvent.
23. (new) The suture according to claim 16, wherein the filaments contain a residual amount of less than 100 ppm of the spin solvent.

SIMMELINK et al.
Serial No. 12/599,869
February 3, 2014

24. (new) The suture according to claim 16, wherein the filaments contain a residual amount of less than 60 ppm of the spin solvent.

REMARKS

Favorable reconsideration and allowance of this application are requested.

1. Request for Continued Examination

As a procedural note, the present amendment is being filed concurrently with a formal Request for Continued Examination (RCE) under 37 CFR §1.114. Accordingly withdrawal of the "finality" of the May 30, 2013 Official Action is in order so as to allow entry and consideration of the amendments and remarks presented herewith.

2. Discussion of Amendments

By way of the amendment instructions above, pending independent claim 1 has been amended in the interests of clarity and to improve claim syntax. For example, claim 1 now requires that the claimed suture be comprised of a multi-filamentary yarn comprised of multiple pigment-containing filaments of ultra-high molecular weight polyethylene (UHMwPE). The UHMwPE that is gel-spun is required to have an intrinsic viscosity (IV) of at least 5 dl/g as was recited by prior claim 2 (which has now been canceled as redundant).

Claim 1 has also been amended to clarify that the spin solvent is at least partly removed to thereby provide the multiple gel-spun pigment-containing UHMwPE filaments.

Claim 15 is new and recites the IV of the UHMwPE of between about 8 to about 40 dl/g as supported by page 3, lines 5-6 of the originally filed specification.

Claim 16 is also new and is independent form. Claim 16 is similarly directed toward a suture comprised of a multi-filamentary yarn, wherein at least 50 mass% of the yarn is comprised of gel-spun filaments consisting of ultra-high molecular weight polyethylene (UHMwPE) (as supported by page 5, lines 12-13 of the originally filed

specification) having an intrinsic viscosity (IV) of between about 8 and 40 dl/g (as supported by page 3, lines 5-6 of the originally filed specification), between 0.1 and 7.0 wt.% of an inorganic pigment (as supported by original claims 3 and 6), less than about 800 ppm of residual spin solvent (as supported by page 4, lines 9-10 of the originally filed specification), and less than 1000 ppm of further constituents (as supported by page 4, lines 27-29) of the originally filed specification).

New claims 17-24 are based on the prior submitted claims, but are dependent from new independent claim 16.

Therefore, following entry of this claim amendment, claims 1, 3-9 and 11-24 will remain pending herein for consideration. As will become evident from the following discussion, all such pending claims are in condition for allowance.

3. Claim Rejections - 35 USC §103

The only issue remaining to be resolved in this application is the rejection of the prior pending claims herein as allegedly “obvious”, and hence unpatentable, under 35 USC §103(a) over Hutton (USP 6060007) in view of Grafton (US 2003/0050667). Applicants suggest that neither Hutton nor Grafton is an appropriate reference against the claims now pending herein.

As was noted previously, the presently claimed invention results in a suture formed of a multi-filamentary yarn comprised of multiple gel-spun pigment-containing filaments of ultra-high molecular weight polyethylene (UHMwPE). Thus, the UHMwPE filaments of the yarn contain pigments as part of each filament. Moreover, since the filaments are gel-spun and are formed into a suture, a low residual spin solvent must be present. It is therefore against this backdrop that the prior art must be analyzed.

In this regard, applicants note that Hutton et al concerns a colored braided suture. Significantly, the colorant is a “free-flowing dye or pigment powder at room

temperature” (col. 2, l. 25-26). The list of typical dyes that may be employed according to Hutton et al include: C.I. 74160 [organic copper-complex powder], C.I.61565 [organic powder], C.I.60725 [organic powder], C.I. 73000 [organic powder]. (col. 2, l. 27-34). No inorganic pigments are disclosed. Moreover, at least C.I. 60725 is specifically not suitable for low density (LD) and high density (HD) polyethylene as is evidenced from the BASF

Hutton requires a dry mix of dye and thermoplastic resin. Moreover, Hutton instructs that “...to conduct the blending step the dye is dry dispersed into the bulk form of the thermoplastic resin prior to extruding.” Hutton also requires melt spinning (“...the dry blend of resin and colorant is then extruded by melt spinning” (col. 2, l. 36-38, 62-63, and claim 1) In direct contrast, the UHMwPE filaments of the claimed invention are gel-spun – i.e. a solution mixture comprised of the UHMwPE, a spinning solvent and the pigment is spun such that the filaments are formed when the solvent is at least partly removed. There is therefore no disclosure in Hutton that the techniques therein would also apply outside the strict limitations regarding “melt-spinning” and “dry blend”.

Hutton uses PET (polyester) but also mentions other types of resin including generally a polyethylene resin (col. 2, l. 10-18). Hutton also mentions that the intrinsic viscosity of the resin should be above 0.95 (with no unit indicated, but presumably dl/g). Even if it is assumed that the IV of the general polyethylene resin as disclosed by Hutton may be above 0.95 dl/g, the ordinarily skilled person would recognize that the IV of the UHMwPE as used in the presently claimed invention (i.e., at least 5 dl/g) would be much too high to melt extrude. The ordinarily skilled person would therefore not consider Hutton to be pertinent to high IV resins, such as the UHMwPE as is employed in the practice of the presently claimed invention, since such high IV resins could not be melt-spun as is otherwise taught by Hutton.

It should specifically be noted that Grafton discloses a suture which includes a “cover” formed of UHMwPE strands 8 which are braided with strands 10 and 12 of polyester. Significantly, Grafton discloses that:

“UHMwPE strands 8 are substantially translucent or colorless. The majority of the polyester strands 10 are white (undyed), with one or more additional polyester or nylon strands 12 having a contrasting color provide a trace in the suture. Due to the transparent nature of the UHMwPE, the suture takes on the color of strands 10 and 12.” (paragraph [0020], emphasis added)

Thus, there is certainly no teaching or suggestion in Grafton of providing UHMwPE filaments with a pigment as is specifically required by the claims pending herein. Instead, the teaching of Grafton is that, if one wants to impart color to the suture, then filaments other than UHMwPE filaments are dyed. Therefore, even if UHMwPE of Grafton were to be employed in the filaments of Hutton, they would not contain pigments as Grafton specifically teaches that such UHMwPE filaments are pigment free.

Thus, given that Hutton does not suggest at all that the filaments disclosed therein are gel-spun, and that Grafton teaches that UHMwPE filaments are pigment-free, then an ordinarily skilled person would have been given no expectation of success even the slightest guidance to the gel-spun pigment-containing UHMwPE filaments as defined by the claims pending herein.

In view of the above, therefore, applicants suggest that all claims now pending in this application are in condition for allowance. An early and favorable action in that regard is solicited.

SIMMELINK et al.
Serial No. 12/599,869
February 3, 2014

4. 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/
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:				
Claims in excess of 20	1615	2	80	160
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:				
Request for Continued Examination	1801	1	1200	1200
Total in USD (\$)				1360

Electronic Acknowledgement Receipt	
EFS ID:	18100782
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:	03-FEB-2014
Filing Date:	14-JAN-2010
Time Stamp:	18:17:07
Application Type:	U.S. National Stage under 35 USC 371

Payment information:

Submitted with Payment	yes
Payment Type	Deposit Account
Payment was successfully received in RAM	\$1360
RAM confirmation Number	5317
Deposit Account	141140
Authorized User	
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	Request for Continued Examination (RCE)	02-03-2014_RCE_Coversheet.pdf	106607	no	1
			70290c214d62cb14ea92149c2eec235259eae3		
Warnings:					
This is not a USPTO supplied RCE SB30 form.					
Information:					
2		02-03-2014_AMD_II.pdf	99975	yes	10
			1abd6dd650ec11be408050f210b93c4d8f230db		
	Multipart Description/PDF files in .zip description				
	Document Description		Start	End	
	Amendment Submitted/Entered with Filing of CPA/RCE		1	1	
	Claims		2	5	
	Applicant Arguments/Remarks Made in an Amendment		6	10	
Warnings:					
Information:					
3	Information Disclosure Statement (IDS) Form (SB08)	02-03-2014_PTO_SB08a.pdf	86257	no	1
			4b90f902bffbcca72f099a0ab7db02a85aee5ee7		
Warnings:					
Information:					
This is not an USPTO supplied IDS fillable form					
4	Non Patent Literature	02-03-2014_Thermoplast_Blue_684.pdf	220525	no	10
			31ffc68a90941de73cf2ce63ff83f5529b3cde2c		
Warnings:					
Information:					
5	Fee Worksheet (SB06)	fee-info.pdf	32334	no	2
			ba75f47adb57129f651552db74a0c89d6ce485a6		
Warnings:					
Information:					
Total Files Size (in bytes):			545698		

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.

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875				Application or Docket Number 12/599,869		Filing Date 01/14/2010		☐ 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), (i), or (m))	N/A	N/A				N/A			
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A				N/A			
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =	*				X \$	=		
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*				X \$	=		
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$310 (\$155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).								
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))									
* If the difference in column 1 is less than zero, enter "0" in column 2.						TOTAL			
APPLICATION AS AMENDED – PART II									
(Column 1)		(Column 2)		(Column 3)					
AMENDMENT	02/03/2014	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)		ADDITIONAL FEE (\$)	
	Total (37 CFR 1.16(i))	* 22	Minus	** 20	= 2	x \$80 =		160	
	Independent (37 CFR 1.16(h))	* 2	Minus	*** 3	= 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		160	
(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.						LIE /DAWN BREWER/			

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 08/20/2014 NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203			EXAMINER DANG, PHONG SON H	
			ART UNIT 3773	PAPER NUMBER
			NOTIFICATION DATE 08/20/2014	DELIVERY MODE 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 MONTHS FROM THE MAILING DATE OF THIS COMMUNICATION.

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

Status

1) ☒ Responsive to communication(s) filed on 02/03/2014.

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

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

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

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

Disposition of Claims*

5) ☒ Claim(s) 1,3-9 and 11-24 is/are pending in the application.

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

6) ☐ Claim(s) _____ is/are allowed.

7) ☒ Claim(s) 1,3-9 and 11-24 is/are rejected.

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

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

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

Application Papers

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

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

Priority under 35 U.S.C. § 119

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

Certified copies:

a) ☐ All b) ☐ Some** c) ☐ None of the:

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

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

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

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

Attachment(s)

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

2) ☒ Information Disclosure Statement(s) (PTO/SB/08a and/or PTO/SB/08b)
 Paper No(s)/Mail Date 02/03/2014.

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

4) ☐ Other: _____.

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

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 02/03/2014 has been entered.

Claim Rejections - 35 USC § 102

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

A person shall be entitled to a patent unless –

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

4. Claim 1 is rejected under pre-AIA 35 U.S.C. 102(b) as being anticipated by US 2003/0050667 to Grafton et al. (Grafton).

Grafton teaches:

A multi-filamentary yarn comprised of multiple gel-spun pigment-containing filaments of ultra-high molecular weight polyethylene (UHMwPE) (suture 2, Fig. 1, paragraph 13).

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. Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over A1 to Grafton in view of US 2006/0045899 to Sarangapani.

Grafton teaches:

The suture according to claim 1 (see rejection of claim 1 above).

Grafton fails to teach:

The pigment is present in the mixture in the amount between 0.1 and 7.0 wt. %, lower than 5.0 wt. % and lower than 2.0 wt. % of the pigment in the filament of the suture.

Sarangapani teaches:

Antimicrobial composition for medical articles disclosing coloring pigments is approved by the FDA to be used is about 0.001 to about 0.25 wt.% (paragraph 19).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to employed the teaching of using pigments as taught by Sarangapani into Grafton for suture coloring since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. In re Aller, 105 USPQ 233.

7. Claim 6 is rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over Grafton in view of US 2005/0208096 to Shalaby.

Grafton teaches:

The suture according to claim 1 (see rejection of claim 1 above).

Grafton fails to teach:

The pigment is an inorganic pigment.

Shalaby teaches:

Color-Fast radiation sterilized implants comprising surgical implants such as sutures comprising inorganic pigment (paragraph 11).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to used inorganic pigment as taught by Shalaby into Grafton as a substitution of one known method of dying suture for another.

8. Claim 7 is rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over Grafton in view of Shalaby and further in view of US 3,565,652 to Staats G. Burnet (Burnet).

Grafton in view of Shalaby teach:

The suture according to claim 6 (see rejection of claim 6 above).

Grafton in view of Shalaby fails to teach:

The pigment contains chromium oxide.

Burnet teaches:

Method of coloring viscose comprising filament that used pigments
containing chromium oxide (Col. 1, lines 63-66).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to employ pigments containing chromium oxide as taught by Burnet into the suture of Grafton in view of Shalaby as a substitution of one known method of dying for another.

9. Claim 8 is rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over Grafton in view of Shalaby and Burnet and further in view of US 2006/0084745 to Kuhn et al. (Kuhn).

Grafton in view of Shalaby and Burnet teach:

The suture according to claim 7 (see rejection of claim 7 above).

Grafton in view of Shalaby and Burnet fails to teach:

The pigment contains aluminum-chromium-cobalt oxide.

Kuhn teaches:

Silicone rubber composition comprising pigments containing aluminum-chromium-cobalt oxide (paragraph 111).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to employ pigments containing aluminum-chromium-cobalt oxide as taught by Kuhn into the suture of Grafton in view of Shalaby and Burnet as a substitution of one known method of dying for another.

10. Claim 15 is rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over Grafton in view of US 20090012251 to Dirks et al. (Dirks).

Grafton teaches:

The suture according to claim 9 (see rejection of claim 9 above).

Grafton fails to teach:

The UHMWPE has an IV of between about 8 and 40 dl/g.

Dirks teaches:

A process for making a monofilament-like product comprises UHMWPE having an IV of more than 5 dl/g (paragraph 13).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the UHMWPE suture having a IV of more than 5 dl/g as taught by Dirks since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. In re Aller, 105 USPQ 233.

11. Claims 9 and 11-14 and 21-24 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. Amery et al. (US 2004/0267313) discloses the spinning solvent in UHMWPE suture should be below 100 ppm to prevent irritation in humans (paragraph 29) is old and well known in the art.

12. Claims 16-18 are rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over Grafton in view of Sarangapani, Shalaby, Amery et al. (US 2004/0267313) and further in view of Dirks.

Grafton teaches:

A suture consisting of a multi-filamentary yarn consisting of ultra-high molecular weight polyethylene (UHMwPE).

Grafton fails to teach:

The filament having an intrinsic viscosity of between 8 and 40 dl/g, between 0.1 and 7.0 wt. %, lower than 5.0 wt.%, lower than 2.0 wt.% of an inorganic pigment. A residual amount of less than about 800 ppm of a spin solvent, and less than 1000 ppm of further constituents (This limitation has been treated as a product by process claim. 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.)

Sarangapani teaches:

Antimicrobial composition for medical articles disclosing coloring pigments is approved by the FDA to be used is about 0.001 to about 0.25 wt.% (paragraph 19).

Shalaby teaches:

Color-Fast radiation sterilized implants comprising surgical implants such as sutures comprising inorganic pigment (paragraph 11).

Amery et al. teaches:

spinning solvent in UHMWPE suture should be below 100 ppm to prevent irritation in humans (paragraph 29) is old and well known in the art.

Dirks teaches:

A process for making a monofilament-like product comprises UHMWPE having a IV of more than 5 dl/g (paragraph 13).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to employed the teaching of using pigments as taught by Sarangapani into Grafton for suture coloring since the FDA approved coloring pigments are commonly used by the medical industry of about 0.001-0.25 wt. % of pigment and since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. In re Aller, 105 USPQ 233. It also would have been obvious to one of ordinary skill in the art at the time of the invention was made to employ the process of dying sutures as taught by Shalaby into the suture of Grafton as a substitution of one known method of dying for another. It also would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the UHMWPE suture having a IV of more than 5 dl/g as taught by Dirks in order to enhance solubility of the UHMWPE and processability of the solution used and since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges

involves only routine skill in the art. In re Aller, 105 USPQ 233. In regards to the limitation of the residual amount of less than 1000 ppm of further constituents, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to have an UHMWPE suture containing the residual amount of less than 1000 ppm since the more pure the material, UHMWPE, and the less of other constituent or other materials, the stronger the strength for the suture.

13. Claim 19 is rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over Grafton in view of Sarangapani, Shalaby and Dirks and further in view of Burnet. Grafton in view of Sarangapani, Shalaby and Dirks teach:

The suture according to claim 16 (see rejection of claim 16 above).

Grafton in view of Sarangapani, Shalaby and Dirks fail to teach:

The inorganic pigment is Chromium oxide.

Burnet teaches:

Method of coloring viscose comprising filament that used pigments containing chromium oxide (Col. 1, lines 63-66).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to employ pigments containing chromium oxide as taught by Burnet into the suture of Grafton in view of Sarangapani, Shalaby and Dirks as a substitution of one known method of dying for another.

14. Claim 20 is rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over Grafton in view of Sarangapani, Shalaby, Dirks and Burnet and further in view of Kuhn. Grafton in view of Sarangapani, Shalaby, Dirks and Burnet teach:

The suture according to claim 19 (see rejection of claim 19 above).

Grafton in view of Sarangapani, Shalaby, Dirks and Burnet fail to teach:

The inorganic pigment is aluminum-chromium-cobalt oxide.

Kuhn teaches:

Silicone rubber composition comprising pigments containing aluminum-chromium-cobalt oxide (paragraph 111).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to employ pigments containing aluminum-chromium-cobalt oxide as taught by Kuhn into the suture of Grafton in view of Shalaby and Burnet as a substitution of one known method of dying for another.

Response to Arguments

15. Applicant's arguments with respect to claims 1, 3-9 and 11-24 have been considered but are moot because the arguments do not apply to any of the references being used in the current rejection.

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

/TUAN V NGUYEN/
Primary Examiner, Art Unit 3731

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-2004/0267313	12-2004	Amery et al.	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.

Search Notes 	Application/Control No. 12599869	Applicant(s)/Patent Under Reexamination SIMMELINK ET AL.
	Examiner SON DANG	Art Unit 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
Consult with Primary Julian Woo for Product by Process rejections	6/2/2014	SD
updated search	6/2/2014	SD
updated search	8/12/2014	SD
Consult with Primary Tuan Nguyen for rejections.	8/12/2014	SD

INTERFERENCE SEARCH

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

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

✓	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	06/02/2014					
	1	✓	✓	✓					
	2	✓	✓	-					
	3	✓	✓	✓					
	4	✓	✓	✓					
	5	✓	✓	✓					
	6	✓	✓	✓					
	7	✓	✓	✓					
	8	✓	✓	✓					
	9	✓	✓	✓					
	10	✓	-	-					
	11		✓	✓					
	12		✓	✓					
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	21			✓					
	22			✓					
	23			✓					
	24			✓					

EAST Search History**EAST Search History (Prior Art)**

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L1	3835	suture and pigment and (weight or wt)	US-PGPUB; USPAT; USOCR	OR	ON	2014/08/12 16:47
L2	576	suture and pigment same (weight or wt)	US-PGPUB; USPAT; USOCR	OR	ON	2014/08/12 16:47
L3	84	suture same pigment same (weight or wt)	US-PGPUB; USPAT; USOCR	OR	ON	2014/08/12 16:47
L4	2	"11069705"	US-PGPUB; USPAT; USOCR	OR	ON	2014/08/12 16:53
L5	415801	suture same pigment same inorganic pigment	US-PGPUB; USPAT; USOCR	OR	ON	2014/08/12 17:08
L6	24	suture same pigment same inorganic	US-PGPUB; USPAT; USOCR	OR	ON	2014/08/12 17:09
L10	17	suture same pigment with inorganic	US-PGPUB; USPAT; USOCR	OR	ON	2014/08/12 17:13
L11	1	suture same pigment with chromium with oxide	US-PGPUB; USPAT; USOCR	OR	ON	2014/08/12 17:31
L12	4	suture same pigment same chromium with oxide	US-PGPUB; USPAT; USOCR	OR	ON	2014/08/12 17:32
L13	4	suture same pigment same chromium same oxide	US-PGPUB; USPAT; USOCR	OR	ON	2014/08/12 17:33
L14	46	suture same chromium same oxide	US-PGPUB; USPAT; USOCR	OR	ON	2014/08/12 17:33
L15	31	suture same chromium with oxide	US-PGPUB; USPAT; USOCR	OR	ON	2014/08/12 17:33
L16	6	suture with chromium with oxide	US-PGPUB; USPAT; USOCR	OR	ON	2014/08/12 17:33
L17	16242	pigment same chromium same oxide	US-PGPUB; USPAT; USOCR	OR	ON	2014/08/12 17:35
L18	13398	pigment with chromium with oxide	US-PGPUB; USPAT; USOCR	OR	ON	2014/08/12 17:36
L19	1	suture same pigment with chromium with oxide	US-PGPUB; USPAT;	OR	ON	2014/08/12 17:36