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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
16/227,289	12/20/2018	Scott Nelson	JOOVV.004A	3772
124179	7590	02/15/2019		
Schwie Law, LLC 445 Minnesota St Suite 1500 St. Paul, MN 55101			EXAMINER MARLEN, TAMMIE K	
			ART UNIT	PAPER NUMBER
			3792	
			NOTIFICATION DATE	DELIVERY MODE
			02/15/2019	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):

wes@schwiellaw.com

Notice of Pre-AIA or AIA Status

1. The present application, filed on or after March 16, 2013, is being examined under the first inventor to file provisions of the AIA.

Drawings

2. The Applicant is reminded to carefully review the drawing figures and the accompanying specification to ensure that all reference numerals present in the drawing figures are defined within the specification.

Specification

3. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words in length. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc. In addition, the form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided.

4. The abstract of the disclosure is objected to because the abstract uses language that can be implied, such as "many embodiments described herein". Correction is required. See MPEP § 608.01(b).

5. The Applicant is reminded to update the first paragraph of the specification upon a change in the status of the applications referred to therein.

Claim Objections

6. The use of the term BLUETOOTH, which is a trade name or a mark used in commerce, has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trade names and marks used in commerce (i.e., trademarks, service marks, certification marks, and collective marks) are permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as commercial marks.

Claim Rejections - 35 USC § 112

7. The following is a quotation of 35 U.S.C. 112(d):

(d) REFERENCE IN DEPENDENT FORMS.—Subject to subsection (e), a claim in dependent form shall contain a reference to a claim previously set forth and then specify a further limitation of the subject matter claimed. A claim in dependent form shall be construed to incorporate by reference all the limitations of the claim to which it refers.

The following is a quotation of pre-AIA 35 U.S.C. 112, fourth paragraph:

Subject to the following paragraph [i.e., the fifth paragraph of pre-AIA 35 U.S.C. 112], a claim in dependent form shall contain a reference to a claim previously set forth and then specify a further limitation of the subject matter claimed. A claim in dependent form shall be construed to incorporate by reference all the limitations of the claim to which it refers.

8. Claim 7 is rejected under 35 U.S.C. 112(d) or pre-AIA 35 U.S.C. 112, 4th paragraph, as being of improper dependent form for failing to further limit the subject matter of the claim upon which it depends, or for failing to include all the limitations of the claim upon which it depends. Claim 7 fails to further limit the subject matter of the claim upon which it depends (claim 6). Claim 6 requires that the first light therapy device and the second light therapy device are each configured to operate in a neutral mode. The specification at page 2, lines 26-29, defines a neutral mode as “when the second light therapy device operates in the neutral mode the second light therapy device may operate independently of the first light therapy device”. As such, claim 7 fails to further limit claim 6 as claim 7 just provides the definition of the neutral mode. Applicant may cancel the claim(s), amend the claim(s) to place the claim(s) in proper dependent form, rewrite the claim(s) in independent form, or present a sufficient showing that the dependent claim(s) complies with the statutory requirements.

Claim Rejections - 35 USC § 102

9. In the event the determination of the status of the application as subject to AIA 35 U.S.C. 102 and 103 (or as subject to pre-AIA 35 U.S.C. 102 and 103) is incorrect, any correction of the statutory basis for the rejection will not be considered a new ground of rejection if the prior art relied upon, and the rationale supporting the rejection, would be the same under either status.

10. 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 –

(a)(1) the claimed invention was patented, described in a printed publication, or in public use, on sale or otherwise available to the public before the effective filing date of the claimed invention.

11. Claims 1, 2, 4-13, and 15-19 are rejected under 35 U.S.C. 102(a)(1) as being anticipated by Mitchell (U.S. 2011/0054573). Regarding claim 1, Mitchell discloses a light therapy system 100/300/400, comprising: a first light therapy device 108/302/404 comprising a first housing, a first plurality of lights 304/406 arranged and configured to emit at least one of red light and near infrared light (see Figures 1-4 and Abstract), and a first communication module (306 and wired or wireless interface described in paragraph [0030]) communicatively coupled to the first plurality of lights; and a second light therapy device 108/302/404 configured to be communicatively coupled to the first light therapy device, the second light therapy device having a second housing, a second plurality of lights 304/406 arranged and configured to emit at least one of red light and near infrared light (see Figures 1-4 and Abstract), and a second communication module (306 and wired or wireless interface described in paragraph [0030]) communicatively coupled to the second plurality of lights (see Figures 1-4, Abstract, and paragraph [0030]).

12. Regarding claim 2, Mitchell discloses that the first communication module and the second communication module are communicatively coupled via a wireless connection (see paragraph [0030]). It is noted that the claims do not require that the first and second communication modules are directly communicatively coupled and, thus, because the first and second communications

modules are communicatively coupled wirelessly to the control unit 402, they are considered to satisfy the claims.

13. Regarding claim 4, Mitchell discloses that the first light therapy device and the second light therapy device are each configured to operate in one of a lead mode and a follow mode (both devices are controlled by control unit 402 and, thus, the first light therapy device and the second light therapy device are configured to operate in a follow mode, see paragraph [0030]).

14. Regarding claim 5, the Examiner respectfully submits that the claim, as written, does not require that the first light therapy device operate in the lead mode, but rather only requires that *when* the first light therapy device operates in the lead mode and the second light therapy device operates in the follow mode, the second light therapy device performs operations as instructed by the first light therapy device. The Examiner respectfully submits that it is inherent that the second light therapy device performs operations as instructed by the first light therapy device *when* the first light therapy device operates in the lead mode and the second light therapy device operates in the follow mode, as this is essentially the definition of the lead mode and the follow mode.

15. Regarding claims 6 and 7, Mitchell discloses that the first light therapy device and the second light therapy device are each configured to operate in a neutral mode, as the first and second light therapy devices are controlled by the control unit 402 and, thus, operate independently of each other. Further, when the second light therapy device operates in the neutral mode the second light therapy device operates independently of the first light therapy device.

16. Regarding claim 8, Mitchell discloses that one embodiment of system 500 comprises multiple emitters (see paragraph [0039]) and discloses that each emitter includes a plurality of input buttons 112/114/590 (see Figures 1B and 5) as such, Mitchell is considered to disclose a first plurality of input buttons coupled to the first housing and communicatively coupled to the first communication module, and a second plurality of input buttons coupled to the second housing and communicatively coupled to the second communication module.

17. Regarding claim 9, Mitchell discloses that input buttons 112/114 control the treatment time and intensity and, thus, would control a treatment time of the light therapy device, cause light to be emitted from at least a portion of the plurality of lights, and cause light to not be emitted from at least a portion of the plurality of lights, as the treatment time comprises on and off times, which would cause light to be emitted and not emitted according to the treatment time.

18. Regarding claim 10, it can be seen in Figure 1B of Mitchell that the input buttons comprises a first time button 112, a first play/pause button (the center power button would be considered a play/pause button), and a first mode button 114. As each of the devices includes these buttons, Mitchell discloses the same for the first and second devices.

19. Regarding claim 11, it is respectfully submitted that the recitations “a first press of the first time button increases the treatment time of the first light therapy device by a predetermined amount of time” and “a first press of the second time button increases the treatment time of the second light therapy device by the predetermined amount of time” are intended use/functional recitations that have not been given patentable weight because it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitation. *Ex parte Masham*, 2 USPQ2d 1647 (1987).

20. Regarding claim 12, it is respectfully submitted that the recitations “a first press of the first play/pause button causes at least a portion of the first plurality of lights to emit light”, “a second press of the first play/pause button causes at least a portion of the first plurality of lights to not emit light”, “a first press of the second play/pause button causes at least a portion of the second plurality of lights to emit light”, and “a second press of the second play/pause button causes at least a portion of the second plurality of lights to not emit light” are intended use/functional recitations that have not been given patentable weight because it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not

differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitation. *Ex parte Masham*, 2 USPQ2d 1647 (1987).

21. Regarding claim 13, it is respectfully submitted that the recitations “a first press of the first mode button causes at least a portion of red lights of the first plurality of lights to emit red light and at least a portion of near infrared lights of the first plurality of lights to not emit near infrared light”, “a second press of the first mode button causes at least a portion of red lights of the first plurality of lights to not emit red light and at least a portion of near infrared lights of the first plurality of lights to emit near infrared light”, “a first press of the second mode button causes at least a portion of red lights of the second plurality of lights to emit red light and at least a portion of near infrared lights of the second plurality of lights to not emit near infrared light”, and a second press of the second mode button causes at least a portion of red lights of the second plurality of lights to not emit red light and at least a portion of near infrared lights of the second plurality of lights to emit near infrared light” are intended use/functional recitations that have not been given patentable weight because it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitation. *Ex parte Masham*, 2 USPQ2d 1647 (1987).

22. Regarding claim 15, because the devices of Mitchell are configured to communicate both wired and wirelessly, it is respectfully submitted that the devices each include a plurality of communication ports, one to communicate wirelessly and one for wired communication (see Figure 4).

23. Regarding claim 16, Mitchell discloses that the first light therapy device and the second light therapy device are communicatively coupled via a wired connection from the first plurality of communication ports to the second plurality of communication ports (see paragraph [0030]).

24. Regarding claim 17, Mitchell discloses that one embodiment of system 500 comprises multiple emitters (see paragraph [0039]) and discloses that each emitter includes a plurality of

input buttons 112/114/590 (see Figures 1B and 5) as such, Mitchell is considered to disclose a first plurality of input buttons coupled to the first housing and communicatively coupled to the first communication module, and a second plurality of input buttons coupled to the second housing and communicatively coupled to the second communication module. Further, Mitchell discloses that input buttons 112/114 control the treatment time and intensity and, thus, would control a treatment time of the light therapy device, cause light to be emitted from at least a portion of the plurality of lights, and cause light to not be emitted from at least a portion of the plurality of lights, as the treatment time comprises on and off times, which would cause light to be emitted and not emitted according to the treatment time.

25. Regarding claim 18, it can be seen in Figure 1B of Mitchell that the input buttons comprises a first time button 112, a first play/pause button (the center power button would be considered a play/pause button), and a first mode button 114. As each of the devices includes these buttons, Mitchell discloses the same for the first and second devices.

26. Regarding claim 19, it is respectfully submitted that the recitations “a first press of the first time button increases the treatment time of the first light therapy device by a predetermined amount of time”, “a first press of the second time button increases the treatment time of the second light therapy device by the predetermined amount of time”, “a first press of the first play/pause button causes at least a portion of the first plurality of lights to emit light”, “a second press of the first play/pause button causes at least a portion of the first plurality of lights to not emit light”, “a first press of the second play/pause button causes at least a portion of the second plurality of lights to emit light”, “a second press of the second play/pause button causes at least a portion of the second plurality of lights to not emit light”, “a first press of the first mode button causes at least a portion of red lights of the first plurality of lights to emit red light and at least a portion of near infrared lights of the first plurality of lights to not emit near infrared light”, “a second press of the first mode button causes at least a portion of red lights of the first plurality of lights to not emit red light and at least a portion of near infrared lights of the first plurality of lights to emit near infrared

light”, “a first press of the second mode button causes at least a portion of red lights of the second plurality of lights to emit red light and at least a portion of near infrared lights of the second plurality of lights to not emit near infrared light”, “a second press of the second mode button causes at least a portion of red lights of the second plurality of lights to not emit red light and at least a portion of near infrared lights of the second plurality of lights to emit near infrared light” are intended use/functional recitations that have not been given patentable weight because it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitation. *Ex parte Masham*, 2 USPQ2d 1647 (1987).

Claim Rejections - 35 USC § 103

27. In the event the determination of the status of the application as subject to AIA 35 U.S.C. 102 and 103 (or as subject to pre-AIA 35 U.S.C. 102 and 103) is incorrect, any correction of the statutory basis for the rejection will not be considered a new ground of rejection if the prior art relied upon, and the rationale supporting the rejection, would be the same under either status.

28. This application currently names joint inventors. In considering patentability of the claims the examiner presumes that the subject matter of the various claims was commonly owned as of the effective filing date of the claimed invention(s) absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and effective filing dates of each claim that was not commonly owned as of the effective filing date of the later invention in order for the examiner to consider the applicability of 35 U.S.C. 102(b)(2)(C) for any potential 35 U.S.C. 102(a)(2) prior art against the later invention.

29. The following is a quotation of 35 U.S.C. 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent for a claimed invention may not be obtained, notwithstanding that the claimed invention is not identically disclosed as set forth in section 102, if the differences between the claimed invention and the prior art are such that the claimed invention as a whole would have been obvious before the effective filing date of the claimed invention to a person having ordinary skill

in the art to which the claimed invention pertains. Patentability shall not be negated by the manner in which the invention was made.

30. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103 are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

31. Claim 3 is rejected under 35 U.S.C. 103 as being unpatentable over Mitchell (U.S. 2011/0054573). Mitchell discloses the invention substantially as claimed, but fails to disclose that the first communication module and the second communication module are communicatively coupled via a BLUETOOTH connection. It would have been obvious to one having ordinary skill in the art before the effective filing date of the claimed invention to modify the system of Mitchell with a wireless BLUETOOTH connection, since it was known in the art that BLUETOOTH is used to provide effective and energy efficient wireless communication.

Allowable Subject Matter

32. Claims 14 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

33. Any inquiry concerning this communication or earlier communications from the examiner should be directed to TAMMIE K MARLEN whose telephone number is (571)272-1986. The examiner can normally be reached on Monday through Friday from 8 am until 4 pm.

Examiner interviews are available via telephone, in-person, and video conferencing using a USPTO supplied web-based collaboration tool. To schedule an interview, applicant is encouraged to use the USPTO Automated Interview Request (AIR) at <http://www.uspto.gov/interviewpractice>.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Layno can be reached on 571-272-4949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/TAMMIE K MARLEN/
Primary Examiner, Art Unit 3792

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Inventor: Scott Nelson

Examiner: Tammie Marlen

Group Art Unit: 3792

Application No.: 16/227,289

Filed: December 20, 2018

Docket No.: JOOVV.004A

Title: PHOTOBIMODULATION THERAPY SYSTEMS AND METHODS

RESPONSE TO NON-FINAL OFFICE ACTION

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

Dear Examiner:

The Applicant respectfully submits the enclosed amendments and remarks in response to the non-final Office Action dated February 15, 2019. Please amend the above-identified application as follows.

Interview Summary begins on page 2.

Amendments to the Specification begin on page 3 and include an attached clean specification.

A listing of the claims begins on page 4.

Remarks begin on page 10.

INTERVIEW SUMMARY

The Applicant thanks Examiner Tammie Marlen for talking with Wes Schwie and via telephone on March 7, 2019 to discuss the Non-Final Office Action dated February 15, 2019. The interview included discussion of U.S. Patent Publication 2011/0054573 (“Mitchell”). Additionally, the interview included discussion of proposed amendments to Claim 1, which was filed in Private PAIR on March 5, 2019. No exhibits or demonstrations were discussed. Examiner Marlen indicated that amended Claim 1 and new Claim 21, as presented in this paper, would overcome Mitchell. The Applicant sincerely thanks Examiner Marlen for her time and cooperation in discussing this matter.

AMENDMENTS TO THE SPECIFICATION

Please amend the ABSTRACT as indicated below:

ABSTRACT

Photobiomodulation therapy systems provide a highly effective way to treat many common ailments to the human body. Light therapy systems may ~~Many embodiments described herein~~ enable two or more light therapy devices to be communicatively coupled together in various ways. ~~In some embodiments, the~~ The light therapy systems include ~~system includes~~ a first light device and a second light device arranged and configured to be communicatively coupled to the first light device. Each of the light devices may include a housing, a communication module, and a plurality of lights arranged and configured to emit at least one of red light and near infrared light.

Attachment: Clean specification

CLAIMS

Please amend the claims as indicated below.

1. (Currently amended) A light therapy system, comprising:
a first light therapy device comprising a first housing, a first plurality of lights arranged and configured to emit at least one of red light and near infrared light at all wavelengths between 100 and 1,000 nm, and a first communication module communicatively coupled to the first plurality of lights; and
a second light therapy device configured to be communicatively coupled to the first light therapy device, the second light therapy device comprising ~~having~~ a second housing, a second plurality of lights arranged and configured to emit at least one of red light and near infrared light at all wavelengths between 100 and 1,000 nm, and a second communication module communicatively coupled to the second plurality of lights.
2. (Original) The light therapy system of Claim 1, wherein the first communication module and the second communication module are communicatively coupled via a wireless connection.
3. (Canceled).
4. (Original) The light therapy system of Claim 2, wherein the first light therapy device and the second light therapy device are each configured to operate in one of a lead mode and a follow mode.
5. (Original) The light therapy system of Claim 4, wherein when the first light therapy device operates in the lead mode and the second light therapy device operates in the follow mode the second light therapy device performs operations as instructed by the first light therapy device.
6. (Original) The light therapy system of Claim 4, wherein the first light therapy device and the second light therapy device are each configured to operate in a neutral mode.

7. (Canceled).
8. (Original) The light therapy system of Claim 2, further comprising:
 - a first plurality of input buttons coupled to the first housing and communicatively coupled to the first communication module, and
 - a second plurality of input buttons coupled to the second housing and communicatively coupled to the second communication module.
9. (Canceled).
10. (Currently amended) The light therapy system of Claim 8 [[9]], wherein the first plurality of input buttons comprises a first time button configured to control a treatment time of the first light therapy device, and a first play/pause button[[,]] and a first mode button configured to cause light to be emitted from at least a portion of the first plurality of lights, and cause light to not be emitted from at least a portion of the first plurality of lights, and wherein the second plurality of input buttons comprises a second time button configured to control a treatment time of the second light therapy device, and a second play/pause button[[,]] and a second mode button configured to cause light to be emitted from at least a portion of the second plurality of lights, and cause light to not be emitted from at least a portion of the second plurality of lights.
11. (Canceled).
12. (Canceled).
13. (Currently amended) The light therapy system of Claim 10 [[12]], wherein a first press of the first mode button causes at least a portion of red lights of the first plurality of lights to emit red light and at least a portion of near infrared lights of the first plurality of lights to not emit near infrared light, and a second press of the first mode button causes at least a portion of red lights of the first plurality of lights to not emit red light and at least a portion of near infrared lights of the first plurality of lights to emit near infrared light, and

wherein a first press of the second mode button causes at least a portion of red lights of the second plurality of lights to emit red light and at least a portion of near infrared lights of the second plurality of lights to not emit near infrared light, and a second press of the second mode button causes at least a portion of red lights of the second plurality of lights to not emit red light and at least a portion of near infrared lights of the second plurality of lights to emit near infrared light.

14. (Original) The light therapy system of Claim 13, further comprising:

a first pair of indication lights coupled to the first housing and communicatively coupled to the first plurality of input buttons, wherein the first pair of indication lights is arranged and configured to indicate whether a portion of red lights of the first plurality of lights is emitting red light and whether a portion of near infrared lights of the first plurality of lights is emitting near infrared light; and

a second pair of indication lights coupled to the second housing and communicatively coupled to the second plurality of input buttons, wherein the second pair of indication lights is arranged and configured to indicate whether a portion of red lights of the second plurality of lights is emitting red light and whether a portion of near infrared lights of the second plurality of lights is emitting near infrared light.

15. (Currently amended) The light therapy system of claim 1, wherein the first light therapy device further comprises a first plurality of communication ports coupled to the first housing and communicatively coupled to the first communication module; and

wherein the second light therapy device further comprises a second plurality of communication ports coupled to the second housing and communicatively coupled to the second communication module, and

wherein the first light therapy device and the second light therapy device are communicatively coupled via a wired connection from the first plurality of communication ports to the second plurality of communication ports.

16. (Canceled).

17. (Canceled).

18. (Canceled).

19. (Canceled).

20. (Canceled).

21. (New) A light therapy system, comprising:

a first light therapy device comprising a first housing, a first plurality of lights arranged and configured to emit at least one of red light and near infrared light, and a first communication module communicatively coupled to the first plurality of lights and located within the first housing; and

a second light therapy device comprising a second housing, a second plurality of lights arranged and configured to emit at least one of red light and near infrared light, and a second communication module communicatively coupled to the second plurality of lights and located within the second housing,

wherein the first communication module is configured to communicate directly with the second communication module.

22. (New) The light therapy system of Claim 21, wherein the first plurality of lights are arranged and configured to emit at least one of red light and near infrared light at all wavelengths between 100 and 1,000 nm, and the second plurality of lights arranged and configured to emit at least one of red light and near infrared light at all wavelengths between 100 and 1,000 nm.

23. (New) The light therapy system of Claim 21, wherein the first communication module and the second communication module are communicatively coupled via a wireless connection.

24. (New) The light therapy system of claim 21, further comprising a third light therapy device comprising a third housing, a third plurality of lights arranged and configured to emit at least one of red light and near infrared light, and a third communication module

communicatively coupled to the third plurality of lights and located within the third housing, wherein the third communication module is configured to communicate directly with at least one of the first communication module and the second communication module.

25. (New) The light therapy system of claim 24, further comprising a fourth light therapy device comprising a fourth housing, a fourth plurality of lights arranged and configured to emit at least one of red light and near infrared light, and a fourth communication module communicatively coupled to the fourth plurality of lights and located within the fourth housing, wherein the fourth communication module is configured to communicate directly with at least one of the first communication module, second communication module, and the third communication module.

26. (New) The light therapy system of claim 21, further comprising:

a first control panel coupled to the first housing and communicatively coupled to the first communication module; and

a second control panel coupled to the second housing and communicatively coupled to the second communication module.

27. (New) The light therapy system of claim 26, wherein the first control panel comprises a first plurality of input buttons and the second control panel comprises a second plurality of input buttons.

28. (New) The light therapy system of Claim 27, wherein the first control panel comprises a first pair of indication lights communicatively coupled to the first plurality of input buttons, the first pair of indication lights arranged and configured to indicate whether a portion of red lights of the first plurality of lights is emitting red light and whether a portion of near infrared lights of the first plurality of lights is emitting near infrared light, and

wherein the second control panel comprises a second pair of indication lights communicatively coupled to the second plurality of input buttons, the second pair of indication lights arranged and configured to indicate whether a portion of red lights of the second plurality of lights is emitting red light and whether a portion of near infrared lights of the second plurality

of lights is emitting near infrared light.

29. (New) The light therapy system of claim 28, wherein the first control panel is coupled to a side surface of the first housing, and the second control panel is coupled to a side surface of the second housing.

30. (New) The light therapy system of claim 21, wherein the first light therapy device and the second light therapy device are each configured to operate in one of a lead mode, a follow mode, and a neutral mode, wherein when the first light therapy device operates in the lead mode and the second light therapy device operates in the follow mode the second light therapy device performs operations as instructed by the first light therapy device.

REMARKS

Claims 1-20 were previously pending. Claims 1, 10, 13, and 15 have been amended. Claims 3, 7, 9, 11, 12, and 16-20 have been canceled. Claims 21-30 are new. Favorable reconsideration and allowance of the application is respectfully requested.

Allowable Subject Matter

The Examiner indicated that claims 14 and 20 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant sincerely thanks Examiner Marlen for the indication of allowable subject matter.

Specification Objections

The Office Action objected to the abstract because the abstract uses language that can be implied, such as “many embodiments described here”. *See Office Action p. 2, item 4.* Applicant has amended the abstract to remove the objected to phrase. Applicant respectfully requests withdrawal of the objection to the specification.

Claim Objections

The Office Action objected to the use of the term BLUETOOTH in claim 3. Applicant has canceled claim 3. Applicant respectfully requests withdrawal of the objection to claim 3.

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

Claim 7 was rejected under 35 U.S.C. § 112(d) as being of improper dependent form for failing to further limit the subject matter of the claim upon which it depends. Applicant has canceled Claim 7. Accordingly, Applicant respectfully requests withdrawal of the rejection to Claim 7 under 35 U.S.C. § 112(d).

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

Claims 1, 2, 4-13, and 15-19 were rejected under 35 U.S.C. § 102 as being anticipated by Mitchell. Applicant respectfully disagrees.

Applicant has amended Claim 1 to recite a light therapy system including a first light therapy device comprising a first plurality of lights arranged and configured to emit at least one

of red light and near infrared light at all wavelengths between 100 and 1,000 nm, and a second light therapy device comprising a second plurality of lights arranged and configured to emit at least one of red light and near infrared light at all wavelengths between 100 and 1,000 nm.

Mitchell discloses an emitter that emits near-infrared light. *See Mitchell Abstract*. Mitchell further discloses, “The near-infrared light can be of a wavelength between approximately 700 nanometers and 1000 nanometers.” *See Mitchell col. 2, lines 13-15*. Nowhere does Mitchell disclose anything regarding the use of other light wavelengths besides near-infrared or below 700 nanometers. 1, 2, 4-13, and 15-19

As such, Mitchell fails to teach or disclose lights arranged and configured to emit at least one of red light and near infrared light at all wavelengths between 100 and 1,000 nm. Accordingly, Applicant respectfully requests withdrawal of the rejection to claim 1 (and dependent claims 2, 4-6, 8, 10, 13, and 15) under 35 U.S.C. § 102. Furthermore, Applicant has canceled dependent claims 7, 9, 11, 12, and 16-19, thereby rendering the rejection to those claims as moot.

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

Claim 3 was rejected under 35 U.S.C. § 103 as being unpatentable over Mitchell. Applicant respectfully disagrees. However, in order to expedite prosecution, Applicant has canceled claim 3 thereby rendering the rejection to claim 3 as moot.

New Claims

Applicant has added new claims 21-30. No new matter has been added.

Claim 21 recites, amongst other things, a light therapy system, comprising a first light therapy device comprising a first housing and a first communication module located within the first housing; and a second light therapy device comprising a second housing and a second communication module located within the second housing. Claim 21 also recites that the first communication module is configured to communicate directly with the second communication module.

Mitchell discloses, “[A] multiple pad emitter configuration 400 ... In this configuration 400, a group of emitter pads 404, each having a respective array of individual emitters 406 are connected, such as via a wired or a wireless link, to a control unit 402 which

instructs the emitter pads 404 how and when to emit near-infrared light based on input from a human user.” *See Mitchell col. 5, lines 54-59*. Furthermore, according to Figure 4 of Mitchell, shown below, control unit 402 is a standalone unit that is separate from the emitter pads 404.

FIG. 4

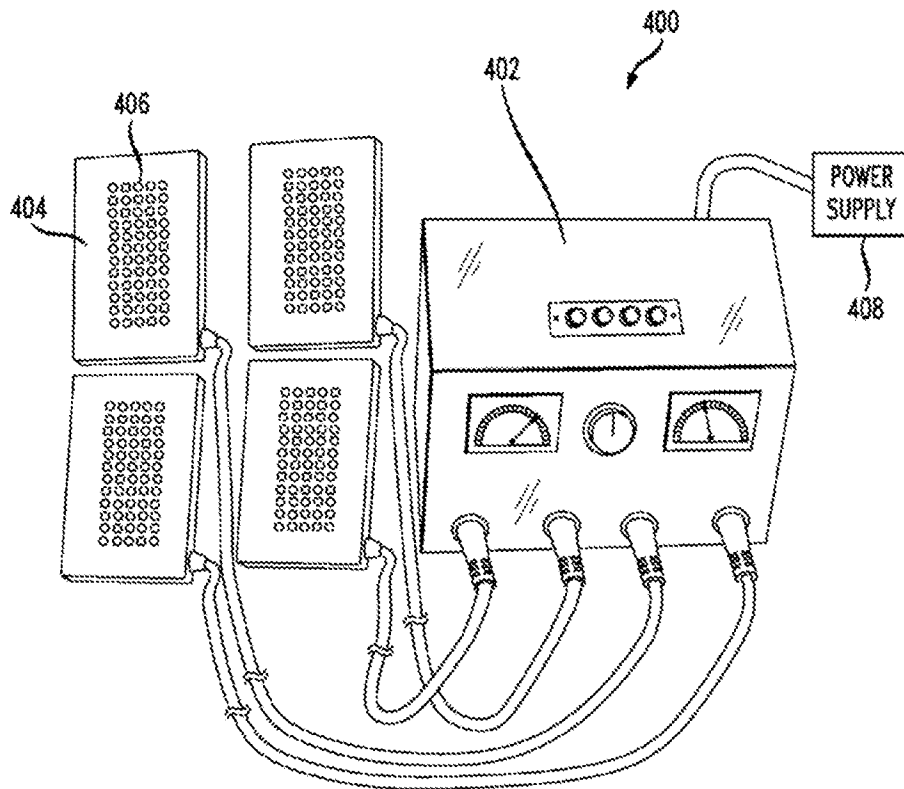


Figure 4 of Mitchell.

As such, Mitchell fails to teach or disclose a communication module located within a housing (of a light device) as substantially recited in claim 21. Additionally, within the context of claim 21, Mitchell fails to teach or disclose a first communication module (of a first light device) configured to communicate directly with a second communication module (of a second light device). Accordingly, Applicant respectfully asserts that claim 21 is allowable over Mitchell.

Claims 22-30 each ultimately depend from claim 21 and are allowable for at least the same reasons as claim 21. Furthermore, claims 22-30 include additional elements not disclosed or taught by Mitchell.

No Disclaimers or Disavowals

Although the Applicant has amended the claims to expedite allowance, the Applicant is not conceding that any previously pending claims are not allowable. The Applicant reserves the right to prosecute previously pending claims, claims of broader scope, and claims based on any subject matter supported by the present disclosure or any future disclosure. The Applicant has not disclaimed or disavowed any subject matter supported by the present application.

Conclusion

The Applicant has endeavored to amend the application based on the Examiner's comments to expedite allowance. No new matter has been added. Based on the above remarks and the amendments, the Applicant believes the application is in condition for allowance. If any questions remain, the Examiner is invited to contact the undersigned.

Respectfully submitted,

/s/Wesley Schwie

Wesley Schwie
Reg. No. 64,950
Phone: 651-428-9828
Date: March 18, 2019



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
16/227,289	12/20/2018	Scott Nelson	JOOVV.004A	3772
124179	7590	05/24/2019	EXAMINER	
Schwie Law, LLC			MARLEN, TAMMIE K	
445 Minnesota St				
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St. Paul, MN 55101				
			ART UNIT	PAPER NUMBER
			3792	
			NOTIFICATION DATE	DELIVERY MODE
			05/24/2019	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):

wes@schwiellaw.com

DETAILED ACTION

Notice of Pre-AIA or AIA Status

1. The present application, filed on or after March 16, 2013, is being examined under the first inventor to file provisions of the AIA.
2. The amendment filed on March 18, 2019 has been received and considered. By this amendment, claims 1, 10, 13, and 15 are amended, claims 3, 7, 9, 11, 12, and 16-20 are cancelled, claims 21-30 are added, and claims 1, 2, 4-6, 8, 10, 13-15, and 21-30 are now pending in the application.

Information Disclosure Statement

3. The information disclosure statement(s) (IDS) submitted on February 19, 2019 has/have been acknowledged and is/are being considered by the Examiner.

Claim Rejections - 35 USC § 112

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

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

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

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

5. Claims 1, 2, 4-6, 8, 10, 13-15, and 22 are rejected under 35 U.S.C. 112(a) or 35 U.S.C. 112 (pre-AIA), first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor or a joint inventor, or for pre-AIA the inventor(s), at the time the application was filed, had possession of the claimed invention. The disclosure fails to describe “a first plurality of lights arranged and configured to emit at least

one of red light and near infrared light at all wavelengths between 100 and 1,000 nm” and “a second plurality of lights arranged and configured to emit at least one of red light and near infrared light at all wavelengths between 100 and 1,000 nm”. While the disclosure discusses lights configured to emit red light or near infrared light, and lights configured to emit in any combination of light wavelengths from 100 to 1,000 nm, the disclosure fails to describe emitting red or near infrared light at all wavelengths between 100 and 1,000 nm. It is not even clear how it would be possible to emit red or near infrared light at all wavelengths between 100 and 1,000 nm, as the spectrum of red light is 635-700 nm and the spectrum of near infrared light is 760-1400 nm.

6. Claims 1, 2, 4-6, 8, 10, 13-15, and 22 are rejected under 35 U.S.C. 112(a) or 35 U.S.C. 112 (pre-AIA), first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. As discussed above, the disclosure fails to describe “a first plurality of lights arranged and configured to emit at least one of red light and near infrared light at all wavelengths between 100 and 1,000 nm” and “a second plurality of lights arranged and configured to emit at least one of red light and near infrared light at all wavelengths between 100 and 1,000 nm”. Furthermore, one of ordinary skill in the art would be unable to make and/or use the invention, as one of ordinary skill in the art would not know how to emit red or near infrared lights at all wavelengths between 100 and 1,000 nm, as the spectrum of red light is 635-700 nm and the spectrum of near infrared light is 760-1400 nm.

7. The following is a quotation of 35 U.S.C. 112(b):

(b) CONCLUSION.—The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the inventor or a joint inventor regards as the invention.

The following is a quotation of 35 U.S.C. 112 (pre-AIA), second paragraph:
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 1, 2, 4-6, 8, 10, 13-15, and 22 are rejected under 35 U.S.C. 112(b) or 35 U.S.C. 112 (pre-AIA), second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the inventor or a joint inventor, or for pre-AIA the applicant regards as the invention.

9. Claim 1 recites the limitation "a first plurality of lights arranged and configured to emit at least one of red light and near infrared light at all wavelengths between 100 and 1,000 nm" in lines 2-4. It is well known that the wavelength of red light is 635-700 nm and the wavelength of near infrared light is 760-1400 nm. Therefore, it is unclear and unknown how the plurality of lights can emit red light at wavelengths outside the range of 635-700 nm and can emit near infrared light at wavelengths outside the range of 760-1400 nm. For example, if light is emitted at 450-490 nm, how is the light "red light" rather than blue light?

10. Claim 1 recites the limitation "a second plurality of lights arranged and configured to emit at least one of red light and near infrared light at all wavelengths between 100 and 1,000 nm" in lines 7-9. It is well known that the wavelength of red light is 635-700 nm and the wavelength of near infrared light is 760-1400 nm. Therefore, it is unclear and unknown how the plurality of lights can emit red light at wavelengths outside the range of 635-700 nm and can emit near infrared light at wavelengths outside the range of 760-1400 nm. For example, if light is emitted at 450-490 nm, how is the light "red light" rather than blue light?

11. Claim 22 recites the limitation "the first plurality of lights are arranged and configured to emit at least one of red light and near infrared light at all wavelengths between 100 and 1,000 nm" in lines 1-3. It is well known that the wavelength of red light is 635-700 nm and the wavelength of near infrared light is 760-1400 nm. Therefore, it is unclear and unknown how the plurality of lights can emit red light at wavelengths outside the range of 635-700 nm and can emit near infrared light at wavelengths outside the range of 760-1400 nm. For example, if light is emitted at 450-490 nm, how is the light "red light" rather than blue light?

12. Claim 22 recites the limitation "the second plurality of lights are arranged and configured to emit at least one of red light and near infrared light at all wavelengths between 100 and 1,000 nm" in lines 3-4. It is well known that the wavelength of red light is 635-700 nm and the wavelength of near infrared light is 760-1400 nm. Therefore, it is unclear and unknown how the plurality of lights can emit red light at wavelengths outside the range of 635-700 nm and can emit near infrared light at wavelengths outside the range of 760-1400 nm. For example, if light is emitted at 450-490 nm, how is the light "red light" rather than blue light?

Claim Rejections - 35 USC § 102

13. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

14. Claims 21, 23-27, and 30 are rejected under 35 U.S.C. 102(a)(1) as being anticipated by Mitchell (U.S. 2011/0054573, previously cited). Regarding claim 21, Mitchell discloses a light therapy system 100/300/400, comprising: a first light therapy device 108/302/404 comprising a first housing, a first plurality of lights 304/406 arranged and configured to emit at least one of red light and near infrared light (see Figures 1-4 and Abstract), and a first communication module (306 and wired or wireless interface described in paragraph [0030]) communicatively coupled to the first plurality of lights and located within the first housing; and a second light therapy device 108/302/404 configured to be communicatively coupled to the first light therapy device, the second light therapy device having a second housing, a second plurality of lights 304/406 arranged and configured to emit at least one of red light and near infrared light (see Figures 1-4 and Abstract), and a second communication module (306 and wired or wireless interface described in paragraph [0030]) communicatively coupled to the second plurality of lights and located within the second housing (see Figures 1-4, Abstract, and paragraph [0030]), wherein the first communication module is configured to communicate directly with the second communication module (see Figures 1-4, Abstract, and paragraph [0030]). It is respectfully submitted that the wired or wireless communication described in paragraph [0030] satisfies the claim limitations, as

the claim only requires direct communication, rather than a direct connection. Furthermore, the claim would be satisfied by an interpretation of Figure 4 of Mitchell, wherein one of the emitter pads 404 and control unit 402 are considered the first light therapy device, while another of the emitter pads 404 and its wire connection are considered the second light therapy device.

15. Regarding claim 23, Mitchell discloses that the first communication module and the second communication module are communicatively coupled via a wireless connection (see paragraph [0030]).

16. Regarding claim 24, Mitchell discloses a third light therapy device comprising a third housing, a third plurality of lights arranged and configured to emit at least one of red light and near infrared light, and a third communication module communicatively coupled to the third plurality of lights and located within the third housing, wherein the third communication module is configured to communicate directly with at least one of the first communication module and the second communication module (see Figure 4).

17. Regarding claim 25, Mitchell discloses a fourth light therapy device comprising a fourth housing, a fourth plurality of lights arranged and configured to emit at least one of red light and near infrared light, and a fourth communication module communicatively coupled to the fourth plurality of lights and located within the fourth housing, wherein the fourth communication module is configured to communicate directly with at least one of the first communication module, the second communication module, and the third communication module (see Figure 4).

18. Regarding claim 26, Mitchell discloses a first control panel coupled to the first housing and communicatively coupled to the first communication module, and a second control panel coupled to the second housing and communicatively coupled to the second communication module (see paragraph [0039]).

19. Regarding claim 27, Mitchell discloses that one embodiment of system 500 comprises multiple emitters (see paragraph [0039]) and discloses that each emitter includes a plurality of input buttons 112/114/590 (see Figures 1B and 5) as such, Mitchell is considered to disclose a

first plurality of input buttons coupled to the first housing and communicatively coupled to the first communication module, and a second plurality of input buttons coupled to the second housing and communicatively coupled to the second communication module.

20. Regarding claim 30, Mitchell discloses that the first light therapy device and the second light therapy device are each configured to operate in one of a lead mode, a follow mode, and a neutral mode (both devices are controlled by control unit 402 and, thus, the first light therapy device and the second light therapy device are configured to operate in a follow mode, see paragraph [0030]). Furthermore, the Examiner respectfully submits that the claim, as written, does not require that the first light therapy device operate in the lead mode, but rather only requires that *when* the first light therapy device operates in the lead mode and the second light therapy device operates in the follow mode, the second light therapy device performs operations as instructed by the first light therapy device. The Examiner respectfully submits that it is inherent that the second light therapy device performs operations as instructed by the first light therapy device *when* the first light therapy device operates in the lead mode and the second light therapy device operates in the follow mode, as this is essentially the definition of the lead mode and the follow mode.

Allowable Subject Matter

21. Claims 28 and 29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

22. Applicant's arguments filed March 18, 2019 have been fully considered and are considered moot in part and non-persuasive in part. Those arguments which are considered moot will not be answered herein, as the objections/rejections to which they apply are no longer pending. Regarding new claims 21-30, the Applicant argues that Mitchell fails to teach or disclose a communication module located within a housing or a first communication module configured to

communicate directly with a second communication module. As discussed above, It is respectfully submitted that the wired or wireless communication described in paragraph [0030] satisfies the claim limitations, as the claim only requires direct communication, rather than a direct connection. Furthermore, the claim would be satisfied by an interpretation of Figure 4 of Mitchell, wherein one of the emitter pads 404 and control unit 402 are considered the first light therapy device, while another of the emitter pads 404 and its wire connection are considered the second light therapy device.

Conclusion

23. 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.

24. Any inquiry concerning this communication or earlier communications from the examiner should be directed to TAMMIE K MARLEN whose telephone number is (571)272-1986. The examiner can normally be reached on Monday through Friday from 8 am until 4 pm.

Examiner interviews are available via telephone, in-person, and video conferencing using a USPTO supplied web-based collaboration tool. To schedule an interview, applicant is encouraged to use the USPTO Automated Interview Request (AIR) at <http://www.uspto.gov/interviewpractice>.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Layno can be reached on 571-272-4949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/TAMMIE K MARLEN/
Primary Examiner, Art Unit 3792

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Inventor: Scott Nelson

Examiner: Tammie Marlen

Group Art Unit: 3792

Application No.: 16/227,289

Filed: December 20, 2018

Docket No.: JOOVV.004A

Title: PHOTOBIMODULATION THERAPY SYSTEMS AND METHODS

RESPONSE TO FINAL OFFICE ACTION DATED MAY 24, 2019

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

Dear Examiner:

The Applicant respectfully submits the enclosed amendments and remarks in response to the Final Office Action dated May 25, 2019. Please amend the above-identified application as follows.

A listing of the claims begins on page 2.

Remarks begin on page 10.

CLAIMS

Please amend the claims as indicated below.

1. (Canceled).
2. (Canceled).
3. (Canceled).
4. (Canceled).
5. (Canceled).
6. (Canceled).
7. (Canceled).
8. (Canceled).
9. (Canceled).
10. (Canceled).
11. (Canceled).
12. (Canceled).
13. (Canceled).
14. (Canceled).

15. (Canceled).
16. (Canceled).
17. (Canceled).
18. (Canceled).
19. (Canceled).
20. (Canceled).
21. (Currently amended) A light therapy system, comprising:
 - a first light therapy device comprising a first housing, a first plurality of lights arranged and configured to emit at least one of red light and near infrared light, and a first communication module communicatively coupled to the first plurality of lights and located within the first housing;
~~and~~
 - a second light therapy device comprising a second housing, a second plurality of lights arranged and configured to emit at least one of red light and near infrared light, and a second communication module communicatively coupled to the second plurality of lights and located within the second housing, wherein the first communication module is configured to communicate directly with the second communication module;
 - a first control panel coupled to the first housing and communicatively coupled to the first communication module, the first control panel comprising a first plurality of input buttons and a first pair of indication lights communicatively coupled to the first plurality of input buttons, the first pair of indication lights arranged and configured to indicate whether a portion of red lights of the first plurality of lights is emitting red light and whether a portion of near infrared lights of the first plurality of lights is emitting near infrared light; and
 - a second control panel coupled to the second housing and communicatively coupled to the second communication module, the second control panel comprising a second plurality of input buttons and a second pair of indication lights communicatively coupled to the second plurality of

input buttons, the second pair of indication lights arranged and configured to indicate whether a portion of red lights of the second plurality of lights is emitting red light and whether a portion of near infrared lights of the second plurality of lights is emitting near infrared light.

22. (Canceled).

23. (Previously presented) The light therapy system of Claim 21, wherein the first communication module and the second communication module are communicatively coupled via a wireless connection.

24. (Previously presented) The light therapy system of claim 21, further comprising a third light therapy device comprising a third housing, a third plurality of lights arranged and configured to emit at least one of red light and near infrared light, and a third communication module communicatively coupled to the third plurality of lights and located within the third housing, wherein the third communication module is configured to communicate directly with at least one of the first communication module and the second communication module.

25. (Previously presented) The light therapy system of claim 24, further comprising a fourth light therapy device comprising a fourth housing, a fourth plurality of lights arranged and configured to emit at least one of red light and near infrared light, and a fourth communication module communicatively coupled to the fourth plurality of lights and located within the fourth housing, wherein the fourth communication module is configured to communicate directly with at least one of the first communication module, second communication module, and the third communication module.

26. (Canceled).

27. (Canceled).

28. (Canceled).

29. (Currently amended) The light therapy system of claim [[28]] 21, wherein the first control panel is coupled to a side surface of the first housing, and the second control panel is coupled to a side surface of the second housing.

30. (Previously presented) The light therapy system of claim 21, wherein the first light therapy device and the second light therapy device are each configured to operate in one of a lead mode, a follow mode, and a neutral mode, wherein when the first light therapy device operates in the lead mode and the second light therapy device operates in the follow mode the second light therapy device performs operations as instructed by the first light therapy device.

31. (New) The light therapy system of claim 30, wherein when at least one of the first light therapy device, second light therapy device, third light therapy device, and fourth light therapy device operates in the neutral mode, the at least one of the first light therapy device, second light therapy device, third light therapy device, and fourth light therapy device is configured to ignore instructions from a respective light therapy device operating in the lead mode.

32. (New) The light therapy system of claim 25, wherein the third light therapy device and the fourth light therapy device are each configured to operate in one of a lead mode, a follow mode, and a neutral mode, wherein when the first light therapy device operates in the lead mode and the second light therapy device, third light therapy device, and fourth light therapy device operate in the follow mode the second light therapy device, third light therapy device, and fourth light therapy device perform operations as instructed by the first light therapy device.

33. (New) The light therapy system of claim 32, wherein at least two of the first light therapy device, second light therapy device, third light therapy device, and fourth light therapy device operate in the lead mode simultaneously.

34. (New) the light therapy system of claim 21, wherein the first plurality of input buttons comprises a first time button configured to control a treatment time of the first light therapy device, a first play/pause button, and a first mode button configured to cause light to be emitted from at least a portion of the first plurality of lights, and cause light to not be emitted from at least a portion

of the first plurality of lights, and wherein the second plurality of input buttons comprises a second time button configured to control a treatment time of the second light therapy device, a second play/pause button, and a second mode button configured to cause light to be emitted from at least a portion of the second plurality of lights, and cause light to not be emitted from at least a portion of the second plurality of lights.

35. (New) The light therapy system of claim 34, wherein a first press of the first mode button causes at least a portion of red lights of the first plurality of lights to emit red light and at least a portion of near infrared lights of the first plurality of lights to not emit near infrared light, and a second press of the first mode button causes at least a portion of red lights of the first plurality of lights to not emit red light and at least a portion of near infrared lights of the first plurality of lights to emit near infrared light; and

wherein a first press of the second mode button causes at least a portion of red lights of the second plurality of lights to emit red light and at least a portion of near infrared lights of the second plurality of lights to not emit near infrared light, and a second press of the second mode button causes at least a portion of red lights of the second plurality of lights to not emit red light and at least a portion of near infrared lights of the second plurality of lights to emit near infrared light.

36. (New) The light therapy system of claim 25, wherein the first communication module, the second communication module, the third communication module, and the fourth communication module are communicatively coupled via a wireless connection.

37. (New) The light therapy system of claim 25, further comprising a third control panel coupled to the third housing and communicatively coupled to the third communication module, the third control panel comprising a third plurality of input buttons and a third pair of indication lights communicatively coupled to the third plurality of input buttons, the third pair of indication lights arranged and configured to indicate whether a portion of red lights of the third plurality of lights is emitting red light and whether a portion of near infrared lights of the third plurality of lights is emitting near infrared light; and

a fourth control panel coupled to the fourth housing and communicatively coupled to the fourth communication module, the fourth control panel comprising a fourth plurality of input

buttons and a fourth pair of indication lights communicatively coupled to the fourth plurality of input buttons, the fourth pair of indication lights arranged and configured to indicate whether a portion of red lights of the fourth plurality of lights is emitting red light and whether a portion of near infrared lights of the fourth plurality of lights is emitting near infrared light.

38. (New) The light therapy system of claim 37, wherein the third control panel is coupled to a side surface of the third housing, and the fourth control panel is coupled to a side surface of the fourth housing.

39. (New) The light therapy system of claim 37, wherein the third plurality of input buttons comprises a third time button configured to control a treatment time of the third light therapy device, a third play/pause button, and a third mode button configured to cause light to be emitted from at least a portion of the third plurality of lights, and cause light to not be emitted from at least a portion of the third plurality of lights, and wherein the fourth plurality of input buttons comprises a fourth time button configured to control a treatment time of the fourth light therapy device, a fourth play/pause button, and a fourth mode button configured to cause light to be emitted from at least a portion of the fourth plurality of lights, and cause light to not be emitted from at least a portion of the fourth plurality of lights.

40. (New) The light therapy system of claim 39, wherein a first press of the third mode button causes at least a portion of red lights of the third plurality of lights to emit red light and at least a portion of near infrared lights of the third plurality of lights to not emit near infrared light, and a second press of the third mode button causes at least a portion of red lights of the third plurality of lights to not emit red light and at least a portion of near infrared lights of the third plurality of lights to emit near infrared light; and

wherein a first press of the fourth mode button causes at least a portion of red lights of the fourth plurality of lights to emit red light and at least a portion of near infrared lights of the fourth plurality of lights to not emit near infrared light, and a second press of the fourth mode button causes at least a portion of red lights of the fourth plurality of lights to not emit red light and at least a portion of near infrared lights of the fourth plurality of lights to emit near infrared light.

41. (New) The light therapy system of claim 25, further comprising a remote computing device communicatively coupled to at least one of the first communication module, second communication module, third communication module, and fourth communication module, whereby the at least one of the first communication module, second communication module, third communication module, and fourth communication module is configured to receive operation instructions from the remote computing device.

42. (New) The light therapy system of claim 41, wherein the remote computing device comprises at least one of a smartphone, a tablet, and a computer.

43. (New) The light therapy system of claim 25, wherein the first light therapy device comprises a first plurality of communication ports coupled to the first housing and communicatively coupled to the first communication module, the second light therapy device comprises a second plurality of communication ports coupled to the second housing and communicatively coupled to the second communication module, the third light therapy device further comprises a third plurality of communication ports coupled to the third housing and communicatively coupled to the third communication module, the fourth light therapy device further comprises a fourth plurality of communication ports coupled to the fourth housing and communicatively coupled to the fourth communication module, and

wherein the first light therapy device, the second light therapy device, the third light therapy device, and the fourth light therapy device are communicatively coupled via a wired connection from the first plurality of communication ports to the second plurality of communication ports, from the second plurality of communication ports to the third plurality of communication ports, and from the third plurality of communication ports to the fourth plurality of communication ports.

44. (New) The light therapy system of claim 43, wherein the first light therapy device, second light therapy device, third light therapy device, and fourth light therapy device are communicatively coupled in at least one of series and parallel wired connections.

REMARKS

Claims 1-2, 4-6, 8, 10, 13-15, and 21-30 were previously pending in the application. Applicant has canceled claims 1-2, 4-6, 8, 10, 13-15, 22, and 26-28; amended claims 21 and 29; and added claims 31-44. Favorable reconsideration and allowance of the application is respectfully requested.

Allowable Subject Matter

The Examiner indicated that claims 28 and 29 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant sincerely thanks the Examiner for the indication of allowable subject matter.

Claim Rejections under 35 U.S.C. §112

Claims 1, 2, 4-6, 8, 10, 13-15, and 22 were rejected under 35 U.S.C. §112(a) as failing to comply with both the written description requirement and the enablement requirement. The listed claims were also rejected under 35 U.S.C. §112(b) as being indefinite for failing to particularly point out and distinctly claim the subject matter which the inventor regards as the invention.

Claims 1, 2, 4-6, 8, 10, 13-15, and 22 have been canceled, thus rendering the rejection moot. Accordingly, Applicant respectfully requests withdrawal of the rejections to the listed claims under 35 U.S.C. §§112(a) and 112(b).

Claim Rejections under 35 U.S.C. §102

Claims 21, 23-27, and 30 were rejected under 35 U.S.C. §102 as being anticipated by U.S. Patent Publication No. 2011/0054573 (“Mitchell”). Applicant respectfully disagrees, but in the interest of expediting prosecution, Applicant has amended claim 21 to include the allowable subject matter of claim 28 (and the intervening claims 26 and 27).

Claims 23-25 and 30 each ultimately depend from claim 21 and are allowable for at least the same reasons as claim 21. Claims 26 and 27 have been canceled. Accordingly, Applicant respectfully requests withdrawal of the rejection to independent claim 21 (and dependent claims 23-27 and 30) under 35 U.S.C. §102.

New Claims

Applicant has added new claims 31-44. No new matter has been added. Claims 31-44 ultimately depend from claim 21 and are allowable for at least the same reasons as independent claim 21.

Furthermore, new claims 31-44 include additional elements not disclosed or taught by Mitchell including, amongst others, a third control panel coupled to a side surface of a third housing and a fourth control panel coupled to a side surface of a fourth housing. Accordingly, Applicant respectfully requests allowance of the application with the new claims.

No Disclaimers or Disavowals

Although the Applicant has amended the claims to expedite allowance, the Applicant is not conceding that any previously pending claims are not allowable. The Applicant reserves the right to prosecute previously pending claims, claims of broader scope, and claims based on any subject matter supported by the present disclosure or any future disclosure. The Applicant has not disclaimed or disavowed any subject matter supported by the present application.

Conclusion

The Applicant has endeavored to amend the application based on the Examiner's comments to expedite allowance. No new matter has been added. Based on the above remarks and the amendments, the Applicant believes the application is in condition for allowance. If any questions remain, the Examiner is invited to contact the undersigned.

Respectfully submitted,

/s/Wesley Schwie

Wesley Schwie

Reg. No. 64,950

Phone: 651-428-9828

Date: June 14, 2019



UNITED STATES PATENT AND TRADEMARK OFFICE

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

NOTICE OF ALLOWANCE AND FEE(S) DUE

124179 7590 07/10/2019
Schwie Law, LLC
445 Minnesota St
Suite 1500
St. Paul, MN 55101

EXAMINER

MARLEN, TAMMIE K

ART UNIT

PAPER NUMBER

3792

DATE MAILED: 07/10/2019

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
16/227,289	12/20/2018	Scott Nelson	JOVV.004A	3772

TITLE OF INVENTION: PHOTOBIOMODULATION THERAPY SYSTEMS AND METHODS

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	SMALL	\$500	\$0.00	\$0.00	\$500	10/10/2019

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

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

HOW TO REPLY TO THIS NOTICE:

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

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

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

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

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

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

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

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), by mail or fax, or via EFS-Web.

By mail, send to: Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

By fax, send to: (571)-273-2885

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

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

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

124179 7590 07/10/2019
Schwie Law, LLC
445 Minnesota St
Suite 1500
St. Paul, MN 55101

Certificate of Mailing or Transmission

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

(Typed or printed name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
16/227,289	12/20/2018	Scott Nelson	JOOVV.004A	3772

TITLE OF INVENTION: PHOTOBIOMODULATION THERAPY SYSTEMS AND METHODS

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	SMALL	\$500	\$0.00	\$0.00	\$500	10/10/2019

EXAMINER	ART UNIT	CLASS-SUBCLASS
MARLEN, TAMMIE K	3792	607-088000

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

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-09 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

(1) The names of up to 3 registered patent attorneys or agents OR, alternatively,

1 _____

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

2 _____

3 _____

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

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document must have been previously recorded, or filed for recordation, as set forth in 37 CFR 3.11 and 37 CFR 3.81(a). Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

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

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

4a. Fees submitted: ☐ Issue Fee ☐ Publication Fee (if required) ☐ Advance Order - # of Copies _____

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

☐ Electronic Payment via EFS-Web ☐ Enclosed check ☐ Non-electronic payment by credit card (Attach form PTO-2038)

☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment to Deposit Account No. _____

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

☐ Applicant certifying micro entity status. See 37 CFR 1.29

☐ Applicant asserting small entity status. See 37 CFR 1.27

☐ Applicant changing to regular undiscounted fee status.

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

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

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

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

Authorized Signature _____

Date _____

Typed or printed name _____

Registration No. _____



UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
16/227,289	12/20/2018	Scott Nelson	JOOVV.004A	3772
124179	7590	07/10/2019	EXAMINER	
Schwie Law, LLC			MARLEN, TAMMIE K	
445 Minnesota St			ART UNIT	
Suite 1500			PAPER NUMBER	
St. Paul, MN 55101			3792	

DATE MAILED: 07/10/2019

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (Applications filed on or after May 29, 2000)

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

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

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

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

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

The information collected by PTOL-85 Part B is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450. Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Privacy Act Statement

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

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

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

Notice of Allowability	Application No. 16/227,289	Applicant(s) Nelson et al.	
	Examiner TAMMIE K MARLEN	Art Unit 3792	AIA (FITF) Status Yes

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

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

1. ☒ This communication is responsive to the amendment filed on June 14, 2019.
☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on ____.

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

3. ☒ The allowed claim(s) is/are 21,23-25 and 29-44. As a result of the allowed claim(s), you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see http://www.uspto.gov/patents/init_events/pph/index.jsp or send an inquiry to PPHfeedback@uspto.gov.

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

Certified copies:

a) ☐ All b) ☐ Some *c) ☐ None of the:

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

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

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

* Certified copies not received: ____.

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

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

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

/TAMMIE K MARLEN/
Primary Examiner, Art Unit 3792

Notice of Pre-AIA or AIA Status

1. The present application, filed on or after March 16, 2013, is being examined under the first inventor to file provisions of the AIA.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

The application has been amended as follows:

In claim 30, line 1, immediately after "...system of claim", please delete "21" and insert --25--.

In claim 31, line 1, immediately after "...system of claim", please delete "30" and insert --32--.

In claim 32, line 1, immediately after "...system of claim", please delete "25" and insert --30--.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TAMMIE K MARLEN whose telephone number is (571)272-1986. The examiner can normally be reached on Monday through Friday from 8 am until 4 pm.

Examiner interviews are available via telephone, in-person, and video conferencing using a USPTO supplied web-based collaboration tool. To schedule an interview, applicant is encouraged to use the USPTO Automated Interview Request (AIR) at <http://www.uspto.gov/interviewpractice>.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Layno can be reached on 571-272-4949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/TAMMIE K MARLEN/
Primary Examiner, Art Unit 3792

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	16227289
	Filing Date	2018-12-20
	First Named Inventor	Scott Nelson
	Art Unit	3792
	Examiner Name	Tammie Marlen
	Attorney Docket Number	JOOVV.004A

U.S.PATENTS						Remove
Examiner Initial*	Cite No	Patent Number	Kind Code ¹	Issue Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear
	1	4844069		1989-07-04	MORI	
	2	5733032		1998-03-31	BOLTA	

If you wish to add additional U.S. Patent citation information please click the Add button. Add

U.S.PATENT APPLICATION PUBLICATIONS						Remove
Examiner Initial*	Cite No	Publication Number	Kind Code ¹	Publication Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear
	1	20060229689		2006-10-12	FERGUSON	
	2	20070129777		2007-06-07	BOLTA	

If you wish to add additional U.S. Published Application citation information please click the Add button. Add

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Examiner Initial*	Cite No	Foreign Document Number ³	Country Code ²	Kind Code ⁴	Publication Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear	T ⁵
	1							

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**
(Not for submission under 37 CFR 1.99)

Application Number	16227289
Filing Date	2018-12-20
First Named Inventor	Scott Nelson
Art Unit	3792
Examiner Name	Tammie Marlen
Attorney Docket Number	JOOVV.004A

If you wish to add additional Foreign Patent Document citation information please click the Add button

NON-PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, pages(s), volume-issue number(s), publisher, city and/or country where published.	T ⁵
	1		

If you wish to add additional non-patent literature document citation information please click the Add button

EXAMINER SIGNATURE

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

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ See Kind Codes of USPTO Patent Documents at www.USPTO.GOV or MPEP 901.04. ² Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). ³ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁴ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁵ Applicant is to place a check mark here if English language translation is attached.

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**
(Not for submission under 37 CFR 1.99)

Application Number	16227289
Filing Date	2018-12-20
First Named Inventor	Scott Nelson
Art Unit	3792
Examiner Name	Tammie Marlen
Attorney Docket Number	JOOVV.004A

CERTIFICATION STATEMENT

Please see 37 CFR 1.97 and 1.98 to make the appropriate selection(s):

That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(1).

OR

☒ That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(2).

See attached certification statement.

☒ The fee set forth in 37 CFR 1.17 (p) has been submitted herewith.

A certification statement is not submitted herewith.

SIGNATURE

A signature of the applicant or representative is required in accordance with CFR 1.33, 10.18. Please see CFR 1.4(d) for the form of the signature.

Signature	/Wesley Schwie/	Date (YYYY-MM-DD)	2019-09-26
Name/Print	Wesley Schwie	Registration Number	64950

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1 hour 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.**

Privacy Act Statement

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

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

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

Electronic Patent Application Fee Transmittal

Application Number:	16227289			
Filing Date:	20-Dec-2018			
Title of Invention:	PHOTOBIMODULATION THERAPY SYSTEMS AND METHODS			
First Named Inventor/Applicant Name:	Scott Nelson			
Filer:	Wesley E. Schwie/Talia Childs			
Attorney Docket Number:	JOOVV.004A			
Filed as Small Entity				
Filing Fees for Utility under 35 USC 111(a)				
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:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Miscellaneous:				
SUBMISSION- INFORMATION DISCLOSURE STMT	2806	1	120	120
Total in USD (\$)				120

Electronic Acknowledgement Receipt

EFS ID:	37283674
Application Number:	16227289
International Application Number:	
Confirmation Number:	3772
Title of Invention:	PHOTOBIMODULATION THERAPY SYSTEMS AND METHODS
First Named Inventor/Applicant Name:	Scott Nelson
Customer Number:	124179
Filer:	Wesley E. Schwie/Talia Childs
Filer Authorized By:	Wesley E. Schwie
Attorney Docket Number:	JOOVV.004A
Receipt Date:	26-SEP-2019
Filing Date:	20-DEC-2018
Time Stamp:	12:16:53
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	CARD
Payment was successfully received in RAM	\$ 120
RAM confirmation Number	E20199PC17323942
Deposit Account	
Authorized User	

The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:

File Listing:					
Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Transmittal Letter	2019-09-26-JOOW-IDS-Transmittal.pdf	73734	no	1
			e84bd7ee2e0e7d32c4394ce7b8852ec2a393b961		
Warnings:					
Information:					
2	Information Disclosure Statement (IDS) Form (SB08)	2019-09-26-IDS-JOOW-004A.pdf	612258	no	4
			e5bee55256eb86ae28b224c56ae81b92196078cf		
Warnings:					
Information:					
3	Fee Worksheet (SB06)	fee-info.pdf	30219	no	2
			583e12180e880861eb12de9edd760b64c9a49c66		
Warnings:					
Information:					
Total Files Size (in bytes):			716211		
This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503. <u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application. <u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course. <u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.					

16/227,289

Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Inventor: Scott Nelson

Examiner: Tammie Marlen

Group Art Unit: 3792

Application No.: 16/227,289

Filed: December 20, 2018

Docket No.: JOOVV.004A

Title: PHOTOBIMODULATION THERAPY SYSTEMS AND METHODS

INFORMATION DISCLOSURE STATEMENT

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

Dear Examiner:

Please see the Information Disclosure Statement submitted with this letter. The Information Disclosure Statement is being filed after a Notice of Allowance has been issued. Accordingly, Applicant has certified the statement specified in 37 CFR 1.97(e)(2), and the fee set forth in 37 CFR 1.17 (p) has been submitted herewith.

Respectfully submitted,

/Wesley E. Schwie/

Wesley E. Schwie
Reg. No. 64,950
651-428-9828
Date: September 26, 2019



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 NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
16/227,289	12/20/2018	Scott Nelson	JOOVV.004A	3772
124179	7590	10/21/2019		
Schwie Law, LLC 445 Minnesota St Suite 1500 St. Paul, MN 55101			EXAMINER MARLEN, TAMMIE K	
			ART UNIT	PAPER NUMBER
			3792	
			NOTIFICATION DATE	DELIVERY MODE
			10/21/2019	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):

talial@schwiellaw.com
wes@schwiellaw.com

Corrected Notice of Allowability	Application No. 16/227,289	Applicant(s) Nelson et al.	
	Examiner TAMMIE K MARLEN	Art Unit 3792	AIA (FITF) Status Yes

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

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

1. ☒ This communication is responsive to the IDS filed on 9/26/2019.
☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on _____.

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

3. ☒ The allowed claim(s) is/are 21,23-25 and 29-44. As a result of the allowed claim(s), you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see http://www.uspto.gov/patents/init_events/pph/index.jsp or send an inquiry to PPHfeedback@uspto.gov.

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

Certified copies:

a) ☐ All b) ☐ Some *c) ☐ None of the:

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

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

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

* Certified copies not received: _____.

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

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892) 2. ☒ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date <u>Attached</u> . 3. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material _____. 4. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____.	5. ☐ Examiner's Amendment/Comment 6. ☐ Examiner's Statement of Reasons for Allowance 7. ☐ Other _____.
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/TAMMIE K MARLEN/
 Primary Examiner, Art Unit 3792



UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	ISSUE DATE	PATENT NO.	ATTORNEY DOCKET NO.	CONFIRMATION NO.
16/227,289	11/19/2019	10478635	JOOVV.004A	3772

124179 7590 10/30/2019
Schwie Law, LLC
445 Minnesota St
Suite 1500
St. Paul, MN 55101

ISSUE NOTIFICATION

The projected patent number and issue date are specified above.

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment is 0 day(s). Any patent to issue from the above-identified application will include an indication of the adjustment on the front page.

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Application Assistance Unit (AAU) of the Office of Data Management (ODM) at (571)-272-4200.

APPLICANT(s) (Please see PAIR WEB site <http://pair.uspto.gov> for additional applicants):

Scott Nelson, San Clemente, CA;
Joovv, Inc., San Clemente, CA;
Justin Strahan, San Clemente, CA;

The United States represents the largest, most dynamic marketplace in the world and is an unparalleled location for business investment, innovation, and commercialization of new technologies. The USA offers tremendous resources and advantages for those who invest and manufacture goods here. Through SelectUSA, our nation works to encourage and facilitate business investment. To learn more about why the USA is the best country in the world to develop technology, manufacture products, and grow your business, visit SelectUSA.gov.