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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
16/584,784	09/26/2019	Scott Nelson	JOOVV.004A.C1	7694
124179	7590	12/06/2019	EXAMINER	
Schwie Law, LLC			MARLEN, TAMMIE K	
445 Minnesota St			ART UNIT	PAPER NUMBER
Suite 1500			3792	
St. Paul, MN 55101			NOTIFICATION DATE	DELIVERY MODE
			12/06/2019	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@schwielaw.com
wes@schwielaw.com

Office Action Summary

Application No.

16/584,784

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 --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTHS FROM THE MAILING DATE OF THIS COMMUNICATION.

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

Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2019.
☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on ____; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims*

- 5) ☒ Claim(s) 1-20 is/are pending in the application.
5a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 6) ☐ Claim(s) ____ is/are allowed.
- 7) ☒ Claim(s) 1-7 and 9-20 is/are rejected.
- 8) ☒ Claim(s) 8 is/are objected to.
- 9) ☐ Claim(s) ____ are subject to restriction and/or election requirement

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

Application Papers

- 10) ☒ The specification is objected to by the Examiner.
- 11) ☒ The drawing(s) filed on 26 September 2019 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

Priority under 35 U.S.C. § 119

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

Certified copies:

- a) ☐ All b) ☐ Some** c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

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

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Information Disclosure Statement(s) (PTO/SB/08a and/or PTO/SB/08b)
Paper No(s)/Mail Date ____.
- 3) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 4) ☐ Other: ____.

DETAILED ACTION

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. The disclosure is objected to because of the following informalities: the section of the specification entitled "CROSS-REFERENCE TO RELATED APPLICATIONS" should be updated to indicate the present status of all applications referred to therein.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. 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.

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

A person shall be entitled to a patent unless –

(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.

6. Claims 12-20 are rejected under 35 U.S.C. 102(a)(1) as being anticipated by Adam et al. (U.S. 2007/0217199), herein Adam. Regarding claim 12, Adam discloses a light therapy device 100, comprising: a housing 110; a first plurality of lights 156 coupled to the housing and configured to emit red light (see paragraphs [0009] and [0056]); a second plurality of lights 156 coupled to

the housing and configured to emit near infrared light (see paragraphs [0009] and [0056] and Table 1, which gives the wavelength of the infrared light as being in the near infrared zone); and a control panel coupled to a surface of the housing, wherein the control panel comprises an input button 106, a first indication light 108/160/174/176, and a second indication light 108/160/174/176 (see paragraphs [0051] and [0066] which describe multiple indication lights), wherein the first indication light and the second indication light are communicatively coupled to the input button, and wherein the first indication light is configured to indicate whether the light therapy device is set to emit light from at least a portion of the first plurality of lights and the second indication light is configured to indicate whether the light therapy device is set to emit light from at least a portion of the second plurality of lights (see Figures 1, 4, 6, and 11 and paragraphs [0051], [0066], [0082], and [0102]).

7. Regarding claims 13-15, it is respectfully submitted that when the charger of the light therapy device is considered part of the light therapy device, the power cord of the light therapy device is a wired connection to a second device, the power connection. Furthermore, the structure of the second light therapy device does not have an impact on the light therapy device and, thus, fails to further define the claim over that of Adam. Furthermore, it is respectfully submitted that when the charger is not considered to be part of the light therapy device, the inductive charging between the light therapy device and the charger is a wireless connection between the light therapy devices and a second device.

8. Regarding claim 16, it is respectfully submitted that the power cord 188 shown in Figures 14-16 is a communication cable between the light therapy device and a second device.

9. Regarding claim 17, it is respectfully submitted that the light therapy device of Adam is configured to operate in each of a lead mode and a follow mode because the light therapy device of Adam is a stand-alone device that both leads and follows according to its programming. It is respectfully submitted that any structure of a "second light therapy device" with which the light

therapy device is configured to communicate fails to further define the light therapy device over that of the prior art.

10. Regarding claim 18, it is respectfully submitted that control actuator 106 comprises a first switch which permits manual control of the microprocessor and is, thus, configured to select each of the lead mode and the follow mode.

11. Regarding claim 19, Adam discloses that the control panel comprises a countdown treatment timer (see paragraph [0078]).

12. Regarding claim 20, Adam discloses that the control panel is coupled to a side surface of the housing (see Figure 1).

Claim Rejections - 35 USC § 103

13. 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.

14. 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.

15. 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.

16. 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.

17. Claims 1-7, 10, and 11 are rejected under 35 U.S.C. 103 as being unpatentable over Mitchell (U.S. 2011/0054573) in view of Adam (U.S. 2007/0217199, cited above). Regarding claim 1, Mitchell discloses the invention substantially as claimed, including, 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 106/304/406 coupled to the first housing and configured to emit at least one of red light and near infrared light (see Figures 1-4 and Abstract), and a first control panel 116/308/402 comprising a first input button 112/114 (see Figures 1, 3, and 4). However, Mitchell fails to disclose a first pair of indication lights communicatively coupled to the first input button, the first pair of indication lights configured to indicate whether the first plurality of lights is set to emit red light, infrared light, or both. Adam teaches a light therapy system comprising: first a light therapy device 100 comprising a first housing; a first plurality of lights 156 coupled to the first housing and configured to emit at least one of red light and near infrared light (see paragraph [0056] and Table 1), and a first control panel comprising a first input button 106 and a pair of indication lights 108/174/176 configured to indicate whether the first plurality of lights is set to emit red light, infrared light, or both (see Figures 1, 6, 8, and 11 and paragraphs [0050], [0051], [0066], [0078], [0082], and [0102]). Adam teaches that the first pair of indication lights provide the advantage of providing feedback to a user of the device about the light treatment is being applied

to the patient (see paragraphs [0082] and [0102]). It would have been obvious to one having ordinary skill in the art before the effective filing date of the claimed invention to light therapy device Mitchell to include a pair of indication lights, as taught by Adam, in order to provide feedback to a user of the device about the light treatment that is being applied to the patient, and as it has been held that combining prior art elements according to known methods to yield predictable results requires only routine skill in the art. *KSR Int'l Co. v. Teleflex Inc.*, 127 S.Ct. 1727, 1742, 82 USPQ2d 1385, 1396 (2007).

Further, while Mitchell discloses a number of light therapy devices 404 (see Figure 4), Mitchell fails to disclose each light therapy device including its own control panel comprising an input button and a pair of indication lights communicatively coupled to the input button, the pair of indication lights configured to indicate whether the plurality of lights of the light therapy device is set to emit red light, infrared light, or both. It would have been obvious to one having ordinary skill in the art before the effective filing date of the claimed invention to duplicate the modified light therapy device of Mitchell in view of Adam, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. MPEP 2144.04.

18. Regarding claim 2, it can be seen in Figure 1B of Mitchell that the control panel is coupled to a side surface of the housing.

19. Regarding claims 3 and 4, Mitchell discloses in the embodiment of Figure 4 that the emitter pads 404 are connected via a wired or wireless link to control unit 402 (see paragraph [0030]). It is respectfully submitted that the modified light therapy devices that each include a control panel comprising an input button and a pair of indication lights, would likewise have a wired or wireless connection to the control unit 402 that includes control for all of the light therapy devices.

20. Regarding claim 5, it can be seen in Figure 4 of Mitchell that the light therapy devices 404 are connected to control box 402 via communication cables.

21. Regarding claim 6, Mitchell discloses that each of the first light therapy device and the second light therapy device is configured to operate in at least 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 followmode, see paragraph [0030]). Further, it is respectfully submitted 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 followmode, 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.

22. Regarding claim 7, it is respectfully submitted that the terms “lead mode” and “follow mode” are arbitrary terms that fail to further limit the claimed invention over that of the prior art.

23. Regarding claim 10, Mitchell discloses that the first and second plurality of lights are configured to emit near infrared light (see Abstract).

24. Regarding claim 11, Mitchell discloses that the control panel 116 can indicate a treatment time (see paragraph [0023]) and, thus, each of the first and second control panels would be configured to indicate the treatment time.

25. Claims 1, 2, 6, 7, and 9-11 are rejected under 35 U.S.C. 103 as being unpatentable over Adam (U.S. 2007/0217199, cited above). Regarding claims 1 and 2, Adam discloses the invention substantially as claimed, including a light therapy device 100, comprising: a housing 110; a first plurality of lights 156 coupled to the housing and configured to emit at least one of red light and near infrared light (see paragraphs [0009] and [0056] and Table 1, which gives the wavelength of the infrared light as being in the near infrared zone); and a control panel coupled to a side surface of the housing, wherein the control panel comprises an input button 106, and a pair of indication lights 108/160/174/176 (see paragraphs [0051] and [0066] which describe multiple indication

lights), the pair of indication lights configured to indicate whether the first plurality of lights is set to emit red light, infrared light, or both (see Figures 1, 4, 6, and 11 and paragraphs [0051], [0066], [0082], and [0102]). However, Adam fails to disclose a second light therapy device. It would have been obvious to one having ordinary skill in the art before the effective filing date of the claimed invention to duplicate the light therapy device of Adam, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. MPEP 2144.04.

26. Regarding claim 6, it is respectfully submitted that in modified Adam, each of the first light therapy device and the second light therapy device is configured to operate in at least one of a lead mode and a follow mode because the light therapy device of Adam is described essentially as an autonomous device. Further, it is respectfully submitted 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.

27. Regarding claim 7, it is respectfully submitted that the terms “lead mode” and “follow mode” are arbitrary terms that fail to further limit the claimed invention over that of the prior art.

28. Regarding claim 9, Adam discloses that a first portion of the first plurality of lights is configured to emit red light and a first portion of the second plurality of lights is configured to emit red light (see paragraphs [0009] and [0056] and Table 1, which gives the wavelength of the infrared light as being in the near infrared zone).

29. Regarding claim 10, Adam discloses that the first and second plurality of lights are configured to emit near infrared light (see paragraphs [0009] and [0056] and Table 1, which gives the wavelength of the infrared light as being in the near infrared zone).

30. Regarding claim 11, Adam discloses that the control panel comprises a countdown treatment timer (see paragraph [0078]).

Double Patenting

31. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the “right to exclude” granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on nonstatutory double patenting provided the reference application or patent either is shown to be commonly owned with the examined application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement. See MPEP § 717.02 for applications subject to examination under the first inventor to file provisions of the AIA as explained in MPEP § 2159. See MPEP §§ 706.02(l)(1) - 706.02(l)(3) for applications not subject to examination under the first inventor to file provisions of the AIA. A terminal disclaimer must be signed in compliance with 37 CFR 1.321(b).

The USPTO Internet website contains terminal disclaimer forms which may be used. Please visit www.uspto.gov/patent/patents-forms. The filing date of the application in which the form is filed determines what form (e.g., PTO/SB/25, PTO/SB/26, PTO/AIA/25, or PTO/AIA/26) should be used. A web-based eTerminal Disclaimer may be filled out completely online using web-screens. An eTerminal Disclaimer that meets all requirements is auto-processed and approved immediately upon submission. For more information about eTerminal Disclaimers, refer to www.uspto.gov/patents/process/file/efs/guidance/eTD-info-l.jsp.

32. Claims (1, 12, 13), (2, 20), (3, 15), 5, and 6 are rejected on the ground of nonstatutory double patenting as being unpatentable over claims 1, 18, 2, 16, and 5, respectively of U.S. Patent No. 10,478,635. Although the claims at issue are not identical, they are not patentably distinct from each other because the differences that exist between the claims would be obvious to one having ordinary skill in the art upon a review of the claims and accompanying disclosure.

Allowable Subject Matter

33. Claim 8 is 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

34. 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 K. Marlen

Group Art Unit: 3792

Application No.: 16/584,784

Filed: September 26, 2019

Docket No.: JOOVV.004A.C1

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 December 6, 2019. Please amend the above-identified application as follows.

- Amendments to the Specification begin on page 2 and include an attached clean specification.
- A listing of the claims begins on page 3.
- Interview Summary begins on page 8.
- Remarks begin on page 9.

INTERVIEW SUMMARY

Interview Participants:

- Tammie K. Marlen (Examiner)
- Wesley Schwie (Reg. No. 64,950)

Date: December 20, 2019

Type of Interview: Telephonic

Topic of Interview:

- Letter Requesting Interview with Examiner (filed in PAIR on December 19, 2019)

Prior Art Discussed:

- U.S. Publication 2011/0054573 (“Mitchell”); and
- U.S. Publication 2007/0217199 (“Adam”).

Examiner Marlen indicated that claim 1, as presented in this response, would be allowable. Applicant thanks Examiner Marlen for the indication of allowability.

REMARKS

Claims 1-20 were previously pending. Claim 1 has been amended. Claims 2, 6-8, and 11-20 have been canceled. Claims 21-34 are new. Favorable reconsideration and allowance of the application is respectfully requested.

Allowable Subject Matter

The Examiner indicated that claim 8 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.

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

Claims 12-20 were rejected under 35 U.S.C. § 102 as being anticipated by Adam. Applicant respectfully disagrees.

However, in order to expedite prosecution, Applicant has canceled claims 12-20, thereby rendering the rejection under 35 U.S.C. § 102 as moot.

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

Claims 1-7, 10, and 11 were rejected under 35 U.S.C. § 103 as being unpatentable over Mitchell in view of Adam. Applicant respectfully disagrees.

However, in order to expedite prosecution, Applicant has amended claim 1 to incorporate the allowable subject matter of claim 8, including intervening claim 6, as originally filed. Applicant hereby requests withdrawal of the rejection to claim 1 (and dependent claims 3-5, 9, and 10) under 35 U.S.C. § 103.

Applicant has canceled claims 2, 6-8, and 11, thereby rendering the rejection under 35 U.S.C. § 103 as moot.

New Claims

Applicant has added new claims 21-34. Claims 21-34 each ultimately depend from claim 1, and are allowable for at least the same reasons as claim 1.

New claim 21 is supported by originally filed claim 1. Claim 21 contains no new matter.

New claim 22 is supported by Applicant's Fig. 6B. Claim 22 contains no new matter.

New claim 23 is supported by originally filed claim 11. Claim 23 contains no new matter.
New claim 24 is supported by originally filed claim 2. Claim 24 contains no new matter.
New claim 25 is supported by originally filed claim 1. Claim 25 contains no new matter.
New claim 26 is supported by originally filed claim 12. Claim 26 contains no new matter.
New claim 27 is supported by originally filed claim 12. Claim 27 contains no new matter.
New claim 28 is supported by originally filed claim 9. Claim 28 contains no new matter.
New claim 29 is supported by originally filed claims 12 and 13. Claim 29 contains no new matter.

New claim 30 is supported by originally filed claim 10. Claim 30 contains no new matter.
New claim 31 is supported by originally filed claims 12 and 13. Claim 31 contains no new matter.

New claim 32 is supported by Applicant's specification at page 10, lines 22-24. Claim 32 contains no new matter.

New claim 33 is supported by Applicant's Figs. 1 and 3. Claim 33 contains no new matter.

New claim 34 is supported by Applicant's specification at page 7, lines 28-31. Claim 34 contains no new matter.

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: January 9, 2020

AMENDMENTS TO THE SPECIFICATION

Please amend the CROSS-REFERENCE TO RELATED APPLICATIONS as indicated below:

CROSS-REFERENCE TO RELATED APPLICATIONS

The entire contents of the following application are incorporated by reference herein: U.S. Patent Application No. 15/616,028; filed June 7, 2017; and entitled THERAPEUTIC LIGHT SOURCE AND HANGING APPARATUS.

The entire contents of the following application are incorporated by reference herein: PCT Patent Application No. PCT/US18/18288; filed March 1, 2018; and entitled THERAPEUTIC LIGHT SOURCE AND MOUNTING APPARATUS.

The entire contents of the following application are incorporated by reference herein: U.S. Patent Application No. 16/167,385; filed October 22, 2018; and entitled PHOTOBIMODULATION THERAPY SYSTEMS AND METHODS.

The entire contents of the following application are incorporated by reference herein: U.S. Patent Application No. 16/227,289; filed December 20, 2018; and entitled PHOTOBIMODULATION THERAPY SYSTEMS AND METHODS (now U.S. Patent No. 10,478,635).

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[[,]] and a first plurality of lights coupled to the first housing and configured to emit at least one of red light and near infrared light, wherein the first light therapy device is configured to operate in at least one of a lead mode and a follow mode, and wherein the first light therapy device comprises a first switch configured to select at least one of the lead mode and the follow mode and a first control panel comprising a first input button and a first pair of indication lights communicatively coupled to the first input button, the first pair of indication lights configured to indicate whether the first plurality of lights is set to emit red light, infrared light, or both; and

a second light therapy device configured to communicate with the first light therapy device, the second light therapy device comprising a second housing, a second plurality of lights coupled to the second housing and configured to emit at least one of red light and near infrared light, wherein the second light therapy device is configured to operate in at least one of the lead mode and the follow mode, and wherein the second light therapy device comprises a second switch configured to select at least one of the lead mode and the follow mode and a second control panel comprising a second input button and a second pair of indication lights communicatively coupled to the second input button, the second pair of indication lights configured to indicate whether the second plurality of lights is set to emit red light, infrared light, or both,

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, and when the second light therapy device operates in the lead mode and the first light therapy device operates in the follow mode the first light therapy device performs operations as instructed by the second light therapy device.

2. (Canceled).

3. (Original) The light therapy system of claim 1, wherein the first light therapy device and the second light therapy device are configured to communicate directly via a wireless connection.

4. (Original) The light therapy system of claim 1, wherein the first light therapy device and the second light therapy device are configured to communicate directly via a wired connection.

5. (Original) The light therapy system of claim 1, wherein the first light therapy device comprises a first plurality of communication ports and the second light therapy device comprises a second plurality of communication ports, the light therapy system further comprising a communication cable having a first end coupled to a first port of the first plurality of communication ports, and a second end coupled to a second port of the second plurality of communication ports.

6. (Canceled).

7. (Canceled).

8. (Canceled).

9. (Original) The light therapy system of claim 1, wherein a first portion of the first plurality of lights is configured to emit red light and a first portion of the second plurality of lights is configured to emit red light.

10. (Original) The light therapy system of claim 1, wherein a second portion of the first plurality of lights is configured to emit near infrared light and a second portion of the second plurality of lights is configured to emit near infrared light.

11. (Canceled).

12. (Canceled).

13. (Canceled).

14. (Canceled).
15. (Canceled).
16. (Canceled).
17. (Canceled).
18. (Canceled).
19. (Canceled).
20. (Canceled).
21. (New) The light therapy system of claim 1, further comprising:
a first control panel coupled to the first light therapy device, the first control panel comprising a first input button; and
a second control panel coupled to the second light therapy device, the second control panel comprising a second input button.
22. (New) The light therapy system of claim 21, wherein the first input button comprises at least one of a time button, a play/pause button, and a mode button.
23. (New) The light therapy system of claim 21, wherein the first control panel comprises a first display configured to indicate a treatment time, and the second control panel comprises a second display configured to indicate the treatment time.
24. (New) The light therapy system of claim 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.

25. (New) The light therapy system of claim 21, further comprising:
a first pair of indication lights coupled to the first control panel and communicatively coupled to the first input button, the first pair of indication lights configured to indicate whether the first plurality of lights is emitting red light, infrared light, or both; and
a second pair of indication lights coupled to the second control panel and communicatively coupled to the second input button, the second pair of indication lights configured to indicate whether the second plurality of lights is emitting red light, infrared light, or both
26. (New) The light therapy system of claim 25, wherein the first pair of indication lights comprises a first indication light and a second indication light.
27. (New) The light therapy system of claim 26, wherein the second pair of indication lights comprises a third indication light and a fourth indication light.
28. (New) The light therapy system of claim 27, wherein a first portion of the first plurality of lights is configured to emit red light and a first portion of the second plurality of lights is configured to emit red light.
29. (New) The light therapy system of claim 28, wherein the first indication light is configured to indicate whether the first portion of the first plurality of lights is emitting red light, and the third indication light is configured to indicate whether the first portion of the second plurality of lights is emitting red light.
30. (New) The light therapy system of claim 28, wherein a second portion of the first plurality of lights is configured to emit near infrared light and a second portion of the second plurality of lights is configured to emit near infrared light.
31. (New) The light therapy system of claim 30, wherein the second indication light is configured to indicate whether the second portion of the first plurality of lights is emitting near infrared light, and the fourth indication light is configured to indicate whether the second portion

of the second plurality of lights is emitting near infrared light.

32. (New) The light therapy system of claim 1, wherein the first switch comprises a first toggle switch and the second switch comprises a second toggle switch.

33. (New) The light therapy system of claim 1, wherein the first light therapy device is mechanically coupled to the second light therapy device.

34. (New) The light therapy system of claim 1, wherein the first light therapy device is remotely located with respect to the second light therapy device.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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NOTICE OF ALLOWANCE AND FEE(S) DUE

124179 7590 03/11/2020
Schwie Law, LLC
445 Minnesota St
Suite 1500
St. Paul, MN 55101

EXAMINER

MARLEN, TAMMIE K

ART UNIT

PAPER NUMBER

3792

DATE MAILED: 03/11/2020

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
16/584,784	09/26/2019	Scott Nelson	JOOVV.004A.C1	7694

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	06/11/2020

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 03/11/2020
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.
16/584,784	09/26/2019	Scott Nelson	JOVV.004A.C1	7694

TITLE OF INVENTION: PHOTOBIO-MODULATION 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	06/11/2020

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. _____



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
16/584,784	09/26/2019	Scott Nelson	JOOVV.004A.C1	7694
124179	7590	03/11/2020	EXAMINER	
Schwie Law, LLC			MARLEN, TAMMIE K	
445 Minnesota St			ART UNIT	PAPER NUMBER
Suite 1500			3792	
St. Paul, MN 55101			DATE MAILED: 03/11/2020	

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. 16/584,784	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 January 10, 2020.
☐ 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 1,3-5,9-10 and 21-34. 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 _____.
--	---

/TAMMIE K MARLEN/
Primary Examiner, Art Unit 3792