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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
17/665,475	02/04/2022	Justin Strahan	JOVV-004A-C3	9714
124179	7590	05/06/2022	EXAMINER	
Gallium Law 445 Minnesota St Suite 1500 St. Paul, MN 55101			MARLEN, TAMMIE K	
			ART UNIT	PAPER NUMBER
			3792	
			NOTIFICATION DATE	DELIVERY MODE
			05/06/2022	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):

docketing@galliumlaw.com

Office Action Summary

Application No.

17/665,475

Applicant(s)

Strahan 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 04 February 2022.

☐ 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) 1-20 is/are rejected.

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

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

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

Application Papers

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

11) ☒ The drawing(s) filed on 04 February 2022 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)

3) ☐ Interview Summary (PTO-413)

Paper No(s)/Mail Date ____.

2) ☒ Information Disclosure Statement(s) (PTO/SB/08a and/or PTO/SB/08b)

4) ☐ Other: ____.

Paper No(s)/Mail Date ____.

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.

Information Disclosure Statement

2. Applicant should note that the large number of references in the attached IDS have been considered by the examiner in the same manner as other documents in Office search files are considered by the examiner while conducting a search of the prior art in a proper field of search. **See MPEP 609.05(b).** Applicant is requested to point out any particular references in the IDS which they believe may be of particular relevance to the instant claimed invention in response to this office action.

Drawings

3. 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

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

Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. 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.

6. Claims 1-18 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 applications subject to pre-AIA 35 U.S.C. 112, the applicant), regards as the invention.

7. Claims 1-18 are rejected under 35 U.S.C. 112(b) or 35 U.S.C. 112 (pre-AIA), second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. The omitted elements are: circuitry and transceivers that enable to the light therapy devices to be configured to operate in a lead mode and a follow mode. The only structure claimed for the light therapy devices in independent claims 1 and 12 are a housing and a plurality of lights, which are not elements that are capable of operating the light therapy devices in a lead mode, a follow mode, or a neutral mode. The only structure added by any dependent claims are communications ports (claims 2, 3, 13), communications cables (claims 2 and 4), control panels (claims 7, 8, and 14), and input buttons (claims 9 and 15-18). The communications ports, communications cables, control panels, and input buttons as claimed are not capable of operating the light therapy devices in a lead mode, a follow mode, or a neutral mode. There is no circuitry claimed which would derive or receive the instructions or that would control another light therapy device.

Claim Rejections - 35 USC § 112

8. 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.

9. Claims 5, 6, and 8-11 are 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 5 requires “each of the first light therapy device and the second light therapy device are configured to operate in one of the lead mode, the follow mode, and a neutral mode” and claim 8 requires “wherein the first light therapy device, the second light therapy device, the third light therapy device, and the fourth light therapy device are each configured to operate in the lead mode, the follow mode, and a neutral mode”. Claim 1 from which claims 5 and 8 depend requires “wherein the first light therapy device and the second light therapy device are each configured to operate in a lead mode and a follow mode”. Claims 5 and 8 fail to include all the limitations of the claim upon which they depend because claims 5 and 8 do not require that the first and second light therapy devices be configured to operate in the lead mode and the follow mode because claims 5 and 8 allow those devices to operate in a neutral mode. Claims 5 and 8 are broader than claim 1 in this regard and are therefore improper. 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

10. 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.

11. 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.

12. Claims 12-20 are rejected under 35 U.S.C. 102(a)(1) as being anticipated by Mitchell (U.S. 2011/0054573, cited by Applicant). Regarding claim 12, Mitchell discloses a light therapy device 100/300/400, comprising: a housing (see Figures 1, 3, and 4, where the housing is considered simply the outside coverings shown); and a plurality of lights 103/304/406 coupled to the housing (see Figures 1, 3, and 4), the plurality of lights configured to emit red light or near-infrared light (see paragraphs [0022] and [0030]), wherein the light therapy device is configured to operate in one of a lead mode, a follow mode, and a neutral mode (it's inherent that the light therapy device will operate in one of these three modes as these are the only options; additionally, Mitchell discloses at paragraphs [0024], [0029], and [0030] that control units 116/308/402 control the light emitters and, thus, the light emitters operate in a follow mode where they deliver light in response to instructions from the control units).

13. Regarding claim 13, Mitchell discloses one or more communication ports (the input for cables shown in Figures 3 and 4) coupled to the housing and configured to receive one or more communication cables 306 (the cables shown in Figures 3 and 4), the one or more communication ports configured for input, output, and combinations thereof (see paragraph [0028]).

14. Regarding claim 14, Mitchell discloses a control panel 116/308/402 coupled to the housing and operatively coupled to the plurality of lights (see Figures 1, 3, and 4).

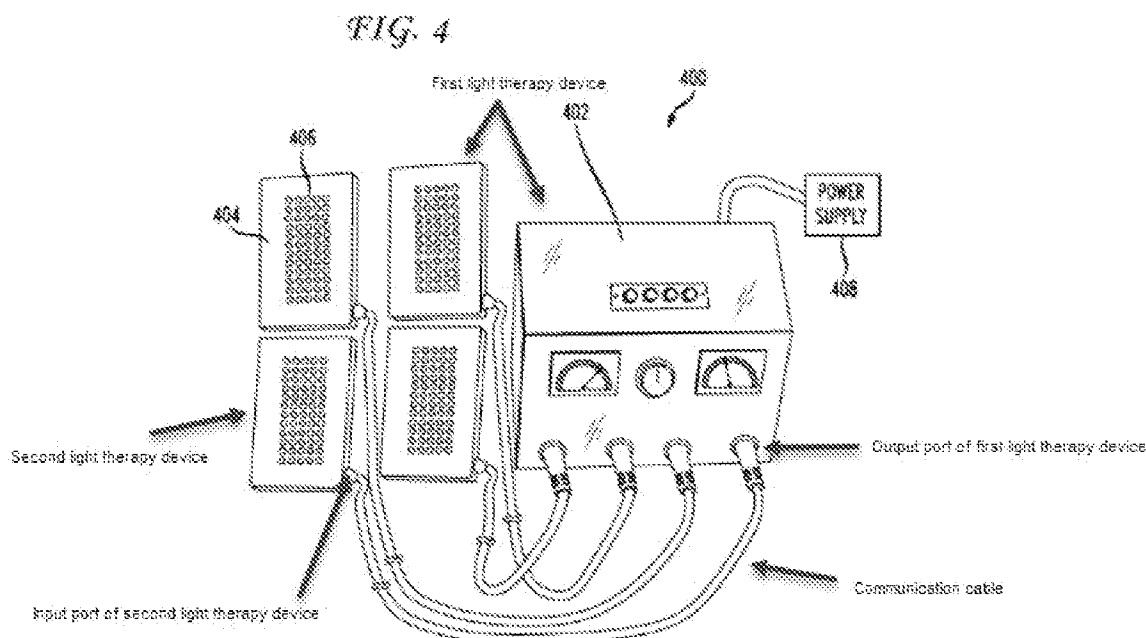
15. Regarding claim 15, Mitchell discloses that the control panel comprises a plurality of input buttons 112/114 configured to control the plurality of lights (see Figures 1, 3, and 4, where input buttons are clearly shown in each figure).

16. Regarding claim 16, Mitchell discloses that the plurality of input buttons comprises a mode button configured to select emission of red light or emission of near-infrared light from the plurality of lights (see paragraph [0023] where it is described that the controls 112/114 are used to adjust the frequency, which would be the selection of the emission of near-infrared light).

17. Regarding claim 17, Mitchell discloses that the plurality of input buttons comprises a time button 112 configured to select a treatment time (see paragraph [0023]).

18. Regarding claim 18, Mitchell discloses that the plurality of input buttons comprises a play/pause button configured to start and pause light emission from the plurality of lights (see paragraph [0023] where it is described that the treatment time and shutoff time can be set using the controls and, thus, these controls are considered play/pause buttons).

19. Regarding claim 19, Mitchell discloses a method of communicatively coupling a first light therapy device comprising a first plurality of lights configured to emit red light or near-infrared light (a first emitter pad 404 with lights 406 in combination with control unit 402 shown in Figure 4, see annotated figure below), and a second light therapy device comprising a second plurality of lights configured to emit red light or near-infrared light (a second emitter pad 406 with lights 406 shown in Figure 4, see annotated figure below), the method comprising: coupling a first end of a communication cable to an output port located on the first light therapy device (one of the cables shown in Figure 4, which connects control unit 402 to a light emitter 404, see annotated figure below); and coupling a second end of the communication cable to an input port located on the second light therapy device, wherein the second end of the communication cable is located opposite the first end (one of the cables shown in Figure 4, which connects control unit 402 to a light emitter 404, see annotated figure below), wherein, when the first light therapy device and the second light therapy device are communicatively coupled via the communication cable the first light therapy device is configured to instruct the second light therapy device to perform operations such that the first plurality of lights and the second plurality of lights are controlled by a control panel coupled to the first light therapy device (see paragraph [0030], which describes the control unit 402 (which is considered part of the first light therapy device) controlling the emitter pads 404).



20. Regarding claim 20, Mitchell discloses that when the first light therapy device and the second light therapy device are communicatively coupled such that the first light therapy device is configured to instruct the second light therapy device to perform operations, the first light therapy device is configured to operate in a lead mode and the second light therapy device is configured to operate in a follow mode (this is the definition of operating in a lead mode and a follow mode).

Conclusion

21. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kaandorp et al. (U.S. 2017/0007844), which describes first, second, third, and fourth light therapy devices 110 controlled to deliver light therapy to a patient (see Abstract and Figures).

22. 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 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.

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/TAMMIE K MARLEN/
Primary Examiner, Art Unit 3792



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Gallium Law 445 Minnesota St Suite 1500 St. Paul, MN 55101			MARLEN, TAMMIE K	
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docketing@galliumlaw.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.

Note: This Non-Final Office Action supersedes all previous Office Actions in this application and a new time period for reply starts from the date of the mailing of the present Office Action.

Information Disclosure Statement

2. Applicant should note that the large number of references in the attached IDS have been considered by the examiner in the same manner as other documents in Office search files are considered by the examiner while conducting a search of the prior art in a proper field of search. **See MPEP 609.05(b).** Applicant is requested to point out any particular references in the IDS which they believe may be of particular relevance to the instant claimed invention in response to this office action.

Drawings

3. 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

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

Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. 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.

6. Claims 1-18 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 applications subject to pre-AIA 35 U.S.C. 112, the applicant), regards as the invention.

7. Independent claim 1 requires “wherein the first light therapy device and the second light therapy device are each configured to operate in a lead mode and a follow mode” and independent claim 12 requires “wherein the light therapy device is configured to operate in one of a lead mode, a follow mode, and a neutral mode”. However, neither of these claims recite a structure that would perform the recited functions of operating in lead, follow, or neutral modes. The only structure claimed for the light therapy devices in independent claims 1 and 12 are a housing and a plurality of lights, which are not elements that are capable of operating the light therapy devices in a lead mode, a follow mode, or a neutral mode. The only structure added by any dependent claims are communications ports (claims 2, 3, 13), communications cables (claims 2 and 4), control panels (claims 7, 8, and 14), and input buttons (claims 9 and 15-18). The communications ports, communications cables, control panels, and input buttons as claimed are not capable of operating the light therapy devices in a lead mode, a follow mode, or a neutral mode. There is no circuitry claimed which would derive or receive the instructions or that would control another light therapy device. As such, there is no structure within the claims that would be capable of performing the recited functions.

Claim Rejections - 35 USC § 112

8. 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.

9. Claims 5, 6, and 8-11 are 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 5 requires “each of the first light therapy device and the second light therapy device are configured to operate in one of the lead mode, the follow mode, and a neutral mode” and claim 8 requires “wherein the first light therapy device, the second light therapy device, the third light therapy device, and the fourth light therapy device are each configured to operate in the lead mode, the follow mode, and a neutral mode”. Claim 1 from which claims 5 and 8 depend requires “wherein the first light therapy device and the second light therapy device are each configured to operate in a lead mode and a follow mode”. Claims 5 and 8 fail to include all the limitations of the claim upon which they depend because claims 5 and 8 do not require that the first and second light therapy devices be configured to operate in the lead mode and the follow mode because claims 5 and 8 allow those devices to operate in a neutral mode. Claims 5 and 8 are broader than claim 1 in this regard and are therefore improper. 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

10. 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.

11. 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.

12. Claims 12-20 are rejected under 35 U.S.C. 102(a)(1) as being anticipated by Mitchell (U.S. 2011/0054573, cited by Applicant). Regarding claim 12, Mitchell discloses a light therapy device 100/300/400, comprising: a housing (see Figures 1, 3, and 4, where the housing is considered simply the outside coverings shown); and a plurality of lights 103/304/406 coupled to the housing (see Figures 1, 3, and 4), the plurality of lights configured to emit red light or near-infrared light (see paragraphs [0022] and [0030]), wherein the light therapy device is configured to operate in one of a lead mode, a follow mode, and a neutral mode (it's inherent that the light therapy device will operate in one of these three modes as these are the only options; additionally, Mitchell discloses at paragraphs [0024], [0029], and [0030] that control units 116/308/402 control the light emitters and, thus, the light emitters operate in a follow mode where they deliver light in response to instructions from the control units).

13. Regarding claim 13, Mitchell discloses one or more communication ports (the input for cables shown in Figures 3 and 4) coupled to the housing and configured to receive one or more communication cables 306 (the cables shown in Figures 3 and 4), the one or more communication ports configured for input, output, and combinations thereof (see paragraph [0028]).

14. Regarding claim 14, Mitchell discloses a control panel 116/308/402 coupled to the housing and operatively coupled to the plurality of lights (see Figures 1, 3, and 4).

15. Regarding claim 15, Mitchell discloses that the control panel comprises a plurality of input buttons 112/114 configured to control the plurality of lights (see Figures 1, 3, and 4, where input buttons are clearly shown in each figure).

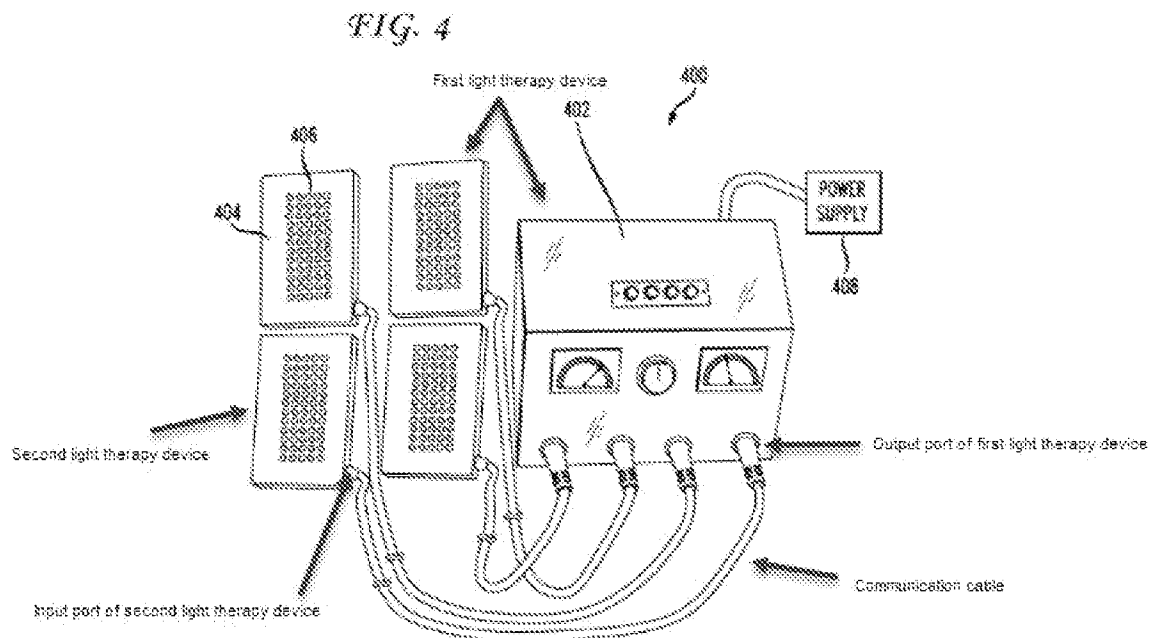
16. Regarding claim 16, Mitchell discloses that the plurality of input buttons comprises a mode button configured to select emission of red light or emission of near-infrared light from the plurality of lights (see paragraph [0023] where it is described that the controls 112/114 are used to adjust the frequency, which would be the selection of the emission of near-infrared light).

17. Regarding claim 17, Mitchell discloses that the plurality of input buttons comprises a time button 112 configured to select a treatment time (see paragraph [0023]).

18. Regarding claim 18, Mitchell discloses that the plurality of input buttons comprises a play/pause button configured to start and pause light emission from the plurality of lights (see paragraph [0023] where it is described that the treatment time and shutoff time can be set using the controls and, thus, these controls are considered play/pause buttons).

19. Regarding claim 19, Mitchell discloses a method of communicatively coupling a first light therapy device comprising a first plurality of lights configured to emit red light or near-infrared light (a first emitter pad 404 with lights 406 in combination with control unit 402 shown in Figure 4, see annotated figure below), and a second light therapy device comprising a second plurality of lights configured to emit red light or near-infrared light (a second emitter pad 406 with lights 406 shown in Figure 4, see annotated figure below), the method comprising: coupling a first end of a communication cable to an output port located on the first light therapy device (one of the cables shown in Figure 4, which connects control unit 402 to a light emitter 404, see annotated figure below); and coupling a second end of the communication cable to an input port located on the second light therapy device, wherein the second end of the communication cable is located opposite the first end (one of the cables shown in Figure 4, which connects control unit 402 to a light emitter 404, see annotated figure below), wherein, when the first light therapy device and the second light therapy device are communicatively coupled via the communication cable the first

light therapy device is configured to instruct the second light therapy device to perform operations such that the first plurality of lights and the second plurality of lights are controlled by a control panel coupled to the first light therapy device (see paragraph [0030], which describes the control unit 402 (which is considered part of the first light therapy device) controlling the emitter pads 404).



20. Regarding claim 20, Mitchell discloses that when the first light therapy device and the second light therapy device are communicatively coupled such that the first light therapy device is configured to instruct the second light therapy device to perform operations, the first light therapy device is configured to operate in a lead mode and the second light therapy device is configured to operate in a follow mode (this is the definition of operating in a lead mode and a follow mode).

Claim Rejections - 35 USC § 103

21. 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.

22. 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.

23. The factual inquiries 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.

24. 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.

25. Claims 1-18 are rejected under 35 U.S.C. 103 as being unpatentable over Dijkstra et al. (U.S. 2019/0030359) in view of Norwood et al. (U.S. Patent No. 7,932,482). Regarding claims 1, 5, 6, 8, and 10-12, Dijkstra et al. shows in Figs. 1, 2, 8, and 9 a light therapy system, comprising: a first light therapy device (200) comprising a first housing (210), a first plurality of lights (LED and

lasers, paragraphs [0019], [0129], [0133], claim 3) arranged and configured to emit red light or near-infrared light (Dijkstra et al. discloses light in a range of 100-1600 nm wavelength, paragraphs [0063, 0067], it is noted that this wavelength range includes red light and near-infrared light; wavelengths in the range of 800-1072 nm in paragraph [0037] which is in the near-infrared range; wavelengths in the range of 632-904 nm and 660-nm – 905 nm in paragraph [0129] which includes the red light range and the near-infrared range; and wavelength of 1072 nanometers in paragraph [0130] which is in the near-infrared range)); and a second light therapy device (200, it is noted that Fig. 8 shows two therapy devices and Fig. 9 shows four therapy devices) comprising a second housing (210), a second plurality of lights (LEDs and lasers, paragraphs [0019], [0129], [0133], claim 3) arranged and configured to emit red light or near-infrared light (Dijkstra et al. discloses light in a range of 100-1600 nm wavelength, paragraphs [0063, 0067], it is noted that this wavelength range includes red light and near-infrared light; wavelengths in the range of 800-1072 nm in paragraph [0037] which is in the near-infrared range; wavelengths in the range of 632-904 nm and 660-nm – 905 nm in paragraph [0129] which includes the red light range and the near-infrared range; and wavelength of 1072 nanometers in paragraph [0130] which is in the near-infrared range), the second light therapy device configured to communicatively couple to the first light therapy device (see paragraphs [0099, 0101]), wherein the first light therapy device and the second light therapy device are each configured to operate in a lead mode and a follow mode (Dijkstra appears to indicate that any of the therapy devices (200) can act as the lead/master or the follow/slave, see paragraph [0101]), and wherein, when the first light therapy device (200) operates in the lead mode and the second light therapy device (200) operates in the follow mode, the first light therapy device (200) instructs the second light therapy device to perform operations, and when the second light therapy device (200) operates in the lead mode and the first light therapy device operates in the follow mode, the second light therapy device instructs the first light therapy device to perform operations (paragraph [0099] discloses how the light therapy devices are controlled and paragraph [0101] appears to indicate that any of the therapy devices (200) can

act as the lead/master or the follow/slave). Dijkstra et al. appears to disclose in paragraph [0101] the limitation “wherein the first light therapy device and the second light therapy device are each configured to operate in a lead mode and a follow mode”. However, since it is not entirely clear whether Dijkstra et al. discloses that the first light therapy device and the second light therapy device are each configured to operate in a lead mode and a follow mode an additional reference (Norwood et al.) has been provided to teach this limitation. Norwood et al. discloses in an analogous art of lighting a plurality of illuminated diffusers (600) in which each diffuser includes a switch (642) and circuitry that allows each diffuser (600) to operate in either a lead/master mode or a follow/slave mode, see column 23, lines 20-53 and Fig. 17 of Norwood et al. In view of the teachings of Norwood et al. it would have been obvious to one having ordinary skill in the art before the effective filing date of the claimed invention to modify Dijkstra et al. by adding a switch (642) and circuitry to each of the light therapy devices (200) since this would allow each of the light therapy devices (200) to act as either the lead or the follower which makes the system of light therapy devices more flexible, e.g. any of the devices can be a lead or a follower. In addition, the addition of the switch (642) and circuitry to each of the light therapy devices allows the mode (lead mode, follow mode) of each light therapy device (200) to be changed in an easier and faster manner.

26. Regarding claim 2, Dijkstra discloses a first plurality of communication ports coupled to the first housing, the first plurality of communication ports comprising an input port and an output port; a second plurality of communication ports coupled to the second housing, the second plurality of communication ports comprising an input port and an output port; and a first communication cable having a first end and a second end located opposite the first end, the first end configured to couple to the output port of the first plurality of communication ports and the second end configured to couple to the input port of the second plurality of communication ports to thereby communicatively couple the first light therapy device and the second light therapy device such that the second light therapy device performs operations as instructed by the first

light therapy device (see paragraph [0021], which describes wired and wireless communication for each light therapy device, paragraph [0099], which describes the master-slave relationship with the slave devices having a communication module to communicate with the master, where the wired communication would include the recited communication cable).

27. Regarding claim 3, Dijkstra discloses a third light therapy device (200, it is noted that Fig. 9 shows four therapy devices) comprising a third housing (210), a third plurality of lights (LEDs and lasers, paragraphs [0019], [0129],[0133], claim 3) arranged and configured to emit red light or near-infrared light (Dijkstra et al. discloses light in a range of 100-1600 nm wavelength, paragraphs [0063, 0067], it is noted that this wavelength range includes red light and near-infrared light; wavelengths in the range of 800-1072 nm in paragraph [0037] which is in the near-infrared range; wavelengths in the range of 632-904 nm and 660-nm – 905 nm in paragraph [0129] which includes the red light range and the near-infrared range; and wavelength of 1072 nanometers in paragraph [0130] which is in the near-infrared range), and a third plurality of communication ports coupled to the third housing, the third plurality of communication ports comprising an input port and an output port, the third light therapy device configured to communicatively couple to the second light therapy device (see paragraph [0021], which describes wired and wireless communication for each light therapy device, paragraph [0099], which describes the master-slave relationship with the slave devices having a communication module to communicate with the master, where the wired communication would include the recited communication cable); and a fourth light therapy device (200, it is noted that Fig. 9 shows four therapy devices) comprising a fourth housing (210), a fourth plurality of lights (LEDs and lasers, paragraphs [0019], [0129],[0133], claim 3) arranged and configured to emit red light or near-infrared light (Dijkstra et al. discloses light in a range of 100-1600 nm wavelength, paragraphs [0063, 0067], it is noted that this wavelength range includes red light and near-infrared light; wavelengths in the range of 800-1072 nm in paragraph [0037] which is in the near-infrared range; wavelengths in the range of 632-904 nm and 660-nm – 905 nm in paragraph [0129] which includes the red light range and the

near-infrared range; and wavelength of 1072 nanometers in paragraph [0130] which is in the near-infrared range), and a fourth plurality of communication ports coupled to the fourth housing, the fourth plurality of communication ports comprising an input port and an output port, the fourth light therapy device configured to communicatively couple to the third light therapy device, wherein the third light therapy device and the fourth light therapy device are each configured to operate in the lead mode and the follow mode (see paragraph [0021], which describes wired and wireless communication for each light therapy device, paragraph [0099], which describes the master-slave relationship with the slave devices having a communication module to communicate with the master, where the wired communication would include the recited communication cable).

28. Regarding claim 4, Dijkstra discloses a second communication cable configured to couple to the output port of the second plurality of communication ports and the input port of the third plurality of communication ports, thereby communicatively coupling the second light therapy device and the third light therapy device such that the second light therapy device is configured to transmit instructions from the first light therapy device, and the third light therapy device is configured to receive and perform the instructions (see paragraph [0021], which describes wired and wireless communication for each light therapy device, paragraph [0099], which describes the master-slave relationship with the slave devices having a communication module to communicate with the master, where the wired communication would include the recited communication cable); and a third communication cable configured to couple to the output port of the third plurality of communication ports and the input port of the fourth plurality of communication ports, thereby communicatively coupling the third light therapy device and the fourth light therapy device such that the second light therapy device is configured to transmit instructions from the first light therapy device, the third light therapy device is configured to transmit the instructions from the second light therapy device, and the fourth light therapy device is configured to receive and perform the instructions (see paragraph [0021], which describes wired and wireless communication for each light therapy device, paragraph [0099], which describes the master-slave relationship with the

slave devices having a communication module to communicate with the master, where the wired communication would include the recited communication cable).

29. Regarding claim 7, Dijkstra discloses a first control panel 130 coupled to the first housing and communicatively coupled to the first plurality of lights (see Figures 1 and 2 and paragraph [0062]), and a second control panel 130 coupled to the second housing and communicatively coupled to the second plurality of lights (see Figures 1 and 2 and paragraph [0062]).

30. Regarding claim 9, Dijkstra discloses that each of the first control panel, the second control panel, the third control panel, and the fourth control panel comprises a respective plurality of input buttons configured to control a treatment time, a type of light emitted, or a commencement and a pausing of light emission (see paragraphs [0026] and [0072] and claim 11).

31. Regarding claim 13, Dijkstra discloses one or more communication ports coupled to the housing and configured to receive one or more communication cables, the one or more communication ports configured for input, output, and combinations thereof device (see paragraph [0021], which describes wired and wireless communication for each light therapy device, paragraph [0099], which describes the master-slave relationship with the slave devices having a communication module to communicate with the master, where the wired communication would include the recited communication cable).

32. Regarding claim 14, Dijkstra discloses a control panel 130 coupled to the housing and operatively coupled to the plurality of lights (see Figures 1 and 2 and paragraph [0062]).

33. Regarding claim 15, Dijkstra discloses the control panel comprises a plurality of input buttons configured to control the plurality of lights (see paragraphs [0026] and [0072] and claim 11).

34. Regarding claim 16, Dijkstra discloses that the plurality of input buttons comprises a mode button configured to select emission of red light or emission of near-infrared light from the plurality of lights (see paragraph [0119] which discloses that the user can control the frequency).

35. Regarding claim 17, Dijkstra discloses that the plurality of input buttons comprises a time button configured to select a treatment time (see paragraphs [0026] and [0072] and claim 11).

36. Regarding claim 18, Dijkstra discloses that the plurality of input buttons comprises a play/pause button configured to start and pause light emission from the plurality of lights (see paragraph [0096], where it is described that the power button turns the device on, i.e. “play”).

Double Patenting

37. 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 § 2146 *et seq.* 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.

38. Claims 1 and 12 rejected on the ground of nonstatutory double patenting as being unpatentable over claim 1 of U.S. Patent No. 10,639,495. Although the claims at issue are not identical, they are not patentably distinct from each other because Claim 1 of U.S. Patent 10,639,495 discloses all of the limitations defined in claims 1 and 12 of the instant application (17/665,475). Patented claim 1 defines a light therapy device comprising a first light therapy device.....wherein the first light therapy device is configured to operate in at least one of a lead mode and a follow mode, a second light therapy device.....wherein the second light therapy device is configured to operate in at least one of a lead mode and a follow mode, wherein, when the first light therapy device operates in the lead mode..... Therefore, patented claim 1 is in essence a “species” of the generic invention of claims 1 and 12 of the instant application. It has been held that a generic invention is “anticipated” by a “species” within the scope of the generic invention. See *In re Goodman*, 29 USPQ2d (Fed. Cir. 1993).

Conclusion

39. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kaandorp et al. (U.S. 2017/0007844), which describes first, second, third, and fourth light therapy devices 110 controlled to deliver light therapy to a patient (see Abstract and Figures).

40. 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 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 published or unpublished applications may be obtained from Patent Center. Unpublished application information in Patent Center is available to registered users. To file and manage patent submissions in Patent Center, visit: <https://patentcenter.uspto.gov>. Visit <https://www.uspto.gov/patents/apply/patent-center> for more information about Patent Center and <https://www.uspto.gov/patents/docx> for information about filing in DOCX format. For additional questions, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative, 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: Justin Strahan
Examiner: Tammie Marlen
Group Art Unit: 3792
Application No.: 17/665,475
Confirmation No.: 9714
Filing Date: February 4, 2022
Docket No.: JOOVV-004A-C3
Title: PHOTOBIOMODULATION THERAPY SYSTEMS AND METHODS

RESPONSE TO NON-FINAL OFFICE ACTION DATED JULY 5, 2022

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

Dear Commissioner,

REPLY PURSUANT TO 37 CFR § 1.111

In response to the Non-Final Office Action dated **July 5, 2022**, reconsideration is respectfully requested in view of the amendments and/or remarks as indicated below:

Interview Summary begins on page 2 of this paper.

Listing of the Claims begins on page 3 of this paper.

The Amendments to the Specification begin on page 9 of this paper.

Remarks begin on page 10 of this paper.

Applicant believes the claims to be in condition for allowance. If Examiner disagrees, Applicant openly invites and encourages Examiner to call Applicant's representative Isabel Fox (651-256-9480). Thank you.

INTERVIEW SUMMARY

Interview Participants:

- Tammie Marlen (Examiner)
- Isabel Fox (Reg. 77,685)

Date: September 20, 2022

Type of Interview: Telephonic

Topic of Interview:

- “Letter Requesting Interview with Examiner” dated September 19, 2022, emailed to Examiner Marlen and filed in Private PAIR on September 19, 2022.

References Discussed:

- U.S. Patent Publication No. 2011/0054573 (“Mitchell”)

Examiner Marlen and Isabel Fox discussed the Letter Requesting Interview with Examiner dated September 19, 2022. Specifically, they discussed some proposed claim amendments drafted to overcome the claim rejections under 35 U.S.C. §§102, 103, and 112.

The Applicant thanks Examiner Marlen for her time and cooperation in discussing this matter with Isabel Fox.

CLAIMS

This listing of claims will replace all prior versions and listings of claims in the application.

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 red light or 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 red light or near-infrared light, and a second communication module communicatively coupled to the second plurality of lights and located within the second housing, wherein the second light therapy device is configured to communicatively couple to the first light therapy device via the first communication module and the second communication module,

wherein the first housing is configured to physically contact the second housing,

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, and

wherein, when the first light therapy device operates in the lead mode and the second light therapy device operates in the follow mode, the first communication module of the first light therapy device instructs the second communication module of the second light therapy device to perform operations, and when the second light therapy device operates in the lead mode and the first light therapy device operates in the follow mode, the second communication module of the second light therapy device instructs the first communication module of the first light therapy device to perform operations.

2. (Currently amended) The light therapy system of Claim 1, further comprising:

a first plurality of communication ports coupled to the first housing, the first plurality of communication ports comprising an input port and an output port;

a second plurality of communication ports coupled to the second housing, the second plurality of communication ports comprising an input port and an output port; and

a first communication cable having a first end and a second end located opposite the first end, the first end configured to couple to the output port of the first plurality of communication

ports and the second end configured to couple to the input port of the second plurality of communication ports to thereby communicatively couple the first communication module of the first light therapy device and the second communication module of the second light therapy device such that the second light therapy device performs operations as instructed by the first light therapy device.

3. (Currently amended) The light therapy system of Claim 2, further comprising:

a third light therapy device comprising a third housing, a third plurality of lights arranged and configured to emit red light or near-infrared light, a third communication module communicatively coupled to the third plurality of lights and located within the third housing, and a third plurality of communication ports coupled to the third housing, the third plurality of communication ports comprising an input port and an output port, the third light therapy device configured to communicatively couple to the second light therapy device; and

a fourth light therapy device comprising a fourth housing, a fourth plurality of lights arranged and configured to emit red light or near-infrared light, a fourth communication module communicatively coupled to the fourth plurality of lights and located within the fourth housing, and a fourth plurality of communication ports coupled to the fourth housing, the fourth plurality of communication ports comprising an input port and an output port, the fourth light therapy device configured to communicatively couple to the third light therapy device,

wherein the third light therapy device and the fourth light therapy device are each configured to operate in the lead mode and the follow mode.

4. (Currently amended) The light therapy system of Claim 3, further comprising:

a second communication cable configured to couple to the output port of the second plurality of communication ports and the input port of the third plurality of communication ports, thereby communicatively coupling the second communication module of the second light therapy device and the third communication module of the third light therapy device such that the second light therapy device is configured to transmit instructions from the first light therapy device, and the third light therapy device is configured to receive and perform the instructions; and

a third communication cable configured to couple to the output port of the third plurality of communication ports and the input port of the fourth plurality of communication ports, thereby

communicatively coupling the third communication module of the third light therapy device and the fourth communication module of the fourth light therapy device such that the second light therapy device is configured to transmit instructions from the first light therapy device, the third light therapy device is configured to transmit the instructions from the second light therapy device, and the fourth light therapy device is configured to receive and perform the instructions.

5. (Original) The light therapy system of Claim 1, wherein each of the first light therapy device and the second light therapy device are configured to operate in one of the lead mode, the follow mode, and a neutral mode.

6. (Original) The light therapy system of Claim 5, wherein while the first light therapy device operates in the neutral mode, the first light therapy device performs operations independently of the second light therapy device, and when the second light therapy device operates in the neutral mode, the second light therapy device performs operations independently of the first light therapy device.

7. (Original) The light therapy system of Claim 1, further comprising a first control panel coupled to the first housing and communicatively coupled to the first plurality of lights, and a second control panel coupled to the second housing and communicatively coupled to the second plurality of lights.

8. (Original) The light therapy system of Claim 7, further comprising:

a third light therapy device comprising a third housing, a third plurality of lights arranged and configured to emit red light or near-infrared light, and a third control panel coupled to the third housing and communicatively coupled to the third plurality of lights; and

a fourth light therapy device comprising a fourth housing, a fourth plurality of lights arranged and configured to emit red light or near-infrared light, and a fourth control panel coupled to the fourth housing and communicatively coupled to the fourth plurality of lights,

wherein the first light therapy device, the second light therapy device, the third light therapy device, and the fourth light therapy device are each configured to operate in the lead mode, the follow mode, and a neutral mode.

9. (Original) The light therapy system of Claim 8, wherein each of the first control panel, the second control panel, the third control panel, and the fourth control panel comprises a respective plurality of input buttons configured to control a treatment time, a type of light emitted, or a commencement and a pausing of light emission.

10. (Original) The light therapy system of Claim 8, wherein when the first light therapy device operates in the lead mode and each of the second light therapy device, third light therapy device, and fourth light therapy device operates in the follow mode, the first control panel is configured to control the first plurality of lights, the second plurality of lights, the third plurality of lights, and the fourth plurality of lights.

11. (Original) The light therapy system of Claim 8, wherein:

when the first light therapy device operates in the neutral mode, the first control panel is configured to control the first plurality of lights,

when the second light therapy device operates in the neutral mode, the second control panel is configured to control the second plurality of lights,

when the third light therapy device operates in the neutral mode, the third control panel is configured to control the third plurality of lights, and

when the fourth light therapy device operates in the neutral mode, the fourth control panel is configured to control the fourth plurality of lights.

12. (Currently amended) A light therapy ~~device system~~, comprising:

a first light therapy device including:

a first housing; [[and]]

a first plurality of lights coupled to the first housing, the first plurality of lights configured to emit red light or near-infrared light[[,]];

a first communication module communicatively coupled to the first plurality of lights; and

a second light therapy device including:

a second housing;
a second plurality of lights coupled to the second housing, the second plurality of lights configured to emit red light or near-infrared light;
a second communication module communicatively coupled to the second plurality of lights,
wherein the first light therapy device and the second light therapy device are each [[is]] 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, the first light therapy device instructs the second light therapy device to perform operations, when the first light therapy device operates in the follow mode, the second light therapy device instructs the first light therapy device to perform operations, and when the first light therapy device operates in the neutral mode, the first light therapy device ignores instructions from the second light therapy device, wherein the first light therapy device and the second light therapy device are configured to communicate via the first communication module and the second communication module.

13. (Currently amended) The light therapy-~~device~~ system of Claim 12, further comprising one or more communication ports coupled to a housing selected from the group consisting of the first housing, the second housing, and combinations thereof, the one or more communication ports [[and]]configured to receive one or more communication cables, the one or more communication ports configured for input, output, and combinations thereof.

14. (Currently amended) The light therapy-~~device~~ system of Claim 12, further comprising:
a first control panel coupled to the first housing and operatively coupled to the first plurality of lights; and
a second control panel coupled to the second housing and operatively coupled to the second plurality of lights.

15. (Currently amended) The light therapy-~~device~~ system of Claim 14, wherein the first control panel comprises a first plurality of input buttons configured to control the first plurality of lights.

16. (Currently amended) The light therapy-~~device~~ system of Claim 15, wherein the first

plurality of input buttons comprises a mode button configured to select emission of red light or emission of near-infrared light from the first plurality of lights.

17. (Currently amended) The light therapy-~~device~~ system of Claim 15, wherein the first plurality of input buttons comprises a time button configured to select a treatment time.

18. (Currently amended) The light therapy-~~device~~ system of Claim 15, wherein the first plurality of input buttons comprises a play/pause button configured to start and pause light emission from the first plurality of lights.

19. (Currently amended) A method of communicatively coupling a first light therapy device comprising a first plurality of lights configured to emit red light or near-infrared light, and a second light therapy device comprising a second plurality of lights configured to emit red light or near-infrared light, the method comprising:

coupling a first end of a communication cable to an output port located on the first light therapy device, wherein the first light therapy device is coupled to a first control panel; and

coupling a second end of the communication cable to an input port located on the second light therapy device, wherein the second end of the communication cable is located opposite the first end, and wherein the second light therapy device is coupled to a second control panel,

wherein, when the first light therapy device and the second light therapy device are communicatively coupled via the communication cable the first light therapy device is configured to instruct the second light therapy device to perform operations such that the first plurality of lights and the second plurality of lights are controlled by [[a]] the first control panel coupled to the first light therapy device.

20. (Original) The method of Claim 19, wherein when the first light therapy device and the second light therapy device are communicatively coupled such that the first light therapy device is configured to instruct the second light therapy device to perform operations, the first light therapy device is configured to operate in a lead mode and the second light therapy device is configured to operate in a follow mode.

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. 16/598,033; filed October 10, 2019; issued as U.S. Patent No. 11,253,719 on February 22, 2022; and entitled PHOTOBIMODULATION THERAPY SYSTEMS AND METHODS.

The entire contents of the following application are incorporated by reference herein: U.S. Patent Application No. 15/616,028; filed June 7, 2017; issued as U.S. Patent No. 10,828,505 on November 10, 2020; 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; issued as U.S. Patent No. 11,033,752 on June 15, 2021; 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; issued as U.S. Patent No. 10,478,635 on November 19, 2019; and entitled PHOTOBIMODULATION THERAPY SYSTEMS AND METHODS.

The entire contents of the following application are incorporated by reference herein: U.S. Patent Application No. 16/584,784; filed September 26, 2019; issued as U.S. Patent No. 10,639,495 on May 5, 2020; and entitled PHOTOBIMODULATION THERAPY SYSTEMS AND METHODS.

Attachment: Clean Specification

REMARKS

Claims 1-20 were previously pending. Claims 1-20 were rejected. Applicant has amended Claims 1-4 and 12-19. No new matter has been added. Favorable reconsideration and allowance of the application are respectfully requested.

Drawings

The Office Action noted on page 2 that “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.” Applicant’s specification includes an “Index of Components” defining each reference numeral. As discussed during the Examiner Interview, Applicant respectfully asserts that this Index sufficiently defines all reference numerals present in the drawing figures.

Objections to the Specification

The specification was objected to with a request to update the status of the parent applications. Applicant has updated the “CROSS-REFERENCE TO RELATED APPLICATIONS” section, as shown on page 9 of this response, and respectfully asserts that the amendments to the specification overcome the objections. Applicant respectfully requests withdrawal of the objections to the specification. A clean amended version of the specification is submitted herewith.

Claim Rejections under 35 U.S.C. §112

Claims 1-18 were 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. The Office Action noted on page 3 that neither independent Claim 1 nor independent Claim 12 “recite a structure that would perform the recited functions of operating in lead, follow, or neutral modes...There is no circuitry claimed which would derive or receive the instructions or that would control another light therapy device. As such, there is no structure within the claims that would be capable of performing the recited functions.” As discussed below, Applicant has amended Claims 1 and 12 to overcome the rejections under 35 U.S.C. §112(b).

Independent Claim 1 and Dependent Claims 2-11

To address the claim rejection, Independent Claim 1 has been amended to recite, in part, the following:

“A light therapy system, comprising...*a first communication module* communicatively coupled to the first plurality of lights and located within the first housing...and *a second communication module* communicatively coupled to the second plurality of lights and located within the second housing, wherein the second light therapy device is configured to communicatively couple to the first light therapy device *via the first communication module and the second communication module...*” (Added components identified in italics.)

Independent Claim 1 has been further amended to recite,

“wherein, when the first light therapy device operates in the lead mode and the second light therapy device operates in the follow mode, *the first communication module* of the first light therapy device instructs *the second communication module* of the second light therapy device to perform operations, and when the second light therapy device operates in the lead mode and the first light therapy device operates in the follow mode, *the second communication module* of the second light therapy device instructs *the first communication module* of the first light therapy device to perform operations.” (Added components identified in italics.)

As discussed during the Examiner Interview, Applicant respectfully asserts that the amendments to Claim 1 include the communication modules to overcome the §112 rejection by providing the “structure” or “circuitry” needed for the light therapy devices to operate in lead and follow modes.

Dependent Claims 5, 6, and 8-11 were rejected under 35 U.S.C. §112(b) as being of “improper dependent form for failing to further limit the subject matter of the claim upon which it depends.” (See Office Action, page 4.) In response, Applicant has amended independent Claim 1 to recite, “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...” (emphasis added). As discussed during the Examiner Interview, Applicant respectfully asserts that this amendment overcomes the rejection of Claims 5, 6, and 8-11 under 35 U.S.C. §112(b) by allowing the dependent claims to introduce additional modes (i.e., neutral mode) without failing to further limit the subject matter

of Claim 1.

In light of the claim amendments discussed above, Applicant respectfully asserts that the claim rejections under 35 U.S.C. §112(b) have been overcome. Applicant respectfully requests withdrawal of the rejections of independent Claim 1 and dependent Claims 2-11 under 35 U.S.C. §112(b).

Independent Claim 12 and Dependent Claims 13-18

Similar to independent Claim 1, Applicant has amended Claim 12 to recite, in part, “A light therapy system, comprising: a first light therapy device including...*a first communication module* communicatively coupled to the first plurality of lights; and a second light therapy device including...*a second communication module* communicatively coupled to the second plurality of lights....” (Added components identified in italics.) As discussed above with reference to Claim 1, Applicant respectfully asserts that the inclusion of a first communication module and a second communication module overcomes the rejection by providing the “structure” or “circuitry” needed for the light therapy devices to operate in lead mode and follow mode. The communication modules also provide the structure needed for the light therapy devices to operate in neutral mode, as recited in Claim 12.

Accordingly, for at least the reasons discussed herein, Applicant respectfully requests withdrawal of the rejections of independent Claim 12 and dependent Claims 13-18 under 35 U.S.C. §112(b).

Claim Rejections under 35 U.S.C. §102

Claims 12-20 were rejected under 35 U.S.C. §102(a)(1) as being anticipated by U.S. Patent Publication No. 2011/0054573 (“Mitchell”).

Independent Claim 12 and Dependent Claims 13-18

To address the claim rejection and further define lead mode and follow mode, Applicant has amended Claim 12 to add the following language:

“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, the first light therapy device

instructs the second light therapy device to perform operations, when the first light therapy device operates in the follow mode, the second light therapy device instructs the first light therapy device to perform operations, and when the first light therapy device operates in the neutral mode, the first light therapy device ignores instructions from the second light therapy device, wherein the first light therapy device and the second light therapy device are configured to communicate via the first communication module and the second communication module.”

Applicant respectfully asserts that Mitchell, which discloses “control units” to control the “light emitters,” fails to teach, disclose, or make obvious light therapy devices that operate as instructed by other light therapy devices (i.e., “when the first light therapy device operates in lead mode, the first light therapy device instructs the second light therapy device to perform operations” as recited in amended Claim 12). Each “light emitter” of Mitchell is controlled by a “control unit” rather than another “light emitter.” Applicant respectfully asserts that amended Claim 12 differentiates the operation of the claimed light therapy devices in lead mode and follow mode from the operation of Mitchell’s light emitters.

Accordingly, Applicant respectfully requests withdrawal of the rejections of independent Claim 12 and dependent Claims 13-18 under 35 U.S.C. §102(a)(1).

Independent Claim 19 and Dependent Claim 20

To address the rejection under 35 U.S.C. §102(a)(1), Applicant has amended Claim 19 to include, in part, the following:

“coupling a first end of a communication cable to an output port located on the first light therapy device, *wherein the first light therapy device is coupled to a first control panel*; and coupling a second end of the communication cable to an input port located on the second light therapy device, wherein the second end of the communication cable is located opposite the first end, *and wherein the second light therapy device is coupled to a second control panel...*” (Added components identified in italics.)

Applicant respectfully asserts that Mitchell fails to teach, disclose, or make obvious each element of amended Claim 19. Specifically, as discussed during the Examiner Interview, Mitchell fails to disclose a second control panel coupled to a second light therapy device. Instead, Mitchell discloses a system including a single “control unit” coupled to multiple “light emitters,” as shown

in Figure 4. Applicant respectfully asserts that the inclusion of a second control panel in Claim 19 overcomes the §102 rejection over Mitchell.

Accordingly, Applicant respectfully requests withdrawal of the rejections of independent Claim 19 and dependent Claim 20 under 35 U.S.C. §102(a)(1).

Claim Rejections under 35 U.S.C. §103

Claims 1-18 were rejected under 35 U.S.C. §103 as being unpatentable over U.S. Patent Publication No. 2019/0030359 (“Dijkstra”) in view of U.S. Patent No. 7,932,482 (“Norwood”).

Independent Claim 1 and Dependent Claims 2-11

Applicant has amended Claim 1 to recite, in part, “wherein the first housing is configured to physically contact the second housing.” Applicant respectfully asserts that Dijkstra and Norwood, taken alone or in combination, fail to teach, disclose, or make obvious physical contact between the housings of two light devices. Dijkstra discloses a light therapy system including multiple devices; however, the devices are not configured to physically contact one another.

For example, Dijkstra discloses, “Referring to FIG. 8, the light therapy system 100 is having two light therapy device 200...the first light therapy device 200 is placed towards the front side of the user and the second light therapy device 200 is placed towards the backside of the user...Here, first and second light therapy devices have separate treatment portions.” (See Dijkstra, [0096].) Further, Dijkstra discloses, “...wherein a user is using a plurality of light therapy devices 200 for full body treatment at a time. In this, the user is surrounded by the plurality of light therapy devices and each light therapy device is projecting light towards a separate treatment portion on the user body.” (See Dijkstra, [0098].)

Dijkstra clearly teaches spacing light therapy devices apart to target different portions of a user’s body. As such, Applicant respectfully asserts that it would not be obvious to alter Dijkstra’s design to create physical contact between a first light therapy device and a second light therapy device, as such a change would be contrary to Dijkstra’s teachings.

Similarly, Norwood also fails to teach or disclose physical contact between devices, and it would be contrary to Norwood’s design to place multiple devices in such close proximity as to cause physical contact. Norwood discloses a scent diffuser with an LED nightlight. Though multiple diffusers may be deployed in one area (e.g., a house), Applicant respectfully asserts that

it would be obvious and logical to space these diffusers apart (e.g., one per room, hallway, etc.) rather than place two side-by-side. As such, Applicant respectfully asserts that amended Claim 1, including physical contact between a first housing and a second housing, is not taught, disclosed, or made obvious by Norwood.

For at least the reasons discussed above, Applicant respectfully asserts that Dijkstra and Norwood, taken alone or in combination, fail to teach, disclose, or make obvious each element of amended Claim 1. Accordingly, Applicant respectfully requests withdrawal of the rejection to independent Claim 1 and dependent Claims 2-11 under 35 U.S.C. §103.

Independent Claim 12 and Dependent Claims 13-18

Applicant has amended independent Claim 12 to recite, in part, “when the first light therapy device operates in the neutral mode, the first light therapy device ignores instructions from the second light therapy device.” Applicant respectfully asserts that neither Dijkstra nor Norwood, taken alone or in combination, teaches, discloses, or makes obvious at least the recited element of amended Claim 12.

Dijkstra and Norwood both disclose a “master/slave mode;” however, neither discloses an explicit neutral mode. Insofar as the devices of Dijkstra and/or Norwood may be configured to operate independently (i.e., in a neutral mode of sorts), both references still fail to teach or disclose a device operating in a neutral mode such that the device “ignores instructions” from another device, as recited in amended Claim 12.

Accordingly, Applicant respectfully requests withdrawal of the rejections of independent Claim 12 and dependent Claims 13-18 under 35 U.S.C. §103.

Double Patenting Rejection

Claims 1 and 12 were rejected on the ground of nonstatutory double patenting as being unpatentable over Claim 1 of U.S. Patent No. 10,639,495. Applicant will timely file a terminal disclaimer and, upon acceptance of the terminal disclaimer, respectfully requests withdrawal of the double patenting rejection.

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,

/Isabel Fox/

Isabel Fox

Reg. No. 77,685

651.256.9480

Date: September 26, 2022



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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NOTICE OF ALLOWANCE AND FEE(S) DUE

124179 7590 10/25/2022
Gallium Law
445 Minnesota St
Suite 1500
St. Paul, MN 55101

EXAMINER

MARLEN, TAMMIE K

ART UNIT

PAPER NUMBER

3792

DATE MAILED: 10/25/2022

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
17/665,475	02/04/2022	Justin Strahan	JOOVV-004A-C3	9714

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	\$600	\$0.00	\$0.00	\$600	01/25/2023

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. 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 10/25/2022
Gallium Law
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.
17/665,475	02/04/2022	Justin Strahan	JOOVV-004A-C3	9714

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	\$600	\$0.00	\$0.00	\$600	01/25/2023

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/AIA/122 or PTO/SB/122) attached.

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/AIA/47 or PTO/SB/47; Rev 03-02 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.
17/665,475	02/04/2022	Justin Strahan	JOOVV-004A-C3	9714
124179	7590	10/25/2022	EXAMINER	
Gallium Law 445 Minnesota St Suite 1500 St. Paul, MN 55101			MARLEN, TAMMIE K	
			ART UNIT	PAPER NUMBER
			3792	

DATE MAILED: 10/25/2022

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. 17/665,475	Applicant(s) Strahan 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 9/2/2022.
☐ 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 1-20. 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)	5. ☐ Examiner's Amendment/Comment
2. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____.	6. ☒ Examiner's Statement of Reasons for Allowance
3. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material _____.	7. ☐ Other _____.
4. ☐ Interview Summary (PTO-413), Paper No./Mail Date. _____.	

/TAMMIE K MARLEN/
Primary Examiner, Art Unit 3792

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 September 27, 2022 has been received and considered. By this amendment, claims 1-4 and 12-19 are amended and claims 1-20 are now pending in the application.

Allowable Subject Matter

3. Claims 1-20 are allowed.
4. The following is an examiner's statement of reasons for allowance: It is in the opinion of the examiner that the art of record neither anticipates nor renders obvious the combination of claim limitations in each of the independent claims.

Searching by the Examiner yielded prior art as cited in the previous Office Actions. Based on Applicant's arguments and the Examiner's review of the Office Action mailed on July 5, 2022, the subject matter is deemed to be allowable. Further explanation can be reviewed in the Applicant's arguments filed on September 27, 2022. Therefore, it is concluded by the examiner that claims 1-20 of the present invention are allowable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

5. 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 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.

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