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POWER OF ATTORNEY OR REVOCATION OF POWER OF ATTORNEY WITH A NEW POWER OF ATTORNEY AND CHANGE OF CORRESPONDENCE ADDRESS	Application Number	
	Filing Date	
	First Named Inventor	BIGNEY, Dustin
	Title	GARMENTS FOR MEN
	Art Unit	
	Examiner Name	
	Attorney Docket Number	B769 0001/GNM

I hereby revoke all previous powers of attorney given in the above-identified application.

☐ A Power of Attorney is submitted herewith.

OR

☒ I hereby appoint Practitioner(s) associated with the following Customer Number as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith:

00720

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OR

☒ Assignee of record of the entire interest. See 37 CFR 3.71.

Statement under 37 CFR 3.73(b) (Form PTO/SB/96) submitted herewith or filed on _____

SIGNATURE of Applicant or Assignee of Record

Signature

Date

Name

Telephone

Title and Company

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.☒ *Total of 1 forms are submitted.

This collection of information is required by 37 CFR 1.31, 1.32 and 1.33. 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 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Tommy John EX1004

Page 1 of 375

U.S. Patent No. 10,834,974

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:

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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.
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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.

STATEMENT UNDER 37 CFR 3.73(b)Applicant/Patent Owner: Dustin Bigney

Application No./Patent No.: _____ Filed/Issue Date: _____

Titled: GARMENTS FOR MEN0912139 B.C. Ltd. _____, a corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest in;
2. ☐ an assignee of less than the entire right, title, and interest in
(The extent (by percentage) of its ownership interest is _____ %); or
3. ☐ the assignee of an undivided interest in the entirety of (a complete assignment from one of the joint inventors was made)

the patent application/patent identified above, by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy therefore is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at
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2. From: _____ To: _____

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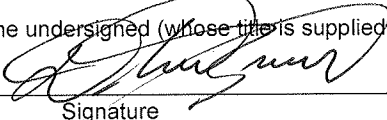
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☐ Additional documents in the chain of title are listed on a supplemental sheet(s).

- ☒ As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.



Signature

July 28, 2011
Date

Dustin Bigney

Printed or Typed Name

PRESIDENT
Title

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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.

B769 0001/GNM
JWR/gmk

ASSIGNMENT OF INVENTIONS AND RELATED PATENT RIGHTS

WHEREAS THE FOLLOWING PERSON OR PERSONS:

Dustin Bigney of *4678 HEADLAND DR. WEST VANCOUVER B.C.*
CANADA V7W-3J3

an Assignor, whose full post office address is set out above, is the inventor of certain inventions or improvements (the "Inventions") described and/or claimed in the United States Patent Application No. _____ entitled: **GARMENTS FOR MEN** filed on _____ (the "Application");

AND WHEREAS, 0912139 B.C. Ltd. (the "Assignee"), whose full post office address is 272 Bernard Avenue, Kelowna, British Columbia, V1Y 6N4, Canada, wishes to own the entire worldwide right, title, and interest in and to: the Inventions, the Application, and all patents which may be granted on or as a result thereof in all countries;

In consideration of ONE (\$1.00) DOLLAR and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, each Assignor, does hereby, sell, assign, transfer, and set over to the Assignee the entire worldwide right, title, and interest in and to:

- the Inventions;
- the Application;
- all continuations, divisions, renewals of, or substitutes for the Application;
- the right to file counterparts to the Application in all countries and regions;
- the right to claim priority from the Application in all countries and regions;
- each and every additional application that claims any part of the Inventions;
- each and every additional application that is in any way based on or claims priority from or corresponds to the Application;
- all patents which may be granted on or as a result thereof; and
- any reissue or reissues of such patents;

the same to be held and enjoyed by the Assignee, its successors, assigns, nominees, or legal representatives, to the full end of the term or terms for which such patents respectively may be granted, reissued, or extended, as fully and entirely as the same would have been held and enjoyed by the Assignor(s), had this Assignment, sale, and transfer not been made. If there are two or more Assignors, the sale, assignment, and transfer is made both jointly and severally.

Each Assignor hereby covenants that he or she: has full right to convey the entire interest herein assigned; has not encumbered the rights and properties transferred by this Assignment in any manner; has not executed and will not execute any agreement to transfer any rights in the Inventions and/or the Application to anyone other than the Assignee; and has not executed and will not execute any agreement that is otherwise in conflict herewith.

Each Assignor promises that he or she shall:

- each time a request is made and without undue delay, execute and deliver all such papers as may be necessary or desirable to perfect the title to the Inventions, the

- Application, and the patents in the Assignee, its successors, assigns, nominees, or legal representatives;
- each time a request is made and without undue delay execute and deliver such additional papers the Assignee considers to be necessary or desirable for use in: prosecution of the applications; interference proceedings involving the applications or patents; oppositions involving the applications or patents; applications to reissue or re-examine the patents; or filing additional applications to protect the Inventions in any country;
 - communicate to the Assignee, or its nominees, all known facts respecting the Inventions, the Application, and said patents and assist in the ascertainment of facts and the production of evidence relating to the Inventions, the applications, or the patents;
 - testify in any legal proceedings;
 - sign all lawful papers;
 - execute all disclaimers and divisional, continuing, reissue, and foreign applications;
 - make all rightful oaths; and
 - generally to do everything possible to aid the Assignee, its successors, assigns, nominees, and legal representatives to obtain and enforce for its or their own benefit, proper patent protection for the Inventions in all countries;
- all at the expense, however, of the Assignee or its successors, assigns, nominees, or legal representatives.

Each Assignor hereby irrevocably designates and appoints the Assignee and its duly authorized officers and agents, and their successors, as his or her agents and attorneys-in-fact, to act on the Assignor(s)'s behalf and instead of the Assignor(s), to execute and file applications to patent the Inventions in all countries, and to do all other proper lawfully permitted acts to further the assignment, prosecution, and issuance of patents for the Inventions with the same legal force and effect as if executed by the Assignor(s). This power of attorney shall be deemed coupled with an interest and is irrevocable.

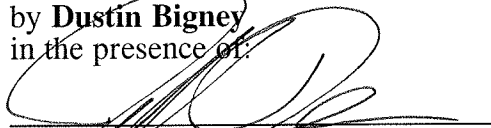
Assignment of Inventions to **0912139 B.C. Ltd.**

Page 3 of 3

Each Assignor hereby authorizes and requests any official of any country or countries whose duty it is to issue patents on applications to issue to the Assignee, its successors, assigns, nominees, or legal representatives all patents for the Inventions in accordance with the terms of this Assignment.

EXECUTED at Vancouver, British Columbia, Canada this 28th day of
(city) (province/state) (country) (date)
July, 2011.
(month)

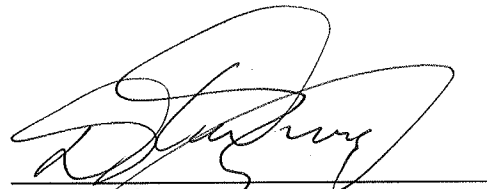
SIGNED, SEALED & DELIVERED
 by **Dustin Bigney**
 in the presence of:


 Signature of Witness

 Print Witness's Name

 Print Witness's Address

 Print Witness's Occupation


Dustin Bigney

JEFFREY W. ROBINSON

Barrister & Solicitor
480 - 601 West Cordova St.
Vancouver, B.C. V6B 1G1

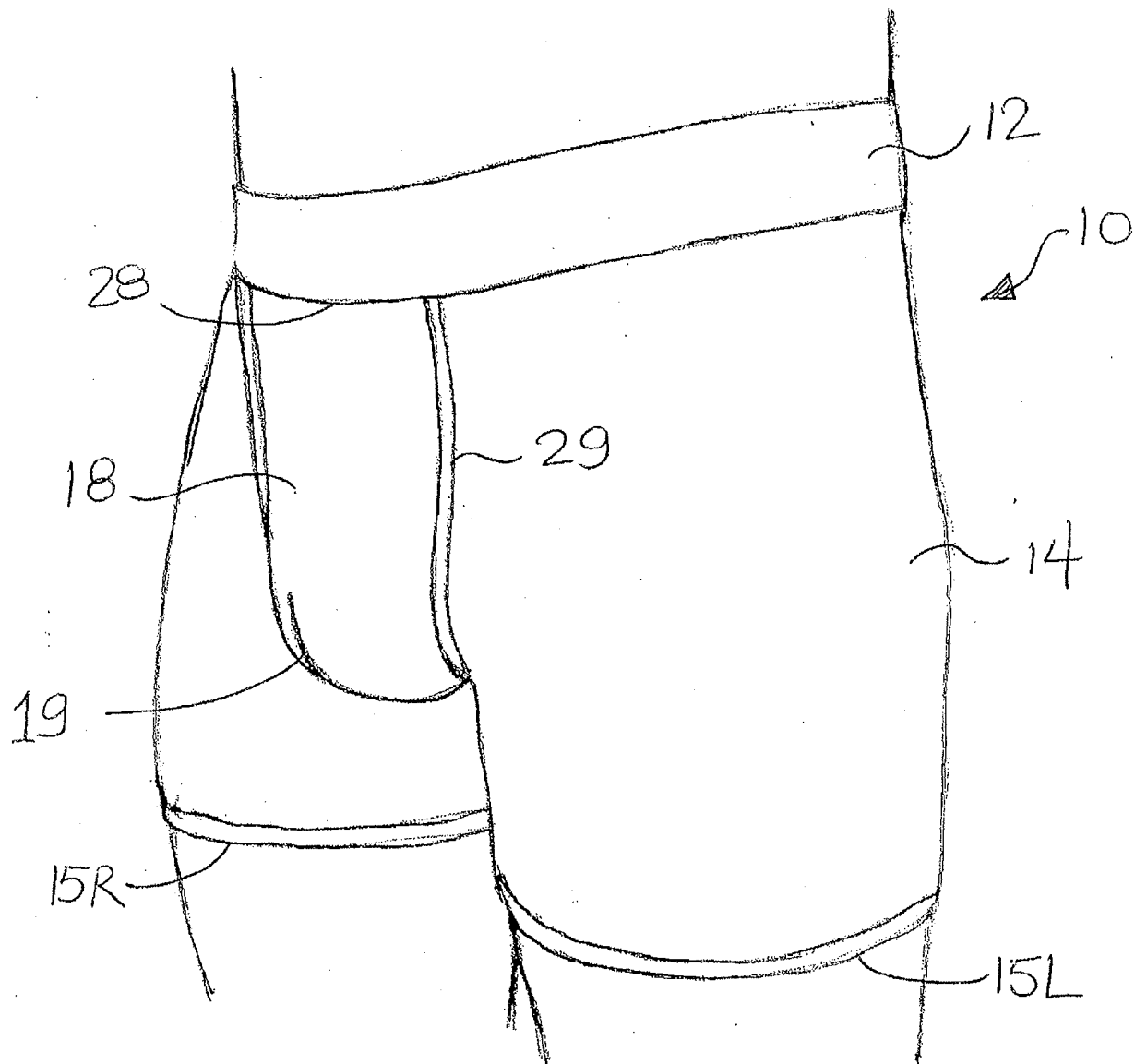


FIG 1

FRONT PERSP.

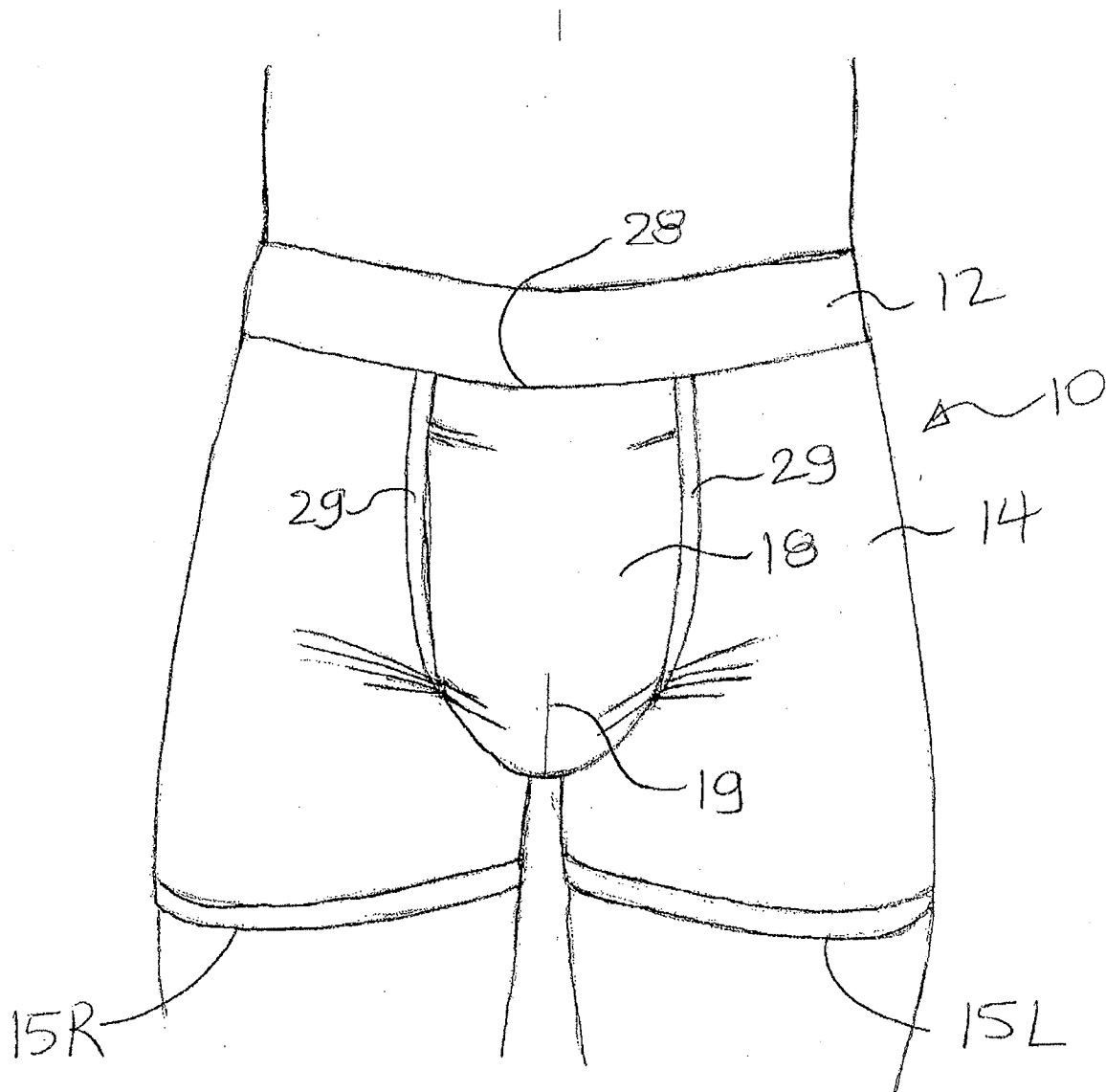


FIG 2
FRONT ELEV.

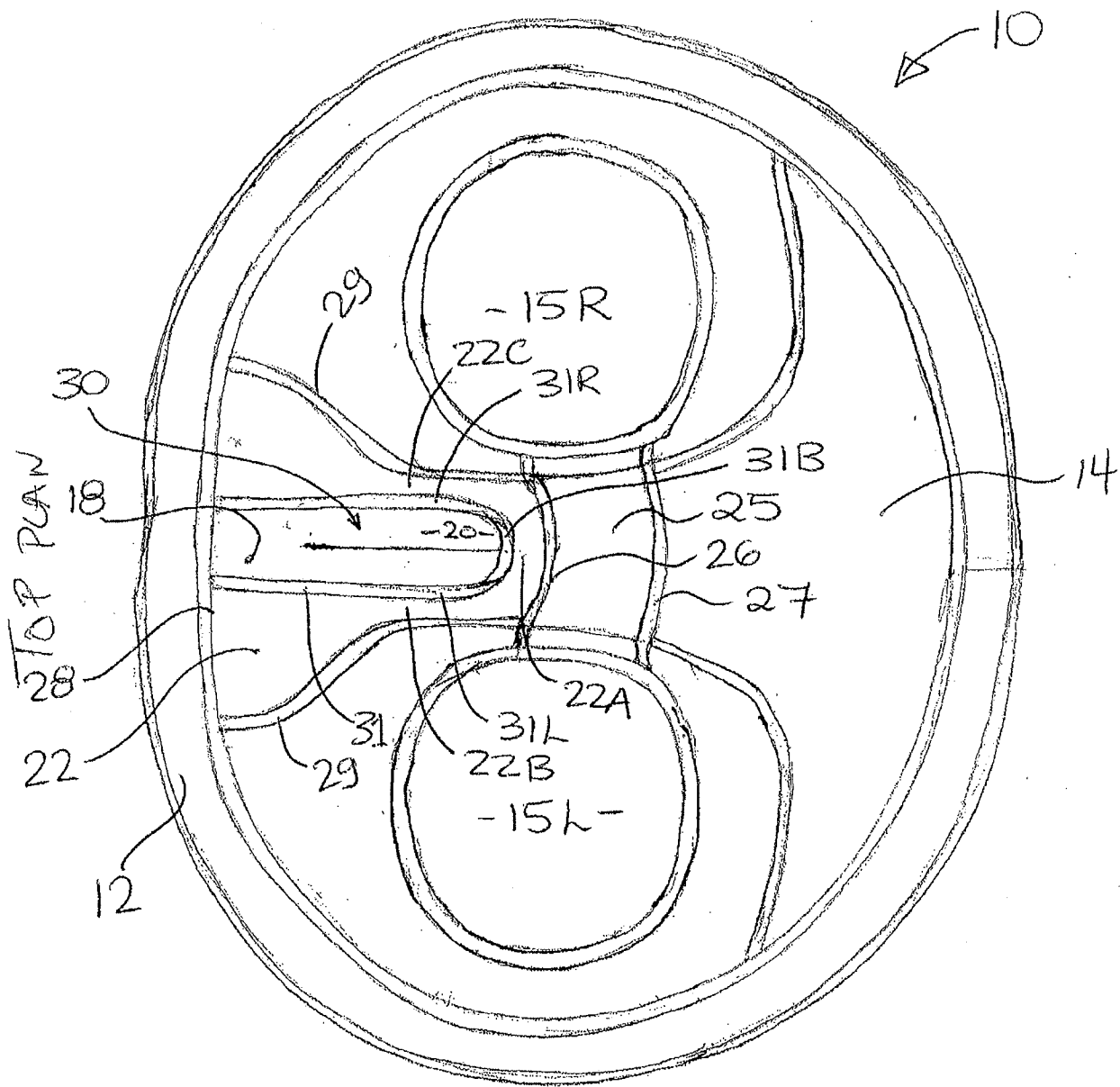


FIG 3.

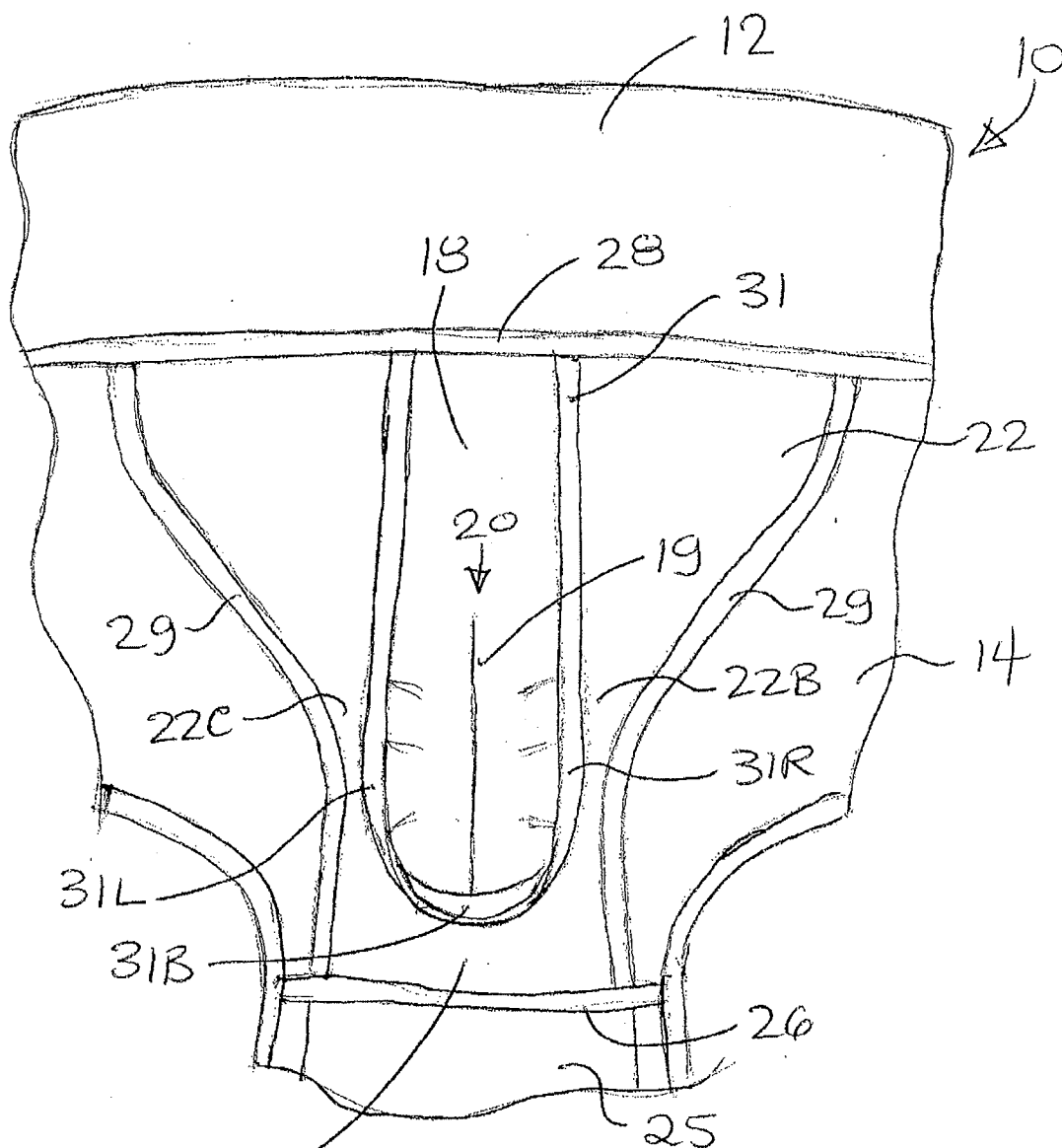
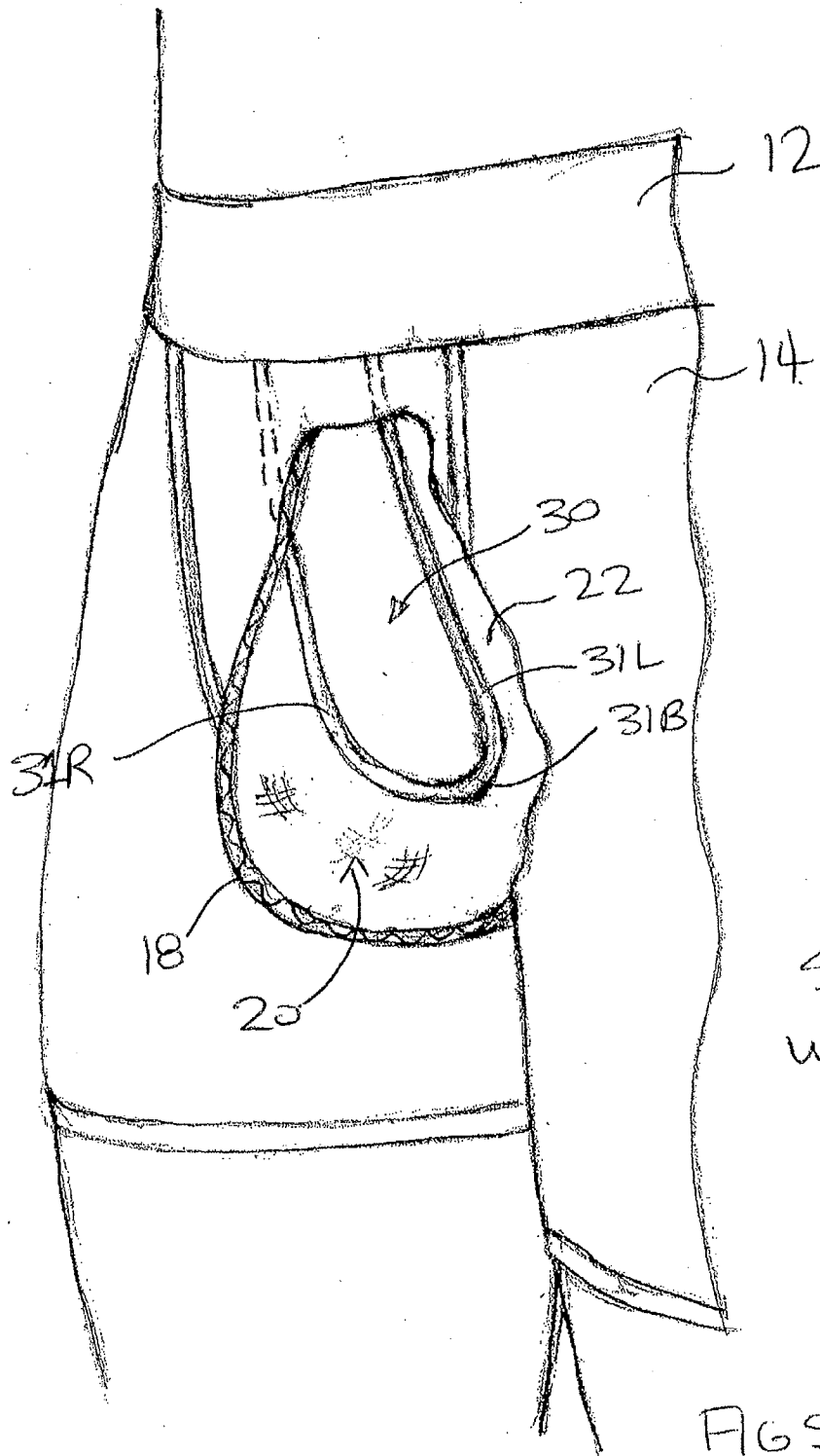
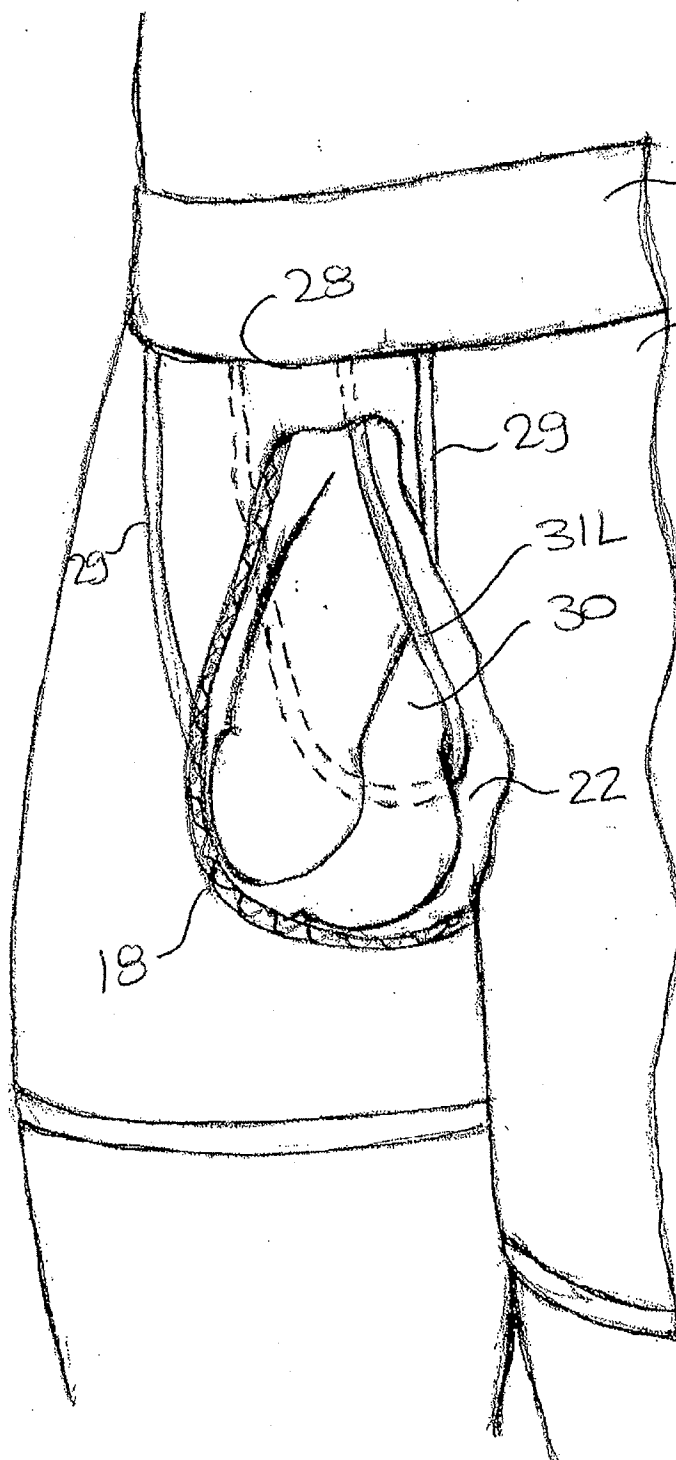


FIG. 4
ENLARGED VIEW OF
POUCH FROM INSIDE



POUCH
SECTIONAL V
W/O GENITAL

AGS



POUCH
SECTIONAL VIEW
W. GENITALIA

FIG 6.

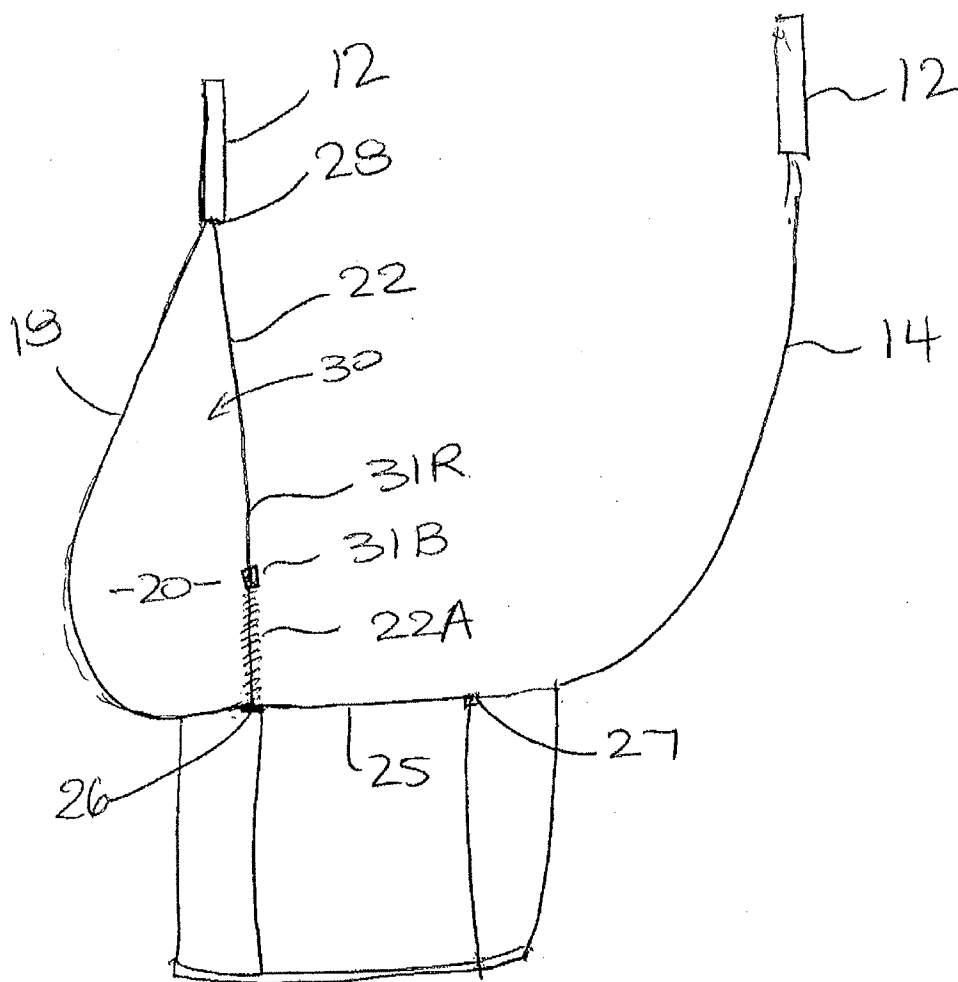


FIG 7.

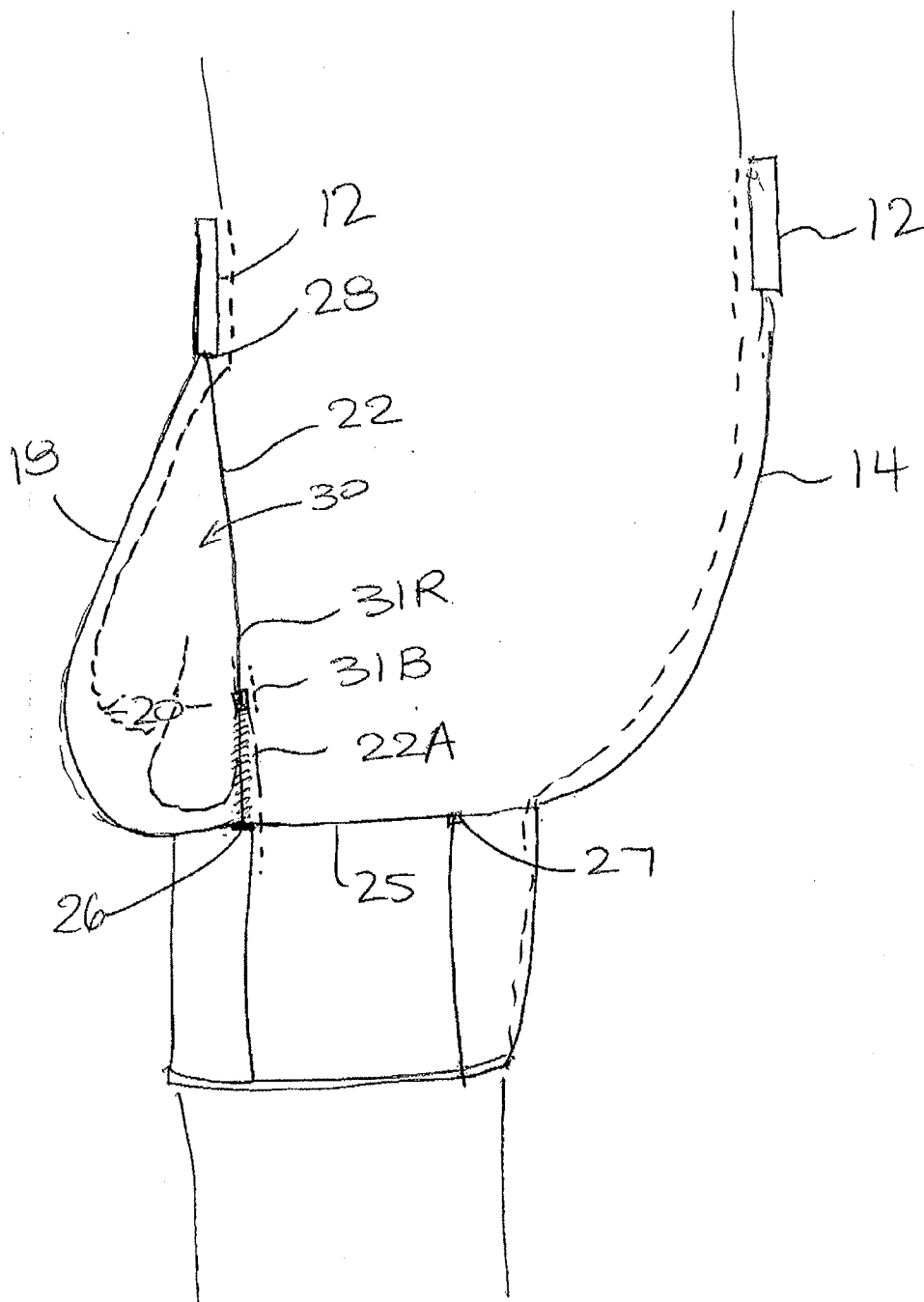


FIG 8

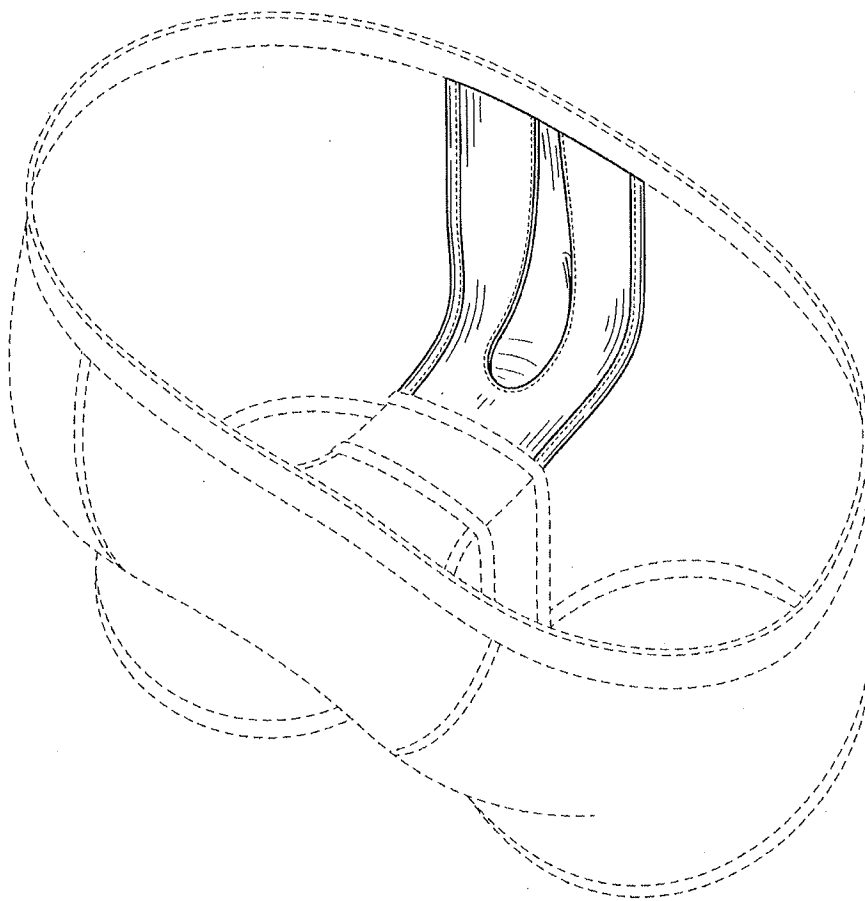


FIG. 9

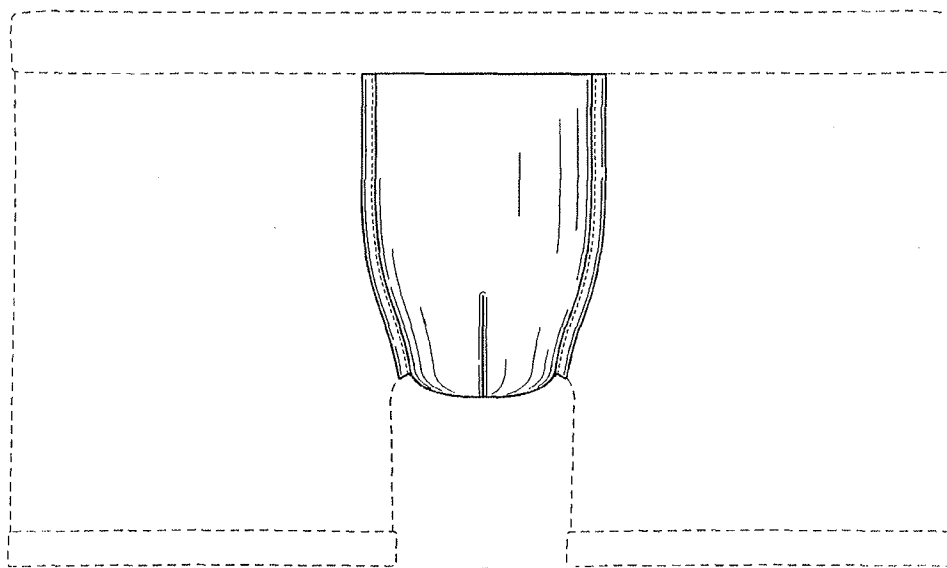


FIG. 10

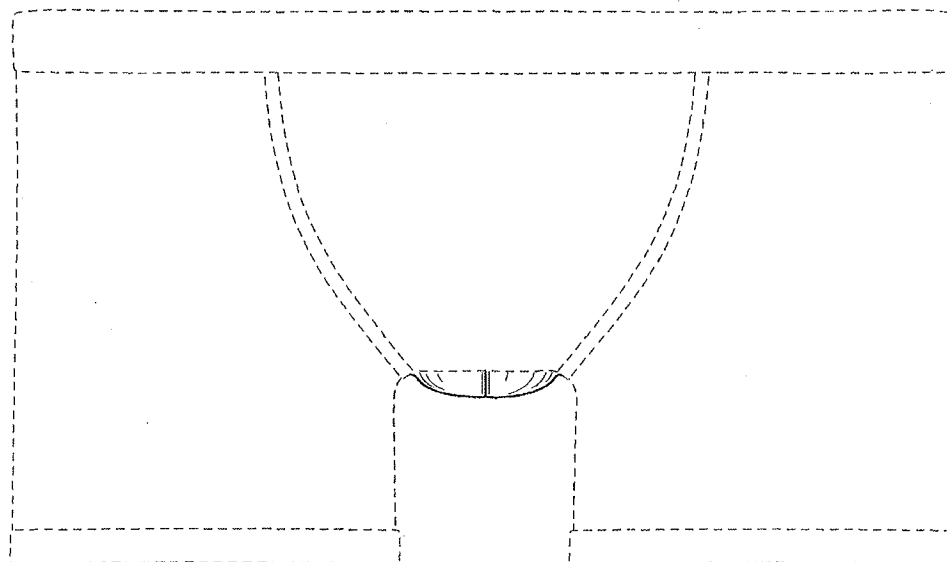


FIG. 11

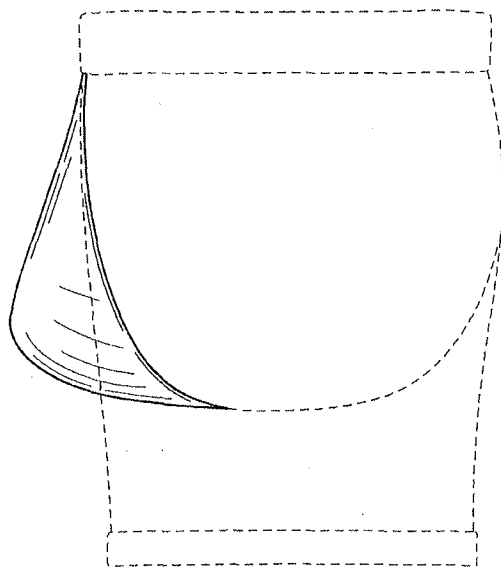


FIG. 12

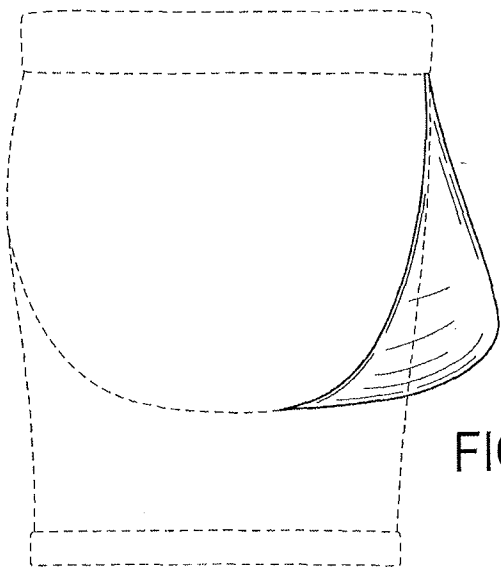


FIG. 13

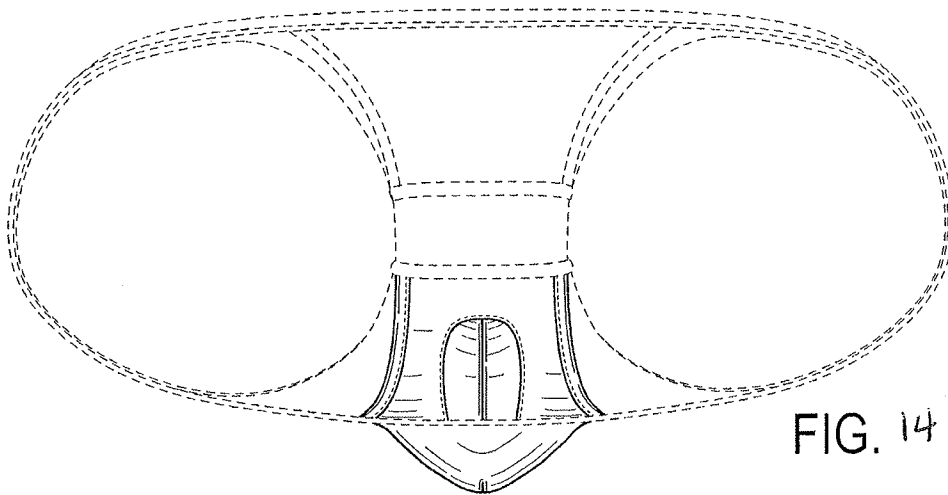


FIG. 14

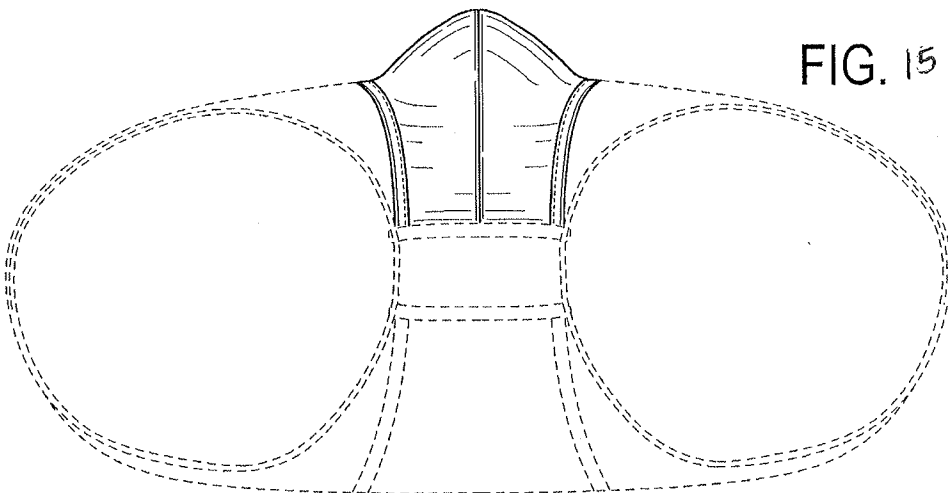


FIG. 15

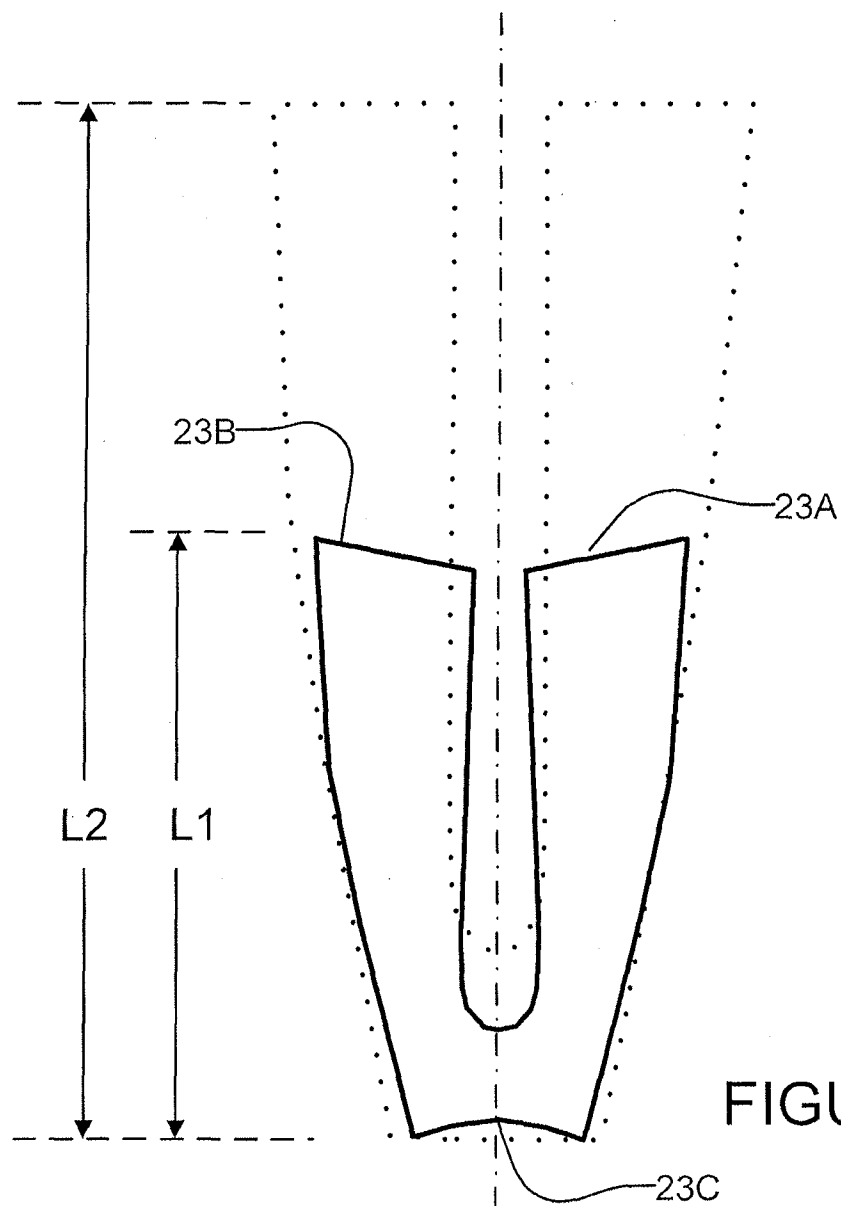


FIGURE 16

GARMENTS FOR MEN

Technical Field

[0001] The invention relates to next-to-skin garments. Example embodiments of the invention include briefs, underpants, swim suits, boarding shorts, cycling shorts, and
5 the like.

Background

[0002] Next-to-skin clothing for men must comfortably accommodate the wearer's genitalia. Uncomfortable pressure and/or chafing of the genital area are common
10 especially for wearers who are performing sports or other activities.

[0003] Some existing garments are described in: Angheluta et al., US patent 5029345; Cutlip, US patent 7676853; Shlush, US patent publication No. 2009/0106874; and Kitsch et al., US patent application 12/000,966.
15

[0004] There remains a need for garments for men and boys that are more comfortable to wear than many existing garments, especially having regard to the genital area.

Summary of the Invention

[0005] Aspects of the invention provide a range of garments for men and boys. The garments provide a stretch panel having an opening for receiving a wearer's genitals. A pouch is defined between the stretch panel and a front of the garment.

[0006] An example aspect of the invention provides a male garment comprising a body including a front portion and having leg openings for a wearer's legs. The body includes a crotch panel extending between the leg openings and joined to the front portion along a first seam. The crotch panel is rectangular in some embodiments. A waistband is attached at an upper edge of the body. A stretch panel is attached to the
25 body inside the front portion. The stretch panel comprises a sheet of elastically resilient two-way stretch material having a top edge attached to the body at the waistband, a bottom edge attached at the first seam, side edges attached to the body
30 along either side of the front portion and an opening for receiving the wearer's

- 2 -

genitals. The opening has a rounded bottom edge and opposing side edges that are spaced apart from one another on either side of the opening. The front portion is gathered from side-to-side and top-to-bottom by the stretch panel. A three-dimensional pouch is defined between the stretch panel and the front portion.

5

[0007] Further aspects of the invention and features of specific embodiments of the invention are described below.

Brief Description of the Drawings

10 [0008] The accompanying drawings illustrate non-limiting example embodiments of the invention.

[0009] Figure 1 is a front perspective view of a pair of undershorts according to an example embodiment.

15

[0010] Figure 2 is a front view of the undershorts of Figure 1.

[0011] Figure 3 is a top plan view of the undershorts of Figure 1.

20 [0012] Figure 4 is an enlarged view of the front portion of the undershorts of Figure 1 viewed from inside.

[0013] Figure 5 is a cut-away view of the undershorts of Figure 1 being worn.

25 [0014] Figure 6 is a cut-away view of the undershorts of Figure 1 being worn and showing the wearer's genitalia being supported in a pouch.

[0015] Figure 7 is a cross-section through the undershorts of Figure 1 hanging from the waistband.

30

- 3 -

[0016] Figure 8 is a cross-section through the undershorts of Figure 1 being worn and showing the wearer's genitalia being supported in a pouch.

5 [0017] Figures 9 to 15 show a mens' garment according to another example embodiment.

[0018] Figure 16 shows a stretch panel before and during being sewn into a garment.

Description

10 [0019] Throughout the following description, specific details are set forth in order to provide a more thorough understanding of the invention. However, the invention may be practiced without these particulars. In other instances, well known elements have not been shown or described in detail to avoid unnecessarily obscuring the invention. Accordingly, the specification and drawings are to be regarded in an illustrative, rather
15 than a restrictive, sense.

[0020] This invention relates to garments for men that include pouches to receive the wearer's genitalia. Such garments may provide enhanced comfort for the wearer.

20 [0021] Figure 1 shows undershorts **10** according to an example embodiment. Undershorts **10** have an elastic waist band **12** supporting a fabric body **14**. Body **14** extends to leg openings **15R** and **15L** (collectively openings **15**). A front portion **18** of body **14** is shaped to include extra fabric so that front portion **18** is not pulled tightly against a wearer's body. As described below, front portion **18** forms the front part of a
25 three-dimensional pouch **20** that receives and gently supports a wearer's genitalia. In the illustrated embodiment, front portion **18** includes a front seam or 'dart' **19** that extends part way along front portion **18** from the crotch of undershorts **10** toward waistband **12** thereby providing extra fabric in front portion **18**. This adds volume to pouch **20**. A tunnel opening or other suitable opening may optionally be provided in
30 front portion **18** to permit the wearer to urinate conveniently.

- 4 -

[0022] As shown in Figure 3, undershorts **10** include a stretch panel **22** that extends between waistband **12** and the crotch area **24** of undershorts **10**. In the illustrated embodiment, undershorts **10** have a construction that includes a crotch panel **25** joined by seams **26** and **27** to the front and back sides of body **14** respectively. Crotch panel **25** is sometimes called an arc panel or moisture panel.

[0023] In this embodiment, a lower end of stretch panel **22** is attached at seam **26** and an upper end of stretch panel **22** is attached at the seam **28** joining waistband **12** to body **14**. Side edges of stretch panel **22** are joined to front portion **18** of body **14** along seams **29** on either side of front portion **18**.

[0024] When undershorts **10** are held open as shown for example in Figure 3 with waistband **12** under gentle tension and body **14** hanging freely, stretch panel **22** is contracted and pulled away from front area **18** so as to provide a three-dimensional pouch **20** between stretch panel **22** and front portion **18**. The bias of stretch panel **22** to be contracted more than front portion **18** helps to cause opening **30** to be held open. Pouch **20** and opening **30** may be self-aligning with the penis and scrotum of a wearer as the wearer inserts his legs through leg openings **15**.

[0025] Stretch panel **22** includes an opening **30** to receive a wearer's genitalia. In the illustrated embodiment, opening **30** is U-shaped and has a softly-bound edge **31**. Alternatively, stretch panel **22** may be shaped such that the free inner edges **31A** and **31B** along the sides of opening **30** become closer together in their parts near waistband **11** such that opening **30** is more tear-drop shaped. In yet other embodiments, the upper parts of edges **31A** and **31B** may be adjacent each other, or joined together such that opening **30** has an oval or elliptical shape (not shown). Regardless of the particular shape of opening **30** stretch panel **22** is configured to define opening **30** and to provide support around and underneath the scrotum of the wearer in order to comfortably position the wearer's genitals forward into pouch **20**.

[0026] A soft thread is preferably used in any stitching to bind edge **31**.

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[0027] As can be seen in Figure 3, holding the waistband of undershorts open as one would do to put undershorts **10** on naturally causes pouch **20** to be open to receive a wearer's genitals which can drop into place in pouch **20** through opening **30** as
5 undershorts **10** are put on. In other words, when undershorts **10** is held by a man so as to be in a ready-to-wear position (i.e. held in mid-air by the waistband), the weight of undershorts **10** holds stretch panel **22** so that opening **30** is open and clearly defined. The man's genitals are thus naturally guided through opening **30** and positioned forward into pouch **20** as a result of this bias. As undershorts **10** are pulled on, stretch
10 panel stretches. This bias prevents the man's genitals from falling out of pouch **20** in use, such as during physical activity and other movement.

[0028] Thus the illustrated undershorts are one example of a men's garment comprising: a waistband; a front wall depending downwardly from the waistband, a
15 stretch panel attached behind the front wall so that the frone wall and stretch panel provide a pouch formed at a level of a mid-section of the front wall, the pouch shaped to contain a wearer's penis and scrotum when the garment is worn. The stretch panel may have a bottom portion connecting opposing side portions and may be positioned to be disposed forward of a wearer's perineum when the garment is worn. In use the
20 wearer's scrotum may be supported underneath by the bottom portion of the stretch panel with the wearer's penis and scrotum contained in the pouch.

[0029] It can be seen that side portions **31L** and **31R** of edge **31** and bottom portion **31B** of edge **31** are all free edges that are spaced apart from the seams at which stretch
25 panel **22** is attached to body **14** and that front portion **18** is spaced away from these edges in the forward direction. Bottom portion **31B** is preferably curved.

[0030] Side portions **31L** and **31R** of edge **31** are spaced apart from one another by a gap to receive the wearer's genitalia. In some embodiments the gap has a width of 2
30 cm or more at a location just above bottom portion **31B**. In the illustrated embodiment, side portions **31L** and **31R** of edge **31** are generally straight.

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[0031] Stretch panel **22** may be made of a two-way stretch material such that when undershorts **10** are being worn, stretch panel **22** is under gentle tension. This causes stretch panel **22** to be held gently without sagging against the wearer's body in the perineal area and in the area adjacent the wearer's inner upper thighs. Stretch panel **22** is preferably made of or faced with a soft fabric that is comfortable against a wearer's skin. Stretch panel **22** is preferably made of a breathable fabric.

[0032] When undershorts **10** are being worn, stretch panel **22** may extend between the wearer's genitalia and the inner parts of the wearer's upper thighs thereby reducing or avoiding entirely chafing between the wearer's genitalia and thighs. Similarly, stretch panel **22** may extend upwardly from underneath between the wearer's genitalia and the wearer's perineal area, thereby reducing or avoiding entirely chafing between the wearer's genitalia and perineal area. Preferably, seam **26** is positioned forward of an arc panel **25** such that the bottom portion of stretch panel **22** is located forward of the perineum of a wearer.

[0033] Figures 7 and 8 illustrate the three-dimensional nature of pouch **20**. Even when undershorts **10** are being held with the waistband horizontal and body **14** hanging down from waistband **12** under its own weight, stretch panel **22** is held so that it extends away from body **14** where it is attached along seam **26**. Opening **30** is naturally open to receive the wearer's genitals. The free edges **31** of opening **30** lie away from body **14**. Along seam **26**, stretch panel **22** forms a generally upright wall between pouch **20** and the rest of the interior of undershorts **10**. The two-way elasticity of stretch panel **22** helps to gather the material of front portion **18** of body **14** to increase the volume of pouch **20**.

[0034] Figure 6 shows how, when undershorts **10** are being worn, a wearer's genitalia pass through opening **30** over the upright portion **22A** of stretch panel **22** that lies directly beneath the wearer's genitalia. Portion **22A** of stretch panel **22** protects the underside of the wearer's genitalia from chafing. The edge **31B** along the bottom of

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opening **30** is gently urged upward by the elastic nature of stretch panel **22** to gently support the wearer's genitalia from below. Side portions **22B** and **22C** of stretch panel **22** help to suspend edge **31B**. If edge portion **31B** is pressed down then the elasticity of stretch panel **22**, particularly side portions **22B** and **22C** tend to pull edge portion **31B** upward toward its original position. In the illustrated embodiment, side portions **22B** and **22C** are generally rectangular.

[0035] Edge portions **31R** and **31L** gently urge against the sides of the wearer's genitalia and thereby help to counteract swinging from side-to-side during activity. In Figure 6 it can also be seen that stretch panel **22** provides a soft layer between the wearer's genitalia and upper thighs.

[0036] In the illustrated embodiment, stretch panel **22** is generally rectangular. The length of attachment of stretch panel **22** at seams **26** and **27** is equal to within $\pm 10\%$ or $\pm 15\%$ for example. With undershorts **10** lying flat, face up, seams **29** are generally straight and generally perpendicular to waistband **12**. The ratio of height to width of stretch panel **22** in some embodiments is approximately about $1\frac{1}{2}:1$ to about $2:1$. For example, in an example embodiment stretch panel **22** has an un-stretched height of about 17 cm and an un-stretched width of about 10 cm.

[0037] One advantage of embodiments in which stretch panel **22** is provided in a garment which includes a crotch panel **25** is that the seam **26** along the front side of such a crotch panel **25** provides an ideal place to attach the lower edge of stretch panel **22**. As seen for example in Figure 8, crotch panel **25** extends down the inside of a wearer's legs and, when worn, has a highest point at the wearer's crotch. The front edge of crotch panel **25** tends to be just below and behind the base of the wearer's external genitalia while being worn. Further, the front edge of crotch panel **25** tends to be located at a location which does not receive pressure when the wearer sits. Crotch panel **25** may comprise, for example, a generally rectangular panel that extends from side-to-side from one leg opening **15** to the other.

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5 **[0038]** Garments in which the lower edge of stretch panel **22** are fastened at a seam along the front edge of a crotch panel **25** are an example of a construction in which a garment comprises a perineum wall fastened at a front seam to a bottom edge of stretch panel **22**, and fastened at a rear seam to a bottom edge of a rear wall part of body **14** that depends from a rear part of the waistband.

10 **[0039]** In some embodiments, the material of stretch panel **22** has asymmetrical stretch (i.e. the coefficient of elasticity of the material has a first value in a first direction in the plane of the material and a second value different from the first value in a second direction at right angles to the first direction in the plane of the material). The material may be oriented that it is easier to stretch the material of stretch panel **22** in a direction parallel to waistband **12** than it is to stretch the material in a direction perpendicular to waistband **12**.

15 **[0040]** Various materials may be used for stretch panel **22**. For example, stretch panel **22** may comprise an elasticized fabric. In one example embodiment the fabric comprises a cotton-Spandex™ blend. In one example embodiment the fabric comprises a woven blend of Modal™ and Spandex™. In an example embodiment, the blend comprises approximately 90% to 95% Modal™ and approximately 5% to 20 10% Spandex™. In another example embodiment, the blend comprises 93% Modal™ and 7% Spandex™.

25 **[0041]** The amount of stretch of a fabric may be measured in various ways. The fabric stretch may be measured by taking a strip of material that is 30-40 cm long and 20 cm wide when taught but un-stretched, anchoring one end of the strip, pulling the other end of the strip so that the material stretches and becomes elongated and determining the maximum stretched length after which the strip will no longer return to its original length in the taught but unstretched condition. The ratio of the maximum stretched length minus the taught but unstretched length to the taught but un-stretched length is 30 the fabric stretch. For example, if the strip has a taught but un-stretched length of 25 cm and a maximum stretched length of 50 cm then the fabric stretch is (50-

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25)/25=100%. In some embodiments, the material of stretch panel **22** has a stretch of 30% or more. In some embodiments the material of stretch panel **22** has a stretch of at least 70% or at least 75%.

5 **[0042]** Stretch panel **22** may be pre-stretched relative to front portion **18** while it is being assembled to front portion **18** of body **14**. Thus, during assembly, stretch panel **22** is substantially stretched, while front portion **16** of body **14** is not stretched or is stretched less than stretch panel **22**. In some embodiments the material of stretch panel **22** is stretched by at least 50%, 55% or 60% while stretch panel **22** is being
10 sewn in place. In an example embodiment, stretch panel **22** has a stretch of 100% and is stretched by 60% while at least the final seams which hold it in place are being sewn.

[0043] Figure 16 shows stretch panel **22** ‘as cut’ according to a pattern in solid
15 outlines and ‘as stretched’ for assembly to front portion **18** in dashed outline. In this embodiment, top edges **23A** and **23B** of stretch panel **22** along which stretch panel **22** is attached at a seam parallel to waistband **12** are angled. In the illustrated embodiment, bottom edge **23C** is also cut so that it is indented at the centerline. Thus, when unstretched, the cut-out material for stretch panel **22** is shorter in its vertical
20 dimension along vertical lines extending along the edges of opening **30** than it is farther away from its centerline. As a result of the angling of edges **23A** and **23B**, and the indenting of bottom edge **23C**, stretch panel **22** is stretched more for assembly in its portions along edge portions **31R** and **31L** than it is stretched in its portions closer to the sides where it is attached along seams **29**. This causes the tension in stretch
25 panel **22** when undershorts **10** are being worn or suspended to be put on to be somewhat greater along edge portions **31R** and **31L** than in other parts of stretch panel **22**. This gradient in tension helps to better support edge portion **31B** and to hold opening **30** open when undershorts **10** are being held to be put on.

30 **[0044]** As shown in dotted outline in Figure 16, the material from stretch panel **22** may be stretched from an un-stretched length L1 to a stretched length L2 while top

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edges **23A** and **23B** and bottom edge **23C** are attached along parallel seams **26** and **28** and side edges of the stretch panel **22** are attached along seams **29**, for example by sewing.

5 **[0045]** After assembly, stretch panel **22** can contract. This gathers the material of front portion **18** and helps to form pouch **20** to have a three-dimensional volume open to receive a wearer's genitalia even when undershorts **10** are being suspended from waist band **12** in preparation for being put on.

10 **[0046]** The configuration of stitching used to affix stretch panel **22** to body **14** preferably permits stretching along the length of the seams. for example, in the illustrated embodiment, seams **26**, **28** and **29** may be stitched using a combination of stitch pattern and/or thread that permits stretching along the lengths of seams **26**, **28** and **29**.

15 **[0047]** In some embodiments, stretch panel **22** is stretched in length only (i.e. in a direction perpendicular to waistband **12**) as it is being attached to front portion **18** during manufacture. In some embodiments, stretch panel **22** is stretched in both width and length relative to front portion **18** as it is being attached to front portion **18** during
20 manufacture. Thus, in its relaxed, un-stretched, configuration stretch panel **22** both pulls side edges of front portion **18** toward one another at seams **29** and pulls top and bottom edges of front portion **18** toward one another at seams **26** and **28**. This, builds volume in pouch **20** especially when taken in combination with the shaping of front portion **18** (e.g. by front seam **19**) which makes front portion **18** non-flat.

25 **[0048]** In some embodiments a length measured along material of the front portion **18** from seam **26** to waistband **12** exceeds a length measured along the fabric of stretch panel **22**, when un-stretched by at least 50%. In some embodiments a length measured along material of the front portion **18** side-to-side at the level of bottom portion **31B**
30 from seam **28** to seam **29** exceeds a length measured along the fabric of stretch panel **22**, when un-stretched between the same seams by 10 to 15% or more.

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[0049] In some embodiments, the shaping of front portion **18** is such that with stretch panel **22** held horizontally under just enough tension such that stretch panel **22** is generally planar with front portion **18** hanging below stretch panel **22**, the center part of front portion **18** hangs well below the plane of stretch panel **22**. In some
5 embodiments, the center part of front portion **18** hangs below the plane of stretch panel **22** by a distance of 3 cm or more when undershorts **10** are held in this test configuration.

10 [0050] Like all clothing, undershorts **10** may be made to fit different sizes of men and boys and may be made from different fabrics to suit different personal preferences and price points. Thus, individual dimensions are not critical.

[0051] In some embodiments, the distance A along stretch panel **22** from the point at
15 which it joins body **14** to the lowest point along the edge of opening **30** is at least 2 cm. In some embodiments, this distance is in the range of about 2 cm to about 3 cm. In some embodiments, the horizontal distance B between opposed edges of opening **30** when undershorts **10** or other garments according to some example embodiments are not being worn but are being suspended as shown for example in Figure 3,
20 distance B is in the range of about 3 cm to about 6 cm. In some embodiments, the horizontal distance C along stretch panel **22** from the point at which it joins body **14** (e.g. at seam **29**) to the edge **31R** or **31L** of opening **30** just above bottom portion **31B** is at least 2 cm. In some embodiments, this distance is in the range of about 2 cm to about 5 cm. In some embodiments, the distance D along the fabric in the center of
25 front portion of body **18** from the lower edge of waist band **12** to the point where stretch panel **22** attaches to body **14** (e.g. seam **26**) is at least 15 cm. In some embodiments, this distance is in the range of about 15 cm to about 25 cm.

[0052] It can be appreciated that garments which incorporate a stretch panel as shown
30 in the accompanying drawings may be formed such that they are self-aligning with a wearer's genitalia, allowing the garment to be put on by a wearer without the wearer

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having to manually hold or position the pouch to receive his genitals. A stretch panel structured and incorporated as illustrated in the accompanying drawings can support and position a wearer's the scrotum and penis away from both the wearer's thighs and perineum. The scrotum and penis may therefore be protected from pinching between
5 the thighs or being sat upon, thereby enhancing comfort of the wearer.

[0053] The invention may be applied to any next-to-skin below-the waist garments for men. For example, the principles discussed above may be applied to shorts, swim suits, boarding shorts, briefs, boxer shorts, surf shorts, cycling shorts, unitards, long
10 underwear, sports uniforms, athletic supporters, fighting shorts, pyjamas, and other next-to-skin garments for males.

[0054] Except where otherwise indicated or necessarily implied, the description herein uses relative directional terms such as front, back, above, below, top, bottom,
15 upper, lower, right and left relative to a wearer wearing a garment as described and standing upright.

[0055] Where a component (e.g. a panel, seam, elastic, thread, opening, etc.) is referred to above, unless otherwise indicated, reference to that component (including a
20 reference to a "means") should be interpreted as including as equivalents of that component any component which performs the function of the described component (i.e., that is functionally equivalent), including components which are not structurally equivalent to the disclosed structure which performs the function in the illustrated exemplary embodiments of the invention.

25

[0056] As will be apparent to those skilled in the art in the light of the foregoing disclosure, many alterations and modifications are possible in the practice of this invention without departing from the spirit or scope thereof. For example:

- It is not mandatory that stretch panel **22** be free from openings. In some
30 embodiments, stretch panel **22** comprises a continuous layer of material with no openings other than opening **30**. In other embodiments, stretch panel **22** may have one or more openings around the periphery of opening **30**.

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- It is not mandatory that the material of stretch panel **22** be different from the material(s) of the rest of body **14**. In some embodiments different fabrics are used for stretch panel **22** and for the front portion **18** of body **14**.
- Stretch panel **22** may incorporate openings into pouch **20** that are of various shapes. Example openings are U-shaped (as described above), oval, elliptical, teardrop shaped or the like.
- Stretch panel **22** may optionally be formed from a plurality of pieces of fabric seamed together. For example, stretch panel **22** may be formed from three pieces of fabric, two of which extend vertically along sides of opening **30** and one of which extends transversely across the bottom of opening **30**.
- It is not mandatory that the garment include a body that covers a wearer's buttocks. In some embodiments, constructions as described herein are applied to athletic supporters (jock straps). In general, a pouch as described herein may be embodied in various types of men's garments, particularly in a mid-section of a front wall of men's garments to be worn around a man's torso.

Accordingly, the scope of the invention is to be construed in accordance with the substance defined by the following claims.

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WHAT IS CLAIMED IS:

1. A male garment comprising:
 - a body including a front portion and having leg openings for a wearer's legs, the body including a crotch panel extending between the leg openings and joined to the front portion along a first seam;
 - a waistband attached at an upper edge of the body;
 - a stretch panel attached to the body inside the front portion, the stretch panel comprising a sheet of elastically resilient two-way stretch material having a top edge attached to the body at the waistband, a bottom edge attached at the first seam, side edges attached to the body along either side of the front portion and an opening for receiving the wearer's genitals, the opening having a rounded bottom edge and opposing side edges that are spaced apart from one another on either side of the opening;
 - the front portion being gathered from side-to-side and top-to-bottom by the stretch panel whereby a three-dimensional pouch is defined between the stretch panel and the front portion.
2. A garment according to claim 1 wherein the stretch panel has asymmetrical stretch characteristics such that the stretch panel stretches more easily in a direction parallel to the waist band and less easily in a direction at right angles to the waist band.
3. A garment according to claim 1 wherein the stretch panel is rectangular and the opening is U-shaped.
4. A garment according to claim 3 wherein the stretch panel comprises a fabric having a stretch of at least 30%.
5. A garment according to claim 1 wherein a length measured along material of the front portion from the first seam to the waistband exceeds a length

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measured along the fabric of the stretch panel, when un-stretched by at least 30%.

6. A garment according to claim 1 wherein the garment is a pair of undershorts.
7. A garment according to claim 1 wherein the stretch panel comprises a fabric different from a fabric of the body.
8. A garment according to claim 1 wherein the opening has a width in excess of 2 cm.
9. A men's garment comprising:
 - a waistband;
 - a front portion depending downwardly from the waistband, the front portion formed to provide a pouch at a mid-section thereof, the pouch shaped to contain a wearer's penis and scrotum when the garment is worn;
 - a stretch panel attached behind the pouch and defining an opening into the pouch, the stretch panel having a bottom portion connecting opposing side portions and positioned to be disposed forward of a wearer's perineum when the garment is worn, whereby, in use, the scrotum of a wearer of the garment is supported underneath by the stretch panel to contain a wearer's penis and scrotum in the pouch.
10. A men's garment according to claim 1, wherein the stretch panel comprises a two-way elasticized fabric.
11. A men's garment according to claim 10, wherein the elasticized fabric is comprised of a cotton spandex blend.
12. A men's garment according to claim 11, wherein the stretch panel is fastened to the front portion while in a pre-stretched condition while the front portion is less stretched, whereby the stretch panel is biased to hold the opening open while the garment is held in position to be put on.

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13. A men's garment according to claim 12, further comprising a crotch panel extending between leg openings of the garment and fastened at a front seam to a bottom edge of the stretch panel.
- 5 14. A men's garment according to claim 12, wherein the front portion is attached to a rear portion of the body that depends from the waistband at a seam disposed forward of the perineum region of a wearer, and wherein a bottom edge of the stretch panel is fastened to the seam.
- 10 15. A men's garment according to claim 13 wherein the opening has a U-shape when the stretch panel is in a relaxed state.
- 15 16. A men's garment according to claim 13 wherein the opening has an oval, obround, teardrop or elliptical shape when the stretch panel is in a relaxed state.
17. A men's garment according to claim 15 wherein the stretch panel is formed from a single unitary piece of woven fabric.
- 20 18. A men's garment according to claim 17 wherein the pouch comprises a dart seam stitched along a bottom portion of the pouch and substantially centrally to provide extra volume in front of and underneath the genitals of a wearer.

Abstract of the Disclosure

5 Next-to-skin garments for men include an internal stretch panel. An opening in the stretch panel receives a wearer's external genitalia. A three-dimensional pouch is defined between the stretch panel and a front portion of the body of the garment. Embodiments provide garments such as undershorts, boarding shorts, and athletic shorts.

Electronic Patent Application Fee Transmittal				
Application Number:				
Filing Date:				
Title of Invention:		GARMENTS FOR MEN		
First Named Inventor/Applicant Name:		Dustin Bigney		
Filer:		Gavin N. Manning/Grace Kuroyama		
Attorney Docket Number:		B769 0001/GNM		
Filed as Small Entity				
Utility under 35 USC 111(a) Filing Fees				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Utility filing Fee (Electronic filing)	4011	1	82	82
Utility Search Fee	2111	1	270	270
Utility Examination Fee	2311	1	110	110
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				

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U.S. Patent No. 10,834,974

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				
Miscellaneous:				
Total in USD (\$)				462

Electronic Acknowledgement Receipt

EFS ID:	10624059
Application Number:	13193584
International Application Number:	
Confirmation Number:	8229
Title of Invention:	GARMENTS FOR MEN
First Named Inventor/Applicant Name:	Dustin Bigney
Customer Number:	00720
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Attorney Docket Number:	B769 0001/GNM
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RAM confirmation Number	6744
Deposit Account	
Authorized User	

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi-Part/ zip (if appl)	Pages
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1	Application Data Sheet	B7690001_ADS.pdf	1258952 341156ddd5a8e43294ff5fc1fdb332885ab86ce	no	4
Warnings:					
Information:					
2	Oath or Declaration filed	B7690001_Declaration.pdf	167351 98bfd1905064439c211e3e5b13f485ad2e7a4205	no	2
Warnings:					
Information:					
3	Power of Attorney	B7690001_POA.pdf	154070 94f36ea1a597febb1ee67d1c3d55ad1cc72785	no	2
Warnings:					
Information:					
4	Assignee showing of ownership per 37 CFR 3.73(b).	B7690001_Statement.pdf	298177 4cf25533a975aa5bbeec5608c70844d4e9a0c8b1	no	5
Warnings:					
Information:					
5	Drawings-only black and white line drawings	B7690001_Drawings.pdf	249842 a8e898cd2102c8713825eae1567f863450cf9ca	no	13
Warnings:					
Information:					
6		B7690001_Application.pdf	767243 14ae46c76c52d2791570e6f67a3eb5f4ea5ea1a6	yes	17
	Multipart Description/PDF files in .zip description				
	Document Description		Start	End	
	Specification		1	13	
	Claims		14	16	
	Abstract		17	17	
Warnings:					
Information:					
7	Fee Worksheet (SB06)	fee-info.pdf	32959 b03c3a52f362bedd95d82e16d8795dfe3b1d642c	no	2
Warnings:					
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Total Files Size (in bytes):			Tommy John EX1004 2928594 Page 41 of 375		

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New Applications Under 35 U.S.C. 111

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

National Stage of an International Application under 35 U.S.C. 371

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

New International Application Filed with the USPTO as a Receiving Office

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

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Application Data Sheet 37 CFR 1.76		Attorney Docket Number	B769 0001/GNM
		Application Number	
Title of Invention	GARMENTS FOR MEN		
<p>The application data sheet is part of the provisional or nonprovisional application for which it is being submitted. The following form contains the bibliographic data arranged in a format specified by the United States Patent and Trademark Office as outlined in 37 CFR 1.76. This document may be completed electronically and submitted to the Office in electronic format using the Electronic Filing System (EFS) or the document may be printed and included in a paper filed application.</p>			

Secrecy Order 37 CFR 5.2

- ☐ Portions or all of the application associated with this Application Data Sheet may fall under a Secrecy Order pursuant to 37 CFR 5.2 (Paper filers only. Applications that fall under Secrecy Order may not be filed electronically.)

Applicant Information:

Applicant 1					Remove
Applicant Authority		☒ Inventor		☐ Legal Representative under 35 U.S.C. 117	☐ Party of Interest under 35 U.S.C. 118
Prefix	Given Name	Middle Name	Family Name		Suffix
	Dustin		Bigney		
Residence Information (Select One) ☐ US Residency ☒ Non US Residency ☐ Active US Military Service					
City	West Vancouver		Country Of Residenceⁱ	CA	
Citizenship under 37 CFR 1.41(b)ⁱ		CA			
Mailing Address of Applicant:					
Address 1	4678 Headland Drive				
Address 2					
City	West Vancouver		State/Province	BC	
Postal Code	V7W 3J3		Countryⁱ	CA	
All Inventors Must Be Listed - Additional Inventor Information blocks may be generated within this form by selecting the Add button.					

Correspondence Information:

Enter either Customer Number or complete the Correspondence Information section below. For further information see 37 CFR 1.33(a).			
☐ An Address is being provided for the correspondence Information of this application.			
Customer Number	00720		
Email Address	GNMdocket@patentable.com	Add Email	Remove Email

Application Information:

Title of the Invention	GARMENTS FOR MEN		
Attorney Docket Number	B769 0001/GNM	Small Entity Status Claimed	☒
Application Type	Nonprovisional		
Subject Matter	Utility		
Suggested Class (if any)		Sub Class (if any)	
Suggested Technology Center (if any)			
Total Number of Drawing Sheets (if any)	13	Suggested Figure for Publication (if any)	EX1004

Application Data Sheet 37 CFR 1.76		Attorney Docket Number	B769 0001/GNM
		Application Number	
Title of Invention	GARMENTS FOR MEN		

Publication Information:

☐	Request Early Publication (Fee required at time of Request 37 CFR 1.219)
☐	Request Not to Publish. I hereby request that the attached application not be published under 35 U.S. C. 122(b) and certify that the invention disclosed in the attached application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication at eighteen months after filing.

Representative Information:

Representative information should be provided for all practitioners having a power of attorney in the application. Providing this information in the Application Data Sheet does not constitute a power of attorney in the application (see 37 CFR 1.32). Enter either Customer Number or complete the Representative Name section below. If both sections are completed the Customer Number will be used for the Representative Information during processing.			
Please Select One:	☒ Customer Number	☐ US Patent Practitioner	☐ Limited Recognition (37 CFR 11.9)
Customer Number	00720		

Domestic Benefit/National Stage Information:

This section allows for the applicant to either claim benefit under 35 U.S.C. 119(e), 120, 121, or 365(c) or indicate National Stage entry from a PCT application. Providing this information in the application data sheet constitutes the specific reference required by 35 U.S.C. 119(e) or 120, and 37 CFR 1.78(a)(2) or CFR 1.78(a)(4), and need not otherwise be made part of the specification.			
Prior Application Status		Remove	
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)
Additional Domestic Benefit/National Stage Data may be generated within this form by selecting the Add button.			Add

Foreign Priority Information:

This section allows for the applicant to claim benefit of foreign priority and to identify any prior foreign application for which priority is not claimed. Providing this information in the application data sheet constitutes the claim for priority as required by 35 U.S.C. 119(b) and 37 CFR 1.55(a).			
		Remove	
Application Number	Country i	Parent Filing Date (YYYY-MM-DD)	Priority Claimed
			☐ Yes ☒ No
Additional Foreign Priority Data may be generated within this form by selecting the Add button.			Add

Assignee Information:

Providing this information in the application data sheet does not substitute for compliance with any requirement of part 3 of Title 37 of the CFR to have an assignment recorded in the Office.	
Assignee 1	Remove

Tommy John EX1004

Application Data Sheet 37 CFR 1.76		Attorney Docket Number	B769 0001/GNM
		Application Number	
Title of Invention	GARMENTS FOR MEN		

If the Assignee is an Organization check here. ☒			
Organization Name	0912139 B.C. Ltd.		
Mailing Address Information:			
Address 1	272 Bernard Avenue		
Address 2			
City	Kelowna	State/Province	BC
Country i	CA	Postal Code	V1Y 6N4
Phone Number		Fax Number	
Email Address			
Additional Assignee Data may be generated within this form by selecting the Add button. Add			

Signature:

A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature.					
Signature	/GavinNManning/			Date (YYYY-MM-DD)	2011-07-28
First Name	Gavin	Last Name	Manning	Registration Number	36412

This collection of information is required by 37 CFR 1.76. 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 23 minutes to complete, including gathering, preparing, and submitting the completed application data sheet form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

Privacy Act Statement

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

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

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

Tommy John EX1004

Page 46 of 375

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.

DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN APPLICATION DATA SHEET (37 CFR 1.76)

Title of Invention	GARMENTS FOR MEN
-------------------------------	-------------------------

As the below named inventor(s), I/we declare that:

This declaration is directed to: ☒ The attached application, or
☐ United States application or PCT international application number _____
☐ filed on _____
☐ As amended on _____ (if applicable);

I/we believe that I/we am/are the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought;

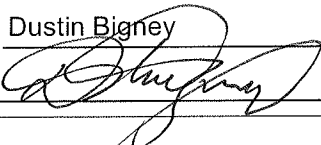
I/we have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above;

I/we acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me/us to be material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT International filing date of the continuation-in-part application.

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

All statements made herein of my/our own knowledge are true, all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.

FULL NAME OF INVENTOR(S)	
Inventor one: <u>Dustin Bigney</u>	Date: <u>July 28, 2011</u>
Signature: 	Citizen of: <u>CA</u>
Inventor two: _____	Date: _____
Signature: _____	Citizen of: _____

☐ Additional inventors or a legal representative are being named on _____ additional form(s) attached hereto.

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. 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 1.11 and 1.14. This collection is estimated to take 1 minute to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Tommy John EX1004

Page 47 of 375

U.S. Patent No. 10,834,974

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.

PATENT APPLICATION FEE DETERMINATION RECORD						Application or Docket Number 13/193,584			
Substitute for Form PTO-875									
APPLICATION AS FILED - PART I									
(Column 1)		(Column 2)		SMALL ENTITY		OTHER THAN SMALL ENTITY			
FOR	NUMBER FILED	NUMBER EXTRA	RATE(\$)	FEE(\$)	OR	RATE(\$)	FEE(\$)		
BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A	82		N/A			
SEARCH FEE (37 CFR 1.16(k), (l), or (m))	N/A	N/A	N/A	270		N/A			
EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A	110		N/A			
TOTAL CLAIMS (37 CFR 1.16(j))	18	minus 20 = *	x 26 =	0.00	OR				
INDEPENDENT CLAIMS (37 CFR 1.16(h))	2	minus 3 = *	x 110 =	0.00					
APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$270 (\$135 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).			0.00					
MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))				0.00					
			TOTAL	462		TOTAL			
* If the difference in column 1 is less than zero, enter "0" in column 2.									
APPLICATION AS AMENDED - PART II									
(Column 1)		(Column 2)		(Column 3)		SMALL ENTITY		OTHER THAN SMALL ENTITY	
AMENDMENT A	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE(\$)	ADDITIONAL FEE(\$)	OR	RATE(\$)	ADDITIONAL FEE(\$)	
	Total (37 CFR 1.16(i))	*	Minus **	=	x =	OR	x =		
	Independent (37 CFR 1.16(h))	*	Minus ***	=	x =	OR	x =		
	Application Size Fee (37 CFR 1.16(s))					OR			
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))					OR			
			TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE			
(Column 1)		(Column 2)		(Column 3)		SMALL ENTITY		OTHER THAN SMALL ENTITY	
AMENDMENT B	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE(\$)	ADDITIONAL FEE(\$)	OR	RATE(\$)	ADDITIONAL FEE(\$)	
	Total (37 CFR 1.16(i))	*	Minus **	=	x =	OR	x =		
	Independent (37 CFR 1.16(h))	*	Minus ***	=	x =	OR	x =		
	Application Size Fee (37 CFR 1.16(s))					OR			
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))					OR			
			TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE			
* If the entry in column 1 is less than the entry in column 2, write "0" in column 3. ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20". *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3". The "Highest Number Previously Paid For" (Total or Independent) is the highest found in the appropriate box in column 1.									



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United States Patent and Trademark Office
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 Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
13/193,584	07/28/2011	3765	462	B769 0001/GNM	18	2

CONFIRMATION NO. 8229

FILING RECEIPT



OC000000049235314

720
 OYEN, WIGGS, GREEN & MUTALA LLP
 480 - THE STATION
 601 WEST CORDOVA STREET
 VANCOUVER, BC V6B 1G1
 CANADA

Date Mailed: 08/12/2011

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Dustin Bigney, West Vancouver, CANADA;

Assignment For Published Patent Application

0912139 B.C. LTD., Kelowna, CANADA

Power of Attorney: The patent practitioners associated with Customer Number 00720**Domestic Priority data as claimed by applicant**

Foreign Applications (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see <http://www.uspto.gov> for more information.)

If Required, Foreign Filing License Granted: 08/08/2011

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 13/193,584**

Projected Publication Date: 01/31/2013**Non-Publication Request:** No**Early Publication Request:** No**** SMALL ENTITY ****

Title

GARMENTS FOR MEN

Preliminary Class

002

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER**Title 35, United States Code, Section 184****Title 37, Code of Federal Regulations, 5.11 & 5.15****GRANTED**

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set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

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UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
13/193,584	07/28/2011	Dustin Bigney	B769 0001/GNM

CONFIRMATION NO. 8229**POA ACCEPTANCE LETTER**

720
 OYEN, WIGGS, GREEN & MUTALA LLP
 480 - THE STATION
 601 WEST CORDOVA STREET
 VANCOUVER, BC V6B 1G1
 CANADA

Date Mailed: 08/12/2011

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 07/28/2011.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/bphe/

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

Doc code: IDS

Doc description: Information Disclosure Statement (IDS) Filed

PTO/SB/08a (01-10)

Approved for use through 07/31/2012. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number		13193584
	Filing Date		2011-07-28
	First Named Inventor	Dustin Bigney	
	Art Unit	3765	
	Examiner Name		
	Attorney Docket Number	B769 0001/GNM	

U.S.PATENTS						Remove
Examiner Initial*	Cite No	Patent Number	Kind Code ¹	Issue Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear
	1	2033551		1936-03-10	RUMERY	
	2	2254863		1941-09-02	WEIHE	
	3	2328953		1943-09-07	CHATFIELD et al.	
	4	2438310		1948-03-23	ASHE et al.	
	5	2601602		1952-06-24	FIRSHING, SR,	
	6	2623210		1952-12-23	CHATFIELD	
	7	2624336		1953-01-06	HANSLEY	
	8	2641257		1953-06-09	RUTLEDGE	

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

Application Number		13193584
Filing Date		2011-07-28
First Named Inventor	Dustin Bigney	
Art Unit		3765
Examiner Name		
Attorney Docket Number		B769 0001/GNM

	9	2652053		1953-09-15	DANN	
	10	2872685		1959-02-10	DENBO	
	11	3207155		1965-09-21	CASEY	
	12	3220410		1965-11-30	SLOAN	
	13	3283545		1966-11-08	SIMON	
	14	3294086		1966-12-27	NELKIN	
	15	3459181		1969-08-05	MANN	
	16	3496576		1970-02-24	ARTZT	
	17	3499442		1970-03-10	STEINMETZ	
	18	3499443		1970-03-10	SCHEERER	
	19	3511234		1970-05-12	LARSON	

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

Application Number		13193584
Filing Date		2011-07-28
First Named Inventor	Dustin Bigney	
Art Unit		3765
Examiner Name		
Attorney Docket Number	B769 0001/GNM	

	20	3517666		1970-06-30	ATLEE	
	21	3621846		1971-11-23	LEHMAN	
	22	4009495		1977-03-01	FAUST	
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	29	4702239		1987-10-27	ICHIKAWA	
	30	4759355		1988-07-26	THROWER	

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	31	4870958		1989-10-03	WEBSTER	
	32	4955088		1990-09-11	TERJESEN	
	33	5029345		1999-07-09	ANGHELUTA et al.	
	34	5070869		1991-12-10	ZHANG	
	35	5157793		1992-10-27	MICHELS	
	36	5226179		1993-07-13	CHOI	
	37	5237706		1993-08-24	NALBANDIAN	
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	39	5379462		1995-01-10	MORGAN et al.	
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Attorney Docket Number		B769 0001/GNM

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	43	5598587		1997-02-04	WADA	
	44	5647065		1997-07-15	RICHERSON	
	45	5718003		1998-02-17	GWINN	
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	50	6026517		2000-02-22	KANG	
	51	6038703		2000-03-21	CHUNG	
	52	6061840		2000-05-16	ALLIGATOR	

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Attorney Docket Number	B769 0001/GNM	

	53	6245036		2001-06-12	MCROBERTS et al.	
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Attorney Docket Number		B769 0001/GNM

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	65	7024703		2006-04-11	DELLA RATTA	
	66	7065797		2006-06-27	CHEN	
	67	7178174		2007-02-20	SODERSTROM	
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	71	7958571		2011-06-14	KITSCH	

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	1	20050268380	A1	2005-12-08	SOVELL	

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Attorney Docket Number	B769 0001/GNM

2	20060000008	A1	2006-01-05	CHONG	
3	20060005301	A1	2006-01-12	TAYLOR	
4	20060162052	A1	2006-07-27	STANKOWSKI et al.	
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8	20080178368	A1	2008-07-31	CLARK	
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Examiner Name	
Attorney Docket Number	B769 0001/GNM

CERTIFICATION STATEMENT

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

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

OR

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

☐ See attached certification statement.

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

☒ A certification statement is not submitted herewith.

SIGNATURE

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

Signature	/GavinNManning/	Date (YYYY-MM-DD)	2011-09-19
Name/Print	Gavin N. Manning	Registration Number	36412

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

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
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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)).
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9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

Electronic Acknowledgement Receipt

EFS ID:	10983143
Application Number:	13193584
International Application Number:	
Confirmation Number:	8229
Title of Invention:	GARMENTS FOR MEN
First Named Inventor/Applicant Name:	Dustin Bigney
Customer Number:	720
Filer:	Gavin N. Manning
Filer Authorized By:	
Attorney Docket Number:	B769 0001/GNM
Receipt Date:	20-SEP-2011
Filing Date:	28-JUL-2011
Time Stamp:	22:06:01
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no
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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Information Disclosure Statement (IDS) Form (SB08)	B7690001_IDS.pdf	1434661 beF40ab66744a9bd26ba6666019d0e1ddd 22f258	no	11

Warnings:

Information:

Tommy John EX1004

Page 65 of 375

U.S. Patent No. 10,834,974

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National Stage of an International Application under 35 U.S.C. 371

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B769 0001/GNM
GNM/gmk

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Inventor(s): BIGNEY, Dustin
Title: GARMENTS FOR MEN
Serial No.: 13/193584 Confirmation No.: 8229
Filed: 28 July 2011
Art Unit: 3765
Date: 21 September 2011

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

Dear Sir:

PRELIMINARY AMENDMENT

Introductory Comments

Preliminary to the examination of this application, please amend this application as follows:

- Amendments to the Drawings begin on page 2 of this paper.
- Remarks/Arguments begin on page 3 of this paper.

Serial No. 13/193584
Preliminary Amendment filed 21 September 2011

B769 0001/GNM
Page 2 of 3

Amendments to the Drawings

Please replace the sheets containing Figures 1 to 8 with the corresponding replacement sheets submitted herewith.

Serial No. 13/193584
Preliminary Amendment filed 21 September 2011

B769 0001/GNM
Page 3 of 3

REMARKS

Figures 1 to 8 have been replaced with substitute figures of better quality. No new subject matter has been added.

Respectfully submitted,

By: /GavinNManning/
Gavin N. Manning
Registration No. 36,412
tel: 604.669.3432 ext. 9043
fax: 604.681.4081
e-mail: GNMDocket@patentable.com

Electronic Acknowledgement Receipt

EFS ID:	11000044
Application Number:	13193584
International Application Number:	
Confirmation Number:	8229
Title of Invention:	GARMENTS FOR MEN
First Named Inventor/Applicant Name:	Dustin Bigney
Customer Number:	720
Filer:	Gavin N. Manning
Filer Authorized By:	
Attorney Docket Number:	B769 0001/GNM
Receipt Date:	22-SEP-2011
Filing Date:	28-JUL-2011
Time Stamp:	23:45:28
Application Type:	Utility under 35 USC 111(a)

Payment information:

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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Information Disclosure Statement (IDS) Form (SB08)	B7690001_IDS-2.pdf	760529 0edb582e1a4ec4eccd0f4fa8654afdd5f38a file	no	4

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Page 70 of 375

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2	Foreign Reference	CA133058.pdf	530744 503c926cb95f8c76d83234c4c3a78e742e75a1fe	no	9
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3	Drawings-only black and white line drawings	B7690001_Replacement-drawings.pdf	131418 107b86775eab0cb80d03e85a9f6c9395ebb d78fe	no	8
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4		B7690001_Preliminary-amendment.pdf	35031 62d576f91611d504da0e44c2c876aa42f8f19507	yes	3
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Multipart Description/PDF files in .zip description

Document Description	Start	End
Preliminary Amendment	1	1
Drawings-only black and white line drawings	2	2
Applicant Arguments/Remarks Made in an Amendment	3	3

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Tommy John EX1004

Doc code: IDS

Doc description: Information Disclosure Statement (IDS) Filed

PTO/SB/08a (01-10)

Approved for use through 07/31/2012. OMB 0651-0031

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	First Named Inventor	Dustin Bigney		
	Art Unit	3765		
	Examiner Name			
	Attorney Docket Number	B769 0001/GNM		

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	Art Unit		3765
	Examiner Name		
	Attorney Docket Number		B769 0001/GNM

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☐ See attached certification statement.

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

☒ A certification statement is not submitted herewith.

SIGNATURE

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

Signature	/GavinNManning/	Date (YYYY-MM-DD)	2011-09-21
Name/Print	Gavin N. Manning	Registration Number	36412

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

Canadian Industrial Designs Database

*** Note : Data on industrial designs is shown in the official language in which it was submitted.

Registration No.: 133058

Date of Registration:

2010-06-17

Status:

Registered

Title: MEN'S UNDERGARMENT

Canadian Classification:

006-02-02-Panties, Brief and Bathing Suits

Other Classes Searched:

N/A

Description:

The design consists of the features of shape, configuration, ornamentation and pattern of the portion of the MEN'S UNDERGARMENT shown in solid lines in the drawings. The portions shown in stippled lines do not form part of the design. The broken lines formed of dashes of even length represent stitching and do not form part of the design. Figure 1 is a front perspective view of the MEN'S UNDERGARMENT; Figure 2 is a back perspective view of the MEN'S UNDERGARMENT; Figure 3 is a side view of the MEN'S UNDERGARMENT; Figure 4 is a front view of the MEN'S UNDERGARMENT; Figure 5 is a back view of the MEN'S UNDERGARMENT; Figure 6 is a top plan view of the MEN'S UNDERGARMENT; Figure 7 is a bottom plan view of the MEN'S UNDERGARMENT.

Interested Parties

Applicant(s) as Filed:

KE Imports Ltd.

Registered Proprietor(s):

KE IMPORTS LTD.

1036 RICHTER STREET

KELOWNA, V1Y 2K5

BRITISH COLUMBIA, CANADA

Current Owner(s):

0912139 B.C. LTD.

272 BERNARD AVE.
KELOWNA, V1Y 6N4
BRITISH COLUMBIA, CANADA

Representative for Service:

MILLER THOMSON LLP
295 HAGEY BLVD., SUITE 300
WATERLOO, N2L 6R5
ONTARIO, CANADA

Agent:

MILLER THOMSON LLP
295 HAGEY BLVD., SUITE 300
WATERLOO, N2L 6R5
ONTARIO, CANADA

Previous Owner(s):

KE IMPORTS LTD.
1036 RICHTER STREET
KELOWNA, V1Y 2K5
BRITISH COLUMBIA, CANADA

KEYHOLE TECHNOLOGIES INC.
272 BERNARD AVE
KELOWNA, V1Y 6N4
BRITISH COLUMBIA, CANADA

Term of Protection: 10 years, subject to payment of a maintenance fee.

Maintenance Fee Paid:

No

Filing Date:

2009-11-26

Corrections:

No

Related Assignment:

Canadian Industrial Designs Database

To access details on assignment, click on the number following the interested parties.

Assignment

23765

Assignment

23251

Assignment

24689

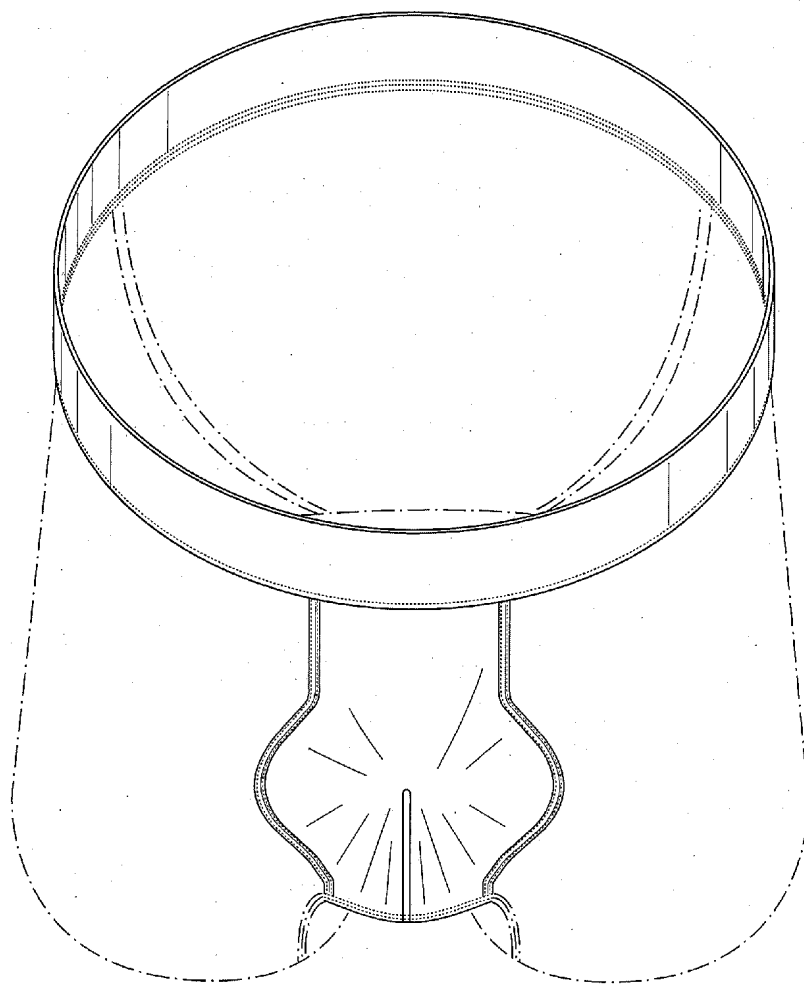


FIG. 1

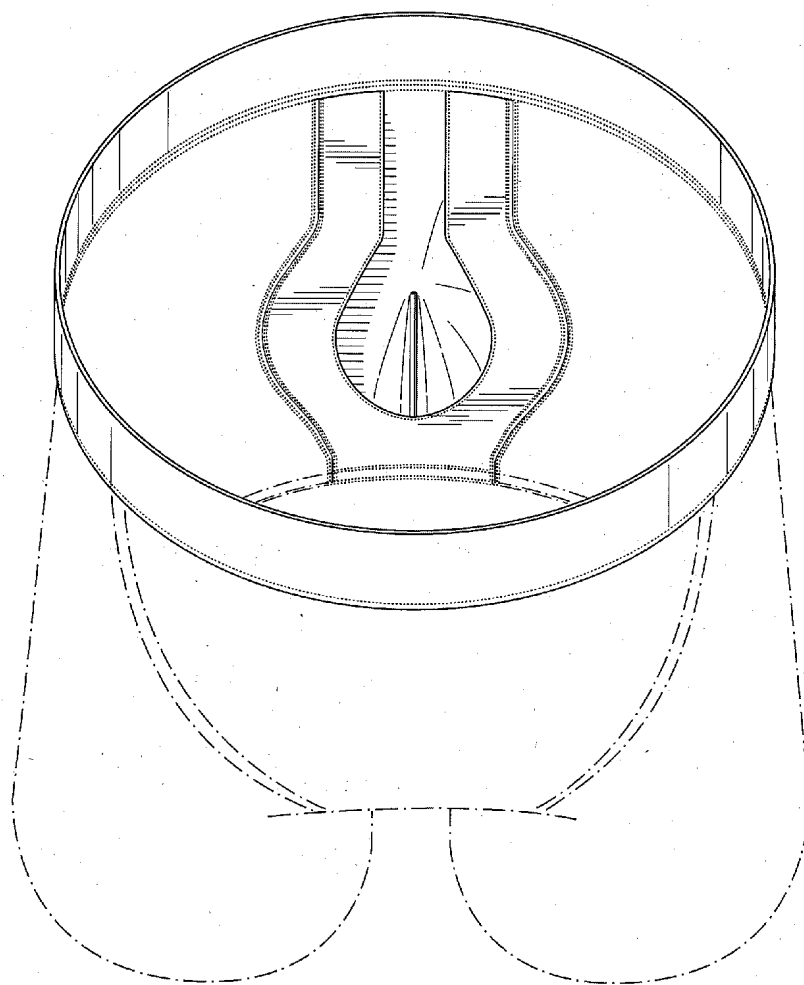


FIG. 2

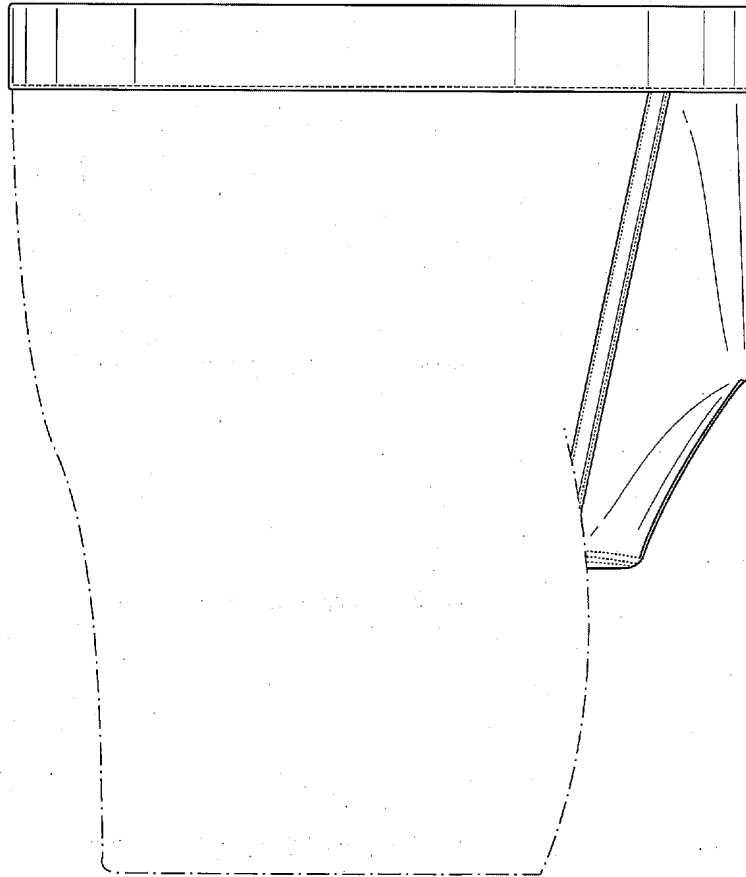


FIG. 3

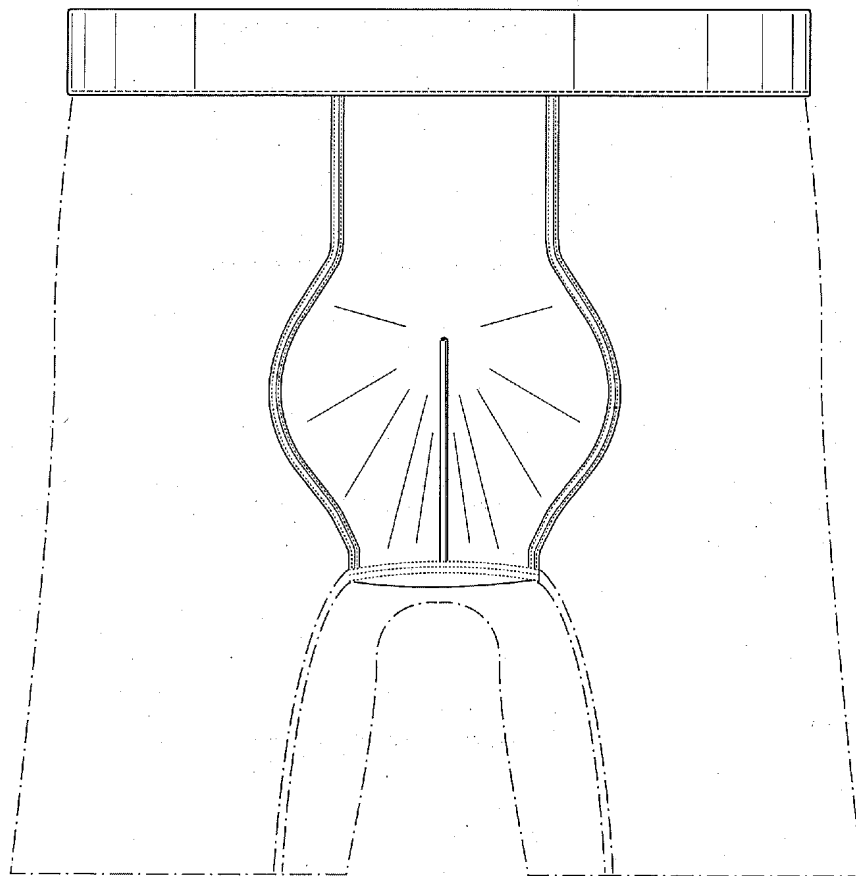


FIG. 4

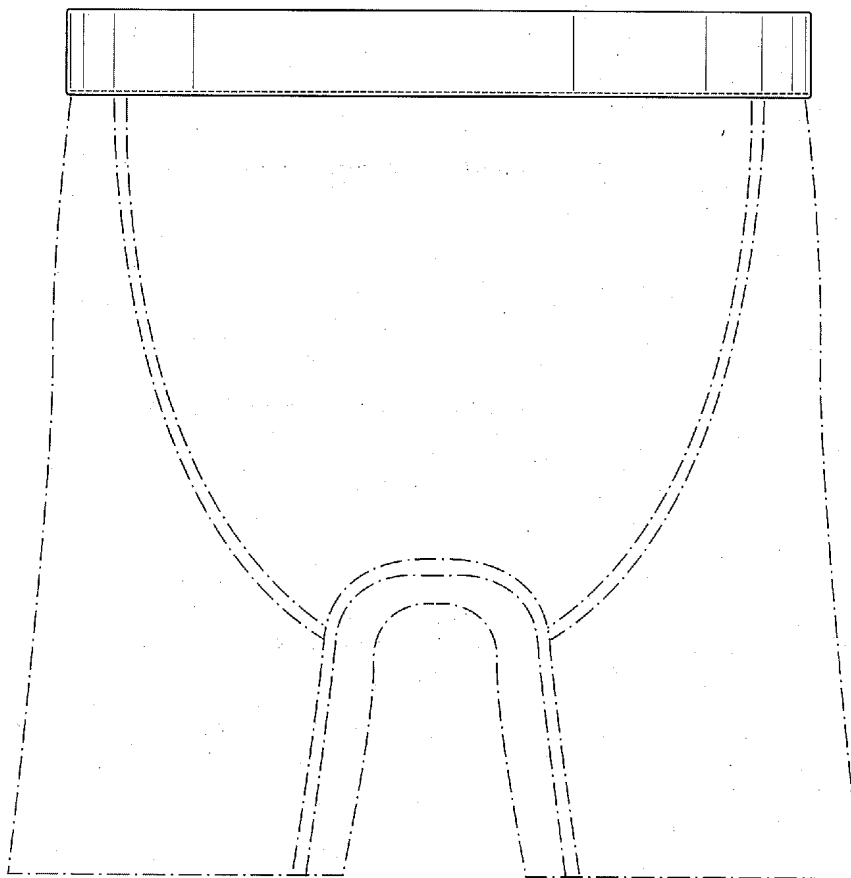


FIG. 5

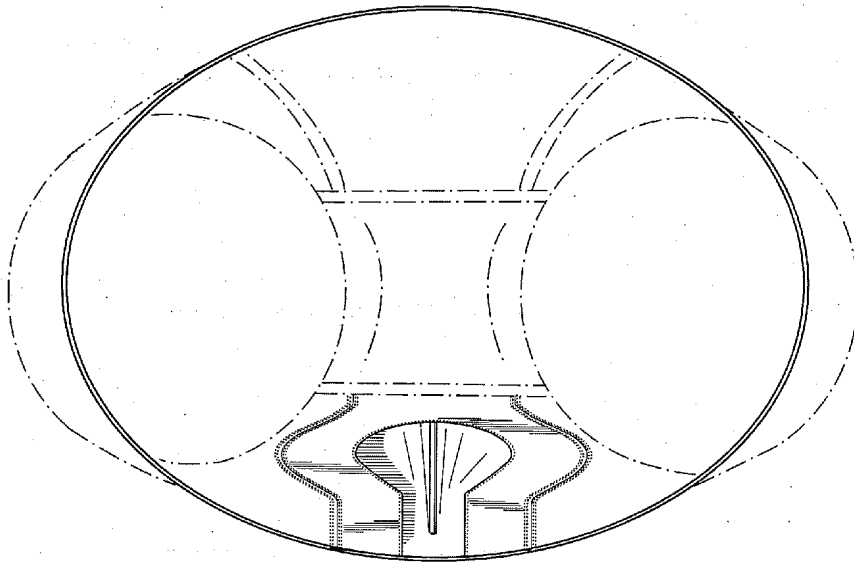


FIG. 6

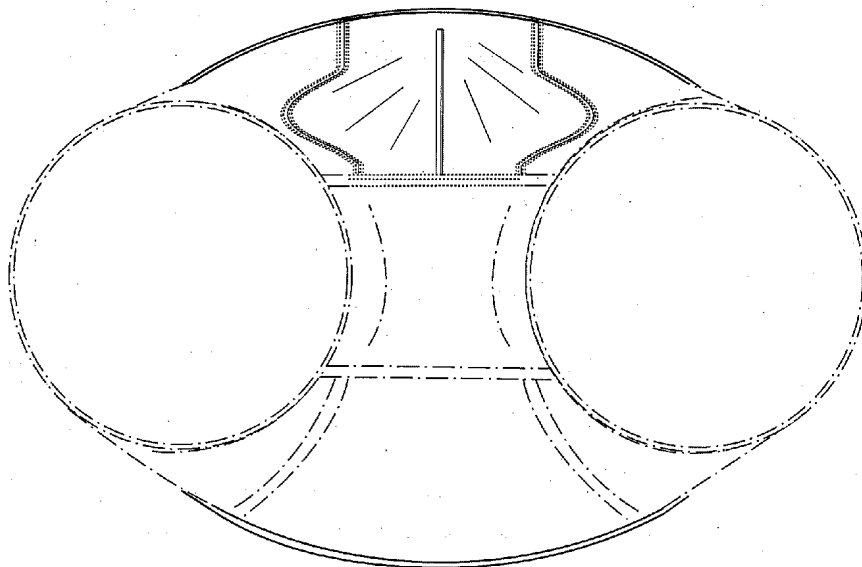


FIG. 7

REPLACEMENT SHEET

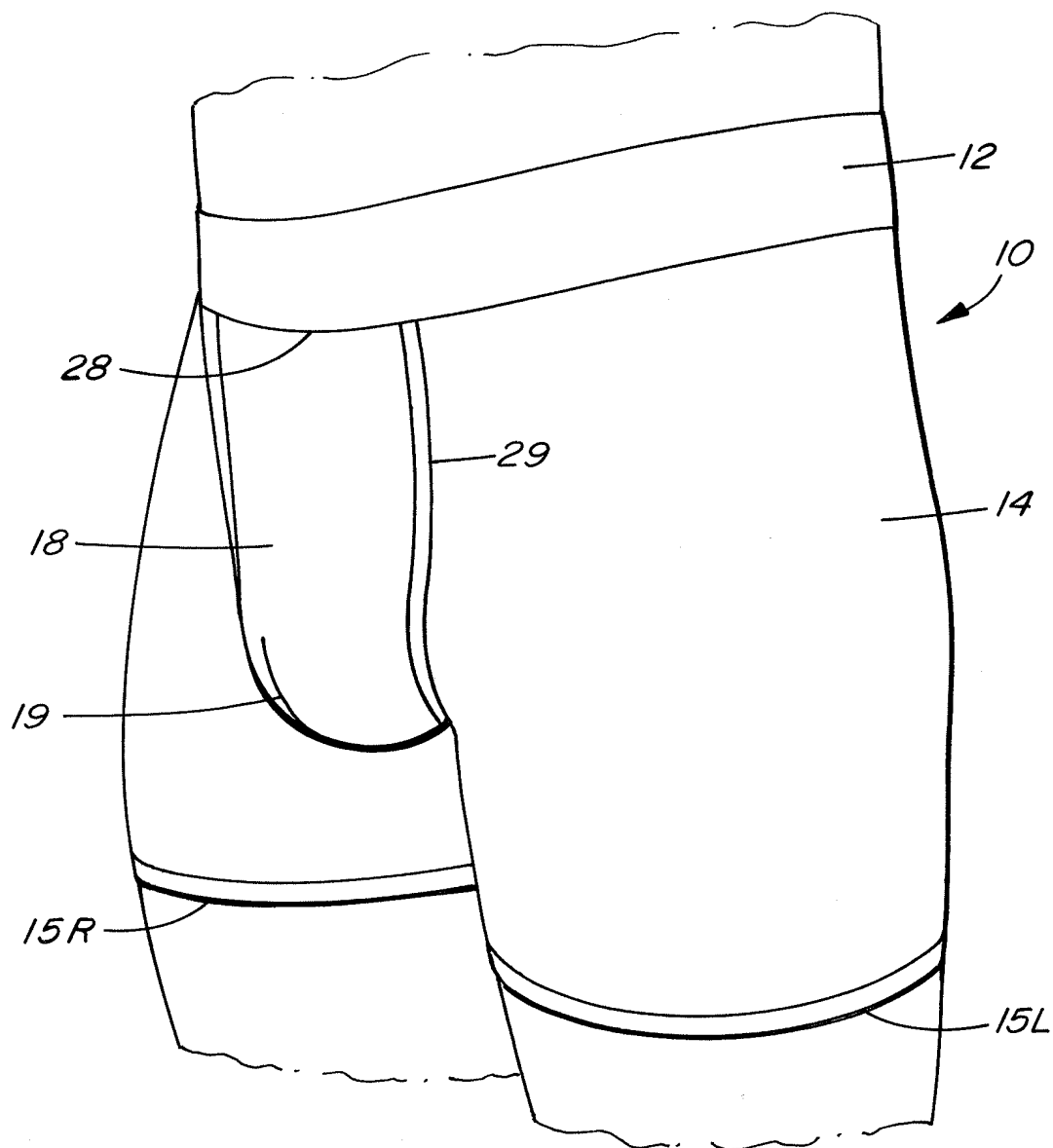


FIG. 1

REPLACEMENT SHEET

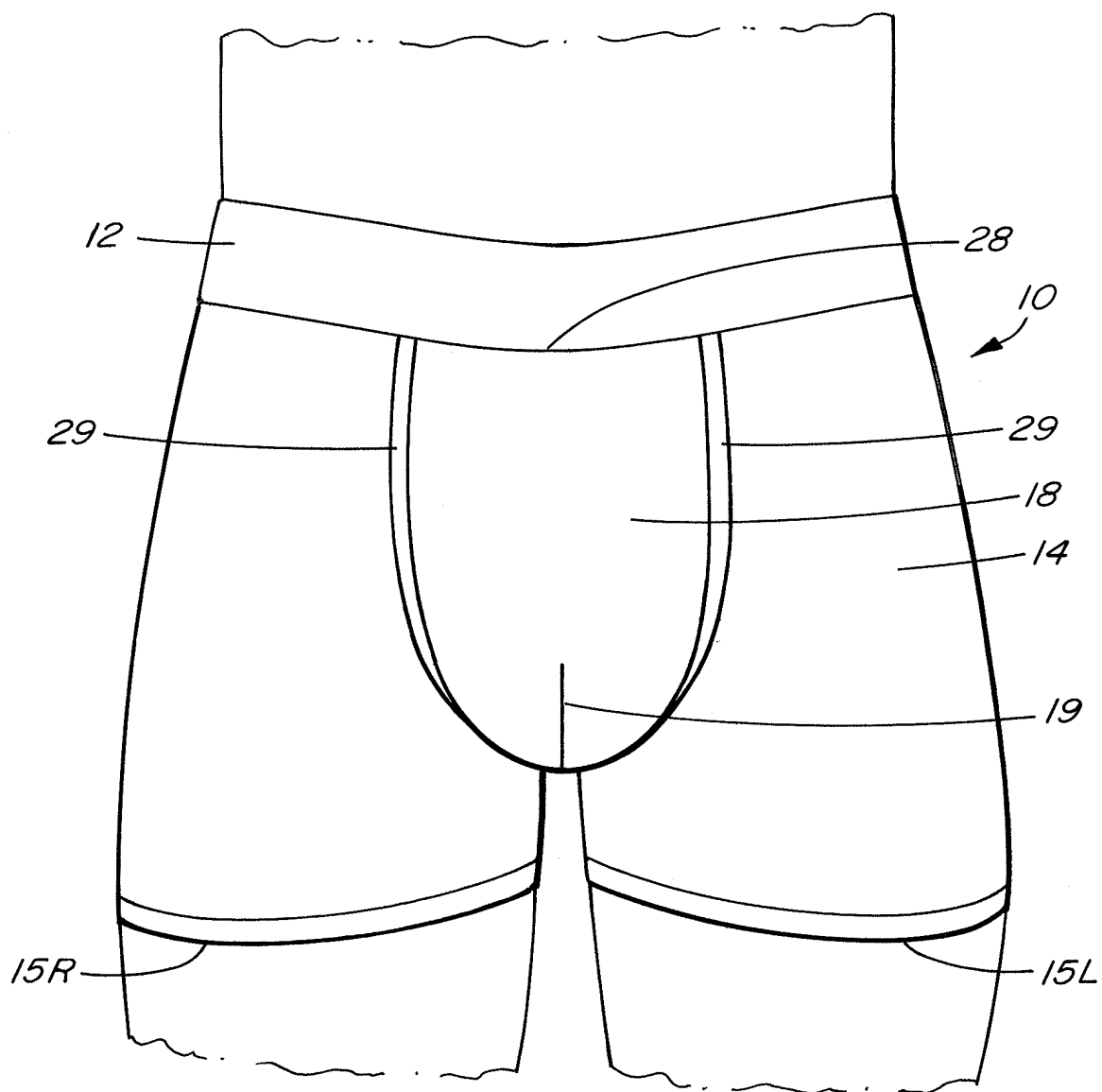


FIG. 2

REPLACEMENT SHEET

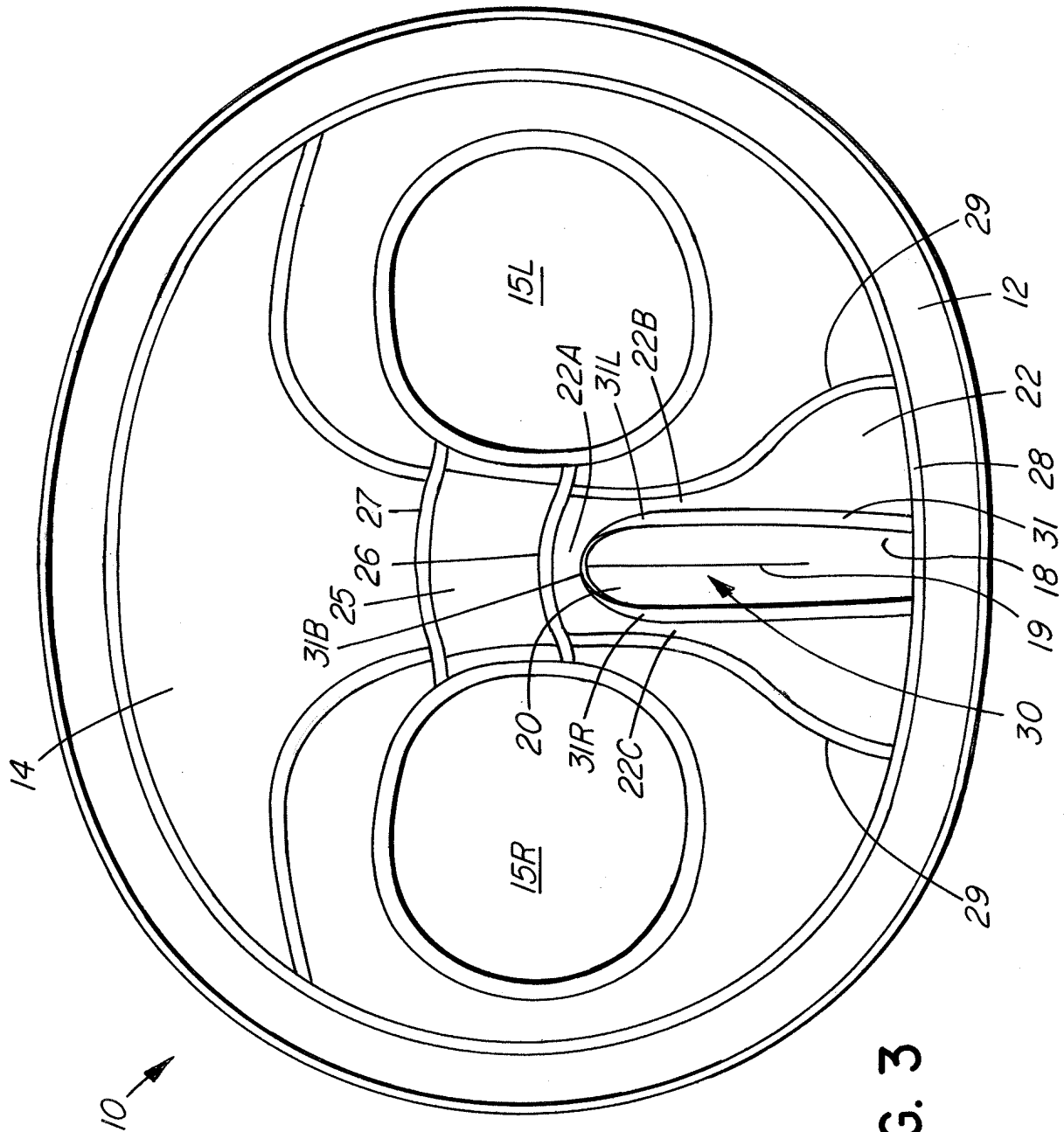


FIG. 3

REPLACEMENT SHEET

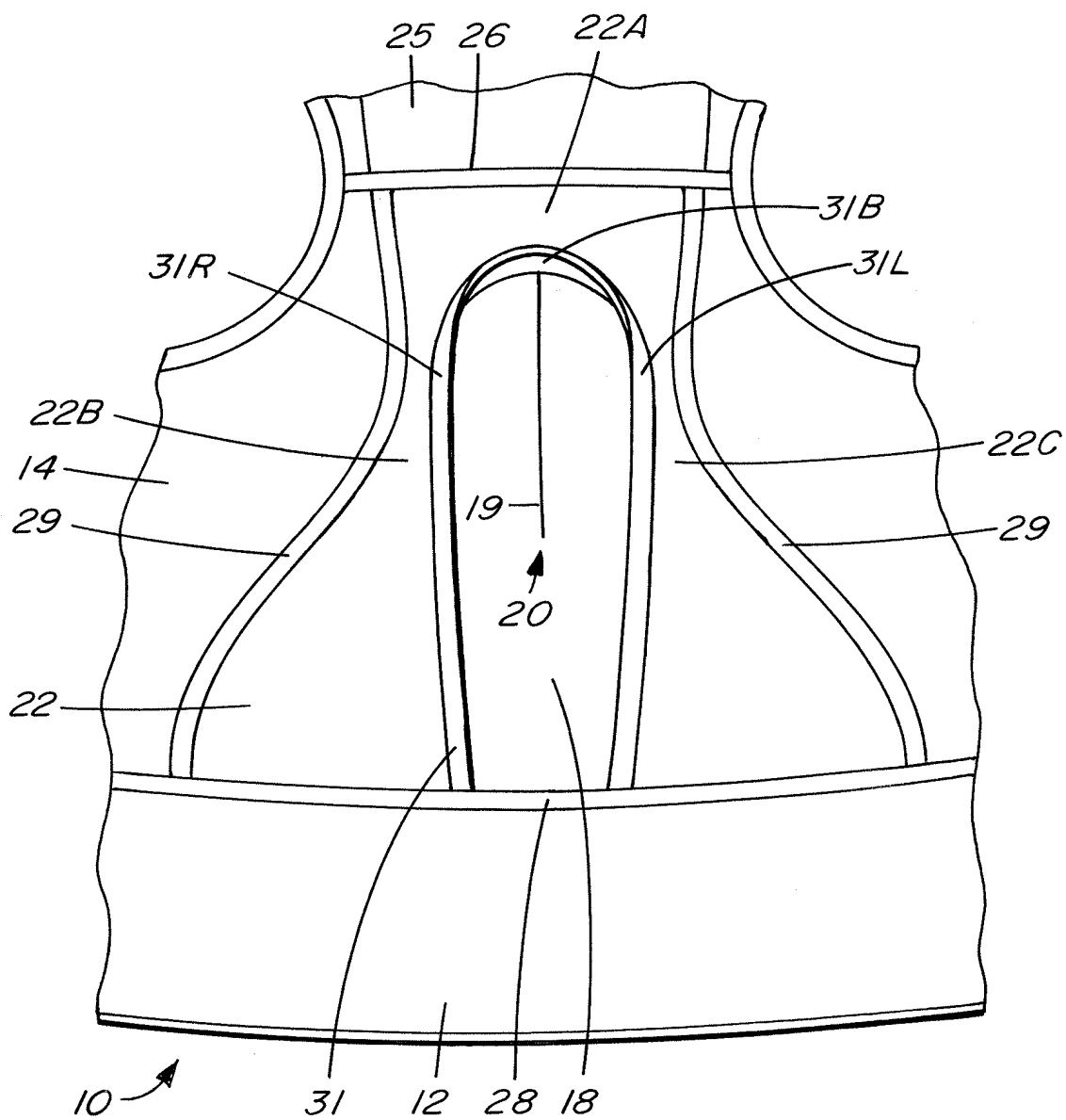


FIG. 4

REPLACEMENT SHEET

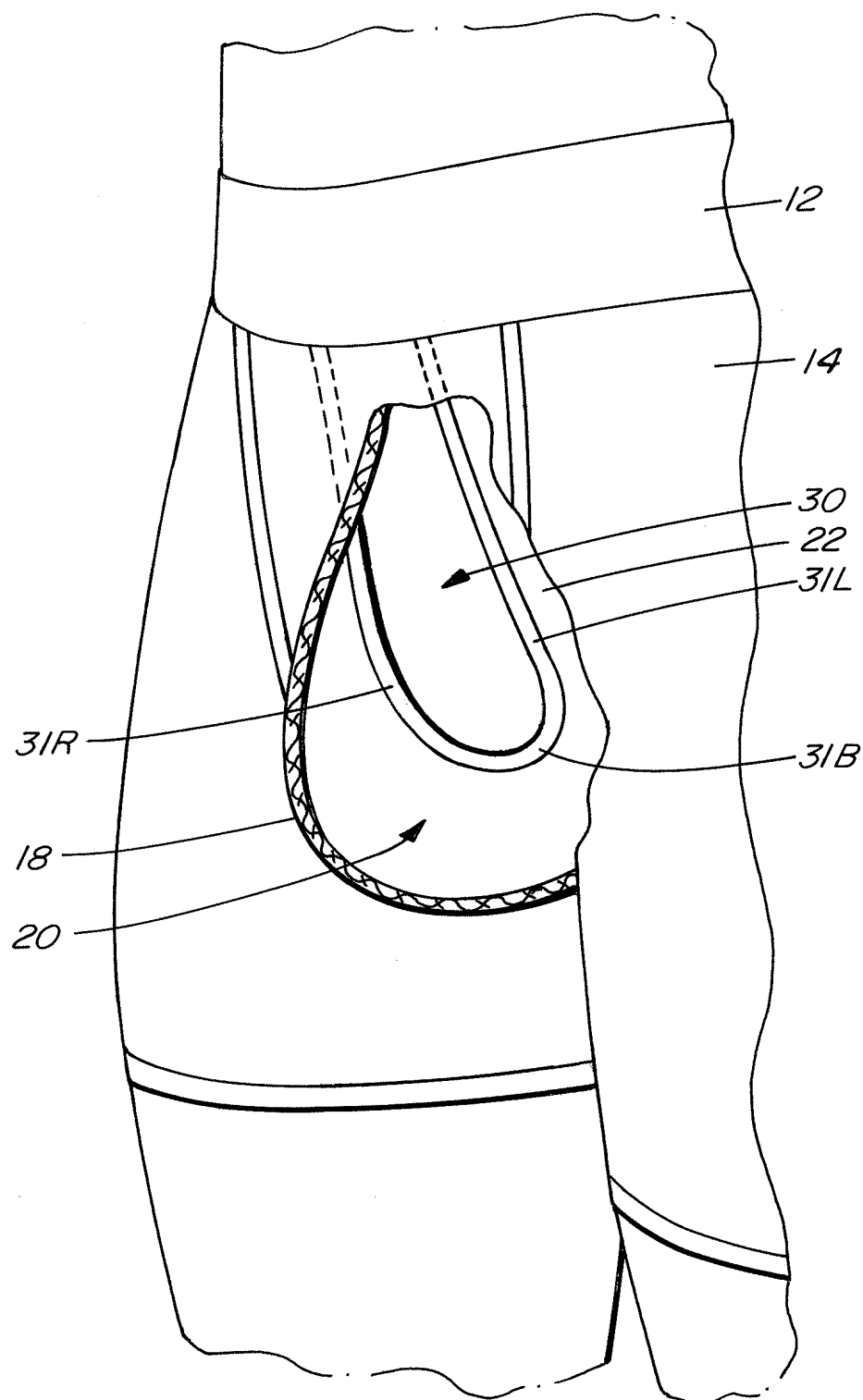


FIG. 5

REPLACEMENT SHEET

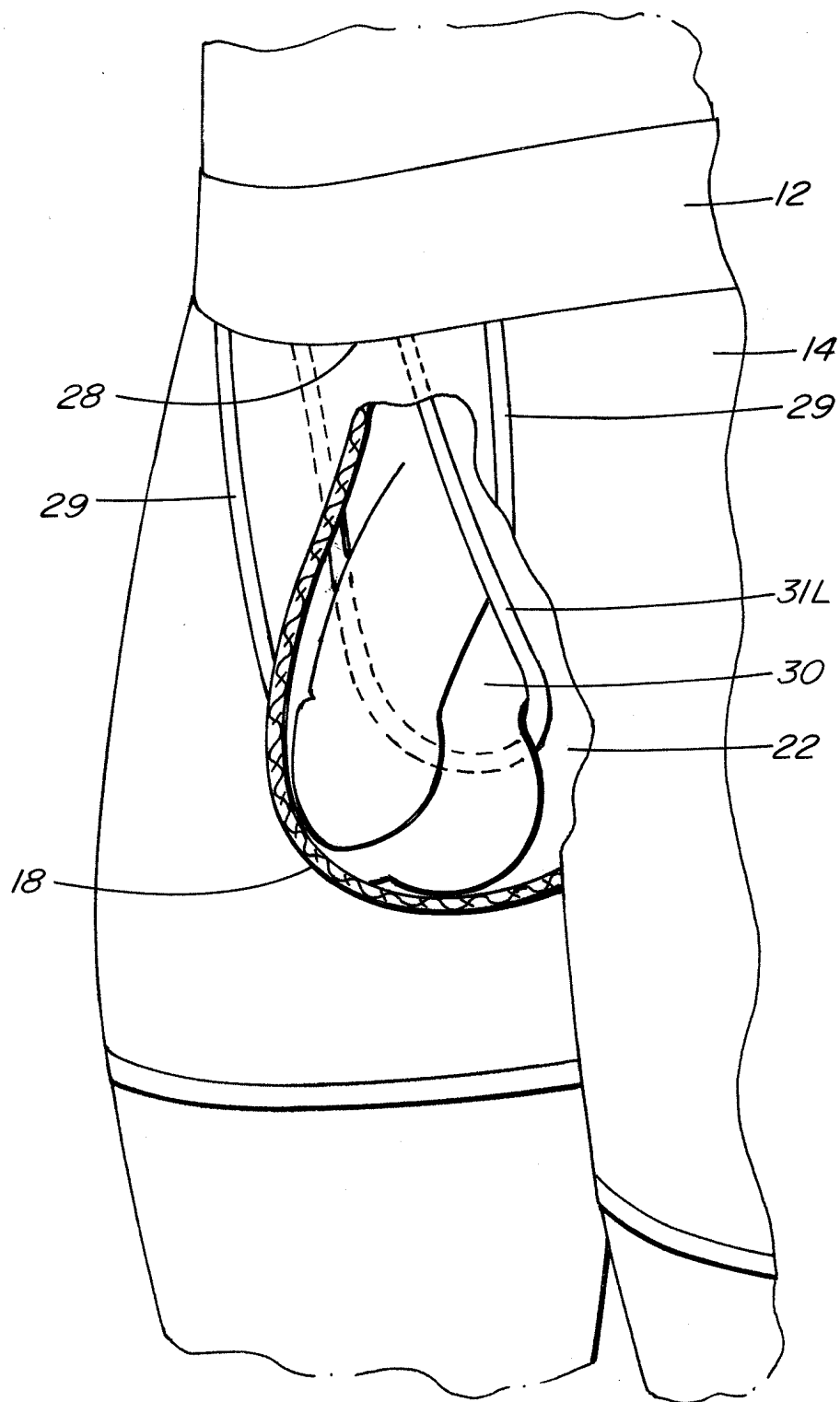


FIG. 6

REPLACEMENT SHEET

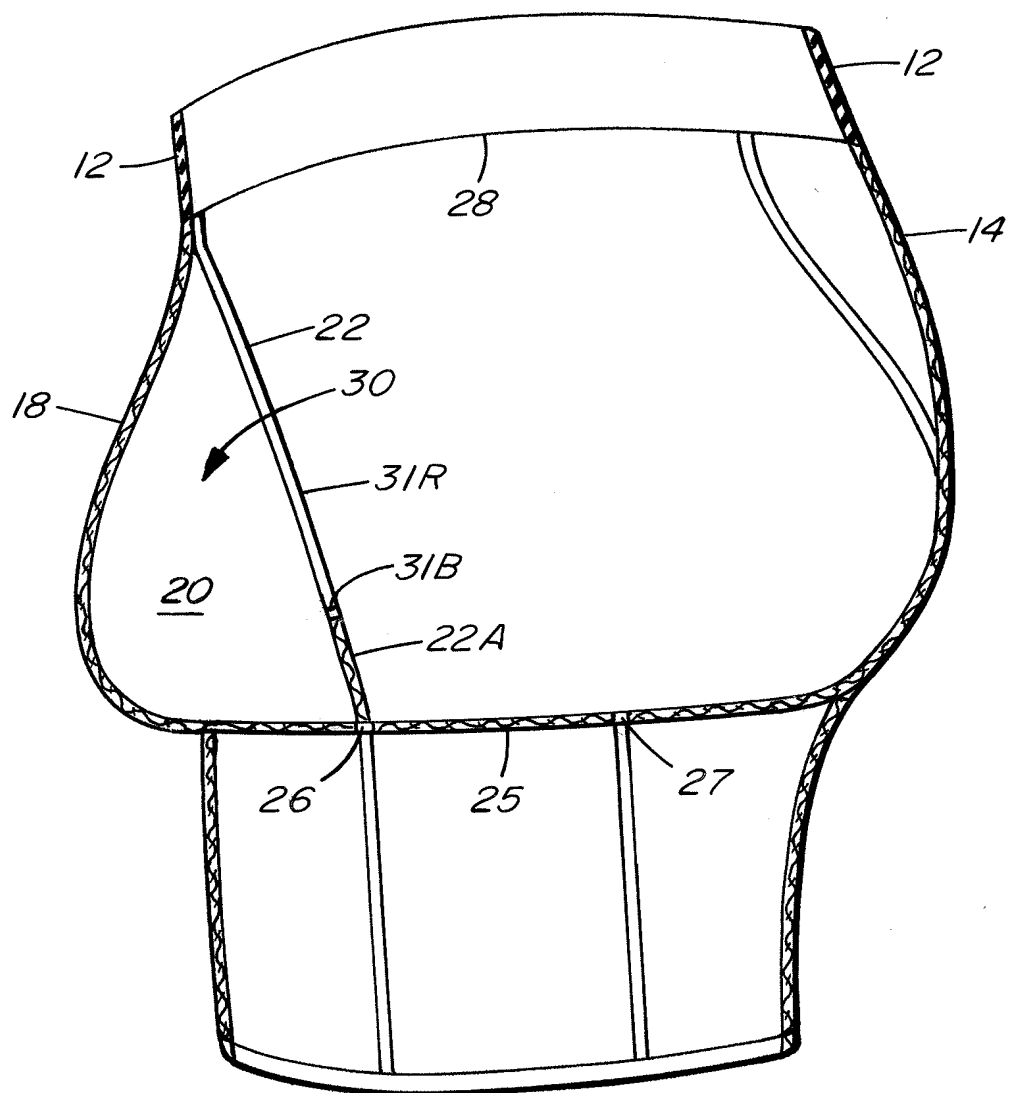


FIG. 7

REPLACEMENT SHEET

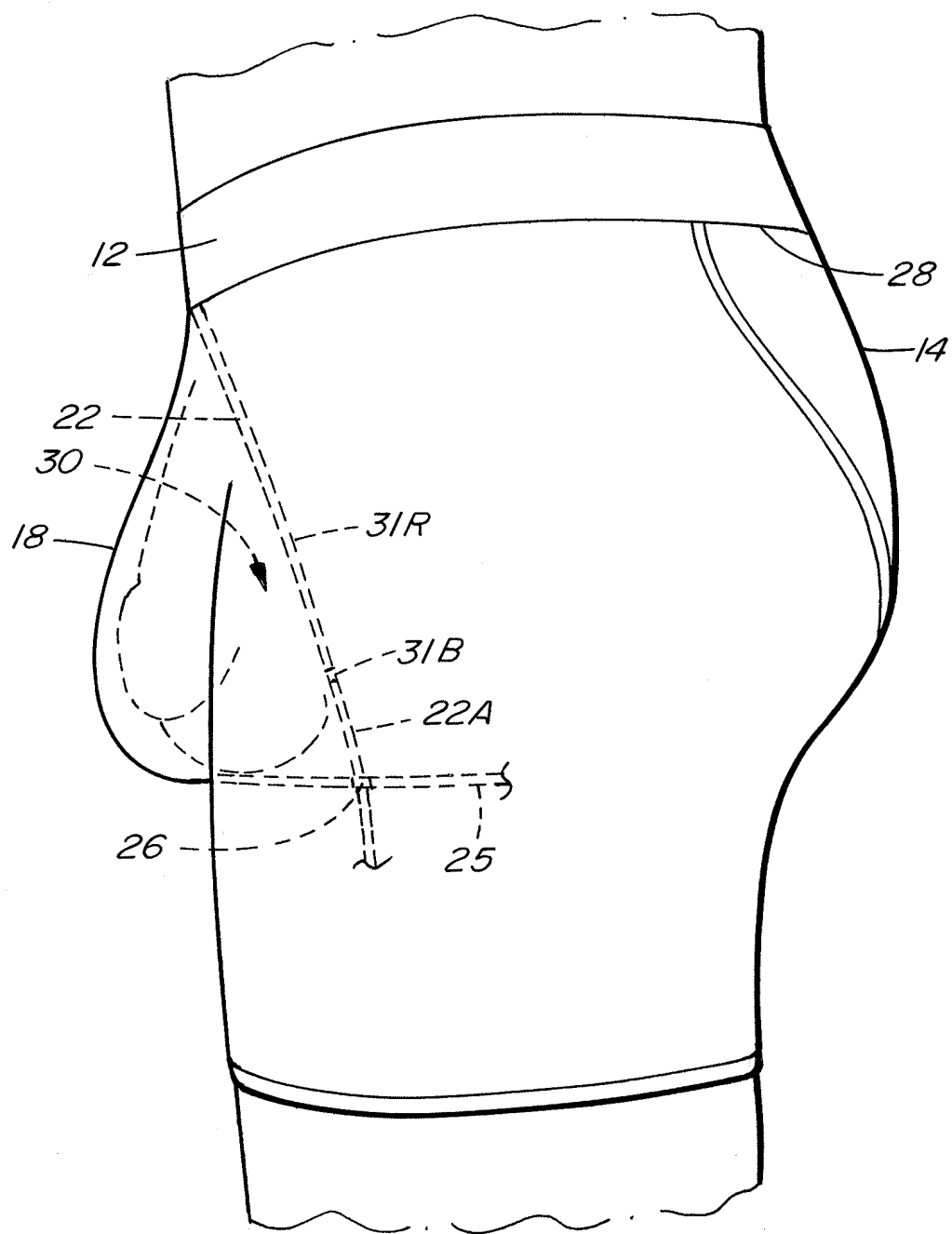


FIG. 8

B769 0001/GNM
GNM/gmk

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Inventor(s): BIGNEY, Dustin
Title: GARMENTS FOR MEN
Serial No.: 13/193584 Confirmation No.: 8229
Filed: 28 July 2011
Art Unit: 3765
Date: 21 February 2012

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

Dear Sir:

PRELIMINARY AMENDMENT

Introductory Comments

Preliminary to the examination of this application, please amend this application as follows:

- Amendments to the Specification begin on page 2 of this paper.
- Remarks/Arguments begin on page 3 of this paper.

Serial No. 13/193584
Preliminary Amendment
Amendment filed 21 February 2012

B769 0001/GNM
Page 2 of 3

Amendments to the Specification

Please amend page 1 by inserting the following text between the title and the heading
“Technical Field”:

Cross Reference to Related Application

This application claims the benefit under 35 U.S.C. §119 of
United States Patent Application No. 61/429065 filed on
31 December 2010 and entitled MEN’S GARMENT WITH POUCH AND
SUPPORTING FLAP which is incorporated hereby by reference.

Serial No. 13/193584
Preliminary Amendment
Amendment filed 21 February 2012

B769 0001/GNM
Page 3 of 3

REMARKS

The specification has been amended to add a cross-reference to the priority application. The specification is otherwise unaltered.

Respectfully submitted,

By: /GavinNManning/
Gavin N. Manning
Registration No. 36,412
tel: 604.669.3432 ext. 9043
fax: 604.681.4081
e-mail: GNMDocket@patentable.com

Electronic Acknowledgement Receipt

EFS ID:	12123435
Application Number:	13193584
International Application Number:	
Confirmation Number:	8229
Title of Invention:	GARMENTS FOR MEN
First Named Inventor/Applicant Name:	Dustin Bigney
Customer Number:	720
Filer:	Gavin N. Manning
Filer Authorized By:	
Attorney Docket Number:	B769 0001/GNM
Receipt Date:	21-FEB-2012
Filing Date:	28-JUL-2011
Time Stamp:	22:26:12
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no
------------------------	----

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Request for Corrected Filing Receipt	B7690001_Request-for-amended-filing-receipt.pdf	33464 ce87fb9cbce1a8ff1ca0f489afce122414b71912	no	2

Warnings:

Information:

Tommy John EX1004

Page 96 of 375

U.S. Patent No. 10,834,974

2	Request for Corrected Filing Receipt	B7690001_Marked-up-filing-receipt.pdf	377652 96d8a74f8580f406bbaa7df668eb4e71051fe1cd	no	3
Warnings:					
Information:					
3	Application Data Sheet	B7690001_Supplemental-ADS.pdf	236985 f3e37866c521211c5bbcd8b8e693161b065b587	no	4
Warnings:					
Information:					
This is not an USPTO supplied ADS fillable form					
4		B7690001_Preliminary-amendment.pdf	41031 a245d746f948fb6a8a579985ac88c36ebceb03d9	yes	3
	Multipart Description/PDF files in .zip description				
	Document Description		Start	End	
	Preliminary Amendment		1	1	
	Specification		2	2	
	Applicant Arguments/Remarks Made in an Amendment		3	3	
Warnings:					
Information:					
Total Files Size (in bytes):			689132		
<p>This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.</p> <p><u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.</p> <p><u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.</p> <p><u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.</p>					

B769 0001/GNM
GNM/gmk

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Inventor(s): BIGNEY, Dustin
Title: GARMENTS FOR MEN
Serial No.: 13/193584 Confirmation No.: 8229
Filed: 28 July 2011
Art Unit: 3765
Date: 21 February 2012

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

Dear Sir:

Dear Sir:

REQUEST FOR AMENDED FILING RECEIPT

The Applicant respectfully requests an amended Filing Receipt for this application.

The Applicant respectfully requests that the following addition be made to the Filing Receipt:

Domestic Priority data as claimed by applicant
This application is a non-provisional of 61/429065 12/31/2010

The Applicant encloses the following documents:

1. A copy of the Filing Receipt mailed on 08/12/2011 with the requested change noted thereon.

Serial No. 13/193584

B769 0001/GNM

2. A copy of a Supplemental Application Data Sheet.

Respectfully submitted,

By: /GavinNManning/
Gavin N. Manning
Registration No. 36,412
tel: 604.669.3432 ext. 9043
fax: 604.681.4081
e-mail: GNMDocket@patentable.com



UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
13/193,584	07/28/2011	3765	462	B769 0001/GNM	18	2

CONFIRMATION NO. 8229

FILING RECEIPT



OC000000049235314

720
 OYEN, WIGGS, GREEN & MUTALA LLP
 480 - THE STATION
 601 WEST CORDOVA STREET
 VANCOUVER, BC V6B 1G1
 CANADA

Date Mailed: 08/12/2011

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Dustin Bigney, West Vancouver, CANADA;

Assignment For Published Patent Application

0912139 B.C. LTD., Kelowna, CANADA

Power of Attorney: The patent practitioners associated with Customer Number 00720**Domestic Priority data as claimed by applicant** This application is a non-provisional of 61/429065 12/31/2010**Foreign Applications** (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see <http://www.uspto.gov> for more information.)**If Required, Foreign Filing License Granted:** 08/08/2011

The country code and number of your priority application, to be used for filing abroad under the Paris Convention,
 is **US 13/193,584**

Projected Publication Date: 01/31/2013**Non-Publication Request:** No**Early Publication Request:** No**** SMALL ENTITY ****

Title

GARMENTS FOR MEN

Preliminary Class

002

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER**Title 35, United States Code, Section 184****Title 37, Code of Federal Regulations, 5.11 & 5.15****GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

SUPPLEMENTAL APPLICATION DATA SHEET

Approved for use through 09/30/2010. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Application Data Sheet 37 CFR 1.76		Attorney Docket Number	B769 0001/GNM
		Application Number	
Title of Invention	GARMENTS FOR MEN		
<p>The application data sheet is part of the provisional or nonprovisional application for which it is being submitted. The following form contains the bibliographic data arranged in a format specified by the United States Patent and Trademark Office as outlined in 37 CFR 1.76.</p> <p>This document may be completed electronically and submitted to the Office in electronic format using the Electronic Filing System (EFS) or the document may be printed and included in a paper filed application.</p>			

Secrecy Order 37 CFR 5.2

☐	Portions or all of the application associated with this Application Data Sheet may fall under a Secrecy Order pursuant to 37 CFR 5.2 (Paper filers only. Applications that fall under Secrecy Order may not be filed electronically.)
--------------------------	---

Applicant Information:

Applicant 1				
Applicant Authority		☒ Inventor		☐ Legal Representative under 35 U.S.C. 117
		☐ Party of Interest under 35 U.S.C. 118		
Prefix	Given Name	Middle Name	Family Name	Suffix
	Dustin		Bigney	
Residence Information (Select One) ☐ US Residency ☒ Non US Residency ☐ Active US Military Service				
City	West Vancouver	Country Of Residence	CA	
Citizenship under 37 CFR 1.41(b)		CA		
Mailing Address of Applicant:				
Address 1	4678 Headland Drive			
Address 2				
City	West Vancouver	State/Province	BC	
Postal Code	V7W 3J3	Country	CA	
All Inventors Must Be Listed - Additional Inventor Information blocks may be generated within this form by selecting the Add button.				

Correspondence Information:

Enter either Customer Number or complete the Correspondence Information section below. For further information see 37 CFR 1.33(a).			
☐ An Address is being provided for the correspondence information of this application.			
Customer Number	00720		
Email Address	GNMdocket@patentable.com	<input type="button" value="Add Email"/>	<input type="button" value="Remove Email"/>

Application Information:

Title of the Invention	GARMENTS FOR MEN		
Attorney Docket Number	B769 0001/GNM	Small Entity Status Claimed	☒
Application Type	Nonprovisional		
Subject Matter	Utility		
Suggested Class (if any)		Sub Class (if any)	
Suggested Technology Center (if any)			
Total Number of Drawing Sheets (if any)	13	Suggested Figure for Publication (if any)	EX1004

SUPPLEMENTAL APPLICATION DATA SHEET

Approved for use through 09/30/2010. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Application Data Sheet 37 CFR 1.76	Attorney Docket Number	B769 0001/GNM
	Application Number	
Title of Invention	GARMENTS FOR MEN	

Publication Information:

☐	Request Early Publication (Fee required at time of Request 37 CFR 1.219)
☐	Request Not to Publish. I hereby request that the attached application not be published under 35 U.S.C. 122(b) and certify that the invention disclosed in the attached application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication at eighteen months after filing.

Representative Information:

Representative information should be provided for all practitioners having a power of attorney in the application. Providing this information in the Application Data Sheet does not constitute a power of attorney in the application (see 37 CFR 1.32). Enter either Customer Number or complete the Representative Name section below. If both sections are completed the Customer Number will be used for the Representative Information during processing.			
Please Select One:	☒ Customer Number	☐ US Patent Practitioner	☐ Limited Recognition (37 CFR 11.9)
Customer Number	00720		

Domestic Benefit/National Stage Information:

This section allows for the applicant to either claim benefit under 35 U.S.C. 119(e), 120, 121, or 365(c) or indicate National Stage entry from a PCT application. Providing this information in the application data sheet constitutes the specific reference required by 35 U.S.C. 119(e) or 120, and 37 CFR 1.78(a)(2) or CFR 1.78(a)(4), and need not otherwise be made part of the specification.			
Prior Application Status	Expired	Remove	
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)
	non provisional of	61/429065	2010-12-31
Additional Domestic Benefit/National Stage Data may be generated within this form by selecting the Add button.			

Foreign Priority Information:

This section allows for the applicant to claim benefit of foreign priority and to identify any prior foreign application for which priority is not claimed. Providing this information in the application data sheet constitutes the claim for priority as required by 35 U.S.C. 119(b) and 37 CFR 1.55(a).			
Remove			
Application Number	Country ¹	Parent Filing Date (YYYY-MM-DD)	Priority Claimed
			☐ Yes ☒ No
Additional Foreign Priority Data may be generated within this form by selecting the Add button.			

Assignee Information:

Providing this information in the application data sheet does not substitute for compliance with any requirement of part 3 of Title 37 of the CFR to have an assignment recorded in the Office.	
Assignee 1	Tommy John EX1004

SUPPLEMENTAL APPLICATION DATA SHEET

Approved for use through 09/30/2010. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Application Data Sheet 37 CFR 1.76		Attorney Docket Number	B769 0001/GNM
		Application Number	
Title of Invention	GARMENTS FOR MEN		

If the Assignee is an Organization check here. ☒			
Organization Name	0912139 B.C. Ltd.		
Mailing Address Information:			
Address 1	272 Bernard Avenue		
Address 2			
City	Kelowna	State/Province	BC
Country	CA	Postal Code	V1Y 6N4
Phone Number		Fax Number	
Email Address			
Additional Assignee Data may be generated within this form by selecting the Add button.			

Signature:

A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature.					
Signature	/GavinNManning/			Date (YYYY-MM-DD)	2012-02-20
First Name	Gavin	Last Name	Manning	Registration Number	36412

This collection of information is required by 37 CFR 1.76. 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 23 minutes to complete, including gathering, preparing, and submitting the completed application data sheet form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

Tommy John EX1004

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U.S. Patent No. 10,834,974

SUPPLEMENTAL APPLICATION DATA SHEET

Privacy Act Statement

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

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

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

Tommy John EX1004

Page 106 of 375

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875					Application or Docket Number 13/193,584		Filing Date 07/28/2011		☐ To be Mailed	
APPLICATION AS FILED – PART I										
(Column 1)			(Column 2)			SMALL ENTITY ☒ OR		OTHER THAN SMALL ENTITY		
FOR	NUMBER FILED	NUMBER EXTRA	RATE (\$)	FEE (\$)	OR	RATE (\$)	FEE (\$)			
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A			N/A				
☐ SEARCH FEE (37 CFR 1.16(k), (l), or (m))	N/A	N/A	N/A			N/A				
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A			N/A				
TOTAL CLAIMS (37 CFR 1.16(j))	minus 20 =	*	X \$	=		X \$	=			
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*	X \$	=		X \$	=			
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).									
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))										
* If the difference in column 1 is less than zero, enter "0" in column 2.										
APPLICATION AS AMENDED – PART II										
(Column 1)			(Column 2)			SMALL ENTITY OR		OTHER THAN SMALL ENTITY		
AMENDMENT	02/21/2012	CLAIMS REMAINING AFTER AMENDMENT	MINUS	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	OR	RATE (\$)	ADDITIONAL FEE (\$)
	Total (37 CFR 1.16(i))	* 18	Minus	** 20	= 0	X \$30 =	0		X \$	=
	Independent (37 CFR 1.16(h))	* 2	Minus	*** 3	= 0	X \$125 =	0		X \$	=
☐ Application Size Fee (37 CFR 1.16(s))										
☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))										
						TOTAL ADD'L FEE	0	OR	TOTAL ADD'L FEE	
(Column 1)			(Column 2)			SMALL ENTITY OR		OTHER THAN SMALL ENTITY		
AMENDMENT		CLAIMS REMAINING AFTER AMENDMENT	MINUS	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	OR	RATE (\$)	ADDITIONAL FEE (\$)
	Total (37 CFR 1.16(i))	*	Minus	**	=	X \$	=		X \$	=
	Independent (37 CFR 1.16(h))	*	Minus	***	=	X \$	=		X \$	=
☐ Application Size Fee (37 CFR 1.16(s))										
☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))										
						TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE	
* If the entry in column 1 is less than the entry in column 2, write "0" in column 3. ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20". *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3". The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.										

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
13/193,584	07/28/2011	3765	462	B769 0001/GNM	18	2

CONFIRMATION NO. 8229

CORRECTED FILING RECEIPT



OC000000052821428

720
 OYEN, WIGGS, GREEN & MUTALA LLP
 480 - THE STATION
 601 WEST CORDOVA STREET
 VANCOUVER, BC V6B 1G1
 CANADA

Date Mailed: 03/01/2012

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Dustin Bigney, West Vancouver, CANADA;

Assignment For Published Patent Application

0912139 B.C. LTD., Kelowna, CANADA

Power of Attorney: The patent practitioners associated with Customer Number 00720**Domestic Priority data as claimed by applicant**

This appln claims benefit of 61/429,065 12/31/2010

Foreign Applications (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see <http://www.uspto.gov> for more information.)

If Required, Foreign Filing License Granted: 08/08/2011

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 13/193,584**

Projected Publication Date: 07/05/2012**Non-Publication Request:** No**Early Publication Request:** No**** SMALL ENTITY ****

Title

GARMENTS FOR MEN

Preliminary Class

002

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

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NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
13/193,584	07/28/2011	Dustin Bigney	B769 0001/GNM

CONFIRMATION NO. 8229**PUBLICATION NOTICE**

OC000000055198737

720
 OYEN, WIGGS, GREEN & MUTALA LLP
 480 - THE STATION
 601 WEST CORDOVA STREET
 VANCOUVER, BC V6B 1G1
 CANADA

Title:GARMENTS FOR MEN**Publication No.**US-2012-0167279-A1**Publication Date:**07/05/2012**NOTICE OF PUBLICATION OF APPLICATION**

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

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

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

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

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

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

PLUS Search Results for S/N 13193584, Searched Mon Apr 01 16:39:24 EDT 2013

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/193,584	07/28/2011	Dustin Bigney	B769 0001/GNM	8229

720	7590	04/25/2013
OYEN, WIGGS, GREEN & MUTALA LLP		
480 - THE STATION		
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VANCOUVER, BC V6B 1G1		
CANADA		

EXAMINER	
KINSAUL, ANNA KATHRYN	

ART UNIT	PAPER NUMBER
3765	

NOTIFICATION DATE	DELIVERY MODE
04/25/2013	ELECTRONIC

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

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

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

mail@patentable.com

Office Action Summary	Application No. 13/193,584	Applicant(s) BIGNEY, DUSTIN	
	Examiner ANNA KINSAUL	Art Unit 3765	AIA (First Inventor to File) Status No

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

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

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

Status

- 1) ☒ Responsive to communication(s) filed on 28 July 2011.
☐ 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) 1-18 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) 1-18 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 28 July 2011 and 22 September 2011 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.

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

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

Priority under 35 U.S.C. § 119

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

Certified copies:

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

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

Interim copies:

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

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 20 September 2011 and 22 September 2011.
- 3) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 4) ☐ Other: ____.

Application/Control Number: 13/193,584
Art Unit: 3765

Page 2

DETAILED ACTION

This is in response to Application filed on July 28, 2011 in which claims 1-18 are presented for examination.

Status of Claims

Claims 1-18 are pending of which Claims 1 and 9 are presented in independent form.

Claim Objections

1. Claim 10 is objected to because of the following informalities: claim 10 is dependent upon claim 1 but claim 1 already recites the limitation claimed in claim 10. For purposes of examination, the Examiner is treating claim 10 to depend from claim 9. Appropriate correction is required.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the opening shape of oval, obround, teardrop, or elliptical of claim 16 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate

Application/Control Number: 13/193,584
Art Unit: 3765

Page 3

prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

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

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4, 6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reis (USPN 2,235,849) in view of Chong (USPAP 2006/000008).

Regarding Claim 1, Reis discloses a male garment (Figs. 1-3) comprising: a body including a front portion (23) and having leg openings for a wearer's legs (16, 17), the

Application/Control Number: 13/193,584

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body including a crotch panel (p. 1, col. 2, lines 47-49) extending between the leg openings and joined to the front portion along a first seam (p. 1, col. 2, lines 47-52; (21)); a waistband (15) attached at an upper edge of the body (Figs. 1 and 2); a stretch portion (22) attached to the body inside the front portion (Fig. 2), the stretch portion comprising a sheet of elastically resilient two-way stretch material (p. 1, col. 2, lines 35-40) having a top edge attached to the body at the waistband (Fig. 2), a bottom edge attached at the first seam (Fig. 2; (21)), and an opening (28) for receiving the wearer's genitals, the opening having a rounded bottom edge (Fig. 2) and opposing side edges that are spaced apart from one another on either side of the opening (Fig. 2); the front portion being gathered from side-to-side and top-to-bottom by the stretch portion (p. 1, col. 2, line 47-p. 2, col. 1, line 5) whereby a three-dimensional pouch ((27) forms a dart which forms a pouch and any pouch is considered three-dimensional; p. 2, col. 1, lines 6-12) is defined between the stretch panel and the front portion. Reis does not disclose where the stretch portion is a panel having side edges attached to the body along either side of the front portion. However, Chong teaches a male garment having an inner (Fig. 6) and outer layer (Paras. [0019 and 0020]) where the inner panel includes a stretch panel having an opening and side edges attached to the body along either side of the front portion (Fig. 6).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the invention of Reis and made the inner layer out of multiple connected panels as taught by Chong; because Chong teaches it is known in the art to construct undergarment layers from multiple panels and that multiple

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panels may be connected to the body along either side of the front portion (Para. [0017] and Fig. 6). It would further be obvious to one of ordinary skill that multiple panel construction may benefit the wearer by providing comfort of design.

Regarding Claim 2, Reis further discloses wherein the stretch panel has asymmetrical stretch characteristics such that the stretch panel stretches more easily in a direction parallel to the waist band and less easily in a direction at right angles to the waist band (p. 1, col. 2, lines 35-40).

Regarding Claim 3, Reis/Chong, as combined above, disclose wherein the stretch panel is rectangular (Chong Fig. 6; (250)) and the opening is U-shaped (Reis Fig. 2).

Regarding Claim 4, Reis/Chong disclose the invention as claimed above. Reis/Chong do not explicitly disclose wherein the stretch panel comprises a fabric having a stretch of at least 30%. However, Reis does set forth the critical nature that the stretch panel fabric contains a transverse resiliency of considerable degree.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have known that the stretch panel fabric must comprise a "considerable degree" of stretch and it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art.

Regarding Claim 6, Reis further discloses wherein the garment is a pair of undershorts (Figs. 1 and 2).

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Regarding Claim 8, Reis/Chong discloses the invention as claimed above.

Reis/Chong do not explicitly disclose wherein the opening has a width in excess of 2 cm. However, Reis and Chong both disclose openings having a width and it would be obvious to one of ordinary skill that the garment would be manufactured in a variety of sizes including a size where the opening has a width in excess of 2 cm.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have manufactured the garment of Reis/Chong in a variety of sizes including one where the opening has a width in excess of 2 cm; because it is known in the art to manufacture garments in a variety of sizes to fit a variety of wearers. Additionally, it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art.

5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Reis (USPN 2,235,849) in view of Chong (USPAP 2006/000008) as combined above and further in view of Shlush (USPAP 2009/0106874).

Regarding Claim 5, Reis/Chong disclose the invention as claimed above. They do not disclose wherein a length measured along material of the front portion from the first seam to the waistband exceeds a length measured along the fabric of the stretch panel, when un-stretched by at least 30%. While Reis does disclose that the undergarment has two layers, an inner and outer layer and where the outer layer forms a pouch (p. 2, col. 1, lines 6-12), Reis does not show the structure of the pouch.

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However, Shlush teaches an underwear garment having two layers (Figs. 1-2), an inner and outer layer, where the outer layer forms a pouch that has a length of material longer than the inner layer (Fig. 3).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the pouch of Reis/Chong and made the pouch have a length of material longer than the inner layer as taught by Shlush; because Shlush teaches that it is known in the art to construct pouches in this manner and it is beneficial because it provides additional space for the wearer's genitalia (Para. [0011]).

6. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Reis (USPN 2,235,849) in view of Chong (USPAP 2006/000008) as combined above and further in view of Larson (USPN 3,511,234).

Regarding Claim 7, Reis/Chong disclose the invention as claimed above. They do not disclose wherein the stretch panel comprises a fabric different from a fabric of the body. However, Larson teaches an underwear garment having panels of different types of fabric (Fig. 1; col. 1, lines 50-64 and col. 2, line 48- col. 3, line 23).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the invention of Reis/Chong and made the stretch panel of a fabric different from the body as taught by Larson; because Larson teaches that it is known in the art to have an underwear garment with different types of fabric panels and it is beneficial because it provides different types of support to

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wearer's body when worn (col. 1, lines 50-64 and col. 2, line 48- col. 3, line 23) which may be beneficial depending on end use.

7. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shlush (USPAP 2009/0106874).

Regarding Claim 9, Shlush discloses a men's garment (Figs. 1-3) comprising: a waistband (110); a front portion (104) depending downwardly from the waistband (Fig. 3), the front portion formed to provide a pouch at a mid-section thereof (Figs. 1 and 3), the pouch shaped to contain a wearer's penis and scrotum when the garment is worn (Paras. [0011, 0025, and 0037]); a stretch panel (114) attached behind the pouch (Para. 0024]) and defining an opening (116) into the pouch (Paras. 0025 and 0026]), the stretch panel having a bottom portion (Fig. 2) connecting opposing side portions (120) and whereby, in use, the scrotum of a wearer of the garment is supported underneath by the stretch panel to contain a wearer's penis and scrotum in the pouch (Paras. [0010, 0011, and 0025]; the stretch panel's opening at least supports the scrotum by providing access to the pouch which holds the genitalia providing comfort). Shlush does not explicitly disclose that the bottom portion is positioned to be disposed forward of a wearer's perineum when the garment is worn, however, the garment of Shlush would be worn by a variety of wearers in a variety of sizes and at least one of the users would have a bottom portion that is positioned forward of a wearer's perineum. Additionally, the phrase "bottom portion" is broad and any part or the lower portion of the stretch panel may be considered the bottom portion, thus a bottom portion that is closer to the

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opening where the wearer's genitalia passes may be selected on the panel and it would be obvious that in selecting a bottom portion at this location, any wearer's perineum would be in a position to meet the claim limitation.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have known that the location of the bottom portion in relation to the wearer's perineum is relative to the user wearing the undergarment or where the bottom portion is located on the stretch panel.

8. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shlush (USPAP 2009/0106874) in view of King (USPN 3,844,282).

Regarding Claim 10, Shlush discloses the invention as claimed above. Shlush does not disclose wherein the stretch panel comprises a two-way elasticized fabric. However, King teaches an undergarment which comprises two-way elasticized fabric (col. 1, lines 10-22).

Therefore, it would have been obvious to one of ordinary skill to have used a two-way elasticized fabric in the stretch panel of Shlush as taught by King; because King teaches that it is known in the art to use two-way elasticized fabric in undergarments and two-way elasticized fabric is beneficial because it permits the garment to provide firm support while also being comfortable to the wearer (col. 1, lines 10-22).

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9. Claims 11-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shlush (USPAP 2009/0106874) in view of King (USPN 3,844,282) as combined above and further in view of Thrower (USPN 5,785,495).

Regarding Claim 11, Shlush/King disclose the invention as claimed above. While Shlush does disclose that cotton or any suitable material may be used in the invention, Shlush nor King explicitly disclose wherein the elasticized fabric is comprised of a cotton spandex blend. However, Thrower teaches an underwear garment which utilizes a cotton spandex blend (col. 4, lines 17-34).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used a cotton spandex blend in the invention of Shlush/King as taught by Thrower; because Thrower teaches it is known in the art to construct undergarments out of a cotton spandex blend and it is beneficial because different amounts of support may be provided to the wearer via the garment by blending cotton with spandex (col. 4, lines 17-34).

Regarding Claim 12, Shlush/King/Thrower disclose the invention as claimed above. While Thrower does not mention that the stretch panel is fastened to the front portion while in a pre-stretched condition while the front portion is less stretched, Thrower does teach where a stretch panel is biased to hold the opening open while the garment is held in position to be put on (Figs. 3 and 4 show the garment in a position to be put on and the opening is held open). Since identical structure has been taught by Thrower, it is understood, to one having ordinary skill, that this structure is produced by the arrangement described in Applicant's claim and thus the limitation has been met.

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Where the claimed and prior art products are identical or substantially identical in structure or composition, or are produced by identical or substantially identical processes, a prima facie case of either anticipation or obviousness has been established (In re Best, 562 F.2d 1252, 1255, 195 USPQ 430, 433 (CCPA 1977)).

"When the PTO shows a sound basis for believing that the products of the applicant and the prior art are the same, the applicant has the burden of showing that they are not (MPEP 2112.01)."

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the invention of Shlush/King/Thrower and modified the opening to hold the opening in an open position as taught by Thrower; because Thrower teaches that this type of opening is known in the art and it would further be obvious to one of ordinary skill that this type of opening may provide the benefit of greater comfort or ease of use to a wearer.

Regarding Claim 13, Shlush/King/Thrower disclose the invention as claimed above. King further teaches where the undergarment comprises a crotch panel extending between leg openings of the garment and fastened at a front seam to a bottom edge of the stretch panel (Fig. 1; 22a, 22b; col. 2, lines 51-55).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the invention of Shlush/King/Thrower and added a crotch panel extending between leg openings of the garment and fastened at a front seam to a bottom edge of the stretch panel as taught by King; because King teaches that it is known in the art to construct undergarments with crotch panels and it

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would further be obvious to one of ordinary skill that adding a crotch panel may provide greater comfort to a wearer.

Regarding Claim 14, Shlush/King/Thrower disclose the invention as claimed above. King further teaches wherein a front portion of an undergarment is attached to a rear portion of the body that depends from the waistband at a seam disposed forward of the perineum region of a wearer, and wherein a bottom edge of the stretch panel is fastened to the seam (Figs. 4 and 6; col. 2, lines 51-65).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the invention of Shlush/King/Thrower and attached the front portion to the rear portion by a seam disposed forward of the perineum region of a wearer where the bottom edge of the stretch panel is also fastened to the seam as taught by King; because King teaches that this configuration is known in the art of undergarments and the rearrangement of parts provides the same predictable results of providing an undergarment. Additionally, it would be obvious to one of ordinary skill that this arrangement may beneficially provide more comfort to a wearer.

Regarding Claims 15 and 16, Shlush/King/Thrower disclose the invention as claimed above. Thrower further teaches wherein the opening has a U-shape, oval, obround, teardrop or elliptical shape when the stretch panel is in a relaxed state (Fig. 2; (24); at least the lower part of an oval is considered to be a "U" shape).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the invention of Shlush/King/Thrower and

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made the opening of U or oval shape as taught by Thrower; because Thrower teaches that this shape is known in the art for openings in layers of undergarments and it would be further obvious to one of ordinary skill that this shape may provide a wearer beneficially with more support or added comfort.

Regarding Claim 17, Shlush discloses wherein the stretch panel is formed from a single unitary piece of fabric (Fig. 2; panel is only stitched to front panel and does not comprise additional pieces). Shlush does not disclose wherein the piece of fabric is woven. However, Thrower teaches that undergarment fabrics are known to be knitted or woven fabrics (col. 5, lines 8-15).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have known that undergarment fabric of Shlush/King/Thrower may be woven as taught by Thrower; because Thrower teaches that it is known in the art to construct undergarments from woven fabric.

10. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shlush (USPAP 2009/0106874) in view of King (USPN 3,844,282) and Thrower (USPN 5,785,495) as combined above and further in view of Reis (USPN 2,140,459).

Regarding Claim 18, Shlush/King/Thrower disclose the invention as claimed above. They do not disclose wherein the pouch comprises a dart seam stitched along a bottom portion of the pouch and substantially centrally to provide extra volume in front of and underneath the genitals of a wearer. However, Reis teaches that dart seams

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may be provided in undergarments to form pouches (p. 1, col. 2, line 49-p.2, col. 1, line 5).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the invention of Shlush/King/Thrower and added a dart to the bottom portion of the pouch as taught by Reis; because Reis teaches that it is old and well known in the art to provide undergarments with darts to form pouches and they are beneficial because they round the fabric portions to contour parts of the body (p. 1, col. 2, line 49-p.2, col. 1, line 5).

Double Patenting

11. 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 obviousness-type 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

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F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

12. Claims 1-18 are rejected under the judicially created doctrine of double patenting as being directed to the same invention as that set forth in claim 1 (Figs. 1-7) of United States Patent No. D646,462. See *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969) and *In re Phelan*, 205 F.2d 183, 98 USPQ 156 (CCPA 1953). See MPEP § 804(II)(B)(3).

13. A design - utility "same invention" double patenting rejection is based on judicial doctrine as there is no statutory basis for this rejection because neither **35 U.S.C. 101** nor **35 U.S.C. 171** can be applied against both claims. *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969). The "same invention" type of double patenting rejection, whether statutory or nonstatutory, cannot be overcome by a terminal disclaimer. *In re Swett*, 145 F.2d 631, 172 USPQ 72 (CCPA 1971). 

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Note the related prior art listed on the 892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANNA KINSAUL whose telephone number is (571)270-1926. The examiner can normally be reached on M-Th 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Khoa Huyhn can be reached on (571) 272-4888. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/Anna Kinsaul/
Examiner, Art Unit 3765

/Khoa D. Huynh/
Supervisory Patent Examiner, Art Unit 3765

Notice of References Cited	Application/Control No. 13/193,584		Applicant(s)/Patent Under Reexamination BIGNEY, DUSTIN	
	Examiner ANNA KINSAUL		Art Unit 3765	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-2,140,459 A	12-1938	REIS ARTHUR M	602/67
*	B	US-2,235,849 A	03-1941	REIS ARTHUR M	2/234
*	C	US-2,601,602 A	06-1952	FIRSCHING SR JOSEPH A	602/67
*	D	US-3,844,282 A	10-1974	King, Frederick E.	602/67
*	E	US-D646,462 S	10-2011	Ellis et al.	D2/712
*	F	US-D656,708 S	04-2012	Ellis, Shawn	D2/712
	G	US-			
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CONFIRMATION NO. 8229

SERIAL NUMBER 13/193,584	FILING or 371(c) DATE 07/28/2011 RULE	CLASS 002	GROUP ART UNIT 3765	ATTORNEY DOCKET NO. B769 0001/GNM	
APPLICANTS Dustin Bigney, West Vancouver, CANADA; ** CONTINUING DATA ***** This appln claims benefit of 61/429,065 12/31/2010 ** FOREIGN APPLICATIONS ***** ** IF REQUIRED, FOREIGN FILING LICENSE GRANTED ** ** SMALL ENTITY ** 08/08/2011					
Foreign Priority claimed ☐ Yes ☒ No 35 USC 119(a-d) conditions met ☐ Yes ☒ No Verified and /ANNA KATHRYN KINSAUL/ Acknowledged Examiner's Signature	☐ Met after Allowance Initials	STATE OR COUNTRY CANADA	SHEETS DRAWINGS 13	TOTAL CLAIMS 18	INDEPENDENT CLAIMS 2
ADDRESS OYEN, WIGGS, GREEN & MUTALA LLP 480 - THE STATION 601 WEST CORDOVA STREET VANCOUVER, BC V6B 1G1 CANADA					
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Search Notes 	Application/Control No. 13193584	Applicant(s)/Patent Under Reexamination BIGNEY, DUSTIN
	Examiner ANNA KINSAUL	Art Unit 3765

CPC- SEARCHED		
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US CLASSIFICATION SEARCHED			
Class	Subclass	Date	Examiner
2	400,401,403,402,404,405,78.1	4/15/2013-4/16/2013	AKK
602	67	4/15/2013-4/16/2013	AKK

SEARCH NOTES		
Search Notes	Date	Examiner
Inventor Search in PALM and EAST; PLUS search	4/15/2013-4/16/2013	AKK
EAST search- forward/backward of relevant art, keywords see attached EAST search	4/15/2013-4/16/2013	AKK

INTERFERENCE SEARCH			
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	Filing Date		2011-07-28	
	First Named Inventor	Dustin Bigney		
	Art Unit	3765		
	Examiner Name			
	Attorney Docket Number	B769 0001/GNM		

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	13193584	13193584 - GAU: 3765
	Filing Date	2011-07-28	
	First Named Inventor	Dustin Bigney	
	Art Unit	3765	
	Examiner Name		
	Attorney Docket Number	B769 0001/GNM	

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

Application Number	13193584	13193584 - GAU: 3765
Filing Date	2011-07-28	
First Named Inventor	Dustin Bigney	
Art Unit	3765	
Examiner Name		
Attorney Docket Number	B769 0001/GNM	

CERTIFICATION STATEMENT

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

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

OR

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

- ☐ See attached certification statement.
- ☐ The fee set forth in 37 CFR 1.17 (p) has been submitted herewith.
- ☒ A certification statement is not submitted herewith.

SIGNATURE

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

Signature	/GavinNManning/	Date (YYYY-MM-DD)	2011-09-21
Name/Print	Gavin N. Manning	Registration Number	36412

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ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH /A.K./

EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L1	31	(US-20060000008-\$ or US-20090106874-\$ or US-20050268380-\$ or US-20110154560-\$ or US-20090288240-\$ or US-20040025218-\$).did. or (US-7578009-\$ or US-5875495-\$ or US-4759355-\$ or US-4870958-\$ or US-5157793-\$ or US-D509945-\$ or US-7024703-\$ or US-2624336-\$ or US-2033551-\$ or US-3511234-\$ or US-3844282-\$ or US-2138481-\$ or US-2114268-\$ or US-3517666-\$ or US-7017193-\$ or US-D646462-\$ or US-D656708-\$ or US-4173976-\$ or US-2457260-\$ or US-1020588-\$ or US-2235849-\$ or US-5647065-\$ or US-2601602-\$ or US-5029345-\$ or US-2140459-\$).did.	US-PGPUB; USPAT	OR	ON	2013/04/16 09:44
L2	5	l1 and cotton and (spandex or lycra\$1)	US-PGPUB; USPAT	OR	ON	2013/04/16 09:45
L3	8	l1 and stretch	US-PGPUB; USPAT	OR	ON	2013/04/16 09:47
L4	3017	(boxer or under\$1wear or under\$1garment or brief) and (stretch near2 "30"\$1)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/04/16 09:49
L5	6	(boxer or under\$1wear or under\$1garment or brief) with (stretch near2 "30"\$1)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/04/16 09:50
L6	3	l1 and woven	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/04/16 15:15
L7	75	scrotum and (support or suspensory) and ((man or men or boys) near2 (under\$1wear or under\$1garment or boxers))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/04/16 15:58
S1	49	(US-20110307996-\$ or US-20030083635-\$ or US-20040098784-\$ or US-	US-PGPUB; USPAT	OR	ON	2013/04/15 13:00

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		20040127881-\$).did. or (US-5414870-\$ or US-4759355-\$ or US-5875495-\$ or US-5784723-\$ or US-RE36905-\$ or US-5864890-\$ or US-6061839-\$ or US-4870958-\$ or US-4247959-\$ or US-5901374-\$ or US-5946730-\$ or US-3703820-\$ or US-3877439-\$ or US-4523337-\$ or US-4538615-\$ or US-4590945-\$ or US-5392467-\$ or US-5569234-\$ or US-5575783-\$ or US-5590548-\$ or US-5605060-\$ or US-5611722-\$ or US-5685874-\$ or US-5727256-\$ or US-5769838-\$ or US-5787512-\$).did. or (US-5802607-\$ or US-5836932-\$ or US-5843068-\$ or US-5873870-\$ or US-5931827-\$ or US-5944579-\$ or US-5987644-\$ or US-6120487-\$ or US-6258077-\$ or US-6287169-\$ or US-6546564-\$ or US-6817030-\$ or US-7013488-\$ or US-7344526-\$ or US-7578009-\$ or US-7901390-\$ or US-8216203-\$ or US-8257138-\$ or US-8303561-\$).did.				
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S4	1014	(2/400,401,403).CCLS.	US-PGPUB; USPAT	OR	OFF	2013/04/15 13:32
S5	412	(2/402,404,405).CCLS.	US-PGPUB; USPAT	OR	OFF	2013/04/15 13:32
S6	287	S5 not S4	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO;	OR	ON	2013/04/15 13:33

			DERWENT; IBM_TDB			
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S8	950	S4 not S3	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/04/15 16:05
S9	200	(602/67).CCLS.	US-PGPUB; USPAT	OR	OFF	2013/04/15 17:47
S10	140	("0549048" "2055973" "2058970" "2114268" "2328953" "2534024" "2736036" "2854973" "2872685" "3016726" "3019446" "3354880" "3441022" "3499442" "3517666" "3621846" "3714946" "4195630" "4215685" "4355425" "4554685" "4660551" "4759355" "4870858" "4875236" "4875241" "4972525" "5029345" "5157793" "5283912" "5290270" "5524298" "5598587" "5647065" "5875495" "6245036" "6289520" "6295651" "6862746" "6901607" "7065797" "7178174" "D382386" "D408964").PN. OR ("2005/0268380" "2006/0000008" "2009/0106874" "2009/0288240" "2011/0154560" "2033551" "2138481" "2624336" "3511234" "3844282" "4759355" "4870958" "5157793" "5875495" "7024703" "7578009" "D509945").URPN.	US-PGPUB; USPAT	OR	ON	2013/04/15 18:01
S11	13	("4660551" "6245036" "5547466" "6047408" "6308342" "1483351" "3499443" "7100213" "6038703" "5283912" "6820284" "2524327" "6295651").PN.	US-PGPUB; USPAT	OR	ON	2013/04/15 18:01
S12	8	("4195630" "4955088" "5315717" "5461729" "5870779" "5875495" "6557183" "6901607").PN.	US-PGPUB; USPAT	OR	ON	2013/04/15 18:02
S13	15	("2140459" "2601602" "20060162052" "20070245463" "3459181" "4195630" "4377008" "4414971" "4955088" "4961419" "5029345" "5070869" "5870779" "6289520" "7178174").PN.	US-PGPUB; USPAT	OR	ON	2013/04/15 18:03
S14	2	("20040231034" "5283912").PN.	US-PGPUB; USPAT	OR	ON	2013/04/15 18:03
S15	13	("5070869" "6901607" "5029345" "5647065" "7178174" "4568340" "4673401" "5870779" "6898805" "4759355" "5678250" "4870958" "20040025218").PN.	US-PGPUB; USPAT	OR	ON	2013/04/15 18:04
S16	26	((shawn) near2 (ellis)) or ((glen) near2 (kirk)).inv.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO;	OR	ON	2013/04/15 18:13

			DERWENT; IBM_TDB			
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S18	22	((SHAWN) near2 (ELLS)).INV.	US-PGPUB; USPAT	OR	ON	2013/04/15 18:25
S19	1	((GLEN) near2 (KIRK)).INV.	US-PGPUB; USPAT	OR	ON	2013/04/15 18:25
S20	1	("5029345").PN.	US-PGPUB; USPAT	OR	OFF	2013/04/15 18:28
S21	1	("3511234").PN.	USOCR	OR	OFF	2013/04/15 19:33
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S23	211	(2/78.1).OCLS.	US-PGPUB; USPAT	OR	OFF	2013/04/15 22:26
S24	1	("2140459").PN.	US-PGPUB; USPAT	OR	OFF	2013/04/15 23:05

4/ 16/ 2013 5:52:35 PM

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Doc code: IDS

PTO/SB/08a (01-10)

Doc description: Information Disclosure Statement (IDS) Filed

Approved for use through 07/31/2012. OMB 0651-0031

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	Filing Date		2011-07-28
	First Named Inventor	Dustin Bigney	
	Art Unit	3765	
	Examiner Name		
	Attorney Docket Number	B769 0001/GNM	

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Examiner Initial*	Cite No	Patent Number	Kind Code ¹	Issue Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear
/A.K./	1	2033551		1936-03-10	RUMERY	
	2	2254863		1941-09-02	WEIHE	
	3	2328953		1943-09-07	CHATFIELD et al.	
	4	2438310		1948-03-23	ASHE et al.	
	5	2601602		1952-06-24	FIRSHING, SR,	
	6	2623210		1952-12-23	CHATFIELD	
	7	2624336		1953-01-06	HANSLEY	
/A.K./	8	2641257		1953-06-09	RUTLEDGE	

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Art Unit	3765	
Examiner Name		
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/A.K./	9	2652053		1953-09-15	DANN	
	10	2872685		1959-02-10	DENBO	
	11	3207155		1965-09-21	CASEY	
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	15	3459181		1969-08-05	MANN	
	16	3496576		1970-02-24	ARTZT	
	17	3499442		1970-03-10	STEINMETZ	
	18	3499443		1970-03-10	SCHEERER	
/A.K./	19	3511234		1970-05-12	LARSON	

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/A.K./	20	3517666		1970-06-30	ATLEE	
	21	3621846		1971-11-23	LEHMAN	
	22	4009495		1977-03-01	FAUST	
	23	4173976		1979-11-13	BLOOMQUIST et al.	
	24	4195630		1980-04-01	CONNERY, deceased, et al.	
	25	4377008		1983-03-22	JUNG	
	26	4414971		1983-11-15	CHUNG	
	27	4554685		1985-11-26	RAY	
	28	4660551		1987-04-28	NISHIMURA	
	29	4702239		1987-10-27	ICHIKAWA	
/A.K./	30	4759355		1988-07-26	THROWER	

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	32	4955088		1990-09-11	TERJESEN	
	33	5029345		1999-07-09	ANGHELUTA et al.	
	34	5070869		1991-12-10	ZHANG	
	35	5157793		1992-10-27	MICHELS	
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	38	5283912		1994-02-08	CHUNG	
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	43	5598587		1997-02-04	WADA	
	44	5647065		1997-07-15	RICHERSON	
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	50	6026517		2000-02-22	KANG	
	51	6038703		2000-03-21	CHUNG	
/A.K./	52	6061840		2000-05-16	ALLIGATOR	

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/A.K./	53	6245036		2001-06-12	MCROBERTS et al.	
	54	6289520		2001-09-18	PAGE	
	55	6295651		2001-10-02	KANG	
	56	6308342		2001-10-30	QI	
	57	6353940		2000-03-12	LYDEN	
	58	6487728		2002-12-03	COOK	
	59	6799334		2004-10-05	YU	
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/A.K./	64	7017193		2006-03-28	AUGER	
	65	7024703		2006-04-11	DELLA RATTA	
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/A.K./	2	20060000008	A1	2006-01-05	CHONG	
	3	20060005301	A1	2006-01-12	TAYLOR	
	4	20060162052	A1	2006-07-27	STANKOWSKI et al.	
	5	20070180600	A1	2007-08-09	ALLEMANN et al.	
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Attorney Docket Number	B769 0001/GNM	

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

OR

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

☐ See attached certification statement.

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

☒ A certification statement is not submitted herewith.

SIGNATURE

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

Signature	/GavinNManning/	Date (YYYY-MM-DD)	2011-09-19
Name/Print	Gavin N. Manning	Registration Number	36412

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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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.

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8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

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ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH /A.K./

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GNM/gmk

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Inventor(s): BIGNEY, Dustin
Title: GARMENTS FOR MEN
Serial No.: 13/193584 Confirmation No.: 8229
Filed: 28 July 2011
Examiner: KINSAUL, Anna Kathryn Art Unit: 3765
Date: October 25th 2013

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

Dear Sir:

AMENDMENT

Introductory Comments

Responsive to the Office Action mailed 25 April 2013 as extended under 37 C.F.R. §1.136(a) by payment of appropriate extension of time fees, please amend this application as follows:

- Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.
- Remarks/Arguments begin on page 6 of this paper.

Amendments to the Claims

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

Listing of Claims:

1. (Currently Amended) A male garment comprising:
 - a body including a front portion and having leg openings for a wearer's legs, the body including a crotch panel extending between the leg openings and joined to the front portion along a first seam;
 - a waistband attached at an upper edge of the body;
 - a stretch panel attached to the body inside the front portion, the stretch panel comprising a sheet of elastically resilient two-way stretch material having a top edge attached to the body at the waistband, a bottom edge attached at the first seam, side edges attached to the body at side seams extending substantially continuously along either side of the front portion from the first seam to the waistband and an opening for receiving the wearer's genitals, the opening having a rounded bottom edge and opposing side edges that are spaced apart from one another on either side of the opening;
 - the stretch panel being resiliently elastic both in a direction between the top edge and the bottom edge and in a direction between the side edges, the stretch panel having an un-stretched length smaller than a length measured along the front panel between the first seam and the waistband and an unstretched width smaller than a length measured along the front panel between the side seams such that the front portion ~~being~~ is gathered from side-to-side and top-to-bottom by the stretch panel whereby a three-dimensional

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pouch for receiving the wearer's genitals and holding the wearer's genitals while the garment is being worn is defined between the stretch panel and the front portion.

2. (Original) A garment according to claim 1 wherein the stretch panel has asymmetrical stretch characteristics such that the stretch panel stretches more easily in a direction parallel to the waist band and less easily in a direction at right angles to the waist band.
3. (Original) A garment according to claim 1 wherein the stretch panel is rectangular and the opening is U-shaped.
4. (Original) A garment according to claim 3 wherein the stretch panel comprises a fabric having a stretch of at least 30%.
5. (Currently Amended) A garment according to claim 1 wherein [[a]] the length measured along material of the front portion from the first seam to the waistband exceeds a length measured along the fabric of the stretch panel, when un-stretched, by at least 30%.
6. (Original) A garment according to claim 1 wherein the garment is a pair of undershorts.
7. (Original) A garment according to claim 1 wherein the stretch panel comprises a fabric different from a fabric of the body.
8. (Original) A garment according to claim 1 wherein the opening has a width in excess of 2 cm.

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9. (Currently Amended) A ~~men's~~ garment according to claim 1 wherein comprising:
 ~~a waistband;~~
 ~~a the front portion depending depends~~ downwardly from the waistband[,]and the front portion is formed to provide ~~a the pouch~~ at a mid-section thereof, ~~the pouch shaped to contain a wearer's penis and scrotum when the garment is worn;~~
 ~~a stretch panel attached behind the pouch and defining an opening into the pouch, the stretch panel having a bottom portion connecting opposing side portions and is positioned to be disposed forward of a wearer's perineum when the garment is worn, whereby, in use, the scrotum of a wearer of the garment is supported underneath by the stretch panel to contain a wearer's penis and scrotum in the pouch.~~
10. (Cancelled)
11. (Currently Amended) A ~~men's~~ garment according to claim ~~10~~ 1, wherein the ~~elasticized fabric~~ elastically resilient two-way stretch material is comprised of a ~~cotton~~ spandex blend.
12. (Currently Amended) A ~~men's~~ garment according to claim ~~11~~ 1, wherein the stretch panel is fastened to the front portion while in a pre-stretched condition while the front portion is less stretched, whereby the stretch panel is biased to hold the opening open while the garment is held in position to be put on.
13. (Cancelled)

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14. (Currently Amended) A ~~men's~~ garment according to claim ~~12~~ 1, wherein the ~~front portion is attached to a rear portion of the body that depends from the waistband at a first seam~~ is disposed forward of the perineum region of a wearer, ~~and wherein a bottom edge of the stretch panel is fastened to the seam.~~
15. (Currently Amended) A ~~men's~~ garment according to claim ~~13~~ 1 wherein the opening has a U-shape when the stretch panel is in a relaxed state.
16. (Cancelled)
17. (Currently Amended) A ~~men's~~ garment according to claim ~~15~~ 1 wherein the stretch panel is formed from a single unitary piece of woven fabric.
18. (Currently Amended) A ~~men's~~ garment according to claim ~~17~~ 1 wherein the pouch comprises a dart seam stitched along a bottom portion of the pouch and substantially centrally to provide extra volume in front of and underneath the genitals of a wearer.

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REMARKS

Applicant thanks Examiners Kinsaul and Huyhn for the courtesy extended to Applicant's agent Gavin Manning in the interview on October 22, 2013 during which it was agreed that the Applicant would amend claim 1 to recite more structure. This has been done. The Reis references were discussed. A sample of a product according to an example embodiment was shown to the Examiners.

This Amendment

In this amendment, claims 10, 13 and 16 are cancelled. Claims 1, 5, 9, 11, 12, and 14 to 15 and 18 are amended. Claims 1-9, 11, 12, 14 to 15 and 18 are currently pending.

Formal Objection to the Claims

Claims 10 and 16 have been cancelled. The Examiner's objections to these claims are therefore moot.

Compliance of the Claims with 35 U.S.C. 103

Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 1-18. Applicant submits that the cited references fail to disclose or suggest significant features of the claims as now pending.

Claim 1

Claim 1 recites "A male garment comprising: a body including a front portion ...; a stretch panel attached to the body inside the front portion, the stretch panel comprising a sheet of elastically resilient two-way stretch material having ... side edges attached to the body along either side of the front portion ... the front portion being gathered from side-to-side and top-to-bottom by the stretch panel whereby a three-dimensional pouch for receiving the wearer's genitals is defined between the stretch panel and the front portion."

Reis, as understood, discloses men's underwear with a double-ply front section (or "gore") constructed by overlapping two plies of knitted material that stretch horizontally but not vertically (see column 2, lines 6-20 and 47-51). A dart structure (27) stitches together the two

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plies of material and provides a round shape to the bottom of the gore, as described in US Patent No. 2,140,459 (“the ‘459 Patent”; incorporated by reference at column 3, lines 8-12). The darting extends vertically from a line of stitching (21) in the “crotch portion” of the underwear.

Reis does not disclose “the front portion being gathered from side-to-side and top-to-bottom by the stretch panel whereby a three-dimensional pouch is defined between the stretch panel and the front portion”. Rather, Reis discloses the two layers of material in the front portion being stitched together in such a way as to give a shape to the overall article (see especially the ‘459 Patent at page 2, left column, lines 14-37).

A pouch for receiving and holding the wearer’s genitals between the stretch panel and the front portion is not formed by the darting, as the Examiner has suggested. Indeed, Figures 1 and 2 of Reis depict the darting as visible on both the interior and exterior surfaces of the underwear, clearly indicating that the darting passes through both plies of material, thereby securing them together. Any “pouch” that is formed from the dart shape must be as described in the ‘459 Patent – that is, formed only by the general curvature of the front portion, and not between the two plies of material.

Similarly, the front portion of the underwear disclosed by Reis is not gathered by a stretch panel. The two overlapping plies of material are composed of the same material (discussed below), overlaid, and stitched in place. Nothing in Reis or the ‘459 Patent discloses or suggests the possibility that one layer might gather another, or how such a gathering might be caused. Figure 3 clearly shows that both plies of material are held flat, and not gathered so as to define a pouch.

Further, Reis does not disclose “the stretch panel comprising a sheet of elastically resilient two-way stretch material”. Reis expressly teaches the use of “knitted material ... [that imparts] to the garment body substantially no vertical resiliency but a transverse resiliency of considerable degree” (see column 2, lines 36-40) for both of the plies constituting the gore, as well as the rear of the underwear. This expressly teaches away from the two-way stretch material used in the stretch panel in the garment of claim 1.

Additionally, as suggested by the Examiner, claim 1 now recites that side edges of the stretch panel are “attached to the body at side seams extending substantially continuously along either side of the front portion from the first seam to the waistband”. This distinguishes the Reis references which require non-continuous side seams to provide a fly.

These defects are not remedied by the other cited references. In particular, the Examiner has expressed the view that the features of claim 1 are obvious based on the disclosure of Reis in view of Chong. Chong does not disclose at least the above-described features.

Chong, as understood, teaches men’s underwear with a comfort panel attached to the interior of a front portion of the underwear (see para. [0013]). Chong discloses a comfort pouch (at para. [0016] and Figure 6) that is of separate construction from the underwear, and may be attached to the underwear in order to receive male genitalia. Further, Chong indicates that specific components of the disclosed underwear may be elastic; in particular, any of “the waistband, the leg openings of the underwear and the liner panel, and the opening for male genitalia, can be at least partially elastic” (at para. [0021]).

Chong does not disclose “the front portion being gathered from side-to-side and top-to-bottom by the stretch panel whereby a three-dimensional pouch is defined between the stretch panel and the front portion”. Chong does not disclose a stretch panel gathering the front portion. Further, requiring a separately-constructed “comfort pouch” to be attached to the underwear to receive the wearer’s genitalia, Chong expressly teaches away from a pouch being defined by such a gathering of the front portion by a stretch panel.

Chong also expressly teaches away from the feature “the stretch panel comprising a sheet of elastically resilient two-way stretch material”. Chong expressly lists the elements of the underwear that may be elastic, and includes in that list the liner panel (*i.e.* the front portion to which the comfort panel is attached). The comfort panel is excluded from the list of potentially-elastic elements. The specificity of that list, combined with the lack of any indication that any other elements may be made elastic, clearly indicates that the list is intended by the inventor to be exhaustive, and not merely exemplary. Persons skilled in the art reading

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the disclosure of Chong would be directly led to the conclusion that the comfort panel disclosed by Chong should not be made elastically resilient.

For at least the above reasons, claim 1 is not rendered obvious by Reis, Chong, or any combination thereof. None of the other references address these deficiencies. Claims 2-8, which directly or indirectly depend from claim 1, are also non-obvious over the cited references for at least these reasons.

Claim 5

Claim 5 recites, in part, “a length measured along material of the front portion from the first seam to the waistband exceeds a length measured along the fabric of the stretch panel, when un-stretched by at least 30%.”

Shlush, as understood, discloses men’s underwear with a front panel (106) composed of a fabric and a rear panel (114) composed of the same fabric (see paras. [0022]-[0024] and Figures 1 and 2). The rear panel that is attached to the back of the front panel has a slit (116) through which male genitalia can be passed (see para. [0025]). The front panel and rear panel are “essentially congruent” (at para. [0024]) and are stitched together around the edges, thereby creating an internal “pocket” between them (see paras. [0024]). In addition to these elements, an external pouch (104) can be attached to the front panel to provide more room for the genitalia (see para. [0026] and Figure 3).

Shlush does not disclose the feature of claim 5 at least because the front panel and rear panel are stated to be congruent; *i.e.* their borders coincide when one is overlaid on the other. Accordingly, the measurements of the front panel and rear panel must be identical or nearly identical; certainly the front panel’s length (measured as described in claim 5) does not exceed the rear panel by 30% or any greater amount.

The Applicant observes that the Examiner may be referring to the external pouch when expressing the view that Shlush discloses the feature of claim 5. However, the external pouch disclosed by Shlush does not disclose or suggest this feature, in part because the external pouch lacks the features of a “front portion” as described in claim 1. The external pouch is an

additional element that is attached to the front panel of the underwear. It is not gathered by a stretch panel, as recited in claim 1. Rather, it is shaped without the aid of the front or rear panels, which are inelastic (the rear panel is composed of the same material as the front panel, and the only suitable material disclosed by Shlush is 100% cotton, which is substantially inelastic) and therefore will not gather attached materials after attachment. Further, the external pouch is not connected to a crotch panel along a seam (as recited in claim 1).

Accordingly, in addition to the reasons provided above in respect of claim 1, from which claim 5 depends, claim 5 is not rendered obvious by the combination of Reis, Chong and Shlush.

Claim 7

Claim 7 recites “the stretch panel comprises a fabric different from a fabric of the body.”

Larson, as understood, discloses men’s underwear wherein a non-elastic scrotal pouch is attached to an “unstretchable abdominal panel” on the front of the underwear (see column 1, lines 50-70). The material of the body of the underwear has greater horizontal tension near the leg openings and lesser horizontal tension near the waistband; this construction is stated to be for the purpose of aiding blood circulation by providing decreasing pressure in the upward direction (see column. 2 lines 48-60).

Larson does not disclose a stretch panel, and therefore necessarily cannot disclose a stretch panel comprising a fabric different from a fabric of the body. Further, Larson expressly requires that the front portion of the underwear, to which the pouch is affixed, must be “unstretchable.” That is, in Larson’s disclosure, the fabric near the genitals is the *only* fabric that is *not* elastic. This is directly opposed to the present invention. In addition, the teaching of Larson is directed at varying the tension of other components of the body for the purpose of promoting blood flow and good posture, and no disclosure or suggestion of the feature of claim 7. Accordingly, Larson teaches away from the feature of claim 7.

Claim 9

Claim 9 recites “in use, the scrotum of a wearer of the garment is supported underneath by the stretch panel”.

Shlush, as understood, discloses men's underwear with a front panel and a rear panel. The rear panel is attached to the back of the front panel and has a vertical slit through which male genitalia can be passed (see para. [0025]). The front panel and rear panel are "essentially congruent" (at para. [0024]) and are stitched together around the edges, thereby creating an internal "pocket" between them that may receive the wearer's genitalia (see paras. [0024]). A shaped pouch can be attached to the front panel of the underwear to provide more room for the genitalia.

Shlush does not disclose "the scrotum of a wearer of the garment is supported underneath by the stretch panel". Shlush teaches a slit through which the wearer's genitalia may be inserted, but does not teach any mechanism by which the genitalia are supported by the stretch panel. The "slit-shape" (at para. [0025]) taught by Shlush is not suited to supporting the wearer's genitalia, as it provides no supporting surface underneath the genitalia.

Further, Shlush fails to disclose the features not disclosed by Reis and Chong, discussed above in connection with claim 1.

Claim 12

Claim 12 recites "the stretch panel is fastened to the front portion while in a pre-stretched condition while the front portion is less stretched, whereby the stretch panel is biased to hold the opening open while the garment is held in position to be put on."

Thrower, as understood, discloses men's underwear composed of a tubular body with an opening on the front area that is covered by a genitalia-concealing panel attached to the front area (see Abstract, Figure 3). The genital-concealing panel may be knitted with elastomeric yarns (column 4, lines 17-21).

The Examiner has expressed the view that the structure recited in claim 12 is identical to that shown by Thrower and that a person having ordinary skill in the art would understand that the structure described by Thrower would be produced by the arrangement recited in claim 12. Respectfully, this is not the case. The structure disclosed in Thrower is not identical to the structure disclosed in claim 12 and the claims from which it depends. Thrower lacks a stretch

panel entirely; moreover, the front portion disclosed by Thrower (on which an opening is formed) is not stretchable. Thrower expressly teaches that the pouch stretches, and in fact describes in detail the particular composition of the pouch, but does not describe any potential elastomeric properties of the other elements of the underwear. This conscious omission teaches away from using elastomeric (or otherwise stretchable) materials in the front portion of the underwear (*i.e.* the area surrounding the opening). Thrower actively teaches away from the above feature, since a pre-stretched position is not possible in the non-elastic front portion.

Further, nothing in Thrower suggests that any piece of material (pouch or otherwise) must be in any kind of stretched condition while being attached. The pouch disclosed by Thrower is shaped in a particular way and then attached to the body of the underwear, and Thrower provides no reason to conclude that the process of attaching the pouch to the underwear can or should differ in any way from the conventional practice – *i.e.*, attaching the pouch without stretching it or the material to which it is being attached. Accordingly, a person of skill in the art would not, on the basis of Thrower (and in view of the other cited references, including Shlush and King) conclude that a stretch panel is or could be fastened to the front portion while in a pre-stretched condition while the front portion is less stretched.

Double Patenting Rejection

The Examiner has expressed the view that claims 1-18 are directed at the same invention as is set forth in claim 1 of United States Patent No. D646,462 (the “Design Patent”). On that basis, the Examiner has rejected the claims as originally filed under the judicially-created doctrine of design-utility “same invention” double patenting.

In re Vogel, 422 F.2d 438, 164 USPQ 619 (CCPA 1970) (*Vogel*) sets out the test for “same invention” double-patenting. In particular, the court stated:

As we have said many times, “invention” here means what is defined by the claims, whether new or old, obvious or unobvious ... By “same invention” we mean identical subject matter. Thus the invention defined by a claim reciting “halogen” is not the same as that defined by a claim reciting “chlorine,” because the former is broader than the latter... A good test, and probably the only objective test, for “same invention,” is

whether one of the claims could be literally infringed without literally infringing the other.

422 F.2d at 441, 164 USPQ at 622.

Accordingly, if either one of the present application's claim 1 or the Design Patent's claim 1 recites an element that is not recited in the other claim, then the *Vogel* test makes clear that there is no "same invention" double patenting between those claims.

Vogel clarifies that "same invention" double patenting and "obviousness-type" double patenting have different analyses (see 422 F.2d at 442, 164 USPQ at 622). The tests cited by the Examiner referring to whether one claim is anticipated by or obvious in light of another claim are not relevant to "same invention" double patenting.

Claim 1 recites "the stretch panel comprising a sheet of elastically resilient two-way stretch material ... the front portion being gathered from side-to-side and top-to-bottom by the stretch panel".

Claim 1 of the present application recites limitations not found in the Design Patent. The Design Patent is not limited to underwear comprising a stretch panel comprising a sheet of elastically resilient two-way stretch material. Such a limitation is present in claim 1 of the present application. Similarly, the Design Patent is not limited to underwear wherein the front portion is gathered by the stretch panel; for example, underwear wherein the front portion is shaped as shown without being gathered by the stretch panel would also be encompassed by the Design Patent. Claim 1 of the present application does include such a limitation.

Therefore, under the test laid out in *Vogel*, claim 1 does not recite the same invention as is claimed in the Design Patent. Accordingly, there is no basis for a design-utility "same invention" double patenting rejection in respect of claim 1 in view of the Design Patent.

Each of claims 2-9, 11, 12, and 14 to 15 and 18 depend from claim 1 and therefore cannot have broader scope than claim 1. Accordingly, the dependent claims must similarly satisfy the *Vogel* test for at least the above reasons.

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Conclusion

The Applicant submits that the foregoing amendments and remarks address every issue raised in the Office Action and that all pending claims of this application are now in condition for allowance. The Examiner is respectfully invited to contact the undersigned by telephone should there be any further issues. Reconsideration and allowance of this application are respectfully requested.

Respectfully submitted,
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Electronic Patent Application Fee Transmittal				
Application Number:		13193584		
Filing Date:		28-Jul-2011		
Title of Invention:		GARMENTS FOR MEN		
First Named Inventor/Applicant Name:		Dustin Bigney		
Filer:		Gavin N. Manning/Grace Kuroyama		
Attorney Docket Number:		B769 0001/GNM		
Filed as Small Entity				
Utility under 35 USC 111(a) Filing Fees				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				
Extension - 3 months with \$0 paid	2253	1	700	700

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Miscellaneous:				
Total in USD (\$)				700

Electronic Acknowledgement Receipt

EFS ID:	17231943
Application Number:	13193584
International Application Number:	
Confirmation Number:	8229
Title of Invention:	GARMENTS FOR MEN
First Named Inventor/Applicant Name:	Dustin Bigney
Customer Number:	720
Filer:	Gavin N. Manning/Grace Kuroyama
Filer Authorized By:	Gavin N. Manning
Attorney Docket Number:	B769 0001/GNM
Receipt Date:	25-OCT-2013
Filing Date:	28-JUL-2011
Time Stamp:	16:27:12
Application Type:	Utility under 35 USC 111(a)

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Payment Type	Credit Card
Payment was successfully received in RAM	\$700
RAM confirmation Number	3377
Deposit Account	021037
Authorized User	MANNING, GAVIN N.

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

Charge any Additional Fees required under 37 C.F.R. Section 1.16 (National application filing, search, and examination fees)

Charge any Additional Fees required under 37 C.F.R. Section 1.17 (Patent application and reexamination processing fees)

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Charge any Additional Fees required under 37 C.F.R. Section 1.19 (Document supply fees)

Charge any Additional Fees required under 37 C.F.R. Section 1.20 (Post Issuance fees)

Charge any Additional Fees required under 37 C.F.R. Section 1.21 (Miscellaneous fees and charges)

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		B7690001_Response.pdf	86139 6be274d161275668479039e99d2c8e15058aad0e	yes	14

	Multipart Description/PDF files in .zip description			
	Document Description		Start	End
	Amendment/Req. Reconsideration-After Non-Final Reject		1	1
	Claims		2	5
	Applicant Arguments/Remarks Made in an Amendment		6	14

Warnings:

Information:

2	Fee Worksheet (SB06)	fee-info.pdf	30364 c33f228b55e1f3390fd6515dc8072a8f31bf5a37	no	2
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Warnings:

Information:

Total Files Size (in bytes):			116503
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This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

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

National Stage of an International Application under 35 U.S.C. 371

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

New International Application Filed with the USPTO as a Receiving Office

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

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875					Application or Docket Number 13/193,584		Filing Date 07/28/2011		☐ To be Mailed				
ENTITY: ☐ LARGE ☒ SMALL ☐ MICRO													
APPLICATION AS FILED – PART I													
(Column 1)			(Column 2)										
FOR		NUMBER FILED		NUMBER EXTRA		RATE (\$)		FEE (\$)					
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))		N/A		N/A		N/A							
☐ SEARCH FEE (37 CFR 1.16(k), (i), or (m))		N/A		N/A		N/A							
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))		N/A		N/A		N/A							
TOTAL CLAIMS (37 CFR 1.16(i))		minus 20 =		*		X \$ =							
INDEPENDENT CLAIMS (37 CFR 1.16(h))		minus 3 =		*		X \$ =							
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))		If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$310 (\$155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).											
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))													
* If the difference in column 1 is less than zero, enter "0" in column 2.						TOTAL							
APPLICATION AS AMENDED – PART II													
(Column 1)			(Column 2)			(Column 3)							
AMENDMENT	10/25/2013		CLAIMS REMAINING AFTER AMENDMENT			HIGHEST NUMBER PREVIOUSLY PAID FOR		PRESENT EXTRA		RATE (\$)		ADDITIONAL FEE (\$)	
	Total (37 CFR 1.16(i))		* 15		Minus	** 20		= 0		X \$40 =		0	
	Independent (37 CFR 1.16(h))		* 2		Minus	*** 3		= 0		X \$210 =		0	
	☐ Application Size Fee (37 CFR 1.16(s))												
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))												
										TOTAL ADD'L FEE		0	
(Column 1)			(Column 2)			(Column 3)							
AMENDMENT			CLAIMS REMAINING AFTER AMENDMENT			HIGHEST NUMBER PREVIOUSLY PAID FOR		PRESENT EXTRA		RATE (\$)		ADDITIONAL FEE (\$)	
	Total (37 CFR 1.16(i))		*		Minus	**		=		X \$ =			
	Independent (37 CFR 1.16(h))		*		Minus	***		=		X \$ =			
	☐ Application Size Fee (37 CFR 1.16(s))												
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))												
										TOTAL ADD'L FEE			
<p>* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.</p> <p>** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".</p> <p>*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".</p> <p>The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.</p>											LIE /CHERYL CLARK/		

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Tommy John EX1004

Page 170 of 375

U.S. Patent No. 10,834,974



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/193,584	07/28/2011	Dustin Bigney	B769 0001/GNM	8229

720 7590 11/08/2013
 OYEN, WIGGS, GREEN & MUTALA LLP
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 601 WEST CORDOVA STREET
 VANCOUVER, BC V6B 1G1
 CANADA

EXAMINER

KINSAUL, ANNA KATHRYN

ART UNIT	PAPER NUMBER
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3765

NOTIFICATION DATE	DELIVERY MODE
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11/08/2013

ELECTRONIC

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

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

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

mail@patentable.com

<i>Applicant-Initiated Interview Summary</i>	Application No. 13/193,584	Applicant(s) BIGNEY, DUSTIN	
	Examiner ANNA KINSAUL	Art Unit 3765	

All participants (applicant, applicant's representative, PTO personnel):

(1) ANNA KINSAUL. (3) GAVIN MANNING.

(2) KHOA HUYNH. (4) ____.

Date of Interview: 22 October 2013.

Type: ☐ Telephonic ☒ Video Conference
 ☐ Personal [copy given to: ☐ applicant ☐ applicant's representative]

Exhibit shown or demonstration conducted: ☒ Yes ☐ No.
 If Yes, brief description: Applicant showed the claimed invention and described functionality of the invention.

Issues Discussed ☐ 101 ☐ 112 ☐ 102 ☐ 103 ☒ Others
 (For each of the checked box(es) above, please describe below the issue and detailed description of the discussion)

Claim(s) discussed: 1.

Identification of prior art discussed: Reis and Chong.

Substance of Interview
 (For each issue discussed, provide a detailed description and indicate if agreement was reached. Some topics may include: identification or clarification of a reference or a portion thereof, claim interpretation, proposed amendments, arguments of any applied references etc...)

Applicant showed the undergarment of the claimed invention. Applicant further discussed the seaming of the stretch panel and the outer pouch. It was suggested that Applicant clarify "two-way" stretch. It was also suggested that Applicant include language detailing the automatic fit of the undergarment in relation to the stretch panel and pouch and possibly include language that defined the seam structure of the stretch panel to the outer pouch such that there is no opening on the outermost layer. No formal agreement was made. Amendments will be considered once formally submitted.

Applicant recordation instructions: The formal written reply to the last Office action must include the substance of the interview. (See MPEP section 713.04). If a reply to the last Office action has already been filed, applicant is given a non-extendable period of the longer of one month or thirty days from this interview date, or the mailing date of this interview summary form, whichever is later, to file a statement of the substance of the interview

Examiner recordation instructions: Examiners must summarize the substance of any interview of record. A complete and proper recordation of the substance of an interview should include the items listed in MPEP 713.04 for complete and proper recordation including the identification of the general thrust of each argument or issue discussed, a general indication of any other pertinent matters discussed regarding patentability and the general results or outcome of the interview, to include an indication as to whether or not agreement was reached on the issues raised.

☐ Attachment

/Anna Kinsaul/ Examiner, Art Unit 3765	/Khoa D. Huynh/ Supervisory Patent Examiner, Art Unit 3765
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Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/193,584	07/28/2011	Dustin Bigney	B769 0001/GNM	8229

720	7590	01/09/2014
OYEN, WIGGS, GREEN & MUTALA LLP		
480 - THE STATION		
601 WEST CORDOVA STREET		
VANCOUVER, BC V6B 1G1		
CANADA		

EXAMINER	
KINSAUL, ANNA KATHRYN	

ART UNIT	PAPER NUMBER
3765	

NOTIFICATION DATE	DELIVERY MODE
01/09/2014	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):

mail@patentable.com

Office Action Summary	Application No. 13/193,584	Applicant(s) BIGNEY, DUSTIN	
	Examiner ANNA KINSAUL	Art Unit 3765	AIA (First Inventor to File) Status No

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

Period for Reply

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

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

Status

- 1) ☒ Responsive to communication(s) filed on 25 October 2013.
☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on _____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on _____; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims*

- 5) ☒ Claim(s) 1-9, 11, 12, 14, 15, 17 and 18 is/are pending in the application.
5a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 6) ☐ Claim(s) _____ is/are allowed.
- 7) ☒ Claim(s) 1-9, 11, 12, 14, 15, 17 and 18 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 22 September 2011 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

Priority under 35 U.S.C. § 119

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

Certified copies:

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

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

Attachment(s)

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

Application/Control Number: 13/193,584

Page 2

Art Unit: 3765

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

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Art Unit: 3765

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DETAILED ACTION

Applicant's remarks filed October 25, 2013 have been reviewed and considered. Claims 1-9, 11, 12, 14, 15, 17, and 18 are currently pending of which claims 1, 5, 9, 11, 12, 14, 15, 17, and 18 have been amended. All references relied up on and not cited in the current Form 892 may be found in previous 892's or IDS'.

Response to Arguments

Applicant's First Argument: Reis/Chong do not disclose claim 1 as currently amended.

Examiner's Response: Applicant's arguments with respect to claim 1 have been considered but are moot because the arguments do not apply to any of the references being used in the current rejection.

Applicant's Second Argument: Shlush does not disclose the features of claims 5 and 9.

Examiner's Response: Applicant's arguments with respect to claims 5 and 9 have been considered but are moot because the arguments do not apply to any of the references being used in the current rejection.

Applicant's Third Argument: Larson teaches away from the feature of claim 7.

Examiner's Response: Applicant's arguments with respect to claim 7 have been considered but are moot because the arguments do not apply to any of the references being used in the current rejection.

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Applicant's Fourth Argument: Thrower does not include a stretch panel.

Thrower's conscious omission teaches away from using stretchable materials. Thrower does not suggest that the panels must be stretched while being attached.

Examiner's Response: Applicant's arguments filed October 25, 2013 have been fully considered but they are not persuasive. The argument that Thrower does not include a stretch panel is moot. Applicant's amendment has resulted in an updated rejection and Thrower is not used to teach a stretch panel. The argument that Thrower teaches away from using stretchable materials is not found persuasive. Since Thrower does not describe the exact material used it is understood that suitable materials (such as the stretchable fabric disclosed in the combination in the additional references) known to one of ordinary skill may be used in the invention. The argument that Thrower does not suggest that the panels must be stretched by being attached is not found persuasive since this limitation invokes product-by-process. Since Thrower's shown structure provides the claimed structure of holding the opening open while the garment is held in a position to be put on, Thrower meets the claim limitations.

While the exact process is not disclosed, a comparison of the recited process with the prior art processes does not serve to resolve the issue concerning patentability of the product. In re Fessman, 489 F2d 742, 180 USPQ 324 (CCPA 1974). Whether a product is patentable depends on whether it is known in the art or it is obvious, and is not governed by whether the process by which it is made is patentable. In re Klug, 333 F2d 905, 142 USPQ 161 (CCPA 1964). In an ex parte case product-by-process claims

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are not construed as being limited to the product formed by the specific process recited.

In re Hirac et al., 535 F2d 67, 190 USPQ 15, see footnote 3 (CCPA 1976).

Applicant's Fifth Argument: The double patenting rejection is overcome because the current application claims two-way stretch material being resilient in a top to bottom and a side to side direction which is not found in the design patent.

Examiner's Response: Applicant's arguments, see remarks, filed October 25, 2013, with respect to the double patenting rejection have been fully considered and are persuasive. The double patenting rejection of claims 1-18 has been withdrawn.

Claim Rejections - 35 USC § 112

2. 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.

3. Claims 1-9, 11, 12, 14, 15, 17, and 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 pre-AIA the applicant regards as the invention.
4. Where applicant acts as his or her own lexicographer to specifically define a term of a claim contrary to its ordinary meaning, the written description must clearly redefine the claim term and set forth the uncommon definition so as to put one reasonably skilled in the art on notice that the applicant intended to so redefine that claim term. *Process*

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Control Corp. v. HydReclaim Corp., 190 F.3d 1350, 1357, 52 USPQ2d 1029, 1033 (Fed. Cir. 1999). The term “two-way stretch material” in claim 1 is used by the claim to mean “four-way stretch material”, while the accepted meaning is “material that stretches in only two ways (such as left to right *or* top to bottom).” The term is indefinite because the specification does not clearly redefine the term. For purposes of examination, Examiner is treating “two-way stretch material” to be interpreted as “four-way stretch material”. Claim 11 also refers to “two-way stretch material” and is being interpreted accordingly. Claims 2-9, 12, 14, 15, 17, and 18 are rejected for depending on a rejected claim and are accordingly rejected under 112, 2nd.

5. Claims 1-9, 11, 12, 14, 15, 17, and 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 pre-AIA the applicant regards as the invention. Claim 1 recites that the stretch panel has an unstretched length smaller than the length measured along the front panel between the first seam and the waistband and an unstretched width smaller than a length measured along the front panel between the side seams, however, the claim then recites that the front portion is gathered by the stretch panel. This is contradicting because the recitation that the front panel “is gathered” suggests that the stretch panel is in a contracted or unstretched state whereas the immediately preceding language suggests that the stretch panel is held in a stretched state. It is not understood how the stretch panel can be both in a stretched and an unstretched condition at seemingly the same time. The claim language should be clarified. Claims 2-9, 11, 12, 14, 15, 17, and

Application/Control Number: 13/193,584
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Page 7

18 are rejected for depending on a rejected claim and are accordingly rejected under 112, 2nd.

Claim Rejections - 35 USC § 103

6. The following is a quotation of pre-AIA 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 3-9, 11, 14, 15, and 17 are rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over Gravette et al. (hereinafter Gravette) (USPAP 2007/0277285) in view of Miller (USPAP 2005/0229293).

Regarding Claim 1, Gravette discloses a male garment (Figs. 7-11) comprising: a body including a front portion (Fig. 7) and having leg openings (78a, 78b) for a wearer's legs, the body including a crotch panel (73) extending between the leg openings and joined to the front portion along a first seam (77); a waistband attached at an upper edge of the body (79); a stretch panel (Fig. 8) attached to the body inside the front portion, the stretch panel comprising a sheet of material (Para. [0035]) having a top edge attached to the body at the waistband (82), a bottom edge attached at the first seam (83), side edges attached to the body at side seams (Fig. 8) extending substantially continuously along either side of the front portion from the first seam to the waistband (Fig. 8) and an opening (81) for receiving the wearer's genitals, the opening

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Art Unit: 3765

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having a rounded bottom edge (Figs. 8-10) and opposing side edges that are spaced apart from one another on either side of the opening (Figs. 8-10); such that the front portion is gathered from side-to-side and top-to-bottom by the stretch panel (Figs. 8 and 10) whereby a three-dimensional pouch (Fig. 11) for receiving the wearer's genitals and holding the wearer's genitals while the garment is being worn is defined between the stretch panel and the front portion (Fig. 11). Gravette does not disclose where the stretch panel is a four-way stretch material (stretchable top to bottom and left to right). However, Miller teaches an underwear garment utilizing four-way stretch material (Para. [0020]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used four-way stretch material in the underwear garment of Gravette as taught by Miller; because Miller teaches that it is known in the art to use four-way stretch material in undergarments and it is beneficial because it provides support and retains its original shape after being stretched, worn, or repeatedly washed (Para. [0020]). Furthermore, it has been held that it to be within the skill of one of ordinary skill to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

Gravette/Miller disclose the invention as claimed above. They do not disclose where the stretch panel has an unstretched length smaller than a length measured along the front panel between the first seam and the waistband and an unstretched width smaller than a length measured along the front panel between the side seams. However, since the previous structure of the claim has been met by the prior art, the

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structure must also have the same characteristics of the stretch panel having an unstretched length smaller than a length measured along the front panel between the first seam and the waistband and an unstretched width smaller than a length measured along the front panel between the side seams.

Where the claimed and prior art products are identical or substantially identical in structure or composition, or are produced by identical or substantially identical processes, a prima facie case of either anticipation or obviousness has been established (In re Best, 562 F.2d 1252, 1255, 195 USPQ 430, 433 (CCPA 1977)). "When the PTO shows a sound basis for believing that the products of the applicant and the prior art are the same, the applicant has the burden of showing that they are not (MPEP 2112.01)."

Regarding Claim 3, Gravette/Miller disclose the invention as claimed above. Gravette further discloses where the stretch panel is rectangular and the opening is U-shaped (Fig. 10).

Regarding Claim 4, Gravette/Miller disclose the invention as claimed above. They do not disclose where the stretch panel comprises a fabric having a stretch of at least 30%. However, Miller teaches in Para. [0020] that the four-way stretch fabric does impart stretchable characteristics. It would further be obvious that the materials which comprise the four-way stretch fabric (spandex and nylon) are both known to one of ordinary skill to include a considerable degree of stretch.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have known the four-way stretch fabric would have a percentage of stretch and it has been held that where the general conditions of a claims are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art.

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Regarding Claim 5, Gravette/Miller disclose the invention as claimed above. As previously discussed in claim 1, since the prior art has disclosed the claimed structure the limitations regarding the unstretched/stretched lengths have also been met. Gravette/Miller do not disclose where the length of the front portion exceeds length of the stretch panel unstretched by at least 30%. However, it would be obvious to one of ordinary skill that the lengths would have a difference of a percentage and it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have known that the difference in lengths between the front portion and stretch panel would be a percentage. Furthermore, it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art.

Regarding Claim 6, Gravette/Miller disclose the invention as claimed above. Gravette further discloses wherein the garment is a pair of undershorts (Figs. 7-11).

Regarding Claim 7, Gravette/Miller disclose the invention as claimed above. Miller further teaches an undergarment where there are at least two different fabrics used in an undergarment construction Paras. [0020, 0022, 0023].

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the invention of Gravette/Miller and used more than one fabric in the invention of Gravette/Miller as taught by Miller; because Miller teaches that it is known in the art to construct an undergarment of more than one

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type of fabric and it would further be obvious to one of ordinary skill that using different types of fabrics in different parts of garment would impart different characteristics into the garment.

Regarding Claim 8, Gravette/Miller disclose the invention as claimed above. While Gravette does disclose an opening (81), Gravette nor Miller disclose where the opening has a width in excess of 2 cm. However, it would be obvious to one of ordinary skill that the undergarment would be manufactured in a variety of sizes including a size where the opening has a width in excess of 2 cm.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have manufactured the garment of Reis/Chong in a variety of sizes including one where the opening has a width in excess of 2 cm; because it is known in the art to manufacture garments in a variety of sizes to fit a variety of wearers. Additionally, it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art.

Regarding Claims 9 and 14, Gravette/Miller disclose the invention as claimed above. Gravette further discloses where the front portion depends downwardly from the waist band (Fig. 7), and the front portion is formed to provide the pouch at a mid-section thereof (Figs. 7-10); whereby, in use, the scrotum of a wearer of the garment is supported underneath by the stretch panel to contain a wearer's penis and scrotum in the pouch (Para. [0019]). Gravette/Miller do not explicitly disclose that the stretch panel and the first seam are positioned to be disposed forward of a wearer's perineum when

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the garment is worn. However, the garment of Gravette/Miller would be worn by a variety of wearers in a variety of sizes and at least one of the wearers would have a garment where the stretch panel and first seam are positioned forward of a wearer's perineum.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have known that the location of the stretch panel and first seam in relation to the wearer's perineum is relative to the size of the garment/user and that at least one undergarment being worn by a wearer would have a stretch panel and first seam that is positioned to be disposed forward of a wearer's perineum when the garment is worn.

Regarding Claim 11, Gravette/Miller disclose the invention as claimed above. As combined above, Miller further teaches where the stretch material is a spandex blend (Para. [0020]).

Regarding Claim 15, Gravette/Miller disclose the invention as claimed above. Gravette further discloses wherein the opening has a U-shape when the stretch panel is in a relaxed state (Figs. 8 and 10; the stretch panel's opening would not change; no matter what state the opening is in it would still have a rounded "U-shape").

Regarding Claim 17, Gravette/Miller disclose the invention as claimed above. Gravette further discloses where the stretch panel is formed from a single unitary piece of fabric (Fig. 8). While Gravette/Miller does not explicitly state that the piece of fabric is woven. Gravette further discloses at Paras. [0002 and 0003] that it is old and well-known to use woven fabric in undergarments.

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Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have known that the single piece of fabric used in the undergarment of Gravette may be woven as disclosed by Gravette; because Gravette discloses that it is old and well-known to use woven fabric in undergarments.

8. Claim 2 is rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over Gravette et al. (hereinafter Gravette) (USPAP 2007/0277285) in view of Miller (USPAP 2005/0229293) as combined above and further in view of Reis (USPN 2,235,849).

Regarding Claim 2, Gravette/Miller disclose the invention as claimed above. They do not disclose wherein the stretch panel has asymmetrical stretch characteristics such that the panel stretches more easily in a direction parallel to the waist band and less easily in a direction at right angles to the waist band. However, Reis teaches an undergarment having a transverse resiliency of considerable degree and vertical resiliency of a lesser degree due to the knitting arrangement (p. 1, col. 2, lines 35-40).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the invention and known that stretch characteristics may be varied by knitting arrangement (thus imparting an asymmetrical characteristic if desired) as taught by Reis; because Reis teaches that imparting asymmetrical stretch characteristics are known in the art and it would further be obvious to one of ordinary skill that this arrangement may provide greater comfort or support to a wearer.

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9. **Claim 12 is rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over Gravette et al. (hereinafter Gravette) (USPAP 2007/0277285) in view of Miller (USPAP 2005/0229293) as combined above and further in view of Thrower (USPN 5,875,495).**

Regarding Claim 12, Gravette/Miller disclose the invention as claimed above. They do not disclose whereby the stretch panel is biased to hold the opening open while the garment is held in position to be put on. However, Thrower teaches an undergarment having a panel that is biased to hold the opening open while the garment is held in position to be put on (Figs. 3 and 4). While the process steps are not explicitly disclosed by the prior art of Gravette/Miller/Thrower, as combined they provide the structure of a garment having a stretch panel being biased to hold open an opening and a 3-D pouch for receiving a penis and scrotum. See response to arguments above regarding product-by-process claims.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the invention of Gravette/Miller and biased the opening to be held open while the garment is being put on as taught by Thrower (Figs. 3 and 4); because Thrower teaches that this configuration is known in the art and it would further be obvious that this arrangement maybe add comfort or ease of use to a wearer.

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10. **Claim 18 is rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over Gravette et al. (hereinafter Gravette) (USPAP 2007/0277285) in view of Miller (USPAP 2005/0229293) as combined above and further in view of Reis (USPN 2,140,459).**

Regarding Claim 18, Gravette/Miller disclose the invention as claimed above. They do not disclose wherein the pouch comprises a dart seam stitched along a bottom portion of the pouch and substantially centrally to provide extra volume in front of and underneath the genitals of a wearer. However, Reis teaches that dart seams may be provided in undergarments to form pouches (p. 1, col. 2, line 49-p.2, col. 1, line 5).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the invention of Gravette/Miller and added a dart to the bottom portion of the pouch as taught by Reis; because Reis teaches that it is old and well known in the art to provide undergarments with darts to form pouches and they are beneficial because they round the fabric portions to contour parts of the body (p. 1, col. 2, line 49-p.2, col. 1, line 5).

Conclusion

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

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANNA KINSAUL whose telephone number is (571)270-1926. The examiner can normally be reached on M-Th 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Khoa Huyhn can be reached on (571) 272-4888. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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

/ANNA KINSAUL/
Examiner, Art Unit 3765

/Khoa Huynh/
Supervisory Patent Examiner, Art Unit 3765

Notice of References Cited	Application/Control No. 13/193,584		Applicant(s)/Patent Under Reexamination BIGNEY, DUSTIN	
	Examiner ANNA KINSAUL		Art Unit 3765	Page 1 of 1

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*	A	US-6,662,378 B2	12-2003	Vartanyan, Philip A.	2/403
*	B	US-2005/0229293 A1	10-2005	Miller, Regg	002/403
*	C	US-2007/0277285 A1	12-2007	Gravette et al.	2/78.1
*	D	US-2012/0167280 A1	07-2012	Adams et al.	2/403
*	E	US-2013/0219591 A1	08-2013	Gu, Hai	2/405
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	G	US-			
	H	US-			
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	J	US-			
	K	US-			
	L	US-			
	M	US-			

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*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
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	R					
	S					
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NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
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	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.



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CONFIRMATION NO. 8229

SERIAL NUMBER 13/193,584	FILING or 371(c) DATE 07/28/2011 RULE	CLASS 002	GROUP ART UNIT 3765	ATTORNEY DOCKET NO. B769 0001/GNM		
APPLICANTS INVENTORS Dustin Bigney, West Vancouver, CANADA; ** CONTINUING DATA ***** This appln claims benefit of 61/429,065 12/31/2010 ** FOREIGN APPLICATIONS ***** ** IF REQUIRED, FOREIGN FILING LICENSE GRANTED ** ** SMALL ENTITY ** 08/08/2011						
Foreign Priority claimed ☐ Yes ☒ No	35 USC 119(a-d) conditions met ☐ Yes ☒ No	☐ Met after Allowance	STATE OR COUNTRY CANADA	SHEETS DRAWINGS 13	TOTAL CLAIMS 18	INDEPENDENT CLAIMS 2
ADDRESS OYEN, WIGGS, GREEN & MUTALA LLP 480 - THE STATION 601 WEST CORDOVA STREET VANCOUVER, BC V6B 1G1 CANADA						
TITLE GARMENTS FOR MEN						
FILING FEE RECEIVED 462	FEES: Authority has been given in Paper No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following:			☐ All Fees ☐ 1.16 Fees (Filing) ☐ 1.17 Fees (Processing Ext. of time) ☐ 1.18 Fees (Issue) ☐ Other _____ ☐ Credit		

EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
S1	49	(US-20110307996-\$ or US-20030083635-\$ or US-20040098784-\$ or US-20040127881-\$).did. or (US-5414870-\$ or US-4759355-\$ or US-5875495-\$ or US-5784723-\$ or US-RE36905-\$ or US-5864890-\$ or US-6061839-\$ or US-4870958-\$ or US-4247959-\$ or US-5901374-\$ or US-5946730-\$ or US-3703820-\$ or US-3877439-\$ or US-4523337-\$ or US-4538615-\$ or US-4590945-\$ or US-5392467-\$ or US-5569234-\$ or US-5575783-\$ or US-5590548-\$ or US-5605060-\$ or US-5611722-\$ or US-5685874-\$ or US-5727256-\$ or US-5769838-\$ or US-5787512-\$).did. or (US-5802607-\$ or US-5836932-\$ or US-5843068-\$ or US-5873870-\$ or US-5931827-\$ or US-5944579-\$ or US-5987644-\$ or US-6120487-\$ or US-6258077-\$ or US-6287169-\$ or US-6546564-\$ or US-6817030-\$ or US-7013488-\$ or US-7344526-\$ or US-7578009-\$ or US-7901390-\$ or US-8216203-\$ or US-8257138-\$ or US-8303561-\$).did.	US-PGPUB; USPAT	OR	ON	2013/04/15 13:00
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S4	1014	(2/400,401,403).CCLS.	US-PGPUB; USPAT	OR	OFF	2013/04/15 13:32
S5	412	(2/402,404,405).CCLS.	US-PGPUB; USPAT	OR	OFF	2013/04/15 13:32
S6	287	S5 not S4	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/04/15 13:33
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S8	950	S4 not S3	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/04/15 16:05
S9	200	(602/67).CCLS.	US-PGPUB; USPAT	OR	OFF	2013/04/15 17:47
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S12	8	("4195630" "4955088" "5315717" "5461729" "5870779" "5875495" "6557183" "6901607").PN.	US-PGPUB; USPAT	OR	ON	2013/04/15 18:02
S13	15	("2140459" "2601602" "20060162052" "20070245463" "3459181" "4195630" "4377008" "4414971" "4955088" "4961419" "5029345" "5070869" "5870779" "6289520" "7178174").PN.	US-PGPUB; USPAT	OR	ON	2013/04/15 18:03
S14	2	("20040231034" "5283912").PN.	US-PGPUB; USPAT	OR	ON	2013/04/15 18:03
S15	13	("5070869" "6901607" "5029345"	US-PGPUB;	OR	ON	2013/04/15

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S17	28	("0642227" "0650954" "0847779" "1020588" "1592732" "1688910" "1973849" "20040154079" "20070277285" "2138481" "2235849" "2416857" "2457260" "2529115" "2639708" "3207155" "3517666" "4173976" "4870958" "5647065" "5651144" "5754982" "7017193" "7895676" "D353933" "D445239" "D482123" "D548928").PN. OR ("D646462" "D656708").URPN.	US-PGPUB; USPAT	OR	ON	2013/04/15 18:14
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S19	1	((GLEN) near2 (KIRK)).INV.	US-PGPUB; USPAT	OR	ON	2013/04/15 18:25
S20	1	("5029345").PN.	US-PGPUB; USPAT	OR	OFF	2013/04/15 18:28
S21	1	("3511234").PN.	USOCR	OR	OFF	2013/04/15 19:33
S22	3	((("2255931") or ("2872685") or ("3441022")).PN.	US-PGPUB; USPAT	OR	OFF	2013/04/15 19:41
S23	211	(2/78.1).OCLS.	US-PGPUB; USPAT	OR	OFF	2013/04/15 22:26
S24	1	("2140459").PN.	US-PGPUB; USPAT	OR	OFF	2013/04/15 23:05
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S33	5	S32 and cotton and (spandex or lycra\$1)	US-PGPUB; USPAT	OR	ON	2013/04/16 09:45
S34	8	S32 and stretch	US-PGPUB; USPAT	OR	ON	2013/04/16 09:47
S35	3017	(boxer or under\$1wear or under\$1garment or brief) and (stretch near2 "30"\$1)	US-PGPUB; USPAT; USOCR;	OR	ON	2013/04/16 09:49

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			FPRS; EPO; JPO; DERWENT; IBM_TDB			
S36	6	(boxer or under\$1wear or under\$1garment or brief) with (stretch near2 "30"\$1)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/04/16 09:50
S37	3	S32 and woven	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/04/16 15:15
S38	75	scrotum and (support or suspensory) and ((man or men or boys) near2 (under\$1wear or under\$1garment or boxers))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/04/16 15:58
S39	3	((("6243880") or ("20040031088") or ("20090158505")).PN.	US-PGPUB; USPAT	OR	OFF	2013/12/30 14:35
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		"D238828" "D268454" "D387539" "D403487").PN. OR ("6243880").URPN.				
S42	5	((("0724775") or ("2138481") or ("2292030") or ("3059638") or ("3207155"))).PN.	US-PGPUB; USPAT	OR	OFF	2013/12/30 15:10
S43	10	("2138481").URPN.	USPAT	OR	ON	2013/12/30 15:12
S44	28	("1842472" "20050235399" "20090106874" "20090288240" "20110258756" "20120167279" "20120255102" "2076925" "2138481" "2664889" "2717388" "3207155" "3517666" "5875495" "7024703" "7578009" "7788739" "D166363" "D353933" "D630412").PN. OR ("D681914").URPN.	US-PGPUB; USPAT; USOCR	OR	ON	2013/12/30 15:13
S45	45	("2534934" "2601602" "3314422" "3504671" "3517666" "4173976" "4345337" "4377008" "4644945" "4702237" "4955088" "4961419" "5029345" "5070869" "5120264").PN. OR ("5237706").URPN.	US-PGPUB; USPAT; USOCR	OR	ON	2013/12/30 15:41
S46	18	("2601602").URPN.	USPAT	OR	ON	2013/12/30 15:43
S47	1	("20080178369").PN.	US-PGPUB; USPAT	OR	OFF	2013/12/30 15:45
S48	99	("20050268380" "20060000008" "20060005301" "20060162052" "20070180600" "20070192941" "20070245463" "20080178368" "2033551" "2254863" "2328953" "2438310" "2601602" "2623210" "2624336" "2641257" "2652053" "2872685" "3207155" "3220410" "3283545" "3294086" "3459181" "3496576" "3499442" "3499443" "3511234" "3517666" "3621846" "4009495" "4173976" "4195630" "4377008" "4414971" "4554685" "4660551" "4702239" "4759355" "4870958" "4955088" "5029345" "5070869" "5157793" "5226179" "5237706" "5283912" "5379462" "5461729" "5524298" "5547466" "5598587" "5647065" "5718003" "5807299" "5870779" "5875495" "5978971" "6026517" "6038703" "6061840" "6245036" "6289520" "6295651" "6308342" "6353940" "6487728" "6799334" "6820284" "6862746" "6901607" "7017193" "7024703" "7065797" "7178174" "7198688" "7631369" "7676853" "D509945").PN. OR ("7958571").URPN.	US-PGPUB; USPAT; USOCR	OR	ON	2013/12/30 15:48
S50	106	A41B9/023.CPC.	US-PGPUB; USPAT	OR	ON	2013/12/30 15:48
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S52	31	("4195630" "4660551" "5070869" "20040025218" "3710397" "4377008" "5379462" "6018822" "5029345" "5647065" "2471348" "5029345" "5647065" "4345337" "4759355" "5870779" "7024703" "4961419" "7434273" "2328953" "5435014" "2601602" "20070277285" "D461622" "3261846" "4414971" "5283912" "4195630" "4702239" "6901607" "2369773" "4414971" "4955088" "7024703" "0850298" "2601602" "6557183").PN.	US-PGPUB; USPAT	OR	ON	2013/12/30 16:24
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S55	116	("0038930" "0602188" "0833849" "1052765" "1083712" "1265089" "1404855" "1512171" "1861383" "20040025218" "20060277649" "20070277285" "20080114327" "20090106874" "20110023216"	US-PGPUB; USPAT; USOCR	OR	ON	2013/12/31 12:52

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		"2012879" "2033266" "2033551" "2235849" "2323842" "2328953" "2336248" "2369773" "2601602" "2872685" "3207155" "3250273" "3788314" "3844282" "3974836" "4014044" "4195630" "4377008" "4389733" "4555245" "4637078" "4660554" "4759355" "4870958" "4961419" "5029345" "5070869" "5226179" "5274854" "5539926" "5607412" "5636387" "5647065" "5870779" "5875495" "6014777" "6018822" "6041441" "6295651" "6412119" "6425140" "6565548" "6662378" "6901607" "7024703" "7434273" "7788739" "8087098" "D160328" "D179937" "D268454" "D282212" "D339219" "D348102" "D353933" "D362950" "D378947" "D389289" "D398055" "D423188" "D444616" "D445239" "D494738" "D506303" "D509945" "D513658" "D521711" "D528266" "D529260" "D530485" "D537236" "D538508" "D539507" "D590129" "D603582" "D628517" "D651377" "D660551").PN. OR ("8555422").URPN.				
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S57	44	(US-20060000008-\$ or US-20090106874-\$ or US-20050268380-\$ or US- 20110154560-\$ or US-20090288240-\$ or US-20040025218-\$ or US-20090158505-\$ or US-20040031088-\$ or US- 20080178369-\$ or US-20120167280-\$ or US-20070277285-\$ or US-20130219591-\$).did. or (US-7578009-\$ or US-5875495-\$ or US-4759355-\$ or US-4870958-\$ or US- 5157793-\$ or US-D509945-\$ or US- 7024703-\$ or US-2624336-\$ or US- 2033551-\$ or US-3511234-\$ or US- 3844282-\$ or US-2138481-\$ or US- 2114268-\$ or US-3517666-\$ or US- 7017193-\$ or US-D646462-\$ or US- D656708-\$ or US-4173976-\$ or US- 2457260-\$ or US-1020588-\$ or US- 2235849-\$ or US-5647065-\$ or US- 2601602-\$ or US-5029345-\$ or US- 2140459-\$ or US-6243880-\$).did. or (US- 7788739-\$ or US-5379462-\$ or US- 6289520-\$ or US-8555422-\$ or US- 6662378-\$ or US-2254863-\$).did.	US-PGPUB; USPAT	OR	ON	2013/12/31 13:26
S58	550	(A41B9/02 OR A41B9/026 OR A61F5/40).CPC.	US-PGPUB; USPAT	OR	ON	2013/12/31 13:27
S59	0	S57 and ((four near2 way) or four\$1way or "4"\$1way or (S56 near2 way)) near2 stretch\$3	US-PGPUB; USPAT	OR	ON	2013/12/31 13:28

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S60	4	S57 and (stretch\$3 near4 direction)	US-PGPUB; USPAT	OR	ON	2013/12/31 13:28
S61	47	((four near2 way) or four\$1way or "4"\$1way or (S56 near2 way)) and (under\$1wear or (under near2 wear)) and (men or male)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/12/31 13:32
S62	1	("20050229293").PN.	US-PGPUB; USPAT	OR	OFF	2013/12/31 14:17
S63	1	((DUSTIN) near2 (BIGNEY)).INV.	US-PGPUB; USPAT	OR	ON	2013/12/31 15:03
S64	195	(biased or (stretched and unstretched)) and underwear and (male or men)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/12/31 18:04
S65	201	(biased or (stretched and un\$1stretched)) and underwear and (male or men)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/12/31 18:04
S66	6	S65 not S64	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/12/31 18:04
S67	2	(panel with ((sewn or sewing or stitch or stitched or stitching) near3 stretched)) and underwear and (male or men)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/01/02 12:12
S68	2	(panel with ((sewn or sewing or stitch or stitched or stitching) near3 stretched)) and (underwear or under\$1wear or under\$1garment or undergarment) and (male or men)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/01/02 12:12
S69	2	(pouch with ((sewn or sewing or stitch or stitched or stitching) near3 stretched)) and (underwear or under\$1wear or under\$1garment or undergarment) and (male or men)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/01/02 12:13
S70	15	((sewn or sewing or stitch or stitched or stitching) near3 stretched) and (underwear or under\$1wear or under\$1garment or undergarment) and (male or men)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO;	OR	ON	2014/01/02 12:14

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			DERWENT; IBM_TDB			
S71	2	((panel or pouch) with ((sewn or sewing or stitch or stitched or stitching) near6 stretched)) and underwear and (male or men)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/01/02 12:49
S72	4	((panel or pouch) with ((sewn or sewing or stitch or stitched or stitching) with stretched)) and underwear and (male or men)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/01/02 12:49
S73	8	((panel or pouch) with ((sewn or sewing or stitch or stitched or stitching) with stretched)) and underwear	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/01/02 12:50
S74	54	((panel or pouch) with ((sewn or sewing or stitch or stitched or stitching) with stretched)) and (shorts or bloomers)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/01/02 12:51
S75	14	((panel or pouch) with ((sewn or sewing or stitch or stitched or stitching) with tension\$3)) and underwear	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/01/02 12:59
S76	14	((panel or pouch) with tension\$3) with (sewn or sewing or stitch or stitched or stitching)) and underwear	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/01/02 13:01
S77	7	(bias\$3 near6 (open\$3)) and (male or men or boy) and (under\$1garment or (under near2 garment) or underwear or under\$1wear) and (penis or scrotum or genitals or genitalia)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/01/03 10:41
S78	53	(stretch\$3 near6 (open\$3)) and (male or men or boy) and (under\$1garment or (under near2 garment) or underwear or under\$1wear) and (penis or scrotum or genitals or genitalia)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/01/03 10:42
S79	1	("D646462").PN.	US-PGPUB; USPAT	OR	OFF	2014/01/03 12:47

1/ 3/ 2014 3:17:30 PM

C:\Users\akinsaul\Documents\EAST\Workspaces\13193584.wsp

Search Notes 	Application/Control No. 13193584	Applicant(s)/Patent Under Reexamination BIGNEY, DUSTIN
	Examiner ANNA KINSAUL	Art Unit 3765

CPC- SEARCHED		
Symbol	Date	Examiner
A41B9/023, A41B9/02, A41B9/026, A61F5/40	1/3/2014	AKK

CPC COMBINATION SETS - SEARCHED		
Symbol	Date	Examiner

US CLASSIFICATION SEARCHED			
Class	Subclass	Date	Examiner
2	400,401,403,402,404,405,78.1	4/15/2013- 4/16/2013	AKK
602	67	4/15/2013- 4/16/2013	AKK

SEARCH NOTES		
Search Notes	Date	Examiner
Inventor Search in PALM and EAST; PLUS search	4/15/2013- 4/16/2013	AKK
EAST search- forward/backward of relevant art, keywords see attached EAST search	4/15/2013- 4/16/2013	AKK
Updated EAST search	1/3/2014	AKK

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

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Doc code: RCEX

Doc description: Request for Continued Examination (RCE)

PTO/SB/30EFS (07-09)

Approved for use through 07/31/2012. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

REQUEST FOR CONTINUED EXAMINATION(RCE)TRANSMITTAL (Submitted Only via EFS-Web)

Application Number	13193584	Filing Date	2011-07-28	Docket Number (if applicable)	B769 0001/GNM	Art Unit	3765
First Named Inventor	Dustin BIGNEY			Examiner Name	KINSAUL, Anna Kathryn		

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.

Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. The Instruction Sheet for this form is located at WWW.USPTO.GOV

SUBMISSION REQUIRED UNDER 37 CFR 1.114

Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

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

☐ Other _____

☒ Enclosed

☒ Amendment/Reply

☐ Information Disclosure Statement (IDS)

☐ Affidavit(s)/ Declaration(s)

☐ Other _____

MISCELLANEOUS

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

☐ Other _____

FEES

The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

☒ The Director is hereby authorized to charge any underpayment of fees, or credit any overpayments, to
Deposit Account No 021037

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

☒ Patent Practitioner Signature

☐ Applicant Signature

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Doc code: RCEX

Doc description: Request for Continued Examination (RCE)

PTO/SB/30EFS (07-09)

Approved for use through 07/31/2012. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Signature of Registered U.S. Patent Practitioner			
Signature	/GavinNManning/	Date (YYYY-MM-DD)	2014-07-08
Name	Gavin N. Manning	Registration Number	36412

This collection of information is required by 37 CFR 1.114. 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 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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

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

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

B769 0001/GNM
GNM/CCS/gmk

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): BIGNEY, Dustin

Title: GARMENTS FOR MEN

Serial No.: 13/193584

Confirmation No.: 8229

Filed: 28 July 2011

Examiner: KINSAUL, Anna Kathryn

Art Unit: 3765

Date: 8 July 2014

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

Dear Sir:

AMENDMENT

Introductory Comments

This is responsive to the Office Action mailed 9 January 2014 as extended under 37 C.F.R. §1.136(a) by payment of appropriate extension of time fees. A Request for Continued Examination is being filed concurrently. Please amend this application as follows:

- Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.
- Remarks/Arguments begin on page 6 of this paper.

Amendments to the Claims

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

Listing of Claims:

1. (Currently Amended) A male garment comprising:

a body including a front portion and having leg openings for a wearer's legs, the body including a crotch panel extending between the leg openings and joined to the front portion along a first seam;

a waistband attached at an upper edge of the body;

a stretch panel attached to the body inside the front portion, the stretch panel comprising a sheet of elastically resilient ~~[[two]]~~four-way stretch material having a top edge attached to the body at the waistband, a bottom edge attached at the first seam, side edges attached to the body at side seams extending substantially continuously along either side of the front portion from the first seam to the waistband and an opening for receiving the wearer's genitals, the opening having a rounded bottom edge and opposing side edges that are spaced apart from one another on either side of the opening;

the stretch panel being resiliently elastic both in a direction between the top edge and the bottom edge and in a direction between the side edges, the stretch panel having ~~an un-stretched~~ a length when unstretched smaller than a length measured along the front panel between the first seam and the waistband and ~~an un-stretched~~ a width when unstretched smaller than a length measured along the front panel between the side seams such that the front portion is gathered from side-to-side and top-to-bottom by the stretch

panel whereby a three-dimensional pouch for receiving the wearer's genitals and holding the wearer's genitals while the garment is being worn is defined between the stretch panel and the front portion.

2. (Original) A garment according to claim 1 wherein the stretch panel has asymmetrical stretch characteristics such that the stretch panel stretches more easily in a direction parallel to the waist band and less easily in a direction at right angles to the waist band.
3. (Original) A garment according to claim 1 wherein the stretch panel is rectangular and the opening is U-shaped.
4. (Original) A garment according to claim 3 wherein the stretch panel comprises a fabric having a stretch of at least 30%.
5. (Currently Amended) A garment according to claim 1 wherein the length measured along material of the front portion from the first seam to the waistband exceeds a length measured along the fabric of the stretch panel, when ~~un-~~ stretched unstretched, by at least 30%.
6. (Original) A garment according to claim 1 wherein the garment is a pair of undershorts.
7. (Original) A garment according to claim 1 wherein the stretch panel comprises a fabric different from a fabric of the body.

8. (Original) A garment according to claim 1 wherein the opening has a width in excess of 2 cm.
9. (Previously Presented) A garment according to claim 1 wherein:
 - the front portion depends downwardly from the waistband and the front portion is formed to provide the pouch at a mid-section thereof;
 - the stretch panel is positioned to be disposed forward of a wearer's perineum when the garment is worn, whereby, in use, the scrotum of a wearer of the garment is supported underneath by the stretch panel to contain a wearer's penis and scrotum in the pouch.
10. (Cancelled)
11. (Currently Amended) A garment according to claim 1, wherein the elastically resilient ~~[[two]]~~four-way stretch material is comprised of a spandex blend.
12. (Previously Presented) A garment according to claim 1, wherein the stretch panel is fastened to the front portion while in a pre-stretched condition while the front portion is less stretched, whereby the stretch panel is biased to hold the opening open while the garment is held in position to be put on.
13. (Cancelled)
14. (Previously Presented) A garment according to claim 1, wherein the first seam is disposed forward of the perineum region of a wearer.

15. (Previously Presented) A garment according to claim 1 wherein the opening has a U-shape when the stretch panel is in a relaxed state.
16. (Cancelled)
17. (Previously Presented) A garment according to claim 1 wherein the stretch panel is formed from a single unitary piece of woven fabric.
18. (Previously Presented) A garment according to claim 1 wherein the pouch comprises a dart seam stitched along a bottom portion of the pouch and substantially centrally to provide extra volume in front of and underneath the genitals of a wearer.

REMARKSCompliance of the Claims with 35 U.S.C. § 112

The Examiner has expressed the view that the term “two-way stretch material” connotes a material that stretches, *e.g.*, only left-to-right *or* top-to-bottom (and not both). Although the Applicant respectfully submits that this is not the meaning ordinarily attached to the term “two-way stretch material”, the Applicant has amended claims 1 and 11 to recite “four-way stretch material”, as suggested by the Examiner.

The Examiner has expressed the view that the recitation in claim 1 of an “unstretched length” of the stretch panel is contradictory with the recitation of the front panel being “gathered” by the stretch panel. Although the Applicant respectfully submits that the recitation of an “unstretched length” does not necessarily suggest that the stretch panel is, at a particular moment in time, in a stretched state, the Applicant has amended claim 1 to recite “a length when unstretched” (instead of “an unstretched length”) to clarify the intended meaning of the claim language.

Accordingly, the Applicant submits that claim 1, as amended, is not indefinite, and therefore claim 1 and its dependent claims are in compliance with 35 U.S.C. § 112. Corresponding amendments have been made to claim 11, which is submitted to be in compliance with 35 U.S.C. § 112 for substantially the above reasons.

Compliance of the Claims with 35 U.S.C. § 103

The Examiner has expressed the view that Gravette et al. (US Patent Application Publication No. 2007/0277285, hereinafter “Gravette”) discloses all of the features of claim 1 with the exception of four-way stretch material, for which the Examiner relies on Miller. The Applicant respectfully traverses this rejection. Gravette, as understood, fails to disclose or suggest the following features of claim 1:

- “the front portion is gathered from side-to-side and top-to-bottom by the stretch panel”
- “the stretch panel having a length when unstretched smaller than a length measured along the front panel between the first seam and the waistband and a width when unstretched smaller than a length measured along the front panel between the side seams”

- “side edges attached to the body at side seams extending substantially continuously along either side of the front portion”
- “an opening for receiving the wearer’s genitals, the opening having a rounded bottom edge and opposing side edges that are spaced apart from one another on either side of the opening”

As understood, Gravette discloses a male undergarment which provides a pouch behind the fly on the front panel (see [0032] and Fig. 8). The top end of the pouch is secured to the undergarment’s waistband and the bottom edge of the pouch is secured to a seam near to the leg openings (see [0033] and Figs. 8, 10). As shown in Figs. 8 and 11, the pouch hangs off of the back of the front panel, defining a space into which the male penis can be inserted (via a circular opening at 81). A second, larger opening (slit 86) is also provided by the pouch. Depictions of a frontal perspective view of the undergarment (Fig. 7), a perspective view of the undergarment turned inside-out (Fig. 8), and a cross-sectional view of the front panel and pouch of the undergarment (Fig. 11) are reproduced below.

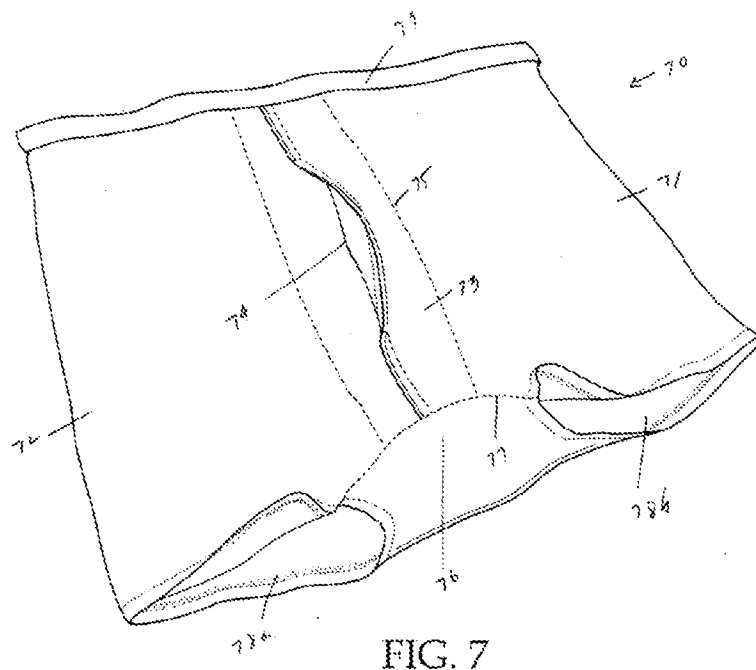


FIG. 7

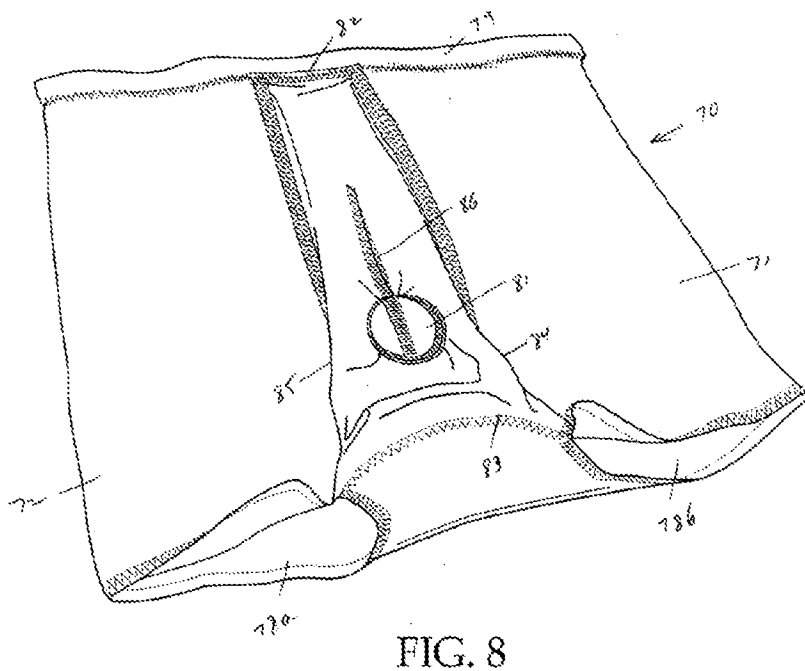


FIG. 8

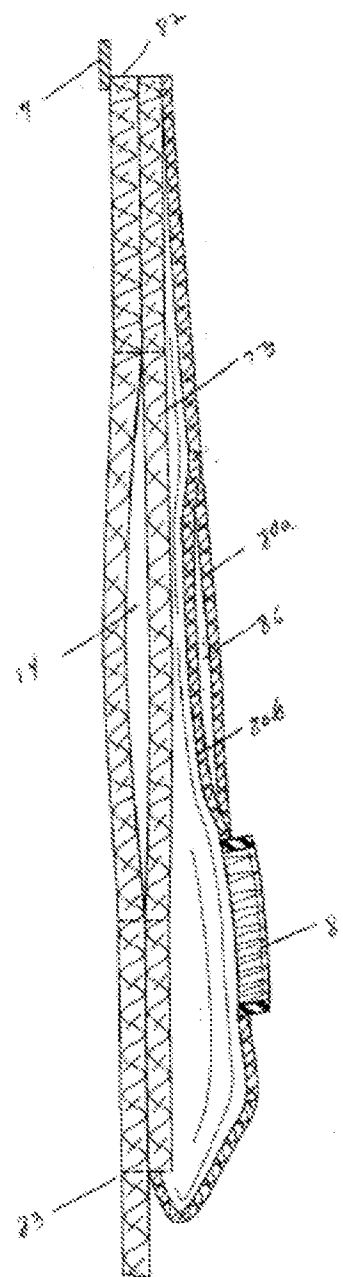


FIG. 11

Gravette fails to disclose several of the features recited by claim 1. In particular, as is clearly visible in Figs. 8 and 11, the front panel of the undergarment shown in Gravette is not gathered by the pouch. To the contrary, Gravette discloses the opposite configuration – the front panel lays flat as in a conventional set of men's undergarments, and the pouch hangs loosely behind it.

This can be seen particularly clearly in Figures 8 and 11. Therefore, Gravette teaches away from the feature “the front portion is gathered from side-to-side and top-to-bottom by the stretch panel”, as recited in claim 1. Nothing in Gravette or Miller, as understood, remedies this deficiency.

Claim 1, by contrast, recites that the front portion is gathered from side-to-side and top-to-bottom by the stretch panel. This provides a pouch which is naturally held open to receive a wearer’s genitals as illustrated, for example, in Figures 9 and 14 of the present application.

The Examiner concedes that Gravette and Miller do not disclose “the stretch panel having a length when unstretched smaller than a length measured along the front panel between the first seam and the waistband and a width when unstretched smaller than a length measured along the front panel between the side seams” (hereinafter the “recited lengths”), as recited in claim 1. However, the Examiner expresses the view that this feature can be presumed to be obvious because the structure shown in the prior art is allegedly the same as the structure recited in claim 1.

The Examiner’s expressed view has the result of effectively ignoring the recited lengths for the purpose of an obviousness analysis. Both *In re Best* and MPEP 2112.01 (both cited by the Examiner) restrict themselves to cases where the claimed and prior art products are “identical or substantially identical” or “the same”. Further, the Examiner must provide a “sound basis” (MPEP 2112.01) for such a determination. Only then does the burden of showing that the products are not the same shift to the Applicant. No such basis has been provided in this case.

In the present case, a difference in structure can be clearly seen in Figure 8 of Gravette, which shows that the pouch of Gravette is baggy while the front panel is flat. This difference is significant. A wearer of Gravette’s undergarment will need to physically manipulate his penis, the pouch, or both in order to insert his penis into the pouch through opening 81, due at least in part to the bagginess of the pouch (and also due in part to the structure of opening 81 – see below remarks). Claim 1 in the present application, however, recites “the stretch panel having a length when unstretched ... and a width when unstretched ... such that the front portion is gathered

from side-to-side and top-to-bottom by the stretch panel whereby a three-dimensional pouch for receiving the wearer's genitals and holding the wearer's genitals while the garment is being worn is defined". As further recited by claim 12, this can cause the pouch to be held open to receive a wearer's genitals while the garment is held in position to be put on.

Since the structure shown in Gravette (even when viewed in light of Miller) is not the same structure as recited in claim 1, neither *In re Best* nor MPEP 2112.01 apply in the present case.

The Examiner's view that the recited lengths may be disregarded requires the recited lengths of the stretch panel relative to the front panel to be characterized as mere "characteristics" of the stretch panel itself. With respect, the recited lengths are not merely characteristics of the stretch panel, but are structural limitations. Furthermore, Gravette clearly does not provide this structural limitation. A length of a physical feature (*e.g.* a stretch panel) relative to another physical feature (*e.g.* a front panel) is certainly structural; indeed, as recited in claim 1, this structure provides a function (gathering the front portion), and is not superfluous or inessential to the invention as claimed. Accordingly, neither *In re Best* nor MPEP 2112.01 allow the Examiner to disregard the absence of the recited lengths in the prior art, at least because that absence prevents the prior art from being "the same" as the claimed invention.

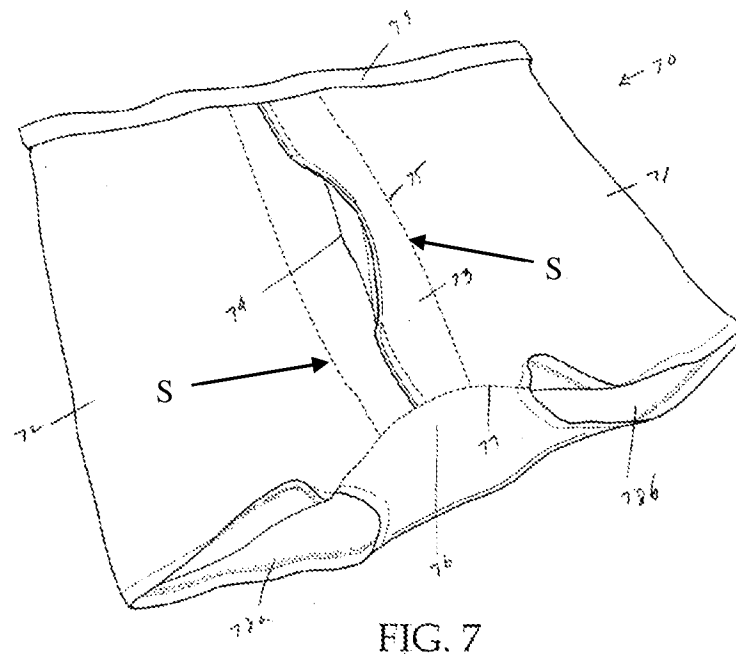
The Examiner also expresses the view that "since the previous structure of the claim has been met by the prior art, the structure [of the prior art] must also have the [recited lengths]". The Applicant interprets this statement as an allegation that the recited lengths are implicit in the prior art (which the Applicant denies).

With respect, the Examiner's statement that the structure of the prior art "must have" the recited lengths is incorrect. As discussed above, the length of Gravette's pouch between its top edge (at seam 82) and its bottom edge (at seam 83) is obviously larger than the length of the front panel between the same points. This is clearly shown in Fig. 8, which depicts an inside-out view of the undergarments disclosed by Gravette. Accordingly, the view that the structure of the prior art "must also have" the lengths recited in claim 1 is expressly contradicted by the disclosure of Gravette. Nothing in Miller, as understood, remedies this deficiency.

Accordingly, the Applicant submits that the recited lengths are not shown in the prior art, are in fact taught away from by the cited references, and cannot be presumed to be obvious under the authority of either of *In re Best* or MPEP 2112.01.

Although the significant structural differences identified above are sufficient to establish the inapplicability of *In re Best* and MPEP 2112.01 and to distinguish the cited references, the Applicant has identified additional structural differences below which further establish the inapplicability of *In re Best* and MPEP 2112.01 and further distinguish the cited references. These additional differences include a lack of attachment of a stretch panel along side seams and a lack of an opening with an rounded bottom and spaced-apart edges for receiving male genitals as recited in claim 1.

The longitudinal side edges (84, 85) of Gravette's pouch, according to at least the embodiment of Figures 7-11 (upon which the Examiner has relied), do not appear to be attached to the body. More particularly, the longitudinal side edges do not appear to be "attached ... at side seams extending substantially continuously along either side of the front portion", as recited in claim 1. This is best seen in Figures 7 and 10 of Gravette:



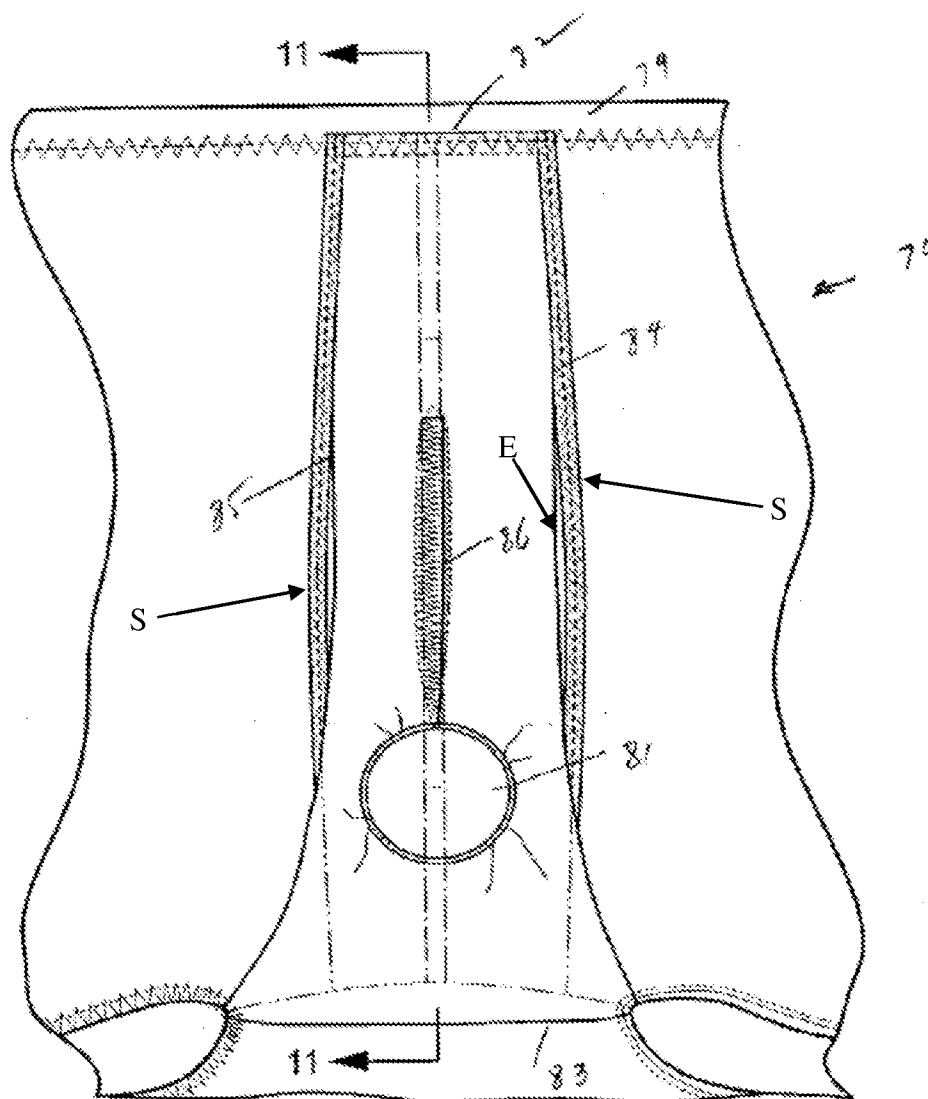


FIG. 10

As described at paragraph [0028], dashed line 75 indicates the seam along which the fly (73) is attached to the front panel. The reverse sides of the seams attaching the fly can be seen (but are not numbered) in Figure 10. In the above Figures, for convenience, the Applicant has identified these seams with the character "S". The pouch, however, is attached along seams 82 and 83 along its top and bottom edges, respectively (as described at paragraph [0033]). Longitudinal

edges 84 and 85 of the pouch (which the Applicant has identified with the character “E”) can be seen to be clearly spaced apart from seams S, and therefore are not attached thereto.

The term “longitudinal side edge” implies that edges 84 and 85 define boundaries beyond which the pouch does not extend. Since edges 84 and 85 are displaced from seams S along most of their lengths, it does not appear that the pouch can be attached to the body substantially continuously along seams S.

The Examiner has expressed the view that Gravette’s pouch *is* attached substantially continuously along side seams (which the Applicant presumes to be referred to side seams S). In the event that the Examiner maintains this view despite the Applicant’s above arguments, the Applicant submits that such an interpretation of Gravette only reinforces the Applicant’s position that Gravette teaches away from the feature “the front portion is gathered from side-to-side and top-to-bottom by the stretch panel”. Under such an interpretation, lines E in Fig. 10 must be interpreted as folds in the pouch, which (in combination with Fig. 8) further teaches away from the recited lengths and their consequent gathering of the front panel being provided by Gravette’s pouch. The Applicant notes that it does not adopt such an interpretation, as (for reasons given above) it appears to contradict the disclosure of Gravette (Gravette appears to have significant internal inconsistencies); the remarks of this paragraph are provided *arguendo*, in consideration of the Examiner’s expressed view.

Gravette also fails to disclose “an opening for receiving the wearer’s genitals, the opening having a rounded bottom edge and opposing side edges that are spaced apart from one another on either side of the opening”, as recited in claim 1. Of the two openings provided by Gravette (at 81 and 86), the circular opening at 81 is only disclosed to receive the male penis. Gravette specifically describes at [0019] that the scrotum is positioned outside the pouch. The size and shape of opening 81 appear to be unsuited to receiving the male genitals more generally (which, as would be understood by a person skilled in the art and as is indicated by the plural “genitals”, include the scrotum and testicles). Further, circular opening 81 is taught to “secure” the penis (see the Abstract), suggesting that it fits snugly or tightly on the penis and is therefore not appropriately sized to receive the male genitals more generally. Nothing in the disclosure teaches or suggests

how this deficiency might be overcome. The larger opening (slit 86) lacks a rounded bottom edge and spaced-apart side edges, as recited in claim 1. Thus, Gravette fails to disclose an opening as recited by claim 1.

In view of the above reasons, the Applicant submits that claim 1 and its dependent claims (which, together, comprise all pending claims in the present application) are not obvious in view of Gravette, Miller, or any combination thereof.

Conclusion

The Applicant submits that the foregoing amendments and remarks address every issue raised in the Office Action and that all pending claims of this application are now in condition for allowance. Reconsideration and allowance of this application are respectfully requested.

Respectfully submitted,

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Electronic Patent Application Fee Transmittal				
Application Number:		13193584		
Filing Date:		28-Jul-2011		
Title of Invention:		GARMENTS FOR MEN		
First Named Inventor/Applicant Name:		Dustin Bigney		
Filer:		Gavin N. Manning/Grace Kuroyama		
Attorney Docket Number:		B769 0001/GNM		
Filed as Small Entity				
Utility under 35 USC 111(a) Filing Fees				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				
Extension - 3 months with \$0 paid	2253	1	700 Tommy John EX1004	700

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Miscellaneous:				
Request for Continued Examination	2801	1	600	600
Total in USD (\$)				1300

Electronic Acknowledgement Receipt

EFS ID:	19521256
Application Number:	13193584
International Application Number:	
Confirmation Number:	8229
Title of Invention:	GARMENTS FOR MEN
First Named Inventor/Applicant Name:	Dustin Bigney
Customer Number:	720
Filer:	Gavin N. Manning/Grace Kuroyama
Filer Authorized By:	Gavin N. Manning
Attorney Docket Number:	B769 0001/GNM
Receipt Date:	08-JUL-2014
Filing Date:	28-JUL-2011
Time Stamp:	17:53:48
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	\$ 1300
RAM confirmation Number	4338
Deposit Account	021037
Authorized User	MANNING, GAVIN N.

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U.S. Patent No. 10,834,974

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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Request for Continued Examination (RCE)	B7690001_RCE.pdf	697857 5446aa041fe35b71cf540325210ff838f3e858ac	no	3

Warnings:**Information:**

2		B7690001_Response.pdf	2801177 8c31e3e51d3e7ab0d9335f442cba4d26ea474ece	yes	14
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Multipart Description/PDF files in .zip description

	Document Description	Start	End
	Amendment Submitted/Entered with Filing of CPA/RCE	1	1
	Claims	2	5
	Applicant Arguments/Remarks Made in an Amendment	6	14

Warnings:**Information:**

3	Fee Worksheet (SB06)	fee-info.pdf	32153 f5c8cb450308da8185a92aa536faf21abc511832	no	2
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New International Application Filed with the USPTO as a Receiving Office

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Electronic Acknowledgement Receipt

EFS ID:	19521256
Application Number:	13193584
International Application Number:	
Confirmation Number:	8229
Title of Invention:	GARMENTS FOR MEN
First Named Inventor/Applicant Name:	Dustin Bigney
Customer Number:	720
Filer:	Gavin N. Manning/Grace Kuroyama
Filer Authorized By:	Gavin N. Manning
Attorney Docket Number:	B769 0001/GNM
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Filing Date:	28-JUL-2011
Time Stamp:	17:53:48
Application Type:	Utility under 35 USC 111(a)

Payment information:

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U.S. Patent No. 10,834,974

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Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Request for Continued Examination (RCE)	B7690001_RCE.pdf	697857 5446aa041fe35b71cf540325210ff838f3e858ac	no	3

Warnings:**Information:**

2		B7690001_Response.pdf	2801177 8c31e3e51d3e7ab0d9335f442cba4d26ea474ece	yes	14
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Multipart Description/PDF files in .zip description

	Document Description	Start	End
	Amendment Submitted/Entered with Filing of CPA/RCE	1	1
	Claims	2	5
	Applicant Arguments/Remarks Made in an Amendment	6	14

Warnings:**Information:**

3	Fee Worksheet (SB06)	fee-info.pdf	32153 f5c8cb450308da8185a92aa536faf21abc511832	no	2
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PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875					Application or Docket Number 13/193,584		Filing Date 07/28/2011		☐ To be Mailed					
ENTITY: ☐ LARGE ☒ SMALL ☐ MICRO														
APPLICATION AS FILED – PART I														
(Column 1)			(Column 2)											
FOR		NUMBER FILED		NUMBER EXTRA		RATE (\$)		FEE (\$)						
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))		N/A		N/A		N/A								
☐ SEARCH FEE (37 CFR 1.16(k), (i), or (m))		N/A		N/A		N/A								
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))		N/A		N/A		N/A								
TOTAL CLAIMS (37 CFR 1.16(i))		minus 20 =		*		X \$ =								
INDEPENDENT CLAIMS (37 CFR 1.16(h))		minus 3 =		*		X \$ =								
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))		If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$310 (\$155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).												
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))														
* If the difference in column 1 is less than zero, enter "0" in column 2.						TOTAL								
APPLICATION AS AMENDED – PART II														
(Column 1)			(Column 2)			(Column 3)								
AMENDMENT	07/08/2014		CLAIMS REMAINING AFTER AMENDMENT			HIGHEST NUMBER PREVIOUSLY PAID FOR		PRESENT EXTRA		RATE (\$)		ADDITIONAL FEE (\$)		
	Total (37 CFR 1.16(i))		* 15		Minus	** 20		= 0		X \$40 =		0		
	Independent (37 CFR 1.16(h))		* 1		Minus	*** 3		= 0		X \$210 =		0		
	☐ Application Size Fee (37 CFR 1.16(s))													
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))													
										TOTAL ADD'L FEE		0		
(Column 1)			(Column 2)			(Column 3)								
AMENDMENT			CLAIMS REMAINING AFTER AMENDMENT			HIGHEST NUMBER PREVIOUSLY PAID FOR		PRESENT EXTRA		RATE (\$)		ADDITIONAL FEE (\$)		
	Total (37 CFR 1.16(i))		*		Minus	**		=		X \$ =				
	Independent (37 CFR 1.16(h))		*		Minus	***		=		X \$ =				
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	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))													
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<p>* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.</p> <p>** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".</p> <p>*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".</p> <p>The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.</p>											LIE /POLIN ANG/			

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U.S. Patent No. 10,834,974



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 480 - THE STATION
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EXAMINER

KINSAUL, ANNA KATHRYN

ART UNIT

PAPER NUMBER

3765

DATE MAILED: 08/06/2014

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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13/193,584

07/28/2011

Dustin Bigney

B769 0001/GNM

8229

TITLE OF INVENTION: GARMENTS FOR MEN

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
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nonprovisional

SMALL

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\$0

\$0

\$480

11/06/2014

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

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

HOW TO REPLY TO THIS NOTICE:

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

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

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

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

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

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

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail** **Mail Stop ISSUE FEE**
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or Fax **(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.

720 7590 08/06/2014
OYEN, WIGGS, GREEN & MUTALA LLP
480 - THE STATION
601 WEST CORDOVA STREET
VANCOUVER, BC V6B 1G1
CANADA

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 facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/193,584	07/28/2011	Dustin Bigney	B769 0001/GNM	8229

TITLE OF INVENTION: GARMENTS FOR MEN

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	SMALL	\$480	\$0	\$0	\$480	11/06/2014

EXAMINER	ART UNIT	CLASS-SUBCLASS
KINSAUL, ANNA KATHRYN	3765	002-423000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363). ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached. ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 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, (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.
---	--

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 has been filed for recordation as set forth in 37 CFR 3.11. 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. The following fee(s) are submitted: ☐ Issue Fee ☐ Publication Fee (No small entity discount permitted) ☐ Advance Order - # of Copies _____	4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above) ☐ A check is enclosed. ☐ Payment by credit card. Form PTO-2038 is attached. ☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credits any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).
---	---

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

- ☐ Applicant certifying micro entity status. See 37 CFR 1.29
- ☐ Applicant asserting small entity status. See 37 CFR 1.27
- ☐ Applicant changing to regular undiscounted fee status.

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

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

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

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

Authorized Signature _____ Date _____

Typed or printed name _____ Registration No. _____



UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/193,584	07/28/2011	Dustin Bigney	B769 0001/GNM	8229

720 7590 08/06/2014
 OYEN, WIGGS, GREEN & MUTALA LLP
 480 - THE STATION
 601 WEST CORDOVA STREET
 VANCOUVER, BC V6B 1G1
 CANADA

EXAMINER

KINSAUL, ANNA KATHRYN

ART UNIT	PAPER NUMBER
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3765

DATE MAILED: 08/06/2014

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 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, 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.

Tommy John EX1004

<i>Examiner-Initiated Interview Summary</i>	Application No.	Applicant(s)	
	13/193,584	BIGNEY, DUSTIN	
	Examiner	Art Unit	
	ANNA KINSAUL	3765	

All participants (applicant, applicant's representative, PTO personnel):

(1) ANNA KINSAUL. (3) ____.

(2) GAVIN MANNING. (4) ____.

Date of Interview: 30 July 2014.

Type: ☒ Telephonic ☐ Video Conference
☐ Personal [copy given to: ☐ applicant ☐ applicant's representative]

Exhibit shown or demonstration conducted: ☐ Yes ☒ No.
If Yes, brief description: ____.

Issues Discussed ☐ 101 ☐ 112 ☐ 102 ☐ 103 ☒ Others
(For each of the checked box(es) above, please describe below the issue and detailed description of the discussion)

Claim(s) discussed: 1, 2, 5, 9, and 14.

Identification of prior art discussed: None.

Substance of Interview
(For each issue discussed, provide a detailed description and indicate if agreement was reached. Some topics may include: identification or clarification of a reference or a portion thereof, claim interpretation, proposed amendments, arguments of any applied references etc...)

Discussed an amendment clarifying where the waistband is attached in relation to the stretch panel and front portion. Further discussed amendments to clarify language or correspond to previous limitations. It was also discussed that the Specification Para. [0049] would be amended to reflect the amendments made to claims 1 and 11 regarding the four-way stretch material. All amendments were agreed to by attorney for Applicant, Gavin Manning. It was further agreed that these changes would be made by examiner's amendment.

Applicant recordation instructions: It is not necessary for applicant to provide a separate record of the substance of interview.

Examiner recordation instructions: Examiners must summarize the substance of any interview of record. A complete and proper recordation of the substance of an interview should include the items listed in MPEP 713.04 for complete and proper recordation including the identification of the general thrust of each argument or issue discussed, a general indication of any other pertinent matters discussed regarding patentability and the general results or outcome of the interview, to include an indication as to whether or not agreement was reached on the issues raised.

☐ Attachment

/ANNA KINSAUL/ Examiner, Art Unit 3765	
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Notice of Allowability	Application No. 13/193,584	Applicant(s) BIGNEY, DUSTIN	
	Examiner ANNA KINSAUL	Art Unit 3765	AIA (First Inventor to File) Status No

-- 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 amendment filed July 8, 2014.
☐ 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 1-9, 11, 12, 14, 15, 17 and 18. 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)

<ol style="list-style-type: none"> 1. ☒ Notice of References Cited (PTO-892) 2. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____ 3. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material 4. ☒ Interview Summary (PTO-413), Paper No./Mail Date <u>20140730</u>. 	<ol style="list-style-type: none"> 5. ☒ Examiner's Amendment/Comment 6. ☒ Examiner's Statement of Reasons for Allowance 7. ☐ Other _____.
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/ANNA KINSAUL/ Examiner, Art Unit 3765	
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Application/Control Number: 13/193,584
Art Unit: 3765

Page 2

EXAMINER'S AMENDMENT

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

Authorization for this examiner's amendment was given in a telephone interview with Gavin Manning on July 30, 2014.

The amendments to the claims are made to the set of claims filed July 8, 2014. The **claims** have been amended as follows:

--1. A male garment comprising:

a body including a front portion and having leg openings for a wearer's legs, the body including a crotch panel extending between the leg openings and joined to the front portion along a first seam;

a waistband attached by a waistband seam at an upper edge of the body; a stretch panel attached to the body inside the front portion, the stretch panel comprising a sheet of elastically resilient four-way stretch material having a top edge attached to the body at the waistband seam, a bottom edge attached at the first seam, side edges attached to the body at side seams extending substantially continuously along either side of the front portion from the first seam to the waistband seam and an opening for receiving a wearer's genitals, the opening having a rounded bottom edge and opposing side edges that are spaced apart from one another on either side of the opening;

Application/Control Number: 13/193,584
Art Unit: 3765

Page 3

the stretch panel being resiliently elastic both in a direction between the top edge and the bottom edge and in a direction between the side edges, the stretch panel having a length when unstretched smaller than a length measured along the front portion between the first seam and the waistband seam and a width when unstretched smaller than a width measured along the front portion between the side seams such that the front portion is gathered from side-to-side and top-to-bottom by the stretch panel and defines a three-dimensional pouch between the stretch panel and the front portion for receiving the wearer's genitals and holding the wearer's genitals while the garment is being worn.

2. A garment according to claim 1 wherein the stretch panel has asymmetrical stretch characteristics such that the stretch panel stretches more easily in a direction parallel to the waistband and less easily in a direction at right angles to the waistband.

5. A garment according to claim 1 wherein the length measured along material of the front portion from the first seam to the waistband seam exceeds a length measured along the fabric of the stretch panel when unstretched, by at least 30%.

9. A garment according to claim 1 wherein: the front portion depends downwardly from the waistband and the front portion is formed to provide the pouch at a mid-section thereof; the stretch panel is positioned to be disposed forward of a wearer's perineum when the garment is worn, whereby, in use, a scrotum of a wearer of the garment is supported underneath by the stretch panel to contain a wearer's penis and scrotum in the pouch.

Application/Control Number: 13/193,584
Art Unit: 3765

Page 4

14. A garment according to claim 1, wherein the first seam is disposed forward of a perineum region of a wearer.--

The amendment to the specification is made to the specification filed July 28, 2011. The **specification** has been amended as follows:

Please replace Para. [0047] with the following:

-- In some embodiments, stretch panel **22** is stretched in length only (i.e. in a direction perpendicular to waistband **12**) as it is being attached to front portion **18** during manufacture. In some embodiments, stretch panel **22** is stretched in both width and length (four-way stretch) relative to front portion **18** as it is being attached to front portion **18** during manufacture. Thus, in its relaxed, un-stretched, configuration stretch panel **22** both pulls side edges of front portion **18** toward one another at seams **29** and pulls top and bottom edges of front portion **18** toward one another at seams **26** and **28**. This, builds volume in pouch **20** especially when taken in combination with the shaping of front portion **18** (e.g. by front seam **19**) which makes from portion **18** non-flat.--

REASONS FOR ALLOWANCE

2. The following is an examiner's statement of reasons for allowance: the prior art of record does not render obvious, nor anticipate the combination of claimed elements, including the limitations of "the stretch panel having a length when unstretched smaller than a length measured along the front portion between the first seam and the waistband seam and a width when unstretched smaller than a width measured along the front portion between the side seams" in combination with leg openings, a crotch

Application/Control Number: 13/193,584
Art Unit: 3765

Page 5

panel and the stretch panel being of four-way stretch material as claimed in independent claim 1. Claims 2-9, 11, 12, 14, 15, 17, and 18 are allowed by virtue of their dependencies on claim 1.

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."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANNA KINSAUL whose telephone number is (571)270-1926. The examiner can normally be reached on M-Th 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Khoa Huyhn can be reached on (571) 272-4888. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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

Application/Control Number: 13/193,584
Art Unit: 3765

Page 6

/ANNA KINSAUL/
Examiner, Art Unit 3765

/Khoa Huynh/
Supervisory Patent Examiner, Art Unit 3765

<i>Examiner-Initiated Interview Summary</i>	Application No.	Applicant(s)	
	13/193,584	BIGNEY, DUSTIN	
	Examiner	Art Unit	
	ANNA KINSAUL	3765	

All participants (applicant, applicant's representative, PTO personnel):

(1) ANNA KINSAUL. (3) ____.

(2) GAVIN MANNING. (4) ____.

Date of Interview: 30 July 2014.

Type: ☒ Telephonic ☐ Video Conference
☐ Personal [copy given to: ☐ applicant ☐ applicant's representative]

Exhibit shown or demonstration conducted: ☐ Yes ☒ No.
If Yes, brief description: ____.

Issues Discussed ☐ 101 ☐ 112 ☐ 102 ☐ 103 ☒ Others
(For each of the checked box(es) above, please describe below the issue and detailed description of the discussion)

Claim(s) discussed: 1, 2, 5, 9, and 14.

Identification of prior art discussed: None.

Substance of Interview
(For each issue discussed, provide a detailed description and indicate if agreement was reached. Some topics may include: identification or clarification of a reference or a portion thereof, claim interpretation, proposed amendments, arguments of any applied references etc...)

Discussed an amendment clarifying where the waistband is attached in relation to the stretch panel and front portion. Further discussed amendments to clarify language or correspond to previous limitations. It was also discussed that the Specification Para. [0049] would be amended to reflect the amendments made to claims 1 and 11 regarding the four-way stretch material. All amendments were agreed to by attorney for Applicant, Gavin Manning. It was further agreed that these changes would be made by examiner's amendment.

Applicant recordation instructions: It is not necessary for applicant to provide a separate record of the substance of interview.

Examiner recordation instructions: Examiners must summarize the substance of any interview of record. A complete and proper recordation of the substance of an interview should include the items listed in MPEP 713.04 for complete and proper recordation including the identification of the general thrust of each argument or issue discussed, a general indication of any other pertinent matters discussed regarding patentability and the general results or outcome of the interview, to include an indication as to whether or not agreement was reached on the issues raised.

☐ Attachment

/ANNA KINSAUL/ Examiner, Art Unit 3765	
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Notice of References Cited	Application/Control No. 13/193,584		Applicant(s)/Patent Under Reexamination BIGNEY, DUSTIN	
	Examiner ANNA KINSAUL		Art Unit 3765	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-2,310,839 A	02-1943	FRANKLIN CHATFIELD et al.	602/67
*	B	US-2,328,953 A	09-1943	FRANKLIN CHATFIELD et al.	602/67
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

Search Notes 	Application/Control No. 13193584	Applicant(s)/Patent Under Reexamination BIGNEY, DUSTIN
	Examiner ANNA KINSAUL	Art Unit 3765

CPC- SEARCHED		
Symbol	Date	Examiner
A41B9/023, A41B9/02, A41B9/026, A61F5/40	1/3/2014	AKK

CPC COMBINATION SETS - SEARCHED		
Symbol	Date	Examiner

US CLASSIFICATION SEARCHED			
Class	Subclass	Date	Examiner
2	400,401,403,402,404,405,78.1	4/15/2013-4/16/2013	AKK
602	67	4/15/2013-4/16/2013	AKK

SEARCH NOTES		
Search Notes	Date	Examiner
Inventor Search in PALM and EAST; PLUS search	4/15/2013-4/16/2013	AKK
EAST search- forward/backward of relevant art, keywords see attached EAST search	4/15/2013-4/16/2013	AKK
Updated EAST search	1/3/2014	AKK
Updated EAST search	7/30/2014	AKK

INTERFERENCE SEARCH			
US Class/ CPC Symbol	US Subclass / CPC Group	Date	Examiner
	See EAST claim search attached	7/30/2014	AKK

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EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L3	1498	((fabric or material or elastic or stretch or panel) near2 (stretch\$3 or tension\$3 or bias\$3)) near2 (stitch\$3 or sew\$3)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/07/30 13:15
L4	238	l3 and "2"/\$.ccls.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/07/30 13:16
L5	40	l4 and (shirred or gathered)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/07/30 13:17
L6	10	l5 and (pouch or pocket)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/07/30 13:17
L7	198	l4 not l5	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/07/30 13:20
L8	34	("2310839" "2328953" "3599241" "3768471").PN. OR ("4173976").URPN.	US-PGPUB; USPAT; USOCR	OR	ON	2014/07/30 13:26
L9	10	("2328953").URPN.	USPAT	OR	ON	2014/07/30 13:33
S1	49	(US-20110307996-\$ or US-20030083635-\$ or US-20040098784-\$ or US-20040127881-\$).did. or (US-5414870-\$ or US-4759355-\$ or US-5875495-\$ or US-5784723-\$ or US-RE36905-\$ or US-5864890-\$ or US-6061839-\$ or US-4870958-\$ or US-4247959-\$ or US-5901374-\$ or US-5946730-\$ or US-3703820-\$ or US-3877439-\$ or US-4523337-\$ or US-4538615-\$ or US-	US-PGPUB; USPAT	OR	ON	2013/04/15 13:00

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		4590945-\$ or US-5392467-\$ or US-5569234-\$ or US-5575783-\$ or US-5590548-\$ or US-5605060-\$ or US-5611722-\$ or US-5685874-\$ or US-5727256-\$ or US-5769838-\$ or US-5787512-\$).did. or (US-5802607-\$ or US-5836932-\$ or US-5843068-\$ or US-5873870-\$ or US-5931827-\$ or US-5944579-\$ or US-5987644-\$ or US-6120487-\$ or US-6258077-\$ or US-6287169-\$ or US-6546564-\$ or US-6817030-\$ or US-7013488-\$ or US-7344526-\$ or US-7578009-\$ or US-7901390-\$ or US-8216203-\$ or US-8257138-\$ or US-8303561-\$).did.				
S3	80	("20050268380" "20060000008" "20060005301" "20060162052" "20070180600" "20070192941" "20070245463" "20080178368" "20090106874" "2033551" "2254863" "2328953" "2438310" "2601602" "2623210" "2624336" "2641257" "2652053" "2872685" "3207155" "3220410" "3283545" "3294086" "3459181" "3496576" "3499442" "3499443" "3511234" "3517666" "3621846" "4009495" "4173976" "4195630" "4377008" "4414971" "4554685" "4660551" "4702239" "4759355" "4870958" "4955088" "5029345" "5070869" "5157793" "5226179" "5237706" "5283912" "5379462" "5461729" "5524298" "5547466" "5598587" "5647065" "5718003" "5807299" "5870779" "5875495" "5978971" "6026517" "6038703" "6061840" "6245036" "6289520" "6295651" "6308342" "6353940" "6487728" "6799334" "6820284" "6862746" "6901607" "7017193" "7024703" "7065797" "7178174" "7198688" "7631369" "7676853" "7958571" "D509945").PN.	US-PGPUB; USPAT	OR	ON	2013/04/15 13:17
S4	1014	(2/400,401,403).CCLS.	US-PGPUB; USPAT	OR	OFF	2013/04/15 13:32
S5	412	(2/402,404,405).CCLS.	US-PGPUB; USPAT	OR	OFF	2013/04/15 13:32
S6	287	S5 not S4	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/04/15 13:33
S7	2	((("20050268380") or ("2624336")).PN.	US-PGPUB; USPAT	OR	OFF	2013/04/15 15:54
S8	950	S4 not S3	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT;	OR	ON	2013/04/15 16:05

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			IBM_TDB			
S9	200	(602/67).OCLS.	US-PGPUB; USPAT	OR	OFF	2013/04/15 17:47
S10	140	("0549048" "2055973" "2058970" "2114268" "2328953" "2534024" "2736036" "2854973" "2872685" "3016726" "3019446" "3354880" "3441022" "3499442" "3517666" "3621846" "3714946" "4195630" "4215685" "4355425" "4554685" "4660551" "4759355" "4870858" "4875236" "4875241" "4972525" "5029345" "5157793" "5283912" "5290270" "5524298" "5598587" "5647065" "5875495" "6245036" "6289520" "6295651" "6862746" "6901607" "7065797" "7178174" "D382386" "D408964").PN. OR ("2005/0268380" "2006/0000008" "2009/0106874" "2009/0288240" "2011/0154560" "2033551" "2138481" "2624336" "3511234" "3844282" "4759355" "4870958" "5157793" "5875495" "7024703" "7578009" "D509945").URPN.	US-PGPUB; USPAT	OR	ON	2013/04/15 18:01
S11	13	("4660551" "6245036" "5547466" "6047408" "6308342" "1483351" "3499443" "7100213" "6038703" "5283912" "6820284" "2524327" "6295651").PN.	US-PGPUB; USPAT	OR	ON	2013/04/15 18:01
S12	8	("4195630" "4955088" "5315717" "5461729" "5870779" "5875495" "6557183" "6901607").PN.	US-PGPUB; USPAT	OR	ON	2013/04/15 18:02
S13	15	("2140459" "2601602" "20060162052" "20070245463" "3459181" "4195630" "4377008" "4414971" "4955088" "4961419" "5029345" "5070869" "5870779" "6289520" "7178174").PN.	US-PGPUB; USPAT	OR	ON	2013/04/15 18:03
S14	2	("20040231034" "5283912").PN.	US-PGPUB; USPAT	OR	ON	2013/04/15 18:03
S15	13	("5070869" "6901607" "5029345" "5647065" "7178174" "4568340" "4673401" "5870779" "6898805" "4759355" "5678250" "4870958" "20040025218").PN.	US-PGPUB; USPAT	OR	ON	2013/04/15 18:04
S16	26	((shawn) near2 (ellis)) or ((glen) near2 (kirk)).inv.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/04/15 18:13
S17	28	("0642227" "0650954" "0847779" "1020588" "1592732" "1688910" "1973849" "20040154079" "20070277285" "2138481" "2235849" "2416857" "2457260" "2529115" "2639708" "3207155" "3517666" "4173976" "4870958" "5647065" "5651144" "5754982" "7017193" "7895676" "D353933" "D445239"	US-PGPUB; USPAT	OR	ON	2013/04/15 18:14

		"D482123" "D548928").PN. OR ("D646462" "D656708").URPN.				
S18	22	((SHAWN) near2 (ELLIS)).INV.	US-PGPUB; USPAT	OR	ON	2013/04/15 18:25
S19	1	((GLEN) near2 (KIRK)).INV.	US-PGPUB; USPAT	OR	ON	2013/04/15 18:25
S20	1	("5029345").PN.	US-PGPUB; USPAT	OR	OFF	2013/04/15 18:28
S21	1	("3511234").PN.	USOCR	OR	OFF	2013/04/15 19:33
S22	3	((("2255931") or ("2872685") or ("3441022")).PN.	US-PGPUB; USPAT	OR	OFF	2013/04/15 19:41
S23	211	(2/78.1).OCLS.	US-PGPUB; USPAT	OR	OFF	2013/04/15 22:26
S24	1	("2140459").PN.	US-PGPUB; USPAT	OR	OFF	2013/04/15 23:05
S32	31	(US-20060000008-\$ or US-20090106874-\$ or US-20050268380-\$ or US- 20110154560-\$ or US-20090288240-\$ or US-20040025218-\$).did. or (US-7578009-\$ or US-5875495-\$ or US-4759355-\$ or US- 4870958-\$ or US-5157793-\$ or US- D509945-\$ or US-7024703-\$ or US- 2624336-\$ or US-2033551-\$ or US- 3511234-\$ or US-3844282-\$ or US- 2138481-\$ or US-2114268-\$ or US- 3517666-\$ or US-7017193-\$ or US- D646462-\$ or US-D656708-\$ or US- 4173976-\$ or US-2457260-\$ or US- 1020588-\$ or US-2235849-\$ or US- 5647065-\$ or US-2601602-\$ or US- 5029345-\$ or US-2140459-\$).did.	US-PGPUB; USPAT	OR	ON	2013/04/16 09:44
S33	5	S32 and cotton and (spandex or lycra\$1)	US-PGPUB; USPAT	OR	ON	2013/04/16 09:45
S34	8	S32 and stretch	US-PGPUB; USPAT	OR	ON	2013/04/16 09:47
S35	3017	(boxer or under\$1wear or under\$1garment or brief) and (stretch near2 "30"\$1)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/04/16 09:49
S36	6	(boxer or under\$1wear or under\$1garment or brief) with (stretch near2 "30"\$1)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/04/16 09:50
S37	3	S32 and woven	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/04/16 15:15
S38	75	scrotum and (support or suspensory) and ((man or men or boys) near2	US-PGPUB; USPAT;	OR	ON	2013/04/16 15:58

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		(under\$1wear or under\$1garment or boxers))	USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB			
S39	3	((("6243880") or ("20040031088") or ("20090158505")).PN.	US-PGPUB; USPAT	OR	OFF	2013/12/30 14:35
S40	28	("4195630" "4471772" "4660551" "5274854" "6557182" "4173976" "5029345" "5647065" "5547466" "6132412" "2254863" "3459181" "4961419" "5718003" "3499443" "5870779" "3037503" "3207155" "2050410" "6038703" "5524298" "3511234" "3621846" "5283912" "4526167" "4702239" "5226179" "6061840").PN.	US-PGPUB; USPAT	OR	ON	2013/12/30 14:58
S41	122	("0620435" "0763683" "1212805" "1277839" "1288673" "1662981" "1737882" "1861383" "1998140" "2034312" "2128876" "2216897" "2232246" "2401457" "2408723" "2411922" "2419867" "2623210" "2652053" "2742647" "2872685" "2983924" "3141458" "3166764" "3169530" "3207155" "3517666" "3621846" "3654634" "3963022" "4004297" "4009495" "4173976" "4223408" "4261060" "4371989" "4470156" "4488317" "4494250" "4523337" "4580297" "4602388" "4619004" "4625336" "4669130" "4670913" "4702239" "4870958" "4920769" "4972525" "5023957" "5029345" "5040245" "5109546" "5131100" "5144697" "5152014" "5157793" "5237706" "5243974" "5275592" "5379462" "5524298" "5547466" "5598587" "5647065" "5822802" "5870779" "5875495" "5915536" "6026517" "6038703" "6061840" "D098867" "D233633" "D238828" "D268454" "D387539" "D403487").PN. OR ("6243880").URPN.	US-PGPUB; USPAT; USOCR	OR	ON	2013/12/30 14:58
S42	5	((("0724775") or ("2138481") or ("2292030") or ("3059638") or ("3207155")).PN.	US-PGPUB; USPAT	OR	OFF	2013/12/30 15:10
S43	10	("2138481").URPN.	USPAT	OR	ON	2013/12/30 15:12
S44	28	("1842472" "20050235399" "20090106874" "20090288240" "20110258756" "20120167279" "20120255102" "2076925" "2138481" "2664889" "2717388" "3207155" "3517666" "5875495" "7024703" "7578009" "7788739" "D166363" "D353933" "D630412").PN. OR ("D681914").URPN.	US-PGPUB; USPAT; USOCR	OR	ON	2013/12/30 15:13
S45	45	("2534934" "2601602" "3314422" "3504671" "3517666" "4173976" "4345337" "4377008" "4644945" "4702237" "4955088" "4961419"	US-PGPUB; USPAT; USOCR	OR	ON	2013/12/30 15:41

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		"5029345" "5070869" "5120264").PN. OR ("5237706").URPN.				
S46	18	("2601602").URPN.	USPAT	OR	ON	2013/12/30 15:43
S47	1	("20080178369").PN.	US-PGPUB; USPAT	OR	OFF	2013/12/30 15:45
S48	99	("20050268380" "20060000008" "20060005301" "20060162052" "20070180600" "20070192941" "20070245463" "20080178368" "2033551" "2254863" "2328953" "2438310" "2601602" "2623210" "2624336" "2641257" "2652053" "2872685" "3207155" "3220410" "3283545" "3294086" "3459181" "3496576" "3499442" "3499443" "3511234" "3517666" "3621846" "4009495" "4173976" "4195630" "4377008" "4414971" "4554685" "4660551" "4702239" "4759355" "4870958" "4955088" "5029345" "5070869" "5157793" "5226179" "5237706" "5283912" "5379462" "5461729" "5524298" "5547466" "5598587" "5647065" "5718003" "5807299" "5870779" "5875495" "5978971" "6026517" "6038703" "6061840" "6245036" "6289520" "6295651" "6308342" "6353940" "6487728" "6799334" "6820284" "6862746" "6901607" "7017193" "7024703" "7065797" "7178174" "7198688" "7631369" "7676853" "D509945").PN. OR ("7958571").URPN.	US-PGPUB; USPAT; USOCR	OR	ON	2013/12/30 15:48
S50	106	A41B9/023.CPC.	US-PGPUB; USPAT	OR	ON	2013/12/30 15:48
S51	15	("2058970" "3459181" "4554685" "5070869" "5524298" "5718003" "6820284" "6901607" "7065797" "7178174").PN. OR ("7676853").URPN.	US-PGPUB; USPAT; USOCR	OR	ON	2013/12/30 15:52
S52	31	("4195630" "4660551" "5070869" "20040025218" "3710397" "4377008" "5379462" "6018822" "5029345" "5647065" "2471348" "5029345" "5647065" "4345337" "4759355" "5870779" "7024703" "4961419" "7434273" "2328953" "5435014" "2601602" "20070277285" "D461622" "3261846" "4414971" "5283912" "4195630" "4702239" "6901607" "2369773" "4414971" "4955088" "7024703" "0850298" "2601602" "6557183").PN.	US-PGPUB; USPAT	OR	ON	2013/12/30 16:24
S53	115	("20070283484" "20080189833" "20110307996" "20120151662" "2058970" "2328953" "2641257" "3499442" "4644945" "4961419" "5029345" "5819323" "6038703" "6487728" "6799334" "7065797" "7178174" "7578009" "D509945" "D566926" "4195630" "20100005561" "20120144563" "20120167280"	US-PGPUB; USPAT	OR	ON	2013/12/30 16:30

		"3499443" "3511234" "4173976" "4377008" "4414971" "5618279" "6243880" "7198688" "7749214" "7762262" "20110258756" "2254863" "3683909" "4526167" "5070869" "5283912" "5547466" "6295651" "7895676" "7958571" "20090106874" "2601602" "3294086" "3621846" "4870958" "4955088" "5226179" "5716350" "5807299" "5870779" "5978971" "6308342" "6353940" "7100213" "7631369" "7721355" "7788739" "8128675" "D382386" "7024703" "8555422" "20080052807" "2033551" "2623210" "2624336" "2652053" "2872685" "3283545" "3517666" "4660551" "5379462" "6105174" "7676853" "7810173" "7958571" "2684673" "3207155" "3220410" "3295520" "3459181" "5157793" "5461729" "5598587" "5718003" "6047408" "6289520" "6425140" "7024703" "D571532" "20090158505" "20100275349" "4554685" "4702239" "5237706" "5524298" "5920914" "6820284" "6862746" "7017193" "D408964" "20120017356" "2354971" "2438310" "4195630" "4759355" "5052058" "5647065" "5875495" "6026517" "6041441" "6061840" "6245036" "6901607" "7669253").PN.				
S54	11	("4870858" "6245036" "6289520" "D382386" "D408964").PN. OR ("D509945").URPN.	US-PGPUB; USPAT; USOCR	OR	ON	2013/12/31 12:49
S55	116	("0038930" "0602188" "0833849" "1052765" "1083712" "1265089" "1404855" "1512171" "1861383" "20040025218" "20060277649" "20070277285" "20080114327" "20090106874" "20110023216" "2012879" "2033266" "2033551" "2235849" "2323842" "2328953" "2336248" "2369773" "2601602" "2872685" "3207155" "3250273" "3788314" "3844282" "3974836" "4014044" "4195630" "4377008" "4389733" "4555245" "4637078" "4660554" "4759355" "4870958" "4961419" "5029345" "5070869" "5226179" "5274854" "5539926" "5607412" "5636387" "5647065" "5870779" "5875495" "6014777" "6018822" "6041441" "6295651" "6412119" "6425140" "6565548" "6662378" "6901607" "7024703" "7434273" "7788739" "8087098" "D160328" "D179937" "D268454" "D282212" "D339219" "D348102" "D353933" "D362950" "D378947" "D389289" "D398055" "D423188" "D444616" "D445239" "D494738" "D506303" "D509945" "D513658" "D521711" "D528266" "D529260"	US-PGPUB; USPAT; USOCR	OR	ON	2013/12/31 12:52

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		"D530485" "D537236" "D538508" "D539507" "D590129" "D603582" "D628517" "D651377" "D660551").PN. OR ("8555422").URPN.				
S56	31	("1781271" "2983924" "4195630" "4345337" "4526167" "4637078" "4961419" "5283912" "5598587" "5647065" "5716350" "5870779" "5875495" "5978971" "6038703" "6061840" "6108823" "6243880" "6287169" "6289520" "6308342" "6425140").PN. OR ("6662378").URPN.	US-PGPUB; USPAT; USOCR	OR	ON	2013/12/31 13:11
S57	44	(US-20060000008-\$ or US-20090106874-\$ or US-20050268380-\$ or US- 20110154560-\$ or US-20090288240-\$ or US-20040025218-\$ or US-20090158505-\$ or US-20040031088-\$ or US- 20080178369-\$ or US-20120167280-\$ or US-20070277285-\$ or US-20130219591-\$).did. or (US-7578009-\$ or US-5875495-\$ or US-4759355-\$ or US-4870958-\$ or US- 5157793-\$ or US-D509945-\$ or US- 7024703-\$ or US-2624336-\$ or US- 2033551-\$ or US-3511234-\$ or US- 3844282-\$ or US-2138481-\$ or US- 2114268-\$ or US-3517666-\$ or US- 7017193-\$ or US-D646462-\$ or US- D656708-\$ or US-4173976-\$ or US- 2457260-\$ or US-1020588-\$ or US- 2235849-\$ or US-5647065-\$ or US- 2601602-\$ or US-5029345-\$ or US- 2140459-\$ or US-6243880-\$).did. or (US- 7788739-\$ or US-5379462-\$ or US- 6289520-\$ or US-8555422-\$ or US- 6662378-\$ or US-2254863-\$).did.	US-PGPUB; USPAT	OR	ON	2013/12/31 13:26
S58	550	(A41B9/02 OR A41B9/026 OR A61F5/40).CPC.	US-PGPUB; USPAT	OR	ON	2013/12/31 13:27
S59	0	S57 and ((four near2 way) or four\$1way or "4"\$1way or (S56 near2 way)) near2 stretch\$3	US-PGPUB; USPAT	OR	ON	2013/12/31 13:28
S60	4	S57 and (stretch\$3 near4 direction)	US-PGPUB; USPAT	OR	ON	2013/12/31 13:28
S61	47	((four near2 way) or four\$1way or "4"\$1way or (S56 near2 way)) and (under\$1wear or (under near2 wear)) and (men or male)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/12/31 13:32
S62	1	("20050229293").PN.	US-PGPUB; USPAT	OR	OFF	2013/12/31 14:17
S63	1	((DUSTIN) near2 (BIGNEY)).INV.	US-PGPUB; USPAT	OR	ON	2013/12/31 15:03
S64	195	(biased or (stretched and unstretched)) and underwear and (male or men)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/12/31 18:04

S65	201	(biased or (stretched and un\$1stretched)) and underwear and (male or men)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/12/31 18:04
S66	6	S65 not S64	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/12/31 18:04
S67	2	(panel with ((sewn or sewing or stitch or stitched or stitching) near3 stretched)) and underwear and (male or men)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/01/02 12:12
S68	2	(panel with ((sewn or sewing or stitch or stitched or stitching) near3 stretched)) and (underwear or under\$1wear or under\$1garment or undergarment) and (male or men)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/01/02 12:12
S69	2	(pouch with ((sewn or sewing or stitch or stitched or stitching) near3 stretched)) and (underwear or under\$1wear or under\$1garment or undergarment) and (male or men)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/01/02 12:13
S70	15	((sewn or sewing or stitch or stitched or stitching) near3 stretched) and (underwear or under\$1wear or under\$1garment or undergarment) and (male or men)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/01/02 12:14
S71	2	((panel or pouch) with ((sewn or sewing or stitch or stitched or stitching) near6 stretched)) and underwear and (male or men)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/01/02 12:49
S72	4	((panel or pouch) with ((sewn or sewing or stitch or stitched or stitching) with stretched)) and underwear and (male or men)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/01/02 12:49
S73	8	((panel or pouch) with ((sewn or sewing or stitch or stitched or stitching) with stretched)) and underwear	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO;	OR	ON	2014/01/02 12:50

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			DERWENT; IBM_TDB			
S74	54	((panel or pouch) with ((sewn or sewing or stitch or stitched or stitching) with stretched)) and (shorts or bloomers)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/01/02 12:51
S75	14	((panel or pouch) with ((sewn or sewing or stitch or stitched or stitching) with tension\$3)) and underwear	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/01/02 12:59
S76	14	((panel or pouch) with tension\$3) with (sewn or sewing or stitch or stitched or stitching)) and underwear	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/01/02 13:01
S77	7	(bias\$3 near6 (open\$3)) and (male or men or boy) and (under\$1garment or (under near2 garment) or underwear or under\$1wear) and (penis or scrotum or genitals or genitalia)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/01/03 10:41
S78	53	(stretch\$3 near6 (open\$3)) and (male or men or boy) and (under\$1garment or (under near2 garment) or underwear or under\$1wear) and (penis or scrotum or genitals or genitalia)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/01/03 10:42
S79	1	("D646462").PN.	US-PGPUB; USPAT	OR	OFF	2014/01/03 12:47
S80	49	(US-20060000008-\$ or US-20090106874-\$ or US-20050268380-\$ or US-20110154560-\$ or US-20090288240-\$ or US-20040025218-\$ or US-20090158505-\$ or US-20040031088-\$ or US-20080178369-\$ or US-20120167280-\$ or US-20070277285-\$ or US-20130219591-\$ or US-20050229293-\$ or US-20100300453-\$).did. or (US-7578009-\$ or US-5875495-\$ or US-4759355-\$ or US-4870958-\$ or US-5157793-\$ or US-D509945-\$ or US-7024703-\$ or US-2624336-\$ or US-2033551-\$ or US-3511234-\$ or US-3844282-\$ or US-2138481-\$ or US-2114268-\$ or US-3517666-\$ or US-7017193-\$ or US-D646462-\$ or US-D656708-\$ or US-4173976-\$ or US-2457260-\$ or US-1020588-\$ or US-2235849-\$ or US-5647065-\$ or US-2601602-\$ or US-5029345-\$ or US-2140459-\$ or US-6243880-\$).did. or (US-7788739-\$ or US-5379462-\$ or US-6289520-\$ or US-	US-PGPUB; USPAT; USOCR	OR	ON	2014/07/17 13:16

		8555422-\$ or US-6662378-\$ or US-2254863-\$ or US-7198688-\$ or US-5461729-\$.did. or (US-3459181-\$).did.				
S81	18	S80 and stretch\$3	US-PGPUB; USPAT; USOCR	OR	ON	2014/07/17 13:16
S82	49	(US-20060000008-\$ or US-20090106874-\$ or US-20050268380-\$ or US-20110154560-\$ or US-20090288240-\$ or US-20040025218-\$ or US-20090158505-\$ or US-20040031088-\$ or US-20080178369-\$ or US-20120167280-\$ or US-20070277285-\$ or US-20130219591-\$ or US-20050229293-\$ or US-20100300453-\$.did. or (US-7578009-\$ or US-5875495-\$ or US-4759355-\$ or US-4870958-\$ or US-5157793-\$ or US-D509945-\$ or US-7024703-\$ or US-2624336-\$ or US-2033551-\$ or US-3511234-\$ or US-3844282-\$ or US-2138481-\$ or US-2114268-\$ or US-3517666-\$ or US-7017193-\$ or US-D646462-\$ or US-D656708-\$ or US-4173976-\$ or US-2457260-\$ or US-1020588-\$ or US-2235849-\$ or US-5647065-\$ or US-2601602-\$ or US-5029345-\$ or US-2140459-\$ or US-6243880-\$.did. or (US-7788739-\$ or US-5379462-\$ or US-6289520-\$ or US-8555422-\$ or US-6662378-\$ or US-2254863-\$ or US-7198688-\$ or US-5461729-\$.did. or (US-3459181-\$).did.	US-PGPUB; USPAT; USOCR	OR	ON	2014/07/28 16:16
S83	18	S82 and (stretch\$3 or tension\$3 or bias\$3)	US-PGPUB; USPAT; USOCR	OR	ON	2014/07/28 16:16
S84	19	("2664889" "2695610" "3283545" "3322120" "3499442" "Re21999").PN. OR ("5461729").URPN.	US-PGPUB; USPAT; USOCR	OR	ON	2014/07/29 13:10
S85	1152	((fabric or material) near2 (stretch\$3 or tension\$3 or bias\$3)) near2 (stitch\$3 or sew\$3)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/07/29 13:18
S86	9	S85 and (under\$1wear or underwear or brief or boxer or undergarment or under\$1garment) and (genital or penis or scrotum)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/07/29 13:19

7/ 30/ 2014 4:20:05 PM

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file:///C:/Users/akinsaul/Documents/e-Red%20Folder/13193584/EASTSearchHistory.13193584_AccessibleVersion.html[7/30/2014 4:20:05 PM] U.S. Patent No. 10,834,974

Issue Classification 	Application/Control No. 13193584	Applicant(s)/Patent Under Reexamination BIGNEY, DUSTIN
	Examiner ANNA KINSAUL	Art Unit 3765

CPC						
Symbol					Type	Version
A41B		9		023	F	2013-01-01

CPC Combination Sets				
Symbol	Type	Set	Ranking	Version

/ANNA KINSAUL/ Examiner.Art Unit 3765 (Assistant Examiner)	7/30/2014 (Date)	Total Claims Allowed: 15	
/KHOA HUYNH/ Supervisory Patent Examiner.Art Unit 3765 (Primary Examiner)	08/01/2014 (Date)	O.G. Print Claim(s) 1	O.G. Print Figure 2 and 3

<i>Issue Classification</i> 	Application/Control No. 13193584	Applicant(s)/Patent Under Reexamination BIGNEY, DUSTIN
	Examiner ANNA KINSAUL	Art Unit 3765

[illegible]

/ANNA KINSAUL/ Examiner.Art Unit 3765		7/30/2014	Total Claims Allowed:	
(Assistant Examiner)		(Date)	15	
/KHOA HUYNH/ Supervisory Patent Examiner.Art Unit 3765		08/01/2014	O.G. Print Claim(s)	O.G. Print Figure
(Primary Examiner)		(Date)	1	2 and 3

Issue Classification 	Application/Control No. 13193584	Applicant(s)/Patent Under Reexamination BIGNEY, DUSTIN
	Examiner ANNA KINSAUL	Art Unit 3765

☐ Claims renumbered in the same order as presented by applicant ☐ CPA ☐ T.D. ☐ R.1.47															
Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original
1	1	14	17												
2	2	15	18												
3	3														
4	4														
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11	12														
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12	14														
13	15														
	16														

/ANNA KINSAUL/ Examiner.Art Unit 3765 (Assistant Examiner)	7/30/2014 (Date)	Total Claims Allowed: 15	
/KHOA HUYNH/ Supervisory Patent Examiner.Art Unit 3765 (Primary Examiner)	08/01/2014 (Date)	O.G. Print Claim(s) 1	O.G. Print Figure 2 and 3



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BIB DATA SHEET

CONFIRMATION NO. 8229

SERIAL NUMBER 13/193,584	FILING or 371(c) DATE 07/28/2011 RULE	CLASS 002	GROUP ART UNIT 3765	ATTORNEY DOCKET NO. B769 0001/GNM	
APPLICANTS INVENTORS Dustin Bigney, West Vancouver, CANADA; ** CONTINUING DATA ***** This appln claims benefit of 61/429,065 12/31/2010 ** FOREIGN APPLICATIONS ***** ** IF REQUIRED, FOREIGN FILING LICENSE GRANTED ** ** SMALL ENTITY ** 08/08/2011					
Foreign Priority claimed ☐ Yes ☒ No 35 USC 119(a-d) conditions met ☐ Yes ☒ No Verified and /ANNA KATHRYN KINSAUL/ Acknowledged Examiner's Signature	☐ Met after Allowance Initials	STATE OR COUNTRY CANADA	SHEETS DRAWINGS 13	TOTAL CLAIMS 18 15	INDEPENDENT CLAIMS 2 1
ADDRESS OYEN, WIGGS, GREEN & MUTALA LLP 480 - THE STATION 601 WEST CORDOVA STREET VANCOUVER, BC V6B 1G1 CANADA					
TITLE GARMENTS FOR MEN					
FILING FEE RECEIVED 462	FEES: Authority has been given in Paper No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following:		☐ All Fees ☐ 1.16 Fees (Filing) ☐ 1.17 Fees (Processing Ext. of time) ☐ 1.18 Fees (Issue) ☐ Other _____ ☐ Credit		

EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L2	0	(body and (front adj portion) and (leg adj openings) and (crotch adj panel) and (first adj seam) and waistband and (stretch adj panel) and (four\$1way adj stretch)).clm.	US-PGPUB; USPAT; USOCR	OR	ON	2014/07/30 17:17

7/ 30/ 2014 5:17:15 PM

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PTO/SB/81 (01-09)

Approved for use through 11/30/2011. OMB 0651-0035
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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POWER OF ATTORNEY OR REVOCATION OF POWER OF ATTORNEY WITH A NEW POWER OF ATTORNEY AND CHANGE OF CORRESPONDENCE ADDRESS	Application Number	13/193,584
	Filing Date	July 28, 2011
	First Named Inventor	BIGNEY et al.
	Title	Garments for Men
	Art Unit	3765
	Examiner Name	Anna Kathryn KINSAUL
	Attorney Docket Number	SMTT.358

I hereby revoke all previous powers of attorney given in the above-identified application.

☐ A Power of Attorney is submitted herewith.

OR

☒ I hereby appoint Practitioner(s) associated with the following Customer Number as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith:

23581

OR

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Practitioner(s) Name	Registration Number

Please recognize or change the correspondence address for the above-identified application to:

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OR

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Address

City

State

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Country

Telephone

Email

I am the:

☐ Applicant/Inventor.

OR

☒ Assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) (Form PTO/SB/96) submitted herewith or filed on

28-JULY-2011

SIGNATURE of Applicant or Assignee of Record

Signature

Date

Name

Telephone

Title and Company

of 0912139 B.C. LTD.

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☒ *Total of 1 forms are submitted.

This collection of information is required by 37 CFR 1.31, 1.32 and 1.33. 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 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Page 261 of 375

U.S. Patent No. 10,834,974

Electronic Acknowledgement Receipt

EFS ID:	20236827
Application Number:	13193584
International Application Number:	
Confirmation Number:	8229
Title of Invention:	GARMENTS FOR MEN
First Named Inventor/Applicant Name:	Dustin Bigney
Customer Number:	720
Filer:	Thomas James Romano/Amy Kuntz-Presting
Filer Authorized By:	Thomas James Romano
Attorney Docket Number:	B769 0001/GNM
Receipt Date:	24-SEP-2014
Filing Date:	28-JUL-2011
Time Stamp:	18:31:46
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no
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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Assignee showing of ownership per 37 CFR 3.73.	20140924_Statement_Under_37CFR373b_SMTT358.pdf	422543 9a967eb55e77a48a1264f8077f274d4cca9a2911	no	2

Warnings:

Information:

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Page 262 of 375

U.S. Patent No. 10,834,974

2	Power of Attorney	20140924_POA_SMTT358.pdf	108345	no	1
			09a56e7ee795e5290f1e0654c34291ea4780456e		
Warnings:					
Information:					
Total Files Size (in bytes):				530888	
<p>This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.</p> <p><u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.</p> <p><u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.</p> <p><u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.</p>					

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STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: Dustin BIGNEY

Application No./Patent No.: 13/193,584 Filed/Issue Date: July 28, 2011

Titled: GARMENTS FOR MEN

0912139 B.C. LTD., a corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest in;
2. ☐ an assignee of less than the entire right, title, and interest in
(The extent (by percentage) of its ownership interest is _____ %); or
3. ☐ the assignee of an undivided interest in the entirety of (a complete assignment from one of the joint inventors was made)

the patent application/patent identified above, by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel 026791, Frame 0044, or for which a copy therefore is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at
 Reel _____, Frame _____, or for which a copy thereof is attached.

2. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at
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The document was recorded in the United States Patent and Trademark Office at
 Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet(s).

- ☒ As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

/ Thomas J. Romano /

September 24, 2014

Signature

Date

Thomas J. ROMANO

Attorney for Assignee

Printed or Typed Name

Title

This collection of information is required by 37 CFR 3.73(b). 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 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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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.



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
13/193,584	07/28/2011	Dustin Bigney	SMTT.358

CONFIRMATION NO. 8229**POA ACCEPTANCE LETTER**

OC000000071026776

23581
KOLISCH HARTWELL, P.C.
200 PACIFIC BUILDING
520 SW YAMHILL STREET
PORTLAND, OR 97204

Date Mailed: 10/01/2014

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/24/2014.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/mabebe/

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



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
13/193,584	07/28/2011	Dustin Bigney	B769 0001/GNM

CONFIRMATION NO. 8229**POWER OF ATTORNEY NOTICE**

OC000000071026751

720
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 VANCOUVER, BC V6B 1G1
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Date Mailed: 10/01/2014

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/24/2014.

- The Power of Attorney to you in this application has been revoked by the assignee who has intervened as provided by 37 CFR 3.71. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

/mabebe/

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

Doc code: RCEX

Doc description: Request for Continued Examination (RCE)

PTO/SB/30EFS (07-09)

Approved for use through 07/31/2012. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

REQUEST FOR CONTINUED EXAMINATION(RCE)TRANSMITTAL (Submitted Only via EFS-Web)

Application Number	13193584	Filing Date	2011-07-28	Docket Number (if applicable)	SMTT.358	Art Unit	3765
First Named Inventor	BIGNEY et al.			Examiner Name	Anna Kathryn KINSAUL		

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.

Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. The Instruction Sheet for this form is located at WWW.USPTO.GOV

SUBMISSION REQUIRED UNDER 37 CFR 1.114

Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

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

☐ Other _____

☒ Enclosed

☐ Amendment/Reply

☐ Information Disclosure Statement (IDS)

☐ Affidavit(s)/ Declaration(s)

☒ Other Petition to Correct Inventorship Under 37 C.F.R. § 1.48(a)

MISCELLANEOUS

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

☐ Other _____

FEES

The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

☒ The Director is hereby authorized to charge any underpayment of fees, or credit any overpayments, to Deposit Account No 111540

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

☒ Patent Practitioner Signature

☐ Applicant Signature

Tommy John EX1004

Page 268 of 375

Doc code: RCEX

Doc description: Request for Continued Examination (RCE)

PTO/SB/30EFS (07-09)

Approved for use through 07/31/2012. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Signature of Registered U.S. Patent Practitioner			
Signature	/ Anton E. Skaugset /	Date (YYYY-MM-DD)	2014-11-06
Name	Anton E. SKAUGSET	Registration Number	38617

This collection of information is required by 37 CFR 1.114. 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 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Tommy John EX1004

Privacy Act Statement

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

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

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

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	Dated:	November 6, 2014
BIGNEY et al.	Attorney Docket:	SMTT.358
Filing/371 Date: July 28, 2011	Art Unit:	3765
Serial No.: 13/193,584	Examiner:	Anna Kathryn KINSAUL
For:	GARMENTS FOR MEN	

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

Sir/Madam:

PETITION TO CORRECT INVENTORSHIP UNDER 37 C.F.R. § 1.48(a)

Pursuant to 37 C.F.R. § 1.48, Applicants hereby petition to correct the inventorship of the above-identified U.S. patent application.

Under 37 C.F.R. § 1.48, amendment of the inventorship requires

- (1) A request to correct the inventorship that sets forth the desired inventorship change;
- (2) A statement from each person being added as an inventor that the error in inventorship occurred without deceptive intention on his or her part;
- (3) An oath or declaration by the actual inventors;
- (4) The processing fee set forth in § 1.17(i); and
- (5) The written consent of the Assignee.

The present application was filed naming Dustin Bigney as the sole inventor. Applicants hereby request that the inventorship of the application be corrected through the addition of **Shawn Robert Ellis** as a co-inventor in U.S. patent application no. 13/193,584. The change in inventorship is summarized below:

The corrected inventorship for the present application should be as follows:

Dustin BIGNEY; and

Shawn Robert ELLIS of
2784 Bath Street, Kelowna, BC Canada, V1Y1M5,
who is **a Canadian Citizen.**

The requisite processing fee set forth in 37 C.F.R. § 1.17(i) in the amount of \$70.00 is submitted with this communication. Please charge any additional fees or credit any overpayment to Deposit Account No. 11-1540. Contact the undersigned agent with any questions.

Applicants' representative has only very recently become aware of the need to correct the inventorship of the present application. As a result the following items specified under 37 C.F.R §§ 1.48(a)(2), § 1.48(a)(3) and § 1.48(a)(5) have not yet been obtained, and will follow this Petition in due course:

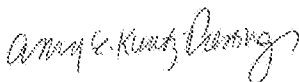
- Statement by Shawn Robert Ellis stating that the error in inventorship occurred without deceptive intention on his part;
- An executed oath under 37 C.F.R. § 1.63 (or as permitted by §§ 1.42, 1.43 or § 1.47); and
- The written consent of the assignee, 0912139 B.C. LTD., because an Assignment has been executed by original inventor Dustin Bigney.

In order to ensure that the present petition is considered, and to provide an opportunity to perfect the petition, Applicants herewith submit a Request for Continued Examination under 37 C.F.R. § 1.114 to serve as a request to withdraw the present application from issue in order to consider the present petition.

If there are any questions regarding this petition, or any other aspect of the present application, please contact the undersigned agent.

**CERTIFICATE OF EFS-WEB
TRANSMISSION**

I hereby certify that this correspondence is being transmitted via the U.S. Patent and Trademark Office electronic filing system (EFS-Web) to the USPTO on November 6, 2014.



Amy E. KUNTZ-PRESTING

Respectfully submitted,

KOLISCH HARTWELL, P.C.

/ Anton E. Skaugset /
Anton E. SKAUGSET, Ph.D.
Registration No. 38,617
PTO Customer No. 23581
200 Pacific Building
520 S.W. Yamhill Street
Portland, Oregon 97204
Telephone: (503) 224-6655
Facsimile: (503) 295-6679
Of Attorneys/Agents for Assignee

Electronic Patent Application Fee Transmittal				
Application Number:		13193584		
Filing Date:		28-Jul-2011		
Title of Invention:		GARMENTS FOR MEN		
First Named Inventor/Applicant Name:		Dustin Bigney		
Filer:		Anton E. Skaugset/Amy Kuntz-Presting		
Attorney Docket Number:		SMTT.358		
Filed as Small Entity				
Utility under 35 USC 111(a) Filing Fees				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Petition Fee-37CFR 1.17(h) (Group II)	2464	1	70	70
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				

Tommy John EX1004

Page 274 of 375

U.S. Patent No. 10,834,974

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Miscellaneous:				
RCE - 2nd and Subsequent Request	2820	1	850	850
Total in USD (\$)				920

Electronic Acknowledgement Receipt

EFS ID:	20631501
Application Number:	13193584
International Application Number:	
Confirmation Number:	8229
Title of Invention:	GARMENTS FOR MEN
First Named Inventor/Applicant Name:	Dustin Bigney
Customer Number:	23581
Filer:	Anton E. Skaugset/Amy Kuntz-Presting
Filer Authorized By:	Anton E. Skaugset
Attorney Docket Number:	SMTT.358
Receipt Date:	06-NOV-2014
Filing Date:	28-JUL-2011
Time Stamp:	19:05:08
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	\$920
RAM confirmation Number	5249
Deposit Account	
Authorized User	

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi-Part / zip (if appl)	Pages
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1	Request for Continued Examination (RCE)	20141106_RCE_Transmittal_S MTT358.pdf	697683 644de7f899145a98075d52b8199154d0bbd e62c9	no	3
Warnings:					
Information:					
2	Petition for review/processing depending on status	20141106_Petition_to_Correct _Inventorship_SMTT358.pdf	131293 ce798eb45c16499cb8f9198f348b7874398 bdfe0	no	3
Warnings:					
Information:					
3	Fee Worksheet (SB06)	fee-info.pdf	32272 4eaea08c610e42de46ac891cd9310a7f43dc 59d0	no	2
Warnings:					
Information:					
Total Files Size (in bytes):			861248		
<p>This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.</p> <p><u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.</p> <p><u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.</p> <p><u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.</p>					

Document code: WFEE

United States Patent and Trademark Office
Sales Receipt for Accounting Date: 10/21/2015

MTEKLEMI	ADJ #00000001	Mailroom Dt: 11/06/2014	
	Seq No: 5249	Sales Acctg Dt: 11/07/2014	13193584
	01 FC : 2464	-70.00 OP	



UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
13/193,584	07/28/2011	Dustin Bigney	SMTT.358

CONFIRMATION NO. 8229**IMPROPER CFR REQUEST**

OC000000071881613

23581
 KOLISCH HARTWELL, P.C.
 200 PACIFIC BUILDING
 520 SW YAMHILL STREET
 PORTLAND, OR 97204

Date Mailed: 11/20/2014

RESPONSE TO REQUEST FOR CORRECTED FILING RECEIPT***Power of Attorney, Claims, Fees, System Limitations, and Miscellaneous***

In response to your request for a corrected Filing Receipt, the Office is unable to comply with your request because:

- The request to correct inventorship under 37 CFR 1.48(a) is deficient because a corrected or updated application data sheet (ADS) (or a supplemental ADS for applications filed before 9/16/12) in compliance with 37 CFR 1.76 (including markings showing the changes) has not been submitted. Any renewed request must include a corrected or updated ADS (or supplemental ADS for applications filed before 9/16/12) in compliance with 37 CFR 1.76 that identifies the information being changed, with underlining for insertions, and strike-through or brackets for text removed.

/sstephanos/

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/193,584	07/28/2011	Dustin Bigney	SMTT.358	8229

23581 7590 03/03/2015
 KOLISCH HARTWELL, P.C.
 200 PACIFIC BUILDING
 520 SW YAMHILL STREET
 PORTLAND, OR 97204

EXAMINER

KINSAUL, ANNA KATHRYN

ART UNIT	PAPER NUMBER
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3765

NOTIFICATION DATE	DELIVERY MODE
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03/03/2015

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@khpatent.com
 veronica@khpatent.com

Office Action Summary	Application No. 13/193,584	Applicant(s) BIGNEY, DUSTIN	
	Examiner ANNA KINSAUL	Art Unit 3765	AIA (First Inventor to File) Status No

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

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 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 6 November 2014.
☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on _____.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on _____; the restriction requirement and election have been incorporated into this action.
- 4) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims*

- 5) ☒ Claim(s) 1-9, 11, 12, 14, 15, 17 and 18 is/are pending in the application.
5a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 6) ☒ Claim(s) 1-9, 11, 12, 14, 15, 17 and 18 is/are allowed.
- 7) ☐ Claim(s) _____ 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 22 September 2011 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)
Paper No(s)/Mail Date _____ | 4) ☐ Other: _____ |

Application/Control Number: 13/193,584
Art Unit: 3765

Page 2

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

DETAILED ACTION

This application is in condition for allowance except for the following formal matters:

The request for corrected filing receipt is deficient. See Misc. Comm. Dated November 20, 2014. All other relevant documents (Bib data sheet, search information, amendments, etc.) relating to the allowance of this application have been previously submitted and are dated August 6, 2014.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 25 USPQ 74, 453 O.G. 213, (Comm'r Pat. 1935).

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANNA KINSAUL whose telephone number is (571)270-1926. The examiner can normally be reached on M-Fri 9am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Khoa Huyhn can be reached on (571) 272-4888. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Application/Control Number: 13/193,584
Art Unit: 3765

Page 3

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

/ANNA KINSAUL/
Examiner, Art Unit 3765

/Khoa Huynh/
Supervisory Patent Examiner, Art Unit 3765



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/193,584	07/28/2011	Dustin Bigney	SMTT.358	8229

23581 7590 04/06/2015
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 PORTLAND, OR 97204

EXAMINER

KINSAUL, ANNA KATHRYN

ART UNIT	PAPER NUMBER
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3765

NOTIFICATION DATE	DELIVERY MODE
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04/06/2015

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@khpatent.com
 veronica@khpatent.com

<i>Applicant-Initiated Interview Summary</i>	Application No. 13/193,584	Applicant(s) BIGNEY, DUSTIN	
	Examiner ANNA KINSAUL	Art Unit 3765	

All participants (applicant, applicant's representative, PTO personnel):

(1) ANNA KINSAUL. (3) ____.

(2) ANTON SKAUGSET. (4) ____.

Date of Interview: 30 March 2015.

Type: ☒ Telephonic ☐ Video Conference
☐ Personal [copy given to: ☐ applicant ☐ applicant's representative]

Exhibit shown or demonstration conducted: ☐ Yes ☒ No.
If Yes, brief description: ____.

Issues Discussed ☐101 ☐112 ☐102 ☐103 ☒Others
(For each of the checked box(es) above, please describe below the issue and detailed description of the discussion)

Claim(s) discussed: None.

Identification of prior art discussed: None.

Substance of Interview
(For each issue discussed, provide a detailed description and indicate if agreement was reached. Some topics may include: identification or clarification of a reference or a portion thereof, claim interpretation, proposed amendments, arguments of any applied references etc...)

Discussed necessary filings for allowance of the application regarding the correction of inventorship. Examiner also suggested Applicant further contact the Office of Data Management to ensure that the application would not be abandoned.

Applicant recordation instructions: The formal written reply to the last Office action must include the substance of the interview. (See MPEP section 713.04). If a reply to the last Office action has already been filed, applicant is given a non-extendable period of the longer of one month or thirty days from this interview date, or the mailing date of this interview summary form, whichever is later, to file a statement of the substance of the interview

Examiner recordation instructions: Examiners must summarize the substance of any interview of record. A complete and proper recordation of the substance of an interview should include the items listed in MPEP 713.04 for complete and proper recordation including the identification of the general thrust of each argument or issue discussed, a general indication of any other pertinent matters discussed regarding patentability and the general results or outcome of the interview, to include an indication as to whether or not agreement was reached on the issues raised.

☐ Attachment

/ANNA KINSAUL/ Examiner, Art Unit 3765	
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Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

I hereby certify that this correspondence is being filed via
EFS-Web with the United States Patent and Trademark Office
on September 2, 2015.

PATENT
Attorney Docket No.: 98622-956378-000100US
Client Ref. No.: 16656-5

KILPATRICK TOWNSEND & STOCKTON LLP

By: /Sean F. Parmenter/
Sean F. Parmenter

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Dustin Bigney

Application No.: 13/193,584

Filed: July 28, 2011

For: GARMENTS FOR MEN

Customer No.: 20350

Confirmation No.: 8229

Examiner: Anna Kathryn Kinsaul

Technology Center/Art Unit: 3765

PETITION UNDER
35 C.F.R. § 1.47(a)

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

Commissioner:

In response to the Ex Parte Quayle Action mailed March 3, 2015, Applicant submits herewith petition under 35 C.F.R. 1.47(a) for filing when an inventor refuses to sign or cannot be reached.

PETITION UNDER 37 CFR § 1.47(a)

In order to satisfy requirement (3) of the accompanying Request for Correction of Inventorship under 37 CFR § 1.48(a), Applicant hereby petitions under 37 CFR § 1.47(a) to make the application on behalf of himself and on behalf of the non-signing inventor, Shawn Ellis, who refuses to sign the declaration either after having been presented with the application papers, or after attempting to make such a presentation.

Shawn Ellis Refuses to Sign the Declaration

Attached herewith are the declarations of Theodore Sum (Exhibit A) and Dustin Bigney (Exhibit B), setting forth the efforts made to obtain the signatures of inventor Shawn Ellis, and the subsequent refusal by inventor, Shawn Ellis, to sign the declaration and the

statement that the error in inventorship occurred without deceptive intention on his or her part after being presented with the application papers, or such presentation attempted.

Mr. Sum is a partner at the Canadian law firm, Smart & Biggar, which represents 0912139 B.C. Ltd. in its intellectual property matters generally and provides instructions on behalf of 0912139 B.C. Ltd. to its U.S. patent counsel. Mr. Bigney is a named inventor of the Application and is the President of 0912139 B.C. Ltd, current assignee of the Application. Prior to forming 0912139 B.C. Ltd., Mr. Bigney worked with Shawn Ellis on an improvement to garments for men.

As stated in paragraphs 3, 4 and 5 of the Sum declaration, Mr. Sum sent letters via FedEx to Shawn Ellis and KE Imports Ltd. on July 24 and 27, 2015 seeking their cooperation in having Mr. Ellis complete and execute a declaration and a Statement of Inventor in Support of Petition Under 37 C.F.R. § 1.48(a) relating to U.S. Application No. 13/193,584 and requesting that the declaration and statement be executed and returned to Smart & Biggar by August 5, 2015.

As stated in paragraph 6 of the Sum declaration, on August 5, 2015, Mr. Sum received a reply letter from Katherine E. Ducey, an attorney with the law firm Campbell Froh May & Rice LLP stating that Campbell Froh May & Rice acted for KE Imports Ltd, Shawn Ellis and Glen Kirk and was writing in response to Mr. Sum's letter addressed to KE Imports Ltd. dated July 27, 2015. As stated in paragraph 7 of the Sum declaration, the reply letter from Katherine E. Ducey did not include the requested declaration and statement executed by Mr. Ellis.

As further stated in paragraph 6 of the Sum declaration, the reply letter from Katherine E. Ducey stated that it was a condition of Mr. Ellis' cooperation that Mr. Kirk be included in the request to correct inventorship and that Mr. Ellis was prepared to cooperate only if Mr. Kirk and Mr. Ellis be equally recognized as co-inventors in respect of US Patent Application No. 13/193,584 and that any corrections to inventorship include both of them.

As stated in paragraph 8 of the Sum declaration and paragraph 7 of the Bigney declaration, on August 11, 2015, Mr. Sum, Mr. Bigney and Graeme Charlton, an associate lawyer with Smart & Biggar and a registered US patent agent under 37 CFR § 11.6(c) who has

Appl. No. 13/193,584
Amdt. dated September 2, 2015
Response to Office Action of March 3, 2015

PATENT

been coordinating the prosecution of the patent applications for 0912139 B.C. Ltd., including U.S. Application No. 13/193,584, had a teleconference. In the conference call, Mr. Charlton explained to Mr. Bigney the requirements of inventorship and asked Mr. Bigney to review both U.S. Application No. 13/193,584 and U.S. Provisional Application No. 61/429,065, to which U.S. Application No. 13/193,584 claims priority, for any possibility that Mr. Kirk may be an inventor in respect of U.S. Application No. 13/193,584. Mr. Charlton had also previously explained the requirements for inventorship to Mr. Bigney.

As stated in paragraph 8 of the Bigney declaration, Mr. Bigney reviewed both U.S. Application No. 13/193,584 and U.S. Provisional Application No. 61/429,065 to determine the contribution, if any, of Mr. Kirk to the conception of the invention as defined by the claims. As further stated in paragraph 8 of the Bigney declaration, after reviewing the claims allowed in US Application No. 13/193,584, Mr. Bigney concluded that to the best of his knowledge, Glen Kirk had no involvement in the invention as defined by the claims. Mr. Bigney informed Mr. Sum and Mr. Charlton of this on August 19, 2015 when Mr. Bigney spoke with Mr. Sum and Mr. Charlton via conference call.

In view of the foregoing, the failure to return the requested declaration and statement by the requested due date amount to a refusal to cooperate in the naming of Mr. Ellis as an inventor. Moreover, the addition of the conditions precedent for Mr. Ellis' cooperation as set out by the reply letter from his attorney, Ms. Ducey, amount to a refusal to cooperate in the naming of Mr. Ellis as an inventor. The conditions for naming Mr. Kirk are unreasonable in view of the assessment by the named inventor Mr. Bigney. The Assignee, 0912139 B.C. Ltd., cannot agree to have Mr. Kirk named as an inventor when there is no evidence that he is an inventor.

Therefore, as the Sum and Bigney declarations demonstrate, inventor, Shawn Ellis, refuses to sign the declaration of the instant application.

The petition fee set forth in 37 CFR § 1.17(g) for the petition under 37 CFR § 1.47(a) is attached.

Finally, the last known address for inventor Shawn Ellis is as follows:

2784 Bath Street,

Appl. No. 13/193,584
Amdt. dated September 2, 2015
Response to Office Action of March 3, 2015

PATENT

Kelowna, BC, Canada,
V17 1M5

0912139 B.C. Ltd. has proprietary rights in the above-referenced invention and hereby respectfully submits this petition to have the Applicants make the application for patent on behalf of themselves and on behalf of the non-signing inventor.

CONCLUSION

Accordingly, Applicant submits an oath or declaration made by Dustin Bigney on behalf of himself or herself and the nonsigning inventor Shawn Ellis, together with proof of the pertinent facts, the fee set forth in § 1.17(g), and the last known address of the nonsigning inventor.

Except for the issue fees payable under 37 C.F.R. § 1.18, the Director is authorized to charge any additional fees during pendency of this application, including any required extension of time fees, or credit any overpayment to Deposit Account Number 20-1430. This paragraph is intended to be a constructive petition for extension of time in accordance with 37 C.F.R. § 1.136(a)(3).

If the Examiner believes a telephone conference would expedite prosecution of this application, please contact the undersigned at (925) 472-5000 or sparmenter@kilpatricktownsend.com.

Respectfully submitted,

/Sean F. Parmenter, Reg. No.
53,437/

Sean F. Parmenter
Registration No. 53,437

KILPATRICK TOWNSEND & STOCKTON LLP

SFP

PATENT

Attorney Docket No.: _____

Family ID No.: _____

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Bigney

Application No.: 13/193,584

Filed: July 28, 2011

For: GARMENTS FOR MEN

Customer No.: 20350

Confirmation No. 8229

Examiner: KINSAUL, Anna Kathryn

DECLARATION OF DUSTIN BIGNEY

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

Sir:

I, Dustin Bigney, declare as follows:

1. I am the President of 0912139 B.C. Ltd. 0912139 B.C. Ltd. is the Assignee for U.S. Application No. 13/193,584. Prior to forming 0912139 B.C. Ltd., I worked with Shawn Ellis on an improvement to garments for men. I am an inventor for U.S. Application No. 13/193,584.

2. I understand that Shawn Ellis, an inventor of U.S. Application No. 13/193,584, has refused to sign documents, specifically the declaration and the Statement of Inventor in Support of Petition Under 37 C.F.R. § 1.48(a), necessary to complete the Petition Under 37 C.F.R. § 1.48(a) filed on November 6, 2014 in U.S. Application No. 13/193,584. This declaration summarizes my understanding of Shawn Ellis' refusal to execute the declaration and Statement of Inventor in Support of Petition Under 37 C.F.R. § 1.48(a) documents.

Appl. No. 13/193,584
Dec. dated September 2, 2015
Declaration of Dustin Bigney

PATENT
Attorney Docket No.: _____
Family ID No.: _____

Inventor Shawn Ellis refuses to sign the declaration

3. It is my understanding that Shawn Ellis is a Director of KE Imports Ltd., a British Columbia ("BC") Company registered with the BC Registrar of Companies. Attached hereto is a copy of the BC Company Summary for KE Imports Ltd., obtained from the online BC Registry Services, dated July 15, 2015.

4. Theodore Sum, a partner at the Canadian law firm, Smart & Biggar, which represents 0912139 B.C. Ltd. in its intellectual property matters generally and provides instructions on behalf of 0912139 B.C. Ltd. to its U.S. patent counsel, informed me that Mr. Sum sent letters to Shawn Ellis and KE Imports Ltd. seeking their cooperation in having Mr. Ellis complete and execute the documents necessary (as listed below) in connection with the Petition Under 37 C.F.R. § 1.48(a) to name Mr. Ellis as an inventor in respect of U.S. Application No. 13/193,584. I have received copies of the above letters. Each of the letters sent by Mr. Sum enclosed, *inter alia*, the following:

- (a) an inventor's declaration for execution by Shawn Ellis stating that Shawn Ellis is an inventor of U.S. Patent Application No. 13/193,584;
- (b) a Statement of Inventor in Support of Petition Under 37 C.F.R. § 1.48(a) for execution by Shawn Ellis stating that the error in inventorship in U.S. Patent Application No. 13/193,584 occurred without deceptive intention on Shawn Ellis' part;
- (c) a copy of U.S. Application No. 13/193,584; and
- (d) a pre-paid return envelope for use in returning the executed documents to Smart & Biggar,

and requested that the declaration and statement be executed and returned to Smart & Biggar by August 5, 2015.

5. On August 5, 2015, I received from Smart & Biggar a copy of a letter dated August 5, 2015 to Mr. Sum from Katherine E. Ducey an attorney with the law firm Campbell Froh May & Rice LLP stating, *inter alia*, the following:

- (a) "We act for KE Imports Ltd, Shawn Ellis and Glen Kirk and we write in response to your letter addressed to KE Imports Ltd. dated July 27, 2015."

Appl. No. 13/193,584
Dec. dated September 2, 2015
Declaration of Dustin Bigney

PATENT
Attorney Docket No.: _____
Family ID No.: _____

(b) "It is a condition of our client's cooperation that Mr. Kirk be included in the request to correct inventorship."

(c) "Our client is therefore prepared to cooperate on the following terms:

[...]

2. That Mr. Kirk and Mr. Ellis be equally recognized as co-inventors in respect of the applications and that any corrections to inventorship include both of them".

6. The reply letter from Katherine E. Ducey did not include the requested declaration and statement executed by Mr. Ellis.

Mr. Kirk is not an inventor of U.S. Application No. 13/193,584

7. On August 11, 2015, I had a conference call with Mr. Sum and Graeme Charlton to discuss Mr. Ellis' refusal to sign the requested declaration and statement without adding Mr. Kirk as an inventor. Mr. Charlton is an associate lawyer with Smart & Biggar and a registered US patent agent under 37 CFR § 11.6(c), who has been coordinating the prosecution of the patent applications for 0912139 B.C. Ltd., including U.S. Application No. 13/193,584. In the conference call, Mr. Charlton explained to me the requirements of inventorship and asked me to review both U.S. Application No. 13/193,584 and U.S. Provisional Application No. 61/429,065, to which U.S. Application No. 13/193,584 claims priority, for any possibility that Mr. Kirk may be an inventor in respect of U.S. Application No. 13/193,584. Mr. Charlton had also previously explained the requirements for inventorship to me, which is the reason the Petition Under 37 C.F.R. § 1.48(a) is being pursued to name Mr. Ellis as an inventor in respect of U.S. Application No. 13/193,584.

8. I reviewed both U.S. Application No. 13/193,584 and U.S. Provisional Application No. 61/429,065 to determine the contribution, if any, of Mr. Kirk to the conception of the invention as defined by the claims. After reviewing the claims allowed in US Application No. 13/193,584, I concluded that to the best of my knowledge, Glen Kirk had no involvement in the invention as defined by the claims. I informed Mr. Sum and Mr. Charlton of this on August 19, 2015 when I spoke with Mr. Sum and Mr. Charlton via conference call. The Assignee, 0912139 B.C. Ltd., cannot agree to have Mr. Kirk named as an inventor when there is no evidence that he is an inventor.

Appl. No. 13/193,584
Dec. dated September 1, 2015
Declaration of Dustin Bigney

PATENT

Attorney Docket No.:

Family ID No.:

9. In view of my conclusion, I understand that the failure to return the requested declaration and statement by the requested due date and the conditions precedent for Mr. Ellis' cooperation as set out by the reply letter from his attorney, Ms. Ducey, are not reasonable. In view of the foregoing, I understand that Shawn Ellis, inventor of U.S. Application No. 13/193,584, has refused to sign documents, specifically the declaration and the Statement of Inventor in Support of Petition Under 37 C.F.R. § 1.48(a), necessary to complete the Petition Under 37 C.F.R. § 1.48(a) filed on November 6, 2014 in U.S. Application No. 13/193,584.

10. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated: Aug 31/15



PATENT

Attorney Docket No.: _____

Family ID No.: _____

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application:

Bigney

Application No.: 13/193,584

Filed: July 28, 2011

For: GARMENTS FOR MEN

Customer No.: 20350

Confirmation No. 8229

Examiner: KINSAUL, Anna Kathryn

DECLARATION OF THEODORE SUM

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

Sir:

I, Theodore Sum, declare as follows:

1. I am a partner at the Canadian law firm, Smart & Biggar, which represents 0912139 B.C. Ltd. in its intellectual property matters generally and provides instructions on behalf of 0912139 B.C. Ltd. to its U.S. patent counsel. 0912139 B.C. Ltd. is the Assignee for U.S. Application No. 13/193,584.

2. I understand that Shawn Ellis, an inventor of U.S. Application No. 13/193,584, has refused to sign documents, specifically the declaration and the Statement of Inventor in Support of Petition Under 37 C.F.R. § 1.48(a), necessary to complete the Petition Under 37 C.F.R. § 1.48(a) filed on November 6, 2014 in U.S. Application No. 13/193,584. This declaration summarizes the efforts of myself and my firm to obtain the signature of inventor, Shawn Ellis, on the declaration and Statement of Inventor in Support of Petition Under 37 C.F.R. § 1.48(a) documents.

Appl. No. 13/193,584
Dec. dated August 26, 2015
Declaration of Theodore Sum

PATENT
Attorney Docket No.: _____
Family ID No.: _____

Inventor Shawn Ellis refuses to sign the declaration

3. It is my understanding that Shawn Ellis is a Director of KE Imports Ltd., a British Columbia ("BC") Company registered with the BC Registrar of Companies. Attached hereto is a copy of the BC Company Summary for KE Imports Ltd., obtained from the online BC Registry Services, dated July 15, 2015. The attached BC Company Summary for KE Imports Ltd. provides two addresses for Shawn Ellis, as well as a registered and records office for KE Imports Ltd.

4. On July 24, 2015 and July 27, 2015 I sent the following letters to Shawn Ellis and KE Imports Ltd. seeking their cooperation in having Mr. Ellis complete and execute the documents necessary (as listed in paragraph 5 below) in connection with the Petition Under 37 C.F.R. § 1.48(a) to name Mr. Ellis as an inventor in respect of U.S. Application No. 13/193,584:

- (a) On July 24, 2015, I sent a first letter via Fedex to Shawn Ellis addressed to Mr. Ellis at 2784 Bath Street, Kelowna, British Columbia, Canada, V1Y 1M5, which is the Delivery Address listed for Shawn Ellis under Director Information according to the attached BC Company Summary;
- (b) On July 24, 2015, I also sent a second letter via Fedex to Shawn Ellis addressed to Mr. Ellis at Suite 418, 9-3151 Lakeshore Road, Kelowna, BC, Canada, V1W 3S9, which is the Mailing Address listed for Shawn Ellis under Director Information according to the attached BC Company Summary; and
- (c) On July 27, 2015, I sent a third letter via Fedex to the KE Imports Ltd. at 1800-1631 Dickson Avenue, Kelowna, BC, Canada, V1Y 0B5, which is the Mailing and Delivery Address listed for KE Imports Ltd. in Registered and Records Office Information according to the attached BC Company Summary for KE Imports Ltd..

5. Each of the aforementioned first, second, and third letters enclosed, *inter alia*, the following:

- (a) an inventor's declaration for execution by Shawn Ellis stating that Shawn Ellis is an inventor of U.S. Patent Application No. 13/193,584;

Appl. No. 13/193,584
Dec. dated August 26, 2015
Declaration of Theodore Sum

PATENT
Attorney Docket No.: _____
Family ID No.: _____

- (b) a Statement of Inventor in Support of Petition Under 37 C.F.R. § 1.48(a) for execution by Shawn Ellis stating that the error in inventorship in U.S. Patent Application No. 13/193,584 occurred without deceptive intention on Shawn Ellis' part;
- (c) a copy of U.S. Application No. 13/193,584; and
- (d) a pre-paid return envelope for use in returning the executed documents to Smart & Biggar,

and requested that the declaration and statement be executed and returned to Smart & Biggar by August 5, 2015.

6. On August 5, 2015, I received a reply letter from Katherine E. Ducey an attorney with the law firm Campbell Froh May & Rice LLP stating, *inter alia*, the following:

- (a) "We act for KE Imports Ltd, Shawn Ellis and Glen Kirk and we write in response to your letter addressed to KE Imports Ltd. dated July 27, 2015."
- (b) "It is a condition of our client's cooperation that Mr. Kirk be included in the request to correct inventorship."
- (c) "Our client is therefore prepared to cooperate on the following terms:

[...]

2. That Mr. Kirk and Mr. Ellis be equally recognized as co-inventors in respect of the applications and that any corrections to inventorship include both of them".

7. The reply letter from Katherine E. Ducey did not include the requested declaration and statement executed by Mr. Ellis.

Appl. No. 13/193,584
Dec. dated August 26, 2015
Declaration of Theodore Sum

PATENT
Attorney Docket No.: _____
Family ID No.: _____

Mr. Kirk is not an inventor of U.S. Application No. 13/193,584

8. On August 11, 2015, my colleague Graeme Charlton and I had a conference call with Dustin Bigney, the named inventor of U.S. Application No. 13/193,584 and representative of 0912139 B.C. Ltd to discuss Mr. Ellis' refusal to sign the requested declaration and statement without adding Mr. Kirk as an inventor. Mr. Charlton is a registered U.S. patent agent under 37 CFR § 11.6(c) and has been coordinating the prosecution of the patent applications for 0912139 B.C. Ltd., including U.S. Application No. 13/193,584. In the conference call Mr. Charlton explained to Mr. Bigney the requirements of inventorship and asked him to review both U.S. Application No. 13/193,584 and U.S. Provisional Application No. 61/429,065, to which U.S. Application No. 13/193,584 claims priority, for any possibility that Mr. Kirk may be an inventor in respect of U.S. Application No. 13/193,584. It is also my understanding that Mr. Charlton had also previously explained the requirements for inventorship to Mr. Bigney, which is the reason the Petition Under 37 C.F.R. § 1.48(a) is being pursued to name Mr. Ellis as an inventor in respect of U.S. Application No. 13/193,584.

9. I understand that Mr. Bigney committed to review U.S. Application No. 13/193,584 to determine the contribution, if any, of Mr. Kirk to the conception of the invention as defined by the claims.

10. On August 19, 2015, Mr. Charlton and I spoke with Dustin Bigney via conference call and Mr. Bigney stated that, after reviewing the claims allowed in U.S. Application No. 13/193,584, to the best of Mr. Bigney's knowledge, Glen Kirk had no involvement in the invention as defined by the claims. The Assignee, 0912139 B.C. Ltd., cannot agree to have Mr. Kirk named as an inventor when there is no evidence that he is an inventor.

11. I understand that, accordingly, the failure to return the requested declaration and statement by the requested due date and the conditions precedent for Mr. Ellis' cooperation as set out by the reply letter from his attorney, Ms. Ducey, are not reasonable and amount to a refusal to cooperate in the naming of Mr. Ellis as an inventor.

Appl. No. 13/193,584
Dec. dated August 26, 2015
Declaration of Theodore Sum

PATENT

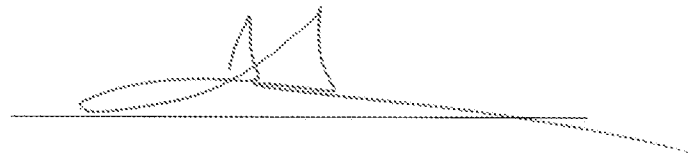
Attorney Docket No.: _____
Family ID No.: _____

12. In view of the foregoing, I understand that Shawn Ellis, inventor of U.S. Application No. 13/193,584, has refused to sign documents, specifically the declaration and the Statement of Inventor in Support of Petition Under 37 C.F.R. § 1.48(a), necessary to complete the Petition Under 37 C.F.R. § 1.48(a) filed on November 6, 2014 in U.S. Application No. 13/193,584.

13. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated: _____

August 26, 2015



THEODORE W. SUM
Barrister & Solicitor
SMART & BIGGAR
2300-1055 West Georgia Street
Vancouver, B.C. V6E 3P3

BC Registry
Services

Mailing Address:
PO Box 9431 Stn Prov Govt
Victoria BC V8W 9V3
www.corporateonline.gov.bc.ca

Location:
2nd Floor - 940 Bianshard Street
Victoria BC
1 877 526-1526

BC Company Summary

For
KE IMPORTS LTD.

Date and Time of Search: July 15, 2015 10:19 AM Pacific Time

Currency Date: June 19, 2015

ACTIVE

Incorporation Number: BC0662288

Name of Company: KE IMPORTS LTD.

Recognition Date: Incorporated on January 17, 2003

In Liquidation: No

Last Annual Report Filed: January 17, 2015

Receiver: No

REGISTERED OFFICE INFORMATION

Mailing Address:

1800 - 1631 DICKSON AVENUE
KELOWNA BC V1Y 0B5
CANADA

Delivery Address:

1800 - 1631 DICKSON AVENUE
KELOWNA BC V1Y 0B5
CANADA

RECORDS OFFICE INFORMATION

Mailing Address:

1800 - 1631 DICKSON AVENUE
KELOWNA BC V1Y 0B5
CANADA

Delivery Address:

1800 - 1631 DICKSON AVENUE
KELOWNA BC V1Y 0B5
CANADA

DIRECTOR INFORMATION

Last Name, First Name, Middle Name:

ELLIS, SHAWN

Mailing Address:

SUITE 418
9 - 3151 LAKESHORE ROAD
KELOWNA BC V1W 3S9
CANADA

Delivery Address:

2784 BATH STREET
KELOWNA BC V1Y 1M5
CANADA

OFFICER INFORMATION AS AT January 17, 2015

Last Name, First Name, Middle Name:

Ellis, Shawn R.

Office(s) Held: (Secretary)

Mailing Address:

2784 BATH STREET
KELOWNA BC V1Y 1M5
CANADA

Delivery Address:

2784 BATH STREET
KELOWNA BC V1Y 1M5
CANADA



**BC Registry
Services**

Mailing Address:
PO Box 9431 Stn Prov Govt
Victoria BC V8W 9V3
www.corporateonline.gov.bc.ca

Location:
2nd Floor - 940 Blanshard Street
Victoria BC
1 877 526-1526

BC Company Summary

For
KE IMPORTS LTD.

Date and Time of Search: July 15, 2015 10:19 AM Pacific Time

Currency Date: June 19, 2015

ACTIVE

Incorporation Number: BC0662288

Name of Company: KE IMPORTS LTD.

Recognition Date: Incorporated on January 17, 2003

Last Annual Report Filed: January 17, 2015

In Liquidation: No

Receiver: No

REGISTERED OFFICE INFORMATION

Mailing Address:

1800 - 1631 DICKSON AVENUE
KELOWNA BC V1Y 0B5
CANADA

Delivery Address:

1800 - 1631 DICKSON AVENUE
KELOWNA BC V1Y 0B5
CANADA

RECORDS OFFICE INFORMATION

Mailing Address:

1800 - 1631 DICKSON AVENUE
KELOWNA BC V1Y 0B5
CANADA

Delivery Address:

1800 - 1631 DICKSON AVENUE
KELOWNA BC V1Y 0B5
CANADA

DIRECTOR INFORMATION

Last Name, First Name, Middle Name:

ELLIS, SHAWN

Mailing Address:

SUITE 418
9 - 3151 LAKESHORE ROAD
KELOWNA BC V1W 3S9
CANADA

Delivery Address:

2784 BATH STREET
KELOWNA BC V1Y 1M5
CANADA

OFFICER INFORMATION AS AT January 17, 2015

Tommy John EX1004

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U.S. Patent No. 10,834,974

Last Name, First Name, Middle Name:

Ellis, Shawn R.

Office(s) Held: (Secretary)

Mailing Address:

2784 BATH STREET
KELOWNA BC V1Y 1M5
CANADA

Delivery Address:

2784 BATH STREET
KELOWNA BC V1Y 1M5
CANADA

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Application Data Sheet 37 CFR 1.76		Attorney Docket Number	B769 0001/GNM
		Application Number	
Title of Invention	GARMENTS FOR MEN		
<p>The application data sheet is part of the provisional or nonprovisional application for which it is being submitted. The following form contains the bibliographic data arranged in a format specified by the United States Patent and Trademark Office as outlined in 37 CFR 1.76.</p> <p>This document may be completed electronically and submitted to the Office in electronic format using the Electronic Filing System (EFS) or the document may be printed and included in a paper filed application.</p>			

Secrecy Order 37 CFR 5.2

- ☐ Portions or all of the application associated with this Application Data Sheet may fall under a Secrecy Order pursuant to 37 CFR 5.2 (Paper filers only. Applications that fall under Secrecy Order may not be filed electronically.)

Applicant Information:

Applicant 1				
Applicant Authority ☒ Inventor		☐ Legal Representative under 35 U.S.C. 117		☐ Party of Interest under 35 U.S.C. 118
Prefix	Given Name	Middle Name	Family Name	Suffix
	Dustin		Bigney	
Residence Information (Select One) ☐ US Residency ☒ Non US Residency ☐ Active US Military Service				
City	West Vancouver	Country Of Residence ⁱ	CA	
Citizenship under 37 CFR 1.41(b) ^j		CA		
Mailing Address of Applicant:				
Address 1		4678 Headland Drive		
Address 2				
City	West Vancouver	State/Province	BC	
Postal Code	V7W 3J3	Country	CA	
Applicant 2				
Applicant Authority ☒ Inventor		☐ Legal Representative under 35 U.S.C. 117		☐ Party of Interest under 35 U.S.C. 118
Prefix	Given Name	Middle Name	Family Name	Suffix
	Shawn	Robert	Ellis	
Residence Information (Select One) ☐ US Residency ☒ Non US Residency ☐ Active US Military Service				
City	Kelowna	Country Of Residence ⁱ	CA	
Citizenship under 37 CFR 1.41(b) ^j		CA		
Mailing Address of Applicant:				
Address 1		2784 Bath Street		
Address 2				
City	Kelowna	State/Province	BC	
Postal Code	V1Y 1M5	Country	CA	
All Inventors Must Be Listed - Additional Inventor Information blocks may be generated within this form by selecting the Add button.				
				Add

Correspondence Information:

Enter either Customer Number or complete the Correspondence Information section below. For further information see 37 CFR 1.33(a).	
☐ An Address is being provided for the correspondence information of this application.	Tommy John EX1004 Page 304 of 375

Application Data Sheet 37 CFR 1.76		Attorney Docket Number	B769 0001/GNM	
		Application Number		
Title of Invention	GARMENTS FOR MEN			
Customer Number	00720-20350			
Email Address	GNMdocket@patentable.com sparmenter@kilpatricktownsend.com		<input type="button" value="Add Email"/>	<input type="button" value="Remove Email"/>

Application Information:

Title of the Invention	GARMENTS FOR MEN			
Attorney Docket Number	B769 0001/GNM 98622-000100US-956378	Small Entity Status Claimed	☒	
Application Type	Nonprovisional			
Subject Matter	Utility			
Suggested Class (if any)		Sub Class (if any)		
Suggested Technology Center (if any)				
Total Number of Drawing Sheets (if any)	13	Suggested Figure for Publication (if any)		

Publication Information:

☐	Request Early Publication (Fee required at time of Request 37 CFR 1.219)
☐	Request Not to Publish. I hereby request that the attached application not be published under 35 U.S.C. 122(b) and certify that the invention disclosed in the attached application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication at eighteen months after filing.

Representative Information:

Representative information should be provided for all practitioners having a power of attorney in the application. Providing this information in the Application Data Sheet does not constitute a power of attorney in the application (see 37 CFR 1.32). Enter either Customer Number or complete the Representative Name section below. If both sections are completed the Customer Number will be used for the Representative Information during processing.			
Please Select One:	☒ Customer Number	☐ US Patent Practitioner	☐ Limited Recognition (37 CFR 11.9)
Customer Number	00720-20350		

Domestic Benefit/National Stage Information:

This section allows for the applicant to either claim benefit under 35 U.S.C. 119(e), 120, 121, or 365(c) or indicate National Stage entry from a PCT application. Providing this information in the application data sheet constitutes the specific reference required by 35 U.S.C. 119(e) or 120, and 37 CFR 1.78(a)(2) or CFR 1.78(a)(4), and need not otherwise be made part of the specification.			
Prior Application Status	Expired	<input type="button" value="Remove"/>	
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)
	non provisional of	61429065	2010-12-31
Additional Domestic Benefit/National Stage Data may be generated within this form by selecting the Add button.			

Foreign Priority Information:

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U.S. Patent No. 10,834,974

Application Data Sheet 37 CFR 1.76		Attorney Docket Number	B769 0001/GNM
		Application Number	
Title of Invention	GARMENTS FOR MEN		

This section allows for the applicant to claim benefit of foreign priority and to identify any prior foreign application for which priority is not claimed. Providing this information in the application data sheet constitutes the claim for priority as required by 35 U.S.C. 119(b) and 37 CFR 1.55(a).

			Remove
Application Number	Country ⁱ	Parent Filing Date (YYYY-MM-DD)	Priority Claimed
			☒ Yes ☐ No

Additional Foreign Priority Data may be generated within this form by selecting the **Add** button.

Assignee Information:

Providing this information in the application data sheet does not substitute for compliance with any requirement of part 3 of Title 37 of the CFR to have an assignment recorded in the Office.

Assignee 1

If the Assignee is an Organization check here. ☒

Organization Name 0912139 B.C. Ltd.

Mailing Address Information:

Address 1	272 Bernard Avenue - 216 - 930 West 1st Street		
Address 2			
City	Kelowna- North Vancouver	State/Province	BC
Country ^j	CA	Postal Code	V1Y-6N4- V7P 3N4
Phone Number		Fax Number	
Email Address			

Additional Assignee Data may be generated within this form by selecting the **Add** button.

Signature:

A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature.

Signature			Date (YYYY-MM-DD)	
First Name		Last Name		Registration Number

This collection of information is required by 37 CFR 1.76. 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 23 minutes to complete, including gathering, preparing, and submitting the completed application data sheet form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

Privacy Act Statement

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

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

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

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Page 307 of 375

Electronic Patent Application Fee Transmittal				
Application Number:		13193584		
Filing Date:		28-Jul-2011		
Title of Invention:		GARMENTS FOR MEN		
First Named Inventor/Applicant Name:		Dustin Bigney		
Filer:		Sean Franklin Parmenter		
Attorney Docket Number:		SMTT.358		
Filed as Small Entity				
Filing Fees for Utility under 35 USC 111(a)				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Petition Fee - 37 CFR 1.17(F)(Group I)	2462	1	200	200
Petition Fee-37CFR 1.17(g)(GroupII)	2463	1	100	100
Patent-Appeals-and-Interference:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				
Extension - 4 months with \$0 paid	2254	1	1100	1100
Miscellaneous:				
Total in USD (\$)				1400

Electronic Acknowledgement Receipt

EFS ID:	23384676
Application Number:	13193584
International Application Number:	
Confirmation Number:	8229
Title of Invention:	GARMENTS FOR MEN
First Named Inventor/Applicant Name:	Dustin Bigney
Customer Number:	23581
Filer:	Sean Franklin Parmenter
Filer Authorized By:	
Attorney Docket Number:	SMTT.358
Receipt Date:	02-SEP-2015
Filing Date:	28-JUL-2011
Time Stamp:	15:35:32
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	\$ 1400
RAM confirmation Number	2257
Deposit Account	
Authorized User	

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

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Page 310 of 375

U.S. Patent No. 10,834,974

File Listing:					
Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Assignee showing of ownership per 37 CFR 3.73	20150902_98622_956378_373c.pdf	155652	no	2
			c01f297f374be0373fdb4d6f5e20deb4d2e3da01		
Warnings:					
Information:					
2	Power of Attorney	20150902_98622_956378_PowerAttorney.PDF	169047	no	1
			0475b72a758665fdbc2e3eae3fdbce38c7539aa7		
Warnings:					
Information:					
3	Request under Rule 48 correcting inventorship	20150902_98622_956378_Request148a.pdf	161495	no	5
			0acf8da3593a8fc4b1909d16c1943775b12a04c6		
Warnings:					
Information:					
4	Petition for review by the Office of Petitions	20150902_98622_956378_Petition147a.pdf	7891369	no	17
			2cf02eaa4b811c78306b356db3176d5a7c364a9d		
Warnings:					
Information:					
5	Application Data Sheet	20150902_98622_956378_Request148a_SADS_.PDF	416880	no	4
			7b4b1af54491660e3d8dc4872268f9f960197b47		
Warnings:					
Information:					
This is not an USPTO supplied ADS fillable form					
6	Fee Worksheet (SB06)	fee-info.pdf	33829	no	2
			5d40793dd2e7289d7b42f2bfde9fb74072759527		
Warnings:					
Information:					
Total Files Size (in bytes):			8828272		

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

New Applications Under 35 U.S.C. 111

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

National Stage of an International Application under 35 U.S.C. 371

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

New International Application Filed with the USPTO as a Receiving Office

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

98622-956378

PTO/AIA/96 (08-12)

Approved for use through 01/31/2013. OMB 0651-0031,

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

STATEMENT UNDER 37 CFR 3.73(c)Applicant/Patent Owner: Dustin BigneyApplication No./Patent No.: 13/193,584 Filed/Issue Date: July 28, 2011Titled: GARMENTS FOR MEN0912139 B.C. LTD.

(Name of Assignee)

a Corporation

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that, for the patent application/patent identified above, it is (choose one of options 1, 2, 3 or 4 below):

1. ☒ The assignee of the entire right, title, and interest; or
2. ☐ An assignee of less than the entire right, title, and interest (check applicable box):
- ☐ The extent (by percentage) of its ownership interest is ____%. Additional Statement(s) by the owners holding the balance of the interest must be submitted to account for 100% of the ownership interest.
- ☐ There are unspecified percentages of ownership. The other parties, including inventors, who together own the entire right, title and interest are:

Additional Statement(s) by the owner(s) holding the balance of the interest must be submitted to account for the entire right, title and interest.

3. ☐ The assignee of an undivided interest in the entirety (a complete assignment from one of the joint inventors was made). The other parties, including inventors, who together own the entire right, title and interest are:

Additional Statement(s) by the owner(s) holding the balance of the interest must be submitted to account for the entire right, title, and interest.

4. ☐ The recipient, via a court proceeding or the like (e.g. bankruptcy, probate), of an undivided interest in the entirety (a complete transfer of ownership interest was made). The certified document(s) showing the transfer is attached.

The interest identified in option 1, 2 or 3 above (not option 4) is evidenced by either (choose one of options A or B below):

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel 026791, Frame 0044, or for which a copy therefore is attached.

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

2. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

[Page 1 of 2]

This collection of information is required by 37 CFR 3.73(b). 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 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Tommy John EX1004

Page 313 of 375

U.S. Patent No. 10,834,974

98622-956378

PTO/AIA/96 (08-12)

Approved for use through 01/31/2013. OMB 0651-0031,

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

STATEMENT UNDER 37 CFR 3.73(c)

3. From: _____ To: _____
 The document was recorded in the United States Patent and Trademark Office at
 Reel _____, Frame _____, or for which a copy thereof is attached.

4. From: _____ To: _____
 The document was recorded in the United States Patent and Trademark Office at
 Reel _____, Frame _____, or for which a copy thereof is attached.

5. From: _____ To: _____
 The document was recorded in the United States Patent and Trademark Office at
 Reel _____, Frame _____, or for which a copy thereof is attached.

6. From: _____ To: _____
 The document was recorded in the United States Patent and Trademark Office at
 Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☐ As required by 37 CFR 3.73(c)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE]: A separate copy (*i.e.*, a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

/Sean F. Parmenter,
 Reg. No. 53,437/

2015-09-02

Signature

Date

Sean F. Parmenter

53,437

Printed or Typed Name

Title or Registration Number

[Page 2 of 2]

This collection of information is required by 37 CFR 3.73(c). 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 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

67698506V.1

Tommy John EX1004

Page 314 of 375

U.S. Patent No. 10,834,974

I hereby certify that this correspondence is being filed via
EFS-Web with the United States Patent and Trademark Office
on September 2, 2015.

PATENT
Attorney Docket No.: 98622-956378-000100US
Client Ref. No.: 16656-5

KILPATRICK TOWNSEND & STOCKTON LLP

By: /Sean F. Parmenter/
Sean F. Parmenter

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Dustin Bigney

Application No.: 13/193,584

Filed: July 28, 2011

For: GARMENTS FOR MEN

Customer No.: 20350

Confirmation No.: 8229

Examiner: Anna Kathryn Kinsaul

Technology Center/Art Unit: 3765

AMENDMENT AND RENEWED
REQUEST FOR CORRECTION OF
INVENTORSHIP UNDER
35 C.F.R. § 1.48(a)

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

Commissioner:

In response to the Ex Parte Quayle Action mailed March 3, 2015, Applicant submits herewith a supplemental Application Data Sheet as requested in the Misc. Comm. Dated November 20, 2014.

In the supplemental Application Data Sheet, the following inventor has been added:

1) Name: Shawn Robert Ellis

Citizenship: Canadian

Mailing Address: 2784 Bath Street, Kelowna, BC, Canada, V1Y 1M5

Further, the Correspondence Information has been updated to include Customer Number of 20350 and an Email address of "sparmenter@kilpatricktownsend.com". The Representative Information has also been amended to include a Customer Number of 20350.

Appl. No. 13/193,584
Amdt. dated September 2, 2015
Response to Office Action of March 3, 2015

PATENT

The Attorney Docket Number in the Applicant Information has been amended to 98622-000100US-956378. Further, the Assignee information has been amended to update the Mailing Address Information of 0912139 B.C. Ltd. as follows:

216 - 930 West 1st Street
North Vancouver, BC
V7P 3N4

Accordingly, Applicant respectfully requests that the Examiner withdraw the objection in the Ex Parte Quayle Action dated March 3, 2015 having regard to the Misc. Comm. Dated November 20, 2014.

RENEWED REQUEST TO CORRECT INVENTORSHIP AND FILING RECEIPT
UNDER 37 C.F.R. § 1.48(a)

The present application was filed naming Dustin Bigney as the sole inventor. Pursuant to the provisions of 37 C.F.R. § 1.48(a), Applicant respectfully requests that the following person be added as a co-inventor in the US Patent Application No. 13/193,584:

1) Name: Shawn Robert Ellis
Citizenship: Canadian
Mailing Address: 2784 Bath Street, Kelowna, BC, Canada, V1Y 1M5

Applicant respectfully submits that the exclusion of Shawn Ellis as inventor arose without deceptive intent on his part.

According to MPEP 602.01(c)(3), Amendment of the inventorship under 37 C.F.R. § 1.48(a) requires:

(1) A request to correct the inventorship that sets forth the desired inventorship change, hereby submitted as this request;

(2) A statement from each person being added as an inventor and from each person being deleted as an inventor that the error in inventorship occurred without deceptive intention on his or her part, hereby submitted with this request or in the alternative a suspension or waiver of which is requested under 37 C.F.R. § 1.183;

(3) An oath or declaration by the actual inventor or inventors as required by § 1.63 or as permitted by §§ 1.42, 1.43 or § 1.47, hereby submitted with this request;

(4) The processing fee set forth in § 1.17(i), hereby submitted with this request;
and

(5) If an assignment has been executed by any of the original named inventors, the written consent of the assignee, hereby submitted with this request.

In view of the foregoing, Applicants respectfully request a Corrected Filing Receipt appropriately listing Dustin Bigney and Shawn Robert Ellis as the co-inventors. As indicated above, a Corrected or Supplement Application Data Sheet is hereby submitted with this request.

PETITION UNDER 37 C.F.R. § 1.183

With respect to requirement (2), Applicant respectfully submits that this is an extraordinary situation when justice requires requirement (2) for amendment of the inventorship under 37 C.F.R. § 1.48(a) as set out above to be suspended or waived. As set forth in the accompanying Petition under 37 C.F.R. § 1.47(a), Shawn Ellis, refuses to sign a statement that the error in inventorship occurred without deceptive intention on his or her part after having been presented with the application papers, or after attempting to make such a presentation.

Accordingly, Applicants hereby petition under 37 C.F.R. § 1.183 that requirement (2) for amendment of the inventorship under 37 C.F.R. § 1.48(a) as set out above be suspended or waived by the Director or the Director's designee, *sua sponte*.

The petition fee set forth in § 1.17(f) for the petition under 37 C.F.R. § 1.183 is hereby submitted with this request.

PETITION UNDER 37 CFR § 1.47(a)

With respect to requirement (3), as set forth in the accompanying Petition under 37 C.F.R. § 1.47(a), Shawn Ellis, refuses to sign an oath or declaration after having been presented with the application papers, or after attempting to make such a presentation. Applicant submits an oath or declaration made by Dustin Bigney on behalf of himself or herself and the

Appl. No. 13/193,584
Amdt. dated September 2, 2015
Response to Office Action of March 3, 2015

PATENT

nonsigning inventor Shawn Ellis, together with proof of the pertinent facts, the fee set forth in § 1.17(g), and the last known address of the nonsigning inventor.

CONCLUSION

In view of the foregoing, Applicant respectfully requests a Corrected Filing Receipt appropriately listing Dustin Bigney and Shawn Robert Ellis as the co-inventors. As indicated above, a Corrected or Supplement Application Data Sheet is hereby submitted with this request. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

Except for the issue fees payable under 37 C.F.R. § 1.18, the Director is authorized to charge any additional fees during pendency of this application, including any required extension of time fees, or credit any overpayment to Deposit Account Number 20-1430. This paragraph is intended to be a constructive petition for extension of time in accordance with 37 C.F.R. § 1.136(a)(3).

If the Examiner believes a telephone conference would expedite prosecution of this application, please contact the undersigned at (925) 472-5000 or sparmenter@kilpatricktownsend.com.

Respectfully submitted,

/Sean F. Parmenter, Reg. No.
53,437/

Sean F. Parmenter
Registration No. 53,437

KILPATRICK TOWNSEND & STOCKTON LLP

SFP

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Bigney

Application No.: 13/193,584

Filed: July 28, 2011

For: GARMENTS FOR MEN

Confirmation No.: 8229

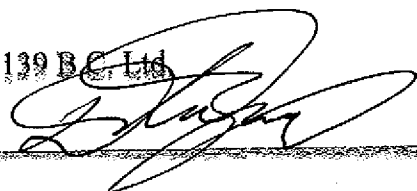
CONSENT OF ASSIGNEE IN
SUPPORT OF PETITION UNDER
37 CFR § 1.48(a)

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I confirm that 0912139 B.C. Ltd. is the Assignee for the above-referenced application. 0912139 B.C. Ltd. consents to the addition of inventor Shawn Robert Ellis in connection with this application.

0912139 B.C. Ltd.



Date

Aug 31/15

Name:

DUSTIN BIGNY

Title:

PRESIDENT

99622-006100US-956378

PTO/AIA/88 (07-12)

Approved for use through 11/30/2014. OMB 0651-0035
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

POWER OF ATTORNEY TO PROSECUTE APPLICATIONS BEFORE THE USPTO

I hereby revoke all previous powers of attorney given in the application identified in the attached statement under 37 CFR 3.73(c).

I hereby appoint:

☒ Practitioner(s) associated with Customer Number:

20350

OR

☒ Practitioner(s) named below (if more than ten patent practitioners are to be named, then a customer number must be used):

Name	Registration Number	Name	Registration Number

As attorney(s) or agent(s) to represent the undersigned before the United States Patent and Trademark Office (USPTO) in connection with any and all patent applications assigned only to the undersigned according to the USPTO assignment records or assignment documents attached to this form in accordance with 37 CFR 3.73(c).

Please change the correspondence address for the application identified in the attached statement under 37 CFR 3.73(c) to:

☒ The address associated with Customer Number:

20350

OR

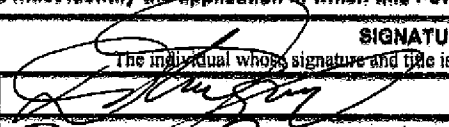
☐ Firm or Individual Name			
Address			
City	State	Zip	
Country			
Telephone	Email		

Assignee Name and Address:0912139 B.C. Ltd.
272 Bernard Avenue
Kelowna, B.C., Canada V1Y 6N4

A copy of this form, together with a statement under 37 CFR 3.73(c) (Form PTO/AIA/88 or equivalent) is required to be filed in each application in which this form is used. The statement under 37 CFR 3.73(c) may be completed by one of the practitioners appointed in this form, and must identify the application in which this Power of Attorney is to be filed.

SIGNATURE of Assignee of Record

The individual whose signature and title is supplied below is authorized to act on behalf of the assignee

Signature		Date	Aug 3/16
Name	DUSTIN BIEWER	Telephone	604 929 1455
Title	PRESIDENT		

This collection of information is required by 37 CFR 1.31, 1.32 and 1.33. 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. 182 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS, SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-0129 and select option 2.

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Tommy John EX1004

Page 320 of 375

U.S. Patent No. 10,834,974


UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
13/193,584	07/28/2011	Dustin Bigney	SMTT.358

CONFIRMATION NO. 8229
POA ACCEPTANCE LETTER


20350
 KILPATRICK TOWNSEND & STOCKTON LLP
 TWO EMBARCADERO CENTER
 EIGHTH FLOOR
 SAN FRANCISCO, CA 94111-3834

Date Mailed: 09/09/2015

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/02/2015.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

Questions about the contents of this notice and the requirements it sets forth should be directed to the Office of Data Management, Application Assistance Unit, at (571) 272-4000 or (571) 272-4200 or 1-888-786-0101.

/ggasgedom/



UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
13/193,584	07/28/2011	Dustin Bigney	SMTT.358

CONFIRMATION NO. 8229

POWER OF ATTORNEY NOTICE



OC000000077306755

23581
 KOLISCH HARTWELL, P.C.
 200 PACIFIC BUILDING
 520 SW YAMHILL STREET
 PORTLAND, OR 97204

Date Mailed: 09/09/2015

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/02/2015.

- The Power of Attorney to you in this application has been revoked by the assignee who has intervened as provided by 37 CFR 3.71. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

Questions about the contents of this notice and the requirements it sets forth should be directed to the Office of Data Management, Application Assistance Unit, at (571) 272-4000 or (571) 272-4200 or 1-888-786-0101.

/ggasgedom/



UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
13/193,584	07/28/2011	Dustin Bigney	SMTT.358

CONFIRMATION NO. 8229**IMPROPER CFR REQUEST**

20350
 KILPATRICK TOWNSEND & STOCKTON LLP
 TWO EMBARCADERO CENTER
 EIGHTH FLOOR
 SAN FRANCISCO, CA 94111-3834

Date Mailed: 09/09/2015

RESPONSE TO REQUEST FOR CORRECTED FILING RECEIPT***Power of Attorney, Claims, Fees, System Limitations, and Miscellaneous***

In response to your request for a corrected Filing Receipt, the Office is unable to comply with your request because:

- The ADS submitted on __09/02/2015__ was not properly signed. An application data sheet must be signed in compliance with 37 CFR 1.33(b). An unsigned application data sheet will be treated only as a transmittal letter. See 37 CFR 1.76(e).

Questions about the contents of this notice and the requirements it sets forth should be directed to the Office of Data Management, Application Assistance Unit, at (571) 272-4000 or (571) 272-4200 or 1-888-786-0101.

/ggasgedom/

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Application Data Sheet 37 CFR 1.76		Attorney Docket Number	B769 0001/GNM
		Application Number	
Title of Invention	GARMENTS FOR MEN		
<p>The application data sheet is part of the provisional or nonprovisional application for which it is being submitted. The following form contains the bibliographic data arranged in a format specified by the United States Patent and Trademark Office as outlined in 37 CFR 1.76.</p> <p>This document may be completed electronically and submitted to the Office in electronic format using the Electronic Filing System (EFS) or the document may be printed and included in a paper filed application.</p>			

Secrecy Order 37 CFR 5.2

☐ Portions or all of the application associated with this Application Data Sheet may fall under a Secrecy Order pursuant to 37 CFR 5.2 (Paper filers only. Applications that fall under Secrecy Order may not be filed electronically.)

Applicant Information:

Applicant 1				
Applicant Authority ☒ Inventor		☐ Legal Representative under 35 U.S.C. 117		☐ Party of Interest under 35 U.S.C. 118
Prefix	Given Name	Middle Name	Family Name	Suffix
	Dustin		Bigney	
Residence Information (Select One) ☐ US Residency ☒ Non US Residency ☐ Active US Military Service				
City	West Vancouver	Country Of Residenceⁱ	CA	
Citizenship under 37 CFR 1.41(b)		CA		
Mailing Address of Applicant:				
Address 1		4678 Headland Drive		
Address 2				
City	West Vancouver	State/Province	BC	
Postal Code	V7W 3J3	Country	CA	
Applicant 2				
Applicant Authority ☒ Inventor		☐ Legal Representative under 35 U.S.C. 117		☐ Party of Interest under 35 U.S.C. 118
Prefix	Given Name	Middle Name	Family Name	Suffix
	Shawn	Robert	Ellis	
Residence Information (Select One) ☐ US Residency ☒ Non US Residency ☐ Active US Military Service				
City	Kelowna	Country Of Residenceⁱ	CA	
Citizenship under 37 CFR 1.41(b)		CA		
Mailing Address of Applicant:				
Address 1		2784 Bath Street		
Address 2				
City	Kelowna	State/Province	BC	
Postal Code	V1Y 1M5	Country	CA	
All Inventors Must Be Listed - Additional Inventor Information blocks may be generated within this form by selecting the Add button.				

Add

Correspondence Information:

Enter either Customer Number or complete the Correspondence Information section below.
For further information see 37 CFR 1.33(a).

☐ An Address is being provided for the correspondence information of this application.

Tommy John EX1004

Application Data Sheet 37 CFR 1.76		Attorney Docket Number	B769 0001/GNM	
		Application Number		
Title of Invention	GARMENTS FOR MEN			
Customer Number	00720-20350			
Email Address	GNMdocket@patentable.com sparmenter@kilpatricktownsend.com		Add Email	Remove Email

Application Information:

Title of the Invention	GARMENTS FOR MEN			
Attorney Docket Number	B769-0001/GNM 98622-000100US-956378	Small Entity Status Claimed	☒	
Application Type	Nonprovisional			
Subject Matter	Utility			
Suggested Class (if any)		Sub Class (if any)		
Suggested Technology Center (if any)				
Total Number of Drawing Sheets (if any)	13	Suggested Figure for Publication (if any)		

Publication Information:

☐	Request Early Publication (Fee required at time of Request 37 CFR 1.219)
☐	Request Not to Publish. I hereby request that the attached application not be published under 35 U.S.C. 122(b) and certify that the invention disclosed in the attached application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication at eighteen months after filing.

Representative Information:

Representative information should be provided for all practitioners having a power of attorney in the application. Providing this information in the Application Data Sheet does not constitute a power of attorney in the application (see 37 CFR 1.32). Enter either Customer Number or complete the Representative Name section below. If both sections are completed the Customer Number will be used for the Representative Information during processing.			
Please Select One:	☒ Customer Number	☐ US Patent Practitioner	☐ Limited Recognition (37 CFR 11.9)
Customer Number	00720-20350		

Domestic Benefit/National Stage Information:

This section allows for the applicant to either claim benefit under 35 U.S.C. 119(e), 120, 121, or 365(c) or indicate National Stage entry from a PCT application. Providing this information in the application data sheet constitutes the specific reference required by 35 U.S.C. 119(e) or 120, and 37 CFR 1.78(a)(2) or CFR 1.78(a)(4), and need not otherwise be made part of the specification.			
Prior Application Status	Expired	Remove	
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)
	non provisional of	61429065	2010-12-31
Additional Domestic Benefit/National Stage Data may be generated within this form by selecting the Add button.			

Foreign Priority Information:

Tommy John EX1004

Page 325 of 375

U.S. Patent No. 10,834,974

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Application Data Sheet 37 CFR 1.76		Attorney Docket Number	B769 0001/GNM
		Application Number	
Title of Invention	GARMENTS FOR MEN		

This section allows for the applicant to claim benefit of foreign priority and to identify any prior foreign application for which priority is not claimed. Providing this information in the application data sheet constitutes the claim for priority as required by 35 U.S.C. 119(b) and 37 CFR 1.55(a).

Remove

Application Number	Country ⁱ	Parent Filing Date (YYYY-MM-DD)	Priority Claimed
			☒ Yes ☐ No

Additional Foreign Priority Data may be generated within this form by selecting the **Add** button.

Assignee Information:

Providing this information in the application data sheet does not substitute for compliance with any requirement of part 3 of Title 37 of the CFR to have an assignment recorded in the Office.

Assignee 1

If the Assignee is an Organization check here. ☒

Organization Name 0912139 B.C. Ltd.

Mailing Address Information:

Address 1 272 Bernard Avenue- 216 - 930 West 1st Street

Address 2

City Kelowna- North Vancouver

State/Province

BC

Countryⁱ CA

Postal Code

V1Y-6N4- V7P 3N4

Phone Number

Fax Number

Email Address

Additional Assignee Data may be generated within this form by selecting the **Add** button.

Signature:

A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature.

Signature	/Sean F. Parmenter, Reg. No. 53,437/		Date (YYYY-MM-DD)	2015-09-28
First Name	Sean	Last Name	Parmenter	Registration Number
			53,437	

This collection of information is required by 37 CFR 1.76. 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 23 minutes to complete, including gathering, preparing, and submitting the completed application data sheet form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

Privacy Act Statement

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

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

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

Tommy John EX1004

Electronic Acknowledgement Receipt

EFS ID:	23621252
Application Number:	13193584
International Application Number:	
Confirmation Number:	8229
Title of Invention:	GARMENTS FOR MEN
First Named Inventor/Applicant Name:	Dustin Bigney
Customer Number:	20350
Filer:	Sean Franklin Parmenter/Linda Shaffer
Filer Authorized By:	Sean Franklin Parmenter
Attorney Docket Number:	SMTT.358
Receipt Date:	28-SEP-2015
Filing Date:	28-JUL-2011
Time Stamp:	14:42:40
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no
------------------------	----

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Application Data Sheet	956378_ads.pdf	307866 2b62555912a6573c22dcef7580ce6613c49fa447	no	4

Warnings:

Information:

Tommy John EX1004

Page 328 of 375

U.S. Patent No. 10,834,974

This is not an USPTO supplied ADS fillable form

Total Files Size (in bytes):

307866

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

New Applications Under 35 U.S.C. 111

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

National Stage of an International Application under 35 U.S.C. 371

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

New International Application Filed with the USPTO as a Receiving Office

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

Document code: WFEE

United States Patent and Trademark Office
Sales Receipt for Accounting Date: 10/21/2015

MTEKLEMI	SALE	#00000001	Mailroom Dt:	09/28/2015	201430	13193584
		01	FC : 2830	70.00	OP	
		02	FC : 2819	300.00	DA	



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

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
13/193,584	07/28/2011	3765	462	98622-000100US-956378	18	2

CONFIRMATION NO. 8229

CORRECTED FILING RECEIPT



0000000078173958

20350
 KILPATRICK TOWNSEND & STOCKTON LLP
 TWO EMBARCADERO CENTER
 EIGHTH FLOOR
 SAN FRANCISCO, CA 94111-3834

Date Mailed: 10/22/2015

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Inventor(s)

Dustin Bigney, West Vancouver, CANADA;
 Shawn Robert Ellis, Kelowna, CANADA;

Applicant(s)

Dustin Bigney, West Vancouver, CANADA;
 Shawn Robert Ellis, Kelowna, CANADA;

Assignment For Published Patent Application

0912139 B.C. LTD., North Vancouver, CANADA

Power of Attorney: The patent practitioners associated with Customer Number 20350

Domestic Priority data as claimed by applicant

This appln claims benefit of 61/429,065 12/31/2010

Foreign Applications for which priority is claimed (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see <http://www.uspto.gov> for more information.) - None.

Foreign application information must be provided in an Application Data Sheet in order to constitute a claim to foreign priority. See 37 CFR 1.55 and 1.76.

If Required, Foreign Filing License Granted: 08/08/2011

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 13/193,584**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

GARMENTS FOR MEN

Preliminary Class

002

Statement under 37 CFR 1.55 or 1.78 for AIA (First Inventor to File) Transition Applications: No**PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES**

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4258).

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

SelectUSA

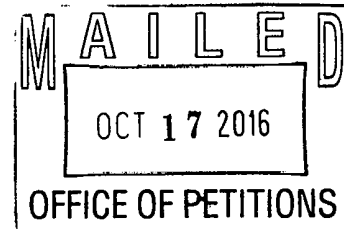
The United States represents the largest, most dynamic marketplace in the world and is an unparalleled location for business investment, innovation, and commercialization of new technologies. The U.S. offers tremendous resources and advantages for those who invest and manufacture goods here. Through SelectUSA, our nation works to promote and facilitate business investment. SelectUSA provides information assistance to the international investor community; serves as an ombudsman for existing and potential investors; advocates on behalf of U.S. cities, states, and regions competing for global investment; and counsels U.S. economic development organizations on investment attraction best practices. To learn more about why the United States is the best country in the world to develop technology, manufacture products, deliver services, and grow your business, visit <http://www.SelectUSA.gov> or call +1-202-482-6800.



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 www.uspto.gov

KILPATRICK TOWNSEND & STOCKTON LLP
 MAILSTOP: IP DOCKETING - 22
 1100 PEACHTREE STREET
 SUITE 2800
 ATLANTA GA 30309



In re Application of	:	
Bigney, et al.	:	
Application No. 13/193,584	:	DECISION
Filed: July 28, 2011	:	UNDER 37 CFR 1.47(a)
Attorney Docket No. 098622-	:	
000100US-0956378	:	

This is in response to the petition under 37 CFR 1.47(a), filed September 2, 2015.

The petition under 37 CFR 1.47(a) is **DISMISSED**.

Rule 47 applicant is given **TWO MONTHS** from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **Failure to respond will result in abandonment of the application.** Any extensions of time will be governed by 37 CFR 1.136(a).

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached after diligent effort or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims, drawings, oath or declaration); (2) an acceptable oath or declaration in compliance with 37 CFR 1.63; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor. Rule 47 applicant has not met requirement (2) above.

Rule 47 applicant has not submitted a 37 CFR 1.63 oath or declaration identifying inventor Ellis as one of the inventors.

Application No. 13/193,584

Page 2

The 37 CFR 1.63 declaration submitted on July 28, 2011 only identifies Bigney as the inventor.

On renewed petition, petitioner must submit an oath or declaration in compliance with 37 CFR 1.63.

Further correspondence with respect to this matter should be addressed as follows.

By mail: Mail Stop Petitions
 Commissioner for Patents
 P.O. Box 1450
 Alexandria VA 22313-1450

By FAX: (571)273-8300
 Attn: Office of Petitions

Telephone inquiries related to this decision may be directed to the undersigned at (571)272-3207.

/Cliff Congo/

Cliff Congo
Attorney Advisor
Office of Petitions

Q

I hereby certify that this correspondence is being filed via
EFS-Web with the United States Patent and Trademark Office
on December 16, 2016

PATENT
Attorney Docket No.: 098622-0956378-000100US

KILPATRICK TOWNSEND & STOCKTON LLP

By: /Marcos Vera/

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Dustin Bigney

Application No.: 13/193,584

Filed: Jul 28, 2011

For: GARMENTS FOR MEN

Customer No.: 20350

Confirmation No.: 8229

Examiner: Anna Kathryn Kinsaul

Technology Center/Art Unit: 3765

RESPONSE TO DECISION OF PETITION

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

Commissioner:

In response to the Decision of Petition mailed October 17, 2016, Applicant
submits herein:

- 1) **A declaration in compliance with 37 CFR 1.63, which adds Shawn Robert Ellis as an inventor; and**
- 2) **A previously Signed Declaration by Dustin Bigney, who was already identified as an inventor.**

Applicant submits that the documents submitted contain no new matter. Applicant respectfully requests reversal of the dismissal of the petition.

CONCLUSION

Further, the Commissioner is hereby authorized to charge any additional fees or credit any overpayment in connection with this paper to Deposit Account No. 20-1430.

If the Examiner believes a telephone conference would expedite prosecution of this application, please contact the undersigned at 650-326-2400 or kbmorse@kilpatricktownsend.com.

Respectfully submitted,

/Kyle B. Morse/

Kyle B. Morse

Registration No. 70,442

KILPATRICK TOWNSEND & STOCKTON LLP

Attachments

**DECLARATION FOR UTILITY OR
DESIGN
PATENT APPLICATION
(37 CFR 1.63)**



Declaration
Submitted
With Initial
Filing

OR



Declaration
Submitted After Initial
Filing (surcharge
(37 CFR 1.16(f))
required)

Attorney Docket
Number

098622- 000100US-0956378

First Named Inventor

Bigney

COMPLETE IF KNOWN

Application Number

13/193,584

Filing Date

July 28, 2011

Art Unit

3765

Examiner Name

KINSAUL, ANNA KATHRYN

I hereby declare that: (1) Each inventor's residence, mailing address, and citizenship are as stated below next to their name; and (2) I believe the inventor(s) named below to be the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention titled:

GARMENTS FOR MEN

(Title of the Invention)

the application of which was made or was authorized to be made by me and



is attached hereto

OR



was filed on (MM/DD/YYYY) 07/28/2011 as United States Application Number or PCT International
Application Number 13/193,584 and was amended on (MM/DD/YYYY) _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified application, including the claims, as amended by any amendment specifically referred to above.

I hereby acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

Claim of Foreign Priority Benefits

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

Priority Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?	
				YES	NO
			☐	☐	☐
			☐	☐	☐
			☐	☐	☐
			☐	☐	☐
			☐	☐	☐



Additional foreign application number(s) are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

[Page 1 of 2]

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. 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 1.11 and 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

Tommy John EX1004

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

DECLARATION — Utility or Design Patent Application

Direct all correspondence to:	☒	The address associated with Customer Number:	20350	OR	☐	Correspondence address below
Name						
Address						
City			State		Zip	
Country		Telephone		Email		
WARNING:						
<p>Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.</p> <p>I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issue thereon.</p> <p>I hereby acknowledge that any willful false statement made in this declaration is punishable under 18 U.S.C. 1001 by fine or imprisonment of not more than five (5) years, or both.</p>						
NAME OF SOLE OR FIRST INVENTOR:			☐ A petition has been filed for this unsigned inventor			
Given Name (first and middle [if any])			Family Name or Surname			
Dustin			Bigney			
Inventor's Signature					Date	
Residence: City	State		Country			
West Vancouver	BC		CA			
Mailing Address						
4678 Headland Drive						
City	State		Zip		Country	
West Vancouver	BC		V7W 3J3		CA	
☒ Additional inventors or a legal representative are being named on the <u>1</u> supplemental sheet(s) PTO/SB/02A or 02LR attached hereto						

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.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

DECLARATION	ADDITIONAL INVENTOR(S) Supplemental Sheet
Page <u>1</u> of <u>1</u>	

Name of Additional Joint Inventor, if any:		☒ A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Shawn Robert		Ellis	
Inventor's Signature		Date	
Kelowna Residence: City	BC State	CA Country	CA Citizenship
2784 Bath Street			
Mailing Address			
Kelowna City	BC State	V1Y 1M5 Zip	CA Country
Name of Additional Joint Inventor, if any:		☐ A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Inventor's Signature		Date	
Residence: City	State	Country	Citizenship
Mailing Address			
City	State	Zip	Country
Name of Additional Joint Inventor, if any:		☐ A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Inventor's Signature		Date	
Residence: City	State	Country	Citizenship
Mailing Address			
City	State	Zip	Country

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. 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 1.11 and 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

Tommy John EX1004

Page 341 of 375

U.S. Patent No. 10,834,974

Foreign applications:

[illegible]

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. 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 1.11 and 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: **Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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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).
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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.
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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.

DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN APPLICATION DATA SHEET (37 CFR 1.76)

Title of
Invention

GARMENTS FOR MEN

As the below named inventor(s), I/we declare that:

This declaration
is directed to:



The attached application, or



United States application or PCT international application number _____

filed on _____



As amended on _____ (if applicable);

I/we believe that I/we am/are the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought;

I/we have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above;

I/we acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me/us to be material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT International filing date of the continuation-in-part application.

WARNING:

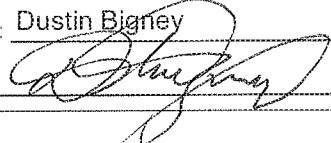
Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

All statements made herein of my/our own knowledge are true, all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.

FULL NAME OF INVENTOR(S)

Inventor one: Dustin Bigney

Date: July 28, 2011

Signature: 

Citizen of: CA

Inventor two: _____

Date: _____

Signature: _____

Citizen of: _____



Additional inventors or a legal representative are being named on _____ additional form(s) attached hereto.

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. 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 1.11 and 1.14. This collection is estimated to take 1 minute to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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Tommy John EX1004

Page 344 of 375

U.S. Patent No. 10,834,974

Privacy Act Statement

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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.
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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.

Electronic Acknowledgement Receipt

EFS ID:	27819587
Application Number:	13193584
International Application Number:	
Confirmation Number:	8229
Title of Invention:	GARMENTS FOR MEN
First Named Inventor/Applicant Name:	Dustin Bigney
Customer Number:	20350
Filer:	Kyle B. Morse
Filer Authorized By:	
Attorney Docket Number:	098622-000100US-0956378
Receipt Date:	16-DEC-2016
Filing Date:	28-JUL-2011
Time Stamp:	17:59:00
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no
------------------------	----

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Transmittal Letter	0956378_Transmittal.pdf	74959	no	2
			22afc0205ad770a89de8c9b61acf32ed416c26cb		

Warnings:

Tommy John EX1004

Page 346 of 375

U.S. Patent No. 10,834,974

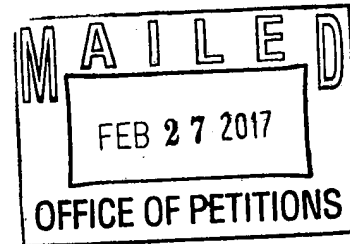
Information:									
2	Oath or Declaration filed	0956378_Declaration.pdf	235628	no	6				
			81a5b6044414ba8cb45b02820ffod21ffa6b8b7						
Warnings:									
Information:									
3	Oath or Declaration filed	0956378_Signed_Declaration.pdf	1674700	no	2				
			8f5cf5a8d8649dfb50cc3e7eeaac1457151618ff						
Warnings:									
Information:									
Total Files Size (in bytes):			1985287						
<p>This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.</p> <p><u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.</p> <p><u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.</p> <p><u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.</p>									



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
 United States Patent and Trademark Office
 P.O. Box 1450
 Alexandria, VA 22313-1450
 www.uspto.gov

KILPATRICK TOWNSEND & STOCKTON LLP
 MAILSTOP: IP DOCKETING - 22
 1100 PEACHTREE STREET
 SUITE 2800
 ATLANTA GA 30309



In re Application of	:	
Bigney, et al.	:	
Application No. 13/193,584	:	DECISION ACCORDING STATUS
Filed: July 28, 2011	:	UNDER 37 CFR 1.47(a)
Attorney Docket No. 098622-	:	
000100US-0956378	:	

This is in response to the renewed petition under 37 CFR 1.47(a),
 filed December 16, 2016.

The petition under 37 CFR 1.47(a) is GRANTED.

The petition and declaration have been reviewed and determined to
 be in compliance with 37 CFR 1.47(a).

The application is hereby accorded Rule 47 status.

As provided in 37 CFR 1.47(c), the Office will provide notice of
 this application's filing to non-signing inventor Ellis at his
 last known address provided in the petition. Notice will also be
 provided in the Official Gazette.

The application is being forwarded to Group Art Unit 3765.

Telephone inquiries related to this decision may be directed to
 the undersigned at (571)272-3207.

/Cliff Congo/

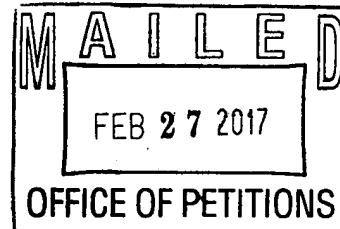
Cliff Congo
 Attorney Advisor
 Office of Petitions



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Commissioner for Patents
 United States Patent and Trademark Office
 P.O. Box 1450
 Alexandria, VA 22313-1450
www.uspto.gov

SEAN ELLIS
 2784 BATH ST
 KELOWNA
 BC
 CANADA
 V17 1M5



In re Application of
 Bigney, et al.
 Application No. 13/193,584
 Filed: July 28, 2011
 Title: Garments for Men

:
 :
 :
 : LETTER
 :

Dear Mr. Ellis:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 USC 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, agent of record would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (571)272-3207. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

/Cliff Congo/

Cliff Congo
 Attorney Advisor
 Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

NOTICE OF ALLOWANCE AND FEE(S) DUE

20350 7590 03/01/2017
 KILPATRICK TOWNSEND & STOCKTON LLP
 Mailstop: IP Docketing - 22
 1100 Peachtree Street
 Suite 2800
 Atlanta, GA 30309

EXAMINER

KINSAUL, ANNA KATHRYN

ART UNIT

PAPER NUMBER

3765

DATE MAILED: 03/01/2017

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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13/193,584

07/28/2011

Dustin Bigney

098622-000100US-0956378

8229

TITLE OF INVENTION: GARMENTS FOR MEN

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	SMALL	\$480	\$0	\$0	\$480	06/01/2017

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

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

HOW TO REPLY TO THIS NOTICE:

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

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

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

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

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

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

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

**Complete and send this form, together with applicable fee(s), to: Mail Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or Fax (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.

20350 7590 03/01/2017
KILPATRICK TOWNSEND & STOCKTON LLP
Mailstop: IP Docketing - 22
1100 Peachtree Street
Suite 2800
Atlanta, GA 30309

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 facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/193,584	07/28/2011	Dustin Bigney	098622-000100US-0956378	8229

TITLE OF INVENTION: GARMENTS FOR MEN

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	SMALL	\$480	\$0	\$0	\$480	06/01/2017

EXAMINER	ART UNIT	CLASS-SUBCLASS
KINSAUL, ANNA KATHRYN	3765	002-423000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363). ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached. ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 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 has been filed for recordation as set forth in 37 CFR 3.11. 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. The following fee(s) are submitted:

- ☐ Issue Fee
☐ Publication Fee (No small entity discount permitted)
☐ Advance Order - # of Copies _____

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

- ☐ A check is enclosed.
☐ Payment by credit card. Form PTO-2038 is attached.
☐ The director is hereby authorized to charge the required fee(s), any deficiency, or credits any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

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

- ☐ Applicant certifying micro entity status. See 37 CFR 1.29
☐ Applicant asserting small entity status. See 37 CFR 1.27
☐ Applicant changing to regular undiscounted fee status.

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

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

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

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

Authorized Signature _____

Date _____

Typed or printed name _____

Registration No. _____



UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/193,584	07/28/2011	Dustin Bigney	098622-000100US-0956378	8229

20350 7590 03/01/2017
KILPATRICK TOWNSEND & STOCKTON LLP
 Mailstop: IP Docketing - 22
 1100 Peachtree Street
 Suite 2800
 Atlanta, GA 30309

EXAMINER

KINSAUL, ANNA KATHRYN

ART UNIT	PAPER NUMBER
----------	--------------

3765

DATE MAILED: 03/01/2017

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.

<i>Notice Regarding Oath or Declaration (in an application filed before September 16, 2012)</i>	Application No. 13/193,584	Applicant(s) Dustin Bigney	
	Examiner KINSAUL, ANNA KATHRYN	Art Unit 3765	

This notice is an attachment to the Notice of Allowability (PTOL-37), or the Notice of Allowability For A Design Application (PTOL-37D).

This application was filed before September 16, 2012.

The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.63 (as in effect for applications filed before September 16, 2012) identifying this application by application number and filing date, or, if applicable, a supplemental application data sheet (ADS) in compliance with 37 CFR 1.76, is required.

Applicant has **THREE MONTHS** from the "MAILING DATE" of this communication to file a new oath or declaration in compliance with 37 CFR 1.63 or, if applicable, a supplemental ADS in compliance with 37 CFR 1.76. Failure to timely comply will result in ABANDONMENT of this application. Extensions of time under 37 CFR 1.136(a) are available; however, in no event may applicant extend the period for reply beyond SIX (6) MONTHS from the mailing date of this communication. Applicant is reminded that the three-month statutory time period for paying the issue fee and any publication fee **cannot** be extended.

A properly executed oath or declaration has not been received for the following inventor(s):

The oath or declaration does not comply with 37 CFR 1.63 for the following reason(s):

INFORMAL ACTION PROBLEMS

- The declaration is not executed by each inventor (or on behalf of the inventor where permitted): **Shawn Robert Ellis**

Questions relating to this Notice should be directed to the Application Assistance Unit at 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 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, 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.

Tommy John EX1004

Page 354 of 375

U.S. Patent No. 10,834,974

Notice of Allowability	Application No. 13/193,584	Applicant(s) BIGNEY ET AL.	
	Examiner ANNA KINSAUL	Art Unit 3765	AIA (First Inventor to File) Status No

-- 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 Oath filed 16 December 2016.
☐ 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 1-9, 11, 12, 14, 15, 17, and 18. As a result of the allowed claim(s), you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see http://www.uspto.gov/patents/init_events/pph/index.jsp or send an inquiry to PPHfeedback@uspto.gov.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

Certified copies:

a) ☐ All b) ☐ Some *c) ☐ None of the:

1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

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

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

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

/ANNA KINSAUL/ Primary Examiner, Art Unit 3765	
---	--

Application/Control Number: 13/193,584
Art Unit: 3765

Page 2

EXAMINER REMARKS

It appears that Applicant has overcome all previous outstanding formal matters. See Oath filed December 12, 2016. All other pertinent forms/documents, including the reasons for allowance, related to the allowance of this application may be found in the correspondence dated August 6, 2014.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANNA KINSAUL whose telephone number is (571)270-1926. The examiner can normally be reached on M-Fri 9am-5:30pm.

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, Khoa Huyhn can be reached on (571) 272-4888. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Application/Control Number: 13/193,584
Art Unit: 3765

Page 3

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

/ANNA KINSAUL/
Primary Examiner, Art Unit 3765

Issue Classification 	Application/Control No. 13193584	Applicant(s)/Patent Under Reexamination BIGNEY, DUSTIN
	Examiner ANNA KINSAUL	Art Unit 3765

CPC						
Symbol					Type	Version
A41B		9		02	F	2013-01-01
A41B		9		023	I	2013-01-01

CPC Combination Sets				
Symbol	Type	Set	Ranking	Version

		Total Claims Allowed:	
		15	
(Assistant Examiner) /ANNA KINSAUL/ Primary Examiner.Art Unit 3765 (Primary Examiner)	(Date) 02/23/2017 (Date)	O.G. Print Claim(s)	O.G. Print Figure
		1	2 and 3

Issue Classification 	Application/Control No. 13193584	Applicant(s)/Patent Under Reexamination BIGNEY, DUSTIN
	Examiner ANNA KINSAUL	Art Unit 3765

US ORIGINAL CLASSIFICATION						INTERNATIONAL CLASSIFICATION										
CLASS		SUBCLASS				CLAIMED					NON-CLAIMED					
2		403				A	4	1	B	9 / 02 (2006.01.01)						
CROSS REFERENCE(S)																
CLASS	SUBCLASS (ONE SUBCLASS PER BLOCK)															
							</									

(Assistant Examiner)		(Date)		Total Claims Allowed:	
				15	
/ANNA KINSAUL/ Primary Examiner.Art Unit 3765		02/23/2017		O.G. Print Claim(s)	O.G. Print Figure
(Primary Examiner)		(Date)		1	2 and 3

Issue Classification 	Application/Control No. 13193584	Applicant(s)/Patent Under Reexamination BIGNEY, DUSTIN
	Examiner ANNA KINSAUL	Art Unit 3765

☐ Claims renumbered in the same order as presented by applicant ☐ CPA ☐ T.D. ☐ R.1.47															
Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original
1	1	14	17												
2	2	15	18												
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	10														
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11	12														
	13														
12	14														
13	15														
	16														

(Assistant Examiner) _____ (Date) _____		Total Claims Allowed: 15	
/ANNA KINSAUL/ Primary Examiner.Art Unit 3765 (Primary Examiner) _____ (Date) _____		O.G. Print Claim(s) 1	O.G. Print Figure 2 and 3

Search Notes 	Application/Control No. 13193584	Applicant(s)/Patent Under Reexamination BIGNEY, DUSTIN
	Examiner ANNA KINSAUL	Art Unit 3765

CPC- SEARCHED		
Symbol	Date	Examiner
A41B9/023, A41B9/02, A41B9/026, A61F5/40	1/3/2014	AKK

CPC COMBINATION SETS - SEARCHED		
Symbol	Date	Examiner

US CLASSIFICATION SEARCHED			
Class	Subclass	Date	Examiner
2	400,401,403,402,404,405,78.1	4/15/2013-4/16/2013	AKK
602	67	4/15/2013-4/16/2013	AKK

SEARCH NOTES		
Search Notes	Date	Examiner
Inventor Search in PALM and EAST; PLUS search	4/15/2013-4/16/2013	AKK
EAST search- forward/backward of relevant art, keywords see attached EAST search	4/15/2013-4/16/2013	AKK
Updated EAST search	1/3/2014	AKK
Updated EAST search	7/30/2014	AKK

INTERFERENCE SEARCH			
US Class/ CPC Symbol	US Subclass / CPC Group	Date	Examiner
	See EAST claim search attached	7/30/2014	AKK

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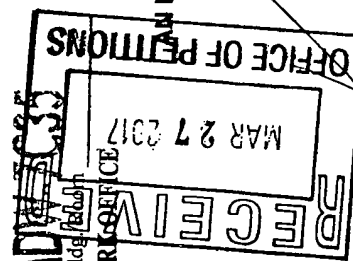
OPET

Organization

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0004244975 FEB 27 2017
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RETURN TO SENDER
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Unclaimed
Not réclamé
No such address
Adresse inexistante
Addressee unknown
Adressé inconnu
Address incorrect
Adresse incorrecte

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RETURN TO SENDER
UNDELIVERABLE AS ADDRESSED
UNABLE TO FORWARD

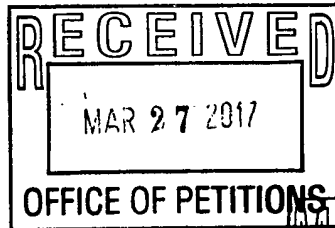
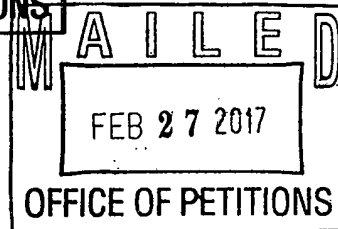
BC: 22313145050 *1892-08052-27-40



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Commissioner for Patents
 United States Patent and Trademark Office
 P.O. Box 1450
 Alexandria, VA 22313-1450
www.uspto.gov

SEAN ELLIS
 2784 BATH ST
 KELOWNA
 BC
 CANADA
 V17 1M5



In re Application of
 Bigney, et al.
 Application No. 13/193,584
 Filed: July 28, 2011
 Title: Garments for Men

LETTER

Dear Mr. Ellis:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 USC 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, agent of record would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3207. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

/Cliff Congo/

Cliff Congo
 Attorney Advisor
 Office of Petitions

Tommy John EX1004

Page 363 of 375

U.S. Patent No. 10,834,974



UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/193,584	07/28/2011	Dustin Bigney	098622-000100US-0956378	8229
7590 04/21/2017 KILPATRICK TOWNSEND & STOCKTON LLP Mailstop: IP Docketing - 22 1100 Peachtree Street Suite 2800 Atlanta, GA 30309			EXAMINER KINSAUL, ANNA KATHRYN	
			ART UNIT	PAPER NUMBER
			3765	
			NOTIFICATION DATE	DELIVERY MODE
			04/21/2017	ELECTRONIC

Letter Withdrawing a Notice Requiring Inventor's Oath or Declaration

The Notice Requiring Inventor's Oath or Declaration mailed on 3-1-17 was sent in error, and is hereby withdrawn. The time period set forth in the Notice of Allowance and Fee(s) Due to file a reply and pay the required fees continues to run from the mailing date of the Notice of Allowance and Fee(s) Due. Any time period set forth in the Notice of Allowability continues to run from the mailing date of the Notice of Allowability.

Questions relating to this Notice should be directed to the Application Assistance Unit at 571-272-4200.

(571)-272-4200 or 1(888)-786-0101

Patent Publication Branch

Office of Data Management

Tommy John EX1004

Page 364 of 375

U.S. Patent No. 10,834,974

Document Description: Issue Fee Payment (PTO-85B)

Issue Fee Transmittal Form

Application Number	Filing Date	First Named Inventor	Atty. Docket No.	Confirmation No.
13193584	28-Jul-2011	Dustin Bigney	098622-000100US-0956378	8229

TITLE OF INVENTION :

GARMENTS FOR MEN

Entity Status	Application Type	Art Unit	Class - Subclass	EXAMINER
Small	Utility under 35 USC 111(a)	3765	423000	ANNA KINSAUL
Issue Fee Due	Publication Due	Total Fee(s) Due	Date Due	Prev. Paid Fee
\$480	\$0	\$480	01-Jun-2017	\$0

1.Change of Correspondence Address and/or Indication Of Fee Address (37 CFR 1.33 & 1.363)

Current Correspondence Address:	Current Indicated Fee Address :
20350 KILPATRICK TOWNSEND & STOCKTON LLP Mailstop: IP Docketing - 22 1100 Peachtree Street Suite 2800 Atlanta GA 30309 UNITED STATES 415-576-0200 KTSDocketing2@kilpatrick.foundationip.com	
☐ Change of correspondence address requested, system generated AIA/122-EFS form attached	☐ Fee Address indication requested, system generated SB/47-EFS form attached

2.Entity Status**Change in Entity Status**

- ☐ Applicant certifying micro entity status; system generated Micro Entity certification form attached. See 37 CFR 1.29.
Note: Absent a valid certification of micro entity status, issue fee payment in the micro entity amount will not be accepted at the risk of application abandonment.
If this box is checked, you will be prompted to choose a micro entity status on the gross income basis (37 CFR 1.29(a)) or the institution of higher education basis (37 CFR 1.29(d)), and make the applicable certification online.
- ☒ Applicant asserting small entity status. See 37 CFR 1.27.
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.
- ☐ Applicant changing to regular undiscounted fee status.
Note: Checking this box will be taken to be a notification of loss of entitlement to small or micro entity status, as applicable.

Document Description: Issue Fee Payment (PTO-85B)

3.The Following Fee(s) Are Submitted:

☒ Issue Fee	☐ I authorize USPTO to apply my previously paid issue fee to the current fees due
☐ Publication Fee	☐ The Director is hereby authorized to apply my previously paid issue fee to the current fee due and to charge deficient fees to Deposit Account Number _____
☐ Advance Order - # of copies _____	☐ If in addition to the payment of the issue fee amount submitted with this form, there are any discrepancies in any amount(s) due, the Director is authorized to charge any deficiency, or credit any overpayment, to Deposit Account Number _____. The issue fee must be submitted with this form. If payment of the issue fee does not accompany this form, checking this box and providing a deposit account number will NOT be effective to satisfy full payment of the fee(s) due.

4.Firm and/or Attorney Names To Be Printed

NOTE: If no name is listed, no name will be printed

For printing on the patent front page, list to be displayed as entered

1. KILPATRICK TOWNSEND & STOCKTON LLP
- 2.
- 3.

5.Assignee Name(s) and Residence Data To Be Printed

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

Name	City	State	Country	Category
0912139 B.C. LTD.	North Vancouver		canada	corporation

6.Signature

I certify, in accordance with 37 CFR 1.4(d)(4) that I am an attorney or agent registered to practice before the Patent and Trademark Office who has filed and has been granted power of attorney in this application. I also certify that this Fee(s) Transmittal form is being transmitted to the USPTO via EFS-WEB on the date indicated below.

Signature	/Kyle B. Morse/	Date	05-30-2017
Name	Kyle B. Morse	Registration Number	70442

Electronic Patent Application Fee Transmittal				
Application Number:		13193584		
Filing Date:		28-Jul-2011		
Title of Invention:		GARMENTS FOR MEN		
First Named Inventor/Applicant Name:		Dustin Bigney		
Filer:		Kyle B. Morse/Marcos Vera		
Attorney Docket Number:		098622-000100US-0956378		
Filed as Small Entity				
Filing Fees for Utility under 35 USC 111(a)				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
UTILITY APPL ISSUE FEE	2501	1	480	480
PUBL. FEE- EARLY, VOLUNTARY, OR NORMAL	1504	1	0	0
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				
Miscellaneous:				
Total in USD (\$)				480

Electronic Acknowledgement Receipt

EFS ID:	29344560
Application Number:	13193584
International Application Number:	
Confirmation Number:	8229
Title of Invention:	GARMENTS FOR MEN
First Named Inventor/Applicant Name:	Dustin Bigney
Customer Number:	20350
Filer:	Kyle B. Morse/Marcos Vera
Filer Authorized By:	Kyle B. Morse
Attorney Docket Number:	098622-000100US-0956378
Receipt Date:	30-MAY-2017
Filing Date:	28-JUL-2011
Time Stamp:	17:02:08
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	CARD
Payment was successfully received in RAM	\$480
RAM confirmation Number	053117INTEFSW17020501
Deposit Account	201430
Authorized User	Jennifer Jacobs

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

37 CFR 1.20 (Post Issuance fees)

37 CFR 1.21 (Miscellaneous fees and charges)

Tommy John EX1004

Page 369 of 375

U.S. Patent No. 10,834,974

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Issue Fee Payment (PTO-85B)	Web85b.pdf	45967	no	2
			c01b700752e418914a5d5086c77fc549aa4ba2fc		

Warnings:**Information:**

2	Fee Worksheet (SB06)	fee-info.pdf	32089	no	2
			0c2c8bde1a046858add015e9280cf6a143c3fefe		

Warnings:**Information:**

Total Files Size (in bytes):	78056
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This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

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

National Stage of an International Application under 35 U.S.C. 371

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

New International Application Filed with the USPTO as a Receiving Office

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

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

Application Number	13193584	13193584 - GAU: 3765
Filing Date	2011-07-28	
First Named Inventor	Dustin Bigney	
Art Unit	3765	
Examiner Name		
Attorney Docket Number	B769 0001/GNM	

/A.K./	53	6245036		2001-06-12	MCROBERTS et al.	
	54	6289520		2001-09-18	PAGE	
	55	6295651		2001-10-02	KANG	
	56	6308342		2001-10-30	QI	
Change(s) applied to document, /C.C.B./ 9/18/2014	57	6353940	2000-03-12 03/2002	LYDEN		
	58	6487728		2002-12-03	COOK	
	59	6799334		2004-10-05	YU	
	60	6820284		2004-11-23	HORIKOSHI et al.	
	61	6862746		2005-03-08	CYM et al.	
	62	6901607		2005-06-07	ELWELL	
/A.K./	63	D509945		2005-09-27	OGLE	

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

Application Number	13193584	13193584 - GAU: 3765
Filing Date	2011-07-28	
First Named Inventor	Dustin Bigney	
Art Unit	3765	
Examiner Name		
Attorney Docket Number	B769 0001/GNM	

/A.K./	31	4870958		1989-10-03	WEBSTER	
	32	4955088		1990-09-11	TERJESEN	
Change(s) applied to document, /CCB/ 9/18/2014	33	5029345		1999-07-09 07/1991	ANGHELUTA et al.	
	34	5070869		1991-12-10	ZHANG	
	35	5157793		1992-10-27	MICHELS	
	36	5226179		1993-07-13	CHOI	
	37	5237706		1993-08-24	NALBANDIAN	
	38	5283912		1994-02-08	CHUNG	
	39	5379462		1995-01-10	MORGAN et al.	
	40	5461729		1995-10-31	BROCKS	
/A.K./	41	5524298		1996-06-11	PLUNKETT	



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APPLICATION NO.	ISSUE DATE	PATENT NO.	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/193,584	06/27/2017	9687030	098622-000100US-0956378	8229

20350 7590 06/07/2017
 KILPATRICK TOWNSEND & STOCKTON LLP
 Mailstop: IP Docketing - 22
 1100 Peachtree Street
 Suite 2800
 Atlanta, GA 30309

ISSUE NOTIFICATION

The projected patent number and issue date are specified above.

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

The Patent Term Adjustment is 548 day(s). Any patent to issue from the above-identified application will include an indication of the adjustment on the front page.

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

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

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

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

Dustin Bigney, West Vancouver, CANADA;
 Shawn Robert Ellis, Kelowna, CANADA;

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

Tommy John EX1004

AO 120 (Rev. 08/10)

TO: Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
---	---

In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court Western District of Washington at Seattle on the following

☐ Trademarks or ☒ Patents. (☐ the patent action involves 35 U.S.C. § 292.):

DOCKET NO. CV18-1464-RSL	DATE FILED 10/5/2018	U.S. DISTRICT COURT Western District of Washington at Seattle
PLAINTIFF 0912139 B.C., Ltd., a Canadian corporation, and PACKAGE APPAREL INC., a Canadian corporation		DEFENDANT RAMPION USA INC., a Washington corporation, and RAMPION ENTERPRISES LTD., a Canadian corporation
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 10,034,496	7/31/2018	0912139 B.C. Ltd.
2 9,687,030	6/27/2017	0912139 B.C. Ltd.
3		
4		
5		

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY ☐ Amendment ☐ Answer ☐ Cross Bill ☐ Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 10,034,496	7/31/2018	0912139 B.C. Ltd.
2 9,687,030	6/27/2017	0912139 B.C. Ltd.
3		
4		
5		

In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK WILLIAM MCCOOL	(BY) DEPUTY CLERK s/ Donna Jackson	DATE 10/9/2018
-----------------------------	---	-----------------------

Copy 1—Upon initiation of action, mail this copy to Director Copy 3—Upon termination of action, mail this copy to Director
 Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy

Tommy John EX1004

Page 374 of 375

U.S. Patent No. 10,834,974

AO 120 (Rev. 08/10)

TO: Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
---	---

In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court Western District of Washington at Seattle on the following

☐ Trademarks or ☒ Patents. (☐ the patent action involves 35 U.S.C. § 292.):

DOCKET NO. 2:18-cv-01464-JLR	DATE FILED 10/05/2018	U.S. DISTRICT COURT Western District of Washington at Seattle
PLAINTIFF 0912139 B.C., Ltd., a Canadian corporation, and PAKAGE APPAREL INC., a Canadian corporation		DEFENDANT RAMPION USA INC., a Washington corporation, and RAMPION ENTERPRISES LTD., a Canadian corporation
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 10,034,496	7/31/2018	0912139 B.C. Ltd.
2 9,687,030	6/27/2017	0912139 B.C. Ltd.
3		
4		
5		

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY ☐ Amendment ☐ Answer ☐ Cross Bill ☐ Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 10,034,496	7/31/2018	0912139 B.C. Ltd.
2 9,687,030	6/27/2017	0912139 B.C. Ltd.
3		
4		
5		

In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT ORDER OF DISMISSAL: Counsel having notified the Court of settlement of this case, and it appearing that no issue remains for the Court's determination, IT IS ORDERED that this action and all claims asserted herein are DISMISSED with prejudice and without costs to any party. In the event that settlement is not perfected, any party may move to reopen the case within 60 days of the date of this order. Any trial date and pretrial dates previously set are hereby VACATED. Signed by Judge James L. Robart. (AD) (Entered: 09/05/2019)

CLERK William McCool	(BY) DEPUTY CLERK Sharita Tolliver	DATE 9/17/2019
-------------------------	---------------------------------------	-------------------

Copy 1—Upon initiation of action, mail this copy to Director Copy 3—Upon termination of action, mail this copy to Director
Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy

Tommy John EX1004

Page 375 of 375

U.S. Patent No. 10,834,974