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APPLICATION NO.	ISSUE DATE	PATENT NO.	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/000,966	06/14/2011	7958571	8857P001	7855

8791 7590 05/25/2011

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

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 778 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):

William Trent Kitsch, Kelowna, CANADA;
Craig Golinowski, Calgary, CANADA;

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)

8791 7590 03/09/2011
BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

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.

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.

Melissa Stead	(Depositor's name)
Melissa Stead	(Signature)
5-6-11	(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/000,966	12/19/2007	William Trent Kitsch	8857P001	7855

TITLE OF INVENTION: UNDERWEAR GARMENT FOR A MALE

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	$755	$300	$0	$1055	06/09/2011

EXAMINER	ART UNIT	CLASS-SUBCLASS
QUINN, RICHALE LEE	3765	002-403000

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.

1 Blakely, Sokoloff,
2 Taylor & Zafman, LLP
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: Saxx Apparel, Ltd.

(B) RESIDENCE: (CITY and STATE OR COUNTRY): Kelowna, BC, Canada V1Y 2A9

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 credit any overpayment, to Deposit Account Number 022666 (enclose an extra copy of this form).

5. **Change in Entity Status** (from status indicated above)
- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.
- ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature Jonathan Miller Date 5/6/11

Typed or printed name Jonathan S. Miller Registration No. 48534

This collection of information 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.

Electronic Patent Application Fee Transmittal

Application Number:	12000966
Filing Date:	19-Dec-2007
Title of Invention:	UNDERWEAR GARMENT FOR A MALE
First Named Inventor/Applicant Name:	William Trent Kitsch
Filer:	Jonathan S. Miller/Melissa Stead
Attorney Docket Number:	8857P001

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:				
Publ. Fee- early, voluntary, or normal	1504	1	300	300
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Utility Appl issue fee	2501	1	755	755

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Extension-of-Time:				
Miscellaneous:				
			Total in USD ($)	**1055**

Electronic Acknowledgement Receipt

EFS ID:	10037648
Application Number:	12000966
International Application Number:	
Confirmation Number:	7855
Title of Invention:	UNDERWEAR GARMENT FOR A MALE
First Named Inventor/Applicant Name:	William Trent Kitsch
Customer Number:	08791
Filer:	Jonathan S. Miller/Melissa Stead
Filer Authorized By:	Jonathan S. Miller
Attorney Docket Number:	8857P001
Receipt Date:	06-MAY-2011
Filing Date:	19-DEC-2007
Time Stamp:	17:48:21
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Deposit Account
Payment was successfully received in RAM	$1055
RAM confirmation Number	4355
Deposit Account	022666
Authorized User	

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

Charge any Additional Fees required under 37 C.F.R. Section 1.16 (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)

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	Issue Fee Payment (PTO-85B)	P001_IssueFee.PDF	106162 0d28f942ddc7267712615f2ecb6bfdec09d33cf5	no	1
Warnings:					
Information:					
2	Fee Worksheet (PTO-875)	fee-info.pdf	31796 557d78cd6fab043689c13c04e7366d9b6b100757	no	2
Warnings:					
Information:					
		Total Files Size (in bytes):	137958		

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

<u>New Applications Under 35 U.S.C. 111</u>
If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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www.uspto.gov

NOTICE OF ALLOWANCE AND FEE(S) DUE

8791 7590 03/09/2011

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

EXAMINER
QUINN, RICHALE LEE

ART UNIT	PAPER NUMBER
3765	

DATE MAILED: 03/09/2011

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/000,966	12/19/2007	William Trent Kitsch	8857P001	7855

TITLE OF INVENTION: UNDERWEAR GARMENT FOR A MALE

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	$755	$300	$0	$1055	06/09/2011

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 SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

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

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

8791 7590 03/09/2011

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

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.

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.
12/000,966	12/19/2007	William Trent Kitsch	8857P001	7855

TITLE OF INVENTION: UNDERWEAR GARMENT FOR A MALE

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	$755	$300	$0	$1055	06/09/2011

EXAMINER	ART UNIT	CLASS-SUBCLASS
QUINN, RICHALE LEE	3765	002-403000

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.

1 _____

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 credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

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

❑ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.

❑ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____ Date _____

Typed or printed name _____ Registration No. _____

This collection of information 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.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/000,966	12/19/2007	William Trent Kitsch	8857P001	7855

8791 7590 03/09/2011

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

EXAMINER	
QUINN, RICHALE LEE	

ART UNIT	PAPER NUMBER
3765	

DATE MAILED: 03/09/2011

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

The Patent Term Adjustment to date is 601 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 601 day(s).

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 Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Privacy Act Statement

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

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

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

Notice of Allowability	Application No.	Applicant(s)	
	12/000,966	KITSCH ET AL.	
	Examiner	Art Unit	
	RICHALE L. QUINN	3765	

-- 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 *1/7/2011*.

2. ☒ The allowed claim(s) is/are *1-11*.

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

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
   (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
   (b) ☐ 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. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____ .
7. ☐ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

/KATHERINE MORAN/
Primary Examiner, Art Unit 3765

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	12000966	KITSCH ET AL.
	Examiner	**Art Unit**
	RICHALE L QUINN	3765

SEARCHED			
Class	**Subclass**	**Date**	**Examiner**
2	400 -405	10/10/2010	RLQ
602	67,68	10/10/2010	RLQ
450	104	10/10/2010	RLQ
above	updated	2/15/2011	RLQ

SEARCH NOTES		
Search Notes	**Date**	**Examiner**
See EAST search report	10/10/2010;2/15/2011	RLQ

INTERFERENCE SEARCH			
Class	**Subclass**	**Date**	**Examiner**
EAST	.clm. search	2/15/2011	RLQ

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	12000966	KITSCH ET AL.
	Examiner	**Art Unit**
	RICHALE L QUINN	3765

✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

☐ Claims renumbered in the same order as presented by applicant ☐ CPA ☐ T.D. ☐ R.1.47

CLAIM		DATE								
Final	Original	10/09/2010	02/15/2011							
	1	✓	=							
	2	✓	=							
	3	✓	=							
	4	✓	=							
	5	✓	=							
	6	✓	=							
	7	✓	=							
	8	✓	=							
	9	✓	=							
	10	✓	=							
	11	✓	=							

Issue Classification

Application/Control No.	Applicant(s)/Patent Under Reexamination
12000966	KITSCH ET AL.
Examiner	**Art Unit**
RICHALE L QUINN	3765

ORIGINAL		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)				
2	405				

☒ 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														
2	2														
3	3														
4	4														
5	5														
6	6														
7	7														
8	8														
9	9														
10	10														
11	11														

/RICHALE L QUINN/ Examiner.Art Unit 3765 (Assistant Examiner)	2/15/2011 (Date)	**Total Claims Allowed:** 11	
/KATHERINE MORAN/ Primary Examiner.Art Unit 3765 (Primary Examiner)	02/17/2011 (Date)	O.G. Print Claim(s) 1	O.G. Print Figure 3

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BIB DATA SHEET

CONFIRMATION NO. 7855

SERIAL NUMBER	FILING or 371(c) DATE RULE	CLASS	GROUP ART UNIT	ATTORNEY DOCKET NO.
12/000,966	12/19/2007	002	3765	8857P001

APPLICANTS

William Trent Kitsch, Kelowna, CANADA;
Craig Golinowski, Calgary, CANADA;

**** CONTINUING DATA ***************************

This appln claims benefit of 60/886,545 01/25/2007

**** FOREIGN APPLICATIONS ***************************

**** IF REQUIRED, FOREIGN FILING LICENSE GRANTED **** ** SMALL ENTITY **
01/23/2008

Foreign Priority claimed ☐ Yes ☑ No 35 USC 119(a-d) conditions met ☐ Yes ☑ No Verified and Acknowledged /RICHALE LEE QUINN/ Examiner's Signature	☐ Met after Allowance RLQ Initials	STATE OR COUNTRY	SHEETS DRAWINGS	TOTAL CLAIMS	INDEPENDENT CLAIMS
		CANADA	13	11	1

ADDRESS

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040
UNITED STATES

TITLE

Underwear garment for a male

FILING FEE RECEIVED		
515	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
L1	147	stankowski.in.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	AND	ON	2011/02/15 17:38
L2	449754	"2"/$	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	AND	ON	2011/02/15 17:38
L3	0	L1 and "L2"	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	AND	ON	2011/02/15 17:38
L4	0	L1 and L3	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	AND	ON	2011/02/15 17:38
L5	91308	("2").CLAS.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2011/02/15 17:38
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L15	102	(2/405).CCLS.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2011/02/15 17:47
L16	428	(2/401).CCLS.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2011/02/15 17:47
L17	248	(2/402).CCLS.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2011/02/15 17:48
L18	449	(2/403).CCLS.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2011/02/15 17:48
L19	322	(2/404).CCLS.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2011/02/15 17:48
L20	319	(602/67).CCLS.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2011/02/15 17:48
L21	34	(602/68).CCLS.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2011/02/15 17:48

L22	319	(602/67).CCLS.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2011/02/15 17:52
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S7	585	S3 not S5	US-PGPUB; USPAT; USOCR	AND	ON	2009/10/30 16:41

2/15/2011 5:55:24 PM
H:\East\Workspaces\12000966.wsp

Attorney's Docket No. 8857.P001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application for:	
William Trent Kitsch	Examiner: Richale Lee Quinn
Serial No. 12/000,966	Art Unit: 3765
Filed: December 19, 2007	Confirmation No.: 7855
For: Underwear Garment For A Male	

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

AMENDMENT AND RESPONSE TO OFFICE ACTION

In response to the Office Action mailed October 13, 2011, in connection with the above referenced patent application, the Applicant respectfully requests reconsideration in view of the following amendments and remarks.

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 4 of this paper.

Listing of Claims

1. (Currently Amended) For wearing by a user having a penis, a scrotum, and a perineum an underwear garment comprising:

a waistband, and a front wall depending downwardly from the front thereof,

a genital pouch formed in a mid-section of said front wall so as to bisect said front wall, said pouch pear-shaped when viewed from the front and having a lower extremity thereof which extends under and rearwardly of said front wall so as to form a perineum portion for covering past the scrotum and to the perineum of the user when worn by the user,

said pouch having a phallus supporting portion extending forwardly of a plane generally containing said front wall and forming therein an apex portion for containing a head of the penis of the user when the penis is hanging at rest,

said pouch having a scrotum supporting portion extending from and between said phallus supporting portion and said perineum portion for containing at least a portion of the scrotum of the user,

a pair of laterally spaced apart, separate and substantially parallel side panels forming upwardly from adjacent the perineum generally vertical extending scrotum fences towards said waistband, spaced so as to snugly engage sides of the scrotum and to substantially completely cover over and support the sides of the scrotum and to extend upwardly into a fold along a lowermost aspect of the abdomen of the user formed between the scrotum and the inner thighs of the user so as to substantially entirely cover exposed thigh skin in the fold exposed for rubbing against scrotum skin in the fold.

2. (Original) The garment of claim 1 wherein said side panels are formed as opposed facing concavities so as to cup the scrotum.

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3. (Original) The garment if claim 2 wherein said side panels are formed of wicking mesh.

4. (Original) The garment of claim 3 wherein said mesh is elasticized.

5. (Original) The garment of claim 4 wherein said side panels are scimitar-shaped when viewed from the side so as to form with said pouch said scrotum supporting portion as a crescent half-moon-shaped basket.

6. (Original) The garment of claim 5 wherein said pouch is formed of elasticized mesh.

7. (Original) The garment of claim 6 wherein said pouch has an inner lining which is smooth and seamless over a central penis-covering portion thereof.

8. (Currently Amended) The garment of claim 2 wherein said concavities are formed at least in part by being ~~folding~~ folded laterally inwardly and ~~stitching~~ uppermost ends of said side panels being stitched so as to fold over an uppermost edge of said side panels.

9. (Original) The garment of claim 2 wherein said side panels extend substantially up to said waistband.

10. (Original) The garment of claim 9 wherein said pouch extends between said side panels substantially up to said waistband.

11. (Original) The garment of claim 1 wherein said side panels extend upwards so as to contact said waistband.

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REMARKS

In response to the above identified Office Action, the Applicants submit the above amendments and respectfully request reconsideration in view of the remarks below. Claims 1 and 8 are amended. No claims have been added or cancelled. Accordingly, claims 1-11 are pending in the application.

I. Claims Rejected Under 35 U.S.C. § 102

Claims 1-6 and 8-11 stand rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Publication No. 2006/0162052 by Stankowski (hereinafter "Stankowski"). Reconsideration of the rejection in view of the claim amendments and the comments below is respectfully solicited.

The Examiner alleges that Stankowski discloses each of the elements of the claims including underwear having a pouch as well as a scrotum supporting section. However, Stankowski's scrotum support section does not constitute the substantially vertical opposed panels of the present invention.

Claim 1 as amended reads in part:

> *a genital pouch formed in a mid-section of said front wall so as to bisect said front wall, said pouch pear-shaped when viewed from the front and having a lower extremity thereof which extends under and rearwardly of said front wall so as to form a perineum portion for covering past the scrotum and to the perineum of the user when worn by the user*

(emphasis added). The Examiner interpreted the claim as reading on Stankowski's pouch. However, Stankowski's pouch does not cover past the scrotum to the perineum of the user. The

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Examiner referred to Fig. 4 of Stankowski, but Fig. 4 does not convey the extent of the rearward reach of the pouch in relation to a user. Fig. 3 does illustrate this aspect and Fig. 3 shows that the lowermost end of the pouch ends before the perineum which is the portion of the undergarment in the vicinity of element 24 in Fig. 3 of Stankowski.

Most significantly, Stankowski does not disclose a pair of laterally spaced apart, separate and substantially parallel side panels. What the Examiner characterized as the Stankowski "panels," element 23 of Figure 3, appears to be part of a unitary piece of fabric looping under the scrotum. In contrast, claim 1 recites separate, vertical and substantially parallel side panels that are distinct from the pouch and distinct and separate from one another. In this respect, claim 1 has been amended to emphasize the unconnected aspect of the panels by specifying that they are "separate."

Thus, Stankowski fails to disclose a pair of laterally spaced apart, separate and substantially parallel side panels, or any motivation to provide such separate panels. In fact, although Stankowski discloses several embodiments of their invention, none of those embodiments includes these aspects recited in claim 1. Therefore, Stankowski does not teach each of the elements of claim 1. Accordingly, reconsideration and withdrawal of the anticipation rejection of claim 1 are requested.

Claims 2-6 and 8-11 depend from claim 1 and incorporate the limitations thereof. Thus, at least for the reasons mentioned above, these claims are not anticipated by Stankowski. In addition, claim 2 recites that the panels form opposed facing concavities and claim 5 recites that

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the panels are scimitar-shaped. Reference to Fig. 3 of Stankowski shows that the U-shaped element 23 is floppy and fails to define any lateral concavities or a scimitar shape.

The dependent claims further recite that the panels substantially entirely cover exposed thigh skin from rubbing against the scrotum. The claimed invention does so effectively by extending the panels all the way to the waistband, leaving no portion of thigh skin in contact with the scrotum. These features are emphasized in claims 9 to 11. The Examiner suggested that such features are disclosed by Fig. 3 of Stankowski, but in fact Fig. 3 does not show any panels extending to the waistband 12. Element 23 ends at elements 28 and 29, which is far short of the waistband. Elements 25 and 26 are "unseen seems 25 and 26" as described in pargraph [0053]. Thus, these elements cannot be equivalent to the recited panels. Therefore, the Examiner has failed to establish that Stankowski teaches each of the elements of the dependent claims. Accordingly, reconsideration and withdrawal of the anticipation rejection of the dependent claims are requested.

II. Claims Rejected Under 35 U.S.C. § 103

Claim 7 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Stankowski in view of U.S. Patent No. 3,496,576 by Artzt (hereinafter "Artzt").

Claim 7 depends from independent claim 1 and incorporates the limitations thereof. Thus, at least for the reasons mentioned in regard to claim 1, Stankowski does not disclose each of the elements of claim 7. Further, the Examiner has not established that Artzt cures the above-referenced defects of Stankowski. Therefore, Stankowski in view of Artzt does not render each

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of the elements of claim 7 obvious. Accordingly, reconsideration and withdrawal of the obvious rejection of claim 7 are requested.

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CONCLUSION

In view of the foregoing, it is believed that all claims now pending patentably define the subject invention over the prior art of record, and are in condition for allowance and such action is earnestly solicited at the earliest possible date. If the Examiner believes a telephone conference would be useful in moving the case forward, he is encouraged to contact the undersigned at (310) 207-3800.

If there are any additional fees due in connection with the filing of this response, please charge those fees to our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: 1/7, 2011

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CERTIFICATE OF ELECTRONIC FILING

I hereby certify that this paper is being transmitted online via EFS Web to the Patent and Trademark Office, Commissioner for Patents, Post Office Box 1450, Alexandria, Virginia 22313-1450, on 1-7, 2011.

Melissa Stead 1-7, 2011

Pakage Apparel EX2010
Page 27 of 129
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Electronic Acknowledgement Receipt

EFS ID:	9190519
Application Number:	12000966
International Application Number:	
Confirmation Number:	7855
Title of Invention:	Underwear garment for a male
First Named Inventor/Applicant Name:	William Trent Kitsch
Customer Number:	08791
Filer:	Jonathan S. Miller/Melissa Stead
Filer Authorized By:	Jonathan S. Miller
Attorney Docket Number:	8857P001
Receipt Date:	07-JAN-2011
Filing Date:	19-DEC-2007
Time Stamp:	18:50:15
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		P001_ROA.PDF	144680 62ec6c8ef7182a4295010894ca0d9e06b29c e7c6	yes	8

	Multipart Description/PDF files in .zip description		
	Document Description	**Start**	**End**
	Amendment/Req. Reconsideration-After Non-Final Reject	1	1
	Claims	2	3
	Applicant Arguments/Remarks Made in an Amendment	4	8
Warnings:			
Information:			
	Total Files Size (in bytes):	144680	

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.

PTO/SB/06 (07-06)
Approved for use through 1/31/2007. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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PATENT APPLICATION FEE DETERMINATION RECORD

Substitute for Form PTO-875

Application or Docket Number	Filing Date	☐ To be Mailed
12/000,966	12/19/2007	

APPLICATION AS FILED – PART I

FOR	(Column 1) NUMBER FILED	(Column 2) NUMBER EXTRA	SMALL ENTITY ☒ RATE ($)	SMALL ENTITY ☒ FEE ($)	OR	OTHER THAN SMALL ENTITY RATE ($)	OTHER THAN SMALL ENTITY FEE ($)
☐ 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), (i), 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(i))	minus 20 =	*	X $ =		OR	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))							
			TOTAL			TOTAL	

* If the difference in column 1 is less than zero, enter "0" in column 2.

APPLICATION AS AMENDED – PART II

AMENDMENT 01/07/2011

	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	SMALL ENTITY RATE ($)	SMALL ENTITY ADDITIONAL FEE ($)	OR	OTHER THAN SMALL ENTITY RATE ($)	OTHER THAN SMALL ENTITY ADDITIONAL FEE ($)
Total (37 CFR 1.16(i))	* 11	Minus	** 20	=	X $ =		OR	X $ =	
Independent (37 CFR 1.16(h))	* 1	Minus	***3	=	X $ =		OR	X $ =	
☐ Application Size Fee (37 CFR 1.16(s))									
☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							OR		
					TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE	

AMENDMENT

	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	RATE ($)	ADDITIONAL FEE ($)		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))									
☐ 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 number found in the appropriate box in column 1.

Legal Instrument Examiner:
/PEGGY YARBOROUGH/

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

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/000,966	12/19/2007	William Trent Kitsch	8857P001	7855

8791 7590 10/13/2010

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

EXAMINER	
QUINN, RICHALE LEE	

ART UNIT	PAPER NUMBER
3765	

MAIL DATE	DELIVERY MODE
10/13/2010	PAPER

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.

Office Action Summary	Application No.	Applicant(s)	
	12/000,966	KITSCH ET AL.	
	Examiner	Art Unit	
	RICHALE L. QUINN	3765	

-- 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 *19 December 2007*.

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

3)☐ 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

4)☒ Claim(s) *1-11* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-11* is/are rejected.

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

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

Application Papers

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

10)☒ The drawing(s) filed on *18 March 2008* 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).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

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).

a)☐ All b)☐ Some * c)☐ None of:

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) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *1/7/10;3/3/08*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

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

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1–6 and 8 – 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Stankowski et al. (US 2006/0162052). The device of Stankowski et al. discloses a undergarment comprising a waistband (12) and a front wall (5) depending downwardly therefrom, a genital pouch (20) formed in a mid section of said front wall (5) said pouch is pear shaped when viewed from the front (Figure 1) and having a lower extremity (near element 17)thereof which extends under and rearward (Figure 3) of the front wall (5) so as to form a perineum portion for covering past the scrotum and to the perineum of the user when worn (Figure 4). The pouch (20) has a phallus supporting portion (22) extending forwardly of a plane generally containing said front wall (Figures 1 and 6) forming therein an apex portion for containing a head of the penis of the user when the penis is hanging at rest (Figure 1). The pouch having a scrotum supporting portion (see the bottommost portion of pouch 20) extending from and between the phallus portion and said perineum portion for containing at least a portion of the scrotum of the wearer. A pair of laterally spaced apart, substantially parallel side panels (see side portions of

element 23) forming upwardly from adjacent the perineum generally vertical extending scrotum fences towards the waistband (Figure 3), spaced so as to snugly engage the sides of the scrotum and to extend upward into a fold along the lower most aspect of the abdomen (25, 26) of the user formed between the scrotum and the inner thighs of the user so as to substantially entirely cover exposed thigh skin in the fold exposed from rubbing against the scrotum skin in the fold (paragraph 0056). The side panels (23) are formed as opposed facing concavities so as to cup the scrotum (Figure 3). The border is made of a mesh wicking fabric (paragraph 0054). According to Hooke's law all fabric is elastic in that it has the ability to stretch and recover to a certain degree. Therefore, the mesh fabric of Stankowksi et al. is considered elastic. The side panels (23) are scimitar-shaped when viewed from the side so as to form with said pouch said scrotum supporting portion as a crescent half moon-shaped basket (Figure 4). With regard to claim 8, the recitation of forming the concavities by folding laterally inwardly and stitching uppermost ends is a product by process limitation and is not given patentable weight. The finished device of Stankowski et al. meets the structural limitations recited by applicant since it has the concavities located at the upper most ends of the side panels. The panels (23, 25, 26) and the pouch (20) extend substantially up to contact said waistband (Figure 3).

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 negatived by the manner in which the invention was made.

4. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stankowski et al. in view of Artzt (US 3,496,576). The device of Stankowski et al. substantially discloses the claimed invention but is lacking an inner lining. The device of Artzt discloses a underwear garment having a supporting pouch (25) and an inner, seamless lining (28) that is smooth and is located on the pouch at a central penis covering portion (Figure 1). It would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the device of Stankowski et al. by utilizing the lining of Artzt in order to provide moisture protection for the user (Column 1, lines 15 – 20).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RICHALE L. QUINN whose telephone number is (571)272-8689. The examiner can normally be reached on M-F 8:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Welch can be reached on 571-272-4996. 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.

Richale L Quinn
Examiner
Art Unit 3765

/R. L. Q./
Examiner, Art Unit 3765

/KATHERINE MORAN/
Primary Examiner, Art Unit 3765

Notice of References Cited	Application/Control No. 12/000,966	Applicant(s)/Patent Under Reexamination KITSCH ET AL.	
	Examiner RICHALE L. QUINN	Art Unit 3765	Page 1 of 2

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-2,328,953 A	09-1943	FRANKLIN CHATFIELD et al.	602/67
*	B	US-2,438,310 A	03-1948	ASHE EDWARD J et al.	2/403
*	C	US-2,623,210 A	12-1952	FRANKLIN CHATFIELD	450/104
*	D	US-2,641,257 A	06-1953	RUTLEDGE GEORGE E	602/67
*	E	US-3,294,086 A	12-1966	NELKIN HENRY G	602/19
*	F	US-3,459,181 A	08-1969	MANN PHILIP	602/67
*	G	US-3,496,576 A	02-1970	ARTZT WILLIAM WALTER	2/402
*	H	US-3,499,442 A	03-1970	STEINMETZ WILLIAM A	602/67
*	I	US-3,517,666 A	06-1970	ATLEE JOHN S	602/68
*	J	US-4,554,685 A	11-1985	Ray, Hugh C.	2/403
*	K	US-5,029,345 A	07-1991	Angheluta et al.	2/403
*	L	US-5,379,462 A	01-1995	Morgan et al.	2/403
*	M	US-5,875,495 A	03-1999	Thrower, John H.	2/403

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.

Notice of References Cited	Application/Control No. 12/000,966	Applicant(s)/Patent Under Reexamination KITSCH ET AL.	
	Examiner RICHALE L. QUINN	Art Unit 3765	Page 2 of 2

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-6,289,520 B1	09-2001	Page, Bradley N.	2/403
*	B	US-2006/0162052 A1	07-2006	Stankowski et al.	002/403
*	C	US-7,178,174 B2	02-2007	Soderstrom, Peter	2/403
*	D	US-7,198,688 B2	04-2007	Mortell et al.	156/160
*	E	US-2007/0192941 A1	08-2007	Soderstrom, Peter	002/403
*	F	US-2007/0245463 A1	10-2007	Kang, Paul	002/403
*	G	US-2008/0178368 A1	07-2008	Clark, Robert	2/403
*	H	US-7,631,369 B2	12-2009	Geiwald et al.	2/403
*	I	US-7,676,853 B1	03-2010	Cutlip, Ronald S.	2/403
	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)
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	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.

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	12000966	KITSCH ET AL.
	Examiner	Art Unit
	RICHALE L QUINN	3765

✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

☐ Claims renumbered in the same order as presented by applicant ☐ CPA ☐ T.D. ☐ R.1.47

CLAIM		DATE								
Final	Original	10/09/2010								
	1	✓								
	2	✓								
	3	✓								
	4	✓								
	5	✓								
	6	✓								
	7	✓								
	8	✓								
	9	✓								
	10	✓								
	11	✓								

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	12000966	KITSCH ET AL.
	Examiner	Art Unit
	RICHALE L QUINN	3765

SEARCHED			
Class	Subclass	Date	Examiner
2	400 -405	10/10/2010	RLQ
602	67,68	10/10/2010	RLQ
450	104	10/10/2010	RLQ

SEARCH NOTES		
Search Notes	Date	Examiner
See EAST search report	10/10/2010	RLQ

INTERFERENCE SEARCH			
Class	Subclass	Date	Examiner

EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L1	101	(2/405).CCLS.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2010/10/09 18:10
L2	446	(2/403).CCLS.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2010/10/09 18:15
L3	0	("2006/0162052").URPN.	USPAT	AND	ON	2010/10/09 18:42
L4	0	("2006/0162052").URPN.	USPAT	AND	ON	2010/10/09 18:43
L5	6	("2459043" | "3499442" | "3517666" | "5029345" | "6026517" | "6295651"). PN.	USPAT	AND	ON	2010/10/09 18:43
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L7	40	("0642920" | "2050410" | "2254863" | "3037503" | "3207155" | "3459181" | "3499443" | "3511234" | "3621846" | "4173976" | "4195630" | "4471772" | "4526167" | "4660551" | "4702239" | "4961419" | "5029345" | "5226179" | "5274854" | "5283912" | "5524298" | "5547466" | "5647065" | "5718003" | "5870779" | "6038703" | "6061840" | "6132412" | "6557182").PN. OR ("7178174").URPN.	US-PGPUB; USPAT; USOCR	AND	ON	2010/10/09 19:00
L8	583	(2/400).CCLS.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2010/10/09 21:50

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L13	427	(2/401).CCLS.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2010/10/09 21:51
L14	34	(602/68).CCLS.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2010/10/09 21:51
L15	319	(602/67).CCLS.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2010/10/09 21:52
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L19	11	L6 and (lining or liner)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	AND	ON	2010/10/09 21:54
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		"3459181" | "3517666" | "4554685" | "5379462" | "5875495" | "6289520" | "7178174").URPN.				
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S5	101	(2/405).CCLS.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2010/10/08 18:58

10/9/2010 10:01:11 PM
H:\East\Workspaces\12000966 male undergarment.wsp

Substitute for form 1449A/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet 1 **of** 1

Complete if Known	
Application Number	12/000,966
Filing Date	December 19, 2007
First Named Inventor	William Trent Kitsch
Art Unit	3765
Examiner Name	QUINN, RICHALE LEE
Attorney Docket Number	8857P001

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No.[1]	Document Number Number - Kind Code[2] *(if known)*	Publication Date or Issue Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		US-5029345	07-09-1991	Angheluta et al.	
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FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No.[1]	Foreign Patent Document Country Code[3] - Number[4] - Kind Code[5] *(if known)*	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T[6]

Examiner Signature	/Richale Quinn/	Date Considered	10/09/2010

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

[1]Applicant's unique citation designation number (optional). [2]See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. [3]Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). [4]For Japanese patent documents, the indication of the year of reign of the Emperor must precede the serial number of the patent document. [5]Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. [6]Applicant is to place a check mark here if English language Translation is attached.

Based on PTO/SB/08A (08-03) as modified by Blakely, Solokoff, Taylor & Zafman (wlr) 08/11/2003.

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

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /R.Q./

IAP35 MAR 03 2008 PATENT & TRADEMARK OFFICE

PTO/SB/08A (10-07)
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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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Substitute for form 1449/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet 1 of 4

Complete if Known	
Application Number	12/000,966
Filing Date	December 19, 2007
First Named Inventor	William Trent Kitsch
Art Unit	3765
Examiner Name	
Attorney Docket Number	ACE-40016

U. S. PATENT DOCUMENTS

Examiner Initials*	Cite No.[1]	Document Number Number-Kind Code[2] (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		US- 4,554,685	11-26-1985	Ray	
		US- 6,353,940	03-12-2002	Lyden	
		US- 7,178,174	02-20-2007	Soderstrom	
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		US- 3,621,846	11-23-1971	Lehman	
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Examiner Signature		Date Considered	

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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 2 hours 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, 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.

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PTO/SB/08A (10-07)
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

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Sheet 2 of 4

Complete if Known	
Application Number	12/000,966
Filing Date	December 19, 2007
First Named Inventor	William Trent Kitsch
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Attorney Docket Number	ACE-40016

U. S. PATENT DOCUMENTS

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		US- D509,945 S	09-27-2005	Ogle	
		US- 7,017,193 B2	03-28-2006	Auger	
		US- 2,624,336	01-06-1953	Hansley	
		US- 2,652,053	09-15-1953	Dann	
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Sheet 3 of 4

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Attorney Docket Number	ACE-40016

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		US- 6,901,607 B1	06-07-2005	Elwell	
		US- 7,065,797	06-27-2006	Chen	
		US- 2005/0268380 A1	12-08-2005	Sovell	
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		US- 4,195,630	04-01-1980	Connery, deceased et al.	

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Sheet 4 of 4

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Application Number	12/000,966
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First Named Inventor	William Trent Kitsch
Art Unit	3765
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Attorney Docket Number	ACE-40016

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United States Patent and Trademark Office
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www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/000,966	12/19/2007	William Trent Kitsch	8857P001

CONFIRMATION NO. 7855

8791
BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

POA ACCEPTANCE LETTER

OC000000039590432

Date Mailed: 01/12/2010

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 01/05/2010.

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.

/mnguyen/

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
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/000,966	12/19/2007	William Trent Kitsch	ACE-40016

CONFIRMATION NO. 7855

POWER OF ATTORNEY NOTICE

10361
Antony C. Edwards
P.O. Box 26020
Westbank, BC V4T 2G3
CANADA

OC000000039590408

Date Mailed: 01/12/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 01/05/2010.

- 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).

/mnguyen/

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

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet 1 **of** 1

Complete if Known	
Application Number	12/000,966
Filing Date	December 19, 2007
First Named Inventor	William Trent Kitsch
Art Unit	3765
Examiner Name	QUINN, RICHALE LEE
Attorney Docket Number	8857P001

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

Electronic Acknowledgement Receipt

EFS ID:	6771947
Application Number:	12000966
International Application Number:	
Confirmation Number:	7855
Title of Invention:	Underwear garment for a male
First Named Inventor/Applicant Name:	William Trent Kitsch
Customer Number:	10361
Filer:	Jonathan S. Miller/Melissa Stead
Filer Authorized By:	Jonathan S. Miller
Attorney Docket Number:	ACE-40016
Receipt Date:	07-JAN-2010
Filing Date:	19-DEC-2007
Time Stamp:	19:48:52
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		P001_IDS.PDF	149594 a81a00f053e7ede491f84fc08df64ae0df4d3da7	yes	2

	Multipart Description/PDF files in .zip description		
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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
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Not for submission under 37 CFR 1.99)

Application No.	12/000,966
Filing Date	December 19, 2007
First Inventor	William Trent Kitsch, et al.
Art Unit	3765
Examiner Name	QUINN, RICHALE LEE
Attorney Docket No.	8857P001 Conf. No. 7855

DUTY OF DISCLOSURE STATEMENT

In accordance with the duty of disclosure, enclosed is a copy of an Information Disclosure Statement (IDS) Citation Form PTO/SB/08 or PTO-1449, together with copies of the documents cited on that form, except for copies not required to be submitted (e.g., copies of U.S. patents and U.S. published patent applications need not be enclosed). This IDS and IDS Citation Form are being submitted before the mailing of a first Office Action. It is respectfully requested that the cited references be considered and that the enclosed copy of PTO/SB/08 be initialed by the Examiner to indicate such consideration and a copy thereof returned to applicant(s).

The submission of this Information Disclosure Statement is not to be construed as a representation that a search has been made in the subject application and is not to be construed as an admission that the information cited in this statement is material to patentability.

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).

OR

☒ None

☐ The IDS Filing Fee in the amount of $180.00 as set forth in 37 CFR 1.17(p) has been submitted herewith.

☒ It is requested that any requisite fees be debited from Deposit Account 02-2666.

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 signature.

Signature	/Jonathan S. Miller/	Date (MM-DD-YYYY)	01-07-2010
Name/Print	Jonathan S. Miller	Registration Number	48,534

I hereby certify that this correspondence is being submitted electronically via EFS Web on the date shown below.

Melissa Stead /Melissa Stead/ *Date* 1-7-10

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.**

REVOCATION OF POWER OF ATTORNEY WITH NEW POWER OF ATTORNEY AND CHANGE OF CORRESPONDENCE ADDRESS		
	Application No.	12/000,966
	Filing Date	December 19, 2007
	First Named Inventor	William Trent Kitsch
	Group Art Unit	3765
	Examiner Name	QUINN, RICHALE LEE
	Attorney Docket Number	8857P001

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 the practitioners associated with Customer Number: **08791**

☐ Please change the correspondence address for the above-identified application to:

☒ The address associated with Customer Number: **08791**

OR

☐ Firm *or* Individual Name					
Address					
Address					
City		*State*		*Zip Code*	
Country		*Telephone*		*Fax*	

I am the:

☐ Applicant.

☒ Assignee of record of the entire interest. See 37 CFR 3.71.
Statement under of 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

SIGNATURE of Applicant or Assignee of Record

Name	William Trent Kitsch
Signature	
Date	January 4th, 2010

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 _____ forms are submitted.

Based on PTO/SB/62 (04-05) as modified by BSTZ (11/30/2005 - WLR)
SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Docket No. 8857P001

STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: Saxx Apparel, Ltd.

Application No./Patent No.: 12/000,966 Filed/Issue Date: 12/19/2007

Titled: Underwear Garment for Male

Saxx Apparel, Ltd. (Name of Assignee), a corporation (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 020315, Frame 0247, 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
Reel _____, Frame _____, or for which a copy thereof is attached.

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.

☐ 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 PTO. See MPEP 302.8]

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

Signature — January 4, 2010 (Date)

William Trent Kitsch (Printed or Typed Name) — Founder / President (Title)

Based on PTO/SB/96 (06-03) as modified by Blakely, Sokoloff, Taylor & Zafman (wh) 05/05/2004.
SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Electronic Acknowledgement Receipt

EFS ID:	6751341
Application Number:	12000966
International Application Number:	
Confirmation Number:	7855
Title of Invention:	Underwear garment for a male
First Named Inventor/Applicant Name:	William Trent Kitsch
Customer Number:	10361
Filer:	Jonathan S. Miller/Melissa Stead
Filer Authorized By:	Jonathan S. Miller
Attorney Docket Number:	ACE-40016
Receipt Date:	05-JAN-2010
Filing Date:	19-DEC-2007
Time Stamp:	18:48:42
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		P001_RevPOA_Stmt.PDF	89781 bd38a02b9b4eaa3ad93077196e682cff0fde3805	yes	2

	Multipart Description/PDF files in .zip description		
	Document Description	**Start**	**End**
	Power of Attorney	1	1
	Assignee showing of ownership per 37 CFR 3.73(b).	2	2
Warnings:			
Information:			
	Total Files Size (in bytes):	89781	

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.

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/000,966	12/19/2007	William Trent Kitsch	ACE-40016

CONFIRMATION NO. 7855

10361
Antony C. Edwards
P.O. Box 26020
Westbank, BC V4T 2G3
CANADA

PUBLICATION NOTICE

Date Mailed: 07/31/2008

Title: Underwear garment for a male

Publication No.US-2008-0178369-A1
Publication Date:07/31/2008

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 Managment, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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www.uspto.gov

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
12/000,966	12/19/2007	3765	515	ACE-40016	11	1

CONFIRMATION NO. 7855

UPDATED FILING RECEIPT

10361
Antony C. Edwards
P.O. Box 26020
Westbank, BC V4T 2G3
CANADA

OC00000029109571

Date Mailed: 03/28/2008

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 write to the Office of Initial Patent Examination's Filing Receipt Corrections. 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)

William Trent Kitsch, Kelowna, CANADA;
Craig Golinowski, Calgary, CANADA;

Assignment For Published Patent Application

SAXX APPAREL LTD.

Power of Attorney: The patent practitioners associated with Customer Number 010361

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/886,545 01/25/2007

Foreign Applications

If Required, Foreign Filing License Granted: 01/23/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/000,966**

Projected Publication Date: 07/31/2008

Non-Publication Request: No

Early Publication Request: No
**** SMALL ENTITY ****

Title

Underwear garment for a male

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

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NOT GRANTED

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OIPE IAP91
MAR 18 2008
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PTO/SB/21 (10-07)
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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	12/000,966
Filing Date	December 19, 2007
First Named Inventor	William Trent Kitsch
Art Unit	
Examiner Name	
Attorney Docket Number	ACE-40016

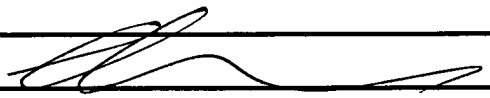
Total Number of Pages in This Submission: 18

ENCLOSURES *(Check all that apply)*

- ☐ Fee Transmittal Form
  - ☐ Fee Attached
- ☐ Amendment/Reply
  - ☐ After Final
  - ☐ Affidavits/declaration(s)
- ☐ Extension of Time Request
- ☐ Express Abandonment Request
- ☐ Information Disclosure Statement
- ☐ Certified Copy of Priority Document(s)
- ☑ Reply to Missing Parts/ Incomplete Application
  - ☐ Reply to Missing Parts under 37 CFR 1.52 or 1.53
- ☑ Drawing(s)
- ☐ Licensing-related Papers
- ☐ Petition
- ☐ Petition to Convert to a Provisional Application
- ☐ Power of Attorney, Revocation Change of Correspondence Address
- ☐ Terminal Disclaimer
- ☐ Request for Refund
- ☐ CD, Number of CD(s) _____
  - ☐ Landscape Table on CD
- ☐ After Allowance Communication to TC
- ☐ Appeal Communication to Board of Appeals and Interferences
- ☐ Appeal Communication to TC **(Appeal Notice, Brief, Reply Brief)**
- ☐ Proprietary Information
- ☐ Status Letter
- ☐ Other Enclosure(s) (please Identify below):

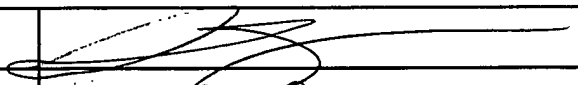
Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name			
Signature			
Printed name	ANTONY C. EDWARDS		
Date	March 13, 2008	Reg. No.	40,288

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name	Jennifer Georgeson	Date	March 13, 2008

This collection of information is required by 37 CFR 1.5. 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 and1.14. This collection is estimated to 2 hours 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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MAR 18 2008
PATENT & TRADEMARK OFFICE

Attorney Docket No. ACE-40016

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Patent Examining Operations

Patent Application

Applicants:	William Trent Kitsch et al.
Title:	Underwear Garment for a Male
Application No.	12/000,966
Filed:	December 19, 2007

To: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

RESPONSE

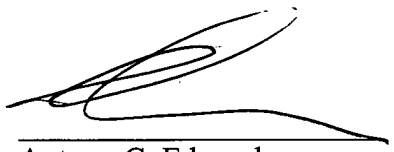
In response to the Notice to File Corrected Application Papers mailed January 25, 2008, kindly amend this application as follows:

In the Drawings

Applicant submits replacement drawings for Figures 1-14 to correct informalities in the drawings as filed.

Examiner is respectfully requested to now pass this application to allowance.

Respectfully submitted,
William Trent Kitsch

By: 

Antony C. Edwards
Registration No. 40,288

March 13, 2008
ACE/jg

P.O. Box 26020
Westbank, BC V4T 2G3

Telephone: (250) 769-4144
Facsimile: (250) 769-4104

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MAR 18 2008
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/000,966	12/19/2007	William Trent Kitsch	ACE-40016

CONFIRMATION NO. 7855

FORMALITIES LETTER

10361
Antony C. Edwards
P.O. Box 26020
Westbank, BC V4T 2G3
CANADA

Date Mailed: 01/25/2008

NOTICE TO FILE CORRECTED APPLICATION PAPERS

Filing Date Granted

An application number and filing date have been accorded to this application. The application is informal since it does not comply with the regulations for the reason(s) indicated below. Applicant is given TWO MONTHS from the date of this Notice within which to correct the informalities indicated below. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

The required item(s) identified below must be timely submitted to avoid abandonment:

- Replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121(d) are required. The drawings submitted are not acceptable because:
  - The drawings must be reasonably free from erasures and must be free from alterations, overwriting, interlineations, folds, and copy marks. See Figure(s) 1-3,4,6-13.

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

Replies should be mailed to:

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Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.
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/rerry/

Office of Initial Patent Examination (571) 272-4000 or 1-800-PTO-9199

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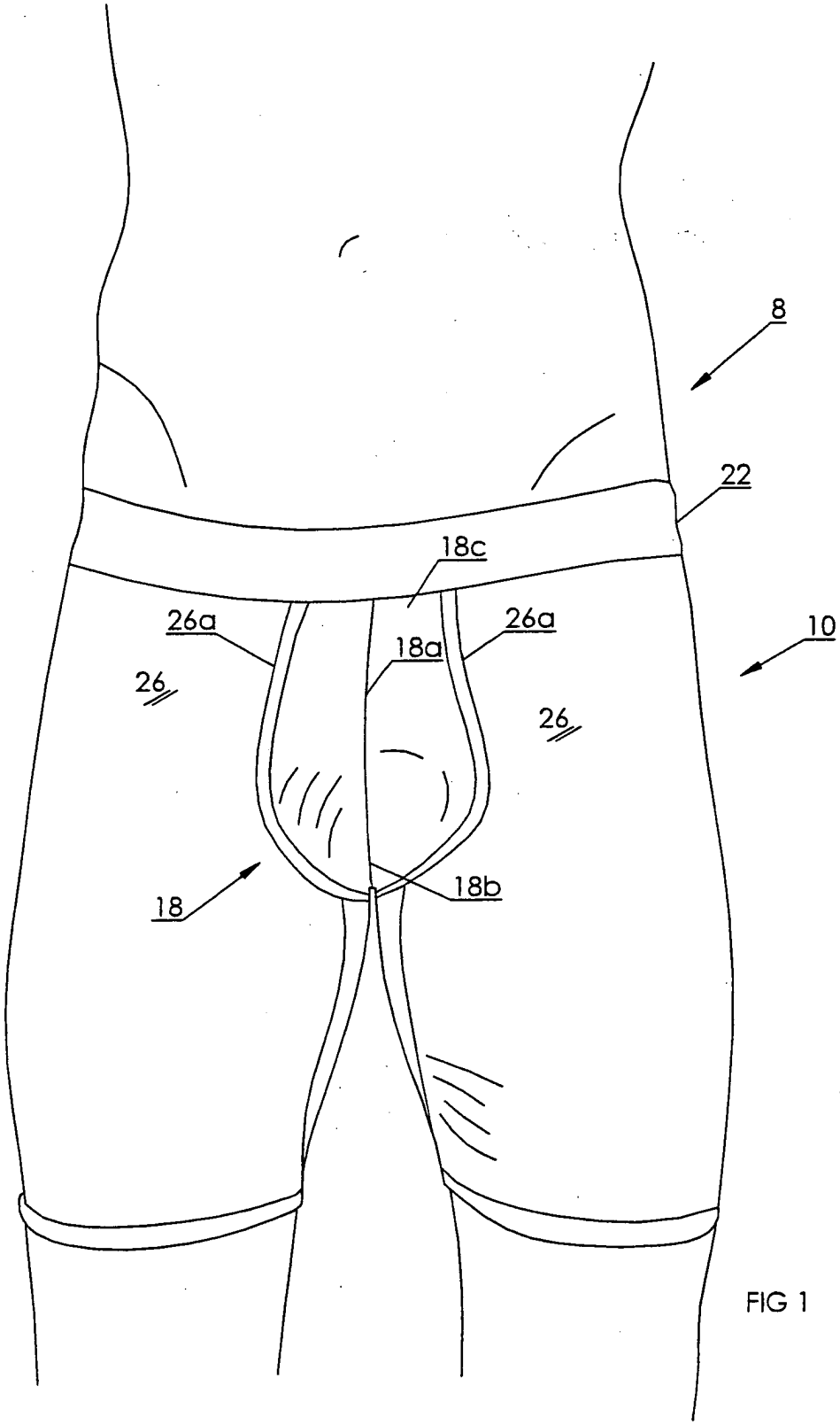


FIG 1

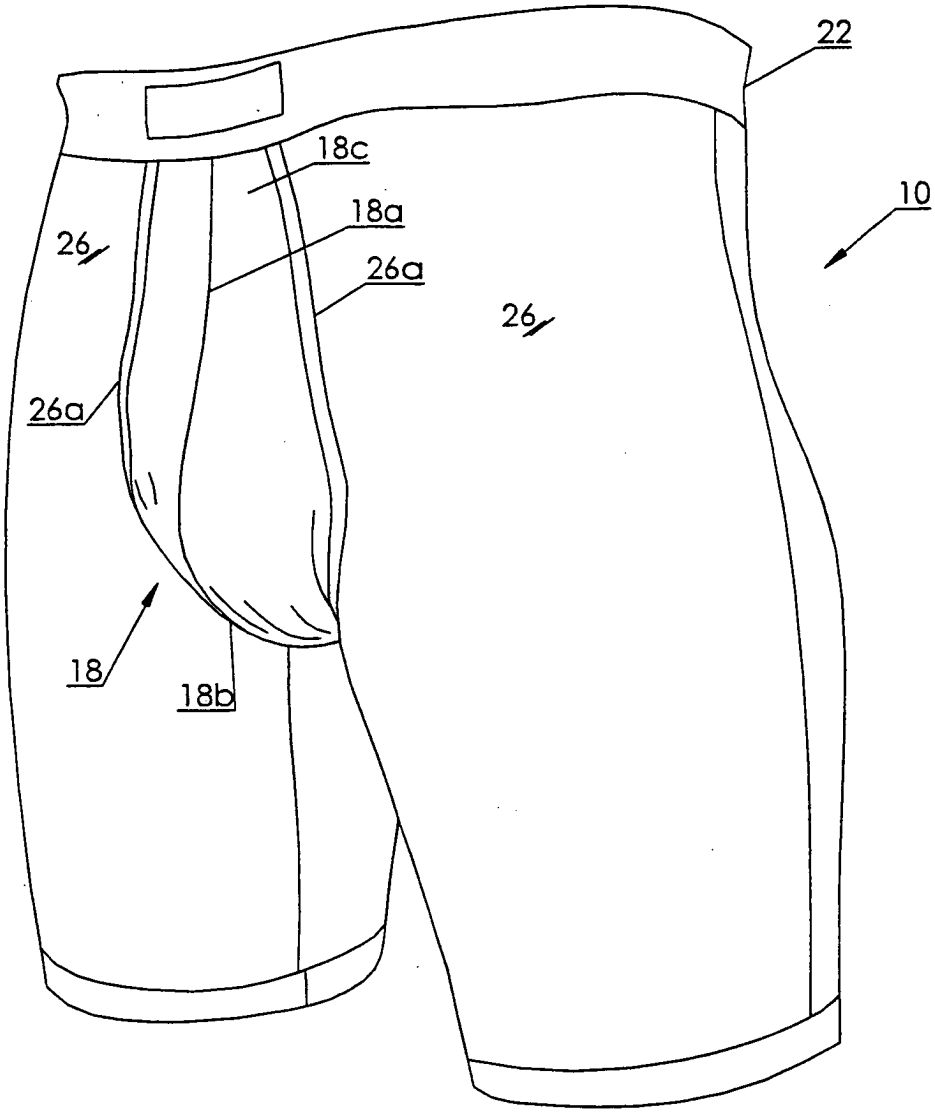
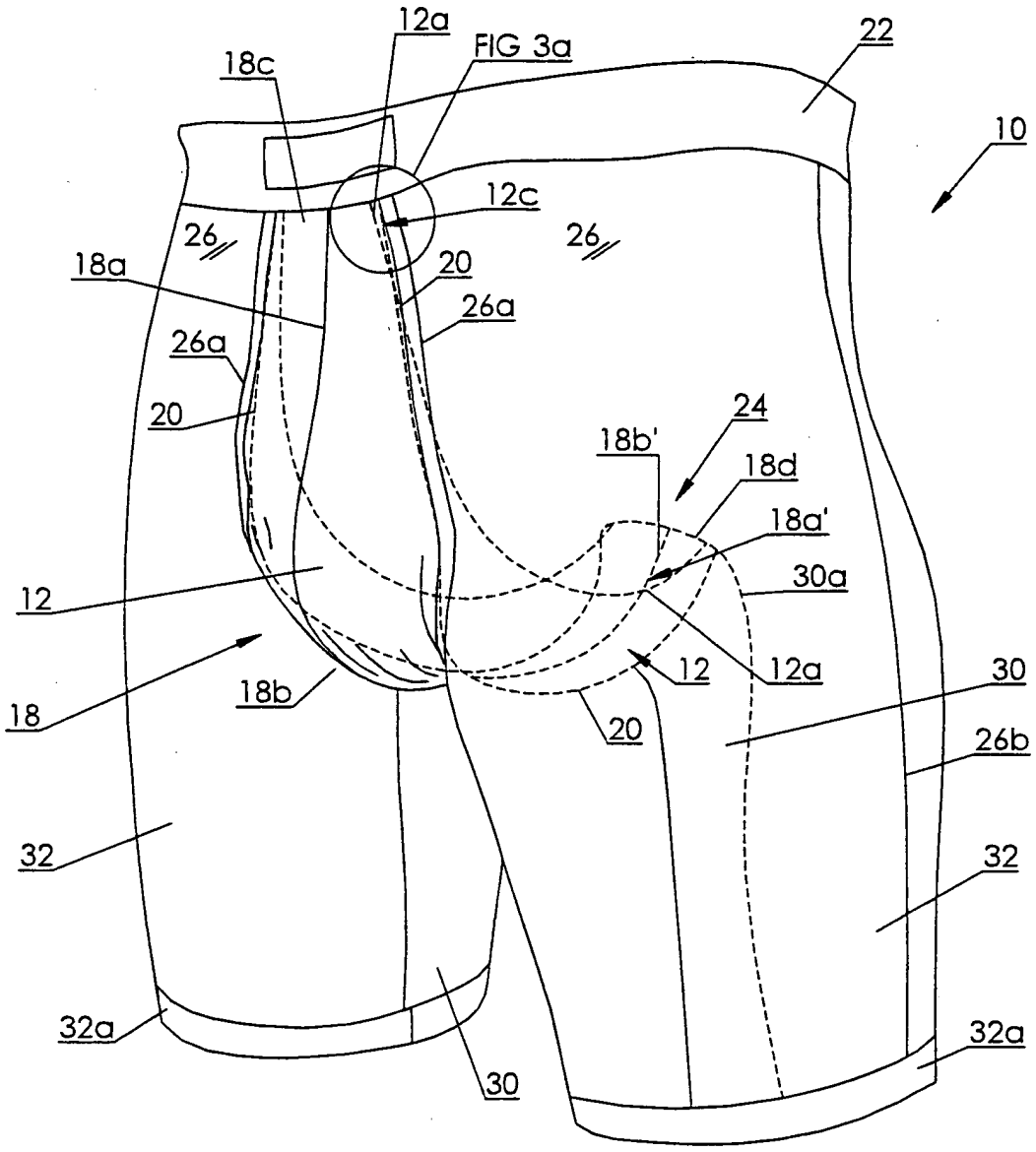


FIG 2


12a
FIG 3a
22
18c
10
12c
26
26
18a
20
26a
26a
20
24
18b'
18d
18a'
30a
12
12
12a
30
18
18b
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26b
32
32
32a
32a
30

FIG 3

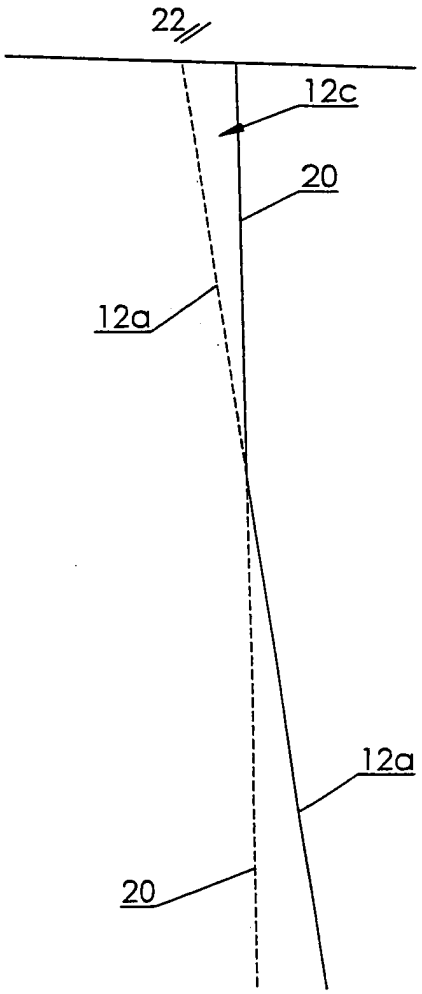


FIG 3a

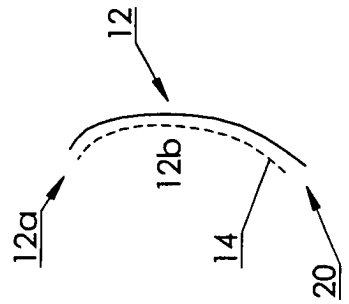


FIG 5

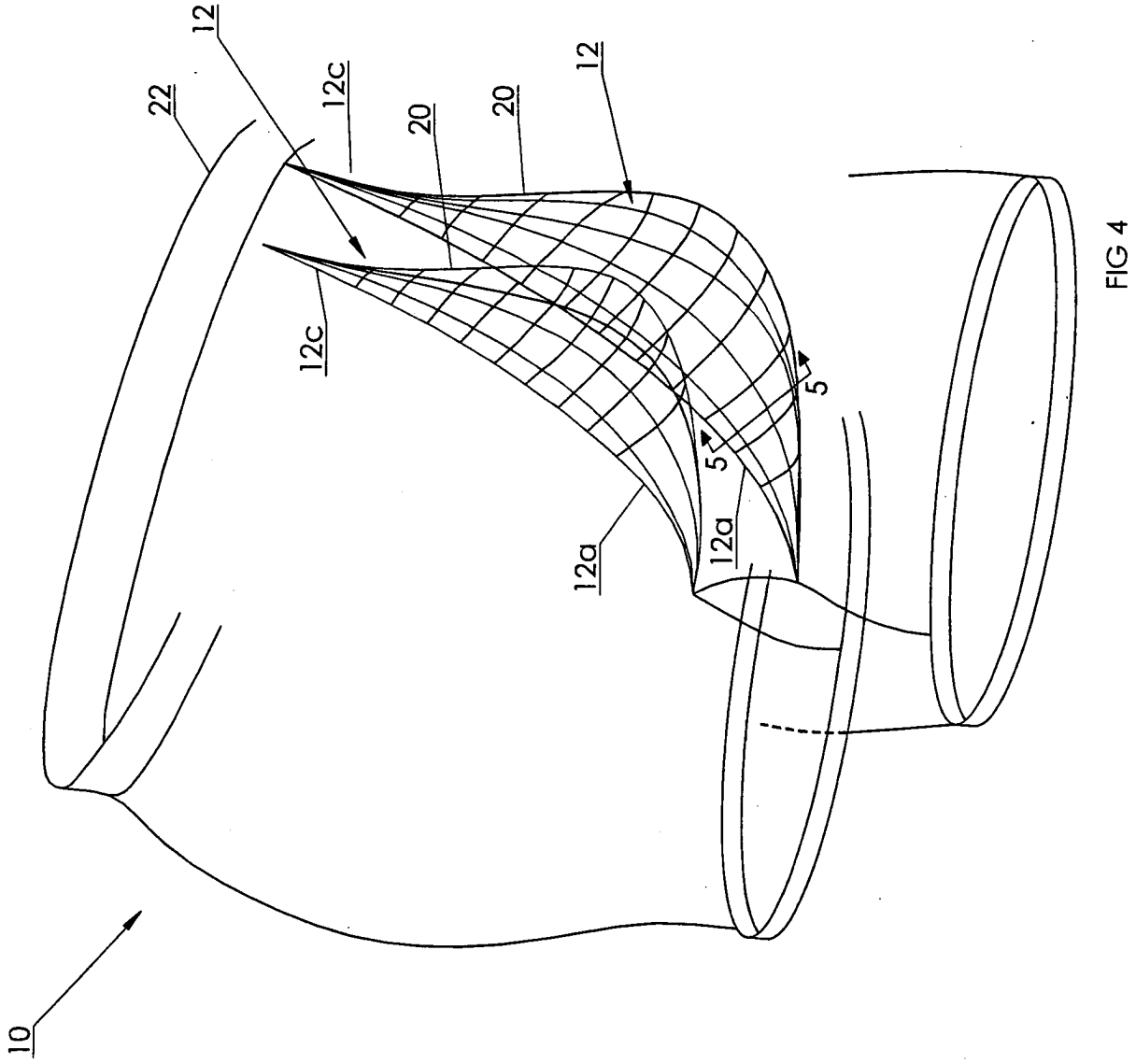
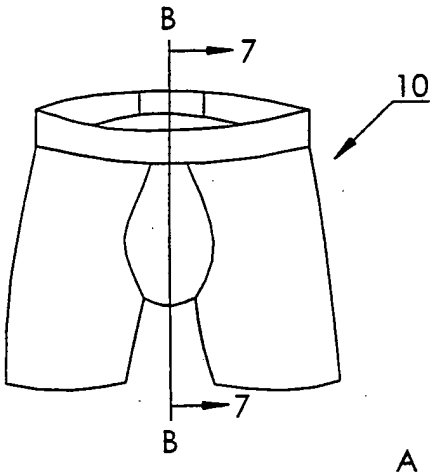


FIG 4

FIG 6


B
7
10
7
B

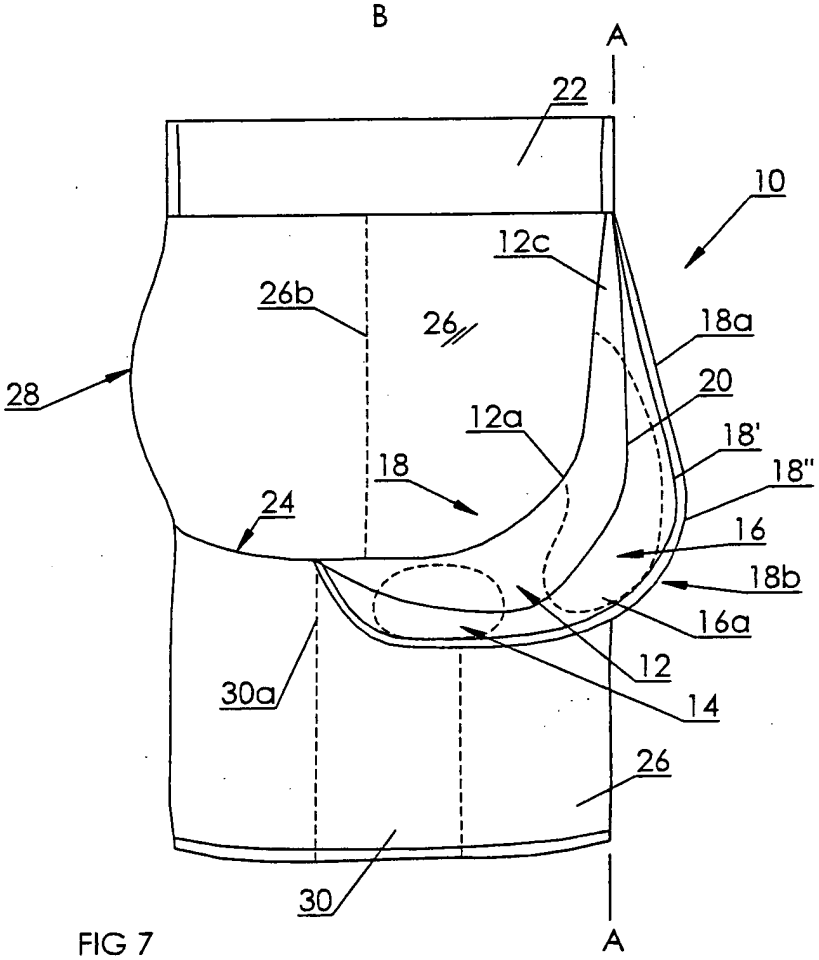
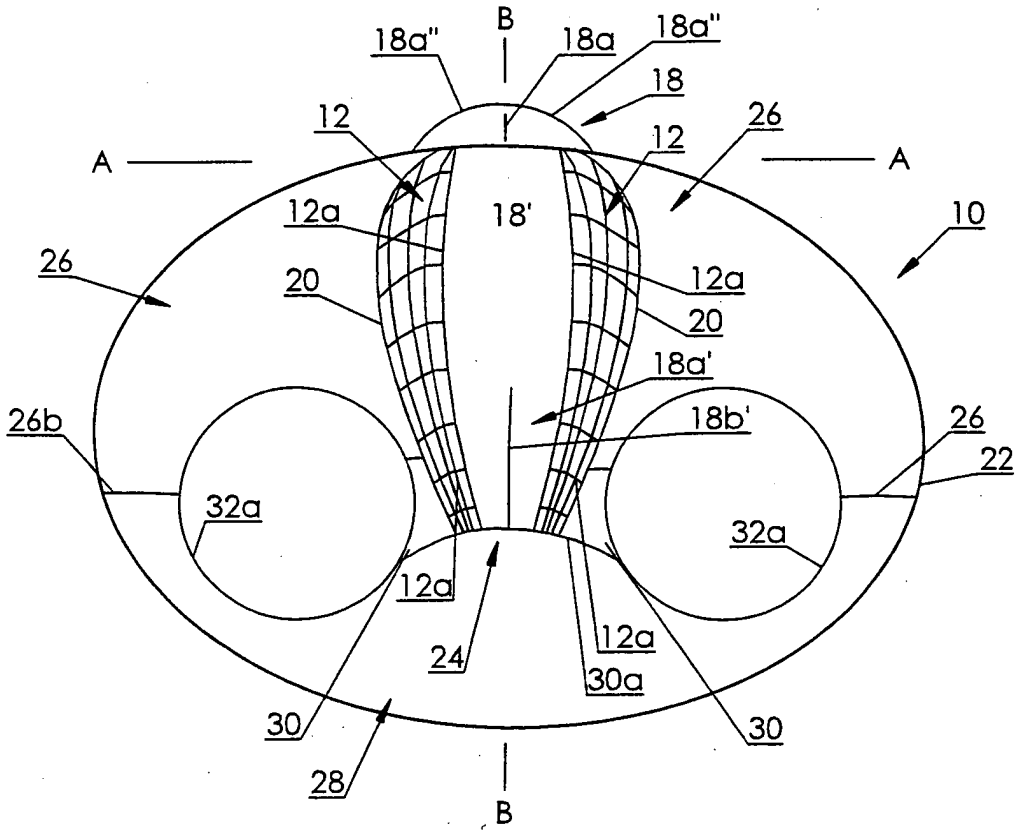

A
22
10
12c
26b
26
18a
28
20
12a
18'
18
18"
24
16
18b
16a
12
30a
14
26
30
A

FIG 7


B
18a"
18a
18a"
18
12
26
12
A
A
12a
18'
10
26
20
12a
20
18a'
26b
18b'
26
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32a
12a
12a
24
30a
30
30
28
B

FIG 8

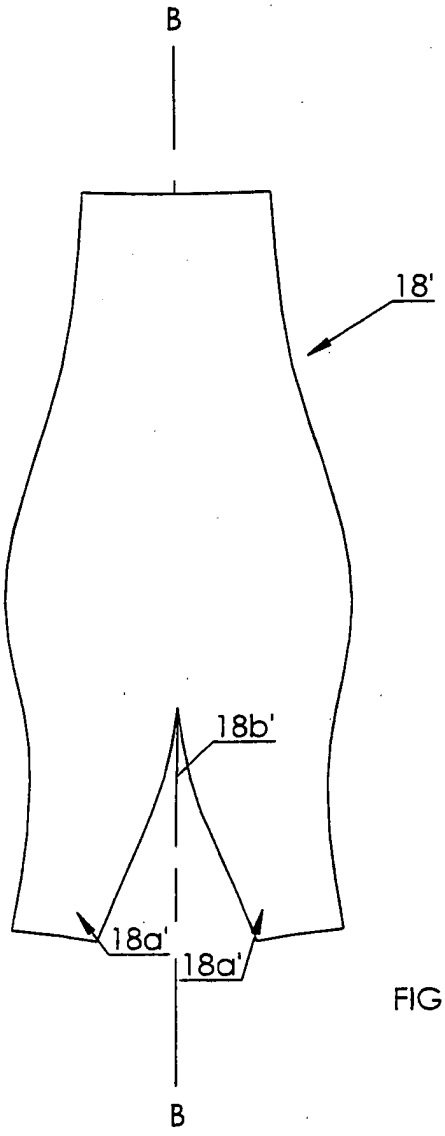

FIG 9

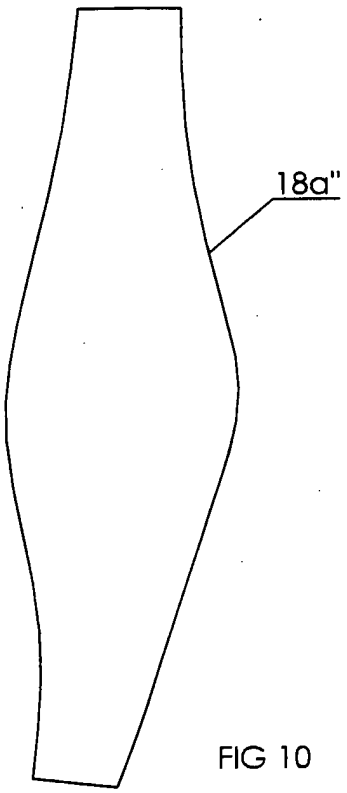

FIG 10

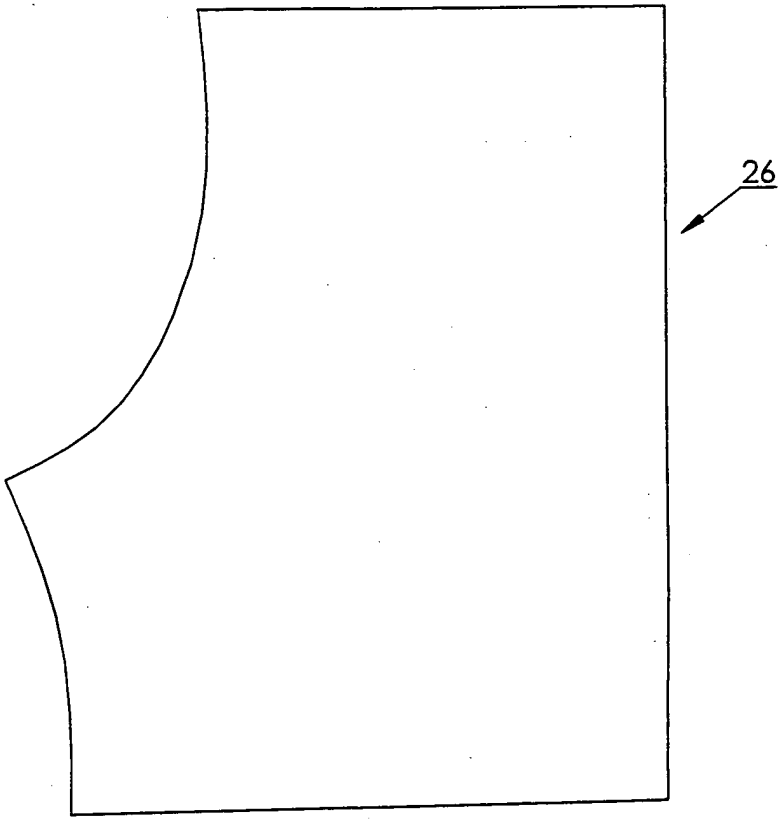

FIG 11

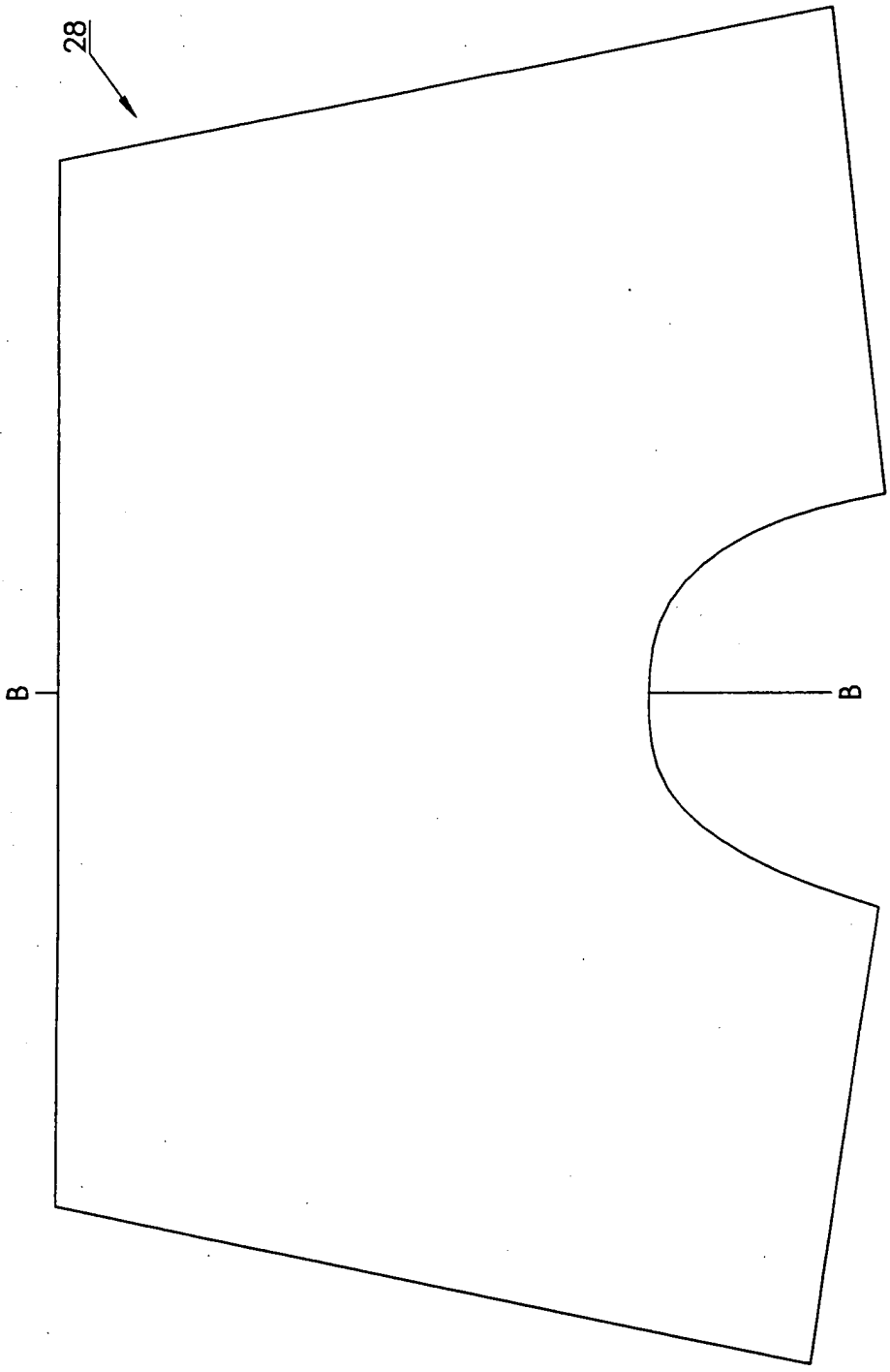

FIG 12

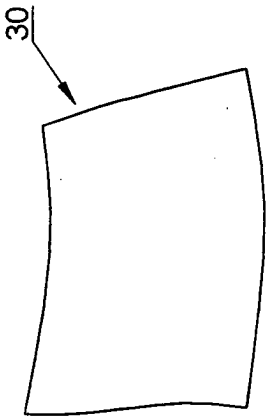

FIG 13

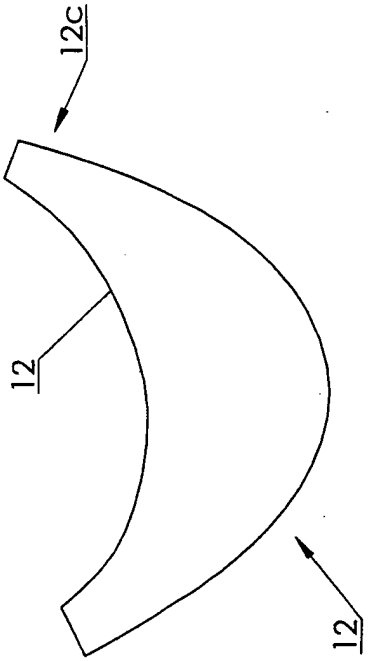

FIG 14

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Application Number	12/000,966
Filing Date	December 19, 2007
First Named Inventor	William Trent Kitsch
Art Unit	3765
Examiner Name	
Attorney Docket Number	ACE-40016

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  - ☐ Fee Attached
- ☐ Amendment/Reply
  - ☐ After Final
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- ☐ Express Abandonment Request
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- ☐ Certified Copy of Priority Document(s)
- ☐ Reply to Missing Parts/ Incomplete Application
  - ☐ Reply to Missing Parts under 37 CFR 1.52 or 1.53
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- ☐ Licensing-related Papers
- ☐ Petition
- ☐ Petition to Convert to a Provisional Application
- ☐ Power of Attorney, Revocation Change of Correspondence Address
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- ☐ Status Letter
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Firm Name			
Signature			
Printed name	ANTONY C. EDWARDS		
Date	February 22, 2008	Reg. No.	40,288

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First Named Inventor	William Trent Kitsch
Art Unit	3765
Examiner Name	
Attorney Docket Number	ACE-40016

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		US- 4,554,685	11-26-1985	Ray	
		US- 6,353,940	03-12-2002	Lyden	
		US- 7,178,174	02-20-2007	Soderstrom	
		US- 4,173,976	11-13-1979	Bloomquist et al.	
		US- 6,289,520	09-18-2001	Page	
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		US- 3,621,846	11-23-1971	Lehman	
		US- 4,870,958	10-03-1989	Webster	
		US- 5,718,003	02-17-1998	Gwinn	
		US- 6,038,703	03-21-2000	Chung	

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Art Unit	3765
Examiner Name	
Attorney Docket Number	ACE-40016

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		US- D509,945 S	09-27-2005	Ogle	
		US- 7,017,193 B2	03-28-2006	Auger	
		US- 2,624,336	01-06-1953	Hansley	
		US- 2,652,053	09-15-1953	Dann	
		US- 3,207,155	09-21-1965	Casey	
		US- 3,220,410	11-30-1965	Sloan	
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		US- 3,499,443	03-10-1970	Scheerer	
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		US- 5,070,869	12-10-1991	Zhang	
		US- 5,226,179	07-13-1993	Choi	
		US- 5,461,729	10-31-1995	Brocks	
		US- 5,598,587	02-04-1997	Wada	
		US- 5,870,779	02-16-1999	Heron	
		US- 5,875,495	03-02-1999	Thrower	
		US- 5,978,971	11-09-1999	Wald	
		US- 6,026,517	02-22-2000	Kang	
		US- 6,295,651 B1	10-02-2001	Kang	
		US- 6,308,342 B1	10-30-2001	Qi	

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Attorney Docket Number	ACE-40016

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		US- 6,901,607 B1	06-07-2005	Elwell	
		US- 7,065,797	06-27-2006	Chen	
		US- 2005/0268380 A1	12-08-2005	Sovell	
		US- 2,254,863	09-02-1941	Weihe	
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		US- 3,283,545	11-08-1966	Simon	
		US- 4,009,495	03-01-1977	Faust	
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		US- 4,702,239	10-27-1987	Ichikawa	
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		US- 5,237,706	08-24-1993	Nalbandian	
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		US- 2007/0180600 A1	08-09-2007	Alleman et al.	
		US- 4,195,630	04-01-1980	Connery, deceased et al.	

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		US- 5,283,912	02-08-1994	Chung	
		US- 5,524,298	06-11-1996	Plunkett	
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		US- 5,807,299	09-15-1998	McRoberts et al.	
		US- 6,487,728 B1	12-03-2002	Cook	
		US- 6,862,746 B2	03-08-2005	Cym et al.	
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Examiner Initials*	Cite No.[1]	Foreign Patent Document Country Code[3]-Number[4]-Kind Code[5] (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T[6]

Examiner Signature		Date Considered	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. [1] Applicant's unique citation designation number (optional). [2] See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. [3] Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). [4] For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. [5] Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. [6] Applicant is to place a check mark here if English language Translation is attached.

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 2 hours 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, 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.

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
12/000,966	12/19/2007	3765	515	ACE-40016	11	1

CONFIRMATION NO. 7855

10361
Antony C. Edwards
P.O. Box 26020
Westbank, BC V4T 2G3
CANADA

FILING RECEIPT

OC00000027889236

Date Mailed: 01/25/2008

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 write to the Office of Initial Patent Examination's Filing Receipt Corrections. 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)

William Trent Kitsch, Kelowna, CANADA;
Craig Golinowski, Calgary, CANADA;

Assignment For Published Patent Application

SAXX APPAREL LTD.

Power of Attorney: The patent practitioners associated with Customer Number 010361

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/886,545 01/25/2007

Foreign Applications

If Required, Foreign Filing License Granted: 01/23/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/000,966**

Projected Publication Date: To Be Determined - pending completion of Corrected Papers

Non-Publication Request: No

Early Publication Request: No
**** SMALL ENTITY ****

Title

Underwear garment for a male

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 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).

UNITED STATES PATENT AND TRADEMARK OFFICE

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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	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/000,966	12/19/2007	William Trent Kitsch	ACE-40016

CONFIRMATION NO. 7855

10361
Antony C. Edwards
P.O. Box 26020
Westbank, BC V4T 2G3
CANADA

FORMALITIES LETTER

OC000000027889237

Date Mailed: 01/25/2008

NOTICE TO FILE CORRECTED APPLICATION PAPERS

Filing Date Granted

An application number and filing date have been accorded to this application. The application is informal since it does not comply with the regulations for the reason(s) indicated below. Applicant is given TWO MONTHS from the date of this Notice within which to correct the informalities indicated below. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

The required item(s) identified below must be timely submitted to avoid abandonment:

- Replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121(d) are required. The drawings submitted are not acceptable because:
  - The drawings must be reasonably free from erasures and must be free from alterations, overwriting, interlineations, folds, and copy marks. See Figure(s) 1-3,4,6-13.

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

Replies should be mailed to:

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.
https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html

For more information about EFS-Web please call the USPTO Electronic Business Center at **1-866-217-9197** or visit our website at http://www.uspto.gov/ebc.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

/rerry/

Office of Initial Patent Examination (571) 272-4000 or 1-800-PTO-9199

15992 U.S.PTO
121907

PTO/SB/05 (02-07)
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UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.	ACE-40016
First Inventor	William Trent Kitsch
Title	Underwear Garment for a Male
Express Mail Label No.	

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. [✓] **Fee Transmittal Form** (e.g., PTO/SB/17)
   (Submit an original and a duplicate for fee processing)
2. [✓] **Applicant claims small entity status.** See 37 CFR 1.27.
3. [✓] **Specification** [*Total Pages* 13]
   Both the claims and abstract must start on a new page
   (For information on the preferred arrangement, see MPEP 608.01(a))
4. [✓] **Drawing(s)** (*35 U.S.C. 113*) [*Total Sheets* 13]
5. **Oath or Declaration** [*Total Sheets* 3]
   a. [✓] Newly executed (original or copy)
   b. [ ] A copy from a prior application (37 CFR 1.63(d))
   (for continuation/divisional with Box 18 completed)
   i. [ ] DELETION OF INVENTOR(S)
   Signed statement attached deleting inventor(s) name in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. [ ] **Application Data Sheet.** See 37 CFR 1.76
7. [ ] **CD-ROM or CD-R** in duplicate, large table or Computer Program *(Appendix)*
   [ ] Landscape Table on CD
8. **Nucleotide and/or Amino Acid Sequence Submission**
   (if applicable, items a. – c. are required)
   a. [ ] Computer Readable Form (CRF)
   b. Specification Sequence Listing on:
      i. [ ] CD-ROM or CD-R (2 copies); or
      ii. [ ] Paper
   c. [ ] Statements verifying identity of above copies

ADDRESS TO:
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

ACCOMPANYING APPLICATION PARTS

9. [✓] **Assignment Papers** (cover sheet & document(s))
   Name of Assignee SAXX APPAREL LTD.
10. [ ] **37 CFR 3.73(b) Statement** *(when there is an assignee)* [✓] **Power of Attorney**
11. [ ] **English Translation Document** *(if applicable)*
12. [ ] **Information Disclosure Statement** (PTO/SB/08 or PTO-1449)
    [ ] Copies of citations attached
13. [ ] **Preliminary Amendment**
14. [✓] **Return Receipt Postcard** (MPEP 503)
    (Should be specifically itemized)
15. [ ] **Certified Copy of Priority Document(s)**
    (if foreign priority is claimed)
16. [ ] **Nonpublication Request** under 35 U.S.C. 122(b)(2)(B)(i). Applicant must attach form PTO/SB/35 or equivalent.
17. [ ] Other:

18. If a CONTINUING APPLICATION, *check appropriate box, and supply the requisite information below and in the first sentence of the specification following the title, or in an Application Data Sheet under 37 CFR 1.76:*

[ ] Continuation [ ] Divisional [ ] Continuation-in-part (CIP) of prior application No.: .....

Prior application information: *Examiner* _____ *Art Unit:* _____

19. CORRESPONDENCE ADDRESS

[✓] The address associated with Customer Number: 010361 *OR* [ ] Correspondence address below

Name					
Address					
City		State		Zip Code	
Country		Telephone		Email	

Signature		Date	December 19, 2007
Name (Print/Type)	ANTONY C. EDWARDS	Registration No. (Attorney/Agent)	40,288

This collection of information is required by 37 CFR 1.53(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.

PTO/SB/17 (10-07)
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1509 U.S.PTO

Effective on 12/08/2004.
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL
For FY 2008

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT ($)

Complete if Known	
Application Number	
Filing Date	
First Named Inventor	William Trent Kitsch
Examiner Name	
Art Unit	
Attorney Docket No.	ACE-40016

METHOD OF PAYMENT (check all that apply)

☐ Check ☑ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____

☐ Deposit Account Deposit Account Number: 502297 Deposit Account Name: BENSON EDWARDS LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, **except for the filing fee**

☑ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☑ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

	FILING FEES		SEARCH FEES		EXAMINATION FEES		
		Small Entity		Small Entity		Small Entity	
Application Type	Fee ($)	Fee ($)	Fee ($)	Fee ($)	Fee ($)	Fee ($)	Fees Paid ($)
Utility	310	155	510	255	210	105	515.00
Design	210	105	100	50	130	65	
Plant	210	105	310	155	160	80	
Reissue	310	155	510	255	620	310	
Provisional	210	105	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Fee ($)	Small Entity Fee ($)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	210	105
Multiple dependent claims	370	185

Total Claims _____ - 20 or HP = _____ x _____ = Fee Paid ($) _____

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims _____ - 3 or HP = _____ x _____ = Fee Paid ($) _____

HP = highest number of independent claims paid for, if greater than 3.

Multiple Dependent Claims Fee ($) _____ Fee Paid ($) _____

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is $260 ($130 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).

Total Sheets _____ - 100 = _____ Extra Sheets / 50 = _____ Number of each additional 50 or fraction thereof (round up to a whole number) x Fee ($) _____ = Fee Paid ($) _____

4. OTHER FEE(S)

Fees Paid ($)

Non-English Specification, $130 fee (no small entity discount) _____

Other (e.g., late filing surcharge): Assignment 80.00

SUBMITTED BY

Signature		Registration No. (Attorney/Agent) 40,288	Telephone 250-491-0206
Name (Print/Type)	ANTONY C. EDWARDS		Date December 19, 2007

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, 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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15992 U.S.PTO
121907

PTO/SB/05 (02-07)
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U.S. Patent and Trademark Office. U.S. DEPARTMENT OF COMMERCE
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UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.	ACE-40016
First Inventor	William Trent Kitsch
Title	Underwear Garment for a Male
Express Mail Label No.	

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See MPEP chapter 600 concerning utility patent application contents.

1. [✓] **Fee Transmittal Form** (e.g., PTO/SB/17)
   (Submit an original and a duplicate for fee processing)
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   b. Specification Sequence Listing on:
      i. [ ] CD-ROM or CD-R (2 copies); or
      ii. [ ] Paper
   c. [ ] Statements verifying identity of above copies

ADDRESS TO:
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

ACCOMPANYING APPLICATION PARTS

9. [✓] **Assignment Papers** (cover sheet & document(s))
   Name of Assignee SAXX APPAREL LTD.
10. [ ] **37 CFR 3.73(b) Statement** *(when there is an assignee)* [✓] **Power of Attorney**
11. [ ] **English Translation Document** *(if applicable)*
12. [ ] **Information Disclosure Statement** (PTO/SB/08 or PTO-1449)
    [ ] Copies of citations attached
13. [ ] **Preliminary Amendment**
14. [✓] **Return Receipt Postcard** (MPEP 503)
    (Should be specifically itemized)
15. [ ] **Certified Copy of Priority Document(s)**
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17. [ ] Other:

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[ ] Continuation [ ] Divisional [ ] Continuation-in-part (CIP) of prior application No.: .....

Prior application information: *Examiner* _____ *Art Unit:* _____

19. CORRESPONDENCE ADDRESS

[✓] The address associated with Customer Number: 010361 *OR* [ ] Correspondence address below

Name					
Address					
City		State		Zip Code	
Country		Telephone		Email	

Signature		Date	December 19, 2007
Name (Print/Type)	ANTONY C. EDWARDS	Registration No. (Attorney/Agent)	40,288

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1509 U.S.P.T.O. 12/19/07 1219907

Effective on 12/08/2004.
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL
For FY 2008

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT ($)

Complete if Known	
Application Number	
Filing Date	
First Named Inventor	William Trent Kitsch
Examiner Name	
Art Unit	
Attorney Docket No.	ACE-40016

METHOD OF PAYMENT (check all that apply)

☐ Check ☑ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____

☐ Deposit Account Deposit Account Number: 502297 Deposit Account Name: BENSON EDWARDS LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, **except for the filing fee**

☑ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☑ Credit any overpayments

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FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

	FILING FEES		SEARCH FEES		EXAMINATION FEES		
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Application Type	Fee ($)	Fee ($)	Fee ($)	Fee ($)	Fee ($)	Fee ($)	Fees Paid ($)
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Design	210	105	100	50	130	65	
Plant	210	105	310	155	160	80	
Reissue	310	155	510	255	620	310	
Provisional	210	105	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Fee ($)	Small Entity Fee ($)
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Each independent claim over 3 (including Reissues)	210	105
Multiple dependent claims	370	185

Total Claims _____ - 20 or HP = _____ x _____ = Fee Paid ($) _____

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims _____ - 3 or HP = _____ x _____ = Fee Paid ($) _____

HP = highest number of independent claims paid for, if greater than 3.

Multiple Dependent Claims: Fee ($) _____ Fee Paid ($) _____

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4. OTHER FEE(S)

	Fees Paid ($)
Non-English Specification, $130 fee (no small entity discount)	
Other (e.g., late filing surcharge): Assignment	80.00

SUBMITTED BY

Signature		Registration No. (Attorney/Agent) 40,288	Telephone 250-491-0206
Name (Print/Type)	ANTONY C. EDWARDS		Date December 19, 2007

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UNDERWEAR GARMENT FOR A MALE

Cross Reference to Related Application

This application claims priority from United States Provisional Patent Application No. **60/886,545** filed **January 25, 2007** entitled **Underwear Garment for a Male.**

Field of the Invention

This invention relates to the field of men's undergarments generally, and in particular to an undergarment having an improved pouch and sidewalls for supporting genitalia and decreasing irritation due to skin-to-skin friction and chaffing.

Background of the Invention

Men's underwear typically suffers from several deficiencies, including but not limited to, a propensity for the scrotum to contact and stick to the inner thigh and a high degree of contact between the inner thighs of the wearer which can lead to friction, chaffing, and discomfort while sitting, walking, running, or skating or other numerous athletic activities, a lack of support for the genitalia, limited freedom of movement and natural resting position for the genitalia and a lack of moisture control.

Various underwear designs in the prior art have tried to address one or more of these problems. For example, sports boxer-briefs are typically tight and form-fitting resulting in compressing the genitalia. However, they support the scrotum too close to the body leading to any combination of scrotum contact with inner thighs and legs, and moisture problems resulting from perspiration and skin irritation. Typical loose fitting boxer shorts provide ample freedom of movement but suffer from a propensity for the scrotum to contact and stick to the inner thigh, and

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lack of support and comfort. Further, the prior art typically does not use performance fabrics as those fabrics are better described below. Typical underwear briefs prevent the scrotum from contacting with the legs, but suffer from unnaturally restricting the genitalia into a small compartment pressing with an unnaturally close proximity to the body with the resultant increase in moisture problems and lack of comfort. To date, no underwear product has successfully addressed the problem of a lack of isolation of scrotum from contacting inner thighs and legs while increasing comfort and support attributes for male genitalia.

In the prior art applicant is aware of United States patent number 5,029,345 which issued to Angheluta, et al, on July 9, 1991, entitled Man's Underwear with an Integral Codpiece-like Construction. Angheluta discloses a man's garment, particularly a man's underwear garment, providing a codpiece compartment secured to a front of a trunk panel of the garment. The trunk panel provides an opening for communicating a man's genitals therethrough into the codpiece compartment. The compartment loosely holds the man's genitals. The trunk panel and a slot 24 provides for forward biasing and separation of the genitals by constricting of the sides of the slot behind the testicles and heat insulation to reduce the thermal influence of the man's torso on the man's reproductive organs. Angheluta describes the use of compartment 40 which is a loose fitting compartment around the genitals, it being taught that such a loose fitting compartment prevents compression of the genitals against the male's lower trunk, such as occurs in shorts known to the art, and that by properly selecting the lengths of the front, right and left side panels 32, 38, and 36 a suitably loose compartment 40 is formed. Angheluta concludes that by reducing compression of the genitals against the trunk, the thermal influence of the trunk to the genitals is reduced, and pressure on the genitals is reduced.

Summary of the Invention

The present invention provides a solution to the above by addressing the issues of scrotum independence from inner legs, and improved comfort and support. The underwear

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garment is designed using a specifically shaped breathable pouch which includes elasticized breathable wicking mesh material side panels to isolate the scrotum and phallus from the legs and which wick away moisture and provides superior comfort. Thus the undergarment of the present invention includes an internal double side-panel containment system and an anatomical pouch compartment, and the use of light internal fabric and moisture control athletic performance fabrics.

In summary, the underwear garment according to the present invention, and for use by a male, that is, a person having a penis and a scrotum, may be characterized as including a genital pouch and a pair of side panels collectively formed in a mid-section of a front wall depending from a waistband so as to bisect said front wall. The pouch may be pear-shaped when viewed from the front. A lower extremity of the pouch extends under and rearwardly of the front wall so as to form a perineum portion for covering rearwardly past the scrotum and to the perineum of the user. The pouch also has a phallus supporting portion extending forwardly of a plane generally containing the front wall and forming therein an apex portion for containing the head of the penis of the user when the penis is hanging at rest. The pouch also has a scrotum supporting portion extending from and between the phallus supporting portion and the perineum portion for containing at least a portion of the scrotum of the user.

The side panels are a pair of laterally spaced apart, substantially parallel side panels forming upwardly from adjacent the perineum generally vertical extending scrotum fences towards the waistband. The side panels are spaced so as to snugly engage sides of the scrotum and to substantially completely cover over and support the sides of the scrotum and to extend upwardly into a fold along a lowermost aspect of the abdomen of the user formed between the scrotum and the inner thighs of the user so as to substantially entirely cover exposed thigh skin in the fold exposed for rubbing against scrotum skin in the fold.

Advantageously the side panels are formed as opposed facing concavities so as to cup the scrotum and the side panels and pouch are formed of elasticized breathable wicking mesh. The

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side panels may be scimitar-shaped when viewed from the side so as to form, along with the pouch, the scrotum supporting portion as a crescent half-moon-shaped basket.

Further advantageously, the pouch has an inner lining which is smooth and seamless over a central penis-covering portion thereof, and the concavities of the side panels are formed at least in part by folding laterally inwardly and stitching uppermost ends of the side panels so as to fold over an uppermost edge of the side panels. In one embodiment this is done where the side panels extend up to the waistband, and where the pouch also extends between the side panels substantially up to the waistband.

Brief Description of the Drawings

Figure 1 is, in front elevation view, a pair of the briefs according to one embodiment of the present invention being worn by a male user.

Figure 2 is, in right side perspective view, the briefs of Figure 1.

Figure 3 is, the briefs of Figure 2, showing the side panels of the genitalia containing pouch in dotted outline.

Figure 3a is an enlarged view of a segment of Figure 3 showing the inwardly folded overlap of the upper edge of one of the side panels of Figure 3.

Figure 4 is, in partially cut-away left perspective view, the briefs of Figure 3 showing a diagrammatic illustration of the side panels.

Figure 5 is a cross-sectional view along line 5-5 in Figure 4.

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Figure 6 is a front view of the briefs of Figure 2 illustrating a vertical axis of symmetry and bisecting the briefs.

Figure 7 is a sectional view along line 7-7 in Figure 6.

Figure 8 is, in plan view, the brief of Figure 2.

Figure 9 is a diagrammatic plan view of a pattern template for the inner liner of the pouch of the briefs of Figure 4.

Figure 10 is a diagrammatic view of a pattern template of a left front segment of an external layer of the pouch of Figure 4.

Figure 11 is a diagrammatic view of a pattern template of a front panel of the briefs of Figure 4.

Figure 12 is a diagrammatic view of a pattern template of a rear panel of the briefs of Figure 4.

Figure 13 is a diagrammatic view of a pattern template of a gusset of the briefs of Figure 4.

Figure 14 is a diagrammatic view of a pattern template of one of the side panels of the briefs of the present invention.

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Detailed Description of Embodiments of the Invention

With reference to the accompanying drawings wherein similar characters of reference denote corresponding parts in each view, a conventional pair of so-called boxer style briefs 10 are modified in the present invention by adding interior side-panels 12, preferably constructed of an elasticized breathable mesh fabric, for the purpose of isolating the genitalia, in particular scrotum 14 and phallus 16 (shown diagrammatically in dotted outline in Figure 7), into the pouch compartment 18, thereby isolating the genitalia from contacting the inner thighs and legs of the user 8 wearing the briefs.

As seen in the interior of briefs 10, side panels 12 are formed of two separate and substantially parallel pieces of mesh fabric attached to the laterally spaced apart pouch seams 20. The side panels 12 form a pair of generally parallel fences which extend upwardly from, and along, seams 20 so as to extend their uppermost edges 12a upwardly substantially completely into the crack or fold between the laterally outer sides of scrotum 14 and the top of the inner thighs, that is, along the fold of skin where the top of the inner thighs join the top of the scrotum along a lower-most aspect of the abdomen of user 8. This joint, where the inner thighs and scrotum join along a fold line, is defined generally by both the shape and the location when worn of the upper-most arcuate edges 12a of side panels 12. The side panels are preferably thin sheets of elasticized breathable wicking mesh knit, one sheet per panel and form a substantially parallel pair of opposed wicking fences which are positioned unobstructively substantially completely up into the fold line between the scrotum and inner thigh to thereby inhibit chaffing and to draw moisture away from where there would ordinarily be skin-to-skin contact and rubbing. Side panels 12 provide for an enlarged moisture evaporation surface area on the wicking material as relative movement between the thighs and scrotum, for example due to athletic activity, draws cooler air upwardly into the brief or otherwise through the brief material so as to flow over the wicking material, evaporating moisture wicked from the fold and thereby providing cooling or the sensation of cooling. The two side panels 12 thus separate the scrotum 14 from contacting the inner thighs and legs of the user,

such separation extending from the waistband 22 to the perineum area 24 which extends under the buttocks of user.

The pair of side panels 12 are preferably formed so as to cup the genitalia, that is, are formed so as to be cupped in laterally opposed facing relation to inhibit skin-to-skin contact between a user's thighs and scrotum. Although positioned to extend generally orthogonally inwardly from the front of the brief, for example where the front of the brief is defined by plane A which generally contains the pair of pouch seams 20, the laterally outward curvature of the side panels may be described as convex, for example as seen in the cross-section of Figure 5. Those oppositely disposed convexities of course define an opposed facing pair of genitalia-supporting concavities 12b which, because of the flexibility and elasticity of the mesh side panel material, mould to gently conform to the shape of scrotum 14 in particular and allow for resiliently supported relative movement of the scrotum relative to the pubis and perineum 24 of user 8, side panels 12 resiliently cradling and biasing the scrotum back into its naturally resting position symmetrically depending below the pubis and base of the penis 16. As better seen in Figure 3, in one embodiment the concavities 12b of side panels 12 are formed by folding over inwardly, and stitching with the fold-over in place, the upper ends 12c of side panels 12 where side panels 12 are stitched to the front walls 26 and waistband 22 of brief 10.

The performance material used advantageously in the side panels of the present invention is a soft elasticized breathable mesh knit weave (in a so-called four-by-four stretch weave) containing 80% Nylon™ and 20% Spandex™. Pouch 18 may be of a material containing 82% polyester and 18% Spandex™. In one embodiment, the balance of brief 10 is of the same material, however in an alternative embodiment, the balance of brief 10 is made of a 92% cotton, 8% Spandex™ fabric. The material of the side panels and pouch provide the intended isolating function while improving comfort, airflow, and support for the scrotum. The mesh fabric is light and soft to reduce discomfort and improve feel for the scrotum and phallus while in contact with fabric and garment design in the sensitive groin area including the genitalia. Thus, in

embodiments where pouch compartment 18 has at least two layers of material (an inner layer 18' and an outer layer 18"), seam 18a is formed along the medial plane B (orthogonal to plane A containing where seams 20 run along front walls 26) in the outer layer of material 18", and inner liner 18' is positioned behind outer layer 18" so as to be adjacent the genitalia. In a preferred embodiment, inner liner 18' does not have a seam in contact with phallus 16, and preferably not in contact with the head 16a of the phallus. Rather, the front of inner liner 18' is one continuous soft, light piece of the above mentioned elasticized mesh material extending continuously from and between its laterally opposite seams 26a. Thus the apex point, generally indicated at 18b, of the portion of the pear-shaped pouch 18 containing the head 16a of the penis, does not have vertical or other seam closely adjacent to irritate the head 16a. As seen in Figure 9, inner liner 18' has at its rearmost end, that is, adjacent perineum 24, a pair of divergent tails which when joined along seam 18b' form a shelf-like tableau or plateau 18a' cradling the underside of scrotum 14. Forward of tableau 18a' inner liner 18' is seamless so as to not irritate head 16a of phallus 16 when resting naturally at apex point 18b. Thus it will be seen also that one advantage of using a boxer-style brief is that the boxer-style provides improved room in the front for forming the pouch compartment, as compared to more constrictive styles of brief which pull relatively tightly in over the genitals.

Pouch compartment 18 and side panels 12 together more closely resemble the natural setting of the genitalia and contours for isolation of the scrotum and support. The pouch offers the following design features:

a) pouch 18 is shaped to provide maximum volume and support for genitalia, while promoting the natural positioning of genitalia, for improved air circulation and temperature control;

b) pouch 18 is anatomically shaped to allow scrotum 14 and phallus 16 to rest naturally; and

c) pouch 18 utilizes elasticized mesh fabric to wick away moisture.

Viewed from the exterior of the pouch from compartment 18 appears bordered laterally by a pair of opposed facing curved (for example convex shaped) seams 26a bordered at the upper end 18c by waistband 22 and at the lower, rearmost end 18d by perineum area 24 adjacent the posterior perineum. The pouch exterior center seam 18a tracks from the waistband to the posterior perineum along the vertical plane B bisecting pouch compartment 18 and intersecting apex 18b of volume at the front point, specifically at an angle and location where the head 16a of the phallus 16 would most naturally rest. The sides of the exterior of pouch compartment 18 are defined by parallel seams 26a which track from the waistband 22 to the perineum area 24.

The pear-shape of pouch compartment 18, as viewed from the front and defined by seams 26a, which start at the waistband 22 and end near to the posterior perineum, create greater rear pouch volume in pouch compartment 18, increasing the depth and resulting in more area for the scrotum to hang naturally, while providing the cradle-like support on the shelf-like tableau 18' formed by the closing of seam 18b' of inner liner 18'. The width from the lateral exterior seams 26a to the center seam 18a optimizes a maximal volume while maintaining support. The apex 18b is situated to most fully accommodate the head 16a of the phallus 16.

The side panels 12 and the interior and exterior layers 18' and 18" respectively of pouch compartment 18 advantageously may share the interior seams 20 which create the pouch shape that is, seams 20 and 26a are coincident. The cooperation of the side-panels and pouch shape and construction serves to:

a) further enhance the cradle-like support of the garment through the opposed facing convex shape seam orientation of seams 26a;

b) contain the genitalia while inhibiting contact between the fabric and the skin;

c) further accentuate the volume and freedom of movement within pouch compartment 18 while inhibiting the genitalia from escaping pouch compartment 18.

As seen in the diagrammatic representations of fabric pattern templates used in the construction of brief 10 and as seen in Figures 9-14, as described above, inner liner 18' lies between front panels 26 and is bisected by plane B. Inner liner 18' is encased in left and right front segments 18a" of which Figure 10 is an illustration of a left front segment when viewed from the front of briefs 10, the right front segment 18a" being the mirror image thereof. An illustration of an example of a right front panel 26 is seen in Figure 11. An illustration of a rear panel 28 is seen in Figure 12. Front panels 26 are joined to rear panel 28 along seams 26b. An illustration of one of the pair of left and right gussets 30 is seen in Figure 13, the opposite gusset 30 being the mirror image thereof . Gussets 30 extend laterally from the rearmost end of pouch compartment 18, where they share a common seam 30a and extend laterally down the oppositely disposed legs 32 so as to terminate at legbands 32a, it being understood that the length of gussets 30 will of course depend on the length of legs 32. An example of the side panel 12 is illustrated in Figure 14.

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

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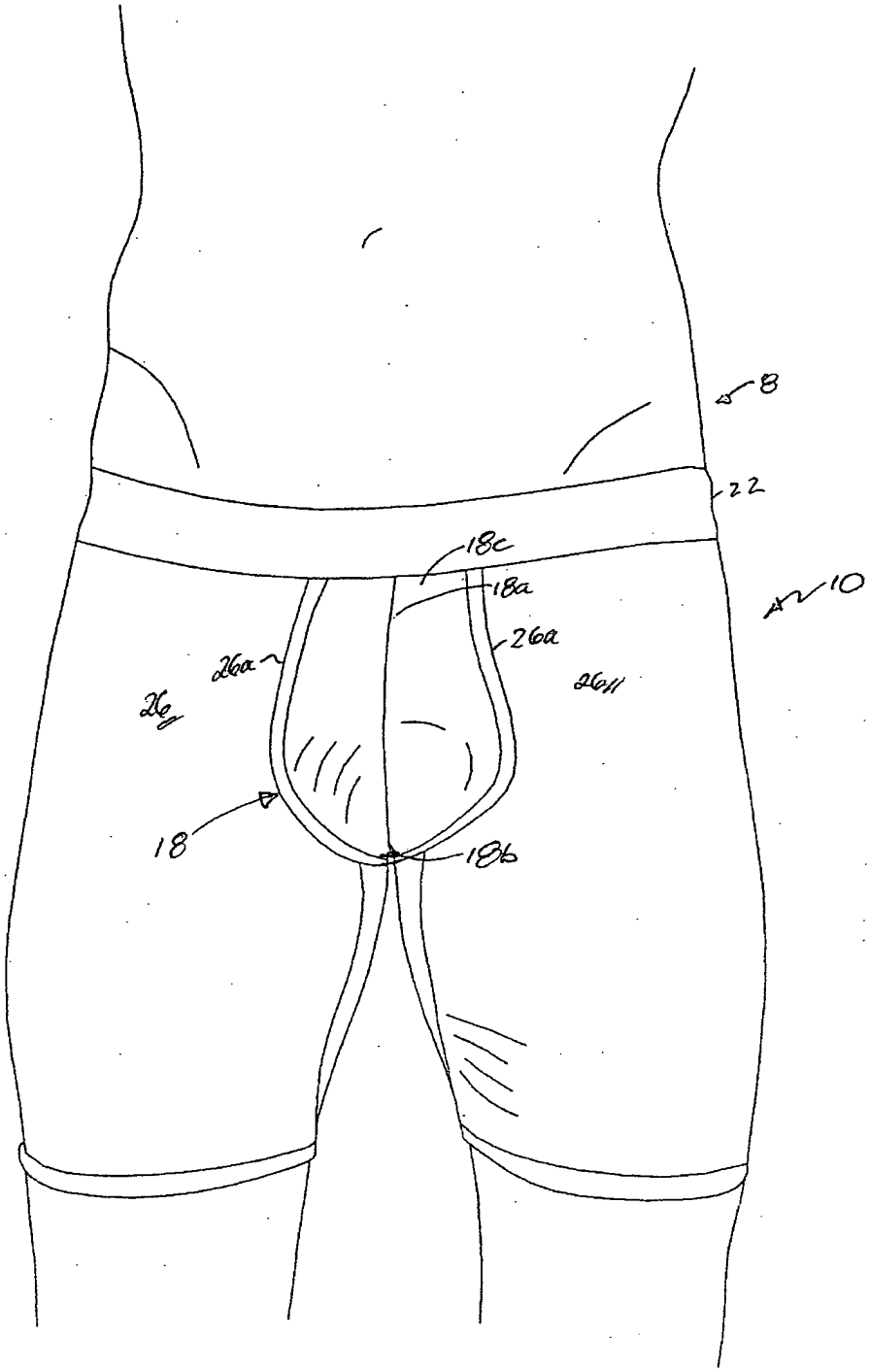


FIG 1

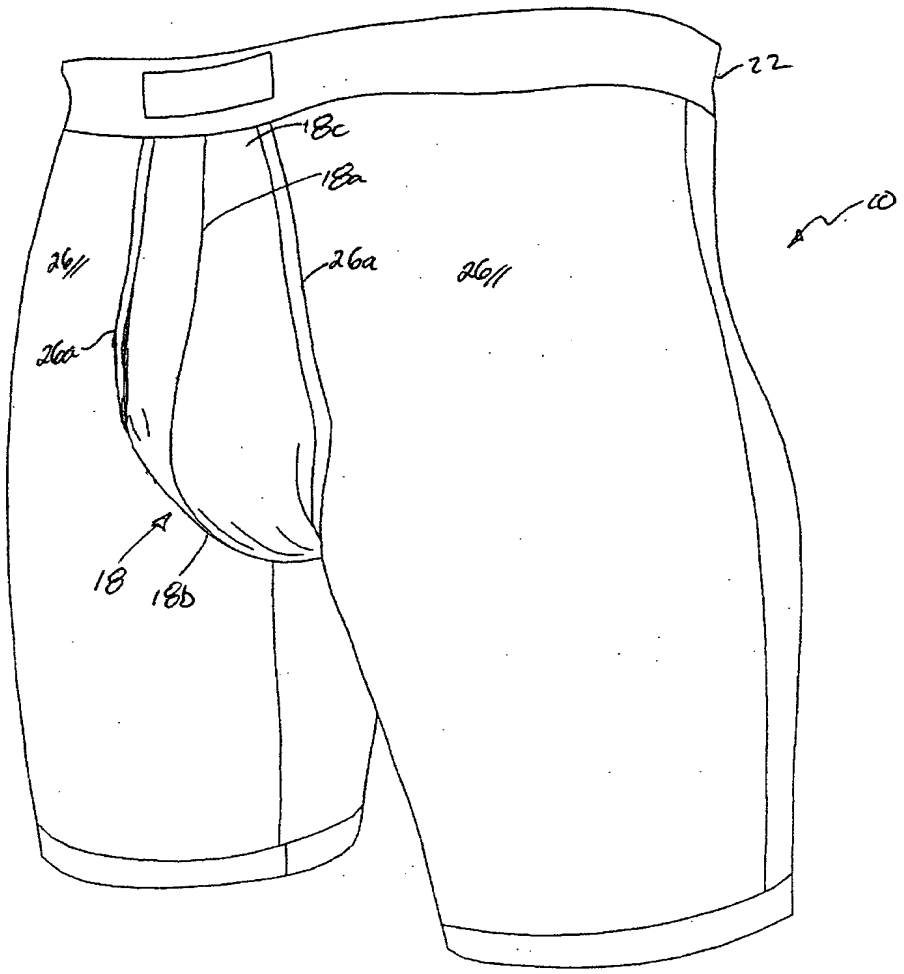
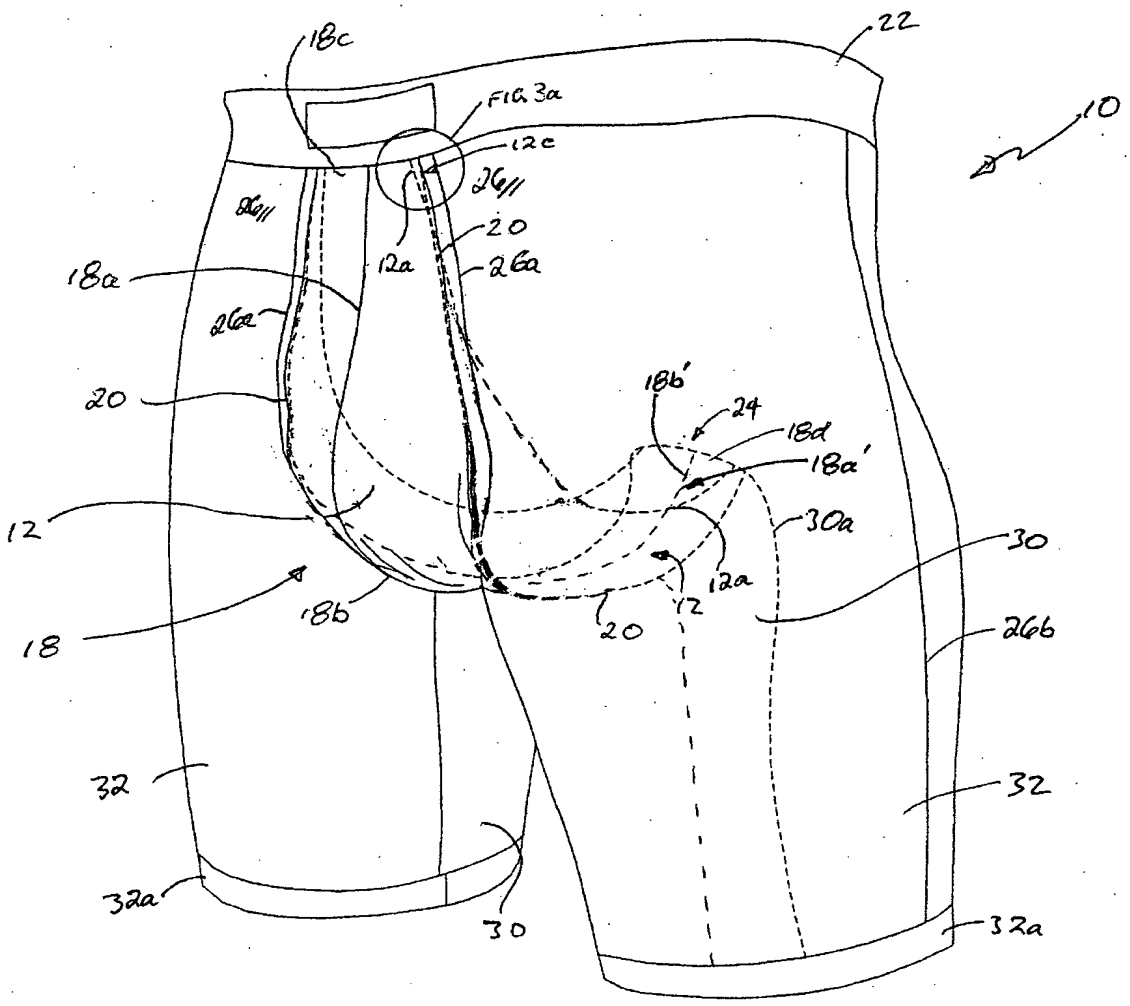


FIG 2


18c
22
FIG 3a
10
12c
26//
20
12a
26a
18a
26a
20
18b'
24
18d
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12a
12
18
18b
20
26b
32
32
32a
30
32a

FIG 3

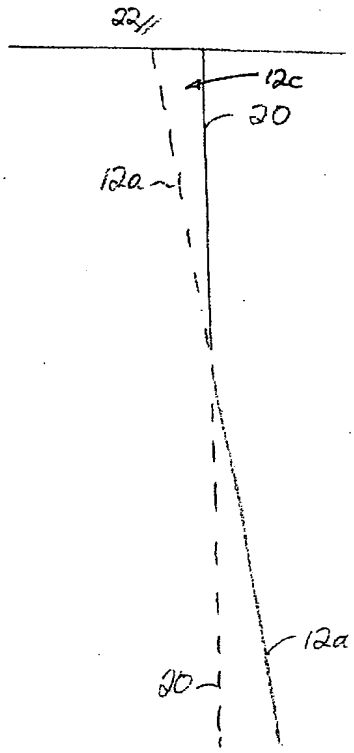

FIG 3a

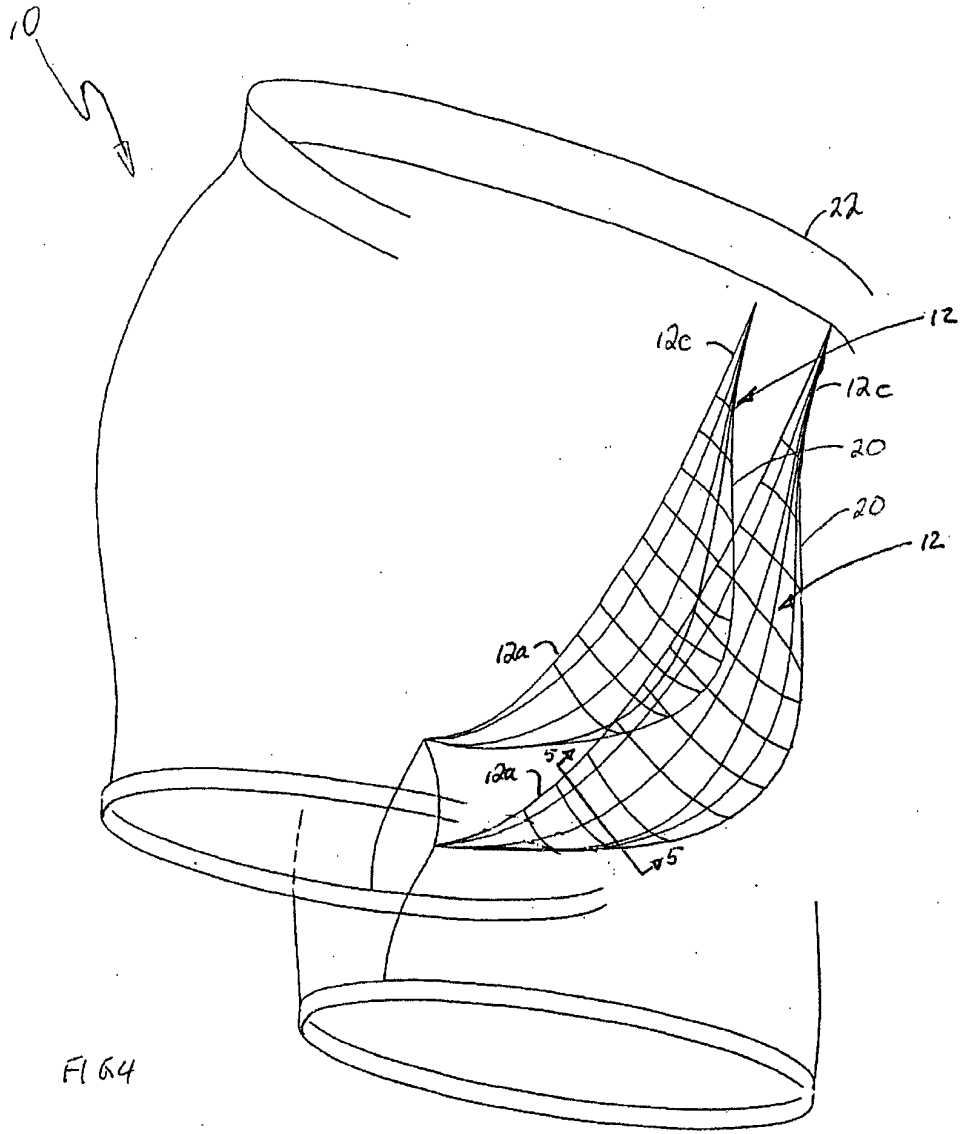

FIG 4

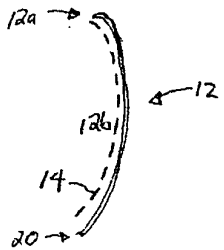

FIG 5

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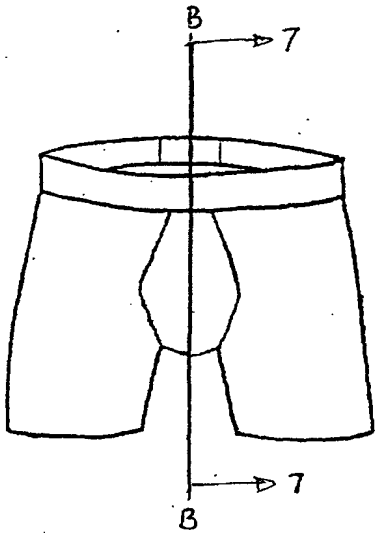
FIG 6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7
10
7
B

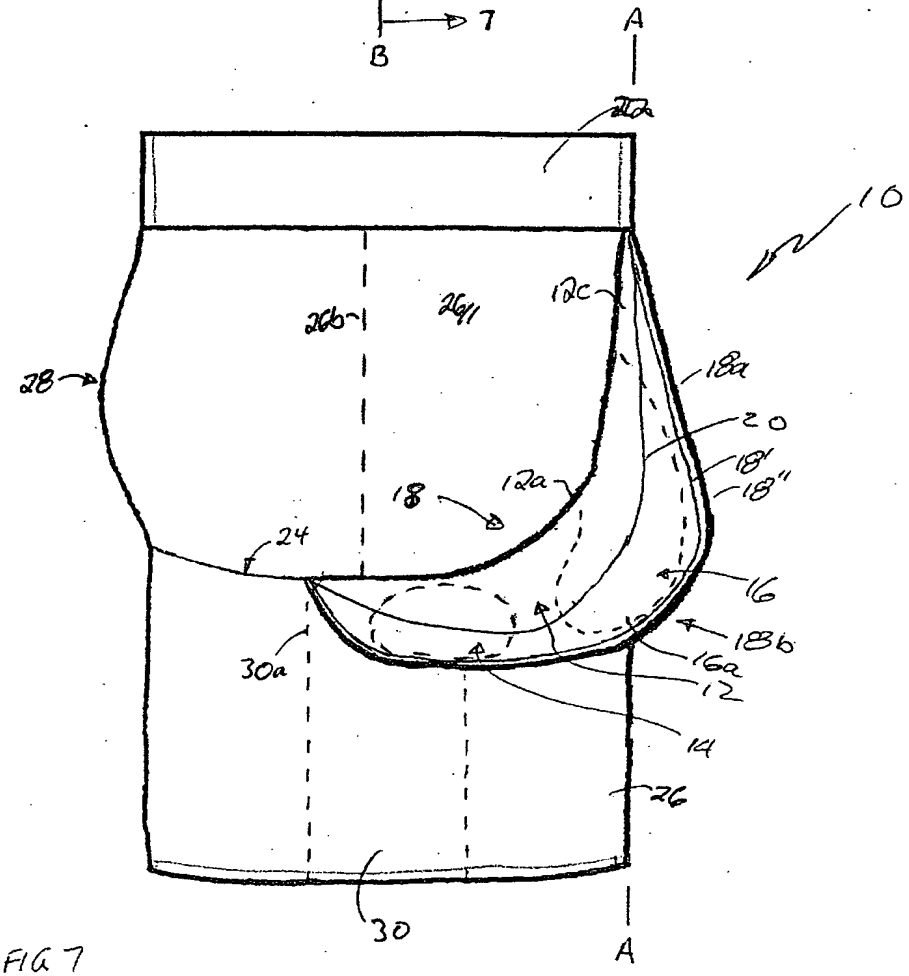
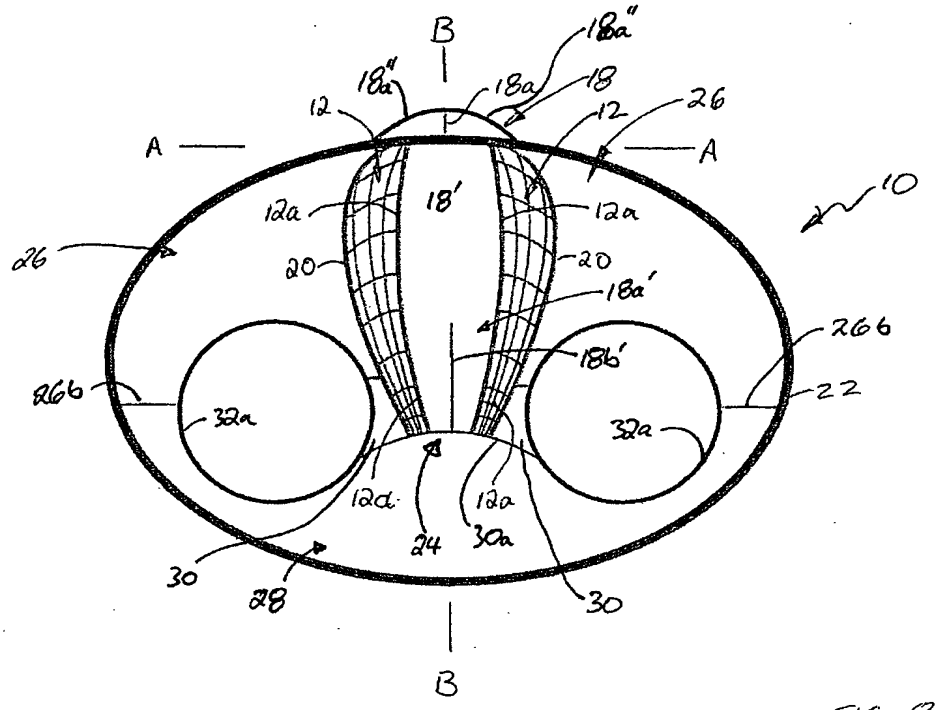

A
12a
10
26b
26a
12c
28
18a
20
18'
18''
18
12a
24
16
18b
30a
16a
12
14
26
30
A

FIG 7


B
18a"
18a"
18a
18
12
12
26
A
A
10
12a
18'
12a
26
20
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30
28
30
B

FIG 8

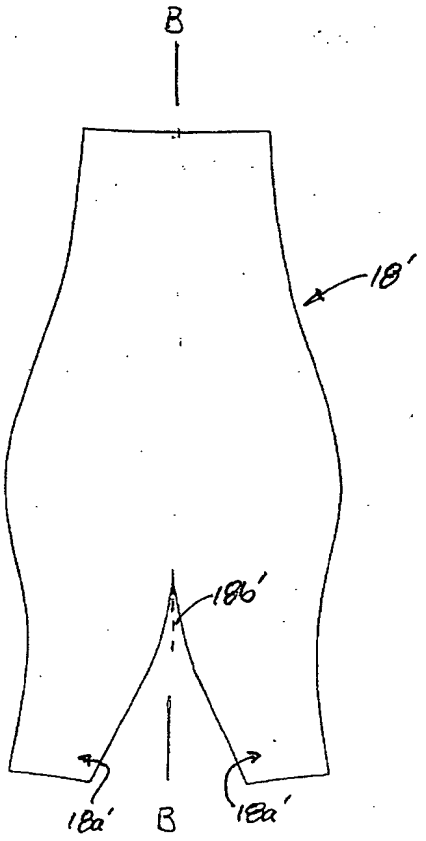


FIG 9

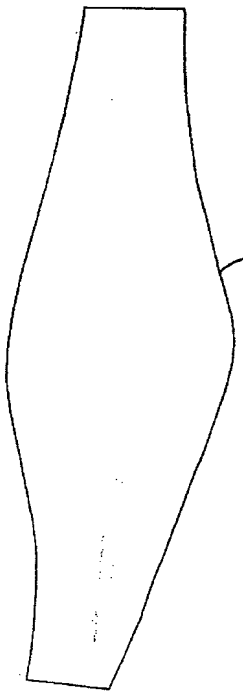
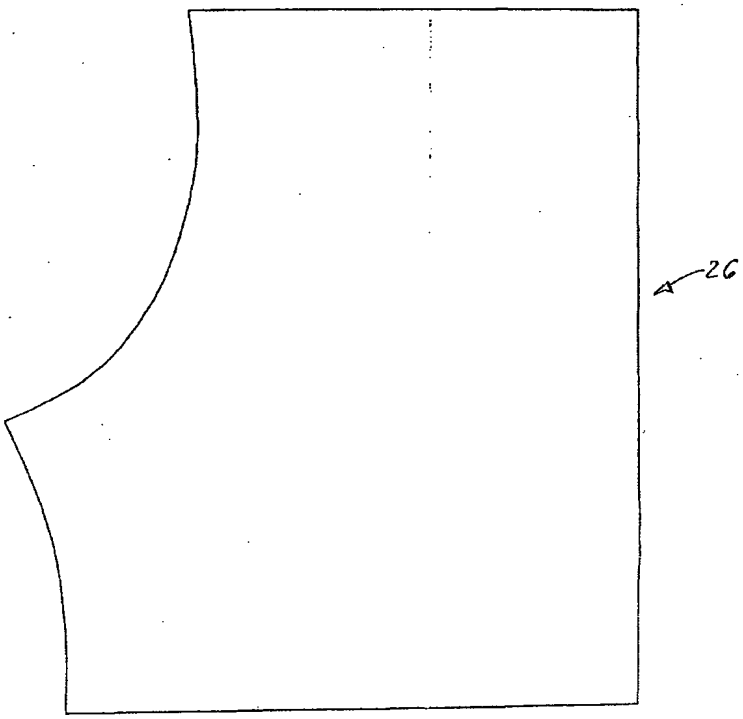


FIG 10



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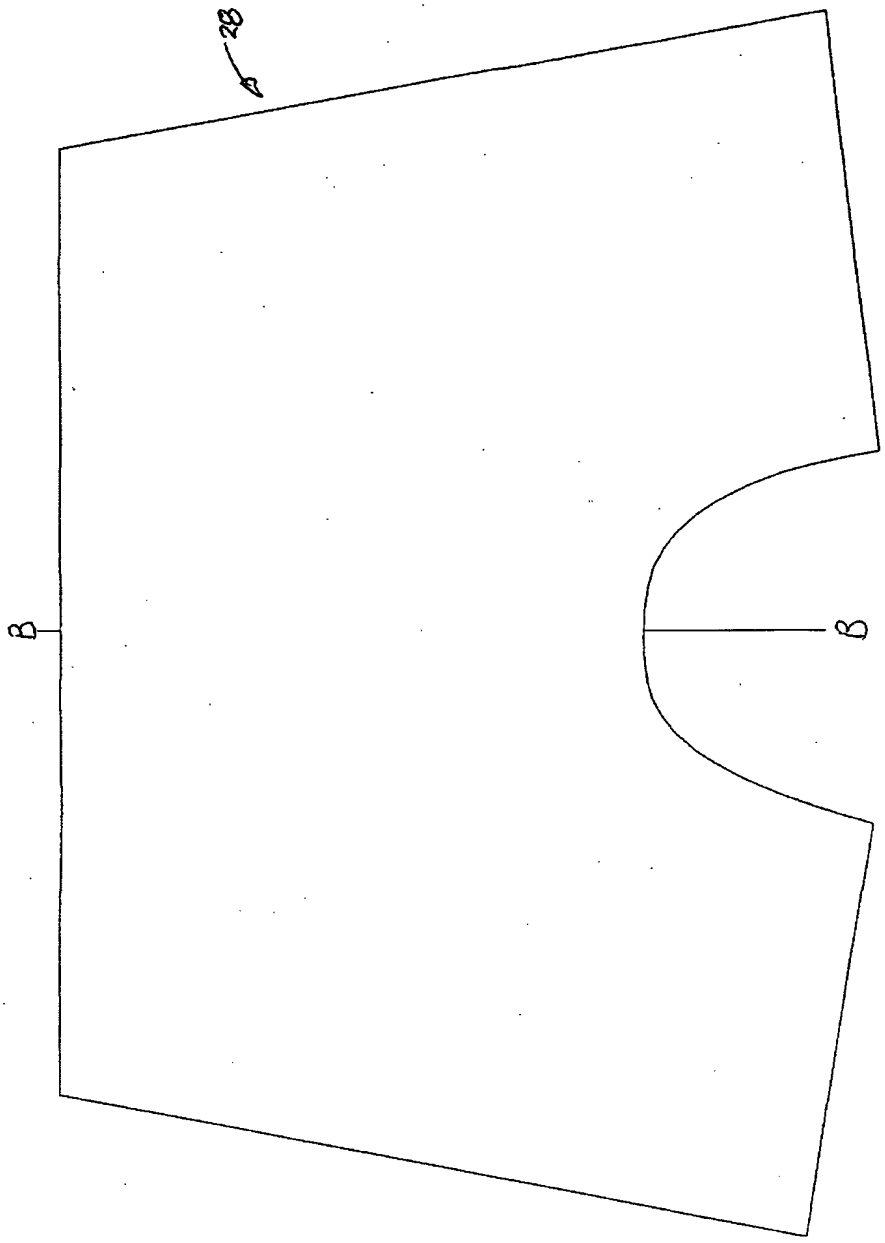

FIG 12

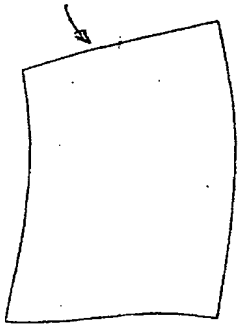

FIG 13

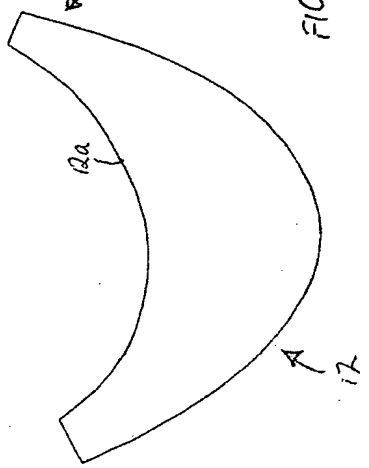

FIG 14

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☐ Assignee of record of the entire interest. See 37 CFR 3.71.
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SIGNATURE of Applicant or Assignee of Record

Signature		Date	Dec 18/07
Name	William Trent Kitsch	Telephone	
Title and Company			

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Art Unit	
Examiner Name	
Attorney Docket Number	ACE-40016

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Country					
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I am the:

☑ Applicant/Inventor.

☐ Assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

SIGNATURE of Applicant or Assignee of Record

Signature		Date	Dec 19 07
Name	Greig Golinowski	Telephone	1403-975-5928
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 2 forms are submitted.

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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 (e)) required)

Attorney Docket Number	ACE-40016
First Named Inventor	William Trent Kitsch
COMPLETE IF KNOWN	
Application Number	
Filing Date	
Art Unit	
Examiner Name	

I hereby declare that:

Each inventor's residence, mailing address, and citizenship are as stated below next to their name.

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 entitled:

UNDERWEAR GARMENT FOR A MALE

(Title of the Invention)

the specification of which

☑ is attached hereto

OR

☐ was filed on (MM/DD/YYYY) _____ as United States Application Number or PCT International Application Number _____ and was amended on (MM/DD/YYYY) _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I 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.

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.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached? YES	NO
60/886,545	US	01/25/2007	☐	☐	☑
			☐	☐	☐
			☐	☐	☐
			☐	☐	☐

☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B 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 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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DECLARATION —Utility or Design Patent Application

Direct all correspondence to:	☑ The address associated with Customer Number:	010361	OR ☐	Correspondence address below

Name		
Address		
City	State	ZIP
Country	Telephone	Email

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.

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 issued thereon.

NAME OF SOLE OR FIRST INVENTOR:	☐ A petition has been filed for this unsigned inventor
Given Name (first and middle [if any]): William Trent	Family Name or Surname: Kitsch
Inventor's Signature:	Date: Dec. 18/07

Residence: City	State	Country	Citizenship
Kelowna	British Columbia	Canada	Canadian

Mailing Address: 135 Flintoft Avenue

City	State	Zip	Country
Kelowna	British Columbia	V1Y 7J6	Canada

☐ Additional inventors or a legal representative are being named on the _____ supplemental sheet(s) PTO/SB/02A or 02LR attached hereto.

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DECLARATION

ADDITIONAL INVENTOR(S)
Supplemental Sheet

Page 3 of 3

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		
CRAIG	GOLINOWSKI		
Inventor's Signature			Date Dec 19/07
Calgary Residence: City	Alberta State	Canada Country	Canadian Citizenship
Suite 2370, 440 - 2nd Avenue SW Mailing Address			
Calgary City	Alberta State	T2P 5E8 Zip	Canada 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

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PATENT APPLICATION FEE DETERMINATION RECORD

Substitute for Form PTO-875

Application or Docket Number: 12000966

APPLICATION AS FILED – PART I

FOR	(Column 1) NUMBER FILED	(Column 2) NUMBER EXTRA	SMALL ENTITY RATE ($)	SMALL ENTITY FEE ($)	OR	OTHER THAN SMALL ENTITY RATE ($)	OTHER THAN SMALL ENTITY FEE ($)
BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A	$155		N/A	$310
SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A	N/A	$255		N/A	$510
EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A	$105		N/A	$210
TOTAL CLAIMS (37 CFR 1.16(i))	11 minus 20 =	*	X $25 =		OR	X $50 =	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	1 minus 3 =	*	X $105 =			X $210 =	
APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is $260 ($130 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).		$130			$260	
MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))			$185			$370	
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL	515		TOTAL	

APPLICATION AS AMENDED – PART II

1/

AMENDMENT A

	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	SMALL ENTITY RATE ($)	SMALL ENTITY ADDITIONAL FEE ($)	OR	OTHER THAN SMALL ENTITY RATE ($)	OTHER THAN SMALL ENTITY ADDITIONAL FEE ($)
Total (37 CFR 1.16(i))	*	Minus	**	=	X $25 =		OR	X $50 =	
Independent (37 CFR 1.16(h))	*	Minus	***	=	X $105 =		OR	X $210 =	
Application Size Fee (37 CFR 1.16(s))									
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))					$185		OR	$370	
					TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE	

AMENDMENT B

	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	RATE ($)	ADDITIONAL FEE ($)	OR	RATE ($)	ADDITIONAL FEE ($)
Total (37 CFR 1.16(i))	*	Minus	**	=	X $25 =		OR	X $50 =	
Independent (37 CFR 1.16(h))	*	Minus	***	=	X $105 =		OR	X $210 =	
Application Size Fee (37 CFR 1.16(s))									
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))					$185		OR	$370	
					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.

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PATENT APPLICATION SERIAL NO._____

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE
FEE RECORD SHEET

12/20/2007 SZEWDIE1 00000063 12000966

01 FC:2011		155.00 OP
02 FC:2111		255.00 OP
03 FC:2311		105.00 OP
~~04 FC:8021~~		~~80.00 OP~~

PTO-1556
(5/87)

*U.S. Government Printing Office: 2002- 489-267/69033

WHAT IS CLAIMED IS:

1. For wearing by a user having a penis, a scrotum, and a perineum an underwear garment comprising:

a waistband, and a front wall depending downwardly from the front thereof,

a genital pouch formed in a mid-section of said front wall so as to bisect said front wall, said pouch pear-shaped when viewed from the front and having a lower extremity thereof which extends under and rearwardly of said front wall so as to form a perineum portion for covering past the scrotum and to the perineum of the user when worn by the user,

said pouch having a phallus supporting portion extending forwardly of a plane generally containing said front wall and forming therein an apex portion for containing a head of the penis of the user when the penis is hanging at rest,

said pouch having a scrotum supporting portion extending from and between said phallus supporting portion and said perineum portion for containing at least a portion of the scrotum of the user,

a pair of laterally spaced apart, substantially parallel side panels forming upwardly from adjacent the perineum generally vertical extending scrotum fences towards said waistband, spaced so as to snugly engage sides of the scrotum and to substantially completely cover over and support the sides of the scrotum and to extend upwardly into a fold along a lowermost aspect of the abdomen of the user formed between the scrotum and the inner thighs of the user so as to substantially entirely cover exposed thigh skin in the fold exposed for rubbing against scrotum skin in the fold.

2. The garment of claim 1 wherein said side panels are formed as opposed facing concavities so as to cup the scrotum.

3. The garment if claim 2 wherein said side panels are formed of wicking mesh.

4. The garment of claim 3 wherein said mesh is elasticized.

5. The garment of claim 4 wherein said side panels are scimitar-shaped when viewed from the side so as to form with said pouch said scrotum supporting portion as a crescent half-moon-shaped basket.

6. The garment of claim 5 wherein said pouch is formed of elasticized mesh.

7. The garment of claim 6 wherein said pouch has an inner lining which is smooth and seamless over a central penis-covering portion thereof.

8. The garment of claim 2 wherein said concavities are formed at least in part by folding laterally inwardly and stitching uppermost ends of said side panels so as to fold over an uppermost edge of said side panels.

9. The garment of claim 2 wherein said side panels extend substantially up to said waistband.

10. The garment of claim 9 wherein said pouch extends between said side panels substantially up to said waistband.

11. The garment of claim 1 wherein said side panels extend upwards so as to contact said waistband.

Abstract of the Disclosure

An underwear garment for use by a male, that is, a person having a penis and a scrotum, may be characterized as including a genital pouch and a pair of side panels collectively formed in a mid-section of a front wall depending from a waistband so as to bisect said front wall. The pouch may be pear-shaped when viewed from the front. A lower extremity of the pouch extends under and rearwardly of the front wall so as to form a perineum portion for covering rearwardly past the scrotum and to the perineum of the user. The pouch also has a phallus supporting portion extending forwardly of a plane generally containing the front wall and forming therein an apex portion for containing the head of the penis of the user when the penis is hanging at rest. The pouch also has a scrotum supporting portion extending from and between the phallus supporting portion and the perineum portion for containing at least a portion of the scrotum of the user.