

TO: Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court Northern District of Iowa on the following

☐ Trademarks or ☒ Patents. (☐ the patent action involves 35 U.S.C. § 292.); --

DOCKET NO. 5:19-cv-4005	DATE FILED 1/23/2019	U.S. DISTRICT COURT Northern District of Iowa
PLAINTIFF Unverferth Mfg. Co., Inc.		DEFENDANT Meridian Mfg., Inc.
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 8,221,047	7/17/2012	Unverferth
2 8,967,940	3/3/2015	Unverferth
3 9,745,123	8/29/2017	Unverferth
4		
5		

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY ☐ Amendment ☐ Answer ☐ Cross Bill ☐ Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1		
2		
3		
4		
5		

In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK Robert L. Phelps, Clerk of Court	(BY) DEPUTY CLERK /s/Paul A. Coberly, Deputy Clerk	DATE 1/24/2019
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Copy 1—Upon initiation of action, mail this copy to Director Copy 3—Upon termination of action, mail this copy to Director
 Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy

AO 120 (Rev. 08/10)

TO: Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court _____ for the District of North Dakota _____ on the following

☐ Trademarks or ☒ Patents. (☐ the patent action involves 35 U.S.C. § 292.);

DOCKET NO. 3:18-cv-053	DATE FILED 3/12/2018	U.S. DISTRICT COURT for the District of North Dakota
PLAINTIFF Unverferth Mfg. Co., Inc.		DEFENDANT Norwood Sales Inc.
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 8,221,047	7/17/2012	Unverferth Mfg. Co., Inc.
2 8,967,940	3/3/2015	Unverferth Mfg. Co., Inc.
3 9,745,123	8/29/2017	Unverferth Mfg. Co., Inc.
4		
5		

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY ☐ Amendment ☐ Answer ☐ Cross Bill ☐ Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1		
2		
3		
4		
5		

In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK Robert Ansley	(BY) DEPUTY CLERK /s/ Ashley Sanders	DATE 3/12/2018
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Copy 1—Upon initiation of action, mail this copy to Director Copy 3—Upon termination of action, mail this copy to Director
 Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy



UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	ISSUE DATE	PATENT NO.	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/541,553	03/03/2015	8967940	1994-363	3829

6449 7590 02/11/2015
ROTHWELL, FIGG, ERNST & MANBECK, P.C.
607 14th Street, N.W.
SUITE 800
WASHINGTON, DC 20005

ISSUE NOTIFICATION

The projected patent number and issue date are specified above.

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

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

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

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

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

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

Brian James PETERSEN, Ottawa, OH;
David Richard SMITH, Fort Jennings, OH;

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

NOTICE OF ALLOWANCE AND FEE(S) DUE

6449 7590 01/20/2015
ROTHWELL, FIGG, ERNST & MANBECK, P.C.
607 14th Street, N.W.
SUITE 800
WASHINGTON, DC 20005

EXAMINER

MYERS, GLENN F

ART UNIT

PAPER NUMBER

3652

DATE MAILED: 01/20/2015

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/541,553	07/03/2012	Brian James PETERSEN	1994-363	3829

TITLE OF INVENTION: SEED CARRIER WITH PIVOTING CONVEYOR

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	UNDISCOUNTED	\$960	\$0	\$0	\$960	04/20/2015

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

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

HOW TO REPLY TO THIS NOTICE:

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

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

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

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

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

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

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

PART B - FEE(S) TRANSMITTAL

**Complete and send this form, together with applicable fee(s), to: Mail Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or Fax (571)-273-2885**

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

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

6449 7590 01/20/2015
ROTHWELL, FIGG, ERNST & MANBECK, P.C.
607 14th Street, N.W.
SUITE 800
WASHINGTON, DC 20005

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.
13/541,553	07/03/2012	Brian James PETERSEN	1994-363	3829

TITLE OF INVENTION: SEED CARRIER WITH PIVOTING CONVEYOR

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	UNDISCOUNTED	\$960	\$0	\$0	\$960	04/20/2015

EXAMINER	ART UNIT	CLASS-SUBCLASS
MYERS, GLENN F	3652	414-523000

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

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

- (1) The names of up to 3 registered patent attorneys or agents OR, alternatively, 1 _____
- (2) The name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 _____
- 3 _____

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

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

(A) NAME OF ASSIGNEE

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

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

4a. The following fee(s) are submitted:

- ☐ Issue Fee
- ☐ Publication Fee (No small entity discount permitted)
- ☐ Advance Order - # of Copies _____

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

- ☐ A check is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The director is hereby authorized to charge the required fee(s), any deficiency, or credits any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

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

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

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

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

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

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

Authorized Signature _____ Date _____

Typed or printed name _____ Registration No. _____



UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/541,553	07/03/2012	Brian James PETERSEN	1994-363	3829
6449 7590 01/20/2015 ROTHWELL, FIGG, ERNST & MANBECK, P.C. 607 14th Street, N.W. SUITE 800 WASHINGTON, DC 20005				
			EXAMINER MYERS, GLENN F	
			ART UNIT 3652	PAPER NUMBER

DATE MAILED: 01/20/2015

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

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

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

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

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

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

The information collected by PTOL-85 Part B is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450. Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Privacy Act Statement

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

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

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

Notice of Allowability	Application No. 13/541,553	Applicant(s) PETERSEN ET AL.	
	Examiner GLENN MYERS	Art Unit 3652	AIA (First Inventor to File) Status No

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

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

1. ☒ This communication is responsive to 9/30/14 RCE.
☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on _____.
2. ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on _____; the restriction requirement and election have been incorporated into this action.
3. ☒ The allowed claim(s) is/are 39-61. As a result of the allowed claim(s), you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see http://www.uspto.gov/patents/init_events/pph/index.jsp or send an inquiry to PPHfeedback@uspto.gov.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

Certified copies:

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

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| <ol style="list-style-type: none"> 1. ☐ Notice of References Cited (PTO-892) 2. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date <u>9/30/14</u> 3. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material 4. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____. | <ol style="list-style-type: none"> 5. ☒ Examiner's Amendment/Comment 6. ☐ Examiner's Statement of Reasons for Allowance 7. ☐ Other _____. |
|--|--|

/G. M./
Examiner, Art Unit 3652

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

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on *** has been entered.

Information Disclosure Statement

3. The information disclosure statement (IDS) submitted on 9/30/14 is being considered by the examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GLENN MYERS whose telephone number is (571)270-1160. The examiner can normally be reached on Monday - Friday/7:30AM-5:00PM - 1st Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saul Rodriguez can be reached on 571-272-7097. 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.

/SAUL RODRIGUEZ/
Supervisory Patent Examiner, Art
Unit 3652

/G. M./
Examiner, Art Unit 3652

Receipt date: 09/30/2014

13541553 - GAU: 3652

Doc code: IDS

Doc description: Information Disclosure Statement (IDS) Filed

PTO/SB/08a (01-10)

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

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

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

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number		13541553
	Filing Date		2012-07-03
	First Named Inventor	Brian James PETERSEN et al.	
	Art Unit	3652	
	Examiner Name	Glenn F. MYERS	
	Attorney Docket Number	1994-363	

U.S.PATENTS						
Examiner Initial*	Cite No	Patent Number	Kind Code ¹	Issue Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear
/G.M./	1	3090515		1963-05-21	Crowther	
/G.M./	2	3493136		1970-02-03	Spellman, Jr.	
/G.M./	3	3498483		1970-03-03	Meharry	
/G.M./	4	4037745		1977-07-26	Hengen et al.	
/G.M./	5	4411581		1983-10-25	Niewold	
/G.M./	6	4742938		1988-05-10	Niewold	
/G.M./	7	5520495		1996-05-28	Sukup	
/G.M./	8	5718556		1998-02-17	Forsyth	

Receipt date: 09/30/2014

13541553 - GAU: 3652

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	13541553
	Filing Date	2012-07-03
	First Named Inventor	Brian James PETERSEN et al.
	Art Unit	3652
	Examiner Name	Glenn F. MYERS
	Attorney Docket Number	1994-363

/G.M./	9	3968771		1976-07-13	Walgenbach et al.	
/G.M./	10	4503803		1985-03-12	Barnes	
/G.M./	11	5800116		1998-09-01	Smith et al.	
/G.M./	12	6209880		2001-04-03	Turnwald et al.	
/G.M./	13	6325588		2001-12-04	Nolin	
/G.M./	14	6604620		2003-08-12	Dennis	
/G.M./	15	6767174		2004-07-27	Cresswell	
/G.M./	16	7488149		2009-02-10	Waldner	
/G.M./	17	7500817		2009-03-10	Furrer et al.	
/G.M./	18	5529455		1996-06-25	Kaster et al.	
/G.M./	19	7393275		2008-07-01	Voss et al.	

Receipt date: 09/30/2014

13541553 - GAU: 3652

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	13541553
	Filing Date	2012-07-03
	First Named Inventor	Brian James PETERSEN et al.
	Art Unit	3652
	Examiner Name	Glenn F. MYERS
	Attorney Docket Number	1994-363

/G.M./	20	5888044		1999-03-30	Baskerville	
/G.M./	21	7267519		2007-09-11	Cresswell, et al.	
/G.M./	22	7500814		2009-03-10	Meyer	
/G.M./	23	4218169		1980-08-19	Arends	
/G.M./	24	4274790		1981-06-23	Barker	
/G.M./	25	4312621		1982-01-26	Quanbeck et al.	
/G.M./	26	4419037		1983-12-06	Neiwold	
/G.M./	27	4491216		1985-01-01	Sawby	
/G.M./	28	4613275		1986-09-23	Karlowsky	
/G.M./	29	5013208		1991-05-07	Grieshop	
/G.M./	30	5468113		1995-11-21	Davis	

Receipt date: 09/30/2014

13541553 - GAU: 3652

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	13541553
	Filing Date	2012-07-03
	First Named Inventor	Brian James PETERSEN et al.
	Art Unit	3652
	Examiner Name	Glenn F. MYERS
	Attorney Docket Number	1994-363

/G.M./	31	5516253		1996-05-14	Linscheid et al.	
/G.M./	32	5538388		1996-07-23	Bergkamp et al.	
/G.M./	33	5582221		1996-12-10	Smith et al.	
/G.M./	34	5615990		1997-04-01	Grieshop	
/G.M./	35	5785481		1998-07-28	Ockels	
/G.M./	36	5980189		1999-11-09	Rubner	
/G.M./	37	6120233		2000-09-19	Adam	
/G.M./	38	6908380		2005-06-21	Silver	
/G.M./	39	7223059		2007-05-29	Smith et al.	
/G.M./	40	7553228		2009-06-30	Dillon	
/G.M./	41	6113339		2000-09-05	Adams	

Receipt date: 09/30/2014

13541553 - GAU: 3652

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Not for submission under 37 CFR 1.99)

Application Number	13541553
Filing Date	2012-07-03
First Named Inventor	Brian James PETERSEN et al.
Art Unit	3652
Examiner Name	Glenn F. MYERS
Attorney Docket Number	1994-363

/G.M./	42	5484249		1996-01-16	Klatt	
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If you wish to add additional U.S. Patent citation information please click the Add button.

U.S. PATENT APPLICATION PUBLICATIONS

Examiner Initial*	Cite No	Publication Number	Kind Code ¹	Publication Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear
/G.M./	1	20030057055		2003-03-27	Haukaas et al.	
/G.M./	2	20060180062		2006-04-17	Furrer et al.	

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

FOREIGN PATENT DOCUMENTS

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

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NON-PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, pages(s), volume-issue number(s), publisher, city and/or country where published.	T ⁵
/G.M./	1	Model 2300 Air System and the Model 4800 Air Drill, both made and sold by Concord, as illustrated in the Concord brochure, 12 pages. 1994	☐
/G.M./	2	Convey-All, BTS 290 Seed Tender Product Specification, 2 pages. 6/6/2006	☐

Receipt date: 09/30/2014

13541553 - GAU: 3652

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	13541553
	Filing Date	2012-07-03
	First Named Inventor	Brian James PETERSEN et al.
	Art Unit	3652
	Examiner Name	Glenn F. MYERS
	Attorney Docket Number	1994-363

/G.M./	3	Convey-All Ind. Inc., Engineering Drawings of BT-1500, 4 pages. 5/13/2002	☐
/G.M./	4	Par-Kan Company, Engineering Drawings, 2 pages. 4/28/2003	☐
/G.M./	5	Great Plains Manufacturing, Inc., Parts Manual - Model ADC2220 Air Drill Cart, May 1, 1997, 61 pages.	☐
/G.M./	6	Great Plains Manufacturing, Inc., Parts Manual - Model ADC2220 Air Drill Cart, March 1, 2000, 69 pages.	☐
/G.M./	7	Reexamination File History for Control Number 95000691, 374 pages.	☐
/G.M./	8	Order Denying Request for Inter Partes Reexamination for Control Number 95000691, November 7, 2012, 15 pages.	☐
/G.M./	9	Par-Kan Company, Final Invalidity Contentions submitted in Unverferth Mfg. Co., Inc. v. Par-Kan Co., Civil Action No. 13-cv-00097 (N.D. Ind.), October 25, 2013, 130 pages.	☐
/G.M./	10	Par-Kan Company, Preliminary Invalidity Contentions submitted in Unverferth Mfg. Co., Inc. v. Par-Kan Co., Civil Action No. 13-cv-00097 (N.D. Ind.), June 17, 2013, 169 pages.	☐
/G.M./	11	Declaration of Shawn Gerdeman with Exhibits A-E dated September 18, 2014, 24 pages.	☐

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

EXAMINER SIGNATURE

Examiner Signature	/Glenn Myers/ (01/09/2015)	Date Considered	01/09/2015
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Receipt date: 09/30/2014

13541553 - GAU: 3652

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

Application Number	13541553
Filing Date	2012-07-03
First Named Inventor	Brian James PETERSEN et al.
Art Unit	3652
Examiner Name	Glenn F. MYERS
Attorney Docket Number	1994-363

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

Receipt date: 09/30/2014

13541553 - GAU: 3652

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number		13541553
	Filing Date		2012-07-03
	First Named Inventor	Brian James PETERSEN et al.	
	Art Unit	3652	
	Examiner Name	Glenn F. MYERS	
	Attorney Docket Number	1994-363	

CERTIFICATION STATEMENT

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

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

OR

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

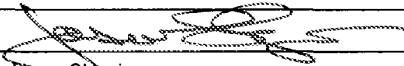
☐ See attached certification statement.

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

☒ A certification statement is not submitted herewith.

SIGNATURE

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

Signature		Date (YYYY-MM-DD)	2014-09-29
Name/Print	Jason Shapiro	Registration Number	35,354

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

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

EAST Search History**EAST Search History (Prior Art)**

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
S1	67	((Brian) near2 (PETERSEN)).INV.	US-PGPUB; USPAT; USOCR	OR	OFF	2014/06/03 11:42
S2	1	("8221047").PN.	USPAT; USOCR	OR	OFF	2014/06/03 12:30
S3	3611	((David) near2 (SMITH)).INV.	US-PGPUB; USPAT; USOCR	OR	OFF	2014/06/03 12:52
S4	448	S3 and OH	US-PGPUB; USPAT; USOCR	OR	OFF	2014/06/03 12:53
S5	43	S3 and jennings	US-PGPUB; USPAT; USOCR	OR	OFF	2014/06/03 12:54
S6	1	("5484249").PN.	USPAT; USOCR	OR	OFF	2014/06/03 13:13
S7	1	("6120233").PN.	USPAT; USOCR	OR	OFF	2014/06/03 13:17
S8	1	("5888044").PN.	USPAT; USOCR	OR	OFF	2014/06/03 13:21
S9	17	US-3968771-\$.DID. OR US-3994512-\$.DID. OR US-3997215-\$.DID. OR US-4503803-\$.DID. OR US-5615990-\$.DID. OR US-5800116-\$.DID. OR US-5888044-\$.DID. OR US-6209880-\$.DID. OR US-6325588-\$.DID. OR US-20030057055-\$.DID. OR US-6604620-\$.DID. OR US-6767174-\$.DID. OR US-7428956-\$.DID. OR US-7488149-\$.DID. OR US-7500817-\$.DID. OR US-20090110524-\$.DID. OR US-8221047-\$.DID.	US-PGPUB; USPAT; USOCR; JPO	OR	OFF	2014/06/03 13:28
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S11	0	(grain adj hopper) with (bottom adj discharge)	USPAT	OR	OFF	2014/06/03 16:05
S12	4	(grain adj bin) with (bottom adj discharge)	USPAT	OR	OFF	2014/06/03 16:05
S13	183	(414/328).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2014/06/03 16:34
S14	73	(414/329).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2014/06/03 16:42

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S17	260	(111/11).OCLS.	US- PGPUB; USPAT; USOCR	OR	OFF	2014/06/04 09:56
S18	286	(198/312).OCLS.	US- PGPUB; USPAT; USOCR	OR	OFF	2014/06/04 10:00
S19	166	(198/315).OCLS.	US- PGPUB; USPAT; USOCR	OR	OFF	2014/06/04 10:05
S20	0	(198/316).OCLS.	US- PGPUB; USPAT; USOCR	OR	OFF	2014/06/04 10:10
S21	350	(198/317).OCLS.	US- PGPUB; USPAT; USOCR	OR	OFF	2014/06/04 10:10
S22	609	(198/318).OCLS.	US- PGPUB; USPAT; USOCR	OR	OFF	2014/06/04 10:14
S26	54	US-1994363-\$.DID. OR US-3090515-\$.DID. OR US-3493136-\$.DID. OR US-3498483- \$.DID. OR US-4037745-\$.DID. OR US- 4411581-\$.DID. OR US-4742938-\$.DID. OR US-5520495-\$.DID. OR US-5718556-\$.DID. OR US-3968771-\$.DID. OR US-4503803- \$.DID. OR US-5800118-\$.DID. OR US- 6209880-\$.DID. OR US-6325588-\$.DID. OR US-6604620-\$.DID. OR US-6767174-\$.DID. OR US-7488149-\$.DID. OR US-7500817- \$.DID. OR US-5529455-\$.DID. OR US- 7393275-\$.DID. OR US-3541553-\$.DID. OR US-5888044-\$.DID. OR US-7267519-\$.DID. OR US-7500814-\$.DID. OR US-4218169- \$.DID. OR US-4274790-\$.DID. OR US- 4312621-\$.DID. OR US-4419037-\$.DID. OR US-4491216-\$.DID. OR US-4613275-\$.DID. OR US-5013208-\$.DID. OR US-5468113- \$.DID. OR US-5516253-\$.DID. OR US- 5538388-\$.DID. OR US-5582221-\$.DID. OR US-5815990-\$.DID. OR US-5785481-\$.DID. OR US-6908380-\$.DID. OR US-7223059- \$.DID. OR US-5484249-\$.DID. OR US- 20030057055-\$.DID. OR US-20060180062- \$.DID. OR US-1199761-\$.DID. OR US- 1200069-\$.DID. OR US-7201215-\$.DID. OR US-1331018-\$.DID.	US- PGPUB; USPAT; USOCR; JPO	OR	OFF	2015/01/09 11:59
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S32	213	B60P1/00	USPAT	OR	OFF	2015/01/09 14:25
S33	10	B60P1/36	USPAT	OR	OFF	2015/01/09 14:28
S34	181	B60P1/00.cpc.	USPAT	OR	OFF	2015/01/09 14:28
S35	324	B60P1/00.cpc.	US- PGPUB; USPAT	OR	OFF	2015/01/09 14:28
S36	348	B60P1/36.cpc.	US- PGPUB; USPAT	OR	OFF	2015/01/09 14:32
S37	135	B60P1/42.cpc.	US- PGPUB; USPAT	OR	OFF	2015/01/09 14:35
S38	592	b65g41/002.cpc.	US- PGPUB; USPAT	OR	OFF	2015/01/09 14:37
S39	66	b65g41/005.cpc.	US- PGPUB; USPAT	OR	OFF	2015/01/09 14:43
S40	205	b65g41/008.cpc.	US- PGPUB; USPAT	OR	OFF	2015/01/09 14:43
S41	154	a01c15/003.cpc.	US- PGPUB; USPAT	OR	OFF	2015/01/09 14:46
S42	284	a01c15/006.cpc.	US- PGPUB; USPAT	OR	OFF	2015/01/09 14:47
S43	94	b65g67/02.cpc.	US- PGPUB; USPAT	OR	OFF	2015/01/09 14:50
S44	377	a01d90/00.cpc.	US- PGPUB; USPAT	OR	OFF	2015/01/09 14:51
S45	93	a01d90/02.cpc.	US- PGPUB; USPAT	OR	OFF	2015/01/09 14:56
S46	185	a01d90/10.cpc.	US- PGPUB; USPAT	OR	OFF	2015/01/09 14:57
S47	773	(414/523).OCLS.	USPAT; USOCR	OR	OFF	2015/01/09 15:04
S48	278	(198/312).OCLS.	USPAT; USOCR	OR	OFF	2015/01/09 15:13

EAST Search History (Interference)

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Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L1	1	seed grain tender frame main hopper mounted discharge base below support arm first second ends coupling connecting rotatable relation vertical axis horizontal conveyor longitudinal end internal elevator moving center gravity parallel unloading position receive agricultural product loading above dispense	USPAT; UPAD	AND	OFF	2015/01/09 18:15
L2	1	seed grain tender frame main hopper mounted discharge base below support arm first second ends coupling connecting rotatable relation vertical axis horizontal conveyor longitudinal end internal elevator moving center gravity parallel unloading position receive agricultural product loading above dispense	USPAT; UPAD	AND	OFF	2015/01/09 18:17
L3	1	seed grain tender main hopper discharge base positioned below support arm first second ends coupling connecting rotatable vertical axis horizontal conveyor longitudinal end center gravity parallel unloading position receive agricultural product loading above dispense	USPAT; UPAD	AND	OFF	2015/01/09 18:18
S23	1	seed grain tender frame main hopper mounted discharge base below support arm first second ends coupling connecting rotatable relation vertical axis horizontal conveyor longitudinal end internal elevator moving center gravity parallel unloading position receive agricultural product loading above dispense	USPAT; UPAD	AND	OFF	2014/06/25 02:54
S24	1	seed grain tender frame main hopper mounted discharge base below support arm first second ends coupling connecting rotatable vertical axis horizontal conveyor longitudinal end internal elevator moving center gravity parallel unloading position receive agricultural product loading above dispense	USPAT; UPAD	AND	OFF	2014/06/25 02:59
S25	1	seed grain tender main hopper discharge base positioned below support arm first second ends coupling connecting rotatable vertical axis horizontal conveyor longitudinal end center gravity parallel unloading position receive agricultural product loading above dispense	USPAT; UPAD	AND	OFF	2014/06/25 03:02

1/ 9/ 2015 6:18:58 PM

C:\Users\gmyers1\Documents\EAST\Workspaces\13541553b.wsp



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BIB DATA SHEET

CONFIRMATION NO. 3829

SERIAL NUMBER 13/541,553	FILING or 371(c) DATE 07/03/2012 RULE	CLASS 414	GROUP ART UNIT 3652	ATTORNEY DOCKET NO. 1994-363		
APPLICANTS INVENTORS Brian James PETERSEN, Ottawa, OH; David Richard SMITH, Fort Jennings, OH; ** CONTINUING DATA ***** This application is a CON of 12/031,867 02/15/2008 PAT 8221047 which claims benefit of 60/901,321 02/15/2007 ** FOREIGN APPLICATIONS ***** ** IF REQUIRED, FOREIGN FILING LICENSE GRANTED ** 07/17/2012						
Foreign Priority claimed ☐ Yes ☒ No 35 USC 119(a-d) conditions met ☐ Yes ☒ No Verified and /GLENN F MYERS/ Acknowledged Examiner's Signature		☐ Met after Allowance Initials	STATE OR COUNTRY OH	SHEETS DRAWINGS 11	TOTAL CLAIMS 38	INDEPENDENT CLAIMS 2
ADDRESS ROTHWELL, FIGG, ERNST & MANBECK, P.C. 607 14th Street, N.W. SUITE 800 WASHINGTON, DC 20005 UNITED STATES						
TITLE SEED CARRIER WITH PIVOTING CONVEYOR						
FILING FEE RECEIVED 2460	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		

Search Notes 	Application/Control No. 13541553	Applicant(s)/Patent Under Reexamination PETERSEN ET AL.
	Examiner JOSHUA RUDAWITZ	Art Unit 3652

CPC- SEARCHED		
Symbol	Date	Examiner
B60P1/00, 36, 42	1/9/15	Glenn Myers
B65G41/002, 005, 008	1/9/15	Glenn Myers
A01C15/003, 006	1/9/15	Glenn Myers
B65G67/02	1/9/15	Glenn Myers
A01D90/00, 02, 10	1/9/15	Glenn Myers

CPC COMBINATION SETS - SEARCHED		
Symbol	Date	Examiner

US CLASSIFICATION SEARCHED			
Class	Subclass	Date	Examiner
414	523	9/23/2013	JIR
111	11	9/23/2013	JIR
198	312, 315, 316, 317, 318	9/23/2013	JIR
414	523, 328, 329	6/25/14	Glenn Myers
111	11	6/25/14	Glenn Myers
198	312, 315, 316, 317, 318	6/25/14	Glenn Myers
414	523	1/9/15	Glenn Myers
198	312	1/9/15	Glenn Myers

SEARCH NOTES		
Search Notes	Date	Examiner
Reviewed and updated parent application search	9/23/2013	JIR
EAST text search - see search history for results	6/25/14	Glenn Myers

INTERFERENCE SEARCH

/G.M./ Examiner.Art Unit 3652	
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US Class/ CPC Symbol	US Subclass / CPC Group	Date	Examiner
	EAST Interference text search -- see search history for results	6/25/14	Glenn Myers
	EAST Interference text search -- see search history for results	1/9/15	Glenn Myers

/G.M./
Examiner, Art Unit 3652

Issue Classification 	Application/Control No. 13541553	Applicant(s)/Patent Under Reexamination PETERSEN ET AL.	
	Examiner GLENN MYERS	Art Unit 3652	

CPC					
Symbol				Type	Version
A01C	15	006		F	2013-01-01
B60P	1	00		A	2013-01-01
A01C	15	003		I	2013-01-01

CPC Combination Sets				
Symbol	Type	Set	Ranking	Version

/G.M./ Examiner.Art Unit 3652 (Assistant Examiner)	01/09/2015 (Date)	Total Claims Allowed: 23	
/SAUL RODRIGUEZ/ Supervisory Patent Examiner.Art Unit 3652 (Primary Examiner)	01/11/2015 (Date)	O.G. Print Claim(s) 16	O.G. Print Figure 3

Issue Classification 	Application/Control No. 13541553	Applicant(s)/Patent Under Reexamination PETERSEN ET AL.
	Examiner GLENN MYERS	Art Unit 3652

US ORIGINAL CLASSIFICATION						INTERNATIONAL CLASSIFICATION													
CLASS		SUBCLASS				CLAIMED					NON-CLAIMED								
414		523				B	6	0	P	1 / 00 (2006.0)									
CROSS REFERENCE(S)																			
CLASS	SUBCLASS (ONE SUBCLASS PER BLOCK)																		
198	312																		

/G.M./ Examiner.Art Unit 3652 (Assistant Examiner)	01/09/2015 (Date)	Total Claims Allowed: 23	
/SAUL RODRIGUEZ/ Supervisory Patent Examiner.Art Unit 3652 (Primary Examiner)	01/11/2015 (Date)	O.G. Print Claim(s) 16	O.G. Print Figure 3

Issue Classification 	Application/Control No. 13541553	Applicant(s)/Patent Under Reexamination PETERSEN ET AL.
	Examiner GLENN MYERS	Art Unit 3652

☒ 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	39	17	55												
2	40	18	56												
3	41	19	57												
4	42	20	58												
5	43	21	59												
6	44	22	60												
7	45	23	61												
8	46														
9	47														
10	48														
11	49														
12	50														
13	51														
14	52														
15	53														
16	54														

/G.M./ Examiner.Art Unit 3652 (Assistant Examiner)	01/09/2015 (Date)	Total Claims Allowed: 23	
/SAUL RODRIGUEZ/ Supervisory Patent Examiner.Art Unit 3652 (Primary Examiner)	01/11/2015 (Date)	O.G. Print Claim(s) 16	O.G. Print Figure 3

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)

6449 7590 01/20/2015
ROTHWELL, FIGG, ERNST & MANBECK, P.C.
607 14th Street, N.W.
SUITE 800
WASHINGTON, DC 20005

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.
13/541,553	07/03/2012	Brian James PETERSEN	1994-363	3829

TITLE OF INVENTION: SEED CARRIER WITH PIVOTING CONVEYOR

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	UNDISCOUNTED	\$960	\$0	\$0	\$960	04/20/2015

EXAMINER	ART UNIT	CLASS-SUBCLASS
MYERS, GLENN F	3652	414-523000

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 Rothwell, Figg, Ernst
2 & Manbeck, P.C.
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)

Unverferth Manufacturing Company, Inc.

Kalida, Ohio

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 5

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

- ☐ A check is enclosed.
☐ Payment by credit card. Form PTO-2038 is attached.
☐ The director is hereby authorized to charge the required fee(s), any deficiency, or credits any overpayment, to Deposit Account Number 02-2135 (enclose an extra copy of this form).

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

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

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

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

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

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

Authorized Signature



Date

1/20/15

Typed or printed name Jason M. Shapiro

Registration No. 35,354

Electronic Patent Application Fee Transmittal				
Application Number:		13541553		
Filing Date:		03-Jul-2012		
Title of Invention:		SEED CARRIER WITH PIVOTING CONVEYOR		
First Named Inventor/Applicant Name:		Brian James PETERSEN		
Filer:		Jason M. Shapiro/Carole Klavuhn		
Attorney Docket Number:		1994-363		
Filed as Large Entity				
Filing Fees for Utility under 35 USC 111(a)				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Utility Appl Issue Fee	1501	1	960	960

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Extension-of-Time:				
Miscellaneous:				
Printed Copy of Patent - No Color	8001	5	3	15
Total in USD (\$)				975

Electronic Acknowledgement Receipt	
EFS ID:	21252720
Application Number:	13541553
International Application Number:	
Confirmation Number:	3829
Title of Invention:	SEED CARRIER WITH PIVOTING CONVEYOR
First Named Inventor/Applicant Name:	Brian James PETERSEN
Customer Number:	6449
Filer:	Jason M. Shapiro/Carole Klavuhn
Filer Authorized By:	Jason M. Shapiro
Attorney Docket Number:	1994-363
Receipt Date:	20-JAN-2015
Filing Date:	03-JUL-2012
Time Stamp:	16:09:59
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Deposit Account
Payment was successfully received in RAM	\$975
RAM confirmation Number	3116
Deposit Account	022135
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 1.20 (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)	1994-363-IssueFee.pdf	237477 17d5caca5d71ab0254bd07d48b80c5b6028f2e38	no	1

Warnings:

Information:

2	Fee Worksheet (SB06)	fee-info.pdf	32444 304c28f40e2d6b2afe1c90a5c54f60773b3634e	no	2
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Warnings:

Information:

Total Files Size (in bytes):	269921
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This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

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

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

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

New International Application Filed with the USPTO as a Receiving Office

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

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

Application Number	13541553	Filing Date	2012-07-03	Docket Number (if applicable)	1994-363	Art Unit	3652
First Named Inventor	Brian James PETERSEN et al.			Examiner Name	Glenn F. Myers		

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

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

SUBMISSION REQUIRED UNDER 37 CFR 1.114

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

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

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

☐ Other _____

☒ Enclosed

☒ Amendment/Reply

☒ Information Disclosure Statement (IDS)

☐ Affidavit(s)/ Declaration(s)

☐ Other _____

MISCELLANEOUS

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

☐ Other _____

FEES

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

The Director is hereby authorized to charge any underpayment of fees, or credit any overpayments, to
 Deposit Account No 022135

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

☒ Patent Practitioner Signature

☐ Applicant Signature

Doc code: RCEX

Doc description: Request for Continued Examination (RCE)

PTO/SB/30EFS (01-09)

Approved for use through 02/28/2009. OMB 0651-0031

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

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

Signature of Registered U.S. Patent Practitioner			
Signature	/Jason M. Shapiro/	Date (YYYY-MM-DD)	2014-09-30
Name	Jason M. Shapiro	Registration Number	35354

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450.

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

Privacy Act Statement

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

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

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

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 13/541,553
First Named Inventor : Brian James Petersen, et al.
Filed : 07/03/2012
TC/A.U. : 3652
Examiner : Glenn F. Myers

Docket No. : 1994-363
Customer No. : 06449
Confirmation No. : 3829

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

Sir:

AMENDMENT AFTER FINAL OFFICE ACTION

In response to the final Office Action mailed July 2, 2014, please reconsider the above-identified application in view of the amendments and remarks that follow.

Amendments to the claims begin on **page 2** of this paper.

Remarks begin on **page 9** of this paper.

Amendments to the Claims

Claims 1-38. (Cancelled)

39. (Previously Presented) A seed or grain tender comprising:

a frame;

a main hopper mounted on said frame and having a main hopper discharge;

a base mounted below said main hopper discharge;

a support arm having first and second ends;

a first coupling connecting said first end of said support arm with said base, said first coupling being rotatable in relation to said base about a first vertical axis of rotation, and said first end of said support arm being rotatable in relation to said first coupling about a first horizontal axis of rotation;

a conveyor having a longitudinal axis and first and second ends, a conveyor hopper at said first end, a conveyor discharge at said second end, and an internal elevator for moving seed or grain from said conveyor hopper to said conveyor discharge; and

a second coupling connecting said second end of said support arm with said conveyor at an approximate center of gravity of said conveyor, said second coupling defining a second vertical axis of rotation that is not parallel to said conveyor longitudinal axis, and said conveyor being rotatable in relation to said second end of said support arm about said second vertical axis of rotation between an unloading position wherein said conveyor hopper is disposed below said main hopper discharge to

receive agricultural product from said main hopper and a loading position wherein said conveyor discharge is disposed above said main hopper to dispense agricultural product into said main hopper.

40. (Previously Presented) The seed or grain tender of claim 39, wherein said first vertical axis of rotation extends through said main hopper discharge.

41. (Previously Presented) The seed or grain tender of claim 39, wherein said second vertical axis of rotation extends through said approximate center of gravity of said conveyor.

42. (Previously Presented) The seed or grain tender of claim 39, wherein said first horizontal axis extends through said first end of said support arm.

43. (Previously Presented) The seed or grain tender of claim 39, wherein said second end of said support arm terminates at or near said second coupling.

44. (Previously Presented) The seed or grain tender of claim 39, further comprising a hydraulic piston extending at an acute angle relative to a horizontal plane to connect with a portion of said support arm spaced from said first horizontal axis of rotation.

45. (Previously Presented) The seed or grain tender of claim 39, further comprising a stand coupled with said first end of said conveyor and movable between a stowed position allowing said conveyor hopper to be positioned below said main hopper discharge when said conveyor is in said unloading position and an extended position supporting said conveyor hopper above the ground when said conveyor is in said loading position.

46. (Previously Presented) A seed or grain tender comprising:

- a frame;
- a main hopper mounted on said frame and having a main hopper discharge;
- a base positioned below said main hopper;
- a support arm having first and second ends;
- a first coupling connecting said first end of said support arm with said base, said first coupling being rotatable about a first vertical axis of rotation, and said first end of said support arm being rotatable about a first horizontal axis of rotation;
- a conveyor having a longitudinal axis and first and second ends, a conveyor hopper at said first end, and a conveyor discharge at said second end; and
- a second coupling connecting said second end of said support arm with said conveyor at an approximate center of gravity of said conveyor, said second coupling defining a second vertical axis of rotation that is not parallel to said conveyor

longitudinal axis, and said conveyor being rotatable about said second vertical axis of rotation between an unloading position wherein said conveyor hopper is disposed below said main hopper discharge to receive agricultural product from said main hopper and a loading position wherein said conveyor discharge is disposed above said main hopper to dispense agricultural product into said main hopper.

47. (Previously Presented) The seed or grain tender of claim 46, wherein said first vertical axis of rotation extends through said main hopper discharge.

48. (Previously Presented) The seed or grain tender of claim 46, wherein said second vertical axis of rotation extends through said approximate center of gravity of said conveyor.

49. (Previously Presented) The seed or grain tender of claim 46, wherein said first horizontal axis extends through said first end of said support arm.

50. (Previously Presented) The seed or grain tender of claim 46, wherein said second end of said support arm terminates at or near said second coupling.

51. (Previously Presented) The seed or grain tender of claim 46, wherein said conveyor includes an internal elevator for moving seed or grain from said conveyor hopper to said conveyor discharge.

52. (Previously Presented) The seed or grain tender of claim 46, further comprising a hydraulic piston extending at an acute angle relative to a horizontal plane to connect with a portion of said support arm spaced from said first horizontal axis of rotation.

53. (Previously Presented) The seed or grain tender of claim 46, further comprising a stand coupled with said first end of said conveyor and movable between a stowed position allowing said conveyor hopper to be positioned below said main hopper discharge when said conveyor is in said unloading position and an extended position supporting said conveyor hopper above the ground when said conveyor is in said loading position.

54. (Previously Presented) A seed or grain tender comprising:
a main hopper having a main hopper discharge;
a base positioned below said main hopper;
a support arm having first and second ends;

a first coupling connecting said first end of said support arm with said base, said first coupling being rotatable about a first vertical axis of rotation, and said first end of said support arm being rotatable about a first horizontal axis of rotation;

a conveyor having a longitudinal axis and first and second ends, a conveyor hopper at said first end, and a conveyor discharge at said second end; and

a second coupling connecting said second end of said support arm with said conveyor at an approximate center of gravity of said conveyor, said second coupling defining a first conveyor axis of rotation that is not parallel to said conveyor longitudinal axis, and said conveyor being rotatable about said first conveyor axis of rotation between an unloading position wherein said conveyor hopper is disposed below said main hopper discharge to receive agricultural product from said main hopper and a loading position wherein said conveyor discharge is disposed above said main hopper to dispense agricultural product into said main hopper.

55. (Previously Presented) The seed or grain tender of claim 54, wherein said first vertical axis of rotation extends through said main hopper discharge.

56. (Currently Amended) The seed or grain tender of claim 54, wherein said ~~second vertical~~ first conveyor axis of rotation extends through said approximate center of gravity of said conveyor.

57. (Previously Presented) The seed or grain tender of claim 54, wherein said first horizontal axis extends through said first end of said support arm.

58. (Previously Presented) The seed or grain tender of claim 54, wherein said second end of said support arm terminates at or near said second coupling.

59. (Previously Presented) The seed or grain tender of claim 54, wherein said conveyor includes an internal elevator for moving seed or grain from said conveyor hopper to said conveyor discharge.

60. (Previously Presented) The seed or grain tender of claim 54, further comprising a hydraulic piston extending at an acute angle relative to a horizontal plane to connect with a portion of said support arm spaced from said first horizontal axis of rotation.

61. (Previously Presented) The seed or grain tender of claim 54, further comprising a stand coupled with said first end of said conveyor and movable between a stowed position allowing said conveyor hopper to be positioned below said main hopper discharge when said conveyor is in said unloading position and an extended position supporting said conveyor hopper above the ground when said conveyor is in said loading position.

REMARKS

Claims 39-61 are pending. Claims 39-55 and 57-61 are allowed. Claim 56 is indicated to be allowable if rewritten or amended to overcome the rejection under 35 U.S.C. §112(b) for lack of antecedent basis. Applicant proposes to amend claim 56 by changing "said second vertical axis" to "said first conveyor axis", for which there is antecedent basis in claim 54.

Since this amendment places the application in condition for allowance, Applicant respectfully requests entry of the amendment, reconsideration of the outstanding rejection, and allowance of the application.

In the event that this paper is not timely filed, Applicant respectfully petitions for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Deposit Account No. 02-2135.

The Examiner is encouraged to contact Applicants' undersigned attorney at the indicated telephone number in the event any issues remain.

Respectfully submitted,

By: /Jason M. Shapiro/
Jason M. Shapiro
Registration No. 35,354
Attorney for Applicant
Rothwell, Figg, Ernst & Manbeck, P.C.
607 14th Street, N.W., Suite 800
Washington, D.C. 20005
(202) 783-6040 (telephone)
(202) 783-6031 (fax)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 13/541,553
First Named Inventor : Brian James PETERSEN
Filed : July 3, 2012
TC/A.U. : 3652
Examiner : Glenn F. MYERS

Docket No. : 1994-363
Customer No. : 06449
Confirmation No. : 3829

INFORMATION DISCLOSURE STATEMENT

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

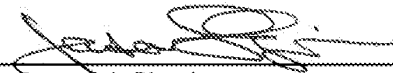
Dear Sir:

Under the provisions of 37 C.F.R. §§ 1.56, 1.97 and 1.98, Applicants submit herewith information that the Office may wish to consider in the examination of the subject application. Materials submitted for consideration are listed on the attached form PTO-SB08.

The materials submitted herewith include materials that were brought to the attention of Applicants in a patent litigation brought by the assignee of the subject application, Unverferth Manufacturing Company Inc. ("Unverferth"), in the United States District Court for the Northern District of Indiana against Par-Kan Co. ("Par-Kan"), styled *Unverferth Mfg. Co. v. Par-Kan Co.*, Civil Action No. 3:13-cv-00097 (the "patent litigation"). The patent litigation involved U.S. Patent No. 8,221,047 (the "'047 patent"), from which the present application claims priority. Some of the cited materials were also identified in a Request for *Inter Partes* Reexamination of the '047 patent, Control No. 95/000,691, that was filed by Par-Kan. The patent litigation has been settled, and the United States Patent and Trademark Office ("USPTO") denied the Request for Reexamination.

During the patent litigation, Par-Kan also alleged that the '047 patent was invalid as being in public use or on sale prior to the critical date. Applicants submit concurrently herewith the Declaration of Shawn Gerdeman, a product manager at assignee Unverferth, who addresses these allegations. The Gerdeman Declaration demonstrates that the invention was not in public use or on sale before the critical date.

Respectfully submitted,

By 
Jason M. Shapiro
Attorney for Applicants
Registration No. 35,354
ROTHWELL, FIGG, ERNST & MANBECK, P.C.
607 14th Street, N.W.; Suite 800
Washington, D.C. 20005
Telephone: (202)783-6040

Doc code: IDS

Doc description: Information Disclosure Statement (IDS) Filed

PTO/SB/08a (01-10)

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

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

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

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number		13541553
	Filing Date		2012-07-03
	First Named Inventor	Brian James PETERSEN et al.	
	Art Unit	3652	
	Examiner Name	Glenn F. MYERS	
	Attorney Docket Number	1994-363	

U.S.PATENTS						
Examiner Initial*	Cite No	Patent Number	Kind Code ¹	Issue Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear
	1	3090515		1963-05-21	Crowther	
	2	3493136		1970-02-03	Spellman, Jr.	
	3	3498483		1970-03-03	Meharry	
	4	4037745		1977-07-26	Hengen et al.	
	5	4411581		1983-10-25	Niewold	
	6	4742938		1988-05-10	Niewold	
	7	5520495		1996-05-28	Sukup	
	8	5718556		1998-02-17	Forsyth	

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	13541553
	Filing Date	2012-07-03
	First Named Inventor	Brian James PETERSEN et al.
	Art Unit	3652
	Examiner Name	Glenn F. MYERS
	Attorney Docket Number	1994-363

	9	3968771		1976-07-13	Walgenbach et al.	
	10	4503803		1985-03-12	Barnes	
	11	5800116		1998-09-01	Smith et al.	
	12	6209880		2001-04-03	Turnwald et al.	
	13	6325588		2001-12-04	Nolin	
	14	6604620		2003-08-12	Dennis	
	15	6767174		2004-07-27	Cresswell	
	16	7488149		2009-02-10	Waldner	
	17	7500817		2009-03-10	Furrer et al.	
	18	5529455		1996-06-25	Kaster et al.	
	19	7393275		2008-07-01	Voss et al.	

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

Application Number	13541553
Filing Date	2012-07-03
First Named Inventor	Brian James PETERSEN et al.
Art Unit	3652
Examiner Name	Glenn F. MYERS
Attorney Docket Number	1994-363

20	5888044	1999-03-30	Baskerville
21	7267519	2007-09-11	Cresswell, et al.
22	7500814	2009-03-10	Meyer
23	4218169	1980-08-19	Arends
24	4274790	1981-06-23	Barker
25	4312621	1982-01-26	Quanbeck et al.
26	4419037	1983-12-06	Neiwold
27	4491216	1985-01-01	Sawby
28	4613275	1986-09-23	Karlowsky
29	5013208	1991-05-07	Grieshop
30	5468113	1995-11-21	Davis

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**
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Application Number	13541553
Filing Date	2012-07-03
First Named Inventor	Brian James PETERSEN et al.
Art Unit	3652
Examiner Name	Glenn F. MYERS
Attorney Docket Number	1994-363

	31	5516253		1996-05-14	Linscheid et al.	
	32	5538388		1996-07-23	Bergkamp et al.	
	33	5582221		1996-12-10	Smith et al.	
	34	5615990		1997-04-01	Grieshop	
	35	5785481		1998-07-28	Ockels	
	36	5980189		1999-11-09	Rubner	
	37	6120233		2000-09-19	Adam	
	38	6908380		2005-06-21	Silver	
	39	7223059		2007-05-29	Smith et al.	
	40	7553228		2009-06-30	Dillon	
	41	6113339		2000-09-05	Adams	

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number		13541553
	Filing Date		2012-07-03
	First Named Inventor	Brian James PETERSEN et al.	
	Art Unit	3652	
	Examiner Name	Glenn F. MYERS	
	Attorney Docket Number	1994-363	

	42	5484249		1996-01-16	Klatt	
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If you wish to add additional U.S. Patent citation information please click the Add button.

U.S. PATENT APPLICATION PUBLICATIONS

Examiner Initial*	Cite No	Publication Number	Kind Code ¹	Publication Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear
	1	20030057055		2003-03-27	Haukaas et al.	
	2	20060180062		2006-04-17	Furrer et al.	

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FOREIGN PATENT DOCUMENTS

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

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NON-PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, pages(s), volume-issue number(s), publisher, city and/or country where published.	T ⁵
	1	Model 2300 Air System and the Model 4800 Air Drill, both made and sold by Concord, as illustrated in the Concord brochure, 12 pages.	☐
	2	Convey-All, BTS 290 Seed Tender Product Specification, 2 pages.	☐

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Not for submission under 37 CFR 1.99)

Application Number	13541553
Filing Date	2012-07-03
First Named Inventor	Brian James PETERSEN et al.
Art Unit	3652
Examiner Name	Glenn F. MYERS
Attorney Docket Number	1994-363

3	Convey-All Ind. Inc., Engineering Drawings of BT-1500, 4 pages.	☐
4	Par-Kan Company, Engineering Drawings, 2 pages.	☐
5	Great Plains Manufacturing, Inc., Parts Manual - Model ADC2220 Air Drill Cart, May 1, 1997, 61 pages.	☐
6	Great Plains Manufacturing, Inc., Parts Manual - Model ADC2220 Air Drill Cart, March 1, 2000, 69 pages.	☐
7	Reexamination File History for Control Number 95000691, 374 pages.	☐
8	Order Denying Request for Inter Partes Reexamination for Control Number 95000691, November 7, 2012, 15 pages.	☐
9	Par-Kan Company, Final Invalidity Contentions submitted in Unverferth Mfg. Co., Inc. v. Par-Kan Co., Civil Action No. 13-cv-00097 (N.D. Ind.), October 25, 2013, 130 pages.	☐
10	Par-Kan Company, Preliminary Invalidity Contentions submitted in Unverferth Mfg. Co., Inc. v. Par-Kan Co., Civil Action No. 13-cv-00097 (N.D. Ind.), June 17, 2013, 169 pages.	☐
11	Declaration of Shawn Gerdeman with Exhibits A-E dated September 18, 2014, 24 pages.	☐

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

EXAMINER SIGNATURE

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

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

Application Number	13541553
Filing Date	2012-07-03
First Named Inventor	Brian James PETERSEN et al.
Art Unit	3652
Examiner Name	Glenn F. MYERS
Attorney Docket Number	1994-363

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

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

Application Number	13541553
Filing Date	2012-07-03
First Named Inventor	Brian James PETERSEN et al.
Art Unit	3652
Examiner Name	Glenn F. MYERS
Attorney Docket Number	1994-363

CERTIFICATION STATEMENT

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

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

OR

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

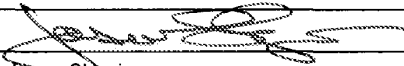
☐ See attached certification statement.

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

☒ A certification statement is not submitted herewith.

SIGNATURE

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

Signature		Date (YYYY-MM-DD)	2014-09-29
Name/Print	Jason Shapiro	Registration Number	35,354

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

Electronic Patent Application Fee Transmittal				
Application Number:		13541553		
Filing Date:		03-Jul-2012		
Title of Invention:		SEED CARRIER WITH PIVOTING CONVEYOR		
First Named Inventor/Applicant Name:		Brian James PETERSEN		
Filer:		Jason M. Shapiro/Carole Klavuhn		
Attorney Docket Number:		1994-363		
Filed as Large Entity				
Utility under 35 USC 111(a) Filing Fees				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Miscellaneous:				
Request for Continued Examination	1801	1	1200	1200
Total in USD (\$)				1200

Electronic Acknowledgement Receipt	
EFS ID:	20285945
Application Number:	13541553
International Application Number:	
Confirmation Number:	3829
Title of Invention:	SEED CARRIER WITH PIVOTING CONVEYOR
First Named Inventor/Applicant Name:	Brian James PETERSEN
Customer Number:	6449
Filer:	Jason M. Shapiro/Carole Klavuhn
Filer Authorized By:	Jason M. Shapiro
Attorney Docket Number:	1994-363
Receipt Date:	30-SEP-2014
Filing Date:	03-JUL-2012
Time Stamp:	18:15:35
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Deposit Account
Payment was successfully received in RAM	\$1200
RAM confirmation Number	8703
Deposit Account	022135
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 1.21 (Miscellaneous fees and charges)	

File Listing:					
Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Request for Continued Examination (RCE)	1994-363-RCE.pdf	76294	no	3
			52d7bd8c30b164f5033dba9a8abb1f1b8740981		
Warnings:					
This is not a USPTO supplied RCE SB30 form.					
Information:					
2		1994-363-Amd.pdf	35973	yes	9
			62083cd30f3bd5a3473ed320bc0822c85494b5fb		
	Multipart Description/PDF files in .zip description				
	Document Description	Start	End		
	Amendment Submitted/Entered with Filing of CPA/RCE	1	1		
	Claims	2	8		
	Applicant Arguments/Remarks Made in an Amendment	9	9		
Warnings:					
Information:					
3	Non Patent Literature	1994-363-NPL-1.pdf	6093764	no	12
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4	Non Patent Literature	1994-363-NPL-2.pdf	679472	no	2
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Warnings:					
Information:					
5	Non Patent Literature	1994-363-NPL-3.pdf	709226	no	4
			9c80952cadea677c6eb30257fa7cc38f16cc5a04		
Warnings:					
Information:					
6	Non Patent Literature	1994-363-NPL-4.pdf	532018	no	2
			0c94f73d32f6e43f63a1c7f9ed17818010df42f0		
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Information:					

7	Non Patent Literature	1994-363-NPL-5.pdf	7223365	no	61
			f1ba6c264c1e60dee2c99b96ba29ebf9407c aa64		
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Information:					
8	Non Patent Literature	1994-363-NPL-6.pdf	4601886	no	69
			47cdd0b7f5c2d7ea23d132ac625bf9b0850 42eab		
Warnings:					
Information:					
9	Non Patent Literature	1994-363-NPL-7-1.pdf	11671717	no	186
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Warnings:					
Information:					
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11	Non Patent Literature	1994-363-NPL-8.pdf	893686	no	15
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Information:					
12	Non Patent Literature	1994-363-NPL-9.pdf	10235261	no	130
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Warnings:					
Information:					
13	Non Patent Literature	1994-363-NPL-10.pdf	15629933	no	169
			2dab4b1127e0685c4a6f451371d4580dbf6 48d8c		
Warnings:					
Information:					
14	Non Patent Literature	1994-363-NPL-11.pdf	1182699	no	24
			9e8e05cc2a2b9511c4c1ae013f4f8a0a80db b06c		
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Information:					
15		1994-363-IDS.pdf	1244270	yes	11
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	Multipart Description/PDF files in .zip description								
	Document Description		Start	End					
	Transmittal Letter		1	2					
	Information Disclosure Statement (IDS) Form (SB08)		3	11					
Warnings:									
Information:									
16	Fee Worksheet (SB06)	fee-info.pdf	30699	no	2				
			4358cdf6e8e4784501978cfa11abbe0e89a151						
Warnings:									
Information:									
Total Files Size (in bytes):			75292119						
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.									

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PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875				Application or Docket Number 13/541,553		Filing Date 07/03/2012		☐ To be Mailed	
ENTITY: ☒ LARGE ☐ SMALL ☐ MICRO									
APPLICATION AS FILED – PART I									
		(Column 1)		(Column 2)					
FOR		NUMBER FILED		NUMBER EXTRA		RATE (\$)		FEE (\$)	
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))		N/A		N/A		N/A			
☐ SEARCH FEE (37 CFR 1.16(k), (i), or (m))		N/A		N/A		N/A			
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))		N/A		N/A		N/A			
TOTAL CLAIMS (37 CFR 1.16(i))		minus 20 =		*		X \$ =			
INDEPENDENT CLAIMS (37 CFR 1.16(h))		minus 3 =		*		X \$ =			
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))		If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$310 (\$155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).							
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))									
* If the difference in column 1 is less than zero, enter "0" in column 2.						TOTAL			
APPLICATION AS AMENDED – PART II									
		(Column 1)		(Column 2)		(Column 3)			
AMENDMENT	09/30/2014		CLAIMS REMAINING AFTER AMENDMENT			HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA		
	Total (37 CFR 1.16(i))		* 23		Minus	** 23	= 0		
	Independent (37 CFR 1.16(h))		* 3		Minus	***3	= 0		
	☐ Application Size Fee (37 CFR 1.16(s))								
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))								
						TOTAL ADD'L FEE		0	
		(Column 1)		(Column 2)		(Column 3)			
AMENDMENT			CLAIMS REMAINING AFTER AMENDMENT			HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA		
	Total (37 CFR 1.16(i))		*		Minus	**	=		
	Independent (37 CFR 1.16(h))		*		Minus	***	=		
	☐ Application Size Fee (37 CFR 1.16(s))								
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))								
						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.									

LIE
/SANDRA GARNETT/

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PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875				Application or Docket Number 13/541,553		Filing Date 07/03/2012		☐ To be Mailed	
ENTITY: ☒ LARGE ☐ SMALL ☐ MICRO									
APPLICATION AS FILED – PART I									
(Column 1)		(Column 2)							
FOR		NUMBER FILED		NUMBER EXTRA		RATE (\$)		FEE (\$)	
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))		N/A		N/A		N/A			
☐ SEARCH FEE (37 CFR 1.16(k), (i), or (m))		N/A		N/A		N/A			
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))		N/A		N/A		N/A			
TOTAL CLAIMS (37 CFR 1.16(i))		minus 20 =		*		X \$ =			
INDEPENDENT CLAIMS (37 CFR 1.16(h))		minus 3 =		*		X \$ =			
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))		If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$310 (\$155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).							
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))									
* If the difference in column 1 is less than zero, enter "0" in column 2.						TOTAL			
APPLICATION AS AMENDED – PART II									
(Column 1)		(Column 2)		(Column 3)					
AMENDMENT	09/30/2014		CLAIMS REMAINING AFTER AMENDMENT			HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)
	Total (37 CFR 1.16(i))		* 23		Minus	** 23	= 0	X \$80 =	0
	Independent (37 CFR 1.16(h))		* 3		Minus	***3	= 0	X \$420 =	0
	☐ Application Size Fee (37 CFR 1.16(s))								
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))								
	TOTAL ADD'L FEE								0
(Column 1)		(Column 2)		(Column 3)					
AMENDMENT			CLAIMS REMAINING AFTER AMENDMENT			HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)
	Total (37 CFR 1.16(i))		*		Minus	**	=	X \$ =	
	Independent (37 CFR 1.16(h))		*		Minus	***	=	X \$ =	
	☐ Application Size Fee (37 CFR 1.16(s))								
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))								
	TOTAL ADD'L FEE								
* 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.									

LIE
/DIANA BATES/

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.



UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/541,553	07/03/2012	Brian James PETERSEN	1994-363	3829
6449 7590 07/02/2014 ROTHWELL, FIGG, ERNST & MANBECK, P.C. 607 14th Street, N.W. SUITE 800 WASHINGTON, DC 20005			EXAMINER MYERS, GLENN F	
			ART UNIT 3652	PAPER NUMBER
			NOTIFICATION DATE 07/02/2014	DELIVERY MODE ELECTRONIC

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

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

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

PTO-PAT-Email@rfem.com

Office Action Summary	Application No. 13/541,553	Applicant(s) PETERSEN ET AL.	
	Examiner GLENN MYERS	Art Unit 3652	AIA (First Inventor to File) Status No

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

Period for Reply

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

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

Status

- 1) ☒ Responsive to communication(s) filed on 3/31/14.
☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on ____; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims*

- 5) ☒ Claim(s) 39-61 is/are pending in the application.
5a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 6) ☒ Claim(s) 39-55 and 57-61 is/are allowed.
- 7) ☒ Claim(s) 56 is/are rejected.
- 8) ☐ Claim(s) ____ is/are objected to.
- 9) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

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

Application Papers

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

Priority under 35 U.S.C. § 119

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

Certified copies:

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

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

Attachment(s)

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

1. The present application is being examined under the pre-AIA first to invent provisions.
2. The terminal disclaimer filed on 3/31/14 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of 8,221,047 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Claim Rejections - 35 USC § 112

3. The following is a quotation of 35 U.S.C. 112(b):
(b) CONCLUSION.—The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the inventor or a joint inventor regards as the invention.

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

4. Claim 56 is rejected under 35 U.S.C. 112(b) or 35 U.S.C. 112 (pre-AIA), second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the inventor or a joint inventor, or for pre-AIA the applicant regards as the invention.
5. Claim 56 recites the limitation "said second vertical axis of rotation". There is insufficient antecedent basis for this limitation in the claim.

Allowable Subject Matter

6. Claims 39-55 and 57-61 are allowed.
7. Claim 56 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112(b) or 35 U.S.C. 112 (pre-AIA), 2nd paragraph, set forth in this Office action.

8. The following is a statement of reasons for the indication of allowable subject matter: Claims 39-61 are indicated as allowable because the prior art does not teach a seed or grain tender having a first coupling connecting a first end of a support arm with a base and the support arm being rotatable in relation to the first coupling about a first horizontal axis of rotation and a second coupling connects a second end of the support arm with the conveyor at an approximate center of gravity wherein the second coupling defines a second vertical axis of rotation not parallel to the conveyor longitudinal axis and the conveyor is rotatable in relation to the second coupling about the second vertical axis of rotation as recited in the claims.

Response to Arguments

9. Applicant's arguments, see Page 1, filed 3/31/14, with respect to Claims 39-61 have been fully considered and are persuasive.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Adam	6,120,233
Forsyth	5,718,556
Sukup	5,520,495
Meharry	3,498,483
Boyer	1,905,434
Klatt	5,484,249

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GLENN MYERS whose telephone number is (571)270-1160. The examiner can normally be reached on Monday - Friday/7:30AM-5:00PM - 1st Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saul Rodriguez can be reached on 571-272-7097. 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.

/SAUL RODRIGUEZ/
Supervisory Patent Examiner, Art
Unit 3652

/G. M./
Examiner, Art Unit 3652

Notice of References Cited	Application/Control No. 13/541,553	Applicant(s)/Patent Under Reexamination PETERSEN ET AL.	
	Examiner GLENN MYERS	Art Unit 3652	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-6,120,233	09-2000	Adam, Gerald E.	414/502
*	B	US-5,718,556	02-1998	Forsyth, Daniel L.	414/503
*	C	US-5,520,495	05-1996	Sukup, Eugene G.	414/523
*	D	US-3,498,483	03-1970	MEHARRY JAMES L	414/523
*	E	US-1,905,434	04-1933	FERNAND BOYER	414/328
*	F	US-5,484,249	01-1996	Klatt, Dennis	414/523
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

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

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

Search Notes 	Application/Control No. 13541553	Applicant(s)/Patent Under Reexamination PETERSEN ET AL.
	Examiner JOSHUA RUDAWITZ	Art Unit 3652

CPC- SEARCHED		
Symbol	Date	Examiner

CPC COMBINATION SETS - SEARCHED		
Symbol	Date	Examiner

US CLASSIFICATION SEARCHED			
Class	Subclass	Date	Examiner
414	523	9/23/2013	JIR
111	11	9/23/2013	JIR
198	312, 315, 316, 317, 318	9/23/2013	JIR
414	523, 328, 329	6/25/14	Glenn Myers
111	11	6/25/14	Glenn Myers
198	312, 315, 316, 317, 318	6/25/14	Glenn Myers

SEARCH NOTES		
Search Notes	Date	Examiner
Reviewed and updated parent application search	9/23/2013	JIR
EAST text search - see search history for results	6/25/14	Glenn Myers

INTERFERENCE SEARCH			
US Class/ CPC Symbol	US Subclass / CPC Group	Date	Examiner
	EAST Interference text search -- see search history for results	6/25/14	Glenn Myers

/G.M./ Examiner.Art Unit 3652	
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EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
S1	67	((Brian) near2 (PETERSEN)).INV.	US-PGPUB; USPAT; USOCR	OR	OFF	2014/06/03 11:42
S2	1	("8221047").PN.	USPAT; USOCR	OR	OFF	2014/06/03 12:30
S3	3611	((David) near2 (SMITH)).INV.	US-PGPUB; USPAT; USOCR	OR	OFF	2014/06/03 12:52
S4	448	S3 and OH	US-PGPUB; USPAT; USOCR	OR	OFF	2014/06/03 12:53
S5	43	S3 and jennings	US-PGPUB; USPAT; USOCR	OR	OFF	2014/06/03 12:54
S6	1	("5484249").PN.	USPAT; USOCR	OR	OFF	2014/06/03 13:13
S7	1	("6120233").PN.	USPAT; USOCR	OR	OFF	2014/06/03 13:17
S8	1	("5888044").PN.	USPAT; USOCR	OR	OFF	2014/06/03 13:21
S9	17	US-3968771-\$.DID. OR US-3994512-\$.DID. OR US-3997215-\$.DID. OR US-4503803-\$.DID. OR US-5615990-\$.DID. OR US-5800116-\$.DID. OR US-5888044-\$.DID. OR US-6209880-\$.DID. OR US-6325588-\$.DID. OR US-20030057055-\$.DID. OR US-6604620-\$.DID. OR US-6767174-\$.DID. OR US-7428956-\$.DID. OR US-7488149-\$.DID. OR US-7500817-\$.DID. OR US-20090110524-\$.DID. OR US-8221047-\$.DID.	US-PGPUB; USPAT; USOCR; JPO	OR	OFF	2014/06/03 13:28
S10	1	("8221047").PN.	USPAT; USOCR	OR	OFF	2014/06/03 14:28
S11	0	(grain adj hopper) with (bottom adj discharge)	USPAT	OR	OFF	2014/06/03 16:05
S12	4	(grain adj bin) with (bottom adj discharge)	USPAT	OR	OFF	2014/06/03 16:05
S13	183	(414/328).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2014/06/03 16:34
S14	73	(414/329).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2014/06/03 16:42

S15	1	("7500817").PN.	USPAT; USOCR	OR	OFF	2014/06/04 00:04
S16	820	(414/523).OCLS.	US- PGPUB; USPAT; USOCR	OR	OFF	2014/06/04 09:19
S17	260	(111/11).OCLS.	US- PGPUB; USPAT; USOCR	OR	OFF	2014/06/04 09:56
S18	286	(198/312).OCLS.	US- PGPUB; USPAT; USOCR	OR	OFF	2014/06/04 10:00
S19	166	(198/315).OCLS.	US- PGPUB; USPAT; USOCR	OR	OFF	2014/06/04 10:05
S20	0	(198/316).OCLS.	US- PGPUB; USPAT; USOCR	OR	OFF	2014/06/04 10:10
S21	350	(198/317).OCLS.	US- PGPUB; USPAT; USOCR	OR	OFF	2014/06/04 10:10
S22	609	(198/318).OCLS.	US- PGPUB; USPAT; USOCR	OR	OFF	2014/06/04 10:14

EAST Search History (Interference)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L10	1	seed grain tender frame main hopper mounted discharge base below support arm first second ends coupling connecting rotatable relation vertical axis horizontal conveyor longitudinal end internal elevator moving center gravity parallel unloading position receive agricultural product loading above dispense	USPAT; UPAD	AND	OFF	2014/06/25 02:54
L11	1	seed grain tender frame main hopper mounted discharge base below support arm first second ends coupling connecting rotatable vertical axis horizontal conveyor longitudinal end internal elevator moving center gravity parallel unloading position receive agricultural product loading above dispense	USPAT; UPAD	AND	OFF	2014/06/25 02:59
L12	1	seed grain tender main hopper discharge base positioned below support arm first second ends coupling connecting rotatable vertical axis horizontal conveyor longitudinal end center gravity parallel unloading position receive agricultural product loading above dispense	USPAT; UPAD	AND	OFF	2014/06/25 03:02

6/ 25/ 2014 3:03:54 AM**C:\Users\gmyers1\Documents\EAST\Workspaces\13541553b.wsp**

<i>Index of Claims</i> 	Application/Control No. 13541553	Applicant(s)/Patent Under Reexamination PETERSEN ET AL.
	Examiner JOSHUA RUDAWITZ	Art Unit 3652

✓	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	09/23/2013	06/25/2014												
	1	✓	-												
	2	✓	-												
	3	✓	-												
	4	✓	-												
	5	✓	-												
	6	✓	-												
	7	✓	-												
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	32	✓	-												
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	34	✓	-												
	35	✓	-												
	36	✓	-												

<i>Index of Claims</i> 	Application/Control No. 13541553	Applicant(s)/Patent Under Reexamination PETERSEN ET AL.
	Examiner JOSHUA RUDAWITZ	Art Unit 3652

✓	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	09/23/2013	06/25/2014						
	37	✓	-						
	38	✓	-						
	39		=						
	40		=						
	41		=						
	42		=						
	43		=						
	44		=						
	45		=						
	46		=						
	47		=						
	48		=						
	49		=						
	50		=						
	51		=						
	52		=						
	53		=						
	54		=						
	55		=						
	56		✓						
	57		=						
	58		=						
	59		=						
	60		=						
	61		=						

Application Number 	Application/Control No. 13/541,553	Applicant(s)/Patent under Reexamination PETERSEN ET AL.	
Document Code - DISQ		Internal Document – DO NOT MAIL	

TERMINAL DISCLAIMER	☒ APPROVED	☐ DISAPPROVED
Date Filed : March 31, 2014	This patent is subject to a Terminal Disclaimer	

Approved/Disapproved by:

Henry D Jefferson

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING
REJECTION OVER A "PRIOR" PATENT**

Docket Number (Optional)

1994-363

In re Application of: Brian J. PETERSEN

Application No.: 13/541,553

Filed: July 3, 2012

For: SEED CARRIER WITH PIVOTING CONVEYOR

The owner*, Unverferth Manufacturing Company, Inc., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of prior patent No. 8,221,047 as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later:

- expires for failure to pay a maintenance fee;
- is held unenforceable;
- is found invalid by a court of competent jurisdiction;
- is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
- has all claims canceled by a reexamination certificate;
- is reissued; or
- is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record. Reg. No. 35,354

/Jason M. Shapiro/

Signature

March 31, 2014

Date

Jason M. Shapiro

Typed or printed name

202-783-6040

Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) included.

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.

*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

This collection of information is required by 37 CFR 1.321. 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.

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.

Electronic Patent Application Fee Transmittal				
Application Number:		13541553		
Filing Date:		03-Jul-2012		
Title of Invention:		SEED CARRIER WITH PIVOTING CONVEYOR		
First Named Inventor/Applicant Name:		Brian James PETERSEN		
Filer:		Jason M. Shapiro/Carole Klavuhn		
Attorney Docket Number:		1994-363		
Filed as Large Entity				
Utility under 35 USC 111(a) Filing Fees				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				
Extension - 3 months with \$0 paid	1253	1	1400	1400

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Miscellaneous:				
Statutory or Terminal Disclaimer	1814	1	160	160
Total in USD (\$)				1560

Electronic Acknowledgement Receipt	
EFS ID:	18632526
Application Number:	13541553
International Application Number:	
Confirmation Number:	3829
Title of Invention:	SEED CARRIER WITH PIVOTING CONVEYOR
First Named Inventor/Applicant Name:	Brian James PETERSEN
Customer Number:	6449
Filer:	Jason M. Shapiro/Carole Klavuhn
Filer Authorized By:	Jason M. Shapiro
Attorney Docket Number:	1994-363
Receipt Date:	31-MAR-2014
Filing Date:	03-JUL-2012
Time Stamp:	18:18:27
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Deposit Account
Payment was successfully received in RAM	\$1560
RAM confirmation Number	5619
Deposit Account	022135
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 1.17 (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		1994-363-Amd.pdf	928938 b77a9eb51e69d7590044386092bcb8700c7a1883	yes	10
	Multipart Description/PDF files in .zip description				
	Document Description		Start	End	
	Amendment/Req. Reconsideration-After Non-Final Reject		1	1	
	Claims		2	8	
	Applicant Arguments/Remarks Made in an Amendment		9	10	
Warnings:					
Information:					
2	Terminal Disclaimer Filed	1994-363-TD.pdf	365062 ce71729e33d6817875e323cd07c1b8a4b42b2afd	no	2
Warnings:					
Information:					
3	Fee Worksheet (SB06)	fee-info.pdf	32484 3dc0264d2bb19ae39ee14e086930a96377f8f0a5	no	2
Warnings:					
Information:					
Total Files Size (in bytes):			1326484		

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.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 13/541,553
Applicant : Brian James Petersen, et al.
Filed : 07/03/2012
TC/A.U. : 3652
Examiner : Glenn Myers

Docket No. : 1994-363
Customer No. : 06449
Confirmation No. : 3829

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

Sir:

AMENDMENT AND RESPONSE

In response to the Office Action mailed September 30, 2013, please reconsider the above-identified application in view of the amendments and remarks that follow.

Amendments begin on **page 2** of this paper; and

Remarks begin on **page 9** of this paper.

Cancel claims 1-38 without prejudice or disclaimer.

Add the following new claims:

39 (New). A seed or grain tender comprising:

a frame;

a main hopper mounted on said frame and having a main hopper discharge;

a base mounted below said main hopper discharge;

a support arm having first and second ends;

a first coupling connecting said first end of said support arm with said base, said first coupling being rotatable in relation to said base about a first vertical axis of rotation, and said first end of said support arm being rotatable in relation to said first coupling about a first horizontal axis of rotation;

a conveyor having a longitudinal axis and first and second ends, a conveyor hopper at said first end, a conveyor discharge at said second end, and an internal elevator for moving seed or grain from said conveyor hopper to said conveyor discharge; and

a second coupling connecting said second end of said support arm with said conveyor at an approximate center of gravity of said conveyor, said second coupling defining a second vertical axis of rotation that is not parallel to said conveyor longitudinal axis, and said conveyor being rotatable in relation to said second end of said support arm about said second vertical axis of rotation between an unloading position wherein said conveyor hopper is disposed below said main hopper discharge to

receive agricultural product from said main hopper and a loading position wherein said conveyor discharge is disposed above said main hopper to dispense agricultural product into said main hopper.

40 (New). The seed or grain tender of claim 39, wherein said first vertical axis of rotation extends through said main hopper discharge.

41 (New). The seed or grain tender of claim 39, wherein said second vertical axis of rotation extends through said approximate center of gravity of said conveyor.

42 (New). The seed or grain tender of claim 39, wherein said first horizontal axis extends through said first end of said support arm.

43 (New). The seed or grain tender of claim 39, wherein said second end of said support arm terminates at or near said second coupling.

44 (New). The seed or grain tender of claim 39, further comprising a hydraulic piston extending at an acute angle relative to a horizontal plane to connect with a portion of said support arm spaced from said first horizontal axis of rotation.

45 (New). The seed or grain tender of claim 39, further comprising a stand coupled with said first end of said conveyor and movable between a stowed position allowing said conveyor hopper to be positioned below said main hopper discharge when said conveyor is in said unloading position and an extended position supporting said conveyor hopper above the ground when said conveyor is in said loading position.

46 (New). A seed or grain tender comprising:

a frame;

a main hopper mounted on said frame and having a main hopper discharge;

a base positioned below said main hopper;

a support arm having first and second ends;

a first coupling connecting said first end of said support arm with said base, said first coupling being rotatable about a first vertical axis of rotation, and said first end of said support arm being rotatable about a first horizontal axis of rotation;

a conveyor having a longitudinal axis and first and second ends, a conveyor hopper at said first end, and a conveyor discharge at said second end; and

a second coupling connecting said second end of said support arm with said conveyor at an approximate center of gravity of said conveyor, said second coupling defining a second vertical axis of rotation that is not parallel to said conveyor longitudinal axis, and said conveyor being rotatable about said second vertical axis of rotation between an unloading position wherein said conveyor hopper is disposed below

said main hopper discharge to receive agricultural product from said main hopper and a loading position wherein said conveyor discharge is disposed above said main hopper to dispense agricultural product into said main hopper.

47 (New). The seed or grain tender of claim 46, wherein said first vertical axis of rotation extends through said main hopper discharge.

48 (New). The seed or grain tender of claim 46, wherein said second vertical axis of rotation extends through said approximate center of gravity of said conveyor.

49 (New). The seed or grain tender of claim 46, wherein said first horizontal axis extends through said first end of said support arm.

50 (New). The seed or grain tender of claim 46, wherein said second end of said support arm terminates at or near said second coupling.

51 (New). The seed or grain tender of claim 46, wherein said conveyor includes an internal elevator for moving seed or grain from said conveyor hopper to said conveyor discharge.

52 (New). The seed or grain tender of claim 46, further comprising a hydraulic piston extending at an acute angle relative to a horizontal plane to connect with a portion of said support arm spaced from said first horizontal axis of rotation.

53 (New). The seed or grain tender of claim 46, further comprising a stand coupled with said first end of said conveyor and movable between a stowed position allowing said conveyor hopper to be positioned below said main hopper discharge when said conveyor is in said unloading position and an extended position supporting said conveyor hopper above the ground when said conveyor is in said loading position.

54 (New). A seed or grain tender comprising:

- a main hopper having a main hopper discharge;
- a base positioned below said main hopper;
- a support arm having first and second ends;
- a first coupling connecting said first end of said support arm with said base, said first coupling being rotatable about a first vertical axis of rotation, and said first end of said support arm being rotatable about a first horizontal axis of rotation;
- a conveyor having a longitudinal axis and first and second ends, a conveyor hopper at said first end, and a conveyor discharge at said second end; and
- a second coupling connecting said second end of said support arm with said conveyor at an approximate center of gravity of said conveyor, said second coupling

defining a first conveyor axis of rotation that is not parallel to said conveyor longitudinal axis, and said conveyor being rotatable about said first conveyor axis of rotation between an unloading position wherein said conveyor hopper is disposed below said main hopper discharge to receive agricultural product from said main hopper and a loading position wherein said conveyor discharge is disposed above said main hopper to dispense agricultural product into said main hopper.

55 (New). The seed or grain tender of claim 54, wherein said first vertical axis of rotation extends through said main hopper discharge.

56 (New). The seed or grain tender of claim 54, wherein said second vertical axis of rotation extends through said approximate center of gravity of said conveyor.

57 (New). The seed or grain tender of claim 54, wherein said first horizontal axis extends through said first end of said support arm.

58 (New). The seed or grain tender of claim 54, wherein said second end of said support arm terminates at or near said second coupling.

59 (New). The seed or grain tender of claim 54, wherein said conveyor includes an internal elevator for moving seed or grain from said conveyor hopper to said conveyor discharge.

60 (New). The seed or grain tender of claim 54, further comprising a hydraulic piston extending at an acute angle relative to a horizontal plane to connect with a portion of said support arm spaced from said first horizontal axis of rotation.

61 (New). The seed or grain tender of claim 54, further comprising a stand coupled with said first end of said conveyor and movable between a stowed position allowing said conveyor hopper to be positioned below said main hopper discharge when said conveyor is in said unloading position and an extended position supporting said conveyor hopper above the ground when said conveyor is in said loading position.

REMARKS

Claims 1-38 have been cancelled without prejudice or disclaimer, and claims 39-61 have been added. As a result, claims 39-61 are now pending. Reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

Applicant appreciates the courtesy extended the undersigned attorney by Examiner Myers during the telephone interview on March 24, 2014. Applicant presents herein the amendments discussed during the interview. Furthermore, as discussed, Applicant submits herewith a terminal disclaimer.

Applicant submits that the rejection of claims 5, 6, 24 and 25 under 35 U.S.C. § 112(b) or 35 U.S.C. § 112 (pre-AIA), second paragraph, for indefiniteness is moot because claims 5, 6, 24 and 25 have been cancelled.

Applicant further submits that the rejection of claims 1-4, 5-23 and 26-38 under 35 U.S.C. § 101 for statutory double patenting in view of U.S. Patent No. 8,221,047 is moot because all of these claims have been cancelled. New claims 39-61 differ from claims 1-34 of U.S. Patent No. 8,221,047 and, as discussed, Applicant submits herewith a terminal disclaimer to expedite prosecution.

In view of the above, Applicant submits that the application is now in condition for allowance and requests that claims 39-61 be allowed and that this application be passed to issue.

In the event that this paper is not timely filed, Applicant respectfully petitions for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Deposit Account No. 02-2135.

The Examiner is encouraged to contact Applicants' undersigned attorney at the indicated telephone number in the event any issues remain.

Respectfully submitted,

By: /Jason M. Shapiro/
Jason M. Shapiro
Registration No. 35,354
Attorney for Applicant
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(202) 783-6031 (fax)

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PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875				Application or Docket Number 13/541,553		Filing Date 07/03/2012		☐ To be Mailed	
ENTITY: ☒ LARGE ☐ SMALL ☐ MICRO									
APPLICATION AS FILED – PART I									
(Column 1)		(Column 2)							
FOR		NUMBER FILED		NUMBER EXTRA		RATE (\$)		FEE (\$)	
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))		N/A		N/A		N/A			
☐ SEARCH FEE (37 CFR 1.16(k), (i), or (m))		N/A		N/A		N/A			
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))		N/A		N/A		N/A			
TOTAL CLAIMS (37 CFR 1.16(i))		minus 20 =		*		X \$ =			
INDEPENDENT CLAIMS (37 CFR 1.16(h))		minus 3 =		*		X \$ =			
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))		If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$310 (\$155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).							
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))									
* If the difference in column 1 is less than zero, enter "0" in column 2.						TOTAL			
APPLICATION AS AMENDED – PART II									
(Column 1)		(Column 2)		(Column 3)					
AMENDMENT		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)		ADDITIONAL FEE (\$)	
	Total (37 CFR 1.16(i))	*	Minus	**	=	X \$ =			
	Independent (37 CFR 1.16(h))	*	Minus	***	=	X \$ =			
	☐ Application Size Fee (37 CFR 1.16(s))								
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))								
						TOTAL ADD'L FEE			
(Column 1)		(Column 2)		(Column 3)					
AMENDMENT	03/31/2014	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)		ADDITIONAL FEE (\$)	
	Total (37 CFR 1.16(i))	* 23	Minus	** 23	= 0	x \$80 =		0	
	Independent (37 CFR 1.16(h))	* 3	Minus	*** 3	= 0	x \$420 =		0	
	☐ Application Size Fee (37 CFR 1.16(s))								
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))								
						TOTAL ADD'L FEE		0	
* 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.									

LIE
/Chantae Dessau/

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/541,553	07/03/2012	Brian James PETERSEN	1994-363	3829
6449 7590 09/30/2013 ROTHWELL, FIGG, ERNST & MANBECK, P.C. 607 14th Street, N.W. SUITE 800 WASHINGTON, DC 20005			EXAMINER RUDAWITZ, JOSHUA I	
			ART UNIT 3652	PAPER NUMBER
			NOTIFICATION DATE 09/30/2013	DELIVERY MODE ELECTRONIC

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

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

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

PTO-PAT-Email@rfem.com

Office Action Summary	Application No. 13/541,553	Applicant(s) PETERSEN ET AL.	
	Examiner JOSHUA RUDAWITZ	Art Unit 3652	AIA (First Inventor to File) Status No

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

Period for Reply

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

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

Status

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

Disposition of Claims

- 5) ☒ Claim(s) 1-38 is/are pending in the application.
5a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 6) ☐ Claim(s) _____ is/are allowed.
- 7) ☒ Claim(s) 1-38 is/are rejected.
- 8) ☐ Claim(s) _____ is/are objected to.
- 9) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

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

Application Papers

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☒ The drawing(s) filed on 07/03/2012 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

Priority under 35 U.S.C. § 119

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

Certified copies:

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

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

Attachment(s)

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

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

DETAILED ACTION

Claim Rejections - 35 USC § 112

2. The following is a quotation of 35 U.S.C. 112(b):
(b) CONCLUSION.—The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the inventor or a joint inventor regards as the invention.

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

3. Claims 5, 6, 24 and 25 are rejected under 35 U.S.C. 112(b) or 35 U.S.C. 112 (pre-AIA), second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the inventor or a joint inventor, or for pre-AIA the applicant regards as the invention.
4. Claims 5 and 24 both recite comparable limitations to what is already claimed in the respective independent claims. It is unclear how these two claims narrow the scope of the claims.

Double Patenting

5. A rejection based on double patenting of the “same invention” type finds its support in the language of 35 U.S.C. 101 which states that “whoever invents or discovers any new and useful process... may obtain a patent therefor...” (Emphasis added). Thus, the term “same invention,” in this context, means an invention drawn to identical subject matter. See *Miller v. Eagle Mfg. Co.*, 151 U.S. 186 (1894); *In re Vogel*,

422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Ockert*, 245 F.2d 467, 114 USPQ 330 (CCPA 1957).

A statutory type (35 U.S.C. 101) double patenting rejection can be overcome by canceling or amending the claims that are directed to the same invention so they are no longer coextensive in scope. The filing of a terminal disclaimer cannot overcome a double patenting rejection based upon 35 U.S.C. 101.

6. Claims 1-4, 5-23 and 26-38 are rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 1-34 of prior U.S. Patent No. 8,221,047. This is a statutory double patenting rejection.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure..

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOSHUA RUDAWITZ whose telephone number is (571)272-7856. The examiner can normally be reached on Monday - Friday, 8:30 A.M. - 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saul Rodriguez can be reached on 571-272-7097. 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.

/Joshua I Rudawitz/
Primary Examiner, Art Unit 3652

Notice of References Cited	Application/Control No. 13/541,553	Applicant(s)/Patent Under Reexamination PETERSEN ET AL.	
	Examiner JOSHUA RUDAWITZ	Art Unit 3652	Page 1 of 2

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-427,736 A	05-1890	Bufkin	198/317
*	B	US-3,968,771 A	07-1976	Walgenbach et al.	118/303
*	C	US-3,994,512 A	11-1976	Parker et al.	280/687
*	D	US-3,997,215 A	12-1976	Parker et al.	298/24
*	E	US-4,503,803 A	03-1985	Barnes, Ronald A.	118/303
*	F	US-5,615,990 A	04-1997	Grieshop, Maurice	414/526
*	G	US-5,800,116 A	09-1998	Smith et al.	414/523
*	H	US-5,888,044 A	03-1999	Baskerville, Gregory Eugene	414/523
*	I	US-6,209,880 B1	04-2001	Turnwald et al.	277/402
*	J	US-6,325,588 B1	12-2001	Nolin, Karl W.	414/526
*	K	US-2003/0057055 A1	03-2003	Haukaas et al.	198/313
*	L	US-6,604,620 B2	08-2003	Dennis, Andrew	198/312
*	M	US-6,767,174 B2	07-2004	Cresswell, Mark	414/523

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. 13/541,553	Applicant(s)/Patent Under Reexamination PETERSEN ET AL.	
	Examiner JOSHUA RUDAWITZ	Art Unit 3652	Page 2 of 2

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-7,428,956 B2	09-2008	Scherman, Patrick John	198/312
*	B	US-7,488,149 B2	02-2009	Waldner, Samuel	414/532
*	C	US-7,500,817 B2	03-2009	Furrer et al.	414/522
*	D	US-2009/0110524 A1	04-2009	Hoffmann, Mark A.	414/507
*	E	US-8,221,047 B2	07-2012	Petersen et al.	414/523
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

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

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

<i>Index of Claims</i> 	Application/Control No. 13541553	Applicant(s)/Patent Under Reexamination PETERSEN ET AL.
	Examiner JOSHUA RUDAWITZ	Art Unit 3652

✓	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	09/23/2013									
	1	✓									
	2	✓									
	3	✓									
	4	✓									
	5	✓									
	6	✓									
	7	✓									
	8	✓									
	9	✓									
	10	✓									
	11	✓									
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	30	✓									
	31	✓									
	32	✓									
	33	✓									
	34	✓									
	35	✓									
	36	✓									

<i>Index of Claims</i> 	Application/Control No. 13541553	Applicant(s)/Patent Under Reexamination PETERSEN ET AL.
	Examiner JOSHUA RUDAWITZ	Art Unit 3652

✓	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	09/23/2013								
	37	✓								
	38	✓								

Search Notes 	Application/Control No. 13541553	Applicant(s)/Patent Under Reexamination PETERSEN ET AL.
	Examiner JOSHUA RUDAWITZ	Art Unit 3652

CPC- SEARCHED		
Symbol	Date	Examiner

CPC COMBINATION SETS - SEARCHED		
Symbol	Date	Examiner

US CLASSIFICATION SEARCHED			
Class	Subclass	Date	Examiner
414	523	9/23/2013	JIR
111	11	9/23/2013	JIR
198	312, 315, 316, 317, 318	9/23/2013	JIR

SEARCH NOTES		
Search Notes	Date	Examiner
Reviewed and updated parent application search	9/23/2013	JIR

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

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UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
13/541,553	07/03/2012	Brian James PETERSEN	1994-363

CONFIRMATION NO. 3829

6449

ROTHWELL, FIGG, ERNST & MANBECK, P.C.
607 14th Street, N.W.
SUITE 800
WASHINGTON, DC 20005

PUBLICATION NOTICE



OC000000058445250

Title:SEED CARRIER WITH PIVOTING CONVEYOR

Publication No.US-2013-0004271-A1

Publication Date:01/03/2013

NOTICE OF PUBLICATION OF APPLICATION

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

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

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

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

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

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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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
13/541,553	07/03/2012	Brian James PETERSEN	1994-363

CONFIRMATION NO. 3829

POA ACCEPTANCE LETTER

6449
ROTHWELL, FIGG, ERNST & MANBECK, P.C.
607 14th Street, N.W.
SUITE 800
WASHINGTON, DC 20005



Date Mailed: 09/27/2012

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/19/2012.

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.

/tchaka/

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
13/541,553	07/03/2012	3652	2460	1994-363	38	2

CONFIRMATION NO. 3829

UPDATED FILING RECEIPT



OC000000056723476

6449
ROTHWELL, FIGG, ERNST & MANBECK, P.C.
607 14th Street, N.W.
SUITE 800
WASHINGTON, DC 20005

Date Mailed: 09/27/2012

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

Inventor(s)

Brian James PETERSEN, Ottawa, OH;
David Richard SMITH, Fort Jennings, OH;

Applicant(s)

Brian James PETERSEN, Ottawa, OH;
David Richard SMITH, Fort Jennings, OH;

Assignment For Published Patent Application

UNVERFERTH MANUFACTURING COMPANY INC., KALIDA, OH

Power of Attorney: The patent practitioners associated with Customer Number 06449

Domestic Priority data as claimed by applicant

This application is a CON of 12/031,867 02/15/2008 PAT 8221047
which claims benefit of 60/901,321 02/15/2007

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

If Required, Foreign Filing License Granted: 07/17/2012

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 13/541,553**

Projected Publication Date: 01/03/2013

Non-Publication Request: No

Early Publication Request: No

Title

SEED CARRIER WITH PIVOTING CONVEYOR

Preliminary Class

414

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.

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

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

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PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875						Application or Docket Number 13/541,553				
APPLICATION AS FILED - PART I										
(Column 1)		(Column 2)		SMALL ENTITY		OTHER THAN SMALL ENTITY				
FOR	NUMBER FILED	NUMBER EXTRA	RATE(\$)	FEE(\$)		RATE(\$)	FEE(\$)			
BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A			N/A	380			
SEARCH FEE (37 CFR 1.16(k), (l), or (m))	N/A	N/A	N/A			N/A	620			
EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A			N/A	250			
TOTAL CLAIMS (37 CFR 1.16(j))	38	minus 20 = *	18			x 60 =	1080			
INDEPENDENT CLAIMS (37 CFR 1.16(h))	2	minus 3 = *				x 250 =	0.00			
APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$310 (\$155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).						0.00			
MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))							0.00			
* If the difference in column 1 is less than zero, enter "0" in column 2.				TOTAL		TOTAL	2330			
APPLICATION AS AMENDED - PART II										
(Column 1)		(Column 2)		(Column 3)		SMALL ENTITY		OTHER THAN SMALL ENTITY		
AMENDMENT A		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE(\$)	ADDITIONAL FEE(\$)		RATE(\$)	ADDITIONAL FEE(\$)
	Total (37 CFR 1.16(i))	*	Minus	**	=	x	=		x	=
	Independent (37 CFR 1.16(h))	*	Minus	***	=	x	=		x	=
	Application Size Fee (37 CFR 1.16(s))									
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))									
TOTAL ADD'L FEE								TOTAL ADD'L FEE		
AMENDMENT B		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE(\$)	ADDITIONAL FEE(\$)		RATE(\$)	ADDITIONAL FEE(\$)
	Total (37 CFR 1.16(i))	*	Minus	**	=	x	=		x	=
	Independent (37 CFR 1.16(h))	*	Minus	***	=	x	=		x	=
	Application Size Fee (37 CFR 1.16(s))									
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))									
TOTAL ADD'L FEE								TOTAL ADD'L FEE		
* If the entry in column 1 is less than the entry in column 2, write "0" in column 3. ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20". *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3". The "Highest Number Previously Paid For" (Total or Independent) is the highest found in the appropriate box in column 1.										

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 13/541,553
 Applicant : Brian James PETERSEN
 Filed : July 3, 2012
 TC/A.U. : 3652
 Examiner : N/A
 Docket No. : 1994-363
 Customer No. : 06449
 Confirmation No. : 3829

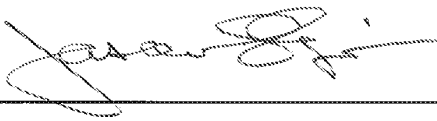
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 Alexandria, Virginia 22313-1450

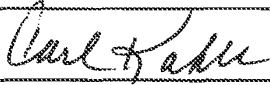
RESPONSE TO NOTICE TO FILE MISSING PARTS

In response to the Notice to File Missing Parts mailed July 19, 2012, the items checked below are attached in the order listed:

	Fee transmittal itemizing payment of the fees enumerated thereon. If any additional payment is required, please charge such to Deposit Account No. 02-2135.
X	A declaration/executed by the inventor(s)
X	Power of Attorney executed by assignee with copy of executed Assignment

Remarks:

X Customer Number or Bar Code Label 6449					
Name	Jason Shapiro, Reg. No. 35,354				
Signature				Date	September 19, 2012
Address	Rothwell, Figg, Ernst & Manbeck Suite 800, 1425 K Street, N.W.				
City	Washington	State	D.C.	Zip Code	20005
Country	U.S.A.	Telephone	202-783-6040	Fax	202-783-6031

POWER OF ATTORNEY and CORRESPONDENCE ADDRESS INDICATION FORM	Application Number	12/031,867
	Filing Date	February 15, 2008
	First Named Inventor	David R. SMITH et al.
	Art Unit	3641
	Examiner Name	
	Attorney Docket Number	1994-311
	Title	CONVEYOR LOADING/UNLOADING SYSTEM
The below-named Assignee of record of the entire interest in the subject application, through its authorized representative identified below, hereby revokes all previous powers of attorney given in the above-identified application and hereby appoints the practitioners associated with the Customer Number 06449 as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.		
<i>Statement under 37 CFR 3.73(b)</i>		
The below-named Assignee is the assignee of the entire right, title, and interest in the patent application/patent identified above by virtue of an assignment from the inventor(s) of the patent application/patent identified above, recorded in the United States patent and Trademark Office at Reel/Frame _____/_____, or for which a copy thereof is attached and was, or currently is being, submitted for recordation pursuant to 37 CFR 3.11.		
ACKNOWLEDGEMENT AND CONSENT BY ASSIGNEE TO OBTAIN INSTRUCTIONS FROM ANOTHER PARTY		
Assignee, through its undersigned authorized representative, hereby acknowledges that the practitioners appointed herein may obtain instructions as to any action to be taken in the U.S. Patent and Trademark Office on any application to which this power of attorney may be directed, or on any patent which may issue on any such application, from assignee's third-party agents or attorneys, or other designee, who have been authorized by assignee to convey such instructions, and assignee expressly consents to this arrangement. In the event of a change in the persons from whom instructions are to be taken, the practitioners appointed herein shall be so notified by the assignee.		
	UNVERFERTH MANUFACTURING COMPANY, INC.	
Signature of Authorized Representative		
Typed or Printed Name	CARL KAHLE	
Typed or Printed Title	SFC.	

ASSIGNMENT BY INVENTOR(S) OF PATENT APPLICATION
FOR THE UNITED STATES OF AMERICA

IN CONSIDERATION of good and valuable consideration paid to the undersigned inventor(s) (hereinafter ASSIGNOR(S))
by

Name: Unverferth Manufacturing Company Inc.
Address: 18107 US 224 West, Kalida, OH 45853

(hereinafter ASSIGNEE), the receipt and adequacy of which of which is hereby acknowledged, ASSIGNOR(S) hereby sell(s), assign(s) and transfer(s) to ASSIGNEE all of his/her right, title and interest in, to and under the invention and application entitled: **SEED CARRIER WITH PIVOTING CONVEYOR** for which application for Letters Patent of the United States ASSIGNOR(S) is/are the sole or a joint inventor and which application is identified herein and/or is further identified as follows

U.S. Serial No.: 12/031,867, Filing Date: February 15, 2008

(Rothwell, Figg, Ernst & Manbeck is hereby authorized to insert the series code, serial or application number and/or filing date hereon, when known)

and all Letters Patent of the United States to be obtained on said application or any continuation, division, renewal, substitute, reissue or reexamination thereof for the full term or terms for which the same may be granted, including all rights to recover damages for any and all past infringement; and

ASSIGNOR(S) agree(s) to execute all papers necessary in connection with said application and any continuing, divisional, reissue or reexamination applications thereof and to execute separate assignments in connection with such applications as ASSIGNEE may deem necessary.

ASSIGNOR(S) agree(s) to execute all papers necessary in connection with any interference, litigation, or other legal proceeding which may be declared concerning this application or any continuation, division, reissue, reexamination or extension thereof or Letters Patent, reissue patent or reexamination certificate issued thereon, and all rights connected therewith, and to cooperate with ASSIGNEE in every way possible in obtaining and producing evidence and proceeding with such interference, litigation, or other legal proceeding.

ASSIGNOR(S) covenant(s) that he/she has the full right to convey the entire interest herein assigned and has not executed, and will not execute, any agreement in conflict herewith.

ASSIGNOR(S) acknowledge(s) that ASSIGNEE may appoint any attorney or practitioner of ASSIGNEE's choice to prosecute any application or other legal proceeding involving said invention and ASSIGNOR(S) further acknowledge(s) that any attorney or practitioner so appointed by ASSIGNEE does not represent ASSIGNOR(S) and that such appointment by ASSIGNEE does not create any attorney-client relationship between ASSIGNOR(S) and any attorney or practitioner appointed by ASSIGNEE.

IN WITNESS WHEREOF, the undersigned ASSIGNOR(S) has/ have affixed his/her signature below.

Signature: Brian James Peterson Date: 5-5-08
Typed Name: Brian James PETERSON

Signature: David Richard Smith Date: 5-5-08
Typed Name: David Richard SMITH

Signature: _____ Date: _____

WITNESSES: (optional)

Signature: _____ Date: _____
Typed Name: _____

Signature: _____ Date: _____
Typed Name: _____

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1479129

Electronic Patent Application Fee Transmittal				
Application Number:		13541553		
Filing Date:		03-Jul-2012		
Title of Invention:		SEED CARRIER WITH PIVOTING CONVEYOR		
First Named Inventor/Applicant Name:		Brian James PETERSEN		
Filer:		Jason M. Shapiro/Tamika Miles		
Attorney Docket Number:		1994-363		
Filed as Large Entity				
Utility under 35 USC 111(a) Filing Fees				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Utility application filing	1011	1	380	380
Utility Search Fee	1111	1	620	620
Utility Examination Fee	1311	1	250	250
Pages:				
Claims:				
Claims in excess of 20	1202	18	60	1080
Miscellaneous-Filing:				
Late filing fee for oath or declaration	1051	1	130	130

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				
Miscellaneous:				
Total in USD (\$)				2460

Electronic Acknowledgement Receipt	
EFS ID:	13789251
Application Number:	13541553
International Application Number:	
Confirmation Number:	3829
Title of Invention:	SEED CARRIER WITH PIVOTING CONVEYOR
First Named Inventor/Applicant Name:	Brian James PETERSEN
Customer Number:	6449
Filer:	Jason M. Shapiro/Tamika Miles
Filer Authorized By:	Jason M. Shapiro
Attorney Docket Number:	1994-363
Receipt Date:	19-SEP-2012
Filing Date:	03-JUL-2012
Time Stamp:	18:03:40
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Deposit Account
Payment was successfully received in RAM	\$2460
RAM confirmation Number	4865
Deposit Account	022135
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	Applicant Response to Pre-Exam Formalities Notice	Response_To_Notice_to_File_Missing_Parts.pdf	123019	no	1
			5fc818199d19a310fcb562baa07f1e4ebc1b2e68		
Warnings:					
Information:					
2	Oath or Declaration filed	Declaration.pdf	172747	no	1
			364a5e4731180f7136c26494c5431a81b1e11dbb		
Warnings:					
Information:					
3	Power of Attorney	Power_of_Attorney.pdf	204372	no	2
			98a26640bb8566b7035a63f76ad6ebbaa2a127b		
Warnings:					
Information:					
4	Fee Worksheet (SB06)	fee-info.pdf	38680	no	2
			7c06569834b61c7cd924e7123667603870d32730		
Warnings:					
Information:					
Total Files Size (in bytes):			538818		
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DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN APPLICATION DATA SHEET (37 CFR 1.76)			
Title of Invention	SEED CARRIER WITH PIVOTING CONVEYOR		
As the below named inventor(s), I/we declare that: This declaration is directed to U.S. Application No. 12/031,867, filed on February 15, 2008 As amended on _____ (if applicable), I/we believe that I/we am/are the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought; I/we have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above; I/we acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me/us to be material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application. All statements made herein of my own knowledge are true, all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.			
FULL NAME OF INVENTOR(S)			
Inventor One:	Brian James PETERSON	Citizen of	USA
Signature	<i>Brian James Peterson</i>	Date	5-5-08
Inventor Two:	David Richard SMITH	Citizen of	USA
Signature	<i>David Richard Smith</i>	Date	5-5-08
Inventor Three:		Citizen of	
Signature		Date	
Inventor Four:		Citizen of	
Signature		Date	
Inventor Five:		Citizen of	
Signature		Date	
Inventor Six:		Citizen of	
Signature		Date	

Additional inventors or a legal representative are being named on additional form(s) attached hereto Yes ___ No X

1479133



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
13/541,553	07/03/2012	Brian James PETERSEN	1994-363

CONFIRMATION NO. 3829

FORMALITIES LETTER

6449

ROTHWELL, FIGG, ERNST & MANBECK, P.C.
607 14th Street, N.W.
SUITE 800
WASHINGTON, DC 20005



Date Mailed: 07/19/2012

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items below to avoid abandonment. 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 statutory basic filing fee is missing.
Applicant must submit \$380 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).
- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
Note: If a petition under 37 CFR 1.47 is being filed, an oath or declaration in compliance with 37 CFR 1.63 signed by all available joint inventors, or if no inventor is available by a party with sufficient proprietary interest, is required.

The applicant needs to satisfy supplemental fees problems indicated below.

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

- Additional claim fees of **\$1080** as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.
- A surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.16(f) of **\$130** for a non-small entity, must be submitted.

SUMMARY OF FEES DUE:

Total fee(s) required within **TWO MONTHS** from the date of this Notice is **\$2460** for a non-small entity

- **\$380** Statutory basic filing fee.
- **\$130** Surcharge.
- The application search fee has not been paid. Applicant must submit **\$620** to complete the search fee.

- The application examination fee has not been paid. Applicant must submit **\$250** to complete the examination fee for a non-small entity.
- Total additional claim fee(s) for this application is **\$1080**
 - **\$1080** for **18** total claims over 20.

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/hnguyen/

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

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875						Application or Docket Number 13/541,553				
APPLICATION AS FILED - PART I										
(Column 1)		(Column 2)		SMALL ENTITY		OTHER THAN SMALL ENTITY				
FOR	NUMBER FILED	NUMBER EXTRA	RATE(\$)	FEE(\$)		RATE(\$)	FEE(\$)			
BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A			N/A	380			
SEARCH FEE (37 CFR 1.16(k), (l), or (m))	N/A	N/A	N/A			N/A	620			
EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A			N/A	250			
TOTAL CLAIMS (37 CFR 1.16(j))	38	minus 20 = *	18			x 60 =	1080			
INDEPENDENT CLAIMS (37 CFR 1.16(h))	2	minus 3 = *				x 250 =	0.00			
APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$310 (\$155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).						0.00			
MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))							0.00			
* If the difference in column 1 is less than zero, enter "0" in column 2.				TOTAL		TOTAL	2330			
APPLICATION AS AMENDED - PART II										
(Column 1)		(Column 2)		(Column 3)		SMALL ENTITY		OTHER THAN SMALL ENTITY		
AMENDMENT A		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE(\$)	ADDITIONAL FEE(\$)		RATE(\$)	ADDITIONAL FEE(\$)
	Total (37 CFR 1.16(i))	*	Minus	**	=	x	=		x	=
	Independent (37 CFR 1.16(h))	*	Minus	***	=	x	=		x	=
	Application Size Fee (37 CFR 1.16(s))									
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))									
TOTAL ADD'L FEE								TOTAL ADD'L FEE		
AMENDMENT B		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE(\$)	ADDITIONAL FEE(\$)		RATE(\$)	ADDITIONAL FEE(\$)
	Total (37 CFR 1.16(i))	*	Minus	**	=	x	=		x	=
	Independent (37 CFR 1.16(h))	*	Minus	***	=	x	=		x	=
	Application Size Fee (37 CFR 1.16(s))									
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))									
TOTAL ADD'L FEE								TOTAL ADD'L FEE		
* If the entry in column 1 is less than the entry in column 2, write "0" in column 3. ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20". *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3". The "Highest Number Previously Paid For" (Total or Independent) is the highest found in the appropriate box in column 1.										



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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO.	TOT CLAIMS	IND CLAIMS
13/541,553	07/03/2012	3652	0.00	1994-363	38	2

CONFIRMATION NO. 3829

6449

ROTHWELL, FIGG, ERNST & MANBECK, P.C.
607 14th Street, N.W.
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WASHINGTON, DC 20005

FILING RECEIPT



OC000000055421311

Date Mailed: 07/19/2012

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

Applicant(s)

Brian James PETERSEN, Ottawa, OH;
David Richard SMITH, Fort Jennings, OH;

Assignment For Published Patent Application

UNVERFERTH MANUFACTURING COMPANY INC., KALIDA, OH

Power of Attorney: None

Domestic Priority data as claimed by applicant

This application is a CON of 12/031,867 02/15/2008 PAT 8221047
which claims benefit of 60/901,321 02/15/2007

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

If Required, Foreign Filing License Granted: 07/17/2012

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 13/541,553**

Projected Publication Date: To Be Determined - pending completion of Missing Parts

Non-Publication Request: No

Early Publication Request: No

Title

SEED CARRIER WITH PIVOTING CONVEYOR

Preliminary Class

414

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.

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TITLE OF THE INVENTION

SEED CARRIER WITH PIVOTING CONVEYOR

BACKGROUND OF THE INVENTION

Cross-Reference to Related Application

[0001] The present application claims priority to U.S. Serial No. 12/031,867, filed February 15, 2008, now patented, and claims priority to Provisional Patent Application Ser. No. 60/901,321 filed on Feb. 15, 2007, the entire disclosure of which is incorporated herein by reference.

Field of the Invention

[0002] The present invention relates generally to a conveyor system for a grain or seed carrier. The conveyor system includes a novel pivot system that allows it to either load or unload a container by pivoting it into a loading or unloading position.

Description of the Related Art

[0003] Conveyor systems for moving grain, seed, etc. are well known. Auger systems are used to rapidly move grain such as feed or the like, while belt driven conveyors are often used for moving more expensive payload, such as seed.

[0004] One belt driven conveyor system includes a generally flat belt constructed from a flexible, sturdy material such as rubber or nylon. The conveyor is housed in a tube with rollers on both ends so that the belt may rotate in order to transmit material from one end to the other. Such conveyors are used for unloading seed carriers or the like. However, current conveyors have several problems.

[0005] First, current conveyors have the problem that the material being moved

can be damaged by the rollers. Second, current conveyors do not have a full range of motion as implemented in seed carries. Third, current conveyors are only implemented for unloading.

[0006] There is a need for new and improved conveyor systems that allow a wagon to be unloaded and loaded using a single mechanism.

SUMMARY OF THE INVENTION

[0007] According to an embodiment of the present invention, a seed tender or carrier is provided that includes a main hopper for holding seed and a conveyor for transferring seed to and from the main hopper.

[0008] According to an embodiment of the present invention, in an unloading position, one end of the conveyor may be positioned under the discharge of the main hopper and coupled with a pivoting support arm. In the unload position, the conveyor can be used to transfer seed from the main hopper to another location, such as to a planter, seeding unit, or the like. A pivot mechanism allows the conveyor to be rotated from under the box into a loading position in which the conveyor intake can rest on the ground or on a stand while the conveyor discharge is positioned to allow conveyed material to be discharged into the main hopper. In this loading position, the conveyor can be used to fill the main hopper.

[0009] According to an embodiment of the present invention, a conveyor hopper is provided on the intake side of the conveyor.

[0010] According to an embodiment of the present invention, the pivot mechanism allows the conveyor to swing from side to side to simplify unloading of the

main hopper and the filling of planters, etc. The pivot mechanism can include a hydraulic cylinder that adjusts the vertical height of the conveyor discharge relative for different filling applications.

[0011] According to an embodiment of the present invention, a pivot single pivot point can be provided at one end of the support arm to allow the conveyor to be rotated between the loading and unloading position. The conveyor may be balanced on the pivot point at a location near or at the center of gravity, thereby permitting the conveyor to be rotated with minimal effort on the part of the operator.

[0012] According to an embodiment of the present invention, the conveyor can be rotated through at least 180 degrees about a vertical axis and so that it may be positioned in either a forward or rearward transport position. This feature enables the tender to be pulled by different vehicles such as by a pick-up truck with the conveyor forward or by a grain truck with the conveyor rearward.

[0013] Further applications and advantages of various aspects and embodiments of the present invention are discussed below with reference to the drawing figures.

BRIEF DESCRIPTION OF THE DRAWINGS

[0014] FIG. 1 illustrates a seed carrier according to an embodiment of the present invention.

[0015] FIG. 2 is a view of a seed carrier in an unloading position according to an embodiment of the present invention.

[0016] FIG. 3 is a view of a seed carrier in a loading position according to an embodiment of the present invention.

[0017] Fig. 4 is a view of a base system for the seed carrier according to an

embodiment of the present invention.

[0018] Fig. 5 is a view of a lever mechanism for the base system according to an embodiment of the present invention.

[0019] Fig. 6 is a view of a seed carrier in a transport position according to an embodiment of the present invention.

[0020] Fig. 7 is a view of a belt conveyor for the seed carrier according to an embodiment of the present invention.

[0021] Fig. 8 is a view of the discharge end of a conveyor according to an embodiment of the present invention.

[0022] Fig. 9 is a forward view of a conveyor belt wrapping around a roller according to an embodiment of the present invention.

[0023] Fig. 10 is a view of the conveyor hopper in an unloading position according to an embodiment of the present invention.

[0024] Fig. 11 illustrates the receiving end of the conveyor according to one embodiment of the present invention.

DETAILED DESCRIPTION OF THE PREFERRED EMBODIMENTS

[0025] While the present invention may be embodied in many different forms, a number of illustrative embodiments are described herein with the understanding that the present disclosure is to be considered as providing examples of the principles of the invention and such examples are not intended to limit the invention to preferred embodiments described herein and/or illustrated herein.

[0026] In embodiments of the present invention, the novel conveyor pivot system can be implemented with seed carrier or seeding machines. The following section

describes non-limiting examples of illustrative seeding equipment according to embodiments of the present invention. It should be appreciated that the following examples are provided for illustration and the present invention is not intended to be limited to the embodiments described herein.

[0027] FIG. 1 is a diagram depicting a seed carrier having a tube conveyor according to an embodiment of the present invention. The seed carrier 100 includes a main hopper 105 coupled to a frame 107 by legs 106. A conveyor 104 is supported by a support arm 102 coupled with a pivoting mechanism 101 fixed to the frame 107. The conveyor 104 is pivotably coupled with the support arm by a coupling 103 at a point that is preferably near or at the center of gravity of the conveyor 104. The conveyor 104 is also coupled to the support arm 102 by a latch (not shown) at the bottom of the conveyor. The latch allows the conveyor 104 to be uncoupled from the support arm 102 at the bottom so that the conveyor is free to rotate about the coupling 103. By positioning the coupling 103 at or near the center of gravity of the conveyor 104, the conveyor 104 balances on the pivoting coupling 103 such that little effort is required to rotate the conveyor 104.

[0028] The conveyor 104 includes a conveyor hopper 108 at its base, which is shown in the unloading position below the gravity discharge 110 of the main hopper 105. At the other end of the conveyor 104 is the discharge 112. Seed can be gravity feed from the main hopper 105 into the conveyor hopper 108, which can then be moved to the discharge 112 of the conveyor 104 by an internal elevator (not shown). In one embodiment, the elevator is a motor-driven belt type elevator coupled onto rollers at both ends of the conveyor.

[0029] The seed carrier 100 may be transported by conventional means such as on a trailer. Fig. 2 illustrates the seed carrier 100 on a three axle trailer 200 according to an embodiment of the present invention. As shown, the conveyor 104 is in the unloading position.

[0030] Fig. 3 illustrates the seed carrier 100 in the loading position. As shown, the conveyor 104 is uncoupled from the support arm 102 at its base and rotated 180 degrees about pivot coupling 103 so that the conveyor hopper 108 is positioned at a convenient location away from the carrier while the discharge 112 of the conveyor 104 is located over the main hopper 105. A stand 307 is provided for holding the conveyor hopper 108 in place. The stand 307 may be integrated with the conveyor 104.

[0031] Accordingly, in the loading position, grain, seed or like can be feed into the conveyor hopper 108 to be moved to the discharge 112 for filling the main hopper 105.

[0032] Fig. 4 is a view of the pivoting base of the support arm 102. As shown, the support arm 102 can be pivotably coupled to a base 401 at a center point so that the support arm 102 is rotatable about a vertical axis. Wheels 403 provide support and can run along a track 402 to facilitate the support arm's 102 motion about the perimeter of the base 401. The support arm 102 can be locked into a selected position of the base 401 by engaging a pin (not shown) with one of a plurality of the holes 407 distributed around the base 401. The pin is disengaged with a hole by actuating a lever mechanism 404, which lifts the pin out of a hole. The lever mechanism 404 may be spring actuated to bias the pin toward the holes, so that simply releasing the lever will allow the pin to engage with one of the holes 407. Also shown, a hydraulic piston 405 is coupled with the support arm 102 for adjusting the height of the support arm 102.

[0033] Fig. 5 is an alternative view of the support arm base. As shown, lever mechanism 404 includes a handle 504 coupled with a cross-bars 505 and 506. Cross-bar 506 is coupled to cross-bar 505 on one end and to a plate 508 having a pin 509 on the other end, and with a pivoting coupling 502 at a point near the plate. Rotating the handle 504 applies a downward force to crossbar 506 causing it to rotate about the coupling 502 to raise the plate 508 to disengage the pin 509. While disengaged, the base 401 is free to rotate about its vertical axis. Springs may be provided for biasing the pin 509 toward the holes 407 for engaging therewith, or the pin 509 can be engaged by gravity.

[0034] Fig. 6 is a side view of a seed carrier 100 according to an embodiment of the present invention. As shown in FIG. 6, the conveyor 104 includes an elongated discharge spout 602 and is positioned in a transport position. Support members 604 may be mounted on or integral with the legs 106 for holding the conveyor 104 in a forward transport position as shown, or a rearward transport position. As shown, the carrier 100 is fixed to a dual axle trailer 606.

[0035] Fig. 7 illustrates a basic belt driven conveyor according to an embodiment of the present invention. The conveyor 104 comprises a belt 702 that winds about a pair of rollers 704. The rollers are positioned outside a tube section 706, a first roller being positioned in the discharge 112 and a second roller being positioned below the conveyor hopper 108. A motor (not shown) or other means for turning the rollers may be provided at either end of the conveyor. A void 707 exists below the rollers 704 to allow the belt 702 to travel on its return path.

[0036] Fig. 8 is a view of a conveyor belt according to an embodiment of the

present invention. The discharge end of a conveyor is shown where a conveyor belt wraps around a motor driven roller 802. The motor may be a hydraulic motor and therefore, hydraulic hoses 804 provide hydraulic fluid flow to and from the motor. Teeth 806 are provided to push grain or seed up the conveyor. As shown, the conveyor belt is cupped in the tube section but flattens out as it reaches the roller 802. Channeling members (seals) 808 are provided on each side of the belt to form a seal and prevent grain or seed from falling off the edges of the belt as the belt begins to conform to the tubular portion of the conveyor 104.

[0037] Fig. 9 is a front view of the belt as it travels over the roller 802. Channeling members (seals) 902 are provided on each side of the belt to form a seal and prevent grain or seed from falling off the edges of the belt as the belt flattens at the roller. As shown, the channeling members 902 are fixed to the conveyor discharge 112 with bolts, but can be fixed by other means or can be integral with the discharge.

[0038] Discs 904 are provided at the rollers at the edge of the belt to provide additional channeling/sealing means. The discs 904 are preferably integral with the rollers or coupled therewith so that they may rotate.

[0039] FIG. 10 is a side view of the hopper end of the conveyor 104. As shown, conveyor hopper 108 sits above in ingress to the conveyor 104. When coupled to the support arm 102, as shown, the conveyor hopper 108 is positioned below a discharge of the main hopper 106. The discharge 110 may be opened by conventional means. As showed, a wheel handle mechanism 1004 is provided for opening the discharge doors 1006.

[0040] The conveyor hopper 108 is preferably manufactured from light weight

materials such as plastic, canvas, rubber or vinyl. As shown, the hopper 108 may include a mechanism for opening and closing the hopper. In this embodiment, flexible coupling or hinge is provided at one end 1008 of the hopper 108 and a mechanism 1010 is provided at the end of the hopper 108 and is coupled with the conveyor 104, such that the hopper 108 may be made to have an appropriate fit with the discharge 110 of the main hopper 105. A flap 1012 can be provided at the bottom of the discharge 110.

[0041] FIG. 11 is a schematic view of the hopper end of the conveyor. As is shown, a brush seal 1101 can be located across the belt 702. The brush seal 1101 retains the conveyed material within the hopper and does not allow the material to enter the void 707 (shown in FIG. 7) under the roller. Such an arrangement is desirable because it prevents the conveyed material from being subjected to mechanical agitation, which would result in damage to the conveyed material. The brush seal 1101 allows the conveyor teeth 806 to pass, but not the conveyed material.

[0042] One will understand that hydraulic power can be provided by a towing vehicle, such as a tractor or the like or alternatively, hydraulic power can be provided on the tender and driving electrically from the towing vehicle, such as a truck.

[0043] Thus, a number of preferred embodiments have been fully described above with reference to the drawing figures. Although the invention has been described based upon these preferred embodiments, it would be apparent to those of skill in the art that certain modifications, variations, and alternative constructions could be made to the described embodiments within the spirit and scope of the invention.

We claim:

1. A seed or grain tender comprising:

a frame;

a main hopper mounted on said frame and having a main hopper discharge;

a base mounted on said frame below said main hopper discharge;

a support arm having first and second ends;

a first coupling connecting said first end of said support arm with said base, said first coupling being rotatable in relation to said base about a first vertical axis of rotation, and said first end of said support arm being rotatable in relation to said first coupling about a first horizontal axis of rotation;

a conveyor having a longitudinal axis and first and second ends, a conveyor hopper at said first end, a conveyor discharge at said second end, and an internal elevator for moving seed or grain from said conveyor hopper to said conveyor discharge; and

a second coupling connecting said second end of said support arm with said conveyor at an approximate center of gravity of said conveyor, said second coupling defining a second vertical axis of rotation that is not parallel to said conveyor longitudinal axis, and said conveyor being rotatable in relation to said second end of said support arm about said second vertical axis of rotation between an unloading position wherein said conveyor hopper is disposed below said main hopper discharge to receive agricultural product from said main hopper and a loading position wherein said conveyor discharge is disposed above said main hopper to dispense agricultural product into said main hopper.

2. The seed or grain tender of claim 1, wherein said support arm extends upwardly at an acute angle from said base.

3. The seed or grain tender of claim 2, wherein said conveyor is parallel to said support arm in said unloading position.

4. The seed or grain tender of claim 3, wherein said conveyor is disposed above said support arm in said unloading position.
5. The seed or grain tender of claim 1, wherein said first end of said conveyor is detachably connectable to said first end of said support arm in said unloading position.
6. The seed or grain tender of claim 5, further comprising a latch for detachably connecting said first end of said conveyor to said first end of said support arm in said unloading position.
7. The seed or grain tender of claim 1, wherein said conveyor is rotatable in relation to said second coupling about a second horizontal axis of rotation.
8. The seed or grain tender of claim 7, wherein said second horizontal axis of rotation extends through said second coupling.
9. The seed or grain tender of claim 1, further comprising a stand coupled with said first end of said conveyor and movable between a stowed position allowing said conveyor hopper to be positioned below said main hopper discharge when said conveyor is in said unloading position and an extended position supporting said conveyor hopper above the ground when said conveyor is in said loading position.
10. The seed or grain tender of claim 1, wherein said first vertical axis extends through said first end of said support arm.
11. The seed or grain tender of claim 1, wherein said first vertical axis extends through said base.
12. The seed or grain tender of claim 1, wherein said second end of said support arm terminates at or near said approximate center of gravity of said conveyor.

13. The seed or grain tender of claim 1, wherein said first end of said support arm is fixed at a first height and said second end of said support arm is pivotable between a range of heights.
14. The seed or grain tender of claim 1, further comprising a lift device for adjusting a height of said second end of said support arm.
15. The seed or grain tender of claim 14, wherein said lift device is a pressurized cylinder.
16. The seed or grain tender of claim 14, wherein said lift device is a hydraulic cylinder.
17. The seed or grain tender of claim 1, wherein said first coupling is a U-shaped member with a horizontal base portion and a pair of upright portions, and wherein said first horizontal axis extends through said upright portions of said first coupling.
18. The seed or grain tender of claim 1, further comprising a locking mechanism for locking or unlocking said support arm in relation to said base.
19. The seed or grain tender of claim 18, wherein said locking mechanism includes a pin releasably engageable with one of a plurality of holes formed in said base.
20. The seed or grain tender of claim 19, wherein said pin is spring-biased toward said holes in said base.
21. The seed or grain tender of claim 19, wherein said internal elevator includes a motor-driven belt.
22. A seed or grain tender comprising:
a frame;
a main hopper mounted on said frame and having a main hopper discharge;

a base mounted on said frame below said main hopper discharge;
a support arm having first and second ends;
a first coupling connecting said first end of said support arm with said base, said first coupling being rotatable in relation to said base about a first vertical axis of rotation, and said first end of said support arm being rotatable in relation to said first coupling about a first horizontal axis of rotation;
a lift device extending from said base to a portion of said support arm between said first and second ends such that said support arm extends upwardly at an acute angle from said base;
a conveyor having a longitudinal axis and first and second ends, a conveyor hopper at said first end, a conveyor discharge at said second end, and a motor-driven elevator for moving seed or grain from said conveyor hopper to said conveyor discharge; and
a second coupling connecting said second end of said support arm with said conveyor at an approximate center of gravity of said conveyor, said second coupling defining a second vertical axis of rotation that is not parallel to said conveyor longitudinal axis, and said conveyor being rotatable in relation to said second end of said support arm about said second vertical axis of rotation between an unloading position wherein said conveyor hopper is disposed below said main hopper discharge to receive agricultural product from said main hopper and a loading position wherein said conveyor discharge is disposed above said main hopper to dispense agricultural product into said main hopper, wherein said conveyor is disposed parallel to and above said support arm in said unloading position; and
a locking mechanism for locking and unlocking said support arm in relation to said base.

23. The seed or grain tender of claim 22, wherein said conveyor is disposed above said support arm in said unloading position.

24. The seed or grain tender of claim 22, wherein said first end of said conveyor is detachably connectable to said first end of said support arm in said unloading position.

25. The seed or grain tender of claim 24, further comprising a latch for detachably connecting said first end of said conveyor to said first end of said support arm in said unloading position.
26. The seed or grain tender of claim 22, wherein said conveyor is rotatable in relation to said second coupling about a second horizontal axis of rotation.
27. The seed or grain tender of claim 26, wherein said second horizontal axis of rotation extends through said second coupling.
28. The seed or grain tender of claim 22, further comprising a stand coupled with said first end of said conveyor and movable between a stowed position allowing said conveyor hopper to be positioned below said main hopper discharge when said conveyor is in said unloading position and an extended position supporting said conveyor hopper above the ground when said conveyor is in said loading position.
29. The seed or grain tender of claim 22, wherein said first vertical axis extends through said first end of said support arm.
30. The seed or grain tender of claim 22, wherein said first vertical axis extends through said base.
31. The seed or grain tender of claim 22, wherein said second end of said support arm terminates at or near said approximate center of gravity of said conveyor.
32. The seed or grain tender of claim 22, wherein said first end of said support arm is fixed at a first height and said second end of said support arm is pivotable between a range of heights.

33. The seed or grain tender of claim 22, wherein said lift device is a pressurized cylinder.
34. The seed or grain tender of claim 22, wherein said lift device is a hydraulic cylinder.
35. The seed or grain tender of claim 22, wherein said first coupling is a U-shaped member with a horizontal base portion and a pair of upright portions, and wherein said first horizontal axis extends through said upright portions of said first coupling.
36. The seed or grain tender of claim 22, wherein said locking mechanism includes a pin releasably engageable with one of a plurality of holes formed in said base.
37. The seed or grain tender of claim 36, wherein said pin is spring-biased toward said holes in said base.
38. The seed or grain tender of claim 22, wherein said internal elevator includes a motor-driven belt.

ABSTRACT

A seed carrier includes a main hopper coupled with a frame via leg members. The main hopper has a discharge. A base plate is coupled with the frame. A support arm is rotatably coupled with the base plate at a first end. A belt driven conveyor having a conveyor hopper at a first end and a discharge at a second end is rotatably coupled with a second end of said support arm at an approximate center of gravity thereof. A latch mechanism is provided for detachably coupling the first end of the conveyor with the first end of the support arm such that the conveyor hopper is positioned below the main hopper discharge. When the conveyor is uncoupled from the first end of the support arm, the conveyor can rotate to a loading position wherein the discharge thereof can be positioned over the main hopper.

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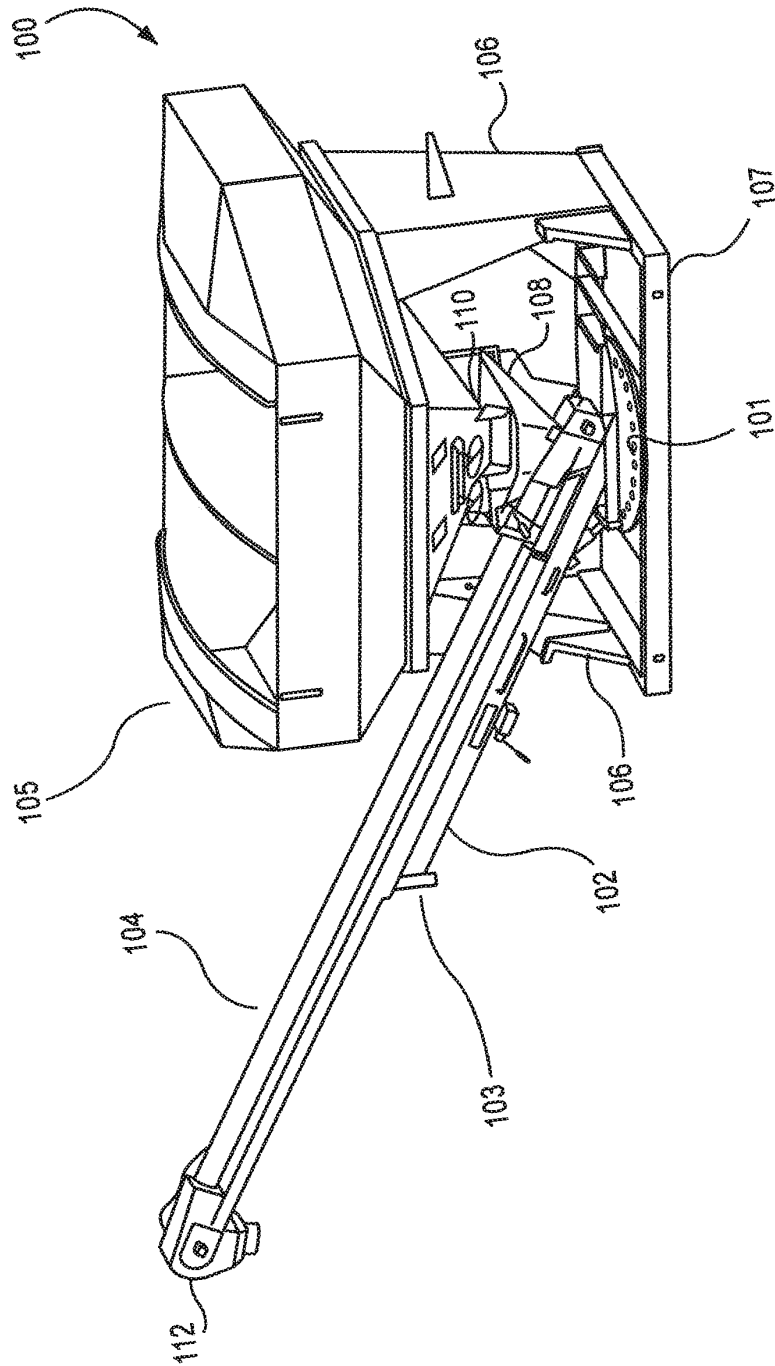


FIG. 1

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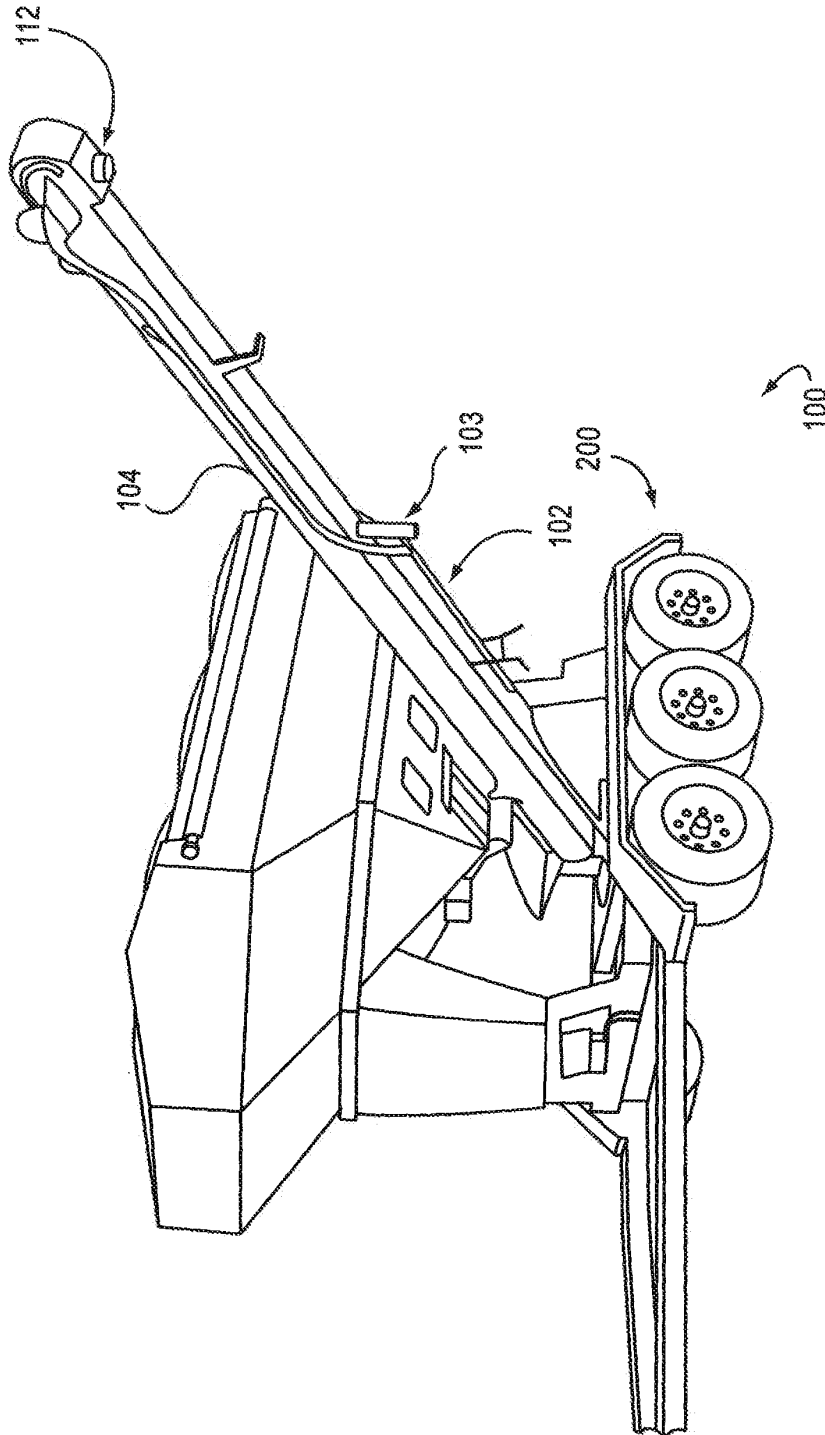


FIG. 2

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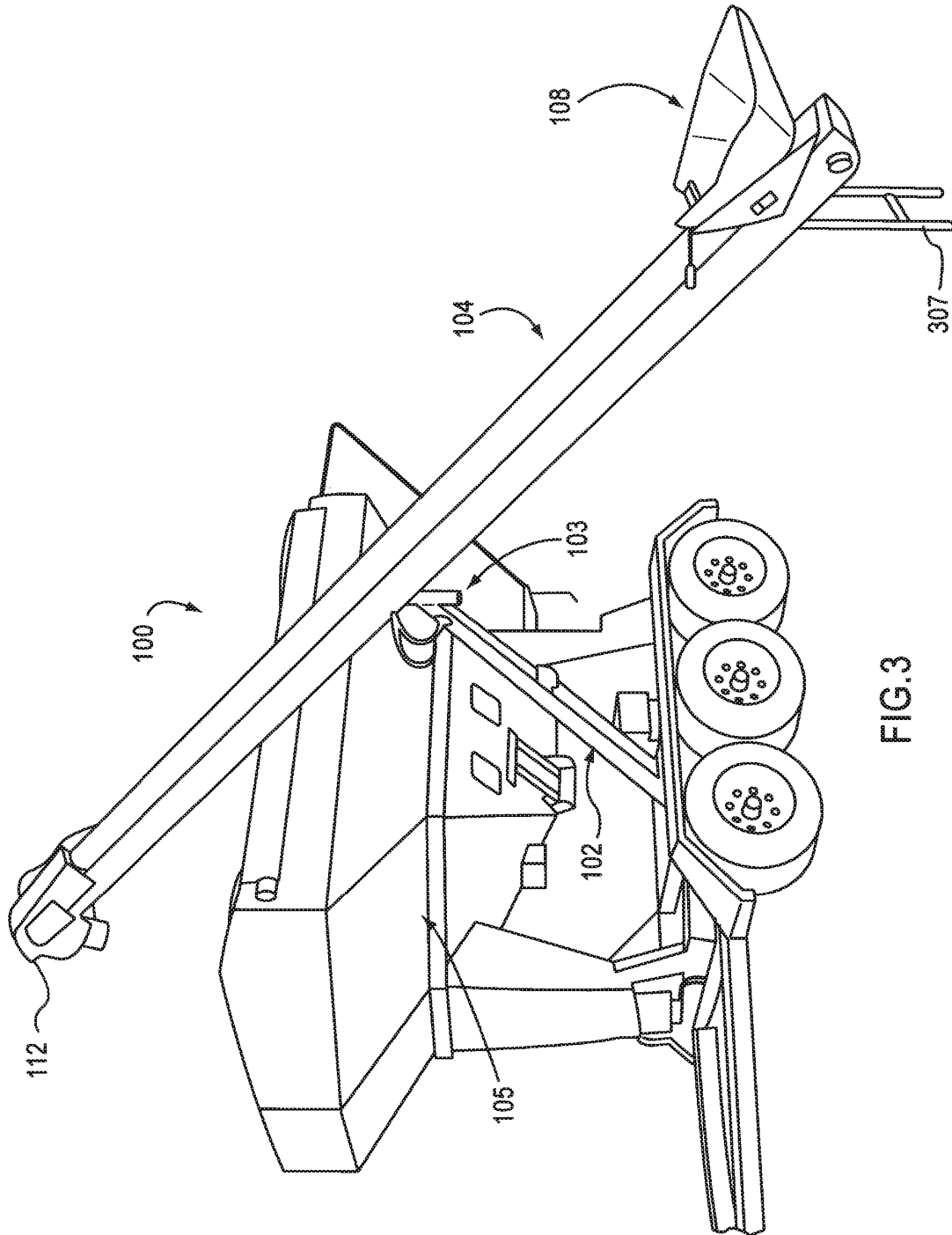
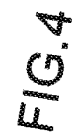


FIG. 3



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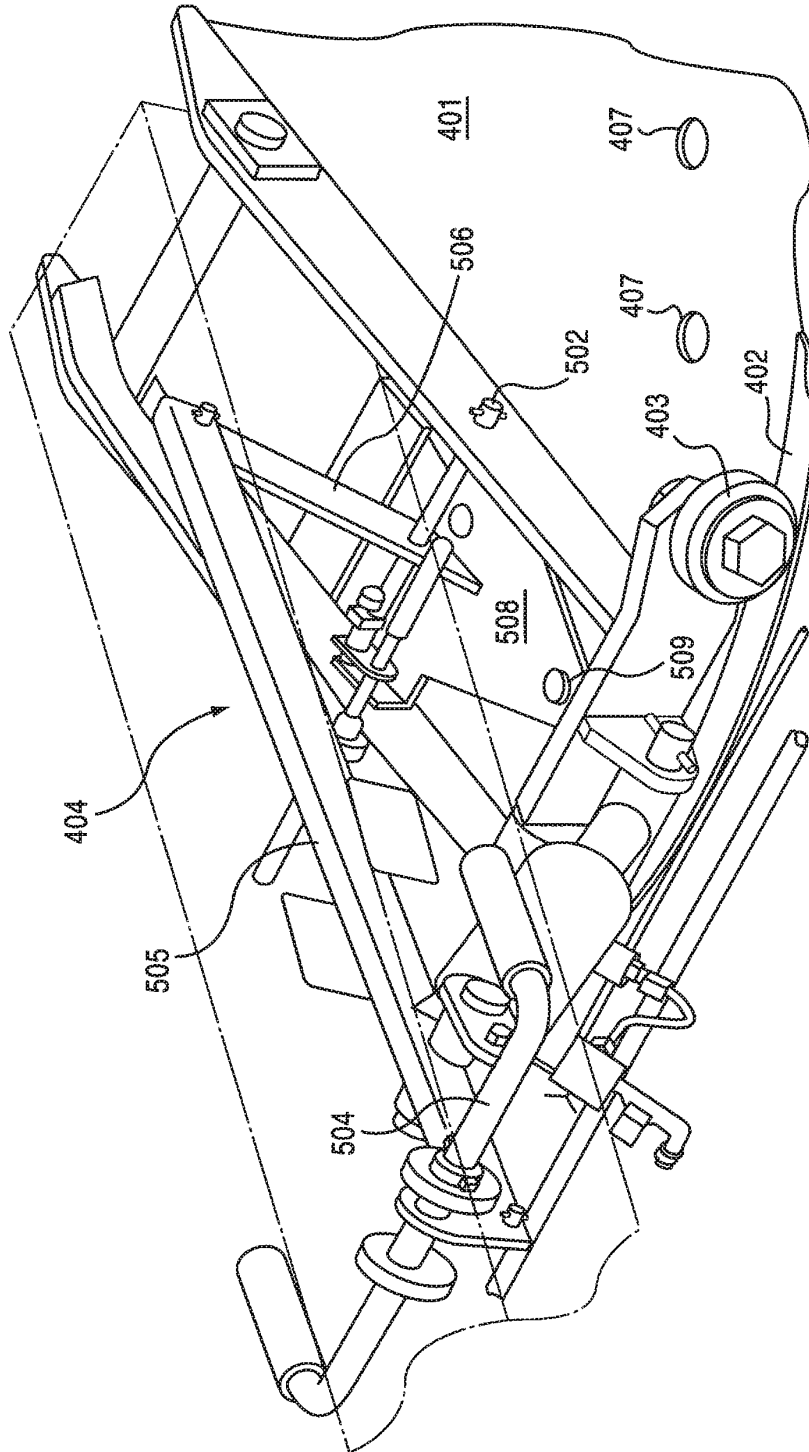


FIG.5

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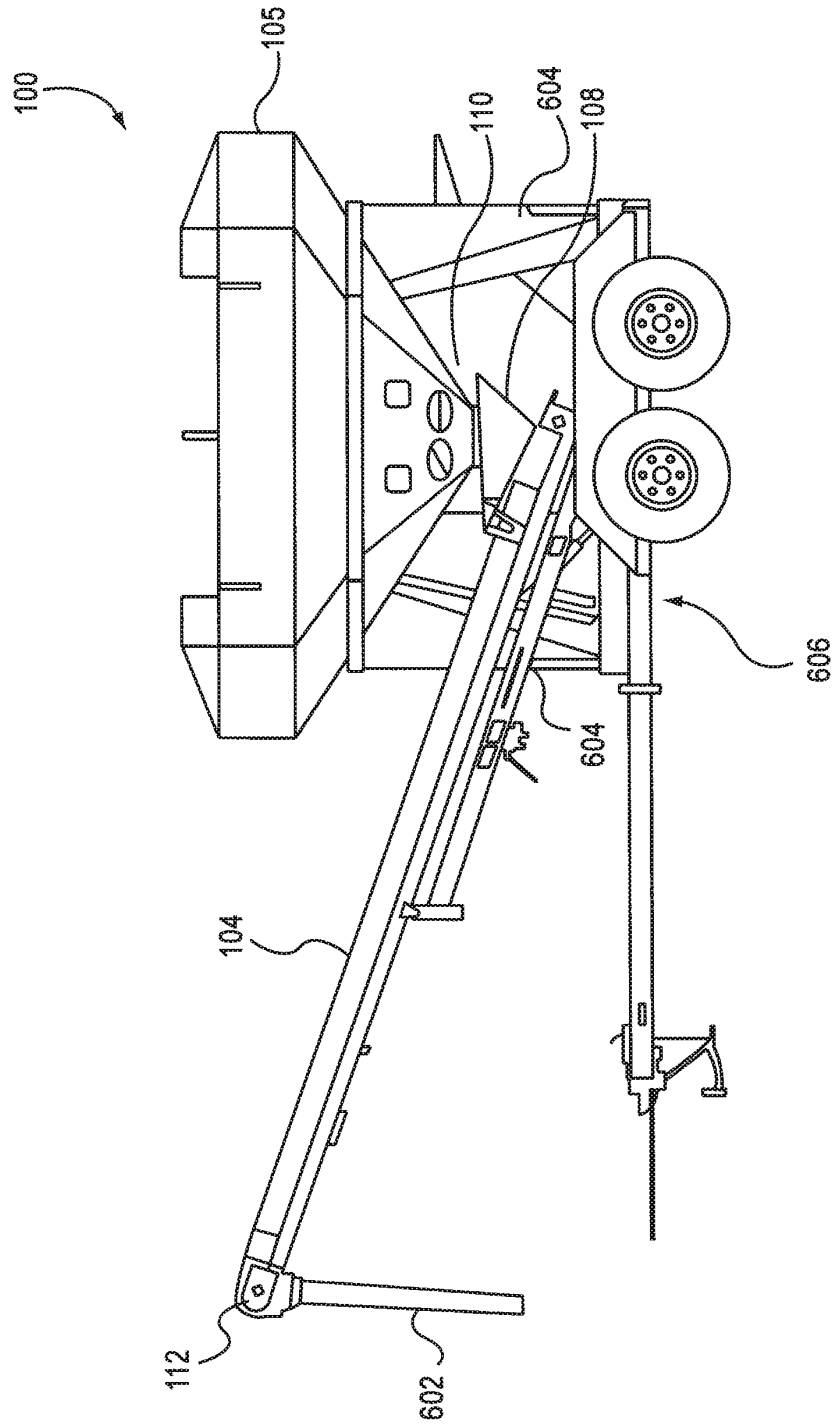


FIG. 6

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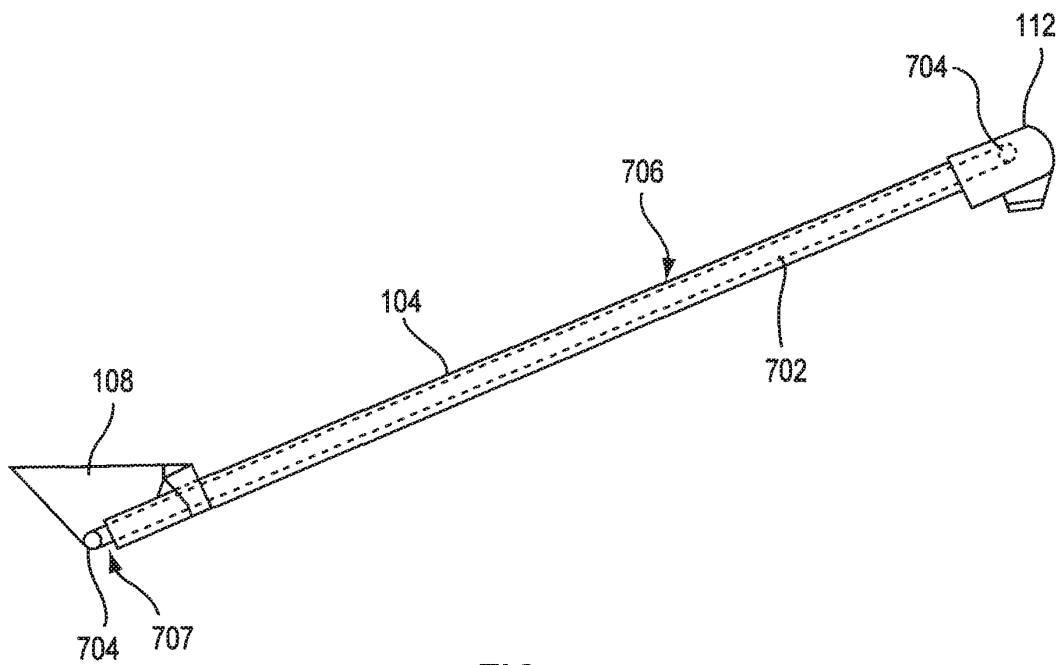


FIG. 7

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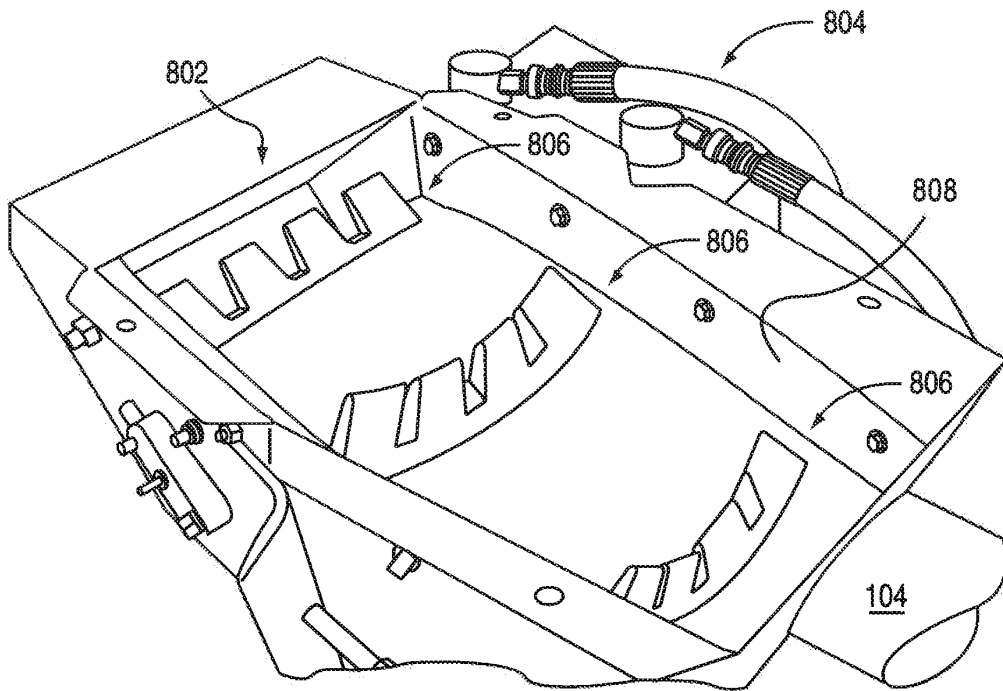


FIG. 8

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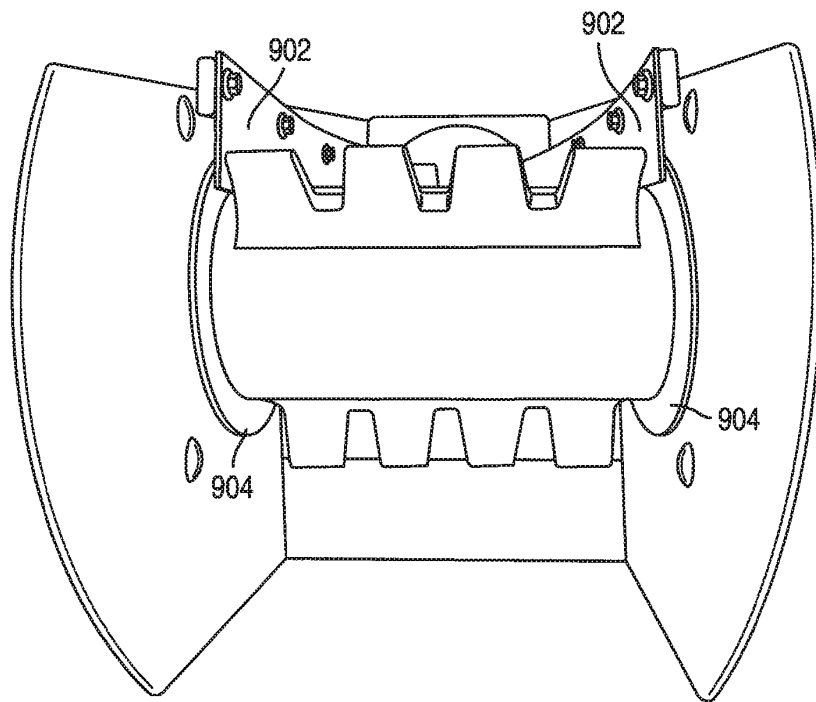


FIG.9

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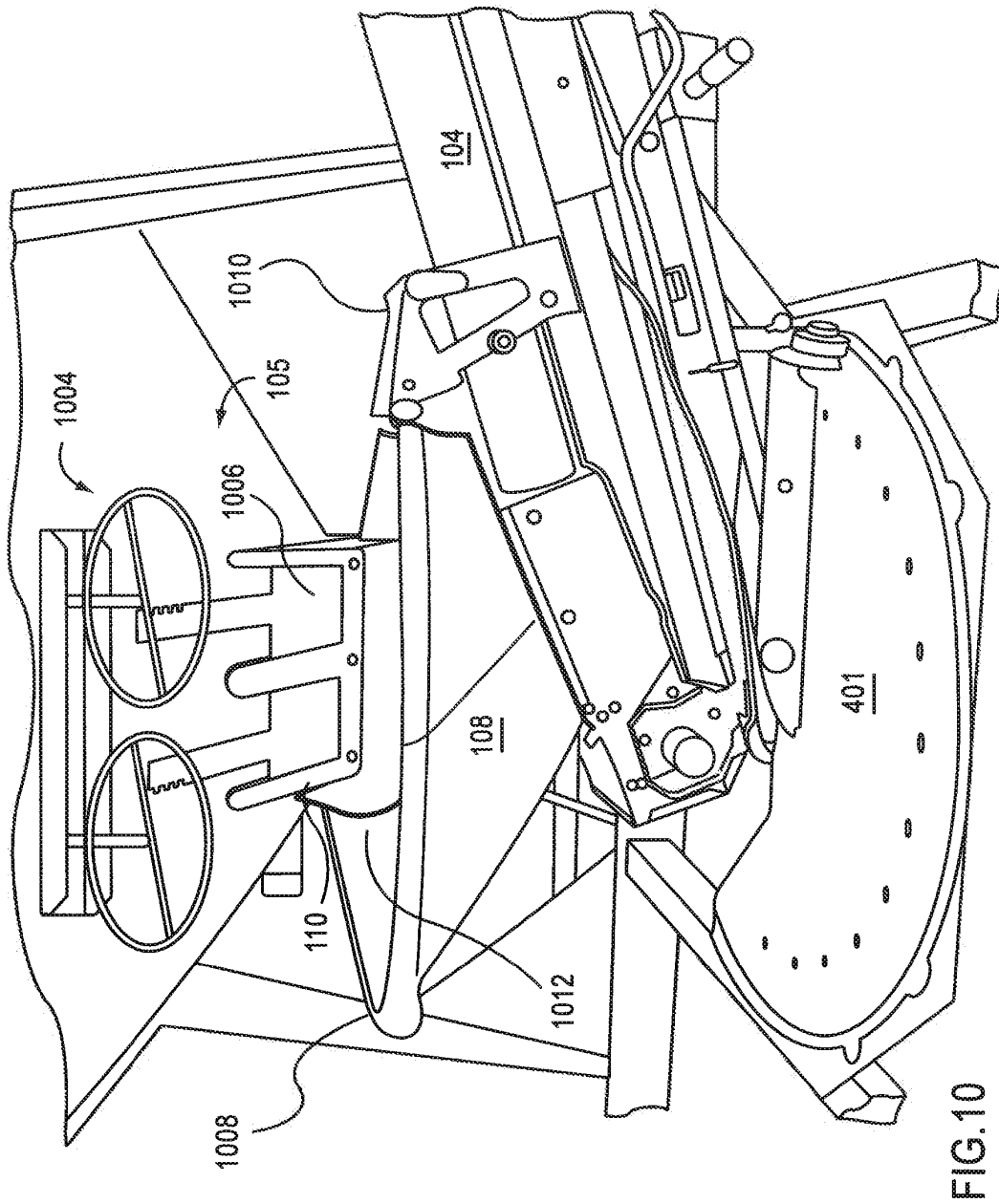


FIG. 10

11/11

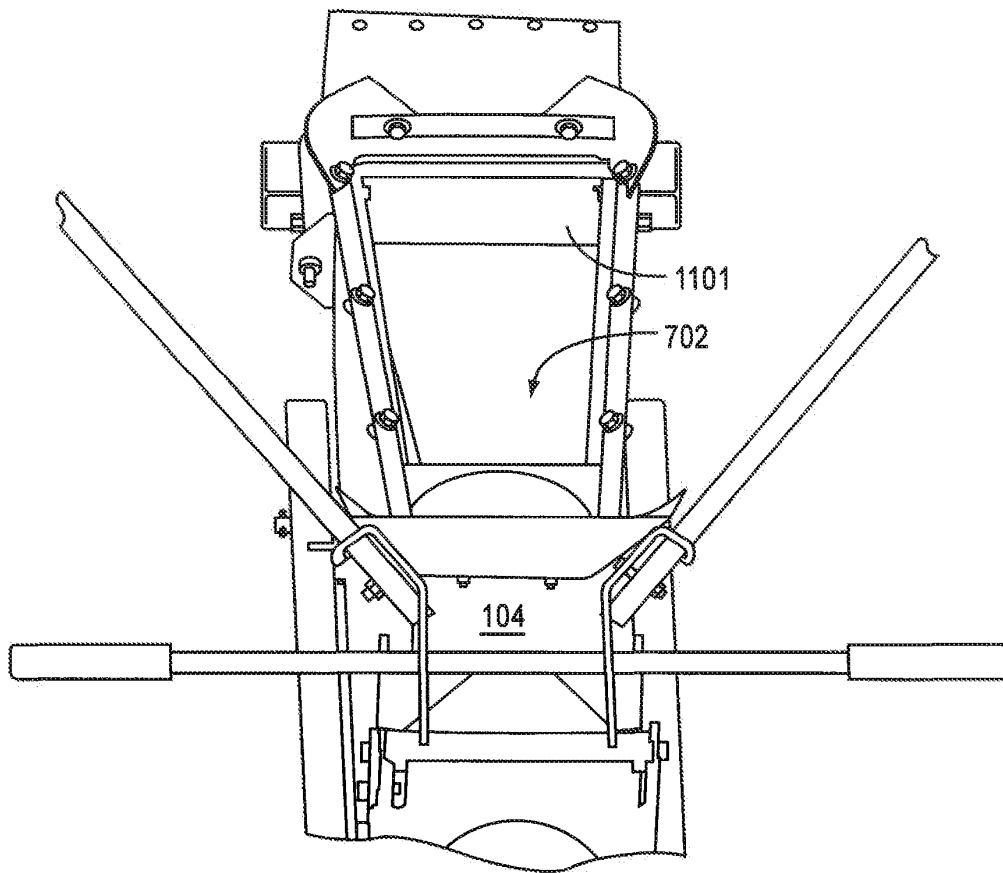


FIG.11

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Application Data Sheet 37 CFR 1.76		Attorney Docket Number	1994-363
		Application Number	
Title of Invention	SEED CARRIER WITH PIVOTING CONVEYOR		
The application data sheet is part of the provisional or nonprovisional application for which it is being submitted. The following form contains the bibliographic data arranged in a format specified by the United States Patent and Trademark Office as outlined in 37 CFR 1.76. This document may be completed electronically and submitted to the Office in electronic format using the Electronic Filing System (EFS) or the document may be printed and included in a paper filed application.			

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

Applicant Information:

Applicant 1				
Applicant Authority ☒ Inventor		☐ Legal Representative under 35 U.S.C. 117		☐ Party of Interest under 35 U.S.C. 118
Prefix	Given Name	Middle Name	Family Name	Suffix
	Brian	James	PETERSEN	
Residence Information (Select One) ☒ US Residency ☐ Non US Residency ☐ Active US Military Service				
City	Ottawa	State/Province	OH	Country of Residence ⁱ
				US
Citizenship under 37 CFR 1.41(b) ⁱ				
US				
Mailing Address of Applicant:				
Address 1		16124 Road L.		
Address 2				
City	Ottawa	State/Province	OH	
Postal Code	45785	Country ⁱ	US	
Applicant 2				
Applicant Authority ☒ Inventor		☐ Legal Representative under 35 U.S.C. 117		☐ Party of Interest under 35 U.S.C. 118
Prefix	Given Name	Middle Name	Family Name	Suffix
	David	Richard	SMITH	
Residence Information (Select One) ☒ US Residency ☐ Non US Residency ☐ Active US Military Service				
City	Fort Jennings	State/Province	OH	Country of Residence ⁱ
				US
Citizenship under 37 CFR 1.41(b) ⁱ				
US				
Mailing Address of Applicant:				
Address 1		21761 Road 21		
Address 2				
City	Fort Jennings	State/Province	OH	
Postal Code	45844	Country ⁱ	US	
All Inventors Must Be Listed - Additional Inventor Information blocks may be generated within this form by selecting the Add button.				
				

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For further information see 37 CFR 1.33(a).

☐ An Address is being provided for the correspondence information of this application.

Application Data Sheet 37 CFR 1.76		Attorney Docket Number	1994-363
		Application Number	
Title of Invention	SEED CARRIER WITH PIVOTING CONVEYOR		
Customer Number	06449		
Email Address	PTO-PAT-Email@rfem.com	Add Email	Remove Email

Application Information:

Title of the Invention	SEED CARRIER WITH PIVOTING CONVEYOR		
Attorney Docket Number	1994-363	Small Entity Status Claimed	☐
Application Type	Nonprovisional		
Subject Matter	Utility		
Suggested Class (if any)		Sub Class (if any)	
Suggested Technology Center (if any)			
Total Number of Drawing Sheets (if any)	11	Suggested Figure for Publication (if any)	

Publication Information:

☐ Request Early Publication (Fee required at time of Request 37 CFR 1.219)

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

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This section allows for the applicant to either claim benefit under 35 U.S.C. 119(e), 120, 121, or 365(c) or indicate National Stage entry from a PCT application. Providing this information in the application data sheet constitutes the specific reference required by 35 U.S.C. 119(e) or 120, and 37 CFR 1.78(a)(2) or CFR 1.78(a)(4), and need not otherwise be made part of the specification.					
Prior Application Status	Patented		Remove		
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)	Patent Number	Issue Date (YYYY-MM-DD)
	Continuation of	12031867	2008-02-15		
Prior Application Status	Expired		Remove		

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Application Data Sheet 37 CFR 1.76		Attorney Docket Number	1994-363
		Application Number	
Title of Invention	SEED CARRIER WITH PIVOTING CONVEYOR		
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)
12031867	non provisional of	60901321	2007-02-15
Additional Domestic Benefit/National Stage Data may be generated within this form by selecting the Add button.			

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This section allows for the applicant to claim benefit of foreign priority and to identify any prior foreign application for which priority is not claimed. Providing this information in the application data sheet constitutes the claim for priority as required by 35 U.S.C. 119(b) and 37 CFR 1.55(a).

Remove			
Application Number	Country ¹	Parent Filing Date (YYYY-MM-DD)	Priority Claimed
			☐ Yes ☒ No
Additional Foreign Priority Data may be generated within this form by selecting the Add button.			

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

Assignee 1

If the Assignee is an Organization check here. ☒

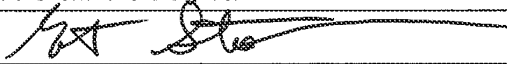
Organization Name UNVERFERTH MANUFACTURING COMPANY INC.

Mailing Address Information:

Address 1	18107 US 224 West		
Address 2			
City	Kalida	State/Province	OH
Country ¹	US	Postal Code	45853
Phone Number		Fax Number	
Email Address			
Additional Assignee Data may be generated within this form by selecting the Add button.			

Signature:

A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature.

Signature			Date (YYYY-MM-DD)	2012-07-03
First Name	Matthew	Last Name	Stephens	Registration Number
			69603	

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Application Data Sheet 37 CFR 1.76		Attorney Docket Number	1994-363
		Application Number	
Title of Invention	SEED CARRIER WITH PIVOTING CONVEYOR		

This collection of information is required by 37 CFR 1.76. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 23 minutes to complete, including gathering, preparing, and submitting the completed application data sheet form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
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9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

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Application Number:	13541553
International Application Number:	
Confirmation Number:	3829
Title of Invention:	SEED CARRIER WITH PIVOTING CONVEYOR
First Named Inventor/Applicant Name:	David Richard SMITH
Customer Number:	6449
Filer:	Matthew Daniel Stephens/Tamika Miles
Filer Authorized By:	Matthew Daniel Stephens
Attorney Docket Number:	
Receipt Date:	03-JUL-2012
Filing Date:	
Time Stamp:	18:58:44
Application Type:	Utility under 35 USC 111(a)

Payment information:

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Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		Application.pdf	1013191	yes	16
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	Multipart Description/PDF files in .zip description								
	Document Description		Start	End					
	Specification		1	9					
	Claims		10	15					
	Abstract		16	16					
Warnings:									
Information:									
2	Drawings-only black and white line drawings	Figures1_11.pdf	549750	no	11				
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3	Application Data Sheet	7-3-12_ADS.pdf	412655	no	5				
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