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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
17/979,822	11/03/2022	David Arthur STURGIS	15149CCC	9993
27752 7590 03/30/2023 THE PROCTER & GAMBLE COMPANY GLOBAL IP SERVICES CENTRAL BUILDING, C9 ONE PROCTER AND GAMBLE PLAZA CINCINNATI, OH 45202			EXAMINER MERCIER, MELISSA S	
			ART UNIT 1615	PAPER NUMBER
			NOTIFICATION DATE 03/30/2023	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):

centraldocket.im@pg.com
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DETAILED ACTION

Notice of Pre-AIA or AIA Status

The present application, filed on or after March 16, 2013, is being examined under the first inventor to file provisions of the AIA.

Information Disclosure Statement

Receipt of the Information Disclosure Statement filed on January 5, 2023 is acknowledged. A signed copy is attached to this office action.

Claim Rejections - 35 USC § 103

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

A patent for a claimed invention may not be obtained, notwithstanding that the claimed invention is not identically disclosed as set forth in section 102, if the differences between the claimed invention and the prior art are such that the claimed invention as a whole would have been obvious before the effective filing date of the claimed invention to a person having ordinary skill in the art to which the claimed invention pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries for establishing a background for determining obviousness under 35 U.S.C. 103 are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims the examiner presumes that the subject matter of the various claims was

commonly owned as of the effective filing date of the claimed invention(s) absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and effective filing dates of each claim that was not commonly owned as of the effective filing date of the later invention in order for the examiner to consider the applicability of 35 U.S.C. 102(b)(2)(C) for any potential 35 U.S.C. 102(a)(2) prior art against the later invention.

Claims 1-6 and 15 are rejected under 35 U.S.C. 103 as being unpatentable over Osipow et al. (US 5,433,943) in view of Misner (AU 2004247087).

Osipow discloses a deodorant composition.

Example 1 discloses a deodorant stick composition comprising:

*Calcium carbonate (antimicrobial);

*Wax blend-stearyl alcohol has a melting point of 59.4-59.8 °Celsius, which meets the limitation of a primary structurant in the instant claim.

*Example 1 additionally does not disclose the use of an aluminum salt.

Regarding claim 2, calcium carbonate has a water solubility of 15 mg/L, which meets the limitation of at most about 90 g/L at 25 °Celsius.

Regarding claim 3, Example 1 is not disclosed as containing baking soda.

Regarding claim 4, Example 1 discloses 0.5% fragrance. As noted in the instant specification, “substantially free of” is defined as “about 2% or less” (page 3).

Regarding claim 5, Example 1 is not disclosed as containing a silicone.

Regarding claim 6, stearyl alcohol is present in the amount of 7.3%, it is the position of the Examiner that 7.3% is “about” 8%.

Regarding claim 15, as noted above, Example 1 discloses the use of calcium carbonate.

Osipow does not disclose the stick has a hardness from about 80 mm*10 to about 140 mm*10, as measured by penetration with ASTM D-1321 needle.

Misner discloses extruded sticks including antiperspirants and deodorant solid sticks. It is disclosed the sticks have a hardness of 50-90 mm.

It would have been obvious to one of ordinary skill in the art prior to the effective filing date of the invention to have made the stick of Osipow to have a hardness of 50-90 mm as disclosed by Misner since deodorant sticks are routinely prepared in the hardness recited.

Double Patenting

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

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on nonstatutory

double patenting provided the reference application or patent either is shown to be commonly owned with the examined application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement. See MPEP § 717.02 for applications subject to examination under the first inventor to file provisions of the AIA as explained in MPEP § 2159. See MPEP § 2146 *et seq.* for applications not subject to examination under the first inventor to file provisions of the AIA. A terminal disclaimer must be signed in compliance with 37 CFR 1.321(b).

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

Claims 1-20 are rejected on the ground of nonstatutory double patenting as being unpatentable over claims 1-18 of U.S. Patent No. 11,540,999. Although the claims at issue are not identical, they are not patentably distinct from each other because the instant and patented claims are drawn to deodorant sticks comprising an antimicrobial agent, a primary structurants having a melting point of at least 50 ° Celsius, and being free of an aluminum salt in the independent claim while additional limitations including secondary structurants, and liquid triglyceride components are recited in dependent claims.

Claims 1-20 are rejected on the ground of nonstatutory double patenting as being unpatentable over claims 1-18 of U.S. Patent No. 10,966,915. Although the claims at issue are not identical, they are not patentably distinct from each other because the instant and patented claims are drawn to deodorant sticks comprising an antimicrobial agent, a primary structurants having a melting point of at least 50 ° Celsius, and being free of an aluminum salt in the independent claim while additional limitations including secondary structurants, and liquid triglyceride components are recited in dependent claims.

Claims 1-20 are rejected on the ground of nonstatutory double patenting as being unpatentable over claims 1-20 of U.S. Patent No. 10,543,164. Although the claims at issue are not identical, they are not patentably distinct from each other because the instant and patented claims are drawn to deodorant sticks comprising an antimicrobial agent, a primary structurants having a melting point of at least 50 ° Celsius, and being free of an aluminum salt in the independent claim while additional limitations including secondary structurants, and liquid triglyceride components are recited in dependent claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MELISSA S MERCIER whose telephone number is (571)272-9039. The examiner can normally be reached M-F 5:30 am to 4 pm EST.

Examiner interviews are available via telephone, in-person, and video conferencing using a USPTO supplied web-based collaboration tool. To schedule an

interview, applicant is encouraged to use the USPTO Automated Interview Request (AIR) at <http://www.uspto.gov/interviewpractice>.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Wax can be reached on 571-272-0623. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of published or unpublished applications may be obtained from Patent Center. Unpublished application information in Patent Center is available to registered users. To file and manage patent submissions in Patent Center, visit: <https://patentcenter.uspto.gov>. Visit

<https://www.uspto.gov/patents/apply/patent-center> for more information about Patent Center and <https://www.uspto.gov/patents/docx> for information about filing in DOCX format. For additional questions, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/MELISSA S MERCIER/
Primary Examiner, Art Unit 1615

Doc Code: DIST.E.FILE Document Description: Electronic Terminal Disclaimer - Filed		PTO/SB/25 U.S. Patent and Trademark Office Department of Commerce	
Electronic Petition Request	TERMINAL DISCLAIMER TO OBTAIN A PROVISIONAL DOUBLE PATENTING REJECTION OVER A PENDING "REFERENCE" APPLICATION		
Application Number	17979822		
Filing Date	03-Nov-2022		
First Named Inventor	David STURGIS		
Attorney Docket Number	15149CCC		
Title of Invention	DEODORANT COMPOSITIONS		
☒ Filing of terminal disclaimer does not obviate requirement for response under 37 CFR 1.111 to outstanding Office Action ☒ This electronic Terminal Disclaimer is not being used for a Joint Research Agreement.			
Owner		Percent Interest	
The Procter & Gamble Company		100%	
The owner(s) of percent interest listed above 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 any patent granted on pending reference Application Number(s)			
16021965 filed on 06/28/2018 17194437 filed on 03/08/2021 16716542 filed on 12/17/2019 as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application. 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 any patent granted on the reference application 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 any patent granted on the instant application that would extend to the expiration date of the full statutory term of any patent granted on said reference application, "as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application," in the event that any such patent granted on the pending reference application: 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 shortened by any terminal disclaimer filed prior to its grant.			

☒ Terminal disclaimer fee under 37 CFR 1.20(d) is included with Electronic Terminal Disclaimer request. ☐ I certify, in accordance with 37 CFR 1.4(d)(4), that the terminal disclaimer fee under 37 CFR 1.20(d) required for this terminal disclaimer has already been paid in the above-identified application.	
Applicant claims the following fee status: ☐ Small Entity ☐ Micro Entity ☒ Regular Undiscounted	
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.	
THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES I certify, in accordance with 37 CFR 1.4(d)(4) that I am: ☒ An attorney or agent registered to practice before the Patent and Trademark Office who is of record in this application Registration Number <u>60583</u> ☐ A sole inventor ☐ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors as evidenced by the power of attorney in the application ☐ A joint inventor; all of whom are signing this request	
Signature	/Kathleen Y. Carter/
Name	Kathleen Y. Carter

*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.

Doc Code: DISQ.E.FILE
Document Description: Electronic Terminal Disclaimer – Approved

Application No.: 17979822

Filing Date: 03-Nov-2022

Applicant/Patent under Reexamination: STURGIS

Electronic Terminal Disclaimer filed on April 13, 2023

☒ APPROVED

This patent is subject to a terminal disclaimer

☐ DISAPPROVED

Approved/Disapproved by: Electronic Terminal Disclaimer automatically approved by EFS-Web

U.S. Patent and Trademark Office

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 17/979,822
Inventor(s) : David Arthur Sturgis
Filed : November 3, 2022
Art Unit : 1615
Examiner : Melissa S. Mercier
Docket No. : 15149CCC
Confirmation No. : 9993
Customer No. : 27752
Title : DEODORANT COMPOSITIONS

AMENDMENT AFTER NON-FINAL OFFICE ACTION

INTRODUCTORY REMARKS

The Director is hereby authorized to charge all required fees (including any extension of time fees) and to credit any overpayments in this and any concurrent or future correspondence to Deposit Account No. 16-2480.

In response to the Office Action of March 30, 2023, please amend the above-identified application as follows, consider the following remarks and reconsider the application.

Amendments to the Claims begin on page 2 of this paper.

Remarks begin on page 5 of this paper.

Appl. No. 17/979,822
Docket No. 15149CCC
Amdt. dated April 13, 2023
Reply to Office Action mailed on March 30, 2023
Customer No. 27752

AMENDMENTS TO THE CLAIMS

The following listing of claims replaces all prior versions and listings of the claims in the application.

Listing of Claims

1. (Currently Amended) A deodorant stick comprising:
 - a. at least one antimicrobial; and
 - b. a ~~primary~~-structurant that is stearyl alcohol;said stick being free of an aluminum salt; and
said stick having a hardness from about 80 mm*10 to about 140 mm*10, as measured by penetration with ASTM D-1321 needle;
wherein the deodorant stick is anhydrous and is substantially free of silicones.
2. (Original) The deodorant stick of claim 1, wherein the antimicrobial is a powder with a water solubility of at most about 90 g/L at 25°C.
3. (Original) The deodorant stick of claim 1, wherein the deodorant stick is substantially free of baking soda.
4. (Original) The deodorant stick of claim 1, wherein the deodorant stick is substantially free of a synthetic fragrance.
5. (Cancelled)
6. (Currently Amended) The deodorant stick of claim 1, wherein the stick comprises from about ~~58~~% to about 20% of the ~~primary~~-structurant.
7. (Original) The deodorant stick of claim 1, further comprising a liquid triglyceride.
8. (Original) The deodorant stick of claim 1, further comprising caprylic / capric triglyceride.

Appl. No. 17/979,822
Docket No. 15149CCC
Amdt. dated April 13, 2023
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Customer No. 27752

9. (Original) The deodorant stick of claim 1, further comprising a triglyceride.
10. (Original) The deodorant stick of claim 1, further comprising from about 25% to 50% of a liquid triglyceride.
11. (Original) The deodorant stick of claim 1, further comprising from about 25% to 50% of caprylic / capric triglyceride.
12. (Original) The deodorant stick of claim 1, further comprising from about 25% to 46.9% of a liquid triglyceride.
13. (Original) The deodorant stick of claim 1, further comprising from about 25% to 46.9% of caprylic /capric triglyceride.
14. (Original) The deodorant stick of claim 1, further comprising from about 25% to 42.7% of a liquid triglyceride.
15. (Original) The deodorant stick of claim 1, wherein the at least one antimicrobial is selected from the group consisting of baking soda, magnesium hydroxide, hexamidine, magnesium carbonate, zinc carbonate, thymol, magnesium hydroxide & magnesium carbonate hydroxide, sodium carbonate, magnesium carbonate hydroxide, partially carbonated magnesium hydroxide, calcium carbonate, polyvinyl formate, salicylic acid, niacinamide, cinnamon essential oil, cinnamon bark essential oil, cinnamic aldehyde and combinations thereof.
16. (Original) A deodorant stick comprising:
 - a. at least about 25% by weight liquid triglyceride;
 - b. a starch;
 - c. stearyl alcohol;
 - d. magnesium hydroxide;
 - e. shea butter;
 - f. coconut oil;

Appl. No. 17/979,822
Docket No. 15149CCC
Amdt. dated April 13, 2023
Reply to Office Action mailed on March 30, 2023
Customer No. 27752

- g. triethyl citrate; and
 - h. sunflower seed oil;
- said deodorant stick being free of an aluminum salt.

17. (Original) The deodorant stick of claim 16, wherein the starch is tapioca starch.

18. (Original) The deodorant stick of claim 16, wherein the starch is arrowroot powder.

19. (Original) A deodorant stick comprising:

- a. at least about 25% caprylic / capric triglyceride;
 - b. a starch;
 - c. stearyl alcohol;
 - d. magnesium hydroxide;
 - e. shea butter;
 - f. coconut oil;
 - g. triethyl citrate; and
 - h. sunflower seed oil;
- said deodorant stick being free of an aluminum salt.

20. (Original) A deodorant stick comprising:

- a. at least about 25% of a triglyceride;
 - b. a starch;
 - c. stearyl alcohol;
 - d. magnesium hydroxide;
 - e. shea butter;
 - f. coconut oil;
 - g. triethyl citrate; and
 - h. sunflower seed oil;
- said deodorant stick being free of an aluminum salt.

Appl. No. 17/979,822
Docket No. 15149CCC
Amdt. dated April 13, 2023
Reply to Office Action mailed on March 30, 2023
Customer No. 27752

REMARKS

Claim Status

Claims 1-4 and 6-20 are pending in the present application. No additional claims fee is believed to be due. Claim 5 is canceled. Claim 1 is amended to state that the deodorant stick is anhydrous and is substantially free of silicones. Support for the deodorant stick being anhydrous may be found, for example, in the specification on page 12, line 4. Support for the deodorant stick being substantially free of silicones may be found, for example, in now-cancelled claim 5.

Applicants submit that these changes do not involve any introduction of new matter. Consequently, entry of these changes is believed to be in order and is respectfully requested.

Rejection Under 35 U.S.C. § 103 (AIA) Over Osipow et al. (US 5,433,943) [in View of Misner (AU 2004247087)]

Claims 1-6 and 15 are rejected under 35 U.S.C. § 103 (AIA) as being unpatentable over Osipow et al. (US 5,433,943) in view of Misner (AU 2004247087).

In sustaining a rejection under 35 USC §103, the asserted combination must teach or suggest each and every feature of a claim. *In re Royka*, 490 F.2d 981 (CCPA 1974). Absent such a teaching or suggestion, an obviousness rejection under 35 U.S.C. §103 cannot be maintained. In determining the differences between the cited art and the claims, the question is not whether the differences themselves, would have been obvious, but whether the claimed invention as a whole would have been obvious. See *Stratoflex, Inc. v. Aeroquip Corp.*, 713 F.2d 1530 (Fed. Cir. 1983). In establishing a *prima facie* case, the Office must set forth “some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” MPEP §2141, citing *KSR Int’l v. Teleflex Inc.*, 127 S.Ct. 1727, 1741 (2007). Rejections based on obviousness “cannot be sustained by mere conclusory statements.” *Id.* If the Office does not prove a *prima facie* case of unpatentability, then without more, the Applicant is entitled to the grant of the patent. See *In re Oetiker*, 977 F.2d 1443.

Appl. No. 17/979,822
Docket No. 15149CCC
Amdt. dated April 13, 2023
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As amended, the present invention claims a deodorant stick that is anhydrous and is substantially free of silicones. The compositions of Osipow and Misner all require either water or silicones. Example 1 of Osipow requires between 24% and 44% water in its formulations, while Examples 2-5 require polydimethylcyclsiloxane, a silicone. Similarly, Misner's antiperspirant Examples 1 and 2 (which also require an aluminum salt), require a silicone, while its Example 3 deodorant requires over 13% water. Nothing in either Osipow or Misner teaches or suggests anhydrous compositions that are also substantially free of silicones.

Therefore, Applicants respectfully assert that a prima facie case of obviousness has not been made and respectfully request that the rejections be withdrawn.

Non-Statutory Double-Patenting Rejection

Claims 1-20 are rejected on the ground of nonstatutory obviousness-type double patenting over claims 1-18 of U.S. Patent No 11,540,999.

Claims 1-20 are rejected on the ground of nonstatutory double patenting as being unpatentable over claims 1-18 of U.S. Patent No. 10,966,915.

Claims 1-20 are rejected on the ground of nonstatutory double patenting as being unpatentable over claims 1-20 of U.S. Patent No. 10,543,1643

Applicants are submitting a terminal disclaimer over U.S. Patents 11,540,999, 10,966,915 and 10,543,164 and respectfully request that the rejections be withdrawn.

Conclusion

This response represents an earnest effort to place the present application in proper form and to distinguish the invention as claimed from the applied references. In view of the foregoing, the Applicant respectfully requests the Examiner to enter the amendments presented herein, reconsider this application, and allow the pending claims.

Appl. No. 17/979,822
Docket No. 15149CCC
Amdt. dated April 13, 2023
Reply to Office Action mailed on March 30, 2023
Customer No. 27752

Respectfully submitted,

THE PROCTER & GAMBLE COMPANY

By /Kathleen Y. Carter/

Signature

Kathleen Y. Carter

Typed or Printed Name

Registration No. 60,583

(513) 983-2114

Date: April 13, 2023

Customer No. 27752



UNITED STATES PATENT AND TRADEMARK OFFICE

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NOTICE OF ALLOWANCE AND FEE(S) DUE

27752 7590 07/05/2023
THE PROCTER & GAMBLE COMPANY
GLOBAL IP SERVICES
CENTRAL BUILDING, C9
ONE PROCTER AND GAMBLE PLAZA
CINCINNATI, OH 45202

EXAMINER

MERCIER, MELISSA S

ART UNIT PAPER NUMBER

1615

DATE MAILED: 07/05/2023

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
17/979,822	11/03/2022	David Arthur STURGIS	15149CCC	9993

TITLE OF INVENTION: DEODORANT COMPOSITIONS

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	UNDISCOUNTED	\$1200	\$0.00	\$0.00	\$1200	10/05/2023

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

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

HOW TO REPLY TO THIS NOTICE:

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

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

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

For purposes of this notice, small entity fees are 40% the amount of undiscounted fees, and micro entity fees are 20% the amount of undiscounted fees.

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

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

IMPORTANT REMINDER: Maintenance fees are due in utility patents issuing on applications filed on or after Dec. 12, 1980. It is patentee's responsibility to ensure timely payment of maintenance fees when due. More information is available at www.uspto.gov/PatentMaintenanceFees.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), by mail or fax, or via EFS-Web.

By mail, send to: Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

By fax, send to: (571)-273-2885

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence 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. **Because electronic patent issuance may occur shortly after issue fee payment, any desired continuing application should preferably be filed prior to payment of this issue fee in order not to jeopardize copendency.**

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

27752 7590 07/05/2023
THE PROCTER & GAMBLE COMPANY
GLOBAL IP SERVICES
CENTRAL BUILDING, C9
ONE PROCTER AND GAMBLE PLAZA
CINCINNATI, OH 45202

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Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being transmitted to the USPTO via EFS-Web or by facsimile to (571) 273-2885, on the date below.

(Typed or printed name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
17/979,822	11/03/2022	David Arthur STURGIS	15149CCC	9993

TITLE OF INVENTION: DEODORANT COMPOSITIONS

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	UNDISCOUNTED	\$1200	\$0.00	\$0.00	\$1200	10/05/2023

EXAMINER	ART UNIT	CLASS-SUBCLASS
MERCIER, MELISSA S	1615	424-065000

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

☐ Change of correspondence address (or Change of Correspondence Address form PTO/AIA/122 or PTO/SB/122) attached.

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

2. For printing on the patent front page, list

(1) The names of up to 3 registered patent attorneys or agents OR, alternatively,

1 _____

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

2 _____

3 _____

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

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document must have been previously recorded, or filed for recordation, as set forth in 37 CFR 3.11 and 37 CFR 3.81(a). Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

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

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

4a. Fees submitted: ☐ Issue Fee ☐ Publication Fee (if required)

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

☐ Electronic Payment via Patent Center or EFS-Web ☐ Enclosed check ☐ Non-electronic payment by credit card (Attach form PTO-2038)

☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment to Deposit Account No. _____

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

☐ Applicant certifying micro entity status. See 37 CFR 1.29

☐ Applicant asserting small entity status. See 37 CFR 1.27

☐ Applicant changing to regular undiscounted fee status.

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

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

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

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

Authorized Signature _____

Date _____

Typed or printed name _____

Registration No. _____



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
17/979,822	11/03/2022	David Arthur STURGIS	15149CCC	9993
27752 7590 07/05/2023 THE PROCTER & GAMBLE COMPANY GLOBAL IP SERVICES CENTRAL BUILDING, C9 ONE PROCTER AND GAMBLE PLAZA CINCINNATI, OH 45202			EXAMINER MERCIER, MELISSA S	
			ART UNIT	PAPER NUMBER
			1615	

DATE MAILED: 07/05/2023

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

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

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

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

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

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

The information collected by PTOL-85 Part B is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.** Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Privacy Act Statement

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

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

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

Notice of Allowability	Application No. 17/979,822	Applicant(s) STURGIS et al.	
	Examiner MELISSA S MERCIER	Art Unit 1615	AIA (FITF) Status Yes

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

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

1. ☒ This communication is responsive to Applicant's remarks, amended claims and terminal disclaimers filed on April 13, 2023.
☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on _____.

2. ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on _____; the restriction requirement and election have been incorporated into this action.

3. ☒ The allowed claim(s) is/are 1-4 and 6-20. As a result of the allowed claim(s), you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see http://www.uspto.gov/patents/init_events/pph/index.jsp or send an inquiry to **PPHfeedback@uspto.gov**.

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

Certified copies:

a) ☐ All b) ☐ Some* c) ☐ None of the:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____.

3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)	5. ☐ Examiner's Amendment/Comment
2. ☒ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____.	6. ☒ Examiner's Statement of Reasons for Allowance
3. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material _____.	7. ☐ Other _____.
4. ☐ Interview Summary (PTO-413), Paper No./Mail Date. _____.	

/MELISSA S MERCIER/ Primary Examiner, Art Unit 1615	
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DETAILED ACTION

Notice of Pre-AIA or AIA Status

The present application, filed on or after March 16, 2013, is being examined under the first inventor to file provisions of the AIA.

Information Disclosure Statement

Receipt of the Information Disclosure Statement filed on May 19, 2023 is acknowledged. A signed copy is attached to this office action.

Withdrawn Objections/Rejections

Claim Rejections - 35 USC § 103

The rejection of claims 1-6 and 15 under 35 U.S.C. 103 as being unpatentable over Osipow et al. (US 5,433,943) in view of Misner (AU 2004247087) has been withdrawn in view of Applicant's amendment to claim 1 to recite the deodorant stick is anhydrous and substantially free of silicones.

Double Patenting

The rejection of claims 1-20 on the ground of nonstatutory double patenting as being unpatentable over claims 1-18 of U.S. Patent No. 11,540,999 has been withdrawn in view of Applicant's filing of a terminal disclaimer over corresponding application 17/194,437.

The rejection of claims 1-20 on the ground of nonstatutory double patenting as being unpatentable over claims 1-18 of U.S. Patent No. 10,966,915 has been withdrawn in view of Applicant's filing of a terminal disclaimer over corresponding application 16/716,542.

The rejection of claims 1-20 on the ground of nonstatutory double patenting as being unpatentable over claims 1-20 of U.S. Patent No. 10,543,164 has been withdrawn in view of Applicant's filing of a terminal disclaimer over corresponding application 16/021,965.

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance: the closest prior art is that of Osipow et al. (US 5,433,943) which discloses a deodorant composition. Example 1 discloses a deodorant stick composition comprising:

- *Calcium carbonate (antimicrobial);

- *Wax blend-stearyl alcohol has a melting point of 59.4-59.8 °Celsius, which meets the limitation of a primary structurant in the instant claim.

- *Example 1 additionally does not disclose the use of an aluminum salt.

Example 1 is not disclosed as containing a silicone.

The claims have been amended to recite the deodorant stick is anhydrous and is substantially free of silicones.

However, as noted in Applicant's arguments dated April 13, 2023, Osipow discloses all of the compositions disclose either water or silicones.

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

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MELISSA S MERCIER whose telephone number is (571)272-9039. The examiner can normally be reached M-F 5:30 am to 4 pm EST.

Examiner interviews are available via telephone, in-person, and video conferencing using a USPTO supplied web-based collaboration tool. To schedule an interview, applicant is encouraged to use the USPTO Automated Interview Request (AIR) at <http://www.uspto.gov/interviewpractice>.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert A Wax can be reached on 571-272-0623. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of published or unpublished applications may be obtained from Patent Center. Unpublished application information in Patent Center is available to registered users. To file and manage patent submissions in Patent Center, visit: <https://patentcenter.uspto.gov>. Visit <https://www.uspto.gov/patents/apply/patent-center> for more information about Patent Center and <https://www.uspto.gov/patents/docx> for information about filing in DOCX format. For additional questions, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/MELISSA S MERCIER/
Primary Examiner, Art Unit 1615

Application/Control Number: 17/979,822
Art Unit: 1615

Page 5