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FILE HISTORY

US 8,898,932

PATENT: 8,898,932
INVENTORS: WOODMAN PHIL
WILKEN DOUG D
MINAMI TETSUYA T
MOLYNEUX JAMES

TITLE: Article of footwear incorporating a knitted
component

APPLICATION NO: US14273574A
FILED: 09 MAY 2014
ISSUED: 02 DEC 2014

COMPILED: 11 JUN 2024

8,898,932

**ARTICLE OF FOOTWEAR INCORPORATING A KNITTED
COMPONENT**

Transaction History

Date	Transaction Description
05-09-2014	Patent Term Adjustment - Ready for Examination
05-09-2014	Applicants have given acceptable permission for participating foreign
05-09-2014	Track 1 Request
05-09-2014	Petition Entered
05-09-2014	Entity Status Set To Undiscounted (Initial Default Setting or Status Change)
05-09-2014	Initial Exam Team nn
05-23-2014	Application Dispatched from OIPE
05-23-2014	FITF set to NO - revise initial setting
05-23-2014	Application Is Now Complete
05-23-2014	Filing Receipt
07-02-2014	Reference capture on IDS
07-02-2014	Information Disclosure Statement (IDS) Filed
07-02-2014	Information Disclosure Statement (IDS) Filed
07-07-2014	Case Docketed to Examiner in GAU
07-14-2014	Track 1 Request Granted
07-14-2014	Mail-Record Petition Decision of Granted to Make Special
07-14-2014	Record Petition Decision of Granted to Make Special
07-22-2014	Non-Final Rejection
07-22-2014	Information Disclosure Statement considered
07-24-2014	Mail Non-Final Rejection
08-14-2014	Electronic Information Disclosure Statement
08-14-2014	Information Disclosure Statement (IDS) Filed
08-27-2014	Response after Non-Final Action
09-02-2014	Date Forwarded to Examiner
09-04-2014	PG-Pub Issue Notification
09-05-2014	Notice of Allowance Data Verification Completed
09-05-2014	Information Disclosure Statement considered
09-15-2014	Mail Notice of Allowance
10-29-2014	Issue Fee Payment Verified
10-29-2014	Issue Fee Payment Received
10-30-2014	Dispatch to FDC
10-30-2014	Application Is Considered Ready for Issue
11-12-2014	Issue Notification Mailed
12-02-2014	Recordation of Patent Grant Mailed
12-02-2014	Patent Issue Date Used in PTA Calculation
08-31-2015	Application ready for PDX access by participating foreign offices
05-17-2018	Payment of Maintenance Fee, 4th Year, Large Entity
02-23-2021	Correspondence Address Change
02-25-2021	Email Notification
02-25-2021	Change in Power of Attorney (May Include Associate POA)
05-18-2022	Payment of Maintenance Fee, 8th Year, Large Entity

WHAT IS CLAIMED IS:

1. An article of footwear having an upper and a sole structure secured to the upper, the upper comprising:
 - a foot region for covering at least a portion of a foot of a wearer, the foot region including a foot part of a knitted component, and the foot region having a first degree of stretch; and
 - an ankle region for covering at least a portion of an ankle of the wearer, the ankle region including an ankle part of the knitted component, and the ankle region having a second degree of stretch;the foot part of the knitted component and the ankle part of the knitted component being formed from unitary knit construction, and the first degree of stretch being less than the second degree of stretch.
2. The article of footwear recited in claim 1, wherein a skin layer covers at least a portion of the foot part of the knitted component and forms a portion of an exterior surface of the upper.
3. The article of footwear recited in claim 2, wherein the skin layer is absent from the ankle part of the knitted component.
4. The article of footwear recited in claim 3, wherein the ankle part of the knitted component forms (a) another portion of the exterior surface of the upper and (b) a portion of an interior surface of the upper.
5. The article of footwear recited in claim 1, wherein the ankle part of the knitted component has a continuous structure for extending entirely around the ankle of the wearer.
6. The article of footwear recited in claim 1, wherein the foot part of the knitted component defines a plurality of protruding areas that extend outward and away from a void within the upper for receiving the foot of the wearer.

7. The article of footwear recited in claim 6, wherein the protruding areas include an inlaid strand that extends from a throat area of the upper to an area where the upper is secured to the sole structure.

8. The article of footwear recited in claim 6, wherein the protruding areas include a tubular structure and an inlaid strand extending through the tubular structure.

9. The article of footwear recited in claim 6, wherein the protruding areas include a tubular structure and yarn sections extending across the tubular structure.

10. The article of footwear recited in claim 9, wherein the yarn sections extending across the tubular structure form tuck stitches.

11. An article of footwear having an upper and a sole structure secured to the upper, the upper comprising:

a knitted component that includes (a) a foot part for covering at least a portion of a foot of a wearer and (b) an ankle part for covering at least a portion of an ankle of the wearer, the foot part and the ankle part being formed of unitary knit construction; and

a skin layer that covers at least a portion of the foot part of the knitted component and forms a portion of an exterior surface of the upper, the skin layer being absent from the ankle part of the knitted component.

12. The article of footwear recited in claim 11, wherein the foot part of the knitted component is in a foot region of the upper and the ankle part of the knitted component is in an ankle region of the upper, the foot region having less stretch than the ankle region.

13. The article of footwear recited in claim 11, wherein the ankle part of the knitted component forms (a) another portion of the exterior surface of the upper and (b) a portion of an interior surface of the upper.

14. The article of footwear recited in claim 11, wherein the ankle part of the knitted component has a continuous structure for extending entirely around the ankle of the wearer.

15. The article of footwear recited in claim 11, wherein the foot part of the knitted component defines a plurality of protruding areas that extend outward and away from a void within the upper for receiving the foot of the wearer.

16. The article of footwear recited in claim 15, wherein the protruding areas include a tubular structure and an inlaid strand extending through the tubular structure.

17. The article of footwear recited in claim 15, wherein the protruding areas include a tubular structure and yarn sections extending across the tubular structure.

18. The article of footwear recited in claim 17, wherein the yarn sections extending across the second tubular structure form tuck stitches.

19. The article of footwear recited in claim 15, wherein the protruding areas include (a) a first tubular structure and an inlaid strand extending through the first tubular structure and (b) a second tubular structure and yarn sections extending across the second tubular structure.

20. The article of footwear recited in claim 19, wherein the first tubular structure and the second tubular structure extend from a throat area of the upper to an area where the sole structure is secured to the upper.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
14/273,574	05/09/2014	Phil Woodman	51-4265	5902
57618 7590 07/24/2014 PLUMSEA LAW GROUP, LLC 6710 A Rockledge Drive SUITE 400 BETHESDA, MD 20817			EXAMINER BAYS, MARIE D	
			ART UNIT 3765	PAPER NUMBER
			MAIL DATE 07/24/2014	DELIVERY MODE PAPER

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

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

Office Action Summary	Application No. 14/273,574	Applicant(s) WOODMAN ET AL.	
	Examiner MARIE BAYS	Art Unit 3765	AIA (First Inventor to File) Status No

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

Period for Reply

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

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

Status

1) ☐ Responsive to communication(s) filed on _____.
☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on _____.

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

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

4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims*

5) ☒ Claim(s) 1-20 is/are pending in the application.
5a) Of the above claim(s) _____ is/are withdrawn from consideration.

6) ☐ Claim(s) _____ is/are allowed.

7) ☒ Claim(s) 1-20 is/are rejected.

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

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

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

Application Papers

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

11) ☐ The drawing(s) filed on _____ 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 7/2/14.

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.

Claim Rejections - 35 USC § 102

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

A person shall be entitled to a patent unless –
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-5 and 11-14 are rejected under pre-AIA 35 U.S.C. 102(b) as being clearly anticipated by Glidden (2147197).

Glidden shows a shoe with a knit upper comprising a foot region (11 and 12) and a knit ankle portion (13) with the ankle portion having a greater degree of stretchability and a skin exterior (18 or 28) as claimed.

Claim Rejections - 35 USC § 103

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

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

5. Claims 6-10 and 15-20 are rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over Glidden in view of Dua (2010/0154256).

Glidden shows a shoe substantially as claimed except for tubes and strands. Dua teaches providing tubular portion (42) and strands (43) in a knitted footwear. It would

have been obvious to provide tubular portion and strands as taught by Dua in the footwear of Glidden to improve support and adjustable tightening.

In reference to claims 9, 10, 17, and 18, Dua teaches that the tubular portion are formed from knitted materials (paragraph [0024]) they inherently have yarn sections extending across the tubular structure.

1. 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). Other useful information can be obtained at the PTO Home Page at www.uspto.gov.

In order to avoid potential delays, Technology Center 3700 is encouraging FAXing of responses to Office Actions directly into the Center at (571)273-8300 **(FORMAL FAXES ONLY)**. Please identify Examiner Marie Bays of Art Unit 3765 at the top of your cover sheet.

Any inquiry concerning the MERITS of this examination from the examiner should be directed to Marie Patterson whose telephone number is (571) 272-4559. The examiner can normally be reached from 6AM - 4PM Mon-Wed.

/Marie Bays/
Primary Examiner
Art Unit 3765

Electronic Acknowledgement Receipt	
EFS ID:	19976337
Application Number:	14273574
International Application Number:	
Confirmation Number:	5902
Title of Invention:	Article Of Footwear Incorporating A Knitted Component
First Named Inventor/Applicant Name:	Phil Woodman
Customer Number:	57618
Filer:	Thomas E. Vesbit/Brian Moffenbeier
Filer Authorized By:	Thomas E. Vesbit
Attorney Docket Number:	51-4265
Receipt Date:	27-AUG-2014
Filing Date:	09-MAY-2014
Time Stamp:	11:16:26
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no
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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		2014-08-27_51-4265_OA_Response.pdf	34196 339404bfe5eb7892f082ec77c2a51568482e8525	yes	10

	Multipart Description/PDF files in .zip description		
	Document Description	Start	End
	Amendment/Req. Reconsideration-After Non-Final Reject	1	1
	Claims	2	6
	Applicant Arguments/Remarks Made in an Amendment	7	10
Warnings:			
Information:			
Total Files Size (in bytes):		34196	
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.			

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Appln. No. : 14/273,574 Confirmation No. 5902
Applicant : Phil Woodman
Filed : 5/9/2014
Title : Article Of Footwear Incorporating A Knitted
Component
TC/A.U. : 3765
Examiner : Marie D. Bays
Attorney Docket No.: 51-4265
Customer No. : 57618

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

AMENDMENT AND RESPONSE TO NON-FINAL OFFICE ACTION

In response to the Office Action of July 24, 2014, please amend the
above-identified application as follows:

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

Remarks/Arguments begin on page 7 of this paper.

Amendments to the Claims

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

1. (Currently Amended) An article of footwear having an upper and a sole structure secured to the upper, the upper comprising:

a foot region for covering at least a portion of a foot of a wearer, the foot region including a foot part of a knitted component, and the foot region having a first degree of stretch, wherein the foot part of the knitted component defines a plurality of protruding areas that extend outward and away from a void within the upper for receiving the foot of the wearer, wherein the protruding areas include a first tubular structure and a second tubular structure; and

an ankle region for covering at least a portion of an ankle of the wearer, the ankle region including an ankle part of the knitted component, and the ankle region having a second degree of stretch;

an inlaid strand extending through the first tubular structure;

a plurality of yarn sections extending across the second tubular structure;

a skin layer that covers the first tubular structure and the second tubular structure of the foot part of the knitted component;

the foot part of the knitted component and the ankle part of the knitted component being formed from unitary knit construction, and the first degree of stretch being less than the second degree of stretch.

2. (Currently Amended) The article of footwear recited in claim 1, wherein the a-skin layer covers additional portions ~~at least a portion~~ of the foot part of the knitted component and forms a portion of an exterior surface of the upper.

3. (Original) The article of footwear recited in claim 2, wherein the skin layer is absent from the ankle part of the knitted component.

4. (Original) The article of footwear recited in claim 3, wherein the ankle part of the knitted component forms (a) another portion of the exterior surface of the upper and (b) a portion of an interior surface of the upper.

5. (Original) The article of footwear recited in claim 1, wherein the ankle part of the knitted component has a continuous structure for extending entirely around the ankle of the wearer.

6. (Currently Amended) The article of footwear recited in claim 1, wherein the skin layer is thermally bonded to the knitted component. ~~foot part of the knitted component defines a plurality of protruding areas that extend outward and away from a void within the upper for receiving the foot of the wearer.~~

7. (Currently Amended) The article of footwear recited in claim 1, ~~claim 6~~, wherein the ~~protruding areas include an inlaid strand that extends from a throat area of the upper to an area where the upper is secured to the sole structure.~~

8. (Currently Amended) The article of footwear recited in claim 1, wherein the skin layer is a continuous layer that covers an entirety of the foot portion of the foot part, and wherein the skin layer is absent from the ankle part of the knitted component. ~~claim 6, wherein the protruding areas include a tubular structure and an inlaid strand extending through the tubular structure.~~

9. (Currently Amended) The article of footwear recited in claim 1, wherein the upper includes a medial side, a lateral side, and a forefoot region;

wherein the skin layer is absent from the ankle part of the knitted component; and

wherein the foot part is entirely covered by the skin layer on the medial side, the lateral side, and the forefoot region.

~~claim 6, wherein the protruding areas include a tubular structure and yarn sections extending across the tubular structure.~~

10. (Currently Amended) The article of footwear recited in claim 1, ~~claim 9~~, wherein the plurality of yarn sections extending across the second tubular structure form tuck stitches.

11. (Currently Amended) An article of footwear having an upper and a sole structure secured to the upper, the upper comprising:

a knitted component that includes (a) a foot part for covering at least a portion of a foot of a wearer and (b) an ankle part for covering at least a portion of an ankle of the wearer, the foot part and the ankle part being formed of unitary knit construction; and

a skin layer that is thermally bonded to the knitted component, the skin layer covering ~~covers~~ at least a portion of the foot part of the knitted component and forming ~~forms~~ a portion of an exterior surface of the upper, the skin layer being absent from the ankle part of the knitted component.

12. (Original) The article of footwear recited in claim 11, wherein the foot part of the knitted component is in a foot region of the upper and the ankle part of the knitted component is in an ankle region of the upper, the foot region having less stretch than the ankle region.

13. (Original) The article of footwear recited in claim 11, wherein the ankle part of the knitted component forms (a) another portion of the exterior surface of the upper and (b) a portion of an interior surface of the upper.

14. (Original) The article of footwear recited in claim 11, wherein the ankle part of the knitted component has a continuous structure for extending entirely around the ankle of the wearer.

15. (Original) The article of footwear recited in claim 11, wherein the foot part of the knitted component defines a plurality of protruding areas that extend outward and away from a void within the upper for receiving the foot of the wearer.

16. (Original) The article of footwear recited in claim 15, wherein the protruding areas include a tubular structure and an inlaid strand extending through the tubular structure.

17. (Original) The article of footwear recited in claim 15, wherein the protruding areas include a tubular structure and yarn sections extending across the tubular structure.

18. (Original) The article of footwear recited in claim 17, wherein the yarn sections extending across the second tubular structure form tuck stitches.

19. (Original) The article of footwear recited in claim 15, wherein the protruding areas include (a) a first tubular structure and an inlaid strand extending through the first tubular structure and (b) a second tubular structure and yarn sections extending across the second tubular structure.

20. (Original) The article of footwear recited in claim 19, wherein the first tubular structure and the second tubular structure extend from a throat area of the upper to an area where the sole structure is secured to the upper.

REMARKS

This Amendment is submitted in response to the Office Action mailed on July 24, 2014. Claims 1, 2, and 6-11 have been amended. Support for these amendments can be found, at least, in paragraphs [0061]-[0068], [0070], [0084], and [0085], and FIGS. 12-15. Thus, no new matter has been added. Upon entry of this Amendment, claims 1-20 will be pending in this application.

Response to Claim Rejections

Claims 1-5 and 11-14 are rejected under 35 U.S.C. § 102(b) as being anticipated by Glidden (U.S. Patent No. 2,147,197). Independent claims 1 and 11 have been amended to clarify the invention.

Specifically, claim 1 has been amended to recite a knitted component with a first tubular structure, a second tubular structure, an inlaid strand extending through the first tubular structure, a plurality of yarn sections extending across the second tubular structure, and a skin layer that covers the first and second tubular structures. Support for these amendments can be found, at least in paragraphs [0061]-[0068] and in FIGS. 12-15.

Applicant respectfully submits that the Glidden reference fails to disclose an inlaid strand extending through a first tubular structure, and plurality of yarn sections extending across the second tubular structure. Indeed, Glidden teaches a knitted upper 10, but Glidden is silent with regard to an inlaid strand extending through a first tubular structure and a plurality of yarn sections extending across a second tubular structure as recited in claim 1 of the present application.

Therefore, as amended, independent claim 1 is not anticipated by the Glidden reference. Also, because claims 2-5 depend from and include all of the limitations of independent claim 1, claims 2-5 are also believed to be patentable over the Glidden reference.

Furthermore, claim 11 has been amended to recite a skin layer that is thermally bonded to the knitted component, wherein the skin layer at least partially covers the foot part, and wherein the skin layer is absent from the ankle part of the knitted component. Support for this amendment can be found, at least, in paragraph [0070] of the present application. For example, paragraph [0070] states:

[T]hermal bonding processes may be utilized to form a thermal bond that joins portions of skin layer 140 to knitted component 130. As utilized herein, the term “thermal bonding” or variants thereof is defined as a securing technique between two elements that involves a softening or melting of a thermoplastic polymer material within at least one of the elements such that the materials of the elements are secured to each other when cooled...As examples, thermal bonding may involve (a) the melting or softening of skin layer 140 such that the thermoplastic polymer material intermingles with materials of knitted component 130 and are secured together when cooled and (b) the melting or softening of skin layer 140 such that the thermoplastic polymer material extends into or infiltrates the structure of knitted component 130 (e.g., extends around or bonds with filaments or fibers in knitted component 130) to secure the elements together when cooled. Additionally, thermal bonding does not generally involve the use of stitching or adhesives, but involves directly bonding elements to each other with heat.

Applicant respectfully submits that the Glidden reference fails to disclose a skin layer that is thermally bonded to a knitted component.

Instead, Glidden teaches a textile upper 27 with a rubber part 28 that is “cemented” to the textile upper. Page 2, column 2, lines 20-22 and FIG

6. Accordingly, because cement is used to attach the rubber part 28, Glidden fails to teach a skin layer that is thermally bonded to a knitted component as recited in claim 11 of the present application.

Moreover, Applicant respectfully submits that it would not have been obvious to thermally bond the rubber part 28 to the textile upper. This is because the rubber part 28 is a relatively thick, stand-alone part that is formed independently on a last 31 and then subsequently attached to the textile upper 27. See page 2, lines 1-22. If one were to attempt to thermally bond the rubber part 28 onto the textile upper 27, there would likely be a large amount heated rubber that would be in a molten or semi-molten state. It would be difficult, if not impossible, to contain the rubber, to prevent the heated rubber from unintentionally running away from the textile upper 27, and/or to ensure that the rubber part 28 covers the desired portions of the textile upper 27. Moreover, even assuming that the rubber part 28 could be thermally bonded to the textile upper 27, the bulkiness of the rubber part 28 would likely cause the rubber part 28 to delaminate from the textile upper 27 when the upper 27 flexes.

Therefore, as amended, Applicant respectfully submits that independent claim 11 is not anticipated by the Glidden reference. Also, because claims 12-14 depend from and include all of the limitations of independent claim 11, claims 12-14 are also believed to be patentable over the Glidden reference.

Claims 6-10 and 15-20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Glidden in view of Dua (U.S. Publication No. 2010/0154256). Applicant respectfully submits that because claims 6-10 each depends from and includes all of the limitations of independent claim

Appln. No. 14/273,574
Amdt. Dated August 27, 2014
Reply to Office Action of July 24, 2014

1, claims 6-10 are also patentable over the Glidden and Dua references. Additionally, Applicant respectfully submits that because claims 15-20 each depends from and includes all of the limitations of independent claim 11, claims 15-20 are also patentable over the Glidden and Dua references.

Conclusion

In view of the foregoing, all of the pending claims in this application are believed to be in condition for allowance. No fee is believed due. Should the Examiner have any questions or determine that any further action is desirable to place this application in even better condition for allowance, the Examiner is encouraged to contact the Applicant's representative at the number listed below.

Since this Amendment is being filed within the three-month shortened statutory period for response, which expires on **October 24, 2014**, no extension of time or other fees are believed to be due, except as detailed in the attached documents or herein. However, any extension of time necessary to prevent abandonment is hereby requested, and any fee necessary for consideration of this response is hereby authorized to be charged to Deposit Account Number 502846.

Respectfully submitted,

PLUMSEA LAW GROUP, LLC

Date: August 27, 2014

By: /Thomas E. Vesbit/

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Notice of Allowability	Application No. 14/273,574 Examiner MARIE BAYS	Applicant(s) WOODMAN ET AL. Art Unit 3765 AIA (First Inventor to File) Status No		
-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address-- All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS. This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308. 1. ☒ This communication is responsive to <u>amendment filed 8/27/14</u>. ☐ 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 <u>1-20</u>. 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) <table style="width: 100%;"> <tr> <td style="width: 50%;"> 1. ☐ Notice of References Cited (PTO-892) 2. ☒ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date <u>8/14/14 & 7/2/14</u> 3. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material 4. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____. </td> <td style="width: 50%;"> 5. ☐ Examiner's Amendment/Comment 6. ☐ Examiner's Statement of Reasons for Allowance 7. ☐ Other _____. </td> </tr> </table>			1. ☐ Notice of References Cited (PTO-892) 2. ☒ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date <u>8/14/14 & 7/2/14</u> 3. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material 4. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____.	5. ☐ Examiner's Amendment/Comment 6. ☐ Examiner's Statement of Reasons for Allowance 7. ☐ Other _____.
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/Marie Bays/ Primary Examiner Art Unit: 3765				