



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.
17/565,354	12/29/2021	Robert CHOI	P23808US07	3036
165846	7590	01/23/2023		
Reed Smith LLP (972852)			EXAMINER	
IP Docketing Dept.			BRADEN, SHAWN M	
P.O. Box 488				
Pittsburgh, PA 15230			ART UNIT	PAPER NUMBER
			3736	
			NOTIFICATION DATE	DELIVERY MODE
			01/23/2023	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):

gdonovan@reedsmith.com
ptoipinbox@reedsmith.com

DETAILED ACTION

Notice of Pre-AIA or AIA Status

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

Double Patenting

2. 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-I.jsp.

3. Claims 1-18, are rejected on the ground of nonstatutory double patenting as being unpatentable over claims 1-22, of U.S. Patent No. 11/242,178. Although the claims at issue are not identical, they are not patentably distinct from each other because the parent claims define all of the current applications' claimed structure. The Examiner does not find any patentable distinct difference.

Claim Rejections - 35 USC § 102

4. 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 –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

5. Claim(s) 1-18, is/are rejected under pre-AIA 35 U.S.C. 102(a) as being anticipated by McDonough (US pub 2005/0029271).

6. With respect to claim 1, McDonough shows a drink container, comprising: a fluid container (12) having a neck with an opening and having an internal compartment sized to hold a volume of potable drink fluid; a cap assembly (the entire top assembly) removably coupled to the fluid container (12) to cover the opening, wherein the cap assembly defines a fluid conduit (14) for drink fluid to flow from the fluid container (12) and through the cap assembly to a user, wherein the fluid conduit (14) includes an inlet (18) through which drink fluid from the fluid container (12) may enter the fluid conduit (14), and a dispensing outlet (top of 14) through which drink fluid in the fluid conduit (14) may be dispensed from the cap assembly to a user, and further wherein the cap assembly comprises: a cap assembly base (22) removably coupled to the neck of the fluid container (12), wherein the cap assembly base (22) is configured to be selectively and repeatedly decoupled from and re-coupled to the neck of the fluid container (12); a pivotal mount (20) coupled to the cap assembly base (22) at two joints (30,32) that define a pivotal axis for pivotal movement of the pivotal mount (20) relative to the cap assembly base (22); a mouthpiece (16) disposed on the pivotal mount (20) for pivotal movement with the pivotal mount (20) relative to the cap assembly base (22); wherein the mouthpiece (16) defines a portion of the fluid conduit (14), including the dispensing outlet; wherein the mouthpiece (16) and the pivotal mount (20) are configured to be selectively pivoted between a stowed position (fig. 3) and a dispensing position (fig. 1), wherein the mouthpiece (16) is at least partially covered by a dust cover (38) when the mouthpiece (16) and pivotal mount (20) are in the stowed position (fig. 3), and wherein

the dispensing outlet is positioned further away from the cap assembly base (22) when the mouthpiece (16) and the pivotal mount (20) are in the dispensing position (fig. 1) when the mouthpiece (16) and the pivotal mount (20) are in the stowed position (fig. 3); and an on/off valve having a closed configuration, in which the on/off valve obstructs the fluid conduit (14) to restrict drink fluid from flowing between the inlet (18) and the dispensing outlet, and an open configuration, in which the on/off valve permits drink fluid to flow through the fluid conduit (14) from the inlet (18) to the dispensing outlet; wherein the on/off valve includes a flexible tube that defines a portion of the fluid conduit (14); wherein when the on/off valve is in the closed configuration, the tube is crimped to obstruct the flow of drink fluid through the fluid conduit (14); and wherein when the on/off valve is in the open configuration, the tube is not crimped and does not obstruct the flow of drink fluid through the fluid conduit (14).

7. With respect to claim 2, McDonough shows wherein the two joints (30,32) comprise a pair of lateral projections (30) extending from the pivotal mount (20) that extend into a pair of sockets (32) in the cap assembly base (22).

8. With respect to claim 3, McDonough shows further comprises a handle (23) that extends from the cap assembly base (22), and further wherein the handle (23) is secured to the cap assembly base (22) in a position that obstructs removal of the pair of lateral projections (30) from the pair of sockets (32). (see fig. 1)

9. With respect to claim 4, McDonough shows wherein the cap assembly includes a pair of lateral guards (35) that extend on opposed sides of the mouthpiece (16) when the mouthpiece (16) and the pivotal mount (20) are in the stowed position (fig. 3) and wherein the dust cover (38) extends between the pair of lateral guards (35) and is

positioned to protect the dispensing outlet of the mouthpiece (16) by extending across at least a portion of the dispensing outlet of the mouthpiece (16) when the mouthpiece (16) and the pivotal mount (20) are in the stowed position (fig. 3).

10. With respect to claim 5, McDonough shows wherein when the mouthpiece (16) is pivoted from the stowed position (fig. 3) to the dispensing position (fig. 1), the mouthpiece (16) pivots away from the dust cover (38).

11. With respect to claim 6, McDonough shows wherein the dust cover (38) projects above an upper surface of the cap assembly base (22). (see fig. 3)

12. With respect to claim 7, McDonough shows a fluid container (12) having a neck with an opening and having an internal compartment sized to hold a volume of potable drink fluid; a cap assembly (entire top assembly) removably coupled to the fluid container (12) to cover the opening, wherein the cap assembly defines a fluid conduit (14) for drink fluid to flow from the fluid container (12) and through the cap assembly to a user, wherein the fluid conduit (14) includes an inlet (18) through which drink fluid from the fluid container (12) may enter the fluid conduit (14), and a dispensing outlet through which drink fluid in the fluid conduit (14) may be dispensed from the cap assembly to a user, and further wherein the cap assembly comprises: a cap assembly base (22) removably coupled to the neck of the fluid container (12), wherein the cap assembly base (22) is configured to be selectively and repeatedly decoupled from and re-coupled to the neck of the fluid container (12); a pivotal mount (20) coupled to the cap assembly base (22) at two joints (30,32) that define a pivotal axis for pivotal movement of the pivotal mount (20) relative to the cap assembly base (22); a mouthpiece (16) disposed on the pivotal mount (20) for pivotal movement with the

pivotal mount (20) relative to the cap assembly base (22); wherein the mouthpiece (16) defines a portion of the fluid conduit (14), including the dispensing outlet; wherein the mouthpiece (16) and the pivotal mount (20) are configured to be selectively pivoted between a stowed position (fig. 3) and a dispensing position (fig. 1) and wherein the dispensing outlet is positioned further away from the cap assembly base (22) when the mouthpiece (16) and the pivotal mount (20) are in the dispensing position (fig. 1) when the mouthpiece (16) and the pivotal mount (20) are in the stowed position (fig. 3); a dust cover (38) configured to at least partially cover the mouthpiece (16) when the mouthpiece (16) and pivotal mount (20) are in the stowed position (fig. 3); and an on/off valve (the crimps 44,46) having a closed configuration, in which the on/off valve obstructs the fluid conduit (14) to restrict drink fluid from flowing between the inlet (18) and the dispensing outlet, and an open configuration, in which the on/off valve permits drink fluid to flow through the fluid conduit (14) from the inlet (18) to the dispensing outlet; wherein the on/off valve includes a flexible tube (the straw) that defines a portion of the fluid conduit (14); wherein when the on/off valve is in the closed configuration, the tube is crimped (at 44,46) to obstruct the flow of drink fluid through the fluid conduit (14); and wherein when the on/off valve is in the open configuration, the tube is not crimped and does not obstruct the flow of drink fluid through the fluid conduit (14).

13. With respect to claim 8, McDonough shows wherein the two joints (30,32) comprise a pair of lateral projections (30) extending from the pivotal mount (20) that extend into a pair of sockets (32) in the cap assembly base (22).

14. With respect to claim 9, McDonough shows wherein the cap assembly base (22) further comprises a handle (23) that extends from the cap assembly base (22), and

further wherein the handle (23) is secured to the cap assembly base (22) in a position that obstructs removal of the pair of lateral projections from the pair of sockets.

15. With respect to claim 10, McDonough shows, wherein the cap assembly includes a pair of lateral guards (35) that extend on opposed sides of the mouthpiece (16) when the mouthpiece (16) and the pivotal mount (20) are in the stowed position (fig. 3) and wherein the dust cover (38) extends between the pair of lateral guards (35) and is positioned to protect the dispensing outlet of the mouthpiece (16) by extending across at least a portion of the dispensing outlet of the mouthpiece (16) when the mouthpiece (16) and the pivotal mount (20) are in the stowed position (fig. 3).

16. With respect to claim 11, McDonough shows wherein when the mouthpiece (16) is pivoted from the stowed position (fig. 3) to the dispensing position (fig. 1), the mouthpiece (16) pivots away from the dust cover (38).

17. With respect to claim 12, McDonough shows wherein the dust cover (38) projects above an upper surface of the cap assembly base (22). (see fig. 3)

18. With respect to claim 13, McDonough shows a drink container, comprising: a fluid container (12) having a neck with an opening and having an internal compartment sized to hold a volume of potable drink fluid; a cap assembly (the entire top assembly) removably coupled to the fluid container (12) to cover the opening, wherein the cap assembly defines a fluid conduit (14) for drink fluid to flow from the fluid container (12) and through the cap assembly to a user, wherein the fluid conduit (14) includes an inlet (18) through which drink fluid from the fluid container (12) may enter the fluid conduit (14), and a dispensing outlet (top end of straw) through which drink fluid in the fluid conduit (14) may be dispensed from the cap assembly to a user, and further wherein

the cap assembly comprises: a cap assembly base (22) removably coupled to the neck of the fluid container (12), wherein the cap assembly base (22) is configured to be selectively and repeatedly decoupled from and re-coupled to the neck of the fluid container (12); a pivotal mount (20) coupled to the cap assembly base (22) at two joints (30,32) that define a pivotal axis for pivotal movement of the pivotal mount (20) relative to the cap assembly base (22); a mouthpiece (16) disposed on the pivotal mount (20) for pivotal movement with the pivotal mount (20) relative to the cap assembly base (22); wherein the mouthpiece (16) defines a portion of the fluid conduit (14), including the dispensing outlet; wherein the mouthpiece (16) and the pivotal mount (20) are configured to be selectively pivoted between a stowed position (fig. 3) and a dispensing position (fig. 1) and wherein the dispensing outlet is positioned further away from the cap assembly base (22) when the mouthpiece (16) and the pivotal mount (20) are in the dispensing position (fig. 1) when the mouthpiece (16) and the pivotal mount (20) are in the stowed position (fig. 3); a dispensing guard (38) configured to at least partially cover the dispensing outlet when the mouthpiece (16) and pivotal mount (20) are in the stowed position (fig. 3); and an on/off valve (crimps 44,46) having a closed configuration (crimped), in which the on/off valve obstructs the fluid conduit (14) to restrict drink fluid from flowing between the inlet (18) and the dispensing outlet, and an open configuration (fig. 1), in which the on/off valve permits drink fluid to flow through the fluid conduit (14) from the inlet (18) to the dispensing outlet; wherein the on/off valve includes a flexible tube (the straw) that defines a portion of the fluid conduit (14); wherein when the on/off valve is in the closed configuration, the tube is crimped to obstruct the flow of drink fluid through the fluid conduit (14); and wherein when the on/off valve is in the open

configuration, the tube is not crimped and does not obstruct the flow of drink fluid through the fluid conduit (14).

19. With respect to claim 14, McDonough shows wherein the two joints (30,32) comprise a pair of lateral projections (30) extending from the pivotal mount (20) that extend into a pair of sockets (32) in the cap assembly base (22).

20. With respect to claim 15, McDonough shows wherein the cap assembly base (22) further comprises a handle (23) that extends from the cap assembly base (22), and further wherein the handle (23) is secured to the cap assembly base (22) in a position that obstructs removal of the pair of lateral projections from the pair of sockets (32).
(see fig. 1)

21. With respect to claim 16, McDonough shows wherein the cap assembly includes a pair of lateral guards (35) that extend on opposed sides of the mouthpiece (16) when the mouthpiece (16) and the pivotal mount (20) are in the stowed position (fig. 3) and wherein the dispensing guard extends between the pair of lateral guards (35) and is positioned to protect the dispensing outlet of the mouthpiece (16) by extending across at least a portion of the dispensing outlet of the mouthpiece (16) when the mouthpiece (16) and the pivotal mount (20) are in the stowed position (fig. 3).

22. With respect to claim 17, McDonough shows wherein when the mouthpiece (16) is pivoted from the stowed position (fig. 3) to the dispensing position (fig. 1), the mouthpiece (16) pivots away from the dispensing guard (38).

23. With respect to claim 18, McDonough shows wherein the dispensing guard (38) projects above an upper surface of the cap assembly base (22). (see fig. 3)

Conclusion

24.

25. Any inquiry concerning this communication or earlier communications from the examiner should be directed to SHAWN M BRADEN whose telephone number is (571)272-8026. The examiner can normally be reached M-F 8am-5pm.

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, Greg Pickett can be reached on 571 272-4560. 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.

Application/Control Number: 17/565,354
Art Unit: 3736

Page 12

/SHAWN M BRADEN/
Primary Examiner, Art Unit 3736

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:	) Confirmation No. 3036
Robert CHOI et al.	)
Serial No.: 17/565,354	) Group Art Unit: 3736
Filed: December 29, 2021	) Examiner: Shawn M. Braden
	)
For: DRINK BOTTLES	) Date: June 20, 2023

RESPONSE TO OFFICE ACTION

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

In response to the Office Action dated January 23, 2023, Applicant respectfully requests entry of the following amendments and remarks. This response is being submitted with an extension of time, and is therefore timely filed.

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

Remarks begin on page 9 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) A drink container, comprising:
 - a fluid container having a neck with an opening and having an internal compartment sized to hold a volume of potable drink fluid;
 - a cap assembly removably coupled to the fluid container to cover the opening, wherein the cap assembly defines a fluid conduit for drink fluid to flow from the fluid container and through the cap assembly to a user, wherein the fluid conduit includes an inlet through which drink fluid from the fluid container may enter the fluid conduit, and a dispensing outlet through which drink fluid in the fluid conduit may be dispensed from the cap assembly to a user, and further wherein the cap assembly comprises:
 - a cap assembly base removably coupled to the neck of the fluid container, wherein the cap assembly base is configured to be selectively and repeatedly decoupled from and re-coupled to the neck of the fluid container;
 - a pivotal mount coupled to the cap assembly base at two joints that define a pivotal axis for pivotal movement of the pivotal mount relative to the cap assembly base, the pivotal mount defining a hollow passage, the hollow passage having a mount outlet on a distal end of the pivotal mount;
 - a mouthpiece coupled to the mount outlet of the pivotal mount for pivotal movement with the pivotal mount relative to the cap assembly base;
 - wherein the mouthpiece defines a portion of the fluid conduit, including the dispensing outlet;
 - wherein the mouthpiece and the pivotal mount are configured to be selectively pivoted between a stowed position and a dispensing position, wherein the mouthpiece is at least partially covered by a dust cover when the mouthpiece and pivotal mount are in the stowed position, and wherein the dispensing outlet is positioned further away from the cap assembly base when the mouthpiece and the pivotal mount are in the dispensing position when the mouthpiece and the pivotal mount are in the stowed position; and

an on/off valve having a closed configuration, in which the on/off valve obstructs the fluid conduit to restrict drink fluid from flowing between the inlet and the dispensing outlet, and an open configuration, in which the on/off valve permits drink fluid to flow through the fluid conduit from the inlet to the dispensing outlet; wherein the on/off valve includes a flexible tube that defines a portion of the fluid conduit;

wherein when the on/off valve is in the closed configuration, the tube is crimped to obstruct the flow of drink fluid through the fluid conduit; and

wherein when the on/off valve is in the open configuration, the tube is not crimped and does not obstruct the flow of drink fluid through the fluid conduit.

2. (Previously Presented) The drink container of claim 1, wherein the two joints comprise a pair of lateral projections extending from the pivotal mount that extend into a pair of sockets in the cap assembly base.

3. (Previously Presented) The drink container of claim 2, wherein the cap assembly base further comprises a handle that extends from the cap assembly base, and further wherein the handle is secured to the cap assembly base in a position that obstructs removal of the pair of lateral projections from the pair of sockets.

4. (Previously Presented) The drink container of claim 1, wherein the cap assembly includes a pair of lateral guards that extend on opposed sides of the mouthpiece when the mouthpiece and the pivotal mount are in the stowed position and wherein the dust cover extends between the pair of lateral guards and is positioned to protect the dispensing outlet of the mouthpiece by extending across at least a portion of the dispensing outlet of the mouthpiece when the mouthpiece and the pivotal mount are in the stowed position.

5. (Previously Presented) The drink container of claim 1, wherein when the mouthpiece is pivoted from the stowed position to the dispensing position, the mouthpiece pivots away from the dust cover.

6. (Previously Presented) The drink container of claim 1, wherein the dust cover projects above an upper surface of the cap assembly base.

7. (Currently Amended) A drink container, comprising:
a fluid container having a neck with an opening and having an internal compartment sized to hold a volume of potable drink fluid;
a cap assembly removably coupled to the fluid container to cover the opening, wherein the cap assembly defines a fluid conduit for drink fluid to flow from the fluid container and through the cap assembly to a user, wherein the fluid conduit includes an inlet through which drink fluid from the fluid container may enter the fluid conduit, and a dispensing outlet through which drink fluid in the fluid conduit may be dispensed from the cap assembly to a user, and further wherein the cap assembly comprises:
a cap assembly base removably coupled to the neck of the fluid container, wherein the cap assembly base is configured to be selectively and repeatedly decoupled from and re-coupled to the neck of the fluid container;
a pivotal mount coupled to the cap assembly base at two joints that define a pivotal axis for pivotal movement of the pivotal mount relative to the cap assembly base;
a mouthpiece disposed on the pivotal mount for pivotal movement with the pivotal mount relative to the cap assembly base;
wherein the mouthpiece defines a portion of the fluid conduit, including the dispensing outlet;
wherein the mouthpiece and the pivotal mount are configured to be selectively pivoted between a stowed position and a dispensing position and wherein the dispensing outlet is positioned further away from the cap assembly base when the mouthpiece and the pivotal mount are in the dispensing position when the mouthpiece and the pivotal mount are in the stowed position;
a dust cover configured to at least partially cover the mouthpiece when the mouthpiece and pivotal mount are in the stowed position, wherein the dust cover remains stationary when the mouthpiece and the pivotal mount are selectively pivoted between the stowed position and the dispensing position; and

an on/off valve having a closed configuration, in which the on/off valve obstructs the fluid conduit to restrict drink fluid from flowing between the inlet and the dispensing outlet, and an open configuration, in which the on/off valve permits drink fluid to flow through the fluid conduit from the inlet to the dispensing outlet; wherein the on/off valve includes a flexible tube that defines a portion of the fluid conduit;

wherein when the on/off valve is in the closed configuration, the tube is crimped to obstruct the flow of drink fluid through the fluid conduit; and

wherein when the on/off valve is in the open configuration, the tube is not crimped and does not obstruct the flow of drink fluid through the fluid conduit.

8. (Previously Presented) The drink container of claim 7, wherein the two joints comprise a pair of lateral projections extending from the pivotal mount that extend into a pair of sockets in the cap assembly base.

9. (Previously Presented) The drink container of claim 8, wherein the cap assembly base further comprises a handle that extends from the cap assembly base, and further wherein the handle is secured to the cap assembly base in a position that obstructs removal of the pair of lateral projections from the pair of sockets.

10. (Previously Presented) The drink container of claim 7, wherein the cap assembly includes a pair of lateral guards that extend on opposed sides of the mouthpiece when the mouthpiece and the pivotal mount are in the stowed position and wherein the dust cover extends between the pair of lateral guards and is positioned to protect the dispensing outlet of the mouthpiece by extending across at least a portion of the dispensing outlet of the mouthpiece when the mouthpiece and the pivotal mount are in the stowed position.

11. (Previously Presented) The drink container of claim 7, wherein when the mouthpiece is pivoted from the stowed position to the dispensing position, the mouthpiece pivots away from the dust cover.

12. (Previously Presented) The drink container of claim 7, wherein the dust cover projects above an upper surface of the cap assembly base.

13. (Currently Amended) A drink container, comprising:
a fluid container having a neck with an opening and having an internal compartment sized to hold a volume of potable drink fluid;
a cap assembly removably coupled to the fluid container to cover the opening, wherein the cap assembly defines a fluid conduit for drink fluid to flow from the fluid container and through the cap assembly to a user, wherein the fluid conduit includes an inlet through which drink fluid from the fluid container may enter the fluid conduit, and a dispensing outlet through which drink fluid in the fluid conduit may be dispensed from the cap assembly to a user, and further wherein the cap assembly comprises:
a cap assembly base removably coupled to the neck of the fluid container, wherein the cap assembly base is configured to be selectively and repeatedly decoupled from and re-coupled to the neck of the fluid container;
a pivotal mount coupled to the cap assembly base at two joints that define a pivotal axis for pivotal movement of the pivotal mount relative to the cap assembly base;
a mouthpiece disposed on the pivotal mount for pivotal movement with the pivotal mount relative to the cap assembly base;
wherein the mouthpiece defines a portion of the fluid conduit, including the dispensing outlet;
wherein the mouthpiece and the pivotal mount are configured to be selectively pivoted between a stowed position and a dispensing position and wherein the dispensing outlet is positioned further away from the cap assembly base when the mouthpiece and the pivotal mount are in the dispensing position when the mouthpiece and the pivotal mount are in the stowed position;
a dispensing guard configured to at least partially cover the dispensing outlet when the mouthpiece and pivotal mount are in the stowed position, wherein the dispensing guard remains stationary when the mouthpiece and the pivotal mount are selectively pivoted between the stowed position and the dispensing position; and

an on/off valve having a closed configuration, in which the on/off valve obstructs the fluid conduit to restrict drink fluid from flowing between the inlet and the dispensing outlet, and an open configuration, in which the on/off valve permits drink fluid to flow through the fluid conduit from the inlet to the dispensing outlet; wherein the on/off valve includes a flexible tube that defines a portion of the fluid conduit;

wherein when the on/off valve is in the closed configuration, the tube is crimped to obstruct the flow of drink fluid through the fluid conduit; and

wherein when the on/off valve is in the open configuration, the tube is not crimped and does not obstruct the flow of drink fluid through the fluid conduit.

14. (Previously Presented) The drink container of claim 13, wherein the two joints comprise a pair of lateral projections extending from the pivotal mount that extend into a pair of sockets in the cap assembly base.

15. (Previously Presented) The drink container of claim 14, wherein the cap assembly base further comprises a handle that extends from the cap assembly base, and further wherein the handle is secured to the cap assembly base in a position that obstructs removal of the pair of lateral projections from the pair of sockets.

16. (Previously Presented) The drink container of claim 13, wherein the cap assembly includes a pair of lateral guards that extend on opposed sides of the mouthpiece when the mouthpiece and the pivotal mount are in the stowed position and wherein the dispensing guard extends between the pair of lateral guards and is positioned to protect the dispensing outlet of the mouthpiece by extending across at least a portion of the dispensing outlet of the mouthpiece when the mouthpiece and the pivotal mount are in the stowed position.

17. (Previously Presented) The drink container of claim 13, wherein when the mouthpiece is pivoted from the stowed position to the dispensing position, the mouthpiece pivots away from the dispensing guard.

18. (Previously Presented) The drink container of claim 13, wherein the dispensing guard projects above an upper surface of the cap assembly base.

REMARKS

Claims 1-18 are pending in this application prior to the Office Action dated January 23, 2023 (“Office Action”). Claims 1, 8, and 13 are amended. Support for the amendments can be found in the Application as filed (“Application”), including the claims and the drawings. In view of the following remarks and the terminal disclaimer being filed concurrently with this response, Applicant respectfully requests reconsideration and allowance of this application.

I. **Double Patenting Rejection**

Claims 1-18 stand rejected on the ground of nonstatutory double patenting as being unpatentable over claims 1-22 of U.S. Patent No. 11,242,178 (“the ’178 Patent”). Applicant concurrently submits a terminal disclaimer disclaiming any patent term extending beyond the term of the ’178 Patent. Accordingly, Applicant respectfully requests withdrawal of the nonstatutory double patenting rejection.

II. **Rejections under 35 U.S.C. § 102(a)**

Claims 1-3 and 11 stand rejected as being anticipated by U.S. Pub. No. 2005/0029271 to McDonough (“McDonough”). Applicant respectfully submits that McDonough does not disclose or suggest each and every limitation recited in at least amended independent claims 1, 8, and 13, as presented herein.

A. **McDonough does not disclose or suggest the limitation of “the pivotal mount defining a hollow passage, the hollow passage having a mount outlet on a distal end of the pivotal mount; a mouthpiece coupled to the mount outlet of the pivotal mount” recited in amended claim 1.**

In the interest of compact prosecution, Applicant has amended independent claim 1 to recite “the pivotal mount defining a hollow passage, the hollow passage having a mount outlet on a distal end of the pivotal mount; a mouthpiece coupled to the mount outlet of the pivotal mount. .” This feature can be seen in, for example, Fig. 27 of the Application, presented below with annotations:

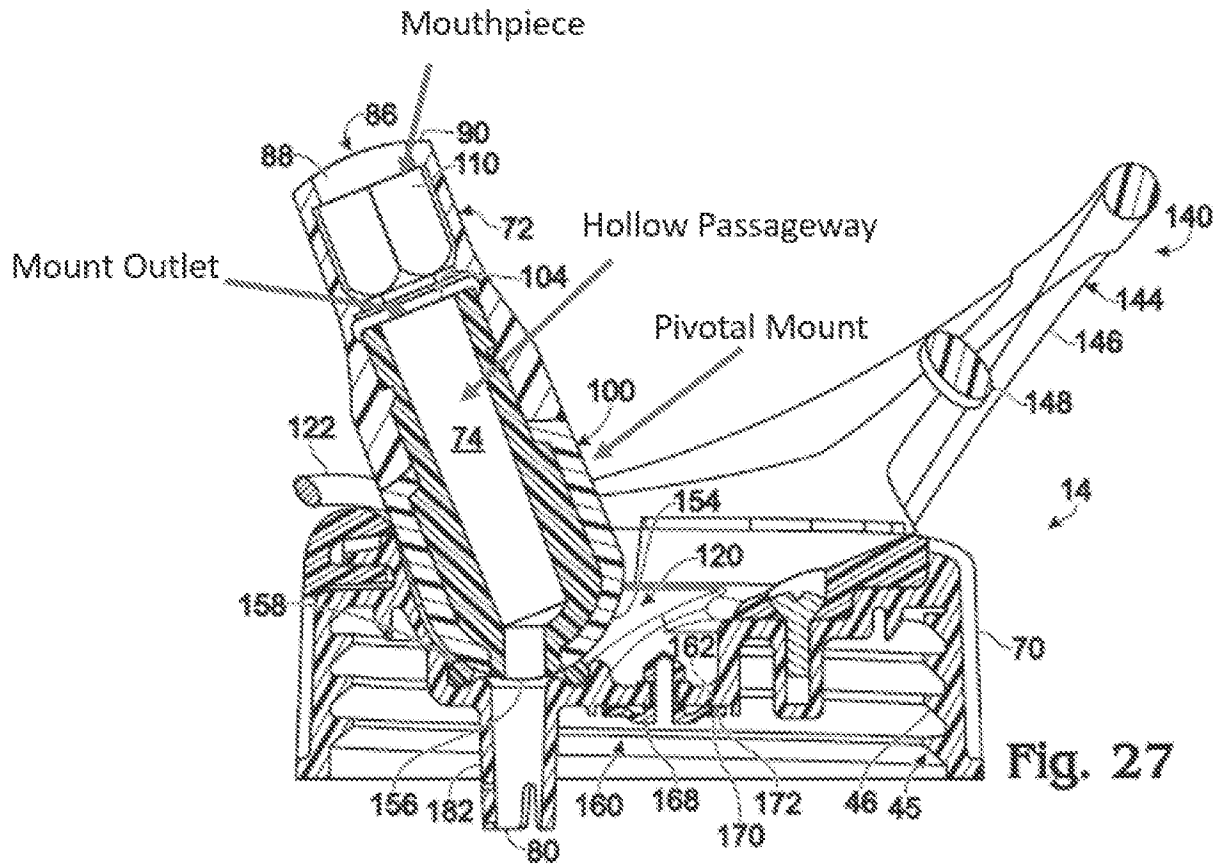


Fig. 27

In the Office Action, the Examiner maps the claimed pivotal mount to straw positioning mechanism 20 and maps the claimed mouthpiece to first end 16 of flexible straw 14 of McDonough. These features can be seen in Fig. 2 of McDonough, presented below with annotations:

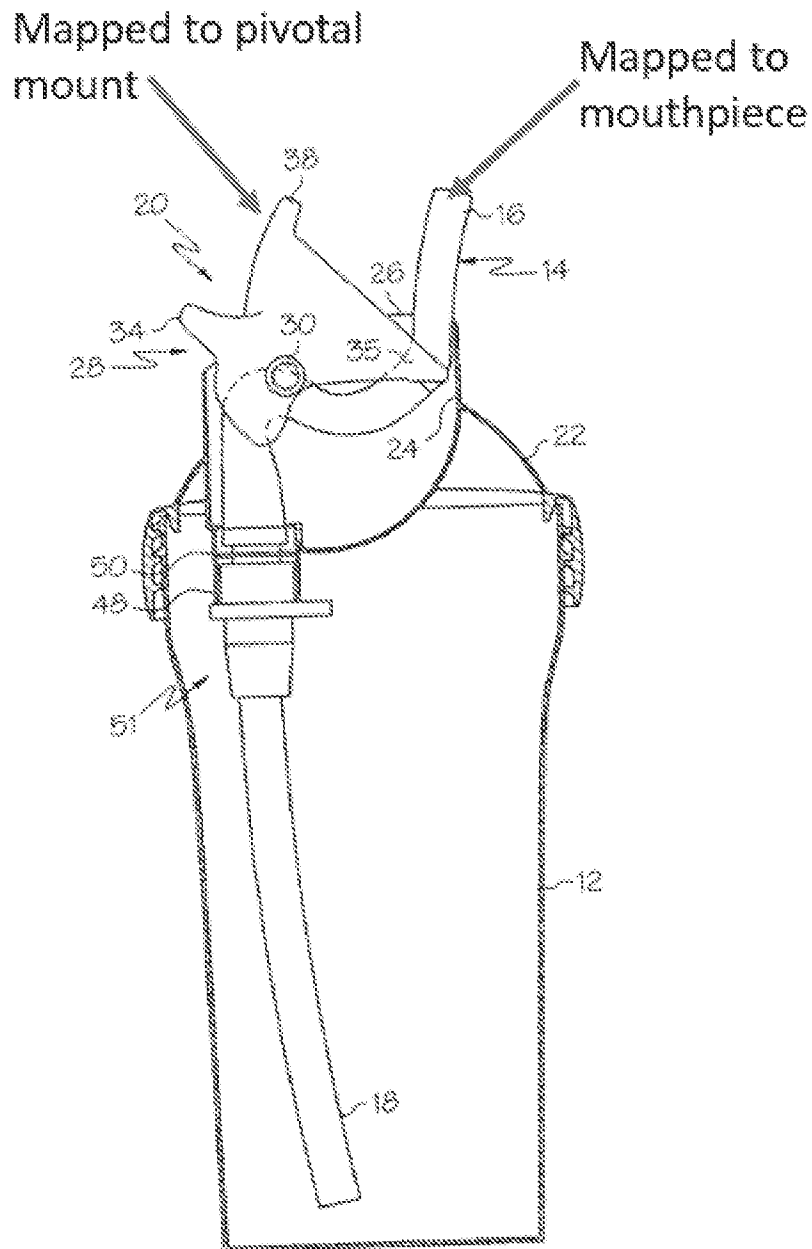


FIG. 2

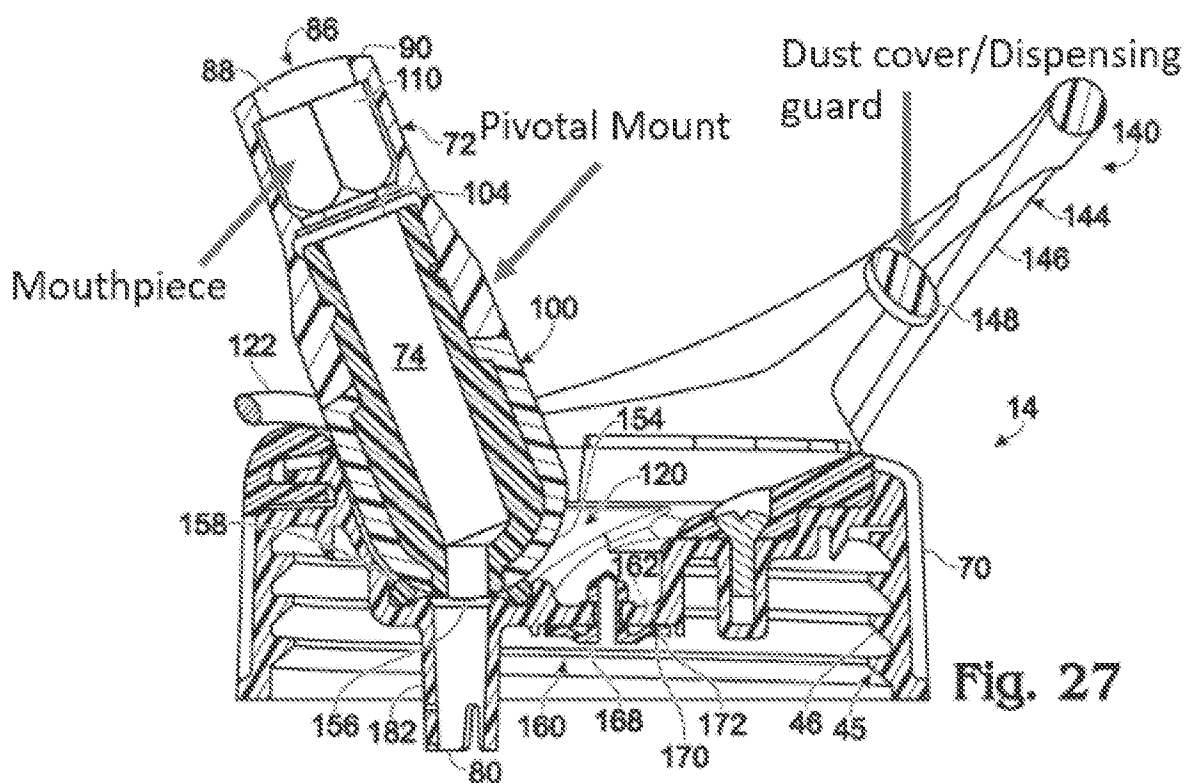
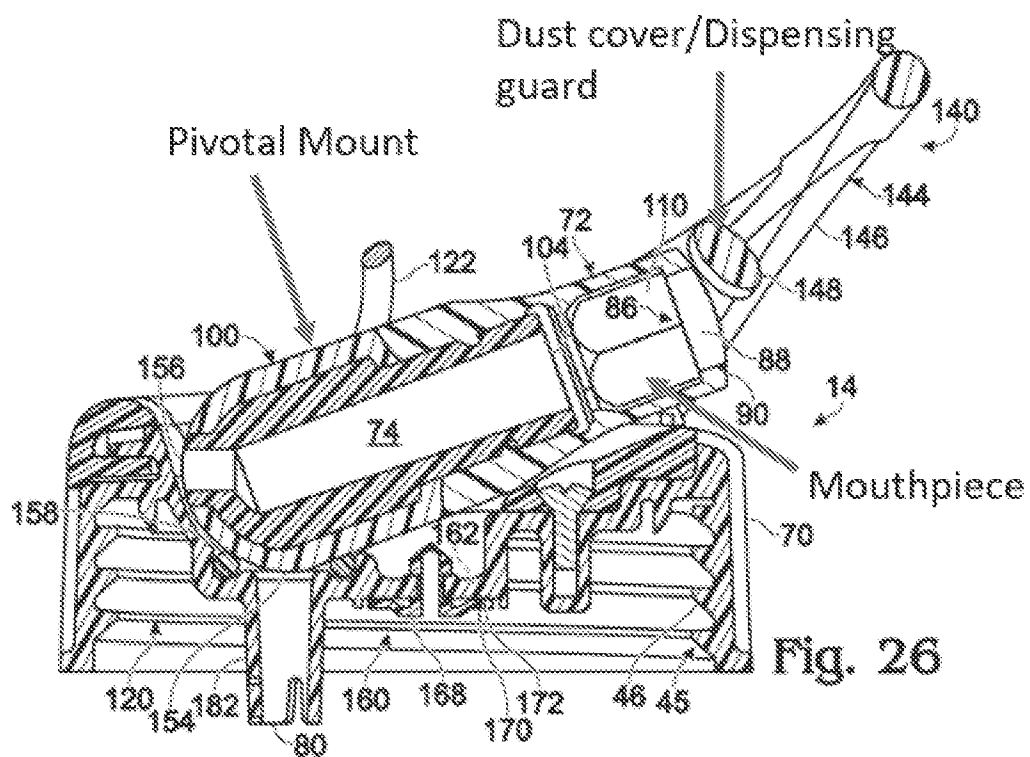
As an initial matter, McDonough fails to disclose, teach, or suggest a pivotal mount defining a hollow passageway as required by amended claim 1. Furthermore, As can be seen in Fig. 2 of McDonough, the first end 16 of straw 14 is not coupled to a mount outlet of the straw positioning mechanism 20. McDonough's specification similarly fails to disclose, teach, or suggest coupling first end 16 of straw 14 to any outlet of the straw positioning mechanism 20, let alone an

outlet at a distal end of the straw positioning mechanism and defined by a hollow passageway. In contrast, amended claim 1 requires the pivotal mount define a hollow passageway and the mouthpiece to be coupled to the mount outlet at a distal end of the pivotal mount.

Accordingly, Applicant respectfully submits that McDonough does not anticipate amended claim 1, and all dependent claims therefrom, because McDonough does not disclose or suggest the limitation of “the pivotal mount defining a hollow passage, the hollow passage having a mount outlet on a distal end of the pivotal mount; a mouthpiece coupled to the mount outlet of the pivotal mount.”

B. McDonough does not disclose or suggest the limitation of “wherein the dust cover/dispensing guard is stationary when the mouthpiece and the pivotal mount are selectively pivoted between the stowed position and the dispensing position” recited in amended claims 8 and 13.

In the interest of compact prosecution, Applicant has amended claims 8 and 13 to recite “wherein the dust cover/dispensing guard is stationary when the mouthpiece and the pivotal mount are selectively pivoted between the stowed position and the dispensing position.” This feature can be seen in Figs. 26 and 27 showing the mouthpiece and the pivotal mount in the stowing position and the dispensing position, respectively, presented below with annotations:



As can be seen in the figures above, guard or cover 148 is stationary when mouthpiece 72 and mount 100 are selectively transitioned between the stowed position, shown in Fig. 26, and the dispensing configuration, shown in Fig. 27.

As explained above, the Examiner maps the claimed pivotal mount to straw positioning mechanism 20, the claimed mouthpiece to drinking end 16 of straw 14, and maps the claimed dust cover to element 38 of McDonough. The Examiner further maps the claimed dispensing position to Fig. 1 and the claims stowed position to Fig. 3 of McDonough. These features can be seen in Figs. 2 and 3 of McDonough showing the dispensing position and the stowed position, respectively, presented below with annotations:

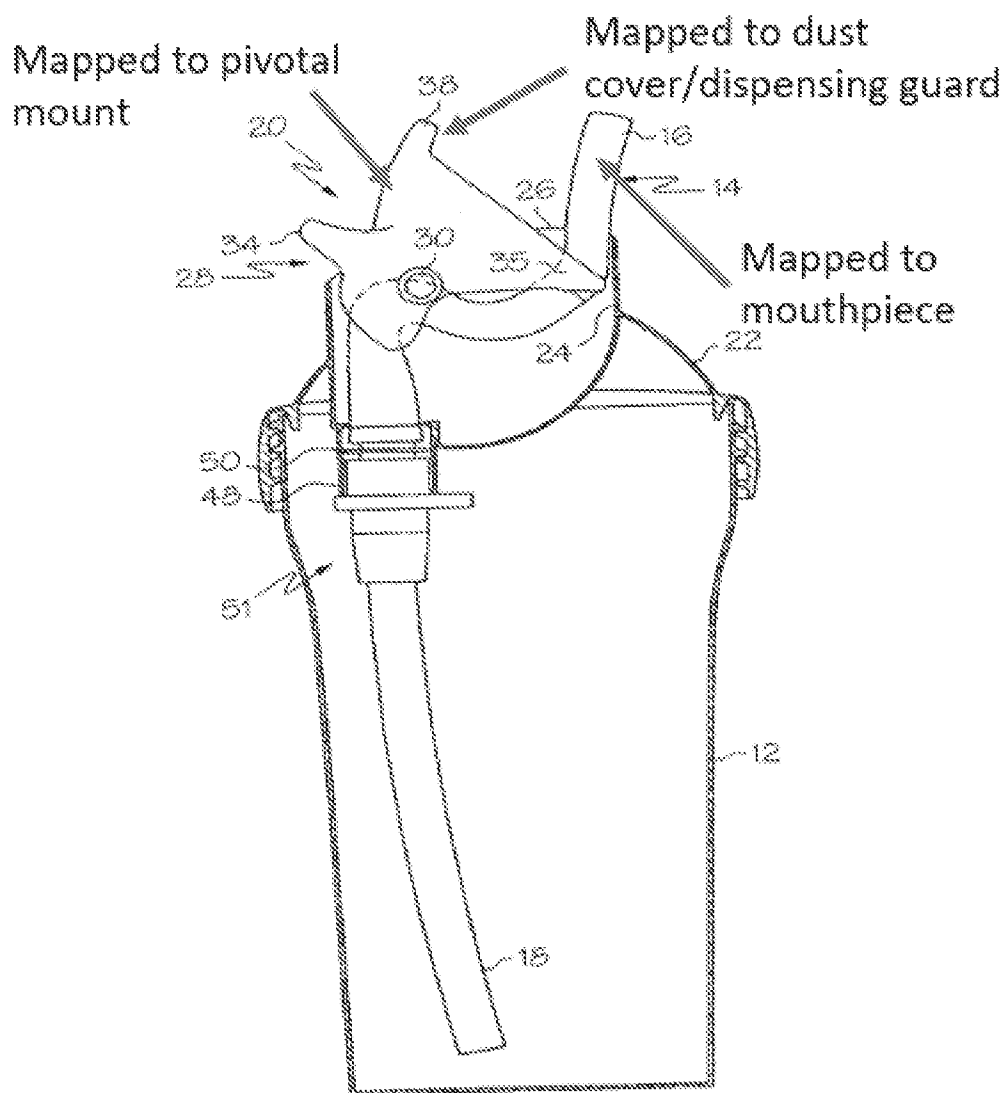
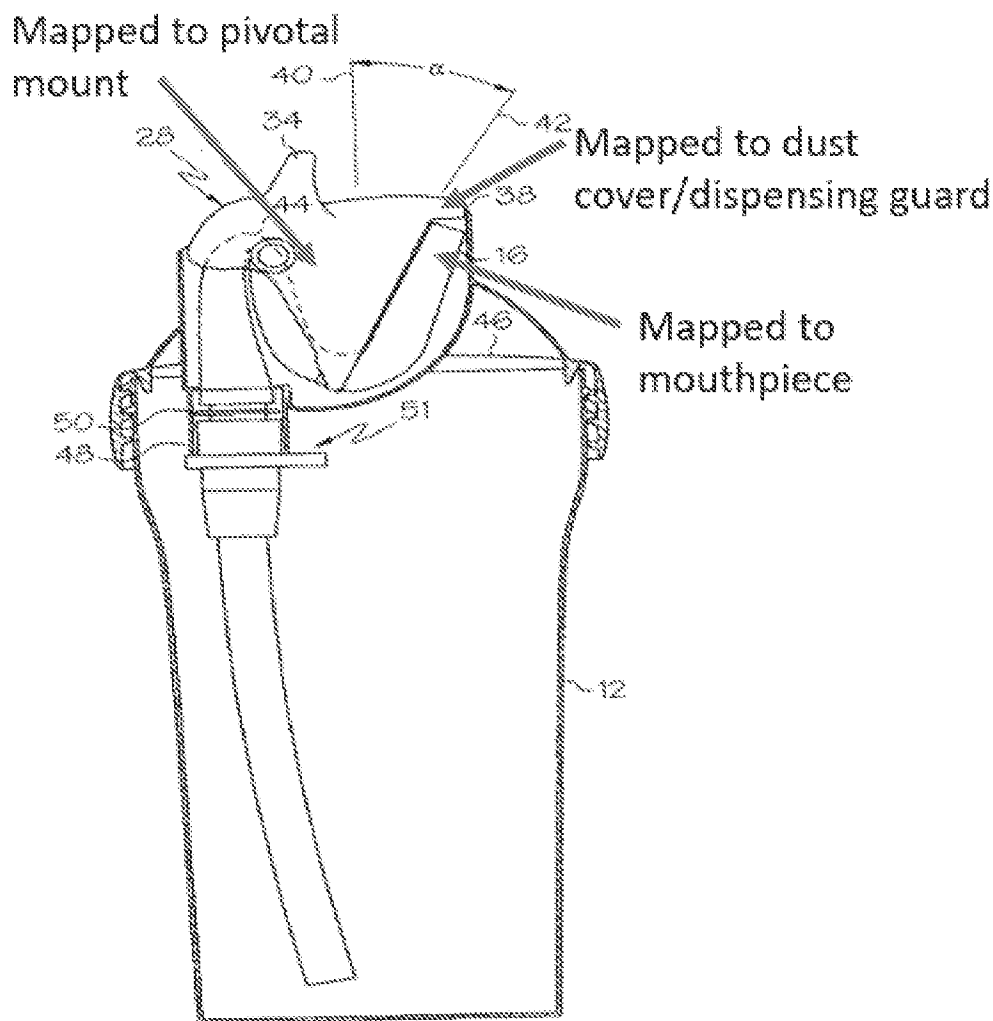


FIG. 2



As can be seen in Figs. 2 and 3 of McDonough, portion 38 of straw positioning mechanism 20 is displaced a distance α when straw positioning mechanism 20 and drinking end 16 of straw 14 are selectively transitioned between the dispensing position shown in Fig. 2 to the stowed position shown in Fig. 2. In contrast, as seen in Figs. 26 and 27 of the Application, Applicant's dust cover/dispersing guard 148 remains stationary when mouthpiece 72 and mount 100 are selectively transitioned between the stowed position and the dispensing position. McDonough fails to disclose or suggest a configuration in which portion 38 is stationary when straw positioning

mechanism 20 and dispensing end 16 selectively transition between the stowed position and the dispensing position.

Therefore, Applicant respectfully submits that McDonough fails to anticipate amended claims 8 and 13, and all dependent claims therefrom because it does not disclose or suggest the limitation “wherein the dust cover/dispensing guard is stationary when the mouthpiece and the pivotal mount are selectively pivoted between the stowed position and the dispensing position.”

Accordingly, Applicant respectfully requests withdrawal of the rejections under 35 U.S.C. § 102.

In view of the above remarks, this application is believed to be in condition for allowance. If any issues remain, the Examiner is kindly invited to contact the undersigned attorney.

Except for issue fees payable under 37 C.F.R. § 1.18, Applicant hereby authorizes the Commissioner to charge any additional fees during the entire pendency of this application, including fees due under 37 C.F.R. §§ 1.16 and 1.17, which may be required, including any required extension of time fees, or credit any overpayment, to Deposit Account No. 50-1529. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a) (3).

Date: June 20, 2023

Respectfully submitted,

/Amardeep S. Grewal, Reg. No. 62,798/
Amardeep S. Grewal
Reg. No. 62,798

REED SMITH LLP
CUSTOMER NO.: 165846
1301 K Street N.W.
Suite 1000 – East Tower
Washington, D.C. 20005
(202) 414-9272



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

165846 7590 08/18/2023
Reed Smith LLP (972852)
IP Docketing Dept.
P.O. Box 488
Pittsburgh, PA 15230

EXAMINER	
BRADEN, SHAWN M	
ART UNIT	PAPER NUMBER
3736	

DATE MAILED: 08/18/2023

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
17/565,354	12/29/2021	Robert CHOI	P23808US07	3036

TITLE OF INVENTION: DRINK BOTTLES

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	11/20/2023

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)

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.

165846 7590 08/18/2023
Reed Smith LLP (972852)
IP Docketing Dept.
P.O. Box 488
Pittsburgh, PA 15230

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.
17/565,354	12/29/2021	Robert CHOI	P23808US07	3036
TITLE OF INVENTION: DRINK BOTTLES				

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	11/20/2023

EXAMINER	ART UNIT	CLASS-SUBCLASS
BRADEN, SHAWN M	3736	215-381000

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. _____



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.
17/565,354	12/29/2021	Robert CHOI	P23808US07	3036
165846	7590	08/18/2023	EXAMINER	
Reed Smith LLP (972852)			BRADEN, SHAWN M	
IP Docketing Dept.			ART UNIT	
P.O. Box 488			PAPER NUMBER	
Pittsburgh, PA 15230			3736	
DATE MAILED: 08/18/2023				

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 Federal, State, or local laws, regulations, or ordinances. 11,851,250

Notice of Allowability	Application No. 17/565,354	Applicant(s) CHOI et al.	
	Examiner SHAWN M BRADEN	Art Unit 3736	AIA (FITF) 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 06/20/23.
☐ 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 1-18. As a result of the allowed claim(s), you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see http://www.uspto.gov/patents/init_events/pph/index.jsp or send an inquiry to PPHfeedback@uspto.gov.

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

Certified copies:

a) ☐ All b) ☐ Some* c) ☐ None of the:

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

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

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

* Certified copies not received: _____.

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

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

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

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

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)	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. _____.	

/SHAWN M BRADEN/ Primary Examiner, Art Unit 3736	
---	--