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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/781,525	02/28/2013	Bhupesh Dua	15571/75	7689

133691 7590 10/08/2015
NIKE, Inc./BGL
P.O. Box 10395
Chicago, IL 60610

EXAMINER

WORRELL JR, LARRY D

ART UNIT	PAPER NUMBER
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3765

MAIL DATE	DELIVERY MODE
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10/08/2015

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. 13/781,525	Applicant(s) DUA ET AL.	
	Examiner DANNY WORRELL	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) 1-27 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5a) Of the above claim(s) _____ is/are withdrawn from consideration.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) 1-4,8,9,13-16,19 and 20 is/are rejected.
- 8) ☐ Claim(s) 5-7,10-12,17,18 and 21-27 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) | 3) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) ☒ Information Disclosure Statement(s) (PTO/SB/08a and/or PTO/SB/08b)
Paper No(s)/Mail Date _____ | 4) ☐ Other: _____ |

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

DETAILED ACTION

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the “right to exclude” granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory double patenting rejection is appropriate where the claims at issue 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); and *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 a nonstatutory double patenting ground provided the reference application or patent either is shown to be commonly owned with this 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 §§ 706.02(l)(1) - 706.02(l)(3) for applications not subject to examination under the first inventor to

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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/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 <http://www.uspto.gov/patents/process/file/efs/guidance/eTD-info-I.jsp>.

Claims 1-3, 13-15, 18-26 are rejected on the ground of nonstatutory double patenting as being unpatentable over claims 1-13 of U.S. Patent No. 8,621,891. Although the claims at issue are not identical, they are not patentably distinct from each other the subject matter claimed in the instant application is encompassed by claims and disclosed in the patent.

Claim Rejections - 35 USC § 102

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.

Claims 1, 3, 4, 8, 9, 13, 15, 16, 19 and 20 are rejected under pre-AIA 35 U.S.C. 102(b) as being anticipated by Dua (US 2005/0115284).

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At least in figures 1-4 Dua teaches the article of footwear ([0019], lines 4-6) as claimed including an article of footwear having an upper (the main section of Dua, Fig. 1, element 34) and a sole structure (sole of Dua, Fig. 1; the element 20) secured to the upper, the article of footwear incorporating a knitted component ([0019], lines 4-6) comprising: a portion of the knitted component defining the upper, the upper including a portion of at least one of an exterior surface of the knitted component (Fig. 1, the main section forms an exterior surface of the shoe) and an opposite interior surface of the knitted component (the main section forms an interior surface of the shoe opposite to the exterior surface), the interior surface defining a void (Fig. 1) for receiving a foot; and an integral knit tongue (33) formed of unitary knit construction with the upper ([0019], lines 4-6) and extending through a throat area of the knitted component (instep portion also includes the throat portion); and wherein the integral knit tongue is joined to a forward portion of the throat area and at least along a portion of a lateral side and a medial side of the throat area of the knitted component extending from the forward portion to an ankle opening of the upper (Fig. 1), Dua discloses the features of the shoe having the knitted upper. Regarding Claim 3, Dua discloses in paragraph [0019] that at least a portion of the upper and a portion of the integral knit tongue are formed from a common knit structure. Dua discloses that each portion of the shoe with the knitted portion is the knitted structure.

Regarding Claim 4, Dua further discloses in Fig. 1 and paragraph [0030] that the knitted component further comprises at least one raised element (37) that is formed of unitary knit construction with the upper and the integral knit tongue. Regarding Claim 8, Dua discloses in the abstract that the upper comprises a first type of yarn and the integral knit tongue comprises a second type of yarn, the second type of yarn being different from the first type of yarn, Dua

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discloses that the upper is formed by a knitting process and the portions of the upper are formed by different knitting methods and different yarns such that the portions of the upper have different physical characteristics. Further, the abstract of Dua discloses that the upper includes different yarns, and thus the upper of Dua should be knitted by two different yarns. Regarding Claim 13, Dua discloses in Figs. 1-4 and paragraph [0019], a knitted component for an article of footwear, the knitted component comprising: a portion of the knitted component defining the upper (Fig. 1), the upper including a portion of at least one of an exterior surface of the knitted component and an opposite interior surface of the knitted component (Fig. 1) the interior surface configured to define a void for receiving a foot and an integral knit tongue (33) formed of unitary knit construction with the upper and extending through a throat area of the knitted component; and wherein the integral knit tongue is joined to a forward portion of the throat area and at least along a portion of a lateral side and a medial side of the throat area of the knitted component extending from the forward portion to an ankle opening of the upper. Regarding Claim 15, Dua discloses [0019] that at least a portion of the upper and a portion of the integral knit tongue are formed from a common knit structure. Dua discloses that each portion of the shoe with the knitted portion is the knitted structure. Regarding Claim 16, Dua discloses in Fig. 1 and paragraph [0030] at least one raised element (37) that is formed of unitary knit construction with the upper and the integral knit tongue. Regarding Claim 19, Dua discloses in the abstract that the upper comprises a first type of yarn and the integral knit tongue comprises a second type of yarn, the second type of yarn being different from the first type of yarn. Dua also discloses that the upper is formed by a knitting process and the portions of the upper are formed by different knitting methods and different yarns such that the portions of the upper

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have different physical characteristics. Further, the abstract of Dua disclose that the upper includes different yarns, and thus the upper of Dua should be knitted by two different yarns.

Regarding Claim 20, Dua discloses that the second type of yarn is an elastic yarn [0046]. Dua discloses that the yarns of the instep portion have the elasticity.

Claims 1, 2, 13 and 14 are rejected under pre-AIA 35 U.S.C. 102(b) as being anticipated by Joha (US 1,888,172).

Regarding claim 1 and 13, Joha teaches the knitted footwear as claimed including an upper (10, 13) and a sole structure (25) secured to the upper, the article of footwear incorporating a knitted component comprising: a portion of the knitted component defining the upper (10, 13), the upper including a portion of at least one of an exterior surface of the knitted component and an opposite interior surface of the knitted component (figure 4 & 5), the interior surface defining a void for receiving a foot; and an integral knit tongue (11, 12) formed of unitary knit construction with the upper and extending through a throat area of the knitted component; and wherein the integral knit tongue (11, 12) is joined to a forward portion of the throat area and at least along a portion of a lateral side and a medial side of the throat area of the knitted component extending from the forward portion to an ankle opening of the upper. Regarding claims 2 and 14, wherein at least a portion of the integral knit tongue (11, 12) and a portion of the upper (13) include at least one course having a common yarn. Given that the band is continuously knit with a common yarn inherently the tongue (11, 12) and upper would include at least one course having a common yarn.

Allowable Subject Matter

Claims 5-7, 10-12, 17, 18 and 21-27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

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

Applicant is reminded that all business with the Patent and Trademark Office should be transacted in writing. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt. 37 C.F.R. 1.2

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Further it is noted that a complete response must satisfy the requirements of 37 C.F.R.

1.111, including:

- The reply must present arguments pointing out the specific distinctions believed to render the claims, including any newly presented claims, patentable over any applied references.

- A general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references does not comply with the requirements of this section.

- Moreover, The prompt development of a clear issue requires that the replies of the applicant meet the objections to and rejections of the claims. Applicant should also specifically point out the support for any amendments made to the disclosure. See MPEP 2163.06, MPEP 714.02. The "disclosure" includes the claims, the specification and the drawings.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANNY WORRELL whose telephone number is (571)272-4997.

The examiner can normally be reached on MONDAY and WEDNESDAY-FRIDAY.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Khoa Huynh can be reached on 571/272-4888. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/DANNY WORRELL/
Primary Examiner
Art Unit 3765

ldw

CERTIFICATE OF EFS FILING UNDER 37 CFR §1.8

I hereby certify that this correspondence is being electronically transmitted to the United States Patent and Trademark Office, Commissioner for Patents, via the EFS pursuant to 37 CFR §1.8 on the below date:

Date: January 7, 2016 Name: Christopher J. Gerardot, Reg. No. 73,644 Signature: /Christopher J. Gerardot/

BRINKS
GILSON
& LIONE

Our Case No. 15571-75
Client Ref. No. 130056US01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: Bhupesh Dua et al.

Appln. No.: 13/781,525

Filed: February 28, 2013

For: ARTICLE OF FOOTWEAR
INCORPORATING A KNITTED
COMPONENT WITH AN INTEGRAL
KNIT TONGUE

Examiner: Worrell Jr., Larry D.

Art Unit: 3765

Conf. No.: 7689

AMENDMENT

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

Dear Sir:

In response to the Office Action mailed October 8, 2015, and in view of the following remarks and amendments, the Applicant kindly requests reconsideration of the rejections.

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

Remarks begin on page **8** of this paper.

Amendments to the Claims

The following 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 article of footwear incorporating a knitted component comprising:

a portion of the knitted component defining the upper, the upper including a portion of at least one of an exterior surface of the knitted component and an opposite interior surface of the knitted component, the interior surface defining a void for receiving a foot; and

an integral knit tongue formed of ~~unitary knit construction~~ with the upper and extending through a throat area of the knitted component; and

at least one raised element extending a height above the exterior surface of the knitted component, [[and]]

wherein the integral knit tongue is joined to a forward portion of the throat area and at least along a portion of a lateral side and a medial side of the throat area of the knitted component extending from the forward portion to an ankle opening of the upper.

2. (Original) The article of footwear recited in claim 1, wherein at least a portion of the integral knit tongue and a portion of the upper include at least one course having a common yarn.

3. (Original) The article of footwear recited in claim 1, wherein at least a portion of the upper and a portion of the integral knit tongue are formed from a common knit structure.

4. (Currently Amended) The article of footwear recited in claim 1, wherein the ~~knitted component further comprises~~ at least one raised element ~~that is formed of~~ unitary knit construction with the upper and the integral knit tongue.

5. (Original) The article of footwear recited in claim 4, wherein the knitted component includes at least two raised elements disposed on each of the lateral side and the medial side of the throat area of the upper and extending a height above the exterior surface of the knitted component.
6. (Original) The article of footwear recited in claim 4, wherein the at least one raised element further comprises at least one lace aperture configured to receive a lace.
7. (Original) The article of footwear recited in claim 1, wherein the integral knit tongue comprises at least a partially integral portion and a free portion;
the partially integral portion being of unitary knit construction with the upper at the forward portion of the throat area and at least along the portion of the lateral side and the medial side of the throat area of the knitted component; and
the free portion being of unitary knit construction with the partially integral portion at a rearward portion of the integral knit tongue and remaining unattached to the remaining portions of the knitted component.
8. (Original) The article of footwear recited in claim 1, wherein the upper comprises a first type of yarn; and
wherein the integral knit tongue comprises a second type of yarn, the second type of yarn being different from the first type of yarn.
9. (Original) The article of footwear recited in claim 8, wherein the second type of yarn is an elastic yarn.

10. (Original) The article of footwear recited in claim 1, wherein the knitted component comprises at least two knit element layers, the at least two knit element layers including:

a first knit element layer comprising a portion of the knitted component associated with the exterior surface; and

a second knit element layer comprising a portion of the knitted component associated with the interior surface; and

wherein the second knit element layer further includes the integral knit tongue.

11. (Original) The article of footwear recited in claim 10, wherein at least a first portion of the first knit element layer and the second knit element layer are decoupled along the throat area of the knitted component.

12. (Original) The article of footwear recited in claim 11, wherein at least a second portion of the first knit element layer and the second knit element layer are joined along the throat area of the knitted component.

13. (Currently Amended) A knitted component for an article of footwear, the knitted component comprising:

a portion of the knitted component defining ~~the~~ an upper, the upper including a portion of at least one of an exterior surface of the knitted component and an opposite interior surface of the knitted component, the interior surface configured to define a void for receiving a foot; and

an integral knit tongue ~~formed of unitary knit construction~~ with the upper and extending through a throat area of the knitted component; and

at least one raised element having at least one lace aperture configured to receive a lace,

wherein the integral knit tongue is joined to a forward portion of the throat area and at least along a portion of a lateral side and a medial side of the throat area of the knitted component extending from the forward portion to an ankle opening of the upper.

14. (Original) The knitted component recited in claim 13, wherein at least a portion of the integral knit tongue and a portion of the upper include at least one course having a common yarn.

15. (Original) The knitted component recited in claim 13, wherein at least a portion of the upper and a portion of the integral knit tongue are formed from a common knit structure.

16. (Currently Amended) The knitted component recited in claim 13, ~~further comprising wherein the~~ at least one raised element ~~that~~ is formed of unitary knit construction with the upper and the integral knit tongue.

17. (Original) The knitted component recited in claim 16, comprising at least two raised elements disposed on each of a lateral side and a medial side of the upper and extending a height above the exterior surface of the knitted component.

18. (Original) The knitted component recited in claim 13, wherein the integral knit tongue comprises at least a partially integral portion and a free portion;

the partially integral portion being of unitary knit construction with the upper at the forward portion of the throat area and at least along the portion of the lateral side and the medial side of the throat area of the knitted component; and

the free portion being of unitary knit construction with the partially integral portion at a rearward portion of the integral knit tongue and remaining unattached to the remaining portions of the knitted component.

19. (Original) The knitted component recited in claim 13, wherein the upper comprises a first type of yarn; and

wherein the integral knit tongue comprises a second type of yarn, the second type of yarn being different from the first type of yarn.

20. (Original) The knitted component recited in claim 19, wherein the second type of yarn is an elastic yarn.

21. (Original) A knitted component for an article of footwear, the knitted component comprising:

an upper and an integral knit tongue formed of unitary knit construction with the upper and extending through a throat area of the knitted component;

the knitted component comprising at least two knit element layers, including:

a first knit element layer comprising a portion of an exterior surface of the knitted component; and

a second knit element layer comprising a portion of an interior surface of the knitted component, the interior surface disposed opposite to the exterior surface and the interior surface being configured to define a void for receiving a foot; and

wherein the integral knit tongue is joined to a forward portion of the throat area and at least along a portion of a lateral side and a medial side of the throat area of the knitted component extending from the forward portion to an ankle opening of the upper.

22. (Original) The knitted component recited in claim 21, wherein the second knit element comprises the integral knit tongue.

23. (Original) The knitted component recited in claim 21, wherein at least a first portion of the first knit element layer and the second knit element layer are decoupled along the throat area of the knitted component.

24. (Original) The knitted component recited in claim 23, wherein at least a second portion of the first knit element layer and the second knit element layer are joined along the throat area of the knitted component.

25. (Original) The knitted component recited in claim 21, wherein at least a portion of the integral knit tongue and a portion of the upper include at least one course having a common yarn.

26. (Original) The knitted component recited in claim 21, further comprising at least one raised element that is formed of unitary knit construction with the upper and the integral knit tongue.

27. (Original) The knitted component recited in claim 26, wherein the first knit element layer comprises the at least one raised element.

REMARKS

Claims 1-27 are pending. Independent claims 1 and 13 are currently amended. Dependent claims 4 and 16 are also currently amended to provide proper antecedent basis in view of the amendments to the independent claims. No new matter has been introduced. The Applicant respectfully requests reconsideration and withdrawal of the rejections in view of the following remarks.

I. REJECTIONS UNDER § 102

Claims 1, 3, 4, 8, 9, 13, 15, 16, 19, and 20 stand rejected under 35 U.S.C. § 102 as being anticipated by Dua (US 2005/0115284).

Independent Claim 1: Claim 1 is currently amended to recite a knitted component comprising “at least one raised element extending a height above the exterior surface of the knitted component.” This amendment is supported by at least paragraph [0071] and FIGS. 6-7 of the published version of the application. Dua does not anticipate this recitation. The Applicant notes that claim 5, which has been deemed allowable by the Examiner if amended to be rewritten in independent form, recites “at least two raised elements ... extending a height above the exterior surface of the knitted component.” Amended claim 1 is believed to be allowable over Dua for similar reasons that the Examiner has expressly deemed claim 5 to be allowable over Dua.

Accordingly, the Applicant respectfully submits that claim 1 is allowable in its current form, and claims 2-12 are allowable for at least their dependence on claim 1.

Independent Claim 13: Claim 13 is currently amended to recite a knitted component with “at least one raised element having at least one lace aperture configured to receive a lace.” This amendment is supported by at least paragraph [0071] and FIG. 7 of the published version of the application. Dua does not anticipate

this recitation. The Applicant notes that claim 6, which also recites “at least one raised element having at least one lace aperture configured to receive a lace,” was deemed allowable in the Office Action if rewritten in independent form.

Accordingly, claim 13 and its dependent claims 14-20 are allowable.

II. ALLOWABLE SUBJECT MATTER

The Office Action states that claims 5-7, 10-12, 17, 18, and 21-27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. It is noted that claim 21 is an independent claim. Claim 21 and its dependent claims 22-27 are therefore allowable. Further, based on the remarks above, independent claims 1 and 13, upon which each of claims 5-7, 10-12, 17, and 18 depends, are allowable in their currently amended state. The Applicant therefore respectfully requests withdrawal of the objections to the above-mentioned claims.

III. CONCLUSION

In view of the foregoing remarks and amendments, the Applicant respectfully submits that the present application is in condition for allowance. The Applicant respectfully requests reconsideration and withdrawal of the pending rejections and objections. If the Examiner has any questions, the Examiner is invited to contact the undersigned attorney at (312) 840-3268.

DATED: January 7, 2016

Respectfully submitted,

/Christopher J. Gerardot/
Christopher J. Gerardot
Registration No. 73,644
Attorney for Applicant

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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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NOTICE OF ALLOWANCE AND FEE(S) DUE

133691 7590 04/21/2016
NIKE, Inc./BGL
P.O. Box 10395
Chicago, IL 60610

EXAMINER

WORRELL JR, LARRY D

ART UNIT

PAPER NUMBER

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DATE MAILED: 04/21/2016

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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13/781,525

02/28/2013

Bhupesh Dua

130056US01/15571-75

7689

TITLE OF INVENTION: Article Of Footwear Incorporating A Knitted Component With An Integral Knit Tongue

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	UNDISCOUNTED	\$960	\$0	\$0	\$960	07/21/2016

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

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

HOW TO REPLY TO THIS NOTICE:

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

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

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

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

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

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

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

PART B - FEE(S) TRANSMITTAL

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

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

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

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.

133691 7590 04/21/2016
NIKE, Inc./BGL
P.O. Box 10395
Chicago, IL 60610

Certificate of Mailing or Transmission

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

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/781,525	02/28/2013	Bhupesh Dua	130056US01/15571-75	7689

TITLE OF INVENTION: Article Of Footwear Incorporating A Knitted Component With An Integral Knit Tongue

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	UNDISCOUNTED	\$960	\$0	\$0	\$960	07/21/2016

EXAMINER	ART UNIT	CLASS-SUBCLASS
WORRELL JR, LARRY D	3765	066-170000

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

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

2. For printing on the patent front page, list

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

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

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

(A) NAME OF ASSIGNEE

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

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

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

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

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

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

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

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

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

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

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

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

Authorized Signature _____

Date _____

Typed or printed name _____

Registration No. _____



UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/781,525	02/28/2013	Bhupesh Dua	130056US01/15571-75	7689
133691	7590	04/21/2016	EXAMINER	
NIKE, Inc./BGL P.O. Box 10395 Chicago, IL 60610			WORRELL JR, LARRY D	
			ART UNIT	PAPER NUMBER
			3765	
DATE MAILED: 04/21/2016				

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

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

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

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

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

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

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

Privacy Act Statement

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

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

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

Notice of Allowability	Application No. 13/781,525	Applicant(s) DUA ET AL.	
	Examiner DANNY WORRELL	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 the amendment filed 1/7/16.
☐ 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 1-27. 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 _____. | |

/DANNY WORRELL/
Primary Examiner, Art Unit 3765