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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
17/825,266	05/26/2022	Hani Kayyali	CMD-117	1338

81177 7590 09/13/2022

Cleveland Medical Devices Inc.
4415 Euclid Ave. Ste. 500
Cleveland, OH 44103

EXAMINER	
NATNITHITHADHA, NAVIN	

ART UNIT	PAPER NUMBER
3791	

MAIL DATE	DELIVERY MODE
09/13/2022	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. 17/825,266	Applicant(s) Kayyali et al.	
	Examiner NAVIN NATNITHITHADHA	Art Unit 3791	AIA (FITF) 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 10 June 2022.

☐ 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) 21-40 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5a) Of the above claim(s) _____ is/are withdrawn from consideration.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) 21-40 is/are rejected.

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

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

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

Application Papers

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

11)☑ The drawing(s) filed on 26 May 2022 is/are: a)☑ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

Priority under 35 U.S.C. § 119

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

Certified copies:

a)☐ All b)☐ Some** c)☐ None of the:

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

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

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

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

Attachment(s)

1) ☑ Notice of References Cited (PTO-892)

2) ☐ Information Disclosure Statement(s) (PTO/SB/08a and/or PTO/SB/08b) Paper No(s)/Mail Date _____.

3) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date _____.

4) ☐ Other: _____.

Notice of References Cited	Application/Control No. 17/825,266	Applicant(s)/Patent Under Reexamination Kayyali et al.	
	Examiner NAVIN NATNITHITHADHA	Art Unit 3791	Page 1 of 4

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	CPC Classification	US Classification
*	A	US-8545416-B1	10-2013	Kayyali; Hani	A61B5/0205	128/204.26
*	B	US-9533114-B1	01-2017	Kayyali; Hani	A61B5/4818	1/1
*	C	US-10543328-B1	01-2020	Kayyali; Hani	A61M16/0069	1/1
*	D	US-8172766-B1	05-2012	Kayyali; Hani	A61B5/02055	128/204.26
*	E	US-10076269-B1	09-2018	Kayyali; Hani	A61B5/02055	1/1
*	F	US-7942824-B1	05-2011	Kayyali; Hani	A61M16/0003	128/204.26
*	G	US-7757690-B2	07-2010	Stahmann; Jeffrey E.	A61B5/0031	607/42
*	H	US-7662101-B2	02-2010	Lee; Kent	A61B5/4818	600/529
*	I	US-20080276939-A1	11-2008	Tiedje; Mikael	A61M16/024	700/282
*	J	US-20080257349-A1	10-2008	Hedner; Jan	G16H20/40	128/204.23
*	K	US-20080066753-A1	03-2008	Martin; Dion Charles Chewe	A61M16/0057	128/204.23
*	L	US-20070209662-A1	09-2007	Bowen; Kevin	A61M16/024	128/204.21
*	M	US-7225809-B1	06-2007	Bowen; Kevin	A61M16/0051	128/204.21

FOREIGN PATENT DOCUMENTS

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Notice of References Cited	Application/Control No. 17/825,266	Applicant(s)/Patent Under Reexamination Kayyali et al.	
	Examiner NAVIN NATNITHITHADHA	Art Unit 3791	Page 2 of 4

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	CPC Classification	US Classification
*	A	US-20070161913-A1	07-2007	Farrell; Michael	A61M16/06	600/323
*	B	US-7878198-B2	02-2011	Farrell; Michael	A61B5/7282	128/204.21
*	C	US-20060084877-A1	04-2006	Ujhazy; Anthony John	A61B5/0826	600/483
*	D	US-20070135724-A1	06-2007	Ujhazy; Anthony John	A61M16/0051	600/529
*	E	US-20100043795-A1	02-2010	UJHAZY; Anthony John	A61M16/0057	128/204.23
*	F	US-20100258126-A1	10-2010	Ujhazy; Anthony John	A61M16/0057	128/204.23
*	G	US-8356594-B2	01-2013	Ujhazy; Anthony John	A61M16/0069	128/204.18
*	H	US-20060042627-A1	03-2006	MacMillan; Nicholas J.	A61M16/021	128/204.22
*	I	US-20050268916-A1	12-2005	Mumford, John Robert	A61M16/0633	128/207.18
*	J	US-7575005-B2	08-2009	Mumford; John Robert	A61M16/0633	128/205.23
*	K	US-20050217674-A1	10-2005	Burton, David	A61B5/145	128/204.23
*	L	US-8069852-B2	12-2011	Burton; David	A61M16/10	600/529
*	M	US-20050115561-A1	06-2005	Stahmann, Jeffrey E.	A61B5/02055	128/204.23

FOREIGN PATENT DOCUMENTS

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Notice of References Cited	Application/Control No. 17/825,266	Applicant(s)/Patent Under Reexamination Kayyali et al.	
	Examiner NAVIN NATNITHITHADHA	Art Unit 3791	Page 3 of 4

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	CPC Classification	US Classification
*	A	US-20050085738-A1	04-2005	Stahmann, Jeffrey E.	A61B5/4806	600/595
*	B	US-20040254493-A1	12-2004	Chervin, Ronald D.	A61B5/4818	600/544
*	C	US-7190995-B2	03-2007	Chervin; Ronald D.	A61B5/374	600/534
*	D	US-20040210153-A1	10-2004	Tsukashima, Ross	A61M15/0003	600/532
*	E	US-20040163648-A1	08-2004	Burton, David	A61M16/0694	128/204.21
*	F	US-7204250-B1	04-2007	Burton; David	A61B5/6803	128/206.21
*	G	US-6532957-B2	03-2003	Berthon-Jones; Michael	A61B5/7264	128/204.23
*	H	US-6532959-B1	03-2003	Berthon-Jones; Michael	A61M16/0069	128/204.23
*	I	US-20020185130-A1	12-2002	Wright, Jonathan Caldwell	A61M16/085	600/533
*	J	US-20040138576-A1	07-2004	Wright, Jonathan Caldwell	A61B5/087	600/533
*	K	US-20060135878-A1	06-2006	Wright; Jonathan Caldwell	A61B5/4818	128/204.23
*	L	US-6832609-B2	12-2004	Wright; Jonathan Caldwell	A61B5/087	128/204.23
*	M	US-7018341-B2	03-2006	Wright; Jonathan Caldwell	A61M16/0069	128/204.23

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	Examiner NAVIN NATNITHITHADHA	Art Unit 3791	Page 4 of 4

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	CPC Classification	US Classification
*	A	US-6431171-B1	08-2002	Burton; David	A61M16/024	128/204.22
*	B	US-6336454-B1	01-2002	Farrell; Peter Craig	A61M16/00	128/200.24
*	C	US-6152129-A	11-2000	Berthon-Jones; Michael	A61M16/0057	128/204.23
*	D	US-5803078-A	09-1998	Brauner; Mark E.	A61M16/0484	128/207.14
*	E	US-5704345-A	01-1998	Berthon-Jones; Michael	A61F5/56	128/207.18
*	F	US-6138675-A	10-2000	Berthon-Jones; Michael	A61B5/087	128/204.23
*	G	US-5353788-A	10-1994	Miles; Laughton E.	A61M16/00	128/204.26
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