UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	ISSUE DATE	PATENT NO.	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/484,393	02/23/2016	9266697	9457-242	1238

79207 7590 02/03/2016

MYERS BIGEL & SIBLEY, P.A.
P.O. BOX 37428
RALEIGH, NC 27627

ISSUE NOTIFICATION

The projected patent number and issue date are specified above.

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

The Patent Term Adjustment is 1764 day(s). Any patent to issue from the above-identified application will include an indication of the adjustment on the front page.

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (http://pair.uspto.gov).

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 Application Assistance Unit (AAU) of the Office of Data Management (ODM) at (571)-272-4200.

APPLICANT(s) (Please see PAIR WEB site http://pair.uspto.gov for additional applicants):

Eddy Robert Houston, Claremont, NC;
David Lewis Wilson, Stony Point, NC;

The United States represents the largest, most dynamic marketplace in the world and is an unparalleled location for business investment, innovation, and commercialization of new technologies. The USA offers tremendous resources and advantages for those who invest and manufacture goods here. Through SelectUSA, our nation works to encourage and facilitate business investment. To learn more about why the USA is the best country in the world to develop technology, manufacture products, and grow your business, visit SelectUSA.gov.

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)

79207 7590 12/07/2015
MYERS BIGEL SIBLEY & SAJOVEC
P.O. BOX 37428
RALEIGH, NC 27627

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.

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.
12/484,393	06/15/2009	Eddy Robert Houston	9457-242	1238

TITLE OF INVENTION: COMMUNICATIONS CABLE PAYOUT BAGS

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	03/07/2016

EXAMINER	ART UNIT	CLASS-SUBCLASS
DONDERO, WILLIAM E	3654	242-588300

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,
(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.

1 Myers Bigel & Sibley, P.A.
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: CommScope, Inc. of North Carolina
(B) RESIDENCE: (CITY and STATE OR COUNTRY): Hickory, NC

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 50-0220 (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
  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.
- ☐ Applicant asserting small entity status. See 37 CFR 1.27
  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.
- ☐ Applicant changing to regular undiscounted fee 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 D. Randal Ayers Date 1/13/16
Typed or printed name D. Randal Ayers Registration No. 40,493

PTOL-85 Part B (10-13) Approved for use through 10/31/2013. OMB 0651-0033 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Electronic Patent Application Fee Transmittal				
Application Number:	12484393			
Filing Date:	15-Jun-2009			
Title of Invention:	COMMUNICATIONS CABLE PAYOUT BAGS			
First Named Inventor/Applicant Name:	Eddy Robert Houston			
Filer:	D. Randal Ayers/Michele McMahan			
Attorney Docket Number:	9457-242			
Filed as Large Entity				
Filing Fees for Utility under 35 USC 111(a)				
Description	**Fee Code**	**Quantity**	**Amount**	**Sub-Total in USD($)**
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Utility Appl Issue Fee	1501	1	960	960

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Extension-of-Time:				
Miscellaneous:				
		Total in USD ($)		**960**

Electronic Acknowledgement Receipt	
EFS ID:	24608086
Application Number:	12484393
International Application Number:	
Confirmation Number:	1238
Title of Invention:	COMMUNICATIONS CABLE PAYOUT BAGS
First Named Inventor/Applicant Name:	Eddy Robert Houston
Customer Number:	79207
Filer:	D. Randal Ayers/Michele McMahan
Filer Authorized By:	D. Randal Ayers
Attorney Docket Number:	9457-242
Receipt Date:	13-JAN-2016
Filing Date:	15-JUN-2009
Time Stamp:	12:25:39
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	$960
RAM confirmation Number	8430
Deposit Account	
Authorized User	
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:	

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Issue Fee Payment (PTO-85B)	9457-242-Issue-Fee-Transmittal.pdf	136028 eea07d903ee67f30c95c8c045914296afea7fc9a	no	1
Warnings:					
Information:					
2	Fee Worksheet (SB06)	fee-info.pdf	30750 dd803700164162fa9bd2e99cd15b70defd4236f9	no	2
Warnings:					
Information:					
		Total Files Size (in bytes):	166778		

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

<u>New Applications Under 35 U.S.C. 111</u>
If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

<u>National Stage of an International Application under 35 U.S.C. 371</u>
If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

<u>New International Application Filed with the USPTO as a Receiving Office</u>
If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

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

79207 7590 12/07/2015
MYERS BIGEL SIBLEY & SAJOVEC
P.O. BOX 37428
RALEIGH, NC 27627

EXAMINER
DONDERO, WILLIAM E

ART UNIT	PAPER NUMBER
3654	

DATE MAILED: 12/07/2015

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/484,393	06/15/2009	Eddy Robert Houston	9457-242	1238

TITLE OF INVENTION: COMMUNICATIONS CABLE PAYOUT BAGS

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	03/07/2016

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.

PTOL-85 (Rev. 02/11)

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)

79207 7590 12/07/2015
MYERS BIGEL SIBLEY & SAJOVEC
P.O. BOX 37428
RALEIGH, NC 27627

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.

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.
12/484,393	06/15/2009	Eddy Robert Houston	9457-242	1238

TITLE OF INVENTION: COMMUNICATIONS CABLE PAYOUT BAGS

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	03/07/2016

EXAMINER	ART UNIT	CLASS-SUBCLASS
DONDERO, WILLIAM E	3654	242-588300

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,
(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.
1 _____
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 — 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.
- ❑ Applicant asserting small entity status. See 37 CFR 1.27 — 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.
- ❑ Applicant changing to regular undiscounted fee 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. _____

PTOL-85 Part B (10-13) Approved for use through 10/31/2013. OMB 0651-0033 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/484,393	06/15/2009	Eddy Robert Houston	9457-242	1238

79207 7590 12/07/2015

MYERS BIGEL SIBLEY & SAJOVEC
P.O. BOX 37428
RALEIGH, NC 27627

EXAMINER	
DONDERO, WILLIAM E	

ART UNIT	PAPER NUMBER
3654	

DATE MAILED: 12/07/2015

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.

PTOL-85 (Rev. 02/11)

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. 12/484,393	Applicant(s) HOUSTON ET AL.	
	Examiner WILLIAM E. DONDERO	Art Unit 3654	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 *Patent Board Decision mailed 28 September 2015*.
   ☐ 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 *1,3,7,9,10,20,21,23,25,26,28,29 and 33*. 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)
2. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
3. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
4. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____ .
5. ☒ Examiner's Amendment/Comment
6. ☐ Examiner's Statement of Reasons for Allowance
7. ☐ Other _____.

/WILLIAM E DONDERO/
Primary Examiner, Art Unit 3654

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

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The amendment below is in response to a decision by the Patent Trial and Appeal Board mailed on 9/28/2015. The amendment is in accordance with MPEP § 1214.

The application has been amended as follows:

In The Claims:

- Claims 11, 13, 15, 18, 27, and 30-32 have been cancelled.

Claims 1, 3, 7, 9-10, 20-21, 23, 25-26, 28-29, and 33 are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to WILLIAM E. DONDERO whose telephone number is (571)272-5590. The examiner can normally be reached on M - F 7:30 AM - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael R. Mansen can be reached on 571-272-6608. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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.

/WILLIAM E DONDERO/
Primary Examiner, Art Unit 3654

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	12484393	HOUSTON ET AL.
	Examiner	Art Unit
	WILLIAM E DONDERO	3654

CPC- SEARCHED		
Symbol	Date	Examiner

CPC COMBINATION SETS - SEARCHED		
Symbol	Date	Examiner

US CLASSIFICATION SEARCHED			
Class	Subclass	Date	Examiner
242	170,171,588,588.3,588.6,129	9/27/2011	/WED/
224	580,610,237,162	9/27/2011	/WED/
206	397,408,409,389,303,702,3	9/27/2011	/WED/
182	70,73	9/27/2011	/WED/
441	80,81,84,26	9/27/2011	/WED/
150	130,120,110	9/27/2011	/WED/
Above	Updated	2/14/2012	/WED/
242	588.4,588.5,579-580,125-125.3	2/14/2012	/WED/
Above	Updated	7/10/2012	/WED/
Above	Updated	12/4/2012	/WED/
Above	Updated	12/3/2015	/WED/

SEARCH NOTES		
Search Notes	Date	Examiner
EAST Text Search - see attached printout	9/27/2011	/WED/
Inventor Name Search	9/27/2011	/WED/
224/600-622,627-659 - text search	9/27/2011	/WED/
Search Help - Luan Bui (206, cross 206/409), David Fidei (206, cross 206/408,409), Justin Larson (224), Alvin Chin-Shue (182, cross 182/73), Ajay Vasudeva (441), Lars Olson (441), Stephen Avila (182), Tri Mai (150, cross 150/130,120,110)	9/27/2011	/WED/
Above Updated	2/14/2012	/WED/
Above Updated	7/10/2012	/WED/
Above Updated	12/4/2012	/WED/

SEARCH NOTES		
Search Notes	**Date**	**Examiner**
Above Updated	12/3/2015	/WED/

INTERFERENCE SEARCH			
US Class/ CPC Symbol	**US Subclass / CPC Group**	**Date**	**Examiner**
All Above		12/3/2015	/WED/
Entire Database	Text Search	12/3/2015	/WED/

Issue Classification	Application/Control No.	Applicant(s)/Patent Under Reexamination
	12484393	HOUSTON ET AL.
	Examiner	**Art Unit**
	WILLIAM E DONDERO	3654

CPC						
Symbol					**Type**	**Version**
B65H		49	/	322	F	2013-01-01
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A45C		11	/	00	A	2013-01-01
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A45C		2013	/	026	A	2013-01-01
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CPC Combination Sets							
Symbol					**Type**	**Set**	**Ranking**	**Version**
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			/					

NONE		**Total Claims Allowed:**	
(Assistant Examiner)	(Date)	13	
/WILLIAM E DONDERO/ Primary Examiner.Art Unit 3654	12/03/2015	O.G. Print Claim(s)	O.G. Print Figure
(Primary Examiner)	(Date)	1	4

Issue Classification	Application/Control No.	Applicant(s)/Patent Under Reexamination
	12484393	HOUSTON ET AL.
	Examiner	**Art Unit**
	WILLIAM E DONDERO	3654

US ORIGINAL CLASSIFICATION		INTERNATIONAL CLASSIFICATION										
CLASS	SUBCLASS	CLAIMED					NON-CLAIMED					
		B	6	5	H	49 / 32 (2006.01.01)						
CROSS REFERENCE(S)		A	4	5	C	3 / 00 (2006.01.01)						
		A	4	5	C	13 / 02 (2006.01.01)						
CLASS	SUBCLASS (ONE SUBCLASS PER BLOCK)	A	4	5	C	11 / 00 (2006.01.01)						

NONE (Assistant Examiner)	(Date)	**Total Claims Allowed:** 13
/WILLIAM E DONDERO/ Primary Examiner.Art Unit 3654 (Primary Examiner)	12/03/2015 (Date)	O.G. Print Claim(s) 1
		O.G. Print Figure 4

Issue Classification	Application/Control No.	Applicant(s)/Patent Under Reexamination
	12484393	HOUSTON ET AL.
	Examiner	**Art Unit**
	WILLIAM E DONDERO	3654

☐ Claims renumbered in the same order as presented by applicant ☐ CPA ☐ T.D. ☐ R.1.47

Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original
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	15		31												
	16		32												

NONE (Assistant Examiner)	(Date)	**Total Claims Allowed:** 13	
/WILLIAM E DONDERO/ Primary Examiner.Art Unit 3654 (Primary Examiner)	12/03/2015 (Date)	O.G. Print Claim(s) 1	O.G. Print Figure 4

EAST Search History

EAST Search History (Prior Art)

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EAST Search History (Interference)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L1	147	242/170.ccls.	US-PGPUB; USPAT	OR	ON	2015/12/03 07:59
L2	272	242/171.ccls.	US-PGPUB; USPAT	OR	ON	2015/12/03 08:00
L3	232	242/588.ccls.	US-PGPUB; USPAT	OR	ON	2015/12/03 08:00
L4	243	242/588.3.ccls.	US-PGPUB; USPAT	OR	ON	2015/12/03 08:00
L5	380	242/588.6.ccls.	US-PGPUB; USPAT	OR	ON	2015/12/03 08:00
L6	414	242/129.ccls.	US-PGPUB; USPAT	OR	ON	2015/12/03 08:00
L7	93	224/580.ccls.	US-PGPUB; USPAT	OR	ON	2015/12/03 08:00
L8	188	224/610.ccls.	US-PGPUB; USPAT	OR	ON	2015/12/03 08:00
L9	63	224/237.ccls.	US-PGPUB; USPAT	OR	ON	2015/12/03 08:00
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L13	597	206/409.ccls.	US-PGPUB; USPAT	OR	ON	2015/12/03 08:01
L14	769	206/389.ccls.	US-PGPUB; USPAT	OR	ON	2015/12/03 08:01
L15	618	206/303.ccls.	US-PGPUB;	OR	ON	2015/12/03 08:01

			USPAT			
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L17	591	206/3.ccls.	US-PGPUB; USPAT	OR	ON	2015/12/03 08:01
L18	246	182/70.ccls.	US-PGPUB; USPAT	OR	ON	2015/12/03 08:01
L19	174	182/73.ccls.	US-PGPUB; USPAT	OR	ON	2015/12/03 08:02
L20	349	441/80.ccls.	US-PGPUB; USPAT	OR	ON	2015/12/03 08:02
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L22	125	441/84.ccls.	US-PGPUB; USPAT	OR	ON	2015/12/03 08:02
L23	173	441/26.ccls.	US-PGPUB; USPAT	OR	ON	2015/12/03 08:02
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L25	145	150/120.ccls.	US-PGPUB; USPAT	OR	ON	2015/12/03 08:02
L26	230	150/110.ccls.	US-PGPUB; USPAT	OR	ON	2015/12/03 08:03
L27	97	242/588.4.ccls.	US-PGPUB; USPAT	OR	ON	2015/12/03 08:03
L28	30	242/588.5.ccls.	US-PGPUB; USPAT	OR	ON	2015/12/03 08:03
L29	433	242/579-580.ccls.	US-PGPUB; USPAT	OR	ON	2015/12/03 08:03
L30	672	242/125-125.3.ccls.	US-PGPUB; USPAT	OR	ON	2015/12/03 08:03
L31	101	(cable same bag same flexible).clm.	US-PGPUB; USPAT	OR	ON	2015/12/03 08:04
L32	0	((cable or wire) and (bag near (payout or dispens$3 or unwind$3)) and (reel or spool) and flexible).clm.	US-PGPUB; USPAT	OR	ON	2015/12/03 08:08
L33	2	((cable or wire) and (bag near (payout or dispens$3 or unwind$3)) and (reel or spool)).clm.	US-PGPUB; USPAT	OR	ON	2015/12/03 08:08

12/ 3/ 2015 8:54:27 AM

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Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	12484393	HOUSTON ET AL.
	Examiner	Art Unit
	WILLIAM E DONDERO	3654

✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

☐ Claims renumbered in the same order as presented by applicant ☐ CPA ☐ T.D. ☐ R.1.47

CLAIM		DATE								
Final	Original	09/27/2011	02/14/2012	07/10/2012	12/04/2012	12/03/2015				
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6	10	✓	✓	✓	✓	=				
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	32				✓	-				
13	33				✓	=				

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/484,393	06/15/2009	Eddy Robert Houston	9457-242	1238

79207 7590 09/28/2015
MYERS BIGEL SIBLEY & SAJOVEC
P.O. BOX 37428
RALEIGH, NC 27627

EXAMINER	
DONDERO, WILLIAM E	

ART UNIT	PAPER NUMBER
3654	

MAIL DATE	DELIVERY MODE
09/28/2015	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.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte EDDY ROBERT HOUSTON and DAVID LEWIS WILSON[1]

Appeal 2013-009091
Application 12/484,393
Technology Center 3600

Before ANNETTE R. REIMERS, SUSAN L. C. MITCHELL, and MARK A. GEIER, *Administrative Patent Judges*.

GEIER, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

This is a decision on appeal, under 35 U.S.C. § 134(a), from the Examiner's rejection of claims 1, 3, 7, 9–11, 13, 15, 18, 20, 21, 23, and 25–33.[2] Appeal Br. 1. We have jurisdiction under 35 U.S.C. § 6(b).

We AFFIRM-IN-PART.

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[1] According to Appellants, the real party in interest is CommScope, Inc. Appeal Br. 1.

[2] Appellants cancelled claims 2, 4–6, 8, 12, 14, 16, 17, 19, 22, and 24. Appeal Br., Claims App. The cancelled claims are not before us on this Appeal.

THE CLAIMED SUBJECT MATTER

The claimed subject matter relates "generally to bags and, more particularly to bags for holding cable." Spec. ¶ 1. Claims 1, 11, and 20 are illustrative and recite:

> 1. A communications cable payout bag, comprising:
>
> a main compartment constructed of a flexible material, the main compartment having an interior and an exterior, the main compartment being openable and closable;
>
> a shoulder strap attached to the exterior of the main compartment;
>
> a pair of handle straps attached to the exterior of the main compartment, wherein each handle strap is shorter than the shoulder strap;
>
> a reel of communications cable within the interior of the main compartment, the reel of communications cable having a loose end of cable at an outer portion thereof;
>
> a cable payout passageway defined between the interior and the exterior of the main compartment, the cable payout passageway configured to receive therethrough the loose end of cable from the outer portion of the reel of communications cable; and
>
> a closure mechanism configured to close the main compartment.
>
> 11. A communications cable payout bag, comprising:
>
> a main compartment having an interior and an exterior, the main compartment being openable and closable;
>
> a removable insert within the interior of the main compartment;
>
> a reel of communications cable that is supported by the removable insert, the reel of communications cable having a loose end of cable at an outer portion thereof;
>
> a shoulder strap attached to the exterior of the main compartment;

a pair of handle straps attached to the exterior of the main compartment, wherein each handle strap is shorter than the shoulder strap;

a cable payout passageway defined between the interior and the exterior of the main compartment, wherein the cable payout passageway is configured to receive therethrough the loose end of cable from the outer portion of the reel of communications cable; and

a closure mechanism configured to close the main compartment to thereby close the removable insert and the reel of communications cable in the interior of the main compartment.

20. A method of paying out communications cable from a bag that includes a main compartment and a cable payout passageway, the method comprising:

inserting a removable plastic insert and a cylindrical reel of communications cable supported by the removable insert in the main compartment, wherein the reel of communications cable has a loose end of cable at an outer portion thereof, and wherein the main compartment is constructed of a flexible material;

aligning the loose end of cable from the outer portion of the reel of communications cable with the cable payout passageway; and

pulling the loose end of cable through the cable payout passageway.

THE REJECTIONS ON APPEAL

The Examiner rejected claim 20 under 35 U.S.C. § 102(b) as anticipated by Cote (US 2002/0125161 A1; pub. Sept. 12, 2002).

The Examiner rejected claims 1, 3, 7, 10, 11, 13, 15, 21, 23, 25, and 28–32 under 35 U.S.C. § 103(a) as unpatentable over Cote in view of Godshaw (US 6,601,743 B2; iss. Aug. 5, 2003).

The Examiner rejected claims 9, 18, 26, 27, and 33 under 35 U.S.C. § 103(a) as unpatentable over Cote in view of Godshaw and Eastwood (US 7,320,445 B2; iss. Jan. 22, 2008).

ANALYSIS

Construction of "Flexible Material"

The proper interpretation of the term "flexible" as used in the claim limitation "flexible material" is an issue central to the dispute in this Appeal. In construing a claim term, we apply "the broadest reasonable meaning of the words in their ordinary usage as they would be understood by one of ordinary skill in the art, taking into account whatever enlightenment by way of definitions or otherwise that may be afforded by the written description contained in the applicant's specification." *In re Morris*, 127 F.3d 1048, 1054 (Fed. Cir. 1997). In utilizing the specification, however, we "only limit the claim based on the specification or prosecution history when those sources expressly disclaim the broader definition." *In re Bigio*, 381 F.3d 1320, 1325 (Fed Cir. 2004).

The Appellants argue that "flexible" should carry its ordinary meaning of "capable of being bent, usually without breaking; easily bent." Appeal Br. 8 (quoting http://dictionary.reference.com/browse/flexible). Appellants note that the dictionary definition is consistent with the Appellants' usage of the term in the Specification, including its reference to "a flexible material such as canvas, a synthetic polymer (e.g., nylon) or any other flexible material." *Id.* at 10 (quoting Spec. ¶ 18).

The Examiner does not expressly provide a construction of "flexible." In the Final Rejection, the Examiner noted that "the term flexible is a

relative term and every material is flexible to some extent." Final Act. 11. In the Answer, the Examiner applies the Appellants' definition of "capable of being bent." *See* Ans. 2.

We conclude that the Appellants' construction is in accordance with the ordinary meaning of "flexible" as stated in general purpose dictionaries. *See* Dictionary.com, http://dictionary.reference.com/browse/flexible (last visited Aug. 18, 2015) (defining flexible as "capable of being bent, usually without breaking; easily bent"); Merriam-Webster, http://www.merriam-webster.com/dictionary/flexible (last visited Aug. 18 2015) (defining flexible as "capable of bending or being bent"). We do not see any basis in the Specification for a narrower construction of the term. *See Bigio*, 381 F.3d at 1325. As such, we construe "flexible materials" as materials that are "capable of being bent, usually without breaking; easily bent."

Rejection of Claim 20 over Cote

Appellants' argue that the Examiner erred in finding that Cote discloses a "main compartment . . . constructed of a flexible material." Appeal Br. 7. Cote identifies and describes the material for its main compartment as follows:

> The present invention comprises a box preferably formed of heavy duty corrugated cardboard or other relatively stiff cardboard or other material which is rugged, capable of supporting heavy contents, and typically used for shipping spools of wire and cable. Cardboard is generally preferred because it allows the box to be made at a lower cost.

Cote ¶ 23. Appellants rely upon the foregoing language to argue that the Examiner's assertion that Cote discloses a flexible material is "unreasonable." Appeal Br. 9. The Examiner posits that Cote's cardboard is

"capable of being bent" and points to Figure 5 of Cote for support. Ans. 2. According to the Examiner, Figure 5 demonstrates that the cardboard of Cote is "clearly flexible and easily bent without breaking to be transformed from the flat state to the shape in the other figures." *Id.*

We agree with Appellants that the Examiner's reading of Cote is not reasonable. As noted by Appellants, Figure 5 of Cote depicts the cardboard with "fold lines," "perforation lines," or "crease lines" that permit transforming the cardboard sheet into a cardboard box. Reply Br. 2 (quoting Cote ¶ 27). We agree with Appellants that Cote's use of such fold, perforation, or crease lines in assembling the box is not indicative of whether or not one of skill in the art would understand the disclosed box to be made of a flexible material. *See id.*; *see also* Cote ¶ 27 (describing Figure 5 as showing a sheet of cardboard "after it has been cut but before it has been glued and folded to form a box with integral *rigid* supports") (emphasis added). Moreover, the Examiner's view contradicts Cote's disclosure that the box is "formed of heavy duty corrugated cardboard or other relatively stiff cardboard or other material which is rugged, capable of supporting heavy contents." *Id.* ¶ 23.

For the foregoing reasons, we reverse the Examiner's rejection of claim 20 as anticipated under 35 U.S.C. § 102(b).

Rejection of Claims 1, 3, 7, 9, 10, 21, 23, 25, 28, and 29 over Cote and Godshaw

The Examiner relies on Cote to disclose the "flexible material" limitation present in independent claims 1 and 21. *See* Ans. 3–4. The Examiner does not assert that Godshaw alternatively discloses that

limitation. *See id.* 3–6. As such, for the reasons stated above with respect to claim 20, we also reverse the Examiner's rejection of claims 1, 3, 7, 9, 10, 21, 23, 25, 28, and 29.

Rejection of Claims 11, 13, 15, 30, 31, and 32 over Cote and Godshaw

Appellants argue independent claim 11 only, and state that the claims that depend from claim 11 are patentable for the same reasons as claim 11. Appeal Br. 18.[3]

Appellants argue that neither reference teaches or suggests the limitation "a removable insert within the interior of the main compartment." *See id.* The Examiner relies on Figure 4 of Cote and its associated description to teach the disputed limitation. Ans. 3 (citing Cote Fig. 4 and ¶ 26). The Examiner notes that Figure 4 depicts the supports as "separate from the box" and that paragraph twenty-six indicates that "the supports are made by a separate process and [are made of a] separate material." *Id.* (citing Cote Fig. 4 and ¶ 26). The Examiner ultimately finds that the Cote supports are "not integral with the box" and are removable. *Id.*

Appellants argue that one of skill in the art would understand that Cote's supports are attached to the box. Reply Br. 4; *see also* Appeal Br. 12, 18. Appellants note that Cote does not state that one could remove the

[3] We note that Appellants incorrectly identify the claims that depend from claim 11 as 3, 7, 9, 10, 26, 28, and 29. Appeal Br. 18. We interpret this statement as a typographical error and view Appellants' arguments as applicable to claims 13, 15, 18, 27, 30, 31 and 32 – the claims that depend (directly or indirectly) from claim 11. *See id.* Claims App. We address only dependent claims 13, 15, 30, 31, and 32 in this section as those are the only claims that depend from claim 11 and stand rejected as unpatentable over Cote in view of Godshaw.

inserts. Reply Br. 4. Appellants further contend that Figure 4 is a cut-away view of the Cote invention and therefore is probative only for indicating the relative position of the inserts within the box. Reply Br. 4 (referencing Cote ¶¶ 15 and 26). Appellants also argue that since Cote discloses that the box is glued together, "it is clearly reasonable to assume that the supports of the embodiment of lines 1–7 of paragraph [26] of Cote would be glued to the box or otherwise adhered thereto." *Id.*

In our view, the Appellants' arguments are not persuasive of Examiner error. We find no fault in the Examiner's explanation of why one of skill in the art reading Cote's disclosure would understand that the supports are removable. *See* Ans. 3. The Examiner identified that Cote discloses a second embodiment in which the supports are integral with the box. *Id.* (citing Cote ¶ 26, ll. 7–10). This is in contrast to Cote's first embodiment, which merely indicates that the supports are "[p]ositioned within the box." Cote ¶ 26, ll. 1–3; *see also id.* at ll. 12–15 ("Each support is formed of board approximately one inch thick . . . with length and width dimensions sized to occupy the width and height of the box."). Appellants' arguments rely on counter-assumptions and do not identify any errors in the Examiner's reasoning. *See* Appeal Br. 11–13; Reply Br. 4. In sum, the Examiner accurately describes the disclosures and provides a reasonable basis explaining why one of skill in the art would have understood Cote's supports to be removable.

Appellants also argue that the Examiner erred in concluding one of skill in the art would have looked to Godshaw for the claimed "shoulder strap" and "pair of handles . . . ." Appeal Br. 16. Appellants argue that the Cote box already includes integrated handles and one of skill in the art

would see no need to add "redundant handles, such as the handle straps of Godshaw." *Id.* Appellants also argue that as Cote is designed to be an "omni-directional, stable, stackable package," adding external straps would frustrate this purpose because "straps hanging off at least one side of the box" would reduce "the stability and stackability of the box during shipping/transport." *Id.*[4]

Appellants' arguments do not persuade us of Examiner error. The Examiner provided a reasoned basis explaining why one of skill in the art would have added the handles described by Godshaw to the box described by Cote. Ans. 4. In particular, the Examiner concluded that: "One of ordinary skill in the art would recognize adding or substituting the handles and shoulder strap of Godshaw for the integral handles of Cote would make the device easier to carry and more versatile with different ways of carrying it." *Id.* The Examiner also explained that adding such handles would not frustrate the stackability of Cote, as one could move the straps in a manner to permit stacking. *Id.*

For the foregoing reasons, we affirm the Examiner's rejection of Claims 11, 13, 15, 30, 31, and 32 as unpatentable over Cote in view of Godshaw.

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[4] Appellants raise a new argument in their Reply Brief regarding the feasibility of attaching straps of Godshaw to the cardboard box of Cote. Reply Br. 4–5. Appellants' argument is not responsive to any new position raised by the Examiner in the Answer and we see no good cause as to why Appellants did not raise this argument in its Appeal Brief. Accordingly, we did not consider this argument in deciding this Appeal. 37 C.F.R. § 41.41 (2015).

Rejection of Claim 26 *over Cote, Godshaw, and Eastwood*

The Examiner relies on Cote to disclose the "flexible material" limitation in present claim 26 through its independent claim 21. *See* Ans. 3–4. The Examiner does not assert that Godshaw or Eastwood alternatively discloses that limitation. *See id.* 3–6. As such, for the reasons stated above with respect to claim 20, we also reverse the Examiner's rejection of claim 26.

Rejection of Claims 18 and 27 *over Cote, Godshaw, and Eastwood*

Appellants argue that claims 18 and 27, which directly or indirectly depend from independent claim 11 are separately patentable because no reference teaches or suggests "a cable lock configured to secure the loose end of cable on the exterior of the main compartment." Appeal Br. 20; *see also id.* at 21 (incorporating arguments made with respect to claim 9). The Examiner relies upon Eastwood to disclose this limitation. Ans. 6.

Appellants argue that Eastwood does not disclose the limitation because Eastwood discloses a cable lock only on cover 27 which Appellants argue is enclosed by Eastwood's caddy portions 5 and 6 and is therefore not on the exterior as the claims require. Appeal Br. 20. The Examiner notes that Eastwood's main compartment is the compartment containing the cable and that cover 27 is the exterior of that compartment when one uses the caddy. Ans. 6. The Examiner finds that cover 6 is "merely a cover to put over the compartment when transporting [the caddy] from one place to another." *Id.*

The Appellants' arguments do not apprise us of Examiner error. We agree with the Examiner's view that although cover 6 can enclose cover 27,

cover 27 is the external portion of the caddy when one uses the caddy to dispense cable. *See id.*; *see also* Eastwood Figs. 9 and 23. From this finding, we agree that one of skill in the art "would recognize you would want the cable lock to be on the exterior of the main compartment so the end of cable being secured is readily available." Ans. 6–7. In view of the Examiner's findings, we agree with the Examiner's conclusion that Eastwood teaches or suggests the disputed limitation. *See id.*

For the foregoing reasons, we affirm the Examiner's rejection of Claims 18 and 27 as unpatentable over Cote in view of Godshaw and Eastwood.

Rejection of Claim 33 *over Cote, Godshaw, and Eastwood*

The Examiner relies on Cote to disclose the "flexible material" limitation present in claim 33 through its independent claim 21. *See* Ans. 3–4. The Examiner does not assert that Godshaw or Eastwood alternatively discloses that limitation. *See id.* 3–6. As such, for the reasons stated above with respect to claim 20, we also reverse the Examiner's rejection of claim 33.

CONCLUSION

We reverse the Examiner's rejection of claim 20 as anticipated under 35 U.S.C. § 102(b).

We reverse the Examiner's rejection of claims 1, 3, 7, 9, 10, 21, 23, 25, 26, 28, 29, and 33 as unpatentable under 35 U.S.C. § 103(a).

We affirm the Examiner's rejection of claims 11, 13, 15, 18, 27, 30, 31, and 32 as unpatentable under 35 U.S.C. § 103(a).

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R § 1.136(a)(1)(iv).

AFFIRMED-IN-PART

cda

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/484,393	06/15/2009	Eddy Robert Houston	9457-242	1238

79207 7590 07/23/2013
MYERS BIGEL SIBLEY & SAJOVEC
P.O. BOX 37428
RALEIGH, NC 27627

EXAMINER	
DONDERO, WILLIAM E	
ART UNIT	PAPER NUMBER
3654	

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Appeal No: 2013-009091
Application: 12/484,393
Appellant: Eddy Robert Houston et al.

Patent Trial and Appeal Board Docketing Notice

Application 12/484,393 was received from the Technology Center at the Board on July 11, 2013 and has been assigned Appeal No: 2013-009091.

In all future communications regarding this appeal, please include both the application number and the appeal number.

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By order of the Patent Trial and Appeal Board.

LP

Attorney Docket No. 9457-242 PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Houston et al.
Application No.: 12/484,393
Filed: June 15, 2009
For: **COMMUNICATIONS CABLE PAYOUT BAGS**

Confirmation No.: 1238
Group Art Unit: 3654
Examiner: William E. Dondero

Date: July 8, 2013

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

APPELLANT'S REPLY BRIEF UNDER 37 C.F.R. §41.41

This Reply Brief is filed in response to the Examiner's Answer in order to briefly respond to various new arguments raised therein. In particular, the Examiner's Answer raises five arguments in further support of the pending claim rejections. This brief responds to each of these five arguments.

I. The Argument that Cote Teaches the Use of a "Flexible Material"

The Examiner's Answer first raises two arguments in response to Appellants' showing that Cote fails to disclose a bag having a main compartment that is constructed of a "flexible material" as is recited, for example, in Claim 20. First, the Examiner's Answer argues that the cardboard box of Cote is constructed of a "flexible material" because it is capable of being bent, as shown in FIG. 5 of Cote. (Examiner's Answer at 2). Second, the Examiner's Answer argues that the present application at paragraph 0018 states that the main compartment may be formed of "a flexible material such as canvas, a synthetic polymer (e.g., nylon) or any other flexible material," and emphasizes the phrase "any other flexible material" as a suggestion that the rugged, heavy duty cardboard of Cote qualifies as the "flexible material" of Claim 20. Appellants respectfully submit, however, that neither argument shows that Cote teaches or suggests a bag having a main compartment that is constructed of a flexible material that is recited in Claim 20.

The first of the above-referenced arguments set forth in the Examiner's Answer places great reliance on the fact that FIG. 5 of Cote shows the cardboard that is used to form the box

of Cote in an unassembled state. Cote explains that the sheet of cardboard illustrated in FIG. 5 is folded and glued to form the cable payout box. Appellants respectfully submit that the fact that the box of Cote can be folded along pre-formed "crease lines" does nothing to establish that the box of Cote is constructed of a flexible material. If the sheet of cardboard used to form the box of Cote were indeed "flexible" and easily bent, then it would bend and not hold its form after it was constructed into a box, thereby rendering it useless for its intended purpose. This is precisely why the sheet of cardboard is provided with the dashed "fold lines," "perforation lines" and/or "crease lines" that are illustrated in FIG. 5 of Cote. (Cote at ¶ 0027). The use of crease lines is well known in the art for facilitating folding or bending a material that otherwise would not readily bend or fold in a desired manner, and the inclusion of such "crease lines" in the cardboard box of Cote does not somehow transform Cote into teaching or disclosing "a bag that includes a main compartment . . . constructed of a flexible material" as is recited, for example, in Claim 20. Accordingly, the rejection of Claim 20 should be reversed for this reason.

The simple fact of the matter here is that Cote expressly teaches that the box disclosed therein is "formed of a **heavy duty corrugated cardboard** or other relatively **stiff cardboard** or other material which is **rugged** [and] capable of supporting heavy contents." (Cote at ¶ 0023) (emphasis added). The Examiner does **not** dispute that Cote teaches a box that is constructed of heavy duty corrugated cardboard. The Examiner likewise does not dispute that Cote teaches that the top wall "improves the **structural rigidity** of the box." *Id.* (emphasis added). The Examiner also does not dispute that the present application expressly differentiates between cardboard boxes and communications cable payout bags constructed of a flexible material. (*See* Appeal Brief citing to Specification at ¶¶ 0021, 0029). In particular, the present specification explains that "the cable package 22" that is placed in the main compartment 20 of the bags according to embodiments of the present invention may comprise a cardboard box with cable contained therein. The present application also discusses how the bags according to embodiments of the present invention may "conform to the size of the cable package 22." (Specification at ¶ 0029). The cardboard box of Cote obviously would not conform to a cable package that is loaded therein, as heavy-duty cardboard is not a conformable material. Indeed, Cote makes clear that the goal is to provide a rigid box. The Federal Circuit has explicitly held that "it is not a reasonable claim interpretation to equate 'flexible' with 'rigid.'" *In re Buszard*, 504 F.3d 1364, 1367 (Fed. Cir.

2007); *see also* M.P.E.P. §2111. Thus, for all of the above reasons, Appellants respectfully submit that cardboard box of Cote is not a bag that is constructed of a flexible material, and hence the rejection of Claim 20 should be reversed.

The second argument raised in the Examiner's Answer in support of the Examiner's position that Cote teaches a bag constructed of a flexible material is equally unavailing. As noted above, this argument relies on the statement in the present application that states that the main compartment may be formed of "any other flexible material" as somehow suggesting that that the heavy duty corrugated cardboard box of Cote comprises "a flexible material." However, what the Examiner's Answer does not and cannot explain is how heavy duty corrugated cardboard somehow is a "flexible material," particularly given the discussion in Cote regarding how the box disclosed therein is a "rugged," "relatively stiff" box that exhibits "structural rigidity" and that is formed of "a heavy duty corrugated cardboard." Moreover, the examples of flexible materials that are recited in the present application, namely canvas, nylons or other synthetic polymers, have absolutely nothing in common with the heavy duty cardboard box of Cote, and certainly do not somehow suggest that the structurally rigid box of Cote is formed of a "flexible material." Accordingly, Appellants respectfully submit that the reference to "any other flexible material" in the present application provides absolutely no support for the pending rejections, and does nothing to rebut Appellants' showing that Cote fails to disclose a "bag" having a main compartment that is constructed of a flexible material as is recited, for example, in pending Claim 20.

The Examiner's Answer similarly argues that the rejections of Claims 1, 3, 7, 10, 21, 23, 25-26, 28, 29 and 33 should be maintained because the cardboard box of Cote allegedly is a "flexible material" by incorporating the above-described arguments that are raised in support of the rejection of Claim 20. (*See* Examiner's Answer at Sections III.A and III.D, pp. 3-4, 5-6). Accordingly, Appellants respectfully submit that the rejections of Claims 1, 3, 7, 10, 21, 23, 25-26, 28, 29 and 33 should likewise be reversed as the rejections fail to teach or suggest a cable payout bag having a main compartment that is constructed of a flexible material.

II. The Argument that Cote Teaches a "Removable Plastic Insert"

The Examiner's Answer also argues that the rejection of Claim 20 should be maintained because Cote allegedly discloses a removable plastic insert. (Examiner's Answer

at 2-3). In particular, while the Examiner's Answer admits that the embodiment disclosed at lines 7-10 of paragraph 0026 of Cote does **not** disclose a removable insert (it instead expressly describes the use of "integral" supports), the Examiner's Answer takes the position that the embodiment of lines 1-7 of paragraph 0026 of Cote discloses a removable plastic insert. (*Id.*). However, as pointed out in Appellants' Brief on Appeal, nothing in Cote states that the rigid supports 18 of Cote are in fact removable. While the Examiner cites to FIG. 4 of Cote as somehow illustrating that the supports 18 are removable, the description of FIG. 4 in Cote expressly states that FIG. 4 depicts "a spool of cable positioned on two **internal** components of an embodiment of the invention." (Cote at ¶ 0015) (emphasis added). Paragraph 0026 of Cote again emphasizes that FIG. 4 illustrates "an **interior** support **with its relative position within the box**." (Cote at ¶ 0026) (emphasis added). These descriptions make clear that FIG. 4 of Cote is depicting a cutaway view that shows internal features of the box of Cote. Moreover, Cote teaches that the box disclosed therein is glued together, and it is clearly reasonable to assume that the supports of the embodiment of lines 1-7 of paragraph 0026 of Cote would be glued to the box or otherwise adhered thereto. Thus, there is simply no indication in Cote that the interior supports 18 are designed to be "removable." Thus, the Examiner's Answer fails to show that Cote in fact teaches the use of a **removable** plastic insert, providing an independent basis for reversal of the rejection of Claim 20.

The Examiner's Answer similarly argues that the rejections of Claims 11, 13, 15, 18, 27 and 30-32 should be maintained because Cote discloses a "removable plastic insert" by incorporating the above-described arguments that are raised in support of the rejection of Claim 20. (*See* Examiner's Answer at Sections III.A and III.D, pp. 3-4, 5-6). Accordingly, Appellants respectfully submit that the rejections of 11, 13, 15, 18, 27 and 30-32 should likewise be reversed as Cote fails to provide the requisite teachings.

III. The Argument that it Would be Obvious to Add Handles and a Shoulder Strap to Cote Based on Godshaw

In response to Appellants' showing that the rejections of Claims 1, 3, 7, 9, 10, 26, 28 and 29 should be reversed, the Examiner's Answer argues that one "of ordinary skill in the art would recognize adding or substituting the handles and shoulder strap of Godshaw for the integral handles of Cote [because this] would make the device easier to carry and more versatile." (Examiner's Answer at 4). However, Appellants respectfully submit that it is far

from clear **how** one would even accomplish this modification to the box of Cote, given that Cote is formed from corrugated cardboard. Godshaw is directed to a combination backpack/duffel bag that is formed of a "flexible fabric material." (Godshaw at Abstract). The figures of Godshaw clearly illustrate that the handles and straps of Gadshaw are sewn to the fabric material used to form the main compartment of Godshaw, as is well known to those of skill in the art. However, there is absolutely no teaching in any of the cited references as to how one of skill in the art could even begin to attempt to attach the handles and shoulder strap of Godshaw to the cardboard box of Cote. One of skill in the art would understand that sewing handles and straps onto a cardboad box would be ineffective. Likewise, the handles and strap could not effectively be glued to the cardboard box of Cote, as the outer layer of cardboard can easily peel off, and this clearly would happen were one to attempt to glue handles to the box of Cote and then use those handles to carry the box of Cote after a heavy reel of cable has been loaded therein. Thus, Appellants respectfully submit that one of skill in the art would not and could not have modified the box of Cote to include the handles and/or shoulder strap of Godshaw, and thus the rejections of Claims 1, 3, 7, 9, 10, 26, 28 and 29 should be reversed for this additional reason.

Additionally, as pointed out in Appellants' Brief on Appeal, the cardboard box of Cote **already** includes handles. (*See, e.g.,* Cote at Figures 1 and 2 and ¶¶ 0023-0024). As the box of Cote box already includes "integrated" handles, one of ordinary skill in the art would not be inclined to add the handle straps of Godshaw thereto particularly where, as here, there is no teaching as to how the handles of Godshaw could even be added to the box of Cote. Moreover, despite the protestations to the contrary in the Examiner's Answer, it is simply beyond dispute that adding handles and/or a shoulder strap to the box of Cote would make the box of Cote a less "stable, stackable package," where such stability and stackability are express goals of Cote. (*See* Cote at ¶ 0003). Accordingly, Appellants respectfully submit that the rejections of Claims 1, 3, 7, 9, 10, 26, 28 and 29 should be reversed for this additional reason.

IV. The Argument that it Would be Obvious to Add a Pocket to Cote Based on Godshaw

In response to Appellants' showing that dependent Claim 10 is independently patentable over the cited art because the use of the zippered pockets of Godshaw is

incompatible with the stiff cardboard box of Cote, the Examiner's Answer argues that "Godshaw is merely being used to teach the use of pockets on an exterior surface of a storage container . . . [and] not [for] the bodily incorporation of zippered pockets on a cardboard box." (Examiner's Answer at 5). Appellants respectfully submit, however, that in order to reject Claim 10 under 35 U.S.C. §103(a) the Examiner must do more than show that a prior art reference existed that included pockets; instead, the Examiner must show that one of skill in the art would have found it obvious to incorporate "a storage pouch" onto the box of Cote based on the teachings of Godshaw. Here, the Examiner's Answer admits by implication that it would not have been obvious, and perhaps not even possible, to implement the zippered pockets of Godshaw on the cardboard box of Cote. Moreover, the Examiner does not even attempt to show that some other sort of "storage pouch" could be used on the box of Cote and/or how such a modification to the design of Cote could be implemented. The inclusion of pockets on the box of Cote would also presumably interfere with the above-stated design goals of Cote of "stability" and "stackability." Thus, Appellants respectfully submit that the rejection of Claim 10 should be reversed for each of these reasons.

The above arguments are equally applicable to the response to the rejection of Claim 25 contained in the Examiner's Answer, which relies exclusively on the arguments advanced in support of the rejection of Claim 10. (*See* Examiner's Answer at 6).

V. The Argument that it Would be Obvious to Add a Pocket to Cote Based on Godshaw

With respect to the rejections of dependent Claims 9, 18, 26 and 27, the Examiner's Answer argues that Eastwood discloses a cable lock on the exterior of the main compartment of communications cable payout bag because the cover 6 of Eastwood allegedly is merely put over the compartment when transporting the caddy of Eastwood from place-to-place. (Examiner's Answer at 6-8). Appellant respectfully disagrees with the Examiner's characterization of item 27 of Eastwood as an "interior" cover. The cover 27 is not an exterior of a main compartment of a bag. The cover 27 is more akin to the removable plastic insert of embodiments of the present invention or to the rigid supports 18 of Cote. Eastwood clearly describes and pictures the caddy thereof as having a main compartment that has a bottom portion 5 and a top portion 6. (*See* Eastwood at Col. 5, lines 54-65 and Col. 6, lines 50-53). When the caddy 2 is in a closed position, the cover 27, and therefore the "cable lock"

50, is enclosed by the caddy bottom and top portions 5, 6. As such, Appellants respectfully submit that Eastwood fails to disclose or suggest the recited cable lock, and hence the rejections of Claims 9, 18, 26 and 27 should be reversed for this additional reason

Respectfully submitted,

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EFS ID:	16247529
Application Number:	12484393
International Application Number:	
Confirmation Number:	1238
Title of Invention:	COMMUNICATIONS CABLE PAYOUT BAGS
First Named Inventor/Applicant Name:	Eddy Robert Houston
Customer Number:	79207
Filer:	D. Randal Ayers/Michele McMahan
Filer Authorized By:	D. Randal Ayers
Attorney Docket Number:	9457-242
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1	Reply Brief Filed	9457-242-ReplyBrief.pdf	806062 a08d90085ff6e0bf4ceedf0f2577e7fbfb70d2c5	no	7
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12/484,393	06/15/2009	Eddy Robert Houston	9457-242	1238

79207 7590 05/23/2013
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DONDERO, WILLIAM E	
ART UNIT	PAPER NUMBER
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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
12/484,393	15 June, 2009	HOUSTON ET AL.	9457-242

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If the examiner's answer is in response to an appeal brief filed before March 19, 2013 or the appeal brief fee required by former 37 CFR 41.20(b)(2) was filed before March 19, 2013, an appeal forwarding fee is not required.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 12/484,393
Filing Date: 06/15/2009
Appellant(s): Houston, Eddy; Wilson, David

Stephen J. Petroski
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed March 18, 2013.

Every ground of rejection set forth in the Office action dated December 6, 2012 from which the appeal is taken is being maintained by the examiner except for the grounds of rejection (if any) listed under the subheading "WITHDRAWN REJECTIONS." New grounds of rejection (if any) are provided under the subheading "NEW GROUNDS OF REJECTION."

(2) Response to Argument

II. Claim 20 is patentable under 35 U.S.C. §102(b) over Cote

With respect to Appellants' arguments starting on page 7, line 3 to page 9, line 2, Appellants argue the Examiner's interpretation of Cote's cardboard being a flexible material is unreasonable as the ordinary definition of flexible is capable of being bent, usually without breaking; easily bent; whereas Cote used terms such as heavy duty, rigid, stiff, and rugged to describe the cardboard. The Examiner respectfully disagrees as Cote's cardboard box is capable of being bent, particularly as shown in Figure 5 which shows the flattened state the box can take. The cardboard of Cote is clearly flexible and easily bent without breaking to be transformed from the flat state to the shape in the other figures. Furthermore, it is noted that in paragraph [0018] of instant specification Appellant states, "a flexible material such as canvas, a synthetic polymer (e.g., nylon) or any other flexible material" (emphasis added). Therefore, Appellants' definition does not preclude the use of cardboard as a flexible material.

With respect to Appellants' arguments starting on page 9, line 3 to page 11, line 24, Appellants argue the addition of the rigid supports of Cote further define the box of Cote as not flexible. The Examiner respectfully disagrees as the supports of Cote act in

the same manner as the "removable plastic insert" of the instant invention. The supports keep the flexible cardboard box from collapsing under the weight of the reel load with cable. Therefore, the main compartment, which does not include the supports, of Cote is made of a flexible material.

With respect to Appellants' arguments starting on page 11, line 25 to page 13, line 11, Appellants argue the supports 18 of Cote are not removable. The Examiner respectfully disagrees. As shown in Figure 4, the supports of Cote are separate from the box and thereby removable. Further as described in lines 1-7 of Paragraph [0026] of Cote, the supports are made by a separate process and separate material from the box. Therefore, they are placed in the box and not integral with the box in this embodiment. It is noted that lines 7-10 of Paragraph [0026] of Cote does describe an embodiment in which the supports are integral with the box. However, this is not the embodiment used in the rejection and as evidenced by lines 1-7 of the same paragraph is not the only embodiment disclosed by Cote.

For the above reasons, it is believed the 35 U.S.C §102(b) rejection of Claim 20 as anticipated by Cote should be sustained.

III. Claims 1,3,7,10,11,13,15,21,23,25 and 28-32 are patentable under 35 U.S.C. §103(a) over Cote in view of Godshaw

A. Independent Claim 1

With respect to Appellants' arguments starting on page 13, line 12 to page 15, line 11, Appellants argue Cote does not disclose a main compartment made of a flexible

material for the same reasons as with respect to Claim 20. For the same reasons as discussed above with respect to Claim 20, the Examiner respectfully disagrees.

With respect to Appellants' arguments starting on page 15, line 12 to page 15, line 28, Appellants argue that although Godshaw teaches a flexible material in line with Appellant's invention, the combination of Cote and Godshaw would not be proper as Cote teaches heavy duty, stiff, or rugged cardboard. The Examiner respectfully disagrees as the argument is moot as Cote teaches a flexible material as defined by its ordinary definition.

With respect to Appellants' arguments starting on page 15, line 29 to page 16, line 25, Appellants argue to add handles and a shoulder strap of Godshaw would be redundant and cut against the purpose of being able to stack the boxes of Cote. The Examiner respectfully disagrees. One of ordinary skill in the art would recognize adding or substituting the handles and shoulder strap of Godshaw for the integral handles of Cote would make the device easier to carry and more versatile with different ways of carrying it. Furthermore, even with the handles and shoulder strap of Godshaw, the modified box could still be stacked as proposed by Cote. The handles and shoulder strap may have to be moved out of the way, but one of ordinary skill would recognize that this could be done much like is done when luggage is load in the cargo compartment of a plane, train, or cruise ship.

For the above reasons, it is believed the 35 U.S.C §103(a) rejection of Claims 1, 3, 7, 9, 10, 26, 28 and 29 as unpatentable under Cote in view of Godshaw should be sustained.

B. Dependent Claim 10

With respect to Appellants' arguments starting on page 16, line 26 to page 17, line 10, Appellants argue the use of zippered pockets is not compatible with stiff cardboard boxes. The Examiner respectfully disagrees. Godshaw is merely being used to teach the use of pockets on an exterior surface of a storage container for storage of material related to the items stored in the container not the bodily incorporation of zippered pockets on a cardboard box.

For the above reasons, it is believed the 35 U.S.C §103(a) rejection of Claim 10 as unpatentable under Cote in view of Godshaw should be sustained.

C. Independent Claim 11

With respect to Appellants' arguments starting on page 17, line 11 to page 18, line 12, Appellants argue Cote's rigid supports are not removable and Godshaw does not cure this deficiency. The Examiner respectfully disagrees for the same reason as advanced above with respect to Claim 20.

For the above reasons, it is believed the 35 U.S.C §103(a) rejection of Claims 11, 13, 15, 18, 27, 30-32 as unpatentable under Cote in view of Godshaw should be sustained.

D. Independent Claim 21

With respect to Appellants' arguments starting on page 18, line 13 to page 19, line 18, Appellants argue Cote does not disclose a main compartment made of flexible material or removable inserts and Godshaw does not overcome these deficiencies as

set forth in the arguments regarding Claims 1 and 20. The Examiner respectfully disagrees for the same reasons as advanced above with regard to Claims 1 and 20.

For the above reasons, it is believed the 35 U.S.C §103(a) rejection of Claims 21, 23, 25, and 33 as unpatentable under Cote in view of Godshaw should be sustained.

E. Dependent Claim 25

With respect to Appellants' arguments starting on page 19, line 19 to page 19, line 23, Appellants argue the combination of Cote and Godshaw does not disclose or suggest at least one storage pouch on the exterior of the main compartment for the same reasons as advanced with respect to Claim 10. The Examiner respectfully disagrees for the same reasons as advanced above with respect to Claim 10.

For the above reasons, it is believed the 35 U.S.C §103(a) rejection of Claim 25 as unpatentable under Cote in view of Godshaw should be sustained.

IV. Claims 9,18,26,27 and 33 are patentable under 35 U.S.C. 103(a) over Cote in view of Godshaw and further in view of Eastwood.

A. Dependent Claim 9

With respect to Appellants' arguments starting on page 19, line 24 to page 20, line 24, Appellants argue Eastwood cable lock is not on the exterior of the main compartment. The Examiner respectfully disagrees. The main compartment of Eastwood, which stores the reel of cable, is 37,27, as shown in Figure 23, the cable lock 50 is on the outside, or exterior, of 27, particularly when the device is in use. Cover 6 is merely a cover to put over the compartment when transporting from one place to another. Furthermore, one of ordinary skill in the art would recognize you would want

the cable lock to be on the exterior of the main compartment so the end of cable being secured is readily available.

For the above reasons, it is believed the 35 U.S.C §103(a) rejection of Claim 9 as unpatentable under Cote in view of Godshaw and further in view of Eastwood should be sustained.

B. Dependent Claim 26

With respect to Appellants' arguments starting on page 20, line 25 to page 20, line 29, Appellant argues Cote in view of Godshaw and further in view of Eastwood does not disclose or suggest the cable lock located on the exterior of the main compartment adjacent the cable payout passageway for the reasons set forth with respect to Claim 9. The Examiner respectfully disagrees for the same reasons as advanced above with respect to claim 9.

For the above reasons, it is believed the 35 U.S.C §103(a) rejection of Claim 26 as unpatentable under Cote in view of Godshaw and further in view of Eastwood should be sustained.

C. Dependent Claims 18 and 27

With respect to Appellants' arguments starting on page 21, line 1 to page 21, line 7, Appellant argues Cote in view of Godshaw and further in view of Eastwood does not disclose or suggest the cable lock located on the exterior of the main compartment adjacent the cable payout passageway for the reasons set forth with respect to Claims 9 and 26. The Examiner respectfully disagrees for the same reasons as advanced above with respect to claims 9 and 26.

For the above reasons, it is believed the 35 U.S.C §103(a) rejection of Claims 18 and 27 as unpatentable under Cote in view of Godshaw and further in view of Eastwood should be sustained.

D. Dependent Claim 33

With respect to Appellants' arguments starting on page 21, line 8 to page 21, line 13, Appellant argues Cote in view of Godshaw and further in view of Eastwood does not disclose or suggest the cable lock located on the exterior of the main compartment adjacent the cable payout passageway for the reasons set forth with respect to Claims 9 and 26. The Examiner respectfully disagrees for the same reasons as advanced above with respect to claims 9 and 26.

For the above reasons, it is believed the 35 U.S.C §103(a) rejection of Claim 33 as unpatentable under Cote in view of Godshaw and further in view of Eastwood should be sustained.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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Supervisory Patent Examiner, Art Unit 3654

Attorney Docket No. 9457-242 PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Houston et al. Confirmation No.: 1238
Application No.: 12/484,393 Group Art Unit: 3654
Filed: June 15, 2009 Examiner: William E. Dondero
For: **COMMUNICATIONS CABLE PAYOUT BAGS**

Date: March 18, 2013

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Commissioner for Patents
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Alexandria, VA 22313-1450

APPELLANT'S BRIEF ON APPEAL UNDER 37 C.F.R. §41.67

This Appeal Brief is filed pursuant to the "Notice of Appeal to the Board of Patent Appeals and Interferences," filed March 5, 2013, and is in response to the Final Office Action mailed December 6, 2012 (the "Final Office Action").

Real Party In Interest

The real party in interest is assignee CommScope, Inc. of North Carolina, as recorded at Reel/Frame number 022963/0615.

Related Appeals and Interferences

Appellant is not aware of any appeals or interferences that would be affected by the present appeal.

Status of Claims

Claims 1, 3, 7, 9-11, 13, 15, 18, 20, 21, 23 and 25-33 are pending and stand rejected. Appellant appeals the final rejection of Claims 1, 3, 7, 9-11, 13, 15, 18, 20, 21, 23 and 25-33 by the Final Office Action.

Summary of Claimed Subject Matter

Claims 1, 11, 20 and 21 are the independent claims.

Independent Claim 1 is directed to a communications cable payout bag. The communications cable payout bag includes: a main compartment constructed of a flexible material (*see, e.g.*, the main compartment **20** in **Figure 1**; paragraph **[0018]**), the main compartment having an interior and an exterior and being openable and closable (*see, e.g.*, paragraph **[0028]**); a shoulder strap attached to the exterior of the main compartment (*see, e.g.*, the shoulder strap **40** in **Figure 3**); a pair of handle straps attached to the exterior of the main compartment, wherein each handle strap is shorter than the shoulder strap (*see, e.g.*, the handle straps **50** in **Figure 3**); a reel of communications cable within the interior of the main compartment, the reel of communications cable having a loose end of cable at an outer portion thereof (*see, e.g.*, the cable package **22** in **Figure 1** and the loose end of cable **28** in **Figure 2**); a cable payout passageway defined between the interior and the exterior of the main compartment, the cable payout passageway configured to receive therethrough the loose end of cable from the outer portion of the reel of communications cable (*see, e.g.*, the cable payout passageway **30** in **Figure 2**; paragraph **[0022]**); and a closure mechanism configured to close the main compartment (*see, e.g.*, the closure mechanism **70** in **Figure 3**).

Independent Claim 11 is directed to a communications cable payout bag. The communications cable payout bag includes: a main compartment having an interior and an exterior and being openable and closable (*see, e.g.*, the main compartment **120** in **Figure 4**; paragraph **[0038]**); a removable insert within the interior of the main compartment (*see, e.g.*, the removable insert **124** in **Figure 4**); a reel of communications cable that is supported by the removable insert, the reel of communications cable having a loose end of cable at an outer portion thereof (*see, e.g.*, the reel of cable **122** and the loose end of cable **128** in **Figure 4**; paragraph **[0032]**); a shoulder strap attached to the exterior of the main compartment (*see, e.g.*, the shoulder strap **40** in **Figure 3**); a pair of handle straps attached to the exterior of the main compartment, wherein each handle strap is shorter than the shoulder strap (*see, e.g.*, the handle straps **50** in **Figure 3**); a cable payout passageway defined between the interior and the exterior of the main compartment, the cable payout passageway configured to receive therethrough the loose end of cable from the outer portion of the reel of communications cable (*see, e.g.*, the cable payout passageway **30** in **Figure 4**; paragraph **[0037]**); and a closure mechanism configured to close the main compartment to thereby close the removable insert and the reel of communications cable in the interior of the main compartment (*see, e.g.*, the closure mechanism **70** in **Figure 3**; paragraph **[0038]**).

Independent Claim 20 is directed to a method for paying out communications cable from a bag that includes a main compartment and a cable payout passageway. The method includes: inserting a removable plastic insert and a cylindrical reel of communications cable supported by the removable insert in the main compartment (*see, e.g.*, the removable insert **124**, the reel of cable **122** and the main compartment **120** in **Figure 4**; paragraph **[0039]**), wherein the reel of communications cable has a loose end of cable at an outer portion thereof (*see, e.g.*, the loose end of cable **128** in **Figure 4**), and wherein the main compartment is constructed of a flexible material (*see, e.g.*, paragraph **[0018]**); aligning the loose end of cable from the outer portion of the reel of communications cable with the cable payout passageway (*see, e.g.*, paragraph **[0039]**); and pulling the loose end of cable through the cable payout passageway (*see, e.g.*, paragraph **[0039]**).

Independent Claim 21 is directed to a communications cable payout bag. The bag includes: a main compartment having an interior and an exterior and constructed of a flexible material (*see, e.g.*, the main compartment **120** in **Figure 4**; paragraph **[0018]**); a removable insert within the interior of the main compartment (*see, e.g.*, the removable insert **124** in **Figure 4**); a reel of communications cable that is supported by the removable insert, the reel of communications cable having a loose end of cable at an outer portion thereof (*see, e.g.*, the reel of cable **122** and the loose end of cable **128** in **Figure 4**; paragraph **[0032]**); a shoulder strap attached to the exterior of the main compartment (*see, e.g.*, the shoulder strap **40** in **Figure 3**); a cable payout passageway defined between the interior and the exterior of the main compartment, the cable payout passageway configured to receive therethrough the loose end of cable from the outer portion of the reel of communications cable (*see, e.g.*, the cable payout passageway **30** in **Figure 4**; paragraph **[0037]**); and a closure mechanism configured to close the main compartment to thereby close the removable insert and the reel of communications cable in the interior of the main compartment (*see, e.g.*, the closure mechanism **70** in **Figure 3**; paragraph **[0038]**). The main compartment has a substantially rectangular profile when the removable insert and the reel of communications cable are closed in the interior thereof (*see, e.g.*, **Figures 1** and **4**; paragraphs **[0020]** and **[0021]**).

Claim 3 depends from Claim 1 and recites that the cable payout passageway comprises an elongated slot located on a side surface of the main compartment (*see, e.g.*, paragraph **[0023]**).

Claim 7 depends from Claim 1 and recites that at least one of the pair of handle straps includes a flap configured to couple the handle straps (*see, e.g.*, the flap **52** in **Figure 3**).

Claim 9 depends from Claim 1 and recites that the bag includes a cable lock configured to secure the loose end of cable on the exterior of the main compartment (*see, e.g.*, the cable lock **80** in **Figure 2**).

Claim 26 depends from Claim 9 and recites that the cable lock is located on the exterior of the main compartment adjacent the cable payout passageway (*see, e.g.*, the cable lock **80** in **Figure 2**; paragraph **[0030]**).

Claim 10 depends from Claim 1 and recite that the bag includes at least one storage pouch on the exterior of the main compartment (*see, e.g.*, the pouch **60** in **Figure 3**).

Claim 28 depends from Claim 1 and recites that the closure mechanism comprises a pair of connectable flaps (*see, e.g.*, the flaps **72, 74** in **Figure 1**; paragraph **[0029]**).

Claim 29 depends from Claim 28 and recites that one of the flaps includes an outwardly extending tongue (*see, e.g.*, the tongue **76** in **Figure 3**; paragraph **[0029]**).

Claim 13 depends from Claim 11 and recites that the cable payout passageway comprises an elongated slot located on a side surface of the main compartment (*see, e.g.*, paragraph **[0023]**).

Claim 15 depends from Claim 11 and recites that the shoulder strap includes a padded portion (*see, e.g.*, the padded portion **42** in **Figure 3**; paragraph **[0024]**).

Claim 18 depends from Claim 11 and recites that the bag includes a cable lock configured to secure the loose end of cable on the exterior of the main compartment (*see, e.g.*, the cable lock **80** in **Figure 2**).

Claim 27 depends from Claim 18 and recites that the cable lock is located on the exterior of the main compartment adjacent the cable payout passageway (*see, e.g.*, the cable lock **80** in **Figure 2**; paragraph **[0030]**).

Claim 30 depends from Claim 11 and recites that the main compartment has a substantially rectangular profile when the removable insert and reel of communications cable are closed in the interior thereof (*see, e.g.*, **Figures 1** and **4**; paragraphs **[0020]** and **[0021]**).

Claim 31 depends from Claim 11 and recites that the removable insert is polymeric (*see, e.g.*, paragraph **[0033]**).

Claim 32 depends from Claim 11 and recites that the removable insert comprises at least a first sidewall and a second sidewall (*see, e.g.*, **Figure 4**).

Claim 23 depends from Claim 21 and recites that the shoulder strap comprises a single adjustable shoulder strap, and wherein the shoulder strap can be adjusted to a length of at least 37 inches (*see, e.g.*, paragraph **[0024]**).

Claim 25 depends from Claim 21 and recites that the bag includes at least one storage pouch on the exterior of the main compartment (*see, e.g.*, the pouch **60** in **Figure 3**).

Claim 33 depends from Claim 21 and recites that the bag includes a cable lock configured to secure the loose end of cable on the exterior of the main compartment, wherein the cable lock is located on the exterior of the main compartment adjacent the cable payout passageway (*see, e.g.*, the cable lock **80** in **Figure 2**; paragraph **[0030]**).

Argument

I. Introduction

Claim 20 stands rejected under 35 U.S.C. §102(b). Under 35 U.S.C. §102, "a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." M.P.E.P. §2131 (quoting *Verdegaal Bros. v. Union Oil Co.*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987)). "Anticipation under 35 U.S.C. §102 requires the disclosure in a single piece of prior art of each and every limitation of a claimed invention." *Apple Computer Inc. v. Articulate Sys. Inc.*, 57 U.S.P.Q.2d 1057, 1061 (Fed. Cir. 2000).

A finding of anticipation requires that there must be no difference between the claimed invention and the disclosure of the cited reference as viewed by one of ordinary skill in the art. *See Scripps Clinic & Research Foundation v. Genentech Inc.*, 927 F.2d 1565, 1576, 18 U.S.P.Q.2d 1001, 1010 (Fed. Cir. 1991). In particular, the Court of Appeals for the Federal Circuit held that a finding of anticipation requires absolute identity for each and every element set forth in the claimed invention. *See Trintec Indus. Inc. v. Top-U.S.A. Corp.*, 63 U.S.P.Q.2d 1597 (Fed. Cir. 2002). Additionally, the cited prior art reference must be enabling, thereby placing the allegedly disclosed matter in the possession of the public. *In re Brown*, 329 F.2d 1006, 1011 (C.C.P.A. 1964). Thus, the prior art reference must adequately describe the claimed invention so that a person of ordinary skill in the art could make and use the invention.

Regarding anticipation by inherency, the M.P.E.P. states:

> The fact that a certain result or characteristic may occur or be present in the prior art is not sufficient to establish the inherency of that result or characteristic. To establish inherency, the extrinsic evidence "must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. Inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient."

M.P.E.P. §2112 (citations omitted).

Claims 1, 3, 7, 9-11, 13, 15, 18, 21, 23 and 25-33 stand rejected under 35 U.S.C. §103(a). Obviousness under 35 U.S.C. §103 is a question of law, the resolution of which is based on the following factual inquiries: (1) the scope and content of the prior art; (2) the differences between the claimed invention and the prior art; (3) the level of ordinary skill in the art; and (4) secondary considerations, including evidence of commercial success, long-felt but unsolved needs, failure of others, and unexpected results. M.P.E.P. §2141; *Graham v. John Deere Co.*, 383 U.S. 1 (1966). The key to supporting any rejection under 35 U.S.C. §103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. M.P.E.P. §2143. A patent composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art. *KSR Int'l Co. v. Teleflex Inc.*, 550 U. S. 398, 418 (2007). A Court must ask whether the improvement is more than the predictable use of prior art elements according to their established functions. *Id.* at 417. When it is necessary for a Court to look at interrelated teachings of multiple patents, the Court must determine whether there was an apparent reason to combine the known elements in the fashion claimed by the patent at issue. *Id.* at 418.

A rationale to support a conclusion that a claim would have been obvious is that all the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded nothing more than predictable results to one of ordinary skill in the art. M.P.E.P. §2143.02 (emphasis added) (citing *KSR Int'l Co. v. Teleflex Inc.*, 550 U.S. 398, 416; other citations omitted). When the prior art teaches away from combining certain known elements, discovery of a successful means of combining them is more likely to be unobvious. *Id.*

Appellant respectfully submits that the present rejections are improper, clearly erroneous and should be reversed for at least the reasons set forth below.

II. Claim 20 is patentable under 35 U.S.C. §102(b) over Cote

Independent Claim 20 stands rejected under Section 102(b) as being anticipated by U.S. Patent Application No. 2002/0125161 to Cote ("Cote"). Final Office Action, page 2. Claim 20 is reproduced below for the Board's convenience.

> 20. A method of paying out communications cable from a bag that includes a main compartment and a cable payout passageway, the method comprising:
> inserting a removable plastic insert and a cylindrical reel of communications cable supported by the removable insert in the main compartment, wherein the reel of communications cable has a loose end of cable at an outer portion thereof, and wherein the main compartment is constructed of a flexible material;
> aligning the loose end of cable from the outer portion of the reel of communications cable with the cable payout passageway; and
> pulling the loose end of cable through the cable payout passageway.

Appellant submits that Cote does not disclose a bag having a main compartment that is constructed of a flexible material. Cote is directed to a box to contain a spool of wire or cable and dispense the wire or cable. *See* Cote, paragraph [0002]. Cote states:

> The present invention comprises a box preferably formed of a heavy duty corrugated cardboard or other relatively stiff cardboard or other material which is rugged, capable of supporting heavy contents, and typically used for shipping spools of wire and cable.

Cote, paragraph [0023] (emphasis added).

The Cote box is illustrated in Figure 1, which is shown below for the Board's convenience.

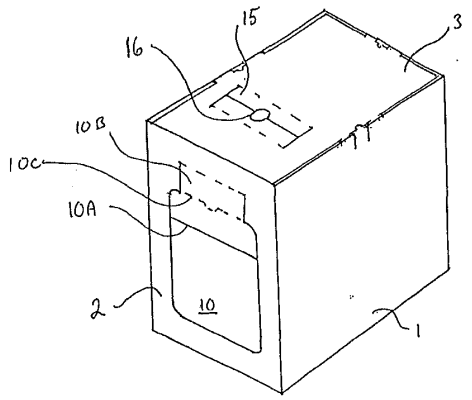


Figure 1

The Examiner characterizes the box walls 1, 2, 3 as defining a main compartment. The Examiner states that "the main compartment is constructed as a flexible material (cardboard, see paragraph [0009], which is a flexible material)." Office Action, page 2.

Appellant recognizes that, during prosecution, claims are "given their broadest reasonable interpretation consistent with the specification." M.P.E.P. §2111 (citing *Phillips v. AWH Corp.*, 415 F.3d 1303, 75 USPQ2d 1321 (Fed. Cir. 2005)). "Under a broadest reasonable interpretation, words of the claim must be given their plain meaning, unless such meaning is inconsistent with the specification." M.P.E.P. §2111.01(I). "The ordinary and customary meaning of a term may be evidenced by a variety of sources, including 'the words of the claims themselves, the remainder of the specification, the prosecution history, and extrinsic evidence concerning relevant scientific principles, the meaning of technical terms, and the state of the art.'" M.P.E.P. §2111.01(I) (citing *Phillips*, 415 F.3d at 1314.)

Appellant respectfully submits that the Examiner's assertion that the Cote box is "flexible" is unreasonable, both given the ordinary meaning of the term and in light of the present specification as it would be interpreted by one of ordinary skill in the art. A common definition of the term "flexible" is "capable of being bent, usually without breaking; easily bent." *See* http://dictionary.reference.com/browse/flexible (emphasis added). Appellant submits that the Cote box is not consistent with this definition. As set forth above, Cote states that the box should be made of "heavy duty corrugated cardboard or other relatively

stiff cardboard or other material which is rugged, capable of supporting heavy contents." Cote, paragraph [0023] (emphasis added).

In addition to generally providing a "heavy duty," "relatively stiff" or "rugged" material for the box, Cote proposes additional features to increase the rigidity of the box. Cote teaches that the box should include two opposed rigid supports for supporting spindles for spools of wire and cable. Cote teaches that rigid supports 18 may be positioned on inner surfaces of side walls 1 of the box and that the "rigid supports 18 may comprise STYROFOAM (expanded plastic made from polystyrene) or other rigid plastic elements made through a molding." Cote, paragraph [0026] (emphasis added). Alternatively, Cote proposes that "the rigid supports may also be comprised of internal panels of cardboard that may be integrally formed from the same sheet of cardboard used to form the box." *Id.* (emphasis added). In this regard, a sheet of cardboard can be "glued and folded to form a box with integral rigid supports," and "when assembled, the configuration provides a rigid formal support 52 as illustrated in FIG. 6, having at least four thicknesses of cardboard that will function to support the spindle of a spool of wire." Cote, paragraph [0027] (emphasis added).

In addition to the rigid supports, Cote states that the "top wall provides a secure means to keep the box closed and also improves the structural rigidity of the box." *Id.* (emphasis added). Cote explains that the top wall includes flaps that are configured to engage flap locks 34 and that "three corresponding locking tabs 35 are then placed through the flap locks 34 to hold the top wall 3 rigidly in place. Such a rigid connection is particularly important when a handle is included in the top wall 3 of the box." *Id.* (emphasis added).

Therefore, Appellant submits that the provision of "heavy duty," "relatively stiff" or "rugged" material for the box along with the additional features described above that provide further rigidity for the box preclude Cote from disclosing or suggesting a main compartment constructed of a flexible material, as recited in Claim 20. Indeed, Appellant submits that the Cote box is closer to rigid than flexible. The Federal Circuit has explicitly held that "it is not a reasonable claim interpretation to equate 'flexible' with 'rigid.'" *In re Buszard*, 504 F.3d 1364, 1367 (Fed. Cir. 2007); *see also* M.P.E.P. §2111.

The Examiner states that "[i]t is also further noted that the term flexible is a relative term and every material is flexible to some extent." Final Office Action, page 11. Appellant submits that such an interpretation of the term is unreasonable. By the Examiner's

interpretation, a steel beam would be flexible, as it is capable of flexing under sufficient load. However, one of ordinary skill in the art would not consider such a material flexible, much as one of ordinary skill in the art would not consider the Cote box to be flexible given the teachings of Cote.

Further, the Examiner's interpretation of "flexible" is not consistent with the manner in which the term is used in the present specification. At paragraph [0018], the specification states: "The bag 10 is generally constructed of a flexible material such as canvas, a synthetic polymer (*e.g.*, nylon) or any other flexible material." Appellant submits that the exemplary flexible materials cited in the specification are inconsistent with the "heavy duty," "relatively stiff" or "rugged" material for the Cote box that is further reinforced by features such as rigid supports and locking mechanisms.

Moreover, the present specification expressly differentiates cardboard boxes and communications cable payout bags constructed of a flexible material. At paragraph [0020], the specification states that "the cable package 22 may comprise a box, such as a cardboard box, with cable contained therein. In this regard, the cable package 22 takes the shape of the box and the main compartment 20 of the bag is configured to hold the box." At paragraph [0021], the specification states that the bag 10 may have a rectangular profile allowing "a cable package 22 comprising a box having rectangular sides to be snugly held within the main compartment 20." At paragraph [0029], the specification states that the bag may have a closure mechanism which may "tension the bag to conform to the size of the cable package 22." Therefore, the present specification proposes a bag having a flexible main compartment that may enclose and conform to a more rigid cable package, including a cardboard box. Thus, Appellant submits that the present specification clearly defines the term "flexible material" to mean a material that is more flexible than cardboard, and particularly the rigid cardboard used for the Cote box.

Appellant set forth above a commonly used definition of "flexible" from an extrinsic source, with the definition including "easily bent." The Examiner appears to advance the definition "flexible to some extent," which Appellant submits is an unreasonable interpretation as explained above. M.P.E.P. §2111.01(III) states:

> The ordinary and customary meaning of a term may be evidenced by a variety of sources, including "the words of the claims themselves, the remainder of the specification, the

> prosecution history, and extrinsic evidence concerning relevant scientific principles, the meaning of technical terms, and the state of the art." *Phillips v. AWH Corp.*, 415 F.3d at 1314, 75 USPQ2d at 1327. If extrinsic reference sources, such as dictionaries, evidence more than one definition for the term, the intrinsic record must be consulted to identify which of the different possible definitions is most consistent with applicant's use of the terms.

The Examiner does not cite any extrinsic source (*e.g.*, a dictionary) to support the proposition that "flexible" means "flexible to some extent." Appellant cannot find an extrinsic source that provides such a definition. However, even if such an extrinsic source existed, it would be in conflict with the definition advanced by Appellant, necessitating consultation of the intrinsic record "to identify which of the different possible definitions is most consistent with" Appellant's use of the term.

Appellant presented such an analysis above. The present specification proposes materials such as canvas and nylon for construction of the main compartment of the bag. *See* paragraph [0018]. The present specification states that the bag main compartment may be flexible to conform to the shape of a cable package held therein, and that such a cable package may be a cardboard box. *See, e.g.*, paragraphs [0020], [0021] and [0029]. As such, a cardboard box would not be consistent with the use of the term "flexible" in the present specification.

For at least the foregoing reasons, Appellant respectfully submits that the Section 102(b) rejection of Claim 20 is clearly erroneous as Cote does not disclose a main compartment constructed of a flexible material, as recited in Claim 20.

Appellant respectfully submits that the Section 102(b) of Claim 20 is clearly erroneous for at least one additional reason. Claim 20 recites inserting a removable plastic insert and a cylindrical reel of communications cable supported by the removable insert in the main compartment. The Examiner characterizes the opposed rigid supports 18 as the removable plastic insert. The rigid supports 18 are shown in Figure 4, which is reproduced below for the Board's convenience.

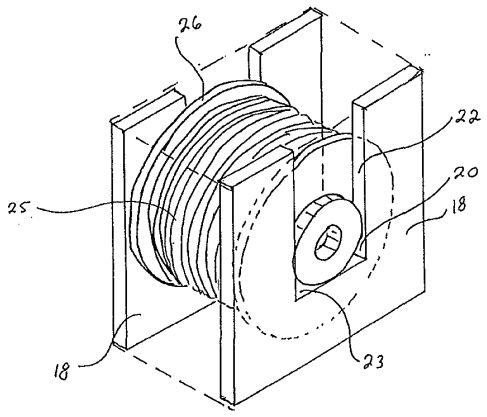


Figure 4

Cote does not expressly disclose that the rigid support members 18 are removable. Cote states that the "supports are positioned parallel to one another on the inner surfaces of the side walls 1 in a spaced relation." Cote, paragraph [0026]. Appellant submits that it is reasonable to assume that, as the rigid supports 18 are positioned on the side walls, the rigid supports are fixed on (*e.g.*, adhered to) the side walls. Appellant submits that, given the teachings of Cote, such a configuration makes more sense than one in which the rigid supports are removable (*e.g.*, loosely held in the box). Cote teaches that the rigid supports are configured to support a heavy spool of wire or cable, and as such Appellant submits that an orientation in which the rigid supports are fixed to the sidewalls would better serve this purpose.

Appellant submits that Cote's alternative embodiment provides further support that the rigid supports 18 are fixed to or integrated with the box. In the alternative embodiment, "the rigid supports may also be comprised of internal panels of cardboard that may be integrally formed from the same sheet of cardboard used to form the box." Cote, paragraph [0026] (emphasis added). Cote explains that "[w]hen assembled the configuration provides a rigid formal support 52 as illustrated in FIG. 6, having at least four thicknesses of cardboard that will function to support the spindle of a spool of wire." Cote, paragraph [0027]. Appellant submits that this embodiment indicates that Cote is concerned with retaining the rigid

supports at the side walls of the box, and therefore it is more likely than not that the rigid supports 18 are fixed to the sidewalls of the box (rather than loosely held in the box).

Cote does not expressly disclose a removable plastic insert and also does not inherently disclose a removable plastic insert. The Examiner has not provided rationale or evidence tending to show inherency as required by the M.P.E.P. *See* M.P.E.P. §2112(IV). In particular, the Examiner has not provided rationale or evidence that a removable plastic insert is "necessarily present" in Cote, and has not shown that removability of the rigid supports 18 "necessarily flows" from the teachings of Cote. *See id.* To the contrary, Appellant submits that the teachings of Cote indicate that the rigid supports 18 are not removable.

For at least the foregoing reasons, Appellant submits that the Section 102(b) rejection of independent Claim 20 is clearly erroneous and should be reversed.

III. Claims 1, 3, 7, 10, 11, 13, 15, 21, 23, 25 and 28-32 are patentable under 35 U.S.C. §103(a) over Cote in view of Godshaw

Claims 1, 3, 7, 10, 11, 13, 15, 21, 23, 25 and 28-32 stand rejected under Section 103(a) as being unpatentable over Cote in view of U.S. Patent No. 6,601,743 to Godshaw ("Godshaw"). Final Office Action, page 3.

A. Independent Claim 1

Independent Claim 1 recites:

> 1. A communications cable payout bag, comprising:
> a main compartment **constructed of a flexible material**, the main compartment having an interior and an exterior, the main compartment being openable and closable;
> a shoulder strap attached to the exterior of the main compartment;
> a pair of handle straps attached to the exterior of the main compartment, wherein each handle strap is shorter than the shoulder strap;
> a reel of communications cable within the interior of the main compartment, the reel of communications cable having a loose end of cable at an outer portion thereof;
> a cable payout passageway defined between the interior and the exterior of the main compartment, the cable payout passageway configured to receive therethrough the loose end of

> cable from the outer portion of the reel of communications cable; and
>
> a closure mechanism configured to close the main compartment.

Appellant submits that the cited art does not disclose or suggest a communications cable payout bag having a main compartment constructed of a flexible material for substantially the same reasons set forth above in connection with Claim 20. The Examiner states that:

> Cole discloses a communications cable payout bag comprising a main compartment (defined by side walls 1, 2, 3) constructed of a flexible material (cardboard, see paragraph [0009], which is a flexible material).

Final Office Action, page 3.

Appellant respectfully submits that the Cote box (or a main compartment thereof) cannot properly be characterized as being constructed of a flexible material. As discussed in detail above, Cote teaches that the box should be made of "heavy duty corrugated cardboard or other relatively stiff cardboard or other material which is rugged, capable of supporting heavy contents." Cote, paragraph [0023]. Appellant submits that the "heavy duty," "relatively stiff" or "rugged" material proposed by Cote is a rigid material as opposed to a flexible material for at least the reasons set forth above.

Also as discussed in detail above, Cote provides additional features such that the box (or main compartment defined by the walls of the box) achieves substantial rigidity. Cote teaches that the box should include two opposed rigid supports for supporting heavy spools of wire and cable. Cote teaches that "rigid supports 18 may comprise STYROFOAM (expanded plastic made from polystyrene) or other rigid plastic elements made through a molding." Cote, paragraph [0026] (emphasis added). Alternatively, Cote proposes that "the rigid supports may also be comprised of internal panels of cardboard that may be integrally formed from the same sheet of cardboard used to form the box." *Id.* (emphasis added). In this regard, a sheet of cardboard can be "glued and folded to form a box with integral rigid supports," and "when assembled, the configuration provides a rigid formal support 52 as illustrated in FIG. 6, having at least four thicknesses of cardboard that will function to support the spindle of a spool of wire." Cote, paragraph [0027] (emphasis added).

In addition to the rigid supports, Cote states that the "top wall provides a secure means to keep the box closed and also improves the structural rigidity of the box." *Id.* (emphasis added). Cote explains that the top wall includes flaps that are configured to engage flap locks and that "three corresponding locking tabs 35 are then placed through the flap locks 34 to hold the top wall 3 rigidly in place. Such a rigid connection is particularly important when a handle is included in the top wall 3 of the box." *Id.* (emphasis added).

Therefore, Appellant submits that Cote does not disclose or suggest a main compartment that is constructed of a flexible material, as recited in Claim 1. This is the case given either the customary meaning of a term "flexible" or the meaning of the term "flexible" in light of the present specification as it would be interpreted by one of ordinary skill in the art, as set forth in detail above.

Godshaw is directed to a combination backpack and duffel bag. Appellant acknowledges that the Godshaw bag is constructed of a flexible fabric material which enables the bag to be folded or compressed for storage when contents are removed. This is more in line with the "flexible material" recited in Claim 1 and described in the present specification.

The Examiner does not rely on Godshaw to teach a main compartment constructed of a flexible material. However, even if the Examiner had cited Godshaw for this feature, a *prima facie* case of obviousness would not have been established. One of ordinary skill in the art would not modify the Cote box to be constructed of the flexible fabric material of Godshaw. As set forth above, Cote consistently teaches that the box should be made of a "heavy duty," "relatively stiff" or "rugged" material so as to capable of supporting heavy objects (*i.e.*, reels of cable or wire). Cote further teaches that the box should have this material to facilitate "shipping spools of wire and cable." Cote, paragraph [0023]. Given these teachings of Cote, one of ordinary skill in the art would not replace the "heavy duty," "relatively stiff" or "rugged" cardboard of the Cote box with the "flexible fabric" of the Godshaw bag. Doing so would reduce or even destroy the Cote box's effectiveness with regard to shipping and supporting heavy reels of cable or wire, which Cote states are important purposes of the device of Cote.

In addition, the Examiner concedes that Cote does not disclose "a shoulder strap attached to the exterior of the main compartment" or "a pair of handle straps attached to the exterior of the main compartment, wherein each handle strap is shorter than the shoulder strap," but cites Godshaw as teaching these features. Final Office Action, pages 3-4. The

Examiner concludes that it would have been obvious "to add a should strap and a pair of handle straps to the bag of Cote to allow a user to carry the bag from one place to another and to make the bag more versatile allowing the user to carry over their shoulder or with the hands as taught by Godshaw." Final Office Action, page 4.

The Cote box already includes handles for carrying the box. Specifically, referring to Figures 1 and 2, Cote teaches that a "portion 10B of the panel 10 may be folded inwardly along crease line 10C . . . such that the panel 10 serves to reinforce the upper edge of the opening 11 which may be used as a handle for the box." Cote, paragraph [0023]. Cote further teaches that the "top 3 of the box is also provided with a die-cut opening 15 forming a handle grip." Cote, paragraph [0024]. As the Cote box already includes "integrated" handles, Appellant submits that one of ordinary skill in the art would not be inclined to add redundant handles, such as the handle straps of Godshaw.

Further, the Cote box is designed to be "received by the user" in the manner shown in Figure 1. *See* Cote, paragraph [0012]. In this state, the box is defined by six flat sides. Cote indicates that the box provides an "omni-directional, stable, stackable package" solution. Cote, paragraph [0003]. Appellant submits that modifying the Cote box to include the shoulder strap and/or the handle straps would cut against this purpose. Cote provides the box with flat sides such that the box remains stable and stackable for shipping/transport. Cote provides the special integrated handles that may be folded inwardly after the box has reached its destination. A modified Cote box including the handle straps and shoulder straps of Godshaw would result in a box with the straps hanging off at least one side of the box, thereby reducing the stability and stackability of the box during shipping/transport.

For at least the foregoing reasons, Appellant submits that the Section 103(a) rejection of independent Claim 1 is clearly erroneous and should be reversed. Claims 3, 7, 9, 10, 26, 28 and 29 are patentable at least per their dependence from Claim 1.

B. Dependent Claim 10

Claim 10 depends from Claim 1 and recites that the bag includes at least one storage pouch on the exterior of the main compartment. The Examiner concedes that Cote does not disclose a storage pouch but cites Godshaw as teaching this feature. The Examiner concludes that it would have been obvious "to add the storage pockets of Godshaw to the bag of Cote to

provide storage for the handle straps when not in use as taught by Godshaw (Column 2, Line 58-67)." Final Office Action, page 5.

As discussed above, the Cote box and the Godshaw bag are constructed of very different materials. Cote emphasizes that the box should be made of heavy duty and rugged cardboard for strength. Godshaw is directed to a backpack/duffel bag and as such is formed of a flexible, fabric material. Godshaw teaches the use of zippered pockets, which Appellant assumes the Examiner is identifying as the claimed pouch. However, while zippered pockets are compatible with flexible fabric material, their use is not consistent with heavy duty and rugged cardboard. As such, Appellant submits that one of ordinary skill in the art would not modify the Cote box to include Godshaw's zippered pockets.

C. Independent Claim 11

Independent Claim 11 recites:

> 11. A communications cable payout bag, comprising:
> a main compartment having an interior and an exterior, the main compartment being openable and closable;
> a **removable insert** within the interior of the main compartment;
> a reel of communications cable that is supported by the removable insert, the reel of communications cable having a loose end of cable at an outer portion thereof;
> a shoulder strap attached to the exterior of the main compartment;
> a pair of handle straps attached to the exterior of the main compartment, wherein each handle strap is shorter than the shoulder strap;
> a cable payout passageway defined between the interior and the exterior of the main compartment, wherein the cable payout passageway is configured to receive therethrough the loose end of cable from the outer portion of the reel of communications cable; and
> a closure mechanism configured to close the main compartment to thereby close the removable insert and the reel of communications cable in the interior of the main compartment.

The Examiner states that Cote discloses "a removable insert 18, 18 within the interior of the main compartment." Final Office Action, page 5. As discussed above in reference to

Claim 20, Cote does not expressly disclose that the rigid supports 18 are removable. The Examiner does not provide an inherency analysis; however, Appellant submits that Cote also does not inherently disclose that rigid supports are removable for the reasons set forth above in connection with Claim 20. Godshaw does not cure this deficiency of Cote; as such, Appellant submits that the cited art does not disclose or suggest at least this element of Claim 11 and the Examiner has not established a *prima facie* case of obviousness.

Appellant further submits that it would not have been obvious to modify the Cote box to include the handle straps and the shoulder strap of Godshaw for at least the reasons discussed above in reference to Claim 1.

For at least the foregoing reasons, Appellant submits that the Section 103(a) rejection of independent Claim 11 is clearly erroneous and should be reversed. Claims 3, 7, 9, 10, 26, 28 and 29 are patentable at least per their dependence from Claim 11.

D. Independent Claim 21

Independent Claim 21 recites:

> 21. A communications cable payout bag, comprising:
> a main compartment **constructed of a flexible material**, the main compartment having an interior and an exterior, the main compartment being openable and closable;
> a **removable insert** within the interior of the main compartment;
> a reel of communications cable that is supported by the removable insert, the reel of communications cable having a loose end of cable at an outer portion thereof;
> a shoulder strap attached to the exterior of the main compartment;
> a cable payout passageway defined between the interior and the exterior of the main compartment, the cable payout passageway configured to receive therethrough the loose end of cable from the outer portion of the reel of communications cable; and
> a closure mechanism configured to close the main compartment to thereby close the removable insert and the reel of communications cable in the interior of the main compartment;
> wherein the main compartment has a substantially rectangular profile when the removable insert and the reel of communications cable are closed in the interior thereof.

Again, the Examiner states that "Cote discloses a communications cable bag comprising a main compartment (defined by side walls 1, 2, 3) constructed of a flexible material (cardboard, see paragraph [0009], which is a flexible material)." Final Office Action, page 7. Appellant disagrees. Cote does not disclose or suggest that the box is constructed of a flexible material for at least the reasons set forth above in connection with Claim 20. Godshaw does not cure the deficiencies of Cote in this regard for at least the reasons discussed in reference to Claim 1.

The Examiner also states that Cote discloses "a removable insert 18, 18 within the interior of the main compartment." Final Office Action, page 7. Appellant submits that Cote does not disclose, either expressly or inherently, that the rigid supports 18 are removable for at least the reasons set forth above in connection with Claim 1. Godshaw does not cure this deficiency of Cote.

Appellant further submits that it would not have been obvious to modify the Cote box to include the shoulder strap of Godshaw for at least the reasons discussed above in reference to Claim 1.

For at least the foregoing reasons, Appellant submits that the Section 103(a) rejection of independent Claim 21 is clearly erroneous and should be reversed. Claims 23, 25 and 33 are patentable at least per their dependence from Claim 21.

E. Dependent Claim 25

Claim 25 depends from Claim 21 and recites that the bag includes at least one storage pouch on the exterior of the main compartment. Appellant submits that Claim 25 is independently patentable over the cited art for at least the reasons set forth above in reference to Claim 10.

IV. Claims 9, 18, 26, 27 and 33 are patentable under 35 U.S.C. §103(a) over Cote in view of Godshaw and further in view of Eastwood

Claims 9, 18, 26, 27 and 33 stand rejected under Section 103(a) as being unpatentable over Cote in view of Godshaw and further in view of U.S. Patent No. 7,320,445 to Eastwood et al. ("Eastwood"). Final Office Action, page 9.

A. Dependent Claim 9

Claim 9 depends from Claim 1 and recites that the bag includes a cable lock configured to secure the loose end of cable on the exterior of the main compartment. The Examiner concedes that Cote does not disclose a cable lock but states that Eastwood discloses:

> a cable payout dispenser 13, 27 comprising a cable lock 50 configured to secure a loose end of cable 3 on the exterior (defined by 27) of the dispenser, wherein the cable lock is located on the exterior of the dispenser adjacent a cable payout passage 29 (Figures 1-30).

Final Office Action, pages 9-10.

The Examiner concludes that it would have been obvious "to add a cable lock to the exterior of the bag adjacent the cable payout passage to secure a terminal portion of the wire as taught by Eastwood et al. (Column 8, Lines 22-41) for easy access by the user." Final Office Action, page 10.

Appellant respectfully disagrees with the Examiner's characterization of Eastwood. Item 27 of Eastwood is an "interior" cover. The cover 27 is not an exterior of a main compartment of a bag. The cover 27 is attached to a bottom portion 5 of the caddy 2, which is rotatably coupled to a top portion 6 of the caddy 2. *See* Eastwood, column 5, lines 54-65 and column 6, lines 50-53. When the caddy 2 is in a closed position, the cover 27, and therefore the "cable lock" 50, is enclosed by the caddy bottom and top portions 5, 6. As such, Appellant submits that Eastwood does not disclose or suggest a cable lock on the exterior of a main compartment of a bag, as recited. Appellant submits Claim 9 is separately patentable for at least these reasons.

B. Dependent Claim 26

Claim 26 depends from Claim 9 and recites that the cable lock is located on the exterior of the main compartment adjacent the cable payout passageway. Appellant submits that Eastwood does not disclose or suggest this arrangement for at least the reasons set forth above.

C. Dependent Claims 18 and 27

Claim 18 depends from Claim 11 and recites that the bag includes a cable lock configured to secure the loose end of cable on the exterior of the main compartment. Claim 27 depends from Claim 18 and recites that the cable lock is located on the exterior of the main compartment adjacent the cable payout passageway. Appellant submits these claims are independently patentable for at least the reasons set forth above in connection with Claims 9 and 26.

D. Dependent Claim 33

Claim 33 depends from Claim 21 and recites that the bag includes a cable lock configured to secure the loose end of cable on the exterior of the main compartment, wherein the cable lock is located on the exterior of the main compartment adjacent the cable payout passageway. Appellant submits Claim 33 is independently patentable for at least the reasons set forth above in reference to Claims 9 and 26.

CONCLUSION

In view of the above discussion, Appellant submits that the rejection of Claims 1, 3, 7, 9-11, 13, 15, 18, 20, 21, 23 and 25-33 should be reversed and the present application passed to issue.

Respectfully submitted,

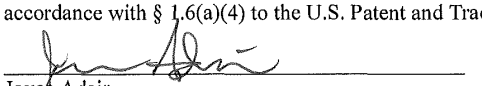


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CERTIFICATION OF TRANSMISSION

I hereby certify that this correspondence is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4) to the U.S. Patent and Trademark Office on March 18, 2013.



Joyce Adair

Claims Appendix

1. (Previously presented) A communications cable payout bag, comprising:

a main compartment constructed of a flexible material, the main compartment having an interior and an exterior, the main compartment being openable and closable;

a shoulder strap attached to the exterior of the main compartment;

a pair of handle straps attached to the exterior of the main compartment, wherein each handle strap is shorter than the shoulder strap;

a reel of communications cable within the interior of the main compartment, the reel of communications cable having a loose end of cable at an outer portion thereof;

a cable payout passageway defined between the interior and the exterior of the main compartment, the cable payout passageway configured to receive therethrough the loose end of cable from the outer portion of the reel of communications cable; and

a closure mechanism configured to close the main compartment.

2. (Canceled)

3. (Previously presented) The communications cable payout bag of Claim 1, wherein the cable payout passageway comprises an elongated slot located on a side surface of the main compartment.

4-6. (Canceled)

7. (Previously presented) The communications cable payout bag of Claim 1, wherein at least one of the pair of handle straps includes a flap configured to couple the handle straps.

8. (Canceled)

9. (Previously presented) The communications cable payout bag of Claim 1, further comprising a cable lock configured to secure the loose end of cable on the exterior of the main compartment.

10. (Previously presented) The communications cable payout bag of Claim 1, further comprising at least one storage pouch on the exterior of the main compartment.

11. (Previously presented) A communications cable payout bag, comprising:

a main compartment having an interior and an exterior, the main compartment being openable and closable;

a removable insert within the interior of the main compartment;

a reel of communications cable that is supported by the removable insert, the reel of communications cable having a loose end of cable at an outer portion thereof;

a shoulder strap attached to the exterior of the main compartment;

a pair of handle straps attached to the exterior of the main compartment, wherein each handle strap is shorter than the shoulder strap;

a cable payout passageway defined between the interior and the exterior of the main compartment, wherein the cable payout passageway is configured to receive therethrough the loose end of cable from the outer portion of the reel of communications cable; and

a closure mechanism configured to close the main compartment to thereby close the removable insert and the reel of communications cable in the interior of the main compartment.

12. (Canceled)

13. (Previously presented) The communications cable payout bag of Claim 11, wherein the cable payout passageway comprises an elongated slot located on a side surface of the main compartment.

14. (Canceled)

15. (Previously presented) The communications cable payout bag of Claim 11, wherein the shoulder strap includes a padded portion.

16. (Canceled)

17. (Canceled)

18. (Previously presented) The communications cable payout bag of Claim 11, further comprising a cable lock configured to secure the loose end of cable on the exterior of the main compartment.

19. (Canceled)

20. (Previously presented) A method of paying out communications cable from a bag that includes a main compartment and a cable payout passageway, the method comprising:

inserting a removable plastic insert and a cylindrical reel of communications cable supported by the removable insert in the main compartment, wherein the reel of communications cable has a loose end of cable at an outer portion thereof, and wherein the main compartment is constructed of a flexible material;

aligning the loose end of cable from the outer portion of the reel of communications cable with the cable payout passageway; and

pulling the loose end of cable through the cable payout passageway.

21. (Previously presented) A communications cable payout bag, comprising:

a main compartment constructed of a flexible material, the main compartment having an interior and an exterior, the main compartment being openable and closable;

a removable insert within the interior of the main compartment;

a reel of communications cable that is supported by the removable insert, the reel of communications cable having a loose end of cable at an outer portion thereof;

a shoulder strap attached to the exterior of the main compartment;

a cable payout passageway defined between the interior and the exterior of the main compartment, the cable payout passageway configured to receive therethrough the loose end of cable from the outer portion of the reel of communications cable; and

a closure mechanism configured to close the main compartment to thereby close the removable insert and the reel of communications cable in the interior of the main compartment;

wherein the main compartment has a substantially rectangular profile when the removable insert and the reel of communications cable are closed in the interior thereof.

22. (Canceled)

23. (Previously presented) The communications cable payout bag of Claim 21, wherein the shoulder strap comprises a single adjustable shoulder strap, and wherein the shoulder strap can be adjusted to a length of at least 37 inches.

24. (Canceled)

25. (Previously presented) The communications cable payout bag of Claim 21, further comprising at least one storage pouch on the exterior of the main compartment.

26. (Previously presented) The communications cable payout bag of Claim 9, wherein the cable lock is located on the exterior of the main compartment adjacent the cable payout passageway.

27. (Previously presented) The communications cable payout bag of Claim 18, wherein the cable lock is located on the exterior of the main compartment adjacent the cable payout passageway.

28. (Previously presented) The communications cable payout bag of Claim 1, wherein the closure mechanism comprises a pair of connectable flaps.

29. (Previously presented) The communications cable payout bag of Claim 28, wherein one of the flaps includes an outwardly extending tongue.

30. (Previously presented) The communications cable payout bag of Claim 11, wherein the main compartment has a substantially rectangular profile when the removable insert and reel of communications cable are closed in the interior thereof.

31. (Previously presented) The communications cable payout bag of Claim 11, wherein the removable insert is polymeric.

32. (Previously presented) The communications cable payout bag of Claim 11, wherein the removable insert comprises at least a first sidewall and a second sidewall.

33. (Previously presented) The communications cable payout bag of Claim 21, further comprising a cable lock configured to secure the loose end of cable on the exterior of the main compartment, wherein the cable lock is located on the exterior of the main compartment adjacent the cable payout passageway.

Electronic Patent Application Fee Transmittal	
Application Number:	12484393
Filing Date:	15-Jun-2009
Title of Invention:	COMMUNICATIONS CABLE PAYOUT BAGS
First Named Inventor/Applicant Name:	Eddy Robert Houston
Filer:	Stephen Petroski/Joyce Adair
Attorney Docket Number:	9457-242
Filed as Large Entity	

Utility under 35 USC 111(a) Filing Fees

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Filing a Brief in Support of an Appeal	1402	1	630	630
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Miscellaneous:				
			Total in USD ($)	**630**

Electronic Acknowledgement Receipt	
EFS ID:	15281738
Application Number:	12484393
International Application Number:	
Confirmation Number:	1238
Title of Invention:	COMMUNICATIONS CABLE PAYOUT BAGS
First Named Inventor/Applicant Name:	Eddy Robert Houston
Customer Number:	79207
Filer:	Stephen Petroski/Joyce Adair
Filer Authorized By:	Stephen Petroski
Attorney Docket Number:	9457-242
Receipt Date:	18-MAR-2013
Filing Date:	15-JUN-2009
Time Stamp:	13:45:04
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Deposit Account
Payment was successfully received in RAM	$630
RAM confirmation Number	39380
Deposit Account	500220
Authorized User	
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows: Charge any Additional Fees required under 37 C.F.R. Section 1.21 (Miscellaneous fees and charges)	

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Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Appeal Brief Filed	9457-242-AppealBrief.pdf	2548297 f2df0dbcdb7ee171a7c061841c4d4bce8f2272df	no	27
Warnings:					
Information:					
2	Fee Worksheet (SB06)	fee-info.pdf	30402 e50571dc813cfb1ca186895b5118632eaf9e2a6f	no	2
Warnings:					
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		Total Files Size (in bytes):	2578699		

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NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

Docket Number (Optional): 9457-242

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on _____

Signature _____

Typed or printed name _____

In re Application of: Eddy Robert Houston

Application Number	Filed
12/484,393	June 15, 2009

For: Communications Cable Payout Bags

Art Unit	Examiner
3654	William E. Dondero

Applicant hereby **appeals** to the Board of Patent Appeals and Interferences from the last decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 41.20(b)(1)) $ 10 fee increase
(Please reapply previously paid fee pursuant to MPEP 1204.01)

☐ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: $ _____

☐ A check in the amount of the fee is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☐ The Director has already been authorized to charge fees in this application to a Deposit Account.

☑ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 50-0220 .

☐ A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

☑ attorney or agent of record. Registration number 64,947 .

☐ attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34. _____



Signature

Stephen J. Petroski
Typed or printed name

919-854-1400
Telephone number

March 5, 2013
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☑ *Total of 1 forms are submitted.

This collection of information is required by 37 CFR 41.31. 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 1.11, 1.14 and 41.6. 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, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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Electronic Acknowledgement Receipt	
EFS ID:	15120627
Application Number:	12484393
International Application Number:	
Confirmation Number:	1238
Title of Invention:	COMMUNICATIONS CABLE PAYOUT BAGS
First Named Inventor/Applicant Name:	Eddy Robert Houston
Customer Number:	79207
Filer:	Stephen Petroski/Joyce Adair
Filer Authorized By:	Stephen Petroski
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Filing Date:	15-JUN-2009
Time Stamp:	14:41:57
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no

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Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Notice of Appeal Filed	9457-242-NOA.pdf	123547 93443c0dc60d3da4f77e31962434bf12c685a576	no	1
Warnings:					
Information:					

Total Files Size (in bytes):	123547

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New Applications Under 35 U.S.C. 111
If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371
If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office
If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

Document code: WFEE

United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/484,393	06/15/2009	Eddy Robert Houston	9457-242	1238

79207 7590 12/06/2012
MYERS BIGEL SIBLEY & SAJOVEC
P.O. BOX 37428
RALEIGH, NC 27612

EXAMINER	
DONDERO, WILLIAM E	
ART UNIT	PAPER NUMBER
3654	
MAIL DATE	DELIVERY MODE
12/06/2012	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.	Applicant(s)	
	12/484,393	HOUSTON ET AL.	
	Examiner	Art Unit	
	WILLIAM E. DONDERO	3654	

-- 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* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, 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 *19 October 2012*.

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) *1,3,7,9-11,13,15,18,20,21,23 and 25-33* 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) *1,3,7,9-11,13,15,18,20,21,23 and 25-33* 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 *15 June 2009* 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).

a)☐ All b)☐ Some * c)☐ None of:

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/08) Paper No(s)/Mail Date _____.

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

4) ☐ Other: _____.

DETAILED ACTION

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Specification

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: the original specification describes the removable insert as being plastic but does not disclose the removable insert is polymeric as claimed in Claim 31.

Claim Rejections - 35 USC § 102

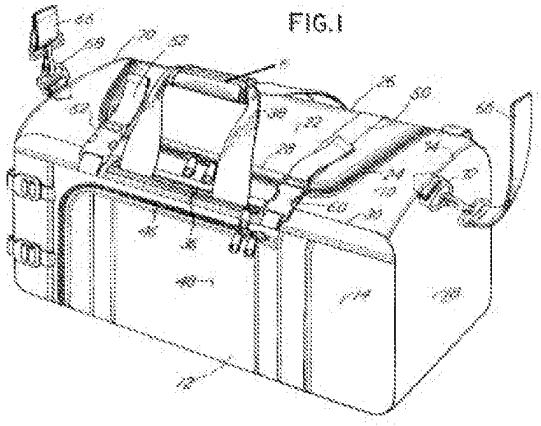
Claim 20 is rejected under 35 U.S.C. 102(b) as being anticipated by Cote (US-20020125161). Regarding Claim 20, Cote discloses a method of paying out communications cable 25 from a bag that includes a main compartment (inside bag defined by side walls 1,2,3) and a cable payout passageway (15,16 or 10), the method comprising inserting a removable plastic (see paragraph [0026]) insert 18,18 and a cylindrical reel 26 of communications cable supported by the removable insert in the main compartment, wherein the reel of communications cable has a loose end (see Figures 2 and 3) at an outer portion thereof, and wherein the main compartment is constructed as a flexible material (cardboard, see paragraph [0009], which is a flexible material); aligning a loose end of the cable from the outer portion of the reel of

communications cable with the cable payout passageway (see Figures 2 and 3); and pulling a loose end of cable through the cable payout passageway (see Figures 2 and 3) (Figures 1-10).

Claim Rejections - 35 USC § 103

Claims 1, 3, 7, 10-11, 13, 15, 21, 23, 25, and 28-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cote (US20020125161) in view of Godshaw (US-6601743). Regarding Claims 1 and 7, Cote discloses a communications cable payout bag comprising a main compartment (defined by side walls 1,2,3) constructed of a flexible material (cardboard, see paragraph [0009], which is a flexible material), the main compartment having an interior (inside the walls) and an exterior (outside the walls), the main compartment being closeable (via 31,32,34,35); a reel 26 of communications cable 25 within the interior of the main compartment, the reel of communications cable having a loose end (see Figures 2 and 3) at an outer portion thereof; a cable payout passageway (15,16 or 10, see Figures 2 and 3) defined between the interior and the exterior of the main compartment, the cable payout passageway configured to receive therethrough the loose end of the cable from the outer portion of the reel of communications cable (see Figures 2 and 3); and a closure mechanism 31,32,34,35 configured to close the main compartment (Figures 1-10). Cote does not expressly disclose a shoulder strap attached to the exterior of the main compartment; and a pair of handle straps attached to the exterior of the main compartment, wherein each handle strap is shorter than the shoulder strap.

However, Godshaw teaches a bag capable of holding and paying out communications cable, comprising a shoulder strap 66 attached to the exterior of the main compartment; a pair of handle straps 38,42 attached to the exterior of the bag, wherein each handle strap is shorter than the shoulder strap; and at least one of the pair of handle straps includes a flap *F* (see Figure below) configured to couple the handle straps (Figures 1-3). It would have been obvious to one of ordinary skill in the art at the time of the invention to add a should strap and a pair of handle straps to the bag of Cote to allow a user to carry the bag from one place to another and to make the bag more versatile allowing the user to carry over their shoulder or with the hands as taught by Godshaw.



Regarding Claim 3, Cote disclose wherein the cable payout passage way comprises an elongated slot (15 or 10) located on a side surface (top side and front side surfaces, respectively) of the main compartment (Figures 1-10).

Regarding Claim 10, Cote does not expressly disclose at least one storage pouch on the exterior of the main compartment.

However, Godshaw teaches a bag capable of paying out communications cable comprising at least one storage pouch (see Column 2, Lines 58-67) on the exterior of the main compartment (Figures 1-3). It would have been obvious to one of ordinary skill in the art at the time of the invention to add the storage pockets of Godshaw to the bag of Cote to provide storage for the handle straps when not in use as taught by Godshaw (Column 2, Lines 58-67).

Regarding Claims 28-29, Cote disclose the closure mechanism comprises a pair of connectable flaps 31,32; and wherein one of the flaps includes an outwardly extending tongue 34 (Figures 1-10).

Regarding Claim 11, Cote discloses a communications cable payout bag comprising a main compartment (defined by side walls 1,2,3) having an interior (inside the walls) and an exterior (outside the walls), the main compartment being openable and closeable (via 31,32,34,35); a removable insert 18,18 within the interior of the main compartment; a reel 26 of communications cable 25 that is supported by the removable insert, the reel of communications cable having a loose end (see Figures 2 and 3) at an outer portion thereof; a cable payout passageway (15,16 or 10, see Figures 2 and 3) defined between the interior and the exterior of the main compartment, wherein the cable payout passageway is configured to receive therethrough the loose end of the

cable from the outer portion of the reel of communications cable (see Figures 2 and 3); and a closure mechanism 31,32,34,35 configured to close the main compartment to thereby close the removable insert and the reel of communications cable in the interior of the main compartment (Figures 1-10). Cote does not expressly disclose a shoulder strap attached to the exterior of the main compartment; and a pair of handle straps attached to the exterior of the main compartment, wherein each handle strap is shorter than the shoulder strap.

However, Godshaw teaches a bag capable of holding and paying out communications cable, comprising a shoulder strap 66 attached to the exterior of the main compartment; a pair of handle straps 38,42 attached to the exterior of the bag, wherein each handle strap is shorter than the shoulder strap (Figures 1-3). It would have been obvious to one of ordinary skill in the art at the time of the invention to add a should strap and a pair of handle straps to the bag of Cote to allow a user to carry the bag from one place to another and to make the bag more versatile allowing the user to carry over their shoulder or with the hands as taught by Godshaw.

Regarding Claim 13, Cote disclose wherein the cable payout passage way comprises an elongated slot (15 or 10) located on a side surface (top side and front side surfaces, respectively) of the main compartment (Figures 1-10).

Regarding Claim 15, Cote in view of Godshaw does not expressly disclose wherein the shoulder strap includes a padded portion.

However, it is old and well known to add a padded portion to the shoulder strap of a bag to provide extra comfort to the user as they are carrying the bag that may be fairly heavy.

Regarding Claim 30, Cote discloses the main compartment has a substantially rectangular profile when the removable insert and reel of communications cable are closed in the interior thereof (Figures 1-10).

Regarding Claim 31, Cote discloses wherein the removable insert is polymeric (paragraph [0026]) (Figures 1-10).

Regarding Claim 32, Cote discloses the removable insert comprises at least a first side wall 18 and a second side wall 18 (Figures 1-10).

Regarding Claim 21, Cote discloses a communications cable payout bag comprising a main compartment (defined by side walls 1,2,3) constructed of a flexible material (cardboard, see paragraph [0009], which is a flexible material), the main compartment having an interior (inside the walls) and an exterior (outside the walls), the main compartment being openable and closeable (via 31,32,34,35); a removable insert 18,18 within the interior of the main compartment; a reel 26 of communications cable 25 that is supported by the removable insert, the reel of communications cable having a loose end of cable (see Figures 2 and 3) at an outer portion thereof; a cable payout

passageway (15,16 or 10, see Figures 2 and 3) defined between the interior and the exterior of the main compartment, the cable payout passageway is configured to receive therethrough the loose end of the cable from the outer portion of the reel of communications cable (see Figures 2 and 3); and a closure mechanism 31,32,34,35 configured to close the main compartment to thereby close the removable insert and the reel of communications cable in the interior of the main compartment; wherein the main compartment has a substantially rectangular profile when the removable insert and the reel of communications cable are closed in the interior thereof (Figures 1-10). Cote does not expressly disclose a shoulder strap attached to the exterior of the main compartment.

However, Godshaw teaches a bag capable of holding and paying out communications cable, comprising a single shoulder strap 66 attached to the exterior of the main compartment (Figures 1-3). It would have been obvious to one of ordinary skill in the art at the time of the invention to add a should strap to the bag of Cote to allow a user to carry the bag from one place to another as taught by Godshaw.

Regarding Claim 23, Cote in view of Godshaw does not expressly disclose the shoulder strap comprises and adjustable shoulder strap and wherein the shoulder strap can be adjusted to a length of at least 37 inches. However, it is old and well known to make shoulder straps adjustable. Further, one of ordinary skill in the art is expected to routinely experiment with the parameters, especially when the specifics are not disclosed, so as to ascertain the optimum or workable ranges for a particular use.

Accordingly, it would have been obvious through routine experimentation and optimization, for one of ordinary skill in the art to make the length of adjustment at least 37 inches to place the payout bag at the hip of the average human.

Regarding Claim 25, Cote does not expressly disclose at least one storage pouch on the exterior of the main compartment.

However, Godshaw teaches a bag capable of paying out communications cable comprising at least one storage pouch (see Column 2, Lines 58-67) on the exterior of the main compartment (Figures 1-3). It would have been obvious to one of ordinary skill in the art at the time of the invention to add the storage pockets of Godshaw to the bag of Cote to provide storage for the handle straps when not in use as taught by Godshaw (Column 2, Lines 58-67).

Claims 9, 18, 26-27, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cote (US-20020125161) in view of Godshaw (US-6601743) as applied to claims 1, 3, 7, 10-11, 13, 15, 21, 23, 25, and 28-32 above, and further in view of Eastwood et al. (US-7320445). Regarding Claims 9, 18, 26-27, and 33, Cote in view of Godshaw does not expressly disclose a cable lock configured to secure the loose end of the cable on the exterior of the main compartment adjacent the cable payout passageway.

However, Eastwood et al. teaches a cable payout dispenser 13,27 comprising a cable lock 50 configured to secure a loose end of cable 3 on the exterior (defined by 27)

of the dispenser, wherein the cable lock is located on the exterior of the dispenser adjacent a cable payout passage 29 (Figures 1-30). It would have been obvious to one of ordinary skill in the art at the time of the invention to add a cable lock to the exterior of the bag of adjacent the cable payout passage to secure a terminal portion of the wire as taught by Eastwood et al. (Column 8, Lines 22-41) for easy access by the user.

Response to Arguments

With respect to Applicant's arguments starting on page 9, line 8 to page 11, line 4, Applicant argues Young teaches dispensing cable from the center of a coil rather than the outer portion as claimed and Godshaw does not overcome this deficiency. Applicant's arguments with respect to claims 1, 3, 7, 9-10, 26, and 28-29 have been considered but are moot because the arguments do not apply to any of the references being used in the current rejection.

With respect to Applicant's arguments starting on page 11, line 5 to page 14, line 2, Applicant argues Young teaches dispensing cable from the center of a coil rather than the outer portion as claimed, Young teaches away from using the insert of Kotzur as Young teaches the bag adapting to the coil shape, Young already teaches a mechanism for unwind the material without twist; and Godshaw does not cure any of these deficiencies. Applicant's arguments with respect to claims 11, 13, 15, 18, 27, and 30-32 have been considered but are moot because the arguments do not apply to any of the references being used in the current rejection.

With respect to Applicant's arguments starting on page 14, line 3 to page 15, line 1, Applicant argues the insert of Kotzur is not plastic; the reel of Kotzur is not cylindrical; the main compartment of Kotzur is not constructed of a flexible material but is constructed of corrugated material; and the claim would not be obvious over any combination of the cited references with Kotzur as the insert is incompatible with flexible bags and reels of cable having a loose end at an outer portion thereof. Applicant's arguments with respect to claim 20 have been considered but are moot because the arguments do not apply to any of the references being used in the current rejection. It is however noted, that the material from which the bag of Kotzur is constructed, cardboard, is indeed a flexible material. It is also further noted that the term flexible is a relative term and every material is flexible to some extent.

With respect to Applicant's arguments starting on page 15, line 2 to page 16, line 15, Applicant argues the amended claims overcome the cited art for the same reasons as cited above with respect to Claims 1 and 11; and Young teaches away from a bag with a substantially rectangular profile as he teaches a bag that adapts to a shape of the coil. Applicant's arguments with respect to claim 21, 23, 25, and 33 have been considered but are moot because the arguments do not apply to any of the references being used in the current rejection

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to WILLIAM E. DONDERO whose telephone number is (571)272-5590. The examiner can normally be reached on M - F 7 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael R. Mansen can be reached on 571-272-6608. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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.

/WILLIAM E DONDERO/
Primary Examiner, Art Unit 3654

Notice of References Cited	Application/Control No. 12/484,393	Applicant(s)/Patent Under Reexamination HOUSTON ET AL.	
	Examiner WILLIAM E. DONDERO	Art Unit 3654	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-2002/0125161	09-2002	Cote, Gerard	206/408
	B	US-			
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	12484393	HOUSTON ET AL.
	Examiner	Art Unit
	WILLIAM E DONDERO	3654

✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

☐ Claims renumbered in the same order as presented by applicant ☐ CPA ☐ T.D. ☐ R.1.47

CLAIM		DATE								
Final	Original	09/27/2011	02/14/2012	07/10/2012	12/04/2012					
	1	✓	✓	✓	✓					
	2	✓	✓	✓	-					
	3	✓	✓	✓	✓					
	4	-	-	-	-					
	5	-	-	-	-					
	6	✓	-	-	-					
	7	✓	✓	✓	✓					
	8	✓	✓	✓	-					
	9	✓	✓	✓	✓					
	10	✓	✓	✓	✓					
	11	✓	✓	✓	✓					
	12	✓	✓	✓	-					
	13	✓	✓	✓	✓					
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	15	✓	✓	✓	✓					
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	24	✓	-	-	-					
	25	✓	✓	✓	✓					
	26		✓	✓	✓					
	27		✓	✓	✓					
	28				✓					
	29				✓					
	30				✓					
	31				✓					
	32				✓					
	33				✓					

EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L5	32	("0193033" | "1990135" | "2400417" | "2527401" | "3161289" | "3637071" | "4111380" | "4312448").PN. OR ("4650073").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2012/12/04 09:21
L18	113683	"242".clas.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2012/12/04 09:35
L19	942	18 and bag	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2012/12/04 09:35
L20	70	18 and (shoulder near strap)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2012/12/04 09:46
L21	16	("1990135" | "3614067" | "4274606").PN. OR ("6145780").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2012/12/04 09:49
L22	820	242/588.3-588.6.ccls.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2012/12/04 09:52

EAST Search History (Interference)

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Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	12484393	HOUSTON ET AL.
	Examiner	Art Unit
	WILLIAM E DONDERO	3654

SEARCHED			
Class	Subclass	Date	Examiner
242	170,171,588,588.3,588.6,129	9/27/2011	/WED/
224	580,610,237,162	9/27/2011	/WED/
206	397,408,409,389,303,702,3	9/27/2011	/WED/
182	70,73	9/27/2011	/WED/
441	80,81,84,26	9/27/2011	/WED/
150	130,120,110	9/27/2011	/WED/
Above	Updated	2/14/2012	/WED/
242	588.4,588.5,579-580,125-125.3	2/14/2012	/WED/
Above	Updated	7/10/2012	/WED/
Above	Updated	12/4/2012	/WED/

SEARCH NOTES		
Search Notes	Date	Examiner
EAST Text Search - see attached printout	9/27/2011	/WED/
Inventor Name Search	9/27/2011	/WED/
224/600-622,627-659 - text search	9/27/2011	/WED/
Search Help - Luan Bui (206, cross 206/409), David Fidei (206, cross 206/408,409), Justin Larson (224), Alvin Chin-Shue (182, cross 182/73), Ajay Vasudeva (441), Lars Olson (441), Stephen Avila (182), Tri Mai (150, cross 150/130,120,110)	9/27/2011	/WED/
Above Updated	2/14/2012	/WED/
Above Updated	7/10/2012	/WED/
Above Updated	12/4/2012	/WED/

INTERFERENCE SEARCH			
Class	Subclass	Date	Examiner

ATTORNEY DOCKET NO. 9457-242 PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Houston et al.
Application No.: 12/484,393
Filing Date: June 15, 2009
For: ***Communications Cable Payout Bags***

Confirmation No.: 1238
Examiner: William E. Dondero
Group Art Unit: 3654

October 19, 2012

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

AMENDMENT

Sir:

This paper is responsive to the Office Action mailed July 20, 2012 (the "Office Action") regarding the above-referenced patent application.

If any extension of time for the accompanying response or submission is required, Applicants request that this be considered a petition therefor. The Commissioner is hereby authorized to charge any additional fee, which may be required, or credit any refund, to our Deposit Account No. 50-0220.

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

Remarks begin on page 8 of this paper.

Listing of Claims:

This Listing of Claims will replace all prior versions, and listings, of claims in the application.

1. (Currently amended) A communications cable payout bag, comprising:

a main compartment constructed of a flexible material ~~and configured to hold a communications cable package~~, the main compartment having an interior and an exterior, the main compartment being openable and closable;

a shoulder strap attached to the exterior of the ~~bag~~ main compartment;

a pair of handle straps attached to the exterior of the ~~bag~~ main compartment, wherein each handle strap is shorter than the shoulder strap;

a reel of communications cable within the interior of the main compartment, the reel of communications cable having a loose end of cable at an outer portion thereof;

a cable payout passageway defined between the interior and the exterior of the main compartment ~~and the exterior of the bag~~, the cable payout passageway configured to receive therethrough the loose end of cable from the outer portion of the reel of communications cable; and

a closure mechanism configured to close the main compartment.

2. (Canceled)

3. (Currently amended) The communications cable payout bag of Claim 1, wherein the cable payout passageway comprises ~~a horizontal~~ an elongated slot located on a side surface of the ~~bag~~ main compartment.

4-6. (Canceled)

7. (Previously presented) The communications cable payout bag of Claim 1, wherein at least one of the pair of handle straps includes a flap configured to couple the handle straps.

8. (Canceled)

9. (Currently amended) The communications cable payout bag of Claim 1, further comprising a cable lock configured to secure [[a]] the loose end of cable on the exterior of the ~~bag~~ main compartment.

10. (Currently amended) The communications cable payout bag of Claim 1, further comprising at least one storage pouch on the exterior of the ~~bag~~ main compartment.

11. (Currently amended) A communications cable payout bag, comprising:

a main compartment having an interior and an exterior, the main compartment being openable and closable;

a removable insert ~~having an opening~~ within the interior of the main compartment~~, the removable insert configured to hold a reel of communications cable~~;

a reel of communications cable that is supported by the removable insert, the reel of communications cable having a loose end of cable at an outer portion thereof;

a shoulder strap attached to the exterior of the ~~bag~~ main compartment;

a pair of handle straps attached to the exterior of the ~~bag~~ main compartment, wherein each handle strap is shorter than the shoulder strap;

a cable payout passageway defined between the interior and the exterior of the main compartment ~~and the exterior of the bag~~, wherein ~~the opening of the removable insert is aligned with~~ the cable payout passageway is configured to receive therethrough the loose end of cable from the outer portion of the reel of communications cable; and

a closure mechanism configured to close the main compartment to thereby close the removable insert and the reel of communications cable in the interior of the main compartment.

12. (Canceled)

13. (Currently amended) The communications cable payout bag of Claim 11, wherein the cable payout passageway comprises ~~a horizontal~~ an elongated slot located on a side surface of the ~~bag~~ main compartment.

14. (Canceled)

15. (Currently amended) The communications cable payout bag of Claim 11, ~~wherein the shoulder strap is attached to the center of the bag, and~~ wherein the shoulder strap includes a padded portion.

16. (Canceled)

17. (Canceled)

18. (Currently amended) The communications cable payout bag of Claim 11, further comprising a cable lock configured to secure [[a]] the loose end of cable on the exterior of the ~~bag~~ main compartment.

19. (Canceled)

20. (Currently amended) A method of paying out communications cable from a

bag that includes a main compartment and a cable payout passageway, the method comprising:

inserting a removable plastic insert and a cylindrical reel of communications cable supported by the removable insert ~~having an open top and an opening~~ in the main compartment, wherein the ~~opening is aligned with the cable payout passageway~~ reel of communications cable has a loose end of cable at an outer portion thereof, and wherein the main compartment is constructed of a flexible material;

~~inserting a reel of communications cable having a loose end of cable in removable insert through the open top;~~

aligning the loose end of cable from the outer portion of the reel of communications cable with ~~the opening of the removable insert and~~ the cable payout passageway; and

pulling the loose end of cable through ~~the opening of the removable insert and~~ the cable payout passageway.

21. (Currently amended) A communications cable payout bag, comprising:

a main compartment constructed of a flexible material, the main compartment having an interior and an exterior, the main compartment being openable and closable ~~configured to hold a communications cable package~~;

a removable insert within the interior of the main compartment;

a reel of communications cable ~~package within the main compartment~~ that is supported by the removable insert, the reel of communications cable having a loose end of cable at an outer portion thereof;

a shoulder strap attached to the exterior of the ~~bag~~ main compartment;

a cable payout passageway defined between the interior and the exterior of the main compartment ~~and the exterior of the bag~~, the cable payout passageway configured to receive therethrough the loose end of cable from the outer portion of the reel of communications cable; and

a closure mechanism configured to close the main compartment to thereby close the removable insert and the reel of communications cable in the interior of the main compartment; ~~and~~

~~a cable lock configured to secure a loose end of cable on the exterior of the bag, wherein the cable lock is located on the exterior of the bag adjacent the cable payout passageway~~

wherein the main compartment has a substantially rectangular profile when the removable insert and the reel of communications cable are closed in the interior thereof.

22. (Canceled)

23. (Previously presented) The communications cable payout bag of Claim 21, wherein the shoulder strap comprises a single adjustable shoulder strap, and wherein the shoulder strap can be adjusted to a length of at least 37 inches.

24. (Canceled)

25. (Currently amended) The communications cable payout bag of Claim 21, further comprising at least one storage pouch on the exterior of the ~~bag~~ main compartment.

26. (Currently amended) The communications cable payout bag of Claim 9, wherein the cable lock is located on the exterior of the ~~bag~~ main compartment adjacent the cable payout passageway.

27. (Currently amended) The communications cable payout bag of Claim 18, wherein the cable lock is located on the exterior of the ~~bag~~ main compartment adjacent the cable payout passageway.

28. (New) The communications cable payout bag of Claim 1, wherein the closure mechanism comprises a pair of connectable flaps.

29. (New) The communications cable payout bag of Claim 28, wherein one of the flaps includes an outwardly extending tongue.

30. (New) The communications cable payout bag of Claim 11, wherein the main compartment has a substantially rectangular profile when the removable insert and reel of communications cable are closed in the interior thereof.

31. (New) The communications cable payout bag of Claim 11, wherein the removable insert is polymeric.

32. (New) The communications cable payout bag of Claim 11, wherein the removable insert comprises at least a first sidewall and a second sidewall.

33. (New) The communications cable payout bag of Claim 21, further comprising a cable lock configured to secure the loose end of cable on the exterior of the main compartment, wherein the cable lock is located on the exterior of the main compartment adjacent the cable payout passageway.

REMARKS

Applicants appreciate the continued examination of the application as set forth in the Office Action. Applicants respectfully request reconsideration of the application in view of the amendments above and the remarks that follow.

Status of the Claims

Claims 1-3, 7-13, 15, 17, 18 and 20-23 and 25-27 were pending and examined in the Office Action. Claims 11 and 20 are objected to. Claims 1-3, 7-13, 15, 17, 18, 21-23 and 25-27 stand rejected under Section 112, second paragraph. Claim 20 stands rejected under Section 102(b). Claims 1-3, 7-13, 15, 17, 18, 21-23 and 25-27 stand rejected under Section 103(a). These objections and rejections are addressed below.

By way of this Amendment, Claims 2, 8, 12, 17 and 22 have been canceled without prejudice or disclaimer and new Claims 28-33 have been added to form a more complete claim set.

The Claim Objections

The Office Action indicates that a comma should be included before and after the phrase "having an opening" in Claim 11. Office Action, p. 1. Claim 11 has been amended to, *inter alia*, remove this phrase; as such, the objection to Claim 11 has been overcome.

The Office Action indicates that a comma should be included before and after the phrase "having an open top and an opening" in Claim 20. Office Action, p. 2. Claim 20 has been amended to, *inter alia*, remove this phrase; as such, the objection to Claim 20 has been overcome.

The Section 112 Rejections

Claims 1-3, 7-13, 15, 17, 18, 21-23 and 25-27 stand rejected under Section 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim

the subject matter which Applicants regard as the invention. Office Action, p. 2.

Generally, the Office Action indicates that the claims should be amended to clarify the structural features of the bags. Care has been taken to amend the claims above to address the concerns set forth in the Office Action. Applicants respectfully submit that all claims are now sufficiently clear and respectfully request that the Section 112, second paragraph rejections be withdrawn.

The Prior Art Rejections

Independent Claim 1 and Claims Dependent Therefrom

Claims 1-3, 7, 8 and 10 stand rejected under Section 103(a) as unpatentable over U.S. Patent No. 4,650,073 to Young ("Young") in view of U.S. Patent No. 6,601,743 to Godshaw ("Godshaw"). Office Action, p. 5. Claims 9 and 26 stand rejected under Section 103(a) as unpatentable over Young in view of Godshaw and further in view of U.S. Patent No. 7,320,445 to Eastwood et al. ("Eastwood"). Office Action, p. 7.

Claim 1 has been amended and now recites:

> 1. A communications cable payout bag, comprising:
> a main compartment constructed of a flexible material, the main compartment having an interior and an exterior, the main compartment being openable and closable;
> a shoulder strap attached to the exterior of the main compartment;
> a pair of handle straps attached to the exterior of the main compartment, wherein each handle strap is shorter than the shoulder strap;
> a reel of communications cable within the interior of the main compartment, the reel of communications cable having a loose end of cable at an outer portion thereof;
> a cable payout passageway defined between the interior and the exterior of the main compartment, the cable payout passageway configured to receive therethrough the loose end of cable from the outer portion of the reel of communications

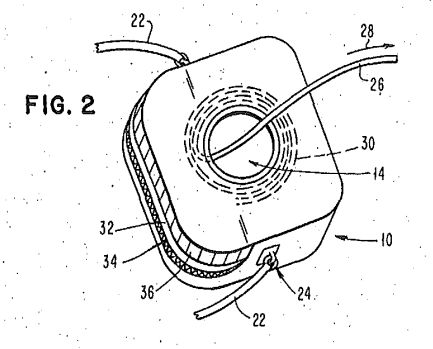
cable; and

a closure mechanism configured to close the main compartment.

As shown above, Claim 1 has been amended to recite a reel of communications cable within the interior of the main compartment, with the reel of communications cable having a loose end of cable at an outer portion thereof. Claim 1 has also been amended to recite that the cable payout passageway is configured to receive therethrough the loose end of cable from the outer portion of the reel of communications cable.

The cited art does not disclose or suggest this arrangement. To the contrary, the Young container includes "a central exit opening [that] is provided for extruding cable from the center of the coil." Young, Abstract (emphasis added). *See* Figure 2 of Young, reproduced below. Young explains that allowing cable to be "removed from the dispenser through a reinforced exit hole so that cable payout is from the center of the coil" helps to allow for "dispensing without any tangling or disorganization of the cable in the container." Young, col. 4, lines 36-41. Thus, Young does not disclose or suggest, and actually teaches away from, the configuration of amended Claim 1.

FIG. 2



Applicants note that the other cited reference, Godshaw, does not cure the deficiencies of Young at least because Godshaw does not contemplate a bag to hold a communications

cable reel, much less one configured for payout of cable from a communications cable reel. Godshaw is cited for the teaching of carry straps.

Therefore, amended independent Claim 1 is patentable over the cited art. Claims 3, 7, 9, 10 and 26 are patentable at least due to their dependence from Claim 1.

Independent Claim 11 and Claims Dependent Therefrom

Claims 11-13, 15 and 17 stand rejected under Section 103(a) as unpatentable over Young in view of Godshaw and U.S. Patent No. 4,160,533 to Kotzur et al. ("Kotzur"). Office Action, p. 7. Claims 18 and 27 stand rejected under Section 103(a) as unpatentable over Young in view of Godshaw and Kotzur and further in view of Eastwood. Office Action, p. 10.

Independent Claim 11 has been amended and now recites:

> 11. A communications cable payout bag, comprising:
> a main compartment having an interior and an exterior, the main compartment being openable and closable;
> a removable insert within the interior of the main compartment;
> a reel of communications cable that is supported by the removable insert, the reel of communications cable having a loose end of cable at an outer portion thereof;
> a shoulder strap attached to the exterior of the main compartment;
> a pair of handle straps attached to the exterior of the main compartment, wherein each handle strap is shorter than the shoulder strap;
> a cable payout passageway defined between the interior and the exterior of the main compartment, wherein the cable payout passageway is configured to receive therethrough the loose end of cable from the outer portion of the reel of communications cable; and
> a closure mechanism configured to close the main compartment to thereby close the removable insert and the reel

> of communications cable in the interior of the main compartment.

As an initial matter, Applicants respectfully point out that Claim 11 has been amended to recite a reel of communications cable that is supported by the removable insert, with the reel of communications cable having a loose end of cable at an outer portion thereof and that the cable payout passageway is configured to receive therethrough the loose end of cable from the outer portion of the reel of communications cable. As discussed above in connection with Claim 1, Young describes a contrary arrangement wherein a centrally located hole receives a cable from the center of a coil. Therefore, Applicants submit that Young does not disclose or suggest, and actually teaches away from, these recitations of Claim 11.

Further, the Office Action concedes that the Young does not disclose a removable insert, but cites Kotzur as disclosing this feature and concludes that it would have been obvious "to use the insert of Kotzur et al. in the bag of Young to structurally support the flexible bag and to unwind the material in a more efficient manner (i.e. without twist)." Office Action, p. 8.

Applicants disagree. Young identifies problems in known containers that have "right angle corners and are of rigid construction, [such that] they often get caught on obstructions of the type typically found at construction sites." Young, col. 1, lines 42-46. Therefore, at col. 3, lines 50-59, Young states:

> It is a further object of the present invention to provide an improved container and dispenser for heavy electrical cable which is of unitary construction and has a shape that can accommodate varying lengths of electrical cable coils, said container being adaptable to the shape of the electrical cable coil and being characterized by the absence, in use, of rigid, right angle corners which tend to be damaged during use and which would easily be hung up on obstacles as the container is moved about at a job site.

In describing the invention at col. 5, lines 31-39, Young states:

> Container/dispenser 10 is characterized by rounded corners and a flexible construction which allows it to adapt to the actual coil shape during use. Additionally, its flexibility and general shape allow it to be moved, as by dragging, in order to minimize its being caught on obstacles or being subject to tearing. This is especially important when very long lengths of cable are to be dispensed to remote and difficultly accessable locations, such as the wiring of circuits in ceilings and walls.

Young teaches away from implementing an insert, such as the insert of Kotzur, because such an insert would not allow the Young bag to "adapt to the actual coil shape during use" and may introduce corners that would increase its chance of "being caught on obstacles" during use. As set forth at M.P.E.P. §2143.01(V), a proposed modification that would render the prior art invention being modified unsatisfactory for its intended purpose is not proper to support a Section 103(a) rejection. Modifying the Young bag to include the Kotzur insert would preclude the Young bag from being able to adapt to coils of varying sizes as well as maintain rounded corners of the bag, both of which are stated purposes of Young.

Furthermore, a portion of the Office Action's proposed motivation to combine ("to unwind the material in a more efficient manner (i.e. without twist)") is not understood because Young already provides a mechanism to achieve this goal. Specifically, Young states that the removing cable from the center of the coil through the centered exit hole "allows dispensing without any tangling or disorganization of the cable in the container." Young, col. 4, lines 36-41.

Applicants note that the remaining cited reference, Godshaw, does not cure the above deficiencies at least because Godshaw does not contemplate a bag to hold a communications cable reel, much less one configured for payout of cable from a communications cable reel. Godshaw is only cited for the teaching of carry straps.

Amended independent Claim 11 is patentable over the cited art for at least the

foregoing reasons. Claims 13, 15, 18 and 27 are patentable at least per their dependence from Claim 11.

Independent Claim 20

Claim 20 stands rejected under Section 102(b) as anticipated by Kotzur. Office Action, p. 4. Claim 20 has been amended and now recites:

> 20. A method of paying out communications cable from a bag that includes a main compartment and a cable payout passageway, the method comprising:
> inserting a removable plastic insert and a cylindrical reel of communications cable supported by the removable insert in the main compartment, wherein the reel of communications cable has a loose end of cable at an outer portion thereof, and wherein the main compartment is constructed of a flexible material;
> aligning the loose end of cable from the outer portion of the reel of communications cable with the cable payout passageway; and
> pulling the loose end of cable through the cable payout passageway.

Kotzur does not disclose at least the above-underlined recitations. For example, the "insert" of Kotzur is not plastic, but rather is "a corrugated material which is normally used in the container industry" (col. 2, lines 64-65). Also, the "reel" of Kotzur is not cylindrical, but instead a "wound coil consisting of a number of FIGURE-8 windings" (col. 3, lines 32-33). Further, the "main compartment" of Kotzur is not constructed of a flexible material, but rather "formed of corrugated material" (col. 2, line 66). Therefore, Kotzur does not anticipate amended Claim 20.

Claim 20 is also nonobvious over the references cited in the Office Action. As described above, the "flexible" bags of the cited references are: 1) incompatible with inserts (*e.g.*, plastic inserts) and reels of cable having a loose end at an outer portion thereof; or 2)

are not designed for the payout of communications cable.

Independent Claim 21 and Claims Dependent Therefrom

Claims 21-23 stand rejected under Section 103(a) as unpatentable over Young in view of Eastwood. Office Action, p. 11. Claim 25 stands rejected under Section 103(a) as unpatentable over Young in view Eastwood and further in view of Godshaw. Office Action, p. 12.

Independent Claim 21 has been amended and now recites:

> 21. A communications cable payout bag, comprising:
> a main compartment constructed of a flexible material, the main compartment having an interior and an exterior, the main compartment being openable and closable;
> a removable insert within the interior of the main compartment;
> a reel of communications cable that is supported by the removable insert, the reel of communications cable having a loose end of cable at an outer portion thereof;
> a shoulder strap attached to the exterior of the main compartment;
> a cable payout passageway defined between the interior and the exterior of the main compartment, the cable payout passageway configured to receive therethrough the loose end of cable from the outer portion of the reel of communications cable; and
> a closure mechanism configured to close the main compartment to thereby close the removable insert and the reel of communications cable in the interior of the main compartment;
> wherein the main compartment has a substantially rectangular profile when the removable insert and the reel of communications cable are closed in the interior thereof.

At least the above-underlined recitations define over the art cited in the Office Action

for at least the reasons set forth above in reference to Claims 1 and 11. It is noted that Eastwood is cited for the disclosure of a cable lock, which is no longer recited in Claim 21; in any event, Eastwood does not cure the deficiencies of the other references.

Amended Claim 21 also recites that the main compartment has a substantially rectangular profile when the removable insert and the reel of communications cable closed in the interior thereof, further defining over the art cited in the Office Action. The Office Action cites Young as the primary reference disclosing a cable payout bag having a flexible main compartment. However, as explained above in connection with Claim 11, the Young bag is designed to be "characterized by rounded corners and a flexible construction which allows it to adapt to the actual coil shape during use" (col. 5, lines 31-33). As such, at least Young teaches away from a bag main compartment having a substantially rectangular profile, as recited in amended Claim 21.

Amended independent Claim 21 is patentable over the cited art for at least the foregoing reasons. Claims 23 and 25 are patentable at least due to their dependence from Claim 21.

New Claims 28-33

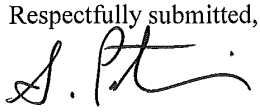
New Claims 28-33 are all patentable at least per their dependence from an allowable base claim. In addition, at least certain of these claims are independently patentable.

For example, Claim 30 depends from Claim 11 and recites that the main compartment has a substantially rectangular profile when the removable insert and reel of communications cable are closed in the interior thereof. Claim 30 is separately patentable for the reasons set forth above in reference to Claim 21.

CONCLUSION

Applicants believe the application is now in condition for allowance. The Examiner is encouraged to contact the undersigned attorney by telephone at 919-854-1400 should any additional issues need to be addressed.

Respectfully submitted,

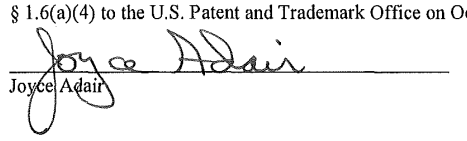


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CERTIFICATION OF TRANSMISSION

I hereby certify that this correspondence is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4) to the U.S. Patent and Trademark Office on October 19, 2012.



Joyce Adair

Electronic Patent Application Fee Transmittal	
Application Number:	12484393
Filing Date:	15-Jun-2009
Title of Invention:	COMMUNICATIONS CABLE PAYOUT BAGS
First Named Inventor/Applicant Name:	Eddy Robert Houston
Filer:	Stephen Petroski/Joyce Adair
Attorney Docket Number:	9457-242
Filed as Large Entity	

Utility under 35 USC 111(a) Filing Fees

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Basic Filing:				
Pages:				
Claims:				
Claims in excess of 20	1202	1	62	62
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Miscellaneous:				
		Total in USD ($)		**62**

Electronic Acknowledgement Receipt	
EFS ID:	14024972
Application Number:	12484393
International Application Number:	
Confirmation Number:	1238
Title of Invention:	COMMUNICATIONS CABLE PAYOUT BAGS
First Named Inventor/Applicant Name:	Eddy Robert Houston
Customer Number:	79207
Filer:	Stephen Petroski/Joyce Adair
Filer Authorized By:	Stephen Petroski
Attorney Docket Number:	9457-242
Receipt Date:	19-OCT-2012
Filing Date:	15-JUN-2009
Time Stamp:	09:25:17
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Deposit Account
Payment was successfully received in RAM	$62
RAM confirmation Number	8300
Deposit Account	500220
Authorized User	
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows: Charge any Additional Fees required under 37 C.F.R. Section 1.21 (Miscellaneous fees and charges)	

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		9457-242.pdf	1335157 b1c7fe19a3438252 3df228cc3c63667be1e2bc9a	yes	17

Multipart Description/PDF files in .zip description		
Document Description	**Start**	**End**
Amendment/Req. Reconsideration-After Non-Final Reject	1	1
Claims	2	7
Applicant Arguments/Remarks Made in an Amendment	8	17

Warnings:

Information:

2	Fee Worksheet (SB06)	fee-info.pdf	30553 17d87443382034890b57bf3dce15eaac57f847d3	no	2

Warnings:

Information:

Total Files Size (in bytes):	1365710

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If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

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PATENT APPLICATION FEE DETERMINATION RECORD

Substitute for Form PTO-875

Application or Docket Number	Filing Date	☐ To be Mailed
12/484,393	06/15/2009	

APPLICATION AS FILED – PART I

	(Column 1)	(Column 2)	SMALL ENTITY ☐ RATE ($)	SMALL ENTITY ☐ FEE ($)	OR	OTHER THAN SMALL ENTITY RATE ($)	OTHER THAN SMALL ENTITY FEE ($)
FOR	NUMBER FILED	NUMBER EXTRA					
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A			N/A	
☐ SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A	N/A			N/A	
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A			N/A	
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =	*	X $ =		OR	X $ =	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*	X $ =			X $ =	
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is $250 ($125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).						
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))							
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL			TOTAL	

APPLICATION AS AMENDED – PART II

AMENDMENT		(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	SMALL ENTITY RATE ($)	SMALL ENTITY ADDITIONAL FEE ($)	OR	OTHER THAN SMALL ENTITY RATE ($)	OTHER THAN SMALL ENTITY ADDITIONAL FEE ($)
	Total (37 CFR 1.16(i))	*	Minus	**	=	X $ =		OR	X $ =	
	Independent (37 CFR 1.16(h))	*	Minus	***	=	X $ =		OR	X $ =	
	☐ Application Size Fee (37 CFR 1.16(s))									
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							OR		
						TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE	

AMENDMENT	10/19/2012	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	RATE ($)	ADDITIONAL FEE ($)		RATE ($)	ADDITIONAL FEE ($)
	Total (37 CFR 1.16(i))	* 21	Minus	** 21	= 0	X $ =		OR	X $62 =	0
	Independent (37 CFR 1.16(h))	* 3	Minus	*** 3	= 0	X $ =		OR	X $250 =	0
	☐ Application Size Fee (37 CFR 1.16(s))									
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							OR		
						TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE	0

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.

** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".

*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".

The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

Legal Instrument Examiner:
/C. Dessau/

This collection of information is required by 37 CFR 1.16. 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, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/484,393	06/15/2009	Eddy Robert Houston	9457-242	1238

79207 7590 07/20/2012
MYERS BIGEL SIBLEY & SAJOVEC
P.O. BOX 37428
RALEIGH, NC 27612

EXAMINER	
DONDERO, WILLIAM E	
ART UNIT	PAPER NUMBER
3654	
MAIL DATE	DELIVERY MODE
07/20/2012	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.	Applicant(s)	
	12/484,393	HOUSTON ET AL.	
	Examiner	Art Unit	
	WILLIAM E. DONDERO	3654	

-- 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 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, 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 *15 May 2012*.

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) *1-3,7-13,15,17,18,20-23 and 25-27* 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) *1-3,7-13,15,17,18,20-23 and 25-27* is/are rejected.

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

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

Application Papers

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

11)☒ The drawing(s) filed on *15 June 2009* 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).

12)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

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

a)☐ All b)☐ Some * c)☐ None of:

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) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

In view of the appeal brief filed on May 15, 2012, PROSECUTION IS HEREBY REOPENED. New grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

/Michael R Mansen/

Supervisory Patent Examiner, Art Unit 3654.

Claim Objections

Claim 11 is objected to because of the following informalities: in line 3, a comma should be inserted before and after the phrase, "having an opening". Appropriate correction is required.

Claim 20 is objected to because of the following informalities: in line 3, a comma should be inserted before and after the phrase, “having an open top and an opening”. Appropriate correction is required.

All claims should be revised carefully to correct all other deficiencies similar to the ones noted above.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-3, 7-13, 15, 17-18, 21-23, 25-27, and 25-27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding Claims 1, 11, and 21, it is unclear what bag structure is being claimed, as it appears the bag is being claimed as having a compartment and a passageway. Both of these limitations are defined as merely empty space thereby it is unclear what structure the bag has. Are applicants inferentially claiming flexible or hard sides for the bag? Are applicants inferentially claiming a top and bottom and sides for the bag? Is the compartment and passageway within the bag or sitting on top of the bag?

Furthermore, since there is no bag structure being claimed how do the shoulder and handle straps relate to the main compartment as the limitations state they are attached to the exterior of the bag? How can the bag both comprise the shoulder and handle straps and be attached to them? Applicant should clearly set forth what bag structure the straps attach to.

Regarding Claims 1 and 21, does the limitation, "a closure mechanism configured to close the main compartment" imply there is an opening in the main compartment and is this opening different from the passageway?

Regarding Claim 11, does the limitation, “a closure mechanism configured to close the removable insert in the main compartment" mean the closure mechanism is a part of the insert, the main compartment, and/or the bag?

Regarding Claims 3 and 13, the limitation, “a horizontal slot” renders the claim indefinite, because there is no frame of reference for the horizontal direction defined in the claim.

Claims 8 and 17 recite the limitation "the top surface of the bag" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 15 recites the limitation "the center of the bag" in line 2. There is insufficient antecedent basis for this limitation in the claim.

All claims should be revised carefully to correct all other deficiencies similar to the ones noted above.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 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.

Claim 20 is rejected under 35 U.S.C. 102(b) as being anticipated by Kotzur et al. (US-4160533). Regarding Claim 20, Kotzur et al. disclose a method of paying out communications cable from a bag 42 that includes a main compartment (inside of 42) and a cable payout passageway 54, the method comprising inserting a removable insert 10, having an open top and an opening 14, in the main compartment, wherein the opening is aligned with the cable payout passageway; inserting a reel of communications cable 82 having a loose end of cable in the removable insert through the open top; aligning the loose end of cable with the opening of the removable insert and the cable payout passageway; and pulling the loose end of cable through the opening of the removable insert and the cable payout passageway (Figures 1-4).

Claim Rejections - 35 USC § 103

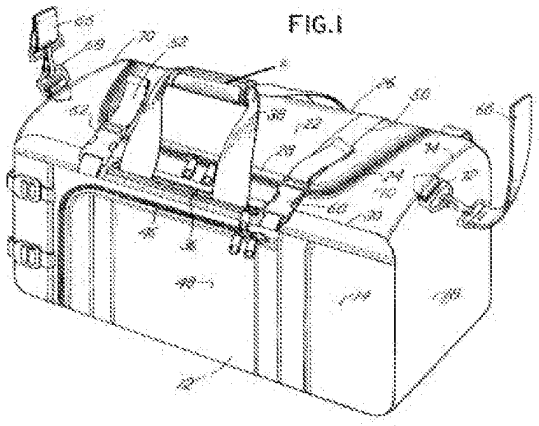
The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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

Claims 1-3, 7-8, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Young (US-4650073) in view of Godshaw (US-6601743). Regarding Claims 1 and 7, Young discloses a communications cable payout bag, comprising a main compartment (inside of 12,16,18) constructed of a flexible material (see Abstract Lines 4-6) and configured to hold a communications cable package 30; a shoulder strap 22 attached to the exterior of the bag; a cable payout passageway 14 between the main compartment and the exterior of the bag; and a closure mechanism 34,36 configured to close the main compartment (Figures 1-2). Young does not expressly disclose a pair of handle straps attached to the exterior of the bag, wherein each handle strap is shorter than the shoulder strap; and at least one of the pair of handle straps includes a flap configured to couple the handle straps.

However, Godshaw teaches a bag capable of holding and paying out communications cable, comprising a shoulder strap 66 attached to the exterior of the bag; a pair of handle straps 38,42 attached to the exterior of the bag, wherein each handle strap is shorter than the shoulder strap; and at least one of the pair of handle straps includes a flap *F* (see Figure below) configured to couple the handle straps (Figures 1-3). It would have been obvious to one of ordinary skill in the art at the time of the invention to add a pair of handle straps to the bag of

Young to make the bag more versatile allowing the user to carry over their shoulder or with the hands as taught by Godshaw.



Regarding Claim 2, Young discloses a communications cable package 30 within the main compartment (Figures 1-2).

Regarding Claim 3, Young discloses the cable payout passageway comprises a horizontal slot (along the diameter of 14 parallel to the ground) located on a side surface (surface of 12) of the bag (Figures 1-2).

Regarding Claim 8, Young discloses the closure mechanism is located on the top surface of the bag (Figures 1-2).

Regarding Claim 10, Young does not expressly disclose at least one storage pouch on the exterior of the bag.

However, Godshaw teaches a bag capable of paying out communications cable comprising at least one storage pouch (see Column 2, Lines 58-67) on the

exterior of the bag (Figures 1-3). It would have been obvious to one of ordinary skill in the art at the time of the invention to add the storage pockets of Godshaw to the bag of Young to provide storage for the handle straps when not in use as taught by Godshaw (Column 2, Lines 58-67).

Claims 9 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Young (US-4650073) in view of Godshaw (US-6601743) as applied to claims 1-3, 7-8, and 10 above, and further in view of Eastwood et al. (US-7320445). Young in view of Godshaw does not expressly disclose a cable lock configured to secure a loose end of the cable on the exterior of the bag adjacent the cable payout passage way.

However, Eastwood et al. teaches a cable payout dispenser 13,27 comprising a cable lock 50 configured to secure a loose end of cable 3 on the exterior (defined by 27) of the dispenser, wherein the cable lock is located on the exterior of the dispenser adjacent a cable payout passage 29 (Figures 1-30). It would have been obvious to one of ordinary skill in the art at the time of the invention to add a cable lock to the exterior of the bag of Young in view of Godshaw adjacent the cable payout passage to secure a terminal portion of the wire as taught by Eastwood et al. (Column 8, Lines 22-41) for easy access by the user.

Claims 11-13, 15, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Young (US-4650073) in view of Kotzur et al. (US-4160533)

and Godshaw (US-6601743). Regarding Claim 11, Young discloses a communications cable payout bag, comprising a main compartment (inside of 12,16,18) configured to hold a communications cable package 30; a shoulder strap 22 attached to the exterior of the bag; a cable payout passageway 14 between the main compartment and the exterior of the bag; and a closure mechanism 34,36 configured to close the main compartment (Figures 1-2). Young does not expressly disclose a removable insert, having an opening, within the main compartment, the removable insert configured to hold a reel of communications cable; a pair of handle straps attached to the exterior of the bag, wherein each handle strap is shorter than the shoulder strap; wherein the opening of the removable insert is aligned with the cable payout passageway; and the closure mechanism configured to close the removable insert in the main compartment.

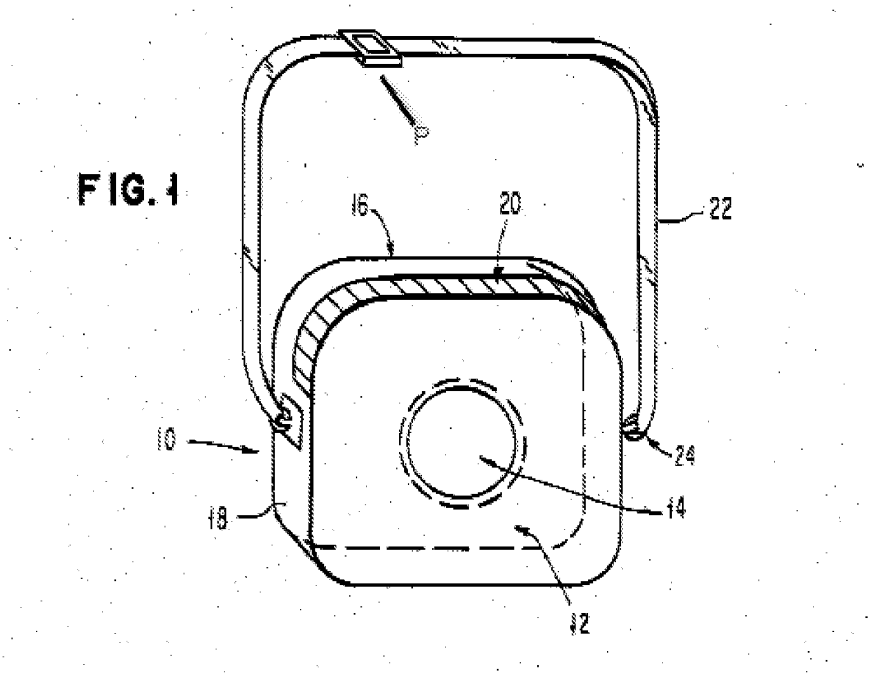
However, Kotzur et al. disclose a communications cable payout bag 42 comprising a main compartment (inside of 42); a removable insert 10, having an opening 14, within the main compartment, the removable insert configured to hold a reel of communications cable 82; a cable payout passageway 54 between the main compartment and the exterior of the bag; and a closure mechanism 18,22,2426,28,30,3234,36,38,40 configured to close the removable insert in the main compartment (Figures 1-4). It would have been obvious to one of ordinary skill in the art at the time of the invention to use the insert of Kotzur et al. in the bag of Young to structurally support the flexible bag and to unwind the material in a more efficient manner (i.e. without twist).

Further, Godshaw teaches a bag capable of holding and paying out communications cable, comprising a shoulder strap 66 attached to the exterior of the bag; and a pair of handle straps 38,42 attached to the exterior of the bag, wherein each handle strap is shorter than the shoulder strap (Figures 1-3). It would have been obvious to one of ordinary skill in the art at the time of the invention to add a pair of handle straps to the bag of Young to make the bag more versatile allowing the user to carry over their shoulder or with the hands as taught by Godshaw.

Regarding Claim 12, Young in view of Kotzur et al. and Godshaw, as modified above, discloses a reel of communications cable 30 within the removable insert (Figures 1-2).

Regarding Claim 13, Young discloses the cable payout passageway comprises a horizontal slot (along the diameter of 14 parallel to the ground) located on a side surface (surface of 12) of the bag (Figures 1-2).

Regarding Claim 15, Young discloses wherein the shoulder strap is attached to the center of the bag, and wherein the shoulder strap includes a padded portion *P* (see Figure below) (Figures 1-2).



Regarding Claim 17, Young discloses the closure mechanism is located on the top surface of the bag (Figures 1-2).

Claims 18 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Young (US-4650073) in view of Kotzur et al. (US-4160533) and Godshaw (US-6601743) as applied to claims 11-13, 15, and 17 above, and further in view of Eastwood et al. (US-7320445). Young in view of Kotzur et al. and Godshaw does not expressly disclose a cable lock configured to secure a loose end of the cable on the exterior of the bag adjacent the cable payout passage way.

However, Eastwood et al. teaches a cable payout dispenser 13,27 comprising a cable lock 50 configured to secure a loose end of cable 3 on the

exterior (defined by 27) of the dispenser, wherein the cable lock is located on the exterior of the dispenser adjacent a cable payout passage 29 (Figures 1-30). It would have been obvious to one of ordinary skill in the art at the time of the invention to add a cable lock to the exterior of the bag of Young in view of Kotzur et al. and Godshaw adjacent the cable payout passage to secure a terminal portion of the wire as taught by Eastwood et al. (Column 8, Lines 22-41) for easy access by the user.

Claims 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Young (US-4650073) in view of Eastwood et al. (US-7320445). Regarding Claim 21, Young discloses a communications cable payout bag, comprising a main compartment (inside of 12,16,18) configured to hold a communications cable package 30; a communications cable package 30 within the main compartment; a shoulder strap 22 attached to the exterior of the bag; a cable payout passageway 14 between the main compartment and the exterior of the bag; and a closure mechanism 34,36 configured to close the main compartment (Figures 1-2). Young does not expressly disclose a cable lock configured to secure a loose end of the cable on the exterior of the bag, wherein the cable lock is located on the exterior of the bag adjacent the cable payout passage way.

However, Eastwood et al. teaches a cable payout dispenser 13,27 comprising a cable lock 50 configured to secure a loose end of cable 3 on the exterior (defined by 27) of the dispenser, wherein the cable lock is located on the exterior of the dispenser adjacent a cable payout passage 29 (Figures 1-30). It

would have been obvious to one of ordinary skill in the art at the time of the invention to add a cable lock to the exterior of the bag of adjacent the cable payout passage to secure a terminal portion of the wire as taught by Eastwood et al. (Column 8, Lines 22-41) for easy access by the user.

Regarding Claim 22, Young discloses the cable payout passageway is located on a side surface (surface of 12) of the bag (Figures 1-2).

Regarding Claim 23, Young discloses the shoulder strap comprises a single adjustable (see Column 5, Lines 27-30) shoulder strap, but does not expressly disclose the shoulder strap can be adjusted to a length of at least 37 inches.

However, one of ordinary skill in the art is expected to routinely experiment with the parameters, especially when the specifics are not disclosed, so as to ascertain the optimum or workable ranges for a particular use. Accordingly, it would have been obvious through routine experimentation and optimization, for one of ordinary skill in the art to make the length of adjustment at least 37 inches to place the payout bag at the hip of the average human.

Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Young (US-4650073) in view of Eastwood et al. (US-7320445) as applied to claims 21-23 above, and further in view of Godshaw (US-6601743). Regarding

Claim 25, Young in view of Eastwood et al. does not expressly disclose at least one storage pouch on the exterior of the bag.

However, Godshaw teaches a bag capable of paying out communications cable comprising at least one storage pouch (see Column 2, Lines 58-67) on the exterior of the bag (Figures 1-3). It would have been obvious to one of ordinary skill in the art at the time of the invention to add the storage pockets of Godshaw to the bag of Young in view of Eastwood et al. to provide storage for the handle straps when not in use as taught by Godshaw (Column 2, Lines 58-67).

Response to Arguments

Applicant's arguments with respect to claims 1-3, 7-13, 15, 17-18, 20-23, and 25-27 have been considered but are moot because the arguments do not apply to any of the references being used in the current rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to WILLIAM E. DONDERO whose telephone number is (571)272-5590. The examiner can normally be reached on M - F 8 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael R. Mansen can be reached on 571-272-6608. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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.

/WILLIAM E DONDERO/
Primary Examiner, Art Unit 3654

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	12484393	HOUSTON ET AL.
	Examiner	Art Unit
	WILLIAM E DONDERO	3654

✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

☐ Claims renumbered in the same order as presented by applicant ☐ CPA ☐ T.D. ☐ R.1.47

CLAIM		DATE								
Final	Original	09/27/2011	02/14/2012	07/10/2012						
	1	✓	✓	✓						
	2	✓	✓	✓						
	3	✓	✓	✓						
	4	-	-	-						
	5	-	-	-						
	6	✓	-	-						
	7	✓	✓	✓						
	8	✓	✓	✓						
	9	✓	✓	✓						
	10	✓	✓	✓						
	11	✓	✓	✓						
	12	✓	✓	✓						
	13	✓	✓	✓						
	14	-	-	-						
	15	✓	✓	✓						
	16	-	-	-						
	17	✓	✓	✓						
	18	✓	✓	✓						
	19	-	-	-						
	20	✓	✓	✓						
	21	✓	✓	✓						
	22	✓	✓	✓						
	23	✓	✓	✓						
	24	✓	-	-						
	25	✓	✓	✓						
	26		✓	✓						
	27		✓	✓						

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	12484393	HOUSTON ET AL.
	Examiner	Art Unit
	WILLIAM E DONDERO	3654

SEARCHED			
Class	Subclass	Date	Examiner
242	170,171,588,588.3,588.6,129	9/27/2011	/WED/
224	580,610,237,162	9/27/2011	/WED/
206	397,408,409,389,303,702,3	9/27/2011	/WED/
182	70,73	9/27/2011	/WED/
441	80,81,84,26	9/27/2011	/WED/
150	130,120,110	9/27/2011	/WED/
Above	Updated	2/14/2012	/WED/
242	588.4,588.5,579-580,125-125.3	2/14/2012	/WED/
Above	Updated	7/10/2012	/WED/

SEARCH NOTES		
Search Notes	Date	Examiner
EAST Text Search - see attached printout	9/27/2011	/WED/
Inventor Name Search	9/27/2011	/WED/
224/600-622,627-659 - text search	9/27/2011	/WED/
Search Help - Luan Bui (206, cross 206/409), David Fidei (206, cross 206/408,409), Justin Larson (224), Alvin Chin-Shue (182, cross 182/73), Ajay Vasudeva (441), Lars Olson (441), Stephen Avila (182), Tri Mai (150, cross 150/130,120,110)	9/27/2011	/WED/
Above Updated	2/14/2012	/WED/
Above Updated	7/10/2012	/WED/

INTERFERENCE SEARCH			
Class	Subclass	Date	Examiner

Attorney Docket No. 9457-242 PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Houston et al.
Application No.: 12/484,393
Filed: June 15, 2009
For: **COMMUNICATIONS CABLE PAYOUT BAGS**

Confirmation No.: 1238
Group Art Unit: 3654
Examiner: William E. Dondero

Date: May 15, 2012

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

APPELLANT'S BRIEF ON APPEAL UNDER 37 C.F.R. § 41.67

This Appeal Brief is filed pursuant to the "Notice of Appeal to the Board of Patent Appeals and Interferences," filed May 15, 2012, and is in response to the Final Office Action mailed February 16, 2012 (the "Final Action").

Real Party In Interest

The real party in interest is assignee CommScope, Inc. of North Carolina, as recorded at Reel/Frame number 022963/0615.

Related Appeals and Interferences

Appellant is not aware of any appeals or interferences that would be affected by the present appeal.

Status of Claims

Claims 1-3, 7-13, 15, 17, 18, 20-23 and 25-27 are pending and stand rejected. Appellant appeals the final rejection of Claims 1-3, 7-13, 15, 17, 18, 20-23 and 25-27 by the Final Action.

Summary of Claimed Subject Matter

There are four independent claims: Claims 1, 11, 20 and 21.

Claim 1 is directed to a communications cable payout bag. The communications cable payout bag comprises: a main compartment constructed of a flexible material and

configured to hold a communications cable package (as exemplified by the main compartment **20** in **Figure 1**); a shoulder strap attached to the exterior of the bag (as exemplified by the shoulder strap **40** in **Figure 3**); a pair of handle straps attached to the exterior of the bag, wherein each handle strap is shorter than the shoulder strap (as exemplified by the handle straps **50** in **Figure 3**); a cable payout passageway between the main compartment and the exterior of the bag (as exemplified by the cable payout passageway **30** in **Figure 2**); and a closure mechanism configured to close the main compartment (as exemplified by the closure mechanism **70** in **Figure 3**).

Claim 11 is directed to a communications cable payout bag. The communications cable payout bag comprises: a main compartment (as exemplified by the main compartment **120** in **Figure 4**); a removable insert having an opening within the main compartment, the removable insert configured to hold a reel of communications cable (as exemplified by the removable insert **124** having the opening **126** in **Figure 4**); a shoulder strap attached to the exterior of the bag (as exemplified by the shoulder strap **40** in **Figure 3**); a pair of handle straps attached to the exterior of the bag, wherein each handle strap is shorter than the shoulder strap (as exemplified by the handle straps **50** in **Figure 3**); a cable payout passageway between the main compartment and the exterior of the bag, wherein the opening of the removable insert is aligned with the cable payout passageway (as exemplified by the cable payout passageway **30** in **Figure 4**); and a closure mechanism configured to close the removable insert in the main compartment (as exemplified by the closure mechanism **70** in **Figure 3**).

Claim 20 is directed to a method of paying out communications cable from a bag that includes a main compartment and a cable payout passageway (as exemplified by the bag main compartment **120** and cable payout passageway **30** in **Figure 4**). The method comprises: inserting a removable insert having an open top and an opening in the main compartment, wherein the opening is aligned with the cable payout passageway (as exemplified by the removable insert **124** having the opening **126** in **Figure 4**; *see* paragraph [0039]); inserting a reel of communications cable having a loose end of cable in the removable insert through the open top (as exemplified by the reel of cable **122** having the loose end of cable **128** in **Figure 4**; *see* paragraph [0039]); aligning the loose end of cable with the opening of the removable insert and the cable payout passageway (*see* paragraph [0039]); and pulling the loose end of cable through the opening of the removable insert and the cable payout passageway (*see* paragraph [0039]).

Claim 21 is directed to a communications cable payout bag. The communications cable payout bag comprises: a main compartment configured to hold a communications cable package (as exemplified by the main compartment **20** in **Figure 1**); a communications cable package within the main compartment (as exemplified by the cable package **22** in **Figure 1**); a shoulder strap attached to the exterior of the bag (as exemplified by the shoulder strap **40** in **Figure 3**); a cable payout passageway between the main compartment and the exterior of the bag (as exemplified by the cable payout passageway **30** in **Figure 2**); a closure mechanism configured to close the main compartment (as exemplified by the closure mechanism **70** in **Figure 3**); and a cable lock configured to secure a loose end of cable on the exterior of the bag, wherein the cable lock is located on the exterior of the bag adjacent the cable payout passageway (as exemplified by the cable lock **80** in **Figure 2**).

Argument

I. Introduction

Claims 1-3, 7-13, 15, 17, 18, 20-23 and 25-27 stand rejected as being obvious under 35 U.S.C. § 103(a). Obviousness under 35 U.S.C. § 103 is a question of law, the resolution of which is based on the following factual inquiries: (1) the scope and content of the prior art; (2) the differences between the claimed invention and the prior art; (3) the level of ordinary skill in the art; and (4) secondary considerations, including evidence of commercial success, long-felt but unsolved needs, failure of others, and unexpected results. MPEP § 2141; *Graham v. John Deere Co.*, 383 U.S. 1 (1966). All words in a claim must be considered in judging the patentability of that claim against the prior art. MPEP § 2143.03 (citing *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970)). If an independent claim is nonobvious under 35 U.S.C. § 103, then any claim depending therefrom is nonobvious. MPEP § 2143.03 (citing *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)).

Mere conclusory statements are insufficient to support a rejection for obviousness; rather, "there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." *KSR Intern. Co. v. Teleflex Inc.*, 127 S.Ct. 1727, 1741 (2007) (quoting *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006)). The Supreme Court in *KSR* observed that "a patent composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art." *KSR*, 127 S.Ct. at 1741. As such, the Court noted that it is "important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the [prior art]

elements" in the manner claimed, and, for that reason, the analysis regarding whether such reason existed "should be made explicit." *KSR*, 127 S.Ct. at 1731. A corollary principle is that, when the prior art teaches away from combining certain known elements, discovery of a successful means of combining them is more likely to be unobvious. *KSR*, 127 S.Ct. at 1740.

II. Claims 1-3, 7, 8 and 10 are patentable over the cited art

Claims 1-3, 7, 8 and 10 stand rejected under Section 103(a) as being unpatentable over U.S. Patent No. 6,145,780 to Fontana ("Fontana") in view of U.S. Patent No. 6,601,743 to Godshaw ("Godshaw"). Final Action, p. 2.

Claim 1 recites:

> 1. A communications cable payout bag, comprising:
> a main compartment constructed of a flexible material and configured to hold a communications cable package;
> a shoulder strap attached to the exterior of the bag;
> a pair of handle straps attached to the exterior of the bag, wherein each handle strap is shorter than the shoulder strap;
> a cable payout passageway between the main compartment and the exterior of the bag; and
> a closure mechanism configured to close the main compartment.

As shown above, Claim 1 recites that the main compartment of the bag is constructed of a flexible material. The primary reference, Fontana, does not disclose or suggest, and actually teaches away from, this configuration.

Fontana proposes a spool holder that "consists of a box like container supplied with a lid which can be closed again to obtain a comfortable fitting of a spool provided with a cable coil." Fontana, col. 1, lines 58-61 (emphasis added). Fontana proposes that the box-like container be constructed of rigid molded plastics or the like. *See* Fontana, col. 4, lines 58-62. As seen in Figure 1 of Fontana, shown below, wheels 19 are attached to sidewalls of the container 11, with the wheels 19 designed to receive and center the spool 12 and allow it to rotate within the container 11. Also, an elastic friction strap 20 is attached to a sidewall and the bottom of the container 11 to prevent cable from being involuntarily unwound.

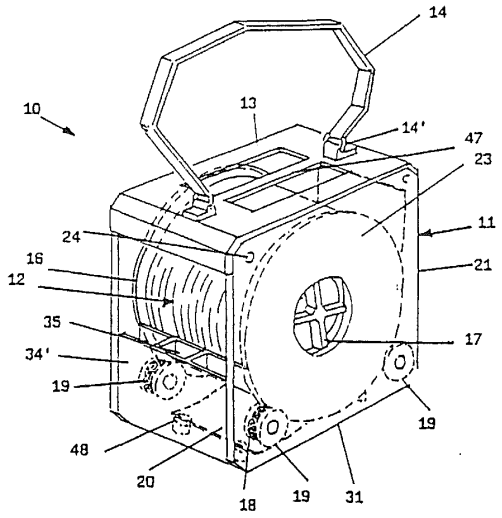


Fig. 1

Godshaw describes a combination backpack and duffel bag made from a flexible fabric material. However, such a material would not be suitable for Fontana's box-like container and its associated components, such as the wheels attached to the container sidewalls to hold and center a relatively heavy spool of cable. Again, Fontana only teaches rigid molded plastics or the like for the spool holder container.

At page 11 of the Final Action, in the "Response to Arguments" section, the Examiner states:

> Applicant argues Fontana discloses a box like container constructed of rigid molded plastics; and therefore, teaches away from a main compartment constructed of a flexible material. Applicant's arguments have been fully considered but they are not persuasive. The Examiner agrees that the container of Fontana is a box like container constructed of molded plastics. However the Examiner fails to find any reference to the molded plastic being rigid in the Fontana reference. Therefore, as with any plastic material there is always some degree of flexibility in the material and further Godshaw teaches a bag clearly made of flexible material. Therefore, either Fontana teaches the compartment constructed of flexible material, or it would have been obvious to make the container of Fontana from a flexible material as taught by Godshaw to allow it to be collapsed and take up less space in

> storage when it isn't being used. Therefore, the rejection is maintained.

Appellant respectfully submits that the Examiner's first position that "Fontana teaches the compartment constructed of flexible material" is unreasonable. The present application states that the communications cable payout bag may be "constructed of a flexible material such as canvas, a synthetic polymer (*e.g.*, nylon) or any other flexible material." Specification, paragraph [0018]. In sharp contrast, and as conceded by the Examiner, Fontana's container is box-like and constructed of molded plastics. The Examiner states that Fontana does not explicitly describe the box-like container as being "rigid." However, referring to Figure 2 below, the Fontana container 11 clearly must have sufficient rigidity such that the wheels 19 may be attached to lateral surfaces 23 of the container and the elastic friction strap 20 may be attached to the rear side 21 and bottom 31 of the container. The container must also have sufficient rigidity so as to hold its form as shown in Figure 2 such that the spool 12 may be introduced to the container 11 and seated on the wheels 19. The container must further have sufficient rigidity such that the relatively heavy spool of cable 12 may be centered by and rotated on the wheels 19. Finally, Fontana teaches that the container 11 includes a cover 13 that is hinged near the upper corners of the lateral surfaces 23, with the cover 13 including spring door latches 49 to realeasably lock the cover 13 to the opposite upper corners of the lateral surfaces 23. *See* Fontana, column 2, lines 38-44. Appellant submits that this configuration is clearly not consistent with a "flexible" container as the term is commonly used in the art and as is used in the present application.

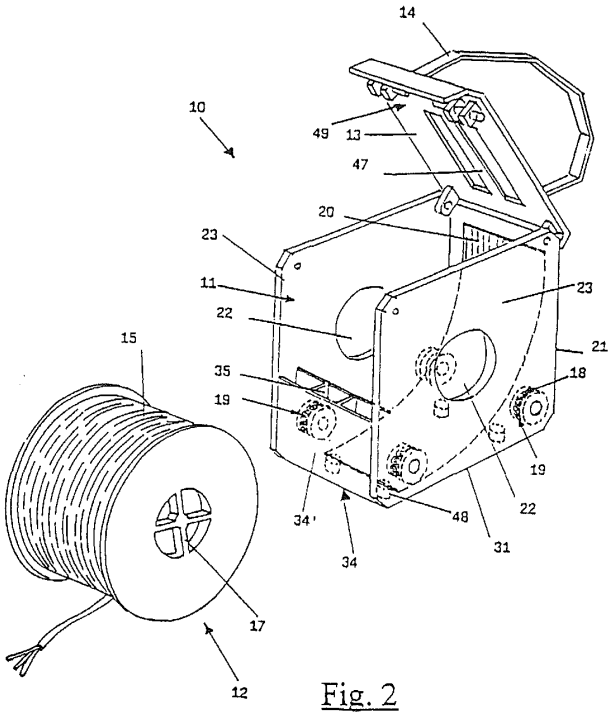


Fig. 2

Perhaps recognizing this, the Examiner alternatively states that "it would have been obvious to make the container of Fontana from a flexible material as taught by Godshaw to allow it to be collapsed and take up less space in storage when it isn't being used." Final Action, p. 11. However, for the reasons set forth above, Fontana clearly teaches away from the container being constructed of such a flexible material. Appellant respectfully submits that the Examiner has not properly considered the Fontana reference "in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention," as required in an obviousness analysis. M.P.E.P. §2141.02(VI).

Appellant further notes that the Examiner's proposed modification wherein the Fontana container is constructed of flexible material would render the Fontana device unsatisfactory for its intended purpose and/or change the principle of operation of the Fontana device, thereby making the proposed modification improper in an obviousness analysis under M.P.E.P. §§2143.01(V) and (VI). To further illustrate the operation of the Fontana container, Appellant respectfully directs the Board's attention to the portion of Figure

6 shown below. The relevant steps of the method are described at column 4, lines 47-53 of Fontana as follows: "5) after having lifted the container cover, the loaded spool is placed in it; 6) now the coil is in a safe position, then the clamps are cut; 7) the cover is closed and locked by acting on the door latches."

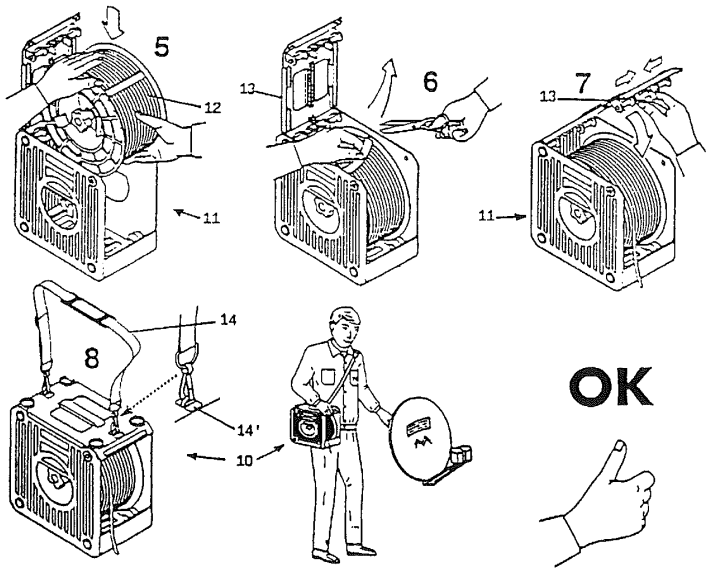


Fig. 6

As shown in step 5, the container is designed such that the user may use both hands to position the reel of cable therein. That is, the user need not support the container while positioning the reel of cable on the receiving wheels within the container. As shown in step 7, the container cover is closed and locked via latches. Moreover, as noted above, the container is configured with the wheels "for supporting, centering, and freely rotating" the relatively heavy reel of cable within the container. Fontana, Abstract. Appellant submits that these operations would either not be possible or would be significantly hindered were the container constructed of flexible material so as to be "collapsible," as proposed by the Examiner.

It is equally clear that the heavy spool of cable would deform a flexible container, which would cause the sidewalls of the container to pinch inwardly against the spool. This would inhibit rotation of the spool, thereby hindering proper operation of the cable carrier of

Fontana. This further illustrates why one of skill in the art would not have modified Fontana in the manner argued in the rejection of Claim 1.

For at least the foregoing reasons, Appellant submits that the Section 103(a) rejection of independent Claim 1 is clearly erroneous and should be reversed. Claims 2, 3, 7-10 and 26 are patentable over the cited art at least per their dependence from Claim 1.

III. Claims 9 and 26 are independently patentable over the cited art

Claims 9 and 26 stand rejected under Section 103(a) as being unpatentable over Fontana in view of Godshaw and further in view of U.S. Patent No. 7,320,445 to Eastwood et al. ("Eastwood"). Final Action, p. 4.

Claim 9 depends from Claim 1 and further recites that the communications cable payout bag includes a cable lock configured to secure a loose end of cable on the exterior of the bag. The Examiner concedes that Fontana and Godshaw do not disclose a cable lock but states that Eastwood teaches such a feature and that it would have been obvious "to add a cable lock to the exterior of the bag of Fontana in view of Godshaw adjacent the cable payout passage to secure a terminal portion of the wire as taught by Eastwood." Final Action, p. 4-5.

Appellant submits that it would not be obvious to modify the Fontana device in this manner at least because Fontana already includes a completely different mechanism that addresses the problem of keeping the cable end in a desired location. With reference to Figures 1 and 2, shown above, Fontana's device includes an elastic friction strip 20 "that fits in with the cable coil size and prevents it from being involuntarily unwound by pressing elastically on it." Fontana, column 4, lines 29-32.

At page 13 of the Final Action, in the "Response to Arguments" section, the Examiner states:

> Regarding the friction strips of Fontana addressing the problem of locating the cable end in a desired location, the Examiner fails to find any reference to the friction strips having this purpose and Applicant has not cited any portions of the reference which describe this function.

Appellant notes that the above-cited passage of Fontana was presented to the Examiner in Appellant's previous response dated January 4, 2012. As the elastic friction strip prevents the cable from being involuntarily unwound, it does have the function of locating

the cable end in a desired location, for example after a length of cable has been voluntarily unwound from the container.

Appellant submits that Claim 9 is independently patentable for at least the foregoing reasons. Claim 26 is patentable over the cited art at least per its dependence from Claim 9.

IV. Claims 11-13, 15 and 17 are patentable over the cited art

Claims 11-13, 15 and 17 stand rejected under Section 103(a) as being unpatentable over Fontana in view of Godshaw and U.S. Patent No. 4,160,533 to Kotzur et al. ("Kotzur"). Final Action, p. 5.

Independent Claim 11 recites:

> 11. A communications cable payout bag, comprising:
> a main compartment;
> a removable insert having an opening within the main compartment, the removable insert configured to hold a reel of communications cable;
> a shoulder strap attached to the exterior of the bag;
> a pair of handle straps attached to the exterior of the bag, wherein each handle strap is shorter than the shoulder strap;
> a cable payout passageway between the main compartment and the exterior of the bag, wherein the opening of the removable insert is aligned with the cable payout passageway; and
> a closure mechanism configured to close the removable insert in the main compartment.

This configuration is exemplified in **Figure 4** of the present application, which is reproduced below. As illustrated, the bag **110** includes a main compartment **120** and a removable insert **124** that fits within the main compartment **120**. The removable insert **124** is configured to hold a reel of cable **122**. The removable insert **124** includes an opening **126** that is aligned with a cable payout passageway **30** of the bag **110**.

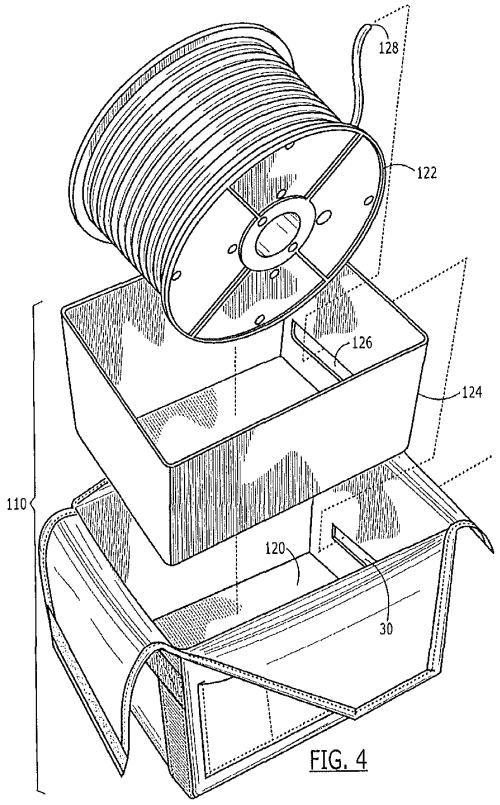


FIG. 4

The Examiner concedes that Fontana does not disclose a removable insert configured to hold a reel of communications cable within the bag main compartment. However, the Examiner relies on Kotzur as teaching this feature and states that it would have been obvious "to add a removable insert to the payout bag of Fontana to support the bag as taught by Kotzur et al. (Column 2, Lines 29-37)." Final Action, p. 6.

Appellant respectfully disagrees. The purpose of the removable insert in the invention of Claim 11 is to receive and to hold a cable reel during payout (*e.g.*, as the reel rotates). In contrast, referring again to Figure 1 of Fontana, the wheels 19 are attached to sidewalls of the container "for supporting, centering, and freely rotating the spool inside the container." Fontana, Abstract. Also, the friction strip 20 is attached to a sidewall and the bottom of the container 11 to prevent involuntary unwinding of the spool. The Fontana container is simply not designed to receive a removable insert such as the one described in Kotzur, and including one would actually render the container inoperable for its intended

purpose. That is, modifying the Fontana device to include the Kotzur insert would prevent mounting the spool on the wheels and prevent proper operation of the friction strip.

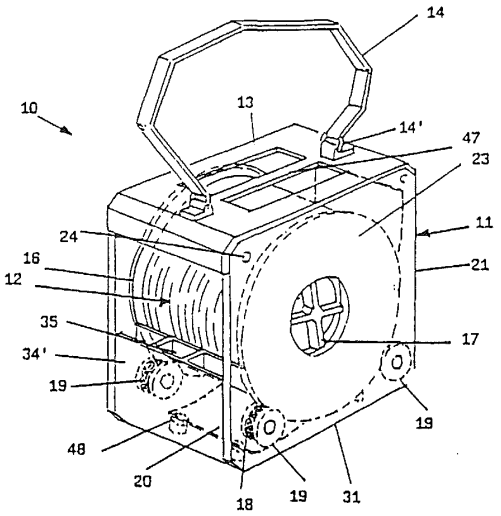


Fig. 1

At page 12 of the Final Action, the Examiner states:

> In response to applicant's argument that the insert of Kotzur et al. would render the device of Fontana inoperative and the design of the Kotzur et al. insert, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill of the art.

Appellant respectfully submits that the Examiner has completely ignored that the proposed modification would render the Fontana container inoperable for its intended purpose. The M.P.E.P. plainly states: "If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious." M.P.E.P. §2143.01(VI) (citing *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959)).

Appellant also submits that the Examiner has not clearly articulated why the claimed invention would be obvious. The Examiner does not apply one of the rationales found in M.P.E.P. §2143 and clearly articulate that rationale. Instead, as noted above, the Examiner merely states that it would have been obvious "to add a removable insert to the payout bag of Fontana to support the bag as taught by Kotzur et al. (Column 2, Lines 29-37)." As best understood, the Examiner is proposing an "improvement" to the Fontana device as a motivation to combine. However, as described below, the proposed improvement does not make any sense in the context of the Fontana device.

Appellant acknowledges that the Kotzur insert is designed for use with a corrugated container and as such "provides additional support for the container." Kotzur, column 2, lines 29-30. However, Fontana does not use a corrugated container or anything like it, but rather a rigid plastic container, as described in detail above. There would be no need for a support-providing insert in the Fontana container and, indeed, the Kotzur insert would not provide any additional support to the Fontana container.

At page 12 of the Final Action, the Examiner states:

> Regarding the argument about Fontana not needing the support of the insert, as advanced above Fontana only discloses molded plastics not rigid plastics. Therefore, the container will have some degree of flexibility.

Appellant submits this stance is unreasonable for the same reasons set forth above in connection with Claim 1. The Fontana container includes "wheels for supporting, centering, and freely rotating the spool inside the container." Fontana, Abstract. The Fontana container is designed to be rigid and self-supporting such that the user may use both hands to position the spool onto the wheels inside the container. The Fontana container includes a hinged cover that may be latched and locked closed. Fontana provides absolutely no support for the Examiner's position that the Fontana container has "some degree of flexibility" so as to need additional support from an insert such as the one described by Kotzur.

Finally, the Kotzur insert is designed to hold wound coil consisting of a number of figure-8 windings (as described at column 3, lines 32-33), not cable on a reel or spool. One of ordinary skill in the art would not use such an insert in the reel system of Fontana. If one did, it would not "be configured to hold a reel of cable," as recited in Claim 11.

For at least the foregoing reasons, Appellant submits that the Examiner has not established a *prima facie* case of obviousness and that the rejection of independent Claim 11 should be reversed. Claims 12, 13, 15, 17, 18 and 27 are patentable at least per their dependence from Claim 11.

V. Claims 18 and 27 are independently patentable over the cited art

Claims 18 and 27 stand rejected under Section 103(a) as being unpatentable over Fontana in view of Godshaw and Kotzur and further in view of Eastwood. Final Action, p. 7.

Claim 18 depends from Claim 11 and further recites that the communications cable payout bag includes a cable lock configured to secure a loose end of cable on the exterior of the bag. The Examiner concedes that Fontana, Godshaw and Kotzur do not disclose a cable lock but states that Eastwood teaches such a feature and that it would have been obvious "to add a cable lock to the exterior of the bag of Fontana in view of Godshaw and Kotzur et al. adjacent the cable payout passage to secure a terminal portion of the wire as taught by Eastwood." Final Action, p. 7.

As described above in reference to Claims 9 and 26, Appellant submits that it would not be obvious to modify the Fontana device in this manner at least because Fontana already includes a completely different mechanism that addresses the problem of keeping the cable end in a desired location. With reference to Figures 1 and 2, shown above, Fontana's device includes an elastic friction strip 20 "that fits in with the cable coil size and prevents it from being involuntarily unwound by pressing elastically on it." Fontana, column 4, lines 29-32.

Appellant submits that Claim 18 is independently patentable for at least the foregoing reasons. Claim 27 is patentable over the cited art at least per its dependence from Claim 18.

VI. Claim 20 is patentable over the cited art

Independent Claim 20 stands rejected under Section 103(a) as being unpatentable over Fontana in view of Kotzur. Final Action, p. 7.

Claim 20 recites:

> 20. A method of paying out communications cable from a bag that includes a main compartment and a cable payout passageway, the method comprising:

> inserting a removable insert having an open top and an opening in the main compartment, wherein the opening is aligned with the cable payout passageway;
>
> inserting a reel of communications cable having a loose end of cable in the removable insert through the open top;
>
> aligning the loose end of cable with the opening of the removable insert and the cable payout passageway; and
>
> pulling the loose end of cable through the opening of the removable insert and the cable payout passageway.

As discussed above in connection with Claim 11, it would not have been obvious "to add a removable insert to the payout bag [of Fontana] to support the bag as taught by Kotzur," as alleged on page 8 of the Final Action. Again, placing an insert in the Fontana container to hold the reel of cable would prevent proper operation of the Fontana device. Also, the Examiner has not clearly articulated why the claimed invention would be obvious; in particular, the Examiner's alleged improvement or motivation to combine is misguided as Fontana teaches a plastic container that would neither need nor receive additional support from an insert such as the one taught by Kotzur.

Further, the Kotzur insert is designed to hold wound coil consisting of a number of figure-8 windings (as described at column 3, lines 32-33), not cable on a reel or spool. One of ordinary skill in the art would not use such an insert in the reel system of Fontana.

The Examiner further states at page 8 of the Final Action:

> It would have been further obvious to one of ordinary skill in the art at the time of the invention to perform the inherent steps of inserting the removable insert having an open top and an opening in the main compartment, wherein the opening is aligned with the cable payout passageway; inserting the reel of communications cable in the removable insert through the top; aligning the loose end of cable with the opening of the removable insert; and pulling the loose end of cable through the opening of the removable insert as they would have been the normal and expected operation of the device of Fontana with the addition of the insert of Kotzur et al.

Appellant submits that the Examiner is providing mere conclusory statements rather than clearly articulating why the claimed invention would be obvious. It would not be obvious to perform these steps at least because one of ordinary skill in the art would not place a removable insert in the Fontana container in the first place, as explained above.

Therefore, Appellant respectfully submits that the Examiner has not established a *prima facie* case of obviousness and the rejection of Claim 20 should be reversed.

VII. Claims 21-23 are patentable over the cited art

Claims 21-23 stand rejected under Section 103(a) as being unpatentable over Fontana in view of Eastwood. Final Action, p. 9.

Independent Claim 21 recites:

> 21. A communications cable payout bag, comprising:
> a main compartment configured to hold a communications cable package;
> a communications cable package within the main compartment;
> a shoulder strap attached to the exterior of the bag;
> a cable payout passageway between the main compartment and the exterior of the bag;
> a closure mechanism configured to close the main compartment; and
> a cable lock configured to secure a loose end of cable on the exterior of the bag, wherein the cable lock is located on the exterior of the bag adjacent the cable payout passageway.

The Examiner concedes that Fontana does not disclose a cable lock as claimed but states that Eastwood teaches such a feature and that it would have been obvious "to add a cable lock to the exterior of the bag of Fontana . . . adjacent the cable payout passage to secure a terminal portion of the wire as taught by Eastwood." Final Action, p. 9.

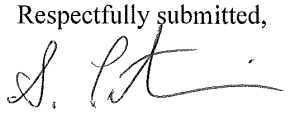
As described above in reference to Claims 9 and 26, Appellant submits that it would not be obvious to modify the Fontana device in this manner at least because Fontana already includes a completely different mechanism that addresses the problem of keeping the cable end in a desired location. With reference to Figures 1 and 2, shown above, Fontana's device includes an elastic friction strip 20 "that fits in with the cable coil size and prevents it from being involuntarily unwound by pressing elastically on it." Fontana, column 4, lines 29-32.

Appellant submits that Claim 21 is patentable for at least the foregoing reasons. Claims 22, 23 and 25 are patentable over the cited art at least per their dependence from Claim 21.

CONCLUSION

In view of the above discussion, Appellant submits that the rejection of Claims 1-3, 7-13, 15, 17, 18, 20-23 and 25-27 should be reversed and the present application passed to issue.

Respectfully submitted,

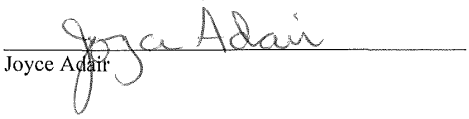


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CERTIFICATION OF TRANSMISSION

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Joyce Adair

Claims Appendix

1. (Previously presented) A communications cable payout bag, comprising:

a main compartment constructed of a flexible material and configured to hold a communications cable package;

a shoulder strap attached to the exterior of the bag;

a pair of handle straps attached to the exterior of the bag, wherein each handle strap is shorter than the shoulder strap;

a cable payout passageway between the main compartment and the exterior of the bag; and

a closure mechanism configured to close the main compartment.

2. (Original) The communications cable payout bag of Claim 1, further comprising a communications cable package within the main compartment.

3. (Previously presented) The communications cable payout bag of Claim 1, wherein the cable payout passageway comprises a horizontal slot located on a side surface of the bag.

4-6. (Canceled)

7. (Previously presented) The communications cable payout bag of Claim 1, wherein at least one of the pair of handle straps includes a flap configured to couple the handle straps.

8. (Previously presented) The communications cable payout bag of Claim 1, wherein the closure mechanism is located on the top surface of the bag.

9. (Previously presented) The communications cable payout bag of Claim 1, further comprising a cable lock configured to secure a loose end of cable on the exterior of the bag.

10. (Previously presented) The communications cable payout bag of Claim 1, further comprising at least one storage pouch on the exterior of the bag.

11. (Previously presented) A communications cable payout bag, comprising:

a main compartment;

a removable insert having an opening within the main compartment, the removable insert configured to hold a reel of communications cable;

a shoulder strap attached to the exterior of the bag;

a pair of handle straps attached to the exterior of the bag, wherein each handle strap is shorter than the shoulder strap;

a cable payout passageway between the main compartment and the exterior of the bag, wherein the opening of the removable insert is aligned with the cable payout passageway; and

a closure mechanism configured to close the removable insert in the main compartment.

12. (Original) The communications cable payout bag of Claim 11, further comprising a reel of communications cable within the removable insert.

13. (Previously presented) The communications cable payout bag of Claim 11, wherein the cable payout passageway comprises a horizontal slot located on a side surface of the bag.

14. (Canceled)

15. (Previously presented) The communications cable payout bag of Claim 11, wherein the shoulder strap is attached to the center of the bag, and wherein the shoulder strap includes a padded portion.

16. (Canceled)

17. (Previously presented) The communications cable payout bag of Claim 11, wherein the closure mechanism is located on the top surface of the bag.

18. (Previously presented) The communications cable payout bag of Claim 11, further comprising a cable lock configured to secure a loose end of cable on the exterior of the bag.

19. (Canceled)

20. (Original) A method of paying out communications cable from a bag that includes a main compartment and a cable payout passageway, the method comprising:

inserting a removable insert having an open top and an opening in the main compartment, wherein the opening is aligned with the cable payout passageway;

inserting a reel of communications cable having a loose end of cable in the removable insert through the open top;

aligning the loose end of cable with the opening of the removable insert and the cable payout passageway; and

pulling the loose end of cable through the opening of the removable insert and the cable payout passageway.

21. (Previously presented) A communications cable payout bag, comprising:

a main compartment configured to hold a communications cable package;

a communications cable package within the main compartment;

a shoulder strap attached to the exterior of the bag;

a cable payout passageway between the main compartment and the exterior of the bag;

a closure mechanism configured to close the main compartment; and

a cable lock configured to secure a loose end of cable on the exterior of the bag, wherein the cable lock is located on the exterior of the bag adjacent the cable payout passageway.

22. (Previously presented) The communications cable payout bag of Claim 21, wherein the cable payout passageway is located on a side surface of the bag.

23. (Previously presented) The communications cable payout bag of Claim 21, wherein the shoulder strap comprises a single adjustable shoulder strap, and wherein the shoulder strap can be adjusted to a length of at least 37 inches.

24. (Canceled)

25. (Previously presented) The communications cable payout bag of Claim 21, further comprising at least one storage pouch on the exterior of the bag.

26. (Previously presented) The communications cable payout bag of Claim 9, wherein the cable lock is located on the exterior of the bag adjacent the cable payout passageway.

27. (Previously presented) The communications cable payout bag of Claim 18, wherein the cable lock is located on the exterior of the bag adjacent the cable payout passageway.

Electronic Patent Application Fee Transmittal	
Application Number:	12484393
Filing Date:	15-Jun-2009
Title of Invention:	COMMUNICATIONS CABLE PAYOUT BAGS
First Named Inventor/Applicant Name:	Eddy Robert Houston
Filer:	Stephen Petroski/Joyce Adair
Attorney Docket Number:	9457-242
Filed as Large Entity	

Utility under 35 USC 111(a) Filing Fees

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Notice of appeal	1401	1	620	620
Filing a brief in support of an appeal	1402	1	620	620
Post-Allowance-and-Post-Issuance:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Extension-of-Time:				
Miscellaneous:				
		Total in USD ($)		**1240**

Electronic Acknowledgement Receipt	
EFS ID:	12781729
Application Number:	12484393
International Application Number:	
Confirmation Number:	1238
Title of Invention:	COMMUNICATIONS CABLE PAYOUT BAGS
First Named Inventor/Applicant Name:	Eddy Robert Houston
Customer Number:	79207
Filer:	Stephen Petroski/Joyce Adair
Filer Authorized By:	Stephen Petroski
Attorney Docket Number:	9457-242
Receipt Date:	15-MAY-2012
Filing Date:	15-JUN-2009
Time Stamp:	14:35:23
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Deposit Account
Payment was successfully received in RAM	$1240
RAM confirmation Number	1039
Deposit Account	500220
Authorized User	
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows: Charge any Additional Fees required under 37 C.F.R. Section 1.21 (Miscellaneous fees and charges)	

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Notice of Appeal Filed	9457-242AB.pdf	119006 a29d6745939696323e107e7524ae877ff457e66e	no	1
Warnings:					
Information:					
2	Appeal Brief Filed	9457-242.pdf	1859436 4005ce21bc0740c9e0d91504932d44ebd152b2ca	no	21
Warnings:					
Information:					
3	Fee Worksheet (SB06)	fee-info.pdf	31868 cfeaebefcef0c7ba9a4f5055e34015f68f7ad25c	no	2
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<u>New Applications Under 35 U.S.C. 111</u>
If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

<u>National Stage of an International Application under 35 U.S.C. 371</u>
If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

<u>New International Application Filed with the USPTO as a Receiving Office</u>
If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

PTO/SB/31 (07-09)
Approved for use through 07/31/2012. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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.

NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

Docket Number (Optional): 9457-242

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]
on _____

Signature _____

Typed or printed name _____

In re Application of: Houston et al.

Application Number	Filed
12/484,393	June 15, 2009

For: Communications Cable Payout Bags

Art Unit	Examiner
3654	William E. Dondero

Applicant hereby **appeals** to the Board of Patent Appeals and Interferences from the last decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 41.20(b)(1)) $ 620.00

☐ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: $ _____

☐ A check in the amount of the fee is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☐ The Director has already been authorized to charge fees in this application to a Deposit Account.

☑ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 50-0220 .

☐ A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

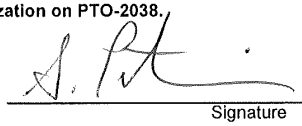
I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

☑ attorney or agent of record. Registration number 64,947 .

☐ attorney or agent acting under 37 CFR 1.34.
Registration number if acting under 37 CFR 1.34. _____



Signature

Stephen J. Petroski
Typed or printed name

919 854 1400
Telephone number

May 15, 2012
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.
Submit multiple forms if more than one signature is required, see below*.

☑ *Total of 1 forms are submitted.

This collection of information is required by 37 CFR 41.31. 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 1.11, 1.14 and 41.6. 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, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/484,393	06/15/2009	Eddy Robert Houston	9457-242	1238

79207 7590 02/16/2012
MYERS BIGEL SIBLEY & SAJOVEC
P.O. BOX 37428
RALEIGH, NC 27612

EXAMINER	
DONDERO, WILLIAM E	
ART UNIT	PAPER NUMBER
3654	
MAIL DATE	DELIVERY MODE
02/16/2012	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.	Applicant(s)	
	12/484,393	HOUSTON ET AL.	
	Examiner	Art Unit	
	WILLIAM E. DONDERO	3654	

-- 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 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, 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 *04 January 2012*.

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) *1-3,7-13,15,17,18,20-23 and 25-27* 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) *1-3,7-13,15,17,18,20-23 and 25-27* is/are rejected.

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

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

Application Papers

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

11)☒ The drawing(s) filed on *15 June 2009* 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).

12)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

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

a)☐ All b)☐ Some * c)☐ None of:

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) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

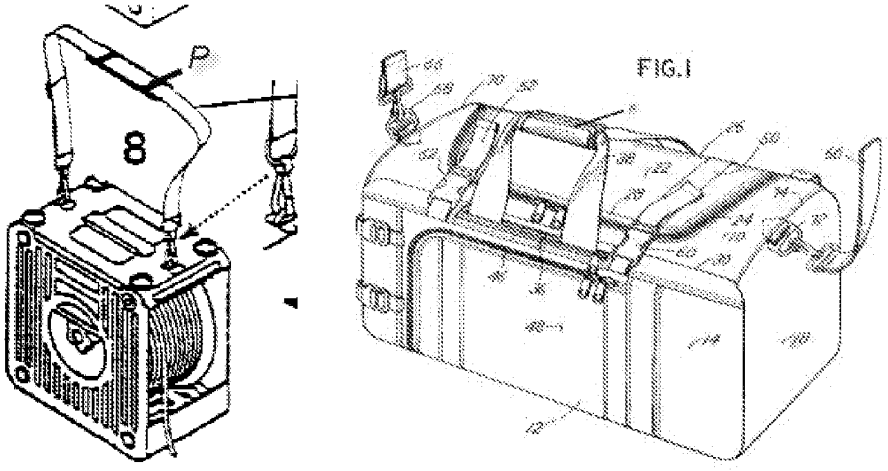
The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

Claims 1-3, 7-8, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fontana (US-6145780) in view of Godshaw (US-6601743). Regarding Claims 1 and 7, Fontana discloses a communications cable payout bag, comprising a main compartment 11 constructed of a flexible material (it is noted molded plastic is flexible to some extent) configured to hold a communications cable package 12; a shoulder strap 14 attached to the exterior of the bag; a cable payout passageway (above 34') between the main compartment and the exterior of the bag; a closure mechanism 13 configured to close the main compartment (see Figure below) (Figures 1-6). Fontana does not expressly disclose a pair of handle straps attached to the exterior of the bag, wherein each handle strap is shorter than the shoulder strap; and at least one of the pair of handle straps includes a flap configured to couple the handle straps.

However, Godshaw teaches a bag capable of paying out communications cable comprising a main compartment constructed of a flexible material capable of holding a communications cable package; a shoulder strap 66 attached to the exterior of the bag; a pair of handle straps 38,42 attached to the exterior of the bag, wherein each handle strap is shorter than the shoulder strap; a closure mechanism 22 configured to close the main compartment; and at least one of the pair of handle straps includes a flap *F* (see

Figure below) configured to couple the handle straps (Figures 1-3). It would have been obvious to one of ordinary skill in the art at the time of the invention to add the handle straps of Godshaw to the bag of Fontana to make the bag more versatile by allowing the user to carry it over the shoulder or by hand using the handles.



Regarding Claim 2, Fontana discloses a communications cable package 12 within the main compartment (Figures 1-6).

Regarding Claim 3, Fontana discloses the cable payout passageway comprises a horizontal slot (above 34') located on a side surface of the bag (Figures 1-6).

Regarding Claim 8, Fontana discloses the closure mechanism is located on the top surface of the bag (Figures 1-6).

Regarding Claim 10, Fontana discloses at least one storage pocket 35 on the exterior of the bag.

If in the alternative the storage pockets 35 of Fontana are not considered to be on the exterior the bag, Godshaw teaches a bag capable of paying out communications cable comprising at least one storage pouch (see Column 2, Lines 58-67) on the exterior of the bag (Figures 1-3). It would have been obvious to one of ordinary skill in the art at the time of the invention to add the storage pockets of Godshaw to the bag of Fontana to provide storage for the handle straps when not in use as taught by Godshaw (Column 2, Lines 58-67).

Claims 9 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fontana (US-6145780) in view of Godshaw (US-6601743) as applied to claims 1-3, 7-8, and 10 above, and further in view of Eastwood et al. (US-7320445). Regarding Claims 9 and 26 Fontana in view of Godshaw does not expressly disclose a cable lock configured to secure a loose end of cable on the exterior of the bag, wherein the cable lock is located on the exterior of the bag adjacent the cable payout passage.

However, Eastwood et al. teaches a cable payout dispenser 13,27 comprising a cable lock 50 configured to secure a loose end of cable 3 on the exterior (defined by 27) of the dispenser, wherein the cable lock is located on the exterior of the dispenser adjacent a cable payout passage 29 (Figures 1-30). It would have been obvious to one of ordinary skill in the art at the time of the invention to add a cable lock to the exterior of

the bag of Fontana in view of Godshaw adjacent the cable payout passage to secure a terminal portion of the wire as taught by Eastwood et al. (Column 8, Lines 22-41).

Claims 11-13, 15, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fontana (US-6145780) in view of Godshaw (US-6601743) and Kotzur et al. (US-4160533). Regarding Claims 11 and 15, Fontana discloses a communications cable payout bag, comprising a main compartment 11 capable of holding a removable insert configured to hold a reel of communications cable 12; a shoulder strap 14 attached to the exterior of the bag; a cable payout passageway (above 34') between the main compartment and the exterior of the bag; a closure mechanism 13 capable of closing a removable insert in the main compartment; and the shoulder strap is attached to the center of the bag, and wherein the shoulder strap includes a padded portion *P* (see Figure above) (Figures 1-6). Fontana does not expressly disclose a removable insert having a open top and an opening within the main compartment, the removable insert configured to hold a reel of communications cable; a pair of handle straps attached to the exterior of the bag, wherein each handle strap is shorter than the shoulder strap; and wherein the opening of the removable insert is aligned with the cable payout passageway.

However, Godshaw teaches a bag capable of paying out communications cable comprising a main compartment; a shoulder strap 66 attached to the exterior of the bag; a pair of handle straps 38,42 attached to the exterior of the bag, wherein each handle strap is shorter than the shoulder strap; and a closure mechanism 22 capable of closing

a removable insert in the main compartment (Figures 1-3). It would have been obvious to one of ordinary skill in the art at the time of the invention to add the handle straps of Godshaw to the bag of Fontana to make the bag more versatile by allowing the user to carry it over the shoulder or by hand using the handles.

Further, Kotzur et al. teach a cable dispensing device comprising a removable insert 10 having an opening 14 within a main compartment of the device, the removable insert configured to hold a reel of communications cable; and wherein the opening of the removable insert is aligned with a cable payout passageway 54 (Figures 1-4). It would have been obvious to one of ordinary skill in the art at the time of the invention to add a removable insert to the payout bag of Fontana to support the bag as taught by Kotzur et al. (Column 2, Lines 29-37).

Regarding Claim 12, Fontana in view of Godshaw and Kotzur discloses a reel of communications cable 12 within the removable insert (Fontana: Figures 1-6, Kotzur: Figures 1-4).

Regarding Claim 13, Fontana discloses the cable payout passageway comprises a horizontal slot (above 34') located on a side surface of the bag (Figures 1-6).

Regarding Claim 17, Fontana discloses the closure mechanism is located on the top surface of the bag (Figures 1-6).

Claims 18 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fontana (US-6145780) in view of Godshaw (US-6601743) and Kotzur et al. (US-4160533) as applied to claims 11-13, 15, and 17 above, and further in view of Eastwood et al. (US-7320445). Regarding Claims 18 and 27 Fontana in view of Godshaw and Kotzur et al. does not expressly disclose a cable lock configured to secure a loose end of cable on the exterior of the bag, wherein the cable lock is located on the exterior of the bag adjacent the cable payout passage.

However, Eastwood et al. teaches a cable payout dispenser 13,27 comprising a cable lock 50 configured to secure a loose end of cable 3 on the exterior (defined by 27) of the dispenser, wherein the cable lock is located on the exterior of the dispenser adjacent a cable payout passage 29 (Figures 1-30). It would have been obvious to one of ordinary skill in the art at the time of the invention to add a cable lock to the exterior of the bag of Fontana in view of Godshaw and Kotzur et al. adjacent the cable payout passage to secure a terminal portion of the wire as taught by Eastwood et al. (Column 8, Lines 22-41).

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fontana (US-6145780) in view of Kotzur et al. (US-4160533). Regarding Claim 20, Fontana discloses a method of paying out communications cable from a bag 10 that includes a main compartment 11 and a cable payout passageway (above 34'), the method comprising inserting a reel of communications cable 12 having a loose end of cable in the main compartment; aligning the loose end of the cable with the cable payout

passageway; and pulling the loose end of cable through the cable payout passage way (see particularly Figure 6) (Figures 1-6). Fontana does not expressly disclose inserting a removable insert having an open top and an opening in the main compartment, wherein the opening is aligned with the cable payout passageway; inserting the reel of communications cable in the removable insert through the top; aligning the loose end of cable with the opening of the removable insert; and pulling the loose end of cable through the opening of the removable insert.

However, Kotzur et al. teach a cable dispensing device comprising a main compartment; a removable insert 10 having an open top and an opening 14 within a main compartment of the device, the removable insert configured to hold a reel of communications cable; and wherein the opening of the removable insert is aligned with a cable payout passageway 54 (Figures 1-4). It would have been obvious to one of ordinary skill in the art at the time of the invention to add a removable insert to the payout bag of Fontana to support the bag as taught by Kotzur et al. (Column 2, Lines 29-37). It would have been further obvious to one of ordinary skill in the art at the time of the invention to perform the inherent steps of inserting the removable insert having an open top and an opening in the main compartment, wherein the opening is aligned with the cable payout passageway; inserting the reel of communications cable in the removable insert through the top; aligning the loose end of cable with the opening of the removable insert; and pulling the loose end of cable through the opening of the removable insert as they would have been the normal and expected operation of the device of Fontana with the addition of the insert of Kotzur et al.

Claims 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fontana (US-6145780) in view of Eastwood et al. (US-7320445). Regarding Claim 21, Fontana discloses a communications cable payout bag, comprising a main compartment 11 configured to hold a communications cable package 12; a communications cable package 12 within the main compartment; a shoulder strap 14 attached to the exterior of the bag; a cable payout passageway (above 34') between the main compartment and the exterior of the bag; and a closure mechanism 13 configured to close the main compartment (Figures 1-6). Fontana does not expressly disclose a cable lock configured to secure a loose end of cable on the exterior of the bag, wherein the cable lock is located on the exterior of the bag adjacent the cable payout passage.

However, Eastwood et al. teaches a cable payout dispenser 13,27 comprising a cable lock 50 configured to secure a loose end of cable 3 on the exterior (defined by 27) of the dispenser, wherein the cable lock is located on the exterior of the dispenser adjacent a cable payout passage 29 (Figures 1-30). It would have been obvious to one of ordinary skill in the art at the time of the invention to add a cable lock to the exterior of the bag of Fontana in view of Godshaw and Kotzur et al. adjacent the cable payout passage to secure a terminal portion of the wire as taught by Eastwood et al. (Column 8, Lines 22-41).

Regarding Claim 22, Fontana discloses wherein the cable payout passageway is located on a side surface of the bag (Figures 1-6).

Regarding Claim 23, Fontana discloses the communications cable payout bag of Claim 21, as advanced above, wherein the shoulder strap comprises a single adjustable (inherent as evidenced by the strap being shown with an adjustment bracket near the left end of the strap in step 8 of Figure 6) shoulder strap, and wherein the shoulder strap is capable of being adjusted to a length. Fontana does not expressly disclose specific values for the length of the adjustment.

However, one of ordinary skill in the art is expected to routinely experiment with the parameters, especially when the specifics are not disclosed, so as to ascertain the optimum or workable ranges for a particular use. Accordingly, it would have been obvious through routine experimentation and optimization, for one of ordinary skill in the art to make the length of adjustment at least 37 inches to place the payout bag at the hip of the average human as shown in the second part of step 8 in Figure 6.

Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fontana (US-6145780) in view of Eastwood et al. (US-7320445) as applied to claims 21-23 above, and further in view of Godshaw (US-6601743). Regarding Claim 25, Fontana discloses the communications cable payout bag of Claim 21, as advanced above, further comprising at least one storage pocket 35 on the exterior of the bag.

If in the alternative the storage pockets 35 of Fontana are not considered to be on the exterior the bag, Godshaw teaches a bag capable of paying out communications cable comprising at least one storage pouch (see Column 2, Lines 58-67) on the

exterior of the bag (Figures 1-3). It would have been obvious to one of ordinary skill in the art at the time of the invention to add the storage pockets of Godshaw to the bag of Fontana to provide storage for the handle straps when not in use as taught by Godshaw (Column 2, Lines 58-67).

Response to Arguments

With respect to Applicant's arguments starting on page 7, line 20 to page 9, line 18, Applicant argues Fontana discloses a box like container constructed of rigid molded plastics; and therefore, teaches away from a main compartment constructed of flexible material. Applicant's arguments have been fully considered but they are not persuasive. The Examiner agrees that the container of Fontana is a box like container constructed of molded plastics. However the Examiner fails to find any reference to the molded plastic being rigid in the Fontana reference. Therefore, as with any plastic material there is always some degree of flexibility in the material and further Godshaw teaches a bag clearly made of flexible material. Therefore, either Fontana teaches the compartment constructed of a flexible material, or it would have been obvious to make the container of Fontana from a flexible material as taught by Godshaw to allow it to be collapsed and take up less space in storage when it isn't being used. Therefore, the rejection is maintained.

With respect to Applicant's arguments starting on page 9, line 19 to page 11, line 27, Applicant argues placing the insert of Kotzur et al. in the device of Fontana would

render the device of Fontana inoperative, Fontana does not need the support of the insert as disclosed by Kotzur due to its rigid construction, and the insert of Kotzur is designed for figure 8 wound material not spool material. Applicant's arguments have been fully considered but they are not persuasive. In response to applicant's argument that the insert of Kotzur et al. would render the device of Fontana inoperative and the design of the Kotzur et al. insert, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). Regarding the argument about Fontana not needing the support of the insert, as advanced above Fontana only discloses molded plastics not rigid plastics. Therefore, the container will have some degree of flexibility. Furthermore, as long as some motivation or suggestion to combine the references is provided by the prior art taken as a whole, the law does not require that the references be combined for the reasons contemplated by the inventor. The fact that the appellants have recognized another advantage which would flow naturally from following the suggestion of the prior art cannot be the basis for patentability when the differences would otherwise have been obvious. Additionally, the test for obviousness is what the combined teachings of the references would have fairly suggested to those of ordinary skill in the art. Moreover, in evaluating such references it is proper to take into account not only the specific teaching of the references but also the inferences which one skilled

in the art would reasonably be expected to draw therefrom and skill, rather than the converse, is presumed on the part of those of ordinary skill in the art.

With respect to Applicant's arguments starting on page 12, line 1 to page 14, line 4, Applicant argues the friction strips of Fontana address the problem of keeping the cable end in a desired location, and Hickey teaches away from a cable lock located adjacent a cable payout passageway. Regarding the friction strips of Fontana addressing the problem of locating the cable end in a desired location, the Examiner fails to find any reference to the friction strips having this purpose and Applicant has not cited any portions of the reference which describe this function. Furthermore, as shown by newly cited reference to Eastwood a cable lock on the exterior of the bag will allow for easier access by the user. Regarding Hickey teaching away from the cable lock being located adjacent the cable payout passageway, Applicant's arguments with respect to claim 21 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Fortune and Goldsmith are cited for disclosing dispensers with cable locks located adjacent material payout passageways.

Applicant's amendment, including the addition of the limitations, “constructed of flexible material” and “wherein the cable lock is located on the exterior of the bag adjacent the cable payout passageway", necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to WILLIAM E. DONDERO whose telephone number is (571)272-5590. The examiner can normally be reached on M - F 8 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Michael R. Mansen can be reached on 571-272-6608. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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.

/WILLIAM E DONDERO/
Primary Examiner, Art Unit 3654

Notice of References Cited	Application/Control No. 12/484,393	Applicant(s)/Patent Under Reexamination HOUSTON ET AL.	
	Examiner WILLIAM E. DONDERO	Art Unit 3654	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-7,320,445	01-2008	Eastwood et al.	242/598.4
*	B	US-3,815,843	06-1974	Fortune, William S.	242/588.1
*	C	US-1,090,612	03-1914	Goldsmith, E. M.	242/588.6
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	12484393	HOUSTON ET AL.
	Examiner	Art Unit
	WILLIAM E DONDERO	3654

✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

☐ Claims renumbered in the same order as presented by applicant ☐ CPA ☐ T.D. ☐ R.1.47

CLAIM		DATE								
Final	Original	09/27/2011	02/14/2012							
	1	✓	✓							
	2	✓	✓							
	3	✓	✓							
	4	-	-							
	5	-	-							
	6	✓	-							
	7	✓	✓							
	8	✓	✓							
	9	✓	✓							
	10	✓	✓							
	11	✓	✓							
	12	✓	✓							
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	20	✓	✓							
	21	✓	✓							
	22	✓	✓							
	23	✓	✓							
	24	✓	-							
	25	✓	✓							
	26		✓							
	27		✓							

EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L18	379	242/580.ccls.	US-PGPUB; USPAT; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/02/14 10:56
L19	623	242/588.3-588.6.ccls.	US-PGPUB; USPAT; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/02/14 11:05
L20	473	242/579-580.ccls.	US-PGPUB; USPAT; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/02/14 11:06
L21	672	242/125-125.3.ccls.	US-PGPUB; USPAT; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/02/14 11:06
L22	2	19 and 21	US-PGPUB; USPAT; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/02/14 11:06
L23	19	19 and 20	US-PGPUB; USPAT; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/02/14 11:07
L24	20	("0633404" | "2479710" | "2499130" | "2575960" | "2610812").PN. OR ("3815843").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2012/02/14 11:14

EAST Search History (Interference)

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2/14/2012 12:53:32 PM
C:\Users\wdondero\Documents\EAST\Workspaces\12484393.wsp

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	12484393	HOUSTON ET AL.
	Examiner	Art Unit
	WILLIAM E DONDERO	3654

SEARCHED			
Class	Subclass	Date	Examiner
242	170,171,588,588.3,588.6,129	9/27/2011	/WED/
224	580,610,237,162	9/27/2011	/WED/
206	397,408,409,389,303,702,3	9/27/2011	/WED/
182	70,73	9/27/2011	/WED/
441	80,81,84,26	9/27/2011	/WED/
150	130,120,110	9/27/2011	/WED/
Above	Updated	2/14/2012	/WED/
242	588.4,588.5,579-580,125-125.3	2/14/2012	/WED/

SEARCH NOTES		
Search Notes	Date	Examiner
EAST Text Search - see attached printout	9/27/2011	/WED/
Inventor Name Search	9/27/2011	/WED/
224/600-622,627-659 - text search	9/27/2011	/WED/
Search Help - Luan Bui (206, cross 206/409), David Fidei (206, cross 206/408,409), Justin Larson (224), Alvin Chin-Shue (182, cross 182/73), Ajay Vasudeva (441), Lars Olson (441), Stephen Avila (182), Tri Mai (150, cross 150/130,120,110)	9/27/2011	/WED/
Above Updated	2/14/2012	/WED/

INTERFERENCE SEARCH			
Class	Subclass	Date	Examiner

ATTORNEY DOCKET NO. 9457-242 PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Houston et al.
Application No.: 12/484,393
Filing Date: June 15, 2009
For: ***Communications Cable Payout Bags***

Confirmation No.: 1238
Examiner: William E. Dondero
Group Art Unit: 3654

January 4, 2012

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

AMENDMENT

Sir:

This paper is responsive to the Office Action mailed October 5, 2011 (the "Action") regarding the above-referenced patent application.

If any extension of time for the accompanying response or submission is required, Applicants request that this be considered a petition therefor. The Commissioner is hereby authorized to charge any additional fee, which may be required, or credit any refund, to our Deposit Account No. 50-0220.

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

Remarks begin on page 7 of this paper.

Listing of Claims:

This Listing of Claims will replace all prior versions, and listings, of claims in the application.

1. (Currently amended) A communications cable payout bag, comprising:

a main compartment constructed of a flexible material and configured to hold a communications cable package;

a shoulder strap attached to the exterior of the bag;

a pair of handle straps attached to the exterior of the bag, wherein each handle strap is shorter than the shoulder strap;

a cable payout passageway between the main compartment and the exterior of the bag; and

a closure mechanism configured to close the main compartment.

2. (Original) The communications cable payout bag of Claim 1, further comprising a communications cable package within the main compartment.

3. (Currently amended) The communications cable payout bag of ~~Claim 2~~ Claim 1, wherein the cable payout passageway comprises a horizontal slot located on a side surface of the bag.

4-6. (Canceled)

7. (Currently amended) The communications cable payout bag of ~~Claim 6~~ Claim 1, wherein at least one of the pair of handle straps includes a flap configured to couple the handle straps.

8. (Currently amended) The communications cable payout bag of ~~Claim 7~~ Claim 1, wherein the closure mechanism is located on the top surface of the bag.

9. (Currently amended) The communications cable payout bag of ~~Claim 8~~ Claim 1, further comprising a cable lock configured to secure a loose end of cable on the exterior of the bag.

10. (Currently amended) The communications cable payout bag of ~~Claim 9~~ Claim 1, further comprising at least one storage pouch on the exterior of the bag.

11. (Currently amended) A communications cable payout bag, comprising:

a main compartment;

a removable insert having ~~an open top and~~ an opening within the main compartment, the removable insert configured to hold a reel of communications cable;

a shoulder strap attached to the exterior of the bag;

a pair of handle straps attached to the exterior of the bag, wherein each handle strap is shorter than the shoulder strap;

a cable payout passageway between the main compartment and the exterior of the bag, wherein the opening of the removable insert is aligned with the cable payout passageway; and

a closure mechanism configured to close the removable insert in the main compartment.

12. (Original) The communications cable payout bag of Claim 11, further comprising a reel of communications cable within the removable insert.

13. (Currently amended) The communications cable payout bag of ~~Claim 12~~ Claim 11, wherein the cable payout passageway comprises a horizontal slot located on a side

surface of the bag.

14. (Canceled)

15. (Currently amended) The communications cable payout bag of ~~Claim 14~~ Claim 11, wherein the shoulder strap is attached to the center of the bag, and wherein the shoulder strap includes a padded portion.

16. (Canceled)

17. (Currently amended) The communications cable payout bag of ~~Claim 16~~ Claim 11, wherein the closure mechanism is located on the top surface of the bag.

18. (Currently amended) The communications cable payout bag of ~~Claim 17~~ Claim 11, further comprising a cable lock configured to secure a loose end of cable on the exterior of the bag.

19. (Canceled)

20. (Original) A method of paying out communications cable from a bag that includes a main compartment and a cable payout passageway, the method comprising:

inserting a removable insert having an open top and an opening in the main compartment, wherein the opening is aligned with the cable payout passageway;

inserting a reel of communications cable having a loose end of cable in the removable insert through the open top;

aligning the loose end of cable with the opening of the removable insert and the cable payout passageway; and

pulling the loose end of cable through the opening of the removable insert and the cable payout passageway.

21. (Currently amended) A communications cable payout bag, comprising:

a main compartment configured to hold a communications cable package;

a communications cable package within the main compartment;

a shoulder strap attached to the exterior of the bag;

a cable payout passageway between the main compartment and the exterior of the bag; ~~and~~

a closure mechanism configured to close the main compartment; and

a cable lock configured to secure a loose end of cable on the exterior of the bag, wherein the cable lock is located on the exterior of the bag adjacent the cable payout passageway.

22. (Previously presented) The communications cable payout bag of Claim 21, wherein the cable payout passageway is located on a side surface of the bag.

23. (Previously presented) The communications cable payout bag of Claim 21, wherein the shoulder strap comprises a single adjustable shoulder strap, and wherein the shoulder strap can be adjusted to a length of at least 37 inches.

24. (Canceled)

25. (Previously presented) The communications cable payout bag of Claim 21, further comprising at least one storage pouch on the exterior of the bag.

26. (New) The communications cable payout bag of Claim 9, wherein the cable

lock is located on the exterior of the bag adjacent the cable payout passageway.

27. (New) The communications cable payout bag of Claim 18, wherein the cable lock is located on the exterior of the bag adjacent the cable payout passageway.

REMARKS

Applicants thank the Examiner for the thorough examination of the application as reflected in the Action. Applicants respectfully request reconsideration of the application in view of the amendments above and the remarks that follow.

Election of Species

The Action requires the election of one of the following species:

Species I: Figures 1-3

Species II: Figure 4; and

Species III: Figures 5-7.

Applicants hereby affirm their previous oral election of Species II, without traverse. Claims 1-3, 6-13, 15, 17, 18 and 20-25 encompass the elected species.

Status of the Claims

Claims 1-3, 6-13, 15, 17, 18 and 20-25 were pending and stand rejected under Section 102(b) and/or Section 103(a).

By way of this Amendment, Claims 6 and 24 have been canceled and new Claims 26 and 27 have been added.

The Claim Objections

Applicants thank the Examiner for pointing out the typographical errors regarding claim dependency in Claims 6, 15 and 17. These claims have been amended or canceled to overcome the objections.

The Prior Art Rejections

Independent Claim 1 and Claims Dependent Therefrom

Claims 1-3 and 6-8 stand rejected under Section 103(a) as unpatentable over U.S.

Patent No. 6,145,780 to Fontana ("Fontana") in view of U.S. Patent No. 6,601,743 to Godshaw ("Godshaw"). Action, p. 7. Claims 9 and 10 stand rejected under Section 103(a) as unpatentable over Fontana in view of Godshaw and further in view of U.S. Patent No. 2,400,417 to Hickey ("Hickey"). Action, p. 9.

To advance prosecution, Claim 1 has been amended to recite that the main compartment of the bag is constructed of a flexible material. The primary reference, Fontana, does not disclose or suggest, and actually teaches away from, this configuration.

Fontana proposes a spool holder that "consists of a box like container supplied with a lid which can be closed again to obtain a comfortable fitting of a spool provided with a cable coil." Fontana, col. 1, lines 58-61 (emphasis added). Fontana proposes that the box-like container be constructed of rigid molded plastics or the like. *See* Fontana, col. 4, lines 58-62. As seen in Figure 1 of Fontana, shown below, wheels 19 are attached to sidewalls of the container 11, with the wheels 19 designed to receive and center the spool 12 and allow it to rotate within the container 11. Also, an elastic friction strap 20 is attached to a sidewall and the bottom of the container 11 to prevent cable from being involuntarily unwound.

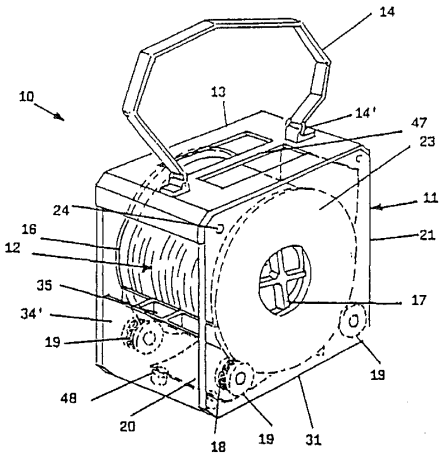


Fig. 1

Godshaw describes a combination backpack and duffel bag made from a flexible fabric material. However, such a material would not be suitable for Fontana's box-like container and its associated components, such as the wheels attached to container sidewalls to hold and center a relatively heavy spool of cable. Again, Fontana only teaches rigid molded plastics or the like for the spool holder container.

For at least the foregoing reasons, Applicants respectfully submit that amended independent Claim 1 is patentable over the cited art. Claims 2, 3 and 7-10 are patentable at least per their dependence from Claim 1. In addition, at least certain of these dependent claims are separately patentable.

For example, Claim 9 depends from Claim 1 and further recites that the bag includes a cable lock configured to secure a loose end of cable on the exterior of the bag. The Action proposes modifying the Fontana device to include a cable lock such as the button 28 disclosed by Hickey. Applicants submit that it would not be obvious to modify the Fontana device in this manner at least because Fontana already includes a completely different mechanism that addresses the problem of keeping the cable end in a desired location. With reference to Figure 1, shown above, Fontana's device includes an elastic friction strip 20 "that fits in with the cable coil size and prevents it from being involuntarily unwound by pressing elastically on it." Fontana, col. 4, lines 29-32.

Independent Claim 11 and Claims Dependent Therefrom

Claims 11-13, 15 and 17 stand rejected under Section 103(a) as unpatentable over Fontana in view of Godshaw and U.S. Patent No. 4,160,533 to Kotzur et al. ("Kotzur"). Action, p. 10. Claim 18 stands rejected under Section 103(a) as unpatentable over Fontana in view of Godshaw and Kotzur and further in view of Hickey. Action, p. 12.

Regarding independent Claim 11, the Action concedes that Fontana does not disclose a removable insert configured to hold a reel of communications cable within the bag main

compartment. However, the Action relies on Kotzur as teaching this feature and states that it would have been obvious "to add a removable insert to the payout bag of Fontana to support the bag as taught by Kotzur et al. (Column 2, Lines 29-37)." Action, p. 12.

Applicants respectfully disagree. The purpose of the removable insert in the invention of Claim 11 is to receive and to hold a cable reel during payout (*e.g.*, as the reel rotates). Referring again to Figure 1 of Fontana, the wheels 19 are attached to sidewalls of the container 11 to mount the spool of cable 12. Also, the friction strip 20 is attached to a sidewall and the bottom of the container 11 to prevent involuntary unwinding of the spool. The Fontana container is simply not designed to receive a removable insert such as the one described in Kotzur, and including one would actually render the container inoperable for its intended purpose. That is, modifying the Fontana device to include the Kotzur insert would prevent mounting the spool on the wheels and prevent proper operation of the friction strip.

Moreover, the Kotzur insert is designed for use with a corrugated container and as such "provides additional support for the container." Kotzur, col. 2, lines 29-30. Fontana uses a rigid plastic container, as described above in connection with Claim 1. There would be no need for a support-providing insert in the Fontana container and, in any event, the Kotzur insert would not provide any additional support to the rigid Fontana container. Thus, Applicants respectfully disagree with the proposed motivation to combine as set forth in the Action ("to support the [Fontana] bag as taught by Kotzur").

Finally, the Kotzur insert is designed to hold wound coil consisting of a number of figure-8 windings (as described at col. 3, lines 32-33), not cable on a reel or spool. One of ordinary skill in the art would not use such an insert in the reel system of Fontana. If one did, it would not "be configured to hold a reel of cable," as recited in Claim 11.

For at least the foregoing reasons, Applicants respectfully submit that the Action has not established a *prima facie* case of obviousness and that independent Claim 11 is patentable over the cited art. Claims 12, 13, 15, 17 and 18 are patentable at least per their dependence from Claim 11. In addition, at least certain of these claims are separately patentable.

For example, Claim 18 recites that the bag includes a cable lock configured to secure a loose end of cable on the exterior of the bag and is independently patentable for at least the reasons described above in connection with Claim 9.

Independent Claim 20

Claim 20 stands rejected under Section 103(a) as unpatentable over Fontana in view of Kotzur. Action, p. 13. Claim 20 recites:

> 20. A method of paying out communications cable from a bag that includes a main compartment and a cable payout passageway, the method comprising:
> inserting a removable insert having an open top and an opening in the main compartment, wherein the opening is aligned with the cable payout passageway;
> inserting a reel of communications cable having a loose end of cable in the removable insert through the open top;
> aligning the loose end of cable with the opening of the removable insert and the cable payout passageway; and
> pulling the loose end of cable through the opening of the removable insert and the cable payout passageway.

As discussed above in connection with Claim 11, Applicants respectfully submit that it would not have been obvious "to add a removable insert to the payout bag [of Fontana] to support the bag as taught by Kotzur," as alleged on page 14 of the Action. Again, inserting an insert such as the one taught by Kotzur into the Fontana container would prevent proper operation of the latter. Also, the Action's alleged motivation to combine is misguided as Fontana teaches a rigid plastic container that would not receive additional support from the Kotzur insert.

Therefore, Applicants respectfully submit that the Action has not established a *prima facie* case of obviousness and requests that the rejection of Claim 20 be withdrawn.

Independent Claim 21 and Claims Dependent Therefrom

Claims 21 and 22 stand rejected under Section 102(b) as anticipated by Fontana. Action, p. 5. Claim 23 stands rejected under Section 103(a) as unpatentable over Fontana. Action, p. 6. Claim 24 stands rejected under Section 103(a) as unpatentable over Fontana in view of Hickey. Action, p. 6. Claim 25 stands rejected under Section 102(b) as anticipated by Fontana or, in the alternative, under Section 103(a) as unpatentable over Fontana in view of Godshaw. Action, p. 7.

Claim 21 has been amended to include, *inter alia*, the recitations previously found in now-canceled Claim 24. Specifically, amended Claim 21 now recites that the communications cable payout bag comprises a cable lock configured to secure a loose end of cable on the exterior of the bag. Applicants respectfully submit that it would not be obvious to modify the Fontana device to include such a feature at least because, as described above, Fontana already includes the friction strip to address the problem of keeping the cable end in a desired location.

Claim 21 has been further amended to recite that the cable lock is located on the exterior of the bag adjacent the cable payout passageway. This configuration is exemplified in Figure 2 of the present application, shown below. As illustrated, the bag 10 includes a cable lock 80 configured to secure the loose end of cable 28 on the exterior of the bag 10. The cable lock 80 is located on the exterior of the bag 10 adjacent the cable payout passageway 30.

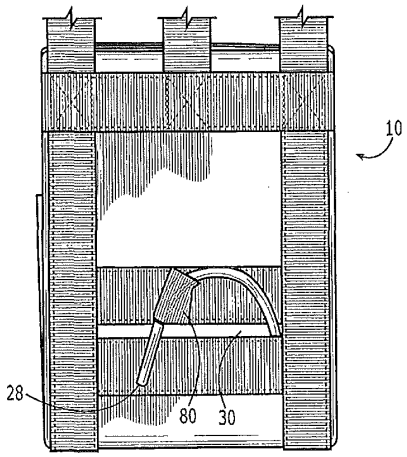
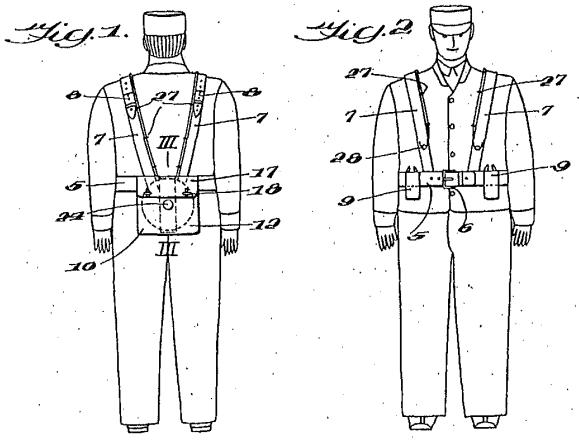


FIG. 2

Regarding Claim 24, the Action concedes that Fontana in view of Godshaw does not disclose a cable lock in the manner claimed, but states that "Hickey teaches a cable payout device comprising a cable lock 28 configured to secure a loose end of cable on the exterior of the device." Action, p. 6. The Action concludes that it would have been obvious "to add a cable lock to the exterior of the bag of Fontana to prevent the cable from becoming caught on the person or another adjacent body as taught by Hickey (page 2, left hand column, lines 26-30)." Action, p. 6-7.

As can be seen in Figures 1 and 2 of Hickey (shown below), the "cable lock" 28 is actually a button that is located on the shoulder strap 7. As described above, Claim 21 has been amended to more clearly recite that the cable lock is located on an exterior of the bag adjacent the cable payout passageway. Hickey teaches away from this configuration by providing the button 28 on the shoulder strap which is located away from any arguable cable payout passageway (which would be located in the bag on the back of the worker). Hickey explains that the button 28 is positioned on the front side of the worker so that the free end of the wire "is maintained in close proximity to the body of the worker" and can be "grasped by

the worker and drawn outwardly." Hickey, page 2, left hand column, lines 18-22.



For at least the foregoing reasons, Applicants respectfully submit that independent Claim 21 is patentable over the cited art. Claims 22, 23 and 25 are patentable at least per their dependence from Claim 21.

New Claims 26 and 27

New Claims 26 and 27, dependent from Claims 9 and 18, respectively, have been added to form a more complete claim set. These claims recite that the cable lock is located on the exterior of the bag adjacent the cable payout passageway. Claims 26 and 27 are independently patentable for the reasons described above in connection with Claim 21.

CONCLUSION

Applicants believe the application is now in condition for allowance. The Examiner is encouraged to contact the undersigned attorney by telephone at 919-854-1400 should any additional issues need to be addressed.

Respectfully submitted,

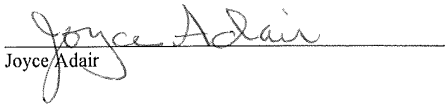


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CERTIFICATION OF TRANSMISSION

I hereby certify that this correspondence is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4) to the U.S. Patent and Trademark Office on January 4, 2012.



Joyce Adair

Electronic Acknowledgement Receipt	
EFS ID:	11756861
Application Number:	12484393
International Application Number:	
Confirmation Number:	1238
Title of Invention:	COMMUNICATIONS CABLE PAYOUT BAGS
First Named Inventor/Applicant Name:	Eddy Robert Houston
Customer Number:	79207
Filer:	Stephen Petroski/Joyce Adair
Filer Authorized By:	Stephen Petroski
Attorney Docket Number:	9457-242
Receipt Date:	04-JAN-2012
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Application Type:	Utility under 35 USC 111(a)

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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		9457-242.pdf	1064936 aba1361384def02dbc33d7f0c11acbb502479283	yes	15

	Multipart Description/PDF files in .zip description		
	Document Description	**Start**	**End**
	Amendment/Req. Reconsideration-After Non-Final Reject	1	1
	Claims	2	6
	Applicant Arguments/Remarks Made in an Amendment	7	14
	Abstract	15	15
Warnings:			
Information:			
	Total Files Size (in bytes):	1064936	

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New Applications Under 35 U.S.C. 111
If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371
If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office
If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

PTO/SB/06 (07-06)
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PATENT APPLICATION FEE DETERMINATION RECORD

Substitute for Form PTO-875

Application or Docket Number	Filing Date	☐ To be Mailed
12/484,393	06/15/2009	

APPLICATION AS FILED – PART I

FOR	(Column 1) NUMBER FILED	(Column 2) NUMBER EXTRA	SMALL ENTITY ☐ RATE ($)	SMALL ENTITY FEE ($)	OR	OTHER THAN SMALL ENTITY RATE ($)	OTHER THAN SMALL ENTITY FEE ($)
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A			N/A	
☐ SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A	N/A			N/A	
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A			N/A	
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =	*	X $ =		OR	X $ =	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*	X $ =			X $ =	
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is $250 ($125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).						
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))							
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL			TOTAL	

APPLICATION AS AMENDED – PART II

AMENDMENT 01/04/2012

	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	SMALL ENTITY RATE ($)	SMALL ENTITY ADDITIONAL FEE ($)	OR	OTHER THAN SMALL ENTITY RATE ($)	OTHER THAN SMALL ENTITY ADDITIONAL FEE ($)
Total (37 CFR 1.16(i))	* 20	Minus	** 20	= 0	X $ =		OR	X $60=	0
Independent (37 CFR 1.16(h))	* 4	Minus	***3	= 1	X $ =		OR	X $250=	250
☐ Application Size Fee (37 CFR 1.16(s))									
☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							OR		
					TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE	250

AMENDMENT

	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	RATE ($)	ADDITIONAL FEE ($)		RATE ($)	ADDITIONAL FEE ($)
Total (37 CFR 1.16(i))	*	Minus	**	=	X $ =		OR	X $ =	
Independent (37 CFR 1.16(h))	*	Minus	***	=	X $ =		OR	X $ =	
☐ Application Size Fee (37 CFR 1.16(s))									
☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							OR		
					TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE	

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.

** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".

*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".

The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

Legal Instrument Examiner:
/MARCUS PRIDGEN/

This collection of information is required by 37 CFR 1.16. 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, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/484,393	06/15/2009	Eddy Robert Houston	9457-242	1238

79207 7590 10/05/2011
MYERS BIGEL SIBLEY & SAJOVEC
P.O. BOX 37428
RALEIGH, NC 27612

EXAMINER	
DONDERO, WILLIAM E	
ART UNIT	PAPER NUMBER
3654	
MAIL DATE	DELIVERY MODE
10/05/2011	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.	Applicant(s)	
	12/484,393	HOUSTON ET AL.	
	Examiner	Art Unit	
	WILLIAM E. DONDERO	3654	

-- 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 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, 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 _____.

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 9/22/2011; 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) 1-3,6-13,15,17,18 and 20-25 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) 1-3,6-13,15,17,18 and 20-25 is/are rejected.

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

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

Application Papers

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

11)☒ The drawing(s) filed on 15 June 2009 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).

12)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

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

a)☐ All b)☐ Some * c)☐ None of:

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) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date See Continuation Sheet.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :04/23/2010, 03/28/2011, 05/04/2011.

DETAILED ACTION

Election/Restrictions

This application contains claims directed to the following patentably distinct species

Species I: Figures 1-3;

Species II: Figure 4; and

Species III: Figures 5-7.

The species are independent or distinct because the claims to the different species recite mutually exclusive characteristics of such species such as Species I is rectangular without a removable insert, Species II is rectangular with a removable insert, and Species III is circular without a removable insert. In addition, these species are not obvious variants of each other based on the current record.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species, or a single grouping of patentably indistinct species, for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claims 1-2, 6-10, and 21-25 appear to be generic.

There is a search and/or examination burden for the patentably distinct species as set forth above because at least the following reason(s) apply:

- the species or groupings of patentably indistinct species require a different field of search (e.g., searching different classes/subclasses or electronic resources, or employing different search strategies or search queries).

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or a grouping of patentably indistinct species to be examined even though the requirement may be traversed (37 CFR 1.143) **and (ii) identification of the claims encompassing the elected species or grouping of patentably indistinct species**, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

The election may be made with or without traverse. To preserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the election of species requirement, the election shall be treated as an election without traverse. Traversal must be presented at the time of election in order to be considered timely. Failure to timely traverse the requirement will result in the loss of right to petition under 37 CFR 1.144. If claims are added after the election, applicant must indicate which of these claims are readable on the elected species or grouping of patentably indistinct species.

Should applicant traverse on the ground that the species, or groupings of patentably indistinct species from which election is required, are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing them to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the species unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other species.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141.

During a telephone conversation with Stephen J. Petroski on September 22, 2011 a provisional election was made without traverse to prosecute the invention of Species II, claims 1-3, 6-13, 15, 17-18, 20-25. Affirmation of this election must be made by applicant in replying to this Office action. No claims are currently withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Claim Objections

Claims 6, 15, and 17 are objected to because of the following informalities: the claims depend from cancelled Claims 5, 14, and 16, respectively. For the Office Action below, it presumed Claims 6, 15, and 17, should depend from independent Claims 1, 11, and 11, respectively. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 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 21-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Fontana (US-6145780). Regarding Claim 21, Fontana discloses a communications cable payout bag, comprising a main compartment 11 configured to hold a communications cable package 12; a communications cable package 12 within the main compartment; a shoulder strap 14 attached to the exterior of the bag; a cable payout passageway (above 34') between the main compartment and the exterior of the bag; and a closure mechanism 13 configured to close the main compartment (Figures 1-6).

Regarding Claim 22, Fontana discloses wherein the cable payout passageway is located on a side surface of the bag (Figures 1-6).

Claim Rejections - 35 USC § 103

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

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

Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fontana (US-6145780). Regarding Claim 23, Fontana discloses the communications cable payout bag of Claim 21, as advanced above, wherein the shoulder strap comprises a single adjustable (inherent as evidenced by the strap being shown with an adjustment bracket near the left end of the strap in step 8 of Figure 6) shoulder strap, and wherein the shoulder strap is capable of being adjusted to a length. Fontana does not expressly disclose specific values for the length of the adjustment.

However, one of ordinary skill in the art is expected to routinely experiment with the parameters, especially when the specifics are not disclosed, so as to ascertain the optimum or workable ranges for a particular use. Accordingly, it would have been obvious through routine experimentation and optimization, for one of ordinary skill in the art to make the length of adjustment at least 37 inches to place the payout bag at the hip of the average human as shown in the second part of step 8 in Figure 6.

Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fontana (US-6145780) in view of Hickey (US-2400417). Regarding Claim 24, Fontana discloses the communications payout bag of Claim 21, as advanced above, but does not expressly disclose a cable lock configured to secure a loose end of cable on the exterior of the bag.

However, Hickey teaches a cable payout device comprising a cable lock 28 configured to secure a loose end of cable on the exterior of the device. It would have been obvious to one of ordinary skill in the art at the time of the invention to add a cable

lock to the exterior of the bag of Fontana to prevent the cable from becoming caught on the person or another adjacent body as taught by Hickey (page 2, left hand column, lines 26-30).

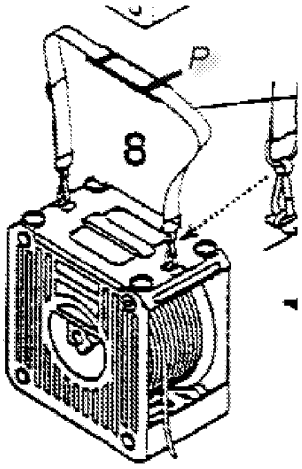
Claim 25 is rejected under 35 U.S.C. 102(b) as anticipated by Fontana (US-6145780) or, in the alternative, under 35 U.S.C. 103(a) as obvious over Fontana (US-6145780) in view of Godshaw (US-6601743). Regarding Claim 25, Fontana discloses the communications cable payout bag of Claim 21, as advanced above, further comprising at least one storage pocket 35 on the exterior of the bag.

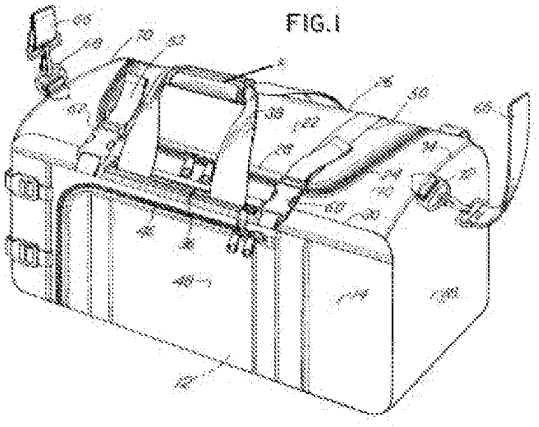
If in the alternative the storage pockets 35 of Fontana are not considered to be on the exterior the bag, Godshaw teaches a bag capable of paying out communications cable comprising at least one storage pouch (see Column 2, Lines 58-67) on the exterior of the bag (Figures 1-3). It would have been obvious to one of ordinary skill in the art at the time of the invention to add the storage pockets of Godshaw to the bag of Fontana to provide storage for the handle straps when not in use as taught by Godshaw (Column 2, Lines 58-67).

Claims 1-3 and 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fontana (US-6145780) in view of Godshaw (US-6601743). Regarding Claims 1 and 6-7, Fontana discloses a communications cable payout bag, comprising a main compartment 11 configured to hold a communications cable package 12; a shoulder strap 14 attached to the exterior of the bag; a cable payout passageway (above 34')

between the main compartment and the exterior of the bag; a closure mechanism 13 configured to close the main compartment; and the shoulder strap is attached to the center of the bag, and wherein the shoulder strap includes a padded portion *P* (see Figure below) (Figures 1-6). Fontana does not expressly disclose a pair of handle straps attached to the exterior of the bag, wherein each handle strap is shorter than the shoulder strap; and at least one of the pair of handle straps includes a flap configured to couple the handle straps.

However, Godshaw teaches a bag capable of paying out communications cable comprising a main compartment capable of holding a communications cable package; a shoulder strap 66 attached to the exterior of the bag; a pair of handle straps 38,42 attached to the exterior of the bag, wherein each handle strap is shorter than the shoulder strap; a closure mechanism 22 configured to close the main compartment; and at least one of the pair of handle straps includes a flap *F* (see Figure below) configured to couple the handle straps (Figures 1-3). It would have been obvious to one of ordinary skill in the art at the time of the invention to add the handle straps of Godshaw to the bag of Fontana to make the bag more versatile by allowing the user to carry it over the shoulder or by hand using the handles.





Regarding Claim 2, Fontana discloses a communications cable package 12 within the main compartment (Figures 1-6).

Regarding Claim 3, Fontana discloses the cable payout passageway comprises a horizontal slot (above 34') located on a side surface of the bag (Figures 1-6).

Regarding Claim 8, Fontana discloses the closure mechanism is located on the top surface of the bag (Figures 1-6).

Claims 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fontana (US-6145780) in view of Godshaw (US-6601743) as applied to claims 1-3 and 6-8 above, and further in view of Hickey (US-2400417). Regarding Claim 9, Fontana in

view of Godshaw does not expressly disclose a cable lock configured to secure a loose end of cable on the exterior of the bag.

However, Hickey teaches a cable payout device comprising a cable lock 28 configured to secure a loose end of cable on the exterior of the device. It would have been obvious to one of ordinary skill in the art at the time of the invention to add a cable lock to the exterior of the bag of Fontana to prevent the cable from becoming caught on the person or another adjacent body as taught by Hickey (page 2, left hand column, lines 26-30).

Regarding Claim 10, Fontana discloses at least one storage pocket 35 on the exterior of the bag.

If in the alternative the storage pockets 35 of Fontana are not considered to be on the exterior the bag, Godshaw teaches a bag capable of paying out communications cable comprising at least one storage pouch (see Column 2, Lines 58-67) on the exterior of the bag (Figures 1-3). It would have been obvious to one of ordinary skill in the art at the time of the invention to add the storage pockets of Godshaw to the bag of Fontana to provide storage for the handle straps when not in use as taught by Godshaw (Column 2, Lines 58-67).

Claim 11-13, 15, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fontana (US-6145780) in view of Godshaw (US-6601743) and Kotzur et al. (US-4160533). Regarding Claims 11 and 15, Fontana discloses a

communications cable payout bag, comprising a main compartment 11 capable of holding a removable insert configured to hold a reel of communications cable 12; a shoulder strap 14 attached to the exterior of the bag; a cable payout passageway (above 34') between the main compartment and the exterior of the bag; a closure mechanism 13 capable of closing a removable insert in the main compartment; and the shoulder strap is attached to the center of the bag, and wherein the shoulder strap includes a padded portion *P* (see Figure above) (Figures 1-6). Fontana does not expressly disclose a removable insert having a open top and an opening within the main compartment, the removable insert configured to hold a reel of communications cable; a pair of handle straps attached to the exterior of the bag, wherein each handle strap is shorter than the shoulder strap; and wherein the opening of the removable insert is aligned with the cable payout passageway.

However, Godshaw teaches a bag capable of paying out communications cable comprising a main compartment; a shoulder strap 66 attached to the exterior of the bag; a pair of handle straps 38,42 attached to the exterior of the bag, wherein each handle strap is shorter than the shoulder strap; and a closure mechanism 22 capable of closing a removable insert in the main compartment (Figures 1-3). It would have been obvious to one of ordinary skill in the art at the time of the invention to add the handle straps of Godshaw to the bag of Fontana to make the bag more versatile by allowing the user to carry it over the shoulder or by hand using the handles.

Further, Kotzur et al. teach a cable dispensing device comprising a removable insert 10 having an open top and an opening 14 within a main compartment of the

device, the removable insert configured to hold a reel of communications cable; and wherein the opening of the removable insert is aligned with a cable payout passageway 54 (Figures 1-4). It would have been obvious to one of ordinary skill in the art at the time of the invention to add a removable insert to the payout bag of Fontana to support the bag as taught by Kotzur et al. (Column 2, Lines 29-37).

Regarding Claim 12, Fontana in view of Godshaw and Kotzur discloses a reel of communications cable 12 within the removable insert (Fontana: Figures 1-6, Kotzur: Figures 1-4).

Regarding Claim 13, Fontana discloses the cable payout passageway comprises a horizontal slot (above 34') located on a side surface of the bag (Figures 1-6).

Regarding Claim 17, Fontana discloses the closure mechanism is located on the top surface of the bag (Figures 1-6).

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fontana (US-6145780) in view of Godshaw (US-6601743) and Kotzur et al. (US-4160533) as applied to claims 11-13, 15, and 17 above, and further in view of Hickey (US-2400417). Regarding Claim 18, Fontana in view of Godshaw and Kotzur et al. does not expressly disclose a cable lock configured to secure a loose end of cable on the exterior of the bag.

However, Hickey teaches a cable payout device comprising a cable lock 28 configured to secure a loose end of cable on the exterior of the device. It would have been obvious to one of ordinary skill in the art at the time of the invention to add a cable lock to the exterior of the bag of Fontana to prevent the cable from becoming caught on the person or another adjacent body as taught by Hickey (page 2, left hand column, lines 26-30).

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fontana (US-6145780) in view of Kotzur et al. (US-4160533). Regarding Claim 20, Fontana discloses a method of paying out communications cable from a bag 10 that includes a main compartment 11 and a cable payout passageway (above 34'), the method comprising inserting a reel of communications cable 12 having a loose end of cable in the main compartment; aligning the loose end of the cable with the cable payout passageway; and pulling the loose end of cable through the cable payout passage way (see particularly Figure 6) (Figures 1-6). Fontana does not expressly disclose inserting a removable insert having an open top and an opening in the main compartment, wherein the opening is aligned with the cable payout passageway; inserting the reel of communications cable in the removable insert through the top; aligning the loose end of cable with the opening of the removable insert; and pulling the loose end of cable through the opening of the removable insert.

However, Kotzur et al. teach a cable dispensing device comprising a main compartment; a removable insert 10 having an open top and an opening 14 within a

main compartment of the device, the removable insert configured to hold a reel of communications cable; and wherein the opening of the removable insert is aligned with a cable payout passageway 54 (Figures 1-4). It would have been obvious to one of ordinary skill in the art at the time of the invention to add a removable insert to the payout bag of Fontana to support the bag as taught by Kotzur et al. (Column 2, Lines 29-37). It would have been further obvious to one of ordinary skill in the art at the time of the invention to perform the inherent steps of inserting the removable insert having an open top and an opening in the main compartment, wherein the opening is aligned with the cable payout passageway; inserting the reel of communications cable in the removable insert through the top; aligning the loose end of cable with the opening of the removable insert; and pulling the loose end of cable through the opening of the removable insert as they would have been the normal and expected operation of the device of Fontana with the addition of the insert of Kotzur et al.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to WILLIAM E. DONDERO whose telephone number is (571)272-5590. The examiner can normally be reached on M - F 8 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael R. Mansen can be reached on 571-272-6608. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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.

/WILLIAM E DONDERO/
Primary Examiner, Art Unit 3654

Notice of References Cited	Application/Control No. 12/484,393	Applicant(s)/Patent Under Reexamination HOUSTON ET AL.	
	Examiner WILLIAM E. DONDERO	Art Unit 3654	Page 1 of 1

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*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
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*	B	US-2,400,417	05-1946	HICKEY JOHN P	242/137.1
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	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)				Complete if Known	
				Application Number	12/484,393
				Filing Date	June 15, 2009
				First Named Inventor	Houston et al.
				Art Unit	3654
				Examiner Name	Not Yet Assigned
Sheet	1	of	1	Attorney Docket Number	9457-242

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T
	1	Photograph of CommScope Hard Plastic Case, available as of Application Date	
	2	Photograph of CommScope Cardboard Package, available as of Application Date	
	3	Photograph of CommScope CablePak Jr., available as of Application Date	
	4	Photographs of TFC Backpack (3 pgs), available as of Application Date	

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Examiner Signature	/William E. Dondero/	Date Considered	09/23/2011

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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CONFIRMATION NO. 1238

SERIAL NUMBER	FILING or 371(c) DATE	CLASS	GROUP ART UNIT	ATTORNEY DOCKET NO.
12/484,393	06/15/2009 RULE	242	3654	9457-242

APPLICANTS

Eddy Robert Houston, Claremont, NC;
David Lewis Wilson, Stony Point, NC;

**** CONTINUING DATA ***************************

**** FOREIGN APPLICATIONS ***************************

**** IF REQUIRED, FOREIGN FILING LICENSE GRANTED ****
06/22/2009

Foreign Priority claimed ☐ Yes ☑ No 35 USC 119(a-d) conditions met ☐ Yes ☑ No Verified and Acknowledged /WILLIAM E DONDERO/ Examiner's Signature	☐ Met after Allowance /WED/ Initials	STATE OR COUNTRY	SHEETS DRAWINGS	TOTAL CLAIMS	INDEPENDENT CLAIMS
		NC	7	20	3

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RALEIGH, NC 27612
UNITED STATES

TITLE

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)				Complete if Known	
				Application Number	12/484,393
				Filing Date	June 15, 2009
				First Named Inventor	Eddy Robert Houston
				Art Unit	3654
				Examiner Name	TBA
Sheet	1	of	1	Attorney Docket Number	9457-242

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NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T

Examiner Signature	/William E. Dondero/	Date Considered	09/23/2011

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
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S26	1511	224/600-622.ccls.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2011/09/23 11:52
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EAST Search History (Interference)

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)				Complete if Known	
				Application Number	12/484,393
				Filing Date	June 15, 2009
				First Named Inventor	Eddy Robert Houston
				Art Unit	3654
				Examiner Name	TBA
Sheet	1	of	1	Attorney Docket Number	9457-242

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Examiner Initials*	Cite No.	Document Number Number-Kind Code (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
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	2.	US- 4,771,889	09/1988	Bauer et al.	
	3.	US- 4,650,073	03/1987	Young, David J.	
	4.	US- 3,412,847	11/1968	Wise Thomas Q et al.	
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	6.	US- 2010/0314484	12/2010	Houston et al.	
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	10	US- D340,621	10/1993	Melk, Thomas J.	
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Examiner Signature	/William E. Dondero/	Date Considered	09/23/2011

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Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	12484393	HOUSTON ET AL.
	Examiner	Art Unit
	WILLIAM E DONDERO	3654

✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

☐ Claims renumbered in the same order as presented by applicant ☐ CPA ☐ T.D. ☐ R.1.47

CLAIM		DATE								
Final	Original	09/27/2011								
	1	✓								
	2	✓								
	3	✓								
	4	-								
	5	-								
	6	✓								
	7	✓								
	8	✓								
	9	✓								
	10	✓								
	11	✓								
	12	✓								
	13	✓								
	14	-								
	15	✓								
	16	-								
	17	✓								
	18	✓								
	19	-								
	20	✓								
	21	✓								
	22	✓								
	23	✓								
	24	✓								
	25	✓								

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	12484393	HOUSTON ET AL.
	Examiner	Art Unit
	WILLIAM E DONDERO	3654

SEARCHED			
Class	Subclass	Date	Examiner
242	170,171,588,588.3,588.6,129	9/27/2011	/WED/
224	580,610,237,162	9/27/2011	/WED/
206	397,408,409,389,303,702,3	9/27/2011	/WED/
182	70,73	9/27/2011	/WED/
441	80,81,84,26	9/27/2011	/WED/
150	130,120,110	9/27/2011	/WED/

SEARCH NOTES		
Search Notes	Date	Examiner
EAST Text Search - see attached printout	9/27/2011	/WED/
Inventor Name Search	9/27/2011	/WED/
224/600-622,627-659 - text search	9/27/2011	/WED/
Search Help - Luan Bui (206, cross 206/409), David Fidei (206, cross 206/408,409), Justin Larson (224), Alvin Chin-Shue (182, cross 182/73), Ajay Vasudeva (441), Lars Olson (441), Stephen Avila (182), Tri Mai (150, cross 150/130,120,110)	9/27/2011	/WED/

INTERFERENCE SEARCH			
Class	Subclass	Date	Examiner

INFORMATION DISCLOSURE STATEMENT BY APPLICANT *(use as many sheets as necessary)* Sheet 1 of 1	*Complete if Known*	
	Application Number	12/484,393
	Filing Date	June 15, 2009
	First Named Inventor	Eddy Robert Houston
	Art Unit	3654
	Examiner Name	TBA
	Attorney Docket Number	9457-242

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No.	Document Number Number-Kind Code (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	1.	US- D196,953	11/1963	Jepson et al.	
	2.	US- D248,891	08/1978	Pfleger, Marilyn J.	
	3.	US- D333,039	02/1993	Wells et al.	
	4.	US- D414,082	09/1999	Keene, Robert B.	
	5.	US- D529,286	10/2006	Limber, Jamie	
	6.	US- 6,145,780	11/2000	Fontana, Bruno	
	7.	US- 6,216,978	04/2001	Rodriguez, Alexander	
	8.	US- 6,966,791	11/2005	Farr, Phillip G.	
	9.	US- 7,792,316	09/2010	Tan et al.	
	10.	US- 2009/0260922	10/2009	Marquardt et al.	
	11.	US- D196,953	11/1963	Jepson et al.	
		US-			
		US-			

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No.	Foreign Patent Document Country Code, Number, Kind Code (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T

NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T

Examiner Signature		Date Considered	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Electronic Acknowledgement Receipt	
EFS ID:	10018414
Application Number:	12484393
International Application Number:	
Confirmation Number:	1238
Title of Invention:	COMMUNICATIONS CABLE PAYOUT BAGS
First Named Inventor/Applicant Name:	Eddy Robert Houston
Customer Number:	79207
Filer:	Stephen Petroski/Joyce Paoli
Filer Authorized By:	Stephen Petroski
Attorney Docket Number:	9457-242
Receipt Date:	04-MAY-2011
Filing Date:	15-JUN-2009
Time Stamp:	13:56:43
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		9457-242-IDS.pdf	330339 6c7b9b420e6af15121a688eacd478be64222fab6	yes	3

	Multipart Description/PDF files in .zip description		
	Document Description	**Start**	**End**
	Transmittal Letter	1	2
	Information Disclosure Statement (IDS) Filed (SB/08)	3	3
Warnings:			
Information:			
	Total Files Size (in bytes):	330339	

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111
If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371
If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office
If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

Attorney Docket No. 9457-242 PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Eddy Robert Houston
Application No.: 12/484,393
Filed: June 15, 2009
For: COMMUNICATION CABLE PAYOUT BAGS

Confirmation No. 1238
Group Art Unit: 3654
Examiner:

Date: May 4, 2011

Commissioner for Patents
Box 1450
Alexandria, VA 22313-1450

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Sir:

Attached is an Information Disclosure Statement listing of documents, together with a copy of any listed foreign patent document and/or non-patent literature. A copy of any listed U.S. patent and/or U.S. patent application publication is not provided herewith in accordance with 37 C.F.R. § 1.98(a)(2)(ii).

☒ In accordance with **37 CFR 1.97(b)**, the Information Disclosure Statement is being filed:

☐ (1) within three months of the filing date of a national application other than a continued prosecution application under §1.53(d);

☐ (2) within three months of the date of entry of the national stage as set forth in §1.491 in an international application;

☒ (3) before the mailing of a first Office Action on the merits; or

☐ (4) before the mailing of a first Office Action after the filing of a request for continued examination under §1.114.

☐ In accordance with **37 CFR 1.97(c)**, the Information Disclosure Statement is being filed after the period specified in 37 CFR 1.97(b) above, but before the mailing date of any of a final action under §1.113, a notice of allowance under §1.311, or an action that otherwise closes prosecution in the application, and is accompanied by **one** of the following:

☐ (1) The statement specified under **37 CFR 1.97(e)**, as follows:

☐ Each item of information contained in the Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the Information Disclosure Statement; **or**

☐ No item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to any individual designated in §1.56(c) more than three months prior to the filing of the Information Disclosure Statement; **or**

☐ (2) The fee set forth in §1.17(p);

☐ In accordance with **37 CFR 1.97(d)**, the Information Disclosure Statement is being filed after the period specified in 37 CFR 1.97(c) above, but on or before payment of the issue fee, and is accompanied by **both** of the following:

☐ (1) The statement specified under **37 CFR 1.97(e)**, as follows:

☐ That each item of information contained in the Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the Information Disclosure Statement; **or**

☐ That no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to any individual designated in §1.56(c) more than three months prior to the filing of the Information Disclosure Statement; **and**

☐ (2) The fee set forth in §1.17(p);

In accordance with **37 CFR 1.97(g)**, the Information Disclosure Statement shall not be construed as a representation that a search has been made.

In accordance with **37 CFR 1.97(h)**, the Information Disclosure Statement shall not be construed to be an admission that the information cited in the statement is, or is considered to be, material to patentability as defined in §1.56(b).

☐ The Commissioner is hereby authorized to charge $180.00 as fee specified in 37 C.F.R. § 1.17(p), and any fee deficiency or credit any overpayment, to Deposit Account No. 50-0220; or

☒ No fee is believed due. However, the Commissioner is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account No. 50-0220.

Respectfully submitted,

Stephen J. Petroski
Registration No. 64,947

Customer Number 79207
Myers Bigel Sibley & Sajovec, P.A.
P.O. Box 37428
Raleigh, NC 27627
Phone: 919-854-1400
Fax: 919-854-1401

CERTIFICATION OF ELECTRONIC TRANSMISSION
I hereby certify that this correspondence is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4) to the U.S. Patent and Trademark Office on May 4, 2011.

Joyce Paoli

INFORMATION DISCLOSURE STATEMENT BY APPLICANT *(use as many sheets as necessary)* Sheet 1 of 1	*Complete if Known*	
	Application Number	12/484,393
	Filing Date	June 15, 2009
	First Named Inventor	Eddy Robert Houston
	Art Unit	3654
	Examiner Name	TBA
	Attorney Docket Number	9457-242

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No.	Document Number Number-Kind Code (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	1.	US- 5,139,210	08/1992	Schaffer, Henry D.	
	2.	US- 4,771,889	09/1988	Bauer et al.	
	3.	US- 4,650,073	03/1987	Young, David J.	
	4.	US- 3,412,847	11/1968	Wise Thomas Q et al.	
	5.	US- 3,150,769	09/1964	Max Cohn	
	6.	US- 2010/0314484	12/2010	Houston et al.	
	7.	US- 2010/0320310	12/2010	McManus et al.	
	8.	US- 2010/0006692	01/2010	Galgano et al.	
	9.	US- 2007/0215502	09/2007	Babcock et al.	
	10	US- D340,621	10/1993	Melk, Thomas J.	
	11	US- D340,840	11/1993	Melk, Thomas J.	
	12	US- D340,387	10/1993	Melk, Thomas J.	
	13	US- D284,333	06/1986	Huston, Larry	
		US-			
		US-			
		US-			
		US-			
		US-			

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No.	Foreign Patent Document Country Code, Number, Kind Code (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T

NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T

Examiner Signature		Date Considered	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Electronic Acknowledgement Receipt	
EFS ID:	9750671
Application Number:	12484393
International Application Number:	
Confirmation Number:	1238
Title of Invention:	COMMUNICATIONS CABLE PAYOUT BAGS
First Named Inventor/Applicant Name:	Eddy Robert Houston
Customer Number:	79207
Filer:	Stephen Petroski/Joyce Paoli
Filer Authorized By:	Stephen Petroski
Attorney Docket Number:	9457-242
Receipt Date:	28-MAR-2011
Filing Date:	15-JUN-2009
Time Stamp:	14:13:08
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		9457-242-IDS.pdf	245833 ea3e4922c05019219b6220c422f2a152b3eeeecc	yes	3

	Multipart Description/PDF files in .zip description		
	Document Description	**Start**	**End**
	Transmittal Letter	1	2
	Information Disclosure Statement (IDS) Filed (SB/08)	3	3
Warnings:			
Information:			
	Total Files Size (in bytes):	245833	

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111
If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371
If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office
If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

Attorney Docket No. 9457-242 PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re:	Houston et al.	Confirmation No.	1238
Application No.:	12/484,393	Examiner:	Not Yet Assigned
Filing Date:	June 15, 2009	Group Art Unit:	3654

For: COMMUNICATIONS CABLE PAYOUT BAGS

Date: March 28, 2011

Mail Stop Amendment
Commissioner for Patents
Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT TRANSMITTAL

Sir:

Attached is an Information Disclosure Statement listing of documents, together with a copy of any listed foreign patent document and/or non-patent literature. A copy of any listed U.S. patent and/or U.S. patent application publication is not provided herewith in accordance with 37 C.F.R. § 1.98(a)(2)(ii).

☒ In accordance with **37 CFR 1.97(b)**, the information disclosure statement is being filed:

- ☐ (1) within three months of the filing date of a national application other than a continued prosecution application under §1.53(d);
- ☐ (2) within three months of the date of entry of the national stage as set forth in §1.491 in an international application;
- ☒ (3) before the mailing of a first Office Action on the merits; or
- ☐ (4) before the mailing of a first Office Action after the filing of a request for continued examination under §1.114.

In accordance with **37 CFR 1.97(g)**, the information disclosure statement shall not be construed as a representation that a search has been made.

In accordance with **37 CFR 1.97(h)**, the information disclosure statement shall not be construed to be an admission that the information cited in the statement is, or is considered to be, material to patentability as defined in §1.56(b).

☐ The Director is hereby authorized to charge the fee specified in 37 C.F.R. § 1.17(p), and any fee deficiency or credit any overpayment, to Deposit Account No. 50-0220; or

☒ No fee is believed due. However, the Director is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account No. 50-0220.

Respectfully submitted,

Stephen J. Petroski
Registration No. 64,947
Attorney for Applicants

Customer Number 79207
Myers Bigel Sibley & Sajovec, P.A.
P.O. Box 37428, Raleigh, NC 27627
919-854-1400
919-854-1401 (Fax)

CERTIFICATION OF TRANSMISSION

I hereby certify that this correspondence is being transmitted via the Office electronic filing system in accordance with 37 CFR § 1.6(a)(4) to the U.S. Patent and Trademark Office on March 28, 2011

Name: Joyce Paoli

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 NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/484,393	06/15/2009	Eddy Robert Houston	9457-242

CONFIRMATION NO. 1238

79207
MYERS BIGEL SIBLEY & SAJOVEC
P.O. BOX 37428
RALEIGH, NC 27612

PUBLICATION NOTICE



Title:COMMUNICATIONS CABLE PAYOUT BAGS

Publication No.US-2010-0314484-A1
Publication Date:12/16/2010

NOTICE OF PUBLICATION OF APPLICATION

The above-identified application will be electronically published as a patent application publication pursuant to 37 CFR 1.211, et seq. The patent application publication number and publication date are set forth above.

The publication may be accessed through the USPTO's publically available Searchable Databases via the Internet at www.uspto.gov. The direct link to access the publication is currently http://www.uspto.gov/patft/.

The publication process established by the Office does not provide for mailing a copy of the publication to applicant. A copy of the publication may be obtained from the Office upon payment of the appropriate fee set forth in 37 CFR 1.19(a)(1). Orders for copies of patent application publications are handled by the USPTO's Office of Public Records. The Office of Public Records can be reached by telephone at (703) 308-9726 or (800) 972-6382, by facsimile at (703) 305-8759, by mail addressed to the United States Patent and Trademark Office, Office of Public Records, Alexandria, VA 22313-1450 or via the Internet.

In addition, information on the status of the application, including the mailing date of Office actions and the dates of receipt of correspondence filed in the Office, may also be accessed via the Internet through the Patent Electronic Business Center at www.uspto.gov using the public side of the Patent Application Information and Retrieval (PAIR) system. The direct link to access this status information is currently http://pair.uspto.gov/. Prior to publication, such status information is confidential and may only be obtained by applicant using the private side of PAIR.

Further assistance in electronically accessing the publication, or about PAIR, is available by calling the Patent Electronic Business Center at 1-866-217-9197.

Office of Data Managment, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

ATTORNEY DOCKET NO. 9457-242 PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Houston et al.
Application No.: 12/484,393
Filing Date: June 15, 2009
For: ***Communications Cable Payout Bags***

Confirmation No.: 1238
Examiner: To be Assigned
Group Art Unit: 3654

December 8, 2010

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

PRELIMINARY AMENDMENT

Sir:

Applicants request that the present Preliminary Amendment be entered in advance of prosecution of the present application.

It is not believed that an extension of time and/or additional fee(s) – including fees for net addition of claims – are required, beyond those that may otherwise be provided for in documents accompanying this paper. In the event, however, that an extension of time is necessary to allow consideration of this paper, such an extension is hereby petitioned under 37 C.F.R. §1.136(a). Any additional fees believed to be due in connection with this paper may be charged to our Deposit Account No. 50-0220.

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

Remarks begin on page 7 of this paper.

Listing of Claims:

This Listing of Claims will replace all prior versions, and listings, of claims in the application.

1. (Original) A communications cable payout bag, comprising:

a main compartment configured to hold a communications cable package;

a shoulder strap attached to the exterior of the bag;

a pair of handle straps attached to the exterior of the bag, wherein each handle strap is shorter than the shoulder strap;

a cable payout passageway between the main compartment and the exterior of the bag; and

a closure mechanism configured to close the main compartment.

2. (Original) The communications cable payout bag of Claim 1, further comprising a communications cable package within the main compartment.

3. (Original) The communications cable payout bag of Claim 2, wherein the cable payout passageway comprises a horizontal slot located on a side surface of the bag.

4. (Canceled)

5. (Canceled)

6. (Original) The communications cable payout bag of Claim 5, wherein the shoulder strap is attached to the center of the bag, and wherein the shoulder strap includes a padded portion.

7. (Original) The communications cable payout bag of Claim 6, wherein at least

one of the pair of handle straps includes a flap configured to couple the handle straps.

8. (Original) The communications cable payout bag of Claim 7, wherein the closure mechanism is located on the top surface of the bag.

9. (Original) The communications cable payout bag of Claim 8, further comprising a cable lock configured to secure a loose end of cable on the exterior of the bag.

10. (Original) The communications cable payout bag of Claim 9, further comprising at least one storage pouch on the exterior of the bag.

11. (Original) A communications cable payout bag, comprising:

a main compartment;

a removable insert having an open top and an opening within the main compartment, the removable insert configured to hold a reel of communications cable;

a shoulder strap attached to the exterior of the bag;

a pair of handle straps attached to the exterior of the bag, wherein each handle strap is shorter than the shoulder strap;

a cable payout passageway between the main compartment and the exterior of the bag, wherein the opening of the removable insert is aligned with the cable payout passageway; and

a closure mechanism configured to close the removable insert in the main compartment.

12. (Original) The communications cable payout bag of Claim 11, further comprising a reel of communications cable within the removable insert.

13. (Original) The communications cable payout bag of Claim 12, wherein the

cable payout passageway comprises a horizontal slot located on a side surface of the bag.

14. (Canceled)

15. (Original) The communications cable payout bag of Claim 14, wherein the shoulder strap is attached to the center of the bag, and wherein the shoulder strap includes a padded portion.

16. (Canceled)

17. (Original) The communications cable payout bag of Claim 16, wherein the closure mechanism is located on the top surface of the bag.

18. (Original) The communications cable payout bag of Claim 17, further comprising a cable lock configured to secure a loose end of cable on the exterior of the bag.

19. (Canceled)

20. (Original) A method of paying out communications cable from a bag that includes a main compartment and a cable payout passageway, the method comprising:

inserting a removable insert having an open top and an opening in the main compartment, wherein the opening is aligned with the cable payout passageway;

inserting a reel of communications cable having a loose end of cable in the removable insert through the open top;

aligning the loose end of cable with the opening of the removable insert and the cable payout passageway; and

pulling the loose end of cable through the opening of the removable insert and the

cable payout passageway.

21. (New) A communications cable payout bag, comprising:

a main compartment configured to hold a communications cable package;

a communications cable package within the main compartment;

a shoulder strap attached to the exterior of the bag;

a cable payout passageway between the main compartment and the exterior of the bag; and

a closure mechanism configured to close the main compartment.

22. (New) The communications cable payout bag of Claim 21, wherein the cable payout passageway is located on a side surface of the bag.

23. (New) The communications cable payout bag of Claim 21, wherein the shoulder strap comprises a single adjustable shoulder strap, and wherein the shoulder strap can be adjusted to a length of at least 37 inches.

24. (New) The communications cable payout bag of Claim 21, further comprising a cable lock configured to secure a loose end of cable on the exterior of the bag.

25. (New) The communications cable payout bag of Claim 21, further comprising at least one storage pouch on the exterior of the bag.

REMARKS

The present Preliminary Amendment is being filed to add new Claims 21-25. These claims are well-supported by the specification and do not introduce new matter. Applicants have also canceled Claims 4, 5, 14, 16 and 19 to reduce excess claim fees.

Applicants request entry of the above claim amendments prior to examination of the present application. Favorable examination and allowance of the present application is also respectfully requested.

Respectfully submitted,

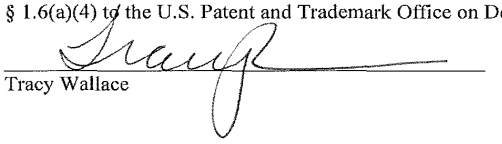


Stephen J. Petroski
Registration No. 64,947

USPTO Customer No. 79207
Myers Bigel Sibley & Sajovec
Post Office Box 37428
Raleigh, North Carolina 27627
Telephone: 919/854-1400
Facsimile: 919/854-1401

CERTIFICATION OF TRANSMISSION

I hereby certify that this correspondence is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4) to the U.S. Patent and Trademark Office on December 8, 2010.



Tracy Wallace

Electronic Patent Application Fee Transmittal	
Application Number:	12484393
Filing Date:	15-Jun-2009
Title of Invention:	COMMUNICATIONS CABLE PAYOUT BAGS
First Named Inventor/Applicant Name:	Eddy Robert Houston
Filer:	Stephen Petroski/Tracy Wallace
Attorney Docket Number:	9457-242
Filed as Large Entity	

Utility under 35 USC 111(a) Filing Fees

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Basic Filing:				
Pages:				
Claims:				
Independent claims in excess of 3	1201	1	220	220
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Miscellaneous:				
		Total in USD ($)		**220**

Electronic Acknowledgement Receipt	
EFS ID:	8991149
Application Number:	12484393
International Application Number:	
Confirmation Number:	1238
Title of Invention:	COMMUNICATIONS CABLE PAYOUT BAGS
First Named Inventor/Applicant Name:	Eddy Robert Houston
Customer Number:	79207
Filer:	Stephen Petroski/Tracy Wallace
Filer Authorized By:	Stephen Petroski
Attorney Docket Number:	9457-242
Receipt Date:	08-DEC-2010
Filing Date:	15-JUN-2009
Time Stamp:	14:15:54
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Deposit Account
Payment was successfully received in RAM	$220
RAM confirmation Number	521
Deposit Account	500220
Authorized User	

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)

1		9457_242_preliminary_amendment.pdf	422424 624d3d6cbe4bb6c96bb9f2359c7bbe70808a06ad	yes	6

Multipart Description/PDF files in .zip description		
Document Description	**Start**	**End**
Preliminary Amendment	1	1
Claims	2	5
Applicant Arguments/Remarks Made in an Amendment	6	6

Warnings:					
Information:					
2	Fee Worksheet (PTO-875)	fee-info.pdf	30520 f2bb131a5b1637786aa909df0b5a927b9474477a	no	2
Warnings:					
Information:					
		Total Files Size (in bytes):	452944		

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

<u>New Applications Under 35 U.S.C. 111</u>
If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

<u>National Stage of an International Application under 35 U.S.C. 371</u>
If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

<u>New International Application Filed with the USPTO as a Receiving Office</u>
If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

PTO/SB/06 (07-06)
Approved for use through 1/31/2007. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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.

PATENT APPLICATION FEE DETERMINATION RECORD

Substitute for Form PTO-875

Application or Docket Number	Filing Date	☐ To be Mailed
12/484,393	06/15/2009	

APPLICATION AS FILED – PART I

FOR	(Column 1) NUMBER FILED	(Column 2) NUMBER EXTRA	SMALL ENTITY ☐ RATE ($)	SMALL ENTITY FEE ($)	OR	OTHER THAN SMALL ENTITY RATE ($)	OTHER THAN SMALL ENTITY FEE ($)
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A			N/A	
☐ SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A	N/A			N/A	
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A			N/A	
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =	*	X $ =		OR	X $ =	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*	X $ =			X $ =	
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is $250 ($125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).						
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))							
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL			TOTAL	

APPLICATION AS AMENDED – PART II

AMENDMENT 12/08/2010	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	SMALL ENTITY RATE ($)	SMALL ENTITY ADDITIONAL FEE ($)	OR	OTHER THAN SMALL ENTITY RATE ($)	OTHER THAN SMALL ENTITY ADDITIONAL FEE ($)
Total (37 CFR 1.16(i))	* 20	Minus	** 20	= 0	X $ =		OR	X $52=	0
Independent (37 CFR 1.16(h))	* 4	Minus	***3	= 1	X $ =		OR	X $220=	220
☐ Application Size Fee (37 CFR 1.16(s))									
☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							OR		
					TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE	**220**

AMENDMENT	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	RATE ($)	ADDITIONAL FEE ($)		RATE ($)	ADDITIONAL FEE ($)
Total (37 CFR 1.16(i))	*	Minus	**	=	X $ =		OR	X $ =	
Independent (37 CFR 1.16(h))	*	Minus	***	=	X $ =		OR	X $ =	
☐ Application Size Fee (37 CFR 1.16(s))									
☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							OR		
					TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE	

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.

** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".

*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".

The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

Legal Instrument Examiner:
/KAREN VESTAL/

This collection of information is required by 37 CFR 1.16. 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, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

INFORMATION DISCLOSURE STATEMENT BY APPLICANT *(use as many sheets as necessary)*				*Complete if Known*	
				Application Number	12/484,393
				Filing Date	June 15, 2009
				First Named Inventor	Houston et al.
				Art Unit	3654
				Examiner Name	Not Yet Assigned
Sheet	1	of	1	Attorney Docket Number	9457-242

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T
	1	Photograph of CommScope Hard Plastic Case, available as of Application Date	
	2	Photograph of CommScope Cardboard Package, available as of Application Date	
	3	Photograph of CommScope CablePak Jr., available as of Application Date	
	4	Photographs of TFC Backpack (3 pgs), available as of Application Date	

iDoc# 886809

Examiner Signature		Date Considered	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Electronic Acknowledgement Receipt	
EFS ID:	7478251
Application Number:	12484393
International Application Number:	
Confirmation Number:	1238
Title of Invention:	COMMUNICATIONS CABLE PAYOUT BAGS
First Named Inventor/Applicant Name:	Eddy Robert Houston
Customer Number:	79207
Filer:	Stephen Petroski/Nora Martinez
Filer Authorized By:	Stephen Petroski
Attorney Docket Number:	9457-242
Receipt Date:	23-APR-2010
Filing Date:	15-JUN-2009
Time Stamp:	16:01:36
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Transmittal Letter	9457-242-IDS-Transmittal.pdf	126322 0d43c1f30490665b410486e3f25f916704b0c1df	no	2
Warnings:					
Information:					

2	Information Disclosure Statement (IDS) Filed (SB/08)	9457-242-PTO1449.pdf	68326 386ae42e2d55070f2f11fdd08616629fa3c9e3a2	no	1
Warnings:					
Information:					
This is not an USPTO supplied IDS fillable form					
3	NPL Documents	9457-242-NPL1.pdf	602785 3086e39fe521fd3567db2252ec0de2a93832fcea	no	1
Warnings:					
Information:					
4	NPL Documents	9457-242-NPL2.pdf	626414 4b2a9f0c343082046 9a5c2718a5e9e1dfbc3ccf9	no	1
Warnings:					
Information:					
5	NPL Documents	9457-242-NPL3.pdf	644600 d4fd1c12d22be67d41d730f905e2d80bc0aa59cf	no	1
Warnings:					
Information:					
6	NPL Documents	9457-242-NPL4.pdf	1656498 3fedca596f41ea7fe2ff727072438b3ac233ddd8	no	3
Warnings:					
Information:					
		Total Files Size (in bytes):	3724945		

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

<u>New Applications Under 35 U.S.C. 111</u>
If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

<u>National Stage of an International Application under 35 U.S.C. 371</u>
If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

<u>New International Application Filed with the USPTO as a Receiving Office</u>
If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

Attorney Docket No. 9457-242 PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re:	Houston et al.	Confirmation No.	1238
Application No.:	12/484,393	Examiner:	Not Yet Assigned
Filing Date:	June 15, 2009	Group Art Unit:	3654
For:	COMMUNICATIONS CABLE PAYOUT BAGS		

Date: April 23, 2010

Mail Stop Amendment
Commissioner for Patents
Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT TRANSMITTAL

Sir:

Attached is an Information Disclosure Statement listing of documents, together with a copy of any listed foreign patent document and/or non-patent literature. A copy of any listed U.S. patent and/or U.S. patent application publication is not provided herewith in accordance with 37 C.F.R. § 1.98(a)(2)(ii).

☒ In accordance with **37 CFR 1.97(b)**, the information disclosure statement is being filed:

- ☐ (1) within three months of the filing date of a national application other than a continued prosecution application under §1.53(d);
- ☐ (2) within three months of the date of entry of the national stage as set forth in §1.491 in an international application;
- ☒ (3) before the mailing of a first Office Action on the merits; or
- ☐ (4) before the mailing of a first Office Action after the filing of a request for continued examination under §1.114.

In accordance with **37 CFR 1.97(g)**, the information disclosure statement shall not be construed as a representation that a search has been made.

In accordance with **37 CFR 1.97(h)**, the information disclosure statement shall not be construed to be an admission that the information cited in the statement is, or is considered to be, material to patentability as defined in §1.56(b).

☐ The Director is hereby authorized to charge the fee specified in 37 C.F.R. § 1.17(p), and any fee deficiency or credit any overpayment, to Deposit Account No. 50-0220; or

☒ No fee is believed due. However, the Director is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account No. 50-0220.

Respectfully submitted,

Stephen J. Petroski
Registration No. 64,947
Attorney for Applicants

Customer Number 79207
Myers Bigel Sibley & Sajovec, P.A.
P.O. Box 37428, Raleigh, NC 27627
919-854-1400
919-854-1401 (Fax)

CERTIFICATION OF TRANSMISSION

I hereby certify that this correspondence is being transmitted via the Office electronic filing system in accordance with 37 CFR § 1.6(a)(4) to the U.S. Patent and Trademark Office on April 23, 2010.

Nora C. Martinez

Name: Nora C. Martinez

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 NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
12/484,393	06/15/2009	3654	1220	9457-242	20	3

CONFIRMATION NO. 1238

UPDATED FILING RECEIPT

79207
MYERS BIGEL SIBLEY & SAJOVEC
P.O. BOX 37428
RALEIGH, NC 27612



Date Mailed: 07/29/2009

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Eddy Robert Houston, Claremont, NC;
David Lewis Wilson, Stony Point, NC;

Power of Attorney: The patent practitioners associated with Customer Number 79207

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 06/22/2009

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/484,393**

Projected Publication Date: 12/16/2010

Non-Publication Request: No

Early Publication Request: No

Title

COMMUNICATIONS CABLE PAYOUT BAGS

Preliminary Class

242

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

Attorney Docket No. 9457-242 PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Eddy Robert Houston et al.
Application No.: 12/484,393
Filed: June 15, 2009
For: ***Communications Cable Payout Bags***

Confirmation No.: 1238
Group Art Unit: 3654

Date: July 21, 2009

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

RESPONSE TO NOTICE TO FILE MISSING PARTS

Sir:

In response to the Notice to File Missing Parts of Nonprovisional Application mailed July 1, 2009 regarding the above-referenced patent application, attached is an executed Declaration and Power of Attorney document (4 pages).

The Commissioner is authorized to charge Deposit Account No. 50-0220 in the amount of $130.00 as payment of the surcharge under 37 C.F.R. §1.16(f) for a large entity. This amount is believed to be correct. However, the Commissioner is authorized to charge any deficiency or credit any overpayment to Deposit Account No. 50-0220.

Respectfully submitted,

Julie H. Richardson
Registration No. 40,142

Myers Bigel Sibley & Sajovec, P.A.
P. O. Box 37428
Raleigh, North Carolina 27627
Telephone: (919) 854-1400
Facsimile: (919) 854-1401
Customer No. 79207

CERTIFICATION OF TRANSMISSION

I hereby certify that this correspondence is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4) to the U.S. Patent and Trademark Office on July 21, 2009.

Tracy Wallace

ATTORNEY DOCKET NO. 9457-242

DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **COMMUNICATIONS CABLE PAYOUT BAGS**, the specification of which

☒ was filed on June 15, 2009 as United States Application No. 12/484,393.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

			☐ Yes ☐ No
Number	Country	MM/DD/YYYY Filed	Priority Claimed
			☐ Yes ☐ No
Number	Country	MM/DD/YYYY Filed	Priority Claimed

I hereby claim the benefit under 35 U.S.C. 119(e) of any United States provisional application(s) listed below.

Application Number(s)	Filing Date (MM/DD/YYYY)
Application Number(s)	Filing Date (MM/DD/YYYY)

I hereby claim the benefit under 35 U.S.C. 120 of any United States application(s) or 365(c) of any PCT international application designating the United States of America, listed below.

Application No.	Filing Date	Status Patented/Pending/Abandoned
Application No.	Filing Date	Status Patented/Pending/Abandoned

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following registered attorney(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. I also appoint the following registered attorney(s) to represent me before all competent International Authorities in connection with any and all international applications filed by me with an appropriate receiving office claiming priority to the U.S. application. I also appoint the following registered attorney(s) to make or receive payment on my behalf in connection with the filing of such international applications.

Customer No. 79207

I also appoint the following registered attorney(s) to represent me before all competent International Authorities in connection with any and all international applications filed by me

with an appropriate receiving office claiming priority to the U.S. application. I also appoint the following registered attorney(s) to make or receive payment on my behalf in connection with the filing of such international applications.

Send correspondence to: **Customer No. 79207**
Myers Bigel Sibley & Sajovec, P.A.
P. O. Box 37428
Raleigh, North Carolina 27627
Telephone: (919) 854-1400
Facsimile: (919) 854-1401

Direct telephone calls to: D. Randal Ayers
(919) 854-1400

Facsimile: (919) 854-1401

Full name of first inventor: **Eddy Robert Houston**

Inventor's Signature: _____ Date: 6/22/09

Residence: Claremont, North Carolina

Citizenship: United States of America

Mailing Address: 2884 Twin Oaks Street, Claremont, NC 28610

Full name of second inventor: **David Lewis Wilson**

Inventor's Signature: _____ Date: 6-22-09

Residence: Stony Point, North Carolina

Citizenship: United States of America

Mailing Address: 48 Vista Pointe Drive, Stony Point, NC 28678

Electronic Patent Application Fee Transmittal	
Application Number:	12484393
Filing Date:	15-Jun-2009
Title of Invention:	COMMUNICATIONS CABLE PAYOUT BAGS
First Named Inventor/Applicant Name:	Eddy Robert Houston et al.
Filer:	Julie H. Richardson/Tracy Wallace
Attorney Docket Number:	9457-242
Filed as Large Entity	

Utility under 35 USC 111(a) Filing Fees

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Late filing fee for oath or declaration	1051	1	130	130
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Miscellaneous:				
		Total in USD ($)		**130**

Electronic Acknowledgement Receipt	
EFS ID:	5740560
Application Number:	12484393
International Application Number:	
Confirmation Number:	1238
Title of Invention:	COMMUNICATIONS CABLE PAYOUT BAGS
First Named Inventor/Applicant Name:	Eddy Robert Houston et al.
Customer Number:	79207
Filer:	Julie H. Richardson/Tracy Wallace
Filer Authorized By:	Julie H. Richardson
Attorney Docket Number:	9457-242
Receipt Date:	21-JUL-2009
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Application Type:	Utility under 35 USC 111(a)

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Payment was successfully received in RAM	$130
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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)

1		9457_242_missing_parts.pdf	285203 2513739657eea90714a67fab4840ee9deca86b0f	yes	5

Multipart Description/PDF files in .zip description		
Document Description	**Start**	**End**
Applicant Response to Pre-Exam Formalities Notice	1	1
Oath or Declaration filed	2	5

Warnings:

Information:

2	Fee Worksheet (PTO-875)	fee-info.pdf	30163 cce0ac3d4301abb4d94d5f976cf7ebdaf8eeee85	no	2

Warnings:

Information:

Total Files Size (in bytes):	315366

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New Applications Under 35 U.S.C. 111
If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371
If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office
If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
12/484,393	06/15/2009	3654	1090	9457-242	20	3

CONFIRMATION NO. 1238

79207
MYERS BIGEL SIBLEY & SAJOVEC
P.O. BOX 37428
RALEIGH, NC 27612

FILING RECEIPT

OC000000036592057

Date Mailed: 07/01/2009

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Eddy Robert Houston et al., Residence Not Provided;

Power of Attorney: None

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 06/22/2009

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/484,393**

Projected Publication Date: To Be Determined - pending completion of Missing Parts

Non-Publication Request: No

Early Publication Request: No

Title

COMMUNICATIONS CABLE PAYOUT BAGS

Preliminary Class

242

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent

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Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

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Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/484,393	06/15/2009	Eddy Robert Houston et al.	9457-242

CONFIRMATION NO. 1238

79207
MYERS BIGEL SIBLEY & SAJOVEC
P.O. BOX 37428
RALEIGH, NC 27612

FORMALITIES LETTER

OC000000036592058

Date Mailed: 07/01/2009

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
  A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
  Note: If a petition under 37 CFR 1.47 is being filed, an oath or declaration in compliance with 37 CFR 1.63 signed by all available joint inventors, or if no inventor is available by a party with sufficient proprietary interest, is required.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.16(f) of $**130** for a non-small entity, must be submitted with the missing items identified in this notice.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is $**130** for a non-small entity
- $**130** Surcharge.

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Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

PTO/SB/05 (08-08)
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UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.	9457-242
First Inventor	Eddy Robert Houston et al.
Title	Communications Cable Payout Bags
Express Mail Label No.	

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. [✓] **Fee Transmittal Form** (e.g., PTO/SB/17)
2. [ ] **Applicant claims small entity status.** See 37 CFR 1.27.
3. [✓] **Specification** [*Total Pages* 16] Both the claims and abstract must start on a new page *(For information on the preferred arrangement, see MPEP 608.01(a))*
4. [✓] **Drawing(s)** (*35 U.S.C. 113*) [*Total Sheets* 7]
5. **Oath or Declaration** [*Total Sheets* _____]
   a. [ ] Newly executed (original or copy)
   b. [ ] A copy from a prior application (37 CFR 1.63(d)) *(for continuation/divisional with Box 18 completed)*
      i. [ ] DELETION OF INVENTOR(S) Signed statement attached deleting inventor(s) name in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. [ ] **Application Data Sheet.** See 37 CFR 1.76
7. [ ] **CD-ROM or CD-R** in duplicate, large table or Computer Program *(Appendix)* [ ] Landscape Table on CD
8. **Nucleotide and/or Amino Acid Sequence Submission** *(if applicable, items a. – c. are required)*
   a. [ ] Computer Readable Form (CRF)
   b. Specification Sequence Listing on:
      i. [ ] CD-ROM or CD-R (2 copies); or
      ii. [ ] Paper
   c. [ ] Statements verifying identity of above copies

ADDRESS TO: **Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450**

ACCOMPANYING APPLICATION PARTS

9. [ ] **Assignment Papers** (cover sheet & document(s))
   Name of Assignee _____
10. [ ] **37 CFR 3.73(b) Statement** *(when there is an assignee)* [ ] **Power of Attorney**
11. [ ] **English Translation Document** *(if applicable)*
12. [ ] **Information Disclosure Statement** (PTO/SB/08 or PTO-1449) [ ] Copies of citations attached
13. [ ] **Preliminary Amendment**
14. [ ] **Return Receipt Postcard** (MPEP 503) *(Should be specifically itemized)*
15. [ ] **Certified Copy of Priority Document(s)** *(if foreign priority is claimed)*
16. [ ] **Nonpublication Request** under 35 U.S.C. 122(b)(2)(B)(i). Applicant must attach form PTO/SB/35 or equivalent.
17. [ ] Other: _____

18. If a CONTINUING APPLICATION, *check appropriate box, and supply the requisite information below and in the first sentence of the specification following the title, or in an Application Data Sheet under 37 CFR 1.76:*

[ ] Continuation [ ] Divisional [ ] Continuation-in-part (CIP) of prior application No.: .....

Prior application information: *Examiner* _____ *Art Unit:* _____

19. CORRESPONDENCE ADDRESS

[✓] The address associated with Customer Number: 79207 *OR* [ ] Correspondence address below

Name					
Address					
City		State		Zip Code	
Country		Telephone		Email	

Signature		Date	June 15, 2009
Name (Print/Type)	Julie H. Richardson	Registration No. (Attorney/Agent)	40,142

This collection of information is required by 37 CFR 1.53(b). 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 1.11 and 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, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**
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PTO/SB/17 (10-08)
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Effective on 12/08/2004.
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL
For FY 2009

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT	($)	1,090.00

Complete if Known	
Application Number	To Be Assigned
Filing Date	Concurrently Herewith
First Named Inventor	Eddy Robert Houston et al.
Examiner Name	To Be Assigned
Art Unit	To Be Assigned
Attorney Docket No.	9457-242

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____

☑ Deposit Account Deposit Account Number: 500220 Deposit Account Name: Myers Bigel Sibley & Sajovec, P.A.

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☑ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, **except for the filing fee**

☑ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☑ Credit any overpayments

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FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

	FILING FEES		SEARCH FEES		EXAMINATION FEES		
		Small Entity		Small Entity		Small Entity	
Application Type	Fee ($)	Fee ($)	Fee ($)	Fee ($)	Fee ($)	Fee ($)	Fees Paid ($)
Utility	330	165	540	270	220	110	$1,090.00
Design	220	110	100	50	140	70	
Plant	220	110	330	165	170	85	
Reissue	330	165	540	270	650	325	
Provisional	220	110	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Fee ($)	Small Entity Fee ($)
Each claim over 20 (including Reissues)	52	26
Each independent claim over 3 (including Reissues)	220	110
Multiple dependent claims	390	195

Total Claims		Extra Claims	Fee ($)		Fee Paid ($)
20	- 20 or HP =		x	=	

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims		Extra Claims	Fee ($)		Fee Paid ($)
3	- 3 or HP =		x	=	

HP = highest number of independent claims paid for, if greater than 3.

Multiple Dependent Claims	
Fee ($)	Fee Paid ($)

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is $270 ($135 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets		Extra Sheets		Number of each additional 50 or fraction thereof		Fee ($)		Fee Paid ($)
16	- 100 =		/ 50 =		(round **up** to a whole number) x		=	

4. OTHER FEE(S)

	Fees Paid ($)
Non-English Specification, $130 fee (no small entity discount)	
Other (e.g., late filing surcharge):	

SUBMITTED BY

Signature		Registration No. (Attorney/Agent) 40,142	Telephone 919-854-1400
Name (Print/Type)	Julie H. Richardson		Date June 15, 2009

This collection of information is required by 37 CFR 1.136. 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, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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COMMUNICATIONS CABLE PAYOUT BAGS

FIELD OF THE INVENTION

[0001] The present invention relates generally to bags and, more particularly, to bags for holding cable.

BACKGROUND

[0002] It is often necessary for technicians to carry a bulk amount of cable, such as coaxial cable, when performing installations, changes and repairs. Bulk amounts of cable are typically wound in coils (*e.g.*, on reels or spools). Cable payout may be controlled by unwinding a desired amount of cable from the coil.

[0003] Cable coils are preferably portable to allow the technician to pay out cable at various locations. However, carrying a coil by hand may be undesirable due to the coil's size, weight and unwieldy nature. Furthermore, cable may become unorganized and/or tangled when paid out from an unrestrained coil.

SUMMARY

[0005]Communications cable payout bags as well as methods of paying out cable from a bag are provided. According to some embodiments, a communications cable payout bag includes: a main compartment configured to hold a communications cable package; a shoulder strap attached to the exterior of the bag; a pair of handle straps attached to the exterior of the bag, wherein each handle strap is shorter than the shoulder strap; a cable payout passageway between the main compartment and the exterior of the bag; and a closure mechanism configured to close the main compartment. In some embodiments, the bag also includes a cable package within the main compartment.

[0006] In other embodiments, a communications cable payout bag includes: a main compartment; a removable insert having an open top and an opening within the main compartment, the removable insert configured to hold a reel of communications cable; a shoulder strap attached to the exterior of the bag; a pair of handle straps attached to the exterior of the bag, wherein each handle strap is shorter than the shoulder strap; a cable payout passageway between the main compartment and the exterior of the bag that

is aligned with the opening of the removable insert; and a closure mechanism that is configured to close the removable insert in the main compartment. In some particular embodiments, the bag also includes a reel of cable within the removable insert.

[0007] A method of paying out communications cable from a bag that includes a main compartment and a cable payout passageway includes: inserting a removable insert having an open top and an opening that is aligned with the cable payout passageway in the main compartment, inserting a reel of communications cable having a loose end of cable in the removable insert through the open top; aligning the loose end of cable with the opening of the removable insert and the cable payout passageway; and pulling the loose end of cable through the opening of the removable insert and the cable payout passageway.

BRIEF DESCRIPTION OF THE FIGURES

[0008] **Figure 1** is a front perspective view of a communications cable payout bag in an open configuration and a cable package according to some embodiments of the present invention.

[0009] **Figure 2** is a side view of the communications cable payout bag of **Figure 1** in a closed configuration.

[0010] **Figure 3** is a front perspective view of the communications cable payout bag of **Figure 1** in a closed configuration.

[0011] **Figure 4** is a front perspective view of a communications cable payout bag in an open configuration, a removable insert and a reel of cable according to some other embodiments of the present invention.

[0012] **Figure 5** is a front perspective view of a communications cable payout bag in an open configuration and a cable package according to further embodiments of the present invention.

[0013] **Figure 6** is a side view of the communications cable payout bag of **Figure 5** in a closed configuration.

[0014] **Figure 7** is a front perspective view of the communications cable payout bag of **Figure 5** in a closed configuration.

DETAILED DESCRIPTION

[0015] The present invention will be described more particularly hereinafter with reference to the accompanying drawings. The invention is not intended to be limited to the illustrated embodiments; rather, these embodiments are intended to fully and completely disclose the invention to those skilled in this art. In the drawings, like numbers refer to like elements throughout. Thicknesses and dimensions of some components may be exaggerated for clarity.

[0016] Well-known functions or constructions may not be described in detail for brevity and/or clarity.

[0017] Unless otherwise defined, all technical and scientific terms used herein have the same meaning as commonly understood by one of ordinary skill in the art to which this invention belongs. The terminology used in the description of the invention herein is for the purpose of describing particular embodiments only and is not intended to be limiting of the invention. As used in the description of the invention and the appended claims, the singular forms "a," "an" and "the" are intended to include the plural forms as well, unless the context clearly indicates otherwise. As used herein, the term "and/or" includes any and all combinations of one or more of the associated listed items. Where used, the terms "attached," "connected," "interconnected," "contacting," "coupled," "mounted," "overlying" and the like can mean either direct or indirect attachment or contact between elements, unless stated otherwise.

[0018] Referring now to the figures, a communications cable payout bag, designated broadly at **10**, is illustrated in **Figure 1**. The bag **10** is generally constructed of a flexible material such as canvas, a synthetic polymer (*e.g.*, nylon) or any other flexible material. The flexible material may be selected to prevent damage to the bag **10** and/or its contents due to moisture and/or general handling.

[0019] The bag **10** includes a main compartment **20**. The main compartment **20** is configured to hold cable that is to be paid out from the main compartment **20** to the exterior of the bag **10**. More specifically, the main compartment **20** is configured to hold a cable package **22**, such as a communications cable package. In some embodiments, the bag **10** includes the cable package **22** within the main compartment **20**.

[0020] As illustrated in **Figure 1**, the cable package **22** may be in the form of a coil, reel or spool of cable. The main compartment **20** of the bag **10** is configured to hold the coil, reel or spool of cable. Alternatively, the cable package **22** may comprise a box, such as a cardboard box, with cable contained therein. In this regard, the cable package **22** takes the shape of the box and the main compartment **20** of the bag **10** is configured to hold the box.

[0021] The bag **10** may take any shape. As illustrated in **Figure 1**, the bag **10** may have a rectangular profile. This may allow a cable package **22** comprising a box having rectangular sides to be snugly held within the main compartment **20**. The bag **10** having a rectangular profile may also hold a cable package **22** comprising a coil, reel or spool of cable, as exemplified in **Figure 1**. Alternatively, the bag may have a circular profile, as described in more detail below. The size of the bag **10** may vary depending on the size of the cable package **22** to be held in the main compartment **20**.

[0022] Turning now to **Figure 2**, the bag **10** includes a cable payout passageway **30** between the main compartment **20** and the exterior of the bag **10**. The cable payout passageway **30** serves to allow cable to be paid out from the main compartment **20** to the exterior of the bag **10**. A loose end of cable **28** from the cable package **22** is aligned with the cable payout passageway **30** from inside the main compartment **20** and then routed through the cable payout passageway **30**.

[0023] The cable payout passageway **30** may be any size, although it should be large enough to easily align the loose end of cable **28** with the cable payout passageway **30** and to prevent undue friction while cable is paid out. The cable payout passageway **30** may take any shape. In some embodiments, and as illustrated in **Figure 2**, the cable payout passageway **30** is in the form of a horizontal slot located on a side surface of the bag **10**. In other embodiments, the cable payout passageway **30** is generally circular in shape and surrounded by a grommet. The grommet may be metal to further reduce friction as cable is paid out.

[0024] Turning now to **Figure 3**, the bag **10** includes a shoulder strap **40**. As exemplified in **Figure 3**, the shoulder strap **40** may include a padded portion **42** which may increase user comfort. The shoulder strap **40** may be adjustable in length such that the shoulder strap **40** may be adjusted to a length of at least 37 inches. The shoulder strap

40 may be adjustable in length such that the shoulder strap **40** may be adjusted to a length between about 37 and about 75 inches. In this regard, the shoulder strap **40** may be adjusted based on the user's size to allow the user to carry the bag **10** comfortably over his/her shoulder and neck or over his/her shoulder only. The shoulder strap **40** may be adjusted such that the cable package **22** is positioned near the user's hip. The shoulder strap **40** may serve to direct at least some of the weight of the cable package **22** to the user's hip region rather than sensitive back regions.

[0025] The shoulder strap **40** is attached to the exterior of the bag **10** in two locations. In some embodiments, the shoulder strap **40** is attached to first and second opposing surfaces of the exterior of the bag **10**. In other embodiments, the shoulder strap **40** is attached to the top of the bag **10** in two locations. As exemplified in **Figure 3**, the shoulder strap **40** may be attached to the center of the bag **10** such that the shoulder strap is centered over the cable package **22**. Carrying the bag **10** by the shoulder strap **40** that is centered over the cable package **22** may result in substantially even weight distribution and increased stability.

[0026] The bag **10** also includes a pair of handle straps **50** to facilitate carrying the bag **10** by hand. The handle straps **50** are shorter in length than the shoulder strap **40**. The handle straps may be unadjustable. The handle straps **50** are attached to the exterior of the bag **10**. In some embodiments, the handle straps **50** are attached to first and second opposing surfaces of the exterior of the bag **10**. In other embodiments, the handle straps **50** are attached to the top of the bag **10**. The handle straps **50** are generally configured such that they can be centered over the cable package **22**. Carrying the bag **10** by handle straps **50** that are centered over the cable package **22** may result in substantially even weight distribution and increased stability. As exemplified in **Figure 3**, at least one of the pair of handle straps **50** may include a flap **52** to couple the pair of handle straps **50** and to help center the handle straps **50** over the cable package **22**. The flap **52** may comprise a closure device, such as snaps, hook and loop fasteners (*e.g.*, VELCRO®) or any closure device known to those of ordinary skill in the art, such that the handle straps **50** remain coupled. The flap **52** may be at least partially padded to increase user comfort.

[0027] In some embodiments, at least one storage pouch **60** may be attached to the exterior of the bag **10**. The pouch(es) **60** may be configured to hold and provide easy access to items such as connector tools and prep tools, etc.

[0028] The bag **10** further includes a closure mechanism **70** configured to close the main compartment **20**. In some embodiments, the closure mechanism **70** comprises flaps with fasteners, such as hook and loop fasteners. In other embodiments, the closure mechanism **70** comprises one or more zippers. Other exemplary closure mechanisms **70** include belts, buckles, buttons, clips, drawstrings, snaps or other closure mechanisms as understood by those of ordinary skill in the art. In some embodiments, the closure mechanism **70** is located at the top of the bag **10**. In this regard, the cable package **22** may be inserted in the main compartment **20**, and the top of the bag **10** may be closed via the closure mechanism **70** to enclose the main compartment **20** and the cable package **22** held therein. Locating the closure mechanism **70** at the top of the bag **10** may reduce the possibility of the cable package **22** falling out of the bag **10** while being carried by the shoulder strap **40** or handle straps **50**.

[0029] In some embodiments, and as illustrated in **Figures 1** and **3**, the closure mechanism **70** comprises a first and second pair of opposing flaps **72, 74**. The first pair of flaps **72** may be brought together as indicated by arrows **A1, A2** and may be secured by hook and loop fasteners, for example. The second pair of flaps **74** may then be brought together as indicated by arrows **A3, A4** and may also be secured by hook and loop fasteners, for example. One of the second pair of flaps **74** may include a tongue **76**. The tongue **76** may serve to tension the bag to conform to the size of the cable package **22**. The tongue **76** may further serve to easily open and/or close the bag **10**.

[0030] Referring again to **Figure 2**, the bag **10** may further include a cable lock **80** configured to secure the loose end of cable **28** on the exterior of the bag **10**. In this regard, the loose end of cable **28** that has already passed through the cable payout passageway **30** may be staged or stored until more cable is to be paid out from the main compartment **20** of the bag **10**. In some embodiments, and as illustrated in **Figure 2**, the cable lock **80** comprises a loop that is sewn or otherwise attached to the exterior of the bag **10**. In other embodiments, the cable lock **80** may be a clip or any other cable lock known to those of ordinary skill in the art. In still other embodiments, the cable lock **80**

may be integrated with the shoulder strap **40** or the handle straps **50** where they are attached to the bag **10**. The cable lock **80** will typically be located on the same side of the bag **10** as the cable payout passageway **30**.

[0031] A communications cable payout bag, designated broadly at **110**, is illustrated in **Figure 4**. Unless otherwise specified, the bag **110** may have the same characteristics (*e.g.*, shape, size, material) as the bag **10** described above.

[0032] The bag **110** has a main compartment **120**. The bag **110** includes a removable insert **124** that fits within the main compartment **120**, wherein the removable insert **124** is configured to hold a reel of cable **122**, such as a reel of communications cable. The removable insert **124** has an open top which allows the reel of cable **122** to be inserted therein. In some embodiments, the bag **110** includes the reel of cable **122** within the removable insert **124**.

[0033] The reel portion of the reel of cable **122** may be plastic, cardboard, metal or some other material. The removable insert **124** may be constructed of solid formed plastic, corrugated plastic or corrugated cardboard.

[0034] Use of the removable insert **124** and the reel of cable **122** may provide a more environmentally-friendly solution. The removable insert **124** generally has a lifetime greater than the reel of cable **122**. Therefore, when the reel of cable **122** is empty (*i.e.*, all the cable contained thereon has been paid out), the empty reel may be removed from the removable insert **124** and replaced with a new reel of cable. Less material may be consumed in that replacement reels of cable **122** may require less packaging (*e.g.*, replacement reels of cable need not be contained in boxes). The empty reels may be recycled. The removable insert **124** may simply be removed and replaced when it becomes damaged or worn, at which time it may be recycled as well.

[0035] The bag **110** includes a cable payout passageway **30**. The cable payout passageway **30** serves to allow cable to be paid out from the main compartment **120** to the exterior of the bag **110**. In some embodiments, the cable payout passageway **30** is in the form of a horizontal slot located on a side of the bag **110**.

[0036] The removable insert **124** also includes an opening **126** which is generally aligned with the cable payout passageway **30**. The opening **126** may be located on a side surface of the removable insert **124**. The opening **126** may be in the form of a horizontal

slot where the cable payout passageway **30** is in the form of a horizontal slot. However, the cable payout passageway **30** may take any shape, as described in more detail above in connection with the bag **10**. Accordingly, the opening **126** may take any shape, as well.

[0037] A loose end of cable **128** from the reel of cable **122** is aligned with the opening **126** and the cable payout passageway **30** from inside the removable insert **124** and then routed through the opening **126** and cable payout passageway **30**.

[0038] The bag **110** includes a shoulder strap **40** (not shown in **Figure 4**), a pair of handle straps **50** (not shown in **Figure 4**) and a closure mechanism **70** (not shown in **Figure 4**) configured to close the removable insert **124** in the main compartment **120**, all as described above in connection with the bag **10** and as exemplified in **Figure 3**. In some embodiments, the bag **110** includes a padded portion **42** (not shown in **Figure 4**) associated with the shoulder strap **40** and/or a flap **52** (not shown in **Figure 4**) associated with the pair of handle straps **50**, as described above in connection with the bag **10** and as exemplified in **Figure 3**. In some embodiments, at least one storage pouch **60** (not shown in **Figure 4**) may be attached to the exterior of the bag **110** as described above in connection with the bag **10** and as exemplified in **Figure 3**. In some embodiments, the bag **110** includes a cable lock **80** (not shown in **Figure 4**) that is configured to secure the loose end of cable **128** on the exterior of the bag **110** as described above in connection with the bag **10** and as exemplified in **Figure 2**.

[0039] A method of paying out cable from the bag **110** is now presented. The removable insert **124** is inserted in the main compartment **120** of the bag **110** such that the opening **126** is aligned with the cable payout passageway **30**. The reel of cable **122** having the loose end of cable **128** is inserted in the removable insert **124** through the open top. The loose end of cable **128** is aligned with the opening **126** and the cable payout passageway **30**. The loose end of cable **128** is pulled a desired distance through the opening **126** and the cable payout passageway **30**.

[0040] The method may further comprise a step of enclosing the removable insert **124** and the reel of cable **122** in the main compartment **120** by the closure mechanism **70**, as described in more detail above.

[0041] A communications cable payout bag, designated broadly at **210**, is illustrated in **Figure 5**. The bag **210** includes a main compartment **220**, as exemplified in

Figure 5 at the cut-away portion of the bag **210**. The main compartment **220** is configured to hold cable that is to be paid out from the main compartment **220** to the exterior of the bag **210**. More specifically, the main compartment **220** is configured to hold a cable package **222** in the form of a coil, reel or spool of cable (*e.g.*, communications cable). In some embodiments, the bag **210** includes the cable package **222** within the main compartment **220**.

[0042] The bag **210** has a generally circular profile. In this regard, the bag **210** may be configured to snugly hold the cable package **222** in the form of a coil, reel or spool cable. The bag **210** may be sized to snugly hold standard coils, reel or spools of cable.

[0043] Turning now to **Figure 6**, the bag **210** includes a cable payout passageway **230** between the main compartment **220** and the exterior of the bag **210**. The cable payout passageway **230** serves to allow cable to be paid out from the main compartment **220** to the exterior of the bag **210**. A loose end of cable **228** from the cable package **222** is aligned with the cable payout passageway **230** from inside the main compartment **220** and then routed through the cable payout passageway **230**.

[0044] The cable payout passageway **230** may be any size, although it should be large enough to easily align the loose end of cable **228** with the cable payout passageway **230** and to prevent undue friction while cable is paid out. The cable payout passageway **230** may take any shape. In some embodiments, and as illustrated in **Figure 6**, the cable payout passageway **230** is generally circular in shape and surrounded by a grommet. The grommet may be metal to further reduce friction as cable is paid out. The cable payout passageway **230** may take any other shape, such as a horizontal slot located on a side surface of the bag **210**.

[0045] Turning now to **Figure 7**, the bag **210** includes a shoulder strap **240**. As exemplified in **Figure 6**, the shoulder strap **240** may include a padded portion **242** which may increase user comfort. The shoulder strap **240** may be adjustable in length such that the shoulder strap **240** may be adjusted to a length of at least 39 inches. The shoulder strap **240** may be adjustable in length such that the shoulder strap **240** may be adjusted to a length between about 39 and about 74 inches. In this regard, the shoulder strap **240** may be adjusted based on the user's size to allow the user to carry the bag **210**

comfortably over his/her shoulder and neck or over his/her shoulder only. The shoulder strap **240** may be adjusted such that the cable package **222** is positioned near the user's hip. The shoulder strap **240** may serve to direct at least some of the weight of the cable package **222** to the user's hip region rather than sensitive back regions.

[0046] The shoulder strap **240** is attached to the exterior of the bag **210** in two locations. In some embodiments, the shoulder strap **240** is attached to first and second opposing surfaces of the exterior of the bag **210**. In other embodiments, the shoulder strap **240** is attached to the top of the bag **210** in two locations. As exemplified in **Figure 7**, the shoulder strap **240** may be attached to the center of the bag **210** such that the shoulder strap is centered over the cable package **222**. Carrying the bag **210** by the shoulder strap **240** that is centered over the cable package **222** may result in substantially even weight distribution and increased stability.

[0047] The bag **210** also includes a pair of handle straps **250** to facilitate carrying the bag **210** by hand. The handle straps **250** are shorter in length than the shoulder strap **240**. The handle straps **250** are attached to the exterior of the bag **210**. In some embodiments, the handle straps **250** are attached to first and second opposing surfaces of the exterior of the bag **210**. In other embodiments, the handle straps **250** are attached to the top of the bag **210**. The handle straps **250** are generally configured such that they can be centered over the cable package **222**. Carrying the bag **210** by handle straps **250** that are centered over the cable package **222** may result in substantially even weight distribution and increased stability. As exemplified in **Figure 7**, at least one of the pair of handle straps **250** may include a flap **252** to couple the pair of handle straps **250** and to help center the handle straps **250** over the cable package **222**. The flap **252** may comprise a closure device, such as snaps, hook and loop fasteners (*e.g.*, VELCRO®) or any closure device known to those of ordinary skill in the art, such that the handle straps **250** remain coupled. The flap **252** may be at least partially padded to increase user comfort.

[0048] In some embodiments, at least one storage pouch **260** (not shown) may be attached to the exterior of the bag **210**. The pouch(es) **260** may be configured to hold and provide easy access to items such as connector tools and prep tools, etc.

[0049] The bag **210** further includes a closure mechanism **270** configured to close the main compartment **220**. In some embodiments, and as exemplified in **Figures 5** and **7**, the closure mechanism **270** comprises one or more zippers. In other embodiments, the closure mechanism **270** comprises flaps with fasteners, such as hook and loop fasteners. Other exemplary closure mechanisms **270** include belts, buckles, buttons, clips, drawstrings, snaps or other closure mechanisms as understood by those of ordinary skill in the art. In some embodiments, the closure mechanism **270** is located at the top of the bag **210**. In this regard, the cable package **222** may be inserted in the main compartment **220**, and the top of the bag **210** may be closed via the closure mechanism **270** to enclose the main compartment **220** and the cable package **222** held therein. Locating the closure mechanism **270** at the top of the bag **210** may reduce the possibility of the cable package **222** falling out of the bag **210** while being carried by the shoulder strap **240** or handle straps **250**.

[0050] Referring again to **Figure 6**, the bag **210** may further include a cable lock **280** configured to secure the loose end of cable **228** on the exterior of the bag **210**. In this regard, the loose end of cable **228** that has already passed through the cable payout passageway **230** may be staged or stored until more cable is to be paid out from the main compartment **220** of the bag **210**. In some embodiments, and as illustrated in **Figure 6**, the cable lock **280** comprises a loop that is sewn or otherwise attached to the exterior of the bag **210**. In other embodiments, the cable lock **280** may be a clip or any other cable lock known to those of ordinary skill in the art. In still other embodiments, the cable lock **280** may be integrated with the shoulder strap **240** or the handle straps **250** where they are attached to the bag **210**. The cable lock **280** will typically be located on the same side of the bag **210** as the cable payout passageway **230**.

[0051] The foregoing is illustrative of the present invention and is not to be construed as limiting thereof. Although exemplary embodiments of this invention have been described, those skilled in the art will readily appreciate that many modifications are possible in the exemplary embodiments without materially departing from the novel teachings and advantages of this invention. Accordingly, all such modifications are intended to be included within the scope of this invention as defined in the claims. The

invention is defined by the following claims, with equivalents of the claims to be included therein.

THAT WHICH IS CLAIMED IS:

1. A communications cable payout bag, comprising:

a main compartment configured to hold a communications cable package;

a shoulder strap attached to the exterior of the bag;

a pair of handle straps attached to the exterior of the bag, wherein each handle strap is shorter than the shoulder strap;

a cable payout passageway between the main compartment and the exterior of the bag; and

a closure mechanism configured to close the main compartment.

2. The communications cable payout bag of Claim 1, further comprising a communications cable package within the main compartment.

3. The communications cable payout bag of Claim 2, wherein the cable payout passageway comprises a horizontal slot located on a side surface of the bag.

4. The communications cable payout bag of Claim 2, further comprising a grommet surrounding the cable payout passageway.

5. The communications cable payout bag of Claim 2, wherein the shoulder strap comprises a single adjustable shoulder strap, and wherein the shoulder strap can be adjusted to a length of at least 37 inches.

6. The communications cable payout bag of Claim 5, wherein the shoulder strap is attached to the center of the bag, and wherein the shoulder strap includes a padded portion.

7. The communications cable payout bag of Claim 6, wherein at least one of the pair of handle straps includes a flap configured to couple the handle straps.

8. The communications cable payout bag of Claim 7, wherein the closure mechanism is located on the top surface of the bag.

9. The communications cable payout bag of Claim 8, further comprising a cable lock configured to secure a loose end of cable on the exterior of the bag.

10. The communications cable payout bag of Claim 9, further comprising at least one storage pouch on the exterior of the bag.

11. A communications cable payout bag, comprising:

a main compartment;

a removable insert having an open top and an opening within the main compartment, the removable insert configured to hold a reel of communications cable;

a shoulder strap attached to the exterior of the bag;

a pair of handle straps attached to the exterior of the bag, wherein each handle strap is shorter than the shoulder strap;

a cable payout passageway between the main compartment and the exterior of the bag, wherein the opening of the removable insert is aligned with the cable payout passageway; and

a closure mechanism configured to close the removable insert in the main compartment.

12. The communications cable payout bag of Claim 11, further comprising a reel of communications cable within the removable insert.

13. The communications cable payout bag of Claim 12, wherein the cable payout passageway comprises a horizontal slot located on a side surface of the bag.

14. The communications cable payout bag of Claim 12, wherein the shoulder strap comprises a single adjustable shoulder strap, and wherein the shoulder strap can be adjusted to a length of at least 39 inches.

15. The communications cable payout bag of Claim 14, wherein the shoulder strap is attached to the center of the bag, and wherein the shoulder strap includes a padded portion.

16. The communications cable payout bag of Claim 15, wherein at least one of the pair of handle straps includes a flap configured to couple the handle straps.

17. The communications cable payout bag of Claim 16, wherein the closure mechanism is located on the top surface of the bag.

18. The communications cable payout bag of Claim 17, further comprising a cable lock configured to secure a loose end of cable on the exterior of the bag.

19. The communications cable payout bag of Claim 18, further comprising at least one storage pouch on the exterior of the bag.

20. A method of paying out communications cable from a bag that includes a main compartment and a cable payout passageway, the method comprising:

inserting a removable insert having an open top and an opening in the main compartment, wherein the opening is aligned with the cable payout passageway;

inserting a reel of communications cable having a loose end of cable in the removable insert through the open top;

aligning the loose end of cable with the opening of the removable insert and the cable payout passageway; and

pulling the loose end of cable through the opening of the removable insert and the cable payout passageway.

COMMUNICATIONS CABLE PAYOUT BAGS

ABSTRACT

A communications cable payout bag includes: a main compartment configured to hold a communications cable package; a shoulder strap attached to the exterior of the bag; a pair of handle straps attached to the exterior of the bag, wherein each handle strap is shorter than the shoulder strap; a cable payout passageway between the main compartment and the exterior of the bag; and a closure mechanism configured to close the main compartment.

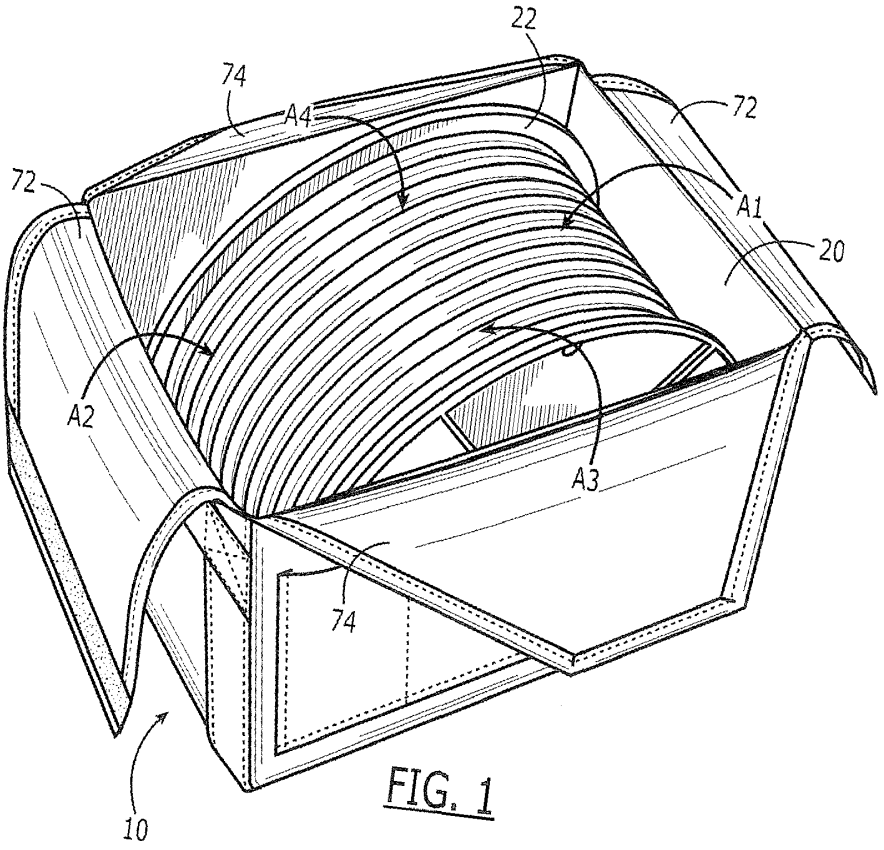


FIG. 1

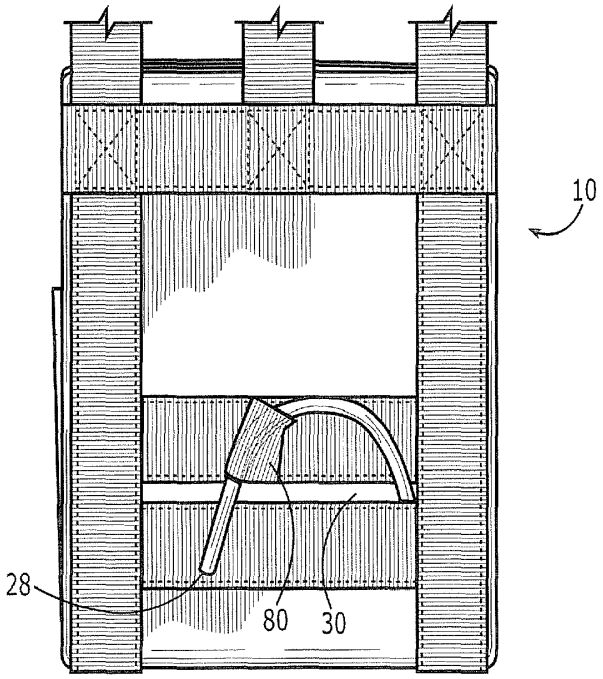


FIG. 2

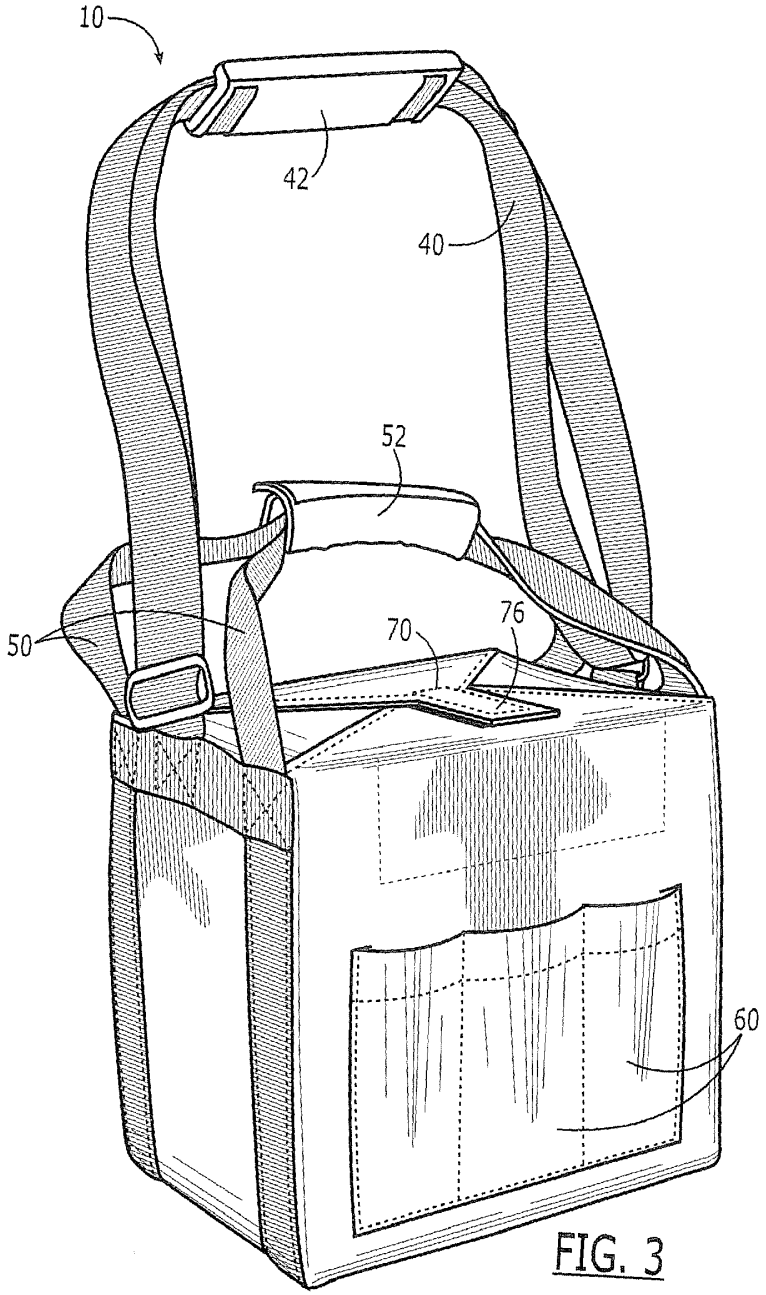


FIG. 3

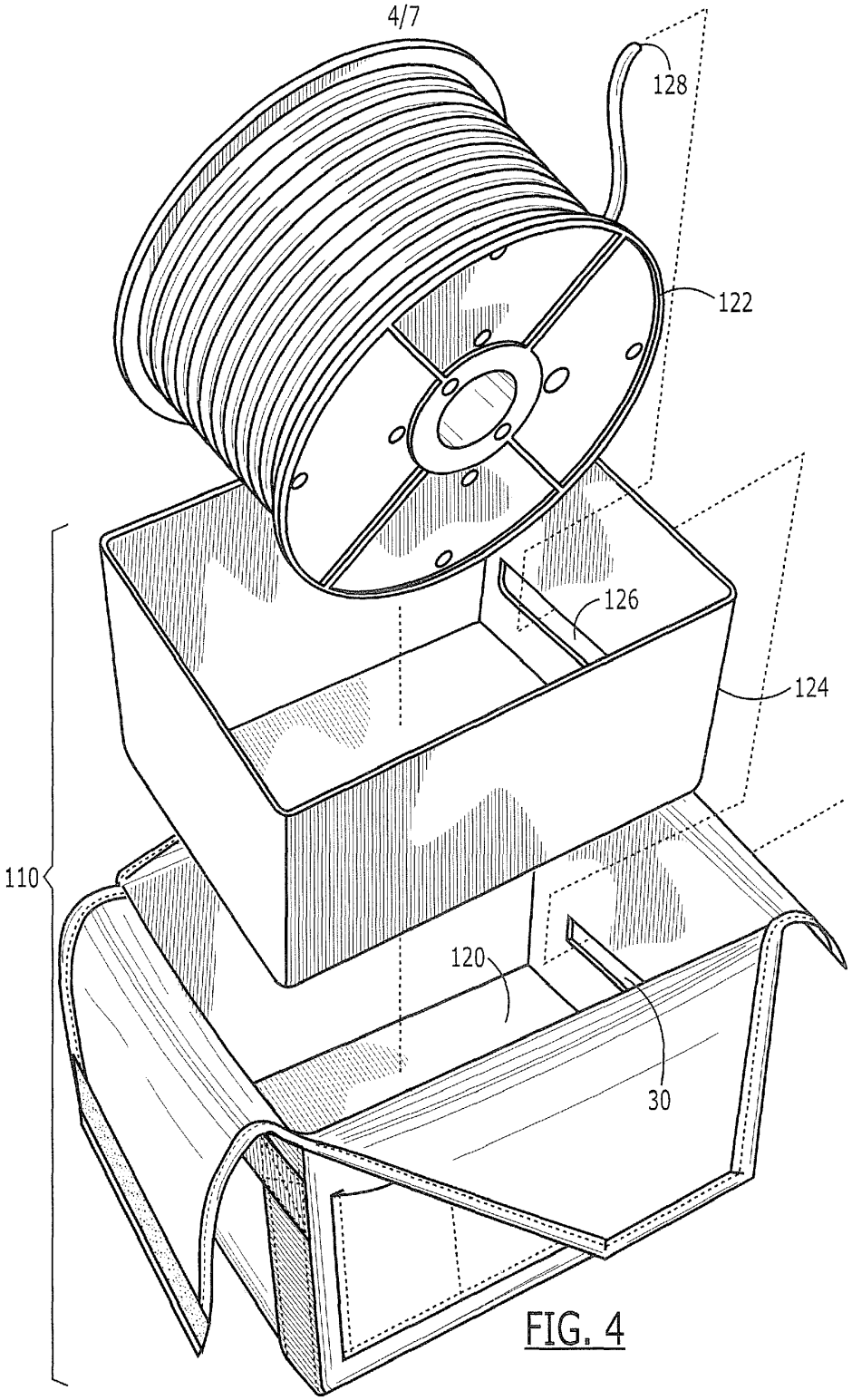


FIG. 4

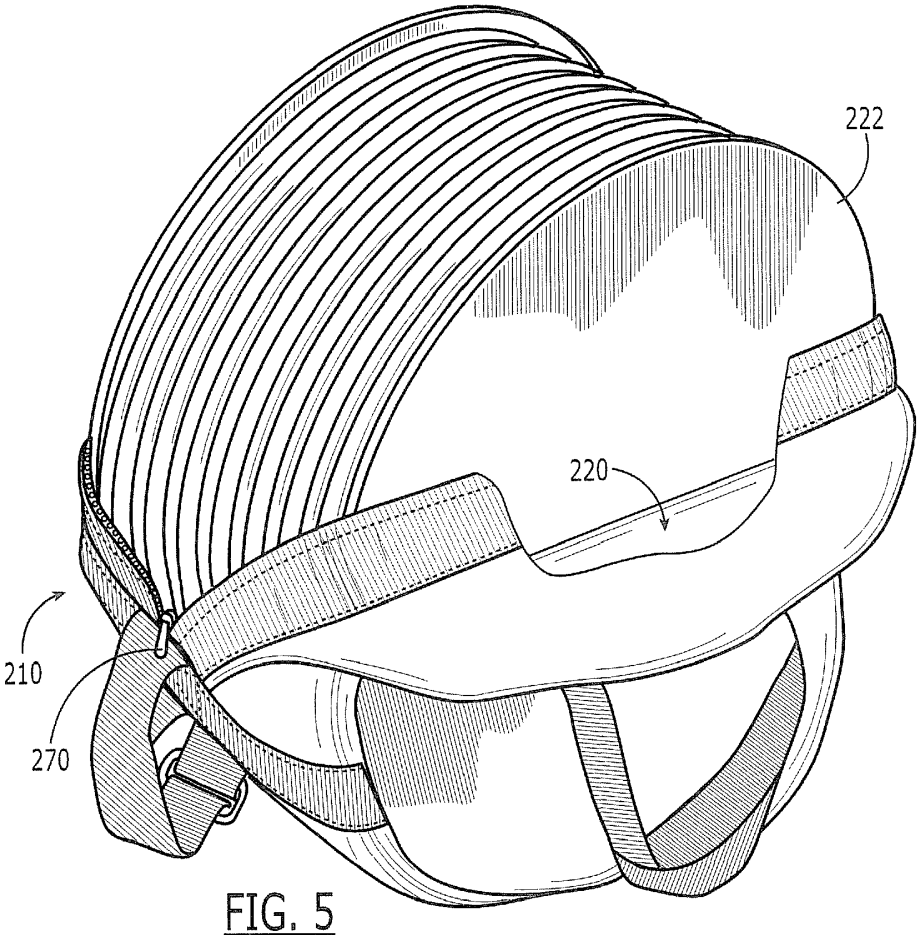


FIG. 5

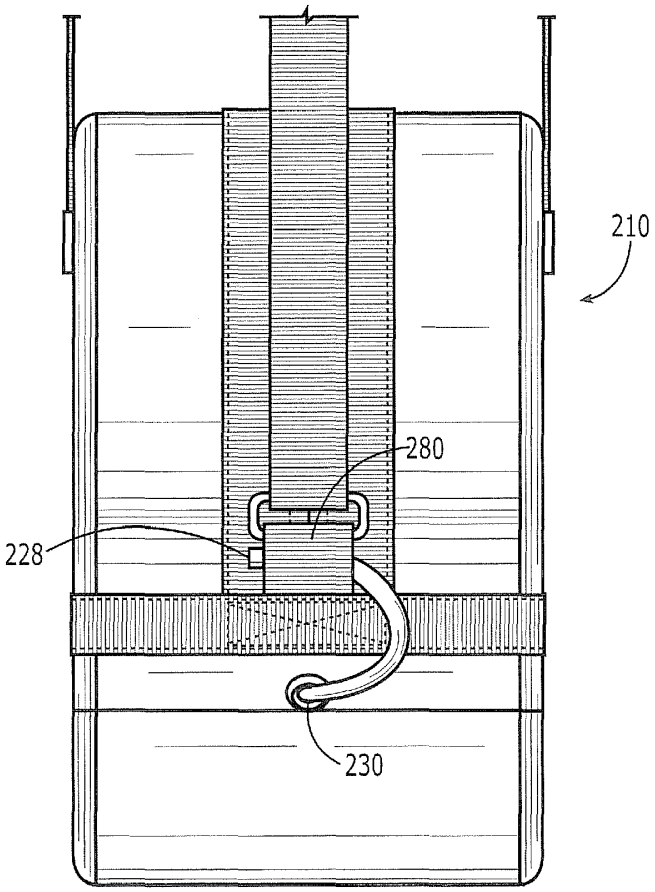


FIG. 6

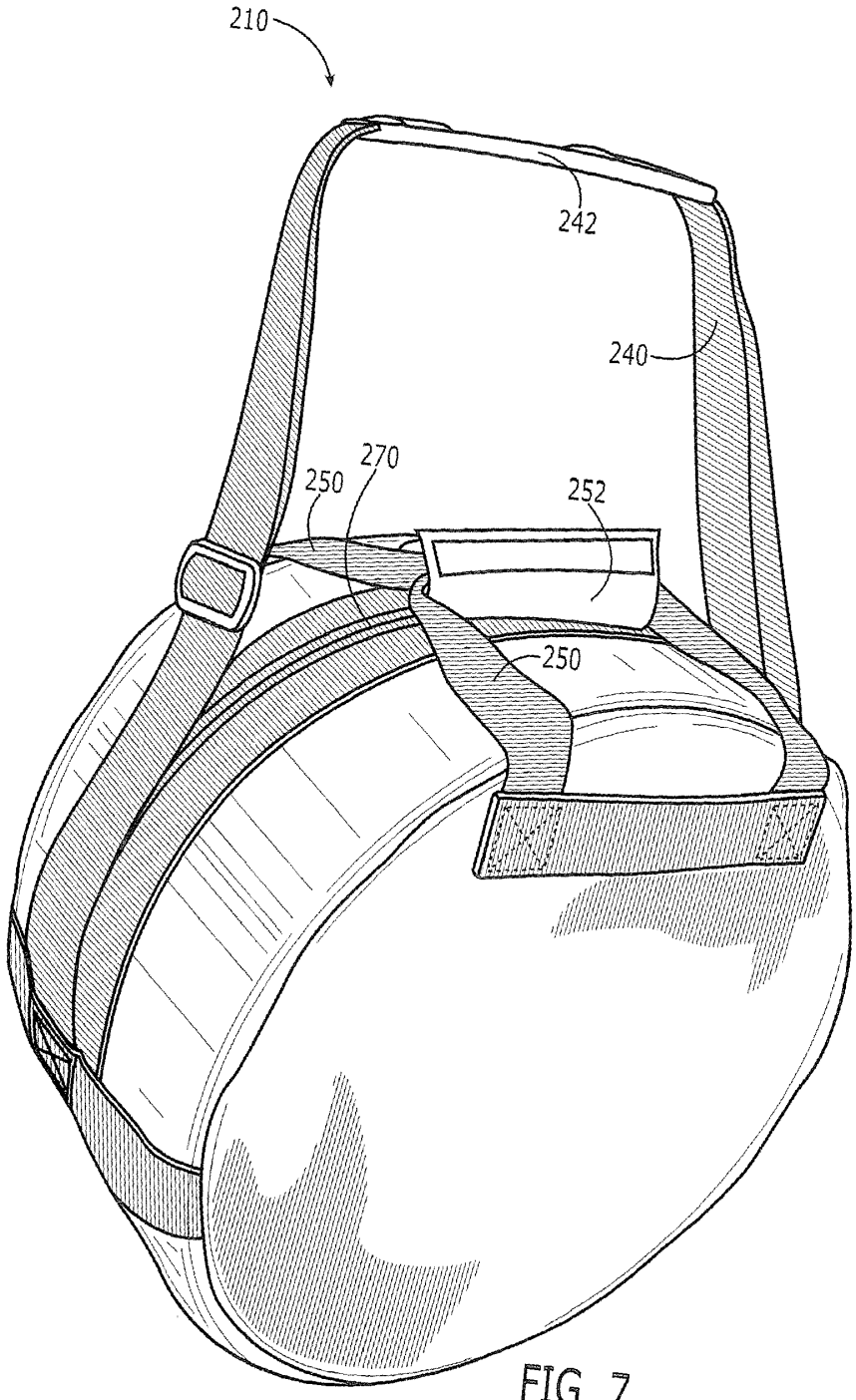


FIG. 7

Electronic Patent Application Fee Transmittal	
Application Number:	
Filing Date:	
Title of Invention:	Communications Cable Payout Bags
First Named Inventor/Applicant Name:	Eddy Robert Houston
Filer:	Julie H. Richardson/Tracy Wallace
Attorney Docket Number:	9457-242
Filed as Large Entity	

Utility under 35 USC 111(a) Filing Fees

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Basic Filing:				
Utility application filing	1011	1	330	330
Utility Search Fee	1111	1	540	540
Utility Examination Fee	1311	1	220	220
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				
Miscellaneous:				
		Total in USD ($)		**1090**

Electronic Acknowledgement Receipt	
EFS ID:	5513671
Application Number:	12484393
International Application Number:	
Confirmation Number:	1238
Title of Invention:	Communications Cable Payout Bags
First Named Inventor/Applicant Name:	Eddy Robert Houston
Customer Number:	79207
Filer:	Julie H. Richardson/Tracy Wallace
Filer Authorized By:	Julie H. Richardson
Attorney Docket Number:	9457-242
Receipt Date:	15-JUN-2009
Filing Date:	
Time Stamp:	13:22:06
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Deposit Account
Payment was successfully received in RAM	$1090
RAM confirmation Number	8339
Deposit Account	500220
Authorized User	

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)

1		9457_242.pdf	2269374 41ed0de357af927add68f50bd88cb4cc04388516	yes	25

Multipart Description/PDF files in .zip description		
Document Description	**Start**	**End**
Transmittal of New Application	1	1
Fee Worksheet (PTO-875)	2	2
Specification	3	14
Claims	15	17
Abstract	18	18
Drawings-only black and white line drawings	19	25

Warnings:

Information:

2	Fee Worksheet (PTO-875)	fee-info.pdf	32615 1044194c2088c8b1f2ef7e9228c2a3466a6f7211	no	2

Warnings:

Information:

Total Files Size (in bytes):	2301989

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<u>New Applications Under 35 U.S.C. 111</u>
If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

<u>National Stage of an International Application under 35 U.S.C. 371</u>
If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

<u>New International Application Filed with the USPTO as a Receiving Office</u>
If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

PTO/SB/06 (12-04)

Filing Date: **06/15/09**

Approved for use through 7/31/2006. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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.

PATENT APPLICATION FEE DETERMINATION RECORD
Substitute for Form PTO-875

Application or Docket Number: 12/484,393

APPLICATION AS FILED – PART I

FOR	(Column 1) NUMBER FILED	(Column 2) NUMBER EXTRA	SMALL ENTITY RATE ($)	SMALL ENTITY FEE ($)	OR	OTHER THAN SMALL ENTITY RATE ($)	OTHER THAN SMALL ENTITY FEE ($)
BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A			N/A	**330**
SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A	N/A			N/A	**540**
EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A			N/A	**220**
TOTAL CLAIMS (37 CFR 1.16(i))	**20** minus 20 =		x$26		OR	x$52	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	**3** minus 3 =	*	x$110			x$220	
APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is $270 ($135 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR						
MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))			195			390	
			TOTAL			TOTAL	**1090**

* If the difference in column 1 is less than zero, enter "0" in column 2.

APPLICATION AS AMENDED – PART II

		(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	SMALL ENTITY RATE ($)	SMALL ENTITY ADDITIONAL FEE ($)	OR	OTHER THAN SMALL ENTITY RATE ($)	OTHER THAN SMALL ENTITY ADDITIONAL FEE ($)
AMENDMENT A	Total (37 CFR 1.16(i))	*	Minus	**	=	x =		OR	x =	
	Independent (37 CFR 1.16(h))	*	Minus	***	=	x =		OR	x =	
	Application Size Fee (37 CFR 1.16(s))									
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))					N/A		OR	N/A	
						TOTAL ADD'T FEE		OR	TOTAL ADD'T FEE	

		(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	RATE ($)	ADDITIONAL FEE ($)	OR	RATE ($)	ADDITIONAL FEE ($)
AMENDMENT B	Total (37 CFR 1.16(i))	*	Minus	**	=	x =		OR	x =	
	Independent (37 CFR 1.16(h))	*	Minus	***	=	x =		OR	x =	
	Application Size Fee (37 CFR 1.16(s))									
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))					N/A		OR	N/A	
						TOTAL ADD'T FEE		OR	TOTAL ADD'T FEE	

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.
** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".
*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".
The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

This collection of information is required by 37 CFR 1.16. 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, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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