

AO 120 (Rev. 08/10)

TO: Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court Middle District of Florida on the following

☐ Trademarks or ☒ Patents. (☐ the patent action involves 35 U.S.C. § 292.);

DOCKET NO. 6:22-cv-682-Orl- WWBGJK	DATE FILED April 8, 2022	U.S. DISTRICT COURT Middle District of Florida
PLAINTIFF ATLEISURE, LLC		DEFENDANT LOWE'S COMPANIES, INC.
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 see attached Complaint		

8 10 4492

CLERK ELIZABETH M. WARREN	(BY) DEPUTY CLERK ROlsen	DATE April 11, 2022
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Copy 1—Upon initiation of action, mail this copy to Director Copy 3—Upon termination of action, mail this copy to Director
 Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy

AO 120 (Rev. 08/10)

TO: Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court Northern District of Georgia on the following

☐ Trademarks or ☒ Patents. (☐ the patent action involves 35 U.S.C. § 292.)

DOCKET NO. 1:20-cv-4662	DATE FILED 11/16/2020	U.S. DISTRICT COURT Northern District of Georgia
PLAINTIFF ATLEISURE, LLC		DEPENDANT SUNVILLA CORPORATION
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 8,104,492	1/31/2012	ATLEISURE, LLC
2		
3		
4		
5		

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY ☐ Amendment ☐ Answer ☐ Cross Bill ☐ Other Pleading		
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK	
1			
2			
3			
4			
5			

In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT Joint Motion to Dismiss with Prejudice Granted.		
CLERK Kevin P. Weimer	(BY) DEPUTY CLERK s/ Ashley Coleman	 DATE 11/29/2021

Copy 1—Upon initiation of action, mail this copy to Director Copy 3—Upon termination of action, mail this copy to Director
Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ZHEJIANG ZHENGTE CO. LTD.,
Petitioner,

v.

ATLEISURE, LLC,
Patent Owner.

IPR2021-00430
Patent 8,104,492 B2

Before LYNNE H. BROWN, ERIC C. JESCHKE, and
KARA L. SZPONDOWSKI, *Administrative Patent Judges*.

SZPONDOWSKI, *Administrative Patent Judge*.

DECISION
Denying Institution of *Inter Partes* Review
35 U.S.C. § 314

I. INTRODUCTION

Zhejiang Zhengte Co. Ltd. (“Petitioner”) filed a Petition to institute an *inter partes* review of claims 1–7 of U.S. Patent No. 8,104,492 B2 (Ex. 1001, “the ’492 patent”). Paper 1 (“Petition” or “Pet.”). ATLeisure, LLC (“Patent Owner”) filed a Preliminary Response. Paper 6 (“Prelim. Resp.”).

Institution of an *inter partes* review is authorized by statute when “the information presented in the petition . . . shows that there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition.” 35 U.S.C. § 314(a) (2018).

Based on the current record, and, for the reasons explained below, we determine that Petitioner has not established a reasonable likelihood that it would prevail with respect to at least one challenged claim. Accordingly, we do not institute an *inter partes* review of the challenged claims of the ’492 patent.

II. BACKGROUND

A. *Real Parties in Interest*

Petitioner identifies Zhejiang Zhengte Co. Ltd. and Sorara Outdoor Living USA Inc. as the real parties in interest. Pet. 2. Patent Owner identifies itself as the sole real party in interest. Paper 4, 2.

B. *Related Matters*

Patent Owner identifies the following litigation as a related matter: *ATLeisure, LLC v. Sunvilla Corporation*, No. 1:20-cv-04662-TWT (N.D. Ga). Paper 4, 3.

C. The '492 Patent (Ex. 1001)

The '492 patent is titled “Adjustable Offset Umbrella.” Ex 1001, code (54). Figure 2, reproduced below, is a perspective view of the adjustable offset umbrella with the canopy raised.

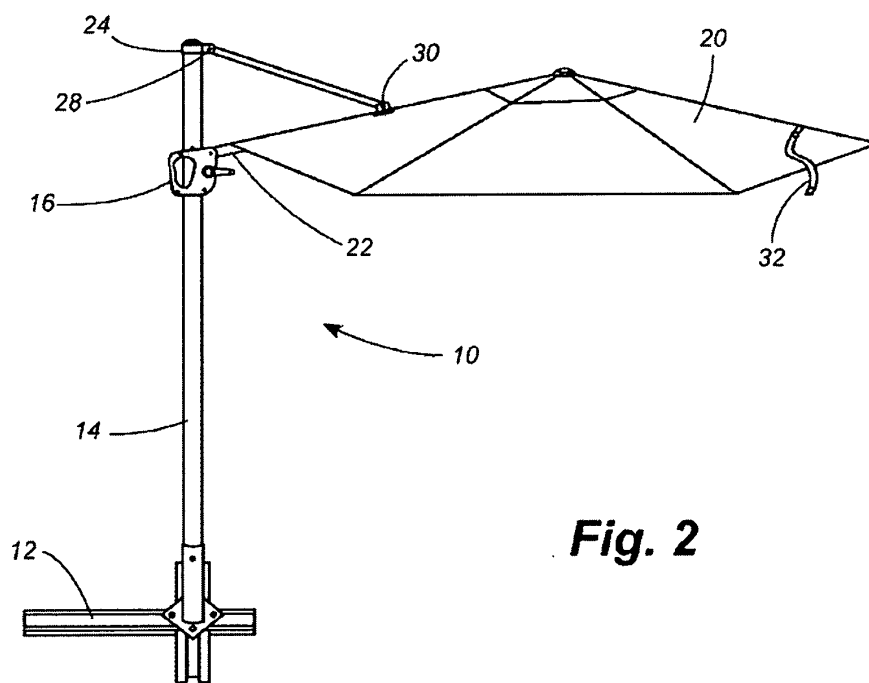


Fig. 2

Figure 2 depicts adjustable offset umbrella 10, with base 12 that supports a main pole 14 in a generally vertical position. *Id.* at 2:42–45. Sliding member 16 is movably mounted to main pole 14 to allow sliding movement between upper and lower positions along the pole. *Id.* at 2:45–48. In the embodiment disclosed in Figure 2, sliding member 16 takes the form of a collar that encircles main pole 14. *Id.* at 2:48–50. Canopy assembly 20 is supported alongside main pole 14 by main support arm 22.

Id. at 2:55–56. Main support arm 22 is pivotally mounted to sliding member 16 at one end and extends to the central portion of canopy assembly 20. *Id.* at 2:56–58.

Figure 3, reproduced below, is a schematic representation of the adjustable offset umbrella of Figure 2 with the canopy removed.

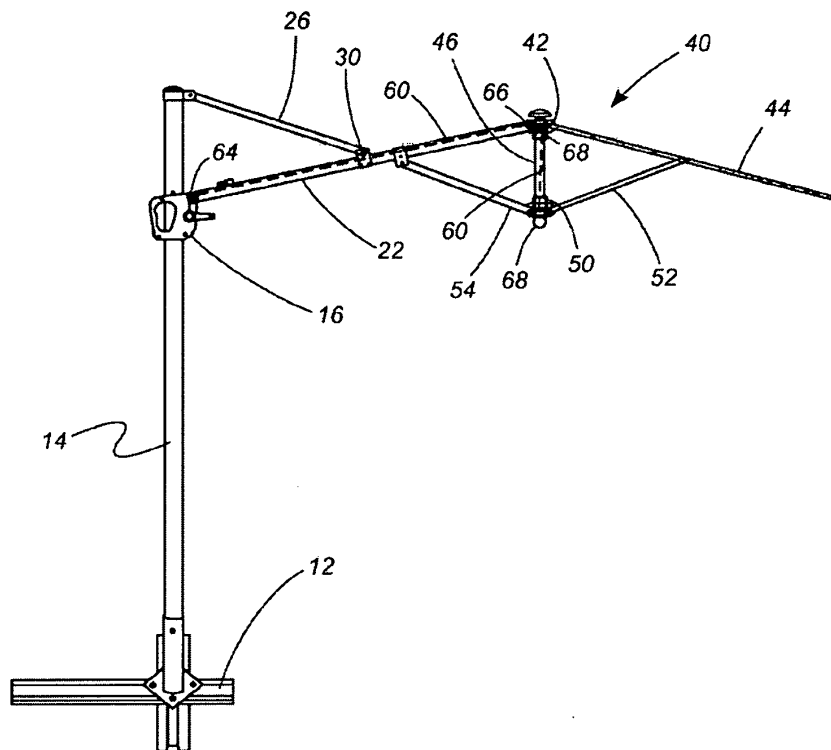


Fig. 3

Figure 3 depicts canopy support structure 40, where main support arm 22 serves as a support rib and is pivotally mounted to rib hub 42. *Id.* at 2:66–3:4. Brace 26 is pivotally mounted to the top of main pole 14 at one end and to main support arm 22 at the opposite end. *Id.* at 2:59–62. Line 60 extends inside main support arm 22 from the lower end of the support arm to its upper end. *Id.* at 3:16–18.

Figure 4, reproduced below, is a side cutaway view of a sliding member of the adjustable offset umbrella of Figure 2.

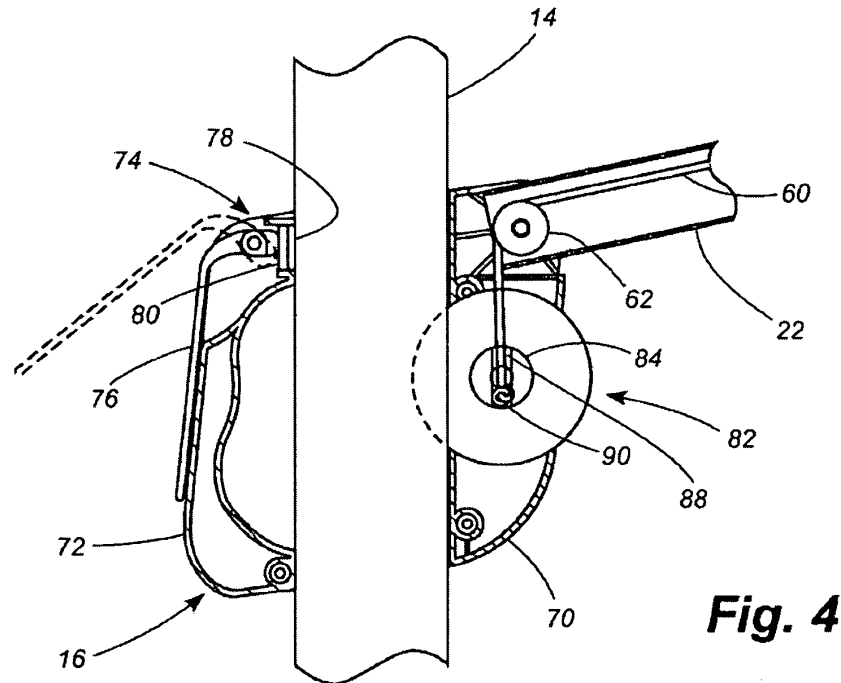


Figure 4 depicts sliding member 16 that includes cam lock member 74 pivotally mounted in an upper portion of housing 70, that can be used to secure sliding member 16 against the pole. *Id.* at 3:25–40. Winding mechanism 82 is also mounted to housing 70, and includes winder hub 84 around which line 60 can be wrapped. *Id.* at 3:41–44. Crank 92 is also provided by which a user can rotate winding mechanism 82 to tension or to relax line 60. *Id.* at 3:46–51.

Movement of sliding member 16 up and down main pole 14 adjusts the angle of the canopy. *Id.* at 3:52–54. Figure 6, reproduced below, is a

side perspective view of the adjustable offset umbrella of Figure 1 showing the canopy supported at various angles.

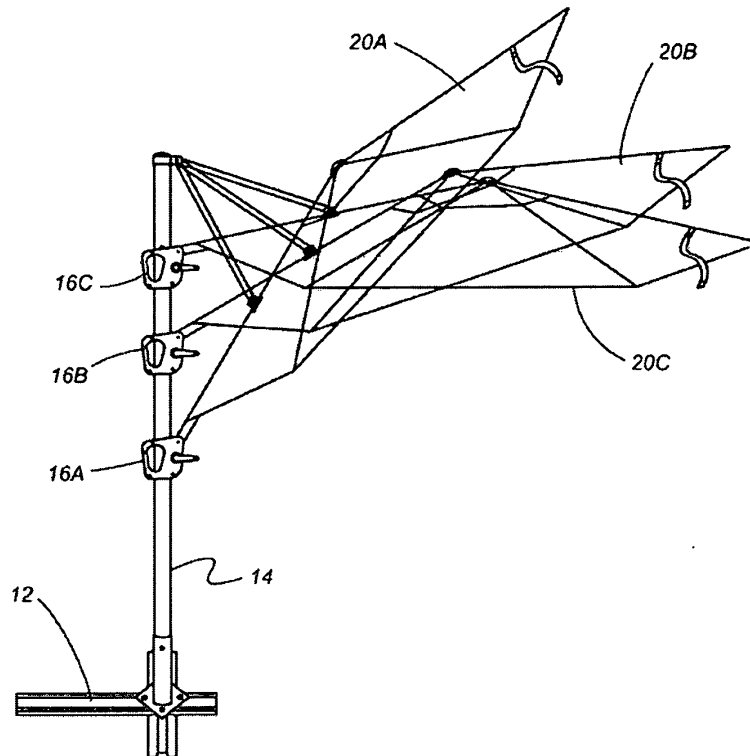


Fig. 6

Figure 6 depicts position of sliding member 16A corresponding to position of the canopy 20A, position of sliding member 16B corresponding to position of the canopy 20B, and position of sliding member 16C corresponding to position of the canopy 20C. *Id.* at 3:55–59.

D. Illustrative Claims

Petitioner challenges claims 1–7 of the '492 patent. Pet. 5. Claims 2–7 depend from claim 1. Ex. 1001, 5:11–6:17. Claim 1, reproduced below

with brackets noting Petitioner's identifiers, is illustrative of the subject matter of the challenged claims:

1. An umbrella comprising:

[1.1] a main pole having a lower end for support by a support surface and extending generally upward to an upper end;

[1.2] a sliding member associated with the main pole and selectably moveable thereon between lower and upper locations along the main pole;

[1.3] locking means for releasably securing the sliding member to the main pole at a selected location along the main pole;

[1.4] an umbrella canopy having a central region;

[1.5] an arm associated with the central region and extending radially therefrom to an outer end operatively associated with the sliding member;

[1.6] a brace having a first end pivotably attached to an upper portion of the pole above the sliding member and a second end pivotably attached to the arm;

[1.7] a winding mechanism having a winder hub around which a line can be wound, the winder hub being mounted to the sliding member and movable therewith:

[1.8] a line having a first end that winds around the winder hub, an intermediate portion extending from the winder hub along the arm to the umbrella canopy, and a second end that engages the umbrella canopy;

[1.9] wherein rotation of the winder hub tensions or relaxes the line depending upon the direction of rotation of the winder hub, and wherein operation of the winding mechanism to apply tension to the

line opens and closes the umbrella canopy in response to movement of the line; and

[1.10] wherein the angle of the umbrella canopy with respect to the main pole can be controlled by moving the sliding member along the main pole.

Id. at 4:47–5:10.

E. Evidence

Petitioner relies on the following references. *See* Pet. 6–7. Petitioner also relies on the Declaration of Patrick Johannes Maria van Lierop, Petitioner’s R&D Director (Ex. 1011) (“van Lierop Declaration”).

Reference	Exhibit	Patent/Printed Publication
Harbaugh	1004	U.S. Patent Application Publication No. 2004/0177871 A1 to Harbaugh, published September 16, 2004
Liu ’068	1005	U.S. Patent No. 7,341,068 B2 to Liu, issued March 11, 2008
Liu ’171	1006	U.S. Patent No. 5,284,171 to Liu, issued February 8, 1994
Liu ’453	1007	U.S. Patent No. D609,453 S to Liu, issued February 9, 2010
Tung	1008	U.S. Patent No. 6,478,037 B2 to Tung, issued November 12, 2002
Bertola	1009	German Patent No. DE20014895U1 to Bertola, published November 16, 2000
Wang	1010	Chinese Patent No. ZL200720106096.5/CN201001460Y to Wang, published January 9, 2008
Huali	1012	U.S. Patent Application Publication No. US2008/0236640 A1 to Huali, published October 2, 2008

F. Asserted Grounds

Petitioner asserts that claims 1–7 are unpatentable based on the following grounds (Pet. 5):

Claim(s) Challenged	35 U.S.C. §	Reference(s)/Basis
1, 5–7	102 ¹	Liu '453
2–4	103	Liu '453, Tung, Liu '171, Liu '068, Wang, Bertola, and Harbaugh
1–7	103	Liu '068, Liu '453, Liu '171, Wang, Bertola, and Tung

III. ANALYSIS

A. Level of Ordinary Skill in the Art

Petitioner contends a person of ordinary skill in the art at the time of the invention “would have had at least an undergraduate degree or equivalent academic or professional training in mechanical engineering, or a related field, and at least two years of relevant industry experience.” Pet. 9–10 (citing Ex. 1011 ¶¶ 11–12). Patent Owner states that “applying this level of skill is sufficient for the Board to evaluate the Petition Grounds.” Prelim. Resp. 23.

We find that Petitioner’s proposal is consistent with the level of ordinary skill in the art reflected by the prior art of record, and, therefore, adopt Petitioner’s proposed level of ordinary skill in the art for purposes of

¹ The Leahy-Smith America Invents Act (“AIA”) includes amendments to 35 U.S.C. §§ 102, 103 that became effective on Mar. 16, 2013. Pub. L. No. 112-29, 125 Stat. 284, 287–88 (2011). Because the application from which the '492 patent issued was filed before this date, the pre-AIA versions of §§ 102 and 103 apply.

this Decision. *See Okajima v. Bourdeau*, 261 F.3d 1350, 1355 (Fed. Cir. 2001).

B. Claim Construction

Petitioner contends that the plain and ordinary meaning should apply and “is not currently aware of any claim term that requires a special construction.” Pet. 10. Patent Owner “submits that the claim terms of the ‘492 patent are to be given their ordinary and customary meaning, and no further construction is needed.” Prelim. Resp. 22. At this stage in the proceeding, only terms that are in controversy need to be construed, and then only to the extent necessary to determine whether to institute *inter partes* review. *See Nidec Motor Corp. v. Zhongshan Broad Ocean Motor Co.*, 868 F.3d 1013, 1017 (Fed. Cir. 2017) (quoting *Vivid Techs., Inc. v. Am. Sci. & Eng’g, Inc.*, 200 F.3d 795, 803 (Fed. Cir. 1999))). After reviewing the parties’ arguments and evidence, we determine that we do not need to expressly construe any term for purposes of this Decision.

C. Anticipation Based on Liu ’453 and Obviousness Based on Liu ’453, Tung, Liu ’171, Liu ’068, Wang, Bertola, and Harbaugh

Petitioner contends claims 1 and 5–7 are anticipated by Liu ’453. Pet. 5, 13–20, 23–25. Petitioner also contends that claims 2–4 are obvious over Liu ’453 combined with Tung, Liu ’171, Liu ’068, Wang, Bertola, and Harbough. Pet. 5, 21–23. For the reasons that follow, we are not persuaded that Petitioner has established a reasonable likelihood of prevailing on its assertion that claims 1 and 5–7 are anticipated by Liu ’453 and that claims 2–4 are obvious over Liu ’453, Tung, Liu ’171, Liu ’068, Wang, Bertola, and Harbaugh.

1. *Liu '453 (Ex. 1007)*

Liu '453 is titled “Patio Umbrella” and is a design patent claiming the ornamental design for a patio umbrella. Ex. 1007, codes (54), (57).

Figure 3, reproduced below, is a side view of a patio umbrella.

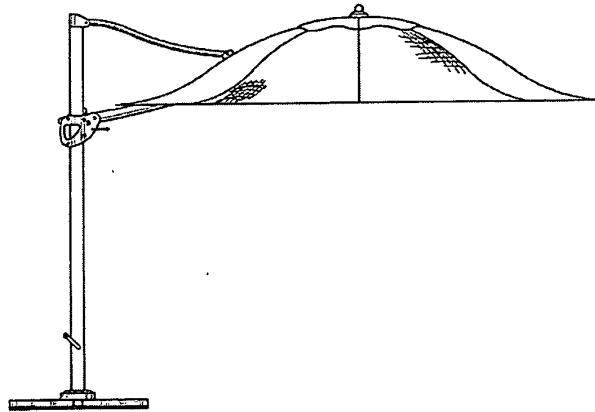


FIG.3

Figure 3 depicts a patio umbrella from the side view.

Figure 6, reproduced below, shows a patio umbrella from another perspective.

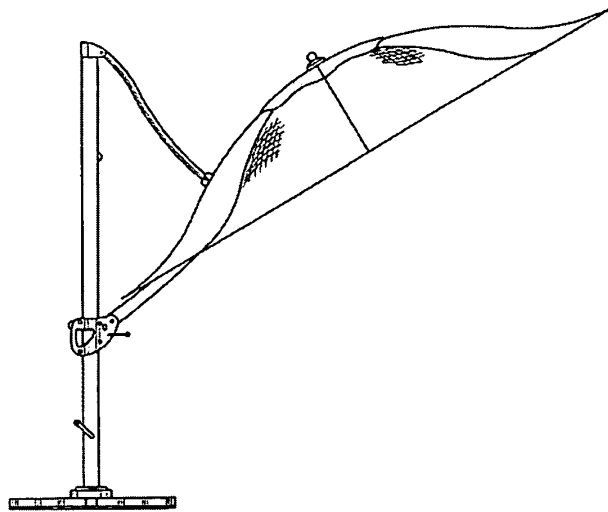


FIG.6

Figure 6 depicts a side view of a patio umbrella with the canopy tilted.

2. Analysis of Independent Claim 1

Petitioner provides side-by-side comparisons of the claimed umbrella and the umbrella depicted in Liu '453. Pet. 14. In addition, Petitioner provides a claim chart identifying where it asserts Liu '453 discloses the limitations in claims 1 and 5–7. *Id.* at 14–20, 23, 25.

a) Petitioner's Contentions

Limitation [1.3] recites a “locking means for releasably securing the sliding member to the main pole at a selected location along the main pole.” Ex. 1001, 4:53–55. Petitioner asserts that Liu '453's

sliding member includes a handle and a button, which a POSITA would readily recognize as being a typical button-actuated locking mechanism for locking and unlocking the

umbrella sliding member. See, e.g., Ex. 1011, Para. 29 (Chart). Such a locking mechanism is required for device to function because the sliding member – which controls the tilt of the umbrella – must be able to be fixed at a selected location / tilt.
Id.

Pet. 16. Petitioner further contends that “[s]uch locking means are well known and are also disclosed, for example, in the Bertola Patent and the Wang Patent.” *Id.* at 16–17 (citing Ex. 1009, Fig. 1; Ex. 1010, Abstr.).

Limitation [1.7] recites “a winding mechanism having a winder hub around which a line can be wound, the winder hub being mounted to the sliding member and movable therewith.” Ex. 1001, 4:63–65. Petitioner asserts that Liu ’453’s umbrella “includes a winding mechanism that is mounted to the sliding member and moveable therewith.” Pet. 18.

Petitioner contends:

The winding mechanism of the ’453 Patent is immediately recognizable as a typical crank/line mechanism frequently used with such umbrellas for opening and closing the canopy and which are also shown – for example – in the Liu ’068 Patent and the Harbaugh publication. Ex. 1005, Col. 1. 66 – Col. 2, l. 2 (“One end of the line is wound on the winder, and the other end passes through tubes of the mast and arm to connect with a knob immediately below the lower hub of the canopy.”); Ex. 1004, [0028] (“A tension line 60 is wound on the winder hub inside the mast 20 and extends upwardly within the mast to a stationary pulley mounted adjacent the upper end of the mast.”).

Id.

Limitation [1.8] recites “a line having a first end that winds around the winder hub, an intermediate portion extending from the winder hub along the arm to the umbrella canopy, and a second end that engages the umbrella canopy.” Ex. 1001, 4:66–5:2. Petitioner asserts that Liu ’453 “includes a

crank connected to a winding mechanism, which a [person of ordinary skill in the art] would readily recognize as being a necessary component for opening and closing the umbrella canopy.” Pet. 19. Petitioner further asserts that

The disclosed winding mechanism of the ‘453 Patent necessarily also includes a line/cable that extends from the winding mechanism and engages the umbrella canopy. *Id.* Such a mechanism is indeed required for the ‘453 Patent design, which is disclosed as being collapsible. *See, e.g.*, Fig. 8. As noted above, such mechanisms are well known in the art and are also shown – for example – in the Liu ‘068 Patent and the Harbaugh publication. Ex. 1005, Col. 1. 66 – Col. 2, l. 2; Ex. 1004, [0028].

Pet. 19.

Limitation [1.9] recites “wherein rotation of the winder hub tensions or relaxes the line depending upon the direction of rotation of the winder hub, and wherein operation of the winding mechanism to apply tension to the line opens and closes the umbrella canopy in response to movement of the line.” Ex. 1001, 5:3–8. Limitation [1.10] recites “wherein the angle of the umbrella canopy with respect to the main pole can be controlled by moving the sliding member along the main pole.” *Id.* at 5:9–11. For limitations [1.9] and [1.10], Petitioner states “See above.” Pet. 20.

b) Patent Owner’s Arguments

Patent Owner asserts that that Liu ‘453 does not disclose limitations [1.3], [1.7], [1.8], and [1.9]. Prelim. Resp. 24–31. Specifically, Patent Owner argues that Liu ‘453 does not show the claimed structural features and how they are put together. *See* Prelim. Resp. 24–25, 30.

With respect to limitations [1.7], [1.8], and [1.9], Patent Owner argues “the Liu design patent fails to disclose the line or the winding mechanism . . . [and] the specific claimed routing arrangement of the tension line of the ’492 patent.” *Id.* at 27. Patent Owner contends that Petitioner’s assertions as to Liu ’453’s teachings are “at best, mere possibilities among many.” *Id.*; *see also id.* at 29. For example, with respect to the claimed winding mechanism, Patent Owner argues that Liu ’453 “shows a projection from the collar, but this may be a frictional lock or simply, a hand grip.” *Id.* at 27. Patent Owner further contends that “[o]pening and closing of the canopy may also [be] accomplished with a mechanical arrangement within the canopy and without any winding mechanism.” *Id.* Regarding the claimed line, Patent Owner argues that Liu ’453 “may include no line, and the canopy may be opened and closed manually.” *Id.* As a result, Patent Owner contends that a person of ordinary skill in the art “would not recognize the line as being necessarily present, or present along the claimed path of the ’492 patent.” *Id.* at 27–28. Similarly, Patent Owner argues that even if Liu ’453 includes a winder hub, it may be unidirectional or may simply control movement of the collar and be unconnected to the canopy. *Id.* at 28–29. With respect to the alleged locking mechanism of limitation [1.3], Patent Owner similarly contends “that alleged button may be a hand grip, or that the collar may rely on static friction between the collar and the vertical support to lock the collar in place.” *Id.* at 29–30.

c) Analysis

A patent is unpatentable for anticipation if a single prior art reference discloses each and every limitation of the claimed invention, either expressly

or inherently. *Schering Corp. v. Geneva Pharms., Inc.*, 339 F.3d 1373, 1379 (Fed. Cir. 2003). When evaluating a single prior art reference, the reference must be “considered together with the knowledge of one of ordinary skill in the pertinent art.” *In re Paulsen*, 30 F.3d 1475, 1480 (Fed. Cir. 1994) (quoting *In re Samour*, 571 F.2d 559, 562 (CCPA 1978)). Accordingly, “‘the dispositive question regarding anticipation [i]s whether *one skilled in the art* would reasonably understand or infer from the [prior art reference’s] teaching’ that every claim element was disclosed in that single reference.” *Dayco Prods., Inc. v. Total Containment, Inc.*, 329 F.3d 1358, 1368 (Fed. Cir. 2003) (alterations in original) (quoting *In re Baxter Travenol Labs.*, 952 F.2d 388, 390 (Fed. Cir. 1991)).

We agree with Patent Owner that Petitioner has not sufficiently shown that Liu ’453 discloses limitations [1.3], [1.7], [1.8], and [1.9]. Because Liu ’453 is a design patent, it provides little express disclosure, aside from the ornamental design shown in the figures. The figures simply do not show the “locking means,” “winding mechanism,” “line,” “rotation of the winder hub” and “operation of the winding mechanism,” as recited in these limitations. Petitioner cites to the van Lierop Declaration in support of its contentions that one of skill in the art would “readily recognize” the “locking means” and “line” based on the disclosure in the figures; however, the cited testimony simply repeats what is stated in the Petition, with no additional explanation or analysis. *See* Pet. 16, 19 (citing Ex. 1011 ¶ 29); *see* 37 C.F.R. § 42.65(a) (“Expert testimony that does not disclose the underlying facts or data on which the opinion is based is entitled to little or no weight.”).

Further, although Petitioner asserts that Liu '453 discloses the claimed “locking means,” “winding mechanism,” and “line,” Petitioner also provides citations to the Bertola, Wang, Liu '068, and Harbaugh references. Although additional references may be used to confirm the contents of the allegedly anticipating reference, anticipation does not permit an additional reference to supply a missing claim limitation. *See Studiengesellschaft Kohle, m.b.H. v. Dart Indus., Inc.*, 726 F.2d 724, 727 (Fed. Cir. 1984) (rejecting an anticipation challenge where the challenger relied on two additional articles “for a very specific teaching, not for any light they shed on what [the anticipatory reference] would have meant to those skilled in the art”). Petitioner’s contentions as to limitations [1.3], [1.7], and [1.8] attempt to improperly “combine the teachings of the references to build an anticipation.” *Id.* For example, arguing that a “locking means,” “winding mechanism,” and “line” are “well-known” or “shown” in another reference does not establish that they are disclosed in Liu '453. We note that the “locking means” cited in Bertola and Wang do not even resemble Liu '453’s alleged “locking means.” Nor does Liu '453’s alleged “winding mechanism” resemble the “typical crank/line mechanism” that Petitioner cites in Liu '068 and Harbaugh.

To the extent that Petitioner is relying on an inherency argument, Petitioner has not shown that either. An additional reference may be used to show a characteristic not expressly discussed in the anticipating reference is an inherent characteristic. *Cont’l Can Co. USA v. Monsanto Co.*, 948 F.2d 1264, 1268 (Fed. Cir. 1991). “Such 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.”

Id. However, inherency

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. [Citations omitted.] If, however, the disclosure is sufficient to show that the natural result flowing from the operation as taught would result in the performance of the questioned function, it seems to be well settled that the disclosure should be regarded as sufficient.

Id. at 1269 (citing *In re Oelrich*, 666 F.2d 578, 581 (CCPA 1981)). The Federal Circuit explained that “[t]his modest flexibility in the rule . . . accommodates situations where the common knowledge of technologists is not recorded in the reference; that is, where technological facts are known to those in the field of the invention, albeit not known to judges.” *Id.*

This is not such a scenario. As Patent Owner points out, Petitioner has not established that the “locking means,” “winding mechanism,” or “line,” and “rotation of the winder hub” and “operation of the winding mechanism” are necessarily present in Liu ’453. Rather, Liu ’453 provides no disclosure at all as to how its canopy is raised and lowered. In short, we agree with Patent Owner that “the Petition appears to be conflating standards for whether a feature is inherent within the Liu design patent with whether a feature is obvious in light of the Liu design patent.” Prelim. Resp. 30.

In addition, we also find that Petitioner’s analysis, “See above,” for limitations [1.9] and [1.10] does not describe with particularity the evidence relied upon in support of these limitations, and, therefore, fails to comply

with the requirements of 35 U.S.C. § 312(a)(3) and 37 C.F.R. § 42.104(b)(4)–(5). *See infra* Section III.D.4.b.

Accordingly, Petitioner has not shown a reasonable likelihood of success that Liu '453 anticipates claim 1 of the '492 patent.

3. Analysis of Dependent Claims 5–7

Claims 5–7 depend from claim 1. Petitioner's arguments and evidence with respect to claims 5–7 do not cure the deficiencies noted above for claim 1. Accordingly, Petitioner has not shown a reasonable likelihood of prevailing with respect to claims 5–7.

4. Analysis of Dependent Claims 2–4

Claims 2–4 depend from claim 1. Petitioner does not present an obviousness ground or analysis over Liu '453 alone, or in combination with other references, for claim 1. *See* Pet. 14–20, 25–26. Petitioner's arguments and evidence with respect to claims 2–4, therefore, do not cure the deficiencies noted above for claim 1. Accordingly, Petitioner has not shown a reasonable likelihood of prevailing with respect to claims 2–4.

D. Obviousness Based on Liu '068, Liu '453, Liu '171, Wang, Bertola, and Tung

Petitioner contends claims 1–7 are obvious over Liu '068 combined with Liu '453, Liu '171, Wang, Bertola, and Tung. Pet. 5. For the reasons that follow, we are not persuaded that Petitioner has established a reasonable likelihood of prevailing on its assertion that claims 1–7 are obvious.

1. Liu '068 (Ex. 1005)

Liu '068 is titled “Side-Supporting Umbrella.” Ex. 1005, code (54). Figure 2A, reproduced below, depicts a schematic drawing of a tilt-adjusting umbrella according to one embodiment.

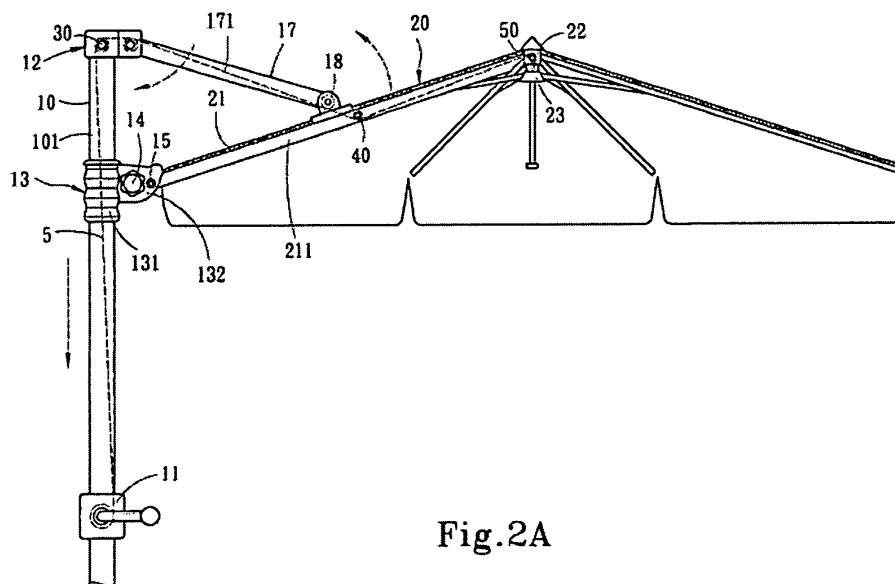


Fig. 2A

Figure 2A depicts mast 10, pivotally connected to supporting arm 21 of a canopy 20. Ex. 1005, 3:18–21. Mast 10 and canopy 20 are interconnected with a connecting brace 17, which is pivotally connected to supporting arm 21. *Id.* at 3:21–24. A crank-driving winder 11 is installed at a suitable position on the mast 10, and one end of a line 5 is wound on the winder 11 in order to control the canopy 20 to open or close. *Id.* at 3:24–27.

2. Wang (Exhibit 1010)

Wang is titled “[a] simple banana cantilever umbrella” and generally describes a banana cantilever umbrella with, inter alia, “a sliding sleeve with a locking device is mounted around the supporting pole, and the sliding sleeve includes a rope winding device and is connected to the lower end of the cantilevered beam.” Ex. 1010, codes (54), (57).

3. *Huali (Exhibit 1012)*

Huali is titled “Telescopic Umbrella.” Figure 1, reproduced below, shows a partially cut lateral view of an embodiment of the telescopic umbrella.

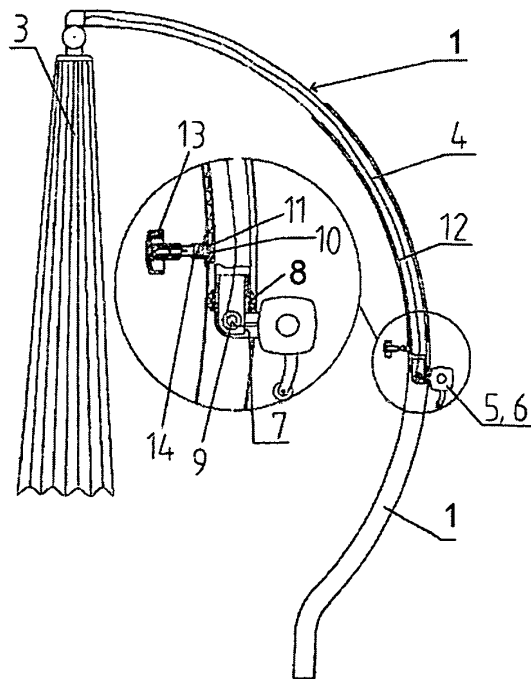


Fig. 1

Figure 1 depicts lower upright stand 1 with umbrella canopy 3. Ex. 1012 ¶ 37. Umbrella canopy 3 can be opened and closed by means of a sheathed cable/Bowden control 4. *Id.* ¶ 38. The sheathed cable/Bowden control 4 is connected to a control device 5 that can be operated with it. *Id.* In this embodiment, control device 5 is a crank shaft 6. *Id.*

4. Analysis of Independent Claim 1

Petitioner provides side-by-side comparisons of the claimed umbrella and the umbrella depicted in Liu '068. Pet. 27. In addition, Petitioner provides a claim chart identifying where it asserts Liu '068 and other asserted references disclose the limitations in claims 1–7. *Id.* at 28–32.

a) Petitioner's Contentions

Limitation [1.7] recites “a winding mechanism having a winder hub around which a line can be wound, the winder hub being mounted to the sliding member and movable therewith.” Ex. 1001, 4:63–65. Petitioner asserts that Liu '068 discloses a “crank-driving winder,” but “does not explicitly disclose installing the crank-driving winder at the sliding collar 13, but this alternative configuration was well known in the art and is disclosed, for example, in the Wang Patent, the Liu '453 Patent, and the Huali Publication, and would be an obvious modification.” Pet. 30–31 (citing Ex. 1010, Figs. 1, 2, Abstr.; Ex. 1007, Fig. 6; Ex. 1012, Fig. 1).

Limitation [1.8] recites “a line having a first end that winds around the winder hub, an intermediate portion extending from the winder hub along the arm to the umbrella canopy, and a second end that engages the umbrella canopy.” Ex. 1001, 4:66–5:2. Petitioner cites to column 3, lines 23–26 of Liu '068, which states “[a] crank-driving winder 11 is installed at a suitable position of the mast 10, and one end of a line 5 is wound on the winder 11 in order to control the canopy 20 to open or close.” Pet. 31.

Limitation [1.9] recites “wherein rotation of the winder hub tensions or relaxes the line depending upon the direction of rotation of the winder hub, and wherein operation of the winding mechanism to apply tension to

the line opens and closes the umbrella canopy in response to movement of the line.” Ex. 1001, 5:3–8. Limitation [1.10] recites “wherein the angle of the umbrella canopy with respect to the main pole can be controlled by moving the sliding member along the main pole.” Ex. 1001, 5:9–11. For limitations [1.9] and [1.10], Petitioner states “See above.” Pet. 31–32.

b) Analysis

“In an [*inter partes* review], the petitioner has the burden from the onset to show with particularity why the patent it challenges is unpatentable.” *Harmonic Inc. v. Avid Tech., Inc.*, 815 F.3d 1358, 1363 (Fed. Cir. 2016) (citing 35 U.S.C. § 312(a)(3) (2012)); *see also Intelligent Bio-Sys., Inc. v. Illumina Cambridge Ltd.*, 821 F.3d 1359, 1369 (Fed. Cir. 2016) (“It is of the utmost importance that petitioners in the IPR proceedings adhere to the requirement that the initial petition identify ‘with particularity’ the ‘evidence that supports the grounds for the challenge to each claim.’” (quoting 35 U.S.C. § 312(a)(3))). Our rules further address the showing required in a petition. In particular, 37 C.F.R. § 42.104(b)(2) provides that the petition must set forth “the patents or printed publications relied upon for each ground,” 37 C.F.R. § 42.104(b)(4) provides that “[*t*]he petition must specify where each element of the claim is found in the prior art patents or printed publications relied upon” (emphasis added), and 37 C.F.R. § 42.104(b)(5) adds that the Petition must “*identify[] specific portions of the evidence* that support the challenge” (emphasis added). For the reasons discussed below, this ground as set forth in the Petition fails to comply with the requirements of 35 U.S.C. § 312(a)(3) and 37 C.F.R. § 42.104(b)(2), (4), and (5).

Petitioner presents this ground as follows: “The Liu ‘068 Patent renders obvious claims 1–7 in view of the Liu ‘453 Patent, the Liu ‘171 Patent, the Wang Patent, the Bertola Patent, and the Tung Patent.” Pet. 5, 26. Petitioner’s stated ground does not specify which additional references it is relying on for each claim, but, rather, indicates that it is relying on all of the stated references for each of claims 1–7.

As set forth in the chart for limitation [1.7], Petitioner states that the “alternative configuration was well known in the art and is disclosed, *for example*, in the Wang Patent, the Liu ‘453 Patent, *and* the Huali Publication.” Pet. 30–31 (emphasis added). Petitioner’s language indicates that it is relying at least three references to each teach the “alternative configuration,” but the language “for example,” in conjunction with the stated grounds, indicates that it may also be relying on other references not directly cited in the chart. In addition, the Huali reference is not included in the stated grounds, and is only cited in the chart. *See id.* at 5. As a result, it is not clear from the Petition what specific combination of references Petitioner is relying upon to teach or suggest independent claim 1. It is also not clear why Petitioner is relying on at least three different references to teach limitation [1.7], and whether all three are necessary to establish obviousness of claim 1 under Petitioner’s asserted ground. As discussed above, we do not find that Petitioner has sufficiently shown that Liu ‘453 discloses limitation [1.7]. With respect to the Huali reference, Petitioner simply cites to Figure 1, with no additional explanation or analysis indicating what particular teaching of Huali is relied upon.

For limitation [1.8], Petitioner does not provide any supporting evidence or citation for the latter part of the limitation, “an intermediate portion extending from the winder hub along the arm to the umbrella canopy, and a second end that engages the umbrella canopy.”

For limitations [1.9] and [1.10], Petitioner provides no analysis at all, and merely directs us to “See above.”

Accordingly, the Petition does not sufficiently set forth the patents or printed publications relied upon for this ground, and the Petition does not articulate, with reasonable clarity, the particular teachings of the prior art references that are relied upon to teach limitations [1.7], [1.8], [1.9], and [1.10]. Accordingly, the Petition fails to comply with the requirements of 35 U.S.C. § 312(a)(3) and 37 C.F.R. § 42.104(b)(2), (4), and (5). We, therefore, determine that, on this record, Petitioner has not shown a reasonable likelihood of success that Liu ’068 in combination with Liu ’453, Liu ’171, Wang, Bertola, and Tung renders obvious claim 1 of the ’492 patent.

5. Analysis of Dependent Claims 2–7

Claims 2–7 depend from claim 1. Petitioner’s arguments and evidence with respect to claims 2–7 do not cure the deficiencies noted above for claim 1. Accordingly, Petitioner has not shown a reasonable likelihood of prevailing with respect to claims 2–7.

IV. CONCLUSION

After considering the evidence and arguments presented in the Petition and Preliminary Response, we determine that Petitioner has not established a reasonable likelihood of prevailing on its assertion that at least one claim of the '492 patent is unpatentable. Accordingly, we do not institute an *inter partes* review.

V. ORDER

In consideration of the foregoing, it is hereby:

ORDERED that the Petition is DENIED and no trial is instituted.

IPR2021-00430
Patent 8,104,492 B2

FOR PETITIONER:

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PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(b))				
Patent Number	Issue Date	Application Number	Filing Date	Docket Number (if applicable)
8104492	31-Jan-2012	12435640	05-May-2009	
CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).				
Applicants claims the following fee status:				
☒ Small Entity				
☐ Micro Entity				
☐ Regular Undiscounted				
Applicants selects the following :				
☐ 3 1/2		☒ 7 1/2		☐ 11 1/2
PETITION FEE The petition fee required by 37 CFR 1.17(m) (Fee Code 1558/2558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.				
MAINTENANCE FEE (37 CFR 1.20(e)-(g)) The appropriate maintenance fee must be submitted with this petition.				
STATEMENT THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL				
PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED				
THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES 37 CFR 1.378(c) states: "Any petition under this section must be signed in compliance with 37 CFR 1.33(b) ."				
I certify, in accordance with 37 CFR 1.4(d)(4) that I am				
☐ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application. ☒ An attorney or agent registered to practice before the Patent and Trademark Office ☐ A sole patentee ☐ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees as evidenced by the power of attorney in the application ☐ A joint patentee; all of whom are signing this e-petition ☐ The assignee of record of the entire interest that qualifies as an authorized party under 37 CFR 1.33(b)				

Patent Practitioner			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature			
Signature	/James Claus/		
Name	James Claus	Registration Number	62173

Electronic Patent Application Fee Transmittal				
Application Number:		12435640		
Filing Date:		05-May-2009		
Title of Invention:		ADJUSTABLE OFFSET UMBRELLA		
First Named Inventor/Applicant Name:		Wu Wei Dan		
Filer:		James J. Claus		
Attorney Docket Number:		27263-1504		
Filed as Small Entity				
Filing Fees for Utility under 35 USC 111(a)				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
MAINTENANCE FEE DUE AT 7.5 YEARS	2552	1	1800	1800
PET. DELAY PYMT MAINTAIN PATENT IN FORCE	2558	1	1000	1000
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 (\$)				2800



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Alexandria, VA 22313-1450
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In re Patent No. 8104492 :
Issue Date: January 31, 2012 :
Application No. 12435640 :DECISION GRANTING PETITION
Filed: May 5, 2009 :UNDER 37 CFR 1.378(b)
Attorney Docket No. 27263-1504 :

This is a decision on the electronic petition, filed February 29, 2020, under 37 CFR 1.378(b) to accept the unintentionally delayed payment of the 7.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of February 29, 2020. This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

Telephone inquiries related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.

Electronic Acknowledgement Receipt	
EFS ID:	38732999
Application Number:	12435640
Patent Number:	8104492
Confirmation Number:	3797
Petition Issued Date:	February 29,2020
Title of Invention:	ADJUSTABLE OFFSET UMBRELLA
First Named Inventor/Applicant Name:	Wu Wei Dan
Customer Number:	132320
Filer:	James J. Claus
Filer Authorized By:	
Attorney Docket Number:	27263-1504
Receipt Date:	29-FEB-2020
Filing Date:	05-MAY-2009
Time Stamp:	21:19:52
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	CARD
Payment was successfully received in RAM	\$2800
RAM confirmation Number	E20202SL25523389
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	Petition automatically granted by EFS	petition-request.pdf	32624	no	2
			2f051f3c59cf77c3cef5caee8494699a687bd1a4		
Warnings:					
Information:					
2	Fee Worksheet (SB06)	fee-info.pdf	31656	no	2
			0d7fe4d82c78111efab6e9de9524c29de8938394		
Warnings:					
Information:					
Total Files Size (in bytes):			64280		
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.					



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PTO/SB/81 (01-09)

Approved for use through 11/30/2011. OMB 0651-0035
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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POWER OF ATTORNEY OR REVOCATION OF POWER OF ATTORNEY WITH A NEW POWER OF ATTORNEY AND CHANGE OF CORRESPONDENCE ADDRESS	Application Number	12435640
	Filing Date	05-05-2009
	First Named Inventor	Wu Wei Dan
	Title	ADJUSTABLE OFFSET UMBRELLA
	Art Unit	3636
	Examiner Name	HAWK, NOAH CHANDLER
	Attorney Docket Number	27263-101104

I hereby revoke all previous powers of attorney given in the above-identified application.

☐ A Power of Attorney is submitted herewith.
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Practitioner(s) Name	Registration Number

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I am the:

☐ Applicant/Inventor.
OR
☒ Assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) (Form PTO/SB/96) submitted herewith or filed on _____

SIGNATURE of Applicant or Assignee of Record

Signature		Date	8/26/2016
Name	Bill Browne	Telephone	855.880.7205
Title and Company	President, ATLeisure LLC		

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 1.31, 1.32 and 1.33. 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 3 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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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.



STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: ATLEISURE LLC

Application No./Patent No.: 12/435,640 / 8,104,492

Filed/Issue Date: 05-05-2009

Titled: ADJUSTABLE OFFSET UMBRELLA

ATLEISURE LLC

, a LIMITED LIABILITY COMPANY

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest in;
2. ☐ an assignee of less than the entire right, title, and interest in
(The extent (by percentage) of its ownership interest is _____ %); or
3. ☐ the assignee of an undivided interest in the entirety of (a complete assignment from one of the joint inventors was made)

the patent application/patent identified above, by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel 028266, Frame 0706, or for which a copy therefore is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

2. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

3. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet(s).

- ☐ As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

/Jeffrey Breloski/

8/26/2016

Signature

Date

Jeffrey Breloski

Attorney of Record

Printed or Typed Name

Title

This collection of information is required by 37 CFR 3.73(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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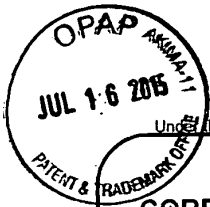
Privacy Act Statement

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.
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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.

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PTO/AIA/123 (08-12)

Approved for use through 11/30/2014. OMB 0651-0035

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CHANGE OF CORRESPONDENCE ADDRESS Patent

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Patent Number	8,104,492
Issue Date	01/31/12
Application Number	12/435,640
Filing Date	05/05/09
First Named Inventor	Dan, Wu Wei
Attorney Docket Number	27263-94698

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☐ Patentee.

☒ If the Patentee was not the applicant for patent (37 CFR 1.42), then a Statement under 37 CFR 3.73(c) (Form PTO/AIA/96 or equivalent) is enclosed or was filed on 12-12-2013. See 37 CFR 3.71.

☐ Attorney or agent of record. Registration Number _____

☐ Patent practitioner acting in a representative capacity whose correspondence address is the correspondence address of record. Notice has been given to the patentee or owner. Registration Number _____

Signature

 Typed or
Printed Name Bill Browne

Date

Telephone

NOTE: This form must be signed in accordance with 37 CFR 1.33. See 37 CFR 1.4(d) for signature requirements and certifications. Submit multiple forms if more than one signature is required, see below.

☒ *Total of 3 forms are submitted.

This collection of information is required by 37 CFR 1.33. 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 3 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: Mail Stop Post Issue, 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.



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	PATENT NUMBER	GROUP ART UNIT	FILE WRAPPER LOCATION
12/435,640	8104492	3636	9200



Correspondence Address/Fee Address Change

The following fields have been set to Customer Number 24728 on 06/10/2014

- Correspondence Address
- Maintenance Fee Address

The address of record for Customer Number 24728 is:

24728
MORRIS MANNING MARTIN LLP
3343 PEACHTREE ROAD, NE
1600 ATLANTA FINANCIAL CENTER
ATLANTA, GA 30326



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
12/435,640	05/05/2009	Wu Wei Dan	

24728
MORRIS MANNING MARTIN LLP
3343 PEACHTREE ROAD, NE
1600 ATLANTA FINANCIAL CENTER
ATLANTA, GA 30326

CONFIRMATION NO. 3797
POA ACCEPTANCE LETTER



Date Mailed: 01/10/2014

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 12/12/2013.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/rmtturner myles/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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
12/435,640	05/05/2009	Wu Wei Dan	45639-377267

CONFIRMATION NO. 3797

POWER OF ATTORNEY NOTICE

23370
KILPATRICK TOWNSEND & STOCKTON LLP
1100 PEACHTREE STREET
SUITE 2800
ATLANTA, GA 30309



Date Mailed: 01/10/2014

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 12/12/2013.

- The Power of Attorney to you in this application has been revoked by the assignee who has intervened as provided by 37 CFR 3.71. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

/rmtturner myles/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

POWER OF ATTORNEY TO PROSECUTE APPLICATIONS BEFORE THE USPTO

I hereby revoke all previous powers of attorney given in the application identified in the attached statement under 37 CFR 3.73(b).

I hereby appoint:

☒ Practitioners associated with the Customer Number:

24728

OR

☐ Practitioner(s) named below (if more than ten patent practitioners are to be named, then a customer number must be used):

Name	Registration Number	Name	Registration Number

as attorney(s) or agent(s) to represent the undersigned before the United States Patent and Trademark Office (USPTO) in connection with any and all patent applications assigned only to the undersigned according to the USPTO assignment records or assignment documents attached to this form in accordance with 37 CFR 3.73(b).

Please change the correspondence address for the application identified in the attached statement under 37 CFR 3.73(b) to:

☒ The address associated with Customer Number:

24728

OR

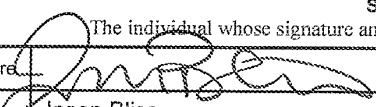
☐ Firm or Individual Name			
Address			
City	State	Zip	
Country			
Telephone	Email		

Assignee Name and Address:

A copy of this form, together with a statement under 37 CFR 3.73(b) (Form PTO/SB/96 or equivalent) is required to be filed in each application in which this form is used. The statement under 37 CFR 3.73(b) may be completed by one of the practitioners appointed in this form if the appointed practitioner is authorized to act on behalf of the assignee, and must identify the application in which this Power of Attorney is to be filed.

SIGNATURE of Assignee of Record

The individual whose signature and title is supplied below is authorized to act on behalf of the assignee

Signature		Date	11/29/2013
Name	Jason Bliss	Telephone	404 530 4675
Title	Vice President, ATLeisure, LLC		

This collection of information is required by 37 CFR 1.31, 1.32 and 1.33. 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 3 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.

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.

STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: ATLEISURE, LLC

Application No./Patent No.: 8,104,492

Filed/Issue Date: January 31, 2012

Titled: ADJUSTABLE OFFSET UMBRELLA

ATLEISURE, LLC, a Corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest in;
2. ☐ an assignee of less than the entire right, title, and interest in
(The extent (by percentage) of its ownership interest is _____ %); or
3. ☐ the assignee of an undivided interest in the entirety of (a complete assignment from one of the joint inventors was made)

the patent application/patent identified above, by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel 028266, Frame 0706, or for which a copy therefore is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at

Reel _____, Frame _____, or for which a copy thereof is attached.

2. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at

Reel _____, Frame _____, or for which a copy thereof is attached.

3. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at

Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet(s).

☐ As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

/Jeffrey Breloski/

December 12, 2013

Signature

Date

Jeffrey Breloski

Attorney of Record

Printed or Typed Name

Title

This collection of information is required by 37 CFR 3.73(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.**

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

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.

Electronic Acknowledgement Receipt	
EFS ID:	17639738
Application Number:	12435640
International Application Number:	
Confirmation Number:	3797
Title of Invention:	ADJUSTABLE OFFSET UMBRELLA
First Named Inventor/Applicant Name:	Wu Wei Dan
Customer Number:	23370
Filer:	Jeffrey T. Breloski/Danielle Olive
Filer Authorized By:	Jeffrey T. Breloski
Attorney Docket Number:	45639-377267
Receipt Date:	12-DEC-2013
Filing Date:	05-MAY-2009
Time Stamp:	13:16:35
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	Power of Attorney	2726394698POA.pdf	426213	no	2
			ef91f4c9d25445e0ffc2e76c1b4d0e045cdc1586		

Warnings:

Information:

2	Assignee showing of ownership per 37 CFR 3.73.	2726394698Statement373b.pdf	422755 390f0786fa2489c4d722fc3441eebb48ff5334fd	no	2
Warnings:					
Information:					
Total Files Size (in bytes):				848968	
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.					

TO: Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
---	---

In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court NDGa., Atl Div. on the following

☐ Trademarks or ☒ Patents. (☐ the patent action involves 35 U.S.C. § 292.);

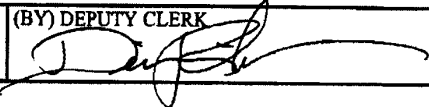
DOCKET NO. 1:12-CV-2253-TWT	DATE FILED 6/28/2012	U.S. DISTRICT COURT NDGa., Atl Div.
PLAINTIFF ATLeisure, LLC		DEFENDANT Red Star Traders, LLC
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 US 8,104,492 B2	1/31/2012	Southern Sales & Marketing Group, Inc. Atlanta, GA (US)
2		
3		
4		
5		

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY ☐ Amendment ☐ Answer ☐ Cross Bill ☐ Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1		
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3		
4		
5		

In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT Stipulation of Dismissal with prejudice by the Parties.
--

CLERK JAMES N. HATTEN	(BY) DEPUTY CLERK 	DATE 12/20/2012
--------------------------	---	--------------------

Copy 1—Upon initiation of action, mail this copy to Director Copy 3—Upon termination of action, mail this copy to Director
 Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy

AO 120 (Rev. 08/10)

TO: Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
---	---

In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been
filed in the U.S. District Court NDGa., Atl Div. on the following

☐ Trademarks or ☒ Patents. (☐ the patent action involves 35 U.S.C. § 292.):

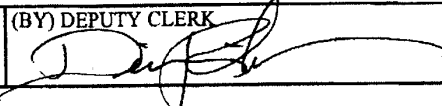
DOCKET NO. 1:12-CV-2253-TWT	DATE FILED 6/28/2012	U.S. DISTRICT COURT NDGa., Atl Div.
PLAINTIFF ATLeisure, LLC		DEFENDANT Red Star Traders, LLC
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 US 8,104,492 B2	1/31/2012	Southern Sales & Marketing Group, Inc. Atlanta, GA (US)
2		
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5		

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY ☐ Amendment ☐ Answer ☐ Cross Bill ☐ Other Pleading		
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK	
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3			
4			
5			

In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT Stipulation of Dismissal with prejudice by the Parties.
--

CLERK JAMES N. HATTEN	(BY) DEPUTY CLERK 	DATE 12/20/2012
--------------------------	---	--------------------

Copy 1—Upon initiation of action, mail this copy to Director Copy 3—Upon termination of action, mail this copy to Director
Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy

AO 120 (Rev. 08/10)

TO: Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court NORTHERN DISTRICT OF GEORGIA on the following

☐ Trademarks or ☒ Patents. (☐ the patent action involves 35 U.S.C. § 292.):

DOCKET NO. 1:12-CV-1260-CAP	DATE FILED 4/12/2012	U.S. DISTRICT COURT NORTHERN DISTRICT OF GEORGIA
PLAINTIFF ATLEISURE, INC.		DEFENDANT ACE EVERT, INC.
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
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In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED 6/25/2012	INCLUDED BY ☒ Amendment ☐ Answer ☐ Cross Bill ☐ Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 US 8,104,492 B2	1/31/2012	SOUTHERN SALES & MARKETING GROUP, INC.
2		
3		
4		
5		

In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK JAMES N. HATTEN	(BY) DEPUTY CLERK s/Andrea Gee	DATE 6/28/2012
--------------------------	-----------------------------------	-------------------

Copy 1—Upon initiation of action, mail this copy to Director Copy 3—Upon termination of action, mail this copy to Director
 Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy

AO 120 (Rev. 08/10)

TO: Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
---	---

In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been
filed in the U.S. District Court NDGa., Atl Div. on the following

☐ Trademarks or ☒ Patents. (☐ the patent action involves 35 U.S.C. § 292.):

DOCKET NO. 1:12-CV-2253-TWT	DATE FILED 6/28/2012	U.S. DISTRICT COURT NDGa., Atl Div.
PLAINTIFF ATLeisure, LLC		DEFENDANT Red Star Traders, LLC
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 US 8,104,492 B2	1/31/2012	Southern Sales & Marketing Group, Inc. Atlanta, GA (US)
2		
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In the above – entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY ☐ Amendment ☐ Answer ☐ Cross Bill ☐ Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1		
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5		

In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT		
CLERK	(BY) DEPUTY CLERK	DATE

Copy 1—Upon initiation of action, mail this copy to Director Copy 3—Upon termination of action, mail this copy to Director
Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy



UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	ISSUE DATE	PATENT NO.	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/435,640	01/31/2012	8104492	45639-377267	3797

23370 7590 01/11/2012
JOHN S. PRATT, ESQ
KILPATRICK TOWNSEND & STOCKTON LLP
1100 PEACHTREE STREET
SUITE 2800
ATLANTA, GA 30309

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 0 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):

Wu Wei Dan, San Men, CHINA;



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

JOHN S. PRATT, ESQ
KILPATRICK TOWNSEND & STOCKTON LLP
1100 PEACHTREE STREET
SUITE 2800
ATLANTA GA 30309

MAILED
DEC 20 2011
OFFICE OF PETITIONS

In re Application of :
Wu Wei DAN :
Application No. 12/435,640 : **DECISION ON PETITION**
Filed: May 05, 2009 :
Attorney Docket No. 45639-377267 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 08, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before November 23, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed August 23, 2011. Accordingly, the date of abandonment of this application is November 24, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$870.00 and the publication fee of \$300.00, (2) the petition fee of \$930.00; and (3) a proper statement of unintentional delay. Accordingly, the issue and publication fees are accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-4231.

This application is being referred to the Office of Data Management for processing into a patent.

/Michelle R. Eason/
Michelle R. Eason
Paralegal Specialist
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/435,640	05/05/2009	Wu Wei Dan	45639-377267	3797
7590 12/08/2011 JOHN S. PRATT, ESQ KILPATRICK TOWNSEND & STOCKTON LLP 1100 PEACHTREE STREET SUITE 2800 ATLANTA, GA 30309			EXAMINER HAWK, NOAH CHANDLER	
			ART UNIT 3636	PAPER NUMBER
			NOTIFICATION DATE 12/08/2011	DELIVERY MODE ELECTRONIC

Notice of Abandonment

This application is abandoned in view of:

1. ☐ The applicant's failure to timely file a proper reply to the Office letter mailed on _____.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission date _____), which is after the expiration of the period for reply (including a total extension of _____ month(s)) which expired on _____.
 - (b) ☐ No reply has been received.
2. ☒ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission date _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$ _____ is insufficient. A balance of \$ _____ is due.
The issue fee required by 37 CFR 1.18 is \$ _____.
The publication fee, if required by 37 CFR 1.18(d), is \$ _____.
 - (c) ☒ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawing have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ Drawings received on _____ were disapproved by examiner. See examiner's response dated _____.
7. ☐ Corrected drawings were received on _____, which is after the expiration of the one-month period for reply set in examiner's response dated _____.
8. ☐ No corrected drawings have been received in reply to one-month period set in examiner's response dated _____.
9. ☐ The reason(s) below:

Petitions to revive under 37 CFR 1.137(a) or (b), or request to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

Alroy Graham
(571)-272-4200 or (888)-786-0101
Patent Publication Branch
Office of Data Management

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

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

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

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

23370 7590 08/23/2011
JOHN S. PRATT, ESQ
KILPATRICK TOWNSEND & STOCKTON LLP
1100 PEACHTREE STREET
SUITE 2800
ATLANTA, GA 30309

Certificate of Mailing or Transmission

I hereby certify that this correspondence is being Electronically filed with the U.S. Patent & Trademark Office on **December 8, 2011** through its EFS-Web electronic filing system.

/Nancy S. Edwards/
 Nancy S. Edwards

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/435,640	05/05/2009	Wu Wei Dan	45639-377267	3797

TITLE OF INVENTION: ADJUSTABLE OFFSET UMBRELLA

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$755	\$300	\$0	\$1055	11/23/2011

EXAMINER	ART UNIT	CLASS-SUBCLASS
HAWK, NOAH CHANDLER	3636	135-020100

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. Kilpatrick Townsend & Stockton LLP
 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)

Southern Sales & Marketing Group, Inc.

Atlanta, Georgia

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. ~~From PTO-2032 is attached.~~
☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

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

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature Larry A. Roberts

Date Dec. 8, 2011

Typed or printed name Larry A. Roberts

Registration No. 31,871

This collection of information 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.

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.

"FEE ADDRESS" INDICATION FORM

Address to:
Mail Stop M Correspondence
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INSTRUCTIONS: Only an address represented by a Customer Number can be established as the fee address for maintenance fee purposes (hereafter, fee address). A fee address should be specified when the patentee would like correspondence related to maintenance fees to be mailed to a different address than the correspondence address for the application.

When to check the first box below: If the fee address for the patent and/or application number(s) you indicate is to be established with, or changed to, an existing Customer Number.

When to check the second box below: If a Customer Number representing the fee address has to first be established so it can then be associated with the patent and/or application number(s) you indicate. For more information on Customer Numbers, see the Manual of Patent Examining Procedure (MPEP) § 403.

Please recognize as the "Fee Address" under the provisions of 37 CFR 1.363 the address associated with:

☒ Customer Number

OR

☐ Request for Customer Number (PTO/SB/125) attached hereto
in the following listed application(s) for which the Issue Fee has been paid or patent(s).

PATENT NUMBER (if known)	APPLICATION NUMBER
	12/435,640

Completed by (check one)

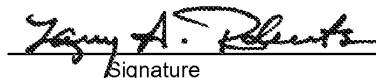
☐ Applicant/Inventor

☒ Attorney or Agent of record 31,871

(Reg. No.)

☐ 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)

☐ Assignee recorded at Reel _____ Frame _____


Signature

Larry A. Roberts

Typed or Printed Name

404-815-6500

Requester's telephone number

December ____, 2011

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 _____ forms are submitted.

This collection of information is required by 37 CFR 1.363. 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 5 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: Mail Stop M Correspondence, 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.

Electronic Patent Application Fee Transmittal				
Application Number:		12435640		
Filing Date:		05-May-2009		
Title of Invention:		ADJUSTABLE OFFSET UMBRELLA		
First Named Inventor/Applicant Name:		Wu Wei Dan		
Filer:		Brenda Holmes/Nancy Edwards		
Attorney Docket Number:		45639-377267		
Filed as Small 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:				
Petition-revive unintentional abandoned appl	2453	1	930	930
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Utility Appl issue fee	2501	1	870	870
Publ. Fee- early, voluntary, or normal	1504	1	300	300
Extension-of-Time:				
Miscellaneous:				
Total in USD (\$)				2100

Electronic Acknowledgement Receipt	
EFS ID:	11572364
Application Number:	12435640
International Application Number:	
Confirmation Number:	3797
Title of Invention:	ADJUSTABLE OFFSET UMBRELLA
First Named Inventor/Applicant Name:	Wu Wei Dan
Customer Number:	23370
Filer:	Brenda Holmes/Nancy Edwards
Filer Authorized By:	Brenda Holmes
Attorney Docket Number:	45639-377267
Receipt Date:	08-DEC-2011
Filing Date:	05-MAY-2009
Time Stamp:	14:04:55
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	\$2100
RAM confirmation Number	376
Deposit Account	201430
Authorized User	KILPATRICK TOWNSEND & STOCKTON, LLP
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	Miscellaneous Incoming Letter	377267_PetitiontoRevive.pdf	127041	no	3
			77f5eae0b6a12e1656f0994effe3261f417e59d8		
Warnings:					
Information:					
2	Issue Fee Payment (PTO-85B)	377267_IssueFee.pdf	236829	no	1
			858623ac7d458d726de7d9d0d5e0da15038ab307		
Warnings:					
Information:					
3	Miscellaneous Incoming Letter	377267_FeeIndication.pdf	109811	no	1
			4c7133b0a4dd4756d9db3c58b8517c87bbf5cd6d		
Warnings:					
Information:					
4	Fee Worksheet (SB06)	fee-info.pdf	33482	no	2
			632caacece0e6d05061e7c4fed8cf39128913c10		
Warnings:					
Information:					
Total Files Size (in bytes):			507163		
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.					

[Page 1 of 2]

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

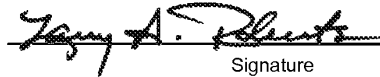
3. Terminal disclaimer with disclaimer fee

- ☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$_____ for a small entity or \$_____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (II)(C) and (D))].

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.


Signature

Larry A. Roberts

Typed or printed name

Kilpatrick Townsend & Stockton LLP

Address

1100 Peachtree St., Suite 2800, Atlanta, GA 30309

Address

December 8, 2011

Date

31,871

Registration Number, if applicable

404-815-6500

Telephone Number

Enclosures: ☒ Fee Payment

☐ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unintentional delay

☐ Other : _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

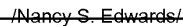
I hereby certify that this correspondence is being:

☒ Electronically filed with the U.S. Patent & Trademark Office on December 8, 2011 through its EFS-Web electronic filing system.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

December 8, 2011

Date



Signature

Nancy S. Edwards

Typed or printed name of person signing certificate

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.



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

23370 7590 08/23/2011
JOHN S. PRATT, ESQ
KILPATRICK TOWNSEND & STOCKTON LLP
1100 PEACHTREE STREET
SUITE 2800
ATLANTA, GA 30309

EXAMINER

HAWK, NOAH CHANDLER

ART UNIT

PAPER NUMBER

3636

DATE MAILED: 08/23/2011

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/435,640	05/05/2009	Wu Wei Dan	45639-377267	3797

TITLE OF INVENTION: ADJUSTABLE OFFSET UMBRELLA

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$755	\$300	\$0	\$1055	11/23/2011

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 SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

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

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

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

PART B - FEE(S) TRANSMITTAL

**Complete and send this form, together with applicable fee(s), to: Mail Mail Stop ISSUE FEE
Commissioner for Patents
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Alexandria, Virginia 22313-1450
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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)

23370 7590 08/23/2011
JOHN S. PRATT, ESQ
KILPATRICK TOWNSEND & STOCKTON LLP
1100 PEACHTREE STREET
SUITE 2800
ATLANTA, GA 30309

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.
12/435,640	05/05/2009	Wu Wei Dan	45639-377267	3797

TITLE OF INVENTION: ADJUSTABLE OFFSET UMBRELLA

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$755	\$300	\$0	\$1055	11/23/2011

EXAMINER	ART UNIT	CLASS-SUBCLASS
HAWK, NOAH CHANDLER	3636	135-020100

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

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

2. For printing on the patent front page, list

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

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

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.111. 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 credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

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

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____

Date _____

Typed or printed name _____

Registration No. _____

This collection of information 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.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/435,640	05/05/2009	Wu Wei Dan	45639-377267	3797

23370	7590	08/23/2011
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JOHN S. PRATT, ESQ
KILPATRICK TOWNSEND & STOCKTON LLP
1100 PEACHTREE STREET
SUITE 2800
ATLANTA, GA 30309

EXAMINER	
HAWK, NOAH CHANDLER	

ART UNIT	PAPER NUMBER
3636	

DATE MAILED: 08/23/2011

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

The Patent Term Adjustment to date is 0 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 0 day(s).

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 Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

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.	Applicant(s)	
	12/435,640	DAN, WU WEI	
	Examiner	Art Unit	
	NOAH C. HAWK	3636	

-- 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 5/16/2011.

2. ☒ The allowed claim(s) is/are 1-7.

3. ☐ 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 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.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 (b) ☐ 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. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948) 3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____ 4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material	5. ☐ Notice of Informal Patent Application 6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____ 7. ☒ Examiner's Amendment/Comment 8. ☒ Examiner's Statement of Reasons for Allowance 9. ☐ Other _____.
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/NOAH C HAWK/ Primary Examiner, Art Unit 3636	
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DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/16/2011 has been entered.

EXAMINER'S AMENDMENT

2. 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.

Authorization for this examiner's amendment was given in a telephone interview with attorney Larry Roberts on 8/15/2011.

The application has been amended as follows:

In Claim 1, line 25, "operation of the winding element to apply tension" has been deleted and replaced with --operation of the winding mechanism to apply tension--.

3. The following is an examiner's statement of reasons for allowance: the prior art made of record has failed to suggest either singly or in combination a novel umbrella having an upright main pole, with a lower end supported by a surface and an upper end, a sliding member selectably movable on the main pole between upper and lower locations and locked at the locations by a locking means for releasably securing the sliding member to the main pole, an umbrella canopy with a central region and an arm connected to the central region and radially to the sliding member at its outer end, a brace attached to the upper end of the main pole and an intermediate position on the arm, a winding mechanism with a winder hub around which a line can be wound, the mechanism mounted to the sliding member for sliding therewith, the line being wound around the hub and extending along the arm to the canopy for engaging the canopy, wherein rotation of the hub tensions and releases the line to open or close the canopy and wherein the angle of the umbrella canopy is controlled by sliding the sliding member along the main pole.

4. The prior art considered nearest to the applicant's claimed device is as follows: Tung '755 teaches an umbrella having a sliding member with a winding mechanism mounted thereon, but has a later priority date than the instant application. Harbaugh and Chen teach umbrellas with sliding members and pulley members or winding mechanism on the sliding member, but fail to teach that these elements open or close the umbrella canopy. Tung '037 teaches an umbrella with a winding mechanism arranged on a movable member, but has a significantly different arm/brace arrangement. Lo, Li et al., and Steiner teach the general state of this type of umbrella

wherein a sliding member is lockably secured to the main pole to adjust the angle of the canopy, but the line opening or closing the canopy is secured to the main pole at a lower location and is not operated with a mechanism on the sliding member.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NOAH C. HAWK whose telephone number is (571)272-1480. The examiner can normally be reached on M-F 9am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Dunn can be reached on 571-272-6670. 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.

/NOAH C HAWK/
Primary Examiner, Art Unit 3636

Notice of References Cited	Application/Control No. 12/435,640	Applicant(s)/Patent Under Reexamination DAN, WU WEI	
	Examiner NOAH C. HAWK	Art Unit 3636	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-6,923,193 B2	08-2005	Chen, Shiow-Hui	135/20.1
*	B	US-7,886,755 B2	02-2011	Tung, Benson	135/21
	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.

<i>Index of Claims</i> 	Application/Control No. 12435640	Applicant(s)/Patent Under Reexamination DAN, WU WEI
	Examiner NOAH C HAWK	Art Unit 3636

✓	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	06/17/2010	03/26/2011	08/15/2011					
1	1	✓	✓	=					
2	2	✓	✓	=					
3	3	✓	✓	=					
4	4	✓	✓	=					
5	5	✓	✓	=					
6	6	✓	✓	=					
7	7			=					

Search Notes 	Application/Control No. 12435640	Applicant(s)/Patent Under Reexamination DAN, WU WEI
	Examiner NOAH C HAWK	Art Unit 3636

SEARCHED			
Class	Subclass	Date	Examiner
135	20.1, 20.3	6/17/2010	NCH
	updated above	3/25/2011	NCH

SEARCH NOTES		
Search Notes	Date	Examiner
Performed inventor name search	6/17/2010	NCH
Please see attached EAST search history	6/17/2010	NCH

INTERFERENCE SEARCH			
Class	Subclass	Date	Examiner
135	21, 20.1, 20.3	8/15/2011	NCH
	Please see attached EAST search history	8/15/2011	NCH
	considered search history for USPatent 7886755	8/15/2011	NCH

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EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
S8	134	("0166980" "0288703" "0451570" "0504900" "0508418" "0631442" "0846389" "1223833" "2183833" "2905187" "3145720" "3383814" "3446523" "3765434" "4011881" "4132236" "4135835" "4424824" "4586525" "4606366" "4998551" "5116258" "5149149" "5284171" "5387048" "5390685" "5437297" "5551465" "5678585" "5735302" "5785069" "5845665" "5937882" "5960806" "6105594" "6152156" "6196242" "6220261" "6244286" "6401739" "6588438" "6619306"). PN. OR ("2002/0121297" "2002/0129847" "2005/0028852" "2006/0254628" "2010/0051074" "5284171" "5937882" "5960806" "6478037" "6945263" "7156114"). URPN.	US-PGPUB; USPAT; USOCR	OR	ON	2011/08/12 16:20
S9	13	("20020121297" "20050016571" "5735302" "5785069" "5937882" "6014980" "6196242" "6401739"). PN. OR ("6923193"). URPN.	US-PGPUB; USPAT; USOCR	OR	ON	2011/08/13 06:46
S11	33	S10 and @pd> "20100617"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2011/08/13 07:27

S10	700	135/20.1,20.3.ccls.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2011/08/13 07:27
S12	18	("20100051074" "6923193" "20020121297" "20080236640" "7341068" "6152156" "7398790" "5937882" "7334590").PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2011/08/13 07:30
L4	2	"7886755".pn.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2011/08/15 11:46
L7	13	L5 and @pd>"20110325"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2011/08/15 11:57
L5	700	135/20.1,20.3.ccls.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2011/08/15 11:57
L9	66	8 and (winch wind\$4 pulley)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2011/08/15 12:00
L8	184	135/21.ccls.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2011/08/15 12:00

EAST Search History (I nterference)

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 \ 12435640 - Adjustable Offset Umbrella.wsp**

Issue Classification 	Application/Control No. 12435640	Applicant(s)/Patent Under Reexamination DAN, WU WEI
	Examiner NOAH C HAWK	Art Unit 3636

ORIGINAL						INTERNATIONAL CLASSIFICATION												
CLASS			SUBCLASS			CLAIMED					NON-CLAIMED							
135			20.3			A	4	5	B	17 / 00 (2006.01.01)								
CROSS REFERENCE(S)																		
CLASS	SUBCLASS (ONE SUBCLASS PER BLOCK)																	
135	21																	

☒ 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
1	1														
2	2														
3	3														
4	4														
5	5														
6	6														
7	7														

NONE		Total Claims Allowed:	
		7	
(Assistant Examiner)	(Date)		
/NOAH CHANDLER HAWK/ Primary Examiner.Art Unit 3636	8/15/2011	O.G. Print Claim(s)	O.G. Print Figure
(Primary Examiner)	(Date)	1	3, 6



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/435,640	05/05/2009	Wu Wei Dan	45639-377267	3797
23370 7590 05/16/2011 JOHN S. PRATT, ESQ KILPATRICK TOWNSEND & STOCKTON LLP 1100 PEACHTREE STREET SUITE 2800 ATLANTA, GA 30309			EXAMINER HAWK, NOAH CHANDLER	
			ART UNIT 3636	PAPER NUMBER
			NOTIFICATION DATE 05/16/2011	DELIVERY MODE ELECTRONIC

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

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

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ipefiling@kilpatricktownsend.com
jlhice@kilpatrick.foundationip.com

Interview Summary	Application No.	Applicant(s)	
	12/435,640	DAN, WU WEI	
	Examiner	Art Unit	
	NOAH C. HAWK	3636	

All participants (applicant, applicant's representative, PTO personnel):

(1) NOAH C. HAWK. (3) _____.

(2) Larry Roberts, attorney. (4) _____.

Date of Interview: 06 May 2011.

Type: a) ☒ Telephonic b) ☐ Video Conference
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.
If Yes, brief description: _____.

Claim(s) discussed: 1.

Identification of prior art discussed: Harbaugh.

Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: The "winding element" recited in Claim 1 was discussed with respect to the prior art and the operation of the applicant's device. Additional limitations to the winding element were discussed, but no agreement on patentability was reached. New limitations with respect to the winding element would necessitate a new and/or revised search and should be included in an RCE.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

/Noah C Hawk/ Examiner, Art Unit 3636	
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Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

REQUEST FOR CONTINUED EXAMINATION(RCE)TRANSMITTAL (Submitted Only via EFS-Web)							
Application Number	12435640	Filing Date	2009-05-05	Docket Number (if applicable)	45639-377267	Art Unit	3636
First Named Inventor	Wu Wei Dan			Examiner Name	Noah C. Hawk		
This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. The Instruction Sheet for this form is located at WWW.USPTO.GOV							
SUBMISSION REQUIRED UNDER 37 CFR 1.114							
Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).							
☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____ ☐ Other _____							
☒ Enclosed ☒ Amendment/Reply ☐ Information Disclosure Statement (IDS) ☐ Affidavit(s)/ Declaration(s) ☐ Other _____							
MISCELLANEOUS							
☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of months _____. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)							
☐ Other _____							
FEES							
☒ The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed. The Director is hereby authorized to charge any underpayment of fees, or credit any overpayments, to Deposit Account No <u>110855</u>							
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED							
☒ Patent Practitioner Signature ☐ Applicant Signature							

Doc code: RCEX

Doc description: Request for Continued Examination (RCE)

PTO/SB/30EFS (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 contains a valid OMB control number.

Signature of Registered U.S. Patent Practitioner			
Signature	/Larry A. Roberts/	Date (YYYY-MM-DD)	2011-05-16
Name	Larry A. Roberts	Registration Number	31871

This collection of information is required by 37 CFR 1.114. 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.

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

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 the Freedom of Information Act requires disclosure of these records.
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 inspections 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.

Electronic Patent Application Fee Transmittal				
Application Number:		12435640		
Filing Date:		05-May-2009		
Title of Invention:		Adjustable Offset Umbrella		
First Named Inventor/Applicant Name:		Wu Wei Dan		
Filer:		Larry A. Roberts./Andrea Cummings		
Attorney Docket Number:		45639-377267		
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:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Miscellaneous:				
Request for continued examination	1801	1	810	810
Total in USD (\$)				810

Electronic Acknowledgement Receipt	
EFS ID:	10095626
Application Number:	12435640
International Application Number:	
Confirmation Number:	3797
Title of Invention:	Adjustable Offset Umbrella
First Named Inventor/Applicant Name:	Wu Wei Dan
Customer Number:	23370
Filer:	Larry A. Roberts./Andrea Cummings
Filer Authorized By:	Larry A. Roberts.
Attorney Docket Number:	45639-377267
Receipt Date:	16-MAY-2011
Filing Date:	05-MAY-2009
Time Stamp:	14:15:07
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	\$810
RAM confirmation Number	293
Deposit Account	110855
Authorized User	BERTELSON,MICHAEL A.
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 1.16 (National application filing, search, and examination fees) Charge any Additional Fees required under 37 C.F.R. Section 1.17 (Patent application and reexamination processing fees)	

Charge any Additional Fees required under 37 C.F.R. Section 1.19 (Document supply fees)					
Charge any Additional Fees required under 37 C.F.R. Section 1.20 (Post Issuance fees)					
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	Amendment Submitted/Entered with Filing of CPA/RCE	377267_response.pdf	114034	no	9
			2e229db9a60cd06bcf0582fc130a09783e8c7e49		
Warnings:					
Information:					
2	Request for Continued Examination (RCE)	377267_RCE.pdf	36179	no	3
			df68ec8c35478ddcddee4d3bc2cd5fd6714d6f31		
Warnings:					
This is not a USPTO supplied RCE SB30 form.					
Information:					
3	Fee Worksheet (PTO-875)	fee-info.pdf	30117	no	2
			84d5191cfd5b29bd84460276b6b443286db01ce10		
Warnings:					
Information:					
Total Files Size (in bytes):			180330		
This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503. <u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application. <u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course. <u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.					

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 12/435,640
Inventor : Wu Wei Dan
Title : Adjustable Offset Umbrella
Filed : May 5, 2009
TC/A.U. : 3636
Examiner : Noah C. Hawk
Docket No. : 45639-377267
Conf. No. : 3797

Certificate of Electronic Filing

I hereby certify that this correspondence is being electronically filed with The United States Patent Office via EFS Web on May 16, 2011.

/Andrea Cummings/
ANDREA CUMMINGS

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

**RESPONSE FILED WITH REQUEST FOR CONTINUING
EXAMINATION OF MAY 16, 2011**

Sir:

In Response to the Final Office Action of April 12, 2011, please amend the application as follows.

A Listing of the Claims begins on page 2 of this paper.

Remarks/Arguments begin on page 6 of this paper.

Amendments to the Claims

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

1. (Currently amended) An umbrella comprising:
 - a main pole having a lower end for support by a support surface and extending generally upward to an upper end;
 - a sliding member associated with the main pole and selectably moveable thereon between lower and upper locations along the main pole;
 - locking means for releasably securing the sliding member to the main pole at a selected location along the main pole;
 - an umbrella canopy having a central region;
 - an arm associated with the central region and extending radially therefrom to an outer end operatively associated with the sliding member;
 - ~~a brace associated with the arm at a location thereon between the central region of the umbrella canopy and the outer end of the arm, the brace extending to the main pole at a location in spaced relation to the sliding member;~~
 - ~~a winding element mounted to the sliding member and movable therewith; and~~
 - ~~a line extending along the arm from the winding element to engage the umbrella canopy;~~

a brace having a first end pivotably attached to an upper portion of the pole above the sliding member and a second end pivotably attached to the arm;

a winding mechanism having a winder hub around which a line can be wound, the winder hub being mounted to the sliding member and movable therewith;

a line having a first end that winds around the winder hub, an intermediate portion extending from the winder hub along the arm to the umbrella canopy, and a second end that engages the umbrella canopy;

wherein rotation of the winder hub tensions or relaxes the line depending upon the direction of rotation of the winder hub, and

wherein operation of the winding element to apply tension to the line opens and closes the umbrella canopy in response to movement of the line; and

wherein the angle of the umbrella canopy with respect to the main pole can be controlled by moving the sliding member along the main pole.

2. (Original) The umbrella of Claim 1, wherein the locking means for releasably securing the sliding member to the main pole comprises a cam latch member having a cam surface, the cam latch member being rotatable with respect to the sliding member between a first position in which the cam surface causes the sliding member to be clamped against the main pole, and a second position in which the cam surface permits movement of the sliding member with respect to the main pole.

3. (Original) The umbrella of Claim 1, wherein the locking means for releasably securing the sliding member to the main pole comprises a plurality of teeth formed on the main pole and a cooperating pawl associated with the sliding member and selectively operative to engage a selected one of the teeth to prevent movement of the sliding member with respect to the main pole.

4. (Original) The umbrella of Claim 1, wherein the locking means for releasably securing the sliding member to the main pole comprises a plurality of holes formed in the main pole and a pin associated with the sliding member and operative to engage a selected one of the holes.

5. (Original) The umbrella of Claim 1, wherein the sliding member has a handle associated therewith.

6. (Original) The umbrella of Claim 1, wherein the line extends along at least substantially the entire length of the arm.

7. (New) The umbrella of Claim 1, further comprising a crank handle operatively associated with the winder hub, whereby rotating the crank handle causes the winder hub to rotate.

REMARKS/ARGUMENTS

Claim 1 has been amended, and new Claim 7 has been added. No claims have been canceled. Claims 1–7 remain in the application. Reconsideration of the application is requested.

Interview Summary

Applicant's attorney appreciates the Examiner's courtesy in granting a telephone interview on May 6, 2011. The issues discussed related to whether the pulley 64 in the cited prior art reference U.S. Patent No. 5,937,882 to Harbaugh is a "winding element" mounted to a movable member, as contended by the Examiner. It was—and steadfastly remains—applicant's view that a single pulley does not, and cannot, be a "winding element." The pulley 64 cannot "wind" anything. It is a passive member that turns as the line is pulled across it. If there were a way to rotate the pulley, it would not wind the line or move it in any way. Rather the line would remain stationary while the pulley rotated beneath it. As a result, the Harbaugh '882 patent does not disclose a "winding element mounted to the sliding member and movable therewith." 

The Examiner refused to yield, and there were discussions about possible amendments to the claims. No specific language was proposed, and no agreement was reached.

Summary of the Amendments

In line 11 of Claim 1, the term "member" has been changed to "sliding member" for consistency with other references to the term throughout the claims.

Previous recitations of the “brace,” “winding element,” and “line” have been replaced with new text.

- The brace is now more particularly recited as having a first end pivotably attached to an upper portion of the pole above the sliding member and a second end pivotably attached to the arm. This amendment is not being made to overcome any prior art rejections.
- The previous recitation of the “winding element” has been deleted and is now recited as “a winding mechanism having a winder hub around which a line can be wound.” The winder hub is further recited as “being mounted to the sliding member and movable therewith.”
- The “line” is now recited as having a first end that winds around the winder hub, an intermediate portion extending from the winder hub along the arm to the umbrella canopy, and a second end that engages the umbrella canopy. Rotation of the winder hub tensions or relaxes the line, depending upon the direction of rotation of the winder hub.

The Rejection of Claims 1, 4, and 6 under 35 U.S.C. § 102(b) Is Overcome.

The examiner has rejected Claims 1, 4, and 6 under 35 U.S.C. 102(b) as being anticipated by Harbaugh (U.S. Patent No. 5,937,882). Applicant strongly disagrees with the Examiner’s position that a single pulley constitutes a “winding element.” However, in the interest of advancing prosecution, applicant has amended Claim 1 as described above.

Claim 1 as amended now recites that a winding mechanism has a winder hub around which a line can be wound. The winder hub of the winding mechanism is recited as being mounted to the sliding member and movable therewith. Harbaugh does not disclose a winding mechanism including a winder hub that is mounted to a movable member. Rather, in Harbaugh the winder hub of the winding mechanism is mounted in fixed relation to the upright support post.

In addition, Claim 1 as now amended recites that the “line” has a first end that winds  around the winder hub, an intermediate portion that extends from the winder hub along the arm to the umbrella canopy, and a second end that engages the umbrella canopy. Rotation of the winder hub tensions or relaxes the line, depending upon the direction of rotation of the winder hub.

Harbaugh does not disclose a winder hub mounted to a sliding member and movable therewith. For the foregoing reasons, the rejection of Claims 1, 4, and 6 under § 102(b) over Harbaugh is overcome. Because the remaining claims all depend from Claim 1, they are similarly allowable.

The Commissioner is hereby authorized to charge any additional fees and credit any refund to Deposit Account No. 11-0855.

The foregoing is believed fully responsive to the Office Action dated April 12, 2011.
Applicant respectfully requests that a timely Notice of Allowance issue in this case.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Larry A. Roberts", is written over a horizontal line.

Larry A. Roberts
Reg. No. 31,871

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PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875					Application or Docket Number 12/435,640		Filing Date 05/05/2009		☐ To be Mailed			
APPLICATION AS FILED – PART I												
(Column 1)			(Column 2)			SMALL ENTITY ☒ OR		OTHER THAN SMALL ENTITY				
FOR		NUMBER FILED	NUMBER EXTRA		RATE (\$)	FEE (\$)		RATE (\$)	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.												
APPLICATION AS AMENDED – PART II												
(Column 1)			(Column 2)			(Column 3)			SMALL ENTITY OR		OTHER THAN SMALL ENTITY	
AMENDMENT	05/16/2011	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)		RATE (\$)	ADDITIONAL FEE (\$)		
	Total (37 CFR 1.16(i))	* 7	Minus	** 20	= 0	X \$26 =	0	OR	X \$ =			
	Independent (37 CFR 1.16(h))	* 1	Minus	*** 3	= 0	X \$110 =	0	OR	X \$ =			
	☐ Application Size Fee (37 CFR 1.16(s))											
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))											
	TOTAL ADD'L FEE 0											
(Column 1)			(Column 2)			(Column 3)			SMALL ENTITY OR		OTHER THAN SMALL ENTITY	
AMENDMENT		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	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))											
	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:
/ERIC DANTZLER/

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.
12/435,640	05/05/2009	Wu Wei Dan	45639-377267	3797
23370 7590 04/12/2011 JOHN S. PRATT, ESQ KILPATRICK TOWNSEND & STOCKTON LLP 1100 PEACHTREE STREET SUITE 2800 ATLANTA, GA 30309			EXAMINER HAWK, NOAH CHANDLER	
			ART UNIT 3636	PAPER NUMBER
			NOTIFICATION DATE 04/12/2011	DELIVERY MODE ELECTRONIC

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

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

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ipefiling@kilpatricktownsend.com
jlhice@kilpatrick.foundationip.com

Office Action Summary	Application No.	Applicant(s)	
	12/435,640	DAN, WU WEI	
	Examiner	Art Unit	
	NOAH C. HAWK	3636	

-- 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 03 February 2011.

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

3) ☐ 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

4) ☒ Claim(s) 1-6 is/are pending in the application.

 4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) 1-6 is/are rejected.

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

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

Application Papers

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

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

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

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

11) ☐ 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

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) ☐ 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: _____.
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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. 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.

2. Claims 1, 4 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Harbaugh in US Patent 5937882.

a. Regarding Claim 1, Harbaugh teaches a umbrella comprising: a main pole (20) having a lower end (26) for support by a support surface and extending generally upward to an upper end (39); a sliding member (43) associated with the main pole and selectably moveable thereon between lower and upper locations along the main pole; locking means (48/49) for releasably securing the sliding member to the main pole at a selected location along the main pole, an umbrella canopy (15) having a central region (55); an arm (54) associated with the central region and extending radially therefrom to an outer end operatively associated with the member; a brace (56) associated with the arm at a location thereon between the central region of the umbrella canopy and the outer end of the arm, the brace extending to the main pole at a location in spaced relation to the sliding member; a winding element (including 38, 64, and 62) mounted to the sliding member and movable therewith (at least element 64 is mounted on and slidable

with the member); and a line (60) extending along the arm from the winding element to engage the umbrella canopy; wherein operation of the winding element to apply tension to the line opens and closes the umbrella canopy in response to movement of the line; and wherein the angle of the umbrella canopy with respect to the main pole can be controlled by moving the sliding member along the main pole.

b. Regarding Claim 4, Harbaugh teaches that the locking means for releasably securing the sliding member to the main pole comprises a plurality of holes (49) formed in the main pole and a pin (48) associated with the sliding member and operative to engage a selected one of the holes.

c. Regarding Claim 6, Harbaugh teaches that the line extends along at least substantially the entire length of the arm.

Claim Rejections - 35 USC § 103

3. 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 negated by the manner in which the invention was made.

4. Claims 2 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harbaugh as applied to Claim 1 above in view of Tung in US Patent 6478037. Harbaugh fails to teach a cam locking means. Tung teaches an umbrella with a main pole (12a) having a sliding member (13) movable thereon between upper and lower

positions and having locking means for releasably securing the member to the pole, wherein the locking means for releasably securing the sliding member to the main pole comprises a cam latch member (16) having a cam surface, the cam latch member being rotatable with respect to the sliding member between a first position in which the cam surface causes the sliding member to be clamped against the main pole, and a second position in which the cam surface permits movement of the sliding member with respect to the main pole (See Tung, Column 3, lines 40-46). Tung further teaches that the sliding member has a handle (formed on the other end of element 16). Associated therewith, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the locking means and sliding member of Harbaugh by using a cam locking means with a handle as taught by Tung in order to allow the user to infinitely adjust the position of the member on the pole without having to rely on the set placing of the holes.

5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Harbaugh, as applied to Claim 1 above in view of Liu in US Patent 5284171. Harbaugh fails to teach a teeth-and-pawl locking means. Liu teaches an umbrella having a main pole (2) having a sliding member (21) movable thereon between upper and lower positions and having locking means for releasably securing the member to the pole comprising a plurality of teeth (25) formed on the main pole and a cooperating pawl (281) associated with the sliding member and selectively operative to engage a selected one of the teeth to prevent movement of the sliding member with respect to the main pole. It would have been obvious to one of ordinary skill in the art at the time of

invention to modify the locking means of Harbaugh by using a teeth-and-pawl means as taught by Liu in order to allow the user to more precisely adjust the position of the sliding member on the pole.

Response to Arguments

6. Applicant's arguments filed 2/3/2011 have been fully considered but they are not persuasive.

7. With respect to the applicant's arguments regarding the Harbaugh reference: Harbaugh clearly teaches a winding element insofar as this element is recited in the claims. The elements identified as the winding element, which includes 64, clearly mounted on the sliding member and movable therewith, allow for and provide means for winding and applying tension to the line as recited by the applicant in the claim. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., that the winding element collects the line around any element or that it is entirely mounted on the sliding member) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

8. In response to applicant's argument (with respect to the Tung and Liu references) that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., that the winding element has a locking mechanism associated therewith) are not recited in the rejected claim(s). Although the

claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

9. **THIS ACTION IS MADE FINAL.** 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 mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NOAH C. HAWK whose telephone number is (571)272-1480. The examiner can normally be reached on M-F 9am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Dunn can be reached on 571-272-6670. 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.

/Noah C Hawk/
Examiner, Art Unit 3636

<i>Index of Claims</i> 	Application/Control No. 12435640	Applicant(s)/Patent Under Reexamination DAN, WU WEI
	Examiner NOAH C HAWK	Art Unit 3636

✓	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	06/17/2010	03/26/2011						
	1	✓	✓						
	2	✓	✓						
	3	✓	✓						
	4	✓	✓						
	5	✓	✓						
	6	✓	✓						

<i>Search Notes</i> 	Application/Control No. 12435640	Applicant(s)/Patent Under Reexamination DAN, WU WEI
	Examiner NOAH C HAWK	Art Unit 3636

SEARCHED			
Class	Subclass	Date	Examiner
135	20.1, 20.3	6/17/2010	NCH
	updated above	3/25/2011	NCH

SEARCH NOTES		
Search Notes	Date	Examiner
Performed inventor name search	6/17/2010	NCH
Please see attached EAST search history	6/17/2010	NCH

INTERFERENCE SEARCH			
Class	Subclass	Date	Examiner

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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/435,640	05/05/2009	Wu Wei Dan	45639-377267	3797
23370 7590 03/16/2011 JOHN S. PRATT, ESQ KILPATRICK TOWNSEND & STOCKTON LLP 1100 PEACHTREE STREET SUITE 2800 ATLANTA, GA 30309			EXAMINER HAWK, NOAH CHANDLER	
			ART UNIT 3636	PAPER NUMBER
			NOTIFICATION DATE 03/16/2011	DELIVERY MODE ELECTRONIC

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

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

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ipefiling@kilpatricktownsend.com
jlhice@kilpatrick.foundationip.com

Notice of Abandonment	Application No.	Applicant(s)	
	12/435,640	DAN, WU WEI	
	Examiner	Art Unit	
	NOAH C. HAWK	3636	

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

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 24 June 2010.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

/DAVID DUNN/
Supervisory Patent Examiner, Art Unit 3636

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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JOHN S. PRATT, ESQ
KILPATRICK TOWNSEND & STOCKTON LLP
1100 PEACHTREE STREET
SUITE 2800
ATLANTA GA 30309

MAILED
MAR 15 2011
OFFICE OF PETITIONS

In re Application of :
Wu Wei DAN :
Application No. 12/435,640 : DECISION ON PETITION
Filed: May 05, 2009 :
Attorney Docket No. 45639-377267 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 03, 2011, to revive the above-identified application.

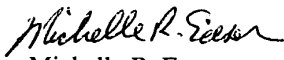
The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, June 24, 2010, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on September 25, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of \$810.00, and (3) a proper statement of unintentional delay. Accordingly, the reply to the non-final Office action of June 24, 2010 is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-4231.

This application is being referred to Technology Center AU 3636 for appropriate action by the Examiner in the normal course of business on the reply received


Michelle R. Eason
Paralegal Specialist
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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JOHN S. PRATT, ESQ
KILPATRICK TOWNSEND & STOCKTON LLP
1100 PEACHTREE STREET
SUITE 2800
ATLANTA GA 30309

MAILED
MAR 15 2011
OFFICE OF PETITIONS

In re Application of :
Wu Wei DAN :
Application No. 12/435,640 : **DECISION ON PETITION**
Filed: May 05, 2009 :
Attorney Docket No. 45639-377267 :

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Michelle R. Eason
Paralegal Specialist
Office of Petitions

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)		Docket Number 45639-377267
First named inventor: Wu Wei DAN		Docket No. 45639/377267
Application No.: 12/435,640		Art Unit: 3636
Filed: May 5, 2009		Examiner: Noah C. Hawk
Title: ADJUSTABLE OFFSET UMBRELLA		
Attention: Office of Petitions Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 FAX: (571) 273-8300		
NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.		
The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus any extensions of time actually obtained.		
APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION		
NOTE: A grantable petition requires the following items: (1) Petition fee; (2) Reply and/or issue fee; (3) Terminal disclaimer with disclaimer fee -- required for all utility and plant applications filed before June 8, 1995; and for all design applications; and (4) Statement that the entire delay was unintentional.		
1. Petition fee ☒ Small entity - fee \$810 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27. ☐ Other than small entity - fee \$_____ (37 CFR 1.17(m))		
2. Reply and/or fee A. The reply and/or fee to the above-noted Office action in the form of <u>Response to Office Action of June 24, 2010</u> (identify type of reply): ☐ has been filed previously on _____. ☒ is enclosed herewith. B. The issue fee and publication fee (if applicable) of \$ _____ ☐ has been paid previously on _____. ☐ is enclosed herewith.		

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(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 1.0 hour 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. 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, 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.

3. Terminal disclaimer with disclaimer fee

- ☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$_____ for a small entity or \$_____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

_____ /s/ Larry A. Roberts Signature	_____ February 3, 2011 Date
_____ LARRY A. ROBERTS Typed or printed name	_____ 31,871 Registration Number, if applicable
_____ 1100 PEACHTREE ST NE Address	_____ 404 745 2409 Telephone Number
_____ ATLANTA, GA 30309 Address	

Enclosures: ☒ Fee Payment

☒ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unintentional delay

☐ Other : _____

Certificate of Electronic Filing

I hereby certify that this correspondence is being electronically filed with The United States Patent Office via EFS Web on February 3, 2011

Certificate of Electronic Filing

February 3, 2011

Date

/BARBARA POUGH/

Signature

BARBARA POUGH

Typed or printed name of person signing certificate

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.

Electronic Patent Application Fee Transmittal				
Application Number:		12435640		
Filing Date:		05-May-2009		
Title of Invention:		Adjustable Offset Umbrella		
First Named Inventor/Applicant Name:		Wu Wei Dan		
Filer:		John S. Pratt/Barbara Pough		
Attorney Docket Number:		45639-377267		
Filed as Small 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:				
Petition-revive unintentional abandoned appl	2453	1	810	810
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Extension - 3 months with \$0 paid	2253	1	555	555
Miscellaneous:				
Total in USD (\$)				1365

Electronic Acknowledgement Receipt	
EFS ID:	9370597
Application Number:	12435640
International Application Number:	
Confirmation Number:	3797
Title of Invention:	Adjustable Offset Umbrella
First Named Inventor/Applicant Name:	Wu Wei Dan
Customer Number:	23370
Filer:	John S. Pratt/Barbara Pough
Filer Authorized By:	John S. Pratt
Attorney Docket Number:	45639-377267
Receipt Date:	03-FEB-2011
Filing Date:	05-MAY-2009
Time Stamp:	15:45:37
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	\$1365
RAM confirmation Number	2182
Deposit Account	110855
Authorized User	KILPATRICK STOCKTON LLP
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 1.17 (Patent application and reexamination processing fees) 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		377267Response.pdf	96148	yes	9
			52819e33db2e7f3776696baa037c9e238607a960		
	Multipart Description/PDF files in .zip description				
	Document Description		Start	End	
	Amendment Copy Claims/Response to Suggested Claims		1	4	
	Applicant Arguments/Remarks Made in an Amendment		5	9	
Warnings:					
Information:					
2	Extension of Time	377267EOT3.pdf	119647	no	2
			9e314ec27fa1ba9da639975e64d8e3518b336ab5		
Warnings:					
Information:					
3	Petition for review by the Office of Petitions.	377267PetitionRevive.pdf	130536	no	4
			62dd77517c5d9d4ed165ab44fc33601968f62ddc		
Warnings:					
Information:					
4	Fee Worksheet (PTO-875)	fee-info.pdf	32101	no	2
			493d0cc2a6f20ed36d2200883192e71de8954bb8		
Warnings:					
Information:					
Total Files Size (in bytes):			378432		

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.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 12/435,640
Inventor : Wu Wei Dan
Title : Adjustable Offset Umbrella
Filed : May 5, 2009
TC/A.U. : 3636
Examiner : Noah C. Hawk
Docket No. : 45639-377267
Customer No. : 23370

Certificate of Electronic Filing

I hereby certify that this correspondence is being electronically filed with The United States Patent Office via EFS Web on February 3, 2011

/Barbara Pough/
BARBARA POUGH

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

RESPONSE TO OFFICE ACTION OF JUNE 24, 2010

Sir:

In Response to the Office Action of June 24, 2010, please amend the above-identified patent application as follows:

A Listing of the Claims begins on page 2 of this paper.

Remarks/Arguments begin on page 5 of this paper.

Amendments to the Claims

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

1. (Original) An umbrella comprising:
 - a main pole having a lower end for support by a support surface and extending generally upward to an upper end;
 - a sliding member associated with the main pole and selectably moveable thereon between lower and upper locations along the main pole;
 - locking means for releasably securing the sliding member to the main pole at a selected location along the main pole;
 - an umbrella canopy having a central region;
 - an arm associated with the central region and extending radially therefrom to an outer end operatively associated with the member;
 - a brace associated with the arm at a location thereon between the central region of the umbrella canopy and the outer end of the arm, the brace extending to the main pole at a location in spaced relation to the sliding member;
 - a winding element mounted to the sliding member and movable therewith; and
 - a line extending along the arm from the winding element to engage the umbrella canopy;

wherein operation of the winding element to apply tension to the line opens and closes the umbrella canopy in response to movement of the line; and

wherein the angle of the umbrella canopy with respect to the main pole can be controlled by moving the sliding member along the main pole.

2. (Original) The umbrella of Claim 1, wherein the locking means for releasably securing the sliding member to the main pole comprises a cam latch member having a cam surface, the cam latch member being rotatable with respect to the sliding member between a first position in which the cam surface causes the sliding member to be clamped against the main pole, and a second position in which the cam surface permits movement of the sliding member with respect to the main pole.

3. (Original) The umbrella of Claim 1, wherein the locking means for releasably securing the sliding member to the main pole comprises a plurality of teeth formed on the main pole and a cooperating pawl associated with the sliding member and selectively operative to engage a selected one of the teeth to prevent movement of the sliding member with respect to the main pole.

4. (Original) The umbrella of Claim 1, wherein the locking means for releasably securing the sliding member to the main pole comprises a plurality of holes formed in the main pole and a pin associated with the sliding member and operative to engage a selected one of the holes.

5. (Original) The umbrella of Claim 1, wherein the sliding member has a handle associated therewith.

6. (Original) The umbrella of Claim 1, wherein the line extends along at least substantially the entire length of the arm.

REMARKS/ARGUMENTS

No claims have been amended, canceled, or added. Claims 1–6 remain in the application. Reconsideration of the application is requested.

Rejections Under 35 U.S.C. § 102

The examiner has rejected Claims 1, 4, and 6 under 35 U.S.C. 102(b) as being anticipated by Harbaugh (U.S. Patent No. 5,937,882).

Regarding Claim 1, the examiner contends that Harbaugh teaches an umbrella comprising a winding element (including 38, 64, and 62) mounted to the sliding member and movable therewith, contending that at least element 64 of Harbaugh is mounted on and slidable with the member.

The examiner's rejection of Claim 1 is traversed. The examiner has arbitrarily selected elements of Harbaugh in an effort to satisfy the limitation of a winding element mounted to the sliding member and movable therewith. Harbaugh does not teach "a sliding member [having] a winding element mounted to the sliding member and movable therewith." The winding element of Harbaugh (including hub 38 within housing 37, and associated crank handle 78 coupled to the hub) is fixed relative to the mast. It is not slidable with respect to its mast. Elements 62 and 64 of Harbaugh are not part of a winding element, they are simply pulleys that guide the line along a desired path. Thus the rejection of Claim 1 as being anticipated by Harbaugh is improper and should be withdrawn.

Further, it is self-evident that a "winding element" should wind. Rotating the hub 38 and handle 78 of Harbaugh will wind the line 60 around the hub, tensioning or loosening the

line. However, rotating the pulleys 62, 64 of Harbaugh, as referenced by the examiner, will not wind the line around anything. The pulleys would simply slide beneath the stationary rope. The pulleys 62, 64 of Harbaugh cannot be part of a winding mechanism if they are incapable of winding anything.

As a further indication that a person of ordinary skill in the art would not construe the pulleys 62 and 64 of Harbaugh as being part of its winding mechanism, the pulleys 62, 64 are introduced in the specification of Harbaugh before, and separate from, the winding mechanism

Even assuming for the sake of argument that element 64 of Harbaugh is part of a winding element and moves along the mast with sliding element 43, mounting only one portion (62) of the winding element of Harbaugh to the sliding element while other portions (38, 64) of the winding element are stationary with respect to the pole does not constitute a “winding element mounted to the sliding member and movable therewith,” as recited in Claim 1.

The winding mechanism of Harbaugh is clearly not mounted to a sliding member that is movable along the mast. The examiner is arbitrarily identifying parts of Harbaugh in an effort to satisfy the limitations of Claim 1. The rejection of Claim 1 as being anticipated by Harbaugh is improper and should be withdrawn.

Rejections Under 35 U.S.C. § 103

The examiner has rejected Claims 2 and 5 under 35 U.S.C. 103(a) as being unpatentable over Harbaugh as applied to Claim 1 above in view of Tung (U.S. Patent No.

6,478,037). Harbaugh fails to teach a cam locking means. The examiner contends that Tung teaches an umbrella with a main pole (12a) having a sliding member (13) movable thereon between upper and lower positions and having locking means for releasably securing the member to the pole, wherein the locking means for releasably securing the sliding member to the main pole comprises a cam latch member (16) having a cam surface, the cam latch member being rotatable with respect to the sliding member between a first position in which the cam surface causes the sliding member to be clamped against the main pole, and a second position in which the cam surface permits movement of the sliding member with respect to the main pole (See Tung, Column 3, lines 40-46). Tung further teaches that the sliding member has a handle (formed on the other end of element 16). Associated therewith. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the locking means and sliding member of Harbaugh by using a cam locking means with a handle as taught by Tung in order to allow the user to infinitely adjust the position of the member on the pole without having to rely on the set placing of the holes.

The examiner's rejection is respectfully traversed. The sliding member 43 of Harbaugh, which the examiner would modify with locking means disclosed by Tung, does not have a winding element mounted to it. Rather, element 43 of Harbaugh is a collar to which one end of the canopy-supporting arm 54 is mounted. Thus if one were to modify Harbaugh in view of Tung, the result would be that the collar 43 of Harbaugh would have the locking means of Tung attached to it. But since the collar 43 does not have a winding element mounted to it, the combination would not result in the claimed invention.

The examiner has rejected Claim 3 under 35 U.S.C. 103(a) as being unpatentable over Harbaugh, as applied to Claim 1 above in view of Liu, US Patent 5284171. Harbaugh fails to teach a ratchet-and-pawl locking means. Liu teaches an umbrella having a main pole (2) having a sliding member (21) movable thereon between upper and lower positions and having locking means for releasably securing the member to the pole comprising a plurality of teeth (25) formed on the main pole and a cooperating pawl (281) associated with the sliding member and selectively operative to engage a selected one of the teeth to prevent movement of the sliding member with respect to the main pole. According to the examiner, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the locking means of Harbaugh by using a teeth-and-pawl means as taught by Liu in order to allow the user to more precisely adjust the position of the sliding member on the pole.

Once again the examiner is overreaching. Before one would be motivated to place a ratchet-and-pawl locking means on the winding mechanism of Harbaugh, there must first have been some teaching that the winding mechanism of Harbaugh is movable up and down the mast. Instead, the winding mechanism of Harbaugh is fixed. While there are other elements in the umbrella of Harbaugh that *DO* slide up and down the mast, they do not include the winding mechanism. There is no motivation for a person skilled in the art to put a ratchet and pawl locking mechanism on a winding mechanism that does not move. The examiner has not established a prima facie case of unpatentability, and the rejection should be withdrawn.

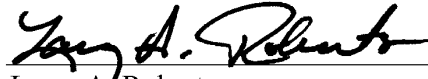
A request for a three-month extension of time for filing a response, together with the fee required by 37 C.F.R. 1.17(a)(3), is enclosed. The time for filing a response is thereby

extended to December 24, 2010. A petition to revive an unintentionally abandoned application and accompanying fee is attached to account for the time between December 24, 2010, and the date of filing of this response.

The Commissioner is hereby authorized to charge any additional fees and credit any refund to Deposit Account No. 11-0855.

The foregoing is believed fully responsive to the Office Action dated June 24, 2010. Applicant respectfully requests that a timely Notice of Allowance issue in this case.

Respectfully submitted:



Larry A. Roberts
Reg. No. 31,871

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E-mail: lroberts@kilpatricktownsend.com

PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a) FY 2009 <i>(Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).)</i>		Docket Number (Optional) 45639-377267
Application Number 12/435,640		Filed May 5, 2009
For ADJUSTABLE OFFSET UMBRELLA		
Art Unit 3636		Examiner Noah C. Hawk

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.

The requested extension and fee are as follows (check time period desired and enter the appropriate fee below):

	<u>Fee</u>	<u>Small Entity Fee</u>	
☐ One month (37 CFR 1.17(a)(1))	\$130	\$65	\$ _____
☐ Two months (37 CFR 1.17(a)(2))	\$490	\$245	\$ _____
☒ Three months (37 CFR 1.17(a)(3))	\$1110	\$555	<u>\$555</u>
☐ Four months (37 CFR 1.17(a)(4))	\$1730	\$865	\$ _____
☐ Five months (37 CFR 1.17(a)(5))	\$2350	\$1175	\$ _____

☒ Applicant claims small entity status. See 37 CFR 1.27.

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

☒ Payment by credit card.

☐ 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 Number 110855.

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 31,871

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

/s/ Larry A. Roberts

Signature

LARRY A. ROBERTS

Typed or printed name

February 3, 2011

Date

404 745 2409

Telephone Number

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 1.136(a). 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 6 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.

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.

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 12/435,640		Filing Date 05/05/2009		☐ To be Mailed			
APPLICATION AS FILED – PART I												
(Column 1)			(Column 2)			SMALL ENTITY ☒ OR		OTHER THAN SMALL ENTITY				
FOR		NUMBER FILED	NUMBER EXTRA		RATE (\$)	FEE (\$)	OR		RATE (\$)	FEE (\$)		
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))		N/A	N/A		N/A		OR		N/A			
☐ SEARCH FEE (37 CFR 1.16(k), (i), or (m))		N/A	N/A		N/A		OR		N/A			
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))		N/A	N/A		N/A		OR		N/A			
TOTAL CLAIMS (37 CFR 1.16(i))		minus 20 =	*		X \$ =		OR		X \$ =			
INDEPENDENT CLAIMS (37 CFR 1.16(h))		minus 3 =	*		X \$ =		OR		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.												
APPLICATION AS AMENDED – PART II												
(Column 1)			(Column 2)			(Column 3)			SMALL ENTITY OR		OTHER THAN SMALL ENTITY	
AMENDMENT	02/03/2011	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)		RATE (\$)	ADDITIONAL FEE (\$)		
	Total (37 CFR 1.16(i))	* 16	Minus	** 20	= 0	X \$26 =	0	OR	X \$ =			
	Independent (37 CFR 1.16(h))	* 1	Minus	*** 3	= 0	X \$110 =	0	OR	X \$ =			
	☐ Application Size Fee (37 CFR 1.16(s))											
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))											
						TOTAL ADD'L FEE	0	OR	TOTAL ADD'L FEE			
AMENDMENT		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	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))											
						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:
/Wanda A. Brown/

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.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/435,640	05/05/2009	Wu Wei Dan	45639-377267	3797
23370 7590 06/24/2010 JOHN S. PRATT, ESQ KILPATRICK STOCKTON, LLP 1100 PEACHTREE STREET SUITE 2800 ATLANTA, GA 30309			EXAMINER HAWK, NOAH CHANDLER	
			ART UNIT 3636	PAPER NUMBER
			MAIL DATE 06/24/2010	DELIVERY MODE PAPER

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

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

Office Action Summary	Application No.		Applicant(s)	
	12/435,640		DAN, WU WEI	
	Examiner		Art Unit	
	NOAH C. HAWK		3636	

-- 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) ☐ 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

4) ☒ Claim(s) 1-6 is/are pending in the application.

4a) Of the above claim(s) ____ is/are withdrawn from consideration.

5) ☐ Claim(s) ____ is/are allowed.

6) ☒ Claim(s) 1-6 is/are rejected.

7) ☐ Claim(s) ____ is/are objected to.

8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

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

10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ 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

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) ☐ 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

Claim Rejections - 35 USC § 102

1. 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.

2. Claims 1, 4 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Harbaugh in US Patent 5937882.

a. Regarding Claim 1, Harbaugh teaches a umbrella comprising: a main pole (20) having a lower end (26) for support by a support surface and extending generally upward to an upper end (39); a sliding member (43) associated with the main pole and selectably moveable thereon between lower and upper locations along the main pole; locking means (48/49) for releasably securing the sliding member to the main pole at a selected location along the main pole, an umbrella canopy (15) having a central region (55); an arm (54) associated with the central region and extending radially therefrom to an outer end operatively associated with the member; a brace (56) associated with the arm at a location thereon between the central region of the umbrella canopy and the outer end of the arm, the brace extending to the main pole at a location in spaced relation to the sliding member; a winding element (including 38, 64, and 62) mounted to the sliding member and movable therewith (at least element 64 is mounted on and slidable

with the member); and a line (60) extending along the arm from the winding element to engage the umbrella canopy; wherein operation of the winding element to apply tension to the line opens and closes the umbrella canopy in response to movement of the line; and wherein the angle of the umbrella canopy with respect to the main pole can be controlled by moving the sliding member along the main pole.

b. Regarding Claim 4, Harbaugh teaches that the locking means for releasably securing the sliding member to the main pole comprises a plurality of holes (49) formed in the main pole and a pin (48) associated with the sliding member and operative to engage a selected one of the holes.

c. Regarding Claim 6, Harbaugh teaches that the line extends along at least substantially the entire length of the arm.

Claim Rejections - 35 USC § 103

3. 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 negated by the manner in which the invention was made.

4. Claims 2 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harbaugh as applied to Claim 1 above in view of Tung in US Patent 6478037. Harbaugh fails to teach a cam locking means. Tung teaches an umbrella with a main pole (12a) having a sliding member (13) movable thereon between upper and lower

positions and having locking means for releasably securing the member to the pole, wherein the locking means for releasably securing the sliding member to the main pole comprises a cam latch member (16) having a cam surface, the cam latch member being rotatable with respect to the sliding member between a first position in which the cam surface causes the sliding member to be clamped against the main pole, and a second position in which the cam surface permits movement of the sliding member with respect to the main pole (See Tung, Column 3, lines 40-46). Tung further teaches that the sliding member has a handle (formed on the other end of element 16). Associated therewith. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the locking means and sliding member of Harbaugh by using a cam locking means with a handle as taught by Tung in order to allow the user to infinitely adjust the position of the member on the pole without having to rely on the set placing of the holes.

5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Harbaugh, as applied to Claim 1 above in view of Liu in US Patent 5284171. Harbaugh fails to teach a teeth-and-pawl locking means. Liu teaches an umbrella having a main pole (2) having a sliding member (21) movable thereon between upper and lower positions and having locking means for releasably securing the member to the pole comprising a plurality of teeth (25) formed on the main pole and a cooperating pawl (281) associated with the sliding member and selectively operative to engage a selected one of the teeth to prevent movement of the sliding member with respect to the main pole. It would have been obvious to one of ordinary skill in the art at the time of

invention to modify the locking means of Harbaugh by using a teeth-and-pawl means as taught by Liu in order to allow the user to more precisely adjust the position of the sliding member on the pole.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Lo, Tseng, Li et al. '297 and '263, Reese, Ma, and Steiner teach umbrellas of interest.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NOAH C. HAWK whose telephone number is (571)272-1480. The examiner can normally be reached on M-F 9am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Dunn can be reached on 571-272-6670. 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.

/Noah C Hawk/
Examiner, Art Unit 3636

Notice of References Cited	Application/Control No. 12/435,640	Applicant(s)/Patent Under Reexamination DAN, WU WEI	
	Examiner NOAH C. HAWK	Art Unit 3636	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-5,284,171 A	02-1994	Liu, Chin-Hsiang	135/20.3
*	B	US-5,937,882 A	08-1999	Harbaugh, Kenneth A.	135/20.3
*	C	US-5,960,806 A	10-1999	Steiner, Walter	135/20.1
*	D	US-2002/0121297 A1	09-2002	Li et al.	135/20.1
*	E	US-2002/0129847 A1	09-2002	Ma, Mark J.S.	135/98
*	F	US-6,478,037 B2	11-2002	Tung, Pai	135/21
*	G	US-2005/0028852 A1	02-2005	Reese, Benjamin P.	135/020.1
*	H	US-6,945,263 B2	09-2005	Li et al.	135/20.1
*	I	US-2006/0254628 A1	11-2006	Tseng, Chuen-Jong	135/020.1
*	J	US-7,156,114 B2	01-2007	Lo, Chong-Yi	135/21
	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.

<i>Index of Claims</i> 	Application/Control No. 12435640	Applicant(s)/Patent Under Reexamination DAN, WU WEI
	Examiner NOAH C HAWK	Art Unit 3636

✓	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	06/17/2010								
	1	✓								
	2	✓								
	3	✓								
	4	✓								
	5	✓								
	6	✓								

Search Notes 	Application/Control No. 12435640	Applicant(s)/Patent Under Reexamination DAN, WU WEI
	Examiner NOAH C HAWK	Art Unit 3636

SEARCHED			
Class	Subclass	Date	Examiner
135	20.1, 20.3	6/17/2010	NCH

SEARCH NOTES		
Search Notes	Date	Examiner
Performed inventor name search	6/17/2010	NCH
Please see attached EAST search history	6/17/2010	NCH

INTERFERENCE SEARCH			
Class	Subclass	Date	Examiner

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BIB DATA SHEET

CONFIRMATION NO. 3797

SERIAL NUMBER 12/435,640	FILING or 371(c) DATE 05/05/2009 RULE	CLASS 135	GROUP ART UNIT 3636	ATTORNEY DOCKET NO. 45639-377267		
APPLICANTS Wu Wei Dan, San Men, CHINA; ** CONTINUING DATA ***** This appln claims benefit of 61/050,353 05/05/2008 ** FOREIGN APPLICATIONS ***** ** IF REQUIRED, FOREIGN FILING LICENSE GRANTED *** SMALL ENTITY ** 05/14/2009						
Foreign Priority claimed ☐ Yes ☒ No 35 USC 119(a-d) conditions met ☐ Yes ☒ No Verified and /NOAH CHANDLER HAWK/ Acknowledged Examiner's Signature		☐ Met after Allowance NCH Initials	STATE OR COUNTRY CHINA	SHEETS DRAWINGS 5	TOTAL CLAIMS 6	INDEPENDENT CLAIMS 1
ADDRESS JOHN S. PRATT, ESQ KILPATRICK STOCKTON, LLP 1100 PEACHTREE STREET SUITE 2800 ATLANTA, GA 30309 UNITED STATES						
TITLE Adjustable Offset Umbrella						
FILING FEE RECEIVED 527	FEES: Authority has been given in Paper No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following:		☐ All Fees ☐ 1.16 Fees (Filing) ☐ 1.17 Fees (Processing Ext. of time) ☐ 1.18 Fees (Issue) ☐ Other _____ ☐ Credit			

EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L1	355	135/20.1.ccls.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2010/06/17 16:19
L2	380	135/20.3.ccls.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2010/06/17 16:19
L3	1	"12435640"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2010/06/17 16:20
L4	118	("0166980" "0288703" "0451570" "0504900" "0508418" "0631442" "0846389" "1223833" "2183833" "2905187" "3145720" "3383814" "3446523" "3765434" "4011881" "4132236" "4135835" "4424824" "4586525" "4606366" "4998551" "5116258" "5149149" "5284171" "5387048" "5390685" "5437297" "5551465" "5678585" "5735302" "5785069" "5845665" "5937882" "5960806" "6105594" "6152156" "6196242" "6220261" "6244286"	US-PGPUB; USPAT; USOCR	OR	ON	2010/06/17 17:12

		"6401739" "6588438" "6619306").PN. OR ("2002/0121297" "2002/0129847" "2005/0028852" "2006/0254628" "2010/0051074" "5284171" "5937882" "5960806" "6478037" "6945263" "7156114").URPN.				
L5	9	(wu and wei and dan). in.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2010/06/17 17:55

EAST Search History (Interference)

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6/ 17/ 2010 6:04:50 PM**C:\ Documents and Settings\ nhawk\ My Documents\ EAST\ Workspaces\ 12435640 -
Adjustable Offset Umbrella.wsp**



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United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/435,640	05/05/2009	Wu Wei Dan	45639-377267

CONFIRMATION NO. 3797

23370

JOHN S. PRATT, ESQ
KILPATRICK STOCKTON, LLP
1100 PEACHTREE STREET
SUITE 2800
ATLANTA, GA 30309

PUBLICATION NOTICE



OC000000040412536

Title:Adjustable Offset Umbrella

Publication No.US-2010-0051074-A1

Publication Date:03/04/2010

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 Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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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
12/435,640	05/05/2009	3636	527	45639-377267	6	1

CONFIRMATION NO. 3797

UPDATED FILING RECEIPT



OC000000038923710

23370
JOHN S. PRATT, ESQ
KILPATRICK STOCKTON, LLP
1100 PEACHTREE STREET
SUITE 2800
ATLANTA, GA 30309

Date Mailed: 11/25/2009

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)

Wu Wei Dan, San Men, CHINA;

Assignment For Published Patent Application

Southern Sales & Marketing Group, Inc., Atlanta, GA

Power of Attorney: The patent practitioners associated with Customer Number 23370

Domestic Priority data as claimed by applicant

This appln claims benefit of 61/050,353 05/05/2008

Foreign Applications

If Required, Foreign Filing License Granted: 05/14/2009

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/435,640**

Projected Publication Date: 03/04/2010

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Adjustable Offset Umbrella

Preliminary Class

135

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.

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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).

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page 2 of 3

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NOT GRANTED

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IN THE U.S. PATENT AND TRADEMARK OFFICE

In re Application of: Wu Wei DAN	)	Confirmation No. 3797
	)	
Application No.: 12/435,640	)	Art Unit: 3696
	)	
Filed: May 5, 2009	)	Examiner:
	)	
For: ADJUSTABLE OFFSET	)	Docket No: 45639-377267
UMBRELLA	)	

RESPONSE TO NOTICE TO FILE MISSING PARTS – FILING DATE GRANTED

Attention: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith are papers in the above-identified application.

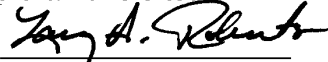
- ☐ Formalities Letter – Notice to File Missing Parts of Application – Filing Date Granted.
- ☒ Declaration and Power of Attorney.
- ☒ Petition for Extension of Time Under 37 C.F.R. § 1.136.
- ☐ Application Data Sheet
- ☐ The fee is calculated on the attached PTO/SB/17.
- ☒ Applicant claims small entity status.
- ☒ Payment in the amount of **\$65.00** is submitted.
- ☐ Form PTO-2038 is attached.
- ☒ The Commissioner is hereby authorized to charge any additional fees required under 37 CFR §1.16, or credit any overpayment, to Account No. 11-0855.

Certificate of Electronic Filing

I hereby certify that this correspondence is being electronically filed with The United States Patent Office via EFS Web, on November 16, 2009.

/Nancy S. Edwards
Nancy S. Edwards

KILPATRICK STOCKTON LLP
1100 Peachtree Street
Suite 2800
Atlanta, Georgia 30309-4530
Telephone: **404-815-6500**

By: 
Larry A. Roberts
Attorney for Applicant
Reg. No. 31871

DECLARATION FOR PATENT APPLICATION

☒ Original ☐ Supplemental ☐ Substitute ☐ PCT

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 design patent is sought on the invention entitled:

ADJUSTABLE OFFSET UMBRELLA

(Title of the Invention)

the specification of which (check one)

☐ is attached hereto
☒ was filed on May 5, 2009 as U. S. Application Serial

Number or PCT International Application Number 12/435,640

and was amended _____
 (if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 (a) - (d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, 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, by checking the box below, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Applications			Priority Claimed		Copy Attached	
Application Number	Country	Foreign Filing Date (MM/DD/YYYY)	YES	NO	YES	NO

Serial No: 12/435,640
Inventor: Wu Wei Dan
For: "ADJUSTABLE OFFSET UMBRELLA"
Declaration for Patent Application
Page 2 of 3

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below and claim the benefit under Title 35, United States Code, § 120 of any United States application(s), or § 365(e) of any PCT international application(s) designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application(s) in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

Parent Application Number	Filing Date	Status (Mark Appropriate Column Below)		
		Patented	Pending	Abandoned
61/050,353	May 5, 2008			X

As a named inventor, I hereby revoke all prior powers and appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith:

I authorize the U.S. attorneys or agents associated with the customer number provided below to accept and follow instructions from my employer (if I am an employee and this application has been or will be assigned to my employer) or the entity with which I have contracted (if I am an independent contractor and this application has been or will be assigned to such entity), as to any action to be taken in the United States Patent and Trademark Office regarding this application without direct communication between the U.S. attorney or agent and the undersigned. In the event of a change in the persons from whom instructions may be taken, the U.S. attorneys or agents associated with the customer number provided below will be so notified by the undersigned.

As a named inventor, I hereby revoke all prior powers and appoint the practitioners associated with _____ to prosecute this application and transact all

CUSTOMER NO.
23370

business in the United States Patent and Trademark Office connected therewith.

I acknowledge that the attorneys and agents associated with the aforementioned customer number are with Kilpatrick Stockton LLP and represent my employer (if I am an employee and this application has

Serial No: 12/435,640
Inventor: Wu Wei Dan
For: "ADJUSTABLE OFFSET UMBRELLA"
Declaration for Patent Application
Page 3 of 3

been or will be assigned to my employer) or the entity with which I have contracted (if I am an independent contractor and this application has been or will be assigned to such entity) and in such cases do not represent me individually. I further acknowledge I have not established, nor will I seek to establish, any personal attorney/client relationship with Kilpatrick Stockton LLP in connection with this application and understand that, should I require legal representation, I will obtain such, at my expense, other than through Kilpatrick Stockton LLP.

Send Correspondence to:

CUSTOMER NO.
23370

Direct telephone calls to:

Larry A. Roberts (404) 745-2409

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 Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor Wu Wei Dan
Inventor's signature [Signature] Date 2011.11.12
Residence San Men, Zhejiang Province, China
Citizenship China
Post Office Address Same as above

PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a) FY 2009 <i>(Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).)</i>		Docket Number (Optional) 45639-377267
Application Number 12/435,640		Filed May 5, 2009
For ADJUSTABLE OFFSET UMBRELLA		
Art Unit 3696		Examiner

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.

The requested extension and fee are as follows (check time period desired and enter the appropriate fee below):

	<u>Fee</u>	<u>Small Entity Fee</u>	
☐ One month (37 CFR 1.17(a)(1))	\$130	\$65	\$ _____
☐ Two months (37 CFR 1.17(a)(2))	\$490	\$245	\$ _____
☐ Three months (37 CFR 1.17(a)(3))	\$1110	\$555	\$ _____
☒ Four months (37 CFR 1.17(a)(4))	\$1730	\$865	<u>\$865</u>
☐ Five months (37 CFR 1.17(a)(5))	\$2350	\$1175	\$ _____

☒ Applicant claims small entity status. See 37 CFR 1.27.

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

☒ Payment by credit card.

☐ 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 Number 11-0855.

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 _____

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



Signature

Larry A. Roberts – Reg. No. 31,871

Typed or printed name

November 16, 2009

Date

404-815-6500

Telephone Number

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 _____ forms are submitted.

This collection of information is required by 37 CFR 1.136(a). 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 6 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.

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.

Electronic Patent Application Fee Transmittal				
Application Number:		12435640		
Filing Date:		05-May-2009		
Title of Invention:		Adjustable Offset Umbrella		
First Named Inventor/Applicant Name:		Wu Wei Dan		
Filer:		Christopher M. Durkee/Nancy Edwards		
Attorney Docket Number:		45639-377267		
Filed as Small 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	2051	1	65	65
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Extension - 4 months with \$0 paid	2254	1	865	865
Miscellaneous:				
Total in USD (\$)				930

Electronic Acknowledgement Receipt	
EFS ID:	6459796
Application Number:	12435640
International Application Number:	
Confirmation Number:	3797
Title of Invention:	Adjustable Offset Umbrella
First Named Inventor/Applicant Name:	Wu Wei Dan
Customer Number:	23370
Filer:	Christopher M. Durkee/Nancy Edwards
Filer Authorized By:	Christopher M. Durkee
Attorney Docket Number:	45639-377267
Receipt Date:	16-NOV-2009
Filing Date:	05-MAY-2009
Time Stamp:	15:01:27
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	\$930
RAM confirmation Number	1164
Deposit Account	110855
Authorized User	KILPATRICK STOCKTON LLP
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	Miscellaneous Incoming Letter	377267signedresponsetomissingparts.pdf	70436 69217b232055fc441b52036fac8ef55bb80ce7c5	no	1
Warnings:					
Information:					
2	Oath or Declaration filed	377267signeddeclarationandpower.pdf	786685 3e823b9a5f21cab90f58d0d1707cd28e2b212fc	no	3
Warnings:					
Information:					
3	Extension of Time	377267signedextensionoftime.pdf	117345 3cd283b8a8586568339fa42b7816967f1a1a7279	no	2
Warnings:					
Information:					
4	Fee Worksheet (PTO-875)	fee-info.pdf	32178 da93ab8b8c32317d63808b528822ef23b81c680c	no	2
Warnings:					
Information:					
Total Files Size (in bytes):			1006644		
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

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
12/435,640	05/05/2009	3636	462	45639-377267	6	1

CONFIRMATION NO. 3797

23370

JOHN S. PRATT, ESQ
KILPATRICK STOCKTON, LLP
1100 PEACHTREE STREET
SUITE 2800
ATLANTA, GA 30309

FILING RECEIPT



OC000000036000176

Date Mailed: 05/21/2009

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)

Wu Wei Dan, San Men, CHINA;

Assignment For Published Patent Application

Southern Sales & Marketing Group, Inc., Atlanta, GA

Power of Attorney: None

Domestic Priority data as claimed by applicant

This appln claims benefit of 61/050,353 05/05/2008

Foreign Applications

If Required, Foreign Filing License Granted: 05/14/2009

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/435,640**

Projected Publication Date: To Be Determined - pending completion of Missing Parts

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Adjustable Offset Umbrella

Preliminary Class

135

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

page 2 of 3

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 Assets Control, 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).



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
12/435,640	05/05/2009	Wu Wei Dan	45639-377267

CONFIRMATION NO. 3797

FORMALITIES LETTER



23370
JOHN S. PRATT, ESQ
KILPATRICK STOCKTON, LLP
1100 PEACHTREE STREET
SUITE 2800
ATLANTA, GA 30309

Date Mailed: 05/21/2009

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 **\$65** for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this notice.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$65** for a small entity

- **\$65** Surcharge.

Replies should be mailed to:

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.

<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at **1-866-217-9197** or visit our website at <http://www.uspto.gov/ebc>.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

/amuleta/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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.

UTILITY PATENT APPLICATION TRANSMITTAL <i>(Only for new nonprovisional applications under 37 C.F.R. 1.53(b))</i>	Attorney Docket No.	45639-377267
	First Inventor	Wu Wei Dan
	Title	Adjustable Offset Umbrella
	Express Mail Label No.	N/A

APPLICATION ELEMENTS <i>See MPEP chapter 600 concerning utility patent application contents.</i>	ADDRESS TO: Commissioner for Patents P.O. Box 1450 Alexandria VA 22313-1450
1. ☐ Fee Transmittal Form (e.g., PTO/SB/17) <i>(Submit an original and a duplicate for fee processing)</i> 2. ☒ Applicant claims small entity status. See 37 CFR 1.27. 3. ☒ Specification [Total Pages <u>13</u>] Both the claims and abstract must start on a new page <i>(For information on the preferred arrangement, see MPEP 608.01(a))</i> 4. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets <u>5</u>] 5. Oath or Declaration [Total Sheets <u> </u>] a. ☐ Newly executed (original or copy) b. ☐ A copy from a prior application (37 CFR 1.63 (d)) <i>(for a continuation/divisional with Box 18 completed)</i> i. ☐ DELETION OF INVENTOR(S) Signed statement attached deleting inventor(s) named 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 <i>(Appendix)</i> ☐ Landscape Table on CD 8. Nucleotide and/or Amino Acid Sequence Submission <i>(if applicable, items a.-c. are required)</i> 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	ACCOMPANYING APPLICATIONS PARTS 9. ☐ Assignment Papers (cover sheet & document(s)) Name of Assignee _____ 10. ☐ 37 C.F.R. 3.73(b) Statement ☐ Power of Attorney <i>(when there is an assignee)</i> 11. ☐ English Translation Document <i>(if applicable)</i> 12. ☐ Information Disclosure Statement (PTO/SB/08 or PTO-1449) ☐ Copies of foreign patent documents, publications & other information 13. ☐ Preliminary Amendment 14. ☐ Return Receipt Postcard (MPEP 503) <i>(Should be specifically itemized)</i> 15. ☐ Certified Copy of Priority Document(s) <i>(if foreign priority is claimed)</i> 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 <u>23370</u> OR ☐ Correspondence address below	
Name _____ Address _____ City _____ State _____ Zip Code _____ Country _____ Telephone _____ Email _____	
Signature _____ /Larry A. Roberts/ Date _____ 05-05-2009 Name (Print/Type) _____ Larry A. Roberts Registration No. (Attorney/Agent) _____ 31871	

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: Mail Stop Patent Application, 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.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Application Data Sheet 37 CFR 1.76		Attorney Docket Number	45639-377267
		Application Number	
Title of Invention	Adjustable Offset Umbrella		
The application data sheet is part of the provisional or nonprovisional application for which it is being submitted. The following form contains the bibliographic data arranged in a format specified by the United States Patent and Trademark Office as outlined in 37 CFR 1.76. This document may be completed electronically and submitted to the Office in electronic format using the Electronic Filing System (EFS) or the document may be printed and included in a paper filed application.			

Secrecy Order 37 CFR 5.2

☐ Portions or all of the application associated with this Application Data Sheet may fall under a Secrecy Order pursuant to 37 CFR 5.2 (Paper filers only. Applications that fall under Secrecy Order may not be filed electronically.)

Applicant Information:

Applicant 1				
Applicant Authority		☒ Inventor		☐ Legal Representative under 35 U.S.C. 117
		☐ Party of Interest under 35 U.S.C. 118		
Prefix	Given Name	Middle Name	Family Name	Suffix
	Wu	Wei	Dan	
Residence Information (Select One) ☐ US Residency ☒ Non US Residency ☐ Active US Military Service				
City	SanMen	Country Of Residence	CN	
Citizenship under 37 CFR 1.41(b)		CN		
Mailing Address of Applicant:				
Address 1				
Address 2				
City	San Men	State/Province		
Postal Code		Country	CN	
All Inventors Must Be Listed - Additional Inventor Information blocks may be generated within this form by selecting the Add button.				

Correspondence Information:

Enter either Customer Number or complete the Correspondence Information section below. For further information see 37 CFR 1.33(a).	
☐ An Address is being provided for the correspondence Information of this application.	
Customer Number	23370
Email Address	Add Email Remove Email

Application Information:

Title of the Invention	Adjustable Offset Umbrella		
Attorney Docket Number	45639-377267	Small Entity Status Claimed	☒
Application Type	Nonprovisional		
Subject Matter	Utility		
Suggested Class (if any)		Sub Class (if any)	
Suggested Technology Center (if any)			
Total Number of Drawing Sheets (if any)	5	Suggested Figure for Publication (if any)	

Application Data Sheet 37 CFR 1.76		Attorney Docket Number	45639-377267
		Application Number	
Title of Invention	Adjustable Offset Umbrella		

Publication Information:

☐	Request Early Publication (Fee required at time of Request 37 CFR 1.219)
☐	Request Not to Publish. I hereby request that the attached application not be published under 35 U.S.C. 122(b) and certify that the invention disclosed in the attached application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication at eighteen months after filing.

Representative Information:

Representative information should be provided for all practitioners having a power of attorney in the application. Providing this information in the Application Data Sheet does not constitute a power of attorney in the application (see 37 CFR 1.32). Enter either Customer Number or complete the Representative Name section below. If both sections are completed the Customer Number will be used for the Representative Information during processing.			
Please Select One:	☒ Customer Number	☐ US Patent Practitioner	☐ Limited Recognition (37 CFR 11.9)
Customer Number	23370		

Domestic Benefit/National Stage Information:

This section allows for the applicant to either claim benefit under 35 U.S.C. 119(e), 120, 121, or 365(c) or indicate National Stage entry from a PCT application. Providing this information in the application data sheet constitutes the specific reference required by 35 U.S.C. 119(e) or 120, and 37 CFR 1.78(a)(2) or CFR 1.78(a)(4), and need not otherwise be made part of the specification.			
Prior Application Status	Pending	Remove	
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)
	non provisional of	61050353	2008-05-05
Additional Domestic Benefit/National Stage Data may be generated within this form by selecting the Add button.			

Foreign Priority Information:

This section allows for the applicant to claim benefit of foreign priority and to identify any prior foreign application for which priority is not claimed. Providing this information in the application data sheet constitutes the claim for priority as required by 35 U.S.C. 119(b) and 37 CFR 1.55(a).			
Remove			
Application Number	Country ¹	Parent Filing Date (YYYY-MM-DD)	Priority Claimed
			☐ Yes ☒ No
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Assignee Information:

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Assignee 1	

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Application Data Sheet 37 CFR 1.76		Attorney Docket Number	45639-377267
		Application Number	
Title of Invention	Adjustable Offset Umbrella		

If the Assignee is an Organization check here. ☒			
Organization Name	Southern Sales & Marketing Group, Inc.		
Mailing Address Information:			
Address 1	4400 Commerce Circle		
Address 2			
City	Atlanta	State/Province	GA
Country	US	Postal Code	30336
Phone Number		Fax Number	
Email Address			
Additional Assignee Data may be generated within this form by selecting the Add button.			

Signature:

A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature.					
Signature	/Larry A. Roberts/			Date (YYYY-MM-DD)	2009-05-05
First Name	Larry	Last Name	Roberts	Registration Number	31871

This collection of information is required by 37 CFR 1.76. 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 23 minutes to complete, including gathering, preparing, and submitting the completed application data sheet 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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“ADJUSTABLE OFFSET UMBRELLA”

CROSS-REFERENCE TO RELATED APPLICATIONS

[0001] The present application claims priority of provisional application Serial No. 61/050,353, filed May 5, 2008.

TECHNICAL FIELD

[0002] The present invention relates generally to umbrellas used as shade from the sun and relates more specifically to an offset umbrella with an improved mechanism for raising and lowering the umbrella canopy and for adjusting the angle of the canopy with respect to a vertical support member.

BACKGROUND OF THE INVENTION

[0003] As an outdoor leisure product, sunshade umbrellas are widely used in squares, parks, on the beaches, patio and other leisure places, offering comfortable shade to shield people from the sun.

[0004] Conventional umbrellas generally have a main pole extending from the center of the umbrella downward to a support surface. An improvement on this design is the offset umbrella, shown for example in U.S. Patent No. 5,937,882. The main pole of an offset umbrella utilizes a cantilever arrangement to suspend the canopy to the side of the main pole such that the main pole does not occupy space in the shady area beneath the canopy. For

additional convenience, the angle of the canopy can be adjusted with respect to the main pole.

[0005] Existing adjustable offset umbrellas such as that disclosed in the previously mentioned U.S. Patent No. 5,937,882 utilize a crank mechanism both for raising and lowering the canopy and for adjusting the angle of the canopy. The crank mechanism is mounted to the main pole, and the rope moves along a complex path with many turning points. This arrangement requires more winding force, and the rope can easily bind and wear, adversely affecting the umbrella's operation. These disadvantages make the operation of the umbrella burdensome and decrease the enjoyment of leisure time.

SUMMARY OF THE INVENTION

[0006] Stated generally, the umbrella of the present invention comprises a main pole having a lower end for support by a support surface and extending generally upward to an upper end. A sliding member is associated with the main pole and is selectively moveable thereon between lower and upper locations along the main pole. The sliding member includes a locking means for releasably securing the sliding member to the main pole at a desired location.

[0007] The umbrella has a canopy having a central region. An arm extends radially from the central region of the canopy to an outer end operatively associated with the sliding member. A brace is associated with the arm at a location thereon between the central region of the umbrella canopy and the outer end of the arm, the brace extending to the main pole at a location in spaced relation to the sliding member. A winding element is mounted to

the sliding member and is movable therewith. A line extends along the arm from the winding element to engage the umbrella canopy. Operation of the winding element applies tension to the line to open or close the umbrella canopy in response to movement of the line. The angle of the umbrella canopy with respect to the main pole can be controlled by moving the sliding member along the main pole.

[0008] Thus it is an object of the present invention to provide an improved offset umbrella.

[0009] It is another object of the present invention to provide an offset umbrella that simplifies the path of the line from the winding mechanism to the umbrella canopy so as to reduce the force needed to operate the winding mechanism and to reduce wear and binding of the line.

[0010] It is still a further object of the present invention to provide an offset umbrella that separates the function of raising and lowering the canopy from the function of adjusting the angle of the canopy so as to reduce the amount of effort required for each of these functions.

[0011] Other objects, features, and advantages of the present invention will become apparent upon reading the following specification, when taken in conjunction with the drawings and the appended claims.

BRIEF DESCRIPTION OF THE DRAWINGS

[0012] FIG. 1 is a perspective view of an adjustable offset umbrella with the umbrella canopy lowered.

[0013] FIG. 2 is a perspective view of the adjustable offset umbrella of FIG. 1 with the canopy raised.

[0014] FIG. 3 is a schematic representation of the adjustable offset umbrella of FIG. 2 with the canopy removed to reveal the underlying rib structure.

[0015] FIG. 4 is a side cutaway view of a sliding member of the adjustable offset umbrella of FIGS. 1 and 2.

[0016] FIG. 5 is an end cutaway view of a winding mechanism that is associated with the collar of FIG. 4.

[0017] FIG. 6 is a side perspective view of the adjustable offset umbrella of FIGS. 1 and 2 showing the canopy supported at various angles with respect to the vertical support.

[0018] FIG. 7 is a first alternate embodiment of a sliding member.

[0019] FIG. 8 is a second alternate embodiment of a sliding member.

DETAILED DESCRIPTION OF THE DISCLOSED EMBODIMENT

[0020] Referring now to the drawings, in which like numerals indicate like elements throughout the several views, FIGS. 1 and 2 illustrate an adjustable offset umbrella 10. The adjustable offset umbrella 10 includes a base 12 that supports a main pole 14 in a generally vertical orientation. A sliding member 16 is movably mounted to the main pole 14 for sliding movement between upper and lower positions along the pole. In the disclosed embodiment, the sliding member 16 takes the form of a collar that extends around the main pole 14. However, it will be understood that alternate mounting arrangements for slidably

mounting the sliding member 16 to the main pole 14 may be employed without the requirement that the sliding member 16 completely encircle the main pole 14.

[0021] A canopy assembly 20 is supported alongside the main pole 14 by a main support arm 22. The main support arm 22 is pivotally mounted to the sliding member 16 at one end and extends to the central portion of the canopy assembly 20.

[0022] A cap 24 is mounted to top to main pole 14. A brace 26 has a first end pivotally mounted to the cap 24 at a first pivot point 28. The opposite end of the brace 26 is mounted to the main support arm 22 at a second pivot point 30. A strap 32 mounted to the canopy assembly 20 wraps around the main pole 14 when the umbrella is in its lowered position to prevent the canopy from blowing open in the wind.

[0023] Referring now to FIG. 3, the canopy fabric is removed to reveal a canopy support structure 40. The canopy support structure 40 include a rib hub 42. A plurality of radially extending canopy support ribs 44 are pivotally mounted to the rib hub 42. The main support arm 22 serves as a support rib and is also pivotally mounted to the rib hub 42.

[0024] A canopy support post 46 extends downward from the rib hub 42. A spreader hub 50 is slidably engaged with the lower end of the canopy support post 46. A spreader 52 is associated with each rib 44 and is pivotally attached to the rib 44 at its upper end and to the spreader hub 50 at its lower end. In the disclosed embodiment, a spreader 54 attached to the main support arm 22 is of more robust construction than the other spreaders 52 because of the additional weight that it must support. However, it will be appreciated that all of the spreaders 52, 54 can be of identical design for ease of manufacture and assembly.

[0025] A line 60 (shown in dashed lines in FIG. 3) extends inside the main support arm 22 from the lower end of the support arm to its upper end. The line 60 then extends downward inside the canopy support post 46 to a ball 62. To reduce friction and abrasion on the line 60, the line passes over a first pulley 64 at the lower end of the main support arm 22, over a second pulley 66 at the upper end of the main support arm, and over a third pulley 68 in the upper end of the canopy support post 46.

[0026] Referring now to FIG. 4, the sliding member 16 includes a housing 70, the rear portion 72 of which is formed in the shape of a handle that may be easily grasped by a user. A cam lock member 74 is pivotally mounted in an upper portion of the housing 70. The cam lock member 74 comprises a lever portion 76 and a cam surface 78. When viewed from the end, the lever portion 76 is slightly narrower than the housing 70. When the cam lock member 74 is in its “down” or “stored” position, the cam surface 78 bears against a spring loaded button 80, which in turn clamps against the main pole 14 to secure the sliding member 16 against the pole. When the lever portion 76 of the cam lock member 74 is in its up position, shown in the dashed line, the cam surface 78 is rotated free of the button 80. The spring then causes the button 80 to retract, and the sliding member 16 can move freely up and down the main pole 14.

[0027] A winding mechanism 82 is also mounted to the housing 70 of the sliding member 16. With reference to FIGS. 4 and 5, the winding mechanism 82 includes a winder hub 84 around which the line 60 can be wrapped. The end of the line 60 extends through a hole 88 and is knotted or otherwise secured to prevent the line from passing back through the hole 88. As can be seen in FIG. 5, a crank 92 is provided by which a user can rotate the
6.

winding mechanism 82 to tension or to relax the line 60. A latch mechanism 94 permits the user to lock the winding mechanism 82 in place once the line 60 has been retracted or extended to the desired extent.

[0028] Referring now to FIG. 6, movement of the sliding member 16 up and down the main pole 14 adjusts the angle of the canopy assembly 20 with respect to the main pole 14 as shown. The position of sliding member 16A corresponds to the position of the canopy assembly 20A, the position of the sliding member 16B corresponds to the position of the canopy assembly 20B, and the position of the sliding member 16C results in the position of the canopy assembly 20C.

[0029] To erect the umbrella canopy assembly 20 of the umbrella 10, the user first grasps the crank 92 of the winding mechanism 82 and winds in the line 60. Tension on the line 60 draws the ball 62 at the opposite end of the line upward, elevating the spreader hub 50. As the spreader hub 50 is raised, the canopy assembly 20 extends.

[0030] Once the canopy assembly 20 has been fully erected, the user can adjust the angle of the canopy assembly with respect to the main pole 14 by moving the sliding member 16 up or down the pole until the desired result is achieved. To move the sliding member 16, the user first rotates the cam lock member 74 to its extended position. This movement disengages the cam surface 78 from the spring loaded button 80 and unclamps the sliding member 16 from the main pole 14. The user then moves the sliding member 16 up or down the main pole 14 until the canopy assembly 20 is at the desired angle. Once the desired angle has been achieved, the user rotates the cam lock member 74 back to its retracted position, clamping the sliding member 16 securely against the main pole 14.

[0031] FIG. 7 illustrates an alternate embodiment of a sliding member 116. This embodiment employs a spring-loaded latch pin 120 mounted to the sliding member 116 that engages one of a corresponding series of holes 122 in the main pole 114. To move the sliding member 116 from one location on the main pole 114 to another, the user extracts the latch pin 120 until it disengages the hole, slides the sliding number upward or downward to a desired new location, and engages the latch pin with a new one of the series of holes 122.

[0032] FIG. 8 illustrates another embodiment of a sliding member 216 in which a plurality of ratchet teeth 220 are formed along the rear surface of the main pole 214. A pawl 222 pivotally mounted to the sliding mechanism 216 engages a cooperating one of the ratchet teeth 220 to lock the sliding member 216 in position. To move the sliding member 216 from one location on the main pole 214 to another, the user raises a lever portion 224 on the pawl 222 to disengage the pawl from the ratchet teeth 220, moves the sliding member 216 to a new desired location, and releases the spring-loaded pawl to re-engage the ratchet teeth.

[0033] In the foregoing embodiments, the main pole is described as being rectangular in shape. However, the main pole is not limited to a rectangular cross-section but can be round, oval, or any other of a number of suitable shapes.

[0034] In the embodiment of FIGS. 1-6 the handle of the lever is described as being pivoted at its upper end. However, it will be appreciated that the latch mechanism 74 can be mounted at the lower end of the slide 16, with the handle 76 being pivoted at its lower end.

[0035] Finally, it will be understood that the foregoing embodiments have been disclosed by way of example and that other modifications may occur to those skilled in the art without departing from the scope and spirit of the appended claims.

CLAIMS

What is claimed is:

1. An umbrella comprising:
 - a main pole having a lower end for support by a support surface and extending generally upward to an upper end;
 - a sliding member associated with the main pole and selectably moveable thereon between lower and upper locations along the main pole;
 - locking means for releasably securing the sliding member to the main pole at a selected location along the main pole,
 - an umbrella canopy having a central region;
 - an arm associated with the central region and extending radially therefrom to an outer end operatively associated with the member;
 - a brace associated with the arm at a location thereon between the central region of the umbrella canopy and the outer end of the arm, the brace extending to the main pole at a location in spaced relation to the sliding member;
 - a winding element mounted to the sliding member and movable therewith; and
 - a line extending along the arm from the winding element to engage the umbrella canopy;
- wherein operation of the winding element to apply tension to the line opens and closes the umbrella canopy in response to movement of the line; and

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wherein the angle of the umbrella canopy with respect to the main pole can be controlled by moving the sliding member along the main pole.

2. The umbrella of Claim 1, wherein the locking means for releasably securing the sliding member to the main pole comprises a cam latch member having a cam surface, the cam latch member being rotatable with respect to the sliding member between a first position in which the cam surface causes the sliding member to be clamped against the main pole, and a second position in which the cam surface permits movement of the sliding member with respect to the main pole.

3. The umbrella of Claim 1, wherein the locking means for releasably securing the sliding member to the main pole comprises a plurality of teeth formed on the main pole and a cooperating pawl associated with the sliding member and selectively operative to engage a selected one of the teeth to prevent movement of the sliding member with respect to the main pole.

4. The umbrella of Claim 1, wherein the locking means for releasably securing the sliding member to the main pole comprises a plurality of holes formed in the main pole and a pin associated with the sliding member and operative to engage a selected one of the holes.

5. The umbrella of Claim 1, wherein the sliding member has a handle associated therewith.

6. The umbrella of Claim 1, wherein the line extends along at least substantially the entire length of the arm.

“ADJUSTABLE OFFSET UMBRELLA”

ABSTRACT OF THE DISCLOSURE

An adjustable offset umbrella has a generally vertical main pole and a sliding member slidably mounted to the main pole. The sliding member includes a locking mechanism for securing it at a desired location along the main pole. One end of an arm is associated with the sliding member, and the other end supports an umbrella canopy. A winding mechanism is associated with the sliding member and moves with it. A line extends from the winding mechanism to the umbrella canopy. Operating the winding mechanism opens and closes the umbrella canopy, and moving the sliding member up or down the main pole adjusts the angle of the canopy with respect to the main pole.

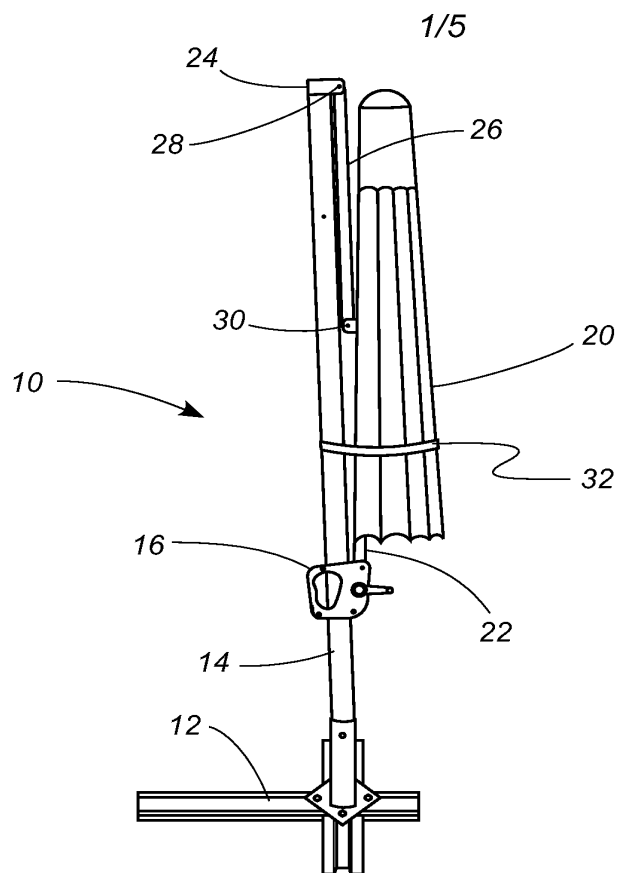


Fig. 1

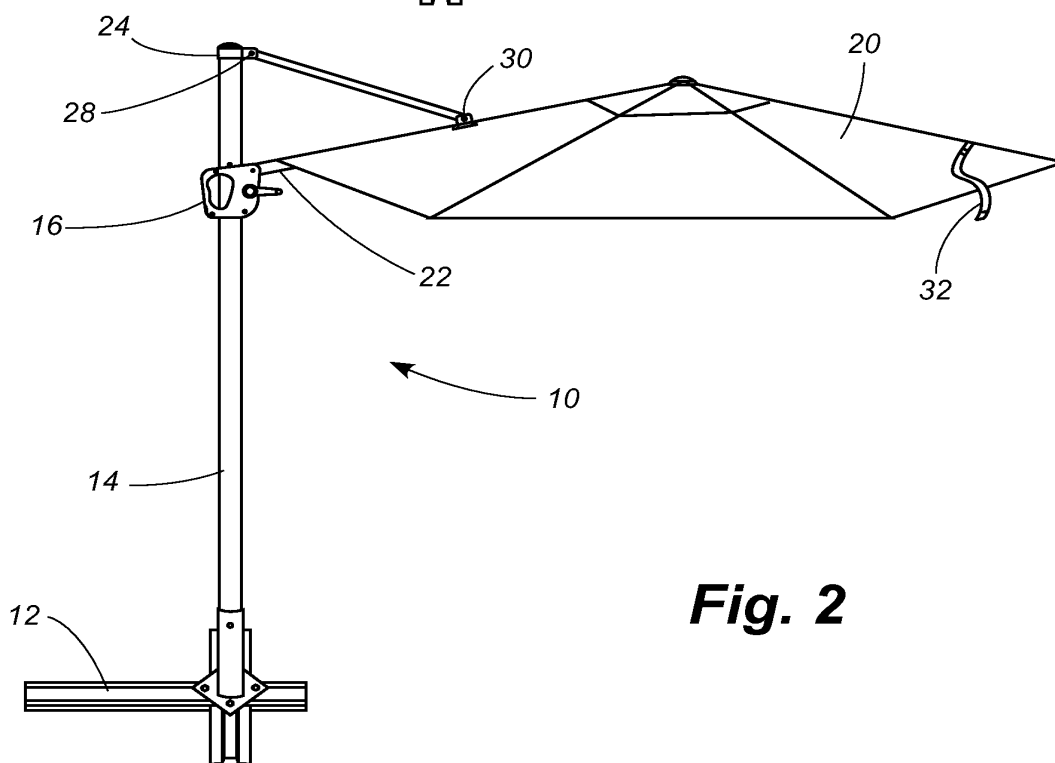
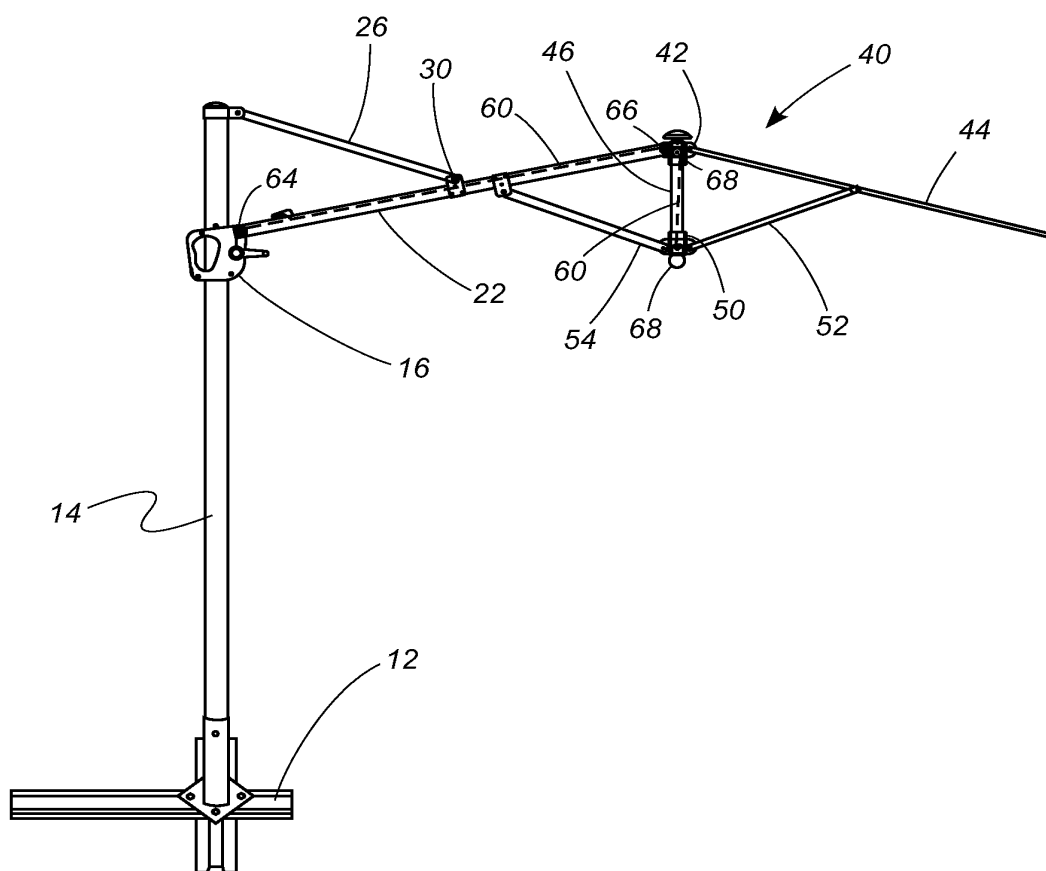
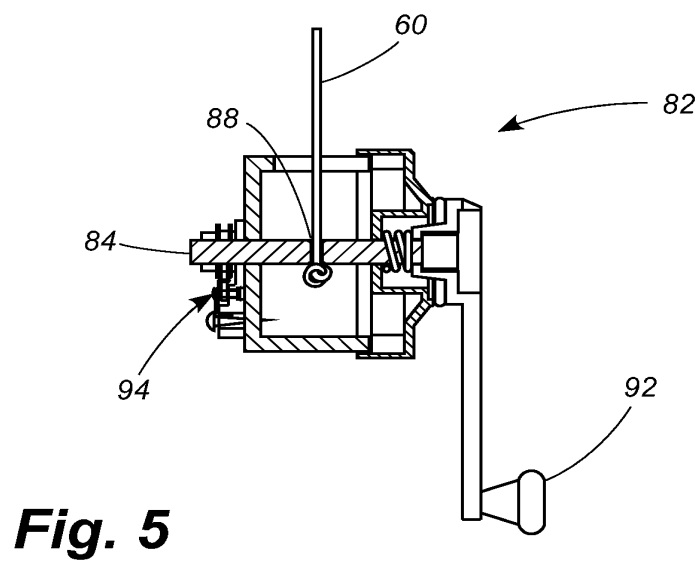
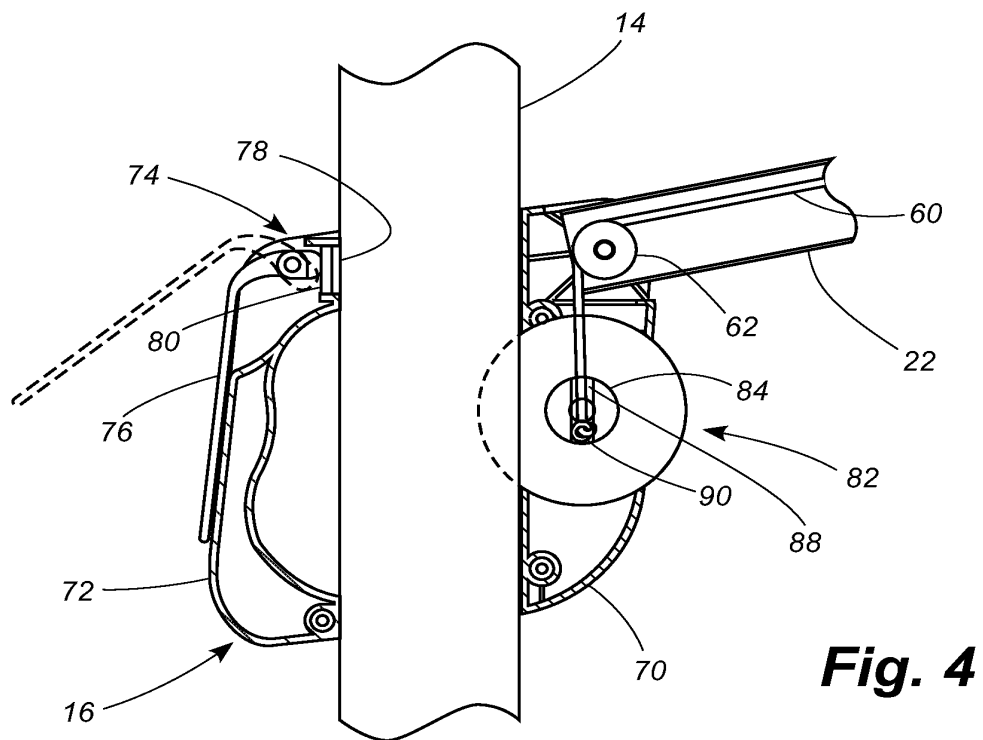
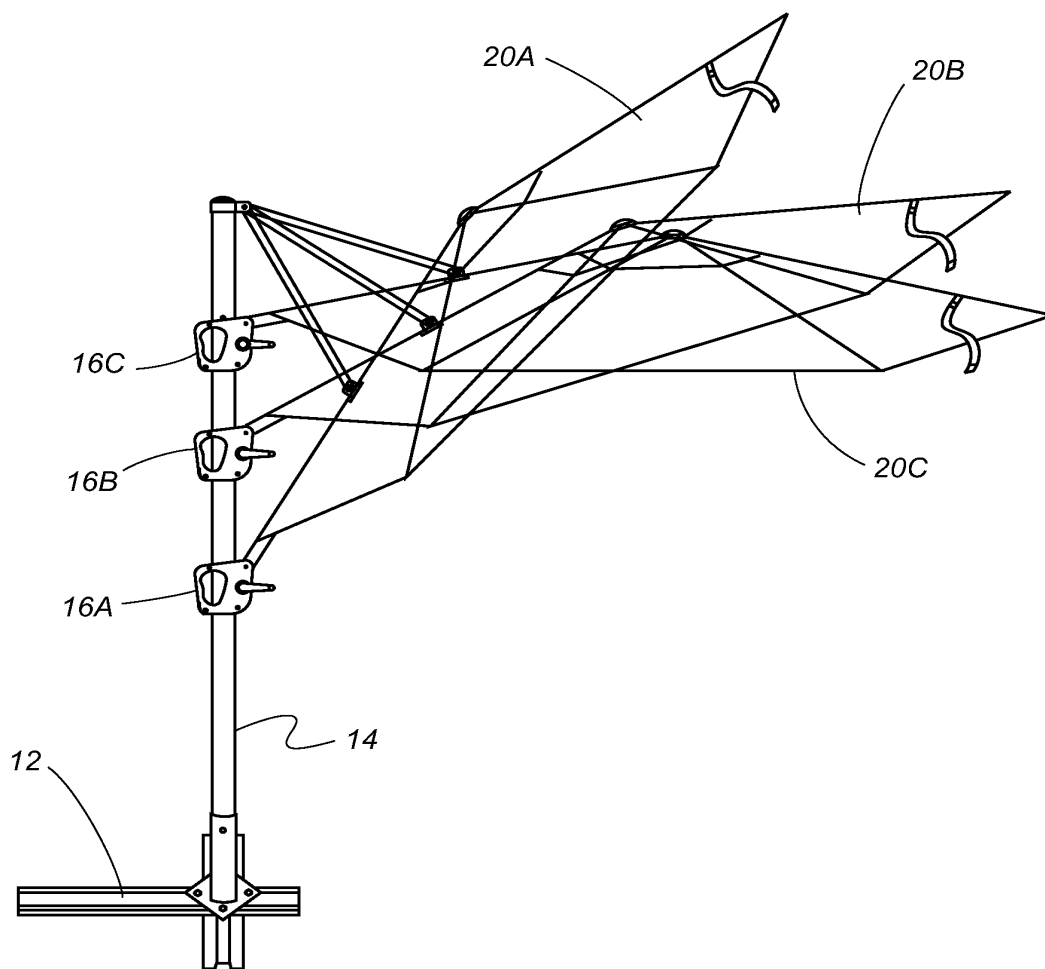


Fig. 2

**Fig. 3**



**Fig. 6**

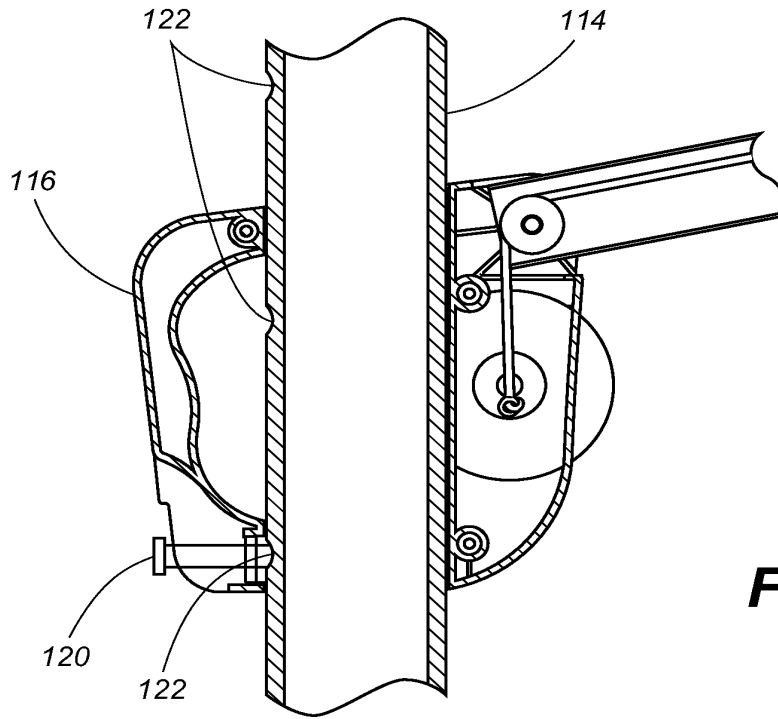


Fig. 7

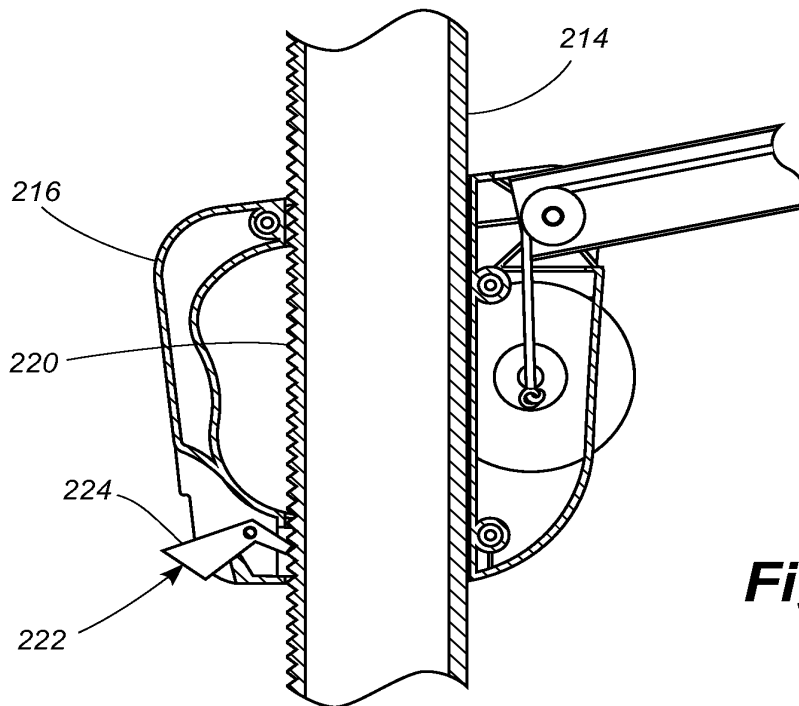


Fig. 8

Electronic Patent Application Fee Transmittal				
Application Number:				
Filing Date:				
Title of Invention:		Adjustable Offset Umbrella		
First Named Inventor/Applicant Name:		Wu Wei Dan		
Filer:		Larry A. Roberts./Andrea Cummings		
Attorney Docket Number:		45639-377267		
Filed as Small Entity				
Utility under 35 USC 111(a) Filing Fees				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Utility filing Fee (Electronic filing)	4011	1	82	82
Utility Search Fee	2111	1	270	270
Utility Examination Fee	2311	1	110	110
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 (\$)				462

Electronic Acknowledgement Receipt	
EFS ID:	5278378
Application Number:	12435640
International Application Number:	
Confirmation Number:	3797
Title of Invention:	Adjustable Offset Umbrella
First Named Inventor/Applicant Name:	Wu Wei Dan
Customer Number:	23370
Filer:	Larry A. Roberts./Andrea Cummings
Filer Authorized By:	Larry A. Roberts.
Attorney Docket Number:	45639-377267
Receipt Date:	05-MAY-2009
Filing Date:	
Time Stamp:	14:46:13
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	\$462
RAM confirmation Number	860
Deposit Account	110855
Authorized User	ROBERTS,LARRY A.
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 1.16 (National application filing, search, and examination fees) Charge any Additional Fees required under 37 C.F.R. Section 1.17 (Patent application and reexamination processing fees)	

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	Transmittal of New Application	45639_377267_transmittal.pdf	93671 97e4c4d138246a7aa634270daf7b67ada70b88f0	no	1
Warnings:					
Information:					
2	Application Data Sheet	45639_377267_ADS.pdf	764237 5059679813ef25b04292885cf7f9ab18b1f464	no	4
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Information:					
This is not an USPTO supplied ADS fillable form					
3		45639_377267_application.pdf	70277 e132eb9825af8dddf93a9fbc398c9a7be2e1b01c	yes	13
	Multipart Description/PDF files in .zip description				
	Document Description		Start	End	
	Specification		1	9	
	Claims		10	12	
	Abstract		13	13	
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4	Drawings-only black and white line drawings	45639_377267_drawings.pdf	48869 a0729822b2e14e377ec6e55395b4d7bd3d1e0b1	no	5
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Warnings:					
Information:					
Total Files Size (in bytes):			1009966		

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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.

Electronic Acknowledgement Receipt	
EFS ID:	5278378
Application Number:	12435640
International Application Number:	
Confirmation Number:	3797
Title of Invention:	Adjustable Offset Umbrella
First Named Inventor/Applicant Name:	Wu Wei Dan
Customer Number:	23370
Filer:	Larry A. Roberts./Andrea Cummings
Filer Authorized By:	Larry A. Roberts.
Attorney Docket Number:	45639-377267
Receipt Date:	05-MAY-2009
Filing Date:	
Time Stamp:	14:46:13
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	\$462
RAM confirmation Number	860
Deposit Account	110855
Authorized User	ROBERTS,LARRY A.
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 1.16 (National application filing, search, and examination fees) Charge any Additional Fees required under 37 C.F.R. Section 1.17 (Patent application and reexamination processing fees)	

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.)
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Information:					
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Information:					
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5	Fee Worksheet (PTO-875)	fee-info.pdf	32912 7831344d0a248348c4bb6e6582de711afafad5d5	no	2
Warnings:					
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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.

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Filing Date: 05/05/09

Approved for use through 7/31/2006. OMB 0651-0032

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PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875					Application or Docket Number 12/435,640	
APPLICATION AS FILED – PART I						
(Column 1)		(Column 2)		SMALL ENTITY		OR
OTHER THAN SMALL ENTITY						
FOR	NUMBER FILED	NUMBER EXTRA	RATE (\$)	FEE (\$)	RATE (\$)	FEE (\$)
BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A	82	N/A	
SEARCH FEE (37 CFR 1.16(k), (l), or (m))	N/A	N/A	N/A	270	N/A	
EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A	110	N/A	
TOTAL CLAIMS (37 CFR 1.16(i))	6	minus 20 =	x\$26		x\$52	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	1	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	462	TOTAL	
* If the difference in column 1 is less than zero, enter "0" in column 2.						
APPLICATION AS AMENDED – PART II						
(Column 1)		(Column 2)		(Column 3)		
AMENDMENT A	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA			
	Total (37 CFR 1.16(i))	*	Minus **	=		
	Independent (37 CFR 1.16(h))	*	Minus ***	=		
	Application Size Fee (37 CFR 1.16(s))					
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))					
(Column 1)		(Column 2)		(Column 3)		
AMENDMENT B	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA			
	Total (37 CFR 1.16(i))	*	Minus **	=		
	Independent (37 CFR 1.16(h))	*	Minus ***	=		
	Application Size Fee (37 CFR 1.16(s))					
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))					

* 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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