

II. Remarks

The application was originally filed with 42 claims. Claims 19-40 and 42 were previously withdrawn. Accordingly, claims 1-42 are currently pending. In response to the communication filed by the Applicant on January 14, 2016, the Examiner has rejected claims 1-18 and 41. The Action is not final.

A. Amendments to the Claims

Claims 1 and 41 are currently amended. No new matter has been added.

B. Reply to Claim Rejections

1. 35 U.S.C. § 102

Claims 1, 2-4, and 41 are rejected under 35 U.S.C. § 102(b), allegedly as unpatentable over U.S. Publication No. 2011/000301 A1, Lichtenstein ("Lichtenstein"). Although the Applicant respectfully disagrees with the Examiner's rejections, the Applicant currently amends the claims to advance the prosecution of this case and expedite allowance.

Without conceding to any statements made in the Office Action, independent claim 1 is currently amended to recite that at least a portion of the sealing material is configured to be positioned between the absorbent material and the tissue site. In the rejection of claim 1, the Examiner points to Figure 11 of Lichtenstein, alleging that the reference discloses a sealing material (1157) being positioned between the interior surface of the sealing drape (1147) and the absorbent material (1129). (Office Action, at 4.) However, Lichtenstein at least does not disclose the configuration of materials according to amended claim 1, where the sealing material (1157 according to the Examiner) is positioned between the absorbent material (1129 according

to the Examiner) and the tissue site. Thus, Lichtenstein does not disclose the arrangement of the elements according to claim 1, at least as amended. As such, independent claim 1, as well as the claims depending therefrom, are patentable over Lichtenstein for at least these reasons. Therefore, the Applicant respectfully requests that the rejections of claims 1 and 2-4 under 35 U.S.C. § 102 be withdrawn.

Regarding independent claim 41, the Applicant currently amends the claim to recite that the absorbent material is disposed within the sealing material. Lichtenstein does not disclose an arrangement where the absorbent material is disposed in the sealing material. In contrast, Lichtenstein discloses multiple different layers of dressing components, where the alleged absorbent material (1129) is included as multiple layers that are distinct from the alleged sealing material (1157). Therefore, Lichtenstein does not disclose all of the limitations of independent claim 41, at least as amended. As such, independent claim 41 is patentable over the cited reference, and the Applicant respectfully requests that the rejection under 35 U.S.C. § 102 be withdrawn.

2. 35 U.S.C. § 103

Claims 5-18 are rejected under 35 U.S.C. § 103, allegedly as unpatentable over Lichtenstein in view of U.S. Patent No. 6,756,520, Krzysik (“Krzysik”). In view of the amendments to independent claim 1, the Applicant respectfully submits that these rejections are moot. Thus, the Applicant respectfully requests that the rejections under 35 U.S.C. § 103 be withdrawn.

C. Conclusion

For at least the foregoing reasons, the Applicant submits that the claims are in condition for allowance, and respectfully requests reconsideration and favorable action. The Examiner is invited to contact the Applicant's representative at the number indicated below to discuss any matter that would advance prosecution of this application.

No fees are believed to be due at this time. If extensions of time are required, the extensions are hereby requested. If any additional fees are required for the prosecution of the application, please charge the fees to Deposit Account Number 08-0750 referencing work order number 82000-000298-US.

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Respectfully submitted,

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