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PATENT - POWER OF ATTORNEY OR REVOCATION OF POWER OF ATTORNEY WITH A NEW POWER OF ATTORNEY AND CHANGE OF CORRESPONDENCE ADDRESS

Patent Number	
Issue Date	
First Named Inventor	Frederick PERKINS
Title	SELF-CONTAINED BIRD FEEDER WITH CAMERA AND STREAMING VIDEO
Attorney Docket No.	A24

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

☐ A Power of Attorney is submitted herewith.

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OR

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Statement under 37 CFR 3.73(c) (Form PTO/AIA/96) submitted herewith or filed on _____.

SIGNATURE of Applicant or Patent Owner

Signature		Date	June 5, 2018
Name	Frederick PERKINS	Telephone	7323062212
Title and Company			

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DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN APPLICATION DATA SHEET (37 CFR 1.76)

Title of Invention	SELF-CONTAINED BIRD FEEDER WITH CAMERA AND STREAMING VIDEO

As the below named inventor, I hereby declare that:

This declaration is directed to:

- [x] The attached application, or
- [ ] United States application or PCT international application number _____ filed on _____.

The above-identified application was made or authorized to be made by me.

I believe that I am the original inventor or an original joint inventor of a claimed invention in the application.

I hereby acknowledge that any willful false statement made in this declaration is punishable under 18 U.S.C. 1001 by fine or imprisonment of not more than five (5) years, or both.

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LEGAL NAME OF INVENTOR

Inventor: Frederick PERKINS Date (Optional): June 5, 2015

Signature: _____

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Electronic Patent Application Fee Transmittal

Application Number:	
Filing Date:	
Title of Invention:	SELF-CONTAINED BIRD FEEDER WITH CAMERA AND STREAMING VIDEO
First Named Inventor/Applicant Name:	Frederick PERKINS
Filer:	Keith B. Scala
Attorney Docket Number:	A24

Filed as Small Entity

Filing Fees for Utility under 35 USC 111(a)

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Basic Filing:				
Utility filing Fee (Electronic filing)	4011	1	70	70
Utility Search Fee	2111	1	300	300
Utility Examination Fee	2311	1	360	360
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				
Miscellaneous:				
			Total in USD ($)	**730**

Electronic Acknowledgement Receipt

EFS ID:	22585945
Application Number:	14735282
International Application Number:	
Confirmation Number:	1060
Title of Invention:	SELF-CONTAINED BIRD FEEDER WITH CAMERA AND STREAMING VIDEO
First Named Inventor/Applicant Name:	Frederick PERKINS
Customer Number:	63640
Filer:	Keith B. Scala
Filer Authorized By:	
Attorney Docket Number:	A24
Receipt Date:	10-JUN-2015
Filing Date:	
Time Stamp:	11:33:54
Application Type:	Utility under 35 USC 111(a)

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Payment was successfully received in RAM	$730
RAM confirmation Number	8868
Deposit Account	
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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Drawings-only black and white line drawings	Drawings5.pdf	143287 db2c93bd327cdcbbcc94e7601b101a3e15b4bc00	no	5
Warnings:					
Information:					
2		SpecificationClaimsAbstract.pdf	69390 d3cabcba880af30775fa4e09892457941625c047	yes	21

	Multipart Description/PDF files in .zip description		
	Document Description	**Start**	**End**
	Specification	1	17
	Claims	18	20
	Abstract	21	21

Warnings:					
Information:					
3	Application Data Sheet	aia0014.pdf	1818495 3b83acd79f4d20476595f4a2617b66fc0b733e6f	no	7
Warnings:					
Information:					
4	Power of Attorney	PowerofAttorney.pdf	375339 02e3cd1c43bbc45f97dc9a6a9a38eaf87396080a	no	1
Warnings:					
Information:					
5	Oath or Declaration filed	Declaration.pdf	377152 508eb53c72410f4b32f70714c24f2609c3411ef1	no	1
Warnings:					
Information:					
6	Fee Worksheet (SB06)	fee-info.pdf	34995 0831599e39ba387aa56b858098a3a1a2f45a59ce	no	2

BIRD BUDDY EX1004

Warnings:	
Information:	
Total Files Size (in bytes):	2818658

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National Stage of an International Application under 35 U.S.C. 371
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New International Application Filed with the USPTO as a Receiving Office
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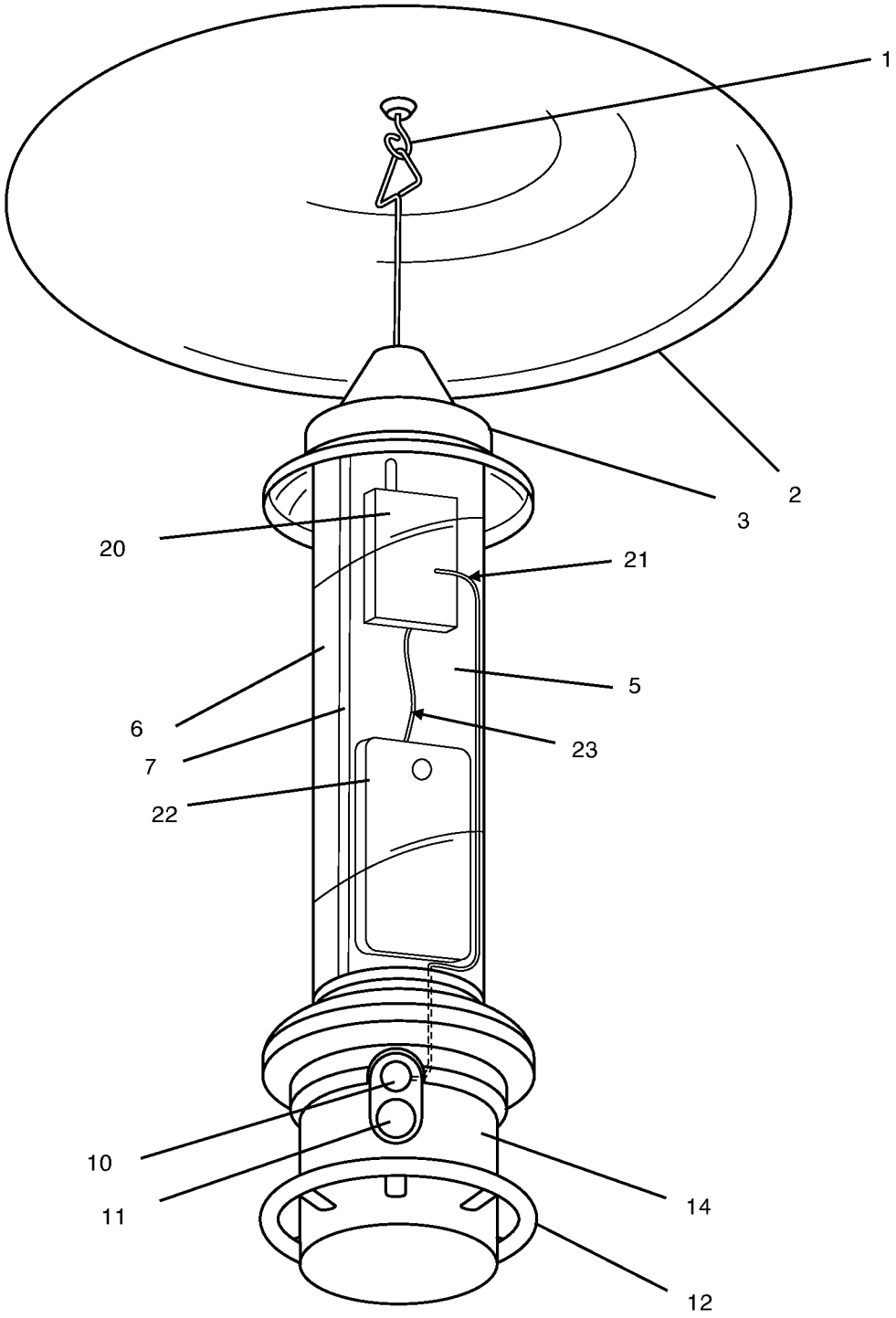


FIG. 1

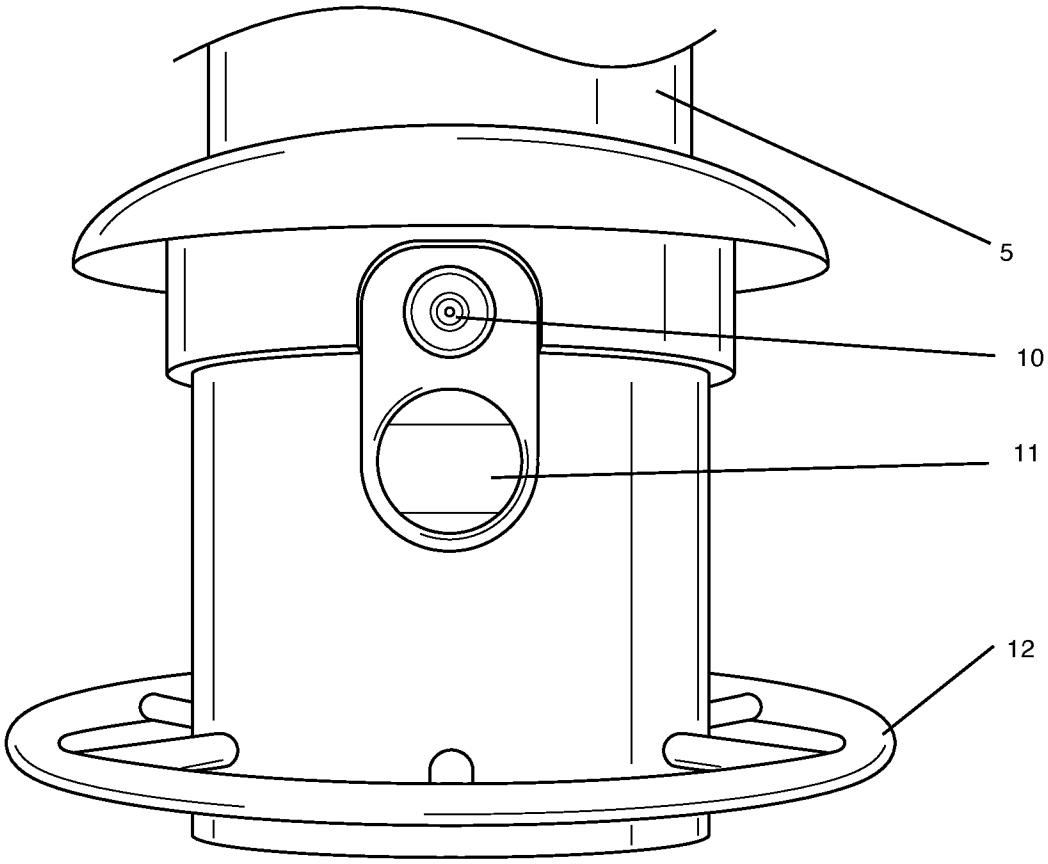


FIG. 2

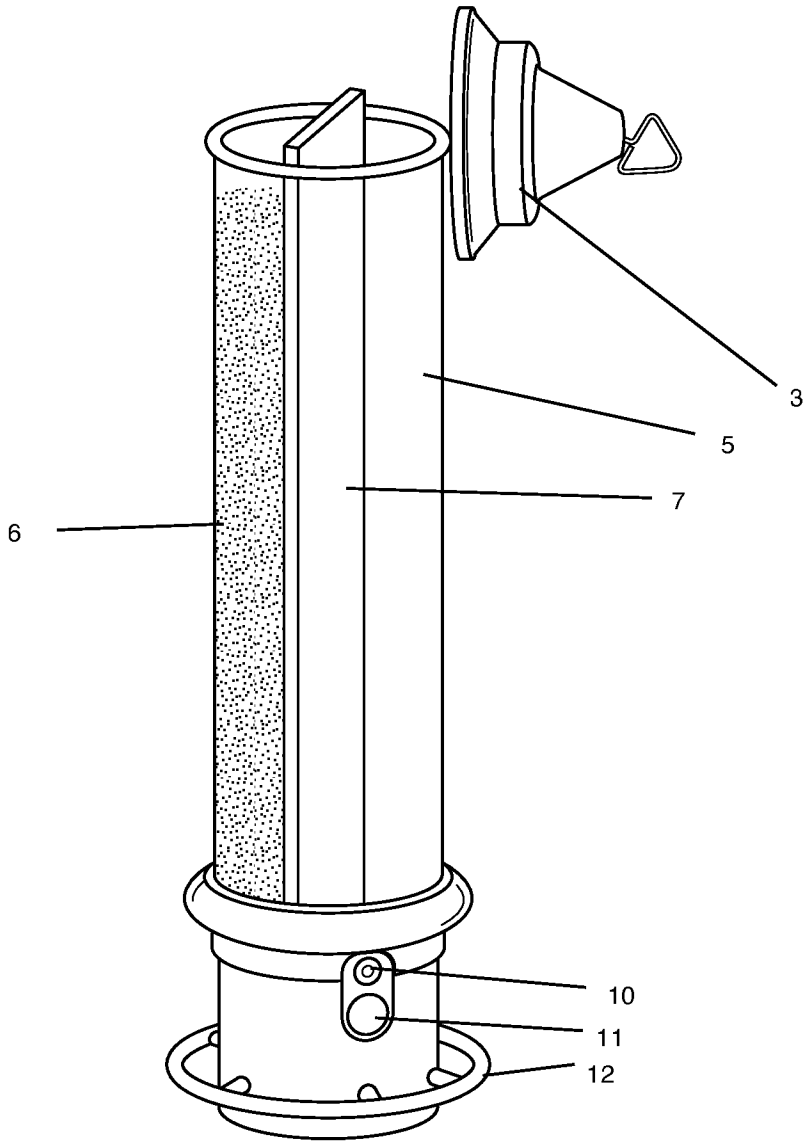


FIG. 3

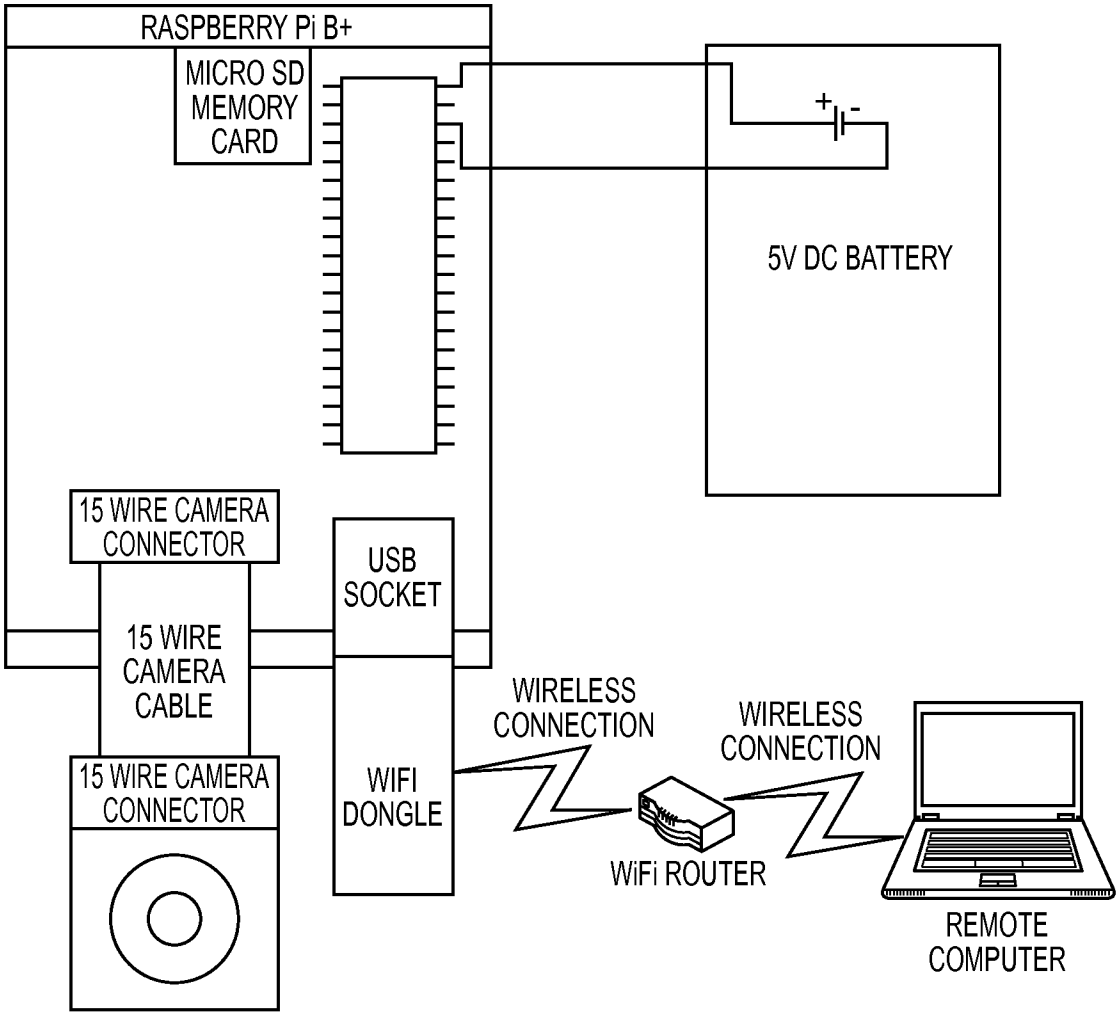

RASPBERRY Pi B+
MICRO SD MEMORY CARD
+
-
5V DC BATTERY
15 WIRE CAMERA CONNECTOR
USB SOCKET
15 WIRE CAMERA CABLE
15 WIRE CAMERA CONNECTOR
WIFI DONGLE
WIRELESS CONNECTION
WIRELESS CONNECTION
WiFi ROUTER
REMOTE COMPUTER

FIG. 4

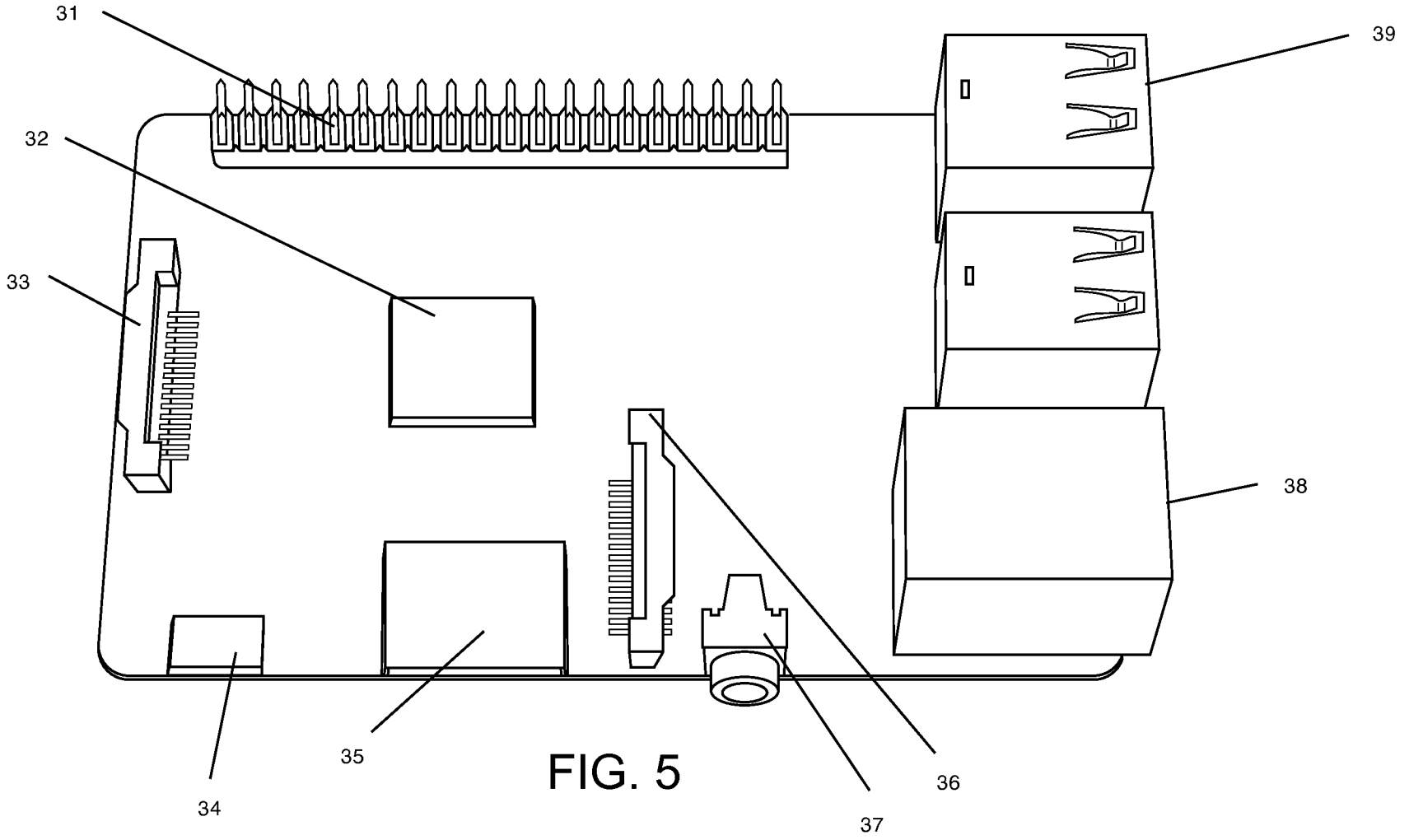


FIG. 5

SELF-CONTAINED BIRD FEEDER WITH CAMERA AND STREAMING VIDEO

CROSS REFERENCE TO RELATED APPLICATIONS

Not Applicable

STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT

Not Applicable

NAMES OF PARTIES TO A JOINT RESEARCH AGREEMENT

Not Applicable

INCORPORATION BY REFERENCE OF ELECTRONIC MEDIA

Not Applicable

STATEMENT REGARDING PRIOR DISCLOSURES

Not Applicable

BACKGROUND OF THE INVENTION

Field of The Invention:

A system and method are described for providing improved bird feeders, especially self-contained bird feeders capable of providing streaming video. The system and method employ a novel design offering a streaming video from a self-contained feeding platform, described in the drawings and the detailed description below.

BRIEF SUMMARY OF THE INVENTION

The present invention is a bird feeder with built in camera, computer controller, and Internet connection. The invention enables a user at a remote computer to control the computer over the Internet or over the local network hosting the bird feeder, to take still pictures of feeding birds or other animals, to take videos of feeding birds, to transmit pictures or videos over the Internet to remote computers, and to transmit "live" streaming video over the Internet to remote computers. The invention is described in further detail in the drawings and the detailed description below.

BRIEF SUMMARY OF THE DRAWINGS

Figure 1 is a perspective view of the self-contained bird feeder of the

present invention.

Figure 2 is a front view of the perch and viewing port of the self-contained bird feeder of the present invention.

Figure 3 is a perspective view of the feeder portion of the self-contained bird feeder of the present invention.

Figure 4 is a block diagram of the self-contained bird feeder of the present invention.

Figure 5 is a perspective view of the circuit board as appearing in the bird feeder of the present invention.

DETAILED DESCRIPTION OF THE INVENTION

The present invention offers improved viewing and of birds at a feeder. In particular, the present invention incorporates a camera and electronics to provide a streaming video feed, including a power source and a controller. As a result, the present invention offers a self-contained platform for providing streaming video that may be broadcast over the Internet. The mobility, versatility, and economy of the present invention offer a substantial improvement in its field.

A representative feeder of the present invention is illustrated in Figure

1. This view of a feeder of the present invention shows a feeder as assembled and in use. Toward the top of the feeder, a shield 2 may be used to protect against squirrels or other unwanted animals. The shield 2 may have a hook 1 that may attach to the feeder top 3. Below the feeder top 3 is the feeder housing 5.

The feeder housing 5 may contain many of the functional components of the present invention, including a computer 20, preferably with a WiFi adapter or WiFi dongle, an internal power source such as a battery 22, a feed compartment 6 and a feed compartment separator 7. A power connector wire 23 connects the computer 20 to the battery 22. A camera cable 21 may connect a camera 10 to the computer 20. The feeder housing may be opaque or clear, and in a preferred embodiment is clear to enable visual inspection of the level of bird feed in the feeder compartment 6.

In an alternative embodiment of the invention, the power source, battery 22, may be augmented by or replaced with one or more other internal power sources, for example solar energy panels. In a preferred embodiment, a solar energy panel can provide sufficient power to operate the computer and camera. For example, one or more solar panels may be mounted on the shield 2 or a canopy. It is also contemplated under the

present invention to arrange a solar power source such that it recharges a battery 22. Thus, the present invention may include a combination of solar power and a battery to ensure smooth computer start-up, operation, and shutdown.

Feed may be fed by gravity from the feeder compartment 6 through the feeder housing 5 to the feeder bottom 14, and to a feed port 11 located on the feeder bottom 14. A camera 10 may be aligned with the feed port 11. In this way, a bird may land on a perch 12 located just below the feed port 11, in accessing feed, and be filmed by the camera 10, located near the feed port. In an alternate embodiment, a sensor may be mounted near the camera to activate the camera when a bird is in range of the camera. Examples of suitable sensors include motion detectors and infrared sensors.

The arrangement of the feeder bottom 14 is illustrated in greater detail in Figure 2. The feeder bottom 14 may be a separate component of the bird feeder that attaches to the feeder housing 5, or the feeder bottom 14 may be a section of the feeder housing 5 itself, for example a section of the feeder housing located at an end of the feeder housing 5.

While a preferred embodiment of the present invention contemplates a feeder specifically for birds, it is within the invention to apply the same

elements of the invention to other feeders.

An opening may be machined in the feeder bottom 14 to allow the camera 10 to be mounted in close proximity to the feed port 11, preferably just above the feed port 11. One of ordinary skill in the art will appreciate the various arrangements of the perch 12, feed port 11, and camera 10 such that the spacing is optimized to correspond to video of certain angles of birds, or to birds of a certain size range. Various shields, barriers, and other features may be used near the feeder bottom 14 both to protect the feed port and offer improved filming by the camera 10.

As shown in Figure 3, the bird feeder of the present invention may have a feed compartment 6 located in the feeder housing 5. The feeder top 3 may be removed to allow filling the feed compartment 6 with feed or accessing electronic or other components as needed. A feed compartment separator 7 may be employed to physically separate the feed from an open space in the feeder housing that may be used for various components, especially the electronic components of the present invention, such as a power supply, a computer, and electronics to implement an Internet connection. The feed compartment separator 7 may be any suitable material, such as foamboard, wood, plexiglass, etc. and placed in the feeder housing 5 in a suitable fashion such that feed is

kept apart from the electronic components.

The feeder and method of the present invention are further illustrated in a block diagram of electronic components in Figure 4. The invention includes:

- A Camera that is mounted to the bird feeder and is aligned with a feeding station to allow photographic observation of feeding birds;
- A programmable computer controller that is mounted to the bird feeder (e.g., Raspberry Pi B+);
- A means of providing electrical power, electrical controls, and means of retrieving photographic images from the camera controlled by the computer controller (e.g., 15 wire camera cable);
- Computer software that runs the computer controller and controls camera functions and data retrieval, including video and still images (e.g., software included in Raspbian Linux distribution);
- An Internet connection (e.g. Ethernet connection to WiFi router) for the computer controller;
- Internet connection hardware (e.g., WiFi transmitter and receiver, WiFi adapter, or WiFi dongle) attached to the computer controller;
- Software running on the computer controller to manage and maintain

the Internet connection (e.g., included in Raspbian Linux distribution);

- Multimode camera capability via programmable computer controller that enables still photography, video capture, and/or live streaming video;
- Software that enables the computer controller to act as server for streaming video over the Internet (e.g., VLC) via connection to router;
- Software that enables the computer controller to act as a server for interactive control from remote computer over the Internet (e.g., unix/Linux server SSH);
- Software that enables monitoring of streaming video from the computer controller from remote computers (e.g., VLC);
- Electrical power to run the computer controller (e.g., 5VDC from battery), and
- Autonomous operation capability without connection to external power supply or wired connection.

Thus, a method may be provided under the present invention for transmitting images from a bird feeder, or other feeder comprising: equipping a feeder housing with a camera in close proximity to a feed port; providing a source of electrical power for a computer disposed within the bird feeder; configuring a computer disposed in the bird feeder to control

the camera; operating the camera to capture images; and transmitting images to a WiFi network.

A computer controller that may be employed in the present invention is illustrated in Figure 5. A processor 32, for example a Broadcom BCM 2835 with 512 MB RAM, is mounted on a circuit board; and a header 31, for example a 40 pin GPIO header, is located at the top of the circuit board. A display connector 33 may be mounted on the circuit board. A 5V micro USB socket 34 is shown located on the lower left corner of the circuit board. A multi-media interface 35, for example a HDMI port, is situated next to camera connector 36, and audio/video jack 37, in this case a 4-pole 3.5mm stereo audio and composite video jack. An ethernet socket 38 provides access to an internet connection. One or more USB ports 39 may be mounted on the circuit board in a preferred embodiment of the invention.

A battery 22 is connected to the Raspberry Pi to provide 5VDC electrical power. Both the battery and the Raspberry Pi subassembly may be mounted via Velcro to an aluminum alloy strip that allows insertion and removal from the bird feeder.

Example 1 below provides additional details of a preferred embodiment of the present invention.

EXAMPLE 1

In a preferred embodiment of the invention, a Squirrel Buster Plus bird feeder from Brome Bird care, 331 Knowlton Road, Knowlton, Quebec is converted into the present invention. A viewing port is machined into the bird feeder. The viewing port is aligned with the feed port to provide an optical path from an internally mounted camera to the area in front of the feed port. A digital camera is mounted in the bird feeder. The camera is aligned with the viewing port so that it can observe feeding birds. In this example, the camera was manufactured by Nanjing Paichi. The camera is mounted on a printed circuit board that includes a 15 wire ribbon cable terminal. The camera is attached to the feeder by four bolts that extend from the feeder shell to beyond the back surface of the camera board. There may be nylon spacers between the feeder shell and the camera board to provide proper mounting distance. There is a protective shield placed over that back of the camera board to protect the electrical contacts. There are four nuts, one for each bolt, attached to the bolts such that they secure both the protective shield to the back of the camera board and secure the camera to feeder shell.

The camera is connected to a Raspberry Pi B+ computer by a 1

meter long 15 wire ribbon cable that is connected to the terminal on the camera board and to the Raspberry Pi. The Raspberry Pi is mounted in a plastic case. The Raspberry Pi includes at least one USB port. A WiFi adapter (dongle) is connected to a USB port. A battery is connected to the Raspberry Pi to provide 5VDC electrical power. The battery and the Raspberry Pi subassembly are mounted via Velcro to an aluminum alloy strip that allows insertion and removal from the bird feeder. A foamboard strip separates the electronics from the feed reservoir.

The Raspbian Linux distribution (available from http://www.raspberrypi.org/downloads/) containing the software that runs the Raspberry Pi, that enables camera support, manages Ethernet and internet connectivity, secure shell server (SSH), and enables other essential functions was installed on an 8 GB micro SD memory board that was then loaded into the Raspberry Pi and run. Camera support and SSH were enabled for the Raspberry Pi during setup. Using software included in the Raspbian distribution and a WiFi dongle inserted into a USB socket, WiFi connection was enabled and a WiFi router selected. This enables feeder communication with the Internet for remote feeder control and producing streaming video. VLC server software was also loaded onto the Micro SD card to enable streaming video by executing the command

“sudo apt-get install vlc” (see for example http://www.videolan.org/doc/vlc-user-guide/en/ch01.html).

After configuration as described above, the Raspberry Pi and battery were connected to an aluminum strip and inserted into the bird feeder. The foamboard strip was inserted into the reservoir to separate the feed from the electronics.

The feeder was then hung from a tree outside and within range of connection to a WiFi router.

Logging into the feeder's Raspberry Pi enabled SSH server provides remote control over all computer functions, including the camera. Software that provides remote control of the Raspberry Pi and the connected camera may be written in Python and stored on the Micro SD memory card, or commands executed over the SSH connection.

Python support is included in the Raspbian distribution. Using SSH and executing the desired program allows on-demand capture of still pictures and/or videos using the camera.

Example programming commands:

- To take a still picture, using SSH from a remote computer execute the

script “raspistill –o example.jpg” to take a full frame Jpeg formatted still image and store it on the SD memory card as ‘example.jpg’.

- To take a video, using SSH from a remote computer, execute the script “raspivid –o example.h264 –t 10000” to create a 10 second long h264 formatted vide0 and store it on the SD memory card.
- To initiate live streaming video, execute the script “raspivid -o - -t 0 -n -w 600 -h 400 -fps 12 | cvlc -vvv stream:///dev/stdin --sout '#rtp{sdp=rtsp://:8554/}' :demux=h264” over SSH.
- Alternatively, camera control commands including live streaming implementation may be included in a stored computer program on the Raspberry Pi SD memory card such as raspiVidController.py and executed by using SSH and entering “python raspiVidController.py” from a remote computer.

Alternatively, programming commands such as raspivid.py can be stored on the SD memory card and executed at startup by the computer controller as another way of executing programmed code.

The resultant still pictures and/or movies stored on the SD card that is connected to the Raspberry Pi may be transmitted to a remote computer

over WiFi using operating system (such as Linux) commands. Streaming video is transmitted directly to the internet or intranet.

The memory contents on the Raspberry Pi can also be controlled, such as deleting the photographs after transmission to the remote computer, by executing standard Linux commands over SSH from a remote computer.

Live streaming video via VLC is streamed to the Internet on a particular communications port and specified format. The port that is used by VLC server for streaming can be selected during setup. The default port is 8554. The following discussion of viewing assumes that the default VLC port was enabled during streaming initiation. For example, by executing the script “raspivid -o - -t 0 -n -w 300 -h 200 -fps 12 | cvlc -vvv stream:///dev/stdin --sout '#rtp{sdp=rtsp://:8554/}' :demux=h264:”, the computer will produce a 300 pixel wide x 200 pixel high streaming video using the specified protocol ‘rtsp’ formatted per h264, and transmit it over specified port ‘8554’. (To alternatively create a live stream using HTTP protocol and h264 format, the live stream would be initiated by executing the command ““raspivid -o - -t 0 -n -w 300 -h 200 -fps 12 | cvlc -vvv stream:///dev/stdin --sout '#rtp{sdp=http://:8554/}' :demux=h264) The compatible viewer in a remote computer must also specify port ‘8554’

when connecting to the live video feed. (If a different port was enabled during setup then the viewing options would have to select that different port. Similarly, if a different protocol such as http were specified instead of rtsp, then the viewer would have to specify protocol 'http' to view the video.) Alternatively, web server software (such as Flask) may be implemented on the Raspberry Pi, and used to host the bird feeder video images and/or streaming video so that the remote user can access the images or video stream by using standard web browsers (such as Google Chrome, Mozilla Firefox, or others).

To view the streaming video in the preferred implementation, VLC viewer is installed at a remote location (http://www.videolan.org/doc/vlc-user-guide/en/ch01.html). While running VLC, the user selects the streaming video option and enters the IP address and port of the VLC server (e.g., rtsp://192.168.0.190:8554/). The streaming video is then presented on the remote computer screen. Another step is required to also allow viewing over the world wide web via Internet. The additional required step required is to open the WiFi port allocated for the networked feeder producing the streaming video to the Internet by the WiFi router and redirect port 8554 to the bird feeder IP address. Assuming that the router IP address is 123.123.123.123, then the remote viewer would use a

compatible viewer such as VLC and implement streaming video, by specifying the appropriate protocols and the router's IP address. If using RTSP protocol, the viewer would specify rtsp://123.123.123.123:8554/. (If alternatively using HTTP protocol for the live stream, the viewer would instead specify http://123.123.123.123:8554/ in the VLC instantiation.) Then the streaming video will appear, preferably over the internet on the remote computer screen, which is not then required to be connected to the same local network as the feeder producing the video. VLC viewer is (and alternative web browsers that support viewing images are) available for all major operating systems, including Windows, OS X, Linux, IOS and Android, so the streaming video can be viewed on mobile platforms such as iPhone as well as laptop and desktop computers. (Alternatively, observing world wide web conventions, the user could instead configure the WiFi router that hosts the feeder to redirect port 80 or port 8080 to the bird feeder while using a web server on the feeder to serve the images and/or streaming video to the internet. Internet viewers could then view the images using standard web browsers by connecting to the router IP address at designated port 80 or 8080.) A video stream can continue indefinitely, allowing viewers to monitor feeder activity.

Use of VLC for creating or viewing the live streaming video is not

required. Many other programs can generate live streaming video in a variety of formats and communication protocols. It is required that the viewer and the live video use compatible (usually the same) protocols such as RTSP or HTTP, and be able to use the video format (e.g., h264 or mpeg) but many different applications including standard web browsers use these protocols and support the formats.

The many features and advantages of the present invention are apparent from the written description and, thus, it is intended by the appended claims to cover all such features and advantages of the invention. Further, since numerous modifications and changes will readily occur to those skilled in the art, it is not desired to limit the invention to the exact construction and operation as illustrated and described. Hence, all suitable modifications and equivalents may be included as falling within the scope of the invention.

CLAIMS

What is claimed is:

1. A self-contained bird feeder configured to provide detailed images over a wireless network, comprising:
    a. a feeder housing;
    b. a feeder bottom;
    c. a feed port disposed on the feeder bottom;
    d. a camera disposed in close proximity to the feed port;
    e. a computer in communication with the camera;
    f. an internal power source; and a
    g. a WiFi adapter.
2. The self-contained bird feeder of claim 1 wherein the WiFi adapter is a WiFi dongle.
3. The self-contained bird feeder of claim 1 further comprising a feed compartment disposed in the feeder housing and a feed compartment separator disposed in the feed compartment.
4. The self-contained bird feeder of claim 1 wherein the computer

comprises: a processor; a display connector; a multi-media interface; an audio/video jack; and an ethernet socket.

5. The self-contained bird feeder of claim 1 wherein the computer comprises a micro USB socket and a USB port.

6. The self-contained bird feeder of claim 4 wherein the multi-media interface comprises an HDMI port.

7. A method for transmitting images from a bird feeder comprising: equipping a feeder housing with a camera in close proximity to a feed port; providing a source of electrical power for a computer disposed within the bird feeder; configuring a computer disposed in the bird feeder to control the camera; operating the camera to capture images; and transmitting images to a WiFi network.

8. The method of claim 7 further comprising distributing the images from the WiFi network to the internet.

9. The method of claim 7 further comprising distributing streaming video to the WiFi network.

10. The method of claim 7 further comprising distributing streaming video to the internet.

11. The method of claim 7 further comprising generating electricity

with a solar panel, and distributing solar-generated electricity to the computer.

12. The method of claim 11 further comprising distributing electricity from both the solar panel and a battery to the computer.

ABSTRACT

A system and method are described for providing improved bird feeders, especially self-contained bird feeders capable of providing streaming video. The system and method employ a novel design offering a streaming video from a self-contained feeding platform, described in the drawings and the detailed description.

PTO/AIA/14 (07-14)
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Application Data Sheet 37 CFR 1.76	Attorney Docket Number	A24
	Application Number	
Title of Invention	SELF-CONTAINED BIRD FEEDER WITH CAMERA AND STREAMING VIDEO	

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.)

Inventor Information:

Inventor 1 Remove

Legal Name

Prefix	Given Name	Middle Name	Family Name	Suffix
	Frederick		Perkins	

Residence Information (Select One) ◉ US Residency ○ Non US Residency ○ Active US Military Service

City	McLean	State/Province	VA	Country of Residence i	US

Mailing Address of Inventor:

Address 1	6679 McLean Dr.		
Address 2			
City	McLean	State/Province	VA
Postal Code		Country i	

All Inventors Must Be Listed - Additional Inventor Information blocks may be generated within this form by selecting the **Add** button. Add

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	63640		
Email Address		Add Email	Remove Email

Application Information:

Title of the Invention	SELF-CONTAINED BIRD FEEDER WITH CAMERA AND STREAMING VIDEO		
Attorney Docket Number	A24	Small Entity Status Claimed	☒
Application Type	Nonprovisional		
Subject Matter	Utility		
Total Number of Drawing Sheets (if any)	5	Suggested Figure for Publication (if any)	1

Filing By Reference :

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Application Data Sheet 37 CFR 1.76	Attorney Docket Number	A24
	Application Number	
Title of Invention	SELF-CONTAINED BIRD FEEDER WITH CAMERA AND STREAMING VIDEO	

Only complete this section when filing an application by reference under 35 U.S.C. 111(c) and 37 CFR 1.57(a). Do not complete this section if application papers including a specification and any drawings are being filed. Any domestic benefit or foreign priority information must be provided in the appropriate section(s) below (i.e., "Domestic Benefit/National Stage Information" and "Foreign Priority Information").

For the purposes of a filing date under 37 CFR 1.53(b), the description and any drawings of the present application are replaced by this reference to the previously filed application, subject to conditions and requirements of 37 CFR 1.57(a).

Application number of the previously filed application	Filing date (YYYY-MM-DD)	Intellectual Property Authority or Country

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).
Either enter 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	63640		

Domestic Benefit/National Stage Information:

This section allows for the applicant to either claim benefit under 35 U.S.C. 119(e), 120, 121, 365(c), or 386(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.
When referring to the current application, please leave the application number blank.

Prior Application Status			Remove
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)

Additional Domestic Benefit/National Stage Data may be generated within this form by selecting the **Add** button. Add

Foreign Priority Information:

Application Data Sheet 37 CFR 1.76	Attorney Docket Number	A24
	Application Number	
Title of Invention	SELF-CONTAINED BIRD FEEDER WITH CAMERA AND STREAMING VIDEO	

This section allows for the applicant to claim priority to a foreign application. 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. When priority is claimed to a foreign application that is eligible for retrieval under the priority document exchange program (PDX) the information will be used by the Office to automatically attempt retrieval pursuant to 37 CFR 1.55(i)(1) and (2). Under the PDX program, applicant bears the ultimate responsibility for ensuring that a copy of the foreign application is received by the Office from the participating foreign intellectual property office, or a certified copy of the foreign priority application is filed, within the time period specified in 37 CFR 1.55(g)(1).

Remove

Application Number	Country	Filing Date (YYYY-MM-DD)	Access Code (if applicable)

Additional Foreign Priority Data may be generated within this form by selecting the **Add** button. Add

Statement under 37 CFR 1.55 or 1.78 for AIA (First Inventor to File) Transition Applications

☐ This application (1) claims priority to or the benefit of an application filed before March 16, 2013 and (2) also contains, or contained at any time, a claim to a claimed invention that has an effective filing date on or after March 16, 2013.
NOTE: By providing this statement under 37 CFR 1.55 or 1.78, this application, with a filing date on or after March 16, 2013, will be examined under the first inventor to file provisions of the AIA.

Authorization to Permit Access:

☐ Authorization to Permit Access to the Instant Application by the Participating Offices

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Application Data Sheet 37 CFR 1.76	Attorney Docket Number	A24
	Application Number	
Title of Invention	SELF-CONTAINED BIRD FEEDER WITH CAMERA AND STREAMING VIDEO	

If checked, the undersigned hereby grants the USPTO authority to provide the European Patent Office (EPO), the Japan Patent Office (JPO), the Korean Intellectual Property Office (KIPO), the World Intellectual Property Office (WIPO), and any other intellectual property offices in which a foreign application claiming priority to the instant patent application is filed access to the instant patent application. See 37 CFR 1.14(c) and (h). This box should not be checked if the applicant does not wish the EPO, JPO, KIPO, WIPO, or other intellectual property office in which a foreign application claiming priority to the instant patent application is filed to have access to the instant patent application.

In accordance with 37 CFR 1.14(h)(3), access will be provided to a copy of the instant patent application with respect to: 1) the instant patent application-as-filed; 2) any foreign application to which the instant patent application claims priority under 35 U.S.C. 119(a)-(d) if a copy of the foreign application that satisfies the certified copy requirement of 37 CFR 1.55 has been filed in the instant patent application; and 3) any U.S. application-as-filed from which benefit is sought in the instant patent application.

In accordance with 37 CFR 1.14(c), access may be provided to information concerning the date o f filing this Authorization.

Applicant Information:

Providing assignment information in this section does not substitute for compliance with any requirement of part 3 of Title 37 of CFR to have an assignment recorded by the Office.

Applicant 1 Remove

If the applicant is the inventor (or the remaining joint inventor or inventors under 37 CFR 1.45), this section should not be completed. The information to be provided in this section is the name and address of the legal representative who is the applicant under 37 CFR 1.43; or the name and address of the assignee, person to whom the inventor is under an obligation to assign the invention, or person who otherwise shows sufficient proprietary interest in the matter who is the applicant under 37 CFR 1.46. If the applicant is an applicant under 37 CFR 1.46 (assignee, person to whom the inventor is obligated to assign, or person who otherwise shows sufficient proprietary interest) together with one or more joint inventors, then the joint inventor or inventors who are also the applicant should be identified in this section.

Clear

◯ Assignee	◯ Legal Representative under 35 U.S.C. 117	◯ Joint Inventor
◯ Person to whom the inventor is obligated to assign.	◯ Person who shows sufficient proprietary interest	

If applicant is the legal representative, indicate the authority to file the patent application, the inventor is:

Name of the Deceased or Legally Incapacitated Inventor :

If the Applicant is an Organization check here. ☐

Prefix	**Given Name**	Middle Name	**Family Name**	Suffix

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Application Data Sheet 37 CFR 1.76	Attorney Docket Number	A24
	Application Number	
Title of Invention	SELF-CONTAINED BIRD FEEDER WITH CAMERA AND STREAMING VIDEO	

Mailing Address Information For Applicant:			
Address 1			
Address 2			
City		**State/Province**	
Country i		Postal Code	
Phone Number		Fax Number	
Email Address			

Additional Applicant Data may be generated within this form by selecting the Add button. Add

Assignee Information including Non-Applicant Assignee Information:

Providing assignment information in this section does not subsitute for compliance with any requirement of part 3 of Title 37 of CFR to have an assignment recorded by the Office.

Assignee 1

Complete this section if assignee information, including non-applicant assignee information, is desired to be included on the patent application publication . An assignee-applicant identified in the "Applicant Information" section will appear on the patent application publication as an applicant. For an assignee-applicant, complete this section only if identification as an assignee is also desired on the patent application publication.

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If the Assignee or Non-Applicant Assignee is an Organization check here. ☐

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Mailing Address Information For Assignee including Non-Applicant Assignee:			
Address 1			
Address 2			
City		**State/Province**	
Country i		Postal Code	
Phone Number		Fax Number	
Email Address			

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Application Data Sheet 37 CFR 1.76	Attorney Docket Number	A24
	Application Number	
Title of Invention	SELF-CONTAINED BIRD FEEDER WITH CAMERA AND STREAMING VIDEO	

Signature:

Remove

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

Signature	/Keith Scala/			Date (YYYY-MM-DD)	2015-06-09
First Name	Keith	Last Name	Scala	Registration Number	43088

Additional Signature may be generated within this form by selecting the Add button. Add

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.**

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:

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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 C o o p eration Treaty.

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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.

PATENT APPLICATION FEE DETERMINATION RECORD

Substitute for Form PTO-875

Application or Docket Number: 14/735,282

APPLICATION AS FILED - PART I

FOR	(Column 1) NUMBER FILED	(Column 2) NUMBER EXTRA	SMALL ENTITY RATE($)	SMALL ENTITY FEE($)	OR	OTHER THAN SMALL ENTITY RATE($)	OTHER THAN SMALL ENTITY FEE($)
BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A	70		N/A	
SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A	N/A	300		N/A	
EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A	360		N/A	
TOTAL CLAIMS (37 CFR 1.16(i))	12 minus 20 =	*	x 40 =	0.00	OR		
INDEPENDENT CLAIMS (37 CFR 1.16(h))	2 minus 3 =	*	x 210 =	0.00			
APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is $310 ($155 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).			0.00			
MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))				0.00			
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL	730		TOTAL	

APPLICATION AS AMENDED - PART II

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

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

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.
** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".
*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".
The "Highest Number Previously Paid For" (Total or Independent) is the highest found in the appropriate box in column 1.

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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
14/735,282	06/10/2015	3643	730	A24	12	2

CONFIRMATION NO. 1060

63640
MYERS BRADFORD, PLLC
2121 Ward Ct, NW
Fifth Floor
WASHINGTON, DC 20037

FILING RECEIPT

OC000000075831187

Date Mailed: 06/19/2015

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**

Inventor(s)

Frederick Perkins, McLean, VA;

Applicant(s)

Frederick Perkins, McLean, VA;

Power of Attorney: The patent practitioners associated with Customer Number 63640

Domestic Applications for which benefit is claimed - None.
A proper domestic benefit claim must be provided in an Application Data Sheet in order to constitute a claim for domestic benefit. See 37 CFR 1.76 and 1.78.

Foreign Applications for which priority is claimed (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see http://www.uspto.gov for more information.) - None.
Foreign application information must be provided in an Application Data Sheet in order to constitute a claim to foreign priority. See 37 CFR 1.55 and 1.76.

If Required, Foreign Filing License Granted: 06/18/2015

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 14/735,282**

Projected Publication Date: 12/15/2016

Non-Publication Request: No

Early Publication Request: No
** **SMALL ENTITY** **

Title

SELF-CONTAINED BIRD FEEDER WITH CAMERA AND STREAMING VIDEO

Preliminary Class

119

Statement under 37 CFR 1.55 or 1.78 for AIA (First Inventor to File) Transition Applications: No

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 (1-866-999-4258).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

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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.

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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).

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
14/735,282	06/10/2015	Frederick Perkins	A24

CONFIRMATION NO. 1060

63640
MYERS BRADFORD, PLLC
1300 Pennsylvania Ave.
Seventh Floor
WASHINGTON, DC 20004

PUBLICATION NOTICE

OC00000087917547

Title:SELF-CONTAINED BIRD FEEDER WITH CAMERA AND STREAMING VIDEO

Publication No.US-2016-0366319-A1
Publication Date:12/15/2016

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 (571) 272-3150 or (800) 972-6382, by facsimile at (571) 273-3250, by mail addressed to the United States Patent and Trademark Office, Office of Public Records, Alexandria, VA 22313-1450 or via the Internet.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
14/735,282	06/10/2015	Frederick Perkins	A24	1060

63640 7590 05/08/2017

MYERS BRADFORD, PLLC
1300 Pennsylvania Ave.
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EXAMINER
OWENS, TSION B

ART UNIT	PAPER NUMBER
2487	

NOTIFICATION DATE	DELIVERY MODE
05/08/2017	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):

kscala@myersbradford.com

Office Action Summary	Application No. 14/735,282	Applicant(s) PERKINS, FREDERICK	
	Examiner TSION B. OWENS	Art Unit 2487	AIA (First Inventor to File) Status Yes

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

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTHS FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *6/10/15*.

☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on _____.

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

3)☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on _____; the restriction requirement and election have been incorporated into this action.

4)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims*

5)☐ Claim(s) _____ is/are pending in the application.

5a) Of the above claim(s) _____ is/are withdrawn from consideration.

6)☐ Claim(s) _____ is/are allowed.

7)☒ Claim(s) *1-12* is/are rejected.

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

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

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

Application Papers

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

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

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

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

Priority under 35 U.S.C. § 119

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

Certified copies:

a)☐ All b)☐ Some** c)☐ None of the:

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

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

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

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

Attachment(s)

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

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

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

4) ☐ Other: _____.

DETAILED ACTION

1. The present application, filed on or after March 16, 2013, is being examined under the first inventor to file provisions of the AIA.

Claim Objections

2. Claim 1 objected to because of the following informalities: "f. an internal power source; and a". … "a" need to be crossed out. Appropriate correction is required.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. The claimed invention is not directed to patent eligible subject matter. Based upon consideration of all of the relevant factors with respect to the claim as a whole, claim(s) 1 -12 is/are determined to be directed to an abstract idea. In its recent decision, *Alice and Corporation Pty. Ltd. v. CLS Bank International, et al.* (*"Alice Corp."*), the Supreme Court made clear that it applies the framework set forth in *Mayo Collaborative Services v. Prometheus Laboratories, Inc.,* 566 U.S. (2012) (*Mayo*), to analyze claims directed towards laws of nature and abstract ideas. *Alice Corp.* also establishes that the same analysis applies for all categories of claims (*e.g.*, product and process claims). Therefore, the analysis applied to claims recited in claims 1-12. The basic inquiries to determine subject matter eligibility remain the same as explained in MPEP 2106(I). First, determine whether the claim is directed to one of the four statutory categories of invention, *i.e.*, process, machine, manufacture, or composition of matter. Next, determine if the claim is directed towards a judicial exception (*i.e.,* law of nature, natural

phenomenon, and abstract idea). The two part test provided in *Alice Corp.* to determine whether a claim directed towards an abstract idea is statutory under §101 requires an evaluation to determine 1) whether the claims is directed to an abstract idea and 2) if an abstract idea is present in the claim, whether the claim amounts to **significantly more** than the abstract idea itself. Examples of abstract ideas reference in *Alice Corp.* include:

- Fundamental economic principles
- Certain methods of organizing human activities
- An idea of itself
- Mathematical relationships/formulas.

Limitations reference in *Alice Corp.* that may be enough to qualify as "significantly more" **when recited in a claim with an abstract idea** include, as non-exclusive examples:

- Improvements to another technology or technical field
- Improvements to the functioning of the computer itself
- Meaningful limitations beyond generally linking the use of an abstract idea to a particular technological environment.

Examples that are <u>not</u> enough to qualify as "significantly more" **when recited in a claim with an abstract idea** include, as non-limiting or non-exclusive examples:

- Adding the words "apply it" (or an equivalent) with an abstract idea, or mere instructions to implement an abstract idea on a computer
- Requiring no more than a generic computer to perform generic computer functions that are well-understood, routine and conventional activities previously known to the industry.

4. In this case, Claims 1-12 are rejected under 35 U.S.C. § 101 because the claimed invention is not directed to patent eligible subject matter. Based upon consideration of all of the relevant factors with respect to the claim as a whole, claim(s) 1 -12 are determined to be directed to an abstract idea. The rationale for this determination is explained below: The claim is directed as a whole a bird feeder and a camera for taking pictures, it doesn't provides significantly more than that; therefore the claim is merely an abstract and does not include anything significantly more. See "Preliminary Examination Instructions in view of the Supreme Court Decision in *Alice Corporation Pty. Ltd. v. CLS Bank International, et al.*", 25 June 2014, The dependent claims inherit the deficiency.

http://www.uspto.gov/patents/announce/alice_pec_25jun2014.pdf.

Claim Rejections - 35 USC § 102

5. 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 –

(a)(1) the claimed invention was patented, described in a printed publication, or in public use, on sale or otherwise available to the public before the effective filing date of the claimed invention.

6. Claims 1-12 are rejected under 35 U.S.C. 102(a) (2) as being anticipated by **Lovett (US 2016/0156989)** (Bryson C. Lovett).

Regarding Claims 1 and 7, Lovett discloses self-contained bird feeder configured to provide detailed images over a wireless network, comprising: a. a feeder housing **[See abstract and Fig. 1];** b. a feeder bottom **[See Figs. 1 and 9];** c. a feed port disposed on the feeder bottom **[See Paragraph 41 and Figs. 1 and 4];** d. a camera disposed in close proximity to the feed port **[See Paragraphs 9-11, 28 and Figs 1 and 4];** e. a computer in communication with the camera

[See Paragraph 28]; f. an internal power source **[See Paragraph 39]** and a g. a WiFi adapter **[See Paragraphs 28 and 39].**

Regarding Claim 2, Lovett discloses wherein the WiFi adapter is a WiFi dongle **[See Paragraphs 28 and 39 examiner note USB Wi-Fi adapter/ Wi-Fi dongle well known to communicate over the internet in addtion Wi-Fi been bluethooh can be USB Wi-Fi adapter].**

Regarding Claim 3, Lovett discloses a feed compartment disposed in the feeder housing and a feed compartment separator disposed in the feed compartment **[See Paragraphs 41 and 45].**

Regarding Claim 4, Lovett discloses wherein the computer comprises: a processor; a display connector; a multi-media interface; an audio/video jack; and an ethernet socket **[See Paragraphs 28 and 39].**

Regarding Claim 5, Lovett discloses wherein the computer comprises a micro USB socket and a USB port **[See Paragraphs 28 Examiner note well known these (iPhone.RTM., an iPod Touch.RTM., a GoPro.RTM., Galaxy Note.RTM., Galaxy S4.RTM., HTC.RTM., LG.RTM. phone, Nokia.RTM. phone, or any other mobile device or computer deviceare comprises USB port].**

Regarding Claim 6, Lovett discloses wherein the multi-media interface comprises an HDMI port **[See Paragraphs 28 well known these (iPhone.RTM., an iPod Touch.RTM., a GoPro.RTM., Galaxy Note.RTM., Galaxy S4.RTM., HTC.RTM., LG.RTM. phone, Nokia.RTM phone, or any other mobile device or computer device are comprises HDMI port].**

Regarding Claim 8, Lovett discloses distributing the images from the WiFi network to the internet **[See Paragraphs 28 and 39].**

Regarding Claim 9, Lovett discloses distributing streaming video to the WiFi network **[See Paragraphs 28 and 39].**

Regarding Claim 10, Lovett discloses distributing streaming video to the internet **[See Paragraphs 28 and 39].**

Regarding Claim 11, Lovett discloses generating electricity with a solar panel, and distributing solar-generated electricity to the computer **[See Paragraph 39].**

Regarding Claim 12, Lovett discloses distributing electricity from both the solar panel and a battery to the computer **[See Paragraph 39].**

Conclusion

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

- Boehm (US 9,137,974)
- Bennett et al. (US 9,247,719)
- Seigler (US 2012/0233649)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TSION OWENS whose telephone number is (571)272-3934. The examiner can normally be reached on Monday-Friday, Alt Friday, 7:30am-5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dang Ton can be reached on 571-272-3171. 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.

/TSION B OWENS/

Examiner, Art Unit 2487

Notice of References Cited	Application/Control No. 14/735,282	Applicant(s)/Patent Under Reexamination PERKINS, FREDERICK	
	Examiner TSION B. OWENS	Art Unit 2487	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	CPC Classification	US Classification
	A	US-				
	B	US-				
	C	US-				
	D	US-				
	E	US-				
	F	US-				
	G	US-				
	H	US-				
	I	US-				
	J	US-				
	K	US-				
	L	US-				
	M	US-				

FOREIGN PATENT DOCUMENTS

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	N					
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	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.

EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
S1	1	(14/735282).APP.	US-PGPUB; USPAT; USOCR	OR	OFF	2017/04/26 09:44
S2	1	(Frederick near4 Parkins).in.	US-PGPUB; USPAT	OR	OFF	2017/04/26 09:53
S3	1667	H04N5/2257, H04N5/23203	US-PGPUB; USPAT	OR	OFF	2017/04/26 09:54
S4	234	H04N1/00209	US-PGPUB; USPAT	OR	OFF	2017/04/26 09:55
S5	285	A01K39/01	US-PGPUB; USPAT	OR	OFF	2017/04/26 09:55
S6	1034	H04N1/00244	US-PGPUB; USPAT	OR	OFF	2017/04/26 09:55
S7	106	(camera or image) same ((animal or bird or dog or cat) near4 feeder)	US-PGPUB; USPAT	OR	OFF	2017/04/26 09:57
S8	1	S3 and (camera or image) same ((animal or bird or dog or cat) near4 feeder)	US-PGPUB; USPAT	OR	OFF	2017/04/26 09:58
S9	2	S4 and (camera or image) same ((animal or bird or dog or cat) near4 feeder)	US-PGPUB; USPAT	OR	OFF	2017/04/26 09:58
S10	4	S5 and (camera or image) same ((animal or bird or dog or cat) near4 feeder)	US-PGPUB; USPAT	OR	OFF	2017/04/26 09:58
S11	1	"20160366319"	DERWENT	OR	OFF	2017/04/26 10:08
S12	7	(("9137974") or ("9247719") or ("20150062333") or ("20120233649") or ("20040194714") or ("20120327225") or ("7017521")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2017/04/26 10:11
S13	2	(("20050117052") or ("8736701")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2017/04/26 10:11
S14	1	("20130036977").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2017/04/26 11:29
S15	15	("20030125946" | "20040089244" | "20040144018" | "20050049877" | "20050126505" | "20060180093" |	US-PGPUB; USPAT;	OR	OFF	2017/04/26 11:58

BIRD BUDDY EX1004

		"20060201433" | "20080298962" | "20110192213" | "20110297090" | "20130223693" | "20150216145" | "3465724" | "3897753").PN. OR ("9295225").URPN.	USOCR			
S18	1	("20100162960").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2017/04/30 13:13
S19	16	("20050257749" | "20060118055" | "20070295277" | "20090020074" | "20100199918" | "20100206237" | "20110139076" | "20120192796" | "6062166" | "6901882" | "7017521" | "7540262" | "7748347" | "8146535" | "8176874" | "8925485").PN. OR ("9247719").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2017/04/30 13:17
S20	50	("20030019437" | "20030024480" | "3590780" | "4523546" | "5044319" | "5207180" | "5259337" | "5463980" | "5549075" | "5868101" | "5937787" | "6145477" | "6230440" | "6276298" | "6363891" | "6481375" | "6584933" | "6830009").PN. OR ("6901882").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2017/04/30 13:24

4/ 30/ 2017 5:37:32 PM
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BIRD BUDDY EX1004

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	14735282	PERKINS, FREDERICK
	Examiner	Art Unit
	TSION B OWENS	2487

CPC- SEARCHED		
Symbol	Date	Examiner
H04N5/2257, H04N5/23203	4/27/17	TBO
H04N1/00209	=	TBO
A01K39/01	=	TBO

CPC COMBINATION SETS - SEARCHED		
Symbol	Date	Examiner

US CLASSIFICATION SEARCHED			
Class	Subclass	Date	Examiner

SEARCH NOTES		
Search Notes	Date	Examiner
East Search	4/27/17	TBO
Inventors name search	=	TBO
double patenting search	=	TBO
keyword search	=	TBO
npl (IEEE, ip.com)	=	TBO
Counslt with QAS Justin Rideru	=	TBO
Counsult with PE Behrooz Senfi	=	TBO

INTERFERENCE SEARCH			
US Class/ CPC Symbol	US Subclass / CPC Group	Date	Examiner

/TSION B OWENS/ Examiner.Art Unit 2487	

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BIB DATA SHEET

CONFIRMATION NO. 1060

SERIAL NUMBER	FILING or 371(c) DATE RULE	CLASS	GROUP ART UNIT	ATTORNEY DOCKET NO.
14/735,282	06/10/2015	348	2487	A24

APPLICANTS

INVENTORS

Frederick Perkins, McLean, VA;

** **CONTINUING DATA** **********

** **FOREIGN APPLICATIONS** **********

** **IF REQUIRED, FOREIGN FILING LICENSE GRANTED** ** ** SMALL ENTITY **
06/18/2015

Foreign Priority claimed ☐ Yes ☑ No 35 USC 119(a-d) conditions met ☐ Yes ☑ No Verified and Acknowledged /TSION B OWENS/ Examiner's Signature	☐ Met after Allowance tbo Initials	STATE OR COUNTRY	SHEETS DRAWINGS	TOTAL CLAIMS	INDEPENDENT CLAIMS
		VA	5	12	2

ADDRESS

MYERS BRADFORD, PLLC
1300 Pennsylvania Ave.
Seventh Floor
WASHINGTON, DC 20004
UNITED STATES

TITLE

SELF-CONTAINED BIRD FEEDER WITH CAMERA AND STREAMING VIDEO

FILING FEE RECEIVED		
730	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

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Courtesy Reminder for
Application Serial No: 14/735,282

Attorney Docket No: A24
Customer Number: 63640
Date of Electronic Notification: 05/08/2017

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To view your correspondence online or update your email addresses, please visit us anytime at **https://sportal.uspto.gov/secure/myportal/privatepair.** If you have any questions, please email the Electronic Business Center (EBC) at EBC@uspto.gov or call 1-866-217-9197.

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of	Docket No: A24
Frederick PERKINS	
Appln. No.: 14/735,282	Group Art Unit: 2487
Confirmation No.: 1060	Examiner: Tsion Owens
Filed: June 6, 2015	

For: **SELF-CONTAINED BIRD FEEDER WITH CAMERA AND STREAMING VIDEO**

AMENDMENT UNDER 37 C.F.R. § 1.111

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

Sir:

This is in response to the Office Action dated May 8, 2017, a response to which is due August 8, 2017. This response is timely filed.

Please amend the above-identified application as follows on the accompanying pages.

TABLE OF CONTENTS

AMENDMENTS TO THE CLAIMS 2

REMARKS 5

AMENDMENTS TO THE CLAIMS

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

LISTING OF CLAIMS:

What is claimed is:

1. (Amended) A self-contained bird feeder configured to provide detailed images over a wireless network, comprising: a bird feeder with a built in camera, computer, and internet connection, the bird feeder comprising:
    a. a feeder housing;
    b. a feeder bottom;
    c. a feed port disposed on the feeder bottom;
    d. ~~a~~ the camera ~~disposed in close proximity to the feed port~~ mounted to the bird feeder;
    e. ~~a~~ the computer ~~in communication with the camera~~ located within the feeder housing;
    f. an internal power source; and~~a~~
    g. a WiFi adapter located within the feeder housing.
2. (original) The self-contained bird feeder of claim 1 wherein the WiFi adapter is a WiFi dongle.
3. (original) The self-contained bird feeder of claim 1 further comprising a feed

compartment disposed in the feeder housing and a feed compartment separator disposed in the feed compartment.

4. (original) The self-contained bird feeder of claim 1 wherein the computer comprises: a processor; a display connector; a multi-media interface; an audio/video jack; and an ethernet socket.

5. (original) The self-contained bird feeder of claim 1 wherein the computer comprises a micro USB socket and a USB port.

6. (original) The self-contained bird feeder of claim 4 wherein the multi-media interface comprises an HDMI port.

7. (Amended) A method for transmitting images from a bird feeder comprising: equipping a feeder housing with a camera mounted to the feeder housing in close proximity to a feed port; providing a source of electrical power for a computer disposed within the bird feeder; configuring a computer disposed in the bird feeder to control the camera; operating the camera to capture images; and transmitting images to a WiFi network.

8. (original) The method of claim 7 further comprising distributing the images from the WiFi network to the internet.

9. (original) The method of claim 7 further comprising distributing streaming video to the WiFi network.

10. (original) The method of claim 7 further comprising distributing streaming video to the internet.

11. (original) The method of claim 7 further comprising generating electricity with a

solar panel, and distributing solar-generated electricity to the computer.

12. (original) The method of claim 11 further comprising distributing electricity from both the solar panel and a battery to the computer.

13. (new) The method of claim 7 wherein images are transmitted via HDMI.

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REMARKS

This is in response to the Office Action dated May 8, 2017, a response to which is due August 8, 2017. This response is timely filed.

Claims 1-12 stand rejected under 35 U.S.C. §§ 101 and 102(a)(2). Claim 1 is objected to as informal due to a redundant article "a" in (f).

Claim 1 is amended to delete the article "a" as requested in the Office Action.

Claim 1 is further amended to recite "a bird feeder with a built in camera, computer controller, and internet connection." Support is found at paragraph [0007] of the originally filed specification.

Claim 1 is further amended to recite that the camera is "mounted to the bird feeder"; and both the computer and Wifi adapter are "located within the feeder housing." Support is found at paragraphs [0023] and [0015], respectively.

Claim 7 is amended to recite that the camera is "mounted to the bird feeder." Support is found at paragraph [0023] of the originally filed specification.

New claim 13 is added to include HDMI. Support is found at paragraph [0037].

Independent claims 1 and 7 are amended to clarify the distinction of the present invention over the prior art. No new matter is added in the claim amendments. Applicant respectfully requests that the claim amendments be entered.

Claims 1-12 stand rejected as allegedly not patentable subject matter under 35 U.S.C. § 101, on the ground that Applicant's claims are limited to merely an abstract idea.

Applicant respectfully traverses first on procedural grounds, and second on the merits.

The rejection under 35 U.S.C. § 101 cites but does not apply the two-step analysis proscribed in *Alice Corp*. The alleged abstract idea is neither identified nor weighed against the remainder of the claims. Independent claim 1 is directed to an apparatus. The § 101 rejection does not analyze the claim elements, but only states that "the claim is directed as a whole a bird feeder and camera…" The assertion that the claim elements considered as a whole are not significantly more than the abstract idea is an unsupported allegation, because the claim elements have not been analyzed separately or evaluated as a whole. The only discussion of the claim is the quoted language above, which does not appear directed to any particular claim elements. Because the Office action has a procedural error, the rejection is improper, and should be withdrawn.

Merely including reference to a computer does not necessarily result in an abstract idea. *Enfish, LLC v. Microsoft Corp*., 822 F.3d 1327, 1337 (Fed. Cir. 2016). Moreover, analyzing the individual elements of Applicant's claim does not reveal any abstract idea. Claim 1, which recites structural elements of an apparatus claim, includes:

- a bird feeder;
- a built in camera, computer controller, and internet connection;
- a feeder housing;
- a feeder bottom;
- a feed port disposed on the feeder bottom;
- a camera mounted to the bird feeder;
- a computer located within the feeder housing;
- an internal power source; and

- a WiFi adapter located within the feeder housing.

Each of these elements is an independent structure with a specific function; each element qualifyies as statutory subject matter. Not only is the claim not an abstract idea, none of the claim elements is an abstract idea. The combination is not an abstract idea. Even if some portion of the claim were to be an abstract idea, the combination of elements tying the claim to a machine, which is statutory subject matter, and the claim as a whole (or specific subset of elements) showing inventive concept, constitutes "significantly more than" the alleged abstract idea(s) of "a bird feeder and camera."

Applicant respectfully requests the § 101 rejection be reconsidered and withdrawn.

Claims 1-12 stand rejected under 35 U.S.C. §102(a)(2) as allegedly anticipated by U.S. Published Patent Application 2016/0156989 ("Lovett"), published after Applicant filed the application for the present invention.

Applicant respectfully traverses because Lovett is directed to a wholly different system and critically lacks disclosure of key elements of Applicant's claims.

Lovett is asserted to disclose a self-contained bird feeder for providing detailed images over a wireless network. However, Lovett neither discloses nor suggests the camera, computer, power source, nor WiFi adapter *inside* the bird feeder. Therefore, Lovett is not self contained, as is the Applicant's claimed invention.

This fundamental distinction is apparent from Lovett's specification, which describes the invention as a "photo booth" [0002] with the bird feeder mounted separate from the camera some distance within the field of view [0025]. In the present invention, the feeder is not located in the field of view of the camera; it is in the same location as the camera, because the camera is mounted within the bird feeder. The words "self contained" are not used in Lovett, and certainly

not in reference to a bird feeder with video capability. Lovett's deficiency is highlighted by Applicant's independent claim 1 which specifically recites that the bird feeder itself comprises the camera, computer, power source, and WiFi adapter, etc. Lovett merely discloses elements placed some distance away from a camera.

Lovett does not disclose a feed port as recited in Applicant's claims. In Lovett, the phrase 'feed port' is not used in paragraph 41, or figures 1 or 4. The Office Action introduces that term. In Lovett, what is asserted as a feed port is an external dish that contains bird feed. The difference is important because, as used in Applicant's claimed invention, the feed port provides access to an internal food source that 1) is protected from the weather, and 2) forces the birds to align with the camera lens relative to the bird feeder. Lovett discloses not a feed port, but an external food dish, in addition to other external remote food sources. In Lovett, there is no protection from the weather and no bird alignment relative to the feeder.

Lovett does not disclose a computer in the feeder housing of the bird feeder according to the claimed invention. Lovett discloses a box that provides physical support and electronic interconnections to a third party camera or controller which are always described as separable devices that may provide video generation and Internet connectivity regardless of location. Lovett does not have any self contained video capability within the bird feeder–only those provided by the third party mechanism outside the bird feeder.

In contrast, in Applicant's claims, a dedicated computer (e.g., Raspberry Pi) within the bird feeder--that is integrated with the feeder structure and design--provides the video generation functionality using digital information retrieved from the camera. Camera and computer, as disclosed by Lovett, are limited to discrete devices that provide video capability and internet connectivity apart from the bird feeder from a location outside the bird feeder.

In reference to claim 3, Lovett does not disclose a feed compartment or separator in the feed compartment. Lovett discloses only an unenclosed external dish.

In reference to claims 2-6, these are dependent claims that include the elements of independent claim 1. Because Lovett does not disclose all of the elements of claim 1 for the reasons set forth in the preceding paragraphs, Lovett also does not anticipate claims 2-6.

Applicant's independent claim 7 similarly is not anticipated by Lovett. For example, Lovett does not disclose equipping a feeder housing with a camera mounted to the feeder housing. Dependent claims 8-12, which include the elements of claim 7 are also not anticipated by Lovett for this reason.

As discussed above, Applicant's camera, computer and other elements are self contained within a bird feeder, not the stand-alone type of discrete OEM devices disclosed by Lovett. This distinction is important because the claimed invention does not contain any components that have significant value as separate components outside the bird feeder; does not provide any means for separating the functionality from the feeder; and therefore does not present problems with these stand-alone elements.

Lovett is specifically limited to disclosing third party devices such as cell phones, GoPro, computers, *etc*., separate from the bird feeder and separable, thereby remaining valuable for resale or reuse. That makes them attractive targets for thieves and makes the user susceptible to identity theft if devices such as cell phones are used in the invention. Applicant's claimed invention, with its self contained bird feeder having dedicated components inside the feeder, is not an attractive target for thieves or identity theft. Because Lovett fails to disclose or suggest

the claimed elements of Applicant's self contained bird feeder, Lovett does not anticipate Applicant's claimed invention.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. Early Notice of Allowance is respectfully requested.

If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

/Keith Scala/
Keith B. Scala
Registration No. 43,088

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Facsimile: (202) 536-4684

Date: August 7, 2017

Electronic Acknowledgement Receipt

EFS ID:	29998631
Application Number:	14735282
International Application Number:	
Confirmation Number:	1060
Title of Invention:	SELF-CONTAINED BIRD FEEDER WITH CAMERA AND STREAMING VIDEO
First Named Inventor/Applicant Name:	Frederick Perkins
Customer Number:	63640
Filer:	Keith B. Scala
Filer Authorized By:	
Attorney Docket Number:	A24
Receipt Date:	07-AUG-2017
Filing Date:	10-JUN-2015
Time Stamp:	11:38:12
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	Amendment/Req. Reconsideration-After Non-Final Reject	Amendment7August17.pdf	30050 d2fd32a0b5a3ff92f23ed60de682f90b6fade688	no	10

Warnings:

BIRD BUDDY EX1004

Information:	
Total Files Size (in bytes):	30050

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.

PTO/SB/06 (09-11)
Approved for use through 1/31/2014. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875	Application or Docket Number 14/735,282	Filing Date 06/10/2015	☐ To be Mailed

ENTITY: ☐ LARGE ☒ SMALL ☐ MICRO

APPLICATION AS FILED – PART I

FOR	(Column 1) NUMBER FILED	(Column 2) NUMBER EXTRA	RATE ($)	FEE ($)
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A	
☐ SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A	N/A	
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A	
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =	*	X $ =	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*	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 $310 ($155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).			
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))				
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL	

APPLICATION AS AMENDED – PART II

AMENDMENT **08/07/2017**

	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	RATE ($)	ADDITIONAL FEE ($)
Total (37 CFR 1.16(i))	* 12	Minus	** 20	= 0	X $40 =	0
Independent (37 CFR 1.16(h))	* 2	Minus	***3	= 0	X $210 =	0
☐ Application Size Fee (37 CFR 1.16(s))						
☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))						
					TOTAL ADD'L FEE	0

AMENDMENT

	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	RATE ($)	ADDITIONAL FEE ($)
Total (37 CFR 1.16(i))	*	Minus	**	=	X $ =	
Independent (37 CFR 1.16(h))	*	Minus	***	=	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.

LIE
STEFANIE BRYCE

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.
14/735,282	06/10/2015	Frederick Perkins	A24	1060

63640 7590 09/11/2017

MYERS BRADFORD, PLLC
1300 Pennsylvania Ave.
Seventh Floor
WASHINGTON, DC 20004

EXAMINER
OWENS, TSION B

ART UNIT	PAPER NUMBER
2487	

NOTIFICATION DATE	DELIVERY MODE
09/11/2017	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):

kscala@myersbradford.com

Office Action Summary	Application No. 14/735,282	Applicant(s) PERKINS, FREDERICK	
	Examiner TSION B. OWENS	Art Unit 2487	AIA (First Inventor to File) Status Yes

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

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTHS FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *8/7/17*.

☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on _____.

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

3)☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on _____; the restriction requirement and election have been incorporated into this action.

4)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims*

5)☒ Claim(s) *1-13* is/are pending in the application.

5a) Of the above claim(s) _____ is/are withdrawn from consideration.

6)☐ Claim(s) _____ is/are allowed.

7)☒ Claim(s) *1-13* is/are rejected.

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

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

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

Application Papers

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

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

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

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

Priority under 35 U.S.C. § 119

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

Certified copies:

a)☐ All b)☐ Some** c)☐ None of the:

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

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

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

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

Attachment(s)

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

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

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

4) ☐ Other: _____.

DETAILED ACTION

1. The present application, filed on or after March 16, 2013, is being examined under the first inventor to file provisions of the AIA.

Response to Arguments

2. Amended claim 1 overcome the claim objection

3. Amended claims 1 and 7 overcome the 35 U.S.C. 101 rejection

4. Applicant's arguments with respect to claims 1-13 have been considered but are moot because the arguments do not apply to any of the references being used in the current rejection.

Claim Rejections - 35 USC § 102

5. 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 –

(a)(1) the claimed invention was patented, described in a printed publication, or in public use, on sale or otherwise available to the public before the effective filing date of the claimed invention.

6. Claims 1-5 and 7-10 are rejected under 35 U.S.C. 102(a) (2) as being anticipated by **Sung (US 2015/0373945)** (Mu Chi Sung).

Regarding Claims 1 and 7, Sung discloses self-contained bird feeder configured to provide detailed images over a wireless network, comprising: a bird feeder with a built in camera, computer, and internet connection, the bird feeder **[See Abstract]** comprising: a. a feeder housing **[See abstract and Fig. 1];** b. a feeder bottom **[See Figs. 1 and unit 110 e.g. food tray];** c. a feed port disposed on the feeder bottom **[See Fig. 1 units 150, 190, 195 e.g. food and water bin];** d. the camera mounted to the bird feeder **[See Fig 1 unit 30 and Fig. 2 units 130**

and 135 e.g. camera]; e. a computer located within the feeder housing **[See Fig. 2, unit 160 and Fig. 6 e.g. CPU/ processor];** f. an internal power source **[See Fig 1 unit 170 e.g. battery]** and g. a WiFi adapter located within the feeder housing **[See Paragraphs 15, 17 and 43].**

Regarding Claim 2, Sung discloses wherein the WiFi adapter is a WiFi dongle **[See Paragraphs 15, 17 and 43examiner note USB Wi-Fi adapter/ Wi-Fi dongle well known to communicate over the internet in addition Wi-Fi been bluethooh can be USB Wi-Fi].**

Regarding Claim 3, Sung discloses a feed compartment disposed in the feeder housing and a feed compartment separator disposed in the feed compartment **[See Fig. 1 units 150, 190, 195 e.g. food and water bin].**

Regarding Claim 4, Sung discloses wherein the computer comprises: a processor; a display connector; a multi-media interface; an audio/video jack; and an ethernet socket **[See Paragraphs 15, 17 and 43].**

Regarding Claim 5, Sung discloses wherein the computer comprises a micro USB socket and a USB port **[See Paragraph 15, 17 and 43 Examiner note a micro USB socket and a USB port are well known in the art for computer to have USB socket and port].**

Regarding Claim 8, Sung discloses distributing the images from the WiFi network to the internet **[See Paragraphs 15, 17 and 43].**

Regarding Claim 9, Sung discloses distributing streaming video to the WiFi network **[See Paragraphs 15, 17 and 43].**

Regarding Claim 10, Sung discloses distributing streaming video to the internet **[See Paragraphs 15, 17 and 43].**

Claim Rejections - 35 USC § 103

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

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

8. Claims 6, 11-13 rejected under 35 U.S.C. 103(a) as being unpatentable over **Sung (US 2015/0373945)** (Mu Chi Sung) in view of **Lovett et al. (2016/0156989)** (Bryson C. Lovett).

9. Regarding Claims 6, Sung discloses wherein the multi-media interface comprises an HDMI port **[See Paragraphs 15, 17 and 43 examiner take official notice HDMI port well known in order to receive/transmit an enhanced or high-definition video].**

Regarding Claim 11, Sung doesn't explicitly disclose generating electricity with a solar panel, and distributing solar-generated electricity to the computer

Lovett discloses generating electricity with a solar panel, and distributing solar-generated electricity to the computer **[See Paragraph 38].**

It would have been obvious to the person of ordinary skill in the art at time of filing to modify the system disclosed by Sung to add the teachings in Lovett as above, in order to provide a solar power [See Lovett Paragraph 38].

Regarding Claim 12, Sung discloses distributing electricity from both the solar panel and a battery to the computer.

Lovett discloses distributing electricity from both the solar panel and a battery to the computer **[See Paragraph 38].**

It would have been obvious to the person of ordinary skill in the art at time of filing to modify the system disclosed by Sung to add the teachings in Lovett as above, in order to provide a solar power [See Lovett Paragraph 38].

Regarding Claims 13, Sung discloses wherein image are transmitted via HDMI **[See Paragraphs 15, 17 and 43 examiner take official notice for image transmitted via HDMI well known in order to receive/transmit data that enhanced, or high-definition video].**

Conclusion

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 TSION OWENS whose telephone number is (571)272-3934. The examiner can normally be reached on Monday-Friday, Alt Friday, 7:30am-5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dang Ton can be reached on 571-272-3171. 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.

/TSION B OWENS/

Examiner, Art Unit 2487

/Dave Czekaj/

Supervisory Patent Examiner, Art Unit 2487

Notice of References Cited	Application/Control No. 14/735,282	Applicant(s)/Patent Under Reexamination PERKINS, FREDERICK	
	Examiner TSION B. OWENS	Art Unit 2487	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	CPC Classification	US Classification
*	A	US-2012/0233649 A1	09-2012	Seigler; Benjamin Henry	A01K5/02	725/109
*	B	US-9,137,974 B2	09-2015	Boehm; Thomas	A01K5/0291	1/1
*	C	US-2015/0373945 A1	12-2015	Sung; Mu Chi	A01K5/0283	119/51.5
*	D	US-9,247,719 B1	02-2016	Bennett; Teddy Leland	A01K39/0206	1/1
*	E	US-2016/0156989 A1	06-2016	Lovett; Bryson C.	H04N7/183	348/143
	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	CPC 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.

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	14735282	PERKINS, FREDERICK
	Examiner	Art Unit
	TSION B OWENS	2487

CPC- SEARCHED		
Symbol	Date	Examiner
H04N5/2257, H04N5/23203	4/27/17	TBO
H04N1/00209	=	TBO
A01K39/01	=	TBO

CPC COMBINATION SETS - SEARCHED		
Symbol	Date	Examiner

US CLASSIFICATION SEARCHED			
Class	Subclass	Date	Examiner

* See search history printout included with this form or the SEARCH NOTES box below to determine the scope of the search.

SEARCH NOTES		
Search Notes	Date	Examiner
East Search	4/27/17	TBO
Inventors name search	=	TBO
double patenting search	=	TBO
keyword search	=	TBO
npl (IEEE, ip.com)	=	TBO
Counslt with QAS Justin Rideru	=	TBO
Counsult with PE Behrooz Senfi	=	TBO
Update search	8/31/17	TBO

INTERFERENCE SEARCH

/TSION B OWENS/ Examiner.Art Unit 2487	

US Class/ CPC Symbol	US Subclass / CPC Group	Date	Examiner

/TSION B OWENS/ Examiner.Art Unit 2487	

EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
S1	1	(14/735282).APP.	US-PGPUB; USPAT; USOCR	OR	OFF	2017/04/26 09:44
S2	1	(Frederick near4 Parkins).in.	US-PGPUB; USPAT	OR	OFF	2017/04/26 09:53
S3	1667	H04N5/2257, H04N5/23203	US-PGPUB; USPAT	OR	OFF	2017/04/26 09:54
S4	234	H04N1/00209	US-PGPUB; USPAT	OR	OFF	2017/04/26 09:55
S5	285	A01K39/01	US-PGPUB; USPAT	OR	OFF	2017/04/26 09:55
S6	1034	H04N1/00244	US-PGPUB; USPAT	OR	OFF	2017/04/26 09:55
S7	106	(camera or image) same ((animal or bird or dog or cat) near4 feeder)	US-PGPUB; USPAT	OR	OFF	2017/04/26 09:57
S8	1	S3 and (camera or image) same ((animal or bird or dog or cat) near4 feeder)	US-PGPUB; USPAT	OR	OFF	2017/04/26 09:58
S9	2	S4 and (camera or image) same ((animal or bird or dog or cat) near4 feeder)	US-PGPUB; USPAT	OR	OFF	2017/04/26 09:58
S10	4	S5 and (camera or image) same ((animal or bird or dog or cat) near4 feeder)	US-PGPUB; USPAT	OR	OFF	2017/04/26 09:58
S11	1	"20160366319"	DERWENT	OR	OFF	2017/04/26 10:08
S12	7	(("9137974") or ("9247719") or ("20150062333") or ("20120233649") or ("20040194714") or ("20120327225") or ("7017521")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2017/04/26 10:11
S13	2	(("20050117052") or ("8736701")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2017/04/26 10:11
S14	1	("20130036977").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2017/04/26 11:29
S15	15	("20030125946" | "20040089244" | "20040144018" | "20050049877" | "20050126505" | "20060180093" |	US-PGPUB; USPAT;	OR	OFF	2017/04/26 11:58

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		"20060201433" | "20080298962" | "20110192213" | "20110297090" | "20130223693" | "20150216145" | "3465724" | "3897753").PN. OR ("9295225").URPN.	USOCR			
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S28	1	("20110037447").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2017/08/31 11:49
S29	1	("9713318").PN.	US-	OR	OFF	2017/08/31

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BIRD BUDDY EX1004

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	14735282	PERKINS, FREDERICK
	Examiner	Art Unit
	TSION B OWENS	2487

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

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

CLAIM		DATE								
Final	Original	09/01/2017								
	1	✓								
	2	✓								
	3	✓								
	4	✓								
	5	✓								
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	7	✓								
	8	✓								
	9	✓								
	10	✓								
	11	✓								
	12	✓								
	13	✓								

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of	Docket No: A24
Frederick PERKINS	
Appln. No.: 14/735,282	Group Art Unit: 2487
Confirmation No.: 1060	Examiner: Tsion Owens
Filed: June 6, 2015	

For: **SELF-CONTAINED BIRD FEEDER WITH CAMERA AND STREAMING VIDEO**

RESPONSE UNDER 37 C.F.R. § 1.112

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

Sir:

This is in response to the Office Action dated September 11, 2017. A one-month extension of time is submitted herewith, making this response due on or before January 11, 2018. This response is timely filed.

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CLAIMS 2

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LISTING OF CLAIMS:

What is claimed is:

1. (Previously Amended) A self-contained bird feeder configured to provide detailed images over a wireless network, comprising: a bird feeder with a built in camera, computer, and internet connection, the bird feeder comprising:
    a. a feeder housing;
    b. a feeder bottom;
    c. a feed port disposed on the feeder bottom;
    d. the camera mounted to the bird feeder;
    e. the computer located within the feeder housing;
    f. an internal power source; and
    g. a WiFi adapter located within the feeder housing.
2. (original) The self-contained bird feeder of claim 1 wherein the WiFi adapter is a WiFi dongle.
3. (original) The self-contained bird feeder of claim 1 further comprising a feed compartment disposed in the feeder housing and a feed compartment separator disposed in the feed compartment.
4. (original) The self-contained bird feeder of claim 1 wherein the computer comprises: a processor; a display connector; a multi-media interface; an audio/video jack;

and an ethernet socket.

5. (original) The self-contained bird feeder of claim 1 wherein the computer comprises a micro USB socket and a USB port.

6. (original) The self-contained bird feeder of claim 4 wherein the multi-media interface comprises an HDMI port.

7. (Previously Amended) A method for transmitting images from a bird feeder comprising: equipping a feeder housing with a camera mounted to the feeder housing in close proximity to a feed port; providing a source of electrical power for a computer disposed within the bird feeder; configuring a computer disposed in the bird feeder to control the camera; operating the camera to capture images; and transmitting images to a WiFi network.

8. (original) The method of claim 7 further comprising distributing the images from the WiFi network to the internet.

9. (original) The method of claim 7 further comprising distributing streaming video to the WiFi network.

10. (original) The method of claim 7 further comprising distributing streaming video to the internet.

11. (original) The method of claim 7 further comprising generating electricity with a solar panel, and distributing solar-generated electricity to the computer.

12. (original) The method of claim 11 further comprising distributing electricity from both the solar panel and a battery to the computer.

13. (Previously added) The method of claim 7 wherein images are transmitted via HDMI.

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REMARKS

This is in response to the Office Action dated September 11, 2017. A one-month extension of time is filed herewith, making this response due by January 11, 2018. This response is timely filed.

According to the Office Action of September 11, 2017, the rejection of claims 1 and 7 over 35 U.S.C. § 101 has been overcome. The rejections of the claims under 35 U.S.C. § 102 based on Lovett (2016/0156989) has been withdrawn, and new rejections based on 35 U.S.C. § 102 and § 103 have been asserted based on U.S. Published non-provisional Patent Application 2015/0373945 ("Sung") filed after the filing date of Applicant's patent application.

Initially, Applicant requests that finality under 37 C.F.R. § 1.112 be withdrawn in view of the new prior art reference and rejection asserted against the same elements of Applicant's claims as Lovett was asserted in the prior Office Action. Applicant submits that the new reference was not necessitated by the changes to the claims in Applicant's amendment.

Claims 1-5 and 7-10 stand rejected under 35 U.S.C. §102(a)(2) as allegedly anticipated by U.S. Published Patent Application 2015/0373945 ("Sung").

Sung is asserted to disclose a self-contained bird feeder with the following:

a. A feeder housing;

b. A feeder bottom;

c. A feed port disposed on the feeder bottom;

d. A camera mounted to the bird feeder;

e. A computer located within the feeder housing;

f. An internal power source; and

g. A wifi adapter within the feeder housing.

Applicant respectfully traverses. Sung is directed to a wholly different system and critically lacks disclosure of key elements of Applicant's claims. Sung does not disclose Applicant's claimed bird feeder. Sung does not mention a bird feeder at all, but rather only discloses a generic feeder that has a number of key differences that confirm it is not a bird feeder.

Sung states that the feeder described is a pet or livestock feeder, not a bird feeder. One of skill in the art would not understand Sung as disclosing a bird feeder. Sung necessarily includes a scale for weighing the animal while feeding. However, birds frequently feed on a bird feeder without placing their weight on bird feeders. To the extent that a bird is stationary and it is possible to weigh the bird while feeding at a bird feeder, it would not be possible to do so with any configuration of scales disclosed by Sung. Therefore, according to the plain meanings of pet feeder and bird feeder, and as understood by one of ordinary skill, Sung does not disclose a bird feeder. The list of animals enumerated in the Sing disclosure does not automatically mean Sung discloses a bird feeder. The only reference to birds in all of Sung is "such animals may be cats, dogs, birds, cattle, horses, reptiles, amphibians, mammals, or other creatures." This open ended list is not a substitute for disclosing a bird feeder.

Moreover, even if Sung were considered to disclose a bird feeder, such published application would not be entitled to priority based on the provisional application (62/017,461), a copy of which is attached. Importantly, the provisional application never mentions "bird." Nor does it mention livestock. On the contrary, this provisional application is limited to "pet feeders," and pet is defined as a cat or dog. Because priority cannot be properly claimed under 35 U.S.C. § 119(e), this disclosure of Sung can only be asserted as prior art as of June 26,

2015—which is after Applicant's filing date of June 6, 2015. Any uncertainty is resolved in the language of 35 U.S.C. § 102(d)(2) which expressly states that an earlier filing (priority) date is only available as of "the earliest such application that describes the subject matter." Because the provisional application on which the Office Acton relies does not describe this subject matter, the earliest prior art date is after Applicant's filing date and may not properly form the basis of a prior art rejection under 35 U.S.C. §102(a).

Sung also does not disclose a bird feeder having a feed port disposed on the feeder bottom as recited in Applicant's claim 1. The Office Action asserts 150, 190, and 195 of Sung to disclose this recitation of Applicant's claims. The water bin 150, and tops 190 and 195 are not a feed port disposed on the feeder *bottom* recited in Applicant's claims. Tops 190 and 195 would be understood by one of ordinary skill, or anyone according to the plain meaning of "top" to be disposed on the opposite end of the feeder—the feeder top, not the feeder bottom. The narrower disclosure in the provisional application also fails to disclose a feed port disposed on the feeder bottom.

Sung further fails to disclose the internal power source within the self-contained bird feeder of Applicant's claim 1. The reference to battery 170 does not specify whether it is within the feeder of Sung or outside the feeder of Sung, as are other components listed immediately before and after the battery: AC power from a wall socket 165 and remote device 175. Battery 170 is not part of the drawing figures that show the internal structure of the feeder. Nothing in Sung discloses or suggests that the battery in Sung is an internal power source within the meaning of the self-contained bird feeder of Applicant's claim 1.

For at least the reasons above, Applicant requests that the rejection of independent claim 1, and all other claims depending on claim 1 over Sung be reconsidered and withdrawn.

Regarding Applicant's claim 3, it is asserted that Sung discloses a feed separator. In fact, Sung discloses two separate containers, one for water and one for feed. Nothing in Sung discloses an actual separator since the feed is not combined with the other elements within the feeder housing.

Claims 6 and 11-13 stand rejected under 35 U.S.C. §103(a) as allegedly obvious by U.S. Published Patent Application 2015/0373945 ("Sung") in view of U.S. Published Patent Application 2016/0156989 ("Lovett"), published after Applicant filed the application for the present invention.

Regarding claims 6, and 11-13, the Office Action recognizes that Sung does not disclose all of the elements of these claims. Specifically, Sung fails to disclose: generating electricity with a solar panel, distributing solar electricity from both a battery and solar panel to a computer, Lovett is therefore asserted to address these deficiencies.

Lovett is asserted to disclose these, and it is further asserted that it would have been obvious for one of ordinary skill to have modified Sung with the teachings of Lovett to arrive at Applicant's claimed invention. However, Lovett is fundamentally different from both the claimed invention and Sung. Lovett is not a self-contained feeder. Lovett neither discloses nor suggests the camera, computer, power source, nor WiFi adapter *inside* the bird feeder. Therefore, Lovett is not self contained, as is the Applicant's claimed invention.

This fundamental distinction is apparent from Lovett's specification, which describes the invention as a "photo booth" [0002] with the bird feeder mounted separate from the camera some distance within the field of view [0025]. In the present invention, the feeder is not located in the field of view of the camera; it is in the same location as the camera, because the camera is mounted within the bird feeder. The words "self contained" are not used in Lovett, and certainly

not in reference to a bird feeder with video capability. Lovett's deficiency is highlighted by Applicant's independent claim 1 which specifically recites that the bird feeder itself comprises the camera, computer, power source, and WiFi adapter, etc. Lovett merely discloses elements placed some distance away from a camera.

Lovett does not disclose a feed port as recited in Applicant's claims. In Lovett, the phrase 'feed port' is not used in paragraph 41, or figures 1 or 4. The Office Action introduces that term. In Lovett, what is asserted as a feed port is an external dish that contains bird feed. The difference is important because, as used in Applicant's claimed invention, the feed port provides access to an internal food source that 1) is protected from the weather, and 2) forces the birds to align with the camera lens relative to the bird feeder. Lovett discloses not a feed port, but an external food dish, in addition to other external remote food sources. In Lovett, there is no protection from the weather and no bird alignment relative to the feeder.

Lovett does not disclose a computer in the feeder housing of the bird feeder according to the claimed invention. Lovett discloses a box that provides physical support and electronic interconnections to a third party camera or controller which are always described as separable devices that may provide video generation and Internet connectivity regardless of location. Lovett does not have any self contained video capability within the bird feeder–only those provided by the third party mechanism outside the bird feeder.

In contrast, in Applicant's claims, a dedicated computer (e.g., Raspberry Pi) within the bird feeder--that is integrated with the feeder structure and design--provides the video generation functionality using image information retrieved from the camera. Camera and computer, as disclosed by Lovett, are limited to discrete devices that provide video capability and internet connectivity apart from the bird feeder from a location outside the bird feeder.

In reference to claim 3, Lovett does not disclose a feed compartment or separator in the feed compartment. Lovett discloses only an unenclosed external dish.

In reference to claims 2-6, these are dependent claims that include the elements of independent claim 1. Because Lovett does not disclose all of the elements of claim 1 for the reasons set forth in the preceding paragraphs, Lovett also does not anticipate claims 2-6.

Applicant's independent claim 7 similarly is not anticipated by Lovett. For example, Lovett does not disclose equipping a feeder housing with a camera mounted to the feeder housing. Dependent claims 8-12, which include the elements of claim 7 are also not anticipated by Lovett for this reason.

As discussed above, Applicant's camera, computer and other elements are self contained within a bird feeder, not the stand-alone type of discrete OEM devices disclosed by Lovett. This distinction is important because the claimed invention does not contain any components that have significant value as separate components outside the bird feeder; does not provide any means for separating the functionality from the feeder; and therefore does not present problems with these stand-alone elements.

Lovett is specifically limited to disclosing third party devices such as cell phones, GoPro, computers, *etc*., separate from the bird feeder and separable, thereby remaining valuable for resale or reuse. That makes them attractive targets for thieves and makes the user susceptible to identity theft if devices such as cell phones are used in the invention. Applicant's claimed invention, with its self contained bird feeder having dedicated components inside the feeder, is not an attractive target for thieves or identity theft. Because Lovett fails to disclose or suggest the claimed elements of Applicant's self contained bird feeder, Lovett does not anticipate Applicant's claimed invention.

Even if Lovett and Sung together contained all of the elements of Applicant's claims, which they do not as set forth in detail above, these references cannot be the basis of a rejection under 35 U.S.C. §103, because one of ordinary skill would not—and could not—have combined their teachings at the time Applicant filed the present patent application. Neither Lovett nor Sung were published before Applicant's filing date. Sung was not even filed before Applicant's filing date. It was not possible at the time of Applicant's invention to combine the secret teachings of Lovett and Sung to arrive at Applicant's claimed invention. Therefore, there is no *prima facie* basis for obviousness, and the rejection should be withdrawn.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. Early Notice of Allowance is respectfully requested.

If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

/Keith Scala/
Keith B. Scala
Registration No. 43,088

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Facsimile: (202) 536-4684

Date:
December 31, 2017

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Frederick PERKINS

Appln. No.: 14/735,282

Confirmation No.: 1060

Filed: June 6, 2015

Docket No: A24

Group Art Unit: 2487

Examiner: Tsion Owens

For: **SELF-CONTAINED BIRD FEEDER WITH CAMERA AND STREAMING VIDEO**
PETITION FOR EXTENSION OF TIME

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

Sir:

Applicants hereby request a one-month extension of time in the above-identified application, making the present response to the Office Action dated September 11, 2017 due on or before January 11, 2018. A payment for the statutory fee of $100.00 is submitted herewith, Applicant previously having claimed small-entity status.

Respectfully submitted,
/Keith Scala/
Keith Scala Reg. No. 43,088
Myers Bradford, PLLC
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Telephone: (202) 536-5701
kscala@myersbradford.com

Electronic Patent Application Fee Transmittal

Application Number:	14735282
Filing Date:	10-Jun-2015
Title of Invention:	SELF-CONTAINED BIRD FEEDER WITH CAMERA AND STREAMING VIDEO
First Named Inventor/Applicant Name:	Frederick Perkins
Filer:	Keith B. Scala
Attorney Docket Number:	A24

Filed as Small Entity

Filing Fees for Utility under 35 USC 111(a)

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

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Extension - 1 month with $0 paid	2251	1	100	100
Miscellaneous:				
			Total in USD ($)	**100**

Electronic Acknowledgement Receipt

EFS ID:	31373558
Application Number:	14735282
International Application Number:	
Confirmation Number:	1060
Title of Invention:	SELF-CONTAINED BIRD FEEDER WITH CAMERA AND STREAMING VIDEO
First Named Inventor/Applicant Name:	Frederick Perkins
Customer Number:	63640
Filer:	Keith B. Scala
Filer Authorized By:	
Attorney Docket Number:	A24
Receipt Date:	31-DEC-2017
Filing Date:	10-JUN-2015
Time Stamp:	09:04:45
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	CARD
Payment was successfully received in RAM	$100
RAM confirmation Number	010218INTEFSW09064800
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	Response After Final Action	Response.pdf	35354 bf742bcbeee06d4043d0e0e534a7a5c2baf736b9	no	12
Warnings:					
Information:					
2	Extension of Time	ExtensionofTime.pdf	4876 c9a68734167d46408f1f325b2ed39e0d19d40e9a	no	1
Warnings:					
Information:					
3	Fee Worksheet (SB06)	fee-info.pdf	30661 9eae1ae534a485416165b3f3128f6c1bdc7ea3b2	no	2
Warnings:					
Information:					
		Total Files Size (in bytes):	70891		

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New Applications Under 35 U.S.C. 111

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

National Stage of an International Application under 35 U.S.C. 371

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

New International Application Filed with the USPTO as a Receiving Office

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

PTO/SB/06 (09-11)
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PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875	Application or Docket Number 14/735,282	Filing Date 06/10/2015	☐ To be Mailed

ENTITY: ☐ LARGE ☒ SMALL ☐ MICRO

APPLICATION AS FILED – PART I

FOR	(Column 1) NUMBER FILED	(Column 2) NUMBER EXTRA	RATE ($)	FEE ($)
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A	
☐ SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A	N/A	
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A	
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =	*	X $ =	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*	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 $310 ($155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).			
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))				
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL	

APPLICATION AS AMENDED – PART II

AMENDMENT	12/31/2017	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	RATE ($)	ADDITIONAL FEE ($)
	Total (37 CFR 1.16(i))	* 13	Minus	** 20	= 0	X $40 =	0
	Independent (37 CFR 1.16(h))	* 2	Minus	***3	= 0	X $210 =	0
	☐ Application Size Fee (37 CFR 1.16(s))						
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))						
						TOTAL ADD'L FEE	0

AMENDMENT		(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	RATE ($)	ADDITIONAL FEE ($)
	Total (37 CFR 1.16(i))	*	Minus	**	=	X $ =	
	Independent (37 CFR 1.16(h))	*	Minus	***	=	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.

HSLIE
TRACIE HARGROVE

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.
14/735,282	06/10/2015	Frederick Perkins	A24	1060

63640 7590 01/22/2018

MYERS BRADFORD, PLLC
1300 Pennsylvania Ave.
Seventh Floor
WASHINGTON, DC 20004

EXAMINER
OWENS, TSION B

ART UNIT	PAPER NUMBER
2487	

NOTIFICATION DATE	DELIVERY MODE
01/22/2018	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):

kscala@myersbradford.com

Response to Arguments

1. Response to applicant's argues on page 5 "Sung US 2015/0373975 filed after the filing date of the instant application (14/735,282) filing date" examiner disagree; Sung provisional application filing date is 6/26/14 and the instant application filing date is 6/10/15; therefore the 102 rejection is proper.

2. Response to applicants argues Claim 1 on page 7 Sung fail to disclose "bird feeder" examiner disagree; Sung discloses animal feed. Sung animal feed is smart animal system that provide food and camera system that observed and identify animals, therefore Sung Smart Animal Feeder system intended used can included bird, since bird is animals.

3. Regarding dependent claims, in response to applicant's arguments, the examiner recognizes that obviousness may be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See in re Fine, 837 F.2d 1071,5 USPQ2d 1596 (Fed. Cir. 1988), In re Jones, F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992), and KSR international Co. v. Teleflex, Inc., 550 U.S. 398, 82 USPQ2d 1385 (2007). In this case, Sung in combination with Lovett meet all rejected limitations of the instant application.

4. Applicant is reminded that 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

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TSION B. OWENS whose telephone number is (571)272-3934. The examiner can normally be reached on Monday-Friday, 7:30AM - 5:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Czekaj can be reached on (571)272-7327. 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.

/TSION B OWENS/

Primary Examiner, Art Unit 2487

Advisory Action Before the Filing of an Appeal Brief	**Application No.** 14/735,282	**Applicant(s)** PERKINS, FREDERICK	
	Examiner TSION B. OWENS	**Art Unit** 2487	**AIA (First Inventor to File) Status** Yes

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

THE REPLY FILED 12/31/17 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

NO NOTICE OF APPEAL FILED

1. ☒ The reply was filed after a final rejection. No Notice of Appeal has been filed. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114 if this is a utility or plant application. Note that RCEs are not permitted in design applications. The reply must be filed within one of the following time periods:
   a) ☒ The period for reply expires 2 months from the mailing date of the final rejection.
   b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action; or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
   c) ☐ A prior Advisory Action was mailed more than 3 months after the mailing date of the final rejection in response to a first after-final reply filed within 2 months of the mailing date of the final rejection. The current period for reply expires months from the mailing date of *the prior Advisory Action* or SIX MONTHS from the mailing date of the final rejection, whichever is earlier.
   Examiner Note: If box 1 is checked, check either box (a), (b) or (c). ONLY CHECK BOX (b) WHEN THIS ADVISORY ACTION IS THE FIRST RESPONSE TO APPLICANT'S FIRST AFTER-FINAL REPLY WHICH WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. ONLY CHECK BOX (c) IN THE LIMITED SITUATION SET FORTH UNDER BOX (c). See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) or (c) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendments filed after a final rejection, but prior to the date of filing a brief, will not be entered because
   a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
   b) ☐ They raise the issue of new matter (see NOTE below);
   c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
   d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.
   NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): (a) ☐ will not be entered, or (b) ☐ will be entered, and an explanation of how the new or amended claims would be rejected is provided below or appended.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on _____.
9. ☐ The affidavit or other evidence filed after final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
10. ☐ The affidavit or other evidence filed after the date of filing the Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
11. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

12. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
13. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____
14. ☐ Other: _____.

STATUS OF CLAIMS

15. The status of the claim(s) is (or will be) as follows:
    Claim(s) allowed: .
    Claim(s) objected to: .
    Claim(s) rejected: 1-13.
    Claim(s) withdrawn from consideration: .

/TSION B OWENS/
Primary Examiner, Art Unit 2487

Doc Code: AP.PRE.REQ

PTO/AIA/33 (03-13)
Approved for use through 07/31/2013. OMB 0651-0031
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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional): A24

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

Signature _____

Typed or printed name _____

Application Number	Filed
14/735,282	June 6, 2015

First Named Inventor: Frederick Perkins

Art Unit	Examiner
2487	Tsion Owens

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).
Note: No more than five (5) pages may be provided.

I am the

☐ applicant.

☑ attorney or agent of record. Registration number 43,088.

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

/Keith Scala/
Signature

Keith Scala
Typed or printed name

202.536.5701
Telephone number

February 9, 2018
Date

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

☐ *Total of 2 forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop AF, 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.
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.

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of	Docket No: A24
Frederick PERKINS	
Appln. No.: 14/735,282	Group Art Unit: 2487
Confirmation No.: 1060	Examiner: Tsion Owens
Filed: June 6, 2015	

For: **SELF-CONTAINED BIRD FEEDER WITH CAMERA AND STREAMING VIDEO**

PRE-APPEAL BRIEF

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

This pre-appeal brief is filed after the claims in this application have been rejected twice. A notice of appeal and pre-appeal request for review are filed herewith. A one-month extension of time was previously submitted in response to the final office action. A further one-month extension of time is submitted herewith, making this response due on or before February 11, 2018. This appeal and pre-appeal brief are timely filed.

PROCEDURAL BACKGROUND

An initial Office Action issued May 8, 2017 rejecting all claims pursuant to 35 U.S.C. § 101 and § 102 in view of patent application 2016/0156989 ("Lovett"). Applicant filed arguments and an amendment in response. A Final Office Action issued September 11, 2017. The rejections pursuant to 35 U.S.C. § 101 and 35 U.S.C. § 102 based on Lovett (2016/0156989) were withdrawn.

Rejections based on 35 U.S.C. § 102 and § 103 were asserted based on U.S. published patent application 2015/0373945 ("Sung"), filed after Applicant's filing date. Applicant filed a response requesting that finality be withdrawn because the new prior art reference and rejection were asserted against the same elements of Applicant's claims as in the prior Office Action. The new reference was not necessitated by amendment, and it was error to maintain finality. It was also clear error for Sung be the basis of a proper rejection of Applicant's claims because (1) Sung fails to disclose elements of the independent claim; and (2) Sung cannot be asserted as prior art due to new matter not present in the provisional application on which the Examiner relies.

ARGUMENT

Claims 1-5 and 7-10 stand rejected under 35 U.S.C. §102(a)(2) as allegedly anticipated by U.S. Published Patent Application 2015/0373945 ("Sung").

Sung does not disclose Applicant's claimed bird feeder. Sung does not mention a bird feeder at all, but rather only discloses a generic feeder that has a number of key differences that confirm it is not a bird feeder. The Examiner ignored Applicant's arguments and stated incorrectly that "animal" inherently discloses "bird" in relation to the claimed feeder.

Sung states that the feeder described is a pet or livestock feeder, not a bird feeder. One of skill in the art would not understand Sung as disclosing a bird feeder. The list of animals enumerated in the Sung disclosure does not automatically mean Sung discloses a bird feeder. The only reference to birds in all of Sung is "such animals may be cats, dogs, birds, cattle, horses, reptiles, amphibians, mammals, or other creatures." This open ended list, even if combined with the disclosed feeder, is not a substitute for disclosing a bird feeder. The drawings in Sung show an opening for animals to insert their head that is significantly elevated above the

scale. Birds would land on the edge of the opening, bypassing the scale, completely defeating the food delivery system disclosed by Sung. Sung cannot disclose a bird feeder.

Moreover, if Sung were considered to disclose a bird feeder, such published disclosure would not be entitled to priority based on the provisional application (62/017,461), a copy of which is attached. Importantly, the provisional application never mentions "bird." Nor does it mention livestock. On the contrary, this provisional application is limited to "pet feeders," and pet is defined as a cat or dog. Because priority cannot be properly claimed under 35 U.S.C. § 119(e), this disclosure of Sung can only be asserted as prior art as of June 26, 2015—which is after Applicant's filing date of June 6, 2015. Any uncertainty is resolved in the language of 35 U.S.C. § 102(d)(2) which expressly states that an earlier filing (priority) date is only available as of "the earliest such application that describes the subject matter." Because the provisional application on which the Office Acton relies does not describe Applicant's claimed subject matter, the earliest prior art date is after Applicant's filing date and may not properly form the basis of a prior art rejection under 35 U.S.C. §102(a).

Sung also fails to disclose a bird feeder having a feed port disposed on the feeder bottom as recited in Applicant's claim 1. The Office Action asserts 150, 190, and 195 of Sung to disclose this recitation of Applicant's claims. The water bin 150, and tops 190 and 195 are not a feed port disposed on the feeder *bottom* recited in Applicant's claims. Tops 190 and 195 would be understood by one of ordinary skill, or anyone according to the plain meaning of "top" to be disposed on the opposite end of the feeder—the feeder top, not the feeder bottom. The narrower disclosure in the provisional application also fails to disclose a feed port disposed on the feeder bottom.

Sung further fails to disclose the internal power source within the self-contained bird feeder of Applicant's claim 1. The reference to battery 170 does not specify whether it is within the feeder of Sung or outside the feeder of Sung, as are other components listed immediately before and after the battery: AC power from a wall socket 165 and remote device 175. Battery 170 is not part of the drawing figures that show the internal structure of the feeder. Nothing in Sung discloses or suggests that the battery in Sung is an internal power source within the meaning of the self-contained bird feeder of Applicant's claim 1.

For at least the reasons above, Applicant requests that the final rejection be withdrawn.

Regarding Applicant's claim 3, it is asserted that Sung discloses a feed separator. In fact, Sung discloses two separate containers, one for water and one for feed. Nothing in Sung discloses an actual separator since the feed is not combined with the other elements within the feeder housing.

Claims 6 and 11-13 stand rejected under 35 U.S.C. §103(a) as allegedly obvious by U.S. Published Patent Application 2015/0373945 ("Sung") in view of U.S. Published Patent Application 2016/0156989 ("Lovett"), published after Applicant filed the application for the present invention.

Regarding claims 6, and 11-13, the Office Action recognizes that Sung does not disclose all of the elements of these claims. Specifically, Sung fails to disclose: generating electricity with a solar panel, distributing solar electricity from both a battery and solar panel to a computer, Lovett is therefore asserted to address these deficiencies.

Lovett is asserted to disclose these, and it is further asserted that it would have been obvious for one of ordinary skill to have modified Sung with the teachings of Lovett to arrive at Applicant's claimed invention. However, Lovett is fundamentally different from both the

claimed invention and Sung. Lovett is not a self-contained feeder. Lovett neither discloses nor suggests the camera, computer, power source, nor WiFi adapter *inside* the bird feeder. Therefore, Lovett is not self contained, as is the Applicant's claimed invention.

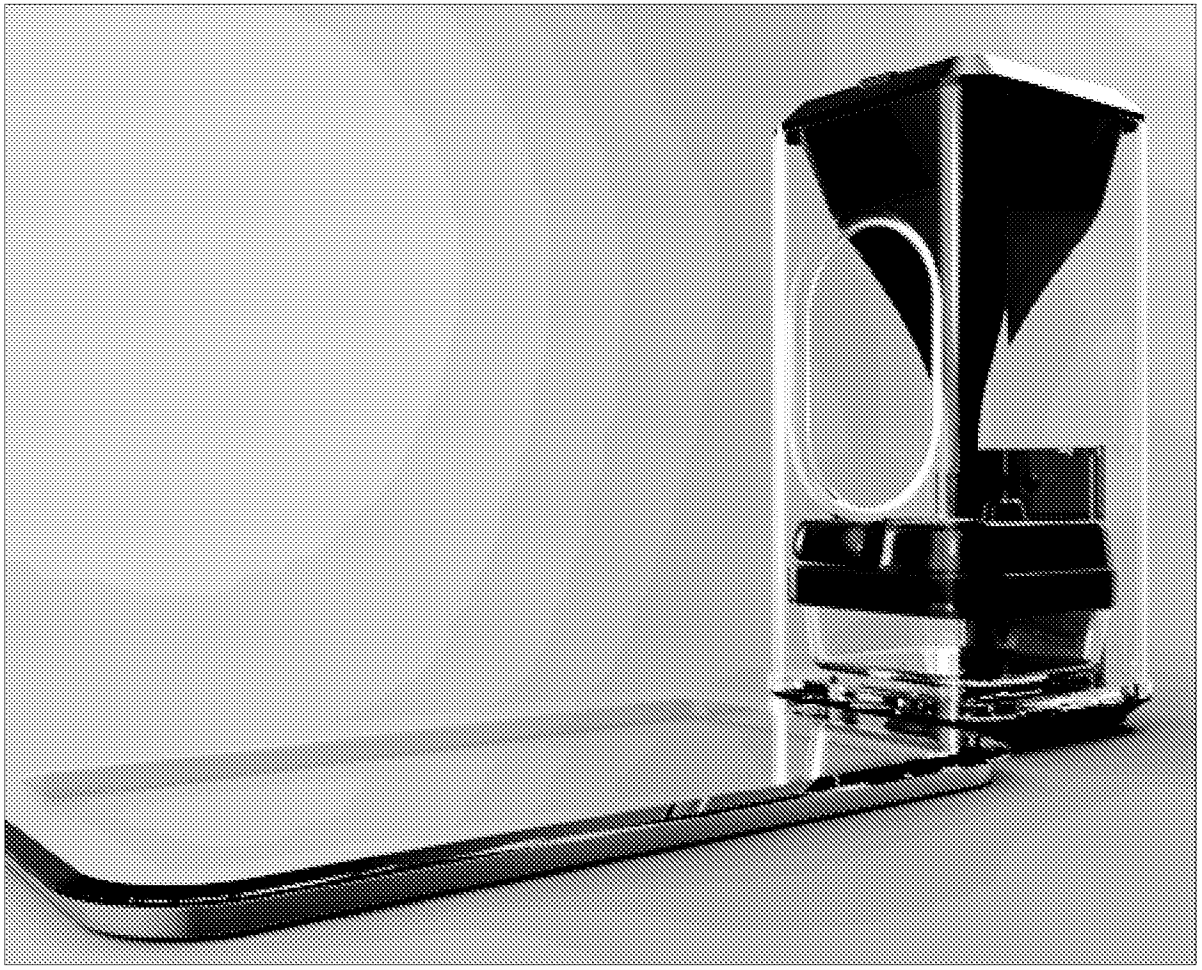
This fundamental distinction is apparent from Lovett's specification, which describes the invention as a "photo booth" [0002] with the bird feeder mounted separate from the camera some distance within the field of view [0025]. In the present invention, the feeder is not located in the field of view of the camera; it is in the same location as the camera, because the camera is mounted within the bird feeder. The words "self contained" are not used in Lovett, and certainly not in reference to a bird feeder with video capability. Lovett's deficiency is highlighted by Applicant's independent claim 1 which specifically recites that the bird feeder itself comprises the camera, computer, power source, and WiFi adapter, etc. Lovett merely discloses elements placed some distance away from a camera.

Respectfully submitted,

/Keith Scala/
Keith B. Scala
Registration No. 43,088

Keith B. Scala, Esq.
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Telephone: (202) 536-5701
Facsimile: (202) 536-4684

Date:
February 9, 2018



The Ultimate Smart Pet Feeder for Health Monitoring

Inventor(s): Mu Chi Sung, Founder & CEO of Zillians

Application Date: June 10, 2014
Proposal number:

SUMMARY

Field of Invention

The present invention is used to answer a simple question for pet owners: which one of the pets (if there're multiple of them) is eating or drinking well or not when the owners are away from home. As pets can't speak up when they feel uncomfortable or sick, most of them time they change their appetite, but this is extremely hard to find out for most owners. That's why we invented a machine, or more precisely, a smart pet feeder which can monitor the daily intake for each pet. All information will be automatically uploaded, analyzed, and synchronized with owners' smartphones. It's a cloud-connected pet feeder along with food hopper and water tank, and we put various sensors such as camera sensor and weighing scale sensors to detect the amount of food or water taken each time the pet approaches the feeder.

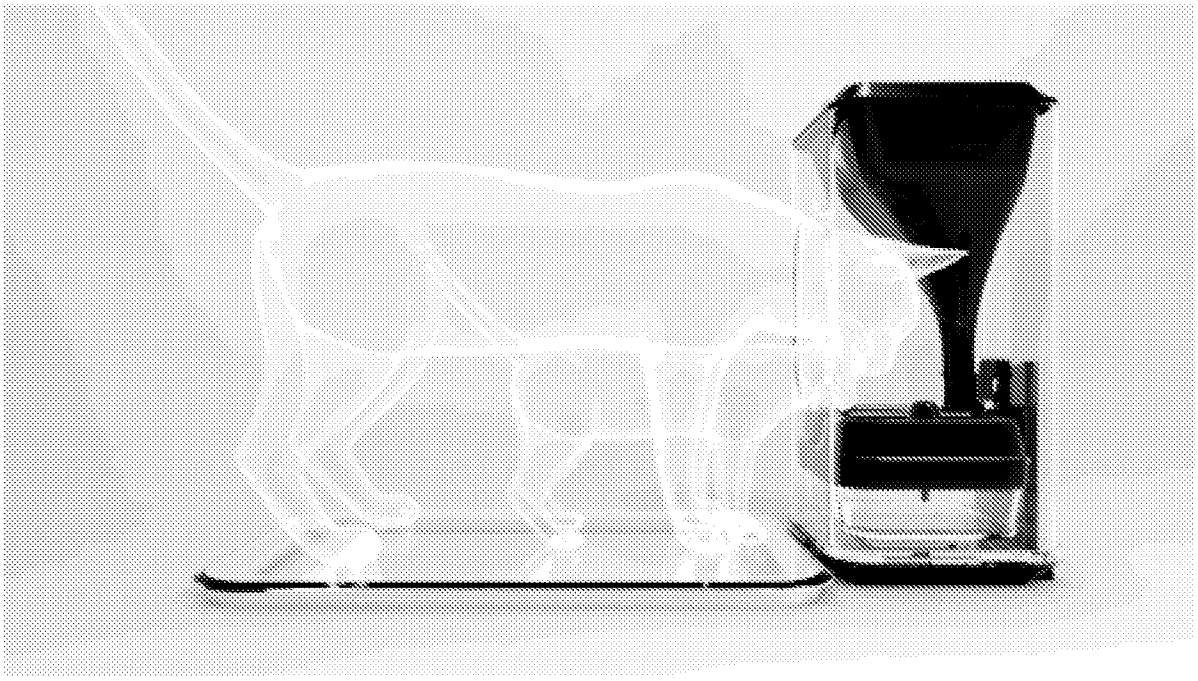
Background

When your beloved pet stop eating or begin to eat much less than their normal amount, the number one advise any veterinarian would give is to take them to hospital right away because most of the time it connects to some serve disease. Although the primary reason why a cat or dog stops eating may not always determined, it's essential that your pet be thoroughly evaluated as certain underlying disease need to be ruled out.

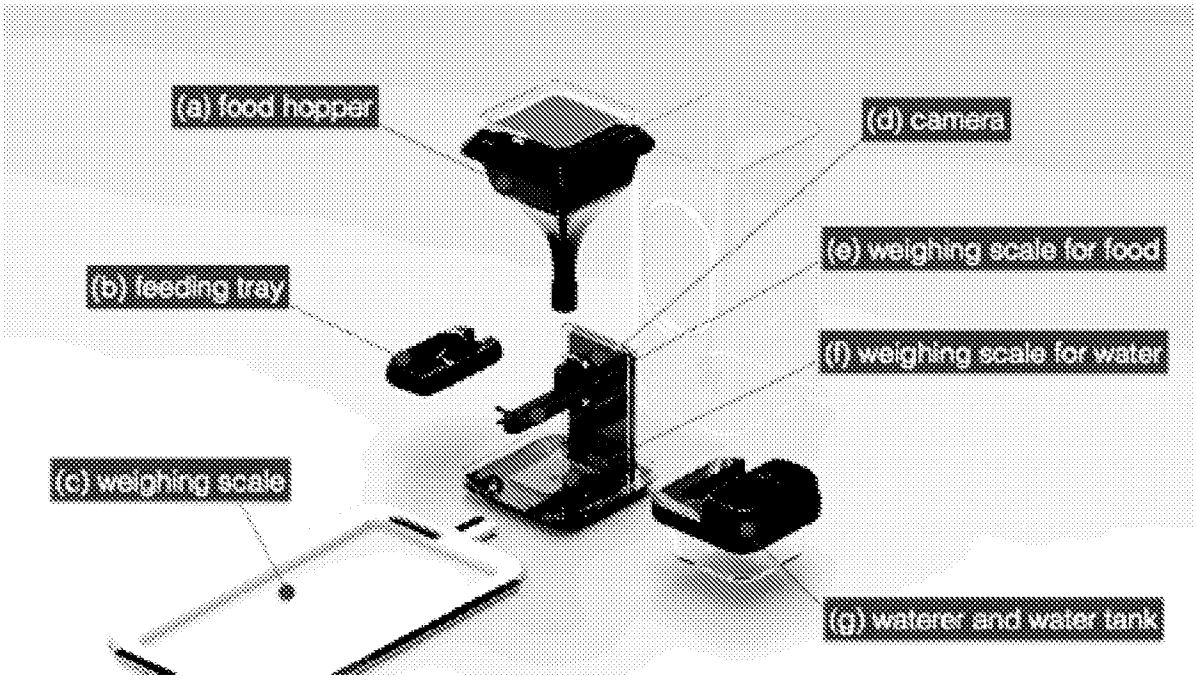
For example, if a cat stops eating, he or she may develop severe liver change (hepatic lipidosis or "fatty liver") from their anorexia (decreased appetite) within a very short amount of time. Hepatic lipidosis is a condition that is unique to cats when they stop eating. During hepatic lipidosis, fat is deposited in the liver. When too much fat accumulates within the liver, liver stops work appropriately and the cat can progress into liver failure. Hepatic lipidosis can be devastating and fatal if not addressed quickly. For this reason, any cat that stops eating for any reason is considered an emergency situation. Also there're number of gastrointestinal diseases that can lead to change in appetite such as inflammatory bowel disease (IBD), Lymphosarcoma (aka Lymphoma), Parasites, or even Pancreatitis. Most of them are quite fatal if not treated immediately.

However sometimes the appetite change is hard to observe for people who own multiple cats or when they go on traveling. That's the number one reason we pass the critical moment to save them back. With the present invention, we can spot out the problem before it's too late.

How it Works

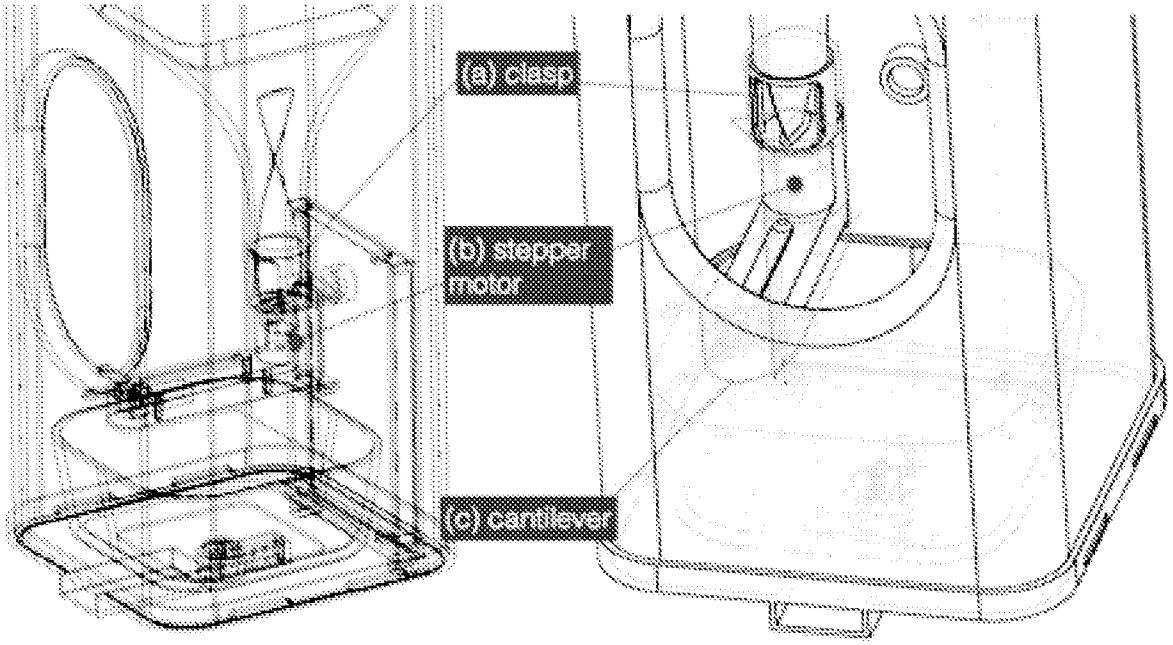


The feeder can be used by cat or dog as illustrated above. The feeder may include an optional platform to measure the weight of the pet as a reference. We designed the feeder to be used by one pet at a time. The center hole is designed to prevent a scenario where multiple pet is eating at the same time, which makes it hard to differentiate the exact amount of feed or water taken and makes the measurement much less accurate.



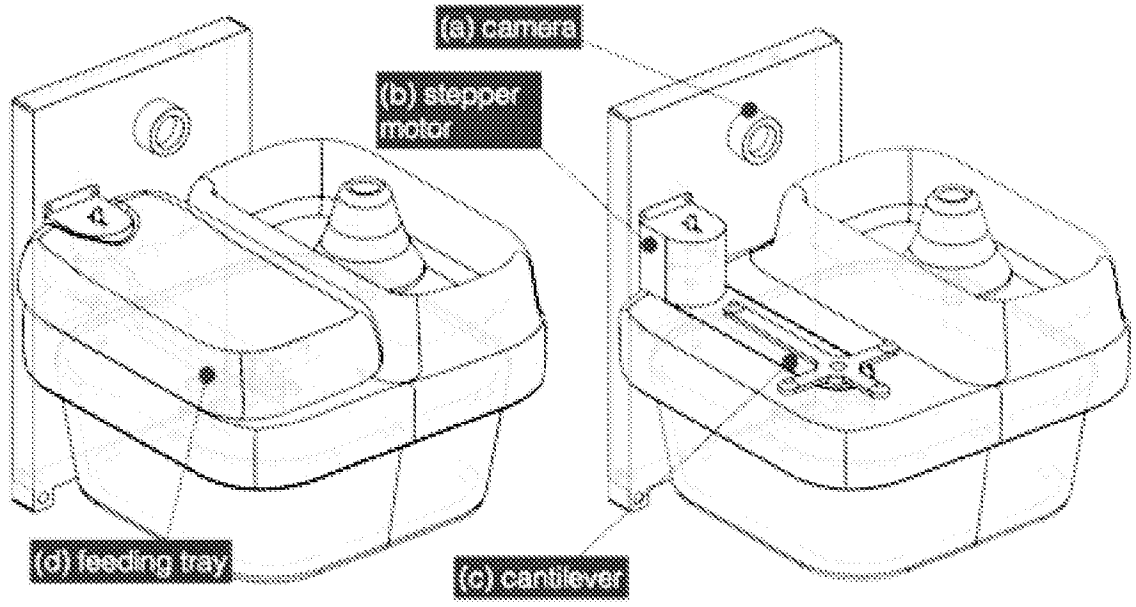
Whenever the pet approaches the feeder, the (c) weighing scale will be used to measure the weight, and the (d) camera will be used to do pet face recognition (cat or dog) to identify which pet is going to eat or drink by matching the facial signature against the owner's pet database. If the pet hasn't been identified before, a new database entry will be created and the feeder will start tracking its health record. The owners can later give the pet a name or input the detailed description for his pet on their smartphone. When the pet finished eating or drinking, the amount of food or water taken will lead to a weight change in either (b) feeding tray or (g) waterer so the weighing scale sensor beneath (e) and (f) can be used to measure the exact numbers. As a result, the feeder will keep every pet's intake (and weight) and use those records to tell if a given pet is eating normally or not. The (a) food hopper will only release food when the (b) feeding tray is empty (or can be controlled by the user or 3rd party program). As equipped with (e) (f) weighing scale sensor for (b) feeding tray and (g) waterer/ water tank, the feeder can also tell if the it is (a) food hopper or (g) water tank is empty to further warn the owner they need a refill. All information will be uploaded and synchronized to owners' smartphone so he or she can understand the current food/water supply or pet's daily intake in a glimpse.

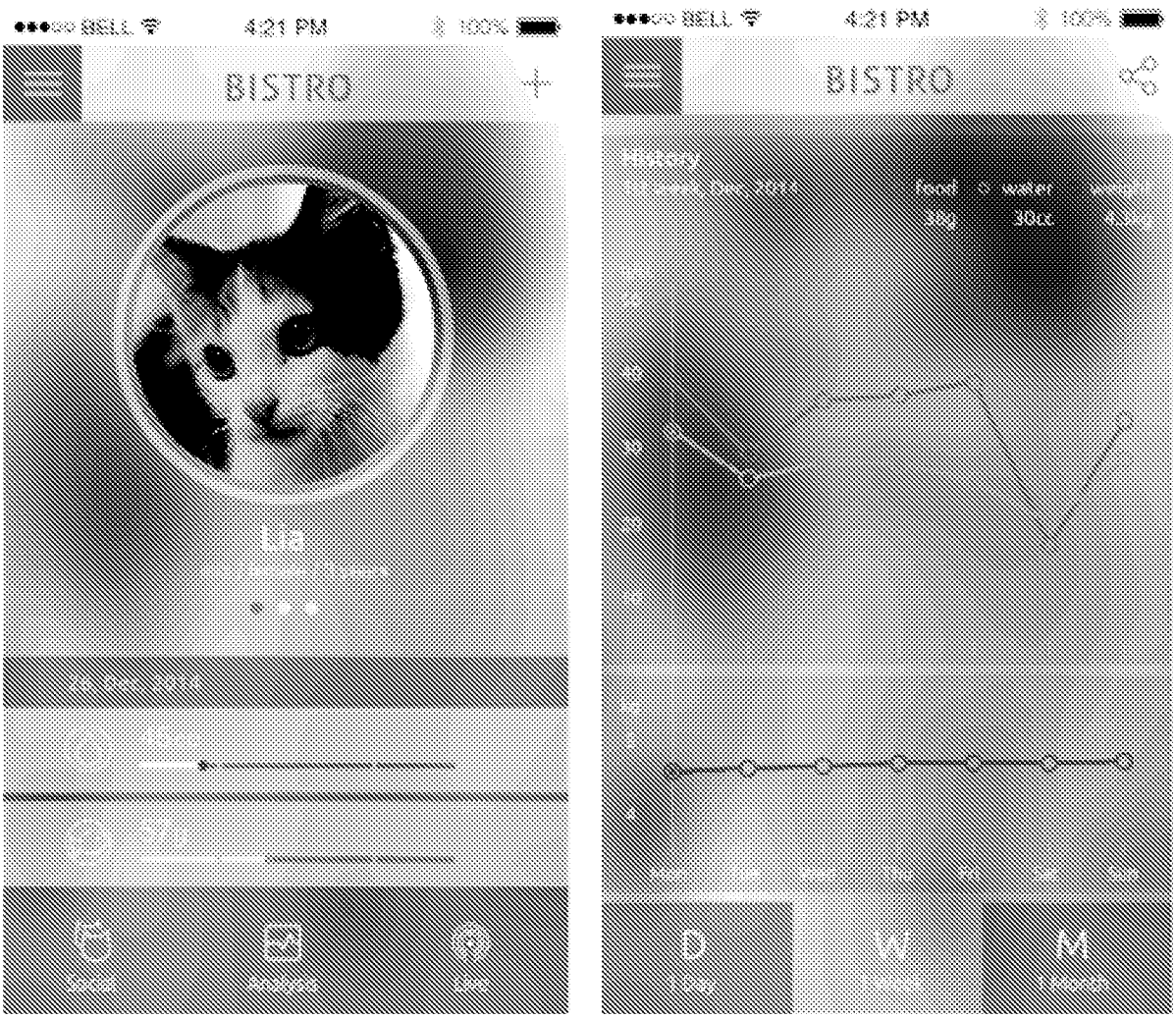
Detailed Description



The detailed pet feeder internal structures are illustrated as above. Basically the main components are contained by the transparent plastic shell. The water tank is sitting on top of the base which is actuality a weighing scale used to measure the amount of water taken. The food hopper is hanging above the feeding tray, and we use a (a) clasp on the hopper to dispense the food into the tray. The clasp is drove by a (b) stepper motor mounted on the (c) cantilever supporting the feeding tray.

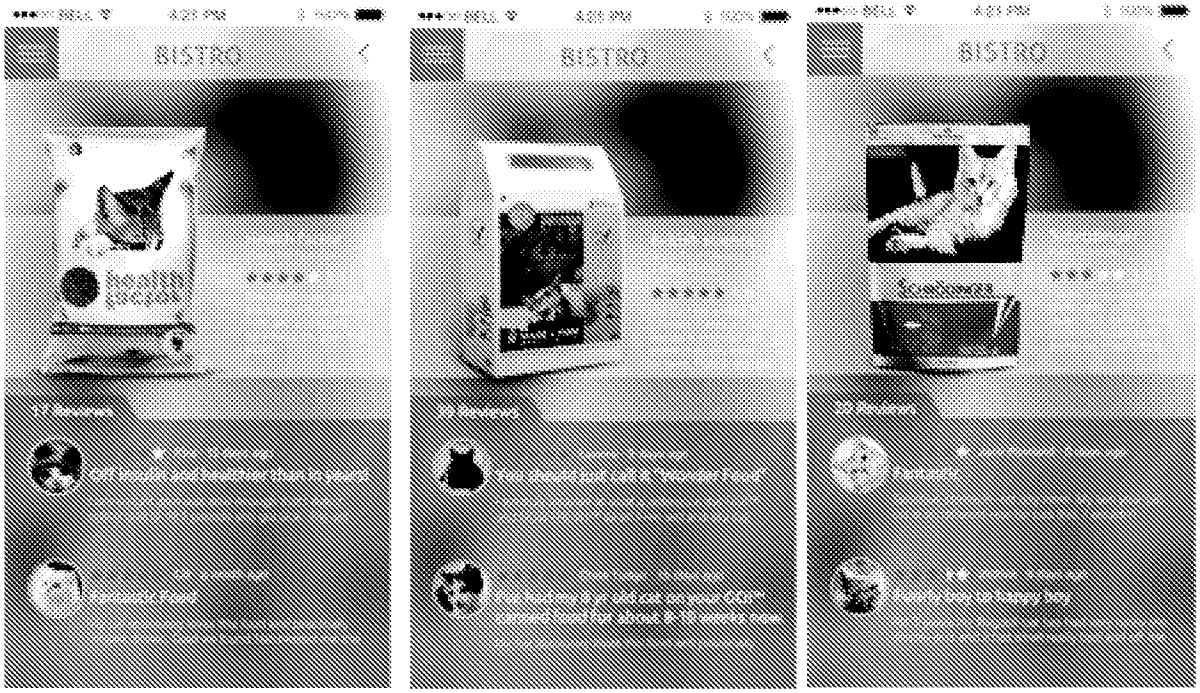
The smart pet feeder is connected to the backend cloud service via WiFi or Ethernet. In fact, it can operate itself with or without Internet connection so the pet won't starve when Internet is down. The following figure is a closer look at the internal structure.



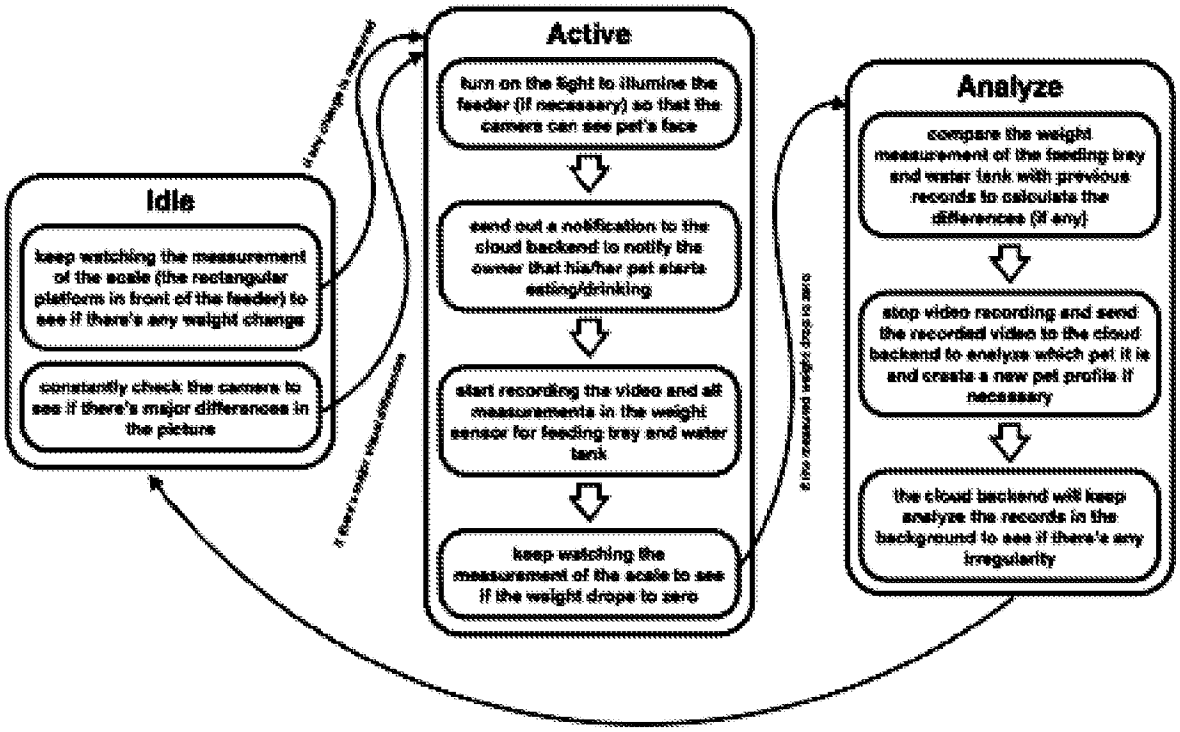


As the smart pet feeder sends sensor data to the cloud backend, we provide an App to browse and analyze all records for pet owners. They can create pet's profile, which includes (but not limited to) the breed, sex, age, and profile picture. The smart feeder will collect pet's face continuously and can use those photos along with measured weight to identify the pet.

In addition, owner can also see the historical food/water intake and weight, so when there's a drop or sudden change of appetite, they can spot that out very quickly. The app will also analyze and warn the user of all irregular eating/drinking behavior of the pet, such as the sudden increase or decrease of drinking or eating frequency. It will also calculate the basal metabolic rate (BMR) for each pet according to the type of food, the weight or the breed of the pet so that you can see the live daily progress on the dashboard.



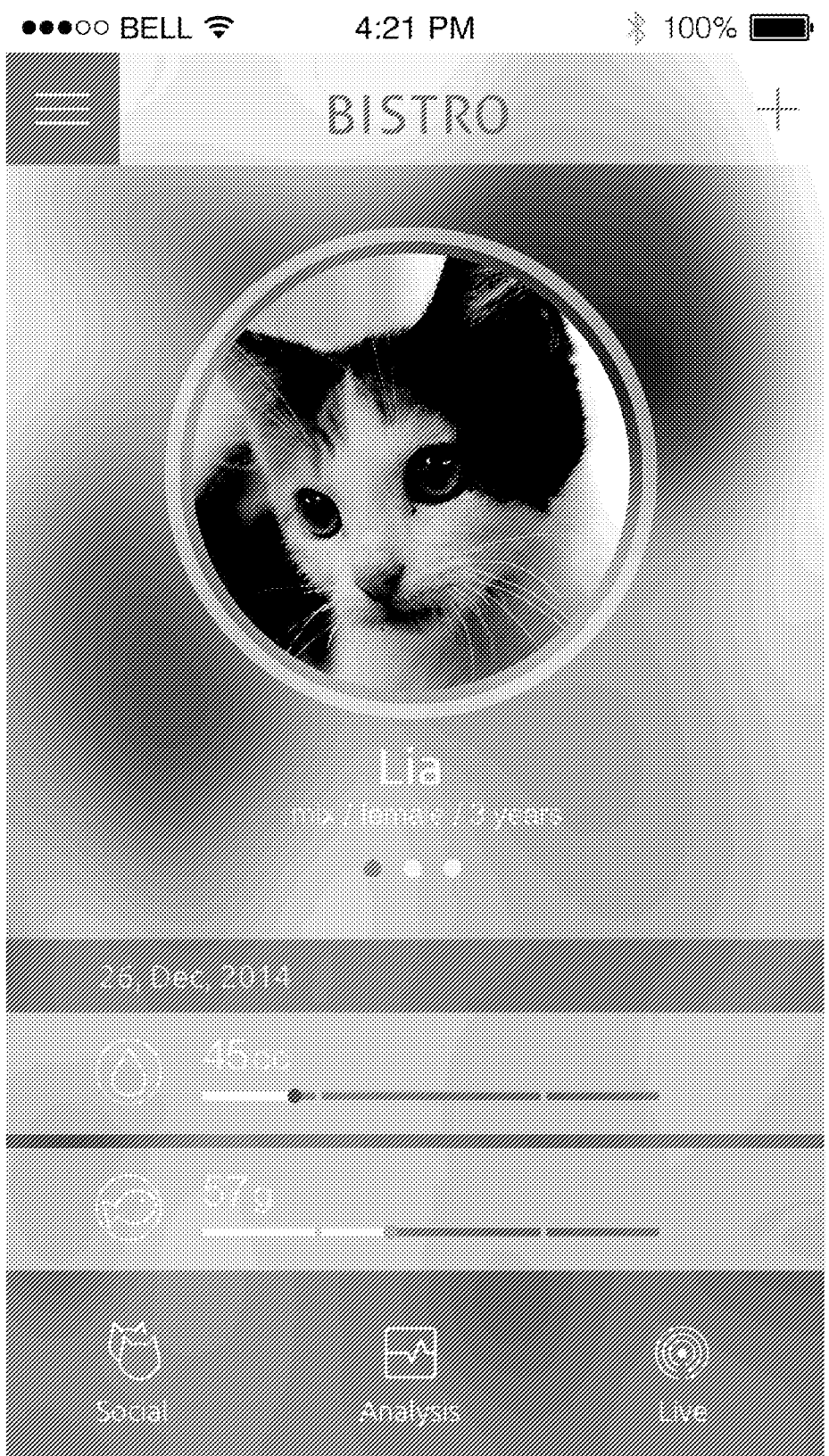
The App will also give owner better food suggestion based on various metrics. For example, if the pet is too skinny because it's too picky or the protein is not enough in the given food, the app will recommend a better one of different price ranges. The app even know that the food is running out so it can place order for you automatically. User can also vote, rate, leave comment, or write a review on each item and share with the community.

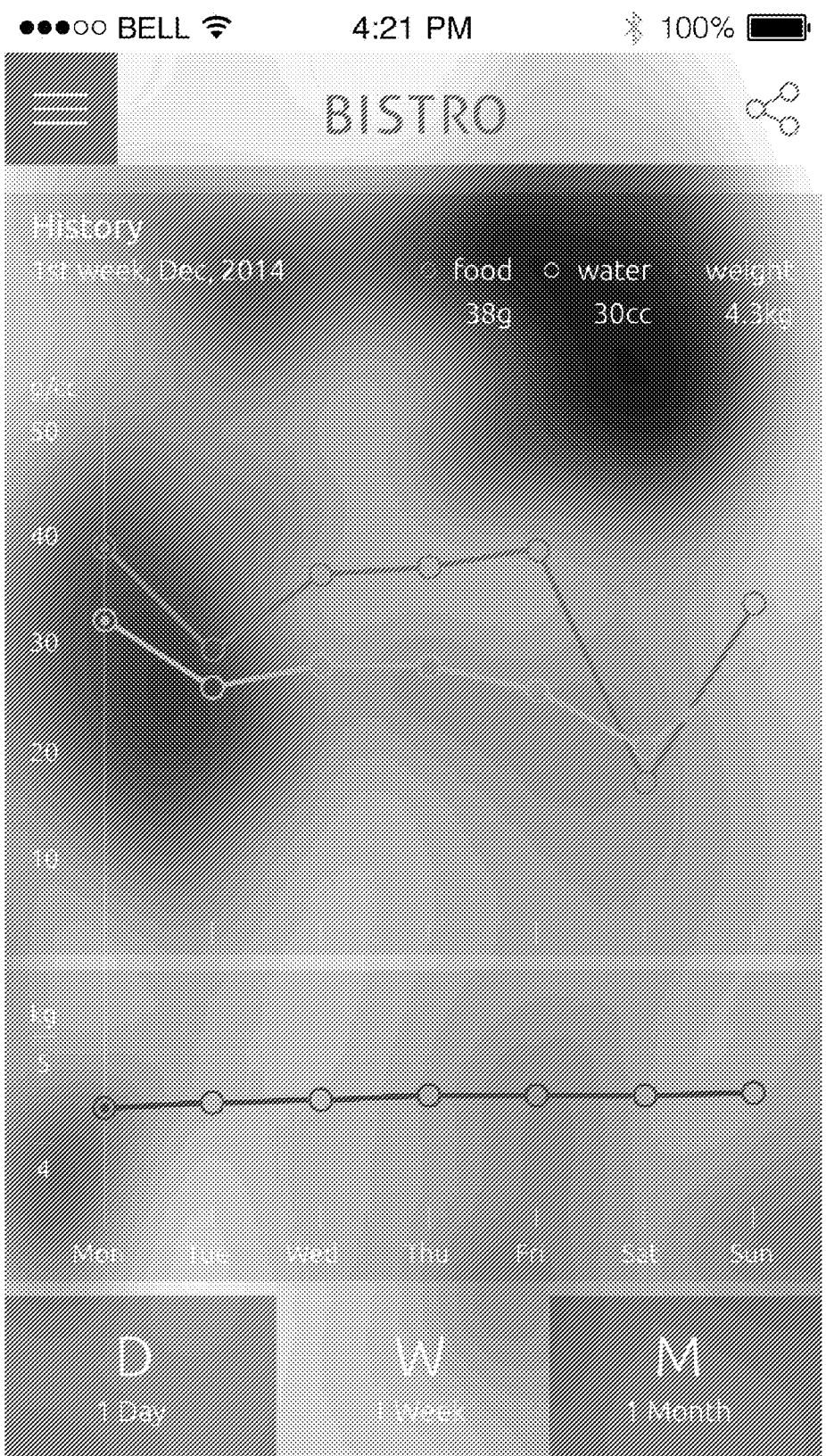


The overall workflow is illustrated as above figure. Basically there are three states for the smart feeder: idle, active, and analyze. In “idle" state, the feeder will keep watching the measurement of the weighing scale to see if there’s any weight change, which indicates that there’s a pet is standing on the platform, preparing to eat or drink. The weight change will trigger a transition to the “active” state. Alternatively, the feeder will also check the camera constantly and trigger the transition when there’s major visual difference in the camera view.

In “active” state, the pet is prepared to eat or drink, so the feeder starts recording video and keeps a full records of all weighing scale measurement for the feeding tray and water tank. In the same time, the feeder will send a message to the cloud backend to notify the owner that his/her pet is eating/drinking now. He/She can further click on the notification message on their smartphone to establish a peer-to-peer connection with the device to see the live video stream. The feeder will learn the pet finished eating/drinking by checking the weighing scale in front of the feeder. When the weight drops to zero, meaning the pet is away from the feeder, it triggers the transition to “analyze” state.

In “analyze” state the feeder will first stop recording and send all recorded video and measurements to the cloud backend for analysis. The cloud backend would analyze all records in the background (asynchronously) to identify which pet is eating or drinking and for how much. The analysis process will try to identify any irregular behavior and warn the user if necessary. At the end it will automatically trigger transition back to “idle” state.


●●●○○ BELL
4:21 PM
100%
BISTRO
Lia
Social
Analysis
Live


●●●○○ BELL
4:21 PM
100%
BISTRO
History
1st week Dec 2014
food
water
weight
38g
30cc
4.3kg
50
40
30
20
10
5
4
Mon
Tue
Wed
Thu
Fri
Sat
Sun
D
1 Day
W
1 Week
M
1 Month


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4:21 PM
100%
BISTRO
health factor
Health Factor
17 Reviews
Ivra · 16 days ago
Off insulin and healthier than in years!
Lia · a month ago
Fantastic Food

●●●○○ BELL 4:21 PM 100%

BISTRO



British science

39 Reviews



Lenore · 3 days ago

You should just call it "Wonder Food"

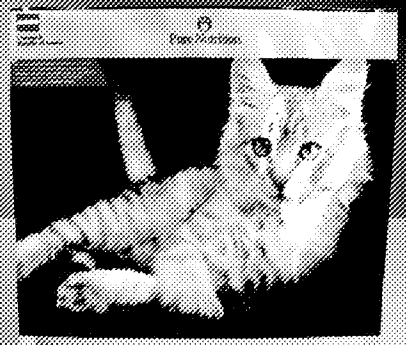


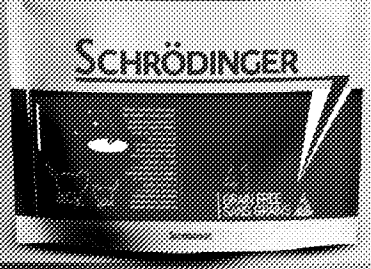
Chris Tudge · 15 days ago

I've had my 8 yr old cat on your GO!™ canned food for about 8-10 weeks now.

●●●○○ BELL 4:21 PM 100%

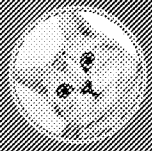
BISTRO





Schrodinger

20 Reviews



★ Jane Rowland 5 days ago

Fantastic

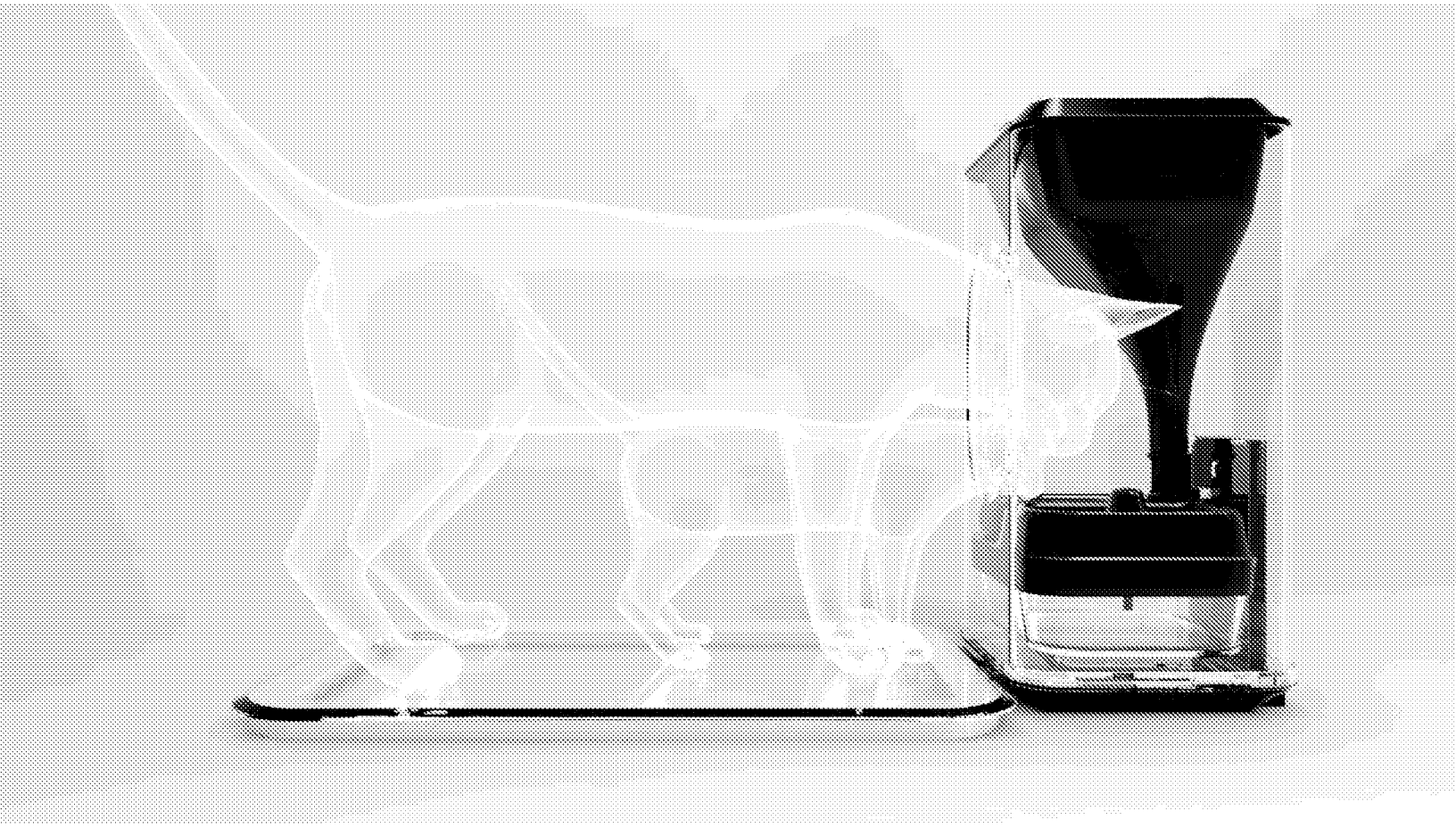
Seriously, stop reading and buy more. My two year old cat is so different now he eats this. I wouldn't

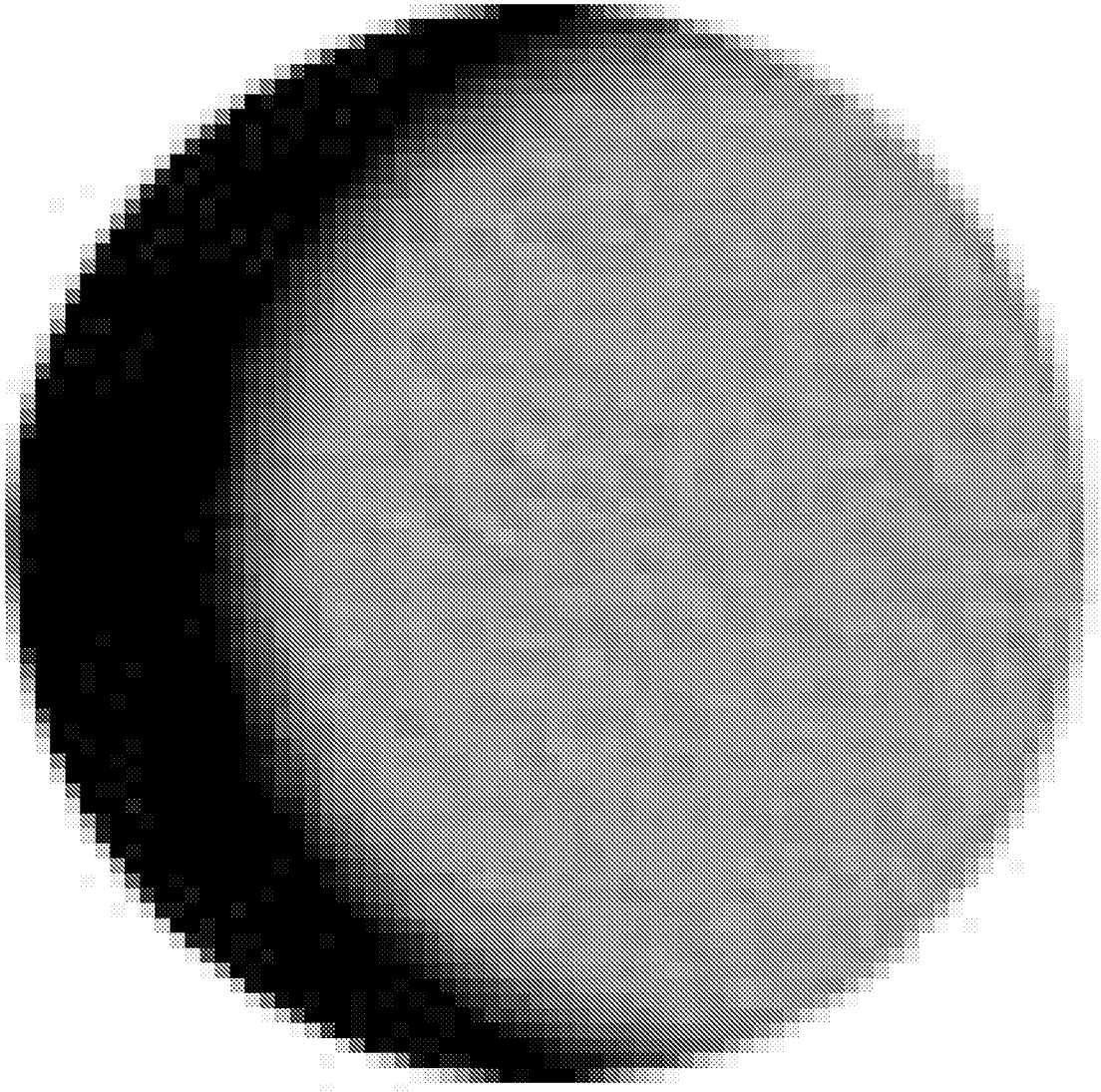


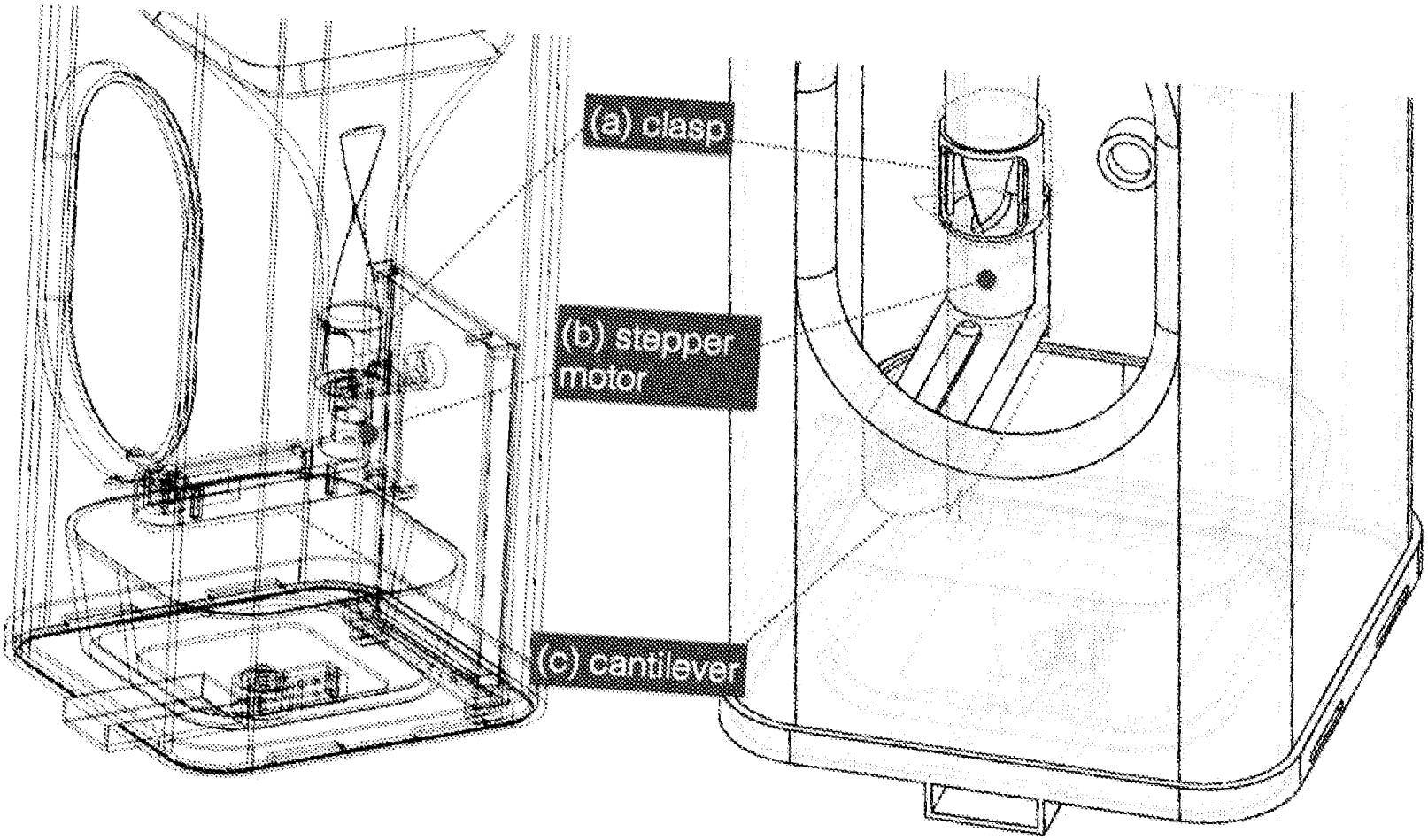
★★ Victoria 9 days ago

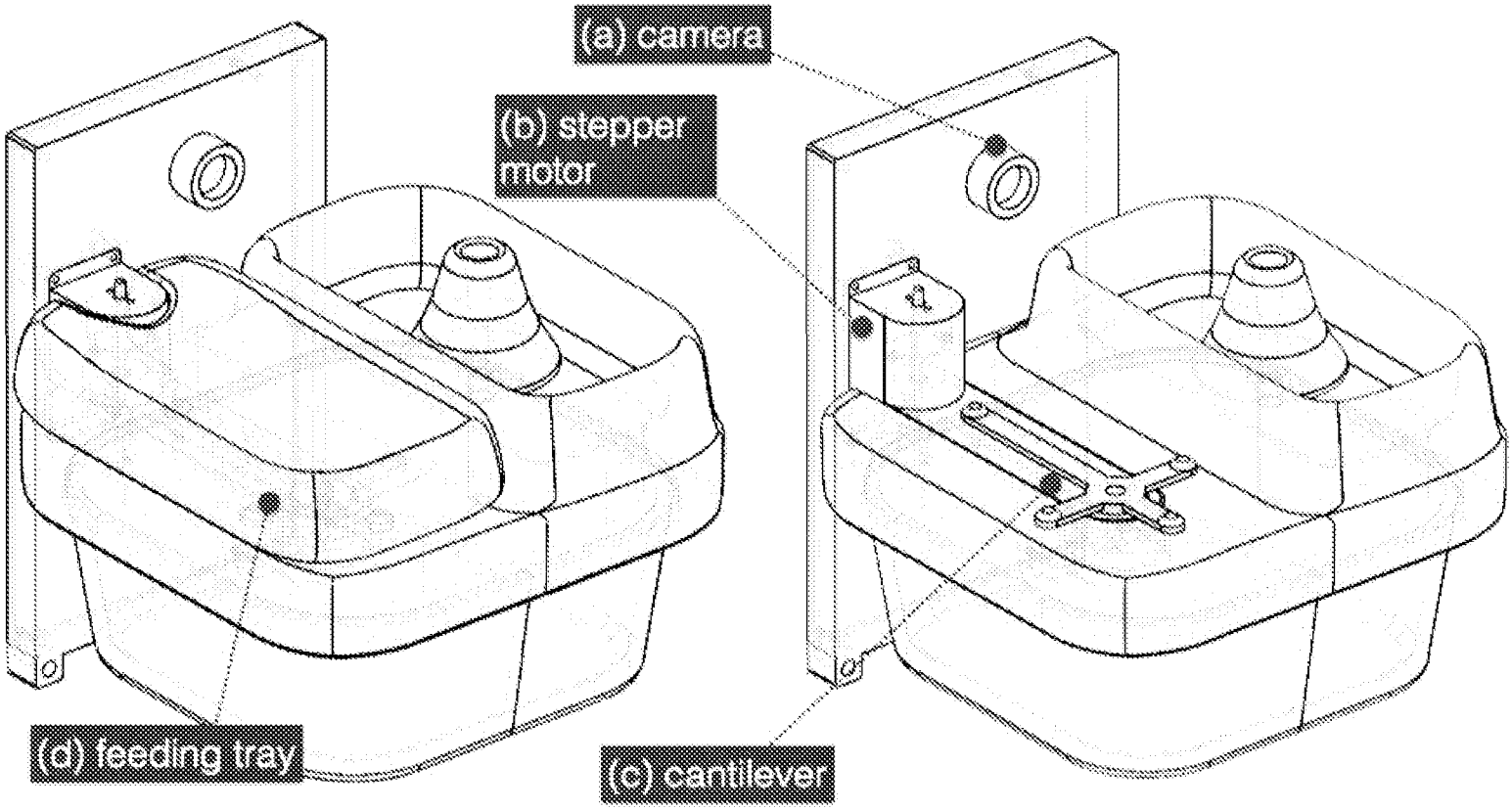
Poorly boy to happy boy

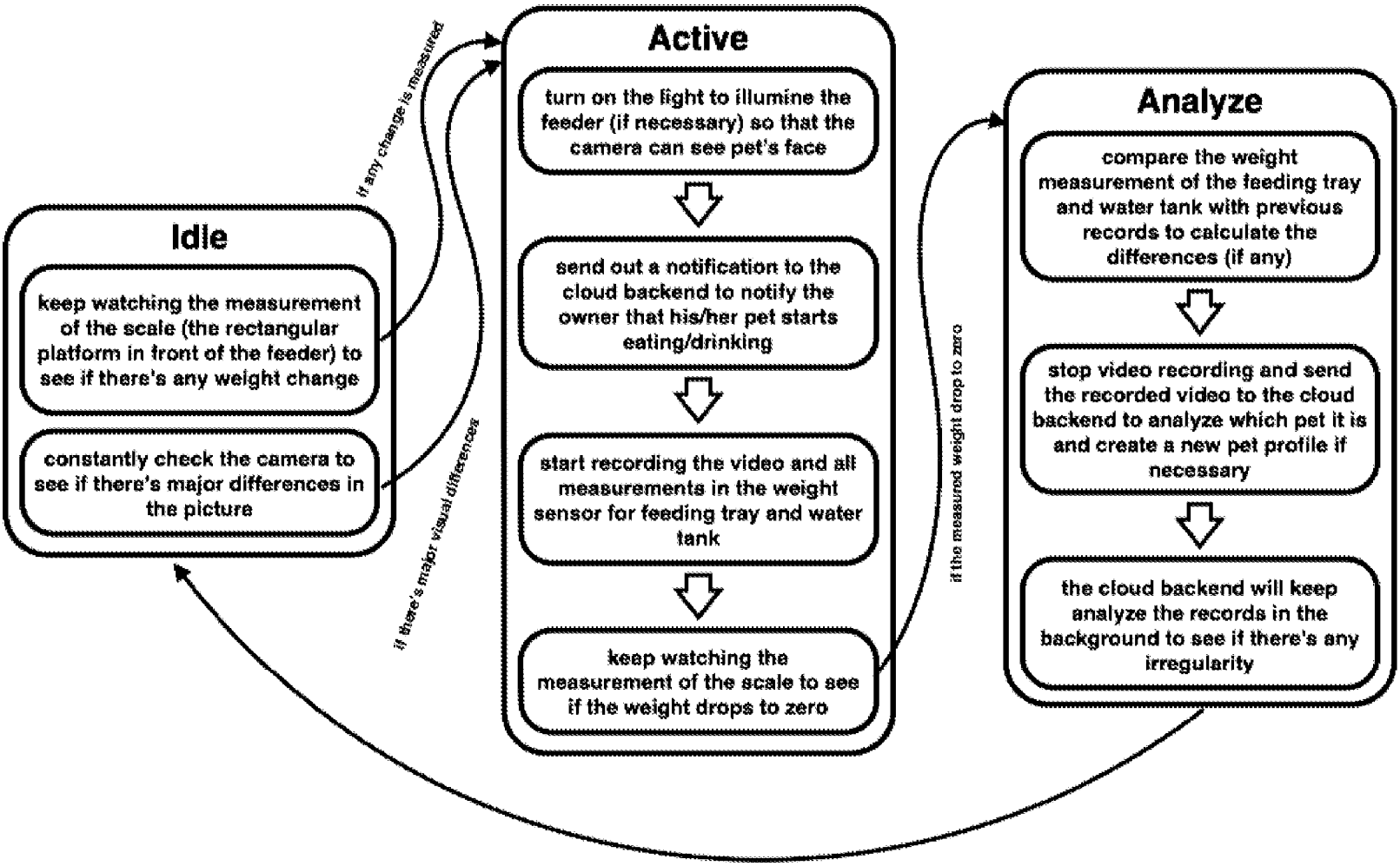
Our 3 years old Ragdoll cat has had very runny and smelly poo and it was smelt really bad and on the

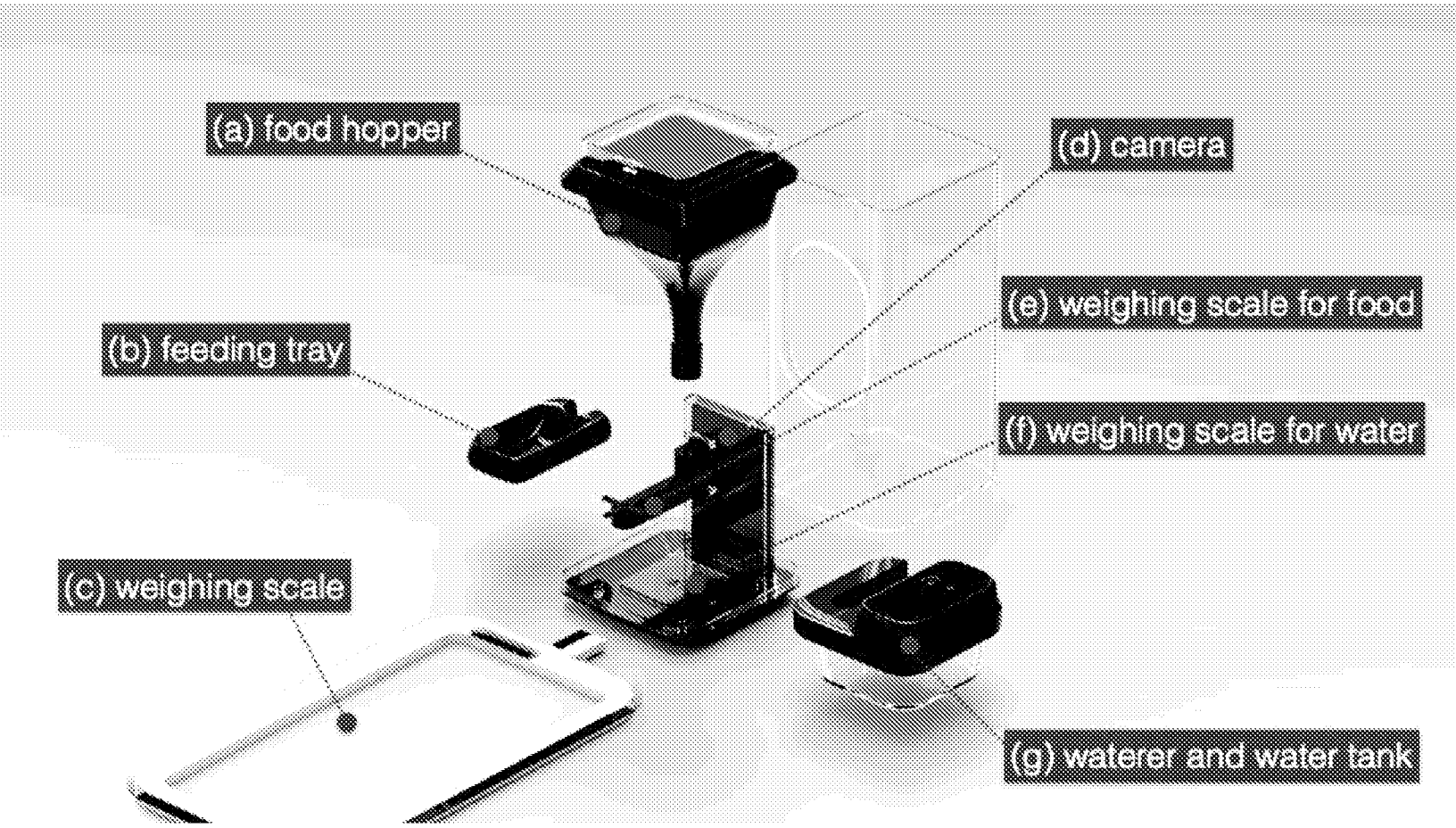


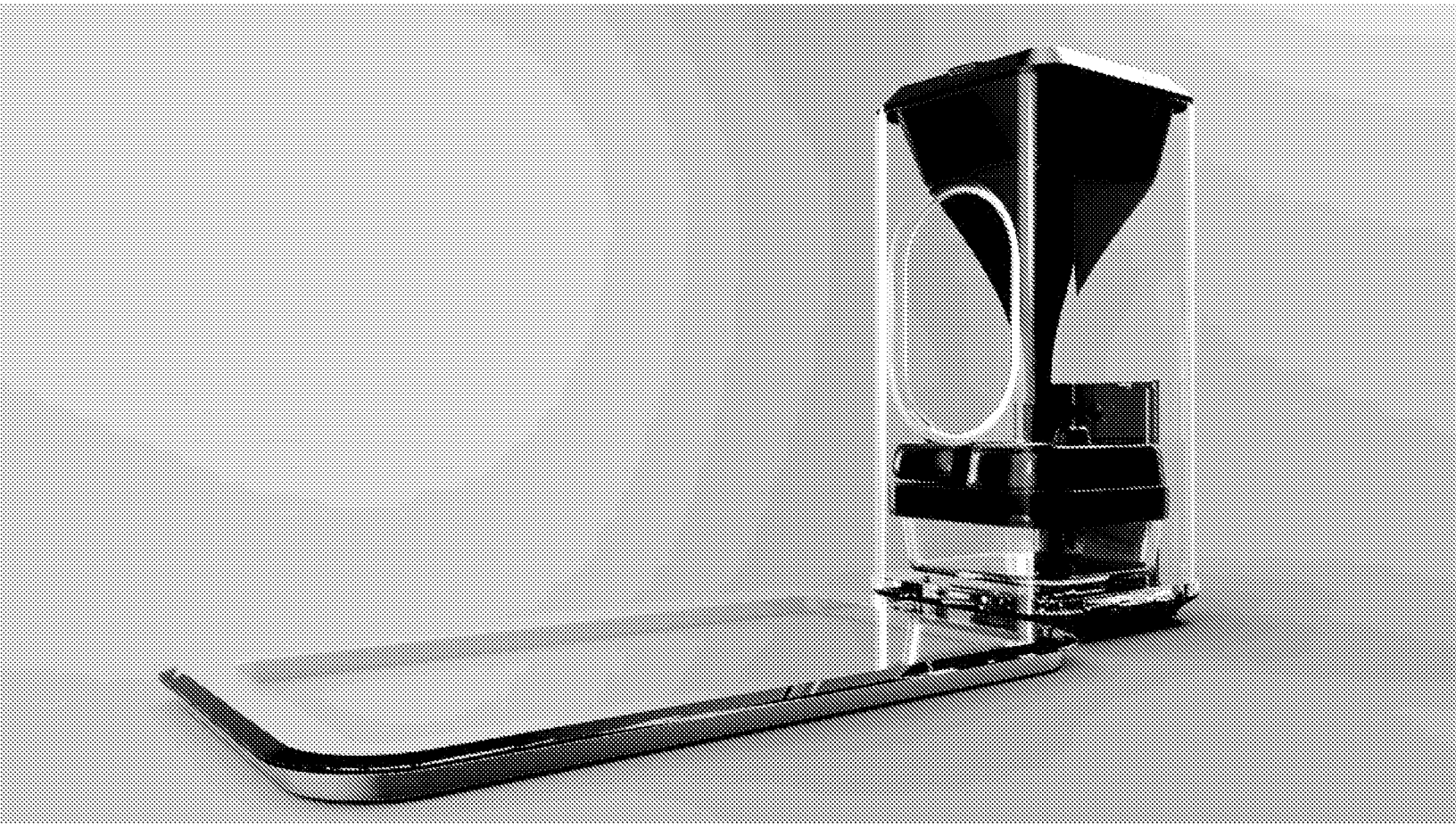



(a) clasp
(b) stepper motor
(c) cantilever


(a) camera
(b) stepper motor
(d) feeding tray
(c) cantilever


Idle
keep watching the measurement of the scale (the rectangular platform in front of the feeder) to see if there's any weight change
constantly check the camera to see if there's major differences in the picture
if any change is measured
if there's major visual differences
Active
turn on the light to illumine the feeder (if necessary) so that the camera can see pet's face
send out a notification to the cloud backend to notify the owner that his/her pet starts eating/drinking
start recording the video and all measurements in the weight sensor for feeding tray and water tank
keep watching the measurement of the scale to see if the weight drops to zero
if the measured weight drop to zero
Analyze
compare the weight measurement of the feeding tray and water tank with previous records to calculate the differences (if any)
stop video recording and send the recorded video to the cloud backend to analyze which pet it is and create a new pet profile if necessary
the cloud backend will keep analyze the records in the background to see if there's any irregularity


(a) food hopper
(b) feeding tray
(c) weighing scale
(d) camera
(e) weighing scale for food
(f) weighing scale for water
(g) waterer and water tank



Electronic Patent Application Fee Transmittal

Application Number:	14735282
Filing Date:	10-Jun-2015
Title of Invention:	SELF-CONTAINED BIRD FEEDER WITH CAMERA AND STREAMING VIDEO
First Named Inventor/Applicant Name:	Frederick Perkins
Filer:	Keith B. Scala
Attorney Docket Number:	A24

Filed as Small Entity

Filing Fees for Utility under 35 USC 111(a)

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
NOTICE OF APPEAL	2401	1	400	400
Post-Allowance-and-Post-Issuance:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Extension-of-Time:				
Extension - 2 months with $100 paid	2252	1	200	200
Miscellaneous:				
			Total in USD ($)	**600**

Electronic Acknowledgement Receipt

EFS ID:	31752248
Application Number:	14735282
International Application Number:	
Confirmation Number:	1060
Title of Invention:	SELF-CONTAINED BIRD FEEDER WITH CAMERA AND STREAMING VIDEO
First Named Inventor/Applicant Name:	Frederick Perkins
Customer Number:	63640
Filer:	Keith B. Scala
Filer Authorized By:	
Attorney Docket Number:	A24
Receipt Date:	09-FEB-2018
Filing Date:	10-JUN-2015
Time Stamp:	15:08:37
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	CARD
Payment was successfully received in RAM	$600
RAM confirmation Number	021218INTEFSW15105800
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	Extension of Time	EstensionOfTime.pdf	280034 fc07780e7ddda0d21aaef2258801a1e767e833f6	no	1
Warnings:					
Information:					
2	Notice of Appeal Filed	aia0031.pdf	1358906 eee6220082b527a2bf472cc86968c9c0eb052262	no	2
Warnings:					
Information:					
3	Pre-Brief Conference request	aia0033.pdf	1086337 d5b7702908c0bad92f320c0ab1a7ebe97bf3b233	no	2
Warnings:					
Information:					
4	Pre-Brief Conference request	PreAppealBrief.pdf	291393 d9b19dbdf95dfe44bd41d2d153e6f05f2daa297a	no	5
Warnings:					
Information:					
5	Pre-Brief Conference request	ProvisionalPriorArt.pdf	3704331 26c503f29969222557fc6b5f999eac7afdc2631e	no	20
Warnings:					
Information:					
6	Fee Worksheet (SB06)	fee-info.pdf	32323 c13d7d190b19d85e4d4f81cfd5f1a4ef73fecc0b	no	2
Warnings:					
Information:					

Total Files Size (in bytes):	6753324

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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.

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Frederick PERKINS
Appln. No.: 14/735,282

Docket No: A24

Group Art Unit: 2487

Confirmation No.: 1060

Examiner: Tsion Owens

Filed: June 6, 2015

For: **SELF-CONTAINED BIRD FEEDER WITH CAMERA AND STREAMING VIDEO**
PETITION FOR EXTENSION OF TIME

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Sir:

Applicant previously filed a one-month extension of time in the above-identified application, making the response to the Office Action dated September 11, 2017 due on or before January 11, 2018. Applicant now requests a two-month extension, for a due date of February 11, 2018. A payment for the statutory fee less the previously paid $100.00 is submitted herewith, Applicant previously having claimed small-entity status.

Respectfully submitted,
/Keith Scala/
Keith Scala Reg. No. 43,088
Myers Bradford, PLLC
1300 Pennsylvania Ave, Suite 700
Washington, DC 20004
Telephone: (202) 536-5701
kscala@myersbradford.com

PTO/AIA/31 (03-14)
Approved for use through 07/31/2016. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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NOTICE OF APPEAL FROM THE EXAMINER TO THE PATENT TRIAL AND APPEAL BOARD

Docket Number (Optional): A24

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

on _____.

Signature _____

Typed or printed name _____

In re Application of: Frederick Perkins

Application Number	Filed
14/735,282	June 6, 2015

For: SELF-CONTAINED BIRD FEEDER WITH CAMERA

Art Unit	Examiner
2487	Tsion Owens

Applicant hereby **appeals** to the Patent Trial and Appeal Board from the last decision of the examiner.

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

☑ Applicant asserts small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by 50%, and the resulting fee is: $ 400

☐ Applicant certifies micro entity status. See 37 CFR 1.29. Therefore, the fee shown above is reduced by 75%, and the resulting fee is: $ _____
Form PTO/SB/15A or B or equivalent must either be enclosed or have been submitted previously.

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

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

☐ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. _____.

☑ Payment made via EFS-Web.

☑ A petition for an extension of time under 37 CFR 1.136(a) (PTO/AIA/22 or equivalent) is enclosed.
For extensions of time in reexamination proceedings, see 37 CFR 1.550.

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

☑ attorney or agent of record Registration number 43,088

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

Signature /Keith Scala/

Typed or printed name Keith Scala

Telephone Number 202.536.5701

Date February 9, 2018

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

☐ * Total of 2 forms are submitted.

This collection of information is required by 37 CFR 41.20(b)(1) and 41.31. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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

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

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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
14/735,282	06/10/2015	Frederick Perkins	A24	1060

63640 7590 04/02/2018

MYERS BRADFORD, PLLC
1300 Pennsylvania Ave.
Seventh Floor
WASHINGTON, DISTRICT OF COLUMBIA 20004
UNITED STATES OF AMERICA

EXAMINER
OWENS, TSION B

ART UNIT	PAPER NUMBER
2487	

NOTIFICATION DATE	DELIVERY MODE
04/02/2018	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):

kscala@myersbradford.com

Notice of Panel Decision from Pre-Appeal Brief Review

Application No.	Applicant(s)		
14/735,282	Perkins, Frederick		
Examiner	**Art Unit**	**AIA Status**	
DAVE J CZEKAJ	2487	Yes	

This is in response to the Pre-Appeal Brief Request for Review filed 09 February 2018 .

1. ☐ **Improper Request** - The Request is improper and a conference will not be held for the following reason(s):

☐ The Notice of Appeal has not been filed concurrent with the Pre-Appeal Brief Request.
☐ The request does not include reasons why a review is appropriate.
☐ A proposed amendment is included with the Pre-Appeal Brief request.
☐ Other: _____ .

The time period for filing a response continues to run from the receipt date of the Notice of Appeal or from the mail date of the last Office communication, if no Notice of Appeal has been received.

2. ☑ **Proceed to Board of Patent Appeals and Interferences** - A Pre-Appeal Brief conference has been held. The application remains under appeal because there is at least one actual issue for appeal. Applicant is required to submit an appeal brief in accordance with 37 CFR 41.37. The time period for filing an appeal brief will be reset to be one month from mailing this decision, or the balance of the two-month time period running from the receipt of the notice of appeal, whichever is greater. Further, the time period for filing of the appeal brief is extendible under 37 CFR 1.136 based upon the mail date of this decision or the receipt date of the notice of appeal, as applicable.

☐ The panel has determined the status of the claim(s) is as follows:
Claim(s) allowed: _____ .
Claim(s) objected to: _____ .
Claim(s) rejected: _____ .
Claim(s) withdrawn from consideration: _____ .

3. ☐ **Allowable application** - A conference has been held. The rejection is withdrawn and a Notice of Allowance will be mailed. Prosecution on the merits remains closed. No further action is required by applicant at this time.

4. ☐ **Reopen Prosecution** - A conference has been held. The rejection is withdrawn and a new Office action will be mailed. No further action is required by applicant at this time.

All participants:

(1) DAVID J CZEKAJ .	(3) TSION OWENS .
(2) JOE USTARIS .	(4) _____ .

/DAVID J CZEKAJ/ Supervisory Patent Examiner, Art Unit 2487	/JOE USTARIS/ Supervisory Patent Examiner, Art Unit 2483	/TSION OWENS/ Primary Examiner, Art Unit 2487

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
PATENT TRIAL AND APPEAL BOARD

Application No: 14/735,282

Filing Date: June 6, 2015

Applicant(s): Frederick PERKINS

Confirmation No: 1060

Group Art Unit: 2487

Examiner: Tsion Owens

Title: SELF-CONTAINED BIRD FEEDER WITH CAMERA AND STREAMING VIDEO

Attorney Docket No: A24

Customer No: 63640

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

APPEAL BRIEF

Dear Commissioner:

In accordance with the provisions of 37 C.F.R. 41.37(c), the following items under appropriate headings are provided for this appeal from the rejection of claims 1-13 dated September 11, 2017.

REAL PARTY IN INTEREST

The inventor, Dr. Frederick Perkins, is the real party in interest.

RELATED APPEALS, INTERFERENCES, AND TRIALS

There are no other appeals, interferences, or trials before the Board or any judicial proceedings that involve a patent or trademark application owned by Appellant.

SUMMARY OF CLAIMED SUBJECT MATTER

The two independent claims at issue are claim 1 and claim 7.

As shown in Figures 1-5, Appellant's invention as recited in claim 1 provides a self-contained bird feeder with a camera and streaming video and also a method for transmitting images from the claimed bird feeder. As recited in claim 1, Appellant's invention includes a bird feeder with a built in camera, computer, and internet connection. The bird feeder has a feeder housing, a feeder bottom, and a feed port disposed on the feeder bottom. The camera is mounted to the bird feeder. The computer is located within the feeder housing. Appellant's claimed bird feeder recited in claim 1 also has an internal power source and a WiFi adapter located within the feeder housing.

See, e.g., Figs. 1-5; original claims 1-6; and written description in the original specification at:

Page 4: lines 1-5, lines 6-14;

Page 5: lines 5-13, lines 14-18;

Page 6: lines 2-9, lines 10-20;

Page 7: line 1, lines 2-4, and lines 5-19;

Page 8: line 1, lines 2-3, lines 11-14;

Page 9: lines 3-14, lines 15-18, lines 19-20;

Page 10: lines 2-19 and line 20;

Page 11: lines 1-8, lines 10-20; and

Page 12: lines 3-6.

Because the written description was not amended prior to publication; the above citations in the originally filed specification correspond to the following paragraph numbers in Appellant's printed publication: [0014], [0015], [0017], [0018], [0020], [0021], Description of Fig 4 in [0022]-[0035], [0037], [0038], and Example 1: [0040]-[0046].

As recited in independent claim 7, Appellant's invention includes the method for transmitting images from a bird feeder. Claim 7 recites the steps of equipping a feeder housing with a camera mounted to the feeder housing in close proximity to a feed port; providing a source of electrical power for a computer disposed within the bird feeder; configuring a computer disposed in the bird feeder to control the camera; operating the camera to capture images; and transmitting images to a WiFi network.

See, e.g., Figs. 1-5; original claims 7-12; and written description in the original specification at:

Page 4: lines 1-5, lines 6-14;

Page 5: lines 5-13, lines 14-18;

Page 6: lines 2-9, lines 10-20;

Page 7: line 1, lines 2-4, and lines 5-19, line 20;

Page 8: line 1, lines 2-3, lines 4-10, lines 11-14; lines 16-20

Page 9: lines 1-2, lines 3-14, lines 15-18, lines 19-20;

Page 10: lines 2-19 and line 20;

Page 11: lines 1-8, lines 9-20; and

Page 12: lines 1-2, lines 3-6, lines 6-7, lines 8-12, lines 13-15, and lines 19-20;

Page 13: lines 1-2, lines 3-5, lines 6-8, lines 9-13, lines 14-20;

Page 14: lines 1-2, lines 7-20;

Page 15: lines 1-9, lines 10-20;

Page 16: lines 1-19, line 20; and

Page 17, lines 1-6

PROCEDURAL BACKGROUND

Rejections of all claims based on 35 U.S.C. § 102 or § 103 were asserted based on U.S. published patent application 2015/0373945 ("Sung"), filed after Applicant's filing date. The only amendment was in response to the first Office Action, and it was entered. Applicant filed a response to the Final Office Action requesting that finality be withdrawn because the new prior art reference and rejection were asserted against the same elements of Applicant's claims as in the prior Office Action. The new reference was not necessitated by amendment, and it was error to maintain finality. It was also error for Sung be the basis of a proper rejection of Applicant's claims because (1) Sung fails to disclose elements of the independent claim; and (2) Sung cannot be asserted as prior art due to new matter not present in the provisional application on which the Examiner relies.

ARGUMENT

I. It was error to maintain the rejection of claims 1-5 and 7-10 under 35 U.S.C. §102(a)(2) as allegedly anticipated by U.S. Published Patent Application

2015/0373945 ("Sung"), because Sung does not disclose all recitations of Applicant's claimed bird feeder.

Sung does not mention a bird feeder at all, but rather only discloses a generic feeder that has a number of key differences that confirm it does not disclose a bird feeder with a camera and streaming video. The Examiner ignored Applicant's arguments and stated incorrectly that "animal" inherently discloses "bird" in relation to the claimed feeder.

Sung states that the feeder described is a pet or livestock feeder, not a bird feeder. One of skill in the art would not understand Sung as disclosing a bird feeder. The list of animals enumerated in the Sung disclosure does not automatically mean Sung discloses a bird feeder. The only reference to birds in all of Sung is "such animals may be cats, dogs, birds, cattle, horses, reptiles, amphibians, mammals, or other creatures." This open ended list, even if combined with the disclosed feeder, is not a substitute for disclosing a bird feeder. The drawings in Sung show an opening for animals to insert their head that is significantly elevated above the scale. Birds would land on the edge of the opening, bypassing the scale, completely defeating the food delivery system disclosed by Sung. Sung cannot disclose a bird feeder.

Sung also fails to disclose a bird feeder having a feed port disposed on the feeder bottom as recited in Applicant's claim 1. The Office Action asserts 150, 190, and 195 of Sung to disclose this recitation of Applicant's claims. The water bin 150, and tops 190 and 195 are not a feed port disposed on the feeder *bottom* recited in Applicant's claims. Tops 190 and 195 would be understood by one of ordinary skill, or anyone according to the plain meaning of "top" to be disposed on the opposite end of the feeder—the feeder top, not the feeder bottom. The narrower disclosure in the provisional application also fails to disclose a feed port disposed on the feeder bottom.

Sung further fails to disclose the internal power source within the self-contained bird feeder of Applicant's claim 1. The reference to battery 170 does not specify whether it is within the feeder of Sung or outside the feeder of Sung, as are other components listed immediately before and after the battery: AC power from a wall socket 165 and remote device 175. Battery 170 is not part of the drawing figures that show the internal structure of the feeder. Nothing in Sung discloses or suggests that the battery in Sung is an internal power source within the meaning of the self-contained bird feeder of Applicant's claim 1.

Regarding Applicant's claim 3, it was error to assert that Sung discloses Appellant's claimed feed separator. Sung discloses two separate containers, one for water and one for feed. Nothing in Sung discloses any structure that would meet the definition of Appellant's recited feed separator.

II. It was error to assert Sung as §102(a)(2) prior art because the rejection relies on new matter not in the provisional application to which Sung claims priority.

Even if Sung were considered to disclose a bird feeder, such published disclosure would not be entitled to priority based on the provisional application (62/017,461), a copy of which is attached. Importantly, the provisional application never mentions "bird." Nor does it mention livestock. On the contrary, this provisional application is limited to "pet feeders," and pet is defined as a cat or dog. Because priority cannot be properly claimed under 35 U.S.C. § 119(e), this disclosure of Sung can only be asserted as prior art as of June 26, 2015—which is after Applicant's filing date of June 6, 2015. Any uncertainty is resolved in the language of 35 U.S.C. § 102(d)(2) which expressly states that an earlier filing (priority) date is only available as of "the

earliest such application that describes the subject matter." Because the provisional application on which the Office Acton relies does not describe Applicant's claimed subject matter, the earliest prior art date is after Applicant's filing date and may not properly form the basis of a prior art rejection under 35 U.S.C. §102(a).

In view of the above, it is respectfully submitted that Appellant is entitled to a patent incorporating claims 1-13. A claims appendix containing a copy of the claims involved in the appeal is attached to this brief.

Respectfully submitted,

/Keith Scala/
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Registration No. 43,088

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1300 Pennsylvania Ave, NW
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Date:
May 2, 2018

Encls.: Claims Appendix, Provision Application of Sung

I hereby certify that this correspondence is being filed electronically in the U.S. Patent and Trademark Office on May 2, 2018.

/Keith Scala/
Keith B. Scala
Registration No. 43,088

CLAIMS APPENDIX

1. A self-contained bird feeder configured to provide detailed images over a wireless network, comprising: a bird feeder with a built in camera, computer, and internet connection, the bird feeder comprising:

   a. a feeder housing;

   b. a feeder bottom;

   c. a feed port disposed on the feeder bottom;

   d. the camera mounted to the bird feeder;

   e. the computer located within the feeder housing;

   f. an internal power source; and

   g. a WiFi adapter located within the feeder housing.

2. The self-contained bird feeder of claim 1 wherein the WiFi adapter is a WiFi dongle.

3. The self-contained bird feeder of claim 1 further comprising a feed compartment disposed in the feeder housing and a feed compartment separator disposed in the feed compartment.

4. The self-contained bird feeder of claim 1 wherein the computer comprises: a processor; a display connector; a multi-media interface; an audio/video jack; and an ethernet socket.

5. The self-contained bird feeder of claim 1 wherein the computer comprises a micro USB socket and a USB port.

6. The self-contained bird feeder of claim 4 wherein the multi-media interface comprises an HDMI port.

7. A method for transmitting images from a bird feeder comprising: equipping a feeder housing with a camera mounted to the feeder housing in close proximity to a feed port; providing a source of electrical power for a computer disposed within the bird feeder; configuring a computer disposed in the bird feeder to control the camera; operating the camera to capture images; and transmitting images to a WiFi network.

8. The method of claim 7 further comprising distributing the images from the WiFi network to the internet.

9. The method of claim 7 further comprising distributing streaming video to the WiFi network.

10. The method of claim 7 further comprising distributing streaming video to the internet.

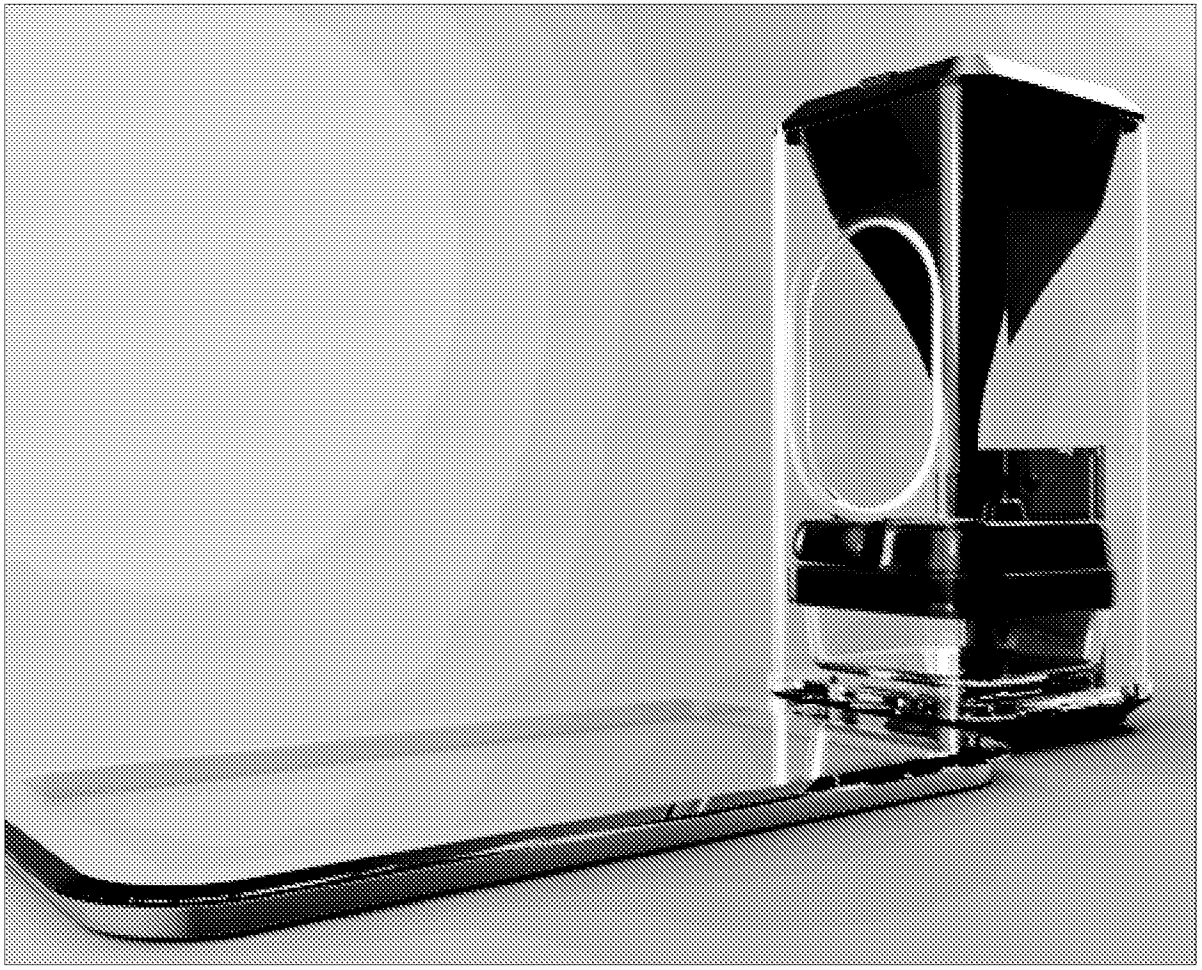
11. The method of claim 7 further comprising generating electricity with a solar panel, and distributing solar-generated electricity to the computer.

12. The method of claim 11 further comprising distributing electricity from both the solar panel and a battery to the computer.

13. The method of claim 7 wherein images are transmitted via HDMI.

EVIDENCE APPENDIX

U.S. Provisional Application 62/017,461 (Sung)



The Ultimate Smart Pet Feeder for Health Monitoring

Inventor(s): Mu Chi Sung, Founder & CEO of Zillians

Application Date: June 10, 2014
Proposal number:

SUMMARY

Field of Invention

The present invention is used to answer a simple question for pet owners: which one of the pets (if there're multiple of them) is eating or drinking well or not when the owners are away from home. As pets can't speak up when they feel uncomfortable or sick, most of them time they change their appetite, but this is extremely hard to find out for most owners. That's why we invented a machine, or more precisely, a smart pet feeder which can monitor the daily intake for each pet. All information will be automatically uploaded, analyzed, and synchronized with owners' smartphones. It's a cloud-connected pet feeder along with food hopper and water tank, and we put various sensors such as camera sensor and weighing scale sensors to detect the amount of food or water taken each time the pet approaches the feeder.

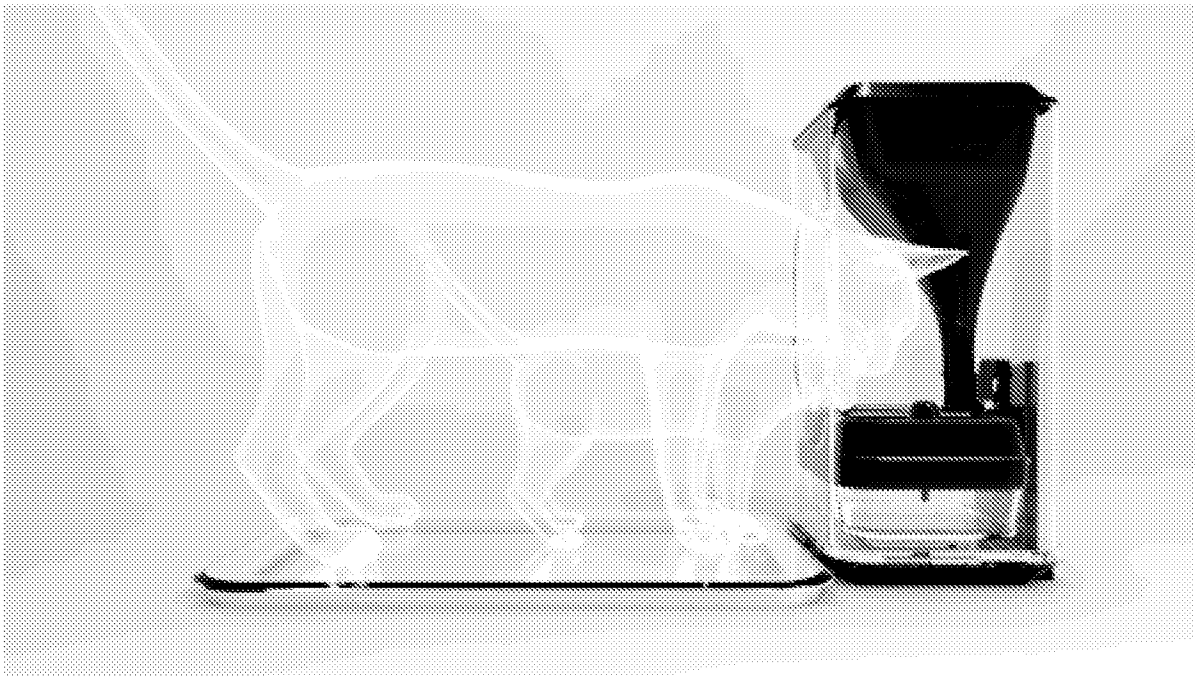
Background

When your beloved pet stop eating or begin to eat much less than their normal amount, the number one advise any veterinarian would give is to take them to hospital right away because most of the time it connects to some serve disease. Although the primary reason why a cat or dog stops eating may not always determined, it's essential that your pet be thoroughly evaluated as certain underlying disease need to be ruled out.

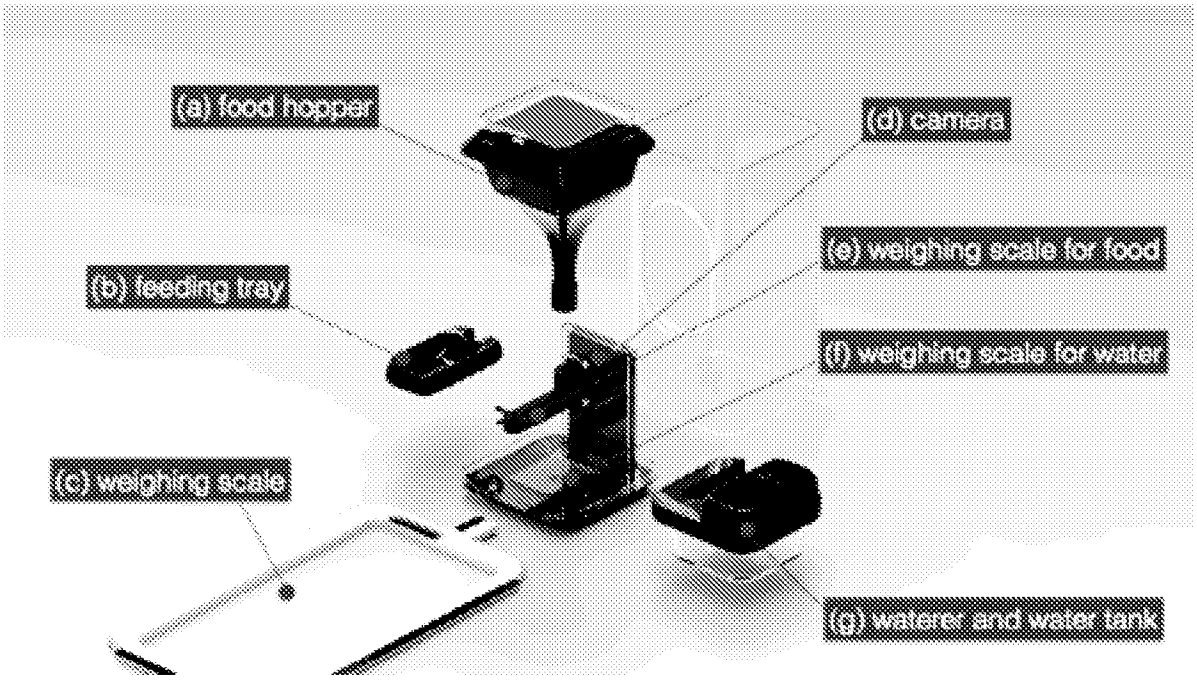
For example, if a cat stops eating, he or she may develop severe liver change (hepatic lipidosis or "fatty liver") from their anorexia (decreased appetite) within a very short amount of time. Hepatic lipidosis is a condition that is unique to cats when they stop eating. During hepatic lipidosis, fat is deposited in the liver. When too much fat accumulates within the liver, liver stops work appropriately and the cat can progress into liver failure. Hepatic lipidosis can be devastating and fatal if not addressed quickly. For this reason, any cat that stops eating for any reason is considered an emergency situation. Also there're number of gastrointestinal diseases that can lead to change in appetite such as inflammatory bowel disease (IBD), Lymphosarcoma (aka Lymphoma), Parasites, or even Pancreatitis. Most of them are quite fatal if not treated immediately.

However sometimes the appetite change is hard to observe for people who own multiple cats or when they go on traveling. That's the number one reason we pass the critical moment to save them back. With the present invention, we can spot out the problem before it's too late.

How it Works

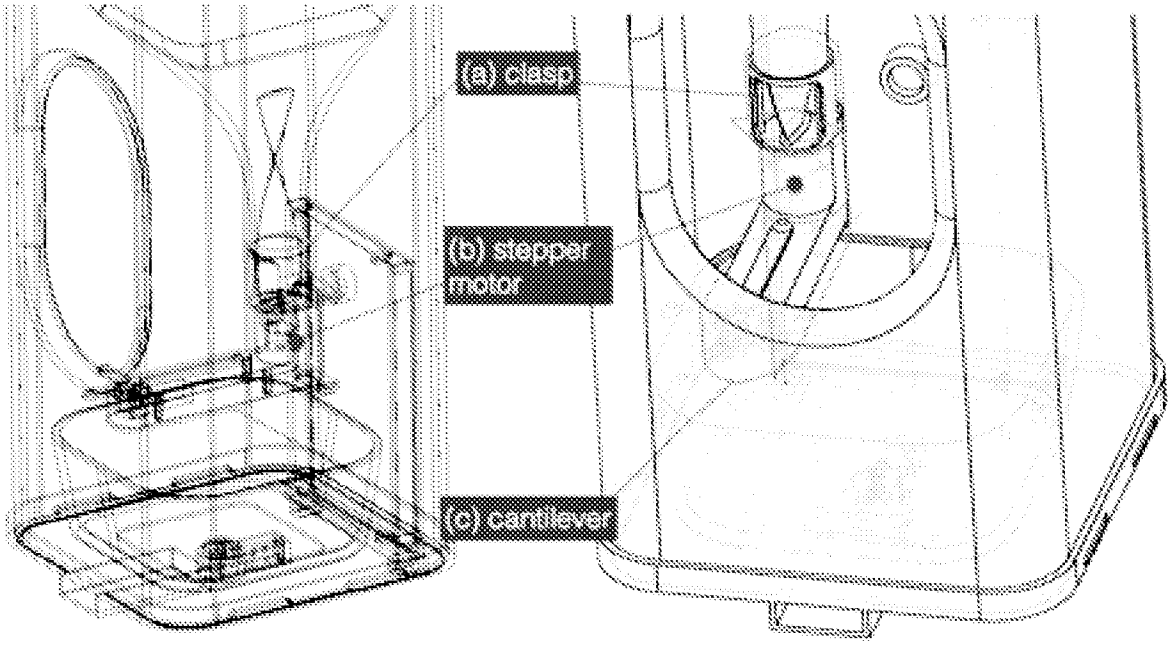


The feeder can be used by cat or dog as illustrated above. The feeder may include an optional platform to measure the weight of the pet as a reference. We designed the feeder to be used by one pet at a time. The center hole is designed to prevent a scenario where multiple pet is eating at the same time, which makes it hard to differentiate the exact amount of feed or water taken and makes the measurement much less accurate.



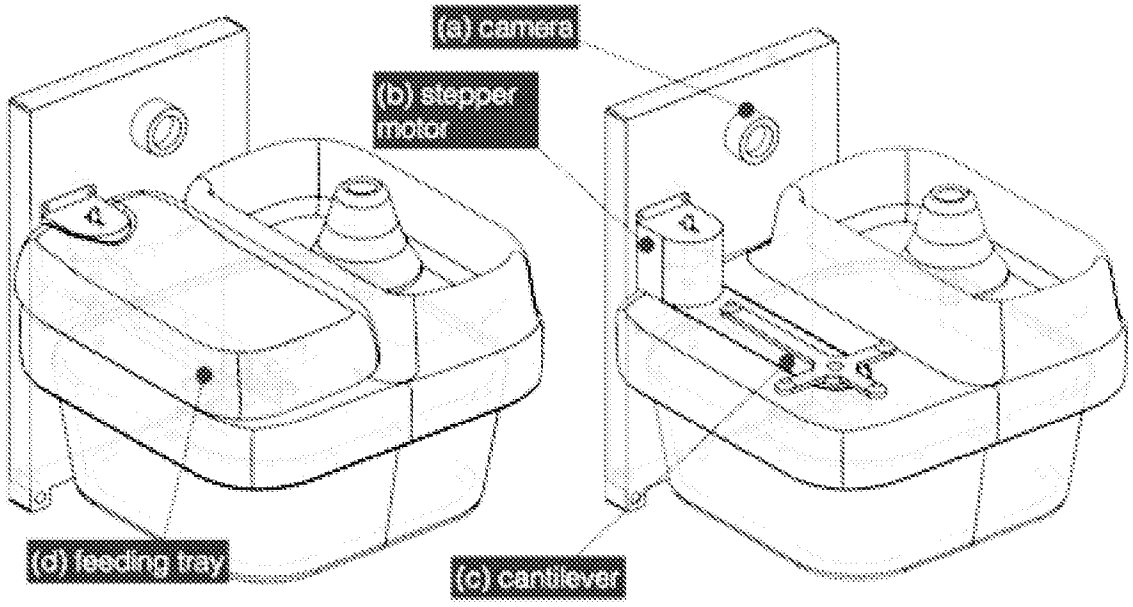
Whenever the pet approaches the feeder, the (c) weighing scale will be used to measure the weight, and the (d) camera will be used to do pet face recognition (cat or dog) to identify which pet is going to eat or drink by matching the facial signature against the owner's pet database. If the pet hasn't been identified before, a new database entry will be created and the feeder will start tracking its health record. The owners can later give the pet a name or input the detailed description for his pet on their smartphone. When the pet finished eating or drinking, the amount of food or water taken will lead to a weight change in either (b) feeding tray or (g) waterer so the weighing scale sensor beneath (e) and (f) can be used to measure the exact numbers. As a result, the feeder will keep every pet's intake (and weight) and use those records to tell if a given pet is eating normally or not. The (a) food hopper will only release food when the (b) feeding tray is empty (or can be controlled by the user or 3rd party program). As equipped with (e) (f) weighing scale sensor for (b) feeding tray and (g) waterer/ water tank, the feeder can also tell if the it is (a) food hopper or (g) water tank is empty to further warn the owner they need a refill. All information will be uploaded and synchronized to owners' smartphone so he or she can understand the current food/water supply or pet's daily intake in a glimpse.

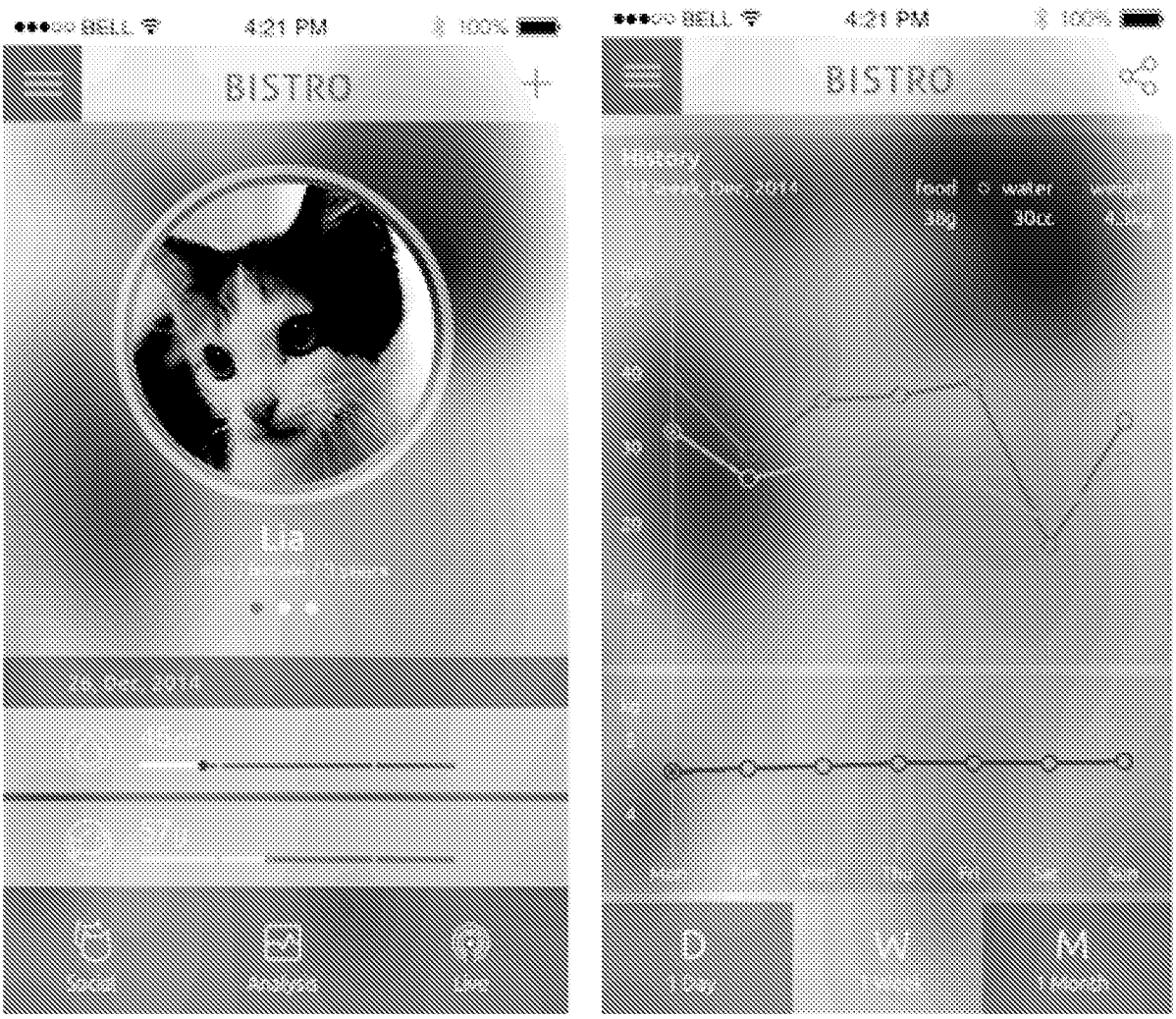
Detailed Description



The detailed pet feeder internal structures are illustrated as above. Basically the main components are contained by the transparent plastic shell. The water tank is sitting on top of the base which is actuality a weighing scale used to measure the amount of water taken. The food hopper is hanging above the feeding tray, and we use a (a) clasp on the hopper to dispense the food into the tray. The clasp is drove by a (b) stepper motor mounted on the (c) cantilever supporting the feeding tray.

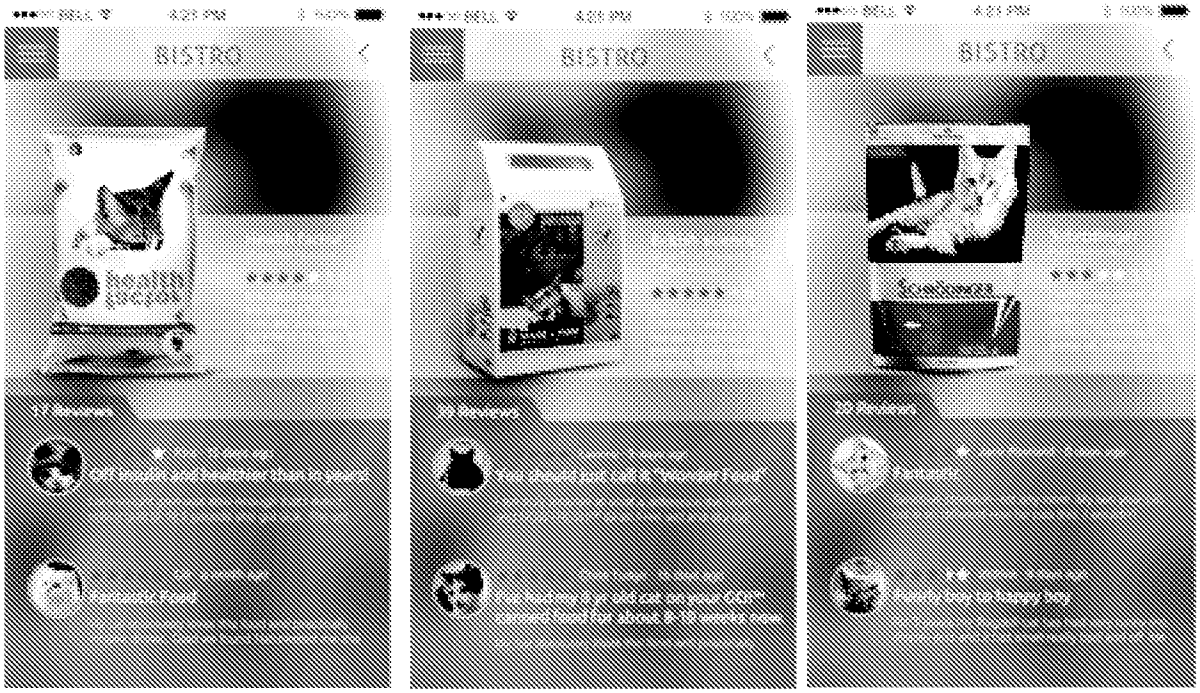
The smart pet feeder is connected to the backend cloud service via WiFi or Ethernet. In fact, it can operate itself with or without Internet connection so the pet won't starve when Internet is down. The following figure is a closer look at the internal structure.



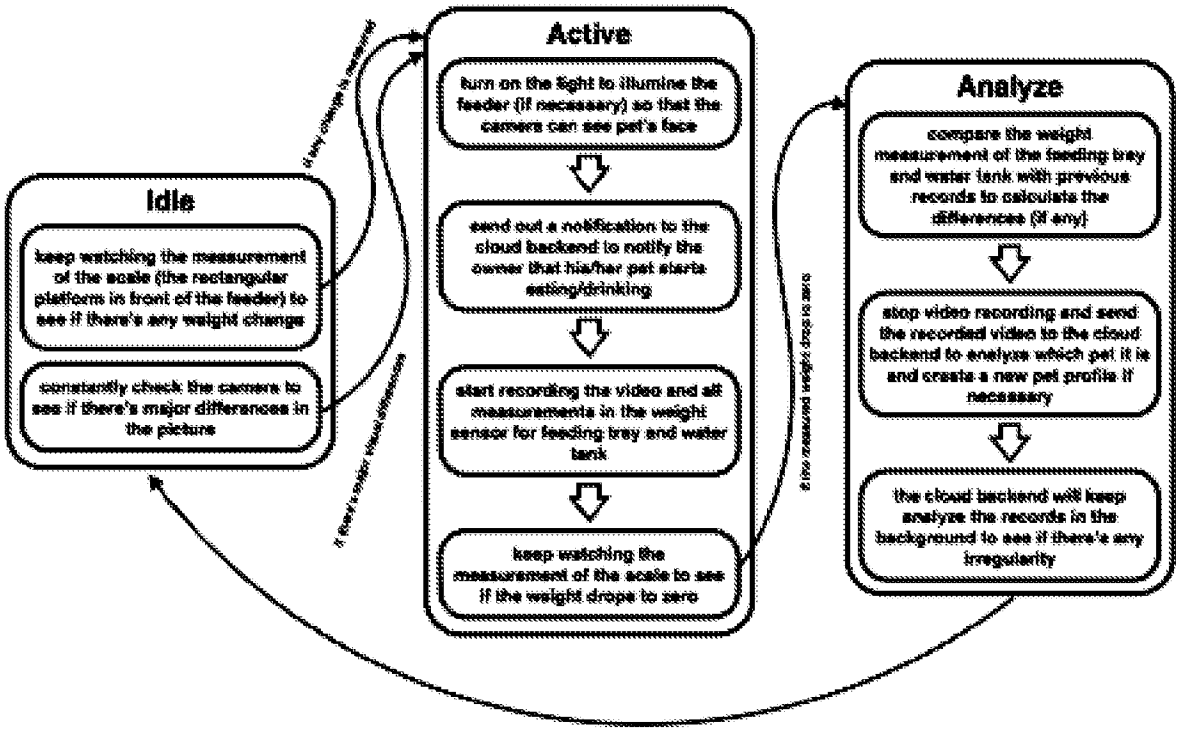


As the smart pet feeder sends sensor data to the cloud backend, we provide an App to browse and analyze all records for pet owners. They can create pet's profile, which includes (but not limited to) the breed, sex, age, and profile picture. The smart feeder will collect pet's face continuously and can use those photos along with measured weight to identify the pet.

In addition, owner can also see the historical food/water intake and weight, so when there's a drop or sudden change of appetite, they can spot that out very quickly. The app will also analyze and warn the user of all irregular eating/drinking behavior of the pet, such as the sudden increase or decrease of drinking or eating frequency. It will also calculate the basal metabolic rate (BMR) for each pet according to the type of food, the weight or the breed of the pet so that you can see the live daily progress on the dashboard.



The App will also give owner better food suggestion based on various metrics. For example, if the pet is too skinny because it's too picky or the protein is not enough in the given food, the app will recommend a better one of different price ranges. The app even know that the food is running out so it can place order for you automatically. User can also vote, rate, leave comment, or write a review on each item and share with the community.

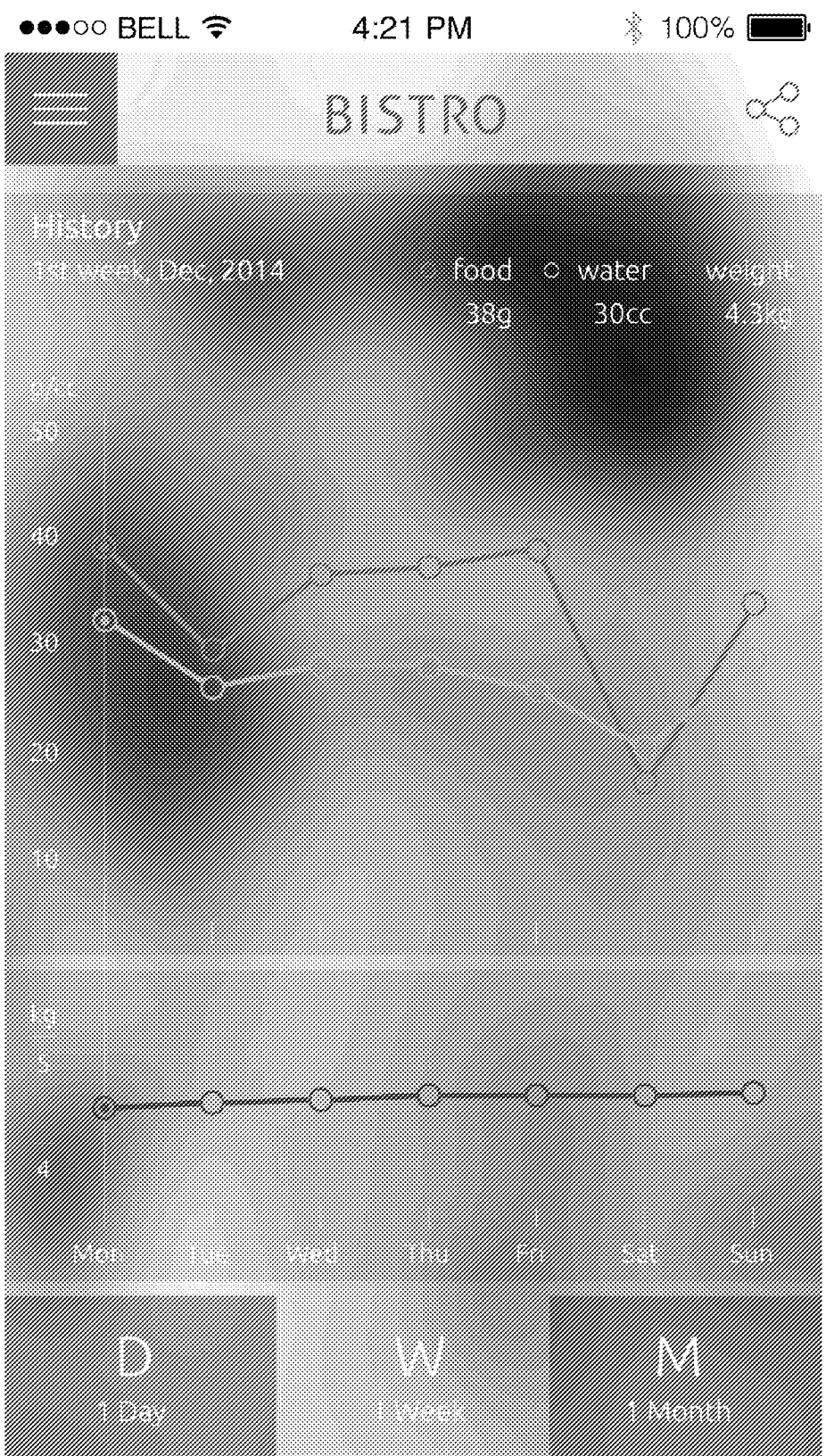


The overall workflow is illustrated as above figure. Basically there are three states for the smart feeder: idle, active, and analyze. In “idle" state, the feeder will keep watching the measurement of the weighing scale to see if there’s any weight change, which indicates that there’s a pet is standing on the platform, preparing to eat or drink. The weight change will trigger a transition to the “active” state. Alternatively, the feeder will also check the camera constantly and trigger the transition when there’s major visual difference in the camera view.

In “active” state, the pet is prepared to eat or drink, so the feeder starts recording video and keeps a full records of all weighing scale measurement for the feeding tray and water tank. In the same time, the feeder will send a message to the cloud backend to notify the owner that his/her pet is eating/drinking now. He/She can further click on the notification message on their smartphone to establish a peer-to-peer connection with the device to see the live video stream. The feeder will learn the pet finished eating/drinking by checking the weighing scale in front of the feeder. When the weight drops to zero, meaning the pet is away from the feeder, it triggers the transition to “analyze” state.

In “analyze” state the feeder will first stop recording and send all recorded video and measurements to the cloud backend for analysis. The cloud backend would analyze all records in the background (asynchronously) to identify which pet is eating or drinking and for how much. The analysis process will try to identify any irregular behavior and warn the user if necessary. At the end it will automatically trigger transition back to “idle” state.


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Fri
Sat
Sun
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1 Day
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1 Month


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health factor
Health Factor
17 Reviews
Ivira · 16 days ago
Off insulin and healthier than in years!
Lia · a month ago
Fantastic Food

●●●○○ BELL 4:21 PM 100%

BISTRO



British science

39 Reviews



Lenore · 3 days ago

You should just call it "Wonder Food"

I am truly amazed at what a difference this food made and how pleasant it is. Grain Free, wet and dry cat

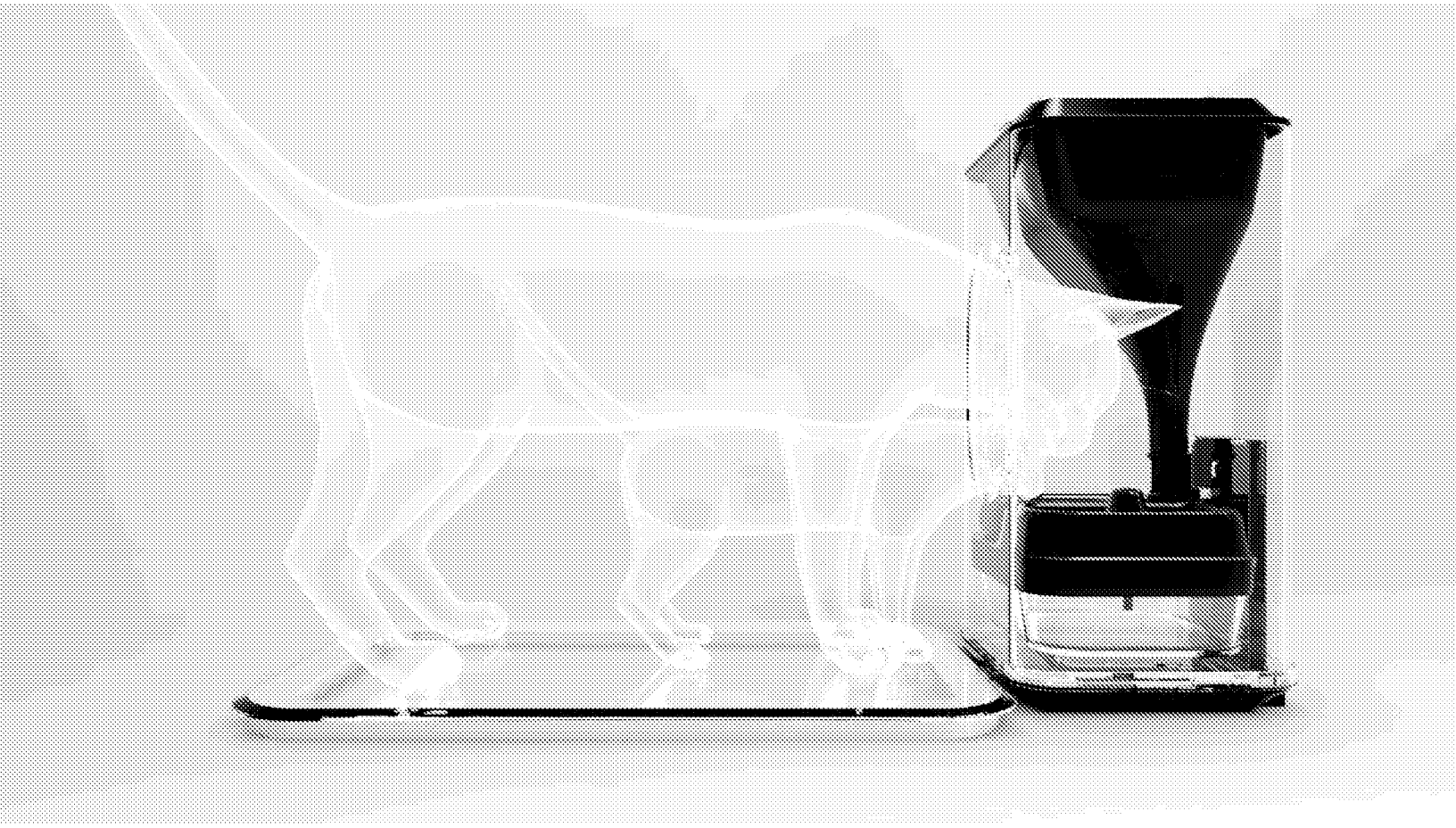


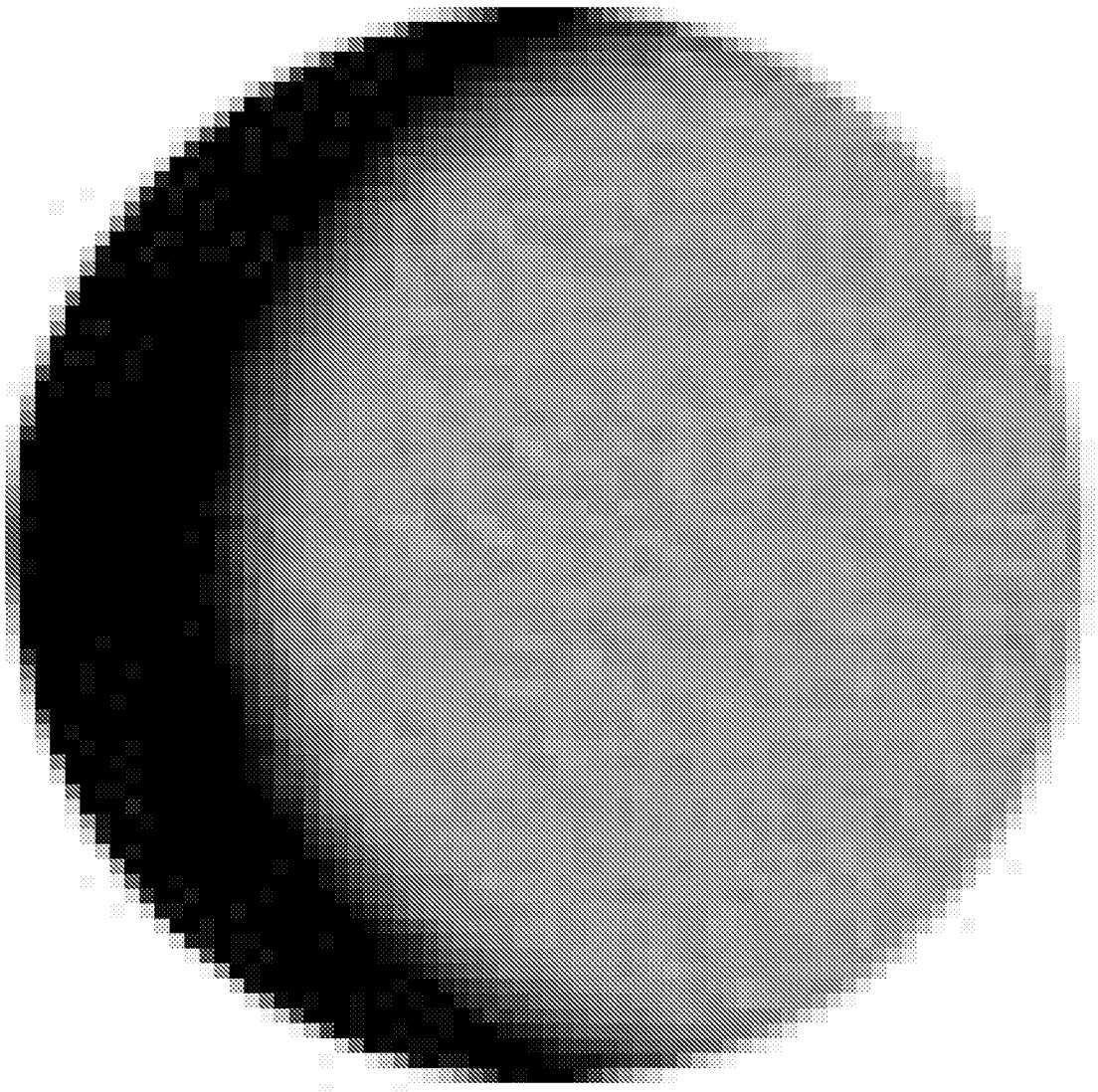
Chris Tudge · 15 days ago

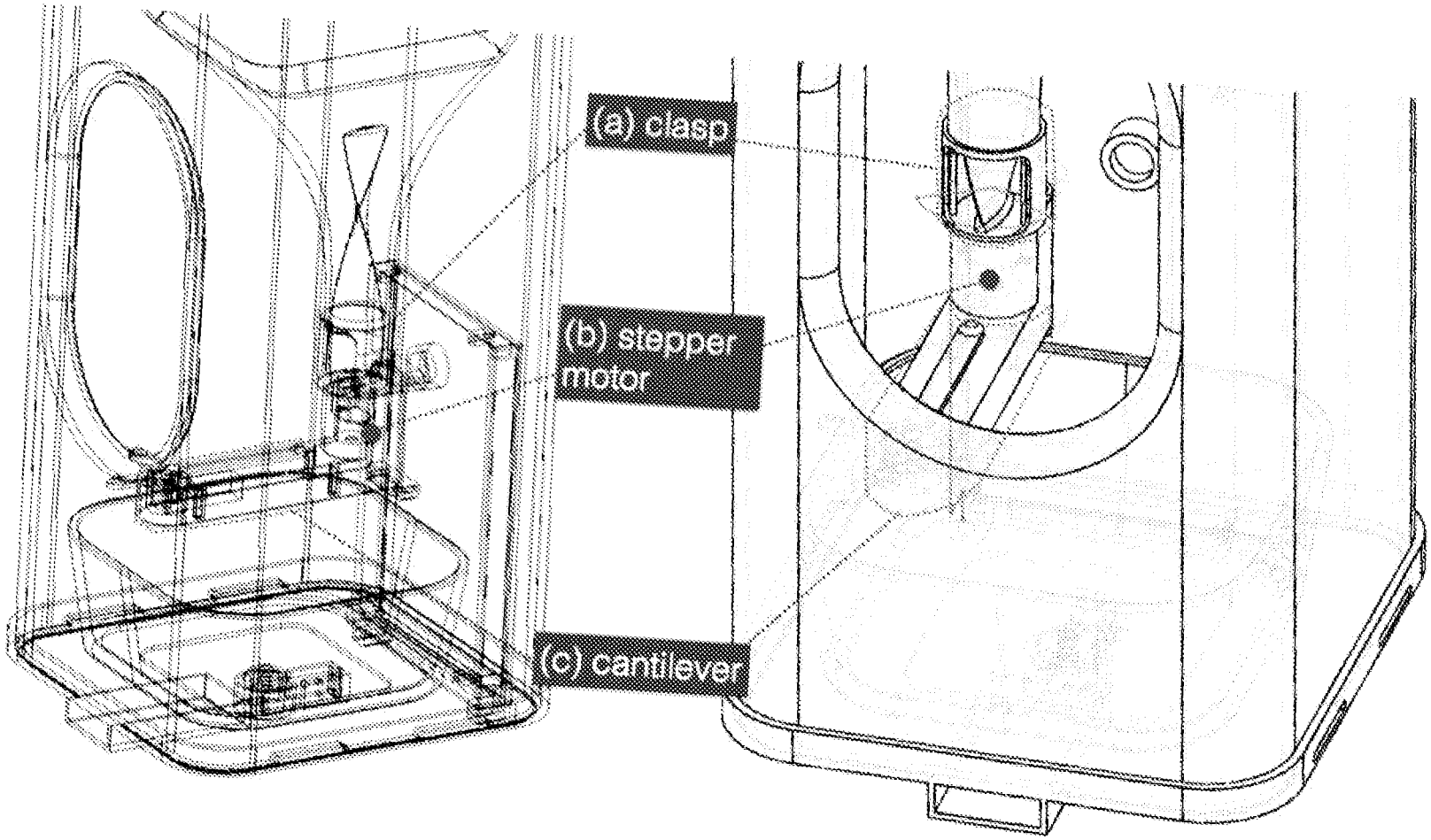
I've had my 8 yr old cat on your GO!™ canned food for about 8-10 weeks now.

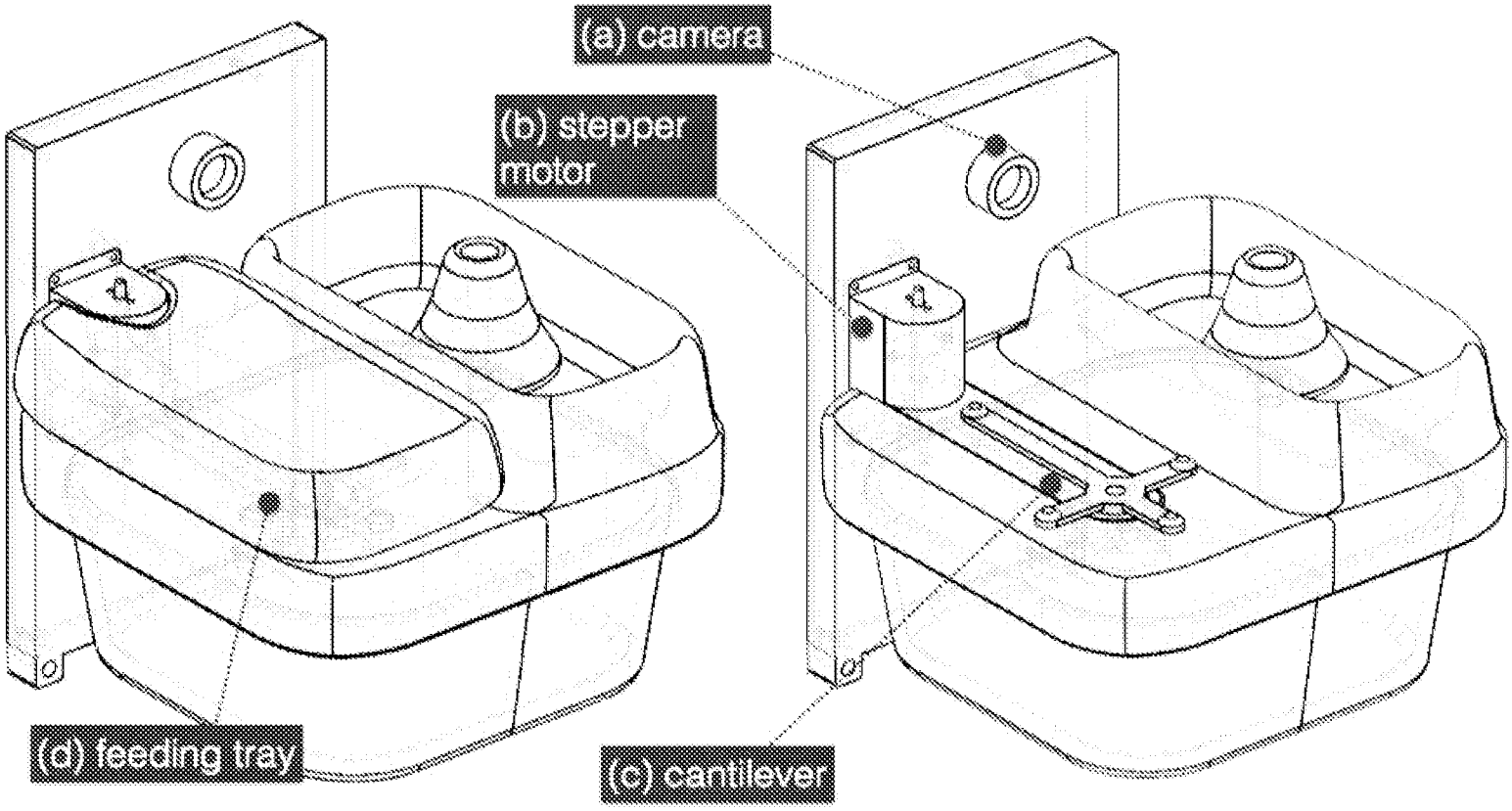
My cat absolutely loves this food and it's really

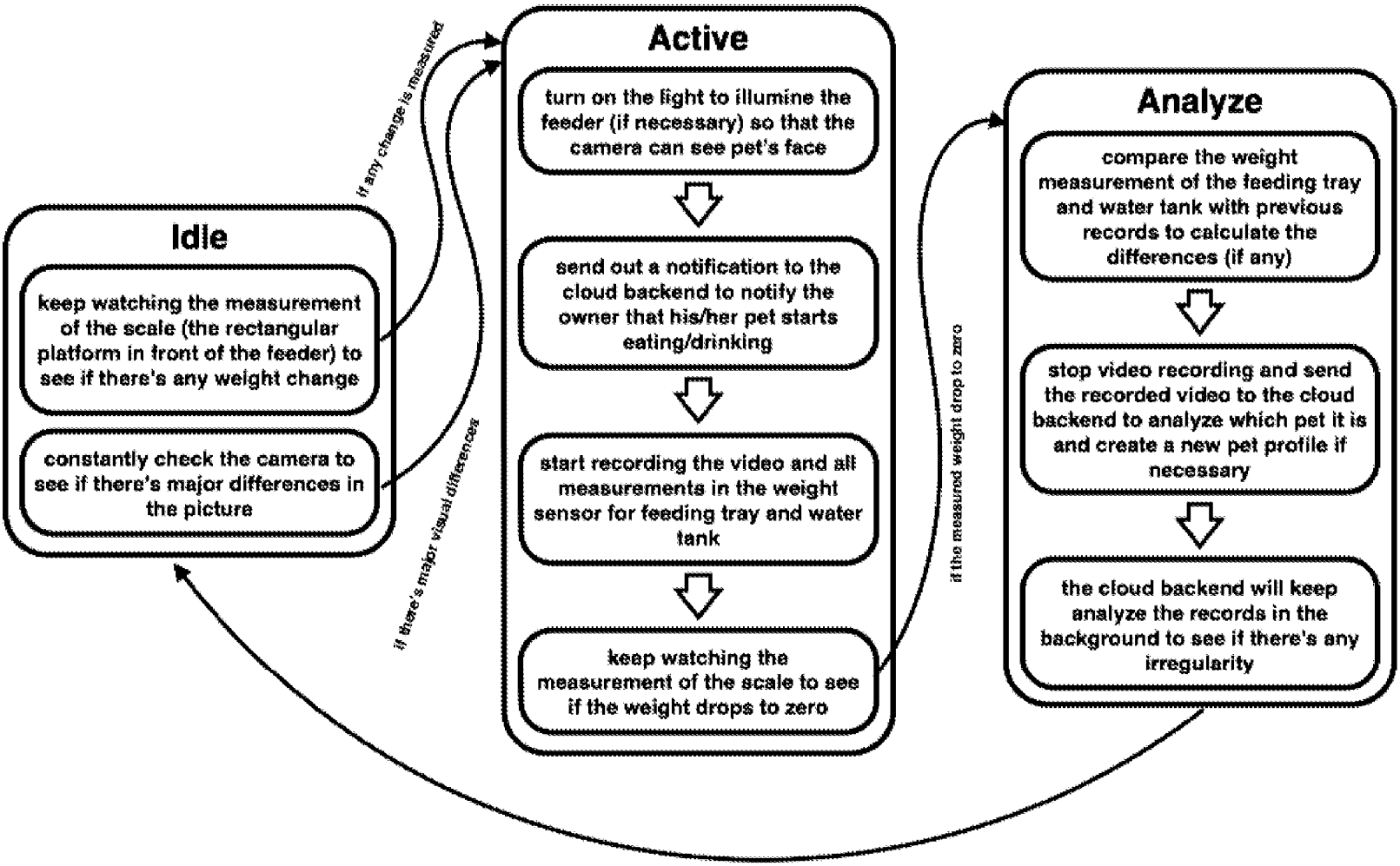

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4:21 PM
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BISTRO
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20 Reviews
Jane Rowland · 5 days ago
Fantastic
Victoria · 9 days ago
Poorly boy to happy boy

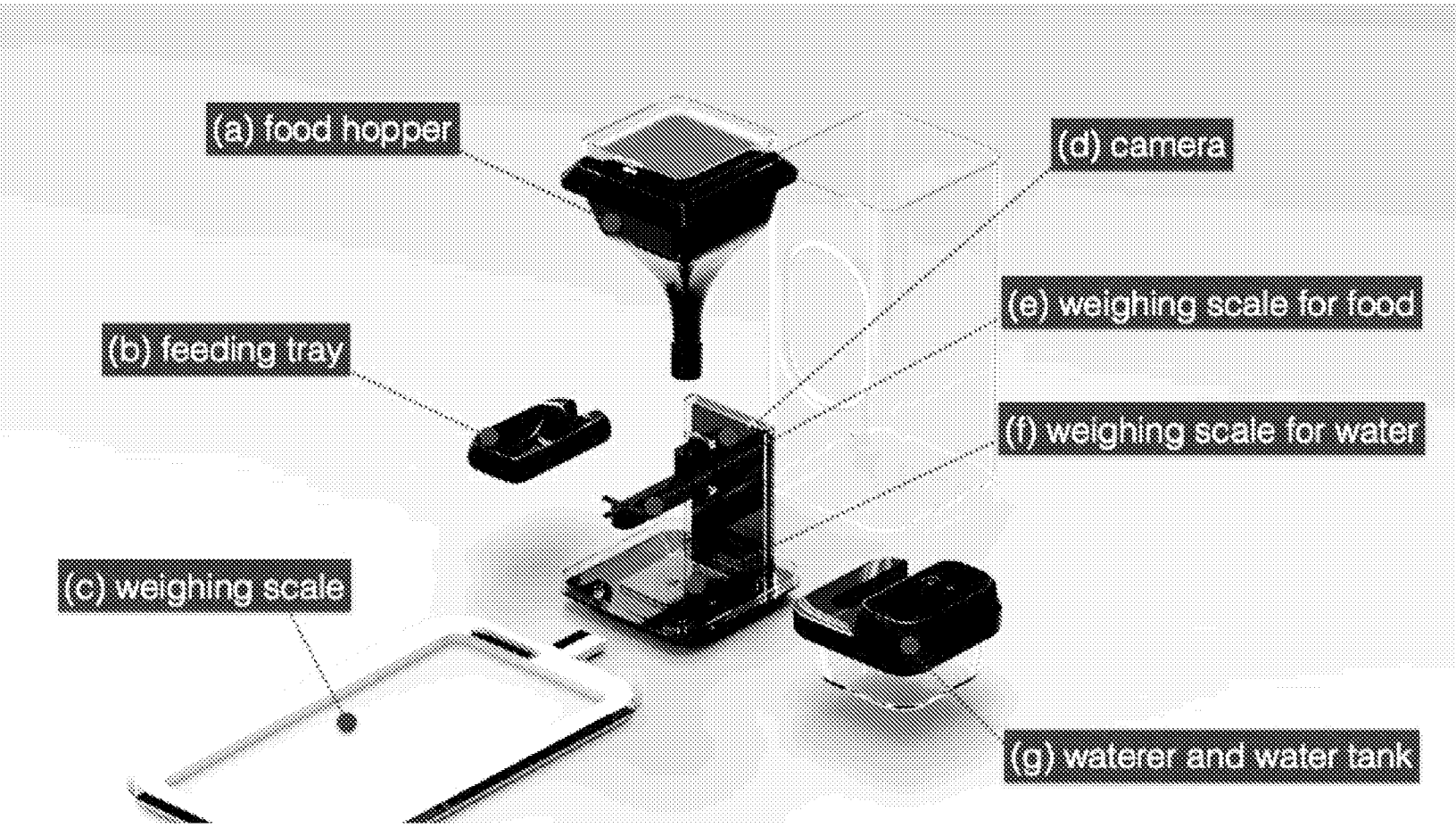


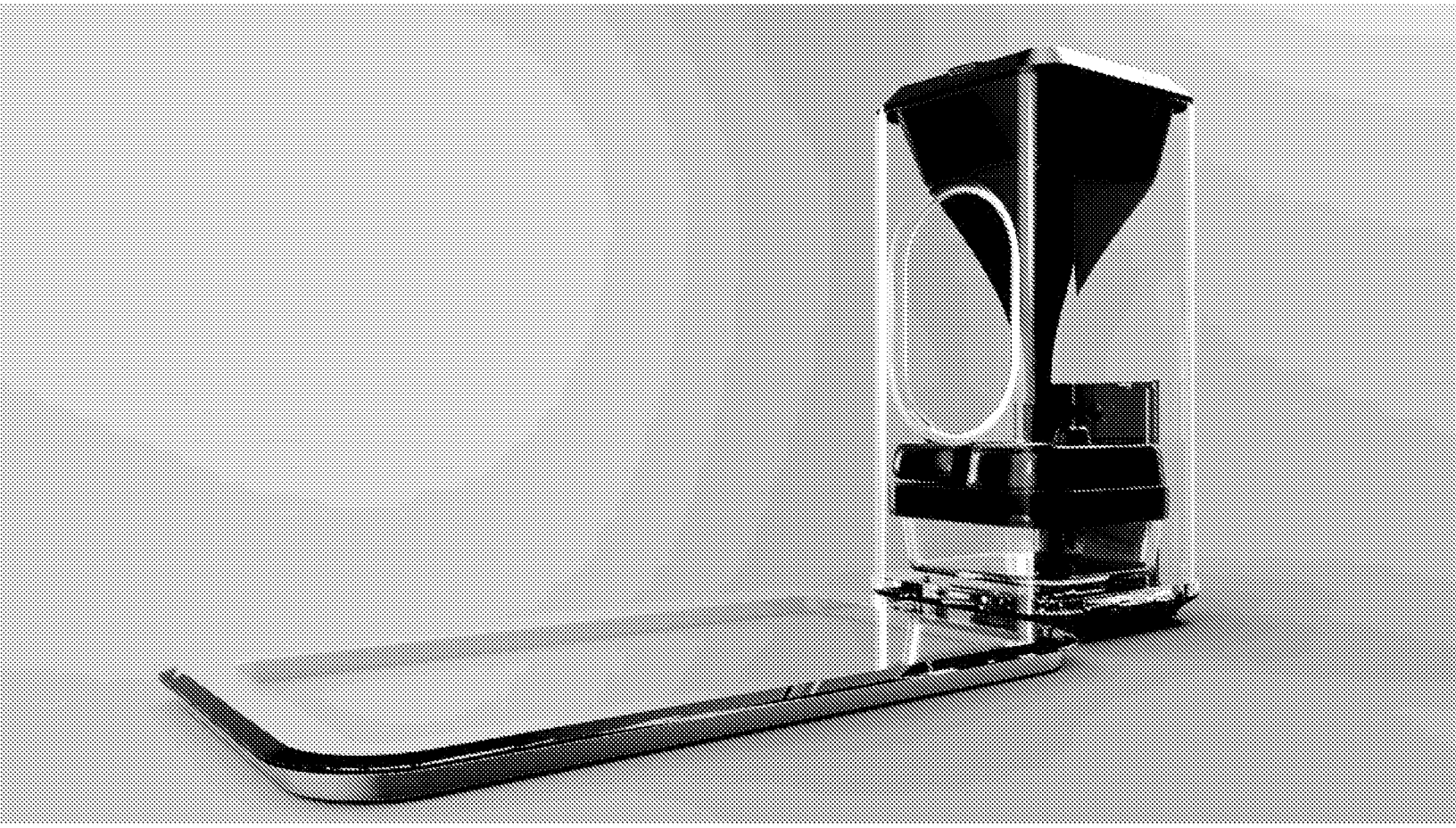



(a) clasp
(b) stepper motor
(c) cantilever


(a) camera
(b) stepper motor
(d) feeding tray
(c) cantilever


Idle
keep watching the measurement of the scale (the rectangular platform in front of the feeder) to see if there's any weight change
constantly check the camera to see if there's major differences in the picture
if any change is measured
if there's major visual differences
Active
turn on the light to illumine the feeder (if necessary) so that the camera can see pet's face
send out a notification to the cloud backend to notify the owner that his/her pet starts eating/drinking
start recording the video and all measurements in the weight sensor for feeding tray and water tank
keep watching the measurement of the scale to see if the weight drops to zero
if the measured weight drop to zero
Analyze
compare the weight measurement of the feeding tray and water tank with previous records to calculate the differences (if any)
stop video recording and send the recorded video to the cloud backend to analyze which pet it is and create a new pet profile if necessary
the cloud backend will keep analyze the records in the background to see if there's any irregularity


(a) food hopper
(b) feeding tray
(c) weighing scale
(d) camera
(e) weighing scale for food
(f) weighing scale for water
(g) waterer and water tank



Electronic Acknowledgement Receipt

EFS ID:	32517806
Application Number:	14735282
International Application Number:	
Confirmation Number:	1060
Title of Invention:	SELF-CONTAINED BIRD FEEDER WITH CAMERA AND STREAMING VIDEO
First Named Inventor/Applicant Name:	Frederick Perkins
Customer Number:	63640
Filer:	Keith B. Scala
Filer Authorized By:	
Attorney Docket Number:	A24
Receipt Date:	02-MAY-2018
Filing Date:	10-JUN-2015
Time Stamp:	20:18:51
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	Appeal Brief Filed	AppealBrief.pdf	474307 78e34ca458765c602ea2904efe5ef1b6bcb26dd4	no	10

Warnings:

BIRD BUDDY EX1004

Information:					
2	Affidavit/Dec/Exhibit after Notice of Appeal	PriorArtProvisional.pdf	3704331 26c503f29969222557fc6b5f999eac7afdc2631e	no	20
Warnings:					
Information:					
		Total Files Size (in bytes):	4178638		

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

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New International Application Filed with the USPTO as a Receiving Office

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
14/735,282	06/10/2015	Frederick Perkins	A24	1060

63640 7590 05/30/2018

MYERS BRADFORD, PLLC
1300 Pennsylvania Ave.
Seventh Floor
WASHINGTON, DISTRICT OF COLUMBIA 20004
UNITED STATES OF AMERICA

EXAMINER
OWENS, TSION B

ART UNIT	PAPER NUMBER
2487	

NOTIFICATION DATE	DELIVERY MODE
05/30/2018	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):

kscala@myersbradford.com

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

Application Number: 14/735,282
Filing Date: 10 Jun 2015
Appellant(s): Perkins, Frederick,

Keith B. Scala (43,088)

For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 5/2/18 appealing from the Office action mailed 9/11/17.

1. Grounds of Rejection to be Reviewed on Appeal

Every ground of rejection set forth in the Office action dated 9/11/17 from which the appeal is taken is being maintained by the examiner except for the grounds of rejection (if any) listed under the subheading "WITHDRAWN REJECTIONS." New grounds of rejection (if any) are provided under the subheading "NEW GROUNDS OF REJECTION."

2. The following ground(s) of rejection are applicable to the appealed claims.

Claim Rejections - 35 USC § 102

3. 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 –

(a)(1) the claimed invention was patented, described in a printed publication, or in public use, on sale or otherwise available to the public before the effective filing date of the claimed invention.

4. Claims 1-5 and 7-10 are rejected under 35 U.S.C. 102(a) (2) as being anticipated by **Sung (US 2015/0373945)** (Mu Chi Sung).

Regarding Claims 1 and 7, Sung discloses self-contained bird feeder configured to provide detailed images over a wireless network, comprising: a bird feeder with a built in camera, computer, and internet connection, the bird feeder **[See Abstract]** comprising: a. a feeder housing **[See abstract and Fig. 1];** b. a feeder bottom **[See Figs. 1 and unit 110 e.g. food tray];** c. a feed port disposed on the feeder bottom **[See 1 and 2 units 110, 120,150, 190, 195 e.g. food and water bin and try];** d. the camera mounted to the bird feeder **[See Fig 1 unit 30 and Fig. 2 units 130 and 135 e.g. camera];** e. a computer located within the feeder housing **[See Fig. 2, unit 160 and Fig. 6 e.g. CPU/ processor];** f. an internal power source **[See Fig 1 unit 170 e.g. battery]** and g. a WiFi adapter located within the feeder housing **[See Paragraphs 15, 17 and 43].**

Regarding Claim 2, Sung discloses wherein the WiFi adapter is a WiFi dongle **[See Paragraphs 15, 17 and 43examiner note USB Wi-Fi adapter/ Wi-Fi dongle well known to communicate over the internet in addition Wi-Fi been bluethooh can be USB Wi-Fi].**

Regarding Claim 3, Sung discloses a feed compartment disposed in the feeder housing and a feed compartment separator disposed in the feed compartment **[See Fig. 1 units 150, 190, 195 e.g. food and water bin].**

Regarding Claim 4, Sung discloses wherein the computer comprises: a processor; a display connector; a multi-media interface; an audio/video jack; and an ethernet socket **[See Paragraphs 15, 17 and 43].**

Regarding Claim 5, Sung discloses wherein the computer comprises a micro USB socket and a USB port **[See Paragraph 15, 17 and 43 Examiner note a micro USB socket and a USB port are well known in the art for computer to have USB socket and port].**

Regarding Claim 8, Sung discloses distributing the images from the WiFi network to the internet **[See Paragraphs 15, 17 and 43].**

Regarding Claim 9, Sung discloses distributing streaming video to the WiFi network **[See Paragraphs 15, 17 and 43].**

Regarding Claim 10, Sung discloses distributing streaming video to the internet **[See Paragraphs 15, 17 and 43].**

Claim Rejections - 35 USC § 103

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

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 6, 11-13 rejected under 35 U.S.C. 103(a) as being unpatentable over **Sung (US 2015/0373945)** (Mu Chi Sung) in view of **Lovett et al. (2016/0156989)** (Bryson C. Lovett).

7. Regarding Claims 6, Sung discloses wherein the multi-media interface comprises an HDMI port **[See Paragraphs 15, 17 and 43 examiner take official notice HDMI port well known in order to receive/transmit an enhanced or high-definition video].**

Regarding Claim 11, Sung doesn't explicitly disclose generating electricity with a solar panel, and distributing solar-generated electricity to the computer

Lovett discloses generating electricity with a solar panel, and distributing solar-generated electricity to the computer **[See Paragraph 38].**

It would have been obvious to the person of ordinary skill in the art at time of filing to modify the system disclosed by Sung to add the teachings in Lovett as above, in order to provide a solar power [See Lovett Paragraph 38].

Regarding Claim 12, Sung discloses distributing electricity from both the solar panel and a battery to the computer.

Lovett discloses distributing electricity from both the solar panel and a battery to the computer **[See Paragraph 38].**

It would have been obvious to the person of ordinary skill in the art at time of filing to modify the system disclosed by Sung to add the teachings in Lovett as above, in order to provide a solar power [See Lovett Paragraph 38].

Regarding Claims 13, Sung discloses wherein image are transmitted via HDMI **[See Paragraphs 15, 17 and 43 examiner take official notice for image transmitted via HDMI well known in order to receive/transmit data that enhanced, or high-definition video].**

8. (2) Response to Argument

I. Response to Appellant's Argument claim 1 of Appeal Brief

1. Appellant's argues that Sung (US 2015/0373945) doesn't disclose the following limitation Claims 1-5 and 7-10:

"...a bird feeder..."

The claim state that " self-contained bird feeder configured to provide detailed images over a wireless network, comprising: a bird feeder with a built in camera, computer, and internet connection, the bird feeder..." Sung discloses a system that provide food to animal, has camera for determining that animal is left animal scale and causing identity of animal and amount of water consumed by animal to be transmitted to remote device. The appellant argue that Sung discloses animal feed not a bird feeder; however the known five main group (kingdoms) of living things bird is classify as animal kingdom, there for Sung animal feeder can include bird. In addition Sung on Paragraph 19 definite "...the system may allow for an animal to be fed, watered, and their health monitored remotely by a user, perhaps the animal's owner when the animal is a pet or constitutes livestock. Merely by way of example, such animals may be cats, dogs, birds, cattle, horses, reptiles, amphibians, mammals, or other creatures [See Sung abstract and Paragraphs 3-5, 19 and Figs. 1-2].

2. Appellant's argues that Sung (US 2015/0373945) doesn't disclose the following limitation Claims 1-5 and 7-10:

"...a bird feeder having a feed port disposed on the feeder bottom..."

The claim state that "a bird feeder having a feed port disposed on the feeder bottom" Sung discloses food and water tray and bin, which means the water and the food has go through food and water port in order to be on food or water feeding tray for animals to be feed [See Sung Figs. 1 and 2 units 110, 120,150, 190, 195 e.g. food and water bin and try].

3. Appellant's argues that Sung (US 2015/0373945) doesn't disclose the following limitation Claims 1-5 and 7-10:

"...Power source..."

The claim state that "Power source"; Sung discloses a battery power source for backup power. A battery power source can be internal or external power source also battery power source been internal or external power source well understood by one of ordinary skill. Therefore Sung battery power can be internal [See Sung Fig 1 unit 170 e.g. battery].

II. Appellant's argues that "it was error to assert Sung as 102(a)(2) prior art because the rejection relies on new matter not in the provisional application to which Sung claims Priority."

Sung provisional application (62/017,461) specification and drawings explicitly discloses pet (animal) feeders, also bird one of well know pet other than cat and dog. Therefor Sung provisional application claims priority is proper.

Respectfully submitted,

/TSION B OWENS/

Primary Examiner, Art Unit 2487

/DAVID J CZEKAJ/
Supervisory Patent Examiner, Art Unit 2487

/JOE USTARIS/
Supervisory Patent Examiner, Art Unit 2483

Requirement to pay appeal forwarding fee. In order to avoid dismissal of the instant appeal in any application or ex parte reexamination proceeding, 37 CFR 41.45 requires payment

of an appeal forwarding fee within the time permitted by 37 CFR 41.45(a), unless appellant had timely paid the fee for filing a brief required by 37 CFR 41.20(b) in effect on March 18, 2013.

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Courtesy Reminder for
Application Serial No: 14/735,282

Attorney Docket No: A24
Customer Number: 63640
Date of Electronic Notification: 05/30/2018

This is a courtesy reminder that new correspondence is available for this application. If you have not done so already, please review the correspondence. The official date of notification of the outgoing correspondence will be indicated on the form PTOL-90 accompanying the correspondence.

An email notification regarding the correspondence was sent to the following email address(es) associated with your customer number:
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To view your correspondence online or update your email addresses, please visit us anytime at **https://sportal.uspto.gov/secure/myportal/privatepair.** If you have any questions, please email the Electronic Business Center (EBC) at EBC@uspto.gov or call 1-866-217-9197.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
PATENT TRIAL AND APPEAL BOARD

Application No: 14/735,282

Filing Date: June 10, 2015

Applicant(s): Frederick PERKINS

Confirmation No: 1060

Group Art Unit: 2487

Examiner: Tsion Owens

Title: SELF-CONTAINED BIRD FEEDER WITH CAMERA AND STREAMING VIDEO

Attorney Docket No: A24

Customer No: 63640

Mail Stop Appeal Brief – Patents
Commissioner for Patents
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Alexandria, VA 22313-1450

APPLICANT'S REPLY BRIEF

Applicant submits this reply brief pursuant to 37 CFR 41.41 in response to the Examiner's Response dated May 30, 2018. This reply brief is timely filed.

APPLICANT'S REBUTTAL ARGUMENTS

The Examiner's Response provides less than two pages of argument in response to the issues raised in the appeal brief. As set for the below, the Examiner's response does not fully address Appellant's arguments; the rejections are legally improper, and therefore the rejections should be withdrawn.

I. The rejection of claims 1-5 and 7-10 under 35 U.S.C. §102(a)(2) as allegedly anticipated by U.S. Published Patent Application 2015/0373945 ("Sung"), cannot be maintained, because it does not disclose a bird feeder.

The Examiner's Response does not point to any disclosure in Sung of a bird feeder. The only response to Appellant's arguments are (A) "the known five main group (kingdoms) of living things bird is classify as animal kingdom, there for Sung animal feeder can include bird" [*sic*]; and (B) the Sung abstract paragraphs 3-5, 19, and Figs. 1-2 disclose that the pet feeder in Sung is for pets or livestock, which is asserted to disclose bird feeders.

Neither of these assertions address Appellant's arguments. The first assertion finds no support in existing law nor reasonable extension thereof. The Examiner's construction of the claimed bird feeder is well beyond the permissible scope afforded by controlling authority. The claim recites a "bird feeder," not a generic animal feeder, nor even a "feeder for birds." The plain English meaning of "bird feeder" is well known and has the same meaning according to one of skill in the art of bird feeders. The contrary interpretation applied by the Patent Office is inconsistent with the plain English meaning because the Patent Office would construe this term to include feeders designed to feed pets indoors. "Bird feeder" has a recognized dictionary

definition: "A container designed to be filled with birdseed and placed outdoors to attract wild birds. *E.g.*, 'wild songbirds that prefer to eat at bird feeders'". https://en.oxforddictionaries.com/definition/bird_feeder, accessed July 8, 2018. Therefore, it is not appropriate to engage a genus-species argument aimed at a feeder for birds, since "bird feeder" has a recognized definition that is inconsistent with the Examiner's interpretation of the claim language.

However, even if one were to apply a genus-species argument, the Examiner's Response disregards established precedent, and even the PTO's own guidelines set forth at MPEP 2131.02 and MPEP 2144.08. "[W]hether a generic disclosure necessarily anticipates everything within the genus … depends on the factual aspects of the specific disclosure and the particular products at issue." *Sanofi-Synthelabo v. Apotex, Inc.*, 550 F.3d 1075, 1083, 89 USPQ2d 1370, 1375 (Fed. Cir. 2008). *See also Osram Sylvania Inc. v. American Induction Tech. Inc.*, 701 F.3d 698, 706, 105 USPQ2d 1368, 1374 (Fed. Cir. 2012) ("how one of ordinary skill in the art would understand the relative size of a genus or species in a particular technology is of critical importance").

The Examiner's Response sets forth no such factual aspects. Appellant, by contrast has done so.

As set forth in the Appeal Brief, the Sung provisional application is limited to a pet feeder, something specifically excluded by the well understood meaning of bird feeder, as further evidenced by the dictionary definition of "bird feeder." To eliminate any uncertainty, Sung defines "pet" as a cat or dog. In the Sung published application at paragraph [0019], "[t]he system may allow for an animal to be fed, watered, and their health monitored remotely by a

user, perhaps the animal's owner when the animal is a pet or constitutes livestock." This excludes wild animals, and does not disclose a bird feeder.

The drawings in Sung show an opening for an animal to insert its head that is significantly elevated above the scale. Birds would land on the edge of the opening, bypassing the scale, completely defeating the food delivery system disclosed by Sung. Sung cannot disclose a bird feeder.

Moreover, the Sung provisional application states in the first paragraph that the disclosed feeder is for pets in a home environment. There is no mention of wild animals or birds. Further, Sung makes no reference in either the provisional application or in the subsequent utility patent application to "outdoor" use or any features designed for outdoor use, such as a housing designed to hang on a tree.

Because of these distinctions, one of ordinary skill would not understand the general disclosure in Sung to disclose *nor even relate to* bird feeders. Therefore, even if such a genus-species argument had been properly articulated, it cannot be applied here in a way that can be reconciled with controlling precedent. The general disclosure of a feeder for animals in Sung does not disclose Appellant's claimed bird feeder, and it is respectfully requested that the rejection be withdrawn.

Regarding the assertion (B) that "pet feeder" in Sung abstract paragraphs 3-5, 19, and Figs. 1-2 discloses a "bird feeder," the Examiner's Response ignores Appellant's argument that all reference in Sung to birds is new matter and cannot be asserted as prior art as of the provisional filing date, but only the date of the subsequent utility application—which is after Appellant's filing date of June 10, 2015.

II. It was error to assert Sung as §102(a)(2) prior art because the rejection relies on new matter not in the provisional application to which Sung claims priority.

The Examiner's Response does not appear to contain any specific justification for relying on the priority date based on the provisional application (62/017,461) when that disclosure contains none of the subject matter related to birds in the Sung published application, which is new matter. Importantly, the provisional application never mentions "bird." Nor does it mention livestock. On the contrary, this provisional application is limited to "pet feeders," and pet is defined as a cat or dog. Because priority cannot be properly claimed under 35 U.S.C. § 119(e), this disclosure of Sung can only be asserted as prior art as of June 26, 2015—which is after Applicant's filing date of June 10, 2015.[1] Any uncertainty is resolved in the language of 35 U.S.C. § 102(d)(2) which expressly states that an earlier filing (priority) date is only available as of "the earliest such application that describes the subject matter."

To be entitled to rely on the provisional filing date, the Patent Office must establish that it relies on subject matter that is present in and supported by its provisional." *Dynamic Drinkware, LLC v. National Graphics, Inc.*, 800 F.3d 1375 (Fed. Cir. 2015) (citing *In re Giacomini*, 612 F.3d 1380, 1383 (Fed. Cir. 2010); *Ex parte Yamaguchi*, 88 U.S.P.Q.2d 1606 (B.P.A.I. 2008)); *See also Ariosa Diagnostics Inc. v. Illumina Inc.*, 705 F. App'x 1002 (Fed. Cir. 2017). Because the provisional application on which the Office Acton relies does not describe Applicant's

[1] In the Appeal Brief, the filing date was erroneously listed as four days earlier. This typographical error does not affect the analysis.

claimed subject matter, the earliest prior art date is after Applicant's filing date and may not properly form the basis of a prior art rejection under 35 U.S.C. §102(a).

The Examiner's Response makes no attempt to explain how the subsequent inclusion of bird in the published application is subject matter described in the provisional application, except by the previous genus-species argument. Therefore, Sung can at best be asserted as of its filing date of June 26, 2015, which is after Appellant's filing date.

In view of the above, it is respectfully submitted that Appellant is entitled to a patent incorporating claims 1-13.

Respectfully submitted,

/Keith Scala/
Keith B. Scala
Registration No. 43,088

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Date:
July 27, 2018

I hereby certify that this correspondence is being filed electronically in the U.S. Patent and Trademark Office on July 27, 2018.

/Keith Scala/
Keith B. Scala
Registration No. 43,088

Electronic Acknowledgement Receipt

EFS ID:	33301864
Application Number:	14735282
International Application Number:	
Confirmation Number:	1060
Title of Invention:	SELF-CONTAINED BIRD FEEDER WITH CAMERA AND STREAMING VIDEO
First Named Inventor/Applicant Name:	Frederick Perkins
Customer Number:	63640
Filer:	Keith B. Scala
Filer Authorized By:	
Attorney Docket Number:	A24
Receipt Date:	27-JUL-2018
Filing Date:	10-JUN-2015
Time Stamp:	11:49:40
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	Reply Brief Filed	ReplyBrief.pdf	410937 f11d473694e185d4a9b3e61269c00d498b09c814	no	6

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Electronic Patent Application Fee Transmittal

Application Number:	14735282
Filing Date:	10-Jun-2015
Title of Invention:	SELF-CONTAINED BIRD FEEDER WITH CAMERA AND STREAMING VIDEO
First Named Inventor/Applicant Name:	Frederick Perkins
Filer:	Keith B. Scala
Attorney Docket Number:	A24

Filed as Small Entity

Filing Fees for Utility under 35 USC 111(a)

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
APPEAL FORWARDING FEE	2413	1	1120	1120
Post-Allowance-and-Post-Issuance:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Extension-of-Time:				
Miscellaneous:				
			Total in USD ($)	**1120**

Electronic Acknowledgement Receipt

EFS ID:	33322121
Application Number:	14735282
International Application Number:	
Confirmation Number:	1060
Title of Invention:	SELF-CONTAINED BIRD FEEDER WITH CAMERA AND STREAMING VIDEO
First Named Inventor/Applicant Name:	Frederick Perkins
Customer Number:	63640
Filer:	Keith B. Scala
Filer Authorized By:	
Attorney Docket Number:	A24
Receipt Date:	30-JUL-2018
Filing Date:	10-JUN-2015
Time Stamp:	17:27:24
Application Type:	Utility under 35 USC 111(a)

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New Applications Under 35 U.S.C. 111

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

National Stage of an International Application under 35 U.S.C. 371

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

New International Application Filed with the USPTO as a Receiving Office

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
14/735,282	06/10/2015	Frederick Perkins	A24	1060

63640 7590 08/03/2018

MYERS BRADFORD, PLLC
1300 Pennsylvania Ave.
Seventh Floor
WASHINGTON, DC 20004

EXAMINER
OWENS, TSION B

ART UNIT	PAPER NUMBER
2487	

NOTIFICATION DATE	DELIVERY MODE
08/03/2018	ELECTRONIC

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

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MYERS BRADFORD, PLLC
1300 PENNSYLVANIA AVE.
SEVENTH FLOOR
WASHINGTON, DC 20004

Appeal No: 2018-007875
Application: 14/735,282
Appellant: Frederick Perkins et al.

Patent Trial and Appeal Board Docketing Notice

Application 14/735,282 was received from the Technology Center at the Board on July 31, 2018 and has been assigned Appeal No: 2018-007875.

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

The mailing address for the Board is:

PATENT TRIAL and APPEAL BOARD
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VIRGINIA 22313-1450

Telephone inquiries can be made by calling 571-272-9797 and referencing the appeal number listed above.

By order of the Patent Trial and Appeal Board.

EMS

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
14/735,282	06/10/2015	Frederick Perkins	A24	1060

63640 7590 09/03/2019

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EXAMINER
OWENS, TSION B

ART UNIT	PAPER NUMBER
2487	

NOTIFICATION DATE	DELIVERY MODE
09/03/2019	ELECTRONIC

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte FREDERICK PERKINS

Appeal 2018-007875
Application 14/735,282
Technology Center 2400

Before KEVIN F. TURNER, JOHN A. EVANS, and MATTHEW J. McNEILL, *Administrative Patent Judges*.

EVANS, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellant[1] seeks our review under 35 U.S.C. § 134(a) of the Examiner's Final Rejection of Claims 1–13. App. Br. 1. We have jurisdiction under 35 U.S.C. § 6(b).

We REVERSE.[2]

---

[1] The Appeal Brief identifies the inventor, Dr. Frederick Perkins, as the real party in interest. App. Br. 2.

[2] Rather than reiterate the arguments of Appellant and the Examiner, we

STATEMENT OF THE CASE

The claims relate to systems and methods for bird feeders capable of providing streaming video. *See* Abstract.

INVENTION

Claims 1 and 7 are independent. An understanding of the invention can be derived from a reading of illustrative Claim 1, which is reproduced below with some formatting added:

> 1. A self-contained bird feeder configured to provide detailed images over a wireless network, comprising: a bird feeder with a built in camera, computer, and internet connection, the bird feeder comprising:
>
> a. a feeder housing;
>
> b. a feeder bottom;
>
> c. a feed port disposed on the feeder bottom;
>
> d. the camera mounted to the bird feeder;
>
> e. the computer located within the feeder housing;
>
> f. an internal power source; and
>
> g. a WiFi adapter located within the feeder housing.

---

refer to the Appeal Brief (filed May 2, 2018, "App. Br."), the Reply Brief (filed July 27, 2018, "Reply Br."), the Examiner's Answer (mailed May 30, 2018, "Ans."), the Final Action (mailed September 11, 2017, "Final Act."), and the Specification (filed June 10, 2015, "Spec.") for their respective details.

References and Rejections[3]

Sung	US 2015/0373945 A1	Filed June 26, 2015
Lovett	US 2016/0156989 A1	Priority Nov. 7, 2012

The Claims stand rejected as follows:

1. Claims 1–5 and 7–10 stand rejected under 35 U.S.C. § 102(a)(2) as anticipated by Sung. Final Act. 2–3.
2. Claims 6 and 11–13 stand rejected under 35 U.S.C. § 103 as being unpatentable over Sung and Lovett. Final Act. 4–5.

ANALYSIS

We have reviewed the rejections of Claims 1–13 in light of Appellant's arguments that the Examiner erred. We consider Appellant's arguments as they are presented in the Appeal Brief, pages 4–7.

CLAIMS 1–5 AND 7–10: ANTICIPATION BY SUNG.

CLAIMS 6 AND 11–13: OBVIOUSNESS OVER SUNG AND LOVETT.

Appellant argues all claims as a group in view of the limitations of Claim 1. *See* App. Br. 7, 5. Therefore, we decide the appeal of the

[3] The present application is being examined under the first inventor to file provisions of the AIA. Final Act. 2.

rejections under 35 U.S.C. § 102 with reference to Claim 1, and refer to the rejected claims collectively herein as "the claims." See 37 C.F.R. § 41.37(c)(1)(iv); see also *In re King*, 801 F.2d 1324, 1325 (Fed. Cir. 1986).

Whether Sung is prior art.

Independent Claim 1 recites, *inter alia*, "[a] self-contained bird feeder . . . the bird feeder comprising . . . the camera mounted to the bird feeder." Independent Claim 7 recites commensurate limitations.

With respect to anticipation of independent Claims 1 and 7, the Examiner finds "Sung discloses self-contained bird feeder configured to provide detailed images over a wireless network, comprising: a bird feeder." Final Act. 2. The Examiner's obviousness rejection relies on Sung as above and relies on Lovett to teach limitations unrelated to the bird feeder. *See* Final Act. 4.

Appellant contends Sung (US 2015/0373945, "Sung '945") can only be asserted as prior art as of its June 26, 2015 filing date which is after Appellant's June 10, 2015 filing date. App. Br. 6. Appellant further contends the disclosure of Sung would not be entitled to priority because the underlying provisional application (US 62/017,461, filed June 26, 2014, "the '461 provisional") is limited to "pet feeders" and "pet" is defined as a dog or a cat. *Id.*

The Examiner finds the '461 provisional "explicitly discloses pet (animal) feeders, also bird one of well know pet other than cat and dog." Ans. 7. The Examiner further finds: "the known five main group

(kingdoms) of living things bird is classify as animal kingdom, there for Sung animal feeder can include bird." *Id.*, 6. In view thereof, the Examiner finds Sung '945 is entitled to the priority of the '461 provisional.

The '461 provisional discloses:

> When your beloved pet stop[s] eating or begin[s] to eat much less than their normal amount, the number one advise any veterinarian would give is to take them to hospital right away because most of the time it connects to some [severe] disease. Although the primary reason why a cat or dog stops eating may not always determined, it's essential that your pet be thoroughly evaluated as certain underlying disease[s] need to be ruled out.

The '461 provisional, Summary, Background section.[4] Sung further discloses "[t]he feeder can be used by cat or dog as illustrated above." The '461 provisional, Summary, How it Works section.

Contrary to the Examiner, the Sung provisional is explicitly limited to cats and dogs, but not birds. "Whenever the pet approaches the feeder, the (c) weighing scale will be used to measure the weight, and the (d) camera will be used to do pet face recognition (cat or dog) to identify which pet is going to eat or drink by matching the facial signature against the owner's pet database." *Id.* The'461 provisional fails to provide written description support for subject matter related to bird feeders disclosed in Sung '945 and asserted against the present application. Although the Examiner has asserted that birds may be a well-known type of pet, other than cats and dogs, the'461 provisional provides no support for such a contention. In view of

[4] The Sung provisional application is not paginated.

the forgoing, we find the prior art fails to disclose (under § 102) or to teach or suggest (under § 103) each claimed limitation. We, therefore, decline to sustain either the rejection of Claims 1–5 and 7–10 under 35 U.S.C. § 102(a)(2) or the rejection of Claims 6 and 11–13 under 35 U.S.C. § 103.

DECISION

The rejection of Claims 1–5 and 7–10 under 35 U.S.C. § 102 is REVERSED.

The rejection of Claims 6 and 11–13 under 35 U.S.C. § 103 is REVERSED.

REVERSED

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Courtesy Reminder for
Application Serial No: 14/735,282

Attorney Docket No: A24
Customer Number: 63640
Date of Electronic Notification: 09/03/2019

This is a courtesy reminder that new correspondence is available for this application. If you have not done so already, please review the correspondence. The official date of notification of the outgoing correspondence will be indicated on the form PTOL-90 accompanying the correspondence.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
14/735,282	06/10/2015	Frederick Perkins	A24	1060

63640 7590 11/18/2019

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EXAMINER	
OWENS, TSION B	

ART UNIT	PAPER NUMBER
2487	

NOTIFICATION DATE	DELIVERY MODE
11/18/2019	ELECTRONIC

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

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

kscala@myersbradford.com

Office Action Summary	Application No. 14/735,282	Applicant(s) Perkins, Frederick	
	Examiner TSION B OWENS	Art Unit 2487	AIA (FITF) Status Yes

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

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTHS FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☑ Responsive to communication(s) filed on 9/3/19.

☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on _____.

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

3)☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on _____; the restriction requirement and election have been incorporated into this action.

4)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims*

5) ☑ Claim(s) 1-13 is/are pending in the application.

5a) Of the above claim(s) _____ is/are withdrawn from consideration.

6) ☐ Claim(s) _____ is/are allowed.

7) ☐ Claim(s) _____ is/are rejected.

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

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

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

Application Papers

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

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

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

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

Priority under 35 U.S.C. § 119

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

Certified copies:

a)☐ All b)☐ Some** c)☐ None of the:

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

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

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

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

Attachment(s)

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

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

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

4) ☐ Other: _____.

DETAILED ACTION

1. The present application, filed on or after March 16, 2013, is being examined under the first inventor to file provisions of the AIA.

Response to BPAI Decision

2. In view of prior art that indicates non patentability of the appealed claims in which the Patent Trial and Appeal Board (PTAB) reversed the Examiner in their decision mailed 9/3/19, PROSECUTION IS HEREBY REOPENED (MPEP 1214.04). A new ground of rejection set forth below.

3. A Technology Center Director has authorized re-opening prosecution under 37 CFR 1.198 for the purpose of entering the new rejection by signing below:

/COLLEEN A MATTHEWS/
Director, Art Unit 2400

Claim Rejections - 35 USC § 102

4. 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 –

(a)(1) the claimed invention was patented, described in a printed publication, or in public use, on sale or otherwise available to the public before the effective filing date of the claimed invention.

(a)(2) the claimed invention was described in a patent issued under section 151, or in an application for patent published or deemed published under section 122(b), in which the patent or applications the case maybe, names another inventor and was effectively filed before the effective filing date of the claimed invention.

5. Claims 1, 3 and 7-11 are rejected under 35 U.S.C. 102(a) (2) as being anticipated by **Lovett (US 2016/0156989)** (Bryson C .Lovett).

Regarding Claim 1, Lovett discloses a self-contained bird feeder configured to provide detailed images over a wireless network **[See paragraphs 28-30],** comprising: a bird feeder with a built in camera, computer, and internet connection, the bird feeder **[See paragraphs 9-11 and 28-30 e.g. camera, computer and WIFI];**

a. a feeder housing **[See abstract and paragraphs 28-30; figures 1 and 4- Unit 5 e.g. Feeder/ bird photo booth];**

b. a feeder bottom **[See Figs1 and 4 unit 18];**

c. a feed port disposed on the feeder bottom **[See abstract and paragraphs 34, 43-45; figure 10- unit 20 e.g. bird feeder];**

d. the camera mounted to the bird feeder**[See abstract paragraphs 9-11, 30-31 and Figs 1 and 4 unit 8 e.g. electronic device having a camera];**

e. a computer located within the feeder housing **[See paragraphs 29 e.g. a first electronic device may comprise many different types of devices capable of taking photographs, including but not limited to, an iPhone.RTM., an iPod Touch.RTM., a GoPro.RTM., Galaxy Note.RTM., Galaxy S4.RTM., HTC.RTM., LG.RTM. phone, Nokia.RTM. phone, or any other mobile device or computer];**

f. an internal power source **[See paragraph 39 e.g. solar panel 90 or external and internal power source];** and

g. a WiFi adapter located within the feeder housing **[See paragraphs 28-30 e.g. WIFI].**

Regarding Claim 3, Lovett discloses a feed compartment disposed in the feeder housing and a feed compartment separator disposed in the feed compartment **[See abstract and paragraphs 28-31 and 34].**

Regarding Claim 7, the limitations claimed are substantially similar to claim 1 above, therefore the ground for rejecting claim l also applies here.

Regarding Claim 8, Lovett discloses distributing the images from the WiFi network to the internet **[See paragraphs 28-30 e.g. Internet via Wi-Fi].**

Regarding Claim 9, Lovett discloses distributing streaming video to the WiFi network **[See paragraphs 28-30 e.g. Wi-Fi].**

Regarding Claim 10, Lovett discloses distributing streaming video to the internet **[See paragraphs 28-30 e.g. Internet via Wi-Fi].**

Regarding Claim 11, Lovett discloses generating electricity with a solar panel, and distributing solar-generated electricity to the computer **[See paragraph 39 e.g. solar panel 90 or external and internal power source].**

Claim Rejections - 35 USC § 103

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

A patent for a claimed invention may not be obtained, notwithstanding that the claimed invention is not identically disclosed as set forth in section 102, if the differences between the claimed invention and the prior art are such that the claimed invention as a whole would have been obvious before the effective filing date of the claimed invention to a person having ordinary skill in the art to which the claimed invention pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2, 4-6 and 13 are rejected under 35 U.S.C. 103 as being unpatentable over **Lovett (US 2016/0156989)** (Bryson C.Lovett) in view of Altman **(US 2014/0355446)** (Baruch Yosef Altman).

Regarding Claim 2, Lovett doesn't explicitly discloses wherein the WiFi adapter is a WiFi dongle.

However, Altman disclose wherein the WiFi adapter is a WiFi dongle **[See paragraphs See paragraph 29 e.g. cellular USB dongle which is same as WiFi dongle].**

It would have been obvious to the person of ordinary skill in the art at time of invention to modify the system disclosed by Lovett to add the teachings in Altman as above, to provide device that network information transmission in more effective way by lower costs, conserving network resources such as power and bandwidth, and improving overall resource utilization **[See Altman Paragraph 5].**

Regarding Claim 4, Lovett discloses wherein the computer comprises: a processor; a display connector; a multi-media interface; an audio/video jack **[See paragraph 33 e.g. video and audio from the cameras and microphones];** and

Lovett doesn't explicitly disclose an ethernet socket.

However, Altman discloses an ethernet socket **[See paragraph 27 e.g.an Ethernet connection].**

It would have been obvious to the person of ordinary skill in the art at time of invention to modify the system disclosed by Lovett to add the teachings in Altman as above, to provide device that network information transmission in more effective way by lower costs, conserving network resources such as power and bandwidth, and improving overall resource utilization **[See Altman Paragraph 5].**

Regarding Claim 5, Lovett doesn't explicitly disclose wherein the computer comprises a micro USB socket and a USB port.

However, Altman discloses wherein the computer comprises a micro USB socket and a USB **port [See paragraph 27 e.g. USB connection].**

It would have been obvious to the person of ordinary skill in the art at time of invention to modify the system disclosed by Lovett to add the teachings in Altman as above, to provide device that network information transmission in more effective way by lower costs, conserving network resources such as power and bandwidth, and improving overall resource utilization **[See Altman Paragraph 5].**

Regarding Claim 6, Lovett doesn't explicitly disclose wherein the multi-media interface comprises an HDMI port.

However, Altman discloses wherein the multi-media interface comprises an HDMI port

[See Paragraph 27 e.g. HDMI connection].

It would have been obvious to the person of ordinary skill in the art at time of invention to modify the system disclosed by Lovett to add the teachings in Altman as above, to provide device that network information transmission in more effective way by lower costs, conserving network resources such as power and bandwidth, and improving overall resource utilization **[See Altman Paragraph 5].**

Regarding Claim 13, the limitations claimed are substantially similar to claim 6 above, therefore the ground for rejecting claim 6 also applies here.

8. Claim 12 is rejected under 35 U.S.C. 103 as being unpatentable over **Lovett (US 2016/0156989)** (Bryson C.Lovett) in view of Altman **(US 2014/0355446)** (Baruch Yosef Altman), and further in view of Bennett **(US 9,247,719)** (Teddy Leland Bennett).

Regarding Claim 12, Lovett and Altman don't explicitly disclose distributing electricity from both the solar panel and a battery to the computer

However, Bennett discloses distributing electricity from both the solar panel and a battery to the computer **[See Col 10, Lines 8-42 e.g. receives power through a connection to a generated 216 power source (e.g., transformed household line power, fuel cell, solar power, wind power) or through a connection to a stored 217 power source (e.g., battery, super capacitor). Examiner notes the primary references Lovette teaches solar panel . It is known to those in the art that the usage of a Solar panel is to charge a battery for energy storage to be use when power gets lower].**

It would have been obvious to the person of ordinary skill in the art at time of invention to modify the system disclosed by Lovett and Altman to add the teachings in Bennett as above, to provide selectrical loads system that prevents liquid sustenance freeze-up, overheating and bacterial growth, while facilitating monitoring of sustenance station status, animal identification, animal activity near the station and weather conditions over the internet or other wireless communication mode **[See Bennett abstract].**

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TSION B OWENS whose telephone number is (571)272-3934. The examiner can normally be reached on Monday-Friday 8:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Czekaj can be reached on 571-272-7327. 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.

/TSION B OWENS/

Primary Examiner, Art Unit 2487

/Dave Czekaj/
Supervisory Patent Examiner, Art Unit 2487

Notice of References Cited	Application/Control No. 14/735,282	Applicant(s)/Patent Under Reexamination Perkins, Frederick	
	Examiner TSION B OWENS	Art Unit 2487	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	CPC Classification	US Classification
*	A	US-20120233649-A1	09-2012	Seigler; Benjamin Henry	A01K5/02	725/109
*	B	US-9247719-B1	02-2016	Bennett; Teddy Leland	A01K39/0206	1/1
*	C	US-9137974-B2	09-2015	Boehm; Thomas	A01K5/0291	1/1
*	D	US-20160156989-A1	06-2016	Lovett; Bryson C.	H04N7/183	348/143
*	E	US-20150373945-A1	12-2015	Sung; Mu Chi	A01K5/0283	119/51.5
*	F	US-20140355446-A1	12-2014	Altman; Baruch Yosef	H04W28/0289	370/235
	G					
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FOREIGN PATENT DOCUMENTS

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

NON-PATENT DOCUMENTS

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

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

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	14/735,282	Perkins, Frederick
	Examiner	Art Unit
	TSION B OWENS	2487

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

CLAIMS

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

CLAIM		DATE								
Final	Original	10/02/2019								
	1	✓								
	2	✓								
	3	✓								
	4	✓								
	5	✓								
	6	✓								
	7	✓								
	8	✓								
	9	✓								
	10	✓								
	11	✓								
	12	✓								
	13	✓								

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	14/735,282	Perkins, Frederick
	Examiner	Art Unit
	TSION B OWENS	2487

CPC - Searched*		
Symbol	**Date**	**Examiner**
H04N5/2257, H04N5/23203	4/27/17	TBO
H04N1/00209	=	TBO
A01K39/01	=	TBO

CPC Combination Sets - Searched*		
Symbol	**Date**	**Examiner**

US Classification - Searched*			
Class	**Subclass**	**Date**	**Examiner**

* See search history printout included with this form or the SEARCH NOTES box below to determine the scope of the search.

Search Notes		
Search Notes	**Date**	**Examiner**
East Search	4/27/17	TBO
Inventors name search	=	TBO
double patenting search	=	TBO
keyword search	=	TBO
npl (IEEE, ip.com)	=	TBO
Counslt with QAS Justin Rideru	=	TBO
Counsult with PE Behrooz Senfi	=	TBO
Update search	8/31/17	TBO

	/TSION B OWENS/ Examiner.Art Unit 2487

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	14/735,282	Perkins, Frederick
	Examiner	Art Unit
	TSION B OWENS	2487

Interference Search			
US Class/CPC Symbol	US Subclass/CPC Group	Date	Examiner

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Courtesy Reminder for
Application Serial No: 14/735,282

Attorney Docket No: A24
Customer Number: 63640
Date of Electronic Notification: 11/18/2019

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PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875	Application or Docket Number 14/735,282	Filing Date 06/10/2015	☐ To be Mailed

ENTITY: ☐ LARGE ☑ SMALL ☐ MICRO

APPLICATION AS FILED - PART I

FOR	(Column 1) NUMBER FILED	(Column 2) NUMBER EXTRA		RATE ($)	FEE ($)
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A		N/A	
☐ SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A		N/A	
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A		N/A	
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =	*		x $40 =	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*		x $210 =	
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is $310 ($155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).				
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))					
* If the difference in column 1 is less than zero, enter "0" in column 2.				TOTAL	

APPLICATION AS AMENDED - PART II

		(Column 1)		(Column 2)	(Column 3)			
AMENDMENT	02/04/2020	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA		RATE ($)	ADDITIONAL FEE ($)
	Total (37 CFR 1.16(i))	* 13	Minus	** 20	= 0		x $50 =	0
	Independent (37 CFR 1.16(h))	* 2	Minus	*** 3	= 0		x $230 =	0
	☐ 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)			
AMENDMENT		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA		RATE ($)	ADDITIONAL FEE ($)
	Total (37 CFR 1.16(i))	*	Minus	**	=		x $0 =	
	Independent (37 CFR 1.16(h))	*	Minus	***	=		x $0 =	
	☐ 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.	LIE
** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".	/PEGGY S YARBOROUGH/
*** 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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BIRD BUDDY EX1004

OPAP
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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Frederick PERKINS

Appln. No.: 14/735,282

Confirmation No.: 1060

Filed: June 6, 2015

Docket No: A24

Group Art Unit: 2487

Examiner: Tsion Owens

For: **SELF-CONTAINED BIRD FEEDER WITH CAMERA AND STREAMING VIDEO**

AMENDMENT UNDER 37 C.F.R. § 1.111

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

Sir:

This is in response to the Office Action dated November 18, 2019, issued after the decision by the PTAB reversing the prior assertion of invalidity. This response is timely filed.

TABLE OF CONTENTS

AMENDMENTS TO THE CLAIMS 2

REMARKS 5

AMENDMENTS TO THE CLAIMS

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

LISTING OF CLAIMS:

What is claimed is:

1. (Previously Amended) A self-contained bird feeder configured to provide detailed images over a wireless network, comprising: a bird feeder with a built in camera, computer, and internet connection, the bird feeder comprising:
   a. a feeder housing;
   b. a feeder bottom;
   c. a feed port disposed on the feeder bottom;
   d. the camera mounted to the bird feeder;
   e. the computer located within the feeder housing;
   f. an internal power source; and
   g. a WiFi adapter located within the feeder housing.
2. (original) The self-contained bird feeder of claim 1 wherein the WiFi adapter is a WiFi dongle.
3. (Amended) The self-contained bird feeder of claim 1 further comprising a feed compartment disposed in the feeder housing and a feed compartment separator disposed in the feed compartment, whereby feed is fed by gravity from the feed compartment

through the feeder housing, to the feeder bottom, and then to the feed port.

4. (original) The self-contained bird feeder of claim 1 wherein the computer comprises: a processor; a display connector; a multi-media interface; an audio/video jack; and an ethernet socket.

5. (original) The self-contained bird feeder of claim 1 wherein the computer comprises a micro USB socket and a USB port.

6. (original) The self-contained bird feeder of claim 4 wherein the multi-media interface comprises an HDMI port.

7. (Previously Amended) A method for transmitting images from a bird feeder comprising: equipping a feeder housing with a camera mounted to the feeder housing in close proximity to a feed port; providing a source of electrical power for a computer disposed within the bird feeder; configuring a computer disposed in the bird feeder to control the camera; operating the camera to capture images; and transmitting images to a WiFi network.

8. (original) The method of claim 7 further comprising distributing the images from the WiFi network to the internet.

9. (original) The method of claim 7 further comprising distributing streaming video to the WiFi network.

10. (original) The method of claim 7 further comprising distributing streaming video to the internet.

11. (original) The method of claim 7 further comprising generating electricity with a solar panel, and distributing solar-generated electricity to the computer.

12. (original) The method of claim 11 further comprising distributing electricity from both the solar panel and a battery to the computer.

13. (Previously added) The method of claim 7 wherein images are transmitted via HDMI.

REMARKS

I. PROCEDURAL HISTORY

Applicant filed this Application on June 6, 2015.

On September 3, 2019, the Patent Trial and Appeal Board issued its decision on appeal completely reversing all § 102 and § 103 rejections over the asserted prior art.

In October and November, following no action by the Examiner, Applicant placed telephone calls to the Examiner and Supervisory Examiner. Only the Supervisory Examiner responded, stating that a response would not be forthcoming until 60 days after the PTAB's decision.

On November 18, 2019, the Examiner issued the present Office Action, which again rejected the claims under § 102 and § 103. The rejections assert the same primary reference as previously asserted. The PTAB neither asserted nor suggested that any of these old prior art references formed the basis for any other rejection.

II. AMENDMENT

Claim 3 is amended to further specify that feed is fed by gravity from the feed compartment through the feeder housing to the feeder bottom and then to the feed port. Support is found at the originally filed specification, page 5, first full paragraph which states that feed may be fed by gravity from the feeder compartment 6 through the feeder housing 5 to the feeder bottom 14, and to a feed port 11 located on the feeder bottom 14. No new matter is added; it is respectfully requested that the amendment be entered.

III. CLAIMS 1, 3, AND 7-11 REJECTED OVER LOVETT UNDER § 102(A)

Claims 1, 3, and 7-11 stand rejected under 35 U.S.C. §102(a)(2) as allegedly anticipated by U.S. Published Patent Application 2016/0156989 ("Lovett"), published after Applicant filed the application for the present invention.

Applicant respectfully traverses because Lovett is directed to a wholly different system and critically lacks disclosure of key elements of Applicant's claims. This is essentially the same rejection asserted in the Office Action of May 8, 2017, over the identical reference. This rejection was previously withdrawn in response to Applicant's traversal.

Lovett is asserted to disclose a self-contained bird feeder for providing detailed images over a wireless network. However, Lovett neither discloses nor suggests Applicant's claimed built in camera (nor power source, or WiFi adapter) ***inside*** the bird feeder. Therefore, Lovett is not self-contained, and does not disclose a built-in camera as required by the Applicant's claimed invention.

This fundamental distinction is evident from Lovett's specification, which describes the invention as a "photo booth" [0002] with the bird feeder 80 mounted separate from the camera some distance within the field of view [0025]. In the present invention, the bird feeder is not located in the field of view of the camera. It is in the ***same*** location as the camera--inside the claimed bird feeder. The words "self contained" are not used in Lovett, and certainly not in reference to a bird feeder with video capability. Lovett's deficiencies are highlighted by Applicant's independent claim 1 which specifically recites that the bird feeder itself comprises the camera, computer, power source, and WiFi adapter, *etc.* Lovett merely discloses separate elements including a feeding dish placed some distance away from a camera, neither of which are in the same self-contained structure as the other.

Lovett does not disclose a computer in the feeder housing of a bird feeder according to the claimed invention. Lovett discloses a box that provides physical support and electronic interconnections to a third party camera or controller which are always described as separable devices that may provide video generation and Internet connectivity regardless of location. Lovett does not have any self-contained video capability within a bird feeder as understood by one of ordinary skill in the art. Lovett only discloses a camera and controller provided by the third party mechanism outside the bird feeder.

By contrast, Applicant claims that a dedicated computer (e.g., Raspberry Pi) is built in to the bird feeder. It is integrated with the feeder structure and design, providing the video generation functionality using digital information retrieved from the camera. Camera and computer, as disclosed by Lovett, are limited to discrete devices that provide video capability and internet connectivity apart from the bird feeder from a location outside the bird feeder.

Because Lovett does not disclose a self-contained bird feeder having a built in camera, computer, and internet connection, it can not anticipate Applicant's claims. It is therefore requested that the rejection be reconsidered and withdrawn.

Lovett also does not disclose a feed port as recited in Applicant's claims. In Lovett, the phrase 'feed port' is not used in paragraphs 34 or 43-45, or figures 1-10. The Office Action introduces that term. The plain meaning of "port" is "an aperture in the surface of a cylinder, for the passage of steam, air, water, etc.," as evidenced by definition no. 4 at http://www.dictionary.com/browse/port, last visited December 9, 2019. Similar definitions appear in other dictionaries, e.g., "a small opening in a container or vessel especially for viewing or for the controlled passage of material, https://www.merriam-webster.com/dictionary/port, at definition no. 2, last visited December 9, 2019.

Nothing in Lovett discloses an aperture in the surface of a cylinder, for the passage of steam, air, water, etc. for feed. The Office Action points to the feed dish 20; however this is neither described as a cylinder nor is feed described as passing through any surface. Instead, feed dish 20 is merely an ordinary feed dish.

In Lovett, what the Office Action alleges to be a feed port is an external dish 20 that contains bird feed. The difference is important because, as used in Applicant's claimed invention, the feed port provides access to an internal food source that 1) is protected from the weather, and 2) forces the birds to align with the camera lens relative to the bird feeder. Lovett discloses not a feed port, but an external food dish, in addition to other external, remote food sources.

The plain and ordinary meaning of "port" cannot include the external dish 20 of Lovett.

Because Lovett neither teaches nor suggests a feed port disposed on a feeder bottom of a bird feeder, it is respectfully requested that the rejection be reconsidered and withdrawn.

Claim 3 is similarly rejected on the assertion that Lovett discloses a feed compartment disposed in the feeder housing and a feed compartment separator disposed in the feed compartment. This is the identical rejection as in the Office Action of May 8, 2017, subsequently withdrawn. Moreover, as amended, claim 3 specifies that the feed is fed by gravity from the feed compartment through the feeder housing to the feeder bottom and then to the feed port. This amendment makes explicit the structural relationship of the feed compartment, feeder housing, feeder bottom, and feed port. All are located within the same structure so that feed flows by gravity from the feed compartment through the feeder to the feed port. Lovett discloses nothing of this arrangement, instead disclosing only a feeder with feed in an open dish. This

amendment further distinguishes that the claimed elements are not only within the same internal structure, but arranged so that feed flows by gravity from the feed compartment to the feed port.

Lovett also fails to disclose a feed compartment or separator in the feed compartment. Lovett discloses only an unenclosed external dish as the feeder—no feed compartment nor separator.

Therefore Lovett does not disclose the invention of claim 3 and it is therefore requested that the rejection be reconsidered and withdrawn.

In reference to claims 2-6, these are dependent claims that include the elements of independent claim 1. Because Lovett does not disclose all of the elements of claim 1 for the reasons set forth in the preceding paragraphs, Lovett also does not anticipate claims 2-6.

Applicant's independent claim 7 similarly is not anticipated by Lovett. Lovett does not disclose equipping a feeder housing with a camera mounted to the feeder housing. Lovett does not disclose a feed port or a computer built in to a feeder housing. Dependent claims 8-13, which include the elements of claim 7 are also not anticipated by Lovett for the same deficiencies.

Claims 2, 4-6 and 13 are rejected under 35 U.S.C. § 103 as allegedly obvious over Lovett in view of Altman (U.S. Patent Application 2014/0355446). To address the deficiencies of Lovett with respect to claims 2, 4-6 and 13, the Office Action relies on Altman for the claimed Wifi adapter dongle, ethernet socket, USB socket/port, or HDMI port/transmission.

However, nothing in the Office Action addresses the deficiencies of Lovett regarding a self-contained bird feeder with a built in camera, computer, and internet connection. Moreover, the Office Action does not address the deficiency that Lovett fails to disclose a feed port.

In addition, the Office Action does not set forth any motivation to combine Altman to Lovett. Even if one of ordinary skill were led to apply the teachings of Altman to Lovett, it would fall short of leading to the elements of Applicant's claimed invention which specifically recites a self-contained bird feeder where the electronic components are built-in to the bird feeder. Absent some reason to overcome the challenge of providing these electronic components within the specific constraints of a self-contained feeder, there is no suggestion of Applicant's claimed selection and placement of specific built-in electronic components. On the contrary, typical design considerations of economy and access to the various components would lead to the lay-out of Lovett with the camera and computer separate from the bird feeder structures.

Therefore, Lovett neither teaches nor suggests the invention of claims 2, 4-6 and 13, and it is respectfully requested that the rejection be reconsidered and withdrawn.

Claim 12 is rejected under 35 U.S.C. § 103 as allegedly obvious over Lovett in view of Altman (U.S. Patent Application 2014/0355446) in further view of Bennett (U.S. Patent 9,247,719). To address the deficiencies of Lovett and Altman with respect to claim 12, the Office Action relies on Bennett for the claimed step of distributing electricity from both the solar panel and a battery to the computer.

However, nothing in the Office Action addresses the deficiency of Lovett regarding a camera mounted to the feeder housing in close proximity to a feed port.

In addition, the Office Action does not set forth any motivation to combine Bennett or Altman to Lovett. Even if one of ordinary skill were led to apply the teachings of Altman or Bennett to Lovett, it would fall short of leading to the elements of Applicant's claimed invention which specifically deals with a self-contained bird feeder where the electronic components are built in. Absent some reason to overcome the challenge of providing these electronic

components within the specific constraints of a self-contained feeder, there is no suggestion of Applicant's claimed selection of specific built in electronic components in a self-contained bird feeder.

Therefore, Lovett even with Altman and Bennet does not teach or suggests all the elements of the invention of claims 2, 4-6 and 13, and it is respectfully requested that the rejection be reconsidered and withdrawn.

In view of the above, Applicant respectfully requests that the anticipation rejection be reconsidered and withdrawn. Allowance of this application is now believed to be in order, and such actions are hereby solicited. Early Notice of Allowance is respectfully requested.

Given the unusual procedural history of this application, Applicant requests the opportunity to answer any questions the Examiner may have including any proposed Examiner's amendment by telephone.

If any points remain in issue which the Examiner feels may be best resolved through a personal interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

/Keith Scala/
Keith B. Scala
Registration No. 43,088

Keith B. Scala, Esq.
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Date: February 1, 2020

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
14/735,282	06/10/2015	Frederick Perkins	A24	1060

63640 7590 04/08/2020

MYERS BRADFORD, PLLC
1300 Pennsylvania Ave.
Seventh Floor
WASHINGTON, DC 20004

EXAMINER	
OWENS, TSION B	

ART UNIT	PAPER NUMBER
2487	

NOTIFICATION DATE	DELIVERY MODE
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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.

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Office Action Summary	Application No. 14/735,282	Applicant(s) Perkins, Frederick	
	Examiner TSION B OWENS	Art Unit 2487	AIA (FITF) Status Yes

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

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A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTHS FROM THE MAILING DATE OF THIS COMMUNICATION.

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- 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 2/4/2020.

☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on _____.

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

3)☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on _____; the restriction requirement and election have been incorporated into this action.

4)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims*

5) ☑ Claim(s) 1-13 is/are pending in the application.

5a) Of the above claim(s) _____ is/are withdrawn from consideration.

6) ☐ Claim(s) _____ is/are allowed.

7) ☑ Claim(s) 1-13 is/are rejected.

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

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

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

Application Papers

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

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

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

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

Priority under 35 U.S.C. § 119

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

Certified copies:

a)☐ All b)☐ Some** c)☐ None of the:

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

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

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

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

Attachment(s)

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

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

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

4) ☐ Other: _____.

DETAILED ACTION

1. The present application, filed on or after March 16, 2013, is being examined under the first inventor to file provisions of the AIA.

Response to Arguments

2. Response to applicant argues on pages 6-8 Lovett fails to disclose "a self-contained bird feeder for providing detailed images over a wireless network" [See applicant's argument: page 6]; while the applicant points are understood the examiner respectfully disagrees. As Examiner cited in previous office action, pages, 9-10. Lovett discloses The bird photo booth 5 may be designed to fit a first electronic device may be fit into the box 10 to capture streaming video and/or still images. Said first device may comprise many different types of devices capable of taking photographs, including but not limited to, an iPhone.RTM., an iPod Touch.RTM., a GoPro.RTM., Galaxy Note.RTM., Galaxy S4.RTM., HTC.RTM., LG.RTM. phone, Nokia.RTM. phone, or any other mobile device or computer that is capable of communication over the Internet via Wi-Fi, Bluetooth, cellular network, eithernet, or any wireless air or wired air interface. The above devices are capable of capturing image and trismit the images over a wireless network.

3. Response to applicant argues on pages 6-8 Lovett fails to disclose "a computer in the feeder housing of a bird feeder" [See applicant's argument: page 7]; while the applicant points are understood the examiner respectfully disagrees. As Examiner cited in previous office action, pages, 9-10. Lovett discloses he bird photo booth 5 may be designed to fit a first electronic device may be fit into the box 10 to capture streaming video and/or still images. Said first device may comprise many different types of devices capable of taking photographs.

4. Regarding dependent claims, in response to applicant's arguments, the examiner recognizes that obviousness may be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See in re

Fine, 837 F.2d 1071,5 USPQ2d 1596 (Fed. Cir. 1988), In re Jones, F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992), and KSR international Co. v. Teleflex, Inc., 550 U.S. 398, 82 USPQ2d 1385 (2007). In this case, Lovett in combination with Altman and Bennett meet all rejected limitations of the instant application.

5. Applicant is reminded that 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).

Claim Rejections - 35 USC § 102

6. 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 –

(a)(1) the claimed invention was patented, described in a printed publication, or in public use, on sale or otherwise available to the public before the effective filing date of the claimed invention.

(a)(2) the claimed invention was described in a patent issued under section 151, or in an application for patent published or deemed published under section 122(b), in which the patent or applications the case maybe, names another inventor and was effectively filed before the effective filing date of the claimed invention.

7. Claims 1, 3 and 7-11 are rejected under 35 U.S.C. 102(a) (2) as being anticipated by **Lovett (US 2016/0156989)** (Bryson C .Lovett).

Regarding Claim 1, Lovett discloses a self-contained bird feeder configured to provide detailed images over a wireless network **[See paragraphs 28-30],** comprising: a bird feeder with a built in camera, computer, and internet connection, the bird feeder **[See paragraphs 9-11 and 28-30 e.g. camera, computer and WIFI];**

a. a feeder housing **[See abstract and paragraphs 28-30; figures 1 and 4- Unit 5 e.g. Feeder/ bird photo booth];**

b. a feeder bottom **[See Figs1 and 4 unit 18];**

c. a feed port disposed on the feeder bottom **[See abstract and paragraphs 34, 43-45; figure 10- unit 20 e.g. bird feeder];**

d. the camera mounted to the bird feeder**[See abstract paragraphs 9-11, 30-31 and Figs 1 and 4 unit 8 e.g. electronic device having a camera];**

e. a computer located within the feeder housing **[See paragraphs 29 e.g. a first electronic device may comprise many different types of devices capable of taking photographs, including but not limited to, an iPhone.RTM., an iPod Touch.RTM., a GoPro.RTM., Galaxy Note.RTM., Galaxy S4.RTM., HTC.RTM., LG.RTM. phone, Nokia.RTM. phone, or any other mobile device or computer];**

f. an internal power source **[See paragraph 39 e.g. solar panel 90 or external and internal power source];** and

g. a WiFi adapter located within the feeder housing **[See paragraphs 28-30 e.g. WIFI].**

Regarding Claim 7, the limitations claimed are substantially similar to claim 1 above, therefore the ground for rejecting claim l also applies here.

Regarding Claim 8, Lovett discloses distributing the images from the WiFi network to the internet **[See paragraphs 28-30 e.g. Internet via Wi-Fi].**

Regarding Claim 9, Lovett discloses distributing streaming video to the WiFi network **[See paragraphs 28-30 e.g. Wi-Fi].**

Regarding Claim 10, Lovett discloses distributing streaming video to the internet **[See paragraphs 28-30 e.g. Internet via Wi-Fi].**

Regarding Claim 11, Lovett discloses generating electricity with a solar panel, and distributing solar-generated electricity to the computer **[See paragraph 39 e.g. solar panel 90 or external and internal power source].**

Claim Rejections - 35 USC § 103

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

A patent for a claimed invention may not be obtained, notwithstanding that the claimed invention is not identically disclosed as set forth in section 102, if the differences between the claimed invention and the prior art are such that the claimed invention as a whole would have been obvious before the effective filing date of the claimed invention to a person having ordinary skill in the art to which the claimed invention pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 2, 4-6 and 13 are rejected under 35 U.S.C. 103 as being unpatentable over **Lovett (US 2016/0156989)** (Bryson C.Lovett) in view of Altman **(US 2014/0355446)** (Baruch Yosef Altman).

Regarding Claim 2, Lovett doesn't explicitly discloses wherein the WiFi adapter is a WiFi dongle.

However, Altman disclose wherein the WiFi adapter is a WiFi dongle **[See paragraphs See paragraph 29 e.g. cellular USB dongle which is same as WiFi dongle].**

It would have been obvious to the person of ordinary skill in the art at time of invention to modify the system disclosed by Lovett to add the teachings in Altman as above, to provide device that network information transmission in more effective way by lower costs, conserving network resources such as power and bandwidth, and improving overall resource utilization **[See Altman Paragraph 5].**

Regarding Claim 4, Lovett discloses wherein the computer comprises: a processor; a display connector; a multi-media interface; an audio/video jack **[See paragraph 33 e.g. video and audio from the cameras and microphones];** and

Lovett doesn't explicitly disclose an ethernet socket.

However, Altman discloses an ethernet socket **[See paragraph 27 e.g.an Ethernet connection].**

It would have been obvious to the person of ordinary skill in the art at time of invention to modify the system disclosed by Lovett to add the teachings in Altman as above, to provide device that network information transmission in more effective way by lower costs, conserving network resources such as power and bandwidth, and improving overall resource utilization **[See Altman Paragraph 5].**

Regarding Claim 5, Lovett doesn't explicitly disclose wherein the computer comprises a micro USB socket and a USB port.

However, Altman discloses wherein the computer comprises a micro USB socket and a USB port **[See paragraph 27 e.g. USB connection].**

It would have been obvious to the person of ordinary skill in the art at time of invention to modify the system disclosed by Lovett to add the teachings in Altman as above, to provide device that network information transmission in more effective way by lower costs, conserving network resources such as power and bandwidth, and improving overall resource utilization **[See Altman Paragraph 5].**

Regarding Claim 6, Lovett doesn't explicitly disclose wherein the multi-media interface comprises an HDMI port.

However, Altman discloses wherein the multi-media interface comprises an HDMI port **[See Paragraph 27 e.g. HDMI connection].**

It would have been obvious to the person of ordinary skill in the art at time of invention to modify the system disclosed by Lovett to add the teachings in Altman as above, to provide device that network information transmission in more effective way by lower costs, conserving network resources such as power and bandwidth, and improving overall resource utilization **[See Altman Paragraph 5].**

Regarding Claim 13, the limitations claimed are substantially similar to claim 6 above, therefore the ground for rejecting claim 6 also applies here.

10. Claim 3 and 12 is rejected under 35 U.S.C. 103 as being unpatentable over **Lovett (US 2016/0156989)** (Bryson C.Lovett) in view of Altman **(US 2014/0355446)** (Baruch Yosef Altman), and further in view of Bennett **(US 9,247,719)** (Teddy Leland Bennett).

Regarding Claim 3, Lovett discloses a feed compartment disposed in the feeder housing and a feed compartment separator disposed in the feed compartment **[See abstract and paragraphs 28-31 and 34].**

Lovett and Altman don't explicitly disclose whereby feed is fed by gravity from the feed compartment through the feeder housing, to the feeder bottom, and then to the feed port.

However, Bennett discloses whereby feed is fed by gravity from the feed compartment through the feeder housing, to the feeder bottom, and then to the feed port **[See Figs. 3A, 3E, 4A, 5A].**

It would have been obvious to the person of ordinary skill in the art at time of invention to modify the system disclosed by Lovett and Altman to add the teachings in Bennett as above, to provide selectrical loads system that prevents liquid sustenance freeze-up, overheating and bacterial growth, while facilitating monitoring of sustenance station status, animal identification, animal activity near the station and weather conditions over the internet or other wireless communication mode **[See Bennett abstract].**

Regarding Claim 12, Lovett and Altman don't explicitly disclose distributing electricity from both the solar panel and a battery to the computer

However, Bennett discloses distributing electricity from both the solar panel and a battery to the computer **[See Col 10, Lines 8-42 e.g. receives power through a connection to a generated 216 power source (e.g., transformed household line power, fuel cell, solar power, wind power) or through a connection to a stored 217 power source (e.g., battery, super capacitor). Examiner notes the primary references Lovette teaches solar panel . It is known to those in the art that the usage of a Solar panel is to charge a battery for energy storage to be use when power gets lower].**

It would have been obvious to the person of ordinary skill in the art at time of invention to modify the system disclosed by Lovett and Altman to add the teachings in Bennett as above, to provide selectrical loads system that prevents liquid sustenance freeze-up, overheating and bacterial growth, while facilitating monitoring of sustenance station status, animal identification, animal activity near the station and weather conditions over the internet or other wireless communication mode **[See Bennett abstract].**

Conclusion

11. **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 TSION B OWENS whose telephone number is (571)272-3934. The examiner can normally be reached on Monday-Friday 8:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Czekaj can be reached on 571-272-7327. 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.

/TSION B OWENS/

Primary Examiner, Art Unit 2487

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	14/735,282	Perkins, Frederick
	Examiner	**Art Unit**
	TSION B OWENS	2487

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

CLAIMS

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

CLAIM		DATE								
Final	Original	10/02/2019	04/03/2020							
	1	✓	✓							
	2	✓	✓							
	3	✓	✓							
	4	✓	✓							
	5	✓	✓							
	6	✓	✓							
	7	✓	✓							
	8	✓	✓							
	9	✓	✓							
	10	✓	✓							
	11	✓	✓							
	12	✓	✓							
	13	✓	✓							

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	14/735,282	Perkins, Frederick
	Examiner	Art Unit
	TSION B OWENS	2487

CPC - Searched*		
Symbol	**Date**	**Examiner**
H04N5/2257, H04N5/23203	4/27/17	TBO
H04N1/00209	=	TBO
A01K39/01	=	TBO

CPC Combination Sets - Searched*		
Symbol	**Date**	**Examiner**

US Classification - Searched*			
Class	**Subclass**	**Date**	**Examiner**

* See search history printout included with this form or the SEARCH NOTES box below to determine the scope of the search.

Search Notes		
Search Notes	**Date**	**Examiner**
East Search	4/27/17	TBO
Inventors name search	=	TBO
double patenting search	=	TBO
keyword search	=	TBO
npl (IEEE, ip.com)	=	TBO
Counslt with QAS Justin Rideru	=	TBO
Counsult with PE Behrooz Senfi	=	TBO
Update search	8/31/17	TBO

	/TSION B OWENS/ Examiner.Art Unit 2487

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	14/735,282	Perkins, Frederick
	Examiner	Art Unit
	TSION B OWENS	2487

Interference Search			
US Class/CPC Symbol	US Subclass/CPC Group	Date	Examiner

	/TSION B OWENS/ Examiner.Art Unit 2487

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MYERS BRADFORD, PLLC
1300 Pennsylvania Ave.
Seventh Floor
WASHINGTON, DC 20004

Courtesy Reminder for
Application Serial No: 14/735,282

Attorney Docket No: A24
Customer Number: 63640
Date of Electronic Notification: 04/08/2020

This is a courtesy reminder that new correspondence is available for this application. If you have not done so already, please review the correspondence. The official date of notification of the outgoing correspondence will be indicated on the form PTOL-90 accompanying the correspondence.

An email notification regarding the correspondence was sent to the following email address(es) associated with your customer number:
kscala@myersbradford.com

To view your correspondence online or update your email addresses, please visit us anytime at **https://ppair-my.uspto.gov/pair/PrivatePair.**
If you have any questions, please email the Electronic Business Center (EBC) at EBC@uspto.gov or call 1-866-217-9197.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
14/735,282	06/10/2015	Frederick Perkins	A24	1060

63640 7590 05/18/2020

MYERS BRADFORD, PLLC
1300 Pennsylvania Ave.
Seventh Floor
WASHINGTON, DC 20004

EXAMINER	
OWENS, TSION B	

ART UNIT	PAPER NUMBER
2487	

NOTIFICATION DATE	DELIVERY MODE
05/18/2020	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):

kscala@myersbradford.com

Applicant-Initiated Interview Summary	**Application No.** 14/735,282	**Applicant(s)** Perkins, Frederick	
	Examiner TSION B OWENS	**Art Unit** 2487	**AIA (FITF) Status** Yes

All participants (applicant, applicants representative, PTO personnel):

(1) TSION B. OWENS. (3) _____.

(2) Keith Scala(43,088). (4) _____.

Date of Interview: 12 May 2020.

Type: ☑ Telephonic ☐ Video Conference
☐ Personal [copy given to: ☐ applicant ☐ applicant's representative]

Exhibit shown or demonstration conducted: ☐ Yes ☑ No.
If Yes, brief description: _____.

Issues Discussed ☐101 ☐112 ☑102 ☐103 ☐Others
(For each of the checked box(es) above, please describe below the issue and detailed description of the discussion)

Claim(s) discussed: 1.

Identification of prior art discussed: US 2016/0156989.

Substance of Interview
(For each issue discussed, provide a detailed description and indicate if agreement was reached. Some topics may include: identification or clarification of a reference or a portion thereof, claim interpretation, proposed amendments, arguments of any applied references etc...)

Applicants clarified the difference between the proposed amendments claim 1 and the prior art references. However, no agreement was been reached.

Applicant recordation instructions: 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.

Examiner recordation instructions: Examiners must summarize the substance of any interview of record. A complete and proper recordation of the substance of an interview should include the items listed in MPEP 713.04 for complete and proper recordation including the identification of the general thrust of each argument or issue discussed, a general indication of any other pertinent matters discussed regarding patentability and the general results or outcome of the interview, to include an indication as to whether or not agreement was reached on the issues raised.

☐ Attachment

/TSION B OWENS/ Primary Examiner, Art Unit 2487	

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 examiners 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 applicants 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 applicants 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 examiners 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 examiners initials.

OPAP
OCT 14 2020
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PATENT & TRADEMARK OFFICE

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Frederick PERKINS

Docket No: A24

Appln. No.: 14/735,282

Group Art Unit: 2487

Confirmation No.: 1060

Examiner: Tsion Owens

Filed: June 6, 2015

For: **SELF-CONTAINED BIRD FEEDER WITH CAMERA AND STREAMING VIDEO**

AMENDMENT UNDER 37 C.F.R. § 1.112

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

Sir:

This is in response to the Office Action dated April 8, 2020. A three month extension of time and Notice of Appeal are submitted herewith. This response is timely filed.

Please amend the above-identified application as follows on the accompanying pages.

TABLE OF CONTENTS

AMENDMENTS TO THE CLAIMS 2

REMARKS 4

AMENDMENTS TO THE CLAIMS

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

LISTING OF CLAIMS:

What is claimed is:

1. (Currently Amended) A self-contained bird feeder configured to provide detailed images over a wireless network, comprising: a bird feeder with a built in camera, computer, and internet connection, the bird feeder comprising:
    a. a feeder housing;
    b. a feeder bottom;
    c. a feed port disposed on the feeder bottom;
    d. the camera internally mounted to the bird feeder such that the camera is aligned with the feed port to observe feeding birds;
    e. the computer located within the feeder housing;
    f. an internal power source; and
    g. a WiFi adapter located within the feeder housing.
2. (original) The self-contained bird feeder of claim 1 wherein the WiFi adapter is a WiFi dongle.
3. (Previously Amended) The self-contained bird feeder of claim 1 further comprising a feed compartment disposed in the feeder housing and a feed compartment

separator disposed in the feed compartment, whereby feed is fed by gravity from the feed compartment through the feeder housing, to the feeder bottom, and then to the feed port.

4. (original) The self-contained bird feeder of claim 1 wherein the computer comprises: a processor; a display connector; a multi-media interface; an audio/video jack; and an ethernet socket.

5. (original) The self-contained bird feeder of claim 1 wherein the computer comprises a micro USB socket and a USB port.

6. (original) The self-contained bird feeder of claim 4 wherein the multi-media interface comprises an HDMI port.

7. - 13. (canceled)

REMARKS

Applicant maintains that the claims as previously presented distinguish over the prior art because no prior art reference shows a self-contained bird feeder having a camera and feed port within a bird feeder. The closest asserted reference Lovett lacks a feed port and does not disclose or even suggest including the elements of Applicant's invention built in to the same bird feeder.

However, to advance prosecution and avoid another appeal, Applicant offers the present amendment that makes explicit the relationship between the claimed feed port and alignment with the camera inside the feeder housing. The method claims 7-13 are cancelled.

I. PROCEDURAL HISTORY

Applicant filed this Application on June 6, 2015.

On September 3, 2019, the Patent Trial and Appeal Board issued its decision on appeal completely reversing all § 102 and § 103 rejections over the asserted prior art, which included the currently cited published application Lovett.

On November 18, 2019, the Examiner issued an Office Action, which again rejected the claims under § 102 and § 103. The rejections assert the *same* primary reference Lovett that was previously asserted and considered during the appeal. In its reversal, the PTAB neither asserted nor suggested that any of these previously considered references formed the basis for any other rejection. In response, Applicant filed an amendment with detailed comments explaining why none of the asserted art discloses all of the claimed recitations of the self-contained bird feeder. On April 8, 2020, the Examiner issued a Final Office Action. Applicant requested, and the Examiner permitted, an interview discussing various strategies to advance prosecution including

further amendment and declaration evidence. The current amendment builds on the proposed amendment discussed with the Examiner during the interview, cancels the method claims, and puts all remaining claims in the application in condition for allowance.

II. AMENDMENT

This amendment submitted after final rejection cancels claims, adopts ideas discussed during the Examiner interview, and removes issues for appeal. On this basis, Applicant requests consideration of the amendment for entry. Claim 1 is amended to further specify the alignment of the internally mounted camera and feed port within the self-contained bird feeder. Support is found at the originally filed specification: page 10, example 1, paragraph [0040] "internally mounted camera"; and page 10, example 1 paragraph [0040] "is aligned with the feed port to provide an optical path from an internally mounted camera to the area in front of the feed port." No new matter is added; it is respectfully requested that the amendment be entered.

The proposed amendment complies with 37 CFR 1.116(b)(3) because it requires only cursory review by the Examiner considering it is limited to a single element of claim 1 that was discussed in principle during the Examiner interview. This amendment was not submitted earlier because the Applicant believed the prior amendment already confirmed the distinctions over the asserted art, and the Declaration evidence only became available after the Final Office Action.

As discussed during the interview, Applicant also submits a declaration with evidence of objective indicia of non-obviousness specifically related to the invention's alignment of internal camera and feed port. The declaration and supporting evidence explains why Applicant's self-contained bird feeder has not been previously possible, the long-felt need it addresses, the failure of prior attempts, and the key role on the specific alignment of internal camera with the feed port. Because the declaration answers any question that may remain about patentability due to

prior art, and was previously discussed during the interview, Applicant respectfully requests that the Declaration be entered along with the amendment to claim 1. Method claims 7-13 are canceled.

III. CLAIMS 1, 3, AND 7-11 REJECTED OVER LOVETT UNDER § 102(A)

Claims 1, 3, and 7-11 stand rejected under 35 U.S.C. §102(a)(2) as allegedly anticipated by U.S. Published Patent Application 2016/0156989 ("Lovett"), published after Applicant filed the application for the present invention.

Applicant respectfully traverses because Lovett is directed to a wholly different system and critically lacks disclosure of two elements of Applicant's claims. This is essentially the same rejection asserted in the Office Action of May 8, 2017, over the identical reference. That rejection was previously withdrawn in response to Applicant's traversal.

Currently, the Final Office Action applies an overbroad interpretation of "self-contained bird feeder" to Lovett, which at most discloses a group of structures that are not self-contained. Properly construed, Applicant's claims are not disclosed by the Lovett photo booth and separate feed dish because they are not self-contained. Lovett itself makes clear that "bird feeder" does not include the photo both. The Office Action does not explain why it disregards claim term "self-contained" and defines "bird feeder" contrary to the meaning explicitly set forth in Lovett.

Lovett is asserted to disclose a self-contained bird feeder for providing detailed images over a wireless network. However, Lovett neither discloses nor suggests Applicant's claimed built in camera (nor power source, or WiFi adapter) ***inside*** the bird feeder. The Examiner appears to take the position that "bird feeder" in its broadest interpretation includes all of the structure depicted in the Lovett drawings. This is not how bird feeder is described in Lovett or

structure depicted in the Lovett drawings. This is not how bird feeder is described in Lovett or the Office Action, which appears to admit that the feeder is the dish 20 in Fig. 10, and not the photo booth or other structure (see Office Action p., 10). Properly construed, "bird feeder" cannot be the photo booth of Lovett which does not contain a feed port. Lovett necessarily requires two separate structures, is not self-contained, and does not disclose a bird feeder with built-in camera as required by the Applicant's claims. To make the distinction explicit, Applicant submits the amendment to claim 1 to specify that the claimed camera is internally mounted to the bird feeder.

Lovett's specification describes that invention as a "photo booth" [0002] with a bird feeder mounted separate from the camera some distance within the field of view. *See* para. [0025]: "different bird specific feeders to be attached on the rod 24". In the present invention, the bird feeder is not a dish or other separate structure located in the field of view of the camera. It is in the ***same*** location as the camera--inside the claimed bird feeder. The words "self contained" are not used in Lovett, and certainly not in reference to a bird feeder with video capability. The Final Office Action does not address Applicant's prior remarks that Lovett cannot be understood to disclose a self-contained bird feeder if "bird feeder" is construed to include both the photo booth 5 and bird feeder 20 or 80. Applicant's independent claim 1 specifically recites that "the bird feeder" (*i.e.*, "self-contained bird feeder") itself comprises the camera, computer, power source, and WiFi adapter, *etc.* Properly construed, Applicant's claim 1 is not disclosed by the Lovett photo booth, even in combination with the associated bird feeder.

Similarly, Lovett does not disclose a computer in the feeder housing of a self-contained bird feeder according to the claimed invention. Lovett discloses a photo booth box that provides physical support and electronic interconnections to a third party camera or controller which are

always described as separable devices that may provide video generation and internet connectivity regardless of location. Lovett does not have any self-contained video capability within a bird feeder as understood by one of ordinary skill in the art. Lovett only discloses a camera and controller provided by the third party mechanism outside the bird feeder.

By contrast, Applicant claims that a dedicated computer (e.g., Raspberry Pi) is built in to the bird feeder. It is integrated with the self-contained bird feeder structure and design, providing the video generation functionality using digital information retrieved from the internal camera. Camera and computer, as disclosed by Lovett, are limited to discrete devices that provide video capability and internet connectivity apart from the bird feeder from a location outside the bird feeder.

Because Lovett does not disclose a self-contained bird feeder having a built in camera, computer, and internet connection, it cannot anticipate Applicant's claims, and it is respectfully requested that the rejection be reconsidered and withdrawn.

Still further, Lovett also does not disclose a feed port as recited in Applicant's claims. In Lovett, the phrase 'feed port' is not used in paragraphs 34 or 43-45, or figures 1-10, as asserted in the Office Action. The Office Action introduces that term. Applicant previously addressed possible meanings of claim term "feed port," in response to which, the Final Office Action repeats the same rejection without addressing the traversal. Whether construed as the term of art "feed port" (see, *e.g.*, US Patent Nos. 10,271,525; 10,130,079[1]; 10,098,329; 9,332,737; 9,210,913; 8,662,015; and D622,910), or as the plain meaning of "feed" and "port," Lovett does not disclose or suggest any comparable structure. The plain meaning of "port" is "an aperture in the surface of a cylinder, for the passage of steam, air, water, etc.," as evidenced by definition no.

[1] This reference in particular demonstrates that a feed port is not disclosed by a feed container. See Summary explaining that feed container is not a feed port.

4 at http://www.dictionary.com/browse/port, last visited December 9, 2019. Similar definitions appear in other dictionaries, *e.g.*, "a small opening in a container or vessel especially for viewing or for the controlled passage of material, https://www.merriam-webster.com/dictionary/port, at definition no. 2, last visited December 9, 2019.

Nothing in Lovett discloses an aperture in the surface of a container, for the controlled passage of feed. The Office Action points to the feed dish 20; however this is neither described as an aperture nor is feed described as passing through any controlling surface. Instead, feed dish 20 is merely an ordinary feed dish.

In Lovett, what the Office Action alleges to be a feed port (abstract, para 34, 43-45) is an external dish 20 that contains bird feed. The difference is important because, as used in Applicant's claimed invention, the feed port provides access to an internal food source that 1) is protected from the weather, and 2) forces the birds to align with the camera relative to the bird feeder. Lovett discloses not a feed port as part of a self-contained bird feeder, but an external food dish, in addition to other external, remote food sources. The abstract makes clear that the "feeder" is a separate structure positioned some distance away from the camera in its housing. The "feeder" is a dish 20, not a feed port in a bird feeder.

The plain and ordinary meaning of "port" cannot include the external dish 20 of Lovett. Nor can the term of art "feed port" as used for bird feeders in the above referenced U.S. patents, include any structure disclosed in Lovett.

Because Lovett neither teaches nor suggests a feed port disposed on a feeder bottom of a self-contained bird feeder, it is respectfully requested that the rejection be reconsidered and withdrawn.

Claim 3 is similarly rejected on the assertion that Lovett discloses a feed compartment disposed in the feeder housing and a feed compartment separator disposed in the feed compartment. This is the identical rejection as in the Office Action of May 8, 2017, subsequently withdrawn. On page 7 of the Final Office Action, it is admitted that Lovett does not disclose that feed is fed by gravity from the feed compartment through the feeder housing, to the feeder bottom, and then to the feed port.

This recitation in Applicant's claim 3 makes explicit the structural relationship of the feed compartment, feeder housing, feeder bottom, and feed port. All are located within the same structure so that feed flows by gravity from the feed compartment through the feeder to the feed port. Lovett discloses nothing of this arrangement, instead disclosing only a feeder with feed in an open dish. This amendment further distinguishes that the claimed elements are not only within the same internal structure, but arranged so that feed flows by gravity from the feed compartment to the feed port.

Lovett also fails to disclose a feed compartment or separator in the feed compartment. Lovett discloses only an unenclosed external dish as the feeder—no feed compartment nor separator.

On this basis Applicant requests reconsideration and removal of the rejection of Applicant's claim 3 as anticipated by Lovett.

In reference to claims 2-6, these are dependent claims that include the elements of independent claim 1. Because Lovett does not disclose all of the elements of claim 1 for the reasons set forth in the preceding paragraphs, Lovett also does not anticipate claims 2-6.

However, in the interest of quickly advancing prosecution, Applicant submits the present amendment to independent claim 1. The word "internally" is added before camera, making

explicit that the camera is mounted in the bird feeder itself. One of ordinary skill would have understood that the camera is internal based on the recitation that the bird feeder is self-contained. Now that this is explicit, Lovett cannot anticipate this recitation of Applicant's claims because in Lovett, the camera is in a separate housing from the bird feeder (see abstract). Lovett neither teaches nor suggests a camera that is internally mounted to the *bird feeder*. Lovett makes clear that the bird "feeder 20" is the external feeding dish, something separate from the "bird box" or photo booth that houses the camera. Para. [0048]. While prior art may be afforded the broadest reasonable interpretation, one of ordinary skill would not conflate the two Lovett structures of bird feeder and photo booth to be a single bird feeder, and certainly not a self-contained bird feeder as required by Applicant's claim 1.

Applicant has canceled method claims 7-13, obviating further consideration of rejections to these claims.

Claims 2, 4-6 and 13 are rejected under 35 U.S.C. § 103 as allegedly obvious over Lovett in view of Altman (U.S. Patent Application 2014/0355446). To address the deficiencies of Lovett with respect to claims 2, 4-6 and 13, the Office Action relies on Altman for the claimed Wifi adapter dongle, ethernet socket, USB socket/port, or HDMI port/transmission.

However, nothing in the Office Action addresses the above deficiencies of Lovett regarding a self-contained bird feeder with a built in internal camera, computer, and internet connection. Moreover, the Office Action does not address the deficiency that Lovett fails to disclose a feed port. Lovett also does not disclose aligning an internal camera with the feed port.

In addition, the Office Action does not properly set forth motivation to combine Altman to Lovett. Absent some reason to overcome the challenge of providing these electronic components within the specific constraints of a self-contained feeder, there is no suggestion of

Applicant's claimed selection and placement of specific built-in electronic components. Nor is there any reason stated to specifically align an internal camera with the feed port. On the contrary, typical design considerations of economy and access to the various components would lead to a lay-out similar to Lovett with the camera and computer some distance away from an external bird feeder structure, such as the feeder container 20 in Lovett.

Therefore, Lovett neither teaches nor suggests the invention of claims 2, 4-6 and 13, and it is respectfully requested that the rejection be reconsidered and withdrawn.

In the interest of advancing prosecution, Applicant submits the accompanying 1.132 Declaration with objective indicia of non-obviousness. In particular, the Declaration shows that the claimed invention addresses a long felt need, and that others have tried and failed to satisfy this need in the marketplace. Only the claimed self-contained bird feeder with an internal camera aligned with the feed port provides close up frontal aspect of birds which allows users to study details of live bird anatomy in vivo such as, but not limited to, feather details and scale patterns on bird legs. (Decl. ¶8). Previous systems using web cams for viewing birds did not automatically provide the highly detailed views of feeding birds provided by the alignment of camera and feed port of the claimed invention. (Decl. ¶11). Finally, the closest attempts to achieve the same results as the present invention have failed. (Decl. ¶13).

Even if Lovett were not deficient regarding the internal camera and feed port alignment, the present invention is non-obvious for the reasons set forth in the accompanying Declaration.

Accordingly, it is respectfully submitted that the rejection is overcome, and respectfully requested that the rejection be withdrawn. Allowance of this application is now believed to be in order, and such actions are hereby solicited. Early Notice of Allowance is respectfully requested.

If any points remain in issue which the Examiner feels may be best resolved through a personal interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,



Keith B. Scala
Registration No. 43,088

Keith B. Scala, Esq.
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Washington, D.C. 20004
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Facsimile: (202) 536-4684

Date: October 8, 2020

OPAP AKIMA-7
OCT 14 2020
PATENT & TRADEMARK OFFICE

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Frederick PERKINS

Docket No: A24

Appln. No.: 14/735,282

Group Art Unit: 2487

Confirmation No.: 1060

Examiner: Tsion Owens

Filed: June 6, 2015

For: **SELF-CONTAINED BIRD FEEDER WITH CAMERA AND STREAMING VIDEO**

DECLARATION UNDER 37 C.F.R. § 1.132

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

1. My name is Frederick Perkins, inventor and owner of the claimed invention in the U.S. patent application no. 14/735,282 filed on June 6, 2015.

2. I hold a masters degree in mechanical engineering from the University of Massachusetts where I also graduated *cum laude* with a B.S. in physics. My resume is attached. (Ex. A).

3. I am a Professional Engineer in the field of mechanical engineering and have researched, modified and invented various components of bird photography and feeding systems for more than ten years.

4. My work has also included the related fields of sensing, tracking, recording, and analyzing the path of airborne objects for more than forty years. (Ex. A., pp. 1-3). I have had two patents issued naming me as inventor. (Ex. A., p. 2)

5. This declaration is submitted in support of the patentability of my invention, both as to the long-felt needs that this invention address and the failure of others to achieve the claimed invention or even a close substitute.

6. Earlier this year, an ornithological field researcher, Mr. Mark Ludlow, evaluated my claimed invention. (Ex. B, attached). Mr. Ludlow's conclusions confirm my own experience with my claimed invention as compared to the closest available alternatives.

7. The claimed invention satisfies a long-felt need in the industry to permit users to easily study details of feeding bird behavior to an extent not previously possible. (Ex. A, p. 2). In particular, the alignment of camera, perch and feed port in a self-contained bird feeder assembly answers a need not previously addressed.

8. The high resolution camera aligned with the perch and feed port provides close up frontal aspect of birds which allows users to study details of live bird anatomy in vivo such as, but not limited to, feather details and scale patterns on bird legs, which otherwise would require capture of the birds in violation of both Federal and most State laws (The Migratory Bird Treaty Act of 1918 (16 U.S.C. 703–712, MBTA). (Ex. A, p. 2).

9. Close-up views of birds provided by the claimed invention with the self-contained camera and camera-to-feed port alignment offer more details of in vivo live bird anatomy and physiology than can be provided by conventional means such as optical means or typical web cam installations. (Ex. A, p. 2).

10. Other attempts in the industry have not been successful. Specifically, the closest other offerings failed to provide the close up, high resolution, view aspect of live wild birds. Less desirable attempts to achieve similar results require binoculars, spotting scopes, or similar expensive optical devices.

11. Previous systems using web cams for viewing birds did not automatically provide the highly detailed views of feeding birds provided by the alignment of camera, feed port, and perch,that are adequate to support bird feeding kinesiologic analysis and related academic studies.

12. I am not aware of bird viewing photographic technology that previously provided typical consumers, without specialized training, the ability to identify individual birds by fine details of their physiognomies, in real time, without use of additional optical means. The shortcomings of previous attempts are confirmed by Mr. Ludlow. (Ex. A, p.2).

13. Moreover, the closest attempts to automate bird viewing have faltered commercially. They employed web cams that were installed at various locations external to the bird feeder or assembled as separate components by the user. They have failed because of the relatively low quality of video provided by conventional web cams, the complexity and inconvenience of purchasing and mastering several different components, designing and crafting one-of-a-kind attachment hardware, integrating the various parts, and the inability of locating the cameras in close proximities to the feeding birds at desired viewing angles. All of these shortcomings are addressed by the claimed invention which has an internally mounted camera aligned with a perch and feed port. Therefore, comparatively and in contrast, this invention is self-contained and therefore does not require user design or assembly of additional discrete optical components or attachment hardware. It provides a very intimate view of feeding birds because of the alignment between built-in camera, feed port, and perch, and requires no set-up except for logging into the user's Wi-Fi network. (Ex. A, p.2).

14. By contrast, the present invention with the claimed self-contained system (internally mounted camera) and camera-to-feed port alignment offers a consumer-oriented technology permitting almost anyone, without specialized training or expensive additional devices such as external web cams or optical viewing aids, to produce readily transmissible high quality images of feeding birds suitable for educational purposes and scientific studies. (Ex. B., p. 3)

15. Not only does this invention address the long felt need in the industry, it does so in a way that succeeds where the closest other designs have failed to meet consumer needs.

16. I hereby acknowledge that any willful false statement made in this declaration is punishable under 18 U.S.C. 1001 by fine or imprisonment of not more than five (5) years, or both.

Respectfully submitted,

Frederick Perkins

Date:
September 22, 2020



Exhibit A:

Curriculum Vitae of Frederick Perkins

Fred Perkins
6679 McLean Dr.
McLean, VA 22101
703-506-9212 – fred.perkins@fea-llc.com

Keywords: Developer, manager, project engineer, software engineer, JAVA, Software source code development, database programming, statistical analysis, finite element analysis, mechanical engineering, physics, business management, business development, missile defense, aerospace, technical software sales, top secret security clearance.

22 Feb 2013 – present: Missile Defense Agency, NSWC Dahlgren, Dahlgren VA, NH IV; Reliability, Producibility, and Mission Assurance Lead for Standard Missile 3 Block IIA US/Japan cooperative missile development program.

- Managed US participation in manufacturing development with Japanese government and industrial partners in joint missile development program.
- Managed engineering evaluation and critique of 'ilities' for series of missile component design reviews, culminating in the System Critical Design Review.
- Managed development of Bayesian network-based reliability analysis, to replace obsolete missile reliability calculation methodology. The project included methodology to quantify reliability confidence bounds in terms of discrete asset equivalents, trading logistics cost against development cost.
- Managed $4MM contracts with satellite government engineering centers, including negotiating statements of work within budgetary controls for supporting government specialty engineering centers.
- Participated in development and evaluation of sole-source missile production request for proposals.

15 Nov 2010 - 21 Feb 2013: APT Research Inc., Huntsville, AL; Mission Assurance Lead for Missile Defense Agency, resident at Applied Physics Laboratory in Laurel, MD.

- Provided on-site management of MDA's mission assurance supervision team assigned to the Precision Tracking Surveillance System satellite constellation program. As lead for this activity, managed production of government command media, sat as government representative in design reviews, reviewed and approved command media prepared by contractor and subcontractors.
- Managed resources, participated in leadership discussions, supervised development of mission assurance-related requirements and their implementation.

1 May 2005 - 14 Nov 2010: Independent Contractor, McLean VA; Senior Principal Engineer at Missile Defense Agency responsible for high level engineering analysis technology assessment and review of all MDA elements and programs for quality and performance criteria. Participated in mission assurance audits of numerous aerospace contractors; principal QS participant in many headquarters engineering and test review bodies; participant in failure review boards and failure analysis. (Other meaningful independent activities outside of main career path described below.)

15 March 2004 - 30 April 2005: Construction Outfitters International, Dallas TX; Reliability Engineer

- Participated in manufacturing audits of major aerospace contractors. Provided engineering critiques of missile kill vehicle designs and implementation to the Standard Missile 3 program office.

1 January 2002 - 14 March 2004: Independent sales representative for Steinbichler GmbH, NeuBern, Germany

- Sold Electronic Speckle Pattern Interferometry instrumentation experimental mechanics measurement equipment, shearography NDT, and related services throughout the United States and Canada.

1 January 2001 - 31 December 2001: Ettemeyer LLC, Vernon CT; US Sales Manager

- Responsibility including developing markets and closing sales for optoelectronic engineering measurement instrumentation in the North American market, defining and applying required engineering support, and developing plans and budgets for Ettemeyer LLC, a US subsidiary of Ettemeyer GmbH, OEM of optoelectronic interferometric measurement equipment.

15 March 1998 - 31 December 2000 - AI Solutions, Inc., Lanham MD; US Software Salesman

- Responsible for defining and developing worldwide technical software sales and distribution system for a startup small business producing advanced satellite space flight dynamics analysis software.

15 May 1997 - 14 March 1998: Mallett Technology, Inc., Laurel, MD; Account Manager

- Sold an extensive portfolio of engineering design, analysis, and manufacturing software. Exceeded quota each quarter.

1 Jan 1997 - 14 May 1997: SofTech, Herndon, VA; Sales Manager

- Managed a new regional sales office for a slowly disappearing engineering information technology company.

1 December 1995 – 31 December 1996: Radian Engineering Automation Division of Radian Systems, Alexandria, VA; Director,

- Responsible for business development for this small business whose primary business is SETA support for US Army engineering programs. Wrote and executed sales, marketing, and business plans. Originally hired as sales person, promoted to Director within six months of hiring.

1 March1994 - 30 November 1995: Independent Consultant and Financial Product sales;

- Business and technical consulting for government contractor, private businesses, and individuals, along with insurance and mutual fund sales.

13 April1990 - 28 February 1994: Standard Space Platforms Corporation, McLean, VA;

- Organized and managed the startup satellite company. Designed satellite mechanical and electronic systems. Raised startup capital, wrote business agreements, proposals, and presentations working with government agencies and major aerospace contractors. Designed and patented satellite architectures. Developed and executed domestic and foreign marketing plan. Recruited, hired, managed professionals and staff. Prepared business plans, capital and operating budgets, managed engineering analyses. Exhibited in USA Pavilion at 1991Paris Air Show as joint program with aircraft company.

15 April 1989 13 April 1990: DSI, McLean, VA;

- Managed engineering analysis and proposal development for this small OEM of satellite flight hardware and military electronics.
- Designed and proposed satellites to government customers. Designed, developed, and delivered on-time two separate full-sized SDIO space-based interceptor mockups

1 June 1981 - 14 April 1989: Hamilton Standard Division of UTC, Windsor Locks, CT and Wash., DC; Manager of government relations and federal district marketing for Hamilton Standard, a propulsion component and avionics manufacturer division of UTC.

- Promoted through three professional grades in three years. Responsible for lead marketing to NASA Hq, U.S. Govt. executive and legislative branches, and other related agencies, working with peers at other aerospace manufacturers to provide comprehensive legislative and executive lobbying support for a wide range of NASA and DOD programs.
- Managed proposals and propeller conceptual engineering, including customer-specific engineering studies leading to proposed propulsions electronic control system designs. Wrote successful technical and business proposals to government and major commercial customers. Developed a new market for classified and missile applications of advanced, high-speed propellers, leading to DOD and NASA-funded CRAD. Designed portions of, and field tested the two largest (3.0 and 4.0 megawatt) wind turbines for electrical power generation then ever built.

11 November 1979 - 31 May 1981: Kaman Aerospace, Bloomfield, CT;

- Specialist in rotary wing aeroelasticity. Performed engineering analyses of helicopter main and tail rotors, and wind turbines

15 August 1978 - 10 November 1979 - Engineer, Solar Energy Research Institute, Golden, CO;

- Reviewed proposals and answered mail as associate engineer in nascent program.

Other

Engineering, sales, and program activities at Syncretek LLC, a single person LLC owned by Perkins, set up in 2002:

- 2002 to 2004 – manufacturer's representative for laser interferometric experimental mechanics equipment.
- 2004 - Phase 1 SBIR project for the USAF used an automated finite element analysis I developed, to first calculate the unplanned deformation of a composite aircraft airfoil surface (the composite material leading edge of the B1 horizontal tail) in response to elevated cure temperature composite surface repair, and then calculated the best position and proper extent of compensating modifications to nullify repair-induced deformations.
- 2006 to 2010 – Phase 1/Phase 2 SBIR for US Navy developed user interfaces and automated finite element analysis for managing repair-induced deformation of high-strength composite aircraft part repairs.
- 2011to present – Developed speculative web-based software application for use by recreational boat owners.

Technical Skills:

Matlab, Java, C++, Python programming, MSC NASTRAN mechanical and thermal, Robust Design software for use with NASTRAN, FEMAP, MATLAB, Simulink, CAD products, Microsoft Office, WordPerfect 6.0, Spreadsheet programming, typical Internet communications tools and applications, other common PC applications, financial calculations, capital and cash budget planning, proposal preparation using embedded graphics and calculations, Fortran and APL programming; numerical solution of generalized bending equations for orthotropic, heterogeneous, non-prismatic beams.

Education:

- M.S. Mechanical Engineering, University of Massachusetts, Amherst, 1978; Master's thesis focused on structural dynamics including coupled bending of composite rotary wings
- B.S. Physics, Cum Laude, University of Massachusetts, Amherst, 1976
- Professional course in Radar Cross Section reduction
- DAU Production Quality and Manufacturing Level 2 (pending level 3 certification)

Honors:

- Appointed by President George Bush to the Vice President's Space Policy Advisory Board, 1992.
- Elected to AIAA National Capital Section Council, 1992
- Inducted into Tau Beta Pi, the engineering honors society, 1977
- Commonwealth Scholar, University of Massachusetts, 1972;

Patents:

- U.S. patents 5,152,482 and 5,271,582, Modular Mother Satellite Bus for Subsidiary Payloads

Clearance:

- Top Secret Security Clearance confirmed 2013.

Sampled Speaking Engagements and Publications:

- June 2010, Navy Technology Showcase, Crystal City Virginia,
- AGFM CIACP Technology Conference, 13 January, 2010, Challenges And Solutions For Advanced Composites Manufacturing & Repair, Chesapeake, VA
- 16 March, 2010, IDGA PBL and Readiness Summit, Automatic Repair Planning and Part Archival System, Tysons Corner, Virginia
- ROI for FEA in Composite Aircraft Part Repair, 2006 Virtual Product Development Conference, 17-19 July 2006, Huntington Beach, CA, sponsored by MSC Software Inc.
- Fred Perkins, "Aircraft Repair Can And Should Be Automated", High Performance Composites Magazine, May 2006
- Fred Perkins, "Return on Investment for Finite Element Analysis in Composite Aircraft Part Repair", Federal Engineering Associates, McLean, VA 22101, 2006 Virtual Product Development Conference, 17-19 July, 2006, Huntington Beach, CA
- Perkins, Fred and Siebert, Thorsten, "Combine Simulation and Experiment in Automotive Testing with ESPI Measurement, Sensors Show", Philadelphia, October 2001
- Perkins, Fred, "Q-100 Reduces Prototype Costs and Improves Fatigue Life of Outboard Motors", Ettemeyer AG Application Report No. 03.01, http://www.ettemeyer.com/pdf/3-01.pdf

- Perkins, Fred and Noonan, Paul; "Modern Software Architecture for Satellite Formation Flight Dynamics Automation", AAS/AIAA Space Flight Mechanics Meeting, Clearwater, Florida 23-26 January, 2000
- Invited participant to September, 1993 NASA Small Spacecraft Technology conference
- Invited speaker at July, 1993 NASA launch voucher conference
- Perkins, F.W., "Progress at Standard Space Platforms Corporation", SPIE conf., FL; 1992
- Perkins, F.W., Frederick W. Perkins, "Low-cost space flight for attached payloads', pp.157-163, SPIE Proceedings Vol. 1495, Small-Satellite Technology and Applications, Editor(s): Brian J. Horais, W.J. Shafer Associates, Inc., Arlington, VA, USA., ISBN: 0-8194-0604-X, 296 pages Published 1991 Meeting Date: 04/01/91, Orlando, FL
- Perkins, F.W., et al., "Near Term Application of Modern Propulsion Technology to a Tactical Transport," presented at the AIAA Aircraft Design Conference, October 31 - November 2, 1984, CA
- plus additional technical publications, many newspaper and trade press articles, and innumerable briefings.

Personal and professional references available upon request.



Exhibit B:

For The Wild Birds LLC

(Mark Ludlow August 8, 2020)

FOR THE WILD BIRDS LLC

1365 CHAIN BRIDGE ROAD, MCLEAN, VIRGINIA 22101

703-350-3353/MMLBIRD@AOL.COM

To Whom It May Concern

RE: The Perkins; Frederick - 'Self-contained Bird Feeder with Camera and Streaming Video'

8 August 2020

This correspondence is on behalf of the Perkins; Frederick - 'Self-contained Bird Feeder with Camera and Streaming Video' (the 'Perkins Birdfeeder'). My correspondence emanates from multiple personal perspectives: 1) As the founder and owner of an independent wild bird specialty retail store entitled For The Wild Birds: For The Wild Birds has been in existence for circa 37 years and is located in McLean, Virginia; 2) As a college educator teaching ornithology (the Study of Birds) at Montgomery College, Rockville, Maryland; and 3) As a past ornithological field researcher (a prior co-recipient of a National Geographic Society grant involving an element of study of taxon cycles in Lesser Antillean Caribbean birds).

Mr. Perkins Birdfeeder is unique and offers a suite of unique features as well as unique benefits. Further on I will innumerate: 1) How the Invention Satisfies a Long-term Need; and 2) How the Invention Accomplishes Things that Others Have Attempted and Failed to Accomplish.

Within the general bird feeding industry, I am unaware of a comparable product offering a similar or comparative suite of features and benefits.

Broadly, there are two classes of ornithologists: the avocational and the scientific. An essential element in avocational bird feeding, ergo bird watching, are appreciation as well as learning. The Perkins Birdfeeder permits a close association and detailed study not afforded in classical birdfeeders. Close imagery illuminates much which is discussed in ornithologically correct literature but rarely seen by the avocational bird watcher/feeder: It particularly affords a closer look, a fuller examination of such relatively obscure things as, bird anatomy, plumages, molting numerics, species specific behaviors, even the presence of avian parasites.

For example, it is rare that one that feeds birds can discern how a seed cracking species of bird can crack a large seed shell and extract the internal meat without losing the meat. In fact, the bird uses its tongue (absent hands and fingers) to rotate the shelled seed, all while applying the appropriate amount of pressure to the seed exterior and capturing the seed internal meat with its tongue and bill parts. All of the aforementioned becomes potentially visible in great detail with the Perkins Birdfeeder.

Another example: It too is rare that the bird feeding enthusiast can closely observe the structure of bird legs. Those legs give a clue to the reptilian evolutionary origins of birds. Bird legs are covered in scales, much like reptiles, and are not readily visible to the casual observer. In fact, phylogenetically, modern birds are *Maniraptoran, Coelurosauarian, Tetanuran, Theropodian, Saurischian, Dinosauria* (Dinosaurs): 'the evolutionary road to birds passes through dinosaurs' (Dingus and Rowe 1. Dinosaurs are extinct merely by definition and not phylogenetically (Dingus & Rowe 1998): '... birds evolved from dinosaurs' (Hanson 2011: 55 quoting Kevin Padian, evolutionary biologist, University of California at Berkeley). Only a close view of birds, in a relatively

stationary mode, affords a viewer the opportunity to discern for themselves this evolutionary element, absent studying a bird in hand.

The aforementioned examples are merely two (2) of the many experiential possibilities for the avocational bird feeding enthusiast which are uniquely afforded by the Perkins Birdfeeder.

Besides the pleasurable elements accompanying a more informed experience, this birdfeeder permits a visual experiential intimacy that can translate into an enhanced appreciation of the natural world, a world which is disappearing at alarming rates. In directly, the Perkins Birdfeeder can potentially raise human consciousness of the detailed elements of the avian natural biological world and the avian life cycle.

In the realm of the academic/scientific study of birds, the streaming video and the potential capture of that close visual data permits studies with capturable documentation. The possibilities for academic ornithological study are merely limited by the intents and interests of researchers.

The Invention Satisfies Long-term Needs (Some are partial restatements): 1) Alignment of camera, feed port, and perch, in a self-contained assembly, permits users to easily study details of feeding bird behavior not previously possible; 2) High resolution camera aligned with feed port and perch provides close up frontal aspect of birds which allows users to study details of live bird anatomy *in vivo* such as, but not limited to, feather details and scale patterns on bird legs, which otherwise would require capture of the birds in violation of both Federal and most State laws (The Migratory Bird Treaty Act of 1918 (16 U.S.C. 703–712, MBTA); 3) The invention provides indirect viewing and recordation via internet streaming which previously would have required line of sight of a bird feeder; 4) The invention mitigates the necessity that the bird feeder be at some distance – distance from human movement to avoid startling the birds; 5) Close-up views provide more details of *in vivo* live bird anatomy and physiology than can be provided by conventual means such as optical means or typical web cam installations; 6) Invention allows feeding birds to be viewed remotely (completely absent from the geographic proximity – e.g., miles, even continents away); 7) The invention allows for sharing the imagery for both pleasure, research, third party identifications, and further manipulation by a multiplicity of computer programs; and 8) The invention fills a commercial niche with added value compared with traditional bird feeders to support a price point that increases unit sales revenue opportunities for bird feeding retailers.

The Invention Accomplishes Somethings that Others Have Attempted and failed to Accomplish: 1) Other offerings fail to provide the close up, high resolution, view aspect of live wild birds that do not require binoculars, spotting scopes, or similar expensive optical devices; 2) Previous use of web cams viewing birds do not automatically provide the highly detailed views of feeding birds provided by the alignment of camera, feed port, and perch, that adequate to support bird feeding kinesiologic analysis and related academic studies; 3) Previous bird viewing photographic technology did not provide typical consumers, without specialized training, the ability to identify individual birds by fine details of their physiognomies, in real time, without use of additional optical means; 4) Provides the ability for users, without extensive training or specialized skills, to easily record still

photographs and videos, both high resolution and close-up, of feeding birds; and 5) Previous attempts to automate bird viewing have faltered commercially. They employed web cams that were installed at various locations external to the bird feeder or assembled as separate components by the user. They have floundered because of the relatively low quality of video provided by conventional web cams, the complexity and inconvenience of purchasing and mastering several different components, designing and crafting one-of-a-kind attachment hardware, integrating the various parts, and the inability of locating the cameras in close proximities to the feeding birds at desired viewing angles. Therefore, comparatively and in contrast, this invention is self-contained and therefore does not require user design or assembly of additional discrete optical components or attachment hardware. It provides a very intimate view of feeding birds because of the built-in alignment between camera, feed port, and perch, and requires no set-up except for logging into the user's Wi-Fi network. Consequently, the inventions consumer-oriented technology permits almost anyone, without specialized training or expensive additional devices such as external web cams or optical viewing aids, to produce readily transmissible high-quality images of feeding birds suitable for educational purposes and scientific studies. Required assembly of parts faltered for the would-be self-assembler because of the difficultly of designing, assembling, and operating the many different components, processors, and programs: All of which are done so, in an integrated manner, in the Perkins 'Self-contained Bird Feeder with Camera and Streaming Video'.

I know of no other commercially available bird feeder that offers the suite of experiential features and benefits. I envision that the Perkins Birdfeeder will also be used in schools and other educational settlings and academic regimes.

Please do not hesitate to contact me with questions or clarifications., at Mark Michael Ludlow, For The Wild Birds, 1365 Chain Bridge Road, McLean, Virginia 22314 – MMLBird@aol.com or 703-350-3353.

Respectfully,

Mark Michael Ludlow

Owner

For The Wild Birds LLC

McLean, Virginia

OPAP AKIMA-7
OCT 14 2020
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PTO/SB/92 (07-16)
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Docket Number (Optional): A24

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on 10/8/20

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Typed or printed name Keith Scala

In re Application of: Frederick PERKINS

Application Number	Filed
14/735,282	June 6, 2015

For SELF-CONTAINED BIRD FEEDER WITH CAMERA AND STREAMING VIDEO

Art Unit	Examiner
2487	Tsion Owens

Applicant hereby **appeals** to the Patent Trial and Appeal Board from the last decision of the examiner.

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

☑ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: $ ~~400~~ 420

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

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

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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 43,088

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

[signature]
Signature

Keith Scala
Typed or printed name

202.536.5701
Telephone number

October 8, 2020
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 41.31. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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OCT 14 2020
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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: A24

Frederick PERKINS

Appln. No.: 14/735,282

Group Art Unit: 2487

Confirmation No.: 1060

Examiner: Tsion Owens

Filed: June 6, 2015

For: **SELF-CONTAINED BIRD FEEDER WITH CAMERA AND STREAMING VIDEO**

PETITION FOR EXTENSION OF TIME

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

Sir:

Applicant hereby requests a three-month extension of time in the above-identified application, making the present response to the Office Action dated April 8, 2020 due on or before October 8, 2020. A payment for the statutory fee of $740.00 is submitted herewith, Applicant previously having claimed small-entity status.

Respectfully submitted,

10/8/20

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Sale Accounting Date:10/19/2020

Sale Item Reference Number	Effective Date
14735282	10/13/2020

Document Number	Fee Code	Fee Code Description	Amount Paid	Payment Method
I20200IA48004668	2401	NOTICE OF APPEAL	$420.00	Check
I20200IA48004668	2253	EXTENSION FOR RESPONSE WITHIN 3RD MONTH	$740.00	Check



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Document Number	Fee Code	Fee Code Description	Amount Paid	Payment Method
I20200J909220273	2401	NOTICE OF APPEAL	$420.00	Salea
I20200J909220273	2253	EXTENSION FOR RESPONSE WITHIN 3RD MONTH	$740.00	Salea

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
14/735,282	06/10/2015	Frederick Perkins	A24	1060

63640 7590 11/02/2020

MYERS BRADFORD, PLLC
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WASHINGTON, DC 20004

EXAMINER	
OWENS, TSION B	

ART UNIT	PAPER NUMBER
2487	

NOTIFICATION DATE	DELIVERY MODE
11/02/2020	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):

kscala@myersbradford.com

Advisory Action After the Filing of an Appeal Brief	Application No. 14/735,282	Applicant(s) Perkins, Frederick	
	Examiner TSION B OWENS	Art Unit 2487	AIA (FITF) Status Yes

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

The reply filed 14 October 2020 is acknowledged.

☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on _____ .

1. ☐ The reply filed on or after the date of filing of an appeal brief, but prior to a final decision by the Board of Patent Appeals and Interferences, will not be entered because:

   a. ☐ The amendment is not limited to canceling claims (where the cancellation does not affect the scope of any other pending claims) or rewriting dependent claims into independent form (no limitation of a dependent claim can be excluded in rewriting that claim). See 37 CFR 41.33(b) and (c).

   b. ☐ The affidavit or other evidence is not timely filed before the filing of an appeal brief. See 37 CFR 41.33(d)(2).

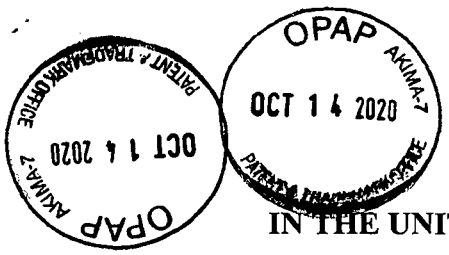
2. ☐ The reply is not entered because it was not filed within the two month time period set forth in 37 CFR 41.39(b), 41.50(a)(2), or 41.50(b) (whichever is appropriate). Extensions of time under 37 CFR 1.136(a) are not available .

   Note: This paragraph is for a reply filed in response to one of the following: (a) an examiners answer that includes a new ground of rejection (37 CFR 41.39(a)(2)); (b) a supplemental examiners answer written in response to a remand by the Board of Patent Appeals and Interferences for further consideration of rejection (37 CFR 41.50(a)(2)); or (c) a Board of Patent Appeals and Interferences decision that includes a new ground of rejection (37 CFR 41.50(b)).

3. ☐ The reply is entered. An explanation of the status of the claims after entry is below or attached.

4. ☑ Other: Proposed claim amendment and remarks require reconsideration of prior art of record and additional search

/TSION B OWENS/ Primary Examiner, Art Unit 2487	



DO NOT ENTER: /T.B.O/

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of	Docket No: A24
Frederick PERKINS	
Appln. No.: 14/735,282	Group Art Unit: 2487
Confirmation No.: 1060	Examiner: Tsion Owens
Filed: June 6, 2015	

For: **SELF-CONTAINED BIRD FEEDER WITH CAMERA AND STREAMING VIDEO**

AMENDMENT UNDER 37 C.F.R. § 1.112

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

Sir:

This is in response to the Office Action dated April 8, 2020. A three month extension of time and Notice of Appeal are submitted herewith. This response is timely filed.

Please amend the above-identified application as follows on the accompanying pages.

TABLE OF CONTENTS

AMENDMENTS TO THE CLAIMS 2

REMARKS 4

OFAR AKIMA-7 DEC 18 2020 PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
PATENT TRIAL AND APPEAL BOARD

Application No: 14/735,282

Filing Date: June 6, 2015

Applicant(s): Frederick PERKINS

Confirmation No: 1060

Group Art Unit: 2487

Examiner: Tsion Owens

Title: SELF-CONTAINED BIRD FEEDER WITH CAMERA AND STREAMING VIDEO

Attorney Docket No: A24

Customer No: 63640

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

APPEAL BRIEF

Dear Commissioner:

In accordance with the provisions of 37 C.F.R. 41.37(c), the following items under appropriate headings are provided for this appeal from the rejection of claims 1-6 dated April 8, 2020.

REAL PARTY IN INTEREST

The inventor, Frederick Perkins, is the real party in interest.

RELATED APPEALS, INTERFERENCES, AND TRIALS

This application was previously appealed to PTAB, which issued its decision on September 3, 2019 reversing the Examiner's prior rejections under § 102 and § 103. There are no other appeals, interferences, or trials before the Board or any judicial proceedings that involve a patent or trademark application owned by Appellant.

SUMMARY OF CLAIMED SUBJECT MATTER

The independent claim at issue is claim 1.

As shown in Figures 1-5, Appellant's invention as recited in claim 1 provides a self-contained bird feeder with a camera and streaming video from the claimed bird feeder. As recited in claim 1, Appellant's invention includes a bird feeder with a built in camera, computer, and internet connection. The bird feeder has a feeder housing, a feeder bottom, and a feed port disposed on the feeder bottom. The camera is mounted to the bird feeder. The computer is located within the feeder housing. Appellant's claimed bird feeder recited in claim 1 also has an internal power source and a WiFi adapter located within the feeder housing.

See, e.g., Figs. 1-5; original claims 1-6; and written description in the original specification at:

Page 4: lines 1-5, lines 6-14;

Page 5: lines 5-13, lines 14-18;

Page 6: lines 2-9, lines 10-20;

Page 7: line 1, lines 2-4, and lines 5-19;

Page 8: line 1, lines 2-3, lines 11-14;

Page 9: lines 3-14, lines 15-18, lines 19-20;

Page 10: lines 2-19 and line 20;

Page 11: lines 1-8, lines 10-20; and

Page 12: lines 3-6.

Because the written description was not amended prior to publication; the above citations in the originally filed specification correspond to the following paragraph numbers in Appellant's printed publication: [0014], [0015], [0017], [0018], [0020], [0021], Description of Fig 4 in [0022]-[0035], [0037], [0038], and Example 1: [0040]-[0046].

PROCEDURAL BACKGROUND

On September 3, 2019, the Patent Trial and Appeal Board issued its decision on appeal completely reversing all § 102 and § 103 rejections over the asserted prior art, which included the currently cited published application Lovett.

On November 18, 2019, the Examiner issued an Office Action, which again rejected the claims under § 102 and § 103. The rejections assert the *same* reference Lovett that was previously asserted and considered during the appeal. In its reversal, the PTAB neither asserted nor suggested that any of these previously considered references formed the basis for any other rejection. In response, to the Examiner's new rejection over Lovett, Applicant filed an amendment to claim 3 with detailed comments explaining why none of the asserted art discloses all of the claimed recitations of the self-contained bird feeder. On April 8, 2020, the Examiner issued a Final Office Action. Applicant requested, and the Examiner permitted, an interview discussing various strategies to advance prosecution including further amendment and

declaration evidence. Applicant submitted an amendment and declaration based on the proposed amendment discussed with the Examiner during the interview, and proposing to cancel the method claims. The Examiner issued an advisory action and did not enter the amendment or declaration.

ARGUMENT

I. It was error to maintain the rejection of claims 1 and 3 under 35 U.S.C. §102(a)(2) as allegedly anticipated by U.S. Published Patent Application 2016/0156989 ("Lovett"), because Lovett does not disclose all recitations of Applicant's claimed self-contained bird feeder with a built in camera mounted to the bird feeder and feed port.

Regarding claim 1, Lovett critically lacks disclosure of two elements: a built in camera mounted to the bird feeder, and a feed port. This is essentially the same rejection asserted in the Office Action of May 8, 2017, over the identical reference, since withdrawn.

The Office Action contains the same clear error that led to the prior appeal. The Office Action asserts elements of Applicant's claim are disclosed; it provides a list of cites; but the Office Action does not provide any explanation how one of ordinary skill would understand the prior art to disclose the claimed element. The *ipse dixit* of the Office Action is substituted for a detailed showing of element-by-element anticipation. "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim. *Id.*

Absent the legally proscribed element-by-element showing, the Applicant does not understand from the Office Action: whether the built in camera and feed port are anticipated because of a particularly broad interpretation that included non-analogous structures (i.e., the feed dish of Lovett); whether these elements are inherently disclosed; whether the Examiner is drawing upon an interpretation of the disclosures or claims specific to a particular expertise or practice not understood by the Applicant; or whether the Examiner is giving any weight to the description in the preamble or antecedent elements.

Currently, the Final Office Action seems to imply "self-contained bird feeder" is generally disclosed by Lovett, which only appears to disclose a group of structures that are not all self-contained. Properly construed, Applicant's claims are not disclosed by the Lovett photo booth and separate feed dish because they are not self-contained. Lovett itself makes clear that "bird feeder" does not include the photo both. The Office Action does not explain why it disregards claim term "self-contained" and defines "bird feeder" contrary to the meaning explicitly set forth in Lovett.

Lovett neither discloses nor suggests Applicant's claimed built in camera (nor power source, or WiFi adapter) inside the bird feeder. The Examiner appears to take the position that "bird feeder" includes all of the structure depicted in the Lovett drawings. This is not how bird feeder is described in Lovett or the Office Action, which appears to admit that the feeder is the dish 20 in Fig. 10, and not the photo booth or other structure (see Office Action p., 10). Properly construed, "bird feeder" cannot be the photo booth of Lovett. Lovett necessarily requires two separate structures, is not self-contained, and does not disclose a bird feeder with built-in camera as required by the Applicant's claims.

Lovett's specification discloses that invention as a "photo booth" [0002] with a bird feeder mounted separate from the camera some distance within the field of view. See para. [0025]: "different bird specific feeders to be attached on the rod 24". In the present invention, the bird feeder is not a dish or other separate structure located in the field of view of the camera. It is in the same location as the camera--inside the claimed bird feeder. The words "self contained" are not used in Lovett, and certainly not in reference to a bird feeder with video capability. The Final Office Action does not appear to address Applicant's prior remarks that Lovett cannot be understood to disclose a self-contained bird feeder if "bird feeder" is construed to include both the photo booth 5 and bird feeder 20 or 80. Applicant's independent claim 1 specifically recites that "the bird feeder" (i.e., "self-contained bird feeder") itself comprises the camera, computer, power source, and WiFi adapter, etc. Properly construed, Applicant's claim 1 is not disclosed by the Lovett photo booth, even in combination with the associated bird feeder.

Similarly, Lovett does not disclose a computer in the feeder housing of a self-contained bird feeder according to the claimed invention. Lovett discloses a photo booth box that provides physical support and electronic interconnections to a third party camera or controller which are always described as separable devices that may provide video generation and internet connectivity regardless of location. Lovett does not have any self-contained video capability within a bird feeder as understood by one of ordinary skill in the art. Lovett only discloses a camera and controller provided by the third party mechanism outside the bird feeder.

By contrast, Applicant claims that a dedicated computer (e.g., Raspberry Pi) is built in to the bird feeder. It is integrated with the self-contained bird feeder structure and design, providing the video generation functionality using digital information retrieved from the internal camera. Camera and computer, as disclosed by Lovett, are limited to discrete devices that

provide video capability and internet connectivity apart from the bird feeder from a location outside the bird feeder.

Because Lovett does not disclose a self-contained bird feeder having a built in camera, computer, and internet connection, it cannot anticipate Applicant's claims, and it is respectfully requested that the rejection be reconsidered and withdrawn.

Lovett also does not disclose a feed port as recited in Applicant's claim 1. In Lovett, the phrase 'feed port' is not used in paragraphs 34 or 43-45, or figures 1-10, as asserted in the Office Action. The Office Action introduces that term. Applicant previously addressed possible meanings of claim term "feed port," in response to which, the Final Office Action repeats the same rejection without addressing the traversal. Whether construed as the term of art "feed port" (see, e.g., US Patent Nos. 10,271,525; 10,130,079 ; 10,098,329; 9,332,737; 9,210,913; 8,662,015; and D622,910), or as the plain meaning of "feed" and "port," Lovett does not disclose or suggest any comparable structure. The plain meaning of "port" is "an aperture in the surface of a cylinder, for the passage of steam, air, water, etc.," as evidenced by definition no. 4 at http://www.dictionary.com/browse/port, last visited December 9, 2019. Similar definitions appear in other dictionaries, e.g., "a small opening in a container or vessel especially for viewing or for the controlled passage of material, https://www.merriam-webster.com/dictionary/port, at definition no. 2, last visited December 9, 2019.

Nothing in Lovett discloses an aperture in the surface of a container, for the controlled passage of feed. The Office Action points to the feed dish 20; however this is neither described as an aperture nor is feed described as passing through any controlling surface. Instead, feed dish 20 is merely an ordinary feed dish.

In Lovett, what the Office Action alleges to be a feed port (abstract, para 34, 43-45) is an external dish 20 that contains bird feed. The difference is important because, as used in Applicant's claimed invention, the feed port provides access to an internal food source that 1) is protected from the weather, and 2) forces the birds to align with the camera relative to the bird feeder. Lovett discloses not a feed port as part of a self-contained bird feeder, but an external food dish, in addition to other external, remote food sources. The abstract makes clear that the "feeder" is a separate structure positioned some distance away from the camera in its housing. The "feeder" is a dish 20, not a feed port in a bird feeder.

The plain and ordinary meaning of "port" cannot include the external dish 20 of Lovett. Nor can the term of art "feed port" as used for bird feeders in the above referenced U.S. patents, include any structure disclosed in Lovett.

Because Lovett neither teaches nor suggests a feed port disposed on a feeder bottom of a self-contained bird feeder, it is respectfully requested that the rejection be reconsidered and withdrawn.

Claim 3 is similarly rejected on the assertion that Lovett discloses a feed compartment disposed in the feeder housing, and a feed compartment separator disposed in the feed compartment. This is the identical rejection as in the Office Action of May 8, 2017, subsequently withdrawn. On page 7 of the Final Office Action, it is admitted that Lovett does not disclose that feed is fed by gravity from the feed compartment through the feeder housing, to the feeder bottom, and then to the feed port.

This recitation in Applicant's claim 3 makes explicit the structural relationship of the feed compartment, feeder housing, feeder bottom, and feed port. All are located within the same structure so that feed flows by gravity from the feed compartment through the feeder to the feed

port. Lovett discloses nothing of this arrangement, instead disclosing only a feeder with feed in an open dish. This amendment further distinguishes that the claimed elements are not only within the same internal structure, but arranged so that feed flows by gravity from the feed compartment to the feed port.

Lovett also fails to disclose a feed compartment or separator in the feed compartment. Lovett discloses only an unenclosed external dish as the feeder—no feed compartment nor separator.

On this basis Applicant requests reconsideration and removal of the rejection of Applicant's claim 3 as anticipated by Lovett.

In reference to claims 2-6, these are dependent claims that include the elements of independent claim 1. Because Lovett does not disclose all of the elements of claim 1 for the reasons set forth in the preceding paragraphs, Lovett also does not anticipate claims 2-6.

Applicant has proposed cancelling method claims 7-13, in the amendment that was not entered.

II. It was error to reject claims 2 and 4-6 as obvious over Lovett in view of Altman (U.S. Patent Application 2014/0355446) prior art because Lovett does not disclose Applicant's self-contained bird feeder with a built in internal camera, computer, and internet connection. Moreover, the Office Action does not address the deficiency that Lovett fails to disclose a feed port.

To address some of the deficiencies of Lovett with respect to claims 2, 4-6 and 13, the Office Action relies on Altman for the claimed WiFi adapter dongle, ethernet socket, USB socket/port, or HDMI port/transmission.

However, nothing in the Office Action addresses the above deficiencies of Lovett regarding a self-contained bird feeder with a built in internal camera, computer, and internet connection. Moreover, the Office Action does not address the deficiency that Lovett fails to disclose a feed port.

In addition, the Office Action does not properly set forth motivation to combine Altman to Lovett. Absent some reason to overcome the challenge of providing these electronic components within the specific constraints of a self-contained feeder, there is no suggestion of Applicant's claimed selection and placement of specific built-in electronic components. On the contrary, typical design considerations of economy and access to the various components would lead to a layout similar to Lovett with the camera and computer some distance away from an external bird feeder structure, such as the feeder container 20 in Lovett.

Lovett neither teaches nor suggests the invention of claims 2 and 4-6, and it is respectfully requested that the rejection be reconsidered and withdrawn.

Accordingly, it is respectfully submitted that the rejection is overcome, and respectfully requested that the rejection be withdrawn.

III. It was error to reject claim 3 as obvious over Lovett in view of Altman (U.S. Patent Application 2014/0355446) and Bennett (U.S. Patent 9,247,719) for the reasons above, and also because Lovett does not disclose Applicant's feed compartment separator. Even if it were proper to apply Bennet to Lovett, it does not disclose the specific arrangement recited in claim 3.

The Office Action states a claimed element (the feed compartment separator) is disclosed in Lovett, without explaining what in Lovett actually discloses this feature. The claimed feed compartment separator is disposed in the feed compartment such that feed flows by gravity from

the feed compartment, through the feeder housing, to the feeder bottom, and then to the feed port. This configuration is specific to Applicant's claimed self-contained bird feeder because it allows for the built in camera to be mounted to the feeder and still be self-contained.

Bennet, even if were to address the deficiencies of the built in camera, feed port, and feed compartment separator, which it does not, still would not properly form an obvious rejection because it is not related either to Lovett's bird photo booth, or to Applicant's self-contained bird feeders with cameras—Bennett is merely a conventional bird feeder. To the extent Applicant understands the asserted motivation set forth in the Office Action, Applicant submits that it does not satisfy the legal requirement of providing a reasoned explanation as to why one of ordinary skill would apply the liquid bird feeder components of Bennett to the solid bird feed dish and photo booth of Lovett, or why the invention as claimed would have been obvious to a person of ordinary skill in the art at the time of the invention.

Accordingly, it is respectfully submitted that there is no prima facie basis for obviousness due to remaining deficiencies and non-combinable art, and it is respectfully requested that the rejection be withdrawn. Allowance of this application is now believed to be in order, and such actions are hereby solicited. Early Notice of Allowance is respectfully requested.

In view of the above, it is respectfully submitted that Appellant is entitled to a patent incorporating claims 1-6. A claims appendix containing a copy of the claims involved in the appeal is attached to this brief.

Respectfully submitted,



Keith B. Scala
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December 14, 2020
Encls.: Claims Appendix

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:
Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 on December 14, 2020.

/Keith Scala/
Keith B. Scala
Registration No. 43,088

CLAIMS APPENDIX

1. A self-contained bird feeder configured to provide detailed images over a wireless network, comprising: a bird feeder with a built in camera, computer, and internet connection, the bird feeder comprising:

   a. a feeder housing;

   b. a feeder bottom;

   c. a feed port disposed on the feeder bottom;

   d. the camera mounted to the bird feeder;

   e. the computer located within the feeder housing;

   f. an internal power source; and

   g. a WiFi adapter located within the feeder housing.

2. The self-contained bird feeder of claim 1 wherein the WiFi adapter is a WiFi dongle.

3. The self-contained bird feeder of claim 1 further comprising a feed compartment disposed in the feeder housing and a feed compartment separator disposed in the feed compartment, whereby feed is fed by gravity from the feed compartment through the feeder housing, to the feeder bottom, and then to the feed port.

4. The self-contained bird feeder of claim 1 wherein the computer comprises: a processor; a display connector; a multi-media interface; an audio/video jack; and an ethernet socket.

5. The self-contained bird feeder of claim 1 wherein the computer comprises a micro

USB socket and a USB port.

6. The self-contained bird feeder of claim 4 wherein the multi-media interface comprises an HDMI port.

7. A method for transmitting images from a bird feeder comprising: equipping a feeder housing with a camera mounted to the feeder housing in close proximity to a feed port; providing a source of electrical power for a computer disposed within the bird feeder; configuring a computer disposed in the bird feeder to control the camera; operating the camera to capture images; and transmitting images to a WiFi network.

8. The method of claim 7 further comprising distributing the images from the WiFi network to the internet.

9. The method of claim 7 further comprising distributing streaming video to the WiFi network.

10. The method of claim 7 further comprising distributing streaming video to the internet.

11. The method of claim 7 further comprising generating electricity with a solar panel, and distributing solar-generated electricity to the computer.

12. The method of claim 11 further comprising distributing electricity from both the solar panel and a battery to the computer.

13. The method of claim 7 wherein images are transmitted via HDMI.

OFAP AKIMA
DEC 18 2020
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APPEAL BRIEF

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
14/735,282	06/10/2015	Frederick Perkins	A24	1060

63640 7590 01/12/2021

MYERS BRADFORD, PLLC
1300 Pennsylvania Ave.
Seventh Floor
WASHINGTON, DC 20004

EXAMINER	
ART UNIT	PAPER NUMBER
MAIL DATE	DELIVERY MODE
01/12/2021	

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PTOL-90A (Rev. 04/07)

Notification of Non-Compliant Appeal Brief (37 CFR 41.37)	**Application No.** 14/735,282	**Applicant(s)** Perkins, Frederick	
	Examiner OWENS, TSION B	**Art Unit** 2487	**AIA (FITF) Status** Yes

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

The Appeal Brief filed on 18 December 2020 is defective for failure to comply with one or more provisions of 37 CFR 41.37(c).

To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.**

1. ☐ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.

2. ☑ (a) The brief does not contain a concise explanation of the subject matter defined in each of the rejected independent claims, referring to the specification in the Record by page and line number or by paragraph number and to the drawings, if any, by reference characters; and/or (b) the brief fails to identify, for each rejected independent claim and for each dependent claim argued separately that contains a means plus function or step plus function recitation under 35 U.S.C. 112, sixth paragraph, the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification in the Record by page and line number or paragraph number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(iii)).

3. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(v)).

4. ☐ Other (including any explanation in support of the above items):

The Summary of Claimed Subject Matter is non-compliant, as it does not reference all the independent claims to the specification in the record by page and line number or by paragraph number, and to the drawings, if any by reference characters. Reference to the patent application publication does not satisfy the requirement of 37 C.F.R. 41.37C(1) (iii) (independent claim 7).

An entire new Appeal Brief is not necessary only the corrected section..

/LORENDA M HOOD/
(571)272-1751

OPAP
JAN 21 2021
PATENT & TRADEMARK OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
PATENT TRIAL AND APPEAL BOARD

Application No: 14/735,282

Filing Date: June 6, 2015

Applicant(s): Frederick PERKINS

Confirmation No: 1060

Group Art Unit: 2487

Examiner: Tsion Owens

Title: SELF-CONTAINED BIRD FEEDER WITH CAMERA AND STREAMING VIDEO

Attorney Docket No: A24

Customer No: 63640

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

APPEAL BRIEF—AMENDED SUMMARY OF CLAIMED SUBJECT MATTER

Dear Commissioner:

In response to the Notice of Defective Appeal Brief of January 11, 2021, Applicant submits this Amended Summary of Claimed Subject Matter. This Summary is amended only to include reference to independent claim 7, which Applicant requested to cancel; however this was not allowed by the Examiner. As amended, the Summary of Claimed Subject Matter is identical to that from the prior Appeal Brief in this application.

AMENDED SUMMARY OF CLAIMED SUBJECT MATTER

The independent claim at issue is claim 1.

As shown in Figures 1-5, Appellant's invention as recited in claim 1 provides a self-contained bird feeder with a camera and streaming video from the claimed bird feeder. As recited in claim 1, Appellant's invention includes a bird feeder with a built in camera, computer, and internet connection. The bird feeder has a feeder housing, a feeder bottom, and a feed port disposed on the feeder bottom. The camera is mounted to the bird feeder. The computer is located within the feeder housing. Appellant's claimed bird feeder recited in claim 1 also has an internal power source and a WiFi adapter located within the feeder housing.

See, e.g., Figs. 1-5; original claims 1-6; and written description in the original specification at:

Page 4: lines 1-5, lines 6-14;

Page 5: lines 5-13, lines 14-18;

Page 6: lines 2-9, lines 10-20;

Page 7: line 1, lines 2-4, and lines 5-19;

Page 8: line 1, lines 2-3, lines 11-14;

Page 9: lines 3-14, lines 15-18, lines 19-20;

Page 10: lines 2-19 and line 20;

Page 11: lines 1-8, lines 10-20; and

Page 12: lines 3-6.

Because the written description was not amended prior to publication; the above citations in the originally filed specification correspond to the following paragraph numbers in

Appellant's printed publication: [0014], [0015], [0017], [0018], [0020], [0021], Description of Fig 4 in [0022]-[0035], [0037], [0038], and Example 1: [0040]-[0046].

As recited in independent claim 7, Appellant's invention includes the method for transmitting images from a bird feeder. Claim 7 recites the steps of equipping a feeder housing with a camera mounted to the feeder housing in close proximity to a feed port; providing a source of electrical power for a computer disposed within the bird feeder; configuring a computer disposed in the bird feeder to control the camera; operating the camera to capture images; and transmitting images to a WiFi network.

See, e.g., Figs. 1-5; original claims 7-12; and written description in the original specification at:

Page 4: lines 1-5, lines 6-14;

Page 5: lines 5-13, lines 14-18;

Page 6: lines 2-9, lines 10-20;

Page 7: line 1, lines 2-4, and lines 5-19, line 20;

Page 8: line 1, lines 2-3, lines 4-10, lines 11-14; lines 16-20

Page 9: lines 1-2, lines 3-14, lines 15-18, lines 19-20;

Page 10: lines 2-19 and line 20;

Page 11: lines 1-8, lines 9-20; and

Page 12: lines 1-2, lines 3-6, lines 6-7, lines 8-12, lines 13-15, and lines 19-20;

Page 13: lines 1-2, lines 3-5, lines 6-8, lines 9-13, lines 14-20;

Page 14: lines 1-2, lines 7-20;

Page 15: lines 1-9, lines 10-20;

Page 16: lines 1-19, line 20; and

Page 17, lines 1-6.

Respectfully submitted,

Keith B. Scala
Registration No. 43,088

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January 13, 2021

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:
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Keith B. Scala
Registration No. 43,088

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
14/735,282	06/10/2015	Frederick Perkins	A24	1060

63640 7590 04/06/2021

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EXAMINER	
OWENS, TSION B	

ART UNIT	PAPER NUMBER
2487	

NOTIFICATION DATE	DELIVERY MODE
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BEFORE THE PATENT TRIAL AND APPEAL BOARD

Application Number: 14/735,282
Filing Date: 10 Jun 2015
Appellant(s): Perkins, Frederick

[Keith B. Scala (43,088)]
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed [12/18/2020].

1. Grounds of Rejection to be Reviewed on Appeal

Every ground of rejection set forth in the Office action dated 9/11/17 from which the appeal is taken is being maintained by the examiner except for the grounds of rejection (if any) listed under the subheading "WITHDRAWN REJECTIONS." New grounds of rejection (if any) are provided under the subheading "NEW GROUNDS OF REJECTION."

2. The following ground(s) of rejection are applicable to the appealed claims.

Claim Rejections - 35 USC § 102

3. 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 –

(a)(1) the claimed invention was patented, described in a printed publication, or in public use, on sale or otherwise available to the public before the effective filing date of the claimed invention.

(a)(2) the claimed invention was described in a patent issued under section 151, or in an application for patent published or deemed published under section 122(b), in which the patent or applications the case maybe, names another inventor and was effectively filed before the effective filing date of the claimed invention.

4. Claims 1, 3 and 7-11 are rejected under 35 U.S.C. 102(a) (2) as being anticipated by **Lovett (US 2016/0156989)** (Bryson C .Lovett).

Regarding Claim 1, Lovett discloses a self-contained bird feeder configured to provide detailed images over a wireless network **[See paragraphs 28-30],** comprising: a bird feeder with a built in camera, computer, and internet connection, the bird feeder **[See paragraphs 9-11 and 28-30 e.g. camera, computer and WIFI];**

a. a feeder housing [**See abstract and paragraphs 28-30; figures 1 and 4- Unit 5 e.g. Feeder/ bird photo booth];**

b. a feeder bottom **[See Figs1 and 4 unit 18];**

c. a feed port disposed on the feeder bottom **[See abstract and paragraphs 34, 43-45; figure 10- unit 20 e.g. bird feeder];**

d. the camera mounted to the bird feeder**[See abstract paragraphs 9-11, 30-31 and Figs 1 and 4 unit 8 e.g. electronic device having a camera];**

e. a computer located within the feeder housing **[See paragraphs 29 e.g. a first electronic device may comprise many different types of devices capable of taking photographs, including but not limited to, an iPhone.RTM., an iPod Touch.RTM., a GoPro.RTM., Galaxy Note.RTM., Galaxy S4.RTM., HTC.RTM., LG.RTM. phone, Nokia.RTM. phone, or any other mobile device or computer];**

f. an internal power source **[See paragraph 39 e.g. solar panel 90 or external and internal power source];** and

g. a WiFi adapter located within the feeder housing **[See paragraphs 28-30 e.g. WIFI].**

Regarding Claim 7, the limitations claimed are substantially similar to claim 1 above, therefore the ground for rejecting claim l also applies here.

Regarding Claim 8, Lovett discloses distributing the images from the WiFi network to the internet **[See paragraphs 28-30 e.g. Internet via Wi-Fi].**

Regarding Claim 9, Lovett discloses distributing streaming video to the WiFi network **[See paragraphs 28-30 e.g. Wi-Fi].**

Regarding Claim 10, Lovett discloses distributing streaming video to the internet **[See paragraphs 28-30 e.g. Internet via Wi-Fi].**

Regarding Claim 11, Lovett discloses generating electricity with a solar panel, and distributing solar-generated electricity to the computer **[See paragraph 39 e.g. solar panel 90 or external and internal power source].**

Claim Rejections - 35 USC § 103

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

A patent for a claimed invention may not be obtained, notwithstanding that the claimed invention is not identically disclosed as set forth in section 102, if the differences between the claimed invention and the prior art are such that the claimed invention as a whole would have been obvious before the effective filing date of the claimed invention to a person having ordinary skill in the art to which the claimed invention pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2, 4-6 and 13 are rejected under 35 U.S.C. 103 as being unpatentable over **Lovett (US 2016/0156989)** (Bryson C.Lovett) in view of Altman **(US 2014/0355446)** (Baruch Yosef Altman).

Regarding Claim 2, Lovett doesn't explicitly discloses wherein the WiFi adapter is a WiFi dongle.

However, Altman disclose wherein the WiFi adapter is a WiFi dongle **[See paragraphs See paragraph 29 e.g. cellular USB dongle which is same as WiFi dongle].**

It would have been obvious to the person of ordinary skill in the art at time of invention to modify the system disclosed by Lovett to add the teachings in Altman as above, to provide device that network information transmission in more effective way by lower costs, conserving network resources such as power and bandwidth, and improving overall resource utilization [**See Altman Paragraph 5].**

Regarding Claim 4, Lovett discloses wherein the computer comprises: a processor; a display connector; a multi-media interface; an audio/video jack **[See paragraph 33 e.g. video and audio from the cameras and microphones];** and

Lovett doesn't explicitly disclose an ethernet socket.

However, Altman discloses an ethernet socket **[See paragraph 27 e.g.an Ethernet connection].**

It would have been obvious to the person of ordinary skill in the art at time of invention to modify the system disclosed by Lovett to add the teachings in Altman as above, to provide device that network information transmission in more effective way by lower costs, conserving network resources such as power and bandwidth, and improving overall resource utilization **[See Altman Paragraph 5].**

Regarding Claim 5, Lovett doesn't explicitly disclose wherein the computer comprises a micro USB socket and a USB port.

However, Altman discloses wherein the computer comprises a micro USB socket and a USB **port [See paragraph 27 e.g. USB connection].**

It would have been obvious to the person of ordinary skill in the art at time of invention to modify the system disclosed by Lovett to add the teachings in Altman as above, to provide device that network information transmission in more effective way by lower costs, conserving network resources such as power and bandwidth, and improving overall resource utilization **[See Altman Paragraph 5].**

Regarding Claim 6, Lovett doesn't explicitly disclose wherein the multi-media interface comprises an HDMI port.

However, Altman discloses wherein the multi-media interface comprises an HDMI port

[See Paragraph 27 e.g. HDMI connection].

It would have been obvious to the person of ordinary skill in the art at time of invention to modify the system disclosed by Lovett to add the teachings in Altman as above, to provide device that network information transmission in more effective way by lower costs, conserving network resources such as power and bandwidth, and improving overall resource utilization **[See Altman Paragraph 5].**

Regarding Claim 13, the limitations claimed are substantially similar to claim 6 above, therefore the ground for rejecting claim 6 also applies here.

7. Claim 3 and 12 is rejected under 35 U.S.C. 103 as being unpatentable over **Lovett (US 2016/0156989)** (Bryson C.Lovett) in view of Altman **(US 2014/0355446)** (Baruch Yosef Altman), and further in view of Bennett **(US 9,247,719)** (Teddy Leland Bennett).

Regarding Claim 3, Lovett discloses a feed compartment disposed in the feeder housing and a feed compartment separator disposed in the feed compartment **[See abstract and paragraphs 28-31 and 34].**

Lovett and Altman don't explicitly disclose whereby feed is fed by gravity from the feed compartment through the feeder housing, to the feeder bottom, and then to the feed port.

However, Bennett discloses whereby feed is fed by gravity from the feed compartment through the feeder housing, to the feeder bottom, and then to the feed port **[See Figs. 3A, 3E, 4A, 5A].**

It would have been obvious to the person of ordinary skill in the art at time of invention to modify the system disclosed by Lovett and Altman to add the teachings in Bennett as above, to provide selectrical loads system that prevents liquid sustenance freeze-up, overheating and bacterial growth, while facilitating monitoring of sustenance station status, animal identification,

animal activity near the station and weather conditions over the internet or other wireless communication mode [**See Bennett abstract].**

Regarding Claim 12, Lovett and Altman don't explicitly disclose distributing electricity from both the solar panel and a battery to the computer

However, Bennett discloses distributing electricity from both the solar panel and a battery to the computer **[See Col 10, Lines 8-42 e.g. receives power through a connection to a generated 216 power source (e.g., transformed household line power, fuel cell, solar power, wind power) or through a connection to a stored 217 power source (e.g., battery, super capacitor). Examiner notes the primary references Lovette teaches solar panel. It is known to those in the art that the usage of a Solar panel is to charge a battery for energy storage to be use when power gets lower].**

It would have been obvious to the person of ordinary skill in the art at time of invention to modify the system disclosed by Lovett and Altman to add the teachings in Bennett as above, to provide selectrical loads system that prevents liquid sustenance freeze-up, overheating and bacterial growth, while facilitating monitoring of sustenance station status, animal identification, animal activity near the station and weather conditions over the internet or other wireless communication mode [**See Bennett abstract].**

Response to Argument

8. The following ground(s) of rejection are applicable to the appealed claims.

(2) Response to Argument

I. Response to Appellant's Argument claim 1 of Appeal Brief

1. Appellant's argues that Lovett (US 2016/0156989) doesn't disclose the following limitation Claim 1:

"…a built in camera mounted to the bird feeder…"

Lovett discloses a bird photo booth with camera mounted to the bird feeder/ bird-watching camera and feeding and positioning a feeder such that the camera is pointed through the lens to an animal using the feeder. Lovett bird photo booth and feeder has well integrated camera with the rest of the structure which makes the camera built in camera that mounted to box/bird photo booth [See Lovett Paragraphs 9-11, 30-3 and Figs. 1, 4].

2. Appellant's argues that Lovett (US 2016/0156989) doesn't disclose the following limitation Claim 1:

"…feed port…"

Lovett discloses bird-watching camera and feeding with a device for supplying food to birds. A bird may land on the perch and feed directly from the access ports to gather food [See abstract and paragraphs 34, 43-45 and Figs. 1, 4 10]

3. Appellant's argues that Lovett (US 2016/0156989) doesn't disclose the following limitation Claim 1:

"…self- contained bird feeder…"

Lovett discloses self-contained bird feeders with a tray and perching area seed station. There is ports in the slots at the bottom that allow seeds to be accessed. In addition the claim 1 or any other claims doesn't disclose "self- contained bird feeder" in body of the claim and as one unit; therefore the examiner notes the preamble doesn't give patentable weight to the claim.

II. Response to Appellant's Argument claim 1 of Appeal Brief

1. It was error to reject claims 2 and 4-6 as obvious over Lovett in view of Altman

It would have been obvious to the person of ordinary skill in the art at time of invention to modify the system disclosed by Lovett to add the teachings in Altman as above, to provide

device that network information transmission in more effective way by lower costs, conserving network resources such as power and bandwidth, and improving overall resource utilization [See Altman Paragraph 5].

III. It was error to reject claim 3 as obvious over Lovett in view of Altman (U.S. Patent Application 2014/0355446) and Bennett (U.S. Patent 9,247,719) for the reasons above, and also because Lovett does not disclose Applicant's feed compartment separator. Even if it were proper to apply Bennet to Lovett, it does not disclose the specific arrangement recited in claim 3.

Bennett discloses Flying animal feeder the feed is fed by gravity/ suspend stations from the feed storage vessel /compartment through the feeder housing, to the feeding tray or feeder bottom, and then to the feed port.[See Bennett Figs. 3A, 3E, 4A and 5A].

Respectfully submitted,

/TSION B OWENS/
Primary Examiner, Art Unit 2487

/Dave Czekaj/
Supervisory Patent Examiner, Art Unit 2487

/Jamie Atala/
Supervisory Patent Examiner, Art Unit 2486

Requirement to pay appeal forwarding fee. In order to avoid dismissal of the instant appeal in any application or ex parte reexamination proceeding, 37 CFR 41.45 requires payment of an appeal forwarding fee within the time permitted by 37 CFR 41.45(a), unless appellant had timely paid the fee for filing a brief required by 37 CFR 41.20(b) in effect on March 18, 2013.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
14/735,282	06/10/2015	Frederick Perkins	A24	1060

63640 7590 04/09/2021

MYERS BRADFORD, PLLC
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WASHINGTON, DC 20004

EXAMINER	
OWENS, TSION B	

ART UNIT	PAPER NUMBER
2487	

NOTIFICATION DATE	DELIVERY MODE
04/09/2021	ELECTRONIC

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

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kscala@myersbradford.com

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U.S. Patent and Trademark Office
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Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR/ PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
14/735,282	06/10/2015	Perkins, Frederick	A24

MYERS BRADFORD, PLLC
1300 Pennsylvania Ave. Seventh Floor
WASHINGTON, DC 20004

EXAMINER	
TSION B OWENS	
ART UNIT	PAPER
2487	20210406

DATE MAILED: _____

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Commissioner for Patents

Office action date corrected.

/TSION B OWENS/
Primary Examiner, Art Unit 2487

PTO-90C (Rev.04-03)

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Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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BEFORE THE PATENT TRIAL AND APPEAL BOARD

Application Number: 14/735,282
Filing Date: 10 Jun 2015
Appellant(s): Perkins, Frederick

[Keith B. Scala (43,088)]
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed [12/18/2020].

1. Grounds of Rejection to be Reviewed on Appeal

Every ground of rejection set forth in the Office action dated 04/08/2020 from which the appeal is taken is being maintained by the examiner except for the grounds of rejection (if any) listed under the subheading "WITHDRAWN REJECTIONS." New grounds of rejection (if any) are provided under the subheading "NEW GROUNDS OF REJECTION."

2. The following ground(s) of rejection are applicable to the appealed claims.

Claim Rejections - 35 USC § 102

3. 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 –

(a)(1) the claimed invention was patented, described in a printed publication, or in public use, on sale or otherwise available to the public before the effective filing date of the claimed invention.

(a)(2) the claimed invention was described in a patent issued under section 151, or in an application for patent published or deemed published under section 122(b), in which the patent or applications the case maybe, names another inventor and was effectively filed before the effective filing date of the claimed invention.

4. Claims 1, 3 and 7-11 are rejected under 35 U.S.C. 102(a) (2) as being anticipated by **Lovett (US 2016/0156989)** (Bryson C .Lovett).

Regarding Claim 1, Lovett discloses a self-contained bird feeder configured to provide detailed images over a wireless network **[See paragraphs 28-30],** comprising: a bird feeder with a built in camera, computer, and internet connection, the bird feeder **[See paragraphs 9-11 and 28-30 e.g. camera, computer and WIFI];**

a. a feeder housing [**See abstract and paragraphs 28-30; figures 1 and 4- Unit 5 e.g. Feeder/ bird photo booth];**

b. a feeder bottom **[See Figs1 and 4 unit 18];**

c. a feed port disposed on the feeder bottom **[See abstract and paragraphs 34, 43-45; figure 10- unit 20 e.g. bird feeder];**

d. the camera mounted to the bird feeder**[See abstract paragraphs 9-11, 30-31 and Figs 1 and 4 unit 8 e.g. electronic device having a camera];**

e. a computer located within the feeder housing **[See paragraphs 29 e.g. a first electronic device may comprise many different types of devices capable of taking photographs, including but not limited to, an iPhone.RTM., an iPod Touch.RTM., a GoPro.RTM., Galaxy Note.RTM., Galaxy S4.RTM., HTC.RTM., LG.RTM. phone, Nokia.RTM. phone, or any other mobile device or computer];**

f. an internal power source **[See paragraph 39 e.g. solar panel 90 or external and internal power source];** and

g. a WiFi adapter located within the feeder housing **[See paragraphs 28-30 e.g. WIFI].**

Regarding Claim 7, the limitations claimed are substantially similar to claim 1 above, therefore the ground for rejecting claim l also applies here.

Regarding Claim 8, Lovett discloses distributing the images from the WiFi network to the internet **[See paragraphs 28-30 e.g. Internet via Wi-Fi].**

Regarding Claim 9, Lovett discloses distributing streaming video to the WiFi network **[See paragraphs 28-30 e.g. Wi-Fi].**

Regarding Claim 10, Lovett discloses distributing streaming video to the internet **[See paragraphs 28-30 e.g. Internet via Wi-Fi].**

Regarding Claim 11, Lovett discloses generating electricity with a solar panel, and distributing solar-generated electricity to the computer **[See paragraph 39 e.g. solar panel 90 or external and internal power source].**

Claim Rejections - 35 USC § 103

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

A patent for a claimed invention may not be obtained, notwithstanding that the claimed invention is not identically disclosed as set forth in section 102, if the differences between the claimed invention and the prior art are such that the claimed invention as a whole would have been obvious before the effective filing date of the claimed invention to a person having ordinary skill in the art to which the claimed invention pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2, 4-6 and 13 are rejected under 35 U.S.C. 103 as being unpatentable over **Lovett (US 2016/0156989)** (Bryson C.Lovett) in view of Altman **(US 2014/0355446)** (Baruch Yosef Altman).

Regarding Claim 2, Lovett doesn't explicitly discloses wherein the WiFi adapter is a WiFi dongle.

However, Altman disclose wherein the WiFi adapter is a WiFi dongle **[See paragraphs See paragraph 29 e.g. cellular USB dongle which is same as WiFi dongle].**

It would have been obvious to the person of ordinary skill in the art at time of invention to modify the system disclosed by Lovett to add the teachings in Altman as above, to provide device that network information transmission in more effective way by lower costs, conserving network resources such as power and bandwidth, and improving overall resource utilization [**See Altman Paragraph 5].**

Regarding Claim 4, Lovett discloses wherein the computer comprises: a processor; a display connector; a multi-media interface; an audio/video jack **[See paragraph 33 e.g. video and audio from the cameras and microphones];** and

Lovett doesn't explicitly disclose an ethernet socket.

However, Altman discloses an ethernet socket **[See paragraph 27 e.g.an Ethernet connection].**

It would have been obvious to the person of ordinary skill in the art at time of invention to modify the system disclosed by Lovett to add the teachings in Altman as above, to provide device that network information transmission in more effective way by lower costs, conserving network resources such as power and bandwidth, and improving overall resource utilization **[See Altman Paragraph 5].**

Regarding Claim 5, Lovett doesn't explicitly disclose wherein the computer comprises a micro USB socket and a USB port.

However, Altman discloses wherein the computer comprises a micro USB socket and a USB **port [See paragraph 27 e.g. USB connection].**

It would have been obvious to the person of ordinary skill in the art at time of invention to modify the system disclosed by Lovett to add the teachings in Altman as above, to provide device that network information transmission in more effective way by lower costs, conserving network resources such as power and bandwidth, and improving overall resource utilization **[See Altman Paragraph 5].**

Regarding Claim 6, Lovett doesn't explicitly disclose wherein the multi-media interface comprises an HDMI port.

However, Altman discloses wherein the multi-media interface comprises an HDMI port

[See Paragraph 27 e.g. HDMI connection].

It would have been obvious to the person of ordinary skill in the art at time of invention to modify the system disclosed by Lovett to add the teachings in Altman as above, to provide device that network information transmission in more effective way by lower costs, conserving network resources such as power and bandwidth, and improving overall resource utilization **[See Altman Paragraph 5].**

Regarding Claim 13, the limitations claimed are substantially similar to claim 6 above, therefore the ground for rejecting claim 6 also applies here.

7. Claim 3 and 12 is rejected under 35 U.S.C. 103 as being unpatentable over **Lovett (US 2016/0156989)** (Bryson C.Lovett) in view of Altman **(US 2014/0355446)** (Baruch Yosef Altman), and further in view of Bennett **(US 9,247,719)** (Teddy Leland Bennett).

Regarding Claim 3, Lovett discloses a feed compartment disposed in the feeder housing and a feed compartment separator disposed in the feed compartment **[See abstract and paragraphs 28-31 and 34].**

Lovett and Altman don't explicitly disclose whereby feed is fed by gravity from the feed compartment through the feeder housing, to the feeder bottom, and then to the feed port.

However, Bennett discloses whereby feed is fed by gravity from the feed compartment through the feeder housing, to the feeder bottom, and then to the feed port **[See Figs. 3A, 3E, 4A, 5A].**

It would have been obvious to the person of ordinary skill in the art at time of invention to modify the system disclosed by Lovett and Altman to add the teachings in Bennett as above, to provide selectrical loads system that prevents liquid sustenance freeze-up, overheating and bacterial growth, while facilitating monitoring of sustenance station status, animal identification,

animal activity near the station and weather conditions over the internet or other wireless communication mode [**See Bennett abstract].**

Regarding Claim 12, Lovett and Altman don't explicitly disclose distributing electricity from both the solar panel and a battery to the computer

However, Bennett discloses distributing electricity from both the solar panel and a battery to the computer **[See Col 10, Lines 8-42 e.g. receives power through a connection to a generated 216 power source (e.g., transformed household line power, fuel cell, solar power, wind power) or through a connection to a stored 217 power source (e.g., battery, super capacitor). Examiner notes the primary references Lovette teaches solar panel. It is known to those in the art that the usage of a Solar panel is to charge a battery for energy storage to be use when power gets lower].**

It would have been obvious to the person of ordinary skill in the art at time of invention to modify the system disclosed by Lovett and Altman to add the teachings in Bennett as above, to provide selectrical loads system that prevents liquid sustenance freeze-up, overheating and bacterial growth, while facilitating monitoring of sustenance station status, animal identification, animal activity near the station and weather conditions over the internet or other wireless communication mode [**See Bennett abstract].**

Response to Argument

8. The following ground(s) of rejection are applicable to the appealed claims.

(2) Response to Argument

I. Response to Appellant's Argument claim 1 of Appeal Brief

1. Appellant's argues that Lovett (US 2016/0156989) doesn't disclose the following limitation Claim 1:

"…a built in camera mounted to the bird feeder…"

Lovett discloses a bird photo booth with camera mounted to the bird feeder/ bird-watching camera and feeding and positioning a feeder such that the camera is pointed through the lens to an animal using the feeder. Lovett bird photo booth and feeder has well integrated camera with the rest of the structure which makes the camera built in camera that mounted to box/bird photo booth [See Lovett Paragraphs 9-11, 30-3 and Figs. 1, 4].

2. Appellant's argues that Lovett (US 2016/0156989) doesn't disclose the following limitation Claim 1:

"…feed port…"

Lovett discloses bird-watching camera and feeding with a device for supplying food to birds. A bird may land on the perch and feed directly from the access ports to gather food [See abstract and paragraphs 34, 43-45 and Figs. 1, 4 10]

3. Appellant's argues that Lovett (US 2016/0156989) doesn't disclose the following limitation Claim 1:

"…self- contained bird feeder…"

Lovett discloses self-contained bird feeders with a tray and perching area seed station. There is ports in the slots at the bottom that allow seeds to be accessed. In addition the claim 1 or any other claims doesn't disclose "self- contained bird feeder" in body of the claim and as one unit; therefore the examiner notes the preamble doesn't give patentable weight to the claim.

II. Response to Appellant's Argument claim 1 of Appeal Brief

1. It was error to reject claims 2 and 4-6 as obvious over Lovett in view of Altman

It would have been obvious to the person of ordinary skill in the art at time of invention to modify the system disclosed by Lovett to add the teachings in Altman as above, to provide

device that network information transmission in more effective way by lower costs, conserving network resources such as power and bandwidth, and improving overall resource utilization [See Altman Paragraph 5].

III. It was error to reject claim 3 as obvious over Lovett in view of Altman (U.S. Patent Application 2014/0355446) and Bennett (U.S. Patent 9,247,719) for the reasons above, and also because Lovett does not disclose Applicant's feed compartment separator. Even if it were proper to apply Bennet to Lovett, it does not disclose the specific arrangement recited in claim 3.

Bennett discloses Flying animal feeder the feed is fed by gravity/ suspend stations from the feed storage vessel /compartment through the feeder housing, to the feeding tray or feeder bottom, and then to the feed port.[See Bennett Figs. 3A, 3E, 4A and 5A].

Respectfully submitted,

/TSION B OWENS/
Primary Examiner, Art Unit 2487

/Dave Czekaj/
Supervisory Patent Examiner, Art Unit 2487

/Jamie Atala/
Supervisory Patent Examiner, Art Unit 2486

Requirement to pay appeal forwarding fee. In order to avoid dismissal of the instant appeal in any application or ex parte reexamination proceeding, 37 CFR 41.45 requires payment of an appeal forwarding fee within the time permitted by 37 CFR 41.45(a), unless appellant had timely paid the fee for filing a brief required by 37 CFR 41.20(b) in effect on March 18, 2013.

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Courtesy Reminder for
Application Serial No: 14/735,282

Attorney Docket No: A24
Customer Number: 63640
Date of Electronic Notification: 04/06/2021

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Courtesy Reminder for
Application Serial No: 14/735,282

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
PATENT TRIAL AND APPEAL BOARD

Application No: 14/735,282

Filing Date: June 10, 2015

Applicant(s): Frederick PERKINS

Confirmation No: 1060

Group Art Unit: 2487

Examiner: Tsion Owens

Title: SELF-CONTAINED BIRD FEEDER WITH CAMERA AND STREAMING VIDEO

Attorney Docket No: A24

Customer No: 63640

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APPLICANT'S REPLY BRIEF

Applicant submits this reply brief pursuant to 37 CFR 41.41 in response to the Examiner's Response dated April 6, 2021. On April 9, 2021, the Examiner filed a corrected appeal brief that appears to change only the reference to the final office action. This reply brief and $1,180.00 appeal forwarding fee are timely filed.

OPAP
MAY 26 2021

APPLICANT'S REBUTTAL ARGUMENTS

The Examiner's Response, as in the prior appeal, provides barely more than a page of argument in response to the issues raised in the appeal brief. As set forth below, the Examiner's response does not fully address Appellant's arguments; the rejections are legally improper, and therefore the rejections should be withdrawn.

I. Rejection of claims 1 and 3 under 35 U.S.C. §102(a)(2) as allegedly anticipated by U.S. Published Patent Application 2016/0156989 ("Lovett")

The Examiner's Response asserts (1) that Lovett discloses a "well integrated" camera, and (2) that this discloses Applicant's claimed self-contained bird feeder with a built-in camera. Applicant respectfully disagrees with both. It is legal error to simply recharacterize the disclosure of Lovett and then say it is equivalent to Applicant's elected claim term. This is not the test for anticipation, and it also serves to eviscerate an important claim term—one which goes to the heart of the claimed invention.

Regarding the claimed feed port, the Examiner points first to the abstract of Lovett, which is asserted to disclose that a bird "may land on the perch and feed directly from the access ports to gather food." It is not clear whether the Examiner asserts that the holes described for the camera are asserted to disclose the claimed feed port. The abstract does not mention a feed port, but reinforces that Lovett only concerns feeders mounted *outside* the bird box having the allegedly "well integrated" camera.

Nether the cited figures nor paragraphs 34 or 43-45 contain any disclosure that could be understood to be the claimed feed port. The Examiner seems to take the position that the *dish* mounted *outside* the bird box is a feed port. Supposing this is the Examiner's position, there is no explanation why the evidence asserted by Applicant has been rejected in favor of the Examiner's own subjective interpretation of Lovett's feed dish and Applicant's claimed feed ports located in a self-contained bird feeder with built-in camera. Applicant does not understand the statement "There is ports in the slots at the bottom that allow seeds to be accessed." Lovett discloses a reservoir for holding feed that subsequently is placed into the dish. It is legal error to ignore Applicant's claimed term, a term of art in this industry, in favor of a subjective interpretation that does not seem to reflect that the reference actually discloses.

II. Claims 2 and 4-6 as obvious over Lovett in view of Altman (U.S. Patent Application 2014/0355446).

Applicant recognizes the Examiner's asserted motivation to combine to "lower costs" and "conserve network resources." If this were adequate, then the vast majority of references could be combined, no matter how disparate. The record lacks explanation as to how or why the references would be combined to produce the claimed invention. Instead, the Examiner simply states a single conclusory, threadbare argument that falls short of the requisite motivation to combine. *See TQ Delta, LLC v. CISCO Sys., Inc.*, 942 F.3d 1352, 1359 (Fed. Cir. 2019)., 942 F.3d 1352, 1359 (Fed. Cir. 2019).

III. Claims 3 as obvious over Lovett in view of Altman (U.S. Patent Application 2014/0355446) and Bennett (U.S. Patent 9,247,719)

The Examiner's Response makes no attempt to explain motivation to combine all three references. Regarding the claimed feed compartment separator, the Examiner again points to various sections of a reference without identifying any specific structure. A subjective functional interpretation cannot supplant the established legal requirement to identify specific structure that meets each element of the claimed invention

Respectfully submitted,

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Date:
May 24, 2021

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:
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Keith B. Scala
Registration No. 43,088

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
14/735,282	06/10/2015	Frederick Perkins	A24	1060

63640 7590 06/09/2021

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OWENS, TSION B

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2487	

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte FREDERICK PERKINS

Appeal 2021-003904
Application 14/735,282
Technology Center 2400

APPEAL DOCKETING NOTICE

The Patent Trial and Appeal Board received the appeal in the above-identified application from the Technology Center on June 07, 2021, and has assigned it the appeal number indicated above.

The recipient of this notice is reminded of its ongoing duty, within 20 days of any change during the proceeding, to update its mandatory notices to identify the real party-in-interest and each judicial or administrative proceeding that could affect, or be affected by, the Board proceeding. 37 C.F.R. § 41.8. For example, another docketed appeal in a related application may have the potential to affect, or be affected by, the Board proceeding.

In all future communications regarding this appeal, please include both the application number and the appeal number. Telephone inquiries can be made by calling 571-272-9797 and referencing the appeal number listed above. The mailing address for the Board is:

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
14/735,282	06/10/2015	Frederick Perkins	A24	1060

63640 7590 08/02/2022

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte FREDERICK PERKINS

Appeal 2021-003904
Application 14/735,282
Technology Center 2400

Before KEVIN F. TURNER, JOHN A. EVANS, and MATTHEW J. McNEILL, *Administrative Patent Judges*.

EVANS, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellant[1] seeks our review under 35 U.S.C. § 134(a) from the Examiner's final rejection of Claims 1–13; all pending claims. Final Act. 1. We have jurisdiction under 35 U.S.C. § 6(b).

We REVERSE.[2]

---

[1] Appellant states the real party in interest is the inventor, Frederick Perkins. Appeal. Br. 2.

[2] Rather than reiterate the arguments of the Appellant and the Examiner, we refer to the Appeal Brief (filed December 18, 2020, "Appeal Br."), the Reply Brief (filed May 26, 2021, "Reply Br."), the 2nd or Subsequent Examiner's Answer (mailed April 9, 2021, "Ans."), the Final Action (mailed April 8, 2020, "Final Act."), and the Specification (filed June 10, 2015, "Spec.") for

STATEMENT OF THE CASE

The claims relate to a system and method for self-contained bird feeders capable of providing streaming video. *See* Abstract.

RELATED APPEAL.

The present application was previously appealed. Appeal Br. 2. In Appeal 2018-007875, the instant Panel of the Board reversed the rejection of all claims.

Invention.

Claims 1 and 7 are independent. An understanding of the invention can be derived from a reading of Claim 1 which is reproduced below:

> 1. A self-contained bird feeder configured to provide detailed images over a wireless network, comprising: a bird feeder with a built in camera, computer, and internet connection, the bird feeder comprising:
>
> a. a feeder housing;
>
> b. a feeder bottom;
>
> c. a feed port disposed on the feeder bottom;
>
> d. the camera mounted to the bird feeder;
>
> e. the computer located within the feeder housing;
>
> f. an internal power source; and
>
> g. a WiFi adapter located within the feeder housing.

---

their respective details.

Prior Art.

Name[3]	Reference	Date
Altman	US 2014/0355446 A1	Dec. 4. 2014
Bennett	US 9,247,719 B1	Feb. 2, 2016
Lovett	US 2016/0156989 A1	June 2, 2016

Frederick Perkins, Declaration under 37 CFR § 1.132, June 6, 2015

REJECTIONS AT ISSUE.[4]

1. Claims 1, 3, and 7–11 stand rejected under 35 U.S.C. § 102 as anticipated by Lovett. Final Act. 3–4.
2. Claims 2, 4–6, and 13 stand rejected under 35 U.S.C. § 103 as obvious over Lovett and Altman. Final Act. 5–6.
3. Claims 3 and 12 stand rejected under 35 U.S.C. § 103 as obvious over Lovett, Altman, and Bennett. Final Act. 7–8.

ANALYSIS

We review the appealed rejections for error based upon the issues identified by Appellant and in light of the arguments and evidence produced thereon. *Ex parte Frye*, 94 USPQ2d 1072, 1075 (BPAI 2010) (precedential), *cited with approval in In re Jung*, 637 F.3d 1356, 1365 (Fed. Cir. 2011) ("[I]t has long been the Board's practice to require an applicant to identify the

[3] All citations herein to the references are by reference to the first named inventor/author only.

[4] The present application, filed on or after March 16, 2013, is being examined under the first inventor to file provisions of the AIA. Final Act. 2.

alleged error in the examiner's rejections."). We have considered in this decision only those arguments Appellant actually raised in the Briefs. Any other arguments which Appellant could have made but chose not to make in the Briefs are deemed to be forfeit. *See* 37 C.F.R. § 41.37(c)(1)(iv) (2019). After considering the evidence presented in this Appeal and each of Appellant's arguments, we are persuaded that Appellant identifies reversible error. Thus, we reverse the Examiner's rejections. We add the following primarily for emphasis.

Claims 1, 3, and 7–11: Anticipation by Lovett.

Claim 1 recites, *inter alia*, "a feed port disposed on the feeder bottom; [and a] camera mounted to the bird feeder." Appellant contends Lovett fails to disclose each said element. Appeal Br. 4. Appellant argues the claimed "self-contained bird feeder," is not disclosed by the plurality of structures disclosed by Lovett, i.e., a photo booth and separate feed dish. Appeal Br. 5. Appellant further argues Lovett fails to disclose a camera, power source, or WiFi adaptor built into the bird feeder, as claimed. *Id.* Appellant argues Lovett requires two, separate structures. *Id.*

The Examiner finds Lovett discloses a bird photo booth having a "well-integrated camera" mounted thereupon. Ans. 9 R. 22 (citing Lovett, ¶¶ 9–11, 30–33; Figs. 1, 4). Appellant contends the Examiner "recharacterizes" Lovett's disclosure so as to fit Appellant's claim terms. Reply Br. 2.

The rejection of independent Claim 1 was reversed by the instant Panel in Appeal 2018-007875 ("the '875 Appeal"). Instant Claim 1 has not been amended from its form as of the '875 Appeal. In the prior appeal, the Examiner did not find Lovett anticipated Claim 1, but now so finds.

Independent Claim 1 recites, *inter alia*, a "self-contained bird feeder configured to provide detailed images over a wireless network, comprising: a bird feeder with a built in camera . . . the bird feeder comprising . . . [a] camera mounted to the bird feeder."

Arguments of Appellant taken with the Examiner's findings, present us with a case of conflicting claim construction. "Just as district courts must, '[w]hen the parties[5] raise an actual dispute regarding the proper scope of ... claims, ... resolve that dispute,' the Board also must resolve such disputes in the context of IPRs." *Homeland Housewares, LLC v. Whirlpool Corporation*, 865 F.3d 1372, 1375 (2017) (quoting *O2 Micro Int'l Ltd. v. Beyond Innovation Tech. Co.*, 521 F.3d 1351, 1360 (Fed. Cir. 2008)). The Board applies this principle to *ex parte* proceedings, as here. *See Ex parte Schwing*, Appeal 2021-001482 (Application 15/354,852) ("This legal guidance is applicable here, even though an *Ex parte* proceeding is a *single party* before the Office, and the Examiner (who represents the Office) is not a "party" to any proceeding.").

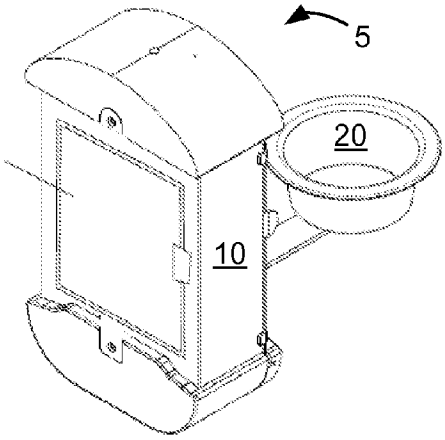
Claim construction is an important step in a patentability determination. *Medichem, S.A. v. Rolabo, S.L.*, 353 F.3d 928, 933 (Fed. Cir. 2003) ("Both anticipation under § 102 and obviousness under § 103 are two-step inquiries. The first step in both analyses is a proper construction of the claims. . . . The second step in the analyses requires a comparison of the properly construed claim to the prior art." (internal citations omitted)). A determination of anticipation, as well as obviousness, involves two steps. First is construing the claim, a question of law, followed by, in the case of anticipation or obviousness, a comparison of the construed claim to the prior

[5] We recognize the Examiner is not a "party" to an appeal.

art. This comparison process involves fact-finding. *Key Pharms. v. Hercon Labs. Corp.*, 161 F.3d 709, 714 (Fed. Cir. 1998) (citations omitted).

The Examiner finds Lovett discloses a "feeder housing." Final Act. 3 (citing Lovett, Abstract; ¶¶ 28–30; Figs. 1, 4 "Unit 5 e.g. Feeder/bird photo booth"). The Examiner does not provide any specific mapping as to how the claim term reads on the disclosure of Lovett. *See Gechter v. Davidson*, 116 F.3d 1454, 1460 (Fed. Cir. 1997) ("we hold that the Board is required to set forth in its opinions specific findings of fact and conclusions of law adequate to form a basis for our review. In particular, we expect that the Board's anticipation analysis be conducted on a limitation by limitation basis, with specific fact findings for each contested limitation and satisfactory explanations for such findings.").

Appellant contends the Examiner: "asserts elements of Applicant's claim are disclosed; it provides a list of cites; but the Office Action does not provide any explanation how one of ordinary skill would understand the prior art to disclose the claimed element. The *ipse dixit* of the Office Action is substituted for a detailed showing of element-by-element anticipation." Appeal Br. 4. Appellant argues: "[a]bsent the legally proscribed element-by-element showing, the Applicant does not understand from the Office Action: whether the built in camera and feed port are anticipated because of a particularly broad interpretation that included non-analogous structures (i.e., the feed dish of Lovett)." Appeal Br. 5. Appellant's argument is prompted by the Examiner's inconsistent mapping of the claim onto the prior art. Having first found numeral 5 to indicate the feeder (see Final Act. 3) ("Unit 5 e.g. Feeder/bird photo booth"), the Examiner then finds numeral 20 to indicate the feeder. Final Act. 4 ("unit 20, e.g., bird feeder").



Lovett, Figure 10 showing a Bird Feeder

Appellant argues if Lovett's dish 20 is the claimed "bird feeder, as found by the Examiner (Final Act 4), then it does not contain a built-in camera or power source or WiFi adaptor, as claimed. Appeal Br. 5. We agree.

The Examiner finds Lovett discloses the claimed "feed port." Final Act. 4. (citing Lovett, Abstract; ¶¶ 34, 43–45; Fig. 10 "unit 20 e.g. bird feeder").

Appellant contends an open dish, as in "unit 20," fails to meet a term of art definition of "feed port." Appeal Br. 7 (citing, *inter alia* US 10,271,525, US 10,098,329, and US 10,130,079). Appellant further argues an open dish also fails to meet a plain language definition of port. *Id.* (citing http://www.dictionary.com/browse/port) ("port": "an aperture in the surface of a cylinder, for the passage of steam, air, water, etc.,").

The Examiner does not reply to Appellant's claim construction

argument, but finds: "Lovett discloses bird-watching camera and feeding with a device for supplying food to birds. A bird may land on the perch and feed directly from the access ports to gather food." Ans. 9 (citing, but not mapping: Lovett, ¶¶ 34, 43–45; Figs 1,4).

Appellant argues regarding the claimed feed port:

> the Examiner points first to the abstract of Lovett, which is asserted to disclose that a bird "may land on the perch and feed directly from the access ports to gather food." It is not clear whether the Examiner asserts that the holes described for the camera are asserted to disclose the claimed feed port. The abstract does not mention a feed port, but reinforces that Lovett only concerns feeders mounted *outside* the bird box having the allegedly "well integrated" camera.

Reply Br. 2.[6] We agree with Appellant.

Lovett nowhere discloses a "port." A "port" is defined as: "a small opening in a container or vessel especially for viewing or for the controlled passage of material." Merriam-Webster.com/dictionary/port. We fail to see haw the open top of a feeding bowl meets either the dictionary definition proffered by Appellant, or the Merriam-Webster definition. Moreover, Appellant's Specification discloses: a "viewing port is machined into the bird feeder." Spec., 10, ll. 4–5. This usage of port more closely aligns with the dictionary definition than does the open top of a feeding bowl.

Independent Claim 7 recites commensurate limitations. In view of the foregoing, we decline to sustain the rejection of Claims 1, 3, and 7–11.

CLAIMS 2, 4–6, AND 13: OBVIOUSNESS OVER LOVETT AND ALTMAN.

The Examiner does not apply Altman to teach the limitation discussed above Final Act. 5–6.

[6] The Reply Brief is not paginated.

In view of the foregoing, we decline to sustain the rejection of Claims 2, 4–6, and 13.

CLAIMS 3 AND 12:

OBVIOUSNESS OVER LOVETT, ALTMAN, AND BENNETT.

The Examiner does not apply Bennett to teach the limitation discussed above Final Act. 7–8.

In view of the foregoing, we decline to sustain the rejection of Claims 3 and 12.

CONCLUSION

In summary:

Claim(s) Rejected	35 U.S.C. §	Reference(s)/Basis	Affirmed	Reversed
1, 3, 7–11	102	Lovett		1, 3, 7–11
2, 4–6, 13	103	Lovett, Altman		2, 4–6, 13
3, 12	103	Lovett, Altman, Bennett		3, 12
Overall Outcome				1–13

REVERSED

UNITED STATES PATENT AND TRADEMARK OFFICE
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MYERS BRADFORD, PLLC
1300 Pennsylvania Ave.
Seventh Floor
WASHINGTON, DC 20004

Courtesy Reminder for
Application Serial No: 14/735,282

Attorney Docket No: A24
Customer Number: 63640
Date of Electronic Notification: 08/02/2022

This is a courtesy reminder that new correspondence is available for this application. If you have not done so already, please review the correspondence. The official date of notification of the outgoing correspondence will be indicated on the form PTOL-90 accompanying the correspondence.

An email notification regarding the correspondence was sent to the following email address(es) associated with your customer number:
kscala@myersbradford.com

To view your correspondence online or update your email addresses, please visit us anytime at **https://ppair-my.uspto.gov/pair/PrivatePair.**
If you have any questions, please email the Electronic Business Center (EBC) at EBC@uspto.gov or call 1-866-217-9197.

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

63640 7590 10/19/2022

MYERS BRADFORD, PLLC
1300 Pennsylvania Ave.
Seventh Floor
WASHINGTON, DC 20004

EXAMINER
OWENS, TSION B

ART UNIT	PAPER NUMBER
2487	

DATE MAILED: 10/19/2022

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
14/735,282	06/10/2015	Frederick Perkins	A24	1060

TITLE OF INVENTION: SELF-CONTAINED BIRD FEEDER WITH CAMERA AND STREAMING VIDEO

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	SMALL	$600	$0.00	$0.00	$600	01/19/2023

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

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

HOW TO REPLY TO THIS NOTICE:

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

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

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

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

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed. 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: Maintenance fees are due in utility patents issuing on applications filed on or after Dec. 12, 1980. It is patentee's responsibility to ensure timely payment of maintenance fees when due. More information is available at www.uspto.gov/PatentMaintenanceFees.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), by mail or fax, or via EFS-Web.

By mail, send to: Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

By fax, send to: (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)

63640 7590 10/19/2022
MYERS BRADFORD, PLLC
1300 Pennsylvania Ave.
Seventh Floor
WASHINGTON, DC 20004

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 transmitted to the USPTO via EFS-Web or by facsimile to (571) 273-2885, on the date below.

(Typed or printed name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
14/735,282	06/10/2015	Frederick Perkins	A24	1060

TITLE OF INVENTION: SELF-CONTAINED BIRD FEEDER WITH CAMERA AND STREAMING VIDEO

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	SMALL	$600	$0.00	$0.00	$600	01/19/2023

EXAMINER	ART UNIT	CLASS-SUBCLASS
OWENS, TSION B	2487	348-143000

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/AIA/122 or PTO/SB/122) attached.

❑ "Fee Address" indication (or "Fee Address" Indication form PTO/AIA/47 or PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

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

1 _____
2 _____
3 _____

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

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document must have been previously recorded, or filed for recordation, as set forth in 37 CFR 3.11 and 37 CFR 3.81(a). 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. Fees submitted: ❑ Issue Fee ❑ Publication Fee (if required) ❑ Advance Order - # of Copies _____

4b. Method of Payment: *(Please first reapply any previously paid fee shown above)*

❑ Electronic Payment via EFS-Web ❑ Enclosed check ❑ Non-electronic payment by credit card (Attach form PTO-2038)

❑ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment to Deposit Account No. _____

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

❑ Applicant certifying micro entity status. See 37 CFR 1.29

❑ Applicant asserting small entity status. See 37 CFR 1.27

❑ Applicant changing to regular undiscounted fee status.

NOTE: Absent a valid certification of Micro Entity Status (see forms PTO/SB/15A and 15B), issue fee payment in the micro entity amount will not be accepted at the risk of application abandonment.
NOTE: If the application was previously under micro entity status, checking this box will be taken to be a notification of loss of entitlement to micro entity status.
NOTE: Checking this box will be taken to be a notification of loss of entitlement to small or micro entity status, as applicable.

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

Authorized Signature _____ Date _____

Typed or printed name _____ Registration No. _____

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
14/735,282	06/10/2015	Frederick Perkins	A24	1060

63640 7590 10/19/2022

MYERS BRADFORD, PLLC
1300 Pennsylvania Ave.
Seventh Floor
WASHINGTON, DC 20004

EXAMINER	
OWENS, TSION B	

ART UNIT	PAPER NUMBER
2487	

DATE MAILED: 10/19/2022

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

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

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

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

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

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

The information collected by PTOL-85 Part B is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450. Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Privacy Act Statement

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

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

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

Notice of Allowability	Application No. 14/735,282	Applicant(s) Perkins, Frederick	
	Examiner TSION B OWENS	Art Unit 2487	AIA (FITF) Status Yes

-- 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 08/02/2022.
   ☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on _____.

2. ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on _____; the restriction requirement and election have been incorporated into this action.

3. ☑ The allowed claim(s) is/are 1-6 . As a result of the allowed claim(s), you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see **http://www.uspto.gov/patents/init_events/pph/index.jsp** or send an inquiry to **PPHfeedback@uspto.gov.**

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

   Certified copies:

   a) ☐ All b) ☐ Some* c) ☐ None of the:

   1. ☐ Certified copies of the priority documents have been received.
   2. ☐ Certified copies of the priority documents have been received in Application No. _____ .
   3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

   * Certified copies not received: _____ .

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
   ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____ .

   Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☑ Notice of References Cited (PTO-892)
2. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____.
3. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material _____.
4. ☐ Interview Summary (PTO-413), Paper No./Mail Date. _____.
5. ☐ Examiner's Amendment/Comment
6. ☐ Examiner's Statement of Reasons for Allowance
7. ☐ Other _____.

/TSION B OWENS/
Primary Examiner, Art Unit 2487

Notice of References Cited	Application/Control No. 14/735,282	Applicant(s)/Patent Under Reexamination Perkins, Frederick	
	Examiner TSION B OWENS	Art Unit 2487	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	CPC Classification	US Classification
*	A	US-20120233649-A1	09-2012	Seigler; Benjamin Henry	A01K5/02	725/109
*	B	US-9247719-B1	02-2016	Bennett; Teddy Leland	A01K39/0206	1/1
*	C	US-9137974-B2	09-2015	Boehm; Thomas	A01K5/0291	1/1
*	D	US-20160156989-A1	06-2016	Lovett; Bryson C.	H04N7/183	348/143
*	E	US-20150373945-A1	12-2015	Sung; Mu Chi	A01K5/0283	119/51.5
*	F	US-20140355446-A1	12-2014	Altman; Baruch Yosef	H04W28/0289	370/235
	G					
	H					
	I					
	J					
	K					
	L					
	M					

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	CPC 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.

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	14/735,282	Perkins, Frederick
	Examiner	Art Unit
	TSION B OWENS	2487

CPC - Searched*		
Symbol	**Date**	**Examiner**
H04N5/2257, H04N5/23203	4/27/17	TBO
H04N1/00209	=	TBO
A01K39/01	=	TBO

CPC Combination Sets - Searched*		
Symbol	**Date**	**Examiner**

US Classification - Searched*			
Class	**Subclass**	**Date**	**Examiner**

* See search history printout included with this form or the SEARCH NOTES box below to determine the scope of the search.

Search Notes		
Search Notes	**Date**	**Examiner**
East Search	4/27/17	TBO
Inventors name search	=	TBO
double patenting search	=	TBO
keyword search	=	TBO
npl (IEEE, ip.com)	=	TBO
Counslt with QAS Justin Rideru	=	TBO
Counsult with PE Behrooz Senfi	=	TBO
Update search	8/31/17	TBO
update search	10/11/2022	TBO

/TSION B OWENS/ Primary Examiner, Art Unit 2487	/TSION B OWENS/ Examiner.Art Unit 2487

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	14/735,282	Perkins, Frederick
	Examiner	Art Unit
	TSION B OWENS	2487

Interference Search			
US Class/CPC Symbol	US Subclass/CPC Group	Date	Examiner
	CLAIM SEARCH	10/11/2022	TBO

/TSION B OWENS/ Primary Examiner, Art Unit 2487	/TSION B OWENS/ Examiner.Art Unit 2487

Issue Classification	Application/Control No.	Applicant(s)/Patent Under Reexamination
	14/735,282	Perkins, Frederick
	Examiner	**Art Unit**
	TSION B OWENS	2487

CPC								
Symbol							**Type**	**Version**
H04N	/	5	/	2257			F	2013-01-01
A01K	/	39	/	01			I	2013-01-01
H04N	/	5	/	23203			I	2013-01-01
H04N	/	1	/	00244			I	2013-01-01
H04N	/	1	/	00209			I	2013-01-01

CPC Combination Sets								
Symbol					**Type**	**Set**	**Ranking**	**Version**
	/		/					

NONE		Total Claims Allowed:	
(Assistant Examiner)	(Date)	6	
/TSION B OWENS/ Primary Examiner, Art Unit 2487	11 October 2022	O.G. Print Claim(s)	O.G. Print Figure
(Primary Examiner)	(Date)	1	3

U.S. Patent and Trademark Office

Part of Paper No.: 20221011

Issue Classification	Application/Control No.	Applicant(s)/Patent Under Reexamination
	14/735,282	Perkins, Frederick
	Examiner	**Art Unit**
	TSION B OWENS	2487

INTERNATIONAL CLASSIFICATION				
CLAIMED				
H04N	/	5	/	232
A01K	/	39	/	01

NON-CLAIMED				
	/		/	

US ORIGINAL CLASSIFICATION	
CLASS	**SUBCLASS**

CROSS REFERENCES(S)						
CLASS	**SUBCLASS (ONE SUBCLASS PER BLOCK)**					

NONE		Total Claims Allowed:	
(Assistant Examiner)	(Date)	6	
/TSION B OWENS/ Primary Examiner, Art Unit 2487	11 October 2022	O.G. Print Claim(s)	O.G. Print Figure
(Primary Examiner)	(Date)	1	3

Issue Classification	Application/Control No.	Applicant(s)/Patent Under Reexamination
	14/735,282	Perkins, Frederick
	Examiner	**Art Unit**
	TSION B OWENS	2487

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

CLAIMS

Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original
1	1		10												
2	2		11												
3	3		12												
4	4		13												
5	5														
6	6														
	7														
	8														
	9														

NONE		**Total Claims Allowed:**	
(Assistant Examiner)	(Date)	6	
/TSION B OWENS/ Primary Examiner, Art Unit 2487	11 October 2022	O.G. Print Claim(s)	O.G. Print Figure
(Primary Examiner)	(Date)	1	3

U.S. Patent and Trademark Office

Part of Paper No.: 20221011

PE2E SEARCH - Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	British Equivalents	Time Stamp
L1	1	("14735282").PN.	(US-PGPUB; USPAT; USOCR)	OR	ON	ON	2017/04/26 09:44 AM
L2	1	(Frederick near4 Parkins).in.	(US-PGPUB; USPAT)	OR	OFF	OFF	2017/04/26 09:53 AM
L3	1667	H04N5/2257, H04N5/23203	(US-PGPUB; USPAT)	OR	OFF	OFF	2017/04/26 09:54 AM
L4	234	H04N1/00209	(US-PGPUB; USPAT)	OR	OFF	OFF	2017/04/26 09:55 AM
L5	285	A01K39/01	(US-PGPUB; USPAT)	OR	OFF	OFF	2017/04/26 09:55 AM
L6	1034	H04N1/00244	(US-PGPUB; USPAT)	OR	OFF	OFF	2017/04/26 09:55 AM
L7	106	(camera or image) same ((animal or bird or dog or cat) near4 feeder)	(US-PGPUB; USPAT)	OR	OFF	OFF	2017/04/26 09:57 AM
L8	1	L3 and (camera or image) same ((animal or bird or dog or cat) near4 feeder)	(US-PGPUB; USPAT)	OR	OFF	OFF	2017/04/26 09:58 AM
L9	2	L4 and (camera or image) same ((animal or bird or dog or cat) near4 feeder)	(US-PGPUB; USPAT)	OR	OFF	OFF	2017/04/26 09:58 AM
L10	4	L5 and (camera or image) same ((animal or bird or dog or cat) near4 feeder)	(US-PGPUB; USPAT)	OR	OFF	OFF	2017/04/26 09:58 AM
L11	1	"20160366319"	(DERWENT)	OR	OFF	OFF	2017/04/26 10:08 AM
L12	7	(("9137974") or ("9247719") or ("20150062333") or ("20120233649") or ("20040194714") or ("20120327225") or ("7017521")).PN.	(US-PGPUB; USPAT; USOCR)	OR	ON	ON	2017/04/26 10:11 AM
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PE2E SEARCH - Search History (Interference)

There are no Interference searches to show.

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Courtesy Reminder for
Application Serial No: 14/735,282

Attorney Docket No: A24
Customer Number: 63640
Date of Electronic Notification: 10/19/2022

This is a courtesy reminder that new correspondence is available for this application. If you have not done so already, please review the correspondence. The official date of notification of the outgoing correspondence will be indicated on the form PTOL-90 accompanying the correspondence.

An email notification regarding the correspondence was sent to the following email address(es) associated with your customer number:
kscala@myersbradford.com

To view your correspondence online or update your email addresses, please visit us anytime at **https://ppair-my.uspto.gov/pair/PrivatePair.**
If you have any questions, please email the Electronic Business Center (EBC) at EBC@uspto.gov or call 1-866-217-9197.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
14/735,282	06/10/2015	Frederick Perkins	A24	1060

63640 7590 11/07/2022

MYERS BRADFORD, PLLC
1300 Pennsylvania Ave.
Seventh Floor
WASHINGTON, DC 20004

EXAMINER	
OWENS, TSION B	

ART UNIT	PAPER NUMBER
2487	

NOTIFICATION DATE	DELIVERY MODE
11/07/2022	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):

kscala@myersbradford.com

Corrected ***Notice of Allowability***	**Application No.** 14/735,282	**Applicant(s)** Perkins, Frederick	
	Examiner TSION B OWENS	**Art Unit** 2487	**AIA (FITF) Status** Yes

-- 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 08/02/2022.
   ☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on _____.

2. ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on _____; the restriction requirement and election have been incorporated into this action.

3. ☑ The allowed claim(s) is/are 1-6 . As a result of the allowed claim(s), you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see **http://www.uspto.gov/patents/init_events/pph/index.jsp** or send an inquiry to **PPHfeedback@uspto.gov.**

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

   Certified copies:

   a) ☐ All b) ☐ Some* c) ☐ None of the:

   1. ☐ Certified copies of the priority documents have been received.
   2. ☐ Certified copies of the priority documents have been received in Application No. _____ .
   3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

   * Certified copies not received: _____ .

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
   ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____ .

   Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____.
3. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material _____.
4. ☐ Interview Summary (PTO-413), Paper No./Mail Date. _____.
5. ☑ Examiner's Amendment/Comment
6. ☐ Examiner's Statement of Reasons for Allowance
7. ☐ Other _____.

/TSION B OWENS/
Primary Examiner, Art Unit 2487

DETAILED ACTION

1. The present application, filed on or after March 16, 2013, is being examined under the first inventor to file provisions of the AIA.

2. Claims 7-12 Canceled.

3. Claims 1-6 allowed.

EXAMINER'S AMENDMENT

4. 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.

5. In claim1-6 please add the underlined section as follows:

1. (Currently Amended) A self-contained bird feeder configured to provide detailed images over a wireless network, comprising: a bird feeder with a built in camera, computer, and internet connection, the bird feeder comprising:a. a feeder housing; b. a feeder bottom; c. a feed port disposed on the feeder bottom; d. the camera internally mounted to the bird feeder such that the camera is aligned with the feed port to observe feeding birds; e. the computer located within the feeder housing; f. an internal power source; and g. a WiFi adapter located within the feeder housing.

2. (original) The self-contained bird feeder of claim 1 wherein the WiFi adapter is a WiFi dongle.

3. (Previously Amended) The self-contained bird feeder of claim 1 further comprising a feed compartment disposed in the feeder housing and a feed compartment separator disposed in the

feed compartment, whereby feed is fed by gravity from the feed compartment through the feeder housing, to the feeder bottom, and then to the feed port.

4. (original) The self-contained bird feeder of claim 1 wherein the computer comprises: a processor; a display connector; a multi-media interface; an audio/video jack; and an ethernet socket.

5. (original) The self-contained bird feeder of claim 1 wherein the computer comprises a micro USB socket and a USB port.

6. (original) The self-contained bird feeder of claim 4 wherein the multi-media interface comprises an HDMI port.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TSION B. OWENS whose telephone number is (571)272-3934. The examiner can normally be reached on Monday-Friday, alt Friday 7:30AM - 5:00PM EST.

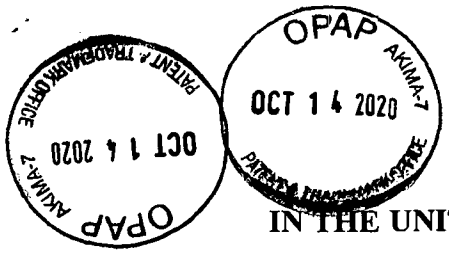
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Czekaj can be reached on (571)272-7327. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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.

/TSION B OWENS/

Primary Examiner, Art Unit 2487



OK TO ENTER: /T.B.O/

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of	Docket No: A24
Frederick PERKINS	
Appln. No.: 14/735,282	Group Art Unit: 2487
Confirmation No.: 1060	Examiner: Tsion Owens
Filed: June 6, 2015	

For: **SELF-CONTAINED BIRD FEEDER WITH CAMERA AND STREAMING VIDEO**

AMENDMENT UNDER 37 C.F.R. § 1.112

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

Sir:

This is in response to the Office Action dated April 8, 2020. A three month extension of time and Notice of Appeal are submitted herewith. This response is timely filed.

Please amend the above-identified application as follows on the accompanying pages.

TABLE OF CONTENTS

AMENDMENTS TO THE CLAIMS 2

REMARKS 4

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
14/735,282	06/10/2015	Frederick Perkins	A24	1060

7590 02/03/2023

MYERS BRADFORD, PLLC
1300 Pennsylvania Ave.
Seventh Floor
WASHINGTON, DC 20004

EXAMINER	
OWENS, TSION B	
ART UNIT	PAPER NUMBER
2487	
NOTIFICATION DATE	DELIVERY MODE
02/03/2023	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. ☐ Applicant's failure to timely file the inventor's oath or declaration no later than the date on which the issue fee was paid as required by the Notice Requiring Inventor's Oath or Declaration (PTO-2306).
   (a) ☐ An inventor's oath or declaration was received on _____ (with a Certificate of Mailing or Transmission date _____), which is after the date on which the issue fee was paid.
   (b) ☐ While an oath or declaration (or substitute statement) for one or more inventors was received, an oath or declaration (or substitute statement) for at least one other inventor has not been received.
   (c) ☐ No inventor's oath or declaration has been received.
5. ☐ Drawings received on _____ were disapproved by examiner. See examiner's response dated _____.
6. ☐ Corrected drawings were received on _____ , which is after the expiration of the one-month period for reply set in examiner's response dated _____.
7. ☐ No corrected drawings have been received in reply to one-month period set in examiner's response dated _____.
8. ☐ The reason(s) below:

Petitions to revive under 37 CFR 1.137(a) 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.

BT

(571)-272-4200 or 1(888)-786-0101
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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.

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WASHINGTON, DC 20004

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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 transmitted to the USPTO via EFS-Web or by facsimile to (571) 273-2885, on the date below.

Keith Scala	(Typed or printed name)
/Keith Scala/	(Signature)
February 3, 2023	(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
14/735,282	06/10/2015	Frederick Perkins	A24	1060

TITLE OF INVENTION: SELF-CONTAINED BIRD FEEDER WITH CAMERA AND STREAMING VIDEO

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	SMALL	$600	$0.00	$0.00	$600	01/19/2023

EXAMINER	ART UNIT	CLASS-SUBCLASS
OWENS, TSION B	2487	348-143000

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/AIA/122 or PTO/SB/122) attached.

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

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

1 Myers Bradford, PLLC
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 must have been previously recorded, or filed for recordation, as set forth in 37 CFR 3.11 and 37 CFR 3.81(a). 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. Fees submitted: ☒ Issue Fee ~~☒ Publication Fee (if required)~~ ☐ Advance Order - # of Copies _____

4b. Method of Payment: *(Please first reapply any previously paid fee shown above)*

☐ Electronic Payment via EFS-Web ☒ Enclosed check ☐ Non-electronic payment by credit card (Attach form PTO-2038) Chk No. 1361

☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment to Deposit Account No. _____

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

☐ Applicant certifying micro entity status. See 37 CFR 1.29

☐ Applicant asserting small entity status. See 37 CFR 1.27

☐ Applicant changing to regular undiscounted fee status.

NOTE: Absent a valid certification of Micro Entity Status (see forms PTO/SB/15A and 15B), issue fee payment in the micro entity amount will not be accepted at the risk of application abandonment.
NOTE: If the application was previously under micro entity status, checking this box will be taken to be a notification of loss of entitlement to micro entity status.
NOTE: Checking this box will be taken to be a notification of loss of entitlement to small or micro entity status, as applicable.

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

Authorized Signature /Keith Scala/ Date February 3, 2023

Typed or printed name Keith Scala Registration No. 43,088

Doc Code: PET.OP
Document Description: Petition for Review by the Office of Petitions

OPAP TRDTSV4
FEB 0 8 2023
PATENT & TRADEMARK OFFICE

PTO/SB/64 (10-21)
Approved for use through 05/31/2024. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(a)

Docket Number (Optional): A24

First named inventor: PERKINS, Frederick

Application No.: 14/735,282 Art Unit: 2487

Filed: 6/10/2015 Examiner: Owens, Tsion B

Title: SELF-CONTAINED BIRD FEEDER WITH CAMERA AND STREAMING VIDEO

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 the Office of Petitions 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 (37 CFR 1.17(m))**

☑ Small entity fee $ 840 (Fee Code 2453). Applicant asserts small entity status. See 37 CFR 1.27.

☐ Micro entity fee $ _____ (Fee Code 3453). Applicant has established or is establishing micro entity status. See 37 CFR 1.29. Form PTO/SB/15A or B or equivalent must either be enclosed or have been submitted previously.

☐ Other than a small or micro entity (undiscounted) fee $ _____ (Fee Code 1453).

2. **Reply and/or fee**

A The reply and/or fee to the above-noted Office notice or action in the form of

_____ (identify the type of reply):

☐ has been filed previously on _____.

☐ is enclosed herewith.

B The issue fee and publication fee (if applicable) of $ 600

☑ has been paid previously on February 3, 2023 (Check no. 1361).

☐ is enclosed herewith.

This collection of information is required by 37 CFR 1.137(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, 1.14 and 41.6. This collection is estimated to take 1 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. Box 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.

PTO/SB/64 (10-21)
Approved for use through 05/31/2024. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(a)

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 $ _____) 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(a) was unintentional.

Petitioner is reminded that a delay resulting from a deliberately chosen course of action on the part of the applicant does not become an "unintentional" delay within the meaning of 37 CFR 1.137 because:

- the applicant does not consider the claims to be patentable over the references relied upon in an outstanding Office action;
- the applicant does not consider the allowed or patentable claims to be of sufficient breadth or scope to justify the financial expense of obtaining a patent;
- the applicant does not consider any patent to be of sufficient value to justify the financial expense of obtaining the patent; or
- the applicant remains interested in eventually obtaining a patent, but simply seeks to defer patent fees and patent prosecution expenses.

Petitioner is further reminded that an intentional delay resulting from a deliberate course of action chosen by the applicant is not affected by:

- the correctness of the applicant's (or applicant's representative's) decision to abandon the application or not to seek or persist in seeking revival of the application;
- the correctness or propriety of a rejection, or other objection, requirement, or decision by the Office; or
- the discovery of new information or evidence, or other change in circumstances subsequent to the abandonment or decision not to seek or persist in seeking revival.

NOTE: Where the petition under 37 CFR 1.137(a) is filed more than two years after the date the application became abandoned, the United States Patent and Trademark Office requires an additional explanation of the circumstances surrounding the delay that establishes the entire delay was unintentional. This requirement is in addition to the requirement to provide a statement that the entire delay was unintentional. See *Clarification of the Practice for Requiring Additional Information in Petitions Filed in Patent Applications and Patents Based on Unintentional Delay*, 85 FR 12222 (March 2, 2020). See MPEP 711.03(c)(II)(C)-(F) for additional guidance on the information required to establish that the entire delay was unintentional.

☐ Because this petition under 37 CFR 1.137(a) is being filed more than two years after the date the application became abandoned, additional explanation of the circumstances surrounding the delay that establishes the entire delay was unintentional is enclosed herewith.

Doc Code: PET.OP
Document Description: Petition for Review by the Office of Petitions

PTO/SB/64 (10-21)
Approved for use through 05/31/2024. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(a)

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.

***This petition must be signed in accordance with 37 CFR 1.33. Please see 37 CFR 1.4(d) for the signature requirements. Submit multiple forms if more than one signature is required.**

/Keith Scala/
Signature*

February 6, 2023
Date

Keith Scala
Typed or Printed Name

43,088
Registration Number, if applicable

1300 Pennsylvania Ave, 7th Fl
Address

202.536.5701
Telephone Number

Washington DC 20004
Address

Enclosures:

- [x] Petition fee under 37 CFR 1.17(m)
- [ ] Reply and/or fee
- [ ] Terminal Disclaimer Form
- [ ] Additional sheet(s) containing statements establishing unintentional delay
- [ ] Other: _____

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

I hereby certify that this correspondence is being:

- [x] Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.
- [ ] Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

February 6, 2023
Date

/Keith Scala/
Signature

Keith Scala
Typed or printed name of person signing certificate



United States Patent and Trademark Office

Office of the Chief Financial Officer

Document Code:WFEE

User :Sengpheth Sandara

Sale Accounting Date:02/10/2023

Sale Item Reference Number	Effective Date
14735282	10/19/2022

Document Number	Fee Code	Fee Code Description	Amount Paid	Payment Method
I202320D27579330	2501	UTILITY APPL ISSUE FEE	$600.00	Check



United States Patent and Trademark Office

Office of the Chief Financial Officer

Document Code:WFEE

User :Simret Direta

Sale Accounting Date:02/13/2023

Sale Item Reference Number	Effective Date
14735282	02/08/2023

Document Number	Fee Code	Fee Code Description	Amount Paid	Payment Method
I20232CD07046338	2453	PET. REVIVE ABANDON APP, DELAY PYMT-RESP	$840.00	Check

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.
14/735,282	06/10/2015	Frederick Perkins	A24	1060

63640 7590 03/08/2023

MYERS BRADFORD, PLLC
1300 Pennsylvania Ave.
Seventh Floor
WASHINGTON, DC 20004

EXAMINER	
OWENS, TSION B	

ART UNIT	PAPER NUMBER
2487	

NOTIFICATION DATE	DELIVERY MODE
03/08/2023	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):

kscala@myersbradford.com

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

In re Application of	:	
Perkins, Frederick	:	
Application No. 14/735,282	:	DECISION ON PETITION
Filed: June 10, 2015	:	
Attorney Docket No. A24		

This is a decision on the petition under 37 CFR 1.137(a), filed February 8, 2023, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure s to timely pay the issue fee on or before January 19, 2023, as required by the Notice of Allowance and Fee(s) Due, mailed October 19, 2022, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on January 20, 2023. The Office mailed a Notice of Abandonment on February 3, 2023.

The petition satisfies the requirements of 37 CFR 1.137(a) in that petitioner has supplied; (1) the required reply in the form of the Part B – Fee(s) Transmittal form for the issue fee payment of $600.00, (2) the petition fee in the amount of $840.00, and (3) a proper statement of unintentional delay.

The application is being forwarded to the Office of Data Management for processing into a patent.

Telephone inquiries related to this decision should be directed to Paralegal Specialist Debra Wyatt at (571)272-3621.

/DEBRA WYATT/
Paralegal Specialist, OPET

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
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APPLICATION NO.	ISSUE DATE	PATENT NO.	ATTORNEY DOCKET NO.	CONFIRMATION NO.
14/735,282	04/11/2023	11627242	A24	1060

63640 7590 03/22/2023

MYERS BRADFORD, PLLC
1300 Pennsylvania Ave.
Seventh Floor
WASHINGTON, DC 20004

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 969 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 Patents Stakeholder Experience (OPSE), Stakeholder Support Division (SSD) at (571)-272-4200.

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

Frederick Perkins, McLean, VA;

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

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