

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number		17965516
	Filing Date		2022-10-13
	First Named Inventor	Michael Pratt	
	Art Unit	3732	
	Examiner Name	BAO-THIEU L NGUYEN	
	Attorney Docket Number	P-03036	

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	135	20230218033	A1	2023-07-13	FAST IP, LLC	
	136	20230225450	A1	2023-07-20	CHENEY et al.	
	137	20230263270	A1	2023-08-24	JONES CHRISTIAN	
	138	20230276897	A1	2023-09-07	CHENEY et al.	
	139	20230284737	A1	2023-09-14	BAR AHARON	

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FOREIGN PATENT DOCUMENTS

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**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**
(Not for submission under 37 CFR 1.99)

Application Number		17965516
Filing Date		2022-10-13
First Named Inventor	Michael Pratt	
Art Unit		3732
Examiner Name	BAO-THIEU L NGUYEN	
Attorney Docket Number		P-03036

Examiner Initial*	Cite No	Foreign Document Number ³	Country Code ²	Kind Code ⁴	Publication Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear	T ⁵
	1	101991227	CN	A	2011-03-30	QINGGAO LIU	English Abstract Submitted	☐
	2	107467775	CN	A	2017-12-15	FUJIAN QIBU CHILDREN PRODUCTS CO LTD	English Abstract Submitted	☐
	3	108577022	CN	A	2018-09-28	NIKE INNOVATE CV	Corresponds to US 20160128429 A1	☐
	4	1952715	EP	A1	2008-08-06	ROYAL COLLEGE OF ART	English Abstract Submitted	☐
	5	3266327	EP	A1	2018-01-10	SCARPA CALZATURIFICIO SPA	English Abstract Submitted	☐
	6	3066679	FR	A1	2018-11-30	ZHOR TECH	English Abstract Submitted	☐
	7	11-127907	JP	A	1999-05-18	KOYAMA TOMOYO	English Abstract Submitted	☐
	8	2010-104416	JP	A	2010-05-13	MIYAMOTO KAZUO	English Abstract Submitted	☐
	9	2013-510685	JP	A	2013-03-28	Ogeo International, Inc.	Corresponds to US 20120317839 A1	☐
	10	2014-161721	JP	A	2014-09-08	GAROA DESIGN INC	English Abstract Submitted	☐

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**
(Not for submission under 37 CFR 1.99)

Application Number		17965516
Filing Date		2022-10-13
First Named Inventor	Michael Pratt	
Art Unit		3732
Examiner Name	BAO-THIEU L NGUYEN	
Attorney Docket Number		P-03036

11	10-2005-0095542	KR	A	2005-09-29	RALUY FRANCIS	English Abstract Submitted	☐
12	10-2009-0093548	KR	A	2009-09-02	SHOEMAX CO LTD	English Abstract Submitted	☐
13	10-2009-0130804	KR	A	2009-12-24	SHIM SANG OK	English Abstract Submitted	☐
14	10-0936510	KR	B1	2010-01-13	CHOI YONG GYOO		☐
15	2000762	NL	C1	2009-01-20	INTERSKO B V		☒
16	2018/230961	WO	A1	2018-12-20	KIM NAM GUK		☐
17	2019/215359	WO	A1	2019-11-14	VERGE DOLZ VIRGILIO ANDRES		☐
18	2020/006490	WO	A1	2020-01-02	FAST IP LLC		☐
19	2021/162569	WO	A1	2021-08-19	RAIA SORIN		☐
20	2022/204444	WO	A1	2022-09-29	FAST IP LLC	Corresponds to US 20220354220 A1	☐
21	2022/221339	WO	A1	2022-10-20	FAST IP LLC		☐

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number		17965516	
	Filing Date		2022-10-13	
	First Named Inventor	Michael Pratt		
	Art Unit	3732		
	Examiner Name	BAO-THIEU L NGUYEN		
	Attorney Docket Number	P-03036		

	22	2023/049414	WO	A1	2023-03-30	FAST IP LLC		☐
	23	2023/064568	WO	A1	2023-04-20	SKECHERS USA INC II		☐

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NON-PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, pages(s), volume-issue number(s), publisher, city and/or country where published.	T ⁵
	1		☐

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EXAMINER SIGNATURE

Examiner Signature		Date Considered	
--------------------	--	-----------------	--

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ See Kind Codes of USPTO Patent Documents at www.USPTO.GOV or MPEP 901.04. ² Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). ³ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁴ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁵ Applicant is to place a check mark here if English language translation is attached.

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**
(Not for submission under 37 CFR 1.99)

Application Number	17965516
Filing Date	2022-10-13
First Named Inventor	Michael Pratt
Art Unit	3732
Examiner Name	BAO-THIEU L NGUYEN
Attorney Docket Number	P-03036

CERTIFICATION STATEMENT

Please see 37 CFR 1.97 and 1.98 to make the appropriate selection(s):

☐ That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(1).

OR

☐ That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(2).

☐ See attached certification statement.

☐ The fee set forth in 37 CFR 1.17 (p) has been submitted herewith.

☒ A certification statement is not submitted herewith.

SIGNATURE

A signature of the applicant or representative is required in accordance with CFR 1.33, 10.18. Please see CFR 1.4(d) for the form of the signature.

Signature	/Eric Nielsen/	Date (YYYY-MM-DD)	2024-01-30
Name/Print	Eric Nielsen	Registration Number	60,183

This collection of information is required by 37 CFR 1.97 and 1.98. 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 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: 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:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
17/965,516	10/13/2022	Michael Pratt	P-03036	9165
164668	7590	03/06/2024	EXAMINER	
FAST IP, LLC 1172 West 700 North Suite 200 Lindon, UT 84042			NGUYEN, BAO-THIEU L	
			ART UNIT	PAPER NUMBER
			3732	
			NOTIFICATION DATE	DELIVERY MODE
			03/06/2024	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):

enielsen@kizik.com

Office Action Summary	Application No. 17/965,516	Applicant(s) Pratt et al.	
	Examiner BAO-THIEU L NGUYEN	Art Unit 3732	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 01-26-2024.

☐ 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) 1-7,9-11,13-17 and 20-24 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) 1-7,9-11,13-17 and 20-24 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 10-13-2022 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

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

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

Priority under 35 U.S.C. § 119

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

Certified copies:

a) ☐ All b) ☐ Some** c) ☐ None of the:

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

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

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

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

Attachment(s)

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

3) ☐ Interview Summary (PTO-413)

Paper No(s)/Mail Date ____.

2) ☒ Information Disclosure Statement(s) (PTO/SB/08a and/or PTO/SB/08b)

4) ☐ Other: ____.

Paper No(s)/Mail Date ____.

DETAILED ACTION

Notice of Pre-AIA or AIA Status

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

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 01-31-2024 has been entered.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 01-31-2024 is acknowledged. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Drawings

The drawings were received on 10-13-2022. These drawings are acceptable.

Claim Rejections - 35 USC § 102

3. In the event the determination of the status of the application as subject to AIA 35 U.S.C. 102 and 103 (or as subject to pre-AIA 35 U.S.C. 102 and 103) is incorrect, any correction of the statutory basis (i.e., changing from AIA to pre-AIA) for the rejection will not be considered a new ground of rejection if the prior art relied upon, and the rationale supporting the rejection, would be the same under either status.

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.

5. **Claim(s) 1-7, 9-11, 13, and 23-24** is/are rejected under 35 U.S.C. 102(a)(1) as being anticipated by Lin (2012/0180338).

Regarding claim 1, Lin discloses a rapid-entry shoe, comprising:

a sole; an upper; a stabilizer provided at a rear portion of the sole and comprised of a rigid material (i.e. ABS, fig 1), the stabilizer (member 30) comprising:

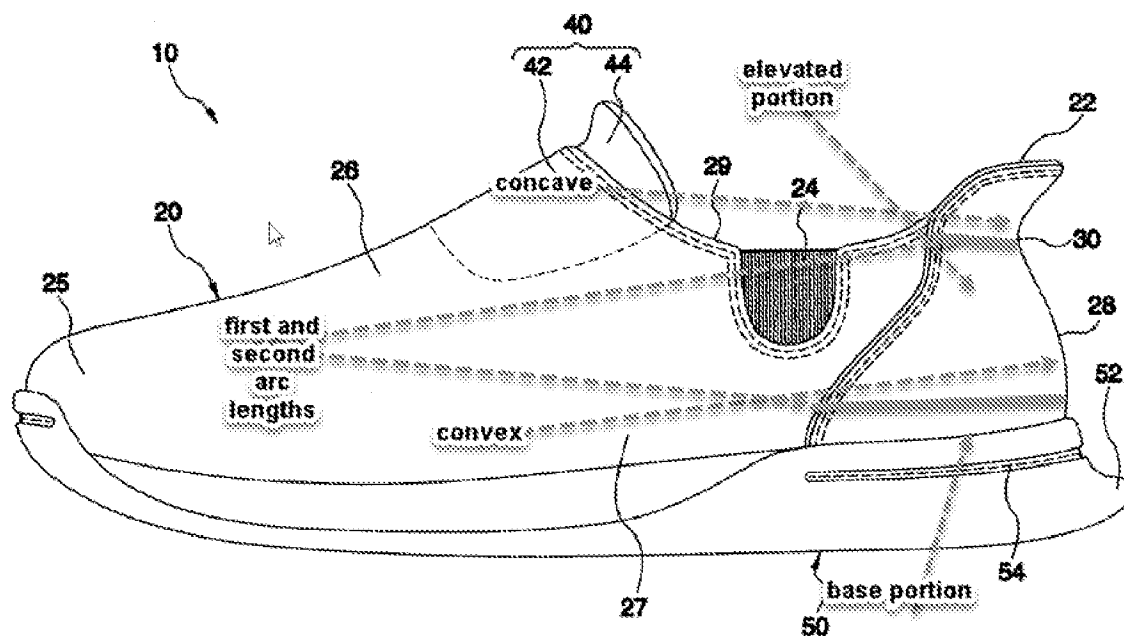


FIG.1

a base portion (fig 1 annotated above); and

an elevated portion (fig 1 annotated above), wherein:

the base portion is proximate the sole and extends from a lateral side of the sole to a medial side of the sole to form a convex structure around a heel portion of the

rapid-entry shoe, the convex structure extending upward from the sole to the elevated portion and at least partially surrounding the heel portion (fig 1 annotated above), and wherein:

the elevated portion extends rearward from a rear portion of the convex structure and acts as a shoehorn (fig 1 annotated above, para 0012).

Regarding claim 4, Lin discloses the base portion of the stabilizer extends into the sole (para 0012).

Regarding claim 5, Lin discloses the elevated portion of the stabilizer extends to a top collar of the upper of the rapid-entry shoe (fig 1).

Regarding claim 6, Lin discloses the stabilizer is integrated within the upper.

Regarding claim 7, Lin discloses the stabilizer comprises a curvature between the base portion and the elevated portion (fig 1).

Regarding claim 9, Lin discloses a liner (member 27 and 28 acts as a liner) at least partially disposed on the stabilizer (para 0013).

Regarding claim 23, Lin discloses an elastic element (member 24) disposed on a side portion of the upper and forward relative to the rear portion.

Regarding claim 2, Lin discloses the upper defines a foot opening and wherein the elastic element enlarges the foot opening of the rapid-entry shoe in response to a foot being inserted into the opening and contacting at least a portion of the upper (para 0012).

Regarding claim 3, Lin discloses the elastic element forms at least a portion of a top collar of the upper of the rapid-entry shoe (fig 1).

Regarding claim 24, Lin discloses the elastic element enables a forward portion of the upper to flex relative to the sole of the rapid-entry shoe (para 0012).

Regarding claim 10, Lin discloses a stabilizer (fig 1, member 30) for a rapid-entry shoe, comprising:

a base portion having a continuous curved surface shape to form a rear portion and a first arc length extending horizontally from a lateral side of the stabilizer, around the rear portion, to a medial side of the stabilizer (fig 1 annotated above); and

an elevated portion having a continuous surface extending upward and rearward from the rear portion of the continuous curved surface shape of the base portion and having a second arc length extending horizontally from the lateral side of the stabilizer to the medial side of the stabilizer wherein the elevated portion and the base portion have a shape that continuously transitions from the first arc length to the second arc length (fig 1 annotated above).

Regarding claim 11, Lin discloses curvature between the base portion and the elevated portion (figs 1-2).

Regarding claim 13, Lin discloses the curvature has a first tangential angle at the base portion and a second tangential angle at the elevated portion (figs 1-2).

Claim Rejections - 35 USC § 103

6. In the event the determination of the status of the application as subject to AIA 35 U.S.C. 102 and 103 (or as subject to pre-AIA 35 U.S.C. 102 and 103) is incorrect, any correction of the statutory basis (i.e., changing from AIA to pre-AIA) for the rejection will not be considered a new ground of rejection if the prior art relied upon, and the rationale supporting the rejection, would be the same under either status.

7. 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.

8. **Claim(s) 14** is/are rejected under 35 U.S.C. 103 as being unpatentable over Lin (2012/0180338) as applied to claim 10 above, and further in view of Beers et al. (2018/0110292).

Regarding claim 14, Lin teaches all limitations of the claim except a window defined by at least one of the base portion and the elevated portion.

Beers teaches a stabilizer having a window (fig 9).

It would have been obvious to one of ordinary skill in the art before the effective filing date of the claim invention to modify the stabilizer of Lin by adding a window, as taught by Beers, in order to having lighter stabilizer.

9. **Claim(s) 15-22** is/are rejected under 35 U.S.C. 103 as being unpatentable over Lin (2012/0180338) in view of Beers et al. (2018/0110292).

Regarding claim 15, Lin discloses a method for donning a rapid-entry shoe, comprising: inserting a first portion of a foot into a foot opening of the rapid-entry shoe, the foot opening defined by an upper of the rapid-entry shoe; and inserting a second portion of the foot into the foot opening of the rapid-entry shoe (abstract and para 0015) such that:

a bottom portion of the foot contacts an elevated portion of a stabilizer disposed in a rear portion of the rapid-entry shoe, the elevated portion of the stabilizer extending upward and rearward from a rear portion of a cup-shaped base of the stabilizer, the bottom portion of the foot causing at least a portion of the stabilizer to at least partially pivot rearward around an axis (figs 1-2, para 0011 to 0015),

the upper comprising an elastic element that is operable to expand the foot opening in response to the bottom portion of the foot contacting the stabilizer and the top portion of the foot contacting the upper (figs 1-2, member 24, para 0011 to 0015)

Lin does not teach a top portion of the foot substantially simultaneously contacts the upper of the rapid-entry shoe.

Beers teaches a step of a top portion of the foot substantially simultaneously contacts the upper of the rapid-entry shoe, the upper comprising an elastic element that is operable to expand the foot opening in response to the bottom portion of the foot contacting the stabilizer and the top portion of the foot contacting the upper (fig 32).

It would have been would have been obvious to one of ordinary skill in the art before the effective filing date of the claim invention to modify the step of Lin by adding the step of Beers in order to help the inserting of the user foot.

Regarding claim 16, the modified method Lin-Beers discloses the elastic element is operable to contract the foot opening in response to the foot being fully inserted into the rapid- entry shoe (Lin, para 0011 to 0015).

Regarding claim 17, the modified method Lin-Beers discloses the stabilizer is comprised of a rigid material (Lin, ABS, para 0013).

Regarding claim 20, the modified method Lin-Beers discloses at least a portion of the elevated portion directs at least one of the first portion of the foot and the second portion of the foot into the foot opening of the rapid-entry shoe (Lin, para 0015).

Regarding claim 21, the modified method Lin-Beers discloses the elastic element forms at least a portion of a top collar of the upper (Lin, figs 1-2).

Regarding claim 22, the modified method Lin-Beers discloses the elastic element enables a forward portion of the upper to flex relative to a sole of the rapid-entry shoe (Lin, para 0012).

Response to Arguments

Applicant's arguments, dated 01-26-2024, with respect to the drawing objection have been fully considered and are persuasive. The objection has been withdrawn due to applicant amendments.

Applicant's arguments, dated 01-26-2024, with respect to the rejection of claims under 35 U.S.C §112(a) and §112(b) have been fully considered, and are persuasive. The rejection to the claims has been withdrawn due to the amendments to the claims.

Applicant's arguments, date 01-26-2024, with respect to the rejections of claims under 35 U.S.C §103 have been fully considered, but are moot because the new ground of rejection does not rely on any reference applied in the prior rejection of record for any teaching or matter specifically challenged in the argument.

Conclusion

The prior art made of record and not relied upon, is listed on the attached PTO-892.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to BAO-THIEU L NGUYEN whose telephone number is (571)270-0476. The examiner can normally be reached M-F 7am-4pm.

Examiner interviews are available via telephone, in-person, and video conferencing using a USPTO supplied web-based collaboration tool. To schedule an interview, applicant is encouraged to use the USPTO Automated Interview Request (AIR) at <http://www.uspto.gov/interviewpractice>.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, KHOA D. HUYNH can be reached on (571)272-4888. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of published or unpublished applications may be obtained from Patent Center. Unpublished application information in Patent Center is available to registered users. To file and manage patent submissions in Patent Center, visit: <https://patentcenter.uspto.gov>. Visit <https://www.uspto.gov/patents/apply/patent-center> for more information about Patent Center and <https://www.uspto.gov/patents/docx> for information about filing in DOCX format. For additional questions, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BAO-THIEU L. NGUYEN
Primary Examiner
Art Unit 3732

/BAO-THIEU L NGUYEN/
Primary Examiner, Art Unit 3732

S/N: 17/965,516

PATENT
Conf. No. 9165

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s):	Pratt et al.	Examiner:	Nguyen, Bao-Thieu
Serial No.:	17/965,516	Group Art Unit:	3732
Filed:	October 13, 2022	Docket No.:	P-03036
Title:	RAPID-ENTRY FOOTWEAR HAVING A STABILIZER AND AN ELASTIC ELEMENT		

AMENDMENT & RESPONSE TO NON-FINAL OFFICE ACTION

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

Dear Commissioner:

In response to the Non-Final Office Action mailed March 6, 2024, please amend the above-identified application as follows:

Amendments to the Claims are reflected in the listing of claims that begins on page 2 of this paper.

Remarks/Arguments begin on page 6 of this paper.

Amendments to the Claims:

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

Listing of Claims:

1. (Currently Amended) A rapid-entry shoe, comprising:

a sole;

an upper;

a stabilizer provided at a rear portion of the sole and comprised of a rigid material, the stabilizer comprising:

a base portion; and

an elevated portion, wherein:

the base portion is proximate the sole and extends from a lateral side of the sole to a medial side of the sole to form a convex structure, ~~around a heel portion of the rapid-entry shoe,~~ the convex structure extending upward from the sole ~~[[to]]~~ toward the elevated portion and at least partially surrounding ~~[[the]]~~ a heel portion of the rapid-entry shoe, and wherein:

the elevated portion extends rearward from a rear portion of the convex structure and acts as a shoehorn; and

a foam liner provided over at least a portion of the stabilizer, the foam liner oriented concave toward the sole and having a cross-section defining a curve.

2. (Previously Presented) The rapid-entry shoe of claim 23, wherein the upper defines a foot opening and wherein the elastic element enlarges the foot opening of the rapid-entry shoe in response to a foot being inserted into the opening and contacting at least a portion of the upper.

3. (Previously Presented) The rapid-entry shoe of claim 23, wherein the elastic element forms at least a portion of a top collar of the upper of the rapid-entry shoe.

4. (Original) The rapid-entry shoe of claim 1, wherein the base portion of the stabilizer extends into the sole.

5. (Original) The rapid-entry shoe of claim 1, wherein the elevated portion of the stabilizer extends to a top collar of the upper of the rapid-entry shoe.

6. (Canceled)

7. (Canceled)

8. (Canceled)

9. (Canceled)

10. (Currently Amended) A stabilizer for a rapid-entry shoe, comprising:

a base portion having a continuous curved surface shape to form a rear portion ~~and a first are length extending horizontally~~ from a lateral side of the stabilizer, ~~around the rear portion,~~ to a medial side of the stabilizer; [[and]]

an elevated portion having a continuous surface extending upward ~~and rearward~~ from the rear portion of the continuous curved surface shape of the base portion; ~~and having a second are length extending horizontally from the lateral side of the stabilizer to the medial side of the stabilizer wherein the elevated portion and the base portion have a shape that continuously transitions from the first are length to the second are length and~~

a fin portion extending upward from the elevated portion, wherein at least a portion of a junction between the elevated portion and the fin portion has a thickness that is less than a thickness of the fin portion and a thickness of the elevated portion.

11. (Original) The stabilizer of claim 10, further comprising curvature between the base portion and the elevated portion.

12. (Canceled)

13. (Original) The stabilizer of claim 11, wherein the curvature has a first tangential angle at the base portion and a second tangential angle at the elevated portion.

14. (Original) The stabilizer of claim 10, further comprising a window defined by at least one of the base portion and the elevated portion.

15. (Currently Amended) A method for donning a rapid-entry shoe, comprising:

inserting a first portion of a foot into a foot opening of the rapid-entry shoe, the foot opening defined by an upper of the rapid-entry shoe; and

inserting a second portion of the foot into the foot opening of the rapid-entry shoe such that:

a bottom portion of the foot contacts an elevated portion of a stabilizer disposed in a rear portion of the rapid-entry shoe, the elevated portion of the stabilizer extending upward and rearward from a rear portion of a cup-shaped base of the stabilizer and including a foam liner oriented concave toward a sole of the rapid-entry shoe within the foot opening and having a cross-section defining a curve, the bottom portion of the foot causing at least a portion of the stabilizer to at least partially pivot rearward around an axis; and

a top portion of the foot substantially simultaneously contacts the upper of the rapid-entry shoe, the upper comprising an elastic element that is operable to expand the foot opening in response to the bottom portion of the foot contacting the stabilizer and the top portion of the foot contacting the upper.

16. (Previously Presented) The method of claim 15, wherein the elastic element is operable to contract the foot opening in response to the foot being fully inserted into the rapid-entry shoe.

17. (Canceled)

18. (Canceled)

19. (Canceled)

20. (Previously Presented) The method of claim 15, wherein at least a portion of the elevated portion directs at least one of the first portion of the foot and the second portion of the foot into the foot opening of the rapid-entry shoe.
21. (Previously Presented) The method of claim 15, wherein the elastic element forms at least a portion of a top collar of the upper.
22. (Previously Presented) The method of claim 15, wherein the elastic element enables a forward portion of the upper to flex relative to a sole of the rapid-entry shoe.
23. (Previously Presented) The rapid-entry shoe of claim 1, further comprising an elastic element disposed on a side portion of the upper and forward relative to the rear portion.
24. (Previously Presented) The rapid-entry shoe of claim 23, wherein the elastic element enables a forward portion of the upper to flex relative to the sole of the rapid-entry shoe.
25. (New) The rapid-entry shoe of claim 1, wherein the foam liner secures a foot within an opening defined by upper.
26. (New) The rapid-entry shoe of claim 1, further comprising a lattice structure adjacent the stabilizer.
27. (New) The rapid-entry shoe of claim 26, wherein the lattice structure is visible on an outside surface of the rapid-entry shoe.
28. (New) The method of claim 15, wherein the foam liner secures at least a portion of the foot in the foot opening of the rapid-entry shoe when the foot has been fully inserted within the foot opening.

REMARKS/ARGUMENTS

This Amendment and the following remarks are intended to fully respond to the Non-Final Office Action dated March 6, 2024 (hereinafter the “Office Action”). In that Office Action, claims 1-7, 9-11, 13-17 and 20-24 were examined and all claims were rejected. Specifically, claims 1-7, 9-11, 13 and 23-24 were rejected under 35 U.S.C. § 102(a)(1) as allegedly being anticipated by U.S. Patent Publication No. 2012/0180338 to Lin (hereinafter, “Lin”) and claims 14-17 and 20-22 were rejected under 35 U.S.C. § 103 as allegedly being rendered obvious in view of Lin and U.S. Patent Publication No. 2018/0110292 to Beers et al. (hereinafter, “Beers”).

Reconsideration of these rejections, as they might apply to the original and amended claims in view of these remarks, is respectfully requested. In this Amendment, claims 1, 10 and 15 have been amended, claims 6, 7, 9 and 17 have been canceled without prejudice and claims 25-28 have been added. No new matter has been added. Therefore, claims 1-5, 10-11, 13-16 and 20-28 remain for examination.

Support for the claim amendments and the new claims 25-28 can be found at least in paragraphs [0057] and [0072] and at least in FIG. 1C and FIG. 7B of the application as originally filed.

Statement of Summary of Examiner Interview

Applicant thanks Examiner Nguyen for the telephonic interview held with Applicant’s representative, Greg Johnson (Reg. No. 59,027), on May 10, 2024. During that interview, potential claim amendments were discussed in view of the cited reference. No agreement was reached as to the allowability of the claims.

Claim Rejections Under 35 U.S.C. § 102

Claims 1-7, 9-11, 13 and 23-24 were rejected under 35 U.S.C. 102(a)(1) as allegedly being anticipated by Lin.

Preliminarily, claims 6, 7 and 9 have been canceled without prejudice. Therefore, the rejection of these claims is moot.

Claims 1-6 and 23-24

Without acquiescing to the propriety of the rejection and solely for the purpose of advancing prosecution, claim 1 has been amended to recite that the rapid-entry shoe includes, among other features, “a foam liner provided over at least a portion of the stabilizer, the foam liner oriented concave toward the sole and having a cross-section defining a curve.” Applicant submits that Lin does not disclose or suggest such features.

Lin describes a shoe that includes an upper and a supporting piece. (See Lin, para. [0011]). According to Lin, the supporting piece is “harder than the upper” and has a shape that corresponds to a counter and a collar of the upper. (See Lin, para. [0013]). Lin further states that the supporting piece can be attached to the outside of the counter, the inside of the counter, or between the inside and the outside of the upper. (See Lin, para. [0013] and para. [0016]).

Although Lin describes a supporting piece that is harder than the upper and is attachable at various locations in or on the shoe, Lin does not disclose or suggest that its supporting piece includes a foam liner as claimed. Not only does Lin fail to disclose or suggest a foam liner, Lin also fails to disclose or suggest a foam liner that is oriented concave toward a sole of a shoe and has a cross-section that defines a curve.

Based on the above, Applicant submits that claim 1, and dependent claims 2-6 and 23-24, are patentable over Lin and are in condition for allowance.

Claims 10-11 and 13

Claim 10 is directed to a stabilizer for a rapid-entry shoe. According to claim 10, the stabilizer includes a base portion, an elevated portion and a fin portion. The fin portion extends upward from the elevated portion and “at least a portion of a junction between the elevated portion and the fin portion has a thickness that is less than a thickness of the fin portion and a thickness of the elevated portion.” Applicant submits that Lin does not disclose or suggest a fin portion as claimed.

As previously discussed, Lin described a shoe that includes a support piece that is made from material that is harder than upper. (See Lin, para. [0013]). According to Lin, “because of the supporting piece having a predetermined hardness and the collar having a shape like a shoehorn, the rear of the upper is provided with a portion that can be served as a shoehorn for

helping the user's foot in slipping into the shoe along that portion when the user puts on the aforesaid shoe.” (Lin, para. [0015]).

Although the supporting piece in combination with the collar can act as a shoehorn, Lin is silent regarding any other shapes and/or features of the supporting piece and the collar. In contrast and as previously recited, the stabilizer recited in claim 10 includes a fin portion provided above an elevated portion and a junction between the fin portion and the elevated portion has a thickness “that is less than a thickness of the fin portion and a thickness of the elevated portion.”

Because Lin does not disclose or suggest at least the above-recited features of claim 10, Applicant submits that claim 10, and its respective dependent claims, are patentable over Lin and are in condition for allowance.

Claim Rejections Under 35 U.S.C. § 103

Claims 14-17 and 20-22 were rejected under 35 U.S.C. § 103 as allegedly being rendered obvious in view of Lin in combination with Beers.

Preliminarily, claim 17 has been canceled without prejudice. Therefore, the rejection of claim 17 is moot.

Claim 14

Claim 14 depends from claim 10. As discussed above, claim 10 is patentable over Lin and Beers does not make up for the deficiencies of Lin. Accordingly, Applicant submits that claim 14 is patentable over the recited combination of references at least for its dependency on claim 10.

Claims 15-16 and 20-22

Claim 15 recites similar features to those described above with respect to claim 1. For example, claim 15 requires, among other features, “a bottom portion of the foot contacts an elevated portion of a stabilizer disposed in a rear portion of the rapid-entry shoe, the elevated portion of the stabilizer extending upward and rearward from a rear portion of a cup-shaped base of the stabilizer and including a foam liner oriented concave toward a sole of the rapid-entry shoe within the foot opening and having a cross-section defining a curve, the bottom portion of the foot causing at least a portion of the stabilizer to at least partially pivot rearward around an axis.”

Applicant reiterates the arguments made above with respect to claim 1 and submits that Lin does not disclose or suggest a foam liner as claimed. Applicant further submits that Beers does not make up for the deficiencies of Lin.

Beers describes “a device for easing foot entry into an article of footwear.” (Beers, para. [0164]). According to Beers, the device includes “a control bar that has a center segment, a first side arm extending downwardly and forwardly from the center segment, and a second side arm spaced from the first side arm and also extending downwardly and forwardly from the center segment.” (Beers, para. [0166]). However, like Lin, Beers is silent regarding any type of foam liner, let alone a foam liner having the features that are recited in claim 15.

Based on the above, Applicant submits that claim 15, and dependent claims 16-17 and 20-22, are patentable over the combination of Lin and Beers and are in condition for allowance.

New Claims 25-28

Claims 25-28 are new and depend, either directly or indirectly from, from claims 1 and 15. As previously explained, claims 1 and 15 are patentable over Lin and the combination of Lin and Beers. Accordingly, Applicant submits that claims 25-28 are also patentable over the cited references at least for their dependency on claims 1 and 15.

CONCLUSION

This Amendment fully responds to the Non-Final Office Action mailed March 6, 2024. Still, that Office Action may contain arguments and rejections that are not directly addressed by this Amendment due to the fact that they are rendered moot in light of the preceding arguments in favor of patentability. Hence, failure of this Amendment to directly address an argument raised in the Office Action should not be taken as an indication that the Applicant believes the argument has merit. Furthermore, the claims of the present application may include other elements, not discussed in this Amendment, which are not shown, taught, or otherwise suggested by the references of record. Accordingly, the preceding arguments in favor of patentability are advanced without prejudice to other bases of patentability.

It is believed that no fees are due with this Response. In light of the above remarks and amendments, it is believed this application is in condition for allowance and such action is respectfully requested. Should any additional issues need to be resolved, the Examiner is requested to telephone the undersigned to attempt to resolve those issues.

Respectfully submitted,

Dated: May 30, 2024

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17/965,516	10/13/2022	Michael Pratt	P-03036	9165
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FAST IP, LLC 1172 West 700 North Suite 200 Lindon, UT 84042			NGUYEN, BAO-THIEU L	
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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.

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

enielsen@kizik.com

DETAILED ACTION

Notice of Pre-AIA or AIA Status

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

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “*at least a portion of a junction between the elevated portion and the fin portion has a thickness that is less than a thickness of the fin portion and a thickness of the elevated portion*” in claim 10 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112(a):

(a) IN GENERAL.—The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same, and shall set forth the best mode contemplated by the inventor or joint inventor of carrying out the invention.

4. **Claims 1-5, 10-11 and 13-14** are rejected under 35 U.S.C. 112(a) or 35 U.S.C. 112 (pre-AIA), first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor or a joint inventor, or for applications subject to pre-AIA 35 U.S.C. 112, the inventor(s), at the time the application was filed, had possession of the claimed invention. In this instant case the limitations “*the convex structure extending upward from the sole toward the elevated portion and at least partially surrounding a heel portion of the rapid-entry shoe*” in claims 1-5 and “*at least a portion of a junction between the elevated portion and the fin portion has a thickness that is less than a thickness of the fin portion and a thickness of the elevated portion*” in claims 10-11 and 13-14 do not have any support in the specification therefore they are failing to comply with the written description requirement.

5. The following is a quotation of 35 U.S.C. 112(b):

(b) CONCLUSION.—The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the inventor or a joint inventor regards as the invention.

6. **Claims 10-11 and 13-14** are rejected under 35 U.S.C. 112(b) or 35 U.S.C. 112 (pre-AIA), second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the inventor or a joint inventor (or for applications subject to pre-AIA 35 U.S.C. 112, the applicant), regards as the invention. In this instant case, it is not clear which portion is considered “a junction” and what direction to know or measure about the thickness of the structure.

Claim Rejections - 35 USC § 102

7. In the event the determination of the status of the application as subject to AIA 35 U.S.C. 102 and 103 (or as subject to pre-AIA 35 U.S.C. 102 and 103) is incorrect, any correction of the statutory basis (i.e., changing from AIA to pre-AIA) for the rejection will not be considered a new ground of rejection if the prior art relied upon, and the rationale supporting the rejection, would be the same under either status.

8. 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.

9. **Claim(s) 1-5, 10-16 and 20-28** is/are rejected under 35 U.S.C. 102(a)(1) as being anticipated by Beers et al. (2018/0110292).

Regarding claim 1, Beers discloses a rapid-entry shoe (fig 14), comprising:

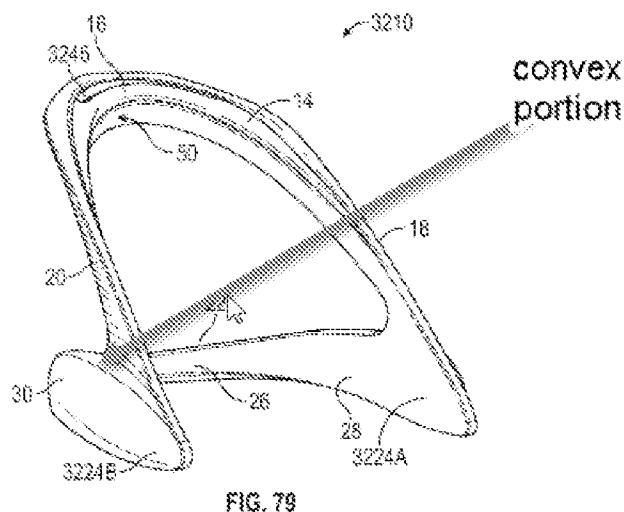
a sole (member 434);

an upper (member 438);

a stabilizer (fig 79) provided at a rear portion of the sole and comprised of a rigid material, the stabilizer comprising:

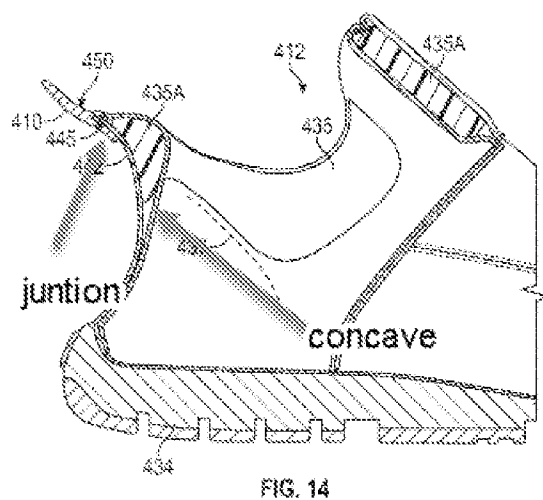
a base portion (member 3224); and

an elevated portion (members 18 and 20), wherein:



the base portion is proximate the sole and extends from a lateral side of the sole to a medial side of the sole to form a convex structure, the convex structure extending upward from the sole toward the elevated portion and at least partially surrounding a heel portion of the rapid-entry shoe (fig 79 annotated above), and wherein:

the elevated portion extends rearward from a rear portion of the convex structure and acts as a shoehorn (fig 14); and



a foam liner (fig 14, member 435A) provided over at least a portion of the stabilizer, the foam liner oriented concave toward the sole and having a cross-section defining a curve (fig 14 annotated above).

Regarding claim 4, Beers discloses the base portion of the stabilizer extends into the sole (fig 14).

Regarding claim 5, Beers discloses the elevated portion of the stabilizer extends to a top collar of the upper of the rapid-entry shoe (fig 14).

Regarding claim 23, Beers discloses an elastic element disposed on a side portion of the upper and forward relative to the rear portion (member 435).

Regarding claim 24, Beers discloses the elastic element enables a forward portion of the upper to flex relative to the sole of the rapid-entry shoe (para 0186).

Regarding claim 25, Beers discloses the foam liner secures a foot within an opening defined by upper (PARA 0186).

Regarding claim 26, Beers discloses a lattice structure (FIG 58) adjacent the stabilizer.

Regarding claim 27, Beers discloses the lattice structure is visible on an outside surface of the rapid-entry shoe (fig 59).

Regarding claim 2, Beers discloses the upper defines a foot opening and wherein the elastic element enlarges the foot opening of the rapid-entry shoe in response to a foot being inserted into the opening and contacting at least a portion of the upper (fig 14).

Regarding claim 3, Beers discloses the elastic element forms at least a portion of a top collar of the upper of the rapid-entry shoe (fig 14).

Regarding claim 10, Beers discloses a stabilizer (fig 13 and 79) for a rapid-entry shoe, comprising:

a base (member 3224) portion having a continuous curved surface shape (member 26) to form a rear portion from a lateral side of the stabilizer to a medial side of the stabilizer;

an elevated portion (members 18 and 20) having a continuous surface extending upward from the rear portion of the continuous curved surface shape of the base portion; and

a fin portion (fig 14, member 450) extending upward from the elevated portion, wherein at least a portion of a junction between the elevated portion and the fin portion has a thickness that is less than a thickness of the fin portion and a thickness of the elevated portion (fig 14 annotated above).

Regarding claim 11, Beers discloses curvature between the base portion and the elevated portion (fig 79).

Regarding claim 13, Beers discloses curvature has a first tangential angle at the base portion and a second tangential angle at the elevated portion (fig 79).

Regarding claim 14, Beers discloses a window defined by at least one of the base portion and the elevated portion (fig 79).

Regarding claim 15, Beers discloses a method for donning a rapid-entry shoe, comprising:

inserting a first portion of a foot into a foot opening of the rapid-entry shoe, the foot opening defined by an upper of the rapid-entry shoe (fig 4); and inserting a second portion of the foot into the foot opening of the rapid-entry shoe (para 0127) such that:

a bottom portion of the foot contacts an elevated portion of a stabilizer disposed in a rear portion of the rapid-entry shoe, the elevated portion of the stabilizer extending upward and rearward from a rear portion of a cup-shaped base of the stabilizer (para 0127 and 0170) and

including a foam liner oriented concave toward a sole of the rapid-entry shoe within the foot opening and having a cross-section defining a curve, the bottom portion of the foot causing at least a portion of the stabilizer to at least partially pivot rearward around an axis (fig 14 annotated above); and

a top portion of the foot substantially simultaneously contacts the upper of the rapid-entry shoe, the upper comprising an elastic element (member 435) that is operable to expand the foot opening in response to the bottom portion of the foot contacting the stabilizer and the top portion of the foot contacting the upper (para 0186).

Regarding claim 16, Beers discloses the elastic element is operable to contract the foot opening in response to the foot being fully inserted into the rapid-entry shoe (para 0186 to 0187).

Regarding claim 20, Beers discloses at least a portion of the elevated portion directs at least one of the first portion of the foot and the second portion of the foot into the foot opening of the rapid-entry shoe (fig 4, para 0127 and 0170).

Regarding claim 21, Beers discloses the elastic element forms at least a portion of a top collar of the upper (fig 14).

Regarding claim 22, Beers discloses the elastic element enables a forward portion of the upper to flex relative to a sole of the rapid-entry shoe (para 0186 to 0187).

Regarding claim 28, Beers discloses the foam liner secures at least a portion of the foot in the foot opening of the rapid-entry shoe when the foot has been fully inserted within the foot opening (fig 14).

Response to Arguments

Applicant's arguments, date 05-30-2024, with respect to the rejections of claims under 35 U.S.C §102 and 103 have been fully considered, but they are moot because the new ground of rejection does not rely on any reference applied in the prior rejection of record for any teaching or matter specifically challenged in the argument.

Conclusion

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

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to BAO-THIEU L NGUYEN whose telephone number is (571)270-0476. The examiner can normally be reached M-F 7am-4pm.

Examiner interviews are available via telephone, in-person, and video conferencing using a USPTO supplied web-based collaboration tool. To schedule an interview, applicant is encouraged to use the USPTO Automated Interview Request (AIR) at <http://www.uspto.gov/interviewpractice>.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, KHOA D. HUYNH can be reached on (571)272-4888. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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BAO-THIEU L. NGUYEN
Primary Examiner

Art Unit 3732

/BAO-THIEU L NGUYEN/
Primary Examiner, Art Unit 3732



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Title of Invention

RAPID-ENTRY FOOTWEAR HAVING A STABILIZER AND AN ELASTIC ELEMENT

Application Information

APPLICATION TYPE Utility - Nonprovisional Application
under 35 USC 111(a)

PATENT # -

CONFIRMATION # 9165

FILED BY Eric Nielsen

PATENT CENTER # 67036545

FILING DATE 10/13/2022

CUSTOMER # 164668

FIRST NAMED
INVENTOR Michael Pratt

CORRESPONDENCE
ADDRESS -

AUTHORIZED BY -

Documents

TOTAL DOCUMENTS: 4

DOCUMENT		PAGES	DESCRIPTION	SIZE (KB)
P-03036 Response to 6.10.24 FOA.pdf		11	-	182 KB
P-03036 Response to 6.10.24 FOA-A.NE.pdf	(1-1)	1	Response After Final Action	98 KB
P-03036 Response to 6.10.24 FOA-CLM.pdf	(2-6)	5	Claims	109 KB
P-03036 Response to 6.10.24 FOA-REM.pdf	(7-11)	5	Applicant Arguments/Remarks Made in an Amendment	133 KB
P03036_sb0030_3.pdf		3	Request for Continued Examination (RCE)	1628 KB

Digest

DOCUMENT	MESSAGE DIGEST(SHA-512)
P-03036 Response to 6.10.24 FOA.pdf	25ABAF6F416EAFB82A8330C8D7AC4626863145BEC8D819EBF 65E8687F5F207B87D27AC8311FD3D23389966DE296D3B2D77 61815EB14E21AEE0A4EE405DFF61127
P-03036 Response to 6.10.24 FOA-A.NE.pdf	5A015D1AE122BEDA8AEF5473DCD9D8F380CA1980BD08693A 052D54E0BB62AE4BDAA94A2395D5D3E0B6E5ACFD56653ED5 077442FC2A2578B3E5A4902A149933A8
P-03036 Response to 6.10.24 FOA-CLM.pdf	50A5BEA7F7FBAF627B220A8B1A454B6C1CFEF08940E037AF7 CB22900D76DBEFCDDC233064EC5B5536FABDAFB716A99E5 DB79230BEB19B3690A85C0468A29CBBC
P-03036 Response to 6.10.24 FOA-REM.pdf	B1D2762F74E51AFD17BBD2F5CFD36F03BA64F4558F56A41E9 F881C8D395E6C3FAB08C873C8A7B4E781AF3EBFE914C8F48 F4C91B1B368C89731F0ED489A9B40AB
P03036_sb0030_3.pdf	1CA4C174180FF027ED6B96746C16235E33D45E612389D88FE AA6418364C3CF13484976F0C52948746BD6F53BBEC1DA15B4 B4C98760FF125CB6143E1436168F67

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 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.

S/N: 17/965,516

PATENT
Conf. No. 9165

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s):	Pratt et al.	Examiner:	Nguyen, Bao-Thieu
Serial No.:	17/965,516	Group Art Unit:	3732
Filed:	October 13, 2022	Docket No.:	P-03036
Title:	RAPID-ENTRY FOOTWEAR HAVING A STABILIZER AND AN ELASTIC ELEMENT		

AMENDMENT & RESPONSE TO FINAL OFFICE ACTION

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

Dear Commissioner:

In response to the Final Office Action mailed June 10, 2024, please amend the above-identified application as follows:

Amendments to the Claims are reflected in the listing of claims that begins on page 2 of this paper.

Remarks/Arguments begin on page 7 of this paper.

Amendments to the Claims:

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

Listing of Claims:

1. (Currently Amended) A rapid-entry shoe, comprising:

a sole;

an upper;

a stabilizer provided at a rear portion of the sole and comprised of a rigid material, the stabilizer comprising:

a base portion; and

an elevated portion, wherein:

the base portion is proximate the sole and comprises:

a lateral portion extending extends from a lateral side of the sole to a midportion of the base portion; and

a medial portion extending from the midportion of the base portion to a medial side of the sole;

wherein the lateral portion of the base portion, the midportion of the base portion and the medial portion of the base portion combine to form a convex structure;

wherein the midportion of the base portion of the stabilizer extends, the convex structure extending upward from the sole continuously between the sole and toward the elevated portion and at least partially surrounding surrounds a heel portion of the rapid-entry shoe, and wherein:

the elevated portion extends rearward from a rear portion of the convex structure and acts as a shoehorn; and

a foam liner coupled to the stabilizer and continuously extending between the medial portion of the base portion and the lateral portion of the base portion to form a curve, provided over at least a portion of the stabilizer, the curve foam liner oriented concave downward toward the sole and having a cross-section defining a curve such that the foam liner acts to retain a heel within the heel portion of the rapid-entry shoe.

2. (Previously Presented) The rapid-entry shoe of claim 23, wherein the upper defines a foot opening and wherein the elastic element enlarges the foot opening of the rapid-entry shoe in response to a foot being inserted into the opening and contacting at least a portion of the upper.
3. (Previously Presented) The rapid-entry shoe of claim 23, wherein the elastic element forms at least a portion of a top collar of the upper of the rapid-entry shoe.
4. (Original) The rapid-entry shoe of claim 1, wherein the base portion of the stabilizer extends into the sole.
5. (Original) The rapid-entry shoe of claim 1, wherein the elevated portion of the stabilizer extends to a top collar of the upper of the rapid-entry shoe.
6. (Canceled)
7. (Canceled)
8. (Canceled)
9. (Canceled)
10. (Currently Amended) A stabilizer for a rapid-entry shoe, comprising:
 - a base portion;
 - ~~having a continuous curved surface shape to form a rear portion from a lateral side of the stabilizer to a medial side of the stabilizer;~~
 - an elevated portion extending continuously upward from the base portion; ~~having a continuous surface extending upward from the rear portion of the continuous curved surface shape of the base portion;~~ and
 - a fin portion extending continuously upward from the elevated portion;

wherein the base portion and the elevated portion form a continuously curved shape extending between a lateral side of the stabilizer to a midportion of the stabilizer and from the midportion of the stabilizer to a medial side of the stabilizer;

wherein the base portion has a first dimension, the elevated portion has a second dimension and the fin portion has a third dimension, wherein the second dimension is less than the first dimension and the third dimension. , wherein at least a portion of a junction between the elevated portion and the fin portion has a thickness that is less than a thickness of the fin portion and a thickness of the elevated portion.

11. (Original) The stabilizer of claim 10, further comprising curvature between the base portion and the elevated portion.

12. (Canceled)

13. (Original) The stabilizer of claim 11, wherein the curvature has a first tangential angle at the base portion and a second tangential angle at the elevated portion.

14. (Canceled)

15. (Currently Amended) A method for donning a rapid-entry shoe, comprising:

inserting a first portion of a foot into a foot opening of the rapid-entry shoe, the foot opening defined by an upper of the rapid-entry shoe; and

inserting a second portion of the foot into the foot opening of the rapid-entry shoe such that:

a bottom portion of the foot contacts an elevated portion of a stabilizer disposed in a rear portion of the rapid-entry shoe, the stabilizer comprising:

the elevated portion; and

a cup-shaped base portion, the cup-shaped base portion comprising:

a lateral portion extending from a lateral side of the stabilizer to a rear midportion of the stabilizer; and

a medial portion extending from the rear midportion of the stabilizer to a medial side of the stabilizer;

wherein the elevated portion of the stabilizer ~~extends~~ extending upward and rearward continuously between ~~[[from]]~~ a rear portion of ~~[[a]]~~ the cup-shaped base portion of the stabilizer, the cup-shaped base portion ~~[[and]]~~ including a foam liner, the foam liner:

extending between the medial portion and the lateral portion of the stabilizer and oriented ~~downward~~ downward toward a sole of the rapid-entry shoe within the foot opening; and

having a cross-section defining a curve; ~~[[,]]~~

the bottom portion of the foot causing at least a portion of the stabilizer to at least partially pivot rearward around an axis; and

a top portion of the foot substantially simultaneously contacts the upper of the rapid-entry shoe, the upper comprising an elastic element that is operable to expand the foot opening in response to the bottom portion of the foot contacting the stabilizer and the top portion of the foot contacting the upper.

16. (Previously Presented) The method of claim 15, wherein the elastic element is operable to contract the foot opening in response to the foot being fully inserted into the rapid-entry shoe.

17. (Canceled)

18. (Canceled)

19. (Canceled)

20. (Previously Presented) The method of claim 15, wherein at least a portion of the elevated portion directs at least one of the first portion of the foot and the second portion of the foot into the foot opening of the rapid-entry shoe.

21. (Previously Presented) The method of claim 15, wherein the elastic element forms at least a portion of a top collar of the upper.
22. (Previously Presented) The method of claim 15, wherein the elastic element enables a forward portion of the upper to flex relative to a sole of the rapid-entry shoe.
23. (Previously Presented) The rapid-entry shoe of claim 1, further comprising an elastic element disposed on a side portion of the upper and forward relative to the rear portion.
24. (Previously Presented) The rapid-entry shoe of claim 23, wherein the elastic element enables a forward portion of the upper to flex relative to the sole of the rapid-entry shoe.
25. (Canceled)
26. (Previously Presented) The rapid-entry shoe of claim 1, further comprising a lattice structure adjacent the stabilizer.
27. (Previously Presented) The rapid-entry shoe of claim 26, wherein the lattice structure is visible on an outside surface of the rapid-entry shoe.
28. (Previously Presented) The method of claim 15, wherein the foam liner secures at least a portion of the foot in the foot opening of the rapid-entry shoe when the foot has been fully inserted within the foot opening.
29. (New) The rapid-entry shoe of claim 1, wherein at least a portion of the foam liner extends beyond at least one of the medial portion of the base portion and the lateral portion of the base portion.
30. (New) The stabilizer of claim 10, further comprising a lattice structure coupled to at least a portion of the stabilizer.

REMARKS/ARGUMENTS

This Amendment and the following remarks are intended to fully respond to the Final Office Action dated June 10, 2024 (hereinafter the “Office Action”). In that Office Action, the drawings were objected to for allegedly failing to show each and every feature specified in the claims; claims 1-5, 10-11, 13-16 and 20-28 were examined and all claims were rejected. Specifically, claims 1-5, 10-11 and 13-14 were rejected under 35 U.S. C. § 112(a) for allegedly failing to comply with the written description requirement, claims 10-11 and 13-14 were rejected under 35 U.S.C. § 112(b) as allegedly being indefinite, claims 1-5, 10-11, 13-16 and 20-28 were rejected as allegedly being anticipated by U.S. Patent Publication No. 2018/0110292 to Beers et al. (hereinafter “Beers”).

Reconsideration of these rejections, as they might apply to the original and amended claims in view of these remarks, is respectfully requested. In this Amendment, claims 1, 10 and 15 have been amended, claims 14 and 25 have been canceled without prejudice and claims 29-30 have been added. No new matter has been added. Therefore, claims 1-5, 10-11, 13, 15-16, 20-24 and 26-30 are presented for examination.

Statement of Summary of Examiner Interview

Applicant thanks Examiner Nguyen for the telephonic interview held with Applicant’s representatives, Eric Nielsen (Reg. No. 60,183) and Greg Johnson (Reg. No. 59,027), on July 25, 2024. During that interview, potential claim amendments were discussed in view of the cited reference. No agreement was reached as to the allowability of the claims.

Objection to the Drawings

The drawings were objected to for allegedly failing to show each and every feature specified in the claims. Specifically, the drawings were objected to for failing to show “at least a portion of a junction between the elevated portion and the fin portion has a thickness that is less than a thickness of the fin portion and a thickness of the elevated portion” in claim 10.

Without acquiescing to the propriety of the rejection, and solely for the purpose of advancing prosecution, claim 10 has been amended as set forth above. Accordingly, Applicant requests the Examiner withdraw the objection to the drawings.

Claim Rejections Under 35 U.S.C. § 112(a) and 35 U.S.C. § 112(b)

Claims 1-5, 10-11 and 13-14 were rejected under 35 U.S. C. § 112(a) for allegedly failing to comply with the written description requirement, claims 10-11 and 13-14 were rejected under 35 U.S.C. § 112(b) as allegedly being indefinite.

Without acquiescing to the propriety of the rejection, and solely for the purpose of advancing prosecution, claims 1 and 10 has been amended as set forth above. Accordingly, Applicant requests the Examiner withdraw the 35 U.S.C. § 112(a) and 112(b) rejections.

Claim Rejections Under 35 U.S.C. § 102

Claims 1-5, 10-11, 13-16 and 20-28 were rejected under 35 U.S.C. 102(a)(1) as allegedly being anticipated by Beers. Preliminarily, claims 14 and 25 have been canceled without prejudice. Therefore, the rejection of these claims is moot.

Claims 1-6, 23-24 and 26-27

Claim 1 is directed to a stabilizer for a rapid-entry shoe. According to claim 1, the stabilizer includes a “base portion” having a lateral portion extending from a lateral side of the sole to a midportion of the base portion; and a medial portion extending from the midportion of the base portion to a medial side of the sole.” Claim 1 also requires that “the lateral portion of the base portion, the midportion of the base portion and the medial portion of the base portion combine to form a convex structure.” Claim 1 continues by requiring that “the midportion of the base portion of the stabilizer extends upward from the sole continuously between the sole and the elevated portion and at least partially surrounds a heel portion of the rapid-entry shoe” and that “the elevated portion extends rearward from a rear portion of the convex structure.” Applicant submits that Beers does not disclose or suggest any of the above-recited features of claim 1.

Beers describes a heel spring device for an article of footwear. (See Beers, para. [0263]). According to Beers, the heel spring device includes a “base 22 [that] supports the control bar 14 and is connected to the control bar 14 at resiliently bendable junction 3224A, 3224B.” (Beers, para. [0264]). Beers also states that the “junction 3224A, 3224B includes a first joint 3224A at which the base 22 and the first side arm 18 connect, and a second joint 3224B at which the base 22 and the second side arm 20 connect. The first joint 3224A is the connection of

the first base arm 28 to the first side arm 18. The second joint 3224B is the connection of the second base arm 30 to the second side arm 20.” (Beers, para. [0265]).

Thus, in contrast to the stabilizer of claim 1 in which “the midportion of the base portion of the stabilizer extends upward from the sole continuously between the sole and the elevated portion and at least partially surrounds a heel portion of the rapid-entry shoe” and in which “the elevated portion extends rearward from a rear portion of the convex structure”, the side arms of Beers extend from junctions 3224A, 3224B and do not extend rearward from a rear portion of the base.

Accordingly, Applicant submits that claim 1, and its associated dependent claims, are patentable over Beers and are in condition for allowance for at least these reasons.

In addition, claim 1 also requires a “a foam liner coupled to the stabilizer and continuously extending between the medial portion of the base portion and the lateral portion of the base portion to form a curve, the curve oriented downward toward the sole such that the foam liner acts to retain a heel within the heel portion of the rapid-entry shoe.” Applicant further submits that Beers does not disclose or suggest a foam liner as claimed.

Beers describes that the collar of the article of footwear “may include foam padding 435A” and that the “foam padding 435A...may protrude inward into the ankle opening 439.” (Beers, para. [0186]). However, there is no disclosure in Beers that indicates that its foam padding extends “between the medial portion of the base portion and the lateral portion of the base portion to form a curve” as required by claim 1 or that the curve is “oriented downward toward the sole ” such that the foam liner acts to retain a heel within the heel portion of the article of footwear as required by claim 1.

Accordingly, Applicant submits that claim 1, and its associated dependent claims, are patentable over Beers and are in condition for allowance for these additional reasons.

Claims 10-11 and 13

Claim 10 includes similar features to those described with respect to claim 1. For example, claim 10 has been amended to recite “a fin portion extending continuously upward from the elevated portion; wherein the base portion and the elevated portion form a continuously curved shape extending between a lateral side of the stabilizer to a midportion of the stabilizer

and from the midportion of the stabilizer to a medial side of the stabilizer; wherein the base portion has a first dimension, the elevated portion has a second dimension and the fin portion has a third dimension, wherein the second dimension is less than the first dimension and the third dimension.”

Applicant reiterates the arguments made above with respect to claim 1 and submits that claim 10, and its respective dependent claims, are patentable over Beers and are in condition for allowance for at least similar reasons.

Claims 15-16 and 20-22

Claim 15 includes similar features to those described with respect to claim 1. For example, claim 15 has been amended to recite that the stabilizer includes an “elevated portion; and a cup-shaped base portion, the cup-shaped base portion comprising: a lateral portion extending from a lateral side of the stabilizer to a rear midportion of the stabilizer; and a medial portion extending from the rear midportion of the stabilizer to a medial side of the stabilizer; wherein the elevated portion of the stabilizer extends upward and rearward continuously between a rear portion of the cup-shaped base portion of the stabilizer, the cup-shaped base portion including a foam liner, the foam liner: extending between the medial portion and the lateral portion of the stabilizer and oriented downward toward a sole of the rapid-entry shoe within the foot opening.”

Applicant reiterates the arguments made above with respect to claim 1 and submits that claim 15, and its respective dependent claims, are patentable over Beers and are in condition for allowance for at least similar reasons.

New Claims 29-30

Claims 29-30 are new and depend from claim 1 and claim 10 respectively. Support for these claims may be found at least in FIG. 1C and in paragraph [0070] of the application as filed. Additionally, Applicant submits that claims 29-30 are allowable over Beers at least for their dependency on claims 1 and 10.

CONCLUSION

This Amendment fully responds to the Final Office Action mailed June 10, 2024. Still, that Office Action may contain arguments and rejections that are not directly addressed by this Amendment due to the fact that they are rendered moot in light of the preceding arguments in favor of patentability. Hence, failure of this Amendment to directly address an argument raised in the Office Action should not be taken as an indication that the Applicant believes the argument has merit. Furthermore, the claims of the present application may include other elements, not discussed in this Amendment, which are not shown, taught, or otherwise suggested by the references of record. Accordingly, the preceding arguments in favor of patentability are advanced without prejudice to other bases of patentability.

It is believed that no fees are due with this Response. In light of the above remarks and amendments, it is believed this application is in condition for allowance and such action is respectfully requested. Should any additional issues need to be resolved, the Examiner is requested to telephone the undersigned to attempt to resolve those issues.

Respectfully submitted,

Dated: September 4, 2024

/Eric Nielsen/

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UNITED STATES
PATENT AND TRADEMARK OFFICE

P.O. Box 1450
Alexandria, VA 22313 - 1450
www.uspto.gov

ELECTRONIC PAYMENT RECEIPT

APPLICATION #
17/965,516

RECEIPT DATE / TIME
09/04/2024 11:37:58 AM Z ET

ATTORNEY DOCKET #
P-03036

Title of Invention

RAPID-ENTRY FOOTWEAR HAVING A STABILIZER AND AN ELASTIC ELEMENT

Application Information

APPLICATION TYPE Utility - Nonprovisional Application
under 35 USC 111(a)

PATENT # -

CONFIRMATION # 9165

FILED BY Eric Nielsen

PATENT CENTER # 67036545

AUTHORIZED BY -

CUSTOMER # 164668

FILING DATE 10/13/2022

CORRESPONDENCE ADDRESS -

FIRST NAMED INVENTOR Michael Pratt

Payment Information

PAYMENT METHOD
CARD / 1535

PAYMENT TRANSACTION ID
E202494B38239603

PAYMENT AUTHORIZED BY
Eric Nielsen

FEE CODE	DESCRIPTION	ITEM PRICE(\$)	QUANTITY	ITEM TOTAL(\$)
1820	REQUEST FOR CONTINUED EXAMINATION (RCE)- 2ND AND SUBSEQUENT REQUEST (SEE 37 CFR 1.114)	2000.00	1	2000.00
TOTAL AMOUNT:				\$2,000.00

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 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.

**REQUEST FOR CONTINUED EXAMINATION(RCE)TRANSMITTAL
(Submitted Only via EFS-Web)**

Application Number	17/965,516	Filing Date	2022-10-13	Docket Number (if applicable)	P-03036	Art Unit	3732
First Named Inventor	Michael Pratt			Examiner Name	NGUYEN, BAO-THIEU		

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.

Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. The Instruction Sheet for this form is located at WWW.USPTO.GOV

SUBMISSION REQUIRED UNDER 37 CFR 1.114

Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____☐ Other _____☒ Enclosed☒ Amendment/Reply☐ Information Disclosure Statement (IDS)☐ Affidavit(s)/ Declaration(s)☐ Other _____**MISCELLANEOUS**☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of months _____
(Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)☐ Other _____**FEES****The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.**☐ The Director is hereby authorized to charge any underpayment of fees, or credit any overpayments, to
Deposit Account No _____**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**☒ Patent Practitioner Signature☐ Applicant Signature

Signature of Registered U.S. Patent Practitioner			
Signature	/Eric Nielsen/	Date (YYYY-MM-DD)	2024-09-04
Name	Eric Nielsen	Registration Number	60,183

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450.

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

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

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

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875	Application or Docket Number 17/965,516	Filing Date 10/13/2022	☐ To be Mailed
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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 \$100 =	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 = *		x \$480 =	
☐ 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)	RATE (\$)	ADDITIONAL FEE (\$)
AMENDMENT	09/04/2024		CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	
	Total (37 CFR 1.16(i))	* 20	Minus	** 20	= 0	x \$100 = 0
	Independent (37 CFR 1.16(h))	* 3	Minus	*** 3	= 0	x \$480 = 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			CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	
	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".						/LASHAWN R MORGAN/
*** 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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
17/965,516	10/13/2022	Michael Pratt	P-03036	9165
164668	7590	09/13/2024	EXAMINER	
FAST IP, LLC 1172 West 700 North Suite 200 Lindon, UT 84042			NGUYEN, BAO-THIEU L	
			ART UNIT	PAPER NUMBER
			3732	
			NOTIFICATION DATE	DELIVERY MODE
			09/13/2024	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):

enielsen@kizik.com

Office Action Summary	Application No. 17/965,516	Applicant(s) Pratt et al.	
	Examiner BAO-THIEU L NGUYEN	Art Unit 3732	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 09-04-2024.

☐ 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) 1-5,10-11,13,15-16,20-24 and 26-30 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) 1-5,10-11,13,15-16,20-24 and 26-30 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 10-13-2022 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.

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

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

Priority under 35 U.S.C. § 119

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

Certified copies:

a) ☐ All b) ☐ Some** c) ☐ None of the:

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

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

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

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

Attachment(s)

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

3) ☐ Interview Summary (PTO-413)

Paper No(s)/Mail Date ____.

2) ☐ Information Disclosure Statement(s) (PTO/SB/08a and/or PTO/SB/08b)

4) ☐ Other: ____.

Paper No(s)/Mail Date ____.

DETAILED ACTION

Notice of Pre-AIA or AIA Status

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

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 09-04-2024 has been entered.

Drawings

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore,

the “*a medial portion extending from the midportion of the base portion to a medial side of the sole; wherein the lateral portion of the base portion, the midportion of the base portion and the medial portion of the base portion combine to form a convex structure; wherein the midportion of the base portion of the stabilizer extends upward from the sole continuously between the sole and the elevated portion*” and “*a foam liner coupled to the stabilizer and continuously extending between the medial portion of the base portion and the lateral portion of the base portion to form a curve*” of **claim 1**, and

“*wherein the base portion and the elevated portion form a continuously curved shape extending between a lateral side of the stabilizer to a midportion of the stabilizer*

*and from the midportion of the stabilizer to a medial side of the stabilizer; wherein the base portion has a first dimension, the elevated portion has a second dimension and the fin portion has a third dimension, wherein the second dimension is less than the first dimension and the third dimension” of **claim 10**, and*

*“a cup-shaped base portion, the cup-shaped base portion comprising: a lateral portion extending from a lateral side of the stabilizer to a rear midportion of the stabilizer; and a medial portion extending from the rear midportion of the stabilizer to a medial side of the stabilizer; wherein the elevated portion of the stabilizer extends upward and rearward continuously between a rear portion of the cup-shaped base portion of the stabilizer, the cup-shaped base portion including a foam liner, the foam liner extending between the medial portion and the lateral portion of the stabilizer” of **claim 15** must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.*

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an

application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112(a):

(a) IN GENERAL.—The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same, and shall set forth the best mode contemplated by the inventor or joint inventor of carrying out the invention.

5. **Claims 1-5, 10-11, 13, 15-16, 20-24, and 26-30** are rejected under 35 U.S.C. 112(a) or 35 U.S.C. 112 (pre-AIA), first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor or a joint inventor, or for applications subject to pre-AIA 35 U.S.C. 112, the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 1 is rejected because it recites limitations "*a medial portion extending from the midportion of the base portion to a medial side of the sole; wherein the lateral portion of the base portion, the midportion of the base portion and the medial portion of the base portion combine to form a convex structure; wherein the midportion of the base portion of the stabilizer extends upward from the sole continuously between the sole and the elevated portion*" and "*a foam liner coupled to the stabilizer and continuously extending between the medial portion of the base portion and the lateral portion of the*

base portion to form a curve". The limitations do not have any support in the specification; therefore it is failing to comply with the written description requirement.

Claim 10 is rejected because it recites limitations "*wherein the base portion and the elevated portion form a continuously curved shape extending between a lateral side of the stabilizer to a midportion of the stabilizer and from the midportion of the stabilizer to a medial side of the stabilizer; wherein the base portion has a first dimension, the elevated portion has a second dimension and the fin portion has a third dimension, wherein the second dimension is less than the first dimension and the third dimension*".

The limitations do not have any support in the specification; therefore it is failing to comply with the written description requirement.

Claim 15 is rejected because it recites limitations "*a cup-shaped base portion, the cup-shaped base portion comprising: a lateral portion extending from a lateral side of the stabilizer to a rear midportion of the stabilizer; and a medial portion extending from the rear midportion of the stabilizer to a medial side of the stabilizer; wherein the elevated portion of the stabilizer extends upward and rearward continuously between a rear portion of the cup-shaped base portion of the stabilizer, the cup-shaped base portion including a foam liner, the foam liner extending between the medial portion and the lateral portion of the stabilizer*". The limitations do not have any support in the specification; therefore it is failing to comply with the written description requirement.

Claim 29 is rejected because it recites limitations "*at least a portion of the foam liner extends beyond at least one of the medial portion of the base portion*". The limitations do not have any support in the specification; therefore it is failing to comply with the written description requirement.

6. The following is a quotation of 35 U.S.C. 112(b):
(b) CONCLUSION.—The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the inventor or a joint inventor regards as the invention.
7. **Claims 10-11, 13 and 30** are rejected under 35 U.S.C. 112(b) or 35 U.S.C. 112 (pre-AIA), second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the inventor or a joint inventor (or for applications subject to pre-AIA 35 U.S.C. 112, the applicant), regards as the invention.

Claim 10 is rejected because it recites limitations “*the base portion has a first dimension, the elevated portion has a second dimension and the fin portion has a third dimension, wherein the second dimension is less than the first dimension and the third dimension*”. It is not clear where the distances can be measure. As the best, figures 5A to 6C shoe the elevated portion and the fin portion are curve and one of ordinary skill in the art could not understand where to take the measurement.

Any remaining claims are rejected as depending from a rejected base claim.

In the art rejections below the claims have been treated as best understood by the examiner.

Claim Rejections - 35 USC § 102

8. In the event the determination of the status of the application as subject to AIA 35 U.S.C. 102 and 103 (or as subject to pre-AIA 35 U.S.C. 102 and 103) is incorrect, any correction of the statutory basis (i.e., changing from AIA to pre-AIA) for the rejection will not be considered a new ground of rejection if the prior art relied upon, and the rationale supporting the rejection, would be the same under either status.

9. 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.

10. **Claim(s) 10-11 and 13** is/are rejected under 35 U.S.C. 102(a)(1) as being anticipated by Lin (2012/0180338).

Regarding claim 10, Lin discloses a stabilizer (fig 2, member 30) for a rapid-entry shoe, comprising: a base portion; an elevated portion extending continuously upward from the base portion; and a fin portion extending continuously upward from the elevated portion; wherein the base portion and the elevated portion form a continuously curved shape extending between a lateral side of the stabilizer to a midportion of the stabilizer and from the midportion of the stabilizer to a medial side of the stabilizer; wherein the base portion has a first dimension, the elevated portion has a second dimension and the fin portion has a third dimension, wherein the second dimension is less than the first dimension and the third dimension (fig 1 annotated below).

Regarding claim 11, Lin discloses curvature between the base portion and the elevated portion (fig 2).

Regarding claim 13, Lin discloses the curvature has a first tangential angle at the base portion and a second tangential angle at the elevated portion (fig 2).

Claim Rejections - 35 USC § 103

11. In the event the determination of the status of the application as subject to AIA 35 U.S.C. 102 and 103 (or as subject to pre-AIA 35 U.S.C. 102 and 103) is incorrect, any correction of the statutory basis (i.e., changing from AIA to pre-AIA) for the rejection will not be considered a new ground of rejection if the prior art relied upon, and the rationale supporting the rejection, would be the same under either status.

12. 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.

13. **Claims 1-5, 15-16, 20-24, 28, and 30** is/are rejected under 35 U.S.C. 103 as being unpatentable over Lin (2012/0180338) in view of Koh et al. (5,946,825).

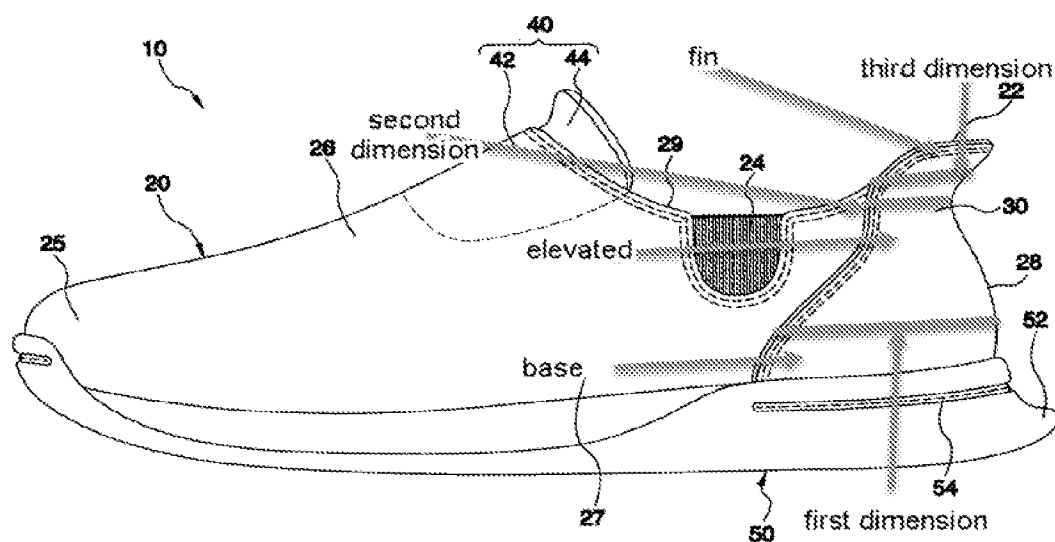


FIG.1

Regarding claim 1, Lin teaches a rapid-entry shoe (fig 1), comprising:

a sole (member 50); an upper (member 20);

a stabilizer (member 30) provided at a rear portion of the sole and comprised of a rigid material, the stabilizer comprising: a base portion; and an elevated portion, wherein: the base portion is proximate the sole and comprises: a lateral portion extending from a lateral side of the sole to a midportion of the base portion; and a medial portion extending from the midportion of the base portion to a medial side of the sole; wherein the lateral portion of the base portion, the midportion of the base portion and the medial portion of the base portion combine to form a convex structure; wherein the midportion of the base portion of the stabilizer extends upward from the sole continuously between the sole and the elevated portion and at least partially surrounds a heel portion of the rapid-entry shoe, and wherein: the elevated portion extends rearward from a rear portion of the convex structure and acts as a shoehorn (fig 1 annotated above and fig 2, para 0006).

Lin does not teach a foam liner coupled to the stabilizer and continuously extending between the medial portion of the base portion and the lateral portion of the base portion to form a curve, the curve oriented downward toward the sole such that the foam liner acts to retain a heel within the heel portion of the rapid-entry shoe.

Koh teaches a shoe having a foam liner coupled to the heel area and continuously extending between the medial portion of the base portion and the lateral portion of the base portion to form a curve, the curve oriented downward toward the sole such that the foam liner acts to retain a heel within the heel portion of the rapid-entry shoe (figs 4, 7 and 9, member 130).

It would have been obvious to one of ordinary skill in the art before the effective filing date of the claim invention to modify the structure of Lin by adding the foam liner of Koh in order to add more comfort to the user heel.

Regarding claim 23, the modified footwear Lin-Koh discloses an elastic element (Lin, member 24) disposed on a side portion of the upper and forward relative to the rear portion.

Regarding claim 2, the modified footwear Lin-Koh discloses the upper defines a foot opening and wherein the elastic element enlarges the foot opening of the rapid-entry shoe in response to a foot being inserted into the opening and contacting at least a portion of the upper (Lin, para 0015).

Regarding claim 3, the modified footwear Lin-Koh discloses the elastic element forms at least a portion of a top collar of the upper of the rapid-entry shoe (Lin, fig 2).

Regarding claim 4, the modified footwear Lin-Koh discloses the base portion of the stabilizer extends into the sole (Lin, fig 2).

Regarding claim 5, the modified footwear Lin-Koh discloses the elevated portion of the stabilizer extends to a top collar of the upper of the rapid-entry shoe (Lin, fig 2).

Regarding claim 24, the modified footwear Lin-Koh discloses the elastic element enables a forward portion of the upper to flex relative to the sole of the rapid-entry shoe (Lin, para 0015).

Regarding claim 29, the modified footwear Lin-Koh discloses at least a portion of the foam liner extends beyond at least one of the medial portion of the base portion and the lateral portion of the base portion (Koh, figs 4 and 7).

Regarding claim 15, Lin teaches a method for donning a rapid-entry shoe, comprising: inserting a first portion of a foot into a foot opening of the rapid-entry shoe, the foot opening defined by an upper of the rapid-entry shoe; and inserting a second portion of the foot into the foot opening of the rapid-entry shoe such that: a bottom portion of the foot contacts an elevated portion of a stabilizer disposed in a rear portion of the rapid-entry shoe (para 0013 to 0016),

the stabilizer (fig 2, member 30) comprising: the elevated portion; and a cup-shaped base portion, the cup-shaped base portion comprising: a lateral portion extending from a lateral side of the stabilizer to a rear midportion of the stabilizer; and a medial portion extending from the rear midportion of the stabilizer to a medial side of the stabilizer; wherein the elevated portion of the stabilizer extends upward and rearward continuously between a rear portion of the cup-shaped base portion of the stabilizer (fig 1 annotated above and para 0015);

a top portion of the foot substantially simultaneously contacts the upper of the rapid-entry shoe, the upper comprising an elastic element (member 24) that is operable to expand the foot opening in response to the bottom portion of the foot contacting the stabilizer and the top portion of the foot contacting the upper (para 0015).

Lin does not teach the foam liner extending between the medial portion and the lateral portion of the stabilizer and oriented downward toward a sole of the rapid-entry shoe within the foot opening; and having a cross-section defining a curve the bottom portion of the foot causing at least a portion of the stabilizer to at least partially pivot rearward around an axis.

Koh teaches a shoe having a foam liner extending between the medial portion and the lateral portion of the stabilizer and oriented downward toward a sole of the rapid-entry shoe within the foot opening; and having a cross-section defining a curve the bottom portion of the foot causing at least a portion of the stabilizer to at least partially pivot rearward around an axis. (figs 4, 7 and 9, member 130).

It would have been obvious to one of ordinary skill in the art before the effective filing date of the claim invention to modify the structure of Lin by adding the foam liner of Koh in order to add more comfort to the user heel.

Regarding claim 16, the modified footwear Lin-Koh discloses the elastic element is operable to contract the foot opening in response to the foot being fully inserted into the rapid-entry shoe (Lin, para 0015).

Regarding claim 20, the modified footwear Lin-Koh discloses at least a portion of the elevated portion directs at least one of the first portion of the foot and the second portion of the foot into the foot opening of the rapid-entry shoe (Lin, para 0015).

Regarding claim 21, the modified footwear Lin-Koh discloses the elastic element forms at least a portion of a top collar of the upper (Lin, fig 1).

Regarding claim 22, the modified footwear Lin-Koh discloses the elastic element enables a forward portion of the upper to flex relative to a sole of the rapid-entry shoe (Lin, para 0015).

Regarding claim 28, the modified footwear Lin-Koh discloses the foam liner secures at least a portion of the foot in the foot opening of the rapid-entry shoe when the foot has been fully inserted within the foot opening (Koh, col 7, lines 47-65).

14. **Claim(s) 26-27** is/are rejected under 35 U.S.C. 103 as being unpatentable over Lin (2012/0180338) and Koh et al. (5,946,825), as applied to claim 1 above, and further in view of Beers et al. (2018/0110292).

Regarding claims 26-27, the modified footwear Lin-Koh teaches all limitations of the claims except a lattice structure adjacent the stabilizer; wherein the lattice structure is visible on an outside surface of the rapid-entry shoe.

Beers teaches a shoe having a lattice structure adjacent a stabilizer; wherein the lattice structure is visible on an outside surface of the rapid-entry shoe (figs 74-77).

It would have been obvious to one of ordinary skill in the art before the effective filing date of the claim invention to modify the footwear of Lin by adding a lattice structure of Beers in order to help direct the foot downward and forward.

15. **Claim(s) 30** is/are rejected under 35 U.S.C. 103 as being unpatentable over Lin (2012/0180338), as applied to claim 10 above, and further in view of Beers et al. (2018/0110292).

Regarding claim 30, the modified footwear Lin-Koh teaches all limitations of the claims except a lattice structure coupled to at least a portion of the stabilizer.

Beers teaches a shoe having a lattice structure coupled to at least a portion of the stabilizer (figs 74-77).

It would have been obvious to one of ordinary skill in the art before the effective filing date of the claim invention to modify the footwear of Lin by adding a lattice structure of Beers in order to help direct the foot downward and forward.

Response to Arguments

Applicant's arguments, dated 09-04-2024, with respect to the drawing objection have been fully considered and are persuasive. The objection has been withdrawn due to applicant amendments. However, other objections are made as analyzed above

Applicant's arguments, dated 09-04-2024, with respect to the rejection of claims under 35 U.S.C §112(a) and §112(b) have been fully considered, and are persuasive. The rejection to the claims has been withdrawn due to the amendments to the claims. However, other objections are made as analyzed above

Applicant's arguments, date 09-04-2024, with respect to the rejections of claims under 35 U.S.C §10 have been fully considered but are moot because the new ground of rejection does not rely on any reference applied in the prior rejection of record for any teaching or matter specifically challenged in the argument.

Conclusion

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to BAO-THIEU L NGUYEN whose telephone number is (571)270-0476. The examiner can normally be reached M-F 7am-4pm.

Examiner interviews are available via telephone, in-person, and video conferencing using a USPTO supplied web-based collaboration tool. To schedule an interview, applicant is encouraged to use the USPTO Automated Interview Request (AIR) at <http://www.uspto.gov/interviewpractice>.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, KHOA D. HUYNH can be reached on (571)272-4888. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of published or unpublished applications may be obtained from Patent Center. Unpublished application information in Patent Center is available to registered users. To file and manage patent submissions in Patent Center, visit: <https://patentcenter.uspto.gov>. Visit <https://www.uspto.gov/patents/apply/patent-center> for more information about Patent Center and <https://www.uspto.gov/patents/docx> for information about filing in DOCX format. For additional questions, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BAO-THIEU L. NGUYEN
Primary Examiner
Art Unit 3732

/BAO-THIEU L NGUYEN/
Primary Examiner, Art Unit 3732



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
17/965,516	10/13/2022	Michael Pratt	P-03036	9165
164668	7590	02/14/2025	EXAMINER	
FAST IP, LLC 1172 West 700 North Suite 200 Lindon, UT 84042			NGUYEN, BAO-THIEU L	
			ART UNIT	PAPER NUMBER
			3732	
			NOTIFICATION DATE	DELIVERY MODE
			02/14/2025	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):

enielsen@kizik.com

<i>Applicant-Initiated Interview Summary</i>	Application No. 17/965,516	Applicant(s) Pratt et al.		
	Examiner BAO-THIEU L NGUYEN	Art Unit 3732	AIA (First Inventor to File) Status Yes	Page 1 of 1

All Participants (applicant, applicants representative, PTO personnel)	Title	Type
BAO-THIEU L NGUYEN	Primary Examiner	Video Conference
Greg Johnson	Attorney of Record	

Date of Interview: 11 February 2025

Issues Discussed:

Proposed Amendment(s)

Discussed the different between the invention and prior art in record. However, we did not have any firm agreement for the claim language yet.

☒ Attachment

/BAO-THIEU L NGUYEN/ Primary Examiner, Art Unit 3732	
Applicant is reminded that a complete written statement as to the substance of the interview must be made of record in the application file. It is the applicants responsibility to provide the written statement, unless the interview was initiated by the Examiner and the Examiner has indicated that a written summary will be provided. See MPEP 713.04 Please further see: MPEP 713.04 Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews, paragraph (b) 37 CFR § 1.2 Business to be transacted in writing	

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.

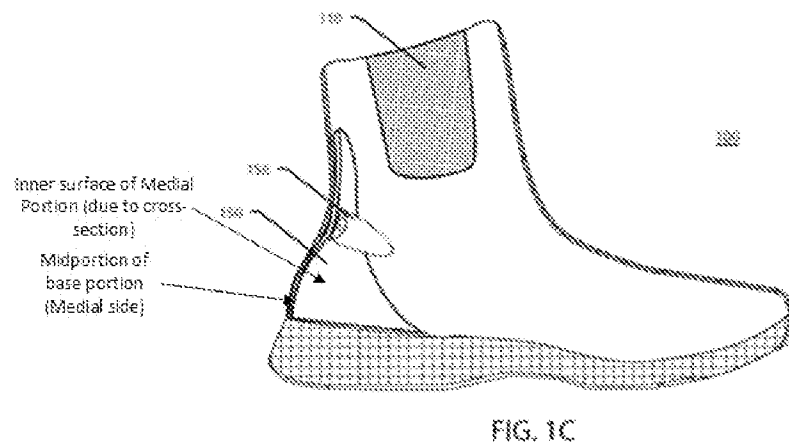
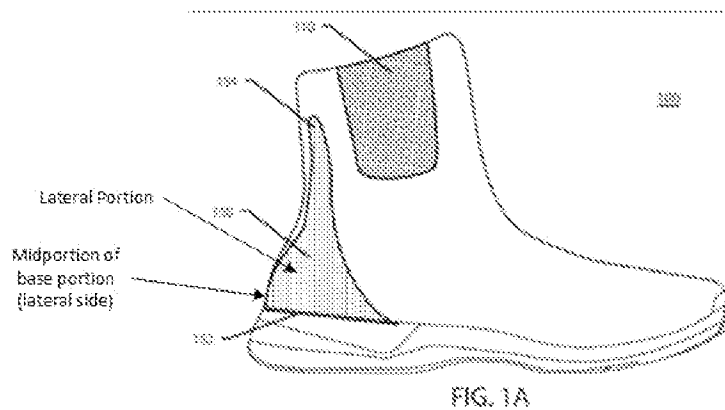
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s):	Pratt et al.	Examiner:	Nguyen, Bao-Thieu
Serial No.:	17/965,516	Group Art Unit:	3732
Filed:	October 13, 2022	Docket No.:	P-03036
Title:	RAPID-ENTRY FOOTWEAR HAVING A STABILIZER AND AN ELASTIC ELEMENT		

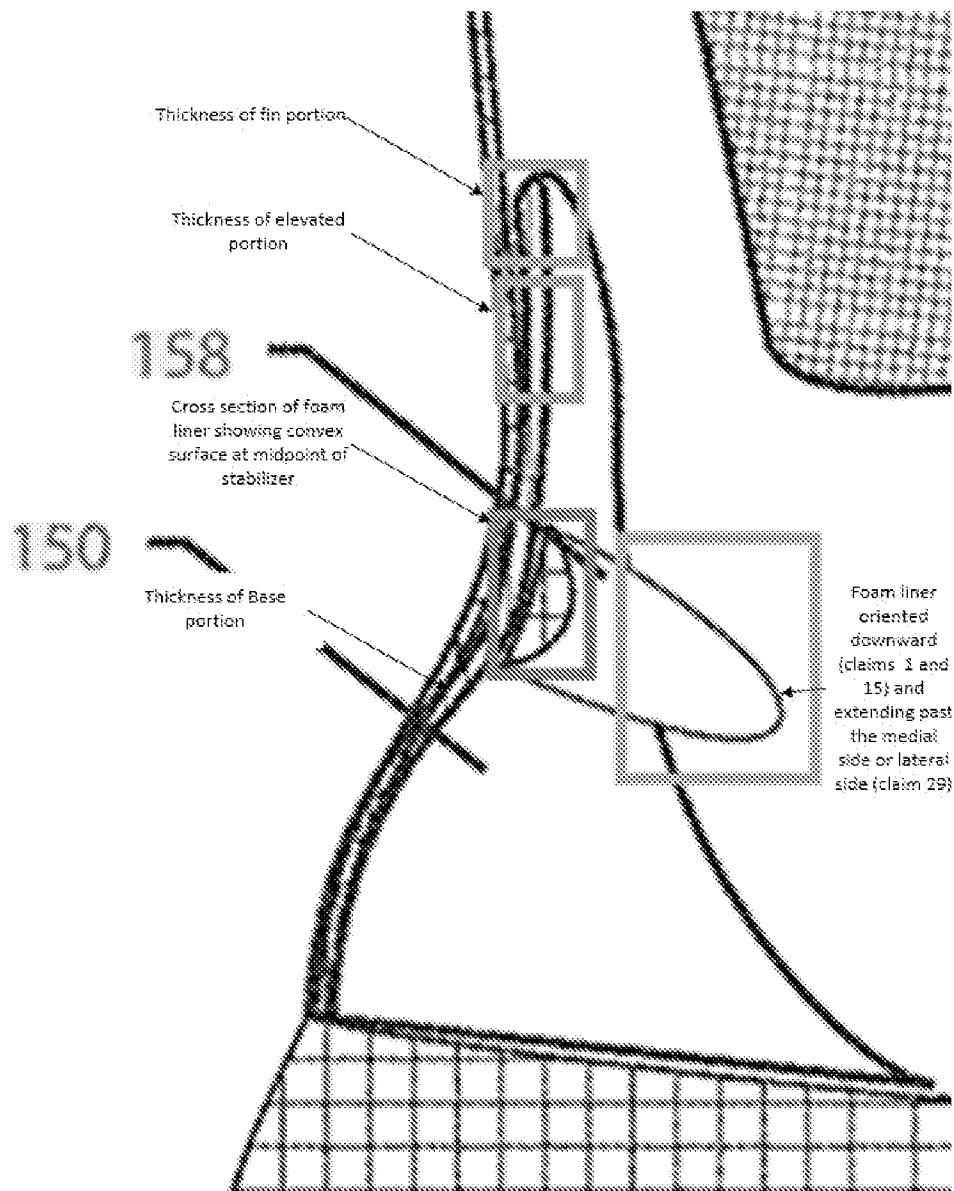
Agenda for Examiner Interview – For Discussion Purposes Only – Not For Entry

Discuss Objection to the Drawings

- FIG. 1C illustrates a cross-section of a rapid-entry shoe with a stabilizer...”
(Specification, para. [0055]).



- Because FIG. 1C is a cross-section, it shows the “the lateral portion of the base portion, the midportion of the base portion and the medial portion of the base portion form a convex structure”
- FIG. 1C also shows “the midportion of the base portion of the stabilizer extends upward from the sole continuously between the sole and the elevated portion”
- FIG. 1C also shows the other features at issue in claims 10 and 15 (see also annotations below)



Discuss Objection to the 35 U.S.C. 112 Rejections

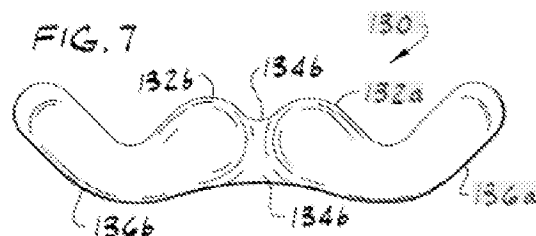
- MPEP 2163(II)(3)(a) - “An applicant may show that the inventor was in possession of an invention by disclosure of drawings or structural chemical formulas that are sufficiently detailed to show that the inventor was in possession of the claimed invention as a whole. See, e.g., *Vas-Cath*, 935 F.2d at 1565, 19 USPQ2d at 1118 (“drawings alone may provide a ‘written description’ of an invention as required by Sec. 112”); *In re Wolfensperger*, 302 F.2d 950, 133 USPQ 537 (CCPA 1962) (the drawings of applicant’s specification provided sufficient written descriptive support for the claim limitation at issue); *Autogiro Co. of Am. v. United States*, 384 F.2d 391, 398, 155 USPQ 697, 703 (Ct. Cl. 1967) (“In those instances where a visual representation can flesh out words, drawings may be used in the same manner and with the same limitations as the specification.”)”)
- At least FIG. 1C satisfies the written description requirement in question for at least the reasons set forth above.

Discuss 35 U.S.C. 102 Rejections of Claim 10 in view of Lin (2012/0180338)

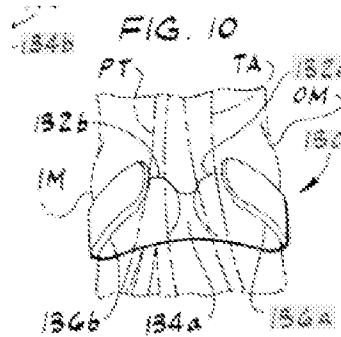
- **Lin** does not show or describe a “thickness”.
 - The Examiner’s annotation of FIG. 1 of Lin can only be classified as a width.
 - Width is a measurement of the distance across something, while thickness is a measurement of the distance between two opposite surface.

Discuss 35 U.S.C. 103 Rejections of Claim 1 and Claim 15 in view of Lin (2012/0180338) and Koh (5,946,825)

- **Lin** does not disclose or suggest a foam liner (Office Action, pg. 9).
- **Koh** describes a foam collar insert 130.



- The foam collar insert 130 of Koh is shown in FIGS. 7 and “its inside surface has two lobes 132a, 132b separated by vertical and horizontal scallops 134a, 134b, respectively.
- The separation between 132a and 132b (by 134a) is shown in FIG. 10 (reproduced below)



- In claim 1, the foam liner is a single piece (e.g., it continuously extends)
- In the proposed amendment to claim 15 below “the foam liner comprising a convex surface at the midportion of the stabilizer”

Discuss Proposed Amendments

1. (Proposed) A rapid-entry shoe, comprising:

a sole;

an upper;

a stabilizer provided at a rear portion of the sole and comprised of a rigid material, the stabilizer comprising:

a base portion; and

an elevated portion extending upward from the base portion, wherein:

the base portion is proximate the sole and comprises:

a lateral portion extending from a lateral side of the sole to a midportion of the base portion; and

a medial portion extending from the midportion of the base portion to a medial side of the sole;

wherein the lateral portion of the base portion, the midportion of the base portion and the medial portion of the base portion ~~combine to~~ form a convex structure;

wherein the midportion of the base portion of the stabilizer extends upward from the sole continuously between the sole and the elevated portion and at least partially surrounds a heel portion of the rapid-entry shoe, and wherein: the elevated portion extends rearward from a rear portion of the convex structure and acts as a shoehorn; and

a foam liner coupled to the stabilizer and continuously extending between the medial portion of the base portion and the lateral portion of the base portion along a curve of the convex structure and ~~to form a curve, the curve~~ oriented downward toward the sole such that the foam liner acts to retain a heel within the heel portion of the rapid-entry shoe.

10. (Proposed) A stabilizer for a rapid-entry shoe, comprising:

a base portion;

an elevated portion extending continuously upward from the base portion; and

a fin portion extending continuously upward from the elevated portion;

wherein the base portion and the elevated portion form a continuously curved shape extending between a lateral side of the stabilizer to a midportion of the stabilizer and from the midportion of the stabilizer to a medial side of the stabilizer;

wherein the base portion has a first ~~dimension~~ thickness, the elevated portion has a second ~~dimension~~ thickness and the fin portion has a third ~~dimension~~ thickness, wherein the second ~~dimension~~ thickness is less than the ~~first dimension~~ third thickness, ~~and the third dimension.~~

15. (Proposed) A method for donning a rapid-entry shoe, comprising:

inserting a first portion of a foot into a foot opening of the rapid-entry shoe, the foot opening defined by an upper of the rapid-entry shoe; and

inserting a second portion of the foot into the foot opening of the rapid-entry shoe such that:

a bottom portion of the foot contacts an elevated portion of a stabilizer disposed in a rear portion of the rapid-entry shoe, the stabilizer comprising:

the elevated portion; and

a cup-shaped base portion below the elevated portion, the cup-shaped base portion comprising:

a lateral portion extending from a lateral side of the stabilizer to a rear midportion of the stabilizer; and

a medial portion extending from the rear midportion of the stabilizer to a medial side of the stabilizer;

wherein the elevated portion of the stabilizer extends upward and rearward continuously between a rear portion of the cup-shaped base portion of the stabilizer, the cup-shaped base portion including a foam liner, the foam liner comprising a convex surface at the midportion of the stabilizer; ~~extending~~ between the medial portion and the lateral portion of the stabilizer and oriented downward toward a sole of the rapid-entry shoe within the foot opening; and

having a cross-section defining a curve;

the bottom portion of the foot causing at least a portion of the stabilizer to at least partially pivot rearward around an axis; and

a top portion of the foot substantially simultaneously contacts the upper of the rapid-entry shoe, the upper comprising an elastic element that is operable to expand the foot opening in response to the bottom portion of the foot contacting the stabilizer and the top portion of the foot contacting the upper.

S/N: 17/965,516

PATENT
Conf. No. 9165

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s):	Pratt et al.	Examiner:	Nguyen, Bao-Thieu
Serial No.:	17/965,516	Group Art Unit:	3732
Filed:	October 13, 2022	Docket No.:	P-03036
Title:	RAPID-ENTRY FOOTWEAR HAVING A STABILIZER AND AN ELASTIC ELEMENT		

AMENDMENT & RESPONSE TO NON-FINAL OFFICE ACTION

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

Dear Commissioner:

In response to the Non-Final Office Action mailed September 13, 2024, please amend the above-identified application as follows:

Amendments to the Claims are reflected in the listing of claims that begins on page 2 of this paper.

Remarks/Arguments begin on page 7 of this paper.

Amendments to the Claims:

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

Listing of Claims:

1. (Currently Amended) A rapid-entry shoe, comprising:

a sole;

an upper;

a stabilizer provided at a rear portion of the sole and comprised of a rigid material, the stabilizer comprising:

a base portion; and

an elevated portion extending upward from the base portion, wherein:

the base portion is proximate the sole and comprises:

a lateral portion extending from a lateral side of the sole to a midportion of the base portion; and

a medial portion extending from the midportion of the base portion to a medial side of the sole;

wherein the lateral portion of the base portion, the midportion of the base portion and the medial portion of the base portion ~~combine to~~ form a convex structure;

wherein the midportion of the base portion of the stabilizer extends upward from the sole continuously between the sole and the elevated portion and at least partially surrounds a heel portion of the rapid-entry shoe, and wherein:

the elevated portion extends rearward from a rear portion of the convex structure and acts as a shoehorn; and

a foam liner coupled to the stabilizer between the medial portion of the base portion and the lateral portion of the base portion along the convex structure, at least a portion of the foam liner extending beyond at least one of the medial portion of the base portion and the lateral portion of the base portion and continuously extending between the medial portion of the base portion and the lateral portion of the base portion to form a curve, the curve oriented downward

toward the sole such that the foam liner acts to retain a heel within the heel portion of the rapid-entry shoe.

2. (Previously Presented) The rapid-entry shoe of claim 23, wherein the upper defines a foot opening and wherein the elastic element enlarges the foot opening of the rapid-entry shoe in response to a foot being inserted into the opening and contacting at least a portion of the upper.

3. (Previously Presented) The rapid-entry shoe of claim 23, wherein the elastic element forms at least a portion of a top collar of the upper of the rapid-entry shoe.

4. (Original) The rapid-entry shoe of claim 1, wherein the base portion of the stabilizer extends into the sole.

5. (Original) The rapid-entry shoe of claim 1, wherein the elevated portion of the stabilizer extends to a top collar of the upper of the rapid-entry shoe.

6-9. (Canceled)

10. (Currently Amended) A stabilizer for a rapid-entry shoe, comprising:

a base portion;

an elevated portion extending continuously upward from the base portion; and

a fin portion extending continuously upward from the elevated portion;

wherein the base portion and the elevated portion form a continuously curved shape extending between a lateral side of the stabilizer to a midportion of the stabilizer and from the midportion of the stabilizer to a medial side of the stabilizer;

wherein at least a portion of the base portion has a first ~~dimension~~ thickness, at least a portion of the elevated portion has a second ~~dimension~~ thickness and at least a portion of the fin portion has a third ~~dimension~~ thickness, wherein the second ~~dimension~~ thickness is less than ~~the first dimension and the third dimension~~ thickness.

11. (Original) The stabilizer of claim 10, further comprising curvature between the base portion and the elevated portion.

12. (Canceled)

13. (Original) The stabilizer of claim 11, wherein the curvature has a first tangential angle at the base portion and a second tangential angle at the elevated portion.

14. (Canceled)

15. (Currently Amended) A method for donning a rapid-entry shoe, comprising:

inserting a first portion of a foot into a foot opening of the rapid-entry shoe, the foot opening defined by an upper of the rapid-entry shoe; and

inserting a second portion of the foot into the foot opening of the rapid-entry shoe such that:

a bottom portion of the foot contacts an elevated portion of a stabilizer disposed in a rear portion of the rapid-entry shoe, the stabilizer comprising:

the elevated portion; and

a cup-shaped base portion below the elevated portion, the cup-shaped base portion comprising:

a lateral portion extending from a lateral side of the stabilizer to a rear midportion of the stabilizer; and

a medial portion extending from the rear midportion of the stabilizer to a medial side of the stabilizer;

wherein the elevated portion of the stabilizer extends upward and rearward continuously between a rear portion of the cup-shaped base portion of the stabilizer, the cup-shaped base portion including a foam liner, the foam liner:

comprising a convex surface at the midportion of the stabilizer;

extending beyond ~~between~~ the medial portion and the lateral portion of the stabilizer; [[and]]

oriented downward toward a sole of the rapid-entry shoe within the foot opening; and
having a cross-section defining a curve;
the bottom portion of the foot causing at least a portion of the stabilizer to at least partially pivot rearward around an axis; and
a top portion of the foot substantially simultaneously contacts the upper of the rapid-entry shoe, the upper comprising an elastic element that is operable to expand the foot opening in response to the bottom portion of the foot contacting the stabilizer and the top portion of the foot contacting the upper.

16. (Previously Presented) The method of claim 15, wherein the elastic element is operable to contract the foot opening in response to the foot being fully inserted into the rapid-entry shoe.

17-19. (Canceled)

20. (Previously Presented) The method of claim 15, wherein at least a portion of the elevated portion directs at least one of the first portion of the foot and the second portion of the foot into the foot opening of the rapid-entry shoe.

21. (Previously Presented) The method of claim 15, wherein the elastic element forms at least a portion of a top collar of the upper.

22. (Previously Presented) The method of claim 15, wherein the elastic element enables a forward portion of the upper to flex relative to a sole of the rapid-entry shoe.

23. (Previously Presented) The rapid-entry shoe of claim 1, further comprising an elastic element disposed on a side portion of the upper and forward relative to the rear portion.

24. (Previously Presented) The rapid-entry shoe of claim 23, wherein the elastic element enables a forward portion of the upper to flex relative to the sole of the rapid-entry shoe.

25. (Canceled)

26. (Previously Presented) The rapid-entry shoe of claim 1, further comprising a lattice structure adjacent the stabilizer.

27. (Previously Presented) The rapid-entry shoe of claim 26, wherein the lattice structure is visible on an outside surface of the rapid-entry shoe.

28. (Previously Presented) The method of claim 15, wherein the foam liner secures at least a portion of the foot in the foot opening of the rapid-entry shoe when the foot has been fully inserted within the foot opening.

29. (Canceled)

30. (Previously Presented) The stabilizer of claim 10, further comprising a lattice structure coupled to at least a portion of the stabilizer.

31. (New) The stabilizer of claim 10, further comprising:

a foam liner coupled to the stabilizer, the foam liner comprising:

a convex surface at the midportion of the stabilizer;

a first end extending beyond the medial side of the stabilizer; and

a second end extending beyond the lateral side of the stabilizer.

REMARKS/ARGUMENTS

This Amendment and the following remarks are intended to fully respond to the Non-Final Office Action dated September 13, 2024 (hereinafter the “Office Action”). In that Office Action, the drawings were objected to for allegedly failing to show each and every feature specified in the claims. In addition, claims 1-5, 10-11 and 13, 15-16 20-24 and 26-30 were examined and all claims were rejected. Specifically, claims 1-5, 10-11 and 13, 15-16 20-24 and 26-30 were rejected under 35 U.S. C. § 112(a) for allegedly failing to comply with the written description requirement; claims 10-11, 13 and 30 were rejected under 35 U.S.C. § 112(b) for allegedly being indefinite, claims 10-11 and 13 were rejected under 35 U.S.C. § 102 as allegedly being anticipated by U.S. Patent Publication No. 2012/0180338 (hereinafter, “Lin”); claims 1-5, 15-16, 20-24, 28-29 were rejected under 35 U.S.C. § 103 as allegedly being unpatentable over Lin in view of U.S. Patent No. 5,946,825 (hereinafter, “Koh”); claims 26-27 were rejected under 35 U.S.C. § 103 as allegedly being unpatentable over Lin and Koh in view of U.S. Patent Publication No. 2018/0110292 (hereinafter, “Beers”); and claim 30 was rejected under 35 U.S.C. § 103 as allegedly being unpatentable over Lin in view of Beers.

Reconsideration of these rejections, as they might apply to the original and amended claims in view of these remarks, is respectfully requested. In this Amendment, claims 1, 10 and 15 have been amended, claim 29 has been canceled without prejudice and claim 31 has been added. No new matter has been added. Therefore, claims 1-5, 10-11, 13, 15-16, 20-24, 26-28 and 30-31 are presented for examination.

Statement of Summary of Examiner Interview

Applicant thanks Examiner Nguyen for the interview held with Applicant’s representative, Greg Johnson (Reg. No. 59,027), on February 11, 2025. During that interview, the various objections and rejections were discussed. Potential claim amendments were also discussed in view of the objections and the rejections. No agreement was reached as to the allowability of the claims.

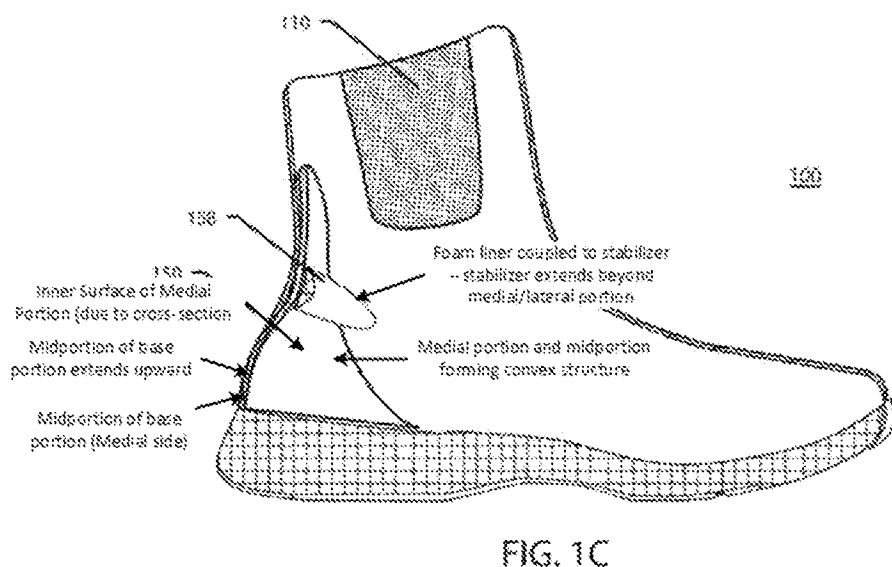
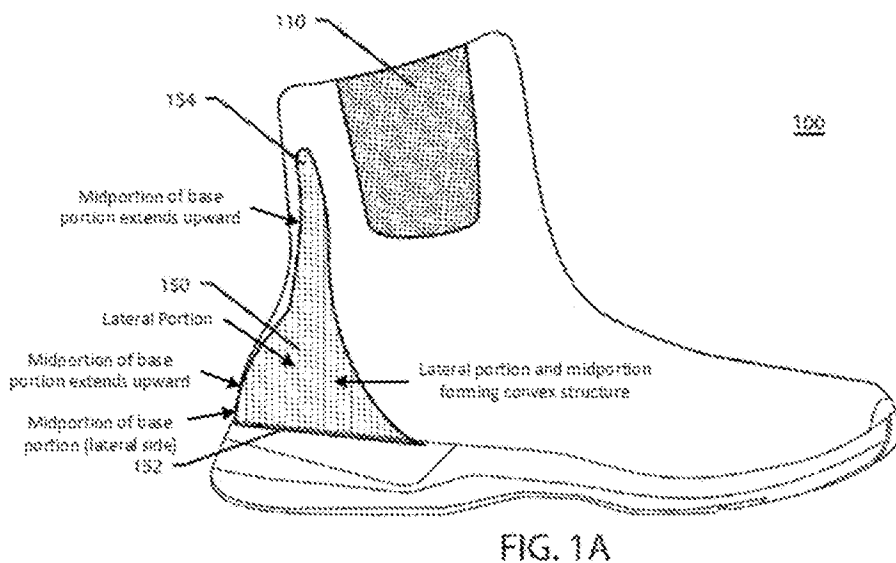
Objection to the Drawings

The drawings were objected to for allegedly failing to show each and every feature specified in the claims. Each of the objections will be addressed in detail below.

Claim 1 includes, and has been amended to recite, the following features: “a medial portion extending from the midportion of the base portion to a medial side of the sole; wherein the lateral portion of the base portion, the midportion of the base portion and the medial portion of the base portion form a convex structure; wherein the midportion of the base portion of the stabilizer extends upward from the sole continuously between the sole and the elevated portion... and a foam liner coupled to the stabilizer between the medial portion of the base portion and the lateral portion of the base portion along the convex structure, at least a portion of the foam liner extending beyond at least one of the medial portion of the base portion and the lateral portion of the base portion.” Applicant submits that the drawings show all of the above-recited features of claim 1.

Specifically, Applicant directs the Examiner’s attention to at least FIG. 1A and FIG. 1C of the application as originally filed. According to the specification, “FIG. 1A illustrates a rapid-entry shoe having a stabilizer...” (Specification, para. [0013]) and “FIG. 1C illustrates a cross-section of a rapid-entry shoe with a stabilizer having a foam liner...” (Specification, para. [0056]).

Each of these figures have been reproduced below. Applicant has added various annotations to illustrate how these figures, taken in combination, show all of the features of claim 1 recited above.



In the Examiner interview of February 11, 2025, Examiner Nguyen indicated that it was not clear where the cross-section of FIG. 1C was taken relative to FIG. 1A. As such, Examiner Nguyen stated it could not be determined whether FIG. 1C actually showed a medial portion as claimed.

Applicant respectfully disagrees and submits that FIG. 1C clearly shows a medial portion of a stabilizer. Specifically, Applicant directs the Examiner's attention to the cross-hatching around the border of the rapid-entry shoe, the cross-hatching of the sole, the lack of a pattern on the stabilizer when compared with FIG. 1A (and the associated cross-hatching on the edge of the stabilizer), the cross-hatching of the foam liner, and the overall size and shape of these various

features when compared with FIG. 1A, from where the cross-section was taken. Based on all of these features in FIG. 1C, Applicant submits that the cross-section of the rapid-entry shoe shown in FIG. 1C is taken down the middle of the rapid entry shoe of FIG. 1A. Applicant further submits that one of ordinary skill in the art would recognize that this is the case.

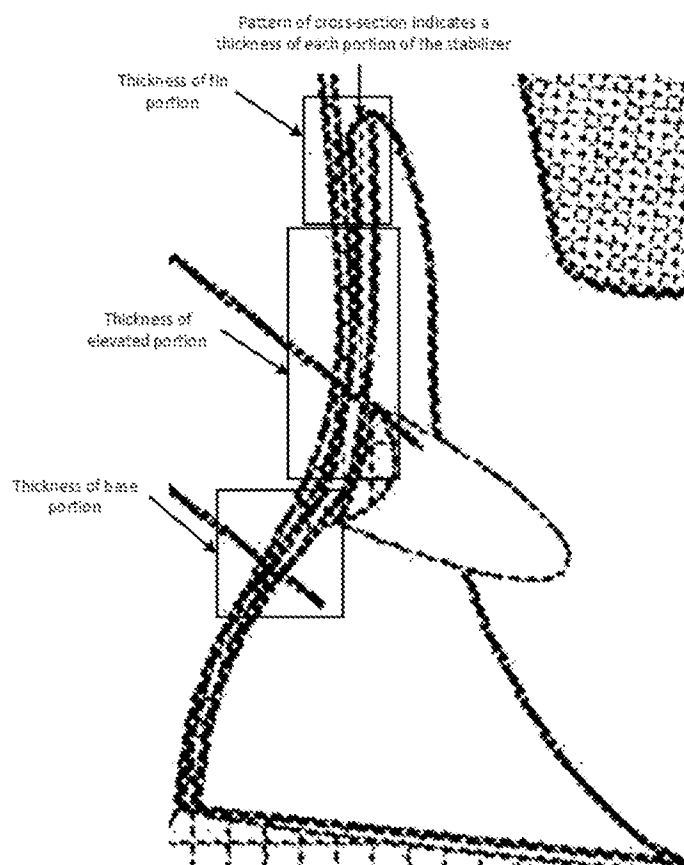
As such, Applicant submits that FIG. 1A and FIG. 1C illustrate all of the features of claim 1.

Regarding claim 10, claim 10 includes, or has been amended to include, the following features: “wherein the base portion and the elevated portion form a continuously curved shape extending between a lateral side of the stabilizer to a midportion of the stabilizer and from the midportion of the stabilizer to a medial side of the stabilizer; [and] wherein at least a portion of the base portion has a first thickness, at least a portion of the elevated portion has a second thickness and at least a portion of the fin portion has a third thickness, wherein the second thickness is less than the third thickness.”

In the Office Action, Examiner Nguyen states that the figures also fail to disclose or suggest these features. Again, Applicant respectfully disagrees.

As shown above and as previously discussed, the combination of FIG. 1A and FIG. 1C clearly show a “continuously curved shape extending between a lateral side of the stabilizer to a midportion of the stabilizer and from the midportion of the stabilizer to a medial side of the stabilizer.”

Regarding the thickness of the base portion, the elevated portion and the fin portion, Applicant submits that FIG. 1C shows the various thicknesses claimed. A portion of FIG. 1C that shows the various thicknesses is reproduced and annotated below:



In the Examiner interview of February 11, 2025, Examiner Nguyen indicated that this portion of FIG. 1C does not show the stated thickness of each portion. Specifically, Examiner Nguyen indicated that each portion could be delineated at any point along the stabilizer. Examiner Nguyen also indicated that the thickness of each delineated portion could be measured at any point within the delineation.

Applicant agrees with Examiner Nguyen insofar that reasonable delineations are made and the delineations are made based on the specification in view of FIG. 1C. Applicant also agrees with Examiner Nguyen that the thickness of each portion could be measured along any point within each delineation. However, Applicant disagrees with the Examiner that the claimed features are not supported in FIG. 1C.

For example, the claims, in combination with FIG. 1C and the specification, indicate and show where the delineations can be made. Specifically, the claims require:

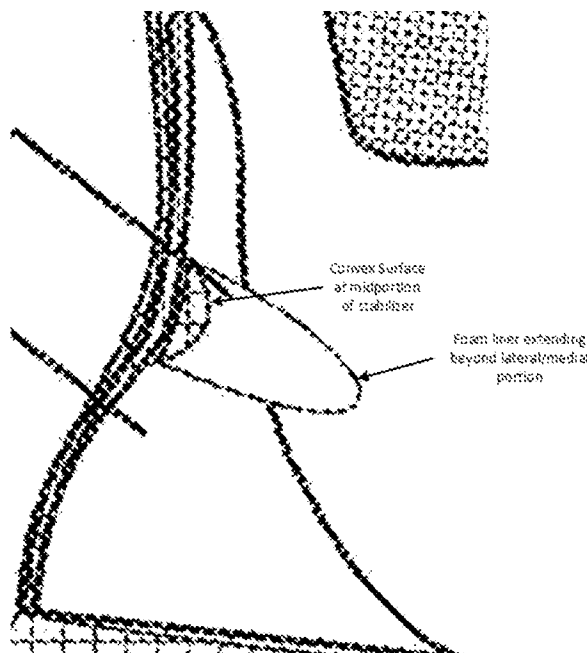
1. The stabilizer includes a base portion;

- a. at least a portion of the base portion has a first thickness;
2. The elevated portion extends upward from the base portion;
 - a. as such the elevated portion is above the base portion; and
 - b. at least a portion of the elevated portion has a second thickness; and
3. The fin portion extends upward from the elevated portion;
 - a. as such, the fin portion is above the elevated portion and the base portion;
 - b. at least a portion of the fin portion has a third thickness; and
 - c. the second thickness is less than the third thickness.

Based on the above, Applicant submits that one of ordinary skill in the art, when viewing FIG. 1C in combination with the claims and the specification, would find that the above-recited features of claim 10 are clearly supported.

Regarding claim 15, claim 15 includes, or has been amended to include, the following features: “a cup-shaped base portion below the elevated portion, the cup-shaped base portion comprising: a lateral portion extending from a lateral side of the stabilizer to a rear midportion of the stabilizer; and a medial portion extending from the rear midportion of the stabilizer to a medial side of the stabilizer; wherein the elevated portion of the stabilizer extends upward and rearward continuously between a rear portion of the cup-shaped base portion of the stabilizer, the cup-shaped base portion including a foam liner, the foam liner: comprising a convex surface at the midportion of the stabilizer; [and] extending beyond the medial portion and the lateral portion of the stabilizer.”

Applicant reiterates the arguments made above with respect to claim 1 and submits that FIG. 1A and FIG. 1C, including the annotated portion of FIG. 1C included below, clearly show the above-recited features of claim 15.



Based on the above, Applicant submits that the drawings clearly show all of the various claim features in question. As such, Applicant respectfully requests the Examiner withdraw the objections to the drawings.

Claim Rejections Under 35 U.S.C. § 112(a) and 35 U.S.C. § 112(b)

Claims 1-5, 10-11 and 13, 15-16 20-24 and 26-30 were rejected under 35 U.S. C. § 112(a) for allegedly failing to comply with the written description requirement and claims 10-11, 13 and 30 were rejected under 35 U.S.C. § 112(b) for allegedly being indefinite. Applicant respectfully disagrees.

As the Examiner is aware, MPEP 2163(II)(3)(a) states:

“An applicant may show that the inventor was in possession of an invention by disclosure of drawings or structural chemical formulas that are sufficiently detailed to show that the inventor was in possession of the claimed invention as a whole. See, e.g., *Vas-Cath*, 935 F.2d at 1565, 19 USPQ2d at 1118 (“drawings alone may provide a ‘written description’ of an invention as required by Sec. 112”); *In re Wolfensperger*, 302 F.2d 950, 133 USPQ 537 (CCPA 1962) (the drawings of applicant’s specification provided sufficient written descriptive support for the claim limitation at issue); *Autogiro Co. of Am. v. United States*, 384 F.2d 391, 398, 155 USPQ 697, 703 (Ct. Cl. 1967) (“In those instances where a visual representation can flesh out words, drawings may be used in the same manner and with the same limitations as the specification.”)

As previously discussed, at least FIG. 1A and FIG. 1C, in combination with the specification, show and/or describe the various claim features in question. Accordingly, Applicant respectfully requests Examiner Nguyen withdraw the 35 U.S.C. § 112 rejections of the claims.

Claim Rejections Under 35 U.S.C. § 102

Claims 10-11 and 13 were rejected under 35 U.S.C. § 102 as allegedly being anticipated by Lin.

As previously discussed, claim 10 describes a stabilizer having a base portion, an elevated portion and a fin portion. According to claim 10, “at least a portion of the base portion has a first thickness, at least a portion of the elevated portion has a second thickness and at least a portion of the fin portion has a third thickness, wherein the second thickness is less than the third thickness.” Applicant submits that Lin does not disclose or suggest at least the above-recited features of claim 10.

Lin describes a shoe having a collar and a supporting piece. According to Lin, “the collar 22 extends upward and backward from the counter 28 integrally in such a way that the collar is configured as a shoehorn.” (Lin, para. [0012]). Lin further states that because the supporting piece has “a predetermined hardness” and the collar has “a shape like a shoehorn, the rear of the upper 20 is provided with a portion that can be served as a shoehorn for helping the user's foot in slipping into the shoe 10 along that portion when the user puts on the aforesaid shoe 10.” (Lin, para. [0015]).

Presuming that the collar, and/or the combination of the collar and the supporting piece, is/are equivalent to the stabilizer in claim 10, which Applicant disputes, there is no disclosure in Lin regarding a thickness. Indeed, even if the collar and the supporting piece were equivalent to the stabilizer of claim 10, FIG. 1 of Lin (the annotation of which was made by the Examiner in the Office Action and is reproduced below) only shows a width of one side of the collar and the support piece. Further, Applicant submits that a width is a measurement of the distance across something, while a thickness is a measurement of the distance between two opposite surfaces. Therefore, Lin does not disclose or suggest varying thicknesses of its collar.

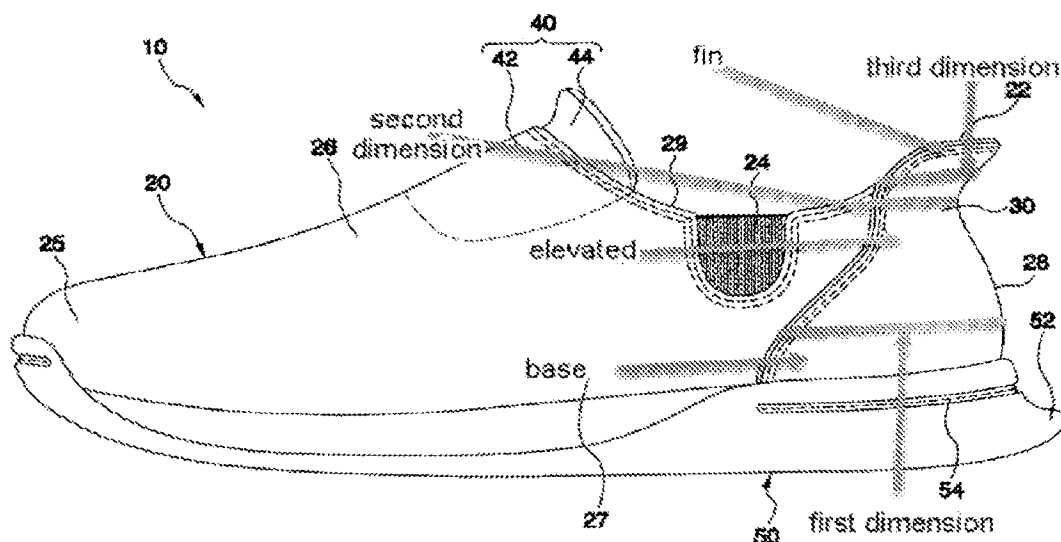


FIG. 1

Based on the above, Applicant submits that claim 10, and its respective dependent claims, are patentable over Lin and are in condition for allowance.

Claim Rejections Under 35 U.S.C. § 103

Claims 1-5, 15-16, 20-24, and 28-29 were rejected under 35 U.S.C. § 103 as allegedly being unpatentable over Lin in view of Koh.

Preliminary, claim 29 has been canceled without prejudice. Therefore, the rejection of claim 29 is moot.

Claims 1-5 and 23-24

Claim 1 is directed to a rapid-entry shoe that includes a foam liner. According to claim 1, the foam liner is “coupled to the stabilizer between the medial portion of the base portion and the lateral portion of the base portion along the convex structure.” At least a portion of the foam liner extends “beyond at least one of the medial portion of the base portion and the lateral portion of the base portion and [is] oriented downward toward the sole such that the foam liner acts to retain a heel within the heel portion of the rapid-entry shoe.”

Applicant submits that neither Lin nor Koh, either alone or in combination, disclose or suggest at least the above-recited features of claim 1. Indeed, in the Office Action, the Examiner concedes the Lin does not disclose or suggest a foam liner as claimed and relies on Koh to make

up for the deficiencies of Lin. (See Office Action, pg. 9). Applicant agrees with the Examiner as to the deficiencies of Lin but submits that Koh does not make up for those deficiencies.

Koh describes a foam collar insert for a shoe. According to Koh, “the insert 130 is molded...so its outside surface is planar and its inside surface has two lobes 132a, 132b separated by vertical and horizontal scallops 134a, 134b, respectively. Further, two arcuate sections 136a, 136b extend outward from the lobes 132a, 132b. The thickness of the lobes 132a, 132b is greater than the thickness of the arcuate sections 136a, 136b so that the overall shape of the collar insert 130 conforms to the anatomy of the wearer to hold the footwear 20 firmly in place on the foot to minimize motion between the footwear and foot.” (Koh, col. 7, line 9 – line 22).

While Koh describes a foam collar insert, Koh does not disclose or suggest that its foam collar insert extends beyond a stabilizer as claimed. Thus, even if Koh and Lin are combinable as the Examiner asserts, which Applicant disputes, there is no disclosure in either reference that suggests that the foam collar insert of Koh would extend beyond the collar and supporting piece of Lin.

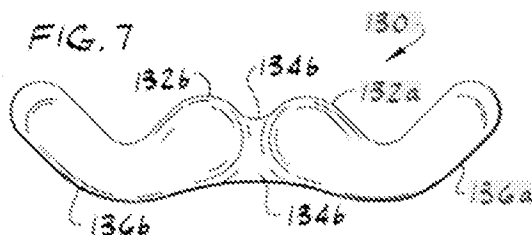
Accordingly, Applicant submits that claim 1, and its respective dependent claims, are patentable over the recited combination of references and are in condition for allowance.

Claims 15-16, 20-22 and 28

Claim 15 includes similar features to those described above with respect to claim 1. For example, claim 15 recites in part, a cup-shaped base having a foam liner that includes “a convex surface at the midportion of the stabilizer” and that extends “beyond the medial portion and the lateral portion of the stabilizer.” Claim 15 also requires that the foam liner is “oriented downward toward a sole of the rapid-entry shoe within the foot opening” and has “a cross-section defining a curve.”

Applicant reiterates the arguments made above with respect to claim 1 and submits that claim 15, and its respective dependent claims, are patentable over the recited combination of references for at least similar reasons.

Further, and as shown in FIG. 7 of Koh reproduced below, Koh's foam liner is not convex at a midportion. Rather, the midportion of Koh's foam liner is concave and is "separated by vertical and horizontal scallops 134a, 134b, respectively." (Koh, col. 7, line 15 – line 16).



Based on the above, Applicant submits that claim 15, and its respective dependent claims, are patentable over the recited combination of references and are in condition for allowance.

Claims 26-27 and 30

Claims 26-27 were rejected under 35 U.S.C. § 103 as allegedly being unpatentable over Lin and Koh in view of Beers and claim 30 was rejected under 35 U.S.C. § 103 as allegedly being unpatentable over Lin in view of Beers.

Each of claims 26-27 and 30 depend from independent claims 1 and 10 respectively. As discussed above, claim 1 is patentable over the recited combination of Lin and Koh and claim 10 is patentable over Lin and Beers does not make up for their deficiencies. Accordingly, Applicant submits that claims 26-27 and 30 are patentable over the recited combination of references at least for their dependencies on claims 1 and 10 respectively.

New Claim 31

Claim 31 is new and depends from claim 10. As such, Applicant submits that claim 31 is patentable over Lin at least for its dependency on claim 10.

CONCLUSION

This Amendment fully responds to the Non-Final Office Action mailed September 13, 2024. Still, that Office Action may contain arguments and rejections that are not directly addressed by this Amendment due to the fact that they are rendered moot in light of the preceding arguments in favor of patentability. Hence, failure of this Amendment to directly address an argument raised in the Office Action should not be taken as an indication that the Applicant believes the argument has merit. Furthermore, the claims of the present application may include other elements, not discussed in this Amendment, which are not shown, taught, or otherwise suggested by the references of record. Accordingly, the preceding arguments in favor of patentability are advanced without prejudice to other bases of patentability.

A petition for a two month extension of time, along with the requisite fee, is included herewith. It is believed that no additional fees are due with this Response. In light of the above remarks and amendments, it is believed this application is in condition for allowance and such action is respectfully requested. Should any additional issues need to be resolved, the Examiner is requested to telephone the undersigned to attempt to resolve those issues.

Respectfully submitted,

Dated: February 13, 2025

/Eric Nielsen/
Eric Nielsen, Reg. No. 60,183
Chief IP Officer and General Counsel
1172 West 700 North, Suite 200
Lindon, UT 84042
C: 480-229-7581
eric@handsfreelabs.com

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 EXTENSION OF TIME UNDER 37 CFR 1.136(a)		Docket Number (Optional) P-03036
Application Number 17/965,516	Filed 2022-10-13	
For RAPID-ENTRY FOOTWEAR HAVING A STABILIZER AND AN ELASTIC ELEMENT		
Art Unit 3732	Examiner BAO-THIEU L NGUYEN	

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

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

	<u>Fee</u>	<u>Small Entity Fee</u>	<u>Micro Entity Fee</u>	
☐ One month (37 CFR 1.17(a)(1))	\$220	\$88	\$44	\$ _____
☒ Two months (37 CFR 1.17(a)(2))	\$640	\$256	\$128	\$ <u>640</u>
☐ Three months (37 CFR 1.17(a)(3))	\$1,480	\$592	\$296	\$ _____
☐ Four months (37 CFR 1.17(a)(4))	\$2,320	\$928	\$464	\$ _____
☐ Five months (37 CFR 1.17(a)(5))	\$3,160	\$1,264	\$632	\$ _____

☐ Applicant asserts small entity status. See 37 CFR 1.27.☐ Applicant certifies 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.☐ A check in the amount of the fee is enclosed.☐ Payment by credit card. Form PTO-2038 is attached.☐ The Director has already been authorized to charge fees in this application to a Deposit Account.☐ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to
Deposit Account Number _____.☒ Payment made via USPTO's patent electronic filing system (Patent Center or EFS-Web).**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 _____.☒ attorney or agent acting under 37 CFR 1.34. Registration number 60,183./Eric Nielsen/2025-02-13

Signature

Date

Eric Nielsen480-229-7581

Typed or printed name

Telephone Number

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 1 forms are submitted.

A Federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with an information collection subject to the requirements of the Paperwork Reduction Act of 1995, unless the information collection has a currently valid OMB Control Number. The OMB Control Number for this information collection is 0651-0031. Public burden for this form is estimated to average 6 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the information collection. Send comments regarding this burden estimate or any other aspect of this information collection, including suggestions for reducing this burden to the Chief Administrative Officer, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450 or email InformationCollection@uspto.gov. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.** If filing this completed form by mail, 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.

Skechers EX1002-p. 121
Skechers v. FAST IP

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If you do not furnish the information requested on this form, the USPTO may not be able to process and/or examine your submission, which may result in termination of proceedings, abandonment of the application, and/or expiration of the patent.

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Additional USPTO uses of the information in this record may include disclosure to: 1) the International Bureau of the World Intellectual Property Organization, if the record is related to an international application filed under the Patent Cooperation Treaty; 2) the public i) after publication of the application pursuant to 35 U.S.C. 122(b), ii) after issuance of a patent pursuant to 35 U.S.C. 151, iii) 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, or iv) without publication of the application or patent under the specific circumstances provided for by 37 CFR 1.14(a)(1)(v)-(vii); and/or 3) the National Archives and Records Administration, for inspection of records.



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PATENT AND TRADEMARK OFFICE

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ELECTRONIC ACKNOWLEDGEMENT RECEIPT

APPLICATION #
17/965,516

RECEIPT DATE / TIME
02/13/2025 12:44:54 PM Z ET

ATTORNEY DOCKET #
P-03036

Title of Invention

RAPID-ENTRY FOOTWEAR HAVING A STABILIZER AND AN ELASTIC ELEMENT

Application Information

APPLICATION TYPE Utility - Nonprovisional Application
under 35 USC 111(a)

PATENT # -

CONFIRMATION # 9165

FILED BY Gregory Johnson

PATENT CENTER # 69171162

FILING DATE 10/13/2022

CUSTOMER # 164668

FIRST NAMED
INVENTOR Michael Pratt

CORRESPONDENCE
ADDRESS -

AUTHORIZED BY -

Documents

TOTAL DOCUMENTS: 4

DOCUMENT		PAGES	DESCRIPTION	SIZE (KB)
P-03036 Response to 9.13.2024 NFOA.pdf		18	-	868 KB
P-03036 Response to 9.13.2024 NFOA-A....pdf	(1-1)	1	Amendment/Request for Reconsideration-After Non- Final Rejection	83 KB
P-03036 Response to 9.13.2024 NFOA-CLM.pdf	(2-6)	5	Claims	91 KB
P-03036 Response to 9.13.2024 NFOA-REM.pdf	(7-18)	12	Applicant Arguments/Remarks Made in an Amendment	855 KB
2025-02-13 EOT 63134- 3005US.pdf		2	Extension of Time	244 KB

Digest

DOCUMENT

MESSAGE DIGEST(SHA-512)

P-03036 Response to
9.13.2024 NFOA.pdf

EE3623821369A5685DFE11E973AFB7A43965B774B4C54F3CA
93235DD1AA75C7EBA2B5F13EFB01828AE039D18C642694F70
FE46A2CB8AC39227897E80D789BC4B

P-03036 Response to
9.13.2024 NFOA-A....pdf

8EADA9339FD1119E54E7C8BC28FD8C8D5B053AFF64860932
C8E4B0AE1C5886E04FCFDE3055E3955287BA2AC3592003985
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P-03036 Response to
9.13.2024 NFOA-CLM.pdf

0B95BB1981CCB340F7896B9C7F65D488AD60667D8DF8B1D9
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P-03036 Response to
9.13.2024 NFOA-REM.pdf

1B21EAD7942B14F75C8FD0A714C5BC982833EFD4BBACD73C
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B53CB50B7CB58698CBBBC35F6EB65D9

2025-02-13 EOT 63134-
3005US.pdf

19520BB12348C90AA8BF8955A6023D909AE635ADD0B4BC34F
193447A92623CE2D09110F8F10309C276C2F4A0DADF8DF408
7348F4BD7E3FAA1EE162557CD2D68C

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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 filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application

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ELECTRONIC PAYMENT RECEIPT

APPLICATION #
17/965,516

RECEIPT DATE / TIME
02/13/2025 12:44:54 PM Z ET

ATTORNEY DOCKET #
P-03036

Title of Invention

RAPID-ENTRY FOOTWEAR HAVING A STABILIZER AND AN ELASTIC ELEMENT

Application Information

APPLICATION TYPE Utility - Nonprovisional Application
under 35 USC 111(a)

PATENT # -

CONFIRMATION # 9165

FILED BY Gregory Johnson

PATENT CENTER # 69171162

AUTHORIZED BY -

CUSTOMER # 164668

FILING DATE 10/13/2022

CORRESPONDENCE ADDRESS -

FIRST NAMED INVENTOR Michael Pratt

Payment Information

PAYMENT METHOD
DA / 505205

PAYMENT TRANSACTION ID
E20252CC45595190

PAYMENT AUTHORIZED BY
Gregory Johnson

FEE CODE	DESCRIPTION	ITEM PRICE(\$)	QUANTITY	ITEM TOTAL(\$)
1252	EXTENSION FOR RESPONSE WITHIN SECOND MONTH, EXCEPT PROVISIONAL APPLICATIONS	690.00	1	690.00
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PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875	Application or Docket Number 17/965,516	Filing Date 10/13/2022	☐ To be Mailed
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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 \$100 =	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 = *		x \$480 =	
☐ 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)	RATE (\$)	ADDITIONAL FEE (\$)	
AMENDMENT	02/13/2025	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA			
	Total (37 CFR 1.16(i))	* 20	Minus	** 20	= 0	x \$200 =	0	
	Independent (37 CFR 1.16(h))	* 3	Minus	*** 3	= 0	x \$600 =	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		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.						SLIE		
** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".						/APRIL L. WALKER/		
*** 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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NOTICE OF ALLOWANCE AND FEE(S) DUE

164668 7590 03/12/2025
FAST IP, LLC
1172 West 700 North
Suite 200
Lindon, UT 84042

EXAMINER	
NGUYEN, BAO-THIEU L	
ART UNIT	PAPER NUMBER
3732	

DATE MAILED: 03/12/2025

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
17/965,516	10/13/2022	Michael Pratt	P-03036	9165

TITLE OF INVENTION: RAPID-ENTRY FOOTWEAR HAVING A STABILIZER AND AN ELASTIC ELEMENT

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	UNDISCOUNTED	\$1290	\$0.00	\$0.00	\$1290	06/12/2025

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 40% the amount of undiscounted fees, and micro entity fees are 20% the amount of undiscounted 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.

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Complete and send this form, together with applicable fee(s), by mail or fax, or via the USPTO patent electronic filing system.

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Commissioner for Patents
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Alexandria, Virginia 22313-1450

By fax, send to: (571)-273-2885

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

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

164668 7590 03/12/2025
FAST IP, LLC
1172 West 700 North
Suite 200
Lindon, UT 84042

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 the USPTO patent electronic filing system 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.
17/965,516	10/13/2022	Michael Pratt	P-03036	9165

TITLE OF INVENTION: RAPID-ENTRY FOOTWEAR HAVING A STABILIZER AND AN ELASTIC ELEMENT

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	UNDISCOUNTED	\$1290	\$0.00	\$0.00	\$1290	06/12/2025

EXAMINER	ART UNIT	CLASS-SUBCLASS
NGUYEN, BAO-THIEU L	3732	036-045000

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,

1 _____

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

2 _____

3 _____

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

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document 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)

4b. Method of Payment: (Please first reapply any previously paid fee shown above)

☐ Electronic Payment via the USPTO patent electronic filing system ☐ 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. _____



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
17/965,516	10/13/2022	Michael Pratt	P-03036	9165
164668	7590	03/12/2025	EXAMINER	
FAST IP, LLC 1172 West 700 North Suite 200 Lindon, UT 84042			NGUYEN, BAO-THIEU L	
			ART UNIT	PAPER NUMBER
			3732	
DATE MAILED: 03/12/2025				

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. The United States Patent and Trademark Office (USPTO) collects the information in this record under authority of 35 U.S.C. 2. The USPTO's system of records is used to manage all applicant and owner information including name, citizenship, residence, post office address, and other information with respect to inventors and their legal representatives pertaining to the applicant's/owner's activities in connection with the invention for which a patent is sought or has been granted. The applicable Privacy Act System of Records Notice for the information collected in this form is COMMERCE/PAT-TM-7 Patent Application Files, available in the Federal Register at 78 FR 19243 (March 29, 2013).

<https://www.govinfo.gov/content/pkg/FR-2013-03-29/pdf/2013-07341.pdf>

Routine uses of the information in this record may include disclosure to:

- 1) law enforcement, in the event that the system of records indicates a violation or potential violation of law;
- 2) a federal, state, local, or international agency, in response to its request;
- 3) a contractor of the USPTO having need for the information in order to perform a contract;
- 4) the Department of Justice for determination of whether the Freedom of Information Act (FOIA) requires disclosure of the record;
- 5) a Member of Congress submitting a request involving an individual to whom the record pertains, when the individual has requested the Member's assistance with respect to the subject matter of the record;
- 6) a court, magistrate, or administrative tribunal, in the course of presenting evidence, including disclosures to opposing counsel in the course of settlement negotiations;
- 7) the Administrator, General Services Administration (GSA), or their designee, during an inspection of records conducted by GSA under authority of 44 U.S.C. 2904 and 2906, in accordance with the GSA regulations and any other relevant (i.e., GSA or Commerce) directive, where such disclosure shall not be used to make determinations about individuals;
- 8) 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));
- 9) the Office of Personnel Management (OPM) for personnel research purposes; and
- 10) the Office of Management and Budget (OMB) for legislative coordination and clearance.

If you do not furnish the information requested on this form, the USPTO may not be able to process and/or examine your submission, which may result in termination of proceedings, abandonment of the application, and/or expiration of the patent.

Notice of Allowability	Application No. 17/965,516	Applicant(s) Pratt et al.	
	Examiner BAO-THIEU L NGUYEN	Art Unit 3732	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 the claim set filed 02-13-2025.
☐ 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 See Continuation Sheet. 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 _____. /BAO-THIEU L NGUYEN/ Primary Examiner, Art Unit 3732	5. ☒ Examiner's Amendment/Comment 6. ☒ Examiner's Statement of Reasons for Allowance 7. ☐ Other _____
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Continuation of 3. The allowed claim(s) is/are: 1-5,15-16,20-24 and 26-28

DETAILED ACTION

Notice of Pre-AIA or AIA Status

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

EXAMINER'S AMENDMENT

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

Authorization for this examiner's amendment was given in an interview with Eric Nielsen on 02-02-2025.

The application has been amended as follows:

Claims 10-11, 13, and 30-31 are cancelled.

Allowable Subject Matter

3. **Claims 1-5, 15-16, 20-24, and 26-28** are allowed.
4. The following is an examiner's statement of reasons for allowance: see applicant remark filed 02-13-2025.

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

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to BAO-THIEU L NGUYEN whose telephone number is (571)270-0476. The examiner can normally be reached M-F 7am-4pm.

Examiner interviews are available via telephone, in-person, and video conferencing using a USPTO supplied web-based collaboration tool. To schedule an interview, applicant is encouraged to use the USPTO Automated Interview Request (AIR) at <http://www.uspto.gov/interviewpractice>.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, KHOA D. HUYNH can be reached on (571)272-4888. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of published or unpublished applications may be obtained from Patent Center. Unpublished application information in Patent Center is available to registered users. To file and manage patent submissions in Patent Center, visit: <https://patentcenter.uspto.gov>. Visit <https://www.uspto.gov/patents/apply/patent-center> for more information about Patent Center and <https://www.uspto.gov/patents/docx> for information about filing in DOCX format. For additional questions, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BAO-THIEU L. NGUYEN
Primary Examiner
Art Unit 3732

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/BAO-THIEU L NGUYEN/
Primary Examiner, Art Unit 3732