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L31	316	L6 NOT L4	(US-PGPUB; USPAT; USOCR)	OR	ON	ON	2022/09/29 11:14 AM
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Fast IP EX2012 (2/4)
Skechers U.S.A. v. Fast IP
IPR2026-00373

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L55	14	"9629416," "10897956"	(US-PGPUB; USPAT; USOCR)	OR	ON	ON	2024/06/05 09:24 AM

PE2E SEARCH - Search History (Interference)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	British Equivalents	Time Stamp
N1	4	(stabilizer AND elastic AND arch AND deflect$4).clm.	(US-PGPUB; USPAT)	OR	ON	ON	2022/09/29 11:28 AM

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 arc 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 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~~ 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

/Eric Nielsen/

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PATENT AND TRADEMARK OFFICE

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ELECTRONIC ACKNOWLEDGEMENT RECEIPT

APPLICATION #	RECEIPT DATE / TIME	ATTORNEY DOCKET #
17/965,516	**05/30/2024 02:06:27 PM Z ET**	**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 #	65735561	FILING DATE	10/13/2022
CUSTOMER #	164668	FIRST NAMED INVENTOR	Michael Pratt
CORRESPONDENCE ADDRESS	-	AUTHORIZED BY	-

Documents

TOTAL DOCUMENTS: 3

DOCUMENT		PAGES	DESCRIPTION	SIZE (KB)
P-03036 Response to 3.6.24 NFOA.pdf		10	-	174 KB
P-03036 Response to 3.6.24 NFOA-A....pdf	(1-1)	1	Amendment/Request for Reconsideration-After Non-Final Rejection	97 KB
P-03036 Response to 3.6.24 NFOA-CLM.pdf	(2-5)	4	Claims	106 KB
P-03036 Response to 3.6.24 NFOA-REM.pdf	(6-10)	5	Applicant Arguments/Remarks Made in an Amendment	131 KB

Digest

DOCUMENT	MESSAGE DIGEST(SHA-512)
P-03036 Response to 3.6.24 NFOA.pdf	0F808BE764EBEEAE8C4BBD9DE9BA3122AE6009178E5F7B9F A6FFA6CBF390BF502349B82DA70342728C82450DEED914B59 8F20EBBB40FBA5C8B870C98432087DC
P-03036 Response to 3.6.24 NFOA-A....pdf	1171490AE0C3AB58EF96C106BDC6E6F91DDCCC79F5C70443 FF366638052808B124B3846DC7565D3BF9B4A920A108C76E56 32AB56F0AC20A170A6906F2B5976C3
P-03036 Response to 3.6.24 NFOA-CLM.pdf	C7A70DF486A584F561C8A51ADD64A80D146349B9E142C9312 0573BB93F867253F10DC5BA6858D1BCFFB645747B9B93B49C 8E8C49D23285FD1912ECA3C6DA3E7D
P-03036 Response to 3.6.24 NFOA-REM.pdf	F722538F9C7FA1724E1735C9B0C23727AE10267ABA1D640074 08100C91B0A9AEB703A42F7D84E6994CE16A0F236D0660D11 9E31E11D853EFBAC2A831A47B7F0B

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.

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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 05/15/2024

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EXAMINER
NGUYEN, BAO-THIEU L

ART UNIT	PAPER NUMBER
3732	

NOTIFICATION DATE	DELIVERY MODE
05/15/2024	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

Applicant-Initiated Interview Summary	**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	Telephonic
Greg Johnson	Attorney of Record	

Date of Interview: 10 May 2024

Issues Discussed:

Proposed Amendment(s)

Discuss the different between the invention and the prior art in record. However, we have not come up with any agreement 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.

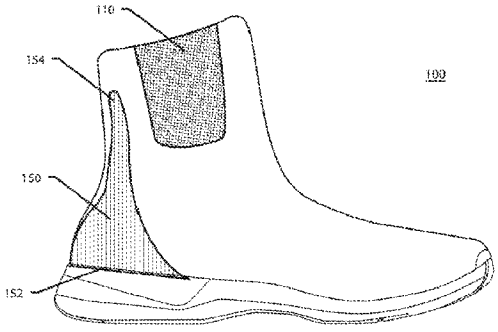
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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 FOOTWARE HAVING A STABILIZER AND AN ELASTIC ELEMENT		

Agenda for 5.10.2024 Examiner Interview

For Discussion Purposes Only – Not For Entry

- Discuss claim 1 in view of FIG 1A (reproduced below) and in view of para. [0056] of published application (2023/0030016)



1. 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 the elevated portion and at least partially surrounding the heel portion, and wherein:

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

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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

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EXAMINER
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)

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

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

4) ☐ Other: _____.

DETAILED ACTION

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 on10-13-2022. 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:

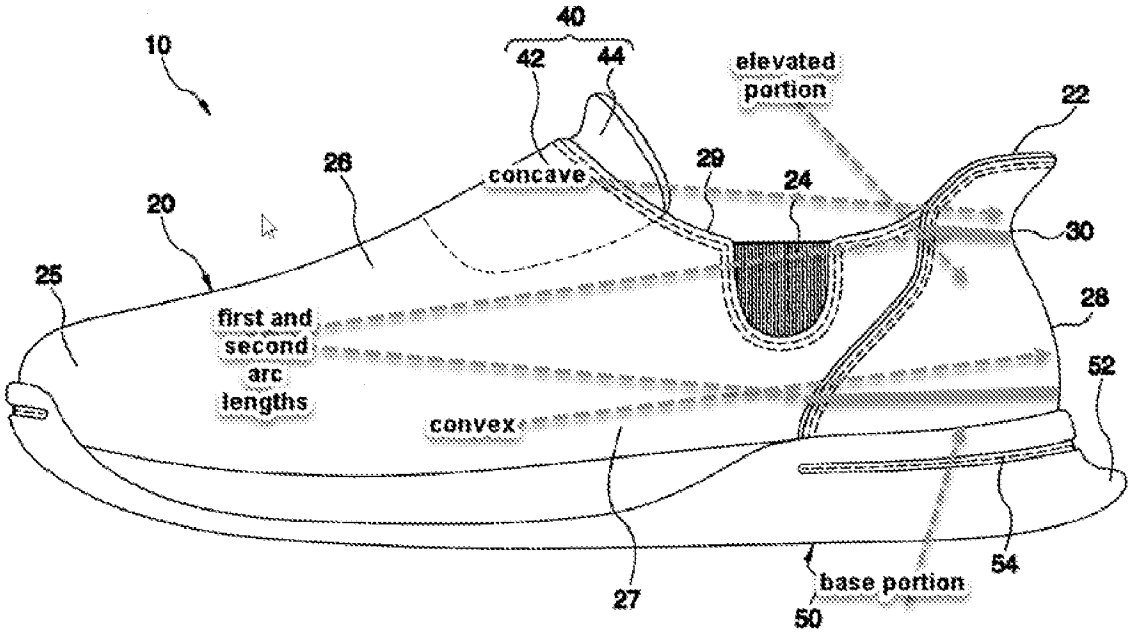


FIG.1

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 filling 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 filling 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

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	17/965,516	Pratt et al.
	Examiner	**Art Unit**
	BAO-THIEU L NGUYEN	3732

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

CLAIMS

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

CLAIM		DATE								
Final	Original	01/09/2023	04/25/2023	08/16/2023	10/22/2023	03/01/2024				
	1	✓	✓	✓	✓	✓				
	2	✓	✓	✓	✓	✓				
	3	✓	✓	✓	✓	✓				
	4	✓	✓	✓	✓	✓				
	5	✓	✓	✓	✓	✓				
	6	✓	✓	✓	✓	✓				
	7	✓	✓	✓	✓	✓				
	8	✓	✓	-	-	-				
	9	✓	✓	✓	✓	✓				
	10	✓	✓	✓	✓	✓				
	11	✓	✓	✓	✓	✓				
	12	✓	✓	-	-	-				
	13	✓	✓	✓	✓	✓				
	14	✓	✓	✓	✓	✓				
	15	✓	✓	✓	✓	✓				
	16	✓	✓	✓	✓	✓				
	17		✓	✓	✓	✓				
	18		✓	-	-	-				
	19		✓	-	-	-				
	20		✓	✓	✓	✓				
	21			✓	✓	✓				
	22			✓	✓	✓				
	23			✓	✓	✓				
	24			✓	✓	✓				

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	17/965,516	Pratt et al.
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	BAO-THIEU L NGUYEN	3732

CPC - Searched*		
Symbol	**Date**	**Examiner**
A43B11/00, 008	01/09/2023	BT
A43B23/027, 02, 047, 08	01/09/2023	BT
Update search	04/25/2023	BT
Update search	08/16/2023	BT

CPC Combination Sets - Searched*		
Symbol	**Date**	**Examiner**

US Classification - Searched*			
Class	**Subclass**	**Date**	**Examiner**

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

Search Notes		
Search Notes	**Date**	**Examiner**
Inventor search	01/09/2023	BT

Interference Search			
US Class/CPC Symbol	**US Subclass/CPC Group**	**Date**	**Examiner**

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

Doc code: IDS
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Art Unit	3732
Examiner Name	BAO-THIEU L NGUYEN
Attorney Docket Number	P-03036

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Examiner Initial*	Cite No	Patent Number	Kind Code[1]	Issue Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)		
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	First Named Inventor	Michael Pratt
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	Examiner Name	BAO-THIEU L NGUYEN
	Attorney Docket Number	P-03036

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Attorney Docket Number	P-03036

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Attorney Docket Number	P-03036

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ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /BT/

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)		
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	Examiner Name	BAO-THIEU L NGUYEN
	Attorney Docket Number	P-03036

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Attorney Docket Number	P-03036

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Attorney Docket Number	P-03036

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	First Named Inventor	Michael Pratt
	Art Unit	3732
	Examiner Name	BAO-THIEU L NGUYEN
	Attorney Docket Number	P-03036

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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]
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Examiner Signature	/BAO-THIEU L NGUYEN/	Date Considered	03/01/2024

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Attorney Docket Number	P-03036

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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).

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☐ 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.**

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L2	3622	(A43B11/00 OR A43B23/027 OR A43B23/02 OR A43B23/047 OR A43B23/08 OR A43C11/008).cpc.	(US-PGPUB; USPAT; USOCR)	OR	ON	ON	2022/06/13 01:33 PM
L3	14	((("FAST") near3 ("IP") near3 ("LLC"))).AS,AANM.	(USPAT)	OR	ON	ON	2022/06/13 01:34 PM
L4	1005	(A43B11/00 OR A43B23/027 OR A43B23/047 OR A43C11/008).cpc.	(USPAT)	OR	ON	ON	2022/06/13 01:37 PM
L6	548	("91547" | "219436" | "827330" | "863549" | "911025" | "1028598" | "1081678" | "1155354" | "1275895" | "1494236" | "1686175" | "D98150" | "2069752" | "2097810" | "2450250" | "2452502" | "2736110" | "2920402" | "3146535" | "3192651" | "4489509" | "4972613" | "5054216" | "5090140" | "5181331" | "5184410" | "5282327" | "5317819" | "5341583" | "5371957" | "5467537" | "5481814" | "5826353" | "5842292" | "6000148" | "6189239" | "6314662" | "6360454" | "6378230" | "6557271" | "6684533" | "6925732" | "6938361" | "7103994" |	(US-PGPUB; USPAT; USOCR)	OR	ON	ON	2022/06/14 08:10 AM

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L7	314	L6 NOT L4	(US-PGPUB; USPAT; USOCR)	OR	ON	ON	2022/06/14 08:12 AM
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		"20110185592" | "20120079742" | "20120180338" | "20120192453" | "20120317839" | "20130219747" | "20140173935" | "20150305432" | "20170099908" | "20170303632" | "20180098601" | "20180110292" | "20180289109" | "20180338583" | "219436" | "827330" | "863549" | "882109" | "911025" | "1028598" | "1081678" | "1155354" | "1275895" | "1494236" | "1686175" | "2069752" | "2097810" | "2450250" | "2452502" | "2736110" | "2920402" | "3146535" | "3192651" | "4489509" | "4608769" | "4972613" | "5054216" | "5090140" | "5152082" | "5181331" | "5184410" | "5279051" | "5282327" | "5317819" | "5341583" | "5371957" | "5467537" | "5481814" | "5826353" | "5842292" | "6000148" | "6189239" | "6314662" | "6360454" | "6378230" | "6497058" | "6557271" | "6684533" | "6874255" | "6925732" | "6938361" | "7082702" | "7103994" | "7225563" | "7392603" | "7439837" | "7685747" | "7793438" | "7823299" | "7975403" | "8020317" | "D648512" | "8056264" | "8065819" | "8161669" | "8245421" | "8769845" | "9820527" | "D840663" | "D854303" | "10455898" | "10617174" | "10638810" | "10905192" | "20020112376" | "20020144434" | "20040111921" | "20040244226" | "20050039348" | "20050081404" | "20060010718" |					

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		"20130185959" | "20130219747" | "20140013624" | "20140096415" | "20140115925" | "20140173935" | "20140202044" | "20140250723" | "20140298687" | "20140305005" | "20140310992" | "20140360049" | "20150047227" | "20150113834" | "20150143720" | "20150196095" | "20150216252" | "20150289595" | "20150305432" | "20160120259" | "20160128429" | "20160302530" | "20160374427" | "20170150773" | "20170265560" | "20170303632" | "20170360143" | "20180098601" | "20180110287" | "20180110288" | "20180110289" | "20180110292" | "20180206588" | "20180235314" | "20180289109" | "20180295942" | "20180338583" | "20190000186" | "20190297999" | "20200000178" | "20200196703" | "20200205511" | "20200205518" | "20200205520" | "20200305552" | "20210030107" | "20210068498" | "20210112911" | "20210112914" | "20210112916" | "3775872" | "5090138" | "5177884" | "5678330" | "5778563" | "6112434" | "6397496" | "7513068" | "8438757" | "10111490" | "20070056189" | "20090000150" | "20090216167" |					

		"20130263349" | "112439" | "808948" | "827330" | "863549" | "881153" | "923860" | "921461" | "1081678" | "1116462" | "1464342" | "1494236" | "1686175" | "1926818" | "2069752" | "2266732" | "2368514" | "2450250" | "2452502" | "2736110" | "2763071" | "2829448" | "2920402" | "3000116" | "3146535" | "4489509" | "4590690" | "4811502" | "4924605" | "4972613" | "5054216" | "5127170" | "5181331" | "5184410" | "5282327" | "5341583" | "5371957" | "5467537" | "5481814" | "5842292" | "5997027" | "6000148" | "6125555" | "6189239" | "6360454" | "6378230" | "6671980" | "6684533" | "6922917" | "6925732" | "6938361" | "7103994" | "7178270" | "7225563" | "7439837" | "7661205" | "7685747" | "7793438" | "7823299" | "7975403" | "D648512" | "8065819" | "8087188" | "8161669" | "8225535" | "8499474" | "8769845" | "9615624" | "9675132" | "9820527" | "9877542" | "10306947" | "10455898" | "10638810" | "20020144434" | "20050022428" | "20050039348" | "20050076540" | "20050198867" | "20070074425" | "20080086911" | "20080189984" | "20080307673" | "20110016751" | "20110146106" | "20120216429" | "20120317839" | "20130185959" | "20130219747" | "20150305432" | "20160374427" | "20170303632" | "20170360143" |					

		"20170360151" | "20180110287" | "20180110292" | "20180289109" | "20180295942" | "20200253333" | "20210112916" | "112439" | "808948" | "827330" | "863549" | "881153" | "923860" | "921461" | "1081678" | "1116462" | "1464342" | "1494236" | "1686175" | "1926818" | "2069752" | "2266732" | "2368514" | "2450250" | "2452502" | "2736110" | "2763071" | "2829448" | "2920402" | "3000116" | "3146535" | "4489509" | "4590690" | "4811502" | "4924605" | "4972613" | "5054216" | "5127170" | "5181331" | "5184410" | "5282327" | "5341583" | "5371957" | "5467537" | "5481814" | "5842292" | "5997027" | "6000148" | "6125555" | "6189239" | "6360454" | "6378230" | "6671980" | "6684533" | "6922917" | "6925732" | "6938361" | "7103994" | "7178270" | "7225563" | "7439837" | "7661205" | "7685747" | "7793438" | "7823299" | "7975403" | "D648512" | "8065819" | "8087188" | "8161669" | "8225535" | "8499474" | "8769845" | "9615624" | "9675132" | "9820527" | "9877542" | "10306947" | "10455898" | "20020144434" | "20050022428" | "20050039348" | "20050076540" | "20050198867" | "20070074425" | "20070180730" | "20080086911" | "20080189984" | "20080307673" | "20110016751" | "20110146106" | "20110185592" | "20120151799" |				

		"20120216429" | "20120317839" | "20130185959" | "20130219747" | "20140189964" | "20150305432" | "20160374427" | "20170360143" | "20170360151" | "20180110287" | "20180110292" | "20180289109" | "20180295942" | "20200000178" | "112439" | "808948" | "827330" | "863549" | "881153" | "923860" | "921461" | "1081678" | "1116462" | "1464342" | "1494236" | "1686175" | "1926818" | "2069752" | "2266732" | "2368514" | "2450250" | "2452502" | "2736110" | "2763071" | "2829448" | "2920402" | "3000116" | "3146535" | "4489509" | "4590690" | "4811502" | "4924605" | "4972613" | "5054216" | "5127170" | "5181331" | "5184410" | "5282327" | "5341583" | "5371957" | "5467537" | "5481814" | "5842292" | "5997027" | "6000148" | "6125555" | "6189239" | "6360454" | "6378230" | "6671980" | "6684533" | "6922917" | "6925732" | "6938361" | "7103994" | "7178270" | "7225563" | "7439837" | "7661205" | "7685747" | "7793438" | "7823299" | "7975403" | "D648512" | "8065819" | "8087188" | "8161669" | "8225535" | "8499474" | "8769845" | "62186148" | "9615624" | "9675132" | "9820527" | "9877542" | "10306947" | "D854303" | "10455898" | "10617174" | "10638810" | "20020144434" | "20050022428" | "20050039348" | "20050076540" |					

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		"1686175" | "2069752" | "2450250" | "2452502" | "2736110" | "2920402" | "3146535" | "4489509" | "4972613" | "5054216" | "5181331" | "5184410" | "5282327" | "5351583" | "5371957" | "5467537" | "5481814" | "5842292" | "6189239" | "6378230" | "6684533" | "6938361" | "7103994" | "7225563" | "7439837" | "7685747" | "7793438" | "7823299" | "7975403" | "D648512" | "8065819" | "8161669" | "8769845" | "20020144434" | "20050039348" | "20070074425" | "20080086911" | "20080307673" | "20110016751" | "20110146106" | "20130185959" | "20130219747" | "2736110" | "2920402" | "3039207" | "4783909" | "5127170" | "5481814" | "6594921" | "7793438" | "8065819" | "8225534" | "9675132" | "10602802" | "10660401" | "20050039348" | "20050076540" | "20080168683" | "20110016751" | "20140298687" | "20160058123" | "20180235314" | "20180263332").pn. OR ("10897956" | "11344077" | "10617174" | "10455898" | "10743616" | "10568385" | "11191321" | "11191320" | "11234482" | "11064761" | "10638810" | "10905192" | "9820527" | "9877542" | "11000091").urpn. AND (PGPB | USPT | USOC).dbnm.					

L9	97	("91547" | "219436" | "827330" | "863549" | "911025" | "1028598" | "1081678" | "1155354" | "1275895" | "1494236" | "1686175" | "D98150" | "2069752" | "2097810" | "2450250" | "2452502" | "2736110" | "2920402" | "3146535" | "3192651" | "4489509" | "4972613" | "5054216" | "5090140" | "5181331" | "5184410" | "5282327" | "5317819" | "5341583" | "5371957" | "5467537" | "5481814" | "5826353" | "5842292" | "6000148" | "6189239" | "6314662" | "6360454" | "6378230" | "6557271" | "6684533" | "6925732" | "6938361" | "7103994" | "7225563" | "7392603" | "7439837" | "7685747" | "7793438" | "7823299" | "7975403" | "8020317" | "D648512" | "8056264" | "8065819" | "8161669" | "8769845" | "9820527" | "10455898" | "10617174" | "20020112376" | "20020144434" | "20040111921" | "20050039348" | "20050081404" | "20060032091" | "20070074425" | "20070256332" | "20080083138" | "20080086911" | "20080120871" | "20080155788" | "20080307673" | "20110016751" | "20110146106" | "20110185592" | "20120079742" | "20120180338" | "20120192453" | "20120317839" | "20130219747" | "20140173935" | "20150305432" | "20170099908" | "20170303632" | "20180098601" | "20180110292" |	(US-PGPUB; USPAT; USOCR)	OR	ON	ON	2022/06/14 11:30 AM

		"20180289109" | "20180338583").pn. OR ("10897956").urpn. AND (PGPB | USPT | USOC).dbnm.					
L10	13	("2012/0180338").urpn. AND (PGPB | USPT | USOC).dbnm.	(US-PGPUB; USPAT; USOCR)	OR	ON	ON	2022/06/14 11:32 AM
L11	48	("2004/0111921").urpn. AND (PGPB | USPT | USOC).dbnm.	(US-PGPUB; USPAT; USOCR)	OR	ON	ON	2022/06/14 11:34 AM
L12	83	"6000148"	(US-PGPUB; USPAT; USOCR)	OR	ON	ON	2022/06/14 11:36 AM
L14	43	("20180110292" "10897956" "9877542" "11000091")/pn.	(US-PGPUB; USPAT; USOCR)	OR	ON	ON	2022/06/14 01:09 PM
L15	4	("20180110292" "10897956" "9877542" "11000091").pn.	(US-PGPUB; USPAT; USOCR)	OR	ON	ON	2022/06/14 01:10 PM
L20	101	("0112439" OR "0808948" OR "0827330" OR "0863549" OR "0881153" OR "0921461" OR "0923860" OR "10306947" OR "10455898" OR "10617174" OR "10638810" OR "10660401" OR "1081678" OR "1116462" OR "1464342" OR "1494236" OR "1686175" OR "1926818" OR "20020144434" OR "20050022428" OR "20050039348" OR "20050076540" OR "20050198867" OR "20070074425" OR "20080086911" OR "20080189984" OR "20080307673" OR "20110016751" OR "20110146106" OR "20120216429" OR "20120317839" OR "20130185959" OR "20130219747" OR "20150013189" OR "20150305432" OR "20160374427" OR "20170303632" OR	(US-PGPUB; USPAT)	OR	ON	ON	2022/09/08 08:05 AM

		"20170360143" OR "20170360151" OR "20180110287" OR "20180110292" OR "20180289109" OR "20180295942" OR "2069752" OR "2266732" OR "2368514" OR "2450250" OR "2452502" OR "2736110" OR "2763071" OR "2829448" OR "2920402" OR "3000116" OR "3146535" OR "4489509" OR "4590690" OR "4811502" OR "4924605" OR "4972613" OR "5054216" OR "5127170" OR "5181331" OR "5184410" OR "5282327" OR "5341583" OR "5371957" OR "5467537" OR "5481814" OR "5842292" OR "5997027" OR "6000148" OR "6125555" OR "6189239" OR "62186148" OR "6360454" OR "6378230" OR "6671980" OR "6684533" OR "6922917" OR "6925732" OR "6938361" OR "7103994" OR "7178270" OR "7225563" OR "7439837" OR "7661205" OR "7685747" OR "7793438" OR "7823299" OR "7975403" OR "8065819" OR "8087188" OR "8161669" OR "8225535" OR "8499474" OR					

		"8769845" OR "9615624" OR "9629416" OR "9675132" OR "9820527" OR "9877542" OR "D648512").pn.					
L26	15215	(A43B11/00 OR A43B23/027 OR A43B23/02 OR A43B23/047 OR A43B23/08 OR A43C11/008).cpc.	(US-PGPUB; USPAT; USOCR; FIT (AU, AP, AT, BE, BG, BR, BY, CA, CH, CN, CS, CU, CZ, DD, DE, DK, EA, EE, EP, ES, FI, FR, GB, HR, HU, ID, IE, IL, IS, IT, JP, KR, LT, LU, LV, MA, OA, RU, SU, WO, MC, MD, MY, NL, NO, NZ, PH, PL, PT, RO, RS, SE, SG, SI, SK, TH, TN, TR, TW, UA, VN); FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2022/09/29 11:14 AM
L27	3680	(A43B11/00 OR A43B23/027 OR A43B23/02 OR A43B23/047 OR A43B23/08 OR A43C11/008).cpc.	(US-PGPUB; USPAT; USOCR)	OR	ON	ON	2022/09/29 11:14 AM
L28	14	((("FAST") near3 ("IP") near3 ("LLC"))).AS,AANM.	(USPAT)	OR	ON	ON	2022/09/29 11:14 AM
L29	1026	(A43B11/00 OR A43B23/027 OR A43B23/047 OR A43C11/008).cpc.	(USPAT)	OR	ON	ON	2022/09/29 11:14 AM
L30	553	("91547" | "219436" | "827330" | "863549" | "911025" | "1028598" | "1081678" | "1155354" | "1275895" | "1494236" | "1686175" | "D98150" | "2069752" | "2097810" | "2450250" | "2452502" | "2736110" | "2920402" | "3146535" | "3192651" | "4489509" | "4972613" | "5054216" | "5090140" | "5181331" | "5184410" | "5282327" | "5317819" | "5341583" | "5371957" | "5467537" | "5481814" | "5826353" | "5842292" | "6000148" | "6189239" | "6314662" | "6360454" | "6378230" | "6557271" |	(US-PGPUB; USPAT; USOCR)	OR	ON	ON	2022/09/29 11:14 AM

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		"20110016751" | "20110146106" | "20110185592" | "20120079742" | "20120180338" | "20120192453" | "20120317839" | "20130219747" | "20140173935" | "20150305432" | "20170099908" | "20170303632" | "20180098601" | "20180110292" | "20180289109" | "20180338583" | "219436" | "827330" | "863549" | "882109" | "911025" | "1028598" | "1081678" | "1155354" | "1275895" | "1494236" | "1686175" | "2069752" | "2097810" | "2450250" | "2452502" | "2736110" | "2920402" | "3146535" | "3192651" | "4489509" | "4608769" | "4972613" | "5054216" | "5090140" | "5152082" | "5181331" | "5184410" | "5279051" | "5282327" | "5317819" | "5341583" | "5371957" | "5467537" | "5481814" | "5826353" | "5842292" | "6000148" | "6189239" | "6314662" | "6360454" | "6378230" | "6497058" | "6557271" | "6684533" | "6874255" | "6925732" | "6938361" | "7082702" | "7103994" | "7225563" | "7392603" | "7439837" | "7685747" | "7793438" | "7823299" | "7975403" | "8020317" | "D648512" | "8056264" | "8065819" | "8161669" | "8245421" | "8769845" | "9820527" | "D840663" | "D854303" | "10455898" | "10617174" | "10638810" | "10905192" | "20020112376" | "20020144434" | "20040111921" | "20040244226" | "20050039348" |				

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PE2E SEARCH - Search History (Interference)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	British Equivalents	Time Stamp
N1	4	(stabilizer AND elastic AND arch AND deflect$4).clm.	(US-PGPUB; USPAT)	OR	ON	ON	2022/09/29 11:28 AM

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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 01/29/2024

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NGUYEN, BAO-THIEU L

ART UNIT	PAPER NUMBER
3732	

NOTIFICATION DATE	DELIVERY MODE
01/29/2024	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

Applicant-Initiated Interview Summary	**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	Telephonic
Gregory Johnson	Attorney of Record	

Date of Interview: 24 January 2024

Issues Discussed:

Proposed Amendment(s)

Discussing the different between the invention and prior art in record, however, we have not come up with any agreement 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 FOOTWARE HAVING A STABILIZER AND AN ELASTIC ELEMENT		

Agenda for 1.24.2024 Examiner Interview

For Discussion Purposes Only – Not For Entry

- Discuss objection to the Drawings
    - Discuss "a partially enclosed cup-shaped base."
        - FIG. 2D illustrates how the stabilizer 150 is a partially enclosed cup portion. See also para. [0050] of the published application:
          "the stabilizer 150 can extend completely between lateral and medial sides of the sole portion (e.g., cup continuously through the sole portion) or terminate on lateral and medial sides of the sole portion."

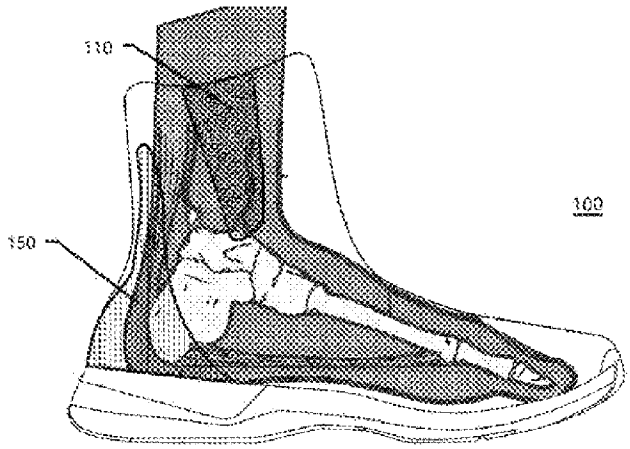


FIG. 2D

    - Discuss "first and second arc length."

- Discuss 35 U.S.C. §112(a) Rejection
    - Discuss "the second arc length is less than the first arc length".
        - The drawings are part of the specification. First arc length (represented by the green line) and second arc length (represented by the orange line) are clearly shown in the drawings

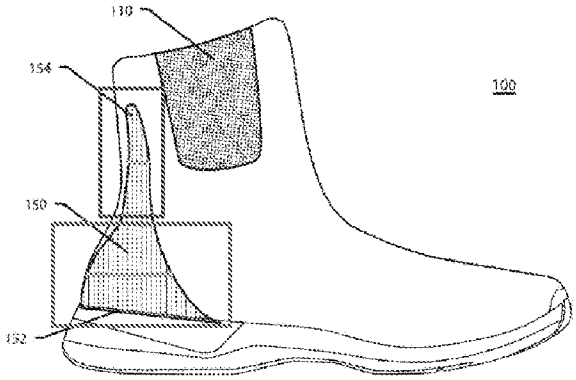


FIG. 1A

    - Discuss "pivot rearward about an axis."
        - See specification, para. [0054] - In accordance with example embodiments, the stabilizer 150 can be configured to flex and/or pivot rearward relative to the sole portion."

- Discuss 35 U.S.C. §112(b) Rejection
    - Discuss "convex structure that is enclosed around a heel portion" of Claim 1
        - Propose changing to "a convex structure at least partially surrounding a heel portion."
    - Discuss "a partially enclosed cup-shaped base" of Claim 15
        - Propose changing to "a cup-shaped base."
    - Discuss "pivot rearward about an axis" of claim 15.
        - Propose changing to "pivot rearward around an axis".

- Alternatively, change to "pivot rearward relative to a sole of the rapid-entry shoe."

- Discuss "the elastic element causes a forward portion of the upper to flex relative to the sole of the rapid-entry shoe" in claims 22 and 24 – See paragraph [0049]: "…the elastic element 110 is configured to enable the forward portion of the rapid-entry shoe 100 to flex and/or pivot forward relative to the sole portion."

- Discuss 35 U.S.C. §102 Rejection in view of 2018/0110292 to Beers

  - Proposed Claim 1 requires "a convex structure that extends from the base portion to an elevated portion and at least partially surrounds a heel portion" and "the elevated portion extending rearward from a rear portion of the convex structure and acting as a shoehorn." Beers' structure is open, does not surround a heel portion and does not include an elevated portion that extends "rearward from a rear portion. See FIG. 5 reproduced below.

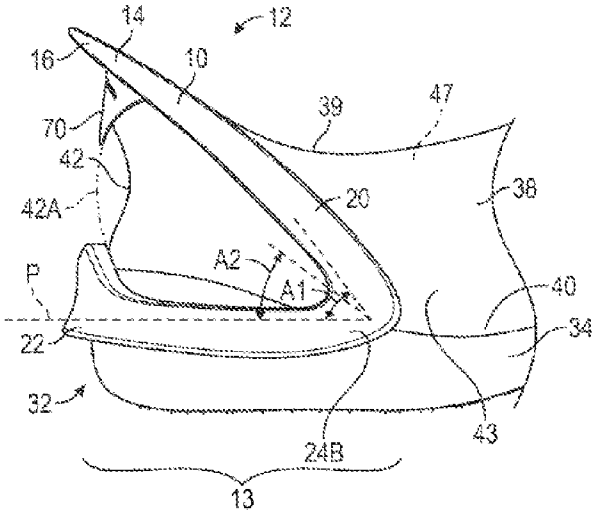


FIG. 5

  - Discuss proposed amendment to Claim 1:

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 extending from a lateral side of the sole to a medial side of the sole and forming a convex structure that extends from the base portion to an elevated portion and at least partially surrounds ~~that is enclosed around~~ a heel portion, the ~~; and~~

~~an~~ elevated portion extending rearward from a rear portion of the convex structure and acting as a shoehorn.

- Discuss proposed amendment to Claim 10
    - Beers does not include "an elevated portion extending upward and rearward from a rear portion of the continuous curved surface shape of the base portion." See FIG. 5 above.

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

a base portion having a continuous curved surface shape and a first arc length extending horizontally from a first point on a lateral side of the stabilizer to a first corresponding point on a medial side of the stabilizer; and

an elevated portion extending upward and rearward from a rear portion of the continuous curved surface shape of the base portion and having a second arc length extending horizontally from a second point on the lateral side of the stabilizer to a second corresponding point on the medial side of the stabilizer, wherein the second arc length is less than the first arc length, and wherein the elevated portion and the base portion have a shape that continuously transitions from the first arc length to the second arc length.

- Discuss proposed amendment to Claim 15
    - Beers does not include an "elevated portion of the stabilizer extending upward and rearward from a rear portion of a cup-shaped base of the stabilizer." See FIG. 5 above.

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 elevated portion of the stabilizer extending upward and rearward from a rear portion of a ~~partially enclosed~~ 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 about 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 causes the foot opening to expand in response to the bottom portion of the foot contacting the stabilizer and the top portion of the foot contacting the upper.

UNITED STATES
PATENT AND TRADEMARK OFFICE

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

ELECTRONIC ACKNOWLEDGEMENT RECEIPT

APPLICATION #	RECEIPT DATE / TIME	ATTORNEY DOCKET #
17/965,516	**01/26/2024 04:12:19 PM Z ET**	**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 #	64106578	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 10.26.23 FOA.pdf		11	-	299 KB
P-03036 Response to 10.26.23 FOA-A.NE.pdf	(1-1)	1	Response After Final Action	97 KB
P-03036 Response to 10.26.23 FOA-CLM.pdf	(2-5)	4	Claims	105 KB
P-03036 Response to 10.26.23 FOA-REM.pdf	(6-11)	6	Applicant Arguments/Remarks Made in an Amendment	255 KB
P03036_sb0030.pdf		3	Request for Continued Examination (RCE)	1628 KB

Digest

DOCUMENT	MESSAGE DIGEST(SHA-512)
P-03036 Response to 10.26.23 FOA.pdf	1224D2952796CD9623D2E3F32BC6B9786BDE09AE52D3D63C 6F25AF6FCBE15DD63045CDA9F7F8A6B69E878B585B1F18E3 DF7D21AAA2D3D939B0340ED2DCA6345E
P-03036 Response to 10.26.23 FOA-A.NE.pdf	AA6D1DE0354547CEAB0A9EF3604BFD0E01745AA903D19F6E 5B22D857E4C49D428E0FEE3B53007FD3EAC3BB0BC7F7D59B 930B2B01E692F1AA84FEACDA3A543166
P-03036 Response to 10.26.23 FOA-CLM.pdf	29575DF8DD621D63AAE474C2D1953BBD6390187981755DA2B 84DBA644674B955FE6E48D9981AB69102925B93BBC7993F00 8FE21EE5DBA4F5996187284CF5F9F0
P-03036 Response to 10.26.23 FOA-REM.pdf	624A566AFA92F753AA63AFE50C479FBB9C47A36DF56069471 B902BB1429054BB1F170F405200D27AF7252D336A4293AD9A E50FB29A50701E7F5ABA5739245F7C
P03036_sb0030.pdf	5F2440EAC0D261CD188095F9749E724910832F085CC6CF3A3 E3080FA4C27E01956894B4D3D00B5A524CB4359D002EC90EF 3A488ED0DADFED742EEFDC715EA94D

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.

PTO/SB/30EFS (01-22)
Approved for use through 05/31/2024. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

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

PTO/SB/30EFS (01-22)
Approved for use through 05/31/2024. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Signature of Registered U.S. Patent Practitioner			
Signature	/Eric Nielsen/	Date (YYYY-MM-DD)	2024-01-26
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.

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 FOOTWARE HAVING A STABILIZER AND AN ELASTIC ELEMENT		

AMENDMENT & RESPONSE TO FINAL OFFICE ACTION

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

Dear Commissioner:

In response to the Final Office Action mailed October 26, 2023, 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:

[[a]] the base portion is proximate the sole and extends ~~extending~~ from a lateral side of the sole to a medial side of the sole ~~and forming~~ 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 ~~that is enclosed around a~~ the heel portion, and wherein:

the ~~; and an~~ elevated portion ~~extending~~ extends rearward from a rear portion of the convex structure and ~~acting~~ acts as a shoehorn.

2. (Currently Amended) 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. (Previously Presented) The rapid-entry shoe of claim 1, wherein the stabilizer is integrated within the upper.

7. (Original) The rapid-entry shoe of claim 1, wherein the stabilizer comprises a curvature between the base portion and the elevated portion.

8. (Canceled)

9. (Previously Presented) The rapid-entry shoe of claim 1, further comprising a liner at least partially disposed on the stabilizer.

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 arc 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 [[a]] 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 second arc length is less than the first arc length, and~~ wherein the elevated portion and the base portion have a shape that continuously transitions from the first arc length to the second arc length.

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 ~~partially enclosed~~ 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 ~~about~~ 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 ~~causes the foot opening 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. (Currently Amended) The method of claim 15, wherein the elastic element is operable to contract the foot opening ~~contracts~~ in response to the foot being fully inserted into the rapid-entry shoe.

17. (Previously Presented) The method of claim 15, wherein the stabilizer is comprised of a rigid material.

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.

REMARKS/ARGUMENTS

This Amendment and the following remarks are intended to fully respond to the Final Office Action dated October 26, 2023 (hereinafter the "Office Action"). In that Office Action, the drawings were objected to for allegedly failing to show every claimed feature. Additionally, claims 1-7, 9-11, 13-17 and 20-24 were examined and all claims were rejected. Specifically, claims 10-11, 13-14 and 20-22 were rejected under 35 U.S.C. § 112(a) as allegedly failing to comply with the written description requirement; claims 1-7, 9-11, 13-17 and 23-24 were also rejected under 35 U.S.C. § 112(b) as allegedly failing to particularly point out and distinctly claim subject matter; claims 1-7, 9-11, 13-17 and 20-24 were also under 35 U.S.C. § 102(a)(1) as allegedly being anticipated by U.S. Patent Publication No. 2018/0110292 to Beers et al. (hereinafter, "Beers"); and claims 1-7 and 9 were rejected on the ground of nonstatutory double patenting as allegedly being unpatentable over claims 1-6 of U.S. Patent No. 11,633,006.

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, 2, 10, 15 and 16 have been amended and no claims have been added or canceled. No new matter has been added. Therefore, claims 1-7, 9-11, 13-17 and 20-24 remain for examination.

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 January 24, 2024. During that interview, the rejections to the claims and the objections to the drawings were discussed. Proposed amendments were also discussed. Although no agreement was reached as to the allowability of the claims, the discussed amendments are included herewith. Accordingly, Applicant submits that all pending claims are in condition for allowance.

Objections to the Drawings

The drawings were objected to under 37 CFR 1.83(a). Without acquiescing to the propriety of the objection and solely for the purpose of advancing prosecution, the claims have been amended to remove the phrase "partially enclosed" and have been amended to clarify "arc length". Accordingly, Applicant requests the Examiner withdraw the objection to the drawings.

35 U.S.C. § 112 Rejections

Claims 10-11, 13-14, 15-17 and 20-22 were rejected under 35 U.S.C. § 112(a) as allegedly failing to comply with the written description requirement and claims 1-7, 9-11, 13-17 and 20-24 were also rejected under 35 U.S.C. § 112(b) as allegedly failing to particularly point out and distinctly claim subject matter.

Without acquiescing to the propriety of these rejections and solely for the purpose of advancing prosecution, the claims have been amended using the amendments discussed in the Examiner Interview. For example, claim 10 has been amended to remove the comparison between the arc lengths and claim 15 has been amended to replace the term "about" with "around". Additionally, claims 1 and 15 have been amended to remove the term "enclosed".

Accordingly, Applicant requests the Examiner withdraw the 35 U.S.C. § 112 rejections of the claims.

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

Claim(s) 1-7, 9-11, 13-17, and 20-24 were rejected under 35 U.S.C. 102(a)(1) as allegedly being anticipated by Beers et al.

Claims 1-7, 9 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, among other features, a stabilizer that includes "a base portion; and an elevated portion." According to claim 1, the base portion of the stabilizer is:

- "proximate the sole"
- "extends from a lateral side of the sole to a medial side of the sole"
- forms "a convex structure around a heel portion of the rapid-entry shoe".

Additionally, the convex structure extends "upward from the sole to the elevated portion" and at least partially surrounds the heel portion.

Regarding the elevated portion, claim 1 recites that the elevated portion:

- "extends rearward from a rear portion of the convex structure" and
- "acts as a shoehorn."

Applicant submits that Beers does not disclose or suggest at least the above-recited features of claim 1.

In the Office Action, the Examiner asserts that FIG. 5 Beers, and the associated description, discloses the above-recited features of claim 1. Applicant respectfully disagrees. FIG. 5 of Beers (including Applicant added markings for clarity) is included below.

Beers describes "a device for easing foot entry into an article of footwear." (Beers, para. [0164]). According to Beers, the device "a control bar 14 that has a center segment 16, a first side arm 18 extending downwardly and forwardly from the center segment 16, and a second side arm 20 spaced from the first side arm 18 and also extending downwardly and forwardly from the center segment 16." (Beers, para. [0166]). The device in Beers also includes "a base 22 supporting the control bar 14 and connected to the control bar 14 at a resiliently bendable junction 24A, 24B" (Beers, para. [0167]).

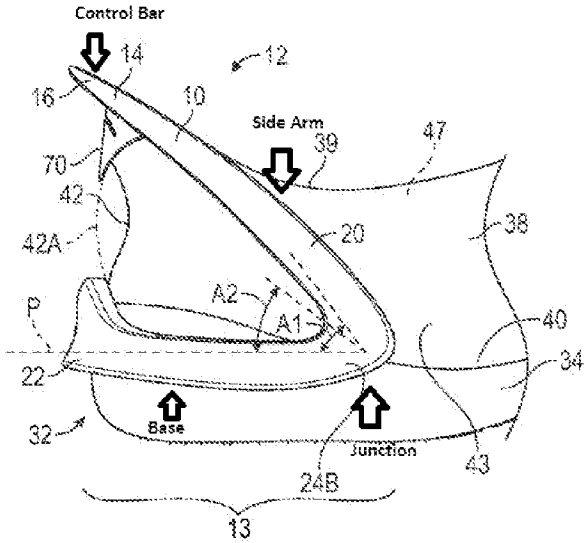


FIG. 5

As shown in FIG. 5 above, the control bar and side arms of Beers extends from the base at the junction. Thus, even if the side arms of Beers were equivalent to the elevated portion of claim 1, which Applicant disputes, the side arms do not extend "rearward from a rear portion of the convex structure" as required by claim 1.

Based on the above, Applicant submits that claim 1, and dependent claims 2-7, 9 and 23-24, are patentable over Beers and are in condition for allowance.

Claims 10-11 and 13-14

Claim 10 recites similar features to those described above with respect to claim 1. For example, claim 10 requires "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; 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."

Applicant reiterates the arguments made above with respect to claim 1 and submits that claim 10, and dependent claims 11 and 13-14, are patentable over Beers and are in condition for allowance for at least similar reasons.

Claims 15-17 and 20-22

Claim 15 also recites similar features to those described above with respect to claim 1. For example, claim 15 requires "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; 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."

Applicant reiterates the arguments made above with respect to claim 1 and submits that claim 15, and dependent claims 16-17 and 20-22, are patentable over Beers and are in condition for allowance for at least similar reasons.

Double Patenting Rejection

Claims 1-7 and 9 were rejected on the ground of nonstatutory double patenting as allegedly being unpatentable over claims 1-6 of U.S. Patent No. 11,633,006.

Without acquiescing the propriety of the rejection and solely for the purpose of advancing prosecution, Applicant will file a terminal disclaimer, if necessary, when otherwise allowable subject matter has been indicated.

CONCLUSION

This Amendment fully responds to the Non-Final Office Action mailed on October 26, 2023. 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.

This response is being filed with a Request for Continued Examination (RCE) along with the requisite fees. 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: January 26, 2024

/Eric Nielsen/

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UNITED STATES
PATENT AND TRADEMARK OFFICE

P.O. Box 1450
Alexandria, VA 22313 - 1450
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ELECTRONIC PAYMENT RECEIPT

APPLICATION #	RECEIPT DATE / TIME	ATTORNEY DOCKET #
17/965,516	**01/26/2024 04:12:19 PM Z ET**	**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 #	64106578	AUTHORIZED BY	-
CUSTOMER #	164668	FILING DATE	10/13/2022
CORRESPONDENCE ADDRESS	-	FIRST NAMED INVENTOR	Michael Pratt

Payment Information

PAYMENT METHOD	PAYMENT TRANSACTION ID	PAYMENT AUTHORIZED BY
CARD / 1535	**E20241PG13056127**	**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.

PTO/SB/06 (09-11)
Approved for use through 1/31/2014. OMB 0651-0032
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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

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)			
AMENDMENT	01/26/2024	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA		RATE ($)	ADDITIONAL FEE ($)
	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

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

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.	LIE
** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".	/MARGARET R BYARS/
*** 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.**

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

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

164668 7590 10/26/2023

FAST IP, LLC
1172 West 700 North
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Lindon, UT 84042

EXAMINER
NGUYEN, BAO-THIEU L

ART UNIT	PAPER NUMBER
3732	

NOTIFICATION DATE	DELIVERY MODE
10/26/2023	ELECTRONIC

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

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

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

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 10-19-2023.

☐ 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)

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

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

4) ☐ Other: _____.

DETAILED ACTION

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 **"first and second arc length"** and **"a partially enclosed cup-shaped base"** 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 10-11, 13-14, 15-17, and 20-22** 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 10 is rejected because it recite limitations "the second arc length is less than the first arc length" which does not have any support in the specification; therefore, it is failing to comply with the writing description requirement.

Claim 15 is rejected because it recite limitations "picot rearward about an axis" which does not have any support in the specification; therefore, it is failing to comply with the writing 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 1-7, 9-11, 13-17, 20-24** 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 1 is rejected because it recites limitations "a convex structure that enclosed around a heel portion". The limitation is confusing because according to dictionary that enclosed means surrounded or closed off on all sides. However, the convex structure has at least one side (i.e. front side) is opened. Therefore, for the express purpose of an examination on the merits, this limitation is interpreted "a convex structure that surrounded a heel portion".

Claim 15 is rejected because it recites limitations "a partially enclosed cup-shaped base". The limitation is confusing because according to dictionary that enclosed means surrounded or closed off on all sides, then how can the structure can be "partially enclosed", it is the enclosed or not enclosed. Therefore, for the express purpose of an examination on the merits, this limitation is interpreted "a convex structure that surrounded a heel portion".

Claim 15 is rejected because it recites limitations "pivot rearward about an axis". It is not clear where is the axis and it seems that applicant wanted to say "pivot rearward around an axis".

Claims 22 and 24 are rejected because they recite limitations "the elastic element enables a forward portion of the upper to flex…". The limitation is vague and indefinite because it is not clear how the elastic element can cause the upper to flex because the upper is flexed only when some force is applied to it but not the elastic itself.

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

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) 1-7,9-11, 13-17, and 20-24** 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, comprising:

a sole (member 434);

an upper (member 438);

a stabilizer (member 410) provided at a rear portion of the sole and comprised of a rigid material (para 0170 and 187), the stabilizer comprising:

a base portion extending from a lateral side of the sole to a medial side of the sole and forming a convex structure that is enclosed around a heel portion (figs 5-6, member 22 and 24A-24B); and

an elevated portion (figs 5-6, members 18 and 20) extending rearward from a rear portion of the convex structure and acting a shoehorn (i.e. to direct a foot into the foot opening during entry, para 0101).

Regarding claims 23-24, Beers discloses an elastic element disposed on a side portion of the upper and forward relative to the rear portion, wherein the elastic element enables a forward portion of the upper to flex relative to the sole of the rapid-entry shoe (fig 14, member 435, para 0186 to 187).

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 (fig 14, member 435).

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, member 435).

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 (figs 5-6).

Regarding claim 6, Beers discloses the stabilizer is integrated within the upper (figs 5-6 and 14).

Regarding claim 7, Beers discloses the stabilizer comprises a curvature between the base portion and the elevated portion (fig 13).

Regarding claim 9, Beers discloses a liner at least partially disposed on the stabilizer (member 442, para 0186).

Regarding claim 10, Beers discloses a stabilizer for a rapid-entry shoe, comprising:

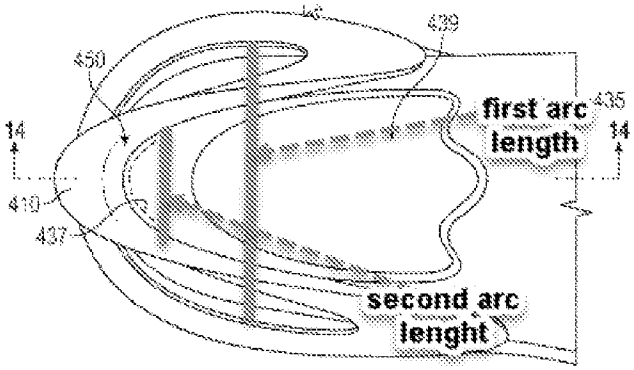
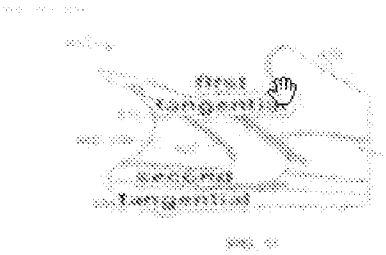


FIG. 13

a base portion having a continuous curved surface shape and a first arc length extending horizontally from a lateral side of the stabilizer to a medial side of the stabilizer (figs 5-6, member 22 and 24A-24B);

an elevated portion extending upward and rearward from the continuous curved surface shape of the base portion (figs 5-6, members 18 and 20) and having a second are length extending horizontally from the lateral side of the stabilizer to the medial side of the stabilizer, wherein the second are length is less than the first are length (fig 13 annotated above), and wherein the elevated portion and the base portion have a shape that continuously transitions from the first are length to the second are length (fig 13).



Regarding claim 11, Beers discloses curvature between the base portion and the elevated portion (figs 5-6).

Regarding claim 13, Beers discloses the curvature has a first tangential angle at the base portion and a second tangential angle at the elevated portion (fig 11 annotated above).

Regarding claim 14, Beers discloses a window defined by at least one of the base portion and the elevated portion (fig 1).

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 20); and

inserting a second portion of the foot into the foot opening of the rapid-entry shoe (para 0101) 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 (fig 4), the elevated portion of the stabilizer extending upward and rearward from a rear portion of a partially enclosed cup-shaped base of the stabilizer (fig 79, members 3224A, 28, 26, 30, and 3224B);

the bottom of the foot causing at least a portion of the stabilizer to at least partially pivot rearward about an axis (para 0160, figs 37-43 and 53); and

a top portion of the foot substantially simultaneously contacts the upper of the rapid-entry shoe (para 0101, 0126-0127, and 0174), the upper comprising an elastic element that causes the foot opening to expand in response to the bottom portion of the foot contacting the stabilizer and the top portion of the foot contacting the upper (para 0173 to 0175 and 0186).

Regarding claim 16, Beers discloses the elastic element contracts in response to the foot being fully inserted into the rapid-entry shoe (para 0173 to 0175 and 0186).

Regarding claim 17, Beers discloses the stabilizer is comprised of a rigid material (para 0170 and 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 14, para 0101 and 0188).

Regarding claim 21, Beers discloses the elastic element forms at least a portion of a top collar of the upper (member 435).

Regarding claim 22, Beers discloses the elastic element causes a forward portion of the upper to flex relative to a sole of the rapid-entry shoe (fig 14, member 435, para 0186 to 187).

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed.

Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on nonstatutory double patenting provided the reference application or patent either is shown to be commonly owned with the examined application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement. See MPEP § 717.02 for applications subject to examination under the first inventor to file provisions of the AIA as explained in MPEP § 2159. See MPEP § 2146 *et seq.* for applications not subject to examination under the first inventor to file provisions of the AIA. A terminal disclaimer must be signed in compliance with 37 CFR 1.321(b).

The filing of a terminal disclaimer by itself is not a complete reply to a nonstatutory double patenting (NSDP) rejection. A complete reply requires that the terminal disclaimer be accompanied by a reply requesting reconsideration of the prior Office action. Even where the NSDP rejection is provisional the reply must be complete. See MPEP § 804, subsection I.B.1. For a reply to a non-final Office action, see 37 CFR 1.111(a). For a reply to final Office action, see 37 CFR 1.113(c). A request for reconsideration while not provided for in 37 CFR 1.113(c) may be filed after final for consideration. See MPEP §§ 706.07(e) and 714.13.

The USPTO Internet website contains terminal disclaimer forms which may be used. Please visit www.uspto.gov/patent/patents-forms. The actual filing date of the application in which the form is filed determines what form (e.g., PTO/SB/25,

PTO/SB/26, PTO/AIA/25, or PTO/AIA/26) should be used. A web-based eTerminal Disclaimer may be filled out completely online using web-screens. An eTerminal Disclaimer that meets all requirements is auto-processed and approved immediately upon submission. For more information about eTerminal Disclaimers, refer to www.uspto.gov/patents/apply/applying-online/eterminal-disclaimer.

10. **Claims 1-7 and 9** are rejected on the ground of nonstatutory double patenting as being unpatentable over claims 1-6 of U.S. Patent No. 11,633,006. Although the claims at issue are not identical, they are not patentably distinct from each other because both applications discloses a footwear having a sole, an upper, an elastic element, a shoehorn or a cup shape (i.e. fin) and a stabilizer with a base and elevated portion.

Response to Arguments

Applicant's arguments, dated 10-19-2023, with respect to the drawing objection have been fully considered, but are not persuasive because the figures still do not show any of the limitations.

Applicant's arguments, dated 10-19-2023, with respect to the rejection of claims under 35 U.S.C §112(a) and §112(b) have been fully considered, but are not persuasive There is still an issue as analyzed above.

Applicant's arguments, date 10-19-2023, with respect to the rejections of claims under 35 U.S.C §102 have been fully considered, but they are not persuasive.

Argument 1: applicant argues that the prior art does not teaches the amended limitations "acting as a shoehorn". However, this argument is not commensurate with

the rejected claims, as the limitations have not been previously presented and they have been address as analyzed above.

Argument 2: applicant argues that the prior art does not teach the amended limitations "a convex structure that is enclosed around a heel portion". However, this argument is not commensurate with the rejected claims, as the limitations have not been previously presented and they have been address as analyzed above. Thus, fig 4 shows that the base enclosed around a heel portion.

Argument 3: applicant argues that the prior art does not teaches the amended limitations "*an elevated portion extending upward and rearward from 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 second are length is less than the first are length, and wherein the elevated portion and the base portion have a shape that continuously transitions from the first are length to the second are length*". However, this argument is not commensurate with the rejected claims, as the limitations have not been previously presented and they have been address as analyzed above. Thus, fig 13 annotated above at least shows the limitations.

Argument 4: applicant argues that the prior art does not teaches the amended limitations "*a bottom portion of the foot contacts an elevated portion of a stabilizer disposed in a rear portion of the rapid-entry shoe (fig 4), the elevated portion of the stabilizer extending upward and rearward from a rear portion of a partially enclosed cup-shaped base of the stabilizer*". However, this argument is not commensurate with the rejected claims, as the limitations have not been previously presented and they have

been address as analyzed above. Thus, fig 13 annotated above at least shoe the limitations. Thus, at least para 0101, 0126-0127, 0173 to 0175 and 0186 show the limitations.

Conclusion

11. 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.

12. 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

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	17/965,516	Pratt et al.
	Examiner	Art Unit
	BAO-THIEU L NGUYEN	3732

CPC - Searched*		
Symbol	**Date**	**Examiner**
A43B11/00, 008	01/09/2023	BT
A43B23/027, 02, 047, 08	01/09/2023	BT
Update search	04/25/2023	BT
Update search	08/16/2023	BT

CPC Combination Sets - Searched*		
Symbol	**Date**	**Examiner**

US Classification - Searched*			
Class	**Subclass**	**Date**	**Examiner**

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

Search Notes		
Search Notes	**Date**	**Examiner**
Inventor search	01/09/2023	BT

Interference Search			
US Class/CPC Symbol	**US Subclass/CPC Group**	**Date**	**Examiner**

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

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	17/965,516	Pratt et al.
	Examiner	Art Unit
	BAO-THIEU L NGUYEN	3732

✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
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CLAIMS

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

CLAIM		DATE								
Final	Original	01/09/2023	04/25/2023	08/16/2023	10/22/2023					
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	24			✓	✓					

PE2E SEARCH - Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	British Equivalents	Time Stamp
L1	14567	(A43B11/00 OR A43B23/027 OR A43B23/02 OR A43B23/047 OR A43B23/08 OR A43C11/008).cpc.	(US-PGPUB; USPAT; USOCR; FIT (AU, AP, AT, BE, BG, BR, BY, CA, CH, CN, CS, CU, CZ, DD, DE, DK, EA, EE, EP, ES, FI, FR, GB, HR, HU, ID, IE, IL, IS, IT, JP, KR, LT, LU, LV, MA, OA, RU, SU, WO, MC, MD, MY, NL, NO, NZ, PH, PL, PT, RO, RS, SE, SG, SI, SK, TH, TN, TR, TW, UA, VN); FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2022/06/13 01:33 PM
L2	3622	(A43B11/00 OR A43B23/027 OR A43B23/02 OR A43B23/047 OR A43B23/08 OR A43C11/008).cpc.	(US-PGPUB; USPAT; USOCR)	OR	ON	ON	2022/06/13 01:33 PM
L3	14	((("FAST") near3 ("IP") near3 ("LLC"))).AS,AANM.	(USPAT)	OR	ON	ON	2022/06/13 01:34 PM
L4	1005	(A43B11/00 OR A43B23/027 OR A43B23/047 OR A43C11/008).cpc.	(USPAT)	OR	ON	ON	2022/06/13 01:37 PM
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L7	314	L6 NOT L4	(US-PGPUB; USPAT; USOCR)	OR	ON	ON	2022/06/14 08:12 AM
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L9	97	("91547" | "219436" | "827330" | "863549" |	(US-PGPUB; USPAT; USOCR)	OR	ON	ON	2022/06/14 11:30 AM

		"911025" | "1028598" | "1081678" | "1155354" | "1275895" | "1494236" | "1686175" | "D98150" | "2069752" | "2097810" | "2450250" | "2452502" | "2736110" | "2920402" | "3146535" | "3192651" | "4489509" | "4972613" | "5054216" | "5090140" | "5181331" | "5184410" | "5282327" | "5317819" | "5341583" | "5371957" | "5467537" | "5481814" | "5826353" | "5842292" | "6000148" | "6189239" | "6314662" | "6360454" | "6378230" | "6557271" | "6684533" | "6925732" | "6938361" | "7103994" | "7225563" | "7392603" | "7439837" | "7685747" | "7793438" | "7823299" | "7975403" | "8020317" | "D648512" | "8056264" | "8065819" | "8161669" | "8769845" | "9820527" | "10455898" | "10617174" | "20020112376" | "20020144434" | "20040111921" | "20050039348" | "20050081404" | "20060032091" | "20070074425" | "20070256332" | "20080083138" | "20080086911" | "20080120871" | "20080155788" | "20080307673" | "20110016751" | "20110146106" | "20110185592" | "20120079742" | "20120180338" | "20120192453" | "20120317839" | "20130219747" | "20140173935" | "20150305432" | "20170099908" | "20170303632" | "20180098601" | "20180110292" | "20180289109" | "20180338583").pn. OR				

		("10897956").urpn. AND (PGPB | USPT | USOC).dbnm.					
L10	13	("2012/0180338").urpn. AND (PGPB | USPT | USOC).dbnm.	(US-PGPUB; USPAT; USOCR)	OR	ON	ON	2022/06/14 11:32 AM
L11	48	("2004/0111921").urpn. AND (PGPB | USPT | USOC).dbnm.	(US-PGPUB; USPAT; USOCR)	OR	ON	ON	2022/06/14 11:34 AM
L12	83	"6000148"	(US-PGPUB; USPAT; USOCR)	OR	ON	ON	2022/06/14 11:36 AM
L14	43	("20180110292" "10897956" "9877542" "11000091")/pn.	(US-PGPUB; USPAT; USOCR)	OR	ON	ON	2022/06/14 01:09 PM
L15	4	("20180110292" "10897956" "9877542" "11000091").pn.	(US-PGPUB; USPAT; USOCR)	OR	ON	ON	2022/06/14 01:10 PM
L20	101	("0112439" OR "0808948" OR "0827330" OR "0863549" OR "0881153" OR "0921461" OR "0923860" OR "10306947" OR "10455898" OR "10617174" OR "10638810" OR "10660401" OR "1081678" OR "1116462" OR "1464342" OR "1494236" OR "1686175" OR "1926818" OR "20020144434" OR "20050022428" OR "20050039348" OR "20050076540" OR "20050198867" OR "20070074425" OR "20080086911" OR "20080189984" OR "20080307673" OR "20110016751" OR "20110146106" OR "20120216429" OR "20120317839" OR "20130185959" OR "20130219747" OR "20150013189" OR "20150305432" OR "20160374427" OR "20170303632" OR "20170360143" OR "20170360151" OR	(US-PGPUB; USPAT)	OR	ON	ON	2022/09/08 08:05 AM

		"20180110287" OR "20180110292" OR "20180289109" OR "20180295942" OR "2069752" OR "2266732" OR "2368514" OR "2450250" OR "2452502" OR "2736110" OR "2763071" OR "2829448" OR "2920402" OR "3000116" OR "3146535" OR "4489509" OR "4590690" OR "4811502" OR "4924605" OR "4972613" OR "5054216" OR "5127170" OR "5181331" OR "5184410" OR "5282327" OR "5341583" OR "5371957" OR "5467537" OR "5481814" OR "5842292" OR "5997027" OR "6000148" OR "6125555" OR "6189239" OR "62186148" OR "6360454" OR "6378230" OR "6671980" OR "6684533" OR "6922917" OR "6925732" OR "6938361" OR "7103994" OR "7178270" OR "7225563" OR "7439837" OR "7661205" OR "7685747" OR "7793438" OR "7823299" OR "7975403" OR "8065819" OR "8087188" OR "8161669" OR "8225535" OR "8499474" OR "8769845" OR "9615624" OR					

		"9629416" OR "9675132" OR "9820527" OR "9877542" OR "D648512").pn.					
L26	15215	(A43B11/00 OR A43B23/027 OR A43B23/02 OR A43B23/047 OR A43B23/08 OR A43C11/008).cpc.	(US-PGPUB; USPAT; USOCR; FIT (AU, AP, AT, BE, BG, BR, BY, CA, CH, CN, CS, CU, CZ, DD, DE, DK, EA, EE, EP, ES, FI, FR, GB, HR, HU, ID, IE, IL, IS, IT, JP, KR, LT, LU, LV, MA, OA, RU, SU, WO, MC, MD, MY, NL, NO, NZ, PH, PL, PT, RO, RS, SE, SG, SI, SK, TH, TN, TR, TW, UA, VN); FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2022/09/29 11:14 AM
L27	3680	(A43B11/00 OR A43B23/027 OR A43B23/02 OR A43B23/047 OR A43B23/08 OR A43C11/008).cpc.	(US-PGPUB; USPAT; USOCR)	OR	ON	ON	2022/09/29 11:14 AM
L28	14	((("FAST") near3 ("IP") near3 ("LLC"))).AS,AANM.	(USPAT)	OR	ON	ON	2022/09/29 11:14 AM
L29	1026	(A43B11/00 OR A43B23/027 OR A43B23/047 OR A43C11/008).cpc.	(USPAT)	OR	ON	ON	2022/09/29 11:14 AM
L30	553	("91547" | "219436" | "827330" | "863549" | "911025" | "1028598" | "1081678" | "1155354" | "1275895" | "1494236" | "1686175" | "D98150" | "2069752" | "2097810" | "2450250" | "2452502" | "2736110" | "2920402" | "3146535" | "3192651" | "4489509" | "4972613" | "5054216" | "5090140" | "5181331" | "5184410" | "5282327" | "5317819" | "5341583" | "5371957" | "5467537" | "5481814" | "5826353" | "5842292" | "6000148" | "6189239" | "6314662" | "6360454" | "6378230" | "6557271" | "6684533" | "6925732" | "6938361" | "7103994" |	(US-PGPUB; USPAT; USOCR)	OR	ON	ON	2022/09/29 11:14 AM

		"7225563" | "7392603" | "7439837" | "7685747" | "7793438" | "7823299" | "7975403" | "8020317" | "D648512" | "8056264" | "8065819" | "8161669" | "8769845" | "9820527" | "10455898" | "10617174" | "20020112376" | "20020144434" | "20040111921" | "20050039348" | "20050081404" | "20060032091" | "20070074425" | "20070256332" | "20080083138" | "20080086911" | "20080120871" | "20080155788" | "20080307673" | "20110016751" | "20110146106" | "20110185592" | "20120079742" | "20120180338" | "20120192453" | "20120317839" | "20130219747" | "20140173935" | "20150305432" | "20170099908" | "20170303632" | "20180098601" | "20180110292" | "20180289109" | "20180338583" | "219436" | "827330" | "863549" | "882109" | "911025" | "1028598" | "1081678" | "1155354" | "1275895" | "1494236" | "1686175" | "2069752" | "2097810" | "2450250" | "2452502" | "2736110" | "2920402" | "3146535" | "3192651" | "4489509" | "4608769" | "4972613" | "5054216" | "5090140" | "5152082" | "5181331" | "5184410" | "5279051" | "5282327" | "5317819" | "5341583" | "5371957" | "5467537" | "5481814" | "5826353" | "5842292" | "6000148" | "6189239" | "6314662" | "6360454" |				

		"6378230" | "6497058" | "6557271" | "6684533" | "6874255" | "6925732" | "6938361" | "7082702" | "7103994" | "7225563" | "7392603" | "7439837" | "7685747" | "7793438" | "7823299" | "7975403" | "8020317" | "D648512" | "8056264" | "8065819" | "8161669" | "8245421" | "8769845" | "9820527" | "D840663" | "D854303" | "10455898" | "10617174" | "10638810" | "10905192" | "20020112376" | "20020144434" | "20040111921" | "20040244226" | "20050039348" | "20050081404" | "20060010718" | "20060032091" | "20070074425" | "20070256332" | "20080083138" | "20080086911" | "20080120871" | "20080155788" | "20080307673" | "20110016751" | "20110146106" | "20110185592" | "20110308109" | "20120079742" | "20120180338" | "20120192453" | "20120198721" | "20120304491" | "20120317839" | "20130185959" | "20130219747" | "20140173935" | "20140202044" | "20140305005" | "20150305432" | "20160029743" | "20160324269" | "20160374427" | "20170055630" | "20170099908" | "20170105485" | "20170231319" | "20170303632" | "20170360143" | "20170360151" |				

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		"20190000186" | "4497" | "75048" | "171301" | "417460" | "474574" | "503588" | "537627" | "558937" | "808948" | "827330" | "863549" | "955337" | "1081678" | "1494236" | "1585049" | "1603144" | "1686175" | "1812622" | "2069752" | "2252315" | "2357980" | "2450250" | "2452502" | "2452649" | "2487227" | "2619744" | "2693039" | "2736110" | "2746178" | "2825155" | "2920402" | "3039207" | "3146535" | "3192651" | "3349505" | "3400474" | "3436842" | "3681860" | "4095356" | "4136468" | "4309832" | "4414761" | "4489509" | "4507879" | "4559724" | "4562651" | "4573457" | "4594798" | "4599811" | "4615126" | "4649656" | "4665634" | "4776111" | "4944099" | "4972613" | "5054216" | "5060401" | "5090140" | "5127170" | "5152082" | "5181331" | "D333377" | "5184410" | "5222313" | "5279051" | "5282327" | "5341583" | "5371957" | "5467537" | "5481814" | "5557866" | "5570523" | "5682687" | "5813144" | "5842292" | "5884420" | "6000148" | "6189239" | "6298582" | "6378230" | "6438872" | "6557271" | "6578288" | "6594921" | "6643954" | "6684533" | "6718658" | "6817116" | "6883254" | "6925732" | "6938361" | "6957504" | "6964119" | "7055268" | "7059069" | "7080468" | "7101604" | "7103994" | "7127837" | "7168188" | "7168190" | "7178270" | "7188438" | "7225563" | "7284341" | "7287294" | "7439837" | "7448148" | "7472495" | "7526881" | "7581337" | "7607242" | "7685747" | "7694435" | "7735244" |				

		"7793438" | "7823299" | "7900377" | "7905033" | "7913422" | "7950166" | "7975403" | "8006410" | "8020317" | "D648512" | "8065819" | "8161669" | "8171657" | "8215030" | "8225534" | "8225535" | "8245418" | "8245421" | "8256146" | "8365443" | "8468721" | "8468723" | "8499474" | "8539698" | "8549774" | "8627582" | "8627583" | "8635791" | "8677656" | "8745893" | "8763275" | "8769845" | "8834770" | "8919015" | "9015962" | "9032646" | "9061096" | "9089184" | "9095188" | "9119436" | "9119437" | "9144262" | "9173451" | "9226543" | "9254018" | "9265305" | "9301570" | "9314055" | "9392843" | "9398785" | "9398786" | "9414640" | "9433256" | "9480299" | "D776420" | "9675132" | "9820527" | "9877542" | "20020144434" | "20020174568" | "20040111921" | "20050039348" | "20050060913" | "20050066548" | "20050081404" | "20070011917" | "20070039208" | "20070074425" | "20070186441" | "20070199211" | "20070199213" | "20080000106" | "20080086911" | "20080141562" | "20080307673" | "20090025260" | "20100319216" | "20110016751" | "20110146106" | "20110185592" | "20110214312" | "20110232130" | "20120079746" | "20120317839" | "20130185959" | "20130219747" | "20140013624" |				

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L31	316	L6 NOT L4	(US-PGPUB; USPAT; USOCR)	OR	ON	ON	2022/09/29 11:14 AM
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PE2E SEARCH - Search History (Interference)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	British Equivalents	Time Stamp
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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 10/23/2023

FAST IP, LLC
1172 West 700 North
Suite 200
Lindon, UT 84042

EXAMINER
NGUYEN, BAO-THIEU L

ART UNIT	PAPER NUMBER
3732	

NOTIFICATION DATE	DELIVERY MODE
10/23/2023	ELECTRONIC

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

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

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

enielsen@kizik.com

Applicant-Initiated Interview Summary	**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	Telephonic
Gregory G. Johnson	Attorney of Record	

Date of Interview: 18 October 2023

Issues Discussed:

Proposed Amendment(s)

Discussing about the propose claims, however, we have not come up with any agreement 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 FOOTWARE HAVING A STABILIZER AND AN ELASTIC ELEMENT		

Agenda for 10.18.2023 Examiner Interview

For Discussion Purposes Only – Not For Entry

- Discuss objection to the Drawings

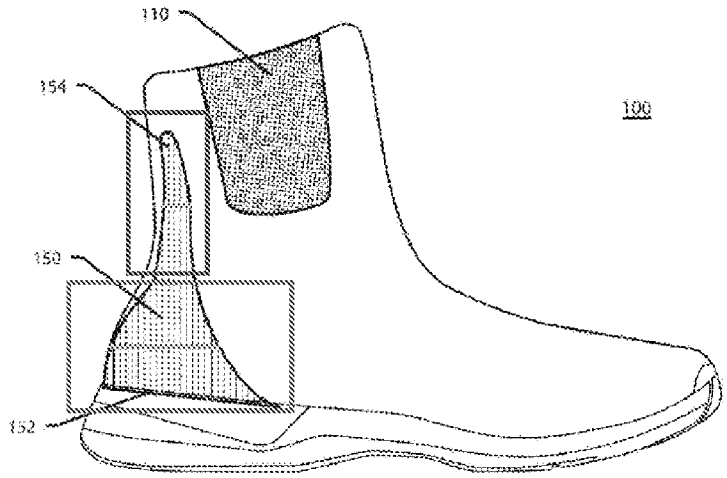


FIG. 1A

- Discuss 35 U.S.C. §112(a) Rejection
    - Discuss "shoehorn shape" in Claim 1 – See paragraph [0053]: "In example embodiments, the stabilizer 150 further comprises a flare proximal the elevated portion 154, the flare extending rearward and acting as a shoehorn (e.g., to direct a foot into the foot opening during entry)."

- Discuss "the second arc length is less than the first arc length" – See FIG. 1A reproduced above.

- Discuss "an enclosed cup-shape" – See FIG. 1A reproduced above and paragraph [0050]: "In embodiments wherein the stabilizer extends into and/or is coupled to the sole portion, the stabilizer 150 can extend completely between lateral and medial sides of the sole portion (e.g., cup continuously through the sole portion) or terminate on lateral and medial sides of the sole portion."

- Discuss 35 U.S.C. §112(b) Rejection

  - Discuss "shoehorn shape" in Claim 1 – See FIG. 1A reproduced above and paragraph [0053]: "In example embodiments, the stabilizer 150 further comprises a flare proximal the elevated portion 154, the flare extending rearward and acting as a shoehorn (e.g., to direct a foot into the foot opening during entry)."

  - Discuss "the elastic element causes a forward portion of the upper to flex relative to the sole of the rapid-entry shoe" in claim 24 – See paragraph [0049]: "…the elastic element 110 is configured to enable the forward portion of the rapid-entry shoe 100 to flex and/or pivot forward relative to the sole portion."

  - Discuss "the second arc length is less than the first arc length" in Claim 10 – See FIG. 1A reproduced above. Claim 10 states that the arc length extends from a lateral side of the stabilizer to a medial side of the stabilizer – hence a beginning and an end of the arc.

  - Discuss "the elevated portion of the stabilizer extending upward and back from an enclosed cup-shaped base of the stabilizer" in Claim 15 – See FIG. 1A reproduced above and paragraph [0050]: "In embodiments wherein the stabilizer extends into and/or is coupled to the sole portion, the stabilizer 150 can extend completely between lateral and medial sides of the sole portion (e.g., cup continuously through the sole portion) or terminate on lateral and medial sides of the sole portion."

- Discuss "the elastic element causes a forward portion of the upper to flex relative to the sole of the rapid-entry shoe" in claim 24 – See paragraph [0049]: "…the elastic element 110 is configured to enable the forward portion of the rapid-entry shoe 100 to flex and/or pivot forward relative to the sole portion."

- Discuss 35 U.S.C. §102 Rejection in view of 2018/0110292 to Beers

  - Claim 1 requires "an enclosed convex structure." Beers' structure is open per FIG. 5 reproduced below.

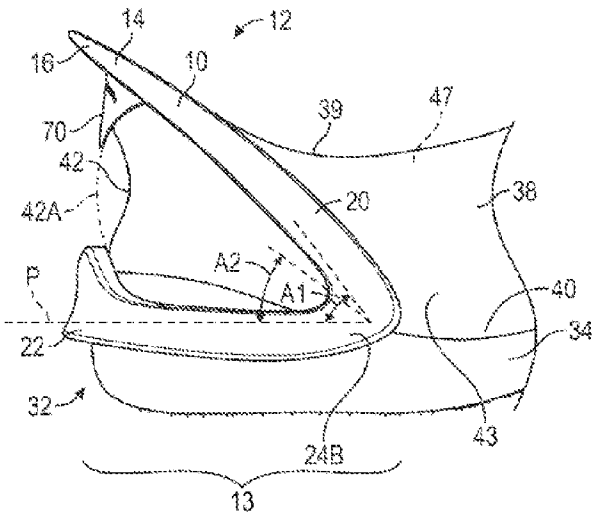


FIG. 5

  - Discuss proposed amendment to Claim 1:

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 extending from a lateral side of the sole to a medial side of the sole and forming an enclosed convex structure <u>that extends from the base portion to an elevated portion, the elevated portion ;</u> ~~and~~

~~an elevated portion~~ extending rearward from the convex structure and forming a shoehorn shape.

- Discuss proposed amendment to Claim 10:

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

a base portion having a continuous curved surface shape and a first arc length from a lateral side of the stabilizer to a medial side of the stabilizer;

an elevated portion extending upward and back from a rear portion of the continuous curved surface shape of the base portion and having a second arc length from the lateral side of the stabilizer to the medial side of the stabilizer, wherein the second arc length is less than the first arc length, and wherein the elevated portion and the base portion have a shape that continuously transitions from the first arc length to the second arc length.

- Discuss proposed amendment to Claim 15:

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 elevated portion of the stabilizer extending upward and back from an enclosed 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 about 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 causes the foot opening to expand 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 FOOTWARE 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 August 22, 2023, 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 extending from a lateral side of the sole to a medial side of the sole and forming ~~an enclosed~~ a convex structure that is enclosed around a heel portion; and

an elevated portion extending rearward from a rear portion of the convex structure and acting as a shoehorn. ~~forming a shoehorn shape.~~

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.

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. (Previously Presented) The rapid-entry shoe of claim 1, wherein the stabilizer is integrated within the upper.

7. (Original) The rapid-entry shoe of claim 1, wherein the stabilizer comprises a curvature between the base portion and the elevated portion.

8. (Canceled)

9. (Previously Presented) The rapid-entry shoe of claim 1, further comprising a liner at least partially disposed on the stabilizer.

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

a base portion having a continuous curved surface shape and a first arc length extending horizontally from a lateral side of the stabilizer to a medial side of the stabilizer; and

an elevated portion extending upward and [[back]] rearward from a 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 second arc length is less than the first arc length, and wherein the elevated portion and the base portion have a shape that continuously transitions from the first arc length to the second arc length.

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 [[back]] rearward from [[an]] a rear portion of a partially enclosed 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 about 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 causes the foot opening to expand 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 contracts in response to the foot being fully inserted into the rapid-entry shoe.

17. (Previously Presented) The method of claim 15, wherein the stabilizer is comprised of a rigid material.

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. (Currently Amended) The method of claim 15, wherein the elastic element ~~causes~~ 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. (Currently Amended) The rapid-entry shoe of claim 23, wherein the elastic element ~~causes~~ enables a forward portion of the upper to flex relative to the sole of the rapid-entry shoe.

REMARKS/ARGUMENTS

This Amendment and the following remarks are intended to fully respond to the Non-Final Office Action dated August 22, 2023 (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, 13-14 and 23-24 were rejected under 35 U.S.C. § 112(a) as allegedly failing to comply with the written description requirement; claims 1-7, 9-11, 13-14 and 23-24 were also rejected under 35 U.S.C. § 112(b) as allegedly failing to particularly point out and distinctly claim the subject matter which the inventor or a joint inventor, regards as the invention; claims 1-7, 9-11, 13-17, and 20-24 were also under 35 U.S.C. § 102(a)(1) as allegedly being anticipated by U.S. Patent Publication No. 2018/0110292 to Beers et al. (hereinafter, "Beers"); claims 1-7 and 9 were rejected on the ground of nonstatutory double patenting as allegedly being unpatentable over claims 1-3 of U.S. Patent No. 11,633,005; and claims 1-7 and 9 were rejected on the ground of nonstatutory double patenting as allegedly being unpatentable over claims 1-6 of U.S. Patent No. 11,633,006. In addition, the drawings were objected to under 37 CFR 1.83(a).

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, 15, 22 and 24 have been amended and no claims have been added or canceled. No new matter has been added. Therefore, claims 1-7, 9-11, 13-17 and 20-24 remain for examination.

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 October 18, 2023. During that interview, the rejections to the claims and the objections to the drawings were discussed. Proposed amendments were also discussed. Although no agreement was reached as to the allowability of the claims, the discussed amendments are included herewith. Accordingly, Applicant submits that all pending claims are in condition for allowance.

Objections to the Drawings

The drawings were objected to under 37 CFR 1.83(a). Without acquiescing to the propriety of the objection and solely for the purpose of advancing prosecution, the claims have

been amended as set forth above. Accordingly, Applicant requests the Examiner withdraw the objection to the drawings.

35 U.S.C. § 112 Rejections

Claims 1-7, 9-11, 13-14 and 23-24 were rejected under 35 U.S.C. § 112(a) as allegedly failing to comply with the written description requirement and claims 1-7, 9-11, 13-14 and 23-24 were rejected under 35 U.S.C. 112(b), second paragraph as allegedly being indefinite.

Without acquiescing to the propriety of these rejections and solely for the purpose of advancing prosecution, the claims have been amended as set forth above. Accordingly, Applicant requests the Examiner withdraw the 35 U.S.C. § 112 rejections of the claims.

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

Claims 1-7, 9-11, 13-17, and 20-24 were under 35 U.S.C. § 102(a)(1) as allegedly being anticipated by Beers.

Claims 1-7, 9 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, among other features, a stabilizer that includes "a base portion extending from a lateral side of the sole to a medial side of the sole and forming a convex structure that is enclosed around a heel portion; and an elevated portion extending rearward from a rear portion of the convex structure and acting as a shoehorn." Applicant submits that Beers does not disclose or suggest at least the above-recited features of claim 1.

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]). The device in Beers also includes "a base supporting the control bar and connected to the control bar at a resiliently bendable junction." (Beers, para. [0167]).

According to Beers, "the base is continuous and extends between and connects to the first side arm and the second side arm." Specifically, Beers states that "the base is continuous, in that

it is without breaks or connections through other components in extending from the first side arm to the second side arm." (Beers, para. [0167]).

In contrast to Beers, claim 1 requires a stabilizer that includes a base portion and an elevated portion. The base portion forms "a convex structure that is enclosed around a heel portion." Additionally, claim 1 requires that the elevated portion extends "rearward from a rear portion of the convex structure and acting as a shoehorn." Since Beers does not disclose or suggest a convex structure that is enclosed around a heel portion, Beers cannot disclose or suggest an elevated portion that extends rearward from the convex structure and acts as a shoehorn.

Based on the above, Applicant submits that claim 1, and dependent claims 2-7, 9 and 23-24, are patentable over Beers and are in condition for allowance.

Claims 10-11 and 13-14

Claim 10 recites similar features to those described above with respect to claim 1. For example, claim 10 requires "a base portion having a continuous curved surface shape and a first arc length extending horizontally from a lateral side of the stabilizer to a medial side of the stabilizer; and an elevated portion extending upward and rearward from a 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 second arc length is less than the first arc length, and wherein the elevated portion and the base portion have a shape that continuously transitions from the first arc length to the second arc length."

Applicant reiterates the arguments made above with respect to claim 1 and submits that claim 10, and dependent claims 11 and 13-14, are patentable over Beers and are in condition for allowance for at least similar reasons.

Claims 15-17 and 20-22

Claim 15 also recites similar features to those described above with respect to claim 1. For example, claim 15 requires "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 partially enclosed 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 about an axis."

Applicant reiterates the arguments made above with respect to claim 1 and submits that claim 15, and dependent claims 16-17 and 20-22, are patentable over Beers and are in condition for allowance for at least similar reasons.

Double Patenting Rejection

Claims 1-7 and 9 were rejected on the ground of nonstatutory double patenting as allegedly being unpatentable over claims 1-3 of U.S. Patent No. 11,633,005 and claims 1-7 and 9 were rejected on the ground of nonstatutory double patenting as allegedly being unpatentable over claims 1-6 of U.S. Patent No. 11,633,006.

Without acquiescing the propriety of the rejection and solely for the purpose of advancing prosecution, Applicant will file a terminal disclaimer, if necessary, when otherwise allowable subject matter has been indicated.

CONCLUSION

This Amendment fully responds to the Non-Final Office Action mailed on August 22, 2023. 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: 10/19/23

/Eric Nielsen/

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UNITED STATES
PATENT AND TRADEMARK OFFICE

P.O. Box 1450
Alexandria, VA 22313 - 1450
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ELECTRONIC ACKNOWLEDGEMENT RECEIPT

APPLICATION #	RECEIPT DATE / TIME	ATTORNEY DOCKET #
17/965,516	**10/19/2023 02:48:50 AM ET**	**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 #	63029557	FILING DATE	10/13/2022
CUSTOMER #	164668	FIRST NAMED INVENTOR	Michael Pratt
CORRESPONDENCE ADDRESS	-	AUTHORIZED BY	-

Documents

TOTAL DOCUMENTS: 3

DOCUMENT		PAGES	DESCRIPTION	SIZE (KB)
P-03036 Response to 8.22.23 NFOA.pdf		10	-	176 KB
P-03036 Response to 8.22.23 NFOA-A....pdf	(1-1)	1	Amendment/Request for Reconsideration-After Non-Final Rejection	97 KB
P-03036 Response to 8.22.23 NFOA-CLM.pdf	(2-5)	4	Claims	106 KB
P-03036 Response to 8.22.23 NFOA-REM.pdf	(6-10)	5	Applicant Arguments/Remarks Made in an Amendment	134 KB

Digest

DOCUMENT	MESSAGE DIGEST(SHA-512)
P-03036 Response to 8.22.23 NFOA.pdf	423557A09DD214888F82DF866FF3EC1B24FE151A6F51F6A3B BAE4ABA951CA42B163380669ACC20920ECC1D32CCF570734 0A3CC7287BAA24677D93C7B7B8FEE56
P-03036 Response to 8.22.23 NFOA-A....pdf	5A936C257BC7D5BF484C668B2BBBE73C4AE193E19A66B521F 3B7864B9791A708E1E9F439146AF039E41E0B82B53DBE1A584 EA7C94D09569EC229B98CF2117AEA
P-03036 Response to 8.22.23 NFOA-CLM.pdf	7751544C74BCF8A5728D42F881B2650DFB497145BB4869D918 FF1EFF834DE27959B91939DD0E2786A6AD56F9A37A83126E9 09927668C6F19A2E6471EADF0B942
P-03036 Response to 8.22.23 NFOA-REM.pdf	918449F3B6DB48E0E8F00194448E6DC64E2C6B0FBA1BAB993 E4D30A262EBC0464731CE005893E2372900690B4A5ACB5FF56 7174B5EBD42A6DFC4C890171E0C44

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.

PTO/SB/06 (09-11)
Approved for use through 1/31/2014. OMB 0651-0032
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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

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)			
AMENDMENT	10/19/2023	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA		RATE ($)	ADDITIONAL FEE ($)
	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

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

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.	LIE
** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".	/DAWN BREWER/
*** 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.**

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

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

164668 7590 08/22/2023

FAST IP, LLC
1172 West 700 North
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EXAMINER
NGUYEN, BAO-THIEU L

ART UNIT	PAPER NUMBER
3732	

NOTIFICATION DATE	DELIVERY MODE
08/22/2023	ELECTRONIC

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

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

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

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 07-22-2023.

☐ 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)

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

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

4) ☐ Other: _____.

DETAILED ACTION

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 07-22-2023 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 **"curvature"** and **"the first and second arc length"** and **"an enclosed cup-shaped"** 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 1-7, 9-11, 13-14, and 23-24** 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 the limitation "shoehorn shape" which does not have any support in the specification; therefore, the claims are failing to comply with the written description requirement.

Claim 10 is rejected because it recites the limitation "*the second are length is less than the first are length*" which does not have any support in the specification; therefore, the claims are failing to comply with the written description requirement.

Claim 15 is rejected because it recites the limitation "an enclosed cup-shaped" which does not have any support in the specification; therefore, the claims are 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 1-7, 9-11, 13-14 and 23-24** 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 1 is rejected because it recites limitations "shoehorn shape". The limitation is vague and indefinite because it is not clear the structure is a shoehorn itself or it has a shape which looks like a shoehorn, and shoehorn is not a fix or identical shape.

Claim 24 is rejected because it recites limitations "*the elastic element causes a forward portion of the upper to flex relative to the sole of the rapid-entry shoe*". The limitation is vague and indefinite because it is not clear how the elastic element can cause the upper to flex because the upper is flexed only when some force is applied to it but not the elastic itself.

Claim 10 is rejected because it recites the limitation "*the second are length is less than the first are length*". The limitation is vague and indefinite because it is not clear where is the beginning and ending of the length of arcs. Therefore, any portions of the base or the elevated portion could be the length.

Claim 15 is rejected because it recites limitations "*the elevated portion of the stabilizer extending upward and back from* ***an enclosed cup-shaped base*** *of the stabilizer*". The limitation is vague and indefinite because it is not clear the structure is a cup itself or it has a shape which looks like a cup, and cup is not a fix or identical shape.

Claim 22 is rejected because it recites limitations "*the elastic element causes a forward portion of the upper to flex relative to a sole of the rapid-entry shoe*". The limitation is vague and indefinite because it is not clear how the elastic element can cause the upper to flex because the upper is flexed only when some force is applied to it but not the elastic itself.

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) 1-7, 9-11, 13-17, and 20-24** 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, comprising:

a sole (member 434);

an upper (member 438);

a stabilizer (member 410) provided at a rear portion of the sole and comprised of a rigid material (para 0170 and 187), the stabilizer comprising:

a base portion extending from a lateral side of the sole to a medial side of the sole and forming an enclosed convex structure (figs 5-6, member 22 and 24A-24B); and

an elevated portion (figs 5-6, members 18 and 20) extending rearward from the convex structure and forming a shoehorn shape (figs 5-6, member 16 and figs 13-14, members 410 and 450).

Regarding claims 23-24, Beers discloses an elastic element disposed on a side portion of the upper and forward relative to the rear portion, wherein the elastic element causes a forward portion of the upper to flex relative to the sole of the rapid-entry shoe (fig 14, member 435, para 0186 to 187).

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 (fig 14, member 435).

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, member 435).

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 (figs 5-6).

Regarding claim 6, Beers discloses the stabilizer is integrated within the upper (figs 5-6 and 14).

Regarding claim 7, Beers discloses the stabilizer comprises a curvature between the base portion and the elevated portion (fig 13).

Regarding claim 9, Beers discloses a liner at least partially disposed on the stabilizer (member 442, para 0186).

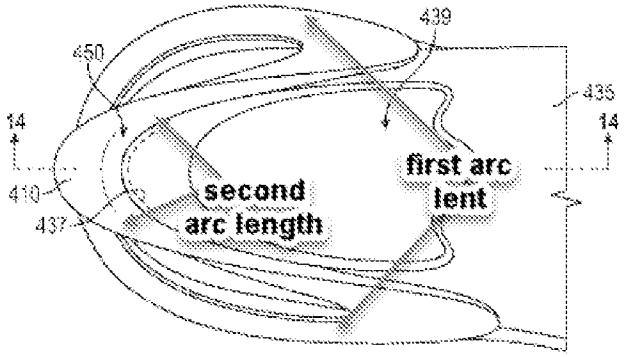
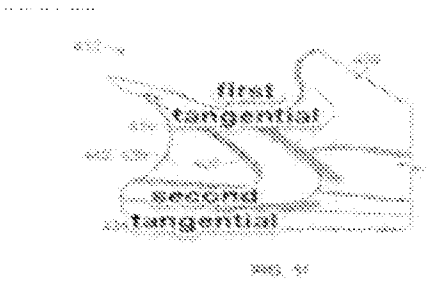


FIG. 13

Regarding claim 10, Beers discloses a stabilizer for a rapid-entry shoe, comprising:

a base portion having a continuous curved surface shape and a first are length from a lateral side of the stabilizer to a medial side of the stabilizer (figs 5-6, member 22 and 24A-24B);

an elevated portion extending upward and back from the continuous curved surface shape of the base portion (figs 5-6, members 18 and 20) and having a second are length from the lateral side of the stabilizer to the medial side of the stabilizer, wherein the second are length is less than the first are length (figs 13 annotated above), and wherein the elevated portion and the base portion have a shape that continuously transitions from the first are length to the second are length (fig 14).



Regarding claim 11, Beers discloses curvature between the base portion and the elevated portion (figs 5-6).

Regarding claim 13, Beers discloses the curvature has a first tangential angle at the base portion and a second tangential angle at the elevated portion (fig 11 annotated above).

Regarding claim 14, Beers discloses a window defined by at least one of the base portion and the elevated portion (fig 1).

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 20); and

inserting a second portion of the foot into the foot opening of the rapid-entry shoe (para 0101) 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 (fig 4), the elevated portion of the stabilizer extending upward and back from an enclosed cup-shaped base of the stabilizer (figs 14-16); and

a top portion of the foot substantially simultaneously contacts the upper of the rapid-entry shoe (figs 4 and 20), the upper comprising an elastic element that causes the foot opening to expand in response to the bottom portion of the foot contacting the stabilizer and the top portion of the foot contacting the upper (para 0173 to 0175 and 0186).

Regarding claim 16, Beers discloses the elastic element contracts in response to the foot being fully inserted into the rapid-entry shoe (para 0173 to 0175 and 0186).

Regarding claim 17, Beers discloses the stabilizer is comprised of a rigid material (para 0170 and 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 14, para 0101 and 0188).

Regarding claim 21, Beers discloses the elastic element forms at least a portion of a top collar of the upper (member 435).

Regarding claim 22, Beers discloses the elastic element causes a forward portion of the upper to flex relative to a sole of the rapid-entry shoe (fig 14, member 435, para 0186 to 187).

Double Patenting

11. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on nonstatutory double patenting provided the reference application or patent either is shown to be commonly owned with the examined application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement. See MPEP § 717.02 for applications subject to examination under the first inventor to file provisions of the AIA as explained in MPEP § 2159. See MPEP § 2146 *et seq.* for applications not subject to examination under the first inventor to file provisions of the AIA. A terminal disclaimer must be signed in compliance with 37 CFR 1.321(b).

The filing of a terminal disclaimer by itself is not a complete reply to a nonstatutory double patenting (NSDP) rejection. A complete reply requires that the terminal disclaimer be accompanied by a reply requesting reconsideration of the prior Office action. Even where the NSDP rejection is provisional the reply must be complete. See MPEP § 804, subsection I.B.1. For a reply to a non-final Office action, see 37 CFR 1.111(a). For a reply to final Office action, see 37 CFR 1.113(c). A request for reconsideration while not provided for in 37 CFR 1.113(c) may be filed after final for consideration. See MPEP §§ 706.07(e) and 714.13.

The USPTO Internet website contains terminal disclaimer forms which may be used. Please visit www.uspto.gov/patent/patents-forms. The actual filing date of the application in which the form is filed determines what form (e.g., PTO/SB/25, PTO/SB/26, PTO/AIA/25, or PTO/AIA/26) should be used. A web-based eTerminal Disclaimer may be filled out completely online using web-screens. An eTerminal Disclaimer that meets all requirements is auto-processed and approved immediately upon submission. For more information about eTerminal Disclaimers, refer to www.uspto.gov/patents/apply/applying-online/eterminal-disclaimer.

12. **Claims 1-7 and 9** are rejected on the ground of nonstatutory double patenting as being unpatentable over claims 1-3 of U.S. Patent No. 11,633,005. Although the claims at issue are not identical, they are not patentably distinct from each other because both applications discloses a footwear having a sole, an upper, an elastic element, a shoehorn or a cup shape (i.e. fin) and a stabilizer with a base and elevated portion.

13. **Claims 1-7 and 9** rejected on the ground of nonstatutory double patenting as being unpatentable over claims 1-6 of U.S. Patent No. 11,633,006. Although the claims at issue are not identical, they are not patentably distinct from each other because both applications discloses a footwear having a sole, an upper, an elastic element, a shoehorn or a cup shape (i.e. fin) and a stabilizer with a base and elevated portion.

Response to Arguments

Applicant's arguments, dated 07-22-2023, with respect to the drawing objection have been fully considered and are persuasive. The objection has been withdrawn due to applicant amendments. However, another one has been made as analyzed above.

Applicant's arguments, dated 07-22-2023, with respect to the rejection of claims under 35 U.S.C §112(a) and §112(b) have been fully considered, and are persuasive. However, another one has been made as analyzed above. The rejection to the claims has been withdrawn due to the amendments to the claims.

Applicant's arguments, date 07-22-2023, with respect to the rejections of claims under 35 U.S.C §102 have been fully considered, but they are not persuasive because applicant argues that the prior art does not teach the amended limitations. However, this argument is not commensurate with the rejected claims, as the limitations have not been previously presented and they have been address as analyzed above.

Conclusion

14. 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

Notice of References Cited	Application/Control No. 17/965,516	Applicant(s)/Patent Under Reexamination Pratt et al.	
	Examiner BAO-THIEU L NGUYEN	Art Unit 3732	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	CPC Classification	US Classification
*	A	US-11633005-B2	04-2023	Pratt; Michael	A43B23/088	36/45
*	B	US-11633006-B2	04-2023	Pratt; Michael	A43B11/00	36/45
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FOREIGN PATENT DOCUMENTS

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

NON-PATENT DOCUMENTS

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

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

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	17/965,516	Pratt et al.
	Examiner	Art Unit
	BAO-THIEU L NGUYEN	3732

CPC - Searched*		
Symbol	**Date**	**Examiner**
A43B11/00, 008	01/09/2023	BT
A43B23/027, 02, 047, 08	01/09/2023	BT
Update search	04/25/2023	BT
Update search	08/16/2023	BT

CPC Combination Sets - Searched*		
Symbol	**Date**	**Examiner**

US Classification - Searched*			
Class	**Subclass**	**Date**	**Examiner**

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

Search Notes		
Search Notes	**Date**	**Examiner**
Inventor search	01/09/2023	BT

Interference Search			
US Class/CPC Symbol	**US Subclass/CPC Group**	**Date**	**Examiner**

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

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	17/965,516	Pratt et al.
	Examiner	Art Unit
	BAO-THIEU L NGUYEN	3732

✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
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CLAIMS

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

CLAIM		DATE								
Final	Original	01/09/2023	04/25/2023	08/16/2023						
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	2	✓	✓	✓						
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PE2E SEARCH - Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	British Equivalents	Time Stamp
L1	14567	(A43B11/00 OR A43B23/027 OR A43B23/02 OR A43B23/047 OR A43B23/08 OR A43C11/008).cpc.	(US-PGPUB; USPAT; USOCR; FIT (AU, AP, AT, BE, BG, BR, BY, CA, CH, CN, CS, CU, CZ, DD, DE, DK, EA, EE, EP, ES, FI, FR, GB, HR, HU, ID, IE, IL, IS, IT, JP, KR, LT, LU, LV, MA, OA, RU, SU, WO, MC, MD, MY, NL, NO, NZ, PH, PL, PT, RO, RS, SE, SG, SI, SK, TH, TN, TR, TW, UA, VN); FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2022/06/13 01:33 PM
L2	3622	(A43B11/00 OR A43B23/027 OR A43B23/02 OR A43B23/047 OR A43B23/08 OR A43C11/008).cpc.	(US-PGPUB; USPAT; USOCR)	OR	ON	ON	2022/06/13 01:33 PM
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