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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
16/274,164	02/12/2019	Michael Miskin	53998.14US05	8373

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HAYNES AND BOONE, LLP
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EXAMINER
HAMMOND, CRYSTAL L

ART UNIT	PAPER NUMBER
2844	

NOTIFICATION DATE	DELIVERY MODE
04/25/2019	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):

ipdocketing@haynesboone.com

Lynk Exhibit 2016
Home Depot v. Lynk Labs
PGR2023-00016, Page 1 of 8

Office Action Summary	Application No. 16/274,164	Applicant(s) Miskin et al.	
	Examiner CRYSTAL L HAMMOND	Art Unit 2844	AIA (FITF) Status No

-- 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 02/12/2019.

☐ 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) 1-16 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) 1-16 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 02/12/2019 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 02/12/2019.

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 is being examined under the pre-AIA first to invent provisions.

Double Patenting

2. A rejection based on double patenting of the "same invention" type finds its support in the language of 35 U.S.C. 101 which states that "whoever invents or discovers any new and useful process... may obtain a patent therefor..." (Emphasis added). Thus, the term "same invention," in this context, means an invention drawn to identical subject matter. See *Miller v. Eagle Mfg. Co.*, 151 U.S. 186 (1894); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); *In re Ockert*, 245 F.2d 467, 114 USPQ 330 (CCPA 1957).

A statutory type (35 U.S.C. 101) double patenting rejection can be overcome by canceling or amending the claims that are directed to the same invention so they are no longer coextensive in scope. The filing of a terminal disclaimer cannot overcome a double patenting rejection based upon 35 U.S.C. 101.

3. Claims 1-16 is/are rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 1-12 and 14-21 of prior U.S. Patent No. 10,271,393. This is a statutory double patenting rejection.

Claim Rejections - 35 USC § 102

4. 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 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.

5. The following is a quotation of the appropriate paragraphs of pre-AIA 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claim(s) 1-4, 6-9, 11-14 and 16 is/are rejected under pre-AIA 35 U.S.C. 102(b) as being anticipated by Colby (US 7,748,877).

Colby discloses an LED lighting device comprising:

(1) regarding Claim 1:

a first operating LED circuit and at least one additional LED circuit (configuration of light source 620 in Fig 7E and Fig 6A), wherein at least one of the first operating LED circuit or the at least one additional LED circuit includes at least two LEDs connected in either series or parallel (706A and 706B in Fig 7E); and

a switch (1215 in Fig 12) capable of switching the at least one additional LED circuits on or off (Col 3 lines 43-49, 55-64 and Col 8 lines 22-25), wherein the on or off switching is selectable by a user switching the switch (Col 3 lines 55-64 see Fig 12); and

wherein the LED lighting device is configured to connect to an AC voltage power source (Col 3 lines 55-64).

(2) regarding Claims 2, 7 and 12:

wherein at least one LED in at least one of the first operating LED circuit or the at least one additional LED circuit can be driven with a forward voltage of 6V or greater (Col 4 lines 22-33-US plugs operate on 120V 60Hz).

(3) regarding Claims 3, 8 and 13:

having a lens cover (Col 8 lines 39-45).

(4) regarding Claims 4, 9 and 14:

having a standard lamp electrical base (Col 8 lines 39-45).

(5) regarding Claim 6:

a first LED circuit and at least one additional LED circuit (configuration of light source 620 in Fig 7E and Fig 6A), each of the first LED circuit and the at least one additional LED circuits including at least two LEDs connected in series or parallel (706A and 706B in Fig 7E); and

a switch (1215 in Fig 12) that is selectable by a user and configured to at least one of independently switch on or off at least one of the first LED circuit or the at least one additional LED circuit, or switch at least one of the first LED circuit or at least one additional LED circuit to a different level of brightness (Col 3 lines 43-49, 55-64 and Col 8 lines 22-25),

wherein the LED lighting device is configured to connect to an AC voltage power source (Col 3 lines 55-64).

(6) regarding Claim 11:

a first LED circuit and at least one additional LED circuit (configuration of light source 620 in Fig 7E and Fig 6A), each of the first LED circuit and the at

least one additional LED circuits including at least two LEDs connected in series or parallel (706A and 706B in Fig 7E); and

a switch (1215 in Fig 12) wherein switching of the switch is selectable by a user to independently switch on or off at least one of the first LED circuit or the at least one additional LED circuit (Col 3 lines 43-49, 55-64 and Col 8 lines 22-25),

wherein the LED lighting device is configured to connect to an AC voltage power source (Col 3 lines 55-64).

(7) For method claim 16, note that under MPEP 2112.02, the principles of inherency, if a prior art device, in its normal and usual operation, would necessarily perform the method claimed, then the method claimed will be considered to be anticipated by the prior art device. When the prior art is the same as a device described in the specification for carrying out the claimed method, it can be assumed the device "1 inherently performs the claimed process. In re King, 801 F.2d 1324, 231 UPSQ 136 (Fed Cir. 1986). Therefore the previous rejections based on the apparatus will not be repeated.

Claim Rejections - 35 USC § 103

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

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

8. Claims 5, 10 and 15 is/are rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over Colby (US 7,748,877) in view of Lenk (US 8,198,819).

Colby discloses all of the subject matter above. However Colby does not disclose the bridge rectifier.

Lenk, in the same field of endeavor, discloses:

further comprising a bridge rectifier (Col 1 lines 53-62).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the features of Lenk into the system of Colby in order to detect AC voltage as taught by Lenk.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CRYSTAL L HAMMOND whose telephone number is (571)270-1682. The examiner can normally be reached on M-F 12pm-4pm Alt Fridays.

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, Alexander Taningco can be reached on 571-272-8048. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/CRYSTAL L HAMMOND/
Primary Examiner, Art Unit 2844