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16/274,164	02/12/2019	Michael Miskin	53998.14US05	8373

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HAYNES AND BOONE, LLP
IP Section
2323 Victory Avenue
Suite 700
Dallas, TX 75219

EXAMINER

HAMMOND, CRYSTAL L

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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

DETAILED ACTION

Notice of Pre-AIA or AIA Status

1. The present application is being examined under the pre-AIA first to invent provisions.

Claim Rejections - 35 USC § 102

1. 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.
2. 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 –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claim(s) 1-6, 8-15, 17, 18, 20 and 21 is/are rejected under pre-AIA 35 U.S.C. 102(a) as being anticipated by Catalone et al. (US 2008/0130288).

Figure 2 of Catalone disclose an LED lighting device comprising:

(1) regarding Claim 1:

a first operating LED circuit (206) and at least one additional LED circuit (205)([0051]), wherein at least one of the first operating LED circuit or the at least one additional LED circuit includes at least two LEDs (207 or 209) connected in either series or parallel ([0056])

a switch ([0055]) 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 the at least one additional LED circuit to a different level of brightness ([0055]); and

a driver ([0020] and regulator [0025]) connected to the first operating LED circuit and the at least one LED circuit;

wherein the LED lighting device is configured to connect to an AC mains power source ([0015]);

wherein the driver has an output voltage lower than the AC mains power source and a frequency higher than the AC mains power source ([0013], [0014], [0053]-LED voltages are typically lower than household voltages and since typical mains power source frequency is 60 Hz, the frequency would need to be increased to reach the visible light spectrum frequencies); and

wherein the first operating LED circuit and the at least one additional LED circuit both have a forward voltage of 6V or greater ([0005], [0015], [0056], [0065], [0066]).

(2) regarding Claims 2 and 13:

wherein the first operating LED circuit and the at least one additional LED circuit are mounted on a reflective substrate ([0005]).

(3) regarding Claims 3, 8 and 18:

further comprising:

a light changing or enhancing substance that includes phosphor or nano-crystals ([0006]),

wherein first LED circuit and the at least one additional LED are integrated with the light changing or enhancing substance in an LED package ([0006]).

(4) regarding Claim 4:

having a standard lamp electrical base ([0020]).

(5) regarding Claim 5:

further comprising a bridge rectifier ([0056]).

(6) regarding Claim 6:

a first LED circuit (206) and at least one additional LED circuit (205), ([0051]), wherein the first LED circuit and the at least one additional LED circuit are connected in parallel ([0056]); and wherein each of the first LED circuit and the at least one additional LED circuit includes at least two LEDs (207 or 209) connected in either series ([0056]); and

a switch ([0055]) 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 ([0052]-[0055]);

wherein the LED lighting device is configured to connect to an AC voltage power source ([0015]);

wherein the first LED circuit and the at least one additional LED circuit are mounted on an insulating substrate ([0009]).

(7) regarding Claim 9:

further comprising a driver ([0020] and regulator [0025]) that has an output with a frequency higher than the AC voltage power source ([0013], [0014], [0053]-LED voltages are typically lower than household voltages and since

typical mains power source frequency is 60 Hz, the frequency would need to be increased to reach the visible light spectrum frequencies).

(8) regarding Claim 10:

wherein at least one capacitor is connected to the output of the driver (C3 in Fig 8).

(9) regarding Claim 11:

a first LED circuit (206) and at least one additional LED circuit (205), ([0051]), each of the first LED circuit and the at least one additional LED circuit including at least two LEDs (207 or 209) connected in series or parallel ([0056]); and

a switch ([0055]), 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, ([0051]-[0055]); and

wherein the LED lighting device is configured to connect to an AC voltage power source ([0015]); and

wherein the first LED circuit, the at least one additional LED circuit, and the switch are integrated within or onto an LED package ([0051]-[0057]).

(10) regarding Claim 12:

wherein the LED package includes a heat sink ([0026]) and a lens ([0061]).

(11) regarding Claim 14:

wherein said LED package includes a bridge rectifier ([0056]) and a driver ([0020] and regulator [0025]).

(12) regarding Claim 15:

wherein the AC voltage power source is a mains power source ([0015]), and wherein the LED lighting device is configured to be coupled to a dimmer switch, wherein the dimmer switch adjusts a voltage of the mains power source to dim the first LED circuit or the at least one additional LED circuit regardless of a user's selection via the switch ([0030], [0031], [0055], [0101]).

(13) regarding Claim 17:

a first operating LED circuit (206) and at least one additional LED circuit (205)([0051]), wherein at least one of the first operating LED circuit or the at least one additional LED circuit includes at least two LEDs (207 or 209) connected in either series or parallel ([0056]); and

a switch ([0055]) capable of switching the at least one additional LED circuit on or off ([0051]-[0055]), wherein switching of the at least one additional LED circuit is selectable by a user switching the switch;

wherein the LED lighting device is configured to connect to an AC mains power source ([0015]); and

wherein the first operating LED circuit and the at least one additional LED circuit are mounted on a substrate including a heat sink ([0026]).

(14) regarding Claim 20:

wherein the LED lighting device is configured to be coupled to an LED driver with a 12V output ([0005]).

(15) regarding Claim 21:

further comprising: a dimmer switch configured to adjust a voltage of the AC voltage power source to dim the first LED circuit or the at least one additional LED circuit regardless of a user's selection via the switch ([0030], [0031], [0055], [0101]).

Claim Rejections - 35 USC § 103

4. 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 negated by the manner in which the invention was made.

5. Claim 7 is/are rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over Catalone et al. (US 2008/0130288) in view of Rooymans (US 2008/0203405).

(1) regarding Claim 7:

Catalone discloses all of the subject matter above. However Catalone does not disclose the sapphire.

Rooymans, in the same field of endeavor, discloses:

wherein the insulating substrate comprises sapphire ([0007]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the features of Rooymans into the system of Catalone in order to light transparency as taught by Rooymans.

Response to Arguments

1. Applicant's arguments with respect to the rejection(s) of claim(s) 1-15 and 17-21 under Colby (7,748,887) in view of Li (US 2005/0168156) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made above.

Conclusion

2. The finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.129(a). Applicant's submission after final filed on 07/05/2019 has been entered.

3. 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.

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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