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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
15/685,429	08/24/2017	Michael Miskin	LYN-091109CO03	4750

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SCHROEDER INTELLECTUAL PROPERTY LAW GROUP, LLC
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EXAMINER

HAMMOND, CRYSTAL L

ART UNIT	PAPER NUMBER
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2844

NOTIFICATION DATE	DELIVERY MODE
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01/11/2018

ELECTRONIC

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

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

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

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Office Action Summary	Application No. 15/685,429	Applicant(s) MISKIN ET AL.	
	Examiner CRYSTAL L. HAMMOND	Art Unit 2844	AIA (First Inventor to File) 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 08/24/2017.
☐ 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) 1-15 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) 1-15 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 08/24/2017 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

Priority under 35 U.S.C. § 119

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

Certified copies:

- a) ☐ All b) ☐ Some** c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

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

Attachment(s)

- | | |
|---|---|
| 1) ☒ Notice of References Cited (PTO-892) | 3) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) ☐ Information Disclosure Statement(s) (PTO/SB/08a and/or PTO/SB/08b)
Paper No(s)/Mail Date _____ | 4) ☐ Other: _____ |

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

DETAILED ACTION

Claim Rejections - 35 USC § 102

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 –

(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.

3. Claim(s) 1, 2 and 7-15 is/are rejected under pre-AIA 35 U.S.C. 102(b) as being anticipated by Roberts et al. (US 2007/0115248).

Figures 1 and 3 of Roberts discloses an LED lighting device comprising:

(1) regarding Claim 1:

at least two LED circuits (20 and 21 in Fig 1), each LED circuit having opposing ends and at least two LEDs (See Fig 1); at least four voltage input electrical contacts, the at least four voltage input electrical contacts being configured so that each opposing end of each of the at least two circuits has one voltage input electrical contact connected thereto (22, 24, 26 and 28 in Fig 1), wherein, each of the at least two LED circuits are electrically unconnected from each other (See Fig 1, circuits are not connected to each other).

(2) regarding Claim 2:

wherein each of the at least two LED circuits include at least two LEDs connected in series (LED details in Fig 3).

(3) regarding Claim 7:

wherein the LED lighting device is an LED package ([0003]).

(4) regarding Claim 8:

wherein the at least two LED circuits are connected in series or parallel utilizing the at least four voltage electrical input contacts within the LED package ([0042]).

(5) regarding Claim 9:

wherein the at least two LEDs forming each of the at least two LED circuits are discrete die integrated on a substrate (tile 10 in Fig 2).

(6) regarding Claim 10:

wherein the LED lighting device is an LED assembly of discretely packaged LEDs ([0051]).

(7) regarding Claim 11:

at least two LED circuits (20 and 21 in Fig 1), each comprising at least two LEDs (See Fig 1), the at least two LEDs in each circuit being connected in a either a series, parallel or opposing-parallel relationship to each other, the at least two LED circuits being independently controllable so that more than one level of brightness can be provided by the at least two LED circuits (See Fig 7- driver can change light levels [0080][0081]).

(8) regarding Claim 12:

being connected to a switch (220 in Fig 7).

(9) regarding Claim 13:

wherein the switch is connected to each of the at least two LED circuits such that each of the at least two LED circuits are independently controlled by the switch (230 and 220 in Fig 7).

(10) regarding Claim 14:

wherein the switch is connected to each of the at least two LED circuits such that the switch can electrically connect each of the at least two LED circuits in either a series or parallel connection (230 and 220 in Fig 7 and [0080],[0081]).

(11) regarding Claim 15:

wherein the at least two LED circuits are integrated into a lamp ([0003]).

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. Claims 3-6 is/are rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over Roberts et al. (US 2007/0115248) in view of Mariyama et al. (US 2008/0203936).

(1) regarding Claim 3:

Roberts discloses all of the subject matter as applied to Claim 1 above. However Roberts does not disclose the bridge.

Mariyama, in the same field of endeavor, discloses:

wherein each of the at least two LED circuits are arranged in a bridge circuit having at least one LED connected across the outputs ([0016]).

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the invention disclosed in Roberts with that of Mariyama in order to provide more rectification, improving circuit functionality.

(2) regarding Claim 4:

Roberts discloses all of the subject matter as applied to Claim 1 above. However Roberts does not disclose the anti-parallel connection.

Mariyama, in the same field of endeavor, discloses:

wherein each of the at least two LEDs in each of the at least two LED circuits are connected in an anti-parallel manner ([0007]).

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the invention disclosed in Roberts with that of Mariyama in order to provide more rectification, improving circuit functionality.

(3) regarding Claim 5:

The combination of Roberts and Mariyama further discloses:

wherein the at least four voltage input electrical contacts are configured such that a first voltage input electrical contact is connected to an anode of one LED in a first of the at least two LED circuits; and a cathode of one LED in the first of the at least two LED circuits; a second voltage input electrical contact is connected to an anode of one LED in the first of the at least two LED circuits; and a cathode of one LED in the first of the at least two LED circuits; a third voltage input electrical contact is connected to an anode of one LED in a second of the at least two LED circuits; and a cathode of one LED in the second

of the at least two LED circuits; a fourth voltage input electrical contact is connected to an anode of one LED in the second of the at least two LED circuits; and a cathode of one LED in the second of the at least two LED circuits; wherein the first voltage input electrical contact is connected to a different anode and a different cathode than the second voltage input electrical contact, and the third voltage input electrical contact is connected to a different anode and a different cathode than the fourth voltage input electrical contact (See Fig 3 of Roberts).

(4) regarding Claim 6:

The combination of Roberts and Mariyama further discloses:

wherein the at least two circuits may be connected in a series relationship by connecting the first voltage input electrical contact to a first output of a power supply, connecting the third voltage input electrical contact to a second output of a power supply, and connecting the second voltage input electrical contact and the fourth voltage input electrical contact to each other; or a parallel relationship by connecting the first voltage input electrical contact and the third voltage input electrical contact to a first output of a power supply, and and the second voltage input electrical contact and the fourth voltage input electrical contact to a second output of a power supply (See Fig 3 of Roberts).

Double Patenting

6. 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

Art Unit: 2844

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.

7. Claims 1-10 is/are rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 1-10 of prior U.S. Patent No. 9,750,098. This is a statutory double patenting rejection.

Conclusion

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 Monday Thru Friday 7:30 AM-5:00 PM 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

Art Unit: 2844

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