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NOTICE OF ALLOWANCE AND FEE(S) DUE

25096 7590 08/31/2023
PERKINS COIE LLP - SEA General
PATENT-SEA
P.O. BOX 1247
SEATTLE, WA 98111-1247

EXAMINER

MARSH, STEVEN M

ART UNIT

PAPER NUMBER

3632

DATE MAILED: 08/31/2023

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
17/959,202	10/03/2022	Kurt William Massey	140459-8002.US08	1028

TITLE OF INVENTION: ADJUSTABLE MOUNTING SYSTEMS FOR TELEVISIONS

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	SMALL	\$480	\$0.00	\$0.00	\$480	11/30/2023

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the ENTITY STATUS shown above. If the ENTITY STATUS is shown as SMALL or MICRO, verify whether entitlement to that entity status still applies.

If the ENTITY STATUS is the same as shown above, pay the TOTAL FEE(S) DUE shown above.

If the ENTITY STATUS is changed from that shown above, on PART B - FEE(S) TRANSMITTAL, complete section number 5 titled "Change in Entity Status (from status indicated above)".

For purposes of this notice, small entity fees are 40% the amount of undiscounted fees, and micro entity fees are 20% the amount of undiscounted fees.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Maintenance fees are due in utility patents issuing on applications filed on or after Dec. 12, 1980. It is patentee's responsibility to ensure timely payment of maintenance fees when due. More information is available at www.uspto.gov/PatentMaintenanceFees.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), by mail or fax, or via EFS-Web.

By mail, send to: Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

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

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications. **Because electronic patent issuance may occur shortly after issue fee payment, any desired continuing application should preferably be filed prior to payment of this issue fee in order not to jeopardize copendency.**

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

25096 7590 08/31/2023
PERKINS COIE LLP - SEA General
PATENT-SEA
P.O. BOX 1247
SEATTLE, WA 98111-1247

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

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being transmitted to the USPTO via EFS-Web or by facsimile to (571) 273-2885, on the date below.

(Typed or printed name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
17/959,202	10/03/2022	Kurt William Massey	140459-8002.US08	1028

TITLE OF INVENTION: ADJUSTABLE MOUNTING SYSTEMS FOR TELEVISIONS

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	SMALL	\$480	\$0.00	\$0.00	\$480	11/30/2023

EXAMINER	ART UNIT	CLASS-SUBCLASS
MARSH, STEVEN M	3632	248-371000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

☐ Change of correspondence address (or Change of Correspondence Address form PTO/AIA/122 or PTO/SB/122) attached.

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/AIA/47 or PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

(1) The names of up to 3 registered patent attorneys or agents OR, alternatively,

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

1	_____
2	_____
3	_____

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

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document must have been previously recorded, or filed for recordation, as set forth in 37 CFR 3.11 and 37 CFR 3.81(a). Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. Fees submitted: ☐ Issue Fee ☐ Publication Fee (if required)

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

☐ Electronic Payment via Patent Center or EFS-Web ☐ Enclosed check ☐ Non-electronic payment by credit card (Attach form PTO-2038)

☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment to Deposit Account No. _____

5. **Change in Entity Status** (from status indicated above)

☐ Applicant certifying micro entity status. See 37 CFR 1.29

☐ Applicant asserting small entity status. See 37 CFR 1.27

☐ Applicant changing to regular undiscounted fee status.

NOTE: Absent a valid certification of Micro Entity Status (see forms PTO/SB/15A and 15B), issue fee payment in the micro entity amount will not be accepted at the risk of application abandonment.

NOTE: If the application was previously under micro entity status, checking this box will be taken to be a notification of loss of entitlement to micro entity status.

NOTE: Checking this box will be taken to be a notification of loss of entitlement to small or micro entity status, as applicable.

NOTE: This form must be signed in accordance with 37 CFR 1.31 and 1.33. See 37 CFR 1.4 for signature requirements and certifications.

Authorized Signature _____	Date _____
Typed or printed name _____	Registration No. _____



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17/959,202	10/03/2022	Kurt William Massey	140459-8002.US08	1028
25096 7590 08/31/2023 PERKINS COIE LLP - SEA General PATENT-SEA P.O. BOX 1247 SEATTLE, WA 98111-1247			EXAMINER MARSH, STEVEN M	
			ART UNIT 3632	PAPER NUMBER
DATE MAILED: 08/31/2023				

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (Applications filed on or after May 29, 2000)

The Office has discontinued providing a Patent Term Adjustment (PTA) calculation with the Notice of Allowance.

Section 1(h)(2) of the AIA Technical Corrections Act amended 35 U.S.C. 154(b)(3)(B)(i) to eliminate the requirement that the Office provide a patent term adjustment determination with the notice of allowance. See Revisions to Patent Term Adjustment, 78 Fed. Reg. 19416, 19417 (Apr. 1, 2013). Therefore, the Office is no longer providing an initial patent term adjustment determination with the notice of allowance. The Office will continue to provide a patent term adjustment determination with the Issue Notification Letter that is mailed to applicant approximately three weeks prior to the issue date of the patent, and will include the patent term adjustment on the patent. Any request for reconsideration of the patent term adjustment determination (or reinstatement of patent term adjustment) should follow the process outlined in 37 CFR 1.705.

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

OMB Clearance and PRA Burden Statement for PTOL-85 Part B

The Paperwork Reduction Act (PRA) of 1995 requires Federal agencies to obtain Office of Management and Budget approval before requesting most types of information from the public. When OMB approves an agency request to collect information from the public, OMB (i) provides a valid OMB Control Number and expiration date for the agency to display on the instrument that will be used to collect the information and (ii) requires the agency to inform the public about the OMB Control Number's legal significance in accordance with 5 CFR 1320.5(b).

The information collected by PTOL-85 Part B is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.** Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. 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 disclosure of these records is required by the Freedom of Information Act.
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 inspection 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.

Notice of Allowability	Application No. 17/959,202	Applicant(s) Massey, Kurt William	
	Examiner STEVEN M MARSH	Art Unit 3632	AIA (FITF) Status Yes

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Applicant's communication received on 25 August 2023.
☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on _____.

2. ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on _____; the restriction requirement and election have been incorporated into this action.

3. ☒ The allowed claim(s) is/are 27-62. As a result of the allowed claim(s), you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see http://www.uspto.gov/patents/init_events/pph/index.jsp or send an inquiry to PPHfeedback@uspto.gov.

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

Certified copies:

a) ☐ All b) ☐ Some* c) ☐ None of the:

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

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

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

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)	5. ☐ Examiner's Amendment/Comment
2. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____.	6. ☒ Examiner's Statement of Reasons for Allowance
3. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material _____.	7. ☐ Other _____.
4. ☐ Interview Summary (PTO-413), Paper No./Mail Date. _____.	

/STEVEN M MARSH/ Primary Examiner, Art Unit 3632	
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DETAILED ACTION

This is the second office action for US Application 17/959,202 for Adjustable Mounting Systems for Televisions.

Notice of Pre-AIA or AIA Status

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

Election/Restrictions

Claim 34 is allowable. The restriction requirement between species, as set forth in the Office action mailed on 17 February 2023, has been reconsidered in view of the allowability of claims to the elected invention pursuant to MPEP § 821.04(a). **The restriction requirement is hereby withdrawn as to any claim that requires all the limitations of an allowable claim.** Specifically, the restriction requirement of Species 6 is withdrawn. Claim 37, directed to a non-elected species is no longer withdrawn from consideration because the claim(s) requires all the limitations of an allowable claim.

In view of the above noted withdrawal of the restriction requirement, applicant is advised that if any claim presented in a divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application.

Once a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

Allowable Subject Matter

Claims 27-62 are allowed. The following is an examiner's statement of reasons for allowance: The prior art does not disclose or suggest a television mounting system with a support bracket and a display bracket, an arm assembly pivotally coupled to the support bracket and movable between a raised configuration and a lower configuration to position the display bracket at raised and lowered positions, respectively, wherein the arm assembly includes an upper arm and a lower arm, and a motorized actuator assembly having a support bracket end rotatably coupled to the arm assembly, wherein at least a portion of the motorized actuator assembly moves through an opening in the assembly and past a portion of the lower arm in a direction toward the display bracket when the arm assembly moves toward the raised configuration, and wherein the portion of the motorized actuator assembly moves away from the opening when the arm assembly moves toward the lowered configuration.

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

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to STEVEN M MARSH whose telephone number is (571)272-6819. The examiner can normally be reached Mon-Thurs 9 am-7:30 pm.

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, Terrell McKinnon can be reached on 571-272-4797. 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

Application/Control Number: 17/959,202
Art Unit: 3632

Page 5

(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.

STEVEN M. MARSH
Primary Examiner
Art Unit 3632

/STEVEN M MARSH/

Primary Examiner, Art Unit 3632



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
17/959,202	10/03/2022	Kurt William Massey	140459-8002.US08	1028
25096 7590 06/08/2023 PERKINS COIE LLP - SEA General PATENT-SEA P.O. BOX 1247 SEATTLE, WA 98111-1247			EXAMINER MARSH, STEVEN M	
			ART UNIT 3632	PAPER NUMBER
			NOTIFICATION DATE 06/08/2023	DELIVERY MODE 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):

patentprocurement@perkinscoie.com

Office Action Summary	Application No. 17/959,202	Applicant(s) Massey, Kurt William	
	Examiner STEVEN M MARSH	Art Unit 3632	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 24 April 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) 27-62 is/are pending in the application.
5a) Of the above claim(s) 37 is/are withdrawn from consideration.
- 6) ☒ Claim(s) 27,29-34,38-39 and 42-62 is/are allowed.
- 7) ☒ Claim(s) 32 is/are rejected.
- 8) ☒ Claim(s) 28,35-36 and 40-41 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 ____ 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: ____.

U.S. Patent and Trademark Office

PTOL-326 (Rev. 11-13)

Office Action Summary

Part of Paper No./Mail Date 20230603

DETAILED ACTION

This is the first office action for US Application 17/959,202 for Adjustable Mounting Systems for Televisions.

Notice of Pre-AIA or AIA Status

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

Claim Objections

Claims 28, 35, 36, 40, and 41 are objected to because of the following informalities: Line 2 of claims 28, 35, 36 and 40, the word "rotatably" should be deleted and replaced with - - rotatable - -. Line 2 of claims 35 and 36, the word "an" should be deleted and replaced with - - a - -. Line 2 of claim 41, the word - - a - - should be inserted after "in". Line 3 of claim 41, the word - - the - - should be inserted after "from". Appropriate correction is required.

Claim Rejections - 35 USC § 112

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.

The following is a quotation of 35 U.S.C. 112 (pre-AIA), second paragraph:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 32 is 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 32 recites the limitation "the television" in lines 2 and 3. There is insufficient antecedent basis for this limitation in the claim.

Allowable Subject Matter

Claims 27, 29-34, 38, 39 and 42-62 are allowed. Claim 32 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112(b) or 35 U.S.C. 112 (pre-AIA), 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 2013/0221174 to Sapper

US 2013/0082156 to Conner

US 2013/0032682 to Bell

US 20160120309 to Brandt

The above prior art discloses various display mounting systems.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to STEVEN M MARSH whose telephone number is (571)272-6819. The examiner can normally be reached Mon-Thurs 9 am-7:30 pm.

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, Terrell McKinnon can be reached on 571-272-4797. 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.

STEVEN M. MARSH
Primary Examiner
Art Unit 3632

/STEVEN M MARSH/
Primary Examiner, Art Unit 3632

<i>Notice of References Cited</i>	Application/Control No. 17/959,202		Applicant(s)/Patent Under Reexamination Massey, Kurt William	
	Examiner STEVEN M MARSH		Art Unit 3632	Page 1 of 1

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Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	17/959,202
	Filing Date	2022-10-03
	First Named Inventor	Kurt William Massey
	Art Unit	Not Yet Known
	Examiner Name	Not Yet Known
	Attorney Docket Number	140459-8002.US08

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	First Named Inventor	Kurt William Massey
	Art Unit	Not Yet Known
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	Art Unit	Not Yet Known
	Examiner Name	Not Yet Known
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	Examiner Name	Not Yet Known
	Attorney Docket Number	140459-8002.US08

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EXAMINER SIGNATURE

Examiner Signature	/STEVEN M MARSH/	Date Considered	06/03/2023
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ See Kind Codes of USPTO Patent Documents at www.USPTO.GOV or MPEP 901.04. ² Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). ³ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.

⁴ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁵ Applicant is to place a check mark here if English language translation is attached.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Kurt William Massey

Application No.: 17/959,202

Filed: October 3, 2022

For: ADJUSTABLE MOUNTING
SYSTEMS FOR TELEVISIONS

Conf. No.: 1028

Art Unit: 3632

Examiner: Steven M. Marsh

Customer No. 25096

RESPONSE TO SPECIES ELECTION

MAIL STOP AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Commissioner:

In response to the Species Election dated February 17, 2023, please amend the above-identified application as follows:

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

Remarks/Arguments begin on page 11 of this paper.

AMENDMENTS TO THE CLAIMS

1-26. (Canceled)

27. (Currently Amended) A television mounting system comprising:
a support bracket configured to couple to a wall;
a display bracket configured to hold a television;
an arm assembly pivotally coupled to the support bracket and movable between a raised configuration to position the display bracket at a raised position and a lowered configuration to position the display bracket at a lowered position, wherein the arm assembly includes an upper arm and a lower arm; and
a motorized actuator assembly having a support bracket end rotatably coupled to the support bracket and a display bracket end rotatably coupled to the arm assembly, wherein at least a portion of the motorized actuator assembly moves through an opening in the ~~lower arm assembly~~ and past a portion of the lower arm in a direction toward the display bracket when the arm assembly moves toward the raised configuration, wherein the portion of the motorized actuator assembly moves away from the opening when the arm assembly moves toward the lowered configuration.

28. (Previously Presented) The television mounting system of claim 27, wherein the lower arm is rotatably about a first axis of rotation and a second axis of rotation, wherein the portion of the motorized actuator assembly is positioned forwardly, in a direction toward the display bracket, of the first axis of rotation and the second axis of rotation when the arm assembly is in the raised configuration.

29. (Currently Amended) The television mounting system of claim 27, wherein the portion of the motorized actuator assembly is movable forwardly past at least a portion of the lower arm laterally adjacent the opening ~~motorized actuator assembly~~.

30. (Previously Presented) The television mounting system of claim 27, wherein the portion of the motorized actuator assembly is spaced vertically apart from the opening when the arm assembly is in the lowered configuration.

31. (Previously Presented) The television mounting system of claim 27, wherein the motorized actuator assembly includes a motor and an extendable member.

32. (Previously Presented) The television mounting system of claim 27, further comprising a programmable control device configured to store user-set positions for the television.

33. (Previously Presented) The television mounting system of claim 27, further including:

- a wireless controller configured to control operation of the motorized actuator assembly and to program the television mounting system with user-set position settings.

34. (Previously Presented) A television mounting system for raising and lowering a television, the television mounting system comprising:

- a support bracket;

- a display bracket;

- a linkage assembly pivotally coupled to the support bracket and movable to raise and lower the display bracket, the linkage assembly includes an upper arm and a lower arm;

- a motorized actuator assembly operable to cause movement of the display bracket, wherein at least a portion of the motorized actuator assembly moves forwardly past a portion of the lower arm in a direction toward the display bracket when the linkage assembly moves toward a raised configuration, wherein the portion of the motorized actuator assembly is

positioned vertically between the upper arm and the lower arm when the linkage assembly is in a lowered configuration; and
a programmable control system configured to be in communication with the motorized actuator assembly.

35. (Previously Presented) The television mounting system of claim 34, wherein the lower arm is rotatably about an first axis of rotation and a second axis of rotation, wherein the portion of the motorized actuator assembly is positioned forwardly, in a direction away from the support bracket, of the first axis of rotation and the second axis of rotation when the linkage assembly is in the raised configuration.

36. (Previously Presented) The television mounting system of claim 34, wherein the lower arm is rotatably about an first axis of rotation and a second axis of rotation, wherein the portion of the motorized actuator assembly is positioned forward of an imaginary plane passing through the first axis of rotation and the second axis of rotation in a direction toward the display bracket when the linkage assembly is in the raised configuration.

37. (Withdrawn) The television mounting system of claim 34, wherein the lower arm includes a pair of links rotatably coupled to the support bracket.

38. (Previously Presented) The television mounting system of claim 34, wherein the portion of the motorized actuator assembly is configured to pass through an opening defined by the linkage assembly.

39. (Previously Presented) The television mounting system of claim 34, wherein the portion of the motorized actuator assembly is closer to the display bracket than a backside of the support bracket when the linkage assembly is in the raised

configuration, wherein the backside of the support bracket is configured to face a wall to which the support bracket is mounted.

40. (Previously Presented) The television mounting system of claim 34, wherein the lower arm is rotatably about a first axis of rotation and a second axis of rotation, wherein the motorized actuator assembly is rotatable about an actuator axis of rotation relative to the support bracket, wherein the actuator axis of rotation is spaced vertically apart from the first axis of rotation.

41. (Previously Presented) The television mounting system of claim 34, wherein the portion of the motorized actuator assembly moves past the lower arm in direction away from support bracket when the linkage assembly moves toward the raised configuration, and wherein the portion of the motorized actuator assembly moves away from the lower arm in a vertical direction when the linkage assembly moves toward the lowered configuration.

42. (Previously Presented) The television mounting system of claim 34, wherein the motorized actuator assembly moves away from the lower arm when the linkage assembly moves toward the lowered configuration.

43. (Previously Presented) The television mounting system of claim 34, wherein the control system includes

- a control device connected to the motorized actuator assembly via a wired or wireless connection, and
- a remote control configured to wirelessly communicate with the control device.

44. (Previously Presented) A television mounting system, comprising:
a support bracket;
a display bracket;

- a linkage assembly pivotally coupled to the support bracket and movable to raise and lower the display bracket;
- a motorized actuator assembly coupled to a linkage assembly, wherein at least a portion of the motorized actuator assembly moves into and past an opening defined by the linkage assembly in a direction toward the display bracket when the linkage assembly moves toward a raised configuration; and
- a programmable control system in communication with the motorized actuator assembly and including one or more processors and memory, wherein the memory stores at least one position setting.

45. (Previously Presented) The television mounting system of claim 44, wherein the linkage assembly includes a lower arm rotatably about an first axis of rotation and a second axis of rotation to move the display bracket forward away from the support bracket, wherein the portion of the motorized actuator assembly is positioned forward of the first axis of rotation and the second axis of rotation when the linkage assembly is in the raised configuration.

46. (Previously Presented) The television mounting system of claim 44, wherein the linkage assembly includes a lower arm is rotatably about an first axis of rotation and a second axis of rotation, wherein the portion of the motorized actuator assembly is positioned forward of the first axis of rotation and the second axis of rotation in a direction toward the display bracket when the linkage assembly is in the raised configuration.

47. (Currently Amended) The television mounting system of claim 44, wherein the portion of the motorized actuator assembly protrudes through an opening defined by ~~a lower arm of~~ the linkage assembly.

48. (Previously Presented) The television mounting system of claim 44, wherein the portion of the motorized actuator assembly is closer to the display bracket than a backside of the support bracket when the linkage assembly is in the raised configuration, wherein the backside of the support bracket is configured to face a wall to which the television mounting system is mounted.

49. (Previously Presented) The television mounting system of claim 44, wherein the programmable control system is configured to automatically move the display bracket to the at least one position setting based on received user input.

50. (Previously Presented) The television mounting system of claim 44, wherein the programmable control system includes a wireless receiver in communication with the memory and the one or more processors.

51. (Previously Presented) The television mounting system of claim 44, further comprising a pivot rotatably coupling an end of the motorized actuator assembly to the support bracket, wherein the pivot is positioned vertically between upper and lower support bracket pivots about which components of the linkage assembly rotate relative to the support bracket when the support bracket is coupled to a vertical wall.

52. (Currently Amended) A television mounting system comprising:
a support bracket;
a display bracket configured to carry a television;
an arm assembly pivotally coupled to the support bracket and movable between a first configuration for holding the display bracket at a first position and a second configuration for holding the display bracket at a second position different from the first position;

a motorized actuator assembly having a portion that moves outwardly past a side ~~sides~~ of a lower arm of the arm assembly in a direction away from the support bracket while the display bracket moves to a raised position; and
a control system configured be programmed by a user to control operation of the motorized actuator assembly.

53. (Previously Presented) The television mounting system of claim 52, wherein the arm assembly includes a lower arm extending between a first axis of rotation and a second axis of rotation, wherein the portion of the motorized actuator assembly is positioned forward of the first axis of rotation and the second axis of rotation when the arm assembly is in a raised configuration.

54. (Previously Presented) The television mounting system of claim 53, wherein the first axis of rotation and the second axis of rotation are spaced apart below an extendable actuator of the motorized actuator assembly when the arm assembly is in a lowered configuration.

55. (Previously Presented) The television mounting system of claim 52, wherein the arm assembly includes a lower arm is rotatable about to a first axis of rotation and a second axis of rotation, wherein the portion of the motorized actuator assembly is positioned forward, toward the display bracket, of an imaginary plane extending between the first axis of rotation and the second axis of rotation when the arm assembly is in the raised configuration.

56. (Currently Amended) The television mounting system of claim 55, wherein the imaginary plane moves away from and is spaced apart from the portion of the motorized actuator assembly when the arm assembly is in a lowered forward configuration.

57. (Previously Presented) The television mounting system of claim 52, wherein the portion of the motorized actuator assembly protrudes through an opening defined by the lower arm.

58. (Previously Presented) The television mounting system of claim 52, wherein the portion of the motorized actuator assembly is closer to the display bracket than a backside of the support bracket when the arm assembly is in the first configuration, and wherein the backside of the support bracket is configured to face a wall to which the television mounting system is mounted.

59. (Previously Presented) A television mounting system comprising:
a support bracket configured to couple to a wall;
a display bracket configured to hold a television;
an arm assembly pivotally coupled to the support bracket and movable between a raised configuration to position the display bracket at a raised position and a lowered configuration to position the display bracket at a lowered position, wherein the arm assembly includes an upper arm and a lower arm; and
a motorized actuator assembly having a support bracket end rotatably coupled to the support bracket and a display bracket end rotatably coupled to the arm assembly, wherein at least a portion of the motorized actuator assembly moves toward and past a portion of the lower arm when the arm assembly moves toward the raised configuration.

60. (Previously Presented) The television mounting system of claim 59, wherein the portion of the motorized actuator assembly moves away from and is vertically spaced apart from the lower arm when the arm assembly is in the lowered configuration.

61. (Previously Presented) The television mounting system of claim 59, wherein the lower arm extends between a first axis of rotation and a second axis of rotation,

wherein the portion of the motorized actuator assembly is positioned forward of the first axis of rotation and the second axis of rotation when the arm assembly is at the raised configuration.

62. (Previously Presented) The television mounting system of claim 61, wherein the first axis of rotation and the second axis of rotation are spaced apart from and located below an extendable actuator of the motorized actuator assembly when the arm assembly is in the lowered configuration.

REMARKS

By this response, claims 27, 29, 47, 52, and 56 amended herein. Claim 37 is withdrawn in view of the species election discussed below. No new matter has been added by way of these amendments. No claims have been cancelled or added herein. Accordingly, claims 27-62 are pending.

Species Election

The February 17, 2023 Species Election requires Applicant to elect a single disclosed species. The examiner found the following patentably distinct species:

Species 1 shown in figures 1-17,
Species 2 shown in figures 18-26,
Species 3 shown in figure 27,
Species 4 shown in figure 28,
Species 5 shown in figures 29-40,
Species 6 shown in figures 41-55,
Species 7 shown in figures 56-59,
Species 8 shown in figures 60-62A,
Species 9 shown in figure 63,
Species 10 shown in figures 64-68B,
Species 11 shown in figures 69 and 70,
Species 12 shown in figure 71, and
Species 13 shown in figures 72-73A.

Applicant hereby elects Species 6 (Figures 41-55) without traverse. Applicant believes pending claims 27-36 and 38-62 are readable on Species 6 and should be examined together.

Rejoinder

Upon the allowance of a generic claim, Applicant will be entitled to consideration of claims to additional species that require all the limitations of an allowed generic claim.

CONCLUSION

In view of the above, Applicant respectfully requests the application be allowed. Applicant reserves the right to pursue any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

Please charge any underpayment or credit any overpayment to Deposit Account No. **50-0665**, under Order No. 140459-8002.US08 from which the undersigned is authorized to draw.

Dated: 4/24/2023

Respectfully submitted,

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

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

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

patentprocurement@perkinscoie.com

DETAILED ACTION

This is the first office action for US Application 17/959,202 for Adjustable Mounting Systems for Televisions.

Notice of Pre-AIA or AIA Status

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

Election/Restrictions

This application contains claims directed to the following patentably distinct species: Species 1 shown in figures 1-17, Species 2 shown in figures 18-26, Species 3 shown in figure 27, Species 4 shown in figure 28, Species 5 shown in figures 29-40, Species 6 shown in figures 41-55, Species 7 shown in figures 56-59, Species 8 shown in figures 60-62A, Species 9 shown in figure 63, Species 10 shown in figures 64-68B, Species 11 shown in figures 69 and 70, Species 12 shown in figure 71, and Species 13 shown in figures 72-73A. The species are independent or distinct because the species discloses independent or distinct television mounting systems. In addition, these species are not obvious variants of each other based on the current record.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species, or a single grouping of patentably indistinct species, for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claim is generic.

There is a search and/or examination burden for the patentably distinct species as set forth above because at least the following reason(s) apply: the species or groupings of patentably indistinct species require a different field of search (e.g., searching different classes/subclasses or electronic resources, or employing different search strategies or search queries).

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species to be examined even though the requirement may be traversed (37 CFR 1.143) **and (ii) identification of the claims encompassing the elected species or grouping of patentably indistinct species**, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

The election may be made with or without traverse. To preserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the election of species requirement, the election shall be treated as an election without traverse. Traversal must be presented at the time of election in order to be considered timely. Failure to timely traverse the requirement will result in the loss of right to petition under 37 CFR 1.144. If claims are added after the election, applicant must indicate which of these claims are readable on the elected species or grouping of patentably indistinct species.

Should applicant traverse on the ground that the species, or groupings of patentably indistinct species from which election is required, are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing them to be obvious variants or clearly admit on the record that this is the case. In either

instance, if the examiner finds one of the species unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103 or pre-AIA 35 U.S.C. 103(a) of the other species.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to STEVEN M MARSH whose telephone number is (571)272-6819. The examiner can normally be reached on Mon-Thurs 9 am-7:30 pm.

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, Terrell McKinnon can be reached on 571-272-4797. 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.

STEVEN M. MARSH
Primary Examiner
Art Unit 3632

/STEVEN M MARSH/

Primary Examiner, Art Unit 3632