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NOTICE OF ALLOWANCE AND FEE(S) DUE

25096 7590 05/31/2022
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: 05/31/2022

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
16/924,551	07/09/2020	Kurt William Massey	140459-8002.US04	3656

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	\$600	\$0.00	\$0.00	\$600	08/31/2022

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 1/2 the amount of undiscounted fees, and micro entity fees are 1/2 the amount of small entity 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 including the Patent, advance orders and notification of maintenance fees 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.

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

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.

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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)

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16/924,551	07/09/2020	Kurt William Massey	140459-8002.US04	3656

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nonprovisional	SMALL	\$600	\$0.00	\$0.00	\$600	08/31/2022

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,

1 _____

(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.

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) ☐ Advance Order - # of Copies _____

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

☐ Electronic Payment via 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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SEATTLE, WA 98111-1247			PAPER NUMBER	
			3632	

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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) 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. 16/924,551	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 4 April 2022.
☐ 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 56-82. 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 third office action for US Application 16/924,551 for an Adjustable Mounting System 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 56 is allowable. The restriction requirement between species, as set forth in the Office action mailed on 27 May 2021, 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 between species is withdrawn. Claim 57, 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 continuation or 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 56-82 are allowed.

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 <https://ppair->

my.uspto.gov/pair/PrivatePair. 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

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Kurt William Massey et al.

Application No.: 16/924,551

Confirmation No.: 3656

Filed: July 9, 2020

Art Unit: 3632

For: ADJUSTABLE MOUNTING SYSTEMS FOR
TELEVISIONS

Examiner: Steven M. Marsh

AMENDMENT

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

Dear Commissioner:

In response to the Non-Final Office Action mailed on December 9, 2021, please amend the above-identified U.S. patent application as follows:

INTRODUCTORY COMMENTS

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

Remarks/Arguments begin on page 9 of this paper.

AMENDMENTS TO THE CLAIMS

Please amend the claims as follows:

1-55. (Canceled)

56. (Previously Presented) A collapsible television mounting system for moving a television between a raised position and a lowered position, the television mounting system comprising:

- a support bracket configured to couple to a wall;
- a display bracket configured to hold a television;
- a collapsible linkage assembly pivotally coupled to the support bracket and movable between a raised configuration for holding the television at a raised position and a lowered configuration to hold the display bracket at a lowered position, the linkage assembly includes
 - an upper arm rotatable about an upper axis of rotation to move relative to the support bracket, and
 - a lower arm rotatable about a lower axis of rotation to move relative to the support bracket;
- an actuator holder including
 - a pair of spaced apart plates coupled to the support bracket,
 - a pin extending between the pair of the spaced apart plates and positioned generally between the lower axis of rotation than the upper axis of rotation; and
- a motorized actuator assembly having a first end coupled to the pin and a second end rotatably coupled to the linkage, wherein the motorized actuator assembly is configured to extend to move the linkage assembly from the lowered configuration to the raised configuration, wherein at least a

portion of the motorized actuator assembly extends outwardly past the lower arm in a direction toward the display bracket when the linkage assembly moves toward the raised configuration to collapse the television mounting system.

57. (Withdrawn) The television mounting system of claim 56, wherein the lower arm includes a pair of spaced apart links.

58. (Previously Presented) The television mounting system of claim 56, wherein the lower arm includes a plurality of openings spaced apart along a longitudinal length of the lower arm.

59. (Previously Presented) The television mounting system of claim 56, wherein the motorized actuator assembly includes a motor and an extendable member.

60. (Previously Presented) The television mounting system of claim 56, wherein the television mounting system includes a programmable control device configured to store user-set positions for avoiding contact with one or more objects, wherein the motorized actuator assembly is controllable via a wireless controller.

61. (Previously Presented) The television mounting system of claim 56, 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.

62. (Previously Presented) The television mounting system of claim 56, further including memory configured to store user-set position settings.

63. (Previously Presented) The television mounting system of claim 56, further comprising a control system programmed to control operation of the motorized actuator assembly such that the television mounting system avoids striking a mantelshelf positioned below the support bracket.

64. (Currently Amended) 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;

a motorized actuator assembly operable to cause movement of the display bracket, wherein at least a portion of the motorized actuator assembly extends outwardly past the linkage assembly and toward the display bracket when the linkage assembly moves toward a raised configuration coupled to a linkage assembly; 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 user-set position setting and programming to cause the motorized actuator assembly to move the television to the at least one user-set position setting.

65. (Previously Presented) The television mounting system of claim 64, 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.

66. (Previously Presented) The television mounting system of claim 64, wherein the programmable control system is configured to communicate with a voice-controlled IoT hub.

67. (Previously Presented) The television mounting system of claim 64, wherein the programmable control system includes one or more buttons for inputting the at least one user-set position setting.

68. (Currently Amended) 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;

a motorized actuator assembly coupled to a linkage assembly. The television mounting system of claim 64, wherein at least a portion of the motorized actuator assembly extends outwardly past the linkage assembly in a direction toward the display bracket when the linkage assembly moves toward a raised collapsed 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 user-set position setting and programming to

cause the motorized actuator assembly to move the television to the at least one user-set position setting.

69. (Previously Presented) The television mounting system of claim 64, wherein the at least one user-set position setting includes a stowed setting for viewing the television at a raised television position and a lowered setting for viewing the television at a lowered television position.

70. (Previously Presented) The television mounting system of claim 64, wherein the memory stores the at least one user-set position setting provided via a controller.

71. (Previously Presented) The television mounting system of claim 64, further including:

a wireless controller configured to control operation of the motorized actuator assembly and to program a control device to store position settings for the television.

72. (Previously Presented) The television mounting system of claim 64, wherein the programmable control system is programmed to receive one or more signals from a controller, and control the motorized actuator assembly to move the linkage assembly based on the received one or more signals.

73. (Previously Presented) The television mounting system of claim 64, further comprising one or more microphones configured to receive voice commands.

74. (Previously Presented) The television mounting system of claim 64, wherein the programmable control system is configured to automatically move the display bracket to one of the user-set position settings based on received user input.

75. (Previously Presented) The television mounting system of claim 64, wherein the programmable control system includes a wireless receiver in communication with the memory and the one or more processors.

76. (Currently Amended) A television mounting system for raising and lowering a television, the television mounting system comprising:

a support bracket;

a display bracket;

an arm assembly pivotally coupled to the support bracket and movable between a first configuration for holding the television 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 that moves outwardly past 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 and including

one or more processors, and

memory configured to store user-set positions and programming executable by the one or more processors to cause the motorized actuator assembly to operate to move the display bracket to one of the user-set positions.

77. (Previously Presented) The television mounting system of claim 76, wherein the user-set positions include a stowed setting and a lowered setting.

78. (Previously Presented) The television mounting system of claim 76, wherein the control system is programmable to cause the display bracket to be automatically moved to the one of the user-set positions in response to input from the user.

79. (Previously Presented) The television mounting system of claim 76, wherein the control system is programmable to avoid contact with one or more objects within a range of motion of the television mounting system.

80. (Previously Presented) The television mounting system of claim 76, wherein the arm assembly and the support bracket form a four-bar linkage or a five-bar linkage.

81. (Previously Presented) The television mounting system of claim 76, wherein the control system includes a control device connected to the motorized actuator assembly via a wired connection.

82. (Previously Presented) The television mounting system of claim 76, wherein the motorized actuator assembly is pivotally coupled to the arm assembly.



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PERKINS COIE LLP - SEA General			MARSH, STEVEN M	
PATENT-SEA			ART UNIT	
P.O. BOX 1247			PAPER NUMBER	
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			NOTIFICATION DATE	
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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

Office Action Summary

Application No.

16/924,551

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 November 2021.

☐ 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) 56-82 is/are pending in the application.

5a) Of the above claim(s) 57 is/are withdrawn from consideration.

6) ☒ Claim(s) 56 and 58-63 is/are allowed.

7) ☒ Claim(s) 64-67 and 69-82 is/are rejected.

8) ☒ Claim(s) 68 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)

3) ☐ Interview Summary (PTO-413)

Paper No(s)/Mail Date ____.

2) ☒ Information Disclosure Statement(s) (PTO/SB/08a and/or PTO/SB/08b)

4) ☐ Other: ____.

Paper No(s)/Mail Date ____.

DETAILED ACTION

This is the second office action for US Application 16/924,551 for an Adjustable Mounting System 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

Applicant's election with traverse of Species 7 in the reply filed on 24 November 2021 is acknowledged. The traversal is on the ground(s) that Species 6-11 all show the same species. This is not found persuasive because while the Examiner agrees that Species 6 and 7 show the same species, Species 8-11 appear to show different species.

The requirement is still deemed proper and is therefore made FINAL.

Claim 57 is withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 24 November 2021.

Claim Rejections - 35 USC § 103

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.

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

A patent for a claimed invention may not be obtained, notwithstanding that the claimed invention is not identically disclosed as set forth in section 102, if the differences between the claimed invention and the prior art are such that the claimed invention as a whole would have been obvious before the effective filing date of the claimed invention to a person having ordinary skill in the art to which the claimed invention pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103 are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 64-82 is/are rejected under 35 U.S.C. 103 as being unpatentable over US 8,074,950 to Clary in view of US 2009/0050757 to Oh et al. Regarding claim 64, Clary discloses a television mounting system for raising and lowering a television comprising a support bracket (1), a display bracket (3), and a linkage assembly (5, 6) pivotally coupled to the support bracket and movable to raise and lower the display bracket.

Clary does not disclose a motorized actuator coupled to a linkage assembly. Oh et al. provides teaching for utilizing at least one motorized actuator (18) coupled to a

television holding apparatus to move the television holding apparatus to various viewing positions. It would have been obvious to one ordinary skill in the art at the effective filing date of the present invention to have utilized a motor with the television holding apparatus of Clary for the purpose of moving the television into various positions as taught by Oh et al. One of ordinary skill in the art would have been motivated to provide an automated method for adjusting the television to decrease the effort required by a user to adjust the television.

Clary in view of Oh et al. does not disclose a programmable control system in communication with the motorized actuator assembly, and including or more processors and memory, wherein the memory stores at least one user-set position setting and programming to cause the motorized actuator assembly to move the television to the at least one user-set position. However, setting memorized positions in a movable bracket is a method well-known in the art and it would be obvious to one of ordinary skill in the art at the effective filing date of the present invention, to have utilized a control device with one or more processors and memory with the device of Clary in view of Oh et al., to position the holder at a user selected raising or lowering position and swivel the bracket to a user-selected viewing position.

Regarding claim 65, Oh et al. discloses 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 (see paragraph 37 describing a remote and receiver for controlling motor 18).

Regarding claim 66, Clary in view of Oh et al. does not disclose the programmable control system as configured to communicate with a voice-controlled IoT

hub. However, control devices with voice command are well known in the art and it would have been obvious to one of ordinary skill in the art to utilize one to control the holder.

Regarding claim 67, Clary in view of Oh et al. does not disclose the programmable control system as including one or more buttons for inputting the at least one user-set position setting. However, the type of input utilized on a remote control is a design preference, and it would have been obvious to one of ordinary skill in the art at the effective filing date of the present invention to have utilized a known input such as a button on the remote control taught by Oh et al.

Regarding claim 69, the at least one user-set position setting would inherently include a stowed setting for viewing the television at a raised position and a lowered setting for viewing the television at a lowered television position, because Clary discloses a raised television viewing position and a lowered television viewing position.

Regarding claim 70, the memory would store the at least one user-set position setting provided via the controller taught by Clary in view of Oh et al.

Regarding claim 71, the combination taught by Clary in view of Oh et al. teaches a wireless controller configured to control operation of the motorized actuator assembly, and to program a control device to store position settings for the television (see paragraph 37 of Oh et al.).

Regarding claim 72, the programmable control system of the combination taught by Clary in view of Oh et al. would be programmed to receive one or more signals from a controller, and control the motorized actuator assembly to move the linkage assembly based on the received one or more signals (see paragraph 37 of Oh et al.).

Regarding claim 73, the television mounting system does not disclose one or more microphones configured to receive voice commands. However, control devices with voice command are well known in the art and it would have been obvious to one of ordinary skill in the art to utilize one to control the holder. Microphones are a well-known mechanism for providing voice operated control on a mechanism, and the type of voice input device is a design preference that would have been obvious to one of ordinary skill in the art at the effective filing date of the present invention.

Regarding claim 74, the programmable control system of Clary in view of Oh et al. would be configured to automatically move the display bracket to one of the user-set position settings based on user input.

Regarding claim 75, the programmable control system includes a wireless receiver in communication with the memory and the one or more processors (see paragraph 37 of Oh et al.).

Regarding claim 76, Clary discloses a television mounting system for raising and lowering a television comprising a support bracket (1), a display bracket (3), and an arm assembly (5, 6) pivotally coupled to the support bracket and movable between a first configuration for holding the television at a first position, and a second configuration for holding the display bracket at a second position different from the first position.

Clary does not disclose a motorized actuator coupled to a linkage assembly. Oh et al. provides teaching for utilizing at least one motorized actuator (18) coupled to a television holding apparatus to move the television holding apparatus to various viewing positions. It would have been obvious to one of ordinary skill in the art at the effective filing date of the present invention to have utilized a motor with the television holding

apparatus of Clary for the purpose of moving the television into various positions as taught by Oh et al. One of ordinary skill in the art would have been motivated to provide an automated method for adjusting the television to decrease the effort required by a user to adjust the television.

Clary in view of Oh et al. does not disclose a programmable control system in communication with the motorized actuator assembly, and including or more processors and memory, wherein the memory stores at least one user-set position setting and programming to cause the motorized actuator assembly to move the television to the at least one user-set position. However, setting memorized positions in a movable bracket is a method well-known in the art and it would be obvious to one of ordinary skill in the art at the effective filing date of the present invention, to have utilized a control device with one or more processors and memory with the device of Clary in view of Oh et al., to position the holder at a user selected raising or lowering position and swivel the bracket to a user-selected viewing position.

Regarding claim 77, the at least one user-set position setting would inherently include a stowed setting for viewing the television at a raised position and a lowered setting for viewing the television at a lowered television position, because Clary discloses a raised television viewing position and a lowered television viewing position.

Regarding claim 78, the programmable control system of Clary in view of Oh et al. would be configured to automatically move the display bracket to one of the user-set position settings based on user input.

Regarding claim 79, the control system of Clary in view of Oh et al. could be programmed to avoid contact with one or more objects within a range of motion of the television mounting system

Regarding claim 80, Clary discloses the arm assembly and the support bracket as forming a four-bar or five-bar linkage.

Regarding 81, Clary in view of Oh et al. does not disclose the control system as including a control device connected to the motor actuator assembly via a wired connection. However, connecting a control device via a wired or wireless connection is a design preference that would have been obvious to one of ordinary skill in the art.

Regarding claim 82, Oh et al. discloses the motorized actuator assembly as pivotally coupled to the arm assembly (see figures 8 and 10).

Allowable Subject Matter

Claims 56 and 58-63 are allowed. Claim 68 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including 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 2002/0033436 to Peng et al.

US 2007/0007412 to Wang

US 8333355 to Stifal et al.

The above patents disclose various display holders.

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 <https://ppair-my.uspto.gov/pair/PrivatePair>. 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

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Kurt William Massey

Application No.: 16/924,551

Confirmation No.: 3656

Filed: July 9, 2020

Art Unit: 3632

For: ADJUSTABLE MOUNTING SYSTEMS FOR
TELEVISIONS

Examiner: Steven M. Marsh

RESPONSE TO RESTRICTION REQUIREMENT

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

Dear Commissioner:

In response to the Restriction Requirement mailed on May 27, 2021, please amend the above-identified U.S. patent application as follows:

INTRODUCTORY COMMENTS

Listing of the Claims begin on page 2 of this paper.

Remarks/Arguments begin on page 8 of this paper.

LISTING OF THE CLAIMS

Please amend the claims as follows:

1-55. (Canceled)

56. (Previously Presented) A collapsible television mounting system for moving a television between a raised position and a lowered position, the television mounting system comprising:

- a support bracket configured to couple to a wall;
- a display bracket configured to hold a television;
- a collapsible linkage assembly pivotally coupled to the support bracket and movable between a raised configuration for holding the television at a raised position and a lowered configuration to hold the display bracket at a lowered position, the linkage assembly includes
 - an upper arm rotatable about an upper axis of rotation to move relative to the support bracket, and
 - a lower arm rotatable about a lower axis of rotation to move relative to the support bracket;
- an actuator holder including
 - a pair of spaced apart plates coupled to the support bracket,
 - a pin extending between the pair of the spaced apart plates and positioned generally between the lower axis of rotation than the upper axis of rotation; and
- a motorized actuator assembly having a first end coupled to the pin and a second end rotatably coupled to the linkage, wherein the motorized actuator assembly is configured to extend to move the linkage assembly from the lowered configuration to the raised configuration, wherein at least a

portion of the motorized actuator assembly extends outwardly past the lower arm in a direction toward the display bracket when the linkage assembly moves toward the raised configuration to collapse the television mounting system.

57. (Withdrawn) The television mounting system of claim 56, wherein the lower arm includes a pair of spaced apart links.

58. (Previously Presented) The television mounting system of claim 56, wherein the lower arm includes a plurality of openings spaced apart along a longitudinal length of the lower arm.

59. (Previously Presented) The television mounting system of claim 56, wherein the motorized actuator assembly includes a motor and an extendable member.

60. (Previously Presented) The television mounting system of claim 56, wherein the television mounting system includes a programmable control device configured to store user-set positions for avoiding contact with one or more objects, wherein the motorized actuator assembly is controllable via a wireless controller.

61. (Previously Presented) The television mounting system of claim 56, 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.

62. (Previously Presented) The television mounting system of claim 56, further including memory configured to store user-set position settings.

63. (Previously Presented) The television mounting system of claim 56, further comprising a control system programmed to control operation of the motorized actuator assembly such that the television mounting system avoids striking a mantelshelf positioned below the support bracket.

64. (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;
- a motorized actuator assembly coupled to a linkage assembly; 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 user-set position setting and programming to cause the motorized actuator assembly to move the television to the at least one user-set position setting.

65. (Previously Presented) The television mounting system of claim 64, 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.

66. (Previously Presented) The television mounting system of claim 64, wherein the programmable control system is configured to communicate with a voice-controlled IoT hub.

67. (Previously Presented) The television mounting system of claim 64, wherein the programmable control system includes one or more buttons for inputting the at least one user-set position setting.

68. (Previously Presented) The television mounting system of claim 64, wherein at least a portion of the motorized actuator assembly extends outwardly past the linkage assembly in a direction toward the display bracket when the linkage assembly moves toward a raised collapsed configuration.

69. (Previously Presented) The television mounting system of claim 64, wherein the at least one user-set position setting includes a stowed setting for viewing the television at a raised television position and a lowered setting for viewing the television at a lowered television position.

70. (Previously Presented) The television mounting system of claim 64, wherein the memory stores the at least one user-set position setting provided via a controller.

71. (Previously Presented) The television mounting system of claim 64, further including:

a wireless controller configured to control operation of the motorized actuator assembly and to program a control device to store position settings for the television.

72. (Previously Presented) The television mounting system of claim 64, wherein the programmable control system is programmed to receive one or more signals from a controller, and control the motorized actuator assembly to move the linkage assembly based on the received one or more signals.

73. (Previously Presented) The television mounting system of claim 64, further comprising one or more microphones configured to receive voice commands.

74. (Previously Presented) The television mounting system of claim 64, wherein the programmable control system is configured to automatically move the display bracket to one of the user-set position settings based on received user input.

75. (Previously Presented) The television mounting system of claim 64, wherein the programmable control system includes a wireless receiver in communication with the memory and the one or more processors.

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

a support bracket;

a display bracket;

an arm assembly pivotally coupled to the support bracket and movable between a first configuration for holding the television 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; and

a control system configured be programmed by a user and including one or more processors, and

memory configured to store user-set positions and programming executable by the one or more processors to cause the motorized actuator assembly to operate to move the display bracket to one of the user-set positions.

77. (Previously Presented) The television mounting system of claim 76, wherein the user-set positions include a stowed setting and a lowered setting.

78. (Previously Presented) The television mounting system of claim 76, wherein the control system is programmable to cause the display bracket to be automatically moved to the one of the user-set positions in response to input from the user.

79. (Previously Presented) The television mounting system of claim 76, wherein the control system is programmable to avoid contact with one or more objects within a range of motion of the television mounting system.

80. (Previously Presented) The television mounting system of claim 76, wherein the arm assembly and the support bracket form a four-bar linkage or a five-bar linkage.

81. (Previously Presented) The television mounting system of claim 76, wherein the control system includes a control device connected to the motorized actuator assembly via a wired connection.

82. (Previously Presented) The television mounting system of claim 76, wherein the motorized actuator assembly is pivotally coupled to the arm assembly.