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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
17/018,099	09/11/2020	Jason Wersland	76840-5090	2849

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JEFFER, MANGELS, BUTLER & MITCHELL, LLP
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EXAMINER

STUART, COLIN W

ART UNIT	PAPER NUMBER
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3785

NOTIFICATION DATE	DELIVERY MODE
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07/19/2021

ELECTRONIC

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

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Office Action Summary	Application No. 17/018,099	Applicant(s) Wersland et al.	
	Examiner COLIN W STUART	Art Unit 3785	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 7/9/21.
☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on ____; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims*

- 5) ☒ Claim(s) 1-5,8-14 and 16-17 is/are pending in the application.
5a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 6) ☒ Claim(s) 3-4 is/are allowed.
- 7) ☒ Claim(s) 1-2,5,8-14 and 16-17 is/are rejected.
- 8) ☐ Claim(s) ____ is/are objected to.
- 9) ☐ Claim(s) ____ are subject to restriction and/or election requirement

* If any claims have been determined allowable, you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see http://www.uspto.gov/patents/init_events/pph/index.jsp or send an inquiry to PPHfeedback@uspto.gov.

Application Papers

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☒ The drawing(s) filed on 7/9/21 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: ____.

Notice of Pre-AIA or AIA Status

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

This office action is in response to the amendment filed 7/9/21. The amendment has amended the claim numbering of all claims after 2 which were originally mis-numbered as no claim 3 was originally included. As directed by the amendment: claims 1, 3-5, and 9-12 have been amended, claims 6, 7, 15, and 18-19 have been cancelled, and no claims have been added. As such, claims 1-5, 8-14, and 16-17 are pending in the instant application.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112(a):

(a) IN GENERAL.—The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same, and shall set forth the best mode contemplated by the inventor or joint inventor of carrying out the invention.

The following is a quotation of the first paragraph of pre-AIA 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same, and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claim 5 is rejected under 35 U.S.C. 112(a) or 35 U.S.C. 112 (pre-AIA), first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor or a joint inventor, or for applications subject to pre-AIA 35 U.S.C. 112, the inventor(s), at the time the application was filed, had possession of the claimed invention.

Regarding claim 5, the claim sets forth that the therapy device of claim 1 “further comprising ... an infrared thermometer module ...” (line 1-2); however, the device of newly amended claim 1 includes a “temperature sensor” (line 12) and due to this amendment it appears that claim 5 is claiming an additional temperature sensor device. However, this feature lacks adequate written description and introduces new matter not found in the disclosure as originally filed. The disclosure supports that a temperature sensor can be an infrared thermometer module but does not appear to have support for having two or more such temperature sensors.

4. 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.

5. Claim 16 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.

Regarding claim 16, the claim is dependent on claim 15, which is a cancelled claim and as such, the metes and bounds of claim 16 are unclear. Due to the renumbering of the claims, it appears that this claim should be dependent on renumbered claim 14 and will be examined as such.

Claim Rejections - 35 USC § 103

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

7. Claims 1-2 is/are rejected under 35 U.S.C. 103 as being unpatentable over Pepe (2017/0304145) in view of Marton et al. (10,314,762), Goldstein (2018/0008512), and DeBenedictis et al. (2015/0216719).

Regarding claim 1, Pepe shows a percussive therapy device (see Fig. 1 and abstract for example) which includes a housing (see Fig. 2, housing defined by elements 11 including 20, see para. 0024); an electrical source (see para. 0026 “rechargeable battery”), a motor positioned in the housing (see para. 0026 “motor unit 20 houses a motor (not shown)”), a switch for activating the motor (see Fig. 1-2, switch 26, see para. 0027), a push rod assembly operatively connected to the motor and configured to reciprocate in response to activation of the motor (see Fig. 3-4, push rod assembly 18, see para. 0023 and 0025-0026), an attachment connected at a distal end of the push rod assembly, wherein the attachment is configured to be percussively applied to at least a first muscle, wherein percussive application of the attachment to the first muscle causes the temperature of the first muscle to rise from a starting temperature (see Fig. 1-4, attachment 30, para. 0029 disclosing the massage attachment 30 providing warming action to the body including muscles of the body to raise the temperature from a starting temperature due to percussion application) and a temperature sensor (see Fig. 1, temperature sensor 31, see para. 0029). Pepe is silent as to including a routine controller that is configured to initiate a protocol configured to provide user instructions to apply the attachment to the first muscle until the temperature sensor senses that the first muscle has reached a predetermined temperature resulting from the percussion application of the attachment and once reached providing user instructions to apply the attachment to a second muscle. However, Marton teaches a similar percussive massage device which includes a routine controller (see Marton col. 7 ln. 63, controller 160 which includes motor controller 1050, see col. 23 ln. 4-37 which initiates a protocol for actuation of the device at certain speeds and thus is a routine controller as actuated of the device at certain speeds is considered a routine, see also Fig. 35-36 and col. 37 ln. 38 through col. 39 ln. 19 which discloses use of the device

paired with a smart phone), Goldstein teaches a similar massage/therapy device which includes providing user instructions to a user on how to use the device and a multi-step routine/protocol to apply the device to different locations on a user's body (see Goldstein para. 0079 which discloses providing a kit including instructions for using the device in the form of a smart phone, tablet, etc., para. 0100-0101 disclosing providing instructions for applying the device to various locations of the body of the user for various times and intensities for example), and DeBenedictis teaches a thermal massage/therapy device which includes a controller for providing temperature readings to reach a target temperature on the user's body part (see DeBenedictis para. 0109 for example). Thus it would have been obvious to one of ordinary skill in the art before the effective filing date of the claimed invention to modify the Pepe device to include a routine controller which is configured to initiate a protocol to provide user instructions to apply the device to the muscle until it reaches a target temperature and instructions to apply the attachment to a second muscle, as taught by Marton, Goldstein, and DeBenedictis, in order to provide the user of the Pepe device proper instructions to use the device as intended and to provide smart capabilities via connection with a user's smart phone.

Regarding claim 2, the modified Pepe device teaches a motor (see Pepe para. 0026), but is silent as to the motor being a brushless motor with a rotatable motor shaft, wherein the percussive therapy device further comprises a motor mount positioned in the housing, wherein the motor mount includes a mounting wall having a shaft opening defined therein, wherein the motor is mounted to the mounting wall and the motor shaft extends through the shaft opening, wherein first and second mounting flanges extend from and extend perpendicular to the mounting wall, and wherein the first and second mounting flanges are secured to opposite sides of the housing. However, Marton teaches a similar device which includes a brushless motor with a rotatable motor shaft (see Marton Fig. 3, motor 310, see col. 9 ln. 60), wherein the percussive therapy device further comprises a motor mount positioned in the housing (see Fig. 3 and 11A-B, motor mount 320, col. 10 ln. 1-21), wherein the motor mount includes a mounting wall

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having a shaft opening defined therein, wherein the motor is mounted to the mounting wall and the motor shaft extends through the shaft opening (see Fig. 11A-B, mounting wall being the upper wall of 320 which motor 310 directly attaches to, shaft opening 350 through which the motor shaft 312 extends), wherein first and second mounting flanges extend from and extend perpendicular to the mounting wall, and wherein the first and second mounting flanges are secured to opposite sides of the housing (see annotated Fig. 11B below). Thus it would have been obvious to one of ordinary skill in the art before the effective filing date of the claimed invention to modify the modified Pepe device's motor to explicitly be a brushless motor and to mount to the housing via the motor mount, as taught by Marton, in order to provide improved efficiency of the motor and thus the device and to provide required structural elements to secure the motor in the housing.

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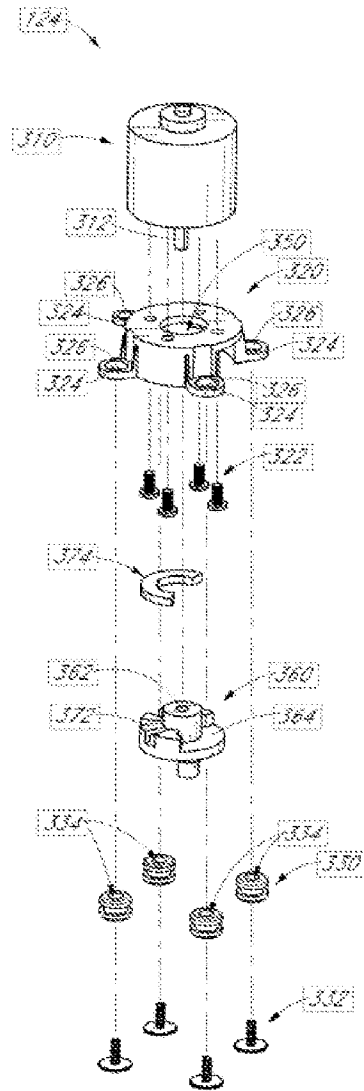


FIG. 11A

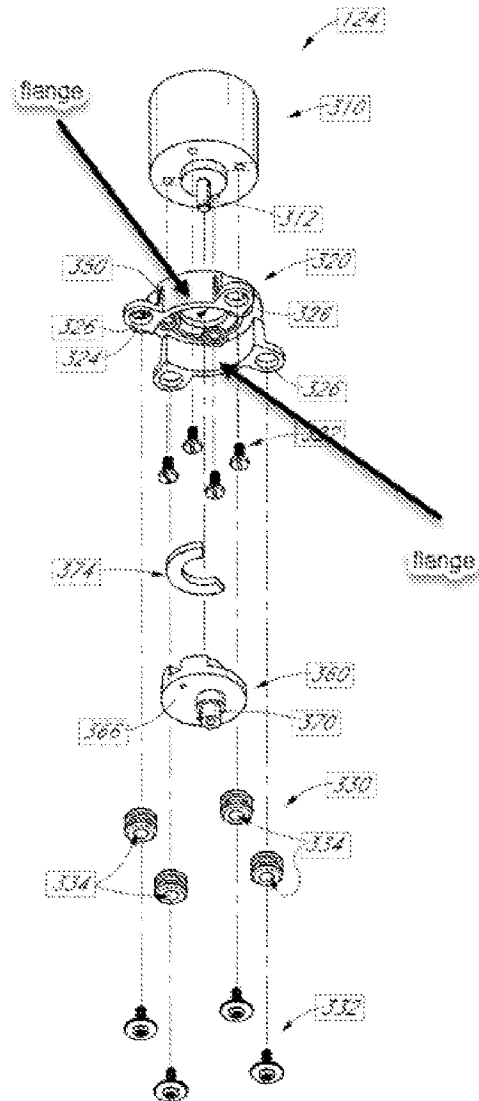


FIG. 11B

8. Claim 5 is/are rejected under 35 U.S.C. 103 as being unpatentable over Pepe, Marton, Goldstein, and DeBenedictis as applied to claim 1 above, and further in view of Pepe (2020/0261306), hereinafter referred to as Pepe '306, and Bohm et al. (2012/0078071).

Regarding claim 5, the modified Pepe device teaches an infrared thermometer module on the housing to emit an infrared beam to measure temperature of a body part of the user (see Pepe infrared thermometer module 31, Fig. 1, see para. 0009 and 0029 for example), but is silent as to further including a screen positioned on the housing and for displaying thereon the temperature reading of the body part and silent as to the infrared thermometer being positioned in the housing with a temperature opening through which the infrared beam is configured to be emitted. However, Pepe '306 teaches a similar device which includes a screen positioned on the housing and for displaying thereon the temperature reading of the body part (see Pepe '306 para. 0011 and 0031, Fig. 1, screen 40) and Bohm teaches an infrared thermometer module positioned within a housing and including a temperature opening through which the infrared beam passes (see Bohm para. 0260). Thus it would have been obvious to one of ordinary skill in the art before the effective filing date of the claimed invention to modify the modified Pepe device to include a screen for displaying the temperature reading, as taught by Pepe '306, and provide the infrared temperature module within the housing and to including the temperature opening, as taught by Bohm, in order to provide the user the ability to visualize the temperature reading and to provide the required opening for the infrared beam to pass through to be able to measure the user's body temperature.

9. Claim 8 is/are rejected under 35 U.S.C. 103 as being unpatentable over Pepe, Marton, Goldstein, and DeBenedictis as applied to claim 1 above, and further in view of Avni (2009/0112134).

Regarding claim 8, the modified Pepe device is silent as to the device further including a heart rate monitor; however, Avni teaches a massage therapy device which includes a heart rate monitor (see

Avni para. 0013 which includes “introducing vibrations to a joint or a location in the body of a user” and including sensor for measuring heart rate among other parameters as listed towards the end of this paragraph). Thus it would have been obvious to one of ordinary skill in the art before the effective filing date of the claimed invention to modify the modified Pepe device to include a heart rate monitor, as taught by Avni, in order to provide the user with information regarding their health and the ability to control therapy based on such a parameter (see Avni end of para. 0013).

10. Claims 9 and 11-12 is/are rejected under 35 U.S.C. 103 as being unpatentable over Pepe, Marton, Goldstein, DeBenedictis, and Avni as applied to claim 8 above, and further in view of Barragan Gomez (2020/0179210).

Regarding claim 9, the modified Pepe device is silent as to the location of the heart rate monitor being located on a first handle portion (note Pepe teaches handle portions as can be seen in Figs. 1-8 and para. 0024 for example); however, Barragan Gomez teaches a therapy device which includes heart rate sensor located on handle portions (see Barragan Gomez Fig. 8 heart rate sensors 61 and 62 located on handle portions 1 as shown, see also para. 0030). Thus it would have been obvious to one of ordinary skill in the art before the effective filing date of the claimed invention to modify the modified Pepe device’s heart rate monitor to be located on handle portions of the Pepe device, as taught by Barragan Gomez, as this would have been an obvious location to provide the monitor as the handle portions are where the user would grasp the device and thus allow for the pulse/heart rate to be measured.

Regarding claim 11, the modified Pepe device’s heart rate monitor includes first and second pulsed contacts positioned on the first handle portion (see Barragan Gomez Fig. 8, first and second pulsed contacts 61 and 62 positioned on the first handle portion, this provided to the handle portions as shown in Pepe discussed above).

Regarding claim 12, the modified Pepe device is silent as to the first and second pulse contacts explicitly being positioned on top and bottom surfaces of a first handle portion; however, Pepe teaches a first handle portion with top and bottom surfaces (see Pepe Fig. 2, first handle portion 12 which includes top surface which can be seen in this figure, bottom surface located opposite and define the central opening 24). Thus it would have been obvious to one of ordinary skill in the art to modify the modified Pepe device's first and second pulse contacts to be located on the top and bottom surfaces of Pepe as discussed, as this would have been obvious to try these locations as a user would be grasping these surfaces and thus would allow for the pulse to be measured and heart rate to be determined.

11. Claim 10 is/are rejected under 35 U.S.C. 103 as being unpatentable over Pepe, Marton, Goldstein, DeBenedictis, Avni, and Barragan Gomez as applied to claim 9 above, and further in view of Bardha (2007/0129220).

Regarding claim 10, the modified Pepe device is silent as to the heart rate monitor explicitly being positioned on a top surface of the first handle portion and being configured to shine light onto a user's palm to monitor heart rate; however, the location of the monitor to be on the top surface of the handle portion would have been obvious to try as this is a location where the user's palm would contact and thus allow the pulse to be monitored and heart rate to be determined. Bardha teaches a similar heart rate monitor which measures heart rate via shining light onto the user's palm (see Bardha para. 0038 and 0041 for example). Thus it would have been obvious to one of ordinary skill in the art before the effective filing date of the claimed invention to modify the modified Pepe device's heart rate monitor to function by shining light on the user's palm, as taught by Bardha, as this is a well-known type of heart rate monitor and would have been obvious substitution of one known element for another.

12. Claim 13 is/are rejected under 35 U.S.C. 103 as being unpatentable over Pepe, Marton, Goldstein, and DeBenedictis as applied to claim 1 above, and further in view of Pepe (2020/0268594), hereinafter referred to as Pepe '594.

Regarding claim 13, the modified Pepe device includes a male or female attachment member on the distal end of the push rod assembly (see Pepe para. 0028 and 0030 for example which discloses free extremity of the shaft 18 being received within an opening of the attachment 30), but is silent as to the male or female attachment member including a heating element therein (note Pepe discloses providing heat therapy as well, see para. 0029); however, Pepe '594 teaches a similar device which includes a male or female attachment member on distal end of the push rod assembly which includes a heating element therein (see Pepe '594 Fig. 8-11 and para. 0038-0039, heating element defined by 112 and 116). Thus it would have been obvious to one of ordinary skill in the art before the effective filing date of the claimed invention to modify the modified Pepe device to include an active heating element located in the attachment/distal end of push rod assembly, as taught by Pepe '594, in order to provide a heating element for active heating control to provide to the user (as opposed to the heated gel of Pepe) as this would have been obvious substitution of one known element for another.

13. Claim 14 is/are rejected under 35 U.S.C. 103 as being unpatentable over Pepe, Marton, Goldstein, and DeBenedictis as applied to claim 1 above, and further in view of Pepe '594 and Giraud et al. (2015/0305969).

Regarding claim 14, the modified Pepe device includes a male or female attachment member on the distal end of the push rod assembly (see Pepe para. 0028 and 0030 for example which discloses free extremity of the shaft 18 being received within an opening of the attachment 30), but is silent as to the male or female attachment member including a heating element therein with a first set of electrical contacts (note Pepe discloses providing heat therapy as well, see para. 0029); however, Pepe '594

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teaches a similar device which includes a male or female attachment member on distal end of the push rod assembly which includes a heating element therein (see Pepe '594 Fig. 8-11 and para. 0038-0039, heating element defined by 112 and 116) and Giraud teaches a heating element located on/between a removable attachment and the handle portion of the device via a first set of electrical contacts (see Giraud Fig. 1, para. 0017 and 0109). Thus it would have been obvious to one of ordinary skill in the art before the effective filing date of the claimed invention to modify the modified Pepe device to include an active heating element located in the attachment/distal end of push rod assembly, as taught by Pepe '594, and to include connection via a first set of electrical contacts, as taught by Giraud, in order to provide a heating element for active heating control to provide to the user (as opposed to the heated gel of Pepe) as this would have been obvious substitution of one known element for another.

14. Claim 16 is/are rejected under 35 U.S.C. 103 as being unpatentable over Pepe, Marton, Goldstein, DeBenedictis, Pepe '594, and Giraud as applied to claim 14 above, and further in view of Estes (2009/0326540).

Regarding claim 16, the modified Pepe device is silent as to the first set of electrical contacts explicitly being a first and second outwardly biased balls of the attachment member; however, Estes teaches a well-known male attachment member which includes first and second outwardly biased balls (see Estes Fig. 3-4 outwardly biased balls 140). Thus it would have been obvious to one of ordinary skill in the art before the effective filing date of the claimed invention to modify the modified Pepe device's male attachment member to include outwardly biased balls, as taught by Estes, as this is a well-known mechanism for providing a detachable connection between two elements and would have been obvious substitution of one known mechanism for another.

15. Claim 17 is/are rejected under 35 U.S.C. 103 as being unpatentable over Pepe, Marton, Goldstein, and DeBenedictis as applied to claim 1 above, and further in view of Dematio et al. (2014/0207032) and Konik et al. (2016/0346163).

Regarding claim 17, the modified Pepe device's includes a software application executable on a mobile device (see Marton Fig. 35-36 and col. 37 ln. 38 through col. 39 ln. 19), but is silent as to the mobile device that is configured to control the operation of the percussive therapy device, wherein the software application includes routines that are accessed based on scanning a scannable member with the mobile device. However, Dematio teaches a software application which provides for control of operation of a massage device (see Dematio para. 0080, 0085, and 0087 for example), and Konik teaches scanning a scannable member to obtain information for a massage therapy (see Konik para. 0032). Thus it would have been obvious to one of ordinary skill in the art before the effective filing date of the claimed invention to modify the modified Pepe device's mobile device to control the device and routines accessed via scanning a scannable member, as taught by Dematio and Konik, in order to provide smart capabilities via connection with a user's smart phone and actuation via the mobile phone as an additional means of actuating the device.

Allowable Subject Matter

16. Claims 3-4 are allowed.

Reasons for Allowance

17. When read in light of the limitations of the claimed percussive therapy device, the prior art does not disclose, either alone or suggest in combination, a device including a housing, electrical source, brushless motor positioned in the housing with a rotatable shaft, switch for activating the motor, and a pushrod assembly configured to reciprocate in response to activation of the motor, and a motor mount

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positioned in the housing including a mount wall having a shaft opening through which the motor shaft extends, first and second mounting flanges extending perpendicular from the mounting wall and secured to opposite sides of the housing, wherein a first boss extends outwardly from the first flange and a second boss extends from the second flange, the housing including first and second housing portions, a first mounting member defining a first opening in the first housing portion and a second mounting member defining a second opening defined in the second housing portion, the first boss extending through the first opening and a second boss extending through the second opening, first and second threaded fasteners securing the first and second boss members to the first and second housing portions, respectively, as set forth in independent claim 3.

The prior art discussed in the 103 rejections above as well as art cited in the previous action do not disclose, either alone or suggest in combination the limitations as discussed above and set forth in independent claim 3.

Response to Arguments

18. Applicant's arguments filed 7/9/21 have been fully considered but they are not persuasive.

Applicant's argument that DeBenedictis teaches a chiller unit used to cool or heat the patients skin whereas the claimed invention is used on a body part or muscle to warm up the muscle to a predetermined temperature and that none of the Pepe, Marton, Goldstein, nor DeBenedictis references teaches the claimed invention (see pg. 10-11 of the response) is not well-taken. One cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In the current 103 combination, Pepe teaches heating a body part or muscle via an attachment which provides percussive application to the muscle/body part (see Pepe para. 0029) and DeBenedictis was relied on, not for the particular type of heating element, but was

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relied upon for the teaching of heating a body part to a target temperature. Marton was relied upon for the teaching of a controller/smartphone connection to the massage device and Goldstein teaching protocols including moving from one body part to another for massage of multiple body parts.

Applicant's argument that using a cooling or heating element to cool or heat the user's skin is completely different than using the percussive massage device to "be sure that a body part has been warmed up properly prior to exercise" (see pg. 11 of the response) is not well-taken. As discussed above, the mechanism for heating the body part/muscle is provided by the attachment and its percussive application to the body part/muscle in Pepe (see Fig. 1, para. 0029 for example) and thus the heating of the body part/muscle is the same as claimed.

Conclusion

19. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to COLIN W STUART whose telephone number is (571)270-7490. The examiner can normally be reached on M-F: 9-5.

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, Justine Yu can be reached on 571-272-4835. 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.

/COLIN W STUART/
Primary Examiner, Art Unit 3785