



**WHY DO I FEEL SO REJECTED?**

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- B.A. Biochemistry from University of Arizona with minors in Math and Physics
- M.P.H. from San Jose State University
- J.D. from Santa Clara University
- 10 years as a working engineer. Process control systems, video distribution systems



# FIRM

- Founded in 2006
- Computer & Software, Semiconductor Manufacturing, Telecommunications, and Mechanical
- Patent Prosecution, Opinions, Litigation Support, Trademarks, and Copyrights
- Electronic Office Paradigm



# DISCLAIMER

- Based on personal experience
- Does not reflect the opinion or position of the USPTO or any person employed or affiliated with the USPTO
- No Statutory basis (35 USC, 37 CFR, MPEP)



# OUTLINE

- **What is an Office Action?**
- **Objections**
- **Rejections**
- **Response**



# WHAT IS AN OFFICE ACTION?

- A communication from the USPTO





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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/473,873	05/28/2009	Damon Kali	KALI-00400	1430
42349	7590	02/26/2010	EXAMINER	
KALI LAW GROUP, P. C P.O. BOX 60187 SUNNYVALE, CA 94088-0187			LAVINDER, JACK W	
			ART UNIT	PAPER NUMBER
			3677	
			NOTIFICATION DATE	DELIVERY MODE
			02/26/2010	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):

DAMON.KALI@KALI-LAW.COM  
sandra.halliwell@kali-law.com



<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	12/473,873	KALI, DAMON	
	<b>Examiner</b>	<b>Art Unit</b>	
	Jack W. Lavinder	3677	

-- 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 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, 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 \_\_\_\_.
- 2a)  This action is **FINAL**.                      2b)  This action is non-final.
- 3)  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**

- 4)  Claim(s) 1-19 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5)  Claim(s) 11-19 is/are allowed.
- 6)  Claim(s) 1-5 and 9 is/are rejected.
- 7)  Claim(s) 6-8 and 10 is/are objected to.
- 8)  Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9)  The specification is objected to by the Examiner.
- 10)  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).
- 11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**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).  
a)  All    b)  Some \*    c)  None of:
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) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: ____.                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date: ____.   | 6) <input type="checkbox"/> Other: ____.                          |

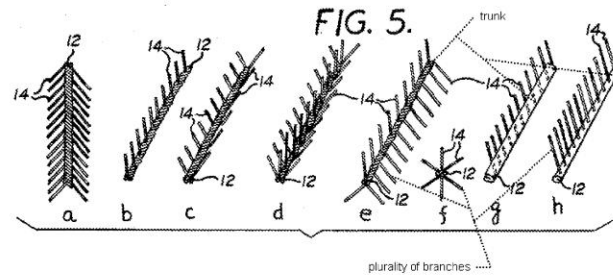




# OBJECTIONS?

- These are about FORM
  - Informalities
  - Allowed Subject Matter Dependent on Rejected Claim





**Allowable Subject Matter**

Claim 3 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims. Claim 3 has been indicated to be allowable because the combination is being claimed, i.e., the cordage and the knot keeper, wherein the length of the branches are being positively linked to a dimension of the cordage.

Claims 6-8 and 10 have been 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. These claims are all considered to be combination claims directed to the cordage and the knot keeper. The prior art fails to disclose a knot keeper having a trunk and a plurality of branches radiating from the trunk, wherein the length of cordage receives the knot keeper along the cordage axis such that the trunk and a first portion of the plurality of branches is



# REJECTIONS?

- These are about SUBSTANCE
  - 101 – Statutory Subject Matter
  - 102 – Novelty
    - Not all ready out there
  - 103 – Obvious
    - No combination out there
  - 112 – Indefinite
    - Clearly defined



**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

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 3 has been rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase "wherein R=a radius of the length of cordage" is unclear. Does 'R' refer to the radius of the cross section of the cord or does it refer to a length of the cord? For examination purposes, it will be assumed that 'R' refers to the radius of curvature of a cross section of the cordage, i.e., the distance from the axis of the cord, in cross-section, to the outer surface of the cord. Furthermore, it is not clear from the preamble that the combination of the cordage and the knot keeper are being claimed. Please make the preamble and the body of the claim consistent.

***Claim Rejections - 35 USC § 102***

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 4, 5 and 9 have been rejected under 35 U.S.C. 102(b) as being anticipated by Brumlik, 4198734. Brumlik discloses the claimed structure capable of being used as a knot keeper in a length of cordage (see annotated drawing).



**Notice of References Cited**

Application/Control No. 12/473,873	Applicant(s)/Patent Under Reexamination KALI, DAMON	
Examiner Jack W. Lavinder	Art Unit 3677	Page 1 of 2

**U.S. PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-1,066,759 A	07-1913	Schloss	87/2
*	B	US-2,141,801 A	12-1938	SEYMOUR TAFT	24/713
*	C	US-2,306,515 A	12-1942	ARTHUR WRIGHT	24/713
*	D	US-3,110,945 A	11-1963	HOWE JR ARTHUR J	24/713
*	E	US-3,522,637 A	08-1970	BRUMLIK GEORGE C	24/445
*	F	US-3,832,841 A	09-1974	Cole, Bernard M.	57/207
*	G	US-4,198,734 A	04-1980	Brumlik, George C.	24/449
*	H	US-4,247,967 A	02-1981	Swinton, Walter C.	24/713
*	I	US-4,930,196 A	06-1990	Laurin, Andre	24/715.3
*	J	US-5,074,013 A	12-1991	Arnold et al.	24/713
*	K	US-5,272,796 A	12-1993	Nichols, Steven B.	24/712
*	L	US-5,673,546 A	10-1997	Abraham et al.	57/206
*	M	US-5,778,499 A	07-1998	Lehrman, Dena	24/712

**FOREIGN PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

**NON-PATENT DOCUMENTS**

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

\*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)  
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.



# RESPONSE

- Specification Amendments
- Claim Amendments
- Remarks
  - Answer each and every point
- Be Polite
- Be Timely
  - 3 months
  - 3 months of extension 65/245/555



Thanks



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