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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
90/007,640	07/07/2005	D498187	FMC 1925 R	9845

28395 7590 09/08/2005
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EXAMINER

ART UNIT PAPER NUMBER

DATE MAILED: 09/08/2005

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

Order Granting / Denying Request For Ex Parte Reexamination	Control No. 90/007,640	Patent Under Reexamination D498187 ET AL.	
	Examiner Adir Aronovich	Art Unit 2915	

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

The request for *ex parte* reexamination filed 07 July 2005 has been considered and a determination has been made. An identification of the claims, the references relied upon, and the rationale supporting the determination are attached.

Attachments: a) PTO-892, b) PTO-1449, c) Other: _____

1. The request for *ex parte* reexamination is GRANTED.

RESPONSE TIMES ARE SET AS FOLLOWS:

For Patent Owner's Statement (Optional): TWO MONTHS from the mailing date of this communication (37 CFR 1.530 (b)). **EXTENSIONS OF TIME ARE GOVERNED BY 37 CFR 1.550(c).**

For Requester's Reply (optional): TWO MONTHS from the **date of service** of any timely filed Patent Owner's Statement (37 CFR 1.535). **NO EXTENSION OF THIS TIME PERIOD IS PERMITTED.** If Patent Owner does not file a timely statement under 37 CFR 1.530(b), then no reply by requester is permitted.

2. The request for *ex parte* reexamination is DENIED.

This decision is not appealable (35 U.S.C. 303(c)). Requester may seek review by petition to the Commissioner under 37 CFR 1.181 within ONE MONTH from the mailing date of this communication (37 CFR 1.515(c)). **EXTENSION OF TIME TO FILE SUCH A PETITION UNDER 37 CFR 1.181 ARE AVAILABLE ONLY BY PETITION TO SUSPEND OR WAIVE THE REGULATIONS UNDER 37 CFR 1.183.**

In due course, a refund under 37 CFR 1.26 (c) will be made to requester:

- a) by Treasury check or,
b) by credit to Deposit Account No. _____, or
c) by credit to a credit card account, unless otherwise notified (35 U.S.C. 303(c)).



Adir Aronovich
Primary Examiner
Art Unit: 2915

cc:Requester (if third party requester)

Art Unit: 2915

A substantial new question of patentability affecting the claim of United States Patent Number D498,187 is raised by the request for *ex parte* reexamination.

The claim in the above patent is directed to a vehicle front grille. The newly cited publications (Popular Mechanics, Trailer Life & Spy Shots: 03 Ford Expedition) combined with presently cited publication (Road and Track) and previously cited reference (Patent D491,118) raise new question of patentability for the following reasons:

The publications Popular Mechanics (August 2001), Trailer Life (October 2001) and Spy Shots: 03 Ford Expedition all disclose a 2003 Ford Expedition having a front grille, which (despite poor quality of the photos) appears to be similar to the front grille, disclosed in the Patent D498,187.

The publication "Road & Track" (July 2001) discloses a 2002 Ford Explorer having a front grille with overall appearance similar to the Patent D498,187.

The 2003 Ford Expedition photo posted on the *truckworld.com* website (updated on April 16, 2002) illustrates a 2003 Ford Expedition having a front grille with overall appearance similar to the Patent D498,187.

The previously cited reference (Patent D491,118) illustrates a front grille for an automobile with a similar pattern to the grille shown in the Patent D498,187.

In view of the above, it is noted that the combination of the cited new art and the previously cited reference raises a new question of patentability.

Extensions of time under 37 CFR 1.136(a) will not be permitted in these proceedings because the provisions of 37 CFR 1.136 apply only to "an applicant" and not to parties in a reexamination proceeding. Additionally, 35 U.S.C. 305 requires that *ex parte* reexamination

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proceedings "will be conducted with special dispatch" (37 CFR 1.550(a)). Extensions of time in *ex parte* reexamination proceedings are provided for in 37 CFR 1.550(c).


The patent owner is reminded of the continuing responsibility under 37 CFR 1.565(a), to apprise the Office of any litigation activity, or other prior or concurrent proceeding, involving Patent No. D498,187 throughout the course of this reexamination proceeding. See MPEP §§ 2207, 2282 and 2286.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adir Aronovich whose telephone number is (571) 272-2615. The examiner can normally be reached on Tuesday-Friday 7:30 am-5:00 pm. The examiner can also be reached on alternate Mondays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Watson can be reached on (571) 272-2647. The fax phone numbers for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

August 31, 2005


Adir Aronovich
Primary Examiner
Art Unit 2915