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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
90/014,234	11/09/2018	D810,925	TRWYL-1608-USDS	6273
137057 BYIP P.O. Box 1484 General Post Office Hong Kong, HONG KONG	7590 02/07/2019		EXAMINER HYDER, PHILIP S	
			ART UNIT 2917	PAPER NUMBER
			MAIL DATE 02/07/2019	DELIVERY MODE PAPER

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.



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(THIRD PARTY REQUESTER'S CORRESPONDENCE ADDRESS)

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Conley Rose, P.C.
5601 Granite Parkway, Suite 500, Plano, TX 75024

***EX PARTE* REEXAMINATION COMMUNICATION TRANSMITTAL FORM**

REEXAMINATION CONTROL NO. 90/014,234 .

PATENT UNDER REEXAMINATION D810925 .

ART UNIT 2917 .

Enclosed is a copy of the latest communication from the United States Patent and Trademark Office in the above identified *ex parte* reexamination proceeding (37 CFR 1.550(f)).

Where this copy is supplied after the reply by requester, 37 CFR 1.535, or the time for filing a reply has passed, no submission on behalf of the *ex parte* reexamination requester will be acknowledged or considered (37 CFR 1.550(g)).

Order Granting Request For Ex Parte Reexamination	Control No. 90/014,234	Patent Under Reexamination D810925	
	Examiner PHILIP S HYDER	Art Unit 2917	AIA Status Yes

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

The request for *ex parte* reexamination filed 09 November 2018 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/SB/08, 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.

/Philip S Hyder/
Primary Examiner, Art Unit 2917

cc:Requester (if third party requester)

DECISION GRANTING EX PARTE REEXAMINATION

A Substantial New Question of Patentability affecting the claim of United States Patent Number D810,925 (hereinafter '925 patent) granted to Zhang on Feb. 20, 2018 is raised by the request for Ex Parte Reexamination.

MPEP 2242 "For "a substantial new question of patentability" to be present, it is only necessary that the teaching of the (prior art) patents and printed publications is such that a reasonable examiner would consider the teaching to be important in deciding whether or not the claim is patentable."

The claim in the '925 patent is directed to the ornamental design for a Breast Pump. The appearance is disclosed in seven views. The design consists of a cup oriented oblique angle at the top, a cylindrical neck area and a bulb shaped base. The base includes a raised ring, approximately three quarters the distance from the base. The requestor has submitted four references for consideration. Three of the references were not considered nor addressed in the prior examination, and one reference was considered but the quality of the drawings may have been unintelligible.

The following references have been cited in the request for reexamination:

Exhibit C: Chinese Design No. CN 303890343 (hereinafter '343)

Exhibit D: Chinese Design No. CN 303903427 (hereinafter ('427)

Exhibit E: Babytree: Manual Breast Pump Listing; Retrieved from URL:

http://www.babytree.com/commnity/club201400/topic_2091241_Q.html (published on May, 28, 2014).

Exhibit F: Funny Baby: Eight Yuan poly cost-effective full silicone natural breast pump; retrieved from URL: <http://product.800400.net/detail/7816236.html> (published on December 18, 2014)

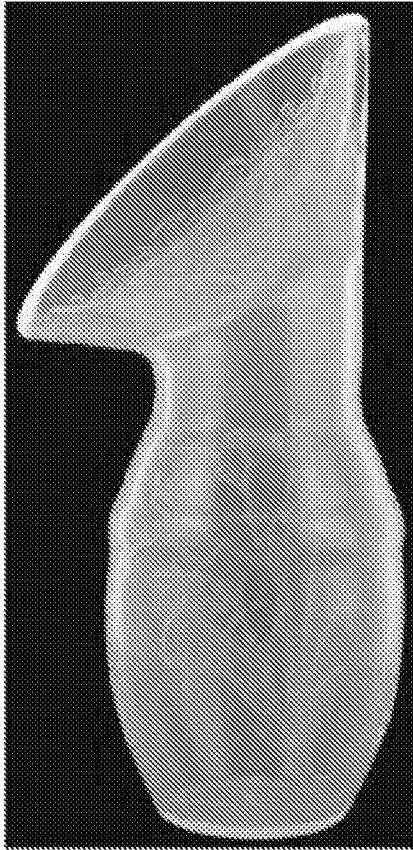
Prior Art Discussion: Substantial New Question of Patentability

The examiner has come to the following conclusions regarding the prior art.

Exhibit C: Chinese Design No. CN 303890343 S

The '343 patent reference raises a substantial new question of patentability for the '925 patent because it presents an overall appearance that is so related to the claimed design that it should have been considered in deciding whether the claim is patentable. The reference presents an appearance that is substantially the same as the claimed design, as required for anticipation under 35 U.S.C. 102, and it also presents an appearance that is basically the same as the claimed design, as is required to act as a primary reference in an obviousness rejection under 35 U.S.C.103.

The '343 reference was not previously considered nor addressed in the prior examination of the patent or a final holding of invalidity by the Federal Courts. This new teaching is such that a reasonable examiner would consider the new teaching to be important in deciding to allow the claim. This reference should have been considered for the basis of an anticipation analysis, to serve as a primary reference in an obviousness analysis, or to serve in a supporting role as a secondary reference. Consequently, a substantial new question of patentability has been raised by this reference.



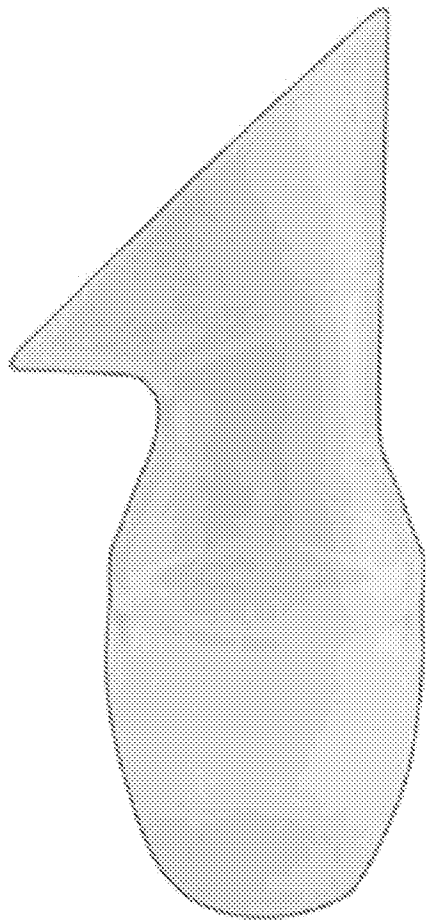
右视图

CN303890343

Exhibit D: Chinese Design No. CN 303903427

The '427 patent reference raises a substantial new question of patentability for the '925 patent because it presents an overall appearance that is so related to the claimed design that it should have been considered in deciding whether the claim is patentable. The reference presents an appearance that is substantially the same as the claimed design, as required for anticipation under 35 U.S.C. 102, and it also presents an appearance that is basically the same as the claimed design, as is required to act as a primary reference in an obviousness rejection under 35 U.S.C.103.

The '427 reference was previously considered and addressed in the prior examination of the patent. However, there is a question as to whether the publication of the reference was sufficiently intelligible so that it could properly be considered. This teaching is such that a reasonable examiner would consider the teaching to be important in deciding to allow the claim. This reference should have been considered for the basis of an anticipation analysis, to serve as a primary reference in an obviousness analysis, or to serve in a supporting role as a secondary reference. Consequently, a substantial new question of patentability has been raised by this reference.



右视图

CN303890427

Exhibit E: Babytree: Manual Breast Pump Listing

The 'Babytree reference raises a substantial new question of patentability for the '925 patent because it presents an overall appearance that is so related to the claimed design that it should have been considered in deciding whether the claim is patentable. The reference presents an appearance that is substantially the same as the claimed design, as required for anticipation under 35 U.S.C. 102, and it also presents an appearance that is basically the same as the claimed design, as is required to act as a primary reference in an obviousness rejection under 35 U.S.C.103.

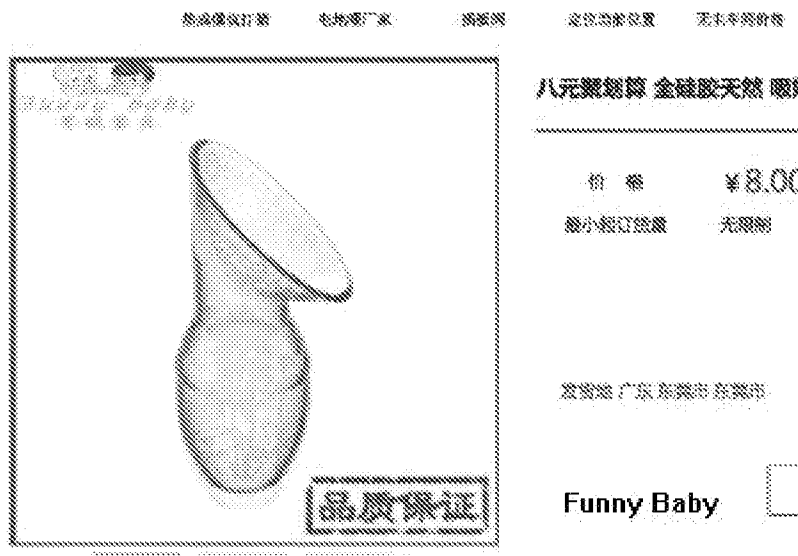
The Babytree reference was not previously considered nor addressed in the prior examination of the patent or a final holding of invalidity by the Federal Courts. This new teaching is such that a reasonable examiner would consider the new teaching to be important in deciding to allow the claim. This reference should have been considered for the basis of an anticipation analysis, to serve as a primary reference in an obviousness analysis, or to serve in a supporting role as a secondary reference. Consequently, a substantial new question of patentability has been raised by this reference.



Exhibit F: Funny Baby

The Funny Baby reference raises a substantial new question of patentability for the '925 patent because it presents an overall appearance that is so related to the claimed design that it should have been considered in deciding whether the claim is patentable. The reference presents an appearance that is substantially the same as the claimed design, as required for anticipation under 35 U.S.C. 102, and it also presents an appearance that is basically the same as the claimed design, as is required to act as a primary reference in an obviousness rejection under 35 U.S.C.103.

The Funny Baby reference was not previously considered nor addressed in the prior examination of the patent or a final holding of invalidity by the Federal Courts. This new teaching is such that a reasonable examiner would consider the new teaching to be important in deciding to allow the claim. This reference should have been considered for the basis of an anticipation analysis, to serve as a primary reference in an obviousness analysis, or to serve in a supporting role as a secondary reference. Consequently, a substantial new question of patentability has been raised by this reference.



In summary, at least one prior art reference submitted by the requester raises a substantial new question of patentability affecting the claim of United States Patent Number D689,579. The request for reexamination is GRANTED.

Litigation Activity

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. D617334 throughout the course of this reexamination proceeding. The third party requester is also reminded of the ability to similarly apprise the Office of any such activity or proceeding throughout the course of this reexamination proceeding. See MPEP §§ 2207, 2282 and 2286.

Conclusion

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 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).

All correspondence relating to this ex parte reexamination proceeding should be directed:

By Mail to: Mail Stop *Ex Parte* Reexam
 Central Reexamination Unit
 Commissioner for Patents
 United States Patent & Trademark Office
 P.O. Box 1450
 Alexandria, VA 22313-1450

By FAX to: (571) 273-9900
 Central Reexamination Unit

By hand: Customer Service Window
 Randolph Building

401 Dulany Street
Alexandria, VA 22314

Any inquiry concerning this communication should be directed to Philip Hyder at
telephone number 571-272-2621.

/Philip S Hyder/
Primary Examiner, Art Unit 2917

Conferees:

/K.K.R/
Primary Examiner, Art Unit 2911

/Garth Rademaker/
Supervisory Patent Examiner, Art Unit 2924