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INTERNATIONAL REGISTRATION NO.	APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
DM/218431	35/513,466		Joseph Sattler		6260

World Intellectual Property Organization
34, chemin des Colombettes, P.O. Box 18
1211 Geneva 20, Switzerland

DATE MAILED : 12/15/2022

NOTIFICATION OF REFUSAL

(Rule 18 of the Common Regulations under the Hague Agreement/ 37 CFR 1.1063)

Applicant must file any reply to this communication directly with the United States Patent and Trademark Office. Applicant may **NOT** file such reply through the International Bureau.

This refusal relates to all the industrial designs that are the subject of the international registration

Office Action Summary**Application No.**

35/513,466

Applicant(s)

Sattler et al.

Examiner

AUSTIN MURPHY

Art Unit

2917

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 2 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 _____.
 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 is/are pending in the application.
 5a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 6) Claim(s) _____ is/are allowed.
- 7) Claim(s) _____ is/are rejected.
- 8) Claim(s) _____ is/are objected to.
- 9) Claim(s) 1 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)
- 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: _____.

DETAILED ACTION

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.

Restriction Requirement

The drawings show figures labeled 1-4 however the specification only discloses two embodiments. In view of the drawings, it appears that this application discloses four embodiments.

Embodiment 1: Figs. 1.1-1.6 Computer Mouse.

Embodiment 2: Figs. 2.1-2.3

Embodiment 3: Figs. 3.1-3.6

Embodiment 4: Figs. 4.1-4.3

Multiple embodiments of a single inventive concept may be included in the same design application only if they are patentably indistinct. *In re Rubinfeld*, 270 F.2d 391, 123 USPQ 210 (CCPA 1959). Embodiments that are patentably distinct from one another do not constitute a single inventive concept and thus may not be included in the same design application. *In re Platner*, 155 USPQ 222 (Comm'r Pat. 1967). The differences in the overall shape and appearances creates three patentably distinct designs.

Because of the differences identified, the embodiments are considered to either have overall appearances that are not basically the same, or if they are basically the same, the differences are not minor and patentably indistinct or are not shown to be obvious in view of analogous prior art.

The above embodiments divide into the following patentably distinct groups of designs:

Group 1: Embodiment 1

Group 2: Embodiment 2

Group 3: Embodiment 3

Group 4: Embodiment 4

Restriction is required under 35 U.S.C. 121 to one of the patentably distinct groups of designs.

A reply to this requirement must include an election of a single group for prosecution on the merits, even if this requirement is traversed, 37 CFR 1.143. Any reply that does not include election of a single group will be held nonresponsive. Applicant is also requested to direct

cancellation of all drawing figures and the corresponding descriptions, which are directed to nonelected groups.

Should applicant traverse this requirement on the grounds that the groups are not patentably distinct, applicant should present evidence or identify such evidence now of record showing the groups to be obvious variations of one another. If the groups are determined not to be patentably distinct and they remain in this application, any rejection of one group over prior art will apply equally to all other groups. See *Ex parte Appeal No. 315-40*, 152 USPQ 71 (Bd. App. 1965). No argument asserting patentability based on the differences between the groups will be considered once the groups have been determined to comprise a single inventive concept.

In view of the above requirement, action on the merits is deferred pending compliance with the requirement in accordance with *Ex parte Heckman*, 135 USPQ 229 (P.O. Super. Exam. 1960).

No preliminary search was completed due to the presence of distinct inventions.

Reply Reminder for Restriction Requirements Concerning Figure Numbering

Renumbering of the drawing figures in any elected Group is not required. To ensure compliance with 37 CFR 1.1026 and Section 405 of the Administrative Instructions, and to maintain consistency with the published International Registration, the numbering of the drawing figures included in the elected Group should not be changed even if non-elected embodiments are cancelled.

In replying to this Refusal electing a Group for prosecution, applicant should also consider amending the application to cancel the drawing figures and remove the description corresponding to the nonelected Group(s), and to correct inventorship, as appropriate, resulting from such amendment pursuant to 37 CFR 1.48. See MPEP 602.01(c)(1). Applicant should note that correcting inventorship after an Office action on the merits has been given or mailed in the application will require an additional fee pursuant to 37 CFR 1.48(c).

Discussion of the Merits of the Application

All discussions between the applicant and the examiner regarding the merits of a pending application will be considered an interview and are to be made of record. See MPEP 713. The examiner will not discuss the merits of the application with applicant's representative if the representative is not registered to practice before the USPTO. Appointment as applicant's representative before the International Bureau pursuant to Rule 3 of the Common Regulations under the Hague Agreement does NOT entitle such representative to represent the applicant before the USPTO. Furthermore, an applicant that is a juristic entity must be represented by a patent attorney or agent registered to practice before the USPTO. Additional information regarding interviews is set forth below.

Interviews

An interview may only be conducted with an attorney or agent registered to practice before the USPTO (“registered practitioner”) or with a pro se applicant (an applicant who is the inventor and who is not represented by a registered practitioner).

The registered practitioner may either be of record or not of record. To become “of record”, a power of attorney (POA) in accordance with 37 CFR 1.32 must be filed in the application. Form PTO/AIA/80 “Power of Attorney to Prosecute Applications Before the USPTO”, available at <https://www.uspto.gov/patent/forms/forms-patent-applications-filed-or-after-september-16-2012>, may be used for this purpose. See MPEP 402.02(a) for further information. Interviews may also be conducted with a registered practitioner not of record provided the registered practitioner can show authorization to conduct an interview by completing, signing, and filing an “Applicant Initiated Interview Request Form” (PTOL-413A) (available at the USPTO web page indicated above). See MPEP 405. For acceptable ways to submit forms to the USPTO, see “When Responding to Official USPTO Correspondence” below.

If a pro se applicant or registered practitioner located outside of the United States wishes to communicate by telephone, it is suggested that such person email the examiner at Austin.Murphy@uspto.gov to arrange a time and date for the telephone interview. Please include suggested days and times for the proposed call. When proposing a day and time for the interview, please consider the examiner’s work schedule indicated in the last paragraph of this communication. The email should also be used to determine who will initiate the telephone call.

Email Communications

The merits of the application will not be discussed via email (or other electronic medium) unless appropriate authorization for internet communication is filed in the application. Form PTO/SB/439 “Authorization for Internet Communications in a Patent Application or Request to Withdraw Authorization for Internet Communications” may be used to provide such authorization and is available at the USPTO web page indicated above. The authorization may not be sent by email to the USPTO. For acceptable ways to submit the authorization form to the USPTO, see “When Responding to Official USPTO Correspondence” below. See MPEP 502.03 II for further information.

When Responding to Official USPTO Correspondence

When responding to an official correspondence issued by the USPTO, including refusals, Ex Parte Quayle, Notice of Allowances, or Notice of Abandonments, please note the following:

The USPTO transacts business in writing. Applicants may submit replies to Office actions only by:

- Online via the USPTO's Electronic Filing System-Web (EFS-Web) (Registered eFilers only) <https://www.uspto.gov/patents-application-process/applying-online/efs-web-guidance-and-resources>
- Mail: Commissioner for Patents, P.O. Box 1450, Alexandria, VA, 22313-1450
- Facsimile to the USPTO's Official Fax Number (571-273-8300)

- Hand-carry to USPTO's Alexandria, Virginia Customer Service Window

<https://www.uspto.gov/patents-maintaining-patent/responding-office-actions>

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AUSTIN MURPHY whose telephone number is (571)272-6030. The examiner can normally be reached Monday – Friday Monday-Friday 10:30-7:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Susan Krakower can be reached on 571272-60630. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

General questions regarding patent examining policy, assistance with filling out forms, or general information concerning rules, procedures and fees, should be directed to the Inventors Assistance Center (IAC). The IAC is staffed by former Supervisory Patent Examiners and experienced Primary Examiners who answer general questions concerning patent examining policy and procedure. **Assistance is available at the IAC Monday - Friday, 8:30am - 5:00pm (EST) at (800) 786-9199.**

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, visit: http://www.uspto.gov/patents/process/status/private_pair/index.jsp. 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.

/Austin Murphy/
Primary Examiner, Art Unit 2917

Notice of References Cited

Application/Control No. 35/513,466	Applicant(s)/Patent Under Reexamination Sattler et al.	
Examiner AUSTIN MURPHY	Art Unit 2917	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	CPC Classification	US Classification
*	A	US-D948510-S	04-2022	Tsao; Jung-Wei		D14/402
*	B	US-D910631-S	02-2021	Kauh; Ye Woon		D14/407
*	C	US-D868064-S	11-2019	Hirayama; Akiteru		D14/407
*	D	US-D726727-S	04-2015	Holz; David		D14/407
*	E	US-D615545-S	05-2010	Inoue; Susumu		D14/407
*	F	US-D469768-S	02-2003	Marsilio; Ronald M.		D14/407
*	G	US-D301142-S	05-1989	Chu; Robin		D14/407
*	H	US-D721703-S	01-2015	Han; Wooseung		D14/402
*	I	US-D589513-S	03-2009	Chatterjee; Monique		D14/402
*	J	US-11409377-B2	08-2022	Dearsley; Simon Cameron	H02J50/10	1/1
*	K	US-9851814-B2	12-2017	Deng; Lei	G06F3/03543	1/1
*	L	US-11132071-B2	09-2021	Zeng; LingSheng	G06F3/039	1/1
	M					


FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	CPC 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.

<i>Search Notes</i> 	Application/Control No. 35/513,466	Applicant(s)/Patent Under Reexamination Sattler et al.
	Examiner AUSTIN MURPHY	Art Unit 2917


CPC - Searched*		
Symbol	Date	Examiner
G06F3/03543, G06F2203/0333, G06F3/039, G06F3/038, G06F2203/0384,	12/13/2022	AM

CPC Combination Sets - Searched*		
Symbol	Date	Examiner

US Classification - Searched*			
Class	Subclass	Date	Examiner
D14	402-411, 356, 388, 389, 383-385, 417, 426	12/13/2022	AM
345	156-167		
463	36-38		
358	471, 473		
273	148B		

* See search history printout included with this form or the SEARCH NOTES box below to determine the scope of the search.

/AUSTIN MURPHY/ Primary Examiner.Art Unit 2917	
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Search Notes 	Application/Control No. 35/513,466	Applicant(s)/Patent Under Reexamination Sattler et al.
	Examiner AUSTIN MURPHY	Art Unit 2917

Search Notes		
Search Notes	Date	Examiner
See attached EAST query:	12/13/2022	AM
Google product search: "computer mouse" and folding		
https://www.amazon.com/Foldable-Bluetooth-Gimibox-Rechargeable-Battery-Dark/dp/B08BCBFQS7/ref=asc_df_B08BCBFQS7/?tag=hyprod-20&linkCode=df0&hvadid=533458241275&hvpos=&hvnetw=g&hvrnd=6265962911458310448&hvpone=&hvptwo=&hvqmt=&hvdev=c&hvdvcmdl=&hvlocint=&hvlocphy=1027019&hvtargid=pla-1419133594204&psc=1		
https://www.holycool.net/recon-wireless-180-degree-folding-mouse/		

Interference Search			
US Class/CPC Symbol	US Subclass/CPC Group	Date	Examiner
D14	402-410	12/13/2022	AM

/AUSTIN MURPHY/ Primary Examiner.Art Unit 2917	
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PE2E SEARCH - Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	British Equivalents	Time Stamp
L14	105	D14/407.ccls.	(USPAT)	OR	ON	ON	2022/12/13 09:07 PM
L15	457	D14/402.ccls.	(USPAT)	OR	ON	ON	2022/12/13 09:09 PM
L16	4	"foldable mouse".ti.	(USPAT)	OR	ON	ON	2022/12/13 09:12 PM
L17	12	((US-D948510-S OR US-D910631-S OR US-D868064-S OR US-D726727-S OR US-D615545-S OR US-D469768-S OR US-D301142-S OR US-D721703-S OR US-D589513-S OR US-11409377-B2 OR US-9851814-B2 OR US-11132071-B2).did. AND USPT.dbnm.)	(US-PGPUB; USPAT; USOCR; FIT (AU, AP, AT, BE, BG, BR, BY, CA, CH, CN, CS, CU, CZ, DD, DE, DK, EA, EE, EP, ES, FI, FR, GB, HR, HU, ID, IE, IL, IS, IT, JP, KR, LT, LU, LV, MA, OA, RU, SU, WO, MC, MD, MY, NL, NO, NZ, PH, PL, PT, RO, RS, SE, SG, SI, SK, TH, TN, TR, TW, UA, VN); FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2022/12/13 09:13 PM
L18	0	((("CONTOUR") near3 ("DESIGN") near3 ("NORDIC") near3 ("A/S"))).AS,AANM.	(USPAT)	OR	ON	ON	2022/12/13 09:21 PM

PE2E SEARCH - Search History (Interference)

There are no Interference searches to show.