

Office Action Summary

Application No. 10/375,232	Applicant(s) AARONS, MARTHA I. <u>3</u>
Examiner Katherine M Moran	Art Unit 3765

-- 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) 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 the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- 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 27 February 2003.
- 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) 1-27 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-4, 6, 8-12 and 14-27 is/are rejected.
- 7) Claim(s) 5, 7 and 13 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 27 February 2003 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).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) 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.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) Interview Summary (PTO-413) Paper No(s) _____
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other:

DETAILED ACTION

Drawings

✓ 1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the anti-skid portion attached to a fabric underlayer of claim 8 must be shown or the feature canceled from the claim. No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

✓ 2. The disclosure is objected to because of the following informalities: pg.2, line 18: insert -and-- after "gloves", pg.7, line 7: delete "form" and insert --from--.

Appropriate correction is required.

Claim Objections

✓ 3. Claims 9 and 16 are objected to because of the following informalities: claim 9, line 2: insert --of-- after "parts" and claim 16, line 1: insert --of-- after "surface". Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(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.

5. Claims 1-4, 6, 8-11, 14, 16, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Howard (U.S. 4,051,553). Howard '553 discloses the invention as claimed.

Howard teaches a glove 10 comprising a fabric portion having a fabric exterior surface throughout, and a rubber anti-skid portion having anti-skid exterior surface throughout, wherein the fabric portion is connected to the anti-skid portion, the fabric portion includes a dorsal part, and the anti-skid portion includes an outer thumb part overlying a thumb bending axis, a palm part, and finger pad surfaces 16 (Figures 1, 3, and 4). The fabric portion includes an inner thumb part as shown in Figure 3. Column 2, lines 15-17 recite that the fabric is a cotton net fabric which is inherently stretchable and breathable. With regard to claim 20, Howard's sports glove is intended to be worn while performing various physical activities, including the practice of yoga, and contacting rigid surfaces. The glove's structure lends itself to placing the anti-skid portion in contact with a rigid surface, as the anti-skid portion would inherently prevent against slippage on the rigid portion.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Howard '553. Howard discloses the invention substantially as claimed. However, Howard does not teach that the anti-skid portion includes an anti-skid material attached to a fabric underlayer and that the fabric underlayer and fabric portion are parts of a continuous, unitary layer of a fabric material. It is well known to provide an interface between the glove's fabric and a gripping or anti-skid layer. This reduces the wear on the glove's outer fabric. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the glove of Howard with a fabric underlayer attached to an anti-skid material so that the fabric underlayer and fabric portion are parts of a continuous, unitary layer of a fabric material because this provides an additional layer to absorb any stress or pressure placed against the anti-skid material and prevents undue stress on the glove's fabric.

8. Claims 12 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Howard '553 in view of McGrew (U.S. 6,035,444). Howard discloses the invention substantially as claimed. However, Howard does not teach that the anti-skid material is adhesively bonded to the fabric underlayer. Howard also does not teach that the textured surface includes a treaded surface. McGrew '444 teaches a glove 10 with treaded areas 28 and grip pads 32 on the palm, with the pads 32 adhesively secured to the glove (col.3, lines 7-9). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to bond the anti-skid material of Howard to the fabric underlayer with adhesive because this is an inexpensive but secure method of bonding two materials which is well known. It also would have been obvious

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to provide the glove of Howard with a treaded surface because this provides multiple contact areas over a large surface that give a stronger grip to the glove's outer surface.

9. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Howard '553 in view of Yewer, Jr. (Yewer, 5,790,980). Howard discloses the invention substantially as claimed. However, Howard does not teach that the anti-skid portion includes polyurethane foam. Yewer '980 teaches a glove 10 with a padded polyurethane foam portion 22. This material conforms more readily to the contours of the hand providing a comfortable and stable grip (col.2, lines 10-19). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to form the anti-skid material of Howard from polyurethane foam because this material adapts more easily to the natural contours of the hand and fingers, thus improving the wearer's grip.

10. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Howard '553 in view of Ortolivo (U.S. 4,621,388). Howard discloses the invention substantially as claimed. However, Howard does not teach an anti-skid material adhesively bonded to the fabric underlayer. Ortolivo '388 teaches a glove with grip portions 14 formed from sand particles (col. 4, lines 5-7). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to form the anti-skid areas from a textured surface including grit particles because this would provide the glove with a natural material which provides sufficient frictional forces to assist in gripping.

11. Claims 19 and 21-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Howard '553 in view of Mulvihill (U.S. 4,541,186). Howard discloses the method steps substantially as claimed. However, Howard does not teach that the glove is part of a yoga

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support system that includes a pair of yoga slippers wherein the slippers each include a slipper fabric portion having a slipper fabric exterior surface throughout, and a slipper anti-skid portion with a slipper anti-skid exterior surface throughout, wherein the slipper anti-skid portion includes a sole part, and a pair of side parts overlying both sides of the foot of a user. Mulvihill '186 teaches a slipper, inherently provided in pairs, with a fabric portion 12 having a slipper fabric exterior surface throughout, and a slipper anti-skid portion 14a,b with a slipper anti-skid exterior surface throughout, wherein the slipper anti-skid portion includes a sole part 14 and a pair of side parts (Figures 2 and 3) overlying both sides of the foot of a user. Howard also does not teach method steps involving the pair of slippers including steps of placing the slippers in contact with a floor or a wall, placing the outer thumb parts of the gloves against the rigid surface, and a yoga support system including the pair of gloves and pair of slippers with anti-skid portions. Method steps recited in claims 21-27 are obvious over Howard '533 and Mulvihill '186 in that many common yoga poses require the practitioner to place their hands and feet on the floor or against a wall. The outer thumb of the gloves will inherently contact a rigid surface when the hands are placed against the surface. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide a pair of Howard's gloves and a pair of Mulvihill's slippers as part of a yoga support system, with both pairs including anti-skid surfaces to be worn while practicing yoga, to prevent the wearer from slipping and injuring themselves while performing complex and challenging movements.

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Allowable Subject Matter

12. Claims 5, 7, 13 are 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.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Gaiam Catalog-Internet reference, Petrey (U.S. 4,651,354), Drescher et al. (U.S. 5,467,484), Malpee (U.S. 5,774,898), and Post (U.S. 6,044,493) teach relevant prior art.

Any inquiry concerning this communication or earlier communications should be directed to Examiner Katherine Moran at (703) 305-0452. The examiner can be reached on Monday-Thursday from 8:30 am to 6:00 pm, and alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Calvert, may be reached at (703) 305-1025. The official fax number for the organization where this application is assigned is (703) 872-9302. The after final fax number for this organization where this application is assigned is (703) 872-9303.

Any inquiry of a general nature or relating to the status of this application should be directed to the receptionist at (703) 308-1148.

Kmm

May 14, 2003