



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	ISSUE DATE	PATENT NO.	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/863,785	06/23/2015	9060653	P09574US01/SJW	1065

881 7590 06/03/2015
STITES & HARBISON PLLC
1199 NORTH FAIRFAX STREET
SUITE 900
ALEXANDRIA, VA 22314

ISSUE NOTIFICATION

The projected patent number and issue date are specified above.

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment is 298 day(s). Any patent to issue from the above-identified application will include an indication of the adjustment on the front page.

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Application Assistance Unit (AAU) of the Office of Data Management (ODM) at (571)-272-4200.

APPLICANT(s) (Please see PAIR WEB site <http://pair.uspto.gov> for additional applicants):

Scott HENDERSON, Brooklyn, NY;
Janet VILLANO, Jersey City, NY;
Ellen DIAMANT, New York, NY;
Elizabeth ZACK, Brooklyn, NY;
SKIP HOP, INC, New York, NY

The United States represents the largest, most dynamic marketplace in the world and is an unparalleled location for business investment, innovation, and commercialization of new technologies. The USA offers tremendous resources and advantages for those who invest and manufacture goods here. Through SelectUSA, our nation works to encourage and facilitate business investment. To learn more about why the USA is the best country in the world to develop technology, manufacture products, and grow your business, visit SelectUSA.gov.

Munchkin, Inc. Exhibit 1003-1

IR103 (Rev. 10/09)
REQUEST FOR INTER PARTES REVIEW OF U.S. PATENT NUMBER 9,060,953

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail** **Mail Stop ISSUE FEE**
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or Fax (571)-273-2885

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

881 7590 04/24/2015
STITES & HARBISON PLLC
1199 NORTH FAIRFAX STREET
SUITE 900
ALEXANDRIA, VA 22314

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/863,785	04/16/2013	Scott HENDERSON	P09574US01/SJW	1065

TITLE OF INVENTION: Bath Spout Cover

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	SMALL	\$480	\$0	\$0	\$480	07/24/2015

EXAMINER	ART UNIT	CLASS-SUBCLASS
LE, HUYEN D	3754	004-661000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a **Customer Number** is required.

2. For printing on the patent front page, list

- (1) The names of up to 3 registered patent attorneys or agents OR, alternatively,
- (2) The name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

- 1 **Stephen J. Weyer, Esq.**
- 2 **Terry L. Wright, Esq.**
- 3 **Stites & Harbison, PLLC**

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

SKIP HOP, INC.

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

New York, NEW YORK

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☒ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☒ Issue Fee
- ☐ Publication Fee (No small entity discount permitted)
- ☐ Advance Order - # of Copies _____

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
- ☒ Payment by credit card. Form PTO-2038 is attached.
- ☒ The director is hereby authorized to charge the required fee(s), any deficiency, or credits any overpayment, to Deposit Account Number **12-0555** (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ Applicant certifying micro entity status. See 37 CFR 1.29
- ☐ Applicant asserting small entity status. See 37 CFR 1.27
- ☐ Applicant changing to regular undiscounted fee status.

NOTE: Absent a valid certification of Micro Entity Status (see forms PTO/SB/15A and 15B), issue fee payment in the micro entity amount will not be accepted at the risk of application abandonment.

NOTE: If the application was previously under micro entity status, checking this box will be taken to be a notification of loss of entitlement to micro entity status.

NOTE: Checking this box will be taken to be a notification of loss of entitlement to small or micro entity status, as applicable.

NOTE: This form must be signed in accordance with 37 CFR 1.31 and 1.33. See 37 CFR 1.4 for signature requirements and certifications.

Authorized Signature



Date **May 19, 2015**

Typed or printed name

Stephen J. Weyer

Registration No. **43,259**

Electronic Patent Application Fee Transmittal

Application Number:	13863785			
Filing Date:	16-Apr-2013			
Title of Invention:	Bath Spout Cover			
First Named Inventor/Applicant Name:	Scott HENDERSON			
Filer:	Billy Aaron Schulman/Stacy Johnson			
Attorney Docket Number:	P09574US01/SJW			
Filed as Small Entity				
Filing Fees for Utility under 35 USC 111(a)				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Utility Appl Issue Fee	2501	1	480	480

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Extension-of-Time:				
Miscellaneous:				
Total in USD (\$)				480

Electronic Acknowledgement Receipt

EFS ID:	22389308
Application Number:	13863785
International Application Number:	
Confirmation Number:	1065
Title of Invention:	Bath Spout Cover
First Named Inventor/Applicant Name:	Scott HENDERSON
Customer Number:	881
Filer:	Billy Aaron Schulman/Stacy Johnson
Filer Authorized By:	Billy Aaron Schulman
Attorney Docket Number:	P09574US01/SJW
Receipt Date:	19-MAY-2015
Filing Date:	16-APR-2013
Time Stamp:	15:21:21
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	\$480
RAM confirmation Number	1812
Deposit Account	120555
Authorized User	STITES & HARBISON PLLC

The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:

Charge any Additional Fees required under 37 C.F.R. Section 1.17 (Patent application and reexamination processing fees)

Munchkin, Inc. v. Skip Hop, Inc.

Munchkin 1003-5
U.S. Pat. No. 9,060,653

Charge any Additional Fees required under 37 C.F.R. Section 1.19 (Document supply fees)

Charge any Additional Fees required under 37 C.F.R. Section 1.20 (Post Issuance fees)

Charge any Additional Fees required under 37 C.F.R. Section 1.21 (Miscellaneous fees and charges)

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Issue Fee Payment (PTO-85B)	P09574US01IssueFeeTransmittal.pdf	88597	no	1
			e4dec551f0c25b21a794ffbdc27fee4f3dc909f		

Warnings:

Information:

2	Fee Worksheet (SB06)	fee-info.pdf	30402	no	2
			1ef8936905e5b94cdbcdaa2a2bc6d717923b4cf0		

Warnings:

Information:

Total Files Size (in bytes):	118999
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This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.



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www.uspto.gov

NOTICE OF ALLOWANCE AND FEE(S) DUE

881 7590 04/24/2015
STITES & HARBISON PLLC
1199 NORTH FAIRFAX STREET
SUITE 900
ALEXANDRIA, VA 22314

EXAMINER

LE, HUYEN D

ART UNIT

PAPER NUMBER

3754

DATE MAILED: 04/24/2015

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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13/863,785

04/16/2013

Scott HENDERSON

P09574US01/SJW

1065

TITLE OF INVENTION: Bath Spout Cover

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
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nonprovisional

SMALL

\$480

\$0

\$0

\$480

07/24/2015

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the ENTITY STATUS shown above. If the ENTITY STATUS is shown as SMALL or MICRO, verify whether entitlement to that entity status still applies.

If the ENTITY STATUS is the same as shown above, pay the TOTAL FEE(S) DUE shown above.

If the ENTITY STATUS is changed from that shown above, on PART B - FEE(S) TRANSMITTAL, complete section number 5 titled "Change in Entity Status (from status indicated above)".

For purposes of this notice, small entity fees are 1/2 the amount of undiscounted fees, and micro entity fees are 1/2 the amount of small entity fees.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail** Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or **Fax** (571)-273-2885

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

881 7590 04/24/2015
STITES & HARBISON PLLC
1199 NORTH FAIRFAX STREET
SUITE 900
ALEXANDRIA, VA 22314

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/863,785	04/16/2013	Scott HENDERSON	P09574US01/SJW	1065

TITLE OF INVENTION: Bath Spout Cover

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	SMALL	\$480	\$0	\$0	\$480	07/24/2015

EXAMINER	ART UNIT	CLASS-SUBCLASS
LE, HUYEN D	3754	004-661000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

- (1) The names of up to 3 registered patent attorneys or agents OR, alternatively, 1 _____
- (2) The name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 _____
- 3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
- ☐ Publication Fee (No small entity discount permitted)
- ☐ Advance Order - # of Copies _____

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The director is hereby authorized to charge the required fee(s), any deficiency, or credits any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ Applicant certifying micro entity status. See 37 CFR 1.29
- ☐ Applicant asserting small entity status. See 37 CFR 1.27
- ☐ Applicant changing to regular undiscounted fee status.

NOTE: Absent a valid certification of Micro Entity Status (see forms PTO/SB/15A and 15B), issue fee payment in the micro entity amount will not be accepted at the risk of application abandonment.

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NOTE: Checking this box will be taken to be a notification of loss of entitlement to small or micro entity status, as applicable.

NOTE: This form must be signed in accordance with 37 CFR 1.31 and 1.33. See 37 CFR 1.4 for signature requirements and certifications.

Authorized Signature _____

Date _____

Typed or printed name _____

Registration No. _____



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/863,785	04/16/2013	Scott HENDERSON	P09574US01/SJW	1065

881 7590 04/24/2015
STITES & HARBISON PLLC
1199 NORTH FAIRFAX STREET
SUITE 900
ALEXANDRIA, VA 22314

EXAMINER

LE, HUYEN D

ART UNIT PAPER NUMBER

3754

DATE MAILED: 04/24/2015

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (Applications filed on or after May 29, 2000)

The Office has discontinued providing a Patent Term Adjustment (PTA) calculation with the Notice of Allowance.

Section 1(h)(2) of the AIA Technical Corrections Act amended 35 U.S.C. 154(b)(3)(B)(i) to eliminate the requirement that the Office provide a patent term adjustment determination with the notice of allowance. See Revisions to Patent Term Adjustment, 78 Fed. Reg. 19416, 19417 (Apr. 1, 2013). Therefore, the Office is no longer providing an initial patent term adjustment determination with the notice of allowance. The Office will continue to provide a patent term adjustment determination with the Issue Notification Letter that is mailed to applicant approximately three weeks prior to the issue date of the patent, and will include the patent term adjustment on the patent. Any request for reconsideration of the patent term adjustment determination (or reinstatement of patent term adjustment) should follow the process outlined in 37 CFR 1.705.

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

OMB Clearance and PRA Burden Statement for PTOL-85 Part B

The Paperwork Reduction Act (PRA) of 1995 requires Federal agencies to obtain Office of Management and Budget approval before requesting most types of information from the public. When OMB approves an agency request to collect information from the public, OMB (i) provides a valid OMB Control Number and expiration date for the agency to display on the instrument that will be used to collect the information and (ii) requires the agency to inform the public about the OMB Control Number's legal significance in accordance with 5 CFR 1320.5(b).

The information collected by PTOL-85 Part B is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450. Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

Notice of Allowability	Application No. 13/863,785	Applicant(s) HENDERSON ET AL.	
	Examiner HUYEN LE	Art Unit 3754	AIA (First Inventor to File) Status No

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

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed on 04/16/2015.
☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on _____.
2. ☐ 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.
3. ☒ The allowed claim(s) is/are 1,2,4-8,10-15,17 and 21-27. As a result of the allowed claim(s), 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.
4. ☐ 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)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.


THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Examiner's Amendment/Comment |
| 2. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 6. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| 3. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 7. <input type="checkbox"/> Other _____ |
| 4. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ | |

/HUYEN LE/
Primary Examiner, Art Unit 3754

Search Notes 	Application/Control No. 13863785	Applicant(s)/Patent Under Reexamination HENDERSON ET AL.
	Examiner HUYEN 3751 LE	Art Unit 3754

CPC- SEARCHED		
Symbol	Date	Examiner
A47K 17/00	03/26/2015	HL

CPC COMBINATION SETS - SEARCHED		
Symbol	Date	Examiner

US CLASSIFICATION SEARCHED			
Class	Subclass	Date	Examiner
4	661, 675	03/26/2015	HL

SEARCH NOTES		
Search Notes	Date	Examiner

INTERFERENCE SEARCH			
US Class/ CPC Symbol	US Subclass / CPC Group	Date	Examiner
4	661	04/20/2015	HL
A47K	17/00	04/20/2015	HL

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BIB DATA SHEET

CONFIRMATION NO. 1065

SERIAL NUMBER	FILING or 371(c) DATE	CLASS	GROUP ART UNIT	ATTORNEY DOCKET NO.		
13/863,785	04/16/2013	004	3754	P09574US01/SJW		
APPLICANTS SKIP HOP, INC, New York, NY INVENTORS Scott HENDERSON, Brooklyn, NY; Janet VILLANO, Jersey City, NY; Ellen DIAMANT, New York, NY; Elizabeth ZACK, Brooklyn, NY; ** CONTINUING DATA ***** This application is a CON of 12/511,652 07/29/2009 PAT 8424129 ** FOREIGN APPLICATIONS ***** ** IF REQUIRED, FOREIGN FILING LICENSE GRANTED *** SMALL ENTITY ** 05/17/2013						
Foreign Priority claimed <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No 35 USC 119(a-d) conditions met <input type="checkbox"/> Yes <input type="checkbox"/> No Verified and Acknowledged <u>/HUYEN LE/</u> Examiner's Signature		<input type="checkbox"/> Met after Allowance Initials	STATE OR COUNTRY NY	SHEETS DRAWINGS 3	TOTAL CLAIMS 20	INDEPENDENT CLAIMS 3
ADDRESS STITES & HARBISON PLLC 1199 NORTH FAIRFAX STREET SUITE 900 ALEXANDRIA, VA 22314 UNITED STATES						
TITLE Bath Spout Cover						
FILING FEE RECEIVED 1220	FEES: Authority has been given in Paper No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following:			<input type="checkbox"/> All Fees <input type="checkbox"/> 1.16 Fees (Filing) <input type="checkbox"/> 1.17 Fees (Processing Ext. of time) <input type="checkbox"/> 1.18 Fees (Issue) <input type="checkbox"/> Other _____ <input type="checkbox"/> Credit		

Issue Classification 	Application/Control No. 13863785	Applicant(s)/Patent Under Reexamination HENDERSON ET AL.	
	Examiner HUYEN 3751 LE	Art Unit 3754	

CPC					
Symbol				Type	Version
A47K	3	005		F	2013-01-01
Y10T	428	24008		A	2015-01-15
Y10T	29	49826		A	2015-01-15
Y10T	137	7043		A	2015-04-01
E03C	1	0404		I	2013-01-01

CPC Combination Sets				
Symbol	Type	Set	Ranking	Version

NONE		Total Claims Allowed:	
		21	
(Assistant Examiner)	(Date)	O.G. Print Claim(s)	O.G. Print Figure
/HUYEN LE/ Primary Examiner.Art Unit 3754	04/20/2015	1	1
(Primary Examiner)	(Date)		

EAST Search History

EAST Search History (Interference)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L1	692	4/661.OCLS.	US-PGPUB; USPAT; UPAD	OR	OFF	2015/04/20 13:59
L2	403	A47K17/00.CPC.	US-PGPUB; USPAT; UPAD	OR	OFF	2015/04/20 14:01

4/ 20/ 2015 2:06:20 PM
C:\ Users\ hle5\ Documents\ EAST\ Workspaces\ 13863785.wsp

IN THE U.S. PATENT AND TRADEMARK OFFICE

U.S. Appl. No.: 13/863,785 Confirmation No.: 1065
Title: BATH SPOUT COVER
Inventor(s): HENDERSON, Scott
Filed: April 16, 2013
Art Unit: 3751
Examiner: Huyen, D. Le
Docket No.: P09574US01/SJW
Customer No.: 000881

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Response to Office Action dated April 10, 2015

Honorable Commissioner

This Reply is being filed in response to the Office Action dated April 10, 2015.

Please consider the amendments and responsive remarks provided herewith.

- **Amendments to the Claims** are reflected in the listing of claims which begins on page 2 of this paper.
- **Remarks** begin on page 6 of this paper.

Amendments to the Claims

This listing of claims will replace all prior versions, and listings, of claims in the application.

1. (Currently Amended) A bath spout cover, comprising:
a body structure having an upper portion, two opposing side portions, and a front portion, said upper portion defining an elongated void extending along a length of the upper portion; a receiving area defined between the upper portion, the two opposing side portions, and the front portion; and
a strap spanning the two opposing side portions, said strap for securing the bath spout cover to a bath spout; and
at least one aperture defined by one of the side portions of the body structure, said aperture for receiving an end of the strap, wherein the end of the strap extends in a direction that is perpendicular to a longitudinal axis of the strap.
2. (Original) The bath spout cover of claim 1, wherein the two opposing side portions and the front portion define an open bottom of the bath spout cover for receiving a bath spout in the receiving area.
3. (Cancelled)
4. (Original) The bath spout cover of claim 1, further comprising a second aperture defined by the other side portion of the body structure, said second aperture for receiving the other end of the strap.
5. (Original) The bath spout cover of claim 1, wherein the strap is permanently attached to at least one of the side portions of the body structure.

6. (Original) The bath spout cover of claim 1, wherein the strap is detachable from each side portion of the body structure.
7. (Original) The bath spout cover of claim 1, wherein the strap is adjustable on each side portion of the body structure.
8. (Currently Amended) The bath spout cover of ~~claim 3~~claim 1, wherein the strap comprises a plurality of ridges positioned at predetermined intervals along the length of the strap, and wherein said ridges engage the at least one aperture defined by one of the side portions of the body structure.
9. (Cancelled)
10. (Original) The bath spout cover of claim 1, wherein the upper portion further defines an opening adapted to fit over a bath spout shower diverter.
11. (Original) The bath spout cover of claim 1, wherein the upper portion further comprises a hooked portion for hanging the bath spout cover.
12. (Original) The bath spout cover of claim 1, wherein the body structure is comprised of an elastomeric material.
13. (Original) The bath spout cover of claim 11, wherein the strap is comprised of an elastomeric material.
14. (Currently Amended) A bath spout cover, comprising:
a body structure having an upper portion, two opposing side portions, and a front portion; a receiving area defined between the upper portion, the two opposing side

portions, and the front portion, the upper portion defines an elongated void extending along substantially an entire length of the upper portion;

a strap operably connected to the two opposing side portions, said strap for securing the bath spout cover to a bath spout; and

at least one aperture defined by one of the side portions of the body structure, said aperture for receiving an end of the strap.

15. (Original) The bath spout cover of claim 14, further comprising a second aperture defined by the other side portion of the body structure, said second aperture for receiving the other end of the strap.

16. (Cancelled)

17. (Original) The bath spout cover of claim 15, wherein the upper portion further defines an opening adapted to fit over a bath spout shower diverter.

18. – 20. (Cancelled)

21. (Previously Presented) A bath spout cover, comprising:

a body structure with an exterior facing surface, the body structure having an upper portion, two opposing side portions, and a front portion;

a receiving area defined between the upper portion, the two opposing side portions, and the front portion;

at least one aperture through one of the side portions, and

a strap spanning the two opposing side portions and traversing the at least aperture, an end portion of the strap having a dimension larger than a dimension of the aperture, said end portion extending through said aperture and extending along the exterior facing surface of the body wherein part of the end portion abuts the exterior

facing surface of the body structure, thereby holding the strap in place, said strap for securing the bath spout cover to a bath spout.

22. (Previously Presented) The bath spout cover of claim 21, wherein the end portion abutting the exterior surface prevents the strap from sliding back through the at least one aperture.

23. (Previously Presented) The bath spout cover of claim 21, wherein the at least two apertures comprised two apertures, one on each opposing side portion.

24. (Previously Presented) The bath spout cover of claim 21, wherein the body structure is comprised of an elastomeric material.

25. (Previously Presented) The bath spout cover of claim 24, wherein the strap is comprised of an elastomeric material.

26. (Previously Presented) The bath spout cover of claim 21, wherein the body structure is comprised of an elastomeric material having a Shore A hardness of about 55 to about 95.

27. (Previously Presented) The bath spout cover of claim 26, wherein the elastomeric material has a Shore A hardness of about 75 to about 85.

Remarks

Claims 1, 2, 4-8, 10-15, 17 and 21-27 are pending in the present application. By this Amendment, Applicants have amended claims 1, 8 and 14 and cancelled claims 3, 9, 16 and 18-20. Applicants respectfully submit that the present application is in condition for allowance based on the discussion which follows.

Allowable Subject Matter

Applicants gratefully appreciate the indication of allowable subject matter of claims 9 and 16 if rewritten in independent form. Further, Applicants appreciate the indication of allowable claims 21-27. By this Amendment, Applicants have amended claim 1 to include the subject matter of claims 9 and claim 3 from which claim 9 depends and therefore claim 1 corresponds to claim 9 rewritten in independent form. Further, by this Amendment, Applicants have amended claim 14 to include the subject matter of claim 16 and therefore claim 14 corresponds to claim 16 rewritten in independent form.

Double Patenting Rejections

Claims 14, 15 and 17-19 were rejected on the grounds of non-statutory double patenting in view of previously issued patent No. 8,424,192 ('192 patent), based on claims 1, 3 and 11. Without addressing the merits of the double patenting rejection and in order to advance prosecution of the present application to allowance, with this response, Applicants have cancelled claims 18 and 19 and amended claim 14 to include the subject matter of claim 16, a claim dependent from claim 14 and not subject to the double patenting rejection. Accordingly, claim 14 corresponds to claim 16 rewritten in independent form.

Based on the foregoing, Applicants respectfully submit that claims 14, 15 and 17 are not obvious in view of the '192 patent and therefore respectfully request that the double patenting rejection in this application be withdrawn.

Claim Rejections – 35 U.S.C. § 112

Claim 20 was rejected on formality grounds which, in view of this Amendment cancelling claim 20, renders the rejection to claim 20 now moot.

Claim Rejections – 35 U.S.C. § 102(b)

Claims 1, 2, 10, 12 and 13 were rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Thorne, et al (U.S. Patent Application Publication No.: 2007/0130688, hereinafter “Thorne”). Without addressing the merits of this rejection and in order to advance prosecution of the present application to allowance, by this Amendment, Applicants have amended claim 1 to include the subject matter of allowable claim 9. Claims 2, 10, 12 and 13 all depend directly or indirectly from claim 1. Accordingly, claims 1, 2, 10, 12 and 13 now recite allowable subject matter.

Based on the foregoing, Applicants respectfully request that the rejection to claims 1, 2, 10, 12 and 13 under 35 U.S.C. § 102(b) be withdrawn.

Claim Rejections – 35 U.S.C. § 103

Claims 3-8, 14, 15 and 17-20

Claims 3-8, 14, 15 and 17-20 were rejected under 35 U.S.C. § 103(a) as allegedly being obvious from Thorne further in view of Levine, et al. (U.S. Patent No. 3,327,280, hereinafter “Levine”). As noted above, by this Amendment, Applicants have amended claim 1 to include the subject matter of allowable claim 9. Subsequently, Applicants have cancelled claim 3 (along with claim 9) which is now incorporated in claim 1. Applicants respectfully submit that claims 4-8 which depend from claim 1 are allowable and not obvious in view of the cited prior art.

In addition, by this Amendment, Applicants have amended claim 14 to include the allowable subject matter of claim 16. Therefore, claim 14 corresponds to claim 16 now in independent form and therefore, claim 14 is allowable. Claim 17 depends from claim 14 and therefore also presents allowable subject matter. Finally, as noted above by this

Amendment, Applicants have cancelled claims 18-20 thereby rendering the rejection to claims 18-20 as moot.

Based on the foregoing, Applicants respectfully submit that claims 4-8, 14 and 15 are clear and not obvious in view of the prior art and therefore respectfully request that the rejection to these claims be withdrawn.

Claim 11

Finally, claim 11 was rejected under 35 U.S.C. §103(a) as allegedly being obvious from Thorne in view of Munoz (D354,550). As previously noted, claim 1 has been amended to now include the allowable subject matter of claim 9 and therefore claim 1 corresponds to allowable claim 9 rewritten in independent form. Claim 11 depends from claim 1 and therefore is allowable for at least the reasons discussed above with regard to the subject matter of allowable claim 9.

Based on the foregoing, Applicants respectfully request that the rejection to claim 11 be withdrawn.

Conclusion

In light of the foregoing, Applicants submit that all prior objections and rejections are respectfully traversed, and that the present application is in condition for immediate allowance. Such action is respectfully requested.

Date: April 16, 2015

Respectfully submitted,



By: Stephen J. Weyer
Registration No. 43,259

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TEL: 703-739-4900 ♦ FAX: 703-739-9577 ♦ CUSTOMER NO. 000881

Electronic Acknowledgement Receipt

EFS ID:	22083172
Application Number:	13863785
International Application Number:	
Confirmation Number:	1065
Title of Invention:	Bath Spout Cover
First Named Inventor/Applicant Name:	Scott HENDERSON
Customer Number:	881
Filer:	Billy Aaron Schulman/Stacy Johnson
Filer Authorized By:	Billy Aaron Schulman
Attorney Docket Number:	P09574US01/SJW
Receipt Date:	16-APR-2015
Filing Date:	16-APR-2013
Time Stamp:	15:04:58
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no
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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		P09574US01Transmittal_Amdt. pdf	366560 1275ad77562c8faf834b4865e66eec83f04b b8d4	yes	9

	Multipart Description/PDF files in .zip description		
	Document Description	Start	End
	Transmittal Letter	1	1
	Amendment/Req. Reconsideration-After Non-Final Reject	2	2
	Claims	3	6
	Applicant Arguments/Remarks Made in an Amendment	7	9

Warnings:

Information:

Total Files Size (in bytes):	366560
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This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

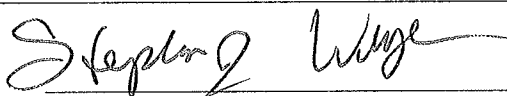
TRANSMITTAL FORM (for all correspondence after initial filing)	Application #	13/863,785
	Confirmation #	1065
	Filing Date	April 16, 2013
	First Inventor	HENDERSON
	Art Unit	3754
	Examiner	Le, Huyen D.
Total number of pages in this submission =	Docket #	P09574US01/SJW

ENCLOSURES (check all that apply)	
<input type="checkbox"/> Fees calculated below <input type="checkbox"/> including Extension of Time Fee <input checked="" type="checkbox"/> Amendment/Reply <input checked="" type="checkbox"/> including Attachment(s) <input type="checkbox"/> After Final Amendment/Reply <input type="checkbox"/> including Attachment(s)	<input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> <input type="checkbox"/>

FEES CALCULATION: For claims if required and/or other fees as shown below:					
STATUS of Applicant is:		<input type="checkbox"/> MICRO	<input checked="" type="checkbox"/> SMALL	<input type="checkbox"/> LARGE	FEE DUE
FEE FOR	CALCULATION	\$	\$	\$	\$
<input checked="" type="checkbox"/> TOTAL CLAIMS	22 - 27 = 0 (extra)	× 20 =	× 40 =	× 80 =	
<input checked="" type="checkbox"/> INDEP. CLAIMS	3 - 4 = 0 (extra)	× 105 =	× 210 =	× 420 =	
<input type="checkbox"/> Extension of Time for month(s) (serving as constructive EOT Petition) =					
<input type="checkbox"/> Other fee for					
TOTAL					NONE

<input type="checkbox"/> Payment of \$ is made by: <input type="checkbox"/> ELECTRONIC FUNDS TRANSFER - submitted concurrently herewith. <input type="checkbox"/> CREDIT CARD PAYMENT FORM - PTO-2038 submitted concurrently herewith. <input checked="" type="checkbox"/> The Director is authorized to charge any fee, additional fee or extension fee due in connection herewith to Deposit Account No. 12-0555: (1) if no payment or an insufficient payment is enclosed and a fee is due in connection herewith; or (2) if no petition for extension of time is enclosed but an EOT is required - and in this event, applicant hereby petitions under 37 CFR 1.136(a) for an extension of time of as many months as are required to render this submission timely.

Date: April 16, 2015


Signed By Name: Stephen J. Weyer
Attorney of Record Registration No.: 43,259

STITES & HARBISON PLLC ♦ 1199 North Fairfax St. ♦ Suite 900 ♦ Alexandria, VA 22314
TEL: 703-739-4900 ♦ FAX: 703-739-9577 ♦ Customer No. 881

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875	Application or Docket Number 13/863,785	Filing Date 04/16/2013	<input type="checkbox"/> To be Mailed
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ENTITY: ☐ LARGE ☒ SMALL ☐ MICRO

APPLICATION AS FILED – PART I

(Column 1)

(Column 2)

FOR	NUMBER FILED	NUMBER EXTRA	RATE (\$)	FEE (\$)
<input type="checkbox"/> BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A	
<input type="checkbox"/> SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A	N/A	
<input type="checkbox"/> EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A	
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =	*	X \$ =	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*	X \$ =	
<input type="checkbox"/> APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$310 (\$155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).			
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))				
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL	

APPLICATION AS AMENDED – PART II

(Column 1)

(Column 2)

(Column 3)

AMENDMENT	04/16/2015	CLAIMS REMAINING AFTER AMENDMENT	MINUS	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)
	Total (37 CFR 1.16(i))	* 21	Minus	** 27	= 0	X \$40 =	0
	Independent (37 CFR 1.16(h))	* 3	Minus	***4	= 0	X \$210 =	0
	<input type="checkbox"/> Application Size Fee (37 CFR 1.16(s))						
	<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))						
TOTAL ADD'L FEE						0	

(Column 1)

(Column 2)

(Column 3)

AMENDMENT	CLAIMS REMAINING AFTER AMENDMENT	MINUS	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)
	Total (37 CFR 1.16(i))	*	Minus	**	=	X \$ =
	Independent (37 CFR 1.16(h))	*	Minus	***	=	X \$ =
	<input type="checkbox"/> Application Size Fee (37 CFR 1.16(s))					
	<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))					
TOTAL ADD'L FEE						

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.

** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".

*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".

The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

LIE
/DIANE JOHNSON/

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/863,785	04/16/2013	Scott HENDERSON	P09574US01/SJW	1065

881 7590 04/10/2015
STITES & HARBISON PLLC
1199 NORTH FAIRFAX STREET
SUITE 900
ALEXANDRIA, VA 22314

EXAMINER

LE, HUYEN D

ART UNIT	PAPER NUMBER
----------	--------------

3754

NOTIFICATION DATE	DELIVERY MODE
-------------------	---------------

04/10/2015

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):

iplaw@stites.com

Office Action Summary	Application No. 13/863,785	Applicant(s) HENDERSON ET AL.	
	Examiner HUYEN LE	Art Unit 3754	AIA (First Inventor to File) Status No

-- 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 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 04/16/2013.
☐ 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) 1-27 is/are pending in the application.
5a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 6) ☒ Claim(s) 21-27 is/are allowed.
- 7) ☒ Claim(s) 1-8, 10-15, 17-20 is/are rejected.
- 8) ☒ Claim(s) 9 and 16 is/are objected to.
- 9) ☐ Claim(s) ____ 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

Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the “right to exclude” granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory double patenting rejection is appropriate where the claims at issue are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the reference application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement. A terminal disclaimer must be signed in compliance with 37 CFR 1.321(b).

The USPTO internet Web site contains terminal disclaimer forms which may be used. Please visit <http://www.uspto.gov/forms/>. The filing date of the application will

determine what form should be used. A web-based eTerminal Disclaimer may be filled out completely online using web-screens. An eTerminal Disclaimer that meets all requirements is auto-processed and approved immediately upon submission. For more information about eTerminal Disclaimers, refer to

<http://www.uspto.gov/patents/process/file/efs/guidance/eTD-info-I.jsp>.

2. Claims 14-15, 17 are rejected on the ground of nonstatutory double patenting over claims 1 and 3 of U.S. Patent No. 8,424,129 since the claims, if allowed, would improperly extend the "right to exclude" already granted in the patent.

The subject matter claimed in the instant application is fully disclosed in the patent and is covered by the patent since the patent and the application are claiming common subject matter, as follows: claim 14 of the present invention. recites a body structure, a strap connected to two opposing side portion of the body structure, at least one aperture on one of the side of the body structure for receiving an end of the strap, all of which are included in claim 1 of the patent

Furthermore, there is no apparent reason why applicant was prevented from presenting claims corresponding to those of the instant application during prosecution of the application which matured into a patent. See *In re Schneller*, 397 F.2d 350, 158 USPQ 210 (CCPA 1968). See also MPEP § 804.

Claims 18-19 are rejected on the ground of nonstatutory double patenting as being unpatentable over claims 1 and 11 of U.S. Patent No. 8,424,129 . Although the claims of the patent do not teach the Shore A hardness of the material of the cover in the range of 55 to 95 or 75 to 85, it would have been obvious to one of ordinary skill in

Art Unit: 3754

the art at the time the invention was made to select a material for the spout cover of. to have Shore A hardness within a certain range to optimize the performance. See In re Aller, 105 USPQ 233, using the optimum or workable ranges involves only routine skill in the art.

Claim Rejections - 35 USC § 112

3. The following is a quotation of 35 U.S.C. 112(d):

(d) REFERENCE IN DEPENDENT FORMS.—Subject to subsection (e), a claim in dependent form shall contain a reference to a claim previously set forth and then specify a further limitation of the subject matter claimed. A claim in dependent form shall be construed to incorporate by reference all the limitations of the claim to which it refers.

The following is a quotation of 35 U.S.C. 112 (pre-AIA), fourth paragraph:

Subject to the [fifth paragraph of 35 U.S.C. 112 (pre-AIA)], a claim in dependent form shall contain a reference to a claim previously set forth and then specify a further limitation of the subject matter claimed. A claim in dependent form shall be construed to incorporate by reference all the limitations of the claim to which it refers.

4. regarding claim 20, claim 20 depends from itself.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of pre-AIA 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.

6. Claims 1-2, 10, 12-13 are rejected under pre-AIA 35 U.S.C. 102(b) as being anticipated by Thorne et al (2007/0130688).

Thorne et al disclose a body structure 10 having an upper portion 18, two opposing side portions 20, and a front portion 16, the upper portion 18 defining an elongated void 32 extending along a length of the upper portion (shown in Figs. 1 and 6; a receiving area defined between the upper portion, the two opposing side portions, and the front portion; and a strap 26 spanning the two opposing side portions, the strap for securing the bath spout cover to a bath spout 14.

Regarding claim 2, the two opposing side portions and the front portion define an open bottom of the bath spout cover for receiving area.

Regarding claim 10, the upper portion 18 further defines an opening (near grooves 36 in Fig. 5) adapted to fit over a bath spout shower diverter.

Regarding claim 12, the body is comprised of an elastomeric material

Regarding claim 13, the strap is comprised of a elastomeric material.

Claim Rejections - 35 USC § 103

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

(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.

8. Claims 3-8, 14-15, 17-20 are rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over Thorne et al (2007/0130688) in view of Levine et al. (3,327,280).

Thorne et al. disclose the trap 26 secured to the spout cover but do not specifically teach how the spout cover attached to the cover. Levine et al. teach a strap 25 received through the openings on opposite sides of a protective cover to secure the cover to an item. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the strap of Thorne et al. to include protrusions and openings on the sides of the tub cover in view of the teaching of Levine et al. for easy adjustment and replacement.

Regarding claim 5, wherein making one end of the strap permanently attached to the cover body would be obvious design choice.

Regarding claim 17, the upper portion 18 further defines an opening (near grooves 36 in Fig. 5) adapted to fit over a bath spout shower diverter.

Regarding claims 18-20, although Thorne et al. do not explicitly disclose the Shore A hardness of the material of the cover in the range of 55 to 95 or 75 to 85, it would have been obvious to one of ordinary skill in the art at the time the invention was made to select a material for the spout cover of Thorne et al. to have Shore A hardness within a certain range to optimize the performance. See *In re Aller*, 105 USPQ 233, using the optimum or workable ranges involves only routine skill in the art.

9. Claim 11 is rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over Thorne et al (2007/0130688) in view of Munoz (D 354,550).

Munoz teaches a spout cover having a fin in the shape of a hooked portion. Therefore, it would have been obvious to one of skill in the art to modify Thorne et al. to have a figure

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design in view of the teaching of Munoz so that the cover is aesthetically pleasant to children.

Allowable Subject Matter

10. Claims 9 and 16 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.

11. Claims 21-27 are allowed.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Black et al. and Wainwright et al. teach a bathtub spout cover.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUYEN LE whose telephone number is (571)272-4890. The examiner can normally be reached on Monday-Friday from 9:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Durand can be reached on 571-272-4459. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3754

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). 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.

/HUYEN LE/

Primary Examiner, Art Unit 3754

Notice of References Cited	Application/Control No. 13/863,785		Applicant(s)/Patent Under Reexamination HENDERSON ET AL.	
	Examiner HUYEN LE		Art Unit 3754	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-2007/0130688 A1	06-2007	Thorne et al.	004/675
*	B	US-D354,550	01-1995	Munoz, Raul	D23/256
*	C	US-3,327,280	06-1967	BERNARD LEVINE et al.	439/135
*	D	US-4,353,139	10-1982	Wainwright et al.	4/661
*	E	US-6,205,598 B1	03-2001	Black et al.	4/580
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			


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.

Search Notes 	Application/Control No. 13863785	Applicant(s)/Patent Under Reexamination HENDERSON ET AL.
	Examiner HUYEN 3751 LE	Art Unit 3754

CPC- SEARCHED		
Symbol	Date	Examiner
A47K 17/00	03/26/2015	HL

CPC COMBINATION SETS - SEARCHED		
Symbol	Date	Examiner

US CLASSIFICATION SEARCHED			
Class	Subclass	Date	Examiner
4	661, 675	03/26/2015	HL

SEARCH NOTES		
Search Notes	Date	Examiner

INTERFERENCE SEARCH			
US Class/ CPC Symbol	US Subclass / CPC Group	Date	Examiner

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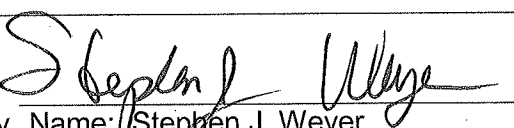
TRANSMITTAL FORM (for all correspondence after initial filing)	Application #	13/863,785
	Confirmation #	1065
	Filing Date	April 16, 2013
	First Inventor	HENDERSON
	Art Unit	3751
	Examiner	Huyen, D. Le.
Total number of pages in this submission =	Docket #	P09574US01/SJW

ENCLOSURES (check all that apply)	
<input checked="" type="checkbox"/> Fees calculated below <input checked="" type="checkbox"/> Preliminary Amendment <input type="checkbox"/> including Attachment(s) <input type="checkbox"/> After Final Amendment/Reply <input type="checkbox"/> including Attachment(s) <input type="checkbox"/> Extension of Time Petition/Fee	<input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Drawing(s) <input type="checkbox"/> <input type="checkbox"/>

FEES CALCULATION: For claims if required and/or other fees as shown below:					
STATUS of Applicant is:		<input type="checkbox"/> MICRO	<input checked="" type="checkbox"/> SMALL	<input type="checkbox"/> LARGE	FEE DUE
FEE FOR	CALCULATION	\$	\$	\$	\$
<input checked="" type="checkbox"/> TOTAL CLAIMS	27 - 20 = 7 (extra)	× 20 =	× 40 =	× 80 =	280
<input checked="" type="checkbox"/> INDEP. CLAIMS	4 - 3 = 1 (extra)	× 105 =	× 210 =	× 420 =	210
<input type="checkbox"/> Extension of Time for _____ months (serving as constructive EOT Petition) =					
<input type="checkbox"/> Other fee for _____					
TOTAL					490

<input checked="" type="checkbox"/> Payment of \$490 is made by: <input checked="" type="checkbox"/> ELECTRONIC FUNDS TRANSFER - submitted concurrently herewith. <input type="checkbox"/> CREDIT CARD PAYMENT FORM - PTO-2038 submitted concurrently herewith. <input checked="" type="checkbox"/> The Director is authorized to charge any fee, additional fee or extension fee due in connection herewith to Deposit Account No. 12-0555: (1) if no payment or an insufficient payment is enclosed and a fee is due in connection herewith; or (2) if no petition for extension of time is enclosed but an EOT is required - and in this event, applicant hereby petitions under 37 CFR 1.136(a) for an extension of time of as many months as are required to render this submission timely.

Date: November 20, 2013


Signed By Name: Stephen J. Weyer
Attorney of Record Registration No.: 43,259

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TEL: 703-739-4900 ♦ FAX: 703-739-9577 ♦ Customer No. 881

IN THE U.S. PATENT AND TRADEMARK OFFICE

U.S. Appl. No.: 13/863,785 Confirmation No.: 1065
Title: BATH SPOUT COVER
Inventor(s): HENDERSON, Scott
Filed: April 16, 2013
Art Unit: 3751
Examiner: Huyen, D. Le
Docket No.: P09574US01/SJW
Customer No.: 000881

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Preliminary Amendment

Honorable Commissioner

Prior to examination, please consider the amendments and remarks provided herewith.

- **Amendments to the Claims** are reflected in the listing of claims which begins on page 2 of this paper.
- **Remarks** begin on page 7 of this paper.

Amendments to the Claims

This listing of claims will replace all prior versions, and listings, of claims in the application.

1. (Original) A bath spout cover, comprising:
a body structure having an upper portion, two opposing side portions, and a front portion, said upper portion defining an elongated void extending along a length of the upper portion; a receiving area defined between the upper portion, the two opposing side portions, and the front portion; and
a strap spanning the two opposing side portions, said strap for securing the bath spout cover to a bath spout.
2. (Original) The bath spout cover of claim 1, wherein the two opposing side portions and the front portion define an open bottom of the bath spout cover for receiving a bath spout in the receiving area.
3. (Original) The bath spout cover of claim 1, further comprising at least one aperture defined by one of the side portions of the body structure, said aperture for receiving an end of the strap.
4. (Original) The bath spout cover of claim 1, further comprising a second aperture defined by the other side portion of the body structure, said second aperture for receiving the other end of the strap.
5. (Original) The bath spout cover of claim 1, wherein the strap is permanently attached to at least one of the side portions of the body structure.
6. (Original) The bath spout cover of claim 1, wherein the strap is detachable from each side portion of the body structure.

7. (Original) The bath spout cover of claim 1, wherein the strap is adjustable on each side portion of the body structure.

8. (Original) The bath spout cover of claim 3, wherein the strap comprises a plurality of ridges positioned at predetermined intervals along the length of the strap, and wherein said ridges engage the at least one aperture defined by one of the side portions of the body structure.

9. (Original) The bath spout cover of claim 3, wherein the end of the strap extends in a direction that is perpendicular to a longitudinal axis of the strap.

10. (Original) The bath spout cover of claim 1, wherein the upper portion further defines an opening adapted to fit over a bath spout shower diverter.

11. (Original) The bath spout cover of claim 1, wherein the upper portion further comprises a hooked portion for hanging the bath spout cover.

12. (Original) The bath spout cover of claim 1, wherein the body structure is comprised of an elastomeric material.

13. (Original) The bath spout cover of claim 11, wherein the strap is comprised of an elastomeric material.

14. (Original) A bath spout cover, comprising:

a body structure having an upper portion, two opposing side portions, and a front portion; a receiving area defined between the upper portion, the two opposing side portions, and the front portion;

a strap operably connected to the two opposing side portions, said strap for securing the bath spout cover to a bath spout; and

at least one aperture defined by one of the side portions of the body structure, said aperture for receiving an end of the strap.

15. (Original) The bath spout cover of claim 14, further comprising a second aperture defined by the other side portion of the body structure, said second aperture for receiving the other end of the strap.

16. (Original) The bath spout cover of claim 14, wherein the upper portion defines an elongated void extending along substantially an entire length of the upper portion.

17. (Original) The bath spout cover of claim 15, wherein the upper portion further defines an opening adapted to fit over a bath spout shower diverter.

18. (Original) A bath spout cover, comprising:

a body structure having an upper portion, two opposing side portions, and a front portion, the body structure comprised of an elastomeric material having a Shore A hardness of about 55 to about 95;

a receiving area defined between the upper portion, the two opposing side portions, and the front portion;

a strap spanning the two opposing side portions, said strap for securing the bath spout cover to a bath spout; and

at least one aperture defined by one of the side portions of the body structure, said aperture for receiving an end of the strap.

19. (Original) The bath spout cover of claim 17, wherein the elastomeric material has a Shore A hardness of about 75 to about 85.

20. (Original) The bath spout cover of claim 20, wherein the elastomeric material comprises a thermoplastic rubber.

21. (New) A bath spout cover, comprising:

a body structure with an exterior facing surface, the body structure having an upper portion, two opposing side portions, and a front portion;

a receiving area defined between the upper portion, the two opposing side portions, and the front portion;

at least one aperture through one of the side portions, and

a strap spanning the two opposing side portions and traversing the at least one aperture, an end portion of the strap having a dimension larger than a dimension of the aperture, said end portion extending through said aperture and extending along the exterior facing surface of the body wherein part of the end portion abuts the exterior facing surface of the body structure, thereby holding the strap in place, said strap for securing the bath spout cover to a bath spout.

22. (New) The bath spout cover of claim 21, wherein the end portion abutting the exterior surface prevents the strap from sliding back through the at least one aperture.

23. (New) The bath spout cover of claim 21, wherein the at least two apertures comprised two apertures, one on each opposing side portion.

24. (New) The bath spout cover of claim 21, wherein the body structure is comprised of an elastomeric material.

25. (New) The bath spout cover of claim 24, wherein the strap is comprised of an elastomeric material.

26. (New) The bath spout cover of claim 21, wherein the body structure is comprised of an elastomeric material having a Shore A hardness of about 55 to about 95.

27. (New) The bath spout cover of claim 26, wherein the elastomeric material has a Shore A hardness of about 75 to about 85.

Remarks

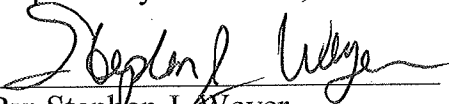
Claims 1-20 were originally pending in the present application. By this Amendment, Applicants have added new claims 21-27. Subject matter basis for added new claims 21-27 can be found in the present specification as filed including the Figures and paragraph [0024]. Therefore, added new claims 21-27 do not constitute new matter.

Conclusion

In light of the foregoing, Applicants submit that the present application is in condition for examination. Such action is respectfully requested.

Respectfully submitted,

Date: November 20, 2013


By: Stephen J. Weyer
Registration No. 43,259

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TEL: 703-739-4900 ♦ FAX: 703-739-9577 ♦ CUSTOMER NO. 000881

Electronic Patent Application Fee Transmittal

Application Number:	13863785			
Filing Date:	16-Apr-2013			
Title of Invention:	Bath Spout Cover			
First Named Inventor/Applicant Name:	Scott HENDERSON			
Filer:	Billy Aaron Schulman/Stacy Johnson			
Attorney Docket Number:	P09574US01/SJW			
Filed as Small Entity				
Utility under 35 USC 111(a) Filing Fees				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Claims in excess of 20	2202	7	40	280
Independent Claims in Excess of 3	2201	1	210	210
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Extension-of-Time:				
Miscellaneous:				
Total in USD (\$)				490

Electronic Acknowledgement Receipt

EFS ID:	17459121
Application Number:	13863785
International Application Number:	
Confirmation Number:	1065
Title of Invention:	Bath Spout Cover
First Named Inventor/Applicant Name:	Scott HENDERSON
Customer Number:	881
Filer:	Billy Aaron Schulman/Stacy Johnson
Filer Authorized By:	Billy Aaron Schulman
Attorney Docket Number:	P09574US01/SJW
Receipt Date:	20-NOV-2013
Filing Date:	16-APR-2013
Time Stamp:	17:23:08
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	\$490
RAM confirmation Number	4938
Deposit Account	
Authorized User	

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part (.zip)	Pages (if appl.)
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Munchkin, Inc. v. Skip Hop, Inc.

U.S. Pat. No. 9,060,653

1	Preliminary Amendment	P09574US01Transmittal_Prelim Amdt.pdf	295121 <small>ca96ca8f22b9ba48dceb9795411e0c83153 5c5b2</small>	no	8
Warnings:					
Information:					
2	Fee Worksheet (SB06)	fee-info.pdf	31755 <small>b3ea072d5016d0945365212e3022f4b76f8 47c91</small>	no	2
Warnings:					
Information:					
Total Files Size (in bytes):			326876		
<p>This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.</p> <p><u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.</p> <p><u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.</p> <p><u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.</p>					

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875	Application or Docket Number 13/863,785	Filing Date 04/16/2013	<input type="checkbox"/> To be Mailed
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ENTITY: ☐ LARGE ☒ SMALL ☐ MICRO

APPLICATION AS FILED – PART I

(Column 1)

(Column 2)

FOR	NUMBER FILED	NUMBER EXTRA	RATE (\$)	FEE (\$)
<input type="checkbox"/> BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A	
<input type="checkbox"/> SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A	N/A	
<input type="checkbox"/> EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A	
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =	*	X \$ =	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*	X \$ =	
<input type="checkbox"/> APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$310 (\$155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).			
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))				
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL	

APPLICATION AS AMENDED – PART II

(Column 1)

(Column 2)

(Column 3)

AMENDMENT	11/20/2013	CLAIMS REMAINING AFTER AMENDMENT	MINUS	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)
	Total (37 CFR 1.16(i))	* 27	Minus	** 20	= 7	X \$40 =	280
	Independent (37 CFR 1.16(h))	* 4	Minus	*** 3	= 1	X \$210 =	210
	<input type="checkbox"/> Application Size Fee (37 CFR 1.16(s))						
	<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))						
TOTAL ADD'L FEE							490

(Column 1)

(Column 2)

(Column 3)

AMENDMENT	CLAIMS REMAINING AFTER AMENDMENT	MINUS	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)
	Total (37 CFR 1.16(i))	*	Minus	**	=	X \$ =
	Independent (37 CFR 1.16(h))	*	Minus	***	=	X \$ =
	<input type="checkbox"/> Application Size Fee (37 CFR 1.16(s))					
	<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))					
TOTAL ADD'L FEE						

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.

** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".

*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".

The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

LIE
/DEANNA RORIE/

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
13/863,785	04/16/2013	Scott HENDERSON	P09574US01/SJW

CONFIRMATION NO. 1065

PUBLICATION NOTICE



OC000000063502810

881
STITES & HARBISON PLLC
1199 NORTH FAIRFAX STREET
SUITE 900
ALEXANDRIA, VA 22314

Title:Bath Spout Cover

Publication No.US-2013-0224427-A1

Publication Date:08/29/2013

NOTICE OF PUBLICATION OF APPLICATION

The above-identified application will be electronically published as a patent application publication pursuant to 37 CFR 1.211, et seq. The patent application publication number and publication date are set forth above.

The publication may be accessed through the USPTO's publically available Searchable Databases via the Internet at www.uspto.gov. The direct link to access the publication is currently <http://www.uspto.gov/patft/>.

The publication process established by the Office does not provide for mailing a copy of the publication to applicant. A copy of the publication may be obtained from the Office upon payment of the appropriate fee set forth in 37 CFR 1.19(a)(1). Orders for copies of patent application publications are handled by the USPTO's Office of Public Records. The Office of Public Records can be reached by telephone at (703) 308-9726 or (800) 972-6382, by facsimile at (703) 305-8759, by mail addressed to the United States Patent and Trademark Office, Office of Public Records, Alexandria, VA 22313-1450 or via the Internet.

In addition, information on the status of the application, including the mailing date of Office actions and the dates of receipt of correspondence filed in the Office, may also be accessed via the Internet through the Patent Electronic Business Center at www.uspto.gov using the public side of the Patent Application Information and Retrieval (PAIR) system. The direct link to access this status information is currently <http://pair.uspto.gov/>. Prior to publication, such status information is confidential and may only be obtained by applicant using the private side of PAIR.

Further assistance in electronically accessing the publication, or about PAIR, is available by calling the Patent Electronic Business Center at 1-866-217-9197.

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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UNITED STATES DEPARTMENT OF COMMERCE
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www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
13/863,785	04/16/2013	Scott HENDERSON	P09574US01/SJW

CONFIRMATION NO. 1065

POA ACCEPTANCE LETTER



881
STITES & HARBISON PLLC
1199 NORTH FAIRFAX STREET
SUITE 900
ALEXANDRIA, VA 22314

Date Mailed: 05/24/2013

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 04/19/2013.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/ysun/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
13/863,785	04/16/2013	3751	730	P09574US01/SJW	20	3

CONFIRMATION NO. 1065

881

STITES & HARBISON PLLC
1199 NORTH FAIRFAX STREET
SUITE 900
ALEXANDRIA, VA 22314

FILING RECEIPT



Date Mailed: 05/24/2013

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Inventor(s)

Scott HENDERSON, Brooklyn, NY;
Janet VILLANO, Jersey City, NY;
Ellen DIAMANT, New York, NY;
Elizabeth ZACK, Brooklyn, NY;

Applicant(s)

SKIP HOP, INC, New York, NY

Assignment For Published Patent Application

SKIP HOP, INC, New York, NY

Power of Attorney: The patent practitioners associated with Customer Number 881

Domestic Priority data as claimed by applicant

This application is a CON of 12/511,652 07/29/2009 PAT 8424129

Foreign Applications for which priority is claimed (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see <http://www.uspto.gov> for more information.) - None.

Foreign application information must be provided in an Application Data Sheet in order to constitute a claim to foreign priority. See 37 CFR 1.55 and 1.76.

If Required, Foreign Filing License Granted: 05/17/2013

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 13/863,785**

Projected Publication Date: 08/29/2013

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Bath Spout Cover

Preliminary Class

004

Statement under 37 CFR 1.55 or 1.78 for AIA (First Inventor to File) Transition Applications: No

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

SelectUSA

The United States represents the largest, most dynamic marketplace in the world and is an unparalleled location for business investment, innovation, and commercialization of new technologies. The U.S. offers tremendous resources and advantages for those who invest and manufacture goods here. Through SelectUSA, our nation works to promote and facilitate business investment. SelectUSA provides information assistance to the international investor community; serves as an ombudsman for existing and potential investors; advocates on behalf of U.S. cities, states, and regions competing for global investment; and counsels U.S. economic development organizations on investment attraction best practices. To learn more about why the United States is the best country in the world to develop technology, manufacture products, deliver services, and grow your business, visit <http://www.SelectUSA.gov> or call +1-202-482-6800.

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875						Application or Docket Number 13/863,785			
APPLICATION AS FILED - PART I									
(Column 1)		(Column 2)		SMALL ENTITY		OR OTHER THAN SMALL ENTITY			
FOR	NUMBER FILED	NUMBER EXTRA	RATE(\$)	FEE(\$)		RATE(\$)	FEE(\$)		
BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A	70		N/A			
SEARCH FEE (37 CFR 1.16(k), (l), or (m))	N/A	N/A	N/A	300		N/A			
EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A	360		N/A			
TOTAL CLAIMS (37 CFR 1.16(j))	20	minus 20 = *	x 40 =	0.00	OR				
INDEPENDENT CLAIMS (37 CFR 1.16(h))	3	minus 3 = *	x 210 =	0.00					
APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$310 (\$155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).			0.00					
MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))				0.00					
			TOTAL	730		TOTAL			
* If the difference in column 1 is less than zero, enter "0" in column 2.									
APPLICATION AS AMENDED - PART II									
(Column 1)		(Column 2)		(Column 3)		SMALL ENTITY		OR OTHER THAN SMALL ENTITY	
AMENDMENT A	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE(\$)	ADDITIONAL FEE(\$)		RATE(\$)	ADDITIONAL FEE(\$)	
	Total (37 CFR 1.16(i))	*	Minus **	=	x =	OR	x =		
	Independent (37 CFR 1.16(h))	*	Minus ***	=	x =	OR	x =		
	Application Size Fee (37 CFR 1.16(s))					OR			
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))					OR			
			TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE			
(Column 1)		(Column 2)		(Column 3)		SMALL ENTITY		OR OTHER THAN SMALL ENTITY	
AMENDMENT B	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE(\$)	ADDITIONAL FEE(\$)		RATE(\$)	ADDITIONAL FEE(\$)	
	Total (37 CFR 1.16(i))	*	Minus **	=	x =	OR	x =		
	Independent (37 CFR 1.16(h))	*	Minus ***	=	x =	OR	x =		
	Application Size Fee (37 CFR 1.16(s))					OR			
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))					OR			
			TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE			
* If the entry in column 1 is less than the entry in column 2, write "0" in column 3. ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20". *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3". The "Highest Number Previously Paid For" (Total or Independent) is the highest found in the appropriate box in column 1.									

**GENERAL POWER OF ATTORNEY
TO PROSECUTE APPLICATIONS BEFORE THE USPTO**

I hereby revoke all previous powers of attorney given in the application identified in the attached statement under 37 CFR 3.73(c).

I hereby **appoint**:

The Practitioner(s) associated with the Customer Number: **881**

as attorney(s) or agent(s) to represent the undersigned before the United States Patent and Trademark Office (USPTO) in connection with the application identified in the attached statement under 37 CFR 3.73(c).

Please recognize or change the **correspondence address** for the application identified in the attached statement under 37 CFR 3.73(c) to:

The address associated with Customer Number: **881**

ASSIGNEE

Name: **SKIP HOP, INC.**

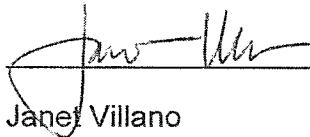
Address: 50 West 23rd Street, 10th Floor, New York, NY 10010

A copy of this form, together with a statement under 37 CFR 3.73(c) (Form PTO/SB/96 or equivalent) is required to be filed in each application in which this form is used. The statement under 37 CFR 3.73(c) may be completed by one of the practitioners appointed in this form, and must identify the application in which this Power of Attorney is to be filed.

SIGNATURE of Assignee of Record

The individual whose signature and title is supplied below is authorized to act on behalf of the assignee.

Signature



Date: 3-25-, 2013

Name

Janet Villano

Title

VP Product Development

STITES & HARBISON PLLC • 1199 North Fairfax St. • Suite 900 • Alexandria, VA 22314
TEL: 703-739-4900 • FAX: 703-739-9577 • CUSTOMER NO. 881

Electronic Acknowledgement Receipt

EFS ID:	15562231
Application Number:	13863785
International Application Number:	
Confirmation Number:	1065
Title of Invention:	Bath Spout Cover
First Named Inventor/Applicant Name:	Scott HENDERSON
Customer Number:	881
Filer:	Douglas Eugene Jackson/Sheila Price
Filer Authorized By:	Douglas Eugene Jackson
Attorney Docket Number:	P09574US01/SJW
Receipt Date:	19-APR-2013
Filing Date:	
Time Stamp:	11:39:59
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no
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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		P09574US01-POA.pdf	525697 1bbcfcd76fd2721a1f6f45dfb0d77a910cf9cc593	yes	3

Multipart Description/PDF files in .zip description			
Document Description	Start	End	
Transmittal Letter	1	1	
Assignee showing of ownership per 37 CFR 3.73.	2	2	
Power of Attorney	3	3	

Warnings:

Information:

Total Files Size (in bytes):	525697
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This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111
If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371
If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office
If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

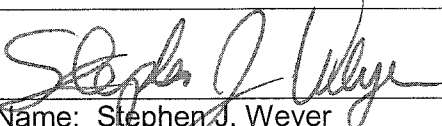
TRANSMITTAL FORM (for all correspondence after initial filing)	Application #	13/863,785
	Confirmation #	1065
	Filing Date	April 16, 2013
	First Inventor	HENDERSON, et al.
	Art Unit	
Examiner		
Total number of pages in this submission =	Docket #	P09574US01/SJW

ENCLOSURES (check all that apply)	
<input type="checkbox"/> Fees calculated below <input type="checkbox"/> Preliminary Amendment <input type="checkbox"/> including Attachment: <input type="checkbox"/> After Final Amendment/Reply <input type="checkbox"/> including Attachment(s) <input type="checkbox"/> Extension of Time Petition/Fee	<input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Oath or Declaration signed by Inventor <input checked="" type="checkbox"/> 37 CFR 3.37(c) Statement & <input checked="" type="checkbox"/> Power of Attorney

FEES CALCULATION: For claims if required and/or other fees as shown below:					
STATUS of Applicant is:		<input type="checkbox"/> MICRO	<input type="checkbox"/> SMALL	<input type="checkbox"/> LARGE	FEE DUE
FEE FOR	CALCULATION	\$	\$	\$	\$
<input type="checkbox"/> TOTAL CLAIMS	- 20 = 0 (extra)	× 20 =	× 40 =	× 80 =	
<input type="checkbox"/> INDEP. CLAIMS	- 3 = 0 (extra)	× 105 =	× 210 =	× 420 =	
<input type="checkbox"/> Extension of Time for _____ month(s) (serving as constructive EOT Petition) =					
<input type="checkbox"/> Other fee for late filing of declaration					
TOTAL					

<input type="checkbox"/> Payment of \$ is made by: <input type="checkbox"/> ELECTRONIC FUNDS TRANSFER - submitted concurrently herewith. <input type="checkbox"/> CREDIT CARD PAYMENT FORM - PTO-2038 submitted concurrently herewith. <input checked="" type="checkbox"/> The Director is authorized to charge any fee, additional fee or extension fee due in connection herewith to Deposit Account No. 12-0555: (1) if no payment or an insufficient payment is enclosed and a fee is due in connection herewith; or (2) if no petition for extension of time is enclosed but an EOT is required - and in this event, applicant hereby petitions under 37 CFR 1.136(a) for an extension of time of as many months as are required to render this submission timely.

Date: April 19, 2013


Signed By Name: Stephen J. Weyer
Attorney of Record Registration No.: 43259

STITES & HARBISON PLLC ♦ 1199 North Fairfax St. ♦ Suite 900 ♦ Alexandria, VA 22314
TEL: 703-739-4900 ♦ FAX: 703-739-9577 ♦ Customer No. 881

STATEMENT UNDER 37 CFR 3.73(c)

(for signature by S&H Patent Attorney)

☒ APPLICATION

Applicant HENDERSON, et al.

Number 13/863,785

Filed April 16, 2013

☐ PATENT

Owner

Number

Issued

Titled:

SKIP HOP, INC.

(name of assignee)

a corp.

(type of assignee: corp., partnership, university, gov't agency, etc.)

states that, for the patent application/patent identified above, it is:☒ 1. The assignee of the entire right, title, and interest;☐ 2. N/A☐ 3. N/A☐ 4. N/A**The interest identified in option 1 above is evidenced by either:** (choose one of options A or B below)☒ A. An assignment from the inventor(s) of the property identified above.

The assignment:

☐ was recorded in the US Patent & Trademark Office at Reel 023053, Frame 0424.☐ is attached. (See * below)☐ B. A chain of title from the inventor(s), of the property identified above, to the current assignee as follows:

1. From: _____ To: _____.

The document:

☐ was recorded in the US Patent & Trademark Office at Reel _____, Frame _____.☐ is attached. (See * below)

2. From: _____ To: _____.

The document:

☐ was recorded in the US Patent & Trademark Office at Reel _____, Frame _____.☐ is attached. (See * below)

* ☐ As required by 37 CFR 3.73(c)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11. [Note: A separate copy must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08.]

The undersigned (whose reg. # is supplied below) is authorized to act on behalf of the assignee.

Signature



Date: April 19, 2013

Name

Stephen J. Weyer

Registration No.: 43259

STITES & HARBISON PLLC • 1199 North Fairfax St. • Suite 900 • Alexandria, VA 22314

TEL: 703-739-4900 • FAX: 703-739-9577 • CUSTOMER NO. 881

UTILITY PATENT APPLICATION TRANSMITTAL <i>(Nonprovisional application under 37 CFR 1.53(b)) (Filing date after Sept. 16, 2012)</i>	Docket No.	P09574US01/SJW
	1 st Inventor	HENDERSON, et al.
	Title	Bath Spout Cover

APPLICATION ELEMENTS and ACCOMPANYING APPLICATION PARTS	
<input checked="" type="checkbox"/> See Fee Determination Below <input type="checkbox"/> Applicant claims small entity status <input checked="" type="checkbox"/> Specification [total pages = 17] <input checked="" type="checkbox"/> Drawings [total sheets = 3] <input checked="" type="checkbox"/> Oath or Declaration [total sheets = 1] <input checked="" type="checkbox"/> Newly executed (original or copy) <input type="checkbox"/> Copy from prior appl. (for cont./div.) <input checked="" type="checkbox"/> Application Data Sheet	<input type="checkbox"/> Assignment Papers Name of Assignee: <input type="checkbox"/> 37 CFR 3.37(c) Statement & <input type="checkbox"/> Power of Attorney <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Preliminary Amendment <input type="checkbox"/> Nonpublication Request

☐ This is a CONTINUING APPLICATION - as noted in the ADS.

IF a petition for extension of time (EOT) is required in the prior application for copendency with the present application and IF that petition for EOT is not filed on even date, applicant hereby petitions under 37 CFR §1.136(a) for an EOT in the prior application of as many months as are required to render this submission copending with the prior application. The Commissioner is authorized to charge any fee or additional fee due in connection with this request to Deposit Account No. 12-0555.

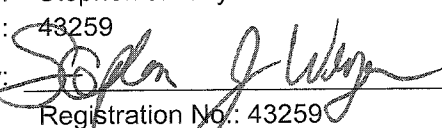
Further to Rule 1.57(a), the entire disclosure of the prior application is hereby incorporated by reference.

PATENT APPLICATION FEE DETERMINATION: as filed, including Preliminary Amendment if any						
STATUS of Applicant is:		<input type="checkbox"/> MICRO	<input checked="" type="checkbox"/> SMALL	<input type="checkbox"/> LARGE	FEE DUE	
FEE FOR	CALCULATION	\$	\$	\$	\$	
<input type="checkbox"/> BASIC - via <u>EFS</u>		70	70	280	70	
<input type="checkbox"/> SEARCH		150	300	600	300	
<input type="checkbox"/> EXAMINATION		180	360	720	360	
<input checked="" type="checkbox"/> TOTAL CLAIMS	20 - 20 = 0 (extra)	× 20 =	× 40 =	× 80 =	0	
<input checked="" type="checkbox"/> INDEP. CLAIMS	3 - 3 = 0 (extra)	× 105 =	× 210 =	× 420 =	0	
<input type="checkbox"/> MUL. DEP. CLAIM		195	390	780		
<input type="checkbox"/> APPL. SIZE	# × .75 - 100 = ?, extra 50s = ?	× 100 =	× 200 =	× 400 =		
				TOTAL	730	

☐ No payment is enclosed, and no charge should be made to our deposit account.

☒ Payment of \$ 730 is made by **ELECTRONIC FUNDS TRANSFER** - submitted concurrently herewith.

If no payment or an insufficient payment is enclosed and a fee is due in connection herewith, the Director is authorized to charge any fee or additional fee due in connection herewith to Deposit Account No. 12-0555.

CORRESPONDENCE ADDRESS – the address associated with CUSTOMER NUMBER 881	
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Application Data Sheet 37 CFR 1.76		Attorney Docket Number	P09574US01/SJW
		Application Number	
Title of Invention	Bath Spout Cover		
<p>The application data sheet is part of the provisional or nonprovisional application for which it is being submitted. The following form contains the bibliographic data arranged in a format specified by the United States Patent and Trademark Office as outlined in 37 CFR 1.76.</p> <p>This document may be completed electronically and submitted to the Office in electronic format using the Electronic Filing System (EFS) or the document may be printed and included in a paper filed application.</p>			

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<input type="checkbox"/> Portions or all of the application associated with this Application Data Sheet may fall under a Secrecy Order pursuant to 37 CFR 5.2 (Paper filers only. Applications that fall under Secrecy Order may not be filed electronically.)

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Application Data Sheet 37 CFR 1.76		Attorney Docket Number	P09574US01/SJW	
		Application Number		
Title of Invention	Bath Spout Cover			

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Customer Number	00881		
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Application Information:

Title of the Invention	Bath Spout Cover				
Attorney Docket Number	P09574US01/SJW	Small Entity Status Claimed <input checked="" type="checkbox"/>			
Application Type	Nonprovisional				
Subject Matter	Utility				
Suggested Class (if any)		Sub Class (if any)			
Suggested Technology Center (if any)					
Total Number of Drawing Sheets (if any)	3	Suggested Figure for Publication (if any)			

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U.S. Pat. No. 9,060,653

Application Data Sheet 37 CFR 1.76		Attorney Docket Number	P09574US01/SJW
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Prior Application Status		Patented		Remove	
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)	Patent Number	Issue Date (YYYY-MM-DD)
	Continuation of	US12511652	2009-07-29	8424129	2013-04-23
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Application Data Sheet 37 CFR 1.76		Attorney Docket Number	P09574US01/SJW
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Title of Invention	Bath Spout Cover		

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Application Data Sheet 37 CFR 1.76		Attorney Docket Number	P09574US01/SJW
		Application Number	
Title of Invention	Bath Spout Cover		

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**IN THE UNITED STATES PATENT AND TRADEMARK
OFFICE**

**NONPROVISIONAL PATENT APPLICATION UNDER 37 C.F.R.
§1.53 (b)**

for

BATH SPOUT COVER

RELATED APPLICATIONS

[0001] This application is a continuation of U.S. Patent Application Serial No. 12/511,652, filed July, 29, 2009 and issued as U.S Patent No. 8,424,129 on April 23, 2013, herein incorporated by reference.

TECHNICAL FIELD

[0002] The presently-disclosed subject matter relates to a cover for a bath spout and a method of securing a bath spout cover to a bath spout. In particular, the presently-disclosed subject matter relates to a bath spout cover and a method for securing a bath spout cover that make use of an adjustable strap for securing the cover to a bath spout.

BACKGROUND

[0003] Covers for bath spouts are routinely used to not only provide a decorative appearance to bath spouts, but also to protect individuals, including children, from personal injury. Accidents frequently occur in bathtubs as a result of slipping on a wet surface or simply as a

result of children playing in a bathtub. These accidents often cause pain and personal injury due to the individual hitting his or her head, or other portions of their body, against the bath spout. To that end, numerous protective covers have been designed and manufactured for bath spouts.

[0004] The majority of the protective covers that are currently available for bath spouts are formed from plastics, such as poly-vinyl chloride, and are able to protect individuals from pain and injury that may otherwise occur after the individual strikes their head or other body part against the bath spout. However, these plastic bath spout covers are routinely manufactured as solid or inflatable sleeves that slide over a particular bath spout and have limited or no adjustability, thus making them difficult to install and remove, and also making them inconvenient for storage and drying after use. Alternative designs have produced bath spout covers that are relatively easily installed, but frequently fall off and, consequently, fail to provide sufficient protection for individuals. In any event, known covers for bath spouts are either difficult to install and remove, or can not be adequately secured to a bath spout to provide a requisite degree of protection. Furthermore, none of the known bath spout covers sufficiently provide a means to easily store the bath spout cover after use, which is of great importance in drying the bath spout cover and preventing mold and mildew formation.

SUMMARY

[0005] The presently-disclosed subject matter includes bath spout covers and methods of securing a bath spout cover to a bath spout.

[0006] In one exemplary embodiment, a bath spout cover is provided that comprises a body structure having an upper portion, two opposing side portions, and a front portion that defines a receiving area. An adjustable strap spans the two opposing side portions, and an end of the strap

is received by at least one aperture, which is defined by one of the side portions of the body structure. In some exemplary embodiments, a second aperture, which is defined by the other side portion of the body structure, is provided for receiving the other end of the strap. The two opposing side portions and the front portion of the body structure further define an open bottom of the bath spout cover such that the bath spout cover is easily positioned on a bath spout and the bath spout is received by the receiving area.

[0007] To secure the bath spout cover to a bath spout, the strap spanning the two opposing side portions is typically positioned under the bath spout. In some exemplary embodiments, the strap is permanently attached to one of the side portions of the body structure and is detachable from the other side portion of the body structure such that one end of the strap remains attached to the bath spout cover while it is positioned on bath spout. Alternatively, in some embodiments, the strap is detachable from each side portion of the body structure such that the body structure can be first positioned on a bath spout and then the strap can be attached to each side portion of the body structure.

[0008] Depending on whether one or both ends of the strap are detachable from the body structure, an exemplary bath spout cover of the presently-disclosed subject matter is secured to a bath spout by adjusting the strap on either one or both side portions of the body structure. In some exemplary embodiments, the strap includes a plurality of ridges that are positioned at predetermined intervals along the length of the strap such that when the strap is adjusted on one or both side portions of the body structure, the ridges engage the apertures in the side portions of the body structure to thereby secure the cover to the bath spout. In some embodiments, the end

of the strap extends in a direction that is perpendicular to a longitudinal axis of the strap to secure the strap in the aperture and prevent the cover from easily falling off of the spout.

[0009] In other exemplary embodiments of the presently-disclosed bath spout cover, one or more additional features can be included to facilitate the use and the aesthetic appearance of an exemplary bath spout cover. In some embodiments, the top portion of an exemplary bath spout cover includes an opening that is adapted to fit over a bath spout shower diverter and a hooked portion for hanging the bath spout cover. Further, in some embodiments, in order to provide a more aesthetically-pleasing bath spout cover and to enhance the cover's appeal to children, an exemplary bath spout cover can be provided in the shape of an animal, such as a whale, where certain features of the bath spout cover resemble various anatomical features of the particular animal.

[0010] Further provided, in some embodiments of the presently-disclosed subject matter, is a method for securing a bath spout cover to a bath spout. An exemplary method for securing a bath spout cover to a bath spout includes taking a bath spout cover in accordance with the present invention; positioning the bath spout cover on the bath spout such that the bath spout is located in the receiving area; and pulling the strap through at least one aperture in a side portion of the body structure to thereby secure the bath spout cover to the bath spout.

[0011] The presently-disclosed bath spout covers and methods of securing a bath spout cover to a bath spout allow a bath spout cover to be easily attached to and removed from a variety of different bath spouts, but yet still allow for the secure attachment of the cover to a particular spout. Further, the presently-disclosed bath spout covers can be fabricated from a variety of

elastomeric materials to thereby provide a spout cover formed from a soft deformable material that provides an additional level of protection to an individual, such as a child.

BRIEF DESCRIPTION OF THE DRAWINGS

[0012] FIG. 1 is a perspective view of an exemplary bath spout cover in accordance with the presently-disclosed subject matter.

[0013] FIG. 2 is a bottom view of an exemplary bath spout cover.

[0014] FIG. 3 is a perspective view of an exemplary bath spout cover similar to FIG. 1, but further illustrating the strap detached from one side of the bath spout cover.

[0015] FIG. 4 is a top view of an exemplary bath spout cover, and showing the bath spout cover attached to a bath spout with a bath spout shower diverter being positioned in the opening of the top portion of the bath spout cover.

[0016] FIG. 5 is a left side view of an exemplary bath spout cover; the opposite side being nearly a mirror image.

[0017] FIG. 6 is perspective view of an exemplary bath spout cover illustrating the bath spout cover attached to a bath spout.

DESCRIPTION OF EXEMPLARY EMBODIMENTS

[0018] The presently-disclosed subject matter includes bath spout covers and methods of securing a bath spout cover to a bath spout. In particular, the presently-disclosed subject matter includes bath spout covers and methods of securing a bath spout cover to a bath spout that make use of an adjustable strap for securing the cover to a bath spout.

[0019] FIG. 1 includes a perspective view of an exemplary bath spout cover in accordance with the presently-disclosed subject matter. In this exemplary embodiment, a bath spout cover 10 is provided that comprises a body structure 12 having an upper portion 14, two opposing side portions 16,18, and a front portion 20; a receiving area defined by the upper portion 14, the two opposing side portions 16,18, and the front portion 20; a strap 24 spanning the two opposing side portions 16,18; and, at least one aperture 30 defined by one of the side portions 16 of the body structure 12 for receiving an end 26 of the strap 24.

[0020] Referring now to FIG. 2, the two opposing side portions 16,18 and the front portion 20 of the body structure 12 further define an open bottom of the bath spout cover 10. By including an open bottom in the bath spout cover 10, an open configuration for the bath spout cover 10 is provided that allows the bath spout cover 10 to be suitably received by the receiving area 22 of the bath spout cover 10. For example, by providing an open bottom in the bath spout cover 10, the bath spout cover 10 can simply be placed over a particular bath spout such that the spout is positioned within the receiving area 22. Alternatively, depending on the desired configuration of the strap 24 of an exemplary bath spout cover 10 and the size and shape of a particular bath spout, the bath spout cover 10 can be slidably disposed onto a bath spout such that the bath spout is positioned within the receiving area 22 and the strap 24 is positioned under the bath spout while the strap 24 is attached to both sides portions 16,18 of the body structure 12.

[0021] As noted, a variety of configurations are possible for the straps of the presently-disclosed bath spout covers. Referring now to FIG. 3, in one exemplary embodiment, the strap 24 is permanently attached to one side portion 16 of the body structure 12, but is detachable from the other side portion 18 of the body structure 12. Of course, to the extent it may be desired, the

strap can be permanently attached to the other side portion 18 the body structure 12 and detachable from the side portion 16 of the body structure 12 without departing from the spirit and scope of the presently-disclosed subject matter. In some embodiments of the presently-disclosed subject matter, the strap 24 is detachable from both sides portions 16, 18 of the body structure 12.

[0022] Depending on whether one or both ends of the strap are detachable from the body structure, an exemplary bath spout cover 10 of the presently-disclosed subject matter is secured to a bath spout by adjusting the strap 24 on either one or both side portions 16,18 of the body structure 12. In exemplary embodiments where the strap is permanently attached to one side portion 16 of the body structure 12, as illustrated in FIG. 3, the first end 26 of the strap 24 is received by the aperture 30 defined in the side portion 16 of the body structure 12 and is in a fixed position. As illustrated in FIG. 6, the other end 28 of the strap 24, which is detachable from the other side portion 18 of the body structure 12, is received by a second aperture 32 in the other side portion 18 of the body structure 12. The other end 28 of the strap 24 is then pulled through the second aperture 32 to thereby tighten and secure the bath spout cover 12 to the bath spout 40. Alternatively, in exemplary embodiments where both ends 26,28 are detachable from the side portions 16,18 of the body structure 12, the ends 26,28 of the strap 24 can be received by both of the apertures 30,32 and pulled through the apertures 30,32 to thereby adjust the strap 24 on each side portion 16,18 of the body structure 12.

[0023] After the strap 24 is pulled through one or both of the apertures 30,32, the strap 24 can be maintained in an adjusted position to thereby secure an exemplary bath spout cover 10 to a bath spout. In one exemplary embodiment, as illustrated in FIG. 2, to maintain the strap 24 in

an adjusted position, the strap 24 comprises a plurality of ridges 29 positioned at predetermined intervals along the length of the strap 24. When such a strap 24 is adjusted on one or both side portions 16,18 of a bath spout cover 10, the ridges 29 are pulled through the apertures 30,32 and engage the apertures 30, 32 on the exterior of the side portions 16,18 to thereby hold the strap 24 in an adjusted position and secure a bath spout cover 10 to a bath spout. Of course, to the extent it may be desired, various other means, such as snaps, buckles, or the like, can be employed as a means to maintain the strap 24 in an adjusted position without departing from the spirit and scope of the presently-disclosed subject matter.

[0024] In some exemplary embodiments, the ends 26,28 of the strap 24 extend in a direction that is perpendicular to the longitudinal axis of the strap 24. For example, as illustrated in FIG. 6, an end 28 of the strap 14 can extend in a direction that is perpendicular to the longitudinal axis of the strap 24 such that the end 28 of the strap 24 extends downward and away from the upper portion 14 of the body structure 12. By providing ends 26,28 of the strap 24 that are perpendicular to the longitudinal axis of the strap 24, the ends 26,28 of the strap 24 can be readily grasped by a user such that the strap can be easily adjusted. Further, the perpendicular ends 26,28 of the strap 24 also prevent the strap from sliding back through the apertures 30,32 in the side portions 16,18 of the body structure 12 and thereby further prevent the cover from easily falling off of a bath spout.

[0025] Referring now to FIG. 4, in an exemplary embodiment of a bath spout cover 10, the top portion 14 of the body structure 12 defines an opening 34 that is adapted to fit over a bath spout shower diverter 42 of a bath spout 40. The opening 34 is typically a substantially circular opening such that an exemplary bath spout cover 10 can be placed over a variety of different

bath spouts and a user can easily access a shower diverter 42 without removing the bath spout cover 10 from the bath spout 40. In some exemplary embodiments, an elongated void 35 extends from the opening 34 toward the back of the bath spout cover 10. When a bath spout cover 10 is secured onto a bath spout 40, the elongated void 35 decreases in width without substantially affecting the diameter of the opening 34 and without affecting a user's access to a shower diverter 42. Further, in some embodiments, the elongated void 35 enhances the adjustability of an exemplary bath spout cover 10 such that the bath spout cover 10 is able to accommodate bath spouts of varying sizes and shapes.

[0026] Referring now to FIG. 6, the top portion of an exemplary bath spout cover 10 can further comprise a hooked portion 36 for hanging the bath spout cover. By including a hooked portion 36, the bath spout cover 10 can be readily be hung over a towel bar or the like such that the bath spout cover 10 can hang and dry when not in use, and thereby decrease the likelihood of mold and mildew formation.

[0027] An exemplary bath spout cover 10 is typically fabricated from a deformable material, such as an elastomeric material, in order to provide an additional level of protection for individuals. Various elastomeric material can be used in accordance with the presently-disclosed subject matter and include elastomeric materials such as rubbers, plastics, or the like. In some embodiments, the body structure is fabricated from an elastomeric material such as a thermoplastic rubber or thermoplastic elastomer. In some embodiments, both the body structure and the strap are comprised of an elastomeric material. By fabricating an exemplary bath spout cover 10 from a suitable elastomeric material, an exemplary bath spout cover 10 can be provided that is not only resistant to mold and mildew formation, but that is also capable of being cleaned

in a standard dishwasher where the bath spout cover 10 may be exposed to elevated temperatures. In some embodiments, to further enhance the resistance of an exemplary bath spout cover 10 to mold and mildew formation, an anti-fungal agent can be added to the elastomeric material during fabrication.

[0028] In some embodiments of the presently-disclosed subject matter, an exemplary bath spout cover 10 is advantageously composed of a thermoplastic rubber, a thermoplastic elastomer, or both such that an exemplary bath spout cover is provided that has a Shore A hardness in the range of 55 to 95, and preferably in the range of 75 to 85. In some embodiments, an exemplary bath spout cover 10 is provided that is comprised of a thermoplastic rubber or thermoplastic elastomer such that the bath spout cover 10 has a Shore A hardness of about 80.

[0029] In order to enhance the aesthetic appeal of the presently-disclosed bath spout covers and to increase the appeal of the covers for children, an exemplary bath spout cover 10 of the presently-disclosed subject matter can be provided in the shape of an animal, such as an alligator, fish, elephant, or the like, and the various features of the bath spout cover can be shaped to resemble the various anatomical features of the particular animal. For example, as illustrated in FIG. 6, in one exemplary embodiment, a bath spout cover 10 is provided in the shape of a whale. In this exemplary embodiment, the top portion 14 of the bath spout cover 10 defines an opening 34 that forms a blowhole of the whale and the ends 26,28 of the strap 24 form the fins of the whale. Further, in this exemplary embodiment, the top portion 14 of the bath spout cover 10 also comprises a hooked portion 36 for hanging the bath spout cover 10, which forms the tail of the whale.

[0030] Further provided in some embodiments of the presently-disclosed subject matter are methods for securing a bath spout cover to a bath spout. In one exemplary implementation of a method of securing a bath spout cover to a bath spout, a bath spout cover is first taken that comprises a body structure having an upper portion, two opposing side portions, and a front portion; a receiving area defined between the upper portion, the two opposing side portions, and the front portion; a strap spanning the two opposing side portions, said strap being adjustable on at least one of the side portions of the body structure; and at least one aperture defined by one of the side portions of the body structure for receiving an end of the strap. The bath spout cover is then positioned on a bath spout such that the bath spout is located in the receiving area of the bath spout cover, and the strap is then pulled through at least one aperture in a side portion of the body structure to thereby secure the bath spout cover to the bath spout. In some implementations, the body structure can include a second aperture in a side portion of the body structure such that the strap can be pulled through two separate apertures to thereby secure the bath spout cover to the bath spout.

[0031] In some implementations of the presently-disclosed methods of securing a bath spout cover to a bath spout, a bath spout cover is provided where the strap includes a plurality of ridges positioned at predetermined intervals along the length of the strap. In these exemplary implementations, pulling the strap causes at least one of the ridges to engage at least one aperture in the bath spout cover to thereby secure the cover to the spout.

[0032] One of ordinary skill in the art will recognize that additional embodiments are also possible without departing from the teachings of the presently-disclosed subject matter. This detailed description, and particularly the specific details of the exemplary embodiments disclosed

herein, is given primarily for clarity of understanding, and no unnecessary limitations are to understood therefrom, for modifications will become apparent to those skilled in the art upon reading this disclosure and may be made without departing from the spirit or scope of the presently-disclosed subject matter.

CLAIMS

What is claimed is:

1. A bath spout cover, comprising:

a body structure having an upper portion, two opposing side portions, and a front portion, said upper portion defining an elongated void extending along a length of the upper portion;

a receiving area defined between the upper portion, the two opposing side portions, and the front portion; and

a strap spanning the two opposing side portions, said strap for securing the bath spout cover to a bath spout.
2. The bath spout cover of claim 1, wherein the two opposing side portions and the front portion define an open bottom of the bath spout cover for receiving a bath spout in the receiving area.
3. The bath spout cover of claim 1, further comprising at least one aperture defined by one of the side portions of the body structure, said aperture for receiving an end of the strap.
4. The bath spout cover of claim 1, further comprising a second aperture defined by the other side portion of the body structure, said second aperture for receiving the other end of the strap.
5. The bath spout cover of claim 1, wherein the strap is permanently attached to at least one of the side portions of the body structure.

6. The bath spout cover of claim 1, wherein the strap is detachable from each side portion of the body structure.
7. The bath spout cover of claim 1, wherein the strap is adjustable on each side portion of the body structure.
8. The bath spout cover of claim 3, wherein the strap comprises a plurality of ridges positioned at predetermined intervals along the length of the strap, and wherein said ridges engage the at least one aperture defined by one of the side portions of the body structure.
9. The bath spout cover of claim 3, wherein the end of the strap extends in a direction that is perpendicular to a longitudinal axis of the strap.
10. The bath spout cover of claim 1, wherein the upper portion further defines an opening adapted to fit over a bath spout shower diverter.
11. The bath spout cover of claim 1, wherein the upper portion further comprises a hooked portion for hanging the bath spout cover.
12. The bath spout cover of claim 1, wherein the body structure is comprised of an elastomeric material.

13. The bath spout cover of claim 11, wherein the strap is comprised of an elastomeric material.

14. A bath spout cover, comprising:

a body structure having an upper portion, two opposing side portions, and a front portion;

a receiving area defined between the upper portion, the two opposing side portions, and the front portion;

a strap operably connected to the two opposing side portions, said strap for securing the bath spout cover to a bath spout; and

at least one aperture defined by one of the side portions of the body structure, said aperture for receiving an end of the strap.

15. The bath spout cover of claim 14, further comprising a second aperture defined by the other side portion of the body structure, said second aperture for receiving the other end of the strap.

16. The bath spout cover of claim 14, wherein the upper portion defines an elongated void extending along substantially an entire length of the upper portion.

17. The bath spout cover of claim 15, wherein the upper portion further defines an opening adapted to fit over a bath spout shower diverter.

18. A bath spout cover, comprising:

a body structure having an upper portion, two opposing side portions, and a front portion, the body structure comprised of an elastomeric material having a Shore A hardness of about 55 to about 95;

a receiving area defined between the upper portion, the two opposing side portions, and the front portion;

a strap spanning the two opposing side portions, said strap for securing the bath spout cover to a bath spout; and

at least one aperture defined by one of the side portions of the body structure, said aperture for receiving an end of the strap.

19. The bath spout cover of claim 17, wherein the elastomeric material has a Shore A hardness of about 75 to about 85.

20. The bath spout cover of claim 20, wherein the elastomeric material comprises a thermoplastic rubber.

ABSTRACT

A bath spout cover is provided that includes a body structure having an upper portion, two opposing side portions, and a front portion; a receiving area defined between the upper portion, the two opposing side portions, and the front portion; a strap spanning the two opposing side portions, said strap being adjustable on at least one of the side portions of the body structure; and at least one aperture defined by one of the side portions of the body structure, said aperture for receiving an end of the strap. Further provided are methods for securing a bath spout cover to a bath spout.

FIG. 1

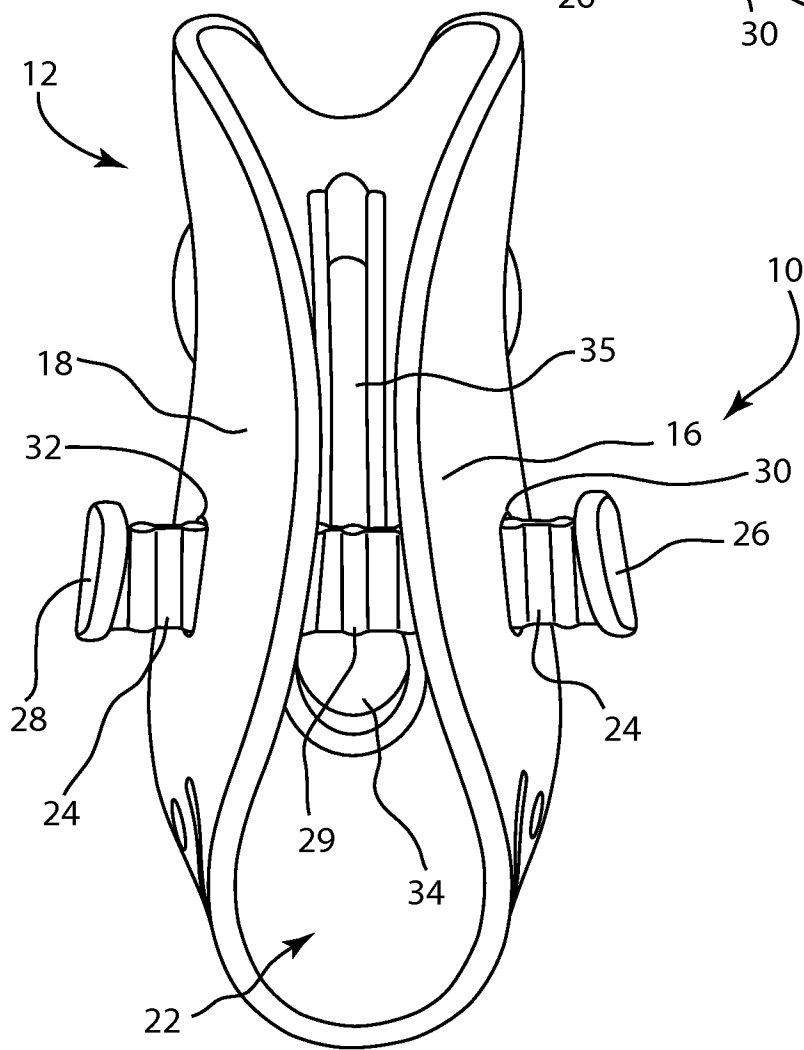
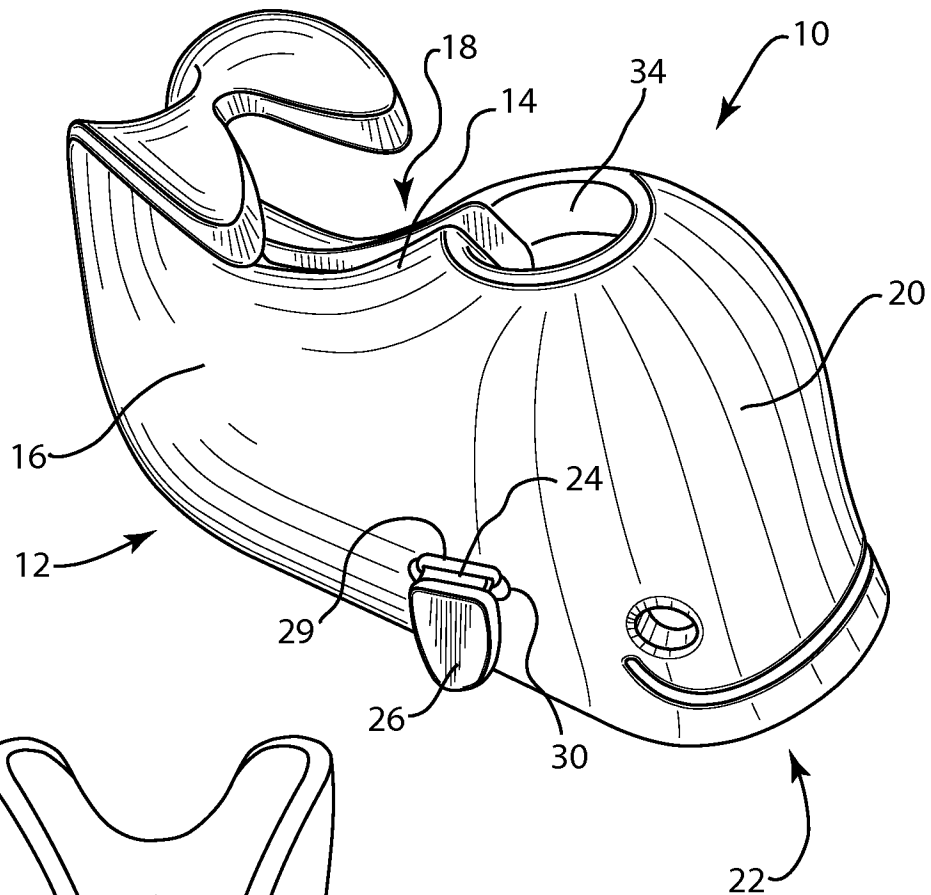


FIG. 2

FIG. 3

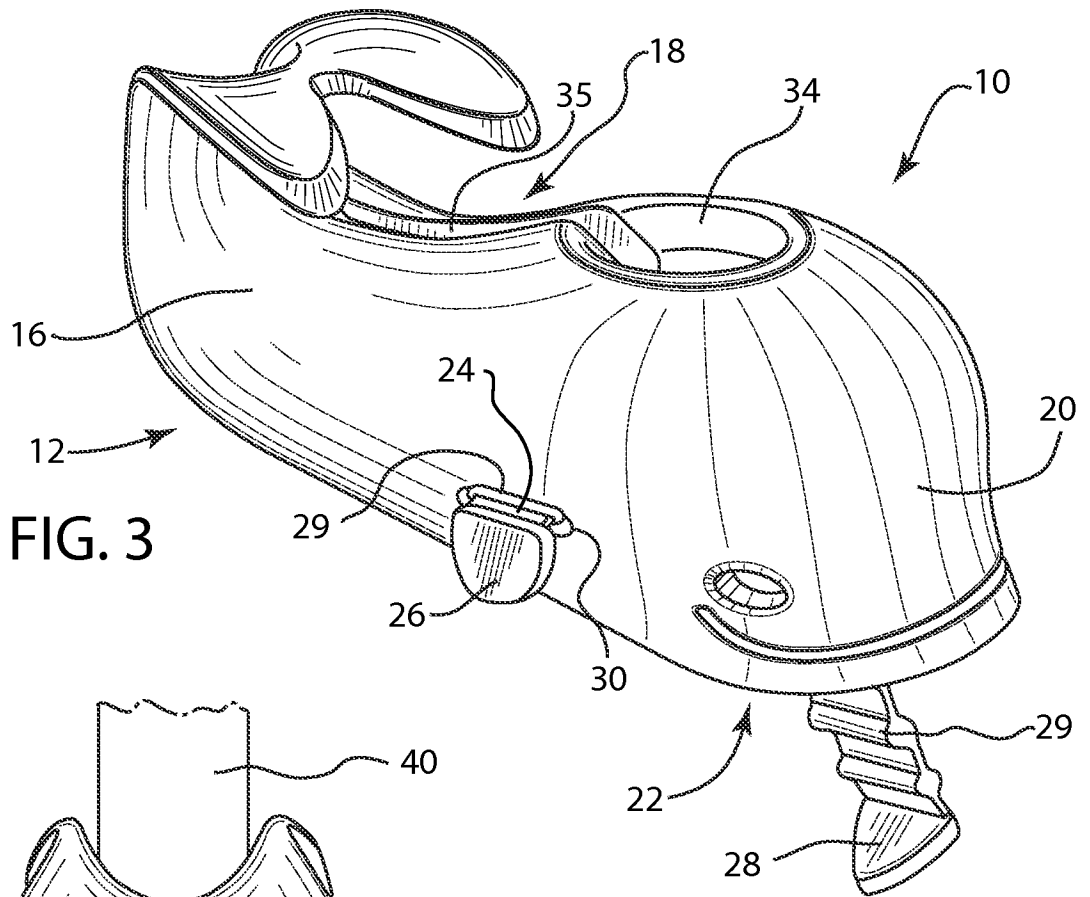


FIG. 4

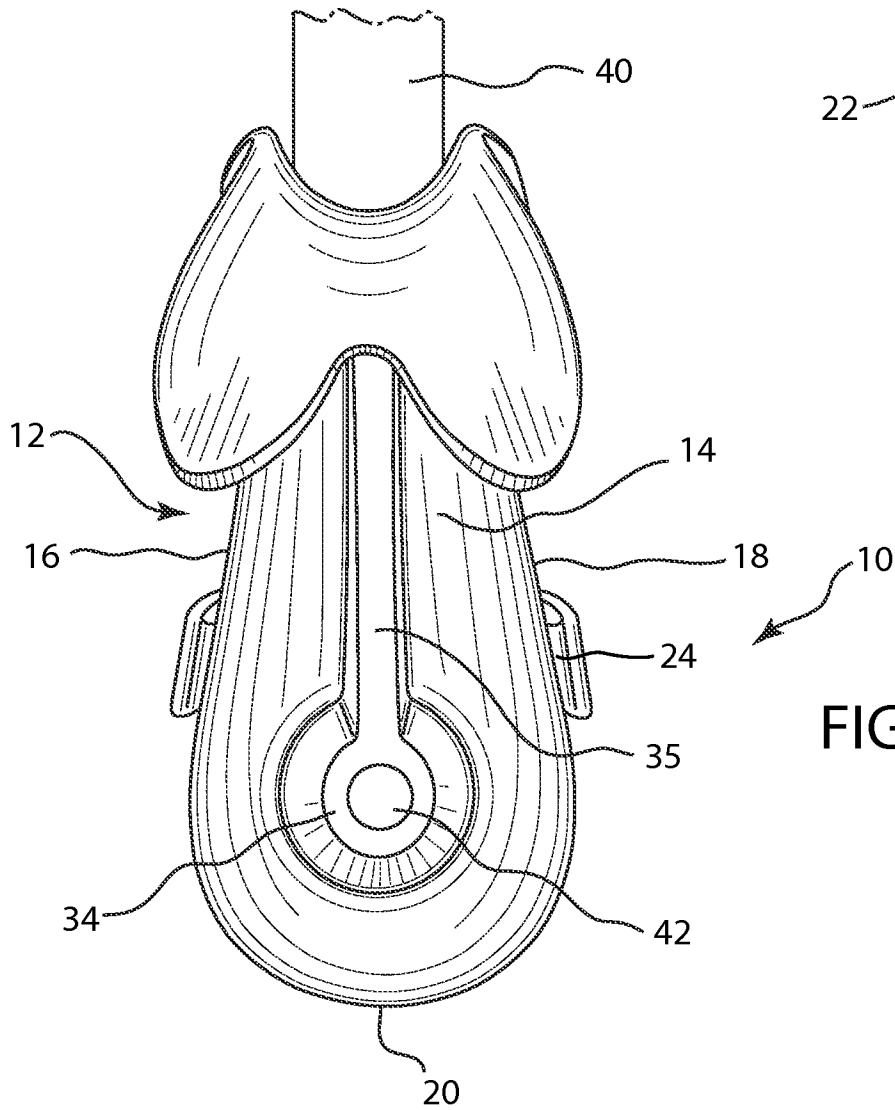


FIG. 5

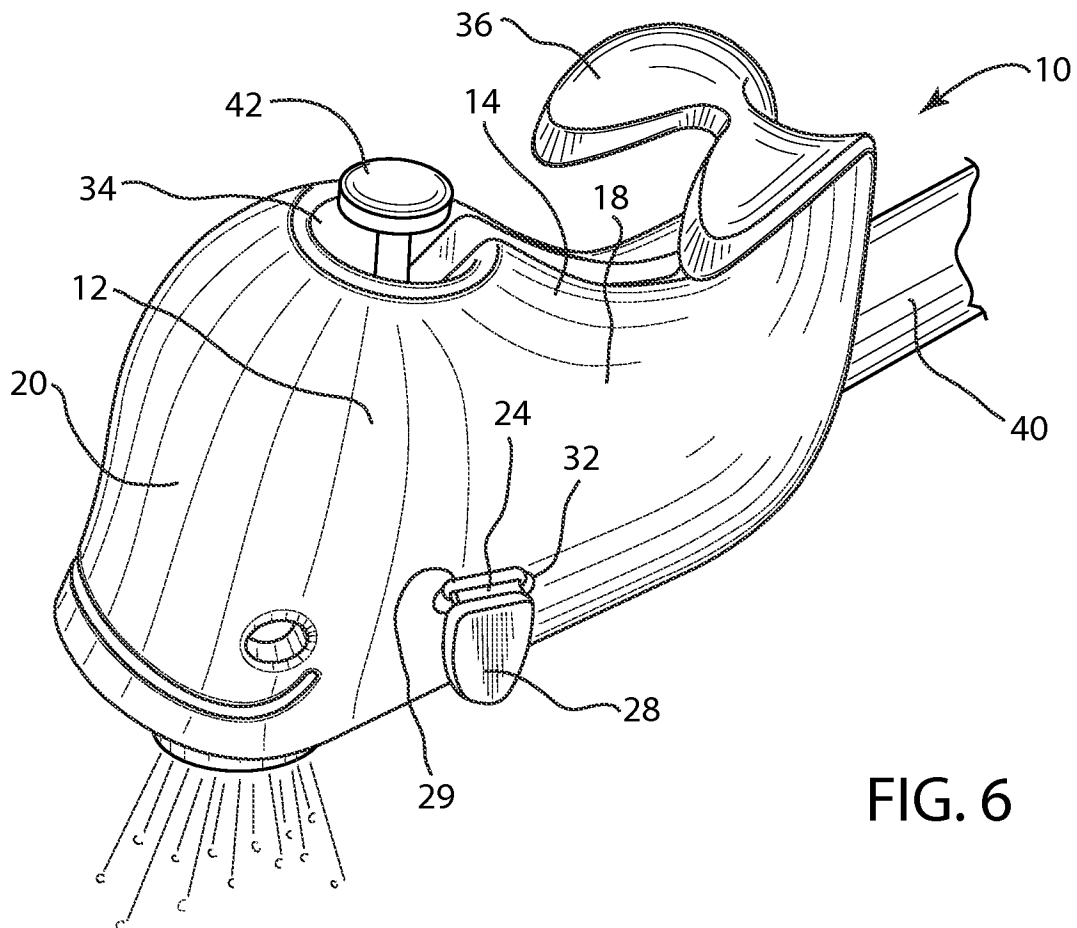
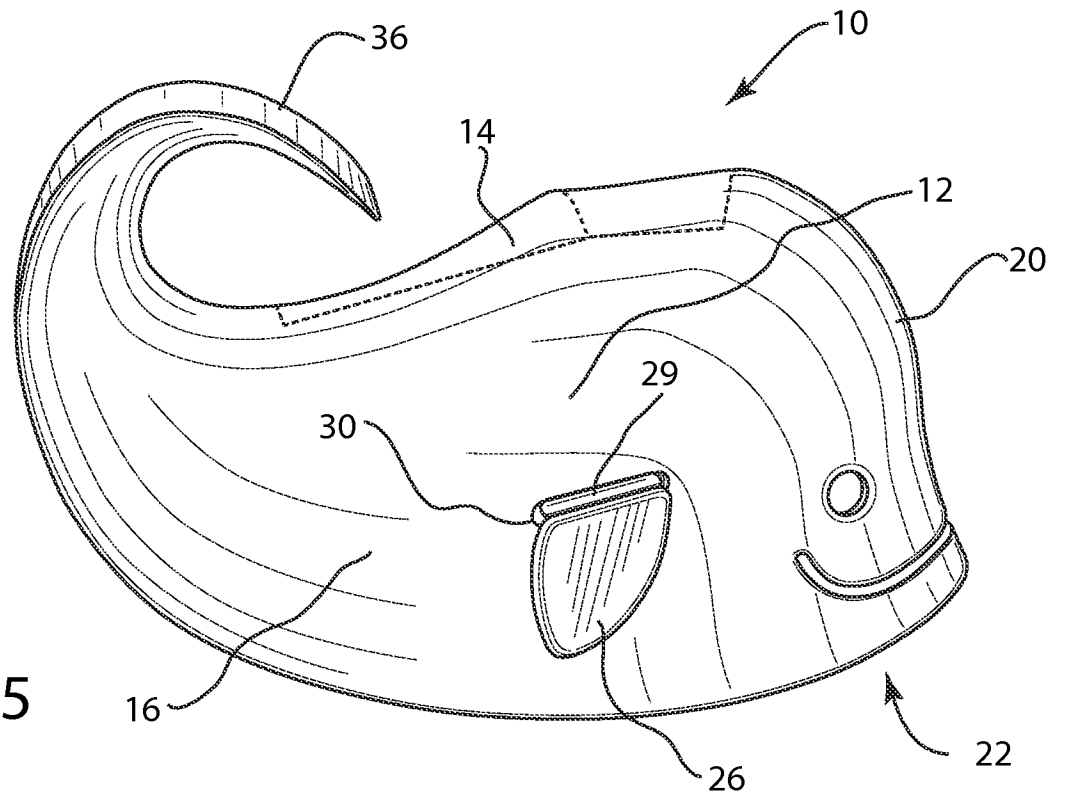


FIG. 6

DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION (37 CFR 1.63) – and POWER <i>[Earliest US or PCT application filing date must be on or after September 16, 2012]</i>	Docket No.	P09574US01/SJW
	1 st Inventor	HENDERSON, et al.
	COMPLETE IF KNOWN	
	Appl. No.	
	Filing Date	
<input checked="" type="checkbox"/> Declaration Submitted with Initial Filing	Art Unit	
<input type="checkbox"/> Declaration Submitted after Initial Filing	Examiner	

TITLE OF INVENTION	Bath Spout Cover
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As the below named inventor(s), I hereby declare that:

This declaration is directed to:

☒ The attached application,
☐ US or PCT International Application No. filed on

The above-identified application was made or authorized to be made by me.

I believe that I am the original inventor or an original joint inventor of a claimed invention in the application.

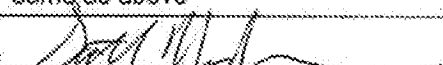
I hereby acknowledge that any willful false statement made in this declaration is punishable under 18 U.S.C. 1001 by fine or imprisonment of not more than (5) years, or both.


Further, I have reviewed and understand the contents of the above-identified application; and I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.


Power Of Attorney & Correspondence Address Indication.
 I hereby appoint the practitioners (of Stites & Harbison PLLC) associated with the identified Customer Number as my/our attorneys or agents to prosecute the application identified above, and to transact all business in the US Patent and Trademark Office connected therewith.

CUSTOMER NUMBER
 881

Please direct all correspondence to the address of this Customer Number.

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SIGN AND DATE HERE	Inventor's Signature  Date 4.2.13

☒ Additional inventors named on supplemental sheet provided herewith

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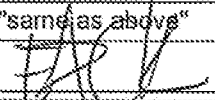
SUPPLEMENTAL SHEET FOR DECLARATION

[Earliest US or PCT application filing date
must be on or after September 16, 2012]

ADDITIONAL INVENTORS

Supplemental Sheet (for PTO/AIA08, 09)

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☐ Additional inventors named on supplemental sheet provided herewith

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Electronic Patent Application Fee Transmittal

Application Number:

Filing Date:

Title of Invention:

Bath Spout Cover

First Named Inventor/Applicant Name:

Scott HENDERSON

Filer:

Douglas Eugene Jackson/Sheila Price

Attorney Docket Number:

P09574US01/SJW

Filed as Small Entity

Utility under 35 USC 111(a) Filing Fees

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Utility filing Fee (Electronic filing)	4011	1	70	70
Utility Search Fee	2111	1	300	300
Utility Examination Fee	2311	1	360	360

Pages:

Claims:

Miscellaneous-Filing:

Petition:

Patent-Appeals-and-Interference:

Munchkin 1003-95

Munchkin, Inc. v. Skip Hop, Inc.

U.S. Pat. No. 9,060,653

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				
Miscellaneous:				
Total in USD (\$)				730

Electronic Acknowledgement Receipt

EFS ID:	15531658
Application Number:	13863785
International Application Number:	
Confirmation Number:	1065
Title of Invention:	Bath Spout Cover
First Named Inventor/Applicant Name:	Scott HENDERSON
Customer Number:	881
Filer:	Douglas Eugene Jackson/Sheila Price
Filer Authorized By:	Douglas Eugene Jackson
Attorney Docket Number:	P09574US01/SJW
Receipt Date:	16-APR-2013
Filing Date:	
Time Stamp:	15:48:53
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	\$730
RAM confirmation Number	2364
Deposit Account	
Authorized User	

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part (.zip)	Pages (if appl.)
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Munchkin, Inc. v. Skip Hop, Inc.

U.S. Pat. No. 9,060,653

Munchkin 1003-97

1	Transmittal of New Application	P09574US01-NEWAPPLNTRANSMITTAL.pdf	226082 6a499c8056400adfd657fe94cab3275c99f61000	no	1
Warnings:					
Information:					
2	Application Data Sheet	aia0014.pdf	1437484 3915335bec2d04d018446ca628b9233764330714	no	7
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Information:					
3		P09574US01-SPEC.pdf	109538 a2b7db2d418be536fedeea5a44654597265bc44c	yes	17
	Multipart Description/PDF files in .zip description				
	Document Description		Start	End	
	Specification		1	12	
	Claims		13	16	
	Abstract		17	17	
Warnings:					
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4	Drawings-only black and white line drawings	P09574US0-DRAWS.pdf	400643 75f5b291fc6e2c0118c9af6b75796898b42c8e77	no	3
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5	Oath or Declaration filed	P09574US01-DECL-FINAL.pdf	544889 652273492f70743fb4d5d7706b012a1477d77933	no	2
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Total Files Size (in bytes):			2751542		

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If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.