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APPLICATION NO.	ISSUE DATE	PATENT NO.	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/511,652	04/23/2013	8424129	P09574US00/SJW	4209

881 7590 04/03/2013
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 633 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, Brooklyn, NY;
Ellen Diamant, New York, NY;
Elizabeth Zack, Brooklyn, 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.

SKIP HOP 2001-001

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 12/24/2012
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.
12/511,652	07/29/2009	Scott HENDERSON	P09574US00/SJW	4209

TITLE OF INVENTION: BATH SPOUT COVER

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$885	\$300	\$0	\$1185	03/25/2013

EXAMINER	ART UNIT	CLASS-SUBCLASS
LE, HUYEN D	3751	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

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

Skip Hop, Inc.

New York, NY

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)

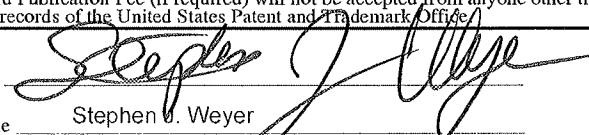
☐ A check is enclosed.
☒ Payment by credit card. Form PTO-2038 is attached.
☒ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

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

☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature



Date March 25, 2013

Typed or printed name

Stephen J. Weyer

Registration No. 43,259

This collection of information 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.

Electronic Patent Application Fee Transmittal

Application Number:	12511652			
Filing Date:	29-Jul-2009			
Title of Invention:	BATH SPOUT COVER			
First Named Inventor/Applicant Name:	Scott HENDERSON			
Filer:	Douglas Eugene Jackson/Stacy Johnson			
Attorney Docket Number:	P09574US00/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:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Utility Appl Issue Fee	2501	1	890	890
Publ. Fee- Early, Voluntary, or Normal	1504	1	300	300

SKIP HQP 2001-003

IPR2016-00536

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Extension-of-Time:				
Miscellaneous:				
Total in USD (\$)				1190

Electronic Acknowledgement Receipt

EFS ID:	15344768
Application Number:	12511652
International Application Number:	
Confirmation Number:	4209
Title of Invention:	BATH SPOUT COVER
First Named Inventor/Applicant Name:	Scott HENDERSON
Customer Number:	881
Filer:	Douglas Eugene Jackson/Stacy Johnson
Filer Authorized By:	Douglas Eugene Jackson
Attorney Docket Number:	P09574US00/SJW
Receipt Date:	25-MAR-2013
Filing Date:	29-JUL-2009
Time Stamp:	15:34:22
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	\$1190
RAM confirmation Number	2181
Deposit Account	
Authorized User	

File Listing:

Document Number	Document Description	File Name	File Size (Bytes) Message Digest	Multi-Part / zip (if appl.)	Pages
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SKIP HOP 2001-005

IPR2016-00536

1	Issue Fee Payment (PTO-85B)	P09574US00IssueFeeTransmittal.pdf	116135 a4702d83246853d712e17f9544851acffd5f777a	no	1
Warnings:					
Information:					
2	Fee Worksheet (SB06)	fee-info.pdf	31912 44afd4249f45542fa9fcad22a3b08bec2ace8168	no	2
Warnings:					
Information:					
Total Files Size (in bytes):			148047		
<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>					



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www.uspto.gov

NOTICE OF ALLOWANCE AND FEE(S) DUE

881 7590 12/24/2012
STITES & HARBISON PLLC
1199 NORTH FAIRFAX STREET
SUITE 900
ALEXANDRIA, VA 22314

EXAMINER

LE, HUYEN D

ART UNIT

PAPER NUMBER

3751

DATE MAILED: 12/24/2012

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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12/511,652

07/29/2009

Scott HENDERSON

P09574US00/SJW

4209

TITLE OF INVENTION: BATH SPOUT COVER

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$885	\$300	\$0	\$1185	03/25/2013

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 SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

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 12/24/2012
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.
-----------------	-------------	----------------------	---------------------	------------------

12/511,652

07/29/2009

Scott HENDERSON

P09574US00/SJW

4209

TITLE OF INVENTION: BATH SPOUT COVER

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$885	\$300	\$0	\$1185	03/25/2013

EXAMINER	ART UNIT	CLASS-SUBCLASS
LE, HUYEN D	3751	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 credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

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

☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.

☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____

Date _____

Typed or printed name _____

Registration No. _____

This collection of information 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.

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SKIP HOP 2001-008



UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/511,652	07/29/2009	Scott HENDERSON	P09574US00/SJW	4209

881 7590 12/24/2012
STITES & HARBISON PLLC
1199 NORTH FAIRFAX STREET
SUITE 900
ALEXANDRIA, VA 22314

EXAMINER

LE, HUYEN D

ART UNIT PAPER NUMBER

3751

DATE MAILED: 12/24/2012

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

The Patent Term Adjustment to date is 460 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 460 day(s).

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 Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

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.

SKIP HOP 2001-010

IPR2016-00536

Notice of Allowability	Application No.	Applicant(s)	
	12/511,652	HENDERSON ET AL.	
	Examiner	Art Unit	
	HUYEN LE	3751	

-- 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 05/21/2012.
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 1-6,8-17 and 19-21. 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).
 - 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)

- | | |
|--|--|
| <ol style="list-style-type: none"> 1. <input type="checkbox"/> Notice of References Cited (PTO-892) 2. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date <u>04/16/2012</u> 3. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material 4. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date ____. | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Examiner's Amendment/Comment 6. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance 7. <input type="checkbox"/> Other ____. |
|--|--|

/HUYEN LE/
Primary Examiner, Art Unit 3751

Issue Classification 	Application/Control No. 12/511,652	Applicant(s)/Patent under Reexamination HENDERSON ET AL.	
	Examiner HUYEN LE	Art Unit 3751	

ISSUE CLASSIFICATION													
ORIGINAL					CROSS REFERENCE(S)								
CLASS		SUBCLASS			CLASS	SUBCLASS (ONE SUBCLASS PER BLOCK)							
4		661											
INTERNATIONAL CLASSIFICATION													
A	4	7	K	17/00									
				/									
				/									
				/									
				/									
(Assistant Examiner) (Date)					/Huyen Le/ 12/15/2012 (Primary Examiner) (Date)							Total Claims Allowed: 19	
												O.G. Print Claim(s) 1	
(Legal Instruments Examiner) (Date)													

<input type="checkbox"/> Claims renumbered in the same order as presented by applicant												<input type="checkbox"/> CPA		<input type="checkbox"/> T.D.		<input type="checkbox"/> R.1.47	
Final	Original		Final	Original		Final	Original		Final	Original		Final	Original		Final	Original	
1	1			31			61			121			151			181	
2	2			32			62			122			152			182	
3	3			33			63			123			153			183	
4	4			34			64			124			154			184	
5	5			35			65			125			155			185	
6	6			36			66			126			156			186	
	7			37			67			127			157			187	
7	8			38			68			128			158			188	
9	9			39			69			129			159			189	
10	10			40			70			130			160			190	
11	11			41			71			131			161			191	
12	12			42			72			132			162			192	
13	13			43			73			133			163			193	
14	14			44			74			134			164			194	
15	15			45			75			135			165			195	
16	16			46			76			136			166			196	
17	17			47			77			137			167			197	
	18			48			78			138			168			198	
18	19			49			79			139			169			199	
19	20			50			80			140			170			200	
8	21			51			81			141			171			201	
	22			52			82			142			172			202	
	23			53			83			143			173			203	
	24			54			84			144			174			204	
	25			55			85			145			175			205	
	26			56			86			146			176			206	
	27			57			87			147			177			207	
	28			58			88			148			178			208	
	29			59			89			149			179			209	
	30			60			90			150			180			210	

Substitute for Form 1449/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

Sheet 1 of 1

Application #	12/511,652
Confirmation #	4209
Filing Date	July 29, 2009
First Inventor	HENDERSON
Art Unit	3751
Examiner	Phillips, Charles E.
Docket #	P09574US00/SJW

U.S. PATENT DOCUMENTS

Initial (*)	Document No. Number – Kind Code	Publ. Date MM-DD-YYYY	Name Patentee or Applicant	Corresponds to
	US-			
	US-			
	US-			
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FOREIGN PATENT DOCUMENTS

Initial (*)	Country-Number- Kind Code <small>If known</small>	Publ. Date MM-DD-YYYY	Name Patentee or Applicant	Trans- lation

NON PATENT LITERATURE DOCUMENTS

Exam. Initial*	Include NAME of the author (in CAPS), Title of Article/Item, Date, Page(s), Volume-Issue No., Publisher, City and/or Country where published	Trans- lation
	http://www.greatbabyproducts.com/Baby_Bath_Faucet_Spout_Cover_p/kelg-52887.htm (accessed March 29, 2012)	
	http://www.greatbabyproducts.com/Baby_Bath_Faucet_Spout_Cover_p/kelg-52886.htm (accessed March 29, 2012)	
	http://www.totsafe.com/proddetail.asp?prod=2012 (accessed March 29, 2012)	

Examiner Signature

/Huyen Le/

Date Considered

12/15/2012

* Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP §609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.

2226LT:1028:243597:1:ALEXANDRIA

SKIP HOP 2001-013
ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /H.L./
IPR2016-00536



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
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 Alexandria, Virginia 22313-1450
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BIB DATA SHEET

CONFIRMATION NO. 4209

SERIAL NUMBER 12/511,652	FILING or 371(c) DATE 07/29/2009 RULE	CLASS 004	GROUP ART UNIT 3751	ATTORNEY DOCKET NO. P09574US00/SJW		
APPLICANTS Scott HENDERSON, Brooklyn, NY; Janet Villano, Brooklyn, NY; Ellen Diamant, New York, NY; Elizabeth Zack, Brooklyn, NY; ** CONTINUING DATA ***** ** FOREIGN APPLICATIONS ***** ** IF REQUIRED, FOREIGN FILING LICENSE GRANTED ** ** SMALL ENTITY ** 08/10/2009						
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 /HUYEN LE/ Acknowledged Examiner's Signature		<input type="checkbox"/> Met after Allowance Initials	STATE OR COUNTRY NY	SHEETS DRAWINGS 3	TOTAL CLAIMS 20	INDEPENDENT CLAIMS 2
ADDRESS STITES & HARBISON PLLC 1199 NORTH FAIRFAX STREET SUITE 900 ALEXANDRIA, VA 22314 UNITED STATES						
TITLE BATH SPOUT COVER						
FILING FEE RECEIVED 462	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		

EAST Search History

EAST Search History (Interference)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L2	597	4/661.ccls.	USPAT; UPAD	OR	OFF	2012/12/15 18:15

12/ 15/ 2012 6:22:26 PM
C:\ Users\ hle5\ Documents\ EAST\ Workspaces\ 12511652.wsp

Search Notes

Application/Control No.

12/511,652

Examiner

HUYEN LE

Applicant(s)/Patent under
Reexamination

HENDERSON ET AL.

Art Unit

3751

SEARCHED

Class	Subclass	Date	Examiner
4	661	12/15/2012	

INTERFERENCE SEARCHED

Class	Subclass	Date	Examiner
4	661	12/15/2012	HL

**SEARCH NOTES
(INCLUDING SEARCH STRATEGY)**

	DATE	EXMR

IN THE U.S. PATENT AND TRADEMARK OFFICE

U.S. Appl. No.: 12/511,652 Confirmation No.: 4209
Title: BATH SPOUT COVER
Inventor(s): Scott Henderson, et al.
Filed: July 29, 2009
Group Art Unit: 3751
Examiner: Huson, Gregory L.
Docket No.: P09574US00/SJW
Customer No.: 881

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

AMENDMENT

Commissioner:

In response to the Office Action dated January 19, 2012, please amend the above-identified application as follows and please consider the remarks provided herewith. A Petition for a One-Month Extension of Time under 37 C.F.R. 1.136(a) is also enclosed along with a fee payment in the amount of \$75.00 for a small entity. Although it is believed that this fee amount is correct, should it be insufficient or excessive, the Commissioner is hereby authorized to charge or credit Deposit Account No. 502752.

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

AMENDMENTS TO THE CLAIMS:

*Please amend claims 1 and 17, add claim 21, and cancel claims 7 and 18 as follows.
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;

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 said strap including a plurality of elongated ridges positioned at predetermined intervals along the length of the strap; 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 said ridges extend in a direction perpendicular to the longitudinal axis of the strap and have a height that is greater than a height of the at least one aperture such that, upon pulling the strap through the at least one aperture, the ridges engage the at least one aperture to thereby hold the strap in an adjusted position.

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 a second aperture defined by the other side portion of the body structure, said second aperture for receiving the

other end of the strap.

4. (Original) The bath spout cover of claim 1, wherein 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.

5. (Original) The bath spout cover of claim 1, wherein the strap is detachable from each side portion of the body structure.

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

7. (Cancelled).

8. (Original) The bath spout cover of claim 1, wherein the end of the strap extends in a direction that is perpendicular to a longitudinal axis of the strap.

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

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

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

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

13. (Original) The bath spout cover of claim 1, wherein the bath spout cover is in the shape of an animal.

14. (Original) The bath spout cover of claim 13, wherein the animal is a whale.

15. (Original) The bath spout cover of claim 14, wherein the upper portion of the bath spout cover defines an opening forming a blowhole of the whale, and wherein the ends of the strap form the fins of the whale.

16. (Original) The bath spout cover of claim 14, wherein the upper portion of the bath spout cover further comprises a hooked portion for hanging the bath spout cover, said hooked portion forming a tail of the whale.

17. (Currently Amended) A method of securing a bath spout cover to a bath spout, comprising:

taking 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 spanning the two opposing side portions, said strap being adjustable on at least one of the side portions of the body structure and said strap including a plurality of elongated ridges positioned at predetermined intervals along the length of the strap and extending in a direction perpendicular to the longitudinal axis of the strap; and at least one aperture defined by one of the side portions of the body structure for receiving an end of the strap, the at least one aperture having a height that is less than a height of the ridges;

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 the at least one aperture such that said ridges engage the at least one aperture and such that the bath spout cover is secured to the bath spout.

18. (Cancelled).

19. (Original) The method of claim 17, wherein the body structure further comprises a second aperture defined by the other side portion of the body structure, said second aperture for receiving the other end of the strap.

20. (Original) The method of claim 19, wherein the pulling the strap comprises pulling the strap through both apertures to secure the bath spout cover to the bath spout.

21. (New) The bath spout cover of claim 8, wherein the end of the strap has a length that is greater than the height of the ridges.

REMARKS

By virtue of the present amendments, claims 7 and 18 have been cancelled without prejudice, while claim 21 has been added and claims 1 and 17 have been amended to incorporate features previously recited in claims 7 and 18 and reflected in the figures of the present application. No new matter has thus been added by these amendments, as the claims have been amended to recite features which are, in all cases, fully supported by the application as filed. Claims 1-6, 8-17, and 19-20 are currently under examination in the present application.

In the Office Action dated January 19, 2012, the Examiner first rejected claims 1-2, 4, 9, 11, 13, and 17 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent Application No. 2007/0130688 (“Thorne”). In particular, in making the rejection, the Examiner asserted that Thorne describes a bath spout cover having an adjustable strap that would anticipate the bath spout cover of the present invention. For the reasons set forth below, Applicants submit that this rejection is respectfully traversed and should be withdrawn.

The present invention, as reflected in the claims as amended, is directed to a bath spout cover that includes a body structure having an upper portion, two opposing side portions, and a front portion that collectively define a receiving area that can then be positioned over a bath spout. To secure the bath spout cover to the bath spout, a strap is provided that spans the two opposing side portions and that includes a number of elongated ridges positioned at intervals along the length of the strap. Each of the ridges extend in a direction perpendicular to the longitudinal axis of the strap and have a height that is greater than a height of an aperture defined in a side portion of the cover. In this regard, to secure the bath spout cover to a bath spout, the strap can be pulled through the aperture until the ridges themselves are forcibly pulled through the aperture and engage the aperture to thereby hold

the strap in an adjusted position over the bath spout cover.

In sharp contrast to the bath spout cover of the present invention, Thorne does not teach or suggest a bath spout cover having strap that includes a plurality of ridges positioned at predetermined intervals along the length of the strap, much less does Thorne teach or suggest a bath spout cover where the ridges engage an aperture to thereby hold the strap in an adjusted position. Instead, the both spout cover of Thorne specifically makes use of a simple loop-type strap 26 that includes a buckle 30 and hook and loop type fasteners elements such that, in operation, the leading end of the strap 26 can be fed through the buckle 30, pulled to a taut position, and folded back on itself to thereby secure the cover to a bath spout. See Thorne at paragraph [0037] and FIG. 5. Thorne further indicates that other strap configurations, such as elastic bands, ratchet-type tightening members, and tie-down straps may also be utilized. However, none of these additional straps can even remotely be equated with the straps of the present invention, which include plurality of ridges for engaging an aperture and securing the bath spout cover to a bath spout. Accordingly, Applicants thus respectfully submit that Thorne fails to teach each and every limitation of the claims of the present application, as is required to establish a *prima facie* case of anticipation pursuant to 35 U.S.C. §102(b), and Applicants thus submit that the Examiner rejection on the basis of Thorne is respectfully traversed and should be withdrawn.

In the Office Action, the Examiner then further rejected claims 3, 5-8, 12 and 18-20 under 35 U.S.C. §103(a) as being unpatentable over a combination of Thorne and U.S. Patent No. 3, 327,280 (“Levine”). In particular, in making the rejection, the Examiner asserted that Levine teaches a strap that is employed through apertures on opposite sides of a cover assembly and that one of ordinary skill in the art would have employed the strap arrangement

of Levine in lieu of the strap of Thorne in a manner that would render the above-mentioned claims obvious. For the reasons set forth below, this rejection is also respectfully traversed and should be withdrawn.

As noted above, by virtue of the present amendments, independent claims 1 and 17 have been amended to recite features of the bath spout covers of the present application that were previously recited in the claims 7 and 18 and that are reflected in the figures of the present application. More specifically, independent claims 1 and 17 have been amended to recite that the straps of the bath spout covers include a plurality of elongated ridges that are positioned at predetermined intervals along the length of the strap. Claims 1 and 17 have also been amended to indicate that the ridges extend in a direction perpendicular to the longitudinal axis of the strap and have a height that is greater than a height of an aperture in the cover, such that upon, pulling the strap through the aperture, the ridges are configured to engage the aperture and hold the strap in an adjusted position.

In contrast to such straps, Levine describes a device for covering the end of an electrical cable that makes use of a retention line 25 having various nodules along that length of the retention line, which are similar to beads on a string and provide a means to secure the device onto the end of an electrical cable. See Levine at column 2, lines 59-61 and FIGS. 4 and 6. In operation, the nodular retention line 25 of Levine is pulled through a pair of slotted openings 23 having one portion larger than the nodules of the line 25 and having a second connected portion smaller than the nodules on the line 25 to thereby allow the line to be locked in position by laterally moving the line from the larger to the smaller portions of the slotted openings 23. As such, it is thus the case that Levine does not teach or even remotely suggest a strap that makes use of elongated ridges, much less does Levine describe a strap

with ridges that have a height that is greater than a height of the aperture such that the strap is placed in an adjusted position simply by pulling the strap through the aperture. Indeed, in Levine, the retention line is only shown and described as including nodules (i.e., circular portions) along the length of the line and Levine specifically indicates that the device is secured by pulling those nodules and the line through a larger opening and then sliding the line laterally into the smaller portion.

Of course, as described above, Thorne adds nothing further in this regard as Thorne merely describes a simple loop-type strap that includes a buckle and hook and loop type fasteners to secure a cover to a bath spout. Accordingly, even if Thorne could be combined with Levine¹, the cited combination of Thorne and Levine would still fail to teach or suggest each and every limitation of independent claims 1 and 17 as is required to establish a *prima facie* case of obviousness pursuant to 35 U.S.C. § 103 and MPEP §§ 706.02(j) and 2142. Thus, Applicants submit that the Examiner rejection on the basis of Thorne and Levine is also respectfully traversed and should be withdrawn.

Finally, in the Office Action, the Examiner also rejected claims 10 and 14-16 under 35 U.S.C. §103(a) as being unpatentable over a combination of Thorne and U.S. Design Patent No. D354,550. In particular, in making this further rejection, the Examiner asserted that, in

¹ For purposes of this response only, Applicants are assuming that the combination of prior art references is proper. However, Applicants point out that although each of the references may be generally related to various protective covers, the devices being protected by the covers of Levine are vastly different from those being protected by the covers of Thorne and the present invention. As such, Applicants question whether there is a reason for one of ordinary skill in the art to combine the teaching of these references to achieve the claimed invention, absent the blueprint provided in the present application.

view of Munoz, one of ordinary skill in the art would have employed an animal design in the device of Thorne. Without addressing the merits of the Examiner's assertions, however, Applicants point out that Munoz does nothing to cure the deficiencies of Thorne with regard to a device that makes use of strap having a plurality of ridges, as recited in independent claims 1 and 17. In fact, the device of Munoz does not appear to make use of a strap at all, but is instead directed to a device that is simply slid over bath spout. See Munoz at FIG. 5. Consequently, Applicants submit that the claims of the present application are also not rendered obvious by the cited combination of Thorne and Munoz, and Applicants thus respectfully submit that the rejection on the basis of Thorne and Munoz is respectfully traversed and should be withdrawn as well.

Having fully responded to the objections and rejections set forth in the Office Action dated January 19, 2012, Applicants respectfully request allowance of all claims now pending in the present application. If there are any questions concerning this response, or the application in general, the Examiner is respectfully urged to telephone the undersigned at the number listed below.

Respectfully submitted,

A handwritten signature in black ink that reads "Terry L. Wright". The signature is written in a cursive, flowing style.

May 21, 2012

Terry L. Wright, Reg. No. 57,992

STITES & HARBISON, PLLC

400 W. Market Street

Louisville, Kentucky 40202-3352

Phone (502) 587-3400

Facsimile (502) 587-6391

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.

PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)	Docket Number (Optional) P09574US00/SJW
Application Number 12/511,652	Filed 07/29/2009
For BATH SPOUT COVER	
Art Unit 3751	Examiner HUSON, Gregory L.

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.

The requested extension and fee are as follows (check time period desired and enter the appropriate fee below):

	<u>Fee</u>	<u>Small Entity Fee</u>	
<input checked="" type="checkbox"/> One month (37 CFR 1.17(a)(1))	\$150	\$75	\$ <u>75.00</u>
<input type="checkbox"/> Two months (37 CFR 1.17(a)(2))	\$560	\$280	\$ _____
<input type="checkbox"/> Three months (37 CFR 1.17(a)(3))	\$1270	\$635	\$ _____
<input type="checkbox"/> Four months (37 CFR 1.17(a)(4))	\$1980	\$990	\$ _____
<input type="checkbox"/> Five months (37 CFR 1.17(a)(5))	\$2690	\$1345	\$ _____

☒ Applicant claims small entity status. See 37 CFR 1.27.

☐ A check in the amount of the fee is enclosed.

☒ Payment by credit card. Form PTO-2038 is attached.

☐ The Director has already been authorized to charge fees in this application to a Deposit Account.

☐ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number _____.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

I am the ☐ applicant/inventor.

☐ assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed (Form PTO/SB/96).

☒ attorney or agent of record. Registration Number 57,992

☐ attorney or agent under 37 CFR 1.34.
Registration number if acting under 37 CFR 1.34 _____

/terry l. wright/

Signature

Terry L. Wright

Typed or printed name

May 21, 2012

Date

502-587-3400

Telephone Number

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☒ Total of 1 forms are submitted.

This collection of information is required by 37 CFR 1.136(a). 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 1.11 and 1.14. This collection is estimated to take 6 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 3.

SKIP HOP 2001-027

IPR2016-00536

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.

Electronic Patent Application Fee Transmittal

Application Number:	12511652			
Filing Date:	29-Jul-2009			
Title of Invention:	BATH SPOUT COVER			
First Named Inventor/Applicant Name:	Scott HENDERSON			
Filer:	Terry L. Wright/Memorie Stofferahn			
Attorney Docket Number:	P09574US00/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:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				
Extension - 1 month with \$0 paid	2251	1	75	75

SKIP HOP 2001-029

IPR2016-00536

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Miscellaneous:				
Total in USD (\$)				75

Electronic Acknowledgement Receipt

EFS ID:	12824228
Application Number:	12511652
International Application Number:	
Confirmation Number:	4209
Title of Invention:	BATH SPOUT COVER
First Named Inventor/Applicant Name:	Scott HENDERSON
Customer Number:	881
Filer:	Terry L. Wright/Memorie Stofferahn
Filer Authorized By:	Terry L. Wright
Attorney Docket Number:	P09574US00/SJW
Receipt Date:	21-MAY-2012
Filing Date:	29-JUL-2009
Time Stamp:	14:38:44
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	\$75
RAM confirmation Number	1031
Deposit Account	502752
Authorized User	STOFFERAHN, MEMORIE

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 1.16 (National application filing, search, and examination fees)

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

SKIP HOP 2001-031
IPR2016-00536

File Listing:					
Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		1028Amendment.pdf	141586 b7a978727a687f841f1c61a0c54435173f9af3bb	yes	10
	Multipart Description/PDF files in .zip description				
	Document Description		Start	End	
	Amendment/Req. Reconsideration-After Non-Final Reject		1	1	
	Claims		2	5	
	Applicant Arguments/Remarks Made in an Amendment		6	10	
Warnings:					
Information:					
2	Extension of Time	1028ExtofTime.pdf	287454 20e72f1226bd23b283441ded9457854cc39b88c2	no	2
Warnings:					
Information:					
3	Fee Worksheet (SB06)	fee-info.pdf	30356 ab250950bfac843a785653ee54ccb6368ab909dd	no	2
Warnings:					
Information:					
Total Files Size (in bytes):			459396		
<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>					

SKIP HOP 2001-032

IPR2016-00536

Substitute for Form 1449/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**Sheet 1 of 1

Application #	12/511,652
Confirmation #	4209
Filing Date	July 29, 2009
First Inventor	HENDERSON
Art Unit	3751
Examiner	Phillips, Charles E.
Docket #	P09574US00/SJW

U.S. PATENT DOCUMENTS

Initial (*)	Document No. Number – Kind Code	Publ. Date MM-DD-YYYY	Name Patentee or Applicant	Corresponds to
	US-			
	US-			
	US-			
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	US-			
	US-			
	US-			
	US-			

FOREIGN PATENT DOCUMENTS

Initial (*)	Country-Number- Kind Code <small>If known</small>	Publ. Date MM-DD-YYYY	Name Patentee or Applicant	Trans- lation

NON PATENT LITERATURE DOCUMENTS

Exam. Initial*	Include NAME of the author (in CAPS), Title of Article/Item, Date, Page(s), Volume-Issue No., Publisher, City and/or Country where published	Trans- lation
	http://www.greatbabyproducts.com/Baby_Bath_Faucet_Spout_Cover_p/keig-52887.htm (accessed March 29, 2012)	
	http://www.greatbabyproducts.com/Baby_Bath_Faucet_Spout_Cover_p/keig-52886.htm (accessed March 29, 2012)	
	http://www.totsafe.com/proddetail.asp?prod=2012 (accessed March 29, 2012)	

Examiner Signature

Date Considered

* Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP §609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.

2226LT:1028:243597:1:ALEXANDRIA

SKIP HOP 2001-033

IPR2016-00536

Substitute for Form 1449/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**Sheet 1 of 1

Application #	12/511,652
Confirmation #	4209
Filing Date	July 29, 2009
First Inventor	HENDERSON
Art Unit	3751
Examiner	Phillips, Charles E.
Docket #	P09574US00/SJW

U.S. PATENT DOCUMENTS

Initial (*)	Document No. Number – Kind Code	Publ. Date MM-DD-YYYY	Name Patentee or Applicant	Corresponds to
	US-			
	US-			
	US-			
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	US-			

FOREIGN PATENT DOCUMENTS

Initial (*)	Country-Number- Kind Code <small>If known</small>	Publ. Date MM-DD-YYYY	Name Patentee or Applicant	Trans- lation

NON PATENT LITERATURE DOCUMENTS

Exam. Initial*	Include NAME of the author (in CAPS), Title of Article/Item, Date, Page(s), Volume-Issue No., Publisher, City and/or Country where published	Trans- lation
	http://www.greatbabyproducts.com/Baby_Bath_Faucet_Spout_Cover_p/keig-52887.htm (accessed March 29, 2012)	
	http://www.greatbabyproducts.com/Baby_Bath_Faucet_Spout_Cover_p/keig-52886.htm (accessed March 29, 2012)	
	http://www.totsafe.com/proddetail.asp?prod=2012 (accessed March 29, 2012)	

Examiner Signature

Date Considered

* Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP §609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.

2226LT:1028:243597:1:ALEXANDRIA

SKIP HOP 2001-034

IPR2016-00536

Electronic Patent Application Fee Transmittal

Application Number:	12511652			
Filing Date:	29-Jul-2009			
Title of Invention:	BATH SPOUT COVER			
First Named Inventor/Applicant Name:	Scott HENDERSON			
Filer:	Stephen John Weyer/Valerie Goins			
Attorney Docket Number:	P09574US00/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:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				

SKIP HOP 2001-035

IPR2016-00536

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Miscellaneous:				
Submission- Information Disclosure Stmt	1806	1	180	180
Total in USD (\$)				180

Electronic Acknowledgement Receipt

EFS ID:	12551387
Application Number:	12511652
International Application Number:	
Confirmation Number:	4209
Title of Invention:	BATH SPOUT COVER
First Named Inventor/Applicant Name:	Scott HENDERSON
Customer Number:	881
Filer:	Stephen John Weyer/Valerie Goins
Filer Authorized By:	Stephen John Weyer
Attorney Docket Number:	P09574US00/SJW
Receipt Date:	16-APR-2012
Filing Date:	29-JUL-2009
Time Stamp:	16:26:39
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	\$180
RAM confirmation Number	3454
Deposit Account	
Authorized User	

File Listing:

Document Number	Document Description	File Name	File Size (Bytes) Message Digest	Multi-Part / zip (if appl.)	Pages
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SKIP HOP 2001-037

IPR2016-00536

1		Henderson.pdf	577824 769a7142e251213382f7c1905e25695856c300f8	yes	8
	Multipart Description/PDF files in .zip description				
	Document Description		Start	End	
	Transmittal Letter		1	2	
	Information Disclosure Statement (IDS) Form (SB08)		3	3	
	Non Patent Literature		4	5	
	Non Patent Literature		6	6	
	Non Patent Literature		7	8	
Warnings:					
Information:					
2	Fee Worksheet (SB06)	fee-info.pdf	30272 bf475f17b0b0bbde6618d57ddb4ca6176f507354	no	2
Warnings:					
Information:					
Total Files Size (in bytes):			608096		
<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>					

INFORMATION DISCLOSURE STATEMENT	Application #	12/511,652
	Confirmation #	4209
	Filing Date	July 29, 2009
	First Inventor	HENDERSON
	Art Unit	3751
	Examiner	Phillips, Charles E.
	Docket #	P09574US00/SJW

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

This IDS is submitted pursuant to 37 CFR. §1.97-1.98 and includes the following:

- ☒ A **listing** of the documents on PTO-1449.
- ☒ A copy of all **non-US** documents which are listed on the PTO-1449.
- ☐ A copy of a counterpart foreign **Search Report** which explains the relevance of the documents noted therein (and which is listed on the PTO-1449).
- ☐ A separate **explanation of relevance**.

Please note the following particulars concerning the filing of this IDS:

- ☐ 1. This IDS is filed (Rule 1.97(b)) at whichever is the latest of:
 - within three months of the filing date of a NATIONAL APPLICATION other than a CPA, or
 - within three months of the date of entry into the NATIONAL STAGE as set forth in 37 CFR. §1.491 in an international application, or
 - before the mailing date of a first Office Action on the merits or after filing of an RCE (*but if a first Office Action is mailed but not yet received and the date on the face of the attached communication makes it evident that this IDS is submitted within three months from the mailing of the search report, then applicant is entitled to have this IDS considered under 2.B. below and such boxes should be considered as having been checked*).
- ☒ 2. This IDS is filed (Rule 1.97(c)) **after a first Office Action**, but before a Final Action, Allowance, or any other action which closes prosecution, **and**:
 - ☒ A. Is accompanied by a payment in the amount of \$180.00 required by 37 CFR. §1.17(p).

or

 - ☐ B. I hereby state that each item of information contained in this IDS was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS.
 - ☐ C. I hereby state that no item of information in this IDS herewith was cited in a communication from a foreign patent office in a counterpart foreign application, and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 CFR. §1.56(c) more than 3 months prior to the filing of this IDS.
 - ☐ D. An appropriate Statement is attached.

☐ 3. This IDS is filed (Rule 1.97(d)) **after** a final action or allowance, but on/before payment of the issue fee, **and**:

☐ A. is accompanied by a payment in the amount of \$180.00 required by 37 CFR. §1.17(p).

and

☐ B. I hereby state that each item of information contained in this IDS was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS.

☐ C. I hereby state that no item of information in this IDS herewith was cited in a communication from a foreign patent office in a counterpart foreign application, and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 CFR. §1.56(c) more than 3 months prior to the filing of this IDS.

☐ D. An appropriate Statement is attached.

☐ 4. This IDS does not comply with 37 CFR 1.97-1.98, and is being filed **for placement in the file** pursuant to 37 CFR. §1.97(i).

☒ 5. It will also be appreciated that:

a. It is believed that this IDS complies fully with 37 CFR 1.56 and 1.97-98 and with MPEP § 609; but if for some reason it does not and will not be entered, the examiner is requested to telephone the undersigned so that any deficiency can be timely remedied.

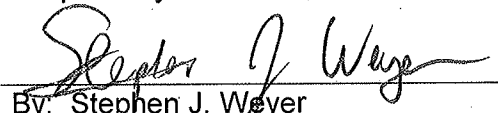
b. Some of the documents may have markings thereon, but no significance should be attached to those markings.

c. These documents are not necessarily analogous art.

d. Where an English language translation of an abstract is provided from a public source, applicant cannot vouch for the accuracy of that translation.

☒ 6. If no payment is enclosed and a fee is due in connection with this communication or if the payment enclosed is insufficient, the Director is authorized to charge any fee or additional fee due with this communication to Deposit Account No. 12-0555.

Respectfully submitted,



By: Stephen J. Weyer

Registration No.: 43,259

Date: April 16, 2012

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



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UNITED STATES DEPARTMENT OF COMMERCE
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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/511,652	07/29/2009	Scott HENDERSON	P09574US00/SJW	4209
881	7590	01/19/2012		
STITES & HARBISON PLLC 1199 NORTH FAIRFAX STREET SUITE 900 ALEXANDRIA, VA 22314			EXAMINER PHILLIPS, CHARLES E	
			ART UNIT	PAPER NUMBER
			3751	
			NOTIFICATION DATE	DELIVERY MODE
			01/19/2012	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.	Applicant(s)	
	12/511,652	HENDERSON ET AL.	
	Examiner	Art Unit	
	CHARLES PHILLIPS	3751	

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

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, 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 17 November 2011.
- 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) 1-20 is/are pending in the application.
- 5a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 6) ☐ Claim(s) ____ is/are allowed.
- 7) ☒ Claim(s) 1-20 is/are rejected.
- 8) ☐ Claim(s) ____ is/are objected to.
- 9) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

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).
- 12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>3/4/10</u> . | 6) <input type="checkbox"/> Other: ____. |

Art Unit: 3751

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

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2, 4, 9, 11, 13 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Thorne et al (2007/0130688).

See Figs 5-6 of Thorne et al where the body structure 8 meets lines 2-4 of claim 1. The strap is seen at 26 and is adjustable in cooperation with an opening in the form of buckle 30 as described in paragraph 30. The buckle would be secured to the side of the cover opposite the strap 30 and this would anticipate claim 4. Claim 2 is met by the structure depicted in Fig. 5. Re: claim 9, see the opening at 32 to accommodate the diverter valve actuator 34. Re: claim 11, see the materials of paragraph 32. Re: claim 13, see the disclosure at paragraph 32, the last 4 lines. The methodology of claim 17 is met by the use described in the Thorne et al disclosure.

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

(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.

4. Claims 3, 5-8, 12 and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thorne et al , as applied supra, in view of Levine et al (3327280).

Art Unit: 3751

Levine et al teach a strap 25 that is employed through apertures on opposite sides of a cover assembly 11 in order to secure the cover to the item to be covered. It would have been obvious to the ordinary artisan to have employed this strap arrangement in lieu of the strap 25 of Thorne et al in light of the Thorne et al disclosure at lines 11+ of paragraph 32. Re: claim 12, see col. 2, lines 61-62 where the line 25 is said to be flexible and of plastic, which is believed to meet the term “elastomeric”.

5. Claims 10 and 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thorne et al , as applied supra, in view of Munoz (D354550).

Re: claims 10 and 16, see the Munoz fin on the top of the structure of Fig 3 in the shape of a “hooked portion” which would be capable of hanging the spout cover. Re: claims 14-15, Munoz depicts a whale design for a spout cover, which includes an opening in the top where a blow hole would be found. It would have been obvious to the ordinary artisan to have employed this animal design in the Thorne et al device in light of the Thorne et al disclosure at the last four lines of paragraph 32.

The election requirement tendered 11/1/11 is hereby held in abeyance as the prior located in the search of the elected species also is pertinent to the non-elected species. As a matter of courtesy both species have been acted upon in the instant action.

Wood, Teeters and Belsky are cited to show other strap fasteners.

Art Unit: 3751

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHARLES PHILLIPS whose telephone number is (571)272-8117. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Huson, can be reached on 571-272-4887. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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

CHARLES PHILLIPS
Primary Examiner
Art Unit 3751

/CHARLES PHILLIPS/

Primary Examiner, Art Unit 3751

Notice of References Cited	Application/Control No. 12/511,652	Applicant(s)/Patent Under Reexamination HENDERSON ET AL.	
	Examiner CHARLES PHILLIPS	Art Unit 3751	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-3,327,280	06-1967	BERNARD LEVINE et al.	439/135
*	B	US-7,150,437	12-2006	Teeters, James D.	248/70
*	C	US-4,957,446	09-1990	Belsky, Ronald R.	439/134
*	D	US-RE31,541	03-1984	Wood, William E.	24/16PB
	E	US-			
	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. 12511652	Applicant(s)/Patent Under Reexamination HENDERSON ET AL.
	Examiner CHARLES PHILLIPS	Art Unit 3751

SEARCHED			
Class	Subclass	Date	Examiner
004	661, Dig. 18	1/11/12	cp
239	602		
150	156		
D23	256		
248	74.3		
24	30.5R, 30.5P		

SEARCH NOTES		
Search Notes	Date	Examiner
EAST strategy attached	1/10/12	cp
consulted Ex King, class 248 and Ex Brittan, class 2 4		

INTERFERENCE SEARCH			
Class	Subclass	Date	Examiner

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SKIP HOP 2001-047

Part of Paper No. : 20120111

IPR2016-00536

EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L1	4	((("d353184") or ("d370037") or ("6119286")).PN.	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	OFF	2012/01/11 09:39
L2	2	("20070130688").PN.	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	OFF	2012/01/11 09:40
L3	0	("("20030125842" "20060227847" "6892807" "20040084489" "20060045167" "6519790" "6158227" "6805458" "6871540" "6892952" "6126313" "4709429" "20030202558" "5535779" "20060291535" "6314807" "4281543" "20020002739" "20030086474" "6427260" "6892745" "6000845" "6205598" "5172860" "6028509" "4994792" "20030156620" "20060118645" "4353139" "20060227850" "4432635").PN.").PN.	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	OFF	2012/01/11 09:45
L4	66	("20030125842" "20060227847" "6892807" "20040084489" "20060045167" "6519790" "6158227" "6805458" "6871540" "6892952" "6126313" "4709429" "20030202558" "5535779" "20060291535" "6314807" "4281543" "20020002739" "20030086474" "6427260" "6892745"	US-PGPUB; USPAT; EPO; JPO; DERWENT	ADJ	ON	2012/01/11 09:46

SKIP HOP 2001-048

IPR2016-00536

file:///C:/Documents%20and%20Settings/cphillips/My%20...1652/EASTSearchHistory.12511652_AccessibleVersion.htm (2 of 6)1/11/2012 11:58:45 AM

S2	23	US-D173979-\$.DID. OR US-D282563-\$.DID. OR US-D316896-\$.DID. OR US-D326312-\$.DID. OR US-D326313-\$.DID. OR US-D353184-\$.DID. OR US-D354550-\$.DID. OR US-D378232-\$.DID. OR US-D501040-\$.DID. OR US-D533640-\$.DID. OR US-20070018014-\$.DID. OR US-20070022529-\$. DID. OR US- 20070047617-\$.DID. OR US-20070130688-\$.DID. OR US-20070277891-\$. DID. OR US-3063190-\$. DID. OR US-3623638-\$. DID. OR US-4709429-\$. DID. OR US-4821960-\$. DID. OR US-5337956-\$. DID. OR US-5482078-\$. DID.	US-PGPUB; USPAT; USOCR	ADJ	ON	2012/01/05 13:56
S3	20	("6205598") or ("6119286") or ("5337956") or ("5125577") or ("4353139") or ("20070022529") or ("d465009") or ("d434258") or ("d417706") or ("d370037") or ("d313460") or ("d292603") or ("d245804")).PN.	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	OFF	2012/01/05 14:07
S4	814	(4/661).CCLS.	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	OFF	2012/01/05 16:02
S5	43	("20020002739" "20030086474" "20030125842" "20030131408" "20030156620" "20030202558" "20060045167" "20060118645" "20060227847" "20060227850" "20060291535" "4281543" "4353139" "4432635" "4630940" "4994792" "5076709" "5125577" "5160197"	US-PGPUB; USPAT; USOCR	ADJ	ON	2012/01/05 16:05

SKIP HOP 2001-050

IPR2016-00536

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S6	3	("3199121" "3940196"). PN.	US-PGPUB; USPAT; USOCR	ADJ	ON	2012/01/05 16:09
S7	8	("1457496" "2729259" "3634970" "3891082" "4164970" "4353139"). PN.	US-PGPUB; USPAT; USOCR	ADJ	ON	2012/01/05 16:17
S8	6	("2876471" "3129894" "3199121").PN.	US-PGPUB; USPAT; USOCR	ADJ	ON	2012/01/05 16:18
S9	75	faucet cover	US-PGPUB; USPAT; USOCR	ADJ	ON	2012/01/05 16:23
S10	579	(239/602).CCLS.	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	OFF	2012/01/05 16:25
S11	35	(d23/256).CCLS.	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	OFF	2012/01/05 16:31
S12	69	(4/Dig.18).CCLS.	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	OFF	2012/01/05 16:33
S13	14	(150/156).CCLS.	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	OFF	2012/01/05 16:35
S14	275	(24/17AP).CCLS.	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	OFF	2012/01/05 16:39
S15	11	("3186047" "3516124" "3517702" "3660869" "3712655" "3717906" "3973292" "4003106"). PN.	US-PGPUB; USPAT; USOCR	ADJ	ON	2012/01/05 16:54
S16	10	("RE31541").URPN.	USPAT	ADJ	ON	2012/01/05 16:56

SKIP HOP 2001-051

IPR2016-00536

S17	32	("2915268" "3049771" "3054585" "3471109" "3516631" "3568262" "3672615" "3842688" "4003106" "4235404"). PN. OR ("4389754"). URPN.	US-PGPUB; USPAT; USOCR	ADJ	ON	2012/01/05 16:58
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S19	10	("1971396" "2459307" "2915268" "3454249" "3542321").PN.	US-PGPUB; USPAT; USOCR	ADJ	ON	2012/01/05 17:01
S20	51	("3632071").URPN.	USPAT	ADJ	ON	2012/01/05 17:02
S21	1009	(24/30.5R,30.5P).CCLS.	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	OFF	2012/01/09 12:05
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S23	9	("3327280").URPN.	USPAT	ADJ	ON	2012/01/09 17:30
S24	617	(174/138F).CCLS.	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	OFF	2012/01/09 17:42
S25	248	(439/367).CCLS.	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	OFF	2012/01/09 18:06
S26	19	("2654073" "4025140" "4030795" "4143933" "4514026" "4563048" "4648667" "4653824" "4679873" "4806112" "4812131").PN. OR ("4957446").URPN.	US-PGPUB; USPAT; USOCR	ADJ	ON	2012/01/09 18:11
S27	11	("3014194" "3030601" "3059209" "3187090" "4143934" "4643505" "4690476").PN.	US-PGPUB; USPAT; USOCR	ADJ	ON	2012/01/09 18:14
S28	109	(439/134).CCLS.	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	OFF	2012/01/09 18:19
S29	26	("3803530").PN. OR ("3936129").URPN.	US-PGPUB; USPAT; USOCR	ADJ	ON	2012/01/09 18:26

SKIP HOP 2001-052

IPR2016-00536

S30	3	("3794960" "3803530" "3936129").PN.	US-PGPUB; USPAT; USOCR	ADJ	ON	2012/01/09 18:30
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SKIP HOP 2001-053

IPR2016-00536

Customized PTO/SB/08a+b (07-09)

Substitute for Form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT	Application #	12/511,652
	Confirmation #	4209
	Filing Date	July 29, 2009
	First Inventor	HENDERSON
	Art Unit	3751
	Examiner	
Sheet <u>1</u> of <u>2</u>	Docket #	P09574US00/SJW

U.S. PATENT DOCUMENTS				
Exam. Initial*	Document No. Number – Kind Code	Publ. Date MM-DD-YYYY	Name Patentee or Applicant	Relevance Passages/Figs.
	US-D173,979	02-08-1955	Crenshaw	
	US-D245,804*	09-13-1977	Cone	
	US-D282,563	02-11-1986	Beene	
	US-D292,603	11-03-1987	Shinn-Hsiung	
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	US-5,337,956	08-16-1994	Crutcher	
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	US-6,119,286	09-19-2000	Briscoe	
	US-6,205,598	03-27-2001	Black, et al.	

Examiner Signature	/Charles Phillips/	Date Considered	01/11/2012
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* Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP §609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.

Customized PTO/SB/08a+b (07-09)

2226LT;1028;155987;3.ALEXANDRIA

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /C.P./
 SKIP HOP 2001-054
 IPR2016-00536

Substitute for Form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT	Application #	12/511,652
	Confirmation #	4209
	Filing Date	July 29, 2009
	First Inventor	HENDERSON
	Art Unit	3751
	Examiner	
Sheet 2 of 2	Docket #	P09574US00/SJW

FOREIGN PATENT DOCUMENTS				
Exam. Initial*	Country-Number- Kind Code <small>If known</small>	Publ. Date MM-DD-YYYY	Name Patentee or Applicant	Translation
	JP-2007-107358	04-26-2007	Mitsuhiro	Abstract Only

NON PATENT LITERATURE DOCUMENTS		
Exam. Initial*	Include NAME of the author (in CAPS), Title of Article/Item, Date, Page(s), Volume-Issue No., Publisher, City and/or Country where published	Trans- lation
	U.S. PATENT AND TRADEMARK OFFICE, Notice of Allowability For A Design Application, U.S. Design Patent Application No. 29/341,036, Examiner Robert A. Delehanty, November 13, 2009.	
	Internet Website, http://www.nextag.com/baby-faucet-cover/products-html , 03/03/2010	
	Internet Website, http://www.totsafe.com/proddetail.asp?prod=2012 , 03/03/2010	

Examiner Signature	/Charles Phillips/	Date Considered	01/13/2012
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* Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP §609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.

<p style="text-align: center;"><u>RESPONSE TO</u> <u>ELECTION OF SPECIES</u> <u>REQUIREMENT</u></p>	Application #	12/511,652
	Confirmation #	4209
	Filing Date	July 29, 2009
	First Inventor	HENDERSON
	Art Unit	3751
	Examiner	Phillips, Charles E.
	Docket #	P09574US00/SJW

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

S I R:

In response to the Election of Species Requirement dated November 1, 2011, Applicants submit the following response:

In the Official Action of November 1, 2011, it was alleged that the present application includes claims directed to patentably distinct species, namely species I, corresponding to Figure 1, and species II, corresponding to Figure 5. Further, it was alleged that claims are directed to patentably distinct sub-species A (a permanent strap attachment at one end) and sub-species B (a detachable strap attachment at both ends).

Applicants respectfully disagree with the identification of two patentably distinct species, species I and species II, corresponding to Figures 1 and 5, respectively. Figures 1-6 all show the same bath spout cover from different views (see present specification, paragraphs [0011]-[0016] and Figures 1-6). Figure 1 is a perspective view of an exemplary bath spout cover and Figure 5 is the left side view of the bath spout cover. Accordingly, there is not more than one species shown in Figure 1 and Figure 5.

With regard to the identified sub-species A and sub-species B, Applicants note that the Examiner has identified claim 1 as a generic linking claim to all pending claims. Applicants further respectfully note that claim 4 recites that the strap is permanently attached to one side and detachable from the other structure and claim 5 (also dependent from claim 1) recites that the step is detachable from each side of the body structure. Accordingly, the features of sub-species A and B appear separately in dependent claims, and not in any independent claims.

Based on the foregoing, there will be no undue burden for examination of all claims in the present application. Prior art applied to any one claim is applicable to all claims. For example, art applicable to claim 4 (i.e. detachable on one side) would necessarily be relevant to the subject matter of claim 5. Therefore, examining any claim necessarily will include an examination of all claimed subject matter.

Based on the foregoing, Applicants respectfully request that the Election of Species requirement be withdrawn.

Notwithstanding the foregoing, and in order to make this response to the Election of Species Requirement complete, Applicants, again while noting that Figure 1 and Figure 5 show the exact same bath spout cover, elect the species of Figures 1-6. With regard to sub-species A and B, Applicants respectfully elect sub-species B, claim 5, in which the strap is detachable from both sides of the structure. This sub-species selection is also made with traverse.

Further and favorable action is solicited.

Respectfully submitted,

Date: November 17, 2011

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

STITES & HARBISON PLC ♦ 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:	11431970
Application Number:	12511652
International Application Number:	
Confirmation Number:	4209
Title of Invention:	BATH SPOUT COVER
First Named Inventor/Applicant Name:	Scott HENDERSON
Customer Number:	881
Filer:	Stephen John Weyer/Valerie Goins
Filer Authorized By:	Stephen John Weyer
Attorney Docket Number:	P09574US00/SJW
Receipt Date:	17-NOV-2011
Filing Date:	29-JUL-2009
Time Stamp:	15:47:11
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		Henderson.pdf	152922 946ded929ed0cf1b8fcd7aa3e17821e97665996a	yes	4

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IPR2016-00536

	Multipart Description/PDF files in .zip description		
	Document Description	Start	End
	Transmittal Letter	1	1
	Response to Election / Restriction Filed	2	4
Warnings:			
Information:			
Total Files Size (in bytes):		152922	
<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>			

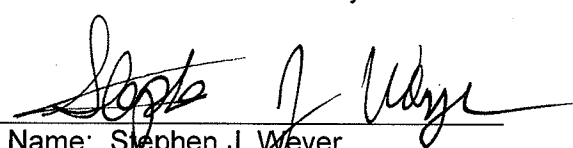
TRANSMITTAL FORM (for all correspondence after initial filing)	Application #	12/511,652
	Confirmation #	4209
	Filing Date	July 29, 2009
	First Inventor	HENDERSON
	Art Unit	3751
	Examiner	Phillips, Charles E.
Total number of pages in this submission =	Docket #	P09574US00/SJW

ENCLOSURES (check all that apply)	
<input type="checkbox"/> Fees calculated below <input checked="" type="checkbox"/> Response to Election of Species Requirement <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:					
	NOW	Previously Paid For	Present Extra	Rate	\$
<input type="checkbox"/> TOTAL CLAIMS	20	- 20		X \$ 60 =	
<input type="checkbox"/> INDEPENDENT CLAIMS	2	- 3		X \$ 250 =	
TOTAL OF ABOVE CLAIMS FEES =					
<input type="checkbox"/> Reduction by 1/2 for small entity status of applicant					
SUBTOTAL =					
<input type="checkbox"/> Extension of Time for month(s) (serving as a constructive EOT Petition)					
<input type="checkbox"/> Other fee for					
TOTAL OF ALL FEES =					

- ☐ Payment of \$ is made by:
- ☐ ELECTRONIC FUNDS TRANSFER - submitted concurrently herewith.
 - ☐ CREDIT CARD PAYMENT FORM - PTO-2038 submitted concurrently herewith.
- ☒ 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 17, 2011

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

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PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875					Application or Docket Number 12/511,652		Filing Date 07/29/2009		<input type="checkbox"/> To be Mailed	
APPLICATION AS FILED – PART I										
(Column 1)			(Column 2)			SMALL ENTITY <input checked="" type="checkbox"/> OR		OTHER THAN SMALL ENTITY		
FOR	NUMBER FILED	NUMBER EXTRA	RATE (\$)	FEE (\$)	OR	RATE (\$)	FEE (\$)			
<input type="checkbox"/> BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A			N/A				
<input type="checkbox"/> SEARCH FEE (37 CFR 1.16(k), (l), or (m))	N/A	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			N/A				
TOTAL CLAIMS (37 CFR 1.16(j))	minus 20 =	*	X \$	=	OR	X \$	=			
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*	X \$	=		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 \$250 (\$125 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.										
APPLICATION AS AMENDED – PART II										
(Column 1)			(Column 2)			SMALL ENTITY OR		OTHER THAN SMALL ENTITY		
AMENDMENT	11/17/2011	CLAIMS REMAINING AFTER AMENDMENT	MINUS	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	OR	RATE (\$)	ADDITIONAL FEE (\$)
	Total (37 CFR 1.16(i))	* 20	Minus	** 20	= 0	X \$30 =	0	OR	X \$	=
	Independent (37 CFR 1.16(h))	* 2	Minus	*** 3	= 0	X \$125 =	0	OR	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	0	OR	TOTAL ADD'L FEE	
(Column 1)			(Column 2)			SMALL ENTITY OR		OTHER THAN SMALL ENTITY		
AMENDMENT		CLAIMS REMAINING AFTER AMENDMENT	MINUS	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	OR	RATE (\$)	ADDITIONAL FEE (\$)
	Total (37 CFR 1.16(i))	*	Minus	**	=	X \$	=	OR	X \$	=
	Independent (37 CFR 1.16(h))	*	Minus	***	=	X \$	=	OR	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		OR	TOTAL ADD'L FEE	
<p>* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.</p> <p>** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".</p> <p>*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".</p> <p>The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.</p>										

Legal Instrument Examiner:
/JOY j. DOBBS/

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.**

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IPR2016-00536



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/511,652	07/29/2009	Scott HENDERSON	P09574US00/SJW	4209

881 7590 11/01/2011
STITES & HARBISON PLLC
1199 NORTH FAIRFAX STREET
SUITE 900
ALEXANDRIA, VA 22314

EXAMINER

PHILLIPS, CHARLES E

ART UNIT	PAPER NUMBER
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3751

NOTIFICATION DATE	DELIVERY MODE
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11/01/2011

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. 12/511,652	Applicant(s) HENDERSON ET AL.	
	Examiner CHARLES PHILLIPS	Art Unit 3751	

-- 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 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, 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 ____.
- 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) 1-20 is/are pending in the application.
- 5a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 6) ☐ Claim(s) ____ is/are allowed.
- 7) ☐ Claim(s) ____ is/are rejected.
- 8) ☐ Claim(s) ____ is/are objected to.
- 9) ☒ Claim(s) 1-20 are subject to restriction and/or election requirement.

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).
- 12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

1. This application contains claims directed to the following patentably distinct species I. Fig. 1 and II. Fig. 5. The species are independent or distinct because they possess mutually exclusive characteristics. In addition, these species are not obvious variants of each other based on the current record.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species, or a single grouping of patentably indistinct species, for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, at least claims 1 and 17 are generic.

There is a search and/or examination burden for the patentably distinct species as set forth above because at least the following reason(s) apply:

The searches for the respective species are not co-extensive.

This application contains claims directed to the following patentably distinct sub-species A. permanent strap attachment at one end and B. detachable strap attachment at both ends. Applicant is required under 35 U.S.C. 121 to elect a single disclosed species and a single disclosed sub-species.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or a grouping of patentably indistinct species to be examined even though the requirement may be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected species or grouping of patentably indistinct species, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

The election may be made with or without traverse. To preserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the election of species requirement, the election shall be treated as an election without traverse. Traversal must be presented at the time of election in order to be considered timely. Failure to timely traverse the requirement will result in the loss of right to petition under 37 CFR 1.144. If claims are added after the election, applicant must indicate which of these claims are readable on the elected species or grouping of patentably indistinct species.

Should applicant traverse on the ground that the species, or groupings of patentably indistinct species from which election is required, are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing them to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the species unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other species.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141.

2. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim

Art Unit: 3751

remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHARLES PHILLIPS whose telephone number is (571)272-8117. The examiner can normally be reached on mon-fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Huson can be reached on 571-272-4887. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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

CHARLES PHILLIPS
Primary Examiner
Art Unit 3751

/CHARLES PHILLIPS/
Primary Examiner, Art Unit 3751



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/511,652	07/29/2009	Scott HENDERSON	P09574US00/SJW

CONFIRMATION NO. 4209

PUBLICATION NOTICE



OC000000045818510

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

Title:BATH SPOUT COVER

Publication No.US-2011-0023979-A1

Publication Date:02/03/2011

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

Substitute for Form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT	Application #	12/511,652
	Confirmation #	4209
	Filing Date	July 29, 2009
	First Inventor	HENDERSON
	Art Unit	3751
	Examiner	
Sheet <u>1</u> of <u>2</u>	Docket #	P09574US00/SJW

U.S. PATENT DOCUMENTS				
Exam. Initial*	Document No. Number – Kind Code	Publ. Date MM-DD-YYYY	Name Patentee or Applicant	Relevance Passages/Figs.
	US-D173,979	02-08-1955	Crenshaw	
	US-D245,804*	09-13-1977	Cone	
	US-D282,563	02-11-1986	Beene	
	US-D292,603	11-03-1987	Shinn-Hsiung	
	US-D313,460	01-01-1991	Boucher, et al.	
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	US-6,119,286	09-19-2000	Briscoe	
	US-6,205,598	03-27-2001	Black, et al.	

Examiner Signature	Date Considered
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* Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP §609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.

Substitute for Form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT	Application #	12/511,652
	Confirmation #	4209
	Filing Date	July 29, 2009
	First Inventor	HENDERSON
	Art Unit	3751
	Examiner	
Sheet 2 of 2	Docket #	P09574US00/SJW

FOREIGN PATENT DOCUMENTS				
Exam. Initial*	Country-Number- Kind Code <small>If known</small>	Publ. Date MM-DD-YYYY	Name Patentee or Applicant	Translation
	JP-2007-107358	04-26-2007	Mitsuhiro	Abstract Only

NON PATENT LITERATURE DOCUMENTS		
Exam. Initial*	Include NAME of the author (in CAPS), Title of Article/Item, Date, Page(s), Volume-Issue No., Publisher, City and/or Country where published	Trans- lation
	U.S. PATENT AND TRADEMARK OFFICE, Notice of Allowability For A Design Application, U.S. Design Patent Application No. 29/341,036, Examiner Robert A. Delehanty, November 13, 2009.	
	Internet Website, http://www.nextag.com/baby-faucet-cover/products-html , 03/03/2010	
	Internet Website, http://www.totsafe.com/proddetail.asp?prod=2012 , 03/03/2010	

Examiner Signature		Date Considered	
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* Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP §609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.

COVER BODY FOR FAUCET**Publication number:** JP2007107358 (A)**Publication date:** 2007-04-26**Inventor(s):** KOSHIO MITSUHIRO**Applicant(s):** KOSHIO MITSUHIRO**Classification:****- international:** E03C1/042; E03C1/042**- European:****Application number:** JP20050324083 20051011**Priority number(s):** JP20050324083 20051011**Abstract of JP 2007107358 (A)**

PROBLEM TO BE SOLVED: To improve the aesthetic appearance of a faucet for city water without impairing its operability. ; **SOLUTION:** A cover body 1 is fitted to the faucet 2 for city water to decorate it by forming its outer surface in the shape of an animal or a popular character. An opening is formed in the cover body at the portion corresponding to the position for operating the cock of the faucet 2, and an open/close cover 4 is fitted to the opening. Methods of mounting the cover body 1 include a method of covering the faucet 2 with the cover-body from the upper side, a method of sticking the cover body to the faucet 2 from the right and left sides, and a method of suspending the cover body from the faucet 2. ; **COPYRIGHT:** (C)2007,JPO&INPIT

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特開2007-107358

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(51) Int. Cl.

E03C 1/042 (2006.01)

F 1

E03C 1/042

Z

テーマコード (参考)

2D060

審査請求 未請求 請求項の数 5 書面 (全 3 頁)

(21) 出願番号 特願2005-324083 (P2005-324083)
(22) 出願日 平成17年10月11日 (2005.10.11)

(71) 出願人 503265326
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福岡県八女郡立花町兼松 1 6 5 9 - 3 - 2
1 3
Fターム (参考) 2D060 BE20

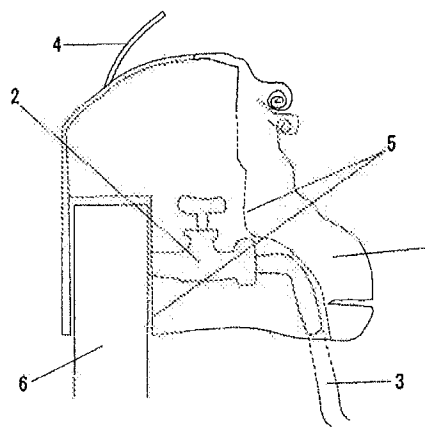
(54) 【発明の名称】 蛇口用覆面体

(57) 【要約】 (修正有)

【課題】水道水用の蛇口を、その操作性を損なわずに美観に優れたものとする。

【解決手段】水道用の蛇口2に、その外面を動物または人気キャラクター等の形状に成形され装飾するとともに、蛇口2のコックを操作する位置に該当する部分に開口を設け、該開口部に開閉蓋4を設けた水道用覆面体本体1を取り付けた。覆面体本体1の取付方法として、蛇口2の上部より覆い被せる方法、蛇口2を左右から挟むように張り合わせる方法、蛇口2に吊り下げする方法がある。

【選択図】 図1



【特許請求の範囲】

【請求項1】

水道などの蛇口や水せんに使用する覆面体であって、立体的覆面体の、外觀形状が他の特定の物品形状に類似する形状に成形されたことを特徴とする蛇口用覆面体

【請求項2】

蛇口用覆面体の取り付け方法が、蛇口の上部より覆いかぶせる方法

【請求項3】

蛇口用覆面体の取り付け方法が、左右より張り合わせる方法

【請求項4】

蛇口用覆面体の取り付け方法が、蛇口本体に吊り下げる方法

【請求項5】

特定の物品の形状は、動物または、人気キャラクターから選ばれた形状であることを特徴とする覆面体。

【発明の詳細な説明】

【技術分野】

【001】

本発明は、水道水の蛇口の覆面体に関する。

【背景技術】

【002】

従来の水道水の蛇口に関しては、蛇口そのものが露出しており、蛇口を覆いかくして、蛇口本来の機能を阻害せずに使用することはなかった。

蛇口本来の機能とは、人の手により、蛇口を操作し、水を出す操作である。

【発明の開示】

【発明が解決しようとする課題】

【003】

従来の水道水の蛇口に関しては、蛇口単独のみである。蛇口そのものが、真鍮、ステンレス等の光沢のある金属でかたどられ露出している。また、公園、温泉等にある、立ち小便小僧は美観は伴っているが、蛇口または、開閉弁は別に設置されている。

【004】

本発明は、蛇口に装飾された覆面体を設置し美観を得るものである。

【課題を解決するための手段】

【005】

金型により、プラスチック押し出し成形、薄板鋼プレス成形、粘土成形などの方法により、動物、人気キャラクター等の、ある特定の形状に成形した立体的覆面体を、内部を空洞化し、蛇口に覆いかぶせ、水を出したり、止めたり、蛇口本来の機能を阻害せずに、蛇口の一部または全部を覆い美観を得る。

【発明の効果】

【006】

蛇口に、装飾されて空洞化された覆面体を取り付けることにより美観を得て、蛇口の開閉ができる。

【発明の実施するための最良の形態】

【007】

以下、本発明の実施の形態を図1、図2の立水栓の蛇口に取り付ける場合について説明する。

【008】

図1断面図においては、立水栓6に、装飾を施し空洞化された覆面体1を5の形状に加工し覆って取り付け、蛇口のcockを手でひねるための穴に開閉ができる蓋4を設置する。

【図面の簡単な説明】

【009】

【図1】本発明を立水栓の蛇口に取り付けた場合の断面図

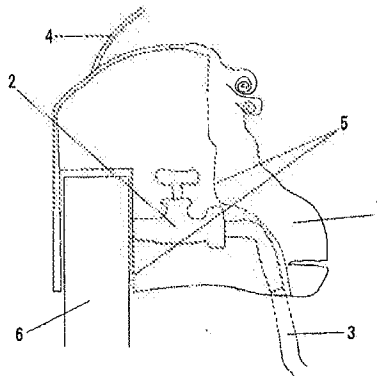
【図2】同覆面体の底辺図

【符号の説明】

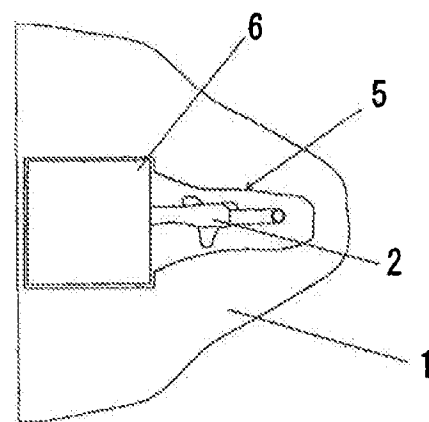
【010】

- 1 蛇口用覆面体本体
- 2 蛇口
- 3 蛇口に着脱可能なホース
- 4 蛇口のcockを手でひねるために開けられた穴のための開閉蓋
- 5 蛇口付き立水栓に覆面体を設置するための覆面体の形状
- 6 立水栓（水せん柱）

【図1】



【図2】



(4)

特開2007-107358 (P2007-107358A)

SKIP HOP 2001-075
IPR2016-00536

Electronic Acknowledgement Receipt

EFS ID:	7137351
Application Number:	12511652
International Application Number:	
Confirmation Number:	4209
Title of Invention:	BATH SPOUT COVER
First Named Inventor/Applicant Name:	Scott HENDERSON
Customer Number:	00881
Filer:	Stephen John Weyer/Victoria Shockey
Filer Authorized By:	Stephen John Weyer
Attorney Docket Number:	P09574US00/SJW
Receipt Date:	04-MAR-2010
Filing Date:	29-JUL-2009
Time Stamp:	08:57:58
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		P09574US00_IDS.PDF	1866146 771e9a69207adb881f6e6fda354052f1944a3033	yes	18

SKIP HOP 2001-076
IPR2016-00536

	Multipart Description/PDF files in .zip description		
	Document Description	Start	End
	Transmittal Letter	1	2
	Information Disclosure Statement (IDS) Filed (SB/08)	3	4
	NPL Documents	5	6
	Foreign Reference	7	11
	NPL Documents	12	16
	NPL Documents	17	18
Warnings:			
Information:			
Total Files Size (in bytes):		1866146	
<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>			

INFORMATION DISCLOSURE STATEMENT	Application #	12/511,652
	Confirmation #	4209
	Filing Date	July 29, 2009
	First Inventor	HENDERSON
	Art Unit	3751
	Examiner	
	Docket #	P09574US00/SJW

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

S I R :

This IDS is submitted pursuant to 37 CFR. §1.97-1.98 and includes the following:

- ☒ A **listing** of the references on PTO-1449.
- ☒ A copy of all **non-US** references which are listed on the PTO-1449.
- ☒ A copy of a related U.S. **Notice of Allowance with Notice of References Cited** which explains the relevance of the references noted therein.
- ☐ A separate **explanation of relevance**.

Please note the following particulars concerning the filing of this IDS:

- ☒ **1.** This IDS is filed (Rule 1.97(b)) at whichever is the latest of:
 - within three months of the filing date of a NATIONAL APPLICATION other than a CPA, or
 - within three months of the date of entry into the NATIONAL STAGE as set forth in 37 CFR. §1.491 in an international application, or
 - before the mailing date of a first Office Action on the merits or after filing of an RCE (*but if a first Office Action is mailed but not yet received and the date on the face of the attached communication makes it evident that this IDS is submitted within three months from the mailing of the search report, then applicant is entitled to have this IDS considered under 2.B. below and such boxes should be considered as having been checked*).
 - ☐ **2.** This IDS is filed (Rule 1.97(c)) **after a first Office Action**, but before a Final Action, Allowance, or any other action which closes prosecution, **and**:
 - ☐ **A.** Is accompanied by a payment in the amount of \$180.00 required by 37 CFR. §1.17(p).
- or
- ☐ **B.** I hereby state that each item of information contained in this IDS was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS.
 - ☐ **C.** I hereby state that no item of information in this IDS herewith was cited in a communication from a foreign patent office in a counterpart foreign application, and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 CFR. §1.56(c) more than 3 months prior to the filing of this IDS.
 - ☐ **D.** An appropriate Statement is attached.

☐ 3. This IDS is filed (Rule 1.97(d)) **after** a final action or allowance, but on/before payment of the issue fee, **and**:

☐ A. is accompanied by a payment in the amount of \$180.00 required by 37 CFR. §1.17(p).

and

☐ B. I hereby state that each item of information contained in this IDS was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS.

☐ C. I hereby state that no item of information in this IDS herewith was cited in a communication from a foreign patent office in a counterpart foreign application, and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 CFR. §1.56(c) more than 3 months prior to the filing of this IDS.

☐ D. An appropriate Statement is attached.

☐ 4. This IDS does not comply with 37 CFR 1.97-1.98, and is being filed **for placement in the file** pursuant to 37 CFR. §1.97(i).

☒ 5. It will also be appreciated that:

a. It is believed that this IDS complies fully with 37 CFR 1.56 and 1.97-98 and with MPEP § 609; but if for some reason it does not and will not be entered, the examiner is requested to telephone the undersigned so that any deficiency can be timely remedied.

b. Some of the documents may have markings thereon, but no significance should be attached to those markings.

c. These documents are not necessarily analogous art.

d. Where an English language translation of an abstract is provided from a public source, applicant cannot vouch for the accuracy of that translation.

☒ 6. If no payment is enclosed and a fee is due in connection with this communication or if the payment enclosed is insufficient, the Director is authorized to charge any fee or additional fee due with this communication to Deposit Account No. 12-0555.

Respectfully submitted,

Date: March 4, 2010


By: 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



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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
12/511,652	07/29/2009	3751	462	P09574US00/SJW	20	2

CONFIRMATION NO. 4209

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

FILING RECEIPT



OC000000037295155

Date Mailed: 08/17/2009

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**

Applicant(s)

Scott HENDERSON, Brooklyn, NY;
Janet Villano, Brooklyn, NY;
Ellen Diamant, New York, NY;
Elizabeth Zack, Brooklyn, NY;

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

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 08/10/2009

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/511,652**

Projected Publication Date: 02/03/2011

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

BATH SPOUT COVER

Preliminary Class

004

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.

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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**

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UTILITY PATENT APPLICATION TRANSMITTAL

(Nonprovisional application under 37 CFR 1.53(b))

Docket No. P09574US00/SJW
1st Inventor HENDERSON, et al.
Title BATH SPOUT COVER

APPLICATION ELEMENTS

- ☒ Fee Transmittal (FEE CALCULATION below)
☒ Applicant claims **small entity status**
☒ Specification [total pages = 16]
☒ Drawings [total sheets = 3]
☒ Oath or Declaration [total sheets = 2]
☒ Newly executed (original or copy)
☐ Copy from prior appl. (for cont./div.)
☐ Application Data Sheet

ACCOMPANYING APPLICATION PARTS

- ☐ Assignment Papers:
☐ Information Disclosure Statement
☐ Preliminary Amendment
☐ Certified Copy of Priority Document
☐ Nonpublication Request
☐ Return Receipt Postcard
☐
☐

☐ This is a CONTINUING APPLICATION. Check appropriate box, and claim benefit of parent in first line of spec or in ADS.

☐ Continuation ☐ Divisional ☐ Continuation-in-Part (CIP) of prior application No.:

Prior application information

Examiner:

Art Unit:

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.

The entire disclosure of the prior application, from which an oath or declaration is supplied above, is considered a part of the disclosure of the accompanying cont. or div. application and is hereby incorporated by reference. This incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts. (Rule 1.57(a))

FEE CALCULATION and notations

	NOW	Basic Number	Present Extra	Rate	\$
<input checked="" type="checkbox"/> TOTAL CLAIMS	20	- 20	0	X \$ 52 =	0
<input checked="" type="checkbox"/> INDEP. CLAIMS	2	- 3	0	X \$ 220 =	0
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIM(S)				+ \$ 390 =	
<input type="checkbox"/> SIZE FEE: sheets - 100 = ÷ 50 = [rounded up]				X \$ 270 =	
<input checked="" type="checkbox"/> BASIC FILING-\$330, SEARCH-\$540 AND EXAMINATION-\$220 FEES				+ \$ 1090 =	1090
TOTAL OF ABOVE CALCULATIONS =					1090
<input checked="" type="checkbox"/> Reduction by 1/2 for small entity status of applicant				-545	545
<input checked="" type="checkbox"/> Reduction for SE basic electronic filing fee (\$165-[reduced fee of \$82]= \$83)				-83	462
TOTAL OF ALL FEES =					462

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

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☒ **ELECTRONIC FUNDS TRANSFER** - submitted concurrently herewith.

☐ **CREDIT CARD PAYMENT FORM** - PTO-2038 submitted concurrently herewith.

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CORRESPONDENCE ADDRESS – the address associated with:

CUSTOMER NUMBER: **881**

(& POWER OF ATTORNEY – the practitioners associated with)

Attorney Name: Stephen J. Weyer
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Telephone No.: 703-739-4900
Facsimile No.: 703-739-9577

Signed (for) by: /Douglas E. Jackson/

Date: July 29, 2009

Registration No.: 28518

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UTILITY PATENT APPLICATION TRANSMITTAL

(Nonprovisional application under 37 CFR 1.53(b))

Docket No. P09574US00/SJW
1st Inventor HENDERSON, et al.
Title BATH SPOUT COVER

APPLICATION ELEMENTS

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☐
☐

☐ This is a CONTINUING APPLICATION. Check appropriate box, and claim benefit of parent in first line of spec or in ADS.

☐ Continuation ☐ Divisional ☐ Continuation-in-Part (CIP) of prior application No.:

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TOTAL OF ABOVE CALCULATIONS =					1090
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CORRESPONDENCE ADDRESS – the address associated with:

(& POWER OF ATTORNEY – the practitioners associated with)

CUSTOMER NUMBER: 881

Attorney Name: Stephen J. Weyer
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Telephone No.: 703-739-4900
 Facsimile No.: 703-739-9577

Signed (for) by: /Douglas E. Jackson/

Date: July 29, 2009

Registration No.: 28518

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

DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION (37 CFR 1.63)

Docket No. P09574US00/SJW

1st Inventor HENDERSON

COMPLETE IF KNOWN

☒ Declaration Submitted with Initial Filing

Appl. No.

☐ Declaration Submitted after Initial Filing

Filing Date

I hereby declare that: 1) Each inventor's residence, mailing address and citizenship are as stated below next to their name; and 2) I believe the inventor(s) named below to be the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

BATH SPOUT COVER

the application of which:

☒ is attached hereto

OR

☐ was filed on _____ as US Application No. or PCT International Application No. _____ and (if applicable) was amended on _____

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

Claim of Foreign Priority Benefits

I hereby claim FOREIGN PRIORITY benefits under 35 USC 119(a)-(d) or (f), or 365(h) of any foreign application(s) for patent, inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the US, listed below; and I have also identified below, by checking the box, any foreign application for patent, inventor's certificate, or any PCT application having a filing date before that of the application on which priority is claimed. (☐ Additional applications listed on supplemental sheet herewith)

Prior Foreign Appl. No.

Country

Filing Date (MM/DD/YYYY)

Priority Not Claimed

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.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 USC 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

SOLE OR FIRST INVENTOR

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SIGN AND DATE HERE Inventor's Signature

Date 7-28-09

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SIGN AND DATE HERE Inventor's Signature

Date 7-28

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SIGN AND DATE HERE Inventor's Signature

Date June 28, 2009

☒ Additional inventors named on supplemental sheet provided herewith

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SKIP HOP 2001-085

IPR2016-00536

DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION (37 CFR 1.63) SUPPLEMENTAL SHEET (See as required)	Docket No.	P09573US00/SJW
	1 st inventor	HENDERSON
		COMPLETE IF KNOWN
	Serial No.	
	Filing Date	July 13, 2009

Additional Prior Foreign Application(s):			
Prior Foreign Appl. No.	Country	Filing Date (MM/DD/YYYY)	Priority Not Claimed

Authorization To Permit Access To Application by Participating Offices

☐ If checked, the undersigned hereby grants the USPTO authority to provide the European Patent Office (EPO), the Japan Patent Office (JPO), the Korean Intellectual Property Office (KIPO), the World Intellectual Property Office, and any other intellectual property offices in which a foreign application claiming priority to the above-identified application is filed access to the above-identified patent application. See 37 CFR 1.14(c) and (h).

In accordance with 37 CFR 1.14(h)(3), access will be provided to a copy of the application-as-filed with respect to: 1) the above-identified application-as-filed, 2) any foreign application to which the above-identified application claims priority under 35 USC 119(a)-(d) if a copy of the foreign application that satisfies the certified copy requirement of 37 CFR 1.55 has been filed in the above-identified US application, and 3) any U.S. application-as-filed from which benefit is sought in the above-identified application.

In accordance with 37 CFR 1.14(g), access may be provided to information concerning the date of filing the Authorization to Permit Access to Application by Participating Offices.

ADDITIONAL JOINT INVENTOR, if any		Citizenship	US
Given Name (First and Middle, if any)	Elizabeth	Family Name or Surname	ZACK
Full Mailing Address		464 Clinton Avenue, Apt. 1C, Brooklyn, NY 11238	
Residence - City, State/Country (if different from mailing address)		same as above	
SIGN AND DATE HERE Inventor's Signature		Date	
Elizabeth		07-28-09	

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SKIP HOP 2001-086

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

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

for

BATH SPOUT COVER

TECHNICAL FIELD

[0001] 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

[0002] 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.

[0003] 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

[0004] The presently-disclosed subject matter includes bath spout covers and methods of securing a bath spout cover to a bath spout.

[0005] 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.

[0006] 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.

[0007] 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.

[0008] 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.

[0009] 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.

[0010] 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

[0011] FIG. 1 is a perspective view of an exemplary bath spout cover in accordance with the presently-disclosed subject matter.

[0012] FIG. 2 is a bottom view of an exemplary bath spout cover.

[0013] 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.

[0014] 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.

[0015] FIG. 5 is a left side view of an exemplary bath spout cover; the opposite side being nearly a mirror image.

[0016] 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

[0017] 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.

[0018] 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.

[0019] 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.

[0020] 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.

[0021] 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.

[0022] 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.

[0023] 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.

[0024] 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.

[0025] 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.

[0026] 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.

[0027] 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.

[0028] 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.

[0029] 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.

[0030] 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.

[0031] 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 be 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;
 - 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.
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 a second aperture defined by the other side portion of the body structure, said second aperture for receiving the other end of the strap.
4. The bath spout cover of claim 1, wherein 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.

5. The bath spout cover of claim 1, wherein the strap is detachable from each side portion of the body structure.
6. The bath spout cover of claim 1, wherein the strap is adjustable on each side portion of the body structure.
7. The bath spout cover of 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.
8. The bath spout cover of claim 1, wherein the end of the strap extends in a direction that is perpendicular to a longitudinal axis of the strap.
9. The bath spout cover of claim 1, wherein the upper portion defines an opening adapted to fit over a bath spout shower diverter.
10. The bath spout cover of claim 1, wherein the upper portion further comprises a hooked portion for hanging the bath spout cover.
11. The bath spout cover of claim 1, wherein the body structure is comprised of an elastomeric material.
12. The bath spout cover of claim 11, wherein the strap is comprised of an elastomeric

material.

13. The bath spout cover of claim 1, wherein the bath spout cover is in the shape of an animal.

14. The bath spout cover of claim 13, wherein the animal is a whale.

15. The bath spout cover of claim 14, wherein the upper portion of the bath spout cover defines an opening forming a blowhole of the whale, and wherein the ends of the strap form the fins of the whale.

16. The bath spout cover of claim 14, wherein the upper portion of the bath spout cover further comprises a hooked portion for hanging the bath spout cover, said hooked portion forming a tail of the whale.

17. A method of securing a bath spout cover to a bath spout, comprising:

taking 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 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;

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 the at least one aperture such that the bath spout cover is secured to the bath spout.

18. The method of claim 17, wherein the strap comprises a plurality of ridges positioned at predetermined intervals along the length of the strap, and wherein pulling the strap causes at least one of the ridges to engage the at least one aperture in bath spout cover.

19. The method of claim 17, wherein the body structure further comprises a second aperture defined by the other side portion of the body structure, said second aperture for receiving the other end of the strap.

20. The method of claim 19, wherein the pulling the strap comprises pulling the strap through both apertures to secure the bath spout cover to the bath spout.

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

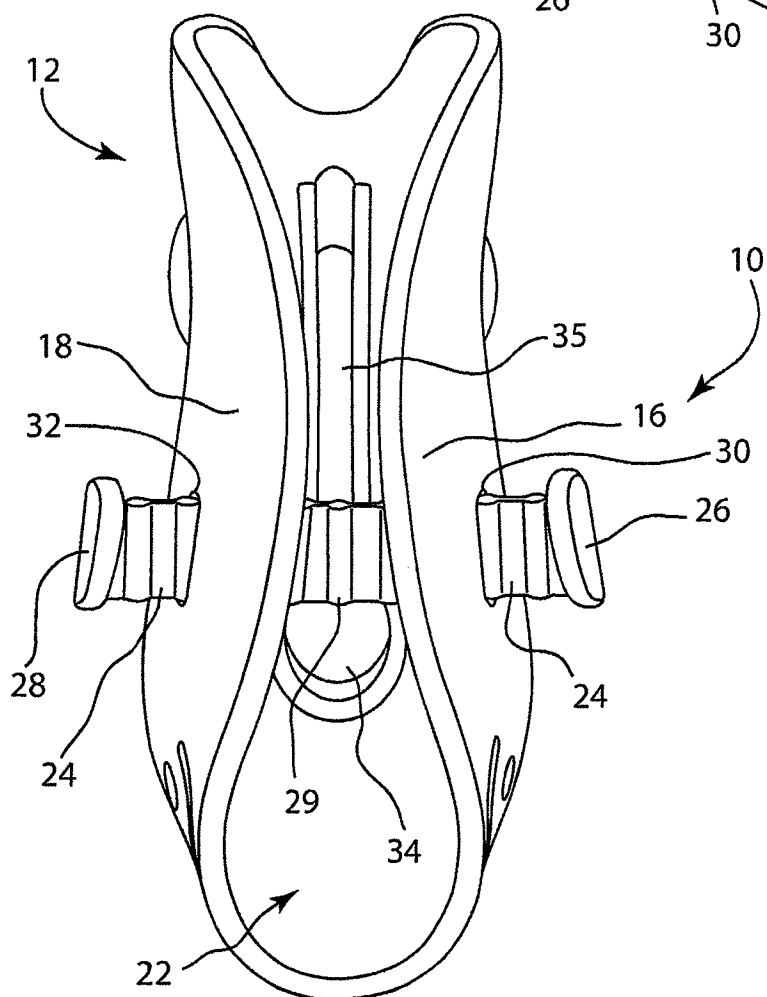
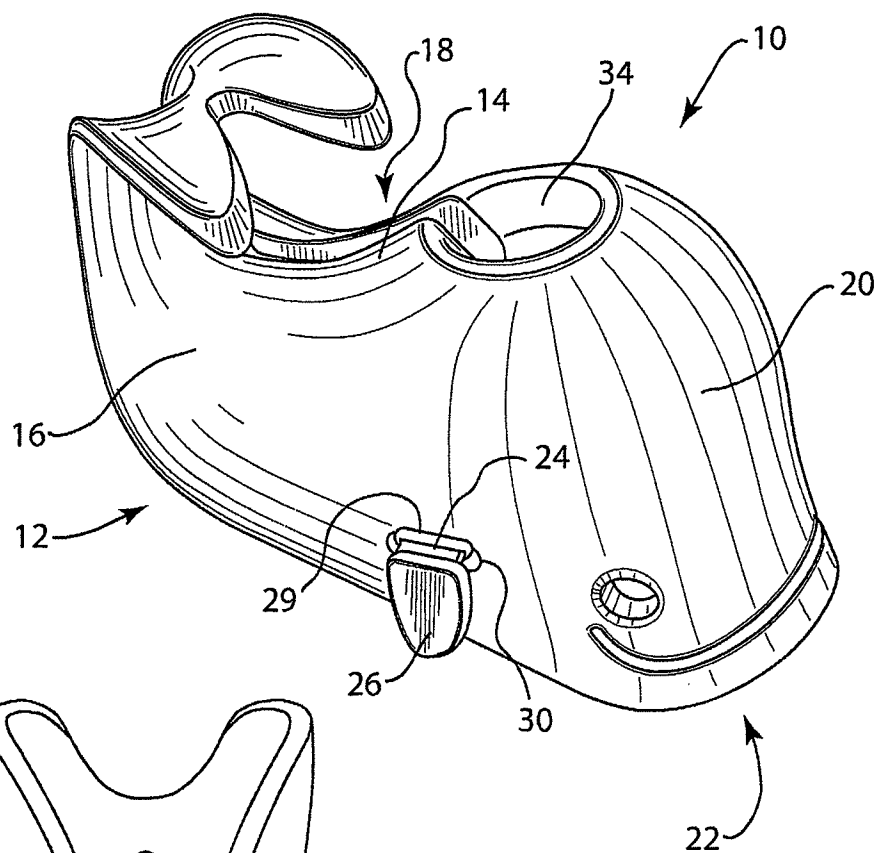


FIG. 2

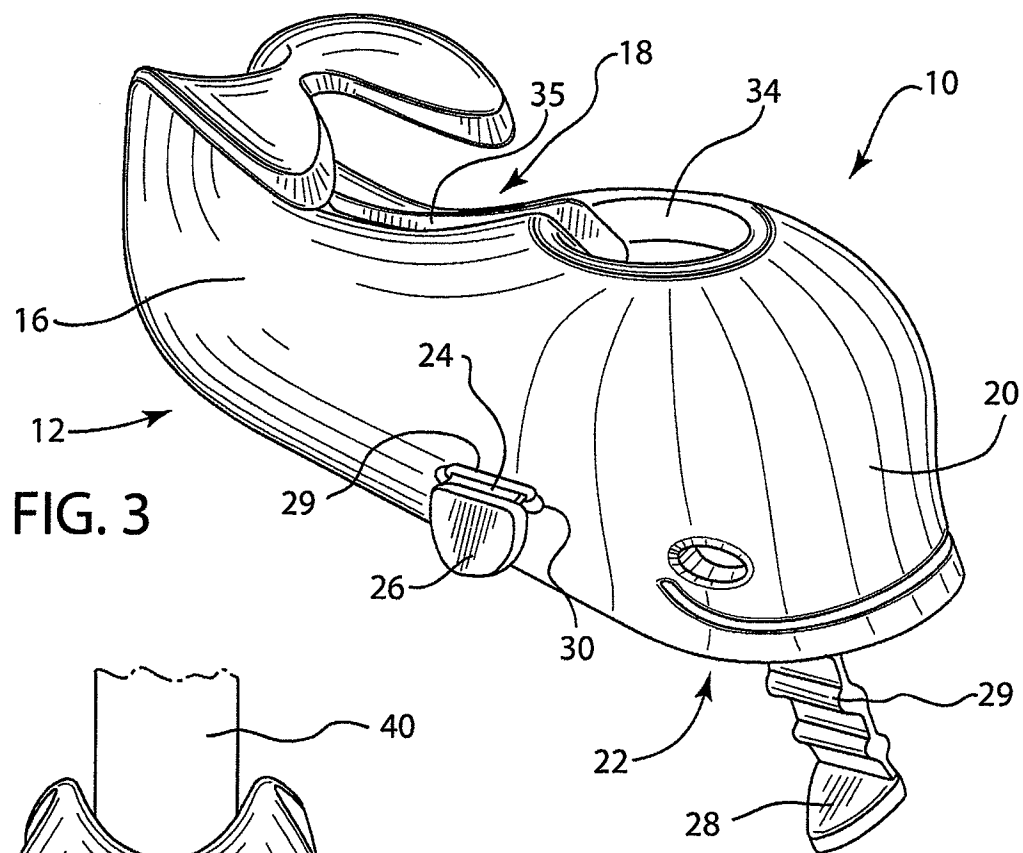


FIG. 3

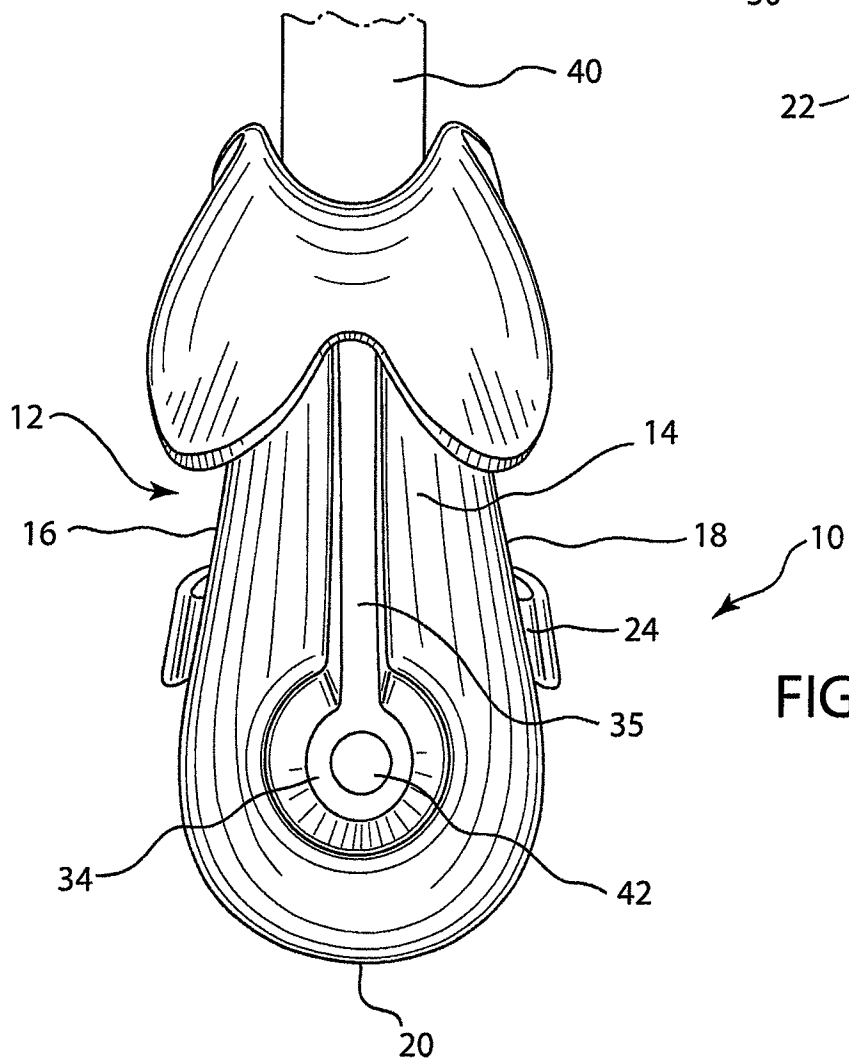
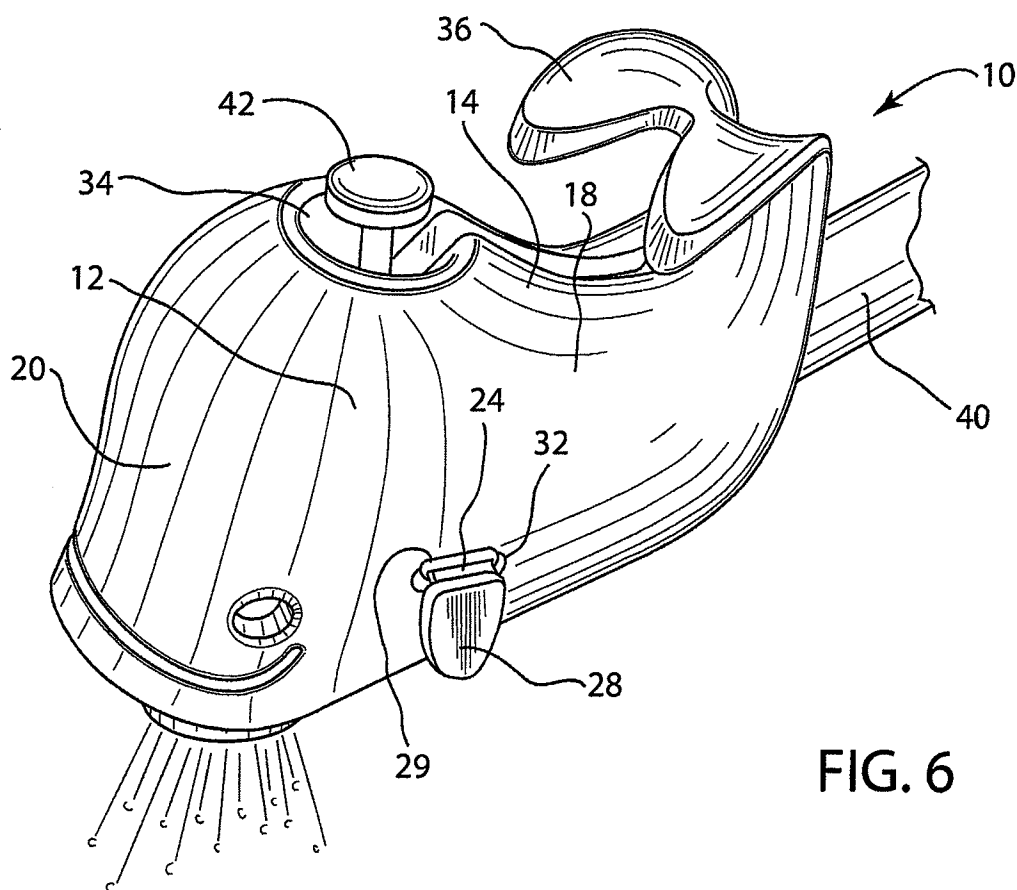
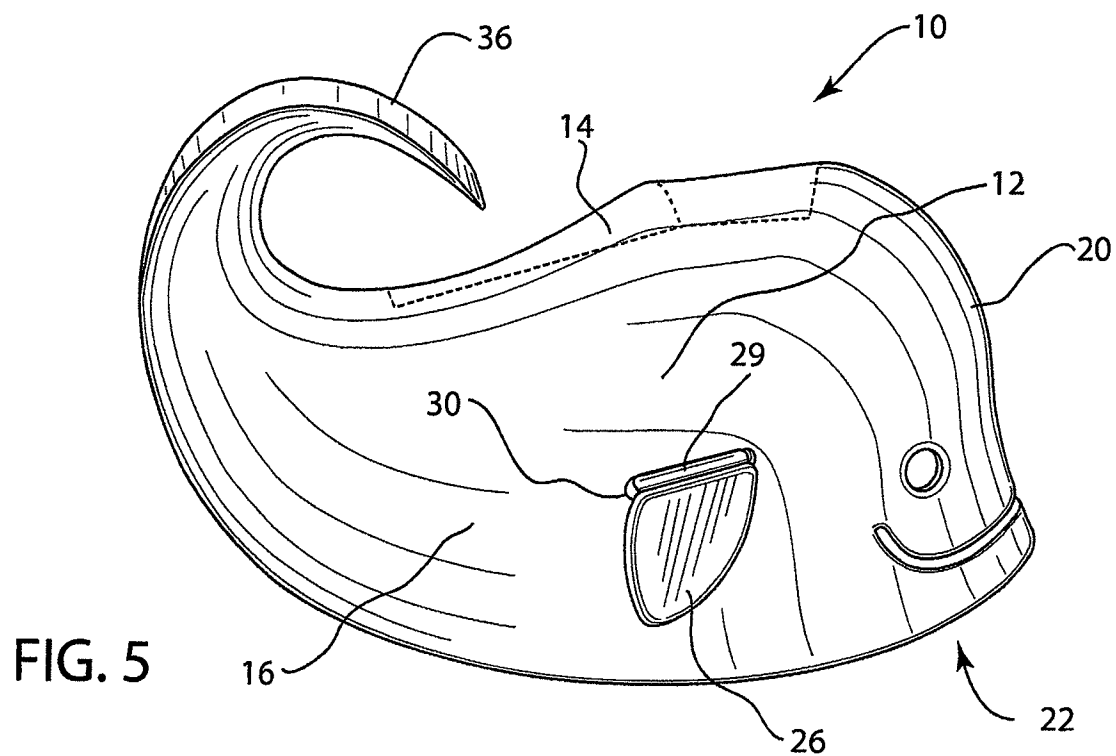


FIG. 4



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:	P09574US00/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	82	82
Utility Search Fee	2111	1	270	270
Utility Examination Fee	2311	1	110	110
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				

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IPR2016-00536

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				
Miscellaneous:				
Total in USD (\$)				462

Electronic Acknowledgement Receipt

EFS ID:	5793474
Application Number:	12511652
International Application Number:	
Confirmation Number:	4209
Title of Invention:	BATH SPOUT COVER
First Named Inventor/Applicant Name:	Scott HENDERSON
Customer Number:	00881
Filer:	Douglas Eugene Jackson/Sheila Price
Filer Authorized By:	Douglas Eugene Jackson
Attorney Docket Number:	P09574US00/SJW
Receipt Date:	29-JUL-2009
Filing Date:	
Time Stamp:	16:20:50
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	\$462
RAM confirmation Number	2840
Deposit Account	
Authorized User	

File Listing:

Document Number	Document Description	File Name	File Size (Bytes) Message Digest	Multi-Part / zip (if appl.)	Pages
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IPR2016-00536

1	Transmittal of New Application	P09574US00-NewApplnTransmittal.PDF	16401	no	1
			604697a42eefc6bbebbb58a7f3be550419853828		
Warnings:					
Information:					
2	Oath or Declaration filed	P09574US00-declaration.PDF	298301	no	2
			3b41c79b3a0de6108041f98803f190f49be0b509		
Warnings:					
Information:					
3		P09574US00-Specification.PDF	56175	yes	16
			b08278040bdbb330316685769b708828315ed5ab		
	Multipart Description/PDF files in .zip description				
	Document Description		Start	End	
	Specification		1	11	
	Claims		12	15	
	Abstract		16	16	
Warnings:					
Information:					
4	Drawings-only black and white line drawings	P09574US00-Draws.PDF	100866	no	3
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Warnings:					
Information:					
5	Fee Worksheet (PTO-875)	fee-info.pdf	33059	no	2
			cc67aaec792d51e7a8364bad1efa99ea32be8449		
Warnings:					
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Total Files Size (in bytes):			504802		

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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.

Filing Date: 07/29/09

Approved for use through 7/31/2006. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875					Application or Docket Number 12/511,652	
APPLICATION AS FILED -- PART I						
(Column 1)		(Column 2)			(Column 3)	
FOR	NUMBER FILED	NUMBER EXTRA				
BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A				
SEARCH FEE (37 CFR 1.16(k), (l), or (m))	N/A	N/A				
EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A				
TOTAL CLAIMS (37 CFR 1.16(i))	20	minus 20 =				
INDEPENDENT CLAIMS (37 CFR 1.16(h))	2	minus 3 =		*		
APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$260 (\$130 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR					
MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))						
* 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)	
AMENDMENT A	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA			
	Total (37 CFR 1.16(i))	*	Minus	**	=	
	Independent (37 CFR 1.16(h))	*	Minus	***	=	
	Application Size Fee (37 CFR 1.16(s))					
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))					
APPLICATION AS FILED -- PART I						
(Column 1)		(Column 2)			(Column 3)	
AMENDMENT B	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA			
	Total (37 CFR 1.16(i))	*	Minus	**	=	
	Independent (37 CFR 1.16(h))	*	Minus	***	=	
	Application Size Fee (37 CFR 1.16(s))					
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))					
* 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.						

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.

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