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| APPLICATION NO.              | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|------------------------------|-------------|----------------------|---------------------|------------------|
| 11/053,211                   | 02/07/2005  | David E. Chen        | 54378/TJD/B437      | 6748             |
| 23363                        | 7590        | 11/01/2005           | EXAMINER            |                  |
| CHRISTIE, PARKER & HALE, LLP |             |                      | HALE, GLORIA M      |                  |
| PO BOX 7068                  |             |                      | ART UNIT            |                  |
| PASADENA, CA 91109-7068      |             |                      | PAPER NUMBER        |                  |
|                              |             |                      | 3765                |                  |

DATE MAILED: 11/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

11/053,211

Applicant(s)

CHEN ET AL.

Examiner

Gloria Hale

Art Unit

3765

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

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) 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 7-12-05 Amendment /Terminal Disclaimer.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ 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).
- 11) ☐ 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**

- 12) ☐ 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) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 7-12-05.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

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.

Claims 1, 2 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Noble et al (US 5,755,611) in view of Mulligan (US 5,922,023).

Noble et al discloses a dual breast form brassiere system 220 with a connector 50 comprising two ribbons tied together and wherein the forms are adhesively connected to the wearer's breasts. (See Noble et al, col. 5, line 51 – col. 6, line 22). However, Noble et al does not specifically disclose the breast form structure as including a volume of silicone gel encased between a thermoplastic film material with a concave interior surface with pressure sensitive adhesive thereon to adhere the form to the wearer's breasts. Mulligan discloses a breast form of silicone gel 3 encased between thermoplastic film material (2a,3a,5a- as seen in Mulligan, figure 1 and col. 2, lines 36-46). Mulligan discloses the concave surface 4a as seen in figure 3 and as described in col. 2, lines 55-67. Accordingly it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the specific breast form structure of Noble et al with the teaching of Mulligan to construct it of known silicone and thermoplastic film structures in order to provide the breast structure and aesthetic appeal of the Mulligan form in a connected breast form system configuration. The

connector of Noble et al comprises a first tie portion and a second tie portion that cooperatively engage and wherein the first and second portions are permanently attached to the breast forms.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Noble et al in view of Mulligan as applied to claims 1, 2 and 5 above, and further in view of Johnstone (US 5,538,502).

Noble et al and Mulligan disclose the invention substantially as claimed. However they do not disclose the hook and loop fastener strip connector as claimed. Johnstone discloses a hook and loop fastener strip connector 30,46 as seen in figure 1 to connect bra cups together which is well known in the art. Accordingly it would have been obvious to one having ordinary skill in the art to substitute the tie connector of Noble et al with a hook and loop fastener connector as taught by Johnstone for ease in donning and doffing the brassiere breast forms in addition to providing adjustability between the breast forms. (See Johnstone, figure 1).

Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Noble et al in view of Mulligan as applied to claims 1 and 2 above, and further in view of Barg (US 2,882,905).

Noble et al and Mulligan disclose the breast form brassiere structure as claimed except for the specific clasp and loops connector and that the connector is removably attached

to the breast forms. Barg discloses a clasp 25 and loops 24 fastener on a brassiere as claimed. (See Barg figure 1 and col. 2, lines 3-12).

Accordingly it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the brassiere system structure to substitute the tie fastener of Noble et al with the connector taught by Barg for adjustability and ease in fastening specially since hook and loop(eye) fasteners are well known on brassiere structures.

Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Noble et al in view of Mulligan as applied to claim 1 above, and further in view of Conde (US 2,579,365).

Noble et al and Mulligan disclose the invention substantially as claimed except for the specific connector structure as being a single unit that is either removably or permanently joined to each of the breast forms. Conde discloses a single unit connector 30 that is either removably connected or permanently connected as desired. (See figures 1,2 and 7 and col. 3, lines 18-25). Accordingly it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the brassiere breast form structure of Noble et al and Mulligan with the teaching of Conde to substitute the connector of Noble et al with the connector of Conde for a stiffer and more secure connection as desired by the wearer wherein the connector can be removed or remain permanently thereon as desired.

Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Noble et al in view of Mulligan as applied to claim 1 above, and further in view of Panighini (US 2,793,369).

Noble et al and Mulligan disclose the invention substantially as claimed. However they do not disclose the specific connector structure of the connector as being a single unit of elastic material. Panighini discloses a single unit elastic connector 2 as claimed. (See figure 1 and col. 1, lines 56-58 and col. 2, line 13). Accordingly it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the connector of Noble et al with the teaching of Panighini to substitute the tie fastener with a single elastic fastener for a resiliently adjustable connection and comfortable fit.

The Terminal Disclaimer submitted 7-12-05 has been accepted.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gloria Hale whose telephone number is 571-272-4984. The examiner can normally be reached on Tues.-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Calvert can be reached on 571-272-4983. 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).



Gloria Hale  
Primary Examiner  
Art Unit 3765

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