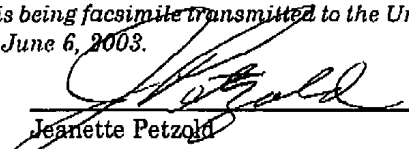


Appln. No. 10/159,251
Reply to Office action of April 23, 2003

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Jeanette Petzold

1057-3

Appln No. : 10/159,251
Applicant : David E. Chen
Filed : May 31, 2002
Title : ATTACHABLE BREAST FORM
ENHANCEMENT SYSTEM

TC/A.U. : 3765
Examiner : G. Hale

Docket No. : 48370/TJD/B437

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

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Pasadena, CA 91109-7068

Sir:

AMENDMENT

In response to the Office action of April 23, 2003, please amend the above-identified application as follows:

Amendments to the Specification begin on page 2 of this paper.

Amendments to the Claims are reflected in the list of claims which begins on page 3 of this paper.

Remarks begin on page 7 of this paper.

- 1 -

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Amendments to the Specification:

Please replace the paragraph beginning at page 9, line 31, with the following rewritten paragraph:

ai - - Further embodiments of the breast form system 10 can be achieved by making minor alterations to the connector 14 and the breast forms. For example, referring to FIG. 5a, the first portion 42 and the second portion 44 could be mating portions for a velcro VELCRO strap, wherein the first portion includes a strip of nylon having a plurality of minute hooks and the second portion includes a corresponding strip with a surface of uncut pile. Also, the receptacles 60 shown in FIG. 7 could be changed in shape to be circular or could be made into metal or plastic rings. Further, the connector 14 could simply be a piece of string, or the like, that passes through the rings and allows the user to tie a knot to adjoin the two breast forms. An additional embodiment is shown in FIG. 8, wherein the connector 14 includes a mounting strap 62 and a pair of plugs 64. The mounting strap 62 has a plurality of holes that are adapted to engagingly receive the plugs 64. The breast forms each have a receptacle 60. The user adjoins the breast forms by aligning one of the holes on the mounting strap with each of the receptacles, and then inserting the plugs through the receptacles and mounting strap. The user can adjust the amount of breast cleavage by adjoining the breast forms closer together on the mounting strap. - -

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Listing of Claims:

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

- A. J. Smith*
1. (currently amended) An improved breast form system comprising:
a pair of breast forms having an interior surface facing towards a user's skin, wherein a pressure sensitive adhesive layer is incorporated within the interior surface has a pressure sensitive adhesive layer for adjoining the breast forms to the user's skin; and
a connector adapted to adjoin the breast forms together, wherein the connector is positioned between inner sides of each of the breast forms.
 2. (original) The breast form system of claim 1 wherein the connector comprises a first portion attached to one of the breast forms and a second portion attached to the other of the breast forms, and the first portion and the second portion are adapted to cooperatively engage.
 3. (original) The breast form system of claim 2 wherein the first portion includes a clasp and the second portion includes a plurality of loops adapted to receive the clasp.
 4. (original) The breast form system of claim 2 wherein the first portion and the second portion are removably attached to the breast forms.
 5. (currently amended) The breast form system of claim 2 wherein the first portion and the second portion are mating portions of a velcro VELCRO strap, wherein the first portion includes a strip of nylon having a plurality of minute hooks and the second portion includes a corresponding strip with a surface of uncut pile.

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6. (original) The breast form system of claim 1 wherein the connector is a single unit adapted to engage inner side surfaces of the breast forms.

7. (original) The breast form system of claim 1 wherein the pressure sensitive adhesive layer is a permanently grown pressure sensitive adhesive having an adhesion force to the interior surface of the breast forms that is greater than a cohesion force to the user's skin.

8. (original) The breast form system of claim 1 wherein at least one of the breast forms comprises an upper portion and a lower portion, the upper portion having a greater thickness than the lower portion.

Claims 9-15 (canceled)

16. (currently amended) A breast form system comprising a pair of breast forms removably adjoined by a connector, wherein each breast form defines an interior surface having a permanently grown pressure sensitive adhesive layer incorporated within the interior surface for adjoining the breast form to a user's skin, and each breast form has means for engaging the connector.

17. (original) The breast form system of claim 16 wherein the means for engaging the connector is a receptacle adapted to cooperatively engage a portion of the connector.

18. (original) The breast form system of claim 17 wherein the receptacle is a ring integrally joined with the breast form, and the connector is a string material adapted to pass through the ring.

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19. (original) The breast form system of claim 9 wherein at least one of the breast forms comprises an upper portion and a lower portion, the upper portion having a greater thickness than the lower portion.

20. (currently amended) A method of using an improved breast form system comprising the steps of:

positioning a pair of separated breast forms against a user's breasts;

adjoining a pressure sensitive adhesive layer ~~disposed along an~~ incorporated within an interior surface of each breast form to the user's breasts;

enhancing the user's breast cleavage by adjoining the breast forms together by engaging a connector adapted to attach to inner side surfaces of the breast forms.

21. (original) The method of claim 20 further comprising the step of pushing up the user's breasts by pulling the user's breasts together and upwards when the connector adjoins the breasts forms.

22. (new) An improved breast form system comprising:

a pair of breast forms without an outwardly extending tab positioned near a user's armpit and having an interior surface facing towards the user's breast, wherein the interior surface has a pressure sensitive adhesive layer for adjoining the interior surface to the user's breast; and

a connector adapted to adjoin the breast forms together, wherein the connector is positioned between inner sides of each of the breast forms.

23. (new) The breast form system of claim 22 wherein the connector comprises a first portion attached to one of the breast forms and a second portion attached to the other of the breast forms, and the first portion and the second portion are adapted to cooperatively engage.

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24. (new) The breast form system of claim 23 wherein the first portion and the second portion are removably attached to the breast forms.

25. (new) The breast form system of claim 22 wherein the connector is a single unit adapted to engage inner side surfaces of the breast forms.

26. (new) The breast form system of claim 22 wherein the pressure sensitive adhesive layer has an adhesion force to the interior surface of the breast forms that is greater than a cohesion force to the user's skin.

27. (new) The breast form system of claim 22 wherein at least one of the breast forms comprises an upper portion and a lower portion, the upper portion having a greater thickness than the lower portion.

28. (new) The breast form system of claim 1 wherein the pressure sensitive adhesive layer is incorporated within the entire interior surface.

29. (new) The breast form system of claim 16 wherein the pressure sensitive adhesive layer is incorporated within the entire interior surface.

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REMARKS

Summary of Examiner Interview

On May 30, 2003, counsel for Applicant, Thomas Daly and Brian Yates, participated in a telephone interview with Examiner Gloria Hale. Applicant wishes to thank Examiner Hale for her courtesy in having the interview and for the time and effort that she put forth in connection with the interview. To assist with the interview, Applicant's counsel had two different specimens delivered to Examiner Hale. The first specimen was a product believed to be made in accordance with the Valentin patent, which was the primary patent relied on by the Examiner in the April 23, 2003 Office action. The second specimen was a product made in accordance with Applicant's present patent application. Applicant's counsel offered possible claim amendments that might help clarify structural differences between the breast form systems recited in the Applicant's claims and the teachings of the cited references. Applicant believes that the Examiner was favorably impressed with Applicant's invention and felt that, with the proper claim language, it would be patentable.

Applicant respectfully responds to each point raised by the Examiner in the April 23, 2003 Office action as follows:

Objections to the Specification

The Examiner objected to Applicant's use of the trademark VELCRO because Applicant did not capitalize the mark and did not accompany the mark with the generic terminology. As reflected by the amendment to the Specification shown above, Applicant has corrected this inadvertent oversight.

The Examiner also objected to the term "permanently grown," which Applicant used in its Specification and Abstract to describe one of its pressure sensitive adhesives. As Applicant's attorney of record, Thomas Daly, discussed with Examiner Hale during the

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May 30, 2003 telephone interview, this term should be understood to carry its ordinary meaning as reflected by the dictionary definitions of the component terms. Specifically, "permanently" is defined as "lasting or remaining without essential change" or "not expected to change in status, condition, or place." (*The American Heritage Dictionary of the English Language, Fourth Edition (2000)*). "Grown" is defined as "to come to be by a gradual process or by degrees." (*The American Heritage Dictionary of the English Language, Fourth Edition (2000)*). Therefore, Applicant submits that its usage of the term "permanently grown" with respect to its pressure sensitive adhesive layer is sufficiently clear to one of ordinary skill in the art in light of the ordinary meaning of those terms and the context in which they are used in the Specification. That is, "grown" refers to the pressure sensitive adhesive being incorporated within the interior surface of the breast form by an application process during the manufacturing of the breast form, and "permanently" refers to the pressure sensitive adhesive remaining in place once applied to the interior surface.

Claim Rejections Under 35 U.S.C. § 112

The Examiner rejected claims 5 and 11 as being allegedly indefinite due to Applicant's use of the term VELCRO without the generic terminology for the trademark. As reflected by Applicant's amendment to claim 5, and cancellation of claim 11, Applicant has overcome this rejection.

The Examiner also rejected claims 7, 9, and 16 as being allegedly indefinite based on the term "permanently grown." As shown above, Applicant has cancelled claim 9 and the term "permanently grown" has been deleted from claim 16. Further, as described above with respect to Applicant's use of this term in its Specification and Abstract, Applicant respectfully submits that the term is sufficiently clear based on the ordinary meaning of those terms, as reflected by the provided dictionary definitions, and therefore, is not indefinite under 35 U.S.C. § 112.

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Claim Rejections Under 35 U.S.C. § 102

The Examiner rejected claims 1, 2, 7, 9, 13, 16, 17, 20, and 21 as being allegedly anticipated by U.S. Pat. No. 6,231,424 to Valentin. As reflected above, Applicant has amended independent claims 1, 16, and 20, and has cancelled claims 9-15. Applicant respectfully submits that amended claims 1, 16, and 20, and all of the claims depending therefrom, are not anticipated by Valentin.

With respect to independent claim 1, Applicant submits that Valentin does not disclose the recited limitation of "a pressure sensitive adhesive layer is incorporated within the interior surface for adjoining the breast forms to the user's skin." Accordingly, Applicant respectfully submits that claim 1, and each of the claims depending therefrom, are not anticipated by Valentin.

With respect to independent claim 16, Applicant respectfully submits that Valentin fails to disclose the recited limitation of "an interior surface having a pressure sensitive adhesive layer incorporated within the interior surface for adjoining the breast form to a user's skin." Therefore, Applicant respectfully requests that the rejection of claim 16, and each of the claims depending therefrom, be withdrawn.

With respect to independent claim 20, Applicant submits that Valentin does not disclose the recited limitation of "adjoining a pressure sensitive adhesive layer incorporated within an interior surface of each breast form to the user's breasts." Therefore, Applicant respectfully submits that claim 20, and each claim depending therefrom, are not anticipated by Valentin.

Claim Rejections Under 35 U.S.C. § 103

The Examiner rejected claims 3-6, 8, 10-12, 14-15, and 18-19 as being allegedly obvious based on the combination of teachings from Valentin and one or more of Barg, Panighini, Johnstone, or Huang. As reflected above, claims 10-12 and 14-15 have been cancelled, and the other rejected claims depend from either independent claim 1 or independent claim 16. Applicant respectfully submits that because independent claims

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1 and 16 are allowable over the cited references, the rejected dependent claims are also allowable for at least the reasons noted for the independent claims.

The Examiner relied on the Valentin patent as support for allegedly teaching all of the claim limitations except those concerning the specific connector. The Barg, Panighini, Johnstone, or Huang references were relied on as support for allegedly teaching the specific connector limitations.

Applicant submits that each of the rejected claims is allowable because the cited references fail to disclose, teach, or suggest limitations recited in independent claims 1 and 16. With respect to claim 1, Valentin does not disclose, teach, or suggest the recited limitation of "a pressure sensitive adhesive layer is incorporated within the interior surface for adjoining the breast forms to the user's skin." With respect to claim 16, Valentin fails to disclose, teach, or suggest the recited limitation of "an interior surface having a pressure sensitive adhesive layer incorporated within the interior surface for adjoining the breast form to a user's skin." Therefore, Applicant respectfully submits that claims 3-6, 8, and 18-19 are not obvious in view of the cited references.

Newly Added Claims

Applicant respectfully submits that each of its newly added claims 22-29 is patentable over the cited prior art. With respect to independent claim 22, Applicant submits that none of the cited references disclose, teach or suggest the recited limitations of "a pair of breast forms without an outwardly extending tab positioned near a user's armpit" and "the interior surface has a pressure sensitive adhesive layer for adjoining the interior surface to the user's breast." Therefore, Applicant submits that claims 22-27 are allowable.

With respect to claims 28 and 29, Applicant respectfully submits that both claims depend from allowable base claims, namely claims 1 and 16, and therefore, are allowable for at least the reasons noted for the independent claims.

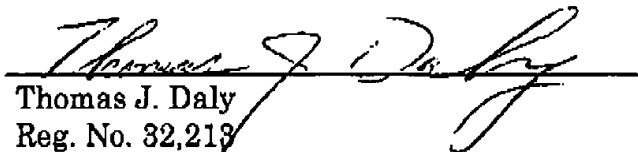
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Conclusion

In view of the foregoing amendments and remarks, Applicant respectfully submits that claims 1-8 and 16-29 are in condition for allowance, and accordingly, a timely indication thereof is respectfully requested.

Respectfully submitted,

CHRISTIE, PARKER & HALE, LLP

By 
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626/795-9900

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