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Date: November 19, 2003

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PLEASE DELIVER THE FOLLOWING PAGES IMMEDIATELY TO:

Name: Examiner Gloria Hale

Phone: (703) 308-1282

From: Brian L. Yates

Re: U.S. Pat. App. No. 10/159,251; Draft claim

Examiner Hale - As we discussed, attached is a draft claim that we would like you and your supervisor to consider for allowance. We look forward to hearing from you at your earliest convenience.

Brian Yates

BLY PAS537391.1--11/19/03 11:24 AM

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PAGE 1/3 * RCVD AT 11/19/2003 2:27:29 PM [Eastern Standard Time] * SVR:USPTO-EFAX-2/0 * DNIS:7464902 * CSID:626 577 8800 * DURATION (mm-ss):01-08

Application No. 10/159,251 Examiner Gloria M. Hale
Filed 05/31/02 Attorney Docket No. 48370/TJD/B437
Entitled ATTACHABLE BREAST FORM ENHANCEMENT SYSTEM

Draft Claim:

30. (new) An improved breast form system comprising:
a pair of breast forms, wherein each breast form comprises:
a volume of silicone gel encased between thermoplastic film material;
an interior surface facing towards a user's breast, wherein the entire interior surface has a pressure sensitive adhesive layer for adjoining the interior surface to the user's breast, wherein the pressure sensitive adhesive layer is repositionable relative to the user's breast;
an outer side facing towards the user's armpit, and an inner side facing opposite the outer side, wherein no outwardly extending tab is positioned along the outer side and extending towards the user's armpit; and
a connector adapted to adjoin the pair of breast forms together, wherein the connector comprises a first portion permanently attached to the inner side of one of the breast forms and a second portion permanently attached to the inner side of the other of the breast forms, wherein the first portion and the second portion are adapted to cooperatively engage.

Notes regarding claim limitations and prior art:

- Valentin teaches against having no outwardly extending tabs, as the tabs are the only structure taught or suggested by Valentin that allows the bra cups (i.e., breast forms) to be secured to the user.
- Valentin teaches against having a PSA layer covering the entire interior surface of the breast forms. In fact, Valentin teaches against having PSA covering any portion of the interior surface, but instead teaches that PSA should only be used on the outwardly extending tabs, which are attached to the outer sides of the breast forms and then attached under the user's armpit:
 - "the tabs 28 and 30 are adhered only to the outer sides of the breasts" and "this positioning of the tabs 28 and 30 reduces the surface area of the bra that must be adhered to the user's 38 body" (see Val. 3:38-41)
 - the adhesive is placed in contact with "the outer side of a user's 38 body proximate the armpit" (See Val. 4:2-4)

- "Specifically, the placement of the tabs 28 and 30 along only the outer sides of the user's body 38 allow the bra 10 to be positioned such that the top portions of the breasts 32 and 34 can be exposed..." (see Val. 4:26-29; 5:60-63; 6:58-62)

- Combining the teachings of the Valentin patent with the nipple covers disclosed in the Furuno patent would be contrary to the teachings of Valentin because Valentin teaches against covering the interior surface of the breast forms with adhesive that would contact the user's breasts

- There also is no motivation or suggestion to turn the nipple covers of Furuno into breast forms, or to add a connector to adjoin a pair of the nipple covers.

- Similarly, there is no suggestion in the prior art to modify a breast prosthesis by adding a center connector that allows a pair of breast prostheses to be used as a system that can replace a traditional bra. In fact, breast prosthesis are taught for use as a replacement for post-mastectomy patients, or as enhancers for increasing breast size by positioning the prosthesis along a portion of the breast, and then wearing a traditional bra to hold the prosthesis in place.

- Forming the claimed system based on the prior art would require pulling bits and pieces from various references and combining them in a way that would conflict with their teachings and purposes.

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Date: November 21, 2003

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Fax No.: (703) 746-4902

PLEASE DELIVER THE FOLLOWING PAGES IMMEDIATELY TO:

Name: Examiner Gloria Hale

Phone: (703) 308-1282

From: Brian L. Yates

Re: U.S. Pat. App. No. 10/159,251; Draft claim

Examiner Hale - Attached is an additional draft claim that we would like you and your supervisor to consider for allowance. We look forward to hearing from you at your earliest convenience.

Brian Yates

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PAGE 1/3 * RCVD AT 11/21/2003 2:28:04 PM [Eastern Standard Time] * SVR:USPTO-EFAX-2/1 * DNIS:7464902 * CSID:626 577 8800 * DURATION (mm:ss):01:14

DRAFT

**Application No. 10/159,251 Examiner Gloria M. Hale
Filed 05/31/02 Attorney Docket No. 48370/TJD/B437
Entitled ATTACHABLE BREAST FORM ENHANCEMENT SYSTEM**

Draft Claim:

31. (new) An improved adjustable breast form system to be worn in place of a traditional brassiere, comprising:

a pair of breast forms, wherein each breast form comprises:

a volume of silicone gel enclosed within thermoplastic film material;

an interior surface facing towards a user's breast, wherein substantially the entire interior surface has a pressure sensitive adhesive layer for joining the interior surface to the user's breast;

an outer side facing towards the user's armpit, and an inner side facing opposite the outer side, wherein the breast form is secured to the user's body solely by the pressure sensitive adhesive layer of the interior surface; and

a connector adapted to adjoin the pair of breast forms together after independently positioning the breast forms on the user's breasts, wherein the connector comprises a first portion attached to the inner side of one of the breast forms and a second portion attached to the inner side of the other of the breast forms, wherein the first portion and the second portion are adapted to cooperatively engage, whereby engaging the first portion and the second portion moves the breast forms and the user's breasts together such that additional breast cleavage is created, and wherein the pressure sensitive adhesive layer of each breast form is sufficiently readily removed from the user's breast tissue independently of the other breast form to be repositionable relative to the user's breast and to the adjacent breast form of the pair for adjusting the amount of breast cleavage created.

Notes regarding claim limitations and prior art:

This claim has the same general limitations as the draft claim #30 we sent you, and for those reasons, we submit that this draft claim is allowable. In addition, this claim has added structural limitations regarding the independent positioning of each breast form, which in conjunction with the connector allows the user to adjust the amount of breast cleavage created when the two breast forms are adjoined. None of the prior art teaches or suggests such a structure. The bra disclosed in Valentin cannot be positioned on different portions of the user's breast to create different breast

cleavage. Also, the nipple covers of Furuno and the known breast prostheses are not adapted for being adjoined to create breast cleavage, and cannot be worn in place of a traditional bra. There is no suggestion from the prior art to alter the disclosed structures in order to achieve our claimed structure. All of these limitations are supported by the Specification. We are confident that this claim is not rendered obvious by the combination of known prior art, and respectfully request allowance of the claim. Upon allowance, we will cancel all other pending claims.

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