

UNITED STATES PATENT AND TRADEMARK OFFICE  
**CERTIFICATE OF CORRECTION**

PATENT NO. : 8,898,812 B2  
APPLICATION NO. : 13/282148  
DATED : December 2, 2014  
INVENTOR(S) : William Thompson and Randy Hyun Choi

Page 1 of 1

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

In the Claims:

Col. 8, lines 9-32, should read;

15. A garment having an internal surface adapted to contact a wearer's skin and an external surface, the garment, comprising:

a torso portion;

a pair of sleeve portions attached to and extending from the torso portion in opposed relation to each other; and

a pair of perspiration barriers, each of the perspiration barriers comprising:

a first layer fabricated from a soft, pliable material adapted to permit the transmission of moisture therethrough;

a second layer disposed adjacent the first layer and fabricated from a loosely woven material;

a third layer disposed adjacent the second layer and fabricated from a hydrophilic breathable film; and

a fourth layer disposed adjacent the third layer, the pair of perspiration barriers defining respectively barrier peripheral edge regions, each barrier peripheral edge region being coupled to and at least partially circumvented by a corresponding peripheral edge region collectively defined by the torso portion and a respective one of the sleeve portions such that the external surface of an underarm area of the garment is collectively formed by each of the fourth layers of the perspiration barriers and the respective torso and sleeve portions.

Signed and Sealed this  
Ninth Day of June, 2015



Michelle K. Lee  
*Director of the United States Patent and Trademark Office*

Application No.: 13/282,148  
Attorney Docket: THMTE-001A

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

Applicants:	William Thompson	)	Confirmation No.	4873
		)		
Serial No.:	13/282,148	)	Art Unit:	3765
		)		
Filed:	October 26, 2011	)	Examiner:	Moran,
		)		Katherine M
For:	GARMENT HAVING INTEGRATED	)		
	PERSPIRATION BARRIERS	)		

**REQUEST FOR CERTIFICATE OF CORRECTION**

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

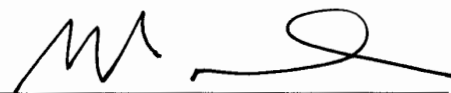
Dear Sir/Madam:

Attached herewith for processing is a Certificate of Correction with regard to Claim 15 of the above-identified patent application. Patentee seeks correction of Claim 15 which was attributable to Patent Office error. As such, Patentee believes that no fees are currently due. However, if any additional fee is required, please charge Deposit Account Number 19-4330.

Respectfully submitted,

Date: 3/5/15

Customer No.: 007663

By: 

Mark B. Garred  
Registration No. 34,823  
STETINA BRUNDA GARRED & BRUCKER  
75 Enterprise, Suite 250  
Aliso Viejo, California 92656  
Telephone: (949) 855-1246

T:\Client Documents\THMTE\001A\RequestCertCorrect\_coversheet.doc

## UNITED STATES PATENT AND TRADEMARK OFFICE CERTIFICATE OF CORRECTION

Page 1 of 1

PATENT NO. : 8,898,812  
APPLICATION NO.: 13/282,148  
ISSUE DATE : 12/2/2014  
INVENTOR(S) : William Thompson and Randy Hyun Choi

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

15. A garment having an internal surface adapted to contact a wearer's skin and an external surface, the garment, comprising:

a torso portion;

a pair of sleeve portions attached to and extending from the torso portion in opposed relation to each other; and

a pair of perspiration barriers, each of the perspiration barriers comprising:

a first layer fabricated from a soft, pliable material adapted to permit the transmission of moisture therethrough;

a second layer disposed adjacent the first layer and fabricated from a loosely woven material;

a third layer disposed adjacent the second layer and fabricated from a hydrophilic breathable film; and

a fourth layer disposed adjacent the third layer, the pair of perspiration barriers defining respectively barrier peripheral edge regions, each barrier peripheral edge region being coupled to and at least partially circumvented by a corresponding peripheral edge region collectively defined by the torso portion and a respective one of the sleeve portions such that the external surface of an underarm area of the garment is collectively formed by each of the fourth layers of the perspiration barriers and the respective torso and sleeve portions.

MAILING ADDRESS OF SENDER (Please do not use customer number below):

STETINA BRUNDA GARRED & BRUCKER  
75 ENTERPRISE, SUITE 250  
ALISO VIEJO, CA 92656

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. 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 1.0 hour 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: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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

## 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 Acknowledgement Receipt	
<b>EFS ID:</b>	21689616
<b>Application Number:</b>	13282148
<b>International Application Number:</b>	
<b>Confirmation Number:</b>	4873
<b>Title of Invention:</b>	GARMENT HAVING INTEGRATED PERSPIRATION BARRIERS
<b>First Named Inventor/Applicant Name:</b>	WILLIAM THOMPSON
<b>Customer Number:</b>	7663
<b>Filer:</b>	Mark B. Garred/Andrea Levine
<b>Filer Authorized By:</b>	Mark B. Garred
<b>Attorney Docket Number:</b>	THMTE-001A
<b>Receipt Date:</b>	05-MAR-2015
<b>Filing Date:</b>	26-OCT-2011
<b>Time Stamp:</b>	18:49:09
<b>Application Type:</b>	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	Request for Certificate of Correction	ReqCert_Correction_coversheet.pdf	33585 cfed7bd5a4dcfc0db6ffee550381035de3bc2c3b	no	1

### Warnings:

### Information:

2	Request for Certificate of Correction	Certificate_of_Correction_TH MTE001A_2.pdf	165476 b48082247a05a2048802204e604dff3c46a2 3300	no	2
<b>Warnings:</b>					
<b>Information:</b>					
<b>Total Files Size (in bytes):</b>				199061	
<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><b><u>New Applications Under 35 U.S.C. 111</u></b>  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><b><u>National Stage of an International Application under 35 U.S.C. 371</u></b>  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><b><u>New International Application Filed with the USPTO as a Receiving Office</u></b>  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>					



# UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	ISSUE DATE	PATENT NO.	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/282,148	12/02/2014	8898812	THMTE-001A	4873

7663 7590 11/12/2014  
STETINA BRUNDA GARRED & BRUCKER  
75 ENTERPRISE, SUITE 250  
ALISO VIEJO, CA 92656

## 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 139 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):

WILLIAM THOMPSON, San Diego, CA;  
Randy Hyun Choi, Anaheim, CA;

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](http://SelectUSA.gov).



# UNITED STATES PATENT AND TRADEMARK OFFICE

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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/282,148	10/26/2011	WILLIAM THOMPSON	THMTE-001A	4873

7663	7590	10/30/2014
STETINA BRUNDA GARRED & BRUCKER		
75 ENTERPRISE, SUITE 250		
ALISO VIEJO, CA 92656		

EXAMINER	
MORAN, KATHERINE M	


ART UNIT	PAPER NUMBER
3765	

MAIL DATE	DELIVERY MODE
10/30/2014	PAPER

**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.

<b>Response to Rule 312 Communication</b>	Application No. 13/282,148	Applicant(s) THOMPSON ET AL.
	Examiner	Art Unit
<p align="center"><b>-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --</b></p> <p>1. <input checked="" type="checkbox"/> The amendment filed on <u>29 October 2014</u> under 37 CFR 1.312 has been considered, and has been:</p> <p>a) <input checked="" type="checkbox"/> entered.</p> <p>b) <input type="checkbox"/> entered as directed to matters of form not affecting the scope of the invention.</p> <p>c) <input type="checkbox"/> disapproved because the amendment was filed after the payment of the issue fee.  Any amendment filed after the date the issue fee is paid must be accompanied by a petition under 37 CFR 1.313(c)(1) and the required fee to withdraw the application from issue.</p> <p>d) <input type="checkbox"/> disapproved. See explanation below.</p> <p>e) <input type="checkbox"/> entered in part. See explanation below.</p> <div style="text-align: center; margin-top: 20px;">   <b>Publishing Division</b> </div>		

Application No.: 13/282,148  
Response to Notice of to File Corrected Application Papers dated October 20, 2014  
Attorney Docket: THMTE-001A

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

Applicants:	William Thompson	)	Confirmation No.	4873
		)		
Serial No.:	13/282,148	)	Art Unit:	3765
		)		
Filed:	October 26, 2011	)	Examiner:	Moran,
		)		Katherine M
For:	GARMENT HAVING INTEGRATED	)		
	PERSPIRATION BARRIERS	)		

**RESPONSE TO NOTICE TO FILE CORRECTED APPLICATION PAPERS**

Mail Stop Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir/Madame:

In response to the Notice to File Corrected Application Papers dated October 20, 2014, please amend the Specification as indicated on page 2 of this paper.

Application No.: 13/282,148  
Response to Notice of to File Corrected Application Papers dated October 20, 2014  
Attorney Docket: THMTE-001A

**Amendment to the Specification:**

Please amend the Specification as reflected in attached Substitute Specification. Clean and marked-up copies of the Substitute Specification are being submitted herewith. In particular, Applicant has added new Paragraph [0016.1] between paragraphs [0016] and [0017] to describe Figure 5. Paragraphs [0015] and [0016] have also been amended to grammatically conform to the addition of Paragraph [0016.1]. Applicant respectfully submits that no new matter has been added to the Substitute Specification.

Application No.: 13/282,148  
Response to Notice of to File Corrected Application Papers dated October 20, 2014  
Attorney Docket: THMTE-001A

**REMARKS**

The foregoing amendments are responsive to the Notice to File Corrected Application Papers (hereinafter "Notice") dated October 20, 2014. The Notice indicated that the application has been accorded an Allowance Date and is being prepared for issuance. However, the Notice further indicated that the application is incomplete because the drawings filed on October 13, 2014 include Figure 5, but the Specification's Brief Description of the Drawings does not describe a drawing with that designation.

Accordingly, submitted herewith is a Substitute Specification wherein Applicant has added new paragraph [0016.1] to include a description of Figure 5. Applicant has also amended paragraphs [0015] and [0016] to reflect the newly added paragraph [0016.1].

As indicated in the Notice, a copy of the Notice is also being filed with this reply.

On the basis of the foregoing, the application is believed to be in condition for issuance. Should the Examiner have any questions related to the foregoing, the Examiner is invited to contact Applicants' representative at the telephone number listed below.

If any additional fee is required, please charge Deposit Account Number 19-4330.

Respectfully submitted,

Date: 10/29/14

By:



Customer No.: 007663

Mark B. Garred  
Registration No. 34,823  
STETINA BRUNDA GARRED & BRUCKER  
75 Enterprise, Suite 250  
Aliso Viejo, California 92656  
Telephone: (949) 855-1246  
Fax: (949) 855-6371

MBG/MJZ

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Electronic Acknowledgement Receipt	
<b>EFS ID:</b>	20542174
<b>Application Number:</b>	13282148
<b>International Application Number:</b>	
<b>Confirmation Number:</b>	4873
<b>Title of Invention:</b>	GARMENT HAVING INTEGRATED PERSPIRATION BARRIERS
<b>First Named Inventor/Applicant Name:</b>	WILLIAM THOMPSON
<b>Customer Number:</b>	7663
<b>Filer:</b>	Mark B. Garred/Carrie Fleischer
<b>Filer Authorized By:</b>	Mark B. Garred
<b>Attorney Docket Number:</b>	THMTE-001A
<b>Receipt Date:</b>	29-OCT-2014
<b>Filing Date:</b>	26-OCT-2011
<b>Time Stamp:</b>	18:23:05
<b>Application Type:</b>	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	Miscellaneous Incoming Letter	Notice_File_Corrected_App_Pa pers.pdf	99649 6db5143e10277b7c74c11fd3b472effa59a0e6f0	no	3

### Warnings:

### Information:

2		Sub_Spec_MarkedUp.pdf	58956	yes	10
			1f7f169ce2927227b3399f5ae4dcb668ebf7f4e		
	Multipart Description/PDF files in .zip description				
	Document Description	Start	End		
	Specification	1	9		
	Abstract	10	10		
Warnings:					
Information:					
3		Sub_Spec_Clean.pdf	57572	yes	10
			2b465aa4763e7df27e078cbd4069af68b5dd5f66		
	Multipart Description/PDF files in .zip description				
	Document Description	Start	End		
	Specification	1	9		
	Abstract	10	10		
Warnings:					
Information:					
4		Resp_File_Corrected_App_Papers3_signed.pdf	81013	yes	3
			a466b1dc47f7ffa586d3c521f52f054f3ce63f6b		
	Multipart Description/PDF files in .zip description				
	Document Description	Start	End		
	Amendment after Notice of Allowance (Rule 312)	1	1		
	Specification	2	2		
	Applicant Arguments/Remarks Made in an Amendment	3	3		
Warnings:					
Information:					
Total Files Size (in bytes):			297190		

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

**New Applications Under 35 U.S.C. 111**

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

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

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

**New International Application Filed with the USPTO as a Receiving Office**

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



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
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Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/282,148	10/26/2011	WILLIAM THOMPSON	THMTE-001A	4873
7663 7590 10/20/2014 STETINA BRUNDA GARRED & BRUCKER 75 ENTERPRISE, SUITE 250 ALISO VIEJO, CA 92656			EXAMINER MORAN, KATHERINE M	
			ART UNIT	PAPER NUMBER
			3765	
			MAIL DATE	DELIVERY MODE
			10/20/2014	PAPER

**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.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
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Application No. : 13282148  
Applicant : Thompson  
Filing Date : 10/26/2011  
Date Mailed : 10/20/2014

## NOTICE TO FILE CORRECTED APPLICATION PAPERS

### *Notice of Allowance Mailed*

This application has been accorded an Allowance Date and is being prepared for issuance. The application, however, is incomplete for the reasons below.

**Applicant is given two (2) months from the mail date of this Notice within which to respond. This time period for reply is extendable under 37 CFR 1.136(a) for only TWO additional MONTHS.**

The informalities requiring correction are indicated in the attachment(s). If the informality pertains to the abstract, specification (including claims) or drawings, the informality must be corrected with an amendment in compliance with 37 CFR 1.121 (or, if the application is a reissue application, 37 CFR 1.173). Such an amendment may be filed after payment of the issue fee if limited to correction of informalities noted herein. See Waiver of 37 CFR 1.312 for Documents Required by the Office of Patent Publication, 1280 Off. Gaz. Patent Office 918 (March 23, 2004). In addition, if the informality is not corrected until after payment of the issue fee, for purposes of 35 U.S.C. 154(b)(1)(iv), "all outstanding requirements" will be considered to have been satisfied when the informality has been corrected. A failure to respond within the above-identified time period will result in the application being ABANDONED.

See attachment(s).

*A copy of this notice **MUST** be returned with the reply. Please address response to  
"Mail Stop Issue Fee, Commissioner for Patents,  
P.O. Box 1450, Alexandria, VA 22313-1450".*

/Marty Willis/  
Publication Branch  
Office of Data Management  
(571) 272-4200

**Application No. 13282148**

**IDENTIFICATION OF SPECIFICATION/DRAWING INCONSISTENCIES**

- ☐ On Page of the specification there is a brief description of FIG. , but the drawings filed do not include a drawing with that designation. Applicant must respond either by supplying the omitted drawing or by amending the specification to remove all references to that drawing.
- ☒ The drawings filed 10/13/2014 include FIG. 5, but the specification's brief description of the drawings does not describe a drawing with that designation. Applicant must respond either by amending the specification to add a brief description of that drawing or by correcting the drawings to remove the drawing in question.
- ☐ Drawings are present in the application and are referred to in the detailed description of the invention, but the specification does not contain a brief description of the drawings as required by 37 CFR 1.74 and 37 CFR 1.77(b)(8).
- ☐ Page of the specification refers to FIG. , but no drawing with that designation is described in the brief description of the drawings and no drawing with that designation is present in the application. Applicant must respond either by amending the specification to remove all references to that drawing, or by supplying that drawing and amending the specification to add a brief description of it.
- ☐ OTHER:
- ☐ COMMENTS:

**Substitute Specification**  
**Marked-Up Version**

GARMENT HAVING INTEGRATED PERSPIRATION BARRIERS

CROSS-REFERENCE TO RELATED APPLICATIONS

**[0001]** The present application claims priority to U.S. Provisional Patent Application Serial No. 61/436,841 entitled GARMENT HAVING INTEGRATED PERSPIRATION BARRIERS filed January 27, 2011, the disclosure of which is incorporated herein by reference.

STATEMENT RE: FEDERALLY SPONSORED RESEARCH/DEVELOPMENT

**[0002]** Not Applicable

BACKGROUND OF THE INVENTION

**1. Technical Field of the Invention:**

**[0003]** The present invention relates generally to wearing apparel and, more particularly, to a garment or undergarment (e.g., a T-shirt) which is provided with integrated multi-layer perspiration barriers uniquely configured to provide high levels of evaporative cooling and moisture vapor transmission.

**2. Description of the Related Art**

**[0004]** As is known in the medical field, hyperhidrosis is a condition characterized by abnormally increased perspiration, in excess of that required for the regulation of body temperature. Hyperhidrosis can either be generalized or localized to specific parts of the body. Hands, feet, armpits and the groin area are among the most active regions of perspiration due to the relatively high concentration of sweat glands.

**[0005]** Of the various manifestations of hyperhidrosis, one of the most problematic for many individuals is axillary hyperhidrosis, or excessive underarm sweating. Because of the various stigmas that society has perpetuated about people who sweat excessively, as well as the unsightly appearance of excessive underarm perspiration, sufferers of axillary hyperhidrosis are often reluctant to wear certain fabrics or colors which exacerbate the appearance of the perspiration. In addition, these sufferers are often compelled to leave jackets, sweaters, sport coats or other garments on to their discomfort, solely for the shielding effect provided by these outer garments. Moreover, in extreme circumstances, sufferers may resort to actually bringing changes of clothes with them to work or other events, assuming that the level of perspiration in a worn garment will reach a level of severity which mandates a disruptive, yet necessary change of clothes.

**[0006]** For the treatment of axillary hyperhidrosis, the aluminum chloride used in regular antiperspirants is typically insufficient, with sufferers often needing solutions with higher concentrations to effectively treat the symptoms of the condition. However, one of the major side effects of antiperspirant solutions which are adaptive to facilitate the treatment of axillary hyperhidrosis is a high level of irritation to the skin. Though surgical options are available for the treatment of axillary hyperhidrosis, including sweat gland removal or destruction, many sufferers seek treatment options which do not require a surgical procedure due to the cost of the procedure, the risks associated therewith, or other factors.

**[0007]** In recognition of the social difficulties experienced by many axillary hyperhidrosis sufferers and the reluctance of many of these sufferers to seek medical or surgical intervention for the treatment of their condition, there has been developed in the prior art various undergarments with permanently attached perspiration shielding which are adapted to protect outer clothing for underarm perspiration. Such undergarments are described, for example, in U.S. Patent No. 6,591,425 to Zellers, and in U.S. Patent Publication Nos. 2006/0168704 to Mayer, et al, and 2008/0086791 to Kirkwood Samuels, et al. Though the undergarments described in these and other references provide the general effect of protecting a wearer's outer clothing from underarm perspiration, they possess certain deficiencies which detract from the overall utility. For example, in certain ones of these prior art undergarments, the perspiration shield includes a waterproof layer and is placed proximate the wearer's skin in the underarm area, thus actually causing increased



levels of perspiration attributable to the shield acting as a barrier to air flow, in addition to causing discomfort to the wearer. Additionally, in certain ones of these prior art garments, the layered construction of the perspiration shields included therein is not adapted to facilitate cooling air flow via a billowing effect, or to promote wearer comfort.

**[0008]** The present invention addresses and overcomes the deficiencies highlighted above by providing a garment or undergarment (e.g., a T-shirt) which is provided with integrated multi-layer perspiration barriers uniquely configured to provide high levels of evaporative cooling and moisture vapor transmission. These, as well as other features and advantages of the present invention will be described in more detail below.

#### BRIEF SUMMARY OF THE INVENTION

**[0009]** In accordance with the present invention, there is provided a garment or undergarment (e.g., a T-shirt) which is provided with integrated multi-layer perspiration barriers uniquely configured to provide high levels of evaporative cooling and moisture vapor transmission. More particularly, in the garment construction in accordance with the present invention, the perspiration barriers are integrated into the sleeve and torso portions of the garment such that such perspiration barriers actually define the underarm portions thereof. This is in contrast to prior art garment constructions wherein the perspiration shields are attached to the interior or exterior surfaces of the underarm portions of an existing garment, as opposed to the shield themselves defining such underarm portions.

**[0010]** In addition, each of the perspiration barriers integrated into the garment of the present invention is preferably comprised of four separate layers, each of which has a two-piece or panel construction. The materials of the various layers included in each of the perspiration barriers, the manner in which the layers are stacked upon and attached to each other, and the manner in which the stacked layers of joined panel pieces forming each perspiration barrier are integrated into the garment are specifically adapted to collectively promote evaporative cooling and a vapor transmission effect which provides superior perspiration absorption and evaporation, in addition to enhanced user comfort.

**[0011]** The present invention is best understood by reference to the following detailed description when read in conjunction with the accompanying drawings.

## BRIEF DESCRIPTION OF THE DRAWINGS

[0012] These, as well as other features of the present invention, will become more apparent upon reference to the drawings wherein:

[0013] Figure 1 is a front elevational view of an undergarment constructed in accordance with the present invention;

[0014] Figure 2 is a plan view of one of the multi-layer perspiration barriers integrated into the undergarment of the present invention, as viewed from the perspective of the view angle 2 shown in Figure 1;

[0015] Figure 3 is a partially exploded view of one of the layers included in each of the multi-layer perspiration barriers integrated into the undergarment of the present invention, depicting the two-piece primary construction thereof; ~~and~~

[0016] Figure 4 is an exploded view of one of the multi-layer perspiration barriers integrated into the undergarment of the present invention, depicting the various layers included therein; ~~and~~[[.]]

[0016.1] **Figure 5 is a cross sectional view of the multi-layer perspiration barrier, wherein each layer includes a sleeve-panel piece and a torso panel piece joined by a respective stitched seam.**

[0017] Common reference numerals are used throughout the drawings and detailed description to indicate like elements.

## DETAILED DESCRIPTION OF THE INVENTION

[0018] Referring now to the drawings wherein the showings are for purposes of illustrating a preferred embodiment of the present invention only, and not for purposes of limiting the same, Figures 1 and 2 depict a garment 10 constructed in accordance with the present invention. In an exemplary embodiment, the garment 10 is an undergarment and, more particularly, a T-shirt. In this regard, the garment 10 comprises a torso portion 12, one end of which includes an opening 14 therein to accommodate the head and neck of a wearer. In addition to the torso portion 12, the garment 10 includes an opposed pair of sleeve portions 16 which are attached to the torso portion 12 and are sized to cover the upper arms

of the wearer of the garment 10. As further seen in Figures 1 and 2, each of the sleeves 16 defines a distal rim or end 18.

**[0019]** The garment 10 further comprises an identically configured pair of perspiration barriers 20 which are integrated into the remainder of the garment 10 in a manner which will be described in more detail below. As seen in Figure 4, each of the perspiration barriers 20 preferably comprises a plurality (e.g., four) stacked layers. Additionally, as seen in Figure 3, each of these layers has a two-piece construction, comprising a sleeve panel piece 22 and a torso panel piece 24 which are preferably sewn to each other as also described in more detail below. As further seen in Figure 3, the sleeve panel piece 22 of each layer has a generally trapezoidal configuration, with the torso panel piece 24 having a generally semi-circular configuration.

**[0020]** As indicated above, each perspiration barrier 20 is provided with a four-layer construction. More particularly, as seen in Figure 4, each perspiration barrier comprise a first layer 26 which will normally be in direct contact with the skin in the underarm of the wearer of the garment 10. As such, the first layer 26 is preferably fabricated from 100% cotton to provide an increased level of comfort to the wearer. The use cotton material of the first layer 26 is advantageous due to the ability of odor molecules emanating from the wearer's skin to easily break away from the cotton fibers, thus combating odor issues. Positioned against the first layer 26 is a second layer 28 which is preferably a terry-cloth material fabricated from 80%-20% cotton/polyester blend. As will also be discussed in more detail below, the "loop" design of the terry-cloth material used for the second layer 28 facilitates better airflow through the fully fabricated perspiration barrier 20, thus enhancing an evaporative cooling effect provided thereby.

**[0021]** In addition to the first and second layers 26, 28, each of the perspiration barriers comprises a third layer 30 which is positioned against the second layer 28 such that the second layer 28 is effectively oriented between the first and third layers 26, 30. The third layer 30 is preferably a hydrophilic breathable film which is fabricated from polyurethane and bonded by a finely dispersed adhesive dot pattern to the second layer 28. Positioned against the third layer 30 is a fourth layer 32, the third layer 30 thus being oriented between the second and fourth layers 28, 32. The fourth layer 32 is preferably made of the same

material as the torso and sleeve portions 12, 16 of the garment 10 (e.g., a cotton material) for aesthetic consistency when the perspiration barriers 20 are integrated therein. In this regard, whereas the first layer 26 defines the innermost surface of each perspiration barrier 20 in the completed garment 10 which will directly contact the skin of the wearer thereof, the fourth layer 32 defines the outermost surface of each perspiration barrier 20 in the completed garment 10 which is visually exposed when the same is being worn by the wearer.

**[0022]** As indicated above each of the first, second, third and fourth layers 26, 28, 30, 32 of each of the perspiration barriers 20 comprises a pair of the sleeve and torso panel pieces 22, 24 which are joined (e.g. sewn) to each other. More particularly, in fabricating each of the first and fourth layers 26, 32, a portion of the sleeve panel piece 22 extending along the peripheral base edge segment thereof of greatest length is joined to a portion of the torso panel piece 24 extending along the linear, non-arcuate peripheral edge segment thereof by an elongate stitch 34 which defines a foldable crease between the sleeve and torso panel pieces 22, 24.

**[0023]** However, in fabricating the second and third layers 28, 30, the sleeve panel pieces 22 of such second and third layers 28, 30 are initially bonded to each other in the aforementioned manner, as are the torso panel pieces 24 thereof. Thereafter, the bonded sleeve panel pieces 22 of the second and third layers 28, 30 are sewn to the bonded torso panel pieces 24 thereof by a single, elongate stitch 34. As described above in relation to the first and fourth layers 26, 32, the stitch 34 joining the bonded sleeve panel pieces 22 of the second and third layers 28, 30 to the bonded torso panel pieces 24 thereof extends along the peripheral base edge segments of the bonded sleeve panel pieces 22 of greatest length and the linear, non-arcuate peripheral edge segments of the bonded torso panel pieces 24, such stitch 34 also defining a foldable crease therebetween. Advantageously, the materials from which the second and third layers 28, 30 are fabricated, in concert with the manner in which they are attached to each other, enhances vapor transmission and breathability between the adjacent second and third layers 28, 30 in each of the fully fabricated perspiration barriers 20.

**[0024]** Once the various corresponding pairs of sleeve and torso panel pieces 22, 24 have been sewn to each other in the aforementioned manner, the resultant first, second, third and fourth layers 26, 28, 30, 32 are stacked upon each other such that the first layer 26 is positioned against the second layer 28, and the fourth layer 32 is positioned against the third

layer 30. As indicated above, each perspiration barrier 20 of the garment 10 comprises the first, second, third and fourth layers 26, 28, 30, 32 as stacked upon each other in this particular sequence. Once each perspiration barrier 20 has been fabricated or assembled in the aforementioned manner, it is sewn into the torso portion 12 and a corresponding sleeve portion 16 of the garment 10 using a continuous overlock stitch which extends solely along the peripheral edge thereof. It is contemplated that this peripheral overlock stitch will be covered by a continuous cover stitch 36 to provide a more desirable appearance to the garment 10.

**[0025]** Additionally, as best seen in Figure 2, each perspiration barrier 20 is preferably orientated relative to the remainder of the garment 10 such that the peripheral base edge segments of shortest length within the stacked sleeve panel pieces 22 of each perspiration barrier 20 extend along the distal end 18 of a respective one of the sleeve portions 16. Extending each perspiration barrier 20 to the distal end 18 of a respective one of the sleeve portions 16 helps reduce any occurrences of undesirable dripping of perspiration down the wearer's arm when the garment 10 is being worn. However, those of ordinary skill in the art will recognize that each perspiration barrier 20 may alternatively be orientated within the remainder of the garment 10 such that a gap or space of a prescribed width separates each perspiration barrier 20 from the distal end 18 of a corresponding sleeve portion 16.

**[0026]** Advantageously, the manner in which the perspiration barriers 20 are assembled, and in turn integrated into the remainder of the garment 10, provides enhanced evaporative cooling and moisture vapor transmission attributable to a billowing effect in each of the perspiration barriers 20. This billowing effect, and the resultant evaporative cooling and moisture vapor transmission process, also serves to decrease perspiration by lowering body temperature. Such billowing effect is achieved by the particulars of the construction of each of the perspiration barriers 20, and is enhanced by the minimal amount of stitching which extends through areas other than the peripheral portions thereof (thereby reducing the number of interiorly located needle holes). In this regard, as previously explained, within each perspiration barrier 20, the only stitching that extends through the interior thereof are the three separate, elongate stitches 34 that are used to join the sleeve and torso panel pieces 22, 24 of the first, second, third and fourth layers 26, 28, 30, 32 to each other. These stitches 34 within each perspiration barrier 20 provide the advantage of collectively creating a crease

which allows the wearer of the garment 10 to more easily lift and lower his or her arms without undue resistance by the perspiration barriers 20, while further preventing an excessive amount of noise being generated by the arm lifting and lowering process. Moreover, since the stitches 34 within each perspiration barrier 20 are only generally aligned with each other and do not give rise to the creation of continuous needle holes which span through each the first, second, third and fourth layers 26, 28, 30, 32, there is a significantly reduced potential for moisture or perspiration to travel along the stitches 34 and through the needle holes in a manner comprising the integrity of each perspiration barrier 20.

**[0027]** The “perimeter only” stitching used to facilitate the attachment of each of the fully fabricated perspiration barriers 20 to the remainder of the garment 10 allows outside air to be drawn into and between the first and second layers 26, 28, as well as the third and fourth layers 30, 32, of each of the perspiration barriers 20. At the same time, the stitches 34 of each of the perspiration barriers 20, due to thereof relative orientations, do not unduly compromise the billowing effect. As a result, as seen in Figure 4, moisture produced and emanating from the underarm skin of the wearer is initially transported through the first layer 26, and into a space or air chamber between the first and second layers 26, 28. Such moisture is then channeled through the second layer 28 and is thereafter transported along the molecular chains of the block co-polymer of the third layer 30 to reach equilibrium with the outside atmosphere, which also facilitates the transition of the moisture to a vapor state. As is also shown in Figure 4, the vapor which emanates from the third layer 30 in turn flows into the space or air chamber between the third and fourth layers 30, 32. As indicated above, the bonding of the third layer 30 to the second layer 28 by the finely disbursed adhesive dot pattern of the third layer 30 allows for better vapor transmission and breathability through such third layer 30. The vapor within the space between the third and fourth layers 30, 32 is thereafter released from the perspiration barrier 20 through the exterior fourth layer 32.

**[0028]** This disclosure provides an exemplary embodiment of the present invention. The scope of the present invention is not limited by this exemplary embodiment. Numerous variations, whether explicitly provided for by the specification or implied by the specification, such as variations in structure, dimension, type of material and manufacturing process may be implemented by one of skill in the art in view of this disclosure. For example, those of ordinary skill in the art will recognize that the above-described perspiration

barriers 20 may be integrated into a garment other than for an undergarment such as a T-shirt. Additionally, some or all of the stitching described above could potentially be substituted with a suitable fabric adhesive.

## GARMENT HAVING INTEGRATED PERSPIRATION BARRIERS

### ABSTRACT OF THE INVENTION

**[0029]** In accordance with the present invention, there is provided a garment or undergarment (e.g., a T-shirt) which is provided with integrated multi-layer perspiration barriers uniquely configured to provide high levels of evaporative cooling and moisture vapor transmission. The perspiration barriers are integrated into the sleeve and torso portions of the garment such that such perspiration barriers actually define the underarm portions thereof. Each of the perspiration barriers is preferably comprised of four layers, each of which is formed from two separate panel pieces. The various layers included in each of the perspiration barriers, the manner in which such layers are stacked upon and attached to each other, and the manner in which the layers forming each perspiration barrier are integrated into the garment are specifically adapted to collectively promote evaporative cooling and a vapor transmission effect which provides superior perspiration absorption and evaporation, in addition to enhanced user comfort.



**Substitute Specification**  
**Clean Version**

GARMENT HAVING INTEGRATED PERSPIRATION BARRIERS

CROSS-REFERENCE TO RELATED APPLICATIONS

**[0001]** The present application claims priority to U.S. Provisional Patent Application Serial No. 61/436,841 entitled GARMENT HAVING INTEGRATED PERSPIRATION BARRIERS filed January 27, 2011, the disclosure of which is incorporated herein by reference.

STATEMENT RE: FEDERALLY SPONSORED RESEARCH/DEVELOPMENT

**[0002]** Not Applicable

BACKGROUND OF THE INVENTION

**1. Technical Field of the Invention:**

**[0003]** The present invention relates generally to wearing apparel and, more particularly, to a garment or undergarment (e.g., a T-shirt) which is provided with integrated multi-layer perspiration barriers uniquely configured to provide high levels of evaporative cooling and moisture vapor transmission.

**2. Description of the Related Art**

**[0004]** As is known in the medical field, hyperhidrosis is a condition characterized by abnormally increased perspiration, in excess of that required for the regulation of body temperature. Hyperhidrosis can either be generalized or localized to specific parts of the body. Hands, feet, armpits and the groin area are among the most active regions of perspiration due to the relatively high concentration of sweat glands.

**[0005]** Of the various manifestations of hyperhidrosis, one of the most problematic for many individuals is axillary hyperhidrosis, or excessive underarm sweating. Because of the various stigmas that society has perpetuated about people who sweat excessively, as well as the unsightly appearance of excessive underarm perspiration, sufferers of axillary hyperhidrosis are often reluctant to wear certain fabrics or colors which exacerbate the appearance of the perspiration. In addition, these sufferers are often compelled to leave jackets, sweaters, sport coats or other garments on to their discomfort, solely for the shielding effect provided by these outer garments. Moreover, in extreme circumstances, sufferers may resort to actually bringing changes of clothes with them to work or other events, assuming that the level of perspiration in a worn garment will reach a level of severity which mandates a disruptive, yet necessary change of clothes.

**[0006]** For the treatment of axillary hyperhidrosis, the aluminum chloride used in regular antiperspirants is typically insufficient, with sufferers often needing solutions with higher concentrations to effectively treat the symptoms of the condition. However, one of the major side effects of antiperspirant solutions which are adaptive to facilitate the treatment of axillary hyperhidrosis is a high level of irritation to the skin. Though surgical options are available for the treatment of axillary hyperhidrosis, including sweat gland removal or destruction, many sufferers seek treatment options which do not require a surgical procedure due to the cost of the procedure, the risks associated therewith, or other factors.

**[0007]** In recognition of the social difficulties experienced by many axillary hyperhidrosis sufferers and the reluctance of many of these sufferers to seek medical or surgical intervention for the treatment of their condition, there has been developed in the prior art various undergarments with permanently attached perspiration shielding which are adapted to protect outer clothing for underarm perspiration. Such undergarments are described, for example, in U.S. Patent No. 6,591,425 to Zellers, and in U.S. Patent Publication Nos. 2006/0168704 to Mayer, et al, and 2008/0086791 to Kirkwood Samuels, et al. Though the undergarments described in these and other references provide the general effect of protecting a wearer's outer clothing from underarm perspiration, they possess certain deficiencies which detract from the overall utility. For example, in certain ones of these prior art undergarments, the perspiration shield includes a waterproof layer and is placed proximate the wearer's skin in the underarm area, thus actually causing increased

levels of perspiration attributable to the shield acting as a barrier to air flow, in addition to causing discomfort to the wearer. Additionally, in certain ones of these prior art garments, the layered construction of the perspiration shields included therein is not adapted to facilitate cooling air flow via a billowing effect, or to promote wearer comfort.

**[0008]** The present invention addresses and overcomes the deficiencies highlighted above by providing a garment or undergarment (e.g., a T-shirt) which is provided with integrated multi-layer perspiration barriers uniquely configured to provide high levels of evaporative cooling and moisture vapor transmission. These, as well as other features and advantages of the present invention will be described in more detail below.

#### BRIEF SUMMARY OF THE INVENTION

**[0009]** In accordance with the present invention, there is provided a garment or undergarment (e.g., a T-shirt) which is provided with integrated multi-layer perspiration barriers uniquely configured to provide high levels of evaporative cooling and moisture vapor transmission. More particularly, in the garment construction in accordance with the present invention, the perspiration barriers are integrated into the sleeve and torso portions of the garment such that such perspiration barriers actually define the underarm portions thereof. This is in contrast to prior art garment constructions wherein the perspiration shields are attached to the interior or exterior surfaces of the underarm portions of an existing garment, as opposed to the shield themselves defining such underarm portions.

**[0010]** In addition, each of the perspiration barriers integrated into the garment of the present invention is preferably comprised of four separate layers, each of which has a two-piece or panel construction. The materials of the various layers included in each of the perspiration barriers, the manner in which the layers are stacked upon and attached to each other, and the manner in which the stacked layers of joined panel pieces forming each perspiration barrier are integrated into the garment are specifically adapted to collectively promote evaporative cooling and a vapor transmission effect which provides superior perspiration absorption and evaporation, in addition to enhanced user comfort.

**[0011]** The present invention is best understood by reference to the following detailed description when read in conjunction with the accompanying drawings.

## BRIEF DESCRIPTION OF THE DRAWINGS

[0012] These, as well as other features of the present invention, will become more apparent upon reference to the drawings wherein:

[0013] Figure 1 is a front elevational view of an undergarment constructed in accordance with the present invention;

[0014] Figure 2 is a plan view of one of the multi-layer perspiration barriers integrated into the undergarment of the present invention, as viewed from the perspective of the view angle 2 shown in Figure 1;

[0015] Figure 3 is a partially exploded view of one of the layers included in each of the multi-layer perspiration barriers integrated into the undergarment of the present invention, depicting the two-piece primary construction thereof;

[0016] Figure 4 is an exploded view of one of the multi-layer perspiration barriers integrated into the undergarment of the present invention, depicting the various layers included therein; and

[0016.1] Figure 5 is a cross sectional view of the multi-layer perspiration barrier, wherein each layer includes a sleeve-panel piece and a torso panel piece joined by a respective stitched seam.

[0017] Common reference numerals are used throughout the drawings and detailed description to indicate like elements.

## DETAILED DESCRIPTION OF THE INVENTION

[0018] Referring now to the drawings wherein the showings are for purposes of illustrating a preferred embodiment of the present invention only, and not for purposes of limiting the same, Figures 1 and 2 depict a garment 10 constructed in accordance with the present invention. In an exemplary embodiment, the garment 10 is an undergarment and, more particularly, a T-shirt. In this regard, the garment 10 comprises a torso portion 12, one end of which includes an opening 14 therein to accommodate the head and neck of a wearer. In addition to the torso portion 12, the garment 10 includes an opposed pair of sleeve portions 16 which are attached to the torso portion 12 and are sized to cover the upper arms

of the wearer of the garment 10. As further seen in Figures 1 and 2, each of the sleeves 16 defines a distal rim or end 18.

**[0019]** The garment 10 further comprises an identically configured pair of perspiration barriers 20 which are integrated into the remainder of the garment 10 in a manner which will be described in more detail below. As seen in Figure 4, each of the perspiration barriers 20 preferably comprises a plurality (e.g., four) stacked layers. Additionally, as seen in Figure 3, each of these layers has a two-piece construction, comprising a sleeve panel piece 22 and a torso panel piece 24 which are preferably sewn to each other as also described in more detail below. As further seen in Figure 3, the sleeve panel piece 22 of each layer has a generally trapezoidal configuration, with the torso panel piece 24 having a generally semi-circular configuration.

**[0020]** As indicated above, each perspiration barrier 20 is provided with a four-layer construction. More particularly, as seen in Figure 4, each perspiration barrier comprise a first layer 26 which will normally be in direct contact with the skin in the underarm of the wearer of the garment 10. As such, the first layer 26 is preferably fabricated from 100% cotton to provide an increased level of comfort to the wearer. The use cotton material of the first layer 26 is advantageous due to the ability of odor molecules emanating from the wearer's skin to easily break away from the cotton fibers, thus combating odor issues. Positioned against the first layer 26 is a second layer 28 which is preferably a terry-cloth material fabricated from 80%-20% cotton/polyester blend. As will also be discussed in more detail below, the "loop" design of the terry-cloth material used for the second layer 28 facilitates better airflow through the fully fabricated perspiration barrier 20, thus enhancing an evaporative cooling effect provided thereby.

**[0021]** In addition to the first and second layers 26, 28, each of the perspiration barriers comprises a third layer 30 which is positioned against the second layer 28 such that the second layer 28 is effectively oriented between the first and third layers 26, 30. The third layer 30 is preferably a hydrophilic breathable film which is fabricated from polyurethane and bonded by a finely dispersed adhesive dot pattern to the second layer 28. Positioned against the third layer 30 is a fourth layer 32, the third layer 30 thus being oriented between the second and fourth layers 28, 32. The fourth layer 32 is preferably made of the same

material as the torso and sleeve portions 12, 16 of the garment 10 (e.g., a cotton material) for aesthetic consistency when the perspiration barriers 20 are integrated therein. In this regard, whereas the first layer 26 defines the innermost surface of each perspiration barrier 20 in the completed garment 10 which will directly contact the skin of the wearer thereof, the fourth layer 32 defines the outermost surface of each perspiration barrier 20 in the completed garment 10 which is visually exposed when the same is being worn by the wearer.

**[0022]** As indicated above each of the first, second, third and fourth layers 26, 28, 30, 32 of each of the perspiration barriers 20 comprises a pair of the sleeve and torso panel pieces 22, 24 which are joined (e.g. sewn) to each other. More particularly, in fabricating each of the first and fourth layers 26, 32, a portion of the sleeve panel piece 22 extending along the peripheral base edge segment thereof of greatest length is joined to a portion of the torso panel piece 24 extending along the linear, non-arcuate peripheral edge segment thereof by an elongate stitch 34 which defines a foldable crease between the sleeve and torso panel pieces 22, 24.

**[0023]** However, in fabricating the second and third layers 28, 30, the sleeve panel pieces 22 of such second and third layers 28, 30 are initially bonded to each other in the aforementioned manner, as are the torso panel pieces 24 thereof. Thereafter, the bonded sleeve panel pieces 22 of the second and third layers 28, 30 are sewn to the bonded torso panel pieces 24 thereof by a single, elongate stitch 34. As described above in relation to the first and fourth layers 26, 32, the stitch 34 joining the bonded sleeve panel pieces 22 of the second and third layers 28, 30 to the bonded torso panel pieces 24 thereof extends along the peripheral base edge segments of the bonded sleeve panel pieces 22 of greatest length and the linear, non-arcuate peripheral edge segments of the bonded torso panel pieces 24, such stitch 34 also defining a foldable crease therebetween. Advantageously, the materials from which the second and third layers 28, 30 are fabricated, in concert with the manner in which they are attached to each other, enhances vapor transmission and breathability between the adjacent second and third layers 28, 30 in each of the fully fabricated perspiration barriers 20.

**[0024]** Once the various corresponding pairs of sleeve and torso panel pieces 22, 24 have been sewn to each other in the aforementioned manner, the resultant first, second, third and fourth layers 26, 28, 30, 32 are stacked upon each other such that the first layer 26 is positioned against the second layer 28, and the fourth layer 32 is positioned against the third

layer 30. As indicated above, each perspiration barrier 20 of the garment 10 comprises the first, second, third and fourth layers 26, 28, 30, 32 as stacked upon each other in this particular sequence. Once each perspiration barrier 20 has been fabricated or assembled in the aforementioned manner, it is sewn into the torso portion 12 and a corresponding sleeve portion 16 of the garment 10 using a continuous overlock stitch which extends solely along the peripheral edge thereof. It is contemplated that this peripheral overlock stitch will be covered by a continuous cover stitch 36 to provide a more desirable appearance to the garment 10.

**[0025]** Additionally, as best seen in Figure 2, each perspiration barrier 20 is preferably orientated relative to the remainder of the garment 10 such that the peripheral base edge segments of shortest length within the stacked sleeve panel pieces 22 of each perspiration barrier 20 extend along the distal end 18 of a respective one of the sleeve portions 16. Extending each perspiration barrier 20 to the distal end 18 of a respective one of the sleeve portions 16 helps reduce any occurrences of undesirable dripping of perspiration down the wearer's arm when the garment 10 is being worn. However, those of ordinary skill in the art will recognize that each perspiration barrier 20 may alternatively be orientated within the remainder of the garment 10 such that a gap or space of a prescribed width separates each perspiration barrier 20 from the distal end 18 of a corresponding sleeve portion 16.

**[0026]** Advantageously, the manner in which the perspiration barriers 20 are assembled, and in turn integrated into the remainder of the garment 10, provides enhanced evaporative cooling and moisture vapor transmission attributable to a billowing effect in each of the perspiration barriers 20. This billowing effect, and the resultant evaporative cooling and moisture vapor transmission process, also serves to decrease perspiration by lowering body temperature. Such billowing effect is achieved by the particulars of the construction of each of the perspiration barriers 20, and is enhanced by the minimal amount of stitching which extends through areas other than the peripheral portions thereof (thereby reducing the number of interiorly located needle holes). In this regard, as previously explained, within each perspiration barrier 20, the only stitching that extends through the interior thereof are the three separate, elongate stitches 34 that are used to join the sleeve and torso panel pieces 22, 24 of the first, second, third and fourth layers 26, 28, 30, 32 to each other. These stitches 34 within each perspiration barrier 20 provide the advantage of collectively creating a crease

which allows the wearer of the garment 10 to more easily lift and lower his or her arms without undue resistance by the perspiration barriers 20, while further preventing an excessive amount of noise being generated by the arm lifting and lowering process. Moreover, since the stitches 34 within each perspiration barrier 20 are only generally aligned with each other and do not give rise to the creation of continuous needle holes which span through each the first, second, third and fourth layers 26, 28, 30, 32, there is a significantly reduced potential for moisture or perspiration to travel along the stitches 34 and through the needle holes in a manner comprising the integrity of each perspiration barrier 20.

**[0027]** The “perimeter only” stitching used to facilitate the attachment of each of the fully fabricated perspiration barriers 20 to the remainder of the garment 10 allows outside air to be drawn into and between the first and second layers 26, 28, as well as the third and fourth layers 30, 32, of each of the perspiration barriers 20. At the same time, the stitches 34 of each of the perspiration barriers 20, due to thereof relative orientations, do not unduly compromise the billowing effect. As a result, as seen in Figure 4, moisture produced and emanating from the underarm skin of the wearer is initially transported through the first layer 26, and into a space or air chamber between the first and second layers 26, 28. Such moisture is then channeled through the second layer 28 and is thereafter transported along the molecular chains of the block co-polymer of the third layer 30 to reach equilibrium with the outside atmosphere, which also facilitates the transition of the moisture to a vapor state. As is also shown in Figure 4, the vapor which emanates from the third layer 30 in turn flows into the space or air chamber between the third and fourth layers 30, 32. As indicated above, the bonding of the third layer 30 to the second layer 28 by the finely disbursed adhesive dot pattern of the third layer 30 allows for better vapor transmission and breathability through such third layer 30. The vapor within the space between the third and fourth layers 30, 32 is thereafter released from the perspiration barrier 20 through the exterior fourth layer 32.

**[0028]** This disclosure provides an exemplary embodiment of the present invention. The scope of the present invention is not limited by this exemplary embodiment. Numerous variations, whether explicitly provided for by the specification or implied by the specification, such as variations in structure, dimension, type of material and manufacturing process may be implemented by one of skill in the art in view of this disclosure. For example, those of ordinary skill in the art will recognize that the above-described perspiration



barriers 20 may be integrated into a garment other than for an undergarment such as a T-shirt. Additionally, some or all of the stitching described above could potentially be substituted with a suitable fabric adhesive.

## GARMENT HAVING INTEGRATED PERSPIRATION BARRIERS

### ABSTRACT OF THE INVENTION

**[0029]** In accordance with the present invention, there is provided a garment or undergarment (e.g., a T-shirt) which is provided with integrated multi-layer perspiration barriers uniquely configured to provide high levels of evaporative cooling and moisture vapor transmission. The perspiration barriers are integrated into the sleeve and torso portions of the garment such that such perspiration barriers actually define the underarm portions thereof. Each of the perspiration barriers is preferably comprised of four layers, each of which is formed from two separate panel pieces. The various layers included in each of the perspiration barriers, the manner in which such layers are stacked upon and attached to each other, and the manner in which the layers forming each perspiration barrier are integrated into the garment are specifically adapted to collectively promote evaporative cooling and a vapor transmission effect which provides superior perspiration absorption and evaporation, in addition to enhanced user comfort.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/282,148	10/26/2011	WILLIAM THOMPSON	THMTE-001A	4873
7663 7590 10/20/2014 STETINA BRUNDA GARRED & BRUCKER 75 ENTERPRISE, SUITE 250 ALISO VIEJO, CA 92656			EXAMINER MORAN, KATHERINE M	
			ART UNIT	PAPER NUMBER
			3765	
			MAIL DATE	DELIVERY MODE
			10/20/2014	PAPER

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

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Application No. : 13282148  
Applicant : Thompson  
Filing Date : 10/26/2011  
Date Mailed : 10/20/2014

## NOTICE TO FILE CORRECTED APPLICATION PAPERS

### *Notice of Allowance Mailed*

This application has been accorded an Allowance Date and is being prepared for issuance. The application, however, is incomplete for the reasons below.

**Applicant is given two (2) months from the mail date of this Notice within which to respond. This time period for reply is extendable under 37 CFR 1.136(a) for only TWO additional MONTHS.**

The informalities requiring correction are indicated in the attachment(s). If the informality pertains to the abstract, specification (including claims) or drawings, the informality must be corrected with an amendment in compliance with 37 CFR 1.121 (or, if the application is a reissue application, 37 CFR 1.173). Such an amendment may be filed after payment of the issue fee if limited to correction of informalities noted herein. See Waiver of 37 CFR 1.312 for Documents Required by the Office of Patent Publication, 1280 Off. Gaz. Patent Office 918 (March 23, 2004). In addition, if the informality is not corrected until after payment of the issue fee, for purposes of 35 U.S.C. 154(b)(1)(iv), "all outstanding requirements" will be considered to have been satisfied when the informality has been corrected. A failure to respond within the above-identified time period will result in the application being ABANDONED.

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/Marty Willis/  
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**Application No. 13282148**

**IDENTIFICATION OF SPECIFICATION/DRAWING INCONSISTENCIES**

- ☐ On Page of the specification there is a brief description of FIG. , but the drawings filed do not include a drawing with that designation. Applicant must respond either by supplying the omitted drawing or by amending the specification to remove all references to that drawing.
- ☒ The drawings filed 10/13/2014 include FIG. 5, but the specification's brief description of the drawings does not describe a drawing with that designation. Applicant must respond either by amending the specification to add a brief description of that drawing or by correcting the drawings to remove the drawing in question.
- ☐ Drawings are present in the application and are referred to in the detailed description of the invention, but the specification does not contain a brief description of the drawings as required by 37 CFR 1.74 and 37 CFR 1.77(b)(8).
- ☐ Page of the specification refers to FIG. , but no drawing with that designation is described in the brief description of the drawings and no drawing with that designation is present in the application. Applicant must respond either by amending the specification to remove all references to that drawing, or by supplying that drawing and amending the specification to add a brief description of it.
- ☐ OTHER:
- ☐ COMMENTS:

Receipt date: 11/17/2011

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**  
( Not for submission under 37 CFR 1.99)

Application Number	13282148
Filing Date	2011-10-26
First Named Inventor	William Thompson
Art Unit	3765
Examiner Name	Unkown
Attorney Docket Number	THMTE-001A

Change(s) applied to document, /J.G./ 8/28/2014	1	20060168704		August 3, 2006 <del>2005-01-28</del>	MAYER	
	2	20080086791		April 17, 2008 <del>2007-10-11</del>	<del>SAMUEL</del> Kirkwood Samuel et al.	

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Examiner Signature	/Katherine Moran/	Date Considered	11/13/2012
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> See Kind Codes of USPTO Patent Documents at [www.USPTO.GOV](http://www.USPTO.GOV) or MPEP 901.04. <sup>2</sup> Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>3</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>4</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>5</sup> Applicant is to place a check mark here if English language translation is attached.

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /K.M./  
 Receipt date: 11/17/2011  
 Doc code: IDS

Doc description: Information Disclosure Statement (IDS) Filed

PTO/SB/08a (01-10)  
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<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> ( Not for submission under 37 CFR 1.99)	Application Number		13282148
	Filing Date		2011-10-26
	First Named Inventor	William Thompson	
	Art Unit	3765	
	Examiner Name	Unknown	
	Attorney Docket Number	THMTE-001A	

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Examiner Initial*	Cite No	Patent Number	Kind Code <sup>1</sup>	Issue Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear
	1	6591425		2003-07-15	ZELLERS	
	2	0887454		1907-10-03	BASCH	
	3	6138276		2000-10-31	ASCIUTTO	
Change(s) applied to document, /J.G./ 8/28/2014	4	6282720		September 4, 2001 <del>2000-10-10</del>	MAYER	
	5	3885247		1975-05-27	KOST	
	6	6145129		2000-11-14	CZEKALLA	
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Carrie Fleischer	(Depositor's name)
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10-13-14	(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/282,148	10/26/2011	WILLIAM THOMPSON	THMTE-001A	4873

TITLE OF INVENTION:

## **GARMENT HAVING INTEGRATED PERSPIRATION BARRIERS**

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$480	\$0	\$480	10/17/2014

EXAMINER	ART UNIT	CLASS-SUBCLASS
KATHERINE M. MORAN	3765	002-069000

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.**

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1 Stetina Brunda Garred & Brucker  
 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)

3 PAK HOLDINGS, LLC

PLACENTIA, CA

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

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## 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).

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Authorized Signature \_\_\_\_\_

Date \_\_\_\_\_

Typed or printed name Mark B. Garred

Registration No. 34823

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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Electronic Patent Application Fee Transmittal				
<b>Application Number:</b>		13282148		
<b>Filing Date:</b>		26-Oct-2011		
<b>Title of Invention:</b>		GARMENT HAVING INTEGRATED PERSPIRATION BARRIERS		
<b>First Named Inventor/Applicant Name:</b>		WILLIAM THOMPSON		
<b>Filer:</b>		Mark B. Garred/Carrie Fleischer		
<b>Attorney Docket Number:</b>		THMTE-001A		
Filed as Small Entity				
<b>Utility under 35 USC 111(a) Filing Fees</b>				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
<b>Basic Filing:</b>				
<b>Pages:</b>				
<b>Claims:</b>				
<b>Miscellaneous-Filing:</b>				
<b>Petition:</b>				
<b>Patent-Appeals-and-Interference:</b>				
<b>Post-Allowance-and-Post-Issuance:</b>				
Utility Appl Issue Fee	2501	1	480	480
<b>Extension-of-Time:</b>				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
<b>Miscellaneous:</b>				
<b>Total in USD (\$)</b>				<b>480</b>

<b>Electronic Acknowledgement Receipt</b>	
<b>EFS ID:</b>	20396808
<b>Application Number:</b>	13282148
<b>International Application Number:</b>	
<b>Confirmation Number:</b>	4873
<b>Title of Invention:</b>	GARMENT HAVING INTEGRATED PERSPIRATION BARRIERS
<b>First Named Inventor/Applicant Name:</b>	WILLIAM THOMPSON
<b>Customer Number:</b>	7663
<b>Filer:</b>	Mark B. Garred/Carrie Fleischer
<b>Filer Authorized By:</b>	Mark B. Garred
<b>Attorney Docket Number:</b>	THMTE-001A
<b>Receipt Date:</b>	13-OCT-2014
<b>Filing Date:</b>	26-OCT-2011
<b>Time Stamp:</b>	14:15:10
<b>Application Type:</b>	Utility under 35 USC 111(a)

### **Payment information:**

Submitted with Payment	yes
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Payment was successfully received in RAM	\$ 480
RAM confirmation Number	9177
Deposit Account	194330
Authorized User	GARRED, MARK B.

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Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		ResponsetoAdvisoryAction_signed.pdf	94277 6f5335a53d08d9e09f6e7822d77f73afc734dcbd	yes	3
Multipart Description/PDF files in .zip description					
	Document Description		Start		End
	Amendment after Notice of Allowance (Rule 312)		1		2
	Drawings-only black and white line drawings		3		3
Warnings:					
Information:					
2	Issue Fee Payment (PTO-85B)	IssueFee_signed.pdf	102447 9b0388c7a4948421ccc87348916a78a87b3e9f92	no	1
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3	Fee Worksheet (SB06)	fee-info.pdf	30253 71a5efb49b1d09bf9cf652e2ed2b2cbeaaf9726	no	2
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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.

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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.

Application No.: 13/282,148  
Response to Notice of Allowability dated July 17, 2014  
Attorney Docket: THMTE-001A

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

Applicants:	William Thompson	)	Confirmation No.	4873
		)		
Serial No.:	13/282,148	)	Art Unit:	3765
		)		
Filed:	October 26, 2011	)	Examiner:	Moran,
		)		Katherine M
For:	GARMENT HAVING INTEGRATED	)		
	PERSPIRATION BARRIERS	)		

**RESPONSE TO NOTICE OF ALLOWABILITY**

Commissioner for Patents  
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Alexandria, VA 22313-1450

Dear Madam:

On July 17, 2014, Examiner Moran issued a Notice of Allowability indicating that Claims 1-14 and 20 were allowed. However, the Examiner objected to the drawings under 37 CFR 1.83(a) on the grounds that the drawings do not show each and every feature of the invention specified in the claims. In particular, the Examiner indicated that the drawings must show the sleeve panel piece and the torso panel piece of the first layer joined together by a first stitched seam and the sleeve panel piece and torso panel piece of the fourth layer joined together by a second stitched seam separate from the first stitched seam, as set forth in Claim 1.

By this response, Applicant has added new Figure 5, appended hereto, which shows the sleeve panel piece and the torso panel piece of the first layer joined together by a first stitched seam and the sleeve panel piece and torso panel piece of the fourth layer joined together by a second stitched seam separate from the first stitched seam, as set forth in Claim 1. Applicant has already informally submitted new Figure 5 to Examiner Moran for review to ensure Figure 5 corrects the objections set forth in the Notice of Allowability. Examiner

Application No.: 13/282,148  
Response to Notice of Allowability dated July 17, 2014  
Attorney Docket: THMTE-001A

Moran agreed that new Figure 5 shows all of the required features. Applicant is appreciative of Examiner Moran's courtesy in reviewing Figure 5.

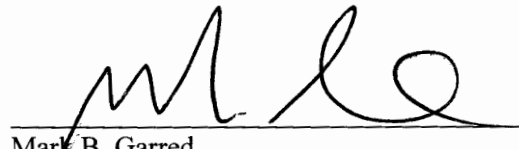
On the basis of the foregoing, the application is believed to be in condition for issuance. Should the Examiner have any questions related to the foregoing, the Examiner is invited to contact Applicants' representative at the telephone number listed below.

If any additional fee is required, please charge Deposit Account Number 19-4330.

Respectfully submitted,

Date: 10/13/14

By:

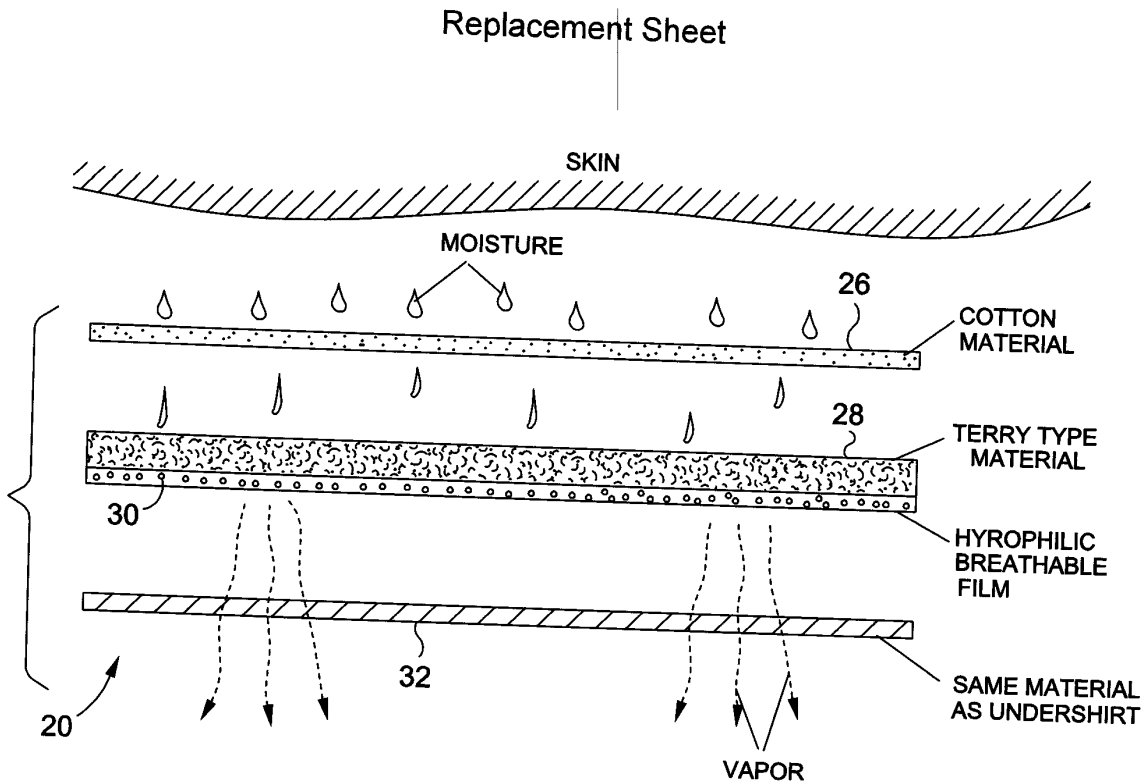


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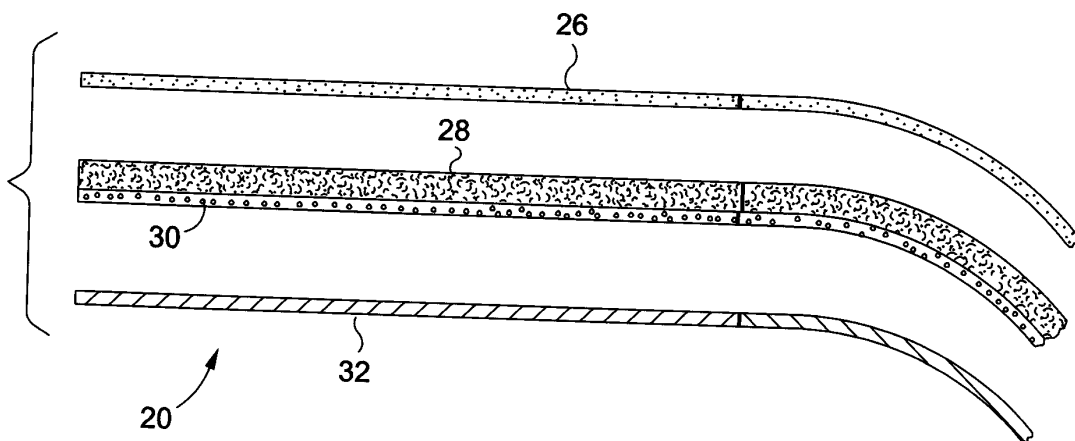
Mark B. Garred  
Registration No. 34,823  
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Telephone: (949) 855-1246  
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*Fig. 4*



*Fig. 5*



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EXAMINER

MORAN, KATHERINE M

ART UNIT PAPER NUMBER

3765

DATE MAILED: 07/17/2014

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/282,148	10/26/2011	WILLIAM THOMPSON	THMTE-001A	4873

TITLE OF INVENTION: GARMENT HAVING INTEGRATED PERSPIRATION BARRIERS

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	SMALL	\$480	\$0	\$0	\$480	10/17/2014

**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.**

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7663 7590 07/17/2014

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

## Certificate of Mailing or Transmission

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

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/282,148	10/26/2011	WILLIAM THOMPSON	THMTE-001A	4873

TITLE OF INVENTION: GARMENT HAVING INTEGRATED PERSPIRATION BARRIERS

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	SMALL	\$480	\$0	\$0	\$480	10/17/2014

EXAMINER	ART UNIT	CLASS-SUBCLASS
MORAN, KATHERINE M	3765	002-069000

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

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

2. For printing on the patent front page, list

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

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

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

(A) NAME OF ASSIGNEE

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

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

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

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

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

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

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

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

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

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

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

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

Authorized Signature \_\_\_\_\_

Date \_\_\_\_\_

Typed or printed name \_\_\_\_\_

Registration No. \_\_\_\_\_



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/282,148	10/26/2011	WILLIAM THOMPSON	THMTE-001A	4873
7663	7590	07/17/2014	EXAMINER	
STETINA BRUNDA GARRED & BRUCKER			MORAN, KATHERINE M	
75 ENTERPRISE, SUITE 250			ART UNIT	
ALISO VIEJO, CA 92656			PAPER NUMBER	

3765

DATE MAILED: 07/17/2014

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

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

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

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

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

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

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

### Privacy Act Statement

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

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

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

<b>Notice of Allowability</b>	<b>Application No.</b> 13/282,148	<b>Applicant(s)</b> THOMPSON ET AL.	
	<b>Examiner</b> KATHERINE MORAN	<b>Art Unit</b> 3765	<b>AI/A (First Inventor to File) Status</b> No

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

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

1. ☒ This communication is responsive to an RCE/amendment of 9/13/13.  
☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on \_\_\_\_\_.

2. ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on \_\_\_\_\_; the restriction requirement and election have been incorporated into this action.

3. ☒ The allowed claim(s) is/are 1-14 and 20. 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](http://www.uspto.gov/patents/init_events/pph/index.jsp) or send an inquiry to [PPHfeedback@uspto.gov](mailto:PPHfeedback@uspto.gov).

4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

**Certified copies:**  
a) ☐ All    b) ☐ Some    \*c) ☐ None of the:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).  
\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☒ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.  
☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

**Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**  
1. ☐ Notice of References Cited (PTO-892)  
2. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date \_\_\_\_\_  
3. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material  
4. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_

5. ☒ Examiner's Amendment/Comment  
6. ☐ Examiner's Statement of Reasons for Allowance  
7. ☐ Other \_\_\_\_\_.

/KATHERINE MORAN/ Primary Examiner, Art Unit 3765	
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### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mike Zingale on July 14, 2014.

The application has been amended as follows:

Claim 1:

Line 1: insert -- internal surface adapted to contact a wearer's skin and an-- after "A garment having an".

Line 3: delete "prescribed".

Lines 6-11: delete "defining respective barrier peripheral edge regions, each barrier peripheral edge region being coupled to and at least partially circumvented by a corresponding peripheral edge region collectively defined by the torso portion and a respective one of the sleeve portions such that each of the perspiration barriers defines a portion of the external surface of the garment,".

Line 18: delete "second" and insert --third--.

Line 20: insert --the pair of perspiration barriers defining respective barrier peripheral edge regions, each barrier peripheral edge region being coupled to and at least partially circumvented by a corresponding peripheral edge region collectively defined by the torso portion and a respective one of the sleeve portions such that the

external surface of an underarm area of the garment is collectively formed by each of the fourth layers of the perspiration barriers and the respective torso and sleeve portions;--.

Cancel claims 15-19.

Claim 20:

Line 1: delete "garment," and insert --garment having an internal surface adapted to contact a wearer's skin and an external surface, the garment--.

Lines 5-10: after "barriers" insert --,--.

Delete "defining respective barrier peripheral edge regions, each barrier peripheral edge region being coupled to and at least partially circumvented by a corresponding peripheral edge region collectively defined by the torso portion and a respective one of the sleeve portions such that each of the perspiration barriers defines a portion of the external surface of the garment,".

Line 18: delete "second" and insert --third--, and after the second occurrence of "layer" insert --the pair of perspiration barriers defining respectively barrier peripheral edge regions, each barrier peripheral edge region being coupled to and at least partially circumvented by a corresponding peripheral edge region collectively defined by the torso portion and a respective one of the sleeve portions such that the external surface of an underarm area of the garment is collectively formed by each of the fourth layers of the perspiration barriers and the respective torso and sleeve portions.--

***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the sleeve panel piece and torso panel piece of the first layer joined together by a first stitched seam and the sleeve panel piece and torso panel piece of the fourth layer joined together by a second stitched seam separate from the first stitched seam as set forth in claim 1 must be shown or the features canceled from the claim. No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KATHERINE MORAN whose telephone number is (571)272-4990. The examiner can normally be reached on Monday-Friday, 9am-6pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Khoa Huynh can be reached on 571-272-4888. 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.

KATHERINE MORAN  
Primary Examiner  
Art Unit 3765

/KATHERINE MORAN/  
Primary Examiner, Art Unit 3765



<b>Search Notes</b>  	<b>Application/Control No.</b>  13282148	<b>Applicant(s)/Patent Under Reexamination</b>  THOMPSON ET AL.
	<b>Examiner</b>  KATHERINE MORAN	<b>Art Unit</b>  3765

CPC- SEARCHED		
Symbol	Date	Examiner

CPC COMBINATION SETS - SEARCHED		
Symbol	Date	Examiner

US CLASSIFICATION SEARCHED			
Class	Subclass	Date	Examiner
2	53-55,78.1,105,113,115	11/14/12	KM
updated		5/14/13	KM
updated		7/11/14	KM

SEARCH NOTES		
Search Notes	Date	Examiner
EAST search, inventorship searched	11/14/12	KM

INTERFERENCE SEARCH			
US Class/ CPC Symbol	US Subclass / CPC Group	Date	Examiner
see attached		7/11/14	KM

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## EAST Search History

## EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
S1	337	(2/59).CCLS.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2012/11/13 16:11
S2	7	S1 and writ\$4	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2012/11/13 16:11
S3	7	S1 and writ\$4	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/11/13 16:11
S4	2	S1 and (marker or pen or crayon)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/11/13 16:12
S5	10	("2459992").URPN.	USPAT	OR	OFF	2012/11/13 16:13
S6	18	((("6591425") or ("0887454") or ("6138276") or ("6282720") or ("3885247") or ("6145129") or ("20060168704") or ("20080086791"))).PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2012/11/13 16:16
S7	1595	((2/54) or (2/115) or (2/78.1)).CCLS.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2012/11/13 16:40
S8	37	S7 and polyurethane	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT;	OR	ON	2012/11/13 16:40

			IBM_TDB			
S9	37	("3642562"   "3777418"   "3922457").PN. OR ("4627110").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2012/11/13 16:51
S10	31	S7 and terry	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2012/11/13 16:55
S11	88	S7 and armpit	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/11/13 16:58
S12	49	S7 and film	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/11/13 17:17
S13	253	"2"/\$.ccls. and absorb\$3 and cotton and hydrophilic	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/11/14 09:12
S14	41	("2166012"   "2495863"   "2629380"   "2828745"   "3237625"   "3508550"   "3613687"   "3714946"   "4338371"   "4341096"   "4502156"   "4675915"   "4844965"   "4856116"   "4961982"   "4981738"   "5021280"   "5037409"   "5105476"   "5181277"   "5217782").PN. OR ("5471683").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2012/11/14 10:35
S15	55	("1633586"   "2728083"   "3416526"   "3545442"   "3665921"   "3701164"   "3768480"   "3864157"   "3881489"   "3916900"   "3949130"   "3967623"   "4042655"   "4054141"   "4068318"   "4244057"   "4393519"   "4394782").PN. OR ("4502156").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2012/11/14 10:52
S16	17	("2016210"   "2783474"   "4502156"   "4856116"   "5105476"   "5146630"   "5175887"   "5377360"   "5802865"   "5826277"   "5915532"   "5946734"   "5987647").PN. OR ("6564390").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2012/11/14 11:14
S17	2441	((2/53) or (2/55) or (2/113) or (2/115) or (2/105)).CCLS.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2012/11/14 12:07
S18	410	S17 and (absorb\$3 or perspiration or	US-PGPUB;	OR	ON	2012/11/14

		sweat\$3)	USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB			12:08
S19	0	(armpit with film with (cotton or terry\$5))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/11/14 12:16
S20	0	(armpit with hydrophilic with (cotton or terry\$5))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/11/14 12:16
S21	86	(armpit with (cotton or terry\$5))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/11/14 12:16
S22	30	("0815186"   "0855638"   "1122113"   "1137452"   "1257617"   "1348754"   "1550799"   "2028599"   "2115333"   "2886820"   "5042089"   "5245707").PN. OR ("6138276").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2012/11/14 12:29
S23	6	("2438771").URPN.	USPAT	OR	OFF	2012/11/14 12:48
S24	30	("1108427"   "3156924"   "3588916"   "3727237"   "3885247"   "4485492"   "4545080"   "4631752"   "4663780").PN. OR ("4747162").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2012/11/14 13:55
S25	18	("3588916").URPN.	USPAT	OR	OFF	2012/11/14 14:09
S26	27	(US-20080086791-\$ or US-20060168704-\$ or US-20090183292-\$ or US- 20080052802-\$ or US-20100263102-\$ or US-20060288463-\$ or US-20060236439-\$ ).did. or (US-6591425-\$ or US-7730551-\$ or US-3744056-\$ or US-5884330-\$ or US- 6782557-\$ or US-5471683-\$ or US- 5566395-\$ or US-5217782-\$ or US- 4856116-\$ or US-4844965-\$ or US- 4502156-\$ or US-2115333-\$ or US- 5042088-\$ or US-6347407-\$ or US- 5864889-\$ or US-4747162-\$ or US- 3588916-\$ or US-3156924-\$).did. or (US- 2438771-\$).did. or (GB-2065451-\$).did.	US-PGPUB; USPAT; USOCR; EPO	OR	OFF	2012/11/14 14:44
S27	2	S26 and polyurethane	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2012/11/14 14:44

S28	89	S14/\$.ccls. and (breathable same polyurethane same film)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/11/14 14:46
S29	34	S28 and (perspiration or sweat\$3)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/11/14 14:48
S30	10	S29 and shirt	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/11/14 14:49
S31	3	("4747162").PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2012/11/14 15:08
S32	17	S26 and cotton	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/11/14 15:12
S33	323	S14/\$.ccls. and (breathable same film)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/11/14 15:33
S34	117	S14/\$.ccls. and (breathable same film) and (perspiration or sweat\$3)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/11/14 15:33
S35	20	S14/\$.ccls. and (breathable same film) and (perspiration or sweat\$3) and shirt	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/11/14 15:33
S36	317	(terrycloth or (terry adj cloth)) with (cotton and polyester)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO;	OR	ON	2012/11/14 16:10

			DERWENT; IBM_TDB			
S37	53	S36 and S14/\$.ccls.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/11/14 16:11
S38	27	S36 and S14/\$.ccls. and absorb\$3	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/11/14 16:25
S39	101	(S14/\$.ccls.) and (impervious same polyurethane)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/11/14 16:34
S40	7	S39 and shirt	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/11/14 16:34
S41	104	(polyurethane adj film) and (absorb\$3) and S14/\$.ccls.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/11/14 16:41
S42	12	(polyurethane adj film) and (absorb\$3) and S14/\$.ccls. and shirt	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/11/14 16:43
S43	29	(overlock same stitch\$3) and (S14/\$.ccls. and absorb\$3)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/11/14 16:49
S44	145	(overlock same stitch\$3) and S14/\$.ccls.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/11/14 16:51
S45	9	S17 and overlock\$3	US-PGPUB; USPAT; USOCR;	OR	ON	2012/11/14 16:56

			FPRS; EPO; JPO; DERWENT; IBM_TDB			
S46	9	((("3997920") or ("4393521") or ("5038409")).PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2012/11/15 09:18
S47	69	((("1979983") or ("2004511") or ("2005232") or ("2344871") or ("2434830") or ("2438771") or ("2654888") or ("2747193") or ("3001201") or ("3141174") or ("3145391")).PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2012/11/15 09:30
S48	34	(US-20080086791-\$ or US-20060168704-\$ or US-20090183292-\$ or US-20080052802-\$ or US-20100263102-\$ or US-20060288463-\$ or US-20060236439-\$ or US-20060150294-\$).did. or (US-6591425-\$ or US-7730551-\$ or US-3744056-\$ or US-5884330-\$ or US-6782557-\$ or US-5471683-\$ or US-5566395-\$ or US-5217782-\$ or US-4856116-\$ or US-4844965-\$ or US-4502156-\$ or US-2115333-\$ or US-5042088-\$ or US-6347407-\$ or US-5864889-\$ or US-4747162-\$ or US-3588916-\$ or US-3156924-\$ or US-4603440-\$ or US-5778457-\$ or US-5038409-\$ or US-4393521-\$ or US-2654888-\$ or US-1979983-\$).did. or (US-2438771-\$).did. or (GB-2065451-\$).did.	US-PGPUB; USPAT; USOCR; EPO	OR	OFF	2012/11/15 11:58
S49	34	(US-20080086791-\$ or US-20060168704-\$ or US-20090183292-\$ or US-20080052802-\$ or US-20100263102-\$ or US-20060288463-\$ or US-20060236439-\$ or US-20060150294-\$).did. or (US-6591425-\$ or US-7730551-\$ or US-3744056-\$ or US-5884330-\$ or US-6782557-\$ or US-5471683-\$ or US-5566395-\$ or US-5217782-\$ or US-4856116-\$ or US-4844965-\$ or US-4502156-\$ or US-2115333-\$ or US-5042088-\$ or US-6347407-\$ or US-5864889-\$ or US-4747162-\$ or US-3588916-\$ or US-3156924-\$ or US-4603440-\$ or US-5778457-\$ or US-5038409-\$ or US-4393521-\$ or US-2654888-\$ or US-1979983-\$).did. or (US-2438771-\$).did. or (GB-2065451-\$).did.	US-PGPUB; USPAT; USOCR; EPO	OR	OFF	2012/11/15 11:58
S50	3	S48 and trapezoid\$2	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/11/15 11:58
S51	2	("5685017").PN.	US-PGPUB;	OR	OFF	2013/05/13

			USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB			14:18
S52	50	("3727237"   "6269486"   "20040140048"   "20050004508"   "6591425"   "20040116882"   "20040122385"   "4856111"   "4631752"   "5038409"   "5884330"   "4747162"   "D342594"   "4545080"   "5042088"   "20060172640"   "3588916"   "5326305"   "20020032420"   "20060085886"   "6203810").PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2013/05/13 15:16
S53	13	("0108908"   "3141174"   "3997920"   "4393521"   "4409052"   "4631752").PN. OR ("5038409").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2013/05/13 15:20
S54	17	("0317626"   "1291073"   "2005232"   "2165359"   "3345643").PN. OR ("3997920").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2013/05/13 15:25
S55	11	((("3474465") or ("2556231"))).PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2013/08/20 10:27
S56	8	("2875534").PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2014/07/07 11:46
S57	19	((("20070062066") or ("2612135"))).PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2014/07/07 11:47
S58	22	((("2446758") or ("7841106"))).PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2014/07/10 17:04
S59	52	"2"/\$.cls. and (apparel or garment) with ((integral or integrated) with (perspiration or absorbent or absorbing or sweat))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/07/10 22:23
S60	2528	((2/53) or (2/55) or (2/113) or (2/115) or (2/105)).CCLS.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT;	OR	OFF	2014/07/10 22:39



## EAST Search History


			IBM_TDB			
S61	480	S60 and seam	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/07/10 22:39
S62	10	("3474465").URPN.	USPAT	OR	OFF	2014/07/11 10:26

## EAST Search History (Interference)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L1	1	(garment and torso and sleeve and barrier and edge and layer and seam).clm.	US-PGPUB; USPAT; UPAD	OR	ON	2014/07/11 18:04

7/ 11/ 2014 6:04:26 PM


C:\Users\kmoran\Documents\EAST\Workspaces\13282148.wsp

<b>Issue Classification</b> 	<b>Application/Control No.</b> 13282148	<b>Applicant(s)/Patent Under Reexamination</b> THOMPSON ET AL.
	<b>Examiner</b> KATHERINE MORAN	<b>Art Unit</b> 3765

CPC						
Symbol					Type	Version
A41D		27		13	F	2013-01-01


CPC Combination Sets						
Symbol			Type	Set	Ranking	Version

NONE		<b>Total Claims Allowed:</b>	
		15	
(Assistant Examiner)	(Date)		
/KATHERINE MORAN/ Primary Examiner.Art Unit 3765	7/14/14	O.G. Print Claim(s)	O.G. Print Figure
(Primary Examiner)	(Date)	1	1,2

<b>Issue Classification</b> 	<b>Application/Control No.</b> 13282148	<b>Applicant(s)/Patent Under Reexamination</b> THOMPSON ET AL.
	<b>Examiner</b> KATHERINE MORAN	<b>Art Unit</b> 3765


US ORIGINAL CLASSIFICATION						INTERNATIONAL CLASSIFICATION														
CLASS			SUBCLASS			CLAIMED					NON-CLAIMED									
2			53			A	4	1	D	27 / 12 (2006.01.01)										
CROSS REFERENCE(S)																				
CLASS	SUBCLASS (ONE SUBCLASS PER BLOCK)																			

NONE		<b>Total Claims Allowed:</b>	
		15	
(Assistant Examiner)	(Date)		
/KATHERINE MORAN/ Primary Examiner.Art Unit 3765	7/14/14	O.G. Print Claim(s)	O.G. Print Figure
(Primary Examiner)	(Date)	1	1,2

<b>Issue Classification</b> 	<b>Application/Control No.</b> 13282148	<b>Applicant(s)/Patent Under Reexamination</b> THOMPSON ET AL.
	<b>Examiner</b> KATHERINE MORAN	<b>Art Unit</b> 3765

<input type="checkbox"/> <b>Claims renumbered in the same order as presented by applicant</b> <input type="checkbox"/> <b>CPA</b> <input type="checkbox"/> <b>T.D.</b> <input type="checkbox"/> <b>R.1.47</b>															
Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original
1	1		17												
2	2		18												
3	3		19												
4	4	15	20												
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14	14														
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	16														

NONE		<b>Total Claims Allowed:</b>	
		15	
(Assistant Examiner)	(Date)		
/KATHERINE MORAN/ Primary Examiner.Art Unit 3765	7/14/14	O.G. Print Claim(s)	O.G. Print Figure
(Primary Examiner)	(Date)	1	1,2

<b><i>Index of Claims</i></b>  	<b>Application/Control No.</b>  13282148	<b>Applicant(s)/Patent Under Reexamination</b>  THOMPSON ET AL.
	<b>Examiner</b>  KATHERINE MORAN	<b>Art Unit</b>  3765

✓	<b>Rejected</b>	-	<b>Cancelled</b>	N	<b>Non-Elected</b>	A	<b>Appeal</b>
=	<b>Allowed</b>	÷	<b>Restricted</b>	I	<b>Interference</b>	O	<b>Objected</b>

<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				
CLAIM		DATE																	
Final	Original	11/15/2012	05/14/2013	07/11/2014															
1	1	✓	✓	=															
2	2	✓	✓	=															
3	3	✓	✓	=															
4	4	✓	✓	=															
5	5	✓	✓	=															
6	6	✓	✓	=															
7	7	✓	✓	=															
8	8	✓	✓	=															
9	9	✓	✓	=															
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12	12	✓	✓	=															
13	13	✓	✓	=															
14	14	✓	✓	=															
	15	✓	✓	-															
	16	✓	✓	-															
	17	✓	✓	-															
	18	✓	✓	-															
	19	✓	✓	-															
15	20	✓	✓	=															



## UNITED STATES PATENT AND TRADEMARK OFFICE

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## BIB DATA SHEET

CONFIRMATION NO. 4873

<b>SERIAL NUMBER</b> 13/282,148	<b>FILING or 371(c) DATE</b> 10/26/2011 <b>RULE</b>	<b>CLASS</b> 002	<b>GROUP ART UNIT</b> 3765	<b>ATTORNEY DOCKET NO.</b> THMTE-001A		
<b>APPLICANTS</b> <b>INVENTORS</b> WILLIAM THOMPSON, San Diego, CA; Randy Hyun Choi, Anaheim, CA; <b>** CONTINUING DATA *****</b> This appln claims benefit of 61/436,841 01/27/2011 <b>** FOREIGN APPLICATIONS *****</b> <b>** IF REQUIRED, FOREIGN FILING LICENSE GRANTED ** ** SMALL ENTITY **</b> 11/04/2011						
Foreign Priority claimed <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No 35 USC 119(a-d) conditions met <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Verified and /KATHERINE M MORAN/ Acknowledged Examiner's Signature		<input type="checkbox"/> Met after Allowance Initials	<b>STATE OR COUNTRY</b> CA	<b>SHEETS DRAWINGS</b> 2	<b>TOTAL CLAIMS</b> 20-15	<b>INDEPENDENT CLAIMS</b> -3- 2
<b>ADDRESS</b> STETINA BRUNDA GARRED & BRUCKER 75 ENTERPRISE, SUITE 250 ALISO VIEJO, CA 92656 UNITED STATES						
<b>TITLE</b> GARMENT HAVING INTEGRATED PERSPIRATION BARRIERS						
<b>FILING FEE RECEIVED</b> 530	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		

Doc code: RCEX

Doc description: Request for Continued Examination (RCE)

PTO/SB/30EFS (07-09)

Approved for use through 07/31/2012. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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# **REQUEST FOR CONTINUED EXAMINATION(RCE)TRANSMITTAL** **(Submitted Only via EFS-Web)**

Application Number	13/282,148	Filing Date	2011-10-26	Docket Number (if applicable)	THMTE-001A	Art Unit	3765
First Named Inventor	WILLIAM THOMPSON			Examiner Name	MORAN, KATHERINE M.		

**This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.**

Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. The Instruction Sheet for this form is located at WWW.USPTO.GOV

## **SUBMISSION REQUIRED UNDER 37 CFR 1.114**

Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_

☐ Other \_\_\_\_\_

☒ Enclosed

☒ Amendment/Reply

☐ Information Disclosure Statement (IDS)

☐ Affidavit(s)/ Declaration(s)

☐ Other \_\_\_\_\_

## **MISCELLANEOUS**

☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of months \_\_\_\_\_.  
 (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

☐ Other \_\_\_\_\_

## **FEES**

**The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.**

☒ The Director is hereby authorized to charge any underpayment of fees, or credit any overpayments, to  
 Deposit Account No 194330

## **SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

☒ Patent Practitioner Signature

☐ Applicant Signature

Doc code: RCEX

Doc description: Request for Continued Examination (RCE)

PTO/SB/30EFS (07-09)

Approved for use through 07/31/2012. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Signature of Registered U.S. Patent Practitioner			
Signature	/mbg/	Date (YYYY-MM-DD)	2013-09-13
Name	Mark B. Garred	Registration Number	34823

This collection of information is required by 37 CFR 1.114. 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 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.

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



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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:

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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 inspections 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				
<b>Application Number:</b>		13282148		
<b>Filing Date:</b>		26-Oct-2011		
<b>Title of Invention:</b>		GARMENT HAVING INTEGRATED PERSPIRATION BARRIERS		
<b>First Named Inventor/Applicant Name:</b>		WILLIAM THOMPSON		
<b>Filer:</b>		Mark B. Garred/Lizzette Wharton		
<b>Attorney Docket Number:</b>		THMTE-001A		
Filed as Small Entity				
<b>Utility under 35 USC 111(a) Filing Fees</b>				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
<b>Basic Filing:</b>				
<b>Pages:</b>				
<b>Claims:</b>				
<b>Miscellaneous-Filing:</b>				
<b>Petition:</b>				
<b>Patent-Appeals-and-Interference:</b>				
<b>Post-Allowance-and-Post-Issuance:</b>				
<b>Extension-of-Time:</b>				
Extension - 1 month with \$0 paid	2251	1	100	100

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
<b>Miscellaneous:</b>				
<b>Total in USD (\$)</b>				<b>100</b>

<b>Electronic Acknowledgement Receipt</b>	
<b>EFS ID:</b>	16847887
<b>Application Number:</b>	13282148
<b>International Application Number:</b>	
<b>Confirmation Number:</b>	4873
<b>Title of Invention:</b>	GARMENT HAVING INTEGRATED PERSPIRATION BARRIERS
<b>First Named Inventor/Applicant Name:</b>	WILLIAM THOMPSON
<b>Customer Number:</b>	7663
<b>Filer:</b>	Mark B. Garred/Lizzette Wharton
<b>Filer Authorized By:</b>	Mark B. Garred
<b>Attorney Docket Number:</b>	THMTE-001A
<b>Receipt Date:</b>	13-SEP-2013
<b>Filing Date:</b>	26-OCT-2011
<b>Time Stamp:</b>	19:15:53
<b>Application Type:</b>	Utility under 35 USC 111(a)

### **Payment information:**

Submitted with Payment	yes
Payment Type	Deposit Account
Payment was successfully received in RAM	\$ 100
RAM confirmation Number	6475
Deposit Account	194330
Authorized User	
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Charge any Additional Fees required under 37 C.F.R. Section 1.21 (Miscellaneous fees and charges)					
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Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		ResponsetoAdvisoryAction_091313.pdf	4257256 04d5066a7fb416dcd5244daa364e71e56a83f84e	yes	13
	Multipart Description/PDF files in .zip description				
	Document Description		Start	End	
	Response After Final Action		1	1	
	Claims		2	5	
	Applicant Arguments/Remarks Made in an Amendment		6	13	
Warnings:					
Information:					
2	Request for Continued Examination (RCE)	RCE_091313.pdf	697616 2235386dc44d3d96107c3ccb9ed246dc30a62a2b	no	3
Warnings:					
Information:					
3	Fee Worksheet (SB06)	fee-info.pdf	30276 4d849bd3bd2d5f9ae2d7e27f4ae4a25f6b7aaf5a	no	2
Warnings:					
Information:					
Total Files Size (in bytes):			4985148		

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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.

Application No.: 13/282,148  
Response to Advisory Action dated August 21, 2013  
Attorney Docket: THMTE-001A

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

Applicants:	William Thompson	)	Confirmation No.	4873
		)		
Serial No.:	13/282,148	)	Art Unit:	3765
		)		
Filed:	October 26, 2011	)	Examiner:	Moran,
		)		Katherine M
For:	GARMENT HAVING INTEGRATED	)		
	PERSPIRATION BARRIERS	)		

**APPLICANT'S AMENDMENT IN RESPONSE TO ADVISORY ACTION**

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

Dear Madam:

In response to the Advisory Action dated August 21, 2013, Applicant submits a Request for Continued Examination (RCE) along with the following amendments and corresponding remarks:

*Amendments to the Claims* begin on Page 2 of this paper; and  
*Remarks* begin on Page 6 of this paper.

**Amendments to the Claims:**

1. (Currently Amended) A garment having an external surface, the garment comprising:

a torso portion fabricated from a prescribed garment material;

a pair of sleeve portions fabricated from the garment material, the sleeve portions being attached to and extending from the torso portion; and

a pair of perspiration barriers defining respective barrier peripheral edge regions, each barrier peripheral edge region being coupled to and at least partially circumvented by a corresponding peripheral edge region collectively defined by the torso portion and a respective one of the sleeve portions ~~the torso portion and respective ones of the sleeve portions~~ such that each of the perspiration barriers defines a portion of the external surface of the garment, each of the perspiration barriers comprising:

a first layer fabricated from a cotton material;

a second layer disposed adjacent the first layer and fabricated from a terry cloth material;

a third layer disposed adjacent the second layer and fabricated from a hydrophilic breathable film; and

a fourth layer disposed adjacent the second layer and fabricated from the garment material;

wherein at least the first and fourth layers of each of the perspiration barriers is segregated into a sleeve panel piece and a torso panel piece, the sleeve panel piece and torso panel piece of the first layer being joined together by a first stitched seam and the sleeve panel piece and torso panel piece of the fourth layer being joined together by a second ~~each of the first and fourth layers being joined together by a separately stitched seam~~ separate from the first stitched seam ~~to define a foldable crease therebetween.~~



2. (Original) The garment of Claim 1 wherein the terry cloth material is fabricated from a blend of about 80% cotton and about 20% polyester.

3. (Original) The garment of Claim 1 wherein the hydrophilic breathable film is fabricated from polyurethane.

4. (Original) The garment of Claim 1 wherein the garment material is fabricated from a cotton material.

5. (Original) The garment of Claim 1 wherein the first layer is fabricated from a 100% cotton material.

6. (Original) The garment of Claim 1 wherein the second and third layers are joined to each other via an adhesive bond.

7. (Original) The garment of Claim 6 wherein the first, second, third and fourth layers are joined to each other and to the torso and sleeve portions of the garment via a peripheral overlock stitch.

8. (Previously Presented) The garment of Claim 7 wherein each of the first, second, third and fourth layers of each of the perspiration barriers is segregated into a sleeve panel piece and a torso panel piece, the sleeve panel piece and torso panel piece of each of the first, second, third and fourth layers being joined together by a separately stitched seam to define a foldable crease therebetween.

9. (Original) The garment of Claim 8 wherein:

the sleeve panel piece of each of the first, second, third and fourth layers has a generally trapezoidal configuration defining a peripheral base segment of greatest length;

the torso panel piece of each of the first, second, third and fourth layers has a generally semi-circular configuration defining a non-arcuate peripheral edge segment; and

the crease extends along the base segment of the sleeve panel piece and along the non-arcuate peripheral edge segment of the torso panel piece.

10. (Original) The garment of Claim 8 wherein each of the sleeve portions defines a distal end and the sleeve panel pieces of each of the perspiration barriers extend to the distal end of a respective one of the sleeve portions.

11. (Original) The garment of Claim 8 wherein each of the perspiration barriers is attached to the torso portion and a respective one of the sleeve portions via a peripheral overlock stitch.

12. (Previously Presented) The garment of Claim 1 wherein each of the first, second, third and fourth layers of each of the perspiration barriers is segregated into a sleeve panel piece and a torso panel piece, the sleeve panel piece and torso panel piece of each of the first, second, third and fourth layers being joined together by a separately stitched seam to define a foldable crease therebetween.

13. (Original) The garment of Claim 1 wherein each of the perspiration barriers is attached to the torso portion and a respective one of the sleeve portions via a peripheral overlock stitch.

14. (Original) The garment of Claim 13 wherein the overlock stitch is covered by a cover stitch.

15. (Currently Amended) A garment, comprising:

a pair of perspiration barriers integrated into respective ones of a pair of underarm areas of the garment, each of the perspiration barriers comprising:

a first layer fabricated from a cotton material;

a second layer disposed adjacent the first layer and fabricated from a terry cloth material;

a third layer disposed adjacent the second layer and fabricated from a hydrophilic breathable film; and

a fourth layer disposed adjacent the second layer;

wherein at least the first and fourth layers of each of the perspiration barriers is segregated into a sleeve panel piece and a torso panel piece, the sleeve panel piece and torso panel piece of the first layer being joined together by a first stitched seam and the sleeve panel piece and torso panel piece of the fourth layer being joined together by a second each of the first and fourth layers being joined together by a separately stitched seam separate from the first stitched seam to define a foldable crease therebetween.

16. (Previously Presented) The garment of Claim 15 wherein each of the first, second, third and fourth layers of each of the perspiration barriers is segregated into a sleeve panel piece and a torso panel piece, the sleeve panel piece and torso panel piece of each of the first, second, third and fourth layers being joined together by a separately stitched seam to define a foldable crease therebetween

17. (Original) The garment of Claim 15 wherein the second and third layers are joined to each other via an adhesive bond.

18. (Original) The garment of Claim 17 wherein the first, second, third and fourth layers are joined to each other and to the torso and sleeve portions of the garment via a peripheral overlock stitch.

19. (Original) The garment of Claim 18 wherein the overlock stitch is covered by a cover stitch.

20. (Currently Amended) A garment, comprising:

a torso portion;

a pair of sleeve portions attached to and extending from the torso portion in opposed relation to each other; and

a pair of perspiration barriers defining respective barrier peripheral edge regions, each barrier peripheral edge region being coupled to and at least partially circumvented by a corresponding peripheral edge region collectively defined by the torso portion and a respective one of the sleeve portions ~~the torso portion and respective ones of the sleeve portions~~ such that each of the perspiration barriers defines a portion of the external surface of the garment, each of the perspiration barriers comprising:

a first layer fabricated from a soft, pliable material adapted to permit the transmission of moisture therethrough;

a second layer disposed adjacent the first layer and fabricated from a loosely woven material;

a third layer disposed adjacent the second layer and fabricated from a hydrophilic breathable film; and

a fourth layer disposed adjacent the second layer.

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### **REMARKS**

The foregoing Amendment and remarks that follow are responsive to the Advisory Action dated August 21, 2013.

#### **Summary of Office Action**

In the Advisory Action, the Examiner indicated that the previous rejections under 35 U.S.C. § 112 were overcome, although the previous rejections of the claims under 35 U.S.C. § 103 were maintained. In particular, Claims 1, 4-8, and 11-20 were rejected under 35 USC § 103(a) as being unpatentable over the Zellers reference (U.S. Patent No. 6,591,425) in view of the Bernard et al. reference (U.S. Patent Publication No. 2006/0288463), the Yanamadala reference (U.S. Patent Publication No. 2006/0150294) and the Marsh reference (U.S. Patent No. 2,005,232). Claim 2 was rejected under Section 103(a) as being unpatentable over Zellers in view of Bernard, Yanamadala, and Marsh, as applied to Claim 1 and further in view of the Hale reference (U.S. Patent No. 4,603,440). Claim 3 was rejected under Section 103(a) as being unpatentable over Zellers in view of Bernard, Yanamadala, and Marsh, as applied to Claim 1 and further in view of the Conway reference (U.S. Patent No. 5,778,457). The Examiner rejected Claim 9 under Section 103(a) as being unpatentable over Zellers in view of Bernard, Yanamadala and Marsh as applied to Claim 8, and further in view of the Jones reference (U.S. Patent No. 4,393,521). Finally, Claim 10 was rejected under Section 103(a) as being unpatentable over Zellers in view of Bernard, Yanamadala and Marsh as applied to Claim 8 and further in view of the Mayer et al. reference (U.S. Patent Publication No. 2006/0168704).

#### **Telephonic Interview with the Examiner**

On September 3, 2013, a telephonic interview was conducted between Examiner Moran and Applicant's representative, Michael Zingale. Applicant is appreciative of the Examiner's willingness to discuss this matter with its representative. The interview was very helpful for Applicant to better understand the Examiner's interpretation of the prior art, as well as the claimed invention. Along these lines, Applicant has incorporated the claim

language suggested by the Examiner as being distinguishing features of the present invention in relation to the cited prior art.

If after reviewing Applicant's claim amendments the Examiner has any questions or comments in relation thereto, the Examiner is invited to contact Applicant's representative.

**Response to 35 U.S.C. § 103 Rejections**

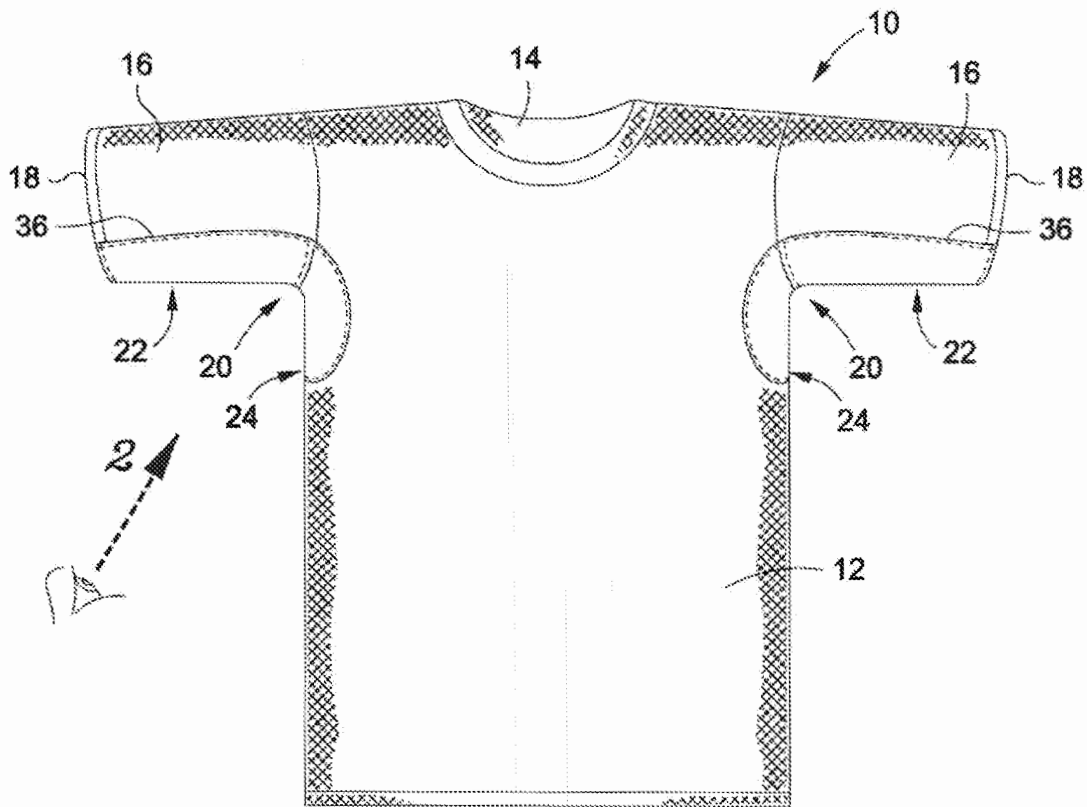
As set forth below, Applicant submits that the cited references do not teach, suggest or render obvious all of the limitations recited in independent Claim 1. In particular, Applicant submits that the cited prior art does not show the following limitations:

- A) each barrier peripheral edge region coupled to and at least partially circumvented by a corresponding peripheral edge region collectively defined by the torso portion and a respective one of the sleeve portions; and
- B) the sleeve panel piece and torso panel piece of the first layer being joined together by a first stitched seam and the sleeve panel piece and torso panel piece of the fourth layer being joined together by a second stitched seam to define a foldable crease.

**Review of Claim 1 – External Perspiration Barriers and Separately Stitched Layers**

Independent Claim 1 is directed to a garment having a pair of perspiration barriers integrated therein, wherein each perspiration barrier defines a barrier peripheral edge region. The garment further includes a torso portion and a pair of sleeve portions. The perspiration barriers are coupled to the torso portion and the respective ones of the sleeve portions at corresponding peripheral edge regions of the torso portion and a respective one of the sleeve portions. The corresponding peripheral edge regions of the torso portion and sleeve portion collectively circumvented at least a portion of the respective perspiration barrier. The peripheral connection of the perspiration barrier to the respective sleeve and torso portions results in each of the perspiration barriers defining an external surface of the garment. This feature can be seen in Figure 1 of the patent application, reproduced below for the

Examiner's convenience, wherein the perspiration barriers 20 can be seen from a perspective outside of the garment, and thus, form part of the external surface of the garment. In the exemplary embodiment, the perspiration barriers 20 form a bottom portion of the sleeve, and an adjacent lateral portion of the torso.



*Fig. 1*

Claim 1 additionally specifies that each perspiration barrier generally includes first, second, third, and fourth layers. At least the first and fourth layers are segregated into a sleeve panel piece and a torso panel piece, wherein the sleeve and torso panel pieces of the first layer are joined by a first stitched seam, while the sleeve and torso panel pieces of the fourth layer are joined by a second stitched seam separate from the first stitched seam. In this regard, the same seam is not used to join the sleeve and torso panel pieces in the first layer,

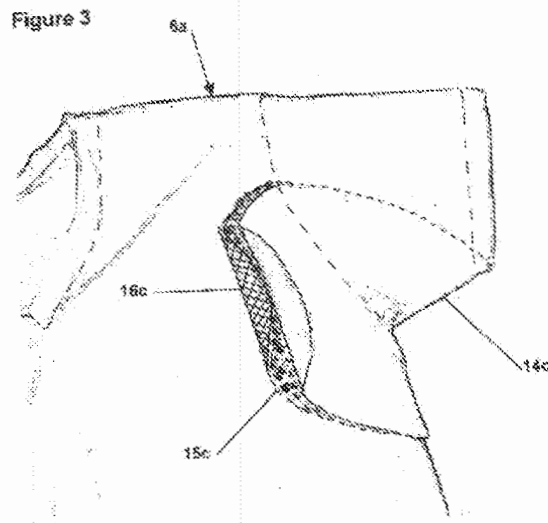
and the seam and torso panel pieces in the fourth layer. Antecedent support for the separate stitched seams for the first and fourth layers can be found in paragraphs [0022]-[0027] of the patent application.

The specific construction recited in Claim 1 is aimed at separating the various layers of the perspiration barrier to prevent sweat or moisture from wicking through the layers. Along these lines, the stitching used to join the sleeve and torso panel pieces of the first layer is separate from the stitching used to join the sleeve and torso panel pieces of the fourth layer to prevent moisture from passing from the first layer to the fourth layer. If a single thread was used to stitch together the first and fourth layers, it is possible that moisture could pass along the thread from the first layer to the fourth layer, thereby defeating the purpose of preventing moisture from migrating to the fourth layer. In this regard, the specific construction of the perspiration barriers as described in amended Claim 1 enhances the billowing effect achieved by the perspiration barriers as the user raises and lowers his arms, thus facilitating air circulations as assists in evaporating moisture absorbed within the perspiration barriers. In particular, the separated layers define a larger surface area over which air may be drawn to dry the perspiration barriers in a quicker, more efficient manner.

Applicant submits that the cited prior art does not disclose a perspiration barrier which defines an external surface of the garment, and which also includes a four-layer construction, wherein at least several layers are each segregated into two panel pieces joined by separate seams.

**The Cited Prior Art Does Not Show a Perspiration Barrier Coupled to Corresponding Peripheral Edge Regions of the Torso and Sleeve Portions of a Garment**

The Examiner rejected independent Claim 1 based on the combination of Zellers, Bernard, Yanamadala and Marsh references. In particular, the Examiner appears to rely on the Zellers reference for its purported teaching of a garment having a multi-layered perspiration collecting shield. Figure 3 of the Zellers reference is reproduced below.



Applicant submits that the Zellers reference does not disclose a garment having a pair of perspiration barriers defining respective barrier peripheral edge regions coupled to corresponding peripheral edge regions of the torso portion and a sleeve portion which collectively circumvent at least a portion of the perspiration barrier so as to allow the perspiration barrier to form a portion of the external surface of the garment. Rather, the Zellers garment does not include sleeve and torso peripheral edge regions coupled to the barrier. Instead, the Zellers barrier is coupled to inward, non-peripheral portions of the sleeve and torso portions.

Therefore, Applicant submits that the Zellers reference does not disclose all of the limitations relating to the external positioning of the claimed perspiration barrier.

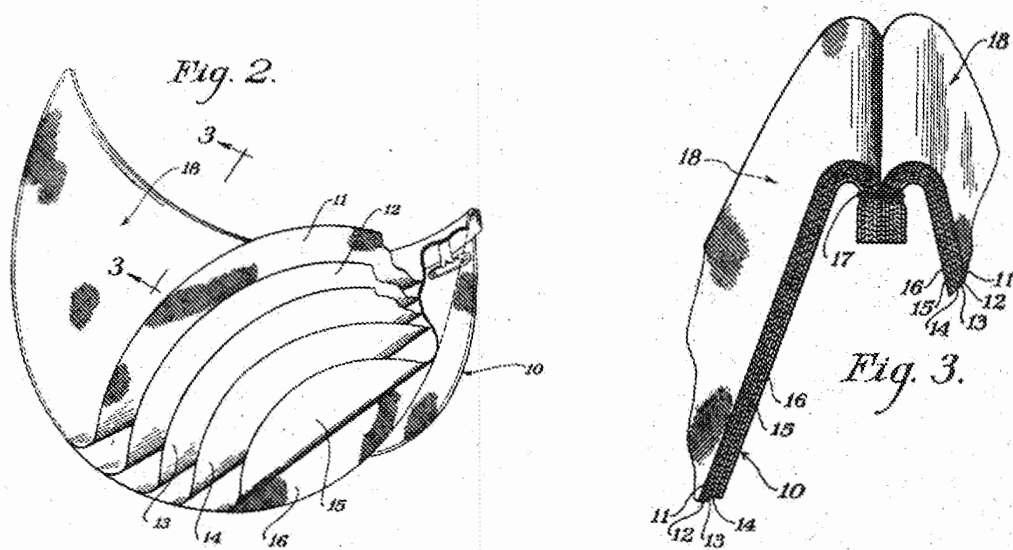
**The Cited Prior Art Does Not Show a Perspiration Barrier Having Separately Stitched First and Fourth Layers**

In addition to the foregoing, Applicant submits that the cited prior art does not show a perspiration barrier wherein the sleeve panel piece and torso panel piece of the first layer is



connected by a first stitched seam and the sleeve panel piece and torso panel piece of the fourth layer is connected by a second stitched seam separate from the first stitched seam.

In the final Office Action, the Examiner concedes that Zellers does not show a perspiration barrier wherein the sleeve panel piece and torso panel piece of each of the first and fourth layers are joined together by a separately stitched seam. The Examiner then relies on the teachings of the Marsh reference and states that "Marsh teaches a perspiration barrier as in Figures 1-3 with first through fourth layers 11-14 of a sleeve panel 18 and a torso panel stitched together at 17." (emphasis added).



Figures 2 and 3 of the Marsh reference are reproduced above, which show a disposable shield for a garment, wherein the shield includes two crescent-shaped halves 18 jointed together by a single stitch 17. It is understood that the single stitch 17 passes through all of the layers of the garment, rather than separate first and second stitched seams, as is required by Claim 1 of the present patent application. In particular, Claim 1 requires that the perspiration barrier include a first layer having a sleeve panel piece and a torso panel piece joined by a first seam, and a separate fourth layer having a sleeve panel piece and a torso panel piece joined by a second seam. In contrast, it is important to note that Marsh teaches a single seam 17 is used to combine to join all of the layers, and thus, a single thread extends through all of the layers of the Glatt perspiration barrier.

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Attorney Docket: THMTE-001A

As noted above, if a single thread was used to stitch together the first and fourth layers, it is possible that moisture could pass along the thread from the first layer to the fourth layer, thereby defeating the purpose of preventing moisture from migrating to the fourth layer.

For the reasons set forth above, Applicant submits that independent Claim 1 is allowable, as are Claims 2-14 as being dependent upon an allowable base claim.

Independent Claim 15

Similar to Claim 1, independent Claim 15 recites that the first, and fourth layers of each perspiration barrier is segregated into separate sleeve and torso panel pieces, and that the pieces of the first and fourth layers are joined by separate first and second stitched seams.

Therefore, for the reasons advanced above in relation to Claim 1, Applicant submits that independent Claim 15 is believed to be allowable, as are Claims 17-19 as being dependent upon an allowable base claim.

Independent Claim 20

Independent Claim 20 recites that the perspiration barriers are coupled to the respective sleeve and torso portions at corresponding peripheral edge regions thereof which collectively circumvent at least a portion of the perspiration barrier, such that the perspiration barriers define a portion of the external surface of the garment. As described in more detail above in relation to Claim 1, Applicant submits that this feature is not disclosed or rendered obvious by the cited prior art. Thus, independent Claim 20 is also believed to be allowable.

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Conclusion

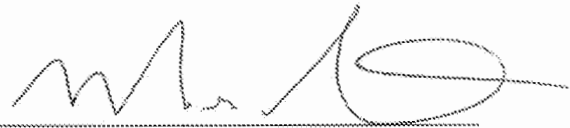
On the basis of the foregoing, the application is believed to be in condition for allowance. Entry of the amendment and issuance of a Notice of Allowance is therefore respectfully requested. Should the Examiner have any suggestions for expediting allowance of the application, the Examiner is invited to contact Applicants' representative at the telephone number listed below.

If any additional fee is required, please charge Deposit Account Number 19-4330.

Respectfully submitted,

Date: 9/13/13

By:



Customer No.: 007663

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MBG/MIZ

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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.

<b>PATENT APPLICATION FEE DETERMINATION RECORD</b> Substitute for Form PTO-875				Application or Docket Number <b>13/282,148</b>		Filing Date <b>10/26/2011</b>		<input type="checkbox"/> To be Mailed	
ENTITY: <input type="checkbox"/> LARGE <input checked="" type="checkbox"/> SMALL <input type="checkbox"/> MICRO									
<b>APPLICATION AS FILED – PART I</b>									
(Column 1)		(Column 2)							
FOR		NUMBER FILED		NUMBER EXTRA		RATE (\$)		FEE (\$)	
<input type="checkbox"/> BASIC FEE (37 CFR 1.16(a), (b), or (c))		N/A		N/A		N/A			
<input type="checkbox"/> SEARCH FEE (37 CFR 1.16(k), (l), or (m))		N/A		N/A		N/A			
<input type="checkbox"/> EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))		N/A		N/A		N/A			
TOTAL CLAIMS (37 CFR 1.16(i))		minus 20 =		*		X \$ =			
INDEPENDENT CLAIMS (37 CFR 1.16(h))		minus 3 =		*		X \$ =			
<input type="checkbox"/> APPLICATION SIZE FEE (37 CFR 1.16(s))		If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$310 (\$155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).							
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))									
						TOTAL			
* If the difference in column 1 is less than zero, enter "0" in column 2.									
<b>APPLICATION AS AMENDED – PART II</b>									
(Column 1)		(Column 2)		(Column 3)					
AMENDMENT	<b>09/13/2013</b>	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)		ADDITIONAL FEE (\$)	
	Total (37 CFR 1.16(i))	* 20	Minus	** 20	= 0	X \$40 =		0	
	Independent (37 CFR 1.16(h))	* 3	Minus	***3	= 0	X \$210 =		0	
	<input type="checkbox"/> Application Size Fee (37 CFR 1.16(s))								
	<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))								
						TOTAL ADD'L FEE		<b>0</b>	
(Column 1)		(Column 2)		(Column 3)					
AMENDMENT		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)		ADDITIONAL FEE (\$)	
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	Independent (37 CFR 1.16(h))	*	Minus	***	=	X \$ =			
	<input type="checkbox"/> Application Size Fee (37 CFR 1.16(s))								
	<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))								
						TOTAL ADD'L FEE			
* If the entry in column 1 is less than the entry in column 2, write "0" in column 3. ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20". *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3". The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.									

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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/282,148	10/26/2011	WILLIAM THOMPSON	THMTE-001A	4873

7663 7590 09/05/2013  
STETINA BRUNDA GARRED & BRUCKER  
75 ENTERPRISE, SUITE 250  
ALISO VIEJO, CA 92656

EXAMINER
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MORAN, KATHERINE M

ART UNIT	PAPER NUMBER
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3765

MAIL DATE	DELIVERY MODE
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09/05/2013

PAPER

**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.

<b><i>Applicant-Initiated Interview Summary</i></b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	13/282,148	THOMPSON ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	KATHERINE MORAN	3765	

All participants (applicant, applicant's representative, PTO personnel):

(1) KATHERINE MORAN. (3) \_\_\_\_.

(2) Mike Zingale. (4) \_\_\_\_.

Date of Interview: 03 September 2013.

Type:    ☒ Telephonic    ☐ Video Conference  
           ☐ Personal [copy given to: ☐ applicant    ☐ applicant's representative]

Exhibit shown or demonstration conducted:    ☐ Yes    ☒ No.  
           If Yes, brief description: \_\_\_\_.

Issues Discussed    ☐ 101    ☐ 112    ☐ 102    ☒ 103    ☐ Others  
 (For each of the checked box(es) above, please describe below the issue and detailed description of the discussion)

Claim(s) discussed: 1.

Identification of prior art discussed: Zellers and Marsh.

**Substance of Interview**  
 (For each issue discussed, provide a detailed description and indicate if agreement was reached. Some topics may include: identification or clarification of a reference or a portion thereof, claim interpretation, proposed amendments, arguments of any applied references etc...)

*Applicant requested clarification of the interpretation "a pair of perspiration barriers coupled to the torso portion and respective ones of the sleeve portions such that each of the perspiration barriers defines a portion of the external surface of the garment..". The Examiner suggested language to define the structural relationship of the respective sleeve and torso portions relative to the barriers, such as defining the relationship of the respective edges of the barriers, sleeve portions, and torso portions in the garment. Applicant also discussed the recitation "joined together by a separately stitched seam" as it relates to Marsh. The Examiner explained that the "separately stitched seam" doesn't structurally define the invention over Marsh in that Marsh's seam 17 is considered as separately stitched and it joins the sleeve panel piece and the torso panel piece of each of the first and fourth layers. Applicant intends to amend the claims to further define the invention.*

**Applicant recordation instructions:** The formal written reply to the last Office action must include the substance of the interview. (See MPEP section 713.04). If a reply to the last Office action has already been filed, applicant is given a non-extendable period of the longer of one month or thirty days from this interview date, or the mailing date of this interview summary form, whichever is later, to file a statement of the substance of the interview

**Examiner recordation instructions:** Examiners must summarize the substance of any interview of record. A complete and proper recordation of the substance of an interview should include the items listed in MPEP 713.04 for complete and proper recordation including the identification of the general thrust of each argument or issue discussed, a general indication of any other pertinent matters discussed regarding patentability and the general results or outcome of the interview, to include an indication as to whether or not agreement was reached on the issues raised.

☐ Attachment

/KATHERINE MORAN/ Primary Examiner, Art Unit 3765	
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## Summary of Record of Interview Requirements

### Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

### Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

#### Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

#### 37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,  
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

### Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.



# UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/282,148	10/26/2011	WILLIAM THOMPSON	THMTE-001A	4873
7663 7590 08/21/2013 STETINA BRUNDA GARRED & BRUCKER 75 ENTERPRISE, SUITE 250 ALISO VIEJO, CA 92656			EXAMINER MORAN, KATHERINE M	
			ART UNIT 3765	PAPER NUMBER
			MAIL DATE 08/21/2013	DELIVERY MODE PAPER

**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.



<b>Advisory Action</b> <b>Before the Filing of an Appeal Brief</b>	<b>Application No.</b> 13/282,148	<b>Applicant(s)</b> THOMPSON ET AL.
	<b>Examiner</b> KATHERINE MORAN	<b>Art Unit</b> 3765

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

THE REPLY FILED 15 August 2013 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.  
NO NOTICE OF APPEAL FILED

1. ☒ The reply was filed after a final rejection. No Notice of Appeal has been filed. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance;  
 (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114 if this is a utility or plant application. Note that RCEs are not permitted in design applications. The reply must be filed within one of the following time periods:

a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.

b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action; or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

c) ☐ A prior Advisory Action was mailed more than 3 months after the mailing date of the final rejection in response to a first after-final reply filed within 2 months of the mailing date of the final rejection. The current period for reply expires \_\_\_\_\_ months from the mailing date of the prior Advisory Action or SIX MONTHS from the mailing date of the final rejection, whichever is earlier.

*Examiner Note:* If box 1 is checked, check either box (a), (b) or (c). ONLY CHECK BOX (b) WHEN THIS ADVISORY ACTION IS THE FIRST RESPONSE TO APPLICANT'S FIRST AFTER-FINAL REPLY WHICH WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. ONLY CHECK BOX (c) IN THE LIMITED SITUATION SET FORTH UNDER BOX (c). See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) or (c) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendments filed after a final rejection, but prior to the date of filing a brief, will not be entered because

a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);

b) ☐ They raise the issue of new matter (see NOTE below);

c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☒ Applicant's reply has overcome the following rejection(s): 35 USC 112, 1<sup>st</sup> par. claims 1-14,20.

6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): (a) ☐ will not be entered, or (b) ☒ will be entered, and an explanation of how the new or amended claims would be rejected is provided below or appended.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing the Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: \_\_\_\_\_.

12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_

13. ☐ Other: \_\_\_\_\_.

STATUS OF CLAIMS

14. The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: 1-20.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

	/KATHERINE MORAN/ Primary Examiner, Art Unit 3765
--	--

Applicant's remarks have been considered. Applicant submits that Zellers teaches the perspiration collecting shield on an inside sleeve and this shield does not define an external surface of the garment. The Examiner disagrees and submits that the claim language to which Applicant refers "a pair of perspiration barriers coupled to the torso portion and respective ones of the sleeve portions such that each of the perspiration barriers defines a portion of the external surface of the garment" doesn't explicitly set forth the structural relationship of each barrier relative to the garment. Zellers' barriers are considered to define a portion of the external surface of the garment, as set forth in the office action, in that the barriers are attached to the inner side of the external surface via stitching which extends through internal/inside and external surfaces of the garment. If the respective edges of the barriers are attached to respective sleeve and torso portions, the claims should recite this structure.

Applicant also submits that the prior art (Marsh) doesn't show a barrier wherein the sleeve panel piece and torso panel piece of each of the first and fourth layers are joined together by a separately stitched seam. Marsh's sleeve panel piece and torso panel piece of each of the first and fourth layers are joined together by a separately stitched seam in there is a seam on the sleeve piece and a seam on the torso panel piece. The recitation of "a separately stitched seam" doesn't structurally distinguish the claimed invention from Marsh.

OK TO ENTER: /K.M./

08/20/2013 Application No.: 13/282,148  
Response to Office Action dated May 16, 2013  
Attorney Docket: THMTE-001A

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

Applicants:	William Thompson	)	Confirmation No.	4873
		)		
Serial No.:	13/282,148	)	Art Unit:	3765
		)		
Filed:	October 26, 2011	)	Examiner:	Moran,
		)		Katherine M
For:	GARMENT HAVING INTEGRATED	)		
	PERSPIRATION BARRIERS	)		

**APPLICANT'S AMENDMENT IN RESPONSE TO FINAL OFFICE ACTION**

Mail Stop Non-Fee Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Madam:

In response to the final Office Action of May 16, 2013, please amend the above-identified application as follows:

*Amendments to the Claims* begin on Page 2 of this paper; and

*Remarks* begin on Page 6 of this paper.

Application No.: 13/282,148  
Response to Office Action dated May 16, 2013  
Attorney Docket: THMTE-001A

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

Applicants:	William Thompson	)	Confirmation No.	4873
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		)		
Filed:	October 26, 2011	)	Examiner:	Moran,
		)		Katherine M
For:	GARMENT HAVING INTEGRATED	)		
	PERSPIRATION BARRIERS	)		

**APPLICANT'S AMENDMENT IN RESPONSE TO FINAL OFFICE ACTION**

Mail Stop Non-Fee Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Madam:

In response to the final Office Action of May 16, 2013, please amend the above-identified application as follows:

*Amendments to the Claims* begin on Page 2 of this paper; and  
*Remarks* begin on Page 6 of this paper.

**Amendments to the Claims:**

1. (Currently Amended) A garment having an external surface, the garment comprising:

a torso portion fabricated from a prescribed garment material;

a pair of sleeve portions fabricated from the garment material, the sleeve portions being attached to and extending from the torso portion; and

a pair of perspiration barriers ~~which are not integral with but are~~ coupled to the torso portion and respective ones of the sleeve portions such that each of the perspiration barriers defines a portion of the external surface of the garment, each of the perspiration barriers comprising:

a first layer fabricated from a cotton material;

a second layer disposed adjacent the first layer and fabricated from a terry cloth material;

a third layer disposed adjacent the second layer and fabricated from a hydrophilic breathable film; and

a fourth layer disposed adjacent the second layer and fabricated from the garment material;

wherein at least the first and fourth layers of each of the perspiration barriers is segregated into a sleeve panel piece and a torso panel piece, the sleeve panel piece and torso panel piece of each of the first and fourth layers being joined together by a separately stitched seam to define a foldable crease therebetween.

2. (Original) The garment of Claim 1 wherein the terry cloth material is fabricated from a blend of about 80% cotton and about 20% polyester.

3. (Original) The garment of Claim 1 wherein the hydrophilic breathable film is fabricated from polyurethane.

4. (Original) The garment of Claim 1 wherein the garment material is fabricated from a cotton material.

5. (Original) The garment of Claim 1 wherein the first layer is fabricated from a 100% cotton material.

6. (Original) The garment of Claim 1 wherein the second and third layers are joined to each other via an adhesive bond.

7. (Original) The garment of Claim 6 wherein the first, second, third and fourth layers are joined to each other and to the torso and sleeve portions of the garment via a peripheral overlock stitch.

8. (Previously Presented) The garment of Claim 7 wherein each of the first, second, third and fourth layers of each of the perspiration barriers is segregated into a sleeve panel piece and a torso panel piece, the sleeve panel piece and torso panel piece of each of the first, second, third and fourth layers being joined together by a separately stitched seam to define a foldable crease therebetween.

9. (Original) The garment of Claim 8 wherein:

the sleeve panel piece of each of the first, second, third and fourth layers has a generally trapezoidal configuration defining a peripheral base segment of greatest length;

the torso panel piece of each of the first, second, third and fourth layers has a generally semi-circular configuration defining a non-arcuate peripheral edge segment; and

the crease extends along the base segment of the sleeve panel piece and along the non-arcuate peripheral edge segment of the torso panel piece.

10. (Original) The garment of Claim 8 wherein each of the sleeve portions defines a distal end and the sleeve panel pieces of each of the perspiration barriers extend to the distal end of a respective one of the sleeve portions.

11. (Original) The garment of Claim 8 wherein each of the perspiration barriers is attached to the torso portion and a respective one of the sleeve portions via a peripheral overlock stitch.

12. (Previously Presented) The garment of Claim 1 wherein each of the first, second, third and fourth layers of each of the perspiration barriers is segregated into a sleeve panel piece and a torso panel piece, the sleeve panel piece and torso panel piece of each of

the first, second, third and fourth layers being joined together by a separately stitched seam to define a foldable crease therebetween.

13. (Original) The garment of Claim 1 wherein each of the perspiration barriers is attached to the torso portion and a respective one of the sleeve portions via a peripheral overlock stitch.

14. (Original) The garment of Claim 13 wherein the overlock stitch is covered by a cover stitch.

15. (Previously Presented) A garment, comprising:  
a pair of perspiration barriers integrated into respective ones of a pair of underarm areas of the garment, each of the perspiration barriers comprising:  
a first layer fabricated from a cotton material;  
a second layer disposed adjacent the first layer and fabricated from a terry cloth material;  
a third layer disposed adjacent the second layer and fabricated from a hydrophilic breathable film; and  
a fourth layer disposed adjacent the second layer;  
wherein at least the first and fourth layers of each of the perspiration barriers is segregated into a sleeve panel piece and a torso panel piece, the sleeve panel piece and torso panel piece of each of the first and fourth layers being joined together by a separately stitched seam to define a foldable crease therebetween.

16. (Previously Presented) The garment of Claim 15 wherein each of the first, second, third and fourth layers of each of the perspiration barriers is segregated into a sleeve panel piece and a torso panel piece, the sleeve panel piece and torso panel piece of each of the first, second, third and fourth layers being joined together by a separately stitched seam to define a foldable crease therebetween

17. (Original) The garment of Claim 15 wherein the second and third layers are joined to each other via an adhesive bond.

18. (Original) The garment of Claim 17 wherein the first, second, third and fourth layers are joined to each other and to the torso and sleeve portions of the garment via a peripheral overlock stitch.

19. (Original) The garment of Claim 18 wherein the overlock stitch is covered by a cover stitch.

20. (Currently Amended) A garment, comprising:

a torso portion;

a pair of sleeve portions attached to and extending from the torso portion in opposed relation to each other; and

a pair of perspiration barriers ~~which are not integral with but are~~ coupled to the torso portion and respective ones of the sleeve portions such that each of the perspiration barriers defines a portion of the external surface of the garment, each of the perspiration barriers comprising:

a first layer fabricated from a soft, pliable material adapted to permit the transmission of moisture therethrough;

a second layer disposed adjacent the first layer and fabricated from a loosely woven material;

a third layer disposed adjacent the second layer and fabricated from a hydrophilic breathable film; and

a fourth layer disposed adjacent the second layer.



**REMARKS**

The foregoing Amendment and remarks that follow are responsive to the final Office Action dated May 16, 2013.

**Summary of Office Action**

In the Office Action, the Examiner rejected Claims 1-14 and 20 under 35 U.S.C. § 112(a) or 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Claims 1, 4-8, and 11-20 were rejected under 35 USC § 103(a) as being unpatentable over the Zellers reference (U.S. Patent No. 6,591,425) in view of the Bernard et al. reference (U.S. Patent Publication No. 2006/0288463), the Yanamadala reference (U.S. Patent Publication No. 2006/0150294) and the Marsh reference (U.S. Patent No. 2,005,232). The Examiner additionally rejected Claim 2 under Section 103(a) as being unpatentable over Zellers in view of Bernard, Yanamadala, and Marsh, as applied to Claim 1 and further in view of the Hale reference (U.S. Patent No. 4,603,440). Claim 3 was rejected under Section 103(a) as being unpatentable over Zellers in view of Bernard, Yanamadala, and Marsh, as applied to Claim 1 and further in view of the Conway reference (U.S. Patent No. 5,778,457). The Examiner rejected Claim 9 under Section 103(a) a being unpatentable over Zellers in view of Bernard, Yanamadala and Marsh as applied to Claim 8, and further in view of the Jones reference (U.S. Patent No. 4,393,521). Finally, Claim 10 was rejected under Section 103(a) as being unpatentable over Zellers in view of Bernard, Yanamadala and Marsh as applied to Claim 8 and further in view of the Mayer et al. reference (U.S. Patent Publication No. 2006/0168704).

**Response to 35 USC § 112 Rejections**

The Examiner rejected Claims 1-14 and 20 under 35 U.S.C. § 112(a) or 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. In particular, the Examiner indicated that the claims contain subject matter which was not described in the specification in such a way as to reasonable convey to one skilled in the relevant art that the inventor or a joint inventor, or for pre-AIA, the inventor, at the time the application was filed, had possession of the claimed invention. The Examiner specifically

referenced Claims 1 and 20, which recite “a pair of perspiration barriers which are not integral with but are coupled to the torso portion...” The Examiner has taken the position that the phrase, “not integral” appears to be in conflict with the specification which includes multiple disclosures of the barriers as integral with the garment.

While Applicant disagrees with the Examiner’s position, Applicant has deleted the objectionable language from independent Claims 1 and 20. As such the outstanding rejection under 35 U.S.C. § 112 is believed to be overcome.

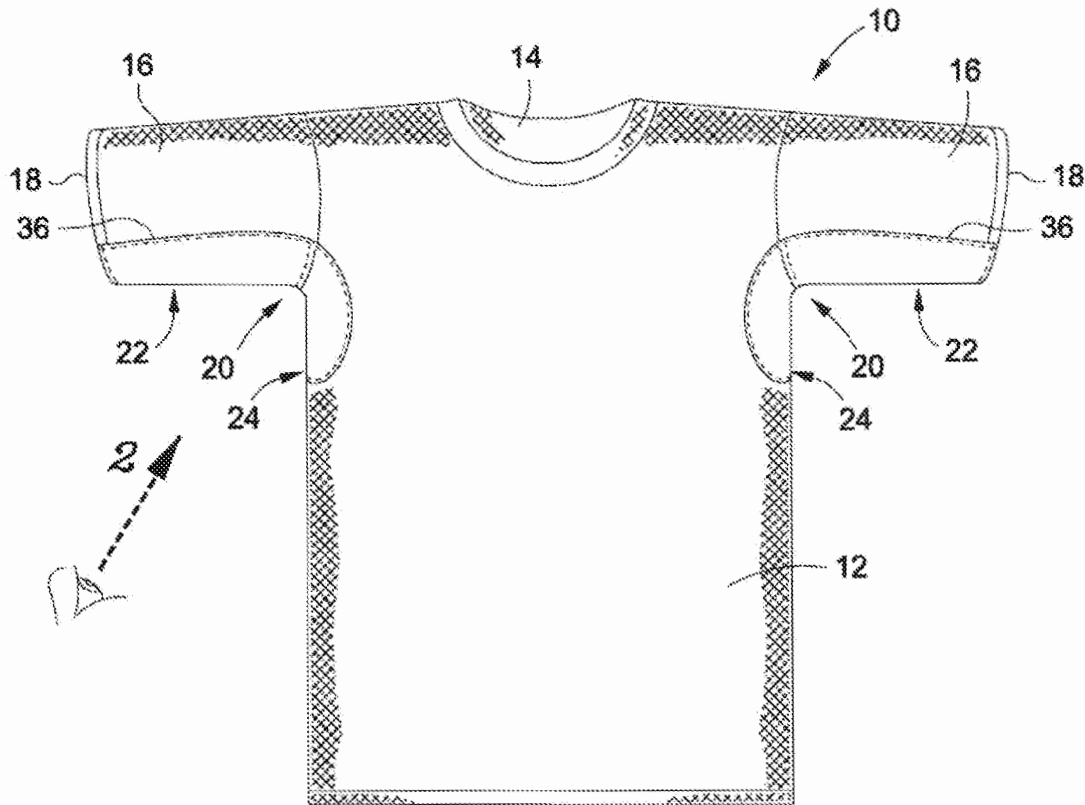
**Response to 35 USC § 103 Rejections**

As set forth below, Applicant submits that the cited references do not teach, suggest or render obvious all of the limitations recited in independent Claim 1. In particular, Applicant submits that the cited prior art does not show the following limitations:

- A) “a pair of perspiration barriers coupled to the torso portion and respective ones of the sleeve portions such that each of the perspiration barriers defines a portion of the external surface of the garment” (emphasis added); and
- B) “the sleeve panel piece and torso panel piece of each of the first and fourth layers being joined together by a separately stitched seam to define a foldable crease therebetween” (emphasis added).

**Review of Claim 1 – External Perspiration Barriers and Separately Stitched Layers**

Independent Claim 1 is directed to a garment having a pair of perspiration barriers integrated therein. The perspiration barriers are coupled to the torso portion and the respective ones of the sleeve portions such that each of the perspiration barriers defines an external surface of the garment. This feature can be seen in Figure 1 of the patent application, reproduced below for the Examiner’s convenience, wherein the perspiration barriers 20 can be seen from a perspective outside of the garment, and thus, form part of the external surface of the garment. In the exemplary embodiment, the perspiration barriers 20 form a bottom portion of the sleeve, and an adjacent lateral portion of the torso.



*Fig. 1*

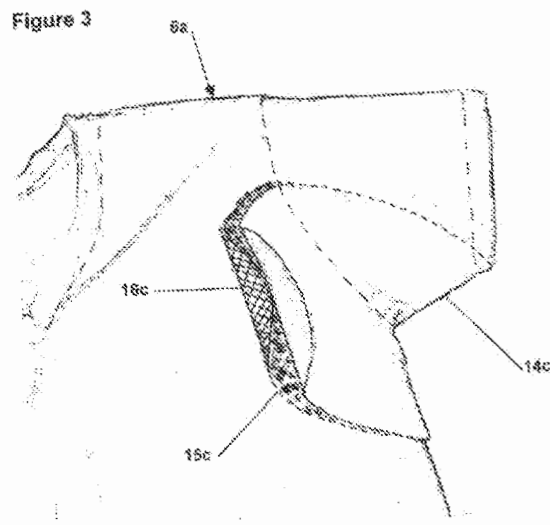
Claim 1 additionally specifies that each perspiration barrier generally includes first, second, third, and fourth layers. At least the first and fourth layers are segregated into a sleeve panel piece and a torso panel piece, wherein the sleeve and torso panel pieces of each of the first and fourth layers are joined together by a separately stitched seam to define a foldable crease therebetween. In other words, the sleeve and torso panel pieces of the first layer are joined by a first stitched seam, while the sleeve and torso panel pieces of the fourth layer are joined by a second stitched seam separate from the first stitched seam. In this regard, the same seam is not used to join the sleeve and torso panel pieces in the first layer, and the seam and torso panel pieces in the fourth layer.

The specific construction recited in Claim 1 is aimed at separating the various layers of the perspiration barrier to prevent sweat or moisture from wicking through the layers. Along these lines, the stitching used to join the sleeve and torso panel pieces of the first layer is separate from the stitching used to join the sleeve and torso panel pieces of the fourth layer to prevent moisture from passing from the first layer to the fourth layer. If a single thread was used to stitch together the first and fourth layers, it is possible that moisture could pass along the thread from the first layer to the fourth layer, thereby defeating the purpose of preventing moisture from migrating to the fourth layer. In this regard, the specific construction of the perspiration barriers as described in amended Claim 1 enhances the billowing effect achieved by the perspiration barriers as the user raises and lowers his arms, thus facilitating air circulations as assists in evaporating moisture absorbed within the perspiration barriers. In particular, the separated layers define a larger surface area over which air may be drawn to dry the perspiration barriers in a quicker, more efficient manner.

Applicant submits that the cited prior art does not disclose a perspiration barrier which defines an external surface of the garment, and which also includes a four-layer construction, wherein at least several layers are each segregated into two panel pieces joined by separate seams.

**The Cited Prior Art Does Not Show a Perspiration Barrier Defining an External Surface of the Garment**

The Examiner rejected independent Claim 1 based on the combination of Zellers, Bernard, Yanamadala and Marsh references. In particular, the Examiner appears to rely on the Zellers reference for its purported teaching of a garment having a multi-layered perspiration collecting shield. Figure 3 of the Zellers reference is reproduced below. It is important to note that Figure 3 is a view of an inside sleeve of a t-shirt having a perspiration collecting shield connected thereto. In this regard, the perspiration collecting shield does not define an external surface of the garment. Indeed, Zellers clearly indicates that the perspiration collecting shield is “sewn to the reverse side of the garment when it is manufactured.” (Column 3, Lines 20-21).



Despite the clear disclosure to the contrary, the Examiner has taken the position that the Zellers barriers “define a portion of the external surface of the garment in that they are attached to the inner side of the external surface via stitching which extends through internal and external surfaces of the garment.”

Applicant disagrees with the Examiner’s interpretation of the Zellers reference. As an initial matter, Applicant disagrees with some of the terminology used by the Examiner, particularly that the Zellers barrier is attached to the “inner side of the external surface.” Applicant submits that the “external surface” does not include “sides” (i.e., an “inner side”). Rather, the “external surface” is the outside of the garment. The garment may include an inner side (or surface) and an opposing external side (or surface). In this regard, the external surface itself does not include an inner side (or surface) as is suggested by the Examiner. Rather, by definition, the external surface is a single surface.

Furthermore, it appears that the Examiner is relying on the stitching “which extends through internal and external surfaces of the garment” for connecting the Zellers barrier to satisfy the requirement that the “perspiration barriers define a portion of the external surface of the garment.” Applicant submits that this interpretation of the Zellers teaching is

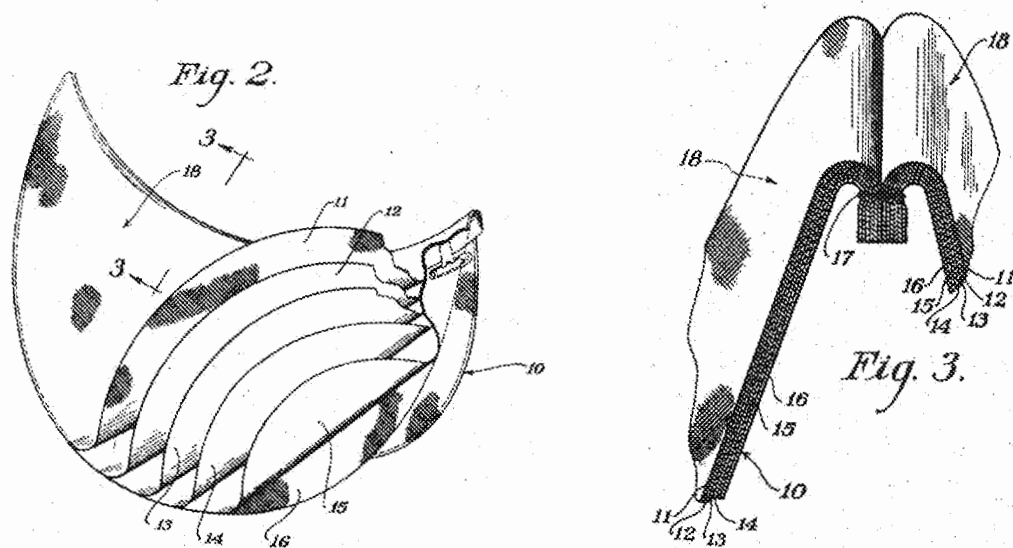
unreasonably broad, and is the result of improper hindsight reasoning. Plainly stated, the stitching is not part of the perspiration barrier. In support thereof, Applicant refers to Claim 7 of the present application, which claims the stitch as a separate element.

Therefore, Applicant submits that the Zellers reference does not disclose a perspiration barrier which defines a portion of the external surface of the garment.

**The Cited Prior Art Does Not Show a Perspiration Barrier Having Separately Stitched First and Fourth Layers**

In addition to the foregoing, Applicant submits that the cited prior art does not show a perspiration barrier wherein the sleeve panel piece and torso panel piece of each of the first and fourth layers are joined together by a separately stitched seam.

In the Office Action, the Examiner concedes that Zellers does not show a perspiration barrier wherein the sleeve panel piece and torso panel piece of each of the first and fourth layers are joined together by a separately stitched seam. The Examiner then relies on the teachings of the Marsh reference and states that "Marsh teaches a perspiration barrier as in Figures 1-3 with first through fourth layers 11-14 of a sleeve panel 18 and a torso panel stitched together at 17." (emphasis added).



Figures 2 and 3 of the Marsh reference are reproduced above, which show a disposable shield for a garment, wherein the shield includes two crescent-shaped halves 18 jointed together by a stitch 17. It is understood that the single stitch 17 passes through all of the layers of the garment, rather than separately stitched seams in the first and fourth layers, as is required by Claim 1 of the present patent application.

In particular, Claim 1 requires that the perspiration barrier include a first layer having a sleeve panel piece and a torso panel piece joined by a first seam, and a separate fourth layer having a sleeve panel piece and a torso panel piece joined by a second seam. In contrast, it is important to note that Marsh teaches a single seam 17 is used to combine to join all of the layers, and thus, a single thread extends through all of the layers of the Glatt perspiration barrier.

As noted above, if a single thread was used to stitch together the first and fourth layers, it is possible that moisture could pass along the thread from the first layer to the fourth layer, thereby defeating the purpose of preventing moisture from migrating to the fourth layer.

For the reasons set forth above, Applicant submits that independent Claim 1 is allowable, as are Claims 2-14 as being dependent upon an allowable base claim.

#### Independent Claim 15

Similar to Claim 1, independent Claim 15 recites that the first, and fourth layers of each perspiration barrier is segregated into separate sleeve and torso panel pieces, and that the pieces of the first and fourth layers are joined by separately stitched seams to define a foldable crease therebetween.

Therefore, for the reasons advanced above in relation to Claim 1, Applicant submits that independent Claim 15 is believed to be allowable, as are Claims 17-19 as being dependent upon an allowable base claim.

#### Independent Claim 20

Independent Claim 20 recites that the perspiration barriers defines a portion of the external surface of the garment. As described in more detail above in relation to Claim 1,

Application No.: 13/282,148  
Response to Office Action dated May 16, 2013  
Attorney Docket: THMTE-001A

Applicant submits that this feature is not disclosed or rendered obvious by the cited prior art.  
Thus, independent Claim 20 is also believed to be allowable.

**Conclusion**

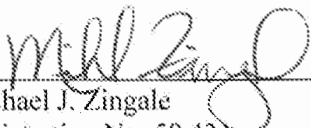
On the basis of the foregoing, the application is believed to be in condition for allowance. Entry of the amendment and issuance of a Notice of Allowance is therefore respectfully requested. Should the Examiner have any suggestions for expediting allowance of the application, the Examiner is invited to contact Applicants' representative at the telephone number listed below.

If any additional fee is required, please charge Deposit Account Number 19-4330.

Respectfully submitted,

Date: 8/15/13

By:

  
\_\_\_\_\_  
Michael J. Zingale  
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STETINA BRUNDA GARRED & BRUCKER  
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Fax: (949) 855-6371

Customer No.: 007663

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Electronic Acknowledgement Receipt	
<b>EFS ID:</b>	16600207
<b>Application Number:</b>	13282148
<b>International Application Number:</b>	
<b>Confirmation Number:</b>	4873
<b>Title of Invention:</b>	GARMENT HAVING INTEGRATED PERSPIRATION BARRIERS
<b>First Named Inventor/Applicant Name:</b>	WILLIAM THOMPSON
<b>Customer Number:</b>	7663
<b>Filer:</b>	Michael J. Zingale
<b>Filer Authorized By:</b>	
<b>Attorney Docket Number:</b>	THMTE-001A
<b>Receipt Date:</b>	15-AUG-2013
<b>Filing Date:</b>	26-OCT-2011
<b>Time Stamp:</b>	14:44:26
<b>Application Type:</b>	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		Response_OA_08152013.pdf	4194165	yes	13
			998635373681e27ffc4b1f0acfc1b1ccdda8011a		

	Multipart Description/PDF files in .zip description		
	Document Description	Start	End
	Response After Final Action	1	1
	Claims	2	5
	Applicant Arguments/Remarks Made in an Amendment	6	13
Warnings:			
Information:			
Total Files Size (in bytes):		4194165	
<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><b><u>New Applications Under 35 U.S.C. 111</u></b> 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><b><u>National Stage of an International Application under 35 U.S.C. 371</u></b> 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><b><u>New International Application Filed with the USPTO as a Receiving Office</u></b> 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>			

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.

<b>PATENT APPLICATION FEE DETERMINATION RECORD</b> Substitute for Form PTO-875				Application or Docket Number <b>13/282,148</b>		Filing Date <b>10/26/2011</b>		<input type="checkbox"/> To be Mailed	
ENTITY: <input type="checkbox"/> LARGE <input checked="" type="checkbox"/> SMALL <input type="checkbox"/> MICRO									
<b>APPLICATION AS FILED – PART I</b>									
(Column 1)		(Column 2)							
FOR		NUMBER FILED		NUMBER EXTRA		RATE (\$)		FEE (\$)	
<input type="checkbox"/> BASIC FEE (37 CFR 1.16(a), (b), or (c))		N/A		N/A		N/A			
<input type="checkbox"/> SEARCH FEE (37 CFR 1.16(k), (l), or (m))		N/A		N/A		N/A			
<input type="checkbox"/> EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))		N/A		N/A		N/A			
TOTAL CLAIMS (37 CFR 1.16(j))		minus 20 =		*		X \$ =			
INDEPENDENT CLAIMS (37 CFR 1.16(h))		minus 3 =		*		X \$ =			
<input type="checkbox"/> APPLICATION SIZE FEE (37 CFR 1.16(s))		If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$310 (\$155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).							
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))									
* If the difference in column 1 is less than zero, enter "0" in column 2.						TOTAL			
<b>APPLICATION AS AMENDED – PART II</b>									
(Column 1)		(Column 2)		(Column 3)					
<b>AMENDMENT</b>	<b>08/15/2013</b>		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)		ADDITIONAL FEE (\$)
	Total (37 CFR 1.16(i))		* 20	Minus	** 20	= 0	X \$40 =		0
	Independent (37 CFR 1.16(h))		* 3	Minus	***3	= 0	X \$210 =		0
	<input type="checkbox"/> Application Size Fee (37 CFR 1.16(s))								
	<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))								
						TOTAL ADD'L FEE		<b>0</b>	
(Column 1)		(Column 2)		(Column 3)					
<b>AMENDMENT</b>			CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)		ADDITIONAL FEE (\$)
	Total (37 CFR 1.16(i))		*	Minus	**	=	X \$ =		
	Independent (37 CFR 1.16(h))		*	Minus	***	=	X \$ =		
	<input type="checkbox"/> Application Size Fee (37 CFR 1.16(s))								
	<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))								
						TOTAL ADD'L FEE			
<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>									

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

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



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/282,148	10/26/2011	WILLIAM THOMPSON	THMTE-001A	4873

7663 7590 05/16/2013  
STETINA BRUNDA GARRED & BRUCKER  
75 ENTERPRISE, SUITE 250  
ALISO VIEJO, CA 92656

EXAMINER
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MORAN, KATHERINE M

ART UNIT	PAPER NUMBER
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3765

MAIL DATE	DELIVERY MODE
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05/16/2013

PAPER

**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.

<b>Office Action Summary</b>	<b>Application No.</b> 13/282,148	<b>Applicant(s)</b> THOMPSON ET AL.	
	<b>Examiner</b> KATHERINE MORAN	<b>Art Unit</b> 3765	<b>AIA (First Inventor to File) Status</b> No

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

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 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 20 February 2013.  
☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on \_\_\_\_; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 5) ☒ Claim(s) 1-20 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.

\* If any claims have been determined allowable, you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see [http://www.uspto.gov/patents/init\\_events/pph/index.jsp](http://www.uspto.gov/patents/init_events/pph/index.jsp) or send an inquiry to [PPHfeedback@uspto.gov](mailto:PPHfeedback@uspto.gov).

#### Application Papers

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☒ The drawing(s) filed on 26 October 2011 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

##### Certified copies:

- a) ☐ All    b) ☐ Some \*    c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

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

##### Interim copies:

- a) ☐ All    b) ☐ Some    c) ☐ None of the: Interim copies of the priority documents have been received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 3) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 4) <input type="checkbox"/> Other: ____.  |

**DETAILED ACTION**

***Response to Amendment***

Applicant's response of 2/20/13 has been received and reviewed. Claims 1, 8, 12, 15, 16, and 20 are amended, claims 1-20 are pending. An amendment to the specification was also received.

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of 35 U.S.C. 112(a):  
(a) IN GENERAL.—The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same, and shall set forth the best mode contemplated by the inventor or joint inventor of carrying out the invention.

The following is a quotation of 35 U.S.C. 112 (pre-AIA), first paragraph:  
The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1-14 and 20 are rejected under 35 U.S.C. 112(a) or 35 U.S.C. 112 (pre-AIA), first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor or a joint inventor, or for pre-AIA the inventor(s), at the time the application was filed, had possession of the claimed invention. Claims 1 and 20 recite "a pair of perspiration barriers which are not integral with but are coupled to the torso portion....". The phrase "not integral" appears to be in conflict with the specification which includes multiple

disclosures of the barriers as integral with the garment, as in paragraphs 9, 10, 19, 26 which discuss the barriers as integrated into the garment.

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 1, 4-8, and 11-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zellers (U.S. 6,591,425) in view of Bernard et al. (U.S. 2006/0288463) and Yanamadala (U.S. 2006/0150294) and Marsh (U.S. 2,005,232). Zellers discloses the invention substantially as claimed. Zellers teaches a garment 6a comprising a torso portion fabricated from 100% cotton material, a pair of sleeve portions fabricated from the garment material, the sleeve portions attached to and extending from the torso portion and a pair of perspiration barriers which are not integral with but are coupled to the torso portion and respective ones of the sleeve portions such that each of the barriers defines a portion of the external surface of the garment. The barriers define a portion of the external surface of the garment in that they are attached to the inner side of the external surface via stitching which extends through internal and external surfaces of the garment. Each of the barriers comprising a second layer 15c fabricated from a terry cloth/loosely woven material (terry cloth is woven material and is considered loosely woven), second layer adhesively bonded to a third layer 16c disposed adjacent the second layer and fabricated from a hydrophilic material and a fourth layer 14c disposed adjacent the second layer and fabricated from the garment material or a material which is aesthetically compatible to that used to fabricate the garment. However, Zellers doesn't teach each of the first, second, third, and fourth

layers are joined to each other and to the torso and sleeve portions of the garment via a peripheral overlock stitch. Zellers shows the barriers stitched with the garment 6a as shown in Figures 4 and 5. An overlock stitch is a strong stitch which connects two fabric edges, prevents fraying, and is used for reinforcement, construction, or decoration. One of ordinary skill could have chosen this particular stitch to prevent compromise of the seam region of the shirt. Zellers also doesn't teach the overlock stitch is covered by a cover stitch. This is considered a design choice in that the numbers of threads used in the stitching and the type of stitching may be chosen as desired to provide an aesthetic or structural effect. However, Zellers doesn't teach a first layer of fabricated cotton material. Bernard teaches a multi layered pad 2, including a first layer 14 formed of 100% cotton material such that the first layer is disposed adjacent the skin. Bernard teaches that this material is comfortable to the user's skin. The modified garment of Zellers would then have the second layer adjacent to the first layer. Zellers also doesn't teach the third layer is formed from a hydrophilic breathable film. Yanamadala teaches an absorbing liner including a layer 50 of water impervious/vapor pervious (breathable) polyethylene film. Paragraph 13 discusses that this layer prevents heat build-up. Zellers also doesn't teach at least the first and fourth layers/each of the first, second, third, and fourth layers of each of the barriers is segregated into a sleeve panel piece and a torso panel piece, the sleeve panel piece and torso panel piece of each layer being joined together by a separately stitched seam to define a foldable crease therebetween. Marsh teaches a perspiration barrier as in Figures 1-3 with first through fourth layers 11-14 of a sleeve panel 18 and a torso panel 18 stitched together at 17. Marsh teaches that



attaching at their respective upper and concave peripheral edge portions provides a barrier which may be spread apart, with the seams positioned towards the garment. It is noted that there the function of the barrier is unaffected whether the barrier is formed from one piece without a seam or from two pieces stitched together to form a seam at a central region of the barrier. Therefore, it would have been obvious to provide Zeller's shirt garment with a first layer formed of cotton material in that cotton is known to be comfortable against the skin. It also would have been obvious to modify Zeller to provide the third layer as a breathable film in that Yanamadala teaches this prevents heat buildup between the barrier 10 and the wearer. It also would have been obvious to modify Zellers to join the sleeve panel piece and torso panel piece of each of the first and fourth/first through fourth layers by a separately stitched seam to define a foldable crease therebetween to provide a barrier where the two layers may be spread apart at the seam crease to fit into an underarm of a garment.

5. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Zellers in view of Bernard and Yanamadala and Marsh as applied to claim 1 above, and further in view of Hale (U.S. 4,603,440). Zellers discloses the invention substantially as claimed. However, Zellers doesn't teach the terry cloth material is formed from a blend of about 80% cotton and about 20% polyester. Hale teaches that terry cloth having a composition of 80% cotton and 20% polyester is known as a desirable blend which has positive absorbency and air circulation qualities. Therefore, it would have been obvious to form Zellers' terry cloth of about 80% cotton and about 20% polyester to provide an absorbent terry cloth composition which also allows for air flow.

6. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Zellers in view of Bernard and Yanamadala and Marsh as applied to claim 1 above, and further in view of Conway (U.S. 5,778,457). Zeller discloses the invention substantially as claimed. However, Zellers doesn't teach the breathable film is polyurethane. Conway teaches a layered absorbing device including a hydrophobic polyurethane film 52 as a fluid barrier. Therefore, it would have been obvious to modify Zellers' film layer to form from polyurethane in that polyurethane is known as a widely available fluid barrier.

7. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Zellers in view of Bernard and Yanamadala and Marsh as applied to claim 8 above, and further in view of Jones (U.S. 4,393,521). Zellers discloses the invention substantially as claimed. Zellers' modified barrier includes a torso panel piece with a generally semi-circular configuration defining a non-arcuate peripheral edge segment and the crease extends along the base segment of the sleeve panel piece and along the non-arcuate peripheral edge segment of the torso panel piece. However, Zellers doesn't teach the sleeve panel piece has a generally trapezoidal configuration defining a base segment of greatest length. Jones teaches a perspiration barrier with a sleeve panel piece with a generally trapezoidal configuration defining a base segment of greatest length. Jones teaches that the trapezoidal configuration lends itself to efficient manufacturing and production and also provides a shape which better conforms to the shape of the underarm and is less noticeable due to the reduced width. Therefore, it would have been obvious to modify Zellers' sleeve panel piece to provide a generally trapezoidal configuration to

assist in manufacturing and is less noticeable in that the width of the panel piece decreases as it extends away from the armpit.

8. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Zellers in view of Bernard and Yanamadala and Marsh as applied to claim 8 above, and further in view of Mayer et al. (U.S. 2006/0168704). Zellers discloses the invention substantially as claimed. However, Zellers doesn't teach each of the sleeve portions defines a distal end and the sleeve panel pieces of each of the barriers extend to the distal end of a respective one of the sleeve portions. Mayer teaches a shirt with sleeve portions 8 having barriers 10,10' which extend to a distal end 9 of each sleeve. Mayer teaches in par. 22 that this allows for the barrier to be secured against the inside surface of the sleeve and is inconspicuous. Therefore, it would have been obvious to modify Zellers such that the barriers extend to the distal end of a respective one of the sleeve portions so that the barrier is held in the proper position and is less conspicuous when looking at the garment, in that the edge is not visible.

### ***Response to Arguments***

9. Applicant's arguments with respect to claims 1-20 have been considered but are moot because the rejections have been revised as necessitated by the claim amendments.

### ***Conclusion***

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

/KATHERINE MORAN/

Primary Examiner, Art Unit 3765

<b>Notice of References Cited</b>	Application/Control No. 13/282,148	Applicant(s)/Patent Under Reexamination THOMPSON ET AL.	
	Examiner KATHERINE MORAN	Art Unit 3765	Page 1 of 1

**U.S. PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-2,005,232	06-1935	MARSH HARRY V	2/53
	B	US-			
	C	US-			
	D	US-			
	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)
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	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.

<b><i>Index of Claims</i></b>  	<b>Application/Control No.</b>  13282148	<b>Applicant(s)/Patent Under Reexamination</b>  THOMPSON ET AL.
	<b>Examiner</b>  KATHERINE MORAN	<b>Art Unit</b>  3765

✓	<b>Rejected</b>	-	<b>Cancelled</b>	N	<b>Non-Elected</b>	A	<b>Appeal</b>
=	<b>Allowed</b>	÷	<b>Restricted</b>	I	<b>Interference</b>	O	<b>Objected</b>

<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			
CLAIM		DATE													
Final	Original	11/15/2012	05/14/2013												
	1	✓	✓												
	2	✓	✓												
	3	✓	✓												
	4	✓	✓												
	5	✓	✓												
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	17	✓	✓												
	18	✓	✓												
	19	✓	✓												
	20	✓	✓												

<b>Search Notes</b>  	<b>Application/Control No.</b>  13282148	<b>Applicant(s)/Patent Under Reexamination</b>  THOMPSON ET AL.
	<b>Examiner</b>  KATHERINE MORAN	<b>Art Unit</b>  3765

CPC- SEARCHED		
Symbol	Date	Examiner

CPC COMBINATION SETS - SEARCHED		
Symbol	Date	Examiner

US CLASSIFICATION SEARCHED			
Class	Subclass	Date	Examiner
2	53-55,78.1,105,113,115	11/14/12	KM
updated		5/14/13	KM

SEARCH NOTES		
Search Notes	Date	Examiner
EAST search, inventorship searched	11/14/12	KM

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

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Application No.: 13/282,148  
Response to Office Action dated November 20, 2012  
Attorney Docket: THMTE-001A

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

Applicants:	William Thompson	)	Confirmation No.	4873
		)		
Serial No.:	13/282,148	)	Art Unit:	3765
		)		
Filed:	October 26, 2011	)	Examiner:	Moran,
		)		Katherine M
For:	GARMENT HAVING INTEGRATED	)		
	PERSPIRATION BARRIERS	)		

**APPLICANT'S AMENDMENT IN RESPONSE TO OFFICE ACTION**

Mail Stop Non-Fee Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Madam:

In response to the Office Action of November 20, 2012, please amend the above-identified application as follows:

*Amendments to the Specification* begin on Page 2 of this paper;

*Amendments to the Claims* begin on Page 3 of this paper; and

*Remarks* begin on Page 7 of this paper.



**Amendments to the Specification:**

Please amend paragraph [0020] of the Specification as indicated below:

**[0020]** As indicated above, each perspiration barrier 20 is provided with a four-layer construction. More particularly, as seen in Figure 4, each perspiration barrier comprise a first layer 26 which will normally be in direct contact with the skin in the underarm of the wearer of the garment 10. As such, the first layer 26 is preferably fabricated from 100% cotton to provide an increased level of comfort to the wearer. The use cotton material of the first layer 26 is advantageous due to the ability of odor molecules emanating from the wearer's skin to easily break away from the cotton fibers, thus combating odor issues. Positioned against the first layer 26 is a second layer 28 which is, according to one embodiment, is formed from a loosely woven material, preferably a terry-cloth material fabricated from 80%-20% cotton/polyester blend. As will also be discussed in more detail below, the "loop" design of the terry-cloth material used for the second layer 28 facilitates better airflow through the fully fabricated perspiration barrier 20, thus enhancing an evaporative cooling effect provided thereby.

A clean version of amended paragraph [0020] of the Specification is reproduced below:

**[0020]** As indicated above, each perspiration barrier 20 is provided with a four-layer construction. More particularly, as seen in Figure 4, each perspiration barrier comprise a first layer 26 which will normally be in direct contact with the skin in the underarm of the wearer of the garment 10. As such, the first layer 26 is preferably fabricated from 100% cotton to provide an increased level of comfort to the wearer. The use cotton material of the first layer 26 is advantageous due to the ability of odor molecules emanating from the wearer's skin to easily break away from the cotton fibers, thus combating odor issues. Positioned against the first layer 26 is a second layer 28 which, according to one embodiment, is formed from a loosely woven material, preferably a terry-cloth material fabricated from 80%-20% cotton/polyester blend. As will also be discussed in more detail below, the "loop" design of the terry-cloth material used for the second layer 28 facilitates better airflow through the fully fabricated perspiration barrier 20, thus enhancing an evaporative cooling effect provided thereby.

**Amendments to the Claims:**

1. (Currently Amended) A garment having an external surface, the garment comprising:

a torso portion fabricated from a prescribed garment material;

a pair of sleeve portions fabricated from the garment material, the sleeve portions being attached to and extending from the torso portion; and

a pair of perspiration barriers ~~integrated into~~ which are not integral with but are coupled to the torso portion and respective ones of the sleeve portions such that each of the perspiration barriers defines a portion of the external surface of the garment, each of the perspiration barriers comprising:

a first layer fabricated from a cotton material;

a second layer disposed adjacent the first layer and fabricated from a terry cloth material;

a third layer disposed adjacent the second layer and fabricated from a hydrophilic breathable film; and

a fourth layer disposed adjacent the second layer and fabricated from the garment material;

wherein at least the first and fourth layers of each of the perspiration barriers is segregated into a sleeve panel piece and a torso panel piece, the sleeve panel piece and torso panel piece of each of the first and fourth layers being joined together by a separately stitched seam to define a foldable crease therebetween.

2. (Original) The garment of Claim 1 wherein the terry cloth material is fabricated from a blend of about 80% cotton and about 20% polyester.

3. (Original) The garment of Claim 1 wherein the hydrophilic breathable film is fabricated from polyurethane.

4. (Original) The garment of Claim 1 wherein the garment material is fabricated from a cotton material.

5. (Original) The garment of Claim 1 wherein the first layer is fabricated from a 100% cotton material.

6. (Original) The garment of Claim 1 wherein the second and third layers are joined to each other via an adhesive bond.

7. (Original) The garment of Claim 6 wherein the first, second, third and fourth layers are joined to each other and to the torso and sleeve portions of the garment via a peripheral overlock stitch.

8. (Currently Amended) The garment of Claim 7 wherein each of the first, second, third and fourth layers of each of the perspiration barriers is segregated into a sleeve panel piece and a torso panel piece ~~which are attached to each other via a segment of stitching which defines~~ the sleeve panel piece and torso panel piece of each of the first, second, third and fourth layers being joined together by a separately stitched seam to define a foldable crease therebetween.

9. (Original) The garment of Claim 8 wherein:

the sleeve panel piece of each of the first, second, third and fourth layers has a generally trapezoidal configuration defining a peripheral base segment of greatest length;

the torso panel piece of each of the first, second, third and fourth layers has a generally semi-circular configuration defining a non-arcuate peripheral edge segment; and

the crease extends along the base segment of the sleeve panel piece and along the non-arcuate peripheral edge segment of the torso panel piece.

10. (Original) The garment of Claim 8 wherein each of the sleeve portions defines a distal end and the sleeve panel pieces of each of the perspiration barriers extend to the distal end of a respective one of the sleeve portions.

11. (Original) The garment of Claim 8 wherein each of the perspiration barriers is attached to the torso portion and a respective one of the sleeve portions via a peripheral overlock stitch.

12. (Currently Amended) The garment of Claim 1 wherein each of the first, second, third and fourth layers of each of the perspiration barriers is segregated into a sleeve panel piece and a torso panel piece ~~which are attached to each other via a segment of stitching which defines, the sleeve panel piece and torso panel piece of each of the first, second, third and fourth layers being joined together by a separately stitched seam to~~ define a foldable crease therebetween.

13. (Original) The garment of Claim 1 wherein each of the perspiration barriers is attached to the torso portion and a respective one of the sleeve portions via a peripheral overlock stitch.

14. (Original) The garment of Claim 13 wherein the overlock stitch is covered by a cover stitch.

15. (Currently Amended) A garment, comprising:

a pair of perspiration barriers integrated into respective ones of a pair of underarm areas of the garment, each of the perspiration barriers comprising:

a first layer fabricated from a cotton material;

a second layer disposed adjacent the first layer and fabricated from a terry cloth material;

a third layer disposed adjacent the second layer and fabricated from a hydrophilic breathable film; and

a fourth layer disposed adjacent the second layer ~~and fabricated from a material which is aesthetically compatible to that used to fabricate the garment;~~

wherein at least the first and fourth layers of each of the perspiration barriers is segregated into a sleeve panel piece and a torso panel piece, the sleeve panel piece and torso panel piece of each of the first and fourth layers being joined together by a separately stitched seam to define a foldable crease therebetween.

16. (Currently Amended) The garment of Claim 15 wherein each of the first, second, third and fourth layers of each of the perspiration barriers is segregated into a pair of panel pieces ~~which are attached to each other via a segment of stitching which defines~~ sleeve

panel piece and a torso panel piece, the sleeve panel piece and torso panel piece of each of the first, second, third and fourth layers being joined together by a separately stitched seam to define a foldable crease therebetween

17. (Original) The garment of Claim 15 wherein the second and third layers are joined to each other via an adhesive bond.

18. (Original) The garment of Claim 17 wherein the first, second, third and fourth layers are joined to each other and to the torso and sleeve portions of the garment via a peripheral overlock stitch.

19. (Original) The garment of Claim 18 wherein the overlock stitch is covered by a cover stitch.

20. (Currently Amended) A garment, comprising:  
a torso portion;  
a pair of sleeve portions attached to and extending from the torso portion in opposed relation to each other; and

a pair of perspiration barriers ~~integrated into~~ which are not integral with but are coupled to the torso portion and respective ones of the sleeve portions such that each of the perspiration barriers defines a portion of the external surface of the garment. each of the perspiration barriers comprising:

a first layer fabricated from a soft, pliable material adapted to permit the transmission of moisture therethrough;

a second layer disposed adjacent the first layer and fabricated from a loosely woven material;

a third layer disposed adjacent the second layer and fabricated from a hydrophilic breathable film; and

a fourth layer disposed adjacent the second layer ~~and fabricated from a material which is aesthetically compatible to that used to fabricate the garment.~~

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Attorney Docket: THMTE-001A

### REMARKS

The foregoing Amendment and remarks that follow are responsive to the initial, non-final Office Action dated November 20, 2012.

#### Summary of Office Action

In the Office Action, the Examiner objected to the Specification as failing to provide proper antecedent basis for the subject matter in Claim 20. Furthermore, Claims 15-20 were rejected under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. The Examiner rejected Claims 1, 4-7, 13-15, and 17-20 under 35 USC § 103(a) as being unpatentable over the Zellers reference (U.S. Patent No. 6,591,425) in view of the Bernard et al. reference (U.S. Patent Publication No. 2006/0288463) and the Yanamadala reference (U.S. Patent Publication No. 2006/0150294). The Examiner additionally rejected Claim 2 under Section 103(a) as being unpatentable over Zellers in view of Bernard and Yanamadala as applied to Claim 1 and further in view of the Hale reference (U.S. Patent No. 4,603,440). Claim 3 was rejected under Section 103(a) as being unpatentable over Zellers in view of Bernard and Yanamadala as applied to Claim 1 and further in view of the Conway reference (U.S. Patent No. 5,778,457). Claims 8, 11, 12 and 16 were rejected under Section 103(a) as being unpatentable over Zellers in view of Bernard and Yanamadala as applied to Claims 1 and 15 and further in view of the Glatt reference (U.S. Patent No. 3,588,916). The Examiner rejected Claim 9 under Section 103(a) as being unpatentable over Zellers in view of Bernard, Yanamadala and Glatt as applied to Claim 8, and further in view of the Jones reference (U.S. Patent No. 4,393,521). Finally, Claim 10 was rejected under Section 103(a) as being unpatentable over Zellers in view of Bernard, Yanamadala and Glatt as applied to Claim 8 and further in view of the Mayer et al. reference (U.S. Patent Publication No. 2006/0168704).

**Response to Specification Objection**

The Examiner objected to the Specification on the grounds that it does not provide proper antecedent basis for the subject matter of Claim 20, specifically that the second layer is fabricated from loosely woven material.

By this response, Applicant has amended the Specification, specifically Paragraph [0020], to provide proper antecedent support for the "loosely woven material" language recited in Claim 20. Therefore, the Examiner's objection to the Specification is believed to be overcome.

**Response to 35 USC § 112 Rejections**

The Examiner rejected Claims 15-20 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. In particular, the Examiner noted that Claims 15 and 20 recite "a fourth layer...fabricated from a material which is aesthetically compatible to that used to fabricate the garment," and asserted that the phrase "aesthetically compatible" is indefinite.

Therefore, Applicant has deleted the phrase "aesthetically compatible" from Claims 15 and 20. As such the outstanding rejection under 35 U.S.C. § 112 is believed to be overcome.

**Response to 35 USC § 103 Rejections**

Amended independent Claim 1 is directed to a garment having a pair of perspiration barriers integrated therein. Each perspiration barrier generally includes first, second, third, and fourth layers. Claim 1 further specifies that at least the first and fourth layers are segregated into a sleeve panel piece and a torso panel piece, wherein the sleeve and torso panel pieces of each of the first and fourth layers are joined together by a separately stitched seam to define a foldable crease therebetween. In other words, the sleeve and torso panel pieces of the first layer are joined by a first stitched seam, while the sleeve and torso panel pieces of the fourth layer are joined by a second stitched seam separate from the first stitched seam.

The specific construction recited in Claim 1 is aimed at separating the various layers of the perspiration barrier to prevent sweat or moisture from wicking through the layers. Along these lines, the stitching used to join the sleeve and torso panel pieces of the first layer is separate from the stitching used to join the sleeve and torso panel pieces of the fourth layer to prevent moisture from passing from the first layer to the fourth layer. If a single thread was used to stitch together the first and fourth layers, it is possible that moisture could pass along the thread from the first layer to the fourth layer, thereby defeating the purpose of preventing moisture from migrating to the fourth layer. In this regard, the specific construction of the perspiration barriers as described in amended Claim 1 enhances the billowing effect achieved by the perspiration barriers as the user raises and lowers his arms, thus facilitating air circulations as assists in evaporating moisture absorbed within the perspiration barriers. In particular, the separated layers define a larger surface area over which air may be drawn to dry the perspiration barriers in a quicker, more efficient manner.

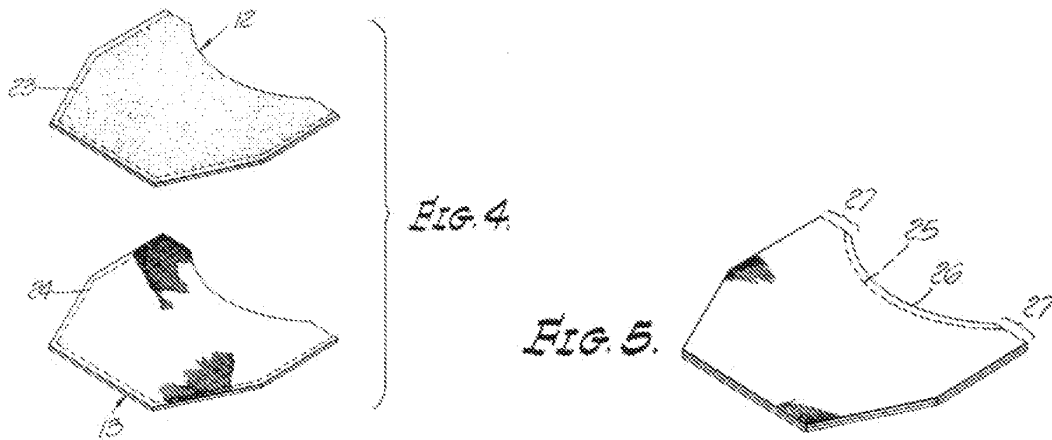
Applicant submits that the cited prior art does not disclose a perspiration barrier having a four-layer construction, wherein at least several layers are each segregated into two panel pieces joined by separate seams.

The primary references relied on by the Examiner include the Zellers, Bernard and Yanamadala references. In particular, the Examiner appears to rely on the Zellers reference for its purported teaching of a garment having a multi-layered perspiration collecting shield. Importantly, each layer of the Zellers shield is formed from a single piece of fabric, which is distinguishable from the segregated panel construction recited in amended independent Claim 1. Furthermore, it is important to note that the Zellers garment comprises a t-shirt to which the perspiration collecting shield is sewn on the inside thereof. (See Column 3, Lines 19-21; Column 3, Lines 39-41; and Column 4, Lines 13-15).

The Examiner concedes that the Zellers reference does not disclose a first layer fabricated from a 100% cotton material, and thus relies on the teachings of the Bernard reference, which relates to a garment accessory attachable to an outer garment to provide comfort and protection to the person wearing the garment. The Yanamadala reference is relied upon by the Examiner for its alleged teaching of a layer formed of hydrophilic breathable film.



The Zellers, Bernard and Yanamadala references do not disclose a perspiration barrier having several layers, wherein the first and fourth layers are formed from separate panel pieces. Rather, the Examiner additionally relies upon the Glatt reference in combination with Zellers, Bernard and Yanamadala to reject Claim 8, which recites that each of the layers is segregated into separate torso and sleeve panel pieces. The Examiner specifically relies upon Glatt for its purported disclose of a perspiration barrier formed of several layers, wherein each layer is segregated into a sleeve panel piece and a torso panel piece. Reference is now made to Figures 4 and 5 of the Glatt reference, reproduced below.



The Glatt perspiration barrier includes halves 12, 13, which are formed from a multi-layer construction. Glatt describes construction of the perspiration barrier in Column 3, Lines 49-57, which are reproduced below for the Examiner's convenience.

*Each of the halves 12 and 13 are preferably stitched along the margins as at 23 and 24, by means of which the component parts of each shield half are secured together. One half, 12, is then disposed in registry onto the other half 13, with the layers 15 of each in contacting relation. Then, as shown best in FIG. 5, the two halves are sewn together as at 25 by a line of sewing which extends along the arcuate portion 26.*

In this regard, Applicant submits that it is important to note that a single seam 25 is used to combine the halves 12, 13, and thus, a single thread extends through all of the layers of the Glatt perspiration barrier.

In contrast, Claim 1 specifies that the segregated pieces of the first and fourth layers (i.e., the outermost layers) are stitched by separate seams. In this regard, the threads used to stitch together the first layer are separate from the threads used to stitch together the pieces of the fourth layer. As noted above, the unique seaming of the various layers allows the multi-layered construction to uniquely achieve a billowing effect as the wearer moves his arms. The single seam used in the Glatt perspiration barrier prevents a billowing effect since each layer is seamed around the periphery, as well as down the middle (i.e., at 25). Therefore, even if the references were combined as proposed by the Examiner, the resultant combination would not yield the presently claimed invention.

Another distinction between the cited prior art and the claimed invention relates to the placement of the perspiration barriers within the garment. In particular, Claim 1 recites that the perspiration barriers are not integral with but are coupled to the torso portion and respective ones of the sleeve portions such that each of the perspiration barriers defines a portion of the external surface of the garment. The unique position and configuration of the claimed perspiration barrier is again directed at enhancing the billowing effect to quickly and efficiently air dry the perspiration barrier. Most of the prior art devices are pads which are either permanently sewn to an inner surface of an existing garment, or a disposable pad which is temporarily adhered to the inner surface of the garment. None of the cited prior art references disclose a garment having a separate perspiration barrier which defines a portion of the external surface of the garment. In this regard, the unique construction of the garment further distinguishes the claimed invention from the cited prior art.

For the reasons set forth above, Applicant submits that independent Claim 1 is allowable, as are Claims 2-14 as being dependent upon an allowable base claim.

Independent Claim 15

By this response, Applicant has amended independent Claim 15 to recite that the first, and fourth layers of each perspiration barrier is segregated into separate sleeve and torso

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Attorney Docket: THMTE-001A

panel pieces, and that the pieces of the first and fourth layers are joined by separately stitched seams to define a foldable crease therebetween.

As explained above in relation to Claim 1, Applicant submits that the cited prior art is silent in relation to this feature. Therefore, independent Claim 15 is believed to be allowable, as are Claims 17-19 as being dependent upon an allowable base claim.

Independent Claim 20

Applicant has amended Claim 20 to recite the feature of the garment wherein the perspiration barriers are not integral with but are coupled to the torso portion and respective ones of the sleeve portions such that each of the perspiration barriers defines a portion of the external surface of the garment. As described in more detail above in relation to Claim 1, Applicant submits that this feature is not disclosed or rendered obvious by the cited prior art. Thus, independent Claim 20 is also believed to be allowable.

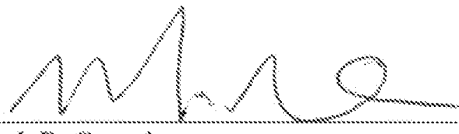
Conclusion

On the basis of the foregoing, the application is believed to be in condition for allowance. Entry of the amendment and issuance of a Notice of Allowance is therefore respectfully requested. Should the Examiner have any suggestions for expediting allowance of the application, the Examiner is invited to contact Applicants' representative at the telephone number listed below.

If any additional fee is required, please charge Deposit Account Number 19-4330.

Respectfully submitted,

Date: 2/20/13

By: 

Customer No.: 007663

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## Electronic Acknowledgement Receipt

<b>EFS ID:</b>	15006936
<b>Application Number:</b>	13282148
<b>International Application Number:</b>	
<b>Confirmation Number:</b>	4873
<b>Title of Invention:</b>	GARMENT HAVING INTEGRATED PERSPIRATION BARRIERS
<b>First Named Inventor/Applicant Name:</b>	WILLIAM THOMPSON
<b>Customer Number:</b>	7663
<b>Filer:</b>	Mark B. Garred
<b>Filer Authorized By:</b>	
<b>Attorney Docket Number:</b>	THMTE-001A
<b>Receipt Date:</b>	20-FEB-2013
<b>Filing Date:</b>	26-OCT-2011
<b>Time Stamp:</b>	17:49:41
<b>Application Type:</b>	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		Amendment_filed_20Feb2013.pdf	1932037 56b3a304eea9a62d59d2c0831af5a4c90d0afb2a8	yes	12

Multipart Description/PDF files in .zip description			
	Document Description	Start	End
	Amendment/Req. Reconsideration-After Non-Final Reject	1	1
	Specification	2	2
	Claims	3	6
	Applicant Arguments/Remarks Made in an Amendment	7	12
<b>Warnings:</b>			
<b>Information:</b>			
Total Files Size (in bytes):		1932037	
<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><b><u>New Applications Under 35 U.S.C. 111</u></b>  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><b><u>National Stage of an International Application under 35 U.S.C. 371</u></b>  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><b><u>New International Application Filed with the USPTO as a Receiving Office</u></b>  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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<b>PATENT APPLICATION FEE DETERMINATION RECORD</b> Substitute for Form PTO-875					Application or Docket Number <b>13/282,148</b>		Filing Date <b>10/26/2011</b>		<input type="checkbox"/> To be Mailed		
<b>APPLICATION AS FILED – PART I</b>											
(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 \$ =				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.											
<b>APPLICATION AS AMENDED – PART II</b>											
(Column 1)			(Column 2)			(Column 3)			SMALL ENTITY OR OTHER THAN SMALL ENTITY		
<b>AMENDMENT</b>	<b>02/20/2013</b>	CLAIMS REMAINING AFTER AMENDMENT		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 \$31 =	0			X \$ =	
	Independent (37 CFR 1.16(h))	* 3	Minus	***3	= 0	X \$125 =	0			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))									OR	
						TOTAL ADD'L FEE	<b>0</b>			TOTAL ADD'L FEE	
<b>AMENDMENT</b>		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	OR		RATE (\$)	ADDITIONAL FEE (\$)
	Total (37 CFR 1.16(i))	*	Minus	**	=	X \$ =				X \$ =	
	Independent (37 CFR 1.16(h))	*	Minus	***	=	X \$ =				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))									OR	
						TOTAL ADD'L FEE				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:  
/NICOLE C. LAWRENCE/

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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/282,148	10/26/2011	WILLIAM THOMPSON	THMTE-001A	4873

7663 7590 11/20/2012  
STETINA BRUNDA GARRED & BRUCKER  
75 ENTERPRISE, SUITE 250  
ALISO VIEJO, CA 92656

EXAMINER
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MORAN, KATHERINE M

ART UNIT	PAPER NUMBER
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3765

MAIL DATE	DELIVERY MODE
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11/20/2012

PAPER

**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.

<b>Office Action Summary</b>	<b>Application No.</b> 13/282,148	<b>Applicant(s)</b> THOMPSON ET AL.	
	<b>Examiner</b> KATHERINE MORAN	<b>Art Unit</b> 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 26 October 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.

\* If any claims have been determined allowable, you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see [http://www.uspto.gov/patents/init\\_events/pph/index.jsp](http://www.uspto.gov/patents/init_events/pph/index.jsp) or send an inquiry to [PPHfeedback@uspto.gov](mailto:PPHfeedback@uspto.gov).

**Application Papers**

10) ☒ The specification is objected to by the Examiner.

11) ☒ The drawing(s) filed on 26 October 2011 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

**Priority under 35 U.S.C. § 119**

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
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) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 11/17/11, 5/14/12.

3) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.

4) ☐ Other: \_\_\_\_.



**DETAILED ACTION**

***Specification***

1. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: Claim 20 recites the second layer fabricated from loosely woven material.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 15-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 15 and 20 recite “a fourth layer...fabricated from a material which is aesthetically compatible to that used to fabricate the garment.” This is indefinite in that the material used to fabricate the garment is not claimed or known since the garment is not set forth as formed from a material. Further, the phrase “aesthetically compatible” is indefinite in that aesthetics are subjective. A material which is considered aesthetically compatible by one person may not be considered aesthetically compatible by another.

***Claim Rejections - 35 USC § 103***

4. 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.

5. Claims 1, 4-7, 13-15, and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zellers (U.S. 6,591,425) in view of Bernard et al. (U.S. 2006/0288463) and Yanamadala (U.S. 2006/0150294). Zellers discloses the invention substantially as claimed. Zellers teaches a garment 6a comprising a torso portion fabricated from 100% cotton material, a pair of sleeve portions fabricated from the garment material, the sleeve portions attached to and extending from the torso portion and a pair of perspiration barriers integrated into the torso portion and respective ones of the sleeve portions, each of the barriers comprising a second layer 15c fabricated from a terry cloth/loosely woven material (terry cloth is woven material and is considered loosely woven), second layer adhesively bonded to a third layer 16c disposed adjacent the second layer and fabricated from a hydrophilic material and a fourth layer 14c disposed adjacent the second layer and fabricated from the garment material or a material which is aesthetically compatible to that used to fabricate the garment. However, Zellers doesn't teach the second, third, and fourth layers are joined to each other and to the torso and sleeve portions of the garment via a peripheral overlock stitch. Zellers shows the barriers stitched with the garment 6a as shown in Figures 4 and 5. An overlock stitch is a strong stitch which connects two fabric edges, prevents fraying, and is used for reinforcement, construction, or decoration. One of ordinary skill could have chosen this particular stitch to prevent compromise of the seam region of the shirt. Zellers also doesn't teach the overlock stitch is covered by a cover

stitch. This is considered a design choice in that the numbers of threads used in the stitching and the type of stitching may be chosen as desired to provide an aesthetic or structural effect. However, Zellers doesn't teach a first layer of fabricated cotton material. Bernard teaches a multi layered pad 2, including a first layer 14 formed of 100% cotton material such that the first layer is disposed adjacent the skin. Bernard teaches that this material is comfortable to the user's skin. The modified garment of Zellers would then have the second layer adjacent to the first layer. Zellers also doesn't teach the third layer is formed from a hydrophilic breathable film. Yanamadala teaches an absorbing liner including a layer 50 of water impervious/vapor pervious (breathable) polyethylene film. Paragraph 13 discusses that this layer prevents heat build-up. Therefore, it would have been obvious to provide Zeller's shirt garment with a first layer formed of cotton material in that cotton is known to be comfortable against the skin. It also would have been obvious to modify Zeller to provide the third layer as a breathable film in that Yanamadala teaches this prevents heat buildup between the barrier 10 and the wearer.

6. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Zellers in view of Bernard and Yanamadala as applied to claim 1 above, and further in view of Hale (U.S. 4,603,440). Zellers discloses the invention substantially as claimed. However, Zellers doesn't teach the terry cloth material is formed from a blend of about 80% cotton and about 20% polyester. Hale teaches that terry cloth having a composition of 80% cotton and 20% polyester is known as a desirable blend which has positive absorbency and air circulation qualities. Therefore, it would have been obvious

to form Zellers' terry cloth of about 80% cotton and about 20% polyester to provide an absorbent terry cloth composition which also allows for air flow.

7. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Zellers in view of Bernard and Yanamadala as applied to claim 1 above, and further in view of Conway (U.S. 5,778,457). Zeller discloses the invention substantially as claimed. However, Zellers doesn't teach the breathable film is polyurethane. Conway teaches a layered absorbing device including a hydrophobic polyurethane film 52 as a fluid barrier. Therefore, it would have been obvious to modify Zellers' film layer to form from polyurethane in that polyurethane is known as a widely available fluid barrier.

8. Claims 8, 11, and 12 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zellers in view of Bernard and Yanamadala as applied to claims 1 and 15 above, and further in view of Glatt (U.S. 3,588,916). Zellers discloses the invention substantially as claimed. However, Zellers doesn't teach each of the first, second, third, and fourth layers of each of the perspiration barriers is segregated into a sleeve panel piece and a torso panel piece which are attached together via a segment of stitching which defines a foldable crease therebetween. Zeller also doesn't teach each of the barriers is attached to the torso portion and a respective one of the sleeve portions via a peripheral overlock stitch. As noted above, an overlock stitch is known in the art as a reinforcing type of stitch for connecting edges. One of ordinary skill could have chosen this particular stitch to prevent compromise of the seam region of the shirt. Glatt teaches a perspiration barrier 10 with each layer of the barrier layers segregated into a sleeve panel piece 12 and torso panel piece 13 which are attached together via a

segment of stitching 25 which defines a foldable crease at 14 therebetween. Glatt teaches that this creation of a foldable crease assists in placement of the barrier within the garment. The crease is aligned with the garment crease as shown in Figure 2.

Therefore, it would have been obvious to modify Zeller's barrier to provide the foldable crease as taught by Glatt such that the two pieces of the barrier have a seamless interface with the garment along a substantial portion of their surfaces.

9. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Zellers in view of Bernard and Yanamadala and Glatt as applied to claim 8 above, and further in view of Jones (U.S. 4,393,521). Zellers discloses the invention substantially as claimed. Zellers' modified barrier includes a torso panel piece with a generally semi-circular configuration defining a non-arcuate peripheral edge segment and the crease extends along the base segment of the sleeve panel piece and along the non-arcuate peripheral edge segment of the torso panel piece. However, Zellers doesn't teach the sleeve panel piece has a generally trapezoidal configuration defining a base segment of greatest length. Jones teaches a perspiration barrier with a sleeve panel piece with a generally trapezoidal configuration defining a base segment of greatest length. Jones teaches that the trapezoidal configuration lends itself to efficient manufacturing and production and also provides a shape which better conforms to the shape of the underarm and is less noticeable due to the reduced width. Therefore, it would have been obvious to modify Zellers' sleeve panel piece to provide a generally trapezoidal configuration to assist in manufacturing and is less noticeable in that the width of the panel piece decreases as it extends away from the armpit.

10. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Zeller in view of Bernard and Yanamadala and Glatt as applied to claim 8 above, and further in view of Mayer et al. (U.S. 2006/0168704). Zeller discloses the invention substantially as claimed. However, Zeller doesn't teach each of the sleeve portions defines a distal end and the sleeve panel pieces of each of the barriers extend to the distal end of a respective one of the sleeve portions. Mayer teaches a shirt with sleeve portions 8 having barriers 10,10' which extend to a distal end 9 of each sleeve. Mayer teaches in par. 22 that this allows for the barrier to be secured against the inside surface of the sleeve and is inconspicuous. Therefore, it would have been obvious to modify Zeller such that the barriers extend to the distal end of a respective one of the sleeve portions so that the barrier is held in the proper position and is less conspicuous when looking at the garment in that the edge is not visible.

### ***Conclusion***

11. Any inquiry concerning this communication or earlier communications should be directed to Primary Examiner Katherine Moran at (571) 272-4990. The examiner can be reached on Monday-Thursday from 8:30 am to 6:00 pm, and alternating Fridays. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Khoa Huynh, may be reached at (571) 272-4888. The official and after final fax number for the organization where this application is assigned is (571) 273-8300. General information regarding this application may be obtained by contacting the Group Receptionist at (571) 272-3700.

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/Katherine Moran/

Primary Examiner, AU 3765

<b>Notice of References Cited</b>	Application/Control No. 13/282,148	Applicant(s)/Patent Under Reexamination THOMPSON ET AL.	
	Examiner KATHERINE MORAN	Art Unit 3765	Page 1 of 1

**U.S. PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-2,438,771	03-1948	DANIEL TOPJIAN	2/53
*	B	US-3,588,916	06-1971	Glatt	2/53
*	C	US-4,393,521	07-1983	Jones, Carolyn R.	2/56
*	D	US-4,603,440	08-1986	Hale, James M.	2/115
*	E	US-5,778,457	07-1998	Conway, David W.	2/406
*	F	US-6,591,425	07-2003	Zellers, Mary P.	2/54
*	G	US-2006/0150294	07-2006	Yanamadala, Lakshmi R.	002/053
*	H	US-2006/0168704	08-2006	Mayer et al.	002/054
*	I	US-2006/0288463	12-2006	Bernard et al.	002/046
*	J	US-2009/0183292	07-2009	PRICE, Jason Andrew	2/54
	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					
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**NON-PATENT DOCUMENTS**

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
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\*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.



<b>Search Notes</b>  	<b>Application/Control No.</b>  13282148	<b>Applicant(s)/Patent Under Reexamination</b>  THOMPSON ET AL.
	<b>Examiner</b>  KATHERINE MORAN	<b>Art Unit</b>  3765

SEARCHED			
Class	Subclass	Date	Examiner
2	53-55,78.1,105,113,115	11/14/12	KM

SEARCH NOTES		
Search Notes	Date	Examiner
EAST search, inventorship searched	11/14/12	KM

INTERFERENCE SEARCH			
Class	Subclass	Date	Examiner

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ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /K.M./  
 Receipt date: 11/17/2011  
 Doc code: IDS

Doc description: Information Disclosure Statement (IDS) Filed

PTO/SB/08a (01-10)  
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<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> ( Not for submission under 37 CFR 1.99)	Application Number		13282148
	Filing Date		2011-10-26
	First Named Inventor	William Thompson	
	Art Unit	3765	
	Examiner Name	Unknown	
	Attorney Docket Number	THMTE-001A	

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Examiner Initial*	Cite No	Patent Number	Kind Code <sup>1</sup>	Issue Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear
	1	6591425		2003-07-15	ZELLERS	
	2	0887454		1907-10-03	BASCH	
	3	6138276		2000-10-31	ASCIUTTO	
	4	6282720		2000-10-10	MAYER	
	5	3885247		1975-05-27	KOST	
	6	6145129		2000-11-14	CZEKALLA	
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STATEMENT BY APPLICANT**  
( Not for submission under 37 CFR 1.99)

Application Number	13282148
Filing Date	2011-10-26
First Named Inventor	William Thompson
Art Unit	3765
Examiner Name	Unkown
Attorney Docket Number	THMTE-001A

1	20060168704	2005-01-28	MAYER
2	20080086791	2007-10-11	SAMUEL

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

<sup>1</sup> See Kind Codes of USPTO Patent Documents at [www.USPTO.GOV](http://www.USPTO.GOV) or MPEP 901.04. <sup>2</sup> Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>3</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>4</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>5</sup> Applicant is to place a check mark here if English language translation is attached.

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	Filing Date		2011-10-26
	First Named Inventor	William Thompson	
	Art Unit	3765	
	Examiner Name	Unkown	
	Attorney Docket Number	THMTE-001A	

#### CERTIFICATION STATEMENT

Please see 37 CFR 1.97 and 1.98 to make the appropriate selection(s):

☐ That each item of information contained in the information disclosure statement 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 the information disclosure statement. See 37 CFR 1.97(e)(1).

**OR**

☐ That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(2).

☐ See attached certification statement.

☐ The fee set forth in 37 CFR 1.17 (p) has been submitted herewith.

☒ A certification statement is not submitted herewith.

#### SIGNATURE

A signature of the applicant or representative is required in accordance with CFR 1.33, 10.18. Please see CFR 1.4(d) for the form of the signature.

Signature	/mbg/	Date (YYYY-MM-DD)	2011-11-17
Name/Print	Mark B. Garred	Registration Number	34,823

This collection of information is required by 37 CFR 1.97 and 1.98. 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 1 hour 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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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:

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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 inspections 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.

## EAST Search History

## EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L1	34	(US-20080086791-\$ or US-20060168704-\$ or US-20090183292-\$ or US-20080052802-\$ or US-20100263102-\$ or US-20060288463-\$ or US-20060236439-\$ or US-20060150294-\$).did. or (US-6591425-\$ or US-7730551-\$ or US-3744056-\$ or US-5884330-\$ or US-6782557-\$ or US-5471683-\$ or US-5566395-\$ or US-5217782-\$ or US-4856116-\$ or US-4844965-\$ or US-4502156-\$ or US-2115333-\$ or US-5042088-\$ or US-6347407-\$ or US-5864889-\$ or US-4747162-\$ or US-3588916-\$ or US-3156924-\$ or US-4603440-\$ or US-5778457-\$ or US-5038409-\$ or US-4393521-\$ or US-2654888-\$ or US-1979983-\$).did. or (US-2438771-\$).did. or (GB-2065451-\$).did.	US-PGPUB; USPAT; USOCR; EPO	OR	OFF	2012/11/15 11:58
L2	34	(US-20080086791-\$ or US-20060168704-\$ or US-20090183292-\$ or US-20080052802-\$ or US-20100263102-\$ or US-20060288463-\$ or US-20060236439-\$ or US-20060150294-\$).did. or (US-6591425-\$ or US-7730551-\$ or US-3744056-\$ or US-5884330-\$ or US-6782557-\$ or US-5471683-\$ or US-5566395-\$ or US-5217782-\$ or US-4856116-\$ or US-4844965-\$ or US-4502156-\$ or US-2115333-\$ or US-5042088-\$ or US-6347407-\$ or US-5864889-\$ or US-4747162-\$ or US-3588916-\$ or US-3156924-\$ or US-4603440-\$ or US-5778457-\$ or US-5038409-\$ or US-4393521-\$ or US-2654888-\$ or US-1979983-\$).did. or (US-2438771-\$).did. or (GB-2065451-\$).did.	US-PGPUB; USPAT; USOCR; EPO	OR	OFF	2012/11/15 11:58
L3	3	l1 and trapezoid\$2	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/11/15 11:58
S1	337	(2/59).CCLS.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2012/11/13 16:11
S2	7	S1 and writ\$4	US-PGPUB; USPAT;	OR	OFF	2012/11/13 16:11

			USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB			
S3	7	S1 and writ\$4	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/11/13 16:11
S4	2	S1 and (marker or pen or crayon)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/11/13 16:12
S5	10	("2459992").URPN.	USPAT	OR	OFF	2012/11/13 16:13
S6	18	((("6591425") or ("0887454") or ("6138276") or ("6282720") or ("3885247") or ("6145129") or ("20060168704") or ("20080086791")).PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2012/11/13 16:16
S7	1595	((2/54) or (2/115) or (2/78.1)).CCLS.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2012/11/13 16:40
S8	37	S7 and polyurethane	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/11/13 16:40
S9	37	("3642562"   "3777418"   "3922457").PN. OR ("4627110").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2012/11/13 16:51
S10	31	S7 and terry	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2012/11/13 16:55
S11	88	S7 and armpit	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/11/13 16:58
S12	49	S7 and film	US-PGPUB;	OR	ON	2012/11/13

			USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB			17:17
S13	253	"2"/\$.ccls. and absorb\$3 and cotton and hydrophilic	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/11/14 09:12
S14	41	("2166012"   "2495863"   "2629380"   "2828745"   "3237625"   "3508550"   "3613687"   "3714946"   "4338371"   "4341096"   "4502156"   "4675915"   "4844965"   "4856116"   "4961982"   "4981738"   "5021280"   "5037409"   "5105476"   "5181277"   "5217782").PN. OR ("5471683").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2012/11/14 10:35
S15	55	("1633586"   "2728083"   "3416526"   "3545442"   "3665921"   "3701164"   "3768480"   "3864157"   "3881489"   "3916900"   "3949130"   "3967623"   "4042655"   "4054141"   "4068318"   "4244057"   "4393519"   "4394782").PN. OR ("4502156").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2012/11/14 10:52
S16	17	("2016210"   "2783474"   "4502156"   "4856116"   "5105476"   "5146630"   "5175887"   "5377360"   "5802865"   "5826277"   "5915532"   "5946734"   "5987647").PN. OR ("6564390").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2012/11/14 11:14
S17	2441	((2/53) or (2/55) or (2/113) or (2/115) or (2/105)).CCLS.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2012/11/14 12:07
S18	410	S17 and (absorb\$3 or perspiration or sweat\$3)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/11/14 12:08
S19	0	(armpit with film with (cotton or terry\$5))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/11/14 12:16
S20	0	(armpit with hydrophilic with (cotton or terry\$5))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/11/14 12:16



S21	86	(armpit with (cotton or terry\$5))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/11/14 12:16
S22	30	("0815186"   "0855638"   "1122113"   "1137452"   "1257617"   "1348754"   "1550799"   "2028599"   "2115333"   "2886820"   "5042089"   "5245707").PN. OR ("6138276").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2012/11/14 12:29
S23	6	("2438771").URPN.	USPAT	OR	OFF	2012/11/14 12:48
S24	30	("1108427"   "3156924"   "3588916"   "3727237"   "3885247"   "4485492"   "4545080"   "4631752"   "4663780").PN. OR ("4747162").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2012/11/14 13:55
S25	18	("3588916").URPN.	USPAT	OR	OFF	2012/11/14 14:09
S26	27	(US-20080086791-\$ or US-20060168704-\$ or US-20090183292-\$ or US- 20080052802-\$ or US-20100263102-\$ or US-20060288463-\$ or US-20060236439- \$).did. or (US-6591425-\$ or US-7730551-\$ or US-3744056-\$ or US-5884330-\$ or US- 6782557-\$ or US-5471683-\$ or US- 5566395-\$ or US-5217782-\$ or US- 4856116-\$ or US-4844965-\$ or US- 4502156-\$ or US-2115333-\$ or US- 5042088-\$ or US-6347407-\$ or US- 5864889-\$ or US-4747162-\$ or US- 3588916-\$ or US-3156924-\$).did. or (US- 2438771-\$).did. or (GB-2065451-\$).did.	US-PGPUB; USPAT; USOCR; EPO	OR	OFF	2012/11/14 14:44
S27	2	S26 and polyurethane	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2012/11/14 14:44
S28	89	S14/\$.ccls. and (breathable same polyurethane same film)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/11/14 14:46
S29	34	S28 and (perspiration or sweat\$3)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/11/14 14:48
S30	10	S29 and shirt	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT;	OR	ON	2012/11/14 14:49

			IBM_TDB			
S31	3	("4747162").PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2012/11/14 15:08
S32	17	S26 and cotton	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/11/14 15:12
S33	323	S14/\$.ccls. and (breathable same film)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/11/14 15:33
S34	117	S14/\$.ccls. and (breathable same film) and (perspiration or sweat\$3)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/11/14 15:33
S35	20	S14/\$.ccls. and (breathable same film) and (perspiration or sweat\$3) and shirt	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/11/14 15:33
S36	317	(terrycloth or (terry adj cloth)) with (cotton and polyester)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/11/14 16:10
S37	53	S36 and S14/\$.ccls.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/11/14 16:11
S38	27	S36 and S14/\$.ccls. and absorb\$3	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/11/14 16:25
S39	101	(S14/\$.ccls.) and (impervious same polyurethane)	US-PGPUB; USPAT; USOCR; FPRS;	OR	ON	2012/11/14 16:34

			EPO; JPO; DERWENT; IBM_TDB			
S40	7	S39 and shirt	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/11/14 16:34
S41	104	(polyurethane adj film) and (absorb\$3) and S14/\$.ccls.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/11/14 16:41
S42	12	(polyurethane adj film) and (absorb\$3) and S14/\$.ccls. and shirt	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/11/14 16:43
S43	29	(overlock same stitch\$3) and (S14/\$.ccls. and absorb\$3)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/11/14 16:49
S44	145	(overlock same stitch\$3) and S14/\$.ccls.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/11/14 16:51
S45	9	S17 and overlock\$3	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/11/14 16:56
S46	9	((("3997920") or ("4393521") or ("5038409")).PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2012/11/15 09:18
S47	69	((("1979983") or ("2004511") or ("2005232") or ("2344871") or ("2434830") or ("2438771") or ("2654888") or ("2747193") or ("3001201") or ("3141174") or ("3145391")).PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2012/11/15 09:30

11/ 15/ 2012 12:57:03 PM

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ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /K.M./  
 Receipt date: 05/14/2012  
 Doc code: IDS

Doc description: Information Disclosure Statement (IDS) Filed

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<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> ( Not for submission under 37 CFR 1.99)	Application Number		13282148
	Filing Date		2011-10-26
	First Named Inventor	William Thompson	
	Art Unit	3765	
	Examiner Name	Unknown	
	Attorney Docket Number	THMTE-001A	

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	2	6591425	B1	2003-07-15	Zellers	
	3	5042088	A	1991-08-27	Sherrod et al.	
	4	4805240	A	1989-02-21	Siqveland	

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	2	20080086791	A1	2008-04-17	Kirkwood Samuel	

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	Art Unit	3765		
	Examiner Name	Unknown		
	Attorney Docket Number	THMTE-001A		

	3	20080052802	A1	2008-03-06	Bryan	
	4	20060085885	A1	2006-04-27	Williams	
	5	20060150294	A1	2006-07-13	Yanamdala	

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	1	International Search Report and Written Opinion for PCT/US2012/021689. April 24, 2012.						<input type="checkbox"/>

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	Art Unit	3765	
	Examiner Name	Unknown	
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- ☐ See attached certification statement.
- ☐ The fee set forth in 37 CFR 1.17 (p) has been submitted herewith.
- ☐ A certification statement is not submitted herewith.

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A signature of the applicant or representative is required in accordance with CFR 1.33, 10.18. Please see CFR 1.4(d) for the form of the signature.

Signature	/mbg/	Date (YYYY-MM-DD)	2012-05-14
Name/Print	Mark B. Garred	Registration Number	34823

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<b><i>Index of Claims</i></b> 	<b>Application/Control No.</b> 13282148	<b>Applicant(s)/Patent Under Reexamination</b> THOMPSON ET AL.
	<b>Examiner</b> KATHERINE MORAN	<b>Art Unit</b> 3765

✓	<b>Rejected</b>	-	<b>Cancelled</b>	N	<b>Non-Elected</b>	A	<b>Appeal</b>
=	<b>Allowed</b>	÷	<b>Restricted</b>	I	<b>Interference</b>	O	<b>Objected</b>

<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										
CLAIM		DATE								
Final	Original	11/15/2012								
	1	✓								
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	3	✓								
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
13/282,148	10/26/2011	WILLIAM THOMPSON	THMTE-001A

**CONFIRMATION NO. 4873**

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7663

STETINA BRUNDA GARRED & BRUCKER  
75 ENTERPRISE, SUITE 250  
ALISO VIEJO, CA 92656



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**Title:**GARMENT HAVING INTEGRATED PERSPIRATION BARRIERS

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	Examiner Name	Unknown	
	Attorney Docket Number	THMTE-001A	

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	2	6591425	B1	2003-07-15	Zellers	
	3	5042088	A	1991-08-27	Sherrod et al.	
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	3	20080052802	A1	2008-03-06	Bryan	
	4	20060085885	A1	2006-04-27	Williams	
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	1	International Search Report and Written Opinion for PCT/US2012/021689. April 24, 2012.						<input type="checkbox"/>

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

<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> ( Not for submission under 37 CFR 1.99)	Application Number	13282148
	Filing Date	2011-10-26
	First Named Inventor	William Thompson
	Art Unit	3765
	Examiner Name	Unknown
	Attorney Docket Number	THMTE-001A

<sup>1</sup> See Kind Codes of USPTO Patent Documents at [www.USPTO.GOV](http://www.USPTO.GOV) or MPEP 901.04. <sup>2</sup> Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>3</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>4</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>5</sup> Applicant is to place a check mark here if English language translation is attached.

<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> ( Not for submission under 37 CFR 1.99)	Application Number	13282148
	Filing Date	2011-10-26
	First Named Inventor	William Thompson
	Art Unit	3765
	Examiner Name	Unknown
	Attorney Docket Number	THMTE-001A

### CERTIFICATION STATEMENT

Please see 37 CFR 1.97 and 1.98 to make the appropriate selection(s):

☒ That each item of information contained in the information disclosure statement 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 the information disclosure statement. See 37 CFR 1.97(e)(1).

**OR**

☐ That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(2).

☐ See attached certification statement.

☐ The fee set forth in 37 CFR 1.17 (p) has been submitted herewith.

☐ A certification statement is not submitted herewith.

### SIGNATURE

A signature of the applicant or representative is required in accordance with CFR 1.33, 10.18. Please see CFR 1.4(d) for the form of the signature.

Signature	/mbg/	Date (YYYY-MM-DD)	2012-05-14
Name/Print	Mark B. Garred	Registration Number	34823

This collection of information is required by 37 CFR 1.97 and 1.98. 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 1 hour 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.**

## 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 the Freedom of Information Act requires disclosure of these records.
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.
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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 inspections 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.



# PATENT COOPERATION TREATY

## PCT

### INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference THMTE-001PC	<b>FOR FURTHER ACTION</b>	see Form PCT/ISA/220 as well as, where applicable, item 5 below.
International application No PCT/US2012/021689	International filing date (day/month/year) 18 January 2012	(Earliest) Priority Date (day/month/year) 27 January 2011
Applicant THE WILLIAM THOMPSON CO., LLC		

This international search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 2 sheets.

☐ It is also accompanied by a copy of each prior art document cited in this report.

**1. Basis of the report**

a. With regard to the language, the international search was carried out on the basis of:

☒ the international application in the language in which it was filed.

☐ a translation of the international application into \_\_\_\_\_ which is the language of a translation furnished for the purposes of international search (Rules 12 3(a) and 23.1(b)).

b. ☐ This international search report has been established taking into account the rectification of an obvious mistake authorized by or notified to this Authority under Rule 91 (Rule 43 6bis(a)).

c. ☐ With regard to any nucleotide and/or amino acid sequence disclosed in the international application, see Box No. 1.

2. ☐ Certain claims were found unsearchable (see Box No. II).

3. ☐ Unity of invention is lacking (see Box No. III).

4. With regard to the title.

☒ the text is approved as submitted by the applicant.

☐ the text has been established by this Authority to read as follows:

5. With regard to the abstract.

☒ the text is approved as submitted by the applicant.

☐ the text has been established, according to Rule 38.2, by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. With regard to the drawings.

a. the figure of the drawings to be published with the abstract is Figure No. 1

☒ as suggested by the applicant.

☐ as selected by this Authority, because the applicant failed to suggest a figure.

☐ as selected by this Authority, because this figure better characterizes the invention.

b. ☐ none of the figures is to be published with the abstract.

Form PCT/ISA/210 (first sheet) (July 2009)

## INTERNATIONAL SEARCH REPORT

International application No.

PCT/US2012/021689

<b>A. CLASSIFICATION OF SUBJECT MATTER</b> IPC(8) - A41D 27/13 (2012.01) USPC - 2/54 According to International Patent Classification (IPC) or to both national classification and IPC		
<b>B. FIELDS SEARCHED</b> Minimum documentation searched (classification system followed by classification symbols) IPC(8) - A41D 27/13 (2012.01) USPC - 2/53, 54 Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched Electronic data base consulted during the international search (name of data base and, where practicable, search terms used) PatBase, Google Patents		
<b>C. DOCUMENTS CONSIDERED TO BE RELEVANT</b>		
Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	US 2008/0052802 A1 (BRYAN) 06 March 2008 (08.03.2008) entire document	1, 4, 5, 13, 15, 20
Y	US 4,805,240 A (SICVELAND) 21 February 1989 (21.02.1989) entire document	2, 3, 8-12, 14, 16-19
Y	US 4,805,240 A (SICVELAND) 21 February 1989 (21.02.1989) entire document	2
Y	US 2006/0085885 A1 (WILLIAMS) 27 April 2006 (27.04.2006) entire document	3, 8-11, 17-19
Y	US 6,591,425 B1 (ZELLERS) 16 July 2003 (16.07.2003) entire document	8-12, 16
Y	US 2009/0183292 A1 (PRICE) 23 July 2009 (23.07.2009) entire document	8
Y	US 7,111,568 B1 (SAKUMA et al) 26 September 2006 (26.09.2006) entire document	14, 19
A	US 5,042,068 A (SHERROD et al) 27 August 1991 (27.08.1991) entire document	1-20
A	US 2006/0150294 A1 (YANAMADALA) 13 July 2006 (13.07.2006) entire document	1-20
A	US 2008/0088791 A1 (KIRKWOOD SAMUEL et al) 17 April 2008 (17.04.2008) entire document	1-20
<input type="checkbox"/> Further documents are listed in the continuation of Box C. <input type="checkbox"/>		
* Special categories of cited documents "A" document defining the general state of the art which is not considered to be of particular relevance "E" earlier application or patent but published on or after the international filing date "L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified) "O" document referring to an oral disclosure, use, exhibition or other means "P" document published prior to the international filing date but later than the priority date claimed "T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention "X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone "Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art "Z" document member of the same patent family		
Date of the actual completion of the international search 16 April 2012		Date of mailing of the international search report <b>24 APR 2012</b>
Name and mailing address of the ISA/US Mail Stop PCT, Attn: ISA/US, Commissioner for Patents P.O. Box 1480, Alexandria, Virginia 22313-1450 Facsimile No. 571-273-3201		Authorized officer: Blaine R. Copenheaver PCT Helpdesk: 571-273-4000 PCT OSP: 571-273-7774

Form PCT/ISA/210 (second sheet) (July 2009)

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

To: MARK GARRED  
STENTINA BRUNDA GARRED & BRUCKER  
75 ENTERPRISE, SUITE 250  
ALISO VIEJO, CA 92656

## PCT

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing  
(day/month/year)

**24 APR 2012**

Applicant's or agent's file reference:  
THMTE-001PC

**FOR FURTHER ACTION**

See paragraph 2 below

International application No.

PCT/US2012/021689

International filing date (day/month/year)

18 January 2012

Priority date (day/month/year)

27 January 2011

International Patent Classification (IPC) or both national classification and IPC

IPC(8) - A41D 27/13 (2012.01)

USPC - 2/54

Applicant THE WILLIAM THOMPSON CO., LLC

1. This opinion contains indications relating to the following items.

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

### 2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

Name and mailing address of the ISA/US  
Mail Stop PCT, Attn: ISA/US  
Commissioner for Patents  
P.O. Box 1450, Alexandria, Virginia 22313-1450  
Facsimile No. 571-273-3201

Date of completion of this opinion

16 April 2012

Authorized officer:

Blaine R. Copenhagen

PCT Helpdesk: 571-272-8306  
PCT OHP: 571-272-7774

Form PCT/ISA/237 (cover sheet) (July 2011)

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No  
PCT/US2012/021689

Box No. 1 Basis of this opinion

1. With regard to the **language**, this opinion has been established on the basis of:  
☒ the international application in the language in which it was filed  
☐ a translation of the international application into \_\_\_\_\_ which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).
2. ☐ This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43bis.1(a)).
3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, this opinion has been established on the basis of a sequence listing filed or furnished:
  - a. (means)  
☐ on paper  
☐ in electronic form
  - b. (time)  
☐ in the international application as filed  
☐ together with the international application in electronic form  
☐ subsequently to this Authority for the purposes of search
4. ☐ In addition, in the case that more than one version or copy of a sequence listing has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
5. Additional comments:

Form PCT/ISA/237 (Box No. 1) (July 2011)

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/US2012/021689

Box No. V	Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement			
<b>1. Statement</b>				
Novelty (N)	Claims	2, 3, 6-12, 14, 16-19	YES	
	Claims	1, 4, 5, 13, 15, 20	NO	
Inventive step (IS)	Claims	None	YES	
	Claims	1-20	NO	
Industrial applicability (IA)	Claims	1-20	YES	
	Claims	None	NO	
<b>2. Citations and explanations:</b>				
<p>Claims 1, 4, 5, 13, 15 and 20 lack novelty under PCT Article 33(2) as being anticipated by Bryan.</p> <p>Referring to claim 1, Bryan discloses of a garment (undergarment 10), comprising: a torso portion (body portion 20) fabricated from a prescribed garment material (Para. [0031]); a pair of sleeve portions (sleeves 60A and 60B) fabricated from the garment material (Para. [0031]), the sleeve portions being attached to and extending from the torso portion (20; Para. [0030]; Fig. 1); and a pair of perspiration barriers (armpit regions 30A and 30B; Para. [0033]) integrated into the torso portion (20) and respective ones of the sleeve portions (60A, 60B), each of the perspiration barriers (30A, 30B) comprising: a first layer fabricated from a cotton material (Para. [0036]); a second layer disposed adjacent the first layer and fabricated from a terry cloth material (Para. [0034]); a third layer disposed adjacent the second layer and fabricated from a hydrophilic breathable film (Para. [0035]); and a fourth layer disposed adjacent the second layer and fabricated from the garment material (Para. [0037]).</p> <p>Referring to claim 4, Bryan discloses the garment of Claim 1, further wherein the garment material is fabricated from a cotton material (Paras. [0031], [0036] and [0051]).</p> <p>Referring to claim 5, Bryan discloses the garment of Claim 1, further wherein the first layer is fabricated from a 100% cotton material (Para. [0036]).</p> <p>Referring to claim 13, the modified Bryan discloses the garment of Claim 1, further wherein each of the perspiration barriers is attached to the torso portion and a respective one of the sleeve portions via a peripheral overlock stitch (Para. [0037]).</p> <p>Referring to claim 15, Bryan discloses of a garment (undergarment 10), comprising: a pair of perspiration barriers integrated into respective ones of a pair of underarm areas of the garment (armpit regions 30A and 30B; Para. [0033]), each of the perspiration barriers (30A, 30B) comprising: a first layer fabricated from a cotton material (Para. [0036]); a second layer disposed adjacent the first layer and fabricated from a terry cloth material (Para. [0034]); a third layer disposed adjacent the second layer and fabricated from a hydrophilic breathable film (Para. [0035]); and a fourth layer disposed adjacent the second layer and fabricated from a material which is aesthetically compatible to that used to fabricate the garment (Para. [0037]).</p> <p>Referring to claim 20, Bryan discloses of a garment (undergarment 10), comprising: a torso portion (body portion 20); a pair of sleeve portions (sleeves 60A and 60B) attached to and extending from the torso portion (20) in opposed relation to each other (Fig. 1A); and a pair of perspiration barriers (armpit regions 30A and 30B; Para. [0033]) integrated into the torso portion (20) and respective ones of the sleeve portions (60A, 60B), each of the perspiration barriers (30A, 30B) comprising: a first layer fabricated from a soft, pliable material adapted to permit the transmission of moisture therethrough (Para. [0036]); a second layer disposed adjacent the first layer and fabricated from a loosely woven material (Para. [0034]); a third layer disposed adjacent the second layer and fabricated from a hydrophilic breathable film (Para. [0035]); and a fourth layer disposed adjacent the second layer and fabricated from a material which is aesthetically compatible to that used to fabricate the garment (Para. [0037]).</p> <p>Claim 2 lacks an inventive step under PCT Article 33(3) as being obvious over Bryan in view of Sigveland.</p> <p>Referring to claim 2, Bryan discloses the garment of Claim 1, but fails to explicitly disclose wherein the terry cloth material is fabricated from a blend of about 80% cotton and about 20% polyester.</p> <p>Sigveland, however, teaches of a perspiration resistant garment (Title) comprising a fabric material of about 80% cotton and about 20% polyester (Col. 1, Lns. 54-57).</p> <p>It would have been obvious to one having ordinary skill in the art at the time of the invention to provide wherein the terry cloth material of Bryan is fabricated from a blend of about 80% cotton and about 20% polyester, as taught by Sigveland, since the selection of a known material on the basis of its suitability for an intended use involves only routine skill in the art. The motivation being to provide a garment having the desired cost, comfort, durability and stretch characteristics.</p>				

Form PCT/ISA/237 (Box No. V) (July 2011)

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/US2012/021689

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.  
Continuation of:

Claims 3, 6, 7, 17 and 18 lack an inventive step under PCT Article 33(3) as being obvious over Bryan in view of Williams.

Referring to claim 3, Bryan discloses the garment of Claim 1, but fails to explicitly disclose wherein the hydrophilic breathable film is fabricated from polyurethane.

Williams, however, teaches of a perspiration shield (Title) having a hydrophilic breathable film (membrane 28) which is fabricated from polyurethane (Para. [0024]).

It would have been obvious to one having ordinary skill in the art at the time of the invention to provide wherein the hydrophilic breathable film of Bryan is fabricated from polyurethane, as taught by Williams, since the selection of a known material on the basis of its suitability for an intended use involves only routine skill in the art. The motivation being to provide a garment having the desired cost, comfort, durability and stretch characteristics.

Referring to claim 6, Bryan discloses the garment of Claim 1, but fails to explicitly disclose wherein the second and third layers are joined to each other via an adhesive bond.

Williams, however, teaches of a perspiration shield (Title) having a plurality of layers (Fig. 3) which are joined to each other via an adhesive bond (via adhesive particle 30; Para. [0025]).

It would have been obvious to one having ordinary skill in the art at the time of the invention to provide wherein the second and third layers of Bryan are joined to each other via an adhesive bond, as taught by Williams, in order to ensure a secure connection between cooperating layers of the unitary device, such that it remains effective in use and comfortable for the user.

Referring to claim 7, the modified Bryan discloses the garment of Claim 6. Bryan further discloses wherein the first, second, third and fourth layers (Para. [0035]) are joined to each other and to the torso (20) and sleeve portions (60A, 60B) of the garment (10) via a peripheral overlock stitch (Para. [0037]).

Referring to claim 17, Bryan discloses the garment of Claim 15, but fails to explicitly disclose wherein the second and third layers are joined to each other via an adhesive bond.

Williams, however, teaches of a perspiration shield (Title) having a plurality of layers (Fig. 3) which are joined to each other via an adhesive bond (via adhesive particle 30; Para. [0025]).

It would have been obvious to one having ordinary skill in the art at the time of the invention to provide wherein the second and third layers of Bryan are joined to each other via an adhesive bond, as taught by Williams, in order to ensure a secure connection between cooperating layers of the unitary device, such that it remains effective in use and comfortable for the user.

Referring to claim 18, the modified Bryan discloses the garment of Claim 17. Bryan further discloses wherein the first, second, third and fourth layers (Para. [0035]) are joined to each other and to the torso (20) and sleeve (60A, 60B) portions of the garment via a peripheral overlock stitch (Para. [0037]).

Claims 8, 10 and 11 lack an inventive step under PCT Article 33(3) as being obvious over Bryan in view of Williams and Zellers.

Referring to claim 8, the modified Bryan discloses the garment of Claim 7. Bryan further discloses wherein each of the first, second, third and fourth layers (Para. [0055]) of each of the perspiration barriers (30A, 30B) is segregated into a sleeve panel (60A, 60B) piece and a torso panel piece (20) which are attached to each other via said stitching (Para. [0037]), but fails to explicitly disclose of a segment of stitching which defines a foldable crease therebetween.

Zellers, however, teaches of an undergarment with permanently attached perspiration collecting shield (Title) having a plurality of layers segregated into a sleeve panel piece and a torso panel piece which are attached to each other via a segment of stitching (seam 18d) which defines a foldable crease therebetween (Figs. 1, 3 and 4).

It would have been obvious to one having ordinary skill in the art at the time of the invention to provide a segment of stitching which defines a foldable crease therebetween, as taught by Zellers, to the modified garment of Bryan, in order to ensure a secure connection between cooperating layers of the unitary device, such that it remains effective in use and comfortable for the user.

Referring to claim 10, the modified Bryan discloses the garment of Claim 8. Bryan further discloses wherein each of the sleeve portions (60A, 60B) defines a distal end and the sleeve panel pieces of each of the perspiration barriers (30A, 30B) extend to the distal end of a respective one of the sleeve portions (Fig. 1A).

Referring to claim 11, the modified Bryan discloses the garment of Claim 8. Bryan further discloses wherein each of the perspiration barriers (30A, 30B) is attached to the torso portion (20) and a respective one of the sleeve portions (60A, 60B) via a peripheral overlock stitch (Para. [0037]).

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.  
PCT/US2012/021689

Supplemental Box

In case the space in any of the preceding boxes is not sufficient,  
Continuation of:

Claim 9 lacks an inventive step under PCT Article 33(3) as being obvious over Bryan in view of Williams, Zellers and Price.

Referring to claim 9, the modified Bryan discloses the garment of Claim 8. Bryan fails to explicitly disclose wherein: the sleeve panel piece of each of the first, second, third and fourth layers has a generally trapezoidal configuration defining a peripheral base segment of greatest length; the torso panel piece of each of the first, second, third and fourth layers has a generally semi-circular configuration defining a non-arcuate peripheral edge segment; and the crease extends along the base segment of the sleeve panel piece and along the non-arcuate peripheral edge segment of the torso panel piece. Zellers, however, teaches of a crease (16d) which extends along a base segment of a sleeve panel (portion 7a) and along a peripheral edge segment of a torso panel piece (portion 8a).

It would have been obvious to one having ordinary skill in the art at the time of the invention to provide a segment of stitching which defines a foldable crease therebetween, as taught by Zellers, to the modified garment of Bryan, in order to ensure a secure connection between cooperating layers of the unitary device, such that it remains effective in use and comfortable for the user.

Further, Price teaches of an underarm garment protector (Title) having a generally trapezoidal configuration (Fig. 2) defining a peripheral base segment of greatest length (generally defined by sections A, B and C in Fig. 2); and the torso panel piece has a generally semi-circular configuration defining a non-arcuate peripheral edge segment (section D in Fig. 2).

It would have been obvious to one having ordinary skill in the art at the time of the invention to provide wherein: the sleeve panel piece of each of the first, second, third and fourth layers of Bryan has a generally trapezoidal configuration defining a peripheral base segment of greatest length; and the torso panel piece of each of the first, second, third and fourth layers of Bryan has a generally semi-circular configuration defining a non-arcuate peripheral edge segment, as taught by Price, since a change in shape of an element involves only routine skill in the art. The motivation being to provide an absorbent pad having a shape which is both effective in use and comfortable for the user.

Claims 12 and 16 lack an inventive step under PCT Article 33(3) as being obvious over Bryan in view of Zellers.

Referring to claim 12, Bryan discloses the garment of Claim 1, further wherein each of the first, second, third and fourth layers (Para. [0035]) of each of the perspiration barriers (30A, 30B) is segregated into a sleeve panel piece (60A, 60B) and a torso panel piece (20) which are attached to each other via a segment of stitching (Para. [0037]), but fails to explicitly disclose wherein said stitching defines a foldable crease therebetween.

Zellers, however, teaches of an undergarment with permanently attached perspiration collecting shield (Title) having a plurality of layers segregated into a sleeve panel piece and a torso panel piece which are attached to each other via a segment of stitching (seam 18d) which defines a foldable crease therebetween (Figs. 1, 3 and 4).

It would have been obvious to one having ordinary skill in the art at the time of the invention to provide a segment of stitching which defines a foldable crease therebetween, as taught by Zellers, to the garment of Bryan, in order to ensure a secure connection between cooperating layers of the unitary device, such that it remains effective in use and comfortable for the user.

Referring to claim 16, Bryan discloses the garment of Claim 15, further wherein each of the first, second, third and fourth layers (Para. [0035]) of each of the perspiration barriers (30A, 30B) is segregated into a pair of panel pieces (20, 60A, 60B) which are attached to each other via a segment of stitching (Para. [0037]), but fails to explicitly disclose wherein said stitching defines a foldable crease therebetween. Zellers, however, teaches of an undergarment with permanently attached perspiration collecting shield (Title) having a plurality of layers segregated into a sleeve panel piece and a torso panel piece which are attached to each other via a segment of stitching (seam 18d) which defines a foldable crease therebetween (Figs. 1, 3 and 4).

It would have been obvious to one having ordinary skill in the art at the time of the invention to provide a segment of stitching which defines a foldable crease therebetween, as taught by Zellers, to the garment of Bryan, in order to ensure a secure connection between cooperating layers of the unitary device, such that it remains effective in use and comfortable for the user.

Claim 14 lacks an inventive step under PCT Article 33(3) as being obvious over Bryan in view of Sakuma et al. (hereafter Sakuma).

Referring to claim 14, Bryan discloses the garment of Claim 13, but fails to explicitly disclose wherein the overlock stitch is covered by a cover stitch.

Sakuma, however, teaches of a cover stitch sewing machine capable of producing an overlock stitch which is covered by a cover stitch (Col. 1, Ln. 66 - Col. 2, Ln. 4).

It would have been obvious to utilize the sewing machine of Sakuma to produce an overlock stitch which is covered by a cover stitch, on the garment of Bryan, since Bryan discloses that any sewing or knitting machine may be used to generate the one piece undergarment with absorbent material (Para. [0037]). The motivation being to produce a secure stitch which isn't prone to unraveling over time or with repeated use.

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.  
PCT/US2012/021689

Supplemental Box

In case the space in any of the preceding boxes is not sufficient,  
Continuation of:

Claim 19 lacks an inventive step under PCT Article 33(3) as being obvious over Bryan in view of Williams and Sakuma et al. (hereafter Sakuma).

Referring to claim 19, the modified Bryan discloses the garment of Claim 15, but fails to explicitly disclose wherein the overlock stitch is covered by a cover stitch.

Sakuma, however, teaches of a cover stitch sewing machine capable of producing an overlock stitch which is covered by a cover stitch (Col. 1, Ln. 66 -- Col. 2, Ln. 4).

It would have been obvious to utilize the sewing machine of Sakuma to produce an overlock stitch which is covered by a cover stitch, on the modified garment of Bryan, since Bryan discloses that any sewing or knitting machine may be used to generate the one piece undergarment with absorbent material (Para. [0037]). The motivation being to produce a secure stitch which isn't prone to unraveling over time or with repeated use.

Claims 1-20 meet the criteria set out in PCT Article 33(4) and thus have industrial applicability because the subject matter claimed can be made or used in industry.

Form PCT/ISA/237 (Supplemental Box) (July 2011)



Electronic Acknowledgement Receipt	
<b>EFS ID:</b>	12767418
<b>Application Number:</b>	13282148
<b>International Application Number:</b>	
<b>Confirmation Number:</b>	4873
<b>Title of Invention:</b>	GARMENT HAVING INTEGRATED PERSPIRATION BARRIERS
<b>First Named Inventor/Applicant Name:</b>	WILLIAM THOMPSON
<b>Customer Number:</b>	7663
<b>Filer:</b>	Mark B. Garred/Andrea Levine
<b>Filer Authorized By:</b>	Mark B. Garred
<b>Attorney Docket Number:</b>	THMTE-001A
<b>Receipt Date:</b>	14-MAY-2012
<b>Filing Date:</b>	26-OCT-2011
<b>Time Stamp:</b>	14:43:50
<b>Application Type:</b>	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	Information Disclosure Statement (IDS) Form (SB08)	Supp_IDS_SearchReport.pdf	612661 <small>5ec78099c3966cd023f0048edd4095214c2b13d7</small>	no	5

### Warnings:

### Information:

2	Non Patent Literature	PCTSearchReport.pdf	2803437	no	8
			6efe982f298488867ef8ac1237538ac1a0d4 aaa		
<b>Warnings:</b>					
<b>Information:</b>					
<b>Total Files Size (in bytes):</b>				3416098	
<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><b><u>New Applications Under 35 U.S.C. 111</u></b>  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><b><u>National Stage of an International Application under 35 U.S.C. 371</u></b>  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><b><u>New International Application Filed with the USPTO as a Receiving Office</u></b>  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>					

<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> ( Not for submission under 37 CFR 1.99)	Application Number		13282148
	Filing Date		2011-10-26
	First Named Inventor	William Thompson	
	Art Unit	3765	
	Examiner Name	Unknown	
	Attorney Docket Number	THMTE-001A	

U.S.PATENTS						Remove
Examiner Initial*	Cite No	Patent Number	Kind Code <sup>1</sup>	Issue Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear
	1	6591425		2003-07-15	ZELLERS	
	2	0887454		1907-10-03	BASCH	
	3	6138276		2000-10-31	ASCIUTTO	
	4	6282720		2000-10-10	MAYER	
	5	3885247		1975-05-27	KOST	
	6	6145129		2000-11-14	CZEKALLA	
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<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> ( Not for submission under 37 CFR 1.99)	Application Number		13282148	
	Filing Date		2011-10-26	
	First Named Inventor	William Thompson		
	Art Unit	3765		
	Examiner Name	Unkown		
	Attorney Docket Number	THMTE-001A		

	1	20060168704		2005-01-28	MAYER	
	2	20080086791		2007-10-11	SAMUEL	

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Examiner Initials*	Cite No	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, pages(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>5</sup>
	1		<input type="checkbox"/>

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EXAMINER SIGNATURE			
Examiner Signature		Date Considered	

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

<sup>1</sup> See Kind Codes of USPTO Patent Documents at [www.USPTO.GOV](http://www.USPTO.GOV) or MPEP 901.04. <sup>2</sup> Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>3</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>4</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>5</sup> Applicant is to place a check mark here if English language translation is attached.

<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> ( Not for submission under 37 CFR 1.99)	Application Number	13282148
	Filing Date	2011-10-26
	First Named Inventor	William Thompson
	Art Unit	3765
	Examiner Name	Unknown
	Attorney Docket Number	THMTE-001A

### CERTIFICATION STATEMENT

Please see 37 CFR 1.97 and 1.98 to make the appropriate selection(s):

☐ That each item of information contained in the information disclosure statement 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 the information disclosure statement. See 37 CFR 1.97(e)(1).

**OR**

☐ That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(2).

☐ See attached certification statement.

☐ The fee set forth in 37 CFR 1.17 (p) has been submitted herewith.

☒ A certification statement is not submitted herewith.

### SIGNATURE

A signature of the applicant or representative is required in accordance with CFR 1.33, 10.18. Please see CFR 1.4(d) for the form of the signature.

Signature	/mbg/	Date (YYYY-MM-DD)	2011-11-17
Name/Print	Mark B. Garred	Registration Number	34,823

This collection of information is required by 37 CFR 1.97 and 1.98. 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 1 hour 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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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 the Freedom of Information Act requires disclosure of these records.
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 inspections 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 Acknowledgement Receipt	
<b>EFS ID:</b>	11429003
<b>Application Number:</b>	13282148
<b>International Application Number:</b>	
<b>Confirmation Number:</b>	4873
<b>Title of Invention:</b>	GARMENT HAVING INTEGRATED PERSPIRATION BARRIERS
<b>First Named Inventor/Applicant Name:</b>	WILLIAM THOMPSON
<b>Customer Number:</b>	7663
<b>Filer:</b>	Mark B. Garred/Andrea Levine
<b>Filer Authorized By:</b>	Mark B. Garred
<b>Attorney Docket Number:</b>	THMTE-001A
<b>Receipt Date:</b>	17-NOV-2011
<b>Filing Date:</b>	26-OCT-2011
<b>Time Stamp:</b>	16:36:54
<b>Application Type:</b>	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	Information Disclosure Statement (IDS) Form (SB08)	IDS.pdf	612587 b9c534b20ad15bc404bf4bfaee215a5b8fc9668	no	4

### Warnings:

### Information:

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

**New Applications Under 35 U.S.C. 111**

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

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

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

**New International Application Filed with the USPTO as a Receiving Office**

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





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Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
13/282,148	10/26/2011	3765	530	THMTE-001A	20	3

CONFIRMATION NO. 4873

7663

STETINA BRUNDA GARRED & BRUCKER  
75 ENTERPRISE, SUITE 250  
ALISO VIEJO, CA 92656

FILING RECEIPT



\*OC000000050815359\*

Date Mailed: 11/08/2011

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)**

WILLIAM THOMPSON, San Diego, CA;  
Randy Hyun Choi, Anaheim, CA;

**Power of Attorney:** The patent practitioners associated with Customer Number 007663

**Domestic Priority data as claimed by applicant**

This appln claims benefit of 61/436,841 01/27/2011

**Foreign Applications** (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see <http://www.uspto.gov> for more information.)

Permission to Access - A proper **Authorization to Permit Access to Application by Participating Offices** (PTO/SB/39 or its equivalent) has been received by the USPTO.

**If Required, Foreign Filing License Granted:** 11/04/2011

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 13/282,148**

**Projected Publication Date:** 08/02/2012

**Non-Publication Request:** No

**Early Publication Request:** No

**\*\* SMALL ENTITY \*\***

**Title**

GARMENT HAVING INTEGRATED PERSPIRATION BARRIERS

**Preliminary Class**

002

**PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES**

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

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

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

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

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

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page 2 of 3

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<b>PATENT APPLICATION FEE DETERMINATION RECORD</b> Substitute for Form PTO-875						Application or Docket Number 13/282,148				
<b>APPLICATION AS FILED - PART I</b>										
(Column 1)		(Column 2)		SMALL ENTITY		OR OTHER THAN SMALL ENTITY				
FOR	NUMBER FILED	NUMBER EXTRA	RATE(\$)	FEE(\$)		RATE(\$)	FEE(\$)			
BASIC FEE <small>(37 CFR 1.16(a), (b), or (c))</small>	N/A	N/A	N/A	95		N/A				
SEARCH FEE <small>(37 CFR 1.16(k), (l), or (m))</small>	N/A	N/A	N/A	310		N/A				
EXAMINATION FEE <small>(37 CFR 1.16(o), (p), or (q))</small>	N/A	N/A	N/A	125		N/A				
TOTAL CLAIMS <small>(37 CFR 1.16(i))</small>	20	minus 20 = *	x 30 =	0.00	OR					
INDEPENDENT CLAIMS <small>(37 CFR 1.16(h))</small>	3	minus 3 = *	x 125 =	0.00						
APPLICATION SIZE FEE <small>(37 CFR 1.16(s))</small>	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$310 (\$155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).			0.00						
MULTIPLE DEPENDENT CLAIM PRESENT <small>(37 CFR 1.16(j))</small>				0.00						
			TOTAL	530		TOTAL				
* If the difference in column 1 is less than zero, enter "0" in column 2.										
<b>APPLICATION AS AMENDED - PART II</b>										
(Column 1)		(Column 2)		(Column 3)		SMALL ENTITY		OR OTHER THAN SMALL ENTITY		
AMENDMENT A		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE(\$)	ADDITIONAL FEE(\$)		RATE(\$)	ADDITIONAL FEE(\$)
	Total <small>(37 CFR 1.16(i))</small>	*	Minus	**	=	x	=	OR	x	=
	Independent <small>(37 CFR 1.16(h))</small>	*	Minus	***	=	x	=	OR	x	=
	Application Size Fee <small>(37 CFR 1.16(s))</small>							OR		
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <small>(37 CFR 1.16(j))</small>							OR		
						TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE	
AMENDMENT B		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE(\$)	ADDITIONAL FEE(\$)		RATE(\$)	ADDITIONAL FEE(\$)
	Total <small>(37 CFR 1.16(i))</small>	*	Minus	**	=	x	=	OR	x	=
	Independent <small>(37 CFR 1.16(h))</small>	*	Minus	***	=	x	=	OR	x	=
	Application Size Fee <small>(37 CFR 1.16(s))</small>							OR		
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <small>(37 CFR 1.16(j))</small>							OR		
						TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE	
* If the entry in column 1 is less than the entry in column 2, write "0" in column 3. ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20". *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3". The "Highest Number Previously Paid For" (Total or Independent) is the highest found in the appropriate box in column 1.										



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
13/282,148	10/26/2011	WILLIAM THOMPSON	THMTE-001A

**CONFIRMATION NO. 4873**

**POA ACCEPTANCE LETTER**

7663

STETINA BRUNDA GARRED & BRUCKER  
75 ENTERPRISE, SUITE 250  
ALISO VIEJO, CA 92656



0C000000050815532

Date Mailed: 11/08/2011

**NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 10/26/2011.

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

/kthai/

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

<b>POWER OF ATTORNEY OR REVOCATION OF POWER OF ATTORNEY WITH A NEW POWER OF ATTORNEY AND CHANGE OF CORRESPONDENCE ADDRESS</b>	Application Number	Unknown
	Filing Date	Herewith
	First Named Inventor	William Thompson
	Title	Garment Having Integrated ..
	Art Unit	Unknown
	Examiner Name	Unknown
	Attorney Docket Number	THMTE-001A

I hereby revoke all previous powers of attorney given in the above-identified application.

☐ A Power of Attorney is submitted herewith.

OR

☒ I hereby appoint Practitioner(s) associated with the following Customer Number as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith:

007663

OR

☐ I hereby appoint Practitioner(s) named below as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith:

Practitioner(s) Name	Registration Number

Please recognize or change the correspondence address for the above-identified application to:

☐ The address associated with the above-mentioned Customer Number

OR

☐ The address associated with Customer Number:

OR

☐ Firm or Individual Name

Address

City

State

Zip

Country

Telephone

Email

I am the:

☐ Applicant/Inventor.

OR

☒ Assignee of record of the entire interest. See 37 CFR 3.71.

Statement under 37 CFR 3.73(b) (Form PTO/SB/06) submitted herewith or filed on \_\_\_\_\_ herewith

SIGNATURE of Applicant or Assignee of Record

Signature	Date
Name	10-21-11
Title and Company	Telephone
President, The William Thompson Co., LLC	N/A

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 \_\_\_\_\_ forms are submitted.

This collection of information is required by 37 CFR 1.31, 1.32 and 1.33. The information is required to obtain or retain a benefit by the public which is to be (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 3 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 1480, Alexandria, VA 22313-1480. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1480, Alexandria, VA 22313-1480.

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

# ASSIGNMENT OF APPLICATION

Docket Number  
THMTE-001A

Whereas, I, William Thompson, hereafter referred to as Assignor, have invented certain new and useful improvements in Garment Having Integrated Perspiration Barriers for which an application for a United States Patent was filed on or about the date of this assignment.

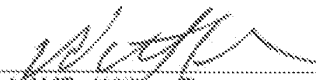
Whereas, The William Thompson Co., LLC of San Diego, California herein referred to as "Assignee" whose mailing address is 10601-G Tierrasanta Blvd., Suite 180, San Diego, CA 92124 is desirous of acquiring the entire right, title and interest in the same;

Now, therefore, in consideration of the sum of One dollars (\$1.00), the receipt whereof is acknowledged, and other good and valuable consideration, I, the applicant, by these presents do sell, assign and transfer unto said Assignee the full and exclusive right to the said improvement in the United States, and by these presents do hereby sell, assign, transfer and set over, unto Assignee, its successors, legal representatives and assigns, Assignor's entire right, title and interest in, to and under said improvements, and said application and all divisions, renewals, continuations, and continuations-in-part thereof, and all United States Letters patent which may be granted thereon and all reissues and extensions thereof, and all applications for Letters Patent which may hereafter be filed for said improvements in any country or countries foreign to the United States, including the full right to claim for any such application the priority benefits of the International Convention for the Protection of Industrial Property and other priority-conferring treaties, and all Letters Patent which may be granted for said improvements in any country or countries foreign to the United States and all extensions, divisions, continuations, continuations-in-part, renewals and reissues thereof; and Assignor hereby authorizes and requests the Commissioner of Patents and Trademarks of the United States, and any official of any country or countries foreign to the United States, whose duty it is to issue patents on applications as aforesaid, to issue all Letters Patent for said improvements to said Assignee, its successors, legal representatives and assigns, in accordance with the terms of this instrument; I hereby authorize and request the Commissioner of Patents and Trademarks to issue said United States Patent to said Assignee, of the entire right, title, and interest in and to the same, for his sole use and behoof; and for the use and behoof of his legal representatives, to the full end of the term for which said Patent may be granted, as fully and entirely as the same would have been held by me had this assignment and sale not been made.

Executed this 21 day of Oct, 2011

at 2:20 pm

10-21-11  
DATE

  
NAME: William Thompson

State of \_\_\_\_\_ )  
County of \_\_\_\_\_ )

On \_\_\_\_\_ before me, (insert name and title of the officer), personally appeared \_\_\_\_\_

who proved to me on the basis of satisfactory evidence, to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature \_\_\_\_\_ (Seal)

<b>ASSIGNMENT OF APPLICATION</b>	Docket Number <b>THMTE-001A</b>
<p>Whereas, I, <u>Randy Hyun Choi</u>, hereafter referred to as Assignor, have invented certain new and useful improvements in <u>Garment Having Integrated Perspiration Barriers</u> for which an application for a United States Patent was filed on or about the date of this assignment.</p>	
<p>Whereas, <u>The William Thompson Co., LLC of San Diego, California</u> herein referred to as "Assignee" whose mailing address is <u>8814 Donaker St., San Diego, CA 92129</u>, is desirous of acquiring the entire right, title and interest in the same,</p>	
<p>Now, therefore, in consideration of the sum of One dollars (\$1.00), the receipt whereof is acknowledged, and other good and valuable consideration, I, the applicant, by these presents do sell, assign and transfer unto said Assignee the full and exclusive right to the said improvement in the United States, and by these presents do hereby sell, assign, transfer and set over, unto Assignee, its successors, legal representatives and assigns, Assignor's entire right, title and interest in, to and under said improvements, and said application and all divisions, renewals, continuations, and continuations-in-part thereof, and all United States Letters patent which may be granted thereon and all reissues and extensions thereof, and all applications for Letters Patent which may hereafter be filed for said improvements in any country or countries foreign to the United States, including the full right to claim for any such application the priority benefits of the International Convention for the Protection of Industrial Property and other priority-conferring treaties, and all Letters Patent which may be granted for said improvements in any country or countries foreign to the United States and all extensions, divisions, continuations, continuations-in-part, renewals and reissues thereof, and Assignor hereby authorizes and requests the Commissioner of Patents and Trademarks of the United States, and any official of any country or countries foreign to the United States, whose duty it is to issue patents on applications as aforesaid, to issue all Letters Patent for said improvements to said Assignee, its successors, legal representatives and assigns, in accordance with the terms of this instrument. I hereby authorize and request the Commissioner of Patents and Trademarks to issue said United States Patent to said Assignee, of the entire right, title, and interest in and to the same, for his sole use and behoof, and for the use and behoof of his legal representatives, to the full end of the term for which said Patent may be granted, as fully and entirely as the same would have been held by me had this assignment and sale not been made.</p>	
<p>Executed this <u>24</u> day of <u>October</u>, 20<u>11</u>          at <u>4:50 pm</u>  <u>10/24/2011</u></p>	
DATE _____	NAME: <u>Randy Hyun Choi</u>
<p>State of _____ )          County of _____ )</p>	
<p>On _____ before me, (insert name and title of the officer), personally appeared _____</p>	
<p>who proved to me on the basis of satisfactory evidence, to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or entity upon behalf of which the person acted, executed the instrument</p>	
<p>I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct</p>	
<p>WITNESS my hand and official seal</p>	
<p>Signature _____ (Seal)</p>	
<p>- Total of ____ forms are submitted.</p>	



Electronic Patent Application Fee Transmittal				
Application Number:				
Filing Date:				
Title of Invention:		GARMENT HAVING INTEGRATED PERSPIRATION BARRIERS		
First Named Inventor/Applicant Name:		WILLIAM THOMPSON		
Filer:		Mark B. Garred/Andrea Levine		
Attorney Docket Number:		THMTE-001A		
Filed as Small Entity				
Utility under 35 USC 111(a) Filing Fees				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
<b>Basic Filing:</b>				
Utility filing Fee (Electronic filing)	4011	1	95	95
Utility Search Fee	2111	1	310	310
Utility Examination Fee	2311	1	125	125
<b>Pages:</b>				
<b>Claims:</b>				
<b>Miscellaneous-Filing:</b>				
<b>Petition:</b>				
<b>Patent-Appeals-and-Interference:</b>				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
<b>Post-Allowance-and-Post-Issuance:</b>				
<b>Extension-of-Time:</b>				
<b>Miscellaneous:</b>				
<b>Total in USD (\$)</b>				<b>530</b>

## Electronic Acknowledgement Receipt

<b>EFS ID:</b>	11270389
<b>Application Number:</b>	13282148
<b>International Application Number:</b>	
<b>Confirmation Number:</b>	4873
<b>Title of Invention:</b>	GARMENT HAVING INTEGRATED PERSPIRATION BARRIERS
<b>First Named Inventor/Applicant Name:</b>	WILLIAM THOMPSON
<b>Customer Number:</b>	7663
<b>Filer:</b>	Mark B. Garred/Andrea Levine
<b>Filer Authorized By:</b>	Mark B. Garred
<b>Attorney Docket Number:</b>	THMTE-001A
<b>Receipt Date:</b>	26-OCT-2011
<b>Filing Date:</b>	
<b>Time Stamp:</b>	17:18:54
<b>Application Type:</b>	Utility under 35 USC 111(a)

### Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	\$ 530
RAM confirmation Number	4325
Deposit Account	194330
Authorized User	GARRED,MARK B.
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 1.21 (Miscellaneous fees and charges)	

File Listing:					
Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		Application_001A.pdf	60453	yes	12
			151342b7c87bde2dd27672863fa3f0e913e0890e		
	Multipart Description/PDF files in .zip description				
	Document Description		Start		End
	Specification		1		8
	Claims		9		11
	Abstract		12		12
Warnings:					
Information:					
2	Drawings-only black and white line drawings	Drawings_001A.pdf	532317	no	2
			6441ea1ccd9bf214c5ea4b86e869918b721e093d		
Warnings:					
Information:					
3		Formal_Papers_001A.pdf	1558203	yes	8
			2addb9ee3a812bfb4717998b348a1a00ef77bfe6		
	Multipart Description/PDF files in .zip description				
	Document Description		Start		End
	Oath or Declaration filed		1		4
	Assignee showing of ownership per 37 CFR 3.73(b).		5		5
	Power of Attorney		6		6
	Miscellaneous Incoming Letter		7		8
Warnings:					
Information:					
4	Fee Worksheet (SB06)	fee-info.pdf	32896	no	2
			d2d685a4d8aad115c11170b95e62da5a632b32d9		
Warnings:					
Information:					
Total Files Size (in bytes):			2183869		

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

**New Applications Under 35 U.S.C. 111**

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

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

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

**New International Application Filed with the USPTO as a Receiving Office**

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

Case No.: THMTE-001A

## GARMENT HAVING INTEGRATED PERSPIRATION BARRIERS

### CROSS-REFERENCE TO RELATED APPLICATIONS

**[0001]** The present application claims priority to U.S. Provisional Patent Application Serial No. 61/436,841 entitled GARMENT HAVING INTEGRATED PERSPIRATION BARRIERS filed January 27, 2011, the disclosure of which is incorporated herein by reference.

STATEMENT RE: FEDERALLY SPONSORED RESEARCH/DEVELOPMENT

**[0002]** Not Applicable

### BACKGROUND OF THE INVENTION

#### **1. Technical Field of the Invention:**

**[0003]** The present invention relates generally to wearing apparel and, more particularly, to a garment or undergarment (e.g., a T-shirt) which is provided with integrated multi-layer perspiration barriers uniquely configured to provide high levels of evaporative cooling and moisture vapor transmission.

#### **2. Description of the Related Art**

**[0004]** As is known in the medical field, hyperhidrosis is a condition characterized by abnormally increased perspiration, in excess of that required for the regulation of body temperature. Hyperhidrosis can either be generalized or localized to specific parts of the body. Hands, feet, armpits and the groin area are among the most active regions of perspiration due to the relatively high concentration of sweat glands.

**[0005]** Of the various manifestations of hyperhidrosis, one of the most problematic for many individuals is axillary hyperhidrosis, or excessive underarm sweating. Because of the various stigmas that society has perpetuated about people who sweat excessively, as well as the unsightly appearance of excessive underarm perspiration, sufferers of axillary

hyperhidrosis are often reluctant to wear certain fabrics or colors which exacerbate the appearance of the perspiration. In addition, these sufferers are often compelled to leave jackets, sweaters, sport coats or other garments on to their discomfort, solely for the shielding effect provided by these outer garments. Moreover, in extreme circumstances, sufferers may resort to actually bringing changes of clothes with them to work or other events, assuming that the level of perspiration in a worn garment will reach a level of severity which mandates a disruptive, yet necessary change of clothes.

**[0006]** For the treatment of axillary hyperhidrosis, the aluminum chloride used in regular antiperspirants is typically insufficient, with sufferers often needing solutions with higher concentrations to effectively treat the symptoms of the condition. However, one of the major side effects of antiperspirant solutions which are adaptive to facilitate the treatment of axillary hyperhidrosis is a high level of irritation to the skin. Though surgical options are available for the treatment of axillary hyperhidrosis, including sweat gland removal or destruction, many sufferers seek treatment options which do not require a surgical procedure due to the cost of the procedure, the risks associated therewith, or other factors.

**[0007]** In recognition of the social difficulties experienced by many axillary hyperhidrosis sufferers and the reluctance of many of these sufferers to seek medical or surgical intervention for the treatment of their condition, there has been developed in the prior art various undergarments with permanently attached perspiration shielding which are adapted to protect outer clothing for underarm perspiration. Such undergarments are described, for example, in U.S. Patent No. 6,591,425 to Zellers, and in U.S. Patent Publication Nos. 2006/0168704 to Mayer, et al, and 2008/0086791 to Kirkwood Samuels, et al. Though the undergarments described in these and other references provide the general effect of protecting a wearer's outer clothing from underarm perspiration, they possess certain deficiencies which detract from the overall utility. For example, in certain ones of these prior art undergarments, the perspiration shield includes a waterproof layer and is placed proximate the wearer's skin in the underarm area, thus actually causing increased levels of perspiration attributable to the shield acting as a barrier to air flow, in addition to causing discomfort to the wearer. Additionally, in certain ones of these prior art garments, the layered construction of the perspiration shields included therein is not adapted to facilitate cooling air flow via a billowing effect, or to promote wearer comfort.

**[0008]** The present invention addresses and overcomes the deficiencies highlighted above by providing a garment or undergarment (e.g., a T-shirt) which is provided with integrated multi-layer perspiration barriers uniquely configured to provide high levels of evaporative cooling and moisture vapor transmission. These, as well as other features and advantages of the present invention will be described in more detail below.

#### BRIEF SUMMARY OF THE INVENTION

**[0009]** In accordance with the present invention, there is provided a garment or undergarment (e.g., a T-shirt) which is provided with integrated multi-layer perspiration barriers uniquely configured to provide high levels of evaporative cooling and moisture vapor transmission. More particularly, in the garment construction in accordance with the present invention, the perspiration barriers are integrated into the sleeve and torso portions of the garment such that such perspiration barriers actually define the underarm portions thereof. This is in contrast to prior art garment constructions wherein the perspiration shields are attached to the interior or exterior surfaces of the underarm portions of an existing garment, as opposed to the shield themselves defining such underarm portions.

**[0010]** In addition, each of the perspiration barriers integrated into the garment of the present invention is preferably comprised of four separate layers, each of which has a two-piece or panel construction. The materials of the various layers included in each of the perspiration barriers, the manner in which the layers are stacked upon and attached to each other, and the manner in which the stacked layers of joined panel pieces forming each perspiration barrier are integrated into the garment are specifically adapted to collectively promote evaporative cooling and a vapor transmission effect which provides superior perspiration absorption and evaporation, in addition to enhanced user comfort.

**[0011]** The present invention is best understood by reference to the following detailed description when read in conjunction with the accompanying drawings.



## BRIEF DESCRIPTION OF THE DRAWINGS

**[0012]** These, as well as other features of the present invention, will become more apparent upon reference to the drawings wherein:

**[0013]** Figure 1 is a front elevational view of an undergarment constructed in accordance with the present invention;

**[0014]** Figure 2 is a plan view of one of the multi-layer perspiration barriers integrated into the undergarment of the present invention, as viewed from the perspective of the view angle 2 shown in Figure 1;

**[0015]** Figure 3 is a partially exploded view of one of the layers included in each of the multi-layer perspiration barriers integrated into the undergarment of the present invention, depicting the two-piece primary construction thereof; and

**[0016]** Figure 4 is an exploded view of one of the multi-layer perspiration barriers integrated into the undergarment of the present invention, depicting the various layers included therein.

**[0017]** Common reference numerals are used throughout the drawings and detailed description to indicate like elements.

## DETAILED DESCRIPTION OF THE INVENTION

**[0018]** Referring now to the drawings wherein the showings are for purposes of illustrating a preferred embodiment of the present invention only, and not for purposes of limiting the same, Figures 1 and 2 depict a garment 10 constructed in accordance with the present invention. In an exemplary embodiment, the garment 10 is an undergarment and, more particularly, a T-shirt. In this regard, the garment 10 comprises a torso portion 12, one end of which includes an opening 14 therein to accommodate the head and neck of a wearer. In addition to the torso portion 12, the garment 10 includes an opposed pair of sleeve portions 16 which are attached to the torso portion 12 and are sized to cover the upper arms of the wearer of the garment 10. As further seen in Figures 1 and 2, each of the sleeves 16 defines a distal rim or end 18.

**[0019]** The garment 10 further comprises an identically configured pair of perspiration barriers 20 which are integrated into the remainder of the garment 10 in a manner which will be described in more detail below. As seen in Figure 4, each of the perspiration barriers 20 preferably comprises a plurality (e.g., four) stacked layers. Additionally, as seen in Figure 3, each of these layers has a two-piece construction, comprising a sleeve panel piece 22 and a torso panel piece 24 which are preferably sewn to each other as also described in more detail below. As further seen in Figure 3, the sleeve panel piece 22 of each layer has a generally trapezoidal configuration, with the torso panel piece 24 having a generally semi-circular configuration.

**[0020]** As indicated above, each perspiration barrier 20 is provided with a four-layer construction. More particularly, as seen in Figure 4, each perspiration barrier comprise a first layer 26 which will normally be in direct contact with the skin in the underarm of the wearer of the garment 10. As such, the first layer 26 is preferably fabricated from 100% cotton to provide an increased level of comfort to the wearer. The use cotton material of the first layer 26 is advantageous due to the ability of odor molecules emanating from the wearer's skin to easily break away from the cotton fibers, thus combating odor issues. Positioned against the first layer 26 is a second layer 28 which is preferably a terry-cloth material fabricated from 80%-20% cotton/polyester blend. As will also be discussed in more detail below, the "loop" design of the terry-cloth material used for the second layer 28 facilitates better airflow through the fully fabricated perspiration barrier 20, thus enhancing an evaporative cooling effect provided thereby.

**[0021]** In addition to the first and second layers 26, 28, each of the perspiration barriers comprises a third layer 30 which is positioned against the second layer 28 such that the second layer 28 is effectively oriented between the first and third layers 26, 30. The third layer 30 is preferably a hydrophilic breathable film which is fabricated from polyurethane and bonded by a finely dispersed adhesive dot pattern to the second layer 28. Positioned against the third layer 30 is a fourth layer 32, the third layer 30 thus being oriented between the second and fourth layers 28, 32. The fourth layer 32 is preferably made of the same material as the torso and sleeve portions 12, 16 of the garment 10 (e.g., a cotton material) for aesthetic consistency when the perspiration barriers 20 are integrated therein. In this regard, whereas the first layer 26 defines the innermost surface of each perspiration barrier 20 in the

completed garment 10 which will directly contact the skin of the wearer thereof, the fourth layer 32 defines the outermost surface of each perspiration barrier 20 in the completed garment 10 which is visually exposed when the same is being worn by the wearer.

**[0022]** As indicated above each of the first, second, third and fourth layers 26, 28, 30, 32 of each of the perspiration barriers 20 comprises a pair of the sleeve and torso panel pieces 22, 24 which are joined (e.g. sewn) to each other. More particularly, in fabricating each of the first and fourth layers 26, 32, a portion of the sleeve panel piece 22 extending along the peripheral base edge segment thereof of greatest length is joined to a portion of the torso panel piece 24 extending along the linear, non-arcuate peripheral edge segment thereof by an elongate stitch 34 which defines a foldable crease between the sleeve and torso panel pieces 22, 24.

**[0023]** However, in fabricating the second and third layers 28, 30, the sleeve panel pieces 22 of such second and third layers 28, 30 are initially bonded to each other in the aforementioned manner, as are the torso panel pieces 24 thereof. Thereafter, the bonded sleeve panel pieces 22 of the second and third layers 28, 30 are sewn to the bonded torso panel pieces 24 thereof by a single, elongate stitch 34. As described above in relation to the first and fourth layers 26, 32, the stitch 34 joining the bonded sleeve panel pieces 22 of the second and third layers 28, 30 to the bonded torso panel pieces 24 thereof extends along the peripheral base edge segments of the bonded sleeve panel pieces 22 of greatest length and the linear, non-arcuate peripheral edge segments of the bonded torso panel pieces 24, such stitch 34 also defining a foldable crease therebetween. Advantageously, the materials from which the second and third layers 28, 30 are fabricated, in concert with the manner in which they are attached to each other, enhances vapor transmission and breathability between the adjacent second and third layers 28, 30 in each of the fully fabricated perspiration barriers 20.

**[0024]** Once the various corresponding pairs of sleeve and torso panel pieces 22, 24 have been sewn to each other in the aforementioned manner, the resultant first, second, third and fourth layers 26, 28, 30, 32 are stacked upon each other such that the first layer 26 is positioned against the second layer 28, and the fourth layer 32 is positioned against the third layer 30. As indicated above, each perspiration barrier 20 of the garment 10 comprises the first, second, third and fourth layers 26, 28, 30, 32 as stacked upon each other in this particular sequence. Once each perspiration barrier 20 has been fabricated or assembled in

the aforementioned manner, it is sewn into the torso portion 12 and a corresponding sleeve portion 16 of the garment 10 using a continuous overlock stitch which extends solely along the peripheral edge thereof. It is contemplated that this peripheral overlock stitch will be covered by a continuous cover stitch 36 to provide a more desirable appearance to the garment 10.

**[0025]** Additionally, as best seen in Figure 2, each perspiration barrier 20 is preferably orientated relative to the remainder of the garment 10 such that the peripheral base edge segments of shortest length within the stacked sleeve panel pieces 22 of each perspiration barrier 20 extend along the distal end 18 of a respective one of the sleeve portions 16. Extending each perspiration barrier 20 to the distal end 18 of a respective one of the sleeve portions 16 helps reduce any occurrences of undesirable dripping of perspiration down the wearer's arm when the garment 10 is being worn. However, those of ordinary skill in the art will recognize that each perspiration barrier 20 may alternatively be orientated within the remainder of the garment 10 such that a gap or space of a prescribed width separates each perspiration barrier 20 from the distal end 18 of a corresponding sleeve portion 16.

**[0026]** Advantageously, the manner in which the perspiration barriers 20 are assembled, and in turn integrated into the remainder of the garment 10, provides enhanced evaporative cooling and moisture vapor transmission attributable to a billowing effect in each of the perspiration barriers 20. This billowing effect, and the resultant evaporative cooling and moisture vapor transmission process, also serves to decrease perspiration by lowering body temperature. Such billowing effect is achieved by the particulars of the construction of each of the perspiration barriers 20, and is enhanced by the minimal amount of stitching which extends through areas other than the peripheral portions thereof (thereby reducing the number of interiorly located needle holes). In this regard, as previously explained, within each perspiration barrier 20, the only stitching that extends through the interior thereof are the three separate, elongate stitches 34 that are used to join the sleeve and torso panel pieces 22, 24 of the first, second, third and fourth layers 26, 28, 30, 32 to each other. These stitches 34 within each perspiration barrier 20 provide the advantage of collectively creating a crease which allows the wearer of the garment 10 to more easily lift and lower his or her arms without undue resistance by the perspiration barriers 20, while further preventing an excessive amount of noise being generated by the arm lifting and lowering process.

Moreover, since the stitches 34 within each perspiration barrier 20 are only generally aligned with each other and do not give rise to the creation of continuous needle holes which span through each the first, second, third and fourth layers 26, 28, 30, 32, there is a significantly reduced potential for moisture or perspiration to travel along the stitches 34 and through the needle holes in a manner comprising the integrity of each perspiration barrier 20.

**[0027]** The “perimeter only” stitching used to facilitate the attachment of each of the fully fabricated perspiration barriers 20 to the remainder of the garment 10 allows outside air to be drawn into and between the first and second layers 26, 28, as well as the third and fourth layers 30, 32, of each of the perspiration barriers 20. At the same time, the stitches 34 of each of the perspiration barriers 20, due to thereof relative orientations, do not unduly compromise the billowing effect. As a result, as seen in Figure 4, moisture produced and emanating from the underarm skin of the wearer is initially transported through the first layer 26, and into a space or air chamber between the first and second layers 26, 28. Such moisture is then channeled through the second layer 28 and is thereafter transported along the molecular chains of the block co-polymer of the third layer 30 to reach equilibrium with the outside atmosphere, which also facilitates the transition of the moisture to a vapor state. As is also shown in Figure 4, the vapor which emanates from the third layer 30 in turn flows into the space or air chamber between the third and fourth layers 30, 32. As indicated above, the bonding of the third layer 30 to the second layer 28 by the finely disbursed adhesive dot pattern of the third layer 30 allows for better vapor transmission and breathability through such third layer 30. The vapor within the space between the third and fourth layers 30, 32 is thereafter released from the perspiration barrier 20 through the exterior fourth layer 32.

**[0028]** This disclosure provides an exemplary embodiment of the present invention. The scope of the present invention is not limited by this exemplary embodiment. Numerous variations, whether explicitly provided for by the specification or implied by the specification, such as variations in structure, dimension, type of material and manufacturing process may be implemented by one of skill in the art in view of this disclosure. For example, those of ordinary skill in the art will recognize that the above-described perspiration barriers 20 may be integrated into a garment other than for an undergarment such as a T-shirt. Additionally, some or all of the stitching described above could potentially be substituted with a suitable fabric adhesive.

WHAT IS CLAIMED IS:

1. A garment, comprising:
  - a torso portion fabricated from a prescribed garment material;
  - a pair of sleeve portions fabricated from the garment material, the sleeve portions being attached to and extending from the torso portion; and
  - a pair of perspiration barriers integrated into the torso portion and respective ones of the sleeve portions, each of the perspiration barriers comprising:
    - a first layer fabricated from a cotton material;
    - a second layer disposed adjacent the first layer and fabricated from a terry cloth material;
    - a third layer disposed adjacent the second layer and fabricated from a hydrophilic breathable film; and
    - a fourth layer disposed adjacent the second layer and fabricated from the garment material.
2. The garment of Claim 1 wherein the terry cloth material is fabricated from a blend of about 80% cotton and about 20% polyester.
3. The garment of Claim 1 wherein the hydrophilic breathable film is fabricated from polyurethane.
4. The garment of Claim 1 wherein the garment material is fabricated from a cotton material.
5. The garment of Claim 1 wherein the first layer is fabricated from a 100% cotton material.
6. The garment of Claim 1 wherein the second and third layers are joined to each other via an adhesive bond.
7. The garment of Claim 6 wherein the first, second, third and fourth layers are joined to each other and to the torso and sleeve portions of the garment via a peripheral overlock stitch.
8. The garment of Claim 7 wherein each of the first, second, third and fourth layers of each of the perspiration barriers is segregated into a sleeve panel piece and a torso panel piece which are attached to each other via a segment of stitching which defines a foldable crease therebetween.

9. The garment of Claim 8 wherein:

the sleeve panel piece of each of the first, second, third and fourth layers has a generally trapezoidal configuration defining a peripheral base segment of greatest length;

the torso panel piece of each of the first, second, third and fourth layers has a generally semi-circular configuration defining a non-arcuate peripheral edge segment; and

the crease extends along the base segment of the sleeve panel piece and along the non-arcuate peripheral edge segment of the torso panel piece.

10. The garment of Claim 8 wherein each of the sleeve portions defines a distal end and the sleeve panel pieces of each of the perspiration barriers extend to the distal end of a respective one of the sleeve portions.

11. The garment of Claim 8 wherein each of the perspiration barriers is attached to the torso portion and a respective one of the sleeve portions via a peripheral overlock stitch.

12. The garment of Claim 1 wherein each of the first, second, third and fourth layers of each of the perspiration barriers is segregated into a sleeve panel piece and a torso panel piece which are attached to each other via a segment of stitching which defines a foldable crease therebetween.

13. The garment of Claim 1 wherein each of the perspiration barriers is attached to the torso portion and a respective one of the sleeve portions via a peripheral overlock stitch.

14. The garment of Claim 13 wherein the overlock stitch is covered by a cover stitch.

15. A garment, comprising:

a pair of perspiration barriers integrated into respective ones of a pair of underarm areas of the garment, each of the perspiration barriers comprising:

a first layer fabricated from a cotton material;

a second layer disposed adjacent the first layer and fabricated from a terry cloth material;

a third layer disposed adjacent the second layer and fabricated from a hydrophilic breathable film; and

a fourth layer disposed adjacent the second layer and fabricated from a material which is aesthetically compatible to that used to fabricate the garment.

16. The garment of Claim 15 wherein each of the first, second, third and fourth layers of each of the perspiration barriers is segregated into a pair of panel pieces which are attached to each other via a segment of stitching which defines a foldable crease therebetween.

17. The garment of Claim 15 wherein the second and third layers are joined to each other via an adhesive bond.

18. The garment of Claim 17 wherein the first, second, third and fourth layers are joined to each other and to the torso and sleeve portions of the garment via a peripheral overlock stitch.

19. The garment of Claim 18 wherein the overlock stitch is covered by a cover stitch.

20. A garment, comprising:

- a torso portion;

- a pair of sleeve portions attached to and extending from the torso portion in opposed relation to each other; and

- a pair of perspiration barriers integrated into the torso portion and respective ones of the sleeve portions, each of the perspiration barriers comprising:

- a first layer fabricated from a soft, pliable material adapted to permit the transmission of moisture therethrough;

- a second layer disposed adjacent the first layer and fabricated from a loosely woven material;

- a third layer disposed adjacent the second layer and fabricated from a hydrophilic breathable film; and

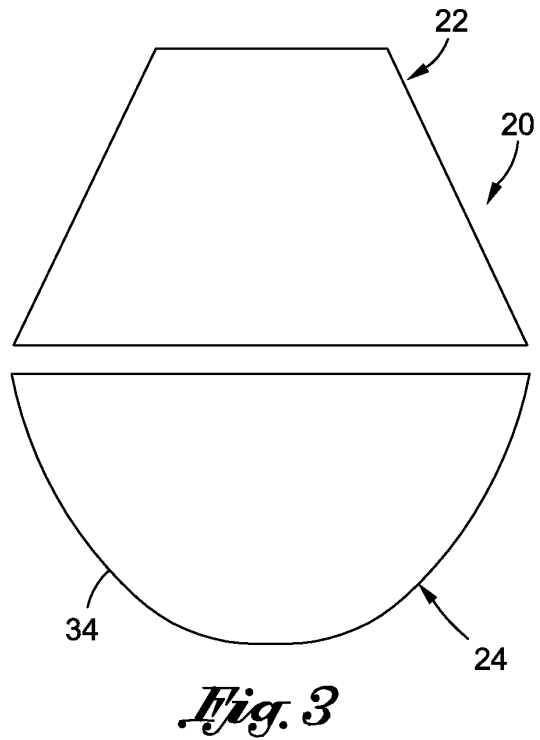
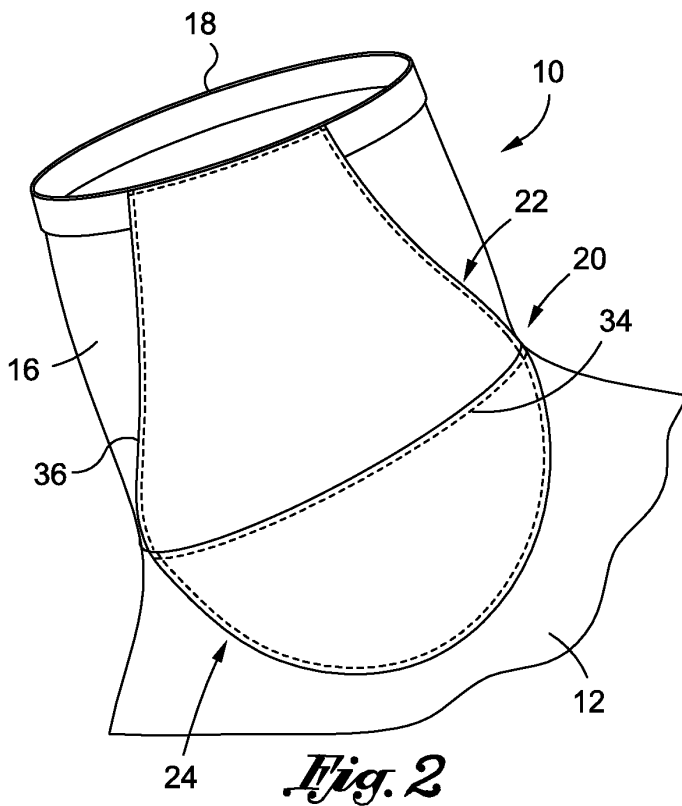
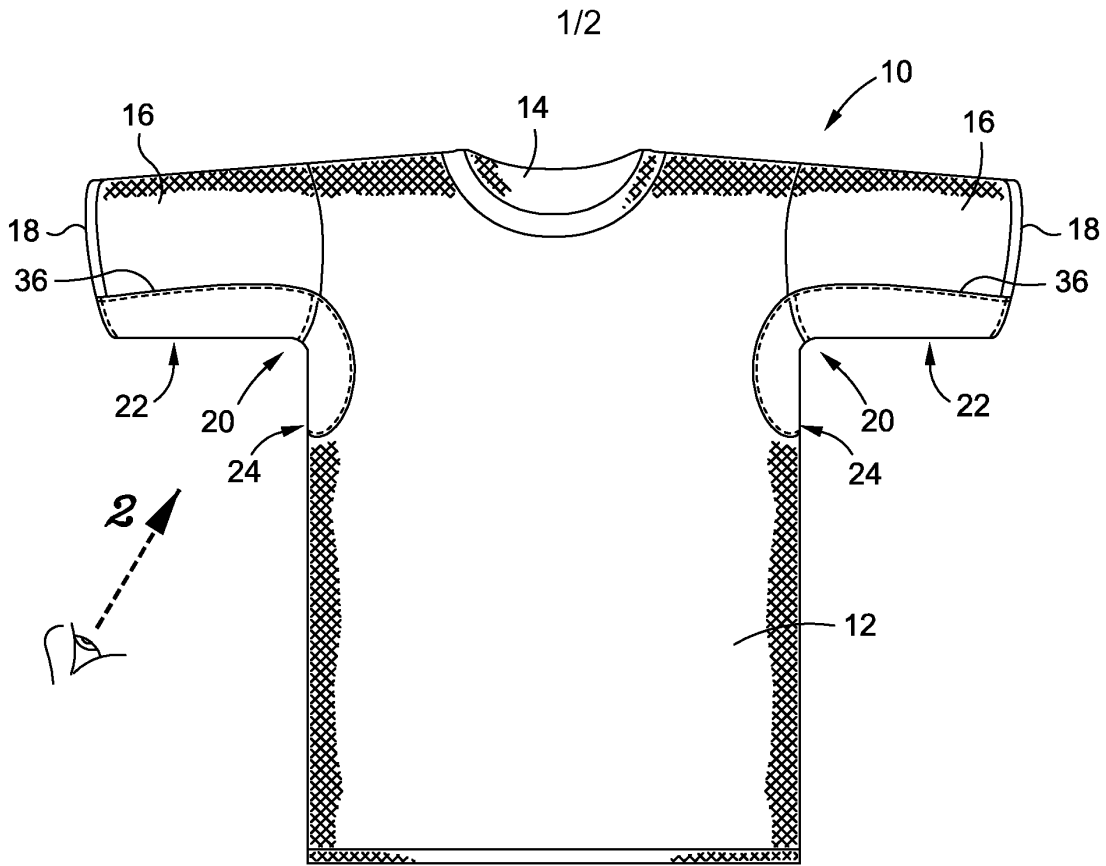
- a fourth layer disposed adjacent the second layer and fabricated from a material which is aesthetically compatible to that used to fabricate the garment.

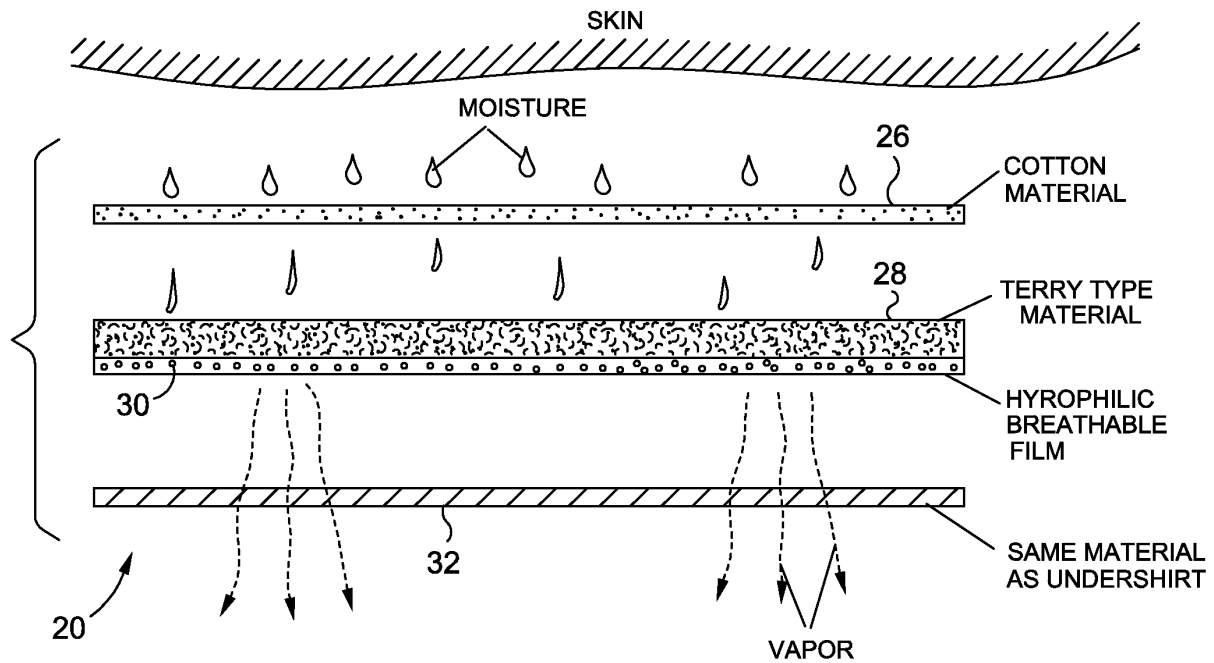


## GARMENT HAVING INTEGRATED PERSPIRATION BARRIERS

### ABSTRACT OF THE INVENTION

**[0029]** In accordance with the present invention, there is provided a garment or undergarment (e.g., a T-shirt) which is provided with integrated multi-layer perspiration barriers uniquely configured to provide high levels of evaporative cooling and moisture vapor transmission. The perspiration barriers are integrated into the sleeve and torso portions of the garment such that such perspiration barriers actually define the underarm portions thereof. Each of the perspiration barriers is preferably comprised of four layers, each of which is formed from two separate panel pieces. The various layers included in each of the perspiration barriers, the manner in which such layers are stacked upon and attached to each other, and the manner in which the layers forming each perspiration barrier are integrated into the garment are specifically adapted to collectively promote evaporative cooling and a vapor transmission effect which provides superior perspiration absorption and evaporation, in addition to enhanced user comfort.



*Fig. 4*

Doc Code: Oath

Document Description: Oath or declaration filed

PTCH8801 (04-09)

Approved for use through 01/31/2014. OMB 0951-0032  
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DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION (37 CFR 1.63)		Attorney Docket Number	Unknown
		First Named Inventor	William Thompson
COMPLETE IF KNOWN			
		Application Number	Unknown
		Filing Date	Herewith
		Art Unit	Unknown
		Examiner Name	Unknown

☒ Declaration Submitted With Initial Filing      OR      ☐ Declaration Submitted After Initial Filing (surcharge (37 CFR 1.16(f)) required)

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 filed:

GARMENT HAVING INTEGRATED PERSPIRATION BARRIERS

(Title of the Invention)

the application of which

☒ is attached hereto

OR

☐ was filed on (MM/DD/YYYY) \_\_\_\_\_ as United States Application Number or PCT International

Application Number \_\_\_\_\_ and was amended on (MM/DD/YYYY) \_\_\_\_\_ (if applicable)

I hereby state that I have reviewed and understand the contents of the above identified application, 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.

#### 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 (WIPO), and any other intellectual property offices in which a foreign application claiming priority to the above-identified patent application is filed access to the above-identified patent application. See 37 CFR 1.14(c) and (h). This box should not be checked if the applicant does not wish the EPO, JPO, KIPO, WIPO, or other intellectual property office in which a foreign application claiming priority to the above-identified patent application is filed to have access to the above-identified patent application.

In accordance with 37 CFR 1.14(h)(3), access will be provided to a copy of the above-identified patent application with respect to: 1) the above-identified patent application-as-filed; 2) any foreign application to which the above-identified patent application claims priority under 35 U.S.C. 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 patent application; and 3) any U.S. application-as-filed from which benefit is sought in the above-identified patent application.

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

[Page 1 of 3]

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**DECLARATION — Utility or Design Patent Application****Claim of Foreign Priority Benefits**

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

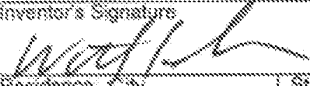
Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?	
				YES	NO
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			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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☐ Additional foreign application number(s) are listed on a supplemental priority data sheet PTO/GB/025 attached hereto.

[Page 2 of 3]

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NAME OF SOLE OR FIRST INVENTOR:		<input type="checkbox"/> A petition has been filed for this unsigned inventor		
Given Name (first and middle (if any))		Family Name or Surname		
William		Thompson		
Inventor's Signature		Date		
		10-21-11		
Residence: City	State	Country	Citizenship	
San Diego	CA	USA	USA	
Mailing Address				
8814 Donaker St.				
City	State	Zip	Country	
San Diego	CA	92129	USA	
<input type="checkbox"/> Additional inventors or a legal representative are being named on the supplemental sheet(s) PTO/SB/02A or OQLR attached hereto				

(Page 3 of 3)

Docket No. THMTE-001A

PTO/SB02A (07-07)

Approved for use through 06/30/2010 OAS 5851-5202

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<b>DECLARATION</b>	<b>ADDITIONAL INVENTOR(S)</b> Supplemental Sheet
Page 1 of 1	

Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Randy Hyun		Choi	
Inventor's Signature		Date 10/26/11	
Anaheim Residence City	CA State	USA Country	USA Citizenship
580 S. Londerly Lane			
Mailing Address			
Anaheim City	CA State	92807 Zip	USA Country
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Inventor's Signature		Date	
Residence City	State	Country	Citizenship
Mailing Address			
City	State	Zip	Country
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Inventor's Signature		Date	
Residence City	State	Country	Citizenship
Mailing Address			
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**STATEMENT UNDER 37 CFR 3.73(b)**

Applicant/Patent Owner: William Thompson and Randy Hyun Choi

Application No./Patent No.: \_\_\_\_\_ Filed/Issue Date: \_\_\_\_\_

Title: Garment Having Integrated Perspiration Barriers

The William Thompson Co., LLC, a Delaware LLC  
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest in;
2. ☐ an assignee of less than the entire right, title, and interest in  
(The extent (by percentage) of its ownership interest is \_\_\_\_\_ %); or
3. ☐ the assignee of an undivided interest in the entirety of (a complete assignment from one of the joint inventors was made)

the patent application/patent identified above, by virtue of either:

A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy therefore is attached.

OR

B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

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☒ As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

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

[Signature]  
Signature

10-21-11  
Date

William Thompson

President

Printed or Typed Name

Title

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