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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/590,854	08/21/2012	Niall R. Lynam	DON09 P-1852	6002
15671 7590 04/23/2013 Gardner, Linn, Burkhardt & Flory, LLP 2851 Charlevoix Dr. SE, Suite 207 Grand Rapids, MI 49546			EXAMINER AMARI, ALESSANDRO V	
			ART UNIT 2872	PAPER NUMBER
			NOTIFICATION DATE 04/23/2013	DELIVERY MODE ELECTRONIC

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

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

sytsma@glbf.com
mason@glbf.com
patents@glbf.com

Office Action Summary	Application No. 13/590,854	Applicant(s) LYNAM, NIAL R.	
	Examiner ALESSANDRO AMARI	Art Unit 2872	AIA (First Inventor to File) Status 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 _____.
☐ 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) 1-11 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) 1-11 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 or send an inquiry to PPHfeedback@uspto.gov.

Application Papers

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

11) ☒ The drawing(s) filed on 21 August 2012 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) ☒ Notice of References Cited (PTO-892)

2) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 12/19/2012

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

4) ☐ Other: _____.

DETAILED ACTION

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the “right to exclude” granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1, 4 and 7 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 2, 10 and 11 of U.S. Patent No. 8,128,243 in view of Davis US 3,826,563.

Claims 1, 4, 7 of the instant application are broader in scope than those of claims 1, 2, 10 and 11 of US 8,128,243 and therefore teach the invention except for the bracket. Davis teaches a bracket (14, Fig. 1) fixedly secured to a motor vehicle. It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the bracket as taught by Davis in combination with US 8,128,243 in order to securely fasten the mirror to the vehicle.

Claims 1, 4 and 7 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 and 4 of U.S. Patent No. US 7,934,843 in view of Davis US 3,826,563.

Claims 1, 4, 7 of the instant application are broader in scope than those of claims 1 and 4 of US 7,934,843 and therefore teach the invention except for the bracket. Davis teaches a bracket (14, Fig. 1) fixedly secured to a motor vehicle. It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the bracket as taught by Davis in combination with US 7,934,843 in order to securely fasten the mirror to the vehicle.

Claim Rejections - 35 USC § 102

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

A person shall be entitled to a patent unless –

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

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 4, 5, 7, 8, 10 and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Lynam et al US 2002/0072026.

The applied reference has a common inventor with the instant application.

Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention “by another,” or by an appropriate showing under 37 CFR 1.131.

In regard to claims 1, 4 and 7, Lynam discloses (see Figs. 2, 5, 6, 8) an exterior rearview mirror assembly for a motor vehicle, said exterior rearview mirror assembly comprising: a bracket (38) fixedly secured to the motor vehicle; a mirror casing (40) secured to said bracket, said mirror casing defining a primary opening; a primary mirror (50) disposed within said primary opening for providing a view rearward of the motor vehicle through a primary field of view, said primary mirror defining a primary plane; a

spotting mirror (55) spaced apart from said primary mirror, said spotting mirror extending through a secondary plane different from said primary plane as shown in Figures 11, 12; wherein said spotting mirror is at an angle relative to said primary mirror as shown in Figure 12; a divider (65, 3306) extending between said primary mirror and said spotting mirror to separate said primary and secondary mirrors visually; and wherein said primary mirror comprises one of (a) a generally flat glass substrate having a surface coated with a metallic reflector coating and (b) a generally flat polymeric substrate having a thin glass element applied to a surface thereof and with an opposing surface thereof having a reflecting layer applied thereto as described in [0043] and [0047].

Regarding claims 2, 5 and 8, Lynam discloses that said spotting mirror is forward of said primary plane as shown in Figures 12 and 13 and as described in [0074].

Regarding claim 10, Lynam discloses that the second field of view of said spotting mirror is generally directed at least one of outwardly and downwardly with respect to the longitudinal axis of the motor vehicle when said exterior rearview mirror assembly is attached to the motor vehicle as described in [0073] and [0074].

Regarding claim 11, Lynam discloses that said spotting mirror is at an angle of at least about three degrees relative to said primary mirror as described in [0073] and [0074].

Claims 1 and 3 are rejected under 35 U.S.C. 102(b) as being anticipated by Davis US 3826563.

In regard to claim 1, Davis discloses (see Figures 1-5, 7) an exterior rearview mirror assembly for a motor vehicle, said exterior rearview mirror assembly comprising: a bracket (14 - Fig. 1) fixedly secured to the motor vehicle; a mirror casing (12 - Fig. 1) secured to said bracket, said mirror casing defining a primary opening as shown in Figures 1 and 2; a primary mirror (A) disposed within said primary opening for providing a view rearward of the motor vehicle through a primary field of view as shown in Figure 4, said primary mirror defining a primary plane; a spotting mirror (B) spaced apart from said primary mirror as shown in Figure 1, said spotting mirror extending through a secondary plane different from said primary plane as shown in Figure 2; and a divider (see 56 bracket in Fig. 7 which includes divider) extending between said primary mirror and said spotting mirror to separate said primary and secondary mirrors visually.

Regarding claim 3, Davis discloses that said spotting mirror is rearward of said primary plane as shown in Figures 1 and 2.

Claim Rejections - 35 USC § 103

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

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4, 6, 7, 9 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis US 3826563 in view of Edelman US 5005962.

In regard to claims 4 and 7, Davis teaches (see Figures 1-5, 7) an exterior rearview mirror assembly for a motor vehicle, said exterior rearview mirror assembly comprising: a bracket (14 - Fig. 1) fixedly secured to the motor vehicle; a mirror casing (12 - Fig. 1) secured to said bracket, said mirror casing defining a primary opening as shown in Figures 1 and 2; a primary mirror (A) disposed within said primary opening for providing a view rearward of the motor vehicle through a primary field of view as shown in Figure 4, said primary mirror defining a primary plane; a spotting mirror (B) spaced apart from said primary mirror as shown in Figure 1, said spotting mirror extending through a secondary plane different from said primary plane as shown in Figure 2; wherein said spotting mirror is at an angle relative to said primary mirror as shown in Figures 1 and 2; and a divider (see 56 bracket in Fig. 7 which includes divider) extending between said primary mirror and said spotting mirror to separate said primary and secondary mirrors visually. However, in regard to claims 4 and 7, Davis does not teach that said primary mirror comprises one of (a) a generally flat glass substrate having a surface coated with a metallic reflector coating and (b) a generally flat polymeric substrate having a thin glass element applied to a surface thereof and with an opposing surface thereof having a reflecting layer applied thereto.

In regard to claims 4 and 7, Edelman teaches (see Fig. 4) (a) a primary mirror comprising a generally flat glass substrate having a surface coated with a metallic reflector coating and (b) a generally flat polymeric substrate having a thin glass element applied to a surface thereof and with an opposing surface thereof having a reflecting layer applied thereto as described in col. 2, lines 48-55.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have a mirror comprise one of (a) a generally flat glass substrate having a surface coated with a metallic reflector coating (5) and (b) a generally flat polymeric substrate having a thin glass element applied to a surface thereof and with an opposing surface thereof having a reflecting layer applied thereto as taught by Edelman for the primary mirror of Davis in order to provide a clear, highly reflective surface for optimum visual results.

Regarding claims 6 and 9, Davis discloses that said spotting mirror is rearward of said primary plane as shown in Figures 1 and 2.

Regarding claim 11, Davis teaches that said spotting mirror is at an angle of at least about three degrees relative to said primary mirror as described in col. 3, lines 6-17.

Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Platzer, Jr. US 7097312 in view of Davis US 3826563.

In regard to claim 1, Platzer, Jr. teaches (see for example, Figs. 16, 20-22, 26-28) an exterior rearview mirror assembly for a motor vehicle, said exterior rearview mirror assembly comprising: a primary mirror (76, 88) disposed within said primary opening for providing a view rearward of the motor vehicle through a primary field of view, said primary mirror defining a primary plane as shown in Figures 21 and 22; a spotting mirror (78, 90) spaced apart from said primary mirror, said spotting mirror extending through a secondary plane different from said primary plane as shown in

Figures 21 and 22; and a divider (98) extending between said primary mirror and said spotting mirror to separate said primary and secondary mirrors visually as described in col. 10, lines 49-67, and col. 11, lines 1-62.

However, in regard to claim 1, Platzer, Jr. does not teach a bracket fixedly secured to the motor vehicle; a mirror casing secured to said bracket, said mirror casing defining a primary opening.

In regard to claim 1, Davis teaches (see Fig. 1) a bracket (14) fixedly secured to the motor vehicle; a mirror casing (12) secured to said bracket, said mirror casing defining a primary opening as shown in Figures 1 and 2.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the bracket and mirror casing of Davis with the mirror of Platzer, Jr., in order to provide for a secure attachment of the mirror to the automobile and to provide for protection for the mirror from road hazards.

Regarding claim 2, Platzer, Jr. teaches that said spotting mirror is forward of said primary plane as shown in Figures 21 and 22 and as described in col. 10, lines 49-67.

Regarding claim 3, Platzer, Jr. teaches that said spotting mirror is rearward of said primary plane as shown in Figures 26-28 and as described in col. 10, lines 49-67.

Claims 4-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Platzer, Jr. US 7097312 in view of Davis US 3826563 and further in view of Edelman US 5005962.

In regard to claims 4 and 7, Platzer, Jr. teaches (see for example, Figs. 16, 20-22, 26-28) an exterior rearview mirror assembly for a motor vehicle, said exterior rearview mirror assembly comprising: a primary mirror (76, 88) disposed within said primary opening for providing a view rearward of the motor vehicle through a primary field of view, said primary mirror defining a primary plane as shown in Figures 21 and 22; a spotting mirror (78, 90) spaced apart from said primary mirror, said spotting mirror extending through a secondary plane different from said primary plane as shown in Figures 21 and 22; wherein said spotting mirror is at an angle relative to said primary mirror; as shown in Figures 21 and 22 and 27 and 28; and a divider (98) extending between said primary mirror and said spotting mirror to separate said primary and secondary mirrors visually as described in col. 10, lines 49-67, and col. 11, lines 1-62.

However, in regard to claims 4 and 7, Platzer, Jr. does not teach a bracket fixedly secured to the motor vehicle; a mirror casing secured to said bracket, said mirror casing defining a primary opening.

In regard to claims 4 and 7, Davis teaches (see Fig. 1) a bracket (14) fixedly secured to the motor vehicle; a mirror casing (12) secured to said bracket, said mirror casing defining a primary opening as shown in Figures 1 and 2.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the bracket and mirror casing of Davis with the mirror of Platzer, Jr., in order to provide for a secure attachment of the mirror to the automobile and to provide for protection for the mirror from road hazards.

However, in further regard to claims 4 and 7, Platzer-Davis does not teach that said primary mirror comprises one of (a) a generally flat glass substrate having a surface coated with a metallic reflector coating and (b) a generally flat polymeric substrate having a thin glass element applied to a surface thereof and with an opposing surface thereof having a reflecting layer applied thereto. In regard to claims 4 and 7, Edelman teaches (see Fig. 4) (a) a primary mirror comprising a generally flat glass substrate having a surface coated with a metallic reflector coating and (b) a generally flat polymeric substrate having a thin glass element applied to a surface thereof and with an opposing surface thereof having a reflecting layer applied thereto as described in col. 2, lines 48-55.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have a mirror comprise one of a generally flat glass substrate having a surface coated with a metallic reflector coating (5) and (b) a generally flat polymeric substrate having a thin glass element applied to a surface thereof and with an opposing surface thereof having a reflecting layer applied thereto as taught by Edelman for the primary mirror of Platzer-Davis in order to provide a clear, highly reflective surface for optimum visual results.

Regarding claims 5 and 8, Platzer, Jr. teaches that said spotting mirror is forward of said primary plane as shown in Figures 21 and 22 and as described in col. 10, lines 49-67.

Regarding claims 6 and 9, Platzer, Jr. teaches that said spotting mirror is rearward of said primary plane as shown in Figures 26-28 and as described in col. 10, lines 49-67.

Regarding claim 10, Platzer, Jr. teaches that the second field of view of said spotting mirror is generally directed at least one of outwardly and downwardly with respect to the longitudinal axis of the motor vehicle when said exterior rearview mirror assembly is attached to the motor vehicle as shown in Figure 3.

Regarding claim 11, the Platzer, Jr. -Davis-Edelman combination teaches the invention as set forth above but does not teach that said spotting mirror is at an angle of at least about three degrees relative to said primary mirror. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the spotting mirror be at an angle of at least about three degrees relative to said primary mirror, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. One would have been motivated to adjust the spotting mirror to be at an angle of at least about three degrees relative to said primary mirror in order to provide for the optimum view of the blind spot area to the driver. *In re Aller*, 220 F.2d 454, 456, 105 USPQ 233, 235

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALESSANDRO AMARI whose telephone number is

(571)272-2306. The examiner can normally be reached on Monday-Friday 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Pham can be reached on (571) 272-3689. 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.

/Alessandro Amari/
Primary Examiner, Art Unit 2872

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Group Art Unit : 2872
Examiner : Alessandro V. Amari
Inventor : Niall R. Lynam
Serial No. : 13/590,854
Filed : August 21, 2012
For : EXTERIOR REARVIEW MIRROR ASSEMBLY

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

Dear Sir:

RESPONSE

Responsive to the Office Action mailed April 23, 2013, Applicant wishes to amend the application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks begin on page 7 of this paper.

A **Terminal Disclaimer** is attached.

A **131 Declaration** is attached.

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Amendments to the Claims:

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

1 (currently amended): An exterior rearview mirror assembly for a motor vehicle, said exterior rearview mirror assembly comprising:

a bracket fixedly secured to the motor vehicle;

a mirror casing secured to said bracket, said mirror casing defining a primary opening;

a primary mirror disposed within said primary opening for providing a view rearward of the motor vehicle through a primary field of view, said primary mirror defining a primary plane;

a spotting mirror spaced apart from said primary mirror, said spotting mirror extending through a secondary plane different from said primary plane; and

wherein said primary mirror and said spotting mirror are supported on a mirror backing plate, and wherein said primary mirror is supported at a first portion of said mirror backing plate and said spotting mirror is supported at a second portion of said mirror backing plate;

a divider of said mirror backing plate extending between said primary mirror and said spotting mirror to separate said primary and secondary mirrors visually;

wherein said divider extends from said mirror backing plate and demarcates said first portion of said mirror backing plate from said second portion of said mirror backing plate;

wherein said first portion of said mirror backing plate, said second portion of said mirror backing plate and said divider are commonly injection molded to form said mirror backing plate; and

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wherein, when supported at said second portion of said mirror backing plate, said spotting mirror is tilted downwardly with respect to said primary mirror at an angle in a range of about 0.75 degrees to about 5 degrees.

2 (original): An exterior rearview mirror assembly as set forth in claim 1 wherein said spotting mirror is forward of said primary plane.

3 (original): An exterior rearview mirror assembly as set forth in claim 1 wherein said spotting mirror is rearward of said primary plane.

4 (currently amended): An exterior rearview mirror assembly for a motor vehicle, said exterior rearview mirror assembly comprising:

a bracket fixedly secured to the motor vehicle;

a mirror casing secured to said bracket, said mirror casing defining a primary opening;

a primary mirror disposed within said primary opening for providing a view rearward of the motor vehicle through a primary field of view, said primary mirror defining a primary plane;

a spotting mirror spaced apart from said primary mirror, said spotting mirror extending through a secondary plane different from said primary plane;

wherein said primary mirror and said spotting mirror are supported on a mirror backing plate, and wherein said primary mirror is supported at a first portion of said mirror backing plate and said spotting mirror is supported at a second portion of said mirror backing plate;

a divider of said mirror backing plate extending between said primary mirror and said spotting mirror to separate said primary and secondary mirrors visually; ~~and~~

wherein said primary mirror comprises one of (a) a generally flat glass substrate having a surface coated with a metallic reflector coating and (b) a generally flat

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polymeric substrate having a thin glass element applied to a surface thereof and with an opposing surface thereof having a reflecting layer applied thereto;

wherein said divider extends from said mirror backing plate and demarcates said first portion of said mirror backing plate from said second portion of said mirror backing plate;

wherein said first portion of said mirror backing plate, said second portion of said mirror backing plate and said divider are commonly injection molded to form said mirror backing plate; and

wherein, when supported at said second portion of said mirror backing plate, said spotting mirror is tilted downwardly with respect to said primary mirror at an angle in a range of about 0.75 degrees to about 5 degrees.

5 (original): An exterior rearview mirror assembly as set forth in claim 4 wherein said spotting mirror is forward of said primary plane.

6 (original): An exterior rearview mirror assembly as set forth in claim 4 wherein said spotting mirror is rearward of said primary plane.

7 (currently amended): An exterior rearview mirror assembly for a motor vehicle, said exterior rearview mirror assembly comprising:

a bracket fixedly secured to the motor vehicle;

a mirror casing secured to said bracket, said mirror casing defining a primary opening;

a primary mirror disposed within said primary opening for providing a view rearward of the motor vehicle through a primary field of view, said primary mirror defining a primary plane;

a spotting mirror spaced apart from said primary mirror, said spotting mirror extending through a secondary plane different from said primary plane;

wherein said spotting mirror is at an angle relative to said primary mirror;

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wherein said primary mirror and said spotting mirror are supported on a mirror backing plate, and wherein said primary mirror is supported at a first portion of said mirror backing plate and said spotting mirror is supported at a second portion of said mirror backing plate;

a divider of said backing plate extending between said primary mirror and said spotting mirror to separate said primary and secondary mirrors visually; and

wherein said primary mirror comprises one of (a) a generally flat glass substrate having a surface coated with a metallic reflector coating and (b) a generally flat polymeric substrate having a thin glass element applied to a surface thereof and with an opposing surface thereof having a reflecting layer applied thereto;

wherein said divider extends from said mirror backing plate and demarcates said first portion of said mirror backing plate from said second portion of said mirror backing plate;

wherein said first portion of said mirror backing plate, said second portion of said mirror backing plate and said divider are commonly injection molded to form said mirror backing plate; and

wherein, when supported at said second portion of said mirror backing plate, said spotting mirror is tilted downwardly with respect to said primary mirror at an angle in a range of about 0.75 degrees to about 5 degrees.

8 (original): An exterior rearview mirror assembly as set forth in claim 7 wherein said spotting mirror is forward of said primary plane.

9 (original): An exterior rearview mirror assembly as set forth in claim 7 wherein said spotting mirror is rearward of said primary plane.

10 (original): An exterior rearview mirror assembly as set forth in claim 7, wherein the second field of view of said spotting mirror is generally directed at least one of

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outwardly and downwardly with respect to the longitudinal axis of the motor vehicle when said exterior rearview mirror assembly is attached to the motor vehicle.

11 (original): An exterior rearview mirror assembly as set forth in claim 7, wherein said spotting mirror is at an angle of at least about three degrees relative to said primary mirror.

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Remarks:

The amendments and remarks presented herein are believed to be fully responsive to the Office Action dated April 23, 2013.

Claims 1-11 are pending in the application. Independent claims 1, 4 and 7 have been amended as set forth above. The amendments are fully supported in the specification and drawings as originally filed. No new matter has been added.

Double Patenting Claim Rejections:

Claims 1, 4 and 7 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 2, 10 and 11 of U.S. Patent No. 8,128,243 and over claims 1 and 4 of U.S. Patent No. 7,934,843. Enclosed herewith is a Terminal Disclaimer with respect to U.S. Patent Nos. 8,128,243 and 7,934,843. The basis for the double-patenting rejection is obviated. Accordingly, withdrawal of the rejection of claims 1-11 is respectfully requested.

Please charge Account No. 50-5553 for the \$160 terminal disclaimer fee due and for any additional fees which may be due.

Claim Rejections Under 35 U.S.C. §102 in View of Lynam '026:

Claims 1, 2, 4, 5, 7, 8, 10 and 11 were rejected under 35 U.S.C. §102(e) as being anticipated by Lynam, U.S. Publication No. US 2002/0072026 ("Lynam '026"). Applicant respectfully traverses.

Applicant submits that Lynam '026 is not prior art to the present claims under 35 U.S.C. §102(e). Lynam '026 published June 13, 2002, and, as discussed below, the present application has an effective filing date of May 20, 2003 (the filing date of U.S. provisional application 60/471,872). Thus, Lynam '026 published prior to the priority

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date of the presently claimed invention and Lynam '026 cannot be cited as prior art under 35 U.S.C. §102(e).

Also, because the present application has a priority date of May 20, 2003 that is less than one year after the publication date of Lynam '026 (June 13, 2002), and because (as discussed below) Applicant conceived and reduced to practice the invention claimed in at least the independent claims prior to the effective date of Lynam '026, Applicant respectfully submits that Lynam '026 is also not prior art under 35 U.S.C. §102(a).

The present application is a division of U.S. patent application Ser. No. 13/336,018, filed Dec. 23, 2011, now U.S. Patent No. 8,267,534, which is a continuation of U.S. patent application Ser. No. 12/911,274, filed October 25, 2010, now U.S. Patent No. 8,128,243, which is a continuation of U.S. patent application Ser. No. 12/851,045, filed August 5, 2010, now U.S. Patent No. 7,934,843, which is a continuation of U.S. patent application Serial No. 12/197,666, filed August 25, 2008, now U.S. Patent No. 7,842,154, which is a division of U.S. patent application Serial No. 10/709,434, filed May 5, 2004, now U.S. Patent No. 7,420,756, which claims the benefit of U.S. provisional application, Serial No. 60/471,872, filed May 20, 2003.

The present application incorporates by reference U.S. Patent Nos. 6,522,451 and 6,717,712. See, for example, paragraph [0045] on page 6 of the present application (reproduced below).

[0045] Reflective element 12 may comprise an aspheric or multi-radius or wide angle single element reflective element substrate. The reflective element 12 may provide a field of view similar to the plano-auxiliary reflective element assembly disclosed in U.S. Pat. Nos. 6,522,451 and 6,717,712, which are hereby incorporated herein by reference.

With respect to the priority provisional application Serial No. 60/471,872, this application similarly incorporates by reference U.S. Patent No. 6,522,451 and U.S.

Inventor : Niall R. Lynam
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patent application Serial No. 09/745,172, filed December 20, 2000. U.S. patent application Serial No. 09/745,172 issued as U.S. Patent No. 6,717,712. Thus, the present application and each of the priority applications incorporate by reference the same disclosures.

With respect to the rejection in view of Lynam '026, and in accordance with 37 CFR 1.131, Applicant submits herewith a Declaration which declares that the invention claimed in at least independent claims 1, 4 and 7 was invented by Applicant prior to the publication date of Lynam '026, namely, June 13, 2002. The specification and drawings (Exhibit A) of U.S. patent application Serial No. 09/478,315, which was filed on January 6, 2000 by Niall R. Lynam (the sole named inventor of the present application), along with U.S. Patent No. 6,522,451 (Exhibit B), which issued to Lynam from U.S. patent application Serial No. 09/478,315, and the specification and drawings (Exhibit C) of U.S. patent application Serial No. 09/745,172, which was filed on December 20, 2000 by Niall R. Lynam et al., along with U.S. Patent No. 6,717,712 (Exhibit D), which issued to Lynam et al. from U.S. patent application Serial No. 09/745,172, are submitted with the Declaration as corroborative evidence that the present invention was reduced to practice prior to the Lynam '026 publication date of June 13, 2002 (and at or prior to the December 20, 2000 filing date of the application that published as Lynam '026). The Declaration is signed by the named inventor (Niall R. Lynam) for the present application. The attached specification and drawings of Exhibits A-D clearly corroborate that the inventions claimed in at least independent claims 1, 4 and 7 were reduced to practice well prior to June 13, 2002, the publication date of Lynam '026, and at or prior to December 20, 2000, the filing date of the application that published as Lynam '026.

Accordingly, the rejection of claims 1, 2, 4, 5, 7, 8, 10 and 11 under §102(e) in view of Lynam '026 is obviated, and reconsideration and withdrawal of this rejection is respectfully requested.

Inventor : Niall R. Lynam
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Claim Rejections Under 35 U.S.C. §102 and §103:

Claims 1 and 3 were rejected under 35 U.S.C. §102(b) as being anticipated by Davis, U.S. Patent No. 3,826,563. Claims 4, 6, 7, 9 and 11 were rejected under 35 U.S.C. §103(a) as being unpatentable over Davis in view of Edelman, U.S. Patent No. 5,005,962, while claims 1-3 were rejected under 35 U.S.C. §103(a) as being unpatentable over Platzter, Jr., U.S. Patent No. 7,097,312, in view of Davis, and claims 4-11 were rejected under 35 U.S.C. §103(a) as being unpatentable over Platzter, in view of Davis and further in view of Edelman.

Applicant has clarified independent claims 1, 4 and 7 and submits that the present claims are in condition for allowance for at least the reasons set forth below.

Applicant has amended independent claim 1 to clarify that the primary mirror and the spotting mirror are supported on a mirror backing plate, with the primary mirror supported at a first portion of the mirror backing plate and the spotting mirror supported at a second portion of the mirror backing plate. A divider of the mirror backing plate extends between the primary mirror and the spotting mirror to separate the primary and secondary mirrors visually. The divider extends from the mirror backing plate and demarcates the first portion of the mirror backing plate from the second portion of the mirror backing plate. The first portion of the mirror backing plate, the second portion of the mirror backing plate and the divider are commonly injection molded to form the mirror backing plate. When supported at the second portion of the mirror backing plate, the spotting mirror is tilted downwardly with respect to the primary mirror at an angle in a range of about 0.75 degrees to about 5 degrees. Independent claims 4 and 7 have been clarified in a similar manner.

Applicant submits that Davis, either alone or in combination with Platzter and/or Edelman and/or any other prior art of record, does not disclose or suggest or anticipate or render obvious the claimed invention of independent claim 1. Likewise, with respect to the rejection of claims 2 and 3 and independent claims 4 and 7 and the claims depending

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therefrom, Applicant submits that Davis, either alone or in combination with Platzer and/or Edelman and/or any other prior art of record, does not disclose or suggest the claimed invention of these claims.

Thus, Applicant respectfully submits that Davis, either alone or in combination with any other prior art reference of record, does not disclose or suggest or anticipate or render obvious to one of ordinary skill in the art the combination of features that collectively and combined together constitute the claimed subject matter of the exterior rearview mirror assembly as set forth in claims 1-11. Reconsideration and withdrawal of the rejections of claims 1-11 is respectfully requested.

Claims 1-11 are pending in the application. Applicant respectfully submits that claims 1-11 are in condition for allowance and a notice to that effect is earnestly and respectfully requested.

Respectfully submitted,



Date: July 17, 2013

Timothy A. Flory
Registration No. 42 540
Gardner, Linn, Burkhart & Flory, LLP
2851 Charlevoix Drive, S.E., Suite 207
Grand Rapids, Michigan 49546
(616) 975-5500

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Group Art : 2872
Examiner : Alessandro V. Amari
Applicant : Niall R. Lynam
Serial No. : 13/590,854
Filing Date : August 21, 2012
For : EXTERIOR REARVIEW MIRROR ASSEMBLY

Mail Stop Amendment
Commissioner for Patents
Washington, D.C. 20231

DECLARATION UNDER RULE 131(a)

Niall R. Lynam, the inventor and Applicant in the above referenced patent application, declares as follows:

1. Prior to June 13, 2002, the inventor and Applicant conceived of the claimed invention of at least the independent claims as filed in the present application. For example, and with reference to claim 1 of the present application, the inventor and Applicant conceived of an exterior rearview mirror assembly comprising:
 - a. a bracket fixedly secured to a motor vehicle;
 - b. a mirror casing secured to said bracket, said mirror casing defining a primary opening;
 - c. a primary mirror disposed within said primary opening for providing a view rearward of the motor vehicle through a primary field of view, said primary mirror defining a primary plane;
 - d. a spotting mirror spaced apart from said primary mirror, said spotting mirror extending through a secondary plane different from said primary plane;
 - e. wherein said primary mirror and said spotting mirror are supported on a mirror backing plate, and wherein said primary mirror is supported at

Applicant : Niall R. Lynam
Serial No. : 13/590,854
Page : 2

- a first portion of said mirror backing plate and said spotting mirror is supported at a second portion of said mirror backing plate;
 - f. a divider of said mirror backing plate extending between said primary mirror and said spotting mirror to separate said primary and secondary mirrors visually;
 - g. wherein said divider extends from said mirror backing plate and demarcates said first portion of said mirror backing plate from said second portion of said mirror backing plate;
 - h. wherein said first portion of said mirror backing plate, said second portion of said mirror backing plate and said divider are commonly injection molded to form said mirror backing plate; and
 - i. wherein, when supported at said second portion of said mirror backing plate, said spotting mirror is tilted downwardly with respect to said primary mirror at an angle in a range of about 0.75 degrees to about 5 degrees.
2. The invention of at least the independent claims of the present application was reduced to practice sometime prior to June 13, 2002, as evidenced by the attached specification and drawings (Exhibit A), which were filed with the United States Patent and Trademark Office on January 6, 2000 by Niall R. Lynam, and assigned Serial No. 09/478,315, as evidenced by the attached U.S. Patent No. 6,522,451 (Exhibit B), which issued February 18, 2003 from the 09/478,315 application, and as also evidenced by the attached specification and drawings (Exhibit C), which were filed with the United States Patent and Trademark Office on December 20, 2000 by Niall R. Lynam, and assigned Serial No. 09/745,172, as evidenced by the attached U.S. Patent No. 6,717,712 (Exhibit D).
3. I am the sole named inventor of U.S. patent application Serial No. 13/590,854 (the present application) and I am the sole named inventor of U.S. patent application Serial No. 09/478,315 (Exhibit A), which issued as U.S. Patent No. 6,522,451 (Exhibit B) and I am a co-inventor of U.S. patent

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application Serial No. 09/745,172 (Exhibit C), which issued as U.S. Patent
No. 6,717,712 (Exhibit D).

I hereby declare that all activities relating to the conception and reduction to
practice of the above invention occurred in the United States.

I hereby declare that all statements made herein of my own knowledge are true
and that all statements made on information and belief are believed to be true; and
further, that the statements are made with the knowledge that willful false statements and
the like so made are punishable by fine or imprisonment or both, as set forth under
section 1001, title 18, of the United States Code, and that such willful false statements
may jeopardize the validity of the application or any patent issuing thereon.

Inventor:

Date:



Niall R. Lynam





UNITED STATES PATENT AND TRADEMARK OFFICE

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

NOTICE OF ALLOWANCE AND FEE(S) DUE

15671 7590 09/05/2013
Gardner, Linn, Burkhardt & Flory, LLP
2851 Charlevoix Dr.
SE, Suite 207
Grand Rapids, MI 49546

EXAMINER

AMARI, ALESSANDRO V

ART UNIT

PAPER NUMBER

2872

DATE MAILED: 09/05/2013

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/590,854	08/21/2012	Niall R. Lynam	DON09 P-1852	6002

TITLE OF INVENTION: EXTERIOR REARVIEW MIRROR ASSEMBLY

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	UNDISCOUNTED	\$1780	\$300	\$0	\$2080	12/05/2013

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the ENTITY STATUS shown above. If the ENTITY STATUS is shown as SMALL or MICRO, verify whether entitlement to that entity status still applies.

If the ENTITY STATUS is the same as shown above, pay the TOTAL FEE(S) DUE shown above.

If the ENTITY STATUS is changed from that shown above, on PART B - FEE(S) TRANSMITTAL, complete section number 5 titled "Change in Entity Status (from status indicated above)".

For purposes of this notice, small entity fees are 1/2 the amount of undiscounted fees, and micro entity fees are 1/2 the amount of small entity fees.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail **Mail Stop ISSUE FEE**
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or Fax (571)-273-2885

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

15671 7590 09/05/2013
 Gardner, Linn, Burkhardt & Flory, LLP
 2851 Charlevoix Dr.
 SE, Suite 207
 Grand Rapids, MI 49546

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.
13/590,854	08/21/2012	Niall R. Lynam	DON09 P-1852	6002

TITLE OF INVENTION: EXTERIOR REARVIEW MIRROR ASSEMBLY

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	UNDISCOUNTED	\$1780	\$300	\$0	\$2080	12/05/2013

EXAMINER	ART UNIT	CLASS-SUBCLASS
AMARI, ALESSANDRO V	2872	359-866000

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

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

2. For printing on the patent front page, list

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

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

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

(A) NAME OF ASSIGNEE

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

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

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

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

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

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

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

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

Authorized Signature _____

Date _____

Typed or printed name _____

Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/590,854	08/21/2012	Niall R. Lynam	DON09 P-1852	6002
15671 7590 09/05/2013 Gardner, Linn, Burkhardt & Flory, LLP 2851 Charlevoix Dr. SE, Suite 207 Grand Rapids, MI 49546			EXAMINER AMARI, ALESSANDRO V	
			ART UNIT 2872	PAPER NUMBER

DATE MAILED: 09/05/2013

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

The Patent Term Adjustment to date is 0 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 0 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

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

Privacy Act Statement

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

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

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

Notice of Allowability	Application No. 13/590,854	Applicant(s) LYNAM, NIAL R.	
	Examiner ALESSANDRO AMARI	Art Unit 2872	AIA (First Inventor to File) Status 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 amendment of 7/17/2013.
☐ 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 1-11. As a result of the allowed claim(s), you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see http://www.uspto.gov/patents/init_events/pph/index.jsp or send an inquiry to PPHfeedback@uspto.gov.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

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. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Examiner's Amendment/Comment |
| 2. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 6. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| 3. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 7. <input type="checkbox"/> Other _____. |
| 4. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. | |

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REASONS FOR ALLOWANCE

Terminal Disclaimer

The terminal disclaimer filed on 17 July 2013 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of US Patents 8128243 and 7934843 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Affidavit

The affidavit filed on 17 July 2013 under 37 CFR 1.131(a) is sufficient to overcome the Lynam et al US 2002/0072026 reference.

Allowable Subject Matter

Claims 1-11 are allowed.

The following is an examiner's statement of reasons for allowance:

Claims 1, 4 and 7 are allowable for at least the reason, "wherein said primary mirror and said spotting mirror are supported on a mirror backing plate, and wherein said primary mirror is supported at a first portion of said mirror backing plate and said spotting mirror is supported at a second portion of said mirror backing plate; a divider of said mirror backing plate extending between said primary mirror and said spotting mirror to separate said primary and secondary mirrors visually wherein said divider extends from said mirror backing plate and demarcates said first portion of said mirror backing plate from said second portion of said mirror backing plate wherein said first portion of

said mirror backing plate, said second portion of said mirror backing plate and said divider are commonly injection molded to form said mirror backing plate; and wherein, when supported at said second portion of said mirror backing plate, said spotting mirror is tilted downwardly with respect to said primary mirror at an angle in a range of about 0.75 degrees to about 5 degrees” as set forth in the claimed combination. Claims 2, 3, 5, 6, and 8-11 are allowable due to their dependence on claims 1, 4 and 7.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALESSANDRO AMARI whose telephone number is (571)272-2306. The examiner can normally be reached on Monday-Friday 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Pham can be reached on (571) 272-3689. 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.

/Alessandro Amari/
Primary Examiner, Art Unit 2872