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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/475,421	05/18/2012	Jim Uhryn	1415-007	8266

79606 7590 11/29/2016

Buchanan Nipper LLC
P.O. Box 700
Perrysburg, OH 43552-0700

EXAMINER	
JOERGER, KAITLIN S	

ART UNIT	PAPER NUMBER
3652	

NOTIFICATION DATE	DELIVERY MODE
11/29/2016	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):

uspto@bnip.com
pair@bnip.com

Notice of Abandonment	Application No.	Applicant(s)
	13/475,421	UHRYN ET AL.
	Examiner	Art Unit
	KAITLIN JOERGER	3652

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

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on *20 April 2016*.
   (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
   (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 to the final rejection.
   (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) if this is utility or plant application, a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. Note that RCEs are not permitted in design applications.)
   (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
   (d) ☒ No reply has been received.

2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
   (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
   (b) ☐ The submitted fee of $_____ is insufficient. A balance of $_____ is due.
   The issue fee required by 37 CFR 1.18 is $_____. The publication fee, if required by 37 CFR 1.18(d), is $_____.
   (c) ☐ The issue fee and publication fee, if applicable, has not been received.

3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
   (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
   (b) ☐ No corrected drawings have been received.

4. ☐ The letter of express abandonment which is signed by the attorney or agent of record or other party authorized under 37 CFR 1.33(b). See 37 CFR 1.138(b).

5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34) upon the filing of a continuing application.

6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.

7. ☐ The reason(s) below:

/KAITLIN JOERGER/
Primary Examiner, Art Unit 3652

Petitions to revive under 37 CFR 1.137, or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/475,421	05/18/2012	Jim Uhryn	1415-007	8266

79606 7590 07/06/2016

Buchanan Nipper LLC
P.O. Box 700
Perrysburg, OH 43552-0700

EXAMINER	
JOERGER, KAITLIN S	

ART UNIT	PAPER NUMBER
3652	

NOTIFICATION DATE	DELIVERY MODE
07/06/2016	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):

uspto@bnip.com
pair@bnip.com

The present application is being examined under the pre-AIA first to invent provisions.

DETAILED ACTION

Response to Amendment

The reply filed on 4/20/16 is not fully responsive to the prior Office action because of the following omission(s) or matter(s): The amendment to the claims, specification, and figures has resulted in an impermissible shift in the subject matter being sought for patent protection. The claims now rely on subject matter, i.e. the crane, not previously provided for in the original prosecution. See 37 CFR 1.111. Since the above-mentioned reply appears to be bona fide, applicant is given a TIME PERIOD of **TWO (2) MONTHS** from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. This application has been granted special status under the accelerated examination program. Extensions of this time period may be granted under 37 CFR 1.136(a). However, filing a petition for extension of time will result in the application being taken out of the accelerated examination program. The objective of the accelerated examination program is to complete the examination of an application within twelve months from the filing date of the application. To meet that objective, any reply must be filed electronically via EFS-Web so that the papers will be expeditiously processed and considered. If the reply is not filed electronically via EFS-Web, the final disposition of the application may occur later than twelve months from the filing of the application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KAITLIN JOERGER whose telephone number is (571)272-6938. The examiner can normally be reached on Monday - Friday 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saul Rodriguez can be reached on 571-272-7097. 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.

/KAITLIN JOERGER/
Primary Examiner, Art Unit 3652

29 June 2016

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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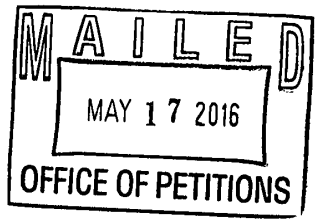

In re Application of :
Jim Uhryn, et al. :
Application No. 13/475,421 : DECISION ON PETITION
Filed: May 18, 2012 :
Attorney Docket No. 1415-007 :

This is a decision on the renewed petition, filed April 20, 2016, to revive the above-identified application which is being treated under the unintentional provisions of 37 CFR 1.137(a).

The petition is **GRANTED**.

The application became abandoned for failure to timely reply to the non-final Office action, mailed March 20, 2014, which set a statutory period for reply of three (3) months. Accordingly, the date of abandonment of this application is June 21, 2014. On June 26, 2015 a petition under 37 CFR 137(a) was filed, however the petition was dismissed in a decision mailed April 1, 2016. On April 20, 2016, the present petition was filed.

The petition satisfies the requirements of 37 CFR 1.137(a) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of $850; and (3) an adequate statement of unintentional delay.

The application is being forwarded to the Technology Center Art Unit 3652 for appropriate action in the normal course of business on the reply received April 20, 2016.

Telephone inquiries concerning this decision should be directed to Angela Walker at (571) 272-1058. All other inquiries regarding this application should be directed to the Technology Center.

/SDB/
Sherry D. Brinkley
Lead Paralegal Specialist
Office of Petitions

DAC

Renewed Petition for

Revival of an Application for Patent Abandoned Unintentionally under 37 CFR 1.137(b)

First named inventor:	Uhryn
Application No.:	13/475,421
Art Unit:	3676
Filed:	05/18/2012
Examiner:	Joerger
Title:	Method and Apparatus for Bulk Transport of Proppant
Attorney Docket No.:	1415-007

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

via First Class Mail

Dear Commissioner:

The Office issued a Decision on Petition dated 1 April 2016 (the "Decision"), dismissing the Applicant's Petition for Revival which was filed on 26 June 2015. The Decision indicated that the reason for dismissal of the Petition was that the Assignee signed the Petition instead of a patent practitioner, pointing out that "...all petitions filed by an assignee, as the one in the instant application, must still be signed by a registered patent practitioner."

In response to the Decision, the Assignee hereby files this Renewed Petition for Revival of an Application for Patent Abandoned Unintentionally under 37 CFR 1.137(b).

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

The Petition Fee was paid on 26 June 2015.

A reply to the outstanding Office Action in the form of a Response was previously filed on 25 June 2015. A copy of the Response is attached as Exhibit A.

A terminal disclaimer is not required because this utility application was filed on or after 8 June 1995.

A statement, signed by Lori D. Uhryn, that the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional was previously filed on 25 June 2015. A copy of the original Petition which included Ms. Uhryn's statement is attached hereto as Exhibit B.

The undersigned, supplementing Ms. Uhryn's earlier statement regarding the entire delay, hereby states the delay in filing a grantable petition pursuant to 37 CFR 1.137(b) to revive the application was unintentional. As such, a statement has been provided that the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

Respectfully submitted this 13th day of April 2016.

Best regards,

Stephen M. Nipper
Registered Patent Attorney
Reg. No. 46260
208-629-0020 x152

CERTIFICATE OF MAILING UNDER 37 CFR 1.8

I HEREBY CERTIFY that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Mail Stop PETITIONS, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date below.

Dated: 13 April 2016.

Best regards,

Stephen M. Nipper
Registered Patent Attorney
Reg. No. 46260
208-629-0020 x152

Application Number: 13/475,421
Confirmation No. 8266
Examiner: Joerger
Attorney Docket No: 1276-002

RESPONSE TO NON-FINAL REJECTION

Dear Commissioner:

In response to the Non-Final Rejection dated 20 March 2014 (the "Action"), please enter the following amendments and remarks of record. Applicant respectfully requests reconsideration of the application.

Indexing:

- **Amendment/Req. Reconsideration-After Non-Final Reject** – page 1.
- **Drawings** - begin on page 2
- **Specification** – begin on page 3.
- **Claims** – begin on page 5.
- **Applicant Arguments/Remarks Made in an Amendment** – begin on page 9.

EXHIBIT A

AMENDMENTS TO THE DRAWINGS

The attached new sheet of drawings includes new Figure 3A.

Attachment: New Sheet

REMARKS MADE IN AN AMENDMENT

Applicant has amended Claims 1 and 13 to recite use of a crane in the method and apparatus, respectively.

New Fig. 3A and a reference to the same in the specification at paragraphs [0011] and [0020] has been added.

All of the amendments are supported by the application as filed.

For example, use of a crane is mentioned in para. 20 "[u]nloading may be carried out using a ... crane". In addition, the fact that the tilting device is a crane adjacent the intermodal transport container, and thus independent from the container, is indicated at least in para. 20 that states "[t]he tilter 56 may remain at well site 18".

In view of the above amendments, previous Claim 7 is cancelled and Claim 17 is amended.

CLAIM REJECTIONS - 35 USC §102

Claims 13-15, 17-19 and 21 were rejected under pre-AIA 35 U.S.C. 102(b) as being allegedly anticipated by U.S. Patent No. 3,951,284 (Fell). Applicant respectfully traverses this rejection.

Claim 13 (as amended) recites:

> ...proppant being loosely disposed within the enclosed interior [of an intermodal transport container] ...
>
> ...a crane adjacent [an] intermodal transport container and supporting the intermodal transport container in a tilted orientation, with at least one of the one or more gates being open to unload proppant.

Fell neither discloses nor suggests such features. Fell fails to disclose both proppant and use of a crane. Thus, Claim 13, and all claims dependent on Claim 13, are not anticipated by Fell.

Moreover, Fell teaches away from using a crane adjacent the container. Fell indicates that an "... object of the present invention is to provide a method of transporting bulk material in a closed shipping vehicle which does not require special equipment for unloading the bulk material at its destination..." (2:4-8, underlining added for emphasis). Fell gives an example of an onboard jack 74 as a suitable unloading mechanism (Fig. 6). By contrast, many well sites do not have a

crane present, and thus a crane adjacent the container qualifies as "special equipment for unloading the bulk material at its destination". Fell thus teaches away from crane use.

A potential disadvantage of the Applicant's claimed invention is that the invention cannot be operated if a crane is not present at the well site (see Applicant's para. 24). For this further reason a skilled worker would not consider Applicant's claimed invention to be obvious over Fell, whose onboard tilting machinery permits use at any well site.

Despite such a disadvantage, when a crane is present at the well site Applicant's claimed invention provides a relatively low cost method of transporting proppant to, and unloading the proppant at, a well site. Because Applicant's method tilts via a crane at the well site, the proppant can be transported to the well site by conventional intermodal transport containers and by conventional transport means such as by tractor trailor or rail car. Conventional containers are relatively common and cheap to transport, and Applicant's claimed invention leverages such systems (Applicant's para. 23). There is no demand at any stage of Applicant's claimed invention for specialized or modified containers, such as tilting flatbed trailers, or onboard tilting mechanisms such as jacks. Such devices complicate the transport process by requiring either a) a separate transloading stage from conventional container into specialized container, or b) use by the manufacturer of the specialized container. By contrast, Applicant's claimed invention simplifies the transport of the proppant to the well site, and thus has taken a direction contrary to that of Fell.

Thus, Claim 13, and all claims dependent on Claim 13, are neither anticipated nor obvious over Fell.

CLAIM REJECTIONS - 35 USC §103

A. Claims 1-2, 4-9, and 11-12 were rejected under pre-AIA 35 U.S.C. 103(a) as being allegedly unpatentable over U.S. Patent Application Publication No. 2005/0260062 (Boasso) in view of U.S. Patent Application Publication No. 2012/0099954 (Teichrob).

Applicant respectfully traverses this rejection, which is assumed to refer to the above-indicated patent publications though such were not explicitly identified in the office action.

Similar to Claim 13, Applicant's Claim 1 recites:

...transporting proppant in an intermodal transport container to a well site and adjacent a crane...

...tilting the intermodal transport container with the crane; andunloading, while the intermodal transport container is supported in a tilted orientation by the crane, at least a portion of the proppant through one or more gates in the intermodal transport container at the well site.

Like Fell discussed above, neither Boasso nor Teichrob disclose or suggest use with a crane.

Like Fell, both Boasso and Teichrob require onboard tilting mechanisms.

Like Fell, Boasso requires a "specially configured trailer and vessel arrangement for transporting the bulk material to the end user" (para. 12). Boasso's trailer is "configured to cradle the vessel in a generally horizontal position during transport and to move the vessel from the generally horizontal position to a generally vertical position for end use" (para. 7). Boasso also indicates that "lifting equipment associated with such boxes or bags can be eliminated ..." (para. 13).

Like Fell, Teichrob discloses a mobile storage module having an operational configuration "to hold and dispense said granular material downward to the delivery module" (para. 10, underlining added for emphasis). Teichrob gives an example of a pivotal rock over chassis that uses integrated hydraulics to lift the container from one end (para. 47). Teichrob also teaches directly away from the use of cranes (see paras. 4 and 8).

Thus, for the reasons given above with respect to the rejection over Fell, Applicant's Claim 1, and all claims dependent on Claim 1, are patentable over Boasso in view of Teichrob.

B. Claim 3 was rejected under pre-AIA 35 U.S.C. 103(a) as being allegedly unpatentable over Boasso in view of Teichrob and further in view of U.S. Patent Application Publication No. 2008/0226434 (Smith). Applicant respectfully traverses this rejection. For the reasons give above Claim 1 is patentable over Boasso in view of Teichrob. Smith adds nothing to make up the deficiencies in Boasso and Teichrob, and is wholly irrelevant. Thus, Claim 1, and all Claims dependent on Claim 1 are patentable over Boasso in view of Teichrob and further in view of Smith.

C. Claim 10 was rejected under pre-AIA 35 U.S.C. 103(a) as being allegedly unpatentable over Boasso in view of Teichrob and further in view of U.S. Patent Application Publication No. 2012/0125618 (Willberg). Applicant respectfully traverses this rejection. For the reasons give above Claim 1 is patentable over Boasso in view of Teichrob. Willberg adds nothing to make up the deficiencies in Boasso and Teichrob, and is wholly irrelevant. Thus, Claim 1, and all Claims dependent on Claim 1 are patentable over Boasso in view of Teichrob and further in view of Willberg.

D. Claim 16 was rejected under pre-AIA 35 U.S.C. 103(a) as being allegedly unpatentable over Fell in view of Krein. Applicant respectfully traverses this rejection, which is assumed to refer to the above-indicated patent publications though such were not explicitly identified in the office action. For the reasons give above Claim 1 is patentable over Fell. Krein adds nothing to make up the deficiencies in Fell, and is wholly irrelevant. Thus, Claim 13, and all Claims dependent on Claim 13 are patentable over Fell in view of Krein.

E. Claim 20 was rejected under pre-AIA 35 U.S.C. 103(a) as being allegedly unpatentable over Fell in view of Teichrob. Applicant respectfully traverses this rejection. For the reasons give above Claim 1 is patentable over Fell. Teichrob adds nothing to make up the deficiencies in Fell, as further discussed above with respect to the rejection over Boasso and Fell. Thus, Claim 13, and all Claims dependent on Claim 13 are patentable over Fell in view of Teichrob.

CONCLUSION

Reconsideration and allowance of the application as amended is respectfully requested. If the Examiner feels it would advance the application to allowance or final rejection, the Examiner is invited to telephone the undersigned at the number given below.

Dated this 26th day of June 2015.

Best regards,

/Stephen M. Nipper, Reg. No. 46260/

Stephen M. Nipper
for Buchanan Nipper
Reg. No. 46260
(419) 931-0003 x152

Application Number: 13/475,421
Confirmation No. 8266
Examiner: Joerger
Attorney Docket No: 1276-002

RESPONSE TO NON-FINAL REJECTION

Dear Commissioner:

In response to the Non-Final Rejection dated 20 March 2014 (the "Action"), please enter the following amendments and remarks of record. Applicant respectfully requests reconsideration of the application.

Indexing:

- **Amendment/Req. Reconsideration–After Non–Final Reject –** page 1.
- **Drawings** – begin on page 2
- **Specification –** begin on page 3.
- **Claims –** begin on page 5.
- **Applicant Arguments/Remarks Made in an Amendment –** begin on page 9.

AMENDMENTS TO THE DRAWINGS

The attached new sheet of drawings includes new Figure 3A.

Attachment: New Sheet

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/475,421	05/18/2012	Jim Uhryn	1276-002	8266

79606 7590 03/20/2014

Buchanan Nipper LLC
P.O. Box 700
Perrysburg, OH 43552-0700

EXAMINER	
JOERGER, KAITLIN S	
ART UNIT	PAPER NUMBER
3653	

NOTIFICATION DATE	DELIVERY MODE
03/20/2014	ELECTRONIC

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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):

uspto@bnip.com
pair@bnip.com

Office Action Summary	Application No. 13/475,421	Applicant(s) UHRYN ET AL.	
	Examiner KAITLIN JOERGER	Art Unit 3653	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* MONTHS 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) *1-21* 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) *1-21* 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 *5/18/12* 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.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☒ Information Disclosure Statement(s) (PTO/SB/08a and/or PTO/SB/08b) Paper No(s)/Mail Date *11/2/12*.

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

4) ☐ Other: _____.

The present application is being examined under the pre-AIA first to invent provisions.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of pre-AIA 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.

Claims 13-15, 17-19 and 21 are rejected under pre-AIA 35 U.S.C. 102(b) as being anticipated by Fell et al. (U.S. Patent 3,951,284).

Regarding claim 13, Fell et al. teaches an apparatus for bulk transport of a material comprising: an intermodal transport container, 30, having four vertical walls, a roof, and a base, defining an enclosed interior; and one or more gates, 39a and 39b, in the intermodal transport container for unloading the material.

Regarding claim 14, Fell et al. teaches a liner, 20, within the enclosed interior that conforms to the four vertical walls, roof, and base.

Regarding claim 15, Fell et al. teaches that the liner has a port in an upper portion for loading material into the liner, see figure 3.

Regarding claim 17, Fell et al. teaches that the gates, 39a and 39b, are rear gates, and further teaches a container tilter, 74.

Regarding claim 18, Fell et al. further teaches rigid support members, 42, spanning the rear wall of the container member.

Regarding claims 19 and 21, Fell et al. teaches a material transfer device, 86 and 87, that includes a hopper and a conveyor.

Claim Rejections - 35 USC § 103

The following is a quotation of pre-AIA 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 negatived by the manner in which the invention was made.

Claims 1, 2, and 4-9, 11, 12 are rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over Boasso et al. in view of Teichrob et al.

Regarding claim 1, Boasso et al. teaches a method of bulk transport comprising:

Transport a bulk material in an intermodal transport container to a site, the intermodal transport container having four vertical walls, a roof, and a base, defining an enclosed interior, and unloading at least a portion of the bulk material through one of more gates in the intermodal transport container at the site, see abstract, and figures 3 and 4.

Boasso et al. teaches transporting bulk materials, but does not specifically teach that the bulk material is proppant. Teichrob et al. teaches transporting proppant in an intermodal transport container to a well site, See abstract and figures 1 and 2.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the bulk transport method taught by Boasso et al. to transport proppant, as taught by Teichrob et al., in order to achieve the predictable result of transporting proppant as the bulk material.

Regarding claim 2, Boasso et al. teaches the liner as claimed, see figure 4.

Regarding claim 4, Boasso et al teaches transporting the bulk material from a manufacturing facility, see abstract.

Regarding claim 5, Boasso et al. teaches loading the bulk material in the intermodal transport prior to transporting, see abstract.

Reagrding claim 6, Teihrob et al. teaches loading the proppant into a blender, 140, and using the proppant at a well.

Regarding claim 7, Boasso et al. teaches one or more rear gate and the material is unloaded using a container tilter, see figures 3, 4, and 16.

Regarding claims 8 and 9, Teichrob et al. teaches unloading the proppant into transfer device or mountain mover, see paragraph 0033.

Regarding claim 11, Boasso et al. teaches that the intermodal container is a standard container, see paragraph 0114.

Regarding claim 12, Boasso et al. teaches storing the bulk material in the intermodal transport before transporting the proppant, see paragraph 0014.

Claim 3 is rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over Boasso et al. in view of Teichrob et al. as applied to claim 1 above, and further in view of Smith et al. (U.S. Publication 2008/0226434).

Neither Boasso et al. nor Teichrob et al. teach the specific method step of transporting the proppant from a pot in the intermodal transport container. Smith et al. teaches a hopper container for transporting bulk material directly from the port to the customer, see paragraph

0075. It would have been obvious to one of ordinary skill in the art at the time the invention was made to transport the proppant material directly from a shipping port to the customer in a single transmodal container, as taught by Smith et al. in order to achieve the predictable result of reducing the number of transporting steps and stops to increase efficiency.

Claim 10 is rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over Boasso et al. in view of Teichrob et al. as applied to claim 1 above, and further in view of Willberg et al. (U.S. Publication 2012/0125618)

Neither Boasso et al. nor Teichrob et al. teach that the proppant is a ceramic proppant. Willberg et al. teaches using ceramic proppant because it has more strength compared to sand, see paragraph 0018. It would have been obvious to one of ordinary skill in the art to use ceramic proppant, as taught by Willberg et al. because of its superior strength properties.

Claim 16 is rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over Fell et al. in view of Krein et al.

Fell et al. does not teach that the port has a zipper, Fell et al. teaches sleeves with tie-ofss, 19, for opening and closing the liner. Krein et al. teaches a flexible liner of a container with a port that is opened and closed by zipper, 80. Because both Fell et al. and Krein et al. teach feature for opening and closing the liner, it would have been obvious to one of ordinary skill in the art to replace the opening/closing means of Fell et al. with the zipper taught by Krein et al. in order to achieve the predictable result of opening and closing the liner.

Claim 20 is rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over Fell et al. in view of Teichrob et al.

Fell et al. does not teach a mountain mover connected to the transfer device to receive material from the transfer device. Teichrob et al. teaches a proppant transfer device with a mountain mover bulk transport connected to it, see paragraph 0033. It would have been obvious to one of ordinary skill in the art at the time the invention was made to connect a mountain mover to the transfer device of Fell et al. in order to achieve the predictable result of moving a large amount of bulk material to a site.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KAITLIN JOERGER whose telephone number is (571)272-6938. The examiner can normally be reached on Monday - Friday 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stefanos Karmis can be reached on 571-272-6744. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/KAITLIN JOERGER/
Primary Examiner, Art Unit 3653

13 March 2014