

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT:	Carlson Pet Products, Inc.	§	
		§	
PATENT NO.:	8,230,816	§	ART UNIT: 3993
		§	
ISSUED:	July 31, 2012	§	EXAMINER: Gellner, Jeffrey L.
		§	
REEXAM NO.:	95/002,143	§	
		§	
FILED:	September 6, 2012	§	
		§	
FOR:	Freestanding Pet Barrier	§	

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF EFS-WEB TRANSMISSION

Pursuant to 37 C.F.R. §1.8, I hereby certify that this correspondence:

1. **Response to Action Closing Prosecution in Inter Partes Reexamination;**
2. **Certificate of Service; and**
3. **this Certificate of Transmission Under 37 C.F.R. 1.8**

is being electronically transmitted from within the Central Time Zone to the Commissioner for Patents via the EFS web server on:

November 1, 2013.

Date

/Michael W. Piper/

Michael W. Piper

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT:	Carlson Pet Products, Inc.	§	
		§	
PATENT NO.:	8,230,816	§	
		§	ART UNIT: 3993
ISSUED:	July 31, 2012	§	
		§	EXAMINER: Gellner, Jeffrey L.
REEXAM NO.:	95/002,143	§	
		§	CONFIRMATION NO.: 2536
FILED:	September 6, 2012	§	
		§	
FOR:	Freestanding Pet Barrier	§	

Commissioner for Patents

PO Box 1450

Alexandria, VA 22313-1450

RESPONSE TO ACTION CLOSING PROSECUTION IN INTER PARTES REEXAMINATION

Commissioner:

The Patent Owner acknowledges receipt of the Action Closing Prosecution dated October 3, 2013 (the "Action Closing Prosecution"), and respectfully requests consideration of the following arguments. The changes made are shown by underlining the added text and striking through the deleted text.

Table of Contents begins on page 2 of this paper.

Claims are reflected in the listing of claims which begins on page 9 of this paper.

Remarks/Arguments begin on page 15 of this paper.

Table of Contents

Listing of the Claims	9
Remarks	15
Summary of Rejections	15
Summary of Claims	15
Summary of Response	15
Detailed Response	17
A. Ground 1 (Issue 1): Proposed Rejection of Independent Claim 1 and Dependent Claims 3 and 4 under 35 U.S.C. § 102(b) as being anticipated by <i>Kleinsasser</i>	17
I. <i>Kleinsasser</i> does not disclose that the at least one leg is configured to assist with maintaining the self-supporting pet barrier in a vertical position as recited by independent claim 1.	18
II. <i>Kleinsasser</i> does not disclose that the front barrier comprises a floor contacting surface as recited by claim 3.....	20
III. <i>Kleinsasser</i> does not disclose that the front barrier has a height of 65 cm or less as recited by claim 3.	21
IV. <i>Kleinsasser</i> does not disclose that the at least one leg is configured to extend from only one side of the front barrier in use as recited by claim 4.....	22
V. <i>Kleinsasser</i> does not disclose that the at least one leg is configured to not obstruct a path of a pet as recited by claim 4.....	23
B. Ground 2 (Issue 2): Proposed Rejection of Dependent Claim 2 and Independent Claim 13 under 35 U.S.C. § 103(a) as being obvious over <i>Kleinsasser</i> in view of <i>Lehtonen</i>	24
I. In regard to claim 2, it would not have been obvious to modify the gate assembly of <i>Kleinsasser</i> to include the auxiliary gate of <i>Lehtonen</i>	24
II. <i>Kleinsasser</i> and <i>Lehtonen</i> , alone or in combination, do not teach or suggest that the plurality of stabilizing members are configured to assist with maintaining the self-supporting barrier in a vertical position as recited in independent claim 13.....	25
III. In regard to claim 13, it would not have been obvious to modify the gate assembly of <i>Kleinsasser</i> to include the auxiliary gate of <i>Lehtonen</i>	26
C. Ground 3 (Issue 3): Proposed Rejection of Dependent Claim 2 and Independent Claim 13 under 35 U.S.C. § 103(a) as being obvious over <i>Kleinsasser</i> in view of <i>Matsuda</i>	26
I. In regard to claim 2, it would not have been obvious to modify the gate assembly of <i>Kleinsasser</i> to include the door of <i>Matsuda</i>	26

II.	<i>Kleinsasser</i> and <i>Matsuda</i> , alone or in combination, do not disclose that the plurality of stabilizing members are configured to assist with maintaining the self-supporting barrier in a vertical position as recited in independent claim 13.	27
III.	In regard to claim 13, it would not have been obvious to modify the gate assembly of <i>Kleinsasser</i> to include the door of <i>Matsuda</i>	27
D.	Ground 4 (Issue 4): Proposed Rejection of Dependent Claim 2 and Independent Claim 13 under 35 U.S.C. § 103(a) as being obvious over <i>Kleinsasser</i> in view of <i>Beatty</i>	28
I.	In regard to claim 2, it would not have been obvious to modify the gate assembly of <i>Kleinsasser</i> to include the gate of <i>Beatty</i>	28
II.	<i>Kleinsasser</i> and <i>Beatty</i> , alone or in combination, do not disclose that the plurality of stabilizing members are configured to assist with maintaining the self-supporting barrier in a vertical position as recited in independent claim 13.	29
III.	In regard to claim 13, it would not have been obvious to modify the gate assembly of <i>Kleinsasser</i> to include the gate of <i>Beatty</i>	29
E.	Ground 5 (Issue 5): Proposed Rejection of Independent Claim 6 and Dependent Claims 5, 7, 9, 11, and 12 under 35 U.S.C. § 103(a) as being obvious over <i>Kleinsasser</i> in view of <i>Scherer</i>	30
I.	<i>Kleinsasser</i> and <i>Scherer</i> , alone or in combination, do not teach that the front barrier defines an open space interrupted by substantially vertical members with only the substantially vertical members in a central three-fifths portion of the open space as recited by claim 5	30
II.	<i>Kleinsasser</i> and <i>Scherer</i> , alone or in combination, do not teach that the front barrier defines an open space interrupted by substantially vertical members with only the substantially vertical members in a central three-fifths portion of the open space as recited by claim 6.	31
III.	<i>Kleinsasser</i> and <i>Scherer</i> , alone or in combination, do not teach that the at least one leg is configured to assist with maintaining the self-supporting pet barrier in an upright position as recited by independent claim 6.....	31
IV.	<i>Kleinsasser</i> and <i>Scherer</i> , alone or in combination, do not teach that the substantially vertical members are wires as recited by claim 7.	32
V.	<i>Kleinsasser</i> and <i>Scherer</i> , alone or in combination, do not teach that the at least one leg is configured to not impeded a path of a pet as recited by claim 9.	33
VI.	<i>Kleinsasser</i> and <i>Scherer</i> , alone or in combination, do not teach that the front barrier comprises a circumferential frame defining an open space interrupted by substantially vertical members with only the substantially vertical members in a central three-fifths portion of the open space as recited by claim 12.	33

VII.	<i>Kleinsasser</i> and <i>Scherer</i> , alone or in combination, do not teach that the open space is further interrupted by at least one substantially horizontal member in a bottom or top one-fifth of the open space as recited by claim 12.	34
F.	Ground 6 (Issue 6): Proposed Rejection of Independent Claim 6 and Dependent Claims 5, 7-9, 11, and 12 under 35 U.S.C. § 103(a) as being obvious over <i>Kleinsasser</i> in view of <i>Irisohyama</i>	35
I.	<i>Kleinsasser</i> and <i>Irisohyama</i> , alone or in combination, do not teach that the front barrier defines an open space interrupted by substantially vertical members with only the substantially vertical members in a central three-fifths portion of the open space as recited by claim 5.....	35
II.	<i>Kleinsasser</i> and <i>Irisohyama</i> , alone or in combination, do not teach that the front barrier defines an open space interrupted by substantially vertical members with only the substantially vertical members in a central three-fifths portion of the open space as recited by claim 6.....	36
III.	<i>Kleinsasser</i> and <i>Irisohyama</i> , alone or in combination, do not teach that the at least one leg is configured to assist with maintaining the self-supporting pet barrier in an upright position as recited by Independent claim 6.....	37
IV.	<i>Kleinsasser</i> and <i>Irisohyama</i> , alone or in combination, do not teach that the substantially vertical members are wires as recited by claim 7.	37
V.	<i>Kleinsasser</i> and <i>Irisohyama</i> , alone or in combination, do not teach that the open space is further interrupted by at least one horizontal member in a bottom or top one-fifth of the open space as recited by claim 8.	38
VI.	<i>Kleinsasser</i> and <i>Irisohyama</i> , alone or in combination, do not teach that the at least one leg is configured to not impeded a path of a pet as recited by claim 9.	39
VII.	<i>Kleinsasser</i> and <i>Irisohyama</i> , alone or in combination, do not teach that the front barrier comprises a circumferential frame defining an open space interrupted by substantially vertical members with only the substantially vertical members in a central three-fifths portion of the open space as recited by claim 12.....	39
VIII.	<i>Kleinsasser</i> and <i>Irisohyama</i> , alone or in combination, do not teach that the open space is further interrupted by at least one substantially horizontal member in a bottom or top one-fifth of the open space as recited by claim 12.	40
G.	Ground 7 (Issue 7): Proposed Rejection of Dependent Claim 3 under 35 U.S.C. § 103(a) as being obvious over <i>Kleinsasser</i> in view of <i>Monahan</i>	40
I.	<i>Kleinsasser</i> and <i>Monahan</i> , alone or in combination, do not teach that the front barrier has a height of 65 cm or less as recited by claim 3.	40

II.	<i>Kleinsasser</i> and <i>Monahan</i> , alone or in combination, do not teach that the front barrier comprises a floor contacting surface as recited by Claim 3.....	41
H.	Ground 8 (Issue 8): Proposed Rejection of Dependent Claim 4 under 35 U.S.C. § 103(a) as being obvious over <i>Kleinsasser</i> in view of <i>Eisele</i>	43
I.	<i>Kleinsasser</i> and <i>Eisele</i> , alone or in combination, do not teach that the at least one leg is configured to extend from only one side of the front barrier in use as recited by claim 4.....	43
I.	Ground 9 (Issue 9): Proposed Rejection of Independent Claim 1 under 35 U.S.C. § 103(a) as being obvious over <i>Gent</i> in view of <i>Holbrook</i>	44
I.	<i>Gent</i> and <i>Holbrook</i> , alone or in combination, do not teach or suggest a self-supporting pet barrier that is self-supporting in use as recited in claim 1.	44
J.	Ground 10 (Issue 10): Proposed Rejection of Dependent Claim 10 under 35 U.S.C. § 103(a) as being obvious over <i>Kleinsasser</i> , <i>Scherer</i> , and <i>Lehtonen</i>	45
I.	In regard to claim 10, it would not have been obvious to modify the gate assembly of <i>Kleinsasser</i> in view of <i>Scherer</i> to include the auxiliary gate of <i>Lehtonen</i>	45
K.	Ground 11 (Issue 11): Proposed Rejection of Dependent Claim 10 under 35 U.S.C. § 103(a) as being obvious over <i>Kleinsasser</i> , <i>Irisohyama</i> , and <i>Matsuda</i>	46
I.	In regard to claim 10, it would not have been obvious to modify the gate assembly of <i>Kleinsasser</i> in view of <i>Irisohyama</i> to include the gate of <i>Matsuda</i>	46
L.	Ground 12 (Issue 12): Proposed Rejection of Dependent Claim 10 under 35 U.S.C. § 103(a) as being obvious over <i>Kleinsasser</i> , <i>Irisohyama</i> , and <i>Beatty</i>	46
I.	In regard to claim 10, it would not have been obvious to modify the gate assembly of <i>Kleinsasser</i> in view of <i>Irisohyama</i> to include the gate of <i>Beatty</i>	46
M.	Ground 13: Proposed Rejection of Claims 14-16 under 35 U.S.C. § 102(b) as Being Anticipated by <i>Kleinsasser</i>	47
I.	<i>Kleinsasser</i> does not disclose that the at least one leg is configured to assist with maintaining the self-supporting pet barrier in a vertical position as recited by independent claim 14.	47
II.	<i>Kleinsasser</i> does not disclose that the at least one leg and the at least one side barrier comprise floor contacting surfaces as recited by independent claim 14.....	48
III.	<i>Kleinsasser</i> does not disclose that the at least one of the floor contacting surfaces comprises a friction increasing member as recited by claim 15.....	49
IV.	<i>Kleinsasser</i> does not disclose that the at least one leg is configured to extend from only one side of the front barrier in use as recited by claim 16.....	50

N.	Ground 14: Proposed Rejection of Claims 17-24 under 35 U.S.C. § 102(b) as Being Obvious Over <i>Kleinsasser</i> in View of <i>Kenichi</i>	51
I.	<i>Kleinsasser</i> in view of <i>Kenichi</i> do not teach or suggest that the front barrier defines an open space interrupted by substantially vertical members with only the substantially vertical members in a central three-fifths portion of the open space as recited by claim 17.	51
II.	<i>Kleinsasser</i> in view of <i>Kenichi</i> do not teach or suggest that the front barrier defines an open space interrupted by substantially vertical members with only the substantially vertical members in a central three-fifths portion of the open space as recited by claim 18.	52
III.	<i>Kleinsasser</i> in view of <i>Kenichi</i> , alone or in combination, do not teach or suggest that the at least one leg is configured to assist with maintaining the self-supporting pet barrier in an upright position as recited in claim 18	52
IV.	<i>Kleinsasser</i> in view of <i>Kenichi</i> , alone or in combination, do not teach or suggest that the at least one leg is configured to extend from only one side of the front barrier in use as recited by claim 18.	53
V.	<i>Kleinsasser</i> and <i>Kenichi</i> , alone or in combination, do not teach or suggest that the open space is further interrupted by at least one substantially horizontal member in a bottom or top one-fifth of the open space as recited by claim 19.	53
VI.	In regard to claim 20, it would not have been obvious to modify the gate assembly of <i>Kleinsasser</i> to include the auxiliary gate of <i>Kenichi</i>	54
VII.	<i>Kleinsasser</i> and <i>Kenichi</i> , alone or in combination, do not teach or suggest that the at least one leg and the at least one side barrier comprise floor contacting surfaces as recited by claim 21.	54
VIII.	<i>Kleinsasser</i> and <i>Kenichi</i> , alone or in combination, do not teach or suggest that the floor contacting surface comprises a friction increasing member as recited by claim 22.	54
IX.	In regard to claim 23, it would not have been obvious to modify the gate assembly of <i>Kleinsasser</i> to include the auxiliary gate of <i>Kenichi</i>	55
X.	<i>Kleinsasser</i> in view of <i>Kenichi</i> do not teach or suggest that the plurality of stabilizing members are configured to assist with maintaining the self-supporting pet barrier in a vertical position as recited in claim 23.	55
XI.	<i>Kleinsasser</i> in view of <i>Kenichi</i> do not teach or suggest that the front barrier defines an open space interrupted by substantially vertical members with only the substantially vertical members in a central three-fifths portion of the open space, or that the open	

	space is further interrupted by at least one substantially horizontal member in a bottom or top one-fifth of the open space as recited by claim 24.	56
O.	Ground 15: Proposed Rejection of Claims 17-24 under 35 U.S.C. § 103(a) as Being Obvious Over <i>Kleinsasser</i> in View of <i>Irosohyama</i>	56
I.	<i>Kleinsasser</i> in view of <i>Irosohyama</i> do not teach or suggest that the front barrier defines an open space interrupted by substantially vertical members with only the substantially vertical members in a central three-fifths portion of the open space as recited by claim 17	56
II.	<i>Kleinsasser</i> in view of <i>Irosohyama</i> do not teach or suggest that the front barrier defines an open space interrupted by substantially vertical members with only the substantially vertical members in a central three-fifths portion of the open space as recited by claim 18.	57
III.	<i>Kleinsasser</i> in view of <i>Irosohyama</i> , alone or in combination, do not teach or suggest that the at least one leg is configured to assist with maintaining the self-supporting pet barrier in an upright position as recited in claim 18.	57
IV.	<i>Kleinsasser</i> in view of <i>Irosohyama</i> , alone or in combination, do not teach or suggest that the at least one leg is configured to extend from only one side of the front barrier in use as recited by claim 18	58
V.	<i>Kleinsasser</i> and <i>Irosohyama</i> , alone or in combination, do not teach or suggest that the open space is further interrupted by at least one substantially horizontal member in a bottom or top one-fifth of the open space as recited by claim 19.....	58
VI.	In regard to claim 20, it would not have been obvious to modify the gate assembly of <i>Kleinsasser</i> to include the auxiliary gate of <i>Irosohyama</i>	59
VII.	<i>Kleinsasser</i> and <i>Irosohyama</i> , alone or in combination, do not teach or suggest that the at least one leg and the at least one side barrier comprise floor contacting surfaces as recited by claim 21.	59
VIII.	<i>Kleinsasser</i> and <i>Irosohyama</i> , alone or in combination, do not teach or suggest that the floor contacting surface comprises a friction increasing member as recited by claim 22.	60
IX.	In regard to claim 23, it would not have been obvious to modify the gate assembly of <i>Kleinsasser</i> to include the auxiliary gate of <i>Irosohyama</i>	60
X.	<i>Kleinsasser</i> in view of <i>Irosohyama</i> do not teach or suggest that the plurality of stabilizing members are configured to assist with maintaining the self-supporting pet barrier in a vertical position as recited in claim 23.	61

XI.	<i>Kleinsasser</i> in view of <i>Irosohyama</i> do not teach or suggest that the front barrier defines an open space interrupted by substantially vertical members with only the substantially vertical members in a central three-fifths portion of the open space, or that the open space is further interrupted by at least one substantially horizontal member in a bottom or top one-fifth of the open space as recited by claim 24.....	61
P.	Ground 16: Proposed Rejection of Claims 14-16 under 35 U.S.C. § 103(a) as Being Obvious Over <i>Gent</i> in View of <i>Holbrook</i>	62
I.	<i>Gent</i> and <i>Holbrook</i> , alone or in combination, do not teach or suggest a self-supporting pet barrier that is self-supporting in use as recited in claim 14.	62
II.	<i>Gent</i> and <i>Holbrook</i> , alone or in combination, do not teach or suggest that at least one of the floor contacting surfaces comprises a friction increasing member and that the friction increasing member is configured to prevent the self-supporting pet barrier from sliding in any direction as recited in claim 15.....	62
III.	<i>Gent</i> and <i>Holbrook</i> , alone or in combination, do not teach or suggest that that the at least one leg is configured to extend from only one side of the front barrier in use as recited in claim 16.	63
Conclusion		64

Listing of the Claims:

1. (Original) A self-supporting pet barrier, comprising:

at least two front panels configured to be coupled to form a front barrier, wherein a first front panel of the at least two front panels is configured to be coupled to a second front panel of the at least two front panels to allow adjustment of an extent to which the first front panel and the second front panel overlap such that the width of the front barrier is adjustable;

at least one leg configured to be coupled to the front barrier, wherein the at least one leg is configured to assist with maintaining the self-supporting pet barrier in a vertical position, wherein the self-supporting pet barrier is configured to form an open configuration that is self-supporting in use, and wherein a plan view of the self-supporting pet barrier in the open configuration defines a non-enclosing figure; and

at least one side barrier configured to be coupled to the front barrier, wherein the front barrier comprises a first side and a second side, and wherein the at least one side barrier is configured to extend beyond the front barrier on the first side of the front barrier and the at least one leg is configured to extend beyond the front barrier on the second side of the front barrier.

2. (Original) The self-supporting pet barrier of claim 1, further comprising a gate formed in the front barrier.

3. (Original) The self-supporting pet barrier of claim 1, wherein the front barrier comprises a floor contacting surface, and wherein the front barrier has a height of 65 cm or less.

4. (Original) The self-supporting pet barrier of claim 1, wherein the at least one leg is configured to extend from only one side of the front barrier in use, and wherein the at least one leg is configured to not obstruct a path of a pet.

5. (Original) The self-supporting pet barrier of claim 1, wherein the front barrier defines an open space interrupted by substantially vertical members with only the substantially vertical members in a central three-fifths portion of the open space.

6. (Original) A self-supporting pet barrier, comprising:

- a front barrier comprising a circumferential frame defining an open space interrupted by substantially vertical members with only the substantially vertical members in a central three-fifths portion of the open space, wherein the front barrier comprises a plurality of front panels, and wherein a first front panel of the plurality of front panels is configured to be coupled to a second front panel of the plurality of front panels to allow adjustment of an extent to which the first front panel and the second front panel overlap such that the width of the front barrier is adjustable;
- at least one leg configured to be coupled to the front barrier, wherein the at least one leg is configured to assist with maintaining the self-supporting pet barrier in an upright position, wherein the self-supporting pet barrier is configured to form an open configuration to stabilize the self-supporting pet barrier without securing the pet barrier to a structure external to the self-supporting pet barrier, and wherein a plan view of the self-supporting barrier in the open configuration defines a non-enclosing figure; and
- at least one side barrier, wherein the at least one side barrier is configured to be coupled to the front barrier and the at least one leg.

7. (Original) The self-supporting pet barrier of claim 6, wherein the substantially vertical members are wires.

8. (Original) The self-supporting pet barrier of claim 6, wherein the open space is further interrupted by at least one substantially horizontal member in a bottom or top one-fifth of the open space.

9. (Original) The self-supporting pet barrier of claim 6, wherein the at least one leg is configured to not impede a path of a pet.

10. (Original) The self-supporting pet barrier of claim 6, further comprising a gate formed in the front barrier, wherein the gate is configured to open so as to allow a pet or a person to pass through the gate.

11. (Original) The self-supporting pet barrier of claim 6, wherein the circumferential frame is substantially rectangular.

12. (Original) The self-supporting pet barrier of claim 11, wherein the front barrier comprises a circumferential frame defining an open space interrupted by substantially vertical members with only the substantially vertical members in a central three-fifths portion of the open space, and wherein the open space is further interrupted by at least one substantially horizontal member in a bottom or top one-fifth of the open space.

13. (Original) A self-supporting pet barrier, comprising:

- a plurality of panels configured to be coupled to form a front barrier, wherein a first front panel of the plurality of front panels is configured to be coupled to a second front panel of the plurality of front panels to allow adjustment of an extent to which the first front panel and the second front panel overlap such that the width of the front barrier is adjustable;
- a gate formed in the front barrier, wherein the gate is configured to open so that a pet can pass through the gate; and
- a plurality of stabilizing members configured to be coupled to the front barrier, wherein the plurality of stabilizing members comprise at least one leg and at least one side barrier, wherein the at least one side barrier is configured to be coupled to one of the plurality of front panels and the at least one leg, wherein the plurality of stabilizing members are configured to assist with maintaining the self-supporting pet barrier in a vertical position, wherein the self-supporting pet barrier is configured to form an open configuration that is self-supporting in use, and wherein a plan view of the self-supporting pet barrier in the open configuration defines a non-enclosing figure.

14. (Previously Presented) A self-supporting pet barrier, comprising:

at least two front panels configured to be coupled to form a front barrier, wherein a first front panel of the at least two front panels is configured to be coupled to a second front panel of the at least two front panels to allow adjustment of an extent to which the first front panel and the second front panel overlap such that the width of the front barrier is adjustable;

at least one leg configured to be coupled to the front barrier, wherein the at least one leg is configured to assist with maintaining the self-supporting pet barrier in a vertical position, wherein the self-supporting pet barrier is configured to form an open configuration that is self-supporting in use, and wherein a plan view of the self-supporting pet barrier in the open configuration defines a non-enclosing figure; and

at least one side barrier configured to be coupled to the front barrier, wherein the front barrier comprises a first side and a second side, and wherein the at least one side barrier is configured to extend beyond the front barrier on the first side of the front barrier and the at least one leg is configured to extend beyond the front barrier on the second side of the front barrier, and wherein the at least one leg and the at least one side barrier comprise floor contacting surfaces.

15. (Twice Amended) The self-supporting pet barrier of claim 14, wherein at least one of the floor contacting surfaces comprises a friction increasing member, and wherein the friction increasing member is configured to prevent the self-supporting pet barrier from sliding in any direction.

16. (Previously Presented) The self-supporting pet barrier of claim 14, wherein the at least one leg is configured to extend from only one side of the front barrier in use.

17. (Previously Presented) The self-supporting pet barrier of claim 14, wherein the front barrier defines an open space interrupted by substantially vertical members with only the substantially vertical members in a central three-fifths portion of the open space.

18. (Previously Presented) A self-supporting pet barrier, comprising:

a front barrier comprising a circumferential frame defining an open space interrupted by substantially vertical members with only the substantially vertical members in a central three-fifths portion of the open space, wherein the front barrier comprises a plurality of front panels, and wherein a first front panel of the plurality of front panels is configured to be coupled to a second front panel of the plurality of front panels to allow adjustment of an extent to which the first front panel and the second front panel overlap such that the width of the front barrier is adjustable;

at least one leg configured to be coupled to the front barrier, wherein the at least one leg is configured to assist with maintaining the self-supporting pet barrier in an upright position, wherein the at least one leg is configured to extend from only one side of the front barrier in use, wherein the self-supporting pet barrier is configured to form an open configuration to stabilize the self-supporting pet barrier without securing the pet barrier to a structure external to the self-supporting pet barrier, and wherein a plan view of the self-supporting barrier in the open configuration defines a non-enclosing figure; and

at least one side barrier, wherein the at least one side barrier is configured to be coupled to the front barrier and the at least one leg.

19. (Previously Presented) The self-supporting pet barrier of claim 18, wherein the open space is further interrupted by at least one substantially horizontal member in a bottom or top one-fifth of the open space.

20. (Previously Presented) The self-supporting pet barrier of claim 18, further comprising a gate formed in the front barrier, wherein the gate is configured to open so as to allow a pet or a person to pass through the gate.

21. (Previously Presented) The self-supporting pet barrier of claim 18, wherein the at least one leg and the at least one side barrier comprise a floor contacting surface.

22. (Previously Presented) The self-supporting pet barrier of claim 21, wherein the floor contacting surface comprises a friction increasing member.

23. (Previously Presented) A self-supporting pet barrier, comprising:

a plurality of panels configured to be coupled to form a front barrier, wherein a first front panel of the plurality of front panels is configured to be coupled to a second front panel of the plurality of front panels to allow adjustment of an extent to which the first front panel and the second front panel overlap such that the width of the front barrier is adjustable;

a gate formed in the front barrier, wherein the gate is configured to open so that a pet can pass through the gate, and wherein the gate extends the entire height of at least one of the plurality of panels; and

a plurality of stabilizing members configured to be coupled to the front barrier, wherein the plurality of stabilizing members comprise at least one leg and at least one side barrier, wherein the at least one side barrier is configured to be coupled to one of the plurality of front panels and the at least one leg, wherein the plurality of stabilizing members are configured to assist with maintaining the self-supporting pet barrier in a vertical position, wherein the self-supporting pet barrier is configured to form an open configuration that is self-supporting in use, and wherein a plan view of the self-supporting pet barrier in the open configuration defines a non-enclosing figure.

24. (Previously Presented) The self-supporting pet barrier of claim 23, wherein the front barrier comprises a circumferential frame defining an open space interrupted by substantially vertical members with only the substantially vertical members in a central three-fifths portion of the open space, and wherein the open space is further interrupted by at least one substantially horizontal member in a bottom or top one-fifth of the open space.

REMARKS

The patent under reexamination, U.S. Patent No. 8,230,816, hereinafter the '816 Patent, has been carefully considered in connection with the Examiner's Action Closing Prosecution dated March 29, 2013. Reconsideration and allowance are respectfully requested in view of the following. The Patent Owner notes that this response complies with the requirements of 37 CFR 1.943(b) by having a page length of 50 pages not including amendments, appendices of claims, and reference materials such as prior art.

Summary of Rejections

Claims 1-13 were patented at the time of the Office Action.

Claims 1, 3, 4, and 14-16 were proposed as rejected under 35 U.S.C. § 102(b).

Claims 1, 2, 5-13, and 17-24 were proposed as rejected under 35 U.S.C. § 103(a).

With regard to the art rejections, the Action Closing Prosecution has cited Kleinsasser, U.S. Patent No. 6,477,984 B1 ("*Kleinsasser*"); Lehtonen, U.S. Patent No. 1,542,151 ("*Lehtonen*"); Matsuda, Japanese Patent Application Registration No. 11695549 ("*Matsuda*"); Beatty, U.S. Patent No. 2,610,830 ("*Beatty*"); Scherer, et al., U.S. Patent No. 5,782,039 ("*Scherer*"); Irisohyama, Japanese Patent Application Registration No. 1087937 ("*Irisohyama*"); Monahan, et al., U.S. Publication No. 2003/0197164 A1 ("*Monahan*"); Eisele, U.S. Patent No. 5,402,988 ("*Eisele*"); Gent, U.S. Patent No. 5,878,695 ("*Gent*"); and Holbrook, Great Britain Patent No. 907,632 ("*Holbrook*").

Summary of Claims

Claims 14-24 were previously presented.

Claims 1-13 remain as originally patented.

Claim 15 is currently amended (twice amended).

Claims 1-24 are currently pending following this response.

Remarks and Arguments are provided below.

Summary of Response

The Patent Owner notes that the '816 Patent has a priority date of November 24, 2004. At that time, indoor barriers largely consisted of barriers attached to or disposed between pillars or walls. Further, these types of barriers could not be used in areas that were not adjacent the pillars or walls necessary to support the barriers. The attachment types made removal of the gates time consuming and limited to the degree to which traffic could pass through or past the barriers.

The free-standing barrier of the '816 patent solved these problems by providing a barrier that was self-supporting in use, allowing it to be placed at areas away from pillars or walls, such as the foot of a staircase. Further, in some embodiments the free-standing barrier of the '816 patent allows the entire barrier to be easily moved to allow for passage past the barrier. Alternatively, a person could simply step over the gate or pass through a gate in the barrier. These