# TAB 5

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address : COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

| SERIAL NUMBER | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
|---|---|---|---|
| 07/922,918 | 07/31/92 | MC CULLOCH | J 2626-3 |

EXAMINER
CLINGMAN, A

RHODES, COATS & BENNETT
P.O. BOX 2974
GREENSBORO, NC 27402

11M2

| ART UNIT | PAPER NUMBER |
|---|---|
| 1105 | #5 |

DATE MAILED: 03/17/93

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

☒ This application has been examined ☐ Responsive to communication filed on _____ ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), _____ days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

**Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:**

1. ☒ Notice of References Cited by Examiner, PTO-892.
2. ☒ Notice re Patent Drawing, PTO-948.
3. ☒ Notice of Art Cited by Applicant, PTO-1449.
4. ☐ Notice of Informal Patent Application, Form PTO-152.
5. ☐ Information on How to Effect Drawing Changes, PTO-1474.
6. ☐ _____

**Part II SUMMARY OF ACTION**

1. ☒ Claims 1-25 are pending in the application.
   Of the above, claims _____ are withdrawn from consideration.
2. ☐ Claims _____ have been cancelled.
3. ☐ Claims _____ are allowed.
4. ☒ Claims 1-25 are rejected.
5. ☐ Claims _____ are objected to.
6. ☐ Claims _____ are subject to restriction or election requirement.
7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8. ☐ Formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable. ☐ not acceptable (see explanation or Notice re Patent Drawing, PTO-948).
10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on _____ has (have) been ☐ approved by the examiner. ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed on _____, has been ☐ approved. ☐ disapproved (see explanation).
12. ☐ Acknowledgment is made of the claim for priority under U.S.C. 119. The certified copy has ☐ been received ☐ not been received ☐ been filed in parent application, serial no. _____ ; filed on _____
13. ☐ Since this application appears to be 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.
14. ☐ Other

In essence Applicants' method (claims 13-25) is at low pressure (10-59 pounds per square inch) to transfer print a flock nylon fabric.

And Applicant claims (claims 1-12) his transfer printed nylon or polyester flock fabric.

Claims 1-25 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicants' claims are indefinite with respect to:

"...a textile substitute..."

"...raised... fibers on the substrate..."

"... thermoplastic fibers..."

"... a dark pigmented adhesive..."

"...disperse dye distributed in a pattern in upper portions of said thermoplastic fibers". [claim 1].

"...said disperse dye makes a deep colored print...". [claim 2].

"...upper portions of said fibers are colored only [?] by disperse dye". [claim 6].

"...said dyed pattern is crocked-fast...". [claim 7].

Applicants' flocked fabric "...wherein said [nylon on polyester] fibers are arrayed on said [textile] substrate in a

textured array, so that some fibers diverge from neighboring fibers and said pigmented adhesive is visible between said diverging fibers." [claim 10].

In Applicants' flocked fabric (claim 10) how are his nylon on polyester fibers "arrayed on said substrate in a textured array"? And what is "a textured array"?

And how do Applicants' "some fibers" diverge from neighboring fibers? Furthermore how do these "some fibers" diverge from neighboring fibers "more than other fibers"? And how do these fibers diverge "more than other fibers" so that Applicants' pigmented adhesive "is visible between said diverging fibers"? [claim 10].

"...said fabric has a loftier, more erect pile and a softer hand than conventional transfer printed flocked fabrics, and a softer hand". [claim 11].

How does Applicant measure his "loftier, more erect pile and a softer hand" than conventional transfer printed flocked fabrics? And what constitutes a "conventional transfer printed flocked fabrics? And what constitutes a "conventional transfer printed flocked fabric"?

What is novel about Applicants' transfer printed, flocked fabric of claim 12? In what sense do the "upper portions" of

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IFC-02269

Applicants' disperse dye colored nylon fibers form "a deep, dark, crock-fast colored print" [claim 12]?

Applicant claims (claims 13-25) his method to transfer print a flocked fabric comprising flocked nylon fibers adhered to "a substrate" with "a pigmented adhesive". The following are indefinite:

"...a substrate..."

"...thermoplastic fibers..."

"... a pigmented adhesive..." [claim 13].

What is Applicants' "method of printing" his flocked fabric of independent claim 13?

"...a darkly pigmented adhesive". [claim 14].

What constitutes Applicants' "adhering step" to adhere his thermoplastic fibers "with a darkly pigmented adhesive"? What is the step?

Claim 15 recites in Applicants' method "wherein said adhering nylon fibers".

Claim 15 fails to recite Applicants' "adhering step".

Claim 16 fails to recite Applicants' "adhering step".

Does "adhering the fibers with a black pigmented adhesive" constitute an "adhering step"? What step?

"...thermal brushing..." [claim 18].

Claim 19 claims for Applicants' method to transfer print a flocked fabric comprising raised nylon fibers attached to a black-pigment adhesive on a textile a transfer print pattern "having deep, dark colors".

"... a pattern having deep, dark colors..." is indefinite. [claim 19].

For Applicants transfer print method for a flocked nylon fiber fabric claim 20 recites to texturize the nylon fibers on the substrate.

Claims 20 fails to recite the specifics of Applicants' texturing of his nylon fibers on the substrate. And in what sense is to texture nylon fibers on a substrate a method of printing e.g. transfer printing?

Claim 21 recites to transfer print Applicants' nylon flocked fabric "at pressure lower than in conventional transfer printing".

What are the "conventional" transfer printing pressures? And how for lower pressures does Applicant use for this transfer printing step?

Claim 22 recites 10-59 pounds (per square inch) pressure for his transfer printing step in his method to print a flocked nylon fabric.

Independent claim 23 recites Applicants' method to transfer print a flocked nylon fiber fabric "at pressures less than those used in conventional transfer printing" and "with a pattern having deep, dark colors".

Claim 23 fails to recite Applicants' transfer print pressures.

And what is the significance of Applicants' transfer print pattern "having deep, dark colors"? Deep, dark colors would be a function of the disperse dyes used in Applicants' transfer printing process.

Claim 25 recites for Applicants' method "thermal brushing" of the flocked fabric after transfer printing. Applicants' "thermal brushing" is indefinite.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to A. Lionel Clingman whose telephone number is (703) 308-1088.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0661.

Clingman/mmm
March 16, 1993

A. Lionel Clingman
A. LIONEL CLINGMAN
PRIMARY EXAMINER
ART UNIT 115

TO SEPARATE HC... OP AND BOTTOM EDGES SNAP-APART AND D... 3D CARBON

FORM PTO-892 (REV. 3-78) U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

NOTICE OF REFERENCES CITED

| SERIAL NO. | GROUP ART UNIT | ATTACHMENT TO PAPER NUMBER |
|---|---|---|
| 922,918 | 1105 | 5 |

APPLICANT(S): McCULLOCH

U.S. PATENT DOCUMENTS

| * | | DOCUMENT NO. | DATE | NAME | CLASS | SUB-CLASS | FILING DATE IF APPROPRIATE |
|---|---|---|---|---|---|---|---|
| | A | 4,318,481 | 03/82 | MASAKI | 83 | 468 | |
| | B | 4,049,374 | 09/77 | REITO | 83 | 471 | |
| | C | | | | | | |
| | D | | | | | | |
| | E | | | | | | |
| | F | | | | | | |
| | G | | | | | | |
| | H | | | | | | |
| | I | | | | | | |
| | J | | | | | | |
| | K | | | | | | |

FOREIGN PATENT DOCUMENTS

| * | | DOCUMENT NO. | DATE | COUNTRY | NAME | CLASS | SUB-CLASS | PERTINENT SHTS. DWG | PERTINENT PP. SPEC. |
|---|---|---|---|---|---|---|---|---|---|
| | L | | | | | | | | |
| | M | | | | | | | | |
| | N | | | | | | | | |
| | O | | | | | | | | |
| | P | | | | | | | | |
| | Q | | | | | | | | |

OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)

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U

| EXAMINER | DATE |
|---|---|
| A. L. Clingman | 03-09-93 |

* A copy of this reference is not being furnished with this office action. (See Manual of Patent Examining Procedure, section 707.05 (a).)

IFC-02273

PTO FORM 948
(REV. 7-92)

U.S. DEPARTMENT OF COMMERCE
Patent and Trademark Office

ATTACHMENT TO PAPER NUMBER 5

GROUP

APPLICATION NUMBER 922918

# NOTICE OF DRAFTSPERSON'S PATENT DRAWING REVIEW

THE PTO DRAFTSMEN REVIEW ALL ORIGINALLY FILED DRAWINGS REGARDLESS OF WHETHER THEY WERE DESIGNATED AS INFORMAL OR FORMAL. ADDITIONALLY, THE PATENT EXAMINER WILL ALSO REVIEW THE DRAWINGS FOR COMPLIANCE WITH THE REGULATIONS.

The drawings filed 7/31/92

A. ☐ are approved by the draftsperson.

B. ☒ are objected to by the draftsperson under 37 CFR 1.84 for the reason(s) checked below. The examiner will require submission of new, corrected drawings at the appropriate time. Corrected drawings must be submitted according to the instructions listed on the back of this Notice.

1. Paper and ink. 37 CFR 1.84(a)

☐ Sheet(s)_____Poor.

2. Size of Sheet and Margins. 37 CFR 1.84(b)

Acceptable Paper Sizes and Margins

| Margin | Paper Size: 8 1/2 by 14 inches | 8 1/2 by 13 inches | DIN size A4 21 by 29.7 cm. |
|---|---|---|---|
| Top | 2 inches | 1 inch | 2.5 cm. |
| Left | 1/4 inch | 1/4 inch | 2.5 cm. |
| Right | 1/4 inch | 1/4 inch | 1.5 cm. |
| Bottom | 1/4 inch | 1/4 inch | 1.0 cm. |

☒ Proper Size Paper Required. All Sheets Must be Same Size. Sheet(s) 1-2

☐ Proper Margins Required. Sheet(s) _____

☐ TOP ☐ RIGHT

☐ LEFT ☐ BOTTOM

3. Character of Lines. 37 CFR 1.84(c)

☐ Lines Pale or Rough and Blurred. Fig(s) 1-2

☐ Solid Black Shading Not Allowed. Fig(s)_____

4. ☐ Photographs Not Approved.

_____

☐ Comments;

5. Hatching and Shading. 37 CFR 1.84(d)

☐ Shade Lines are Required. Fig(s) _____

☐ Criss-Cross Hatching Not Allowed. Fig(s) _____

☐ Double Line Hatching Not Allowed. Fig(s) _____

☐ Parts in Section Must be Hatched. Fig(s) _____

6. Reference Characters. 37 CFR 1.84(f)

☒ Reference Characters Poor or Incorrectly Sized. Fig(s) 1-2

☐ Reference Characters Placed Incorrectly. Fig(s) _____

7. Views. 37 CFR 1.84(i) & (j)

☐ Figures Must be Numbered Properly.

☐ Figures Must Not be Connected. Fig(s) _____

8. ☐ Identification of Drawings. 37 CFR 1.84(l) Extraneous Matter or Copy Machine Marks Not Allowed. Fig(s) _____

9. ☐ Changes Not Completed from Prior PTO-948 dated _____

Telephone inquires concerning this review should be directed to the Chief Draftsperson at telephone number (703) 305-8404.

Reviewing Draftsperson WS

10/28/92
Date

Note: Any objection to the drawings made by the examiner will be communicated separately in an office action.

PTO Copy

IFC-02274