

UNITED STATES
PATENT AND TRADEMARK OFFICE



ih Patent Trial and Appeal Board **Inventor Hour**

Episode 26

Ryan Flax, Lead Administrative Patent Judge

Jeff Fredman, Administrative Patent Judge

LiLan Ren, Administrative Patent Judge

John Schneider, Administrative Patent Judge

Special guest:

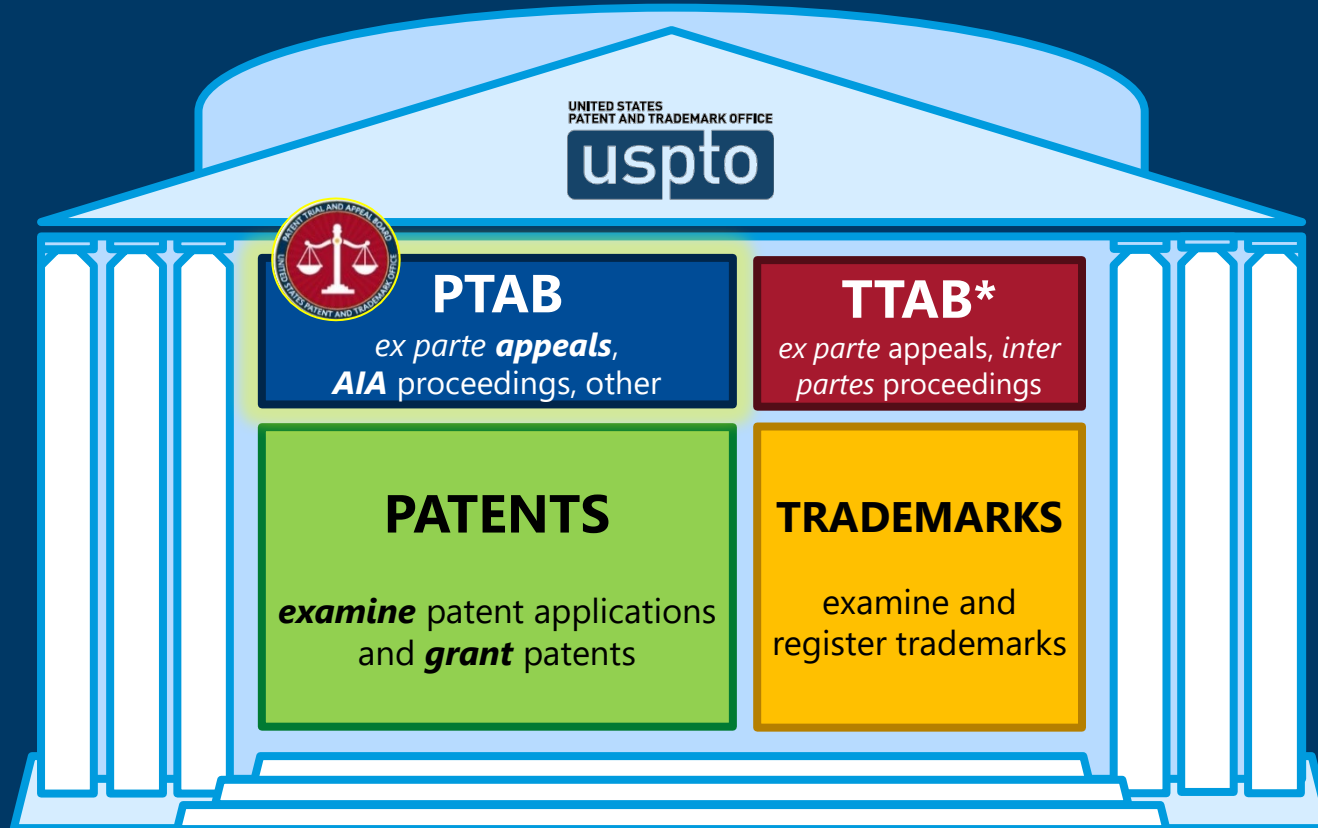
Jacqueline Bonilla, Deputy Chief Administrative Patent Judge &
Senior Legal Advisor to Director of USPTO

March 28, 2024



UNITED STATES
PATENT AND TRADEMARK OFFICE ®

What is the Patent Trial and Appeal Board?



*Trademark Trial and Appeal Board (TTAB)

Today's agenda

1

**Interview with
Jackie Bonilla**

2

**PTAB
case file**

3

**Inventor
in history:
Maria Beasley**

4

Q&A

Question/comment submission

To send in questions or comments about the presentation, please email:

– PTABInventorHour@uspto.gov



Jeff Fredman, Administrative Patent Judge



**An interview with Jacqueline Bonilla,
Deputy Chief Administrative Patent Judge &
Senior Legal Advisor to Director of USPTO**



Jacqueline Bonilla
Deputy Chief Administrative Judge
Senior Legal Advisor



Question/comment submission

To send in questions or comments about the presentation, please email:

– PTABInventorHour@uspto.gov



PTAB frequently asked questions

The screenshot shows the USPTO website's Patent Trial and Appeal Board (PTAB) FAQs page. The page is titled "Patent Trial and Appeal Board (PTAB) FAQs" and features a navigation menu with "Patents", "Trademarks", "IP Policy", and "Learning and Resources". A search bar is located at the top right. The main content area is divided into sections: "Patent Trial and Appeal Board (PTAB) - Appeals - Trials", "Patent Trial and Appeal Board (PTAB) - Procedures - Other - Trials", and "Patent Trial and Appeal Board (PTAB) - Procedures - Other". Each section contains a list of frequently asked questions with expandable arrows. A sidebar on the left provides a "Browse FAQs" table with counts for each category.

Browse FAQs	
Appeals	2
Procedures	66
Other	66
Trials	4

Patent Trial and Appeal Board (PTAB) - Appeals - Trials

- Where can I find the Board's opinions?
- Where can I find the Board's opinions?

Patent Trial and Appeal Board (PTAB) - Procedures - Other - Trials

- I just became aware of a related court proceeding/appeal/interference, how can I notify the Board?
- I just became aware of a related court proceeding/appeal/interference, how can I notify the Board?

Patent Trial and Appeal Board (PTAB) - Procedures - Other

- What are the different standards for admitting an amendment, or affidavit or other evidence filed after a final rejection in a patent application?
- Will extensions of time be available for filing an appeal brief, a reply in response to a new ground of rejection in an examiner's answer, and a reply brief for a patent application?
- How do I file a notice of appeal?
- How can I file an appeal?
- How do I file an appeal brief?
- How can I withdraw my appeal?
- Can an oral hearing fee be refunded?
- How does an applicant reinstate an appeal?
- What is a docketing notice?
- When is my Oral Hearing?
- Can I present an oral argument (oral hearing) for my appeal?
- Can I request a video or telephonic hearing?

[www.uspto.gov/patents/
ptab/patent-trial-and-appeal-
board-ptab-faqs](http://www.uspto.gov/patents/ptab/patent-trial-and-appeal-board-ptab-faqs)



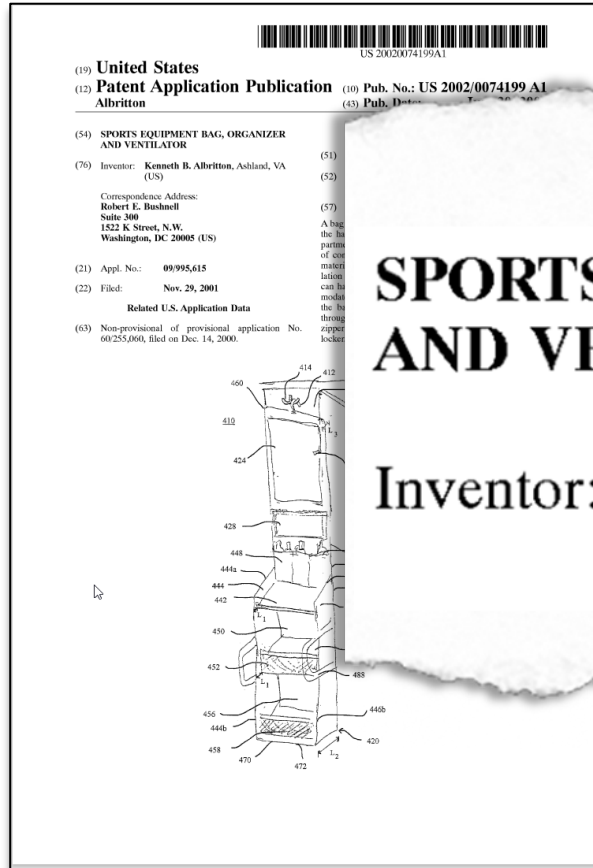
LiLan Ren, Administrative Patent Judge



PTAB case file

Ex parte Albritton, Appeal No. 2008-005023

U.S. application 09/995,615 (Appeal No. 2008-005023)



SPORTS EQUIPMENT BAG, ORGANIZER AND VENTILATOR

Inventor: **Kenneth B. Albritton, Ashland, VA (US)**

U.S. application 09/995,615 (Appeal No. 2008-005023)

SPORTS EQUIPMENT BAG, ORGANIZER AND VENTILATOR

FIG. 17

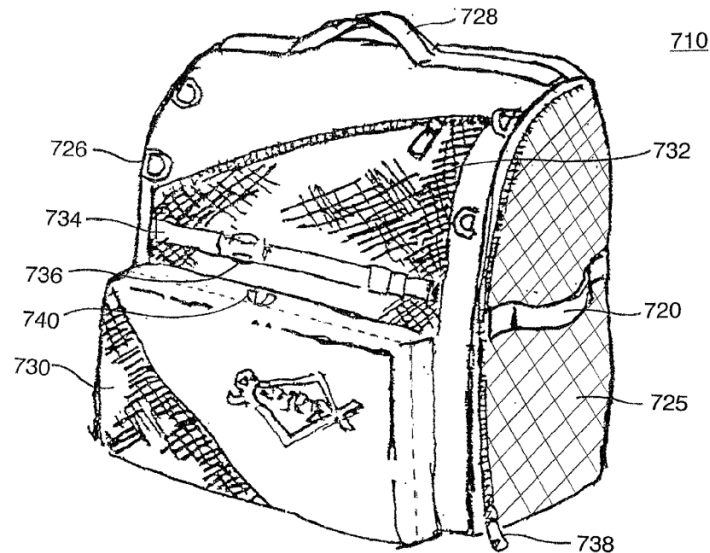
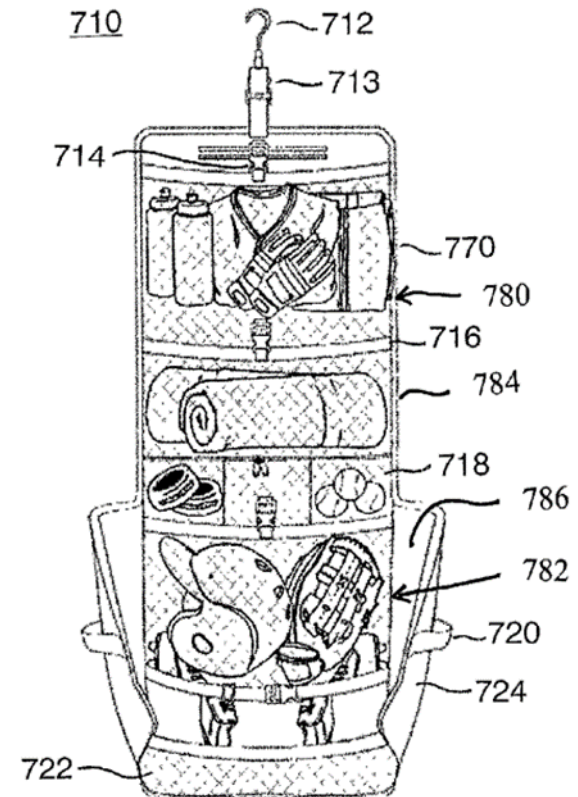
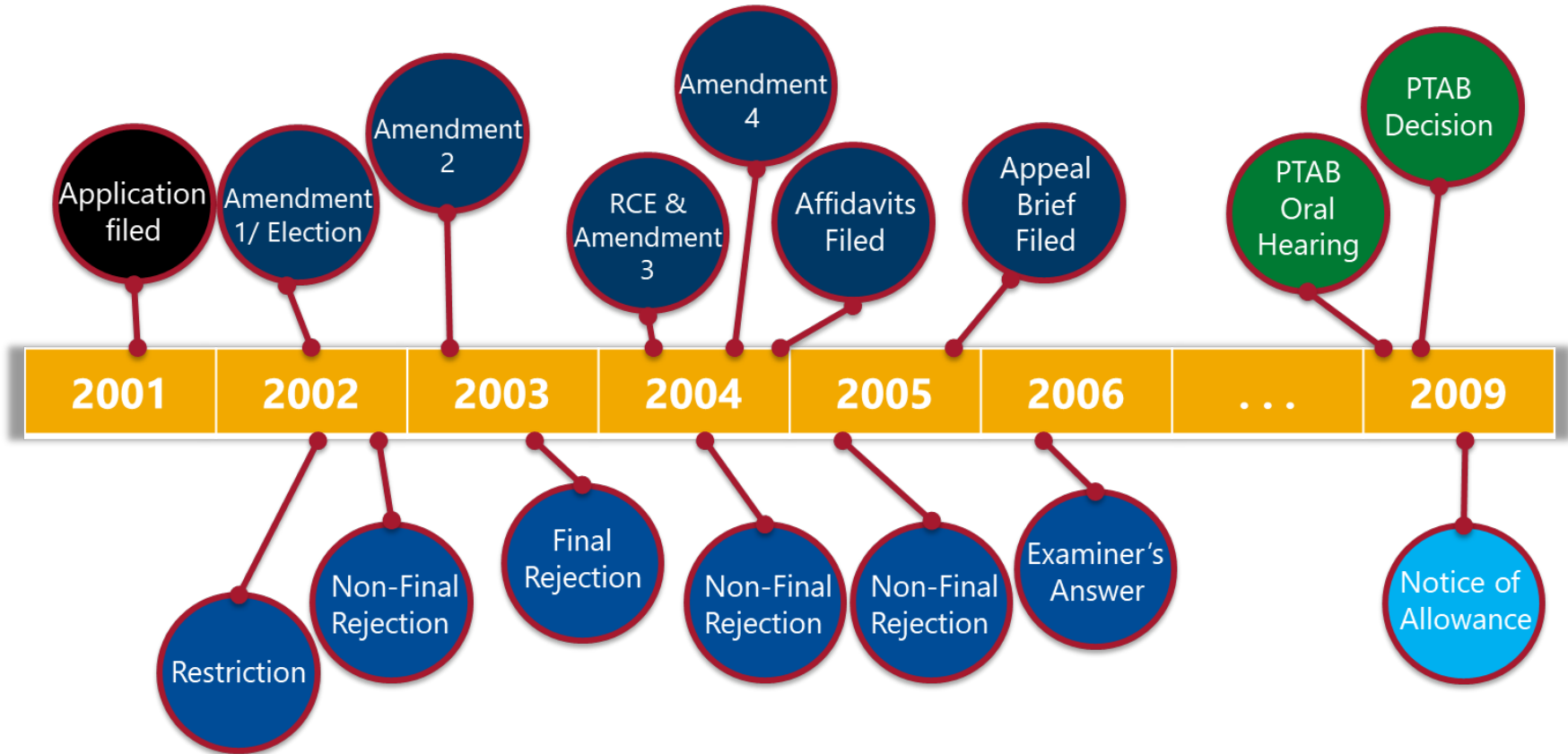


FIG. 8



Prosecution timeline*



* Current pendency of decided ex parte appeals (Oct. – Dec. 2023) is 12.2 months.
See www.uspto.gov/sites/default/files/documents/appeal_and_interference_statistics_dec2023_.pdf

Examiner's non-final rejection

JP

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
ADMINISTRATIVE COMMISSIONER FOR PATENTS

APPLICATION
09/995,01

Robert
Suite 34
1522 K
Washin

Please find

Disposition of Claims

4) Claim(s) **24-27, 32, 34, 35 and 37-55** is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) **24-27, 32, 34, 35 and 37-55** is/are **rejected**.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

PTO-90C (Rev. 10/03)

Illustrative rejections for discussion

I. Written description rejection of claim 41

II. Indefiniteness rejection of claim 41

III. Anticipation rejection (Fournier) of claim 35

IV. Obviousness rejection (Tong & Fournier) of claim 24

2. Claims 41, 43, 45, and 46-53 are rejected under 35 U.S.C. 112, first paragraph,
3. Claims 41, 45-53 are rejected under 35 U.S.C. 112, second paragraph,
4. Claims 39, 40, and 44 are rejected under 35 U.S.C. 102(b) as being anticipated by Tong
5. Claims 24, 25, 26, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tong (6334519) in view of Fournier.
6. Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over the Tong rejection as set forth above, and further in view of Briggs et al. (4901897).
7. Claims 35, and 37 are rejected under 35 U.S.C. 102(a) as being anticipated by Fournier.
8. Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over either the Fournier or Tong rejection as set forth above, in view of Davis et al. (2626689).
9. Claims 24-27, 32, 35, 37, and 39-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Franklin et al. (5575362) in view of Wulf et al. (5749503), and further in view of Bomes et al. (5054589).
10. Claims 24-27, 32, 35, 37, 39-48, 54, and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Franklin et al. in view of either Wulf et al. or Yu (6129254), and further in view of Fournier.

Anticipation rejection of claim 35

35. (Previously Presented) A backpack, comprising:

a back wall;

a left wall and right wall extending from at least a portion of said back wall;

a bottom portion attached to a bottom of said back wall and said bottom portion connecting between a bottom of said right wall and said left wall;

a first wall extending from said bottom portion and assisting in holding a sufficient portion of said left and right walls together forming a bottom compartment;

a plurality of compartments on a front surface of said back wall, said plurality of compartments comprising a front portion comprising of at least a partially see-through material accommodating a circulation of air within said compartments, said compartments accommodating a plurality of objects, said plurality of compartments being disposed on a single plane accommodating full accessibility and a view of the objects within said plurality of compartments when said backpack is in an open position, said back wall folding to close said backpack, said compartments disposed from a top portion of the front surface of said back wall to a bottom portion of said back wall; and

at least one back strap on an external surface of said backpack to accommodate shoulder and back transport of said backpack, on a user.

Examiner's rejection on anticipation

JB

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1400
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09995,615	11/29/2001	Kenneth B. Ah...		

7590
Robert E. Bushnell
Suite 300
1522 K Street, N.W.
Washington, DC 20005

8011/2001

Please find below and/or attached

PTO-90C (Rev. 10/03)

7. Claims 35, and 37 are rejected under 35 U.S.C. 102(a) as being anticipated by Fournier.

Fournier teaches a back wall 2, left and right wall, a bottom portion attached to a bottom of the back wall 1, a first wall 2 extending from the bottom portion and assisting in holding a sufficient portion of left and right walls together, a plurality of compartments on a front surface of the back wall comprising of netted material, and at least one strap 5 as claimed. The term backpack does not impart any structure over the bag in Fournier. Kilduff (3686414) teaches the two straps can be carried on the shoulder as a backpack.

Examiner's asserted prior art — anticipation

Fournier

US006193034B1

(12) **United States Patent**
Fournier

(10) Patent No.: **US 6,193,034 B1**
(45) Date of Patent: **Feb. 27, 2001**

(54) **SPORTS BAG** 4,942,948 * 7/1990 Vickers 190/107
5,002,401 3/1991 Blackman

(76) Inventor: **Marc Fournier**, 290 Labrie Street,
Azala, Ontario (CA), P0M 1H0
5,918,711 * 7/1999 Godshaw 190/107
6,076,485 * 6/2000 Peoples et al. 190/107

FOREIGN PATENT DOCUMENTS

(*) Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 0 days.

(21) Appl. No.: **09/423,621** 1,275,389 10/1990 (CA)

(22) PCT Filed: **Apr. 9, 1998** 1,278,550 1/1991 (CA)

(86) PCT No.: **PCT/CA98/00338** 20,805 12/1991 (CA)

§ 371 Date: **Nov. 15, 1999** 20,912 9/1994 (CA)

§ 102(e) Date: **Nov. 15, 1999** 0,469,613 4/1995 (EP)

(87) PCT Pub. No.: **WO98/52439** 2,10,661 8/1995 (CA)

PCT Pub. Date: **Nov. 26, 1998** 2,580,910 10/1986 (FR)

* cited by examiner

Primary Examiner—Allan N. Shop
Assistant Examiner—Tim M. Mai
(74) *Attorney, Agent, or Firm*—Jacobson, Price, Holman & Stern, PLLC

ABSTRACT
(57)

The sports bag of the present invention is preferably used for the transport and storage of hockey equipment. The bag comprises a base to which side walls and end walls are hingedly connected. The bag can occupy a planar configuration, when the base, side walls and end walls are coplanar, or in a closed configuration, when the walls are hinged upwardly from the base and connected to each other, preferably by zippers, at adjacent edges to define an interior space. Pockets disposed on the interior surfaces of the bag are made of material, such as nylon mesh, which allows air to circulate through the pockets, expelling evaporation of moisture from an item of sports equipment or clothing inside a respective pocket. In the planar configuration, the bag may be suspended vertically from a hanger to minimize the space required for air-drying of the sports equipment items in the pockets.

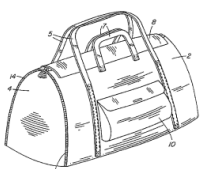
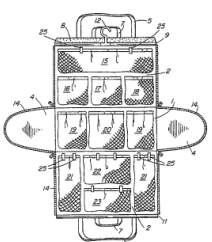
21 Claims, 4 Drawing Sheets

D. 328,670 * 8/1992 Flehr D3/283
2,254,578 * 9/1941 O'Brien 190/107
3,173,865 * 3/1965 Paton 190/107
3,994,372 * 11/1976 Geller et al. 190/107
4,738,647 4/1988 Brown

4,753,329 6/1988 Choy

4,753,342 6/1988 Pulichino, Jr.

4,809,064 8/1989 Kammerer

Kilduff

US006386414B1

(12) **United States Patent**
Kilduff

(10) Patent No.: **US 6,386,414 B1**
(45) Date of Patent: **May 14, 2002**

(54) **SPORTS EQUIPMENT BAG** 5,620,099 A * 4/1997 Hurwitz 190/107
5,676,296 A * 10/1997 Masters

(76) Inventor: **Edward Kilduff**, 128 Wooster St., New
York, NY (US) 10012
5,794,747 A * 8/1998 Bryant

(*) Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 0 days.

(21) Appl. No.: **09/547,814** 5,931,120 A * 8/1999 Burns et al. 119/497
5,941,105 A * 8/1999 Marz 119/497
5,950,894 A * 9/1999 Haber

(22) Filed: **Apr. 11, 2000** 6,076,485 A * 6/2000 Peoples et al. 119/497
6,082,308 A * 7/2000 Burns et al. 119/497

OTHER PUBLICATIONS

Patagonia "Wet Dry Gear Bags", www.patagonia.com, available before Apr. 11, 2000.*

* cited by examiner

Primary Examiner—Stephen P. Garbe
(74) *Attorney, Agent, or Firm*—Walpe and Koenig, P.C.

ABSTRACT
(57)

A sports equipment bag having a water-resistant outer shell with multiple ventilation assemblies for exposing the interior of the bag to free air circulation. Each ventilation assembly includes an opening formed in the outer shell that is covered by a mesh lining and a flap which can be selectively opened and closed using a zipper. In one embodiment, the bag includes openings on both sides and both ends of the bag. In an alternate embodiment, the bag includes openings on both sides only. In another alternate embodiment, the bag includes an opening at one end and a fan assembly located at the other end. The fan assembly includes an electric fan which draws air through the bag.

21 Claims, 9 Drawing Sheets

1,251,404 A * 12/1917 Mills

3,045,900 A * 7/1962 Zekendorf 150/106

3,294,755 A * 8/1966 Moore

3,674,073 A * 7/1972 Hendorf

4,921,013 A 5/1990 Cohen

5,088,728 A * 2/1992 Duden

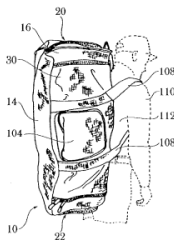
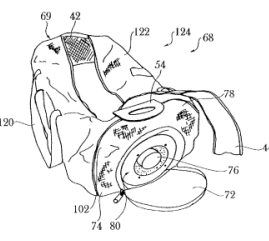
5,117,983 A 6/1992 Cho

5,154,266 A * 10/1992 Bieber et al. 190/109

5,288,150 A * 2/1994 Beaman

5,323,807 A * 6/1994 Sperber

5,413,199 A * 5/1995 Clenert

Appellant's appeal arguments on anticipation



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However, by using Kilduff, there **cannot** be a 35USC§102 rejection.

Moreover, claim 35 also mentions a first wall extending from said bottom portion and assisting in holding a sufficient portion of said left and right walls together forming a bottom compartment. **The first wall of Kilduff fails to disclose the first wall extending from the bottom portion and assisting in holding a sufficient portion of said left and right walls together forming a bottom compartment as arranged in the claim.** In Kilduff, the first wall does not assist in holding together the left and right walls together to form a **bottom** compartment. A compartment is only formed when the entire structure is closed.

Board decision on anticipation

Fournier satisfies all of the structural limitations of claim 35 (FF 10-18). The only element not taught by Fournier is the intended use recitation that the strap should “accommodate shoulder and back transport of [the] backpack” (Claim 35). However, “[a]n intended use or purpose usually will not limit the scope of the claim

The use of additional references to evidence that a reference is enabled is permitted. *See In re Samour*, 571 F.2d 559, 563 (CCPA 1978)

¹ Heard February 19, 2014.

² The two-month time period for filing an appeal or commencing civil action, as recited in 37 C.F.R. § 1.304, begins to run from the decided date shown on this page of the decision. The time period does not run from the Mail Date (paper delivery) or Notification Date (electronic delivery).

Examiner's rejection on obviousness



UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.
09/995,615

Robert E. Busby
Suite 300
1522 K Street, N.W.
Washington, D.C. 20005

Please find below:

5. Claims 24, 25, 26, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tong (6334519) in view of Fournier. Tong teaches a hook unit 13, back wall, left and right walls 12, a bottom portion 16 attached to a bottom of the back wall 1, a plurality of compartments on a front surface of the back wall, and at least one strap as claimed.

Tong meets all claimed limitations except for the netted compartments. Fournier teaches that it is known in the art to provide netted compartments. It would have been obvious to one of ordinary skill in the art to provide netted compartments in Tong as taught by Fournier to provide venting for the contents. Kilduff (3686414) teaches the two straps can be carried on the shoulder as a backpack.

PTO-90C (Rev. 10/01)

Appellant's arguments on obviousness



PATENT
P56341

in Tong the two straps are not along the longitudinal side of the back surface of the backwall but along the lateral side.

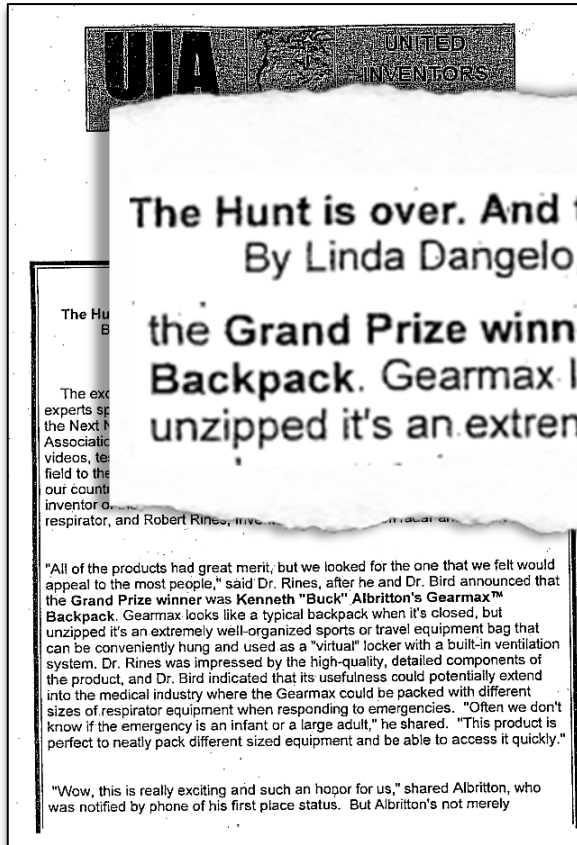
In addition, Kilduff is improperly introduced by the Examiner as he does not cite in this rejection and does not provide any motivation or suggestion to combine with Tong and Fournier.

As indicated by the court, evidence of secondary considerations, when it exists, is always to be considered, and not merely when the Examiner remains in doubt after reviewing the prior art.

11/15/2005 SZ
02 FC:2402

Folio: P56341
Date: 11/14/05
I.D.: REB/SS/sb

Appellant's non-obviousness evidence — industry praise



Appellant's non-obviousness evidence — commercial success

PATENT
P56341

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Kenneth Buck ALBRITTON

Serial No.: 09/995,615 Examiner: MAL TRI M.
Filed: 29 November 2001 Art Unit: 3727
For: PORTABLE LOCKER BACKPACK (as amended)

AFFIDAVIT OF COMMERCIAL SUCCESS

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

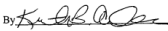
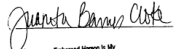
Sir:

I. This paper is submitted in accordance with MPEP 716.02(g) and as provided by 35 U.S.C. 25 and 18 U.S.C. 1001.

II. In addition to evidence of commercial success submitted on 21 November 2003, Applicant submits that the attached evidence provided by the Applicant, covered by claims 24-27, 32, 34, 35, and 37-55 of the above cited US Patent Application, claim 24 as an example reproduced below, comprises a nexus between the claimed invention and evidence of commercial success.

Claim 24. (Previously Presented) A backpack, comprising of:
a back wall;
a hook connected to a top side of said back wall, said hook capable of hanging said back wall to an object, external to said backpack;
a plurality of compartments on a front surface of said back wall, the plurality of compartments including a front portion comprised of netted material accommodating a circulation of air within said compartments, said compartments accommodating a plurality of objects;
a pair of shoulder straps disposed a predetermined distance from each other along the longitudinal side of the back surface of said back wall to accommodate a carrying of said backpack by the shoulders and the back of a user; and
wherein said backpack is secured by a fastening unit after said backpack is folded to a closed position.

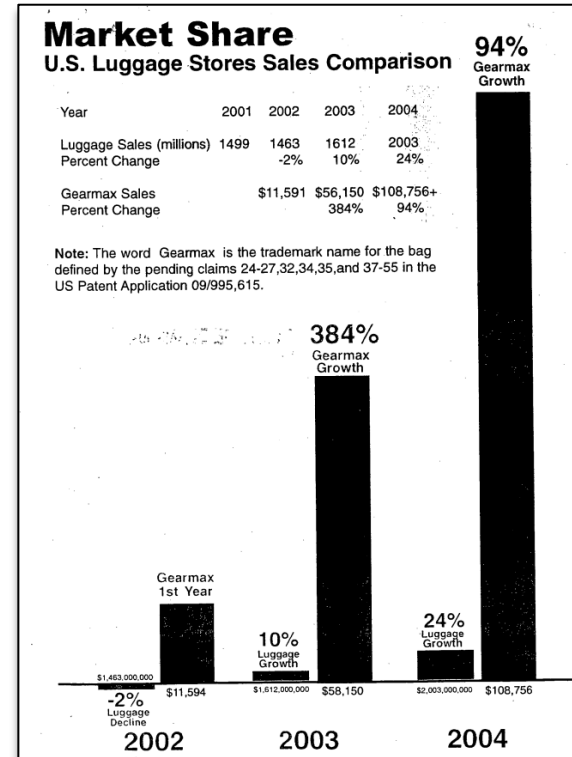
Kenneth B. Albritton
Gearmax (TM)

By:  _____
 _____ (Seal)

Entered Herein by My
Commissioner of Patents Public Seal
My Commission Expires Herein 06/2006
JUANITA BARNES COOKE

R.E. Bushnell & Law Firm
1522 "K" Street, N.W., Suite 200
Washington, D.C. 20005-1202
(202) 408-9040

Folio: P56341 Date: 12/2/04 I.D.: REB/SS/lb



Appellant's non-obviousness evidence — commercial success

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Please understand that the attached list is NOT a complete list of all of your products which have been selected for our 2005 Annual Catalog, but is a current list of items being considered for which we do not already have cost guarantees in file for next year. Shortly after the product selection process for this catalog has been completed, we will be sending you a complete list of all of your products that will be included in this catalog. Current cost guarantees that this will be in January 2005.

We had to reorder half way through our planned three month promotion after we ran out quicker than we anticipated. This great demand for the product provided the best referral promotion we have had in our twenty-year history.

Best Regards,
Jeff A. [Signature]
VP of [unclear]

Best Regards,
Diana Hubbard

As the maximum discount opportunity for the time period of March 1st 2005 through February 28th 2006 for each of the products on the attached sheet(s).

At this stage we are requesting complete cost information on all of the [unclear] to obtain cost guarantees for items.

Over the Last 12 months, our sales of your products have been \$7,674.70, This is an increase of 178% over the \$ 2,755.40 from the previous 12 months

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NORMY PUBLIC
Expires 08-31-08

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F 804.648.5504

marketing & media consulting

We believe that 2005 will be somewhat stronger than 2004 and we will look forward to working closely with you to ensure that your items are in stock at all times so that we can maximize our business together. If you assist us with guaranteed pricing and volume discounts, we are sure that your business with Dover Saddlery will remain strong. If you can provide us with this information within the next 7 weeks it will be sincerely appreciated. Please be sure to initial each of the attached pages and sign the last page indicating you will hold prices throughout this catalog.

822-118-908* 822-118-908* 822-118-908*

Appellant's non-obviousness evidence — licensing agreements

PATENT A
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Virginia, and having its principal
Drive, Ashland, Virginia 23005 (f

EXCLUSIVE LIC
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I. Background of Agreement
1.00 Licensor warrants
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Agreement current
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Bag, Organizer
09/995,615, an ap
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60/255,060 (which
as the "PATENT"
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1.01 Licensee wishes to
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October 30, 2003 License Agreement was offered by a top producer of bags both for retail and advertising specialty sales. The company was founded in the 50's and has a 50,000+ square foot facility in China and US headquarters is over 150,000 square foot with over 400 employees world-wide.

April 6, 2004 License Agreement was offered by company ranked in the top 10 of the promotional merchandise industry. The company has been in business for over 20 years and in the past year exceeded 100 million in revenue.

Board decision on obviousness

UNITED STATES PATENT AND TRADEMARK OFFICE

Applying the *KSR* standard of obviousness to the findings of fact, we agree with the Examiner that it would have been *prima facie* obvious to modify the bag of Tong to utilize mesh compartments as taught by Fournier and backpack straps as taught by Kilduff.

backpack. We have jurisdiction under 35 U.S.C. § 6(b). We affirm-in-part.

¹ Heard February 12, 2009

² The two-month time period for filing an appeal or commencing a civil action, as recited in 37 C.F.R. § 1.304, begins to run from the decided date shown on this page of the decision. The time period does not run from the Mail Date (paper delivery) or Notification Date (electronic delivery).

Board decision on obviousness

UNITED STATES
BEFORE THE
A
Ex parte
T
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FREDMAN, *Administrativ*
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This is an appeal un
backpack. We have jurisd

Appellant has provided specific evidence of industry praise, both in winning the grand prize of the United Inventors Association and in letters from purchasers (FF 27, 29, 30). Both the prize award and the letters provide evidence of a nexus between the merits of the claimed invention and the commercial success of the product, linking the features of a backpack, open ventilated compartments and a hook (FF 27, 29, 30).

Appellant has also provided evidence of commercial success in the relevant market and increased market share relative to the increase in luggage sales generally (FF 28).

Lastly, Appellant has provided specific licensing agreements, one of which is drawn to the product of the instant U.S. Patent Application (FF 31).

¹ Heard February 12, 2009
² The two-month time period for a civil action, as recited in 35 U.S.C. § 413, is a decided date shown on this application does not run from the Mail Date (electronic delivery).

Notice of allowance

Supplemental Notice of Allowability	Application No.	Applicant(s)
	09/995,615	ALBRITTON, KENNETH B.
	Examiner Tri M. Mai	Art Unit 3781

-- 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 the Board decision and the amendment dated 05/27/2009.

2. The allowed claim(s) is/are 24-27,32,34,38,41-43,45,54 and 55.

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

(b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____

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

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

Attachment(s)

1. Notice of References Cited (PTO-892)

2. Notice of Draftperson's Patent Drawing Review (PTO-948)

3. Information Disclosure Statements (PTO/ISB/08), Paper No./Mail Date _____

4. Examiner's Comment Regarding Requirement for Deposit of Biological Material

5. Notice of Informal Patent Application

6. Interview Summary (PTO-413), Paper No./Mail Date _____

7. Examiner's Amendment/Comment

8. Examiner's Statement of Reasons for Allowance

9. Other _____

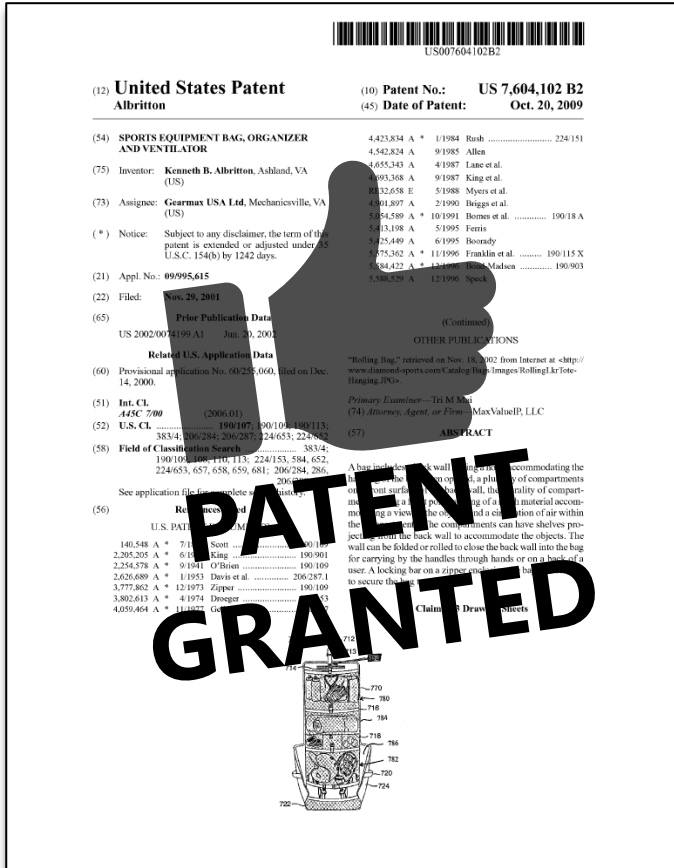
Tri M Mai/
 Primary Examiner, Art Unit 3781

U.S. Patent and Trademark Office
 PTOL-37 (Rev. 08-06) **Notice of Allowability** Part of Paper No./Mail Date 20090825

2. The allowed claim(s) is/are 24-27,32,34,38,41-43,45,54 and 55.



Takeaways



P

A rejection, even a final one, is not the end of your options

P

Patent prosecution may take a while, so be patient

P

How you claim your invention is of paramount importance

P

Ex parte appeal to PTAB is an option for patentable claims

P

Evidence and addressing rejections matter on appeal

Question/comment submission

To send in questions or comments about the presentation, please email:

– PTABInventorHour@uspto.gov



Fast-track appeals pilot program

The screenshot shows the USPTO website page for the Fast-track appeals pilot program (regular). The page features a navigation menu with links for Patents, Trademarks, IP Policy, and Learning and Resources. A search bar is located at the top right. The main content area includes a title, statistics on petitions received and available slots, average decision times, and a detailed description of the program's purpose and requirements.

Fast-track appeals pilot program (regular)

Patents received in this quarter: 1

Available slots in this quarter: 1

Average time to decide petition: 31 days

Average time to decision on appeal: 2.54 months

Need an expedited decision on your appeal? Use the Fast-Track Appeals Pilot Program.

What is the Fast-Track Appeals Pilot Program?

Under the Fast-Track Appeals Pilot Program, appellants can have their ex parte appeals advanced out of turn. Appellants simply file a petition to request fast-track review of their ex parte appeal and pay a \$420 petition fee. The Patent Trial and Appeal Board (PTAB or Board) has set a target of issuing a decision within six months from the date the petition is granted and the ex parte appeal is entered into the pilot program.

The Fast-Track Appeals Pilot Program became effective on July 2, 2020. This pilot program was extended and now will run until July 2, 2024.

Read the [Federal Register Notice here](#).

Read the [extension Federal Registry Notice here](#).

Eligibility requirements

To qualify for fast-track status, the following four conditions must be met:

- **Application type:** The application must be an original utility, design, or plant nonprovisional application.
- **Status of appeal:** The appeal for fast-track status must be an ex parte appeal for which a notice of appeal has been filed and a PTAB docketing notice has been issued by the USPTO (i.e., the appeal is pending before the PTAB).
- **Petition:** The appellant must file a petition under 37 CFR 41.3 via the USPTO's electronic filing system identifying the application and appeal by application number and appeal number, respectively, for which fast-track review is sought.
 - Form: Petition—Fast-Track Appeals Pilot Program (Form PTO/SB/451)
- **Fee:** The appellant must pay a \$420 fee under 37 CFR 41.20(a) with the petition.
 - [USPTO Fee Schedule](#)

Time to decision

The Board has set a target of issuing a decision within six months from the date that a petition for fast-track review is granted. Since the program's inception in July 2020 through March 31, 2023, PTAB has decided 369 fast-track appeals with an average decision time of about 2 months from the date the petition for fast-track review was granted, and about 6 months from the date PTAB received the appeal. Thus, the overall decision time is at least 50% faster than the average appeal time for cases not under fast-track review, which currently stands at about 12 months at the end of calendar year 2022.

Granted petition limits

The USPTO has limited the number of granted petitions to 125 per quarter for the duration of the Fast-Track Appeals Pilot

[www.uspto.gov/patents/ptab/
fast-track-appeals-pilot-program](https://www.uspto.gov/patents/ptab/fast-track-appeals-pilot-program)



John Schneider, Administrative Patent Judge



Inventor in history: Maria Beasley

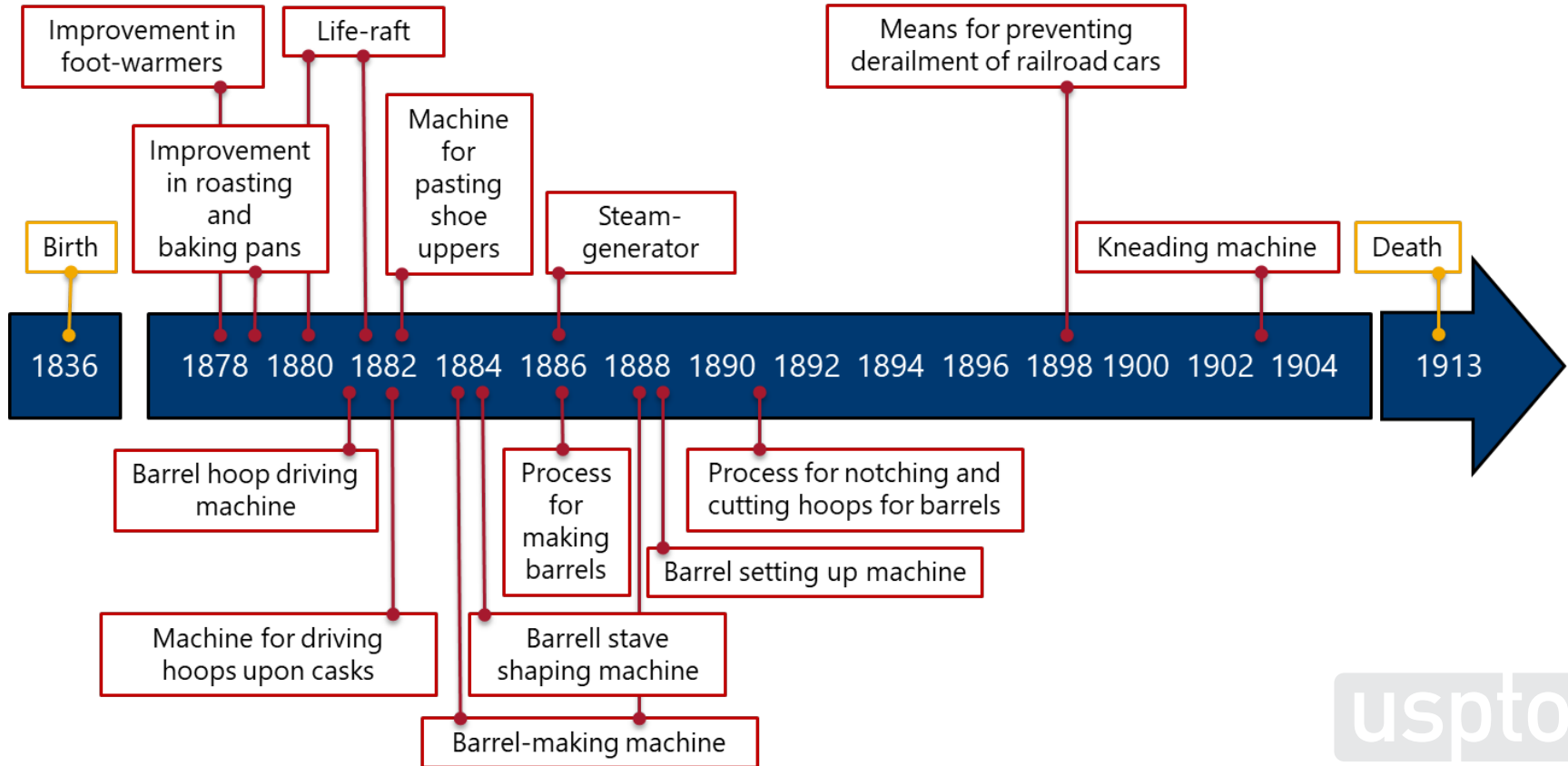
Maria Beasley



16 patents from 1878-1903

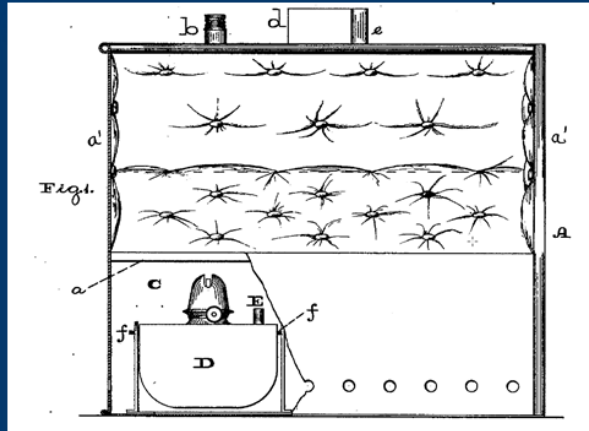
Wide variety of technologies

Timeline

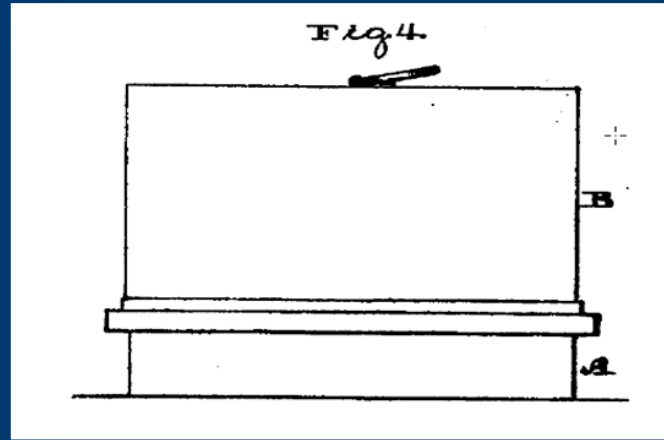


Early patents

US 202,919 (1878)
Foot Warmer



US 214,084 (1879)
Roasting and Baking Pan



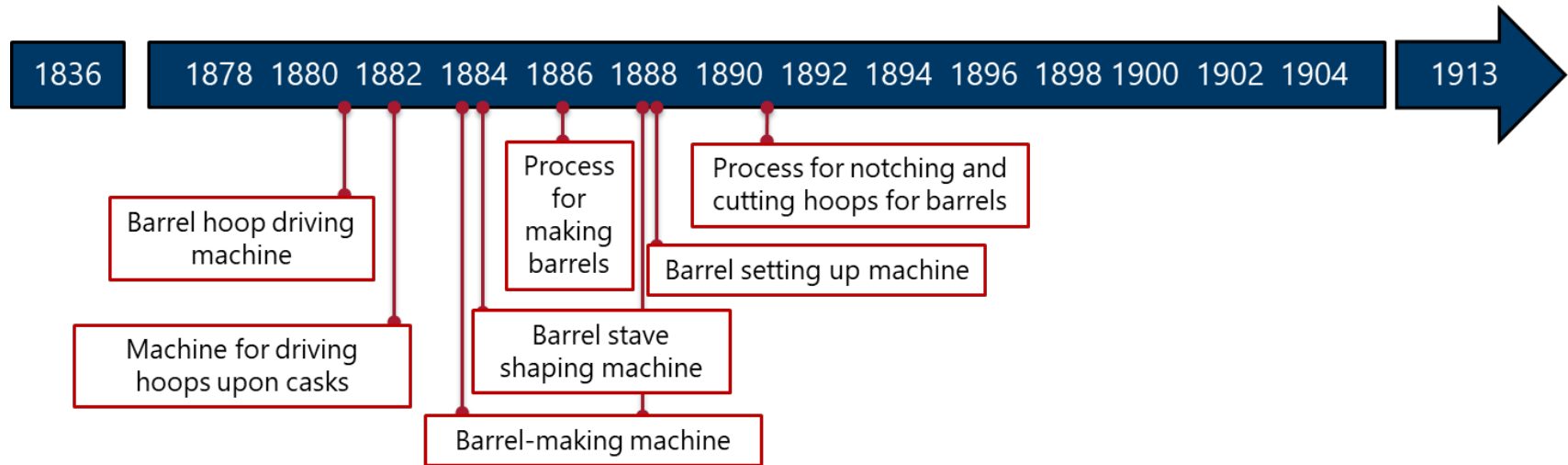
1836

1878 1880 1882 1884 1886 1888 1890 1892 1894 1896 1898 1900 1902 1904

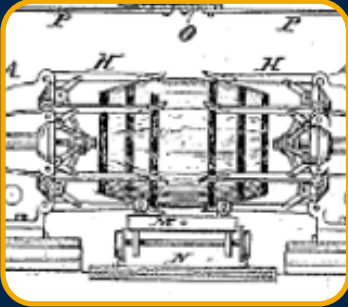
1913

Barrel Making (1881-1891)

8 Patents directed at barrel making

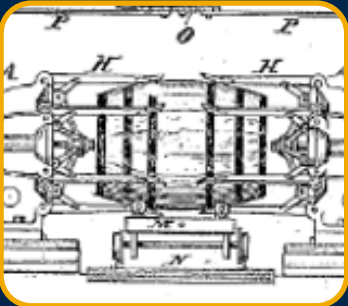


Barrel making (cont'd)



Patents licensed to oil and sugar companies

- By 1912, licensing revenues exceeded \$20,000/yr (over \$600,000 today)

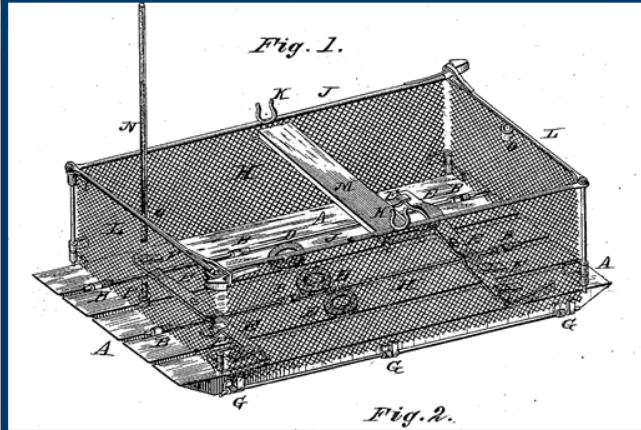


Formed her own barrel making companies

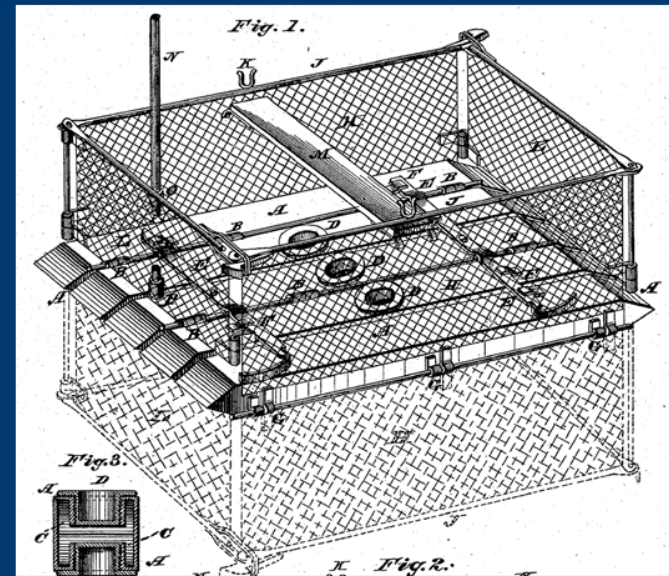
- Sold one in 1891 for \$1.4 million (over \$45 million today)

Life rafts

US 226,264 (1880)



US 258,191 (1882)



1836

1878

1880

1882

1884

1886

1888

1890

1892

1894

1896

1898

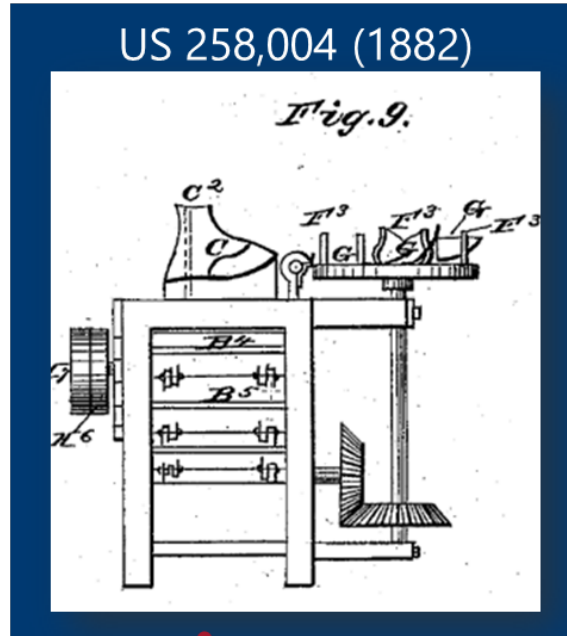
1900

1902

1904

1913

Pasting shoe uppers

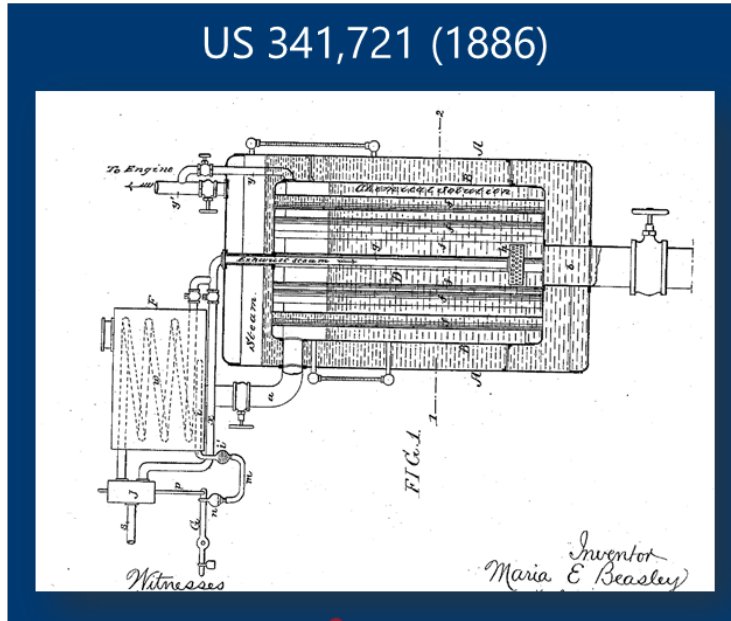


1836

1878 1880 1882 1884 1886 1888 1890 1892 1894 1896 1898 1900 1902 1904

1913

Steam generator

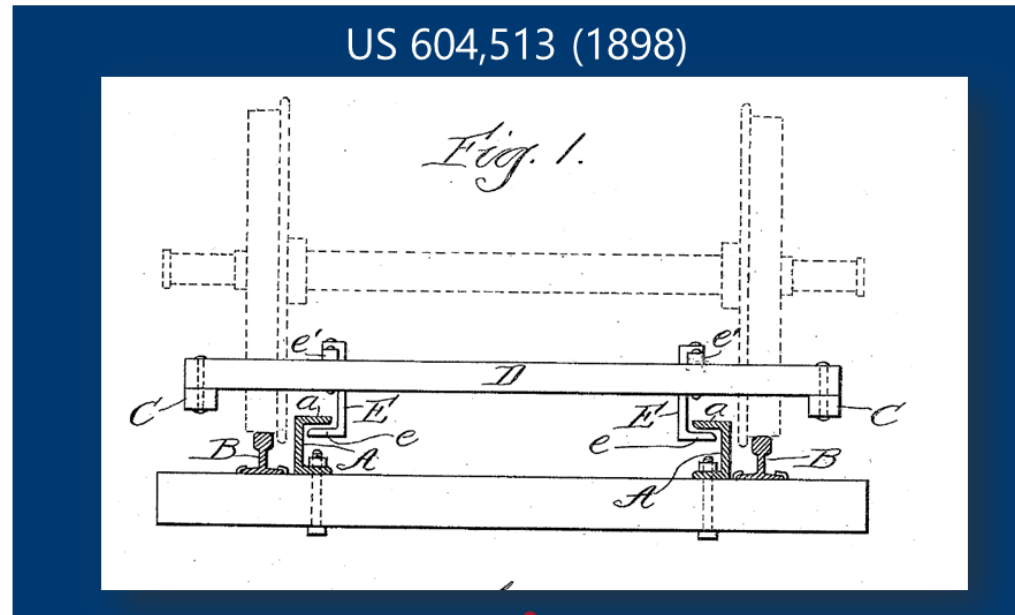


1836

1878 1880 1882 1884 1886 1888 1890 1892 1894 1896 1898 1900 1902 1904

1913

Means for preventing derailment of railroad cars



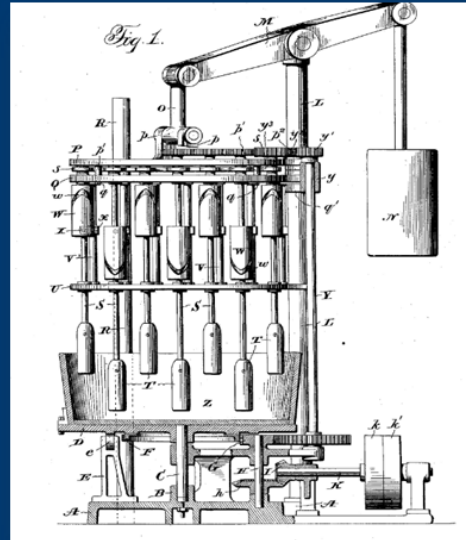
1836

1878 1880 1882 1884 1886 1888 1890 1892 1894 1896 1898 1900 1902 1904

1913

Kneading machine

US 739,142 (1903)



1836

1878 1880 1882 1884 1886 1888 1890 1892 1894 1896 1898 1900 1902 1904

1913

Question/comment submission

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– PTABInventorHour@uspto.gov



Feedback and suggestions

PTAB has email boxes for the public to submit **input** and **ask questions**:

Ex Parte Appeals	PTAB_Appeals_Suggestions@uspto.gov
AIA proceedings	PTABAIATrialSuggestions@USPTO.GOV
P-TACTS	PTABP-TACTSAdmin@uspto.gov
PTAB Statistics	PTABStatisticsQuestions@USPTO.GOV



Questions?

Future programs

Inventor Hour, Episode 27

Thursday, Apr. 25, 2024, noon (ET)

Inventor Hour, Episode 28

Thursday, May 23, 2024 noon (ET)



