

In the United States Patent and Trademark Office

Appellants:	Marcille Faye Ruman et al.	Docket No.:	64345935US01
Serial No.:	11/983,840	Group:	3728
Confirmation	6131	Examiner:	Chu, King M
Filed:	November 13, 2007	Date:	March 18, 2012
For:	IMPROVED SUSTAINABILITY IN PERSONAL CARE PRODUCT RETAILING		

Brief on Appeal to the Board of Patent Appeals and Interferences

Mail Stop Appeal Brief - Patents
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. 41.37 Appellants respectfully submit this Brief in support of their Appeal of Examiner Chu's **Final Rejection** of claims 1-22 which was mailed on October 27, 2011.

On January 26, 2012, Appellants, pursuant to 37 C.F.R. 41.31 mailed a timely Notice of Appeal. Thus, the time period for filing this Brief ends on March 26, 2012 and is timely filed on March 18, 2012.

Appellants have previously paid a \$540 fee (fee code 1402) for filing Appeal Brief in this case on February 9, 2011. Since prosecution was reopened prior to a decision on the merits by the Board of Patent Appeals and Interferences, this fee should be applied to the current appeal pursuant to MPEP 1207.04. The fee designated in 37 C.F.R. 41.20(b)(2) for filing this Appeal Brief is now \$620.00 (fee code 1402). Thus, please charge \$80.00 (the difference between the increased fee and the amount previously paid) to Kimberly-Clark Worldwide, Inc. deposit account number 11-0875. Any additional prosecutorial fees which are due may also be charged to deposit account number 11-0875

Real Party in Interest

The present Application has been assigned to Kimberly-Clark Worldwide, Inc.

Related Appeals and Interferences

There are no other related appeals and/or interferences with regard to the present Application.

Status of Claims

Claims 1-22 remain in the application and are the subject of this appeal.

Status of Amendments

No amendments were filed after the final Office Action mailed October 27, 2011.

Summary of Claimed Subject Matter

The following summary correlates claim elements to specific embodiments described in the application specification, but does not in any manner limit claim interpretation. Rather, the following summary is provided only to facilitate the Board's understanding of the subject matter of this appeal.

Independent claim 1 is directed to an array of packages adapted for transporting and selling personal care products. (See e.g., page 2, lines 28-29). The array has a first package including first removable product-identifying graphics and a plurality of first personal care products disposed within a first storage bin (110). (See e.g., page 1, lines 31-33 and page 2, lines 1-2). The first storage bin (110) includes a first design and is substantially free of product-identifying graphics. A second package includes second removable product-identifying graphics and a plurality of second personal care products disposed within a second storage bin (110). The second storage bin (110) includes a second design and is substantially free of product-identifying graphics. The second design is different from and complementary to the first design. (See e.g., page 15, lines 16-22)

Independent claim 13 is directed to an array of personal care product packages. The array has a first package including a plurality of personal care products of a first size. The first package includes a first storage bin (110) having first non-product-identifying graphics (190) and is substantially free of product-identifying graphics. A second package includes a plurality

of personal care products of a second size. The second size is larger than the first size. The second package includes a second storage bin (110) having second non-product-identifying graphics (190) and being substantially free of product-identifying graphics. The second non-product-identifying graphics (190) are different from and complementary to the first non-product-identifying graphics (190). (See e.g., page 15, lines 16-22).

Independent claim 17 is directed to an array of personal care product packages. The array has a first package including a plurality of personal care products of a first type. The first package includes a first storage bin (110) having first non-product-identifying graphics (190) and being substantially free of product-identifying graphics. A second package includes a plurality of personal care products of a second type. The second type is different from the first type. The second package includes a second storage bin (110) having second non-product-identifying graphics (190) and being substantially free of product-identifying graphics. The second non-product-identifying graphics (190) are different from and complementary to the first non-product-identifying graphics (190). (See e.g., page 15, lines 16-22).

Independent claim 19 is directed to an array of personal care product packages. The array has a first package including a first plurality of personal care products carrying a trademark. The first package includes a first storage bin (110) having first non-product-identifying graphics (190) and being substantially free of product-identifying graphics. The first package is provided to a first retailer. A second package includes a second plurality of the personal care products carrying the trademark. The second package includes a second storage bin (110) having second non-product-identifying graphics (190) and being substantially free of product-identifying graphics. The second package is provided to a second retailer. The second non-product-identifying graphics (190) are different from the first non-product-identifying graphics (190). The first retailer has a brand name different from a brand name of the second retailer. (See e.g., page 16, lines 4-11).

Objections To The Drawings

In the Final Office Action dated October 27, 2011, the drawings filed on July 26, 2011 are objected to by the Examiner, citing a portion of 37 C.F.R. §1.83(a). The specification and the drawings were amended to clarify first, second, and third storage bins. Different non-product-identifying graphics are illustrated. In addition, conventional elements from the specification and claims were added to Figs. 1-3 in the manner required by the portion of 37