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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
90/012,058	12/16/2011	Hsien-Wei Wu	DRX494	5461

52981 7590 02/27/2012

LEONG C. LEI
PMB # 1008
1839 YGNACIO VALLEY ROAD
WALNUT CREEK, CA 94598

EXAMINER

ART UNIT PAPER NUMBER

DATE MAILED: 02/27/2012

Please find below and/or attached an Office communication concerning this application or proceeding.



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(THIRD PARTY REQUESTER'S CORRESPONDENCE ADDRESS)

FLACHSBART & GREENSPOON, LLC

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CHICAGO, IL 60601

MAILED

FEB 27 2012

CENTRAL REEXAMINATION UNIT

EX PARTE REEXAMINATION COMMUNICATION TRANSMITTAL FORM

REEXAMINATION CONTROL NO. 90/012,058.

PATENT NO. WU ET AL.

ART UNIT 2916.

Enclosed is a copy of the latest communication from the United States Patent and Trademark Office in the above identified *ex parte* reexamination proceeding (37 CFR 1.550(f)).

Where this copy is supplied after the reply by requester, 37 CFR 1.535, or the time for filing a reply has passed, no submission on behalf of the *ex parte* reexamination requester will be acknowledged or considered (37 CFR 1.550(g)).

Order Granting / Denying Request For Ex Parte Reexamination	Control No. 90/012,058	Patent Under Reexamination WU ET AL.
	Examiner BRIDGET L. ELAND	Art Unit 2916

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

The request for *ex parte* reexamination filed 16 December 2011 has been considered and a determination has been made. An identification of the claims, the references relied upon, and the rationale supporting the determination are attached.

Attachments: a) PTO-892, b) PTO/SB/08, c) Other: _____

1. The request for *ex parte* reexamination is GRANTED.

RESPONSE TIMES ARE SET AS FOLLOWS:

For Patent Owner's Statement (Optional): TWO MONTHS from the mailing date of this communication (37 CFR 1.530 (b)). **EXTENSIONS OF TIME ARE GOVERNED BY 37 CFR 1.550(c).**

For Requester's Reply (optional): TWO MONTHS from the **date of service** of any timely filed Patent Owner's Statement (37 CFR 1.535). **NO EXTENSION OF THIS TIME PERIOD IS PERMITTED.** If Patent Owner does not file a timely statement under 37 CFR 1.530(b), then no reply by requester is permitted.

2. The request for *ex parte* reexamination is DENIED.

This decision is not appealable (35 U.S.C. 303(c)). Requester may seek review by petition to the Commissioner under 37 CFR 1.181 within ONE MONTH from the mailing date of this communication (37 CFR 1.515(c)). **EXTENSION OF TIME TO FILE SUCH A PETITION UNDER 37 CFR 1.181 ARE AVAILABLE ONLY BY PETITION TO SUSPEND OR WAIVE THE REGULATIONS UNDER 37 CFR 1.183.**

In due course, a refund under 37 CFR 1.26 (c) will be made to requester:

- a) by Treasury check or,
b) by credit to Deposit Account No. _____, or
c) by credit to a credit card account, unless otherwise notified (35 U.S.C. 303(c)).

/PHILIP S HYDER/ Supervisory Patent Examiner, Art Unit 2917	/ADIR ARONOVICH/ Primary Examiner, Art Unit 2917	
-------------------------------------------------------------------	-----------------------------------------------------	--

cc:Requester (if third party requester)

DECISION GRANTING *EX PARTE* REEXAMINATION

QUESTION OF PATENTABILITY

A substantial new question of patentability affecting the claim of United States Patent Number D627,494 is raised by the requester for *ex parte* reexamination.

The proposed reference of the prior art set forth in the request under **1. Anticipation by the Brite Star 2003 Catalog, particularly page 17 (Reference 1) (Exhibit B)**, which relies on the Sylvania Designer Series Bulbs does raise a substantial new question of patentability. The reference discloses a long narrow cylinder-shaped body with a rim at the top that transitions to a concave curvature that is terminated by a rounded tip. However, the examiner feels that a better quality of the image will be needed in order to fully consider this reference during the reexamination proceedings. Therefore, page 17 of the 2003 Brite Star Catalog reference must be resubmitted.

The proposed reference of the prior art set forth in the request under **2. Anticipation by the '660 Publication admissions (Reference 2) (Exhibit C)**, which relies on the prior art disclosed in FIG. 1 of United States Patent Application Publication Number 2011/0210660 does raise a substantial new question of patentability. The reference discloses a long narrow cylinder-shaped body with a rim at the top that transitions to a concave curvature that is terminated by a rounded tip.

The proposed reference of the prior art set forth in the request under **3. Anticipation by the '354 Patent (Reference 3) (Exhibit D)**, which relies on the prior art disclosed in FIG. 2 of United States Patent Number 6,974,354 does raise a substantial new question of patentability. The reference discloses a long narrow cylinder-shaped body with a rim at the top that transitions to a concave curvature that is terminated by a rounded tip.

The proposed reference of the prior art set forth in the request under **4. Anticipation by the 2003/2004 American Lighting Holiday Lighting Catalog, particularly page 4 (Reference 4) (Exhibit E)**, which relies on the Mini-, Icicle- and Net-Lights does raise a substantial new question of patentability. The reference discloses a long narrow cylinder-shaped body with a rim at the top that transitions to a concave curvature that is terminated by a rounded tip. However, the examiner feels that a better quality of the image will be needed in order to fully consider this reference during the reexamination proceedings. Therefore, page 4 of the 2003/2004 American Lighting Holiday Lighting Catalog reference must be resubmitted.

Art Unit: 2916

The proposed teaching references of the prior art set forth in the request under **B. Obviousness under 35 U.S.C. § 103**, which rely on the Extra Long Life Lighting Solutions references on page 6 of the 2003/2004 American Lighting Holiday Lighting Catalog (**Exhibit E**) and United States Patent Number D464,445 (**Exhibit F**) raise a substantial new question of patentability. The references disclose a semiball shape at the very tip to modify the basic 2 – 4 references' substantially full ball shape at the tip. The examiner feels that a better quality of page 6 of the 2003/2004 American Lighting Holiday Lighting Catalog images will be needed in order to fully consider the references during the reexamination proceedings. Therefore, page 6 of the 2003/2004 American Lighting Holiday Lighting Catalog references must be resubmitted.

In view of the Sylvania Designer Series Bulbs, the prior art disclosed in FIG. 1 of United States Patent Application Publication Number 2011/0210660, the prior art disclosed in FIG. 2 of United States Patent Number 6,974,354, the Mini-, Icicle- and Net-Lights, references, and the United States Patent Number D464,445, the examiner has concluded that a substantial new question of patentability is found and reexamination is warranted.

EXTENSION OF TIME

Extensions of time under 37 CFR 1.136(a) will not be permitted in these proceedings because the provisions of 37 CFR 1.136 apply only to "an applicant" and not to parties in a reexamination proceeding. Additionally, 35 U.S.C. 305 requires that *ex parte* reexamination proceedings "will be conducted with special dispatch" (37 CFR 1.550(a)). Extensions of time in *ex parte* reexamination proceedings are provided for in 37 CFR 1.550(c).

LITIGATION ACTIVITY

The patent owner is reminded of the continuing responsibility under 37 CFR 1.565(a) to apprise the Office of any litigation activity, or other prior or concurrent proceeding, involving Patent No. D627,494 throughout the course of this reexamination proceeding. The third party requester is also reminded of the ability to similarly apprise the Office of any such activity or proceeding throughout the course of this reexamination proceeding. See MPEP §§ 2207, 2282 and 2286.

Art Unit: 2916

CONTACT INFORMATION

All correspondence relating to this *ex parte* reexamination proceeding should be directed as follows:

By Mail to: Mail Stop *Ex Parte* Reexam
Central Reexamination Unit
Commissioner for Patents
United States Patent & Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX to: (571) 273-9900
Central Reexamination Unit

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Any inquiry concerning this communication should be directed to the Central Reexamination Unit at telephone number (571) 272-7705.

/BRIDGET L. ELAND/
Primary Examiner, Art Unit 2916

Conferee

/Adir Aronovich/
Primary Examiner

Conferee

/Philip S. Hyder/
SPE AU 2917

Receipt date: 12/16/2011

90012058 - GAU: 2916

Doc code: IDS

Doc description: Information Disclosure Statement (IDS) Filed

PTO/SB/08a (07-09)

Approved for use through 07/31/2012. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number		
	Filing Date		2010-03-01
	First Named Inventor	Hsien-Wei Wu	
	Art Unit	Reexam	
	Examiner Name		
	Attorney Docket Number	DRX494	

U.S.PATENTS						
Examiner Initial*	Cite No	Patent Number	Kind Code ¹	Issue Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear
	1	6974354	B2	2005-12-13	Hsin-Wei Wu	
	2	D464445	S	2002-10-15	Hisashi Honda	
	3					

If you wish to add additional U.S. Patent citation information please click the Add button.

U.S.PATENT APPLICATION PUBLICATIONS						
Examiner Initial*	Cite No	Publication Number	Kind Code ¹	Publication Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear
	1	20110210660	A1	2011-09-01	Hein-Wei-Wu	

If you wish to add additional U.S. Published Application citation information please click the Add button.

FOREIGN PATENT DOCUMENTS								
Examiner Initial*	Cite No	Foreign Document Number ³	Country Code ²ⁱ	Kind Code ⁴	Publication Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear	T ⁵
	1							<input type="checkbox"/>

EFS Web 2.1.16

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /BLE/

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number		
	Filing Date		2010-03-01
	First Named Inventor	Hsien-Wei Wu	
	Art Unit	Reexam	
	Examiner Name		
	Attorney Docket Number	DRX494	

If you wish to add additional Foreign Patent Document citation information please click the Add button

NON-PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, pages(s), volume-issue number(s), publisher, city and/or country where published.	T ⁵
	1	Brite Star 2003 Catalog, page 17	<input type="checkbox"/>
	2	2003/2004 American Lighting Holiday Lighting Catalog, pages 4, 6	<input type="checkbox"/>

If you wish to add additional non-patent literature document citation information please click the Add button

EXAMINER SIGNATURE			
Examiner Signature	/Bridget L. Eland/	Date Considered	02/21/2012

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ See Kind Codes of USPTO Patent Documents at www.USPTO.GOV or MPEP 901.04. ² Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). ³ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁴ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁵ Applicant is to place a check mark here if English language translation is attached.

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number		
	Filing Date		2010-03-01
	First Named Inventor	Hsien-Wei Wu	
	Art Unit	Reexam	
	Examiner Name		
	Attorney Docket Number	DRX494	

CERTIFICATION STATEMENT

Please see 37 CFR 1.97 and 1.98 to make the appropriate selection(s):

That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(1).

OR

That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(2).

See attached certification statement.

Fee set forth in 37 CFR 1.17 (p) has been submitted herewith.

None

SIGNATURE

A signature of the applicant or representative is required in accordance with CFR 1.33, 10.18. Please see CFR 1.4(d) for the form of the signature.

Signature	/Robert P. Greenspoon/	Date (YYYY-MM-DD)	2011-12-16
Name/Print	Robert P. Greenspoon	Registration Number	40004

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



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BIB DATA SHEET

CONFIRMATION NO. 5461

SERIAL NUMBER	FILING or 371(c) DATE RULE	CLASS	GROUP ART UNIT	ATTORNEY DOCKET NO.
90/012,058	12/16/2011	D26	2916	DRX494

APPLICANTS

Hsien-Wei Wu, Residence Not Provided;
 D627494, Residence Not Provided;
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 ROBERT P. GREENSPOON (3RD PTY REQ.), CHICAGO, IL;
 FLACHSBART & GREENSPOON, LLC, CHICAGO, IL

**** CONTINUING DATA *******

This application is a REX of 29/356,599 03/01/2010 PAT D,627,494

**** FOREIGN APPLICATIONS *******

**** IF REQUIRED, FOREIGN FILING LICENSE GRANTED ****

Foreign Priority claimed <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Met after Allowance	STATE OR COUNTRY	SHEETS DRAWINGS	TOTAL CLAIMS	INDEPENDENT CLAIMS
35 USC 119(a-d) conditions met <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Initials				
Verified and Acknowledged <u>/BRIDGET L ELAND/</u> Examiner's Signature				1	1

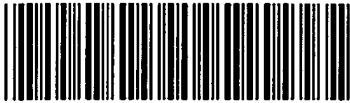
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 UNITED STATES

TITLE

LED BULB

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		<input type="checkbox"/> 1.17 Fees (Processing Ext. of time)
		<input type="checkbox"/> 1.18 Fees (Issue)
		<input type="checkbox"/> Other _____
		<input type="checkbox"/> Credit

Reexamination 	Application/Control No. 90012058	Applicant(s)/Patent Under Reexamination WU ET AL.
	Certificate Date	Certificate Number

Requester Correspondence Address:
 Patent Owner
 Third Party

FLACHSBART & GREENSPOON, LLC
 333 NORTH MICHIGAN AVENUE
 27TH FLOOR
 CHICAGO, IL 60601

LITIGATION REVIEW <input checked="" type="checkbox"/>	/BLE/ (examiner initials)	02/21/2012 (date)
Case Name	Director Initials	
Marvellous Day Electric (Sz) Co, Ltd v. Ace Hardware Corporat	A.A. for RPO	
Marvelous Day Electric (S.Z.) co, Ltd v. Holiday Bright Light	A.A. for RPO	

COPENDING OFFICE PROCEEDINGS	
TYPE OF PROCEEDING	NUMBER

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