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NOTICE OF ALLOWANCE AND FEE(S) DUE

293 7590 01/12/2024
DOWELL & DOWELL, P.C.
408 E. 4TH STREET, STE 302
BRIDGEPORT, PA 19405

EXAMINER

JOHNSON, JUSTIN ALAN

ART UNIT PAPER NUMBER

2921

DATE MAILED: 01/12/2024

Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO. Values: 35/515.025, 06/27/2022, József Lajos SIMON, 3519

TITLE OF INVENTION: Ankle protector

Table with 7 columns: APPLN. TYPE, ENTITY STATUS, INTL. REG. NO., ISSUE FEE DUE*, PREV. PAID ISSUE FEE, TOTAL FEE(S) DUE, DATE DUE**. Values: nonprovisional, UNDISCOUNTED, DM/222798, \$740, \$0.00, \$740, 04/12/2024

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO) OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE (THE SECOND PART OF THE U.S. INDIVIDUAL DESIGNATION FEE) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151.

* WHERE THE ISSUE FEE IS PAID TO THE USPTO, THE ISSUE FEE DUE IS THE AMOUNT SPECIFIED ABOVE. THIS AMOUNT IS BASED ON THE ISSUE FEE IN EFFECT AT THE USPTO AS OF THE APPLICATION'S INTERNATIONAL REGISTRATION DATE. WHERE THE ISSUE FEE IS PAID THROUGH THE INTERNATIONAL BUREAU, THE ISSUE FEE DUE IS THE AMOUNT SPECIFIED ON THE WEB SITE OF THE WORLD INTELLECTUAL PROPERTY ORGANIZATION (WIPO) (available at: http://www.wipo.int/hague) AS THE SECOND PART OF THE U.S. INDIVIDUAL DESIGNATION FEE FOR THE ENTITY STATUS INDICATED ABOVE. SEE 37 CFR 1.18(b).

**THE DATE DUE INDICATED ABOVE IS THE DUE DATE FOR PAYMENT OF THE ISSUE FEE WHERE PAID DIRECTLY TO THE USPTO. WHERE THE ISSUE FEE IS PAID THROUGH THE INTERNATIONAL BUREAU, EXPIRATION OF THE THREE MONTH PERIOD TO PAY THE ISSUE FEE IS SUBJECT TO RULE 4(4) OF THE "COMMON REGULATIONS UNDER THE 1999 ACT AND THE 1960 ACT OF THE HAGUE AGREEMENT."

THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE PROVIDED ANY BALANCE DUE FOR THE ISSUE FEE IS PAID DIRECTLY TO THE USPTO.

HOW TO REPLY TO THIS NOTICE:

I. Review the ENTITY STATUS shown above. If the ENTITY STATUS is shown as SMALL or MICRO, verify whether entitlement to that entity status still applies.

If the ENTITY STATUS is the same as shown above, either pay the "ISSUE FEE DUE" shown above directly to the USPTO or pay the amount specified on the Web site of WIPO (available at: <http://www.wipo.int/hague>) as the second part of the U.S. individual designation fee for the ENTITY STATUS shown above through the International Bureau.

If the ENTITY STATUS is changed from that shown above, on PART B-FEE(S) TRANSMITTAL, complete section number 5 titled "Change in Entity Status (from status indicated above)".

For purposes of this notice: For applications having an international registration date on or after May 1, 2023, small entity fees are 40% the amount of undiscounted fees, and micro entity fees are 20% the amount of undiscounted fees. For applications having an international registration date before May 1, 2023, small entity fees are ½ the amount of undiscounted fees, and micro entity fees are ½ the amount of small entity fees.

II. PART B-FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the USPTO on or before payment of the issue fee if: (1) the issue fee is paid directly to the USPTO; (2) the information referred to in sections "2" and "3" of Part B-Fee(s) Transmittal is to be printed on the patent; (3) a previously paid issue fee is to be applied to the issue fee now due; or (4) entity status has changed. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications to the USPTO regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), by mail or fax, or via the USPTO patent electronic filing system.

By mail, send to: Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

By fax, send to: (571)-273-2885

INSTRUCTIONS: This form should be used and returned to the USPTO as set forth in Part II of the section "How to Reply to This Notice" of the Notice of Allowance and Fee(s) Due. This form should not be sent to the International Bureau. Blocks 1 through 5 should be completed where appropriate. All further correspondence will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by specifying a new correspondence address. **Because electronic patent issuance may occur shortly after issue fee payment, any desired continuing application should preferably be filed prior to payment of this issue fee in order not to jeopardize copendency.**

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

293 7590 01/12/2024
DOWELL & DOWELL, P.C.
408 E. 4TH STREET, STE 302
BRIDGEPORT, PA 19405

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being transmitted to the USPTO via the USPTO patent electronic filing system or by facsimile to (571) 273-2885, on the date below.

(Typed or printed name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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35/515.025 06/27/2022 József Lajos SIMON 3519

TITLE OF INVENTION: Ankle protector

APPLN. TYPE	ENTITY STATUS	INTL. REG. NO.	ISSUE FEE DUE*	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE**
nonprovisional	UNDISCOUNTED	DM/222798	\$740	\$0.00	\$740	04/12/2024

EXAMINER	ART UNIT	CLASS-SUBCLASS
JOHNSON, JUSTIN ALAN	2921	D29-121200

<p>1. Change of correspondence address .</p> <p><input type="checkbox"/> Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.</p>	<p>2. For printing on the patent front page, list</p> <p>(1) The names of up to 3 registered patent attorneys or agents OR, alternatively, 1 _____</p> <p>(2) The name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 _____</p> <p>3 _____</p>
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3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document must have been previously recorded, or filed for recordation, as set forth in 37 CFR 3.11 and 37 CFR 3.81(a). Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE (B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent) : Individual Corporation or other private group entity Government

4a. Fees submitted: Issue Fee

4b. Method of Payment: (Please first reapply any previously paid fee shown above)

- Electronic Payment via the USPTO patent electronic filing system Enclosed check Non-electronic payment by credit card (Attach form PTO-2038)
- The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment to Deposit Account No. _____
- The issue fee is being paid through the International Bureau

5. Change in Entity Status (from status indicated above)

- Applicant certifying micro entity status. See 37 CFR 1.29
- Applicant asserting small entity status. See 37 CFR 1.27
- Applicant changing to regular undiscounted fee status.

NOTE: Absent a valid certification of Micro Entity Status (see forms PTO/SB/15A and 15B), issue fee payment in the micro entity amount will not be accepted at the risk of application abandonment.

NOTE: If the application was previously under micro entity status, checking this box will be taken to be a notification of loss of entitlement to micro entity status.

NOTE: Checking this box will be taken to be a notification of loss of entitlement to small or micro entity status, as applicable.

NOTE: This form must be signed in accordance with 37 CFR 1.31 and 1.33. See 37 CFR 1.4 for signature requirements and certifications.

Authorized Signature _____ Date _____

Typed or printed name _____ Registration No. _____



UNITED STATES PATENT AND TRADEMARK OFFICE

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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
Row 1: 35/515,025, 06/27/2022, József Lajos SIMON, 3519
Row 2: 293, 7590, 01/12/2024, [EXAMINER: JOHNSON, JUSTIN ALAN]
Row 3: [ART UNIT: 2921] [PAPER NUMBER]
DATE MAILED: 01/12/2024

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)
(Applications filed on or after May 29, 2000)

The Office has discontinued providing a Patent Term Adjustment (PTA) calculation with the Notice of Allowance.

Section 1(h)(2) of the AIA Technical Corrections Act amended 35 U.S.C. 154(b)(3)(B)(i) to eliminate the requirement that the Office provide a patent term adjustment determination with the notice of allowance. See Revisions to Patent Term Adjustment, 78 Fed. Reg. 19416, 19417 (Apr. 1, 2013). Therefore, the Office is no longer providing an initial patent term adjustment determination with the notice of allowance. The Office will continue to provide a patent term adjustment determination with the Issue Notification Letter that is mailed to applicant approximately three weeks prior to the issue date of the patent, and will include the patent term adjustment on the patent. Any request for reconsideration of the patent term adjustment determination (or reinstatement of patent term adjustment) should follow the process outlined in 37 CFR 1.705.

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. The United States Patent and Trademark Office (USPTO) collects the information in this record under authority of 35 U.S.C. 2. The USPTO's system of records is used to manage all applicant and owner information including name, citizenship, residence, post office address, and other information with respect to inventors and their legal representatives pertaining to the applicant's/owner's activities in connection with the invention for which a patent is sought or has been granted. The applicable Privacy Act System of Records Notice for the information collected in this form is COMMERCE/PAT-TM-7 Patent Application Files, available in the Federal Register at 78 FR 19243 (March 29, 2013).

<https://www.govinfo.gov/content/pkg/FR-2013-03-29/pdf/2013-07341.pdf>

Routine uses of the information in this record may include disclosure to:

- 1) law enforcement, in the event that the system of records indicates a violation or potential violation of law;
- 2) a federal, state, local, or international agency, in response to its request;
- 3) a contractor of the USPTO having need for the information in order to perform a contract;
- 4) the Department of Justice for determination of whether the Freedom of Information Act (FOIA) requires disclosure of the record;
- 5) a Member of Congress submitting a request involving an individual to whom the record pertains, when the individual has requested the Member's assistance with respect to the subject matter of the record;
- 6) a court, magistrate, or administrative tribunal, in the course of presenting evidence, including disclosures to opposing counsel in the course of settlement negotiations;
- 7) the Administrator, General Services Administration (GSA), or their designee, during an inspection of records conducted by GSA under authority of 44 U.S.C. 2904 and 2906, in accordance with the GSA regulations and any other relevant (i.e., GSA or Commerce) directive, where such disclosure shall not be used to make determinations about individuals;
- 8) another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c));
- 9) the Office of Personnel Management (OPM) for personnel research purposes; and
- 10) the Office of Management and Budget (OMB) for legislative coordination and clearance.

If you do not furnish the information requested on this form, the USPTO may not be able to process and/or examine your submission, which may result in termination of proceedings, abandonment of the application, and/or expiration of the patent.

Notice of Allowability For A Design Application	Application No. 35/515,025	Applicant(s) SIMON, József Lajos	
	Examiner JUSTIN A JOHNSON	Art Unit 2921	AIA (FITF) Status Yes

-- 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. This notice does not set or reset the time period for paying the issue fee. The issue fee must be paid within THREE MONTHS FROM THE MAILING DATE of the Notice of Allowance (PTOL-85) or this application shall be regarded as ABANDONED. This statutory period cannot be extended. See 35 U.S.C.151.

1. This communication is responsive to 7/31/2023 amendments .
 A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on _____ .
2. An election was made by the applicant in response to a restriction requirement set forth during the interview on _____ the restriction requirement and election have been incorporated into this action.
3. The claim is allowed.
4. Acceptable drawings:
(a) The drawings filed on 8/26/2022 are accepted by the Examiner.
(b) Drawing Figures filed on _____ and drawing Figures filed on _____ are accepted by the Examiner.
5. The claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f) is acknowledged.

Certified copies:

- a) All b) Some *c) None of the:
- Certified copies of the priority documents have been received.
 - Certified copies of the priority documents have been received in Application No. _____ .
 - Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
* Certified copies not received: _____ .

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirement for corrected drawings noted in item 6 below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.** See 37 CFR 1.85(c). **NOTE: This notice does not set or reset the time period for paying the issue fee.**

6. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 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).

Attachment(s)

- | | |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 4. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 2. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Receipt Date _____ | 5. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| 3. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ | 6. <input checked="" type="checkbox"/> Other <u>Cancelled Drawings</u> . |

NOTE: _____	_____
/J.A.J./ Examiner, Art Unit 2921	/LEANNE WAS-ENGLEHART/ Primary Examiner, Art Unit 2918

Notice of Pre-AIA or AIA Status

The present application, filed on or after March 16, 2013, is being examined under the first inventor to file provisions of the AIA.

General Information

Applicant's election of Group I in the reply filed on 7/31/2023 is acknowledged.

Group II has been withdrawn from further consideration, 37 CFR 1.142(b), as being for the nonelected design. In the election, the views and descriptions of Reproductions 2.1-4.6 have been formally cancelled.

The traversal of the restriction requirement is unconvincing for the following reasons:

Applicant's argument in traversal of the restriction requirement is that because each embodiment has some elements in common, they are not patentably distinct. However, Embodiment 1 contains a strap feature which is considered a substantial portion of the design while the other embodiments do not contain the strap feature.

The requirement is still deemed proper and is therefore made FINAL.

The examiner understands applicant provisionally withdrew the Embodiments drawn to the nonelected Group, to avoid delay in receiving a Notice of Allowability, should the examiner make the restriction requirement final. Under 37 CFR 1.144 applicant may petition from the restriction requirement upon allowance of claimed design elected. Applicant is advised that filing of a petition after allowance will not operate to stay the three-month period for reply running against the application.

In accordance with the election noted above, Reproductions 2.1-4.6 have been cancelled from the drawings. The original Reproductions 1.1-1.7 now represent the subject matter claimed herein and are acceptable as formal drawings.

The instant application has been carefully examined again in view of applicant's amendments received 7/31/2023.

Priority

This application incorporates by reference **European Application Nos. 008919690-0001, 008919690-0002, 008919690-0003, and 008919690-0004**. All the material from the **European Application Nos. 008919690-0001, 008919690-0002, 008919690-0003, and 008919690-0004** that is essential to the claimed design is included in this application. Amendments of the claim may be based on the content of the incorporated material. However, with or without a specific amendment, it is understood that any material in the **European Application Nos. 008919690-0001, 008919690-0002, 008919690-0003, and 008919690-0004** that is not present in this application forms no part of the claimed design.

Acknowledgment is made of applicant's claim for foreign priority based on **European Application Nos. 008919690-0001, 008919690-0002, 008919690-0003, and 008919690-0004**. It is noted, however, that applicant has not filed a certified copy of the applications as required by 37 CFR 1.55. In the case of a design application, the certified copy must be filed during the pendency of the application, unless filed with a petition under 37 CFR 1.55(g) together with the fee set forth in 37 CFR 1.17(g), that includes a showing of good and sufficient cause for the delay in filing the certified copy of the foreign application. If the certified copy of the foreign application is filed after the date the issue fee is paid, the patent will not include the priority claim unless corrected by a certificate of correction under 35 U.S.C. 255 and 37 CFR 1.323.

The certified copy which must be filed is a copy of the original foreign application with a certification by the patent office of the foreign country in which it was filed. Foreign priority documents cannot be filed via EFS-web. Hard copies of the foreign priority documents must be provided or retrieved electronically via the WIPO Digital Access Service ("DAS"), available at <http://www.wipo.int/das/en/>. WIPO-DAS allows an applicant to meet requirements for providing priority and similar documents in respect of

participating Offices, without the need to obtain and send multiple certified paper copies of an application. One can use DAS to meet PCT priority document requirements, by requesting the International Bureau to retrieve an earlier national or regional application that has been filed with a participating Office. An access code is then provided that will allow the Office to retrieve the document electronically. A user guide for WPO-DAS is available at https://www.wipo.int/export/sites/www/das/en/pdf/das_user_guide.pdf

The Office will attempt to retrieve the priority documents from DAS only if an applicant specifically requests them and indicates the access code on the application form.

Conclusion and Contact Information

The claim is in condition for allowance.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin Johnson whose telephone number is (571) 272-5730. The examiner can normally be reached Monday-Friday at 8:00 a.m. to 4:00p.m. Examiner interviews are available via telephone, in-person, and video conferencing using a USPTO supplied web-based collaboration tool. To schedule an interview, applicant is encouraged to use the USPTO Automated Interview Request (AIR) at <http://www.uspto.gov/interviewpractice>.

If attempts to reach the examiner by telephone are unsuccessful, the primary examiner, Leanne Was-Englehart, can be reached at (571) 272-7721. The examiner's supervisor, Lilyana Bekic, can be reached at (571) 272-7425. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of published or unpublished applications may be obtained from Patent Center. Unpublished application information in Patent Center is available to registered users. To file and manage patent submissions in Patent Center, visit: <https://patentcenter.uspto.gov>. Visit <https://www.uspto.gov/patents/apply/patent->

Art Unit: 2921

center for more information about Patent Center and <https://www.uspto.gov/patents/docx> for information about filing in DOCX format. For additional questions, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JAJ/

Examiner, Art Unit 2921

/LEANNE WAS-ENGLEHART/

Primary Examiner, Art Unit 2918