

DETAILED ACTION

Election/Restrictions

Newly submitted claims 15-18 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

The originally claimed invention was drawn to a generic LED lamp package with a jack capable for receiving a cable plug and new claims 15-18 are drawn to a caddy accessory.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 15-18 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Drawings

The drawings are objected to under 37 CFR 1.83(b) because they are incomplete. 37 CFR 1.83(b) reads as follows:

When the invention consists of an improvement on an old machine the drawing must when possible exhibit, in one or more views, the improved portion itself, disconnected from the old structure, and also in another view, so much only of the old structure as will suffice to show the connection of the invention therewith.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing

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figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The applicant is also advised that the specification refers to figures 6A-C, however, the applicant has not submitted these figures.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5-10, 13, 14, 19-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lamke (2004/0174705) in view of Ray (4,211,955) and further in view of Krietzman (6,575,593).

In regard to claims 5, 6, 14, and 19, Lamke teaches [0026] an LED lamp package with energy transducer dies 10 which are LEDs for emitting radiant energy, a

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lead frame 6 (printed circuit board – cl. 14) with a plurality of contacts, and a molded transparent package 4 encapsulating the transducer(s) 10, and the lead frame 6, but lacks the teaching of a control die connected to the transducer and the lead frame, and a recess forming a jack/connector being form a group consisting of a USB jack or IEEE 1394 jack.

Ray teaches (col. 2 lines 38-58) a LED 10 with a control die (controllers 26 and 28) in communication with radiant energy dies 30 (cl. 6) and Krietzman teaches (col. 2 lines 6-30) an LED light 10 with USB and IEEE 1394 connector jack 22 that is able to receive a compatible downstream cable plug, make electrical connection and control circuits of the plug connected to an upstream host, wherein the electrical energy and control signals provide energy to the transducer to emit radiant energy for task lighting.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the LEDs with control dies taught by Ray and the USB/IEEE 1394 connector taught by Krietzman in order to provide a lighting apparatus that is connectable to a computer and that can be controlled according to the users specifications for particular lighting applications.

In regard to claims 7, 8, 9, 10, and 20-23 Lamke and Ray both teach LEDs that emit visible light, and Krietzman teaches LEDs that emit in the visible (cls. 8, 12), UV (cls.7, 20), and/or IR (cls.9, 22) ranges in any combination (cls. 10, 23).

The LED lamp package taught by Lamke, Ray, and Kretzman is capable of being used for multiple functions such as document checking, task lighting, automobiles, night vision, photography. Furthermore, the applicant is advised that it has been held that the

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recitation that an element is “capable of” performing a function is not a positive limitation, but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. *In re Hutchison*, 69 USPQ 138.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include LEDs that emit in the IR and UV ranges in order to make the lighting device more usable for a wider variety of applications.

In regard to claims 13 and 24, Lamke teaches [0031] the LED assembly may be bracket mounted, surface mounted, or recessed mounted in a friction fit if desired.

Grips, snaps, clips, magnets, suction cups, and adhesives are well known means of mounting within the art of lighting fixtures. A bracket is a type of clip and one would have been motivated to use any of these fasteners for various applications of the lighting device. Furthermore, it would have been obvious to one of ordinary skill in the art to substitute any of these types of fasteners because they are known equivalents and it would have yielded a predictable result (mounting the light). See *KSR Internation Co. v Teleflex Inc.*, 82 USPQ2d 1385 (2007).

Claims 11 and 12 rejected under 35 U.S.C. 103(a) as being unpatentable over Lamke in view of Ray and in view of Krietzman as applied to claim 5 above, and further in view of Vriens (5,813,753)

In regard to claim 11, Lamke teaches the integrated optics region 4 which has a shape which will control the radiant energy output which functions as a lens, but lacks the teaching of phosphors and/or filters to spectrally control the radiant energy output.

Vriens teaches (col. 3 lines 17-43) an LED encapsulated by a transparent material 25 with phosphors 24 and the use of optical filters (col. 2 lines 43-48).

Phosphors and filters are well known in the art for changing the light output of LEDs and other light sources, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use filters and/or phosphors in order to convert white light to colored light or to enhance the color purity of colored light.

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JULIE A. SHALLENBERGER whose telephone number is (571)272-7131. The examiner can normally be reached on Monday - Friday 830-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jong-Suk (James) Lee can be reached on 571-272-7044. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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