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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/068,530	05/12/2011	David Brueske	1SQDB055	7129

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P.O. Box 6731
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EXAMINER

VALVIS, ALEXANDER M

ART UNIT	PAPER NUMBER
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3752

MAIL DATE	DELIVERY MODE
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01/24/2013

PAPER

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

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No. 13/068,530	Applicant(s) BRUESKE, DAVID	
Examiner ALEXANDER M. VALVIS	Art Unit 3752	

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

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 29 December 2012.
- 2a) This action is **FINAL**.
- 2b) This action is non-final.
- 3) 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.
- 4) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 5) Claim(s) 1 and 2 is/are pending in the application.
 - 5a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 6) Claim(s) _____ is/are allowed.
- 7) Claim(s) 1-2 is/are rejected.
- 8) Claim(s) _____ is/are objected to.
- 9) Claim(s) _____ are subject to restriction and/or election requirement.

* If any claims have been determined allowable, you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see http://www.uspto.gov/patents/init_events/pph/index.jsp or send an inquiry to PPHfeedback@uspto.gov.

Application Papers

- 10) The specification is objected to by the Examiner.
- 11) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 - 1. Certified copies of the priority documents have been received.
 - 2. Certified copies of the priority documents have been received in Application No. _____.
 - 3. 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)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 3) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 4) Other: _____.

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DETAILED ACTION

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.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Richey (2,694,600) in view of Nies (2009/0230206 A1) and in further view of Harward (4,824,020).

Richey teaches a portable water sprinkler system (Figure 1) comprised of a plurality of support members (Figure 1 item 13), a suitable mechanical connector (col. 2 lines 9-10) wherein the legs are suitably crafted to connect to the junction.

Richey fails to specifically disclose that his hose is connected not at the tripod junction but at a lower point of his apparatus, to have the support legs to specifically attach to a detent connector, and also fails to disclose a telescoping assembly.

Nies teaches a telescoping sprinkler stand system where the hose conduit is connected at the point of the tripod (Figure 3, assembly 17).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the sprinkler system of Richey to connect the hose conduit at the tripod junction to reduce the head loss in the system and thus providing a more efficient flow of water.

Harward teaches a sprinkler stand whose legs are connected by a cylindrical fitting. (col. 7: Lines 16-19) This constitutes a detent because detent connectors are connectors that can be removed simply by applying a force.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the sprinkler system of Richey and Nies to use a detent-type connector as taught by Harward

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because it requires fewer parts, and to include a telescopic assembly to give the user a larger range of sprinkling area.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Richey (2,694,600) in view of Nies (2009/0230206 A1), in further view of Harward (4,824,020) and in further view of Ward (5,484,154).

Richey modified by Nies in further view of Harward, discussed above, substantially teaches the claimed invention. Further, Richey further teaches a mobile lawn sprinkler stand with an exterior bracket with pin/axle-type mechanism fit for rotating (item 6), wheels (item 7), and multiple struts or longitudinal supports (item 12), but does not explicitly disclose an axle as part of the sprinkler system.

However, Ward teaches a mobile tripod cart with wheels (item 80), support members (item 24), and an axle assembly (item 30).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to substitute the axle system taught by Ward for the axle system used in Richey, Nies, and Harward because it is a stronger system with more durability.

Response to Arguments

Applicant's arguments filed 12/29/2012 have been fully considered but they are not persuasive.

Examiner withdraws USC 112 rejections and objections as per amendment filed on 12/29/2012 addresses issues.

As to the argument that the Nies support legs would be unable to support the structure due to them being straight down, the combination in the rejection is for the connection point of the hose and tripod, not the tripod itself. Nies teaches a tripod, telescoping sprinkler apparatus which would qualify as relevant prior art enough to warrant the teaching of the hose being connected directly at the tripod which Richey lacks. Additionally, a minor adjustment of making the legs wider, longer, or reoriented would add to the stability and thus make it operable.

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In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., hose connection from the bottom) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

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

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALEXANDER M. VALVIS whose telephone number is (571)272-4233. The examiner can normally be reached on Monday thru Friday 7:30-5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Len Tran can be reached on (571)272-1184. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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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.

Alexander Valvis
Patent Examiner
Art Unit 3752
1/14/2013
/AV/
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