#### Case 2:23-cv-00128-ABJ Document 1 Filed 07/18/23 Page 1 of 242

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Counsel for Plaintiff BigNJ, Inc.

### IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF WYOMING

BIGNJ, INC.,	)		
Plaintiff,	) )	Case No.	23-CV-128-J
VS.	)		
VACU VIN INNOVATIONS LTD., and AMZ WATCHDOG, LLC,	) ) )		
Defendants.			

### COMPLAINT FOR DECLARATORY JUDGMENT OF PATENT NON-INFRINGMENT, DECLARATORY JUDGMENT OF PATENT INVALIDITY, DECLARATORY JUDGMENT OF PATENT UNENFORCEABILITY, TORTIOUS INTERFERENCE, AND JURY DEMAND



Margaret Botkins Clerk of Court

#### FILED

Plaintiff BigNJ, Inc. ("BigNJ") hereby complains and alleges as follows against Defendants Vacu Vin Innovations Ltd. ("VV") and AMZ Watchdog, LLC ("AMZW"):

#### **INTRODUCTION**

1. This case involves a design patent for a utensil rest. In response to the Defendants' repeated and wrongful claims of patent infringement, Plaintiff BigNJ brings this civil action seeking a declaratory judgment of non-infringement, unenforceability, and invalidity of U.S. Design Patent D904,832 ("'D832 Patent") together with damages for tortious interference for the Defendants' bad faith assertion of the invalid 'D832 Patent.

2. The design patent laws of the United States allow for a patent covering a "new, original, and ornamental design . . . ." 35 U.S.C. 101. An inventor may be entitled to such a design patent *unless* "the claimed invention was patented, described in a printed publication, or in public use, on sale, or otherwise available to the public before the effective filing date of the claimed invention; . . . ." 35 U.S.C. 102(a)(1).

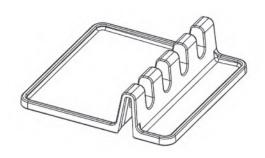
3. It is a fundamental aspect of patent law that "no person is entitled to patent an 'invention' [or design] that has been 'on sale' more than one year before filing a patent application." *Pfaff v. Wells Elecs., Inc.*, 525 U.S. 55, 57 (1998).

4. In this case, VV filed its design patent application for U.S. Patent D904,832 ("'D832 Patent'') *more than one year* after VV's affiliate began selling a product identical to the claimed design as depicted in VV's patent application.

5. VV's affiliate's product and a figure from the 'D832 Patent are shown below:



**Tomorrow's Kitchen Facebook** (March 21, 2016) (<u>hyperlink</u> to Facebook photo)



U.S. Patent D904,832 ("'D832 Patent") Application filed November 8, 2017 (<u>hyperlink</u> to 'D832 Patent)

6. The 'D832 Patent is thus anticipated by VV's affiliate's identical prior art designs.

7. Even worse, VV knew of its affiliate's designs and—in a brazen violation of its duty of candor—failed to disclose those prior art designs to the USPTO Examiner.

8. Although both Defendants knew the 'D832 patent is invalid, VV and AMZW continued to repeatedly assert the 'D832 Patent against VV's competitors—*including Plaintiff BigNJ*—in an effort to gain a wrongful and unfair business advantage.

#### THE PARTIES

9. Plaintiff BigNJ, Inc., is a New York corporation with a principal place of business at 5 Yardley Drive, Dix Hills, New York 11746 (hereinafter "BigNJ" or "Plaintiff").

10. Defendant Vacu Vin Innovations Ltd. is a Dutch corporation with a principal place of business at Groothandelsweg 1, Delfgauw 2645 EH, Netherlands (hereinafter

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"VV" or "Defendant"). VV is part of the Dutch Creative Brands Group together with its affiliate "Tomorrow's Kitchen." VV does business within the State of Wyoming, is engaged in continuous and systematic business within the District of Wyoming, conducts and solicits business within this judicial district (including its patent enforcement business with AMZW), and VV derives substantial revenue from its activities in this judicial district.

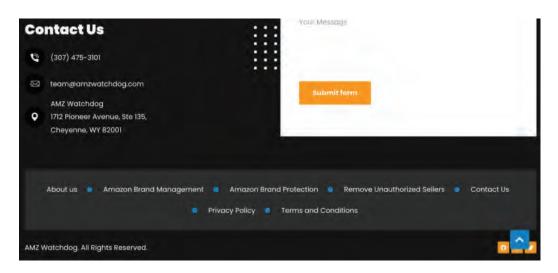
11. Defendant AMZ Watchdog, LLC is a Wyoming limited liability corporation with a principal place of business at 1876 Horse Creek Rd., Cheyenne, WY 82009 (hereinafter "AMZW" or "Defendant"). AMZW is resident in the State of Wyoming, does business within the State of Wyoming, is engaged in continuous and systematic business within the District of Wyoming. In addition, AMZW conducts and solicits business within this judicial district, and derives substantial revenue from the sales of its products and/or services within this judicial district—including its sale of the services at issue in this litigation. On information and belief, AMZW sold services and has made offers for patent enforcement services in Wyoming and within this judicial district, including offers to VV.

#### JURISDICTION AND VENUE

12. This is an action for declaratory judgment of patent non-infringement, patent unenforceability, and patent invalidity arising under the patent laws of the United States, 35 U.S.C. §§ 1 *et seq*. The Court has subject matter jurisdiction under 28 U.S.C. § 1331 (federal question); 28 U.S.C. § 1338(a) (patents or trademarks); and 28 U.S.C. § 1367 (supplemental jurisdiction).

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13. The Court has personal jurisdiction over AMZW because it resides in this judicial district and has had continuous and systematic contacts within the State of Wyoming. AMZW is headquartered in Wyoming, as stated on its website homepage:



https://www.amzwatchdog.com

As shown above, AMZW is headquartered and maintains a principal place of business in Cheyenne, Wyoming. AMZW purposefully directs business contacts and activities at this judicial district and residents of this judicial district have used services and products offered or sold by AMZW. On information and belief, AMZW is registered with the State of Wyoming to do business in Wyoming as a limited liability company.

14. This Court has personal jurisdiction over VV because it is a foreign corporation that contracted with a resident of the State of Wyoming (i.e., AMZW) for the purposes of enforcing its intellectual property against competitors in the United States. On information and belief, VV engaged in continuous and systematic contacts with AMZW in the State of Wyoming, including its contacts related to the 'D832 Patent and with AMZW,

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which is located within this judicial district. On information and belief, VV has purposefully directed its business contacts and activities at this judicial district for the purposes of effecting the patent enforcement of the 'D832 Patent.

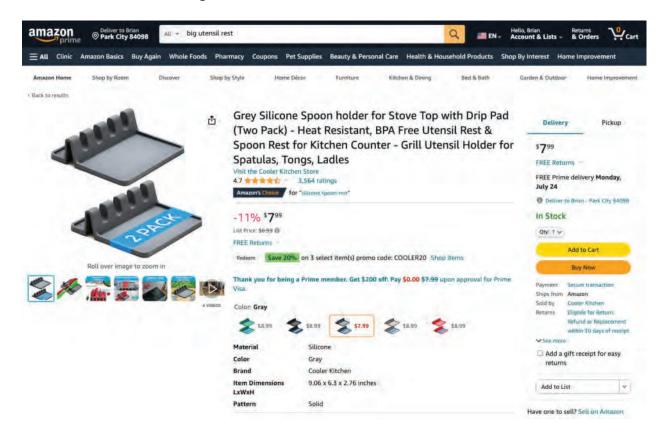
15. This Court has federal question jurisdiction under 28 U.S.C. §§ 1331 and 1338(a) because this is a civil declaratory judgment action arising under the Patent Act. This Court has subject matter jurisdiction over the declaratory judgment claims pursuant to 28 U.S.C. §§ 2201 and 2202 because an immediate and substantial controversy exists between Plaintiff and Defendants with respect to whether the 'D832 Patent covers Plaintiff's products based on the Defendants claims to Amazon that the Plaintiff's products infringe the 'D832 Patent, which has resulted in the suspension of the Plaintiffs' product listings on Amazon.com.

16. This Court has supplemental jurisdiction over Plaintiff's claims of tortious interference with economic or business relationship under 28 U.S.C. § 1367 because those claims relate to the same operative nucleus of fact as Plaintiff's claims for declaratory judgment of non-infringement of the 'D832 Patent.

17. Venue is proper in this judicial district under 28 U.S.C. § 1391(b) because a substantial part of the events giving rise to this claim took place in this judicial district, because Defendant AMZW resides and transacts business within this judicial district and because Defendant VV contracted with Defendant AMZW to provide services within this judicial district, and because Plaintiff suffered harm in this judicial district.

### FACTUAL ALLEGATIONS

18. Plaintiff sells a silicone utensil rest on Amazon.com, as shown below at Amazon ASINs<sup>1</sup> including B0874S275K (the "Accused Products").



19. Silicone utensil rest products are not new. In fact, such products have been available from sellers like the VV (and its affiliate Tomorrow's Kitchen) since early 2016. For example, such products are shown below in a product catalog produced by VV's affiliate Tomorrow's Kitchen as early as **January 2016**:

<sup>&</sup>lt;sup>1</sup> Amazon assigns each product listing on its marketplace a unique "Amazon Standard Identification Number" which is abbreviated as "ASIN." Each ASIN is associated with a unique product listing on Amazon, which maintains millions of ASINs associated with numerous unique product listings.



**Tomorrow's Kitchen** 2016 Catalog (Cover)

**Tomorrow's Kitchen** 2016 Catalog (Page 28)

See Exhibit B (Tomorrow's Kitchen 2016 Catalog)

20. Tomorrow's Kitchen is an affiliate of VV.

21. The Tomorrow's Kitchen product catalog depicted products identical to the subject of the 'D832 Patent and the Accused Products as early as January 2016.

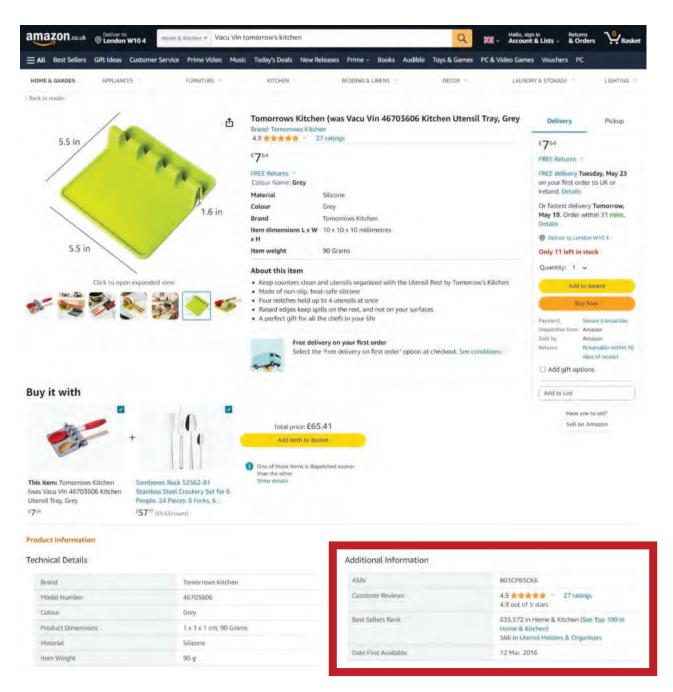
22. In addition to the Tomorrow's Kitchen product catalog, VV's affiliate Tomorrow's Kitchen depicted such products on Facebook as early as March 21, 2016.

23. Tomorrow's Kitchen made the following Facebook post on March 21, 2016:



*See* Exhibit C (Tomorrow's Kitchen Facebook Post – March 21, 2016)

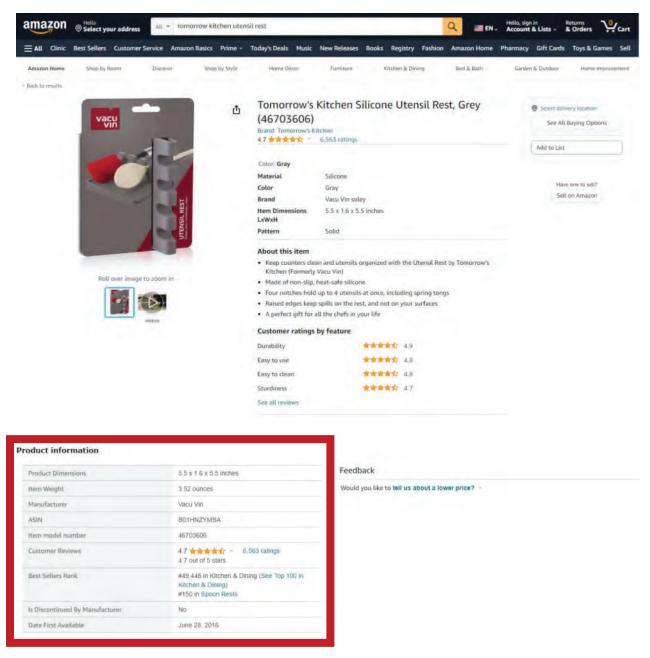
24. In addition to its Facebook pages, Tomorrow's Kitchen operated an AmazonUK ASIN (B01CPB3CK6) that offered the same products for sale as early as March 12,2016:



## *See* Exhibit D (Tomorrow's Kitchen Amazon UK Listing – ASIN B01CPB3CK6)

25. In addition to its Amazon UK site, Tomorrow's Kitchen also operated an Amazon US ASIN (B01HNZYMSA) that offered these same products for sale as early as

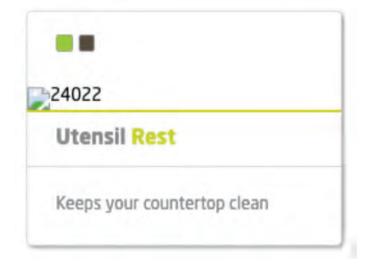
#### June 28, 2016:



*See* Exhibit E (Tomorrow's Kitchen Amazon US Listing – ASIN B01HNZYMSA)

26. In addition to Amazon, Tomorrow's Kitchen also operated its own website that offered its Utensil Rest products for sale as early as **July 5**, **2016**, as demonstrated by

the Wayback Machine® archives of Tomorrow's Kitchen's website:



## *See* Exhibit F (<u>http://tomorrows.kitchen:80/22601/Products</u>) (data captured by Archive.org on July 5, 2016)

27. Notwithstanding the foregoing public disclosure, on **November 8, 2017** *more than one year after Tomorrow's Kitchen disclosed the claimed design*—VV filed for patent protection for the Tomorrow's Kitchen utensil rest product. *See* Exhibit A.

28. During the patent prosecution of the 'D832 Patent, VV owed a duty of candor

to the USPTO to disclose information material to patentability. See 37 C.F.R. § 1.56.

29. VV knew of prior public uses, sales, and disclosures of the claimed design by Tomorrow's Kitchen.

- 30. VV knew of the Tomorrow's Kitchen 2016 Catalog.
- 31. VV knew of the Tomorrow's Kitchen 2016 Amazon Listing B01CPB3CK6

32. VV knew of Tomorrow's Kitchen's own website, which advertised products for sale including a utensil holder identical to the 'D832 Patent.

33. VV knew of Tomorrow's Kitchen's Facebook postings.

34. Notwithstanding its duty of candor to the USPTO during the prosecution of the 'D832 Patent, VV failed to disclose to the USPTO any of its prior sales, prior disclosures, and prior public uses of the claimed design. *See* Exhibit G.

35. VV's prior sales, prior disclosures, and prior public uses were material to patentability.

36. If the Examiner of the 'D832 Patent had been aware of Tomorrow's Kitchen's prior sales, prior disclosures, and prior public uses of the claimed design, the Examiner would not have allowed the 'D832 Patent to issue.

37. But without the knowledge of the relevant prior art—*i.e.*, *Tomorrow's Kitchen's prior sales, prior disclosures, and prior public uses of the claimed design*—the USPTO allowed the 'D832 Patent to issue.

38. VV's actions in obtaining the 'D832 Patent were in bad faith because VV had actual knowledge of Tomorrow's Kitchen's prior sales, prior disclosures, and prior public uses of the claimed design and failed to disclose that information to the USPTO.

39. Upon the issuance of the 'D832 Patent, VV and AMZW began to aggressively assert the 'D832 Patent on Amazon.com against VV's competitors.

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40. On May 13, 2023, Michiel Rodrigues Pereira with VV asserted the 'D832 Patent against three Amazon ASINs owned by Plaintiff BigNJ: B0874SHJFX, B0874S275K, and B0874S11MY. *See* Exhibit H.

41. BigNJ advised Amazon that the 'D832 Patent was invalid *at least* because it had been included in the Tomorrow's Kitchen January 2016 catalog. Upon learning this information, Amazon reinstated BigNJ's product listings.

42. On July 3, 2023, Chris Keef of AMZW again asserted the 'D832 Patent against one ASIN owned by Plaintiff BigNJ: B0874SHJFX. *See* Exhibits I.

43. BigNJ again advised Amazon that the 'D832 Patent was invalid *at least* because it had been included in the Tomorrow's Kitchen January 2016 catalog. Upon learning this information, Amazon once again reinstated BigNJ's product listing.

44. BigNJ contacted Chris Keef of AMZW on July 3, 2023, and advised that the 'D832 Patent was invalid and should not be asserted against BigNJ's product listings.

45. In response, Chris Keef of AMZW called BigNJ and left the following voicemail:

Hey, good afternoon Brandon. Chris Keef calling on behalf of your voicemail this morning in regards to the Vacu Vin design patent claim. 1-317-028-2501. I'll refer you to legal counsel, Rosenbaum and Segall. Speak to Rob Segall. His phone number is 212-256-8490. I'll respectfully request all correspondence go through Rob and his uh team who operate the legal matters on our behalf. That's Rob Segall 212-256-8490.

46. On July 4, 2023, AMZW again asserted the 'D832 Patent against three Amazon ASINs owned by Plaintiff BigNJ: B0874SHJFX, B0874S275K, and B0874S11MY. *See* Exhibit J.

47. The impact on BigNJ's Amazon account was immediate. BigNJ's product listings for the Accused Products were disabled and BigNJ experienced substantial business disruption and thousands of dollars in lost revenue. BigNJ was forced to disable its "Prime Day" specials on two of the biggest shopping days of the year. *See* Exhibit K.

48. AMZW was unwilling to engage in a constructive dialog with BigNJ regarding the invalid 'D832 Patent and was unwilling to withdraw its wrongful complaints, which caused further damages to BigNJ.

49. AMZW's actions were in bad faith because—when presented with evidence that the 'D832 Patent was invalid—AMZW refused to withdraw its wrongful complaints of patent infringement for the 'D832 Patent.

50. Because of VV's and AMZW's wrongful acts, BigNJ lost and continues to lose thousands of dollars per day in online sales.

#### FIRST CAUSE OF ACTION Declaratory Judgment of Patent Invalidity of the 'D832 Patent (Against VV)

51. BigNJ incorporates and realleges each and every allegation in the preceding Paragraphs as if fully set forth herein.

52. VV is the owner of the 'D832 Patent.

53. The 'D832 Patent is invalid at least under 35 U.S.C. §§ 102 and 103 in view of the prior art, including but not limited to, Tomorrow's Kitchen's own products, prior public use, prior sales, and prior offers for sale, which occurred more than one-year before the filing of the patent application that would become the 'D832 Patent. *See* Exhibits B, C, D, E, F.

- 54. The 'D832 Patent was not filed until November 8, 2017. See Exhibit A.
- 55. The 'D932 Patent is invalid in view of the prior art.
- 56. BigNJ is entitled to a declaratory judgment that the 'D832 Patent is invalid.

### SECOND CAUSE OF ACTION Declaratory Judgment of Unenforceability of the 'D832 Patent (Against VV)

57. BigNJ incorporates and realleges each and every allegation in the preceding Paragraphs as if fully set forth herein.

58. VV is the owner of the 'D832 Patent.

59. During the patent prosecution of the 'D832 Patent, VV was aware of Tomorrow's Kitchen's prior sales, prior disclosures, and prior public uses of the claimed design. *See* Exhibits B, C, D, E, F. Such prior sales, prior disclosures, and prior public uses of the claimed design—which were identical to the Defendant's design patents—were material to the patentability of the 'D832 Patent. Tomorrow's Kitchen was an affiliate of VV and VV would have been aware of such products.

60. In violation of its duty of candor to the USPTO, and with the intent to deceive the USPTO, VV did not disclose Tomorrow's Kitchen's products, prior sales, prior disclosures, and prior public uses during prosecution. "Inequitable conduct resides in failure to disclose material information, or submission of false information, with an intent to deceive . . .." *Kingsdown Medical Consultants Ltd. v. Hollister Inc.*, 863 F.2d 867, 872 (Fed. Cir. 1988) (en banc). VV committed inequitable conduct by intentionally failing to disclose Tomorrow's Kitchen's products, sales, disclosures, and public uses—which were prior art—to the USPTO.

61. BigNJ is entitled to a declaratory judgment that the 'D832 Patent is unenforceable.

### <u>THIRD CAUSE OF ACTION</u> Declaratory Judgment of Non-Infringement of the 'D832 Patent (Against VV)

62. BigNJ incorporates and realleges each and every allegation in the preceding Paragraphs as if fully set forth herein.

63. VV is the owner of the 'D832 Patent.

64. The 'D832 Patent is invalid at least under 35 U.S.C. §§ 102 and 103 in view of the prior art, including but not limited to, Tomorrow's Kitchen's products which were sold, offered for sale, in public use, or disclosed to the public more than one-year before the filing date of the 'D832 Patent. *See* Exhibits B, C, D, E, F.

65. The 'D832 Patent was not filed until November 8, 2017. *See* Exhibit A. The 'D832 Patent is invalid in view of the prior art. "It is axiomatic that one cannot infringe an invalid patent." *Commil USA, LLC v. Cisco Sys., Inc.*, 720 F.3d 1361, 1368 (Fed. Cir. 2013); *see also Richdel, Inc. v. Sunspool Corp.*, 714 F.2d 1573, 1580 (Fed.Cir.1983) ("The claim being invalid there is nothing to be infringed.").

66. Because the 'D832 Patent is invalid and should never have issued, there is "nothing to be infringed" and BigNJ is entitled to declaratory judgment that it does not infringe the 'D832 Patent.

#### **FOURTH CAUSE OF ACTION** Tortious Interference (Against VV and AMZW)

67. BigNJ incorporates and realleges each and every allegation in the preceding Paragraphs as if fully set forth herein.

68. Through BigNJ's Amazon store and its product listings at ASIN B0874SHJFX, B0874S275K, and B0874S11MY, BigNJ had a valid contractual relationship and business expectancy for the sale of its utensil rest products and was selling thousands of dollars in such products on Amazon.

69. On or about May 13, 2023, July 3, 2023, and July 4, 2023, Defendants VV and AMZW asserted the 'D832 Patent in a series of wrongful complaints against BigNJ's Amazon ASINs. *See* Exhibits H, I, J.

70. In order to assert the 'D832 Patent in a complaint against BigNJ's Amazon ASINs, Defendants necessarily had knowledge of those multiple ASINs and of BigNJ's ongoing business relationship with Amazon.

71. In wrongfully asserting the 'D832 Patent in a complaint against BigNJ's Amazon listings, Defendants intended to induce or cause a breach or termination of that relationship by requesting that Amazon remove such listings.

72. The assertion of the 'D832 Patent—*which Defendant VV knew to be invalid*—was an interference for an improper purpose using improper means. In addition, the Defendant AMZW's *refusal* to remove complaints against BigNJ's product listings once it learned the facts that the 'D832 Patent was invalid—was also an interference for an improper purpose using improper means.

73. Defendants VV's and AMZW's wrongful assertion of the 'D832 Patent and refusal to withdraw such complaints once they learned the 'D832 Patent was invalid are actions undertaken in bad faith.

74. Because Defendants VV and AMZW knew or learned of the existence of the Tomorrow's Kitchen prior art products—and because the Defendants VV and AMZW thereafter refused to withdraw their Complaints against ASINs B0874SHJFX, B0874S275K, and B0874S11MY, the Defendant's actions were undertaken in bad faith.

75. Before the Defendant's interference with its Amazon listing, BigNJ was selling thousands of dollars of the Accused Products through its product listings at ASINs

B0874SHJFX, B0874S275K, and B0874S11MY. The Defendants' tortious interference with BigNJ's business caused substantial reputational and economic damages through (a) disabled product listing; (b) lost product sales; (c) reputational damage to BigNJ's Amazon account, and (d) other damages to BigNJ's product listing, inventory, and business.

#### PRAYER FOR RELIEF

Wherefore, BigNJ respectfully prays that the Court enter judgment in its favor and against the Defendants and award the following relief:

A. A judgment in favor of BigNJ and against VV declaring that the 'D832 Patent is invalid.

B. A judgment in favor of BigNJ and against VV declaring that VV engaged in inequitable conduct before the USPTO and that the 'D832 Patent is unenforceable.

C. A judgment in favor of BigNJ and against VV declaring that BigNJ has not and does not infringe the 'D832 Patent.

D. An order and judgment permanently enjoining Defendants VV and AMZW and its officers, directors, employees, agents, licensees, representatives, affiliates, related companies, servants, successors and assigns, and any and all persons acting in privity or in concert with any of them, from further acts of wrongful assertion of the 'D832 Patent.

E. A judgment that this is an exceptional case, pursuant to 35 U.S.C. § 285, together with an award to BigNJ of its costs and reasonable attorneys' fees.

E. A judgment that Defendants VV and AMZW tortiously interfered with BigNJ's contract or business expectancy in the sale of its utensil rest products.

F. A judgment awarding BigNJ all damages sustained by BigNJ and/or all gains, profits, and advantages derived by the Defendants VV and AMZW as a result of their wrongful acts and tortious interference.

G. A judgment awarding BigNJ punitive damages as a result of the Defendants VV's and AMZW's willful and intentional acts of tortious interference.

I. Any other relief the Court deems just and proper under all circumstances.

#### **Demand for Trial by Jury**

BigNJ demands a jury trial on all matters triable to a jury.

#### DEMAND FOR JURY TRIAL

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiffs demand a jury trial on all matters triable to a jury.

DATED this 18<sup>th</sup> day of July 2023.

Respectfully submitted,

CROWLEY | FLECK

By: <u>/s/ Alaina M. Stedillie</u> Alaina M. Stedillie

#### WORKMAN NYDEGGER

Brian N. Platt (pro hac vice)

Collin Hansen (pro hac vice)

Counsel for Plaintiff BigNJ, Inc.

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US00D904832S

# (12) United States Design Patent (10) Patent No.:

### Medeiros Santos et al.

#### (45) Date of Patent: \*\* Dec. 15, 2020

#### (54) UTENSIL REST

- (71) Applicant: Vacu Vin Innovations Ltd., Delfgauw (NL)
- (72) Inventors: Rui Medeiros Santos, Rotterdam (NL); Sandra van Oosterbaan-Rijnen, Barendrecht (NL); Delphine Buyse, Voorburg (NL)
- (\*\*) Term: 15 Years
- Appl. No.: 29/625,265 (21)
- (22) Filed: Nov. 8, 2017
- (52) U.S. CL USPC ...... D7/637
- (58) Field of Classification Search USPC ...... D3/273, 274; D7/631, 637-641, 550.1; D9/420-426, 432; D19/77, 81-86; 206/553, 557, 562, 564; 211/60.1, 70.1, 211/70.7; 220/23.83 CPC ...... A47G 21/06; A47G 21/14; A47G 29/08; B65D 43/169; B65D 45/00; B67B 7/16; B67B 7/44

See application file for complete search history.

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					206/232
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			206/553
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			220/500
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D740,619		10/2015	Elliott D7/637
2002/0158031	A1*	10/2002	Powers A47J 47/16
			211/41.11

\* cited by examiner

Primary Examiner - Derrick E Holland Assistant Examiner - Janice Patyk

#### (57) CLAIM

The ornamental design for a "utensil rest," as shown and described.

#### DESCRIPTION

FIG. 1 is a top perspective view of a utensil rest, showing our new design;

FIG. 2 is a front view thereof;

FIG. 3 is a right side view thereof:

FIG. 4 is a left side view thereof;

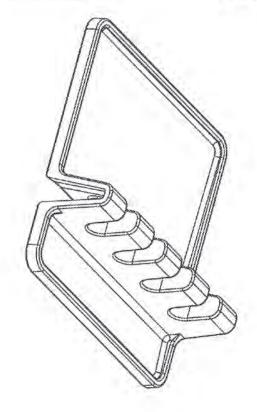
FIG. 5 is a top view thereof;

FIG. 6 is a bottom view thereof: and,

FIG. 7 is a back view thereof.

The broken lines in the figures illustrate the portions of the design that form no part of the claimed design.

#### 1 Claim, 7 Drawing Sheets



# US D904,832 S

U.S. Patent Dec. 15, 2020 Sheet 1 of 7 US D904,832 S

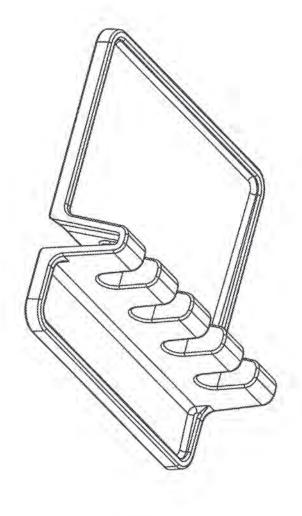


FIGURE 1

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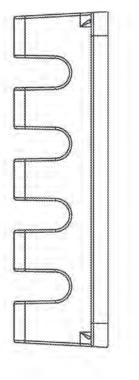


FIGURE 2

U.S. Patent

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FIGURE 3

U.S. Patent

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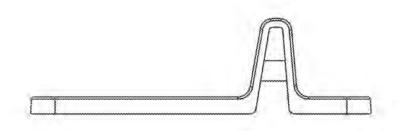


FIGURE 4

U.S. Patent Dec. 15, 2020 Sheet 5 of 7 US D904,832 S

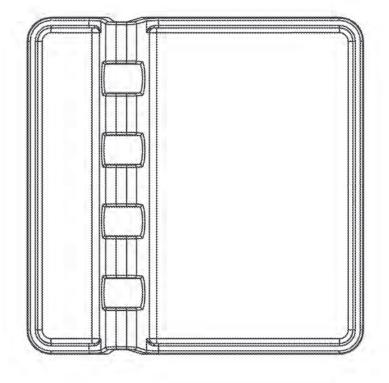


FIGURE 5

U.S. Patent Dec. 15, 2020 Sheet 6 of 7 US D904,832 S

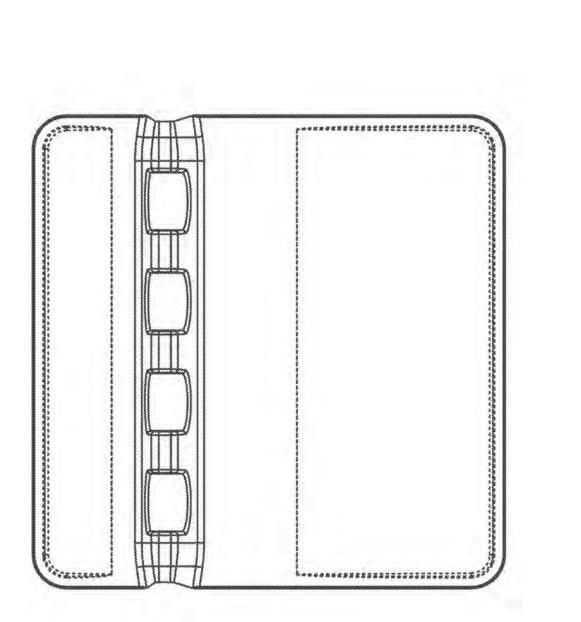


FIGURE 6

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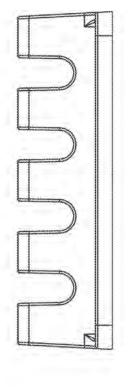


FIGURE 7





INDEX			
	1		
FRUIT PREPARATION	6	2-GO PRODUCTS Banana Box	25
Pineapple Slicers Citrus Peeler	8	Tomato Box	25
Strawberry Huller	8	Kiwi Box	25
Melon Slicer	8	NIT DOX	
Fruit Set	9	Citrus Carafe Juicer & Squeezer	26
Coconut Opener	9	Active Cooling Carafe	26
		Serve & Stack	27
FOOD PREPARATION	i i	Bread & Dip	27
Garlic Press	10	Egg Pillow	28
Double Mortar & Pestle	10	Utensil rest	28
Cheese Grater	11	Foldable Trivet	29
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EN During its 30 years of business, International Innovation Company has always been one of the most innovative companies in the housewares industry. This family-owned company has been a trendsetting company since the introduction of its first innovation in 1986: the Vacuum Wine Saver, invented by the founder of the company Bernd Schneider. Today, the second generation of the family is taking the company to the next level by introducing several new initiatives. First of all, a new sales concept will be launched called 'Dutch Creative Brands' Including new packaging designs for all existing products and secondly the addition of a new brand called 'Tomorrow's Kitchen', the first step in creating an exciting brand portfolio.

International Innovation Company's philosophy is to produce as much as possible within the borders of Europe and at the same time creating jobs for those who need some help in society. Today, over 150 mentally or physically disadvantaged people are involved in the production and assembly of almost every product distributed to over 85 countries in the world either through numerous distributors or our own offices.

NL Gedurende de 30 jaar waarin International Innovation Company actief is wordt het bedrijf beschouwd als een van de meest innovatieve bedrijven binnen de branche waarin het actief is. Dit familiebedrijf is een ware trendsetter sinds de introductie van de eerste innovatie in 1986: de Vacuum Wine Saver, uitgevonden door oprichter van het bedrijf Bernd Schneider. Vandaag de dag staat de tweede generatie klaar om met het bedrijf de volgende stap te zetten door middel van het introduceren van verschillende initiatieven. Waaronder de lancering van een nieuw verkoopconcept genaamd Dutch Creative Brands in combinatie met een compleet nieuwe verpakkingslijn voor het bestaande assortiment en daarnaast de lancering van het nieuwe merk genaamd 'Tomorrow's Kitchen' dat aan het begin staat van een nieuw merkenportfolio. De filosofie van International Innovation

Company is om de productie grotendeels

binnen de grenzen van Europa te faciliteren en daarnaast ook banen te creëren voor diegene binnen de samenleving die dat extra beetje hulp goed kunnen gebruiken. Zo zijn er vandaag de dag meer dan 150 mensen met een geestelijke of lichamelijke beperking betrokken bij de productie en assemblage van bijna elk artikel dat wordt gedistribueerd naar meer dan os tanos, met behulp van eigen kantoren of het wereldwijde kanaal van distributeurs. gedistribueerd naar meer dan 85 landen

Seit inrer mittlerweile 30-jährigen. Firmengeschichte 1st die international Innovation Company eine die Innovativsterk DE Seit Innovation Company einerdier innovativister Unternehmen ührer Branche Dass Familierunterniehmen ist seit der efsten Neuhert 1986 ein Trendsetter Die Vakeaum Weinpumper erfunden vom Filmenentunder Bernd Schneider. In der mittletweile zweiten Generation der Familie Wirth das Unternehmen zukumfsträchtlig ausgerichtet. Unter Anderem ergibt sich daraus ein neues Vertaufskonzept, genannt. Dutch Creative Bhands mit neuen Verpackungen der bestehenden Produktpalette, aber auch eine weiterer neue Marke entsteht. Tomorrow's Kitchen Die International Innovation Company ist sehr 1-500 darauf bedacht, soviel als möglich in Europa zu produzieren und damit hilfsbedürftige Menschen hier zu unterstützen. Aktuell arbeiten über 150 Menschen mit einer Behinderung in unserer Produktion und wir versenden unsere Produkte in über 85 Länder, teils durch eigene Niederlassungen, teils durch Distributoren.

INTERNATIONAL INNOVATION COMPANY

**IIC international branches** 

- IIC Netherlands
- 0 IIC Germany
- 3 IIC UK

- ( **IIC** Belgium
- 6 **HC** France
- 0 IIC Spain
- 0 HC USA / Canada



- EN International Innovation Company has its own prime time national television show generating thousands of ideas directly based upon consumer experiences. Not all ideas fit the Dutch Creative Brands positioning and distribution channels. Therefore, International Innovation Company is also fully capable of developing products for third parties by offering a complete package from the designing of the products, at no cost, to supplying products anywhere in the world International Innovation Company can be best described as an idea factory that generates products instead of ideas. It is a one stop shopping experience for companies that want to be innovative in their business, without having to face the difficulties of setting up their own design department or outsourcing without the knowledge of how to set up production.
- NL International innovation Company genereert met zijn eigen nationale televisieshow duizenden ideeeñ die gebasserd zijn op de ervaringen van de consument. Niet alle ideeën passen binnen de strategie van Dutch Creative Brands en zijn distributiekanalen. Daarom ontwikkelt International Innovation Company ook producten voor derden door het aanbieden van een compleet pakket van productontwerp, zonder dat daar kosten aan zijn verbonden, tot het leveren van producten overal ter wereld. International Innovation Company kan het best worden beschreven als een ideeénfabriek dat producten genereert in plaats van ideeén.
- DE Die International Innovation Company verfügt zu besten Sendezeiten über ihre eigene nationale TV-Show, in Dieser werden tausende Ideen, basierend auf Verbrauchererfahrungen, vorgestellt. Nicht alle dieser Ideen passen zu den Vertriebskanäten von Dutch Creative Brands, Hierfür entwickelt die international Innovation Company für weitere Unternehmen indem ein vollständiges Gesamtpaket von Designerstellung bis hin zum fertigen Produkt Die International Innovation Company kann als Ideenwerkstatt welche Produkte entwickelt und produziert und nicht nur als Ideengeber gesehen werden. Es ist wie "alles aus einer Hand" für Innovative Firmen, die sich nicht um Entwicklung und Produktion sowie viele



weitere zeitraubende Details wie das Bilden eines eigenen Designteams, kümmern möchten.

EN The core family values on social responsibility have been put to life in IICs production partner 'Voor Ekkaar, which is also part of International Innovation Company, 'Voor Ekkaar' is the Dutch translation of 'For Each Other' and also means 'Accomplished'. As the name suggests, the focus of this company is to 'accomplish' the production and assembly of high-level quality products, and at the same time helping people that need help getting back into the working society. This way they can recover their selfesteem and be of great value, something we believe our society should do 'For Each Other'l Production is not limited to affiliated companies but is also suitable for Interested third parties from different lines of business.

The importance of social responsibility is not only bound to the Dutch society, as IIC is also the founder of the "Sharing Success Foundation". This foundation guarantees that 100% of the donations received, from entrepreneurs willing to share their success, are being spent wisely in cooperation with the Liliane Foundation. Today, the foundation has helped over 50.000 disabled children and has realized many useful facilities in developing countries.

NL De familiaire kernwaardes op het gebied van sociale verantwoordelijkheid komen tot leven in de productiepartner "Voor Elkaar", tor res wat eveneens onderdeel is van international Innovation Company. Voor Elkaar slaat zowel op het klaarstaan voor een ander als op iets succesvol volbrengen. Zoals de naam weergeeft, is het belangrijk dat productie en assemblage van kwakteitsproducten, tezamen met het bieden van hulp bij de terugkeer binnen de werkmaatschappij, succesvol wordt volbracht. Dit initiatiel bedoeld om werknemers hun zelfvertrouwen te laten herwinnen en het gevoel van toegevoegde waarde te geven, iets dat onze maatschappij moet doen 'Voor Elkaar'. De productie is niet gelimiteerd tot gelieerde ondernemingen, maar eveneens beschikbaar voor geïnteresseerde bedrijven actief in andere branches.



Hetbelang van maätschappelijk verantwoord ondernemen is niet alleen gebonden aan de Nederlandse samenleving, daar IIC ook eveneens oprichter is van stichting Sharing Success'. Deze stichting garandeert dat 100% van haar gegenereerde inkomsten, afkomstig van ondernemers die hun succes willen deler, in samenwerking met het Lilianegoed op de juiste plek terechtkomt. Vandaag de dag heeft de stichting meer dan 50.000 kinderen met een beperking geholpen tezamen met de realisatie van noodzakelijke voorzieningen in ontwikkelingslanden.

DE Die Kernwerte der Familie im Bereich sozialer Verantwortung werden durch IIC's Produktionspartner ebenfalls gelebt. Dies wird in Holland 'Voor Eikaar' genannt und trifft ebenfalls auf die Familie zu. 'Voor Eikaar' bedeutet 'Fureinander und zwar vollständig'. Wie der Name sagt, ist der Fokus des Unternehmens vollständig auf die Produkte ausgerichtet Zeitgleich wird körperlich beeinträchtigten Menschen die Möglichkeit gegeben am Leben durch Arbeit und sozialer Zugehörigkeit teilzunehmen und sie zu integrieren; Wir glauben, etwas, was Alie in unsere Gesellschaft zu sollten. Dieses Unternehmen arbeitet für Firmen aus jeder Branche und nicht nur für mit der Branche verbundenen Firmen.

Die Wichtigkeit und Bedeutung der sozialen Verantwortung ist nicht nur in den Niederlanden ein Thema. IIC (ist der Gründer der "Sharing Success Foundation". Diese gemeinnützige Stiftung garantiert dass 100 % der Spendern aus Wirtschaft und Privatspendern in Kooperation mit der Lillane Foundation sinnvoll eingesetzt werden. Bis heute hat die Stiftung über 50.000 behinderten Kindern zu einem besseren Lebien verholfen sowie in einigen Entwicklungsländern emeinnützige Einrichtungen realisiert.









- EN The new sales approach Dutch Creative Brands' has a clear focus on several core values of the company. International Innovation Company is a Dutch company with creativity being one of the key success factors in its 30 years of existence. The new approach is part of a repositioning of the existing Vacu Vin brand as the leading supplier of wine and bar accessories. The well-established Vacu Vin brand name will be used for a complete range of essential items that enable consumers and professionals to enjoy wine and cocktails. As a result of this new approach the total product assortment has grown over 30% This allows the company to offer a complete range that suits the needs of every customer the company supplies. From high-level department stores to mass-market supermarkets and everything in between, the Vacu Vin brand is able to offer appropriate items that fit its customer's retail strategies.
- NL Het nieuwe verkoopconcept 'Dutch Creative Brands' heeft een heldere visie op verschillende kernwaardes van het bedrijf. International Innovation Company is een Nederlands bedrijf met creativiteit als een van de succesfactoren in het 30-jarig bestaan. Deze nieuwe aanpak is onderdeel van de herpositionering van het merk Vacu Vin als toonaangevende leverancier van wijn- en baraccessolres. De sterk gevestigde merknaam Vacu Vin zal gebruikt worden voor een complete reeks met essentiële items die het een ieder mogelijk maakt om te kunnen genieten van wijn en cocktails. Als gevolg van deze nieuwe aanpak is het assortiment gegroeid met meer dan 30%/ Deze groei maakt het mogelijk om met een complete liin baraccessoires te voorzien n de behoefte van elke klant waaraan het bedrijt levert. Van exclusieve warenhuizen tot supermarkten toegankelijk voor het prote publiek en alles daartussenin. Het ierk Vacu Vin is in staat om een assortiment. te bieden dat aansluit bij de retailstrategie van zijn klanten.

Unser neues Verkaufsargument Dutch Creative Brands' fokussiert einige unserer Grundwerte. International Innovation Company ist eine holländische DE Firma und unsere Kreativität ist einer der Erfolgsfaktoren unserer 30-jährigen Firmerigeschichte. Das neue Verkaufsangument ist Teil einer Veränderung der existierenden Marke Vacu Vin als Marktführer in Wein- und Baraccessoires. Der populare Markername Vacu Vin wird künftig für eine vollständige Produktlinie, bestehend aus Wein- und Baraccessoires für den Haus- und professionellen Gebrauch, genutzt. Im Ergebnis wächst das Sortiment in diesem Bereich um über 30 % und bietet alle benötigten Produkte an. Vom Facheinzeihandel bis hin zum Supermärkt und Allen dazwischen bietet Vacu Vin passende Produkte für jeden Verbraucher und eine optimale Strategleißsung für den Händier an. Innovative Produkte zu produzieren wird stets der Fokus von Vacu Vin sein.







EN Besides the existing Vacu Vin brand, International Innovation Company has also launched a new brand called Tomorrows Kitchen'. This new brand will focus exclusively on innovative kitchen items that can be used during the preparation of foods, but also allow consumers to enjoy themselves at the dining table. The word Tomorrow' has a double meaning. It is expressing the innovative character of the products as well as the company's social values in which high value is being given to our future responsibility to society.

Both brands belonging to the 'Dutch Creative Brands' concept have a constant stream of new innovations coming up. An in-house design team is constantly working on tomorrow's gadgets with a focus on functionality and at the same time bringing a smile to the user's face. Offering these unique innovations will always be the core focus of Dutch Creative Brands.

NL Naast het huidige merk Vacu Vin, lanceert International Innovation Company een nieuw merk genaamd 'Tomorrow's Kitcher'. Dit nieuwe merk zal zich richten op innovatieve keukenitems die toegepast kunnen worden zowel tijdens het prepareren van eten, als tijdens het serveren op de eettafel. De naam 'Tomorrow' heeft een dubbele betekenis. Het benadrukt zowel het innovatieve karakter van het merk als de sociale waardes waar het bedrijf veel waarde hecht aan de toekomstige verantwoordelijkheid naar de samenleving toe.

Beide merken die toebehoren aan het 'Dutch Creative Brands' concept, hebben teen constante stroom van nieuwe productinnovaties. Een intern gefaciliteerd team van designers is voortdurend aan het werk om de gadgets van morgen te ontwikkelen met de focus op zowel functionaliteit als het bezorgen van een glimlach op het gezicht van de eindgebruiker. Het aanbieden van deze unleke innovaties loopt als een rode draad door de visie van 'Dutch Creative Brands'. DE Neben der existierenden Marke Vacu Vin führen wir künftig die neue Marke 'Tomorrow's Kitchen'. Diese neue Marke fokussiert sich erklusiv auf innovative Küchenheller und Produkte rund um den gedeckten Tisch. Das wort 'Tomorrow' in dem Markennamen hat eine Doppelbedeutung. Als Erstes unterstreicht es den innovativen und zukunftsrächtigen Charakter, als Zweites drückt es unsere auch zukünftig weiter wächsende soziale Verantwortung aus.

Beide Marken gehören zum Dutch Creative Brands' Konzept und profifieren von der konstanten Innovationskraft sowie zukünftiger Produkte. Das hauseigene Designteam sorgt mit seiner stetigen Arbeit an neuen Produkten und Fokus auf Funktionalität für diese Innovationskraft.



"Offering these unique innovations and store concepts will always be the core focus of DCB"



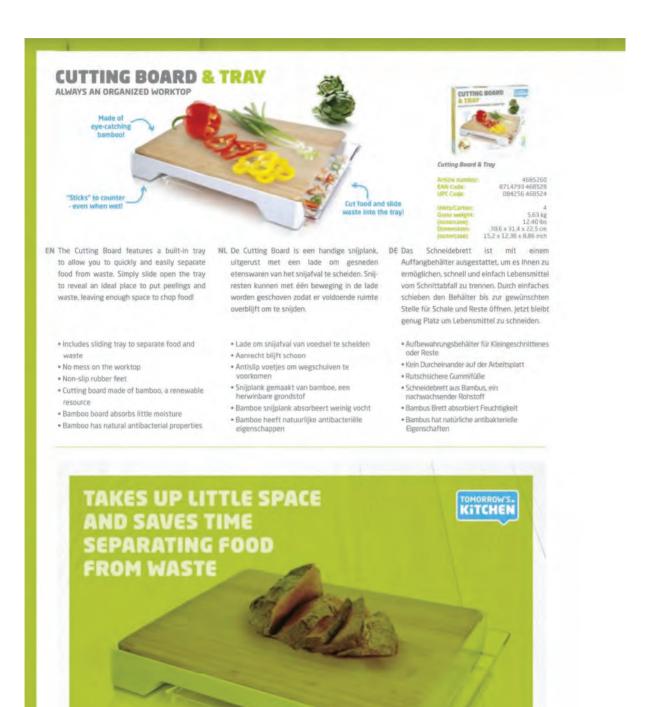












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EN No more lost nutrition or flavor with the Single Serve Steamer from Tomorrow's Kitchen. The solid tempered glass bowl is designed to steam a one person dinner or to steam individual portions of vegetables or even meat. fish and poultry. Its shape allows combining four steaming bowls together in standard size microwaves. The smart IId allows you to take the bowl from the microwave despite the glass being hot. Simply drain the remaining water by lifting the IId into draining position. A timesaver that steams your ingredients in no-time! Vitamines en smaak gaan niet langer vertoren met de Single Serve Steamer van Tomorrow's Kitchen. De stevig gehard glazen schaal is ontworpen om een enkele maaltijd te stomen of om individuele porties groentes, vlees, vis en gevogelte te stomen. De vorm maakt het mogelijk om vier stoomschaaltjes te combineren in de meest gebruikte magnetrons. De slimme deksel zorgt ervoor dat, ondanks de warmte van het glas, de schaal veilig uit de magnetron kan worden genomen. Giet het overgebleven water gemakkelijk af door de deksel in vergietstand te zetten. Bespaart tijd en stoomt je ingrediënten in no-time, ideaal voor een drukke en gezonde levensstijl!

E Keine verlorenen Nährstoffe oder Geschmack mehr mit dem Single-Dampfgarer von Tomorrow's Kitchen. Die solide temperaturbeständige Glasschüssel ist für das portionsweise Garen oder Fleisch, Fisch, Geflügel und Gemüse entwickelt worden. Durch die Schüsselform finden bis zu 4 Dampfgarer in einer Standartmikrowelle platz. Der speziell entwickelte Deckel sorgt für müheloses und verletzungsfreies Entnehmen der heißen Schüssel aus der Mikrowelle. Das entstandene Kondensat wird einfach durch Anheben des Deckels entfernt. Zeitsparendes Garen und Erhitzen vieler Gemüsesorten.



- cover and stainless steel plate. A cooling element is incorporated, providing the ideal solution to keep meat, fish or poultry chilled. Simply keep the cooling element in the freezer and place under the stainless steel plate before usel The transparent cover makes it perfect for picnics and barbecues. Also ideal for salads, cheese, hors d'oeuvres, cake and sushi.
- bijgeleverde koelelement is de perfecte oplossing om vlees, vis en gevogelte koel te houden. De werking is eenvoudig. Bewaar het koelelement in de vriezer en leg het voor gebruik onder de RVS plaat. De transparante kap maakt het geheel uitermate geschikt voor picknicks en barbecues. Ook ideaal voor salades, kaas, hapjes, taart en sushi.

transparante deksel en een RVS plaat. Het einem durchsichtigen Deckel und einer Platte aus rostfreiem Edelstahl. Ein Kuhlelement ist integriert und bietet die ideale Lösung, um Fleisch, Fisch oder Geflugel kuhl zu halten, Bewahren Sie das Kuhlelement im Gefrierfach auf und legen Sie es vor Gebrauch unter die Edelstahlplatte. Der durchsichtige Deckel macht es zur perfekten Ergänzung fur Picknicks und Grillpartys. Auch ideal fur Salate, Käse, Vorspeisen, Kuchen und Sushi.





17

Geschmack.

# **VACUUM STORAGE CONTAINERS**



air they quickly deteriorate, affecting taste, flavour and crispness. The large capacity Vacuum Storage Container, creating a vacuum, which optimises storage conditions.

blootgesteld aan lucht, zal de kwaliteit snel achteruit gaan. Smaak, aroma en versheid van grotere vacuümpomp verwijdert de lucht uit de vacuüm bewaarbus, zodat het gecreëerde vacuüm een optimale bewaarconditie vormt.









- dispensers for items such as nuts, candy, rice, sugar, herbs and other food. The brightly colored lid and the patented Oxiloc system are specifically designed to ensure that the bowl remains airtight. If you pull up the flexible lid with a "pop", a useful opening appears which makes it possible to simply dose the contents. The dispenser is also designed to retain items within the bowl should it be knocked over.
- voor bijvoorbeeld nootjes, snoepjes, rijst, praktischer Spender für Snacks wie Nüsse, suiker, kruiden of andere levensmiddelen. De vrolijk gekleurde deksel en het gepatenteerde Oxiloc systeem zijn speciaal ontworpen om het bakje luchtdicht af te kunnen sluiten. Als u de flexibele deksel met een "pop" opentrekt ontstaat er een handige opening waardoor u de inhoud gemakkelijk kunt doseren. Als de dispenser per ongeluk omvalt zal de inhoud er niet snel uitrollen.

Reis, Zucker, Kräuter oder andere Lebensmittel. Der farbenfrohe Deckel und das patentierte Oxiloc Schließsystem wurde eigens zur Abdichtung der Schale und Frischhaltung entwickelt. Wenn Sie den flexiblen Deckel mit einem Ruck hochziehen, kann der Inhalt leicht dosiert durch die Öffnung fließen. Die Spender ist auch zum sicheren Aufbewahren gegen Um- oder Herunterfallen entwickelt worden.



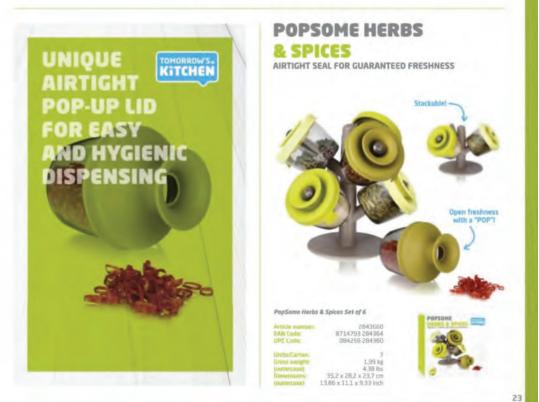


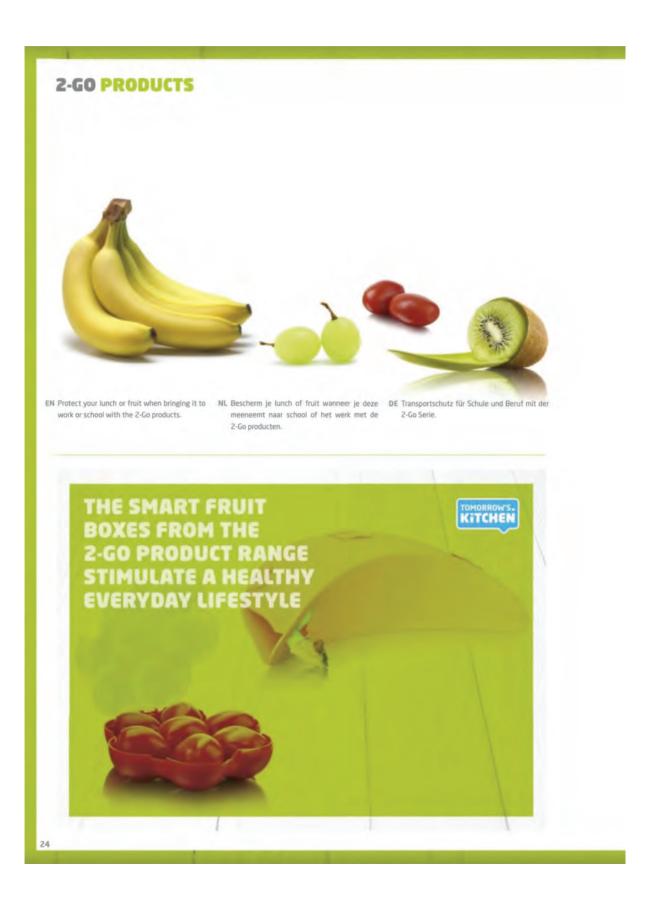
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With Popsome Cake Decorating Set is a practical way to store and dispense all kinds of cake decorations. The colored lids and the patented Oxiloc system are specifically designed to ensure that the bowls remain airtight. Your favorite cake decorations can be conveniently stored ready for use, when the lid is popped open you can dispense the contents into your hand or directly over the cake. The set comes with a convenient, specially designed stand, making it possible to stack up to 9 dispensers. De PopSome Cake Decorating Set is een praktische manier om taartdecoraties te bewaren en te doseren. De gekleurde deksels en het gepatenteerde Oxiloc systeem zijn speciaal ontworpen om de bakjes luchtdicht af te kunnen sluiten. Uw favoriete taartdecoraties en specerijen kunnen gemakkelijk worden bewaard, klaar voor gebruik. Wanneer u de flexibele deksel met een pop open trekt kunt u de inhoud gemakkelijk doseren in uw hand of direct over het eten. De set wordt geleverd met een handige standaard die speciaal is ontworpen om tot maximaal 9 dispensers te stapelen. DE Das PopSome Kuchen-Deko-Set ist die ideale Lösung zum Aufbewahren und Portionieren aller Kuchendekorationen. Die farbigen Deckel und vor Allem das patentierte Oxiloc-System sorgen fur luftdichtes Verschließen der Behälter. Die favorisierten Dekozutaten werden einfach darin aufbewahrt. Wenn der Deckel hochgezogen wird, kann der Inhalt einfach in die Hand oder direkt auf den Kuchen gestreut werden. Das Set mit dem speziell geformten Halter ist bis zu 9 Stuck stapelbar.















. Klikt in elkaar voor gemakkelijk opbergen

Clicks together for easy storage

- Topfdurchmesser
- · Einfache Aufbewahrung durch Einrasten



EN The +Tools are the innovative solution in the world of kitchen tools. These well designed kitchen tools are a real asset to every kitchen. The +Tools range contains ten products which are a combination of food preparation tools that are bound up with cooking. Every product has an additional (+) tool in the handle. The extra tool in the handle creates an added value to the main tool and is a perfect assist during cooking. Its color combination gives it a fresh appearance. The +Tools range is the smart solution to avoid full drawers and spending time searching for the right kitchen tool.

+TOOLS

NL De +Tools zijn de Innovatieve oplossing in de wereld van keukengerei. Deze mooi ontworpen keukengereedschappen zijn een waardevolle aanwinst voor elke keuken. De +Tools serie bevat tien producten die een combinatie zijn van producten voor het bereiden van maaltijden welke onlosmakelijk zijn verbonden met koken. leder product heeft een extra +Tool in het handvat. Het extra product in het handvat biedt een extra waarde aan het hoofdproduct en is een perfecte toevoeging tijdens het koken. De +Tools serie is een slimme oplossing om volle lades tegen te gaan en lang zoeken naar het juiste product te voorkomen

DE Die +Tools sind die Innovative Lösung von Küchenhelfern. Diese nett designten Küchenhelfer sind eine wirkliche Bereicherung in jeder Küche. Die +Tools Serie beinhaltet zehn Produkte die für die Zubereitung von Gerichten benötigt werden. Jedes der Artikel verfügt über einen zusätzlichen Küchenhelfer im Griff. Dies sorgt für zusätzlichen Nutzen während des Kochens. Die +Tools Serie ist eine nette Lösung, überfüllte Schubladen zu vermeiden und lange nach dem richtigen Küchenhelfer suchen zu müssen.



EN The Pasta Spoon +Timer is a +Tool designed to NL De Pasta Spoon +Timer is een +Tool die DE Der Pastalöffel & Zeitmesser ist ein Produkt measure one portion of spaghetti, time it while it is boiling in the pan and scoop it from the pan when ready. With the help of the digital timer, which is stored in the handle, you can set the correct cooking time necessary for your spaghetti. Measure, time and scoop your spaghetti with this product from the +Tools range.

speciaal is ontworpen om een portie spaghetti af te meten, het te timen wanneer het kookt en het uiteindelijk uit de pan te halen wanneer het klaar is. Met behulp van de digitale timer, die is opgeborgen in het handvat, kan de juiste tijd worden ingesteld die nodig is voor alle soorten pasta. Afmeten, timen en het uit de pan scheppen van pasta is gemakkelijk met dit product van de +Tools lijn.

aus der Z-in-1-Serie, um eine Spaghettiportion abzumessen und beim Kochen die richtige Garzeit nicht zu verpassen. Mithilfe der im Griff des Pastalöffels integrierten digitalen Uhr wird die richtige Garzeit eingestellt. Kochen und portionieren Sie Ihre Spaghetti mithilfe der richtigen Kochzeitangabe mit diesem 2-in-1-Produkt.





ew The Krichen -Nutling Uniter is a + loo designed to grate both hard and soft ingredients, such as chocolate and cheese as well as fine grating ingredients like ginger and nutmeg. The back of the Nutmeg Grater, which is stored in the handle, has a hard rubber pattern which allows you to peel and grind garlic and ginger, Grate all types of ingredients with this product from the +Tools range. NL De Kitchen +Nutmeg Grater is een +Tool die speciaal ontworpen is om zowel harde als zachte ingrediënten te raspen, als chocolade en kaas, maar ook fijne Ingrediënten als gember en nootmuskaat. De achterkant van de nootmuskaatrasp, die is opgeborgen in het handvat, heeft een hard rubber patroon dat ervoor zorgt dat je tevens gemakkelijk de schil van knoflook of gember kunt halen. Rasp alle soorten ingrediënten met dit product van de +Tools lijn. DE Die Kuchen- +Muskatnuss Reibe Ist ein Produkt aus der 2-in-1-Serie, welches harte und weiche Zutaten wie Schokolade und Käse aber auch Muskatnusse und Ingwer reibt. Die Ruckseite der Muskatnuss Reibe, welche in dem Griff der Kuchenreibe integriert ist, hat eine geriffelte Oberfläche mit der Ingwer und Knoblauch geschält werden kann. Reiben Sie viele Zutaten mit diesem 2-in-1-Produkt.





# SAVE FOR A

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Important for Tomorrow's Kitchen is not only to become the brand that sells fun and functional products that bring a smile to the user's face, but also to connect with consumers in order to start a two-way communication.

At the back of each packaging (unique in housewares industry) there is a loyalty stamp. Consumers can choose a free product after collecting points. Our goal is to provide the customer with a free product after purchasing 5 products or more!

More information about this unique saving system is available at tomorrows.kitchen.



TOMORROW'S.

TOMORROW'S KITCHEN'S LOVALTY PROGRAM IS DEVELOPED TO GET CONSUMERS CONNECTED TO THE BRAND. THIS UNIQUE SAVING SYSTEM WILL PERSUADE CONSUMERS TO BUY MORE PRODUCTS AND/OR TO EXCHANGE POINTS WITH THEIR FAMILY & FRIENDS Case 2:23-cv-00128-ABJ Document 1 Filed 07/18/23 Page 67 of 242







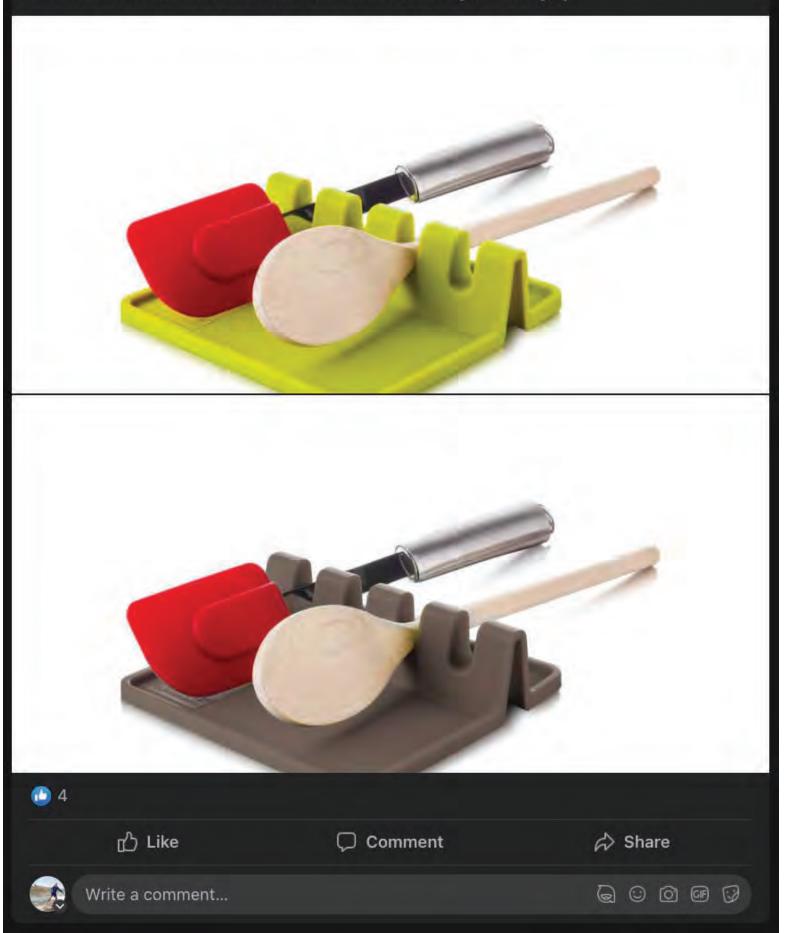


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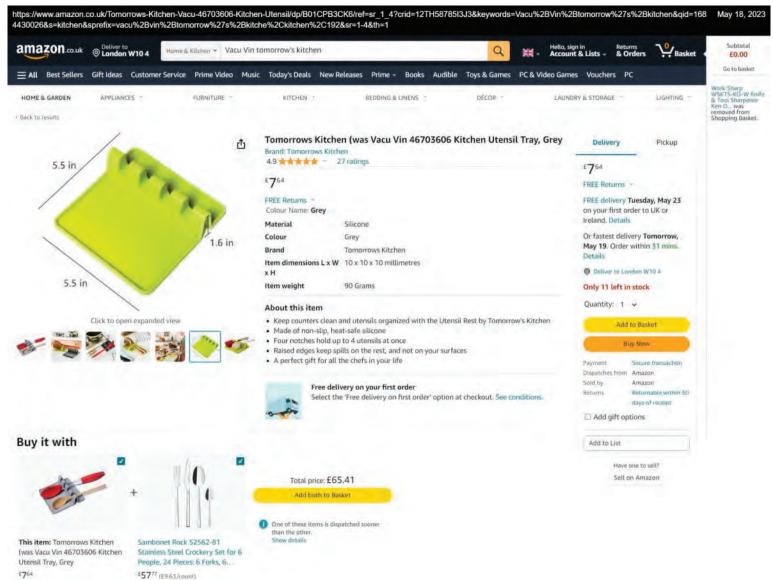


Tomorrow's Kitchen March 21, 2016 · 🕥

The smart solution that keeps your countertop clean. New from Tomorrow's Kitchen and soon available in stores! The Utensil Rest comes in the colors green and grey.



# Case 2:23-cv-00128-ABJ Document 1 Filed 07/18/23 Page 72 of 242



### **Product information**

#### **Technical Details**

Brand	Tomorrows Kitchen
Model Number	46703606
Colour	Grey
Product Dimensions	1 x 1 x 1 cm; 90 Grams
Material	Silicone
Item Weight	90 g

#### Additional Information

ASIN	BO1CPB3CK6
Customer Reviews	4.9 + + + + 27 ratings 4.9 out of 5 stars
Best Sellers Rank	635,572 in Home & Kitchen (See Top 100 in Home & Kitchen) 566 in Utensil Holders & Organisers
Date First Available	12 Mar. 2016

## Feedback

Would you like to tell us about a lower price?

#### Product description

Description: Keep counters clean and utensils organized Four notches hold up to 4 utensils at once Raised edges keep spills on the rest, instead of on the counter surface. Feature: Item Kitchen Utensil Spatula Holder Material-Food Grade Sillcone Color: Green / Grey Size: 14 x 14cm\*4cm Package Including

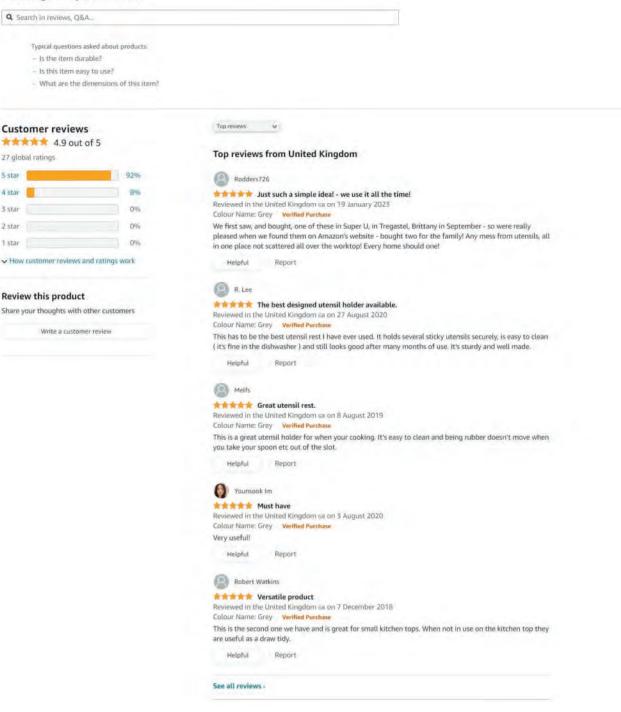
1 x Kitchen Utensil Spatula Holder

## From the brand

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#### Looking for specific info?



### Case 2:23-cv-00128-ABJ Document 1 Filed 07/18/23 Page 74 of 242

#### Top reviews from other countries

Translate all reviews to English

Silvia

Fantastico

Reviewed in Italy tr on 18 September 2020 Verified Purcha

Questo è un prodotto che mi ha stupito veramentel Utilizzo e lavaggio in lavastoviglie giornaliero ed a distanza di mesi è come nuovo! Utilissimo e comodissimo nella sua semplicità



6 people found this helpful

Report

Translate review to English

Beatrice

🛊 🛊 🛊 🌟 Mai più senza

Reviewed in Italy 11 on 15 February 2021 Verified Purcha

Comodissimo come poggiamestolo mente si cucina, regge qualsiasi tipo di utensile dal cucchiaio di legno alla schiumarola e raccoglie tutto lo sporco per poi essere comodamente lavato in lavastoviglie. Certo non è bello da vedere come uno di design in ceramica, ma non tornerei mai indietro. Anzi, sto pensando di acquistarne altri per utilizzarli nei cassetti delle posate come suggerito nelle foto. Straconsigliato!

One person found this helpful

Report

Translate review to English

vale

\*\*\*\* Reviewed in Italy 17 on 8 December 2020

Verified Purch

L'oggetto corrisponde a foto e descrizione del venditore. Invece di usare il solito porta mestoli in ceramica questo consente di appoggiare separatamente i vari attrezzi mentre si cucina. Il silicone mi sembra di buona qualità, inodore e facile da pulire. Quando dico che potrebbe essere migliorabile intendo che un paio di cm in più in lunghezza sarebbero apprezzabili. Consegna Amazon Prime perfetta e puntuale 2 people found this helpful

Report

Translate review to English

Guido L

#### \*\*\*\*\* Toller kleiner Küchenhelfer

Reviewed in Germany DE on 19 October 2020 Verified Pu

Jeder Hobbykoch und jede Hausfrau kennt das: bei den Kochexzessen hat man immer ein paar Löffel, Schöpfer oder Schneebesen rumliegen, die einem die Arbeitsplatte vollsauen. Mit diesem praktischen Unterleg-Pad ist das Problem gelöst. Leicht ist es auch mal verschoben und auf dem Induktionsherd darf es auch mal zwischen den Kochfeldern liegen. Schnell ist es abgewaschen oder hinterher in der Spülmaschine gereinigt. Für mich einfach wunderbar!

Sicher auch ein schönes Mitbringsel: Keiner hat's und jeder kann's gebrauchen.

One person found this helpful

Report

Translate review to English



Tolle Idee Reviewed in Germany of on 24 July 2017

Verified Parch

Die Silikonmatte hat Platz für 4 Küchenhelfer. Sie ist sehr leicht zu reinigen und absolut rutschfestl

Holzkochlöffel und kleinere Küchenutensilien passen perfekt drauf.... größere leider (jedenfalls bei mir ) nicht.

Die Matte ist 14 x 14 cm. Wenn man den Kochlöffel, Schneebesen etc.. nun in die Rillen ablegt beträgt die Fläche der vorderen Ablage noch 9 cm. Für große Schneebesen oder z.B. mein gr. Kochlöffel von Le Creuset.... geht über die 9 cm raus und würde

somit die Arbeitsfläche verschmieren. Auch sind meine Griffe zu dick um in die Rillen zu passen.

Dennoch.... bin ich mit dieser Matte zufrieden, kann sie empfehlen und habe sie in Gebrauch.

Man kann sich ja selbst ausmessen wie groß seine eigenen Kochutensilien sind und ob man damit selbst klar kommt.

3 people found this helpful

Report

Translate review to English

See all reviews -

### Case 2:23-cv-00128-ABJ Document 1 Filed 07/18/23 Page 75 of 242

Inspired by your browsing history



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5

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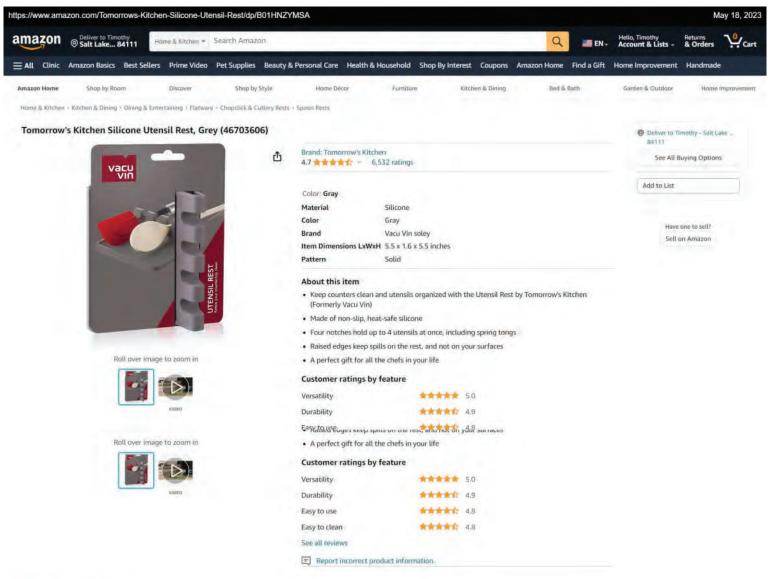
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From the manufacturer

#### Vacu Vin Silicone Utensil Rest, Gray

The Vacu Vin Utensil Rest is a smart kitchen help made of non-slip silicone, It helps you keep your kitchen organized and clean during cooking. Place your dirty kitchen tools in the holes to prevent them from leaking on your counter top.

- Dishwasher safe
- Large design holds any size utensil
- Multiple notches for multiple utensils
- Non-slip even on slick surfaces
- Keeps spring tongs in place

#### Compare with similar items



This item Tomorrow's Kitchen Silicone Utensil Rest, Grey (46703606) Zulay Kitchen Silicone Utensil Rest with Drip Pad for Multiple Utensils - Heat-Resistant Spoon Rest & Spoon Holder for Stave Top -Multi-Functional Kitchen Utensil Holder -Kitchen Accessories (Gray) Simple Craft Silicone Utensil Rest with Drip Pad for Multiple Utensils - Heat-Resistant, Spoon Heider for Stove Top, Kitchen Utensil Holder for Spoons, Ladles, Tongs (Black)



Dip Clip Bowl Plate Holder -8pcs Color Plastic Dish Chip And Dip Serving Set For Spice Tomato Sauce Salt Veggie Vinegar Ketchup Chips - Chip Clips Holders Cup Paper Plate Holder Condiment Cups Dipping

## Case 2:23-cv-00128-ABJ Document 1 Filed 07/18/23 Page 77 of 242

		#1 Best Seller &	Add to Cart	Add to Cart
Customer Rating	(6532)	★★★★☆ (34475)	<b>* * * * 1</b> (642)	***************************************
Price	From \$20.18	\$ <b>8</b> 99	\$6 <sup>99</sup>	\$999
Shipping	-	FREE Shipping on orders over \$25.00 shipped by Amazon. Details	FREE Shipping on orders over \$25.00 shipped by Amazon. Details	FREE Shipping on orders over \$25.00 shipped by Amazon. Details
Sold By	Available from these sellers	Zulay Deals	Zulay Deals	ieasycan
Color	Gray	Ash Gray	Black	mixed
Material	Silicone	Silicone	Food-Grade, Heat Resistant	Plastic

#### **Product Description**

The Tomorrow's Kitchen Utensil Rest keeps your countertops clean and your utensils organized. This smart kitchen helper is made from non-slip silicone and is designed to hold multiple utensils at once. The raised notches offer a place for up to 4 cooking utensils at once and can even hold your spring-tongs in place! The raised edges keep spills contained on the rest, and not on your countertop. Available in green or gray.

#### **Product information**

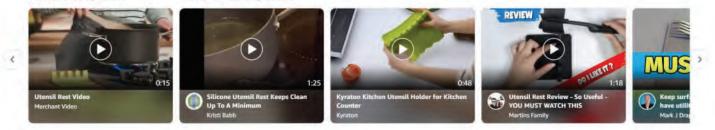
Product Dimensions	5.5 x 1.6 x 5.5 inches	Feedback
Item Weight	3.52 ounces	Would you like to tell us about a lower price? -
Manufacturer	Vacu Vin	
ASIN	BOTHNZYMSA	
Item model number	46703606	
Customer Reviews	4.7 aut of 5 stars	
Best Sellers Rank	#76,943 in Kitchen & Dining (See Top 100 in Kitchen & Dining) #220 in Spoon Rests	
Is Discontinued By Manufacturer	No	
Date First Available	June 28, 2016	

#### Videos

Videos for this product

Videos for related products

Page 1 of 2



Upload your video

### Looking for specific info?

Q	Sean	ch in	rev.	iews,	0&A	

### **Customer questions & answers**

	Question:	What is the difference between the grey/green and limited edition?	
1 vote	Answer:	Not sure on the difference however the gray is cool love it By Laura Warrell on February 18, 2019	
		~ See more answers (2)	
	Question:	What are the dimensions?	
1 vote	Answer:	Thanks for your question - the dimensions for this utensil rest are: 5.5 x 5.5 x 1.6 inches By IIC Brands USA MANUFACTURER ON January 4, 2017	
*		~ See more answers (2)	
	Question:	So it's a dollar more to get the gray one? What am I missing? They both hold four utensils, right?	
1 vote	Answer:	I would say it is the neutral GRAY would be preferable to some than the "lime green" color. SO demand for GRAY – qualifies for \$1 price diff! By Barb on July 9, 2019	
		- See more answers (2)	
	Question:	Will it hold a lid? I saw one on FB where you can rest the lid on the "short" side of the holder	
0 votes	Answer:	only in theory, or maybe if its a small lid. Holder should be larger. By MrQ on December 30, 2019	

See more answered questions (16)

Cust	omer	rovio	MAIC
cust	omer	revie	VV5

6,532 global ratings	ut of 5
	_
5 star	80%
4 star	14%
3 star	5%
2 star	1%
1 star	1%
V How customer review	vs and ratings work.

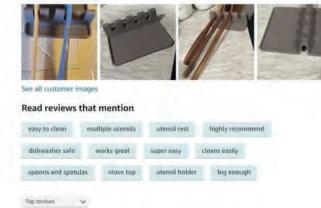
#### By feature

Versatility	**** 5.0
Durability	***** 4.9
Easy to use	**** 4.8
✓ See more	

#### **Review this product**

Share your thoughts with other customers

Write a customer review



#### Top reviews from the United States

**Reviews with images** 

Nancy McKenzie
Reviewed in the United States us on April 23, 2023 Color: Gray Verified Purchase
I like this item. Keeps the cooking utensil I'm using contained which keeps the mess the contained.
Helpful Report
The Spencers
Reviewed in the United States us on March 3, 2023 Color: Gray Verified Purchase
I always used to get a saucer out to hold all the utensils. This is so nice because it holds more utensils than the saucer did, and it keeps them organized so the raw meat fork isn't touching the rest of the utensils. I LOVE ITI I put it on the top rack of the dishwasher, and it comes out perfect every time. I'm thinking about gifting this
One person found this helpful
Helpful Report
SPOT

#### \*\*\*\*\* Is exactly what it says

Reviewed in the United States us on February 16, 2023

Color: Gray Verified Purchase

I have been looking for a spoon rest for a couple of years now. This is just exactly what I wanted I just wish it was made of some type of pottery or glass. It is like that silicone stuff so it is great but not the prettiest thing. That being said, it does its' job and is great in every other way!

Helpful Report

#### Brian H

 Creat item.

 Reviewed in the United States us on March 31, 2023

 Color: Gray
 Verified Purchase

 use it all the time and it keeps the counter clean.

Helpful Report

#### EvaMc

A years and counting
Reviewed in the United States us on March 19, 2023
Color: Gray
Verified Purchase
Bought it about 4 years ago. Stays next to my stove and is used on a regular basis. Goes in the dishwasher.
No damage yet. Perfect!
Helpful
Report
Report

Deborah

#### \*\*\*\*\* 4space spoon test

Reviewed in the United States us on March 9, 2023 Color: Gray Verified Purchase A 4 place spoon rest, East to clean bends any way you need it to without damage, sturdy and stays put only

moves if you need it to

Helpful Report

argain shopper

\*\*\*\* Love this!

Reviewed in the United States us on January 26, 2023 Color: Gray Verified Purchase

This is easy to clean and use. It holds my utensils well and keeps them off the counter and keeps the counter clean. I can pick it up with my utensil to move to another counter as needed as well. Gifted one to mom at Christmas too.

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Helpful Report

sharislater Serves more than 1 pot Reviewed in the United States us on December 11, 2022 Color: Gray Verified Purchase Good size for stove. I needed it to hold at least 2 spoons. Good product. Helpful Report

See all reviews

#### Top reviews from other countries

Real\_Zenn\_Life

#### \*\*\*\* 1 like this little gadget

Reviewed in Canada ca on February 22, 2021 Color: Gray Verified Purchase

I would recommend this little tray to anyone who needs to use more than one element at a time with a few different spoons or spatulas. It works great and it's easy to clean. I'm very happy.



Report

#### (a) Kat1950

#### \*\*\*\*\* What a great gift!

Reviewed in Canada ca on October 29, 2020 Color: Gray Verified Purchase

I bought it for us but think it would make a great stocking stuffer! Compact. Totally love it. My counter remains clean; a nice change when my husband is doing the cooking. Nice to not have to wash off the counter and stove to remove food debris when he cooks.

Report

### Jennifer

Great product
 Reviewed in Canada cA on May 16, 2020
 Color: Gray
 Verified Purchase

I just love this in my tiny kitchen. Helps keep my counter cleaner and can just throw this in the sink or top rack of dishwasher.

One person found this helpful

Report

#### AmazonLaurie Customer

Works great
 Reviewed in Canada c4 on January 1, 2020
 Color: Gray Verified Purchase

It was a gift for my mom and she absolutely loved it,her husband also was eying it up said it would be good for some of his tools lol

Report

## Kay M

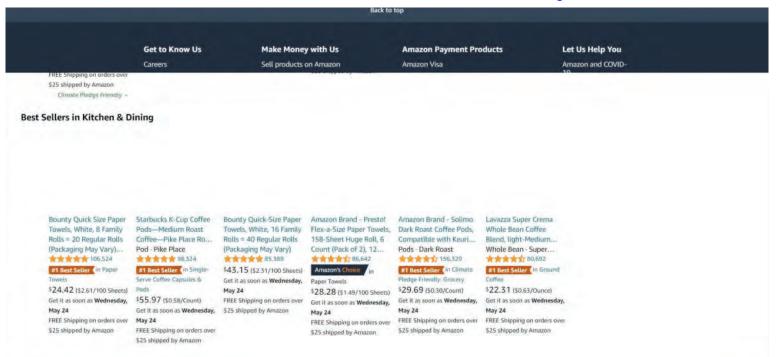
Reviewed in Canada ca on July 31, 2021 Color: Gray Verified Purchase

Previously bought this around Christmas and loved it so much that when we use it so often that washing it everytime we cook seemed to make it slightly difficult. The second one is to swap out when the first when is headed for the wash.

Report

See all reviews

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			KITCH
	OMPANY COVALTY		
1275		1103	1084
Pineapple Slicer & Wedger	365	Citrus Peoler	Strawberry Holler
Fasily create delicious tirte-size chunks!	Pineapple Slicer	Easy peasy peeling!	Cess waste more berryl
	In 30 seconds a treshily skeed pineapple		
364	1714	17426	947
Melon Slicer	Fruit Sel	Coconut Opener	Garlic Press
Slice, scoop and servel	Quickly prepare all of your tavonte: Truts	Divide coronut into equal halves	Scrape the maximum out of your garlied
	muts		
1228	1093	361	2360
Double Mortar & Pestle	Cheese Grater	Jar Opener	Cutting Board & Tray
The unpolished interior of the mostar ensures effective grinding	Great-Great-Grater	Open vacuum seal jais with a gentle lift	Counter intellegence!
362	363	359	1589
Nut Cratker	Slice & Catch	Cool Plate	Quick Skewer XL
Ergonomically shaped cracker makes	No michigan is only as the Char B	Tist Coal Distances the	Cofe and A or advectments of
Figuriormically shaped chacker makes for an easy squeeze	No mustricom is safe as the Slice & Catch works easy and ran be used by anyonel	The Cool Plate creates optimal servicity conditions outside of your findge	Sate and fun skewering!
Dates	- Para	Depr	Para
Instant Marinater 1.31	Instant Marinater 2.51	Vacuum Coffee Saver 1.3L	Vacuum Container (Small - 0,65
			anenditi contantisi faman, alaa
Marinates and tendenzes in minutes	With the Instant Mannater you are always prepared for those last-minute barbecues!	Keeps your coffee flavor and aromas!	Keeps food fresh longer
356	355	21804	
Vacuum Container (Medium -	Vacuum Container (Large - Z.3L)	Vacuum Pump Large	
130	annan canna fearBe	and and a start and a start a	1213
Suitable for an sensitive foods	Vacuum guoranteest design!	Large pump to get the air out quickly	PopSome Candy & Huts
			Unique airtight pop-up lid for easy and hygienic dispensing.
1270	1570	21271	1578
PopSome Sugar & Rice	PopSome Flavor	PopSome Herbs & Spices	PopSome Cake Decorating Set
Airtight storing and quick dispensing	Make, shake & pour!	Pop for easy access to your herbs and spices in order to add more taste to	Open decorating fun with a 'POP'
		your favorite dishes	
1274	D1602	21007	1 1 1 2 7 2
Banana Box	Tomato Box	Kiwi Box	Citrus Carafe - Juicer & Squeeze
ballana ess	Protects grapes, tomatoes and chemies	Protects your kiwi from bruising	Press, squeeze and serve - all in one!
Foldable design protects any banana			
Foldable design protects any banana Cutting edge design!			
Foldable design protects any banansi Cutting edge design!	1194	1227	1121
Cutting edge design!	Serve & Stack	2227 Bread & 01p	Foldable Trivet
Cutting edge design!			
S353 Active Cooling Carate Active cooling carate	Serve & Stack	Bread & Dip Dne bowl holds bread; oils, cutting	Foldable Trives
Cutting edge design! 353 Active Cooling Carate Active cooling elements keeps dunks used for hours!	Serve & Stack Set the table with this set of nexting bowls	Bread & Dip Dire bowl holds bread, oils, cutting bitand and cover	Foldable Trives fakes up intile space
Cutting edge design! 353 Active Cooling Carate Active cooling elements keeps dunks cool for hours! 1579	Serve & Stack Set the table with this set of nexting bowds	Bread & Dip Dire bowl holds bread, oils, cutting bibard and cover	Foldable Trivel Takes up intile space
Cutting edge design! 353 Active Cooling Carate Active cooling elements keeps dunks cool for hours! 1579 Trivet Rings	Serve & Stack Set the table with this set of nexting books	Bread & Dip Dire bowl holds bread, oils, cutting board and cover <sup>1</sup> 2587 Pasta Spoon *Timer	Foldable Trives Takes up intile space  1582  Turner + Tongs
Cutting edge design! 353 Active Cooling Carate Active cooling elements keeps dunks cool for hours! 1579	Serve & Stack Set the table with this set of nexting bowds	Bread & Dip Dire bowl holds bread, oils, cutting bibard and cover	Foldable Trivel Takes up intile space
Cutting edge design! 353 Active Cooling Carate Active cooling elements keeps dunks cool for hours! 1579 Trivet Rings Fits under pots & parts and clicks	Serve & Stack Set the table with this set of itesting books  Egg Pillows  The satest way to serve your boiled	Bread & Dip Dire bowl holds bread, oils, cutting board and cover <sup>1</sup> 2587 Pasta Spoon *Timer	Foldable Trives Takes up intile space  1582  Turner + Tongs

Slice and peel	Safe and easy peel	Grate and peel	Grate the skin for the zing
1583	1590	1584	1581
Vegetable Knife +Bruzh	Apple Corer -Knile	Whisk - Brush	Cake Server +Divider
Veggie prep	Core and peel the easy way	Pastry tool	Divide, slice and serve
	1		
24022			
Utensil Rezi			
Reeps your countertop clean			
Keeps your countertop clean			
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Reeps your tountettop clean			o (* )

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#### Goes well with



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\$25 shipped by Amazon

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3

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#### Compare with similar items



### Case 2:23-cv-00128-ABJ Document 1 Filed 07/18/23 Page 85 of 242

	This item Tomorrow's Kitchen Silicone Utensil Rest, Grey (46703606)	Dip Clip Bowl Plate Holder -8pcs Color Plastic Dish Chip And Dip Serving Set For Spice Tomato Sauce Salt Veggle Vinegar Ketchup Chips - Chip Clips Holders Cup Paper Plate Holder Condiment Cups Dipping	NileHome Silicone Spoon Rest for Kitchen Counter with 6 Slots - Spoon Holder with Drip Pad Heat-Resistant BPA-Free Kitchen Utensil Holder Multiple Spoon Holder for Stove Top Kitchen Utensil Rest	Silicone Utensil Rest with Drip Pad for Multiple Utensils, Heat-Resistant, Spoor Rest & Spoon Holder for Stove Top, Kitchen Utensil Holder for Ladles, Tongs & More - by Zulay (Gardenia)
		Add to Cart	Add to Cart	Add to Cart
Customer Rating	***** (6563)	***** (3374)	**** (259)	***** (3160)
Price	From \$15.55	\$ <b>9</b> 99	\$449	\$799
Shipping	*	FREE Shipping on orders over \$25.00 shipped by Amazon or get Fast, Free Shipping with Amazon Prime	FREE Shipping on orders over \$25.00 shipped by Amazon or get Fast, Free Shipping with Amazon Prime	FREE Shipping on orders over \$25.00 shipped by Amazon or get Fast, Free Shipping with Amazon Prime
Sold By	Available from these sellers	ieasycan	NileHome US	Zulay Deals
Color	Gray	mixed	Gray	Gardenia
Material	Silicone	Plastic	Silicone	Silicone

#### **Product Description**

The Tomorrow's Kitchen Utensil Rest keeps your countertops clean and your utensils organized. This smart kitchen helper is made from non-slip silicone and is designed to hold multiple utensils at once. The raised notches offer a place for up to 4 cooking utensils at once and can even hold your spring-tongs in place! The raised edges keep spills contained on the rest, and not on your countertop. Available in green or gray.

#### **Product information**

Product Dimensions	5.5 x 1 6 x 5.5 inches
ltem Weight	3.52 ounces
Manufacturer	Vacu Vin
ASIN	B01HNZYMSA
Item model number	46703606
Customer Reviews	4.7 ★★★★☆ 6,563 ratings 4.7 out of 5 stars
Best Sellers Rank	#49,448 in Kitchen & Dining (See Top 100 in Kitchen & Dining) #150 in Spoon Rests
Is Discontinued By Manufacturer	No
Date First Available	June 28, 2016

#### Feedback

Would you like to tell us about a lower price? -

#### Videos

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Videos for this product

Videos for related products



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### Looking for specific info?

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#### **Customer questions & answers**

. Question: What is the difference between the grey/green and limited edition? 1 Not sure on the difference however the gray is cool love it Answer: vote By Laura Warrell on February 18, 2019 - See more answers (2)

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### Case 2:23-cv-00128-ABJ Document 1 Filed 07/18/23 Page 86 of 242

1 vote	Question:	What are the dimensions?
	Answer:	Thanks for your question - the dimensions for this utensil rest are: 5.5 x 5.5 x 1.6 inches By IIC Brands USA MANUFACTURER on January 4, 2017
		<ul> <li>See more answers (2)</li> </ul>
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	Question:	Will it hold a lid? I saw one on FB where you can rest the lid on the "short" side of the holder
0 votes	Answer:	only in theory, or maybe if its a small lid. Holder should be larger. By MrQ on December 30, 2019

See more questions

#### **Customer reviews**

6,563 global ratings	
5 star	80%
4 star	14%
3 star	5%
2 star	1%
1 star	1%

### By feature

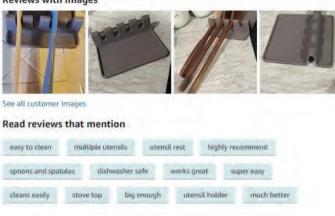
Durability	***** 4.9
Easy to use	***** 4.8
Easy to clean	**** 4.8

#### **Review this product**

Share your thoughts with other customers

Write a customer review

#### **Reviews with images**





#### Top reviews from the United States

-	
(23)	Rhonda
1000	

#### \*\*\*\* Perfect holder

Reviewed in the United States on May 17, 2023 Color: Gray Verified Purchase

It holds many sizes of spoons, spatulas, etc. Easy to clean and store.



#### SPOT

#### \*\*\*\*\*\* Is exactly what it says

Reviewed in the United States on February 16, 2023



I have been looking for a spoon rest for a couple of years now. This is just exactly what I wanted I just wish it was made of some type of pottery or glass. It is like that silicone stuff so it is great but not the prettiest thing. That being said, it does its' job and is great in every other way!

Helpful Report

#### Nancy McKenzie

#### \*\*\*\*\* Nice range addition

Reviewed in the United States on April 23, 2023 Color: Gray Verified Purchase

I like this item. Keeps the cooking utensil I'm using contained which keeps the mess the contained.

Helpful Report



#### \*\*\*\* Does what it says!

Reviewed in the United States on March 3, 2023

Color: Gray Verified Purchase

I always used to get a saucer out to hold all the utensils. This is so nice because it holds more utensils than the saucer did, and it keeps them organized so the raw meat fork isn't touching the rest of the utensils. I LOVE IT! I put it on the top rack of the dishwasher, and it comes out perfect every time. I'm thinking about glifting this......

One person found this helpful

Helpful Report

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### Case 2:23-cv-00128-ABJ Document 1 Filed 07/18/23 Page 87 of 242

Reviewed in the L Color: Gray Ver	Inited States on March 19, 2023. Ified Purchase
Bought it about 4 No damage yet. P	i years ago. Stays next to my stove and is used on a regular basis. Goes in the dishwashe lerfect!
Helpful	Report
Brian H	
***** Gre	at item.
	Inited States on March 31, 2023
Color: Gray Ver	
use it all the time	and it keeps the counter clean.
Helpful	Report
Deborah	
***** 450	ace spoon test
Reviewed in the L	Inited States on March 9, 2023
Color: Gray Ver	
A 4 place spoon n moves if you need	est, East to clean bends any way you need it to without damage, sturdy and stays put of d it to
Helpful	Report
(a) bargain sho	pper
	Inited States on January 26, 2023
	an and use. It holds my utensils well and keeps them off the counter and keeps the
	an pick it up with my utensil to move to another counter as needed as well. Gifted one t
Helpful	Report
See all reviews >	
Translate all revi	ews to English
Ryan D	
	loes it job perfectly
	ralia on March 19, 2020
Color: Gray Ver	
Excellent produt	
Report	
Noemi Cort	es Larios
***** Bue	enisimo
	co on September 4, 2022
Color: Gray Ver	
	raba, fácil de lavar y muy funcional.
Report.	to Faalish
Translate review t	A English
Кау М	
**** Rou	
	da on July 31, 2021
Color: Gray Ver Previously bough	ned Purchase t this around Christmas and loved it so much that when we use it so often that washing k seemed to make it slightly difficult. The second one is to swap out when the first whe
everytime we room	
everytime we coo is headed for the	
is headed for the	
is headed for the Report	at a great gift!
is headed for the Report. Kat1950	da on October 29, 2020

I bought it for us but think it would make a great stocking stuffer! Compact, Totally love it. My counter remains clean; a nice change when my husband is doing the cooking. Nice to not have to wash off the counter and stove to remove food debris when he cooks.

Report

Real\_Zenn\_Life
 Real\_Xenn\_Life
 this little gadget

### Case 2:23-cv-00128-ABJ Document 1 Filed 07/18/23 Page 88 of 242

Reviewed in Canada on February 22, 2021

Color: Gray Verified Purchase

I would recommend this little tray to anyone who needs to use more than one element at a time with a few different spoons or spatulas. It works great and it's easy to clean. I'm very happy.



Report

See all reviews -

### Customers who bought this item also bought these All-Purpose Household Cleaners



**TOPIST Angry Mama** Microwave Cleaner Angry Morn Microwave \*\*\*\* 7,635 2K+ bought in past month



List: 515.99 Get it as soon as Saturday, Jul 22 FREE Shipping on orders over \$25 shipped by Amazon



Microwave Oven Cleaner Kitchen Gadget Water... \*\*\*\*\*\*\*\*\*\*\*\*\* oht in past m

Amazon's Choice in All-Purpose Household Cleaners \$6.49 (\$6.49/Count) Get it as soon as Sunday, Jul 23 FREE Shipping on orders over \$25 shipped by Amazon



Asltw Angry Mama Microwave Oven Cleaner, Fast Action Steam Kitchen Gadget, Just A... \*\*\*\*\*\* 1,246 50+ bought in past month \$5.99 (\$5.99/count) Get it as soon as Saturday. Jul 22 FREE Shipping on orders over \$25 shipped by Amazon



Microwave Oven Cleaner, Fast Action Steam Kitchen Gadget, Just Add Vinegar and Water (Blue) \*\*\*\* 1,246 55.99 (\$5.99/Count) Get it as soon as Saturday. Jul 22 FREE Shipping on orders over \$25 shipped by Amazon

Stardrops - The Pink Stuff - The Miracle All Purpose Cleaning Paste \*\*\*\* 163,351 100K+ bought in past month

PUNK

#1 Best Seller (in All-Purnose Household Cleaners \$5.97 (\$0.34/Ounce)

Get it as soon as Saturday, Jul 22 FREE Shipping on orders over 525 shipped by Amazon





with Foaming Action, Removes Build-up and ... \*\*\*\*\* 39,629 30K+ bought in past mor

\$3.78 (\$0.77/Ounce) Get it as soon as Saturday.

Jul 22 FREE Shipping on orders over \$25 shipped by Amazon

#### Best Sellers in Kitchen & Dining



Bounty Quick Size Paper Towels, White, 8 Family Rolls = 20 Regular Roll ... \*\*\*\*\* 109,609 100K+ bought in past month #1 Best Seller (in Paper \$24 42 Get it as soon as Saturday, Jul 22

FREE Shipping on orders over

Popular products based on this item

\$25 shipped by Amazon

1

<



Dark Roast Coffee Pods. Compatible with Keuri... 40K+ bought in past month #1 Best Seller (in Climate Pledge Friendly: Grocery \$24.85 (\$0.25/Count) Get it as soon as Saturday, Jul 22 FREE Shipping on orders over \$25 shipped by Amazon

Starbucks K-Cup Coffee Pods-Medium Roast

Coffee-Pike Place Roast for Keurig Brewers-黄黄黄黄 132,231 20K+ bought in past month \$49.32 (\$0.51/Count) Get it as soon as Saturday, Jul 22 FREE Shipping on orders over \$25 shipped by Amazon



Stanley Quencher H2.0 FlowState Stainless Steel Vacuum Insulated Tumbler with Lid and. ★★★☆☆2 #1 Best Seller (In Kitchen

\$45.00 Get it as soon as Saturday, Jul 22

FREE Shipping on orders over \$25 shipped by Amazon



Amazon Brand - Prestol Flex-a-Size Paper Towels, 158 Sheet Huge Roll, 1... \*\*\*\*\* 87,266 00K+ bought in past month

Amazon's Choice in Paper Towels \$28.28 (\$1.49/100 Sheets) Get it as soon as Saturday, Jul 22 FREE Shipping on orders over



Towels, White, 16 Family Rolls = 40 Regular Rolls (Packaging May Vary) 100K+ bought in past me \$43.49 (\$2.32/100 Sheets) Get it as soon as Saturday, Jul 22

FREE Shipping on orders over \$25 shipped by Amazon



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Page 1 of 8

Page 1 of 2



Silicone Utensil Rest by Kasian House - Extra Large Kitchen Spoon Rest with Drip Pad ... 0+ bought in past Amazon's Choice on Rests





50+ bought in past

\$7.99-\$9.99



Sponge Holders, Kitchen \$5.99-\$8.99



Rolin Roly Spoor Storage Resin Mold Holder Epoxy Mould Multiple Utensil Rest Silicone Molds... \*\*\*\*\* \$17.97 Get it as soon as Saturday. Jul 22

FREE Shipping on orders over \$25 shipped by Amazon Only 4 left in stock - order....



\$25 shipped by Amazon

Utensil Organizer, Silicone Spoon Rest. Kitchen Utensil Holder, Spoon Rest for Stove Top, Spoon and Spatula Holder, Utensil Caddy,... \*\*\*\* 179 \$5.99-\$6.19



Food Grade Silicone Spoon/Utensil Rest. black \$4.99 Get it as soon as Saturday, Jul 22 FREE Shipping on orders over

\$25 shipped by Amazon





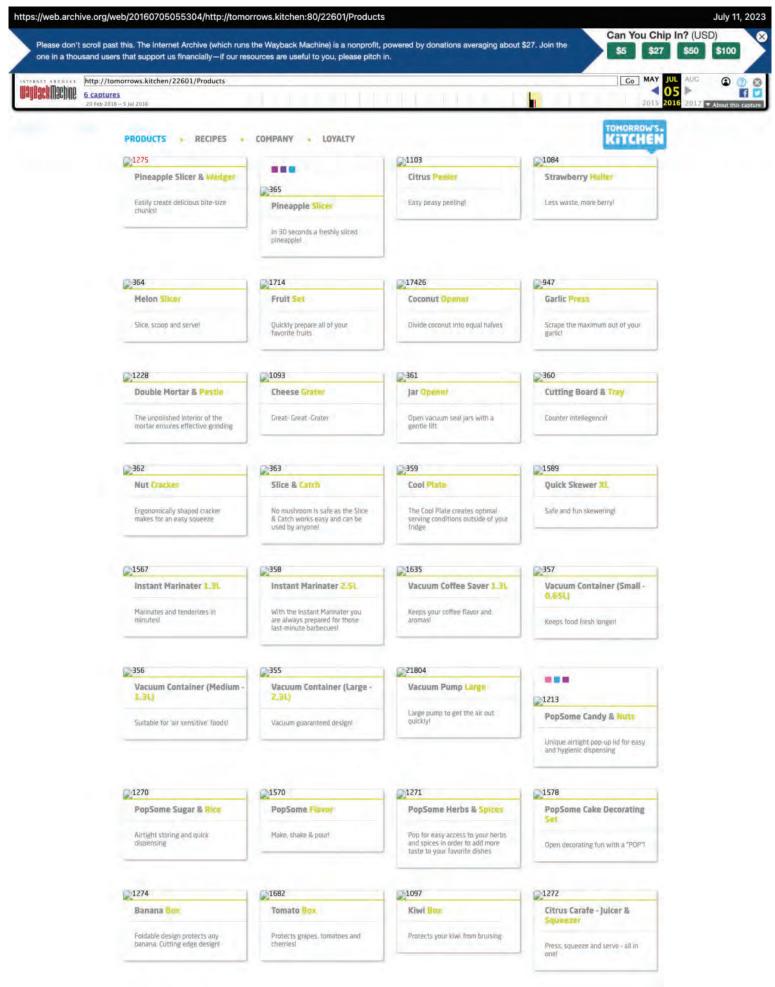






See personalized recommendations

### Case 2:23-cv-00128-ABJ Document 1 Filed 07/18/23 Page 90 of 242



353	21194	1227	1121
Active Cooling Carate	Serve & Stack	Bread & Dip	Foldable Trivet
Active cooling elements keeps drinks cool for hours!	Set the table with this set of nesting bowls-	One bowl: holds bread, oils, cutting board and cover!	Takes up little space
1579	1109	1587	1582
Trivet Rings	Egg Pillows	Pasta Spoon +Timer	Turner +Tongs
Fits under pots & pans and clicks together!	The cutest way to serve your boiled egg!	Measure, time and scoop	Flip and grab
1535	21277	1588	1590
Cheese Slicer + Rind Peeler	Peeler +Holder	Kitchen +Nutmeg Grater	Citrus Grater +Zester
Slice and peel	Safe and easy peel	Grate and peel	Grate the skin for the zingl
1583	1580	1584	1581
Vegetable Knife +Brush	Apple Corer +Knite	Whisk +Brush	Cake Server +Divider
Veggie prep	Core and peel the easy way!	Pastry tool	Divide, slice and serve
24022			
Utensil Rest			
Keeps your countertop clean			

Brochure	I ( ( ( ( ( ( ( ( ( ( ( ( ( ( ( ( ( ( (
Offices	
Contact	

DocCode - PATENT.GRANT

# SCORE Placeholder Sheet for IFW Content

# Application Number: 29625265

Document Date: 12/15/2020

The presence of this form in the IFW record indicates that the following document type was received in electronic format on the date identified above. This content is stored in the SCORE database.

Since this was an electronic submission, there is no physical artifact folder, no artifact folder is recorded in PALM, and no paper documents or physical media exist. The TIFF images in the IFW record were created from the original documents that are stored in SCORE.

Patent Grant with Color/Grayscale Drawings

At the time of document entry (noted above):

- USPTO employees may access SCORE content via DAV or via the SCORE web page.
- External customers may access SCORE content via PAIR using the Supplemental Content tab.

Case 2:23-cv-00128-ABJ Document 1 Filed 07/18/23 Page 93 of 242

### UNITED STATES PATENT AND TRADEMARK OFFICE

A CONCEPTION OF THE PARTY OF TH			UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Boy 1450 Alexandria, Virginia 22313-1450 www.uspto.gov		
APPLICATION NO.	ISSUE DATE	PATENT NO.	ATTORNEY DOCKET NO.	CONFIRMATION NO	
29/625.265	12/15/2020	D904832	VVI.001USP	5612	
155876 7590	11/24/2020				

Peretz Chesal & Herrmann, P.L. 2 S. Biscayne Blvd., Suite 3700 Miami, FL 33131

STENT AND TO

## **ISSUE NOTIFICATION**

The projected patent number and issue date are specified above.

### Determination of Patent Term Extension or Adjustment under 35 U.S.C. 154 (b)

Design patents have a term measured from the issue date of the patent and the term remains the same length regardless of the time that the application for the design patent was pending. Since the above-identified application is an application for a design patent, the patent is not eligible for Patent Term Extension or Adjustment under 35 U.S.C. 154(b).

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 Application Assistance Unit (AAU) of the Office of Data Management (ODM) at (571)-272-4200.

APPLICANT(s) (Please see PAIR WEB site http://pair.uspto.gov for additional applicants):

Rui Medeiros Santos, Rotterdam, NETHERLANDS; Vacu Vin Innovations Ltd., Delfgauw, NETHERLANDS; Sandra van Oosterbaan-Rijnen, Barendrecht, NETHERLANDS; Delphine Buyse, Voorburg, NETHERLANDS;

The United States represents the largest, most dynamic marketplace in the world and is an unparalleled location for business investment, innovation, and commercialization of new technologies. The USA offers tremendous resources and advantages for those who invest and manufacture goods here. Through SelectUSA, our nation works to encourage and facilitate business investment. To learn more about why the USA is the best country in the world to develop technology, manufacture products, and grow your business, visit <u>SelectUSA.gov</u>. IR103 (Rev. 10/09)

Complete and send this By mail, send to:	form, together with the Mail Stop ISSUE FE Commissioner for Pa P.O. Box 1450	applicable E	T B – FEE(S) T fcc(s), by mail or			By fa	ax, send to:	(571) 273-2885
All further correspondence	Alexandria, VA 223 m should be used for transm including the Patent, advar d otherwise in Block 1, by	itting the ISS ce orders and	notification of mainte	enance fees w	ill be mailed to	o the current con	rrespondence ad	dress as indicated unless
notifications.	DENCE ADDRESS (Noice: Us Herrmann, P.L Ivd., Suite 3700	Block Í for a		Note: A Fee(s) Tr papers. E have its o I hereby States Po addressed	certificate of ansmittal. This each additional own certificate Certify that thi ostal Service w d to the Mail St	mailing can on s certificate can l paper, such as of mailing or th ifficate of Mail is Fee(s) Transm ich sufficient pe top ISSUE FEE	ly be used for d not be used for a an assignment ansmission. ing or Transmit rittal is being do ostage for first cl address above, c	omestic mailings of the my other accompanying or formal drawing, must
					Alvarez	-		(Typed or printed name)
				/s/ Alber	to Alvarez	1997		(Signature)
				April 10	, 2020			(Date)
APPLICATION NO	FILING DATE	1	FIRST NAMED IN	L		ATTORNEY DO	CKET NO I	CONFIRMATION NO
29/625,265	11/08/2017		Rui Medeiros			VVI.001L		5612
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Address" (37 CFR 1.363) Change of correspondence Ad Correspondence Ad The Fee Address" indict form PTO/SB/47; f attached. Use of a C ASSIGNEE NAME A	ce address or indication of dence address (or Change o dress form PTO/SB/122) au ation (or "Fee Address" Indi Rev 03-09 or more recent) Customer Number is requi ND RESIDENCE DATA To ess an assignce is identified	r ached. (2 cation red. D BE PRINTI	A R. D. L. BERNELLER FOR THE REAL PROPERTY OF	3 registered natively, le firm (havin ey or agent) a patent attorne no name will T (print or typ	patent attorney ng as a member nd the names o sysor agents. If be printed.	2. 5 3.	elow the docum	ent must have been
Previously recorded, o (A) NAME OF ASSI Please check the appropriate 4a, Fees Submitted: 4b. Method of Payment (Pl Electronic Payment of	r filed for recordation, as set GNEE : assignee category or catego ] Issue Fee Public: !ease first reapply any previ	forth in 37 C pries (will not ation Fee (ifre ous ly paid fee sed check	FR 3.11 and 37 CFR 3 (1 be printed on the pate quired) Adve eshown above):	3.81 (a). Comp B) RESIDEN int): Indiv ince Order - 6 payment by co	vidual Cor control cor of Copies redit card (Atta	form is NOT as a distance of CO	ubstitute for filir DUNTRY) er private group 038)	ig an ässignment.
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	signed in accordance with :	7 CFR 1.31 a	and 1.33. See 37 CFR	1.4 for signat	ure requiremen	ts and certificat	ions.	
NOTE: This form must be	-	Authorized Signature /s/Alberto Alvarez						
	and the second states of the				Date 4/	10/2020		

### OMB Clearance and PRA Burden Statement for PTOL-85 Part B

The Paperwork Reduction Act (PRA) of 1995 requires Federal agencies to obtain Office of Management and Budget approval before requesting most types of information from the public. When OMB approves an agency request to collect information from the public, OMB (i) provides a valid OMB Control Number and expiration date for the agency to display on the instrument that will be used to collect the information and (ii) requires the agency to inform the public about the OMB Control Number's legal significance in accordance with 5 CFR 1320.5(b).

The information collected by PTOL-85 Part B is required by 37 CFR 1.311. 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 30 minutes 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, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450. Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

### 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. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

- The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
- A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
- A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
- 4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
- A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
- 6. A record in this system of records may be disclosed, as a routine use, to 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)).
- 7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
- 8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
- A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

A REAL PROPERTY OF COMMENT			UNITED STATES DEPARTMENT United States Patent and Trade Address: COMMISSIONER FOR P. P.O. Box 1450 Alexandria, Virgina 22313-1450 www.aspto.gov	mark Office ATENTS
APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION N
29/625.265	11/08/2017	Ruí Medeiros Santos	VVI.001USP	5612
155876 Peretz Chesal &	590 04/02/2020		EXAM	INER
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2 S. Biscayne B				
2 S. Biscayne B Miami, FL 3313			ART UNIT	PAPER NUMBER
A set the set of th			ART UNIT 2912	PAPER NUMBER
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### 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.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patents@pch-iplaw.com

UNITED STATES PATENT AND TRADEMARK OFFICE



Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450 www.uspto.gov

In re Application of Medeiros Santos et al. Application No. 29/625,265 Filed: 8 Nov 2017 For: UTENSIL REST

DECISION ON PETITION

### CORRECTED DECISION<sup>1</sup>

This is a decision on the renewed petition filed February 28, 2020, under 37 CFR  $1.137(a)^2$ , to revive the above-identified application.

The petition is GRANTED.

This application became abandoned July 16, 2019 for failure to timely pay the issue fee in response to the Notice of Allowance Mailed April 15, 2019, and to submit a properly executed inventor's oath or declaration in response to the Notice Requiring Inventor's Oath or Declaration mailed June 25, 2019. Accordingly, a Notice of Abandonment was mailed July 31, 2019. A petition to revive was filed August 20, 2019 but was not filed with the total required for the petition fee, a properly signed oath or declaration or a terminal disclaimer. The petition was dismissed in a decision mailed December 30, 2019.

Thereafter, on January 27, 2020, a request under 37 CFR 1.48(d) was submitted to correct the inventorship and was accepted as evidenced by the corrected filing receipt mailed February 5, 2020.

Comes now petitioner with the instant renewed petition with the balance of the fees due for the issue fee and a Terminal Disclaimer and fee.

All other requirements of 37 CFR 1.137(a) having now been met including the terminal disclaimer and the required fee, this matter is being referred to the Publishing Division.

<sup>&</sup>lt;sup>1</sup>The decision mailed March 31, 2020 is hereby vacated and replaced with this decision.

<sup>&</sup>lt;sup>2</sup>Effective December 18, 2013, a grantable petition under 37 CFR 1.137(a) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d) and (4) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unintentional; and . Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D).

Application No. 29/625,265

Telephone inquiries concerning this matter should be directed to the undersigned Attorney at (571) 272-3212.

/Patricia Faison-Ball/

Patricia Faison-Ball ATTORNEY ADVISOR, OPET

Application Number	Application/Control N 29/625,2	Reexamination
Document Code -	Inte	ernal Document – DO NOT MAIL

TERMINAL DISCLAIMER	APPROVED	DISAPPROVED
Date Filed: 2/28/2020	This patent is subject to a Terminal Disclaimer	

Approved/Disapproved by:	
Petition decision 3/31/2020	
Patricia Faison-Ball	

U.S. Patent and Trademark Office

### Case 2:23-cv-00128-ABJ Document 1 Filed 07/18/23 Page 100 of 242



# United States Patent and Trademark Office

Office of the Chief Financial Officer

Document Code:WFEE User :C48879 Sale Accounting Date:03/31/2020

Sale Item Reference Number Effective Date 29625265 02/08/2020 Payment Method Document Number Fee Code Fee Code Description Amount Paid I20203UC58556144 1453 PET. REVIVE ABANDON APP, \$1,700.00 Salea DELAY PYMT-RESP I20203UC58556144 1453 Salea PET. REVIVE ABANDON APP, \$300.00 **DELAY PYMT-RESP** 

A COMPANY OF COMPANY			UNITED STATES DEPARTMENT United States Patent and Trade Address: COMMISSIONER FOR P. P.O. Box 1450 Alexandria, Virgina 22313-1456 www.uspto.gov	mark Office ATENTS
APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION N
29/625,265	11/08/2017	Rui Medeiros Santos	VVI.001USP	5612
155876 7590 03/31/2020 Peretz Chesal & Herrmann, P.L. 2 S. Biscayne Blvd., Suite 3700			EXAMINER	
			PATYK, JAN	NCE JULIA
2 S. Biscayne B		Miami, FL 33131		
[1] S. K. Yen, in Article "Additional	1		ART UNIT	PAPER NUMBER
1. C. Merrins, Article 7 Mathematics	1		ART UNIT 2912	PAPER NUMBER
1. C. C. Martin, Andrew C. Martin, J.	1			PAPER NUMBER

### 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.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patents@pch-iplaw.com

UNITED STATES PATENT AND TRADEMARK OFFICE



Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450 www.upto.gov

In re Application of Medeiros Santos et al. Application No. 29/625,265 Filed: 8 Nov 2017 For: UTENSIL REST

DECISION ON PETITION

This is a decision on the renewed petition filed February 28, 2020, under 37 CFR 1.137(a)<sup>1</sup>, to revive the above-identified application.

The petition is DISMISSED.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(a)." This is not a final agency action within the meaning of 5 U.S.C. § 704.

This application became abandoned July 16, 2019 for failure to timely pay the issue fee in response to the Notice of Allowance Mailed April 15, 2019, and to submit a properly executed inventor's oath or declaration in response to the Notice Requiring Inventor's Oath or Declaration mailed June 25, 2019. Accordingly, a Notice of Abandonment was mailed July 31, 2019. A petition to revive was filed August 20, 2019 but was not filed with the total required for the petition fee, a properly signed oath or declaration or a terminal disclaimer. The petition was dismissed in a decision mailed December 30, 2019.

Thereafter, on January 27, 2020, a request under 37 CFR 1.48(d) was submitted to correct the inventorship and was accepted as evidenced by the corrected filing receipt mailed February 5, 2020.

<sup>&</sup>lt;sup>1</sup>Effective December 18, 2013, a grantable petition under 37 CFR 1.137(a) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d) and (4) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unintentional; and . Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D).

### Case 2:23-cv-00128-ABJ Document 1 Filed 07/18/23 Page 103 of 242

Application No. 29/625,265

Page 2

However, Rule 37 CFR 1.312 prohibits amendments after the payment of an issue fee. Therefore, as the request for correction of inventorship is an amendment, a petition to withdraw the application from issue pursuant to 37 CFR 1.313 and an express abandonment in favor of a Continued Prosecution Application (CPA) since this is a design application, was required for treatment of the request under 37 CFR 1.48(d).

While the renewed petition has been filed with the balance of the petition fee and a Terminal Disclaimer, the petition is not grantable without the petition to withdraw the application from issue pursuant to 37 CFR 1.313 and an express abandonment in favor of a Continued Prosecution Application (CPA).

The application will therefore remain in an abandoned status until such time as a grantable petition to revive under 37 CFR 1.137(a) has been filed, including a re-filed Terminal Disclaimer because in view of the dismissal of this petition, the Terminal Disclaimer filed with the instant petition will be disapproved.

Petitioner should note that submission of any renewed petition without the required reply will be construed as intentional delay.

Further correspondence with respect to this matter should be addressed as follows:

By mail:	Mail Stop PETITIONS Commissioner for Patents Post Office Box 1450
By hand:	Alexandria, VA 22313-1450 Customer Service Window
	Mail Stop Petitions Randolph Building 401 Dulany Street
	Alexandria, VA 22314
By fax:	(571) 273-8300 ATTN: Office of Petitions

Registered Users may also respond by EFS-Web.

Telephone inquiries concerning this matter should be directed to the undersigned Attorney at (571) 272-3212.

/Patricia Faison-Ball/

Patricia Faison-Ball ATTORNEY ADVISOR, OPET Case 2:23-cv-00128-ABJ Document 1 Filed 07/18/23 Page 104 of 242



United States Patent and Trademark Office

Office of the Chief Financial Officer

Document Code:WFEE User :C46989 Sale Accounting Date:03/02/2020

Sale Item Reference Number 29625265

Effective Date 02/28/2020

Amount Paid

\$160.00

Payment Method Credit Card

Document Number 1202032008465601 Fee Code 1814

Fee Code Description STATUTORY OR TERMINAL DISCLAIMER Case 2:23-cv-00128-ABJ Document 1 Filed 07/18/23 Page 105 of 242

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FEB 2 8 2020

20 STATEMENT Application No.: 29/625,265 Group Art Unit: 2912 Filing Date: November 8, 2017 Examiner Janice Julia Patyk Attorney Docket No.: VVI.001USP

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Number: 29/625,265 Confirmation No.: 5612 Filing Date: November 8, 2017 Vacu Vin Innovations Ltd. Applicant; Entitled: UTENSIL REST Examiner: Janice Julia Patyk Group Art Unit: 2912 Attorney Docket No .: VVI.001USP

### STATEMENT IN SUPPORT OF RENEWED PETITION FOR REVIVAL OF APPLICATION FOR PATENT ABANDONMENT UNINTENTIONALLY UNDER 37 CFR 1.137(a)

Commissioner for Patents P.O. Box 1450, Alexandria, Virginia 22313-1450 Facsimile: (571) 273-8300

Dear Commissioner:

In response to the Decision of Petition dated December 30, 2019 in the above-captioned application, please be advised that the Petition is hereby renewed to address the deficiencies cited in the Decision of Petition:

1. On August 20, 2019, a Petition for Revival of Application for Patent Abandoned Unintentionally was filed requesting that Application No. 29/625,265 be revived after the application was abandoned for inadvertently failing to pay the Issue Fee.

2. As set forth in the initial Petition and Statement in support thereof, the delay for the payment of the Issue Fee was entirely unintentional and not in any way the fault of the 02/28/2020 10

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P.004

STATEMENT Application No.: 29/625,265 Group Art Unit: 2912 Filing Date: November 8, 2017 Examiner Janice Julia Patyk Attorney Docket No.: VVI.001USP

applicant, and revival of the application and acceptance of the Issue Fee would serve the interests of fairness and justice. The reasons for the delay, as set forth in the Statement in support of the original Petition, are as follows:

- a. Patent attorney Joseph Englander was a patent attorney at the undersigned's law firm, and was previously attorney of record for this application. Mr. Englander left the law firm to join another firm and accordingly updated the contact information associated with his customer number. After leaving the undersigned's law firm, Mr. Englander no longer represented the applicants.
- b. A Notice of Allowance was issued by the USPTO on April 15, 2019. Because the Notice of Allowance was forwarded to Mr. Englander's new law firm, the undersigned and the applicant did not receive and were not aware of the Notice of Allowance.
- On August 2, 2019, Mr. Englander forwarded to the undersigned the Notice of Abandonment for failure to pay the Issue Fee by the deadline.

3. On December 30, 2019, a Decision on Petition was issued noting deficiencies in the original Petition, including that (1) the full Issue Fee was not included with the Petition, (2) a Terminal Disclaimer was not submitted with the Petition as required by 37 CFR 1.321, and (3) the correction of the name of the first-named inventor must be completed before the Issue Fee is paid.

This Renewed Petition is submitted to address those deficiencies.

5. In order to cure the deficiencies cited in the Decision on Petition, the following is hereby submitted together with this Renewed Petition:

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STATEMENT Application No.: 29/625,265 Group Art Unit: 2912 Filing Date: November 8, 2017 Examiner Janice Julia Patyk Attorney Docket No.: VVI.001USP

 A Terminal Disclaimer pursuant to 37 CFR 1.321, together with payment of the required \$160 fee pursuant to 37 CFR 1.20(d); and

b. Payment of the remaining \$300 balance owed for the Issue Fee.

 Moreover, the correction of the first-named inventor's name was submitted and accepted prior to submitting this Renewed Petition and prior to paying the Issue Fee.

7. Accordingly, the undersigned respectfully requests that the Renewed Petition be granted, that the application be revived, that the USPTO accept the Terminal Disclaimer and remaining \$300 outstanding balance of the Issue Fee, and that a patent thereafter be granted.

Dated February 28, 2020

Respectfully submitted

s/Alberto Alvarez Alberto Alvarez (Reg. No. 69260) Peretz Chesal & Herrmann, P.L. 2 S. Biscayne Blvd., Suite 3700 Miami, Florida 33131 T: 305-341-3000 aalvarez@pch-iplaw.com/patents@pch-iplaw.com

PAGE 5/8 \* RCVD AT 2/28/2020 10:47:17 AM [Eastern Standard Time] \* SVR:W-PTOFAX-003/11 \* DNIS:2738300 \* CSID:305 371 5807 \* ANI:3053716807 \* DURATION (mm-ss):04-55

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TEP	MINAL DISCLAIMER TO ACCOMPANY NDER 37 CFR 1.137 IN A DESIGN APPL FILED ON OR AFTER SEPTEMBER 16	ICATION Docket Number (Optional)		
Applicant:	Vacu Vin Innovations Ltd.			
First named	Inventor: Rui Medeiro Santos			
Application t	No.: 29/625,265			
Filed:	11/8/2017			
For:	UTENSIL REST			
period of abi application to is binding up	hereby disclaims a terminal part of the statutory term of any pa andonment of the instant design application. This disclaimer al- hat contains a specific reference under 35 U.S.C. 120, 121, 36 bon the grantee, and its successors or assigns.	so applies to any patent granted on a continuing design		
I hereby ack than five (5)	nowledge that any willful false statements made are punishabl years, or both.	e under 18 U.S.C. 1001 by fine or imprisonment of not more		
Long to the local division of the local divi	undersigned is the applicant. If the applicant is an essignee, the undersigned is an attorney or agent of record, Reg. No. $\frac{692}{2}$			
	/alberto alvarez/	2/28/2020		
	Signature	Date		
A	Alberto Alvarez	305-341-3000		
	Typed or printed name	Telsphone number		
A	Attorney of record			
	Title			

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This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a banafit by the public, i.e., to prosecute a patient application. Confidentiality is governed by 55 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete. Including gathering, preparing, and submitting the complete 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 Commence, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patenta, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, coll 1-800-PTO-9399 and salect option 2.

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Case 2:23-cv-00128-ABJ Document 1 Filed 07/18/23 Page 109 of 242

Document Code: IMIS

## Notice of Fee Due

29/625,265 Date: 3/2/20

Fees are due for the application or document dated  $\underline{02/28/20}$ . The payment was not 5collectable for the reason indicated below.

Note: If the fee due is for any of the filing fees, the surcharge for late payment of the filing fees is now due as well.

Insufficient payment by check or money order.

No authorization to charge a deposit account. PAR-ELE.004DS

Invalid deposit account number.

User name not listed in deposit account \_\_\_\_at \_\_\_\_ (time).

Insufficient funds in deposit account \_\_\_\_\_at \_\_\_\_(time).

Insufficient payment by credit card.

Declined credit card \_\_\_\_\_ AM \_\_\_(time).

Fee code(s) to be applied:	1502	\$ 700.00
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Amount in holding fee code:		\$
	1622/2622	\$
	1206/2206	S
	1506	\$ 300.00
Total remaining due from applicant:		\$ 400.00

RAM Operator: ST

Rev. 04/10/2013

Case 2:23-cv-00128-ABJ Document 1 Filed 07/18/23 Page 110 of 242

02/28/2020 10:49 PERETZ CHESAL & HERRMANN PL

(FAX)305 371 6807



REPLY to: ALBERT ALVAREZ 305.341.3000 AALVAREZZ@PCH-IPLAW.COM

#### FAX COVER SHEET

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P.001

#### February 28, 2020

FEB 2 8 2020

To: USPTO ATTN: Office of Petitions	Fax: 571-273-8300
From: Erika Montane Legal Assistant for Alberto Alvarez, Esq.	Phone: 305-341-3000
Re: Patent Application No. 29/625,265 Confirmation no.: 5612	

Number of Pages: \_\_\_\_\_\_ including this cover page. If you do not receive all of the pages, please call our operator at (305) 341-3000 as soon as possible. If you do not call, we will assume that all pages were received.

#### COMMENTS:

Attached please find a correspondence dated February 28, 2020, along with enclosures in connection with the above-referenced patent application.

Thank you.

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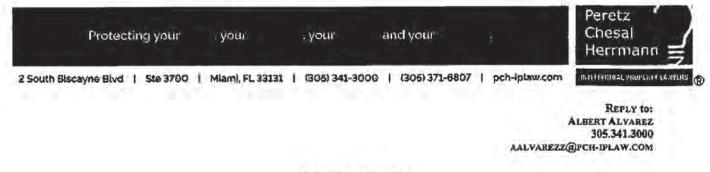
PAGE 1/8 \* RCVD AT 2/28/2020 10:47:17 AM [Eastern Standard Time] \* SVR:W-PTOFAX-003/11 \* DNIS:2738300 \* CSID:305 371 6807 \* ANI:3053716807 \* DURATION (mm-ss):04-56

Case 2:23-cv-00128-ABJ Document 1 Filed 07/18/23 Page 111 of 242

02/28/2020 10:49 PERETZ CHESAL & HERRMANN PL

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February 28, 2020

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Via Facsimile (571) 273-8300

Patricia Faison-Ball Commissioner for Patents 401 Dulany Street Alexandria, VA 22314

> Re: Application No.: 29/625,265 - UTENSIL REST Group Art Unit: 2912 Filing Date: November 8, 2017 Examiner Janice Julia Patyk Attorney Docket No.: VVI.001USP

Dear Ms. Faison-Ball:

This firm represents the Applicant in the above-referenced application for a design patent. Pursuant to the USPTO's Decision on Petition entered on December 30, 2019, this cover letter along with its enclosures, shall serve as the applicant's Renewed Petition for Revival of Application for Patent Abandonment Unintentionally Under 37 CFR 1.137(a).

To address the deficiencies cited in the Decision on Petition, the Applicant hereby submits the following:

- 1. Statement in Support of Renewed Petition for Revival of Application for Patent Abandonment Unintentionally Under 37 CFR 1.137(a);
- 2. Terminal Disclaimer to Accompany Petition Under 37 CFR 1.137 in Design Application;
- Credit Card Payment Form for \$160 representing the fee required for the terminal disclaimer; and
- 4. Credit Card Payment Form for \$300 representing the outstanding balance for the Issue Fee.

If you have any questions or concerns, please do not hesitate to contact me, and thank you for your consideration of this matter.

Sincerely,

PERETZ CHESAL & HERRMANN, P.L.

By: <u>/s Albert Alvarez</u> Albert Alvarez

Enclosures

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PAGE 2/8 \* RCVD AT 2/28/2020 10:47:17 AM [Eastern Standard Time] \* SVR:W-PTOFAX-003/11 \* DNIS:2738300 \* CSID:305 371 6807 \* ANI:3053716807 \* DURATION (mm-ss):04-55

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./ITTLE
29/625,265	11/08/2017	Rui Medeiros Santos	VVI.001USP
155876 Peretz Chesal & Herrmann 2 S. Biscayne Blvd., Suite Miami, FL 33131			CONFIRMATION NO. 5612 48(f) LEDGEMENT LETTER CC0000000114440275* Date Mailed: 02/05/2020

# NOTICE OF ACCEPTANCE OF REQUEST UNDER 37 CFR 1.48(f)

This is in response to the applicant's request under 37 CFR 1.48(f) submitted on 01/27/2020.

The request under 37 CFR 1.48(f) to correct the inventorship, to correct or update the name of an inventor, or to correct the order of names of joint inventors is accepted.

Questions about the contents of this notice and the requirements it sets forth should be directed to the Office of Data Management, Application Assistance Unit, at (571) 272-4000 or (571) 272-4200 or 1-888-786-0101.

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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS IND CLAIMS
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					CONFIRMATION NO. 5612
155876				UPDATED	FILING RECEIPT
	& Herrmann, F Blvd., Suite 37 31				00000000 11 #440273
					Date Mailed: 02/05/2020

Receipt is acknowledged of this non-provisional design patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF FIRST INVENTOR, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection.

Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please submit a written request for a corrected Filing Receipt, including a properly marked-up ADS showing the changes with strike-through for deletions and underlining for additions. If you received a "Notice to File Missing Parts" or other Notice requiring a response for this application, please submit any request for correction to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections provided that the request is grantable.

Inventor(s)

Rui Medeiros Santos, Rotterdam, NETHERLANDS; Sandra van Oosterbaan-Rijnen, Barendrecht, NETHERLANDS; Delphine Buyse, Voorburg, NETHERLANDS;

Applicant(s)

Vacu Vin Innovations Ltd., Delfgauw, NETHERLANDS;

Power of Attorney: The patent practitioners associated with Customer Number 155876

#### Domestic Applications for which benefit is claimed - None.

A proper domestic benefit claim must be provided in an Application Data Sheet in order to constitute a claim for domestic benefit. See 37 CFR 1.76 and 1.78.

**Foreign Applications** for which priority is claimed (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see <u>http://www.uspto.gov</u> for more information.) - None. *Foreign application information must be provided in an Application Data Sheet in order to constitute a claim to foreign priority. See 37 CFR 1.55 and 1.76.* 

Permission to Access Application via Priority Document Exchange: No

Permission to Access Search Results: Yes

Applicant may provide or rescind an authorization for access using Form PTO/SB/39 or Form PTO/SB/69 as appropriate.

Projected Publication Date: None, application is not eligible for pre-grant publication

Non-Publication Request: No

Early Publication Request: No Title

UTENSIL REST

**Preliminary Class** 

D07

#### Statement under 37 CFR 1.55 or 1.78 for AIA (First Inventor to File) Transition Applications: No

#### PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4258).

# LICENSE FOR FOREIGN FILING UNDER Title 35, United States Code, Section 184 Title 37, Code of Federal Regulations, 5.11 & 5.15

#### GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

#### NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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The United States represents the largest, most dynamic marketplace in the world and is an unparalleled location for business investment, innovation, and commercialization of new technologies. The U.S. offers tremendous resources and advantages for those who invest and manufacture goods here. Through SelectUSA, our nation works to promote and facilitate business investment. SelectUSA provides information assistance to the international investor community; serves as an ombudsman for existing and potential investors; advocates on behalf of U.S. cities, states, and regions competing for global investment; and counsels U.S. economic development organizations on investment attraction best practices. To learn more about why the United States is the best country in the world to develop technology, manufacture products, deliver services, and grow your business, visit <u>http://www.SelectUSA.gov</u> or call +1-202-482-6800. To: Page 1 of 10

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JAN 27 2020

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FROM	Tod Aronovitz
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To: Page 2 of 10

2020-01-27 17:29:49 (GMT)

From: Tod Aronovitz



CENTRAL FAX CENTER

JAN 27 2020

#### FAX COVER SHEET

#### January 27, 2020

To: U.S. Patent Office	Fax: 571-273-8300
From: Erika Montane Legal Assistant for Alberto Alvarez, Esq.	Phone: 305-341-3000
Re: Patent Application No. 29/625,265 Confirmation no.: 5612	

Number of Pages: \_\_\_\_\_\_ including this cover page. If you do not receive all of the pages, please call our operator at (305) 341-3000 as soon as possible. If you do not call, we will assume that all pages were received.

#### COMMENTS:

Attached please find a corrected Application Data Sheet being submitted in response to the Response to Request for Corrected Filing Receipt in connection with the abovereferenced application.

Thank you.

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# Case 2:23-cv-00128-ABJ Document 1 Filed 07/18/23 Page 118 of 242 Best Available Copy

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PAGE 3/10\* RCVD AT 1/27/2020 12:29:49 PM [Eastern Standard Time] \* SVR:W-PTOFAX-001/7 \* DNIS:2738300 \* CSID: \* ANI:6137010200 \* DURATION (mm-ss):08-57

#### 2020-01-27 17:29:49 (GMT)

From: Tod Aronovitz

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Appl	ication Da	ta Sheet 37 CFR 1.76	Application Nu	mber			
'Title o	Invention	UTENSIL REST					2
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#### **Correspondence** Information:

Enter either Customer For further information	Number or complete the Correspondence Information s n see 37 CFR 1.33(a).	section below.	
An Address is bein	ig provided for the correspondence information of this a	application.	
Customer Number	430305- 155876		
Email Address.	.patents@pch-iplaw.com		
Email Address	jenglander@pch.iptew.com aalvarez@pch-iplaw.com		

#### Application Information:

Title of the Invention	UTENSIL REST				
Attomey Docket Number	WI.001USP	VVI.001USP Small Entity Status Claimed			
Application Type	Nonprovisional				
Subject Matter	Design				
Total Number of Drawing	Sheets (if any)	7	Suggested Figure for Publication (if any)	1	

Only complete this section when filing an application by reference under 35 U.S.C. 11.1(c) and 37 CFR 1.57(a). Do not complete this section if application papers including a specification and any drawings are being filed. Any domestic benefit or foreign priority information must be provided in the appropriate section(s) below (i.e., "Domestic Benefit/National Stage information").

For the purposes of a filing date under 37 CFR 1.53(b), the description and any drawings of the present application are replaced by this

Application number of the previously filled application	Filing date (YYYY-MM-DD)	Intellectual Property Authority or Country

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#### Case 2:23-cv-00128-ABJ Document 1 Filed 07/18/23 Page 120 of 242 **Best Available Copy**

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From: Tod Aronovitz 

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	Contraction of the second s	Attorney Docket Number	WI.001USP	
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Representative Ir	formation:			
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Prior Application Statu	s			
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# Case 2:23-cv-00128-ABJ Document 1 Filed 07/18/23 Page 121 of 242 Best Available Copy

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To:

From: Tod Aronovitz

Application Data Sheet 37 CFR 1.76		Attorney Docket Number	WI.001USP	
Аррисаной ра	ita oneet of GPR 1.10	Application Number		
Title of Invention	UTENSIL REST		en leas as à	er a la acción
				UMAL,

#### Statement under 37 CFR 1.55 or 1.78 for AIA (First Inventor to File) Transition Applications 4

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This application (1) claims priority to or the benefit of an application filed before March 16, 2013 and (2) also contains, or contained at any time, a claim to a claimed invention that has an effective filling date on or after March 16,2013.

NOTE: By providing this statement under 37 CFR 1.55 or 1.78, this application, with a filing date on or after March 16, 2013, will be examined under the first inventor to file provisions of the AIA.

PAGE 6/10 \* RCVD AT 1/27/2020 12:29:49 PM [Eastern Standard Time] \* SVR:W-PTOFAX-001/7 \* DNIS:2738300 \* CSID: \* ANI:6137010200 \* DURATION (mm-ss):08-57

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To: Page 7 of 10

#### 2020-01-27 17:29:49 (GMT)

# JAN 27 2020

From: Tod Aronovitz

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U.S. Patient and Trademark Office; U.B. OEPARTMENT OF COMMERCE
Under the Paperwork Reduzition Act of 1995, no persons are required to respond to a collection of Information unlose it contains to valid OMB control number.

Application Data Sheet 37 CFR 1.76
Attorney Docket: Number
VVI.001USP
Application Number
Title of Invention
UTENSIL REST

#### Authorization or Opt-Out of Authorization to Permit Access:

When this Application Data Sheet is properly signed and filed with the application, applicant has provided written authority to parmit a participating foreign intellectual property (IP) office access to the instant application-as-filed (see paragraph A in subsection 1 below) and the European Patent Office (EPO) access to any search results from the instant application (see paragraph B in subsection 1 below).

Should applicant choose not to provide an authorization identified in subsection 1 below, applicant must opt-out of the authorization by checking the corresponding box A or B or both in subsection 2 below.

NOTE: This section of the Application Data Sheet is ONLY reviewed and processed with the INITIAL filling of an application. After the Initial filling of an application, an Application Data Sheet cannot be used to provide or rescind authorization for access by a foreign IP office(s). Instead, Form PTO/SB/39 or PTO/SB/89 must be used as appropriate.

1. Authorization to Permit Access by a Foreign Intellectual Property Office(s)

A. Priority Document Exchange (PDX) - Unless box A in subsection 2 (opt-cut of authorization) is checked, the undersigned hereby grants the USPTO authorityto provide the European Patent Office (EPO), the Japan Patent Office (JPO), the Korean Intellectual Property Office (KIPO), the State Intellectual Property Office of the People's Republic of China (SIPO), the World Intellectual Property Organization (WIPO), and any other foreign intellectual property office participating with the USPTO in a bilateral or multilateral priority document exchange agreement in which a foreign application claiming priority to the instant patent application is filed, access to: (1) the instant patent application-as-filed and its related bibliographic date, (2) any foreign or domestic application to which priority or benefit is claimed by the instant application and its related bibliographic data, and (3) the date of filing of this Authorization. See 37 CFR 1.14(h) (1).

B. Search Results from U.S. Application to EPO- Unless box B in subsection 2 (opt-out of authorization) is checked, the undersigned heraby grants the USPTO authority to provide the EPO access to the bibliographic data and search results from the instant patent application when a European patent application cleiming priority to the instant patent application is filed. See 37 CFR 1.14(h)(2).

The applicant is reminded that the EPO's Rule 141(1) EPC (European Patent Convention) requires applicants to submit a copy of search results from the instant application without delay in a European patent application that claims priority to the instant application.

2. Opt-Out of Authorizations to Pormit Access by a Foreign Intellectual Property Office(s)

A. Applicant DOES NOTeuthorize the USPTO to permit a participating foreign IP office access to the instant application-as-filed. If this box is checked, the USPTO will not be providing a participating foreign IP office with any documents and information identified in subsection 1A above.

B. Applicant DDES NOTauthorize the USPTO to transmit to the EPO any search results from the instant patent application. If this box is checked, the USPTO will not be providing the EPO with search results from the instant application.

NOTE: Once the application has published or is otherwise publicly available, the USPTO may provide access to the application in accordance with 37 CFR 1.14,

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Under the	Popenrenk Reduction Act of 1985, no per	U.S. Pada some are required to respond to a college	PTD/ALA/14 (15-15) Approved for use through 04/30/2017. OMB 0851-0032 and Trademento Office: U.S. DEPARTMENT OF COMMERCE fon of information unters it contains a valid OMB control number.
Application Data Sheet 37 CFR 1.76		Attorney Docket Number	VVI.001USP
		Application Number	
Title of Invention	UTENSIL REST		

#### Applicant Information:

Applicant 1			
1.43; or the name and addre who otherwise shows sufficient applicant under 37 CFR 1.46	ed in this section is the name and as of the assignee, person to who ant proprietary interest in the matte (cassionee, person to whom the in	acidross of the legal represent m the Inventor Is under an obt at who is the applicant under 3 mentor is obligated in assign	5), this section should not be completed, lative who is the applicant under S7 CFR igation to assign the invention, or person 87 CFR 1.46. If the applicant is an or person who otherwise shows sufficien tors who are also the applicant should be applicant should be applied by applicant should be applicant should be applied by applicant should be applied by applicant should be applied by applicant should be applied by applicant should be applied by applied by ap
Assignee	O Legal Represent	ative under 35 U.S.C. 117	O Joint Inventor
Person to whom the law	entor is obligated to assign.	O Person who si	hows sufficient proprietary Interest
f applicant is the legal rep	resentative, indicate the author	the second se	
Name of the Deceased or	Legally Incapacitated Inventor	r:	
If the Applicant is an Org	anization check here.		
Organization Name	Vecu Vin Innovations Ltd.		
Mailing Address Inform	ation For Applicant:		
Address 1	Groothandelswag 1		
Address 2			
City	Dailgauw	State/Province	
Country NL		Postal Code	2645 EH
Phone Number	[ ······	Fax Number	
Email Address			1

# Assignee Information Including Non-Applicant Assignee Information:

Providing assignment information in this section does not substitute for compliance with any requirement of part 3 of Title 37 of CFR to have an assignment recorded by the Office.

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Applicati	n Dal	ta Sheet 37		Attorney Docket Number	r VVI.001	USP	
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subsection 2 of the "Authorization or Opt-Out of Authorization to Permit Access" section, then this form must also be signed in accordance with 37 CFR 1.14(c). This Application Data Sheet mustbe signed by a patent practitioner if one of more of the applicants is a juristic entity (e.g., corporation or association). If the applicant is two or more joint inventors, this form must be signed by a patent practitioner, all joint inventors who are the applicant, or one or more joint inventor-applicants, who have been given power of attorney (e.g., see USPTO Form PTO/AIA/81) on behalf of all joint inventor-applicants. See 37 CFR 1.4(d) for the manner of making signatures and certificators.

Signature	Aosoph:onglanden	4. /alberto alva		Date (YYYY-MM-DD)	2017-11-08
First Name	-oseph Alberto	Last Name	Englander Alvarez	Registration Number	-38071 69260

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From: Tod Aronovitz

Under the l	Papanwark Raduztion Act of 1995, no par		PTOKALA/14 (11-16) Approvad for use through 04/30/2017. CARE 0631-0032 ent and Tradamark Office; U.S. DEPARTMENT OF COMMERCE ton of Information unless it centerin a varia CARE control number.
Application Data Sheet 37 CFR 1.76		Attorney Dockel Number	VVI.001USP
Application Da	ica Sheet 37 CPR 1.76	Application Number	
Title of Invention	UTENSIL REST		

This collection of information is required by 37 CFR 1.76. 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 23 minutes to complete, including gathering, preparing, and submitting the completed application data sheet 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 Commerces, P.O. Box 1450, Alexandris, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADORESS. SEND TO: Commissioner for Patents, P.O. Box 1460, Alexandria, VA 22313-1450.

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		UNITED STATES DEPARTMENT OF COM United States Patent and Trademark Offic address. COMMISSIONER FOR PATENTS PC Box 1450 Alexandria, Viginia 22313-1450 www.expto.gov		
APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./ITTLE	
29/625,265	11/08/2017	Rui Medeiros	VVI.001USP	
			CONFIRMATION NO. 561	
155876	671	37 CFR 1.48(f)		
Peretz Chesal & Herrmann		ACKNOW	LEDGEMENT LETTER	
2 S. Biscayne Blvd., Suite Miami, FL 33131	3700		CC000000114038981*	
			Date Mailed: 01/17/2020	

### IMPROPER SUBMISSION OF REQUEST UNDER 37 CFR 1.48(f)

The request under 37 CFR 1.48(f) (request to change inventorship) submitted on 08/20/2019 in the above-identified application is not accepted because:

The request to correct or update the name of the inventor or a joint inventor, or the order of the names of joint inventors, under 37 CFR 1.48(f) is deficient because a corrected or updated application data sheet (ADS) in compliance with 37 CFR 1.76 (including markings showing the changes) has not been submitted. Any renewed request must include a corrected or updated ADS in compliance with 37 CFR 1.76 that identifies the information being changed, with underlining for insertions, and strike-through or brackets for text removed.

Questions about the contents of this notice and the requirements it sets forth should be directed to the Office of Data Management, Application Assistance Unit, at (571) 272-4000 or (571) 272-4200 or 1-888-786-0101.

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		United State address COMMI FO Bas	VTES DEPARTMENT OF COMMERCE s Patent and Trademark Office ISSIONER FOR PATENTS 1450 To, Vingura 22313-1450 to gov
APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./ITTLE
29/625,265 155876	11/08/2017	Rui Medeiros	VVI.001USP CONFIRMATION NO. 5612 R CFR REQUEST
Peretz Chesal & Herrmann 2 S. Biscayne Blvd., Suite 3 Miami, FL 33131			OC000000114038812*
			Date Mailed: 01/17/2020

# RESPONSE TO REQUEST FOR CORRECTED FILING RECEIPT

#### Power of Attorney, Claims, Fees, System Limitations, and Miscellaneous

In response to your request for a corrected Filing Receipt, the Office is unable to comply with your request because:

- The ADS received on 08/20/2019 was not properly signed. Therefore, the Office will treat it only as a transmittal letter. See 37 CFR 1.76(e). Inventorship has not been set by this document and any foreign priority or domestic benefit claims contained therein are ineffective. See 37 CFR 1.55 or 37 CFR 1.78.
   If the applicant wishes to submit another ADS:
  - o It must be properly signed by a party under 37 CFR 1.33(b), and be signed in compliance with 37 CFR 1.4(d).
  - o Changes to the information of record must be properly marked up in compliance with 37 CFR 1.76(c), i.e., must identify the information that is being changed, with underlining for insertions, and strike-through or brackets for text removed. In general, the identification of the information being changed should be made relative to the most recent filing receipt.
  - o Benefit and priority claims must be presented in an ADS in compliance with 37 CFR 1.76(c) and within the time periods specified in 37 CFR 1.55 and 1.78.
- If an ADS as set forth above is provided, the filing of the inventor's oath or declaration may be postponed until the application is otherwise in condition for allowance. See 37 CFR 1.53(f). Note that the inventor's oath or declaration must be filed no later than the date on which the issue fee has been paid.

In order to make changes to the information of record, an ADS must be properly signed and properly marked up relative to the current information of record.

Proper signature: The ADS must be signed with a handwritten signature or proper S-signature by:

- A patent practitioner, with the practitioner's registration number accompanying the signature (e.g., immediately below or adjacent to the signature), or
- The applicant, if the applicant is an individual other than the inventor(s) and no power of attorney has been appointed, or

• All of the inventors, if no other applicant has been established and no power of attorney has been appointed. A proper S-signature consists of only letters and/or Arabic numerals, with appropriate spaces and commas, periods, apostrophes, or hyphens for punctuation contained between a first single forward slash mark before, and a second single forward slash mark after, the S-signature.

**Proper markings:** The ADS must identify the changes being made with underlining for insertions and strike-through or brackets for text removed. No other markings or indications are acceptable. Where an ADS providing corrected or updated information does not contain all of the sections of the ADS, the entire section in

which changes are being made must be included in the ADS. Information of record can generally be found on the latest filing receipt.

Questions about the contents of this notice and the requirements it sets forth should be directed to the Office of Data Management, Application Assistance Unit, at (571) 272-4000 or (571) 272-4200 or 1-888-786-0101.

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UNITED STATES PATENT AND TRADEMARK OFFICE COMMISSIONER FOR PATENTS P.O.BOX 1450 ALEXANDRIA VA 22313-1451 PRESORTED FIRST-CLASS MAIL U.S. POSTAGE PAID POSTEDIGITAL NNNNN

Peretz Chesal & Herrmann, P.L. 2 S. Biscayne Blvd., Suite 3700 Miami, FL 33131

# հվեսիակերի



# Courtesy Reminder for Application Serial No: 29/625,265

Attorney Docket No: VVI.001USP Customer Number: 155876 Date of Electronic Notification: 12/30/2019

This is a courtesy reminder that new correspondence is available for this application. If you have not done so already, please review the correspondence. The official date of notification of the outgoing correspondence will be indicated on the form PTOL-90 accompanying the correspondence.

An email notification regarding the correspondence was sent to the following email address(es) associated with your customer number: patents@pch-iplaw.com

To view your correspondence online or update your email addresses, please visit us anytime at https://ppair-my.uspto.gov/pair/PrivatePair. If you have any questions, please email the Electronic Business Center (EBC) at EBC@uspto.gov or call 1-866-217-9197.

A COMPANY OF COMPANY			UNITED STATES DEPARTMENT United States Patent and Trade Address: COMMISSIONER FOR PA P.O. Boy 1450 Alexandria, Virginia 22313-1450 WWW.asplo.gov	mark Office ATENTS
APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION N
29/625,265	11/08/2017	Rui Medeiros	VVI.001USP	5612
	590 12/30/2019 Herrmann, P.L.		EXAM	INER
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### 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.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patents@pch-iplaw.com

UNITED STATES PATENT AND TRADEMARK OFFICE



Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450 www.upto.gov

In re Application of Medeiros et al. Application No. 29/625,265 Filed: 8 Nov 2017 For: UTENSIL REST

DECISION ON PETITION

This is a decision on the petition filed August 20, 2019, under 37 CFR 1.137(a), to revive the above-identified application.

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The petition is DISMISSED.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(a)". This is not a final agency decision.

This application became abandoned July 16, 2019 for failure to timely pay the issue fee in response to the Notice of Allowance Mailed April 15, 2019, and to submit a properly executed inventor's oath or declaration in response to the Notice Requiring Inventor's Oath or Declaration mailed June 25, 2019. Accordingly, a Notice of Abandonment was mailed July 31, 2019.

Pursuant to 37 CFR 1.137(a) however, the instant petition lacks compliance with items (2) and (4) of the regulation.

The petition fee has been proffered with an authorization to charge the issue fee to a credit card. However, the charge to the credit card provided for the petition fee was declined. Since no authorizations for debiting a deposit account or any other method of payment was provided for any deficiencies, the petition to revive is not grantable.

Additionally, a petition to revive in a design application is required to be accompanied by a Terminal Disclaimer and the fee as set forth in 37 CFR 1.20(d).

Finally, on August 20, 2019 a request under 37 CFR 1.48(d) was submitted to correct the inventorship by correcting the name of the first named inventor.

#### Application No. 29/625,265

Petitioners are reminded that Rule 37 CFR 1.312 prohibits amendments after the payment of an issue fee. Therefore, as the request for correction of inventorship is an amendment, a petition to withdraw the application from issue pursuant to 37 CFR 1.313 and an express abandonment in favor of a Continued Prosecution Application (CPA) since this is a design application, would be required for treatment of the request under 37 CFR 1.48(d).

The application will therefore remain in an abandoned status until such time as the above noted deficiencies have been cured.

Petitioner should note that submission of any renewed petition without the required reply will be construed as intentional delay.

Further correspondence with respect to this matter should be addressed as follows:

By mail:	Mail Stop PETITIONS
	Commissioner for Patents
	Post Office Box 1450
	Alexandria, VA 22313-1450
By hand:	Customer Service Window
	Mail Stop Petitions
	Randolph Building
	401 Dulany Street
	Alexandria, VA 22314
By fax:	(571) 273-8300
	ATTN: Office of Petitions

Registered Users may also respond by EFS-Web.

Telephone inquiries concerning this matter should be directed to the undersigned Attorney at (571) 272-3212.

/Patricia Faison-Ball/

Patricia Faison-Ball ATTORNEY ADVISOR, OPET

		United State Address COMMI PC Box	TES DEPARTMENT OF COMMERCE s Patent and Trademark Office SSIONER FOR PATENTS 1450 a Vigania 22313-1450 ogov
APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./ITTLE
29/625,265	11/08/2017	Rui Medeiros	VVI.001USP
139305 Fowler White Burnett, P.A. 1395 Brickell Avenue, 14th Miami, FL 33131		and the second se	CONFIRMATION NO. 561 OF ATTORNEY NOTICE
			Date Mailed: 08/29/

# NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/20/2019.

The Power of Attorney to you in this application has been revoked by the applicant. Future correspondence
will be mailed to the new address of record(37 CFR 1.33).

Questions about the contents of this notice and the requirements it sets forth should be directed to the Office of Data Management, Application Assistance Unit, at (571) 272-4000 or (571) 272-4200 or 1-888-786-0101.

/sleutchit/

		United State Address COMMI PO Box	TES DEPARTMENT OF COMMERCE s Patent and Trademark Office SSIONER FOR PATENTS 1450 a. Virguna 2231.1-1450 organ
APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./ITTLE
29/625,265 155876	11/08/2017	Rui Medeiros	VVI.001USP CONFIRMATION NO. 5612 EPTANCE LETTER
Peretz Chesal & Herrmann 2 S. Biscayne Blvd., Suite 3 Miami, FL 33131			OC000000110760233*
			Date Mailed: 08/29/201

# NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/20/2019.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

Questions about the contents of this notice and the requirements it sets forth should be directed to the Office of Data Management, Application Assistance Unit, at (571) 272-4000 or (571) 272-4200 or 1-888-786-0101.

/sleutchit/

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# **POWER OF ATTORNEY**

PAGE 13/18 \* RCVD AT 8/20/2019 5:30:48 PM [Eastern Daylight Time] \* SVR:W-PTOFAX-001/41 \* DNI5:2738300 \* CS(D:305 371 6807 \* ANI:3053716807 \* DURATION (mm-ss):03-40

#### Case 2:23-cv-00128-ABJ Document 1 Filed 07/18/23 Page 136 of 242

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#### Patent Application No.: 29/625,265

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Case 2:23-cv-00128-ABJ Document 1 Filed 07/18/23 Page 141 of 242

Document Code: IMIS

# Notice of Fee Due

Application Number:	29625265	Date:	08/21/2019	
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Fees are due for the application or document dated  $\underline{08/20/2019}$ . The payment was not collectable for the reason indicated below.

# Note: If the fee due is for any of the filing fees, the surcharge for late payment of the filing fees is now due as well.

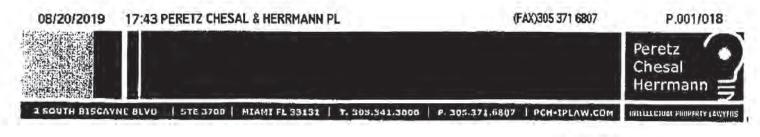
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### FAX COVER SHEET

#### August 20, 2019

To: U.S. Patent Office	Fax: 571-273-8300	
From: Erika Montane Legal Assistant for Alberto Alvarez, Esq.	Phone: 305-341-3000	-
Re: Patent Application No. 29/625,265		-

Number of Pages: \_\_\_\_\_\_ including this cover page. If you do not receive all of the pages, please call our operator at (305) 341-3000 as soon as possible. If you do not call, we will assume that all pages were received.

#### COMMENTS:

Attached please find the following documents in connection with the above patent application:

- 1. Petition for Revival of an Application for Patent Abandonment Unintentionally Under 37 CFR 1.137(a);
- 2. Statement in Support of Petition for Revival of an Application for Patent Abandonment Unintentionally Under 37 CFR 1.137(a);
- 3. Corrected Application Data Sheet;
- 4. Power of Attorney; and
- 5. Three (3) credit card authorization forms.

08/20/2019 17:44 PERETZ CHESAL & HERRMANN PL

(FAX)305 371 6807

P.002/018

# PETITION FOR REVIVAL OF APPLICATION FOR PATENT ABANDONMENT UNINTENTIONALLY UNDER 37 CFR 1.137(A)

PAGE 2/18 \* RCVD AT 8/20/2019 5:30:48 PM [Eastern Daylight Time] \* SVR:W-PTOFAX-001/41 \* DNIS:2738300 \* CSID:305 371 5807 \* ANI:3053716807 \* DURATION (mm-ss):03-40

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1.	: Code: PET.OP sument Description: Petition for Review by ti	Аррит	PTD/58/64 (01-18 med for uss through 11/30/2020, OMB 0653-003
Γ	Under the Paperwork Reduction Act of 1995, no persons are required PETITION FOR REVIVAL OF AN APPLICA ABANDONED UNINTENTIONALLY UNDE Page 1 of 2	to respond to a collection of Informat	Idemark Office; U.S. DEPARTMENT OF COMMERC ton unless it displays a valid OMB control number Dacket Number (Optional) VVI.001USP
Fie	t named inventor: Rui Medelros Santos		
An	plication No.: 29/625,265	Art Unit: 2912	
Fil	d: 11/08/2017	Examiner: Janice	Julia Petyk
TI	UPENOU DEOT	1 100	
Pat act	<ul> <li>above-identified application became abandoned for failure to ant and Trademark Office. The date of abandonment is the date on plus any extensions of time actually obtained.</li> <li>APPUCANT HEREBY PETITIONS FOR REVIVAL OF THIS NOTE: A grantable petition requires the following iter (1) Patition fea;</li> <li>(2) Reply and/or issue fee;</li> <li>(3) Terminal disclaimer with disclaimer fee - require design applications; and</li> <li>(4) Statement that the entire delay was unintention watition fee</li> </ul>	y after the explosition data of the APPLICATION. ns: ad for all utility and plant applica	a parlod set for reply in the Office notice or
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If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

	Case 2:23-cv-00128-ABJ Docum	ent 1 Filed	07/18/23	Page 145 of 242			
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1	3. Terminal disclaimer with disclaimer fee Since this utility/plant application was filed on or a	Barlins 9 1005 och	aminal disclaime	. In second second			
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- L	<ol> <li>STATEMENT: The entire datay in filing the required reply fr under 37 CFR 1.137(a) was unintentional. [NOTE: The United there is a quastion as to whether either the abandonment or t (MPEP 711.03(c), subsections (III)(C) and (D)).]</li> </ol>	States Patent and Trade	mark Office may	reguire additional information If	n -		
	WARMING: Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to						
	Identity theft. Personal information such as social security num credit card authorization form PTO-2038 submitted for payme application. If this type of personal information is included (n or redecting such personal information from the documents befor record of a patent application is available to the public after pu with 37 CFR 1.213(a) is made in the application) or issuence of be available to the public if the application is referenced in a p card authorization forms PTO-2038 submitted for payment pul available.	nt purposes) is never re locuments submitted to re submitting them to t ablication of the applica a patent. Furthermore, ublished application or	quired by the US the USPTO, petition the USPTO. Petition the record from an issued patent	PTO to support a petition or an tioners/applicants should consider oner/applicant is advised that the n-publication request in compliance an abandoned application may also (see 37 CFR 1.14). Checks and orad			
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08/20/2019 17:45 PERETZ CHESAL & HERRMANN PL

(FAX)305 371 6807

# STATEMENT IN SUPPORT OF PETITION FOR REVIVAL OF APPLICATION FOR PATENT ABANDONMENT UNINTENTIONALLY UNDER 37 CFR 1.137(A)

PAGE 5/18 \* RCVD AT 8/20/2019 5:30:48 PM [Eastern Daylight Time] \* SVR:W-PTOFAX-001/41 \* DNI6:2738300 \* CSID:305 371 6807 \* ANI:3053716807 \* DURATION (mm-ss):03-40

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P.006/018

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STATEMENT

Application No.: 29/625,265 Group Art Unit: 2912 Filing Date: November 8, 2017 Examiner Janice Julia Patyk Attorney Docket No.: VVI.001USP

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Number: 29/625,265 Confirmation No .: 5612 Filing Date: November 8, 2017 Applicant: Vacu Vin Innovations Ltd. Entitled: UTENSIL REST Examiner: Janice Julia Patyk Group Art Unit: 2912 Attorney Docket No .: VVI.001USP

## STATEMENT IN SUPPORT OF PETITION FOR REVIVAL OF APPLICATION FOR PATENT ABANDONMENT UNINTENTIONALLY UNDER 37 CFR 1.137(a)

Commissioner for Patents P.O. Box 1450, Alexandria, Virginia 22313-1450 Facsimile: (571) 273-8300

Dear Commissioner:

In response to the Notice of Abandonment dated July 31, 2019 in the above-captioned application, please be advised that the delay for the payment of the Issue Fee was entirely unintentional and due to the following reason:

1. The undersigned's law firm's former patent attorney, Joseph Englander, left the law firm to join another firm and accordingly updated the contact information associated with his customer number. After leaving the undersigned's law firm, Mr. Englander no longer represented the applicants.

 A Notice of Allowance was issued by the USPTO on April 15, 2019. Because the Notice of Allowance was forwarded to Mr. Englander's new law firm, the undersigned 0B/20/2019 17:45 PERETZ CHESAL & HERRMANN PL

(FAX)305 371 6807

P.007/018

STATEMENT Application No.: 29/625,265 Group Art Unit: 2912 Filing Date: November 8, 2017 Examiner Janice Julia Patyk Attorney Docket No.: VVI.001USP

and the applicant did not receive and were not aware of the Notice of Allowance.

3. On August 2, 2019, Mr. Englander forwarded to the undersigned the Notice of

Abandonment for failure to pay the Issue Fee by the deadline.

4. The delay in payment of the Issue Fee was not in any way the fault of the applicant, and revival of the application and acceptance of the issue fee would serve the interests of fairness and justice.

5. Together with the Petition for Revival of an Application for Patent Abandoned

Unintentionally Under 37 CFR 1.137(a), the undersigned is submitting:

- a corrected Application Data Sheet to correct the name of one of the inventors (a notice advising the applicant of a defect in the oath of one of the inventors was issued by the USPTO on June 25, 2019);
- b. an executed Power of Attorney associated with the undersigned's customer number;
- c. payment of the Issue Fee;
- d. payment of the fee for the corrected Application Data Sheet; and
- e. payment of all other fees required in connection with the Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(a).
- 6. Accordingly, the undersigned respectfully requests that the application be revived

and that the USPTO accept applicant's corrected Application Data Sheet and Issue Fee.

Dated August 20, 2019

Respectfully submitted,

s/Alberto Alvarez Alberto Alvarez (Reg. No. 69260) Peretz Chesal & Herrmann, P.L. 2 S. Biscayne Blvd., Suite 3700 Miami, Florida 33131 T: 305-341-3000 aalvarez@pch-iplaw.com/patents@pch-iplaw.com 08/20/2019 17:45 PERETZ CHESAL & HERRMANN PL

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P.008/018

# CORRECTED APPLICATION DATA SHEET

# Case 2:23-cv-00128-ABJ Document 1 Filed 07/18/23 Page 150 of 242 Best Available Copy RECEIVED CENTRAL FAX CENTER

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P.009/018

17:45 PERETZ CHESAL & HERRMANN PL AUG 2 0 2019

PTO/AIA/14 (11-16) Approved for use through 04/30/2017. QMB 0651-0032

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and the second se	WI.001USP	Attorney Docket Number	Application Data Sheet 37 CFR 1.76	
		Application Number		
			UTENSIL REST	Title of Invention
	being submitted. The following form a			

document may be printed and included in a paper filed application.

## Secrecy Order 37 CFR 5.2:

Portions or all of the application associated with this Application Data Sheet may fall under a Secrecy Order pursuant to 37 CFR 5.2 (Paper filers only. Applications that fail under Secrecy Order may not be filed electronically.)

### Inventor Information:

08/20/2019

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# **Correspondence Information:**

Enter either Customer For further information	Number or complete the Correspondence t see 37 CFR 1.33(a).	Information section below.
🗍 An Address is bein	ig provided for the correspondence inform	ation of this application.
Customer Number	139305	
Email Address	patents@poh-lplaw.com	Add State
Emall Address	]englander@pch-lplaw.com	

# **Application Information:**

Title of the Invention	UTENSIL REST			
Attorney Docket Number	WI.001USP		Small Entity Status Claimed	
Application Type	Nonprovisional			~
Subject Matter	Design			
Total Number of Drawing	Sheets (if any)	7	Suggested Figure for Publication (if any)	1
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Only complete this section when section if application papers inclu-	uding a specification	and any draw	under 35 U.S.C. 111(c) and 37 CFR 1.57(a). Do not compleyings are being filed. Any domestic benefit or foreign priority	ate thia

section if application papers including a specification and any drawings are being filed. Any domestic benefit or foreign priority information must be provided in the appropriate section(a) below (i.e., "Domestic Benefit/National Stage Information" and "Foreign Priority Information").

For the purposes of a filing date under 37 CFR 1.53(b), the description and any drawings of the present application are replaced by this

Application number of the previously filed application	Filing date (YYYY-MM-DD)	Intellectual Property Authority or Country

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#### 08/20/2019 **17:46 PERETZ CHESAL & HERRMANN PL**

#### (FAX)305 371 6807

P.011/018

PTO/ALA/14 (11-15)

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Application Data Sheet 37 CFR 1.76		Attorney Docket Number	VVI.001USP	
Application Da	ILE SHOUL ST CPR 1.10	Application Number		
Title of Invention	UTENSIL REST			

### Publication Information:

Request Early Publication (Fee required at time of Request 37 CFR 1.219) Request Not to Publish. I hereby request that the attached application not be published under 35 U.S.C. 122(b) and certify that the invention disclosed in the attached application has not and will notbe the subject of an application filed in another country, or under a multilateral international agreement, that requires publication at eighteen months after filing.

## Representative Information:

Representative information should be provided for all practitioners having a power of attorney in the application, Providing this information in the Application Data Sheet does not constitute a power of attorney in the application (see 37 CFR 1.32). Either enter Customer Number or complete the Representative Name section below. If both sections are completed the customer Number will be used for the Representative Information during processing.

Please Select One:	Customer Number	O US Patent Practitioner	O Limited Recognition (37 CFR 11.9)
Customer Number	139305		

# Domestic Benefit/National Stage Information:

This section allows for the applicant to either claim benefit under 35 U.S.C. 119(e), 120, 121, 365(c), or 386(c) or indicate National Stage entry from a PCT application. Providing benefit claim Information in the Application Data Sheet constitutes the specific reference required by 35 U.S.C. 119(e) or 120, and 37 CFR 1.78.

When referring to the current application, please leave the "Application Number" field blank.

Prior Application Status			
Application Number	Continuity Type	Prior Application Number	Filing or 371(c) Date (YYYY-MM-DD)
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# Foreign Priority Information:

This section allows for the applicant to claim priority to a foreign application. Providing this information in the application data sheet constitutes the claim for priority as required by 35 U.S.C. 119(b) and 37 OFR 1.65, When priority is claimed to a foreign application that is eligible for retrievel under the priority document exchange program (PDX) the information will be used by the Office to automatically attempt retrievel pursuant to 37 CFR 1.55(I)(1) and (2). Under the PDX program, applicant bears the ultimate responsibility for ansuring that a copy of the foreign application is received by the Office from the participating foreign intellactual property office, or a certified copy of the foreign priority application is filed, within the time period specified in 37 CFR 1.55(g)(1).

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PAGE 11/18 \* RCVD AT 8/20/2019 5:30:48 PM [Eastern Daylight Time] \* SVR:W-PTOFAX-001/41 \* DNIS:2738300 \* CSID:305 371 6807 \* ANI:3053716807 \* DURATION (mm-ss):03-40

### Case 2:23-cv-00128-ABJ Document 1 Filed 07/18/23 Page 153 of 242

## 0B/20/2019 17:46 PERETZ CHESAL & HERRMANN PL

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# Statement under 37 CFR 1.55 or 1.78 for AIA (First Inventor to File) Transition Applications

This application (1) claims priority to or the benefit of an application filed before March 16, 2013 and (2) also contains, or contained at any time, a claim to a claimed invention that has an effective filing date on or after March 16, 2013.

NOTE: By providing this statement under 37 CFR 1.55 or 1.78, this application, with a filing date on or after March 16, 2013, will be examined under the first inventor to file provisions of the AIA.

EFS Web 2.2.12

29/625,265       11/08/2017       Rui Medeiros       VVI.001USP       5612         7590       07/31/2019       EXAMINER         Fowler White Burnett, P.A.       1395 Brickell Avenue, 14th Floor       ART UNIT       PAPER NUM         Miami, FL 33131       2912       NOTIFICATION DATE       DELIVERY /         07/31/2019       ELECTRO         Notice of Abandonment         is application is abandoned in view of:         The applicant's failure to timely file a proper reply to the Office letter mailed on	A A A A A A A A A A A A A A A A A A A		UNITED STATES DEPARTMENT OF COMMEI United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.usplo.gov		
7590       07/31/2019         Fowler White Burnett, P.A.       1395 Brickell Avenue, 14th Floor         Miami, FL 33131       ART UNIT         2912         Notice of Abandonment	APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
7590       07/31/2019         Fowler White Burnett, P.A.       PATYK. JANICE JULIA         1395 Brickell Avenue, 14th Floor       ART UNIT         Miami, FL 33131       PAPER NUM         2912       NOTIFICATION DATE         07/31/2019       ELECTRO         Notice of Abandonment         iis application is abandoned in view of:         The applicant's failure to timely file a proper reply to the Office letter mailed on	29/625,265	11/08/2017	Rui Medeiros	VVI.001USP	5612
Fowler White Burnett, P.A.       PATYK. JANICE JULIA         1395 Brickell Avenue, 14th Floor       ART UNIT         Miami, FL 33131       2912         NOTIFICATION DATE       DELIVERY /         07/31/2019       ELECTRO         Notice of Abandonment       07/31/2019         is application is abandoned in view of:				EXAM	INER
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2912  NOTIFICATION DATE DELIVERY 07/31/2019 ELECTRO  Notice of Abandonment  is application is abandoned in view of: The applicant's failure to timely file a proper reply to the Office letter mailed on				ARTUNIT	PAPER NUMBER
07/31/2019 ELECTRON Notice of Abandonment his application is abandoned in view of: The applicant's failure to timely file a proper reply to the Office letter mailed on	Miami, FL 3313			2912	
Notice of Abandonment his application is abandoned in view of: The applicant's failure to timely file a proper reply to the Office letter mailed on				NOTIFICATION DATE	DELIVERY MODE
his application is abandoned in view of: <ul> <li>The applicant's failure to timely file a proper reply to the Office letter mailed on</li> </ul>				07/31/2019	ELECTRONIC
			Notice of Abandon	ment	
The applicant's failure to timely file a proper reply to the Office letter mailed on	nis application is a	bandoned in view of			
				er mailed on	
after the expiration of the period for reply (including a total extension of month(s)) which	(a) A reply wa	s received on	(with a Certificate of Maili	ing or Transmission date	), which expire

- (b) No reply has been received.
- 2. Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a) The issue fee and publication fee, if applicable, was received on \_\_\_\_\_\_ (with a Certificate of Mailing or Transmission date \_\_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - (b) □ The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.
    - The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_
    - The publication fee, if required by 37 CFR 1.18(d), is \$\_
  - (c) X The issue fee and publication fee, if applicable, has not been received.
- 3. Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a) Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b) No corrected drawing have been received.
- 4. Applicant's failure to timely file the inventor's oath or declaration no later than the date on which the issue fee was paid as required by the Notice Requiring Inventor's Oath or Declaration (PTO-2306).
  - (a) An inventor's oath or declaration was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission date ), which is after the date on which the issue fee was paid.
  - (b) While an oath or declaration (or substitute statement) for one or more inventors was received, an oath or declaration (or substitute statement) for at least one other inventor has not been received.
  - (c) 🚺 No inventor's oath or declaration has been received.
- 5. Drawings received on \_\_\_\_\_\_ were disapproved by examiner. See examiner's response dated \_
- 6. Corrected drawings were received on \_\_\_\_\_\_, which is after the expiration of the one-month period for reply set in examiner's response dated \_\_\_\_\_\_
- 7. IN No corrected drawings have been received in reply to one-month period set in examiner's response dated
- 8. The reason(s) below:

Petitions to revive under 37 CFR 1.137(a) or request to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

Ayly for (571)-272-4200 or 1(888)-786-0101

Patent Publication Branch Office of Data Management FORM PTO-ABN0 (Rev. 03/17)

			UNITED STATES DEPARTMENT OF COMMEN United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Bax 1450 Atexantric, Virginia 27313-1450 Sww.uspilo.gov		
APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
29/625,265	11/08/2017	Rui Medeiros	VVI.001USP	5612	
			EXAMINER PATYK, JANICE JULIA		
Fowler White Bur					
1395 Brickell Ave Miami, FL 33131	enue, 14th Floor		ARTUNIT	PAPER NUMBER	
Miani, 16 55151			2912		
			NOTIFICATION DATE	DELIVERY MODE	
			06/25/2019	ELECTRONIC	

### NOTICE REQUIRING INVENTOR'S OATH OR DECLARATION

□ An inventor's oath or declaration in compliance with 37 CFR 1.63 or substitute statement in compliance with 37 CFR 1.64 executed by or with respect to each inventor has not yet been submitted.

The inventor's oath or declaration or substitute statement dated  $\frac{11/08/2017}{11/08/2017}$  is defective. The inventor's oath or declaration does not comply with 37 CFR 1.63 or the substitute statement does not comply with 37 CFR 1.64 because it:

does not include a statement that the person executing the oath or declaration or substitute statement believes the named inventor or joint inventor to be the original inventor or an original joint inventor of a claimed invention in the application for which the oath or declaration is being submitted.

does not state that the application was made or was authorized to be made by the person executing the oath or declaration or substitute statement.

□ does not acknowledge that any willful false statement made in such oath or declaration or substitute statement is punishable under section 1001 of title 18 by fine or imprisonment of not more than 5 years, or both.

does not identify the person executing the oath or declaration or substitute statement by his or her legal name.

does not identify the application to which the oath or declaration or substitute statement is directed.

Wother: <u>A properly executed OATH/DECLARATION or SUBSTITUTE STATEMENT for the following Inventor(s) has not</u> been received: Rui MEDEIROS

The substitute statement dated does not comply with 37 CFR 1.64 because it:

D does not identify the inventor with respect to whom the statement applies.

does not identify the relationship to the non-signing inventor.

does not identify the circumstances permitting execution of the statement.

u was signed by someone other than the applicant.

Other:

An oath or declaration in compliance with 37 CFR 1.63, or a substitute statement in compliance with 37 CFR 1.64, executed by or with respect to each inventor MUST be filed no later than the date on which the issue fee is paid. See 35 U.S.C. 115(f). Failure to timely comply will result in ABANDONMENT of this application. This period for reply is not extendable under 37 CFR 1.136(a).

Questions relating to this Notice should be directed to the Application Assistance Unit at 571-272-4200.

(571)-272-4200 or 1(888)-786-0101 Patent Publication Branch Office of Data Management

A COMPANY OF THE OWNER		STATES PATENT AND TRADEMARK OFFICE UNITED STATES DEPARTMENT OF COMMEN United States Patent and Trademark Office address. COMMISSIONER FOR PATENTS PC Box 1450 Alexandra, Vignin, 22313-1450 www.uspto.gov			
APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS IND CLAIMS
29/625,265	11/08/2017	2912	760	VVL001USP	1 1
139305 Fowler White 1395 Brickell Miami, FL 331	Avenue, 14th F	loor		CORRECT	CONFIRMATION NO. 5612 ED FILING RECEIPT

Receipt is acknowledged of this non-provisional design patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF FIRST INVENTOR, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection.

Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please submit a written request for a corrected Filing Receipt, including a properly marked-up ADS showing the changes with strike-through for deletions and underlining for additions. If you received a "Notice to File Missing Parts" or other Notice requiring a response for this application, please submit any request for correction to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections provided that the request is grantable.

Inventor(s)

Rui Medeiros, Rotterdam, NETHERLANDS; Sandra van Oosterbaan-Rijnen, Barendrecht, NETHERLANDS; Delphine Buyse, Voorburg, NETHERLANDS;

Applicant(s)

Vacu Vin Innovations Ltd., Delfgauw, NETHERLANDS;

Power of Attorney: The patent practitioners associated with Customer Number 139305

### Domestic Applications for which benefit is claimed - None.

A proper domestic benefit claim must be provided in an Application Data Sheet in order to constitute a claim for domestic benefit. See 37 CFR 1.76 and 1.78.

**Foreign Applications** for which priority is claimed (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see <u>http://www.uspto.gov</u> for more information.) - None. Foreign application information must be provided in an Application Data Sheet in order to constitute a claim to foreign priority. See 37 CFR 1.55 and 1.76.

Permission to Access Application via Priority Document Exchange: No

Permission to Access Search Results: Yes

Applicant may provide or rescind an authorization for access using Form PTO/SB/39 or Form PTO/SB/69 as appropriate.

If Required, Foreign Filing License Granted: 11/09/2017

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 29/625,265** 

Projected Publication Date: None, application is not eligible for pre-grant publication

Non-Publication Request: No

Early Publication Request: No Title

UTENSIL REST

**Preliminary Class** 

D07

Statement under 37 CFR 1.55 or 1.78 for AIA (First Inventor to File) Transition Applications: No.

## PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific

countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4258).

# LICENSE FOR FOREIGN FILING UNDER

## Title 35, United States Code, Section 184

## Title 37, Code of Federal Regulations, 5.11 & 5.15

### GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

### NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

# SelectUSA

The United States represents the largest, most dynamic marketplace in the world and is an unparalleled location for business investment, innovation, and commercialization of new technologies. The U.S. offers tremendous resources and advantages for those who invest and manufacture goods here. Through SelectUSA, our nation works to promote and facilitate business investment. SelectUSA provides information assistance to the international investor community; serves as an ombudsman for existing and potential investors; advocates on behalf of U.S. cities, states, and regions competing for global investment; and counsels U.S. economic development organizations on investment attraction best practices. To learn more about why the United States is the best country in the world to develop technology, manufacture products, deliver services, and grow your business, visit <u>http://www.SelectUSA.gov</u> or call +1-202-482-6800.

UNITED STATES PATENT AND TRADEMARK OFFICE COMMISSIONER FOR PATENTS P.O.BOX 1450 ALEXANDRIA VA 22313-1451 PRESORTED FIRST-CLASS MAIL U.S. POSTAGE PAID POSTEDIGITAL NNNNN

Fowler White Burnett, P.A. 1395 Brickell Avenue, 14th Floor Miami, FL 33131

# հվեսկակերի



# Courtesy Reminder for Application Serial No: 29/625,265

Attorney Docket No: VVI.001USP Customer Number: 139305 Date of Electronic Notification: 04/15/2019

This is a courtesy reminder that new correspondence is available for this application. If you have not done so already, please review the correspondence. The official date of notification of the outgoing correspondence will be indicated on the form PTOL-90 accompanying the correspondence.

An email notification regarding the correspondence was sent to the following email address(es) associated with your customer number: JEnglander@fowler-white.com

To view your correspondence online or update your email addresses, please visit us anytime at https://ppair-my.uspto.gov/pair/PrivatePair. If you have any questions, please email the Electronic Business Center (EBC) at EBC@uspto.gov or call 1-866-217-9197. Case 2:23-cv-00128-ABJ Document 1 Filed 07/18/23 Page 161 of 242

UNITED STATES PATENT AND TRADEMARK OFFICE



UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virgunia 22313 1450 www.uspto.gov

# NOTICE OF ALLOWANCE AND FEE(S) DUE

139305759004/15/2019Fowler White Burnett, P.A.1395 Brickell Avenue, 14th FloorMiami, FL 33131

PATYK, JA	NICE JULIA
ART UNIT	PAPER NUMBER

DATE MAILED: 04/15/2019

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
29/625,265	11/08/2017	Rui Medeiros Santos	VVL001USP	5612

TITLE OF INVENTION: UTENSIL REST

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	UNDISCOUNTED	\$700	\$0.00	\$0.00	\$700	07/15/2019

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. <u>PROSECUTION ON THE MERITS IS CLOSED</u>. THIS NOTICE OF ALLOWANCE 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.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN <u>THREE MONTHS</u> FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. <u>THIS STATUTORY PERIOD</u> <u>CANNOT BE EXTENDED</u>. SEE 35 U.S.C. 151. 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.

### 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, pay the TOTAL FEE(S) DUE shown above.

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, small entity fees are 1/2 the amount of undiscounted fees, and micro entity fees are 1/2 the amount of small entity fees.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. 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 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.

IMPORTANT REMINDER: Maintenance fees are due in utility patents issuing on applications filed on or after Dec. 12, 1980. It is patentee's responsibility to ensure timely payment of maintenance fees when due. More information is available at www.uspto.gov/PatentMaintenanceFees.

Page 1 of 3

# Case 2:23-cv-00128-ABJ Document 1 Filed 07/18/23 Page 162 of 242

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), by mail or fax, or via EFS-Web.

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 for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate, All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

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

139305 7590 04/15/2019 Fowler White Burnett, P.A. 1395 Brickell Avenue, 14th Floor Miami, FL 33131 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.

#### 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 EFS-Web or by facsimile to (571) 273-2885, on the date below.

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

29/625,265	And the second s	1 A	FIRST NAMED INVENTOR	4.T 1 B	ATTORNEY DOCKET NO.	CONFIRMATION NO.
and in the late to be the second of the	11/08/2017		Rui Medeiros Santos		VVI.001USP	5612
APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE	FEE TOTAL FEE(S) DUE	DATE DUE
nonprovisional	UNDISCOUNTED	\$700	50.00	\$0.00	\$700	07/15/2019
EXAMP	NER	ART UNIT	CLASS-SUBCLASS	n		
PATYK, JANI	CE JULIA	2912	D07-637000			
<ul> <li>"Fee Address" indic. SB/47; Rev 03-09 or mo Number is required.</li> <li>ASSIGNEE NAME AN PLEASE NOTE: Unless</li> </ul>	s an assignee is identified cordation, as set forth in	Indication form PTO/ of a Customer TO BE PRINTED ON d below, no assignee dat	<ul> <li>(2) The name of a single registered attorney or a 2 registered patent attorney in the listed, no name will be</li> <li>THE PATENT (print or type ta will appear on the patent.</li> <li>FR 3.81(a). Completion of the listed of the liste</li></ul>	gent) and the name meys or agents. If n printed. e) If an assignee is idu this form is NOT a	s of up to 2333	t must have been previous nment.
lease check the appropria	te assignee category or c	categories (will not be p	rinted on the patent) : 🖵 In	dividual 🖵 Corpor	ation or other private group	entity 🖵 Government
a. Fees submitted:	Issue Fee Publi Please first reapply any p via EFS-Web PE	cation Fee (if required) <i>rreviously paid fee show</i> inclosed check	Advance Order - # m above) Non-electronic payment by	of Copies	form PTO-2038)	entity 🖵 Government
<ul> <li>4a. Fees submitted:</li> <li>4b. Method of Payment: (F</li> <li>Electronic Payment</li> <li>The Director is here</li> <li>5. Change in Entity Statu</li> <li>Applicant certifying</li> <li>Applicant asserting :</li> <li>Applicant changing</li> </ul>	Issue Fee Publi Please first reapply ony p via EFS-Web E by authorized to charge (from status indicated micro entity status. See small entity status. See 3 to regular undiscounted	cation Fee (if required) <i>rreviously paid fee show</i> inclosed check the required fee(s), any 1 above) 37 CFR 1.29 37 CFR 1.27 fee status.	Advance Order - # on above) Non-electronic payment by deficiency. or credit any ov <u>NOTE:</u> Absent a valid cer fee payment in the micro <u>NOTE:</u> If the application to be a notification of loss <u>NOTE:</u> Checking this box entity status, as applicable	of Copies eredit card (Attach erpayment to Depo- entity amount will r was previously und of entitlement to m c will be taken to be	form PTO-2038) sit Account No Entity Status (see forms PT tot be accepted at the risk of er micro entity status, check ticro entity status. a notification of loss of ent	O/SB/15A and 15B), issue application abandonmenting this box will be taken
<ul> <li>4a. Fees submitted:</li> <li>4b. Method of Payment: (F</li> <li>Electronic Payment</li> <li>The Director is here</li> <li>5. Change in Entity Statu</li> <li>Applicant certifying</li> <li>Applicant asserting :</li> <li>Applicant changing</li> </ul>	Issue Fee Publi Please first reapply ony p via EFS-Web E by authorized to charge (from status indicated micro entity status. See small entity status. See 3 to regular undiscounted	cation Fee (if required) <i>rreviously paid fee show</i> inclosed check the required fee(s), any 1 above) 37 CFR 1.29 37 CFR 1.27 fee status.	Advance Order - # <i>in above</i> ) Non-electronic payment by deficiency. or credit any ov <u>NOTE:</u> Absent a valid cer fee payment in the micro <u>NOTE:</u> If the application to be a notification of loss <u>NOTE:</u> Checking this box	of Copies eredit card (Attach erpayment to Depo- entity amount will r was previously und of entitlement to m c will be taken to be	form PTO-2038) sit Account No Entity Status (see forms PT tot be accepted at the risk of er micro entity status, check ticro entity status. a notification of loss of ent	O/SB/15A and 15B), issue application abandonmenting this box will be taken

# Case 2:23-cv-00128-ABJ Document 1 Filed 07/18/23 Page 163 of 242

UNIT	ed States Patent ai	Un	TTED STATES DEPARTMENT OF COMP ited States Patent and Trademark Off tress: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov	
APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
29/625,265	11/08/2017	Rui Medeiros Santos	VVI.001USP	5612
(39305 759	0 04/15/2019		EXAM	INER
Fowler White Bur			PATYK, JAN	ICE JULIA
1395 Brickell Aven Miami, FL 33131	ue, 14th Floor		ART UNIT	PAPER NUMBER
initianii, 1 is 55151			2912	
			DATE MAILED: 04/15/2019	3

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 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.

### OMB Clearance and PRA Burden Statement for PTOL-85 Part B

The Paperwork Reduction Act (PRA) of 1995 requires Federal agencies to obtain Office of Management and Budget approval before requesting most types of information from the public. When OMB approves an agency request to collect information from the public, OMB (i) provides a valid OMB Control Number and expiration date for the agency to display on the instrument that will be used to collect the information and (ii) requires the agency to inform the public about the OMB Control Number's legal significance in accordance with 5 CFR 1320.5(b).

The information collected by PTOL-85 Part B is required by 37 CFR 1.311. 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 30 minutes 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, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450. Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

### **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. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b) (2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

- The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
- A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
- 3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
- 4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
- A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
- A record in this system of records may be disclosed, as a routine use, to 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)).
- 7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
- 8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
- 9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

# Case 2:23-cv-00128-ABJ Document 1 Filed 07/18/23 Page 165 of 242

Notice of Allowability	Application No. 29/625,265	Applicant Santos et a	
For A Design Application	Examiner JANICE J PATYK	Art Unit 2912	AIA (FITF) Status Yes
The MAILING DATE of this communication All claims being allowable, PROSECUTION ON THE MERI herewith (or previously mailed), a Notice of Allowance (PTO NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATE initiative of the Office or upon petition by the applicant. See period for paying the issue fee. The issue fee must be paid Allowance (PTOL-85) or this application shall be regarded a	TS IS (OR REMAINS) CLOSED DL-85) or other appropriate comm INT RIGHTS. This application is 37 CFR 1.313 and MPEP 1308. within THREE MONTHS FROM	in this application. If nunication will be ma subject to withdrawa This notice does no THE MAILING DAT	f not included ailed in due course. THIS al from issue at the ot set or reset the time E of the Notice of
1 I This communication is responsive to amendment - Fe	bruary 19, 2019 .		
A declaration(s)/affidavit(s) under 37 CFR 1.130(b			
2. An election was made by the applicant in response to restriction requirement and election have been incorport	a restriction requirement set fort prated into this action.	h during the interview	w onthe
3. The claim is allowed.			
4. Acceptable drawings:			
(a) 🗹 The drawings filed on 19 February 2019 are ac	ccepted by the Examiner.		
(b) Drawing Figures filed on and drawing F	Figures filed onare accep	ted by the Exam	miner.
5. The claim for foreign priority under 35 U.S.C. § 119(a)	-(d) or (f) is acknowledged.		
<ul> <li>a) All</li> <li>b) Some *c) None of the:</li> <li>1. Certified copies of the priority documents in the copies of the priority documents in the copies of the priority documents in the copies of the certified copies of the priority international Bureau (PCT Rule 17.2(a)).</li> <li>* Certified copies not received:</li> </ul> Applicant has THREE MONTHS FROM THE "MAILING D/ corrected drawings noted in item 6 below. Failure to timely	have been received in Applicatio y documents have been received ATE" of this communication to fil	d in this national stag	with the requirement for
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE. S period for paying the issue fee.	See 37 CFR 1.85(c). NOTE: Th		
6. CORRECTED DRAWINGS (as "replacement sheets")			
including changes required by the attached Examination	niner's Amendment / Comment o	r in the Office action	1 of
Paper No./Mail Date Identifying indicia such as the application number (see 37 ( each sheet. Replacement sheet(s) should be labeled as suc			ront (not the back) of
Attachment(s)			
1. Notice of References Cited (PTO-892)	4. 🗌 Examiner's	Amenament/Comm	ent
<ul> <li>2. Information Disclosure Statements (PTO/SB/08), Paper No./Receipt Date</li> <li>3. Interview Summary (PTO-413), Paper No./Mail Date</li> </ul>	5. 🗌 Examiner's 6. 🗌 Other	Statement of Reasc	ons for Allowance
NOTE: PRINT FROM SCORE	-		
/JANICE PATYK/ Examiner, Art Unit 2912 J.S. Patent and Trademark Office	/DERRICK E HOLL Primary Examiner, J	The second se	

# Case 2:23-cv-00128-ABJ Document 1 Filed 07/18/23 Page 166 of 242

Search Notes	Application/Control No. 29/625,265	Applicant(s)/Patent Under Reexamination Santos et al.
	Examiner JANICE J PATYK	Art Unit 2912

CPC - Searched*				
Symbol	Date	Examiner		
A47G21/06,14	03/20/2019	JP		
A47G29/08	1.00			
B65D43/169	1 T	1		
B65D45/00				
B67B7/16,44				

CPC Combination Sets - Searched*		
Symbol	Date	Examiner

US Classif	US Classification - Searched*				
Class	Subclass	Date	Examiner		
D3	273,274	03/20/2019	JP		
D7	631,637-641,550.1				
D9	420-426,432		1		
D19	77,81-86				
206	553,557,562,564				
211	60.1,70.1,70.7				
220	23.83				

\* See search history printout included with this form or the SEARCH NOTES box below to determine the scope of the search.

/JANICE JULIA PATYK/ Examiner, Art Unit 2912		
J.S. Palent and Trademark Office	Page 1 of 2	Part of Paper No.: 2019032

# Case 2:23-cv-00128-ABJ Document 1 Filed 07/18/23 Page 167 of 242

Search Notes	Application/Control No. 29/625,265	Applicant(s)/Patent Under Reexamination Santos et al.
	Examiner JANICE J PATYK	Art Unit 2912

Search Notes	Date	Examiner
Google image search on utensil rest	11/05/2018	JP
Performed inventor, assignee search on EAST		
EAST Keyword search(see attached)	1	
EAST forward/backward search		
Updated search	03/20/2019	JP

Interference Search				
US Class/CPC Symbol	US Subclass/CPC Group	Date	Examiner	
D7	637	03/20/2019	JP	

/JANICE JULIA PATYK/ Examiner, Art Unit 2912	
U.S. Patent and Trademark Office	Part of Paper No.: 2019032

# Case 2:23-cv-00128-ABJ Document 1 Filed 07/18/23 Page 168 of 242

Section 3 mill	Application/Control No.	Applicant(s)/Patent Under Reexamination
Issue Classification	29/625,265	Santos et al.
	Examiner	Art Unit
	JANICE J PATYK	2912

CPC				
Symbol		Туре	Version	
		4.1		

CPC Combination Sets					
Symbol		Туре	Set	Ranking	Version
Const. C.			1000		

Use images from artifact folder? 🤍 Yes 🕷	No		
/JANICE PATYK/ Examiner, Art Unit 2912	20 March 2019	Total Claim	s Allowed:
(Assistant Examiner)	(Date)	1	
/DERRICK E HOLLAND/ Primary Examiner, Art Unit 2912	28 March 2019	O.G. Print Claim(s)	O.G. Print Figure
(Primary Examiner)	(Date)	1	1
U.S. Patent and Trademark Office	Page 1 of 3	P	art of Paper No.: 2019032

# Case 2:23-cv-00128-ABJ Document 1 Filed 07/18/23 Page 169 of 242

The star with the st	Application/Control No.	Applicant(s)/Patent Under Reexamination
Issue Classification	29/625,265	Santos et al.
	Examiner	Art Unit
	JANICE J PATYK	2912

INTERNATIONAL CLASSIFICATION			
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NON-CLAIMED			
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US ORIGINAL CLAS	SIFICATION						
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D7		637	637				
CROSS REFERENC	ES(S)						
CLASS	1	SUBCLASS (	ONE SUBCLASS PER E	LOCK)	2 h		
		1			1		

JANICE PATYK/	20 March 2019	Total Claim	a Allewada
Examiner, Art Unit 2912		Total Claim	s Allowed:
(Assistant Examiner)	(Date)	1	
/DERRICK E HOLLAND/ Primary Examiner, Art Unit 2912	28 March 2019	O.G. Print Claim(s)	O.G. Print Figure
(Primary Examiner)	(Date)	1	1
U.S. Patent and Trademark Office	Page 2 of 3	Pi	art of Paper No.: 2019

# Case 2:23-cv-00128-ABJ Document 1 Filed 07/18/23 Page 170 of 242

Application/Control No. 29/625,265	Applicant(s)/Patent Under Reexamination Santos et al.
Examiner JANICE J PATYK	Art Unit 2912

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JANICE PATYK/ Examiner, Art Unit 2912	20 March 2019	Total Claims Allowed:		
Assistant Examiner)	(Date)	1		
/DERRICK E HOLLAND/ Primary Examiner, Art Unit 2912	28 March 2019	O.G. Print Claim(s)	O.G. Print Figure	
(Primary Examiner)	(Date)	1	1	

# **Bibliographic Data**

Application No: 29/625,	265	
Foreign Priority claimed:	O Yes O No	
35 USC 119 (a-d) conditions met	Yes No	Met After Allowance
Verified and Acknowledged:	/JANICE PATYK/	
	Examiner's Signature	Initials
Title:	UTENSIL REST	

FILING or 371(c) DATE	CLASS	GROUP ART UNIT	ATTORNEY DOCKET NO.
11/08/2017	D07	2912	
RULE			

# APPLICANTS

Vacu Vin Innovations Ltd., Delfgauw, NETHERLANDS

# INVENTORS

Rui Medeiros Santos Rotterdam, NETHERLANDS

Sandra van Oosterbaan-Rijnen Barendrecht, NETHERLANDS

Delphine Buyse Voorburg, NETHERLANDS

# CONTINUING DATA

## FOREIGN APPLICATIONS

## IF REQUIRED, FOREIGN LICENSE GRANTED\*\*

11/09/2017

## STATE OR COUNTRY

NETHERLANDS

# ADDRESS

## FILING FEE RECEIVED

\$760

Case 2:23-cv-00128-ABJ Document 1 Filed 07/18/23 Page 172 of 242

Application No.: 29/625,265 Reply to Office Action of November 19, 2018 Replacement Sheet 1 of 7

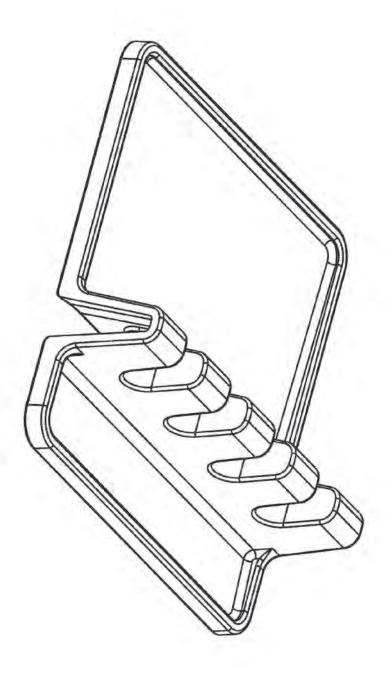


FIGURE 1

Case 2:23-cv-00128-ABJ DoppHotationFiled: 07/4828,368 age 173 of 242 Reply to Office Action of November 19, 2018 Replacement Sheet 2 of 7

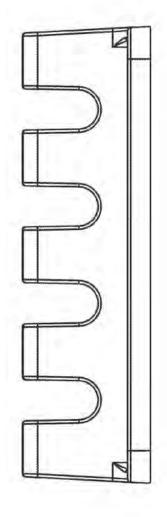


FIGURE 2

Case 2:23-cv-00128-ABJ Document 1 Filed 07/18/23 Page 174 of 242

Application No.: 29/625,265 Reply to Office Action of November 19, 2018 Replacement Sheet 3 of 7

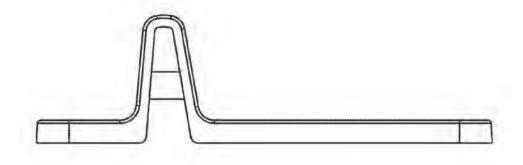


FIGURE 3

Case 2:23-cv-00128-ABJ Document 1 Filed 07/18/23 Page 175 of 242

Application No.: 29/625,265 Reply to Office Action of November 19, 2018 Replacement Sheet 4 of 7

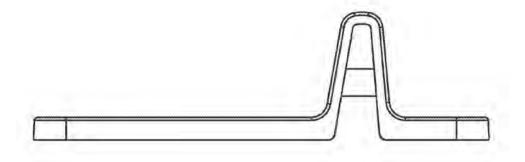


FIGURE 4

Case 2:23-cv-00128-ABJ Document 1 Filed 07/18/23 Page 176 of 242

Application No.: 29/625,265 Reply to Office Action of November 19, 2018 Replacement Sheet 5 of 7

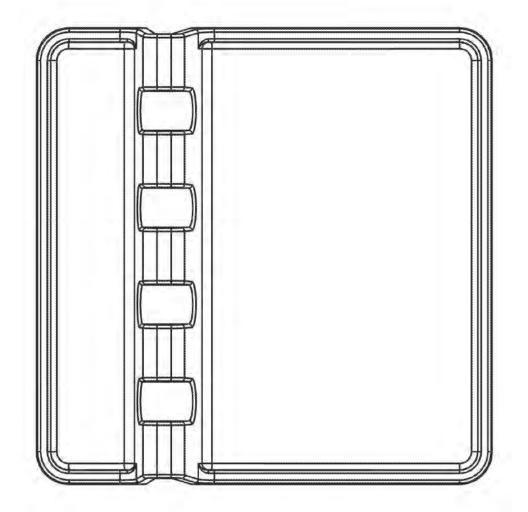


FIGURE 5



Application No. 29/265,265 Reply to Office Action of November 19, 2018 Replacement Sheet 6 or 7

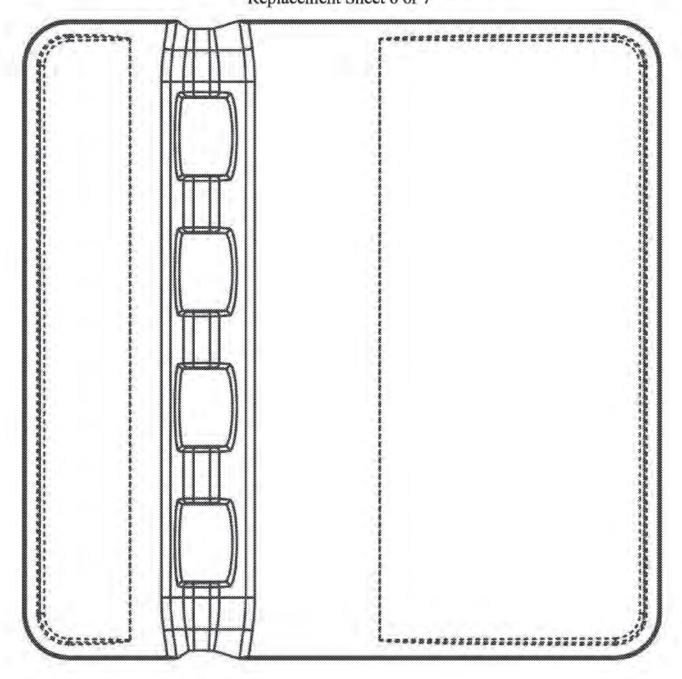


FIGURE 6

Case 2:23-cv-00128-ABJ Document 1 Filed 07/18/23 Page 178 of 242

Application No.: 29/625,265 Reply to Office Action of November 19, 2018 Replacement Sheet 7 of 7

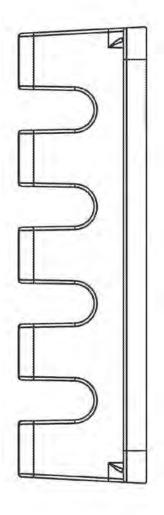


FIGURE 7

Electronic A	cknowledgement Receipt
EFS ID:	35192602
Application Number:	29625265
International Application Number:	6
Confirmation Number:	5612
Title of Invention:	UTENSIL REST
First Named Inventor/Applicant Name:	Rui Medeiros Santos
Customer Number:	139305
Filer:	Alberto Alvarez
Filer Authorized By:	
Attorney Docket Number:	WI.001USP
Receipt Date:	19-FEB-2019
Filing Date:	08-NOV-2017
Time Stamp:	17:09:37
Application Type:	Design

# Payment information:

Submitted with I	Payment	no			
File Listing:	1.0				
Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
			4556405		
Û.		ResponsetoOfficeActionwithd awingsFINAL2.pdf	517bdci7a128acd7675e62ba2654c52d02c Da444	yes	13

# Case 2:23-cv-00128-ABJ Document 1 Filed 07/18/23 Page 180 of 242

	Multipart Description/PDF files in .zip description				
12.1	Document Description	Start	End		
	Amendment/Req. Reconsideration-After Non-Final Reject	ĩ	6		
	Drawings-only black and white line drawings	7	13		
Warnings:		1			
Information:					
	Total Files Size (in bytes):	455	6405		

## New Applications Under 35 U.S.C. 111

Post Card, as described in MPEP 503.

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course. <u>New International Application Filed with the USPTO as a Receiving Office</u>

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No .:	VVL001USP
Group Art Unit:	2912
Examiner:	Janice Julia Patyk
Entitled:	UTENSIL REST
Applicant:	Vacu Vin Innovations Ltd.
Filing Date:	November 8, 2017
Confirmation No .:	5612
Application Number:	29/625,265

### **RESPONSE TO OFFICE ACTION**

Mailbox: Amendment Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450

Dear Commissioner:

In response to the non-final Office Action dated November 19, 2018 in the above-captioned application, please enter and consider the following amendments and remarks. Applicant submits these amendments and remarks to clarify the present invention, are made without prejudice or disclaimer and are independent of patentability.

Amendments to the Description begin on page 2 of this document.

Amendments to the Drawings begin on page 3 of this document and include attached replacement sheets, which replace the original 7 sheets that include Figures 1, 2, 3, 4, 5, 6 and 7.

Remarks begin on page 4 of this document.

An Appendix including amended drawing figures is attached following page 5 of this paper.

### Amendments to the Description:

Please amend the Description as set forth below. In the following amended Description, additional text is indicated by underlining ("<u>xxxxx</u>") and deleted text is indicated by a strikethrough ("<del>xxxxx</del>"):

## DESCRIPTION OF THE FIGURES OF THE DRAWINGS

- FIG. 1 is a top perspective view of a utensil rest, showing our new design;
- FIG. 2 is a front plan view thereof;
- FIG. 3 is a right side plan view thereof;
- FIG. 4 is a left side plan view thereof;
- FIG. 5 is a top view thereof;
- FIG. 6 is a bottom view thereof; and
- FIG. 7 is a back plan view thereof.

The broken lines in the figures illustrate the portions of the design that form no part of the claimed design.

### Amendments to the Drawings:

The sheets of drawings attached hereto as an Appendix include changes to the first sheet, which replaces the original sheet that included Figure 1, changes to the second sheet, which replaces the original sheet that included Figure 2, changes to the third sheet, which replaces the original sheet that included Figure 3, changes to the fourth sheet, which replaces the original sheet that included Figure 4, changes to the fifth sheet, which replaces the original sheet that included Figure 5, changes to the sixth sheet, which replaces the original sheet that included Figure 6, and changes to the seventh sheet, which replaces the original sheet that included Figure 7.

Each of the seven replacement sheets include amendments to its corresponding original sheet that include figures with better line quality and higher resolution to better define the claimed design. The replacement sheet corresponding to the original sheet that included Figure 6 identifies elements that are not part of the design sought to be patented. The elements that are not part of the design to be patented are identified by a broken line illustration.

Appendix: Replacement Sheets

### REMARKS

This is a full and timely response to the outstanding Office Action dated November 19, 2018. The changes herein reflect and include the matters addressed in the office action.

### 1. Objection to the Drawing.

As stated in the pending Office Action, the Examiner objected to the drawings because the line quality throughout the figures is poor and unclear and the solid lines appeared pixelated and merged to form heavy line weight in certain places, making the views unclear. The Examiner stated that for clarity in the disclosure, it is required that Applicant improve the line quality and better define the heavy line weight merged areas. The Examiner requested a full set of corrected drawings/replacement sheets in this reply to avoid abandonment of the application.

### 2. Rejection under 35 USC §112(a) and (b).

As stated in the pending Office Action, the Examiner rejected the claim because claimed invention was not described in such full, clear, concise and exact terms as to enable a person of reasonable skill in the art to make and use the same, and failed to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Furthermore, the claim was rejected as indefinite and non-enabling because the shape and appearance of the claimed design cannot be understood.

Specifically, the Examiner noted that the drawing in Figure 6 reflects the bottom surface shown with two rectangular surfaces where no other view shows such enclosed surfaces, making the exact depth and surface delineations of the bottom surfaces unclear.

### 3. Changes to the Drawings.

Per the Examiner's comments and suggestions as set forth in the pending Office Action, Applicant has amended the pending application to amend the original Figures 1, 2, 3, 4, 5, 6 and 7. Figure 1, 2, 3, 4, 5, 6, and 7 have been amended to show improved line quality and high resolution drawings that better define the heavy line weight merged areas. Figure 6 has further been amended to show, through a broken line illustration, that certain elements in the drawing are not part of the design sought to be patented. The amendments to the drawings do not add any new material to the application. They merely improve the quality of the drawings and clarify that certain elements illustrated in the drawings are not part of the design sought to be patented. Accordingly, it is respectfully submitted that the rejection has been overcome through the above referenced amendments and respectfully that the rejection be withdrawn.

The present application is in condition for allowance of the claim, and Applicant respectfully requests favorable action. In order to facilitate the resolution of any questions, the Examiner is invited to contact the undersigned attorney.

Respectfully submitted,

s/Alberto Alvarez Alberto Alvarez Reg. No. 69260 Peretz Chesal & Herrmann, P.L. 2 S. Biscayne Blvd., Suite 3700 Miami, Florida 33131 Telephone: (305) 341-3000 aalvarez@pch-iplaw.com Case 2:23-cv-00128-ABJ Document 1 Filed 07/18/23 Pagepl&attdr2N&: 29/625,265 Group Art Unit: 2912 Filing Date: November 8, 2017 Examiner Janice Julia Patyk Attorney Docket No.: VVI.001USP

# APPENDIX

DocCode - SCORE

# SCORE Placeholder Sheet for IFW Content

# Application Number: 29625265

Document Date: 02/19/2019

The presence of this form in the IFW record indicates that the following document type was received in electronic format on the date identified above. This content is stored in the SCORE database.

Since this was an electronic submission, there is no physical artifact folder, no artifact folder is recorded in PALM, and no paper documents or physical media exist. The TIFF images in the IFW record were created from the original documents that are stored in SCORE.

Drawing

At the time of document entry (noted above):

- USPTO employees may access SCORE content via eDAN using the Supplemental Content tab, or via the SCORE web page.
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A COMPANY OF COMPANY			UNITED STATES DEPARTMENT United States Patent and Trader Address: COMMISSIONER FOR PA P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov	mark Office ATENTS
APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION N
29/625,265	11/08/2017	Rui Medeiros Santos	VVI.001USP	5612
	590 11/19/2018		EXAM	INER
Fowler White Burnett, P.A. 1395 Brickell Avenue, 14th Floor			PATYK, JAN	ICE JULIA
1395 Brickell A Miami, FL 3313			ART UNIT	PAPER NUMBER
			ART UNIT 2912	PAPER NUMBER
				PAPER NUMBER

### 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.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JEnglander@fowler-white.com

# Case 2:23-cv-00128-ABJ Document 1 Filed 07/18/23 Page 189 of 242

	Application No. 29/625,265		Applicant(s) Santos et al.	
the second s	Examiner JANICE J PATYK	Art Unit 2912	AIA Status Yes	
- The MAILING DATE of this communication appe Period for Reply	ears on the cover sheet w	ith the corresponde	nce address	
A SHORTENED STATUTORY PERIOD FOR REPLY DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period wi - Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	6(a). In no event, however, may a r ill apply and will expire SIX (6) MOI cause the application to become A	eply be timely filed NTHS from the mailing date BANDONED (35 U.S.C. §	e of this communication. 133).	
Status				
1) Responsive to communication(s) filed on				
A declaration(s)/affidavit(s) under 37 CFR 1.13	30(b) was/were filed on			
2a) This action is FINAL. 2b) 🗹	This action is non-final.			
3) An election was made by the applicant in response the restriction requirement and election has a second seco			ring the interview on	
4) Since this application is in condition for allowand closed in accordance with the practice under E	ce except for formal matt	ers, prosecution as		
Disposition of Claims*	NUDIVITIES (IN VICE 11)			
5) ✓ Claim(s) 1 is/are pending in the application	n			
5a) Of the above claim(s) is/are withdraw				
<ul> <li>6) □ Claim(s) is/are allowed.</li> </ul>	in nom consideration.			
<ul> <li>7) ✓ Claim(s) <u>1</u> is/are rejected.</li> </ul>				
<ul> <li>8) Claim(s) 1 is/are objected to.</li> </ul>				
<ul> <li>9) Claim(s) ris/arc objected to.</li> <li>9) Claim(s) are subject to restriction and/</li> </ul>	or election requirement			
* If any claims have been determined <u>allowable</u> , you may be elig participating intellectual property office for the corresponding app http://www.uspto.gov/patents/init_events/pph/index.jsp or send a	jible to benefit from the Pat plication. For more informat	ion, please see	<b>ihway</b> program at a	
Application Papers 10) The specification is objected to by the Examiner				
11) If the drawing(s) filed on 08 November 2017 is/ard		D objected to by t	he Examiner	
Applicant may not request that any objection to the dra Replacement drawing sheet(s) including the correction	awing(s) be held in abeyand	e. See 37 CFR 1.85(	a).	
Priority under 35 U.S.C. § 119				
12) Acknowledgment is made of a claim for foreign provide the complexity of a claim forei	priority under 35 U.S.C.	§ 119(a)-(d) or (f).		
a) All b) Some** c) None of the	9:			
1_ Certified copies of the priority docume				
2. Certified copies of the priority docume	ents have been received	in Application No.	1.1	
3. Copies of the certified copies of the pr application from the International Bure	iority documents have b		the second se	
** See the attached detailed Office action for a list of the certifie	and the second			
Attachment(s)				
1) Volice of Relerences Cited (PTO-892)	3) 🖂 Interview	Summary (PTO-413)		
	Paper No	(s)/Mail Date		
<ol> <li>Information Disclosure Statement(s) (PTO/SB/08a and/or PTO/SE Paper No(s)/Mail Date</li> <li>J.S. Patent and Trademark Office</li> </ol>	3/08b) 4) 🗌 Other:			

#### Case 2:23-cv-00128-ABJ Document 1 Filed 07/18/23 Page 190 of 242

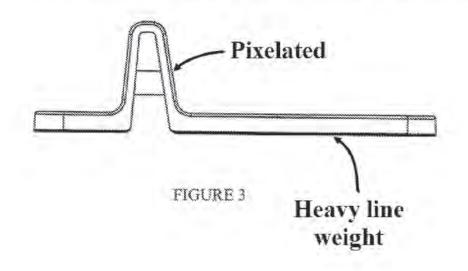
Application/Control Number: 29/625,265 Art Unit: 2912 Page 2

#### OFFICE ACTION

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

### **Objection to the Drawing**

The line quality throughout the figures is poor and unclear. The solid lines appear pixelated and have merged to form heavy line weight in places, making the views unclear. For clarity in the disclosure, it is required that applicant improve the line quality and better define the heavy line weight merged areas (please refer to 37CFR 1.84(k,l,m) for additional guidance). See below exemplary annotation.



Please submit a full set of corrected drawings / replacement sheets.

Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application.

#### Replacement Sheets

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."

### Case 2:23-cv-00128-ABJ Document 1 Filed 07/18/23 Page 191 of 242

Page 3

Application/Control Number: 29/625,265 Art Unit: 2912

If a drawing 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. If all the figures on a drawing sheet are canceled, a replacement sheet is not required. A marked-up copy of the drawing sheet (labeled as "Annotated Sheet") including an annotation showing that all the figures on that drawing sheet have been canceled must be presented in the amendment or remarks section that explains the change to the drawings. 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.

When preparing new drawings in compliance with the requirement therefor, care must be exercised to avoid introduction of anything which could be construed to be new matter prohibited by 35 U.S.C. 132 and 37 CFR 1.121(f). This pertains to either: the addition to, or the removal of, any elements shown in the originally disclosed design.

#### Objection to the Specification

For clarity and proper view designations, the descriptions of Figs. 1-4 and 7 should be amended as follows:

FIG. 1 is a top front perspective view of a utensil rest, showing our new design;
FIG. 2 is a front view thereof;
FIG. 3 is a right side view thereof;
FIG. 4 is a left side view thereof; -FIG. 7 is a back view thereof. --

If applicant elects to use the broken lines as suggested in the rejection below, the following statement must be used to describe the broken lines on the drawing (MPEP § 1503.02, subsection III):

- The broken lines in the figures illustrate the portions of the design that form no part of the claimed design. --

If used, the above statement should be inserted in the specification preceding the claim.

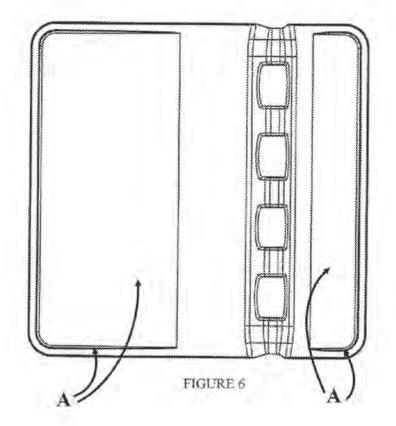
Application/Control Number: 29/625,265 Art Unit: 2912

Rejection - 35 U.S.C. § 112

The claim is rejected under 35 U.S.C. 112(a) and (b) or pre-AIA 35 U.S.C. 112, first and second paragraphs, as the claimed invention is not described in such full, clear, concise and exact terms as to enable any person skilled in the art to make and use the same, and fails to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claim is indefinite and nonenabling because the shape and appearance of the claimed design cannot be understood due to the following:

**Fig. 6** shows bottom surface shown with two rectangular surfaces (**A**) where no other view shows such enclosed surfaces, making the exact depth and surface delineations of the bottom surfaces unclear. Therefore, it is suggested to convert all of the full line details of (**A**) to broken lines in order to eliminate claim to the indefinite subject matter. See below annotation for clarification.



Failure to submit replacement correction sheets overcoming all of the deficiencies in the drawing disclosure set forth above, or an explanation why the drawing corrections or additional drawing views are not necessary will result in the rejection of the claim under 35 U.S.C. 112(a) and (b) or pre-AIA 35 U.S.C. 112, first and second paragraphs, being made FINAL in the next Office action.

Application/Control Number: 29/625,265 Art Unit: 2912 Page 5

The references are cited as pertinent prior art. Applicant may view and obtain copies of the cited references by visiting <<u>http://www.uspto.gov/patft/index.html></u> and pressing the "Patent Number Search" button.

### The claim stands rejected under 35 U.S.C. 112 (a) and (b).

#### Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JANICE J PATYK whose telephone number is (571)272-7594. The examiner can normally be reached on Mon-Thu from 7:00am-5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ian Simmons, can be reached on 571-272-2658. 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://portal.uspto.gov/external/portal. Should you have questions about access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/JANICE PATYK/ Examiner, Art Unit 2912

### Case 2:23-cv-00128-ABJ Document 1 Filed 07/18/23 Page 194 of 242

Notice of References Cited	Application/Control No. 29/625,265	Applicant(s)/ Reexaminati Santos et al.	Patent Under on
	Examiner JANICE J PATYK	Art Unit 2912	Page 1 of 1

#### U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	CPC Classification	US Classification
*	A	US-D740619-S	10-2015	Elliott; Terry		D7/637
*	В	US-D689744-S	09-2013	Tarantino; Jay		D19/86
*	С	US-8668171-B2	03-2014	Tarantino; Jay	A47G21/14	220/500
*	D	US-D723875-S	03-2015	Elattrache; Michael		D7/637
*	E	US-7975857-B2	07-2011	Restis; Paula	A47L19/02	206/553
*	F	US-D504587-S	05-2005	Root; Tracy W.		D6/534
*	G	US-20020158031-A1	10-2002	Powers, Norman C.	A47J47/16	211/41.11
*	H	US-6604714-B1	08-2003	Hall; Anson L.	A47F7/0035	206/232
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#### FOREIGN PATENT DOCUMENTS

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NON-PATENT DOCUMENTS

*	1.	Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
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\*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).) Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

U.S. Patent and Trademark Office PTO-892 (Rev. 01-2001)

Notice of References Cited

Part of Paper No. 20181106

## Case 2:23-cv-00128-ABJ Document 1 Filed 07/18/23 Page 195 of 242

Search Notes	Application/Control No. 29/625,265	Applicant(s)/Patent Under Reexamination Santos et al.
	Examiner JANICE J PATYK	Art Unit 2912

Symbol	Date	Examiner
A47G21/06,14	11/05/2018	JP
A47G29/08		
B65D43/169		
B65D45/00		
B67B7/16,44		

CPC Combination Sets - Searched*		
Symbol	Date	Examiner

US Classification - Searched*				
Class	Subclass	Date	Examiner	
D3	273,274	11/05/2018	JP	
D7	631,637-641,550.1			
D9	420-426,432			
D19	77,81-86			
206	553,557,562,564			
211	60.1,70.1,70.7			
220	23.83			

\* See search history printout included with this form or the SEARCH NOTES box below to determine the scope of the search.

/JANICE JULIA PATYK/ Examiner, Art Unit 2912	
I.S. Rajeri and Trademark Office	Part of Paper No.: 2018110

## Case 2:23-cv-00128-ABJ Document 1 Filed 07/18/23 Page 196 of 242

Search Notes	Application/Control No. 29/625,265	Applicant(s)/Patent Under Reexamination Santos et al.
	Examiner JANICE J PATYK	Art Unit 2912

Search Notes				
Search Notes	Date	Examiner		
Google image search on utensil rest	11/05/2018	JP		
Performed inventor, assignee search on EAST				
EAST Keyword search(see attached)	1			
EAST forward/backward search				

Interference Sea	arch	A	
US Class/CPC Symbol	US Subclass/CPC Group	Date	Examiner
D7	637	11/05/2018	JP

/JANICE JULIA PATYK/ Examiner, Art Unit 2912		
J.S. Palent and Trademark Office	Page 2 of 2	Part of Paper No.: 2018110

### EAST Search History

### EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L7	27	utensil adj3 rest.ti.		OR	OFF	2018/11/06 15:34
L5	0	santos-rui van-oosterbaan-rijnen-sandra buyse-delphine.in.		OR	OFF	2018/11/06 15:33
L4	10	vacu adj vin adj innovations.as.	US- PGPUB; USPAT; USOCR	OR	OFF	2018/11/06 15:32
S70	124	(*0178988"   *1382652"   *3235976"   *3416276"   *3482980"   *3682053"   *3718403"   *3765784"   *3776654"   *3918824"   *524303"   *5259524"   *5419087"   *7304852"   *D154997"   *D190781"   *D210208"   *D237447"   *D237679"   *D244340"   *D246937"   *D250279"   *D253144"   *D256419"   *D257342"   *D38583"   *D357457"   *D367322"   *D367715"   *D372390"   *D387232"   *D387398"   *D394370"   *D403438"   *D415847"   *D416735"   *D426810"   *D429531"   *D433993"   *D475898"   *D495296"   *D496629"   *D497292"   *D507447"   *D511944"   *D524732"   *D532259"   *D532657"   *D539102"   *D546478"   *D553759"   *D556685"   *D573417"   *D577130"   *D582219"   *D614778"   *D645573"   *D664677"   *D675345"   *D690437"   *D695915"   *D695916"   *D695917"   *D695918"   *D695919"   *D695920"   *D695921"   *D695922"   *D737523"   *D738534").PN. OR (*4315482"   *D056913"   *D247374"   *D256419"   *D493319"   *D592464"   *D651471"   *D654870"   *D729413"   *D761443").URPN.	US- PGPUB; USPAT; USOCR	OR	OFF	2018/11/05 20:27
S8	2	cutlery adj stand.ti.		OR	OFF	2018/11/05 11:42
S7	704	(211/13.1,70.6,70.7,73,74,60.1,70.1,71.01,85.31,85.4,133.5,181.1 248/37.3,37.6,176.1,175 ).CCLS. AND ((STEREOSCOPIC TRIMETRIC AXONOMETRIC PICTORIAL PICTORAL ISOMETRIC OBLIQUE EXPLODED """"THREE DIMENSIONAL"""" perspectiv\$2) with (DRAWING VIEW )).bi. and HOLDER.ti.		OR	OFF	2018/11/02 16:36
S6	58	(206/553,557,562,564; 211/60.1,70.1,70.7; 220/23.83).CCLS. AND ((STEREOSCOPIC TRIMETRIC AXONOMETRIC PICTORIAL PICTORAL ISOMETRIC OBLIQUE EXPLODED ""THREE DIMENSIONAL"" perspectiv\$2) with (DRAWING VIEW )).bi. and utensil.ti.		OR	OFF	2018/10/31 16:34
S5	3951	(D19/77,81-86).CCLS.	US- PGPUB; USPAT; USOCR	OR	OFF	2018/10/31 16:33
S4	5363	(D9/420-426,432).CCLS.	US- PGPUB; USPAT; USOCR	OR	OFF	2018/10/31 16:33
S3	1642	(D7/631,637-641,550.1).CCLS.	US-	OR	OFF	2018/10/31

### Case 2:23-cv-00128-ABJ Document 1 Filed 07/18/23 Page 198 of 242

			PGPUB; USPAT; USOCR			16:33
S2	915	(D3/273,274).CCLS.	US- PGPUB; USPAT; USOCR	OR	OFF	2018/10/31 16:33
S1	137	(A47G21/06,14 A47G29/08 B65D43/169 B65D45/00 B67B7/16,44).cpc. and utensil.ti	US- PGPUB; USPAT; USOCR	OR	OFF	2018/10/31 16:33

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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS IND CLAIMS
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139305				C FILING RE	ONFIRMATION NO. 5612
One Biscayne	& Herrmann, F Tower yne Boulevard				C000000095397494

Date Mailed: 11/14/2017

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections

Inventor(s)

Rui Medeiros Santos, Rotterdam, NETHERLANDS; Sandra van Oosterbaan-Rijnen, Barendrecht, NETHERLANDS; Delphine Buyse, Voorburg, NETHERLANDS;

#### Applicant(s)

Vacu Vin Innovations Ltd., Delfgauw, NETHERLANDS;

Power of Attorney: The patent practitioners associated with Customer Number 139305

#### Domestic Applications for which benefit is claimed - None.

A proper domestic benefit claim must be provided in an Application Data Sheet in order to constitute a claim for domestic benefit. See 37 CFR 1.76 and 1.78.

**Foreign Applications** for which priority is claimed (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see <u>http://www.uspto.gov</u> for more information.) - None. Foreign application information must be provided in an Application Data Sheet in order to constitute a claim to foreign priority. See 37 CFR 1.55 and 1.76.

### Permission to Access Application via Priority Document Exchange: No

### Permission to Access Search Results: Yes

Applicant may provide or rescind an authorization for access using Form PTO/SB/39 or Form PTO/SB/69 as appropriate.

### If Required, Foreign Filing License Granted: 11/09/2017

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 29/625,265** 

Projected Publication Date: None, application is not eligible for pre-grant publication

Non-Publication Request: No

Early Publication Request: No Title

UTENSIL REST

**Preliminary Class** 

D07

Statement under 37 CFR 1.55 or 1.78 for AIA (First Inventor to File) Transition Applications: No

### PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4258).

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No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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### Case 2:23-cv-00128-ABJ Document 1 Filed 07/18/23 Page 203 of 242

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Commissioner for Patents way an article looks) (3 P.O. Box 1450 and works (35 U.S.C. 1 Alexandria, VA 22313-1450 shape/configuration o utility patent may be o			A "design patent" protects an article's ornamental appearance (e.g., the c) (35 U.S.C. 171), while a "utility patent" protects the way an article is use c. 101). The ornamental appearance of an article includes its or surface ornamentation upon the article, or both. Both a design and a e obtained on an article if invention resides both in its ornamental utility. For more information, see MPEP § 1502.01.			protects the way an orticle is used article includes its le, or both. Both a design and a es both in its ornamental	
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1. Fee Transmittal Form (PTO/SB/17 or equivalent)			· · · · · · · · · · · · · · · · · · ·	nment Pa	pers ocument(s))		
2. Applicant asserts small entity status. See 37 CFR 1.27			9. 🖌 37 CF	R 3.73(c)	Statement assignee)	Power of Attorney	
<ul> <li>3. Applicant certifies micro entity status. See 37 CFR 1.29. Applicant must attach form PTO/SB/15A or B or equivalent.</li> <li>4. Specification [Total Pages 1] (preferred arrangement set forth below, MPEP § 1503.01) - Preamble - Cross References to Related Applications - Statement Regarding Fed sponsored R &amp; D - Description of the figure(s) of the drawings - Feature description - Claim (only one (1) claim permitted, MPEP § 1503.03)</li> <li>5. Drawing(s) [Total Sheets 7] See 37 CFR 1.152</li> <li>6. Inventor's Oath or Declaration [Total Pages 3] (including substitute statements under 37 CFR 1.63 cm] a. Newly executed (original or copy) b. A copy from a prior application (37 CFR 1.63(d))</li> <li>7. Application Data Sheet * See nate below.</li> </ul>			10. Englis				
			11.       Information Disclosure Statement (IDS) (PTO/SB/08 or PTO-1449)         Copies of foreign patent documents, publications, and other information         12.       Preliminary Amendment         13.       Return Receipt Postcard (MPEP § 503) (Should be specifically itemized)         14.       Certified Copy of Priority Document(s) (if foreign priority is claimed)         15.       Request for Expedited Examination of a Design Application (37 CFR 1.155) (NOTE: Use "Mail Stop Expedited Design")         16.       Other:				
Note: (1) B (2) F a	7 CFR 1.76 (PTO/AIA/14 or equivalent) Renefit claims under 37 CFR 1.78 a or applications filed under 35 U.S ssignee, person to whom the inve nterest in the matter. See 37 CFR	.C. 111, the application ntor is under an oblig 1.46(b).	on must contain an A gation to assign, or p	ADS speci lerson wh	fying the app	licant if the applicant is an	
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ignature	/joseph r. englander	-/		Date		11/08/2017	
Name /Joseph r. englander/				1	ration No.		

to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes 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.

If you need assistance in completing the form, call 1-800-PTO-9199 and select aption 2.

Electronic Pater	nt Application Fe	e Transmit	tal		
Application Number:					
Filing Date:					
Title of Invention:	UTENSIL REST				
First Named Inventor/Applicant Name:	Rui Medeiros Santos				
Filer:	Joseph R. Englander/Erika Montane				
Attorney Docket Number:	VVI.001USP				
Filed as Large Entity					
Filing Fees for Design					
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)	
Basic Filing:	1				
DESIGN APPLICATION FILING	1012	1	180	180	
Design Search Fee	1112	1	120	120	
DESIGN EXAMINATION	1312	1	460	460	
DESIGN APPLICATION FILING (CPA)	1017	1	180	180	
Pages:		· · · ·	2		
Claimst					
Miscellaneous-Filing:					
Petition:					

Case 2:23-cv-00128-ABJ Docu	iment 1 Filed 0	7/18/23 Pa	ge 205 of 24	2
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				
Miscellaneous:				
	Tot	al in USD (	\$)	940

Electronic A	cknowledgement Receipt
EFS ID:	30890905
Application Number:	29625265
International Application Number:	
Confirmation Number:	5612
Title of Invention:	UTENSIL REST
First Named Inventor/Applicant Name:	Rui Medeiros Santos
Customer Number:	139305
Filer:	Joseph R. Englander/Erika Montane
Filer Authorized By:	Joseph R. Englander
Attorney Docket Number:	WI.001USP
Receipt Date:	08-NOV-2017
Filing Date:	
Time Stamp:	14:39:09
Application Type:	Design

# Payment information:

Submitted with Payment	yes
Payment Type	CARD
Payment was successfully received in RAM	\$940
RAM confirmation Number	110917INTEF5W14403200
Deposit Account	
Authorized User	

File Listing:					
Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.
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	Assignee showing of owns	ership per 37 CFR 3.73	24	. 2	15
	Oath or Declar	ation filed	21	.2	3
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	Specifica	tion	12	1	2
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Information:					

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

#### New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application. National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course. New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

### ASSIGNMENT

IN CONSIDERATION of the sum of One Dollar (\$1.00), and of other good and valuable consideration paid to the undersigned by the Assignee,

#### VACU VIN INNOVATIONS LTD.

a private company with limited liability organized under the laws of the Netherlands, domiciled at

#### Groothandelsweg 1, 2645 EH Delfgauw, The Netherlands

receipt whereof is hereby acknowledged, the undersigned by these presents hereby sells, assigns, transfers, and sets over unto said assignee the entire right, title and interest in and to the invention or improvement in

#### **DESIGN FOR "UTENSIL REST"**

said invention being fully described and/or claimed in the application for Letters Patent of the United States of America, executed this date/ these dates, as well as any divisional, continuing, reissue, reexamination, or other patent applications, in and for the United States and all foreign countries, the same to be held and enjoyed by said assignee, its successors, assigns or other legal representatives, to the full ends of the terms for which all Letters Patent therefore may be granted, as fully and entirely as the same would have been held and enjoyed by the undersigned if this assignment and sale had not been made.

AND SAID ASSIGNEE IS HEREBY AUTHORIZED to make application for and to receive Letters Patent for said invention in any of said countries at its election.

AND BY THIS COVENANT the undersigned will execute or procure any further necessary assurance of title to said invention and Letters Patent; and at any time, upon the request of said assignee, will execute and deliver any and all papers that may be necessary or desirable to perfect the title to said invention or any Letters Patent which may be granted therefor to said Assignee, its successors, assigns or other legal representatives, and, upon the request of said assignee, will execute any divisional, continuing, reissue, reexamination, or other applications for patents for said invention, in any country, and will make all rightful oaths and do all lawful acts requisite for aiding, procuring, or maintaining the same or for aiding therein. AND THE COMMISSIONER of Patents is hereby authorized and requested to issue any and all Letters Patent to the United States for said invention, to said assignee.

SIGNED as indicated.

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# Case 2:23-cv-00128-ABJ Document 1 Filed 07/18/23 Page 211 of 242

-	LARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN APPLICATION DATA SHEET (37 CFR 1.76)
Title of Invention	UTENSIL REST
As the belo	w named inventor, I hereby declare that:
This declar is directed	
	United States application or PCT International application number
	filed on
The above-	identified application was made or authorized to be made by me.
believe that	at I am the original inventor or an original joint inventor of a claimed invention in the application.
	mowledge that any willful false statement made in this declaration is punishable under 18 U.S.C. 1001 prisonment of not more than five (5) years, or both.
	WARNING:
contribute to other than	oplicant is cautioned to avoid submitting personal information in documents filed in a patent application that may be identity thaft. Personal information such as social security numbers, bank account numbers, or credit card numbers a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO petition or an application. If this type of personal information is included in documents submitted to the USPTO, applicants should consider reducting such personal information from the documents before submitting them to the stillioner/applicant is advised that the record of a patent application is available to the public after publication of the function of a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a thermore, the record from an abandoned application may also be available to the public if the application is a function is available to the public if the application is available to the public if the application is a thermore.
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LEGAL N.	n a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms ubmitted for payment purposes are not retained in the application file and therefore are not publicly available. AME OF INVENTOR Sandra van Opsterbaan-Rijnen
LEGAL N	AME OF INVENTOR  Sandra van Oosterbaan-Rijnen  Date (Optional) :
Signature Note: An app	AME OF INVENTOR  Sandra van Oosterbaan-Rijnen  Date (Optional) :

-	LARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN APPLICATION DATA SHEET (37 CFR 1.76)
Title of Invention	UTENSIL REST
As the belo	w named inventor, I hereby declare that:
This declar s directed	I DR 20202020 2000/02/00 Or
o anobio	United States application or PCT international application number
	filed on
The above-	dentified application was made or authorized to be made by me.
believe the	t I am the original inventor or an original joint inventor of a claimed invention in the application.
hereby acl y fine or in	nowledge that any willful false statement made in this declaration is punishable under 18 U.S.C. 1001 prisonment of not more than five (5) years, or both.
	WARNING:
ontribute to other than o support a etitioners/s ISPTO, Pe pplication atent. Fur eferenced i	pplicant is cautioned to avoid submitting personal information in documents filed in a patent application that may identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPT petition or an application. If this type of personal information is included in documents submitted to the USPTO, pplicants should consider redacting such personal information from the documents before submitting them to the titioner/applicant is advised that the record of a patent application is available to the public after publication of the unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a hermore, the record from an abandoned application may also be available to the public if the application is n a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms ubmitted for payment purposes are not retained in the application file and therefore are not publicly available.
	AME OF INVENTOR
LEGAL N	Delphine Buyse Date (Optional)
Inventor:	1444
Inventor: Signature	1444

# Case 2:23-cv-00128-ABJ Document 1 Filed 07/18/23 Page 213 of 242

DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AM APPLICATION DATA SHEET (37 CFR 1.76)	N
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he below named inventor, I hereby declare that:	
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United States application or PCT international application number	_
filed on	
above-identified application was made or authorized to be made by me	
ieve that I am the original inventor or an original joint inventor of a claimed invention in the application.	
eby acknowledge that any willful false statement made in this declaration is punishable under 18 U.S.C. 1001 ne or imprisonment of not more than five (5) years, or both.	
WARNING:	
ioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that m ibute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card n in that a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the poort a petition or an application. If this type of personal information is included in documents submitted to the USP oners/applicants should consider redacting such personal information from the documents before submitting them to TO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of cation (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance and. Furthermore, the record from an abandoned application may also be available to the public aft application is enced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forma- 2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.	USPTC TO, the f the of a
GAL NAME OF INVENTOR	
rentor: Rui Medeiros Santos Date (Optional) :	
inature: Midala	_
An application data sheet (PTO/SB/14 or equivalent), including naming the entire inventive entity, must accompany this form or mu previously filed. Use an additional PTO/AIA/01 form for each additional inventor.	ust have
Allection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 minute, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. A ants 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 Office and Trademark Office, U.S. Dependment of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450.	ute to

### Case 2:23-cv-00128-ABJ Document 1 Filed 07/18/23 Page 214 of 242

PTO/AIA/80 (07-17)

Approved for use through 01/31/2018. OMB 0551-0035 U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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(and by the USPTO to process) the file of a patent or reexamination proceeding. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 18 minutes 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. (/ you need ossistance in completing the form\_call 3-800-PTO 9199 and select option 2.

Title: UTENSIL REST Applicant: Vacu Vin Innovations, Ltd. Inventors: Santos, et al. Sheet 1 of 7

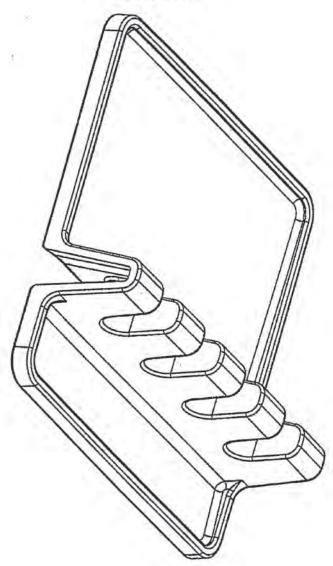


FIGURE 1

Title: UTENSIL REST Applicant: Vacu Vin Innovations, Ltd. Inventors: Santos, et al. Sheet 2 of 7

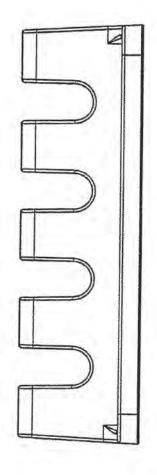


FIGURE 2

Case 2:23-cv-00128-ABJ Document 1 Filed 07/18/23 Page 217 of 242

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Title: UTENSIL REST Applicant: Vacu Vin Innovations, Ltd. Inventors: Santos, et al.

Sheet 3 of 7

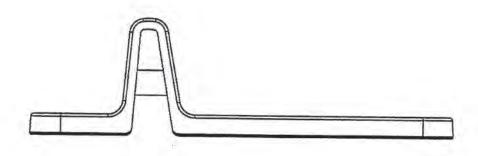


FIGURE 3

Title: UTENSIL REST Applicant: Vacu Vin Innovations, Ltd. Inventors: Santos, et al.

Sheet 4 of 7

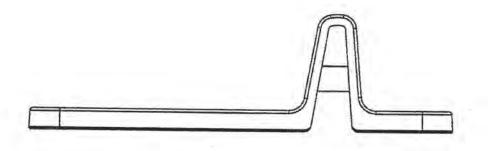


FIGURE 4

Title: UTENSIL REST Applicant: Vacu Vin Innovations, Ltd. Inventors: Santos, et al.

Sheet 5 of 7

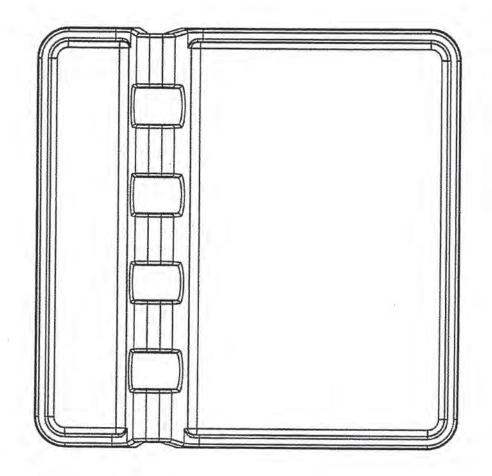


FIGURE 5

Title: UTENSIL REST Applicant: Vacu Vin Innovations, Ltd. Inventors: Santos, et al.

Sheet 6 of 7

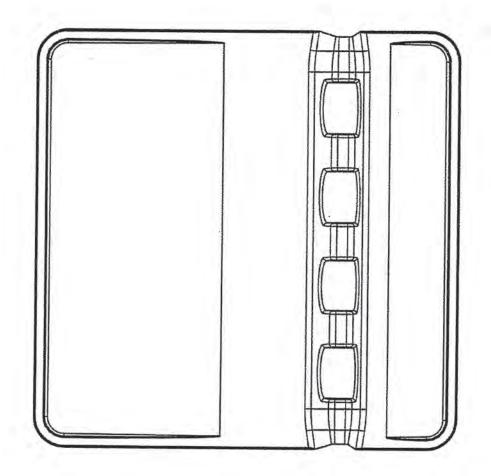
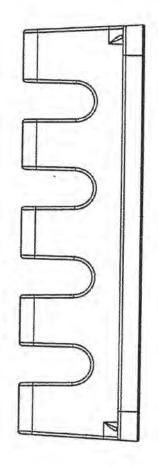


FIGURE 6

Title: UTENSIL REST Applicant: Vacu Vin Innovations, Ltd. Inventors: Santos, et al. Sheet 7 of 7



#### UTENSIL REST

#### TO ALL WHOM IT MAY CONCERN:

BE IT KNOWN that we, Rui Medeiros Santos, residing at Wasbloem 16, 3068 AT Rotterdam, Netherlands, a citizen of Netherlands, Delphine Buyse, residing at Van Halewijnlaan 167, 2274 TG Voorburg, Netherlands, a citizen of Netherlands, and Sandra van Oosterbaan-Rijnen, Boeier 93, 2991 KE Barendrecht, Netherlands, a citizen of Netherlands, have invented a new, original and ornamental design for a "UTENSIL REST" of which the following is a specification, with reference being made to the accompanying drawings, forming a part hereof.

#### DESCRIPTION OF THE FIGURES OF THE DRAWINGS

- FIG. 1 is a top front perspective view of a utensil rest;
  - FIG. 2 is a front plan view thereof;
- FIG. 3 is a right side plan view thereof;
- FIG. 4 is a left side plan view thereof;
  - FIG. 5 is a top view thereof;
  - FIG. 6 is a bottom view thereof; and
  - FIG. 7 is a back plan view thereof.

## CLAIM

We CLAIM: The ornamental design for a "UTENSIL REST" as shown and described.

PTO/AJA/96 (08-12) Approved for use through 01/31/2013. OMB 0651-0031 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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process) an application. Confidentiality is governed by 35 U.S.C, 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes 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.** 

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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STATEMENT UNDER 37	CFR 3.73(c)

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				<ul> <li>must be submitted to Assignment rds of the USPTO. See MPEP 302.08]</li> </ul>
The undersig	ned (whose title is	s supplied below) is aut	norized to act on behalf of the assi	ignee.
/joseph r	. englander/			11/08/2017
Signature	S. Contract			Date
Joseph	R. England	er		38871
Printed or Ty	ped Name			Title or Registration Number

[Page 2 of 2]

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Application Data Shoot 37 CEP 1 76		Attorney Docket Number	VVI.001USP
Application Data Sheet 37 CFR 1.76		Application Number	
Title of Invention UTENSIL REST			
bibliographic data arrar	nged in a format specified by the Un	ited States Patent and Trademark C	being submitted. The following form contains the Office as outlined in 37 CFR 1.76.

This document may be completed electronically and submitted to the Office in electronic format using the Electronic Filing System (EFS) or the document may be printed and included in a paper filed application.

## Secrecy Order 37 CFR 5.2:

Portions or all of the application associated with this Application Data Sheet may fall under a Secrecy Order pursuant to 37 CFR 5.2 (Paper filers only. Applications that fall under Secrecy Order may not be filed electronically.)

## Inventor Information:

Invent	or 1						Remove	
Legal	Name		100.00			2		in the second
Prefix	Given Name		Middle Nam	e	1	amily	Name	Suffix
	Rui	1	Medeiros					1000
Resid	ence Information	(Select One)	US Residency	Non	US Resid	ency	Active US Military Service	ce
City	Rotterdam		Country of	Residend <u>e i</u>			NL	
Mailing	Address of Inver	ntor:						-
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City	Rotterdam			Stat	te/Provin	ce		
Postal	Code	3068 AT		Country	N	L	4	
Invent	or 2						Remove	
Legal I	Name							
Prefix	Given Name		Middle Nam	e	F	amily	Name	Suffix
	Sandra				,	an Oost	terbaan-Rijnen	
Resid	ence Information	(Select One)	US Residency	Non	US Resid	ency (	Active US Military Service	xe
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Invent	or 3						Remove	
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## Case 2:23-cv-00128-ABJ Document 1 Filed 07/18/23 Page 226 of 242

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A	and an De	4. 0h	Attorney Docke	Number V	VI.001USP	
Арри	Application Data Sheet 37 CFR 1.76		Application Nun	nber		
Title of	f Invention	UTENSIL REST				
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City	Voorburg		Country of Reside	nd <u>e i</u>	NL	
Mailing	Address of	Inventor:				
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## **Correspondence Information:**

Enter either Customer For further information	Number or complete the Correspondence n see 37 CFR 1.33(a).	Information section below.
An Address is beir	ng provided for the correspondence Inform	ation of this application.
Customer Number	139305	
Email Address	patents@pch-iplaw.com	Add Email Remove Em
Email Address	jenglander@pch-iplaw.com	Add Email Remove Em

## **Application Information:**

Title of the Invention	UTENSIL REST			
Attorney Docket Number	VVI.001USP		Small Entity Status Claimed	
Application Type	Nonprovisional			
Subject Matter	Design			
Total Number of Drawing	Sheets (if any)	7	Suggested Figure for Publication (if any)	1

## Filing By Reference:

Only complete this section when filing an application by reference under 35 U.S.C. 111(c) and 37 CFR 1.57(a). Do not complete this section if application papers including a specification and any drawings are being filed. Any domestic benefit or foreign priority information must be provided in the appropriate section(s) below (i.e., "Domestic Benefit/National Stage Information" and "Foreign Priority Information").

For the purposes of a filing date under 37 CFR 1.53(b), the description and any drawings of the present application are replaced by this

Application number of the previously filed application	Filing date (YYYY-MM-DD)	Intellectual Property Authority or Country

## Case 2:23-cv-00128-ABJ Document 1 Filed 07/18/23 Page 227 of 242

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Application Data Sheet 37 CFR 1.76		Attorney Docket Number	VVI.001USP	
		Application Number		
Title of Invention	UTENSIL REST			

## **Publication Information:**

Request Early Publication (Fee required at time of Request 37 CFR 1.219)

**Request Not to Publish.** I hereby request that the attached application not be published under 35 U.S.C. 122(b) and certify that the invention disclosed in the attached application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication at eighteen months after filing.

## **Representative Information:**

Representative information should be provided for all practitioners having a power of attorney in the application. Providing this information in the Application Data Sheet does not constitute a power of attorney in the application (see 37 CFR 1.32). Either enter Customer Number or complete the Representative Name section below. If both sections are completed the customer Number will be used for the Representative Information during processing.

Please Select One:	Customer Number	US Patent Practitioner	O Limited Recognition (37 CFR 11.9)
Customer Number	139305		

## Domestic Benefit/National Stage Information:

This section allows for the applicant to either claim benefit under 35 U.S.C. 119(e), 120, 121, 365(c), or 386(c) or indicate National Stage entry from a PCT application. Providing benefit claim information in the Application Data Sheet constitutes the specific reference required by 35 U.S.C. 119(e) or 120, and 37 CFR 1.78.

When referring to the current application, please leave the "Application Number" field blank.

Prior Application Status			Remove
Application Number	Continuity Type	Prior Application Number	Filing or 371(c) Date (YYYY-MM-DD)
Additional Domestic Benefit/N by selecting the <b>Add</b> button.	ational Stage Data may be	generated within this form	

# Foreign Priority Information:

This section allows for the applicant to claim priority to a foreign application. Providing this information in the application data sheet constitutes the claim for priority as required by 35 U.S.C. 119(b) and 37 CFR 1.55. When priority is claimed to a foreign application that is eligible for retrieval under the priority document exchange program (PDX) the information will be used by the Office to automatically attempt retrieval pursuant to 37 CFR 1.55(i)(1) and (2). Under the PDX program, applicant bears the ultimate responsibility for ensuring that a copy of the foreign application is received by the Office from the participating foreign intellectual property office, or a certified copy of the foreign priority application is filed, within the time period specified in 37 CFR 1.55(g)(1).

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Application Data Sheet 37 CFR 1.76		Attorney Docket Number VVI.001US Application Number		VVI.001USP		
Title of Invention	UTENSIL F	REST				
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Additional Foreign	Priority Data	a may be gener	ated within t	his form by sel	ecting the	l

## Statement under 37 CFR 1.55 or 1.78 for AIA (First Inventor to File) Transition Applications

This application (1) claims priority to or the benefit of an application filed before March 16, 2013 and (2) also contains, or contained at any time, a claim to a claimed invention that has an effective filing date on or after March 16, 2013.

NOTE: By providing this statement under 37 CFR 1.55 or 1.78, this application, with a filing date on or after March 16, 2013, will be examined under the first inventor to file provisions of the AIA.

## Case 2:23-cv-00128-ABJ Document 1 Filed 07/18/23 Page 229 of 242

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Application De	to Chest 27 CED 4 76	Attorney Docket Number	VVI.001USP
Application Data Sheet 37 CFR 1.76		Application Number	
Title of Invention	UTENSIL REST		

## Authorization or Opt-Out of Authorization to Permit Access:

When this Application Data Sheet is properly signed and filed with the application, applicant has provided written authority to permit a participating foreign intellectual property (IP) office access to the instant application-as-filed (see paragraph A in subsection 1 below) and the European Patent Office (EPO) access to any search results from the instant application (see paragraph B in subsection 1 below).

Should applicant choose not to provide an authorization identified in subsection 1 below, applicant **must opt-out** of the authorization by checking the corresponding box A or B or both in subsection 2 below.

**NOTE**: This section of the Application Data Sheet is **ONLY** reviewed and processed with the **INITIAL** filing of an application. After the initial filing of an application, an Application Data Sheet cannot be used to provide or rescind authorization for access by a foreign IP office(s). Instead, Form PTO/SB/39 or PTO/SB/69 must be used as appropriate.

#### 1. Authorization to Permit Access by a Foreign Intellectual Property Office(s)

A. Priority Document Exchange (PDX) - Unless box A in subsection 2 (opt-out of authorization) is checked, the undersigned hereby grants the USPTO authority to provide the European Patent Office (EPO), the Japan Patent Office (JPO), the Korean Intellectual Property Office (KIPO), the State Intellectual Property Office of the People's Republic of China (SIPO), the World Intellectual Property Organization (WIPO), and any other foreign intellectual property office participating with the USPTO in a bilateral or multilateral priority document exchange agreement in which a foreign application claiming priority to the instant patent application is filed, access to: (1) the instant patent application-as-filed and its related bibliographic data, (2) any foreign or domestic application to which priority or benefit is claimed by the instant application and its related bibliographic data, and (3) the date of filing of this Authorization. See 37 CFR 1.14(h) (1).

**B.** Search Results from U.S. Application to EPO- Unless box B in subsection 2 (opt-out of authorization) is checked, the undersigned hereby grants the USPTO authority to provide the EPO access to the bibliographic data and search results from the instant patent application when a European patent application claiming priority to the instant patent application is filed. See 37 CFR 1.14(h)(2).

The applicant is reminded that the EPO's Rule 141(1) EPC (European Patent Convention) requires applicants to submit a copy of search results from the instant application without delay in a European patent application that claims priority to the instant application.

2. Opt-Out of Authorizations to Permit Access by a Foreign Intellectual Property Office(s)

A. Applicant **DOES NOT** authorize the USPTO to permit a participating foreign IP office access to the instant
 application-as-filed. If this box is checked, the USPTO will not be providing a participating foreign IP office with any documents and information identified in subsection 1A above.

B. Applicant DOES NOTauthorize the USPTO to transmit to the EPO any search results from the instant patent application. If this box is checked, the USPTO will not be providing the EPO with search results from the instant application.

**NOTE:** Once the application has published or is otherwise publicly available, the USPTO may provide access to the application in accordance with 37 CFR 1.14.

### Case 2:23-cv-00128-ABJ Document 1 Filed 07/18/23 Page 230 of 242

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Application De	An Chart 27 CED 4 76	Attorney Docket Number	VVI.001USP
Application Data Sheet 37 CFR 1.76		Application Number	
Title of Invention UTENSIL REST			

# **Applicant Information:**

Applicant 1			
The information to be prov 1.43; or the name and add who otherwise shows suff applicant under 37 CFR 1	rided in this section is the name a dress of the assignee, person to v cient proprietary interest in the m 46 (assignee, person to whom the	and address of the legal represen whom the inventor is under an ob- natter who is the applicant under 3 ne inventor is obligated to assign,	5), this section should not be completed, tative who is the applicant under 37 CFR ligation to assign the invention, or person 37 CFR 1.46. If the applicant is an or person who otherwise shows sufficien stors who are also the applicant should be Clear
Assignee	O Legal Repres	sentative under 35 U.S.C. 117	<ul> <li>Joint Inventor</li> </ul>
Person to whom the i	nventor is obligated to assign.	O Person who s	hows sufficient proprietary interest
f applicant is the legal i	representative, indicate the au	thority to file the patent applic	ation, the inventor is:
	or Legally Incapacitated Inve		
If the Applicant is an C	Organization check here.	x	
Organization Name	Vacu Vin Innovations Ltd,		
Mailing Address Info	rmation For Applicant:		
Address 1	Groothandelsweg 1		
Address 2			
City	Delfgauw	State/Province	
Country <sup>i</sup> NL		Postal Code	2645 EH
Phone Number		Fax Number	

# Assignee Information including Non-Applicant Assignee Information:

Providing assignment information in this section does not substitute for compliance with any requirement of part 3 of Title 37 of CFR to have an assignment recorded by the Office.

# Case 2:23-cv-00128-ABJ Document 1 Filed 07/18/23 Page 231 of 242

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Application Data Sheet 37 CFR 1.76			Attorney Docket Number	VVI.0010SP		
			Application Number			
Title of Invention	h UTENS	IL REST				
Assignee 1						
application publicat	tion. An assign pplicant. For a	nee-applicant identifie	ed in the "Applicant Information"	nation, is desired to be included on the patent section will appear on the patent application lentification as an assignee is also desired on the		
Signature:						
If the Assignee	or Non-Appli	icant Assignee is ar	o Organization check here.	x		
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Mailing Address	Informatio	n For Assignee in	cluding Non-Applicant Ass	signee:		
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Signature	/joseph r. englander/			Date (YYYY-MM-DD)	2017-11-08
First Name	Joseph	Last Name	Englander	Registration Number	38871
Additional S	ionature may be	e generated within th	is form by selecting	the Add button	

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Application Data Sheet 37 CFR 1.76		Attorney Docket Number	VVI.001USP	
		Application Number		
Title of Invention	UTENSIL REST			

This collection of information is required by 37 CFR 1.76. 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 23 minutes to complete, including gathering, preparing, and submitting the completed application data sheet 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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Since this was an electronic submission, there is no physical artifact folder, no artifact folder is recorded in PALM, and no paper documents or physical media exist. The TIFF images in the IFW record were created from the original documents that are stored in SCORE.

Drawing

At the time of document entry (noted above):

- USPTO employees may access SCORE content via eDAN using the Supplemental Content tab, or via the SCORE web page.
- External customers may access SCORE content via PAIR using the Supplemental Content tab.

Document code: WFEE

United States Patent and Trademark Office Sales Receipt for Accounting Date: 11/13/2017

ASAHLE ADJ #00000007 Mailroom Dt: 11/08/2017 Seq No: 979 Sales Acctg Dt: 11/09/2017 29625265 04 FC: 1017 -180.00 OP From: Amazon <<u>notice@amazon.com</u>> Date: Sat, May 13, 2023 at 7:34 AM Subject: Notice: Policy Warning To: <<u>callmebrandon@gmail.com</u>>

#### Hello,

We removed some of your listings because we received a report from a rights owner alleging that they infringe on the rights owner's patent. The rights owner communication about the alleged infringement and the listings we removed are at the bottom of this message.

Why did this happen? We received a report from a rights owner alleging that one or more of your listings may be infringing the intellectual property rights of others. Listing content infringing on the intellectual property of others is against our policies.

#### We're here to help.

If you need help understanding why your listings may infringe the intellectual property of others, please search for "Intellectual Property Violations" in Seller Central Help: <u>https://sellercentral.amazon.com/gp/help/external/201361070</u>

How do I reactivate my listing?

To reactivate your listing, you may provide the following: — A letter of authorization or a licensing agreement from the manufacturer or rights owner demonstrating that your product sales are lawful. External links are not accepted. For security reasons, we only accept attachments in the following file formats: .jpeg, .jpg, .pjpeg, .gif, .png, .tiff.

-- An invoice to indicate that your products are original and are purchased from the rights owner directly or from an authorized distributor and are not infringing the patent claimed by the rights owner. You can find the contact information of the rights owner at the bottom of this message.

How do I submit this information? Go to Received Intellectual Property Complaints under the Product Policy Compliance section in Account Health: <u>https://sellercentral.amazon.com/performance/dashboard?</u> <u>ref=ah\_em\_mpa</u>

Locate the deactivation record for this product listing. Click on the Appeal button next to the listing deactivation record to submit information necessary to reactivate your listing.

Have your listings been removed in error? If you have never sold or listed the product, please reach out to us and tell us.

If you think that the rights owner has made an error in sending the notice, please reach out to the rights owner and ask them to submit a retraction of this notice. We may only accept retractions that the rights owner submits to us directly. We do not accept forwarded or attached retractions.

These are the rights owner's contact details: -- Michiel

#### — <u>mpereira@vacuvin.com</u>

For any other reason, please explain to us why you were warned in error so that we can investigate the case.

What happens if I do not provide the requested information? If we do not receive the requested information, your listings will remain inactive.

If you do not provide the information within 60 days, you will receive a request to remove the inventory associated with these listings per our removal policy (<u>https://sellercentral.amazon.com/gp/help/202000820</u>). Failure to address this request can lead to destruction of your inventory.

Rights owner communication: This ASINs is an exact copy of our product - please delete this ASINs from Amazon. Please find the patent number attached. ASIN: B0874SHJFX B0874S275K B0874S11MY Infringement type: Patent Patent Number: D904832S Complaint ID: 12737922331

To view your account performance, go to the "Account Health" page in Seller Central: <u>https://sellercentral.amazon.com/performance/dashboard?</u> <u>reftag=email\_appeal</u>

Alternatively, select "Account Health" on the home screen of the Amazon Seller app on your iOS or Android device. The Account Health dashboard shows how well your account is performing against the performance metrics and policies required to sell on Amazon.

— Download the iOS app: <u>https://itunes.apple.com/us/app/amazon-seller/id794141485</u> <u>https://itunes.apple.com/us/app/amazon-seller/id794141485</u> — Download the Android app: <u>https://play.google.com/store/apps/details?</u> <u>id=com.amazon.sellermobile.android&hl=en\_US</u> <u>https://play.google.com/store/apps/details?</u> <u>id=com.amazon.sellermobile.android&hl=en\_US</u>

Amazon.com

From: Amazon <<u>notice@amazon.com</u>> Date: Mon, Jul 3, 2023 at 3:20 AM Subject: Notice: Policy Warning To: <<u>callmebrandon@gmail.com</u>>

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These are the rights owner's contact details:

vacuvin-bp@amzwatchdog.com

For any other reason, please explain to us why you were warned in error so that we can investigate the case.

What happens if I do not provide the requested information? If we do not receive the requested information, your listings will remain inactive.

If you do not provide the information within 60 days, you will receive a request to remove the inventory associated with these listings per our removal policy (<u>https://sellercentral.amazon.com/gp/help/202000820</u>). Failure to address this request can lead to destruction of your inventory.

Rights owner communication: I am writing on behalf of Vacu Vin Innovations, Ltd., the rightful owner of design patent number USD904832S1 ("the Patent") registered with the United States Patent and Trademark Office (USPTO). It has recently come to our attention that multiple sellers on your platform are selling products that infringe on this patent. These infringements are a direct violation of our intellectual property rights.

The patent in question relates to an ornamental design of a utensil rest. A record of our patent can be found in the public database of USPTO at the following link: https://patents.google.com/patent/USD904832S1.

We have examined the listings and the product images provided, and we believe, in good faith, that the items being sold by these sellers are in clear violation of our patent rights.

As a result, we request your immediate assistance in the removal of these listings.

We understand that Amazon respects intellectual property rights and takes patent infringement seriously. By taking immediate action, you will assist us in preventing the further unauthorized use of our patented design.

This letter does not constitute an exhaustive statement of AMZ Watchdog's nor Vacu Vin Innovations, LTD.'s rights, remedies, claims or defenses, all of which are expressly reserved.

Thank you for your prompt attention to this serious matter.

Yours sincerely,

Chris Keef Sr. VP Brand Enforcement AMZ Watchdog <u>chriskeef@amzwatchdog.com</u>

ASIN: B0874SHJFX Infringement type: Patent Patent: Patent Number: D904832S1 Complaint ID: 13170282501 To view your account performance, go to the "Account Health" page in Seller Central: <u>https://sellercentral.amazon.com/performance/dashboard?</u> <u>reftag=email appeal</u> Alternatively, select "Account Health" on the home screen of the Amazon Seller app on your iOS or Android device. The Account Health dashboard shows how well your account is performing against the performance metrics and policies required to sell on Amazon. --- Download the iOS app:

https://itunes.apple.com/us/app/amazon-seller/id794141485 https://itunes.apple.com/us/app/amazon-seller/id794141485 --- Download the Android app: https://play.google.com/store/apps/details? id=com.amazon.sellermobile.android&hl=en\_US https://play.google.com/store/apps/details? id=com.amazon.sellermobile.android&hl=en\_US

Amazon.com

From: **Amazon** <<u>notice@amazon.com</u>> Date: Tue, Jul 4, 2023, 10:00 PM Subject: Notice: Policy Warning To: <<u>callmebrandon@gmail.com</u>>

#### amazon

Hello,

We removed some of your listings because we received a report from a rights owner that they infringe the rights owner's patent. The rights owner communication about the alleged infringement and the listings we removed are at the bottom of this message.

Why did this happen? We received a report from a rights owner alleging that one or more of your listings may be infringing the intellectual property rights of others. Listing content infringing on the intellectual property of others is against our policies.

We're here to help. If you need help understanding why your listings may infringe the intellectual property of others, please search for "Intellectual Property Violations" in Seller Central Help (<u>https://sellercentral.amazon.com/gp/help/external/201361070</u>).

How do I reactivate my listing? To reactivate your listing you may provide the following: — A letter of authorization or a licensing agreement from the manufacturer or rights owner demonstrating that your product sales are lawful. External links are not accepted. For security reasons, we only accept attachments in the following file formats: .jpeg, .jpg, .pjpeg, .gif, .png, .tiff.

How do I submit this information? Go to Received Intellectual Property Complaints under the Product Policy Compliance section in account health (<u>https://sellercentral.amazon.com/performance/dashboard?</u> <u>ref=ah em mpa</u>) and locate the deactivation record for this product listing. Click on the Appeal button next to the listing deactivation record to submit information necessary to reactivate your listing.

Have your listings been removed in error? If you have never sold or listed the product, please reach out to us and tell us. If you think that the rights owner has made an error in sending the notice, please reach out to the rights owner and ask for a retraction of the notice. To retract the complaint, the rights owner must send the retraction to us at <u>notice-</u> <u>retraction@amazon.com</u> or use the retraction function in Brand Registry.

These are the rights owner's contact details: Brand Protection <u>vacuvin-bp@amzwatchdog.com</u>

We can only accept retractions if the rights owner clearly states that they made an error. For any other reason, please explain to us why you were warned in error so that we can investigate the case.

What happens if I do not provide the requested information? If we do not receive the requested information, your listings will remain inactive. If you do not provide the information within 60 days, you will receive a request to remove the inventory associated with these listings per our removal policy (<u>https://sellercentral.amazon.com/gp/help/202000820</u>). Failure to address this request can lead to destruction of your inventory.

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The patent in question relates to an ornamental design of a utensil rest. A record of our patent can be found in the public database of USPTO at the following link: <a href="https://patents.google.com/patent/USD90483251">https://patents.google.com/patent/USD90483251</a>.

We have examined the listings and the product images provided, and we believe, in good faith, that the items being sold by these sellers are in clear violation of our patent rights, as they are selling IDENTICAL ITEMS without our authorization

As a result, we request your immediate assistance in the removal of these listings.

We understand that Amazon respects intellectual property rights and takes patent infringement seriously. By taking immediate action, you will assist us in preventing the further unauthorized use of our patented design.

This letter does not constitute an exhaustive statement of AMZ Watchdog's nor Vacu Vin Innovations, LTD.'s rights, remedies, claims or defenses, all of which are expressly reserved.

Thank you for your prompt attention to this serious matter.

ASIN:B0874SHJFX B0874S275K B0874S11MY Infringement type: Patent Patent: \${Patent Number: D904832S1 Complaint ID: 13183893311

You can view your account performance (https://sellercentral.amazon.com/performance/dashboard? reftag=email\_warn) or select Account Health on the home screen of the Amazon Seller app on your iOS or Android device. The Account Health dashboard shows how well your account is performing against the performance metrics and policies required to sell on Amazon.

-- iOS: <u>https://itunes.apple.com/us/app/amazon-</u> Seller/id794141485 -- Android: <u>https://play.google.com/store/apps/details?</u> id=com.amazon.sellermobile.android&hl=en

