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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
14/964,698	12/10/2015	Wallace Littrell	228877	5171

71279 7590 08/07/2017
LAW OFFICE OF JERRY D. HAYNES , P.A
12550 Biscayne Blvd Suite 800
Miami, FL 33181

EXAMINER

RASHID, FAZLE A

ART UNIT	PAPER NUMBER
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1774

NOTIFICATION DATE	DELIVERY MODE
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08/07/2017

ELECTRONIC

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):

jdhlaw@mac.com
jdh@ip-pages.com
dwhitman@ip-pages.com

Office Action Summary	Application No. 14/964,698	Applicant(s) LITRELL, WALLACE	
	Examiner ABBAS RASHID	Art Unit 1774	AIA (First Inventor to File) Status Yes

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

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTHS FROM THE MAILING DATE OF THIS COMMUNICATION.

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

Status

- 1) Responsive to communication(s) filed on 12/10/15.
 A declaration(s)/affidavit(s) under **37 CFR 1.130(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 to a restriction requirement set forth during the interview on _____; the restriction requirement and election have been incorporated into this action.
- 4) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims*

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5a) Of the above claim(s) _____ is/are withdrawn from consideration.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

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

Application Papers

- 10) The specification is objected to by the Examiner.
- 11) The drawing(s) filed on 2/29/16 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

Certified copies:

- a) All b) Some** c) None of the:
 - 1. Certified copies of the priority documents have been received.
 - 2. Certified copies of the priority documents have been received in Application No. _____.
 - 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

** See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

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

DETAILED ACTION

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

Claim Objections

Claim 1 is objected to because of the following informality: "jigger cap" in line 3 should be changed to "said jigger cap". Appropriate correction is required.

Claims 1-5 are objected to because of the following informality: the recitations of "where" in lines 2, 3, 5, and 8 of claim 1, line 1 of claim 2, line 1 of claim 3, line 1 of claim 4, and line 1 of claim 5 should be changed to "wherein". Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a)(1) 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.

Claims 1-5 are rejected under 35 U.S.C. 102(a)(1) as being anticipated by Scarborough (U.S. 2007/0215496), hereinafter referred to as Scarborough.

As to claim 1, Scarborough discloses a system comprising: a container (container 12, Figures 1-2) capable of including a first liquid; a jigger cap (jigger cap 11 having internal compartment, Figures 1-2) including a liquid area compartment capable of including a second liquid; a plunger button (plunger button 24, Figures 2 and 4-5) at the top of the jigger cap, where the plunger button includes a stem (stem 26 extending through column within compartment of jigger cap 11, Figures 2 and 4-5) extending through a column traveling through the liquid area compartment; a fluid barrier (barrier 28, Figures 3-6) at the bottom of the jigger cap; and a base (base 27, Figures 2 and 5) at the bottom of the stem, where the base is capable of penetrating the fluid barrier upon depression of the plunger button (base 27 penetrates barrier 28 upon depression of plunger button 24, paragraph 30 and Figure 5).

As to claim 2, Scarborough discloses the system wherein the container is a bottle (container 12 is a bottle, paragraphs 4 and 28).

As to claims 3-5, "inclusion of the material or article worked upon by a structure being claimed does not impart patentability to the claims." *In re Otto*, 312 F.2d 937, 136 USPQ 458, 459 (CCPA 1963); see also *In re Young*, 75 F.2d 996, 25 USPQ 69 (CCPA 1935), as described in MPEP 2115.

Nevertheless, Scarborough discloses the liquid stored in the container is one of a soda, water, club soda, juice, cream and milk (water; non-alcoholic beverage;

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paragraph 28) and the liquid held within the compartment of the jigger cap is a liquor (liquor, paragraph 28).

Claims 1-5 are rejected under 35 U.S.C. 102(a)(1) as being anticipated by Bowes et al. (U.S. 3,156,369), hereinafter referred to as Bowes.

As to claims 1-5, Bowes discloses a system comprising: a container bottle (container bottle 11, Figures 1 and 3) capable of including a first liquid; a jigger cap (jigger cap 26, Figures 1 and 4) including a liquid area compartment capable of including a second liquid; a plunger button (plunger button 28, Figures 3-4) at the top of the jigger cap, where the plunger button includes a stem (stem 27 extending through column 15 within compartment of jigger cap 26, Figures 3-4) extending through a column (column 15, Figures 3-4) traveling through the liquid area compartment; a fluid barrier (barrier 16, Figures 3-4) at the bottom of the jigger cap; and a base (base 29, Figures 3-4) at the bottom of the stem, where the base is capable of penetrating the fluid barrier upon depression of the plunger button (base 29 penetrates barrier 16 upon depression of plunger button 28, column 3, lines 51-73 and Figure 3). The limitations concerning the compositions of the first and second liquids do not further limit the claimed system.

Claims 1-5 are rejected under 35 U.S.C. 102(a)(1) as being anticipated by Fontana et al. (U.S. 7,870,952), hereinafter referred to as Fontana.

As to claims 1-5, Fontana discloses a system comprising: a container bottle (container bottle 2, Figures 11-12) capable of including a first liquid; a jigger cap (jigger cap 22, Figures 11-12) including a liquid area compartment capable of including a second liquid; a plunger button (plunger button 20, column 5, line 37 and Figures 11-12) at the top of the jigger cap, where the plunger button includes a stem (stem 19 extending through column 6 within compartment of jigger cap 22, column 5, lines 35-43 and 64-67 and Figures 11-12) extending through a column (column 6, Figures 11-12) traveling through the liquid area compartment; a fluid barrier (breakable bottom 8/8a/8b, column 6, lines 7-11 and Figures 11-12) at the bottom of the jigger cap; and a base (pointed base at bottom of stem 19, column 5 lines 35-36 and Figures 11-12) at the bottom of the stem, where the base is capable of penetrating the fluid barrier upon depression of the plunger button (pointed base at bottom of stem 19 penetrates barrier 8 upon depression of plunger button 20, column 5, lines 43-52, column 6, lines 1-11 and Figures 11-12). The limitations concerning the compositions of the first and second liquids do not further limit the claimed system.

Claims 1-5 are rejected under 35 U.S.C. 102(a)(1) as being anticipated by Morini (U.S. 6,148,996), hereinafter referred to as Morini.

As to claims 1-5, Morini discloses a system comprising: a container bottle (container bottle 1, Figure 2) capable of including a first liquid; a jigger cap (jigger cap 3,

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Figure 2) including a liquid area compartment capable of including a second liquid; a plunger button (upper button portion of plunger 11, Figure 2) at the top of the jigger cap, where the plunger button includes a stem (main body stem of plunger 11 extending through column within compartment of jigger cap 3, Figure 2) extending through a column traveling through the liquid area compartment; a fluid barrier (bottom barrier 4 of jigger cap 3, column 3, lines 6-12 and Figure 2) at the bottom of the jigger cap; and a base (bottom base 12 of plunger 11, column 3, lines 17-20 and Figure 2) at the bottom of the stem, where the base is capable of penetrating the fluid barrier upon depression of the plunger button (base 12 at bottom of main body stem of plunger 11 penetrates barrier 4 upon depression of upper button portion of plunger 11, column 3, lines 6-12 and 17-20, column 4, lines 3-5, and Figures 2-3). The limitations concerning the compositions of the first and second liquids do not further limit the claimed system.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure, as is listed in the attached sheet of references.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ABBAS RASHID whose telephone number is (571)270-7457. The examiner can normally be reached on Monday through Friday 7 AM to 5 PM.

Examiner interviews are available via telephone, in-person, and video conferencing using a USPTO supplied web-based collaboration tool. To schedule an

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interview, applicant is encouraged to use the USPTO Automated Interview Request (AIR) at <http://www.uspto.gov/interviewpractice>.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, WALTER GRIFFIN can be reached on 571-272-1447. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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

/ABBAS RASHID/
Primary Examiner, Art Unit 1774

Notice of References Cited	Application/Control No. 14/964,698	Applicant(s)/Patent Under Reexamination LITTRELL, WALLACE	
	Examiner ABBAS RASHID	Art Unit 1774	Page 1 of 2

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	CPC Classification	US Classification
*	A	US-3,156,369 A	11-1964	BOWES DONALD R	B65D51/285	206/222
*	B	US-3,603,469 A	09-1971	Magni; Ambrogio	B65D51/285	206/222
*	C	US-4,195,731 A	04-1980	Cavazza; Claudio	B65D51/2814	206/222
*	D	US-4,315,570 A	02-1982	Silver; Jules	B65D51/2864	206/221
*	E	US-5,335,773 A	08-1994	Haber; Terry M.	A61J1/2093	206/219
*	F	US-5,927,549 A	07-1999	Wood; Christopher J.	B65D51/285	206/222
*	G	US-6,148,996 A	11-2000	Morini; Emilio	B65D51/285	206/222
*	H	US-6,152,296 A	11-2000	Shih; Kuang-Sheng	B65D51/2835	206/222
*	I	US-2004/0020797 A1	02-2004	Fontana, Antonio	A61J1/2093	206/219
*	J	US-6,705,462 B2	03-2004	Kasuya; Shoji	B65D25/08	206/222
*	K	US-6,820,740 B1	11-2004	Spector; Donald	B65D51/2828	206/219
*	L	US-2005/0016875 A1	01-2005	Rodriguez, Jose Luis Galaz	B65D51/2814	206/219
*	M	US-6,959,839 B2	11-2005	Roth; Donna	B65D47/243	222/145.5

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	CPC Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
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Notice of References Cited	Application/Control No. 14/964,698	Applicant(s)/Patent Under Reexamination LITTRELL, WALLACE	
	Examiner ABBAS RASHID	Art Unit 1774	Page 2 of 2

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	CPC Classification	US Classification
*	A	US-2006/0137998 A1	06-2006	Spector; Donald	B05B11/0081	206/219
*	B	US-2007/0090000 A1	04-2007	Hjalmarsson; Per	B65D51/225	206/219
*	C	US-2007/0199838 A1	08-2007	Oh; Dong-Gie	B65D81/3222	206/219
*	D	US-2007/0215496 A1	09-2007	Scarborough; Ella B.	B65D81/3222	206/222
*	E	US-2010/0089776 A1	04-2010	Anthony; Joshua C.	B65D5/748	206/222
*	F	US-7,870,952 B2	01-2011	Fontana; Antonio	B65D51/2814	206/219
*	G	US-2011/0266247 A1	11-2011	LITTRELL; WALLACE	B65D51/2807	215/316
*	H	US-2012/0204578 A1	08-2012	Leavitt; David D.	F25D5/02	62/4
*	I	US-8,701,906 B1	04-2014	Anderson; Michael R.	B65D41/20	206/220
	J	US-				
	K	US-				
	L	US-				
	M	US-				

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
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*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
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BIB DATA SHEET
CONFIRMATION NO. 5171

SERIAL NUMBER	FILING or 371(c) DATE	CLASS	GROUP ART UNIT	ATTORNEY DOCKET NO.	
14/964,698	12/10/2015	366	1774	228877	
APPLICANTS INVENTORS Wallace Littrell, Vilonia, AR; ** CONTINUING DATA ***** This application is a CIP of 14/600,007 01/19/2015 ABN which is a CIP of 13/862,005 04/12/2013 ABN ** FOREIGN APPLICATIONS ***** ** IF REQUIRED, FOREIGN FILING LICENSE GRANTED ** * MICRO ENTITY ** 12/22/2015					
Foreign Priority claimed <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No 35 USC 119(a-d) conditions met <input type="checkbox"/> Yes <input type="checkbox"/> No Verified and Acknowledged <u>/ABBAS RASHID/</u> Examiner's Signature	<input type="checkbox"/> Met after Allowance Initials _____	STATE OR COUNTRY AR	SHEETS DRAWINGS 3	TOTAL CLAIMS 5	INDEPENDENT CLAIMS 1
ADDRESS LAW OFFICE OF JERRY D. HAYNES , P.A 12550 Biscayne Blvd Suite 800 Miami, FL 33181 UNITED STATES					
TITLE MIXED DRINK SYSTEM					
FILING FEE RECEIVED 400	FEES: Authority has been given in Paper No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following:		<input type="checkbox"/> All Fees <input type="checkbox"/> 1.16 Fees (Filing) <input type="checkbox"/> 1.17 Fees (Processing Ext. of time) <input type="checkbox"/> 1.18 Fees (Issue) <input type="checkbox"/> Other _____ <input type="checkbox"/> Credit		

EAST Search History

EAST Search History (Prior Art)


Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L1	2250	206/219,222.ccls.	US-PGPUB; USPAT	OR	OFF	2017/08/01 21:38
L2	320	A47J43/27.cpc.	US-PGPUB; USPAT	OR	OFF	2017/08/01 22:11
L3	614	A47J43/27.cpc.	FPRS	OR	OFF	2017/08/01 22:12
L4	20	(US-20060137998-\$ or US-20070215496-\$ or US-20070199838-\$ or US-20070090000-\$ or US-20050016875-\$ or US-20040020797-\$ or US-20120204578-\$ or US-20100089776-\$).did. or (US-6705462-\$ or US-6152296-\$ or US-3156369-\$ or US-8701906-\$ or US-7870952-\$ or US-6959839-\$ or US-5927549-\$ or US-4315570-\$ or US-3603469-\$ or US-6820740-\$ or US-5335773-\$ or US-4195731-\$).did.	US-PGPUB; USPAT	OR	OFF	2017/08/01 22:27
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L6	21	L4 or L5	US-PGPUB; USPAT	OR	OFF	2017/08/01 22:29
L7	1	(US-20110266247-\$).did.	US-PGPUB	OR	OFF	2017/08/01 22:30
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L9	0	wallace near2 littrell.in.	FPRS	OR	OFF	2017/08/01 22:31
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S8	0	(13/862005).APP.	US-PGPUB; USPAT	OR	OFF	2017/08/01 11:57
S9	0	(14/600007).APP.	US-PGPUB; USPAT	OR	OFF	2017/08/01 11:58

S11	1	(12/772288).APP.	US-PGPUB	OR	OFF	2017/08/01 11:58
S12	1	"20060137998".pn.	US-PGPUB; USPAT	OR	OFF	2017/08/01 12:01
S13	1	"20070215496".pn.	US-PGPUB; USPAT	OR	OFF	2017/08/01 12:02
S14	1	(11/378125).APP.	US-PGPUB; USPAT	OR	OFF	2017/08/01 12:26
S15	23	("6243936" "7175049" "20050016875" "4174035" "5099998" "5749460" "RE23434" "20030213709" "2938518" "3484011" "4416382" "20070090000" "3733771" "20030089627" "20070199838" "3156369" "4903865" "6705462" "4636328" "20010001196" "4615437" "5372268" "6152296").PN.	US-PGPUB; USPAT	OR	OFF	2017/08/01 12:27
S16	112	("3156369").URPN.	USPAT	OR	OFF	2017/08/01 13:49
S17	1	"5038951".pn.	USPAT	OR	OFF	2017/08/01 14:28
S18	1	"6148996".pn.	US-PGPUB; USPAT	OR	OFF	2017/08/01 19:17
S19	1	"3156369".pn.	US-PGPUB; USPAT	OR	OFF	2017/08/01 20:06
S20	573	366/130.ccls.	US-PGPUB; USPAT	OR	OFF	2017/08/01 20:10
S21	896	220/23.87.ccls.	US-PGPUB; USPAT	OR	OFF	2017/08/01 20:52

EAST Search History (Interference)

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Search Notes 	Application/Control No. 14964698	Applicant(s)/Patent Under Reexamination LITRELL, WALLACE
	Examiner ABBAS RASHID	Art Unit 1774

CPC- SEARCHED		
Symbol	Date	Examiner
A47J 43/27	8/1/17	AR

CPC COMBINATION SETS - SEARCHED		
Symbol	Date	Examiner

US CLASSIFICATION SEARCHED			
Class	Subclass	Date	Examiner
206	219, 222	8/1/17	AR
220	23.87	8/1/17	AR
366	130	8/1/17	AR

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

SEARCH NOTES		
Search Notes	Date	Examiner
Inventor Search in EAST	8/1/17	AR
EAST Search History Attached	8/1/17	AR

INTERFERENCE SEARCH			
US Class/ CPC Symbol	US Subclass / CPC Group	Date	Examiner

	/ABBAS RASHID/ Primary Examiner.Art Unit 1774
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