

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE APPLICATION OF: LITTRELL, Wallace

SERIAL NO.: 14/964,698

FILED: December 10, 2015

FOR: **MIXED DRINK SYSTEM**

EXAMINER: RASHID, FAZLE A.

ART UNIT: 1774

OUR FILE NO.: 228877

**AMENDMENT**

Mail Stop Amendment  
Honorable Commissioner Patents and Trademarks  
Alexandria, Virginia 22313-1450

Dear Sir:

In response to the office action mailed on August 7, 2017, please amend the above-identified application as follows.

Amendments to the claims are reflected in the list of claims beginning on Page 2 of this paper.

Remarks/arguments begin on Page 4 of this paper.

**AMENDMENTS TO THE CLAIMS**

Please amend the claims as follows:

1. (Canceled).
2. (Canceled).
3. (Canceled).
4. (Canceled).
5. (Canceled).
6. (Canceled).
7. (New) A jigger cap creating a mixed drink comprising:
  - a. a liquid area compartment within the jigger cap, where said liquid area compartment includes a first liquid;
  - b. a plunger button at the top of the jigger cap, where the plunger button includes a stem;
  - c. an enclosed column traveling through the liquid area compartment, wherein the stem travels through the enclosed column;
  - d. a fluid barrier at the bottom of the jigger cap; and
  - e. a base at the bottom of the stem, where the base is capable of penetrating the fluid barrier upon depression of the plunger button.
8. (New) The jigger cap according to claim 1, where said jigger cap is adapted for placement on a bottle.
9. (New) A method of mixing a drink system comprising the steps of:
  - a. removing an existing cap off a bottle;
  - b. replacing the existing cap with a jigger cap where said jigger cap includes;

- i. a liquid area compartment within the jigger cap, where said liquid area compartment includes a first liquid;
  - ii. a plunger button at the top of the jigger cap, where the plunger button includes a stem;
  - iii. an enclosed column traveling through the liquid area compartment, wherein the stem travels through the enclosed column;
  - iv. a fluid barrier at the bottom of the jigger cap; and
  - v. a base at the bottom of the stem, where the base is capable of penetrating the fluid barrier upon depression of the plunger button.
- c. depressing the plunger button, where said step of depressing said plunger button releases said first liquid into the bottle; and
  - d. mixing the first liquid with a second liquid within the bottle.

**REMARKS:**

Claims 7-9 are now pending in this application. Claims 1-6 have been canceled without prejudice. Applicant respectfully submits no new matter has been added. Reconsideration is requested in view of the following remarks.

Claims 1-6 are rejected under 35 U.S.C. §102 as being anticipated by Scarborough, Bowes, Fontana and Morini.

In order to have a prima facie 102 rejection, a prior reference must disclose each and every element set forth in claimant's claims either expressly or inherently described therein. *See, Vertegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, to U.S.P.Q 2d 1051, 1053 (Fed. Cir. 1987). Further the identical invention must be shown in complete detail as is contained in the claim. *See, Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 U.S.P.Q. 2d 1913, 1920 (Fed. Cir. 1989).

Applicant maintains that Scarborough, Bowes, Fontana and Morini references fail to disclose an enclosed column through the liquid area compartment within the jigger cap. The Scarborough reference may include a stem extending through the jigger cap but fails to disclose an enclosed column. Bowes, Morini and Fontana references do not include a stem as present in the present invention but include an inner compartment within the jigger cap, which encloses the liquid for dispersing in the underlying bottle. The present invention has an enclosed column separating the stem from the liquid within the jigger cap. As such, Applicant requests reconsideration in view of the foregoing remarks and amendments.

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**CONCLUSION**

Based upon the foregoing, Applicant respectfully submits that claims 7-9 are now in a position for allowance. Applicant respectfully requests that the pending claims be set forth for prompt allowance and that all rejections be withdrawn.

Respectfully submitted,

/jerry d haynes/

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