

**RESPONSE WITHOUT AMENDMENT**

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

**REMARKS**

The Office Action dated <Date>, has been studied. A Declaration under 37 CFR 1.130(a) has been attached. Reconsideration and allowance of the pending claims <Claim #'s> in view of the Declaration under 37 CFR 1.130(a), and the following remarks, are respectfully requested.

In the Office Action:

- Claims <Claim #'s> were rejected under 35 U.S.C. 102(a)(2) as allegedly being anticipated by <Cited Patent Reference>; and
- Claim <Claim #> was rejected under 35 U.S.C. 103 as allegedly being unpatentable over <Cited Patent Reference>.

**Telephonic Interview**

The telephonic interview(s) held on <Date> with the Examiner <Examiner Name>, and patent attorney <Attorney Name> are respectfully acknowledged with thanks. During the telephone call, the Examiner agreed that applicant should submit its Declaration under 37 CFR 1.130(a) **Attribution**, which is attached. No other agreement was reached.

**Rejection Under 35 U.S.C. 102(a)(2)**

Example Response Based On Declaration of Attribution under 37 CFR 1.130(a)

As noted above, claims <Claim #'s> were rejected under 35 U.S.C. 102(a)(2) as allegedly being anticipated by <Cited Patent Reference>.

Regarding the rejections of all of these claims <Claim #'s>, the Applicant and the inventor <Inventor Name> hereby claim an EXCEPTION exists to reject these claims <Claim #'s> under 35 U.S.C. §102(a)(2) as allegedly being anticipated by <Cited Patent Reference>.

Under 37 CFR 1.130(a) a **Declaration of Attribution** will support a claim to an **Exception** to a Rejection under 37CFR 102(a)(2) – Disclosure in a US Patent With Prior Filing Date, the **Exception** being under 37 CFR 102(b)(2)(A) - Grace Period Disclosure By Inventor or Obtained from the Inventor.

Please refer to the attached Declaration under 37 CFR 1.130(a) Attribution signed by <Inventor Name> on <Date>. Since <Inventor Name> was the **only** inventor of the claimed <Invention Point of Novelty Feature> that is recited in the claimed inventions in claims <Claim #'s>, and disclosed in the cited <Cited Patent Reference>, the Applicant and the inventor <Inventor Name> hereby claim an **Exception** to the present **Rejection** of the claimed inventions in claims <Claim #'s> under 35 U.S.C. **102(a)(2)** as being anticipated by <Cited Patent Reference>.

It is believed that in view of the Declaration under 37 CFR 1.130(a) Attribution and the remarks above, these rejections of claims <Claim #'s> under 35 U.S.C. §102(a)(2), were overcome and should be withdrawn.

**Rejection Under 35 U.S.C. 103**

As noted above, claim <Claim #> was rejected under 35 U.S.C. 103 as allegedly being unpatentable over <Cited Patent Reference>.

Regarding the rejection of this claim <Claim #>, the Applicant and the inventor <Inventor Name> hereby claim an EXCEPTION exists to reject this claim <Claim #> under 35 U.S.C. §103 as allegedly being unpatentable over <Cited Patent Reference>.

Example Response Based On Declaration of Attribution under 37 CFR 1.130(a)

Under 37 CFR 1.130(a) a **Declaration of Attribution** will support a claim to an **Exception** to a Rejection under 37CFR under 35 U.S.C. §103 – Disclosure in a US Patent With Prior Filing Date, the **Exception** being under 37 CFR 35 U.S.C. §103 - Grace Period Disclosure By Inventor or Obtained from the Inventor.

Please refer to the attached Declaration under 37 CFR 1.130(a) Attribution signed by <Inventor Name>.

Since <Inventor Name> was the **only** inventor of the claimed <Invention Point of Novelty Feature> that is recited in the claimed invention in claim <Claim #>, and that is disclosed in the cited <Cited Patent Reference> reference, the Applicant and the inventor <Inventor Name> hereby claim an **Exception** to the present **Rejection** of the claimed invention in claim <Claim #> under 35 U.S.C. **103** as being unpatentable over <Cited Patent Reference>.

It is believed that in view of the Declaration under 37 CFR 1.130(a) Attribution and the remarks above, this rejection of claims<Claim #> under 35 U.S.C. §103, was overcome and should be withdrawn.

**CONCLUSION**