

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Richard Golden

Application No.: 11/095,355

Confirmation No.: 4510

Filed: March 31, 2005

Art Unit: 3732

For: Dental Pliers Design With Offsetting Jaw And
Pad Elements For Assisting In Removing Upper
And Lower Teeth And Method For Removing
Teeth Utilizing The Dental Plier Design

Examiner: C. C. Stokes

REPLY BRIEF

MS Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Madam:

Responsive to the Examiner' Answer dated July 30, 2009, Applicant replies as follows:

The Examiner states that the Nation 1,782,364 reference discloses a wrench appliance capable of removing teeth from a patient's gum line and bone through the application of a rotating motion. This is clearly and patently incorrect in that Nation explicitly teaches a pair of jaws formed for gripping cylindrical or hexagonal objects of different sizes (these further defined by example to include a cylindrical pipe 14).

Specifically, Nation grips and/or rotates an object (see pipe 14) engaged between the lower (identified as first) jaw 5 and upper (identified as second) jaw 6. The lower/first jaw 5 identified by the Examiner does not terminate in a substantially pointed end 9 as generally referenced. Rather, the upturned and flattened nose 9 of the lower jaw 5 does not even contact

the cylindrical object 14 and in any event is not a pointed jaw.

The upper jaw 6 (identified as the equivalent of the second jaw) further does not terminate in a pad-shaped support 12, this element in Nation actually being an inverted V shaped notch associated with offset portion 7 and for gripping the cylindrical object 14 to force the same into an inwardly located angle 10 formed in the lower jaw (see page 1, lines 68 et seq). As further specifically taught in Nation, the upper face of the enlarged portion 8 (this being part of the actual engaging surface associated with the first/lower jaw and not at all related to a pointed jaw) and the rearward wall 13 of the angle 11 in the upper/second jaw (again cited as the pad support) are disposed at converging angles to resist displacement of the pipe 14 in a rearward direction and to enable the serrated teeth 11 to bite into the wall of the pipe 14.

Given this clarification in the overt teachings of Nation, and in order to support the Examiner's position as to anticipation, Nation would at a minimum have to teach a pointed edge (which it doesn't have) which engages an inside surface of the patient's tooth below a patient's gum line and which, in combination with at crosswise pad support (not taught by the "V" inverted shaped notch with walls 13) contacting an outer surface of the mouth below the gum line. Further, and referring to Fig. 3, the width dimension of the upturned nose 9 (cited as the first handle pointed end) is actually somewhat greater than the total width of the inverted "V" notch (see inwardly offset portion 7), and which confused Applicant as to which handle 5 or 6 in Nation was in fact being relied upon as being the lower pad supporting handle.

To summarize, it is respectfully submitted that the illustrations and written description of Nation do not teach or suggest, or in any way support, a dental pliers constructed for outward pivoting removal of teeth and root tips. Rather, and as is made clear in the disclosure of Nation, it in fact teaches an adjustable wrench for exerting enhanced gripping of cylindrical/hexagonal

objects.

Given the above, Applicant disagrees with the Examiners' comments on page 5 regarding the functional capabilities of Nation. In particular, Applicant avers that it is impossible for the jaw 9 to contact its inwardly facing serrations 11 against the inside surface of the tooth, given further that the upturned and flat nose 9 prohibits what is supposed (but is in fact not) to be a pointed end for embedding below a gum line and engaging against an inner side of the tooth (see for example Figs. 4 and 5).

Addressing the dependent claims, and given the above explanation, the inverted V notch 7 and 13 in the upper jaw 6 in Nation clearly does not teach an ergonomically configured support surface substantially matching that of a patient's gum line and as is recited in claim 2.

The recitation of an aperture in the first handle with a second handle inserting through the aperture and being pin secured (claim 3) is also clearly not shown in Nation.

As to claim 4, Nation does not teach or suggest the a pad support surface (again referenced by inverted notch 7/13 in upper jaw 6) as defining a center point of rotation proximate and below an edge location of a gum line and bone associated with a tooth. Rather, and as referenced in Fig. 2 of Nation, the center point of rotation is, if anything, the coaxial center of the cylindrical object 14 as a feature of its explicit teachings.

As to claim 5, and given the above explanation, the wrench of Nation is not configured for engaging and dislodging a selected tooth located along a lower gum line and bone of a patient. Similarly, Nation is submitted as not configured for engaging and dislodging a fragmented tooth and associated root tip as recited in claim 8.

Addressing further Lukase (cited in combination with Nation against claims 6 and 7) Applicant repeats and re-avers the arguments presented against Nation in view of claim 1.

Beyond that, claim 6 recites that the handles exhibit an angled side profile such that the appliance is configured for engaging and dislodging a selected tooth along an upper gum line and jaw bone. Such angled side profile is further shown in Figs. 7 and 8 of the present drawing illustrations and contrasts with the handles 12 and 14 in Lukase which are not angled in side profile (but rather which are planar as clearly shown in Fig. 2 of Lukase).

Although not addressed in Examiner's Answer, Applicant reiterates and re-avers the arguments presented in the Appeal Brief directed to Shaffer (cited under 35 USC 102(b) against claims 1 and 3), as well as claims 1-3 and 9 rejected under 103(a) over Scott in view of Nation.

Dated: September 25, 2009

Respectfully submitted,

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