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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
18/978,048	12/12/2024	Christopher D. Jones	P33516USC6	2668
62579	7590	08/18/2025		
APPLE INC./BROWNSTEIN c/o Brownstein Hyatt Farber Schreck, LLP 675 15th Street Suite 2900 Denver, CO 80202			EXAMINER LABAZE, EDWYN	
			ART UNIT	PAPER NUMBER
			2876	
			NOTIFICATION DATE	DELIVERY MODE
			08/18/2025	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):

patentdocket@bhfs.com

DETAILED ACTION

Notice of Pre-AIA or AIA Status

1. The present application, filed on or after March 16, 2013, is being examined under the first inventor to file provisions of the AIA.
2. Receipt is acknowledged of IDS filed on 12/12/2024.
3. Claims 21-40 are presented for examination.
4. This application is a CON of 18/384,181 filed on 10/26/2023 now PAT 12,174,671 which is a CON of 17/860,643 filed on 07/08/2022 now PAT 11,822,390 which is a CON of 17/032,892 filed on 09/25/2020 now PAT 11,385,682 which is a CON of 16/740,646 filed on 01/13/2020 now PAT 10,845,848 which is a CON of 16/408,317 filed on 05/09/2019 now PAT 10,579,105 which is a CON of 15/870,672 filed on 01/12/2018 now PAT 10,303,218 which has PRO 62/453,014 filed on 02/01/2017.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the “right to exclude” granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*,

686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on nonstatutory double patenting provided the reference application or patent either is shown to be commonly owned with the examined application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement. See MPEP § 717.02 for applications subject to examination under the first inventor to file provisions of the AIA as explained in MPEP § 2159. See MPEP § 2146 *et seq.* for applications not subject to examination under the first inventor to file provisions of the AIA. A terminal disclaimer must be signed in compliance with 37 CFR 1.321(b).

The filing of a terminal disclaimer by itself is not a complete reply to a nonstatutory double patenting (NSDP) rejection. A complete reply requires that the terminal disclaimer be accompanied by a reply requesting reconsideration of the prior Office action. Even where the NSDP rejection is provisional the reply must be complete. See MPEP § 804, subsection I.B.1. For a reply to a non-final Office action, see 37 CFR 1.111(a). For a reply to final Office action, see 37 CFR 1.113(c). A request for reconsideration while not provided for in 37 CFR 1.113(c) may be filed after final for consideration. See MPEP §§ 706.07(e) and 714.13.

The USPTO Internet website contains terminal disclaimer forms which may be used. Please visit www.uspto.gov/patent/patents-forms. The actual filing date of the application in which the form is filed determines what form (e.g., PTO/SB/25, PTO/SB/26, PTO/AIA/25, or PTO/AIA/26) should be used. A web-based eTerminal Disclaimer may be filled out completely online using web-screens. An eTerminal Disclaimer that meets all requirements is auto-processed

and approved immediately upon submission. For more information about eTerminal Disclaimers, refer to www.uspto.gov/patents/apply/applying-online/eterminal-disclaimer.

5. Claims 21-40 are rejected on the ground of nonstatutory double patenting as being unpatentable over claims 1-20 of U.S. Patent No. 10,303,218 (hereinafter referred as '218). Although the claims at issue are not identical, they are not patentably distinct from each other because all the claims are expressly found in the claimed application. For instance, claim 21 of the present application recites the following limitations:

An electronic device comprising: a display layer; and a cover layer coupled to the display layer, formed from a glass material, and comprising: a foldable first portion defining a relief feature and a first thickness at the relief feature, the foldable first portion comprising a first exterior compressive stress region having a first depth from an exterior surface of the cover layer; a second portion defining a second thickness, greater than the first thickness, and comprising a second exterior compressive stress region having a second depth, greater than the first depth, from the exterior surface of the cover layer; and a third portion, the foldable first portion positioned between the second and the third portions, the third portion having a third thickness, greater than the first thickness and comprising a third exterior compressive stress region having a third depth, greater than the first depth, from the exterior surface of the cover layer, wherein: the display layer and the cover layer are configured to be moved between a folded configuration and an unfolded configuration by bending the foldable first portion.

Whereas claim 1 of '218 application, the applicant claims:

An electronic device comprising: a display layer; and a cover layer coupled to the display layer and defining a foldable region that includes a ceramic material forming an exterior surface of the electronic device, wherein: the display layer and the cover layer are configured to be moved

between a folded configuration and an unfolded configuration by bending the cover layer along the foldable region; the folded configuration defines a fold in the cover layer; a first portion of the foldable region located at an inside of the fold in the folded configuration has a first compressive stress in the folded configuration; a second portion of the foldable region located at an outside of the fold in the folded configuration has a second compressive stress in the unfolded configuration; the first portion has a third compressive stress in an intermediate configuration, between the folded and the unfolded configurations, that is less than the first compressive stress; and the second portion has a fourth compressive stress in the intermediate configuration that is less than the second compressive stress.

The instant claims obviously encompass the claimed invention of '218 patent and differ only by terminology. For instance, claim 21 of the present invention recites “a first exterior compressive stress region...” whereas '218 patent discloses “a first compressive stress...”. To the extent that the present claims are generic to the claimed invention of '218 patent, In re Goodman 29 USPQ 2d 2010 CAFC 1993.

The obviousness-type double patenting rejection is a judicially established doctrine based upon public policy and is primarily intended to prevent prolongation of the application term by prohibiting claims in a second application not patentably distinct from claims of a first application. In re Vogel, 164 USPQ 619 (CCPA 1970).

Claim 22 recites similar limitations as of claim 4 of '218 patent with different terminology. For instance, claim 22 recites “a bend that spans a width of the cover layer ...” whereas claim 4 of '218 patent discloses “a ratio of a first bend angle of the first localized bend to a second bend angle of the second localized bend...”

Claims 23-27 recite some limitations not enclosed in claims of '218 patent. For instance, none of the claims of '218 patent disclose “a third interior compressive stress region having a sixth depth, greater than the fourth depth, from the interior surface of the cover layer...”.

Claim 28 is rejected under double patent in view of claim 7 of '218 patent.

Claims 29-34 are also rejected under double patent as being dependent of claim 28.

Claim 35 is rejected under double patent in view of claim 15 of '218 patent.

Claims 36-40 are also rejected under double patent as being dependent of claim 35.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kim (US 2022/0217863) teaches electronic device with structure to reduce damage to glass.

Song (US 2021/0064083) teaches folding frame and foldable display.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to EDWYN LABAZE whose telephone number is (571)272-2395. The examiner can normally be reached 8:30AM-5:00PM.

Examiner interviews are available via telephone, in-person, and video conferencing using a USPTO supplied web-based collaboration tool. To schedule an 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, Mr. STEVE PAIK can be reached at 571-272-2404. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of published or unpublished applications may be obtained from Patent Center. Unpublished application information in Patent Center is available to registered users. To file and manage patent submissions in Patent Center, visit: <https://patentcenter.uspto.gov>. Visit <https://www.uspto.gov/patents/apply/patent-center> for more information about Patent Center and <https://www.uspto.gov/patents/docx> for information about filing in DOCX format. For additional questions, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/EDWYN LABAZE/
Primary Examiner, Art Unit 2876