

Files

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US20060024471A1.pdf	2017-04-30	open
US5706535.pdf	2017-04-30	open
US20040031099A1.pdf	2017-04-30	open
Kerrigan Search 753905 U_D.doc	2017-04-30	open
US3862876.pdf	2017-04-30	open
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US3862876 - 1975	5/11/2017 9:34 AM	PDF File	174 KB
US4634618 - 1987	5/11/2017 9:34 AM	PDF File	109 KB
US4709430 - 1987	5/11/2017 9:34 AM	PDF File	229 KB
US5261131 - 1993	5/11/2017 9:33 AM	PDF File	235 KB
US5706535 - 1998	5/11/2017 9:34 AM	PDF File	329 KB
US8327476B1 - 2012	5/11/2017 9:34 AM	PDF File	107 KB
US20040031099A1 - 2004app	5/11/2017 9:34 AM	PDF File	394 KB
US20060024471A1 - 2006app	5/11/2017 9:34 AM	PDF File	86 KB
US20060174410A1 - 2006app	5/11/2017 9:34 AM	PDF File	130 KB
US20160037944A1 - 2016app	5/11/2017 9:35 AM	PDF File	162 KB

11 items

ADJUSTABLY WEIGHTED BLANKET

PATENTABILITY SEARCH AND OPINION

This Patentability report summarizes the results of a screening search which we performed covering United States patents and published patent applications which directly relate to the principle scope and/or novelty of the present invention. This report further provides a basic analysis of the research results, and recommendations on how you may best protect and profit from the present invention.

The Patentability Search was conducted upon United States patents and published patent applications based upon the following basic description:

★ Based upon our understanding of your disclosure, the present invention relates to a weighted blanket with side channels embedded within the blanket, where the channels receive panels that may be interchanged with panels of varying weights.

In addition to other patent search methods (e.g., keyword and concept searching), the following United States Classes and Subclasses were searched:

Class 5	BEDS
Subclass 482	BEDCLOTHING

The following U.S. Patents and Published Patent Applications were noted as being most relevant:

★ United States Patents

S. No	Patent Number	Title of the Invention	Comment
1	3862876	Protective edge weighted cover cloth	A protective cover cloth having continuous flexible weights secured along at least two opposed edges for securing the cover against wind blowing, etc... The cover cloth may be made from insulated materials and heated for curing concrete. Sand, shot or other particulate material, possibly in individual bags, is inserted in a wide hem or tubes attached along the edges of the cover.
2	4634618	Weighted towel	This invention improves the ordinary beach towel or picnic blanket by providing a means to hold it secure in the wind. A hidden weighted cord sewn

			into the perimeter holds the material in place. The device may have an optional attached carry bag. The invention is safe and washable and easily carried.
3	4709430	Weighted beach blanket	A multi-purpose weighted blanket for covering areas of beaches or like terrain comprising first and second flexible cloth panels substantially rectangular in shape and identical in size. The first and second cloth panels having a border extending continuously along the outer perimeter edges thereof forming a reinforced retaining pocket for securing an anchoring device thereto. The anchoring device includes a non-metallic tube filled with a liquid weight such as water. The non-metallic tube has a memory for restoring the tube to its original configuration upon the removal of an external force acting thereon. The anchoring devices operates to aid an individual in positioning the blanket as well as maintaining the blanket in its fully extended position. Additionally, the anchoring device prevents foreign particles such as sand or the like from soiling the reclining surface of the blanket.
4	5261131	Beach blanket assembly	A beach blanket includes a central fabric web, having a plurality of perimeter flap members defining individual pockets thereabout, with the flap members arranged to accommodate various portions of a granular material therewithin for securement of a beach blanket relative to an underlying beach surface.
5	5706535	Bedding articles with pockets containing deodorizer elements	A bedding element having a mat body (1) made of cloth, to provide an excellent deodorizing and hygroscopic effect and a long-lasting refreshing sensation, has several deodorizer-containing pockets (2) provided on one side of the mat body, with deodorizer elements (3) respectively placed

			securely in each pocket (2).
6	8327476	Beach towel with anchoring means	A modular beach towel with an integral anchoring means designed to help keep the towel from blowing away while in use comprising additional enhancements is herein disclosed. The beach towel further comprises a plurality of grommets located along corner and perimeter areas. Each grommet receives a stake, thereby holding the beach towel down to a ground surface. The beach towel is fabricated of a layered textile assembly with internal cushioning, further having a removable protective waterproof mat and an attachable food and drink holder. The beach towel apparatus also comprises reflective zippered pouches at each corner position that provide storage of personal items as well as aiding in identifying the towel from a distance. The corner pouches may also be loaded with sand or weights to provide additional anchoring.

✦ **United States Published Patent Applications**

S. No.	Publication Number	Title of the Invention	Comment
1	20040031099	Weighted blanket	The present invention relates to a blanket or cover with a weighted perimeter or border for covering mammals or humans. The blankets or covers of variable thickness and/or weight and made of various known materials or fabrics having a weighted perimeter or border provide an “anchoring” ability to keep the blanket or cover in the position desired and chosen by the user.
2	20060024471	Weighted-edge overlay article	An overlay article for overlaying an object surface is provided. In one embodiment, the overlay article includes: a first material panel and at least one weighted portion. The first

			<p>material panel has a lower surface and an upper surface that define a perimeter region. Each weighted portion is disposed along the perimeter region. Each weighted portion is a closed cavity formed by securing a second material panel to the upper surface of the first material panel to hold a weighted material captive between the first and second material panels during normal use and maintenance of the overlay article. The weighted material is resistant to absorption of water, resistant to corrosion, and resistant to staining the first and second material panels. In another embodiment, the weighted material may be polyethylene or polyvinylchloride pellets. The overlay article may, for example, be a beach towel or a beach blanket.</p>
3	20060174410	Weighted blanket	<p>The present invention relates to a blanket or cover with a weighted perimeter or border for covering mammals or humans. The blankets or covers of variable thickness and/or weight and made of various known materials or fabrics having a weighted perimeter or border provide an “anchoring” ability to keep the blanket or cover in the position desired and chosen by the user.</p>
4	20160037944	Weighted blanket system	<p>A weighted blanket system that improves the beach experience is described. The weighted blanket system is convenient to use, and store and carry. In addition, the weighted blanket system requires very little time to set up. The weighted blanket system can include a sheet; at least one beanbag; at least one pillow; at least one pocket permanently fastened to the sheet, and at least one pocket securable to the sheet. The sheet can include one or more holes.</p>

The above provides an overview of references that disclose weighted blankets and beach towels.

These United States patents and published patent applications are representative of the prior art searched. They may also be accessed by searching for the patent numbers/publication numbers indicated above at the USPTO website <http://www.uspto.gov/patft/index.html>. Just enter the number part of the alphanumeric labels above.

Patentability Opinion

* noted on coversheet

Based on our analysis, it is our opinion that broad aspect of the present invention namely an adjustably weighted blanket is not 100% patentable. Nonetheless, some of the more narrow aspects as presented in your disclosure are not disclosed in the prior art reviewed during this patent search, therefore some aspects may be patentable. Specifically, the present invention provides a weighted blanket with channels to receive panels of varying weights.

This patentability opinion considers structural aspects of the present invention, including those that are functional and/or ornamental, as well as any associated processes. Functional aspects are protected through utility patents derived from utility applications, which are filed as either provisional or non-provisional. Ornamental aspects are protected through design patents, which cover non-functional ornamental features and the overall ornamental design of a device of manufacture.

Based upon the disclosure provided and the results of the prior art search, this particular invention includes features that may be patentable through a utility application. A design application may additionally be desirable to protect the overall ornamental design.

Based on your very general invention disclosure, you should be aware that, in this context, patent allowance by the USPTO would very likely depend strongly upon a few variables, not the least of which include more detailed disclosure of the more novel aspects of the present invention, and a somewhat more sophisticated patent drafting and legal prosecution strategy to ultimately win the patent. For example, even if a product claim is not patentable, your novel method of using the product could be patentable. **Thus, we can say with reasonable confidence that, especially with more detailed invention novelties disclosure, should a USPTO rejection of your Utility and/or Design Patent Application be based on this, or similar prior art, this rejection may be overcome (or avoided) with proper disclosure refinement, patent drafting strategy, legal argument, and/or appropriate patent scope adjustment, thereby winning patent allowance for the patentable aspects of the present invention. Moreover, given the nature of this case, a skilled patent practitioner would also have available certain type of counter arguments based on so called "secondary considerations."**

Before proceeding, it is routine that one or more legal arguments and/or claim amendments must be filed before the Examiner agrees to issue a patent. The purpose for the amendments is typically to give an applicant the opportunity to clearly distinguish the features of their invention disclosure that are believed to be patentably distinct from the prior art. Thus, it is very likely that any Examiner's initial rejections may be overcome by way of successful legal argument to preserve the full scope of your patent. However, as with all patent cases, the results may be

unpredictable and depend on uncertain variables (e.g., the Examiner's mood, exact rejection language, the citation of better prior art, and etc.).

In generic terms, the question of how patentably "close" something is, must consider novelty, obviousness, and "secondary considerations" (e.g., commercial success, unmet industry needs, etc.). Generally, if your method or product does something useful that a "close" one does not, then your product would logically be novel. It must then be question if the additional features or functions that you are claiming as novel would have been obvious to do for an average person skilled in the field of the present invention in view of a single or combination of prior art reference(s). If the novelty is clearly not obvious to an average skilled artisan, then the present invention would very likely be patentable, all other things being equal. If the present invention's novelty is questionably obvious, then our fallback argument is to set forth any secondary consideration that relate to the commercial viability of your product over the others in question. The later counter arguments are based on providing 3rd party evidence and affidavits attesting to non-obviousness.

When there is significant potential for the present invention in the marketplace, it is advisable that you continue to develop the present invention novelties and proceed to apply for Utility patent protection in accordance with the approach set forth above.

Additional Information

The patent process is complicated. While we have sought to be thorough in conducting this preliminary search, such a search offers no guarantees. Subjective considerations are involved in conducting the search. Relevant prior patents may have been lost or misfiled in the millions of patent records maintained by the government, and records relating to non-published pending applications not available to anyone outside of the USPTO.

A government patent examiner is assigned to review each submitted non-provisional utility or design application. The examiner's reviews are communicated in the form of office actions. The examiner will evaluate the claims on the basis of the patents and/or printed publications found in the Examiner's own independent search that may include patents not cited in our search.

As you may know, the examiner does not usually 'allow' the application at first review, taking the position the claimed invention is already known or is obvious to an individual of ordinary skill in the art of the invention. The examiner may also request that changes be made to the technical description and/or drawings.

Nonetheless, the vast majority of patents that are applied for get issued by successfully overcoming examiner's office actions by making amendments and/or legal arguments in writing and/or in a personal interview with the examiner. In some cases, however, the patent application is allowed without any office actions, and goes directly to becoming a patent upon paying some issuance fees.