



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
29/799,374	07/14/2021	Michael F. Mogan JR.	MOG-004	8764
53265	7590	02/27/2024	EXAMINER	
Maenner & Associates, LLC 2723 Stockley Lane Downington, PA 19335			NGUYEN, SARAH A	
			ART UNIT	PAPER NUMBER
			2933	
			NOTIFICATION DATE	DELIVERY MODE
			02/27/2024	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):

jmaenner@maennerlaw.com

APPLICATION NO.	ISSUE DATE	PATENT NO.
29/799,374	27-Feb-2024	D1016423

Maenner & Associates, LLC
2723 Stockley Lane
Downington, PA 19335

EGRANT NOTIFICATION

Your electronic patent grant (eGrant) is now available, which can be accessed via Patent Center at <https://patentcenter.uspto.gov>

The electronic patent grant is the official patent grant under 35 U.S.C. 153. For more information, please visit <https://www.uspto.gov/electronicgrants>

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Michael F. Mogan Jr. et al. :
Serial No.: 29/799,374 : Group Art Unit: 2933
Filed: July 24, 2021 : Examiner: Sarah A. Nguyen
For: Electric Motorized Wagon : Attorney Docket No: MOG-004
: Commissioner for Patents

RENEWED PETITION under 37 CFR 1.137(a).

In response to the Decision on Petition, January 31, 2024, submitted herewith is renewed Petition and a breakdown of the fee difference between a micro entity and a small entity according to 37 CFR 1.29(k), along with a "Petition for Revival of an Application for Patent Abandoned Unintentionally" and an Explanation for the extended delay in filing the Petition.

Original Fees erroneously submitted as Microentity as paid on July 14, 2021:

<u>Fee type</u>	Actual Fee Paid (at <u>Time of Filing</u>)
Filing	\$55.00
Search	\$ 40.00
<u>Examination</u>	<u>\$160.00</u>
Total Amount Paid:	\$255.00

Amount owed:

<u>Fee type</u>	
Filing	\$55.00
Search	\$ 40.00
<u>Examination</u>	<u>\$160.00</u>
Total Amount Owed:	\$255.00

The total deficiency owed is \$255.00 which, with a late payment deficiency surcharge of \$80.00, total \$335.00, which was paid by check No. 1204 on January 28, 2022, along with a two-month extension of time fee of \$320.00, paid by check No. 1205, also on January 28, 2022.

Applicant respectfully submits that all payment deficiencies have been rectified by the prior payments from checks 1204 and 1205.

Also enclosed is a copy of the Notice of Payment Deficiency.

Payment of \$170.00 for the Terminal Disclaimer Fee is also enclosed.

Respectfully submitted,

Michael F. Mogan, Jr et al..

February 23, 2022
(Date)

By: /Joseph E. Maenner/
JOSEPH E. MAENNER
Registration No. 41,964
Maenner & Associates, LLC
2723 Stockley Lane
Downington, PA 19335
215-275-5595
jmaenner@maennerlaw.com



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
29/799,374	07/14/2021	Michael F. Mogan JR.	MOG-004	8764
53265	7590	10/01/2021	EXAMINER	
Maenner & Associates, LLC 2723 Stockley Lane Downington, PA 19335				ROSATI, BRANDON MICHAEL
ART UNIT		PAPER NUMBER		
		2900		
NOTIFICATION DATE			DELIVERY MODE	
10/01/2021			ELECTRONIC	

Please find below and/or attached an Office communication concerning this application or proceeding.

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Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jmaenner@maennerlaw.com



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Application No.: 29/799,374

NOTICE OF PAYMENT DEFICIENCY

This notice is to inform the applicant that the United States Patent and Trademark Office (USPTO) has identified an apparent error in the entity status afforded the above-identified application. Applicant is given **TWO MONTHS** from the date of this Notice within which to respond to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).¹

Applicant has submitted a certification of micro entity status based upon the gross income basis and paid fees in the above-identified application based upon this certification. In order to qualify for micro entity status under the gross income basis, 37 CFR 1.29(a)(2) requires the applicant to certify "[n]either the applicant nor the inventor nor a joint inventor has been named as the inventor or a joint inventor on more than four previously filed patent applications, other than applications filed in another country, provisional applications under 35 U.S.C. 111(b), or international applications for which the basic national fee under 35 U.S.C. 41(a) was not paid." As explained in MPEP 509.04(a)(I)(B), an application still counts against this filing limit even if it has been abandoned or patented, and even if it did not claim micro entity status. When this application was filed, the applicant, the inventor, or a joint inventor was named on more than four previously filed patent applications. This is *prima facie* evidence that the submitted certification is in error because the filing limit in 37 CFR 1.29(a)(2) was exceeded. Accordingly, the payments made in this application based upon the apparently erroneous micro entity certification are deficient.

Because the deficient payments include one or more of the basic filing fee for design under 37 CFR 1.16(b), the design search fee under 37 CFR 1.16(l), and the design examination fee under 37 CFR 1.16(p), this application is not in condition for examination. In order to avoid abandonment, applicant must respond in one of two ways:

- I. If the certification was erroneous, the applicant must provide an itemization of the total deficiency payment and pay the deficiency owed in accordance with 37 CFR 1.29(k). The current USPTO fee schedule may be viewed at <https://www.uspto.gov/learning-and-resources/fees-and-payment/uspto-fee-schedule>.
- II. If applicant asserts that the certification of micro entity status was not made in error, applicant must reply with an explanation and any necessary evidence that is sufficient to rebut the *prima facie* evidence of an erroneous certification. Applicant is reminded that the reply must be made with candor and good faith under 37 CFR 1.56. Pursuant to applicant's duties under 37 CFR 1.4 and 11.18, applicant should have made a reasonable inquiry into the facts before making the certification. It is these particular facts that applicant must provide in order to rebut the *prima facie* case. Simply identifying the previously submitted

¹ All the rules cited in this Notice may be viewed in their entirety at https://www.uspto.gov/web/offices/pac/mpep/consolidated_rules.pdf

certification or recertifying would not be sufficient. Applicant is reminded that it is in the best position to perform an inquiry into whether the applicant, the inventor, or a joint inventor was named on more than four previously filed patent applications when this application was filed to determine whether an assertion of micro entity status in this application is appropriate.

Applicant is given **two months** from the mailing date of this Notice to file a response as outlined above. Extensions of time are available under the provisions of 37 CFR 1.136(a). The application has been removed from the examiner's docket (if assigned) pending resolution of the issues noted herein, or expiration of the time period set forth. If applicant files a timely response in accordance with (I) or (II) above that is persuasive, the application will be considered to be in condition for examination, and returned to the examiner's docket for action. If applicant does not timely respond in accordance with (I) or (II) above, or is unable to make one of these responses, then the application will be abandoned.

Only a registered practitioner authorized by the applicant or the applicant who is not represented by a practitioner can sign a response or make changes to the application. Note that an applicant who is a juristic entity must be represented by a registered practitioner. See 37 CFR 1.31. While the Office cannot recommend a registered practitioner, the link below provides a searchable list of registered practitioners: <https://oedci.uspto.gov/OEDCI/>.

Questions about the contents of this notice should be directed to the Office of Patents Stakeholder Experience (OPSE), Stakeholder Support Division (SSD), Patents Ombudsman at 571-272-5555.

/Karen M. Young/
Director, TC 2900

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Michael F. Mogan Jr. et al. :
Serial No.: 29/799,374 : Group Art Unit: 2933
Filed: July 24, 2021 : Examiner: Sarah A. Nguyen
For: Electric Motorized Wagon :
Attorney Docket No: MOG-004

Commissioner for Patents

Explanation Regarding the Circumstances Surrounding the Delay in Reviving the Application

The undersigned regretfully states that the initial Notice of Abandonment was inadvertently filed in the wrong file and was not discovered until November 2023 when the undersigned was reviewing that file and saw the Notice of Abandonment. The undersigned filed an initial Petition for Revival at that time, which was dismissed on January 31, 2024. The undersigned did not actually see the dismissal until after February 2, 2024, which was over 2 years after the abandonment. The undersigned is now filing this Petition to Revive in an effort to correct the errors in responding to the initial Notice of Payment Insufficiency over the past two years.

The undersigned respectfully submits that the abandonment and time incurred in filing the Petition(s) for Revival were wholly unintentional.

Respectfully submitted,

Michael F. Mogan, Jr et al..

February 22, 2022
(Date)

By: /Joseph E. Maenner/
JOSEPH E. MAENNER
Registration No. 41,964
Maenner & Associates, LLC
2723 Stockley Lane
Downington, PA 19335
215-275-5595
jmaenner@maennerlaw.com

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(a)**

Docket Number (Optional)
MOG-004

Page 1 of 3

First named inventor: Michael F. Mogan, Jr.

Application No.: 29/799,374

Art Unit: 2933

Filed: 7/14/2021

Examiner: Sarah A. Nguyen

Title: Electric Motorized Wagon

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact the Office of Petitions at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION.

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995, and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee (37 CFR 1.17(m))

Small entity fee \$ 840.00 (Fee Code 2453). Applicant asserts small entity status. See 37 CFR 1.27.

Micro entity fee \$ _____ (Fee Code 3453). Applicant has established or is establishing micro entity status. See 37 CFR 1.29. Form PTO/SB/15A or B or equivalent must either be enclosed or have been submitted previously.

Other than a small or micro entity (undiscounted) fee \$ _____ (Fee Code 1453).

2. Reply and/or fee

A The reply and/or fee to the above-noted Office notice or action in the form of

Response to Notice of Payment Deficiency (identify the type of reply):

has been filed previously on _____.

is enclosed herewith.

B The issue fee and publication fee (if applicable) of \$ _____

has been paid previously on _____.

is enclosed herewith.

A Federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with an information collection subject to the requirements of the Paperwork Reduction Act of 1995, unless the information collection has a currently valid OMB Control Number. The OMB Control Number for this information collection is 0651-0031. Public burden for this form is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the information collection. Send comments regarding this burden estimate or any other aspect of this information collection, including suggestions for reducing this burden to the Chief Administrative Officer, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450 or email InformationCollection@uspto.gov. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. If filing this completed form by mail, send to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(a)

Page 2 of 3

3. Terminal disclaimer with disclaimer fee

- Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ 170.00) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(a) was unintentional.

Petitioner is reminded that a delay resulting from a deliberately chosen course of action on the part of the applicant does not become an "unintentional" delay within the meaning of 37 CFR 1.137 because:

- the applicant does not consider the claims to be patentable over the references relied upon in an outstanding Office action;
- the applicant does not consider the allowed or patentable claims to be of sufficient breadth or scope to justify the financial expense of obtaining a patent;
- the applicant does not consider any patent to be of sufficient value to justify the financial expense of obtaining the patent; or
- the applicant remains interested in eventually obtaining a patent, but simply seeks to defer patent fees and patent prosecution expenses.

Petitioner is further reminded that an intentional delay resulting from a deliberate course of action chosen by the applicant is not affected by:

- the correctness of the applicant's (or applicant's representative's) decision to abandon the application or not to seek or persist in seeking revival of the application;
- the correctness or propriety of a rejection, or other objection, requirement, or decision by the Office; or
- the discovery of new information or evidence, or other change in circumstances subsequent to the abandonment or decision not to seek or persist in seeking revival.

NOTE: Where the petition under 37 CFR 1.137(a) is filed more than two years after the date the application became abandoned, the United States Patent and Trademark Office requires an additional explanation of the circumstances surrounding the delay that establishes the entire delay was unintentional. This requirement is in addition to the requirement to provide a statement that the entire delay was unintentional. See *Clarification of the Practice for Requiring Additional Information in Petitions Filed in Patent Applications and Patents Based on Unintentional Delay*, 85 FR 12222 (March 2, 2020). See MPEP 711.03(c)(II)(C)-(F) for additional guidance on the information required to establish that the entire delay was unintentional.

- Because this petition under 37 CFR 1.137(a) is being filed more than two years after the date the application became abandoned, additional explanation of the circumstances surrounding the delay that establishes the entire delay was unintentional is enclosed herewith.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(a)**

Page 3 of 3

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

*This petition must be signed in accordance with 37 CFR 1.33. Please see 37 CFR 1.4(d) for the signature requirements. Submit multiple forms if more than one signature is required.

/Joseph E. Maenner/

Signature*

Joseph E. Maenner

Typed or Printed Name

2723 Stockley Lane

Address

Downington, PA 19335

Address

02/22/2024

Date

41,964

Registration Number, if applicable

215-275-5595

Telephone Number

Enclosures:

- Petition fee under 37 CFR 1.17(m)
- Reply and/or fee
- Terminal Disclaimer Form
- Additional sheet(s) containing statements establishing unintentional delay
- Other: Response to Notice of Payment Deficiency

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

- Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.
- Transmitted by USPTO patent electronic filing system, or by facsimile to (571)273-8300, to the USPTO on the date shown below.

02/22/2024

Date

/Joseph E. Maenner/

Signature

Joseph E. Maenner

Typed or printed name of person signing certificate



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

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53265	7590	01/31/2024	EXAMINER	
Maenner & Associates, LLC 2723 Stockley Lane Downington, PA 19335				NGUYEN, SARAH A
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jmaenner@maennerlaw.com



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

In re Application of :
Mogan et al. :
Application No. 29/799,374 : DECISION ON PETITION
Filed: July 14, 2021 :
For: Electric Motorized Wagon :
:

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(a), filed November 21, 2023, to revive the above-identified application.

The petition decision mailed January 22, 2024, dismissing the request under 37 CFR 1.29(k) as untimely is hereby **VACATED**.

The petition under 37 CFR 1.137(a) is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(a)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704. No further petition fee is required.

The application became abandoned for failure to timely reply to the Notice of Payment Deficiency mailed, October 1, 2021, which set a shortened statutory period for reply of two (2) months. It is noted, a response was received on January 28, 2022 with a two (2) month extension of time under the provisions of 37 CFR 1.136(a); however, a decision was mailed on April 19, 2022, indicating that the itemization chart was not included. In view of the two (2) months extension of time this application became abandoned on February 2, 2022.

A grantable petition under 37 CFR 1.137(a) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item (1) and (4).

As to item (1), the itemization of fees is not acceptable. The itemization filed November 21, 2023 and January 24, 2024 is not acceptable. The itemization should include a column showing each fee paid on July 14, 2021. All other fee transactions should be omitted. A review of the file record indicates that the fees paid on July 14, 2021 were a design application filing fee, examination fee and search fee in the amounts of \$55.00, \$40.00 and \$160.00 respectively. The fee deficiency owed is \$55.00, \$40.00 and \$160.00, the current fees are \$110.00, \$320.00 and \$80.00. The deficiency owed is \$255.00. An itemization must be submitted to include this fee information.

As to item (4) a Terminal Disclaimer (TD) and \$170 fee is required under 37 CFR 1.137(d) if the application is: (1) a design application, (2) a utility application filed before June 8, 1995, or (3) a plant application filed before June 8, 1995. The TD must dedicate to the public a terminal part of the term of any patent granted the application equivalent to the period of abandonment of the application, and must also apply to any patent granted on any application containing a specific reference under 35 U.S.C. 120, 121 or 365(c), to the application for which revival is sought. See the USPTO website for Form No. PTO/AIA/63.

Petitioner is reminded that the Terminal Disclaimer must be signed by the applicant or an attorney or agent of record. *See* 37 CFR 1.321.

There is no indication that the petition is signed by a registered patent attorney or patent agent of record. However, in accordance with 37 CFR 1.34, the signature of Joseph E. Maenner appearing on the correspondence shall constitute a representation to the United States Patent and Trademark Office that he or she is authorized to represent the particular party in whose behalf he or she acts.

Further correspondence with respect to this decision should be delivered through one of the following mediums:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

By internet: Patent Center¹

/Angela Walker/
Angela Walker
Paralegal Specialist
Office of Petitions

¹ <https://patentcenter.uspto.gov>

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Michael F. Mogan Jr. et al. :
Serial No.: 29/799,374 : Group Art Unit: 2933
Filed: July 24, 2021 : Examiner: Sarah A. Nguyen
For: Electric Motorized Wagon : Attorney Docket No: MOG-004
: Commissioner for Patents

**RESPONSE TO REJECTION OF PETITION FOR REVIVAL IN RESPONSE TO NOTICE
OF PAYMENT DEFICIENCY**

In response to the Rejection of Petition mailed on January 22, 2024 due to a failure to obtain requisite extensions of time, Applicant is hereby re-submitting the Petition with the payment for a five-month extension of time.

In regard to the Notice of Payment Deficiency, mailed October 1, 2021 and Decision on Petition mailed on April 19, 2022, submitted herewith is a breakdown of the fee difference between a micro entity and a small entity according to 37 CFR 1.29(k), along with a "Petition for Revival of an Application for Patent Abandoned Unintentionally."

Original Fees erroneously submitted as Microentity:

Fee type	Current Fee Amount (at Time of Filing)	Deficiency Owed	Date Deficiency Paid
Filing	\$110.00	\$ 55.00	1/28/2022
Search	\$ 80.00	\$ 40.00	1/28/2022
Examination	\$320.00	\$160.00	1/28/2022
Payment Deficiency Surcharge		\$ 80.00	1/28/2022
Two-Month Extension Of Time		\$320.00	1/28/2022
Total	\$255.00	<u>\$655.00</u>	

The total deficiency owed, with a late payment deficiency surcharge of \$80.00, was \$335.00, which was paid by check No. 1204 on January 28, 2022, along with a two-month extension of time fee of \$320.00, paid by check No. 1205, also on January 28, 2022.

Applicant respectfully submits that all payment deficiencies have been rectified by the prior payments from checks 1204 and 1205.

Also enclosed is a copy of the Notice of Payment Deficiency.

Payment of \$840.00 for the Petition Fee is also enclosed.

Respectfully submitted,

Michael F. Mogan, Jr.

January 24, 2024
(Date)

By: /Joseph E. Maenner/
JOSEPH E. MAENNER
Registration No. 41,964
Maenner & Associates, LLC
2723 Stockley Lane
Downingtown, PA 19335
215-275-5595
jmaenner@maennerlaw.com



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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

In re Application of :
Mogan et al. :
Application No. 29/799,374 : NOTICE
Filed: July 14, 2021 :
For: Electric Motorized Wagon :
:

This is a notice regarding your renewed request for acceptance of a fee deficiency submission under 37 CFR 1.29(k) filed November 11, 2023.

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

A review of the record has determined that a reply to the Notice of Payment Deficiency mailed April 19, 2022 was received by the office on November 21, 2023. However, the reply is improper because it is untimely. The Notice of Payment Deficiency set a shortened statutory period for reply of two (2) months, with up to five (5) months of extensions of time available under the provisions of 37 CFR 1.136(a). Since no extensions of time were obtained, the fee deficiency submission under 37 CFR 1.29(k) is **REJECTED**.

There is no indication that the petition is signed by a registered patent attorney or patent agent of record. However, in accordance with 37 CFR 1.34, the signature of Joseph E. Maenner appearing on the correspondence shall constitute a representation to the United States Patent and Trademark Office that he or she is authorized to represent the particular party in whose behalf he or she acts.

This application is being referred to Technology Center Art Unit 2933 for appropriate action in the normal course of business on the reply received November 21, 2023.

Inquiries concerning this decision should be directed to the undersigned at (571) 272-1058. All other inquiries concerning the examination or status of the application can be accessed in the Patent Center at <https://patentcenter.uspto.gov>.

[Signature]

Angela Walker

Paralegal Specialist
Office of Petitions

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), by mail or fax, or via EFS-Web.

By mail, send to: Mail Stop ISSUE FEE
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, Virginia 22313-1450

By fax, send to: (571)-273-2885

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications. **Because electronic patent issuance may occur shortly after issue fee payment, any desired continuing application should preferably be filed prior to payment of this issue fee in order not to jeopardize copendency.**

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

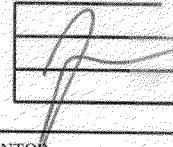
53265 7590 09/28/2023

Maenner & Associates, LLC
 2723 Stockley Lane
 Downingtown, PA 19335

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being transmitted to the USPTO via EFS-Web or by facsimile to (571) 273-2885, on the date below.

	Joseph E. Maenner	(Typed or printed name)
		(Signature)
		December 26, 2023
		(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
29/799,374	07/14/2021	Michael F. Mogan JR.	MOG-004	8764

TITLE OF INVENTION: Electric Motorized Wagon

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	MICRO	\$148 <i>296</i>	\$0.00	\$0.00	\$148	12/28/2023

EXAMINER	ART UNIT	CLASS-SUBCLASS
NGUYEN, SARAH A	2933	D34-017000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).
- Change of correspondence address (or Change of Correspondence Address form PTO/AIA/122 or PTO/SB/122) attached.
- "Fee Address" indication (or "Fee Address" Indication form PTO/AIA/47 or PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**
2. For printing on the patent front page, list
 (1) The names of up to 3 registered patent attorneys or agents OR, alternatively,
 (2) The name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 Joseph E. Maenner

2 Maenner & Associates, LLC

3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document must have been previously recorded, or filed for recordation, as set forth in 37 CFR 3.11 and 37 CFR 3.81(a). Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

E Beach Wagon, LLC

West Chester, PA

Please check the appropriate assignee category or categories (will not be printed on the patent): Individual Corporation or other private group entity Government

4a. Fees submitted: Issue Fee Publication Fee (if required)

4b. Method of Payment: (Please first reapply any previously paid fee shown above)

Electronic Payment via Patent Center or EFS-Web Enclosed check Non-electronic payment by credit card (Attach form PTO-2038)

The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment to Deposit Account No. _____

5. Change in Entity Status (from status indicated above)

Applicant certifying micro entity status. See 37 CFR 1.29

NOTE: Absent a valid certification of Micro Entity Status (see forms PTO/SB/15A and 15B), issue fee payment in the micro entity amount will not be accepted at the risk of application abandonment.

Applicant asserting small entity status. See 37 CFR 1.27

NOTE: If the application was previously under micro entity status, checking this box will be taken to be a notification of loss of entitlement to micro entity status.

Applicant changing to regular undiscounted fee status.

NOTE: Checking this box will be taken to be a notification of loss of entitlement to small or micro entity status, as applicable.

NOTE: This form must be signed in accordance with 37 CFR 1.31 and 1.33. See 37 CFR 1.4 for signature requirements and certifications.

Authorized Signature

Date December 26, 2023

Typed or printed name

Joseph E. Maenner

Registration No. 41,964

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(a)**

Docket Number (Optional)
MOG-004

Page 1 of 3

First named inventor: Michael F. Mogan, Jr.

Application No.: 29/799,374

Art Unit: 2933

Filed: 7/14/2021

Examiner: Sarah A. Nguyen

Title: Electric Motorized Wagon

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact the Office of Petitions at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION.

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995, and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee (37 CFR 1.17(m))

Small entity fee \$ 840.00 (Fee Code 2453). Applicant asserts small entity status. See 37 CFR 1.27.

Micro entity fee \$ _____ (Fee Code 3453). Applicant has established or is establishing micro entity status. See 37 CFR 1.29. Form PTO/SB/15A or B or equivalent must either be enclosed or have been submitted previously.

Other than a small or micro entity (undiscounted) fee \$ _____ (Fee Code 1453).

2. Reply and/or fee

A The reply and/or fee to the above-noted Office notice or action in the form of

Response to Notice of Payment Deficiency _____ (identify the type of reply):

has been filed previously on _____.

is enclosed herewith.

B The issue fee and publication fee (if applicable) of \$ _____

has been paid previously on _____.

is enclosed herewith.

A Federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with an information collection subject to the requirements of the Paperwork Reduction Act of 1995, unless the information collection has a currently valid OMB Control Number. The OMB Control Number for this information collection is 0651-0031. Public burden for this form is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the information collection. Send comments regarding this burden estimate or any other aspect of this information collection, including suggestions for reducing this burden to the Chief Administrative Officer, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450 or email InformationCollection@uspto.gov. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.** If filing this completed form by mail, send to: **Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(a)**

Page 2 of 3

3. Terminal disclaimer with disclaimer fee

- Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(a) was unintentional.

Petitioner is reminded that a delay resulting from a deliberately chosen course of action on the part of the applicant does not become an "unintentional" delay within the meaning of 37 CFR 1.137 because:

- the applicant does not consider the claims to be patentable over the references relied upon in an outstanding Office action;
- the applicant does not consider the allowed or patentable claims to be of sufficient breadth or scope to justify the financial expense of obtaining a patent;
- the applicant does not consider any patent to be of sufficient value to justify the financial expense of obtaining the patent; or
- the applicant remains interested in eventually obtaining a patent, but simply seeks to defer patent fees and patent prosecution expenses.

Petitioner is further reminded that an intentional delay resulting from a deliberate course of action chosen by the applicant is not affected by:

- the correctness of the applicant's (or applicant's representative's) decision to abandon the application or not to seek or persist in seeking revival of the application;
- the correctness or propriety of a rejection, or other objection, requirement, or decision by the Office; or
- the discovery of new information or evidence, or other change in circumstances subsequent to the abandonment or decision not to seek or persist in seeking revival.

NOTE: Where the petition under 37 CFR 1.137(a) is filed more than two years after the date the application became abandoned, the United States Patent and Trademark Office requires an additional explanation of the circumstances surrounding the delay that establishes the entire delay was unintentional. This requirement is in addition to the requirement to provide a statement that the entire delay was unintentional. See *Clarification of the Practice for Requiring Additional Information in Petitions Filed in Patent Applications and Patents Based on Unintentional Delay*, 85 FR 12222 (March 2, 2020). See MPEP 711.03(c)(II)(C)-(F) for additional guidance on the information required to establish that the entire delay was unintentional.

- Because this petition under 37 CFR 1.137(a) is being filed more than two years after the date the application became abandoned, additional explanation of the circumstances surrounding the delay that establishes the entire delay was unintentional is enclosed herewith.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(a)**

Page 3 of 3

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

***This petition must be signed in accordance with 37 CFR 1.33. Please see 37 CFR 1.4(d) for the signature requirements. Submit multiple forms if more than one signature is required.**

/Joseph E. Maenner/

Signature*

Joseph E. Maenner

Typed or Printed Name

2723 Stockley Lane

Address

Downington, PA 19335

Address

11/21/2023

Date

41,964

Registration Number, if applicable

215-275-5595

Telephone Number

Enclosures:

- Petition fee under 37 CFR 1.17(m)
- Reply and/or fee
- Terminal Disclaimer Form
- Additional sheet(s) containing statements establishing unintentional delay
- Other: Response to Notice of Payment Deficiency

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

- Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.
- Transmitted by USPTO patent electronic filing system, or by facsimile to (571)273-8300, to the USPTO on the date shown below.

11/21/2023

Date

/Joseph E. Maenner/

Signature

Joseph E. Maenner

Typed or printed name of person signing certificate

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. The United States Patent and Trademark Office (USPTO) collects the information in this record under authority of 35 U.S.C. 2. The USPTO's system of records is used to manage all applicant and owner information including name, citizenship, residence, post office address, and other information with respect to inventors and their legal representatives pertaining to the applicant's/owner's activities in connection with the invention for which a patent is sought or has been granted. The applicable Privacy Act System of Records Notice for the information collected in this form is COMMERCE/PAT-TM-7 Patent Application Files, available in the Federal Register at 78 FR 19243 (March 29, 2013). <https://www.govinfo.gov/content/pkg/FR-2013-03-29/pdf/2013-07341.pdf>

Routine uses of the information in this record may include disclosure to:

- 1) law enforcement, in the event that the system of records indicates a violation or potential violation of law;
- 2) a federal, state, local, or international agency, in response to its request;
- 3) a contractor of the USPTO having need for the information in order to perform a contract;
- 4) the Department of Justice for determination of whether the Freedom of Information Act (FOIA) requires disclosure of the record;
- 5) a Member of Congress submitting a request involving an individual to whom the record pertains, when the individual has requested the Member's assistance with respect to the subject matter of the record;
- 6) a court, magistrate, or administrative tribunal, in the course of presenting evidence, including disclosures to opposing counsel in the course of settlement negotiations;
- 7) the Administrator, General Services Administration (GSA), or their designee, during an inspection of records conducted by GSA under authority of 44 U.S.C. 2904 and 2906, in accordance with the GSA regulations and any other relevant (i.e., GSA or Commerce) directive, where such disclosure shall not be used to make determinations about individuals;
- 8) another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c));
- 9) the Office of Personnel Management (OPM) for personnel research purposes; and
- 10) the Office of Management and Budget (OMB) for legislative coordination and clearance.

If you do not furnish the information requested on this form, the USPTO may not be able to process and/or examine your submission, which may result in termination of proceedings, abandonment of the application, and/or expiration of the patent.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Michael F. Mogan Jr. et al. :
Serial No.: 29/799,374 : Group Art Unit: 2933
Filed: July 24, 2021 : Examiner: Sarah A. Nguyen
For: Electric Motorized Wagon : Attorney Docket No: MOG-004
:
Commissioner for Patents

PETITION FOR REVIVAL IN RESPONSE TO NOTICE OF PAYMENT DEFICIENCY

In response to the Notice of Payment Deficiency, mailed October 1, 2021 and Decision on Petition mailed on April 19, 2022, submitted herewith is a breakdown of the fee difference between a micro entity and a small entity according to 37 CFR 1.29(k), along with a "Petition for Revival of an Application for Patent Abandoned Unintentionally."

Original Fees erroneously submitted as Microentity:

Fee type	Current Fee		
	Amount (at Time of Filing)	Deficiency Owed	Date Deficiency Paid
Filing	\$110.00	\$ 55.00	1/28/2022
Search	\$ 80.00	\$ 40.00	1/28/2022
Examination	\$320.00	\$160.00	1/28/2022
Payment Deficiency Surcharge		\$ 80.00	1/28/2022
Two-Month Extension Of Time		\$320.00	<u>1/28/2022</u>
Total	\$255.00	<u>\$655.00</u>	

The total deficiency owed, with a late payment deficiency surcharge of \$80.00, was \$335.00, which was paid by check No. 1204 on January 28, 2022, along with a two-month extension of time fee of \$320.00, paid by check No. 1205, also on January 28, 2022.

Applicant respectfully submits that all payment deficiencies have been rectified by the prior payments from checks 1204 and 1205.

Also enclosed is a copy of the Notice of Payment Deficiency.

Payment of \$840.00 for the Petition Fee is also enclosed.

Respectfully submitted,

Michael F. Mogan, Jr.

November 21, 2023
(Date)

By: /Joseph E. Maenner/
JOSEPH E. MAENNER
Registration No. 41,964
Maenner & Associates, LLC
2723 Stockley Lane
Downington, PA 19335
215-275-5595
jmaenner@maennerlaw.com



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

NOTICE OF ALLOWANCE AND FEE(S) DUE

53265 7590 09/28/2023

Maenner & Associates, LLC
2723 Stockley Lane
Downington, PA 19335

EXAMINER

NGUYEN, SARAH A

ART UNIT

PAPER NUMBER

2933

DATE MAILED: 09/28/2023

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
29/799,374	07/14/2021	Michael F. Mogan JR.	MOG-004	8764

TITLE OF INVENTION: Electric Motorized Wagon

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	MICRO	\$148	\$0.00	\$0.00	\$148	12/28/2023

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the ENTITY STATUS shown above. If the ENTITY STATUS is shown as SMALL or MICRO, verify whether entitlement to that entity status still applies.

If the ENTITY STATUS is the same as shown above, pay the TOTAL FEE(S) DUE shown above.

If the ENTITY STATUS is changed from that shown above, on PART B - FEE(S) TRANSMITTAL, complete section number 5 titled "Change in Entity Status (from status indicated above)".

For purposes of this notice, small entity fees are 40% the amount of undiscounted fees, and micro entity fees are 20% the amount of undiscounted fees.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Maintenance fees are due in utility patents issuing on applications filed on or after Dec. 12, 1980. It is patentee's responsibility to ensure timely payment of maintenance fees when due. More information is available at www.uspto.gov/PatentMaintenanceFees.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), by mail or fax, or via EFS-Web.

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

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CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

53265 7590 09/28/2023

Maenner & Associates, LLC
2723 Stockley Lane
Downington, PA 19335

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Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being transmitted to the USPTO via EFS-Web or by facsimile to (571) 273-2885, on the date below.

(Typed or printed name)

(Signature)

(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER		ART UNIT		CLASS-SUBCLASS		

NGUYEN, SARAH A 2933 D34-017000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

2. For printing on the patent front page, list

- (1) The names of up to 3 registered patent attorneys or agents OR, alternatively,
- (2) The name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 _____

2 _____

3 _____

Change of correspondence address (or Change of Correspondence Address form PTO/AIA/122 or PTO/SB/122) attached.

"Fee Address" indication (or "Fee Address" Indication form PTO/AIA/47 or PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document must have been previously recorded, or filed for recordation, as set forth in 37 CFR 3.11 and 37 CFR 3.81(a). Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): Individual Corporation or other private group entity Government

4a. Fees submitted: Issue Fee Publication Fee (if required)

4b. Method of Payment: (Please first reapply any previously paid fee shown above)

Electronic Payment via Patent Center or EFS-Web Enclosed check Non-electronic payment by credit card (Attach form PTO-2038)

The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment to Deposit Account No. _____

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- Applicant asserting small entity status. See 37 CFR 1.27
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NOTE: This form must be signed in accordance with 37 CFR 1.31 and 1.33. See 37 CFR 1.4 for signature requirements and certifications.

Authorized Signature _____

Date _____

Typed or printed name _____

Registration No. _____



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
29/799,374	07/14/2021	Michael F. Mogan JR.	MOG-004	8764
53265	7590	09/28/2023	EXAMINER	
Maenner & Associates, LLC			NGUYEN, SARAH A	
2723 Stockley Lane				
Downington, PA 19335			ART UNIT	PAPER NUMBER
			2933	
				DATE MAILED: 09/28/2023

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)

(Applications filed on or after May 29, 2000)

The Office has discontinued providing a Patent Term Adjustment (PTA) calculation with the Notice of Allowance.

Section 1(h)(2) of the AIA Technical Corrections Act amended 35 U.S.C. 154(b)(3)(B)(i) to eliminate the requirement that the Office provide a patent term adjustment determination with the notice of allowance. See Revisions to Patent Term Adjustment, 78 Fed. Reg. 19416, 19417 (Apr. 1, 2013). Therefore, the Office is no longer providing an initial patent term adjustment determination with the notice of allowance. The Office will continue to provide a patent term adjustment determination with the Issue Notification Letter that is mailed to applicant approximately three weeks prior to the issue date of the patent, and will include the patent term adjustment on the patent. Any request for reconsideration of the patent term adjustment determination (or reinstatement of patent term adjustment) should follow the process outlined in 37 CFR 1.705.

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

OMB Clearance and PRA Burden Statement for PTOL-85 Part B

The Paperwork Reduction Act (PRA) of 1995 requires Federal agencies to obtain Office of Management and Budget approval before requesting most types of information from the public. When OMB approves an agency request to collect information from the public, OMB (i) provides a valid OMB Control Number and expiration date for the agency to display on the instrument that will be used to collect the information and (ii) requires the agency to inform the public about the OMB Control Number's legal significance in accordance with 5 CFR 1320.5(b).

The information collected by PTOL-85 Part B is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450. Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b) (2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

Notice of Allowability For A Design Application	Application No. 29/799,374	Applicant(s) Mogan et al.	
	Examiner SARAH A NGUYEN	Art Unit 2933	AIA (FITF) Status Yes

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308. This notice does not set or reset the time period for paying the issue fee. The issue fee must be paid within THREE MONTHS FROM THE MAILING DATE of the Notice of Allowance (PTOL-85) or this application shall be regarded as ABANDONED. This statutory period cannot be extended. See 35 U.S.C.151.

1. This communication is responsive to the amendment filed 09/04/2023 .
 A declaration(s)/affidavit(s) under 37 CFR 1.130(b) was/were filed on ____ .
2. An election was made by the applicant in response to a restriction requirement set forth during the interview on ____ the restriction requirement and election have been incorporated into this action.
3. The claim is allowed.
4. Acceptable drawings:
(a) The drawings filed on 09/04/2023 are accepted by the Examiner.
(b) Drawing Figures filed on _____ and drawing Figures filed on _____ are accepted by the Examiner.
5. The claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f) is acknowledged.

Certified copies:

a) All b) Some *c) None of the:

1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. ____ .
 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: _____ .

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirement for corrected drawings noted in item 6 below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE. See 37 CFR 1.85(c). **NOTE: This notice does not set or reset the time period for paying the issue fee.**

6. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

including changes required by the attached Examiner's Amendment / Comment or in the Office action of
Paper No./Mail Date _____ .

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

Attachment(s)

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 4. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 2. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Receipt Date _____ | 5. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| 3. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ | 6. <input type="checkbox"/> Other _____ . |

NOTE: _____	_____
/KIMBERLY BARNES/ Examiner, Art Unit 2921	/S.A.N./ Examiner, Art Unit 2933

NOTICE OF ALLOWABILITY

Notice of Pre-AIA or AIA Status

The present application, filed on or after March 16, 2013, is being examined under the first inventor to file provisions of the AIA.

EXAMINER'S AMENDMENT

Applicant's amendment filed 09/04/2023 is hereby acknowledged. The objections to the specification have not been fully overcome; therefore, the outstanding issue is addressed below. The objections to the drawings have been overcome and are withdrawn.

The merits of this case have been carefully examined again in light of applicant's response. The rejection of record under 35 USC § 112(a) and (b) has been overcome with the replacement drawings filed 09/04/2023 and is therefore withdrawn.

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR § 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Examiner's Amendment to the Specification

In applicant's response, specification objection #3 in the Office action mailed 06/02/2023 was not addressed. The claim statement was objected to because it had the numeral [1.] on the left side of the line and should have been deleted. Therefore, to overcome this objection, the claim statement has been amended to read:

-- WE CLAIM:

The ornamental design for an electric motorized wagon, as shown and described. –

CONCLUSION

This application is now in condition for allowance.

CONTACT INFO

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SARAH A NGUYEN whose telephone number is (571)272-9098. The examiner can normally be reached M-F, 9-5 ET.

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, Jennifer Rempfer can be reached on (571)270-0248. 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.

/S.A.N./

Examiner, Art Unit 2933

/KIMBERLY BARNES/

Primary Examiner, Art Unit 2921

IN THE SPECIFICATION

Please amend the Specification as follows, without prejudice:

Please amend paragraph [0002] as follows:

[0002] FIG. 1 is a rear perspective view of ~~a-an electric motorized~~ wagon showing our new design.

Please amend paragraph [0010] as follows:

[0010] Broken lines as shown in the attached drawings show the features of ~~the electric motorized wagon that form no part of the claimed design~~ the drawings-not-claimed.

REMARKS

With this response, the single claim is pending.

SPECIFICATION OBJECTIONS

The Specification stands objected to for not stating the title consistently throughout the Specification. The Specification has been amended to make the wording consistent throughout. Applicant respectfully requests the objection to the Specification be withdrawn.

DRAWING OBJECTIONS

The drawings stand objected to for unclear lines and inconsistencies. The drawings have been amended to address the inconsistencies. Applicant respectfully requests the objection to the Drawings be withdrawn.

CLAIM REJECTIONS

The claim stands rejected under 35 U.S.C. §112 as indefinite and non-enabling, specifically with respect to FIG. 8. FIG. 8 has been amended to place the rejected features in broken lines. Applicant respectfully submits that this rejection has been overcome.

CONCLUSION

In light of the above amendments and arguments, Applicant respectfully submits that the application is in condition for allowance. Applicant respectfully requests reconsideration and allowance of the application.

Respectfully submitted,

DATE: 4 September 2023

/Joseph E. Maenner/

By: Joseph E. Maenner, Reg. No. 41,964
Attorney for Applicant
Maenner & Associates, LLC
2723 Stockley Lane
Downington, PA 19335
jmaenner@maennerlaw.com
215-275-5595

IN THE DRAWINGS

The drawings have been amended to address the objections and rejections raised in the Office Action. REPLACEMENT SHEET Drawings of FIGS. 1-8 are attached.

REPLACEMENT SHEET

1/8

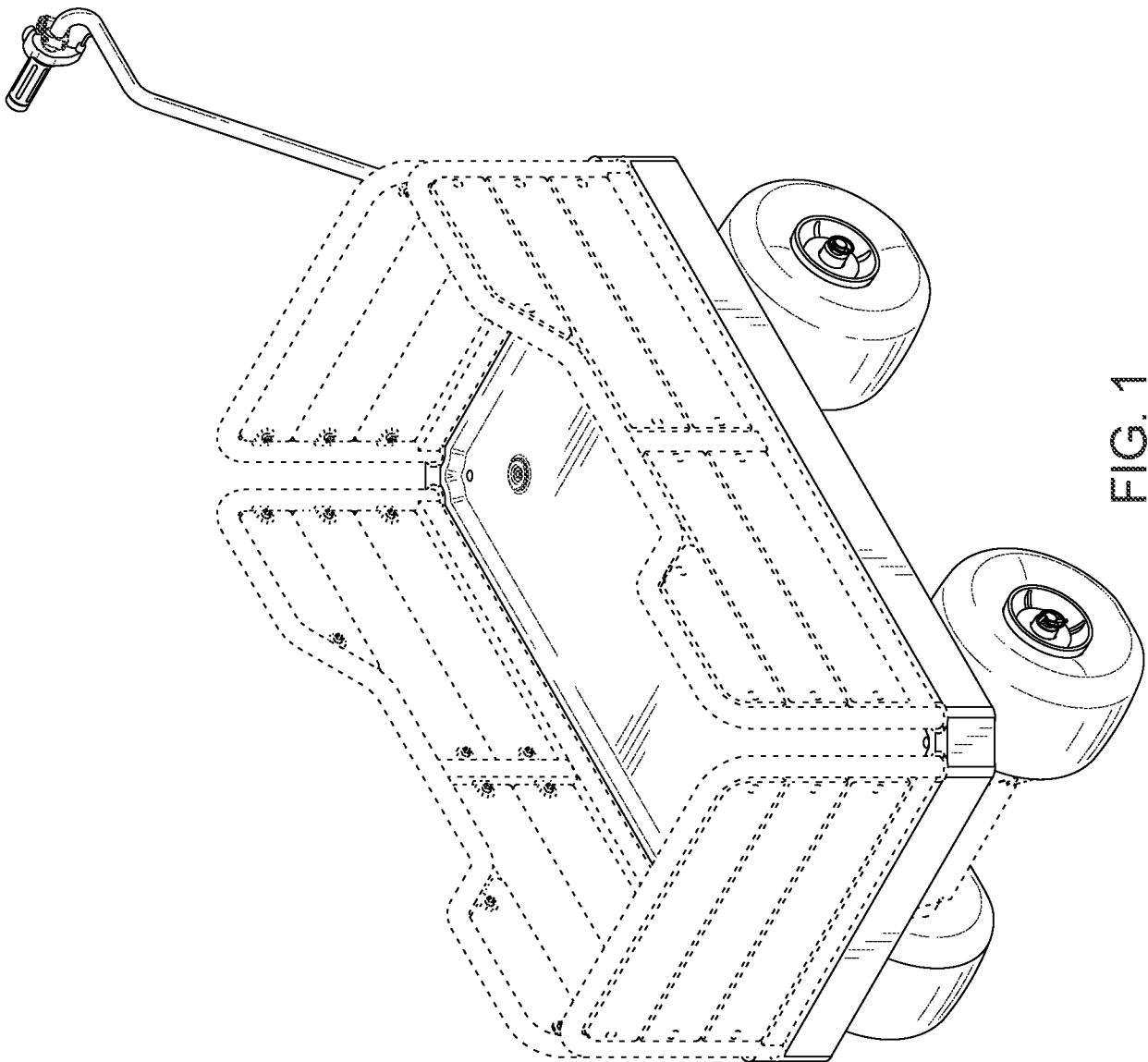


FIG. 1

REPLACEMENT SHEET

2/8

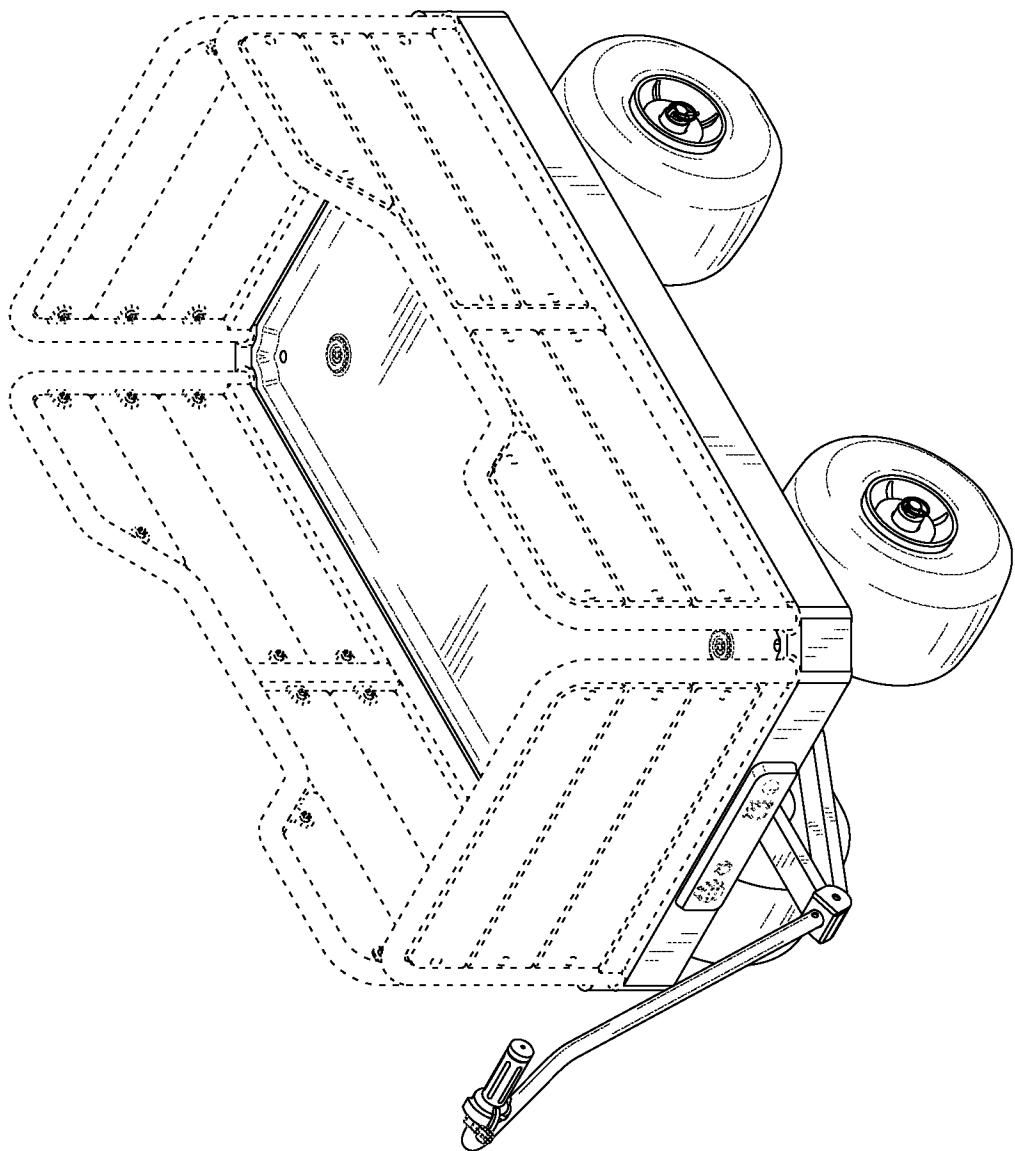


FIG. 2

REPLACEMENT SHEET

3/8

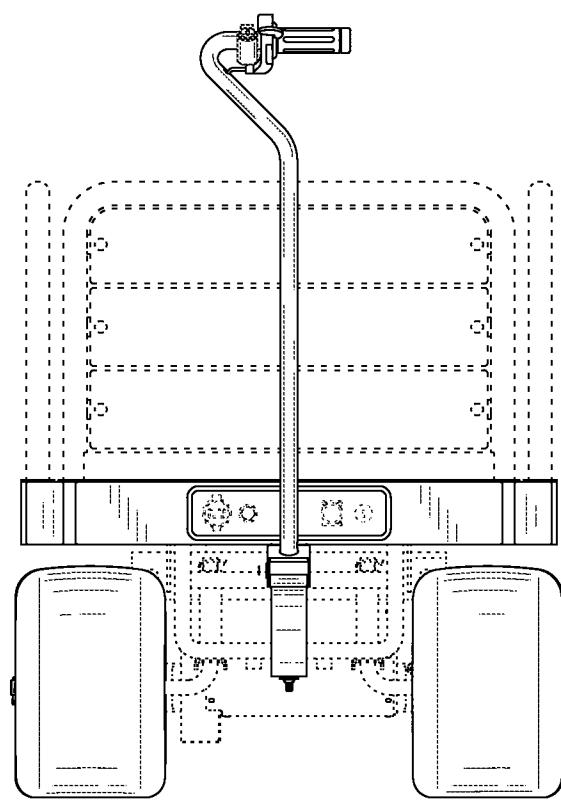


FIG. 3

REPLACEMENT SHEET

4/8

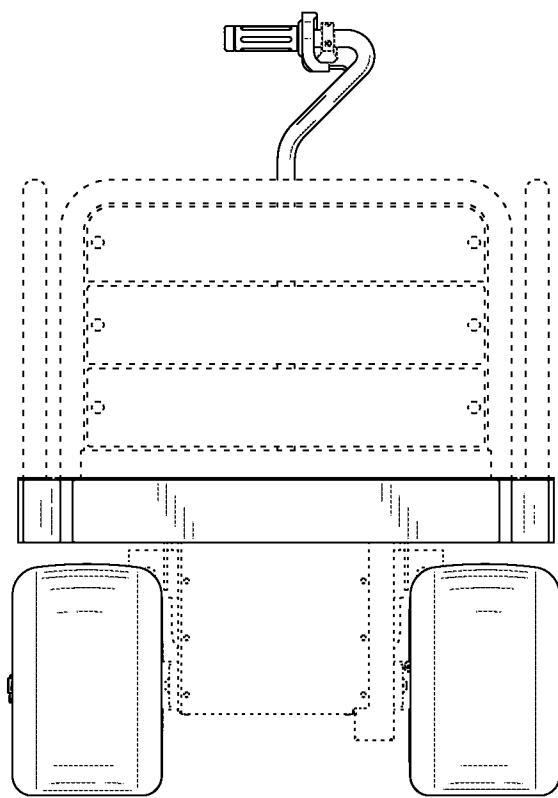


FIG. 4

REPLACEMENT SHEET

5/8

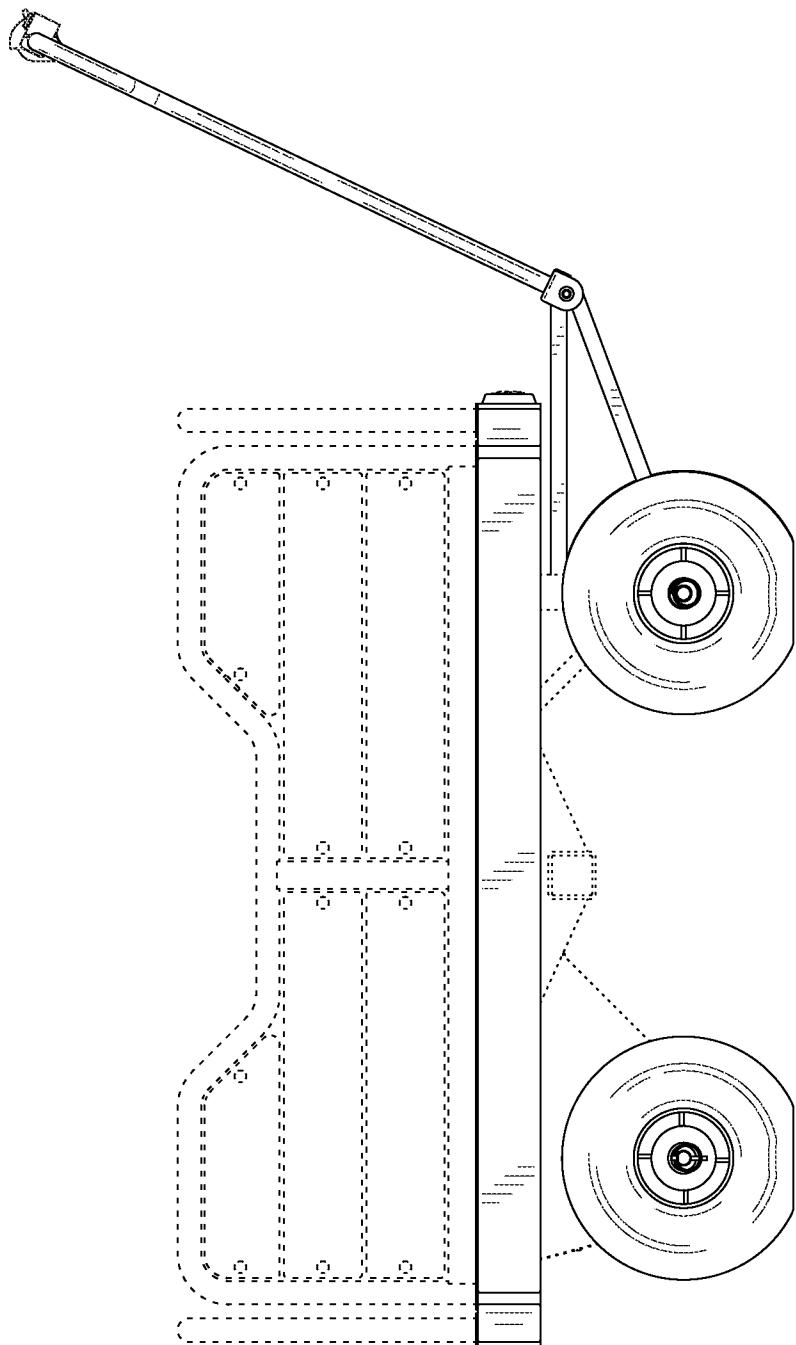


FIG. 5

REPLACEMENT SHEET

6/8

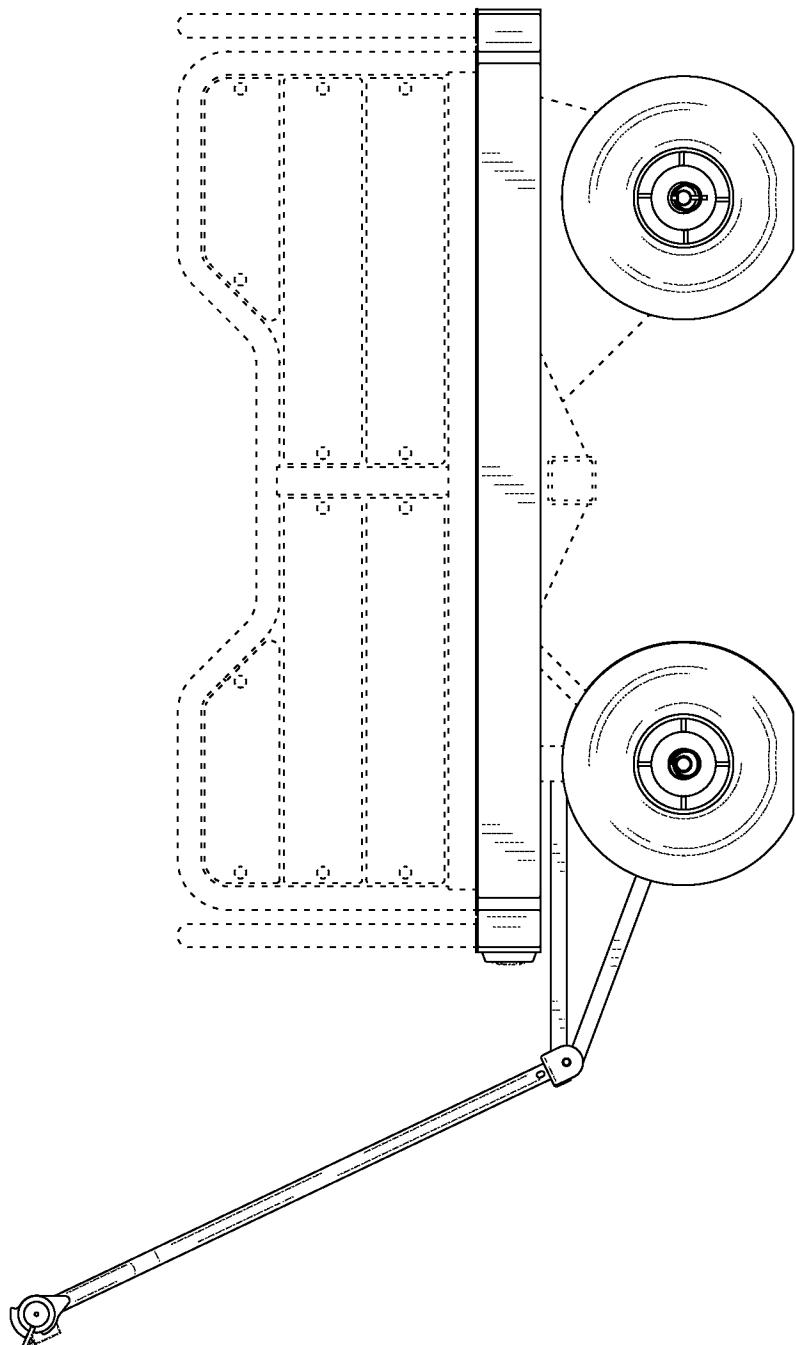


FIG. 6

REPLACEMENT SHEET

7/8

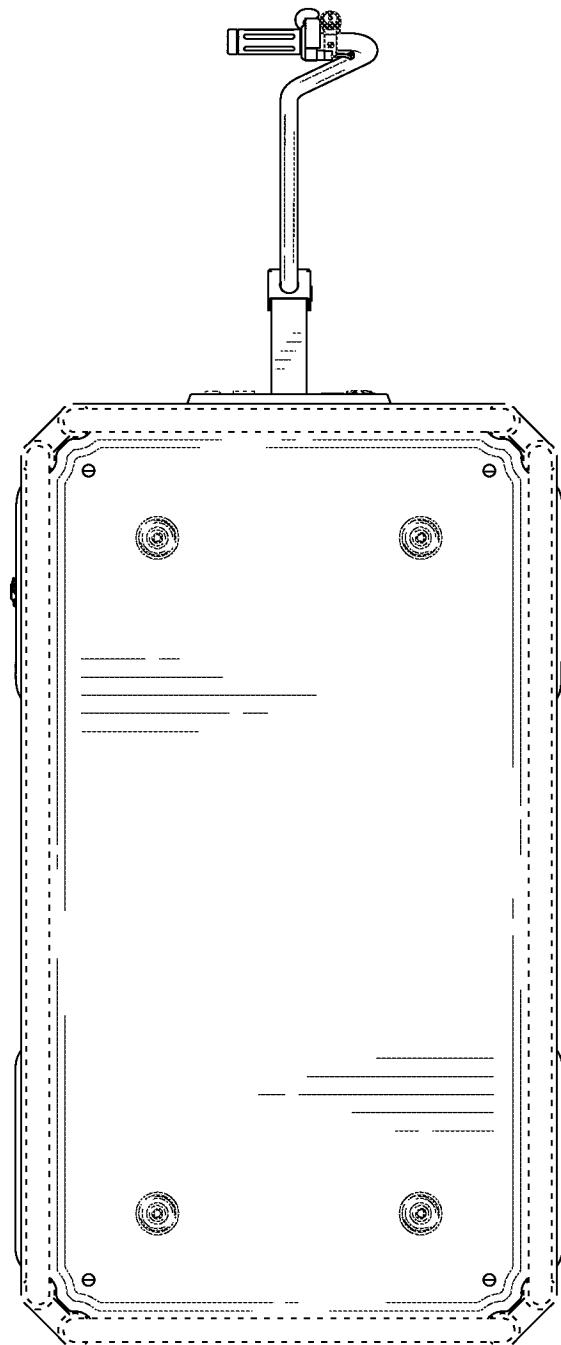


FIG. 7

REPLACEMENT SHEET

8/8

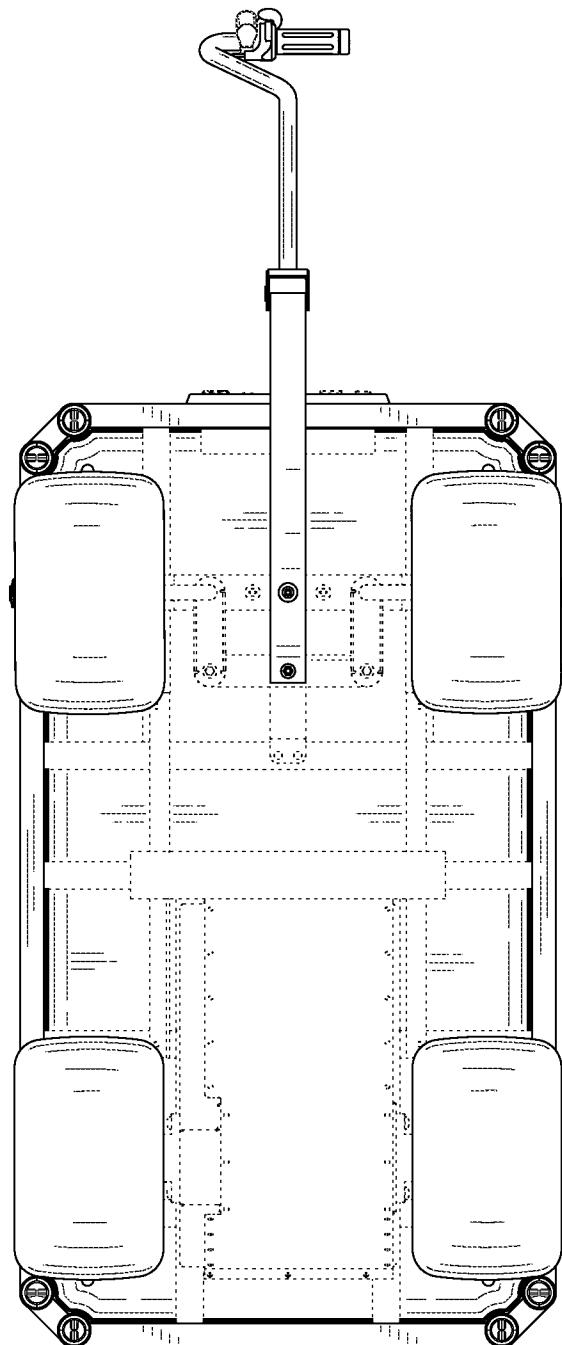


FIG. 8

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.:	29/799,374	:	
Applicant:	Michael F. Mogan, JR.	:	Examiner:
Application		:	Sarah A. Nguyen
Filing Date:	July 14, 2021	:	
Title:	ELECTRIC MOTORIZED WAGON	:	Atty. Docket
		:	No.: MOG-004

RESPONSE TO OFFICE ACTION

Sir:

In response to Office Action mailed June 2, 2023, being timely filed on September 4, 2023 (September 2, 2023 being a Saturday), please amend the application as follows:

Amendments to the Specification begin on page 2 of this paper.

Amendments to the drawings begin on page 3 of this paper.

Remarks begin on page 4 of this paper.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
29/799,374	07/14/2021	Michael F. Mogan JR.	MOG-004	8764
53265	7590	06/02/2023	EXAMINER	
Maenner & Associates, LLC 2723 Stockley Lane Downington, PA 19335			NGUYEN, SARAH A	
			ART UNIT	PAPER NUMBER
			2933	
			NOTIFICATION DATE	DELIVERY MODE
			06/02/2023	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):

jmaenner@maennerlaw.com

Office Action Summary	Application No. 29/799,374	Applicant(s) Mogan et al.	
	Examiner SARAH A NGUYEN	Art Unit 2933	AIA (FITF) Status Yes

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTHS FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
 A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on _____.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) An election was made by the applicant in response to a restriction requirement set forth during the interview on _____; the restriction requirement and election have been incorporated into this action.
- 4) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims*

- 5) Claim(s) 1 is/are pending in the application.
- 5a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 6) Claim(s) ____ is/are allowed.
- 7) Claim(s) 1 is/are rejected.
- 8) Claim(s) 1 is/are objected to.
- 9) Claim(s) ____ are subject to restriction and/or election requirement

* If any claims have been determined allowable, you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see http://www.uspto.gov/patents/init_events/pph/index.jsp or send an inquiry to PPHfeedback@uspto.gov.

Application Papers

- 10) The specification is objected to by the Examiner.
- 11) The drawing(s) filed on 07/14/2021 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

Certified copies:

- a) All b) Some** c) None of the:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

** See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892) 3) Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 2) Information Disclosure Statement(s) (PTO/SB/08a and/or PTO/SB/08b) 4) Other: _____
Paper No(s)/Mail Date _____.

DETAILED ACTION**Notice of Pre-AIA or AIA Status**

The present application, filed on or after March 16, 2013, is being examined under the first inventor to file provisions of the AIA.

OBJECTIONS**Specification Objections**

The Specification is objected to for the following reasons:

1.) The specification is objected to because the title is not stated consistently throughout the specification. See MPEP § 1503.01(I). At the top of the specification, in the preamble, and in the claim statement, the title is referred to as “**electric motorized wagon**”; whereas, in the first figure description the title is referred to simply as “wagon”.

Therefore, for consistency, the description of FIG. 1 should be amended to read:

-- FIG. 1 is a rear perspective view of an **Electric Motorized Wagon** showing our new design. --

2.) In addition, for consistency and clarity the broken line statement should include the title in the description in place of the reference to “**the drawings**”. Therefore, the broken line statement should be amended to read:

-- Broken lines as shown in the attached drawings show the features of the **Electric Motorized Wagon** that form no part of the claimed design. --

3.) The claim statement is objected to because it has the numeral [1.] on the left side of the line. Since design patent applications include only a single claim directed to a single,

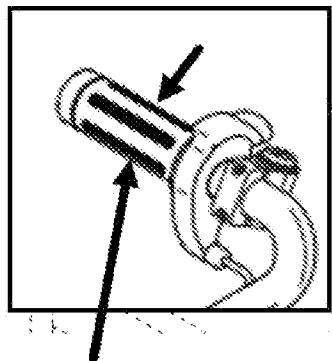
unitary design concept (MPEP § 1502.01(C)), this numbering is extraneous and must be deleted.

Drawing Objections

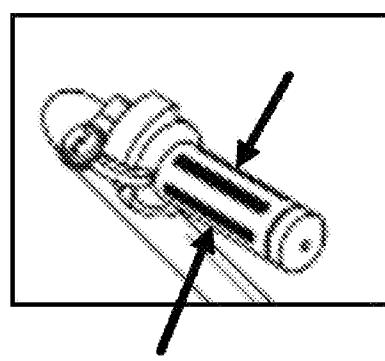
1.) There are features that are unclear due to the heavy line weights that are used to depict very small details. As a result, many of the details are difficult to discern, and in some places, lines appear to merge together to form solid black. Solid black shading areas are not permitted, except when used to represent bar graphs or color. 37 CFR 1.84(m).

Examples of this can be found in FIGS. 1-4 and 7-8 around the handle grip where it is unclear if the rounded oblong shapes are intended to depict solid black color, or if outlines have merged together inadvertently to form solid black.

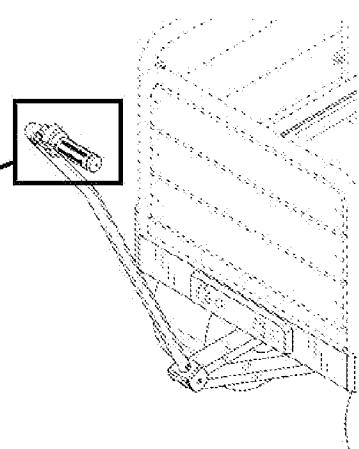
Detail of FIG. 1



Detail of FIG. 2



Oblong Features

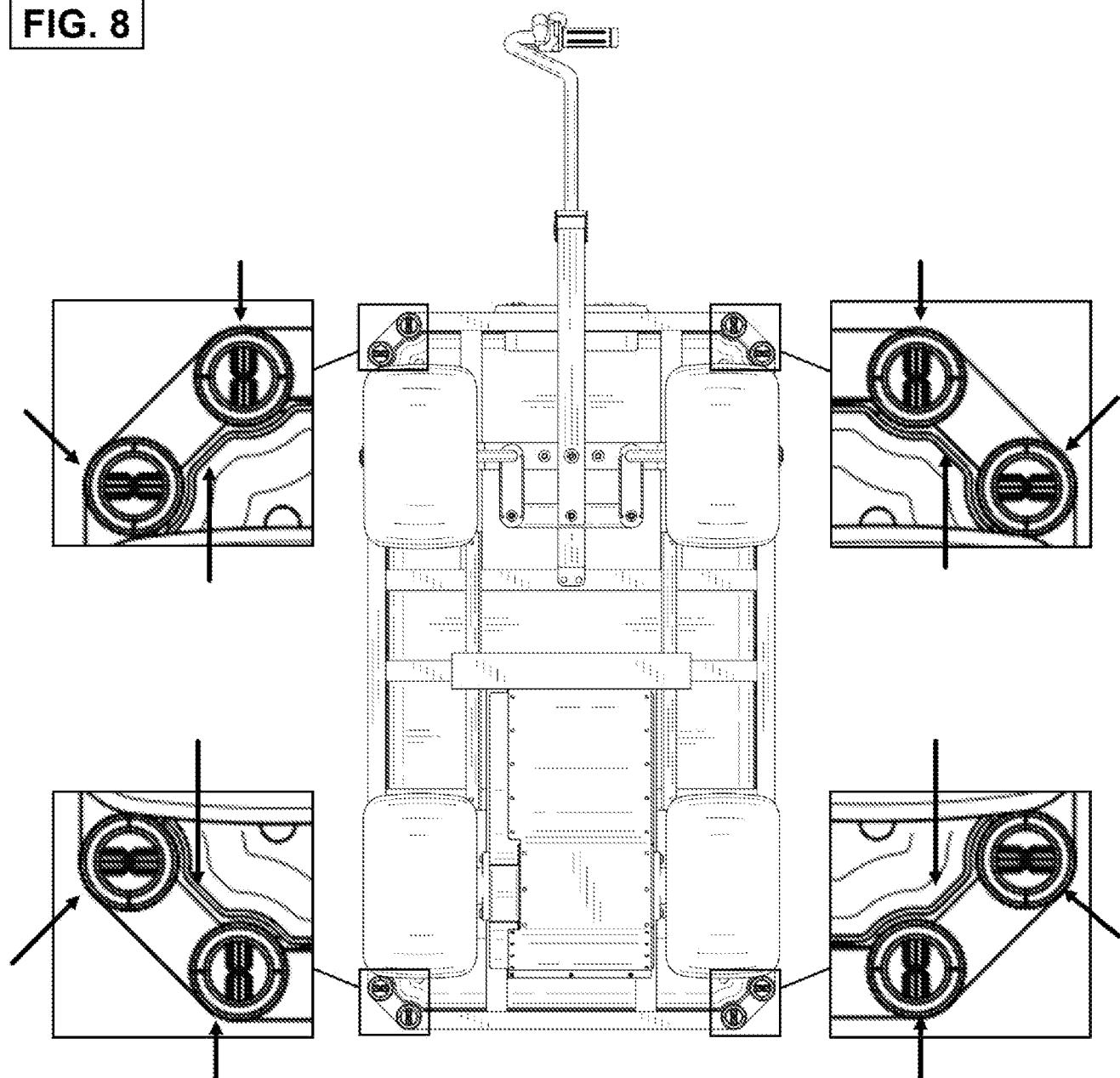


Oblong Features

In addition, there are features on the bottom of the wagon that run into a similar issue where the line weight creates a problem with lines merging unless the drawings are viewed with significant magnification. In particular, the center area of the circular features pointed out below is difficult to discern and understand. Also, the parallel lines

depicting a possibly stepped surface adjacent to the interior rim merges to solid black unless greatly magnified.

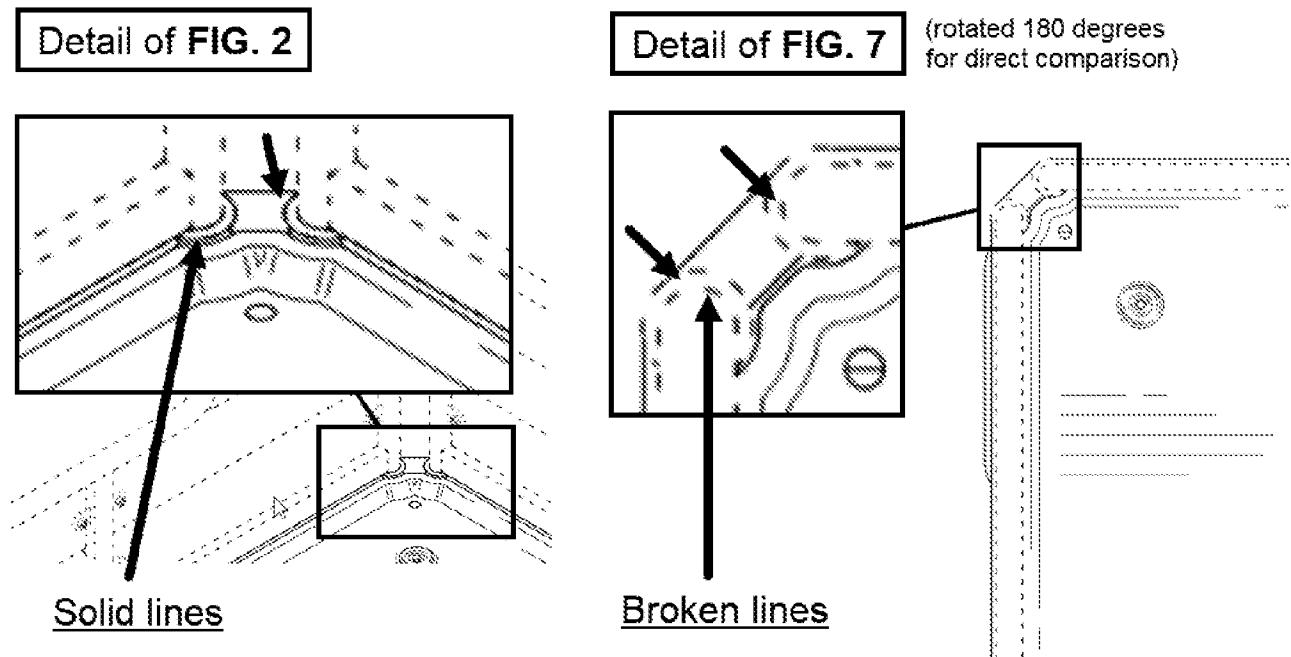
FIG. 8



- 2.) FIG. 2 is objected to because it inconsistently depicts the appearance of the two circular features at the base of the side posts in the rear corner of the wagon bed. The two circular bases in the rear corner are shown in solid lines in FIG. 2; whereas, in

FIGS. 1 and 7, all circular features at the base of the corner side posts are shown in broken lines. Correction is needed in FIG. 2 to be consistent with FIGS. 1 and 7.

Below are the FIGS. that show an example of the inconsistencies:



Correction is needed. Using a thinner line weight could be helpful in illustrating some smaller details, so that they are legible at the size shown on the drawing sheets.

Applicant is cautioned to carefully review the drawings for accurate and consistent line quality so the lines don't blur together.

35 U.S.C. 112 Non-Final REJECTION

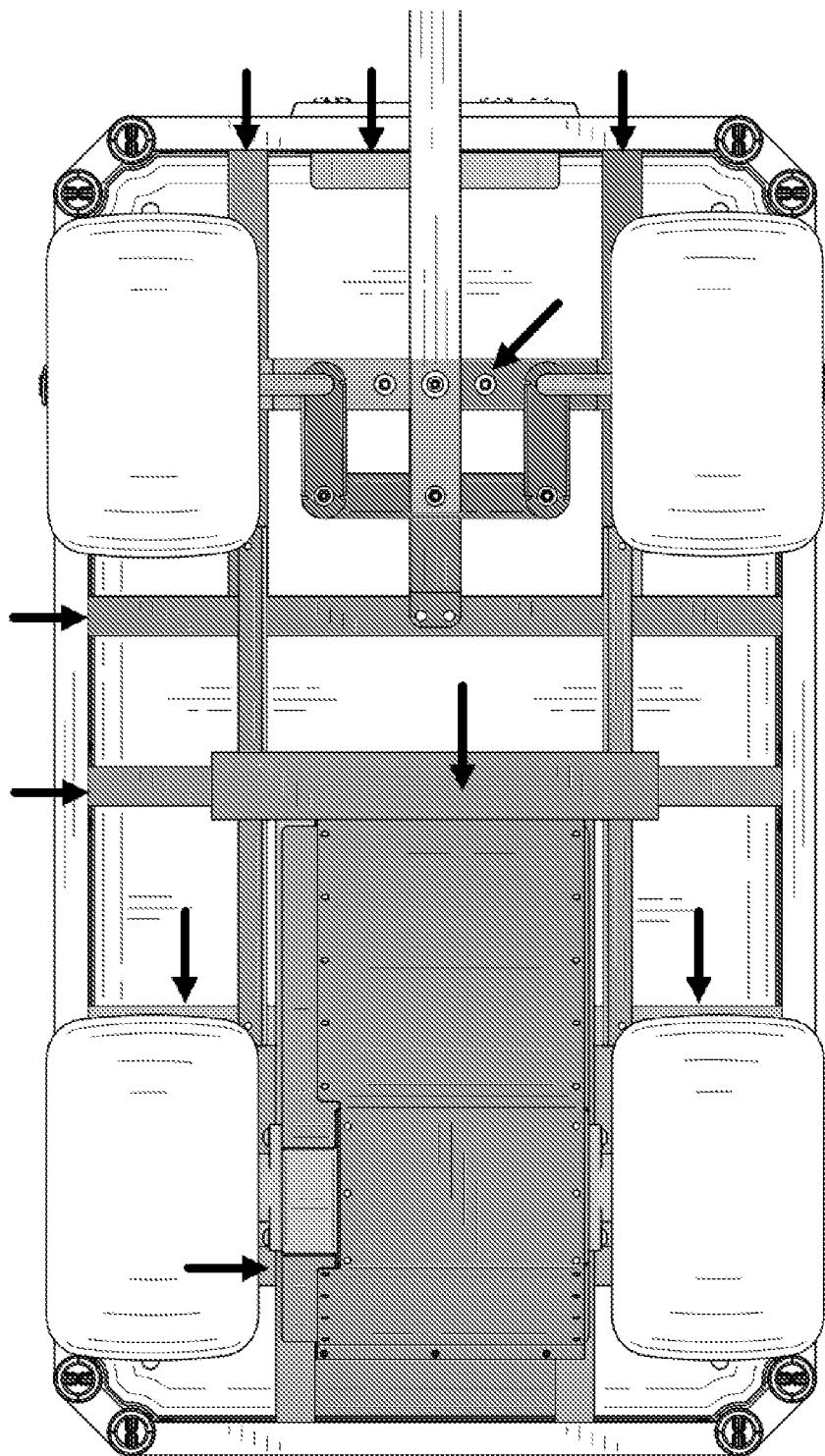
The claim is rejected under 35 U.S.C. § 112(a) and (b) as the claimed invention is not described in such full, clear, concise and exact terms as to enable any person skilled in the art to make and use the same, and fails to particularly point out and distinctly claim the subject matter which the inventor or joint inventor regards as the invention.

The Claim is indefinite and non-enabling for the following reasons:

The bottom plan view in FIG. 8 is indefinite and non-enabled because the three-dimensional appearance of features on this surface is not clearly understood. Many of the structures are only visible in this plan view, which shows no depth. In the absence of a bottom perspective view, the exact appearance of features on the bottom surface of the wagon cannot be determined. While straight contour lines have been used to describe some of the shapes, indicating a flat surface, it is not understood which features might be flush to the bottom surface, slanted, dimensional, raised, or recessed, or to what degree. While the appearance of the opposing underside of the wagon bed itself and the perimeter rim is understood, see annotated drawing below, in which other confusing areas are shaded:

Detail of FIG. 8

The shaded areas below are not understood



Art Unit: 2933

Due to the lack of sufficient views from which to understand the exact appearance of features on the bottom surface of the wagon, the claimed design is in fact subject to multiple interpretations, and one of ordinary skill in the art would not be able to reproduce the design without the use of conjecture. This renders the claim indefinite and non-enabled.

To overcome this rejection, it is suggested that applicant submit new drawings of the claimed design that show the design clearly and consistently. If certain non-enabled portions of the design on the bottom surface in FIG. 8 cannot be fully enabled without the introduction of new matter, applicant may remove from the claim the areas or portions of the design that are considered indefinite and non-enabling by converting them to broken lines.

Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.”

Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR § 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action.

When preparing new or replacement drawings, be careful to avoid introducing new matter. New matter is prohibited by 35 USC § 132 and 37 CFR § 1.121(f).

CONCLUSION

Accordingly, the claim stands rejected under 35 USC 112(a) and (b), as set forth above.

Art Unit: 2933

CONTACT

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SARAH A NGUYEN whose telephone number is (571)272-9098. The examiner can normally be reached M-F, 9-5 ET.

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, Jennifer Rempfer can be reached on (571)270-0248. 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.

/S.A.N./

Examiner, Art Unit 2933

/KIMBERLY BARNES/
Primary Examiner, Art Unit 2921



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
29/799,374	07/14/2021	Michael F. Mogan JR.	MOG-004	8764
53265	7590	04/19/2022	EXAMINER	
Maenner & Associates, LLC 2723 Stockley Lane Downington, PA 19335				ROSATI, BRANDON MICHAEL
ART UNIT		PAPER NUMBER		
		2900		
NOTIFICATION DATE			DELIVERY MODE	
04/19/2022			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):

jmaenner@maennerlaw.com



UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of :
Michael F. Mogan Jr., et al. :
Application No. 29/799,374 : DECISION ON PETITION
Filed: July 14, 2021 :
For: Electric Motorized Wagon :
:

This is a notice regarding your renewed request filed January 28, 2022, for acceptance of a fee deficiency submission under 37 CFR 1.29(k).

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.29(k) is hereby **DISMISSED**.

As stated in 37 CFR 1.29(k), if status as a micro entity is established in good faith in an application or patent, and fees as a micro entity are paid in good faith in the application or patent, and it is later discovered that such micro entity status either was established in error, or that the Office was not notified of a loss of entitlement to micro entity status as required by paragraph (i) of this section through error, the error will be excused upon compliance with the separate submission and itemization requirements of paragraph (k)(1) of this section and the deficiency payment requirement of paragraph (k)(2) of this section.

(1) Any paper submitted under this paragraph must be limited to the deficiency payment (all fees paid in error) required for a single application or patent. Where more than one application or patent is involved, separate submissions of deficiency payments are required for each application or patent (see § 1.4(b)). The paper must contain an itemization of the total deficiency payment for the single application or patent and include the following information:

- (i) Each particular type of fee that was erroneously paid as a micro entity, (e.g., basic statutory filing fee, two-month extension of time fee) along with the current fee amount for a small or non-small entity, as applicable;
- (ii) The micro entity fee actually paid, and the date on which it was paid;
- (iii) The deficiency owed amount (for each fee erroneously paid); and

- (iv) The total deficiency payment owed, which is the sum or total of the individual deficiency owed amounts as set forth in paragraph (k)(2) of this section.
- (2) The deficiency owed, resulting from the previous erroneous payment of micro entity fees, must be paid. The deficiency owed for each previous fee erroneously paid as a micro entity is the difference between the current fee amount for a small entity or non-small entity, as applicable, on the date the deficiency is paid in full and the amount of the previous erroneous micro entity fee payment. The total deficiency payment owed is the sum of the individual deficiency owed amounts for each fee amount previously and erroneously paid as a micro entity.

A request with an itemization chart was not included. Any renewed request must include the information in item(s) (i)-(iv) above.

The **two month** period for response to submit the fees required pursuant to 37 CFR 1.29(k) continues to run from the date of the Notice issued October 1, 2021, as set forth in the Notice. Extensions of time may be obtained by filing a petition accompanied by the appropriate extension fee under provisions of 37 CFR 1.136(a). If Applicant does not timely file a complete response to the Notice, then the above identified application will be abandoned.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Window located at:

U.S. Patent and Trademark Office
Customer Service Window Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

By internet: EFS-Web¹

¹ <http://portal.uspto.gov/> (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)

Any questions concerning this matter may be directed to undersigned at (571) 272-1058.

[Angela Walker]

Angela Walker
Paralegal Specialist
Office of Petitions

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE WITH SUFFICIENT POSTAGE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO: COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450 BY: JOSEPH E. MAENNER

DATE: 1/28/2022

1-28(c)
B66

Mail Stop: Missing Parts

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Michael F. Mogan Jr. et al. :

Serial No.: 29/799,374 : Group Art Unit: Not Yet Assigned
Filed: July 24, 2021 : Examiner: Not Yet Assigned
For: Electric Motorized Wagon : Attorney Docket No: MOG-004

Commissioner for Patents

2021 FEB - 3 AM 9:21

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RESPONSE TO NOTICE OF PAYMENT DEFICIENCY

In response to the Notice of Payment Deficiency, mailed October 1, 2021, submitted herewith is the fee difference between a micro entity and a small entity, along with a surcharge for the late payment of the filing fees for the above-identified application.

Also enclosed is a copy of the Notice of Payment Deficiency.

Check No. 1204 in the amount of \$335.00 is enclosed.

Respectfully submitted,

Michael F. Mogan, Jr.

By:

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1/28/2022

(Date)

ELECTRIC MOTORIZED WAGON

- [0001] Be it known that we, Michael F. Mogan Jr., a citizen of the United States of America, Daniel G. Reed, a citizen of the United States of America, and Robert J. Fulbright, a citizen of the United States of America, have invented a new, original and ornamental design for an electric motorized wagon, of which the following is a specification, reference being had to the accompanying drawings, forming a part hereto, in which:
- [0002] FIG. 1 is a rear perspective view of a wagon showing our new design.
- [0003] FIG. 2 is a front perspective view thereof.
- [0004] FIG. 3 is a front elevational view thereof.
- [0005] FIG. 4 is a rear elevational view thereof.
- [0006] FIG. 5 is a right side elevational view thereof.
- [0007] FIG. 6 is a left side elevational view thereof.
- [0008] FIG. 7 is a top plan view thereof.
- [0009] FIG. 8 is a bottom plan view thereof.
- [0010] Broken lines as shown in the attached drawings show the features of the drawings not claimed.

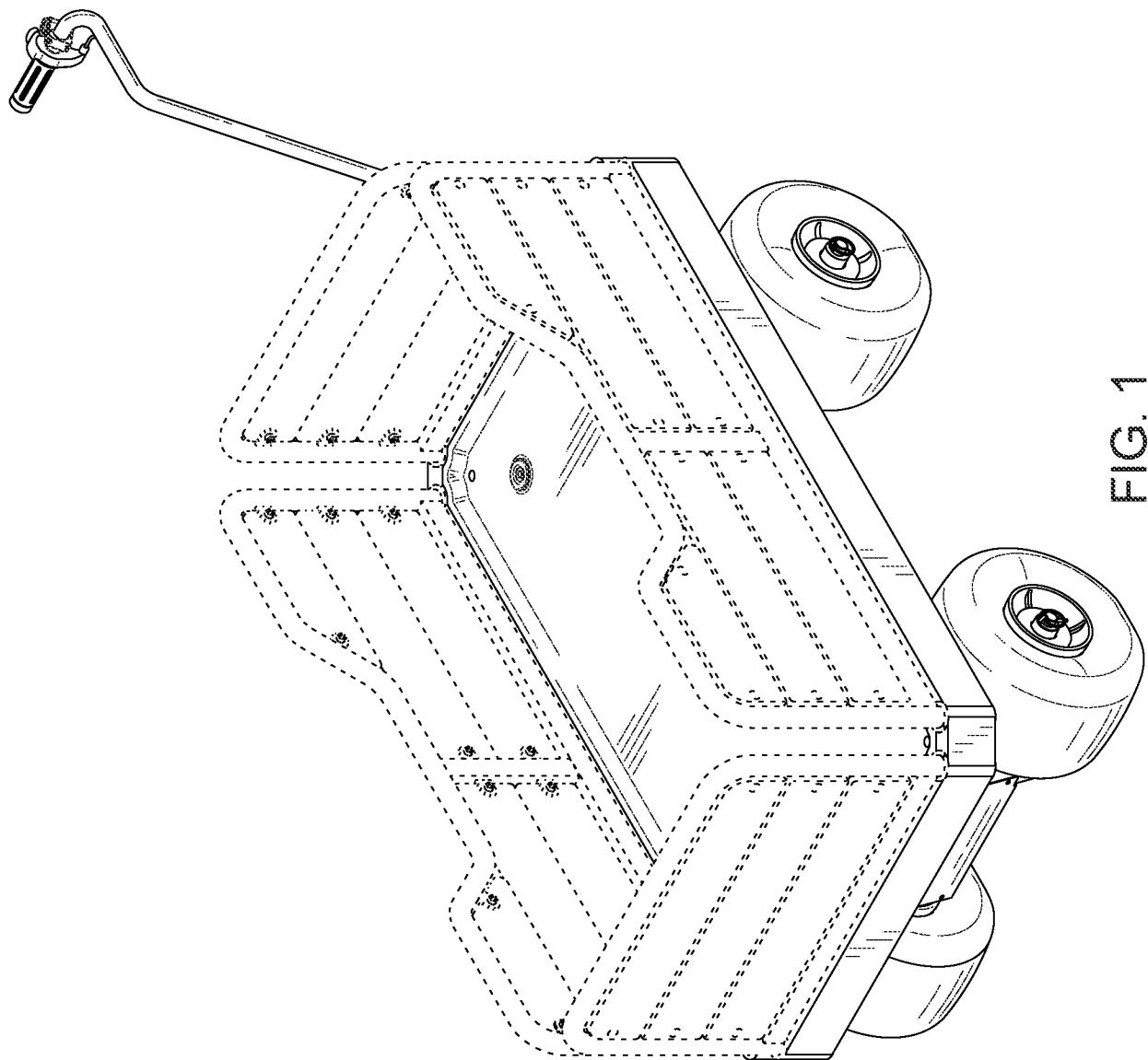


FIG. 1

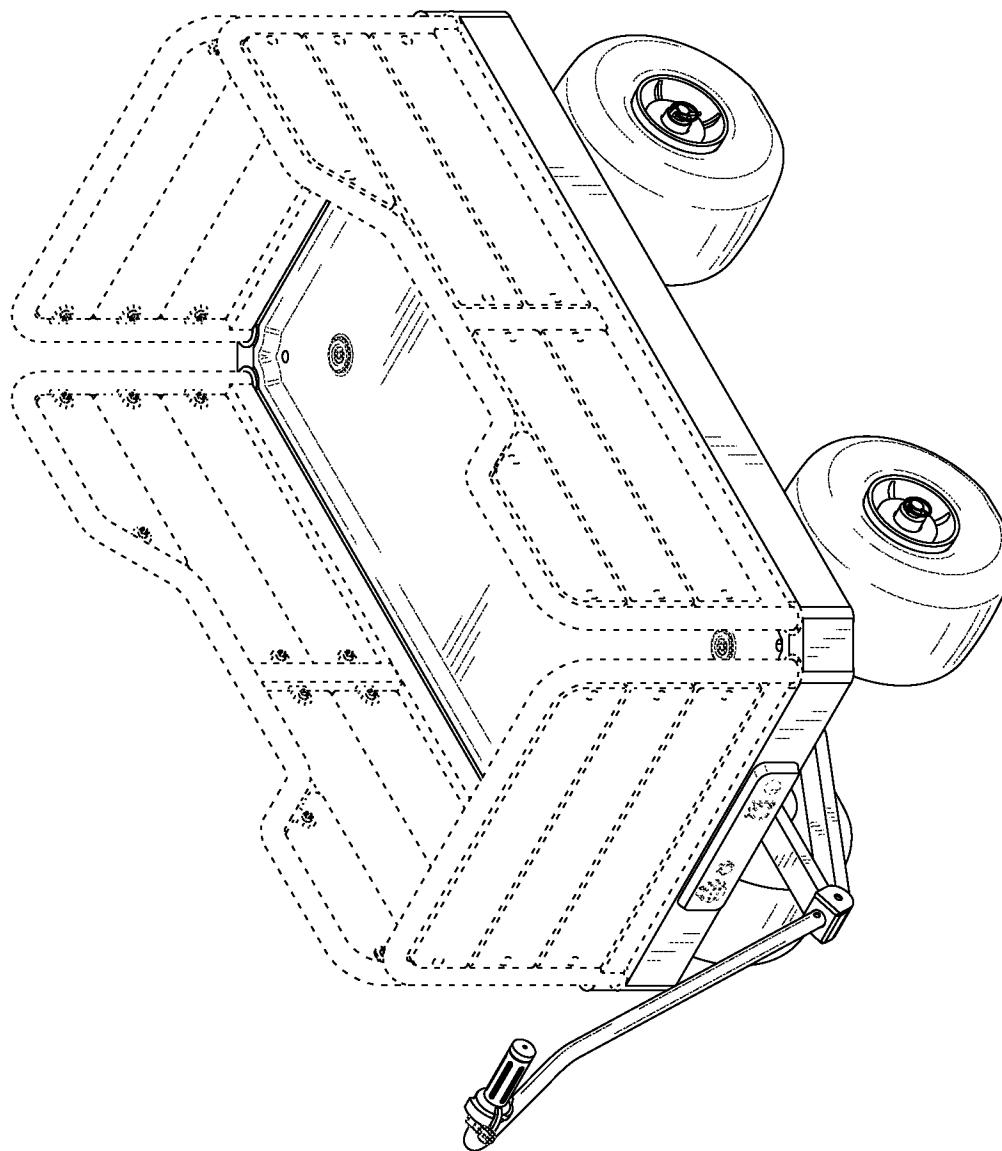


FIG. 2

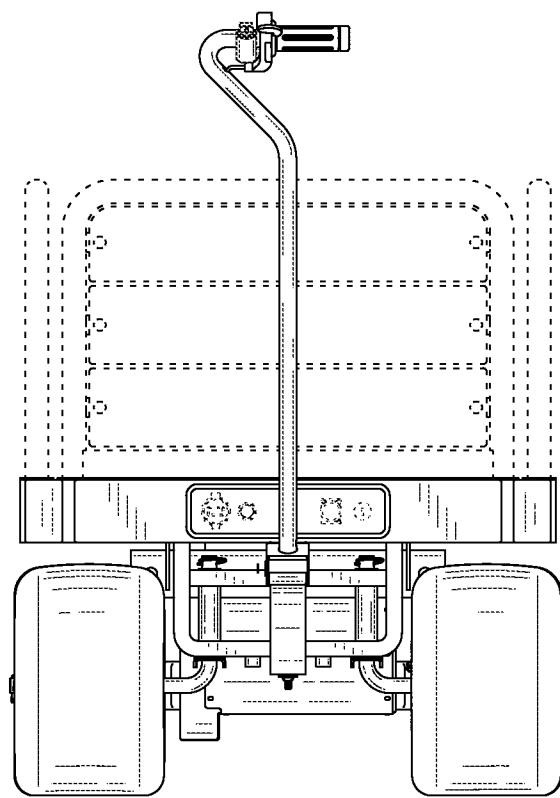


FIG. 3

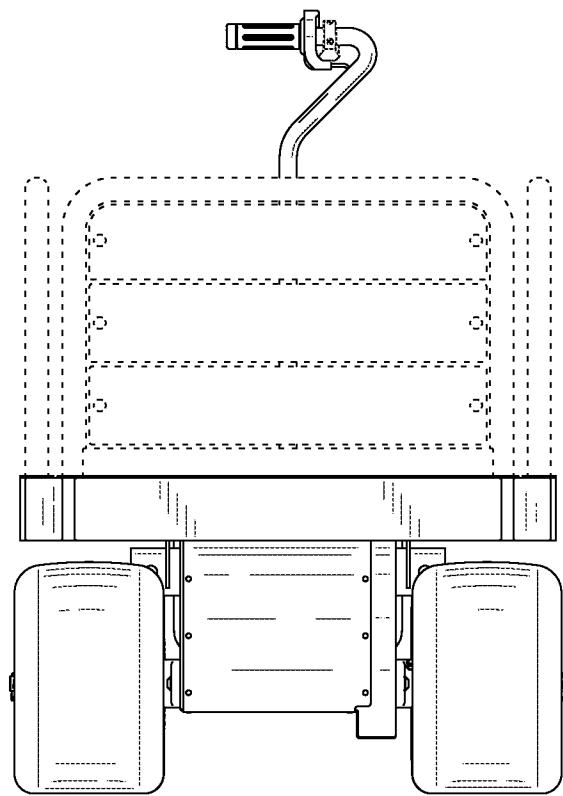


FIG. 4

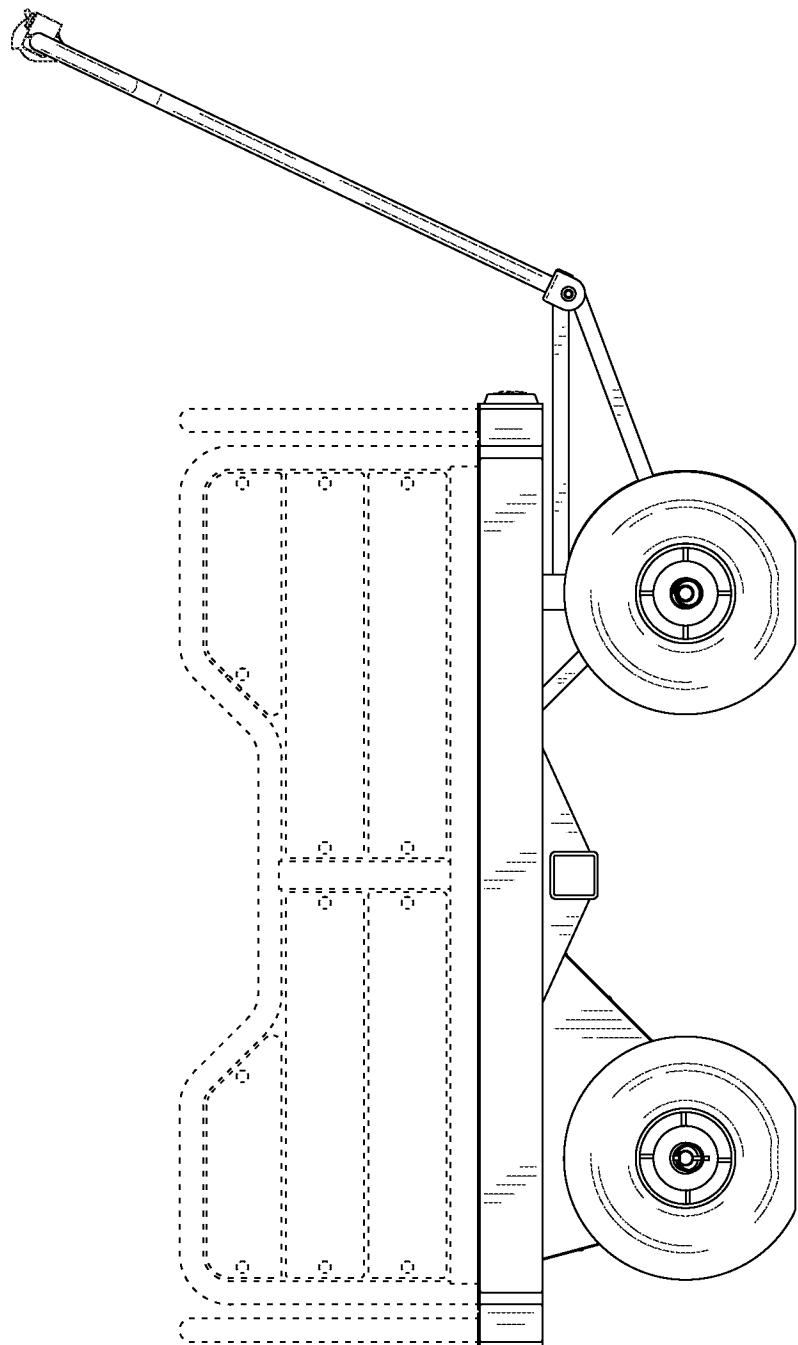


FIG. 5

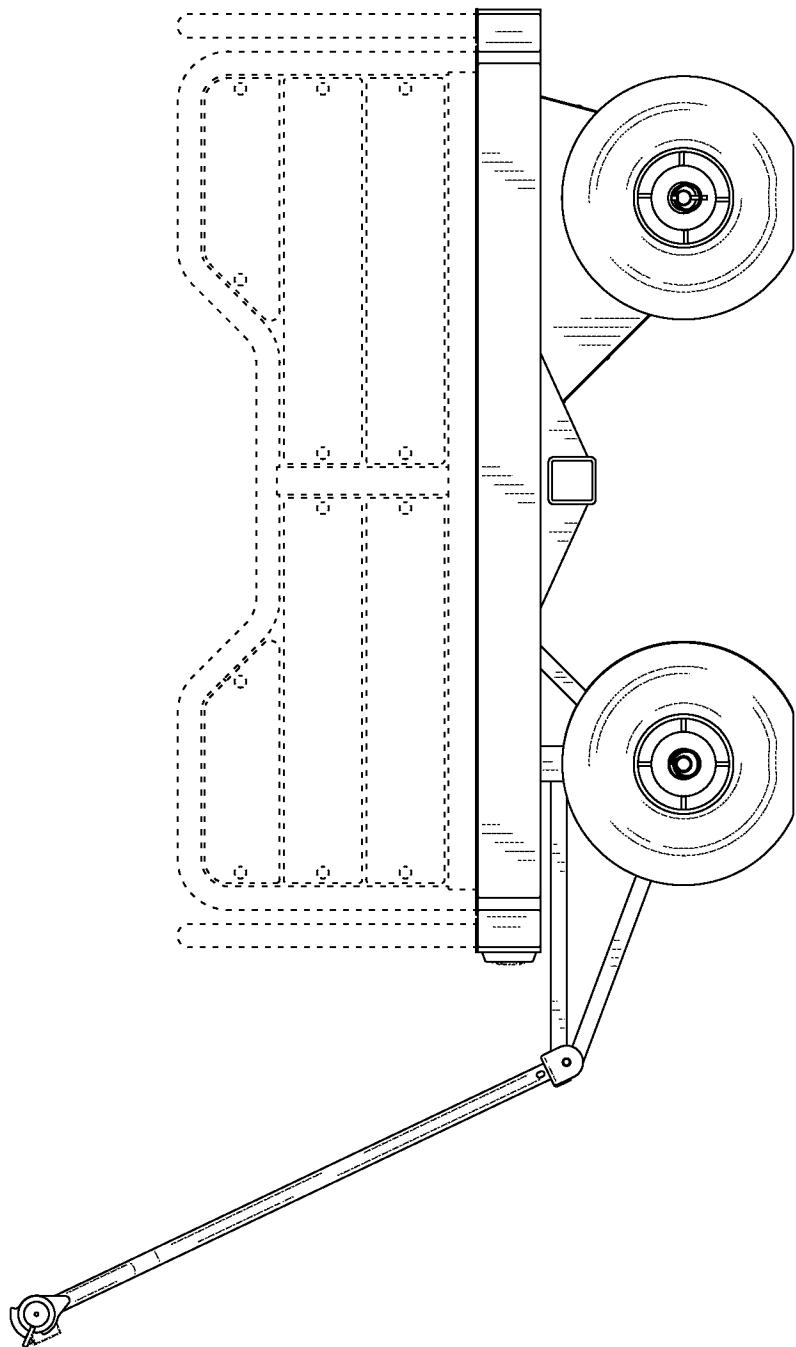


FIG. 6

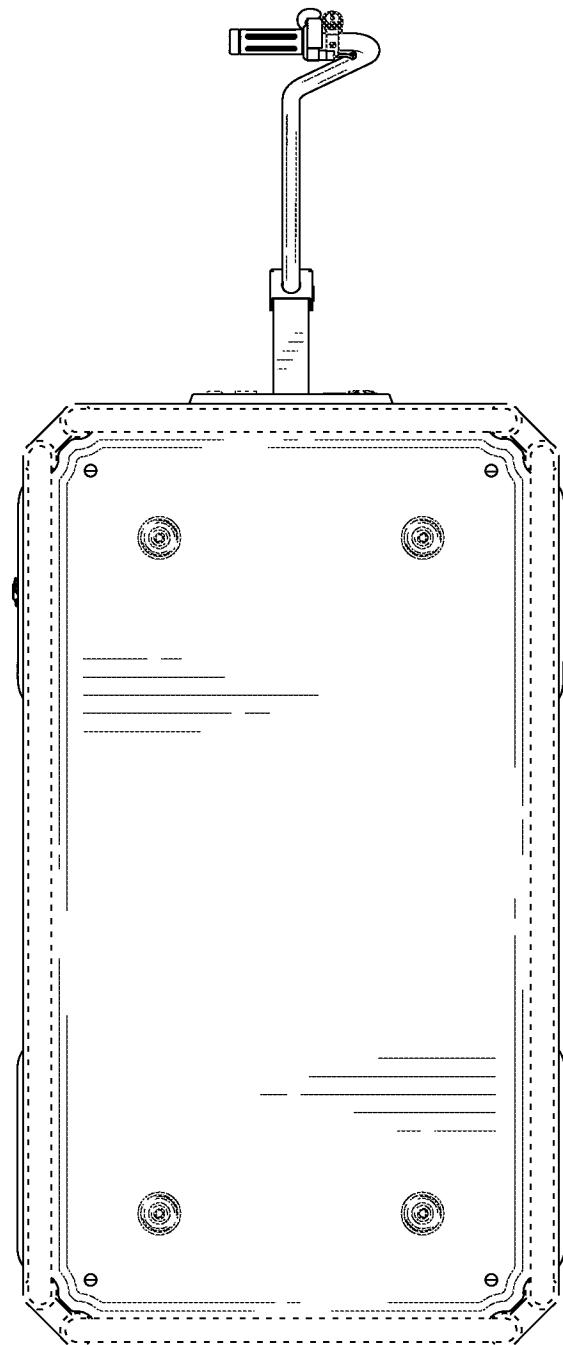


FIG. 7

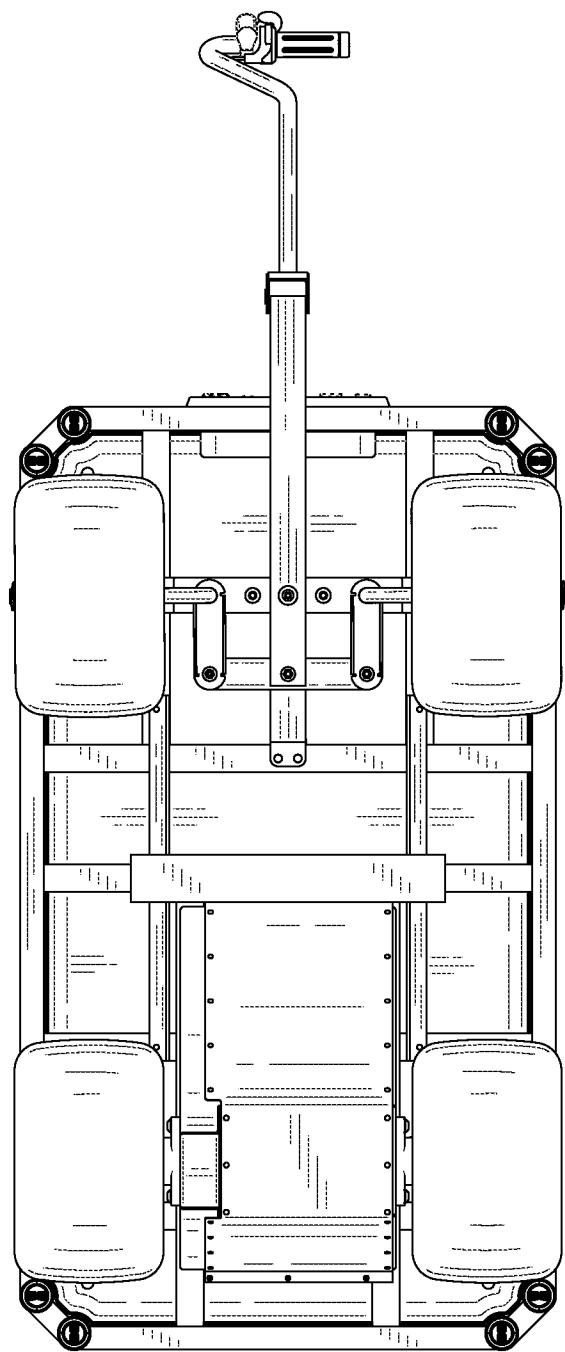


FIG. 8

WE CLAIM:

1. The ornamental design for an electric motorized wagon, as shown and described.